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VOLUME XLVII, PART II.

CONGRESSIONAL RECORD,

SIXTY-SECOND CONGRESS, FIRST SESSION.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May 6, 1911.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our heavenly Father, our hearts go out in gratitude to Thee for this glorious spring day, token of Thy presence and continued care. Bring us, we beseech Thee, within the scope of Thy holy influence, that our thoughts may harmonize with Thy thoughts and our hearts beat in unison with Thy great loving heart, that our work may be in consonance with the eternal fitness of things, and so redound to the good of our fellow men. In the spirit of the Lord, Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE TARIFF.

Mr. UNDERWOOD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4413, to place agricultural implements and other articles on the free list.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, for the further consideration of the bill H. R. 4413.

Mr. UNDERWOOD. Mr. Chairman, I yield 15 minutes to the gentleman from Kentucky [Mr. FIELDS].

Mr. FIELDS. Mr. Chairman, I trust I shall not worry the patience of the distinguished leader of the minority [Mr. MANN] with the few extemporary remarks that I shall make in the short space of time that has been allotted to me. It seems that he has been greatly wearied in the last few days by the new Members on this side of the Chamber. A few days ago he attacked the new Members on this side and stamped upon us the brand of ignorance. I, with many others, accepted his remarks as an insult, and believed that he would have the moral courage to apologize for it. But after careful consideration, Mr. Chairman, I have come to the conclusion that it is the presence and not the conduct, the strength and not the weakness, of the new Members of this side that is troubling the waters for the senior Member on that side.

It is the presence of the new Members on this side that made it possible to elect Hon. CHAMP CLARK Speaker; it is their presence that enabled this side to overthrow the machine of the gentleman from Illinois [Mr. CANNON] that had been manipulated in the interest of the monopolies of this country for so many years. [Applause on the Democratic side.]

It is the presence of the new Members on this side that makes it possible to enact Democratic measures into law, so far as this House is concerned, and to fulfill the Democratic promises made to the people in the last campaign.

Mr. Chairman, I come from a district that is probably more divided in its industries than any other district represented in this Congress. I represent a district composed of 13 counties, 7 of which are in the fertile blue-grass regions of Kentucky, where agriculture is the principal industry, with the other 6 lying in the mountainous section where the mineral wealth is untold, and one of the latter being noted for its iron and lumbering industries.

Mr. Chairman, if I were guided by personal feelings, I might oppose some features of this bill, but I am not here for the personal interests of myself or any other man. I am here in the interest of my constituents, my State as a whole, and my country at large. [Applause on the Democratic side.]

The best friends that I have in this world, aside from my immediate family, are the largest manufacturers of lumber in Kentucky, and it is urged from that side of the Chamber that this bill will lead to the destruction of the lumbering industries of our country. I dispute that statement. I realize that it will make lumber a trifle cheaper and lighten the burdens of those who consume it, who are largely in the majority in my district, as well as the country at large, and I am here in the interest of the whole people and not a few people. [Applause on the Democratic side.]

For every manufacturer of lumber in my district there are hundreds of builders of homes and thousands of farmers who need to buy lumber every year for consumption on their farms, and I would be unfaithful to the great trust they have confided in me if I failed to voice their sentiments and protect their interests on this floor.

Mr. Chairman, we have heard a great deal during this debate about the farmer and the benefits that this bill will bring to him. I am glad to hear that; I am a farmer myself. I live in a country home and am proud of it. Every dollar that I have in this world is invested in farming lands in Kentucky, and whatever brings prosperity to the farmers of the West, the East, the North, and the South will likewise bring it to the farmers of Kentucky and myself as well. I am in sympathy with the farmer and guard his interests with jealous care. But, while that is true, there is another class that must not be forgotten or neglected, but considered first in all legislation. I speak, Mr. Chairman, "of the toiling millions who constitute the bone and sinews of this Government in time of peace and stand as its bulwark of protection in time of war," who earn their living by the sweat of their brow and support their families by their daily wage. I know their needs and hardships, and to them my heart returns. [Applause on the Democratic side.]

I consider, Mr. Chairman, that the laborer will derive the greatest benefits and reap the greatest harvest from this bill, because he buys every dollar's worth of food that he and his family consumes, while the farmer raises the greater portion of it on his farm, and food and clothing are the first and main necessaries for which the laborer must provide, and he is hardly able to provide that under the existing high prices that have been forced upon him by the cruel and merciless hand of organized wealth.

Mr. Chairman, I trust that I may not be misunderstood when I refer to organized wealth. I am not a fanatic, and I detest fanaticism. I do not place the stamp of greed upon every man who possesses wealth, or oppose him because he is wealthy. As a representative, in part, of this great industrial Nation, I realize that it is my plain duty to guard and protect the legitimate business interests of this country. And by doing this I do not antagonize the farmer and laborer, for these three great elements are dependent upon each other and their interests are mutual. The three go hand in hand, and the man who would strike a blow at either would perpetrate an injustice against all.

But, Mr. Chairman, I do condemn the great gigantic trusts of this country that were born into existence through Republican legislation and have become so strong, so powerful, and so full of greed that they are dismantling and crushing out of existence the independent manufactories of the land and placing through unjust tariff taxation the yoke of oppression on the neck of labor. [Applause on the Democratic side.]

Another man, or another class, who will derive great benefit from this bill is the merchant. That may sound strange to some, but, Mr. Chairman, I know from whence I speak. I was for a number of years a commercial traveler, and I am proud that I have the honor to be identified with that great body of business men who represent the great commercial interests of this country. Our honorable Speaker [Mr. CLARK], in a speech last winter, referred to the commercial travelers as the torchlights of information. I do not take that view of it, but I class them as the reach, the kingbolt, and, in fact, the running gear of the great carriage of commerce. They keep the wheels of business rolling, and by competition within their own ranks bring lower prices for the consumer when not hindered by the trusts. So, in that line of business, I have had an opportunity to see and understand what the merchants of this country were confronted with by reason of the high prices and the rules of the trusts that manufacture the products that they sell daily.

It has been almost impossible for them to make a legitimate profit on their merchandise, because of the continual advancing prices and the unsettled condition of trade. And, another thing, if they care to deviate from the prices fixed by the trust they are put on the black list, and the supply of the product is discontinued to them, and by this rule their hands are absolutely tied, and they must bow to the dominant will of the great monopolies. So, it is apparent that by placing on the free list the articles mentioned in this bill, the merchant will be benefited as well as the consumer.

Mr. Chairman, I wish to draw just a little picture of the grand old Republican Party that we have heard so much of. But I want to say in advance that I would not apply this picture to the entire Republican Party, for the rank and file of the Republican Party, like the rank and file of all other parties, is honest and sincere. But that element of that party, Mr. Chairman, has been deceived, misled, and misused by their leaders, to whom this picture does so fittingly apply. [Applause on the Democratic side.]

The Republican Party, Mr. Chairman, joined in wedlock about 16 years ago with Miss Money. The rights of marriage were solemnized by the then distinguished Dingley; and, Mr. Chairman, they were not bidden by their uniter, as were the first couple that were ever joined in wedlock, to go forth and

multiply and replenish the earth, but they received the promise that they should in time to come own and control the wealth of the world. They took up their abode in the National Capitol and were prosperous and happy. But, unfortunately for the American people, there was never a legitimate heir born to this union. [Applause on the Democratic side.] But they created three artificial sons, and by legislative manipulation breathed into them the spirit of life. They named one of them Andrew, another one John P., and another one John D. [Applause on the Democratic side.]

And they, like most adopted children, have been running their parents ever since. Father Republican directed his companion to go out in the fields of industry and take care of his sons, and said, "I will remain in the National Capital and see that measures are enacted into law that will enable our sons to do whatsoever they will, and accomplish whatever they wish in the business affairs of the land. Go build factories, and I will enact laws that will enable them to collect from the American consumer a double, yea, a treble, profit on their manufactured products, by placing upon the statute books a tariff law that will restrict foreign competition. Go purchase for a trifle the hidden mineral wealth that lies in the bowels of the earth, and I will give you tariff protection that will make it worth untold millions; go develop the oil fields, and I will make the tariff duty so high on oil that foreign oil will never strike a blaze in this tariff-protected land of ours." And, Mr. Chairman, when Father Republican saw how well oil had worked, he decided to try water for a project, and he put John P. to building railroads on water stock. [Applause on the Democratic side.]

And, Mr. Chairman, he did not stop there. He enacted laws that enabled them to go into the great undeveloped West and grab the great public domain that should have been reserved for our homeless. Nor did he stop there. He enacted laws that enabled them to seize the great water-power sites of the West, which enabled them to fasten their monopolistic grip on the farming sections of the arid lands. Ah, Mr. Chairman, nor did he stop there. Old Glory was hardly unfurled under Alaska's skies until he made provisions for them to seize and monopolize the coal that lies beneath Alaska's soil. [Applause on the Democratic side.]

Mr. Chairman, the work of building this monopolistic structure was not done by guess. Every corner stone and every piece of material contained in it was cut and laid by a blueprint drawn by a Republican architect, and the workmen who built it were put through rigid examination before they were employed, and no man was permitted to even act as hod carrier who was not an admirer of the plan.

These examinations were held, Mr. Chairman, in the political fields. When a man of the Republican Party expressed his desire to go to the National Congress he was interviewed right away by a special agent who was a member of the building committee, and if this aspirant was not in full sympathy with the plans of the structure he was then and there "canned" and laid on the shelf, regardless of his efficiency or his nobleness of character or love for the American people. When the Democrats made their nominations the agents were likewise sent to the Democratic candidates, and if they seemed inclined to antagonize this monopolistic work, that was so rapidly progressing, a sufficient amount of the money that these monsters had wrung from the pockets of the American people by tariff taxation was poured into his district to secure his defeat. And by this practice, Mr. Chairman, they kept in the National Congress a sufficient number of Senators and Representatives who were in sympathy with their plans to keep them moving on. That has been done repeatedly, and we know it.

Another asset they had was the old soldiers. They went into the East, the North, and the West and appealed to the soldiers to stand by them, saying, "You receive your pensions from us and must rally to our support." When congressional campaigns came every pensioner was expected to fall in line, and so he did. But after awhile, Mr. Chairman, the pensioners, the men who took up their muskets and left home and loved ones and went forward to offer their bodies as targets and their lives as sacrifices on the battle field that the Union might not be dissolved discovered that there were discriminations between them. They began to investigate and found that the men who had served for four long years in the Civil War, who had done service for their country and honor to themselves, were not, in many instances, receiving as much money as those who had served from 90 days to 6 months, who probably never shouldered a musket or saw actual service. They began to ask themselves the question how it had occurred and began to discover the reason.

The reason, Mr. Chairman, was that these fortunate creatures were better politicians than they themselves. And the Representative came to Congress indebted to these politicians and gave special attention to their claims, and I say—and it can not be disputed—that the men who are receiving the most liberal pensions to-day are the soldiers who are the best politicians, and not the men who endured the most hardships, who braved the greatest dangers, and did the most for their country or fought the hardest for their country's rights. [Applause on the Democratic side.]

Another great asset upon which they have relied is the colored vote. They seek to arouse the passion of the colored voter by reminding him of the days of slavery. They say to him, "We are the gods of liberty, through us your freedom came," and at the same time reestablishing slavery among the white people of the world by advocating and conducting white-slave trade by importing white-pauper laborers from Europe and subjecting them to a most deplorable condition of slavery by placing them in guarded factories and mines at a less wage than the American laborer can subsist on. Instead of making him an American citizen they make him an American slave, and place him in competition to the American labor, even the colored laborer of the South, for the purpose of increasing the fortunes of some of the most gigantic trusts of this country.

These schemes have been popular, but they are getting old. The people have begun to awaken, and the time is coming when they can no longer be controlled by fairy tales.

The CHAIRMAN. The time of the gentleman has expired.

Mr. UNDERWOOD. I yield five minutes more to the gentleman.

Mr. FIELDS. Mr. Chairman, the people all over the country, everywhere, have heard of the good things that were to come. The laboring men, who had heard the slogan of the "full dinner pail" for many years, began to realize that it was harder for them to pay their grocery bills than ever before, and began to wonder where the trouble was. They began to read for themselves, they began to think for themselves, and began to find, Mr. Chairman, that the wealth of the country was being concentrated into the hands of a few by the machine of the Republican Party, or the laws which that machine had placed upon the statute books.

Mr. Chairman, I love the American people for their honesty, loyalty, and independence. They are firm in their convictions. They are loyal to their friends, and so long as the Republican Party had them believing that it was the friend of the laboring man, the toiling masses stood shoulder to shoulder with that party in political warfare, but, Mr. Chairman, when they began to realize that they had been deceived, when they began to realize that the protective-tariff system was protecting the classes and oppressing the masses—and this fact dawned upon them in 1910—they raised up in their might and demanded their rights at the polls on November 8th and commissioned us to do the work in which we are now engaged and will soon complete. [Applause on the Democratic side.]

Mr. Chairman, we have heard it said on that side of the House that this free-list bill would not become a law. I want to say to the gentlemen that it will become a law. It will pass this House, and if defeated in a Republican Senate or vetoed by a Republican President it will again come before a Democratic House in 1913, be passed by a Democratic Senate, and signed by a Democratic President. [Applause on the Democratic side.]

Mr. Chairman, I want to say in conclusion that the stories the Republican Party has been telling the people, for lo! these many years, have become stale and will no longer endure, and the still, small voice of justice that spoke the principles of Democracy into existence so long ago is to-day appealing to the men of this Republic to rise up in a spirit of true and independent citizenship and restore to the hands of the people the reins of this Government, where they so justly belong. The sovereign will of justice has decreed that the wig of lamb's wool shall be lifted from the head of the wolf—this tariff machine—and the yoke of oppression from the neck of labor. [Prolonged applause on the Democratic side.]

Mr. UNDERWOOD. Mr. Chairman, I yield 30 minutes to the gentleman from Mississippi [Mr. COLLIER].

Mr. COLLIER. Mr. Chairman, at the very commencement of my remarks I want to deny the assertion which has been made on the Republican side of this Chamber that the pending free-list bill is a compensatory measure given to the farmers to compensate them for the Canadian reciprocity agreement, which passed the House about two weeks ago. [Applause on the Democratic side.]

There is absolutely nothing in that contention. There is not an article upon this free-list bill which is not the fulfillment of a Democratic pledge made to the people for the last 10 years. We promised them on the stump, on the platform, on the floor of this House, and in our campaign book, long before we ever dreamed that there was going to be any legislation on a Canadian reciprocity agreement, that we would put agricultural implements, meat products, cotton bagging and ties, and other products and articles in the pending bill upon the free list. This same, this identical bill would, at the first opportunity, have been presented by the Democratic Party to the consideration of this House whether we had had any Canadian reciprocity legislation or not. [Applause on the Democratic side.]

The passage of this bill will be a fulfillment of another Democratic promise. It is in no way a measure to compensate the farmer for the reciprocity agreement, which we contend is absolutely no detriment to him, but, on the contrary, a benefit, for every Democrat believes that a tariff on agricultural products is a sham and a pretense.

I have been amused during the long debate on Canadian reciprocity and the pending free-list bill to find that only one Member on the Republican side has had the boldness to defend the Payne-Aldrich bill. The distinguished ex-Speaker, the gentleman from Illinois [Mr. CANNON], says that he agrees with the President of the United States that it was the greatest tariff bill ever enacted, but I find that no other Member on that side has the boldness or the temerity to make such an assertion. Those who two years ago were so enthusiastic in support of that measure are now as silent as the grave, and are unwilling to commit themselves by saying one word of praise in its behalf. I trust that this presages the coming of a better day, the abandoning by the Republican Party of the doctrines and principles of protection. I believe, Mr. Chairman, that the great masses of the American people have become dissatisfied with these principles; that they are tired of a system of taxation which keeps one hundred men poor to make one man enormously rich.

Using the Federal power of taxation in levying tariff duties as a pretext for the collection of revenue and the upbuilding of infant industries, and this power early leaning to privilege and favoritism, it has encouraged a protective-tariff system, which, expanding beyond the fondest hopes of its advocates, now stifles all competition and has promoted the development and growth of gigantic trusts and combines, the method and magnitude of whose operations are causing uneasiness and concern to all thoughtful minds. [Applause on the Democratic side.]

Protection is the legitimate offspring of favoritism and privilege. It means a corrupted and coerced ballot. It means an endless train of perpetual lobbyists. It is a harbinger of woe and want and misery and dissatisfaction. [Applause on the Democratic side.] It gives bounties to its favorites and extends subsidies to the few at the expense of the many. It has driven the American flag from the face of the seas. As John G. Carlisle once said, "It puts the Government into partnership with certain classes of its citizens, and while it compels others to furnish the capital, allows its favorites to receive all the profits." It levels legislation to the dignity of a bargain counter, for if one protectionist is given a tax on an article he makes to benefit his private business, he is more than willing in return to make all the people contribute a tax and a subsidy to insure any other protectionist's private business a profit. It leads to the worst form of governmental extravagance by its insidious and indirect method of plundering the people. It means the development and growth of gigantic trusts, for having stifled all competition by prohibitive and outrageous tariff rates, a complete monopoly on all articles of consumption and manufacture is assured. It means giving one man permission to thrust his hand into another man's pockets and, forcibly taking from him the product of his sweat and his toil, convert it to his own use without the fear of the criminal law. [Applause on the Democratic side.]

Protection leads to aristocracy, as rude an aristocracy as sprang up in ancient days, when superiority of brain and brawn brought about caste and caste brought about privilege. In the days of the Grachii, this aristocracy of wealth and power, arrogant and oppressive, owned all the land and worked it with slaves, forcing the people away from the farms to the cities and the highways. To-day, over 2,000 years after the Grachii laid down their lives in defense of civil liberty, to-day, by favored legislation, we find that a few tariff-swollen industries, like the aristocracy of old, are cornering the wealth and property of the world. [Applause on the Democratic side.]

Those who believe in this aristocracy of wealth and power find their American authority in Alexander Hamilton, the god of Republican idolatry and the source of all their inspiration. You gentlemen will doubtless remember that a week or two ago, when two resolutions were sent in from the Senate, one appropriating $100,000 for a monument to Jefferson and one appropriating $100,000 for a monument to Hamilton, that when the name of Thomas Jefferson, the author of the Declaration of Independence, the great commoner, the defender and palladium of the people's rights was mentioned, not a word of approval was heard upon that side of the Chamber, but when the name of Alexander Hamilton, the defender of privilege, the champion of caste, the exponent of a centralized form of government, who would have made of the infant Republic a monarchy without a throne, and placed in charge of its destinies a king without a scepter, when his name was mentioned, upon that side of the House there rang tumultuous and deafening and approving applause. [Applause on the Democratic side.]

This great exponent of a centralized form of government once said, "Society divides itself into two political divisions, the few and the many, who have distinct interests. The aristocracy ought to be entirely separate. Their power should be permanent," continued this champion of caste, "and they should have the caritas liberorum."

He believed, as many protectionists believe to-day, that the aristocracy, the recipients of special legislation, who by means of these governmental privileges have raised themselves above their fellows, that this aristocracy of wealth and power alone are competent to legislate and think for the rest of mankind. Despite the applause which rang so loud upon that side of the Chamber, it is a consoling thought that nowhere among the great masses of the people—the people whom Hamilton was afraid to trust—it is a consoling thought that nowhere among them do we find his ardent disciples. The man who wants a privilege, the man who represents the great interests, the man who reaches out for favored legislation and seeks special protection is the man who invokes the spirit of the dead Federalist. [Applause on the Democratic side.]

Protection means a hardship to American labor, for it enormously raises the price of everything he eats and wears, while the tax on raw materials keeps out importations. If this tax were removed, there would be cheaper raw products and more material to go into finished articles, which would bring a lessened cost to the consumer and greater prosperity to all. The large increase of the amount of raw material put into manufactured articles would give increased employment to thousands now idle but vainly seeking work at the factories. [Applause on the Democratic side.]

The protectionist tells us that by reason of protection he will give higher wages to the workingman. Ah, my friends, primitive man, sleeping in dens and caves, living on raw and uncooked food, starting in trembling dread at every sound, desperately matching his cunning against the cunning of the beast, fought for his food and the preservation of his life. But now, after centuries of civilization, now walled up in a great factory, shut out from the light of day, filling his lungs with dust and ashes, toiling and sweating 12 hours out of the 24, yielding his blood, his muscle, and often his life to the rapacious greed of the manufacturing trusts, the workingman employed by these trusts is looking in vain for an increased wage by reason of increased protection. [Applause on the Democratic side.]

The legislation of Solon, 600 years before the birth of Christ, repealed the cruel and unnatural law, where a man, unable to meet his obligations, became the slave of his creditor; but there is no modern Solon, who has set free the thousands of industrial slaves working in the manufactories of Pittsburg and other cherished homes of protection in the United States. [Applause on the Democratic side.]

The protectionist tells us that by reason of the increased profit he wrings from all the people by tariff taxation he is enabled to give better wages to the workingman. Of course he is able to, but will he do it? The tariff-protected owner of a great factory is able to pay $20 a barrel for his flour and $1 a pound for his meat, but does he do it? He pays the regular market price for his flour and his meat; the same market price that the man working in his factory from dawn until dark pays for his flour and his meat.

Of course he is able to pay better wages to his workingmen, but he will not do it, and, in proof of what I say, I am reliably informed that over 75 per cent of the laboring men employed in the great manufacturing cities of Providence and Pittsburg, favored homes of protection in the United States, that over 75 per cent of this labor are foreigners, many of whom can neither read, write, nor speak the English language, and are thus employed because they can be secured cheaper and at lower wages than American labor. [Applause on the Democratic side.]

I do not believe that the wages of the American workingmen are higher than those abroad. They may look more in dollars and cents, but our labor is the most efficient in the world. By reason of the skill of American labor and the improved machinery of the manufacturer, our labor can produce considerably more in a given time than the labor of other countries. I have heard it stated several times upon the floor of this House that our labor can perform three times as much in a given time as the labor of other countries. And suppose he does get a few cents more in actual wages, why, by reason of outrageous tariff legislation, $1 in Europe will often buy as much as $2 will buy here. I do not believe, Mr. Chairman, if the enormous profits the tariff-swollen manufacturers now receive were doubled that the wages of American labor would increase 1 cent, for the protectionist is selfish; he is unwilling to divide his spoil with anyone. [Applause on the Democratic side.]

If, Mr. Chairman, the condition of the American workingman has improved, I for one will never believe that this condition has been brought about either through tariff legislation or by the generosity of the great manufacturing trusts of the country, but rather that it has been wrung from these trusts by the increased demand for manufactured articles, by the improved machinery of the manufacturer, by the efficiency and skill of the American workingman, and, above all, by the strength and potency and power of organized American labor. [Applause on the Democratic side.] Protection works a hardship on the farmer. He sells his products in competition with the world, yet everything he buys for his home, his farm, and his family pays tribute to the tariff. We have heard much in the last few days about taking the tariff away from the farmer. The protection friends of the farmer have attempted to deceive him by placing a tariff on agricultural products. This tax is nothing but a sham and a deception. The theory of a protected tariff is to protect the home product from competition from abroad. Why, a tax of 1 cent or 100 cents upon each pound of short staple cotton brought into this country would have no more effect upon the price of short cotton than the fall of Troy, for short staple cotton is not imported into this country. Liverpool does not export cotton to Vicksburg, because cotton can be bought cheaper in Vicksburg than it can in Liverpool, but Vicksburg does export cotton to Liverpool, because it can be sold for more in Liverpool than in Vicksburg. Paris does not export cattle and hogs, nor does Berlin and Moscow export wheat to Chicago. London does not export corn to St. Louis. Cattle, hogs, and live stock generally and corn and wheat and other agricultural products can be more profitably raised in the United States than they can abroad.

If these products can not be successfully brought into the United States and sold at a profit, if it be impossible for foreign agricultural products to successfully compete on American soil with American-raised products, then a tariff on these products of $1 or $10 would have absolutely no effect upon the price of these products. It would have no effect, either by way of revenue to the Government or protection to the farmer. There would be no revenue to the Government, because foreign products could not afford to be brought into the United States and sold at a loss; and there would be no protection to the farmer, for there would be nothing to protect, as these products do not come into competition with American-raised products.

Yet, Mr. Chairman, flimsy pretexts of this kind are used to console the farmer for the millions of dollars wrung from his pockets every year by the plundering hand of a tariff. [Applause on the Democratic side.]

All that he makes he sells in competition with the world, regulated by the inexorable law of supply and demand; yet when he buys he is forced to pay to the Steel Trust a subsidy of over 11 cents on every pound of hinges and bolts that he may need for his house and his barn. He is forced to pay a tax of $4.50 on every $10 worth of chains that he may need on his farm. He is forced to pay a tariff of 40 cents on every dollar's worth of table and kitchen utensils for his household. He is forced to give the trust an extra profit of 25 cents on every dollar he puts in a saw. He is forced to pay a tribute of $1.50 on a $10 plow and $1.20 on an $8 harrow. He is forced to pay 15 cents for every dollar that goes into a gin stand, into a harvester, a mowing machine, or a cultivator. He is forced to pay to the Agricultural Implement Trust a subsidy of $26.25 on a $75 wagon. He is forced to pay to the three or four concerns which constitute the Bagging Trust a tax of over 5 cents for the bagging which wraps each bale of his cotton.

The distinguished gentleman from Wyoming [Mr. MONDELL] made a statement on the floor of the House the other day, in which he said, in response to a question propounded to him by me, that if the tax were taken off of cotton bagging the revenue lost to the Government would be over $6,500,000. He confused the tax on bagging with that of burlaps, bags, and so forth, for if every bale of cotton grown in the United States, based on a 12,000,000-bale crop, were wrapped in imported bagging it would only amount to about $625,000. Yet of this $625,000 less than $100,000 goes into the Treasury of the United States; the balance, of over half a million dollars, is wrung from the farmers of the South and goes into the coffers of the Bagging Trust. It costs the farmers of the South over $600,000 to wrap the products of their soil, while binding twine, made from the same vegetable, the same piece of jute, is given absolutely free to the farmers of the West to bind up the products of their soil. [Applause on the Democratic side.]

The farmer is forced to pay to the Woolen Trust three prices for the blankets he puts upon his bed and upon every woolen article he may buy for his family to protect them from the chilling blasts of winter. He is forced to pay this same trust a subsidy of from $6 to $8 upon every $10 suit of woolen clothing he may buy for his boys. He is robbed and plundered in a thousand ways, and if he murmurs, if he is disposed to object to this system of legalized highway robbery, if he complains because of this unjust discrimination, he is comforted and consoled by the assurance that his interest has been well taken care of, he has been protected as well as the manufacturer, for he has been given a tax on agricultural products.

Mr. Chairman, the gentlemen on the other side of the Chamber may talk about the beauties and glories of protection until they are black in the face, but the fact remains that the American people, becoming dissatisfied with the unjust and unequal system of taxation prevailing in this country, have turned the regulation of these matters over to the Democratic Party [applause on the Democratic side]—a party founded upon the principles of right and justice, as eternal, as everlasting as the hills themselves. Millions of anxious people to-day are turning their eyes in this direction and looking to us to tear down the great wall of protection which stands between them and prosperity. The dismal prophecies of ruin and disaster made by our political opponents, as they saw the power of governmental control slipping from them, after nearly half a century of abuse and misrule of that power, have turned out to be about as true as the average Republican promise. [Applause on the Democratic side.]

The wise, conservative policy adopted by the Democratic Members of this House since the November election has excited the admiration of the country and won even the reluctant respect of our adversaries. The Democratic Party to-day stands united, shoulder to shoulder, like a Grecian phalanx, presenting an impenetrable, an impregnable front to all enemies of good government and equal legislation. [Applause on the Democratic side.]

The absolute harmony prevailing in our counsels and the fixed and steady determination to carry out every promise and pledge made by our party may well cause consternation in the ranks of the opposition. Those whose only hope to regain lost political preferment is to profit by the errors of their adversaries have at least thus far met with a cruel, a bitter disappointment.

But, Mr. Chairman, far be it from me at this or any other time to present the appearance of boasting over the destroyed fortunes of a fallen, a repudiated, and a demoralized adversary. It would be too ungenerous. Still all teachings of the past, all lessons of history, are criterions by which the wise who would profit are guided.

A little over two years ago a great political party assumed the responsibilities of government. In absolute control of every governmental department, flushed with the intoxication of victory, drunk with the exercise of power, enriched by the spoils of office, strengthened by the dispensing of an enormous patronage, swollen with the conceit of repeated and continued indorsement, fancying they possessed the confidence of a majority of the American people, they were serene and confident in the full assurance of their strength and power. But to-day, despite all those tremendous advantages, to-day their majorities are gone, their pride is humbled, the confidence they once inspired has vanished, their strength and boasted power is dissipated, and that once great political organization hopelessly and helplessly drifting on a sea of broken promises was on the 8th day of last November completely wrecked and shattered on the rocks and shoals of duplicity and deception. [Applause on the Democratic side.]

It is sad to profit by the misfortunes of others, nevertheless wisdom would not permit, nor would prudence dictate or common sense approve, that we, commissioned by an indignant and disappointed people, should invade the depths of error and commit ourselves to the similar fate which has characterized your

course, crowned as it has been by deception and defeat. [Applause on the Democratic side.]

The promise made by you with apparent sincerity to the people, but shamelessly broken and betrayed, that promise is now committed to our hands for redemption, by the lessening of burdens made grievous and unbearable, by unjust discrimination and unpardonable partiality. And responsibility for failure to lift these burdens will be laid at your door, when all earnest and honest effort, here in this House accomplished, shall meet with either indorsement or rejection at your hands in other places, as you will, and possess the power to do. [Applause on the Democratic side.]

Mr. Chairman, an honest reduction of the prohibitive rates of this outrageous tariff is what the great masses of the American people demand, expect, and implore; and, so help me God, I believe and feel, in spite of Republican protest and Republican opposition, that the Democratic Party is going to give it to them. [Applause on the Democratic side.]

The reduction of these prohibitive rates may affect some manufactories which have fattened at the expense of the public. It may reduce the enormous profits of some tariff-swollen industries. It may make some of the recipients of favored legislation feel resentful and abused. It may do all this, but an honest reduction of the prohibitive rates of this tariff will result in tremendous importance and benefit to the great masses of the American people. [Applause on the Democratic side.]

And though the spoilsman and the camp follower, like the Arabs of old, may "fold their tents and silently steal away," yet all patriotic lovers of their country and good government will remain.

Mr. Chairman, since man first established an organized government there has always been present those who sought to further their own selfish ends at the expense of that government. Such selfishness is present in our country to-day. Special interest and favored legislation are now interwoven throughout the warp and woof of our system of government. The struggle for the rights of man, for equal legislation, which has been going on for centuries, is going on to-day. Every man who presumes to legislate for others must take part in this struggle. For him there can be no middle ground. He will be forced out into the open field. He will be forced to stand on the one side or the other, for the skulker and the coward will be shot between the lines. On the side of manhood, of civic virtue, of human liberty, of equal legislation, of local self-government, of the Constitution of the fathers; or, on the side of privilege and class, of the dollar and its material reward, of favored legislation and Federal encroachment. [Prolonged applause on the Democratic side.]

Mr. UNDERWOOD. I yield 20 minutes to the gentleman from Oklahoma [Mr. CARTER].

Mr. CARTER. Mr. Chairman, enough has certainly been said on this measure to justify action one way or the other without further debate; and my excuse for inflicting this effusion upon this unoffending presence is that I have heard from the boys at home. [Laughter and applause.]

This farmers' free-list bill is the logical complement to the Canadian reciprocity bill in that it unlocks to a freer exchange of commodities the door so long kept closed by the restrictive policy of Republican protection. Moreover, it is a step toward the reduction of the much-discussed high cost of living, which is perhaps felt most acutely by that class of people known as the farmer and laboring man.

It has always been asserted by the apostles of high protection on that side of the House that by giving the farmer cheaper commodities we do an injustice to the workingman; but now that you seem to be impaled on the other horn of the dilemma, you face about and tell us that by giving the laboring man cheaper commodities we do an injustice to the farmer. You set your argument like the Arkansas negro set his 'coon trap—so as to catch 'em a-comin' and a-gwine.

When I was being initiated into the book learning of the white man I was caused to take up a study called philosophy, or physics. By that study I came, in my simple way, to understand something of the principles of gravitation and equilibrium. One of the examples given my class was that of the seesaw. We were shown, by practical application, that when weight was applied to one end of the seesaw gravitation inevitably overcame equilibrium; that end went down and the other end up. But now our friends across the aisle seem to be following some kind of nebulous, will-o'-the-wisp sophistry which teaches that both ends of the seesaw can be raised at once.

Ah! my friends of the minority, you can not ride both ends of the seesaw at one and the same time. We know that you are professional political acrobats, but you can not perform the impossible feat of riding two horses going in exactly opposite directions. [Applause on the Democratic side.]

If your protective policy really assists the manufacturers, if it actually gives them higher prices for their products, then, by the simple reasoning of deduction, somebody must pay the freight. You can not take something from nothing. The farmer knows that if the protected manufacturing industry is given an additional profit, it is done at the expense and discouragement of agricultural and pastoral pursuits, and you can not longer throw dust in the eyes of the American farmer with your protective-farm-product "bunco." Do not deceive yourselves about the American laborer, either, for whatever false defense you may make of your tariff plunder, you can no longer convince the workingman that he is getting a square division of the spoils.

Against your protective-tariff system we make the charge of inequality and injustice. We charge that such policy has been carried to the limit of unmitigated graft; and we on this side of the House believe that, whether legalized or outlawed, graft has no vested rights and inequality and injustice no just claim to respectability. [Applause.]

MEXICAN GHOST HUNTERS.

Some of the boys at home have been exercising themselves about the products of Mexico, and especially have some of our stock men become uneasy about the importation of Mexican cattle and their products.

I will insert in the RECORD some data, taken from the Statistical Abstract and Commerce and Finance of 1909, a careful study of which should put to an eternal end all ghost hunting in that vicinity:

CATTLE.

	Number.
Imported from Mexico, 1909 (p. 164, Commerce and Finance, 1909)	128,069
Exported to Mexico, 1909 (p. 468, Commerce and Finance, 1909)	8,372
Total cattle in United States Jan. 1, 1910 (p. 734, Statistical Abstract, 1909)	69,080,000
Total cattle in Mexico, 1902	5,142,457

COAL.

	Tons.
Bituminous, imported from Mexico, 1909 (p. 206, Commerce and Finance, 1909)	42
Anthracite, exported to Mexico, 1909 (p. 510, Commerce and Finance, 1909)	1,049
Bituminous, exported to Mexico, 1909 (p. 510, Commerce and Finance, 1909)	655,786
Total anthracite produced in United States, 1909 (p. 593, Statistical Abstract, 1909)	74,347,102
Total bituminous produced in the United States, 1909 (p. 594, Statistical Abstract, 1909)	296,941,021
Anthracite and bituminous in Oklahoma, 1908 (p. 204, Statistical Abstract, 1909)	2,632,246
	Short tons.
Estimated supply in Oklahoma (p. 31, Statistical Abstract, 1909)	79,219,000

OIL.

	Gallons.
Imported from Mexico, 1909 (p. 297, Commerce and Finance, 1909), value $321	6,978
Exported to Mexico, 1909 (p. 660, Commerce and Finance, 1909), value $1,184,398	27,554,581

If these "Mexican ghost hunters" will glance but casually into these figures they will find that the total number of cattle in the United States on January 1, 1910, was over 69,000,000 head, and the total number of cattle in Mexico, from the last reports I have been able to get, was only a little over 5,000,000. The population of the United States, by the recent census, is something like 92,000,000 persons, that of Mexico something over 13,000,000 persons. By a simple calculation it will be seen that in the United States there are about 7 cattle to every 9 persons, while in Mexico there are only 7 cattle to every 17 persons. What does this show? It shows that if the tariff is removed and the bars taken down between the two countries the movement of cattle products must necessarily be toward Mexico rather than from Mexico, so that instead of the much-feared importation of Mexican beef our southwestern stockmen will have an opportunity to supply the Mexican trade.

This calls to my mind the panic of the oil and coal operators of Oklahoma two years ago when the Payne-Aldrich tariff law was under consideration. It then looked as if the tariff would be reduced on oil, and the oil magnates of our country thronged the corridors of every hotel in this city.

We were told that with a low tariff Mexican oil would practically displace the product of Texas and Oklahoma, and yet it will be seen from above figures that Mexico sold to us during that very year only 6,978 gallons, valued at $321, while we sold for Mexican consumption 27,554,581 gallons, at a valuation of $1,184,398. In other words, for every gallon of oil imported into the United States from Mexico, about 4,000 gallons were exported from this country to Mexico.

We were told if oil were placed on the free list, it would eternally ruin all the independent producers. Oil was placed on the free list, the price has been maintained, and production in Oklahoma has increased ever since that date.

We also heard ghost stories about Mexican coal supplying the American trade, and yet the above table shows that only 42 tons of bituminous coal were imported from Mexico into the United States during the entire year 1909.

COMPARISON WITH PAYNE-ALDRICH LAW FREE LIST.

My Republican friends, you criticise this farmers' free-list bill. Let us see how it compares with your free list in the Payne-Aldrich tariff law.

One of the first things that arrests our attention in your free list is apatite, yet the only thing you have given the farmer with which to satisfy this appetite is manna; and as manna does not seem to be raining from the skies any more, in these days of boasted Republican prosperity, we have given the farmer something more substantial, by placing in our free list all kinds of meats, bread, breakfast food, and meal and flour of all character and description.

Dragon's blood and dried blood are on the Republican free list. How perfectly in keeping with the blood-sucking policy of a high protective tariff! Instead of these sanguinary exhibits we give to the farmer free barbed wire, free baling wire, free fence wire, and free cotton ties.

Fossils and skeletons are on your free list. An archæological research instituted by our retrenchment committee just before the convening of this session of Congress disclosed the existence of fossils galore right about the sacred precincts of this Chamber. All of them have been exported at a saving to the people of more than $180,000 per annum. But if you are looking for skeletons, just peep into a Republican closet and you will find enough skeletons to frighten an Alabama negro into the Gulf of Mexico. We do not recognize the existence of fossils and skeletons in the Democratic Party, so we have given to the farmer free timber and free lumber—surcease to the homebuilder from the extortions of the Lumber Trust.

Leeches! Shades of Lincoln! My Republican friends, is there no limit to your presumption? If there is anything on earth that this country has become overstocked with during your Republican system of high protection, it is leeches. During the very days of the consideration of the Payne-Aldrich tariff law, right about the corridors of this Capitol could be found constantly a home production of full-fledged, life-size leeches, sufficient in number to supply the American market for the next century to come, and they will abide with us so long as we adhere to the policy of protection. Instead of free leeches, we give to the farmer free shoes, free saddles, free harness, free belting, and all other products of leather free of duty.

But we are going to be perfectly fair with our Republican friends. In one point, you have been extremely generous to the American farmer. You have given him free radium. This wonderful substance, we all know, is worth about a million dollars an ounce, if indeed there is an ounce in the entire world to-day. Now, just think what a terrible fix an American farmer would be in if he had to pay a duty of 25 per cent ad valorem on all the imported radium he uses.. Notwithstanding this solicitude of the Republican Party, I believe that the farmers in my part of the country will look with more favor upon free cotton bagging, free burlaps, and other materials suitable for covering the staple crop of the South.

But, Mr. Chairman, I believe we would be unfair and unjust to the leaders of the great Republican Party if we should close this comparison without calling attention to the fact that they have placed upon the free list the wonderful articles of divi-divi and spunk. For lo, these many years it has required all the spunk the American farmer could muster to "divy" with the Agricultural Implement Trust that has been made possible by your high protective tariff, and which now sits upon the neck of the American farmer like the Old Man of the Sea sat on Sinbad the Sailor. We think the American farmer has been tortured quite long enough, so by this bill we propose to clip the tentacles of this hydra-headed monster by giving the farmer free plows, free harvesters, free harrows, free reapers, free thrashing machines, free cotton gins, free farm wagons, and all other agricultural implements absolutely free of duty, much to the confusion and mystification of the usually astute mind of the distinguished leader of the minority in this House.

MINORITY LEADER'S CRITICISM.

The genial leader of the minority in this House is admittedly a man of transcendent ability. Many times have I, as other Members, sat in my seat in this Chamber and admired, yea, even marveled with amazement at, what seemed to be his almost boundless information and infinite understanding, not only of the tariff, but all other questions of economics and governmental affairs. Yet, when analyzed, we find this gentleman's bitter three hours' castigation of this farmers' free-list bill to be purely along the lines of technical detail rather than an attack on the principle involved. The summa summarum of his three hours' hypercritical, hair-splitting criticism was his inability to properly define agricultural implements. "The mountain labored and brought forth a mouse."

After the gentleman's experience with the Payne-Aldrich tariff law, written by his own party, it is little wonder that he now demands obiter dictum decisions even before first action is taken on a tariff bill. Since the Payne-Aldrich tariff roller was run over him two years ago, like a refractory mule that has been hit over the head with a blind bridle, he is a little bit "skittish." [Laughter and applause.]

CANADIAN RECIPROCITY TREATY.

When the Canadian reciprocity bill passed this House many of our friends on that side found a great deal of fault with us because we did not amend this treaty and place many other things on the free list. I am sorry the education of our friends across the way has been so sadly neglected along the line of international law. It has always been my understanding that the making of an agreement required the consent of two contracting parties, and that it was equally necessary to consult both these parties if amendments were to be brought about.

Mr. KOPP. Will the gentleman yield?

Mr. CARTER. With pleasure.

Mr. KOPP. Does the gentleman take the position that in the Canadian reciprocity, so called, the two Nations were contracting parties?

Mr. CARTER. Why, certainly. In the making of a treaty between nations it is just as necessary to have the consent of two contracting parties as in making an agreement between individuals.

Mr. KOPP. What authority has the President to enter into a contract of this kind?

Mr. CARTER. O Mr. Chairman, I take pleasure in yielding to my friend from Wisconsin for any pertinent question, but I can not permit him to go into the closets of his party and drag forth his Republican skeletons to be dissected during the short time allotted to me. [Laughter.]

Mr. KOPP. I would like the gentleman to answer the question.

Mr. CARTER. The gentleman knows that this is a deep question of law, and I could not attempt to answer it and complete my speech in the short time I have remaining. The American people are not looking so much for methods as they are for results.

I want to say further to the gentleman that had we, on this side, been given the opportunity of negotiating and making this treaty from its incipiency, I am frank to confess that it might have been a much different document. We would have placed many things on the free list it does not now contain and would have made other reductions. You must not be unmindful of the fact that this agreement was negotiated by a Republican President with all the Republican ideas of high protection, and we, on this side, accepted it, not as expressive of our ideals, but as the very best that could be wrung from a Republican administration. [Great applause on the Democratic side.]

Our genial friend from Michigan [Mr. HAMILTON] contributed his protest against the Canadian reciprocity treaty. He labored in great agitation and fear that the farmers of his district were being treated unfairly, and said that by the passage of this reciprocity treaty the first session of the Sixty-second Congress would go down in history as the "antifarmers' Congress."

Now, I am sorry the gentleman from Michigan, who is usually so prompt in his attendance, seems to be absent to-day, for I wanted to ask him this question: For the same reason set forth by him, could not the present Republican administration be known as the "antifarmers' administration"? And by the same token, might not the present President, who negotiated this treaty, be considered as an "antifarmers' President"? And if this "antifarmers' President" should be renominated by the Republican convention, would the distinguished gentleman, who is now shedding crocodile tears for his Michigan farmer constituents, give this "antifarmers' candidate" his support?

ROOSEVELT MAGAZINE REBUKES PROGRESSIVE REPUBLICANS.

I now desire to have placed in the RECORD an editorial from the Outlook magazine, of February 25, 1911, under the caption "Canadian Reciprocity would Help the Farmers."

Mr. KOPP. Will the gentleman yield for one more question?

Mr. CARTER. With pleasure, sir.

Mr. KOPP. The gentleman states that he will place in the RECORD an article to the effect that Canadian reciprocity will

help the farmers; is it the gentleman's position that Canadian reciprocity will help the American farmer?

Mr. CARTER. The gentleman anticipates my argument. I certainly am convinced that this Canadian reciprocity treaty will enlarge and extend the market of the American farmer. But I simply want to say this to my "insurgent" friend. He should remember that this Outlook magazine is the same periodical that has on its staff as contributing editor one Theodore Roosevelt, who is the very bull-goose of Republican insurgency, and that ought to be sufficient guaranty to the gentleman from Wisconsin. [Great laughter and applause.]

Mr. KOPP. Will the gentleman explain the term he indulges in?

Mr. ANTHONY. That is Choctaw.

Mr. ADAIR. That term is peculiar to Oklahoma.

Mr. CARTER. I will open up my night school for the gentleman's benefit privately. [Laughter.]

CANADIAN RECIPROCITY WOULD HELP THE FARMERS.

[From the Outlook, Feb. 25, 1911.]

Canadian reciprocity was commended last week in notable speeches from both President Taft and ex-President Roosevelt. The House of Representatives passed the reciprocity bill a few days later. * * *

Nearly every Democrat voted for it, and thus saved the day for President Taft, who was not even supported by a majority of his own party in the House. * * *

That most of the progressive Republicans should find their places with the "standpatters" seems disconcerting. It is due, however, to a misconception on the part of many farmers of the Middle States and their Representatives in Congress as to the present protection afforded them. The proposed reciprocity would remove that protection. Hence the farmers declare that they are being discriminated against. Are they? Take the effect on corn. As President Taft has pointed out, our production last year exceeded 3,000,000,000 bushels. We exported 44,000,000, and used the rest in domestic consumption, chiefly in raising cattle. In consequence, of live cattle and packinghouse products we exported no less than $135,000,000 worth. On the other hand, the Canadian production was only six-tenths of 1 per cent of ours. Moreover, we exported 6,000,000 bushels of corn to Canada. So far as corn is concerned, therefore, the American farmer will remain king, reciprocity or no reciprocity. Second, how would the agreement affect wheat? The price of our wheat, as the President says, like that of Canada, Russia, Argentina, and every other wheat-exporting country, is fixed at Liverpool, the greatest wheat emporium, and is a result of competition there of all the exporting countries. Hence our tariff duty makes no difference in the price of wheat in the United States, and the sending of any part of Canada's surplus through our country instead of through Canada, to be milled or exported, would not affect the price of wheat for our farmers. But what would favorably affect them would be the result of giving to Canadian wheat transportation, warehousing, and milling facilities at a less cost, for any increased trade for our elevators, mills, and railways must inevitably react favorably on the farmers themselves. Third, how does the agreement affect barley? By the mutual withdrawal of duties more barley would doubtless come into New York from Ontario, but at least as much of ours would cross the line at Wisconsin and Minnesota, thus preventing the useless hauling of Ontario barley to western Canada and of our western barley to New York. On farm products in general, we would add, the tariff can not be compared to the tariff on manufactures. The first does not protect; the second does. The prices of our manufactures are not fixed in free competition with all the world, as are the prices of our farm products. As a net result our farmers have not only got no increase of price by the tariff on agricultural products; they have actually had to pay more for what they buy of manufactured products because of the protection on those products.

WHEAT.

Mr. CARTER. So far as I could glean from their nightmares and ghost dances, the gentlemen who opposed the Canadian reciprocity bill only claimed hazard to one American farm product, and that product was wheat.

We were told that the enactment of the Canadian reciprocity agreement would throw the American market open to Canadian wheat, causing such an influx of the Canadian product into this country as to seriously injure, if not completely destroy, the American market on grain. But the weight of facts and statistics produced during the debate on this measure do not warrant any such pessimistic prediction. On the contrary, the figures given by a great majority of the best-informed men on both sides of this House would indicate that the placing of wheat on the free list between United States and Canada would, instead of restricting, broaden and expand the market of the farmers of the United States.

I submit the following figures as facts which were not successfully controverted during the debate:

Wheat production, year ending June 30, 1910.

	Bushels.
United States (Statistical Abstract)	695,443,000
Canada (Department of Commerce and Labor)	149,989,600
Wheat exports.	
United States (Statistical Abstract)	114,268,468
Canada (Department of Commerce and Labor)	49,741,350
	Value.
United States exported to Canada	$4,442,307
Canada sold to United States	766,254

Total interchange of products, five years ending June 30, 1910.

United States to Canada	$886,417,376
Canada to United States	393,913,673
Balance in our favor	492,503,703

Tillable land values.

The average price per acre in Canada (Hill's speech)	$38.60
The average price per acre in United States (Hill's speech)	23.40

Wages about the same in both countries.

It has been claimed, pro and con, that the price of wheat is higher both in Canada and in the United States. All of these claims being made by gentlemen of unquestioned integrity, I suppose it is fair to assume that there is practically no difference in the average price of wheat in the United States and the average price in Canada.

If the production of wheat in the United States is almost five times as great as the production in Canada, will not American wheat have more effect on the general market than Canadian wheat?

Since we sold to Canada more than six times as much wheat as Canada sold to us, does it not follow that Canada is a six times greater consumer of American wheat than America is of Canadian wheat?

Since we sold in the world's markets more than twice as much wheat as Canada, are we not pressed more than twice as much as Canada for an open market?

With labor wages and price of wheat equal in both countries and wheat land 65 per cent higher in Canada than in the United States, will it be possible for the Canadian farmer to produce cheaper and undersell the American farmer in any wheat market on the face of the earth?

With American wheat having a greater force in the world's market; with the Canadian farmer unable to undersell the American farmer; with two and one-half times as much wheat exports to the world's markets as Canada; with the balance of wheat trade, as between Canada and the United States, in our favor at the rate of 6 to 1, and a general balance of trade between the two countries for the last five years in our favor at the ratio of $8.86 to $3.93—more than 2 to 1—how can an interchange of such a commodity free of duty be of anything except benefit to the marketing and value of the wheat of the farmers of the United States? In the language of DORSEY SHACKLEFORD, "Is not Canada a good country for us to trade with?"

RECENT RECORD OF TWO PARTIES CONTRASTED.

Now, in conclusion, permit me to say that the die is cast and we are satisfied with the issue.

Two and one-half years ago the Democratic and Republican parties went before the people of this country in a political campaign. We promised to revise the tariff downward, and so did you. The people elected a majority of Republicans in the House and Senate, and, strangely enough, to your stewardship was committed a revision of the tariff downward. Shortly thereafter you met in extra session, with an overwhelming majority in both legislative Chambers; in full control of every branch of this Government. For five long months you bickered and dickered, wrangled and jangled, growled and howled over a division of the "swag" like a pack of hungry wolves over a putrid carcass. [Applause on the Democratic side.] And what was the result? The Payne-Aldrich tariff law, violating and repudiating every campaign promise you had made to the people. [Prolonged applause on the Democratic side.] They "asked you for bread and you gave them a stone."

Mr. MADDEN. Will the gentleman yield for a question?

Mr. CARTER. Yes, sir. I am always glad to yield to the gentleman from Illinois.

Mr. MADDEN. Have the Democrats agreed on the wool schedule yet? [Laughter and applause on the Republican side.]

Mr. CARTER. I have not the time to discuss that at length, but I simply want to say that we will agree on it—don't you fret. [Applause on the Democratic side.]

So much for your record in dealing with the people's rights. Now mark the contrast, Mr. Chairman. About six months ago we had another political contest, and when the smoke of battle had cleared away it was found that the Democrats had won.

Mr. MADDEN. Will the gentleman yield for a moment?

Mr. CARTER. Sure.

Mr. MADDEN. Do they not use smokeless powder?

Mr. CARTER. Sometimes; but the gentleman from Illinois never uses it, because it does not make enough noise. [Laughter.]

When the tally was made this time it was found that these very same people had returned a Democratic majority on this very same issue—revision of the tariff downward. [Applause on the Democratic side.] True, we also pledged in our platform a liberal revision of the House rules. You scoffed. You hooted. You sneered. You said that we were tyros; you said we were disruptionists and ignoramuses; you said that we could not get together on any proposition; that we could not revise the rules of this House in accordance with our platform pledges, and that if we did make such revision we could not conduct the

business of this House under such dissolute and wanton rules. You laid great stress upon the fact that there were so many protectionists among the Democrats a revision of the tariff downward by us would be impossible.

Let us compare our record. Just 33 days ago we met in extra session, with a Democratic majority in this House. We have revised the House rules strictly in accordance with ante-election promises. Despite your prediction of chaos and failure, we have conducted the business of this House in a fair and orderly manner, and every Member, no matter what his political faith, has been given his opportunity. [Applause on the Democratic side.] We have passed a campaign publicity bill which gives real publicity to campaign expenses. In so far as this House is concerned, we have provided for direct election of United States Senators by the people. We have begun a bona fide reduction of the tariff by the passage of the Canadian reciprocity treaty, wherein it has been our privilege to uphold the hands of that Republican President whom you so shamelessly repudiated. [Applause.] We are carrying that tariff reform still further with the enactment of this farmers' free-list bill. We will complete that reform before this session is over by the passage of other such meritorious tariff bills as the people have demanded. We have presented to you a party discipline and unity of purpose that has challenged your amazement and admiration. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CARTER. I desire just a few minutes more. Our leader does not seem to be present, so I think I will yield myself a couple of minutes. [Laughter.]

Mr. UNDERWOOD. Mr. Chairman, I yield to the gentleman two minutes.

Mr. KENDALL. The gentleman stated the other day——

Mr. CARTER. I am sorry I can not yield just now. I must finish my remarks in two minutes. I will be glad to yield if I have any time left.

Before many months we will again be in the throes of a political campaign, and you will be forced before the people, reeking with dissension and handicapped by repudiation. [Applause on the Democratic side.] While we will go forth clad in the armor of honest achievement, presenting an uniformity of purpose and solidarity of front rivaling the discipline of the old guard of the great French army and the battle tocsin shall be, "By their fruits ye shall know them." [Applause on the Democratic side.]

I now yield to the gentleman from Iowa [Mr. KENDALL].

Mr. KENDALL. I was about to inquire of the gentleman if he is in sympathy with one of his colleagues who spoke here the other day with reference to tariff reform by imposing a duty on coffee and tea. The statement was made here by one of the most brilliant and attractive speakers on that side that that would be the final policy.

Mr. CARTER. I do not know to whom the gentleman refers. Neither am I, in my humble capacity, attempting to outline a policy which has not yet been discussed by our party caucus. I will tell the gentleman this: That we expect shortly to have an income tax and thereunder we hope gradually to do away with abuses of a high tariff. [Applause on the Democratic side.]

I thank you, gentlemen, for your kind attention.

Mr. DALZELL. I yield one hour to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Chairman, I desire to say a few words touching the pending bill, but I hardly expect to use the hour which has been allotted to me. What is the pending measure? "Oh," you say, "it is a great free-list bill." What inspired it? Another bill which you passed a short time ago carrying into effect a proposed agreement with Canada providing for what is called reciprocal trade between the two countries—an agreement which you say goes a long way in the direction of the Democratic policy of free trade and away from the Republican policy of protection. So far as I am concerned, I confess both allegations.

I want to talk, not about Hamilton—he is dead; not about Jefferson—he is dead; not about the great men who have gone before and have crossed over—they are dead; and oh—not meaning to be personal—how we do misrepresent them, and being dead, they can not defend themselves. [Laughter.]

I desire to speak about the bill that is pending, and for a text I want to read from the majority report, written, no doubt, by the eminent gentleman from Alabama [Mr. UNDERWOOD], chairman of the Ways and Means Committee. I read from page 4 of that report:

In fact, action on the Canadian agreement involves the necessity of further and immediate action—

Not postponed action—

in removing a number of duties on imports from other countries—

Not from Canada alone—

in order that justice may be done to the great army of our agricultural producers, who, in the Canadian agreement, are to have all the alleged protection removed from their products without a corresponding or reciprocal removal of the protective duties most burdensome on the commodities they must purchase as necessary to sustain their lives and industries.

Immediate justice! The necessity arises from the proposed enactment of the Canadian pact, negotiated by the President, passed after caucus action by almost a unanimous Democratic vote, and so burdened with injustice, which is to be vitalized by your act, that you rush in to try to make compensation therefor.

A stern chase is a long chase, according to the old saying; but you start out to catch up with the act of injustice known as the reciprocity bill, the enactment of which has been demanded by the President, and urged by the great publishing interest, with all the power which that combination has; and it is proclaimed by the President, by you, and by your party friends in the Senate that that bill is morally certain to be enacted into law. You make a creation that you yourselves spit upon and say will sacrifice the interests of one-third of 92,000,000 people, and then send after it, as you propose now to do, this so-called free-trade bill.

If you did not intend to cheat, why did you not put it in the other bill and let the injustice that is carried by that agreement with Canada, which you vitalized, be corrected at the same time that it is perpetrated? You know, we all know, the farmer knows, that this "justice," as you call it, will not overtake the injustice wrought by the reciprocity bill during the lifetime of this Congress. [Applause on the Republican side.] You start out with the presumption that the farmer is a fool; that you can hoodwink him; that he is a hayseed. Others outside of this body, including the publishers, think they can satisfy him by such a bill as this and by the statement that in the event the Canadian pact is ratified, after it has been tried on the farmer, if it does not act well, it can be repealed. The situation reminds me of the man who bought a patent medicine of a faker upon the street corner and took it home. It purported to be an absolute cure for all the ills of mankind; but the good wife said, "My dear husband, do not let us give it to the children." "What shall we do with it?" said he. "I bought it. I can not afford to give it away or destroy it." "Oh," said she, "try it on the dog. If it does not kill him then the children can take it." I do not proclaim myself as the special protector of the agricultural interests of the country, but I do say that the farmer is not the dog upon whom to experiment. [Applause on the Republican side.]

In the many campaign speeches I have made to city audiences and to audiences in the country, I never have talked to audiences as exacting and, on the average, to audiences as intelligent as I find in the agricultural districts. [Applause.] There is an old saying, "Beware of the man of but one book." This can no longer be applied to the farmer, if it ever could. He is now a man of many books, and, in addition, he has sunshine, the open air, and opportunity for thought, even during his working hours. I feel a little bit humiliated when it is proposed by this bill to apply a remedy or salve to cure the injustice of the reciprocity measure, because whatever there is of good in me, and whatever there is of good in most of us, comes from having been born in an agricultural community, having our feet, so to express it, in the soil; and it is quite as hard to fool the average farmer touching his material interests, touching law, order, and good government, as it is to fool gentlemen on the floor of this House.

What is this balm in Gilead? What is it going to do for the farmer? Under the reciprocity pact animals on the hoof from Canada come in free. They are reciprocally free between the two countries, but meat is taxed. While that hurts the farmer and does him a great injustice, you pass a measure to that effect because you want to cheapen the cost of living. But let us see what you do when you enact this free-trade law. We sell our meat products abroad pretty liberally. Other countries sell their meat products abroad. Who would be our competitors in this market? In Germany there are high duties and strict inspection, and the same is true of France. Meat goes free into Great Britain, but, so far as I recollect, it is not admitted free into any great country in the world, and possibly into no country save alone Great Britain.

Having let animals on the hoof come in free from Canada, which is very bad for the farmer, as it is also to let Canadian wheat come in free, you say that you are going to protect him. How? By letting animals come in on the hoof free from all

the world? Nay, nay! Oh, I wonder if there is present any Representative from Texas, one of whom, I believe, is a member of the Ways and Means Committee, which helped shape this bill. Gentlemen representing Texas districts, why did you not in this bill let animals on the hoof come free into our markets? Why did you allow a tax of from $2 to $4 a head remain on live cattle? How patriotic you are! Oh, how you are agonizing for a free list! Texas is a great big country—a magnificent empire—soon to be, in the swing of the first half of the twentieth century, the most populous State in the Union, save alone New York.

Why did you not provide that cattle on the hoof from all the world should be admitted into the United States free, as you did in the case of Canadian cattle? I searched for a reason, and, lo and behold, I found that, year by year, multiplied, thousands of cattle come in from Mexico across that imaginary line that is supposed to run between Mexico and the United States. Texas borders on Mexico for many hundred miles. You have live-stock associations, and you raise cattle and sheep on your wonderful grazing lands. You want to reduce the cost of living, and you propose to admit free of duty wheat from all the world, as well as from Canada, and also corn and meat; but do you know that after I eat corn for a month I want a little bit of wheat cereal, and after awhile I get tired of that and I take to rice for a day or two. [Laughter.] I wish—and I yield time to any member of the Ways and Means Committee to answer the question in two or three sentences—I wish to know why it is that when you reported this free-trade bill, to let the farmer come into his own and the laboring man have cheaper living, you did not put rice on the free list.

I am reminded in this connection of an eminent Member of this House, now dead and gone, one of the best legislators I ever knew. I will not call his name, but he was a splendid and charming man. With three or four drinks his tongue would become loosened, and one day at Willard's he fell into conversation with Judge Ela, of New Hampshire, I think, at that time one of the departmental auditors and formerly a Member of the House. He said to him: "Judge Ela, I recollect very well our service together in the Congress." The judge replied: "Oh, it was most pleasant to me. We were on opposite sides of the House, but we were both called watchdogs of the Treasury." His friend answered: "So we were, so we were, Judge Ela;" and, having had the fourth drink, he continued: "But we always had the true instincts of a good watchdog—we knew enough not to bark when our friends were around." [Prolonged laughter and applause.]

Now it will be in order for some gentleman from Texas or Mississippi to rise in his place when I get through speaking and pay a tribute to Thomas Jefferson. [Applause on the Republican side.] But, as I have said before, Jefferson is dead.

What has the farmer to fear from the free importation of foreign meat? From the Statesman's Yearbook, a British publication, which, by the way, is, I think, for correctness and for full information, the best manual published anywhere, I find that down in Argentina, in the Temperate Zone, with as good climate as we have, with as good soil as we have, there is a country rapidly growing and developing. The population of the United States is 92,000,000; that of Argentina, in 1908, was estimated at 6,489,023. The area of Argentina is 728,680,000 acres, of which 253,195,000 may be used for agriculture or cattle industries. In the territories the Federal Government has wide tracts of land, amounting to 238,000,000 acres, suitable in general for pastoral colonization.

These lands are conditionally offered free or for sale or on lease. Excluding Alaska, Argentina has one-half as much good land as has the United States. The total area under cultivation in Argentina in 1908 was 39,100,000 acres, of which 15,000,000 acres were in wheat, 4,000,000 acres in flax, 7,500,000 acres in maize or corn, and 1,500,000 acres in oats. While Argentina is a great country for wheat and cereal crops, it is to even a greater extent a cattle country. In 1909 there were in the United States 71,099,000 head of cattle; in Argentina in 1908, 29,116,625 head. Horses, United States, twenty and a half million head; Argentina, seven and a half million head. Sheep, United States, 56,000,000; Argentina, 67,000,000. Swine, 54,000,000 in the United States; a million and a half in Argentina. I have not the figures for the number of goats in the United States, but there are 4,000,000 of them in Argentina. I sometimes have wished we had more goats in this country, because some men devote their time principally—I say it with all courtesy and respect—in trying to find goats. [Laughter and applause on the Republican side.]

In 1909 the United States produced 328,110,000 pounds of wool. In 1908 Argentina exported alone 351,076,000 pounds of wool, 23,000,000 pounds more than the total growth of this country. The United States produced 664,602,000 bushels of wheat in 1909 and exported 114,000,000 bushels. In 1908 Argentina exported alone, with her 6,500,000 people, 121,209,800 bushels of wheat, more by six and a half million bushels than the United States exported with her great area and her great wheat production.

There were in 1907, according to the latest statistics I can find, 8 freezing establishments in Argentina, 271 creameries, 18 butter factories, 68 cheese-making establishments, and 27 mixed factories. In 1908 Argentina produced 7,100,000 pounds of butter and 87,954,000 pounds of tallow. In 1908 Argentina exported animals and their products valued at $115,000,000, agricultural products valued at $241,000,000, and forest products valued at $6,000,000. Of sheepskins, in 1908, Argentina exported 53,000,000 pounds; of corn, 57,000,000 bushels; and of beef and mutton, 519,000,000 pounds. As I have stated, there are freezing establishments down there as well as packing establishments. I give my honorable colleague, the leader of the minority [Mr. MANN], as authority for the statement that the big Chicago packers already have branches in that country.

I do not know whether or not we can prevent their establishing freezing plants in Argentina, but I have heard the honorable Speaker of the House of Representatives and other gentlemen on the other side on a warm summer day draw their coats about them and say, "How cold I am," and then proceed to declaim for free wool. Gentlemen from Montana, Wyoming, Ohio, and other States, you are in a bad way now as to wool unless Texas saves you [applause on the Republican side]; and the Texas Representatives, I have always noticed, are pretty good watchdogs when it comes to matters affecting their State, and they have great ability.

Now, I will put in the RECORD some statistics touching Australia proper and New Zealand. The production of sheep and cattle in those countries is very great; also their exports of frozen meats.

Australia.

Area of Commonwealth	square miles	2,974,581
Population in 1908		4,275,306
Total area under crop	acres	9,892,393
Area under sown grasses	do	2,445,394
Cattle, 1908	number	10,543,012
Sheep, 1908	do	87,003,048
Swine, 1908	do	695,539

Total domestic exports of meat in 1908:

Beef, 40,712,000 pounds, valued at $2,197,500. Export price per 100 pounds, $5.40.

Mutton and lamb, 91,608,000 pounds, valued at $5,932,800. Export price per 100 pounds, $6.47.

New Zealand.

Area of New Zealand	square miles	104,751
Population		960,642
Total area under cultivation	acres	15,614,880
Area under sown grasses	do	13,623,528
Cattle in 1908	number	1,773,326
Sheep in 1908	do	23,373,220
Swine in 1908	do	245,092

Meat exported in 1908:

Beef (frozen), 39,099,984 pounds, valued at $2,040,888. Export price per 100 pounds, $5.22.

Lamb (frozen), 92,482,880 pounds, valued at $7,462,914. Export price per 100 pounds, $8.07.

Mutton (frozen), 90,406,848 pounds, valued at $5,333,066. Export price per 100 pounds, $5.90.

Number of freezing and preserving works in New Zealand in 1906 was 56.

In Argentina and in Australia they can pack the frozen meats—beef and mutton—at a less cost than they can be packed for in the United States, and they can be shipped to the United States by water at a less cost than they can be shipped from Chicago to New York. And yet it is proposed to put meats on the free list by this bill. For what? Oh, to repair the great crime and injustice that is done to the farmer by letting live animals on the hoof come in free from Canada. You then turn around and try to prove that there are not a great many live animals up there in Canada anyway.

You inveigh against the Republican Party. How you flap your wings and crow! We have been relegated to a minority and destroyed. You have not killed us individually, but we have been relegated to the minority. The people have made you the guardians of the fold. Gentlemen will recollect the old fable of Æsop, where the wolves went to the sheep and said, "Discharge the dogs, and we will protect you." [Laughter.] Well, I expect you will protect the sheep to your own satisfaction, but the protection will be in spots. [Laughter.]

Now, I might go through the pending bill step by step and point out its inconsistencies and false foundation in each particular, but the gentleman from Illinois [Mr. MANN], my honored colleague, covered the matter fully, and I will only refer, perchance, to one or two other items.

Let us take agricultural implements. The President has said, "I tried my best to get complete free trade with Canada, but

Canada would not consent." And, as I pointed out a few days ago, the prime minister of Canada congratulated his brethren because, as he said, "We get our natural products into the United States free, but save our manufactured products by reserving protection against such products of the United States." Agricultural implements form a very considerable part of our exports to Canada. Anthracite coal is admitted into that country from the United States free; the same is true of bituminous coal; and we sold to Canada last year, notwithstanding the preferential duty that is given the mother country—Great Britain—$75,000,000 more of products than all the world sold to her and at a less ad valorem duty. But you put agricultural implements from all the world on the free list because, by the reciprocity agreement, there is a tax levied on agricultural implements reciprocally between the United States and Canada. Do you suppose you are going to fool anybody with that? Under existing law the duty on agricultural implements coming into the United States is 15 per cent, with a provision that no duty shall be charged on agricultural implements imported from countries which admit American agricultural implements free.

Great Britain gives us a free market for our agricultural implements, and we give that country a free market here for her agricultural implements. Argentina imposes duties on our agricultural implements, yet we sell large quantities in that market, notwithstanding the payment of duty; but under this bill products from Argentina—wheat, meats, and so forth—come into our markets free, without any condition being made that she shall remove her duties on our products exported to the Argentine. Yet you say you are for reciprocity. I wonder if you understand what it means. It is not something to cheat with, conjure with, or to deceive with. It is not something with which to presume upon the ignorance of a people competent for self-government. Nevertheless—and I speak with all due respect for you individually, though not so much respect for you collectively—you lift up your voices and cry aloud, proclaiming the alleged virtue and benefit of your action. I infer that you do so on the supposition that if you make a great deal of noise and reiterate the same thing time and time again it will lead some of the people to say that it must be so because of the noise and the repetition. There are other considerations involved in this matter. There is the question of print paper.

I could not file my affidavit in this respect, but I believe as firmly as I believe that I stand here, and if I had to risk my soul's salvation on the correctness of guessing right I would not alter my statement, that the secret reciprocity agreement with Canada never would have been made had it not been for the demands of the great publishing interests of this country. [Applause on the Republican side.]

Did you gentlemen on the other side get a letter this morning from the chairman of the committee on paper of the Publishers' Association? [Laughter on the Republican side.] The publishers, including the Associated Press, got together at a great banquet at the Waldorf-Astoria in New York a few days ago. It is a good thing for men to get together and exchange ideas. The President of the United States was there, and, in substance, exhorted the publishers, including members of the Associated Press, to be constant in effort and insistent in promoting public sentiment in favor of the Canadian reciprocity pact and of the bill to carry it into effect, urging that it be passed speedily without amendment.

Well, if it were not such a serious matter, I would say, without intending to be funny and with great respect for the present Chief Magistrate, that if he ever ceases to be President—and we will never elect a man to serve more than eight years in the Presidency [laughter and applause]—if he should be out of a job, he would make a great success as a humorist. That exhortation in New York is a fine specimen of high-class humor. [Laughter.] It discounts Mark Twain and all the other humorists. Oh, be ye constant! Be ye diligent! Persevere! [Laughter.] The bill has passed the House. Have it pass the Senate and become a law! [Laughter.]

Then, he said the farmers need not be afraid of it, and if it did turn out badly it could be repealed. [Laughter on the Republican side.] I want to read just a line——

Mr. ESCH. Will the gentleman read the Norris letter?

Mr. CANNON. Yes; I will read the letter. Here it is:

AMERICAN NEWSPAPER PUBLISHERS' ASSOCIATION,
903 Pulitzer Building, New York, May 5, 1911.

Hon. JOSEPH G. CANNON,
Washington, D. C.

DEAR SIR: At the annual meeting of the American Newspaper Publishers' Association held in New York April 27, 1911, the following resolution was adopted, and I have the honor to transmit it herewith for your information:

"The American Newspaper Publishers' Association in annual meeting assembled at New York City respectfully urges the United States Senate to pass speedily and without amendment House bill 4412, known as the reciprocity bill."

A little more is added:

It also urges the abolition of import duties upon print paper, when made from free wood, wherever found.

Yours, truly,
JOHN NORRIS,
Chairman of Committee on Paper.

Now, what does that latter part mean? It means that the great quantity of pulp timber in Canada—and I get my information as to the quantity from my colleague [Mr. MANN], who was chairman of the special committee to investigate the print paper and wood-pulp matter—is on what is known as the "Crown lands," and I am informed that, with the exception, perhaps, of Quebec—and I am not sure as to that Province—you can not buy wood pulp or the timber from which wood pulp is made anywhere in the great bulk of the forests of Canada without paying a license and an export duty. Whether there is any considerable amount of free lands in Provinces like Ontario, I do not know; but I understand from the same authority, Representative MANN, that there is not a great amount of them.

I think the so-called reciprocity agreement, so far as lands producing wood pulp and the timber from which the wood pulp is made are concerned would be applicable and effective as to portions of Alberta and Saskatchewan and the great Canadian northwest; but practically that supply is not much nearer to us than Alaska—scarcely as near as the Pacific coast—and wood pulp is not brought from Alaska or the Pacific coast because the transportation charges, as I am informed, prohibit, and it can not therefore on account of the cost of the transportation compete with wood-pulp timber in more eastern sections.

Are you going to hold another caucus and amend this free-trade bill because of the facts stated? I have read the act of the British Parliament called the British North America Act, which is the constitution of Canada, and as nearly as I can ascertain each Province, certainly as to the Crown lands, and, as definitely as I can determine, as to the privately owned lands, can levy an export tax on wood-pulp timber. Even if there be private lands in Ontario upon the products of which an export tax can not be levied, still on the products of the great bulk of the Crown lands such a tax can be laid.

Yet under the reciprocity pact the United States, with its vast forests on the Pacific coast, in Alaska, and the South, where there is untold raw material for print paper, can not ship one pound of paper into Canada free; but you were in such haste to ratify the agreement and perpetrate this and other great acts of injustice upon the American people that you rushed the bill through and would not allow it to be amended in any particular.

This free-trade bill, in form and substance, is made to fool the people; and I say to you now that it would not be a violation of the biblical inhibition against idolatry to fall down and worship this piece of legislation, because it is unlike anything in the heavens above or the earth beneath or the waters under the earth. [Laughter and applause on the Republican side.]

Mr. RANDELL of Texas. Mr. Chairman——

Mr. CANNON. I will yield in a moment.

Mr. RANDELL of Texas. I simply wanted to ask this one question——

Mr. CANNON. I would rather the gentleman would ask the question at the close of what I have to say. I want to say to the gentleman that a fly can be embalmed in amber and, while it is the end of the fly, it will always be there. So, speaking respectfully, and not comparing my friend's question to a fly, by any manner of means—for I have great respect for him and for his ability—I would rather, until the close of my speech, not have it ornamented by suggestions that might not be to the point.

I would vote as cheerfully to protect American industries, whether cotton mills, woolen mills, or anything else, in Georgia, in South Carolina, in North Carolina, in Louisiana, and in Texas, as I would those of my own State. I have no desire to hurt Texas by having cattle and sheep from Mexico come over the border free, but if meat comes over the border free, then the cattle should come free. You have got to take this American system as a whole. I never have rejoiced, and never will, at the adversity of any part of your country and of my country.

It is strange how we sometimes talk about the interest of the farmer and the interest of the railroad man and the interest of the factory man as though they were diverse. Mr. Chairman, no man lives to himself. The interest of one individual or of a great number of individuals engaged in any industry becomes the interest of every other American citizen. A man said to me a day or two before the reciprocity bill passed, "Mr. CANNON, are you going to vote for the free-trade bill?" I said, "I will

not answer now; I want first to sleep. I am greatly outraged; I do not like the abandonment, in part, of the protective principle; I will wait and sleep." The next morning I saw him, and I said, "Yes; I will vote against the free-trade bill," and he asked, "How can you defend such a vote?" Who consumes the farmer's products? Ninety or 95 per cent of his products are consumed in the United States by people who are not farmers. When you lessen the farmer's price, you lessen his purchasing capacity as a consumer, and when his purchasing capacity as a consumer is lessened, the man who makes the product which the farmer buys goes out of employment or works on a decreased wage.

Therefore, even though following a mistaken and false economic policy, you inflict complete free trade upon my great constituency and upon one-third of the people elsewhere in the country, I will grin and bear it, because, thank God, every two years there is an appeal to the people, and every four years, with a just and enduring and wise public sentiment, a majority of the people of this country can change a policy when they discover that they have made a mistake. Therefore, I will keep the Republican faith, and trust that as little harm as possible will be done to the two-thirds of the people not engaged in agriculture. God knows the harm will be great enough, and it is coming swift-footed already.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DALZELL. Mr. Chairman, I yield 10 minutes more to the gentleman from Illinois.

Mr. CANNON. Mr. Chairman, to show what is going on in this country I read a clipping from the financial column of the New York Sun, published April 23, 1911:

> The pay of railway employees in particular was raised last fall upon the plea that living expenses in the land had so increased as to make this additional pay absolutely required. But living expenses have now decreased. A fall of unusual character has occurred in the price of eggs, butter, meat, wheat, and in the majority of the necessaries of life. Why, therefore, should not the cost of labor decline also? And why do not the labor unions themselves see that a reduction of pay schedules which would allow the body of laboring men to be kept at work is a better thing for the members of their organizations, taken as a mass, than for pay schedules to be kept up but with only a limited number of men employed?

Oh, it is said, "There is no danger; we are not going to wreck and ruin." They tell us that the banks are full of money, and they point out how cheap the rate of interest is. Yes; and we know the secret of it is that men who lead in production will not borrow money to produce, for they have no assurance of customers, and, consequently, production is from hand to mouth. If this Congress sits until the snow flies—and no one knows whether it will or not; it is all up to you gentlemen on the other side—disaster will follow disaster, because people are apprehensive and the farmer, with the same fixed charges to meet, having lost, on the average, one-fourth of the price he was receiving last November for his product, facing the necessity for retrenchment and being somewhat fearful, is buying less and less.

You may say that the Republicans are responsible for it; that if from the time of Lincoln down to the present hour we had not followed the protective policy, which has made the United States far and away the greatest producing nation of all of the nations of the earth, there would not have been any trouble. That may be; but if America had not been discovered and settled no one would be here but the Indians.

By 1913 I apprehend the minority will be on the other side of the Chamber; and if I keep my health, as I hope to do, I expect to help treat the minority with courtesy and respect. [Laughter and applause on the Republican side.] Under no circumstances can I conceive of that happening being delayed beyond 1915. As the old negro preacher said at the end of his sermon:

> Thar will be divine sarvices in this house two weeks from next Lord's Day, Providence permitting; three weeks, nohow.

[Laughter.]

So I say 1915, anyway. But what is the use of prophesying? I merely do so to offset the prophecies of gentlemen on the other side, and yet I have an abiding faith as to what will happen.

In conclusion, my Republican friends, I want to say I lost my temper over this reciprocity pact. I felt outraged, I felt indignant, and without desiring to abuse anybody personally I felt that those who represent substantially two-thirds of the people were willing to sacrifice the other one-third, at least temporarily, to answer a hysterical cry made by the demagogues and the Democrats and by the newspapers about the high cost of living when the necessaries of life were as cheap here as elsewhere in the world. [Applause on the Republican side.] I argued with them as best I could to stand four square to all the world and to keep the faith. I said that the proof of a pudding is in the eating of it, and after the country has paid the penalty arising from the application of Democratic policies—and the penalty is sure to be paid—it will return to correct legislation. I have said, and I want to repeat, gentlemen, that in my opinion we can not afford to forsake the faith because some of the brethren have temporarily become backsliders. Oh, after they take the penalty, as they will take it, between now and 1913, they will come back and ask the Republican Party and those who have kept the faith to hold a revival and open the doors of the church, and they will come in and get the good old economic religion and thank God that they are back in their father's house. [Loud applause.]

Mr. DALZELL. Mr. Chairman, I yield one minute to the gentleman from New York [Mr. MICHAEL E. DRISCOLL].

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, the protection of home industries by tariff legislation is not a logical or scientific system, and therefore college professors and bookmen adopt the side of free trade, which they can develop into a broad, comprehensive, beautiful, and consistent theory. On the question of tariff there are two classes of men who are entirely consistent and logical—those who would make the duties so high as to exclude all foreign competition with home productions and those who would throw our markets open to the competition of the world on equal terms. The overwhelming majority of this body may be classified between these two extremes. Many of them are trying to protect important industries in their districts and at the same time trying to lower duties on other imports in response to a general demand. In their efforts to do both and retain a semblance of consistency they are having a hard time.

This question has been on my mind and has given me much trouble, for I have been wrestling with myself on the question of consistency and fairness to all classes of our people—the farmers, manufacturers, and ultimate consumers. In the last session I paired for the Canadian reciprocity agreement, and this session I voted against it. These acts were inconsistent with each other and require an explanation to those who sent me here.

At the outset let me say that while I changed my vote I did not change my mind, because I had no conviction or even opinion on its merits when I paired for it in February. The fact that it was earnestly recommended by our great President and came to Congress as an administration measure meant much to me. Ultimate consumers promptly favored it, because they thought it would reduce the cost of living. The city press was for it, including the three Syracuse dailies. The Tariff Board report was not then published, and little or no information on the subject was obtainable. I went with Mr. ASHER HINDS, of Maine, to speak at a Lincoln anniversary celebration in Portland on the evening of February 13. We did not think it would be taken up for consideration during our absence, but to avoid taking any chance I paired for it, trying to justify myself with the argument that by so doing I was responding to the wishes of the majority of my constituents, who are consumers rather than producers of foods. The bill was reported to the House on the evening of Saturday, February 11, and on the following Monday it was taken up, very hurriedly considered, and passed Tuesday evening before my return. I can not say how I would have voted had I remained and heard the debate.

Now, having paired for the measure in February, why did I vote against it in April? I will tell you.

My disposition is quite stubborn and I am not anxious to change a position once taken, and would not have done so in this case were I not convinced that I could not fairly, consistently, and honestly defend it. Unless a man believes in himself and his attitude on any question he can not convince others or maintain his self-respect. After the bill was passed by the House the farmers of the country awoke and commenced to write and petition Congressmen to oppose it. Their arguments appealed to my sense of justice and fair play, and I was not able to answer or refute them even to my own satisfaction. I returned many answers to those who wrote me for and against the bill and to those who approved and condemned my vote, but in not one of them did I even attempt to defend it on the merits or justify my action, but did offer the excuse that a Congressman who represents a district part city and part country can not express the views of both elements when they are in direct conflict. I did not then expect another opportunity to vote on it and supposed I would have to stand on the record made, hence if there were any arguments which I could have honestly and conscientiously made in my defense I would not have remained silent.

The Federal Constitution provides that "all bills for raising revenue shall originate in the House of Representatives, but

the Senate may propose or concur with amendments as on other bills."

This is obviously a revenue bill, for it contains a schedule of dutiable articles as well as a free list. It did not originate in the House of Representatives, but in the executive department of the Government and was "submitted to Congress for its approval." It can not be amended by Congress, for it is claimed that changes would nullify the agreement. This is an extraordinary proceeding and an invasion of the functions of the legislative part of the Government.

But let us consider it on its merits, and let me quote from the tariff plank in the last Republican platform, which is the only authority or guide the party has on tariff legislation:

In all tariff legislation the true principle of protection is best maintained by the imposition of such duties as will equal the difference between the cost of production at home and abroad, together with a reasonable profit to American industries * * * the aim and purpose of the Republican policy being not only to preserve, without excessive duties, that security against foreign competition to which American manufacturers, farmers, and producers are entitled, but also to maintain the high standard of living of the wage earners of this country, who are the most direct beneficiaries of the protective system.

There has been much discussion on the relative cost of production of farm commodities on both sides of the border. Many figures and comparisons have been submitted from the report of the Tariff Board and other sources, which are embodied in the record. It seems to me the conclusion is clear that, with respect to cereals, hay, cheese, butter, and other farm products, the cost of production is less in Canada than in this country when you take into account the cost of labor and fertilizers, the higher value of American farms, and the larger yield on the Canadian side, because their lands are new and fresh and more productive. The conclusion is equally clear that the prices during some years back have been higher in the States than in the Dominion by from 5 to 20 per cent.

In President Taft's address before the members of the Associated Press and the American Newspaper Publishers' Association in New York on the evening of April 27 he stated that the Canadian reciprocity agreement would not injure the farmers or any particular class of people. If it will not injure the farmers, it will not help the city residents. Then why insist on a measure which will not help the ultimate consumers, which the farmers bitterly oppose, and which will cut off $5,000,000 of revenue? But I submit that the editors of agricultural papers and farmers' associations know quite as much about the cost of production and other conditions and prices on both sides of the border as does the President, and they are almost to a man against it because they believe it will hurt them.

My own judgment is that it will not hurt the farmers or help the city people as much as either party thinks, but that it will hurt the farmers much more than it will help the city consumers. Canadians will sell at the American prices as far as possible and will not "bear" the market if they can help it; and it is safe to say that for every $3 the farmers lose the city people will be lucky if they gain one, when the carriers, speculators, cold-storage men, middlemen, and ultimate purveyors to the ultimate consumers all get their profits.

Now, why should not the Republican platform on the tariff question be maintained and applied in behalf of the American farmers? Why should not their products be protected by duties equal to the difference between the cost of production in this country and Canada? Leave out the provision for reasonable profits.

I think it was a mistake to put it in the platform. For profits let them both depend on their energy and enterprise in running their farms. Since the enactment of the first tariff law the products of the farms as well as those of the factories have been protected. Why reverse that policy now, without investigation and without notice to the farmers? Why should our party pledge to the farmers be violated, while we seem inclined to maintain it as to other industries? Are they not discriminated against? Since wheat is put on the free list, why not flour? If the American farmer must sell his wheat in open competition with the Canadian, why not permit him to buy his flour in the same open market? If he must sell his steer in competition with the Canadian farmer, why not let him buy his meat on the same terms? Since barley is placed on the free list, why not malt? Since oats are placed on the free list, why not oatmeal, rolled oats, and other manufactured products of that grain? The various products of our flour manufacturers, meat packers, and malsters are protected. Our coal barons get better terms in this bill than in the Payne law. Wheat, barley, oats, potatoes, hay, butter, and cheese are the finished products of the farmers. Why should they not be protected? The average farmer considers these matters and believes he is being discriminated against. There is no industry in this country which should be encouraged as much as agriculture, for there is none as important in the life of the Nation and the welfare of its people.

I may be charged with undue sympathy for the farmer, but he is entitled to much consideration for what he has been through, and especially the New York farmer. I was raised on a small farm of rough land and have not forgotten the hard struggle we had to dig from the soil a scanty existence. I am also familiar with the conditions of country and farm life in central New York from the close of the war to the present time. Men who bought farms before the rebellion at low prices readily paid for them in a few years at war prices and in depreciated paper currency; but those who bought farms after the war and at war prices, and paid down all the money they had saved and gave mortgages for the balance, made bad bargains. They struggled for years and in a very hard, uphill pull, working late and early and economizing in every possible way, hoping for better times and striving to pay taxes and interest.

The prices of farm commodities continued to fall and they continued to grow poorer and poorer. Mortgagees, as a rule, did not wish to foreclose, for they knew they could not resell the lands for the amount of their liens; and they gave the title owners every opportunity to remain on the farms and pay what they could in the way of interest. Some pulled through and paid for their holdings, but many failed; and along in the seventies, eighties, and nineties were obliged to give up the struggle and surrender their farms without a dollar after many years of the hardest kind of work and the strictest economy. During that period their sons and daughters left the farms in despair and discouragement and sought employment in cities and industrial centers. Many farms were abandoned and have not been redeemed to this day. Not until the last 8 or 10 years have conditions improved for the farmers in our State. Lately the prices have been better, and while wages are higher farmers have been making a little money and enjoying more of the necessaries and comforts of life. According to the law of compensation, they are entitled to this prosperity of the last few years for their 30 years of hard times.

In a former period husbandry was the main occupation of our people, while now only about one-third of them are on the farms. That is a misfortune. It would be much better for the welfare of the country if a larger proportion of our people, men and women, were content to remain on the land. I can not criticize them for leaving, for I did the same thing. And yet I believe it would be wise policy on the part of the governments of the Nation and States to offer every reasonable encouragement and inducement to the agricultural interests. The Nation needs a sturdy yeomanry, such as only a happy, healthy country life can maintain, and a blow at our farmers would be a serious and far-reaching mistake.

The old Erie Canal from Albany to Buffalo was opened to navigation in the year 1826. It was a remarkable achievement for that time and a splendid monument to the foresight, courage, and enterprise of New Yorkers. It helped build up towns and cities along the line, and especially did it help Buffalo and New York. It gave the latter its great start toward the commercial supremacy which it has maintained to the present time.

But what effect did it have on our farmers? They paid their share of its cost, and very soon after its completion the rich, deep soil of the Mississippi Valley was opened up to cultivation and the canal furnished a cheaper means of transportation for the products of those lands to New York, Boston, and the consuming cities of the East. Our New York farmers were the losers both ways. They helped pay the freight and lost their markets. Later on the fierce competition with the New York Central lines, which extend from Albany to Buffalo parallel with the canal, made transportation on the canal unprofitable, and in 1882 tolls were abolished. Thereafter the State maintained the canal, the farmers paying their share, for the direct benefit of their western competitors. Again, in the nineties, New York spent $9,000,000 in deepening that ditch and additional sums for riparian damages caused by leakage, and the farmers paid their share for the benefit of their western business rivals.

A few years since our State bonded itself for $101,000,000 for the construction of a barge canal, which will float larger boats propelled by steam and provide cheaper transportation and tend to keep down freight rates on all lines to the Atlantic seaboard. That will benefit Buffalo and New York very much and the intermediate cities some. But it will injure our farmers by providing still cheaper transportation for the products of their western competitors. Not many of them voted for this appropriation, but they must pay their share.

Only a few years ago and after all the lands of this country available for homesteads without irrigation were taken up, and

the farmers of our State were in hopes that the flood of immigration would turn backward to occupy and redeem the abandoned farms of the East, our National Government entered upon large reclamation and irrigation projects in the arid and semiarid regions of the Rocky Mountains, thus making more land available for cultivation and more competitors for our farmers. But there is a limit to the possibilities of irrigation, and now when the time has come toward which our farmers have been looking, when the equilibrium is fairly established between the producers and consumers of foods in this country, when they may get better prices for their commodities, it is proposed to let down the tariff bars all along the line between this country and Canada and subject them to free competition with an empire on the north whose virgin soil and low-priced lands and labor will make production of farm products much cheaper than in this country. Is it surprising that they should complain of unfair treatment and unjust discrimination? This reciprocity agreement, if enacted into law, will mean practically free trade to our farmers, because the Canadians are about their only competitors.

Why should our farmers' products be the first to be put on the free list? They are not in a combination. They can not create trusts or monopolies. There are too many of them and they are too poor. They must continue in a real genuine competition. Do the Canadian farmers contribute toward the maintenance of our Nation or State? Then, why should our markets be thrown open to them on equal terms while other industries in this country are being protected?

There is much juggling of figures and haggling as to the cost of production in this country and Canada. Let us reduce the proposition to simple form. No one questions that it costs more to produce some farm crops in this country than in Canada, and that the average prices are higher on this side of the border.

The farmers insist that the pledge in the Republican platform to protect them to the extent of that difference in the cost of producing those crops is a binding contract on the party and administration returned to office on that platform, and they further insist that that contract be kept. I can not conceive of any legal or equitable defense to their claim.

Again, 5,296,389 tons of paper of all kinds are produced annually in this country, of which New York State makes 1,117,557 tons. That is a large business and an important industry, and if it were in any of the smaller States, all the Representatives and the two Senators from that State would fight in its behalf regardless of party affiliations. But New York is so large in population and wealth and has so many great industries and activities that its Representatives in Congress seldom unite on any proposition for its benefit.

The Tariff Board appointed by President Taft, in a recent report, gives the following comparative statement of the cost per ton of the products of the following items in the United States and Canada:

	United States.	Canada.	Difference.	Payne duty.
Ground wood pulp	$14.78	$11.13	$3.65	$1.66
Sulphite pulp	32.72	27.34	5.38	3.33
News print paper	32.53	28.39	4.14	3.75

The present duty on print paper is only $3.75 a ton, and this report shows that it costs $4.14 more a ton to produce it in this country than in Canada. Will not these paper manufacturers and their employees be injured by the proposed agreement?

Why should not the protective principle as stated in our platform be recognized for the protection of the manufacturers of paper as well as those of other goods? Is this an unnecessary or disreputable business? Is there any reason why it should be discriminated against, except the fact that nearly all our magazine and newspaper publishers are demanding free print paper? The farm is a home and must be kept running even at a loss. Not so with paper and pulp mills. Their owners will not run them at a loss. They will reduce the wages of their employees or move their plants across the border, where the production of paper is cheaper. They are being sacrificed as a peace offering to a greedy and aggressive press.

When the Canadian reciprocity bill was before the House in February it stood alone; but in this Congress the situation is entirely changed. The Democrats are in control, with a majority of 67, and they seem to be fairly well organized and united.

Early in the session they reported to the House what is known as a free-list bill of articles required and used on farms, as a companion piece to the Canadian reciprocity bill and as a compensation to farmers for depriving them of protection. It is bad in many ways. It would open our markets to the free admission of those goods from Germany, France, and other manufacturing countries, while their ports are closed to our products of the same kind, except on payment of tariff duties. It would reduce the employment of our workmen and deprive our Treasury of about $10,000,000 annually, and would not materially lower the price to our people. Among other things it includes all farming implements, bagging for cotton, burlaps, boots and shoes, and salt, the producers of which in our country are crying out against this proposed legislation. I shall have to vote for this bill as an entirety. Shall I vote to put salt on the free list? The time was when the salt industry was the most important one in Syracuse. The location of our city was determined by the discovery of brine on the shores of Onondaga Lake. I remember when the boiling of salt was a profitable business, when the upper end of the lake was surrounded by salt blocks, all smoking and steaming, day and night, and each valued at about $10,000.

But the Wilson-Gorman free-trade law destroyed the fine-salt part of that industry, and this proposed law would finish what is left of the coarse-salt business. You may say, "Let it go; there is not much of it left." Well, I do not feel quite that way about it. It gave Syracuse its start in prosperity and progress, until it is now a large and enterprising business center.

Woodman, spare that tree!
Touch not a single bough!
In youth it shelter'd me,
And I'll protect it now.

Yet, had I voted to compel farmers to sell in a free-trade market and now vote to compel them to buy what they need on their farms in a protected market, that action would be so one-sided and unfair that I could not go home and look a farmer in the face.

The Democratic majority in the House exultingly approved the Canadian pact as a Democratic measure and a part of their program. They said it was a step, and only a short step, in the right direction, and that it would be followed by many other bills to the same effect. It seemed to me that I was at the fork of the roads, with two ways open—either to go with the Democrats and vote for their program or return to the Republican platform—and I chose the latter course.

The twenty-ninth New York district has at all national elections since the war indorsed the Republican Party and the protective policy by large majorities. In November, 1908, President Taft carried Onondaga County by a plurality of 10,573 votes and Madison County by a plurality of 2,493 votes on the tariff platform above quoted, and I was elected on the same ticket and bound by the same pledge. There are many reasons why it has been and is a reliable protection stronghold. In former times the salt industry was relatively very important, and it needed and received protection in the tariff acts. That tended to develop protection sentiment. The growing of tobacco in the northern and western parts of Onondaga County has been profitable; likewise the cigar-making and tobacco-manufacturing industries in Syracuse. In the southwestern part of the county the growing of teazles was quite extensively followed.

In the northern part of the county willow osiers are grown, and in Liverpool the making of baskets is a permanent industry. Madison County is a hop-growing locality, and there are in the district quite important and extensive deposits of gypsum, all of which have been protected in Republican tariff acts. Syracuse has grown and prospered very largely on its manufacturing industries, the products of many of which have been, and are, on the list of protected articles. On account of these special industries, as well as the general ones in which our people are engaged in common with other parts of the State and country, the majority of our citizens, employers and employees alike, have again and again declared in favor of a protective policy.

Years ago prohibitive duties were advocated and levied, in many cases, on the theory that if we excluded foreign goods new industries would be created and developed at home and that healthy and real competition between American producers would keep the price down, and even reduce it below that of the importer. That was generally true, and that policy continued to give general satisfaction until our home manufacturers ceased to compete and entered into gigantic combinations and created trusts and monopolies by which they could extract from the people unreasonably high profits. The effect of their avarice and greed is to make the tariff policy under which we have so remarkably prospered less popular with the consuming public, and there is a growing disposition to reduce the duties on articles of general consumption. But that should not be done in a haphazard manner, and only after careful and thorough investigation of the facts. When American producers of a given article cease to compete in the open market, but or-

ganize into combinations to control the output and raise the price beyond what is required for a reasonable profit it may be well to lower the duty or remove it altogether on that article, in the hope that foreign competition may relieve our consumers from extortion. However, in such legislation care should be exercised that honest manufacturers and fair-dealing people should not be ruined and that the innocent should not suffer with the guilty. You would not drown the dog to kill the fleas or burn the tavern to destroy the cockroaches.

Right here it should be remembered that there is no monopoly in this country in agricultural products. Then why commence on the farmers with hostile legislation? Why put their goods on the free list while monopolies are allowed to go unchecked?

President Taft said in his message:

I do not wish to hold out the prospect that the unrestricted interchange of food products will greatly and at once reduce their cost to the people of this country.

Then why this extraordinary method in tariff legislation, without any investigation of the facts and without giving the people whom it will most affect a hearing? What was the pressing need of it? Why was it not recommended to Congress by a general or special message, in the regular manner, so that it could be considered in the ordinary way as a separate piece of legislation or as a part of a general tariff bill? He contends that it will increase trade between the two countries, and says:

The entire foreign trade of Canada in the last fiscal year, 1910, was $655,000,000. The imports were $376,000,000, and of this amount the United States contributed more than $223,000,000. The reduction in the duties imposed by Canada will largely increase this amount and give us even a larger share of her market than we now enjoy, great as that is.

Let us see. The total imports were $376,000,000. A fair estimate of the Canadian imports of things that are not grown or produced in this country is about 30 per cent of the total imports, or $112,800,000. That leaves $263,200,000 of Canadian imports of a kind of goods produced in this country. Of this we have already $223,000,000, which leaves only $40,200,000, less than 11 per cent, to be divided among all the other nations. That is about as large a proportion of her trade as we could reasonably expect, when it is remembered that she gives Great Britain a preferential of 30 per cent. True, if we throw our market of 92,000,000 people, the best in the world, open to Canadian agricultural products and her farmers get better prices on that account, they may be able to buy more of our manufactured goods.

But that is too high a price to pay for a little trade. That may be Democratic reciprocity, which is free trade, but it is not and never was Republican reciprocity. The principle of protection is the placing of an import duty on an article, the same or similar to one produced in this country, for the protection of the home producer, while reciprocity, as expounded by Blaine, McKinley, and Dingley, is the reduction or removal of import duty on an article produced in a foreign country and not in this, in case that country makes the same concession with respect to an article produced in this country and not in that. Therefore, of necessity, reciprocity must be in noncompetitive articles.

Speaking on this subject, President McKinley said in his 1897 inaugural address:

The end in view always to be the opening up of new markets for the products of our country by granting concessions to the products of other lands that we need and can not produce ourselves and which do not involve any loss of labor to our people, but tend to increase their employment.

Most people are selfish, and city residents, on first blush, were inclined to favor this Canadian pact in the hope that it would reduce the cost of living. That is denied by its advocates and apologists. But, for the sake of argument, admit that it will; what will be the result? First, it will injure the agricultural business, and the farmers will not be able to buy as liberally from the merchants. That loss will be felt by employers and employees alike. The cultivation of the soil is the largest industry in this country, and the one on which all others depend for support. When farmers are doing well, general prosperity prevails. When their business is unprofitable and depressed, every line of manufactures, trade, and commerce suffers. Second, if they are deprived of protection, think you they will consent to the protection of the manufacturers? If they are forced onto a free-trade basis, how long will they submit to protective duties on commodities they buy? They are neither angels nor idiots, and are quite well organized. What is sauce for the goose is sauce for the gander.

It is a very shortsighted policy which would lead manufacturers who are receiving good prices for their goods, and employees who are getting good wages for making them, to deprive the farmer of his protection. Will they not reciprocate by depriving the manufacturers and mechanics of their protection? The inevitable result will be the inauguration of a reign of free trade or tariff for revenue only. If that is what the country wants, the enactment into law of the reciprocity agreement is the surest and quickest way to accomplish it.

Every Congressman is in receipt of letters and telegrams from manufacturers of articles contained in the farmers' free-list bill protesting against its enactment into law. Their first and principal argument is that, if they are deprived of their present protection and thrown into free competition with the cheap labor of Europe and Asia, they will have to close their shops or reduce the wages of their employees. If they are for the Canadian reciprocity agreement their pleas are unreasonable and one sided.

I was interested in the remarks of the gentleman from Massachusetts [Mr. HARRIS]. It was an eloquent and pathetic plea for the boot and shoe manufacturers of the country in general and for his own State and district in particular. The following is a cross section of his speech:

With Germany and France and Canada imposing duties on boots and shoes, with these countries equipped with the same machinery that our own people have, copying the style and methods, gaining in efficiency in the use of our most approved machinery, and with a wage rate only about half of ours, can we expect to benefit the boot and shoe worker by putting his product on the free list?

If these facts are true, you can not, and if the wage rate in Canada is only about half of ours, how can our paper and pulp manufacturers and their empolyees compete with the Canadians, whose forests are extensive and convenient and whose water powers and other facilities for production are as good as ours; and how can our farmers and their hired men compete with the Canadians, whose lands are new and fresh and more productive than ours, very much cheaper, and practically unlimited in extent?

Yet Mr. HARRIS voted to put print paper and farm products on the free list, and asks other Republicans to vote against the same treatment for boots and shoes. He is a new Member, fresh from the people, from the Brocton district which elected Governor Foss to Congress about a year ago, and represents what is known as "the Massachusetts idea" of reciprocity, which is bristled to the snout, and demands the right for Massachusetts to buy in a free-trade market and sell in a protected market. That was the idea which coerced all the Republicans from his State but one to vote for the Canadian pact.

If employers and employees in the shops whose business is made profitable by protection cry out against the removal of the duties on their goods, why should they not stand for protection on farm products? If they could sell in a protected market and buy in a free-trade market they would like it; but that can not be. Either the protective principle must be maintained, and people must continue to give as well as take, or the whole protective system under which our country has been so prosperous during the last 40 years will fall to the ground. If public sentiment is growing so strong against protective duties that a majority of the people are determined to remove them altogether, it should be done by degrees. If we are up on stilts, it would be well for our safety to get down gradually. If the tariff rates on farm products are unduly high, and they are on most things, reduce them gradually, and likewise scale down the duties on the things that farmers buy and use on their farms. That would be not only the fair, but the safe course to pursue.

It would be a serious mistake to cut off all protection from competitive articles by one enactment or in a single year. Business depression would surely follow, and poor men and women who have no provision for the future and live from day to day on their daily wage would be the greatest sufferers. Experienced business men realize the danger, and just before the vote was taken on the bill we were flooded with telegrams and letters from manufacturers and business houses throughout the country advising us to vote against it, not that the reciprocity agreement would injure them directly, but because they feared its ultimate effect on the business of the country.

Already business is feeling the bad effect of this tariff tinkering, and conservative business men, who do not know what is coming, are preparing for the worst by keeping close to the shore and reefing their sails for a possible storm.

An analysis of the vote on the bill may be of interest. Notwithstanding the influence of the President and the press, only 66 out of 160 Republican Representatives voted for it. Seventy-eight voted against it and 16 did not vote. Thirteen out of 15 votes from the three southern New England States were cast for it, 1 against it, and 1 Member did not vote. Out of 22 from Pennsylvania, 14 were for it and only 5 against it. The great iron and steel industries of that State were not disturbed, and coal has more favorable terms under this agreement than under the Payne law. It received 16 additional votes from great city districts, leaving 23 which were picked up throughout the country.

There are 14 States bordering on Canada, or the boundary waters, from Maine to Washington. It is safe to say that the farmers of those States are better acquainted than those farther south with the actual conditions on either side of the border, including the wages of labor, the value of farm lands, the average yield per acre, the cost of production, and the prevailing prices of staple farm products. It is obvious that they would come into more immediate and direct competition with Canadian farmers and suffer more from free trade in farm products than would their neighbors toward the south. There are 73 Republicans in this Congress from those 14 States, of whom only 21 voted for the reciprocity agreement, and of those 21, 13 are from large city districts, leaving only 8 from mixed districts who voted for it. These figures would seem to indicate that the farmers are quite generally and earnestly opposed to this measure, and it would further seem that their protests should be respected.

I could, perhaps, have avoided a record vote, but wanted to correct my mistake in the last session. I was well aware that the city newspapers of the country were back of this measure, and expected they would condemn my action, and was not surprised when the Syracuse dailies joined in the "anvil chorus." However, it should not be forgotten by the readers of newspapers that they are directly and selfishly interested. They want free print paper, that they may buy it cheaper.

The American people are their audience every morning and evening. They know their power and others know it, and they have used it to the limit. They have determined to coerce the Government and the party to violate its solemn pledge by removing the duty on what they buy. Newspaper and magazine publishers are now especially favored by the Government, which is suffering an annual loss of many millions of dollars on second-class mail matter for their benefit.

The present duties on wood pulp, sulphite pulp, and print paper are not excessive for revenue purposes, yet they are not willing to contribute a little toward the support of the Government, while the poor man pays a tax of about 80 per cent on the sugar consumed by his family. Most of them are doing good business and making fair profits on their investments and have prospered under present conditions. But they are not satisfied. They are demanding that an exception be made for their profit in the general tariff policy.

On the other hand, I had no possible interest in opposing the Canadian pact. It would have been much pleasanter to accommodate the President and much easier to drift with what Syracuse newspapers say is the prevailing opinion in our city. I was very reluctant to draw the fire of the Syracuse press or provoke the adverse criticism of Syracuse people who, in common with all others, would like to buy what they consume in the cheapest market and sell what they produce in the dearest market. Nor was I unmindful of the fact that the majority of my constituents reside in that city, but I do not believe they would have asked me to violate the pledge on which I was seven times elected, nor do I think they would have urged me to support that measure if they believed, as I do, that it is the first blow of a general and indiscriminate assault upon the protective system. Many of them remember what happened the last time that was tried.

There are in the Nation several all-city and perhaps no all-country districts. The great majority of them are mixed. In one there is a majority of urban population and in the next a majority of agricultural people. In such cases a Representative can not express the views of both if they are in direct conflict. Then, should he, in determining his action on a great far-reaching national question like this, be guided only by a count of the people or votes in the country and city portions of his district, and side with the majority? Should he pay no attention to the merits of the proposition? Should he assume that city people would approve an act which is unjust to their rural neighbors? I think not. This measure is, in my judgment, discriminatory, unjust, unfair, and indefensible. My former action had the commendation of the interested newspapers, but that did not satisfy my judgment or conscience. I could not deceive myself, because it did not seem right. In opposing the Canadian agreement I voted with the majority of my party, in obedience to the pledge on which I was elected and against a measure which, if enacted into law, will, I very much fear, precipitate such a radical and reckless revision of our tariff schedules as to bring on a period of industrial depression and hard times from which city people will suffer more than the farmers.

Mr. UNDERWOOD. Mr. Chairman, I yield 20 minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, just to your north, and, in fact, surrounding you on all sides save one, is a State, though small in area, blessed with a history for deeds done and works achieved that could well be the envy of her larger and more powerful sisters of this great Union. Maryland, though less than 240 miles in length and less than 125 miles in width at its widest portion, is inhabited by a people of many occupations, many professions, many trades, and many lines of employment. Extending, as she does, from the shores of the Atlantic Ocean to the peaks of the Allegheny Mountains, embracing in her limits that magnificent Chesapeake Bay, one of the largest bays in the very world itself, blessed by many navigable rivers giving access to ships from various parts of the world and connected with the remotest parts of the Continent by great trunk lines, is calling upon this Congress to lessen the burden of taxation levied indirectly, but most surely, upon her people who have for so many years borne the burden with patience and who would again be willing to take up the burden should circumstances and the necessities of the country demand it.

Coming, as I do, from the great city of Baltimore, on the shores of the Patapsco River, that noble river where at Fort McHenry the British were repulsed in the War of 1812 and the Star Spangled Banner was born, you will naturally suppose that I am primarily interested in placing upon the free list those things so needful to the residents of large cities; those things which go to cheapen the cost of living; those things which go to feed the thousands of people living within the confines of Baltimore in particular and the State of Maryland and country at large in general, and such is the case.

There is great uneasiness throughout the land; the people have so long heard the boast of prosperity and progress; they have so long heard of the great riches of our land and of the fact that we are the greatest people and the richest people on the globe; they have viewed with wonder and admiration the building of great libraries throughout the land, the endowment of universities and colleges, the wealth of the great railroads which gird the country with iron bands, uniting cities and States and carrying millions of people; steamships, the like of which was never dreamed of by our ancestors, giving comfort and convenience such as even Solomon in all his glory perhaps did not enjoy; on every side they behold swift and magnificent automobiles carrying ladies clad in raiment the raw material of which must have been gathered from the four corners of the world; at the great expositions and factories they stand, viewing with amazement the machinery, which seems to do its work with such neatness and accuracy but with such dispatch that they can hardly realize that it has not the brains of man within for its guidance and control; on the farms they behold the great steam plows preparing the soil, the self-binder or the machine which cuts, thrashes, and bags the grain for shipment; in the abattoir they notice that the meat is hardly handled before it lands in the great cold-storage vaults of the meat combine, and nothing lost except the squeal; they hear great orators tell of how by modern machinery one man can do the work of many and the cost of production is thereby lessened, and they go home and in the recesses of their domiciles begin to wonder why it is, with this great country endowed with resources and wealth as Providence never endowed one before, with a people intelligent and able and willing and ready to work, that they, the toilers and producers, the bone and sinew of the land, find it so hard, so burdensome, and so laborious to even get enough food and cheap raiment to feed and clothe those dependent upon them.

What is the answer? Evidently a cog is loose somewhere and something must be wrong, and so they have turned to the Democratic Party to furnish relief—that party which has so long stood for the masses as against the classes, and whose time-honored and historic principle has ever been "Equal rights to all and special privileges to none," and which should be to all its chosen representatives their constantly heeded guide in all legislation of whatsoever kind; that party which believes that the taxing power given by the Constitution to the National Government was intended for the production of revenue sufficient to run the Government economically administered and not for the purpose of granting special privileges to the few at the expense of the many.

It is not true to say that the disquietude among our people arises from the ordinary differences existing because of thrift or indolence, but it is true that this condition exists because those against whom these inequalities operate are conscious of the fact that the Government has not protected them in their rights and has given special advantages to others against them.

The undeniable results of this unjust administration of government are accomplished in the main by the consolidation of the various enterprises of the country under one central con-

trol popularly designated as trusts, combines, or monopolies and their encroachment upon the welfare of the people because of the Government's acts of omission or commission regarding them; having a well-nigh universal control of the vast producing, manufacturing, and industrial enterprises of the country, and being protected by a high prohibitory tariff, have it within their ability on the one hand to create and maintain exorbitant selling prices of trust-controlled products and thereby to produce an excessive cost of the necessities of life and living through the land, and on the other hand to force a low selling price of materials and products needed for trust productions; to limit the extent of productions; to control the volume of remunerative employment and thereby establish the compensation of the employed.

That they exercise this ability is fearfully brought home to the people; to the consumer, in the remarkable increase in the cost of that which he consumes; to those whose only means of a livelihood is in employment, by the difficulty in securing employment; to the employed, by the difficulty that they have in maintaining a living rate of wages; and to those who are compelled to sell their products to the trusts, in the struggle to get for them reasonable living prices.

This ability to control the market for that which it buys and that which it sells, and arbitrarily to dominate production, the volume of employment, and the rate of wages gives to the trusts the power and opportunity of exacting enormous profits as returns from these enterprises. Competition being annihilated, the only limit placed upon the tribute they exact is the patience of a long-suffering people and the amount of tariff duties levied by the Government on corresponding foreign products. The power of the trusts to control the amount of production leaves them free to produce only so much as can be sold in the domestic markets at such exorbitant prices as they choose to demand, subjected only to the competition of corresponding foreign goods plus the tariff on them. Then, the unerring conclusion that the higher the tariff duties on corresponding foreign products the higher the prices the trusts can compel the domestic consumers to pay for their products and the higher the cost of living.

Herein we have the reason why every one of these trusts, combines, and monopolies favor Republican principles and the Republican Party and opposes Democratic principles and the Democratic Party. One is their willing slave, guaranteeing to them in their national platforms reasonable profits at the expense of the consumer, bringing to them undeserved tribute wrung from the people by unjust legislation; the other they oppose as their enemy, because it would deny to them this tribute by maintaining just government.

The avowed purpose of the Republican policies is the protection of American industries and labor, by means of protective tariff duties imposed for this purpose as the governing principle, with the result that while it prevents foreign competition it operates, at the same time, to confine home products to the home markets, thus depriving American products of the opportunity of a larger foreign market and limiting production to the needs of home consumption.

When we remove this prohibitory tariff, which restrains the production and commerce of the country, there will be an enormously increased demand for the products of this country in the world market, creating a larger volume of remunerative employment and a greater demand for labor, which, I believe, is the only manner of increasing the rate of wages outside of labor organizations.

I believe there are two concurrent methods of correcting the glaring inequalities which are rapidly dividing the people of the country into two great classes—the enormously wealthy, who control the property of the country at will, and the dependent employed, who must be subservient to gain a living. One method is to enact and enforce legislation that will prevent trusts and combinations in restraint of manufacture, trade, and commerce, thus restoring and maintaining to all the opportunity of entering into industrial and commercial enterprises without the fear of being driven to bankruptcy by the machinations of the trusts.

The other method is to reduce the tariff duties to the necessities of the Federal Government economically administered, with the special purpose in view of so reducing the tariff on these products in which the trusts have a monopoly of the home market and depend upon excessive tariff duties to exact high prices from home consumers, and place upon the free list, as fast as necessary revenues will permit, those articles which will relieve our stomachs and backs from taxation.

The cost of manufacturing any given product depends in the main upon two controlling factors: First, the cost of the materials, and, second, the cost of the labor required to fashion them into the finished product.

The cost of labor to our manufacturers is at least 5 per cent less than the cost of labor to the manufacturer in England, the chief competing industrial nation of the world. The cost of materials for manufactured productions in our country is at least 45 per cent greater than the cost of such materials to the foreign manufacturer consequent upon the operation of tariff taxes and trust manipulations. With an advantage in the cost of labor and with a cost of materials less to them, because of the great natural resources of our country, our manufacturers could successfully meet the competition of the foreign manufacturers in the markets of the world; and this would be our industrial accomplishment and status were it not hindered and denied by the protective-tariff policy of the Republican Party in maintaining the high costs of materials. A reduction of tariff duties and a denial of the right of trusts to operate in restraint of trade, thus giving our manufacturers a cost of materials no greater than the cost of materials to foreign manufacturers, would unquestionably place our manufacturers in a position to make and sell their products in the markets of the world in a successful competition. Were they thus enabled to meet successfully the competition of the foreign markets, they most assuredly would be enabled, for the same reasons, to successfully meet that same competition in their own home market and make it impossible to flood the home market with foreign products, thus showing the absolute fallacy of this reason for refusing tariff reduction in accordance with the demands of the Democratic Party and the people.

Were it provided in the tariff laws that the wage earners in protected industries should receive, directly, their proportional part of the increased price of domestic products, caused by the increase in the tariff on corresponding foreign goods and trust manipulations thereunder, then the Republican Party might claim that the protective-tariff principle was a benefit and a necessity to wage earners; but as no such provision is made, or is possible, and as all of the benefit of the increased price of domestic products resulting from tariff duties goes into the coffers of the favored classes directly and none into the pockets of the wage earners, except through their generosity or concession, the fallacy of this reason is strikingly apparent.

No greater fallacy was ever imposed upon a credulous people than the one that the rate of wages is dependent in any way upon taxes levied upon imported products. The rate of wages paid to the wage earner depends absolutely upon the existing volume of employment and the number of wage earners available to perform work. The higher rate of wages generally prevailing in this country in manufacturing industries is produced primarily by the greater skill, efficiency, and productiveness of our wage earners, and which greater productiveness affords our manufacturers a lower cost of labor; and, second, by the efforts of labor organizations in temporarily increasing the demand for wage earners by voluntarily withdrawing from employment enough to maintain the higher rate.

The actual status of the wage earner under the present protective tariff is: If he gets any increase in his rate of wages, thereby the fund out of which he is to be paid goes first into the possession of his employer; there is no legal way of compelling his employer, who is most generally a trust, to pay it over to him, if he tries to collect his portion through his labor organizations he is met either with an injunction, the militia, or a discharge; that his cost of living is increased for his prosperity; economy in production has closed the door of innumerable factories; the limitations placed upon productions has lessened the number of working days in the year; and the ever increasing relative supply of wage earners to the demand existing under such conditions keeps his actual earning capacity at the lowest point and of uncertain duration. A reduction in the costs of the necessities of life, a reduction in the costs of materials used in manufacture, and an increase in the volume of production by reducing tariff duties, I believe, should be the sincere and untiring endeavor of every Democratic Representative in Congress. [Applause.]

The bill before us, known as the farmers' free-list bill, I feel is in line with these ideas and suggestions, giving, as it does to the farmers cheaper agricultural implements and cheaper material for the bagging or binding of his agricultural products; thereby lessening the cost to him of his goods when ready for market, which will therefore be sold to the consumer at a cheaper price; but not only does it take from the farmer these tariff taxes and give to him the chance to buy in his home market as cheap, and perhaps cheaper, than can the farmer of other countries who has heretofore been able to buy American-

made goods cheaper than the American farmer could buy them at home.

The farmer is the great producer of that which keeps the body and soul together; he, during his season, is perhaps the hardest-worked individual we have in our land; it is to him that we owe our very existence; and yet under Republican tariff legislation he has received little or no relief and seldom much consideration, and why? Because he goes on with his great occupation, paying little heed to public life, content with his home and his family, and happy when he can meet his just obligations like an honest man and have enough remaining for his family's support and education. He does not expect great wealth and meddles little with the affairs of other men. He does not form combinations in restraint of trade or try to corner the market, but produces as abundantly as possible and goes forth with his goods to meet competition at home and abroad; but when he goes to buy he discovers that, by virtue of high tariff, he must pay such prices as demanded by the infant industries of which he has heard so much, but which have grown into giant monopolies which he no longer recognizes. Not alone, however, will he be benefited by removing the tariff from food products and lumber, but the laborer, the other man who produces and fashions into shape the wealth of the world, will be benefited in that his cost of living will be lessened and the material which goes into the construction of his home will no longer be subject to taxation and monopoly.

All Americans of whatsoever occupation must and will be aided by taking off that tariff which affects their stomachs by admitting free many commodities which go to feed the 92,000,000 inhabitants of our land.

Mr. Chairman, I am particularly anxious to see this bill become a law; it means so much to our farmers of both the North and the South; it means so much to the inhabitants of our cities who are crying out for cheaper foodstuffs, cheaper shoes and leather goods, and cheaper homes. They will believe that at last they have come into their own, that they, too, are to be considered in the legislation of our Government, and that the great wealth, the prosperity, and good things of this God-given country of ours are to be enjoyed by all alike, the rich and the poor, the great and the small; that no longer will the man who depends for his living upon the sweat of his brow be compelled to have a top to his market basket to prevent others from seeing how little he has been able to purchase with his hard-earned salary.

Then will they believe that the day is fast approaching when tariff taxes will be for revenue and not to create a favored class, with guaranteed profits. Then will the free list of the Republican Party, consisting of fossils, broken bells, junk, acorns, skeletons, divi-divi, apatite, teeth, and ipecac become a joke and the new free list announced by the Democratic Party, consisting of beef, mutton, and pork, cereals, lumber, sewing machines, salt, farming implements, shoes and other leather goods, will bring peace, happiness, and contentment to our people. No longer will there be the sound of broken bells, but harmonious and joyous bells, as depicted in Poe's beautiful poem; the teeth provided by the Republican free list will be kept busy enjoying the Democratic free list; apatite (appetite) of the Republican free list, so long unsatisfied, will be satisfied; and divi-divi, those words of the Republican free list whose meaning has so long been unknown to the consumers, will be interpreted by a Democratic Congress to mean "a square deal for all," when legislation and taxation in the interests of the few shall no longer exist, but all our people shall enjoy alike those blessings and good things so bountifully bestowed upon our land—the land of the free and the home of the brave. [Loud applause on the Democratic side.]

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma [Mr. MORGAN] for 30 minutes.

Mr. MORGAN. Mr. Chairman, when the general debate on this bill shall have ended, and the time shall come for amendments, if I have the opportunity I shall propose to amend by striking out, on page 3, in lines 4 to 12, inclusive, the following words, to wit:

> Beef, veal, mutton, lamb, pork, and meats of all kinds, fresh, salted, pickled, dried, smoked, dressed or undressed, prepared or preserved in any manner; bacon, hams, shoulders, lard, lard compounds, and lard substitutes; and sausage and sausage meats.
>
> Buckwheat flour, corn meal, wheat flour and semolina, rye flour, bran, middlings, and other offals of grain, oatmeal and rolled oats, and all prepared cereal foods; and biscuits, bread, wafers, and similar articles not sweetened.

If the above paragraphs were stricken out, the bill would include manufactured products which the farmers use, and therefore must purchase, and if the placing of these articles on the free list caused any reduction in the price of the articles, the farmers would reap the entire benefit of the legislation. I therefore plead with the Democratic majority, that controls the legislation in this House, to permit this bill to be amended as I have suggested.

The Democratic Party is certainly not committed to the policy of placing farm products or articles manufactured out of such products upon the free list. I have carefully examined the Democratic platform of 1908, and the only specific demand in that platform to place certain articles on the free list was made in the following paragraph:

> We demand the immediate repeal of the tariff on wood pulp, print paper, lumber, timber, and logs, and that these articles be placed on the free list.

Why, then, should the Democratic majority in this House, in the very first bill it presents in the revision of the tariff, place a long list of farm products on the free list? If it was a part of the Democratic policy to place our farmers in competition with the farmers of all other countries, why was this not clearly stated in the platform of 1908 and presented to the people in the congressional campaign of 1910?

The Republican platform of 1908 specifically declared in the tariff plank that the very object of its protective tariff policy was—

> to preserve, without excessive duties, that security against foreign competition to which American manufacturers, farmers, and producers are entitled.

Farmers were specifically named with manufacturers and other producers.

So that, so far as the Republican doctrine is concerned, by our platform, by our party literature, by the legislation which the Republican Party has enacted during its entire history, the party stands committed to the policy of giving the farmer protection equal to the protection afforded to the manufacturer. [Applause on the Republican side.]

PROTECTION CORRECT POLICY.

For one, I believe in the policy of protection. I am willing to vote for any measure that guarantees ample protection to all home industries, to every section of our country, and to American citizens engaged in every lawful and legitimate business. Very recently this House passed what is known as the Canadian reciprocity bill. On the Republican side of this House this measure had the support of many Members who claim to be protectionists. It appears that the majority of the Republicans who voted for the Canadian reciprocity bill represent city congressional districts and districts in the East that contain large manufacturing interests which have received great benefits from the protective tariff policy. The gentlemen who supported the Canadian reciprocity measure all did so, of course, with patriotic motives, following their best judgment. But I can not agree with them.

If those who believe in protection and have within their congressional districts large protected interests desire that this protection shall continue, it would seem to be the part of wisdom on their part not to vote for any law or measure that will place the farmers in competition with the farmers of other countries. The difference in the scale of wages paid in the United States and other countries is the main argument used to show the necessity of protection. But this difference in wages applies to agricultural labor as well as to labor in the shops and factories. Manufacturing interests in the great cities should not ask or expect the farmers of the country to support a policy of protection that does not extend to them not only the indirect benefits of protection which all others share with them, but also the direct benefits which can only come by a tariff that will preserve to them the home market against competition which they can not meet without lowering the standard of living on the American farm.

The fact is, all our interests are mutual. Whatever benefits the 30,000,000 of people residing on our farms will benefit the 60,000,000 of people residing in the towns and cities. The farmers are likewise interested in the prosperity of the people in the cities. They are the farmers' customers. The farmers can not possibly prosper unless their customers are prosperous. Those who manufacture goods look to the farmers to buy them. The farmers can not buy liberally without they have the money. The farmers will not have the money if the people who are engaged in manufacturing, commerce, and trade are sending their means abroad to the farmers of foreign countries. The people in the cities who are looking to Canada, Mexico, South America, and Australia for cheaper food products should hesitate long before they enter upon a policy that in the end must recoil upon themselves and work injury to all.

As agriculture is the chief industry of Oklahoma, and as my constituents are largely farmers or those dependent upon the

success of the farming interests, I shall attempt to show that this bill should be amended, as I have already indicated, by striking out the two paragraphs which relate to farm products. I am not discussing this bill from the viewpoint of the manufacturer or whether or not it violates the principle of protection, but I am considering it from the viewpoint of the farmers, because the authors of the bill call it the "farmers' free-list bill," and it should not go to the country under a fictitious name. It should not be paraded under false colors.

BOTH GAIN AND LOSS.

The bill under consideration places two classes of articles on the free list. One class includes certain manufactured articles in common use among farmers. Prominent among these are farm implements, boots and shoes, leather, harness, lumber, lath, shingles, barbed wire, and sewing machines. The other class includes articles manufactured out of products of the farm; among those may be mentioned beef, pork, mutton, veal, bacon, ham, flour, corn meal, bran, oatmeal, bread, cereal foods, and biscuits.

If we are to legislate in the interests of the farmer, there is only one way that we can do so, and that is to pass laws that will tend to reduce the prices of the things he buys and maintain or increase the prices of the things he sells. The farmer will receive no substantial benefit from any amendments to the tariff laws that will reduce the price of what the farmer buys and also reduce the price of what he sells. But the farmer will be benefited if our legislation tends to cheapen what he buys and increases the prices of what he sells. These propositions are self-evident.

The farmer does not, as a rule, sell beef, pork, mutton, bacon, ham, lard, flour, meal, oatmeal, cereal foods, and bread. But these things are made of cattle, hogs, sheep, wheat, oats, and corn—things the farmer does produce and things he must sell. You can not reduce the price of a manufactured article without reducing the raw material out of which the thing is manufactured. You can not reduce the price of beef, pork, mutton, bacon, ham, flour, meal, bran, oatmeal, cereal foods, and bread without reducing the price of cattle, hogs, sheep, wheat, oats, and corn. If the great meat-packing companies must sell their meats cheaper, they will pay the farmer less for his cattle, hogs, and sheep. If the millers sell their flour and meal at lower prices, they will pay the farmer less for his wheat and corn. If foreign beef, pork, and mutton are imported into this country, there will be so much less demand for the beef and pork and mutton manufactured out of the cattle, hogs, and sheep of the American farmer. If beef and pork and mutton and flour and meal and cereal foods can be produced cheaper in Canada, Mexico, South America, and Australia than in the United States, and these articles shall be imported in large quantities into the United States, then the prices here must be brought down to a level with the prices in these foreign countries.

BENEFITS UNCERTAIN.

How much our farmers would gain by placing farm implements, cotton bagging, cotton ties, leather, boots and shoes, fencing wire, lumber, sewing machines, and salt on the free list must, from the nature of things, be a matter of mere conjecture. It will all depend upon whether or not the removal of the tariff on these articles would materially reduce the price of these articles to the farmers. On the other hand, how much the farmer would lose by placing flour, meal, oatmeal, cereal foods, bread, and all kinds of meats on the free list is just as uncertain. This would, of course, depend upon the extent that these articles were imported from foreign countries, and what reduction this would make in the price of farm products which the farmers sell.

In trying to determine what benefits our farmers will get from this bill should it become a law, some things should be borne in mind. The placing of these manufactured products which the farmers buy upon the free list may not reduce the prices of such articles. The bill places farm implements on the free list. But farm implements are already on the free list, except to those countries which do not admit our farm implements free. The United States last year exported $28,000,000 worth of farm implements. Farm implements are now sold cheaper in the United States than in any country in the world. And it is well known that the present tariff does not and can not affect the prices of farm implements to any great extent.

The bill places bagging for cotton, sacks, burlaps, and so forth, on the free list. The total value of such articles consumed in the United States in 1905 was $26,031,644—$16,965,842 of this amount was imported. When the tariff is so low now that two-thirds of the amount consumed is imported the tariff can have but little, if any, effect on the price at which the article is sold.

The bill places boots and shoes, leather, harness, and saddlery on the free list. It is doubtful if placing these articles on the free list would reduce the price of these articles to the farmers to any great extent. The Payne-Aldrich tariff bill, enacted nearly two years ago, made a reduction in the tariff on boots and shoes from 25 per cent to 10 per cent. But it is certain that so far there has been no real reduction in the prices at which shoes are sold to individuals.

The bill places lumber on the free list. The Payne-Aldrich tariff bill reduced the tariff on common lumber from $2 per thousand to $1.25 per thousand feet. But two years have passed and we see no reduction in the retail price of lumber. Certainly no well-posted man believes free lumber will materially affect the prices which our farmers pay for lumber. Farmers must bear in mind that these manufactured articles included in this free list, such as are purchased by farmers, as a rule are manufactured by large corporations, well equipped in the business, and in a position already to compete with foreign competitors. Some of them have factories in foreign countries.

There is also a question as to who pays the tariff upon a competing article, or an article the like of which is produced in the country levying the tariff. Free traders claim the consumer pays the tariff. This has been proclaimed by tariff-for-revenue-only advocates from every stump in the land. Many who believe in a protective tariff assume that the consumer pays the tariff. But if this be true, why should the foreign manufacturer object to the tariff? The fact is the man who imports dutiable articles in this country pays the tariff at the customhouse, and that tariff is never returned to him. In the great majority of cases he does not add that to the price of his goods when sold in this country. The amount of the tariff is simply so much deducted from his profits. And if every customhouse of the United States were destroyed and the tariff wall was completely obliterated, the American consumers would not reap the bulk of the benefit, but foreign manufacturers would add to their profits the greater part of the $350,000,000 which they now annually contribute toward the support of our National Government. [Applause on the Republican side.]

But it is absolutely certain that the importer would not sell his product in this country at the price he sells it now, less the tariff he now pays. If this were true, the importer would have nothing to gain by this country removing the tariff from the imported article. The importer may sell in this market now all his goods, if he pays the duty. He is absolutely unrestricted in the amount he may sell in this country. If the tariff shall be removed, we must assume that the foreign manufacturer is something more than human if he does not appropriate to himself a large part of the tariff which he has been paying our customs officers. [Applause on the Republican side.]

WARNING TO FARMERS.

Farmers of the United States should realize that there is danger to them in having their products placed upon the free list, and in opening their markets to the products of other countries where lands are new and fertile and productive, where labor is cheap, and the standard of living is low.

It must also be remembered that the farmers are unorganized. From the nature of things the farmers can not organize, form trusts and combinations, and control their prices by arbitrary and artificial means. The lumber interests, the boot and shoe manufacturers, the corporations that manufacture bagging, sacks, burlaps, cotton ties, salt, and farming implements are all controlled by a few men. There are many ways by which they may modify their business, enter into new combinations, and, as a last resort, they may reduce the prices they pay for labor and avoid losses. But the farmer can not avail himself of such expedients. He and his immediate family perform most of the work of the farm, and in the final analysis it simply means that there will be a reduction in the daily earnings of the farmer and his family. I devoutly pray this day may never come.

Then the great manufacturing concerns of our country may combine with the trusts in other countries or in some way reach an understanding that will avoid ruinous competition. But as the farmers at home can not combine with each other, likewise it would be utterly impossible for the farmers of one country to combine with those of another country. Without the protective tariff there would be free competition between our farmers and the farmers of the world.

IMPORTATION OF BROOM CORN.

The importation of farm products, when prices here range higher than in other countries, is absolutely certain. This is not a matter of conjecture. I have recently investigated a matter in which many of the farmers of my district are interested. Oklahoma, according to the census of 1910, produced, in the year 1909, 42,900,623 pounds of broom corn, valued at $2,560,426. A large part of this is produced in my congressional district.

In recent years it has been found that broom corn was being imported into this country. For the first time, I understand, in our history, the Payne-Aldrich Tariff Act placed a duty of $3 per ton on broom corn. It was thought this would be sufficient to afford our farmers reasonable protection from foreign imports of broom corn. But such has not been the case. A short time ago the Department of Commerce and Labor furnished me an official statement of the importations of broom corn for the calendar year of 1910. I was surprised to find that 15 foreign countries in 1910 had imported broom corn into the United States. The following countries are included in the list: Austria-Hungary, Belgium, France, Germany, Italy, Netherlands, Russia in Europe, Turkey in Europe, England, Canada, Argentina, Colombia, Japan, Turkey in Asia, Australia, and Tasmania.

For the year 1910, 7,330 tons of broom corn were imported into the United States, and the value of the imports amounted to $908,794. This shows how the new policy of free farm products will affect the farmers. The farmers of my district are compelled to compete with the cheap labor of Europe and Asia.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MORGAN. Mr. Chairman, I ask unanimous consent to proceed until I get through.

Mr. DALZELL. Mr. Chairman, I yield to the gentleman 10 minutes additional time.

Mr. MORGAN. They must compete with the cheap labor of Russia, Turkey, Italy, South America, Australia, and of Japan. I have seen it stated in western papers—and I have no doubt it is true—that the freight on a ton of broom corn from Constantinople to New York is only $15, while the freight on a ton of broom corn from northwestern Oklahoma or southwestern Kansas to New York is $24.80 per ton. So cheap water transportation will enable the farmers of every country in the world to flood the markets of our great cities with their products, which have been sowed, planted, cultivated, and garnered by the most ignorant and cheapest farm labor in existence. This is absolutely unfair to the farmers of the United States. For the protection of the farmers of the United States who raise broom corn, I have introduced a bill to place on broom corn a duty of $45 per ton. What fate this bill will have in the hands of a Democratic Ways and Means Committee I am unable to predict. But, so far as I am concerned, I protest against the proposed plan of placing our farmers in free competition with the cheapest and most ignorant labor of the world.

ABSENCE OF COMPETITION.

In the discussion of the tariff question the advocates of a protective tariff have always maintained that the price of the article upon which the tariff was levied would not be increased, because, with our home market secure, competition between home manufacturers would reduce the price; and especially would this be true when our own manufacturing establishments had time to develop and attain a high degree of perfection. There is no question about the correctness of this principle, and, in the main, the history of our industrial development demonstrates that this has been done. It has been true, as a rule, that when sufficient protection has been placed upon an article which we were capable of producing successfully, our own home manufacturers were soon selling us the article cheaper than the foreign manufacturer prior thereto had been selling us the articles. There is one fact that we, as protectionists, must now admit, and that is that in recent years there has been a complete revolution in our industrial system. Combinations have been formed, centralization has been going on, until it is an undeniable fact that in many important lines competition has been destroyed. A single corporation is able to control the supply and dictate the prices at which articles of common use are sold to the masses of the people. This is the weak point to-day in the armor of protection. In articles of general use necessary for the enjoyment and comfort of the masses of our people no corporation, combination, or association should have in its power to control the supply of the article and the prices at which it is sold. The most effective charge that has been made against a protective tariff has been that it is a shield for monopoly. The success attained by our political opponents in the campaign of 1910, which resulted in electing a Democratic House of Representatives, was due to the fact that the people were made to believe that the tariff law of 1909 was, in a measure at least, dictated by the so-called "special interests"—which the people understand to be the great corporations which have a monopoly in many lines of manufactured goods.

The people are willing to stand for protection to American industries when there is reasonable and fair competition at home. But the people will not favor protection to an industry that has become a monopoly, unless there is some method adopted that will place such regulations and control over the monopoly or will prevent it from imposing upon the people by exacting too great profits. Competition is the only safeguard the people have under a protective-tariff system as against imposition by the protected interests. When competition is destroyed the friends of protection must substitute some other device or system that will afford the people protection against monopoly.

Those who have stood for free trade and for a tariff for revenue only have maintained that the only remedy is to remove the tariff from all articles manufactured by a so-called trust or monopoly.

There are three objections to this method:

1. It will destroy the smaller, weaker, and independent concern first, and the trust may be able to live without the tariff.

2. This method would prevent new manufactories from going into business.

3. This method at best would in most cases simply give competition between a home trust and a foreign trust, because small and independent concerns abroad could not compete successfully with a gigantic corporation at home.

Some amicable arrangement would probably soon be made between the home and foreign trust and the people would soon be left without competition, with the supply of the article and the prices at which it is sold subject to the command of the monopoly.

The Republican Party does not stand as the defender of any corporation or combination that has been organized in violation of law. Under the administration of President Roosevelt unlawful corporations were prosecuted with great vigor and success. Under the direction of our present Chief Executive the Department of Justice has been exercising great diligence in initiating and prosecuting to trial suits against alleged unlawful corporations, combinations, and conspiracies.

But whatever may be the result of these suits, whatever construction the Supreme Court may give to the laws now in force, great corporations will continue to do a large part of the business of this country. There will still be an absence of competition in a large part of our industrial world.

The Republican Party believes in competition. It is opposed to monopoly. The Republican Party is the friend of the lawful business interests of this country, whether that business involves millions or hundreds of dollars. We do not believe in destroying business. We do not believe in the closing of factories. The Republican Party does not stand for a policy that means less business, lower prices, and smaller wages. We have always stood for the expansion of business, for growth in our industries, for good prices, and higher wages. Our opponents stand to-day for a policy that means destruction of business. The Republican Party has taken a stand not for the destruction of but the control of all lawful corporations doing an honest and legitimate business. Our policy is regulation, supervision, control. On this platform the Republican Party will in the end win the country.

But the time has come for the Republican Party to take a great step forward—not merely a platform declaration, but in the promulgation of some plan, some method, some practicable, tangible proposition that will take the place of competition in our great industrial system—preserve our great industrial corporations for the benefit and blessing of our people, and still subject them to such control as will guarantee the people against their unjust and unfair exactions. [Loud applause.]

Mr. UNDERWOOD. Mr. Chairman, I yield to the gentleman from Colorado [Mr. TAYLOR].

Mr. TAYLOR of Colorado. Mr. Chairman, on the 18th of February last there was printed in the CONGRESSIONAL RECORD the protest of the American National Live Stock Association against this pending bill, as well as the Canadian reciprocity bill. Inasmuch as that association is one of the largest and most important in the United States, very largely representing the live-stock interests of this country, and inasmuch as its headquarters is in the State I have the honor in part to represent, and also for the reason that some farmers' organizations have protested against the passage of the Canadian reciprocity bill, I will take the liberty, under the privilege of individual leave to print

accorded me in connection with this measure, of inserting, in lieu of general remarks thereon to be delivered as of the above date, a letter which I have written to the secretary of the American National Live Stock Association, under date of May 29, 1911, in reply to a personal communication from him requesting my views upon these subjects.

HOUSE OF REPRESENTATIVES,
Washington, D. C., May 29, 1911.

Hon. T. W. TOMLINSON, *Secretary,*
The American National Live Stock Association,
Denver, Colo.

MY DEAR SIR: Your letter in relation to the proposed Canadian reciprocity agreement and the farmers' free-list bill, which passed the House some days ago and are now pending in the Senate, was duly received.

You object to the passage of both of these bills and ask for my reasons for voting for them and assure me that my answer will be published. I am pleased to avail myself of the opportunity of writing to the stockmen and ranchmen of Colorado upon these subjects, and you are at liberty to publish this letter, and I trust you will do so.

At the outset I may say that the high protectionists now in control of the United States Senate will never let the free-list bill pass, at least in its present form, and will probably not even consider it at this extra session of Congress. With the influence of President Taft, nearly all of the Democrats, and nearly one-half of the Republicans, the Senate may possibly succeed in passing the Canadian reciprocity agreement, in spite of the standpatters.

But inasmuch as I, along with every other Democrat in the House, without a single dissenting voice, voted for the farmers' free-list bill, and every prominent Democrat in the United States, so far as I can learn, and practically all of the progressive Republicans who desire tariff reform, are in favor of this bill; and inasmuch as I, along with all of the other 227 Democrats, except 10, and nearly one-half of all the Republicans of the House, voted for the Canadian reciprocity bill, I will gladly give you my views upon these measures, no matter whether either of them ever becomes a law or not. You of course understand that it is utterly out of the question to satisfactorily discuss by correspondence two tariff bills containing something like 600 different items. It would take probably a hundred volumes to give all the statistics and data necessary to fully present these questions in all their phases.

These measures are not local, but are international. There are, to my mind, many hundreds of beneficial features which would result from the passage of these bills. I will not, however, discuss those benefits, except possibly a few of them incidentally, but will endeavor primarily to answer the objections to these measures. It seems to me that some people who are, consciously or unconsciously, upholding the stand-pat, high-protection doctrine are shutting their eyes to hundreds of benefits to the country and the public at large and are looking at some one feature only, and seeing that wrongly.

While there is a great deal of honest apprehension about these measures I surmise that there are some gentlemen over the country who may be trying to make some political capital out of them. I have no personal reference to you, but I wish every fair-minded man would himself read these two bills and consider a few of the facts upon which they are based before he assumes to criticize them. These two bills are entirely separate and distinct and have nothing to do with each other. The Canadian reciprocity agreement, or treaty, is a Republican measure and the free-list bill is a Democratic measure. Both bills are compromises, as nearly all matters of legislation are. Both expand our markets, reduce the tariff on the necessities of life, promote trade, and are intended to reduce the high cost of living without injuring the farmer or stockman or anyone else. Both bills are actuated by equal good faith and patriotic desire to benefit the entire country. The Republican reciprocity bill is local and applies only to Canada, while the Democratic free-list bill is general, and upon the specific articles that it covers it applies to the whole world. In the reciprocity agreement the President has made the best bargain with Canada he could, and in the free-list bill the Democrats, representing all interests and sections of the entire country, have prepared, presented, and passed the best compromise bill they could. In order to hold together, the Democrats, who are in control of the House, are compelled to make concessions to the various portions of the United States. The big financial protected interests of the country are now turning heaven and earth to create dissension in our ranks, and if we are ever going to accomplish anything for the relief of the American people against the combined, insidious, and constant assault of the trusts, monopolies, and combines of this country, we absolutely must stand solidly together. So that I have no apology to make for voting with the party that has twice honored me by a seat in Congress. If I have done wrong in voting for these two bills I have the consolation of being in a most remarkable array of distinguished company.

The farmers' free-list bill, in my judgment, reaches further toward the general welfare of all the people of this country than any piece of legislation that has passed Congress in the past 20 years, and if it is not enacted into law I want the public to place the responsibility where it belongs. It is only one step, but it is a very long step, in the direction of relieving the American people—especially the farmers, but also all classes of people in every walk of life—from the oppressive monopolies of this country. It removes the duty on every sort of an agricultural implement that can be devised for working land or for carrying on the various industries connected with crop raising, stock growing, fruit growing, and farming in general, from a thrashing machine to a hoe and from a farm wagon to a cotton gin. These implements are enumerated either specifically or are carried in a general clause which includes them all. The bill also removes the duty on salt, barb-wire fencing, boots, shoes, harness, saddles, and all kinds of leather and materials made from leather; baling wire, hoop and band iron, gunny cloth, and hundreds of other articles. Can anyone say these duty removals are not also beneficial to the stockmen?

The farmers' free-list bill does not remove the duty on any of the farmer's grain, stock, potatoes, or produce, but removes the duty on all those articles of daily use, including flour, meat, and nearly everything the farmer buys. In fact, it sets forth what the Democratic Party believes, viz, that the time has arrived for Congress to commence keeping faith with the American people in general and the farmer in particular in regard to reducing the tariff and putting their necessities and daily living on a more reasonable basis.

These measures are not one-sided, but six-hundred-sided. There are, directly or indirectly, affected in the reciprocity bill about 500 commodities and in the free-list bill about 100 commodities, all of which have to do with the daily life of the American citizen, be he farmer, merchant, stockman, laborer, or professional man.

According to the proposed agreement with Canada the tariff is to be either removed entirely or very greatly reduced on a range of commodities the extent of which can hardly be realized by persons who have not read the bill. The list, which time and space make it unreasonable to mention here, runs the gamut of all the necessities of the people of this country, and includes all agricultural implements, lumber, small grains, cutlery, automobiles, meats, fish, live animals, salt, vegetables, wood pulp, fruits of all kinds, laths, shingles, coal, wheat, poultry, buckwheat, telephone poles, wire, type-setting machines, barb-wire fencing, printing ink, plate glass, trees, peanuts, cement, confectionery, and so on, throughout the collection of commodities which the experts of both Nations, who worked for months on this project, deemed advisable to insert in the reciprocal agreement. I believe that if the stock growers and farmers, as well as those connected with every other industry represented in Colorado, will carefully consider the wide scope of the tariff revision now being undertaken by the Democratic Party, and will bear in mind the universal demand of not only the large majority of the people of Colorado but every other State for an honest readjustment and reduction of the tariff, for the widening of our markets, and a curtailing of the existing monopolies and enormous profits of the trusts, they will be less apprehensive of any danger to the farm or stock business, or any other great interest that affects the welfare of Colorado. Those interests are not being singled out, and we do not believe that they are at all endangered by the pending bills.

In the first place, reciprocity has been advocated by the Democratic Party for over 50 years, and many leaders of the Republican Party have in recent years been advocating it. The Democratic Party has several times specifically, in its national platforms, urged reciprocity with Canada and reciprocal trade relations with other countries. In the last speech he made at Buffalo, just before he was assassinated, President McKinley earnestly urged reciprocal trade relations with Canada. He said:

A system which provides a mutual exchange of commodities is manifestly essential to the continued and healthful growth of our export trade. We must not repose in fancied security that we can forever sell everything and buy little or nothing. If such a thing was possible, it would not be best for us or for those with whom we deal. We should take from our customers such of their products as we can use without harm to our industries and labor. Reciprocity is the natural outgrowth of our wonderful industrial development. What we produce beyond our domestic consumption must have a vent abroad. The excess must be

relieved through a foreign outlet, and we should sell everywhere we can and buy wherever the buying will enlarge our sales and productions, and thereby make a greater demand for home labor. Commercial wars are unprofitable. A policy of good will and friendly trade relations will prevent reprisals. Reciprocity treaties are in harmony with the spirit of the times; measures of retaliation are not. If perchance some of our tariffs are no longer needed for revenue or to encourage and protect our industries at home, why should they not be employed to extend and promote our market abroad?

In your printed circular of February 13, to which you refer and which I noticed and carefully considered at the time it was introduced in the CONGRESSIONAL RECORD by Senator WARREN, your association vigorously denounced the Payne-Aldrich tariff law and earnestly urged upon Congress and the President of the United States the passage of a Canadian reciprocity treaty. You say:

This association has stood for many years for fair and equitable reciprocal trade agreements with other countries, whereby all the interests of this Nation—the producer, consumer, the manufacturer, and the middleman—will surrender some favors or benefits of the tariff system in exchange for mutual advantages to be secured from other nations. That is our position to-day.

Further on you eloquently say:

Commercially, racially, and in the character of resources Canada and the United States are alike, and there should be no prohibitive tariff wall between them. This association heartily approves of a fair, equitable trade arrangement with Canada, and the live-stock industry is willing to stand its share of any concessions toward that end. * * * We have waited long for a fair trade agreement with Canada, and we can well afford to wait a little longer until the question is settled right.

But you protest against this agreement because it does not "include every commodity likely to be exchanged between these two nations, so closely related." In other words, you object because the agreement is not broad enough, and this official protest of your association closes by "vigorously" urging the Government, the Tariff Board, and Congress "to negotiate as speedily as possible a treaty with Canada," and so forth. The simple and conclusive answer to your protest is that it takes two to make a bargain, and President Taft and the American commissioners have made that trade agreement just as broad as the negotiations with Canada would permit.

President Taft tried very hard indeed to secure an absolutely *free-trade agreement with Canada in everything;* but Canada positively would not agree to it because she has a protective system of her own, and she was very naturally afraid of the competition of our much larger and better organized industries. Besides Canada can not at this time enter into a free-trade arrangement with us because of her relations with England, her mother country.

The President and all the public officials and broad-minded statesmen of this Nation fully realize that we must expand our trade relations. Everybody is in favor of reciprocal trade agreements excepting the unjustly protected monopolies. We can not live within ourselves alone and long continue to be the happy and prosperous people we should be. It is universally recognized that Canada is composed of the same kind of people as ourselves, with the same language, having the same high ideals of citizenship and civilization, with territory immediately adjoining us for 3,000 miles on the north, and always has been a good neighbor to us. We should not therefore permit a tariff wall between the two countries to longer put an unnecessary barrier and hindrance upon our trade relations with her.

You will recall that a Democratic Congress enacted a reciprocity agreement with Canada in 1854, and that said agreement lasted until 1866, when it was repealed by a Republican Congress. The same interests that brought about its repeal in an insidious way are now bitterly opposing this bill. During the 4 years immediately preceding the negotiation of that treaty our exports to Canada were a little over $43,000,000; and for the 4 years immediately after the treaty they were $104,000,000. The total trade between Canada and the United States for the 4 years immediately before the treaty amounted to only $66,000,000, while for the 4 years immediately following the treaty it amounted to $178,000,000; and our exports to Canada during the 12 years of that treaty were nearly three times as much as they were during the 12 years immediately before entering into it, notwithstanding the Civil War during that time largely paralyzed our export trade.

President Taft took this matter up in a public-spirited and statesmanlike way, and I feel he is at least entitled to the respectful consideration of the American people for doing the best he could. There are several things in the treaty that I hoped would be different. But they are so far outweighed by the hundreds of beneficial features that I am confident, on the whole, it is an exceedingly good trade for us. At any rate it is the best we can get, therefore what is the use of some people denouncing the President and Secretary of Agriculture and nearly all the Congressmen when they are doing the best they can? I think the only fair and sensible course is to try it once. The people of Canada have not yet agreed to it. They have been for three months vigorously denouncing it as a jug-handle deal against them. They insist that the American commissioners got the best of the bargain. The President has had the best experts there are in the world at his disposal. Our commissioners have worked with the Canadian commissioners for months, and they have made the best agreement they possibly could. Any agreement is not a one-sided proposition; if it was it would not be an agreement but a surrender by one party to the other. No one can in this world expect to get everything and give up nothing. This reciprocity is a give-and-take proposition, covering all those hundreds of different items, and no one under heaven can say positively whether it will work beneficially or not until we try it. President Taft, with all his experts, and Secretary Wilson both emphatically insist—and no one can question their honesty in the matter—that neither the farmers nor stockmen of this country will be hurt a particle, but will be vastly benefited by this agreement. They and their advisers are willing to stake their official reputations and the welfare of the Republican Party and the opinion of history upon the correctness of their judgment and good faith in this matter. A Republican President, actuated by patriotic motives, negotiated and presented to Congress this reciprocity agreement as a Republican administration measure for the welfare of the American people. Now, when practically everybody in the United States who is not engaged in holding up the public is in favor of a reciprocity agreement with Canada and in favor of the reduction of unnecessary high tariffs that hinder trade between the United States and our nearest and most friendly neighbor, and when this agreement insures a much more liberal commercial intercourse and freer trade relations with Canada, what kind of petty partisan politics would it have been if we Democrats as a party had refused to assist the President of the United States in the trial of this measure when it is along the very lines we have long been advocating?

It has been repeatedly pointed out to us that if this Canadian reciprocity proves a great success President Taft and the Republican Party will promptly claim all the credit for it, and if it turns out a failure the Democratic Party will be as promptly blamed for the whole thing. Be that as it may, it is an honest effort and the best we can get in the direction of what the people want. I do not and you do not know whether it is going to be satisfactory. The Republican President and Secretary of Agriculture have more knowledge upon this subject than any other two citizens of this country. They have put in months upon it, with all their expert assistants; they have sent agents to Canada and other countries, and we have their reports. The members of the Democratic Ways and Means Committee of the House and many prominent and patriotic Republicans have put in many months on these very tariff questions, and they are perfectly confident that this bill is going to be one of the most far-reaching and beneficial measures that has ever been enacted by an American Congress. When it is directly in accordance with Democratic doctrine and along the line of what the public wants, why should we not take them at their word and give this measure a fair trial? Do you candidly think your knowledge is superior to all of them and the majority of Congress? If the treaty is not a success, it can be repealed. We do not need to let it stand for 30 days or 30 minutes if it does not prove satisfactory.

Both the opponents and those who favor the measure have produced volumes of figures. These do not prove anything definitely as to what will be the actual working result of this treaty, should it go into effect. But there are in this connection some important facts and some definite figures which seem to me ought to always be borne in mind. Canada's population is 7,500,000; ours is 92,000,000. Canada has always been a good customer of ours. She buys from us every year $30 per capita of her entire population, while we buy from her only $1 per capita of our population. Canada has a tariff which operates very strongly against our products being sold in Canada. We have a tariff which operates against Canadian products being sold here. This reciprocity treaty is merely a trade agreement between the two countries to mutually wipe out some and reduce other tariffs, with a view to a more extended and freer trade between us. I am not one of those who seem to believe that nations can not trade with each other without one or the other being cheated. I believe that both nations, cities, merchants, and farmers can deal with each other and both be benefited by it. Any country which buys a great deal more from us than we buy from it is certainly a good country for us to trade with, and no retaliatory tariff wall should stand between us and such a country. A tariff wall between this country and

Canada looks to me just like a spite wall between two neighbors, or like two farmers each keeping up a parallel-line fence with a "devil's lane" between. Parallel fences are a great waste of material and energy and a destroyer of business and good will. From a business standpoint there is no more sense in maintaining a tariff wall between this country and Canada than there would be in creating one between the east and west banks of the Mississippi River. Suppose we had a high-tariff wall around Colorado. We would be practically put out of business in 30 days. The same rule largely applies to our country.

During the five years ending June 30 last, in spite of the double tariff walls between the two countries—

We sold in Canada	$886,417,376
Canada sold to us	393,913,673
Difference in our favor	492,503,703
Horses:	
We sold in Canada	14,172,075
Canada sold to us	2,549,201
Difference in our favor	11,622,847
Cattle:	
We sold in Canada	1,578,179
Canada sold to us	1,193,796
Difference in our favor	384,383
Meat and dairy products:	
We sold in Canada	17,011,017
Canada sold to us	904,191
Difference in our favor	16,106,826
Breadstuffs:	
We sold in Canada	31,596,556
Canada sold to us	6,679,884
Difference in our favor	24,916,672

The aggregate imports into Canada from all countries during the last fiscal year were, in round numbers, $376,000,000, of which there came from the United States, in round numbers, $223,000,000. Canada therefore bought of us, even under existing high-tariff conditions, nearly two-thirds of all her foreign purchases.

The official statistics conclusively show that the average value of horses in the United States is $108.19; in Canada, $133. Dairy cows in United States, $35.79; in Canada, $43. Other cattle, without respect to age or grade, in the United States, $19.41; in Canada, $31. Sheep in the United States, $4.08; in Canada, $6. Hogs in the United States, $9.14; in Canada, $11. Why would the Canadian farmer ship these animals to the United States and sell them for less than they are worth at home?

I believe it is the consensus of opinion of practically all of those who have studied the matter in an impartial way that in nearly everything, with the possible exception of wheat and barley, our exports of agricultural products into Canada will grow much more rapidly than the imports into the United States from Canada if this treaty is enacted.

There is, as everyone knows, a vast difference between the United States and Canada in climate. The growing season in that country is much shorter than ours. Their spring opens from one to three months later, and frost comes a month earlier in the fall. Our farmers and horticulturists grow *hundreds of* products in which Canada never can compete, and which we can sell them in large quantities, especially if we buy lumber, wood pulp, and other things from them in return. For instance, the Canadian market will largely benefit the market for our cantaloupes, watermelons, and fruits of all kinds. The Canadians are great fruit eaters, and they buy immense quantities of those products from us, and want more. They would buy many times more than they do now if it were not for the tariff obstacles between the two countries. Let me remind my Rocky Ford and Grand Valley friends that the State of Georgia is expecting, under this agreement, to ship millions of dollars' worth of watermelons to Canada. Colorado is closer to Canada than Georgia. The whole world is demanding more fruit. The fruit business of this country has grown enormously. Ten years ago we exported only $8,000,000 worth of fruit. Last year we exported $23,000,000 worth. An increase of about 180 per cent in 10 years. We must constantly enlarge our markets for fruit. The average western Canadian farmer is a "one-crop" farmer. Diversified farming has not and will not make much progress in western Canada for a great many years to come. Horses, fruits, vegetables, hay, dairy, and poultry products will for many years to come be very largely exported from this country into Canada. The reciprocity agreement puts all of those articles on the free list. The effect of that will be to greatly increase the demand for them in this country, make the market more stable, and Colorado will be one of the States most benefited.

CATTLE.

We have in this country 71,000,000 head of cattle and 92,000,000 people, or seven cattle to every nine persons. Canada has 7,000,000 head of cattle to 7,500,000 people, or less than one head of cattle to each person. Mexico has 13,000,000 people and only 5,000,000 cattle, or 7 to every 17 persons. We have 10 times as many cattle as Canada has and 14 times as many as Mexico. The Canadian cattle are as good a grade as ours and are higher in price; they have to feed longer and more than we do; but the Mexican cattle are far inferior to ours. Our imports of cattle from Mexico have been increasing very rapidly during recent years. In fact, Mexico is a very necessary and important source of supply for us. Five years ago we only imported about 23,000 head, while last year we imported 188,000 head. In fact, we buy practically all the cattle from Mexico that they can spare, and our cattle growers are very glad to get them. But the cattle that we purchase from Mexico are mostly young or range or feeders, and the average price we pay for them is $13.90; while, on the other hand, we export to Mexico, for breeding and stocking purpose, from 5,000 to 30,000 head of cattle a year, and we get an average of $30.70 a head for them. In other words, we get more than twice as much for the cattle we sell Mexico as we pay Mexico for her cattle. In fact, it is of the utmost importance for us to cultivate friendly relations with Mexico and encourage our dealing with her in the cattle business. Especially is this true when our cattlemen are now scouring the whole country for places to buy cattle and are paying as high as $20 and $25 a head for yearlings. Mexico can not compete with us in beef cattle at all, and they have no packing establishments that can compete with ours. Our packers could can nearly every hoof in Mexico in 48 hours. So I see nothing to fear from competition with Mexico, and I feel that we have everything to gain by cultivating friendly relations with our sister Republic on the south, not only in the cattle business, but in every other business that does not bring American labor in competition with the cheaper labor of that country. It will be readily seen that there is no possibility of any flood of cattle or beef from either Canada or Mexico that will interfere with our markets at all, because neither country has any more than it needs, and Canada buys more from us than they sell us. Both countries are very valuable neighbors to us in the cattle business; and I am confident that if the tariff were entirely removed from cattle and beef products between this country and both Canada and Mexico that the balance of trade would be very much larger in our favor.

Concerning Argentina, Australia, and the rest of the world, I think the fears as to the future are not well founded. If they are, we can readily regulate any adverse trade relations when that time comes. During the past four years we exported $124,000,000 worth of cattle and imported only $4,000,000 worth of cattle, and most of those came from Mexico, as above stated. That is, we exported more than 30 times as much in value as we imported, and we sold them at a good price in competition with all the world, including Australia and Argentina, which seems to be such a bugagoo to some people. Besides the exportations of cattle during that period, we also exported $125,000,000 worth of beef products, and sold that in competition with Argentina and all the rest of the world. So that I can not see where our cattlemen and meat producers can be hurt by putting both of those articles on the free list. During the one year 1909, for which statistical figures are complete, we exported about $156,000,000 worth of meat products of all kinds in competition with the world and we imported less than $1,000,000. When we export 160 times more than we import, I can not understand how Congress or our high-protection Republican friends can make the American people believe that the Beef Trusts need a 22 per cent protection any longer. Moreover, the statement is made without contradiction, and there is apparently no question about the truth of it, that the big packing houses of this country either own or control all of the packing concerns of Argentina, and they ship the beef products from that country to Europe, where they are sold in the same markets in which they sell their products from this country. It does not look reasonable to me that the packers would ship their products from Argentina to the United States, 10,000 miles, when they already have an annual surplus here of about $156,000,000, which they ship all over the world. It would be no more unreasonable to suppose that these packers, when meat is put on the free list, will ship the products of United States to Argentina. That would be like carrying coals to Newcastle. In other words, if the tariff does not affect the price, I can see

no injury that would happen to either the cattle growers or meat packers. The only effect of reducing the tariff would be in times of scarcity in this country the consumer would not be held up by the middle men and charged exorbitant prices. The big packing houses of this country that are now being prosecuted by the Government as criminal conspirators are not going to quit business even if they should be compelled to obey the law. They are going right ahead packing and handling American cattle, and they will not pay the stockmen any more than they are compelled to to keep them raising cattle. Considering the sources of cattle supply and feed for them and the cattle business generally and the rate the population of this country and the world is increasing, there is no question in my mind but what prices of cattle, sheep, and hogs are going to increase and continue to increase.

HORSES.

During the past four years we exported $14,000,000 worth of horses mostly to Canada and imported from the whole world only $7,000,000 worth, mostly for breeding. Canada is a splendid market for our horse growers, and that market will be very much stimulated by the passage of the reciprocity agreement.

HOGS.

During the four years mentioned we exported of hogs and hog products the enormous sum of $450,000,000, and imported practically none. I give the figures in round numbers, but they are all taken from the 1910 Yearbook of the Agricultural Department and other official reports and are correct unless in my rather hasty computation I have made some slight clerical errors. Anyone can easily check them up.

CORN.

The present duty on corn is 15 cents a bushel. This agreement puts it on the free list. There is no more sense of having a duty on corn coming into the United States from Canada than from Greenland. *The farmers and stockmen of this country get no benefit from the tariff on any produce when our exports vastly exceed the imports of the article.* We grow 80 per cent of all the corn of the world. During the last four years for which statistics are available, we exported over $165,000,000 worth of corn, while we imported of all kinds—mostly for seed purpose—only $216,000 worth. In other words, we exported 700 times as much as we imported. During that time we exported to Canada $20,000,000 worth of corn and imported practically none. Canada can not grow corn to any successful degree. And yet some politicians and tariff fakers are trying to make the farmers believe that President Taft and the Democratic Party are "in cahoots" to destroy the corn industry of this country by removing the tariff and allowing Canadian corn to flood and swamp our markets and reduce the price. There is nearly as much corn raised every year on the farm in Illinois on which I was born as is produced by the entire Dominion of Canada, with all her Provinces. But that bugaboo is no more of a farce and swindle upon the American farmer than a great many other tariff claims that are industriously made by the high protectionists.

WHEAT.

During the past four years for which statistics are available we imported from all the world only $656,000 worth of wheat, while during that time we exported $256,000,000 worth of wheat and over $236,000,000 worth of flour made of American wheat. In other words, we exported and sold in competition with Canada, South America, India, Russia, Argentina, and all the balance of the world 400 times as much wheat and over 225 times as much flour as we imported from all the world. And most of those importations were merely for seed purposes. A great hue and cry is made about wheat, whereas everyone knows, or ought to know, that the value of wheat is regulated by the world supply and demand, and the price is *always* and every place on earth determined by the price on the London and Liverpool markets. Therefore it makes no difference whether we have free trade or protection between Canada and the United States. Both countries have to sell at the London and Liverpool prices, tariff wall or no tariff wall. All of the opponents of this Canadian agreement center their fire upon the one subject of wheat and insist that our wheat growers will be ruined by competition with Canada. What the future may bring forth no one can tell. I have confidence in the wisdom of the American people and future Congresses to take care of our interests in the future as they may be affected from time to time, and the same may be said in our relations with all of the other countries. But for the present I can see nothing that the American farmer needs to fear from Canadian wheat. The present duty on wheat is 25 cents a bushel. Anyone can see by looking at almost any daily paper in the United States that the price of wheat is now and has practically been for years the same in Chicago that it is in Winnipeg, the great wheat market of Canada. When there is any difference Winnipeg is from a half cent to 2 cents higher than Chicago. On the other hand, wheat in Minneapolis averages from 4 to 5 cents a bushel higher all the time than it is in Chicago or Winnipeg, and whenever the market changes in Liverpool a fraction of a cent the same corresponding change is reflected in Minneapolis and Winnipeg. If this Canadian tariff is removed, the American people will not be injured, but will be benefited by the removal of that duty, because it will prevent Liverpool from being able, as it now does, to play Canada against the United States, and vice versa, and it will tend to prevent the fluctuation of prices.

BARLEY.

In the last four years referred to we exported over $21,000,000 worth of barley, and imported, in round numbers, only $250,000 worth. In other words, we exported nearly 100 times as much as we imported, and we sold it at a good price in competition with all the world. During the last year we imported less than $1,500 worth of barley and exported more than $4,500,000 worth of that product.

RYE.

Of rye we exported $4,700,781 worth and imported only $197. In other words, we exported more than 20,000 times as much as we imported. In the name of common sense, what good can the farmer get by a duty on rye?

OATS.

We exported oats to the value of nearly $20,000,000 and imported only a little over $2,000,000 worth. In other words, our exports were nearly eight times as much as our imports.

POTATOES.

Some individuals seem to be industriously giving out misinformation upon this subject, and trying to make political capital out of pure buncombe by frightening the potato growers about a flood of cheap potatoes. I notice a lengthy statement going the rounds of the press in which it was said:

> If the free-list bill passes, it would mean the opening of our markets to Argentina, Australia, Belgium, France, Ireland, Scotland, and the whole world, and the western potato grower would never again be able to ship his potatoes east of the Mississippi River.

Such statements seem almost incredible, especially when they are made by men who know better. In the whole article I noticed there is not one whole truth. Even the present duty on potatoes is given as 40 cents a bushel, when it is only 25. The simple answer to all that effort at public deception is that potatoes are not mentioned or included in the free-list bill in any way whatever. There are no vegetables or grains in that bill. It puts meats and flour on the free list, but no direct farm produce. It is merely one of the many bold efforts to try to prejudice the farmers of the West by telling them that our markets are going to be opened to those foreign countries mentioned above. When you scratch under the surface on those fellows, nine times out of ten you will find either some one who has not studied the subject or even read the bills, and is misinformed, or he is some designing politician or a high protectionist, who would object to free trade between this country and Iceland or a representative of some of the big protected interests that are opposed to any tariff revision. The animus of that article is plainly shown when it is "confidently predicted" that the Democratic Party will be ignominously defeated at the next election by reason of the free-list bill. If the potato growers of the United States are in any way injured by either of these bills, it will be by the Republican reciprocity bill and not by the Democratic free-list bill. The Canadian reciprocity bill puts potatoes on the free list, and that will open the markets of the United States to Canadian potatoes, as well as open the Canadian markets to our potatoes. But anyone who candidly studies the potato situation and trade relations between the United States and Canada can not, it seems to me, justly have any fear of a flood of potatoes coming from Canada. The present import duty into the United States is 25 cents a bushel and the present import duty into Canada is 20 cents a bushel. During the last year the United States exported into Canada and paid the 20 cents a bushel duty on 200,000 bushels of potatoes, that being the largest export that this country has ever made to Canada in any one year. Farm labor is just as high is Canada as it is here, and we have a much better potato country than Canada. We grow better potatoes and nearly four times as many as Canada. During the past five years we imported more from Canada than we exported, we importing 1,880,000 bushels and exporting only 800,000 bushels; but over one-half of all that importation came in during one year, owing to a shortage of crop in some portions of this country and other temporary conditions. Our production of potatoes is increasing

at the rate of about 8 per cent a year, and there is no prospect of America being able to get potatoes any cheaper from Canada than our farmers can raise them at a profit here. In fact, the entire surplus of potatoes in the Dominion of Canada would not feed one city in this country. So that political bugaboo is ridiculous.

The situation of the farmers and stockmen of the United States is this: If they could lawfully combine and organize a trust, the same as the Meat Trust, Steel Trust, Lumber Trust, Paper Trust, and other trusts, and thereby have the power to control the output and to say *when*, *where*, and *how much* should be put on the market, and *fix the price*, they could take advantage of the tariff and charge for their products in the home market the world-market price, *plus the tariff*. But being so many in number, and so diffused and scattered throughout the country, it is utterly impossible for them to so combine or organize. So that, generally speaking, their products derive no benefit whatever from the tariff. Their prices are controlled by the open markets of the world, while, on the other hand, the meat packers, the steel, lumber, paper, and many other manufacturing plants are so few in number comparatively and are so vast in influence, that they can and do organize into trusts and unlawful combines and monopolies, and control the output and fix the prices and hold up the American consumer to the world prices, plus our own tariff, no matter whether it is high or low; and then sell their surplus products to the foreigner at the cheaper world-market prices. With a very few possible exceptions, the tariff as it affects the farm produce, especially the farmers and stockmen of the West, is a delusion and a deception, and this brazen fraud has been practiced upon them by the high protectionists for more than a third of a century.

Sugar and wool are not involved in the pending bills. Therefore, I shall not go into those matters now except to say that I think the sugar-beet and wool growers of Colorado should, and probably do, receive some little benefit from the tariff on their products. But, whether they do or not, the necessity of providing revenue for the running of the Government requires that Uncle Sam shall not for the present, or until our tariff rates are readjusted considerably and some other source of revenue derived, relinquish very much of the $80,000,000 in duties which sugar and wool annually produce. I am now doing my utmost to prevent the Democrats and Republicans together from treating the sheepmen in the same manner the Republicans treated the cattle growers two years ago when they passed the Payne-Aldrich bill and put hides on the free list. I voted against placing hides on the free list. I thought then, and I think now, that the Republicans did a wrong to the stockmen and to the people in removing the duty on hides and refusing to take it off of boots, shoes, harness, saddles, and other classes of leather goods. And, notwithstanding that President Taft says publicly that the present duty on wool in the Payne-Aldrich bill is so high as to be utterly indefensible, I want, if possible, to see the duties on the manufactured products of wool lowered to a necessary revenue basis before we take much duty off of raw wool. I want the Government to raise the $20,000,000 a year revenue that we now get from the woolen manufactured goods in some other way than by taxation upon the clothes of the people. I will cross that bridge, however, when I get to it. I am confident that those of us who desire to give the sheepmen a square deal with the woolen manufactures are going to be at least partially successful. I am confident that the Democratic majority of the House will make a conservative reduction in the duty on wool, and a larger reduction on woolen goods. In my judgment wool will not be put on the free list by this Congress. I hope to be able in this, the same as in both the Canadian reciprocity and free-list bills, to support the concerted judgment of the Democratic Party.

On February 9, 1910, the Senate appointed a select committee to investigate the prices of commodities, and the cause of any increase in the same. That committee was composed of five Republicans and three Democrats, they being among the most distinguished men of that body. After months of hard work and diligent investigation they reported. And while there was a majority and a minority report that widely differed on some things, they absolutely agreed, and so reported to the Senate—and I wish every farmer in the United States could read that document—that the tariff on *wheat, corn, rye, barley, oats, cattle and live stock, and all agricultural products* has nothing to do with the prices of these commodities. It further declared that the prices of those products of the farmer were fixed in the markets of the world, and produced elaborate figures to substantiate the fact that those products are ordinarily higher in London, Liverpool, and the world's markets generally than they are here in our own high-protection United States. The national campaign textbook of the Republican Party of last year at page 144 says:

> The present advance in prices is, as has been stated, primarily an advance in farm products and food and domestic production. * * * The tariff seems to have been no material factor in causing advance in prices during the past decade. * * * The advance in prices during the last 10 years appears to have no relation with tariff legislation.

At pages 146 and 147 of the book it is stated:

> That the tariff is not the cause of the present advance is conclusively shown by the fact that the greatest advance has been made on commodities which are usually produced in such quantities as to furnish a large surplus to other countries.

Of such products it mentions specifically "barley, corn, oats, rye, wheat, and live stock, consisting of cattle, hogs, sheep," and so forth. It further says:

> But the fact that exports of products of the farm continue in such large quantities indicates that the price movement is due not to the tariff, but to a world-wide movement upward in the price of those commodities. The course of prices indicates plainly that the world is demanding our food supplies, and that the prices have advanced here not by reason of the tariff, but with the general upward movement.

That is exactly what the Democrats have been claiming all these years, that the so-called farmer's product tariff was a fraud and a sham put on to fool the farmers into voting the Republican ticket. And now the high-protection stand-pat Republican leaders, in order to defend the Payne-Aldrich high-tariff bill before the consumers of the country, come up and plead guilty and confess before the American people that they have been humbugging the farmers and stockmen for 40 years. Has an intelligent country ever witnessed an exhibition of more supreme nerve?

In other words, the American farmer sells his products here in our home market, which is lower than practically all the other markets of the civilized world, and he pays *more* here at home for all his farm implements and most other things that he buys than are charged for the same articles by the American trusts when they sell to the farmers in all the other countries of the world. This benevolent Payne-Aldrich high-protection tariff is certainly a great scheme. The farmer gets buncoed going and coming, and the consumer gets held up all around.

As an illustration of the difference between what the farmer gets for his produce and what the consumer has to pay New York City furnishes a good example. The inhabitants of that city last year paid $60,000,000 for potatoes. The farmers who produced those potatoes had to sell them for $8,000,000. During the same time the inhabitants purchased $9,000,000 worth of cabbages, and the farmers who raised them got $2,000,000 for them. The city paid $8,000,000 for onions, for which the farmers who produced them realized less than $1,000,000. Will anybody say that there is any sense or justice in the enormous difference in the prices received by the producer and the cost to the consumer? The same thing applies all along the line, not only to the farmer but to the stockman. But the Democratic Party is earnestly attacking this stupendous condition. We may make some mistakes, but we will have to make almost incredible blunders to make conditions worse than they are now under the present Payne-Aldrich tariff law.

Every Congressman is elected from some particular State and district, and his thoughts are primarily and very naturally and justly for the welfare of the constituents who elected him. At the same time these tariff matters are national issues, and no one who has had no actual experience realizes the thousands of widely different and largely conflicting interests of this country. We can only legislate for the general welfare by trying to compromise and harmonize these various and nation-wide diversified interests among 92,000,000 people, whose sentiments are as divergent as their interests and almost as far apart as the North and South Poles. So that a Congressman is constantly compelled to yield something to the other 390 Members of the House, and if his constituents will not be reasonable enough and broad enough to permit him, after he has done the best he can for his constituents, to yield something to the general welfare of the whole country, we never can have any national or statesmanlike legislation. In other words, unless every State, every locality, and every interest is willing or can be compelled to concede something to the general welfare of this country, there is no more possibility of revising the tariff downward than there is of repealing the law of gravitation. If a Congressman can not be permitted by his constituents to legislate, at least partially, in the interest of this Nation as a whole, if his constituents are unwilling to yield anything, if he must be threatened with political extermination every time he has a patriotic thought beyond the confines of his own district, or casts a vote for the general welfare of this entire country that he has sworn to represent, we never can have any

just tariff legislation, and the trusts and monopolies will continue to raise the price of everything we buy and pay us what they please for what we have to sell.

Canada does not favor this reciprocity with us for the purpose of opening our markets to her wheat or her live stock, because she already has the same markets of the world that we have in which to sell her surplus and the same means that we have to get her products to the markets of the world. She ships her surplus to Liverpool and London the same as we do, and Canada and the United States and every other nation get the same prices in the same markets for the same products, regardless of where they come from. But Canada wants our market for her lumber, shingles, laths, wood pulp and paper, and other timber products, and for her fish and chemicals and other articles of like nature. None of those articles are produced by the American farmer, and all of them are needed by every farmer. Canada wants the tariff wall lowered against these products which her people wish to sell us and she also wishes our tariff wall lowered against the products her people wish to buy from us.

Colorado is becoming a great fruit-producing State. Canada is not and never will become a competitive fruit-producing country. During the last year we sold Canada 59,000 barrels of apples, in spite of a tariff of 40 cents a barrel. We sold her nearly 5,000,000 pounds of peaches, against a tariff of $1 a hundred pounds. We sold her nearly $5,000,000 worth of pears, apricots, quinces, and so forth, against a tariff of 50 cents a hundred pounds. We sold her timothy and clover seeds to the amount of $750,000, against a tariff of 50 per cent ad valorem. Is there any sane person who believes that we would not have sold her a great many times that amount if that tariff had been taken off?

Some one the other day objected to removing the tariff on beans. As a matter of fact, the State of Michigan alone produces five times as many beans as the entire Dominion of Canada.

Our hay growers can not be hurt, because hay is on an average about a dollar a ton higher in Canada all the time than it is in the United States, and we produce seven times as much as Canada does.

Some poultry raisers object to a reduction of the tariff on eggs and predict that this country will be deluged with a shower of eggs from Canada. As a matter of fact, if the entire export of eggs from Canada to the world was sent to New York City alone, it would take two years to furnish the inhabitants of that city one egg apiece.

The recent Eighteenth General Assembly of the State of Colorado passed a vigorous joint memorial to Congress and to the Colorado Representatives demanding an immediate revision of tariffs by the reduction of import duties, and demanding that articles in competition with trust-controlled products be placed upon the free list, and that material reductions be made in the tariff upon the necessities of life, especially upon articles which the American manufacturers sell abroad more cheaply than they sell at home. It was generally demanded, in fact, that the tariff be reduced to a revenue basis and in such manner as to prevent, as far as possible, combinations in restraint of our trade. I am very diligently doing the best I possibly can toward carrying out those instructions, which I deem eminently wise and patriotic. I always earnestly try to learn the wishes and, in every vote I cast, endeavor to reflect the welfare of the 800,000 Coloradans whom I have the honor to represent. I believe these excessively high tariffs beyond the amount of revenue necessary to run the Government have become an outrageous swindle upon the American people But, at the same time, when we come to revise the tariff downward or make any changes, Congress is besieged by every industry in the United States. Everyone wants to revise the other fellow. No one is willing to give up anything or experiment in any way in a reduction upon his own products, and for that reason, if we are ever to accomplish anything, we are going to be compelled to overlook some fears, especially where we do not think they are well founded.

Your association very emphatically denounces the present Payne-Aldrich tariff law, and I think every disinterested, fair-minded person recognizes that it fetters legitimate business, curtails the world's markets for our products, burdens the consumer, and robs labor of its honest reward. It gives the American manufacturers and the trusts an enormous advantage, to which they are not entitled and by which they are to-day plundering the American people. The reason President Taft called this extra session of Congress was to pass this Canadian reciprocity and thereby partially relieve the American people from the unjust burdens of the Payne-Aldrich tariff law.

I do not mean to insinuate that the large cattlemen are in any way connected with the Beef Trust or are knowingly working in harmony with them. I do mean to say, however, that when we passed the Canadian reciprocity bill, putting all live animals on the free list, a lot of self-appointed farmers' friends let out a concerted and loud roar against us Democrats. They asserted that the American farmers do not eat cattle or sheep or hogs, but that they eat beef, pork, and mutton, and we were taunted with and accused of standing in with the Beef Trust by not also putting beef, pork, and mutton on the free list. Then, when we promptly called their bluff and passed the farmers' free-list bill, which includes meats among a hundred other articles, there was at once a terrific howl from the Beef Trust and all other trusts and all their satellites, including all the high protectionists in the country. The Beef Trust and the Lumber and Paper Trusts, some of the very people who ought to be in jail, are the ones that are now turning heaven and earth to prevent the passage of these bills—the very trusts which the United States Attorney General is now prosecuting and proving to be fraudulent monopolies and unlawful conspiracies against our Government and the American people. To me the bitter opposition of those monopolies is one of the most conclusive arguments in favor of these two measures.

This Canadian reciprocity agreement is not what the Democrats desire, and it is not an answer to the popular demand for tariff reduction. But it is a step in the right direction. And the best part of it is, it is an opening of the tariff wall that has for years surrounded our country. It is a break in the high-protection policy that will ultimately lead to its overthrow, and that is just what these monopolistic conspiracies fear. These bills are opposed by every trust in the country and by every special interest that has grown enormously rich by robbing the people. With brazen effrontery these trusts are now fighting the Canadian reciprocity and the free-list bill in the name of the American farmer and stockman, and at the same time the Steel Trust is compelling the American farmer and stockman to pay for his barbed-wire fences 50 per cent more than it charges the Canadian farmer for the same material.

I notice by the newspapers that the Steel Trust has just declared a dividend of $20,000,000 net profits during the first three months of this year. I suppose some of the critics of this bill would like to keep up the present subsidy and give that trust all the rest of the money in this country.

We sell to the world more than a thousand times as many agricultural implements as we buy from the world, and the Implement Trust sells its products lower almost everywhere on earth than in the United States to the American farmer. The Democrats are putting all of those implements on the free list. The Payne-Aldrich bill imposes a duty of 30 per cent on sewing machines, and yet these machines are sold by the Sewing Machine Trust at from six to seven dollars apiece less all over the world than the American housewife has to pay for them. We are also putting them on the free list. A few people are very much interested in having and trying to hold on to a monopoly of the salt business; we are wiping out that infamy by putting salt, an article that is absolutely necessary for human existence, on the free list.

The Payne-Aldrich bill put hides on the free list, and yet outrageously imposed a duty of from 5 to 45 per cent on boots and shoes, harness, leather, and manufactured products, which we export and sell in competition with the world to the enormous amount of $50,000,000 worth a year. We export 60 times as much as we import. No greater swindle has ever been perpetrated on the American people than that which has resulted in putting hides on the free list and leaving all that duty on those articles which enables the Leather Trust to continue to rob the American people and increase the prices. In the free-list bill we are putting all of the leather articles on the free list.

I have been studying these tariff questions almost constantly ever since I was first nominated to Congress nearly three years ago, and I have come to the conclusion that with all our marvelous modern developments, superior intelligence, wealth, and boundless resources our country has nothing to fear in the way of competition from any other nation, or all the nations, of the world. I am not a free trader. In fact, to a very limited extent, I am a protectionist. A reasonable amount of protection where it is actually necessary, at least temporarily, to build up a home industry or to protect American labor is undoubtedly wise and just. The trouble is that it seems to be an almost utter impossibility to tell where honest, deserving protection leaves off and robbery of the public begins. I am in favor of giving the people the benefit of the doubt. Our infant industries have been protected and practically subsidized until most of them have be-

come giant monopolies. They need restraint instead of further subsidy. When we are compelled to raise very largely from tariff duties over three and a half million dollars a day to run this Government, there can be no such thing as universal free trade. That is entirely out of the question. Our country must raise the money for its needs, and our tariff duties, if fairly and intelligently adjusted on a purely revenue basis, will be amply high enough to afford all the protection that any legitimate industry deserves and that will also guarantee fair wages to our labor. In other words, I think we have reached the state of development in this country where we can secure all the incidental protection necessary on a purely tariff-for-revenue-only basis if it is fairly and equitably distributed.

Each of the hundreds of industries that is affected, or thinks it is affected, by these bills is loudly protesting against them. If Congress waits to gain the consent or receive the approval of the people who make money from the tariff rates, there will never be any revision. No tariff rate can ever be lowered if we consult only the judgment of the beneficiaries of the rates.

The Democratic Party promised to reduce the tariff, and there was no proviso or condition attached to the promise. The contest is between the common welfare of all the people and the beneficiaries of special legislation. In the last 10 years wages have increased 22 per cent, while the cost of the necessities of life have increased 60 per cent. The Payne-Aldrich bill gave the people no relief whatever.

About a half dozen men own or control something like 80 per cent of all the standing timber of this country. The Lumber Trust which they have formed has the 92,000,000 American people absolutely by the throat. There seems to be no limit to the insatiable greed of that monopoly. Prices, as everyone knows, have gone up from 200 to 500 per cent. Our timber and lumber supply in this country is not only rapidly diminishing, but practically all that is left of it of any value is monopolized and controlled. There is no other place to get lumber excepting from Canada. We absolutely must have lumber, and we must relieve the people from the increasing high prices, and the Canadians know it. This agreement practically puts lumber on the free list. The Canadians, however, are shrewd traders themselves, and they have been able to drive a fairly shrewd bargain with us before making these concessions. If we do not accept this agreement now, President Taft positively assures us that it will be many a long year and we will pay many billions of dollars into the pockets of the Lumber Trust and other trusts before we get another chance to enter into an agreement as advantageous as this with Canada.

We can not blame the newspapers of this country for wanting to wipe out the tariff and secure from Canada free wood pulp and print paper so as to get out of the clutches of the American Paper Manufacturers' Trust. Paper is one of the necessities of life. During the past five years, even with our high tariff against her, Canada has sold us $100,000,000 more paper, pulp, and lumber than we have sold her. Our present duty upon these articles has caused a very great wrong and hardship to every man, woman, and child in the United States. The people are robbed every day of their lives by the Lumber Trust and Paper Manufacturers' Trust. If we pass this reciprocity bill and remove the tariff against these products, Canada will sell us a vastly larger amount than $20,000,000 a year, and we will be able to get at a much more reasonable price the paper, lumber, and lumber products that are so necessary in our daily lives.

Of the 16,000,000 families in this country the homes of less than 5,000,000 are unencumbered by mortgages. The remaining 11,000,000 either have no homes or have mortgaged properties. The present price of lumber is prohibitive. People of moderate means can not build homes. We propose to at least partially throttle that lumber conspiracy by putting that product on the free list and try to make it easier for our people to own their homes.

As I have repeatedly stated, these bills are only the beginning of tariff reduction and of the general readjustment of the tariff. The tariff can not be reduced in one bill. The Republicans learned that to their sorrow two years ago, and President Taft has publicly and repeatedly stated that the only effective and practical way of revising the tariff is schedule by schedule, and the Democratic Party is going to undertake the task that way and attack these gigantic interests as far as possible single-handed. We must begin somewhere. The conditions in this country are radically wrong. The present tariff conditions breed discontent. High tariff is the citadel if not the mother of trusts, and protection has become the bulwark of monopoly. But we can not do everything at once. The Republican Party has been in control for 16 years and conditions have been getting worse every day. They have legislated in the interest of nearly everybody but the farmer. The very first bill the Democratic House introduced and passed as a Democratic measure is this farmers' free-list bill, and we feel as confident as possible that it will be a tremendous benefit to every farmer and stockman in this country, and will very largely reduce the middleman's enormous amount of unearned profit.

The minority of the Senate committee on wages and prices of commodities reported that there were three causes for the advanced food prices, and hence for the increase in the cost of living—first, the tariff; second, the trusts, combines, and monopolies; and, third, the increased money supply. Referring to these, the committee said:

> We are without sufficient data to apportion the degree of the proportion of responsibility among these three causes, but that the first two are the chief malefactors we have no doubt; and they are of our own creation.

President Taft has repeatedly said that the tariff is too high and that it tends to permit combines to advance prices. He has brought forward this Canadian reciprocity agreement in an earnest effort to remove some of the trade restrictions, hardships, and inequalities in the tariff, which he admits are unreasonable. As between this country and Canada, this agreement very largely removes them. I believe the removal of these false trade barriers will not only vastly enlarge our markets, but will broaden our source of supply and largely prevent the monopolies and trusts from controlling our prices.

If these two bills now pending in the Senate are passed, every farmer in the United States will be able to purchase not only all of his farm implements of every conceivable kind, but his lumber and nearly everything else that he buys cheaper than he now gets them. I earnestly believe that when the farmers and stockmen learn of the hundreds of articles that are included in those two bills and their far-reaching and beneficial effect, that they will heartily indorse them. . These two bills ought to pass as companion measures. They would benefit every man, woman, and child in the United States and injure nobody.

It is conservatively estimated by the expert agents of this Government and by the most prominent Democrats and Republicans in this country, whose knowledge of the tariff is as profound and thorough as anybody in the United States, that for the ten to fifteen million dollars of revenue which the Government would surrender by the passage of these bills the American people will receive at least $300,000,000 every year in direct benefits. Surely it would seem to me that, in the face of that showing, an inland State like Colorado ought to be willing to give the measure a trial, especially when the States bordering on Canada are not afraid of reciprocity, and several of their governors and many of their most prominent men have been here advocating it.

While these two measures are only two steps in the right direction, yet, if both of them are passed, they will very greatly relieve the oppressive tariff conditions now burdening the American people. I feel that we have legislated long enough against trade, one of the most important things that makes a nation industrially and financially great. The time has long gone by when the American people can live by trading among themselves. The campaign talk of 30 years ago about confining ourselves to our great home market is out of place to-day. The greatest need of the present is a larger market for our surplus products; and, if this country is to continue to prosper, we must sell a very large percentage of our products abroad. If we expect other people to buy our products, we must buy from them. Every nation, every State in this Nation, and every city in every State is spending millions of dollars in advertising and trying to enlarge and expand its trade, and each is especially trying to enlarge the markets for its products. Let us abandon the policy of exclusiveness and tariff retaliation and urge a spirit of commerce and friendly trade relations with all nations, and especially with the Canadians—our nearest and best neighbors.

The ranchmen and cattlemen of our State have always been my friends and professional and political supporters, and I earnestly hope that I may always deserve and retain their confidence. I have looked after their interests and represented them continuously for the past 15 years, and I certainly will never do anything in Congress that I believe will, or even might, injure them. I trust they will do me the favor of reading this letter, and then frankly decide, as I know they will, whether or not I have done wrong in standing by the party that has loyally stood by me and elected me to office during all of these years.

Pardon the great length of this letter. My only excuse is your statement that the stockmen of the country would be glad to know my opinion on these subjects, and acting upon your assurance that the letter will be published, I have taken the time to go into the matter somewhat in detail. Owing to the

imperative press of official business I have been compelled to dictate this letter very hastily and with frequent interruptions and very little time for revision, consequently there are probably some repetitions and possibly some minor inaccuracies. But, in the main, it expresses my ideas based upon a diligent study of these tariff questions for the past two and a half years, and I frankly submit them to the candid judgment of the people of Colorado.

Yours, very respectfully, EDWARD T. TAYLOR.

Mr. UNDERWOOD. Mr. Chairman, I yield 15 minutes to the gentleman from Alabama [Mr. DENT].

Mr. DENT. Mr. Chairman, the object of this bill is to reduce taxes and to decrease the cost of living, and even though it may not accomplish all that its advocates claim for it, it is a long stride in the right direction, and I do not see how any Democrat, at least, can refuse to vote for it. [Applause on the Democratic side.] Whatever differences of opinion may exist among us as to the doctrine of free raw material should now be abandoned in the face of the facts with which we are now confronted. Perhaps the ideal Democratic tariff doctrine is a strictly revenue tariff upon every article of importation. But, Mr. Chairman, that is not the practical way in which to look at this question to-day. Every Republican, whether he be a regular or an insurgent, believes in the doctrine of protection and that that doctrine should not be abandoned. There are some Republicans who believe that the present tariff rates are too high; there are some Republicans who believe that the present rates are correct; there are some Republicans who think, I believe, that the rates are not now high enough. [Applause on the Democratic side.] But all Republicans agree that the doctrine of protection should be maintained. [Applause on the Democratic side.] Now, if the Democratic Party should undertake, when in control only of the House of Representatives, to adopt a general revenue bill based purely and primarily on Democratic lines and eliminating entirely the doctrine of protection, then a Republican Senate, composed of regulars and insurgents, would justify their opposition to such a measure by reason of the fact that it would mean the complete destruction of the doctrine of protection.

But the Republican Party, Mr. Chairman, is not opposed to the doctrine of free trade in some things. I am justified in making this statement by reason of the fact that in their purely protective tariff measures there is the free list. Therefore I want to congratulate the majority membership of the Committee on Ways and Means of the House in adopting a plan by which the tariff shall be revised by piecemeal as the only practical and sensible way in which it can now be accomplished. And there is another and a really good reason why the committee has adopted this plan, and that arises from the fact that it absolutely eliminates the trading and the bartering between special interests seeking special favors that have heretofore occurred in all the tariff legislation of this country. [Applause on the Democratic side.]

But, Mr. Chairman, there is another and a still more powerful reason why this plan of tariff revision adopted by the Ways and Means Committee of the House should be carried into effect. For something like one-half of a century the protective-tariff system has been thoroughly intrenched in the legislation of this country. Under this system gigantic fortunes have been concentrated in the hands of the favored few. In return for the vote of the American citizen who has been led under false pretenses to believe that the system brought about a general, but undefined, prosperity these gigantic interests, whose wealth has been accumulated by reason of the favoritism of the Government, have utilized this congested wealth by organizing trusts, and by means of these great trusts they levy, without even asking the aid of the Government, an additional tribute upon the American people. [Applause on the Democratic side.]

Whenever the representatives of the American people meet a situation like this there is but one thing to do, and that is to invite the foreign competitor of this concentrated and congested wealth power to come to America and compete with their exorbitant prices. [Applause on the Democratic side.]

The only regret, Mr. Chairman, that I have about this bill, prepared by my good friend from Alabama, the chairman of the Ways and Means Committee, is that it is not more extensive. But when I remember that the free markets of the world are by this bill opened to the American purchaser to buy agricultural implements, bagging and ties, boots, shoes, and leather, bread, crackers, and salt I do not see how many Representatives can stand before their people and defend an adverse vote upon this bill. [Applause on the Democratic side.]

Mr. Chairman, there are four great enterprises that build up the material prosperity of every people. They are agriculture, commerce, navigation, and manufactures. It is a startling proposition to me that during all of these years in this free country, the freest country on the globe, one of these enterprises has been able to induce those who work in the other three to vote to tax themselves for the sole and exclusive benefit of the fourth. [Applause on the Democratic side.] Under this system of protection, for which I am justified in saying it is at least partly responsible, navigation has been abandoned on the high seas. Commerce has thrived to a greater or less extent because it was absolutely essential in the distribution of the products of the country and in bringing the buyer and seller together. [Applause on the Democratic side.] Agriculture has prospered with more or less ups and downs because of the abundance of our land and the fertility of our soil. [Applause on the Democratic side.]

The last man on God's green earth who ought to vote for a high protective-tariff system is the tiller of the soil. [Applause on the Democratic side.] Under this system he is compelled to purchase everything he needs upon the farm and in the home in a highly protected and therefore a high-priced market, while the great surplus crop that he raises is sold in the free-trade markets of the world. [Applause on the Democratic side.]

And, Mr. Chairman, I want to say that the wage earner is no longer fooled by the claims of the advocates of this protective-tariff system. I do not propose to enter upon any statistical discussion of this question. Suffice it to say that the increase of wages has not kept pace with the prices of the things the laborer must buy. I want it to be understood—and I repeat what my good friend from Alabama [Mr. CLAYTON] elaborated the other day—that even the advocates of the protective-tariff system do not claim that it benefits any laborer, except those engaged in purely manufacturing pursuits. [Applause on the Democratic side.] The carpenter, the brick mason, the painter, the railroad employee, and thousands of other laborers throughout this country are not even pretended to be affected by a high protective tariff. [Applause on the Democratic side.]

But that is not all. Here occurs one of the most remarkable political phenomena that ever occurred in the history of any free people. Did you ever stop to think that the laboring man engaged in manufacturing pursuits is not himself by the law directly protected, although the industry in which he is engaged may be protected? The protection is given to the employer, and the employer is made the laboring man's guardian, without any compulsion of law or any obligation of contract to divide the spoils with his employee. [Applause on the Democratic side.] Yet they have appealed to the laboring men throughout this country, engaged in protected manufacturing pursuits, asking the laboring man to vote to give this artificial profit to his employer, and trust to God that his employer would give him some of the benefits. [Applause.] This is the system that is now beginning to find its end. [Applause on the Democratic side.]

The American people have decided to repudiate it; there is no doubt about that. In my humble judgment there never has been a time in the whole history of the American people when there was not an overwhelming majority of the people with the Democratic Party upon the subject of low taxation and an economic administration of the Government. [Applause.] In 1876 Mr. Tilden received 250,000 plurality, although he was cheated out of the election. [Applause on the Democratic side.] In 1892 the Democratic Party swept the country from the east to the west on that issue. In 1908 both political parties went before the American people, demanding a downward revision of the tariff. [Applause.] The Republican Party forgot its anteelection pledges, and in 1910 a Democratic majority of 64 was returned to the House of Representatives. [Applause on the Democratic side.]

Mr. Chairman, the Democratic Party believes in low taxation and an honest and economical administration of the Government, within constitutional limitations, in the sovereignty of the State, so far as their domestic affairs are concerned, in local self-government and the largest possible individual liberty consistent with the public good. [Applause on the Democratic side.] We believe that in a great country like ours, spread over such a vast territory, stretching from ocean to ocean, from Lakes to Gulf, embracing within its limits every variety of soil, climate, and production known to the Temperate Zone, and including among its people the representatives or their descendents of every civilized race on the globe, each with different thoughts, different tastes, different hopes, different aspirations, and, what is more important, different interests, that out of this heterogeneous mass there can be molded and maintained one homeogenous whole only by remaining true to the principles upon which our fathers builded this Republic. [Applause on the Democratic side.]

Mr. DALZELL. Mr. Chairman, I yield to the gentleman from Kentucky [Mr. LANGLEY].

[Mr. LANGLEY addressed the committee. See Appendix.]

Mr. UNDERWOOD. I yield 10 minutes to the gentleman from North Carolina [Mr. FAISON].

[Mr. FAISON addressed the committee. See Appendix.]

Mr. DALZELL. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. BOWMAN].

Mr. BOWMAN. Mr. Chairman, it is late Saturday afternoon of the second week which this House, in my judgment, has spent in chasing a will-o'-the-wisp, and yet I have been very much interested in the debate. It is a great privilege to be a Member of this House. It might be called a liberal education to listen to what these Members have to say upon such an important question as the tariff. I also consider it a great privilege to represent an important part of the greatest State in this Union, the State of Pennsylvania, the richest crown that adorns the brow of nature, and the district from which I come the brightest gem in that diadem, the heart of the anthracite coal region of Pennsylvania, the county of Luzerne. It seems to be quite the fashion for the Members of this House to inveigh against the industries of the State of Pennsylvania. Do they realize what that State is doing for this Union? Do they realize that that State produced, according to the census of 1905, one-seventh of the wealth of this country—upward of $2,000,000,000? Do they realize what the State of Pennsylvania is doing with that money? Do they realize that they are supporting the country directly by purchasing the products raised in all parts of this Union and by sending to the south, to the east, to the west, and to the north money to help carry on its multitudinous enterprises? I may be permitted to say a few words regarding the character of the people of the district which I have the honor to represent.

They are one of the most industrious, independent, and progressive of which this country can boast. They are Republicans to-day and Democrats to-morrow; they can not be deceived by any such bill as that which is before this House to-day. I will take the opportunity now of sending to the Clerk's desk an uninspired editorial printed in the Wilkes-Barre Record, one of the most important newspapers in the State of Pennsylvania or in this Nation, one that does not support a man because he is a Republican or because he is a Democrat, but supports those men and those principles which they believe are for the best interests of this country.

The Clerk read as follows:

SCHEDULE BY SCHEDULE.

In the course of his address in New York City last week President Taft again characterized the old method of tariff revision as antiquated and rife with abuse. The opinion he expressed, that there is now general sentiment in favor of making revision dependent upon exact information as to each schedule, is not overdrawn. The Payne law is not what it should be, largely because there was lack of definite information as to the extent to which duties might be reduced. Congressmen were primarily interested in giving adequate protection to the products of their respective sections of the country, but without knowing just how much protection was needed they felt more inclined to err on the side of overprotection than underprotection. In the confusion some reactionaries allied with the special interests took advantage of the situation to demand duties in excess of what they knew were adequate. But as to the main body of Republicans, they were completely at sea. If mistakes were made, they were due to the absence of plain facts and figures in relation to the schedules upon which they were called to vote.

This haphazard system has prevented fair and square revision in the past and it will prevent it so long as the system is continued. Insurgents who clamored for downward revision and expressed their indignation over the Payne enactment because it did not go far enough, are now clamoring against the reciprocity agreement because sectional interests have more weight with them than the general welfare. They oppose reciprocity because they fear that it will seriously injure the farming constituencies which they represent. At the time of the last general revision certain Democrats were heart and soul in favor of reducing the tariff on everything produced outside of their own districts. These were the Democrats who took the hazard of expressing their honest stand. Others were spared from fighting reduction owing to the knowledge that there would be no attempt at reducing the old rates on their home products.

The President has raised an issue as between the old method of revision and the method which gives Congressmen and the Nation information as to the differences between the cost of production at home and abroad and all other information necessary for safe judgment. When such facts and figures are presented there will be no excuse for voting blindly. Congressmen will not be able to take advantage of a confused situation in order to stand pat for their sectional interests. It will be known just to what extent each schedule may be safely reduced. In advocating such a system the President is right and the Nation is with him.

Mr. BOWMAN. I would ask the Members of this House if this bill is in any sense in conformity with the very wise statements of that editorial? I declare that it is not, and I also declare, without fear of contradiction, that there are not a dozen Members present who, taken individually, consider this a wise measure. It certainly is not just. Most of you can reason with an individual, and most of you have had sufficient experience with men to know that it is oftentimes impossible to reason with a crowd.

This bill does not show sufficient consideration, either for the character of the Democratic Party or for the people of this country. It is neither wise nor just.

That I may not appear inclined to favor my own State or the industries of my own State I will call attention to a letter which most of you have received from the Carolina Bagging Co. Investigation shows me that the bagging industry has invested upward of $11,000,000. They employ over 6,000 people. It is located entirely in the Southern States. This letter, to the speaker, who has had some experience in business if not in politics, is absolutely touching.

There are now seven bagging factories in North Carolina, three in South Carolina, three in Virginia, and three in Georgia. Large amounts of capital are invested in these. Admitting jute bagging into this country free of duty would ruin and close these factories and throw all their labor out of employment.

The Member from North Carolina in whose district this factory is located stated to me, upon inquiry, that the effect of this bill upon that factory would be to close it and result in the probable ruin of that enterprise. I looked up the credit rating of these people. It was given me as first class. I believe they are honest men and tell the truth when they say:

The duty on cotton bagging, which is made of jute, is about 30 cents per roll. With this small amount of protection manufacturers of bagging and other jute products have had a hard time to live for the last few years. Several factories have failed and gone out of business.

* * * * * * *

Take this from our earnings and we could not go on at all, and would close our factory. May God forbid such a result. We and our help all cry to Congress to forbid it.

I went through an experience in connection with the Wilson bill as a business man that I shall never forget. I had just fairly started in business. The anthracite coal business is very similar to the farming industry. It is intimately dependent upon the industrial growth and progress of the country. When the wheels stop and no smoke comes from the furnaces the mines are idle. I saw long strings of men, women, and children leading up to the soup house. They were taken care of. There is never a hungry child in the anthracite coal district of Pennsylvania, whatever may be stated to the contrary on the other side of this or any other House. The miners there are paid better wages than any others in the world. There have been slurs cast upon the bituminous mining system of Pennsylvania as to the wages paid. There are peculiar conditions surrounding that industry, and, understand, I have no commission to speak for the bituminous region of Pennsylvania. But justice is justice.

I wish to speak from the report of the Immigration Commission relative to the condition of immigrants in the bituminous coal fields of Pennsylvania. The gentleman from North Carolina, I think it was, presented here a voucher showing that some mine worker had been paid a few dollars for 10 days' work. That hand specimen was unfair to the State of Pennsylvania and not fair to himself. The average earnings of all classes of daily wage earners in the Pennsylvania bituminous mines in 1909 was $2.07. The daily average paid the native American was $2.18. The average daily earnings of the Welsh was $2.43. It is true that some of the foreigners do not earn as large wages, but the foreign-born average for the year was $442 a family.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DALZELL. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. BOWMAN. The investigation of the experts connected with this report shows to me that the bituminous miners of Pennsylvania receive from 20 to 40 per cent more wages than the average paid for the total labor of the southern part of this country.

Now, gentlemen, I am not talking for north, south, east, or west. I have an interest in the Southland—as much as any of you can have. My only daughter, with husband and two grandsons, lives in the State of Alabama, and I have some of my hard-earned money invested there. Should I not be interested in the development of that country as I am also in that of my own State and of each State in the Union? And I say to you, gentlemen, with all seriousness, ponder well before you pass this bill. Ponder well. And I will make a prediction, that before 10 or 15 years pass this House will have from that Southland as ardent supporters of the principle of protection, as it is understood in my State, as you now have from Pennsylvania. We believe in protection to the limit of competition, with a small percentage to protect from surplus stocks. We believe in a revision of the tariff. We believe that if any industry is protected and does not give labor a fair share of the return we should withdraw from that industry its protection.

Now, gentlemen, there have been slurs cast against the manufacturing industries of the State of Pennsylvania, notably those of Pittsburg. They produce a large share of that $2,000,000,000 of which I told you. They do not keep it all in Pittsburg. What is Pittsburg doing for the Tennessee Coal & Iron Co.? It is furnishing the money and the brains to rehabilitate it and put it in a position so as to make Alabama some day a second Pennsylvania.

Gentlemen, if shoes are put on the free list, why not sugar? This bill means millions for nothing. Reciprocity means something for something. If the revenues of this country are reduced by the amount that is contemplated in this bill, can this country perform its duty to the veterans?

It was stated by a Member on this floor that there were no farmers in my district. There are as good farmers, working as good farms, in my district, as are found anywhere in this country, and they want the mines to work so that there will be a market for their crops. They are patriots and have furnished, as defenders of this country, from the War of the Revolution down to the Spanish War, as great a proportion or a greater proportion of volunteers than any other part of this Union. They depend upon this Government to care for them in their old age, and I appeal to you, gentlemen, that the revenues of this country should not be reduced when they are deserving aid, and expecting to be cared for at this time.

Now, just a word more. I have two telegrams here which I have received. There are in my district two lace-curtain factories which are using cotton. I telegraphed to them and have received the following responses to my inquiry as to the amount of cotton used daily and their product of finished goods. Here they are:

WILKES-BARRE, PA., *May 5, 1911.*

Mr. C. C. BOWMAN,
House of Representatives, Washington, D. C.:

Maximum daily consumption cotton 2,500 pounds; market value annual output approximately $800,000.

WYOMING VALLEY LACE MILLS.

WILKES-BARRE, PA., *May 5, 1911.*

Hon. C. C. BOWMAN,
Congressman, Washington, D. C.:

We use daily 10,000 pounds of cotton and produce 10,000 pairs of curtains per day.

WILKES-BARRE LACE MANUFACTURING CO.

Is it better, I ask, Mr. Chairman, to sell that cotton in this country and support the American farmer and miner and an American industry or pay the freight upon the cotton to the other side and the freight back on the finished goods and also support a foreign industry? [Applause on the Republican side.]

Mr. DALZELL. Mr. Chairman, I yield 30 minutes to the gentleman from New Jersey [Mr. GARDNER].

The CHAIRMAN. The gentleman from New Jersey [Mr. GARDNER] is recognized for 30 minutes.

Mr. GARDNER of New Jersey. Mr. Chairman, I shall not discuss in detail the tariff in general or protection as affected by this bill. Tariff discussion is about perpetual; it increases periodically from near zero, and commands attention only as often as death and forgetfulness remove from view the wrecks of former consideration and destructive action.

It was not my good fortune in youth, or at any other time, to be apprenticed to a mathematical tailor shop, where I might acquire the facility to fashion from the cloth a statistical garment that would precisely fit any economic proposition and dress it appropriately for presentation on any occasion at hand. Nor shall I inquire very closely into figures in search of the comparative "cost of manufacture at home and abroad." Much has been said about this platform expression. My interpretation of it is, a tariff under which the present standard of American living and American wages shall not be broken down. [Applause on the Republican side.] If it has any other interpretation, pray what is it? Where is this place called "abroad"?

It is not named on any map. Is it "any old place" outside of the United States? If so, for the purpose of a computation of the "difference in cost at home and abroad" there are a number of "abroads." For instance, England, Germany, and France all manufacture pottery and export it into the United States. But it is manufactured at one cost in England, another in Germany, and another in France. Which is the "abroad"? Now, does any gentleman pretend here that the difference in cost at home and abroad is not to be measured in large part by the American wage, the American standard of living, the American environment, the American way that has become a necessary way to American life, if you please? So, for myself, I repeat that this is my standard of interpretation of the Republican pledge. Certainly we must mean something with some stability, something in some degree permanent.

The difference in cost, measured by arithmetic, would never be the same probably in any two months. An increase in wages here or a decrease there would change the relative difference in that cost. Indeed, gentlemen who insist upon a rigid arithmetical interpretation must be ardent advocates of a tariff commission with full power to act at once and often, and with an Atlantic cable in their control, for it would be necessary to ascertain at least every Monday morning what that difference was and to adjust the United States tariffs accordingly.

I have noticed that the gentlemen favoring even the proposed free list are possessed, and naturally so, with some anxiety to dissipate the well-founded belief that tariffs materially affect the wages and the amount of labor engaged in the various occupations here. I noticed yesterday that my colleague from New Jersey [Mr. McCOY] quoted standard authority for the proposition that the tariff can not increase wages.

To-day the same proposition has been insisted upon, and I want to do my friend from Maryland [Mr. LINTHICUM] the justice to say that in so far as I know he is the only gentleman who, in this entire debate, has acknowledged any force whatever in the old "law of supply and demand." Now, it is a truism that a tariff can not raise wages, if you assume a world-wide equality of conditions. It is probably true that equal tariffs could not affect wages, if all the world was equally situated and each nation had its own tariff equal with every other. It may also be a truism under many other assumptions. It is, however, an absurdity—if increase means to prevent reduction—when applied to a country living on a higher plane as against countries whose standard of life and pay is on a lower plane. An unlimited supply of anything made in a country where labor is cheap reduces the price, under the law of supply and demand.

People will pay no more for the thing made for high wages than if made for low wages. The low prices thus brought about must ultimately reduce wages or close the factory in the higher-paid workman's country. I know of nothing more futile in this world, Mr. Chairman, than the attempted application of even an unimpeachable philosophic conclusion to conditions that it will not fit. I say to our friends that they can not now spread over this country a general doubt that the tariff has developed our manufactures and has aided in making the trade balances favorable and contributed greatly to the national growth, wealth, strength, and prosperity. You may confuse the reason of the young operatives in the factory, but you can not confuse the recollections of the older ones.

You can not erase from their memory the days of idleness, the specter of gaunt poverty, nor will they forget the defaulted building association dues, the lost homes, the general disaster of your former experiments. I had intended to say, before my friend from Maryland spoke to-day, that in all the economic discussion that it has been heretofore my fortune to hear the law of supply and demand had been considered a very respectable authority and treated with marked consideration. Propositions going to the increase or decrease of the supply were subjected to the scrutiny of that law, and the probable effect on price was thereby determined.

So far as I know, until to-day no advocate of the reciprocity bill has paid even "the cold respect of a passing glance" to that law. True, the whole contention that reciprocity would reduce the cost of living must have rested upon the operation of the law unless it be simply a provision against possible famine due to untimely frosts in the country south of Canada. We were diverted rather to statistical exhibits calculated to show that the desired result would not be attained.

I know of no other instance in the history of parliamentary contests where there occurred a serious division on the question of whether products could be cheapened without lowering the price. In the discussion of the pending bill, also, no consideration has been given at all until to-day to the effect of this law's operation when the goods so admitted are here on the ground and when the American price will be fixed by the foreign competitor—unless new combinations prevent.

Mr. Chairman, the bill under consideration is known as the farmers' free-list bill, has been known so here in Washington and throughout the United States, understood to be such wherever notice of the parliamentary proceedings of this great Nation is taken. It has been understood that it was a sister craft of reciprocity, and we have been told to-day for the first time, and much applause was elicited by the apparent afterthought, that even though the reciprocity boat should "hit upon the unseen rock" or founder in the hurricane of debate, the

other boat would sail to its destination. Both are freighted with disaster. The two bills are an admitted attempt at special legislation, and special legislation of a kind, too, adjudged to be contrary to public policy in some of the States and forbidden by the constitutions of other States in which the legislation is to operate.

Since when has the farmer been a subject of outlawry by the Government on the one hand or entitled to either real or pretended special privilege on the other? When did the condition arise under which his segregation is not insult and his specialization outrage? He above all others is professedly opposed to both special privilege and special legislation. What kind of a defense is it of this bill to say that the farmer has been especially penalized, and now you offer him special privileges in recoupment? If you believe he is entitled to recoupment, what right had you to do him the special injury? If you did not do him special wrong, what warrant is there to grant him special favor? When did the farmer cease to be an American citizen subject to the equal protection of the laws and to none other?

Of course you do not offer him benefits in this bill. You say you do. You think you do because you think wrong on the tariff. Upon the whole the farmer is a loser by your free list. You propose to heal the wound made by one blow by "hitting him again."

But if you believe the free list would help the farmer, why not give it to him with equal certainty with which you give him the first blow—reciprocity? This is too serious a matter; it raises questions too momentous to be deliberately and deeply involved in the game of politics. [Applause on the Republican side.] The purpose can not be hidden. The veil is too gauzy; the sagacity of the farmer and the people even less directly concerned will penetrate it with the simplicity of an X ray on something thin. Is it hoped to plead successfully that you sought to soften the injustice done by an administration measure? The farmer will know that if you had not made it your measure it would not have passed the House. Do you hope to win him by the soothing statement that you had to support the reciprocity bill because it was in line with your policies, but you still thought it necessary to break the injurious force of the policy? You can not tell him that you believe he should both sell and buy in a free-trade market, because you had it in your power to give him both together or neither.

It will be no defense to say that believing he should have both you gave him one, even though you pass your free-list bill through the House and put the question of giving him the other—your beneficial measure—up to somebody else. The so-called reciprocity with Canada is bad enough and plays havoc with the agricultural interests of this country, but it plays an honest havoc, honest if inexcusable as a policy, honest as a revenue-tariff havoc would be if the Democratic Party could follow out its own convictions. But a reciprocity bill, with a farmers' free list as a supplement, not only assaults and wounds the farmer's interests but inexcusably insults his intelligence. It is a mock expression of good will. It says, "We struck you because we thought we could escape responsibility and direct your resentment to another. We admit the injury, but we have the balm that will cure. Whether the balm shall be applied or not, we will leave to those who say that they do not believe you are injured at all."

The sands in the glass at the desk are running, and I must omit much and hasten on.

Mr. Chairman, we have beyond doubt during the last two or three weeks been favored with one of the most splendid symposiums that has gone into political literature. It is true that more, in the form of prophecy, has gone into the current volume of the CONGRESSIONAL RECORD than is contained in any volume yet given to the world, and probably with less warrant of inspiration than excuses the existence of any former volume. True it is, too, that party has assaulted party, that crimination and recrimination have been heard. High tariff has been assaulted and low tariff has been denounced, until, if the air waves travel as indicated by the success of the wireless, we may well believe that wherever around the globe there is an echo a present ear would hear "robber," "plunder," "trusts," "panic," "poverty," "the ruin wrought," and so on; yet it remains true that there has been debate of a high order and the presentation of important facts—the evidence of diligent, if misdirected, research.

And yet, as I comprehend the subject matter before the House, the real questions involved have not been even stated for consideration. The questions are not of tariffs, or reciprocity, or closer commercial relations with Canada. All these are incidental and to be determined according to which way we resolve the main question.

Has the time come when the United States should enter upon a new agricultural extension in another country, only less disastrous to existing agriculture in extent, but no less in kind, than that which occurred to the East in "winning the West?" Has our population so grown, has our demand for foodstuffs become so great that our agriculture can not supply it; or have our farmers so far fallen below the ability to produce an adequate supply that there is now a national necessity for a new agricultural extension and development, even though the United States must become a party to its accomplishment, under another flag? These are the questions to be met and discussed in advance of intelligent action by Congress; and if the answers be in the affirmative, I submit that the wise procedure is not by way of what we call the "pact" or "reciprocity." With the questions involved answered in the affirmative, the "pact" is neither broad enough in scope nor secure enough in tenure to meet the requirements. If the questions be not resolved in the affirmative—if the necessity does not exist—then the agricultural interests of the country should not be disturbed and a third of all our people made subject to depression and loss—a third of our people should not have their well-being exposed to the hazard of an unnecessary experiment.

The analysis of the question whether the United States should now become a party to a new agricultural extension in another country by treaty involves the discussion of many questions, some of which we very properly seek to avoid. I take it that if there be no national necessity for it, if none should be shown, the proposition would stand at the end of such consideration as a mere proposal to throw our agricultural interests into confusion, subject them to depression, discourage internal development for the benefit of others, for no reason better than an impulse to do something—execute a diversion, make a new mark on the map of the world. This movement would, I think, stand alone in the history of national movements as an attempt to divert development away from the home flag, divert immigration to a field of competition with us and before such competition is necessary; to build and strengthen elsewhere at the expense of home. But if it be necessary, if the time has come when we need it, if our agricultural resources be not ample, then a further development should be sought more under our control, where we could not be deprived of its benefits whenever and under whatever circumstances a rival power should elect.

The more we are brought to a state of dependence upon resources not under our control the weaker our position. If the broader and deeper questions involved were, diplomatically speaking, open for discussion now it would be pertinent to inquire at some length whether we are not quite possibly putting the Nation into a position where the maximum of supply will be available in times of minimum need and only the minimum supply be available to meet the maximum of requirement. The higher wisdom of policies is brought to test only in the crisis. If the Canadian pact develops a notable tendency, it will be in the direction of a United States dependence upon these foreign fields.

Mr. Chairman, the discussion of reciprocity here has not indicated mental views confined to the business relations between the United States and Canada. There have been visions of prospective which, while shadowy and undefined, have yet been inspiring and influential to many advocates of the measure. I wish the matter could have been considered in the absence of the unrelated lights and shades which, while not on the canvas, have added greatly to, if not controlled, the estimate of value of the picture itself.

There has certainly been enough of this influence apparent to remove the pact from comparison with any other proposition for reciprocal trade and to remove it from the light of contemplation as a cold business matter—enough of it to destroy the notion that if its workings be to our business disadvantage it can be denounced like other treaties. There seems present in everyone's vision a line of Americans going into Canada by the invitation of the treaty, a severing from all the United States except its markets, the establishment of homes over there. When 100,000 or 200,000 American farmers have accepted the invitation and gone there and located there, you can no more withdraw the treaty than Congress can withdraw the rainbow from the sky. If now, it is forever—or complication.

The sentiment to which I allude has been so marked that the matter in this discussion of which the world at large has most taken note, and probably the only matter that history will note at all, is found in the romantic expressions about the United States farmers' influence in Canada tending to bring the two countries into such close and intimate connections that

we may suppose two flags will become embarrassing. Something of this has gone permanently into the record. There is apparent a belief, not narrowly confined, that the United States citizen is going to settle in Canada; that he will exert a United States influence; that his sentiment will be infectious, if not contagious. It seems almost assumed that by and by Uncle Sam, with Miss Canada's consent, with apply to the Court of St. James for letters of legal adoption.

There has been some expression almost poetical and some heroic of the way this new addition was to be made, presumably to the sisterhood of States. And the farmer again is the instrumentality by which it is all to be brought about. Strange there should be so much of romance hovering about what the farmer believes to be the sacrifice of his well being.

I am at a loss to classify this imagined sentimental filibuster. It seems to be safely outside the condemnation of international law, because unorganized and without arms; still it has been made apparent that there is a wide-spread feeling among the advocates of reciprocity that the people of the United States are going into Canada. That reciprocity means expatriation and in no small way, and that somehow, in some undefined way, and undesignated time, the expatriated sons are going to bring both countries under one flag. That may be an inspiring sentiment to those who have no thought of going, and who do not attempt an analysis of it. But how does it seem to those who think they may go, or may have to go? Do they contemplate going as propagandists of annexation? Will they go for the purpose of extending our domain? Do they think of becoming disturbers of the King's peace? Will reciprocity inspire them with the notion that we have an inviting regard for the farmer's interest? Does he who goes from under a flag to better his fortunes, believe that all the world's opportunity is behind him?

Mr. Chairman, I allude to the existence of this sentiment chiefly to point out that we have not yet settled to a mood to consider "soberly and in cold reason" the proposition before the country. The dream will not come true. False visions should not be taken as an inspiration or a guide to statesmanship.

They will go first who are least reluctant to leave. And if the reluctant are forced out, will not the "tie that binds" be broken?

The sentiment that hovers about this question rises not in fact from the prospects of new glories to come of bloodless conquest or of expanding national greatness. It is rather a sentiment of sadness. Before us will stand a great, and this time unpredatory, interest, the interest that fills the world's granaries and feeds its teeming millions, depressed, if not discouraged, under a sense of wrong treatment, disregard, and adverse discrimination. Beyond will lie an almost boundless domain, to be settled and devoted to production that will come into competition with that interest as fast as it becomes profitable to compete. The end will not be seen by any man now living. Hope of relief from the new agricultural depression will be only for a generation yet unborn. Our farmers will go into Canada, perhaps, to recoup on rising values there the shrinkage they suffer here. How magnificent the prospect!

For myself, instead of imagining the United States farmer going into Canada, by reason of the reciprocity pact, with a heart fired with sentiment for annexation, I can more easily picture him as bidding farewell to his flag with feelings, in some cases, tinged with bitterness. If he be one who went West from the East because of the depression there, brought about by the expansion which has peopled the West, he may feel like couching his good-by in terms somewhat as follows:

"Flag of the free," farewell! I am invited to expatriate. Columbia hath regard for all her children, save her farmer son; for him she hath not regard. Yet I was born in the glint of thy glory, and have worshipped thee above all else, only God. My fathers, I, or my sons have been with thee in the rage of battle, in every war of thine, since "American liberty raised its first voice." Without murmur I sacrificed much that thou shouldst float over a broader, more diversified, self-sustained, and free country. When inspiration was given to the sentiment of agricultural extension by the cry of "Free homes for free men" and thy fair domain of matchless fertility was given almost as free as heaven gives the air, alike to the stranger and those born beneath thy folds, I thought only of thy expanding domain, increasing strength, and glory. When this agricultural expansion bore heavily upon me and subjected me to increasing penury, I obeyed the mandate, "Go West and grow up with the country." Gathering my family about me, with heavy hearts and with tears, but not without hope, we bade good-by to our civilization, and took the trail for the unbroken lands far toward the sunset, but not beyond thy dominion.

My neighbors were in like manner reduced, and they followed, and none for many years took their places. The vixen reared her young on the abandoned hillside farms of New England, and they made hiding places of what had been the plenteous storehouses of the farmers. Vanishing equities from under a million depreciating incumbrances proclaimed the cost of agricultural expansion to the farmers elsewhere. Out here in our new homes, after years of pioneer hardships, slow-moving civilization has come to us. I have moderately prospered, and have been a proud American citizen. Proud of our growing agricultural greatness, proud of the increasing manufactures of my country, and still felt that American liberty and equality was man's first best estate in this world. Star-Spangled Banner, there has been ever present with me the thought: The flag that floats over the German is the flag of the Kaiser; the flag that inspires the Englishman is the flag of His Majesty; but thou, thou art my flag.

I am now told of a new propaganda—that the unmeasured domain of Canada must be developed and brought into our agricultural expansion, that the wheels of manufacture may run more cheaply, and the "cost of doing business be decreased." I must again take the consequences of a new agricultural development. The expense will be great, but the farmer again must pay it all, even though the expansion be, this time, under another flag. If the cost be too great, we are told we can sell our homesteads on a falling market and "go North and grow up with the country." Again we can leave civilization and again seek new homes, this time under bleaker skies, on the plains of British North America, swept by more frosty winds. It may seem strange to find myself at last pushed on to where I should sit through the rendering of the American anthem, but needs rise and bow my head reverently to the swelling notes of "God save the King."

"Flag of the free heart's hope and home," thou wert by hands of gods to valor given. The god of battles commanded valor to fight, when needs be, to the last drop of red blood for thee, the country, and its people. The goddess of liberty commanded that the land and the people under the flag should be protected in all things that make for their freedom, their prosperity, and their happiness. The goddess of justice sternly forbade that the people of any honorable occupation should ever be segregated and thrust without the pale of equal protection of the laws. The commands have been disobeyed, the trust imposed has been betrayed, and I am invited to depart, that some other people may be more prosperous and happy under my flag.

For decency's sake I will put in concealment my emblems of membership in the society of the Sons of the American Revolution and other patriotic associations. For this, however, solace is to be found in the thought that when my grandchildren shall have "grown up with the country" and civilization shall have again encompassed them, they may organize the "Patriotic Association of First Comers by the Reciprocity Trail." I go with heart even more heavy that many of my countrymen suggest that thou, flag, may come, too, and again float over me in the new land. They suggest that we who go will beckon thee and long for thy coming. Oh, why could not the farmer be permitted to accept exile without casting after him the imputation that he will seek the protection of the British flag, while harboring in his American heart treason to His Majesty's emblem? Why, instead of a Godspeed, a proclamation of his baseness?

But the farmer, under any flag, will still have equal permission to petition the Throne of Grace and Power, and will pray that the legitimate and natural consequences of the error by which he is now smitten shall not be permitted to fall upon this country. That the markets of her well-paid producing people shall not become the unprotected foraging ground of a world's greed; that her industries shall not lie prostrate and her impoverished people sit in idleness; that her factory yards shall not be overgrown with weeds and the dwelling places of the workman be abandoned to the owls. But—Flag—Farewell!

Mr. DALZELL. Mr. Chairman, I yield 10 minutes to the gentleman from Kansas [Mr. REES].

Mr. REES. Mr. Chairman, we are told by our Democratic friends that the people have repudiated the Republican Party and with it the doctrine of protection, and the advocates of free trade are urging the immediate passage of this so-called farmers' free-list bill, not because it is all the free trade they propose to give us, but they hand this to us with an apology because it is all they have ready to offer now.

The country did rebuke the Republican Party at the last election. It did deprive the Republicans of control in this Chamber, and it is well for us to recognize that there was an adequate cause for this political upheaval. Did the country mean that the doctrine of protection was obsolete and that, reversing the great policy which it had followed with some interruptions for a hundred years, it had set its face squarely toward free trade? I do not believe it. I do not believe that the tariff, vastly important though it was and still is, was the problem uppermost in the minds of the people. I believe that trust control concerned them more. Indeed, I believe that the interest felt in the tariff was because it was felt that monopoly was sometimes sheltering itself behind our revenue laws.

From the days of Hamilton the country has been told by all the great advocates of protection that, though a tariff were higher than necessary to afford protection, if an evil at all it was but a temporary one, because, while it might afford an opportunity for the home producers to raise their prices higher than they ought to be, this could not long be the case, for the alluring prospect for larger profits—the very attractiveness of the proposition to the home producer—would result in competition at home and this home competition would soon bring the price down to the level of the foreign market, or at least to the point where only a fair profit could be realized here. And for a century of our national existence this theory was justified by experience.

Hamilton and his followers correctly interpreted the natural law that would govern trade under ordinary circumstances, but they did not have the prescience to foresee that in the twentieth century the concentration of wealth would have proceeded so far that by combinations in restraint of trade all real home competition would in many lines be done away with. But while these great men could not foresee this, because it was impossible for mortal man to foresee the marvelous development in the effectiveness of modern machinery or the wonderful advancement in the means of transportation or the vast fortunes that would grow out of the phenomenal development along these lines, the people of this country for the last decade have been forced to see it.

And, seeing the menacing power of vast wealth when combined to suppress home competition, the people became aroused to the danger to their economic liberties, and they have decreed that there must be competition somewhere, if not at home, because that has been throttled, then there must be competition from abroad.

If I understand the American people, they have not repudiated the doctrine of protection. They realize that under the beneficent influence of legislation enacted in accordance with that theory this Republic has prospered for the last 50 years as no nation in the history of the world ever prospered before. They know that more people are employed at better wages in this country now than at any other period in our national life. To my mind the result of the last election indicates a lack of confidence in the Republican Party rather than a vote of confidence in the Democratic Party—a failure to approve a particular application of the doctrine of protection rather than an abandonment of the doctrine itself.

It is not because the American people have been crushed by combinations that they recoil from the extreme application of the doctrine of protection. They are wise; they foresee the danger menaced rather than the injury felt, and seeing it they wish to ward off the danger that they feel would come from carrying the principle of combination too far. They saw this evil in 1908, and it was because they did see it that they became uneasy about a tariff on trust-made articles and began wondering if this tariff were not in many instances too high; if the shield that had been given to protect the infant industries had not, since they had grown powerful because of it, been used as a cloak under which they could, after stifling home competition, extort an unjust tribute from the people.

The Republican Party, to meet this condition of the public mind, promised to revise the tariff, and its platform, taken in connection with the public declarations of its presidential candidate, led the people to believe that it contemplated a thoroughgoing revision of the tariff, so that the protection afforded would no longer measure more, or at least but slightly more, than the difference in the cost of production of like articles at home and abroad. The American people were satisfied with this promise as thus interpreted, and once more intrusted the grand old party with power, and it did revise the tariff, but this measure did not meet the expectations of the people, for a large measure of protection was still afforded on the articles made by the trusts, much more, the people thought, than would measure the difference in the cost of production at home and abroad. And the American people spoke once more, and so you are here, my Democratic brethren, not because the people at this election indorsed your theory of a tariff but because the people administered a rebuke to the Republican Party for not having been true to theirs.

You passed the Canadian reciprocity measure through this House the other day, just as you had agreed to do in your caucus, but in passing that bill you did not answer any demand of the American people. They were complaining of the extortionate prices which combinations had made it possible to exact for trust-made articles, and you passed a bill that would give these combinations a larger market without reducing the tariff as to their products, but you removed all protection from the farmers on their wheat and potatoes and cheese and other farm products, although these farmers have never been in any combination to enhance prices and have never received more than a reasonable compensation for the things they had to sell. And now you are offering the country this free-list bill. It contains some good features, and I may vote for it, but I would like to amend it first.

I am willing that you lower the duty on meats, if it is found that there is a greater rate now charged than measures the difference in the cost of production in this country and in Argentina, but I do not want to vote for free trade in dressed meats.

The Beef Trust very largely controls the price of meats, and I have no use for that combination and would like to see it regulated; indeed, I would like to see it dissolved and true competition restored. But not every blow aimed at the Beef Trust will hit that monopoly. Where does it get the beef it sells to the American consumer? From the American farmer and stock raiser. It does not pay him all that he ought to receive, nevertheless his industry has prospered. If you strike down this protection, you will not have injured the trust very much, for it operates in the Argentine, and it will buy its cattle there and ship the dressed meat to America to compete with the like articles produced on American soil. While not crippling the trust very much, you will have struck a telling blow to the American stockmen.

I am for free trade in the necessities of life where we can not produce them here, and I am for free trade where we can produce them here on even terms with the producers abroad; but I am not for free trade where we can not do this. I am not for free trade where it would bring our highly developed farms into competition with the vast undeveloped plains of South America.

Stock raising, either for meat or dairy purposes, is the keystone to the arch in successful agriculture. The concentration of the products of the farm into meat or dairy products and returning the waste to the land preserves the fertility of the soil. Upon the conservation of this fertility depends the future of our agriculture.

Corn is one of the great agricultural products of the country; it is wasteful to ship it to great distances; it should be fed on the farm or in the neighborhood where it is produced. If you injure the stock feeder, you will strike a blow at the farmer who raises the corn that feeds his stock, and in the end you will not have any cheaper meat. The trust may buy cheaper, but will not sell cheaper.

I am from the great agricultural State of Kansas, and by virtue of a constitutional provision we can not convert our corn into liquid form as they do in Kentucky.

We are asked to surrender our splendid market for the products of our agriculture that we may build cheaper houses with the lumber which is put on the free list in this bill, but we will not need to build many houses if you destroy our agriculture.

I am for tariff reform, but not for free trade. I am for reducing the tariff till it measures but slightly more than the difference in the cost of production at home and abroad. If, according to this test, we do not need a tariff on the importation of any article the like of which we produce in this country, why, then, I want to put it on the free list. If, according to this test, we do not need protection on our meats or our cereals, put them on the free list. Our friends assure us that there is no difference now, but does anybody know that there is not? What investigation have you made? The facts are apparently against your theory. The boundless range of South America, it seems, can produce cheaper beef than we can, and you want to let the Beef Trust get that meat into the American market without the necessity of paying any tariff.

I want to see a genuine revision of the tariff, but I want that revision made consistent with the theory of reasonable protection to the American producers. Free trade has an alluring sound, but it is like the mirage on the desert. One may pursue it hoping to reach cool water and pleasant fields, but the vision

will elude him and it will lead the deluded wanderer farther into the waste of blistering sands, there to perish of thirst, while the sight of water seems ever before him.

Many of the things mentioned in this bill ought to be on the free list, according to the Republican theory, and I am willing to put them there, but in order to get the sugar coating I do not want to swallow the bitter pill.

I do not ask any special favor for my district; all I ask is a square deal. I want you to remember that it costs more to produce beef upon high-priced American farms, with high-priced American labor, than it does in South America.

Why not amend this bill, my Democratic friends? Why have you tied yourselves body and soul to the caucus so that you can not improve this bill when the defects are pointed out.

The people do not want free trade; they want trust control. That was the meaning of the last election. Give it heed, or the people will speak again and you, too, will be deprived of power. You touch the surface, but the profound depths you leave unstirred.

I recognize that it makes little difference how I vote on this measure. You have decreed that it shall pass, and it will pass the House just as it is written, but I speak to register my protest against the injustice of it. [Loud applause.]

Mr. UNDERWOOD. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. WILSON].

Mr. WILSON of Pennsylvania. Mr. Chairman, in the early days of tariff discussion the contention was made that we needed a protective tariff for the purpose of promoting our infant industries. There may have been some basis for a contention of that kind many years ago, but there is no basis for a contention of that kind now. Our manufacturing establishments are no longer weak, struggling institutions that need the fostering care of a paternal government. We no longer have the argument used that a tariff is necessary for the purpose of protecting infant industries, because our industries have grown until they are the best organized, the largest, and the most productive enterprises found anywhere on earth. And so when an argument is made in favor of a protective tariff now, one of two reasons are assigned for it, either for the purpose of guaranteeing profits to the manufacturer or for protection to American labor. As a matter of fact, the Republican Party's national platform declares for a tariff that will guarantee profits on invested capital, but in no plank in that platform can be found any declaration of any kind proposing to guarantee profitable employment for American labor.

The argument that a high tariff protects American labor may have had some weight with American workingmen in the years gone by, but a long line of bitter experiences has demonstrated to the American worker that it does not necessarily follow that because his employer is able to secure high prices and wring tribute from the American consumer that that same employer will pay him any portion of the tribute he has wrung from the people. [Applause on the Democratic side.]

An examination into the industrial conditions surrounding the iron and steel trade of our country will clearly demonstrate the fact that even in that industry, one of the most highly protected on the entire list, workmen are working at common labor and semiskilled labor for 12, 12½ and 13 hours a day at the miserable pittance of 12½ cents per hour—not 12½ cents per hour in a rural community, in a country district, where rents are low and the cost of living comparatively low, but 12½ cents per hour in a densely populated district where rents are high, and where the cost of living is correspondingly high.

About one year ago a strike occurred at the Bethlehem Steel Works, South Bethlehem, Pa. It attracted wide attention at the time. The Commissioner of Labor, Charles P. Neill, authorized an investigation to be made of the wages and working conditions at that plant.

The report of the investigation is found in Senate Document No. 521, Sixty-first Congress, second session.

On page 10 of that report is the following statement:

Of the total employees appearing on the January pay roll, 2,322 worked in occupations regularly requiring 12 hours a day for the 7 days of the week, and 2,233 worked in occupations requiring 12 hours a day for 6 days in the week. Thus 4,725, or 51 per cent of the 9,184 employees on the pay roll, were employed in occupations regularly requiring 12 or more hours per day on their regular working day.

And, again, from page 18, I quote the following:

The January pay roll shows that large numbers of laborers were working for 12½ cents an hour, 12 hours a day, 7 days in the week. Of the 9,184 employed in January, 2,640, or 28.7 per cent, were working for 12 and under 14 cents an hour; 1,528, or 16.6 per cent, for 14 and under 16 cents an hour. Forty-eight and five-tenths per cent of all employees were getting less than 16 cents an hour, 31.9 per cent less than 14 cents, and 61.2 per cent less than 18 cents an hour.

On page 19 of the same report is given a table showing the number of employees and the rates per hour they are paid, which I desire to insert in the RECORD. It is as follows:

Number of employees of the Bethlehem Steel Works earning classified amounts per hour.

Classified earnings per hour.	Employees in each group.
For and under 6 cents	[1] 97
6 and under 8 cents	[1] 38
8 and under 10 cents	[1] 100
10 and under 12 cents	53
12 and under 14 cents	2,640
14 and under 16 cents	1,528
16 and under 18 cents	1,162
18 and under 20 cents	551
20 and under 22 cents	677
22 and under 24 cents	480
24 and under 26 cents	581
26 and under 28 cents	432
28 and under 30 cents	93
30 and under 32 cents	256
32 and under 34 cents	146
34 and under 36 cents	121
36 and under 38 cents	52
38 and under 42 cents	55
42 and under 46 cents	36
46 and under 60 cents	65
60 cents and over	21
Total	9,184

[1] Apprentices.

Under date of April 7, 1910, David Williams and John Loughery, a committee acting for the striking workmen, addressed a letter to President Taft, from which I take the following excerpts:

3. That the rate of compensation paid to the workmen is extremely low, a rate entirely inadequate for decent, respectable workingmen in our country, and entirely too low for the class of work requiring the highest skill. Hundreds of men receiving 12½ cents per hour are compelled to labor regularly 12 hours per day, 7 days per week; while hundreds of men in skilled occupations receive from 14 cents to 22 cents per hour; those receiving in excess of 25 cents per hour are limited to a small number.

6. That the Bethlehem Steel Co. enjoys the benefits of a high protective tariff and is the recipient of valuable Government contracts amounting to millions of dollars annually, from which it obtains enormous profits. In spite of these advantages it exacts a maximum of toil for a wholly inadequate minimum wage and constantly strives to lower the standard of living to the barest point of existence.

But South Bethlehem is not the only place where these conditions exist, They are to be found in every iron and steel manufacturing center in the country.

In the Pittsburg Survey, made under the direction of Paul U. Kellogg, a similar condition was found to exist in the Pittsburg district with the exception that the rates paid for common labor were 16½ cents per hour instead of 12½ cents per hour. On page 176 of the Steel Worker, issued by the Pittsburg Survey, the following statement is found:

To sum up, the weekly schedule in 1907–8 in the Allegheny County plants was as follows:

1. Blast-furnace department: For 60 per cent of the force, 72 hours one week, 96 the next; average week, 84 hours. For 40 per cent, 70 to 84 hours.
2. Bessemer department: Forty-eight hours for a few, 72 hours for the majority.
3. Open-hearth department: Seventy-eight to eighty-four hours.
4. Rolling mills: Seventy-two hours for 95 per cent of the force, 84 to 91 hours for 5 per cent.

(The 70-hour, 84-hour, and 91-hour schedules indicate 7-day work.)

The necessity of maintaining intact the industrial organization has accounted in part for the insistence of the companies that Sunday work shall not stop under any circumstances. Workmen told me that it was easier to get excused on any other night than Sunday. In some of the mills men are discharged if they refuse to work on Sunday. During the depression of 1907 and 1908, when the mills were idle a large part of the time, it was still the general custom in the Pittsburg district to begin to roll steel on Sunday evenings, and this was true even when it was known that there were not orders enough to keep the mill running through the week. The Jones & Laughlin plant was notorious in this respect. Mills would be started on Sunday evening when they did not have over 24 hours' work ahead, and would shut down on Monday evening. In November, 1907, the workmen claimed that one of this company's mills was operated to its fullest capacity, working through Saturday night and shutting down for only 12 hours on Sunday, while another mill in the plant that could have done the same kind of work stood idle.

In such a discussion of working hours the question of holidays comes to mind. Twenty-five years ago these were more numerous in the steel industry than they are to-day. Legal holidays were observed, and the custom of shutting down the mills on account of the annual picnic of the Amalgamated Association has already been mentioned. This is all a thing of the past. There are only two holidays in the steel industry to-day, Christmas and the Fourth of July, and even these are denied to the men of the blast-furnace crews. My first glimpse of the works of the Carnegie Steel Co. was on September 1, 1907. I passed through Homestead on my way to Kenneywood Park, where the trades-unionists were holding their celebration of Labor Day. Business houses in Pittsburg were closed and the whole city was on its

way to the various parks. But in Homestead there was no cessation in the clamor of the mills. The Edgar Thomson plant in Braddock across the river was enveloped in smoke as we passed. There was a holiday for all except the steel worker.

Miss Margaret F. Byington, investigating for the Pittsburg Survey, makes the following statement on page 138 in the volume of the report entitled "Homestead":

Let us turn from general facts and consider, in the first place, how the economic problem of life can be worked out on $1.65 a day.

With the single men the problem is of course a simple one. Many care little how they live so long as they live cheaply. One of the lodging houses which I visited during the depression consisted of two rooms, one above the other, each measuring perhaps 12 by 20 feet. In the kitchen was the wife of the boarding boss getting dinner—some sort of hot apple cake and a stew of the cheapest cuts of meats. Along one side of the room was an oilcloth-covered table with a plank bench on each side, above it a rack holding a long row of handleless white cups and a shelf with tin knives and forks. Near the up-to-date range, the only piece of real furniture in the room, hung the "buckets" in which all millmen carry their noon or midnight meals. A crowd of men were lounging cheerfully about, talking, smoking, and enjoying life, making the most of the leisure enforced by the shutdown in the mill. In the room above double iron bedsteads were set close together and on them comfortables were neatly laid. In these two rooms, besides the "boarding boss," a stalwart Bulgarian, his wife, and two babies, lived 20 men.

Miss Ida M. Tarbell, commenting on the work of the Pittsburg Survey, says:

There has just been published in Charities and the Commons—now the Survey—one of the most significant pieces of investigations the country has seen. It is the result of a year or more of work on the part of a band of trained investigators commissioned by the charities publication committee: It gives a blue print of Pittsburg; the place itself, the people, and their work. What does this blue print show of the workingmen under protection?

It shows him working 12 hours a day for 7 days in the week, and once in two weeks filling a "long turn," or a 24-hour shift. It is not simply the exceptional man who overworks in this cruel fashion. The 12-hour day is the extreme of an "altogether incredible amount of overwork by everybody," so the Survey declares. Can you make a man by these hours? Is it any wonder that those who lived and walked among those men preparing this Survey report their saying, "Too tired to read; too tired to think; I work and eat and sleep." Any wonder that they report the God-fearing women crying out for the old country, "We might not have been able to live so well there, but oh man, we could have brought up the children in the fear o' God and in a land where men reverence the Sabbath." Any wonder that those men have not the restraining of a family drown fatigue at night in saloons and brothels?

And what do they earn for their toil? In the tariff-protected industries—steel and iron—the greatest number receive a wage, says the report, "so low as to be inadequate to the maintenance of a normal American standard of living. Wages adjusted to the single man in the lodging house, not to the responsible head of a family."

Those low wages, long hours, and miserable conditions are not enforced upon the American workman because he is inefficient. On the contrary, he is the most efficient workman in the world. Nowhere else does he work with the same energy and skill.

James G. Blaine once said:

The actual labor cost of the American product is less because the effectiveness of American labor is superior to that of the workingman of any other nation on earth.

This statement is verified by the following table, compiled by Prof. William G. Clark from official data showing the comparative productivity of American labor with that of other countries for the year 1900:

Average annual output.

American	$2,450
Canadian	1,455
Australian	900
French	640
English	556
German	460

If additional verification of the productivity of American labor as compared with other labor is required, I desire to call attention to the fact that 900,000 employees in the coal mines of Great Britain in 1910 produced 296,008,816 tons of coal, or 329 tons per man, while 700,000 employees in the United States in the same year produced 499,273,684 tons, or 713 tons per man.

It follows, then, that while the American workman may receive a higher rate per day than the foreign workman receives, he is paid less in many instances for the production of a given article than is paid the workman of foreign countries for the production of a similar article. Just think of it! Twelve and a half cents per hour paid to an American workman in a highly protected industry, and then try to convince that man that a high protective tariff is for his benefit.

And at the same time that 12½ cents per hour is paid to the workmen performing the actual labor, you find the management being paid at the rate of $100,000 per year, and you find the corporations engaged in the business declaring enormous profits.

The United States Steel Corporation, for instance, since its organization on the 1st of April, 1901, has declared in dividends on its stock $393,000,000. It has expended from its earnings for capital expenditures $217,000,000; it has gathered a surplus, in addition to the surplus it started with, of $139,000,000; it has redeemed of its bonds outstanding $74,000,000; it has bought additional property and made construction investments amounting to $407,000,000; it has paid over $194,000,000 interest on bonds; all told, the net earnings of that corporation during the nine and three-fourths years ending December 31, 1910, have been $1,427,319,647.41.

I submit the following table compiled from the reports of the company, showing its profits from the date of its organization.

Profits of United States Steel Corporation, Apr. 1, 1901, to Dec. 31, 1910.

Dividends on stock		$393,926,886.16
Capital expenditures		217,404,836.05
Surplus	$164,143,157.99	
Less	25,000,000.00	
Amount of surplus when organized		139,143,157.99
Bonds redeemed		74,722,582.47
Additional property and construction investments		407,169,580.87
Interest on bonds (approximately)		194,952,603.87
Total profits		1,427,319,647.41

These figures show that this vast corporation, by virtue of the high protective-tariff wall under which it is able to conduct its business, has been extorting from the American people not only millions of dollars but billions of dollars and then refusing to pay any portion of it to the wageworkers. [Applause on the Democratic side.]

There are two conditions under which a high tariff results in an increased cost to the consumer. The first is that class of articles which we produce in smaller quantities than we consume, and the second is that class of industries where a few men control the product though the workingman does not secure an increase in wages corresponding with the increased prices to the consumer.

The tariff is placed upon the products of labor, which the workers have to buy and do not sell; but labor itself, which they have to sell and do not buy, is on the free list.

In the past four years the United States Steel Corporation had net profits amounting to $525,358,552, while the wages of its employees, including the salaries of high-priced officials, amounted to $607,955,184, about five-sixths as much profits as the wages amounted to.

The other day the gentleman from Illinois [Mr. MADDEN] quoted from a series of articles written by Mr. Gompers, president of the American Federation of Labor, during a recent trip through Europe, in which Mr. Gompers described the hardships endured by European workmen. I believe every statement made by Mr. Gompers in those articles was true. But, what a wonderful construction the gentleman from Illinois puts upon the information which those letters contained. The genius of his logic seems to run in this fashion, "The workers of Europe are downtrodden and oppressed, therefore there is no hunger or privation amongst the workers of America." The gentleman need not have taken a trip to Europe to find all the hardships and horrors of poverty. It could be found right here at his own door. There is not a large city in the country, nor a large industrial center of any kind, that does not contain large numbers of workingmen, working with all the energy they possess, and securing in return scarcely enough to keep body and soul together. Just a day or two before the gentleman made his speech the Civil Service Commission decided to hold an examination in the city of Washington to secure about 250 janitors and charwomen. Shortly after midnight of the day when applications were to be made the first applicants arrived at the building where the application blanks were to be given out. Patiently they, and the others that followed them, stood there during the night waiting for the doors to open, because it might mean an opportunity to get food for themselves and their families if they were successful. Long before the doors were opened a seething, surging mass of 5,000 men and women had gathered there, eager to have the chance of cleaning spittoons for the miserable pittance of $1 per day—and that, too, in the Capital City of tariff-protected America.

In the recent discussions of the reciprocity bill the same parties who are now so eager to protect the American wageworker, because of the profits they can make out of him, denounced the reciprocity pact as being injurious to the American farmer. If the American farmer was placed in the same position as many of our industries are placed, where a few individuals can get together and by a gentleman's agreement determine the amount of production and the price that must be paid by the consumer, it might then be contended, with justice, that a tariff on farm products would enhance the price of them. But no such condition exists, or can exist. The American farmer, like the American wageworker, has competition with the markets of the world. He has to pay enhanced prices for the articles he buys, and yet he is so situated that a tariff on his products does not enhance the price of them. Canada has a tariff on farm products almost equal to our own, and yet the American farmer has produced his crops under American conditions, shipped them into Canada, paying the Canadian duty,

and has sold there nearly three times as much farm produce during the past five years as Canada has sold to the United States.

In my judgment, the whole storm of protest which has been raised in the name of the farmer has been for the purpose of inducing him to continue to pay exorbitant prices for manufactured articles under the fear that if he does not do so the value of his crops will be lowered. But the farmers of the country are awake to the situation and will not be deceived by any such specious arguments.

I submit herewith a table showing the exports from the United States to Canada and the imports from Canada to the United States on farm products during the past five years, together with the tariff rates of each country.

Exports from United States to Canada.

Articles.	Canadian general rates.	Amounts, 1906–1910.
Animals:		
Cattle—		
Less than 1 year old	25 per cent	$1,578,179
Other, worth not over $14	do	
Other, worth $14 or over	do	
Horses—		
Over 1 year old, worth $50 or less	$12.50 each	14,172,075
Other, worth $150 or less	25 per cent	
Other, worth over $150	do	
Sheep—		
1 year old or over	do	906,148
Less than 1 year old	do	
Hogs	1½ cents per pound	
All other live animals	25 per cent	
Poultry—		1,690,335
Dead	20 per cent	
Alive	do	
Breadstuffs:		
Corn	(?)	21,704,372
Oats	10 cents per bushel	693,163
Rye	do	175,896
Wheat	do	4,442,307
Barley	15 cents per bushel	1,196,780
Maize	Free	
Broom corn	(?)	1,252,704
Cotton, unmanufactured	(?)	37,367,253
Fruits:		
Apples	40 cents per bushel	
Cherries	2 cents per pound	
Peaches	$1 per 100 pounds	
Edible berries	2 cents per pound	
Plums	30 cents per bushel	
Currants	2 cents per pound	
Quinces, apricots, pears, and nectarines	50 cents per 100 pounds	7,540,981
Grapes	2 cents per pound	
Cranberries	25 per cent	
All other fresh fruits	do	
Melons	3 cents each	
Dried apples	25 per cent	
Other dried fruit	do	
Oranges	do	7,480,524
Prunes	do	1,757,357
Raisins	do	1,412,638
Hay	$2 per ton	687,432
Hides and skins	(?)	1,153,379
Meat and dairy products:		
Mutton and lamb, fresh	3 cents per pound	
Other fresh meats	do	
Bacon and hams	2 cents per pound	
Shoulders and sides	do	
Beef, salted in barrels	do	
Pork, barreled in brine	do	17,005,136
Dried or smoked meats	do	
Other meats	do	
Butter	4 cents per pound	
Cheese	3 cents per pound	
Fresh milk	3½ cents per pound	
Fresh cream	do	
Nuts	(?)	1,014,825
Seeds:		
Clover	10 per cent	1,107,589
Flaxseed	10 cents per bushel	803,245
Timothy	10 per cent	2,201,379
Beet, carrot, parsnip, turnip, etc	Free	774,710
Cabbage, kale, kohl rabi, and others	10 per cent	
Tobacco, unmanufactured	(?)	8,717,559
Vegetables:		
Potatoes	20 cents per bushel	609,729
Canned	1½ cents per pound	264,755
Sweet potatoes and yams	10 cents per bushel	
Cabbages	30 per cent	
Onions	do	3,626,911
Tomatoes	do	
All other fresh vegetables	do	
Grapevines	20 per cent	
Gooseberry bushes	do	
Raspberry bushes	do	
Currant bushes	do	
Apple trees	3 cents each	
Cherry trees	do	
Peach trees	do	
Pear trees	do	
Plum trees	do	
Do	do	
Quince trees	do	
Total exports		141,337,261

Imports from Canada to United States.

Articles.	United States rates.	Amounts, 1906–1910.
Animals:		
Cattle—		
Less than 1 year old	$2 each	$1,193,796
Other, worth not over $14	$3.75 each	
Other, worth $14 or over	27½ per cent	
Horses—		
Over 1 year old, worth $50 or less	$30 each	2,549,201
Other, worth $150 or less	do	
Other, worth over $150	25 per cent	
Sheep—		
1 year old or over	$1.50 each	4,182,194
Less than 1 year old	75 cents each	
Hogs	$1.50 each	
All other live animals	20 per cent	611,847
Poultry—		
Dead	5 cents per pound	
Alive	3 cents per pound	
Breadstuffs:		
Oats	15 cents per bushel	
Barley	30 cents per bushel	164,413
Rye	10 cents per bushel	152
Wheat	25 cents per bushel	766,254
All other	(?)	5,749,065
Cotton, unmanufactured	Free	273,143
Eggs	5 cents per dozen	51,997
Fruits:		
Apples	40 cents per bushel	
Cherries	2 cents per pound	
Peaches	$1 per 100 pounds	
Edible berries	2 cents per pound	
Plums	30 cents per bushel	
Currants	2 cents per pound	
Quinces, apricots, pears, nectarines	50 cents per 100 pounds	1,469,361
Grapes	2 cents per pound	
Cranberries	25 per cent	
All other fresh fruits	do	
Melons	3 cents each	
Dried apples	25 per cent	
Other dried fruits	do	
Hay	$4 per ton	1,923,057
Hides and skins	(?)	19,771,541
Meat and dairy products:		
Mutton and lamb, fresh	1½ cents per pound	
Other fresh meats	do	
Bacon and hams	4 cents per pound	
Shoulders and sides	25 per cent	
Beef, salted, in barrels	do	
Pork, barreled in brine	do	
Dried or smoked meats	do	804,191
Other meats	do	
Dairy products—		
Butter	6 cents per pound	
Cheese	do	
Fresh milk	2 cents per gallon	
Fresh cream	5 cents per gallon	
Seeds:		
Clover	Free	
Flaxseed	25 cents per bushel	
Timothy	Free	
Beet, carrot, turnip, parsnip	4 cents per pound or free.	5,932,888
Cabbage, kale, kohl-rabi, etc	8 cents per pound	
Other seeds	10 cents per pound	
Tobacco, unmanufactured	(?)	887,243
Vegetables:		
Beans, dried	45 cents per bushel	795,127
Peas, dried	25 cents per bushel	
Potatoes	do	798,573
Sweet potatoes and yams	10 cents per bushel	
Cabbages	30 per cent	
Onions	do	1,633,451
Tomatoes, fresh	do	
All other fresh vegetables	do	
Wool, unmanufactured	(?)	2,003,686
Grapevines	25 per cent	
Gooseberry bushes	do	
Raspberry bushes	do	
Currant bushes	do	
Apple trees	$2 per 1,000	
Cherry trees	$1 per 1,000	
Peach trees	25 per cent	
Pear trees	$2 per 1,000	
Plum trees, Myrobolan	$1 per 1,000	
Plum trees, St. Julien	$2 per 1,000	
Quince trees	do	
Total imports		51,561,180

But we are told by those who contend for a high tariff in the interest of the American workingman that even if it does not result in higher wages and better conditions of employment, it will result in his securing more work to perform, because industries are built up here in which he can find steadier employment than would prevail if the tariff was on a revenue basis. The fallacy of that argument is made apparent by the figures showing the large number of immigrants coming to this country annually in direct competition with American labor. For the fiscal year ending June 30, 1910, the number of immigrants was 1,041,570. The total number of immigrants during a period of 12 years ending with that date was 9,555,673. This large number of people gravitates almost invariably to our industrial and commercial centers. They are without means when

they arrive here to sustain them for any prolonged period of time. They must find work at wages which will bring them quick, even though meager, returns. They become intensely competitive in the labor world with American workmen and with immigrants who have preceded them and those who come after them. With a high tariff wall by which the cost of living is enhanced on the one side and the induced immigration of cheap labor with which he has to compete on the other side, the American workman is placed between the upper and nether millstones which is grinding his standard of living down to the point of bare existence.

I submit the following table, showing the immigrants, by race, for the past 12 years and their distribution by States.

Race.

	Fiscal years ended June 30—												Total (12 years).
	1899	1900	1901	1902	1903	1904	1905	1906	1907	1908	1909	1910	
African (black)	412	714	594	832	2,174	2,386	3,598	3,786	5,235	4,626	4,307	4,966	33,630
Armenian	674	982	1,855	1,151	1,759	1,745	1,878	1,895	2,644	3,299	3,108	5,508	26,498
Bohemian and Moravian	2,526	3,060	3,766	5,590	9,591	11,911	11,757	12,958	13,554	10,164	6,850	8,462	100,189
Bulgarian, Servian, Montenegrin	89	204	611	1,291	6,479	4,577	5,823	11,548	27,174	18,246	6,214	15,130	97,386
Chinese	1,638	1,250	2,452	1,631	2,192	4,327	1,971	1,485	770	1,263	1,841	1,770	22,590
Croatian and Slovenian	8,632	17,184	17,928	30,233	32,907	21,242	35,104	44,272	47,826	20,472	20,181	39,562	335,543
Cuban	1,374	2,678	1,622	2,423	2,944	4,811	7,259	5,591	5,475	3,323	3,380	3,331	44,211
Dalmatian, Bosnian, Herzegovinian	367	675	732	1,004	1,736	2,036	2,639	4,568	7,393	3,747	1,888	4,911	31,696
Dutch and Flemish	1,860	2,702	3,299	4,117	6,496	7,832	8,498	9,735	12,467	9,526	8,114	13,012	87,658
East Indian	15	9	20	84	83	258	145	271	1,072	1,710	337	1,782	5,786
English	10,712	10,897	13,488	14,942	28,451	41,479	50,865	45,079	51,126	49,056	39,021	53,498	408,614
Finnish	6,097	12,612	9,999	13,868	18,864	10,157	17,012	14,136	14,860	6,746	11,687	15,736	151,774
French	2,278	2,095	4,036	4,122	7,166	11,557	11,347	10,379	9,392	12,881	19,423	21,107	112,783
German	26,632	29,682	34,742	51,686	71,782	74,790	82,360	86,813	92,036	73,038	58,534	71,380	754,374
Greek	2,395	3,773	5,919	8,115	14,376	12,625	12,144	23,127	46,283	28,808	20,262	39,135	216,962
Hebrew	37,415	60,764	58,098	57,688	76,203	106,236	129,910	153,748	149,182	103,387	57,551	84,260	1,074,442
Irish	32,345	35,607	30,404	29,001	35,366	37,076	54,266	40,959	38,706	36,427	31,185	38,382	439,724
Italian (North)	13,091	17,316	22,103	27,620	37,429	36,699	39,930	46,286	51,564	24,700	25,150	30,780	372,668
Italian (South)	65,639	84,346	115,704	152,915	196,117	159,329	186,390	240,528	242,497	110,547	165,248	192,673	1,911,933
Japanese	3,395	12,628	5,249	14,455	20,041	14,382	11,021	14,243	30,824	16,418	3,275	2,798	148,729
Korean	22	71	47	28	564	1,907	4,929	127	39	26	11	19	7,790
Lithuanian	6,858	10,311	8,815	11,629	14,432	12,780	18,604	14,257	25,884	13,720	15,254	22,714	175,258
Magyar	4,900	13,777	13,311	23,610	27,124	23,883	46,030	44,261	60,071	24,378	28,704	27,302	337,351
Mexican	163	261	350	715	486	447	227	141	91	5,682	15,591	17,760	41,914
Pacific Islander	14	112	24	40	52	12	17	13	3	2	7	61	357
Polish	28,466	46,938	43,617	69,620	82,343	67,757	102,437	95,835	138,033	68,105	77,565	128,348	949,064
Portuguese	2,096	4,241	4,176	5,309	8,433	6,338	4,855	8,729	9,648	6,809	4,606	7,657	72,897
Roumanian	96	398	761	2,033	4,740	4,364	7,818	11,425	19,200	9,629	8,041	14,199	82,704
Russian	1,774	1,200	690	1,551	3,608	3,961	3,746	5,814	16,807	17,111	10,038	17,294	83,594
Ruthenian (Russniak)	1,400	2,832	5,288	7,533	9,843	9,592	14,473	16,257	24,081	12,361	15,808	27,907	147,375
Scandinavian	23,249	32,952	40,277	55,780	79,347	61,029	62,284	58,141	53,425	32,789	34,996	52,037	586,306
Scotch	1,752	1,757	2,004	2,432	6,219	11,483	16,144	16,463	20,516	17,014	16,446	24,612	136,842
Slovak	15,838	29,243	29,343	36,934	34,427	27,940	52,368	38,221	42,041	16,170	22,586	32,416	377,527
Spanish	996	1,111	1,202	1,954	3,297	4,662	5,590	5,332	9,495	6,636	4,939	5,837	51,051
Spanish-American		97	276	496	978	1,666	1,658	1,585	1,060	1,063	890	900	10,669
Syrian	3,708	2,920	4,064	4,982	5,551	3,653	4,822	5,824	5,880	5,520	3,608	6,317	56,909
Turkish	28	184	136	165	449	1,482	2,145	2,033	1,902	2,327	820	1,283	12,954
Welsh	1,359	762	674	760	1,279	1,820	2,531	2,367	2,754	2,504	1,699	2,244	20,752
West Indian (except Cuban)	144	78	82	137	1,497	1,942	1,548	1,476	1,381	1,104	1,024	1,150	11,569
Other peoples	1,266	149	178	267	222	697	356	1,027	2,058	1,530	1,537	3,330	12,617
Grand total	311,715	448,572	487,918	648,743	857,046	812,870	1,026,499	1,100,735	1,285,349	782,870	751,786	1,041,570	9,555,673

Destination of alien arrivals.

	Fiscal year ended June 30—												Total (12 years).
	1899	1900	1901	1902	1903	1904	1905	1906	1907	1908	1909	1910	
Alabama	225	234	339	414	613	1,096	912	1,471	2,077	1,774	827	870	10,852
Alaska	25	18	37	88	86	135	152	139	163	202	406	356	1,867
Arizona	190	215	243	258	343	545	854	1,086	2,130	2,784	1,896	2,870	13,414
Arkansas	59	60	111	166	264	488	432	411	677	454	302	378	3,802
California	8,645	11,997	11,601	15,093	22,746	25,934	20,823	20,649	35,377	24,574	17,912	22,444	237,795
Colorado	2,114	2,496	3,476	4,293	4,778	3,970	4,491	5,691	8,582	5,843	4,285	5,114	55,133
Connecticut	9,350	12,655	12,925	16,835	21,813	18,526	26,174	27,942	34,641	16,603	20,542	27,540	245,636
Delaware	459	626	710	821	1,176	1,193	1,231	1,612	1,830	864	962	1,579	13,063
District of Columbia	305	297	386	358	701	1,376	2,330	2,259	1,707	1,396	1,452	1,380	13,947
Florida	2,690	4,756	3,299	4,395	5,105	6,209	8,972	6,878	8,456	4,372	5,273	6,207	66,612
Georgia	139	157	199	257	331	449	518	713	779	748	479	559	5,328
Hawaii	15	13	1,826	9,914	14,581	9,108	11,978	9,445	24,588	10,516	1,932	4,186	98,102
Idaho	213	227	324	291	538	451	645	847	1,186	1,000	1,056	1,508	8,286
Illinois	18,795	27,118	30,509	45,845	63,378	57,457	72,770	86,539	104,156	58,773	63,379	93,340	722,059
Indiana	1,335	2,050	2,278	3,031	4,342	4,402	6,742	8,360	11,599	5,865	6,030	10,556	66,590
Iowa	2,362	2,930	3,664	5,064	7,056	6,096	5,412	5,850	5,639	4,532	5,571	7,545	61,221
Kansas	1,041	1,423	1,305	1,970	2,087	2,958	3,370	2,964	4,044	3,533	3,081	2,984	30,760
Kentucky	222	306	325	276	384	558	681	754	815	652	516	736	6,225
Louisiana	5,177	2,109	3,894	5,009	6,334	5,236	5,101	3,209	4,080	5,804	1,839	1,952	49,744
Maine	700	688	856	1,272	1,997	1,901	2,793	2,699	3,219	2,588	3,793	5,328	27,834
Maryland	2,841	3,632	3,326	3,774	4,758	6,847	8,511	9,993	11,843	6,306	4,077	5,357	71,265
Massachusetts	30,754	39,474	41,789	50,939	65,757	58,411	72,151	73,863	85,583	57,303	61,197	82,666	719,887
Michigan	6,288	11,889	10,818	14,758	20,920	15,570	21,397	25,271	28,827	19,279	21,635	37,172	233,824
Minnesota	5,429	8,598	10,223	13,984	22,835	16,425	17,089	18,568	20,559	12,113	15,194	21,541	182,558
Mississippi	68	54	82	77	193	540	1,342	1,173	945	424	319	261	5,478
Missouri	1,952	2,314	2,769	4,110	7,132	14,897	18,653	17,550	19,320	12,107	9,495	12,746	123,045
Montana	1,056	1,316	1,387	1,409	2,009	1,751	2,125	2,430	3,667	2,934	3,315	5,101	28,500
Nebraska	1,716	2,264	2,180	2,649	4,091	3,895	3,410	4,589	6,074	4,053	3,547	5,244	43,710
Nevada	223	224	295	627	590	729	687	824	1,159	994	650	915	7,926
New Hampshire	688	810	976	1,144	1,861	1,905	3,001	3,411	5,197	2,937	6,041	6,561	34,532
New Jersey	14,927	23,024	23,344	29,038	38,533	41,780	57,258	58,415	70,665	34,180	41,907	56,462	489,533
New Mexico	134	102	113	158	218	347	335	427	605	479	679	853	4,450
New York	115,579	155,267	167,241	203,824	254,665	263,150	315,510	374,708	386,244	256,425	220,865	280,880	2,994,358
North Carolina	51	28	41	70	113	112	183	263	390	373	267	312	2,203
North Dakota	2,616	2,426	2,889	4,203	7,012	5,562	5,546	6,524	5,990	5,136	5,144	7,626	60,674
Ohio	8,125	13,142	13,754	25,995	37,184	33,077	49,351	47,397	64,305	34,271	29,938	50,746	407,285
Oklahoma	228	176	419	544	686	712	698	690	1,267	1,308	1,123	1,092	8,943
Oregon	1,552	1,989	855	1,342	1,996	2,152	1,955	2,786	3,724	3,217	3,144	4,224	28,936
Pennsylvania	49,192	86,534	99,456	139,096	177,169	146,478	210,708	198,681	230,906	111,560	112,402	174,877	1,737,059

Destination of alien arrivals—Continued.

	Fiscal year ended June 30—												Total (12 years).
	1899	1900	1901	1902	1903	1904	1905	1906	1907	1908	1909	1910	
Philippine Islands						4	6	11	11	4	3	22	61
Porto Rico				794	2,135	1,695	1,630	1,483	996	1,018	964	1,264	11,979
Rhode Island	3,229	5,044	5,783	6,416	9,467	8,179	9,474	10,215	11,106	8,494	9,150	12,078	98,635
South Carolina	71	52	36	170	73	95	328	235	948	145	223	191	2,567
South Dakota	2,079	1,990	2,675	3,438	3,939	3,090	2,821	2,852	2,913	2,526	2,725	3,389	34,437
Tennessee	211	227	250	355	498	597	782	1,040	914	639	488	574	6,575
Texas	1,272	1,170	1,722	1,940	2,438	2,797	4,022	5,945	8,177	10,128	17,456	18,741	75,808
Utah	260	600	1,217	1,621	2,132	1,943	1,926	2,751	4,211	2,698	2,752	3,578	25,689
Vermont	433	516	766	1,153	1,611	1,649	2,271	2,436	2,729	1,904	2,614	2,687	20,769
Virginia	293	379	532	493	890	1,089	1,609	1,845	2,915	2,148	1,299	1,521	15,013
Washington	1,640	7,529	4,822	5,907	6,967	8,634	8,774	9,482	14,554	15,518	12,218	15,769	111,814
West Virginia	742	1,191	2,051	2,942	5,170	5,251	8,691	7,741	10,184	5,402	6,441	9,132	64,938
Wisconsin	3,724	5,680	7,177	9,551	14,546	12,976	4,689	16,966	21,215	12,716	11,849	19,073	150,162
Wyoming	281	556	623	572	805	765	956	1,152	1,461	1,104	1,123	1,483	10,881
Tourist						1,678	2,229						
Grand total	311,715	448,572	487,918	648,743	857,046	812,870	1,026,499	1,100,735	1,285,349	782,870	751,786	1,041,570	9,555,673

The reciprocity bill has already been passed by this House. The immediate trade benefits resulting from its enactment into law may not be great, but the spirit of friendship which will be fostered and maintained as a result of closer commercial relations will be of far-reaching benefit to the people of both countries.

We now have under consideration H. R. 4413, known as the farmers free-list bill. The enactment of this measure will not only benefit the farmers but the wageworkers as well.

I know the American farmer and I know the American wageworker. My life has been spent amongst them. I have been one of them, and I know that they are not asking any special privilege at the hands of Congress. All they are asking is fair play. Give them equal opportunity with every other man and they will be able to take care of themselves. If they have not done so in the past, it has been entirely due to the fact that special privileges have been given to the few to the disadvantage of the great mass of the people.

I am not contending for free trade. I am not a free trader, but I protest against the American farmer and the American workingman being used as a cat's-paw to pull chestnuts out of the fire in the form of immense profits for the American manufacturer. If the American manufacturer wants to come here to Congress and insist that he has a right to fleece the American people in order that he may become wealthy, let him do so, but let him stand squarely upon that position and not try to hide himself, or his purpose, under the guise of protecting American labor.

The American wageworker has come to thoroughly understand that there is more virtue and more protection to him and his family in a strong, well-equipped labor organization than there is in all the tariff walls that you can build. [Applause on the Democratic side.] Take the trade or calling in which I was raised, a protected industry, one in which the percentage rate is possibly as high as that of any other industry in the State of Pennsylvania, where I come from, where the workers are organized, where they are able to deal with their employers as an organized body, they are paid for mining the coal at the rate of 69 cents per ton, while right in the same field, having the same protection, but where the workmen are unorganized, they are mining the coal for 35.1 cents per ton.

And so it is no wonder that the American workingman feels that his greatest protection is not a high tariff wall that forces up the price of everything he has to buy, but is in his labor organization, where he can secure protection by virtue of concerted action. When you have a high protective tariff the workingman is placed in a position where he has to buy everything he needs for his household in a protected market—in a market where certain lines of goods have been increased in price by virtue of that protective tariff, and then he has to sell the only thing he has for sale—his labor power—in a market that has free trade with all the world except China. And the difference between the price that he is paid for his labor and the price that he has to pay as a consumer for the same article that his labor has produced has gone to make multimillionaires more rapidly in this country during the past 50 years than ever occurred in a like period of the world's history. [Applause on the Democratic side.]

Mr. UNDERWOOD. Mr. Chairman, I move that the committee do now rise.

Mr. ADAMSON. Will the gentleman suspend just for a moment?

Mr. UNDERWOOD. Yes.

Mr. ADAMSON. Mr. Chairman, having spoken early in this debate, I realized that under the rules I was not entitled to recognition the second time until all others desiring to be heard had spoken. Now, as general debate is about to close, I wish to make a few observations by the way of valedictory.

The protectionists advance two arguments on which they rely to justify their system. One is that it builds up and maintains domestic industries, which means excluding competition and controlling the home market by monopoly. The other is that it gives employment and wages to American labor. If both of these ends can be accomplished without robbing the Treasury of the needed revenue which the imported articles would produce, ought not the protectionists to make some concession to the people whom they rob and to the Government which permits the robbery? The trusts object to our reducing rates of duty on anything that they produce and sell at home. They insist on excluding all foreign products from competition, thereby enabling them to rob both the American people with arbitrary high prices and the Treasury of the United States by diverting the revenues which the imported goods would bring in. Now, if the trusts are determined not to permit the American Congress and the Executive to regard the will of the people by reducing the high rates of duty so as thereby both to reduce the cost of living to the common people and supply needed revenue to the Treasury, ought not the trusts, in consideration of the prerogatives and concessions to rob the people, be willing to allow us in some way to provide that they may pay into the Treasury the amount of money which would be raised by the duties on what they produce and sell to their neighbors if those articles were imported and paid revenue to the Government? That would certainly be as little as could be asked of them. True, it would not make reparation or restitution for the billions of graft which they are permitted to levy upon the people, but it would rob the people no more than now. It would serve the two purposes of maintaining the domestic industries and employing American labor, and it would supply the Treasury with revenue so that additional taxes would not have to be laid upon the people in order to support the Government. This proposition may sound like a joke to some folks, but, in my judgment, it will be admitted that it "points a moral and adorns a tale."

Mr. UNDERWOOD. Now, Mr. Chairman, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. ALEXANDER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 4413, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. BURKE of South Dakota, by unanimous consent, obtained leave of absence for one day to attend the funeral of a friend.

WITHDRAWAL OF PAPERS.

Mr. HUGHES of New Jersey, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the cases of George Ihnath and of Sophronia Vanderbeek, Sixty-first Congress, no adverse reports having been made thereon.

THE MONETARY COMMISSION.

Mr. COX of Indiana. Mr. Speaker, by direction of the Committee on Expenditures in the Treasury Department, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 113 (H. Rept. No. 19).

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the House of Representatives a detailed statement showing the moneys paid out on account of the Monetary Commission and the dates and purposes of the several payments.

The SPEAKER. Is there objection?

Mr. KAHN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Indiana if it is not customary in resolutions of this kind to insert a clause to this effect, "if not incompatible with the interests of the public service"?

Mr. COX of Indiana. I do not think so, Mr. Speaker, when it relates to some department. Possibly it may when it relates to the President.

Mr. KAHN. Well, Mr. Speaker, there are but few Members present, and I am constrained to object.

PRINTING AND BINDING—COMMITTEE ON EXPENDITURES IN POST OFFICE DEPARTMENT.

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 156.

Resolved, That the Committee on Expenditures in the Post Office Department be authorized to have such printing and binding done as may be necessary during the Sixty-second Congress.

Mr. BURKE of South Dakota. Mr. Speaker, reserving the right to object, I would like to know if a similar resolution has been adopted heretofore.

Mr. ASHBROOK. Mr. Speaker, I would state to the gentleman that the Committee on Expenditures in the Post Office Department is now conducting hearings and it is desirable that these hearings should be printed. I can assure the gentleman that we shall not abuse the privilege in any way.

Mr. BURKE of South Dakota. Then I shall not object, Mr. Speaker.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

COMMITTEE ON EXPENDITURES IN TREASURY DEPARTMENT.

Mr. COX of Indiana. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 140 (H. Rept. No. 20).

Resolved, That the Committee on Expenditures in the Treasury Department have such printing done as may be necessary for its use during the Sixty-second Congress.

Mr. BURKE of South Dakota. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Indiana yield to the gentleman from South Dakota?

Mr. COX of Indiana. Yes.

Mr. BURKE of South Dakota. It seems to me, Mr. Speaker, it is not necessary to adopt these resolutions this evening. There are only about 15 or 20 Members present in the House, and while I presume the gentleman can get the authority he seeks later, I think I shall object at this time.

Mr. COX of Indiana. I hope the gentleman from South Dakota will not object. Certain resolutions of larger and other committees were passed similar to this at the present session of Congress. I offered mine at that time, and the gentleman from Illinois [Mr. MANN] temporarily objected. That was a day or two after the House first convened.

I want to say to the gentleman that during the next week this committee will begin hearings. The committee is going to work. A full meeting was had this morning, with the exception of one Member, and it was unanimously decided that it would have sittings and that it was necessary to have certain binding and printing done for the use of the committee. That involves the printing of a considerable number of reports made to the committee by the Secretary of the Treasury, and at present there is only one copy there.

Mr. BURKE of South Dakota. I would like to ask the gentleman from Indiana if this authority has ever been granted to his committee in former Congresses?

Mr. COX of Indiana. I will say to the gentleman that such authority has not been granted to me. I can not speak for my predecessors.

Mr. BURKE of South Dakota. I understand it has not. I understand that the committee of which the gentleman is chairman is holding some hearings?

Mr. COX of Indiana. I will say to the gentleman, no, sir. We had a meeting this morning, and we passed a resolution to begin in the next week to hold hearings.

Mr. UNDERWOOD. If the gentleman from Indiana [Mr. Cox] will allow me for a moment, I will say to the gentleman from South Dakota that the various committees on expenditures are going to make investigations in order to be able to report to this House what economies and practices can be introduced to reduce the cost of running the Government. These committees have been part of the organization of this House for many, many years, and it is a very useful and proper field for them to occupy.

Of course they can not proceed with their business without permission to have printing and binding done. No active committee can do that.

Mr. BURKE of South Dakota. I should like to ask the gentleman if this is in the interest of the economy program that we hear so much about?

Mr. UNDERWOOD. Undoubtedly. The object of their investigations is to see whether or not they can recommend to the Appropriations Committee of the House a decrease of expenditures. They can not work to advantage without they are given this permission to have printing and binding done, because this facilitates an important part of their duties. Of course, if the gentleman objects, we will have to bring in a resolution at a later date to authorize them to have this done, but I hope the gentleman will not object.

Mr. COX of Indiana. It was on a motion made by a member of my committee, belonging to the gentleman's party—the ranking member of it, I may say—that this resolution was offered. As I said a moment ago, the committee now have in their possession quite a number of reports. The printing will not be expensive, but there is only one copy now in the committee room, and it is with a view to getting this printing done, to distribute among the Members. We desire to have printed these reports made by the Secretary of the Treasury himself.

Mr. FINLEY. If the gentleman will yield to me for a moment I will say that an objection now will delay the matter a day or two, but certainly I will bring in the resolution Monday and it will be privileged.

Mr. BURKE of South Dakota. I should like to ask the gentleman when these hearings will begin.

Mr. COX of Indiana. Not later than Wednesday.

Mr. BURKE of South Dakota. Then there will be no prejudice if this matter goes over until Monday. I do not like to object to the request of the gentleman, and I would not have done so at all had there been a larger number of Members here, or if the minority leader was present, but he is not. It is late Saturday evening, and it is unusual to pass these resolutions at such a time. Now, I may consent to withdraw the objection, but before doing so I should like to ask some gentleman on that side if he can inform us when we are going to get a directory of the Sixty-second Congress?

Mr. FINLEY. My information is that you will get it on Monday.

Mr. BURKE of South Dakota. I am very much more concerned about getting a directory of this Congress than I am about this printing.

Mr. FINLEY. The gentleman knows that the delay has been occasioned by the dilatoriness in the organization of the Senate.

Mr. BURKE of South Dakota. I will say to the gentleman that that has not delayed the issue of the first edition of the directory in previous Congresses.

Mr. FINLEY. It has delayed it in this.

Mr. BURKE of South Dakota. I supposed it was delayed in the interest of economy.

Mr. FINLEY. That is true.

Mr. BURKE of South Dakota. Withholding the usual edition of the directory, which is a source of so much necessary information to the House.

Mr. FINLEY. I think there will be only one edition of the directory in this session.

I will say, in reference to the request of the gentleman from Indiana [Mr. Cox], that unless this resolution is passed to-day,

the Printing Committee of the House will report it Monday, and it will be privileged.

Mr. BURKE of South Dakota. Oh, Mr. Speaker, that does not influence me in the least in my attitude. I withdraw the objection, but I give notice that I shall object to any further consideration of resolutions this evening.

The SPEAKER. Is there objection?

Mr. THISTLEWOOD. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

ENROLLED JOINT RESOLUTION.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 2. Joint resolution making appropriations for the payment of certain expenses incident to the first session of the Sixty-second Congress.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 27 minutes p. m.) the House adjourned until Monday, May 8, 1911, at 12 o'clock noon.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MANN: A bill (H. R. 8882) to amend section 4 of an act entitled "An act to regulate the sale of viruses, serums, toxins, and analogous products in the District of Columbia, to regulate interstate traffic in said articles, and for other purposes," approved July 1, 1902; to the Committee on Interstate and Foreign Commerce.

By Mr. MONDELL: A bill (H. R. 8883) providing for adjustment of conflict between placer and lode locators of phosphate lands; to the Committee on the Public Lands.

By Mr. HULL: A bill (H. R. 8884) to provide for the erection of a monument to Brig. Gen. Griffith Rutherford; to the Committee on the Library.

By Mr. THAYER: A bill (H. R. 8885) to provide for the purchase of a site and erection of a public building at Southbridge, Mass.; to the Committee on Public Buildings and Grounds.

By Mr. GUDGER: A bill (H. R. 8886) to establish a fish-hatching and fish-cultural station within the tenth congressional district, State of North Carolina, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. SHERLEY: A bill (H. R. 8887) to provide revenue by a stamp tax on proprietary medicines, etc., and for other purposes; to the Committee on Ways and Means.

By Mr. MORSE of Wisconsin: A bill (H. R. 8888) placing articles imported into the United States for use in the construction and equipment of pulp and paper mills and in the manufacture of the products thereof on the free list; to the Committee on Ways and Means.

By Mr. GORDON: A bill (H. R. 8889) to amend section 2708 of the Revised Statutes of the United States; to the Committee on Expenditures in the Treasury Department.

Also, a bill (H. R. 8890) to amend section 4964 of the Revised Statutes of the United States; to the Committee on Patents.

Also, a bill (H. R. 8891) to authorize the Memphis Telephone Co. to construct, maintain, and operate an overhead wire crossing over the Mississippi River between Memphis, Tenn., and West Memphis, in the State of Arkansas; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 8892) to construct a road from the national cemetery in Shelby County, Tenn., to the eastern boundary line of the city of Memphis, Tenn.; to the Committee on Military Affairs.

Also, a bill (H. R. 8893) authorizing and directing the Postmaster General to furnish to the proper State officers of the several States of the Union free transmission through the mails of all pension vouchers and warrants to pensioners upon the State pension rolls of the several States of the Union and return of same to said officers; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 8894) for the suppression of gambling on horse races through national and interstate commerce and the postal service, subject to the jurisdiction and the laws of the United States; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 8895) providing for the erection, either by this Government alone or jointly with such other nations and peoples as may voluntarily cooperate therein, of a memorial lighthouse to commemorate the work and achievements of the late Matthew Fontaine Maury, and for the creation of a commission to take up this subject with other nations and peoples, and appropriating for the expense of the same; to the Committee on Interstate and Foreign Commerce.

By Mr. PALMER: A bill (H. R. 8896) providing for the branding and labeling of all cloths, knit fabrics, and manufactures of every description made wholly or in part of wool and for preventing the manufacture, sale, and transportation of such articles when misbranded, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PETERS: A bill (H. R. 8897) to provide for a director of education for the District of Columbia, and for a director of charities for the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. RODENBERG: Resolution (H. Res. 153) to investigate the national game known as baseball; to the Committee on Rules.

By Mr. OLDFIELD: Resolution (H. Res. 154) authorizing the Committee on the District of Columbia to inquire into the government of said District; to the Committee on Rules.

By Mr. GODWIN of North Carolina: Resolution (H. Res. 155) authorizing the Committee on Reform in the Civil Service to have necessary printing and binding done; to the Committee on Printing.

By Mr. GORDON: Joint resolution (H. J. Res. 88) for the relief of the Enrolled Militia of Memphis and the western district of Tennessee; to the Committee on Military Affairs.

Also, joint resolution (H. J. Res. 89) proposing an amendment to the Constitution of the United States; to the Committee on Election of President, Vice President, and Representatives in Congress.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AIKEN of South Carolina: A bill (H. R. 8898) granting a pension to Benjamin F. Sauer; to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 8899) granting a pension to Hebe M. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8900) granting a pension to Mate Fulkerson; to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 8901) for the relief of George W. Cassilear; to the Committee on the District of Columbia.

By Mr. ASHBROOK: A bill (H. R. 8902) granting an increase of pension to Michael Mohan; to the Committee on Invalid Pensions.

By Mr. BATHRICK: A bill (H. R. 8903) for the relief of the legal representatives of Charles Baker, deceased; to the Committee on War Claims.

By Mr. BELL of Georgia: A bill (H. R. 8904) for the relief of James B. Fowler; to the Committee on Military Affairs.

By Mr. BOOHER: A bill (H. R. 8905) granting an increase of pension to Samuel Anderson; to the Committee on Invalid Pensions.

By Mr. BURKE of Wisconsin: A bill (H. R. 8906) granting an increase of pension to C. W. Rehfeld; to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 8907) for the relief of Lieut. Commander Jerome E. Morse, United States Navy, retired; to the Committee on Naval Affairs.

By Mr. COPLEY: A bill (H. R. 8908) granting an increase of pension to Lizzie Allen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8909) granting an increase of pension to William Dodds; to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 8910) granting a pension to Margaret Park; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8911) granting an increase of pension to Louis Myers; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 8912) to correct the military record of William J. McGhee; to the Committee on Military Affairs.

Also, a bill (H. R. 8913) for the relief of Ivory F. Johnson; to the Committee on Military Affairs.

By Mr. FRENCH: A bill (H. R. 8914) granting an increase of pension to Hiram L. Edwards; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8915) granting an increase of pension to Farmer Lathrop; to the Committee on Invalid Pensions.

Mr. GORDON: A bill (H. R. 8916) granting an increase of pension to Ollie M. Croghan; to the Committee on Pensions.

Also, a bill (H. R. 8917) for the relief of Charles S. Keller; to the Committee on Claims.

Also, a bill (H. R. 8918) for the relief of the heirs of Robert S. Gill; to the Committee on Claims.

Also, a bill (H. R. 8919) to correct the naval record of F. L. Myers; to the Committee on Naval Affairs.

Also, a bill (H. R. 8920) to correct the military record of C. H. Hare; to the Committee on Military Affairs.

Also, a bill (H. R. 8921) to correct the military record of Williams H. Seward; to the Committee on Military Affairs.

Also, a bill (H. R. 8922) to carry into effect the findings of the Court of Claims in the matter of the claim of the heirs of James Boro, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8923) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of Mathew Brown, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8924) to carry into effect the findings of the Court of Claims in the matter of the claim of Edmund W. Williams, executor of the estate of Joseph R. Williams, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8925) to carry into effect the findings of the Court of Claims in the matter of the claim of the Baptist Church of Grand Junction, Tenn.; to the Committee on War Claims.

Also, a bill (H. R. 8926) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of John J. Bailey, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8927) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of Elizabeth Burke, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8928) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of S. L. Carpenter, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8929) to carry into effect the findings of the Court of Claims in the matter of the claim of the First Baptist Church of Memphis, Tenn.; to the Committee on War Claims.

Also, a bill (H. R. 8930) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of Abner D. Lewis, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8931) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of B. B. Neville, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8932) to carry into effect the findings of the Court of Claims in the matter of the claim of Hartwell B. Hilliard; to the Committee on War Claims.

Also, a bill (H. R. 8933) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of David Jameson, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8934) to carry into effect the findings of the Court of Claims in the matter of the claim of the Germantown Baptist Church, of Shelby County, Tenn.; to the Committee on War Claims.

Also, a bill (H. R. 8935) to carry into effect the findings of the Court of Claims in the matter of the claim of Octavia R. Polk; to the Committee on War Claims.

Also, a bill (H. R. 8936) to carry into effect the findings of the Court of Claims in the matter of the claim of Thomas D. Ruffin; to the Committee on War Claims.

Also, a bill (H. R. 8937) to carry into effect the findings of the Court of Claims in the matter of the claim of Octavia P. Brooks; to the Committee on War Claims.

Also, a bill (H. R. 8938) to carry into effect the findings of the Court of Claims in the matter of the claim of the Germantown Baptist Church, of Shelby County, Tenn.; to the Committee on War Claims.

Also, a bill (H. R. 8939) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of J. J. Todd, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8940) to carry into effect the findings of the Court of Claims in the matter of the claim of the Methodist Episcopal Church South, of Saulsbury, Tenn.; to the Committee on War Claims.

Also, a bill (H. R. 8941) to carry into effect the findings of the Court of Claims in the matter of the claim of Julia Moore Selden; to the Committee on War Claims.

Also, a bill (H. R. 8942) to carry into effect the findings of the Court of Claims in the case of Ida J. Cole, sole heir of Martha C. Cole, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8943) to carry into effect the findings of the Court of Claims in the case of A. P. Young, administrator of John R. Pearson, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8944) to carry into effect the findings of the Court of Claims in the case of W. M. Wilson, administrator of estate of William S. Wilson, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8945) to carry into effect the findings of the Court of Claims in case of W. P. Boales, administrator of estate of A. J. Wiglesworth, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8946) to carry into effect the findings of the Court of Claims in the case of J. R. Wright, administrator of estate of Nancy Wright, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8947) to carry into effect the findings of the Court of Claims in the case of the estate of Patrick G. Meath, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8948) to carry into effect the findings of the Court of Claims in the case of E. M. McNamee, administrator of John Krider, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8949) to carry into effect the findings of the Court of Claims in the case of David H. Hilderbrand; to the Committee on War Claims.

Also, a bill (H. R. 8950) to carry into effect the findings of the Court of Claims in the case of Annis Lawrence; to the Committee on War Claims.

Also, a bill (H. R. 8951) to carry into effect the findings of the Court of Claims in the case of John T. Hester, administrator of estate of John W. Hester, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8952) to carry into effect the findings of the Court of Claims in case of Methodist Episcopal Church South, of Germantown, Tenn.; to the Committee on War Claims.

Also, a bill (H. R. 8953) to carry into effect the findings of the Court of Claims in the case of A. J. Williford, administrator of Charity M. Locke, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8954) to carry into effect the findings of the Court of Claims in the case of T. N. Rhodes, administrator of Lewellen Rhodes, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8955) to carry into effect the findings of the Court of Claims in the case of Alexander M. Owen, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8956) to carry into effect the findings of the Court of Claims in case of North Memphis Savings Bank, administrator of estate of Mary F. Swindell, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8957) to carry into effect the findings of the Court of Claims in the case of George T. and Guy P. Vance, executors of William L. Vance, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8958) to carry into effect the findings of the Court of Claims in favor of the Overton Hotel Co., of Memphis, Tenn.; to the Committee on War Claims.

Also, a bill (H. R. 8959) to carry into effect the findings of the Court of Claims in favor of the city of Memphis, Tenn.; to the Committee on War Claims.

Also, a bill (H. R. 8960) to carry into effect the findings of the Court of Claims in favor of Sallie H. Perkins; to the Committee on War Claims.

Also, a bill (H. R. 8961) to carry into effect the findings of the Court of Claims in the matter of the claim of the heirs of Jesse Hollis, deceased; to the Committee on War Claims.

By Mr. GRAY: A bill (H. R. 8962) granting an increase of pension to Andrew Willis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8963) granting an increase of pension to Alvin Wiley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8964) granting an increase of pension to Addison W. Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8965) granting an increase of pension to John H. Oakerson; to the Committee on Invalid Pensions.

By Mr. HAMILL: A bill (H. R. 8966) to correct the military record of John O'Dwyer; to the Committee on Military Affairs.

By Mr. HARRIS: A bill (H. R. 8967) granting an increase of pension to Edward M. Willis; to the Committee on Invalid Pensions.

By Mr. HIGGINS: A bill (H. R. 8968) granting an increase of pension to Henry E. Avery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8969) granting an increase of pension to Henry F. Lewis; to the Committee on Invalid Pensions.

By Mr. HILL: A bill (H. R. 8970) granting an increase of pension to Hamilton Byron Griswold; to the Committee on Invalid Pensions.

By Mr. HINDS: A bill (H. R. 8971) for the relief of Miss S. A. Heaton; to the Committee on Claims.

By Mr. HULL: A bill (H. R. 8972) granting a pension to Sarah Stafford; to the Committee on Pensions.

Also, a bill (H. R. 8973) granting a pension to Virgil Gunnells; to the Committee on Pensions.

Also, a bill (H. R. 8974) granting a pension to Elizabeth Merlett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8975) granting a pension to Rachel Savage; to the Committee on Pensions.

Also, a bill (H. R. 8976) granting an increase of pension to Andrew Anderson; to the Committee on Pensions.

Also, a bill (H. R. 8977) granting an increase of pension to Elijah Waters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8978) granting an increase of pension to John Kendrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8979) granting an increase of pension to Joseph Hacker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8980) for the relief of Rachel C. Hendrick; to the Committee on War Claims.

Also, a bill (H. R. 8981) for the relief of J. J. Price; to the Committee on War Claims.

Also, a bill (H. R. 8982) for the relief of the firm of McMurray & Donnell; to the Committee on War Claims.

Also, a bill (H. R. 8983) for the relief of the estate of Nathaniel Murray; to the Committee on War Claims.

Also, a bill (H. R. 8984) for the relief of the heirs of Julia F. Kelly, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8985) for the relief of the heirs of John B. Scobey, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8986) to remove the charge of desertion standing against William Woodward; to the Committee on Military Affairs.

By Mr. KONOP: A bill (H. R. 8987) granting an increase of pension to Gottfried Langstadt; to the Committee on Invalid Pensions.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 8988) granting an increase of pension to Squire C. French; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8989) granting an increase of pension to William W. Bowling; to the Committee on Pensions.

Also, a bill (H. R. 8990) granting an increase of pension to W. F. Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8991) granting an increase of pension to Thomas Cheuvront; to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 8992) granting a pension to Thomas F. Walter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8993) granting a pension to Emma Wagner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8994) granting a pension to Katharine H. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8995) granting a pension to Emma Worrall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8996) granting a pension to Hannah Tomlinson; to the Committee on Pensions.

Also, a bill (H. R. 8997) granting a pension to Sallie B. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8998) granting a pension to Mary Sullivan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8999) granting a pension to Lena Roedelsheimer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9000) granting a pension to Ellen Murphy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9001) granting a pension to George W. Kelly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9002) granting a pension to Ely L. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9003) granting a pension to Emeline T. Hayner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9004) granting a pension to Stephen Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9005) granting a pension to Antonio Feldman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9006) granting a pension to Mary Dolan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9007) granting a pension to Thomas A. Downs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9008) granting a pension to James B. Coppuck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9009) granting a pension to Smith Crowell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9010) granting a pension to Mary Ann Connell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9011) granting a pension to Margaret Bresnehan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9012) granting a pension to Christina Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9013) granting an increase of pension to Ida M. Wallace; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9014) granting an increase of pension to Mary L. Wright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9015) granting an increase of pension to Joseph Uhll; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9016) granting an increase of pension to Harrison Seabrook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9017) granting an increase of pension to Jacob G. Orth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9018) granting an increase of pension to Annie R. E. Nesbitt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9019) granting an increase of pension to Rosa D. Mayhew; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9020) granting an increase of pension to Samuel Munyon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9021) granting an increase of pension to Dennis Buckley McCready; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9022) granting an increase of pension to William Mays; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9023) granting an increase of pension to Joseph S. Lechler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9024) granting an increase of pension to Philip Liebrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9025) granting an increase of pension to Robert W. Keen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9026) granting an increase of pension to John L. Harvey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9027) granting an increase of pension to George R. Holt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9028) granting an increase of pension to Thomas Hagerty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9029) granting an increase of pension to William Hinckle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9030) granting an increase of pension to George I. Graham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9031) granting an increase of pension to Albert De Barry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9032) granting an increase of pension to Mary Douglas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9033) granting an increase of pension to Frederick Bender; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9034) granting an increase of pension to David M. Blizzard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9035) granting an increase of pension to Isabella Brockway; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9036) granting an increase of pension to Sylvester Byrne; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9037) for the relief of Mary Jane Pollard; to the Committee on Claims.

Also, a bill (H. R. 9038) for the relief of Aimee H. Keller; to the Committee on Claims.

Also, a bill (H. R. 9039) for the relief of Samuel D. Hawley; to the Committee on Military Affairs.

Also, a bill (H. R. 9040) for the relief of Capt. Martin Hammer, to the Committee on War Claims.

Also, a bill (H. R. 9041) for the relief of Morris Busch; to the Committee on War Claims.

Also, a bill (H. R. 9042) for the relief of the estate of Edward Lake; to the Committee on Claims.

Also, a bill (H. R. 9043) for the relief of the heirs of Samuel E. Hall, deceased; to the Committee on War Claims.

By Mr. MORSE of Wisconsin: A bill (H. R. 9044) granting a pension to Eugene J. Pierrelee; to the Committee on Pensions.

Also, a bill (H. R. 9045) granting a pension to Joel P. Quimby; to the Committee on Invalid Pensions.

By Mr. PALMER: A bill (H. R. 9046) granting an increase of pension to Urilla Helms Bates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9047) granting a pension to Louisa Drey; to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 9048) to remit the duty on pictorial windows to be imported by the Gate of Heaven Church, South Boston, Mass.; to the Committee on Ways and Means.

By Mr. PUJO: A bill (H. R. 9049) for the relief of the heirs of John Louis Malveau, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9050) to carry into effect the findings of the Court of Claims in the case of Matthew J. Jones, deceased; to the Committee on War Claims.

By Mr. RUSSELL: A bill (H. R. 9051) granting an increase of pension to James E. Bowers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9052) for the relief of E. B. Davisson; to the Committee on Military Affairs.

By Mr. WOODS of Iowa: A bill (H. R. 9053) for the relief of Amos G. Barnhart, alias John C. Gregory; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AYRES: Resolutions of the New York Mercantile Exchange, of New York City, and the National Association of Master Bakers, requesting the Secretary of Agriculture to have the pure-food law sent to the referee board; to the Committee on Agriculture.

Also, petition of the American Newspaper Publishers' Association, favoring the passage of Canadian reciprocity bill by the United States Senate; to the Committee on Ways and Means.

By Mr. ASHBROOK: Resolutions of the American Newspaper Publishers' Association, favoring Canadian reciprocity; to the Committee on Ways and Means.

By Mr. BULKLEY: Resolutions of Manila Camp, No. 50, United Spanish War Veterans, Cleveland, Ohio, protesting against the present Army canteen law and favoring its repeal; to the Committee on Military Affairs.

By Mr. BURKE of Wisconsin: Papers to accompany H. R. 6160, granting an increase of pension to William Bennett; to the Committee on Invalid Pensions.

By Mr. CALDER: Petitions of the National Association of Master Bakers of Philadelphia, Pa., and the New York Mercantile Exchange, of New York, requesting that the Secretary of Agriculture have the pure-food law sent to the referee board; to the Committee on Agriculture.

Also, resolution of the New York State Legislature, favoring a direct vote by the people for United States Senators; to the Committee on Election of President, Vice President, and Representatives in Congress.

Also, petition of American Newspaper Publishers' Association, of New York City, urging the United States Senate to pass the Canadian reciprocity; to the Committee on Ways and Means.

By Mr. CARY: Petition of 71 Italian-American citizens of Milwaukee, Wis., that Italian lemons be placed on the free list; to the Committee on Ways and Means.

By Mr. DENVER: Petition of the Dayton Supply Co., of Dayton, Ohio, relating to postage rates; to the Committee on the Post Office and Post Roads.

Also, petition of the Ohio State Medical Association, of Toledo, Ohio, favoring a national department of health; to the Committee on Interstate and Foreign Commerce.

By Mr. DICKINSON: Petition of Post No. 10, Grand Army of the Republic, Rich Hill, Mo., in favor of the Sulloway bill; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Resolution of the National Association of Master Bakers and the New York Mercantile Exchange, New York, urging investigation of eggs and egg products; to the Committee on Agriculture.

Also, resolutions of American Newspaper Publishers' Association, of New York, favoring the Canadian reciprocity bill; to the Committee on Ways and Means.

By Mr. FORNES: Petition of C. Tennant, Sons & Co., of New York City, N. Y., relative to the iron and steel schedule; to the Committee on Ways and Means.

Also, petition of the American Newspaper Association, in favor of the United States Senate passing the Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of the New York Mercantile Exchange, requesting that the Secretary of Agriculture have the pure-food law sent to the referee board; to the Committee on Agriculture.

By Mr. FULLER: Petition of Frank E. Phelps and others, of Malta, Ill., in opposition to a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. GEORGE: Petition of numerous citizens of the State of Pennsylvania, requesting the withdrawal of the troops from the Mexican border; to the Committee on Military Affairs.

By Mr. HAMMOND: Petition of August Peterson and 63 others, of Martin County, Minn., against limiting cold storage of food products to period less than one year; to the Committee on Interstate and Foreign Commerce.

By Mr. HANNA: Petition of voters of the State of North Dakota protesting against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of numerous farmers of the State of North Dakota favoring a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. LINDBERGH: Petition of citizens of Spring Hill, county of Stearns, State of Minnesota, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. MAGUIRE of Nebraska: Resolutions of the Senate of the State of Nebraska, favoring an extension of time in deferred payments, in the present law, on construction charges in Government irrigation project; to the Committee on the Public Lands.

By Mr. PUJO: Petition of Mr. P. Foster and others, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. ROBERTS of Massachusetts: Resolutions of the Second Congregational (Unitarian) Society of Lynn, Mass., favoring arbitration with Great Britain; to the Committee on Foreign Affairs.

By Mr. SULZER: Petitions of National Association of Master Bakers, of Philadelphia, Pa., and the New York Mercantile Exchange, New York City, requesting that the Secretary of Agriculture have the pure-food law sent to the referee board; to the Committee on Agriculture.

Also, resolutions of the American Newspaper Publishers' Association, of New York, urging the United States Senate to pass the Canadian reciprocity bill; to the Committee on Ways and Means.

By Mr. TUTTLE: Petition of Congregational Church of Christ, of Westfield, N. J., favoring arbitration treaty with Great Britain; to the Committee on Foreign Affairs.

By Mr. WILLIS: Papers to accompany H. R. 6078, granting a pension to Mary B. Oder, and H. R. 4638, granting an increase of pension to David A. Pratt; to the Committee on Invalid Pensions.

Also, papers to accompany H. R. 8467, for the relief of legal representative of William E. Tarbutton, deceased; to the Committee on War Claims.

SENATE.

MONDAY, *May 8, 1911.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of the proceedings of Thursday last was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the joint resolution (H. J. Res. 2) making appropriations for the payment of certain expenses incident to the first session of the Sixty-second Congress.

ENROLLED JOINT RESOLUTIONS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled joint resolutions, and they were thereupon signed by the Vice President:

H. J. Res. 2. Joint resolution making appropriations for the payment of certain expenses incident to the first session of the Sixty-second Congress;

H. J. Res. 3. Joint resolution making immediately available the appropriations for mileage of Senators and Members of the House of Representatives; and

H. J. Res. 38. Joint resolution to grant authority to the American Red Cross to erect temporary structures in Potomac Park, Washington, D. C.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a resolution adopted by the National Association for the Study and Prevention of Tuberculosis, favoring an investigation into the subject of the sanitary condition surrounding metal mining underground, with special reference to diseases of the lungs, etc., which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of the Ministerial Association of Altoona, Pa., praying for the enactment of legislation for the suppression of the opium evil, which was referred to the Committee on Foreign Relations.

Mr. GALLINGER presented a memorial of the National Association of Tanners, remonstrating against placing leather on the free list, which was referred to the Committee on Finance.

He also presented memorials of Local Union No. 28, International Brotherhood of Paper Makers, of Fort Edward, N. Y.; of Local Union No. 4, International Brotherhood of Paper Makers, of Watertown, N. Y.; of the American Protective

Tariff League; of the Congress of the Knights of Labor; of Local Grange of Ossipee; of Local Grange No. 151, of Meriden; of Mount Belknap Grange, of Gilford; and of Local Grange of Barnstead, of the Patrons of Husbandry; and of sundry citizens of Rochester, Colebrook, Durham, Concord, and Contoocook, all in the State of New Hampshire, remonstrating against the ratification of the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a memorial of the congregation of the Memorial Seventh Day Adventist Church, of Washington, D. C., and a memorial of the congregation of the First Seventh Day Adventist Church, of Washington, D. C., remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a petition of the congregation of the Presbyterian Church of Bedford, N. H., praying for the ratification of the treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of the congregation of the Garden Memorial Presbyterian Church, of Washington, D. C., praying for the enactment of legislation to prohibit the sale of intoxicating liquors on Government ships, which was referred to the Committee on Education and Labor.

He also presented a petition of the Citizens' Association of Anacostia, D. C., praying that the tracks of the East Washington & Suburban Railroad be extended from Anacostia to the District line, which was referred to the Committee on the District of Columbia.

He also (for Mr. FRYE) presented petitions of sundry citizens of Maine, praying for the establishment of a national department of public health, which were referred to the Committee on Public Health and National Quarantine.

He also (for Mr. FRYE) presented a memorial of Northern Light Grange, Patrons of Husbandry, of Monroe, Me., remonstrating against the passage of the so-called cold-storage bill, which was referred to the Committee on Manufactures.

He also (for Mr. FRYE) presented petitions of Burnside Post, No. 47, of Auburn, and of Thomas H. Marshall Post, No. 42, of Belfast, Grand Army of the Republic, Department of Maine, praying for the passage of the so-called old-age pension bill, which were referred to the Committee on Pensions.

He also (for Mr. FRYE) presented memorials of the State Grange; Eureka Grange, of Mapleton; Pomona Grange, of Aroostook County; Star Grange, of Hampden; Local Grange of Chelsea; Pomona Grange, of South Paris; Valley Grange, of Guilford; Excelsior Grange, of Farmington; Waldo Pomona Grange, of Mapleton, of the Patrons of Husbandry; and of the Light and Water Co., of Rumford, all in the State of Maine, remonstrating against the ratification of the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

He also (for Mr. FRYE) presented a petition of the congregation of the First Parish Meeting House, of Castine, Me., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. CULLOM. I present a joint resolution adopted by the Legislature of the State of Illinois, which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the joint resolution was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Senate joint resolution 29.

Whereas in the treaties and conventions now existing between the United States of America and the Government of Russia it is provided that the inhabitants of each country shall mutually have the liberty to enter, sojourn, and reside in the respective territories of each other, and to that effect shall enjoy the same security and protection as natives of the country wherein they reside; and

Whereas the Government of Russia has singled out a certain class of citizens and inhabitants of the United States and forbidden them from sojourning or residing in or entering into the territory or dominion of Russia on account of their religious faith; and

Whereas the severest penalties are visited upon those who in any manner violate this edict of the Russian Government, so that an American citizen of the proscribed faith, with an American passport, who should cross the borders of Russian territory would, under the penal code of Russia, be subjected to the most cruel punishment, without the privilege of trial by jury; and

Whereas it is the fundamental principle of this Government that the rights of its citizens shall not be impaired at home or abroad because of religious belief; that this Government concludes its treaties for the equal protection of all classes of its citizens without regard to religious belief; that the Government of Russia has violated the treaty between the United States of America and Russia, concluded at St. Petersburg December 18, 1832, by construing that part of article 1 thereof, which says that the inhabitants of the respective States "shall be at liberty to sojourn and reside in all parts whatsoever of said territories in order to attend to their affairs, and they shall enjoy to that effect the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce," to mean that American citizens of Jewish faith are subject in Russia to the same restrictions that Russia imposes upon Russian inhabitants of Jewish faith, by declining to permit American citizens of Jewish faith to sojourn and reside in Russia in order to attend to their affairs and to enjoy to that effect the same security and protection as non-Jewish native Russians, and by refusing to honor American passports issued to American citizens of Jewish faith; and

Whereas such distinction would be abhorrent to all people who believe in the right of men to worship according to the dictates of conscience: Therefore

Resolved by the senate of the State of Illinois (the house of representatives concurring), That we hereby request our two United States Senators representing the great State of Illinois to request the President of the United States to abrogate the treaty between the Government of Russia and the United States of America, and that a copy of these resolutions be forwarded to our Senators at Washington, urging them to support the resolution now pending in the National House of Representatives for the abrogation of said treaty.

Adopted by the senate April 27, 1911.

JOHN G. OGLESBY,
President of the Senate.
J. H. PADDOCK,
Secretary of the Senate.

Concurred in by the house of representatives April 28, 1911.

CHARLES ADKINS,
Speaker of the House of Representatives.
B. H. MCCANN,
Clerk of the House of Representatives.

Filed May 2, 1911.

JAMES A. ROSE,
Secretary of State.

Mr. CULLOM presented memorials of the Chicago Live Stock Exchange and of sundry citizens of Peoria, Ill., remonstrating against the ratification of the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. WETMORE presented petitions of the Ministers' Union of Newport and of sundry citizens of Pawtucket, Warwick, and Providence, all in the State of Rhode Island, praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. GRONNA presented memorials of sundry citizens of Hendrum and of McLean County, in the State of North Dakota, remonstrating against the ratification of the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. BURNHAM presented memorials of S. M. Conery, of Dunbarton; Burton A. Corbett, of Colebrook; H. Baxton, of Somersworth; C. J. Hall, of Durham; of Local Grange No. 151, of Meriden; of Mountain Grange, of Ossipee; and of Mount Belknap Grange, of Gilford, of the Patrons of Husbandry; and of sundry citizens of Rochester, all in the State of New Hampshire, remonstrating against the ratification of the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. BRANDEGEE presented a petition of the Young Men's Christian Association of Connecticut, praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a memorial of Monsignor Slocum Branch, Ancient Order of Hibernians, of Waterbury, Conn., and a memorial of sundry citizens of Bridgeport, Conn., remonstrating against the ratification of the treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. WARREN. I present a letter from J. D. Noblitt, secretary and treasurer of the Cokeville Land & Live Stock Co., of Cokeville, Wyo., remonstrating against any revision of Schedule K of the present tariff law until the investigation now being made by the Tariff Commission is finished. I ask that the letter be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the memorial was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

COKEVILLE LAND & LIVE STOCK CO.,
Cokeville, Wyo., May 1, 1911.

Hon F. E. WARREN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I do not feel that it is necessary for me to write you that the members of our company are opposed to Congress attempting to revise the wool schedule during the present special session. You know where we stand, just as you know where not only woolgrowers but everybody who believes in tariff protection stand and ought to stand. The growth and improvement of Wyoming and many other wool-producing States depends largely upon the prosperity of the wool and mutton grower. In our State the sheepman is doing a large share toward the reclamation of the country; the best farmers of the country

are to be found among the flockmasters. When they make a reasonable profit out of their sheep business it immediately attaches to the enlargement and improvement of their ranches, the creating of local banks, the building of comfortable homes, and such things as go to make the recently Indian-infested portions of the West fit to live and raise families in. Next to the railroads, the sheepmen pay more school tax and create more general school fund by utilizing the State school lands than does the representatives of any other industry in the State of Wyoming. Such a calamity as would follow material reduction of the present wool schedules would seriously affect every industry in all the wool and mutton producing States of the Union, and would simply demoralize practically every industry in the public-range States where the sheep business is the principal industry.

It would be a blunder bordering on silliness for Congress to ignore the fact that a competent committee is now in the field energetically gathering complete data relative to the cost of producing wool and mutton not only in the United States but in all the wool-producing countries of the world, and make a blindfolded effort to revise the schedule before they have the committee's report for their information and guidance. Such unbalanced action would be comparative to the fellow who, while waiting for the doctor, decided to relieve his misery by committing suicide.

Under the present conditions it will be impossible to avoid a gradual decline in the amount of wool production in the public-range States. The range is rapidly falling into the hands of the homeseeker, who, while he may not be able to produce much commodity for sale, will make a living for his family, and can not avoid becoming a customer for mutton and woolen clothing. The remedy, I believe, lies in our being able to induce the farmers of all States to increase their holdings in sheep, and this can not be done by continually tinkering with the tariff or reducing the schedule to a point where the protection afforded will not justify the production of wool in the United States.

I am reliably informed from Missouri that the Hon. CHAMP CLARK and other Congressmen from the "show-me" State are being besieged with petitions praying that no attempt be made to revise the wool schedule until the Tariff Commission has submitted its report.

The depreciation in sheep values caused by the constant agitation about tariff revision affects our land values proportionately, discourages our farmers from farm making, and thus retards crop production and emphasizes the standing inducement for our better farmers to go to Canada or some place else where their products do not help to supply our demands or tend to relieve the higher cost of living.

In protesting against the present Congress attempting to revise the wool schedule I am simply voicing the sentiment of every person I have come in contact with, regardless of politics or party affiliations.

If every banker, farmer, merchant, stockman, lawyer, and doctor of the State of Wyoming and adjoining States should write you on the subject, more than 99 per cent of them would oppose any attempt to revise the wool tariff during the present session of Congress, principally for the simple reason that they will be so much better informed for the task after the Tariff Commission have furnished Congress with the results of the extensive investigation now being made.

With kind regards, I beg to be, yours, very sincerely,

J. D. NOBLITT.

Mr. WARREN. I present a telegram in the nature of a memorial from W. W. Daley, president of the Carbon County Wool Growers' Association, of Wyoming, which I ask may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the memorial was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

RAWLINS, WYO., *May 3, 1911.*

Hon. F. E. WARREN,
Washington, D. C.:

Unalterably opposed to reciprocity free list and reduction of tariff on wool; invite cost of production; condemn ill-advised Democratic Congress forcing legislation detrimental to entire West.

CARBON COUNTY WOOL GROWERS' ASSOCIATION,
W. W. DALEY.

Mr. WARREN presented memorials of David Dickie, of Meeteetse, Wyo.; Frank La Farr, secretary of Local Union No. 28, International Brotherhood of Paper Makers, of Fort Edward, N. Y.; and of J. R. Mansion, secretary and treasurer of the Congress of the Knights of Labor, of Albany, N. Y.; of John Strange, of Washington, D. C.; and of N. J. Bachelder, of Concord, N. H., remonstrating against the ratification of the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. SHIVELY. I present a petition in the form of a preamble and resolution adopted by Friendship Lodge, No. 70, International Association of Machinists, of Fort Wayne, Ind. It is typical of resolutions now coming to the Senate on the question of extradition. It is brief, and I ask that it may be printed in the RECORD and referred to the Judiciary Committee.

There being no objection, the petition was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

FRIENDSHIP LODGE, NO. 70,
INTERNATIONAL ASSOCIATION OF MACHINISTS,
Fort Wayne, Ind., May 4, 1911.

Hon. B. F. SHIVELY.

DEAR SIR: The Machinists Union No. 70, at their last regular meeting, May 1, 1911, by unanimous vote, voted to ask the Representatives of our State to support VICTOR L. BERGER'S resolution, which in form reads as follows:

"Whereas the fourteenth amendment of the Constitution ordains that no State shall deprive any person of life, liberty, or property without due process of law, nor deny any person within its jurisdiction the equal protection of the laws; and

"Whereas it is reported in the public press that one John J. McNamara, heretofore residing in the city of Indianapolis, Ind., has been deprived of liberty without due process of law: Therefore be it

"*Resolved by the House of Representatives (the Senate concurring)*, That a committee of each House be appointed to investigate the arrest and extradition of said McNamara, and to report its findings to the two Houses at the earliest practicable moment."

Hoping that when the committee brings in their report you will give this matter your consideration, we remain,

Respectfully, yours,

HENRY KOPF,
J. WERKMAN,
JOHN STANFORD,
Committee.

Mr. OLIVER presented memorials of the Thomas Davis Club, of Philadelphia; Division No. 5, Ancient Order of Hibernians, of Pittsburg; and of sundry citizens of Connellsville, Pittsburg, Braddock, and Wilmerding, all in the State of Pennsylvania, remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented petitions of Local Camps, No. 51, of Bridgeport; No. 95, of Chalfont; No. 275, of Chester Springs; and No. 559, of Rothsville, all of the Patriotic Sons of America, in the State of Pennsylvania, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of the congregation of the First Unitarian Church of Philadelphia, Pa., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a memorial of Mount Pleasant Grange, No. 1465, Patrons of Husbandry, of Hickory, Pa., remonstrating against the ratification of the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

Mr. MYERS presented a memorial of sundry citizens of Anaconda, Mont., remonstrating against the ratification of the treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of the congregation of the First Unitarian Church of Great Falls, Mont., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. JONES presented memorials of Eld Inlet Grange, No. 419; Central Grange, No. 295; Edmonds Grange, No. 331, of the Patrons of Husbandry; and of sundry citizens, all in the State of Washington; and of the village board of trustees and the Fort Edward Trades Assembly, of Fort Edward, N. Y., remonstrating against the ratification of the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a petition of Lincoln Regiment, No. 2, Union Veterans' Union, of Seattle, Wash., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

Mr. LA FOLLETTE presented a memorial of sundry citizens of Friendship and Eldorado, in the State of Wisconsin, remonstrating against the ratification of the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Chippewa County, Wis., remonstrating against the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. ROOT presented petitions of 1,243 citizens of Brooklyn and of 66 citizens of New York City, Newburgh, and Middletown, all in the State of New York, praying for the establishment of a national department of public health, which were referred to the Committee on Public Health and National Quarantine.

He also presented memorials of 669 citizens of New York, remonstrating against the ratification of the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented memorials of sundry citizens of South Brooklyn, Brooklyn, Greenpoint, Niagara Falls, and Port Chester, all in the State of New York, remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. CURTIS presented a memorial of the State Grange, Patrons of Husbandry, of Kansas, and a memorial of Local Grange No. 1494, Patrons of Husbandry, of Mayetta, Kans., remonstrating against the ratification of the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. SMITH of Maryland presented a petition of sundry citizens of Baltimore, Md., praying that Italian lemons be

placed on the free list, which was referred to the Committee on Finance.

PROPOSED PENSION LEGISLATION.

Mr. WORKS. I have here a communication from a veteran of the Civil War on the subject of pension legislation. It contains some important data and valuable suggestions. It is short. I ask that it may be printed in the RECORD and referred to the Committee on Pensions.

There being no objection, the paper was referred to the Committee on Pensions and ordered to be printed in the RECORD, as follows:

THE PENSION QUESTION.

To the Congress and to Hon. William H. Taft, President of the United States:

Permit me to follow the example of that gallant soldier, Gen. Daniel E. Sickles, and with great respect, to address to you at this time, a word in behalf of the surviving soldiers of the Civil War.

Fifty years ago many of them responded to the call of Abraham Lincoln, and went forth to do battle in defense of their country, and served faithfully until peace and a restored Union crowned their efforts. Since 1865 many thousands of the survivors of that war have answered the final roll call; those that are yet alive are old men, many of them in straitened circumstances and too feeble to work. If the country is under the great obligation to the old soldier, that is so often expressed in Congress, it must be paid soon if ever.

Neither the Sulloway bill nor the Senate bill as recommended by the Grand Army of the Republic, should have become a law for the payment of pensions, for several reasons—both were unjust and inequitable to pensioners and oppressive to the taxpayers. Both bills provide for the payment of millions of dollars in excess of what is justly due to certain classes of pensioners; both bills are unjust because they place deserters and bounty jumpers on an equality with the men that so often obeyed the orders, "Fix bayonets! Forward, double quick!" Both bills are inequitable because they fail to make any distinction between the men that served only three months and the men that served more than three years.

The framers of the Sulloway bill, when they promised $36 per month to all who might reach the age of 75 years, evidently had in mind the adage, "Live horse 'til the grass grows." It would have sounded more liberal, and involved about the same expense, if they had promised $72 per month to all who reached the age of 100 years. A vast majority of the old soldiers will not live to reach the age of 75 years. The pension that each man is to receive should become fixed and payable at the earliest day possible.

Leaving out of consideration the question of pensions that are paid for gunshot wounds and other personal injuries received in the line of duty, the rates for which apply equally to all, regardless of length of service, and considering only "service" or old-age pensions, it is entirely safe to say that no rate per month can be just that applies equally to all pensioners that served 90 days or more, for the simple reason that the man who served faithfully for three months rendered only one-twelfth part as much valuable service as was rendered by the man who served faithfully for three years. The man who served only three months was subjected to only one-twelfth part of the privations, hardship, and risks which fell to the lot of the man who served three years. It is true that a few regiments of three months' men rendered gallant service at the first battle of Bull Run, at Wilson Creek, and a few other engagements of less importance, but the vast majority of three months' men never heard a shot fired in battle.

Going through a battle or skirmish, without being wounded or captured, is more exciting and risky, but not so exhausting, as the same length of time spent in mud and rain, building corduroy roads. The principal service rendered by short-term men was guard duty at a safe distance in the rear of the fighting men, and about cities, towns, and military posts. They were not expected to and did not perform the hard service rendered by the longer term men.

I can better illustrate the point I have been trying to make plain by citing from the records of two regiments from the same State, the Second Wisconsin Infantry and the Fortieth Wisconsin Infantry:

Term of service, three years. Second Wisconsin Infantry. Wadsworth's Division, First Corps: (1) Col. S. Park Coon, (2) Col. Edgar O'Connor (killed), (3) Col. Lucius Fairchild (brigadier general), (4) Col. John Mansfield.

Losses, killed or died of wounds: Officers, 10; enlisted men, 228; total, 238. Died of disease, accidents, etc.: Enlisted men, 77; total, 77; 1,188 enrolled; 238 killed, 20 per cent.

Battles: Blackburns Ford, Va., killed, 1; First Bull Run, Va., killed, 29; Catlets Station, Va., killed, 1; Gainesville, Va., killed, 81; Manassas, Va., killed, 2; South Mountain, Md., killed, 12; Antietam, Md., killed, 30; Fredericksburg, Va., killed, 3; Gettysburg, Pa., killed, 49; Wilderness, Va., killed, 13; Spottsylvania, Va., killed, 7; Petersburg, Va., killed, 2; Weldon Railroad, Va., killed, 1; Hatchers Run, Va., killed, 1; Gunboat Mound City, killed, 6; total of killed and died of wounds, 238; killed and wounded, 753; missing and captured, 132.

Fortieth Wisconsin Infantry, 100-day men. Regiment organized between May 3 and June 12, 1864; mustered out of service September 16, 1864; total casualties, 1 enlisted man accidentally killed and 1 enlisted man wounded; 1 officer and 16 enlisted men died of disease.

The above is the official record of each regiment.

The service of the Fortieth Wisconsin was simply a pleasant summer outing, with about the usual mortality attending summer picnics by that number of men.

On the record above set forth no reasonable man will say that the survivors of the Fortieth Wisconsin should receive the same service pension that is paid to the survivors of the gallant Second.

In December, 1864, when Gen. Sherman marched "from Atlanta to the sea," took Savannah, and Hood's army was destroyed at Nashville and Gen. Lee's army was cooped in the defenses about Richmond, everybody knew that the end of the war was near, but recruiting went right on, up to the day Lee surrendered. In different sections of the North recruits and substitutes received from $500 to $2,500 for enlisting. Tens of thousands of men were enlisted that never reached their regiments until after the surrender of Lee and Johnston, and then after a few weeks, or months, spent in camp, they were discharged without having had any experience in real war. It is unjust that those belated recruits, that were secured only by high bounties, should receive the same service pension that is paid to the men that served from Sumter to Appomattox. The three-year regiments furnished a very different class of short-term men, when they veteranized in the fall and winter of 1864–5, went home on furlough, received very liberal bounties from their States and counties for reenlistment, returned to the Army in the winter and spring of 1864–5, and were mustered out after the grand review. The fact that many of these veterans served more than 37 months would be offset by the large bounties they received for reenlistment and their short term of service thereafter.

A short-term service was not confined to the regiments that enlisted for short terms of service.

Take the rolls of any of the three-year regiments and note how many resigned or were discharged within the space of a few months after the regiment left its camp of organization, not because of wounds, but on surgeons' certificates of unfitness for military duty. A great many young men who were wholly unfit for military service, enlisted under temporary excitement, and were soon known as "hospital bummers" and "dead beats." Many refused to endure the fatigue and hardship of a few days' march, while many others became homesick and indulged in "soap pills" and other expedients for the purpose of making themselves sick and getting into the hospital, with the hope of obtaining a discharge. Many thousands resigned or deserted without hearing the whistle of a bullet. So great was the number of deserters that President Lincoln issued a proclamation offering to dismiss the charge of desertion in favor of all who returned to their regiments within a given time. Many thousands accepted the President's offer and returned to duty, while a great many thousands did not accept the offer, and it is probable that those who have been granted "honorable" discharges by special act of Congress belonged to the latter class. Men who loyally served their country are dishonored when deserters' names are placed on the pension rolls with theirs. It then ceases to be a roll of honor and becomes a roll of public charity, like that of the slums, where good and bad are served alike. During the war the State authorities, in order to fill their quotas, frequently accepted recruits who, from their habits of life, were unfit for military duty, and many of those recruits, after spending a few weeks or months in hospitals and convalescent camps, had to be discharged, and thus became short-term men.

When the subject of pensions is under discussion the short-term men are, as a rule, loudest in the demand for a pension of "one dollar a day all around," regardless of the service rendered by the pensioner. Such a law would tend to discourage prompt enlistment in future wars.

There is but one fair and equitable plan upon which service or old-age pensions can be paid. The amount paid to each pensioner should depend solely upon the length of time he was in the military service, and a law to that effect should apply to all volunteer officers, noncommissioned officers, and privates that served 90 days or more. There necessarily must be a limit to the amount of money available for the payment of pensions, and hence a limit to the amount received by the most deserving class of pensioners. A law based on the following plan would come as near doing equal and exact justice to all as any law that could be devised: Every man that was regularly mustered into any recognized branch of the military service, and served for a period of 90 days or more, between April 12, 1861, and April 9, 1865, should receive a pension of 10 cents per day for each of his first 90 days' service, and the further sum of 2½ cents per day for each and every day served by him in excess of said first 90 days.

Under such a law the following pensions would be paid: Nine dollars for 90 days' service, a rate of 10 cents per day for each day served; $11.40 for 6 months, or 182 days' service, an average rate of 6¼ cents per day for each day served; $13.57 for 9 months, or 273 days' service, an average rate of 5 cents per day for each day served; $15.88 for 1 year, or 365 days' service, an average rate of 4⅜ cents per day for each day served; $20.42 for 1½ years, or 547 days' service, an average rate of 3⅝ cents per day for each day served; $25 for 2 years, or 730 days' service, an average rate of 3⅜ cents per day for each day served; $29.55 for 2½ years, or 912 days' service, an average rate of 3¼ cents per day for each day served; $35 for 3 years 1 month and 5 days, or 1,133 days' service, an average rate of 3$\frac{1}{10}$ cents per day for each day served.

Under the foregoing plan the ninety-day man would get more than three times as much in proportion to the time he served as the three-year man would get. The six-months' man would get more than twice as much in proportion to the time served as the three-year man would get. Every man who served less than three years would get more in proportion to the time he served than the three-year man would get.

By enacting a law as above proposed, and repealing all existing old-age or service pension laws, general and special, for the payment of service pensions, full justice can be done in granting old-age or service pensions to the surviving soldiers of the Civil War without increasing the amount annually expended by the Bureau of Pensions.

Great injustice is done in granting pensions by "special act of Congress." See the following case on pages 878–9, CONGRESSIONAL RECORD of January 13, 1911:

Mr. LATTA. Mr. Speaker, I move on page 6, line 15, granting a pension to Edwin E. Valder, to strike out "twenty" and insert "thirty."

The Clerk read as follows:

"Page 6, line 15, strike out 'twenty' and insert 'thirty,' so as to read '$30.'"

Mr. SULLOWAY. I do not understand which it is, Mr. Speaker; it appears from the report that this soldier was in the Army a very short time. He enlisted in February, 1865, and came out in September, 1865; and this is the rate allowed to that class of pensioners.

Mr. LATTA. I want to say that this man lives in the same town as I do. He is a very deserving man. While he may not have had as long a service in the Army as many others, I introduced the bill granting him a pension of $30 a month, and I do not ask any more than I think he ought to have, yet the committee are going to cut it down to $20.

Mr. HULL of Iowa. How long did he serve in the Army?

Mr. SULLOWAY. From the 20th of February, 1865, to September, 1865.

Mr. HULL of Iowa. That is a pretty good pension for that length of service, when he was not hurt in the Army.

Mr. SULLOWAY. I hope the gentleman will not press his amendment, because it is in opposition to what the committee does in that kind of a case.

Mr. LATTA. In fact, I would have felt better if the committee had rejected the pension than to put it at $20 a month, because this man deserves more money. He is a poor man——

Mr. SULLOWAY. They all deserve more than they get—more than we can give them.

Mr. LATTA. He is a poor man, and has no income except this $12 a month.

Mr. SULLOWAY. We have nearly doubled that.

Mr. HULL of Iowa. The committee cut down men who served two years and a half to $24.

Mr. SULLOWAY. Very often.

Mr. HULL of Iowa. I have one case of that kind myself. I think it is very dangerous to undertake to override the committee.

* * * * * * *

Mr. LATTA. If it is necessary to accept the recommendation of the committee, I withdraw the amendment.

The record fails to disclose in what capacity, if any other than as a voter, the man Valder is employed by Mr. LATTA, but it does disclose the fact that Valder is not entitled to the $12 per month he was then getting. He enlisted just 48 days before "the surrender," when everybody knew it was all over except the shouting. (Valder served just 48 days during the war. He now has a pension of $20 per month, which is 41⅔ cents for each day he served. At the same rate per day the man who served 1 year, or 365 days, would receive a pension of $152.08⅓ per month; the man who served 2 years, or 730 days, would get a pension of $304.16⅔ per month; the man who served 3 years, or 1,095 days, would get $456.25 per month. Comment is unnecessary.) Valder's age is not given, the record does not show that he was too young to enlist before enormous bounties were paid. The writer has a comrade who enlisted at the first call for three-year men. He was shot through both hips at the Battle of Kernstown in 1862 and was discharged, under his protest, as being disabled from further service. As soon as he was able to get along without crutches he again enlisted, and was again dangerously wounded at the Battle of Chancellorsville in almost the same place of his first wound, but refused to take a discharge and served until the final surrender. "Minnie" (he's over 6 feet 3 inches) now gets a pension of $12 per month, and performs hard manual labor almost every day in the year. A law such as is above proposed would prevent such glaring injustice as is presented in this and the Valder case above mentioned.

The bill for the retirement of the volunteer officers of the Civil War contains a full-grown "joker," and for many plain reasons would work great injustices to many other equally or more deserving ex-soldiers. The official records of the War Department show that during the Civil War there were 2,778,309 enlistments in the United States Army, as follows:

At the age of 10 years and under, 25; at the age of 12 years and under, 225; at the age of 14 years and under, 1,523; at the age of 16 years and under, 844,891; at the age of 18 years and under, 1,151,438; at the age of 21 years and under, 2,159,798; at the age of 22 years and over, 618,511.

Adding the number that were 21 and under to the number that were 22 and over we get a grand total of 2,778,309.

In the organization of the volunteer companies and regiments the older men were usually elected and appointed to the commissioned and noncommissioned offices, not because of superior military training or knowledge on their part, but simply because of their superior age. The commissioned officers of a regiment received from 8 to 16 times as much pay per month as the privates got, and were not subjected to many of the hardships that were endured by the private soldiers. The oft repeated statement by officers that while in the Army it took all their pay to defray their necessary expenses, is wholly untrue. The Government sold to commissioned officers supplies of all kinds at actual cost. A full Government ration cost about $9 per month. No man could eat a full Government ration as it was issued in the 60's. It is true that many officers spent all their pay at the sutler's and other places in high living, but they had no monopoly in the practice of getting rid of their money. Nearly all the privates spent all their pay, together with what money they could get from home, in making camp life as joyous as possible. There should be only a reasonable amount of money distributed in pensions, and if the ex-officers, who served a few weeks, and then because of a failure of health or of heart, resigned, receives anywhere from $400 to $1,600 per year, the rate to a great many more meritorious soldiers, who served perhaps 10 times as long, might be too low.

Section 6 of the bill to retire ex-officers, reads, in part, as follows: "That this act is in recognition of sacrifices made and services rendered in the Civil War for the defense of the United States Government and the preservation of the Union."

As above stated, as a rule, the officers were the older men. The 1,151,438 boys that enlisted at the age of 18 years or under, made a much greater sacrifice in behalf of their country than was made by the man who enlisted at the age of 22 years and over. The years donated by those boys to the service of their country they might have spent in acquiring an education or learning a useful trade; the school and apprentice days of the older men were already passed.

The "joker" in the bill to retire ex-officers is in section 1 of the bill, and reads, in part, as follows:

"Provided, That a surviving officer ——— who was honorably discharged from service by muster out, 'resignation,' or otherwise, because of a wound or other bodily injury received or incurred in the line of duty ——— shall, if otherwise eligible ——— receive the full benefits of this act without regard to the length of his said service."

Many brave officers were forced to resign after a few weeks in the service because of wounds received in the line of battle; they are pensioned for wounds. A great many officers that could not be forced into a fight, were, after a few weeks or months, allowed to resign upon receiving a surgeon's certificate of "physical disability," given by order of a superior officer. In such cases every officer and man in the regiment knew that the resignation was caused by cowardice and that it was simply desertion, under color of law. All those "lame ducks," that are now alive, would secure retirement under the clause "or other bodily injuries received or incurred in the line of duty." Impairment of health and "physical disability" are bodily injuries. Who will now have the hardihood to say that the "gallant" old soldier's body was not injured by racking disease more than 45 years ago? No one; and so he will joyously take back the title and emoluments that he so gladly parted with in the early 60's; possibly, without having been six weeks in the Army. Every man that gets a pension should be required to get it on his record on the final muster-out rolls.

The men who gave to the "Nation a new birth of freedom" are rapidly perishing from the earth. The pension roll should be made a "roll of honor" while some of them are yet alive.

JESSE HARDESTY,
Formerly of Company B,
Seventh Regiment Ohio Volunteer Infantry.

SAN JOSE, CAL.

REPORTS OF DISTRICT COMMITTEE.

Mr. DILLINGHAM, from the Committee on the District of Columbia, to which was referred the bill (S. 1095) to authorize the surveyor of the District of Columbia to adopt the system of designating land in the District of Columbia in force in the office of the assessor of said District, reported it with an amendment and submitted a report (No. 5) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 1082) to receive arrearages of taxes due to the District of Columbia to July 1, 1908, at 6 per cent interest per annum, in lieu of penalties and costs (Rept. No. 6);

A bill (S. 19) authorizing the Secretary of War to convey the outstanding title of the United States to lots 3 and 4, square 103, in the city of Washington, D. C. (Rept. No. 7);

A bill (S. 29) to amend paragraph 43 of an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902 (Rept. No. 8); and

A bill (S. 20) directing the Secretary of War to convey the outstanding legal title of the United States to sublots Nos. 31, 32, and 33 of original lot No. 3, square No. 80, in the city of Washington, D. C. (Rept. No. 9).

Mr. GALLINGER, from the Committee on the District of Columbia, to which was referred the bill (S. 1087) to amend an act entitled "An act to provide for the better registration of births in the District of Columbia, and for other purposes," approved March 1, 1907, reported it with an amendment and submitted a report (No. 10) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 30) to provide for the extension of Kenyon Street to Mount Pleasant Street, and for the extension of Seventeenth Street from Kenyon Street to Irving Street, in the District of Columbia, and for other purposes (Rept. No. 11);

A bill (S. 1094) for the widening of Sixteenth Street NW. at Piney Branch, and for other purposes (Rept. No. 12);

A bill (S. 306) to confirm the name of Commodore Barney Circle for the circle located at the eastern end of Pennsylvania Avenue SE., in the District of Columbia (Rept. No. 13);

A bill (S. 32) to amend an act entitled "An act to provide for the extension of Newton Place NW. from New Hampshire Avenue to Georgia Avenue, and to connect Newton Place in Gass's subdivision with Newton Place in Whitney Close subdivision," approved February 21, 1910 (Rept. No. 14);

A bill (S. 21) for the relief of Ida A. Chew, owner of lot 112, square 721, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia (Rept. No. 15); and

A bill (S. 23) to authorize the extension of Underwood Street NW. (Rept. No. 16).

He also, from the same committee, to which was referred the bill (S. 31) to authorize the extension of Park Place NW., submitted an adverse report (No. 18) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. JONES, from the Committee on the District of Columbia, to which was referred the bill (S. 1090) providing for guides in the District of Columbia and defining their duties, reported it without amendment and submitted a report (No. 19) thereon.

NATHAN STRAUS PASTEURIZED MILK LABORATORY.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to which was referred the bill (S. 26) to authorize the acceptance by the United States of the gift of the Nathan Straus Pasteurized Milk Laboratory, to report it favorably without amendment, and I submit a report (No. 17) thereon. I ask unanimous consent for the present consideration of the bill. I will say that a bill precisely similar passed the Senate at the third session of the Sixty-first Congress, and it is somewhat important that this bill should be acted upon promptly.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to accept from Nathan Straus, in behalf of the United States, the Nathan Straus Pasteurized Milk Laboratory, established by said Nathan Straus in May, 1910, and since said date operated at his expense at 1319 H Street NW., Washington, D. C., including the unexpired portion of the lease of the said premises for which the said Nathan Straus is bound, and to conduct and operate said laboratory work as a part of the Public Health and Marine-

Hospital Service; and the sum of $15,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available and to continue available until and including June 30, 1912, for the maintenance of said laboratory, including the purchase of milk and other necessary materials, employment of personal services, rent, hire or purchase and maintenance of transportation, supplies, and all other necessary incidental and contingent expenses, to be expended with the approval of the Secretary of the Treasury, under the supervision and control of the Surgeon General of the Public Health and Marine-Hospital Service, for the purpose of investigating the practical utility of infants' milk depots in the reduction of infant mortality, the relative value of pasteurized and raw milk for infant feeding, and for other appropriate scientific purposes; and the Secretary of the Treasury is hereby authorized to exercise such control and supervision over the laboratory and the distribution of its products as will, in his judgment, best carry out the purposes of this act; and he may, in his discretion, give or sell the said products, at prices to be fixed by him, to such responsible individuals, associations, institutions, or others, as will distribute or use them under such conditions and regulations as the Surgeon General of the Public Health and Marine-Hospital Service, with the approval of the Secretary of the Treasury, may make; and any sum realized from the sale of said products shall be applied to the maintenance and other expenses of the said laboratory, in addition to the appropriation therefor herein made.

Mr. BAILEY. Mr. President, I desire to know how this proposition now comes before the Senate?

The VICE PRESIDENT. The Senator from New Hampshire has just reported it from the Committee on the District of Columbia, and asks unanimous consent for its present consideration.

Mr. BAILEY. Mr. President, if the proponents of this measure will amend it so as merely to authorize the experiment, I should offer no objection to the Government conducting that kind of an experiment, or at least I should make no further objection than to vote against it; but I am not willing to see the United States establish a milk dispensary, if I can prevent it.

Mr. GALLINGER. Mr. President, I think if the Senator will carefully read the bill he will see that it practically does exactly what he suggests.

Mr. BAILEY. I observe that it authorizes the Secretary of the Treasury to fix the price at which milk may be sold, or he may give it away. I am not willing for the United States to become a merchant in milk any more than a merchant in other wares, and I hope the Senator will reconstruct the bill limiting it merely to experimental purposes. I myself, on principle, would about as soon see the Government of the United States establish a coal yard here to supply people with fuel as to conduct the proposed laboratory. The only difference is that in this case, I believe, the intention is to supply children principally, but grown children will soon be patronizing this public station.

Mr. GALLINGER. Mr. President, that could hardly happen. The appropriation is very small, and it is limited——

Mr. BAILEY. Mr. President, I object to the present consideration of the bill.

The VICE PRESIDENT. Objection being made, the bill goes to the Calendar.

Mr. GALLINGER. That is all right. Then I will suggest——

Mr. BAILEY. I will say to the Senator that if he will reconstruct the bill so as to provide that this laboratory shall merely be an experiment I shall make no protest.

Mr. GALLINGER. Mr. President, I regret that the Senator did not permit me to conclude my sentence before he objected.

Mr. BAILEY. I beg the Senator's pardon.

Mr. GALLINGER. I will simply give notice that at a very early day I shall move to take up the bill for consideration.

Mr. BAILEY. If the Senator chooses to try it that way instead of the other, very well.

The VICE PRESIDENT. The bill goes to the Calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 2046) to better regulate the traffic in intoxicating liquors in the District of Columbia; to the Committee on the District of Columbia.

Mr. GALLINGER. On the 6th day of April I introduced a bill (S. 24) for the creation of the police and firemen's relief fund, and so forth, which I desire to withdraw from the files. I introduce the following bill on the same subject. It is somewhat changed. I ask that it be read twice by its title and referred to the Committee on the District of Columbia.

The bill (S. 2047) for the creation of the police and firemen's relief and retirement fund, to provide for the relief and retirement of members of the police and fire departments, to establish a method of procedure for such relief and retirement, and for other purposes, was read twice by its title and referred to the Committee on the District of Columbia.

By Mr. GALLINGER:

A bill (S. 2048) to authorize a new highway plan for that portion of the District of Columbia lying between Van Buren Street on the north, Georgia Avenue on the east, Nicholson Street on the south, and Rock Creek Park on the west (with accompanying papers); to the Committee on the District of Columbia.

By Mr. GALLINGER (for Mr. FRYE):

A bill (S. 2049) for the relief of owners of property at Popham Beach, Me., on account of depreciation in value of same by reason of the location of heavy guns at Fort Baldwin and the firing thereof; and

A bill (S. 2050) for the payment of certain claims for damages to and loss of private property due to heavy-gun firing (with accompanying papers); to the Committee on Claims.

A bill (S. 2051) to promote the efficiency of the Life-Saving Service;

A bill (S. 2052) relating to the expenditure of an appropriation for the raising of the North Point Light Station, Wis.;

A bill (S. 2053) providing for the disposition of moneys recovered on account of injury or damage to lighthouse property; and

A bill (S. 2054) providing for the reimbursement of certain employees of the Lighthouse Service for relief furnished to shipwrecked persons; to the Committee on Commerce.

A bill (S. 2055) to provide for the erection of a public building at Bangor, Me.; to the Committee on Public Buildings and Grounds.

A bill (S. 2056) to establish the University of the United States; to the Committee on the University of the United States.

A bill (S. 2057) relating to the carriage of bulletins of State boards of health as second-class mail matter; to the Committee on Post Offices and Post Roads.

A bill (S. 2058) for the relief of William Wentworth (with accompanying papers);

A bill (S. 2059) for the relief of Joseph P. Davis (with accompanying paper);

A bill (S. 2060) to remove the charge of desertion from the record of Patrick Fay;

A bill (S. 2061) to increase the efficiency of the Pay Department, United States Army (with accompanying paper); and

A bill (S. 2062) for the purchase of land in the vicinity of Fort Baldwin, Me.; to the Committee on Military Affairs.

A bill (S. 2063) for the relief of J. O. Johnson (with accompanying papers); and

A bill (S. 2064) for the relief of John W. Whalen; to the Committee on Naval Affairs.

A bill (S. 2065) granting a pension to Thaddeus Little;

A bill (S. 2066) granting an increase of pension to James M. Lowell;

A bill (S. 2067) granting a pension to Charles M. Newbegin;

A bill (S. 2068) granting an increase of pension to William M. Plummer;

A bill (S. 2069) granting an increase of pension to William L. Pratt;

A bill (S. 2070) granting an increase of pension to Delia Rich;

A bill (S. 2071) granting an increase of pension to Lizzie U. Ricker;

A bill (S. 2072) granting an increase of pension to William K. Ridgate;

A bill (S. 2073) granting an increase of pension to George M. Roak;

A bill (S. 2074) granting a pension to Thomas Roy;

A bill (S. 2075) granting an increase of pension to John Ryan;

A bill (S. 2076) granting an increase of pension to Thatcher Vose;

A bill (S. 2077) granting an increase of pension to Sumner R. Tarbox;

A bill (S. 2078) granting an increase of pension to Elbridge P. Wardwell;

A bill (S. 2079) granting an increase of pension to Charles N. Ware;

A bill (S. 2080) granting an increase of pension to Joseph A. Libby;

A bill (S. 2081) granting a pension to George Johnson;

A bill (S. 2082) granting an increase of pension to John M. Jackson;

A bill (S. 2083) granting an increase of pension to Daniel J. Hogan;

A bill (S. 2084) granting an increase of pension to Isaac W. Hodsdon;

A bill (S. 2085) granting an increase of pension to William L. Hines;

A bill (S. 2086) granting an increase of pension to Susan Hanson;

A bill (S. 2087) granting an increase of pension to Charles E. Handy;

A bill (S. 2088) granting a pension to Mary J. Gooding;

A bill (S. 2089) granting an increase of pension to Abigail J. Fairfield;

A bill (S. 2090) granting a pension to William H. Dennison;

A bill (S. 2091) granting an increase of pension to Frank Cleaves;

A bill (S. 2092) granting an increase of pension to John F. Chamberlin;

A bill (S. 2093) granting an increase of pension to Charles L. Burgess;

A bill (S. 2094) granting a pension to Ellen Brown;

A bill (S. 2095) granting a pension to Catherine N. Boothby;

A bill (S. 2096) granting a pension to Ebenezer H. Barker;

A bill (S. 2097) granting an increase of pension to Edwin A. Dickson (with accompanying papers);

A bill (S. 2098) granting a pension to Euphemia Duffey (with accompanying papers);

A bill (S. 2099) granting an increase of pension to George W. Eaton (with accompanying papers);

A bill (S. 2100) granting an increase of pension to Frank F. Goss (with accompanying papers);

A bill (S. 2101) granting an increase of pension to Oscar Graves (with accompanying papers);

A bill (S. 2102) granting an increase of pension to Abner K. Gray (with accompanying papers);

A bill (S. 2103) granting an increase of pension to Elijah B. Morris (with accompanying papers);

A bill (S. 2104) granting an increase of pension to Warren Seaward (with accompanying papers);

A bill (S. 2105) granting an increase of pension to Sophia A. Smith (with accompanying paper);

A bill (S. 2106) granting an increase of pension to Joseph C. Trickey (with accompanying papers);

A bill (S. 2107) granting an increase of pension to Ellen L. Walker (with accompanying papers);

A bill (S. 2108) granting an increase of pension to Horace R. Weston (with accompanying papers);

A bill (S. 2109) granting an increase of pension to Charles O. Wood (with accompanying papers); and

A bill (S. 2110) granting an increase of pension to William P. Wyman (with accompanying papers); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 2111) to provide for the erection of a public building in the city of Cody, in the State of Wyoming; and

A bill (S. 2112) to provide for the erection of a public building in the city of Basin, in the State of Wyoming; to the Committee on Public Buildings and Grounds.

By Mr. GAMBLE:

A bill (by request) (S. 2113) for the relief of certain white men on Pine Ridge Indian Reservation, State of South Dakota, and for other purposes; and

A bill (S. 2114) for the relief of Mary Russell, Jesus Gallegos, William H. Babby, Sophia Gallegos, Richard C. Stirk, Manuel Martinez, Louisa Bianis, and Seberiano Sierra; to the Committee on Indian Affairs.

A bill (S. 2115) conferring jurisdiction on the Court of Claims to determine the amount due certain individual Sioux Indians of the United States; to the Committee on Claims.

By Mr. GORE:

A bill (S. 2116) to provide for compulsory license for the manufacturing of patented articles, and for other purposes; to the Committee on Patents.

By Mr. MARTIN of Virginia:

A bill (S. 2117) to promote the efficiency of the Public Health and Marine-Hospital Service; to the Committee on Public Health and National Quarantine.

A bill (S. 2118) to aid in the erection of a monument to Pocahontas at Jamestown, Va.; to the Committee on the Library.

By Mr. WETMORE:

A bill (S. 2119) granting an increase of pension to Horace P. Lester; and

A bill (S. 2120) granting an increase of pension to Elizabeth W. Everett (with accompanying paper); to the Committee on Pensions.

By Mr. GRONNA:

A bill (S. 2121) granting an increase of pension to William J. Frazer;

A bill (S. 2122) granting an increase of pension to Joseph F. Smith; and

A bill (S. 2123) granting an increase of pension to Nelson W. Darrow; to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 2124) to establish in the District of Columbia a laboratory for the study of the criminal, pauper, and defective classes; to the Committee on the District of Columbia.

By Mr. TAYLOR:

A bill (S. 2125) to grant an honorable discharge to Joseph Woniger (with accompanying papers); to the Committee on Military Affairs;

A bill (S. 2126) for the relief of Jesse Walling; and

A bill (S. 2127) for the relief of the heirs of Robert S. Gill; to the Committee on Claims.

A bill (S. 2128) granting a pension to James C. Smith;

A bill (S. 2129) granting a pension to James C. Moore;

A bill (S. 2130) granting an increase of pension to James Smith; and

A bill (S. 2131) granting an increase of pension to Samuel S. Wilhite (with accompanying paper); to the Committee on Pensions.

By Mr. KERN:

A bill (S. 2132) granting an increase of pension to John A. McConnell;

A bill (S. 2133) granting an increase of pension to Garrett M. Walrod (with accompanying papers); and

A bill (S. 2134) granting an increase of pension to Anderson Myers (with accompanying papers); to the Committee on Pensions.

By Mr. BRYAN:

A bill (S. 2135) granting an increase of pension to William Johnson; to the Committee on Pensions.

By Mr. HITCHCOCK:

A bill (S. 2136) granting a pension to Laura Ingram; and

A bill (S. 2137) granting an increase of pension to Charles H. Jones; to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 2138) granting an increase of pension to Edward G. Danforth; to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 2139) to create a commission to be known as the public utilities commission of the District of Columbia, and to prescribe its powers and duties; to the Committee on the District of Columbia.

By Mr. CURTIS:

A bill (S. 2140) granting an increase of pension to William Smith (with accompanying papers);

A bill (S. 2141) granting an increase of pension to Tillman Suttles;

A bill (S. 2142) granting an increase of pension to Thomas N. King;

A bill (S. 2143) granting an increase of pension to Asbury Oakley;

A bill (S. 2144) granting an increase of pension to Jacob Waymire; and

A bill (S. 2145) granting an increase of pension to Job Garberson; to the Committee on Pensions.

A bill (S. 2146) for the relief of John T. Glynn (with accompanying paper); to the Committee on Claims.

By Mr. CRANE:

A bill (S. 2147) for the relief of James L. Chase; to the Committee on Military Affairs.

A bill (S. 2148) granting a pension to John L. Beere; to the Committee on Pensions.

By Mr. RAYNER:

A bill (S. 2149) for the relief of the estate of Capt. Thomas E. Boone, deceased; to the Committee on Claims.

A bill (S. 2150) for the relief of the heirs of Henry W. Kingsbury; to the Committee on Military Affairs.

By Mr. SMOOT:

A bill (S. 2151) to authorize the Secretary of the Treasury to use at his discretion surplus moneys in the Treasury in the purchase or redemption of the outstanding interest-bearing obligations of the United States; to the Committee on Finance.

By Mr. THORNTON:

A bill (S. 2152) for the relief of the estate of Antonio Pfister, deceased;

A bill (S. 2153) for the relief of Alice R. Anderson, administratrix of the estate of Albert Bell, deceased;

A bill (S. 2154) for the relief of Antonio Hook;

A bill (S. 2155) for the relief of the estate of John Carr, deceased; and

A bill (S. 2156) for the relief of the estate of John W. Austin, deceased; to the Committee on Claims.

By Mr. BURNHAM:

A bill (S. 2157) granting an increase of pension to Thomas Gorman (with accompanying paper); to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 2158) to protect trade and commerce against unlawful restraints and monopolies; to the Committee on Interstate Commerce.

By Mr. OLIVER:

A bill (S. 2159) granting an increase of pension to Thomas C. Anderson (with accompanying papers); to the Committee on Pensions.

By Mr. WORKS:

A bill (S. 2160) to require all street railroad companies in the District of Columbia to issue free transfers, interchangeable from the lines of one company to those of another, and for other purposes; to the Committee on the District of Columbia.

A bill (S. 2161) granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico; to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 2162) granting a pension to H. D. Lively; and

A bill (S. 2163) granting a pension to Isaac Wharton; to the Committee on Pensions.

By Mr. WILLIAMS:

A bill (S. 2164) for the relief of W. W. Warren, administrator of the estate of Jackson Warren, deceased;

A bill (S. 2165) for the relief of Mrs. P. A. Eskridge;

A bill (S. 2166) for the relief of the estate of Enos Davis, deceased;

A bill (S. 2167) for the relief of the estate of Gladney, Gardner & Co.;

A bill (S. 2168) for the relief of the estate of Francis Mayerhoff;

A bill (S. 2169) for the relief of the estate of Capt. John Belino, deceased;

A bill (S. 2170) for the relief of the estate of R. C. Bumpass, deceased;

A bill (S. 2171) for the relief of the estate of J. M. Fortenberry, deceased;

A bill (S. 2172) for the relief of Louis T. Barnes;

A bill (S. 2173) for the relief of the estate of Mary Dean, deceased; and

A bill (S. 2174) for the relief of the estate of Phereby R. Sheppard; to the Committee on Claims.

MANUFACTURE OF PATENTED ARTICLES.

By Mr. GORE:

A bill (S. 2116) to provide for compulsory license for the manufacturing of patented articles, and for other purposes; to the Committee on Patents.

Mr. GORE. I ask unanimous consent to submit at this time a concurrent resolution on the same subject, and that it be also referred to the Committee on Patents.

The concurrent resolution (S. Con. Res. 1) authorizing a special committee of the Senate and House Committees on Patents to investigate the methods of selling, leasing, and controlling patented articles or inventions was read and referred to the Committee on Patents, as follows:

Resolved by the Senate (the House of Representatives concurring), That a joint committee of both Houses of Congress is hereby created, to be composed of the chairmen of the Committees on Patents of the two Houses and two other members of each of said committees, to be designated by the respective chairmen thereof. The joint committee so appointed shall have the power to designate one of its members as chairman thereof. Any vacancy occurring on the committee shall be filled in the same manner as the original appointment. And said committee so constituted is empowered and directed to examine and compare the patent laws of this and other countries, with special reference to the compulsory working of patents and the issuance of compulsory license for the manufacture of patented articles; to ascertain the methods of sale, leasing, disposing, and control of patented articles in the United States; to ascertain whether patents are used or misused in the establishing of industrial trusts or monopolies; and to investigate all other matters material or pertinent to the purposes of this resolution, and to report their findings to Congress, with recommendations as to any needful legislation to protect the public interest and to promote the general welfare.

Second. Said committee shall have the power to employ such assistance as may be necessary, to take testimony under oath, to subpœna witnesses and compel their attendance, to compel the production of books and papers, to administer oaths, to keep a record of its proceedings and cause the same to be printed, and to do all other acts and things necessary to carry into effect the provisions of this resolution.

Third. Subpœnas may be signed by the chairman or any member of said committee, and the assistance of any Federal court in whose jurisdiction the committee shall hold its sessions may be invoked to compel the attendance of any witness refusing to obey the subpœna or order of said committee, and no witness shall be liable for prosecution for any act concerning which he may testify, excepting for perjury before said committee.

Fourth. That expenses incurred by the committee herein provided for shall be paid equally out of the contingent funds of the Senate and House of Representatives.

SOLDIERS' HOME IN FLORIDA.

Mr. BRYAN submitted an amendment intended to be proposed by him to the bill (S. 1380) to authorize the location of a Branch Home for Disabled Volunteer Soldiers, Sailors, and Marines in the State of Florida, which was referred to the Committee on Military Affairs and ordered to be printed.

CONTRIBUTIONS FOR CAMPAIGN PURPOSES.

Mr. WORKS submitted amendments intended to be proposed by him to the bill (H. R. 2958) to amend an act entitled "An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected," which were read and referred to the Committee on Privileges and Elections and ordered to be printed, as follows:

1. Amend by adding after the word "States," in line 12 of page 1 of said act, the following:

"and also a like time before any primary election held for the nomination of candidates to be voted for at such election."

2. Amend by adding after the word "within," in line 11 of page 2 thereof, the following:

"twenty days after any such primary election and."

3. Amend by adding, after line 2 of page 4 thereof, the following:

"And each candidate voted for at such primary or final election shall append to such statement his affidavit showing what amounts of money have been contributed by others to his campaign or election expenses and the amounts paid out by him or any other person or persons in his behalf for the expenses of or in aid of his campaign or election, and for what purposes said expenditures were made, giving the items and amounts thereof."

WITHDRAWAL OF PAPERS.

On motion of Mr. GALLINGER (for Mr. FRYE) it was—

Ordered, That papers accompanying Senate bill 4486, Fifty-ninth Congress, first session, granting a pension to Hiram K. Choate, may be withdrawn from the files of the Senate, no adverse report thereon having been made.

Ordered, That the original discharge papers accompanying Senate bill No. 3267, Sixty-first Congress, second session, granting a pension to Mary E. Sloan, may be withdrawn from the files of the Senate, no adverse report on said bill having been made.

PROPOSED LIMITATION OF DEBATE.

Mr. CURTIS. Mr. President, pursuant to the notice I gave on April 4, I offer the resolution which I send to the desk and ask that it be referred to the Committee on Rules. It is a resolution to amend the rules of the Senate.

The resolution (S. Res. 34) was read and referred to the Committee on Rules, as follows:

Resolved, That Rule XIX of the standing rules for conducting business in the Senate of the United States be amended by adding the following proviso at the end of the first paragraph of said rule, to wit:

"*Provided*, That after any question has been considered upon five separate calendar days, or when any question has been debated for 10 consecutive hours, it shall be in order for any Senator to rise to a question of privilege and move to close all debate and vote at a fixed time upon the pending question before the Senate after 3 hours' additional consideration. Said motion shall be submitted to the Senate and shall be determined by a yea-and-nay vote. If two-thirds of the Senators present vote in favor of the motion, it shall be declared carried, debate shall close, and a vote taken upon the question as provided in the motion. If less than two-thirds vote for the motion, the same shall be declared lost."

INDEPENDENT REPUBLICS OF WESTERN HEMISPHERE.

Mr. RAYNER. I submit the following resolution, and ask that it be read and lie on the table.

The resolution (S. Res. 35) was read and ordered to lie on the table, as follows:

Resolved, That the following declaration of principles be, and the same is hereby, adopted in order clearly to define the attitude of the United States toward the independent Republics of the Western Hemisphere, so that in our international relations with these Governments it may be fully understood that the United States do not intend to depart from the policy heretofore uniformly pursued toward them:

First. That in the opinion and judgment of the Senate the United States have no right or purpose to interfere with or disturb the political integrity of any of the independent Republics of the Western Hemisphere, or to assume at any time any political protectorate over them.

Second. While we reaffirm the doctrine known as the Monroe doctrine and announce our adherence thereto, as interpreted and settled by precedent and authority, that the United States hereby offer to these Governments an assurance and guaranty that their territory shall not be usurped by the United States, and that the United States shall in no manner interfere with or assume any control over the administration of their political institutions.

MARY E. PULSIFER.

Mr. GALLINGER (for Mr. FRYE) submitted the following resolution (S. Res. 36), which was read, and, with the accompanying paper, referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay from the contingent fund of the Senate to Mary E. Pulsifer, widow of Pitman Pulsifer, late compiler of the Navy Yearbook and indexer for Senate Public Documents, a sum equal to one year's salary at the rate he was receiving at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

HEARINGS BEFORE THE COMMITTEE ON COMMERCE.

Mr. GALLINGER (for Mr. FRYE) submitted the following resolution (S. Res. 37), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Commerce, or any subcommittee thereof, be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee, and to have printed such hearings and such other papers as may be deemed necessary in connection with subjects heretofore considered or to be considered by said committee during the Sixty-second Congress.

COST OF LIVING IN AMERICAN TOWNS.

Mr. SMOOT. I ask unanimous consent that the document being the report of the inquiry by the Board of Trade of London into working classes, rents, housing, and retail prices, together with the rates of wages in certain occupations in principal industrial towns of the United States of America, with an introductory memorandum and comparison of conditions in the United States and the United Kingdom, be printed as a public document. (S. Doc. No. 22.)

The VICE PRESIDENT. Is there objection? The Chair hears none, and the order is entered.

CONSIDERATION OF THE CALENDAR.

The VICE PRESIDENT. Morning business is closed. The calendar under Rule VIII is in order. The Secretary will state the first business on the calendar.

The first business on the calendar was the joint resolution (S. J. Res. 14) for appointment of a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

The VICE PRESIDENT. The Senator from Nebraska [Mr. BROWN] has entered a motion to reconsider the vote by which the joint resolution was read the third time and passed.

Mr. WARREN. Mr. President, I do not see the Senator from Nebraska here at this moment. I therefore ask that the joint resolution be laid aside without prejudice until he comes in.

The VICE PRESIDENT. The joint resolution will be passed over without prejudice.

ELECTION OF SENATORS BY DIRECT VOTE.

The joint resolution (H. J. Res. 39) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States was announced as next in order.

Mr. BORAH. Mr. President, I know, from the suggestions of Senators made privately, that there are those who are not prepared to proceed to a discussion of the measure at this time, but who desire to discuss it later. I have no desire, of course, to urge it, if I could, to such a conclusion as to prevent the discussion going on at the convenience of Senators, but I desire at this time to ask unanimous consent that the joint resolution be taken up and made the unfinished business. I will say that after that request is granted, if it shall be, I will ask to have the joint resolution laid aside for the convenience of certain Senators who desire to discuss the subject.

Mr. HEYBURN. Mr. President, I should like to inquire under what rule we can make anything unfinished business before 2 o'clock, or the equivalent hour of 4 o'clock to-day?

Mr. BORAH. I understood the Chair to suggest the other day that it could only be done by unanimous consent, and I have sufficient confidence in the parliamentary knowledge of the Chair to proceed with safety in that respect.

Mr. HEYBURN. Mr. President, while it is said that anything can be done in the Senate by unanimous consent, we have rules, with reference to the order of business, which I am inclined to think are without the rule of unanimous consent. We have a standing rule which provides that only matters taken up after 2 o'clock can be made unfinished business or become unfinished business automatically. I assume that the hour of 2 o'clock, under the former manner of procedure, when we met at 12 o'clock, now becomes 4 o'clock; in other words, the morning hour lasts for two hours as applied to this class of procedure. Of course, it is easy enough to object to anything that may be taken up by unanimous consent, and thus send it over; yet——

Mr. BAILEY. Mr. President, will the Senator permit me?

Mr. HEYBURN. Certainly.

Mr. BAILEY. I venture to say that until the rules are amended the calendar hour has been eliminated, and that the real fact is that the motion to proceed to the consideration of the joint resolution is in order.

The VICE PRESIDENT. That is not the motion, however. The request is for unanimous consent that the joint resolution be made the unfinished business.

Mr. BAILEY. I understand that; but I was meaning to say that, independently of the request, such a motion would be in order. If the Senator from Idaho will look at the very first sentence of Rule VIII, he will see that it reads:

At the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the calendar of bills and joint resolutions, and continue such consideration until 2 o'clock.

Now, undoubtedly it is more than 2 o'clock, and the consideration of the calendar is not in order. I perfectly understood that, and I have on the President's table amendments to the rules which would have conformed them to the change that has been made in the hour of meeting.

The VICE PRESIDENT. That has already been covered by a resolution passed many years ago, introduced, as the Chair now remembers, by Senator Hoar, that where the hour of meeting is changed from noon the morning hour is concluded at the end of two hours. The unfinished business then becomes the order, no matter what the hour may be by the clock.

Mr. BAILEY. And that resolution of Senator Hoar is printed in the Manual.

Mr. GALLINGER. That is right.

Mr. BAILEY. But I have not understood that it was a part of the standing rules of the Senate.

The VICE PRESIDENT. That has been the practice of the Senate since the present occupant of the chair has been here.

Mr. BAILEY. If the present practice of the Senate has been to regard it as a part of the rules, then I am in error, and I withdraw the suggestion.

Mr. HEYBURN. Then it is not in order until the expiration of two hours after the time fixed for the meeting of the Senate to make anything the unfinished business or to take up the unfinished business. But had this become the unfinished business by reason of its having been taken up under the rule and laid over, it would not be due for consideration until the expiration of the morning hour, not fixed by the clock, but the two hours. So it is not in order now to deal with any matter with a view of making it the unfinished business.

Then I suggest again, as I did on a former occasion, this can not, without a complete violation of our rules, be taken up under a motion that it shall be the unfinished business. If it is ever the unfinished business, it must become so automatically, by reason of having been taken up after 2 o'clock or the equivalent of 2 o'clock; in other words, after the morning hour.

I think any attempt to violate the rules and set them aside in this offhand way ought not to be countenanced. Of course I can prevent it by an objection, but I want to see the practice settled, so that we will not be placed in the position of objecting, and I do not think it is in order to take up the calendar under Rule VIII until after 2 o'clock. We proceed by unanimous consent until that time.

The VICE PRESIDENT. Oh, yes; clearly, as soon as the morning hour is closed and it is so announced by the Chair, it is then in order. There can be no possible question about that. The rule expressly says so.

Mr. GALLINGER. While I would not debate the matter with the Senator from Idaho, because I think he is right, that we can not make a matter the unfinished business except by unanimous consent until after 2 o'clock, I should like the Clerk to read clause 3 of Rule VII, which has some application to the matter of moving to proceed to the consideration of bills. We are not compelled to wait until 2 o'clock before we can make a motion to take up a bill.

Mr. HEYBURN. I agree with that, but a measure does not become the unfinished business because it is taken up before the time.

Mr. GALLINGER. That is true.

The VICE PRESIDENT. The opinion of the Chair is that the granting of unanimous consent amounts to a suspension of all rules and that the Senate can practically do anything by unanimous consent, upon the theory that it thereby suspends the rules. Of course, a matter taken up after 2 o'clock becomes automatically the unfinished business, but the Chair thinks there are other modes in which it can be so made.

Mr. GALLINGER. It will be observed, if the Chair will permit me, that in the matter which I desired to have read that very question is included:

Until the morning business shall have been concluded, and so announced from the Chair, or until the hour of 1 o'clock has arrived, no motion to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the calendar shall be entertained by the Presiding Officer unless by unanimous consent.

I think that rule is of universal application in this body; that by unanimous consent it can be done.

Mr. HEYBURN. I thoroughly concur in that conclusion, and if a Senator moves now to take up this measure one objection sends it over.

The VICE PRESIDENT. No; the joint resolution is up now. One objection sends it over after it is up. It has been reached in the call of the calendar. It is now up.

Mr. HEYBURN. I intended so to express myself. I may have been unfortunate in framing my language.

The VICE PRESIDENT. The Chair begs pardon of the Senator.

Mr. HEYBURN. The calendar is in order now, because the Chair has declared that morning business is concluded; but I merely desire to suggest that the Senate can not now by unanimous consent make the joint resolution the unfinished business. It becomes the unfinished business, if at all, automatically, by reason of the position it occupies in the order of business.

Mr. BORAH. I desire to ask unanimous consent that the joint resolution be taken up and made the unfinished business.

Mr. HEYBURN. I object.

The VICE PRESIDENT. Objection is made.

Mr. BORAH. I move that the Senate take a recess until 4 o'clock this afternoon.

Mr. BACON. I understand the object of the Senator from Idaho, in making the motion, is that after the Senate reassembles he may move to take up this joint resolution; and I would suggest to him, in view of the fact that the hour of reassembling proposed is an hour and a quarter from now and many Senators will doubtless be absent, that he couple with it a request for consent that no business shall then be transacted other than to act upon that motion, except a motion for an executive session. Of course I do not mean to exclude such a motion.

Mr. BAILEY. We might have to vote on the motion to proceed to the consideration of the joint resolution, and we would want a quorum here.

Mr. BACON. Yes; of course.

The VICE PRESIDENT. The motion the Senator from Idaho made is not debatable. The question is on agreeing to the motion made by the Senator from Idaho that the Senate take a recess until 4 o'clock.

The motion was agreed to; and (at 2 o'clock and 47 minutes p. m.) the Senate took a recess until 4 o'clock p. m.

AFTER THE RECESS.

At the expiration of the recess (at 4 o'clock p. m.) the Senate reassembled.

Mr. BORAH. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Idaho suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Curtis	Kern	Rayner
Bailey	Davis	La Follette	Reed
Borah	Dillingham	Lippitt	Shively
Bradley	Dixon	McCumber	Simmons
Brandegee	du Pont	Martin, Va.	Smith, Md.
Briggs	Fletcher	Martine, N. J.	Smith, Mich.
Bristow	Foster	Myers	Smoot
Brown	Gallinger	Nelson	Stone
Bryan	Gamble	Nixon	Sutherland
Burnham	Gore	Oliver	Taylor
Burton	Gronna	Overman	Thornton
Chamberlain	Guggenheim	Owen	Townsend
Chilton	Heyburn	Page	Warren
Clapp	Hitchcock	Paynter	Watson
Clark, Wyo.	Johnson, Me.	Penrose	Wetmore
Crane	Johnston, Ala.	Perkins	Williams
Culberson	Jones	Poindexter	Works
Cullom	Kenyon	Pomerene	

The VICE PRESIDENT. Seventy-one Senators have answered to the roll call. A quorum of the Senate is present.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. BORAH. I move that the Senate proceed to the consideration of the joint resolution (H. J. Res. 39) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Idaho.

Mr. HEYBURN. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I am paired with the Senator from Maine [Mr. FRYE]. I transfer the pair to my colleague [Mr. TERRELL] and vote "yea."

Mr. JOHNSTON of Alabama (when Mr. BANKHEAD'S name was called). My colleague [Mr. BANKHEAD] is absent and is paired with the Senator from Wisconsin [Mr. STEPHENSON]. If my colleague were present, he would vote "yea."

Mr. DILLINGHAM (when his name was called). I transfer my pair with the senior Senator from South Carolina [Mr. TILLMAN] to the Senator from Massachusetts [Mr. LODGE], and I vote "yea."

Mr. McCUMBER (when his name was called). I am paired with the senior Senator from Mississippi [Mr. PERCY], but I understand he would vote the same way that I would upon this occasion, and therefore I shall vote. I vote "yea."

Mr. GALLINGER (when Mr. ROOT'S name was called). I was requested to announce that the Senator from New York [Mr. ROOT] is paired with the Senator from Virginia [Mr. SWANSON].

Mr. GALLINGER (when Mr. STEPHENSON'S name was called). I was requested to announce that the Senator from Wisconsin [Mr. STEPHENSON] is paired with the Senator from Alabama [Mr. BANKHEAD].

The roll call was concluded.

Mr. BRANDEGEE. I was requested to announce that my colleague [Mr. McLEAN] is paired for the day with the junior Senator from Tennessee [Mr. LEA].

Mr. GAMBLE. My colleague [Mr. CRAWFORD] is ill, and for that reason is not in the Chamber at this time. If he were here, I know he would vote "yea."

The result was announced—yeas 66, nays 5, as follows:

YEAS—66.

Bacon	Davis	Lippitt	Shively
Bailey	Dillingham	McCumber	Simmons
Borah	Dixon	Martin, Va.	Smith, Md.
Bradley	du Pont	Martine, N. J.	Smith, Mich.
Briggs	Fletcher	Myers	Smoot
Bristow	Foster	Nelson	Stone
Brown	Gamble	Nixon	Sutherland
Bryan	Gore	Oliver	Taylor
Burton	Gronna	Overman	Thornton
Chamberlain	Guggenheim	Owen	Townsend
Chilton	Hitchcock	Page	Warren
Clapp	Johnson, Me.	Paynter	Watson
Clark, Wyo.	Johnston, Ala.	Perkins	Wetmore
Crane	Jones	Poindexter	Williams
Culberson	Kenyon	Pomerene	Works
Cullom	Kern	Rayner	
Curtis	La Follette	Reed	

NAYS—5.

Brandegee	Gallinger	Heyburn	Penrose
Burnham			

NOT VOTING—20.

Bankhead	Frye	Newlands	Smith, S. C.
Bourne	Lea	O'Gorman	Stephenson
Clarke, Ark.	Lodge	Percy	Swanson
Crawford	Lorimer	Richardson	Terrell
Cummins	McLean	Root	Tillman

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. BORAH. I understand there is a desire to move an adjournment at this time, perhaps until Thursday, owing to the fact that important hearings are being held before some committees, and I shall give way for that motion, if it is the desire to make it.

Mr. CULLOM. I do not think it is the purpose that the Senate shall adjourn over until Thursday.

Mr. BORAH. Very well; I was in error to that extent.

Mr. CULLOM. I move that the Senate do now adjourn.

Mr. BAILEY. Will the Senator from Illinois withhold the motion until I can make a request?

Mr. CULLOM. Certainly.

The VICE PRESIDENT. The Senator from Illinois withholds the motion.

AMENDMENT OF THE RULES.

Mr. BAILEY. I introduced several amendments to the rules a few days ago and asked that they lie upon the President's table. I now ask that those amendments be referred to the Committee on Rules.

The VICE PRESIDENT. Without objection, that reference will be made.

REPORT OF ROBERT J. WALKER.

Mr. GORE. I should like to ask unanimous consent that the annual report of Robert J. Walker, Secretary of the Treasury, filed, I believe, February 11, 1848, be printed as a public document as soon as it can possibly be done.

Mr. STONE. I will say to the Senator from Oklahoma that that report is or will be included in the publication which the Committee on Finance has been directed to make.

Mr. GORE. That is very satisfactory.

The VICE PRESIDENT. The Senator from Oklahoma then withdraws his request?

Mr. BAILEY. I suggest to both Senators that at the request of the Senator from Mississippi [Mr. WILLIAMS] the document has already been printed as a Senate document. There are

some eliminations, but I take it that it contains all that Senators will desire.

Mr. GORE. I withdraw the request.

Mr. BAILEY. It is in the shape of a letter which accompanied the Secretary's report on the finances, and it has already been printed as a document.

APPORTIONMENT AND PUBLICITY BILLS.

Mr. MARTIN of Virginia. Mr. President, I simply wish before the Senate adjourns to inquire of the chairman of the Committee on the Census as to the probability of a report on the apportionment bill which passed the House and is now before the Committee on the Census of the Senate.

Mr. LA FOLLETTE. I am not able to say, Mr. President, in response to the inquiry of the Senator from Virginia, when the bill will be reported out. I expect to have a meeting of the Committee on the Census at a reasonably early day, and give the bill the consideration its importance entitles it to in that committee. It is a very important measure and it should be carefully considered.

Mr. MARTIN of Virginia. My object in making the inquiry was simply to call attention and to emphasize as far as I could the fact that we have no calendar. There is very little business that can now be taken up until the committees make some report, and my object was simply to express the hope that the matters which are before the committees will be presented to the Senate as soon as practicable.

While I am on the floor I will also inquire as to the bill in relation to the publicity of campaign contributions, another House bill, which has been referred to the Committee on Privileges and Elections. I should like to know from the chairman of that committee if there is any likelihood that we will soon have a report in respect to that bill.

Mr. DILLINGHAM. Mr. President, the bill has not been considered by the committee as yet, but it will be considered very soon. For that purpose a special meeting of the committee has been called.

Mr. MARTIN of Virginia. I fully understand that the bill has not been considered in committee, but my object was to urge the importance of the consideration of these measures. A little later on we will have tariff matters under consideration in the Senate, and their importance will, of course, require the subordination of other measures. I feel that as the Senate has now been in session for more than a month it is time that we should begin to do some of the work of the session.

I hope very much that these bills, which have not been considered in committee, will be considered, so that we will have a calendar which the Senate may take up, instead of adjourning, as we are now doing, from Monday until Thursday and from Thursday until Monday, without doing anything.

Mr. CULLOM. I insist on my motion.

The VICE PRESIDENT. The Senator from Illinois moves that the Senate do now adjourn.

The motion was agreed to; and (at 4 o'clock and 17 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 9, 1911, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 8, 1911.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D., as follows:

Our Father in heaven, we approach Thee with renewed faith and confidence in the things which make for righteousness in the soul. Inspire us, we beseech Thee, with broad and comprehensive views of life, quicken our conscience to do Thy will, that at the close of this day we may ask Thy blessing upon all our acts and lie down to peaceful slumber in the full consciousness of duty well done. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of Saturday, May 6, 1911, was read and approved.

PRINTING AND BINDING, COMMITTEE ON REFORM IN CIVIL SERVICE.

Mr. FINLEY. Mr. Speaker, I present the following privileged report (H. Rept. 21) from the Committee on Printing on House resolution 155, which I send to the desk and ask to have read.

The Clerk read as follows:

The Committee on Printing, having had under consideration the House resolution (H. Res. 155) authorizing the Committee on Reform in the Civil Service to have necessary printing and binding done, reports the same back to the House, with the recommendation that the resolution be agreed to.

The said resolution is as follows:

"*Resolved, etc.*, That the Committee on Reform in the Civil Service be authorized to have such printing and binding done as shall be necessary in the transaction of its business during the Sixty-second Congress."

Mr. FINLEY. Mr. Speaker, the resolution speaks for itself, and I ask for a vote.

The SPEAKER. The question is on the adoption of the resolution.

The resolution was agreed to.

PRINTING, COMMITTEE ON EXPENDITURES IN TREASURY DEPARTMENT.

Mr. FINLEY. Mr. Speaker, I present also the following privileged report (H. Rept. 20) from the Committee on Printing on House resolution 140, which I send to the desk and ask to have read.

The Clerk read as follows:

The Committee on Printing, having had under consideration the House resolution (H. Res. 140) authorizing the Committee on Expenditures in the Treasury Department to have necessary printing done, reports the same back to the House with the recommendation that the resolution be agreed to.

The said resolution is as follows:

"*Resolved, etc.*, That the Committee on Expenditures in the Treasury Department have such printing done as may be necessary for its use during the Sixty-second Congress."

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

PRINTING AND BINDING, COMMITTEE ON EXPENDITURES IN POST OFFICE DEPARTMENT.

Mr. FINLEY. Mr. Speaker, I also present the following privileged report (H. Rept. 18) from the Committee on Printing on House resolution 72, which I send to the desk and ask to have read.

The Clerk read as follows:

The Committee on Printing, having had under consideration the House resolution (H. Res. 72) authorizing the Committee on Expenditures in the Post Office Department to have printing and binding done, reports the same back to the House with the recommendation that the resolution be agreed to.

The said resolution is as follows:

"*Resolved, etc.*, That the Committee on Expenditures in the Post Office Department be authorized to have such printing and binding done as shall be necessary for the transaction of its business during the Sixty-second Congress."

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

EXPENSES OF MONETARY COMMISSION.

Mr. COX of Indiana. Mr. Speaker, I present the following privileged report (H. Rept. 19) from the Committee on Expenditures in the Treasury Department on House resolution 113, which I send to the desk and ask to have read.

The Clerk read as follows:

The Committee on Expenditures in the Treasury Department, to whom was referred House resolution No. 113, calling for information as to the amount of money expended by the Monetary Commission, having considered the same, reports thereon with the recommendation that it do pass.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 113.

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the House of Representatives a detailed statement showing the moneys paid out on account of the Monetary Commission and the dates and purposes of the several payments.

Mr. COX of Indiana. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

THE TARIFF.

Mr. UNDERWOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4413, to place agricultural implements and other articles on the free list.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4413, the free-list bill, with Mr. ALEXANDER in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4413. The Clerk will report the title.

The Clerk read as follows:

A bill to place on the free list agricultural implements, cotton bagging, cotton ties, leather, boots and shoes, fence wire, meats, cereals, flour, bread, timber, lumber, sewing machines, salt, and other articles.

Mr. UNDERWOOD. Mr. Chairman, general debate having closed, I ask the Clerk to read the bill.

The CHAIRMAN. General debate having concluded, the Clerk will read the bill by sections.

The Clerk read as follows:

Be it enacted, etc., That on and after the day following the passage of this act the following articles shall be exempt from duty when imported into the United States.

Mr. HAMILL. Mr. Chairman, I move to strike out the last word.

[Mr. HAMILL addressed the committee. See Appendix.]

Mr. MANN. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 1, line 5, by inserting after the word "States" the following:

"From a country, dependency, province, or colony, being the product thereof, which imposes no tax or duty on like articles imported from the United States."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order against the amendment that it is not germane to the bill under consideration. The amendment, as I understand it, seeks to change this bill so as, under certain conditions, to place a tax on the articles enumerated in the bill. I will not detain the Chair with a lengthy argument on the subject, but I will call the Chair's attention to a decision of Mr. SHERMAN, who was acting as Chairman of the Committee of the Whole House on the state of the Union when the Dingley bill was under consideration. At that time Mr. Dockery, of Missouri, offered an amendment to the first section of the Dingley bill, which was the taxing section of that bill, which reads as follows:

Provided, That when it is shown to the satisfaction of the Secretary of the Treasury that such articles are manufactured, controlled, or produced in the United States by a trust or trusts, the importation of such articles from foreign countries shall be free of duty until such manufacture, control, or production shall have ceased, in the opinion of the Secretary of the Treasury.

Mr. Nelson Dingley, of Maine, made a point of order against the amendment, saying:

An amendment placing on the free list, under certain conditions, articles that are now on the dutiable list is not germane to that portion of the bill which provides for the imposition of duties. Now, Mr. Chairman, it has been suggested that there has been a ruling in a former House, and attention has been called to it, to the effect that it does not necessarily follow—and please bear in mind the effect of that language, that it does not necessarily follow—that an amendment proposed must be germane to the particular paragraph, provided that it is germane to another part of the bill. But under what conditions was that ruling made? It was on an internal-revenue bill, a bill which provided for the imposition of duties on tobacco and certain other products of the country. It was entirely devoted to that particular subject. It was an income tax, every section of which dealt with that particular subject, and that only, and the one subject running through it all, that of the imposition of the tax. It did not necessarily follow that the amendment therefore should apply to any particular paragraph more than to another. It was applicable to any portion of the bill. But we have a different condition presented now. When a bill is before the House containing two or three very distinct subjects, one imposing a duty, the other placing certain articles upon the free list, and another imposing certain conditions, then, for the orderly procedure of the business of the House and the orderly transaction of its business, it is incumbent upon the Chair to hold that each amendment shall be germane to that particular part of the bill to which it is proposed to apply it.

The Chairman ruled as follows:

The pending bill is to provide revenue for the Government and to encourage the industries of the United States.

Section 2 of the bill, on page 123, provides that after the 1st day of May the articles thereafter enumerated, when imported, shall be exempt from duty.

To the first paragraph the gentleman from Missouri [Mr. Dockery] offers an amendment providing that under certain conditions all articles upon the dutiable list shall be transferred to the free list. To that amendment the gentleman from Maine [Mr. Dingley] raises the point of order that it is not in order at that point in the bill. The gentleman from Texas [Mr. BAILEY] cites a decision of the then Speaker in the Forty-fifth Congress, referred to upon page 271 of the Digest. That was a decision rendered by the distinguished gentleman from Kentucky [Mr. Carlisle], acting as Speaker pro tempore. The decision, as shown by the CONGRESSIONAL RECORD, does not carry out the statement upon page 271 of the Digest. That decision held that any amendment must be germane to the general provision of a bill. It did not hold that being germane to the provisions of a bill it was permissible at any point. It did hold that the amendment then presented to the bill at the point was admissible.

The question before the Chair here and now is not whether the committee is liable to reach page 123 of the bill. The Chair can not take into consideration that probability, as suggested by the gentleman from Missouri [Mr. Dockery], but must rule upon the question as it is now presented, to wit, Is the amendment presented germane to this provision? The Chair holds that the amendment is not germane, and therefore sustains the point of order.

Now, Mr. Chairman, this decision is identical, except that it reverses the position. The House then had under consideration the section of the Dingley bill that provided for taxing certain articles. The gentleman from Missouri, Mr. Dockery, offered an amendment providing that under certain circumstances and conditions some articles should be placed on the free list. The Chair held it was not in order because it was not germane to that paragraph of the bill, namely, the taxing paragraph. Now, here we reverse the position. We have an amendment relating to the free list. It is true that we have not a general bill before us, but we have a bill that relates purely and simply to the free list, and the gentleman from Illinois [Mr. MANN] offers an amendment providing that under certain terms and conditions the articles enumerated in this free list shall be placed on the taxing list. It is identically the case that was decided by the Chairman when the Dingley bill was before the House, except it reverses the position. In that case it was an effort to put articles on the free list when the taxing list was under consideration. In this case the gentleman seeks to put articles that are proposed to be placed on the free list on the taxing list, under certain conditions named in his amendment. I therefore contend the amendment is not in order at this time.

Mr. MANN. Mr. Chairman, the precedent cited by the gentleman from Alabama [Mr. UNDERWOOD] has no relation whatever to the amendment which I have offered. What is the proposition now? It is to place certain articles which are now on the dutiable list upon the free list. What is the reading of the bill? It says:

That on and after the day following the passage of this act the following articles shall be exempt from duty when imported into the United States.

What is the amendment? It is to add to that:

From a country, dependency, province, or colony, being the product thereof, which imposes no tax or duty on like articles imported from the United States.

So that it would read:

That on and after the day following the passage of this act the following articles shall be exempt from duty when imported into the United States from a country, dependency, province, or colony, being the product thereof, which imposes no tax or duty on like articles imported from the United States.

Here is a proposition to place certain articles upon the free list, and I propose an amendment limiting the countries from which those articles shall come. It may be that they will come from all countries alike. No one can tell what will be the effect of the amendment, but the gentleman from Alabama [Mr. UNDERWOOD] contends that it might result in some article which is named in this bill paying a duty. Does the gentleman propose to carry out his contention and say that it is not in order on this bill to offer an amendment to strike out any of these articles? Will the gentleman contend that it is not in order in the next paragraph to offer an amendment to strike out the word "plows," and yet if that word be stricken out it results in leaving plows upon the dutiable list? I do not propose an amendment to place any article upon the dutiable list. I simply propose an amendment which affects the articles which the bill proposes to place upon the free list. These articles are now upon the dutiable list. The amendment which I offered is not only germane to the bill, but it is germane to this particular paragraph of it. It is the place in the bill where it should be presented, and it can not be ruled out of order unless the chairman is prepared to rule that no amendment can be offered to strike out any of the articles named in this bill because striking them out would result in leaving them upon the dutiable list.

The CHAIRMAN. The rule relating to this bill is section 3 of Rule XXI, which provides that "No amendment shall be in order to any bill affecting revenue which is not germane to the subject matter in the bill." The general rule in force heretofore has been section 7 of Rule XVI:

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

These two provisions, it seems to the Chair, should be taken and construed together. The Chair takes it for granted that a motion to strike out any item in the pending bill would be in order. What the effect of that motion would be is not material from a parliamentary standpoint. The amendment here, however, is not a motion to strike out, but undertakes to modify the first clause of the bill, which is as follows:

That on and after the day following the passage of this act the following articles shall be exempt from duty when imported into the United States

And by adding an amendment:

From a country, dependency, province, or colony, being the product thereof, which imposes no tax or duty upon like articles imported from the United States.

The bill, as shown by its title, is a bill "to place on the free list agricultural implements, cotton bagging, cotton ties, leather,

boots and shoes, fence wire, meats, cereals, flour, bread, timber, lumber, sewing machines, salt, and other articles," and the first clause following the enacting clause is to the same effect, that the articles enumerated in the bill shall be placed on the free list.

The effect of this amendment, if adopted, would be to place on the dutiable list all articles in this bill that might be imported into the United States from any country that did not admit the articles enumerated free of duty, and it therefore seems to the Chair that the amendment is obnoxious to the first clause of section 3 of Rule XXI, that "no amendment shall be in order to any bill affecting revenue which is not germane to the subject matter in the bill," and clearly, taking the title and the clause under consideration and the items enumerated in the bill, the purpose and intent is to place these articles on the free list, not from any particular country, but from all countries; and the Chair fails to see where the authority cited by the gentleman from Alabama [Mr. UNDERWOOD] is not in point.

As shown in that case, the Clerk has read the first paragraph of the tariff bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on and after the 1st day of May, 1897, unless otherwise specifically provided for in this act, there shall be levied, collected, and paid on all articles imported from foreign countries or withdrawn from consumption, and mentioned in the schedules herein named, the rates of duty which are by the schedules and paragraphs respectively described, namely, etc.

Now, the amendment offered by the gentleman from Missouri, Mr. Dockery, simply provided that these duties should not be levied until it was shown to the satisfaction of the Secretary of the Treasury that such articles are controlled or manufactured or produced in the United States by a trust or trusts. The Chair ruled as stated, Mr. SHERMAN, now Vice President, being in the chair, that the amendment was not germane, and sustained the point of order.

Mr. MANN. Mr. Chairman, I offer a further amendment, which I send to the Clerk's desk and ask to have read.

The CHAIRMAN. The Chair has not ruled on the pending amendment yet.

Mr. MANN. Oh, I beg the Chairman's pardon. I thought he had finished.

The CHAIRMAN. The point of order is sustained.

The gentleman from Illinois [Mr. MANN] offers the following amendment. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 1, line 5, by inserting, after the word "States," the following: "from a country, dependency, province, or colony, being the product thereof, which imposes no tax, or duty, or restriction by way of regulation or otherwise, upon the importation from the United States of live cattle, meats of all kinds, fresh, dried, smoked, salted, in brine, canned, or prepared, or preserved in any manner."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order, for the same reason I did as to the other amendment. I think the same reasoning applies.

Mr. MANN. Mr. Chairman, I should like to be heard on the *point of* order.

The CHAIRMAN. The Chair will hear the gentleman from Illinois.

Mr. MANN. The Chair sustained the point of order to the other amendment on the ground that it would place certain articles upon the dutiable list. That amendment was general in character, applying to countries which did not admit free the articles named in the bill when imported from the United States into those countries. This amendment proposes a mere limitation upon the countries, so that articles shall be admitted free of duty coming from any country which does not restrict the importation of meats going from the United States into that country. Will it be claimed on the other side of the House that a proposition to place articles upon the free list can not be accompanied with a proposition that we shall obtain some advantage for our products to be exported? Will it be claimed on the majority side of the House that a proposition to admit meats coming from a foreign country can not be restricted to countries which admit meats going from this country to the foreign country? Will the gentleman claim that an amendment is not germane which says that if we admit meats free coming from England, England must first admit meats free going from this country to England? Why, it is the very essence of the proposition.

If gentlemen desire to hide behind a proposition of this sort, that the amendment is not germane, they may be able to secure a ruling from the Chair to that effect, but they will have the responsibility of saying that they propose to admit articles free of duty without obtaining any benefit whatever to the producers of the United States. [Applause on the Republican side.]

Suppose, Mr. Chairman, the bill read, as it might well have read, that—

The following articles shall be exempt from duty when imported into the United States from all foreign countries.

Would the gentleman claim that an amendment limiting all foreign countries by excepting one would not be germane? It is the very essence of the proposition. If you say "from all foreign countries," certainly an amendment is germane which proposes to except from the operation of that general provision a particular country.

Now, Mr. Chairman, I understood the Chair to say that the reason for this ruling was because this would place certain articles upon the dutiable list; but the Chair will recall in a moment that no amendment which I have offered places any article upon the dutiable list. These articles are now upon the dutiable list. The proposition of the bill is to remove certain articles from the dutiable list and place them upon the free list. We certainly have the right, by germane amendment, to limit the articles which shall be so placed upon the free list.

Mr. FITZGERALD. Will the gentleman yield?

Mr. MANN. In a moment. If the Chair holds that no amendment is germane which leaves one of those articles upon the dutiable list, will there be a corresponding holding that no amendment is germane which places an additional article upon the free list?

If so, the bill can not be amended at all. Now, I yield to the gentleman from New York [Mr. FITZGERALD], a distinguished parliamentarian.

Mr. FITZGERALD. Mr. Chairman, this bill is a bill to exempt certain imports from duty. Is that not a fact? I will read the title——

Mr. MANN. Oh, the gentleman will not find that in the title. The title says it is to place certain articles on the free list and the bill says it is to exempt them from duty.

Mr. FITZGERALD. The gentleman proposes an amendment which goes entirely beyond the scope of this bill and completely changes its character.

Mr. MANN. Not at all. Here is a bill to place certain articles upon the free list. My amendment leaves the articles upon the free list.

Mr. FITZGERALD. Not necessarily.

Mr. MANN. Well, not necessarily. They may not be from any of these countries.

Mr. FITZGERALD. The gentleman is proposing to regulate the tariffs of other nations, which are not affected at all by this bill as it stands at present.

Mr. MANN. I did not understand what the gentleman said. What the proposition is——

Mr. FITZGERALD. I will repeat it. The gentleman is attempting to regulate the tariffs of other nations which are not at all affected by the bill as it stands.

Mr. MANN. Oh, no; not at all. We do not regulate the tariffs of other nations. What we regulate and what we have the right to regulate is the importations which come into the United States from other nations. We passed the reciprocity bill here the other day, which the gentleman voted for, which contains reciprocity propositions. Does the gentleman claim that bill could not be amended?

Mr. FITZGERALD. Well, what happened in the House demonstrated that it could not be amended. [Laughter on the Democratic side.]

Mr. MANN. I voted with the gentleman against the amendment, but the distinguished gentleman from Kentucky [Mr. SHERLEY], one of the ablest parliamentarians in this House, held, right in line with this proposition now presented, that the amendment was in order at the time, and the gentleman from New York knows that that rule was right, and he knows that this amendment is in order, germane not only to the bill but to the paragraph in the bill to which it is offered.

Mr. UNDERWOOD. Mr. Chairman, the proposition offered by the gentleman from Illinois [Mr. MANN] is not a new one to this House nor to the country. It comes in here under the old Standard Oil Co. provision, which it took a revolution in this House two years ago to get rid of. It is exactly in line with the amendment that prevented Russian oil from coming into this country in competition with the oil fields of America, and if I am not mistaken the gentleman from Illinois voted with this side of the House to wipe out that iniquity at that time. Now he proposes to apply the same proposition to the articles that we seek to place on the free list. Unfortunately, the gentlemen on that side of the House, in contending for their expansion of trade and development of commerce with other nations, can never look at the great proposition from any other standpoint than the standpoint of the manufacturer. [Applause on Democratic side.]

We have written this bill for the benefit of the American people, and not for any other purpose, and we have intended that there shall be no limitation whatever, so far as these articles are concerned, upon the importations of competing articles from abroad. That being the case, it seems to me, you can not differentiate in any way between the amendment that the gentleman offered a few moments ago and the amendment that he offers now. The amendment that he first offered was, under certain terms and conditions, to restrict importations. The gentleman can not deny himself that, under certain terms and conditions, if this amendment was adopted, importations would be restricted, and they would be put on the dutiable list; and therefore I say that the decision of the Chair on the former amendment equally applies to this.

Mr. SHERLEY. Mr. Chairman, the question presented to the Chair is not a question of legislative policy, it is a question of parliamentary law. The fact that the gentleman from Illinois [Mr. MANN] may or may not like the subject matter presented for legislation has nothing to do with the rights of Members as to amendment. The purpose of this bill is to admit free of duty, and free of duty without restrictions, certain articles enumerated. It might be in order to strike out some of those articles, but inasmuch as the very essence of the subject matter of the bill is that the articles enumerated shall be free of duty, anything that undertakes to qualify that freedom from duty changes the subject matter of the bill. That is the parliamentary proposition presented to the Chair, and not the gentleman's idea as to what this side of the House, as a party, may or may not want to do. I submit that under both the old rule as to germaneness and under the rule recently adopted as to revenue bills, a limitation that does restrict the freedom of import, as to this bill, is out of order because not germane to the subject matter.

Mr. OLMSTED. Mr. Chairman, if I may be permitted just a word. It has often been held in line with the decision already cited that in a general tariff bill where there is one provision or several provisions placing duties upon certain articles, and in another section or another paragraph of the bill there is a free list, it has been held, and properly, I think, that you can not, while considering the dutiable list, insert articles which are to be placed on the free list, because they are more appropriately in order when we come to the section providing for the free list. But this is not that kind of a bill. Here is a bill providing that a long list of articles shall be exempt from duty. The amendment offered by the gentleman from Illinois relates precisely to the same articles, or some of them, that are carried in the bill itself. It does not place them on the dutiable list. They are dutiable now under the present tariff law. The amendment provides, as this bill provides, for placing them upon the free list. The amendment is upon the same subject as the bill. Now, the gentleman from Alabama says they have introduced this bill for the benefit of all the people, and they have not intended there should be any restrictions upon its provisions, and therefore no amendment is in order which contains any restrictions. That statement strikes me as equivalent to asking the Chair to rule according to the rule of a party caucus rather than according to the rule of this House, which rule, as the Chairman has already read, requires that the amendment shall be related to the same subject matter as the bill. Can anybody pretend that the amendment of the gentleman from Illinois does not relate to the same subject matter? It merely qualifies; it provides that they shall be put upon the free list providing so and so, except so and so. Did anybody ever hear of a rule so construed that you could not qualify a provision in a bill by an appropriate proviso or an exception?

The CHAIRMAN. The Chair calls the gentleman's attention to the fact that the case he cites is just such a case as that. The Chair would like to hear the gentleman distinguish, if he will.

Mr. OLMSTED. That was a case, if I understood the reading of it, where a bill had several provisions in it, one providing a free list and another a dutiable list. The proposition there was to amend the dutiable list by putting certain articles on the free list. The Chair held that that was not germane because the proposed amendment had relation to a different part of the bill.

Mr. SHERLEY. But was not this the fact, that on a certain contingency certain articles should be taken off the dutiable list and placed on the free list? Now, is not the proposition of the gentleman from Illinois that on certain contingencies certain articles shall be taken from the free list?

Mr. OLMSTED. No; they are not on the free list now; you are proposing to put them on the free list.

Mr. SHERLEY. Oh, but legislatively, from a parliamentary standpoint, they are on the free list, as stated in this bill. Now, the proposition of the gentleman from Illinois is certainly the converse of the proposition of the gentleman from Missouri, Mr. Dockery. His proposition was to take from the dutiable list certain articles where they were controlled by a trust. The proposition of the gentleman from Illinois is to take from the free list certain articles when the country from which they are imported does not permit our importations free.

Mr. OLMSTED. The earlier case was on a bill which had two provisions in it, one a dutiable list and the other a free list; and it was while they were discussing the dutiable list—concerning the dutiable list—that he proposed to put certain things on the free list, and the Chair very properly held substantially that that would be in order when it came to the free list; but this bill is not of that character. It provides only a free list. It puts nothing on the dutiable list.

This amendment does not propose to put anything on a dutiable list. It says that they shall go on the free list provided the countries from which they come are treating our people in a similar way. It is a qualification; it is a restriction; it is an exception; it is a qualification to the provisions in the bill; it is upon the same subject. It is not governed at all by the earlier decision. I do not think it is affected by the decision which you, Mr. Chairman, have just made. These articles mentioned in the amendment of the gentleman from Illinois [Mr. MANN] are not on the free list under existing law. They are dutiable now. This amendment does not propose to put any duty on them. It leaves them right where they are now unless certain conditions are fulfilled, in which case they shall go on the free list, which is the object of this bill. The amendment is upon the same subject matter as the bill. It merely qualifies what is already in the bill. Now, it seems to me that the amendment can not be ruled out of order without going further than any Chairman has ever gone in the direction of holding that a bill can not be amended at all.

The CHAIRMAN. The amendment is, in substance, identical with the first amendment, except that the articles enumerated in the bill are named in the amendment. That is all the difference. The first amendment provided as follows:

That on and after the day following the passage of this act the following articles shall be exempt from duty when imported into the United States:

Now, the following amendment was offered:

From a country, dependency, province, or colony, being the product thereof, which imposes no tax or charge on like articles imported from the United States.

Now, the clause in the bill says:

That on and after the day following the passage of this act the following articles—

Enumerating them.

Now, the second amendment offered by the gentleman from Illinois simply enumerates the articles, namely, live cattle, meats of all kinds, fresh, dried, smoked, salted in brine, canned, or preserved in any manner.

Now, there is not, as the Chair has stated, any difference between the two amendments, in substance, except instead of referring to the articles in general terms, as stated in the paragraph, the amendment enumerates them in detail.

The gentleman from Pennsylvania [Mr. OLMSTED] states that this is a bill with but one purpose, namely, to place articles on the free list. That is true. The Dingley Tariff Act not only provided for a dutiable list, but a free list. But the amendment offered by the gentleman from Missouri was to place on the free list certain dutiable goods. It was offered to a paragraph in the tariff bill relating to goods on the dutiable list, and it was held—and the Chair thinks properly—that that amendment was not germane to the provisions of the bill. But suppose an amendment had been offered to the free list to place certain articles enumerated on the free list on the dutiable list, would not the same rule obtain, and is not that the proposition here? This is a proposition, as clearly shown, to place certain articles on the free list. The effect of the amendment would be to place certain articles upon the dutiable list coming from a country discriminating against the importations from this country.

Now, as to the policy of admitting goods from foreign countries that discriminate against us, of course, the Chair has no concern. The only question for the Chair to determine is whether or not this amendment is obnoxious to the rule. It has been decided—and I think the decision is in point—to the effect that the subject matter is not germane to the bill. The Chair sustains the point of order.

Mr. MANN. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend page 1, line 5, by inserting after the word "States" the following:

"From a country, dependency, province, or colony, being the product thereof, which imposes no tax or duty or restriction, by way of regulation or otherwise, upon the importation from the United States of wheat flour."

Mr. UNDERWOOD. I make the same point of order, for the reasons assigned, that I made to the other amendment. It is an identical case.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Illinois offers the further amendment, which the Clerk will report.

The Clerk read as follows:

Amend page 1, line 5, by inserting after the word "States" the following:

"From a country, dependency, province, or colony, being a product thereof, which imposes no tax or duty or restriction, by way of regulation or otherwise, upon the importation from the United States of lard and compounds thereof, cottolene, and cotton stearin and animal stearin."

Mr. UNDERWOOD. Mr. Chairman, I make the same point of order.

Mr. MANN. Mr. Chairman, just very briefly: The Chairman's ruling was that the adoption of this amendment would place certain articles upon the dutiable list. But the Chair evidently lost sight of the fact that these articles are now upon the dutiable list, and the proposition is to place certain articles upon the free list, and the amendment simply restricts the articles which are to be placed upon the free list, precisely the same thing as it would be to move to strike out one of the articles named in this bill.

Suppose, for instance, in the paragraph commencing on line 9 of page 3, when it is reached for consideration, providing for biscuits, bread, wafers, and similar articles not sweetened to be placed upon the free list, some gentleman moves to strike out the word "not." Does the gentleman hold, and will the Chairman hold, that an amendment to strike out the word "not" can not be made, and that it is not in order because if stricken out it would leave upon the dutiable list wafers not sweetened, and would place upon the free list wafers sweetened?

Is the result of all the turmoil and discussion that we have had throughout the country in favor of more liberal rules in the House, and the right of more individual freedom in the House—is the result of that a ruling and a rule under which you can not strike out the word "not" in a bill? You can neither add to or take from the bill if you follow the logic of the Chairman's ruling.

Now, I have offered an amendment providing that these articles shall not come to this country free of duty from any country which does not admit our lard and cottonseed oil free into that country. Is that amendment not in order? Have we no right, when we propose to admit boots and shoes free into this country, to say at the same time, "We will do it only from a country that admits our lard and our cottonseed oil free into their country"? Is that the result of the liberalization of the rules in the House under a Democratic majority?

This bill, as it stands, proposes to open the ports of the United States to manufactured products of foreign industry and foreign labor and contains no line or syllable in it which would in any way extend the trade of the United States. I wish to add something to it in the interest of the American laborer, the American agriculturist, the American producer, so that in exchange for opening our ports to the foreign products we shall require foreign countries to open their ports freely to our products. [Applause on the Republican side.]

The CHAIRMAN. The amendment is in principle the same as the former amendment, and the point of order is sustained.

Mr. MANN. Mr. Chairman, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Illinois appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. SAUNDERS. Mr. Chairman, I move to lay that on the table.

The CHAIRMAN. That can not be done in committee.

Mr. MANN. The gentleman should learn something about parliamentary law.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. MANN. A division, Mr. Chairman.

The House divided; and there were—ayes 145, noes 103.

The CHAIRMAN. The decision of the Chair is sustained.

Mr. MANN. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] and the gentleman from Illinois [Mr. MANN] will take their places as tellers.

Mr. MANN. Mr. Chairman, I yield as teller in favor of the gentleman from Pennsylvania [Mr. DALZELL].

The CHAIRMAN. The Chair will appoint the gentleman from Pennsylvania [Mr. DALZELL] as teller instead of the gentleman from Illinois [Mr. MANN].

The committee again divided; and the tellers reported—ayes 175, noes 105.

So the decision of the Chair was sustained.

The announcement of the result of the vote was received with applause on the Democratic side.

The CHAIRMAN. The Clerk will read the bill.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk and ask to have read.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 1, line 5, by inserting, after the word "States," the following:

"From any country, dependency, province, or colony which does not impose any export tax or charge of any kind upon or in any way restrict the exportation to the United States of crude potash or black salts, crude or refined carbonate of potash, hydrate of or caustic potash, crude nitrate of potash or saltpeter, crude or refined sulphate of potash, or muriate of potash."

Mr. UNDERWOOD. Mr. Chairman, I make the same point of order upon the same ground.

Mr. MANN. Mr. Chairman, I desire to be heard upon the point of order. The ruling of the Chair, which has been sustained by the committee, was made upon an amendment which proposed that only articles should come in free from countries which admitted our articles free of duty there, certain articles named. This amendment proposes that only articles shall come in free from those countries which permit the free exportation of potash. We are met with this situation in the world. Potash is the basis of the fertilizers of the country. It is produced mainly in one country, and restrictions are now imposed on exportations of that potash.

Our farming community which depends on fertilizers are at the mercy of that one country. We propose to admit articles coming free from that country free of duty into our country, and I propose an amendment that before articles coming free from that country shall be admitted free of duty that country shall remove restrictions now existing upon the exportations of potash from that country to this country. Does anyone say that is not germane, that we can not make a trade in our own interests when we propose to admit articles free of duty?

This is not the same proposition that was presented before, and if the rules of this House provide that an amendment like that is not germane, then it is time that the rules were in fact changed. If the rules have become so illiberal that when we propose to let in boots and shoes free from Germany we can not say that it shall be on a condition precedent that Germany shall permit the free exportation of potash from there to this country, then the rules are not liberal enough, not as liberal as they have been in the past, when, as you gentlemen on that side of the House said, we had Czar CANNON in the chair, because no chairman in the past has ever ruled that an amendment like that was not in order. Nor can gentlemen on that side of the House hide behind a ruling, because a year ago you declared that it was right to institute a revolution in the rules in order to accomplish a certain purpose, and if in fact, as you profess, you were endeavoring to legislate in the interest of the farmers of the country you will legislate so as to secure to them cheap fertilizers. You can do it in spite of a ruling of the Chair by overruling the Chair.

The CHAIRMAN. The Chair is prepared to rule. This amendment is identical in principle with the former amendments. That certainly is clear to everyone. The point of order is sustained.

Mr. MANN. Mr. Chairman, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Illinois appeals from the decision of the Chair.

Mr. CANNON. Mr. Chairman, upon that appeal I desire to detain the committee for a very few moments. The Chair holds that under the rules this amendment is not germane. I will not discuss the propriety of that ruling further than to say that I protest against the ruling, and upon the appeal shall vote against sustaining the Chair. I protest because we are

piling up a lot of precedents here that, in my judgment, violate every precedent that has been made from the beginning, and will turn, perchance, to plague the majority in future Congresses. I read from Jefferson's Manual and get back to the general principle, page 222—and Jefferson's Manual is made part of the rules of this House:

If an amendment be proposed inconsistent with one already agreed to, it is a fit ground for its rejection by the House, but not within the competence of the Speaker to suppress as if it were against order. For were he permitted to draw questions of consistence within the vortex of order, he might usurp a negative on important modification, and suppress, instead of subserving, the legislative will.

The note under this ruling of the House, read from Jefferson's Manual, is as follows:

The practice of the House of Representatives follows and extends the principle set forth by Jefferson. Thus it has been held that the fact that a proposed amendment is inconsistent with the text or embodies a proposition already voted, or would in effect change a provision of text to which both Houses have agreed, or is contained in substance in a later portion of the bill, is a matter to be passed on by the House rather than by the Speaker. It is for the House rather than the Speaker to decide on the legislative effect of a proposition, and the change of a single word in the text of a proposition is sufficient to prevent the Speaker ruling it out of order as one already disposed of by the House.

Now, this amendment provides in this bill placing upon the free list certain articles which are not dutiable that it shall not apply to the articles mentioned, the fertilizers particularly that are produced in Germany, upon which, by the action of Germany, we can not have them, however much we may need them, at a fair price. To say that we can not limit as to a country, one or several, the operation of a free-list bill is upon a question of order to deny to the people's Representatives the power to express their will. [Applause on the Republican side.] There is not, after somewhat of a careful examination, in my judgment, to be found anywhere in any precedent such a ruling sustained. It is perfectly patent that following the caucus dictation of a majority that you are to pass this bill without the dotting of an "i" or the crossing of a "t," but we ought not to authorize you to escape the responsibility upon a point of order of voting direct in committee. Therefore, having submitted this much, I will not multiply words and would not have submitted it were it not that I can not sit by silent when I see a great majority trampling under foot all correct principles of parliamentary law without making my protest. [Applause on the Republican side.]

Mr. FITZGERALD. Mr. Chairman, if the ruling of the Chair were based upon the grounds stated by the gentleman from Illinois [Mr. CANNON], I should not attempt to support the ruling. I believe it can be fairly said that there is some difference of opinion as to the proper way in which the ruling should have been made. I judge that from the fact that the gentleman from Illinois [Mr. MANN], who proposed the first amendment, was so doubtful as to whether it was in order that he had the same amendment prepared in three or four different forms in the hope that one of them might be in order, although the others were not. The Chair has not held this amendment out of order, because the Chair has taken the ground that the amendment is inconsistent with some amendment previously adopted or some part of the text. Reading from Jefferson's, following that already read by the gentleman from Illinois [Mr. CANNON], it is found that he states the general parliamentary rule to be as follows:

Amendments may be made so as totally to alter the nature of the proposition; and it is a way of getting rid of the proposition by making it bear a sense different from what it was intended by the movers, so that they vote against it themselves. A new bill may be engrafted, by way of amendment, on the words "Be it enacted, etc."

If that were the rule of the House, it being a general rule of parliamentary law, as stated by Jefferson, there would be no question that the pending amendment would be in order, but that is not the rule of the House. It has been changed, I believe, as far back as 1822, by a provision which requires amendments to be germane to the proposition under consideration. Now, what is the subject matter in this bill? That is the question that must be determined in order to determine what amendments are in order to the bill, and I take it from an examination of the bill that the subject matter in the bill is a proposition to exempt from duty certain enumerated articles imported into the United States. Any amendment which would totally alter the nature of the proposition would have been in order under general parliamentary law, but it is not in order under the rules of the House at present, and I assume that the gentleman from Illinois [Mr. MANN] realizes that every amendment proposed by him thus far would substantially change the character of this bill and that they are offered in the hope that, having substantially changed the character of the bill, this side of the House might do what Jefferson said was frequently the hope of those proposing amendments—compel the friends of the bill to vote against it after it had been so substantially changed.

These amendments, as I understand the ruling of the Chair, are held not to be in order because of the fact they do substantially change the character of the bill. The ruling is based upon the ruling, cited several times, made by one of the most distinguished parliamentarians who ever sat in this body, the present Vice President, that amendments to a free list which would propose to place limitations somewhat similar upon the operation of legislation removing the duties were not in order to the bill. I find it difficult to differentiate this situation from the situation outlined in the reasoning of Mr. SHERMAN when he was Chairman of the Committee of the Whole House on the state of the Union, but whatever doubts I may have had upon the accuracy of the ruling have been completely removed in the failure of all gentlemen upon that side of the House to advance either a single precedent or a convincing argument as to the accuracy of their contention.

Mr. MANN. I understood the gentleman from New York [Mr. FITZGERALD] to say that it was not in order to offer an amendment which substantially changed the character of a bill or which, if adopted, might cause the author of a bill to vote against it?

Mr. FITZGERALD. The latter part is a non sequitur.

Mr. MANN. That is what the gentleman stated, however.

Mr. FITZGERALD. I stated what Jefferson said as to making an amendment so as to substantially change the character of a bill. And I do not think the gentleman from Illinois would be unhappy if he could so amend this bill as to make it so obnoxious to this side of the House that they would be compelled to vote against it.

Mr. MANN. I do not see how that has to do with this. Do I understand the gentleman's position to be that it is not within the power of the House by amendment to change substantially the character of a bill that is presented to the House?

Mr. FITZGERALD. The gentleman must comply——

Mr. MANN. If the gentleman does not change the remarks he has made in the House, I am willing to let it go at that.

Mr. FITZGERALD. I will read what Jefferson said.

Mr. MANN. That is the statement made by the gentleman, and I wish to inquire of him if the Chair or the author of the bill determines if it is substantial in character or not.

Mr. FITZGERALD. I think it is very easy to determine. This is a bill proposing to place on the free list certain enumerated articles. I take it that nobody would question that a proposition, if offered by the gentleman, to strike out certain words and insert others, so that the bill would read, "The following articles shall be subject to a duty of 25 per cent ad valorem," would so completely change the nature of the proposition under discussion that it would not be germane. I will call the gentleman's attention to two decisions.

Mr. MANN. I would rather have the gentleman's opinion than the decision which he reads.

Mr. FITZGERALD. They were made by Republicans, and I have a higher regard for them now than I have had at times in the past.

Mr. MANN. You can take decisions and read them in any way you want to. The gentleman's opinion would have weight with me if he is prepared to say it is his real opinion. I would like to inquire of the gentleman in what respect, under the gentleman's proposition, can this bill be amended?

Mr. FITZGERALD. I would not like to suggest an amendment to the gentleman from Illinois, because I hope we will complete the consideration of this bill some time to-day.

Mr. MANN. Does the gentleman think there will not be a to-morrow, and that it is not possible to consider a great bill on two days? Is there such great haste about it, after having empty benches for two weeks, that the House can not consider it when there are Members present? Is that side of the House afraid to discuss this bill when we have Members here in the Hall of the House?

Mr. FITZGERALD. If the gentleman had thought that the arguments advanced by that side of the House would have had any appreciable effect upon Members here or the Members who should have been upon that side of the House, he could very easily have compelled a quorum to be present and listened to all of the speeches.

Mr. MANN. I have never been in favor of cruelty to animals or cruelty to human beings. [Laughter.]

Mr. FITZGERALD. Having listened to some speeches made on that side, I agree with the gentleman. [Laughter and applause.]

Mr. MANN. No doubt they seemed cruel to that side of the House because they told the truth, much to your chagrin.

Mr. FITZGERALD. The gentleman should not complain about no opportunity being given to consider amendments to this bill, for——

Mr. MANN. I am not complaining.

Mr. FITZGERALD (continuing). Certainly the gentleman has been tolerated to offer a number of these amendments after it has become apparent to him that under the rulings already made they could not be voted upon, and nobody has even objected to the gentleman under the pretense of discussing the question of order involved in discussing the merits of the proposition which he has advanced. And, considering the way that side of the House has operated during the past 16 years, it comes with poor grace from anyone on that side to suggest that this side of the House is exhibiting undue haste in the consideration of any of the legislation thus far offered to the House. [Applause on the Democratic side.] I think I have said now, Mr. Chairman, with those concluding words, all I care to say on the question of the appeal.

Mr. GARDNER of Massachusetts. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New York [Mr. FITZGERALD] yield to the gentleman from Massachusetts [Mr. GARDNER]?

Mr. FITZGERALD. I do.

Mr. GARDNER of Massachusetts. May I ask the gentleman whether, in his opinion, a proviso would be in order——

Mr. FITZGERALD. I will assume the position of the courts of the country, and until questions are presented to me I decline to express my opinion, because the Chair might not agree with an opinion expressed under the circumstances.

Mr. GARDNER of Massachusetts. Will the gentleman yield for a question, or will he not?

Mr. FITZGERALD. I will yield to the question, with the admonition that I have already made.

Mr. GARDNER of Massachusetts. I want to ask the gentleman whether in his opinion a proviso would be in order in the leather paragraph, for instance, to this effect——

Mr. FITZGERALD. To which paragraph?

Mr. GARDNER of Massachusetts. To the leather paragraph, in line 17 of page 2, to this effect:

Provided, That after October 1, 1912, a certain rate of duty should be charged on that leather.

Would that, in the gentleman's opinion, be in order?

Mr. FITZGERALD. I will answer the gentleman. No; it would not.

Mr. GARDNER of Massachusetts. Now, then, I call the attention of the gentleman to the fact that in the present law that is exactly the way free hides were arrived at.

Mr. FITZGERALD. Then that would be an additional reason for our not favoring it, regardless of its merits as a parliamentary question. There is nothing in the present tariff law that appeals to me. [Laughter and applause on the Democratic side.]

Mr. GARDNER of Massachusetts. Will the gentleman yield or not yield? [Laughter.]

Mr. FITZGERALD. The gentleman asked me a question.

Mr. UNDERWOOD. Mr. Chairman——

Mr. GARDNER of Massachusetts. I can not take the floor from the gentleman unless he yields.

Mr. FITZGERALD. I yield to the gentleman.

Mr. GARDNER of Massachusetts. I thought the gentleman had yielded the floor to me, and he can not take me from the floor and yield it to the gentleman from Alabama.

Mr. FITZGERALD. Instead of desiring to ask me a question merely, it seems the gentleman desires me to yield him the floor. Well, I yield the floor. [Laughter.]

Mr. UNDERWOOD. Mr. Chairman——

Mr. GARDNER of Massachusetts. Does the gentleman yield or not? [Laughter.]

SEVERAL MEMBERS. He yields.

Mr. GARDNER of Massachusetts. Now, Mr. Chairman, paragraph 450 of the tariff law is included in the dutiable list; but there is a proviso, to which no point of order was raised——

Mr. FITZGERALD. The gentleman will remember that that provision was not offered while the bill was under consideration in this House. My recollection is that it originated out of this House, and that nobody had any opportunity to make a point of order against it.

Mr. GARDNER of Massachusetts. Oh, I am not at all sure of that. [Laughter on the Democratic side.] Is the gentleman sure of his facts? Is the gentleman himself sure? [Laughter on the Republican side.]

Mr. FITZGERALD. I will say to the gentleman——

Mr. GARDNER of Massachusetts. Mr. Chairman, we are neither of us sure. But I called the gentleman's bluff. [Applause and laughter on the Republican side.]

Now, Mr. Chairman, however that may be, yet, to the best of my recollection—and I will ask the gentleman from New York [Mr. FITZGERALD] whether he is sure again—— [Laughter.]

Mr. FITZGERALD. To the best of my recollection that provision did not originate in the bill by amendment when it was under consideration in the House. I think my recollection on that will agree with the recollection of the gentleman from Massachusetts.

Mr. GARDNER of Massachusetts. I dislike to call the attention of the gentleman to the necessity of his addressing the Chair and asking me to yield. [Laughter.]

The CHAIRMAN. The Chair suggests that both gentlemen address themselves to the question under consideration. [Laughter.]

Mr. GARDNER of Massachusetts. I am addressing myself, Mr. Chairman, to the question of an appeal from the decision of the Chair on a point of order. When I shall have done that, I shall sit down.

The CHAIRMAN. The Chair does not understand that he has gone that far.

Mr. GARDNER of Massachusetts. The Chair called me to order for not speaking to the subject under consideration.

The CHAIRMAN. The Chair does not know whether he has spoken to the point or not, but the conversation between the gentleman from Massachusetts and the gentleman from New York did not refer to the question under consideration. [Laughter.]

Mr. GARDNER of Massachusetts. I am very sorry, Mr. Chairman, that I could not put any prophetic ideas into the mind of the Chair; but, to my mind, this has a very material bearing on the question of overruling the decision of the Chair.

The CHAIRMAN. The gentleman will proceed in order.

Mr. GARDNER of Massachusetts. Now, Mr. Chairman, under the present tariff law this very item of plows, tooth and disk harrows, and so forth, has an amendment to the effect that when foreign nations charge import duties on those articles we shall charge 15 per cent on similar articles imported into this country. Now, a good many years ago, I think during the passage of the Dingley bill, was it not——

Mr. RUSSELL. It was not. [Laughter.]

Mr. GARDNER of Massachusetts. That proviso was offered on the floor of the House or on the floor of the Senate at the very time that the Dingley law was passed, and, in default of either body holding it out of order at that time, it clearly would not be proper to hold out of order a precisely analogous provision at the present time.

Mr. SHERLEY. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Kentucky?

Mr. GARDNER of Massachusetts. Mr. Chairman, I yield to the gentleman from Kentucky.

Mr. SHERLEY. Does the gentleman think that a particular tariff bill, dealing with one subject, is open to the same parliamentary rule as a general tariff bill?

Mr. FITZGERALD. Mr. Chairman——

Mr. GARDNER of Massachusetts. Mr. Chairman, that can not——

Mr. FITZGERALD. Will the gentleman yield?

Mr. GARDNER of Massachusetts. Mr. Chairman, I would like to answer the gentleman from Kentucky first.

The CHAIRMAN. The gentleman declines to yield.

Mr. GARDNER of Massachusetts. I can not give any preferred yielding just at present. I am dealing with an ordinary yielding.

Mr. FITZGERALD. I wish to ask the gentleman a question.

Mr. GARDNER of Massachusetts. I am trying to answer the gentleman from Kentucky [Mr. SHERLEY]. The gentleman from Kentucky knows very well that it has been decided over and over again that you can not amend a particular proposition by general propositions or by adding other particular propositions. He is right so far; but he knows also that the rulings have been that when there has been a large group of particular propositions offered, then it is in order to amend by adding any proposition which is in its nature—the gentleman from Kentucky [Mr. SHERLEY] may shake his head when I have finished my statement—I repeat that it is in order to amend by adding another proposition properly relating to the particular proposition.

Mr. SHERLEY. The gentleman's qualification saves the day for him.

Mr. GARDNER of Massachusetts. The gentleman shook his head before I had a chance to state my qualification.

Mr. FITZGERALD. The gentleman has referred to the provision in the paragraph in reference to plows——

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from New York?

Mr. GARDNER of Massachusetts. I do not yield. I shall not even reserve the balance of my time.

Mr. FITZGERALD. Then, Mr. Chairman, I shall take the floor for the purpose of making a brief statement. Paragraph 476 of the present law is practically the same as the same numbered paragraph in the Dingley law respecting the fixing of the duty on plows and certain other agricultural implements; and that paragraph was not read in the House when either bill was under consideration, and nobody had an opportunity to raise a point of order to the proviso.

Mr. GARDNER of Massachusetts. I said either in the Senate or in the House. The gentleman is correct in his statement that it was not read in the House, but the Senate made a great number of amendments to the Wilson bill, which you adopted in one solid bunch.

Mr. FITZGERALD. The Senate rules have no application whatever in the House.

Mr. GARDNER of Massachusetts. The question of germaneness is the same in both.

Mr. FITZGERALD. Oh, no; if the gentleman had looked up the Senate rules lately, he might have saved himself from making the statement which he has just made.

Mr. GARDNER of Massachusetts. The only difference is that the Senate votes on the question of germaneness.

SEVERAL MEMBERS. Vote! Vote!

Mr. HINDS rose.

Mr. UNDERWOOD. Mr. Chairman, I do not like to move to close the debate and thereby cut off the gentleman from Maine [Mr. HINDS], but I will ask unanimous consent that the debate on this bill be closed in 10 minutes. The gentleman from Maine may have 5 minutes of that time.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the debate on this proposition close in 10 minutes, the gentleman from Maine [Mr. HINDS] to have 5 minutes of that time. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Maine [Mr. HINDS]. [Applause.]

Mr. HINDS. Mr. Chairman, the language of the rule of this House as to germane amendments is fairly clear. In addition to that, nearly 25 years ago that rule was construed by one of the greatest Chairmen and Speakers who ever sat in that chair, Mr. Carlisle, of Kentucky. He said:

> When, therefore, it is objected that a proposed amendment is not in order because it is not germane, the meaning of the objection is simply that the proposed amendment is a motion or proposition on a subject different from that under consideration.

That is the rule, as clearly defined in the language of that distinguished Chairman, as it is defined in the rule of the House.

Applying that test, what is the subject of this bill? The subject of this bill is that a certain enumerated list of articles shall be admitted free into the markets of the United States from all nations. That is the subject—free admission of those articles into the markets of the United States from all nations; and the amendment which the gentleman from Illinois [Mr. MANN] proposes is in effect simply this: The free admission of all these articles from all nations except Germany.

The amendment of the gentleman from Illinois merely puts into diplomatic form that exception. It is intended to except from the nations that shall be allowed free entry that one nation which excludes the potash used in fertilizers. Therefore, the exception is a part of the rule. The rule is the subject, and when you make an exception to the general rule, that exception must be germane, for it is a part of the same thing.

When you say in that bill that you admit these articles free from all nations, you put in the subject of free admission from all nations; and when you say all nations except a certain classification of nations, then you have merely put in an exception that applies to the same subject, or that belongs to the same subject, or, in the language of Mr. Carlisle, the proposed amendment is a motion or proposition on a subject the same as that under consideration. [Applause on the Republican side.]

Mr. HARDWICK. Mr. Chairman, if the gentleman will permit, if the gentleman is right that it would be in order and germane to except Germany, then why could we not except every nation on earth by name, one by one?

Mr. HINDS. Oh, I assume there are some things that you would not do.

Mr. HARDWICK. I am speaking of the parliamentary status.

Mr. HINDS. Parliamentarily, perhaps, you could.

Mr. HARDWICK. Could not we say except Germany and France and England, and how far could you go along that line?

Mr. HINDS. As far as common sense dictated.

Mr. HARDWICK. That is exactly what the Chairman is doing to-day.

Mr. UNDERWOOD. Mr. Chairman, I have a very vivid picture before me. Fourteen years ago the present Vice President of the United States was sitting in that chair. The distinguished gentleman from Maine [Mr. HINDS] was standing on his right hand, his chief advisor as to parliamentary law, and when Mr. Dockery, of Missouri, arose in this House, practically where I am standing to-day, and offered as his amendment to the Dingley bill that all articles that were made by a trust in this country should be put on the free list, and cited the decision that the distinguished gentleman from Maine has called to the attention of the Chair, by Mr. Carlisle, the Chairman of the Committee of the Whole House, Mr. SHERMAN, held it was out of order, in the decision that I read to the Chair this morning. [Applause in the Democratic side.]

Mr. HINDS. Mr. Chairman, may I call the attention of the gentleman from Alabama to the great distinction between these two cases. The Chairman did not then——

Mr. UNDERWOOD. I thought the gentleman tried to draw the distinction in his speech a moment ago, and I did not see it.

Mr. HINDS. Perhaps I might make the gentleman see it now.

Mr. UNDERWOOD. I will suggest to the gentleman that he had half of the time that was left for debate.

Mr. HINDS. Oh, as the gentleman was indulging in reminiscences which are the common treasure of both of us, I did not know but what I might participate in the memories. [Laughter on the Republican side.]

Mr. UNDERWOOD. Mr. Chairman, the decision of Mr. Carlisle that the gentleman from Maine has just referred to was called to the attention of the Chair 14 years ago, and the Chair in his decision distinctly said that that decision did not cover this case in point.

As I said, the distinguished gentleman from Maine was standing at that desk, the parliamentary adviser of the Chair at that time. What I say is this, that if it was not in order to change the Dingley bill by offering an amendment that put trust-made articles on the free list at that point, it is clearly not in order to change the substance of this bill, that is a free-list bill, by adding to it an amendment that under certain conditions would make it a tax-ridden bill. Therefore I think the decision of the Chair is not only clearly in order, but it is clearly within the precedents that have been established for many years by that side of the House. [Applause on the Democratic side.]

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. UNDERWOOD. Certainly.

Mr. MADDEN. Will the gentleman from Alabama define what a trust-made article is in contradistinction of the amendment offered by the gentleman from Illinois?

Mr. UNDERWOOD. Oh, well, to put any article on the free list would be the same thing.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the decision of the committee?

The question was taken, and the decision of the Chair stood as the judgment of the committee.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

> Amend, page 1, line 5, by inserting after the word "States" the following: "from a country, dependency, province, or other subdivision of government, being the product thereof, which does not impose any export duty, export license fee, or other export charge of any kind whatsoever upon, or which does not prohibit or restrict in any way the exportation of, news-print paper, wood pulp, or pulp wood."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that I made as to the other amendments, and for the same reason, and I make the further point of order——

The CHAIRMAN. The Chair is ready to rule. The point of order is sustained.

Mr. MANN. Mr. Chairman, I appeal from the decision of the Chair.

Mr. FITZGERALD. Mr. Chairman, I make the point of order that the appeal is dilatory.

Mr. MANN. Oh, it is not dilatory.

Mr. FITZGERALD. It is; the Chair has passed upon this question twice.

Mr. MANN. I do not care how the Chair rules on it.

Mr. FITZGERALD. I call the attention of the Chair to the fact that it is the same question.

Mr. MANN. Has the Chair ruled upon the point of order?

The CHAIRMAN. The Chair did not hear the point of order made by the gentleman from New York.

Mr. FITZGERALD. Mr. Chairman, I make the point of order that the appeal is dilatory. The committee has already passed on the same question and the Chair has sustained the point of order.

The CHAIRMAN. The point of order will be overruled. Does the gentleman from Illinois desire to be heard?

Mr. MANN. I do not desire to be heard.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the decision of the committee?

The question was taken, and the decision of the Chair was sustained.

Mr. HILL. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Connecticut offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 1, at the end of line 5, add the following:

"*Provided*, That the exemption from duty on the articles named in the following paragraphs shall constitute the minimum tariff of the United States thereon, and that the rates of duty prescribed upon said articles in an act entitled 'An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes,' approved August 5, 1909, shall constitute the maximum tariff of the United States upon said articles; and whenever after the passage of this act, and so long thereafter as the President shall be satisfied, in view of the character of the concessions granted by the minimum rates herein provided, that the government of any foreign country imposes no terms or restrictions, either in the way of tariff rates or provisions, trade or other regulations, charges, exactions, or in any other manner, directly or indirectly, upon the importation into or the sale in such foreign country of any agricultural, manufactured, or other product of the United States, which unduly discriminate against the United States or the products thereof, and that such foreign country pays no export bounty or imposes no export duty or prohibition upon the exportation of any article to the United States which unduly discriminates against the United States or the products thereof, and that such foreign country accords to the agricultural, manufactured, or other products of the United States treatment which is reciprocal and equivalent, thereupon and thereafter, upon proclamation to this effect by the President of the United States, all of the articles named in the following paragraphs when imported into the United States, or any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), from such foreign country shall be admitted under the terms of the minimum tariff of the United States as prescribed herein. The proclamation issued by the President under the authority hereby conferred and the application of the minimum tariff thereupon may, in accordance with the facts as found by the President, extend to the whole of any foreign country, or may be confined to or exclude from its effect any dependency, colony, or other political subdivision having authority to adopt and enforce tariff legislation, or to impose restrictions or regulations, or to grant concessions upon the exportation or importation of articles which are or may be imported into the United States. Whenever the President shall be satisfied that the conditions which led to the issuance of the proclamation hereinbefore authorized no longer exist, he shall issue a proclamation to this effect, and 90 days thereafter the provisions of the maximum tariff herein prescribed shall be applied to the importation of articles from such country. Whenever the provisions of the maximum tariff herein prescribed of the United States shall be applicable to articles imported from any foreign country, they shall be applicable to the products of such country, whether imported directly from the country of production or otherwise."

During the reading of the above,

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that this is out of order, on the same grounds I made before.

Mr. HILL. Mr. Chairman, I will not ask for the further reading of the amendment; but I am offering the amendment in good faith. I will ask unanimous consent that the amendment, without further reading, may be printed in the RECORD as part of my remarks.

Mr. UNDERWOOD. I have no objection.

Mr. HILL. And then I want to be heard on the point of order.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent that the proposed amendment may be printed, without being further read, as a part of his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. HILL. Now, Mr. Chairman, I wish to be heard on the point of order. As I drew this amendment, Mr. Chairman, originally, I had in it the proposition against which the Chair has ruled, providing that importations coming from countries which laid a duty upon like importations from this country should be dutiable. I have stricken it out, without regard to whether I consider the decision of the Chair correct or not. I have stricken it out in deference to his decision, and the amendment as it now stands, Mr. Chairman, bears practically on only one point. If you will look at the bill you will find it is to go into effect on and after the day following its passage. It is certainly in order to amend the bill providing when the bill shall take effect, and the amendment which I propose provides it shall not go into effect until the President has issued his proclamation, providing that certain countries have not made discriminations against exports from this country into those countries on agricultural and other products.

It is solely a question of time. Now, I submit, not to your parliamentary knowledge, but to your common sense, the proposition whether an amendment here providing that this bill shall not go into effect until a certain date would not be in order—for example, that the bill shall not go into effect until the 8th day of May, 1913, or that it shall not go into effect for six months. This proposition is that it shall not go into effect until certain facts have been ascertained by the President. It does not change an item in the bill; it does not cover anything except what is mentioned in the bill; it does not provide any higher duties than those that now exist; but it does provide that your free list just as you have got it shall go into effect, not on the date provided in this bill, but on another date, to be determined by the President of the United States after he has ascertained certain facts. If that is not germane, if it does not fit this particular proposition, purely a question of time, then no amendment can be offered to this measure.

Mr. HENRY of Texas. Will the gentleman yield for a question?

Mr. HILL. Certainly.

Mr. HENRY of Texas. Suppose the President never ascertains those facts and never issues a proclamation?

Mr. HILL. Then it would never go into effect.

Mr. HENRY of Texas. The bill would not go into effect?

Mr. HILL. The bill would not go into effect.

Mr. HENRY of Texas. And you absolutely defeat it by an amendment, and change the object of the bill?

Mr. HILL. Absolutely. If you suppose such a condition of things as that is possible, then you ought to vote against it.

Mr. HENRY of Texas. That admission makes it very clear your amendment is not in order. [Applause on the Democratic side.]

Mr. HILL. Not at all. It is offered in absolute good faith. I want to say, furthermore, that I have prepared 10 or a dozen amendments to this bill, every one of them absolutely in good faith, in order to perfect it. If this amendment is not germane none of them is. That amendment is just as germane to this bill as the maximum and minimum provision is to the Payne tariff bill, and, as I have drawn it, it leaves it now simply a question of time as to when it shall go into effect; and have we not a right to amend that? Have we not perfect power, Mr. Chairman, to do that? You say this bill shall go into effect on and after its passage. I say this, that it shall go into effect, not on and after its passage, but when the President shall have ascertained certain facts he shall issue his proclamation and the bill shall go into effect then, and not until then.

Mr. HENRY of Texas. Now, in answer to the gentleman, you might make it take effect at a certain time, but when you couple with it provisions that make it impossible to ever become operative then your amendment is not germane.

Mr. HILL. The gentleman's question impugns the good faith of any administration.

Mr. HENRY of Texas. Oh, no; I do not impugn the good faith, but say if the gentleman's other amendments are not more germane than this he would better offer them all now, and we will vote them all down at once.

Mr. HILL. Will the gentleman hold that an amendment offered substituting for "on the day after the passage of this act" the words "the 1st day of January, 1912," would be in order?

Mr. HENRY of Texas. I think it would as to time, but where you couple with it conditions making it impossible for it ever to take effect, that is another question.

Mr. HILL. The question of whether it is impossible or not has nothing to do with the case.

Mr. NORRIS. Will the gentleman yield, so that I may ask the gentleman from Texas [Mr. HENRY] a question?

Mr. HILL. I will.

Mr. NORRIS. The gentleman from Texas has based his objection to the amendment offered by the gentleman from Connecticut on the ground that it is impractical and will not go into effect, because he thinks the President would not do what the amendment contemplates.

Mr. HENRY of Texas. That is only one of the conditions.

Mr. NORRIS. I want to ask the gentleman if that has anything to do with the determination of the parliamentary situation? Suppose his amendment provided that, instead of the day following the passage of this act, as stated in the bill, it should not go into effect for 100 years after the passage of the act. Now, that would be impracticable, but would it not be in order as a parliamentary proposition?

Mr. HENRY of Texas. I would say to the gentleman, no; that would be absurd and nonsensical, and it would not be enter-

tained for a minute, because it would defeat the purpose and effect of the bill.

Mr. NORRIS. I admit that it would be a good reason for voting against the amendment, but it would not be any reason why the Chair should hold it out of order.

Mr. HILL. Just one moment, in answer to the question of the gentleman from Texas——

Mr. NORRIS. I wanted to ask him another question.

Mr. HILL. In answer to the question of the gentleman from Texas I will answer it from the terms of the amendment, which I will not read, as to when it will go into effect and how.

Mr. HENRY of Texas. I heard a part of it, but not all of it.

Mr. HILL. Upon proclamation by the President of the United States to this effect—

that all the articles named in the following paragraphs, when imported into the United States or any of its possessions, except the Philippine Islands and the islands of Guam and Tutuila, from such foreign countries shall be admitted under the terms of the minimum tariff of the United States, as prescribed herein.

I am not offering this amendment to embarrass you. I want this amendment incorporated in order to put this bill in such a shape that we can get a lever under some of these countries that are not dealing fairly with us [applause on the Republican side], and in order that we shall get from them some consideration for what we propose to give them.

Mr. HENRY of Texas. Let me say to the gentleman that he is not embarrassing us at all, because, as this session progresses, we shall give the people all the relief to which they are entitled in the direction referred to by the gentleman. [Applause on the Democratic side.]

Mr. HILL. Mr. Chairman, I am not talking politics at all. I want to see good legislation enacted. If this bill is to go into effect, I want to see it go into effect in such a way as will do us some good, and I can not understand how an amendment of this kind, which relates simply and solely to the time of its going into effect and to the manner of its going into effect—an amendment that provides for and practically indorses your free list—should not be considered germane and in order.

Mr. HENRY of Texas. I am afraid the good legislation which the gentleman refers to would be too sectional, and not extend throughout the country, and therefore believe that the gentleman's amendment would change the object of this whole law, and prefer to stand on it as it is.

Mr. NORRIS. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Connecticut yield to the gentleman from Nebraska?

Mr. HILL. I yield to the gentleman from Nebraska.

Mr. NORRIS. Mr. Chairman, I ask recognition in my own right. I want to call the attention of the gentleman from Texas [Mr. HENRY] and other Members of the House to the fact that his objections to this amendment and his reasons for calling it out of order have no basis whatever in reason or in logic. He says it will defeat the purposes of the bill. Of course the amendment offered by the gentleman from Connecticut will not defeat the purposes of the bill, but even if it is does change it, it is not out of order as a parliamentary proposition. There is a difference, and the gentleman ought to be able to see it, between voting against an amendment because he does not favor it and holding out of order one which he does not favor. He says it would defeat the object of the bill. Suppose the amendment were offered here to strike out the enacting clause of the bill. Would the gentleman hold that that was out of order? Yet the effect of it would be to defeat the bill.

He says an amendment that would change the date on which the bill shall go into effect would be out of order if it defeated the purpose of it. Instead of having it go into effect the next day after it is passed, as the bill provides, suppose I offered an amendment here to the effect that it should go into effect on the second day after. Would that be in order? I will ask the gentleman from Texas, Would it not be in order to say it should go into effect on the second day instead of the first day after its passage?

Mr. HENRY of Texas. I think that would be in order.

Mr. NORRIS. But suppose the amendment provided that it should go into effect the next year. Would that be in order? Where do you draw the line?

Mr. HENRY of Texas. One might offer an amendment providing that the bill should go into effect next day or next year, and in either case the bill would still become effective. It would be a reasonable amendment. But when you say it shall not go into effect until a hundred years from now you defeat the object and purpose of it and change the trend and effect of the legislation.

Mr. NORRIS. Ah, the gentleman draws a line. It must follow, as a matter of parliamentary law, that the Chairman has no right to draw that line, and we can use our judgment when we vote on the amendment.

Mr. SHERLEY. I want to suggest to the gentleman this idea, which seems to have been forgotten by him and each Member on that side of the House in discussing the proposition:

Broadly speaking, the general rule of parliamentary law is that the chair has nothing to do with the substance, but must look only to form. The gentleman, of course, will concede that.

Mr. NORRIS. Yes.

Mr. SHERLEY. But this proposition is unquestionably true, that when you have raised the question of germaneness, by the very virtue of the point of order you do require a consideration not only of form, but of substance, to the extent of seeing whether it is germane or not, and that must be so. Now, if the gentleman will permit me further, the vice of the gentleman's proposition is this: Manifestly it would be in order to change the pure question of time as to when an act shall take effect.

Mr. NORRIS. Let me ask the gentleman right there——

Mr. SHERLEY. Yes.

Mr. NORRIS. Would it be in order as a parliamentary proposition to provide that it shall not go into effect for three years after it is passed?

Mr. SHERLEY. I think so.

Mr. NORRIS. Would it be in order to provide that it shall not go into effect for 10 years?

Mr. SHERLEY. I think so.

Mr. NORRIS. Then, the gentleman from Kentucky [Mr. SHERLEY] and the gentleman from Texas [Mr. HENRY] will have to settle their dispute. If that be true, let me ask the gentleman, would it not be in order to provide that it should not go into effect until after some investigation had been made, like that provided for here, to be made by the President?

Mr. SHERLEY. Now the gentleman comes to the real proposition that I would have come to if he had let me finish my idea. Unquestionably it is in order to put a limitation of time purely, but whenever you make that limitation of time conditioned upon a fact precedent, that changes the entire character of the bill. Then under the rule of germaneness it is not in order. [Applause on the Democratic side.]

Mr. NORRIS. The gentleman's abstract proposition is correct; and if we had an amendment here the effect of which would, for instance, provide for a crime—for stealing a horse, for robbing a bank, or for something of that kind—his objection would be good; but this amendment does not do any of those things. Neither do any of these amendments that have been offered do any of those things. It is the common practice of parliamentary procedure to provide that a bill shall not go into effect—as, for instance, in the reciprocity bill, that it shall go into effect when Canada shall provide for the enforcement of some particular law.

Mr. SHERLEY. Will the gentleman yield?

Mr. NORRIS. This amendment proposes that this shall go into effect when the President shall have done certain things. I am not arguing whether the amendment is a good one or not. That is not the proposition here. The entire argument that has been made, at least by the gentleman from Texas [Mr. HENRY], the chairman of the great Committee on Rules, is that it ought to be held out of order by the Chairman, because the amendment in fact is something that you ought to vote against. Now I will yield to the gentleman from Kentucky.

Mr. SHERLEY. The gentleman has used an illustration which I think will clarify the matter very much, namely, the reciprocity bill. Does the gentleman think it would have been in order on the reciprocity bill to provide that that bill should not go into effect until a similar reciprocity treaty had been made with all the nations of the earth?

Mr. NORRIS. Yes.

Mr. MANN. Oh, that is quite a different case entirely.

Mr. SHERLEY. The very effect of that would be to change the reciprocity bill into a general tariff bill.

Mr. NORRIS. All right. While I believe that is true, it does not apply here at all. It has no application to this particular bill that we are considering, or to this particular amendment, because this seeks to do nothing of that kind.

Mr. MANN. This deals with all the nations of the earth, and the reciprocity bill does not.

Mr. NORRIS. The gentleman's illustration has no application.

Mr. HENRY of Texas. Mr. Chairman, will the gentleman yield?

Mr. NORRIS. Yes.

Mr. HENRY of Texas. The gentleman misapprehended me if he thought I said this amendment ought to be held out of

order because we ought to vote against it. I did not say that. I said it ought to be held out of order because it changed the purposes of this bill.

Mr. NORRIS. And the gentleman said if we offered an amendment that it would not go into effect this year—that ought to be held out of order.

Mr. HENRY of Texas. Yes——

Mr. NORRIS. Well, I submit the gentleman's idea and respectfully call it to the attention of the gentleman from Kentucky [Mr. SHERLEY] and they can decide it between them. Now, I want to say that I have no other object than to pursue parliamentary tactics here that shall not in the future come home to bother any of us. I have no political or partisan feeling in this matter, but I want to call attention to the fact that you can not afford, regardless of what the political exigencies of the moment may appear to be, to hold out of order amendments of this kind that any man knows, if he will exercise his ordinary common sense and good judgment and dismiss his prejudices, are in order; and they ought to be met squarely and fairly. [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Chairman, I desire to say only a few words, so that the RECORD can show clearly the parliamentary situation as to this amendment as I see it. The present tariff laws have a first section that relates to these articles that are taxed and another section that relates to the free list.

Mr. MANN. Oh, the gentleman is mistaken; it is all in one section.

Mr. UNDERWOOD. I am not talking about this bill.

Mr. MANN. And I am talking about the Payne tariff law.

Mr. UNDERWOOD. Well, call it a paragraph.

Mr. MANN. I did not help make up the bill, as the gentleman did, but I am aware of that fact.

Mr. UNDERWOOD. I am talking about a paragraph, if not a section—and another section or paragraph that contains the administrative features of the bill. In those administrative features of the bill it provides for a minimum and maximum tariff rate on all dutiable articles imported into this country, the minimum tariff rate to be the present law and the maximum tariff rate to be 25 per cent more than the present law. The gentleman's amendment does not change the date when this shall go into effect. The gentleman's amendment takes the articles enumerated in this bill and creates a new maximum and minimum tariff law in reference to these particular articles. It has nothing to do with the date. It is absurd to claim that it merely changes the date. The gentleman from Connecticut [Mr. HILL] knows better than that, if some other gentlemen do not. I changes the substance of the law; it reenacts a new maximum and minimum tariff law in this country so far as these articles are concerned, and says that this free list shall be the minimum rate and the Payne tariff law the maximum rate.

Now, if the Chair was right in holding in accordance with this decision of the Chairman, Mr. SHERMAN, 14 years ago, that it was not in order to take an article off the dutiable list and put it on the free list, it is certainly not in order for this amendment to take it from the free list and reenact, so far as these articles are concerned, a new maximum and minimum tariff law for the United States.

Mr. HILL. Mr. Chairman, we have certain articles in the *Payne bill* on the dutiable list. The majority come in here and say that we want to put a certain number of those articles, giving the names of them, on the free list. There is the situation. You can say what you please in order to mystify it. You want to put upon the free list 20 or more articles that are now on the dutiable list. I come in with an amendment and I say, Yes, when the President shall issue his proclamation, and so long as the conditions exist under which the proclamation is issued, your articles shall stay on the free list. If at any time in his judgment it is not for the welfare of the United States, and if other countries are treating us unfairly, he shall withdraw his proclamation, so that you stand with your free list in perpetuity, subject to fair and honest and honorable treatment by the other nations of the world, and we are entitled to that. It is simply a question not only of your free list going into effect now, but how long it shall be in operation. If you intend to say we are going to do it on and after the time of the passage of this bill and in no other way, and there shall be no amendment to the time when it is to go into operation, of course my amendment is out of order, and I am through offering amendments.

But if we have the privilege of offering amendments as to when it shall go into effect, we have the privilege of making one of the conditions the time of the issuance of the proclamation by the President of the United States.

Mr. BURKE of Pennsylvania. Is not the objection raised by the gentleman from Texas disposed of by this fact, that the gentleman from Connecticut acts under the same presumption in offering this amendment that the gentleman from Alabama does in presenting the bill, and that is that the President of the United States will perform his duty?

Mr. HILL. Of course; and I would assume that of any President—Republican, Democrat, or Socialist.

Mr. BURKE of Pennsylvania. In other words, if the amendment offered by the gentleman is adopted, its going into effect will depend upon the act of the President. If the bill offered by the gentleman from Alabama is passed by this House, its becoming a law will depend also upon the act of the President in attaching his signature to it. In both cases a presidential act is essential before the law becomes effective.

Mr. HILL. Why, of course.

The CHAIRMAN. The gentleman will send up his amendment. The Chair is ready to rule on the pending amendment. The Chair does not hold and would not hold that an amendment providing that this bill should not go into effect for one year or any number of years would not be in order. That is not this amendment. It does not purport to be the purpose of the amendment, but the amendment, in the opinion of the Chair, completely changes the scope and purpose of the bill in its substance, and is not germane, and, for the reasons already stated, the point of order is sustained.

Mr. MARTIN of South Dakota. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by inserting, after the word "articles," in line 4, page 1, "the growth, product, or manufacture of the Dominion of Canada."

Mr. UNDERWOOD. Mr. Chairman, I make the same point of order I made against the other amendments.

The CHAIRMAN. The point of order is sustained. [Applause.]

Mr. OLMSTED. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, line 5, after the word "States" insert:
"*Provided*, That boots and shoes shall be exempt from duty only when imported from a country which admits free of duty boots and shoes of American manufacture."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order for the same reason that it is similar to the amendments offered by the gentleman from Illinois.

Mr. OLMSTED. Mr. Chairman, I wish to say just one word. I have offered this amendment in perfect good faith. Germany, France, and certain other countries impose a duty of 30 per cent on American boots and shoes, and it seems to me in order, Mr. Chairman, to add to this bill a provision that we should admit free of duty only boots and shoes from those countries, and there are one or two, which admit boots and shoes of our manufacture free of duty. Now, of course, if the point of order is sustained it will prevent the House or this Committee of the Whole House from voting upon this amendment and will prevent discussion of its merits. I had hoped that the gentleman from Alabama would not insist upon making his point of order. If he does, in view of the rulings already made, it is useless to consume time upon the discussion. I do not agree that the rulings already made have been correct, but of course they will be followed. I hope the gentleman from Alabama will permit a vote to be taken upon this amendment which is so important to the boot and shoe industry of the United States, and to that end will not insist upon his point of order. I should like to discuss the amendment upon its merits, if the point is withdrawn.

Mr. UNDERWOOD. Mr. Chairman, I must insist upon the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. WEEKS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, line 5:
"*Provided*, That in the absence of any special agreement between the United States and any other country, when the Tariff Board, or its legally designated successors, determines that the labor cost of producing any article mentioned in this bill is less in any foreign country than in the United States, a duty shall be imposed equal to such difference when any such article is imported into the United States."

Mr. UNDERWOOD. Mr. Chairman, I make the same point of order.

The CHAIRMAN. The point of order is sustained. [Applause on the Democratic side.]

Mr. NORRIS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of line 5, page 1, add "from any other nation."

Mr. UNDERWOOD. I make the point of order against that.

Mr. NORRIS. Mr. Chairman, I would like to be heard briefly on that point of order. The other amendments have been in effect held to be out of order because they changed the bill. Now, this amendment does not change the bill a particle. It does not add anything to it; it does not take anything away from it; its legal effect would be absolutely the same if it were adopted as it would be if it were not adopted; and it seems if all amendments are out of order because they change the bill, we, at least, might prepare one that would be in order because it does not change the bill. [Applause on the Republican side.]

The CHAIRMAN. The point of order in this instance is overruled.

Mr. MANN. Mr. Chairman, I desire to offer an amendment to the amendment.

Mr. UNDERWOOD. Mr. Chairman, if the gentleman offers an amendment, I——

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] offers an amendment to the amendment.

Mr. MANN. I offer an amendment by inserting at the end of the amendment which is proposed the following, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Add after the amendment proposed:
"Being the product thereof, which imposes no tax or duty or restriction, by way of regulation or otherwise, upon the importation from the United States of live cattle, meats of all kinds, fresh, dried, smoked, salted, in brine, canned, or prepared or preserved in any manner."

Mr. NORRIS. I accept the amendment, Mr. Chairman. [Laughter.]

Mr. UNDERWOOD. Mr. Chairman, I make the point of order against the amendment offered by the gentleman from Illinois to the amendment that is pending.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. Does the Chair decline to hear me on the point of order.

The CHAIRMAN. The Chair does not care to hear the gentleman.

Mr. MANN. Very briefly? It is impossible to hear the Chair at this point on the floor.

The CHAIRMAN. The Chair will state that he is doing his best to keep order, but can not do so all the time.

Mr. MANN. Does the Chair decline to hear me on the point of order?

The CHAIRMAN. Yes, sir.

Mr. OLMSTED. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

Mr. MANN. Mr. Chairman, I appeal from the decision of the Chair sustaining the point of order.

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that the appeal comes too late.

Mr. MANN. Oh, no; it does not come too late.

Mr. OLMSTED. Mr. Chairman, I withhold my amendment. It seems there is one already pending. I had forgotten that the amendment offered by the gentleman from Nebraska [Mr. NORRIS] is still pending.

The CHAIRMAN. The gentleman from Pennsylvania asks leave to withdraw his amendment.

Mr. MANN. Mr. Chairman, I appeal from the decision of the Chair.

Mr. UNDERWOOD. I ask for a vote on the pending amendment. I move that all debate on the pending amendment be now closed.

The CHAIRMAN. There is an appeal pending.

Mr. UNDERWOOD. I made the point of order that the appeal was too late. Has the Chair ruled on that? The gentleman from Illinois [Mr. MANN] was in his seat, and the gentleman from Pennsylvania [Mr. OLMSTED] rose and offered an amendment. He yielded the floor, and some time after the Chair had ruled.

Mr. KENDALL. There was some dilatoriness arising, I think, from the fact that the gentlemen could not hear the Chair.

The CHAIRMAN. It is true that the gentleman from Nebraska [Mr. NORRIS] had offered his amendment, and the gentleman from Illinois had offered an amendment to the amendment, and the gentleman from Alabama made the point of order against the amendment, which was sustained by the Chair. The Chair then recognized the gentleman from Pennsylvania [Mr. OLMSTED] to offer an amendment, but there was great confusion in the Hall. The Chair has no disposition to cut off an appeal from a ruling of the Chair, so, holding the amendment offered by the gentleman from Illinois [Mr. MANN] as not in order, yet if he insists on his appeal the Chair will put it.

Mr. MANN. Mr. Chairman, I appeal. I wish to be heard for a moment on it.

The gentleman from Nebraska [Mr. NORRIS] offered an amendment providing for imports coming into the United States from all foreign nations. Now, it has always been the rule as parliamentary law that it was within the power of the legislative body to make a limitation or exception from the general rule laid down; that where the proposition is to admit products coming from all foreign nations, that embraces products coming from less than all foreign nations, and it is within the power of the legislative body to limit by taking the lesser number rather than the whole number. If you propose a proposition providing for a hundred things, it is within the power of the legislative body to take a lesser number by amendment.

While I think that this proposition demonstrates the absurdity of holding that the other amendments were not in order, yet the Chair having now held that the amendment of the gentleman from Nebraska is in order, I do not see how it is possible to escape the conclusion that my amendment to his amendment is also in order. [Applause on the Republican side.]

He proposes to admit products from all foreign nations. I propose to admit products from all foreign nations which do so and so. The greater includes the lesser. The proposition offered by the gentleman from Nebraska includes the amendment which I have offered, and we have the right to put it in the form of an amendment so that we take in a less number than is proposed by the original amendment.

Every principle of parliamentary law, every decision which has ever been made prior to to-day, holds that that amendment and that proposition is in order when it is presented. If the Chair had followed the ruling that he had already made, he would have ruled out the amendment offered by the gentleman from Nebraska. But having admitted it, it is subject also to germane amendments.

Mr. UNDERWOOD. Mr. Chairman, I merely have this to say: It has been repeatedly held—held so often that it is not necessary to cite the precedents to the House—that where an amendment is offered to a germane amendment but which is not germane to the original paragraph it is not in order.

Now, the Chair has held, and the committee had already held, that the amendment that the gentleman from Illinois now offers was not germane to the original paragraph of the bill, and to offer it to an amendment that is held to be in order still makes valid the point that it is not germane to the amendment—just as valid as if it were made to the paragraph.

Mr. MANN. There has been no debate on that.

Mr. NORRIS. I would like to be heard briefly on that.

Mr. UNDERWOOD. Mr. Chairman, I move that all debate on the appeal be closed in five minutes. I make it five minutes, and yield that time to the gentleman from Nebraska [Mr. NORRIS].

The CHAIRMAN. The gentleman from Alabama moves that all debate upon the appeal be closed in five minutes. The question is on agreeing to that motion.

The motion was agreed to.

Mr. NORRIS. Mr. Chairman, I do not think I shall consume all that time, even, but I would like to call the attention of the Chair and the attention of the committee to the particular words that are included and that constitute the amendment which I offered. It adds in line 5, after the end of the line, these words: "From any other nation."

Now, assuming that that amendment is in order—it has been so held by the Chair, and no appeal has been taken, and that much is determined. The amendment is therefore in order. Suppose, now, when I had offered that amendment I had said instead, "from any other nation except Great Britain." Would that exception have made any difference in the parliamentary situation? Or suppose I had said, "from any other nation except those which are at war with us." That would not have made any difference with the parliamentary situation.

Suppose I had added, "from any other nation except those that are now putting an export tax upon certain commodities." That would not have made any difference with the parliamentary situation, although I confess each one of them might make

a difference as to whether we would vote for or against the amendment.

Suppose I had said, "From any other nation except those that refused to admit certain articles from our country free," or had made any other exceptions. Is there anyone who would say that from a parliamentary standpoint, from a legal standpoint, it would make any difference with the amendment? Now, the amendment offered by the gentleman from Illinois [Mr. MANN] simply puts a limitation on the amendment that I have offered. It is no more than as though to an appropriation bill appropriating $50,000 he had offered an amendment making it $25,000, or than if he had put a limitation on it that the $50,000 should not be expended until certain conditions had been complied with. It is a proposition that has been up in this House at least ever since I have been a Member of it, and without any exception it has always been held by all chairmen who have ever presided in Committee of the Whole House on the state of the Union that such amendments were in order. [Applause on the Republican side.] Why, gentlemen, you do not have to be parliamentarians in order to determine this. You only have to exercise ordinary common horse sense in order to be able to see clearly that this limitation, proposed by the amendment of the gentleman from Illinois, to this amendment that has been held to be in order makes no difference as far as the parliamentary situation is concerned; and if we will follow our ordinary idea of fairness and justice and throw aside all other feeling there can be but one holding, and that is that this amendment, offered by the gentleman from Illinois [Mr. MANN] to the amendment offered by myself, is absolutely in order under every precedent and every rule of law, equity, and common sense. [Applause on the Republican side.]

The CHAIRMAN. The Chair desires to make a suggestion to the gentleman from Nebraska. His amendment, in effect, amounted to nothing. [Applause on the Democratic side.]

Mr. NORRIS. That is what I said; but it seemed to be a pretty good thing to hang something on that did amount to something.

The CHAIRMAN. It does not change the text of the bill at all. The paragraph applies to all nations without that amendment.

Mr. MANN. It does change the text of the bill but not the meaning of it.

The CHAIRMAN. It does not change the meaning of the bill.

Mr. MANN. The Chair said it did not change the text of the bill. It does change the text of the bill.

The CHAIRMAN. It simply makes that certain which was clearly implied before. Now, to contend that an amendment which is not germane may be offered as an amendment to one which is germane, the Chair wishes to say to the gentleman from Nebraska, with all respect, has never been held by any parliamentarian within the knowledge of the Chair. [Applause on the Democratic side.]

Mr. HILL. I wish to ask whether the amendment of the gentleman from Nebraska does not change the bill in this respect——

The CHAIRMAN. Debate is closed.

Mr. HILL. I wish simply to ask, does it not change the bill in this sense, that in the gentleman's bill importations will be into the United States from all nations? Now, under the gentleman's amendment, would it not affect Porto Rico, the Philippine Islands, and Hawaii?

Mr. UNDERWOOD. Mr. Chairman, I do not care to discuss that proposition. Debate is closed, and I ask for a vote.

The CHAIRMAN. Debate is closed. The question is, Shall the decision of the Chair stand as the decision of the committee?

The question being taken, the decision of the Chair was sustained.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska [Mr. NORRIS].

The question being taken, the amendment was rejected.

Mr. OLMSTED. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Page 1, line 3, after the word "the," strike out "day following the passage of this act," and insert in lieu thereof "1st day of January, A. D. 1925."

Mr. UNDERWOOD. Does the gentleman desire to discuss the amendment?

Mr. OLMSTED. No; it is perfectly plain.

Mr. UNDERWOOD. Let us vote, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED].

The question being taken, the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by inserting, after line 5, page 1, as a new paragraph the following:

"Unpolished, cylinder, crown, and common window glass, not exceeding 150 square inches, not specially provided for by law."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that the amendment is not germane to the bill.

Mr. MANN. Mr. Chairman, I desire to be heard on the point of order. I would like to hear the gentleman from Alabama first.

Mr. UNDERWOOD. Mr. Chairman, I think it is so apparent that it is not germane to the bill that I will be glad to hear the gentleman explain how it is.

The CHAIRMAN. The Chair will hear the gentleman from Illinois.

Mr. MANN. Mr. Chairman, the amendment which I have offered proposes to put window glass of the size 10 by 15, such as is used very largely in farmers' windows, upon the free list. The title of this bill is to place on the free list agricultural implements, cotton bagging, cotton ties, leather, boots and shoes, fence wire, meats, cereals, flour, bread, timber, lumber, sewing machines, salt, and other articles. The title of the bill would cover window glass—farmers' window glass. This bill has been frequently denominated the farmers' free-list bill. I have proposed an amendment to put farmers' window glass on the free list. It is covered by the title of the bill.

Now, will it be said that no item can be added to this free-list bill except the ones which have been incorporated in it by a Democratic caucus? Is there nothing that can be added to the bill? As a parliamentary proposition, are the gentlemen on that side of the House so afraid to vote upon amendments that they propose to violate every principle of parliamentary law as it has been enunciated hundreds of times by chairmen in that chair? What is the distinction in the bill between plows on the free list and window glass on the free list? If the bill had said to put on window glass and not plows, would it be in order to name plows on the free list? This bill does not undertake to name every item not in the title. The gentleman has a proposition on the bill to put on all other agricultural implements of any kind and description in general language. Will it be said that in an ordinary tariff bill you can not add new items to the bill? Is the Chair prepared to hold that in a free-list bill other articles can not be mentioned and provided for in the bill? Have we reached that point in parliamentary control in the House that this House is powerless to add any item to the bill? The Chair ruled a moment ago that we could not add an amendment, because it would restore some of these items to the dutiable list. Is the Chair now prepared to rule that you can not add any item to this bill because it will take an item away from the dutiable list? Have we neither the power to add to the bill nor take from the bill? What is the object in meeting? Why not let the Chair pass the bill after the gentleman from Alabama has presented it to the House. [Applause on the Republican side.]

Now, farmer's window glass is just as necessary for the farmer as cotton gins or horserakes. It may be in some parts of the country they do not need window glass so much as they do in other parts; but in the great North and Northwest windows are necessary, and window glass is necessary for windows. This proposes to exempt from duty that kind of glass, size 10 by 15, which the farmers use, which the laborer uses, which goes into the cheaper homes, and provides that that shall go upon the free list.

Is it not in order to provide that we may put this character of article upon the free list? Is there no way by which Congress can do that? Here is a bill pending before us to put "other articles" upon the free list. "Other articles" includes any article which can be mentioned, and I insist that the House has the power, if it chooses to exercise it, to adopt the amendment and that it is not for the Chair to say this changes the substance or the character of the bill. The amendment which I have offered is germane to the bill. It is offered as a new paragraph. To say that an amendment to put another article on the free list is not germane to a free-list bill is to make yourself ridiculous in the eyes of the people. You have come into power by claiming that you wanted to have greater liberality in rules, and yet no Chairman during my 14 years of service in this House has ever ruled as you are now asking the present Chairman to rule. It is not akin to the case which has been cited, where it was held that under a tariff bill carrying a dutiable list and a free list it was not in order to insert in a dutiable list an item on the free list. That is a matter of

make-up of the bill. But no Chairman has ever held in any tariff bill that it was not in order, at the proper place, to put any item on the free list or any item upon the dutiable list. When the present Vice President of the United States, Mr. SHERMAN, was in the chair he did not rule that it was not in order when you reach the free list to add any item to the free list. He did not rule when you were on the dutiable list that you could not put any item on the dutiable list; he only ruled that when considering one of these lists, the dutiable or the free list, that that was not the proper place to insert an item relating to the other; and I insist that we have a right to have a fair—as I believe we will have—ruling from the Chair undeterred by terror of a Democratic caucus. [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Chairman, the gentleman from Illinois [Mr. CANNON] this morning cited Jefferson's Manual as to what was germane and what was admitted as germane to a bill pending before the House. Of course, under general parliamentary law the latitude of amendment is very much greater than it has been in this House for many years. From time to time the House has found it necessary in order to do business to hold down amendments in the House and in Committee of the Whole to the subject matter of the bill pending before the House or Committee of the Whole. We in the past for many years have seen bills brought into this House where the majority were unwilling to submit them to the consideration of the House for any amendment. When the Payne tariff bill, with all its many sections affecting the entire tax laws of the United States, was submitted to this House for consideration, the House was allowed to vote on five separate propositions by a special rule prohibited from an opportunity for amendment, and some of the gentlemen whom I see before me now sitting on that side of the House who have contended that they were progressives and who have stood for the right of the people to enact the law as their Representatives saw fit, are recorded in the records of this House in favor of voting for that rule that passed the Payne tariff bill with its 4,000 items [applause on the Democratic side] with only an opportunity to amend on five separate propositions. Now, since that time the President of the United States has said that he believed that it was wise to amend these tariff bills schedule by schedule, not to bring them all before the House en masse, but only to bring enough for the House to carefully consider and understand. Some of the progressive Senators at the other end of this Capitol have offered a joint rule to limit amendments to bills brought into the House to the particular subject matter brought before the House, and it is apparent why that is necessary. The House in the beginning found it necessary to appoint committees in order that they might properly and carefully consider the legislation necessary in the country before it was admitted to this House.

If you allow a bill to come before the House that has been considered by a committee and then leave it open to all kinds of amendments that have not been considered by the committee or digested at all, why you might as well abolish your Committee on Ways and Means and the other committees of the House and say that the House will legislate itself without the assistance of committees. Now, carrying out that idea, in conformity with that idea legislation coming before this House should first be considered by the committees of the House——

Mr. PAYNE. Mr. Chairman——

Mr. UNDERWOOD (continuing). And tariff legislation should only be considered that was germane to the bill pending——

Mr. PAYNE. May I ask the gentleman a question?

Mr. UNDERWOOD. Certainly.

Mr. PAYNE. Do I understand that this bill was ever considered by a committee? [Applause on the Republican side.]

Mr. MANN. Of the House.

Mr. UNDERWOOD. Well, coming from the source——

Mr. PAYNE. Never mind the source, answer the question if the gentleman can——

Mr. UNDERWOOD (continuing). A gentleman who has just been repudiated by the people of the United States on a bill that he claimed to have been considered is not in a position to ask as to whether this bill has been considered. [Applause on the Democratic side.]

Mr. PAYNE. If the gentleman will allow me, it is not on account of the bill—not at all on account of the bill, but because of the lies that were told about it.

Mr. UNDERWOOD. I am satisfied that the people of the United States thoroughly understood the gentleman's bill.

Mr. PAYNE. I am satisfied that even the gentleman from Alabama has not understood it, from his report on this very bill. [Applause on the Republican side.]

Mr. UNDERWOOD. Now, Mr. Chairman, in view of the position that we have taken, to amend the tariff laws by schedules and by separate bills, it was deemed necessary that we should bring in a rule that would limit the consideration of the bills we brought before this House to the subject matter contained in those bills. We therefore at the beginning of this Congress adopted this rule:

RULE XXI.

SEC. 3. No amendment shall be in order to any bill affecting revenue which is not germane to the subject matter in the bill.

Now, if language expresses anything, can it be more clear than that no amendment shall be in order which is not germane to the subject matter in the bill? Now, I admit that that is a change of the rules of this House, to some extent. It is certainly a change of the law that existed under the parliamentary procedure when Jefferson wrote his Manual. You can take the four corners of this bill—and it is a bill to put plows, agricultural implements, bagging and ties, leather, and boots and shoes, barbed wire and fencing, meats, flour, timber, sewing machines, and salt on the free list—and is there a single item or paragraph in the bill in which you can say that an amendment to put glass on the free list is germane to the subject matter in the bill? If you can relate it to any subject matter in the bill, I would like to see how you can do it.

Mr. DALZELL. Will the gentleman yield?

Mr. UNDERWOOD. I will.

Mr. DALZELL. The gentleman mentioned everything except the last three words of the title. What is the significance of "and other articles" at the end of what the gentleman saw fit to recite?

Mr. UNDERWOOD. That is merely the title to the bill. I did not write the title to it. I introduced the bill without the title and it was written by the Clerk.

Mr. DALZELL. The gentleman recited the title to the bill.

Mr. UNDERWOOD. I thought you meant the original. I did not recite the title to the bill.

Mr. DALZELL. The gentleman recited the title to the bill down to and including the word "salt."

Mr. UNDERWOOD. I must say to the gentleman from Pennsylvania that I was not reading from the title, that I was reading from the bill, and, as I said, the bill was introduced without the title, and he must refer to the clerks for the title.

Mr. LONGWORTH. Will the gentleman yield?

Mr. UNDERWOOD. I will.

Mr. LONGWORTH. This bill provides that all wire suitable for fencing shall be placed on the free list. In the gentleman's opinion, would not an amendment be in order putting all wire on the free list?

Mr. UNDERWOOD. I will discuss that when we reach that paragraph, if the gentleman desires to offer an amendment. I do not think an amendment to put glass on the free list is in order because there is wire in the bill.

Mr. LONGWORTH. But the gentleman will not say at this time that the amendment would not be in order?

Mr. UNDERWOOD. I will discuss the amendment when he offers it.

Mr. CANNON. Mr. Chairman, I have listened with much of interest to the leader of the majority in his remarks upon this point of order. He has had considerable latitude and, notwithstanding that latitude, from his standpoint his remarks evidently are germane to the point of order. Therefore I shall crave a little bit of latitude in replying to him touching this point of order.

Here is a House of Representatives consisting of 391 Members, representing 92,000,000 people—a House with plenary power to do whatever a majority desires to do. It organizes, it adopts rules, it appoints committees, one of the greatest of which, if not the greatest—it is the greatest when revenue legislation is pending—is the Committee on Ways and Means. That committee is supposed to have prepared a bill and from the calendar reports that bill to the House, where it is now pending. Under the rules that this House adopted, it goes to the Committee of the Whole House on the state of the Union, and yet the gentleman says, "What do you think a committee is for if the Committee of the Whole House on the state of the Union can change anything in the bill that this great Ways and Means Committee reports?" Great heavens! Is the Ways and Means Committee, consisting of 22 Members of this House, so great that the Committee of the Whole House on the state of the Union can not even offer a germane amendment, and it be in order? "Upon what meat doth this our Cæsar feed that he has grown so great?" [Applause and laughter.] Is the creature greater than the creator? "Oh," but says the gentleman, "we are estopped from offering this amendment, because

when the Payne tariff bill passed through the House after long debate and amendment, the House, under the rules of the House, adopted a special rule by majority vote of the House, under which that bill was specially considered, ordering the previous question after several days of discussion and pointing out what amendments might be offered, which was vitalized by action of the majority."

If with your majority you can not allow germane amendments to be considered, amendments that address themselves, in substance, to the provisions of this bill, then bring in your special rule, and then it becomes a rule of the House when you vitalize it. It is a rule, then, of procedure by the grace of a majority and not by the grace of the creature that is created by the House. [Applause on the Republican side.]

The gentleman cites a special rule here—a change in the rule. It says:

No amendment shall be in order to any bill affecting revenue which is not germane to the subject matter in the bill.

This is germane. It puts another article on the free list. What is this bill? It is a free-list bill. The rule further provides:

Nor shall any amendment to any item of such bill be in order which does not directly relate to the item to which the amendment is proposed.

What is every item in this bill? A free-list item. And if it is impossible either to add or to take from by germane amendment items on this bill, why then the majority has shackled itself and shackled the House, and any construction of this rule that keeps a majority from putting any or all items upon the free list, if there be a majority for such action, puts it in the power of one man, the Chairman of the Committee of the Whole House on the state of the Union, to step in by his ruling and defy a majority. [Applause on the Republican side.]

Now, that is about all I want to say touching this matter upon its merits, which have been referred to. The amendment puts one additional item that the common people in this country—farmers, agriculturists, and everybody—use, namely, common window glass, upon the free list. Now, without regard to the merit of the amendment, you gentlemen on the other side will go to your constituency and say, "We are the friends of the people." [Laughter and applause on the Republican side.] In so saying you may think, like the ostrich that sticks its head in the sand, that you are hiding your bodies, but you are not. [Laughter and applause on the Republican side.]

Mr. LENROOT. Mr. Chairman, the gentleman from Alabama [Mr. UNDERWOOD] undertakes to support his position by stating that the President of the United States and certain gentlemen at the other end of the Capitol have advocated the proposition that he now advocates. I want to say that neither the President of the United States or any Republican or any Democrat has ever before to-day advocated the proposition now advocated by the gentleman from Alabama. The gentleman from Alabama and the majority have undergone a lightning change of position within the last 15 minutes. Up to the time that the amendment now pending was offered they took the position that this new rule, reading—

No amendment shall be in order to any bill affecting revenue which is not germane to the subject matter in the bill—

should be construed as meaning "subject matter of" the bill, for they then said that the subject matter of this bill was the free list, and it being the free list, an amendment was not germane that interfered with the free list in any way.

Now, they have got past that proposition, and with the amendment that is now pending they try to get the other construction, and say it is not the "subject matter of" the bill now, but it is the "subject matter in" the bill.

Mr. NORRIS. Mr. Chairman, will the gentleman yield right there?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Nebraska?

Mr. LENROOT. Certainly.

Mr. NORRIS. I would like to call the gentleman's attention to the fact that the Chair, in making his decision, referred to the title of the bill as being a free-list bill.

Mr. LENROOT. Now, where, under any parliamentary precedent, or any rule of parliamentary law, was the ruling of the Chair justified on these amendments that had been offered, except upon the construction of this rule, that it was the "subject matter of" the bill?

If it had been construed as the subject matter in the bill, of course these amendments were then in order, every one of them; and I submit that you should not play fast and loose in the construction of this rule. You stood upon the other construction then; you ought to be willing to stand upon it now.

And further, the second part of this rule provides:

Nor shall any amendment to any item of such bill be in order which does not directly relate to the item to which the amendment is proposed—

If it was not for your prior construction, then it would be in order to offer an amendment to every item in this bill, proposing any duty that the mover of the amendment might choose, and the only way that you could avoid that and hold it not in order was by construing the first part of the rule as meaning "the subject matter of the bill."

Now the subject matter of the bill is the free list, and that being so, any amendment that proposes to extend the free list is and must be clearly in order. Now the gentleman from Alabama [Mr. UNDERWOOD] says that if the construction of the gentleman from Illinois shall prevail, then we will have the position of the House saying that it will legislate for itself, without the assistance of committees. But, Mr. Chairman, if the construction of the gentleman from Alabama shall prevail, then we have the Democratic majority taking the position that its committees will legislate for the country, without the assistance of the House. [Applause on the Republican side.]

Mr. HENRY of Texas. Mr. Chairman, the majority of the House do not wish to evade the true intent of this rule, and are willing to see it properly construed and enforced.

When the rules were adopted, the gentlemen on the other side were so well content with them that they did not see proper even to call for the yeas and nays and record their votes against them.

Let us take the rule to which they object and analyze it. We are perfectly willing to defend its policy. Whether it is a good or bad policy, that question has been passed upon by the House, and the rule has been adopted.

There are two parts to it. The Rule XXI, clause 3. Let us analyze it for a moment.

No amendment shall be in order to any bill affecting revenue which is not germane to the subject matter in the bill; nor shall any amendment to any item of such bill be in order which does not directly relate to the item to which the amendment is proposed.

Is this amendment offered by the gentleman from Illinois [Mr. MANN] germane to the subject matter in the bill? He offers it as a new section. What is the subject matter in the bill? Let us look to its provisions for a moment. There are 10 subject matters in this bill; first, one relating to agricultural implements; second, another to bagging for cotton, and so forth; third, another pertaining to hoop or band iron, and so forth; fourth, another one relating to leather; fifth, another one to barbed-wire fencing, and so forth; sixth, another relating to beef and meats; seventh, another to buckwheat flour, and so forth; eighth, another including timber, lumber, and so forth; ninth, another one providing for sewing machines; and tenth and the last, one relating to salt.

Does this amendment offered by the gentleman from Illinois [Mr. MANN] relate to any one of these ten subjects.

For illustration, if it were an amendment relating to some kind of "leather" that is not contained in the bill, then undoubtedly the amendment would be in order; but it goes beyond the subject matter of this free-list bill altogether and injects into it another and different subject, and therefore it can not possibly be germane to the subject matter herein embraced. Anyone can take the bill and read the various items enumerated and set out there, and it is plain that the amendment does not apply to a single one of them.

Again, when you get down to the other phrase of the clause, let us examine it from that standpoint.

Nor shall any amendment to any item of such bill be in order which does not directly relate to the item to which the amendment is proposed.

To what item in this bill does that amendment "directly relate"?

Mr. MANN. It is not offered as an amendment to any item in the bill. Can not the gentleman read the language of the rule?

Mr. HENRY of Texas. I have read the language, and I am showing the gentleman that the amendment which he proposes is out of order, because it does not relate to the subject matter in the bill. [Applause on the Democratic side.]

Mr. MANN. The gentleman has not read the amendment and does not understand the rule.

Mr. HENRY of Texas. I have read the amendment and I understand it, and have read the rules and understand them, and understand the gentleman from Illinois also.

Mr. MANN. But the amendment is not offered as an amendment to any item in the bill.

Mr. HENRY of Texas. No; it is offered as a new section.

Mr. MANN. To be correct, it is offered as a new paragraph.

Mr. HENRY of Texas. A new paragraph then, if the gentleman wants to split hairs.

Mr. MANN. I do not want to split hairs, but I wish to use correct language in description, which the gentleman never does.

Mr. HENRY of Texas. Of course, that is from the standpoint of the gentleman from Illinois, and hardly from the standpoint of anyone else informed on the subject. [Applause on the Democratic side.] Mr. Chairman, it is evident the gentleman is undertaking to place new subject matter in the bill. We stand by the rule, we are willing to defend its policy, and if the gentleman is not able to write an amendment that is germane, and he says he knows all about the rules and parliamentary law, that is his fault, and not of the majority. [Applause on the Democratic side.] Fully realizing the true import of the verbiage and intent of the clause, I take the position that this amendment is not germane. It was not intended that such amendments should be germane under the new rule. Gentlemen are complaining that we are cutting them off from the right of amendment. We are not doing so; but are giving them the right to offer germane amendments, as many as they please, and when they are able to write one that is sound and tenable it will be considered.

It is a strange and amusing thing to see the distinguished gentleman from Illinois—and I refer to the ex-Speaker of the House of Representatives [Mr. CANNON]—appearing here as "counsel" for the people. [Applause on the Democratic side.] Why, Mr. Chairman, if he was so anxious to put these things on the free list, if he wanted to revise the tariff in behalf of the American people, why did he not do it during his eight years' incumbency as Speaker of the House? [Applause on the Democratic side.]

Mr. CANNON. Mr. Chairman, will the gentleman yield just at that point?

Mr. HENRY of Texas. I yield to the gentleman from Illinois.

Mr. CANNON. I will say to the gentleman, if he will yield, that I am not speaking of the merits of the amendment, but I do say that the amendment is germane and ought to be considered by the House because it is germane, and I would say the same thing whether I approved the amendment or disapproved of it. It gives freedom to the Committee of the Whole House, and if it denied, it is on the decision of the Chairman of the Committee of the Whole House.

Mr. HENRY of Texas. Mr. Chairman, I am glad that the gentleman at last recognizes that there should be some "freedom" in the House of Representatives. [Applause and cheers on the Democratic side.]

Mr. CANNON. Will the gentleman yield at that point?

Mr. HENRY of Texas. I will.

Mr. CANNON. As a Member of the House, and a colleague of the gentleman from Texas, and the former Speaker of this House, the gentleman from Illinois desires to state that he never at any time when he presided as Speaker of this House refused to enforce the rules of the House; that he always submitted to a majority of the House, even when he held in order as a question of high constitutional privilege a motion to vacate the chair and remove him as Speaker. The gentleman from Texas is not justified in his intimation, which received such vociferous applause upon that side of the House, that as Speaker I ever refused to submit to the will of the majority of the House, especially in view of the fact that the gentleman's side of the House some 12 months later on an important decision, which they pronounced as revolutionary, reversed themselves. [Applause on the Republican side.]

Mr. HENRY of Texas. Mr. Chairman, it gives me great pleasure to accept on the part of the country the apology of the gentleman from Illinois, and the only regret I have is that he did not make it more than a year ago. [Laughter and applause on the Democratic side.]

Mr. Chairman, there is an honest difference of opinion between the gentleman, Mr. CANNON, and myself as to the real construction of this rule, and I think we understand one another, and the House understands the interpretation that ought to be placed on the language.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. HENRY of Texas. Yes.

Mr. MARTIN of South Dakota. Is it the contention of the gentleman that no articles can be added to this list by proper amendment, in the present parliamentary situation, unless a similar article be already enumerated in the bill?

Mr. HENRY of Texas. Why, the gentleman has missed the mark entirely. Any germane amendment that he offers will be considered and held in order.

Mr. MARTIN of South Dakota. Will the gentleman be more specific? I think the whole controversy is as to what is germane.

Mr. HENRY of Texas. Let me say to the gentleman that is quite correct, but I am not here for the purpose of teaching him parliamentary law, so that he may draw a germane amendment.

Mr. MANN. Oh, the gentleman could not if he were.

Mr. MARTIN of South Dakota. The gentleman will perhaps answer the question as to whether or not any articles other than those enumerated are excluded from the bill under the rule of germaneness as now insisted upon by the gentleman.

Mr. HENRY of Texas. I would say that any germane amendment in regard to the question, for illustration, of "leather" or any of the other 10 subjects specified in the bill would be germane, and if the gentleman can not think of a germane amendment, it is pretty certain that we have put everything on the free list that ought to be included while we are dealing with these enumerated subjects.

Mr. MARTIN of South Dakota. Well, Mr. Chairman, the gentleman is disposed to seek a controversy. I am simply seeking an understanding of the gentleman's interpretation.

Mr. HENRY of Texas. Oh, no; I am not seeking a controversy, I am seeking to bring the gentleman to a correct understanding——

Mr. MARTIN of South Dakota. I have offered no amendment, but when I do it will be subject to objection and to the ruling of the Chair; but I desire to know the application of the gentleman's argument in the case. The gentleman contends, then, that the introduction of a different class of articles than those enumerated in the bill is now not germane. Is that right?

Mr. HENRY of Texas. I contend it is not germane, because it is a different class, and not pertaining to the subject or specific articles enumerated.

Mr. MARTIN of South Dakota. The gentleman does not contend that other articles of the same class and not enumerated in the bill would not be germane?

Mr. HENRY of Texas. I would rather wait for the amendment. It may be that his amendment is germane, but this one certainly is not. Mr. Chairman, I do not know that there is anything else I care to add. Gentlemen complain about not allowing freedom of amendment and debate. We are giving opportunity to offer any germane amendment. When we considered the Dingley tariff bill in 1897, when I first entered this body, while you—the Republican Party—gave an ostensible opportunity to offer amendments, yet your rule denied us the real privilege of offering any amendment when the bill passed through this House. [Applause on the Democratic side.] We are offering them much greater freedom in the consideration of tariff legislation in this extraordinary session of Congress than they ever have accorded to us, and the country will and should understand it. [Applause on the Democratic side.]

Mr. MANN. Mr. Chairman, I would like to be heard for just a few minutes on the point of order. Paragraph 3 of Rule XXI, which has been referred to, provides that no amendment shall be in order to any bill affecting revenue that is not germane to the subject matter in the bill. The other provision in reference to the germaneness of an item which is offered to be amended has no relation to the proposition now pending. The test of every rule is its working, and the test of this rule is its effect, not as to this particular amendment merely, but its effect in passing a revenue bill. Suppose, for instance, this were a general tariff bill. While I do not know that that side of the House will bring forward any general tariff bill, it is quite possible that at some time or other in the future, even with this rule remaining in force, if it be a good rule, a general tariff measure will be proposed to the House. Now, then, what would be the construction of the bill? Suppose the Payne tariff bill were now pending and this rule, which merely enunciates parliamentary law, were in force. What is the effect? Will it be contended that no new item could be offered to the Payne bill, if that were now pending and this rule were in force? Can nothing be added to a general tariff bill except what the committee has reported? For instance, I find in the Payne tariff law, item 680, "spunk."

Mr. LOBECK. We have it.

Mr. MANN. Suppose the Payne tariff law when presented to us contained no reference to "spunk." Is there no way by which that can be inserted in the free list? It is on the free list, but it relates to no other item in the bill. There is nothing else that it can be attached to as an amendment. Will it be said that it can not be put upon the free list because if it is not included it will be dutiable under the general clause providing

for all items which are not enumerated? Is there a construction of this rule to be adopted which makes it impossible in the consideration of a tariff bill to put an item upon the free list which is not already contained in the bill?

If you can not put it upon the free list under every tariff law that ever has been passed, it will be dutiable under the general clause. Now, this rule must be tested by its effect upon a general tariff bill.

Mr. FITZGERALD. Will the gentleman yield for a question on that point?

Mr. MANN. Certainly.

Mr. FITZGERALD. Is it not a fact that the article to which the gentleman referred would be affected by the so-called basket clause, thus making it subject matter in the bill?

Mr. MANN. Why, not at all. The subject matter of the bill is the tariff, but there is no mention made of that thing in the bill. That is what I am claiming.

Mr. FITZGERALD. If the gentleman will pardon me, I think he will agree that there is. The basket clause, if I recall it, is something like this, that if certain duties upon articles are not specifically provided for in the bill, and the article is not specifically enumerated, it is embraced in the basket clause, and the bill would affect that article, and that would be subject matter in the bill.

Mr. MANN. Now, I have the gentleman exactly where I wanted to get some one on that side of the House. Suppose there is no basket clause in the bill, then you can not insert an item in the bill under the ruling, and without the item in the bill you can not import it into the United States. That is the logic of the situation. There is no provision made. It can not get by the customhouse, because there is no provision that it shall come in free, and if you leave out the basket clause there is no way by which you can hang the amendment to the bill, a thing contended for on that side of the House.

Mr. FITZGERALD. The gentleman is in error about the possibility of its coming into the country.

Mr. MANN. I am not in error at all. Every item that comes through the customhouse must pass in in some way under a provision of law.

Mr. FITZGERALD. Not necessarily.

Mr. MANN. Absolutely necessarily.

Mr. FITZGERALD. Not necessarily, at all.

Mr. MANN. Then you would need——

Mr. FITZGERALD. Why, if there were no law fixing duties on imports and declaring that some should be admitted free of duty, does the gentleman think that because of that situation imports could not be brought into the United States? That is the logic of his argument.

Mr. MANN. I do, most decidedly. That will be the result of such a ruling. The amendment which I offered relates to the subject matter in the bill. What is the subject matter in the bill? It is to place certain articles upon the free list. That is what it means. It is not for the Chair to determine whether glass is related to wire, or whether window glass is related to agricultural implements. It is not for the Chair to determine whether an item of an amendment is related to some other item in the bill. That is requiring altogether too much information on the part of the Chair. The Chair can only determine the scope of a bill, and, if the amendment is germane to the scope of the bill, then it is germane to the subject matter in the bill. And any other ruling will land the Chair in very great difficulties.

Mr. MARTIN of South Dakota. Mr. Chairman, I ask the indulgence of the committee and the Chair for a moment or two upon this point of order. I think if we would play less politics and endeavor to correctly interpret our rules we would perhaps get along better. I asked the gentleman from Texas [Mr. HENRY] one or two very courteous questions, and he seemed to think it the occasion of a political controversy.

Now, it seems to me we are driven to one of two interpretations of this rule. It is not a new rule, except in its form. It provides that in a specific class of cases, as to revenue bills, amendments that are offered must be germane to the subject matter of the bill. What is the subject matter of the bill? Either the subject matter is the creation of a free list or else its subject matter is in the particular articles here enumerated. If it is the particular articles herein enumerated, it is not subject to any amendment. If the general subject is the creation or defining of a free-list bill, then certainly the offering of any other articles to be placed on the free list is germane to the subject matter of the bill.

And I call the gentleman's attention, and the Chair's attention, to the precedents upon this general subject. If this amendment offered by the gentleman from Illinois were offered to any particular paragraph of the bill it would not be germane to that paragraph, and could, therefore, be objected to as not germane to the paragraph. My contention is that a new paragraph, which this amounts to, which is germane to the general subject matter of the bill and reciting certain other articles which may be put upon the free list, is germane to the subject matter of the bill. And I call the Chair's attention to a few of the precedents upon this subject. They are on page 391 of the old manual of the rules:

A general subject may be amended by specific propositions of the same class. Thus the following have been held to be germane: To a bill admitting several Territories into the Union, an amendment adding another Territory (V, 5838); to a bill providing for the construction of buildings in each of two cities, an amendment providing for similar buildings in several other cities (V, 5840); to a resolution embodying two distinct phases of international relationship, an amendment embodying a third (V, 5839).

I call the attention of the Chair to the first decision there cited in Hinds' Precedents, volume 5, section 5838:

To a bill admitting several Territories into the Union an amendment adding another Territory is germane. On May 8, 1902, the Committee of the Whole House on the state of the Union was considering the bill (H. R. 12543) providing for the admission into the Union of the Territories of Oklahoma, Arizona, and New Mexico.

Mr. Thomas C. McRae, of Arkansas, proposed an amendment providing for the addition of the Indian Territory to Oklahoma.

Mr. JAMES T. LLOYD, of Missouri, raised the question of order that the proposed amendment was not germane.

After debate the Chairman held:

The Chair is ready to rule. If this were a bill for the admission of Oklahoma Territory alone as a State, there would be no doubt as to the position taken by the gentleman from Missouri being correct. An amendment to admit some other Territory as a State would not be in order. But this is a general bill, covering three different Territories, and an amendment, as suggested by the gentleman from Alabama [Mr. UNDERWOOD], to admit Alaska as a State would be in order on this bill—

which, by the way, seems to have been our friend, the chairman of the Committee on Ways and Means. He seems to have been on the other side of the proposition at that time.

For instance, a private claim bill for the allowance of a single claim would not be subject to an amendment allowing some other claim, but a general claims bill, such as often comes before this House, can be amended by adding another claim. So with public building bills. A bill to erect a public building at Birmingham, Ala., could not be amended by a proposition to erect a public building at Indianapolis, Ind.; but a bill providing for a number of public buildings could be amended by adding another public building. One is a general bill, the other is a bill for a single object; and, as the Chair said, if this were a bill to admit Oklahoma alone as a State, this amendment would not be in order. On the other hand, it is a general bill proposing to admit three Territories as States.

In the Thirty-fourth Congress a decision was made by the Speaker that covers this point clearly. On July 17, 1856, Mr. Elihu B. Washburne, of Illinois, reported from the Committee on Commerce a resolution of the Senate for enlarging the customhouse and post office and courthouse at Milwaukee, Wis., and at Detroit, Mich., and for the construction of a public building for the same purpose at Dubuque, Iowa, with an amendment providing for some public buildings at Toledo, Ohio; Ogdensburg, N. Y.; Ellsworth, Me.; Chicago, Ill.; Nashville, Tenn.; and other points.

Mr. James L. Orr, of South Carolina, made the point of order that the amendment was not germane to the original resolution, inasmuch as it provided for the construction and enlargement of public buildings in different cities and States from those mentioned in the resolution to which the amendment was offered. The Speaker overruled the point of order. There was the exact question. There was a public-building bill providing for two or more buildings. An amendment was offered to add another building in another State.

The point of order was made, and the Speaker of the House, Nathaniel P. Banks, jr., of Massachusetts, overruled the point of order. There is no doubt, in the opinion of the Chair, that the amendment offered by the gentleman from Arkansas [Mr. McRae] is in order on this bill, this being a general bill for the admission of Territories. The Chair therefore overrules the point of order.

Mr. Chairman, this particular bill, now before the consideration of the committee and the Chair, is a much more general bill than a bill simply providing for the admission into the Union of three specific Territories, cited by name, and it does not lose its general character from the fact that it is made up of several paragraphs and covers many subjects. On the contrary, its general character is emphasized. And I maintain, Mr. Chairman, that the precedents ought not to be departed from now, even under stress of the political exigencies of the situation. [Applause on the Republican side and cries of "Rule!" "Rule!"]

The CHAIRMAN. The Chair would like to have the attention of the committee. The question presented here is one of very great importance.

During the progress of the general debate suggestions were made by different speakers that they proposed to offer amendments to the pending bill, putting different articles on the free list—rice, sugar, peanuts, wool, and other commodities. The Chair could not help but observe the suggestions, and knowing that later on the question would come up for consideration, felt it his duty to investigate the rule with reference to amendments, as it would be incumbent upon him to determine whether or not these and other amendments that might be suggested would be relevant and germane to the pending bill. The gentleman from Illinois [Mr. CANNON] says that the Chairman can defy the will

of the majority by a ruling. The Chair does not know that the gentleman from Illinois meant that, but it is hardly necessary for the Chair to remind the committee that the majority of this committee can control this situation. It can determine whether or not this amendment or other related amendments are relevant or not, and if the Chair errs, can overrule the Chair.

The Chair had nothing to do with formulating the rule. He voted for it, along with other Members of the majority, when the rules were adopted by the House. At that time his attention was not called to it. He had no occasion to consider its significance, but he has given it some consideration in the last day or two, and desires to submit, with some care, his opinion on the rule and its application to the question pending before the committee, because if this amendment is in order under the rule then amendments placing on the free list all the articles now on the dutiable list, one by one or schedule by schedule, would be in order.

The point of order is made by the gentleman from Alabama [Mr. UNDERWOOD] that this amendment is not germane to the subject matter in the bill. Gentlemen in discussing this question seem to overlook the significance of the language of the rule, and the attention of the committee is called to section 3 of Rule XXI, as follows:

No amendment shall be in order to any bill affecting the revenue which is not germane to the subject matter in the bill; nor shall any amendment to any item of such bill be in order which does not directly relate to the item to which the amendment is proposed.

This is a new section of Rule XXI and was adopted for the first time as a part of the rules of the House of Representatives of the Sixty-second Congress, and, so far as the Chair knows, it has never been construed.

In construing this rule it may be well to consider the rule relating to germaneness that has been in force for over 90 years.

Section 7 of Rule XVI provides that—

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

This rule was adopted in 1789 and amended in 1822, and has been in force ever since and has often been construed.

On March 26, 1897, the tariff bill was under consideration in the Committee of the Whole House on the state of the Union, and the Clerk had read the first paragraph, as follows:

Be it enacted, etc., That on and after the 1st day of May, 1897, unless otherwise specially provided for in this act, there shall be levied, collected, and paid upon all articles imported from foreign countries or withdrawn for consumption, and mentioned in the schedules herein contained, the rates of duty which are by the schedules and paragraphs respectively prescribed, namely.

To this Mr. Alexander M. Dockery, of Missouri, proposed this amendment:

Provided, That when it is shown to the satisfaction of the Secretary of the Treasury that such articles are manufactured, controlled, or produced in the United States by a trust or trusts, the importation of such articles from foreign countries shall be free of duty until such manufacture, control, or production shall have ceased, in the opinion of the Secretary of the Treasury.

Mr. Nelson Dingley, of Maine, made a point of order against the amendment.

The Chairman ruled as follows:

The pending bill is a bill to provide revenue for the Government and to encourage the industries of the United States.

Section 2 of the bill, on page 123, provides that after the 1st day of May the articles thereafter enumerated, when imported, shall be exempt from duty.

To the first paragraph the gentleman from Missouri, Mr. Dockery, offers an amendment providing that under certain conditions all articles upon the dutiable list shall be transferred to the free list. To that amendment the gentleman from Maine, Mr. Dingley, raises the point of order that it is not in order at that point of the bill. The gentleman from Texas, Mr. BAILEY, cites a decision of the then Speaker, the distinguished gentleman from Kentucky, Mr. Carlisle, acting as Speaker pro tempore. The decision, as shown by the CONGRESSIONAL RECORD, does not carry out the statement upon page 271 of the Digest. That decision held that any amendment must be germane to the general provision of the bill. It did not hold that being germane to the provisions of a bill was permissible at any point. It did hold that the amendment then presented to the bill at the point was admissible.

The question before the Chair here and now is not whether the committee is liable to reach page 123 of the bill. The Chair can not take into consideration that probability, as suggested by the gentleman from Missouri, Mr. Dockery, but must rule upon the question as it is now presented, to wit, Is the amendment presented germane to this provision? The Chair holds that the amendment is not germane, and therefore sustains the point of order.

On March 17, 1880, the House was considering a bill making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes, among which were deficiency appropriations for the Public Printing Office. Mr. Singleton, of Mississippi, offered an amendment for the purpose of repealing the law making the office of Public Printer an appointive office by the President and making the Public Printer an elective officer of the House of Representatives. Mr. McMahon, of Ohio, made the point of order against the amendment, on the ground, among others, that it was not germane to the subject matter of the bill. Mr. John G. Carlisle, of Kentucky, sustained the point of order in the following learned and exhaustive opinion, which covers this question. The Chair thinks it would be well at this point to have that opinion read, and will ask the Clerk to read it.

The Clerk read as follows:

The amendment submitted by the gentleman from Mississippi [Mr. Singleton], under instructions from the Committee on Printing, is objected to upon two grounds: First, that it is not germane to the subject matter of the bill under consideration, and, secondly, that it is, in substance, the same as a bill heretofore reported by the Committee on Printing and now pending before the House.

Notice of this amendment was given several days since, and during the general debate in the Committee of the Whole the Chair was advised that a point of order would be raised against it; so that a reasonable opportunity has been afforded to examine the subject, and the Chair will now state the conclusions at which he has arrived.

In the absence of an express rule the amendment would not be liable to a point of order upon the ground that it was inconsistent with or not germane to the subject under consideration, for, according to the common parliamentary law of this country and of England, a legislative assembly might by an amendment, in the ordinary form or in the form of a substitute, change the entire character of any bill or other proposition pending. It might entirely displace the original subject under consideration and in its stead adopt one wholly foreign to it, both in form and in substance.

But ever since the 4th of March, 1789, this House has had a rule which changed the common parliamentary law in this respect, at least as to substitutes, and ever since 1822 as to amendments in any form. The Congress of the Confederation in 1781 adopted a rule in the following words:

"No new motion or proposition shall be admitted under color of amendment as a substitute for a question or proposition under debate until it is postponed or disagreed to."

The House of Representatives of the First Congress, on the 4th of March, 1789, adopted the following rule upon this subject:

"No new motion or proposition shall be admitted under color of amendment as a substitute for the motion or proposition under debate."

It will be observed that each of these rules admitted amendments introducing new motions or propositions if they were not offered as substitutes for the motion or proposition under debate. But in March, 1822, the House changed the rule of 1789 so as to make it read as follows:

"No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment."

And in this form the rule has stood ever since, and now constitutes a part of the seventh clause of Rule XVI in the recent revision. The rule does not prohibit a committee reporting a bill from embracing in it as many different subjects as it may choose; but after the bill has been reported to the House no different subject can be introduced into it by amendment, whether as a substitute or otherwise.

When therefore it is objected that a proposed amendment is not in order because it is not germane, the meaning of the objection is simply that it (the proposed amendment) is a motion or proposition on a subject different from that under consideration. This is the test of admissibility prescribed by the express language of the rule; and if the Chair, upon an examination of the bill under consideration and the proposed amendment, shall be of the opinion that they do not relate to the same subject, he is bound to sustain the objection and exclude the amendment, subject, of course, to the revisory power of the Committee of the Whole on appeal.

It is not always easy to determine whether or not a proposed amendment relates to a subject different from that under consideration, within the meaning of the rule; and it is especially difficult to do so when, as in the present instance, the amendment may, by reason of the terms it employs, appear to have a remote relation to the original subject.

The subject to which the bill now under consideration relates is very clearly set forth in its title. It is "A bill making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes." The appropriations "for other purposes" contained in the bill do not relate at all to any of the subjects embraced in the amendment and therefore need not be noticed. The words "for other purposes" are used here, as they usually are, to embrace subjects outside of the main subjects to which the bill relates and which are reported by the committee itself.

The bill relates to no other subjects than appropriations of money for the purpose stated, "to supply deficiencies in the appropriations for the service of the Government." One of the deficiencies which the bill provides for is the Government Printing Office. But the bill carefully enumerates the items for which the appropriation is to be made, and the salary of the Public Printer is not among them.

The proposed amendment has no relation to the appropriation of money for any purpose. It neither increases nor diminishes the amount proposed to be appropriated by the bill, nor does it in any manner affect the expenditure of the money proposed to be appropriated by the bill. The salary of the Public Printer for the current fiscal year has already been provided for in full, and it does not appear that there is any deficiency on that account.

The amendment relates solely to the method of choosing a Public Printer, to the nature of the duties to be performed by him, and to the amount of his salary. As already stated, the original bill embraces none of these matters, and consequently none of these subjects are now under consideration. It seems quite clear, therefore, that the proposed amendment, if admitted, would introduce for consideration one or more new subjects, and is for that reason prohibited by the express language of the rule.

Under the rule as it stood prior to 1822 the amendment, although on a subject different from that under consideration, would be in order, for it is not offered as a substitute for the bill or for the clause under consideration. But, as already noted, the prohibition applies now as well to ordinary amendments as to substitutes.

Since the adoption of the rule in its present form there have been several decisions under it; and so far as the Chair has been able to discover, in every instance where an amendment proposed to introduce an entirely new subject it has been excluded. The Chair refers to the

Journal of the House, Twenty-seventh Congress, first session, page 223, for a decision by Mr. Speaker White; Journal of the House, Thirtieth Congress, first session, page 737, a decision by Mr. Speaker Winthrop; Journal of the House, Thirtieth Congress, second session, page 645, Speaker Winthrop overruled; Journal of the House, Thirty-first Congress, first session, pages 1509 and 1510, a decision by Mr. Speaker Cobb.

Having disposed of the point of order upon the first ground presented, it is unnecessary to express an opinion upon the second ground, and the Chair prefers not to do so.

The fourth clause of Rule XXI provides that "no bill or resolution shall at any time be amended by annexing thereto or incorporating therewith the substance of any other bill or resolution pending before the House." Where a proposed amendment differs in any respect from a bill or resolution pending before the House, it will always be more or less difficult to determine whether or not they are substantially the same; and the Chair thinks he ought not to attempt to decide such a question unless it is absolutely necessary to do so.

The point of order is sustained, and the amendment is excluded.

The CHAIRMAN. Under the later practice an amendment should be germane to the particular paragraph or section to which it is offered (Hinds' Precedents, vol. 5, 5811–5820), and an amendment inserting an additional section should be germane to the portion of the bill to which it is offered. (Hinds' Precedents, vol. 5, 5822.)

In determining whether or not an amendment is germane, rulings have been made at various times as follows: To a bill proposing admission of one Territory into the Union an amendment for admission of another Territory was held not to be germane (Hinds' Precedents, vol. 5, 5826–5829); to a bill for the relief of an individual, an amendment proposing similar relief for another was held not to be germane (Hinds' Precedents, vol. 5, 5826–5829); to a bill providing for the extermination of the cotton-boll weevil, an amendment including the gypsy moth was held by Mr. CANNON, late Speaker of the House, not to be germane to a bill relating to commerce between the States; an amendment relating to commerce between the States was held not to be germane to an amendment relating to commerce within the several States. (Hinds' Precedents, vol. 5, 5841.)

Many other decisions might be cited construing section 7, Rule XVI, but the above will suffice. To say the least of it, it admits of serious doubt whether or not the proposed amendment is in order under said section 7, Rule XVI.

But the rule here invoked against the amendment goes further than section 7 of Rule XVI. It expressly provides, first, that no amendment to any bill affecting the revenue (and this bill is of that character) shall be in order which is not germane to the subject matter in the bill; and, second, nor shall any amendment to any item of such bill be in order which does not directly relate to the item to which the amendment is proposed. This rule and the provision of Rule XVI referred to should be construed together. It is clear to the mind of the Chair that this rule was intended to further limit the right of amendment, and to make it clear that to be germane the amendment should relate to the subject matter in the bill, and to the particular item in this bill, ought to be amended.

This is a bill entitled:

A bill to place on the free list agricultural implements, cotton bagging, cotton ties, leather, boots and shoes, fence wire, meats, cereals, flour, bread, timber, lumber, sewing machines, salt, and other articles.

The first clause following the enacting clause provides:

That from and after the day following the passage of this act the following articles shall be exempt from duty when imported into the United States.

While the bill relates to the free list, does the amendment proposing to put glass on the free list in any proper sense relate to the subject matter in the bill, or to any item in the bill?

If under section 7, of Rule XVI, an amendment placing certain articles on the free list is not germane to that portion of the bill which provides for the imposition of duties; and if an amendment legislating in relation to the selection of a Public Printer is not germane to a bill making deficiency appropriations for the Government Printing Office; and if an amendment should be germane to the particular paragraph or section to which it is offered; and if one individual proposition may not be amended by another individual proposition even though the two belong to the same class, thus, to a bill proposing the admission of one Territory into the Union, an amendment providing for the admission of another Territory; to a bill for the relief of one individual, an amendment proposing similar relief for another; or to a provision for the extermination of the cotton-boll weevil, an amendment including the gypsy moth; or to a bill relating to commerce between the States, an amendment relating to commerce within the several States, as seems to have been uniformly held, does it not seem quite plain that the proposed amendment is not in order under the rules here invoked, which was framed for application to revenue bills—to which class the pending bill, H. R. 4413, belongs.

To which part of the subject matter in the bill, or to what item in the bill is the amendment germane? If an amendment placing glass on the free list is germane, why not any schedule or part of a schedule in the Payne tariff law, without reference to whether it is related in a parlimentary sense to the subject matter of the bill or not. In the opinion of the Chair the amendment is not germane to the subject matter in the bill or to any item in the bill. Therefore the point of order made by the gentleman from Alabama is sustained. [Applause on the Democratic side.]

Mr. MANN. Mr. Chairman, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Illinois appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the decision of the committee?

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. MANN. I demand tellers, Mr. Chairman.

Tellers were ordered.

Mr. DALZELL and Mr. UNDERWOOD took their places as tellers.

The committee again divided; and the tellers reported—ayes 160, noes 101.

So the decision of the Chair stood as the decision of the committee.

Mr. MANN. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by inserting, after line 5, page 1, as a new paragraph, the following:

"Medicinal preparations, not specially provided for."

Mr. UNDERWOOD. Mr. Chairman, I make the same point of order as to the last amendment.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The gentleman from Illinois offers a further amendment, which the Clerk will report.

The Clerk read as follows:

Amend by inserting, after line 5, page 1, as a new paragraph, the following:

"White lead, and white pigment containing lead, dry or in pulp, or ground or mixed with oil."

Mr. UNDERWOOD. Mr. Chairman, I make the same point of order for the same reason.

Mr. MANN. Mr. Chairman, just a moment on the point of order. This bill proposes to put agricultural implements upon the free list. The Chair must take notice, I think, as long as he is to determine whether amendments relate to items in the bill, of the fact that agricultural implements are painted and have to be painted. Paint must be used in connection with the production and manufacture of agricultural implements. Now, it is proposed to put agricultural implements on the free list and leave a tariff on white lead, which is the basis of paint. I insist that the proposition to put white lead upon the free list is germane to a bill which provides for putting painted articles upon the free list. Will it be said that we put a tariff upon the paint that covers the articles, but that we let in the articles, when they are painted, free, and thereby make a discrimination against our manufacturers? Therefore I insist that the amendment is germane to the substance of the bill to which I have referred.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] makes the point of order that the amendment is not germane to the subject matter in the bill. The point of order is sustained.

Mr. MANN. Mr. Chairman, I offer another amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting after line 5, page 1, as a new paragraph, the following:

"Common yellow, brown, or gray earthenware, plain, embossed, or salt-glazed common stoneware, all the foregoing not decorated in any manner."

Mr. UNDERWOOD. Mr. Chairman, I make the same point of order against the amendment.

The CHAIRMAN. The gentleman from Alabama makes the point of order against the amendment. Does the gentleman from Illinois [Mr. MANN] desire to be heard?

Mr. MANN. I do not desire to be heard on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. I offer another amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by inserting after line 5, page 1, as a new paragraph, the following:

"Clays or earths, unwrought or unmanufactured, not specially provided for by law; china clay or kaolin; asphaltum and bitumen; fuller's earth, unwrought and unmanufactured."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that the amendment is not germane to the item in the bill.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. Mr. Chairman, I offer a further amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Illinois offers a further amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 1, after line 5, by inserting as a new paragraph the following:

"Fluorspar."

Mr. UNDERWOOD. I make a point of order, Mr. Chairman, against that.

Mr. MANN. Mr. Chairman, I would like to be heard on the point of order.

Fluorspar is a flux used in the production and manufacture of steel. It is proposed in this bill to place a large number of steel articles on the free list, but to leave a tariff upon fluorspar. It might, therefore, be interesting in this connection to call attention to the history of the introduction of fluorspar into the Payne law.

Fluorspar is produced in the United States largely in the State of Illinois, in the district formerly represented by my colleague from Illinois Mr. Chapman, and in the State of Kentucky, in the district then and now represented by the distinguished gentleman from Kentucky [Mr. JAMES], who is, possibly, likely to leave us for another body. When the Payne law was first reported to the House it carried crude fluorspar at 50 cents a ton. Under the benign influence of the gentleman from Illinois, my colleague Mr. Chapman, and at least not hindered by the gentleman from Kentucky [Mr. JAMES], the House raised the duty to $1.50 a ton, and in conference or in the Senate the duty was raised to $3 a ton.

No duty had ever been put upon fluorspar before. It was upon the free list under the Dingley law. It was raised here in the House from 50 cents a ton, the first proposition, to $1.50 and then finally to $3 a ton. It was so easy that if it had gone through another process, manipulated possibly by gentlemen on both sides of the aisle, it would undoubtedly have come out at a much higher rate.

Now, fluorspar is an article necessary in the production of steel. You propose to put steel articles upon the free list. Is it not in order at the same time to put upon the free list an article necessary for the production of steel? Would it not be in order, when you put wire on the free list, to put iron ore on the free list, and to put pig iron on the free list? If it is in order to put these on the free list, is it not in order to put the articles which go into their manufacture on the free list? Are we to hold that no amendment can be offered which does relate to an item in the bill?

We have first had a ruling that no amendment can be offered which takes anything out of the bill and puts it on the dutiable list. Then we have had a ruling that no amendment is in order that takes any item out of the dutiable list and puts it on the free list, not germane to some item in the bill. But this does relate to every iron and steel product affected by the bill. I insist, Mr. Chairman, that it is germane to the subject matter in the bill, and therefore in order.

The CHAIRMAN. The point of order made by the gentleman from Alabama [Mr. UNDERWOOD] is sustained.

Mr. MANN. Now, Mr. Chairman, I have a further amendment to offer.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] offers a further amendment, which the Clerk will report.

The Clerk read as follows:

Amend, by inserting after line 5, page 1, as a new paragraph, the following:

"Sponges, not specially provided for by law."

Mr. UNDERWOOD. Mr. Chairman, I make the same point of order.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] offers a further amendment, which the Clerk will report.

The Clerk read as follows:

Amend by inserting after line 5, page 1, as a new paragraph, the following:

"Paris green and London purple."

Mr. UNDERWOOD. Mr. Chairman, to that I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. Mr. Chairman, I offer a further amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amend by inserting after line 5, page 1, as a new paragraph, the following:

"Drugs, such as barks, beans, berries, balsams, buds, bulbs, bulbous roots, excrescences, fruits, flowers, dried fibers, dried insects, grains, gums, gum resin, herbs, leaves, lichens, mosses, nuts, nutgalls, roots, stems, spices, vegetables, seeds (aromatic, not garden seeds), seeds of morbid growth, weeds, and woods used expressly for dyeing or tanning; any of the foregoing which are natural and uncompounded drugs and not edible and not specially provided for by law, though the same are advanced in value or condition by process or treatment beyond that essential to the proper packing of the drugs and the prevention of decay or deterioration pending manufacture: *Provided*, That no article containing alcohol, or in the preparation of which alcohol is used, shall be classified for duty under this paragraph."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that the amendment is not germane to the bill.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. I offer a further amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 1, by inserting after line 5, as a new paragraph, the following:

"Blue vitriol or sulphate of copper."

Mr. UNDERWOOD. I make a point of order against that.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. I offer a further amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, by inserting after line 5, page 1, as a new paragraph, the following:

"Borax, borates of lime, soda, and other borate material not otherwise specially provided for by law."

Mr. UNDERWOOD. Mr. Chairman, I make a point of order against that amendment.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. I offer a further amendment.

The Clerk read as follows:

Amend, by inserting after line 5, page 1, as a new paragraph, the following:

"Castor oil."

[Laughter.]

Mr. UNDERWOOD. Mr. Chairman, I make the point of order against that amendment.

Mr. MANN. Mr. Chairman, I insist that castor oil ought to be put on the free list in order to aid the gentlemen on the other side of the House to slip this bill through. [Laughter.]

The CHAIRMAN. The point of order is sustained.

Mr. MANN. I offer a further amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, by inserting after line 5, page 1, as a new paragraph, the following:

"Castile soap, medicinal or medicated soaps, and all other soaps not specially provided for by law."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order against that amendment.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. I offer a further amendment.

The Clerk read as follows:

Amend, by inserting after line 5, page 1, as a new paragraph, the following:

"Spectacles, eyeglasses, and goggles, and frames for the same, or parts thereof, finished or unfinished."

Mr. UNDERWOOD. I make the point of order against that amendment.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. I offer the amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amend, page 1, after line 5, by inserting as a new paragraph, the following:

"Lense and lense glass for the use of the Lighthouse Service."

Mr. UNDERWOOD. I make the point of order against that paragraph.

The CHAIRMAN. The point of order is sustained.

Mr. OLMSTED. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 1, line 5, by adding as a separate paragraph the following:

"Fertilizers of all kinds."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order against that.

The CHAIRMAN. The point of order is sustained.

Mr. HILL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 1 strike out lines 3, 4, and 5 and insert in lieu thereof the following: "That on and after the date"——

Mr. UNDERWOOD. Mr. Chairman, I make the point of order against that, that the paragraph which it is sought to amend has been passed.

Mr. HILL. Not at all. We are amending it now.

Mr. UNDERWOOD. The amendment seeks to amend the first paragraph of the bill, and a number of amendments have been offered by the gentleman from Illinois [Mr. MANN], commencing after line 5, and inserting new paragraphs.

Mr. HILL. The second paragraph has not been read; not a word of it.

Mr. PAYNE. Mr. Chairman, perhaps the gentleman from Alabama wants to do that as a precedent. Let him proceed; it is in line with the other precedents of this afternoon.

Mr. UNDERWOOD. Mr. Chairman, the first paragraph is what the gentleman's amendment relates to.

Mr. HILL. Mr. Chairman, I do not think the gentleman will object to the amendment if he waits to hear it read.

Mr. UNDERWOOD. Mr. Chairman, if it is out of order it is my duty to make the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

On page 1, strike out lines 3, 4, and 5 and insert in lieu thereof the following——

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that it is to strike out lines 3, 4, and 5, and the paragraph which it seeks to amend has been passed.

The CHAIRMAN. The Chair is inclined to the opinion that the gentleman from Connecticut is in order. It is true that amendments have been offered to insert new sections by way of amendment following the word "date," in line 5. The Clerk will read the amendment.

The Clerk read as follows:

On page 1 strike out lines 3, 4, and 5 and insert in lieu thereof the following: "That on and after the day following the passage of this act the articles mentioned in the following paragraphs shall, when imported from any foreign country into the United States, or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), be exempt from duty."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that it is not germane.

Mr. HILL. Mr. Chairman, all I desire to do by this amendment is to make this law applicable to Porto Rico and put us all on the same basis. As the bill now reads we will have one tariff for continental United States and another tariff for the United States possessions, and it seems to me as though that ought not be done.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

Plows, tooth and disk harrows, headers, harvesters, reapers, agricultural drills and planters, mowers, horserakes, cultivators, threshing machines and cotton gins, farm wagons and farm carts, and all other agricultural implements of any kind and description, whether specifically mentioned herein or not, whether in whole or in parts, including repair parts.

Mr. HANNA. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Add, after the word "machines," on line 8 of page 1 of the printed bill, the following:

"Portable engines, with boilers in combination; horsepower and traction engines for farm purposes; hay loaders, potato diggers, fodder or feed cutters, grain crushers, fanning mills, hay tedders, farm or field rollers, manure spreaders, weeders, and windmills, and finished parts thereof imported for repair of the foregoing."

Mr. HANNA. Mr. Chairman, in reference to these items, in the reciprocity bill which passed the House a short time since a duty was left upon them of 20 per cent ad valorem. This amendment proposes to put threshing engines and other farm machinery on the free list. The largest item in the purchase of a threshing outfit is the engine that runs it, the traction engine. The engines should go on the free list just as much as the threshing machine itself, and the same is true as to windmills and other farm machinery, and there is no reason why this amendment ought not to prevail.

Mr. UNDERWOOD. Mr. Chairman, there is no reason why the gentleman's amendment should not prevail except that it is already in the language of the bill. The bill provides for putting plows and tooth and disk harrows and other agricultural implements, threshing machines and cotton gins on the free list, and then goes on and says—

and all other agricultural implements of any kind and description, whether specifically mentioned herein or not, whether in whole or in parts, including repair parts.

Mr. HANNA. Will the gentleman permit a question?

Mr. UNDERWOOD. The gentleman has had time, and if he will allow me——

Mr. HANNA. Just one question. Do I understand the gentleman that the words "agricultural implements" apply to threshing machines and traction engines, or to rakes, hoes, and small tools of that kind?

Mr. UNDERWOOD. Agricultural implements are the implements which the farmer uses.

Mr. HANNA. Threshing engines, windmills, and large farm machinery are not generally considered as agricultural implements.

Mr. UNDERWOOD. I think it is included in the language of the bill, and the amendment of the gentleman ought to be voted down.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced the ayes seemed to have it.

On a division (demanded by Mr. HANNA) there were—ayes 77, noes 124.

So the amendment was rejected.

Mr. LONGWORTH. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the word "gins," in line 8, page 1, insert the following:

"*Provided*, That the above-named articles, if imported from a country which lays an import duty on like articles imported from the United States, shall be subject to a duty of 15 per cent ad valorem."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that is not in order according to paragraph 3 of Rule XXI, which says:

Nor shall any amendment to any item of such bill be in order which does not directly relate to the item to which the amendment is proposed.

This item is the item enumerating the articles contained in the bill. The proposition of the gentleman would apply properly, if in order at all, to section 1 and not to this section of the bill.

Mr. LONGWORTH. Mr. Chairman, I desire to make a parliamentary inquiry of the Chair.

The CHAIRMAN. The gentleman will state it.

Mr. LONGWORTH. Before the Chair rules upon the point of order, I desire to ask whether it will be in order to move to strike out all the words, beginning in line 6 and ending after the word "gins," in line 8?

The CHAIRMAN. The Chair thinks it would be in order to strike them out.

Mr. LONGWORTH. Then I desire to call the attention of the Chair to the fact that the precise object to be accomplished by the amendment which I have offered and to which the gentleman from Alabama makes the point of order, would be accomplished by striking out those words. The situation is simply this, that to-day, under existing law, these enumerated articles—plows, and so forth—are upon the free list from any country which does not impose a duty against us. The same object could be accomplished as that in my amendment by striking out those words, because that would then leave the law as it exists. However, I have preferred to offer my amendment by way of a proviso which provides that these articles shall remain as they are on the free list whenever imported from a country which does not place a duty against similar articles imported from the United States and will leave the existing duty of 15 per cent on those articles when imported from a country that maintains a duty against us. Now, if the contention of the gentleman from Alabama is correct, that my amendment is not germane, he is put in the attitude of saying that it is not germane to restore the existing law upon a paragraph which changes existing law. I therefore suggest that the Chair must rule my amendment in order if he proposes, as he says, to rule the proposition to strike out those words in order.

The CHAIRMAN. The Chair will state, in the opinion of the Chair, the motion to strike out is in order, but the effect of that motion, if it prevails, is not a matter of concern to the Chair, but this is coupled with another proposition which has fully been covered, the Chair thinks, by the rulings of the Chair before.

Mr. LONGWORTH. Do I understand that the Chair rules that my amendment, as read, is not in order because it is not germane?

The CHAIRMAN. The Chair holds it is not in order; that it is not germane to the subject matter of the bill or the items under consideration.

Mr. LONGWORTH. Then the Chair rules it is germane to accomplish the same object in one way and not germane to accomplish that same object in another way?

The CHAIRMAN. The Chair rules, and it is for the House to construe the ruling as it chooses.

Mr. LONGWORTH. Then, Mr. Chairman, I move to strike out the words beginning, in line 6, with the word "plows" and ending after the word "gins," on line 8.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, line 6, strike out the word "plows" and down to and including the word "gins," on line 8.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 1, line 8, by inserting after the word "gins" the following:
"Grindstones, finished or unfinished."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that it is not germane to the paragraph in the bill.

Mr. MANN. Mr. Chairman, I desire to be heard on the point of order. We get to the point now where, under the rulings of the Chair, he must rule whether a grindstone is any form of an agricultural implement. Undoubtedly the Chair is familiar with the fact that grindstones are used on every farm and that agriculture can proceed but a little ways without the use of a grindstone. What does the bill do? It proposes to put on the free list plows, tooth and disk harrows, mowers, horserakes, cultivators, threshing machines, cotton gins, and all other agricultural implements. Do I understand from this that a cotton gin is an agricultural implement but that a grindstone is not? Do I understand that a threshing machine is an agricultural implement, but that a grindstone is not?

Mr. SHACKLEFORD. May I ask the gentleman a question?

Mr. MANN. Certainly.

Mr. SHACKLEFORD. I would ask the gentleman if it is not a fact that, if a grindstone is not an agricultural implement, it does not properly belong in this section, and if it is an agricultural implement, it is already included.

Mr. MANN. I have never known the gentleman to ask a material question since I have been in the House.

Mr. SHACKLEFORD. The gentleman has never yet given a respectful answer to any man who has put him apparently in the hole. The gentleman can not get in line with courtesy on this floor, and to get out of a corner he always uses insulting words. [Applause on the Democratic side.]

Mr. MANN. The gentleman in referring to me describes himself. I have often noticed another thing. I shall not be deterred by the ignorant applause on that side of the House, Mr. Chairman. I notice, as a rule, as I look at the gentlemen who make the most noise, that they are the ones who, as a rule, have the least knowledge.

Mr. SHACKLEFORD. The gentleman from Illinois makes more noise than any 10 men on the floor.

Mr. MANN. Mr. Chairman, I shall not be driven into any form of anger by anything that any of the gentlemen say on that side of the House, and it will be useless for the gentleman from Missouri [Mr. SHACKLEFORD] or anyone else on that side of the House to attempt to disturb my equanimity, because I shall preserve it.

Mr. SHACKLEFORD. We are not trying to disturb his equanimity.

Mr. MANN. The gentleman is trying his best to be offensive; but, knowing the gentleman, nothing he can say will be offensive to me.

Now, what is the proposition? Certain things are named in the bill specifically. Is an agricultural drill an agricultural implement? It is named in the bill.

There is general language in the bill, but specific language as to agricultural drills. Is it in order to name agricultural drills in the bill, but not name any other agricultural implement in the bill? If it is in order to name one agricultural implement in the bill, then it is a germane amendment to name any other specific agricultural implement, and I undertake to say that even the gentleman from Missouri [Mr. SHACKLEFORD] could learn and understand that [cries of "No, no!" on the Republican side], although that may be a strain on my imagination.

The CHAIRMAN. The Chair agrees with the gentleman, so far as he should take notice of his opinion, that grindstones are implements used on a farm, but the Chair will not undertake to decide. The Chair is of opinion that all well-regulated farms have grindstones on them [applause on the Republican side], but it is for the House to determine whether or not grindstones are already provided for in this bill; and if not, whether it ought to include them with other farm implements. The point of order is overruled.

Mr. FITZGERALD. Mr. Chairman, I wish to read a statement from a letter which I think will throw some light upon this controversy.

Mr. GARDNER of Massachusetts. Mr. Chairman, I make the point of order and call attention to the fact that no paper can be read in this House without unanimous consent.

Mr. FITZGERALD. Well, then, I will send it to the Clerk's desk and have it read by the Clerk.

The CHAIRMAN. The gentleman from New York sends a letter to the Clerk's desk and asks to have it read.

Mr. GARDNER of Massachusetts. Mr. Chairman, I call attention to the fact that it can only be read by unanimous consent.

The CHAIRMAN. The Chair thinks the gentleman can have it read in his own time.

Mr. GARDNER of Massachusetts. Only by unanimous consent can the gentleman have it read in his own time.

The CHAIRMAN. The point of order is overruled, if that is what the gentleman from Massachusetts [Mr. GARDNER] intends.

Mr. FITZGERALD. I wish to make a statement in regard to some information which has come to me from a very distinguished Republican from the city of New York. [Laughter on the Democratic side.] He states in a communication to me something about as follows; as nearly as I can recall the exact language I shall give it to the House:

So far your party seems to be making an intelligent use of its opportunity, although some of the debate has struck me as being absolutely puerile. Representative MANN, for instance, does not seem to know the difference between an agricultural implement and an implement used by agriculturists in common with a number of other people. For this purpose a plow is an agricultural implement and a spade is not.

[Applause and laughter on the Democratic side.]

As this statement is written by a distinguished Republican [cries of "Name him!"], I simply wish to commend it to the Republicans who desire to amend this bill by including additional implements as agricultural implements, since inasmuch as I am neither a farmer nor an agriculturist nor a horticulturist, I am unable to say——

Mr. MANN. Then why did you "butt in"? [Laughter on the Republican side.]

Mr. FITZGERALD (continuing). Whether these instruments are strictly agricultural implements. But to the Republicans who have recently taken such great delight in attempting to help the farmers of this country, I am sure this statement will be of considerable benefit. [Laughter on the Democratic side.]

Mr. GARDNER of Massachusetts. Mr. Chairman, what the gentleman has said is very interesting, especially taken in connection with this rule—

The reading of papers other than the one on which the vote is about to be taken is usually permitted without question, and the Member in debate usually reads or has read such papers as he pleases, but this privilege is subject to the authority of the House if another Member objects.

And when the Chair overruled my point of order, he ruled as well as he has ruled all day. [Applause on the Republican side.]

The CHAIRMAN. The gentleman from Massachusetts may not entertain a very good opinion of the rulings of the Chair, but the admiration may be mutual. [Laughter.]

The question is on the adoption of the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was rejected.

Mr. BURKE of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amend by striking out the word "farm" in lines 8 and 9 on page 1, and the word "agricultural" in line 9, page 1.

Mr. UNDERWOOD. How will the proposition read with the amendment, Mr. Chairman?

Mr. MANN. Mr. Chairman, may we have that amendment reported again, so that we can hear it?

The Clerk again reported the amendment.

Mr. BURKE of Pennsylvania. Now, Mr. Chairman, my object in offering this amendment is not to indicate any sympathy whatever with this measure, but inasmuch as I believe it to be the only piece of out-and-out class legislation that I have seen presented in this House for the last six or seven years, I deem it to be the duty of every Member of this House to direct attention to it. I believe this legislation, if it is to become a law, should be as general as possible in its terms and affect all classes of people in this country alike.

It seems to me that a measure that attempts to draw a line so distinctly between two classes of people in this country as this does is repugnant to the spirit that has animated the American people from the foundation of this country to the present hour. I regret to see the party that has so long proclaimed itself the real friend of the people, the friend of the masses, indulging at this early stage of this extraordinary session in the practice of drawing a distinct line between two classes of people in this country.

The effect of my amendment is to strike out the word "farm," connected with and preceding the word "wagon." I can not see why a duty should be imposed upon a wagon used by a man who toils upon a farm when a wagon is made free to the man who toils in the city, and the converse of that proposition is likewise true.

If the man on the farm is to have his wagon admitted to this country free of duty, then the man who hauls rags and refuse through the city streets and thereby ekes out a livelihood is entitled to the admission of his vehicle free of duty at the same time. [Applause on the Republican side.]

Mr. HEFLIN. Mr. Chairman, will the gentleman yield?

Mr. BURKE of Pennsylvania. I decline to yield, as my time is too limited. The man who hauls express packages through the streets of our crowded cities, and has, perchance, dependent upon him as large a family of little children as the man upon the farm, is entitled to the same consideration at the hands of the American Congress, even if he is not getting it at the hands of the party that now dominates this House. The man who hauls coal to the door of the man in the city is entitled to the same consideration as the man who hauls supplies from the farm. And let me put this concrete proposition to the gentleman from Alabama: What difference is there between the man who brings a load of produce from a farm 10 miles from the city and peddles it through the streets and the man who goes to the railroad station, purchases his farm supplies from the producer, piles them on his wagon, and conducts his business on the highway side by side with the man from the farm? They are both engaged in selling the same articles in the same city on the same day, on the same street, and why the discrimination that has been introduced in this measure? Why should one be taxed and the other not? As my friend, the distinguished gentleman from Illinois [Mr. MADDEN], who sits in the seat next to me to-day, suggests, there are thousands of men who make their livelihood by driving teams and in the carting business in this country.

The man who hauls mud along the railroads that are being constructed in this country, or were being constructed until we had a Democratic House [laughter on the Republican side] is compelled to pay a duty on his cart, while the man who uses the same vehicle on the farm 50 feet away has his vehicle brought into this country absolutely free of duty. The man who *delivers groceries*, and thousands upon thousands of men who use these vehicles in the conduct of their daily business, are discriminated against, and I regret, Mr. Chairman, I profoundly regret, not only that this measure should have assumed this form, but that it should be introduced by a party in which I have so many personal friends on the other side of this House. I hope, Mr. Chairman, since this opportunity is presented to the gentlemen on that side of the House of treating all people alike and placing them all on the same footing, that they will take advantage of it and make the bill general in its terms. [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Chairman, I will only detain the House a moment. It is with deep regret that I have seen the distinguished representative of the protective-tariff barons of Pittsburg come before this House and appeal for the rights of the common people. [Applause on the Democratic side.] The gentleman has overlooked the fact that this bill contains a provision which, if it becomes a law, will give free meat to the people of Pittsburg, who he says do not live on farms, and will give them free bread and free flour and free shoes and free cereals; yet, Mr. Chairman——

Mr. MADDEN. We had free soup houses on the street corners in the large cities under the last Democratic administration. [Applause on the Republican side.]

Mr. UNDERWOOD. What a beautiful picture is presented over there! The representative of the tariff barons of Pittsburg and the representative of the monopolistic interests of Chicago sit side by side appealing for the interests of the plain people. [Laughter on the Democratic side.] But, Mr. Chairman, it makes me sad to know that within a few hours, when the roll is called in this House on this bill, and when the few remaining gentlemen in this House who stand for the great protected interests are summoned to the bar of this House to serve those interests by voting against this bill, when the opportunity is presented to them to vote to give their people free meat, free bread, and free shoes, we shall see them voting in the negative. [Applause on the Democratic side.]

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 1, line 9, by inserting after the word "agricultural" the words "horticultural and market garden."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. UNDERWOOD. Mr. Chairman, I merely want to say that of course that broadens the bill. It broadens it beyond the scope that the committee contemplated, and as to what effect the amendment would have on the revenues of the country I am not prepared to say, because I do not know how far it would go. For that reason I hope the House will vote it down.

Mr. MANN. Mr. Chairman, I want to see whether this is a fake or not.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 1, line 9, by inserting after the word "agricultural," the words "and horticultural."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MANN. Mr. Chairman, the last amendment which I offered, which was voted down, added "horticultural and market garden," so that it would make free agricultural, horticultural, and market-garden implements. This amendment proposes to make free agricultural and horticultural implements. I do not know why the distinction is made, if it is intended to be made, between agricultural and horticultural implements. If it is the purpose of that side of the House not to give to orchard raisers any benefit from the bill, then they should vote down the amendment, and thereby, if the gentleman from Alabama [Mr. UNDERWOOD] will make the statement, indicate that it was not intended by the bill to cover horticultural implements. It was perfectly plain, as I pointed out to the House some days ago, that under the general language of the bill there will be wide confusion as to what the bill means, if it becomes a law, such confusion as would require constant construction, and doubtless a statement from the gentleman from Alabama that he does not intend by this bill to cover horticultural or market-garden implements or tools will be of service in obtaining a proper construction of the law.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 1, line 9, by inserting after the word "implements" the words "and tools."

Mr. MANN. Mr. Chairman, whether the term "agricultural implements" includes agricultural tools one can not be certain about. The gentleman from New York [Mr. FITZGERALD] a moment ago quoted one of his constituents as criticizing me in reference to my information about agricultural implements. There are some gentlemen in the country, and probably in the House, who can give me a great deal of information concerning agricultural implements, but no such gentleman comes from or lives in the city of New York. Is it proposed by the bill to include the ordinary agricultural tools used on a farm? Can anybody tell whether it is or not? Why not be a little more explicit and say whether you mean to include tools as well as implements, so that when they come to construe the law they will know, and when people import they will know.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 1, by inserting after the word "cultivators," in line 8, the following:

"Corn shellers, corn huskers, corn harvesters, combined corn sheller, husker, and bagger, combined corn sheller and husker, corn binders, ensilage cutters, potato planters, potato diggers, potato sorters, root cutters, pulpers and graters, straw stackers, cane loaders and unloaders, garden and field spraying machines, road scoops and scrapers, milking machines, dairy churns."

Mr. MANN. Mr. Chairman, the items indicated in the amendment which I have sent to the Clerk's desk may or may not be construed to be agricultural implements. Do you confine the term "agricultural implements" to the articles which are named in your bill? You name a certain lot of machinery which is used on a farm and leave out a large quantity of other machinery which is used on the farm.

Are you proposing to put these articles upon the free list—corn shellers, corn huskers, corn binders, ensilage cutters, potato planters, straw stackers, cane loaders and unloaders, spreading machines, milking machines, churns—are they included under the language "all other agricultural implements"? If so, what is the harm of inserting them in the bill? If they are not so included, then your term "all other agricultural implements" is inserted in the bill not for the purpose of including items, but for the purpose of buncombe before the people. [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Chairman, I move that all debate on this paragraph and amendments thereto do now close.

The CHAIRMAN. The gentleman from Alabama moves that all debate on the paragraph and pending amendments thereto do now close.

The question was taken, and the Chair announced the ayes seemed to have it.

On a division (demanded by Mr. MANN) there were—ayes 142, noes 96.

So the motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the Chair announced that the noes appeared to have it.

On a division (demanded by Mr. MANN) there were—ayes 82, noes 130.

So the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, line 2, by inserting before the word "parts," where it first occurs, the word "finished," so that it will read "whether in whole or in finished parts."

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, line 2, by inserting before the word "repair" the word "finished," so that it will read "including finished repair parts."

The question was taken, and the amendment was rejected.

Mr. MORSE of Wisconsin. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert, after line 2, on page 2, the following:

"The following articles, now dutiable under the tariff act of August 5, 1909, whenever imported for the purpose of being used in the construction and equipment of pulp and paper mills, or in the manufacture of the products of such mills, are hereby made exempt from all duties and are placed upon the free list:

"Sulphuric acid, alum, chloride of lime, aniline products, dyewoods, glue size, blanc-fixe, chrome colors, ocher earth, ultramarine vermilion reds, pigments, bichromate of potash, prussiate of red, prussiate of yellow, sal soda, soda ash, silicate of soda, sulphur, fire brick, brick (cement), tiles, cement (in packages), lime, china clay or kaolin, grindstones, pig iron, bar iron, steel beams, boiler or other plate iron or steel, forgings of iron or steel, cast-iron pipe, castings of iron or cast-iron plates, tanks or vessels, wire nails, cut nails and spikes, mill saws, circular saws, dextrin, starch, cotton waste, cotton belting, cotton duck, woolen felts and jackets, leather beltings, machinery, brass or copper wire cloth, bituminous coal, leather harness, crosscut saws."

During the reading of the above,

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that the amendment is not germane to the paragraph to which it is offered.

Mr. MORSE of Wisconsin. Mr. Chairman, I desire to say to the gentleman the amendment is short, there are only a few lines, and will the gentleman permit it to be read?

Mr. UNDERWOOD. If the gentleman merely desires to have the amendment read I have no objection.

Mr. LENROOT. Mr. Chairman, I merely wish to offer a further amendment to the paragraph, and I understand this will not be considered as a new paragraph.

The Clerk concluded the reading of the amendment.

Mr. UNDERWOOD. Mr. Chairman, I renew the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. MARTIN of South Dakota. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend after the word "wagons," in line 8, page 1, by inserting "automobiles."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that it is not germane to this paragraph.

The CHAIRMAN. The point of order is sustained.

Mr. LENROOT. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting after the word "implements," in line 9, page 1, the words "and farm machinery."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 2, after line 2, by inserting as a new paragraph, the following:

"The provisions of the last preceding paragraph shall not apply to articles imported from any country, dependency, province, or colony, or other subdivision of government, which imposes any tax or duty or restrictive regulation upon the importation into such country from the United States of any meats of any kind whatever, either fresh or preserved in any form, or of flour, live cattle, or cottonseed oil, or which prohibits or restricts in any way the exportation of news print paper, wood pulp, or pulp wood."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that is not germane to this paragraph.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. Mr. Chairman, I think this is a little different from the amendment offered before, applying to the entire bill. This amendment applies only to the paragraph relating to agricultural implements, and proposes to restrict the number of agricultural implements that can be brought into the country by providing that they can only be brought from countries which do not lay certain restrictions upon the importation of our goods. Suppose, Mr. Chairman, that we offered an amendment to this bill providing that the number of plows brought into the country in any one year should not exceed so many. That certainly would be germane to the proposition in the bill.

Now, the amendment which I offer proposes to say that the agricultural implements shall not be brought into this country free from any country which does not admit our meats free, or from any country which does not permit the free exportation of pulp wood.

We included, the other day, in the Canadian reciprocity bill the provision admitting, under certain conditions, paper free, with a provision as a condition precedent that there must be no restriction upon the exportation of paper or pulp wood from Canada. Was that restriction in order on that bill? If it was in order on that bill, not subject to a point of order upon it, then a proposition here to admit free of duty goods coming from the world can be limited to countries which do not impose a restriction upon the exportation of pulp wood. Let me say to that side of the House——

Mr. UNDERWOOD. Mr. Chairman, the Chair has already ruled on the point of order, and I have no objection in the world to the gentleman from Illinois restating his case, but if he wants to make a speech to the House, I do not think he ought to do so.

Mr. MANN. I understood the Chair was willing to hear me. I did not know that I had to ask permission of the gentleman from Alabama.

Mr. UNDERWOOD. I understood the Chair had sustained the point of order.

Mr. MANN. If I am in error, and the Chair did not say he was willing to hear me——

The CHAIRMAN. The Chair does not think he ruled on this amendment.

Mr. MANN. It seems to me, in deference to that side of the House, the Chair can make a distinction in this case and the amendment previously offered to the entire bill, and can properly say that we can admit agricultural implements coming

from countries which propose to do something for us on the other hand.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. I offer a further amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 2, after line 2, by inserting as a new paragraph the following:
"Matches, friction or lucifer, of all descriptions."

Mr. UNDERWOOD. Mr. Chairman, I could not hear the amendment.

The amendment was again reported.

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that it is not germane.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting, on page 2, after line 2, as a new paragraph the following:
"Baby cradles and baby carriages."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order on that.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The gentleman from Illinois offers a further amendment, which the Clerk will report.

The Clerk read as follows:

Amend page 2 by inserting, after line 2, as a new paragraph, the following:
"Hubs for wheels and wagon blocks."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order against that.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. Mr. Chairman, I offer a further amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report a further amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amend by inserting on page 2, after line 2, as a new paragraph, the following:
"Coffins."

[Laughter on the Republican side.]

Mr. UNDERWOOD. I make the point of order, Mr. Chairman.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The gentleman from Illinois offers a further amendment, which the Clerk will report.

The Clerk read as follows:

Amend page 2, after line 2, by inserting as a new paragraph the following:
"Gunpowder and all explosive substances used for mining, blasting, artillery, or sporting purposes."

Mr. UNDERWOOD. To that, Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk proceeded with the reading of the bill as follows:

Bagging for cotton, gunny cloth, and all similar fabrics, materials, or coverings, suitable for covering and baling cotton, composed in whole or in part of jute, jute butts, hemp, flax, seg, Russian seg, New Zealand tow, Norwegian tow, aloe, mill waste, cotton tares, or any other materials or fibers suitable for covering cotton; and burlaps and bags or sacks composed wholly or in part of jute or burlaps or other material suitable for bagging or sacking agricultural products.

Mr. GILLETT. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GILLETT] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 2 strike out lines 3, 4, 5, 6, and 7 and line 8 to and including the word "cotton."

Mr. GILLETT. Mr. Chairman, I believe there is no duty in the whole tariff which is better justified, either from a protective standpoint or a tariff-for-revenue standpoint, than the duty on cotton bagging. The rate is low; it is less than 10 per cent ad valorem. The machinery by which bagging is made all has to be imported with a high duty of 45 per cent.

Then, the competition is not the ordinary competition which most articles produced in this country have to meet. The only serious competition that the American manufacturer of cotton bagging has to fear is from Calcutta, India, where wages are from a fifth to a tenth as much as the wages paid in the United States to the operatives engaged in this industry. You are protecting our industry, our laborers, against the cheapest labor in the world. And yet gentlemen on that side want to take away this small 10 per cent tariff and put cotton bagging on the free list.

Mr. COOPER. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Wisconsin?

Mr. GILLETT. Yes.

Mr. COOPER. How much is the bagging worth on a bale of cotton?

Mr. GILLETT. I suppose about 50 cents.

Mr. COOPER. What is the tariff on that?

Mr. GILLETT. It would probably be about 4 cents.

Mr. COOPER. What is the value of a bale of cotton?

Mr. GILLETT. Oh, $80 or $90, I suppose.

Now, the gentleman from Alabama himself, in his opening speech, said he thought the American manufacturer ought to have an advantage; that he ought to have a percentage of advantage. What percentage ought he to have, if this 10 per cent is too much? Moreover, Mr. Chairman, the gentleman from Alabama [Mr. UNDERWOOD] went on to state the argument in favor of taking off this tariff. And what did he state as his argument? He stated two facts. First, he said there was no tariff on binder twine. The gentleman knew that was not a fair analogy. He knew it was not a fair comparison.

Mr. UNDERWOOD. I say it is a fair comparison.

Mr. GILLETT. When the tariff was taken off from binder twine, the gentleman knows that none had been imported for years. The tariff had been absolutely prohibitory, apparently. Yet to-day 20 per cent of all the cotton bagging that is used is imported. Moreover, after the duty was taken off from binding twine, none was imported for years, and at last all that has been imported has come from Canada; and if there is any country against which we need no tariff it is Canada, because Canada is nearer our standards of living and wages than any other country. So the gentleman's argument was unfair and fallacious. The competition of binding twine was absolutely unlike this Indian competition which we meet on bagging.

The only other argument the gentleman had to suggest was that the quality of bagging that is used now is very poor. I presume it is poor. If they want to pay more, they will get better bagging. Take the imported bagging, which constitutes 20 per cent of all that is used in this country; that is poor. But the poorest bagging that is used is much worse than this imported bagging and our new bagging. It is the bagging which is made up in a great many southern mills from old refuse bagging out of which they make a very inferior quality of bagging. They use it because it is cheap. The reason the bagging used is so poor is because the planters want to pay low prices.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. BARTLETT. Mr. Chairman, I do not think this amendment for which the gentleman from Massachusetts speaks should prevail, nor do I think that this particular company that manufactures cotton bagging is entitled to any special consideration at the hands of this Congress.

I made the statement, and I think I have the proof, that the Ludlow Co., the American Manufacturing Co., and what is known as the Peru Co., one located in Massachusetts, one in New York, and one in Indiana, are the three concerns combined together for the purpose of manufacturing and selling cotton bagging and controlling the price. I have the proof before me in the testimony given before the Ways and Means Committee of the House in 1908, when Mr. Magner appeared there. He said:

I represent, Mr. Chairman and gentlemen of the committee, all those manufacturers who are engaged in the manufacture of what is known as jute cloth made from jute butts in the United States. They are the Peru Bagging Manufacturing Co., of Indiana; the Ludlow Manufacturing Associates, of Ludlow, Mass.; and the American Manufacturing Co.

Now, a good deal has been said by the gentleman from Massachusetts [Mr. GILLETT] in behalf of his constituents, known as the Ludlow Associates. These gentlemen are not engaged solely in making cotton bagging. They manufacture twine, hemp, carpet yarn, webbing, bagging for covering cotton, and cordage; and the manufacture of cotton bagging by the Ludlow people is only about one-fourth of the business that they do.

They appeared before the Ways and Means Committee together, they associated together in a memorial that they addressed to the Ways and Means Committee, and wherever you find the Ludlow Associates, the American Manufacturing Co., or the Peru company either before Congress or in the market, you find them combining together, not only to control legislation

but to control the price of the article that they manufacture. As proof of that I read from the testimony of Mr. McMillan, who states this:

The American makers, say, three in number, consisting of the American Manufacturing Co., of New York; the Ludlow Manufacturing Associates, of Boston; and the Peru Bagging Manufacturing Co., of Peru, Ind., own and control every mill in America now engaged in making new bagging for cotton.

The first two corporations agree at the beginning of each season upon a price to open the market at, and the small Peru company follows. An arbitrary list, showing differentials throughout the entire cotton belt, is strictly followed, and the price named any given point by the American Manufacturing Co. is exactly the same as the one quoted same point by the Ludlow company.

So that wherever you find the Ludlow and the American people selling cotton bagging they are together, and the evidence demonstrates that they are a trust and are combined to control the price of the bagging.

Another thing, Mr. Chairman. We hear a good deal about cotton bagging being made in India. The whole importation of cotton bagging for any one year does not exceed 20,000,000 square yards. It takes 90,000,000 square yards of bagging to cover the cotton crop, and so far as statistics and the record show, the bagging mills of Scotland, which employ high-priced white labor, import every year and have imported many thousands of yards more cotton bagging than are imported from India. Not only that, but the proof is abundant and at hand that the American Manufacturing Co. and the Ludlow people went South, where there were three independent manufactories, bought out the stock, dismantled the mills, and issued stock to the stockholders of those mills in the American and Ludlow companies, and those independent companies have been idle for years. The whole control of the manufacture of American cotton bagging is in the hands of these three corporations, and they do not deserve any sympathy at the hands of Congress. [Applause on the Democratic side.]

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. CALDER) there were—ayes 63, noes 122.

So the amendment was rejected.

Mr. SAMUEL W. SMITH. Mr. Chairman, I move to strike out the last word, and ask to have read in my time the editorial from the Washington Post of April 26, entitled "Free trade without inquiry," which I send to the desk.

The CHAIRMAN. The gentleman from Michigan asks to have read in his time the following editorial from the Washington Post. The Clerk will read.

The Clerk proceeded to read the editorial.

Mr. UNDERWOOD (interrupting the reading). Mr. Chairman, it is not in order to read an article of that kind. Will not the gentleman accept unanimous consent to print?

Mr. SAMUEL W. SMITH. Mr. Chairman, the Chair ruled a while ago that that was in order on a proposition of this kind.

The CHAIRMAN. The gentleman from Michigan is in error. The Chair did not rule that the Clerk might read the paper. The Chair did rule that the gentleman might read it as a part of his remarks.

Mr. NORRIS. Mr. Chairman, I make the point of order, and call the Chair's attention to the fact, that the objection did not come until after the Clerk had commenced to read the aricle.

The CHAIRMAN. The point of order is well taken. The Clerk will continue the reading.

The Clerk read as follows:

[Wednesday, Apr. 26, 1911.]

FREE TRADE WITHOUT INQUIRY.

Has it not dawned upon northern Democrats in the House that perhaps four-fifths of the 100 articles on the farmers' free list are manufactured exclusively in the North? Is it not being brought home to them that the untaxing of not a few of these articles would not benefit any of the 5,000,000 American farmers living within 800 or 1,000 miles of the Canadian boundary—the very people whose interests, it is claimed, would be imperiled by reciprocity? On the other hand, you scan the list in vain for a single article which would, were the duty taken off, be advantageous alone to farmers whose products might be affected by the Canadian invasion. This is the avowed purpose of the farmers' free list, and yet the bulk of the promised benefits would go to farmers whose claims have no foundation in legitimacy. The northern farmer must divide his share with his southern neighbor, and then allow the latter to pocket a big bonus besides.

For illustration of how the free list would work out, take the item of jute bagging for cotton baling. The Ways and Means Committee says the proposed tariff changes are in the interest of all the people, but it does not appear that the farmers of New York or any of the 8,000,000 people of that State would profit an iota by putting jute bagging on the free list, although Brooklyn mills turn out most of the goods in this country—that is to say, in the cotton belt. About 20 per cent of jute bagging is imported from Calcutta, and it was in order to protect American labor from ruinous competition with the cheapest labor in the world that the tariff was put on. Take it off, and the Brooklyn mills must inevitably follow the Birmingham steel mills in closing down, throwing many thousands of people out of work, and sacrificing millions of capital.

The farmers' free list was steam rollered through the Democratic caucus, and it is not conceivable that any of the 25 Democrats on the New York delegation knew exactly what he was doing in pledging himself to vote for free jute bagging.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. UNDERWOOD. Mr. Chairman, I move that all debate on the pending paragraph and all amendments thereto be now closed.

The motion was agreed to.

Mr. SAMUEL W. SMITH. Mr. Chairman, I ask unanimous consent that the remainder of the editorial be read.

The Clerk read as follows:

The caucus also cajoled the New Yorkers into voting to give no hearing to business interests affected by this high-handed procedure, and appeals from Brooklyn for a hearing were turned down. This snap-judgment, free-trade legislation practically amounts to confiscation of property. The North stands to lose pretty much everything the House would sacrifice on the altar of free trade, for what is true of jute is true in whole of a dozen other items and true in part as to the remainder.

Talk about the "robber" tariff! How about the robber free list? And also, how about the authoritative assurance that no legitimate business has anything to fear from a revision of the tariff?

Contrast this blind way of dealing with American industries with President Taft's statement to the free-trade leaders that he proposes to get all the facts before taking up general tariff legislation, and that "if the Democratic majority in the House act without investigation they must be held responsible for any damage or injustice they may do to capital or labor."

Mr. SAMUEL W. SMITH. I will also read as a part of my remarks an extract from the Washington Post of another date:

[Friday, Apr. 21, 1911.]

TREASURY FEELING THE PINCH.

The earlier estimates of Treasury officials as to what the condition of Government finances would be at the close of the current fiscal year on June 30 are now seen to have been too optimistic. But it was only recently that the situation took a turn for the worse, and it was made apparent that the prediction that the deficit would disappear and a modest surplus take its place could scarcely be realized. The changed outlook is owing to unlooked-for slumps in both import duties and internal-revenue receipts, the corporation tax being the only item showing no falling off from the estimates. The deficit so far this month is about $4,000,000, whereas a year ago the receipts kept pace with the expenditures. The decline in revenue is about equally divided between customs and internal revenue—$2,000,000 each.

The falling off is attributed by Treasury authorities to the depression in trade, both foreign and domestic. The Treasury stood the strain long after general business began to crumple up, but it was only a question of time until Uncle Sam, too, would feel the pinch of the politicians' panic. The South also is beginning to feel the blighting effects of frenzied politics and mischievous legislation. Heavy cotton exports delayed the inevitable for a while, but the sharp decline in southern industrial stocks now in progress testifies to what is in store for that section, now that normal conditions prevail in the cotton markets.

Now that the Government feels the paralyzing effects of laws in restraint of trade, and it is seen that things will be worse before they are better, it seems probable that the issue of the Panama loan will be hastened in order to meet the exigency. The Government has at no time been anxious to float the canal obligation, and had the revenues come up to the early estimates the necessity of resorting to borrowing probably would have been obviated. Meanwhile Congress, or at least the House, contemplates taking action which can only have the effect of further limiting the Government's resources.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 2, by inserting after line 10, as a new paragraph, the following:

"The goods, wares, articles, and merchandise mentioned in the last preceding paragraph, manufactured wholly or in part in any foreign country by convict labor, shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order on that.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. Mr. Chairman, I wish to be heard on the point of order.

Mr. CARLIN. Mr. Chairman, I make the point of order that the Chair has already sustained the point of order.

The CHAIRMAN. The Chair has sustained the point of order.

Mr. MANN. Does the Chair decline to hear me on the point of order?

The CHAIRMAN. Yes.

Mr. MANN. I appeal from the decision of the Chair. The Chair will not expedite matters by refusing a courteous hearing.

The CHAIRMAN. If the gentleman has anything new to present the Chair will be glad to hear it.

Mr. MANN. The Chair absolutely declined to hear from me, although I have not wasted any of the time of the Chair.

The CHAIRMAN. The gentleman may proceed if he has anything additional.

Mr. MANN. Mr. Chairman, I have appealed from the decision of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. MANN. Mr. Chairman, now, what is the proposition? The proposition is to admit gunny cloth bagging for cloth bags or sacks, and so forth, free of duty. The law now provides—the Payne tariff law—that those articles can not be admitted at all made by convict labor, but you are proposing a new law, which would admit them although they are made by convict labor in foreign countries. Now, you propose to say that it is not in order when providing for the free admission of these into the United States that we may restrict those that are made by convict labor. It was in order when we passed the Payne tariff law under the rules which have been so roundly abused, but under your benign rules of the House you say it is not now in order to put in the same provision that we put into the Payne law. We proposed an amendment to keep out convict-made goods. You endeavor to extricate yourselves from the dilemma of voting upon a proposition by saying that it is not in order. Very well, we will let you test that by a vote in the House, and I will wait and see whether any gentlemen on the Democratic side of the House has the nerve or the courage or the hardihood in respect to labor interests to vote on tellers against sustaining the Chair so that we may write into the law a provision that these goods made by convict labor shall not be admitted in the United States, and every gentleman who votes to sustain the decision of the Chair votes to let in convict-made goods, and those who vote against sustaining the decision of the Chair vote to keep out convict-made goods. [Applause on the Republican side and cries of "Vote" !]

Mr. UNDERWOOD. Mr. Chairman, I will not detain the House but a minute. It is almost laughable the stress to which the gentleman from Illinois is driven to try to defeat an honest bill in the interest of the people. [Applause on the Democratic side.] He comes before this House with a pretense, and I will emphasize the word "pretense," that he is offering an amendment here in the interest of labor. An amendment coming from that side of the House in the interest of labor? [Applause on the Democratic side.] Why, Mr. Chairman, this bill that is offered to-day repeals no section of the Payne tariff law except the taxing section. There is nothing in this bill that repeals anything in the Payne law to which the gentleman refers. The Payne law in no way is changed so far as it relates to convict-made goods by the enactment of this law. It is a mere pretense, a cloak and a cover that you are trying to find to hide behind to carry home with you as an excuse for voting against a bill that will reduce the cost of living to the American people. [Applause on the Democratic side.] Mr. Chairman, I move that all debate on the appeal do now close.

The CHAIRMAN. The gentleman from Alabama moves that all debate on the appeal from the decision of the Chair do now close.

The question was taken, and the Chair announced the ayes seemed to have it.

Mr. MANN. Mr. Chairman, I ask for a division.

The CHAIRMAN. The gentleman from Illinois asks for a division.

Mr. MANN. I ask for tellers. A parliamentary inquiry, Mr. Chairman; it is impossible to hear the Chair, owing to the confusion. I do not know what the question is.

SEVERAL MEMBERS. It is on closing the debate.

Mr. MANN. I do not know that anybody wants to talk any more in debate; it is only a waste of time.

The CHAIRMAN. The gentleman from Alabama moved that all debate close on the appeal from the decision of the Chair, and that motion the Chair declared carried.

Mr. MANN. Nobody objects to that.

The CHAIRMAN. The gentleman withdraws his demand for tellers?

Mr. MANN. Yes; I withdraw the demand for tellers.

The CHAIRMAN. The question is on whether the decision of the Chair shall stand as the decision of the committee.

The question was taken, and the Chair announced the ayes seemed to have it.

Mr. MANN. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The gentleman from Illinois demands tellers.

Tellers were ordered.

The question was taken; and the tellers (Mr. AUSTIN and Mr. UNDERWOOD) reported that there were—ayes 172, noes 73.

So the decision of the Chair stood as the decision of the committee.

Mr. MANN. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, after line 10, by inserting as a new paragraph the following:

"Binding twine, of whatever materials composed."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that that is not germane to the item in the bill.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 2, after line 10, by inserting as a new paragraph the following:

"Hemp, and tow of hemp, and hemp hackled, known as line of hemp."

Mr. UNDERWOOD. Mr. Chairman, I make the same point of order.

Mr. MANN. Mr. Chairman, the bill proposes to admit free of duty bagging, and so forth, composed in whole or in part of jute, jute butts, hemp, flax, seg, Russian seg, and so forth. I have offered an amendment to place hemp on the free list. Is it not germane to a bill which proposes to put manufactured hemp on the free list to offer an amendment to put the raw material on the free list?

Mr. UNDERWOOD. Mr. Chairman, I will say in the confusion I could not hear the gentleman's amendment. If his purpose relates to hemp, I will withdraw the point of order and ask for a vote.

The CHAIRMAN. The Clerk will report the amendment again.

The amendment was again read.

Mr. UNDERWOOD. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, by inserting on page 2, after line 10, as a new paragraph, the following:

"Jute manufacturing machinery, linotype and all typesetting machines, printing presses, typewriters, and cash registers."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order against that amendment.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. Mr. Chairman, it is proposed in the bill to put jute and manufactured articles on the free list. This amendment proposes to put jute-manufacturing machinery on the free list. It seemed to me that when a bill which proposes to put the manufactured article upon the free list it ought to be germane to offer an amendment to put the machinery by which that article is produced in the United States upon the free list.

The CHAIRMAN. Does the gentleman from Alabama insist upon his point of order?

Mr. UNDERWOOD. I insist upon the point of order; yes.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. I also offer a further amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk reads as follows:

Amend, on page 2, by inserting after line 10, as a new paragraph, the following:

"Table, kitchen, and hospital utensils, or other similar hollow ware of iron or steel, enameled or glazed with vitreous glasses, but not ornamented or decorated with lithographic or other printing."

Mr. UNDERWOOD. Mr. Chairman, I make a point of order against that.

The CHAIRMAN. The gentleman from Alabama makes a point of order. The point of order is sustained.

Mr. MANN. I also offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, by inserting on page 2, after line 10, as a new paragraph, the following:

"Table, butchers', carving, cooks', kitchen, bread, butter, vegetable, cheese, hay, tanners', plumbers', and shoe knives, forks, and steels, with or without handles."

Mr. UNDERWOOD. Mr. Chairman, I make a point of order that it is not germane to the bill.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. Mr. Chairman, I offer a further amendment.

The Clerk read as follows:

Amend, page 2, after line 10, by inserting as a new paragraph, the following:

"Razor blades, handles, and unfinished razors."

Mr. UNDERWOOD. I make the point of order, Mr. Chairman.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. I hope the gentleman will not insist upon his point of order. The duty on these articles is now 283 per cent.

Mr. FITZGERALD. Who put it on? The Republicans! [Applause on the Democratic side.]

Mr. MANN. I did not.

The CHAIRMAN. The Clerk will read.

Mr. MANN. Mr. Chairman, I have another amendment if the gentleman from Alabama [Mr. UNDERWOOD] insists upon his point of order.

The CHAIRMAN. The gentleman from Illinois offers another amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 2, by inserting, after line 10, as a new paragraph the following:

"Iron ore, including manganiferous iron ore, and the dross or residuum from burnt pyrites."

Mr. UNDERWOOD. Against that, Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. Mr. Chairman, do I understand the Chair sustains the point of order against an amendment putting iron ore on the free list, when the bill puts a large number of products of iron ore upon the free list? Does the Chair hold it is not in order when you put steel and iron products upon the free list?

Mr. UNDERWOOD. The Chair has already sustained the point of order.

Mr. MANN. If the Chair will rule loudly enough to be heard at this point——

The CHAIRMAN. The Chair, perhaps, has not spoken loudly enough.

Mr. MANN. We have been unable to hear the Chair here for some time.

Mr. HANNA. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from North Dakota [Mr. HANNA] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Between lines 10 and 11, as a new paragraph, on page 2 of the printed bill, add the following:

"Sugars not above No. 16 Dutch standard in color, tank bottoms, sirups of cane juice, melada, concentrated melada, concrete and concentrated molasses"——

Mr. UNDERWOOD. Mr. Chairman, I make the point of order against that, that the amendment is not germane.

Mr. KENDALL. I will suggest to the gentleman from Alabama that there may be something in the amendment that relieves it of the objection. It may have some countervailing provision or feature to recommend it.

Mr. PAYNE. I think the gentleman from Alabama ought to wait to see if it will reduce the high cost of living. [Laughter and applause on the Republican side.]

Mr. UNDERWOOD. I will say to the gentleman that I am sure the only reduction in the high cost of living will come from this side of the House. [Applause on the Democratic side.]

Mr. KENDALL. Give the breakfast table a chance. [Applause on the Republican side.]

Mr. UNDERWOOD. If the gentleman wants to have the amendment read in full, so that it may go into the RECORD, I have no objection. It is really out of order.

The CHAIRMAN. The Clerk will report the remainder of the amendment.

The Clerk resumed the reading of the amendment, as follows:

Testing by the polariscope not above 75°, forty-seven and one-half one-hundredths of 1 cent per pound, and for every additional degree shown by the polariscopic test seventeen and one-half one-thousandths of 1 cent per pound additional, and fractions of a degree in proportion; and on sugar above No. 16 Dutch standard in color, and on all sugar which has gone through a process of refining, ninety-five one-hundredths of 1 cent per pound; molasses, testing not above 40°, 10 per cent ad valorem; testing above 40° and not above 56°, 1½ cents per gallon; testing above 56°, 3 cents per gallon; sugar drainings and sugar sweepings shall be subject to duty as molasses or sugar, as the case may be, according to polariscopic test.

Mr. HANNA. Mr. Chairman, the adoption of this amendment will reduce the tariff upon sugar exactly one-half. It is in the interest of every citizen in this country and should be adopted.

Mr. UNDERWOOD. Mr. Chairman, to that I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. NORRIS. Mr. Chairman, I have another amendment, which I send to the Clerk's desk and ask to have read.

The CHAIRMAN. The gentleman from Nebraska [Mr. NORRIS] offers an amendment, which the Clerk will report.

The Clerk read as follows:

After line 5, page 2, add the following: "And binding twine made from hemp."

Mr. NORRIS. Mr. Chairman——

Mr. UNDERWOOD. Debate is all closed on that proposition.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Nebraska.

The question was taken, and the amendment was rejected.

Mr. SAMUEL W. SMITH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. Debate has closed on the pending paragraph. The question is on striking out the last word of the paragraph. Does the gentleman insist upon it? Debate upon the paragraph has closed. [Cries of "Vote!" "Vote!"] The gentleman from Michigan withdraws his pro forma amendment. The Clerk will read.

The Clerk read as follows:

Hoop or band iron, or hoop or band steel, cut to lengths, punched or not punched, or wholly or partly manufactured into hoops or ties, coated or not coated with paint or any other preparation, with or without buckles or fastenings, for baling cotton or any other commodity; and wire for baling hay, straw, and other agricultural products.

Mr. MANN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, page 2, after line 16, by inserting as a new paragraph the following:

"The articles named in the last preceding paragraph shall be admitted free only when imported into the United States from a country, dependency, Province, or colony, being the product thereof, which imposes no tax or duty or restrictive regulation upon the importation into such country, dependency, Province, or colony from the United States of live domestic animals, fresh or refrigerated and prepared or preserved meats, wheat, rye, oats, barley, buckwheat, corn or maize, cottonseed oil."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order against that amendment that it is not germane.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. I offer a further amendment.

The CHAIRMAN. The gentleman from Illinois offers the following amendment.

The Clerk read as follows:

Amend by inserting, on page 2, after line 16, as a new paragraph the following:

"Watch movements, including time detectors, whether imported in cases or not, if having not more than seven jewels each; lever clock movements, and clocks, and parts thereof, not otherwise specially provided for by law."

Mr. UNDERWOOD. I make the point of order against that amendment that it is not germane.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. I offer a further amendment.

The Clerk read as follows:

Amend by inserting on page 2, after line 16, as a new paragraph, the following:

"Type metal and new types."

Mr. UNDERWOOD. I make the point of order against that amendment that it is not germane.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. I offer a further amendment.

The Clerk read as follows:

Amend line 16, page 2, by adding at the end thereof the following: "*Provided*, That said articles shall not have been manufactured in any establishment where the eight-hour rule for labor has not been observed."

Mr. UNDERWOOD. I make the point of order against that amendment that it is not germane.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. Mr. Chairman, I am compelled to appeal from the decision of the Chair on that.

The CHAIRMAN. The gentleman from Illinois appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. MANN. I will ask for a division on that, to see whether anybody on that side votes for eight hours for labor.

The committee again divided; and there were—ayes 107, nays 73.

Accordingly the decision of the Chair was sustained.

The Clerk read as follows:

Grain, buff, split, rough and sole leather, band, bend, or belting leather, boots and shoes made wholly or in chief value of leather made from cattle hides and cattle skins of whatever weight, of cattle of the bovine species, including calfskins; and harness, saddles, and saddlery, in sets or in parts, finished or unfinished, composed wholly or in chief value of leather; and leather cut into shoe uppers or vamps or other forms suitable for conversion into manufactured articles.

Mr. DYER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Strike out all of paragraph on page 2, beginning with the word "grain," on line 17, and ending with the word "articles," on line 24.

Mr. MANN. Mr. Chairman, before that amendment is put, which is to strike out, I suppose it is in order to perfect the text of the paragraph, and I offer an amendment for that purpose.

The CHAIRMAN. The gentleman from Illinois offers the following amendment to perfect the paragraph.

The Clerk read as follows:

Amend, page 2, by inserting at the end of line 20 the following:
"Kangaroo, sheep, and goat skins (including lamb and kid skins), dressed and finished; patent, japanned, varnished, or enameled leather and glove leather."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MANN. Mr. Chairman, just a word. The bill proposes to make free any leather—

cut into shoe uppers or vamps, or other forms suitable for conversion into manufactured articles.

If some work has been done upon the leather it is admitted free of duty. The amendment which I offer is to admit free of duty goatskin leather, which is the leather usually used in the manufacture of ladies' shoes, so that the manufacturers here may compete on even terms with the manufacturers abroad. Under this bill, if they import their leather without being partly manufactured, they can not compete with other manufacturers who import free partly manufactured leather of the same kind. We would drive out of this country the manufacturers of ladies' shoes, except the mere putting together of partly manufactured leather. There is a duty of 15 per cent upon this leather left by this bill, but taken off if it is partly manufactured. There is no logic in taking the duty off the material when partly manufactured, but leaving it on entirely before the process of manufacture has begun.

Mr. FOWLER. Mr. Chairman and fellow Congressmen, the President of the United States, by convening Congress in special session within a month after the sine die adjournment of the Sixty-first Congress, has admitted to the world the necessity of immediate legislation in America for the relief of the people from existing conditions.

In his message to this Congress a short time ago he does not tell us just what our troubles are, but from the fact that he deals only with one subject—the reciprocity treaty with Canada—and his urgent request for the enactment of its provisions into law, we are led to the conclusion that he believes that the passage of such a law would be a panacea for all of our national ills, whatever they may be.

This treaty was entered into last winter. The President then urged the passage of a law by the Sixty-first Congress carrying into effect its provisions. Congressman McCALL, of Massachusetts, introduced a bill for that purpose, which passed the lower House but failed to be considered by the Senate. At the beginning of this session Congressman McCALL and Congressman UNDERWOOD, of Alabama, each introduced a bill for the same purpose. The Ways and Means Committee reported out Mr. UNDERWOOD's bill, and it passed the House a few days ago. It is well known to the people throughout the land that our greatest burden now is, and for some time has been, the high cost of living. If this treaty is enacted into law, will it relieve the people from existing conditions? I was in Washington last February, when it was first made known to the public, and gave it a very careful and painstaking study. I was anxious to be for any measure which would bring relief to the masses, but was forced by the terms of this treaty to conclude that it was in keeping with former trust-made legislation. It very forcibly reminded me of one of Æsop's fables, in which the lion, desiring to rid himself of the trouble of chasing down his prey, pretended to be sick, and issued a proclamation inviting all the other beasts to visit him. Some time after the proclamation was issued he met the fox and demanded of him why he had stayed away, whereupon the fox replied:

I was often moved to visit your majesty and minister unto your wants, but on each occasion when I approached the door of your lair I found the tracks of many beasts entering in, but none coming out. I was thereby frightened away, and did not dare enter.

The same is true as to this treaty. All of its provisions lead directly into the camps of the trusts and none into the homes of the people. It places the crude products of the farm and the forest on the free list, and just as soon as the combines get possession of them and convert them into the finished products we find them securely hiding behind a high wall of protection. For instance, all grain out of which bread is made is placed on the free list; all farm animals out of which we make meat are placed on the free list; all crude lumber, which comes largely from the little sawmills in the swamps, is placed on the free list; but just as soon as the grain is changed into meal or flour or the animal is converted into meat or the crude lumber receives a slight polish from the plane this treaty shouts aloud, "High protection." Why should the Milling Trust have a high protection upon its products? Is there any more need for a protective tariff on meal and flour than there is on wheat, corn, rye, barley, and oats? Why should the criminal meat packers have a high protective tariff on meat? It is true that 10 of them stand indicted in the Federal courts of Chicago for conspiracy in restraint of trade. They have received one immunity, and now they are pleading for another. I can see no reason why they should be sheltered by a high protective tariff, unless it is for the purpose of forcing the people to contribute enough money to pay their fines in case they are convicted. I can not understand why the crude lumber from the little sawmills in the swamps should be placed on the free list, thereby striking a blow at labor and individuality, and the finished product placed on the highly protected list, unless it is for the purpose of giving the Lumber Trust an opportunity to continue its exploitations of the people.

What is true of these articles is true as to the whole of this treaty. It is a direct slap in the face at labor and at the farmer, and a sop for the rich. It was intended for the voice of Jacob, but it is the hand of Esau. I was not willing to say to the farmers and to labor that they were criminals and responsible for the widespread suffering resulting from the high cost of living and at the same time say by my vote to the criminal combines that they are good fellows and innocent.

Such legislation in the past has driven businesses on a small scale into bankruptcy by the countless thousands. Cheap living can not be maintained by congesting business in centers in the hands of a few, but the best results may be had from leaving the business scattered over the country in the hands of the industrious many, within easy reach of the consumer.

Reciprocity with Canada is no new discovery. In 1854 we passed a law giving free trade with Canada, and after experimenting with it for 10 years it was repealed.

Prior to the advent of the hobble skirt in society the width of a society woman's hat could be measured by 5 society steps, but now it requires 15 society hobble-skirt steps to measure the width of the same hat; now, suppose the hobble-skirt step should be shortened by tightening the hobble in the skirt. What effect would that have in reducing the cost of common living? Would the enactment of the provisions of this reciprocity treaty with Canada into law do more? I believe in calling a spade a spade, and am not willing to be led away from the real issue before the people by baiting my hook to fish for foolish gudgeon. Under the blighting influence of the high cost of the necessaries of life we have seen the dollar laid by for a rainy day, and often goodly sized bank accounts, vanish like a shadow, and to-day in many quarters of this country—the land of the greatest plenty—hungry children cry for bread with none to give and helpless mothers wring their hands in despair and pray to the God of Heaven for relief.

If real relief from such conditions can be given by righteous legislation at the hands of a just Congress, let us begin the task at once, and in order to do our whole duty let us brush away the cobwebs of party prejudice and tear off the masks of servitude to our former business masters, thereby emulating the example of honest John Quincy Adams, who so signally honored this branch of Congress by selling his private bank stock before taking his seat in Congress, so that nothing would stand between him and his duty to the people in voting upon the question of national banks; let us lift our hearts to the mighty Ruler of the Universe for an inspiration of thought and a rectitude of conscience, to the end that our deliberations may be full of wisdom and purity, for the people at large are entitled to our best effort, our highest honor, and our keenest statesmanship. [Applause.]

I believe that the bill now under consideration, the farmers' free-list bill, has much merit in it. It is said by some that it is intended to pay back to the farmer what he lost by the passage of the Canadian reciprocity bill. Whatever motive may have prompted its recommendation for passage is certainly most commendable, for its provisions suggest relief to the many from heavy burdens which have been endured for half a century. It proposes to give to the farmer free from tariff taxation the implements and machinery necessary for the cultivation of the soil and necessary in harvesting, handling, and garnering his crops. It also gives him free wire for his fence. This provision of the bill, it is true, will affect the interests of the Steel Trust and the Harvester and Farmers' Implement Trust mostly, but neither one of them ought to complain, for in 1908 they both sent their representatives before the Ways and Means Committee, and there, under oath, they told that committee that iron and steel could be produced in America cheaper than in any other country in the world and that they did not need any protection for their businesses.

During the year 1910 the Harvester Trust exported from this country to foreign countries its products, such as mowers, reapers, plows, cultivators, and other implements, in the amount of $28,124,033. During the same year articles such as the Steel Trust manufactures were exported from this country to foreign countries to the amount of $179,133,186.

Another provision of this bill places leather made of cowhides and calfskins, boots and shoes and parts thereof, harness and saddles and all parts thereof, made out of cowhide leather, on the free list. The tanners, leather dealers, and manufacturers of boots and shoes certainly will not complain at this provision of the bill, because they went in great droves and herds before the same Ways and Means Committee in 1908, and, under oath, told that committee that if Congress would put hides on the free list the world would be a "cinch" to their business; that they were then exporting boots and shoes to more than 40 different foreign countries. They promised us cheaper boots and shoes if the duty on hides were removed, which is shown by the following extracts:

[Extracts from evidence given by manufacturers of leather and boots and shoes.]

First. Extracts from the statements of Mr. Elisha W. Cobb, manufacturer of split leather, Boston, Mass.:

"Mr. COBB. I am a manufacturer of heavy leather, called split leather. My experience runs over 30 years in a concentrated line of hide upper leather, called cowhides, which business has possibly been affected more by the duty on beef hides than any other.

"Mr. MCCALL. Now, Mr. Cobb, what do you think about the effect of making upper leather in this country—of putting upper leather on the free list?

"Mr. COBB. Answering your question, I would say if I can buy my hides on the free list, I think the American upper-leather tanner can beat the world.

"Mr. BOUTELL. Personally you would not object to putting leather on the free list?

"Mr. COBB. Personally, no, sir."

—

[Extracts from the evidence of Mr. Charles H. Jones, of Boston, Mass., representing the New England Shoe and Leather Association.]

The CHAIRMAN. What class of shoes do you manufacture?

Mr. JONES. We manufacture men's fine shoes, as they are called in the trade, retailing from $3 to $5 per pair.

Mr. COCHRAN. I assume, then, it is your opinion that the giving of free raw material would enable you to take your chances without protection?

Mr. JONES. I am glad to say that I am on record in a statement, made several years ago, to the effect that I should be glad to see shoes absolutely free if all the leather and other materials were free. The New England Shoe and Leather Association was united in that view at that time.

—

[Telegram.]

LYNN, MASS., *November 24.*

Hon. SERENO E. PAYNE,
Chairman of Ways and Means Committee,
Washington, D. C.:

As probably the largest manufacturers of women's fine shoes in the world, the Sorosis Shoe Co. desires to go on record as declaring the present tariff on such shoes as we manufacture wholly unnecessary to our success and a distinct injustice to the consuming public. We favor the complete abrogation of this tariff, welcoming the competition of the world. We should be glad, at the convenience of the Ways and Means Committee, to present arguments for the removal of the duty on boots and shoes like those of our own manufacture.

A. E. LITTLE & Co.

—

[Extracts from the evidence of Henry J. McFarland, of Chicago, Ill., president of M. D. Wells & Co.]

Mr. MCFARLAND. All I want to say is that the West emphatically indorses the position of Mr. Jones, who has very ably stated it.

Mr. RANDELL. You say that the manufacturers of shoes in this country can compete with those of any country in the world, in your opinion? You mean in the markets of the world?

Mr. MCFARLAND. Yes.

Mr. RANDELL. You do not just confine that to this country, the home market, but you mean the markets of the world?

Mr. MCFARLAND. I mean the skill with which shoes are manufactured; the skilled workmen of this country can overcome the handicap of price of foreign labor.

Mr. RANDELL. And enable you to meet them in the markets of the world?

Mr. MCFARLAND. Meet them anywhere.

—

[Extracts from the evidence of Charles A. McCarthy, of Auburn, N. Y., shoe manufacturer, November 28, 1908, before the Ways and Means Committee.]

Mr. NEEDHAM. Your position is that if we take this tariff off of it, meaning hides, will reduce shoes 25 cents a pair?

Mr. MCCARTHY. I did not say that.

Mr. NEEDHAM. You gave an illustration of a family using 10 pairs of shoes a year, and you said that they would get their shoes for 25 cents a pair less?

Mr. MCCARTHY. I said when the price went up. If the price was changed and went down, it would go in the same ratio. I should say if they change the price.

Mr. COCHRAN. If there was any change it would be a change not of 5 or 10 cents, but it would be 25 cents.

Mr. NEEDHAM. Do you think they would reduce the price of the shoes to the consumer?

Mr. MCCARTHY. They would either do that or give them a better shoe.

This was done by the last Congress, but instead of receiving cheaper footwear we have been compelled to pay from 10 to 20 per cent more for our boots and shoes, which is illustrated by a little conversation I had with a Republican friend of mine, who has been employed in this Capitol building for many years and for whose veracity I vouch. I asked him where he bought that nice, easy shoe he was wearing. He replied, "Here in Washington." I then asked him what he paid for it, and he replied: "I have been wearing this shoe for 8 or 10 years. I always paid $4.50 for it until this year. I paid $5 for this pair." During the year 1910 dealers in leather, boots, and shoes exported to foreign countries their goods in the sum of $52,647,745. I hold a telegram in my hand from a large number of manufacturers of Chicago, protesting against the provisions of this bill, which I ask to be made a part of the RECORD:

CHICAGO, ILL., *April 27, 1911.*

Hon. H. ROBERT FOWLER,
House of Representatives, Washington, D. C.:

Foreign shoe manufacturers have free material, pay no royalty on machinery, and get labor at about half paid in this country. How can we Illinois manufacturers and wholesalers of shoes compete under these conditions if shoes are admitted free? Tariff on shoes is only 10 per cent; on all other wearing apparel averages 60 per cent. Why should shoes bear all the burden in the plan to reduce the cost of living? We earnestly protest against the removal of duty on shoes under existing conditions.

Selz, Schwab & Co.; J. P. Smith Shoe Co.; Smith-Wallace Shoe Co.; Watson-Plummer Shoe Co.; H. F. C. Dovenmuehle & Sons; The Rice & Hutchins Chicago Shoe Co.; Florsheim Shoe Co.; Guthman, Carpenter & Telling; J. E. Tilt Shoe Co.; Fargo & Phelps; A. A. Putnam & Son; R. P. Smith & Sons Co.

Another provision of the bill places bread and meat on the free list, thereby forcing the Milling Trust to give us larger biscuits for breakfast and the Beef Trust to give us richer roasts for dinner. The meat packers exported to foreign countries during last year meats and meat and dairy products to the amount of $130,632,783, and sold them in the free-trade markets of the world.

By placing lumber and all building materials, both rough and dressed, on the free list, it gives the poor a better chance to get homes of their own, thereby relieving them of a long-felt want of independence in their domestic surroundings.

What a contrast between this bill, which seeks to lighten the burden from the shoulders of the toiling masses, and the free list in the Payne-Aldrich tariff law, which places in the hands of the criminal combinations a more powerful and effective weapon. It gives to the idle rich, diamonds, furs, and silks without taxation; it gives to the poor, blankets taxed at 107 per cent; it gives to the common housewife, woolen dress goods taxed at 135 per cent; and it gives to the infant child, flannels taxed at 143 per cent. But this is not all. It places upon the free list turtles, an animal whose characteristic, when discovered, is to dive to the bottom and stir up the mud from below to conceal its miserable form. I do not know why turtles should be placed on the free list, unless it was for the purpose of stirring up enough mud in the stream of public thought to hide the miserable features of this law. You fellows who voted for that law placed ipecac, a very powerful emetic, upon the free list. It is said that the Payne-Aldrich tariff law is a more powerful emetic, by far, than has ever been discovered by the most skillful metallurgist. I understand that when the bill was first introduced into Congress its very sight was so revolting to the stomachs of 20 brave insurgent Republicans that they did not dare swallow any part of it. I also understand that my colleague from Illinois [Mr. MANN], who recently charged the new Members on this side of the Chamber with being ignorant and impudent, swallowed it without a frown [laughter and applause], and, like the swashbuckler who swallowed a big beetle, it has not even made him sick on his stomach yet. [Applause on the Democratic side.]

You put old gunny bags and old junk on the free list for the Bag Trust. Our bill places new bags and new burlap on the free list for the farmer's grain and cotton. You place brimstone in blocks and sulphur in bulk on the free list. Did you think that by placing these two articles on the free list in such large quantities you could fool the devil and thereby induce him to exhaust his stock of punishment before you died? [Laughter and applause.] We place sewing machines on the free list for the farmer's wife and salt on the free list for his stock. You placed St. John's bean on the free list. What a cowardly act. Why did you not place Farmer John's buttons for his trousers on the free list instead of taxing them 126 per cent? The power which you placed in the hands of the criminal combinations by the passage of the Payne-Aldrich tariff law reminds me of a play I once saw enacted on the stage, with the scene laid in the home of a Southern planter, whose beautiful daughter had a young neighbor Chesterfield for a sweetheart. During one

evening of their courtship the old colored maidservant came in with some beautiful flowers. The young gallant Chesterfield, rising, took from his pocket a silver dollar, and presented it to her, saying: "Auntie, there's 50 cents for you and 50 cents for Pete," the colored manservant. She at once raised aloft the silver dollar and exclaimed: "A whole dollar. Fifty cents fo' me and 50 cents fo' Pete." We all applauded her plain honesty. She came back again, raising the silver dollar aloft and exclaimed: "A whole dollar. Seventy-five cents fo' me and 25 cents fo' Pete." We were all surprised, and she went away without applause. She came back again and raised the silver dollar aloft and exclaimed, "A whole dollar. Ninety cents fo' me and 10 cents fo' Pete." We saw the trick and were disgusted. She went away, but soon came back on the stage for the last time and, raising the dollar aloft, exclaimed, "A whole dollar. One hundred cents fo' me and nothing fo' Pete." [Laughter and applause.] The powerful combinations come to us with fairness until they secure laws for their benefit, and after they get the possession of power given them by the law, they begin their oppressions, and, like the old colored maidservant, "A whole dollar; 100 cents for the combine and nothing for the people." The bill under consideration seeks relief for the people as against the extortion of the trusts. It has within its provisions a kiss for the sunny South and at the same time a gentle smile for the rugged North; it is an answer to the prayer of labor long oppressed; it is a balm for the heart of grief; it is bread for the mouth of hunger. Let us vote for it.

Mr. UNDERWOOD. Mr. Chairman, I move that all debate on the paragraph and all amendments thereto be closed.

The CHAIRMAN. The gentleman from Alabama moves that all debate on the paragraph and amendments thereto be closed.

Mr. MANN. Mr. Chairman, I hope the gentleman will not ask that; this is an important paragraph.

Mr. UNDERWOOD. I have no desire in the world to cut off debate—that is, legitimate debate—and if the gentleman has an amendment which he desires to offer——

Mr. MANN. No; but the gentleman from Missouri offered an amendment, and I took him off the floor by offering an amendment which took precedence, and he has not had the floor yet.

The CHAIRMAN. The Chair will say to the gentleman from Alabama, the gentleman from Missouri had been recognized when the gentleman from Illinois arose and addressed the committee.

Mr. UNDERWOOD. Then I move that debate on the pending paragraph and amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Alabama moves that debate on the pending paragraph and all amendments thereto close in 10 minutes.

The question was taken, and the Chair announced the ayes appeared to have it.

Mr. MANN. I ask for a division on that vote to close debate.

The CHAIRMAN. There is an amendment pending offered by the gentleman from Missouri, who has a right——

Mr. MANN. But, Mr. Chairman, I have several times asked for a division on the vote to close debate.

Mr. UNDERWOOD. Mr. Chairman, I make the point of order it is too late.

Mr. MANN. I was not too late when I was trying to attract the attention of the Chair.

The CHAIRMAN. The gentleman from Missouri has the attention of the Chair.

Mr. MANN. But I asked for a division as soon as the vote was put.

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. MANN. I will give fair warning that the gentleman will not make any time by refusing fairness to the House.

The CHAIRMAN. The Chair has no such disposition, but simply desires to give the gentleman from Missouri the right which he has.

Mr. MANN. As soon as the gentleman from Illinois could learn the decision of the Chair, because we could not hear the Chair here——

The CHAIRMAN. The gentleman from Missouri.

Mr. MANN. But, Mr. Chairman, I asked for a division and the Chair declines a division and the Chair must rule——

Mr. ROBERTS of Massachusetts. Mr. Chairman, a parliamentary inquiry, what is the pending amendment? I ask to have the amendment reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all of paragraph on page 2 beginning with the word "grain" in line 17 and ending with the word "articles" in line 24.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I have an amendment to perfect the paragraph.

The CHAIRMAN. The gentleman from Massachusetts [Mr. ROBERTS] offers an amendment to perfect the paragraph. The Clerk will report the amendment.

Mr. MANN. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. What became of the amendment which I offered? I have an amendment pending there, if the Chair will ascertain where it is.

The CHAIRMAN. The amendment was reported to the House. The Clerk will report the amendment offered by the gentleman from Massachusetts [Mr. ROBERTS].

The Clerk read as follows:

On page 2, line 19, strike out after the word "leather" the words "made from cattle hides and cattle skins of whatever weight, of cattle of the bovine species, including calfskin," and insert in lieu thereof the following: "Of any kind or description, including all materials of every kind or description entering into the composition of such boots and shoes, whether specifically mentioned herein or not, and whether in whole or in parts, including repair parts."

Mr. MANN. Mr. Chairman, I rise to a parliamentary inquiry.

Mr. GARDNER of Massachusetts. Mr. Chairman, I raise the point of order against the amendment offered by the gentleman from Massachusetts [Mr. ROBERTS.]

Mr. MANN. Mr. Chairman, I offered an amendment some time ago which has not yet been disposed of, to perfect this paragraph. It would have precedence, of course.

The CHAIRMAN. The amendment of the gentleman from Illinois will be put to the House before the amendment offered by the gentleman from Missouri [Mr. DYER.]

Mr. MANN. The amendment which I offered must be disposed of before any other amendment is offered, unless it be an amendment to my amendment.

The CHAIRMAN. Very well. The question, then, is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN], and the debate is limited to 10 minutes, according to the order, on that amendment and all other amendments to the paragraph.

Does the gentleman from Missouri [Mr. DYER] desire to debate his amendment? If so, the Chair will recognize him for that purpose.

Mr. MANN. I do not understand.

Mr. FITZGERALD. You have not demanded recognition. He said your amendment was before the House.

Mr. MANN. I am not asking for debate.

Mr. FITZGERALD. Let us vote on the amendment of the gentleman from Illinois [Mr. MANN.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN.]

The question was taken, and the amendment was rejected.

The CHAIRMAN. The gentleman from Massachusetts [Mr. ROBERTS] offers an amendment to perfect the paragraph.

Mr. ROBERTS of Massachusetts. I understand the gentleman from Massachusetts [Mr. GARDNER] made a point of order against the amendment offered by myself?

The CHAIRMAN. The amendment will again be reported by the Clerk.

The amendment was again read.

Mr. GARDNER of Massachusetts. Mr. Chairman, I raise the point of order that this amendment is in violation of section 3, Rule XXI, and section 7, Rule XVI. This amendment seeks to place on the free list all shoes of any kind whatsoever, whereas the bill which we are considering only places on the free list boots and shoes whose uppers are made of calfskin or of cattle hides, all of which are now admitted at 10 per cent duty. The amendment offered by my colleague [Mr. ROBERTS] would put on the free list boots and shoes whose uppers are made of goatskin, sheepskins, kangaroo skins, and other skins, which are admitted at 15 per cent—at a different rate. Now, Mr. Chairman, we find clearly in the decisions that a general provision may not be offered as germane to a specific provision. In other words, a general provision for free boots and shoes of all kinds is not germane to a specific provision placing on the free list boots and shoes whose uppers are made of calfskins and hide leather. Moreover, the amendment is obnoxious to the rule contained in paragraph 3, Rule XXI, inasmuch as *it does not directly relate* to the item to which the amendment is proposed.

The CHAIRMAN. In the opinion of the Chair the amendment simply amplifies the provision of the section, and makes the section or the paragraph relate not alone to boots and shoes made wholly of leather from cattle hides and cattle skins, but boots and shoes made from leather, whether from cattle hides or other skins. In the opinion of the Chair the amendment is germane to the paragraph. The question is on agreeing to the amendment.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I desire to be heard briefly on this amendment. Its purpose is twofold: First, to give to the people of the country——

Mr. BARTHOLDT. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman from Missouri will state it.

Mr. BARTHOLDT. Mr. Chairman, I would like to inquire which amendment is now pending before the House—the one offered by the gentleman from Missouri, or the one offered by the gentleman from Massachusetts?

The CHAIRMAN. The one offered by the gentleman from Massachusetts.

Mr. BARTHOLDT. The gentleman from Missouri had been recognized and his amendment was read.

The CHAIRMAN. The amendment of the gentleman from Missouri [Mr. DYER] was to strike out the paragraph, and this present amendment is to perfect the paragraph.

Mr. ROBERTS of Massachusetts. Mr. Chairman, the purpose of the amendment is twofold, as I said: First, to carry out fully the Democratic theory that is extended in this bill, that placing boots and shoes upon the free list will cheapen the cost of those articles to the American people. Now, as the bill stands, unamended, boots and shoes, manufactured, are placed on the free list, but only boots and shoes manufactured of a certain kind. If the Democrats are sincere in their desire that the people shall have the full benefit of free boots and shoes, then I ask that they put all kinds of boots and shoes upon the free list.

The second purpose of the amendment is to give the American boot and shoe workers and the American boot and shoe manufacturers a living show in the manufacture of boots and shoes. If boots and shoes go on the free list, as the bill is now worded, the boots and shoes manufactured come in free, and the American manufacturers and the American shoe workers are handicapped by a tariff on all the parts that enter into a boot and shoe. The boots and shoes coming in free from abroad bring with them free all the findings, all the component parts of the boots and shoes, while the American manufacturers, if they want to take advantage of the American market and produce boots and shoes at home, must pay a duty upon the materials that enter into the making of a boot and shoe.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. ROBERTS of Massachusetts. I regret I can not yield. I have only five minutes.

Mr. FITZGERALD. The gentleman wishes to modify the existing paragraph?

Mr. ROBERTS of Massachusetts. I wish to extend it.

Mr. FITZGERALD. And the gentleman's colleague [Mr. GARDNER], who professes to be the representative of the boot and shoe industry, opposes what the gentleman [Mr. ROBERTS] is attempting to do.

Mr. ROBERTS of Massachusetts. I do not know what my colleague is doing, but I am trying to help the boot and shoe workers and manufacturers against the extreme iniquity of this proposition of free boots and shoes.

Now, I assume that my Democratic friends are honest when they say they want to give the American people cheaper boots and shoes. I assume that they are not entering into a system of reprisal on the American manufacturers of boots and shoes when they seek to place boots and shoes upon the free list, and if they are not making any reprisal on the manufacturers in this country, then in Heaven's name give them an equal chance with the foreign manufacturer, and give them everything that goes into the shoe free of duty, and not allow the foreign shoe to come in here free and tax the American manufacturers on all of the component parts of the shoe.

That is the purpose of the amendment, and the chief purpose of it, and it must be apparent to my Democratic friends that it is a fair amendment to offer, unless they are out to "do" the shoe worker and the shoe manufacturer.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. ROBERTS of Massachusetts. Yes.

Mr. FITZGERALD. Which of the two gentlemen from Massachusetts shall we follow—the gentleman who has just spoken, or the other gentleman [Mr. GARDNER]?

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. ROBERTS].

The question was taken, and the Chair announced that the noes appeared to have it.

Mr. KENDALL. Division, Mr. Chairman.

The committee divided; and there were—ayes 54, noes 106.

Accordingly the amendment was rejected.

Mr. LANGLEY. Mr. Chairman, I ask unanimous consent to insert in the RECORD at this point a telegram which I have received from a number of shoe manufacturers in Louisville, Ky., and which explains why they regard the provisions of this paragraph as inimical to their business.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to insert in the RECORD a telegram received from shoe manufacturers of Louisville, Ky. Is there objection?

There was no objection.

The telegram referred to is as follows:

LOUISVILLE, KY., *May 1, 1911.*

Hon. JOHN W. LANGLEY,
Congressman, care of House of Representatives,
Washington, D. C.:

Foreign shoe manufacturers have free material, pay no royalty on machinery, and get labor at about half paid in this country. How can we Kentucky manufacturers and wholesalers of shoes compete under these conditions if shoes are admitted free? Tariff on shoes is only 10 per cent; on all other wearing apparel averages 60 per cent. Why should shoes bear all the burden in the plan to reduce the cost of living? We earnestly protest against the removal of duty on shoes under existing conditions.

CONRAD SHOE CO.
VOGEL BROS. SHOE CO.
JOHN J. SCHULTEN CO.
QUAST SHOE MANUFACTURING CO.

Mr. DYER. Mr. Chairman, I offer the following amendment: Strike out all of paragraph on page 2 beginning with the word "grain," on line 17, and ending with the word "articles," on line 24, as follows:

Grain, buff, split, rough, and sole leather; band, bend, or belting leather; boots and shoes, made wholly or in chief value of leather made from cattle hides and cattle skins of whatever weight, of cattle of the bovine species, including calfskins; and harness, saddles, and saddlery, in sets or in parts, finished or unfinished, composed wholly or in chief value of leather; and leather cut into shoe uppers or vamps or other forms suitable for conversion into manufactured articles.

Mr. Chairman, the amendment which I have presented is to strike out that paragraph in the bill which proposes to put boots and shoes and the other articles mentioned therein on the free list, and which, if the said bill is enacted into law, would result in all of them being brought into this country free of duty. In other words, the American manufacturer of boots and shoes and the American workmen engaged in said industry would have to compete with the whole world; and this in the face of the undisputed fact that the wage earners in the boot and shoe industry in this country are paid from a third to one-half more by the American shoe manufacturers than the wages that are paid by the manufacturers of boots and shoes in foreign countries. It has not been claimed by anyone in this House during this debate that the wages paid the American workingmen by the shoe manufacturers are too high, nor has it been claimed that the shoe manufacturers in this country are making anything except a very reasonable profit, it being practically agreed that the net profit to the shoe manufacturer in this country in the past year has been between 4 and 5 per cent on the money invested in this industry. I am not a high-tariff advocate, but I do thoroughly believe that we should not enact any law that will cheapen labor in this country. Our standard of living is different from that in most all of the foreign countries and the wages paid in this country to-day in this industry is only sufficient for decent living and for the proper rearing and educating of the children of the American workingman.

On May 1 I addressed this House in opposition to this bill, especially as it affected the bagging and boot and shoe industries in the city of St. Louis, my home and my constituents, and now I do not desire to take any further time of this House in calling to its attention the facts, figures, and arguments that I presented then against the putting of those articles upon the free list, thereby establishing free trade with all the world on these goods, to the great detriment and injury of the American workingman and the American manufacturer. I will now add a word in support of this motion, only with reference to the boot and shoe industry—not locally and not as it affects my own city and my own district especially, but in its relation to the whole country, and how harmful and detrimental free trade in the boot and shoe industry will work to that great army of American workingmen and American laborers whose only livelihood comes from their being able to secure profitable and living employment in this great industry. I am indebted in a large measure for substantial information, facts and figures, verified by me, from the National Boot and Shoe Manufacturers' Association of the United States, which I am making use of in great part, word for word, in my remarks here. A conservative estimate of the annual output in the boot and shoe industry is about $400,000,000, at least one-fourth of which amount is distributed for wages. All that I am asking, and all that the American boot and shoe manufacturers are asking of this Congress, or any other Congress, is a tariff which shall make up the wage differential between the American and foreign wage earner. There are more wage earners employed, and at a higher average wage, in the manufacture of shoes than in any other apparel manufacturing industry, and my

earnest desire is that this high standard of wages, maintained by the shoe manufacturers in this country, be continued, but if this bill should become a law it would be impossible for the manufacturers, in my judgment, to continue to pay the wages that they now pay. The American wage earners would be the principal losers. Their interest and welfare is my interest and my welfare, as it should be the interest and welfare of this Congress and all its Members. It is plain that the manufacturers of boots and shoes will not run their factories without they can make a reasonable profit, and when competition from foreign countries necessitates our manufacturers competing with foreign manufacturers, where they pay much less in wages and where they have protection, and our manufacturers will not have, if this bill becomes a law, our standard of wages will be lowered, and the poor people of this country will suffer.

Under the Dingley bill the tariff of 25 per cent upon foreign shoes was no more than sufficient to cover this differential in wages paid in this country over foreign countries, no allowance being made for a profit to the manufacturer.

After the Dingley tariff went into effect, the importation of shoes from foreign countries diminished to a point where the amount imported and the revenue to the country became a negligible quantity.

In the last three years of the Dingley law shoe importations were (for the fiscal year ending June 30 in each year) as follows:

1907	$164,000
1908	129,075
1909	104,925

The superiority of the American shoe, in matter of style and comfortable fit, has commanded this market up to the recent reduction made by the Payne-Aldrich tariff law, which went into effect in August, 1909.

The art of shoe manufacturing in foreign countries had not been at a standstill during the operation of the Dingley tariff law. The foreign manufacturers had adopted American shoe machinery, American lasts, and American patterns and styles, and even taken American workmen and American systems into practical application.

It must be borne in mind that the export of the American shoe is barely 3 per cent of the total output. For the fiscal year ending June 30, 1910, the total exportation of boots and shoes amounted to $12,408,575, while the annual production is estimated upward from a minimum of $400,000,000. It is this small percentage of American shoes that must overcome almost prohibitive tariffs in all countries except England. As for example—Canada, 30 per cent; France, per pair, 57 cents to 95 cents; Germany, by weight, about 25 per cent; Belgium, by weight, 27 cents per pound; Austria, by weight, 20 cents per kilo; Italy, by weight, 20 cents per kilo; Japan, 40 per cent.

The present tariffs imposed by the Payne-Aldrich tariff law, viz, of 10 per cent on shoes made of bovine and calf leathers, and 15 per cent on shoes made from other leathers, do not equalize the wages paid in this country with those paid in foreign countries. In order to demonstrate this and to show the effect upon importation of the tariff reduction enacted by the Payne-Aldrich law from 25 per cent to 10 per cent and 15 per cent, which went into effect in August, 1909, let us take the statistics published by the Department of Commerce and Labor (Bureau of Statistics). The following table will give the imports of boots and shoes into the United States from all countries by quarters, beginning with March 31, 1909, which will include about seven months before the operation of the Payne-Aldrich law.

Quarter ending—	Class.	Rate of duty.	Value.
1909.		*Per ct.*	
Mar. 31	Boots and shoes	25	$26,038.27
June 30	do	25	25,804.10
July 1 to Aug. 5	do	25	15,013.19
Aug. 6 to Sept. 30	Boots and shoes, made wholly, etc., from cattle hides, etc	10	7,410.55
	All other	15	4,500.02
Dec. 31	Boots and shoes, made wholly, etc., from cattle hides, etc	10	25,156.43
	All other	15	16,820.85
1910.			
Mar. 31	Boots and shoes, made wholly, etc., from cattle hides, etc	10	31,603.05
	All other	15	16,097.25
June 30	Boots and shoes, made wholly, etc., from cattle hides, etc	10	34,763.00
	All other	15	20,409.51
Sept. 30	Boots and shoes, made wholly, etc., from cattle hides, etc	10	56,934.75
	All other	15	20,238.85
Dec. 31	Boots and shoes, made wholly, etc., from cattle hides, etc	10	66,111.15
	All other	15	34,208.73

The total imports for the quarter ending December 31, 1910, of $100,319 is almost equal to the total imports for the year ending June 30, 1909, which amounted to $104,924.74, while the imports of shoes made from bovine and calf leathers, now subject to 10 per cent duty, for six months, of $123,045.90 is more than the total importations of all kinds of shoes for the entire year ending June 30, 1909, by about $20,000.

It is in these grades of shoes that free trade is proposed.

Those not affected would be a small proportion of the shoe product.

The figures showing the total imports for the quarter ending March 31, 1911, according to information received from the Department of Commerce and Labor, Bureau of Statistics, can not be had for several months. We predict, however, that these figures will show a still larger ratio of increase in the importation of shoes into the United States than has been shown.

The foreign shoe manufacturer is also gaining in his own country as against the American shoe by reason of foreign prohibitive tariffs and diligent enterprise, as indicated by the Bureau of Statistics in its reports of exports to those countries, more particularly to those invading this market.

This bill, which does not seem to, and could not have been framed upon intelligent ideas of tariff and wage conditions in foreign countries as compared with those that obtain in the United States, proposes to place upon the free list all shoes made of bovine and calf leathers. In other words, it is proposed to divide this market in respect to that class of shoes with the shoe manufacturers of the world.

Judging from the impetus given the importation of shoes by the tariff reductions provided by the Payne-Aldrich bill, it can be very easily argued that no further encouragement need be held out to the foreign shoe manufacturer. The only effect which free trade in this class of shoes can produce in the United States would be to compel a reduction of wages to meet the increased competition. The consumer would not procure shoes cheaper.

The United States thus far has been the market of 97 per cent of the shoe output of the American manufacturer, canvassed under the strongest competitive conditions and at an average profit to the manufacturer as low as safe business principles permitted.

Every shoe imported displaces an American shoe and deprives the American workman of the wage involved.

Consul Joseph I. Brittain, of Prague, from a report prepared for him by an American expert superintending the installation of American shoe machinery in a large factory in Bohemia, among other things, says, "Wages here for making shoes are about one-fifth those paid in the United States," and gives the following note of warning in this expert's report—which is on file at the Bureau of Manufactures:

> It is interesting to watch the gradual, but sure, approach to the American shoe upon the trade here, which is continually improving. It is upon this point I wish to sound a warning to exporters and prospective exporters not to hold European conditions too lightly. One year ago I could have taken my place at the head of American scoffers in this respect, but six months' actual contact has opened my eyes to the danger that lies here to American trade when these people shake off their prejudice against our styles and come into our market and buy our lasts and patterns wholesale. A large American company is already here, and either manufactures its whole line of machinery here or has its stock in a central city in the Continent, with a host of as well-trained agents and instructors as we can boast of in the United States. Then there is the duty on American-made shoes, very high and still increasing, while the duties on supplies and leathers from the United States are comparatively low. (NOTE V.—The Department of Commerce and Labor, Weekly Consulate and Trade Reports, published April 30, 1910, Serial No. 9, at page 404.)

If a comparison of the wages paid in foreign countries is made with the wages paid in the United States in the manufacture of boots and shoes, the handicap of the American shoe in the matter of the labor cost of production will demonstrate that, with the present tariff of 10 per cent, the shoe-manufacturing business is in jeopardy. What will happen to the industry if this tariff is wiped out?

It would seem that no more convincing demonstration that the American market is now open to successful exploitation of the foreign shoe can be made than the rapidly increasing volume of importations since August, 1909, the date when the Payne-Aldrich 10 per cent and 15 per cent tariff on shoes went into effect.

Free trade in shoes, as proposed by this bill, will prove calamitous to an American industry which has marketed its product to the consumer at as low a price as received for a similar article anywhere upon the face of the earth, and it will bring confusion into an industry that has been developed with intelligence and diligence to a degree of efficiency not attained by any other industry by compelling a general reduction in the wages paid to its workingmen.

This will all result without any benefit to the consumer or compensatory benefit to the manufacturer, and it will offer the American market for unrestrained competition with the shoe manufacturers of the world. [Applause on the Republican side.]

Mr. BARTHOLDT. Mr. Chairman, I recognize the absolute futility of submitting amendments or even an argument on any question during the discussion of this bill, but I would be derelict to the interests of the district which I have the honor to represent if I did not call attention to some pertinent facts and figures in connection with the provisions affecting the shoe industry.

I heartily favor the amendment offered by my colleague from Missouri [Mr. DYER].

I am opposed to every line of this bill which provides for the free admission of manufactured articles which we can and do produce ourselves. I am opposed to free trade with all the world and with countries paying their workmen but one-third or one-half the wages which American workmen receive for producing these same articles. I am for protection because of the difference in the wage scale between this country and the countries of Europe and Asia, and because I want to see the American laboring man protected against the calamity of being degraded to the level of the poorly paid European wage slave, of the Mexican peon, or the Asiatic coolie. If this bill ever became a law, its inevitable result would be either the lowering of American wages in the affected industries to the European or Asiatic level or the total ruin of these industries and the complete shutting down of hundreds of American manufacturing establishments. This bill will give employment to outside labor and will lock out American labor. And it would be a very shortsighted view to assume that the manufacturers and their employees would be the only sufferers, for in truth their losses would fall upon the farmers with the same crushing force, for the simple reason that the men employed in the factories are the farmers' most numerous customers.

I have made no calculation as to how many men would be injuriously affected by this ill-timed attempt at opening up the American markets to the competition of Europe and Asia, but surely there will be hundreds of thousands of them, and to paralyze the purchasing power of such multitudes is bound to have the effect of bringing down prices for farm products to figures which in turn will paralyze the purchasing power of the farmer. When this point is reached a crisis will be upon us the same as caused the carnival of rags under the Cleveland administration, as a result of the last tariff bill which the Democratic Party had the power to enact. [Applause on the Republican side.]

The effect of the pending bill on the great city which I have the honor, in part, to represent will be most disastrous. It will close three cotton-bagging factories entirely and will seriously cripple, if not wipe out entirely, the great shoe industry, of which, because of its great and growing dimensions, the people of St. Louis are justly proud. Let me give you some figures to show the certain effects this legislation will have on that industry.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BARTHOLDT. Mr. Chairman, I ask unanimous consent to proceed for 5 minutes more.

Mr. UNDERWOOD. Mr. Chairman, I will state that as there were two gentlemen on that side who wanted to be heard, I was willing to extend the debate 10 minutes. The other gentleman has spoken, and I ask that the gentleman from Missouri may, by unanimous consent, have 5 minutes.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Missouri be allowed to proceed for 5 minutes. Is there objection?

There was no objection.

Mr. BARTHOLDT. I thank the House for its courtesy. Two years ago the tariff on shoes was reduced from 25 to 15 and 10 per cent; now it is proposed to put shoes on the free list.

The average duty on wearing apparel is about 60 per cent—

	Per cent.
Hats	50 to 60
Handkerchiefs	50 to 60
Shirts	60
Underwear	55
Clothing, including all kinds of garments	50 to 60
Hosiery	55 to 60
Shoes	10 to 15

In all fairness and justice the duty on shoes ought to be increased, rather than annulled.

The low duty, as it stands to-day, is a penalizing of an industry in which, above all other industries, there has been free and open competition.

The individual earnings of the American shoe worker are not high. As a matter of fact, shoe manufacturers everywhere find difficulty in keeping up their labor supply, in competition with other lines of industry. The last completed Government report shows that in 1905 there were employed 149,924 shoe workers, with total annual wages of $69,059,680. This is exactly $460 a year, which means $1.40 per day, $8.40 per week, or $38.33 a month—surely a moderate wage scale.

The following wage scale is taken from consular reports. It represents the average cost of production of a medium grade men's welt shoe:

	Per case.
England	$27.73
France	22.20
Germany	21.90
Austria	21.70
United States	49.11

In proposing to take the duty off of shoes it opens the American market to foreign competition, while at the same time many of these foreign countries maintain a high protective duty against American-made shoes. The duty in Canada on shoes is 30 per cent; Mexico, 39 cents to $1.50 per pair; France, 57 to 95 cents per pair; Germany (estimated), 20 per cent; Belgium, 27 cents per pound; Austria, 20 cents a kilo; Italy, 20 cents a kilo; Russia (estimated), $1 per pound; Spain (estimated), $1 per pound; Argentina, 40 per cent; Bolivia, 45 per cent; Japan, 40 per cent; Australia, 40 per cent; and United States, 10 to 15 per cent.

The foreign manufacturer has in a large measure access to many materials which enter into the construction of shoes, which materials are in many instances free of duty, whereas the American producer has to reckon with a tariff on many of these articles.

In the United States shoe manufacturers are confronted with a royalty paid to the United States Shoe Machinery Co., which company controls the shoe-machinery market and exacts a tribute from every pair of shoes.

Thus, the American shoe manufacturer, if shoes are placed on the free list, will find himself in the unenviable position of competing with British and other foreign makers who have every advantage in free materials, nonroyalty machinery, and wages at about half what our people are compelled to pay.

It has been said that when the shoe manufacturers appeared before the Ways and Means Committee two years ago, at the time the Payne-Aldrich tariff bill was under discussion, some shoe manufacturer stated that if hides were put on the free list the tariff might be taken off of shoes. If such statement was made, the facts do not warrant it; neither is there any evidence to prove that such statement was authorized by any representative body of shoe manufacturers. On the contrary, many shoe manufacturers protested at the time that lowering the duty from 25 to 15 and 10 per cent was too close to the danger line.

Since the duties have been lowered on shoes the importations of same have begun in larger quantities, and there is every evidence that we shall soon witness a steady and increased import of footwear. If this be true, what will happen if the last vestige of the remaining small protection of 10 per cent be removed? Shall we handicap our own people? Shall we expose them, bound and shackled by unequal opportunities, to the tender mercies of British and other foreign competitors? Are we here to cripple and probably strike down one of our most important industries? English trade papers are teeming with reports and articles about the preparations British shoe manufacturers are making to invade our markets, and this is going on right now under a 10 per cent tariff. What, then, will happen when this last measure of protection is removed? In Missouri, especially St. Louis, I have seen this great industry grow from small beginnings until now my State ranks fourth among the States in the production of shoes, employing some 20,000 people and paying out annually many millions of dollars in wages. No trust, no combination, no "gentleman's agreement," has ever tarnished the bright escutcheon of this peerless industry.

I am proud of the record my State and my people have made in the manufacture of shoes, and I say to my Democratic colleagues, beware what you are doing when you propose to injure and possibly destroy an industry which is one of the most important in your State.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 2, after line 24, by inserting as a new paragraph, the following:

"The articles named in the last preceding paragraph shall be admitted free only when imported into the United States from a country, dependency, province, or colony, being the product thereof, which imposes no tax or duty or restrictive regulation upon the importation into such country, dependency, province, or colony, from the United States, of live, domestic animals, fresh or refrigerated, and prepared or preserved meats, wheat, rye, oats, barley, buckwheat, corn or maize, cottonseed oil."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that the amendment is not germane to the paragraph.

The CHAIRMAN (Mr. HAY). The Chair sustains the point of order.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by inserting, on page 2, after line 24, as a new paragraph, the following:

"Tannic acid and tannin."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that the amendment is not germane.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by inserting on page 2, after line 24, as a new paragraph, the following:

"Extracts and decoctions of logwood and other dyewoods and extracts of bark, such as are commonly used for dyeing or tanning, not specially provided for by law; extracts of quebracho, extracts of hemlock bark, extracts of sumac, and of woods not specially provided for by law; and all extracts of vegetable origin, suitable for tanning, not containing alcohol and not medicinal, and not specially otherwise provided for by law."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that the amendment is not germane.

Mr. MANN. Mr. Chairman, I ask to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. MANN. Mr. Chairman, the bill proposes to take from the free list leather. There is now upon the free list hides. This bill puts upon the free list leather. Now, I have offered an amendment to put upon the free list tanning extracts by which hides are converted into leather. There is now on the dutiable list quebracho, which is imported in large quantities from Argentine, upon which the rate of duty is, I believe, one-half or three-quarters of a cent per pound. I have offered an amendment to put that upon the free list, so that out of free hides leather may be made here on even terms with its manufacture in foreign countries, where there is no tariff upon tanning extracts. It seems to me that that amendment is certainly germane to the proposition in the bill to put leather on the free list.

If you put leather on the free list, is it not in order at the same time to offer to put upon the free list those materials out of which leather is made? Suppose hides were not upon the free list and there was in this bill a proposition, as there is, to put leather on the free list. Would it not be in order to move to amend by placing hides on the free list, out of which leather is made? Will it be contended that in a bill to put the manufactured products on the free list you can not amend it by putting the raw material on the free list as germane to the proposition? It seems to me, Mr. Chairman, that this amendment is not at all like the amendment ruled upon by the gentleman who has occupied the chair before the present occupant of the chair went into the chair. I would not ask the present occupant of the chair upon an argument to overrule the regular presiding officer of this committee. I think there is a distinction in this.

The CHAIRMAN. The Chair, following the reasoning of the permanent occupant of the chair, sustains the point of order.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 2, after line 24, by inserting as a new paragraph the following:

"Boot, shoe, and corset lacings made of cotton or other vegetable fiber."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that that is not germane.

Mr. MANN. Mr. Chairman, do I understand that you could put shoes on the free list and that you can not put shoe laces on at the same time?

Mr. UNDERWOOD. I think it is as different an article as sugar or any other article. It is not a part of boots and shoes.

Mr. MANN. You can not sell a pair of shoes without shoe laces.

Mr. UNDERWOOD. That may be so.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 2, after line 24, by inserting as a new paragraph the following:

"Dolls, and parts of dolls, doll heads, toy marbles of whatever materials composed, and all other toys, and parts of toys, not composed of china, porcelain, parian, bisque, earthen or stone ware, and not specially provided for by law."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Barbed fence wire, wire rods, wire strands or wire rope, wire woven or manufactured for wire fencing, and other kinds of wire suitable for fencing, including wire staples.

Mr. MANN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 3, after line 3, by inserting as a new paragraph, the following:

"*Provided*, That the articles mentioned in this paragraph shall be admitted free only when imported from a country, dependency, province, or colony, being the products thereof, which imposes no tax or duty on like articles imported from the United States, and which imposes no tax or duty or restrictive regulation upon the importation into such country, dependency, province, or colony, from the United States, of live, domestic animals, fresh or refrigerated and prepared or preserved meats, wheat, rye, oats, barley, buckwheat, corn or maize, cottonseed oil."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that the paragraph is not germane to the bill.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 3, by inserting after line 3, as a new paragraph, the following:

"Sheets or plates of iron or steel, or taggers iron or steel, coated with tin or lead, or with a mixture of which these metals, or either of them, are a component part, by the dipping or any other process, and commercially known as tin plates, terneplates, and taggers tin."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order.

Mr. MANN. Mr. Chairman, I desire to be heard on the point of order. The bill proposes to place upon the free list meats prepared or preserved in any manner. I take it that places on the free list canned meats. Now, what is the amendment I have offered? To give the people of this country who can meats free tin plate or cans, so that they may compete on even terms with the canners abroad.

Mr. HEFLIN. Will the gentleman yield for a question?

Mr. MANN. I will.

Mr. HEFLIN. Would the gentleman like to see this amendment adopted?

Mr. MANN. I would.

Mr. HEFLIN. If the amendment is adopted will the gentleman vote for the bill?

Mr. MANN. I will not.

Mr. HEFLIN. I thought so.

Mr. MANN. There is nothing hard about that. I do not propose to vote for this bill in any event, I say to the gentleman. [Applause on the Democratic side.]

Mr. HOBSON. Will the gentleman yield for another question?

Mr. MANN. Certainly.

Mr. HOBSON. If all the amendments the gentleman has offered were united into a separate bill would he vote for that bill?

Mr. MANN. I would not; no hesitation about that at all; but I have not been attempting to delude the country into the belief that I was in favor of all these other things like gentlemen on that side of the House, who, when opportunity is presented, back water and let the opportunity go. [Applause on the Republican side.] I am not afraid of my convictions, like the gentleman who just interrupted me. I do not except him specially, because I do not think the gentleman is afraid of his convictions at all——

Mr. HOBSON. Would the gentleman be kind enough to specify to me and to the House, if he is willing, whether there is any amendment he has offered for which as a separate bill he would vote, and if so indicate which, so we may know and the country may know which one he offers in good faith?

Mr. MANN. I have offered all these amendments in good faith. [Laughter on the Democratic side.] I do not desire gentlemen to question my good faith at all. Everything I do in this House is done in good faith. Now, if I had time and gentlemen would give it, I would be very glad to elucidate the amendments, but I have not desired unnecessarily to take up the time of the House.

Mr. FINLEY. Will the gentleman permit a question?

Mr. MANN. Certainly.

Mr. FINLEY. I understand the gentleman offered the amendments in the firm expectation that the amendments which he offered would not be accepted, and I understand he would not vote for the bill even if they were accepted. Is that correct?

Mr. MANN. I had hoped and believed really in the innocence of my heart that some professions on the Democratic side of the House had been made in good faith, and that when an opportunity came they would agree to some of the amendments offered, but I find I am mistaken.

Mr. FINLEY. Does not the gentleman know—and the gentleman is a prominent Member of this House and has great ability—that the Democrats are the best judges of what is a proper exhibition of faith for this side of the House?

Mr. MANN. I know this, that the gentleman from South Carolina [Mr. FINLEY] and others can not exercise their individual opinions on the floor of the House on this bill at all, because they bound themselves in every respect tight by caucus action, and what they say will not reflect the opinion of any man on the floor of the House. [Applause on the Republican side.]

Mr. FINLEY. Does not the gentleman know that in the last Congress the Republican party got up a bill and with very few exceptions no amendments were allowed? Now, will the gentleman tell the committee why he voted against the Payne-Aldrich bill? Was it because the duties were too high or too low?

Mr. MANN. Mr. Chairman, I did what no gentleman on that side of the House seems willing to do. I exercised the right of every American Representative in this Hall to use his individual judgment on matters which are presented before him for his individual judgment. That right will not be exercised by the gentleman from South Carolina [Mr. FINLEY] or anybody else on that side of the House, because they have no individual judgment. [Applause on the Republican side.]

Mr. FINLEY. What was the gentleman's judgment when he voted against the Payne bill?

Mr. UNDERWOOD. Mr. Chairman, I renew the point of order.

Mr. MANN. Mr. Chairman, I have no desire to take the time of the House in this matter.

Mr. UNDERWOOD. Mr. Chairman, I withdraw the point of order.

Mr. MANN. I have no desire, but when gentlemen ask, to interrupt me, I do not like to be put in the position of refusing.

Mr. FINLEY. I would like the gentleman to inform the House and to give us his reason for having voted against that bill.

Mr. MANN. I will ask the gentleman to read the speech which I made in the House when the conference report was up. If he wants information, if he will read that speech he will get it.

Mr. FINLEY. I have read that speech, and while I do not accuse the gentleman of dodging I think other people have done so.

Mr. MANN. Well, if they have, I never knew it. That will never bother me. I warned this side of the House what the result would be at that time [applause on the Democratic side], and I warn that side of the House now what the result will be. [Applause on the Republican side.] My prophecy was true then, and it will prove as true now.

Mr. UNDERWOOD. Mr. Chairman, I renew the point of order.

Mr. MANN. Mr. Chairman, I have no desire to carry on this kind of debate if you can keep the men on that side of the House down. I was endeavoring to discuss the point of order, and had completed my statement in reference to that when interrupted by gentlemen who are trying to make cheap capital.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

Mr. MANN. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting on page 3, after line 3, as a new paragraph, the following:

"Cut nails and cut spikes, of iron or steel."

Mr. UNDERWOOD. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. Mr. Chairman, I offer the further amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by inserting on page 3, after line 3, as a new paragraph, the following:

"Horseshoe nails, hob nails, and all other wrought iron or steel nails not specially provided for by law."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order against that.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting on page 3, after line 3, as a new paragraph, the following:

"Wire nails made of wrought iron or steel."

Mr. UNDERWOOD. Mr. Chairman, I make a point of order on that.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] offers a further amendment, which the Clerk will read.

The Clerk read as follows:

Amend by inserting on page 3, after line 3, as a new paragraph, the following:

"Horse, mule, or ox shoes, of wrought iron or steel."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

Beef, veal, mutton, lamb, pork, and meats of all kinds, fresh, salted, pickled, dried, smoked, dressed or undressed, prepared or preserved in any manner; bacon, hams, shoulders, lard, lard compounds and lard substitutes; and sausage and sausage meats.

Mr. RUCKER of Colorado. Mr. Chairman——

The CHAIRMAN. The gentleman from Colorado is recognized.

Mr. RUCKER of Colorado. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Colorado [Mr. RUCKER] moves to strike out the paragraph. The question is on agreeing to that motion.

Mr. OLMSTED. Mr. Chairman, I offer a preferential amendment—a perfective amendment.

Mr. SHACKLEFORD. Mr. Chairman, that is already offered. I make the point of order, Mr. Chairman, that before the gentleman offered it it was already offered and voted on.

Mr. NORRIS. It was voted on, and it has gone out of the bill.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend page 3, line 8, after the words "sausage and sausage meats," by adding the words "except bologna sausage, which shall be subject to a duty of 3 cents a pound."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that the amendment is not germane to this paragraph—to amend the taxing clause.

Mr. OLMSTED. Will the gentleman withhold his point of order for a moment? I am offering this in perfect good faith.

Mr. UNDERWOOD. Mr. Chairman, I will reserve the point of order.

Mr. OLMSTED. Mr. Chairman, I am offering this amendment at the request and in the interest of constituents of mine in the county of Lebanon, in Pennsylvania, and I am going to read from a letter addressed to me by Walter C. Graeff, Esq., a prominent attorney and citizen of that county, who, after enumerating the bologna sausage manufacturers, a number of whom have called upon me with reference to this matter, says:

You may probably be aware of the fact, and if not, it is at least interesting to note that 90 per cent of the bolognas manufactured in the United States are manufactured right here in Lebanon County by the above-named manufacturers. In this business these men have not only invested a large amount of capital, but the business furnishes employment to a large number of workmen, and some idea of the business can be obtained from the fact that on an average 75 tons of beef is received here from Chicago and worked up into bologna every week.

From the statement that I am about to make at this point let me say that bologna wholesales at from 13 to 14 cents a pound; the cost of manufacture is from 12½ to 13½ cents per pound, depending upon the price of meat. You will notice, therefore, that the margin of profit is small, but the business is profitable even at a small margin of profit on account of its magnitude.

Now, on the more important point: About one year ago Messrs. Ray T. Sherman and John S. Weaver, with probably good business foresight, conceived the idea of building a plant in Mexico, across the Rio Grande, in the city of Juarez, in the State of Chihuahua, cattle being plentiful and labor cheap and there being no tariff on bologna—the manufacture of bologna not having probably been brought to the attention of Congress at the time the tariff bill was framed. These gentlemen will unquestionably be able to ship their product into the United States, even as far as Lebanon County, and sell at a profit below the cost of manufacture of the article here in Lebanon County. You can be perfectly sure of this statement by reason of the fact that Mr. Ray T. Sherman was at one time a partner with Mr. Albert Herr, and Mr. Weaver was at one time in the bologna business here at Lebanon, and Herr and Eby are sure of the facts.

In order therefore to protect this home industry, which is indeed an important one in Lebanon County, a tariff on bologna, in view of this situation, becomes absolutely necessary.

It strikes me that I could call to your attention that no objection could be raised to this request from the standpoint of increasing the cost of food products, for without the tariff these gentlemen have not endeavored to create artificial prices for their product, and as long as they were not met by foreign competition they were able to sell their goods at the margin of profit that I mentioned above and still furnish them to the householder at a reasonable price. A tariff therefore of not less than 3 nor more than 4 cents a pound would not result in increasing the cost of the article to the consumer at all, but would simply save these industries from annihilation.

The letter is signed.

WALTER C. GRAEFF.

(For Robert L. Eby, Albert Herr, George T. Brooks, Benjamin Kreider, Harvey Seltzer, Lebanon County Bologna Manufacturers.)

It will be noticed that he states that two or three of the people of that county have gone to Mexico, to Juarez, where cattle are cheap and labor is cheap, and they are now making bologna sausage and shipping it in here at prices that will annihilate the business in the United States. This bill does not put cattle on the free list. It leaves the duty on the raw material and puts the manufactured article on the free list. The effect of putting or leaving bologna sausage on the free list is to give the manufacturers in Mexico an advantage over the manufacturers in this country. The duty of 3 cents a pound proposed by my amendment is not more than sufficient for the fair protection of this industry. I thank the gentleman from Alabama [Mr. UNDERWOOD] for his courtesy in reserving the point of order and hope that he will reserve it altogether, so that we may have a vote directly upon the amendment. It may not be in order to impose duties in this bill, but it can be done if the point of order is not pressed.

Mr. UNDERWOOD. Mr. Chairman, I make the point of order against the amendment. I move, Mr. Chairman, that debate be closed on the paragraph and——

Mr. KENDALL. A number of amendments are yet to be offered.

Mr. UNDERWOOD. I move, Mr. Chairman, that all debate on the paragraph and amendments thereto be closed in 10 minutes.

Mr. MANN. A number of gentlemen desire to be heard on this, and legitimately.

Mr. UNDERWOOD. It is getting late, Mr. Chairman, and although I am willing to give a reasonable time, yet I am constrained to move that debate on the paragraph and all amendments thereto be closed in 10 minutes.

The CHAIRMAN. The gentleman from Alabama moves that debate on this paragraph and amendments thereto close in 10 minutes.

Mr. MANN. Mr. Chairman, I move to amend that motion by inserting "30 minutes" in place of "10 minutes."

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] moves to amend the motion of the gentleman from Alabama [Mr. UNDERWOOD] by striking out "ten" and inserting "thirty." The question is on the motion of the gentleman from Illinois.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. MANN. Division, Mr. Chairman.

The committee divided; and there were—ayes 62, noes 93.

Mr. MANN. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chairman appointed Mr. MANN and Mr. UNDERWOOD.

Mr. MANN. I ask that the gentleman from Tennessee [Mr. AUSTIN] act in my place as one of the tellers.

The committee again divided; and the tellers reported—ayes 74, noes 116.

Accordingly the amendment was rejected.

Mr. MANN. Mr. Chairman, I move to amend by striking out "ten" and inserting "twenty."

The CHAIRMAN. The gentleman from Illinois moves to amend the motion of the gentleman from Alabama by striking out "ten" and inserting "twenty."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that that motion is dilatory.

The CHAIRMAN. The Chair sustains the point of order. [Applause on the Democratic side.]

Mr. MANN. I appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Committee?

The question being taken; on a division there were—ayes 106, noes 75.

Mr. MANN. I ask for tellers.

Tellers were ordered, and the Chairman oppointed Mr. MANN and Mr. UNDERWOOD.

Mr. MANN. I ask that the gentleman from Tennessee [Mr. AUSTIN] act in my place as one of the tellers.

Mr. UNDERWOOD. I ask that the gentleman from New York [Mr. HARRISON] act in my place as one of the tellers.

The committee again divided; and the tellers reported—ayes 118, noes 78.

Accordingly the decision of the Chair was sustained.

The announcement of the result was received with applause on the Democratic side.

The CHAIRMAN. The question is upon the motion of the gentleman from Alabama [Mr. UNDERWOOD] to limit the debate on this paragraph and all amendments thereto to 10 minutes.

The question being taken, the Chairman announced that the ayes appeared to have it.

Mr. MANN. I ask for a division.

The committee divided; and there were—ayes 120, noes 56.

Accordingly, the motion of Mr. UNDERWOOD was agreed to.

Mr. POWERS. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Page 3, line 8, after the word "meats," add the following:

"*Provided*, That beef, veal, mutton, lamb, pork, and other meats stipulated in this section of the bill and which are produced in the United States shall be admitted free of duty into the country or countries, dependency or dependencies which import like articles into this country."

Mr. UNDERWOOD. I make the point of order against that amendment that it is not germane.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MARTIN of South Dakota. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amend by inserting before line 4, on page 3:

"The following articles, the growth, product, or manufacture of the Dominion of Canada."

Mr. UNDERWOOD. Mr. Chairman, I make the same point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MORGAN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by striking out, on page 3, in lines 4 to 8, inclusive, the following:

"Beef, veal, mutton, lamb, pork, and meats of all kinds, fresh, salted, pickled, dried, smoked, dressed or undressed, prepared or preserved in any manner; bacon, hams, shoulders, lard, lard compounds and lard substitutes; and sausage and sausage meats."

The CHAIRMAN. The Chair will state to the gentleman from Oklahoma that the gentleman from Colorado [Mr. RUCKER] has already offered that amendment.

Mr. MORGAN. I would like to be heard on that point.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. MORGAN. Mr. Chairman, does the Chair recognize me to speak on the amendment or on the point of order?

The CHAIRMAN. No point of order has been made to the amendment.

Mr. MORGAN. Mr. Chairman, I want to say a few words why I think this amendment should be adopted. The gentlemen who stand as the authors of the bill and those who believe in a tariff for revenue only maintain this theory, viz: That by removing the duty on an article the price of the article will be reduced accordingly. I do not myself believe this theory, as I maintain that many other elements have an influence upon, and often control, the prices. Especially is this true in these days of concentration of business. This bill contains two classes of articles. One class includes manufactured articles which the farmer uses and purchases. Among these may be mentioned farm implements, fence wire, boots and shoes, sewing machines, cotton ties and cotton bagging, lumber, and salt. The other class includes articles that are manufactured out of farm products. Prominent among these articles are beef, veal, mutton, lamb, pork, and meats of all kinds, flour, meal, oatmeal, cereal foods, and bread. It has been stated here this afternoon, it has been stated many times in the discussion of this measure, that the very object of this bill was to reduce the cost of living by reducing the cost of these articles which are manu-

factured out of farm products. Now then, if you reduce the prices of these articles that are manufactured out of farm products, you must reduce the price of the farm products out of which they are manufactured.

The Committee on Ways and Means furnished us a table showing the amount of consumption of the various articles that are included in this bill. If we assume that the theory of the gentlemen who advocate a tariff for revenue only and who have presented this bill for our consideration is correct, namely, that the price of the article is increased by the amount of the tariff and that by placing the article on the free list the price of the article will be reduced accordingly, but which I do not concede, then we can by a simple process of mathematical calculation ascertain how much the farmers will gain by a reduction in the price of these articles which they buy and how much they will lose by a reduction in the price of the articles that are manufactured out of the products of the farm, which they must sell. I have made the calculation, using the ad valorem rate for 1910, and the consumption of these articles in the year 1905. I find that, under this theory, the farmers would buy these manufactured articles at an annual gain of one hundred and fifty-eight million, by reason of the reduction in the price. Assuming we have 6,000,000 farmers this would make an annual saving to each farmer of $19.

By the same process of calculation there would be a loss to the farmers in one year by reducing the price of farm products of $292,000,000, or a loss of $48 annually to every farmer. While there might be a reduction upon manufactured articles of $158,000,000, there would be a reduction of $292,000,000 on farm products, making by this bill a net loss to the farmers of the United States of $134,000,000 annually. I do not myself believe this is a true basis for determining the gains and losses to the farmers should this bill become a law, but I desire that this bill shall be so amended as to insure that we shall not injure the farmers by reducing the value of farm products.

Mr. RUCKER of Colorado. Mr. Chairman, there are several distinguishing features about this amendment. One is that it is about the most unpopular amendment that has been offered here to-day. Another is it is the only one that has been or will be offered on this side of the Chamber. Another is that it is offered by about the most unpopular fellow, just at this time, on this side of the House. [Laughter.] Another distinguishing feature is that it will get only one vote on this side of the House, and that will be mine. [Laughter.]

Mr. Chairman, the day of the cattle baron is past. The farmer is now raising the cattle that come to our markets, and it is the farmer I am speaking for here to-day, together with the few stock growers left who are now making a living. The time has passed when you could drive cattle from Texas to Chicago or Kansas City and put them upon the block and have them as fat when they landed as when they started. I remember the time when a boy I drove cattle from Missouri to Chicago, swimming them across the Missouri River, the Mississippi River, and the Illinois River, and then getting them to the block across the grazing lands as fat as they were when they started.

That time has gone, however, and I agree with my friends on this side that the only reason for the passage of this bill is that it will undoubtedly cheapen the cost of living. That is also a distinguishing feature. There is no disguise of that fact, as is well known to the farmer and stock grower; so far as they are concerned there is no deception. There is no escape from the fact that it will cost less to buy beefsteaks than it has heretofore, but it is also apparent that it is at the cost of the farmer and stock grower.

It is not worth while to pay any attention to the pork meat and products thereof mentioned in the paragraph, because we all know we are not importers of such meats or products.

The number of beeves now exported to Europe is negligible. The only country in the world now shipping beef upon the hoof to Europe is Canada. Canada shipped three years ago $11,000,000 worth of cattle from the grass pastures, but her exports are growing less and less every year on account of the exports of frozen meats from Australia, New Zealand, and Argentina. And those countries have likewise reduced our exports, as I will show. Mr. Chairman, this country is shipping its frozen meats only to Europe. New Zealand is doing the same thing, and so is Argentina. The whole business of meat supply of the country is now in frozen meats, and I have some figures which show how this important trade has fallen off to our section of the country. Of fresh meats five years ago we sent $22,000,000 and over to Europe. Last year we only sent $12,000,000 there. Why was this? Let me tell you.

Argentina sent, in 1909, over $32,000,000 worth to Europe, and it had sent five years before only $7,000,000 worth. This enormous multiplication is something which has driven out the export trade from this country, and it was during the year 1909 that New Zealand shipped over $17,000,000 more than she had five years ago. Gentlemen upon this side are looking through the wrong end of the telescope or they would see that it was the great trusts of this country that make the cost of living higher to those who live in the cities, but the farmer is not getting the benefit of the high prices.

Why not turn the dogs of war loose upon these trusts instead of raining blows after blows upon the innocent heads of the farmer and stock grower? [Applause.]

These trusts already have their plants in the countries mentioned, and it is their meat that is going to the foreign markets, and with free meats from abroad they will bring the frozen here. They will also establish plants in Mexico, and by these arrangements our stock growers will be put out of business. The duty upon beef is now 1½ cents a pound. This means the farmer and stock raiser who has a steer dressing 1,000 pounds must sell that steer for $15 less under the provisions of this bill. This is a stupendous blunder on our part and a monumental outrage against the farmer and stock grower. That you have not seen clearly, that your perspective is at fault, is clearly visible to the eyes of that great army of farmers and stock growers who are looking from the far-away farms and plains upon your action here to-day.

And now, in closing, I feel like giving you an illustration of what you are doing, or, at any rate, appear to be doing. On one occasion, when out on the plains camping, on one of our round-ups, in the early morning I heard the cackle of some sage hens close by. I hollered to the cook that it was time for breakfast, and he should go out and get one of them for breakfast. He arose, and I heard several shots fired, but when I went to breakfast I did not see anything of the sage hen. I asked him why it was absent; he said he did not see any sage hen. "What on earth, then," I said, "were you doing all that shooting about?" He replied that he thought he was shooting at a sage hen, and found after the third fire he was aiming at a "darned louse" on his eyebrow. [Laughter and loud applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUCKER of Colorado. I ask unanimous consent for one minute more.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Colorado.

The question was taken, and the Chair announced the noes appeared to have it.

Mr. NORRIS, Mr. KENDALL, Mr. LANGLEY, and others. Division!

The CHAIRMAN. The noes have it, and the amendment is rejected. The Clerk will read.

The Clerk began reading.

Mr. MORGAN. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MORGAN. What became of my motion to amend?

The CHAIRMAN. The Chair will state to the gentleman that the amendment of the gentleman from Oklahoma and the amendment of the gentleman from Colorado were identical, and the amendment of the gentleman from Colorado was pending when he offered his amendment.

Mr. MORGAN. Another inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MORGAN. Will the RECORD show that I offered this amendment?

The CHAIRMAN. Why, of course.

Mr. NORRIS. Mr. Chairman, a division was demanded. I raise a point of order that a division was demanded by several gentlemen.

The CHAIRMAN. The Chair did not hear it.

Mr. NORRIS. There was much confusion in the room when there was a demand for a division.

Mr. SHERLEY. Mr. Chairman, I make the point that there was no gentleman on his feet demanding a division, but there was simply a call for a division, and that is not sufficient to entitle a Member to a division.

Mr. NORRIS. If the Chair declines to entertain the demand for a division, let us have it in the RECORD that he has.

Mr. MANN. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 3, after line 8, by inserting as a new paragraph the following:

"The provisions of the last preceding paragraph shall not apply to articles imported from any country, dependency, province, or colony, or other subdivision of government, which imposes any tax or duty or re-

strictive regulation upon the importation into such country from the United States of any meats of any kind whatever, either fresh or preserved in any form, or of flour, live cattle, or cotton-seed oil, or which prohibits or restricts in any way the exportation of news print paper, wood pulp, or pulp wood."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order against the paragraph.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. I desire to offer another amendment.

Mr. FRENCH. Mr. Chairman, my judgment tells me that tariff modification should await the report of the Tariff Commission. I believe so now. I believed so when a few days ago I spoke and voted against the proposed agreement with Canada. Nearly all my Democratic friends voted for that measure. Nearly half of the Republicans supported it. That measure is now before the Senate.

The present bill is an illy considered measure, but it is a sort of companion piece to the other, and I believe it should be considered with it. In the other you have struck a blow at our agricultural interests—our farmers, who raise grain, and our growers of sheep and cattle.

We should not make fish of one and fowl of another, and I believe that protection to the producer of the finished product should be considered at the same time that protection to the agriculturist is considered. So much for that. If our Democratic friends will accept any reasonable amendment to this bill, touching the product of the farm, I shall vote with them to send this bill to the Senate.

I desire now to offer an amendment, which I send to the Clerk's desk to be read. It is to be inserted as a paragraph following the paragraph which has just been read.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "meats," at the end of line 8, page 3, insert:
"*Provided*, That the provisions of the preceding paragraph shall apply only to the Dominion of Canada."

Mr. FITZGERALD. A point of order, Mr. Chairman.

Mr. UNDERWOOD. Mr. Chairman, I make a point of order against that.

Mr. FRENCH. Will the gentleman withhold the point of order a moment?

Mr. UNDERWOOD. All debate has been closed on the paragraph.

Mr. FITZGERALD. We have had debate.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 3, by inserting after line 8, as a new paragraph, the following:
"This act shall not be construed to admit into the United States free of duty animal stearin or any other substance principally used in the manufacture of oleomargarine or other substitute for butter."

Mr. UNDERWOOD. Mr. Chairman, I make a point of order against that.

Mr. MANN. Mr. Chairman, I desire to be heard on the point of order. It is just as well for the Chair to give an opportunity to be heard. The bill provides for the admission of beef, veal, mutton, lamb, pork, and meats of all kinds, dressed or undressed, and so forth. Does that cover the whole side of the beef or not? Can anybody tell whether it does or not? Will the gentleman from Alabama [Mr. UNDERWOOD] say whether it does or not?

Now, I have offered an amendment to provide that that shall not be construed to admit into the United States animal stearin out of which oleomargarine is made. No one can tell from the reading of the bill whether you can bring in the side of a beef with the animal stearin still there or not. It seems to me that the amendment which I offer is clearly in order as further defining the meaning of the language in the bill, and providing that Argentina shall not be allowed to ship to the United States stearin for the manufacture of oleomargarine in competition with our dairy products.

The CHAIRMAN. The Chair will hear the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Chairman, I do not desire to take up the time of the House.

The CHAIRMAN. The Chair overrules the point of order. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. MANN. I ask for a division, Mr. Chairman.

The committee divided; and there were—ayes 66, noes 106.

So the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 3, after line 8, by inserting as a new paragraph the following:
"Rice, cleaned or uncleaned, with or without the hull on."

Mr. UNDERWOOD. Mr. Chairman, I make a point of order against that.

Mr. MANN. Mr. Chairman, I desire to be heard on the point of order. The bill proposes to admit free buckwheat flour, corn meal, wheat flour and semolina, and rye flour, and all prepared cereal foods, and so forth. Now I have offered an amendment to put rice on the free list. Rice, as the Chair well knows, comes in daily competition with these other articles as a matter of consumption in the home. To say that you can put wheat on the free list and wheat flour on the free list, or prepared cereal foods on the free list, but can not put in the same connection rice, that comes in competition with them in the homes, on the free list, is to absolutely cut off the liberty of amendment.

As the Chair will remember, the Quaker Oats Co. not only makes oatmeal for sale, but makes Puffed Rice for sale, which I hope the Chair occasionally enjoys, and hence must know that the prepared rice is put upon the free list. I wish to put the raw material on the free list, out of which Puffed Rice is made.

Mr. TILSON. May I ask the gentleman a question?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Connecticut?

Mr. MANN. Certainly.

Mr. TILSON. Where is rice grown principally? Of course, I ask for information.

Mr. MANN. Rice grows outside of the United States principally and is a cheap article of food much desired in the United States, and is left out of this bill for the benefit of the few districts in the South. [Applause on the Republican side.]

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, by inserting on page 3, after line 8, as a new paragraph, the following:
"Olive oil."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The gentleman from Illinois offers a further amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 3, after line 8, by inserting as a new paragraph, the following:
"Cattle, subject, however, to the provisions of section 12 of the so-called Payne tariff law."

Mr. UNDERWOOD. Mr. Chairman, I did not understand the amendment.

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk again reported the amendment.

Mr. UNDERWOOD. I make the point of order, Mr. Chairman, that that is not germane.

Mr. MANN. I desire, Mr. Chairman, to be heard upon the point of order.

The bill proposes to admit free of duty cattle when manufactured into meat, and certainly it is in order, therefore, in that connection to put the raw material, cattle, on the free list. Under what principle can it be contended that, if you kill the cattle and cut them up and admit the parts free, it is not in order to offer an amendment to let the cattle come in before they are killed and cut up? That, Mr. Chairman, is all I desire to say. [Applause on the Republican side.]

The CHAIRMAN. The Chair sustains the point of order. [Laughter on the Republican side.]

Mr. MANN. Mr. Chairman, I offer a further amendment, which I send to the Clerk's desk and ask to have read.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 3, after line 8, by inserting as a new paragraph the following:
"Horses and mules."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. Mr. Chairman, I offer a further amendment. No; I think that comes in afterwards.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

Buckwheat flour, corn meal, wheat flour and semolina, rye flour, bran, middlings and other offals of grain, oatmeal and rolled oats, and all prepared cereal foods; and biscuits, bread, wafers, and similar articles not sweetened.

Mr. MANN. Now, Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] offers an amendment, which the Clerk will read.

The Clerk read as follows:

Amend, page 3, line 10, by inserting after the word "flour" the words "rice flour and rice meal."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that that is not germane.

Mr. MANN. The Chair has already ruled that an amendment putting in rice is in order, and this is an amendment putting rice flour on the free list, along with other flours. I think it is clearly in order.

Mr. UNDERWOOD. Mr. Chairman, I do not think rice flour is in order under this paragraph. It is separate from the flour mentioned here.

Mr. MANN. If it was held in order to put rice on the free list, it ought to be in order to put rice flour on the free list.

The CHAIRMAN. The Chair thinks that the paragraph deals with flours generally, and the point of order is overruled.

Mr. MURDOCK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MURDOCK. Mr. Chairman, has the Clerk read through line 12?

The CHAIRMAN. He has.

Mr. MURDOCK. I offer the following, then.

The CHAIRMAN. The gentleman from Illinois has the floor.

Mr. MANN. Mr. Chairman, there were 129,000,000 pounds of rice flour and rice meal imported into the United States in the last fiscal year, which paid a duty of one-fourth of a cent a pound. This bill proposes to place on the free list wheat flour, rye flour, and oatmeal. It proposes to place upon the free list other grains when they are ground, but to leave ground rice, which is one of the main articles of consumption, on the dutiable list. One hundred and twenty-nine million pounds of rice flour were imported in the last fiscal year, paying a duty. What excuse can there be for not putting rice flour on the free list when you put wheat flour on the free list, unless it be that wheat flour is produced from a grain raised in the North and rice flour is produced from a grain raised in the South?

Mr. PUJO. Will the gentleman yield for a question?

Mr. MANN. I defy anybody to give any other reason. [Prolonged applause on the Republican side.]

Mr. UNDERWOOD. Mr. Chairman, the reason why rice flour is not placed in this bill has been made very apparent by the gentleman from Illinois [Mr. MANN]. He states that there is a very large importation of rice flour into this country, and that it raises a very considerable amount of revenue——

Mr. MANN. Amounting to $324,000.

Mr. UNDERWOOD. That is the reason we could not put everything on the free list. The reason why many other things have not been placed on the free list in this bill is because of the necessary loss of revenue.

Mr. GARNER. And the extravagance of the Republican Party.

Mr. PAYNE. May I ask the gentleman a question?

Mr. UNDERWOOD. It is only on account of the loss of revenue that the distinction is drawn.

I will say to the gentleman from Illinois that this does not complete our tariff legislation. As I stated in the beginning, we introduced this bill for a specific purpose, to give to the farmers of this country their agricultural implements and tools free of duty and to give to the people of the cities their meat and bread free of duty. We could not go beyond that without endangering the revenue. For that reason we have not at this time put all the things on the free list that we could.

Mr. PAYNE. Will the gentleman permit me?

Mr. UNDERWOOD. I can not yield right now. We intend, when the proper time comes, to take up these various schedules and revise them properly.

Mr. MANN. There is no time like the present.

Mr. FITZGERALD. Oh, yes, there is.

Mr. UNDERWOOD. I move that all debate on this paragraph and all amendments thereto be now closed. [Applause on the Democratic side.]

Mr. WARBURTON. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WARBURTON. I want to ask the gentleman from Alabama if he will withhold his request for a moment.

The CHAIRMAN. The question is on the motion of the gentleman from Alabama.

Mr. SLOAN. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman will be recognized in a moment, if he wishes to offer an amendment. The question is on the motion of the gentleman from Alabama [Mr. UNDERWOOD] to close all debate on this paragraph and amendments thereto.

The question being taken, the Chairman announced that the ayes appeared to have it.

Mr. MANN. I ask for a division.

The committee divided; and there were—ayes 130, noes 72.

Accordingly the motion was agreed to.

The CHAIRMAN. Debate is closed, and the question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. MANN. I ask for tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. AUSTIN and Mr. HARRISON.

The committee again divided; and the tellers reported—ayes 94, noes 161.

Accordingly the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, page 3, by inserting after the word "oats," in line 11, the following:

"Macaroni, vermicelli."

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois.

The question being taken; and on a division (demanded by Mr. MANN) there were—ayes 81, noes 126.

Accordingly the amendment was rejected.

Mr. MANN. I offer the following amendment.

The Clerk read as follows:

Amend, by inserting on page 3, after line 12, as a new paragraph, the following:

"Lemons, oranges, limes, grape fruit, shaddocks, or pomelos."

Mr. UNDERWOOD. I make the point of order that that is not germane.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. I offer a further amendment.

Mr. LENROOT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

Mr. MURDOCK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MURDOCK. Has the committee passed from the consideration of the paragraph which begins with line 9 on page 3 and ends with line 12 on the same page?

The CHAIRMAN. That is what we are now considering.

Mr. MURDOCK. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Wisconsin is recognized. The Chair will recognize the gentleman from Kansas later. The gentleman from Wisconsin [Mr. LENROOT] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by adding after the word "grain," in line 10, page 3, the words "linseed meal and linseed oil."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. LENROOT) there were—ayes 85, noes 126.

So the amendment was rejected.

Mr. LENROOT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend line 12, page 3, by striking out the words "not sweetened."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. LENROOT) there were—ayes 81, noes 131.

So the amendment was rejected.

Mr. MORGAN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by striking out, on page 3, lines 9 to 12, inclusive, the following words:

"Buckwheat flour, corn meal, wheat flour and semolina, rye flour, bran, middlings, and other offals of grain, oatmeal and rolled oats, and all prepared cereal foods; and biscuits, bread, wafers, and similar articles not sweetened."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. MORGAN) there were—ayes 77, noes 133.

So the amendment was rejected.

Mr. KENDALL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by inserting after line 12, page 3, as an independent paragraph, the following:

"Sugar, molasses, maple sugar, maple sirup, oranges, lemons, pineapples, and all other tropical fruits."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that the amendment is not germane.

The CHAIRMAN. The Chair sustains the point of order.

Mr. KENDALL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KENDALL. Mr. Chairman, my parliamentary inquiry is to inquire if we might have some idea what disposition was made of the point of order?

The CHAIRMAN. The Chair has sustained the point of order.

Mr. KENDALL. I appeal to the gentleman from Alabama to reserve his point of order—— [Cries of "Regular order!"]

I want to appeal to the gentleman from Alabama to allow us to aid him in reducing the cost of living by removing the duty upon sugar, which is one of the staples.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the bill.

Mr. MANN (during the reading). Mr. Chairman, I have an amendment which I desire to offer which comes in before the next paragraph. The Clerk should stop reading when somebody is addressing the Chair. A new Clerk may be excusable for doing something he does not know anything about.

The CHAIRMAN. The Clerk was reading by the direction of the Chair. [Applause on the Democratic side.]

Mr. MANN. I have an amendment that comes in before the paragraph.

The CHAIRMAN. The gentleman was not on his feet offering the amendment when the Chair directed the Clerk to read.

Mr. MANN. I beg the Chair's pardon, but I was on my feet addressing the Chair.

The CHAIRMAN. The Chair did not see the gentleman. However, the gentleman will send his amendment. The Clerk will report the amendment of the gentleman from Illinois.

The Clerk read as follows:

Amend by inserting, on page 3, after line 12, as a new paragraph the following:

"Pineapples in barrels and other packages."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that it is not germane.

The CHAIRMAN. The Chair sustains the point of order.

Mr. OLMSTED. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, line 11, page 3, after "cereal foods," by inserting "except macaroni, vermicelli, spaghetti, and noodles."

Mr. OLMSTED. Mr. Chairman, is debate in order?

The CHAIRMAN. It is not. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by inserting, on page 3, after line 12, as a new paragraph, the following:

"Apples, peaches, quinces, cherries, plums, and pears, green or ripe; edible berries in their natural condition; all edible fruits, including berries when dried, desiccated, evaporated, or prepared in any manner, not otherwise specially provided for by law; jellies of all kinds; pineapples preserved in their own juice, not having sugar, spirits, or molasses added thereto."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that it is not germane.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting, on page 3, after line 12, as a new paragraph, the following:

"Chicory root, raw, dried, or undried, burnt or roasted, ground or granulated, or in rolls, or otherwise prepared, not otherwise specially provided for by law."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that it is not germane.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting, on page 3, after line 12, as a new paragraph, the following:

"Beans, not otherwise specially provided for by law."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that it is not germane.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, by inserting on page 3, after line 12, as a new paragraph, the following:

"Vegetables, in their natural state, not specially provided for by law."

Mr. UNDERWOOD. I make the point of order that it is not germane.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, by inserting on page 3, after line 12, as a new paragraph, the following:

"Peas, green, in bulk or in barrels, sacks, or similar packages, seed peas, peas, dried, not otherwise specially provided for by law, and split peas."

Mr. UNDERWOOD. I make the point of order, Mr. Chairman, it is not germane.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, by inserting on page 3, after line 12, as a new paragraph, the following:

"Onions and garlic."

Mr. UNDERWOOD. I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, by inserting on page 3, after line 12, as a new paragraph, the following:

"Seeds: Castor beans or seeds, spinach, beet, parsnip, radish, turnip, rutabaga, cabbage, collard, kale, and kohl-rabi seed."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that it is not germane.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 3, after line 12, by inserting as a new paragraph the following:

"Eggs, not otherwise specially provided for."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that it is not germane.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 3, after line 12, by inserting as a new paragraph the following:

"Coal."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that it is not germane.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Timber, hewn, sided, or squared, round timber used for spars or in building wharves, shingles, laths, fencing posts, sawed boards, planks, deals, and other lumber, rough or dressed, except boards, planks, deals, and other lumber, of lignum-vitæ, lancewood, ebony, box, granadilla, mahogany, rosewood, satinwood, and all other cabinet woods.

Mr. LANGLEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 3, by striking out lines 13 to 18, inclusive.

Mr. LANGLEY. Mr. Chairman——

Mr. MANN. Mr. Chairman, I desire to offer an amendment to perfect the paragraph.

Mr. LANGLEY. Mr. Chairman, am I recognized for debate now upon the amendment?

The CHAIRMAN. The gentleman from Illinois offers an amendment to perfect the paragraph.

Mr. LANGLEY. Am not I entitled to be heard upon my amendment at this time?

The CHAIRMAN (Mr. ALEXANDER). The gentleman is entitled to speak on his amendment.

Mr. LANGLEY. Mr. Chairman, the effect of my motion, if adopted, will be to strike from this bill the provision for free lumber. There are some provisions in this bill that I would like to vote for, and I would vote for them if I had a chance to vote upon them separately. But there are other provisions in it, including the provision for free lumber, that I will not vote for, either standing alone or coupled with other provisions that to me are unobjectionable. I know that my motion to strike out this free-lumber provision will be voted down, but I want to take advantage of the opportunity to enter my protest against it. I have had occasion heretofore to give my reasons for opposing free lumber. I have done so once during the present session, when the Canadian reciprocity treaty was under consideration, and I also gave my reasons for opposing it when the Payne tariff bill was under consideration in the last Congress, and it is useless for me to seek to detain the committee by going over the same ground again. But I will say, gentlemen, that if this paragraph is enacted into law, it will do great damage to one of the most important industries in this country. That industry is important to the people of my district; it is important to the people of other sections of Kentucky; it is important to the people of many other States of this Union.

Hundreds of millions of dollars are invested in the lumber industry, and many thousands of men are employed in it. If this bill becomes a law in its present shape, and it does not do any damage to the lumber industry of the United States, then I promise you now that I will later on in this Congress, or in the next Congress, apologize to the House for having uselessly consumed its time in opposing a provision that was not detrimental to that industry and for making a prophesy that was not fulfilled.

I shall not detain the committee further. I am glad that the Democratic Party is at last going squarely on record in this House as favoring free lumber, and that my Democratic colleagues from Kentucky are going on record for free lumber as against my Republican colleague and myself, who are opposing it. You, gentlemen, on the other side of the House—and I regret to say that a few of my own party associates are joining with you—are proposing by enacting this provision to do injury to one of the greatest industries in this country.

That is all, Mr. Chairman, that I care to say now upon the subject, but I will discuss it further before the people of Kentucky later on. [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto do now close.

Mr. PAYNE. Mr. Chairman, I desire to offer an amendment to that. I would like to make a parliamentary inquiry. Has the rule which has always obtained here of recognizing members of the committee reporting the bill, when they ask for recognition, been abrogated?

The CHAIRMAN. The Chair is not aware of any rule having been abrogated.

Mr. PAYNE. Now, I want to move an amendment to the motion of the gentleman from Alabama.

Mr. UNDERWOOD. If the gentleman from New York [Mr. PAYNE] will listen, I will say that if the gentleman from New York desires the floor, he being the senior member of the minority on the Ways and Means Committee, if he will state what time he desires to address the House, I will not cut him off.

Mr. PAYNE. I would like five minutes, as far as I am concerned.

Mr. UNDERWOOD. Mr. Chairman, I move that all debate on this paragraph close in five minutes.

Mr. POWERS. Mr. Chairman——

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] moves that all debate on the pending paragraph and amendments thereto close in five minutes, the gentleman from New York [Mr. PAYNE] to be recognized for that length of time.

The motion was agreed to.

Mr. PAYNE. Mr. Chairman, I move to strike out the last word of this paragraph. Early in the consideration of this bill this morning I asked the gentleman from Alabama [Mr. UNDERWOOD] if the bill had ever been considered anywhere or by any committee. I did not get any answer from him. I asked the question in good faith, because it is perfectly evident that no man who ever knew anything about the tariff ever considered this bill an hour before it was brought in here, inasmuch as it is so full of mistakes and blunders, it is so full of questions that will come up in the customs court before any determination can be made as to how much you have put on the free list.

And then I asked the gentleman again a few minutes ago, when he was discussing the question of rice flour, a question, but he evidently did not want to answer it. He wanted to run away from rice flour. His excuse was that he did not put it on the free list because it cut off a revenue of $324,000. Does not the gentleman know yet that the statement he made in the committee of $1,000,000 was grossly inaccurate as to what the bill would cut out in the way of revenue? Does he not know that his subsequent statement in the committee report that it would cut off $10,000,000 is grossly inaccurate? Does he not know that the statement that was given out to the newspapers afterwards that it would cut off $12,000,000 or $15,000,000 of the revenue was grossly inaccurate?

I can not tell how much it will cut off, but I believe it will approach $50,000,000 if the bill should ever become a law. But of course it never will become a law. It can not bear investigation. It can not bear scrutiny. I do not wonder the gentleman wants to run away. Whenever a question is asked he gets up here with some grandiloquent talk about going to cheapen the high cost of living in this country. We give you an opportunity to cheapen it by taking off the duty on rice flour, and the gentleman from Illinois [Mr. MANN] has asked the question, "Is it because that is grown in the South that you do not take off that duty and still you take off the duty on wheat flour—on wheat grown in the North?" You do not get on to his high cost of living on that, but it is a matter of revenue of $325,000 that he is going to lose. So you go on all the way through this bill. Why, I feel now as though I would like to talk an hour on the subject. [Laughter.]

But still its iniquities have been discussed. The questions propounded by the gentleman from Illinois have never been answered. There has never been an attempt to answer them. You gentlemen on the other side could not answer the cold analysis of that bill made by the gentleman from Illinois.

The speech of the gentleman from Connecticut [Mr. HILL] has never been answered. But the bill will be read by the American people. They will call you people to account. They will notice the indecent haste you have exhibited here and the lack of consideration of the bill, even in the Committee of the Whole under the five-minute rule, let alone some of the parliamentary law that has been administered by the gentleman who now sits in that chair, the parallel of which was never, never brought out in any legislative assembly—I came pretty near saying has never disgraced any legislative assembly before in this country or in any other. [Loud applause on the Republican side.]

Now, you gentlemen sit back there and say to yourselves, "We are running the steam roller." [Laughter on the Democratic side and cries of "Louder!"] And there is one gentleman over there, and I see him now, and perhaps he and others have followed like sheep after the bellwether between the tellers in voting on this bill without consideration—a gentleman who criticizes me because I am speaking too loudly. Well, I notice the gentlemen of the committee are giving me their attention, notwithstanding the disorder we have had in this House to-day and in this Committee of the Whole. There are men on that side of the House—not one, but scores—that would like to get away from the caucus agreement that was made without the consideration of this bill.

Whether the caucus agreement has followed out and controlled the decisions of points of order here to-day or not, I do not know; it has been hinted to me by some gentlemen on that side that it did, and they did not like to be bound by it. Whether or not it covered all the iniquities of this bill is not for me to say, but I notice that my friend from Alabama [Mr. UNDERWOOD] announced rather triumphantly that they were going to pass this bill without the crossing of a "t" or the dotting of an "i."

Under such circumstances what becomes of the American Congress? Is it bound up in the caucus of the majority—a secret caucus? Why you do not dare to let the light of publicity come in! You do not dare to let the newspapers come in! You seem to be hidden in a corner. [Applause on the Republican side.]

Oh, gentlemen, you will hear from it from one end of this country to the other. [Prolonged applause and demonstrations on the Democratic side.] This bill will be analyzed in the light of truth. The light of truth will be shed upon it. [Applause on the Democratic side.] And your hopes, your political hopes, will vanish when the American people come to find out what you are actually doing. And they will put in your places men who will study the questions that will come before them. [Prolonged applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. KOPP. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

Mr. MANN. A parliamentary inquiry. What became of the amendment that I offered, Mr. Chairman?

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Illinois.

The Clerk read as follows:

Amend, page 3, line 14, by inserting after the word "fencing" the words "and paving."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. POWERS. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

Mr. KOPP. Mr. Chairman, I sent an amendment to the Clerk's desk some time ago. Where is it? [Laughter on the Republican side and cries of "Lost!" "Lost!"]

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wisconsin. The Chair desires to say that the gentleman from Wisconsin [Mr. KOPP] was recognized to offer an amendment, and the Chair thought it was his amendment that was being considered. The Clerk will now report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Page 3, strike out all of line 16 after the word "dressed," and all of lines 17 and 18.

The CHAIRMAN. The question is on the amendment of the gentleman from Wisconsin [Mr. KOPP].

The question being taken, the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amend, page 3, line 14, by inserting after the word "laths" the words "pickets, palings, and staves of wood of all kinds."

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. MANN].

The question being taken, the amendment was rejected.

Mr. POWERS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Kentucky offers an amendment which the clerk will report.

The Clerk read as follows:

Page 3, line 18, after the words "cabinet woods," add the following: "*Provided*, Each and all of the articles specified in this section and produced in the United States shall be admitted free of duty into all countries, dependency, or dependencies which import any of said article or articles into this country."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that that amendment is not germane.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, page 8, line 14, by inserting after the word "wharves" the word "clapboards."

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Illinois.

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. MANN. I ask for a division.

The committee divided; and there were—ayes 80, noes 139.

Accordingly the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The gentleman from Illinois offers another amendment which the Clerk will report.

The Clerk read as follows:

Amend, page 3, by adding after the word "woods," in line 18, the following:

"*Provided, however*, That the articles named in this paragraph shall not be admitted free of duty from any country, dependency, Province, or other subdivision of government which forbids or restricts in any way the exportation of (whether by law, order, regulation, contractual relation, or otherwise, directly or indirectly) or imposes any export duty, export license fee, or other export charge of any kind whatsoever, either directly or indirectly (whether in the form of additional charge or license fee, or otherwise), upon any of the articles mentioned in this paragraph, or upon printing paper, wood pulp, or wood for use in the manufacture of wood pulp."

Mr. UNDERWOOD. I make the point of order against the amendment.

Mr. MANN. I should like to be heard briefly on the point of order.

The CHAIRMAN. The gentleman from Illinois.

Mr. MANN. Mr. Chairman, this is identically the provision in the existing law in reference to the admission of pulp wood and print paper into the United States.

Here is a proposition to admit lumber from Canada free of duty, although the Canadian Provinces put a restriction on the exportation of lumber, of logs, and of pulp wood cut on the Crown lands of those Provinces. The proposition which I now present is that lumber shall not be admitted free from Canada unless the Canadian Provinces remove their restrictions on the exportation of lumber and on the exportation of pulp wood.

It would seem that if we have the authority, as we have, to provide that lumber shall be admitted free of duty, we have in that connection the parliamentary power to provide that it shall only be admitted free when coming from a country which does not place an export tax upon lumber, or which does not forbid the exportation of logs which may be cut into lumber.

Under the proposition in the bill all of the lumber industry connected with the Canadian forests can and will be transferred to the Canadian side of the border, because the Canadian Provinces can restrict the exportation of rough lumber or undressed lumber, as they now restrict the exportation of logs. They can move the manufacture of print paper onto the other side of the line, because they will still be able to restrict the exportation of pulp wood having free access to the American markets. Under this bill at this time an opportunity is given to us to provide that lumber shall not come in free from Canada unless the Canadian Provinces permit the exportation of logs, and also permit the exportation of pulp wood, which is now forbidden by the Canadian Province regulations.

I had hoped that the gentlemen on the other side of the aisle, notwithstanding their caucus action, would be willing to make some effort to preserve to the newspapers of the country cheaper print paper. Without an amendment like this, the print-paper industry will unquestionably in the future be moved to Canada, and when that comes, the Canadian Provinces can make their regulations forbidding the exportation of pulp wood, or putting an export tax on paper, so that every user of paper in the United States will pay tribute to Canada as we now on coffee pay tribute to Brazil.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 3, after line 18, by inserting as a new paragraph the following:

"The provisions of the last preceding paragraph shall not apply to articles imported from any country, dependency, province, or colony, or other subdivision of government which imposes any tax or duty or restrictive regulation upon the importation into such country from the United States of any meats of any kind whatever, either fresh or preserved in any form, or of flour, live cattle, or cottonseed oil, or which prohibits or restricts in any way the exportation of news-print paper, wood pulp, or pulp wood."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that it is not germane.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 3, after line 18, by inserting as a new paragraph the following:

"House furniture, wholly or in chief value of wood, wholly or partly finished."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that it is not germane.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 3, after line 18, by inserting as a new paragraph the following:

"Briar root or briar wood, ivy or laurel root, and similar wood unmanufactured, or not further advanced than cut into blocks suitable for the articles into which they are intended to be converted."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that it is not germane.

The CHAIRMAN. The point of order is sustained. The question now is on the amendment offered by the gentleman from Kentucky [Mr. LANGLEY] to strike out the paragraph.

The question was taken, and the amendment was rejected.

The Clerk read as folows:

Sewing machines and all parts thereof.

Mr. FULLER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 3, line 19, by striking out the words "sewing machines and all parts thereof."

Mr. FULLER. Mr. Chairman, it is so very evident that it is useless to discuss any amendment to this bill that I simply submit it to the vote of the committee.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. FULLER) there were—ayes 62, noes 132.

So the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 3, after line 21, by inserting as a new paragraph the following:

"Needles for knitting or sewing machines, latch needles, crochet needles and tape needles, knitting and all other needles not specially provided for by law; but no articles other than the needles which are specifically named in this section shall be dutiable as needles unless having an eye and fitted and used for carrying a thread."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that it is not germane.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 3, by inserting after line 19, as a new paragraph, the following:

"Needles for sewing machines."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that this is not germane.

Mr. MANN. Mr. Chairman, I would like to be heard for a moment on the point of order.

Mr. UNDERWOOD. Mr. Chairman, I will withdraw the point of order and ask for a vote.

The CHAIRMAN. The Chair thinks the amendment is germane, and is in order. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Salt, whether in bulk or in bags, sacks, barrels, or other packages.

Mr. MANN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 3, by inserting after line 19, as a new paragraph, the following:

"Wearing apparel, articles of personal adornment, toilet articles, and similar personal effects of persons arriving in the United States; but this exemption shall only include such articles as actually accompany and are in the use of and as are necessary and appropriate for the wear and use of such persons, for the immediate purposes of the journey and present comfort and convenience, and shall not be held to apply to merchandise or articles intended for other persons or for sale: *Provided*, That in case of residents of the United States returning from abroad all wearing apparel and other personal effects taken by them out of the United States to foreign countries shall be admitted free of duty, without regard to their value, upon their identity being established, under appropriate rules and regulations to be prescribed by the Secretary of the Treasury; and articles to the value of $100, without regard to the character, purchased abroad by such residents of the United States shall be admitted free of duty upon their return."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that the amendment is not germane.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. Mr. Chairman, I desire to offer another amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 3, after line 21, by inserting as a new paragraph the following:

"SEC. 2. The goods, wares, articles, and merchandise in this act named which are the growth, production, or manufacture of any foreign country not contiguous to the United States, shall be admitted free only when imported in vessels of the United States or in such foreign vessels as truly and wholly belong to the citizens or subjects of that country of which such goods, wares, articles, and merchandise are the growth, production, or manufacture, or from which such goods, wares, articles, or merchandise can only be or most usually are first shipped for transportation."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that the amendment is not germane.

Mr. MANN. Mr. Chairman, I would like to be heard on the point of order. The amendment is clearly in order on any conception of parliamentary law. The bill proposes to admit certain articles into the United States free of duty. The amendment is that as to articles coming from countries not contiguous to the United States the bill shall only apply when the goods are brought to the United States in American bottoms or in vessels belonging to citizens of the country from which they are exported. Now that sort of a provision has always been held in order upon tariff legislation. There is no distinction between this bill and any other bill as to that. In the last tariff bill we carried a provision in reference to vessels coming into our ports. Nearly every tariff bill ever passed has had some provision of the kind. This provision is simply to provide that articles shall be admitted free only when brought in certain vessels. It has usually been the case to provide that articles shall receive the usual tariff rates only when they are brought in certain vessels or shall pay 10 per cent more than the tariff rate if not brought in vessels belonging to American citizens or not protected by treaties. I do not hesitate to say that, in my opinion, without question, if the Chair will examine the amendment he will see, and ought to see, that the amendment is a mere limitation on the general scope of the bill, and is clearly in order.

The CHAIRMAN. The point of order is sustained.

Mr. UNDERWOOD. Mr. Chairman, I move that the committee do now rise and report the bill back to the House without amendment with the recommendation that the bill do pass. [Loud applause on the Democratic side.]

The CHAIRMAN. The gentleman from Alabama moves that the committee do now rise and report the bill, H. R. 4413, back to the House without amendment with the recommendation that it do pass.

The question was taken, and the motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. ALEXANDER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 4413, and had directed him to report the same back to the House without amendment with the recommendation that the bill do pass.

Mr. UNDERWOOD. Mr. Speaker, I move the previous question on the bill to its final passage.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed; and being engrossed, was read a third time.

Mr. MANN. Mr. Speaker, I offer the following motion to recommit with instructions.

The SPEAKER. The gentleman from Illinois offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Insert as section 2 of the bill the following:

"SEC. 2. The provisions of this act shall apply only to goods, wares, articles, and merchandise when imported from a country, dependency, province, or colony, being the product thereof, which does not impose any tax or duty upon, or by way of regulation or otherwise practically prohibit, the importation into such country, dependency, province, or colony from the United States of flour or cottonseed oil or of live cattle and fresh, refrigerated, dried, smoked, salted, canned, or otherwise prepared or preserved meats, which are accompanied by a certificate of inspection by the proper officials of the United States, and which country, dependency, province, or colony does not prohibit or restrict in any manner or form the exportation of any of the articles named in this act, or of wood used in the manufacture of wood pulp or paper."

Mr. UNDERWOOD. Mr. Speaker, I make the point of order that this motion to recommit, if offered as an amendment, would not have been germane to the bill or the paragraphs of it, and therefore is not in order as a motion to recommit.

The SPEAKER. Does the gentleman from Illinois [Mr. MANN] desire to be heard?

Mr. MANN. I desire to be heard on the point of order.

The SPEAKER. The gentleman from Illinois is recognized.

Mr. MANN. I will be frank to say that I think if I had offered this proposition in Committee of the Whole it would have been ruled out of order by the then Chairman of the committee. But I prefer to have a ruling by the Speaker, who has greater responsibility in making rulings than any Chairman of the Committee of the Whole can have.

The bill proposes to place certain articles on the free list imported into the United States. The bill proposes to place upon the free list certain articles which are named in the bill, wherever they may come from. The proposition which I have offered in the way of amendment or instruction is to limit these articles which may be brought into the United States to those articles which come from certain countries which do not discriminate against American flour, American cottonseed oil, or American meats, and which do not discriminate against the American products of the character named in the bill when exported from the United States to foreign countries, and which do not discriminate against America by prohibiting the exportation of pulp wood.

Now, Mr. Speaker, if we have the power, as we have, of saying that we will admit all articles free of duty, we have the power by bill, as we propose in this case, to say that we admit certain articles free of duty. This bill might have said all articles of any character imported into the United States from foreign countries should be admitted free of duty. But it chose to say that certain articles named should be admitted free of duty. My amendment simply limits those articles a little further by providing that certain countries, if they do not grant reciprocal rights to American citizens, shall not have their goods brought in here free of duty. The bill as it has been presented and reported by the committee will not add a dollar to any American citizen's wealth, will not add a dollar to the commerce of the United States, will not add a dollar to the value of American agricultural products or American manufactured products. It proposes to give away the markets of the United

States without any exchange whatever. I was raised in that school that believes in making trades at times and not giving away all that you have in the expectation that other people would deal so gently and generously by you that you would reach affluence through their generosity.

We have the right, in making this agreement, to make the trade. We have the right to say to the foreign country, "You can bring in your goods to our country free of duty if you will permit our goods in exchange to go into your country free of duty." To hold that we can not do that as an amendment upon this tariff bill is to hold that you can make no amendment to the bill whatever.

I do not think the Speaker now in the chair would be willing to hold, as the Chairman did, that you can not add anything to the bill now on the dutiable list and you can not add any duty to the free list now in the bill. There is no chance for amendment of any kind, practically, under that ruling.

I insist, Mr. Speaker, that it is in order to offer an amendment limiting the countries from which these goods can come, whether we limit them by name or limit them by description, requiring that no country shall have the right of free entry here unless it grants the right of admission of our meats and cottonseed oil and flour into that country.

Mr. UNDERWOOD. Mr. Speaker, I do not desire to address the Chair on the question. I think the decisions are very clear that the amendment is not in order.

The SPEAKER. There are two decisions precisely in point in this matter. I will have the Clerk read them in order to shorten up the proceedings.

The Clerk read as follows:

It is not in order to do indirectly by a motion to recommit with instructions what may not be done directly by way of amendment.

On May 6, 1897, the House was considering a resolution reported from the Committee on Rules providing that "from and after this day the House shall meet only on Monday and Thursday of each week until the further order of the House."

Mr. JOSEPH W. BAILEY, of Texas, moved to recommit the resolution, with instruction to report as a substitute a resolution providing a time for the consideration of the bankruptcy bill (S. 1035).

Mr. JOHN DALZELL, of Pennsylvania, made a point of order against this motion.

The Speaker ruled:

The point of order being raised, the Chair thinks the amendment not germane. * * * Here is a proposition that the House shall meet on Mondays and Thursdays. Here is an amendment requesting that a particular bill shall be considered under certain conditions and formalities. Now, if that is germane to the other, it would be difficult to limit the range of germaneness anywhere on earth, it seems to the Chair. It has been decided by one of the predecessors of the present Speaker that this motion was not in order at all; but the present Speaker has decided otherwise, and he believes, with the approval of the House, giving the House more complete control over such matters; but it has been decided by all predecessors that no proposition can be offered as an instruction to a committee that would have been admissible as an amendment if it had been offered at the present time. Now, will any gentleman of the House say that this would be a proper amendment to the original resolution? The Chair thinks that it could not be.

5835. On January 21, 1891, Mr. JOSEPH G. CANNON, of Illinois, from the Committee on Rules, reported a resolution providing for the immediate consideration of the District of Columbia appropriation bill.

Mr. Richard P. Bland, of Missouri, moved that the resolution be recommitted to the Committee on Rules, with instructions to report back a resolution providing for the consideration of the bill (S. 4675) to provide a unit of value and for the coinage of gold and silver, etc.

Mr. CANNON made the point of order that the proposed instructions, not being germane to the resolution, were not now in order.

The Speaker sustained the point of order, holding that the instructions were not germane to the subject matter of the resolution.

Mr. Bland appealed from the decision of the Chair.

Mr. CANNON moved to lay the appeal on the table; and the question being put, it was decided in the affirmative—yeas 146, nays 122.

The SPEAKER. It is not necessary for the Chair to pass any opinion on the wisdom or unwisdom of this new rule; it is his duty to decide according to the rules. It is clear that the amendment offered by way of matter contained in the motion to recommit under this rule would not have been in order if offered as an amendment; and on the high authority of Mr. Speaker Reed and Mr. Speaker CANNON, I sustain the point of order made by the gentleman from Alabama [Mr. UNDERWOOD]. [Applause on the Democratic side.]

Mr. MANN. I respectfully appeal from the decision of the Chair.

Mr. UNDERWOOD. I move to lay that appeal on the table.

Mr. MANN. On that motion I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 209, nays 129, answered "present" 4, not voting 43, as follows:

YEAS—209.

Adair	Ansberry	Bell, Ga.	Broussard
Adamson	Ashbrook	Berger	Brown
Aiken, S. C.	Ayres	Blackmon	Buchanan
Akin, N. Y.	Barnhart	Boehne	Bulkley
Alexander	Bartlett	Booher	Burke, Wis.
Allen	Bathrick	Borland	Burleson
Anderson, Ohio	Beall, Tex.	Brantley	Burnett
Byrnes, S. C.	Garner	Lamb	Russell
Byrns, Tenn.	Garrett	Lee, Ga.	Sabath
Callaway	George	Lee, Pa.	Saunders
Candler	Godwin, N. C.	Legare	Scully
Cantrill	Goeke	Lever	Shackleford
Carlin	Goldfogle	Levy	Sharp
Carter	Goodwin, Ark.	Lewis	Sheppard
Claypool	Gordon	Lindsay	Sherley
Clayton	Gould	Linthicum	Sherwood
Cline	Graham	Littlepage	Sims
Collier	Gray	McCoy	Sisson
Connell	Gregg, Pa.	McDermott	Slayden
Conry	Gregg, Tex.	McGillicuddy	Small
Covington	Gudger	McHenry	Smith, N. Y.
Cox, Ohio	Hamill	Macon	Smith, Tex.
Cullop	Hamilton, W. Va.	Maguire, Nebr.	Sparkman
Curley	Hamlin	Maher	Stack
Daugherty	Hammond	Martin, Colo.	Stedman
Davenport	Hardwick	Mays	Stephens, Miss.
Davis, W. Va.	Hardy	Moon, Tenn.	Stephens, Tex.
Dent	Harrison, Miss.	Morrison	Stone
Denver	Harrison, N. Y.	Murray	Sulzer
Dickinson	Hay	Oldfield	Sweet
Dickson, Miss.	Heflin	O'Shaunessy	Talbott, Md.
Dies	Helm	Padgett	Talcott, N. Y.
Difenderfer	Henry, Tex.	Page	Taylor, Colo.
Dixon, Ind.	Hensley	Palmer	Thayer
Donohoe	Hobson	Pepper	Thomas
Doremus	Holland	Peters	Townsend
Doughton	Houston	Post	Tribble
Driscoll, D. A.	Howard	Pou	Turnbull
Dupre	Hughes, Ga.	Pujo	Tuttle
Edwards	Hughes, N. J.	Rainey	Underhill
Ellerbe	Hull	Raker	Underwood
Evans	Humphreys, Miss.	Randell, Tex.	Watkins
Faison	Jacoway	Rauch	Webb
Ferris	Johnson, Ky.	Redfield	Whitacre
Fields	Johnson, S. C.	Reilly	White
Finley	Jones	Richardson	Wickliffe
Fitzgerald	Kent	Riordan	Wilson, N. Y.
Flood, Va.	Kindred	Roddenbery	Wilson, Pa.
Floyd, Ark.	Kinkead, N. J.	Rothermel	Witherspoon
Foster, Ill.	Kitchin	Rouse	Young, Tex.
Fowler	Konig	Rubey	
Francis	Konop	Rucker, Colo.	
Gallagher	Korbly	Rucker, Mo.	

NAYS—129.

Anderson, Minn.	Gardner, N. J.	Lindbergh	Prouty
Andrus	Gillett	Longworth	Rees
Anthony	Good	Loud	Roberts, Mass.
Austin	Greene	McCall	Roberts, Nev.
Barchfeld	Griest	McCreary	Rodenberg
Bartholdt	Guernsey	McGuire, Okla.	Simmons
Bowman	Hanna	McKinley	Sloan
Burke, Pa.	Harris	McKinney	Smith, J. M. C.
Butler	Hartman	McLaughlin	Smith, Saml. W.
Calder	Haugen	Madden	Speer
Campbell	Heald	Madison	Steenerson
Cannon	Helgesen	Malby	Stephens, Cal.
Catlin	Henry, Conn.	Mann	Sterling
Cooper	Higgins	Martin, S. Dak.	Stevens, Minn.
Copley	Hill	Matthews	Switzer
Crumpacker	Hinds	Miller	Taylor, Ohio
Currier	Howell	Mondell	Thistlewood
Dalzell	Howland	Moon, Pa.	Tilson
Danforth	Hubbard	Moore, Pa.	Towner
Davis, Minn.	Humphrey, Wash.	Morgan	Utter
De Forest	Jackson	Morse, Wis.	Volstead
Dodds	Kahn	Murdock	Warburton
Draper	Kendall	Needham	Wedemeyer
Driscoll, M. E.	Kennedy	Nelson	Wilder
Dyer	Kinkaid, Nebr.	Norris	Willis
Esch	Knowland	Olmsted	Wilson, Ill.
Fairchild	Kopp	Patton, Pa.	Wood, N. J.
Farr	Lafean	Payne	Woods, Iowa
Focht	Lafferty	Pickett	Young, Kans.
Foss	La Follette	Plumley	Young, Mich.
French	Langley	Porter	
Fuller	Lawrence	Pray	
Gardner, Mass.	Lenroot	Prince	

ANSWERED "PRESENT"—4.

Fornes	Hayes	Kipp	Littleton

NOT VOTING—43.

Ames	Dwight	Lloyd	Powers
Bates	Estopinal	Lobeck	Ransdell, La.
Bingham	Fordney	Loudenslager	Robinson
Bradley	Foster, Vt.	McMorran	Sells
Burke, S. Dak.	Glass	Mitchell	Slemp
Cary	Hamilton, Mich.	Moore, Tex.	Stanley
Clark, Fla.	Hawley	Moss, Ind.	Sulloway
Cox, Ind.	Hughes, W. Va.	Mott	Taylor, Ala.
Crago	James	Nye	Vreeland
Cravens	Langham	Parran	Weeks
Davidson	Latta	Patten, N. Y.	

So the appeal was laid on the table.

The Clerk announced the following pairs:

For the session:

Mr. FORNES with Mr. BRADLEY.

Until further notice:

Mr. STANLEY (in favor) with Mr. WEEKS (against).

Mr. RANSDELL of Louisiana (in favor) with Mr. CARY (against).

Mr. MOORE of Texas (in favor) with Mr. HAYES (against).

Mr. KIPP (in favor) with Mr. LANGHAM (against).

Mr. CLARK of Florida (in favor) with Mr. BURKE of South Dakota (against).

Mr. Moss of Indiana (in favor) with Mr. SULLOWAY (against).
Mr. GLASS (in favor) with Mr. MCMORRAN (against).
Mr. ESTOPINAL (in favor) with Mr. MOTT (against).
Mr. LATTA (in favor) with Mr. HUGHES of West Virginia (against).
Mr. LITTLETON (in favor) with Mr. DWIGHT (against).
Mr. PATTEN of New York (in favor) with Mr. PARRAN (against).
Mr. CRAVENS (in favor) with Mr. SELLS (against).
Mr. ROBINSON (in favor) with Mr. FORDNEY (against).
Mr. LLOYD (in favor) with Mr. SLEMP (against).
Mr. JAMES (in favor) with Mr. HAMILTON of Michigan (against).
Mr. TAYLOR of Alabama (in favor) with Mr. LOUDENSLAGER (against).
Mr. LOBECK (in favor) with Mr. BINGHAM (against).
Mr. COX of Indiana (in favor) with Mr. NYE (against).

Mr. HILL. Mr. Speaker, I was paired, by a transferable pair, with the gentleman from Virginia [Mr. GLASS]. Had he been here, he would have voted "aye," and would vote for the bill. The gentleman from Louisiana [Mr. PUJO] was paired by a transferable pair with the gentleman from Michigan [Mr. MCMORRAN], who, if he had been here, would have voted against the bill. The gentleman from Louisiana [Mr. PUJO] and I have mutually agreed to transfer our pairs, and both of us have voted, leaving the record undisturbed, as both the gentlemen who are absent [Mr. GLASS and Mr. MCMORRAN] are thereby left paired.

The SPEAKER. Did the gentleman from Connecticut vote?

Mr. HILL. I did.

Mr. MARTIN of South Dakota. I should like to inquire if my colleague [Mr. BURKE of South Dakota] is recorded as voting?

The SPEAKER. He is not recorded as voting, and he has been announced as paired.

Mr. LITTLETON. Mr. Speaker, I voted "aye" on this motion. I observe from the announcement of the pairs that I am paired with the gentleman from New York [Mr. DWIGHT]. For that reason I ask that my vote be withdrawn and that I be recorded as present.

The result of the vote was announced as above recorded.

The announcement of the result was received with applause on the Democratic side.

Mr. MARTIN of South Dakota. Mr. Speaker, I offer the following motion to recommit with instructions, which I send to the desk and ask to have read.

The Clerk read as follows:

Recommit the bill to the Committee on Ways and Means with instructions to report the bill back immediately amended by striking out of the bill the provisions pertaining to the admission of meats, flour, and all other food products, being lines 4 to 12, inclusive, on page 3, and by striking out, also, the words "not sweetened," in line 12, page 3.

Mr. UNDERWOOD. Mr. Speaker, I move the previous question on the motion to recommit.

The SPEAKER. The question is on ordering the previous question on the motion to recommit.

Mr. MARTIN of South Dakota. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. The gentleman from South Dakota demands the yeas and nays. Those favoring the ordering of the yeas and nays will rise and stand until counted. [After counting.] Eleven gentlemen, not a sufficient number, and the yeas and nays are refused. The question is on the motion to recommit.

The question was taken, and the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. UNDERWOOD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 236, nays 109, answered "present" 4, not voting 37, as follows:

YEAS—236.

Adair	Beall, Tex.	Byrnes, S. C.	Cox, Ohio
Adamson	Bell, Ga.	Byrns, Tenn.	Cullop
Aiken, S. C.	Berger	Callaway	Curley
Akin, N. Y.	Blackmon	Candler	Daugherty
Alexander	Boehne	Cantrill	Davenport
Allen	Booher	Carlin	Davis, Minn.
Anderson, Minn.	Borland	Carter	Davis, W. Va.
Anderson, Ohio	Brantley	Claypool	Dent
Ansberry	Broussard	Clayton	Denver
Anthony	Brown	Cline	Dickinson
Ashbrook	Buchanan	Collier	Dickson, Miss.
Ayres	Bulkley	Connell	Dies
Barnhart	Burke, Wis.	Conry	Difenderfer
Bartlett	Burleson	Covington	Dixon, Ind.
Bathrick	Burnett	Cox, Ind.	Donohoe
Doremus	Helm	McHenry	Scully
Doughton	Henry, Tex.	Macon	Shackleford
Driscoll, D. A.	Hensley	Madison	Sharp
Dupre	Hobson	Maguire, Nebr.	Sheppard
Edwards	Holland	Maher	Sherley
Ellerbe	Houston	Martin, Colo.	Sherwood
Evans	Howard	Mays	Sims
Faison	Hubbard	Miller	Sisson
Ferris	Hughes, Ga.	Moon, Tenn.	Slayden
Fields	Hughes, N. J.	Morgan	Small
Finley	Hull	Morrison	Smith, N. Y.
Fitzgerald	Humphreys, Miss.	Morse, Wis.	Smith, Tex.
Flood, Va.	Jackson	Murdock	Sparkman
Floyd, Ark.	Jacoway	Murray	Stack
Foster, Ill.	Johnson, Ky.	Nelson	Stedman
Fowler	Johnson, S. C.	Norris	Steenerson
Francis	Jones	Oldfield	Stephens, Miss.
Gallagher	Kent	O'Shaunessy	Stephens, Tex.
Garner	Kindred	Padgett	Stone
Garrett	Kinkead, N. J.	Page	Sulzer
George	Kitchin	Palmer	Sweet
Godwin, N. C.	Konig	Pepper	Talbott, Md.
Goeke	Konop	Peters	Talcott, N. Y.
Goldfogle	Kopp	Post	Taylor, Colo.
Goodwin, Ark.	Korbly	Pou	Thayer
Gordon	Lafferty	Pujo	Thomas
Gould	La Follette	Rainey	Townsend
Graham	Lamb	Raker	Tribble
Gray	Lee, Ga.	Randell, Tex.	Turnbull
Gregg, Pa.	Lee, Pa.	Rauch	Tuttle
Gregg, Tex.	Legare	Redfield	Underhill
Gudger	Lenroot	Reilly	Underwood
Hamill	Lever	Richardson	Volstead
Hamilton, W. Va.	Levy	Riordan	Warburton
Hamlin	Lewis	Roberts, Nev.	Watkins
Hammond	Lindbergh	Roddenbery	Webb
Hanna	Lindsay	Rothermel	Whitacre
Hardwick	Linthicum	Rouse	White
Hardy	Littlepage	Rubey	Wickliffe
Harrison, Miss.	Lloyd	Rucker, Colo.	Wilson, N. Y.
Harrison, N. Y.	Lobeck	Rucker, Mo.	Wilson, Pa.
Hay	McCoy	Russell	Witherspoon
Heflin	McDermott	Sabath	Young, Tex.
Helgesen	McGillicuddy	Saunders	The Speaker

NAYS—109.

Andrus	Fuller	Loud	Rodenberg
Austin	Gardner, Mass.	McCall	Simmons
Barchfeld	Gardner, N. J.	McCreary	Sloan
Bartholdt	Gillett	McGuire, Okla.	Smith, J. M. C.
Bowman	Good	McKinley	Smith, Saml. W.
Burke, Pa.	Greene	McKinney	Speer
Butler	Griest	McLaughlin	Stephens, Cal.
Calder	Guernsey	Madden	Sterling
Campbell	Harris	Malby	Stevens, Minn.
Cannon	Hartman	Mann	Switzer
Catlin	Haugen	Martin, S. Dak.	Taylor, Ohio
Cooper	Heald	Matthews	Thistlewood
Copley	Henry, Conn.	Mondell	Tilson
Crumpacker	Higgins	Moon, Pa.	Towner
Currier	Hill	Moore, Pa.	Utter
Dalzell	Hinds	Needham	Vreeland
Danforth	Howell	Olmsted	Wedemeyer
De Forest	Howland	Patton, Pa.	Weeks
Dodds	Humphrey, Wash.	Payne	Wilder
Draper	Kahn	Pickett	Willis
Driscoll, M. E.	Kendall	Plumley	Wilson, Ill.
Dyer	Kennedy	Porter	Wood, N. J.
Esch	Kinkaid, Nebr.	Powers	Woods, Iowa
Fairchild	Knowland	Pray	Young, Kans.
Farr	Lafean	Prince	Young, Mich.
Focht	Langley	Prouty	
Foss	Lawrence	Rees	
French	Longworth	Roberts, Mass.	

ANSWERED "PRESENT"—4.

Fornes	Hayes	Kipp	Littleton

NOT VOTING—37.

Ames	Dwight	Latta	Ransdell, La.
Bates	Estopinal	Loudenslager	Robinson
Bingham	Fordney	McMorran	Sells
Bradley	Foster, Vt.	Mitchell	Slemp
Burke, S. Dak.	Glass	Moore, Tex.	Stanley
Cary	Hamilton, Mich.	Moss, Ind.	Sulloway
Clark, Fla.	Hawley	Mott	Taylor, Ala.
Crago	Hughes, W. Va.	Nye	
Cravens	James	Parran	
Davidson	Langham	Patten, N. Y.	

So the bill was passed.

The Clerk announced the following additional pairs:

Upon the vote:

Mr. TAYLOR of Alabama (in favor) with Mr. LOUDENSLAGER (against).
Mr. GLASS (in favor) with Mr. MCMORRAN (against).
Mr. ESTOPINAL (in favor) with Mr. MOTT (against).
Mr. Moss of Indiana (in favor) with Mr. SULLOWAY (against).
Mr. MOORE of Texas (in favor) with Mr. HAYES (against).
Mr. ROBINSON (in favor) with Mr. FORDNEY (against).
Mr. CRAVENS (in favor) with Mr. SELLS (against).
Mr. PATTEN of New York (in favor) with Mr. PARRAN (against).

Until further notice:

Mr. STANLEY (in favor) with Mr. NYE (against).
Mr. LITTLETON (in favor) with Mr. DWIGHT (against).
Mr. KIPP (in favor) with Mr. LANGHAM (against).

Mr. JAMES (in favor) with Mr. HAMILTON of Michigan (against).

Commencing May 5 and terminating two weeks later:

Mr. CLARK of Florida (in favor) with Mr. BURKE of South Dakota (against).

Commencing April 24 and terminating two weeks later:

Mr. RANSDELL of Louisiana (in favor) with Mr. CARY (against).

Commencing April 15 and terminating three weeks later:

Mr. LATTA (in favor) with Mr. HUGHES of West Virginia (against).

The result of the vote was announced as above recorded.

On motion of Mr. UNDERWOOD a motion to reconsider the last vote was laid on the table.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted to—

Mr. MITCHELL, indefinitely, on account of illness.

Mr. PATTEN of New York, for one week, on account of illness.

Mr. BARTHOLDT, for 10 days, on account of important business.

Mr. TILSON, until June 1, on account of important public business.

WITHDRAWAL OF PAPERS—MARGARET C. DE COW.

By unanimous consent, leave was granted to Mr. DODDS to withdraw from the files of the House, without leaving copies, papers in the case of Margaret C. De Cow, Sixty-first Congress, no adverse report having been made thereon.

ENROLLED JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolutions:

H. J. Res. 2. Making appropriations for the payment of certain expenses incident to the first session of the Sixty-second Congress.

H. J. Res. 3. Making immediately available the appropriations for mileage of Senators and Members of the House of Representatives.

H. J. Res. 38. To grant authority to the American Red Cross to erect temporary structures in Potomac Park, Washington, D. C.

ADJOURNMENT.

Then, on motion of Mr. UNDERWOOD (at 10 o'clock and 2 minutes p. m.), the House adjourned until Tuesday, May 9, at 12 o'clock m.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. POWERS: A bill (H. R. 9054) making an appropriation for rebuilding the Old Wilderness Road, to be known as "The Boone Way," from Cumberland Gap, Tenn., to Boonesboro, Ky.; to the Committee on Appropriations.

By Mr. SIMMONS: A bill (H. R. 9055) to pension widows, minor children, etc., of deceased soldiers and sailors of the late War with Spain, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late War with Spain; to the Committee on Pensions.

By Mr. ADAMSON: A bill (H. R. 9056) to continue the investigation of water resources; to the Committee on Interstate and Foreign Commerce.

By Mr. MANN: A bill (H. R. 9057) to further regulate interstate and foreign commerce by prohibiting the transportation therein of white phosphorus matches, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. NEEDHAM: A bill (H. R. 9058) to make uniform charges for furnishing authenticated copies of records for the Department of the Interior and its several bureaus; to the Committee on Expenditures in the Interior Department.

Also, a bill (H. R. 9059) to amend an act entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands"; to the Committee on the Public Lands.

By Mr. OLDFIELD: A bill (H. R. 9060) granting pensions to certain officers and men of the Fourth Regiment of Arkansas Mounted Infantry; to the Committee on Military Affairs.

By Mr. HUGHES of New Jersey: A bill (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes; to the Committee on Labor.

By Mr. CULLOP: A bill (H. R. 9062) to reduce the customs duties on pharmaceutical and bacteriological products and surgical instruments and apparatus; to the Committee on Ways and Means.

By Mr. SHEPPARD: A bill (H. R. 9063) to amend the Code of Law for the District of Columbia regarding insurance; the Committee on the District of Columbia.

By Mr. JOHNSON of South Carolina: A bill (H. R. 9064) to prohibit the collection of revenue or the granting of permit to engage in the manufacture or sale of spirituous or malt liquors in States, counties, or municipalities in which such manufacture or sale is prohibited by State or municipal law; to the Committee on Ways and Means.

Also, a bill (H. R. 9065) to authorize the Secretary of War to cause to be investigated and to provide for the payment of all claims presented on behalf of churches, schools, libraries, hospitals, and establishments conducted for the benefit of churches, or for charitable purposes, arising from the occupation and use of the buildings, grounds, and other property of various kinds occupied, used, taken away, injured, consumed, or destroyed by the United States or its Army during the Civil War, or for its benefit in any way; to the Committee on War Claims.

Also, a bill (H. R. 9066) for the relief of Confederate soldiers and citizens of the Confederate States; to the Committee on War Claims.

Also, a bill (H. R. 9067) to amend section 5209, Revised Statutes United States, 1878; to the Committee on the Judiciary.

Also, a bill (H. R. 9068) dividing the State of South Carolina into two judicial districts, providing for the appointment of a district judge, and for other purposes; to the Committee on the Judiciary.

Also, a bill (H. R. 9069) to require the production of books and papers as evidence in State courts in certain cases; to the Committee on the Judiciary.

Also, a bill (H. R. 9070) to limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases; to the Committee on the Judiciary.

By Mr. POWERS: A bill (H. R. 9071) for the relief of the Kentucky drafted men; to the Committee on War Claims.

By Mr. SHARP: A bill (H. R. 9072) to provide for the survey of Black River, Ohio, for the purpose of widening, deepening, and straightening its channel; to the Committee on Rivers and Harbors.

By Mr. LEVY: A bill (H. R. 9073) to amend sections 1, 2, and 3 of the act of July 2, 1890; to the Committee on Interstate and Foreign Commerce.

By Mr. THAYER: A bill (H. R. 9074) providing for the extension of the transfer system in the District of Columbia; to the Committee on the District of Columbia.

By Mr. JOHNSON of Kentucky (by request of the Commissioners of the District of Columbia): A bill (H. R. 9237) to authorize a new highway plan for that portion of the District of Columbia lying between Van Buren Street on the north, Georgia Avenue on the east, Nicholson Street on the south, and Rock Creek Park on the west; to the Committee on the District of Columbia.

Also (by request of the Commissioners of the District of Columbia), a bill (H. R. 9238) to authorize the surveyor of the District of Columbia to adopt a system of designating land in the District of Columbia in force in the office of the assessor of said District; to the Committee on the District of Columbia.

By Mr. HARDWICK: Resolution (H. Res. 157) proposing an investigation into certain violations of the antitrust law; to the Committee on Rules.

By Mr. CARLIN: Resolution (H. Res. 158) providing for session clerks to certain committees, and for other purposes; to the Committee on Accounts.

By Mr. OLDFIELD: Joint resolution (H. J. Res. 90) to restore the status of the Fourth Regiment Arkansas Mounted Volunteer Infantry (State militia), who served the United States Government 10 months in the Civil War; to the Committee on Military Affairs.

By Mr. TAYLOR of Colorado: Joint resolution (H. J. Res. 91) proposing an amendment to the Constitution of the United States, extending the right of suffrage to women; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 9075) granting an increase of pension to Vincent M. Harper; to the Committee on Invalid Pensions.

By Mr. ANDERSON of Ohio: A bill (H. R. 9076) granting an increase of pension to William Reiber; to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 9077) granting an increase of pension to George M. Fisher; to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 9078) granting an increase of pension to David Copley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9079) granting an increase of pension to Charles H. Wilcox; to the Committee on Invalid Pensions.

By Mr. BOWMAN: A bill (H. R. 9080) granting an increase of pension to John T. Reid; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9081) granting an increase of pension to William Long; to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 9082) granting an increase of pension to Joseph Lambert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9083) granting an increase of pension to John C. Hendrickson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9084) granting an increase of pension to Adam Budell; to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 9085) for the relief of John O. Nelson; to the Committee on Claims.

By Mr. CARTER: A bill (H. R. 9086) granting an increase of pension to Mathew A. Berryhill; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 9087) granting an increase of pension to William Rose; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9088) granting an increase of pension to John H. D. Wicker; to the Committee on Pensions.

Also, a bill (H. R. 9089) granting an increase of pension to Moses Bailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9090) granting a pension to Susan Anderson; to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 9091) granting a pension to Augusta Hermann; to the Committee on Invalid Pensions.

By Mr. DICKSON of Mississippi: A bill (H. R. 9092) to carry into effect the findings of the Court of Claims in the case of Hiram Baldwin and others; to the Committee on War Claims.

By Mr. DODDS: A bill (H. R. 9093) granting an increase of pension to Harvey McCracken; to the Committee on Invalid Pensions.

By Mr. FLOOD of Virginia: A bill (H. R. 9094) granting an increase of pension to William Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9095) granting an increase of pension to Braden E. Fox; to the Committee on Pensions.

By Mr. FRANCIS: A bill (H. R. 9096) for the relief of George E. O'Neal; to the Committee on Military Affairs.

By Mr. FULLER: A bill (H. R. 9097) granting an increase of pension to Charles J. Beach; to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 9098) for the relief of heirs or estate of William A. Chambers, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9099) to carry into effect the findings of the Court of Claims in the case of William H. Landrum; to the Committee on War Claims.

By Mr. GORDON: A bill (H. R. 9100) to carry into effect the findings of the Court of Claims in the case of William E. Carter, administrator of Melvina A. Carter, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9101) to carry into effect the findings of the Court of Claims in the matter of the claim of Edmund W. Williams, executor of the estate of Joseph R. Williams, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9102) for the relief of John Fischer; to the Committee on Claims.

Also, a bill (H. R. 9103) for the relief of George L. Whitmore or his legal representatives; to the Committee on War Claims.

Also, a bill (H. R. 9104) for the relief of the estate of Edmund Dillahunty, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9105) for the relief of John B. Warren; to the Committee on War Claims.

Also, a bill (H. R. 9106) for the relief of heirs of Evelina V. Busby, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9107) for the relief of the heirs of W. A. Rawlings, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9108) for the relief of heirs or estate of George P. Shelton, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9109) for the relief of heirs or estate of W. H. Neel, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9110) for the relief of heirs of Hiram Howell, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9111) for the relief of the heirs of Wesley A. Shelton, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9112) for the relief of the Court Street Presbyterian Church, of Memphis, Shelby County, Tenn.; to the Committee on War Claims.

Also, a bill (H. R. 9113) for the relief of the estate of James Jones, deceased; to the Committee on War Claims.

By Mr. HAMILL: A bill (H. R. 9114) granting a pension to Euna Wells Sears; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9115) granting a pension to Adele Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9116) granting a pension to Elizabeth Staats; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9117) for the relief of Leo Metze; to the Committee on Military Affairs.

Also, a bill (H. R. 9118) for the relief of John Brooks; to the Committee on Naval Affairs.

Also, a bill (H. R. 9119) for the relief of the Stevens Institute of Technology, of Hoboken, N. J.; to the Committee on Claims.

By Mr. HAMILTON of West Virginia: A bill (H. R. 9120) for the relief of the heirs of Moses Cunningham, deceased; to the Committee on War Claims.

By Mr. HARRIS: A bill (H. R. 9121) for the relief of E. W. Rohmeling; to the Committee on Claims.

Also, a bill (H. R. 9122) granting a pension to Margaret Lane; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9123) granting an increase of pension to Thomas H. Thorp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9124) granting an increase of pension to Henry D. Moulton; to the Committee on Invalid Pensions.

By Mr. HEALD: A bill (H. R. 9125) for the relief of George Hallman; to the Committee on Claims.

By Mr. HENSLEY: A bill (H. R. 9126) granting an increase of pension to Lewis E. Adams; to the Committee on Invalid Pensions.

By Mr. JOHNSON of South Carolina: A bill (H. R. 9127) granting a pension to Awa I. Mingus; to the Committee on Pensions.

Also, a bill (H. R. 9128) granting a pension to C. H. Kanning; to the Committee on Pensions.

Also, a bill (H. R. 9129) for the relief of the estate of William H. Willis; to the Committee on Claims.

Also, a bill (H. R. 9130) granting a pension to John B. Dill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9131) for the relief of James Y. Pitts; to the Committee on War Claims.

Also, a bill (H. R. 9132) for the relief of the estate of Ruth O'Dell, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9133) granting a pension to William H. Franks; to the Committee on Pensions.

Also, a bill (H. R. 9134) for the relief of the legal representatives of Joseph H. Maddox, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9135) granting a pension to Nannie L. Ezell; to the Committee on Pensions.

Also, a bill (H. R. 9136) for the relief of the heirs of Theodore Dehon; to the Committee on War Claims.

Also, a bill (H. R. 9137) for the relief of the estate of Samuel Bolt, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9138) for the relief of A. Y. Thompson; to the Committee on War Claims.

Also, a bill (H. R. 9139) for the relief of Charles A. Parkins; to the Committee on War Claims.

Also, a bill (H. R. 9140) granting a pension to Charles Ladshaw; to the Committee on Pensions.

Also, a bill (H. R. 9141) granting an increase of pension to Nannie E. Lenderman; to the Committee on Pensions.

Also, a bill (H. R. 9142) granting an increase of pension to James B. Inness; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9143) for the relief of the legal representative of Richard Henderson; to the Committee on War Claims.

Also, a bill (H. R. 9144) for the relief of the legal representative of Farley C. Sims; to the Committee on War Claims.

Also, a bill (H. R. 9145) for the relief of the heirs of Samuel A. Nelson; to the Committee on War Claims.

Also, a bill (H. R. 9146) granting a pension to Francis M. Cooper; to the Committee on Pensions.

By Mr. LLOYD: A bill (H. R. 9147) granting an increase of pension to Joshua M. Gibbs; to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 9148) granting an increase of pension to John S. Goodyear; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 9149) to remove the charge of desertion against James M. Neal; to the Committee on Military Affairs.

Also, a bill (H. R. 9150) granting an increase of pension to Henry Cable; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9151) granting an increase of pension to William Hix; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 9152) granting a pension to Eliza Adair; to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 9153) granting an increase of pension to Nathan Yingst; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9154) granting an increase of pension to William L. Maulfair; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9155) granting an increase of pension to Daniel P. Sollenberger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9156) granting an increase of pension to Francis M. Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9157) granting an increase of pension to Alfred P. Bamberger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9158) granting an increase of pension to John Houser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9159) granting an increase of pension to William A. Moudy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9160) granting an increase of pension to William Gotshall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9161) granting a pension to Mary E. Galbraith; to the Committee on Pensions.

Also, a bill (H. R. 9162) granting a pension to Annie C. Givler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9163) granting a pension to Ella May Branyan; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 9164) granting an increase of pension to William Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9165) granting an increase of pension to Charles E. Turner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9166) granting an increase of pension to Annie Gage; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9167) granting an increase of pension to Bridget McDonald; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9168) granting an increase of pension to Mary A. Calanan; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 9169) granting an increase of pension to William Helsel; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 9170) granting an increase of pension to Nathaniel J. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9171) granting an increase of pension to John R. Rice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9172) granting an increase of pension to Solomon Whitaker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9173) granting an increase of pension to Richard L. Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9174) granting an increase of pension to William H. Waddle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9175) granting an increase of pension to Henry Lemmert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9176) granting an increase of pension to David Lynch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9177) granting a pension to Kephart Wallace; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9178) granting a pension to Perry Wells; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9179) granting a pension to James Burkett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9180) granting a pension to William G. Patton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9181) granting a pension to Jacob C. Mayfield; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 9182) granting an increase of pension to Maria Gallagher; to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: A bill (H. R. 9183) for the relief of the heirs of Erastus D. Holt; to the Committee on War Claims.

By Mr. RUSSELL: A bill (H. R. 9184) granting an increase of pension to Stephen H. Lynn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9185) granting an increase of pension to Samuel H. Lance; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9186) granting an increase of pension to Henry McCleery; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 9187) for the relief of Anthony Eubanks & Co.; to the Committee on War Claims.

By Mr. STONE: A bill (H. R. 9188) granting an increase of pension to Jedthian Weller; to the Committee on Invalid Pensions.

By Mr. SWITZER: A bill (H. R. 9189) granting an increase of pension to William H. Martin; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 9190) granting an increase of pension to Elihu Hiatt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9191) granting an increase of pension to Hezekiah McCormick; to the Committee on Invalid Pensions.

By Mr. THAYER: A bill (H. R. 9192) for the relief of Peter Tatro, otherwise known as John Goodro; to the Committee on Military Affairs.

Also, a bill (H. R. 9193) granting a pension to George E. Mansfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9194) granting a pension to Margaret McCoy; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 9195) granting an increase of pension to Henry N. Townsend; to the Committee on Invalid Pensions.

By Mr. UTTER: A bill (H. R. 9196) granting a pension to Elizabeth Harkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9197) granting an increase of pension to James A. Sheldon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9198) granting an increase of pension to George W. Cooke; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9199) granting an increase of pension to John Corcoran; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9200) granting an increase of pension to Elias Sweet; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9201) granting an increase of pension to Henry Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9202) granting an increase of pension to William Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9203) granting an increase of pension to William P. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9204) granting an increase of pension to Charles G. Hendrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9205) granting an increase of pension to John B. Dockray, jr.; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9206) granting an increase of pension to Edward Yost; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9207) granting an increase of pension to Edgar A. Whitaker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9208) granting an increase of pension to Thomas J. Leonard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9209) granting an increase of pension to Frederick Borden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9210) granting an increase of pension to Henry Dyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9211) granting an increase of pension to Charles H. Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9212) granting an increase of pension to Ernest S. Cash; to the Committee on Pensions.

Also, a bill (H. R. 9213) granting an increase of pension to Thomas Lyghton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9214) granting an increase of pension to Waldo Raynsford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9215) granting an increase of pension to Zina W. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9216) granting an increase of pension to Stephen D. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9217) granting an increase of pension to Arthur E. Gilligan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9218) granting an increase of pension to Thomas K. Pimer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9219) granting an increase of pension to James L. Spencer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9220) granting an increase of pension to Bradford W. Bennett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9221) granting an increase of pension to Henry E. Sheldon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9222) granting an increase of pension to Richard Nightingale; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9223) granting an increase of pension to James M. Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9224) granting an increase of pension to Andrew McCall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9225) granting an increase of pension to James Kerns; to the Committee on Invalid Pensions.

By Mr. ANDERSON of Minnesota: A bill (H. R. 9226) granting a pension to Josephine Deputy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9227) granting a pension to Eli J. Bertrand; to the Committee on Invalid Pensions.

By Mr. BOEHNE: A bill (H. R. 9228) for the relief of Henry A. Polen; to the Committee on War Claims.

By Mr. COOPER: A bill (H. R. 9229) granting an increase of pension to John Collins; to the Committee on Invalid Pensions.

By Mr. DODDS: A bill (H. R. 9230) granting an increase of pension to James E. Root; to the Committee on Invalid Pensions.

By Mr. MURDOCK: A bill (H. R. 9231) granting an increase of pension to Reuben Waller; to the Committee on Pensions.

Also, a bill (H. R. 9232) granting an increase of pension to Sue N. Inness; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9233) granting an increase of pension to Lafayette Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9234) granting an increase of pension to Eli N. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9235) granting an increase of pension to Mary E. Reder; to the Committee on Invalid Pensions.

By Mr. PEPPER: A bill (H. R. 9236) granting an increase of pension to Peter Golden; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Papers in the case of Vincent M. Harper, Cainesville, Harrison County, Mo.; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: Petition of the Strong, Carlisle & Hammond Co., Cleveland, Ohio, asking for 1-cent postage; to the Committee on the Post Office and Post Roads.

By Mr. AUSTIN: Petition of the officers of the German-English Evangelical Church of Knoxville, Tenn., protesting against the Andrews bill; to the Committee on the Public Lands.

Also, resolutions of numerous citizens of the State of Tennessee, protesting against parcels-post bill; to the Committee on the Post Office and Post Roads.

Also, resolutions of the Church Federation of Knoxville, Tenn., favoring arbitration with Great Britain; to the Committee on Foreign Affairs.

Also, resolutions of Burnside Post, No. 8, Grand Army of the Republic, of Greenville, Tenn., favoring the Sulloway bill; to the Committee on Invalid Pensions.

By Mr. AYRES: Petition of residents of The Bronx, New York City, in favor of the parcels post; to the Committee on the Post Office and Post Roads.

By Mr. BARCHFELD: Petition of the Pittsburg Butter & Egg Exchange, of Pittsburg, Pa., against the Heyburn bill (S. 136), relative to cold storage of products; to the Committee on Agriculture.

By Mr. COX of Ohio: Resolutions of the United Trades and Labor Council, of Dayton, Ohio, asking Congress to take whatever steps may lie in their power to investigate the kidnapping of John J. McNamara from the State of Indiana to the State of California; to the Committee on Labor.

By Mr. DRAPER: Petition of National Boot & Shoe Manufacturers' Association, of Rochester, N. Y., against reduction of the tariff on boots and shoes; to the Committee on Ways and Means.

By Mr. FOCHT: Evidence in support of H. R. 8810, for the relief of Luden Long; to the Committee on Invalid Pensions.

By Mr. FULLER: Papers to accompany bill for relief of Mary R. C. Blanchard, of Ottawa, Ill. (H. R. 393); to the Committee on Pensions.

Also, petition of various citizens and associations, against the Canadian reciprocity bill; to the Committee on Ways and Means.

Also, petition of Rockford (Ill.) Brass Works, for 1-cent postage on first-class mail matter; to the Committee on the Post Office and Post Roads.

Also, papers to accompany bill for relief of Charles J. Beach, of Lostant, Ill.; to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: Petitions of John C. Stanley and 74 other residents of Newburyport, Mass., opposing any legislation providing for the establishment of a department or bureau of public health, and of Daniel W. Davis and James H. Hassett and 61 other residents of Amesbury, Mass., against the national bureau of public health; to the Committee on Interstate and Foreign Commerce.

Also, resolutions by the New England Shoe & Leather Association, of Boston, Mass., of May 3, 1911, testifying to the honorable, personal, and business standing of Joseph M. Herman, a shoe manufacturer of Boston, Mass., who has been charged on the floor of the House of Representatives with unfair and dishonest practices in the matter of securing the contract for boots and shoes from the War and Navy Departments of the United States Government; to the Committee on Military Affairs.

By Mr. GARRETT: Papers in the case of the heirs of William A. Chambers, deceased, late of Obion County, Tenn.; to the Committee on War Claims.

By Mr. GORDON: Petition of citizens of Memphis, Tenn., to remove the tariff on Italian lemons; to the Committee on Ways and Means.

By Mr. HUGHES of New Jersey: Petition of the Horizontal Warpers' Benevolent Association, of Paterson, N. J., favoring the restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. LAMB: Resolutions of Covington (Ky.) Lodge, No. 19, Brotherhood of Railway Clerks, favoring amendment to the oleomargarine law; to the Committee on Agriculture.

By Mr. McDERMOTT: Petition of the Chicago Live Stock Exchange, against the Underwood bill; to the Committee on Ways and Means.

By Mr. O'SHAUNESSY: Petition of the New England Business Federation, Boston, Mass., protesting against the rulings of the Geological Survey to the effect that the appropriation under the forest-reserve act would in the White Mountain district only be used for the acquisition of land upon the watershed of the Connecticut; to the Committee on Appropriations.

By Mr. POWERS: Petition of Solomon Whitaker, of Pulaski County, Ky., asking for special act of Congress; papers to accompany a bill for the relief of Jacob C. Mayfield; petitions of David Lynch, requesting special act of Congress; Henry Lummert, claim for special pension; James Burkett, claim for pension, special act; and also papers to accompany bill granting a pension to Kephart Wallace; to the Committee on Invalid Pensions.

By Mr. REILLY: Resolutions of the citizens of Naugatuck, New Haven, and Waterbury, all in the State of Connecticut, against new arbitration with Great Britain; to the Committee on Foreign Affairs.

By Mr. ROBERTS of Massachusetts: Petition of the National Boot & Shoe Manufacturers' Association, of Rochester, N. Y., against the tariff being taken off of boots and shoes; to the Committee on Ways and Means.

By Mr. SULZER: Petition of Henry Layman, Myer Schoenfeld, and Dr. W. Maslon, of Indianapolis, Ind., favoring restrictive emigration; to the Committee on Immigration and Naturalization.

By Mr. TAYLOR of Ohio: Petition of Bale & Walker and other business men of Westerville, Ohio, protesting against the passage of the parcels-post bill; to the Committee on the Post Office and Post Roads.

By Mr. UTTER: Papers to accompany bill granting an increase of pension to James Kerns; to the Committee on Invalid Pensions.

SENATE.

TUESDAY, *May 9, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

JOSEPH M. TERRELL, a Senator from the State of Georgia, appeared in his seat to-day.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 4413) to place on the free list agricultural implements, cotton bagging, cotton ties, leather, boots and shoes, fence wire, meats, cereals, flour, bread, timber, lumber, sewing machines, salt, and other articles, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of the congregations of the Church of the Brethren of Fisherville, Va., the Church of the Brethren of Covina, Cal., and the Church of the Brethren of Grout County, Okla., praying for the enactment of legislation to restrict the sale and traffic in opium, which were referred to the Committee on Foreign Relations.

He also presented resolutions adopted by sundry German and Irish societies of Pueblo, Colo., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. GALLINGER presented a memorial of Local Grange No. 125, Patrons of Husbandry, of Walpole, N. H., remonstrating against the ratification of the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a memorial of the Brightwood Citizens' Association, of the District of Columbia, remonstrating against the enactment of legislation relative to assessments made and collected for the laying of water mains, etc., which was referred to the Committee on the District of Columbia.

He also presented a petition of the Brightwood Citizens' Association, of the District of Columbia, praying for the issuance of bonds by the District to care for future improvements, which was referred to the Committee on the District of Columbia.

Mr. TOWNSEND presented a petition of the congregation of the First Presbyterian Church of Flint, Mich., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Yale, Mich., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry farmers and business men of Lenawee, Mich., remonstrating against the ratification of the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. BRISTOW presented sundry affidavits in support of the bill (S. 2007) granting an increase of pension to William B. Roberts, which were referred to the Committee on Pensions.

Mr. WETMORE presented a petition of Dr. Henry W. Gillett and 13 other citizens of Newport, R. I., praying for the appointment of dental surgeons in the United States Navy, which was referred to the Committee on Naval Affairs.

Mr. GRONNA presented memorials of sundry citizens of Gilby, N. Dak., remonstrating against the ratification of the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. OLIVER presented a petition of sundry citizens of Northumberland, Pa., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Pittsburg, Etna, Bellevue, Braddock, Wall, Verona, Wilmerding, Carrick, Turtle Creek, and McKeesport, all in the State of Pennsylvania, remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. BURNHAM presented memorials of Local Union No. 28, International Brotherhood of Paper Makers, of Fort Edward, N. Y.; of Local Union No. 54, International Brotherhood of Paper Makers, of Otsego, Mich.; of Robert T. Gould, of Contoocook, N. H.; and of G. E. Chase, of Concord, N. H., remonstrating against the ratification of the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a petition of Local Division No. 176, Order of Railway Conductors, of Corning, N. Y., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. POINDEXTER presented memorials of Local Granges No. 221, of Bayview; No. 374, of Maud; No. 430, of Silverdale; No. 274, of Everett; No. 190, of Van Zandt; No. 280, of Snohomish; No. 331, of Edmonds; No. 21, of Kitsap County; No. 238, of Orillia; No. 442, of Oroville; No. 70, of Cape Horn; No. 136, of Marysville; No. 79, of Amboy; No. 456, of Clayton; No. 322, of Redmond; No. 278, of Clayton; No. 148, of East Spokane; No. 181, of Valleyford; No. 206, of Arlington; No. 384, of Tweedie; No. 415, of Prosser; No. 324, of Monohan; No. 327, of Derby; No. 178, of Pleasant Valley; No. 265, of Kent; No. 6, of Whatcom County; No. 32, of Vancouver; No. 295, of Sunnyside; No. 114, of Ewartsville; of Local Grange of Alpha; and of Stevens County Pomona Grange, of Clayton, of the Patrons of Husbandry; of Local Union No. 35, of Palouse; Local Union No. 87, of Spangle; Local Union No. 51, of Oakesdale; Local Union of Douglas County; and Local Union of Spokane County, of the Farmers' Educational and Cooperative Union of America; and of sundry farmers and business men of Spokane County, Edmonds, and Freeland, all in the State of Washington, remonstrating against the ratification of the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented petitions of the Parker District Fruit Growers' Association, of Wapato; of Donald Division of Fruit Growers, of Wapato; of the Commercial Club of Grandview; of the Commercial Club of Wenatchee; and of the Yakima Valley Union, of Granger, all in the State of Washington, praying for the ratification of the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a petition of the Younglove Grocery Co., the West Coast Grocery Co., the Rogers Co., the Tacoma Grocery Co., and the Tinnberg Grocery Co., all of Tacoma, in the State of Washington, praying that tea be placed on the free list, which was referred to the Committee on Finance.

He also presented petitions of Local Rosedale, Socialist Party of Gig Harbor; of Pomona Grange, No. 6, Patrons of Husbandry, of Whatcom County; of Local Grange No. 256, Patrons of Husbandry, of Outlook; and of sundry citizens of Orting, Lopez, and Hamilton, all in the State of Washington, praying that United States troops be withdrawn from the Mexican border, which were referred to the Committee on Foreign Relations.

Mr. MARTINE of New Jersey presented memorials of the County Boards of the Ancient Order of Hibernians of Morris and Hudson Counties; of Stephen Donnelly, of Clifton; of James Crowley, of Jersey City; of Thomas Baker, of New Brunswick; of Thomas Boyle, of Paterson; of Joseph Riley; and of sundry citizens of Harrison, Kearny, and Arlington, all in the State of New Jersey, remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. CURTIS presented memorials of Third Creek Local Grange, No. 418, of Milo; of Belleview Grange, No. 1453, of Eudora; of Local Grange No. 279, of Spring Hill; and of Dover Grange, No. 1486, of Auburn, of the Patrons of Husbandry; and of sundry citizens of Beloit, Olsburg, and Edner, all in the State of Kansas, remonstrating against the ratification of the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. BROWN presented sundry papers to accompany the bill (S. 56) granting a pension to Joseph P. Morris, which were referred to the Committee on Pensions.

Mr. GAMBLE presented memorials of W. L. Merriman, of Huron; R. E. Rollins, of Draper; and Charles C. Haas, of Whitewood, all in the State of South Dakota; and of J. F. Robinson, of Akron, Iowa, remonstrating against the ratification of the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a petition of the Saturday Literary Club, of Brookings, S. Dak., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. PERKINS presented a memorial of the California Wool Growers' Association, remonstrating against any revision of Schedule K of the present tariff law relating to wool, which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Crockett, Cal., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry members of the Grand Army of the Republic, Department of California and Nevada, praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented memorials of Progressive Grange, No. 308, of Healdsburg; Local Grange No. 312, of Geyserville, and of Local Grange No. 17, of Santa Rosa, all of the Patrons of Husbandry, in the State of California, remonstrating against the ratification of the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a memorial of the Merchants' Exchange, of San Francisco, Cal., remonstrating against the removal of the present duty on barley, which was referred to the Committee on Finance.

He also presented a memorial of the Stock Association of Alturas, Cal., remonstrating against the ratification of the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

ST. CROIX RIVER BRIDGE.

Mr. NELSON. From the Committee on Commerce I report back favorably without amendment the bill (S. 1149) permitting the Minneapolis, St. Paul & Sault Ste. Marie Railway Co. to construct, maintain, and operate a railroad bridge across the St. Croix River between the States of Wisconsin and Minnesota, and I submit a report (No. 20) thereon. I ask for the present consideration of the bill.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BROWN:

A bill (S. 2175) granting an increase of pension to Frank McDaniels;

A bill (S. 2176) granting an increase of pension to Amos E. Morgan;

A bill (S. 2177) granting an increase of pension to Henry S. Bell; and

A bill (S. 2178) granting an increase of pension to William Barker; to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 2179) for the relief of Albert S. Henderer; to the Committee on Claims.

By Mr. BRISTOW:

A bill (S. 2180) granting a pension to Mildred Rhodes (with accompanying papers); to the Committee on Pensions.

By Mr. ROOT:

A bill (S. 2181) granting pensions to Frances F. Cleveland and Mary Lord Harrison (with accompanying paper); and

A bill (S. 2182) granting an increase of pension to Jane Murphy (with accompanying paper); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 2183) to authorize change in construction of barracks and other necessary buildings for mobile troops in the Hawaiian Islands, and for other purposes.

The VICE PRESIDENT. The bill will be referred to the Committee on Military Affairs.

Mr. WARREN. I will ask that it may go to the Committee on Appropriations, as that is the committee which had the original matter in charge.

The VICE PRESIDENT. Without objection, the bill will be referred to the Committee on Appropriations.

By Mr. WARREN:

A bill (S. 2184) to provide for the erection of a public building at Buffalo, in the State of Wyoming; and

A bill (S. 2185) to provide for the erection of a public building in the city of Green River, in the State of Wyoming; to the Committee on Public Buildings and Grounds.

By Mr. CHAMBERLAIN:

A bill (S. 2186) to set apart certain lands in the State of Oregon as a public park, to be known as the Saddle Mountain National Park; to the Committee on Public Lands.

By Mr. WORKS:

A bill (S. 2187) providing for the discovery, development, and protection of streams, springs, and water holes in the desert and arid public lands of the United States, for rendering the same more readily accessible, and for the establishment of and maintenance of signboards and monuments locating the same; to the Committee on Public Lands.

By Mr. WATSON:

A bill (S. 2188) granting an increase of pension to John C. Skinner; and

A bill (S. 2189) granting an increase of pension to Daniel Powell; to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 2190) to amend section 1753 of the Revised Statutes of the United States, relating to the civil service; to the Committee on Civil Service and Retrenchment.

A bill (S. 2191) authorizing mineral entries on lands of the Spokane Indian Reservation, State of Washington, classified and reserved as timber lands; to the Committee on Indian Affairs.

A bill (S. 2192) granting an honorable discharge to George W. Quimby; and

A bill (S. 2193) to provide for the sale of the United States Military Reservation at Fort Walla Walla, Wash.; to the Committee on Military Affairs.

A bill (S. 2194) to amend section 2288 of the Revised Statutes of the United States, relating to homestead entries; to the Committee on Public Lands.

By Mr. WILLIAMS:

A bill (S. 2195) for the relief of the heirs, devisees, and legatees of Willis Lowe, deceased; to the Committee on Claims.

By Mr. OWEN:

A bill (S. 2196) for the relief of the estate of Guadalupe Lujan de Fuentes, deceased;

A bill (S. 2197) for the relief of the estate of Matias Baca, deceased, and his son, Juan Rey Baca;

A bill (S. 2198) for the relief of Joseph B. Tucker, late private Company H, Second Arkansas United States Cavalry, for depredations committed by Indians while he was in the United States Army; and

A bill (S. 2199) to carry into effect findings of the Court of Claims in the cases of Charles A. Davidson and Charles M. Campbell (with accompanying paper); to the Committee on Claims.

A bill (S. 2200) granting an increase of pension to William Emery (with accompanying papers); and

A bill (S. 2201) granting an increase of pension to Jesse W. Casteel (with accompanying paper); to the Committee on Pensions.

A bill (S. 2202) to remove the restrictions from certain allotted Indian lands in the Quapaw Agency, Okla., and for other purposes (with accompanying papers); to the Committee on Indian Affairs.

By Mr. DILLINGHAM:

A bill (S. 2203) granting an increase of pension to Jonathan Huntley (with accompanying paper); to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 2204) for the relief of the estate of Jonathan B. Polk, deceased; and

A bill (S. 2205) for the relief of Milton H. Saunders and others; to the Committee on Claims.

A bill (S. 2206) granting an increase of pension to Turner W. Bottom; and

A bill (S. 2207) granting an increase of pension to Harvey Ellison; to the Committee on Pensions.

By Mr. GORE:

A joint resolution (S. J. Res. 23) to declare the purpose of the United States to relinquish control over the Philippines, establish an independent government for them, and protect the same by a general treaty of neutrality; to the Committee on the Philippines.

By Mr. OWEN:

A joint resolution (S. J. Res. 24) providing for representation of the United States at the International Hygiene Exposition in Dresden; to the Committee on Appropriations.

WITHDRAWAL OF PAPERS—HANNAH TRAYNOR.

On motion of Mr. DU PONT, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of the bill S. 1708, first session Sixty-first Congress, granting a pension to Hannah Traynor, there having been no adverse report thereon.

CATHARINE MALLOY.

Mr. CULLOM submitted the following resolution (S. Res. 38), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay from the contingent fund of the Senate to Catharine Malloy, mother of William M. Malloy, late clerk to the Committee on Foreign Relations of the Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

STENOGRAPHER TO COMMITTEE ON COAST DEFENSES.

Mr. CURTIS submitted the following resolution (S. Res. 39), which was read and referred to the Committee on Coast Defenses:

Resolved, That the Committee on Coast Defenses be, and the same is hereby, authorized to employ a stenographer, to be paid from the contingent fund of the Senate, at the rate of $1,200 per annum, said employment to continue during the Sixty-second Congress.

INDEPENDENT REPUBLICS OF THE WESTERN HEMISPHERE.

Mr. RAYNER. I ask that Senate resolution 35, offered yesterday by me, be referred to the Committee on Foreign Relations.

The VICE PRESIDENT. The resolution will be stated.

The SECRETARY. A resolution (S. Res. 35) making a declaration of principles to govern the United States in its relations with the independent Republics of the Western Hemisphere.

The VICE PRESIDENT. Without objection, the resolution will be referred to the Committee on Foreign Relations. The Chair hears no objection, and the resolution is so referred.

REVISION OF THE LAWS—THE JUDICIARY.

Mr. HEYBURN. I ask that the speech of Hon. REUBEN O. MOON, of Pennsylvania, chairman of the Committee on the Revision of the Laws, made in the House of Representatives Wednesday, December 7, 1910, on the bill to codify, revise, and amend the laws relating to the judiciary, be printed as a Senate document. (S. Doc. No. 23.)

The VICE PRESIDENT. Without objection, it is so ordered.

HOUSE BILL REFERRED.

H. R. 4413. An act to place on the free list agricultural implements, cotton bagging, cotton ties, leather, boots and shoes, fence wire, meats, cereals, flour, bread, timber, lumber, sewing machines, salt, and other articles was read twice by its title and referred to the Committee on Finance.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

The VICE PRESIDENT. The morning business is closed, and the calendar is in order under Rule VIII.

The joint resolution (S. J. Res. 14) for the appointment of a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers was announced as first in order on the calendar.

Mr. BROWN. I ask that the joint resolution may go over.

The VICE PRESIDENT. It will go over.

AMENDMENT OF CERTAIN APPROPRIATION ACTS.

The joint resolution (H. J. Res. 1) to correct errors in the enrollment of certain appropriation acts approved March 4, 1911, was considered as in Committee of the Whole.

The joint resolution was read as follows:

Whereas certain errors were made in the enrollment of certain appropriation acts approved March 4, 1911, as is evidenced by the conference report submitted to and adopted by the Senate and House of Representatives at the last session of the Sixty-first Congress:

Resolved, etc., That the sundry civil appropriation act approved March 4, 1911, is amended as follows:

So much of said act as appropriates $30,000 for an electric-lighting plant, including the enlargement of the power house and one new boiler at the Battle Mountain Sanitarium, Hot Springs, S. Dak., is repealed.

The appropriation made in said act for analyzing and testing of the coals, lignites, ores, and other mineral fuel substances belonging to or for the use of the United States is reduced from $135,000 to $100,000.

The appropriation made in said act for protection and improvement of Mount Rainier National Park, Wash., is reduced from $5,400 to $5,000.

So much of the general deficiency appropriation act approved March 4, 1911, as appropriates the sum of $500 to reimburse the State board of regents of the University of Idaho for the premium paid on an indemnity bond is repealed.

The Post Office appropriation act approved March 4, 1911, is amended as follows:

So much of said act as appropriates the sum of $50,000 for expenses of or authorizes the appointment of a commission to inquire and report touching the cost to the Government of the transportaion of all classes of second-class mail matter is repealed.

The appropriation made in said act for travel allowance to railway postal clerks is reduced from $1,000,750 to $769,000.

So much of said act as authorizes the Postmaster General to allow railway postal clerks and the employees of the mail-lock and mail-bag repair shops an annual vacation of 30 days with pay is repealed.

The naval appropriation act approved March 4, 1911, is amended as follows:

So much of the paragraph appropriating for "Contingent Navy," in said act as reads as follows:

"*And provided further*, That the Secretary of the Navy be, and he hereby is, authorized, in his discretion, to make partial payments from time to time during the progress of the work under existing contracts and all contracts hereafter made under the Navy Department for public purposes, but not in excess of 90 per cent of the value of work already done; and the contracts hereafter made shall provide for such insurance as the Secretary of the Navy may deem sufficient, and for a lien in favor of the Government, which lien is hereby made paramount to all other liens, upon the articles or thing contracted for on account of all payments so made, provided that partial payments shall not be made under such contracts except where stipulated for, and then only in accordance with contract provisions," is repealed.

Mr. WARREN. I should like to have the report read.

The VICE PRESIDENT. Without objection, the Secretary will read the report.

The Secretary read the report submitted by Mr. WARREN on the 4th instant, as follows:

The Committee on Appropriations, which has had under consideration the joint resolution (H. J. Res. 1) to correct errors in the enrollment of certain appropriation acts approved March 4, 1911, reports the same to the Senate favorably and with certain amendments, and recommends that as amended the joint resolution be passed.

Strike out the preamble.

Amend the title by omitting the words "correct errors in the enrollment of," and inserting in lieu the word "amend," so that the title will read as follows: "Joint resolution to amend certain appropriation acts approved March 4, 1911."

The purposes of the joint resolution are manifestly to carry out the intent of Congress in enacting the various appropriation bills proposed to be amended. An examination of the printed bills, with Senate amendments numbered, which were before the conferees, together with the conference reports thereon and the accompanying written statements, or oral statements made in debate in the Senate or House of Representatives and printed in the CONGRESSIONAL RECORD, shows conclusively that the conferees were in perfect accord and that their reports to the Senate and House were identical and that it was not the intention of Congress that any one of the provisions now sought to be repealed should have been enacted as a part of the respective appropriation acts mentioned.

It will be remembered that the final passage of the sundry civil and deficiency appropriation bills, as well as the Post Office and naval appropriation bills, occurred during the last hours of the Sixty-first Congress, when the business of the Senate was congested; and consequently the work of enrollment of these large bills was almost beyond human power within the time which elapsed between the final passage of the bills and the hour of adjournment.

The first item which the joint resolution proposes to repeal is an appropriation of $30,000 for an electric-lighting plant, including enlargement of power house and one new boiler, at Battle Mountain Sanitarium, S. Dak. This item was covered by Senate amendment No. 57, page 138, sundry civil appropriation bill, from which amendment the Senate receded. (See conference report, H. Rept. 2301, 61st Cong.)

The second item, which the joint resolution proposes to reduce by $35,000, is an appropriation of $135,000 for analyzing and testing coals, lignites, ores, and other mineral fuel substances belonging to or for the use of the United States. This item was covered by Senate amendment No. 64, page 156, sundry civil appropriation bill, which amendment increased the amount as passed by the House of Representatives from $100,000 to $135,000, and from which amendment the Senate receded, thereby leaving the amount $100,000. (See conference report, H. Rept. 2301, 61st Cong.)

The third item, which the joint resolution proposes to reduce by $400, is an appropriation of $5,400 for protection and improvement of Mount Rainier National Park, Wash. This item was covered by Senate amendment No. 70, page 162, sundry civil appropriation bill, which amendment increased the amount as passed by the House of Representatives from $3,000 to $8,400. The House receded from its disagreement to this amendment with an amendment reducing the amount from $8,400 to $5,000, to which the Senate agreed. (See conference report, H. Rept. 2301, 61st Cong.)

The fourth item, which the joint resolution proposes to repeal, is an appropriation of $500 to reimburse the State board of regents of the University of Idaho for premium paid on an indemnity bond. This item was covered by Senate amendment No. 9, page 17, general deficiency appropriation bill, from which amendment the Senate receded. (See conference report, H. Rept. 2302, 61st Cong.)

The fifth item, which the joint resolution proposes to repeal, is an authorization for the appointment of a postal commission and an appropriation of $50,000 for the expenses of the same. This item was covered by Senate amendment No. 23, pages 20 to 21, Post Office appropriation bill. The House receded from its disagreement to this amendment with an amendment omitting the authorization and appropriation referred to (which had been covered by another measure, Public Res. No. 66), but retaining the balance of the matter covered by amendment No. 23, to which the Senate agreed. (See conference report, H. Rept. 2305, 61st Cong.)

The sixth item, which the joint resolution proposes to reduce by $231,750, is an appropriation of $1,000,750 for travel allowance to railway postal clerks. This item was covered by Senate amendment No. 29, page 26, Post Office appropriation bill, which amendment increased the amount as passed by the House of Representatives from $769,000 to $1,000,750, and from which amendment the Senate receded, thereby leaving the amount $769,000. (See conference report, H. Rept. 2305, 61st Cong.)

The seventh item, which the joint resolution proposes to repeal, authorizes the Postmaster General to allow railway postal clerks and the employees of the mail-lock and mail-bag repair shops an annual vacation of 30 days with pay. This item was covered by Senate amendment No. 30, page 26, Post Office appropriation bill, from which amendment the Senate receded. (See conference report, H. Rept. 2305, 61st Cong.)

The eighth item, which the joint resolution proposes to repeal, relates to partial payments on contracts made by the Navy Department. This item was covered by Senate amendment No. 4, pages 5 to 6, naval appropriation bill. The House receded from its disagreement to this amendment with an amendment omitting the matter relating to partial payments on contracts made by the Navy Department, but retaining the balance of the matter covered by amendment No. 4, to which the Senate agreed. (See conference report, H. Rept. 2306, 61st Cong.)

A condensed statement of the appropriations proposed to be repealed and reduced by the joint resolution is given, as follows:

Electric-lighting plant, Battle Mountain Sanitarium, S. Dak., repealed	$30,000
Analyzing and testing coals, lignites, ores, etc., reduced from $135,000 to $100,000	35,000
Protection and improvement of Mount Rainier National Park, Wash., reduced from $5,400 to $5,000	400
Reimbursement of board of regents, University of Idaho, for premium paid on indemnity bond, repealed	500
Provision for and expenses of a postal commission, repealed	50,000
Travel allowance to railway postal clerks, reduced from $1,000,750 to $769,000	231,750
Total reduction	347,650

In addition to the sums of money above itemized the following provisions of law are also repealed:

In the Post Office appropriation act:

"That the Postmaster General may allow railway postal clerks whose duties require them to work six days or more a week throughout the year and the employees of the mail-lock and mail-bag repair shops an annual vacation of 30 days with pay."

In the naval appropriation act:

"*And provided further*, That the Secretary of the Navy be, and he hereby is, authorized, in his discretion, to make partial payments from time to time during the progress of the work under existing contracts and all contracts hereafter made under the Navy Department for public

purposes, but not in excess of 90 per cent of the value of work already done; and the contracts hereafter made shall provide for such insurance as the Secretary of the Navy may deem sufficient, and for a lien in favor of the Government, which lien is hereby made paramount to all other liens, upon the articles or thing contracted for on account of all payments so made, provided that partial payments shall not be made under such contracts except where stipulated for and then only in accordance with contract provisions."

Mr. HEYBURN. Mr. President, I do not think that this joint resolution comes out of the committee in the manner provided by the rules of this body. Rule XXIII deals with preambles. An examination of the joint resolution will disclose the fact that the committee has struck out the preamble in the joint resolution as it came from the other House. Rule XXIII provides:

When a bill or resolution is accompanied by a preamble, the question shall first be put on the bill or resolution and then on the preamble, which may be withdrawn by a mover before an amendment of the same, or ordering of the yeas and nays; or it may be laid on the table without prejudice to the bill or resolution, and shall be a final disposition of such preamble.

I think that the record of the joint resolution as it comes from the committee is in violation of that rule.

Mr. WARREN. Mr. President, in what way?

Mr. HEYBURN. In the first place, when that joint resolution came from the other House with the preamble on it, the preamble should have remained upon it until the joint resolution came into the Senate.

Mr. WARREN. And it does so remain now.

Mr. HEYBURN. No; it is stricken out on the face of the joint resolution.

Mr. WARREN. It is recommended to be stricken out.

The VICE PRESIDENT. The Senate has not stricken the preamble out. The committee has recommended striking it out, but the Senate has taken no action thereon.

Mr. WARREN. The committee's recommendation is entirely within the rule, Mr. President.

Mr. HEYBURN. That we are entirely within the rule is a very convincing statement; but of course the Senate is already advised that objection will be urged against the joint resolution on account of the statements contained in the preamble, and that because of those statements it is not within the power of this Congress to do what is proposed to be done by the joint resolution, so that the committee, in order to disembarrass itself, has stricken out the preamble.

Mr. President, I am very conscious of the fact, and I do not say it in any sense as intended to criticize the committee, but I am talking now about the status of the joint resolution—that the purpose of the committee in reporting the joint resolution without the preamble is that the joint resolution may appear upon its face to be a legitimate subject of legislation and within the power of the Senate.

Mr. WARREN. Mr. President, will the Senator permit an interruption?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. Yes.

Mr. WARREN. Of course the committee can not, as the Senator knows, strike out the preamble, but it is the duty of a committee in considering a subject to make recommendations. The committee has recommended that before the joint resolution leaves the Senate the preamble shall be stricken out, and that is a matter for the Senate to determine. The committee believes, and I now believe, that it acted entirely within the rule; in fact, I do not quite see how the committee in considering the joint resolution could do otherwise, if it felt that the preamble should be stricken out, than to so recommend to the Senate, and it is for the Senate to take such action upon the preamble as it may see fit.

Mr. HEYBURN. Mr. President, Rule XXIII provides how a preamble shall be disposed of, and among those provisions I find none authorizing it to be stricken out by a committee.

Mr. WARREN. Well, Mr. President, I wish to say once more—the Senator knows it as well as I do—that the committee has not stricken the preamble out and has not the power to strike it out.

Mr. HEYBURN. They have not the power to act upon the question of striking it out; and yet they have undertaken to do so, for the joint resolution comes to us with the report of the committee with the preamble stricken out. We use the term "stricken out" when lines are drawn through any portion of a proposed measure. It is not within the province of the committee to deal with that preamble, and the rule says so.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. SUTHERLAND. Does the Senator from Idaho think that he or I could not, if the committee had not reported as it has, move to strike the preamble out and ask a vote of the Senate upon that motion?

Mr. HEYBURN. But there is nobody proposing to do that; and if it could be done, we have not reached that stage. Action must be had upon the joint resolution by the Senate before any action can be had upon the preamble.

Mr. SUTHERLAND. But suppose the committee had reported the joint resolution as it passed the other House and recommended its adoption in that form, would it not have been proper for the Senator himself, under the rules of the Senate, to have moved to strike out the preamble and to ask for a vote of the Senate on that motion?

Mr. HEYBURN. I will call the attention of the Senator to what may be done:

When a bill or resolution is accompanied by a preamble, the question shall first be put on the bill or resolution and then on the preamble, which may be withdrawn by a mover before an amendment of the same, or ordering of the yeas and nays—

That is one thing which may be done—a motion may be made in the Senate to withdraw the preamble—

or it may be laid on the table without prejudice to the bill or resolution, and shall be a final disposition of such preamble.

Now, I want to make it perfectly plain why I am raising this question.

Mr. SUTHERLAND. If the Senator will permit me, does the Senator think that those methods of disposing of a preamble are the only methods which the Senate may adopt?

Mr. HEYBURN. Yes.

Mr. SUTHERLAND. And that it would be entirely improper to move to strike out the preamble of a bill or joint resolution in the Senate?

Mr. HEYBURN. The question is not to strike out; it is to withdraw it.

Mr. SUTHERLAND. But the question I ask the Senator is whether or not he thinks under the rules of the Senate——

Mr. HEYBURN. This is a rule of the Senate.

Mr. SUTHERLAND. That a Senator can not move to strike out the preamble of a bill or joint resolution?

Mr. HEYBURN. I think not, because the method for the disposition of that very question is provided by the standing rules of the Senate.

Mr. SUTHERLAND. Mr. President, let me remind the Senator that it has been the uniform practice of the Senate to do otherwise. Motions have been made repeatedly, even during my short time in the Senate, to do that very thing, and I never heard any question raised before that a Senator could not move to strike out a preamble.

Mr. HEYBURN. That is after the passage of the bill. The rule says that may be in order after action upon the bill, but not before.

Mr. President, my purpose in raising this question will be obvious. The preamble of the joint resolution will defeat it if it comes before the Senate. The preamble is a part of the joint resolution as sent here by the other House. The joint resolution comes to us with the preamble in it, as a part of it.

Mr. WARREN. And the joint resolution so stands before us now.

Mr. HEYBURN. I understand that construction of the language perfectly.

Mr. WARREN. Do I understand that the Senator has made a point of order?

The VICE PRESIDENT. Oh, no; the Senator has made no point of order.

Mr. HEYBURN. The joint resolution is before the Senate.

Mr. WARREN. Certainly; and I wish to know whether the Senator contends that it is not before the Senate in an orderly way?

Mr. HEYBURN. I am not discussing that subject, nor making any such contention, but the joint resolution, being before the Senate, is open to consideration both as to form and substance. So I say, Mr. President, that if any weight at all is to be given to the action of the committee, it will militate against the position that will be taken, I assume, by a majority of the Senate, that we can not amend the records of a previous Congress, because the preamble sets forth that that is the purpose of the joint resolution, to amend the records of a previous Congress.

This measure will not pass without very considerable and careful consideration. Aside from the amounts involved, it is about as far-reaching a measure of legislation as has been before this body at any time. It involves the question of the right of one Congress to amend the action of another Congress in the way of correcting alleged errors. A bill may be introduced to

repeal legislation of the last Congress if there is nothing upon the face of the bill to show that it is not an ordinary act proposed for the purpose of repealing legislation which has become subject to such action; but in this case the preamble sets forth—and Senators may not have had their attention called to it—that—

Whereas certain errors were made in the enrollment of certain appropriation acts approved March 4, 1911, as is evidenced by the conference report submitted to and adopted by the Senate and House of Representatives at the last session of the Sixty-first Congress.

In my judgment, and, I think, in the judgment of any lawyer in the Senate, it is not possible for us to correct the report of a conference committee of the last Congress. That Congress is closed. We can repeal its enactments, but we can not correct its records. This joint resolution involves the consideration of the report of a conference committee which has received the approval of both Houses of Congress on a bill which has received the signature and approval of the President of the United States. We may have enacted unwise laws, and it may be wise to repeal them, but we can not repeal them by the process of correcting the report of a conference committee in a Congress that has expired. It was undoubtedly the purpose of the other House to enter into the correction of the records of the last Congress, for they say so.

The Senator from Wyoming, in charge of this measure, says that this is a joint resolution to repeal provisions of law enacted by the *last Congress*.

Mr. WARREN. On the contrary, this joint resolution does not seek to change the record except so far as the enrolling is concerned, because the conference reports all show—and they are quoted in language and by number, and the page numbers are also given in the report—that the legislation, as acted upon by the Senate and House, was exactly what it will be when this joint resolution shall have passed.

Mr. HEYBURN. Would the Senator contend that if an examination of the informal records of a conference committee disclosed the fact that a measure did not receive a majority vote, a subsequent Congress could go back and inquire into it? The Senator will not contend for any such principle as that.

Mr. WARREN. But no Congress closes the door against the next Congress repealing whatever it sees fit.

Mr. HEYBURN. No; I have conceded that from the beginning; but the Congress of the United States, the only branch that has undertaken to act on it, has not undertaken to repeal it. It has simply undertaken to correct the record of a previous Congress.

Now, the Senate committee having charge of this measure undertakes to transform its whole character and to come in here with a measure repealing in direct terms legislation which one branch of the Congress says was irregularly or erroneously enacted.

We can not pass upon the manner or the sufficiency of the act of a previous Congress. If the Senate, or any Member of the Senate, desires to introduce a bill here for the purpose of repealing those laws, I care not for what reason it is asked that they be repealed, that is a perfectly regular and legitimate proposition, but it is a high-handed proposition to undertake to do indirectly that which can not be done under the rules of the Senate or under the Constitution of the United States. For that reason I made the inquiry as to this preamble, because it is the preamble that is to determine the character of this legislation and consequently the power of Congress to enact it.

It will be confessed—I may anticipate as well as the Senator from Wyoming—that the part of the laws here sought to be repealed or changed by reason of alleged mistakes—and it is not material whether the allegation is good or bad—have been executed; that the executive branches of the Government have acted upon the legislation which is now sought to be nullified because it is alleged that some clerk misinterpreted some marks made upon some piece of paper in the informal consideration of the matter before a committee of conference.

That conference report was sent to both Houses of Congress. Each House has a Committee on Enrolled Bills, whose business it is to see to it that the bills, as enrolled, are as enacted, and the legislation passed the scrutiny of both Houses of Congress, of the Committee on Enrolled Bills of each House, and of the President of the United States.

Mr. WARREN. It did not pass the scrutiny of both Houses as enrolled. It passed the scrutiny of neither one in that form, because both Houses voted separately upon the conference reports, and the conference reports set out exactly what the law will be when this act shall have passed, if it passes.

Mr. HEYBURN. The conference report was made to both Houses of Congress. It is a responsible declaration of the conclusion of the conference committee representing each House, and when each House adopts a conference report the measure is then ready for the signature of the Presiding Officer of each House; and in this case this measure, or the several measures, received the signature of the Presiding Officer of each House, and they passed the scrutiny of the Committee on Enrolled Bills, and they passed the scrutiny of the President of the United States, who gave them his signature and approval. They are laws.

What has been the status of this legislation between the day on which the President approved it and this hour? Have they not been laws of the United States? Is there any defect in the manner of their enactment? I would like to have some Senator point out or designate the status of the laws as they now stand upon the statute books; and if any Senator can say that those laws are less effective, that they are less the laws of the land than any others admitted to be regular, I will then be ready to consider the question whether or not we can by a declaration of inaccuracy say—I am not so particular about Senators listening to my remarks, but I should like to hear them myself.

The VICE PRESIDENT. The Senate will please be in order.

Mr. HEYBURN. This is not a question of minor importance. It involves not only this measure, but the question of the right of Congress to correct the records of the last Congress. That is the question involved. The preamble can not be acted on until the joint resolution has first been acted on, unless it is withdrawn in the manner prescribed by Rule XXIII. We frequently enact bills here carrying a preamble, and then, after the bill is passed, it is moved that the preamble be laid on the table—a proper motion. Now, if we are going to proceed in that way, let the report of the committee show that they have reported the joint resolution as it came from the House. It is not competent to amend it by striking out the preamble, because of Rule XXIII of this body. The joint resolution must stand here for consideration with the preamble a part of it until the measure is acted on, and if the joint resolution is favorably acted on, then a motion is in order to lay the preamble on the table. If we are going to have standing rules of this body, let us conform to them.

But, aside from the question of the rules, the morals of the proposition are bad. Just open the door once here to the correction of the action of the last Congress and consider what the condition would be if the political sentiment of the succeeding Congress was radically different from that of the preceding one and they should say, "There was something irregular in the proceedings before the committee of conference"—or at any other stage—"and for that reason we propose to correct the proceedings of the last Congress so as to affect the status of the law of the land."

This, a special session of Congress, is no place, nor does it afford the proper time or opportunity, to repeal or enter upon a consideration of the repeal of the statutes of the last Congress.

Some one has had a sore spot in his mind against the legislation of the last Congress, and it is proposed by correcting the records of that Congress to undo its action at this Congress. Now, for the purposes of argument I will concede that if it was in the same Congress that enacted the bill they might correct their records within the time prescribed and in the manner prescribed by the rules. A more dangerous precedent could not be established than that of correcting the record of the last Congress. Because some Member wants to do it or because a number of Members would like to do it, either because they did not approve of the legislation of the last Congress or because they wanted new legislation without enacting it, affords no excuse for the attempt. It attacks the integrity of the law and of the manner of making the laws. It is an attack upon the stability of law. How do we know that within the next few days somebody, in reading over the proceedings of the last Congress, may not discover some other legislation that is obnoxious to him and go back and, hunting up scraps of paper lying around the room in which the conference was held, find some real or imaginary memoranda that he thinks could be made the basis of discrediting the legislation of that Congress, and if one can attack on a minor question he can attack on questions of the gravest import.

In this case they undertake to strike out appropriations that were made after due deliberation. To be personal, which I dislike always, I asked the chairman of the committee when this conference report came in if they had kept in a certain provision with reference to an appropriation for the University of Idaho, and I was assured that it was kept in. Had it not been that I received that assurance, I would have tied up that conference report until we could exercise the privilege of reasoning with them further or sending it back for further conference. It was upon the assurance that the amendment which I had proposed to that bill, and which had passed—had been

accepted by the Senate—had been kept in in conference that the conference report was permitted, so far as I was concerned, to be adopted by the Senate.

Now, they go back among the lead-pencil memoranda and fragments of a committee room and dig up something which bears or may bear—it is not before us—the semblance of a reason or excuse for changing the solemn law of the land. I have uttered this protest against it not so much because of the magnitude of the item, although it was an appropriation for the university of the State, but because it is entering upon a course of legislation that would destroy the principle of fixity and finality in the enactment of a law that had received the sanction and the signature of the presiding officers of Congress and of the President of the United States.

AFFAIRS IN MEXICO.

Mr. STONE. Mr. President, I do not rise to discuss the particular joint resolution before the Senate, but to take advantage of its pendency to make some brief observations on a subject that lies near to my heart.

It is with sincere regret I read in this morning's papers accounts of the battle fought at Juarez, Mexico, on yesterday, between the federal forces occupying that city and a force of revolutionists attacking it. As a result of that conflict it is reported that five or six persons were slain and two or three times that number more or less seriously wounded in the city of El Paso, Tex. Those killed or injured on the American side included both men and women. I quote the following from the Associated Press dispatches:

One woman, sitting on her porch several blocks within the city, was hit in the wrist and the abdomen by two bullets.

Mrs. Joe Morehead, living at 610 West San Antonio Street, while out in her yard this afternoon, was shot. She is seriously wounded.

A bullet whistled close to some women, who were passing, and went into the side of the window of the Vermajillo Coal Co.'s office.

Five people on the American side of the line were killed and at least 12 wounded.

In addition to the actual injury done to persons on the American side of the river, bullets were showered on El Paso, and the lives of people generally were endangered. I quote further from the Associated Press:

About 3 o'clock bullets struck W. E. Sharp's house and also hit the sidewalk in front of J. C. Wilmarth's house.

Bullets struck residences at least 2 miles from where the firing was in progress.

One bullet went through two signboards near the United States immigration station, whistled over the heads of Lieut. Turney, W. F. Griffiths, of the Immigration Service, and others, and imbedded itself in another signboard.

Several bullets hit the immigration station. These came from the insurrectionary rifles, evidently.

Just before noon a Mauser bullet of steel fell in front of Phillip Bohn's store at 400 South El Paso Street.

A bullet struck the residence of Mrs. M. Grandmougen, at 511 Myrtle Avenue, and narrowly missed Mrs. F. P. Blair, who was sitting on the porch.

Mauser bullets fell in a yard in Missouri Street. The bullets are steel clad, and evidently from a federal rifle.

The Vilas public school was dismissed at 11 o'clock because Superintendent Crozier feared for the safety of the children.

There is more of like kind, but what I have read sufficiently indicates the extent and character of the terrible tragedy enacted in this American city on yesterday. The news reports are to the effect that the fighting will be renewed to-day. If it is renewed, all we can do is to wait with bated breath and dread apprehension to hear how many American men, women, and children are made the bloody victims of the onslaught. I say all we can do is to wait for news, for, judging to-day by yesterday and the future by the past, our Government does not intend to lift a hand for the protection of its own people in their own homes. It is the misfortune of these good people that they live in Texas on the American shore of the Rio Grande. It may be that, in addition to Mauser bullets, this fair city of the Lone Star State may be swept by shrapnel and cannister, by Gatling guns, and cannon balls. For mercy's sake, I hope not, but as our Government does not intend to lift a hand for the protection of our people, the Mexican soldiery can work their bloody havoc apparently without fear of responsibility to us.

Mr. President, this is a repetition of the frightful tragedy enacted at Douglas, Ariz., a few weeks ago. At that time I raised my voice in denunciation of that crime and in vehement protest against permitting its repetition. I was surprised and mortified that in that denunciation and protest I not only stood alone, but I brought down upon my head a shower of criticism and reproach from distinguished Senators on this floor. I proposed a resolution at that time authorizing the President to use force, if necessary, to prevent injury to our people as the result of battles on the border. My proposition was that the President should notify the responsible authorities of both the federal and insurrectionary forces that outrages like that at Douglas would not be permitted, and that if the same thing should be again attempted and persisted in, the President should instantly employ such military force as might be necessary to stop it. I did not propose to invade Mexico with the object of remaining and occupying the territory of that country, but to carry across the line only so much of our Army as might be required to accomplish the immediate end in view, and after it had been accomplished to withdraw our forces from the Mexican side. I insisted then, as I insist now, that we have the right to do that much in the interest of humanity, for our own protection and for the preservation of public order on the border line, where disorder concerns the lives and property of our people, as well as the lives and property of Mexicans.

We were told that to send a military force across the border for any purpose or on any provocation is war, and that a step of that kind would precipitate a conflict between the two countries. I was called to sharp account for what I said and for the resolution I offered, and I was gravely advised by the senior Senator from New York [Mr. ROOT] that any such act on our part as that I suggested would be a step backward in the march of civilization. Other Senators indulged in observations of the same general nature. I asked what should be done and what we could do for the safety of our own people, and was told there was nothing we could do. In other words, it seemed that these distinguished Senators looked upon the United States as helpless, bound hand and foot by some refined and altruistic considerations that are beyond the comprehension of ordinary men.

My speech of protest and appeal is buried in the CONGRESSIONAL RECORD, and my resolution (S. Res. 19) directing the Committee on Foreign Relations to investigate the facts and report what action should be taken by Congress is buried in the archives of the committee room. The newspapers report the President as saying that he will take no affirmative action until he is authorized to do so by the Congress, and Senators say that Congress can not, without violating some red-tape precedent, take any action until the President first calls upon the Congress for its advice and direction. And so, between the upper and nether millstones of this disgraceful governmental inaction, peaceable American citizens residing on the border are being ground to ashes.

Mr. President, in the address I made to the Senate some weeks ago I took occasion most heartily to approve the action of the President in mobilizing a military force along the Mexican border. I then gave what I considered, and still consider, ample and sufficient reasons to justify what the President did. But I supposed, when the President went to the trouble and expense of calling these troops from their barracks throughout the country and hurriedly transported them to the border, that he meant to make that force effective for the protection of American citizens, if unhappily an occasion arose for using them in that behalf. I did not dream that the Government of the United States was merely engaged upon a game of bluff. I did not for a moment suspect that there was any of the blood and temper of Bob Acres or Sir John Falstaff in the War Department. I deemed this a matter too serious to be dealt with by fuming and blustering. I am curious to know what the President and the Secretary of War and the Secretary of the Navy had in mind when marines were loaded aboard our battleships and this flying column of 20,000 men was hurried with the utmost dispatch to the Mexican border. Was all this hasty preparation—this beating of drums and blowing of bugles, and all this martial circumstance and pomp of war merely and wholly for peaceful parade and sham-battle maneuvering for military training? That can not be. The President must have had a more serious purpose in mind at the start, but manifestly a change has come over the spirit of his dream. What potent and mighty influences have operated to produce that change, I do not know and can not tell. Since this army was assembled on the Rio Grande we have heard more than the usual quantum of talk about world peace and disarmament. That precious old doctrine about beating swords into plowshares and spears into pruning hooks has been suddenly revived with unwonted energy, and the Commander in Chief of our Army and Navy has become one of its chief apostles. Undoubtedly the doctrine is a good one for it is founded on the Good Book.

I am for peace not war, as much so as any man. I would love to see the great armaments now maintained by nations on land and sea in large measure disappear, and thus relieve the industrial toilers of the world of grievous burdens. I would love to see all the people of the earth dwell together in peace and amity, and settle all their international controversies by arbitration or other peaceful methods. I heartily approve of every sensible and practical step taken by any man or Government in that direction. But the millenium has not yet dawned upon the world, and men are little nearer the angelic state than

they were a century or two ago. Nations are still armed and warlike, and in some countries the brute instinct and passion of men are uppermost. We have not yet reached that period of progress when we can palsy the hand that holds the sword by merely waving the white flower of peace. We have not and we can not stop the murder of our women and children in Texas and Arizona by standing aloof under a white flag and giving notice to the world that we will not, under any circumstances, strike a blow in resistance or for self-protection.

Why, Mr. President, only the other day the newspapers printed an order issued from the War Department directing the commanding officer at El Paso not only to keep his troops securely on this side the line, but also to use them to whatever extent might be necessary to prevent the men of Texas themselves from crossing over to defend their wives, children, and homes. Surely that was not the original purpose the President and his Secretary of War had in mind when they summoned these troops from every quarter of the land and sent them scurrying to Texas. The Government seems to have come to this point: That it will not only not protect the people itself, but that it will not permit the people to protect themselves. Here we confront a situation where a motley band of insurrectionists, throwing off the authority of their leader and in open disobedience of his orders, attack the federal force at Juarez. In that battle both sides fired into El Paso with equally fatal results. Madero is not able to control his army, and the Government of Mexico appears to be both imbecile and powerless.

In the face of all this the President and the Congress stand with bowed heads and folded hands, seemingly unwilling to stop, or hopelessly incapable of stopping, this sanguinary disorder on the border line, although resulting in such serious consequences to our own people.

I wish again, although I may still stand alone, to record my earnest and solemn protest against this inaction of our Government—a degree of inaction so pronounced that it smacks too much of something I do not like to name. Speaking for myself, I am more sensitive about the lives of American men, women, and children, peaceably pursuing the even tenor of their way on their own soil and about their own homes, than I am about the pride and sensibilities of other men who have on their hands the innocent blood of our people. I am more concerned about the American flag being in fact an emblem of protection to American citizens than I am about offending those who themselves display but little respect for our rights and our sovereignty. I would at all hazards defend and protect our people against such monstrous outrages as those at Douglas and El Paso, let the consequences be what they might, and hence I appeal to the Committee on Foreign Relations to at once consider the resolution I offered and make some recommendation as to the duty of this Government.

Mr. BACON. Mr. President, I think there can be very little question about the fact that if the course were pursued which is recommended by the Senator from Missouri this country would certainly be plunged into war.

Of course no one can view with indifference or without very strong emotion the fact of the killing of innocent people on American soil as a consequence of a struggle progressing beyond our borders, and the emotion of the Senator from Missouri does honor to his heart, whatever we may think of the correctness of his judgment.

I presume that there have been similar conditions in the past, but I have not had the opportunity to look them up. However, it is an anomalous condition, where in a struggle between hostile forces on the other side of our border the lives of our own citizens are not only endangered but are absolutely sacrificed. It is an extremely grave situation and one in dealing with which we must not be limited in our vision to that which is nearest to us, to that which may be more direct and exciting in its presentation, but we must look over the whole field and see where certain steps, if taken, must necessarily lead.

There are some things in life, Mr. President, that are without full remedy, some situations which can not be dealt with in a way to correct every evil or to guard against every danger, and the best that we can do is to act in such a way as to guard against the greatest evil and avoid the greatest danger.

Now, Mr. President, what is the situation? The Government of Mexico is a recognized Government by the nations of the earth, entitled by every law known to man to reassert its authority, if it has the power to do so, when that authority is threatened or in any manner impaired. That is one side of the situation. The other side is equally definite and marked. A revolution is not a legal right, but it is a human right, one which has existed not only in times of barbarism and of savagery but among all peoples in the times of the greatest enlightenment and of the highest civilization. Therefore we are confronted now with a contest in a neighboring territory between the recognized constituted authority on the one hand and a revolutionary effort upon the other, each having its rights recognized by law and by human experience.

Recognizing that, Mr. President, what is the right of the Mexican Government under present conditions? If a revolution, or a rebellion, if you please, is in progress which threatens and denies the authority of the Mexican Government, and if the parties who are opposed are upon our border, and the Mexican Government can not by force reassert its authority without danger to persons upon this side of the line, can it be said that the right of the Mexican Government to reassert its authority must be abandoned; that it could not at any time, either in the present or the future, attempt to reassert its authority because in so doing it may endanger lives on the other side of the line?

Mr. President, the Senator from Missouri, I think, dealt somewhat extravagantly, or rather in too great a degree—I will use the softened expression—in his estimate of the replies which had been made to him upon a former occasion by Senators when similar suggestions had been made by him and when he offered the resolution to which he has adverted to-day. I do not think that there was any denunciation of the Senator. Nobody doubted the patriotism of the Senator; nobody questioned for a moment but that the impulses which moved him were those which did honor, I again say, to his heart.

Mr. STONE. Mr. President, if the Senator will permit me, I think I said not that I had been the subject of denunciation but that I was subjected to criticism.

Mr. BACON. Well, the criticisms were kindly and only influenced by the highest consideration for that which is within our chiefest care and guardianship—the peace and welfare of our people. But at that time, Mr. President, I endeavored to suggest to the Senator a reversal of the picture and asked him at that time what should be done under reverse conditions. I put to him the alternative picture that I now ask him again to look at, and I think it is also well for the American people to look at it, because the emotions which stir the heart of the Senator from Missouri are doubtless at work in the minds and hearts of all of our people—one of solicitude; one, I have no doubt, in a great many breasts, of indignation against such a situation and against the apparent inability upon our part to apply the remedy.

But now the alternative proposition is this: Suppose that a band of buccaneers or bandits or other outlaws had taken possession of the city of El Paso, which is on the opposite side of the river from Juarez, had overcome the local authorities, had driven whatever there was in the way of police or soldiery out of the city, had taken possession of the customhouse and of all the public buildings, had set up an independent government and defied the government of Texas and the Government of the United States and said, "We do not intend hereafter to submit to the authority of the United States until the President of the United States now in office resigns his office and puts in somebody who shall be agreeable to us and further terms which we demand are granted;" setting up that independent authority in the city of El Paso, maintaining it, and absolutely overcoming by force the local power to resist it, what would the United States Government do under such circumstances? Undoubtedly it would order its troops there for the purpose of overcoming such insurrection as that, for the purpose of restoring its authority. When its troops got there and lined up in front of El Paso the proposition would be presented: You can not attack these bandits, these outlaws, in the city of El Paso without endangering the lives of the people in the city of Juarez. As I endeavored to point out the other day, that would be a situation which would not be the situation of a day; it would not be the situation of a year; but it would be the situation of all time, because those conditions would exist as long as the two cities of El Paso and Juarez occupy their present relative positions.

What would the Government of the United States do under such circumstances? Can it be for a moment suggested that that absolutely necessary consequence would deter the Government of the United States from reasserting by armed force its authority in the city of El Paso? Doubtless, moved by humanity, our authorities would give notice to the people of Juarez that they were going to attack; that the consequence of such attack would be that those who remained in the city of Juarez would be in danger, and that they would be given opportunity to remove themselves to a place of safety; but beyond that there is no possibility of doubt as to what the Government of the United States would do. There is no possibility of doubt as to what the Government of the United States should do, and what would be criminally negligent if it failed to do. It must re-

assert its authority, and it would reassert its authority by armed force, using the engines of war, and it would not be deterred by the fact that in so doing lives would be endangered on the other side of the Rio Grande.

Mr. President, I do not know that those who are engaged in this fratricidal strife on the other side of the Rio Grande have given formal notice to the people of El Paso, but they certainly have had notice that the federal forces and the insurrectos are going to fight there. The Senator from Missouri asks what are we to do but wait to-day in trepidation, with bated breath, to know what other slaughter has been done upon our side of the Rio Grande as a consequence of the conflict which is going on. Well, it may not be exactly in accordance with what we would like to do, but a simple thing to do, if human life is the only thing at stake, and is the principal thing at stake, is for the people of El Paso to go beyond the reach of the bullets—a thing they can do in 15 minutes. It is not very gratifying to contemplate that they should have to take such action, but what else can be done?

I have no doubt, Mr. President, that in the case which I suggested when I endeavored to present the first picture, if the Government of the United States should take such a step, it would recognize the fact that whatever of damage was done to the people of Mexico by reason of the legitimate and proper assertion of its authority through forces at El Paso would be paid for. It could not be paid for adequately. No money can pay for the loss of human life, and yet it is only in such way that governments can make even an apparent compensation. It is the kind of compensation which has been recognized from all time as the only compensation which is practicable. I have no doubt that the Government of the United States will endeavor to see that the damage that has been done in El Paso, so far as it is practicable to be repaired, shall be repaired.

Mr. President, the Senator from Missouri speaks about the loss of human life. Does the Senator for a moment pause to think of what would be the loss of human life if Federal troops should cross the Rio Grande under the authority of the United States? In such event there are two ways in which human life would be lost. In my opinion, the man who thinks that the Army of the United States, or even a very small part of it, can be sent across the Rio Grande without plunging the two countries into war is very optimistic in his disposition. Whenever the troops of the United States cross the river the match has been applied to the magazine and the explosion will certainly follow. I commend the President of the United States without qualification and without stint for his utterances, or those which he is reported to have made and which I know he has to a degree made, in which he has asserted his determination that until the Congress of the United States, the authority clothed by the Constitution with the power to make war, and the only authority clothed with that power, says that war shall be undertaken he will not order the troops to cross the border.

The Senator from Missouri speaks in the alternative of the failure of the President and of Congress to act under recent and present conditions. There is no alternative authority; there is but one authority in such a contingency, and that is the Congress of the United States. The President of the United States has no right to make war. The President of the United States, even in a case of emergency, when Congress is in session, would have no right to undertake even a warlike measure. I do not agree with the Senator that Congress can not act in the absence of a request from the President. Of course, Congress looks to the President for information as to international matters, but the initiative in a measure of war, as well as the act itself by which war will be undertaken, belongs to Congress.

Mr. President, I say that the Senator or the individual who thinks that the American troops can cross the border and not plunge this country into war is optimistic, and when plunged into war the lives which would be sacrificed would be incomparably greater in number than those which can possibly be sacrificed under the distressing conditions which now exist on the Mexican border.

But, Mr. President, there is another view of it when you come to consider the question of human life. I do not know how many American citizens there are within the territory of Mexico, but there are a very large number—many, yes, very many thousands scattered all about through Mexico. There are thousands of them in the City of Mexico alone. They are there engaged in a great many enterprises. It is not too much to say that, however the Mexican people may be divided, they are united upon one proposition, and that is opposition to invasion of their country by the Army of the United States; and the moment the United States undertook an intervention there would be a flame of resentment which would light up that entire country and set it in a blaze. What would be the effect upon the vast number of Americans who are scattered all over the Republic of Mexico? We have had information by Americans who have recently come from that country that so soon as that condition should develop every American in Mexico would hold his life at the mercy of that inflamed and hostile people, as they then would be. The life of every American in the Republic of Mexico would be in imminent peril.

Mr. President, we must look not to the accomplishment of some temporary and immediate purpose, but we must look at what must be the necessary result if we begin such an undertaking. Suppose we cross the border for the purpose of protecting the people on our side of the border. When we get on the other side, into the city of Juarez, what position will the American Army take? We recognize the authority of the Government of Mexico, and that is the only authority we recognize on the other side of the Rio Grande. Those who are in revolution or in rebellion are not recognized by the Government of the United States even as belligerents. When the Army of the United States crosses the border, there would be but one authority that that Army could recognize, and that would be the authority of the existing Government. Necessarily the Government of the United States in ordering its troops across the border must from this fact take the position of restoring authority by putting down those who are in rebellion against that authority. Is it the part of the United States Government to take part in that strife and to say to those who are in rebellion—those who are attempting to make a successfull revolution—"You are endangering the safety of our citizens, of our country in your battles on the border, and therefore we will assist the Mexican Government in putting you down"? That is the only position that the American troops and the American authorities could take. We can not go there and say we will take part with the revolutionists; and, I think, Mr. President, it would be only less improper for us to go there and say we will take part against the revolutionists. It is a God-given, a natural right to any people to attempt to throw off a government if they find that government burdensome and tyrannical. What, then, are we to do if we go across other than to take one or the other position, either of which would be an absolutely and utterly untenable one?

I repeat, Mr. President, what I said the other day, that to adopt the resolution offered by the Senator from Missouri, and which is still—I have forgotten whether it is on the table or has been referred to the Committee on Foreign Relations—and I will ask the Senator as to that——

Mr. STONE. The resolution has been referred to the committee.

Mr. BACON. To adopt that resolution, which authorizes the President—I am not sure whether it merely authorizes him or goes still further and directs him—to order the Army to cross the border, is a declaration of war. That is the way in which declarations of war are made, and it is the only way in which declarations of war are made. It is by directing the Executive to make war; authorizing him to make war. That is war.

Mr. President, I can conceive of no greater curse to befall this country than a war with any people, but among the greatest of all curses would be a war with the people of Mexico, our immediate neighbors, between whom and ourselves there exists only in part an imaginary line and in the other part a narrow river which can be forded.

As suggested to me by my friend from Mississippi [Mr. WILLIAMS] who sits in front of me, if we go to Mexico and put up the flag, who thinks it will ever be hauled down? Have we not got trouble enough on our hands now as the fruits of war?

Sir, I think when the historian comes to write the history of the past 13 years he will say that our little War with Spain did more to revolutionize the political institutions and the constitutional limitations of the United States than did the great Civil War, or all the wars combined which we have had since the foundation of the Government. For us again to be plunged into war is not only to bring about a great effusion of blood, not only to disturb the relations which should exist between us and our neighboring Republic, and I may add also the relations which exist between us and all of the Republics to the south of us to the extreme end of Patagonia; not only that, but we are to jeopardize, and not simply to jeopardize, Mr. President, but certainly to injure and jeopardize our own institutions.

I repeat, it is not a situation with which we are satisfied. It is not a situation that we would not like to change. It is a situation with which we are dissatisfied and a situation which we would like greatly to change. But it is better to—

> Bear those ills we have
> Than fly to others that we know not of.

Aye, Mr. President, I might put it stronger than that. It is better to bear the ills we have than to fly to ills that we know

of a thousandfold greater. We have got to bear the situation with the best temper and with the best judgment possible.

Mr. President, in my opinion the highest duty of the American people at this time, so far as that situation is concerned, is to avoid that which will intensify or aggravate it in any way; that we should say to that people: "While we deplore it, we do not desire in any manner to interfere with you in your internecine strife; we wish for your prosperity; we wish for your peace; we wish for the establishment of institutions which shall conduce most to your prosperity. In the meantime we earnestly hope that nothing shall occur to produce, and shall endeavor to contribute all in our power to prevent anything which shall produce, friction between the two countries." And to our own people, when a fight is on the other side: "Do not climb the housetops and the trees as spectators to witness the combat. But as it is something in which we can not take part, as it is something in which we are not the combatants, as it is something in which a retreat from the scene of danger does not involve any possible presentation of a feeling of cowardice or intimidation, when the battle comes, if come it must, get out of the way of danger until it is over. That is the best that can now be done. And whatever damage comes, whatever injury is inflicted, in time we will endeavor to the best of our ability to see that you have reparation."

I can conceive of nothing else we can do. I can conceive of no better advice we can now give them. It is a situation, I repeat, with which we are not satisfied, but it is one calling for the greatest caution, the greatest conservatism, the greatest patience, and the greatest forbearance.

Mr. WORKS. Mr. President, I have the honor to represent in part one of the States that border on the territory of the Mexican Government. I desire to add a few words to what has been said by the distinguished Senator from Georgia [Mr. BACON]. There are hundreds of citizens of my State now within the borders of the Mexican Government. I am receiving telegrams and letters from my people there protesting against the sending of our troops into Mexican territory, and they place it upon the ground that instead of protecting the lives of our people by taking action of that kind, the lives of every American citizen within the borders of the Mexican Government would thereby be put in peril. Laying aside all question of the troops themselves, more of the lives of our people would be lost by entering into the territory of the Mexican Government than by remaining out and allowing these casualties to occur that are sacrificing only a very few.

I desire, for my own part, to commend the wisdom and forbearance of the President of the United States in withholding the hand of this Government under the circumstances that exist at the present time. It requires and calls for wisdom and forbearance on his part, because the desire to protect the lives of our own citizens must be strong upon him as it is upon that of every good citizen of the country. But the best thing that can happen to this country at the present time is to withhold its hand, allow the Mexican Government to settle its own difficulties without any interference upon our part.

If we should enter upon the territory of the Mexican Government to-day, what would be our position? Would it be in support of the Mexican Government against the insurgents, or would it be in favor and in the interest of the insurgents against the Mexican Government, or would it be absolutely independent of both of their forces and for the purpose of protecting the lives of our own people? In either event it would involve us, as has been said here, in a war that must necessarily be prolonged, probably for years to come, and the lives of thousands of American citizens would be sacrificed if we are tempted to take that course because a few lives have already been lost. In my judgment, it would be a grave mistake.

Mr. STONE. Mr. President, the Senator from Georgia [Mr. BACON] said that if American soldiers should be sent across the border line for any purpose it might, and probably would, involve this country in a war with Mexico. And the Senator from California [Mr. WORKS] is of the opinion that it would involve us in a war that might be protracted through many years. I do not share in these apprehensions, but upon these Senators the fear of war operates as a deterrent; it is the thing which holds them in check. They are not willing to take the hazard of a conflict with Mexico even though our own people may be in dire distress and in sore need of our protection. They are unwilling to take that hazard even though American women and children are killed in their homes by Mexicans on our border.

Mr. President, there was a time in the history of this country when Americans were made of more rugged stuff. There was a time when they would take the hazard of war if it were necessary to protect the life or liberty of a single citizen whose life or liberty was in peril. Then the American flag was indeed an emblem of protection and a symbol of safety. Are we of this generation made of such soft material that we dare not lift our hands to protect our people, fearing, forsooth, that it might involve us in war? If that be true, then we are indeed degenerate sons of noble sires! If that be true, we no longer have the spirit of our fathers!

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Mississippi?

Mr. STONE. Yes.

Mr. WILLIAMS. I should like to ask the Senator from Missouri whether he thinks that any life has been endangered or taken by the deliberate purpose, either of the revolutionists or of the federalists, in Mexico, or whether, upon the other hand, such life as has been lost has not been lost through mere accident and incident?

Mr. STONE. According to newspaper reports the lives of Americans have been deliberately taken in Mexico. But if the Senator from Mississippi refers to those who were killed at Douglas and El Paso, as I presume he does, I would not assert that any shots were fired deliberately, premeditatedly, and maliciously for the purpose of killing people on this side of the line.

Mr. WILLIAMS. Mr. President——

Mr. STONE. Let me finish. But I do say that when the attack was so made as inevitably to occasion the injury which resulted, and when those who inflicted the injury manifested such supreme indifference to the safety of the unoffending residents of El Paso as was shown in this instance, the practical effect is in every way as bad as if it had been deliberately intended.

Mr. WILLIAMS. If the Senator from Missouri will grant me permission, I did refer, of course, to the lives that had been taken at Douglas and at El Paso. I was not referring to any life that had been taken upon Mexican soil by a Mexican mob, any more than I would have an Italian refer to the Italians who a few years ago were killed by a mob in New Orleans.

Mr. STONE. Mr. President, if the insurrectionary or Government forces train their guns in a way that the lives and property of our people are inevitably endangered, and do this with a stolid indifference as to consequences, I can see but little difference in morals, and none in effect, between that and a deliberate firing on our people.

Mr. WILLIAMS. If the Senator from Missouri will pardon me just one moment more I will not trouble him any further. The Mexican Government, I take it, in the Senator's opinion, has a right to train its guns upon the town of Juarez. I would ask the Senator from Missouri, Is there any way for them to train those guns upon Juarez without, perhaps, incidentally injuring somebody in or around El Paso?

Mr. STONE. I presume there is a way of doing that. I have no doubt there is. But if perchance there is no way, then still I maintain that they have no right to take the lives of our people in order to accomplish their ends.

The Senator from Georgia [Mr. BACON] asks me to-day, as he did when this question was before the Senate a short time ago, whether, if El Paso was in the hands of buccaneers or a lawless mob, the customhouse and other Federal buildings and property taken and held by force, the Government could and should use its Army to recover possession of the city and its own property. Of course it could and should. But, Mr. President, I think the Government of the United States could and would send its military forces into and through the streets of El Paso without firing a bullet into Juarez.

Juarez is upon one shore of the Rio Grande, El Paso upon the other, a mile away. The river divides them, and at that point is the dividing line between the two countries. It seems to me that troops could be sent into the city along the river front from either side. This Government would be strong enough to recover the possession of El Paso, as it would do, without endangering a life or a dollar's worth of property on the Mexican side. At all events we would not fire on Juarez.

Mr. JOHNSTON of Alabama and Mr. RAYNER addressed the Chair.

The VICE PRESIDENT. Does the Senator from Missiouri yield, and to whom?

Mr. STONE. I yield first to the Senator from Alabama, as he rose first.

Mr. JOHNSTON of Alabama. I desire to ask the Senator from Missouri if the insurgents attack Juarez from the river between El Paso and Juarez, what should the Mexican troops do in defending that city? Shall they not fire at all for fear that some stray shots may cross the American border?

Mr. STONE. If the insurrectionists attacked the city from the river front, of course, if the Government forces fired in

defense they would necessarily fire toward El Paso. That would present the very case wherein I hold that the forces of the United States should be employed to put a stop to the conflict. But if the insurrectionary forces should assail the city of Juarez from one side or the other or from both, so that they did not fire into or upon the city of El Paso, we would then have no such interest in the situation as would afford occasion for us to interfere.

The Senator from Georgia says that if a fight is on and our people in the city in danger, they could flee the city and in 15 minutes reach a point of safety. Maybe so; but how would the people of a city having nearly 40,000 population—men and women and children, including the sick and the halt——

[At this point Mr. STONE was interrupted, the hour of 4 o'clock having arrived, when the unfinished business was laid before the Senate, and it was informally laid aside.]

Mr. STONE. Mr. President, I shall not detain the Senate much longer. El Paso is a city of nearly 40,000 inhabitants. If it were a city of 100,000 inhabitants the situation as it affected the people would be practically the same, only the difficulties would be magnified. How is it possible for a population so large as that residing in that city to flee from their homes to some distant place on the plains? How would they be sheltered? How would they subsist? Would you have them driven out from the walls of their city and leave their homes and places of business at the mercy of looters or a riotous mob that might invade from either side?

The Senator from Georgia says that we can not interfere forcibly, at least that we should not so interfere. I will ask him if to-morrow the Mexicans, revolutionists or federals, should train their guns so as to sweep the streets of El Paso and slaughter our people and destroy their property——

Mr. BAILEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Texas?

Mr. STONE. In a moment. Would the Senator from Georgia be willing still to fold his hands and say for fear of greater trouble we will even bear this ill?

Mr. BACON. Mr. President, unfortunately I was called from the Chamber——

Mr. STONE. The Senator from Texas had already risen before the Senator from Georgia. If the Senator from Georgia will permit, I will first yield to the Senator from Texas and then to the Senator from Georgia.

Mr. BAILEY. I simply wanted to say to the Senator from Missouri that if either federals or insurrectos train their guns on El Paso the population of that city will perhaps relieve the Government of the United States from precipitating hostilities.

Mr. STONE. I will say to the Senator from Texas that an order has been printed in the newspapers, purporting to come from the War Department, directing the commanding officer at El Paso so to use the forces under his control as to prevent the people of the city of El Paso from taking that matter into their own hands.

Mr. BAILEY. I can well understand that the War Department would take measures to prevent the people of El Paso from becoming the aggressors, but all the orders issued by the War Department since the foundation of this Government could not restrain those people from defending their lives and their homes if they are attacked.

Mr. STONE. Mr. President, I hope that is true. But the Government of the United States, with a strong force of well-equipped troops there on the border line and in El Paso, should not throw that responsibility upon the people of Texas. The Government of the United States should itself assume and discharge that international duty. At the very least the Government should not throw its line between the men of El Paso and the troops in Mexico, and thus compel the people of the city to keep the peace at whatever cost or else face the hostile guns of our own troops in order to defend themselves against those who were butchering their wives and children.

Now, I will repeat the question I asked my friend from Georgia. If the guns of the Mexican troops, whether of one side or the other, or of both sides, should be so trained as to sweep the streets of El Paso as well as the streets of Juarez, what, then, would the Senator advise?

Mr. BACON. Mr. President, I do not know that I could make my meaning clearer by replying to the Senator's question than I endeavored to make it in the remarks which I submitted in reply to his first observations. Anything which is done by the contending forces in good faith on the part of each in its struggle with the other to accomplish the overthrow of the other would not be an act of war against this Government, however much we might deplore the unfortunate results. Of course, if they were trained for the purpose——

Mr. STONE. No; not for the purpose, but with the inevitable result.

Mr. BACON. Very well. I say, Mr. President, that whenever there is a struggle in Juarez between contending forces there must necessarily be danger to the people in El Paso. Whenever there might be hereafter a struggle between contending forces in El Paso there must be danger to the people of Juarez. It is one of the incidents of war. War is no play or pastime, and its results and consequences are inevitable. They are to be deplored to the last degree; but notwithstanding, nations must govern themselves with a view to those things which are necessarily incident to it.

Mr. STONE. If I understand the Senator, he says in effect that instead of the Government of the United States interfering for the protection of the people of El Paso the people of El Paso should run away from their homes and abandon their city.

Mr. BACON. The purpose of the honorable and learned Senator is, of course, to put the proposition in a way which will make it offensive to the natural manhood of the American people. I do not suggest that they should run away, but I would not advise them to be very particular in the order of their going. However, as it is a struggle in which they take no part, or should take no part, in which they have no personal concern, they can not be said to be running away from an enemy. They can not be said to be declining a conflict with an enemy. They are doing just as the Senator would do if two men should meet on the street and begin to fire at each other with revolvers. The Senator would be quick to get inside of a door.

Mr. STONE. I would.

Mr. BACON. And he would not say he was running away when he did it.

Mr. STONE. But I will say that if I were in the shelter of my own home and two men began deliberately firing, though ostensibly and professedly at each other, through my house, endangering the lives of my family, and I had a shotgun I would protect myself.

Mr. BACON. That might be, because no two men have a right to fight on the street. But two peoples have a right to fight on the territory of Mexico.

However, I will make another suggestion. If the Senator were standing in his own front door and two men should get to fighting on the street, I imagine the Senator would very quickly retreat to a back room and not consider that he was running away.

Mr. STONE. Oh, I might do that. Yes; I think I should do that. But the question the Senator lightly states is in no sense parallel to the grave question we are considering here.

Mr. CHAMBERLAIN. Mr. President——

The VICE PRESIDENT. Will the Senator from Missouri yield to the Senator from Oregon?

Mr. STONE. Certainly.

Mr. CHAMBERLAIN. I should like to ask the distinguished Senator from Missouri what he intends to do with the treaty of Guadalupe-Hidalgo, entered into between the United States and Mexico in 1848, which involved the very territory which is now in danger and provides a method and means for the two countries to get together in case of commercial or political difficulties? That way has not yet been followed out by the President, nor has it been suggested by the Senator from Missouri, but on the contrary he advocates its entire violation.

Mr. STONE. I do not see that the treaty of Guadalupe-Hidalgo, for the most part a commercial treaty, has any connection whatever with the case in hand. It is wholly inapplicable.

Mr. CHAMBERLAIN. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield further to the Senator from Oregon?

Mr. STONE. Certainly.

Mr. CHAMBERLAIN. It expressly provides for just such an emergency as now exists on the border line.

Mr. STONE. Does the Senator mean to say that it provides for what action should be taken by the two Governments to prevent the slaughter of our people under the circumstances prevailing there?

Mr. CHAMBERLAIN. Pretty nearly. It is broad enough to cover that and every other contingency that might happen.

Mr. STONE. How long would we have to wait for this action while the killing was in progress?

Mr. CHAMBERLAIN. We would not have to wait at all. It is provided that in case——

Mr. STONE. Will the Senator read it?

Mr. CHAMBERLAIN. I will ask the Secretary to read it, and the Senator from Missouri will see that it covers every contingency that might happen.

Mr. STONE. How long is it?

Mr. CHAMBERLAIN. It is only about a page and a half.

Mr. STONE. I think I would rather have it inserted in the RECORD without reading.

Mr. CHAMBERLAIN. Mr. President, I will ask that it be inserted in the RECORD. I felt that the Senator would prefer to have that done, because it contradicts his position.

Mr. STONE. Well, we will see about that to-morrow morning. If it does contradict what I have said, it will be a strange and most unexpected contradiction. I will have to be shown.

The VICE PRESIDENT. Without objection, the matter indicated by the Senator from Oregon will be inserted in the RECORD.

The matter referred to is as follows:

ARTICLE XXI.

If unhappily any disagreement should hereafter arise between the Governments of the two Republics, whether with respect to the interpretation of any stipulation in this treaty or with respect to any other particular concerning the political or commercial relations of the two nations, the said Governments, in the name of those nations, do promise to each other that they will endeavor, in the most sincere and earnest manner, to settle the differences so arising and to preserve the state of peace and friendship in which the two countries are now placing themselves, using for this end mutual representations and pacific negotiations. And if by these means they should not be enabled to come to an agreement, a resort shall not on this account be had to reprisals, aggression, or hostility of any kind by the one Republic against the other until the Government of that which deems itself aggrieved shall have maturely considered, in the spirit of peace and good neighborship, whether it would not be better that such difference should be settled by the arbitration of commissioners appointed on each side or by that of a friendly nation. And should such course be proposed by either party it shall be acceded to by the other, unless deemed by it altogether incompatible with the nature of the difference or the circumstances of the case.

ARTICLE XXII.

If (which is not to be expected and which God forbid) war should unhappily break out between the two Republics they do now, with a view to such calamity, solemnly pledge themselves to each other and to the world to observe the following rules absolutely where the nature of the subject permits, and as closely as possible in all cases where such absolute observance shall be impossible:

1. The merchants of either Republic then residing in the other shall be allowed to remain 12 months (for those dwelling in the interior) and six months (for those dwelling at the seaports) to collect their debts and settle their affairs; during which periods they shall enjoy the same protection, and be on the same footing, in all respects, as the citizens or subjects of the most friendly nations; and at the expiration thereof, or at any time before, they shall have full liberty to depart, carrying off all their effects, without molestation or hindrance, conforming therein to the same laws which the citizens or subjects of the most friendly nations are required to conform to. Upon the entrance of the armies of either nation into the territories of the other, women and children, ecclesiastics, scholars of every faculty, cultivators of the earth, merchants, artisans, manufacturers, and fishermen, unarmed and inhabiting unfortified towns, villages, or places, and in general all persons whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments unmolested in their persons. Nor shall their houses or goods be burnt or otherwise destroyed, nor their cattle taken, nor their fields wasted by the armed force into whose power by the events of war they may happen to fall, but if the necessity arise to take anything from them for the use of such armed force, the same shall be paid for at an equitable price. All churches, hospitals, schools, colleges, libraries, and other establishments for charitable and beneficent purposes shall be respected, and all persons connected with the same protected in the discharge of their duties and the pursuit of their vocations.

2. In order that the fate of prisoners of war may be alleviated, all such practices as those of sending them into distant, inclement, or unwholesome districts, or crowding them into close and noxious places, shall be studiously avoided. They shall not be confined in dungeons, prison ships, or prisons; nor be put in irons, or bound, or otherwise restrained in the use of their limbs. The officers shall enjoy liberty on their paroles, within convenient districts, and have comfortable quarters; and the common soldier shall be disposed in cantonments, open and extensive enough for air and exercise, and lodged in barracks as roomy and good as are provided by the party in whose power they are for its own troops. But if any officer shall break his parole by leaving the district so assigned him, or any other prisoner shall escape from the limits of his cantonment, after they shall have been designated to him, such individual, officer, or other prisoner shall forfeit so much of the benefit of this article as provides for his liberty on parole or in cantonment. And if any officer so breaking his parole, or any common soldier so escaping from the limits assigned him, shall afterwards be found in arms, previously to his being regularly exchanged, the person so offending shall be dealt with according to the established laws of war. The officers shall be daily furnished, by the party in whose power they are, with as many rations, and of the same articles, as are allowed, either in kind or by commutation, to officers of equal rank in its own army; and all others shall be daily furnished with such ration as is allowed to a common soldier in its own service; the value of all which supplies shall, at the close of the war, or at periods to be agreed upon between the respective commanders, be paid by the other party, on a mutual adjustment of accounts for the subsistence of prisoners; and such accounts shall not be mingled with or set off against any others, nor the balance due on them be witheld, as a compensation or reprisal for any cause whatever, real or pretended. Each party shall be allowed to keep a commissary of prisoners, appointed by itself, with every cantonment of prisoners, in possession of the other, which commissary shall see the prisoners as often as he pleases; shall be allowed to receive, exempt from all duties or taxes, and to distribute, whatever comforts may be sent to them by their friends; and shall be free to transmit his reports in open letters to the party by whom he is employed.

And it is declared that neither the pretense that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending the solemn covenant contained in this article. On the contrary, the state of war is precisely that for which it is provided, and, during which, its stipulations are to be as sacredly observed as the most acknowledged obligations under the law of nature or nations.

Mr. STONE. The Senator from Georgia says that the President is without authority to order troops across the Rio Grande. Grant it. But the resolution I proposed was ultimately intended to confer congressional authority upon the President to take such action, if the necessity for taking it should arise.

Mr. HEYBURN. Mr. President——

Mr. STONE. I am not reproaching anyone. I am simply complaining that the Congress stands here inert.

Mr. BACON. And does not declare war.

Mr. HEYBURN. I merely desire to make a request. It appears that it is directly connected with the subject under discussion, and I should like very much if that provision in the treaty of 1848 could be read.

Mr. CULLOM. Let it be read to-morrow, not to-day.

Mr. HEYBURN. I am asking that it be read to-day.

The VICE PRESIDENT. Is there objection to the reading?

Mr. STONE. Mr. President, I will not detain the Senate by consenting to having it read at this time, as the Senator from Illinois [Mr. CULLOM] has informed me that he is anxious to take up another matter before we adjourn.

The VICE PRESIDENT. Does the Senator object?

Mr. STONE. We can all read it ourselves in the RECORD in the morning.

The VICE PRESIDENT. Does the Senator object to the reading?

Mr. STONE. It will take some time to have it read. I think it is better to have it printed without reading.

Mr. President, the Senator from Mississippi [Mr. WILLIAMS] suggested to the Senator from Georgia [Mr. BACON] that if we ever crossed the line into Mexico we would take territory from Mexico and annex it. Not necessarily; not probably. That would be as improbable as anything I can conceive of. There is no desire, much less purpose, on the part of the American people or any of them, so far as I have ever heard, to acquire additional territory from Mexico. I do not want Mexican territory; I would not have it; but I do want our people protected from the guns of a reckless Mexican soldiery.

The proposition submitted to the Senate was not to invade Mexico for the purpose of occupying or acquiring territory, but to put an end to any conflict raging on the border and involving the safety of our people. Whenever that end is accomplished I have said that we should immediately withdraw our forces to our own territory. If that kind of humane interference should lead to a conflict between the two countries, we would, of course, have to face the peril and meet the issue.

Now, sir, I do not want war any more than the Senator from Georgia. I am as much opposed to war as he, but I do want this Government to exercise the sovereign function of protecting its own people.

ELECTION OF SENATORS BY DIRECT VOTE.

During the delivery of Mr. STONE's speech,

The VICE PRESIDENT. The Senator from Missouri will suspend for a moment. The hour of 4 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (H. J. Res. 39) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. BORAH. Will the Senator from Missouri yield for just a moment, until I make a statement?

Mr. STONE. Certainly.

Mr. BORAH. Mr. President, I think I ought to say that while I am not going to urge the consideration of this measure to-day, not later than Thursday it is my purpose to test the sense of the Senate from time to time that we may remain in session during the regular hours of the session until the measure is disposed of. In other words, I shall not feel that I am privileged to ask to have this matter laid aside at any time after Thursday.

The joint resolution was before the last Congress, as we all know, and it was voted upon after a very thorough discussion. Upon the first day of the present session several resolutions covering the general subject matter were introduced, and, of course, everyone understood that it would be up for consideration. I shall not feel, therefore, that I am urging the matter with any undue haste by pressing a continuous consideration of the measure on Thursday.

Mr. HEYBURN. I should like to ask the Senator a question. Are we to understand that the Senator will be content to occupy the time allotted for unfinished business, or that he will ask that the Senate not only occupy that time, but some other time?

Mr. BORAH. The question is a very pertinent one. I want to occupy all the possible time, except the actual sleeping hours, until it is disposed of.

Mr. HEYBURN. That is, the Senator has taken advantage of the right under the vote to make it the unfinished business. He is not content with that; he not only wants to occupy the time of the Senate which under the rule is devoted to the unfinished business, but he wants to displace all other business. Well, we understand it.

Mr. BORAH. There is no other business to be displaced so far as the present condition of affairs is concerned. I do not think the Senator in charge of the joint resolution can be charged with undue haste. I think that the vote which we had yesterday shows it to be the sense of the Senate that we should dispose of this matter. Otherwise, we would not have had so strong a vote as we did. I feel, therefore, that I should urge it, of course at all times considering the convenience of my colleague as much as I can do so.

Mr. HEYBURN. I presume the Senator does not take into consideration the vote by which this measure was rejected in the Senate at the last session.

Mr. BORAH. Yes; I had not overlooked that.

The VICE PRESIDENT. Did the Senator from Idaho intend to ask that the unfinished business be temporarily laid aside?

Mr. BORAH. I will ask that it be temporarily laid aside.

The VICE PRESIDENT. The Senator from Idaho asks unanimous consent that the unfinished business be temporarily laid aside. If there is no objection, that order is made.

ADJOURNMENT TO THURSDAY.

After the conclusion of Mr. STONE'S speech,

Mr. GALLINGER. Mr. President, a considerable number of Senators have suggested that the business of the Senate will be expedited rather than retarded by adjourning over until Thursday. The Senator from Idaho [Mr. BORAH] has laid aside the matter in which he is interested until that time, and if there be no serious objection, I will make the motion. I move that when the Senate adjourns to-day it adjourn to meet on Thursday next.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 30 minutes p. m.) the Senate adjourned until Thursday, May 11, 1911, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate May 9, 1911.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Lieut. of Engineers Andrew Jackson Howison to be senior engineer in the Revenue-Cutter Service of the United States, to rank as such from April 29, 1911, in place of Capt. of Engineers Eugene Prescott Webber, retired.

Second Lieut. of Engineers Charles Stevens Root to be first lieutenant of engineers in the Revenue-Cutter Service of the United States, to rank as such from April 29, 1911, in place of First Lieut. of Engineers Andrew Jackson Howison, promoted.

ASSAYER OF THE MINT.

Merrill A. Martin, of California, to be assayer of the mint of the United States at San Francisco, Cal., in place of Charles H. Sherman, resigned.

COLLECTOR OF CUSTOMS.

William P. Carr, of Rhode Island, to be collector of customs for the district of Newport, in the State of Rhode Island, in place of Robert S. Burlingame, resigned.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Capt. Charles C. Walcutt, jr., Fifth Cavalry, to be major from March 5, 1911, vice Maj. Daniel H. Boughton, Fifth Cavalry, promoted.

Capt. Peter E. Traub, Twelfth Cavalry, to be major from March 9, 1911, vice Maj. George W. Read, Eighth Cavalry, detailed as inspector general on that date.

Capt. Jesse McI. Carter, Fourteenth Cavalry, to be major from March 11, 1911, vice Maj. William C. Brown, Third Cavalry, advanced to the grade of lieutenant colonel under the provisions of an act of Congress approved March 3, 1911.

Capt. Malvern-Hill Barnum, Eighth Cavalry, to be major from March 11, 1911, vice Maj. Lloyd M. Brett, First Cavalry, promoted.

Capt. Letcher Hardeman, Tenth Cavalry, to be major from March 11, 1911, vice Maj. Augustus C. Macomb, Ninth Cavalry, promoted.

Capt. Edmund S. Wright, First Cavalry, to be major from March 11, 1911, vice Maj. Thomas J. Lewis, Thirteenth Cavalry, promoted.

Capt. William H. Hay, Tenth Cavalry, to be major from March 11, 1911, vice Maj. Guy Carleton, Fourth Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Capt. Stephen H. Elliott, Eleventh Cavalry, to be major from March 11, 1911, vice Maj. Thomas B. Dugan, Twelfth Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Capt. John M. Jenkins, Fifth Cavalry, to be major from March 11, 1911, vice Maj. Henry T. Allen, Eighth Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Capt. P. D. Lochridge, Thirteenth Cavalry, to be major from March 11, 1911, vice Maj. Stephen L'H. Slocum, Second Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Capt. Nathaniel F. McClure, Fifth Cavalry, to be major from March 11, 1911, vice Maj. William W. Forsyth, Sixth Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Capt. William C. Rivers, First Cavalry, to be major from March 11, 1911, vice Maj. William F. Flynn, Fifteenth Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Capt. Ellwood W. Evans, Eighth Cavalry, to be major from March 11, 1911, vice Maj. Farrand Sayre, Ninth Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Capt. Robert G. Paxton, Tenth Cavalry, to be major from March 21, 1911, vice Maj. Charles H. Grierson, Tenth Cavalry, promoted.

First Lieut. John Watson, Eighth Cavalry, to be captain from March 5, 1911, vice Capt. Charles C. Walcutt, jr., Fifth Cavalry, promoted.

First Lieut. Samuel R. Gleaves, First Cavalry, to be captain from March 9, 1911, vice Capt. Peter E. Traub, Twelfth Cavalry, promoted.

First Lieut. Lewis S. Morey, Twelfth Cavalry, to be captain from March 11, 1911, vice Capt. Jesse McI. Carter, Fourteenth Cavalry, promoted.

First Lieut. James Goethe, Thirteenth Cavalry, to be captain from March 11, 1911, vice Capt. Malvern-Hill Barnum, Eighth Cavalry, promoted.

Second Lieut. Albert B. Dockery, Fifth Cavalry, to be first lieutenant from March 3, 1911, vice First Lieut. Morton C. Mumma, Second Cavalry, promoted.

Second Lieut. Henry E. Mitchell, Third Cavalry, to be first lieutenant from March 3, 1911, vice First Lieut. Frank P. Amos, Eleventh Cavalry, promoted.

Second Lieut. Edmund L. Zane, Fourteenth Cavalry, to be first lieutenant from March 3, 1911, vice First Lieut. Julian A. Benjamin, Third Cavalry, promoted.

Second Lieut. Charles McH. Eby, Twelfth Cavalry, to be first lieutenant from March 4, 1911, vice First Lieut. Francis H. Cameron, jr., Seventh Cavalry, retired from active service March 3, 1911.

Second Lieut. William H. Cowles, Fourth Cavalry, to be first lieutenant from March 4, 1911, vice First Lieut. Ferdinand W. Fonda, Seventh Cavalry, retired from active service March 3, 1911.

Second Lieut. William A. McCain, Eighth Cavalry, to be first lieutenant from March 5, 1911, vice First Lieut. John Watson, Eighth Cavalry, promoted.

Second Lieut. John K. Herr, Seventh Cavalry, to be first lieutenant from March 9, 1911, vice First Lieut. Samuel R. Gleaves, First Cavalry, promoted.

Second Lieut. Philip H. Sheridan, Fifth Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. Lewis S. Morey, Twelfth Cavalry, promoted.

Second Lieut. Joseph F. Taulbee, Second Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. James Goethe, Thirteenth Cavalry, promoted.

FIELD ARTILLERY ARM.

Lieut. Col. David J. Rumbough, Sixth Field Artillery, to be colonel from May 3, 1911, vice Col. Henry M. Andrews, First Field Artillery, retired from active service May 2, 1911.

Lieut. Col. Charles G. Treat, Field Artillery, detached from his proper command under the provisions of an act of Congress

approved March 3, 1911, to be colonel from May 6, 1911, vice Col. Lotus Niles, Third Field Artillery, retired from active service May 5, 1911.

Maj. John E. McMahon, Sixth Field Artillery, to be lieutenant colonel from May 3, 1911, vice Lieut. Col. David J. Rumbough, Sixth Field Artillery, promoted.

Capt. Dwight E. Aultman, unassigned, to be major from May 3, 1911, vice Maj. John E. McMahon, Sixth Field Artillery, promoted.

Second Lieut. William E. Dunn, detailed as first lieutenant in the Ordnance Department, to be first lieutenant from March 11, 1911, vice First Lieut. George R. Allin, Sixth Field Artillery, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Second Lieut. James H. Burns, detailed as first lieutenant in the Ordnance Department, to be first lieutenant from March 11, 1911, vice First Lieut. Pelham D. Glassford, Second Field Artillery, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Second Lieut. Everett S. Hughes, Third Field Artillery, to be first lieutenant from March 11, 1911, vice First Lieut. William E. Dunn, whose detail in the Ordnance Department was continued from March 11, 1911.

Second Lieut. Thomas J. Smith, jr., Fourth Field Artillery, to be first lieutenant from March 11, 1911, vice First Lieut. James H. Burns, whose detail in the Ordnance Department was continued from March 11, 1911.

Second Lieut. Roger S. Parrott, Second Field Artillery, to be first lieutenant from March 11, 1911, vice Ffrst Lieut. William H. Dodds, jr., First Field Artillery, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Second Lieut. Telesphor G. Gottschalk, Fifth Field Artillery, to be first lieutenant from March 11, 1911, vice First Lieut. John S. Hammond, Third Field Artillery, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Second Lieut. Harvey D. Higley, Sixth Field Artillery, to be first lieutenant from March 11, 1911, vice First Lieut. James W. Riley, Sixth Field Artillery, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Second Lieut. Edward P. King, jr., Sixth Field Artillery, to be first lieutenant from April 13, 1911, vice First Lieut. John B. W. Corey, Fifth Field Artillery, promoted.

Second Lieut. Kenneth S. Perkins, Second Field Artillery, to be first lieutenant from April 13, 1911, vice First Lieut. Marlborough Churchill, First Field Artillery, promoted.

Second Lieut. Robert G. Kirkwood, Fourth Field Artillery, to be first lieutenant from April 13, 1911, vice First Lieut. William F. Jones, Second Field Artillery, promoted.

COAST ARTILLERY CORPS.

Capt. Lawrence S. Miller, Coast Artillery Corps, to be major from April 1, 1911, vice Maj. George F. Landers, promoted.

Capt. Mervyn C. Buckey, Coast Artillery Corps, to be major from April 4, 1911, vice Maj. William R. Smith, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Capt. Frederick E. Johnston, Coast Artillery Corps, to be major from April 12, 1911, vice Maj. George W. Gatchell, promoted.

First Lieut. Adam F. Casad, detailed as captain in the Ordnance Department, to be captain from April 1, 1911, vice Capt. Edwin O. Sarratt, promoted.

First Lieut. John E. Munroe, Coast Artillery Corps, to be captain from April 1, 1911, vice Capt. Adam F. Casad, whose detail in the Ordnance Department was continued from April 1, 1911.

First Lieut. Myron S. Crissy, Coast Artillery Corps, to be captain from April 1, 1911, vice Capt. Lawrence S. Miller, promoted.

First Lieut. Walter K. Wilson, Coast Artillery Corps, to be captain from April 4, 1911, vice Capt. Mervyn C. Buckey, promoted.

First Lieut. John P. Terrell, Coast Artillery Corps, to be captain from April 12, 1911, vice Capt. Frederick E. Johnston, promoted.

First Lieut. Malcolm P. Andruss, Coast Artillery Corps, to be captain from April 13, 1911, vice Capt. Roderick L. Carmichael, detailed as quartermaster on that date.

First Lieut. Offnere Hope, Coast Artillery Corps, to be captain from April 13, 1911, vice Capt. Laurence C. Brown, detailed as quartermaster on that date.

First Lieut. Franc Lecocq, Coast Artillery Corps, to be captain from April 13, 1911, vice Capt. George O. Hubbard, detailed as quartermaster on that date.

First Lieut. John O'Neil, Coast Artillery Corps, to be captain from April 13, 1911, vice Capt. Frank S. Long, detailed as quartermaster on that date.

First Lieut. Charles E. T. Lull, Coast Artillery Corps, to be captain from April 13, 1911, vice Capt. Charles C. Burt, detailed as quartermaster on that date.

First Lieut. Owen G. Collins, Coast Artillery Corps, to be captain from May 6, 1911, vice Capt. Bertram C. Gilbert, wholly retired May 5, 1911.

INFANTRY ARM.

Capt. Wilson Chase, Twenty-first Infantry, to be major from March 11, 1911, vice Maj. Everard E. Hatch, Twenty-sixth Infantry, promoted.

Capt. Charles B. Hagadorn, Twenty-third Infantry, to be major from March 11, 1911, vice Maj. David C. Shanks, Fourth Infantry, promoted.

Capt. Harry R. Lee, Eleventh Infantry, to be major from March 11, 1911, vice Maj. William H. Allaire, Twenty-third Infantry, promoted.

Capt. Edwin V. Bookmiller, Ninth Infantry, to be major from March 11, 1911, vice Maj. Robert L. Hirst, Twenty-ninth Infantry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Capt. William A. Phillips, detailed as major in the Ordnance Department, to be major from March 11, 1911, vice Maj. Harris L. Roberts, Twenty-sixth Infantry, advanced to the grade of lieutenant colonel under the provisions of an act of Congress approved March 3, 1911.

Capt. John R. M. Taylor, Fourteenth Infantry, to be major from March 11, 1911, vice Maj. William A. Phillips, whose detail in the Ordnance Department was continued from March 11, 1911.

Capt. Francis E. Lacey, jr., First Infantry, to be major from March 11, 1911, vice Maj. Walter H. Chatfield, Twenty-seventh Infantry, advanced to the grade of lieutenant colonel under the provisions of an act of Congress approved March 3, 1911.

Capt. Sydney A. Cloman, Twenty-third Infantry, to be major from March 11, 1911, vice Maj. Edwin A. Root, Nineteenth Infantry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Capt. Charles Crawford, Twentieth Infantry, to be major from March 11, 1911, vice Maj. Henry C. Cabell, Fourteenth Infantry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Capt. William S. Graves, Twentieth Infantry, to be major from March 11, 1911, vice Maj. William P. Burnham, Twentieth Infantry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Capt. Frank D. Webster, Twentieth Infantry, to be major from March 11, 1911, vice Maj. Benjamin C. Morse, Twenty-seventh Infantry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Capt. Joseph D. Leitch, Twenty-eighth Infantry, to be major from March 11, 1911, vice Maj. John P. Finley, Twenty-eighth Infantry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Capt. Samuel Burkhardt, jr., Nineteenth Infantry, to be major from March 11, 1911, vice Maj. Samuel E. Smiley, Second Infantry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Capt. James E. Normoyle, detailed quartermaster, to be major from March 11, 1911, vice Maj. Edward M. Lewis, Sixteenth Infantry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Capt. Robert Alexander, Nineteenth Infantry, to be major from March 11, 1911, vice Maj. William Weigel, Second Infantry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Capt. William O. Johnson, Thirtieth Infantry, to be major from March 11, 1911, vice Maj. Thomas G. Hanson, Eighth Infantry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Capt. James R. Lindsay, Thirteenth Infantry, to be major from March 11, 1911, vice Maj. Herman Hall, Twelfth Infantry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Capt. Fred W. Sladen, Fourteenth Infantry, to be major from March 11, 1911, vice Maj. Ulysses G. McAlexander, Eighteenth Infantry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Capt. Harry H. Bandholtz, Second Infantry, to be major from March 12, 1911, vice Maj. William M. Wright, Eighth Infantry, detailed as adjutant general on that date.

Capt. Henry T. Ferguson, Twenty-first Infantry, to be major from March 14, 1911, vice Maj. James H. Frier, Tenth Infantry, detailed as inspector general on that date.

Capt. Henry G. Learnard, Fourteenth Infantry, to be major from March 20, 1911, vice Maj. Willson Y. Stamper, Twenty-first Infantry, promoted.

First Lieut. Sylvester Bonnaffon, 3d, Fourth Infantry, to be captain from March 11, 1911, vice Capt. Wilson Chase, Twenty-first Infantry, promoted.

First Lieut. Robert C. Humber, Tenth Infantry, to be captain from March 11, 1911, vice Capt. Charles B. Hagadorn, Twenty-third Infantry, promoted.

First Lieut. Joseph C. Brady, Fourth Infantry, to be captain from March 11, 1911, vice Capt. Harry R. Lee, Eleventh Infantry, promoted.

First Lieut. John H. Page, jr., Sixth Infantry, to be captain from March 11, 1911, vice Capt. Edwin V. Bookmiller, Ninth Infantry, promoted.

First Lieut. Parker Hitt, Tenth Infantry, to be captain from March 11, 1911, vice Capt. John R. M. Taylor, Fourteenth Infantry, promoted.

First Lieut. Paul W. Beck, unassigned, to be captain from March 11, 1911, vice Capt. Francis E. Lacey, jr., First Infantry, promoted.

First Lieut. Robert I. Rees, Third Infantry, to be captain from March 11, 1911, vice Capt. Sydney A. Cloman, Twenty-third Infantry, promoted.

First Lieut. Jesse M. Cullison, Second Infantry, to be captain from March 11, 1911, vice Capt. Charles Crawford, Twentieth Infantry, promoted.

First Lieut. William E. Bennett, jr., Twenty-fifth Infantry, to be captain from March 11, 1911, vice Capt. William S. Graves, Twentieth Infantry, promoted.

First Lieut. William H. Noble, Twenty-third Infantry, to be captain from March 11, 1911, vice Capt. Frank D. Webster, Twentieth Infantry, promoted.

First Lieut. Andrew C. Wright, Twelfth Infantry, to be captain from March 11, 1911, subject to examination required by law, vice Capt. Joseph D. Leitch, Twenty-eighth Infantry, promoted.

First Lieut. Wilbur A. McDaniel, Fifteenth Infantry, to be captain from March 11, 1911, vice Capt. Samuel Burkhardt, jr., Nineteenth Infantry, promoted.

First Lieut. Evert R. Wilson, Eleventh Infantry, to be captain from March 11, 1911, vice Capt. Robert Alexander, Nineteenth Infantry, promoted.

First Lieut. Henry A. Wiegenstein, Twenty-fifth Infantry, to be captain from March 11, 1911, vice Capt. William O. Johnson, Thirtieth Infantry, promoted.

First Lieut. Clenard McLaughlin, Twenty-first Infantry, to be captain from March 11, 1911, vice Capt. James R. Lindsay, Thirteenth Infantry, promoted.

First Lieut. Edward B. Mitchell, Twenty-fourth Infantry, to be captain from March 11, 1911, vice Capt. Fred W. Sladen, Fourteenth Infantry, promoted.

First Lieut. James H. Como, Twenty-fifth Infantry, to be captain from March 11, 1911, vice Capt. Edmund L. Butts, Third Infantry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

First Lieut. Harol D. Coburn, Eighth Infantry, to be captain from March 11, 1911, vice Capt. Henry J. Hunt, Seventeenth Infantry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

First Lieut. Allen J. Greer, Sixteenth Infantry, to be captain from March 11, 1911, vice Capt. Harry A. Smith, Seventh Infantry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

First Lieut. Robert Whitfield, Twenty-second Infantry, to be captain from March 11, 1911, vice Capt. George C. Saffarrans, Second Infantry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

First Lieut. Arthur W. Brown, Twenty-seventh Infantry, to be captain from March 11, 1911, vice Capt. Hanson E. Ely, Twenty-sixth Infantry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

First Lieut. Abraham U. Loeb, Ninth Infantry, to be captain from March 11, 1911, vice Capt. Lewis S. Sorley, Fourteenth Infantry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

First Lieut. William B. Baker, Eighth Infantry, to be captain from March 11, 1911, vice Capt. William M. Morrow, Twenty-first Infantry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

First Lieut. Constant Cordier, Fourth Infantry, to be captain from March 11, 1911, subject to examination required by law, vice Capt. David P. Cordray, Twenty-sixth Infantry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

First Lieut. James M. Loud, Twenty-eighth Infantry, to be captain from March 11, 1911, vice Capt. Harrison J. Price, Second Infantry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

First Lieut. Edmund S. Sayer, jr., Twenty-first Infantry, to be captain from March 11, 1911, vice Capt. William Newman, First Infantry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

First Lieut. J. De Camp Hall, Fourth Infantry, to be captain from March 11, 1911, vice Capt. Marcus B. Stokes, Tenth Infantry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Second Lieut. Edwin Butcher, Fifteenth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Sylvester Bonnaffon, 3d, Fourth Infantry, promoted.

Second Lieut. Russell V. Venable, Twenty-second Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Robert C. Humber, Tenth Infantry, promoted.

Second Lieut. Arthur J. Davis, First Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Joseph C. Brady, Fourth Infantry, promoted.

Second Lieut. Roderick Dew, Nineteenth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. John H. Page, jr., Sixth Infantry, promoted.

Second Lieut. Martin C. Wise, Twentieth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Parker Hitt, Tenth Infantry, promoted.

Second Lieut. Andrew J. White, Tenth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Paul W. Beck, unassigned, promoted.

Second Lieut. Walter S. Drysdale, Seventeenth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Robert I. Rees, Third Infantry, promoted.

Second Lieut. Ralph Dickinson, Third Infantry, to be first lieutenant from March 11, 1911 (subject to examination required by law), vice First Lieut. Jesse M. Cullison, Second Infantry, promoted.

Second Lieut. Charles A. Meals, detailed as first lieutenant in the Ordnance Department, to be first lieutenant from March 11, 1911, vice First Lieut. William E. Bennett, jr., Twenty-fifth Infantry, promoted.

Second Lieut. Matthew H. Thomlinson, Twenty-second Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Charles A. Meals, whose detail in the Ordnance Department was continued from March 11, 1911.

Second Lieut. Joseph A. Atkins, Sixteenth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. William H. Noble, Twenty-third Infantry, promoted.

Second Lieut. Charles F. Thompson, Thirteenth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Andrew C. Wright, Twelfth Infantry, promoted.

Second Lieut. Augustus B. Van Wormer, Eighth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Wilbur A. McDaniel, Fifteenth Infantry, promoted.

Second Lieut. Thomas L. Crystal, Fifth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Evert R. Wilson, Eleventh Infantry, promoted.

Second Lieut. Arthur D. Budd, First Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Henry A. Wiegenstein, Twenty-fifth Infantry, promoted.

Second Lieut. Ralph R. Glass, Twenty-first Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Clenard McLaughlin, Twenty-first Infantry, promoted.

Second Lieut. Erle M. Wilson, Ninth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Edward B. Mitchell, Twenty-fourth Infantry, promoted.

Second Lieut. Merrill E. Spalding, Seventeenth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. James H. Como, Twenty-fifth Infantry, promoted.

Second Lieut. John D. Burnett, jr., Seventeenth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Harol D. Coburn, Eighth Infantry, promoted.

Second Lieut. Joseph A. McAndrew, Second Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Allen J. Greer, Sixteenth Infantry, promoted.

Second Lieut. Robert B. Hewitt, Fourth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Robert Whitfield, Twenty-second Infantry, promoted.

Second Lieut. William F. L. Simpson, Sixth Infantry, to be first lieutenant from March 11, 1911, vice First Lieut. Arthur W. Brown, Twenty-seventh Infantry, promoted.

PROMOTIONS IN THE NAVY.

The following-named lieutenants to be lieutenant commanders in the Navy from the 4th day of March, 1911, to fill vacancies:
Richard D. White and
William S. Miller.
Lieut. (Junior Grade) Benjamin Dutton, jr., to be a lieutenant in the Navy from the 4th day of March, 1911, to fill a vacancy.
The following-named ensigns to be lieutenants (junior grade) in the Navy from the 13th day of February, 1911, upon the completion of three years' service as ensigns:
Roy L. Lowman,
Conant Taylor,
Archibald G. Stirling,
Donald P. Morrison, and
Edwin A. Wolleson.
Asst. Surg. Charles L. Moran to be a passed assistant surgeon in the Navy from the 10th day of February, 1911, upon the completion of three years' service as an assistant surgeon.
The following-named assistant surgeons to be passed assistant surgeons in the Navy from the 11th day of April, 1911, upon the completion of three years' service as assistant surgeons:
Frank P. W. Hough and
George C. Rhoades.
Carpenter Wilbert O. Crockett to be a chief carpenter in the Navy from the 28th day of December, 1909, upon the completion of six years' service as a carpenter.
First Lieut. Robert O. Underwood to be a captain in the United States Marine Corps from the 26th day of April, 1911, to fill a vacancy.
Capt. Austin M. Knight to be a rear admiral in the Navy from the 29th day of January, 1911, to fill a vacancy.
Lieut. Commander Edwin T. Pollock to be a commander in the Navy from the 4th day of March, 1911, to fill a vacancy.
Lieut. (Junior Grade) Vaughn K. Coman to be a lieutenant in the Navy from the 4th day of March, 1911, to fill a vacancy.
The following-named ensigns to be lieutenants (junior grade) in the Navy from the 13th day of February, 1911, upon the completion of three years' service as ensigns:
John P. Miller,
William A. Hall,
Isaac C. Kidd, and
Richard R. Mann.
The following-named carpenters to be chief carpenters in the Navy from the 7th day of March, 1911, upon the completion of six years' service as carpenters:
Joseph J. Redington and
Robert Velz.

POSTMASTERS.

GEORGIA.

Frances E. Chapman to be postmaster at Buena Vista, Ga., in place of Andrew D. McComb, resigned.

IOWA.

John O. Hatch to be postmaster at Swea City, Iowa. Office became presidential January 1, 1911.

KENTUCKY.

G. W. Patrick to be postmaster at Williamsburg, Ky., in place of Edwin S. Moss. Incumbent's commission expired March 7, 1910.

MAINE.

Edward W. Hyde to be postmaster at Bath, Me., in place of Seth T. Snipe, deceased.

MICHIGAN.

John T. P. Smith to be postmaster at Clarkston, Mich., in place of John T. P. Smith. Incumbent's commission expired March 2, 1911.

NORTH DAKOTA.

Otis Beardsley to be postmaster at Underwood, N. Dak., in place of Otis Beardsley. Incumbent's commission expired January 31, 1911.
Roy P. Hubbard to be postmaster at Glen Ullin, N. Dak., in place of Roy P. Hubbard. Incumbent's commission expired February 28, 1911.
Arthur J. Swartout to be postmaster at Wimbledon, N. Dak., in place of William H. Stevens, resigned.

OHIO.

Charles R. Brent to be postmaster at McConnelsville, Ohio, in place of Charles R. Brent. Incumbent's commission expired March 26, 1910.
Henry Chambers to be postmaster at Lewisburg, Ohio. Office became presidential January 1, 1910.
George W. Nickels to be postmaster at Galion, Ohio, in place of George W. Nickels. Incumbent's commission expired December 12, 1909.

PENNSYLVANIA.

Spencer H. Rhoads to be postmaster at Iselin, Pa. Office became presidential April 1, 1911.

PORTO RICO.

Mario Belaval to be postmaster at Ponce, P. R., in place of Robert A. Miller. Incumbent's commission expired June 29, 1910.

SOUTH DAKOTA.

Charles A. Ramsdell to be postmaster at Beresford, S. Dak., in place of Robert Z. Bennett. Incumbent's commission expired December 11, 1910.

WASHINGTON.

H. T. Jones to be postmaster at Riverside, Wash. Office became presidential January 1, 1911.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 9, 1911.

SURVEYOR OF CUSTOMS.

Perry M. Lytle to be surveyor of customs in the district of Philadelphia, Pa.

DEPUTY ASSISTANT TREASURER.

George Fort to be deputy assistant treasurer of the United States.

COLLECTOR OF CUSTOMS.

William P. Carr to be collector of customs for the district of Newport, R. I.

AUDITORS.

Charles A. Kram to be Auditor for the Post Office Department.
Elton A. Gongwer to be Auditor for the War Department.

ASSAYER AND MELTER.

Frank P. Drane to be assayer and melter of the assay office at Charlotte, N. C.

COMMISSIONER OF IMMIGRATION.

Bertram N. Stump to be commissioner of immigration at the port of Baltimore, Md.

UNITED STATES DISTRICT JUDGE.

William L. Day to be United States district judge for the northern district of Ohio.

ASSISTANT ATTORNEY GENERAL.

Ernest Knaebel to be Assistant Attorney General.

UNITED STATES ATTORNEYS.

Ulysses G. Denman to be United States attorney for the northern district of Ohio.
Robert C. Lee to be United States attorney for the southern district of Mississippi.

UNITED STATES MARSHALS.

Edward H. Schmidt to be United States marshal for the district of Indiana.
Herbert L. Faulkner to be United States marshal for the district of Alaska, Division No. 1.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Maj. William C. Brown to be lieutenant colonel.

INFANTRY ARM.

Maj. Harris L. Roberts to be lieutenant colonel.
Maj. Walter K. Wright to be lieutenant colonel.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants.

John Dallas Blake.
John Samuel Fulton.
Nathan Winslow.
St. Clair Spruill.
Roger Sylvester Morris.
Fenton Benedict Turck.
Hewitt Leonard Ballowe.
Amos Walker Barber.
John Fletcher Denton.
Edward Dowdle.
Brayton Earl Failing.
Louis William Falkner.
Harlow Grosvenor Farmer.
Alfred William Haskell.
Harris Ayres Houghton.
Joseph Howard Langworthy.

Frank Rutledge Maura.
Joseph Yates Porter, jr.
George Douglas Ramsay.
William Henry Seemann.
William Edward Shea.
Herbert Alexander Smith.
Andrew Victor Stephenson.
Charles Lee Beeching.
Frederick Caesar Augustus Kellam, jr.
Harry Hoagland Blodgett.

PROMOTIONS IN THE NAVY.

Commander Harry Phelps to be a captain.
Lieut. Commander George W. Williams to be a commander.
Lieut. (Junior Grade) Alexander S. Wadsworth, jr., to be a lieutenant.
Lieut. (Junior Grade) Kenneth Whiting to be a lieutenant.
Machinist James J. Cullen to be a chief machinist.
The following-named carpenters to be chief carpenters:
Stuart P. Mead,
William H. Sampson, and
Louis Haase.

POSTMASTERS.

FLORIDA.

A. B. Tull, Titusville.

MINNESOTA.

Herman Nelson, Slayton.

NEW HAMPSHIRE.

Robert F. Emerson, East Rochester.

PENNSYLVANIA.

William M. Deihm, Honey Brook.
John W. Ramsey, Midland.
G. Clinton Williams, Spring City.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 9, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Out of the deeps of our being, O God our Father, we thank Thee for the gospel of love which poured itself out in all fullness on the cross of Calvary, the very heart of God revealed, the crown of all humanity, so subtle, so profound, so gentle, so potent that the slightest touch purifies, enriches, ennobles the soul and makes the whole world akin. Quicken, we beseech Thee, our susceptibilities that we may receive more abundantly, that we may become like unto the Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

BUILDING FOR BUREAU OF ENGRAVING AND PRINTING.

Mr. SHEPPARD. Mr. Speaker, I desire to submit a privileged report (H. Rept. 22).

The SPEAKER. The gentleman from Texas submits a privileged report from the Committee on Public Buildings and Grounds, which the Clerk will report.

The Clerk read as follows:

The Committee on Public Buildings and Grounds, to whom was referred House resolution 123 calling for information as to the plans and specifications for a new building for the Bureau of Engraving and Printing, having considered the same reports thereon with the recommendation that it do pass.

The SPEAKER. The House will be in order. These matters that are transacted here the first thing every morning are of a great deal of importance, and there is more chance of mistakes about them than any other species of legislation that we have here, and the order ought to be perfect while they are being reported. The Clerk will read the resolution.

The Clerk read as follows:

House resolution 123.

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the House of Representatives of the action taken by the Treasury Department to have erected a building for the Bureau of Engraving and Printing under the authority heretofore given by Congress; whether plans and specifications have been prepared and approved for said building; whether detailed estimates of the cost of said building have been made; whether bids for the construction of said building have been invited and obtained, and what action, if any, has been taken thereon; and whether plans have been proposed, prepared, adopted, or approved which are not in accordance with the requirements of the "act making appropriations for sundry civil expenses of the Government and for other purposes," approved March 27, 1908.

Mr. SHEPPARD. Mr. Speaker, a new building for the Bureau of Engraving and Printing was authorized and appropriated for nearly three years ago. Conditions in the existing building were pronounced intolerable then, Secretary Shaw stating that it was one of the worst sweatshops in the world, but despite the fact that an appropriation was made then, and despite the fact that conditions have grown more intolerable with the years, no steps have been taken apparently by the Treasury Department to construct the building as originally designed, and the Committee on Public Buildings and Grounds believes the House is entitled to know why the building has not been constructed.

Mr. FOSTER of Illinois. Mr. Speaker——

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Illinois?

Mr. SHEPPARD. I do.

Mr. FOSTER of Illinois. May I inquire if the gentleman knows whether it is claimed it is impossible to build this building for the appropriation which was made by Congress?

Mr. SHEPPARD. It is not. It is claimed that it is impossible to build it with an ornamental style of architecture.

Mr. FOSTER of Illinois. With the plans that have been submitted to the department? Is that the understanding?

Mr. SHEPPARD. The first plans that were prepared were entirely within the original appropriation, but after the advent of a certain fine-arts commission, with technical ideas of art and architecture, and with too little regard for the needs of the 4,000 employees of the Bureau of Engraving and Printing, the plans were changed.

Mr. FOSTER of Illinois. Was that the fine-arts commission that was created by Congress?

Mr. SHEPPARD. It was created by an Executive order, if I am correctly informed.

Mr. FOSTER of Illinois. And not by an act of Congress?

Mr. SHEPPARD. No, sir.

Mr. NORRIS. Will the gentleman yield?

The SPEAKER. Will the gentleman from Texas [Mr. SHEPPARD] yield to the gentleman from Nebraska [Mr. NORRIS]?

Mr. SHEPPARD. I yield to the gentleman.

Mr. NORRIS. Under the law providing for the building of this new building, was the place where it was to be built stipulated?

Mr. SHEPPARD. It was.

Mr. NORRIS. Where was it to be?

Mr. SHEPPARD. On the squares directly south of the square on which the present buildings are located. The site has been purchased, I will say to the gentleman, and the money for the building has been appropriated, with the exception of, perhaps, $100,000.

Mr. NORRIS. When was the site purchased?

Mr. SHEPPARD. It was purchased soon after the initial authorization of March 27, 1908.

Mr. NORRIS. It has been some three years, then, since the site was purchased?

Mr. SHEPPARD. Yes, sir.

Mr. SIMS. Mr. Speaker——

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Tennessee?

Mr. SHEPPARD. I yield.

Mr. SIMS. I would like to ask the gentleman from Texas what authority the Fine Arts Commission has to interfere with the execution of an act of Congress?

Mr. SHEPPARD. It has none whatever.

Mr. SIMS. Why do the department officials fail to execute a law and give as an excuse the interference of the Fine Arts Commission?

Mr. SHEPPARD. It is the object of this resolution to find out why a specific authorization of Congress has not been obeyed.

Mr. SIMS. Does the Fine Arts Commission undertake to interfere with all kinds of public buildings and as to the method of their construction?

Mr. SHEPPARD. I am unable to say.

Mr. SIMS. You do not know whether they get down to the public-comfort stations or not?

Mr. SHEPPARD. I do not. But I think this resolution ought to be passed in order that Congress should know why its specific laws can not be executed by department officials.

Mr. KENDALL rose.

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Iowa?

Mr. SHEPPARD. I yield.

Mr. KENDALL. I want to make an inquiry for information. Has the Committee on Public Buildings and Grounds had any communication with the Treasury Department with reference to the bill?

Mr. SHEPPARD. It has.

Mr. KENDALL. Has the department failed to respond to the inquiry of the committee with reference to its reasons for postponing the construction of this building?

Mr. SHEPPARD. It has responded in a measure. This resolution was introduced, however, by the chairman of the Appropriations Committee, which made this original appropriation, and we believe it ought to pass through the official channels and that the department ought officially to respond to this inquiry on the part of the committee making the initial appropriation.

Mr. AUSTIN. Mr. Speaker——

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Tennessee?

Mr. SHEPPARD. Certainly.

Mr. AUSTIN. I would ask the gentleman to state that this is a unanimous report, and that there is no opposition on the part of the minority of the committee to the passage of this resolution.

Mr. SHEPPARD. Exactly. This is a unanimous report of the Committee on Public Buildings and Grounds.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

NAVY CONTRACTS FOR SHOES.

Mr. PADGETT. Mr. Speaker, I wish to submit a privileged report (H. Rept. 23) from the Committee on Naval Affairs.

The SPEAKER. The gentleman from Tennessee, chairman of the Committee on Naval Affairs, submits a privileged report from that committee, which the Clerk will report.

Mr. PADGETT. Mr. Speaker, I ask that the substitute resolution be read instead of the original.

The SPEAKER. The Clerk will report the substitute resolution, and then the report.

The Clerk read as follows:

House resolution 151.

Resolved, That the Secretary of the Navy be, and he is hereby, directed to send to the House of Representatives full information, as follows:

First. What proportion of the contracts for Navy shoes during the fiscal years 1901 to 1911, inclusive, were awarded to the firm of Hermann & Co.?

Second. What are the names of the individuals, firms, or corporations who have secured contracts for Navy shoes in the fiscal years 1901 to 1911, inclusive, and the amount and quantity of each contract?

Third. Were any competitors blacklisted or disqualified from bidding on any Navy shoe contract in the fiscal years 1901 to 1911, inclusive? If so, what were the names of those competitors and what was the cause of their disqualification?

Fourth. What proportion of the Navy shoe contracts in the fiscal years 1901 to 1911, inclusive, were awarded to the lowest bidders?

Fifth. How many bidders were there for the Navy shoe contracts for the fiscal years 1901 to 1911, inclusive? Furnish complete list of all bidders and of all original and amended bids.

Sixth. If the bids were invited by advertisement, furnish copies of the advertisements.

NAVY CONTRACTS FOR SHOES.

Mr. PADGETT, from the Committee on Naval Affairs, submitted the following report (to accompany H. Res. 151):

The Committee on Naval Affairs, to whom was referred House resolution 151, relating to contracts for Navy shoes, having considered the same, report it back with the following amendment, and, as amended, recommend that it do pass:

Strike out all after the word *"Resolved,"* of said resolution and in lieu thereof insert the following:

"That the Secretary of the Navy be, and he is hereby, directed to send to the House of Representatives full information, as follows:

"First. What proportion of the contracts for Navy shoes during the *fiscal years* 1901 to 1911, inclusive, were awarded to the firm of Hermann & Co.?

"Second. What are the names of the individuals, firms, or corporations who have secured contracts for Navy shoes in the fiscal years 1901 to 1911, inclusive, and the amount and quantity of each contract?

"Third. Were any competitors blacklisted or disqualified from bidding on any Navy shoe contract in the fiscal years 1901 to 1911, inclusive? If so, what were the names of those competitors and what was the cause of their disqualification?

"Fourth. What proportion of the Navy shoe contracts in the fiscal years 1901 to 1911, inclusive, were awarded to the lowest bidders?

"Fifth. How many bidders were there for the Navy shoe contracts for the fiscal years 1901 to 1911, inclusive? Furnish complete list of all bidders and of all original and amended bids.

"Sixth. If the bids were invited by advertisement, furnish copies of the advertisements."

Mr. PADGETT. Mr. Speaker, I wish to state that this resolution as reported is identical with the resolution that was adopted by the House a few days since, with the exception that it embraces the years from 1901 to 1911 instead of the years 1909 to 1911. It just goes back that much further.

Mr. NORRIS. Mr. Speaker——

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Nebraska?

Mr. PADGETT. Yes; I yield to the gentleman.

Mr. NORRIS. Mr. Speaker, I would like to ask the gentleman in what respect this resolution as reported by the committee varies from the original resolution introduced by the gentleman from Massachusetts [Mr. GARDNER], as I understand it?

Mr. PADGETT. This is the identical resolution which we reported for the gentleman from Massachusetts, only his resolution embraced the years 1909, 1910, and 1911, and this resolution goes back to 1901.

Mr. NORRIS. I asked the gentleman the question because I noticed that the gentleman from Massachusetts [Mr. GARDNER], the author of the resolution, is not present.

Mr. PADGETT. This resolution is the resolution of the gentleman from Pennsylvania [Mr. DIFENDERFER], but it is in the identical language of the other resolution, except that it covers more years.

Mr. LONGWORTH. Will the gentleman yield?

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Ohio?

Mr. PADGETT. Yes, sir.

Mr. LONGWORTH. Is it the same resolution as was reported by the Committee on Military Affairs?

Mr. PADGETT. There is one pending, but I do not think it is reported yet.

Mr. ANTHONY and Mr. PRINCE rose.

The SPEAKER. To which gentleman, the gentleman from Kansas or the gentleman from Illinois, does the gentleman from Tennessee yield?

Mr. PADGETT. I yield to the gentleman from Illinois.

Mr. PRINCE. Mr. Speaker, in answer to the inquiry of the gentleman from Ohio [Mr. LONGWORTH], I would state that a resolution similar to the one now being reported by the Committee on Naval Affairs is pending before the Committee on Military Affairs. A subcommittee has been appointed to look into the matter, and later on, at the earliest moment, they will have a hearing and dispose of it and probably later bring it into the House.

Mr. ANTHONY and Mr. FOSS rose.

The SPEAKER. To whom does the gentleman from Tennessee yield—the gentleman from Kansas or the gentleman from Illinois?

Mr. PADGETT. I yield to the gentleman from Kansas.

Mr. ANTHONY. Mr. Speaker, I would like to inquire if the committee has made any investigation of the matter before reporting out the resolution?

Mr. PADGETT. This resolution, Mr. Speaker, simply calls upon the department to furnish any information that is in the possession of the department.

Mr. ANTHONY. But the Committee on Naval Affairs has made no investigation of this subject?

Mr. PADGETT. It has not.

Mr. FOSS. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Illinois?

Mr. PADGETT. I do.

Mr. FOSS. I want to say to the Members of the House that this resolution has been considered by the Committee on Naval Affairs and comes here with the unanimous report of the committee.

Mr. MANN. Will the gentleman yield?

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Illinois?

Mr. PADGETT. Yes.

Mr. MANN. As I understand, this resolution is the same as the resolution that was heretofore passed, introduced by the gentleman from Massachusetts and amended in the House, except that it goes back a little further in point of time.

Mr. PADGETT. It is identical.

Mr. MANN. The gentleman from Massachusetts, in discussing the resolution the other day before the Committee on Military Affairs, stated that it was perfectly satisfactory to him to make that amendment on that resolution pending before the Committee on Military Affairs, and undoubtedly he will be satisfied with it, coming from the gentlemen of the committee.

Mr. PADGETT. I suppose he would be.

The SPEAKER. The Chair will state to the House—and it may elucidate this matter a little—that this morning the Chair received from the Navy Department a response to that first resolution. The Chair forgot to bring it in, but will bring it in later in the day. The question is on agreeing to the substitute resolution offered by the gentleman from Tennessee.

The question was taken, and the substitute resolution was agreed to.

INVESTIGATION OF VIOLATIONS OF THE ANTITRUST ACT.

Mr. HENRY of Texas. Mr. Speaker, I desire to submit a privileged report (H. Rept. 24) from the Committee on Rules on House resolution 157.

The SPEAKER. The gentleman from Tennessee submits a privileged resolution and report thereon from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

Resolution 157 (H. Rept. 24).

Resolved, That a committee of nine members, to be elected by the House, be, and is hereby, directed to make an investigation for the purpose of ascertaining whether or not there have been violations of the antitrust act of July 2, 1890, and the various acts supplementary thereto, by the American Sugar Refining Co., incorporated January 10, 1891, under the laws of the State of New Jersey, and the various corporations controlled thereby or holding stocks or bonds therein or whose stocks or bonds are held, in whole or in part, thereby, and all other persons or corporations engaged in manufacturing or refining sugar and their relations with each other, which said violations have not been prosecuted by the executive officers of the Government.

Said committee is also directed to investigate the organization and operations of said American Sugar Refining Co., and its relations with other persons or corporations engaged in the business of manufacturing or refining sugar, and all other persons or corporations engaged in manufacturing or refining sugar and their relations with each other, and if in connection therewith violations of the aforesaid laws are disclosed, to report same to the House.

Said committee shall also inquire whether the organization and operations of the American Sugar Refining Co. and other persons or corporations having relations with it, and all other persons or corporations engaged in manufacturing or refining sugar and their relations with each other, have caused or had a tendency to cause any of the following results:

First. The restriction or destruction of competition among manufacturers or refiners of sugar.

Second. An increase in price of refined sugar to the consumer or decrease in the price of sugar cane or sugar beets to the producer thereof.

And said committee shall report to the House all the facts and circumstances disclosed by the investigation herein provided, with such recommendations as it may deem advisable.

And said committee as a whole, or any subcommittee thereof, is authorized to sit during sessions of the House and the recess of Congress, to employ clerical and other assistance, to compel the attendance of witnesses, to send for persons and papers, and to administer oaths to witnesses.

The Speaker shall have authority to sign, and the Clerk to attest, subpœnas during the recess of Congress.

Mr. HENRY of Texas, from the Committee on Rules, submitted the following:

The Committee on Rules, to whom was referred House resolution 157, to investigate violations of the antitrust act of 1890 and other acts, have considered the same and beg leave to report with the recommendation that it do pass.

Mr. HENRY of Texas. Mr. Speaker, I would like to ask what time, if any, the gentleman desires for the discussion of the resolution?

Mr. MANN. I would like a few minutes myself. I do not know whether there is anybody else on this side who desires time or not.

Mr. DALZELL. I do not desire time.

Mr. ESCH rose.

The SPEAKER. Does the gentleman from Texas [Mr. HENRY] yield to the gentleman from Wisconsin?

Mr. HENRY of Texas. I yield for a question.

Mr. ESCH. Is this committee to be elected by the House, or to be chosen by the two sides of the House, and if so, in what proportions?

Mr. HENRY of Texas. It is to be a committee of nine members, and I may say that it is the intention of this side of the House to give four members to that side of the House and five to this side.

Mr. ESCH. The resolution does not specify.

Mr. HENRY of Texas. The resolution does not specify, but that will undoubtedly be done. Mr. Speaker, I yield to the gentleman from Illinois [Mr. MANN] five minutes.

The SPEAKER. The gentleman from Illinois is recognized for five minutes.

Mr. MANN. Mr. Speaker, I have no possible objection to the investigation of the American Sugar Refining Co. As I suggested to the gentlemen, if they have not investigated the matter themselves, preliminary to the resolution of investigation, they may find that the investigation is one which is desired and not objected to by the Sugar Refining Co.

We have a statute providing for immunity to witnesses testifying before a committee of Congress. I am not sure whether that provision of the statute has been overruled, or decided to be unconstitutional by the Supreme Court in other cases, because we passed a subsequent act in reference to immunity to witnesses in court which goes beyond the immunity provision as to witnesses before committees.

Mr. HARDWICK. Mr. Speaker——

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Georgia?

Mr. MANN. I gladly and always yield to the gentleman from Georgia.

Mr. HARDWICK. Does the gentleman refer to the provisions of what is commonly known as the Elkins law?

Mr. MANN. Oh, no.

Mr. HARDWICK. To what particular law then does the gentleman refer?

Mr. MANN. There is a provision in the statutes in reference to immunity to witnesses testifying before committees of Congress, a specific provision. Now, it is quite apparent——

Mr. FITZGERALD. Will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from New York?

Mr. MANN. I do.

Mr. FITZGERALD. Does not the statute provide that no testimony given by a witness before a committee of either House of Congress shall be used against him in a criminal prosecution, except a prosecution for perjury?

Mr. MANN. If the gentleman will permit me to make my statement, I will get at that.

Mr. FITZGERALD. I do not wish to be ungracious, but I wish to inquire for information.

Mr. MANN. I notice that the moment a gentleman on the floor endeavors to give information somebody commences to ask questions for the purpose of eliciting the information which would probably be given. The gentleman from New York is correct. The statute now provides for immunity to witnesses testifying before a committee of Congress, to the extent that no testimony given by the witness can be used against him except in prosecutions for perjury. That same provision was in the statute as the testimony given in court, and under that provision the Supreme Court of the United States held that you could not compel a witness to testify, because that immunity provision was not broad enough to cover the case; that no one could be compelled to testify unless he received immunity absolutely from any charge or prosecution for the offense that might be under investigation.

Now, this investigation either will develop that under the present statute you can not compel these people to testify before the committee, or if they are brought before the committee at all and do testify they are given immunity. I think myself we ought to have remedied the statute before starting to make the investigation, so that the statute as to witnesses before a committee shall be the same as the statutes that now exist as to witnesses before a court, where complete immunity is given, if given at all, and hence testimony can be forced out of witnesses; but no immunity is given unless the witness is actually subpœnaed into court by the prosecution. Under this provision anyone who comes in and testifies will probably be declared immune from prosecution. To that extent it may render much more difficult to prosecute these sugar-refining officials who so far, some of them, have been prosecuted, others ought to be. I do not undertake to say, but undoubtedly there has been developed a large amount of fraud there which ought to be severely punished.

Mr. HENRY of Texas. Mr. Speaker, I yield five minutes to the gentleman from Georgia [Mr. HARDWICK].

Mr. HARDWICK. Mr. Speaker, the criticism suggested by the gentleman from Illinois applies, of course, to every proposed investigation by Congress with equal force that it does to this one. In other words, there is nothing in this resolution that particularly invites that criticism. Now, answering specifically the criticism of the gentleman, I wish to say this: The committee which reported this legislation has, I think, considered to some extent—and I know I have considered to some extent—the very point made by the gentleman. The law, as I understand it, is that if these witnesses—the men engaged in these enterprises which may be in violation of the Sherman antitrust law—testify before this committee their testimony can not be used against them.

The law stops there—the statute goes no further. Of course, another and much more difficult question may be raised if any one of those gentlemen, when they are brought before the committee, contend that to give evidence might tend to incriminate them. In other words, if they claim the constitutional exemption from testifying in this matter, undoubtedly if they make a case that comes within the rule they will have to be excused from testifying; but no law that Congress can pass and no resolution this House can adopt can change that rule, as the gentleman very well knows——

Mr. MANN. Oh, the gentleman will not claim we can not pass a law requiring people to testify.

Mr. HARDWICK. Providing we give them complete immunity. Now, the gentleman thinks that ought to be done. On the contrary, I take exactly the opposite position. I do not think we ought to give them immunity, nor do I think we ought to require anybody to testify to facts that incriminate him. Certainly, the proposition in the statutes to which the gentleman refers is this, that in any event the testimony given by such witness before such committee shall not be used against

him in any proceeding subsequent thereto. Now, Mr. Speaker and gentlemen of the House, there are some reasons of broad and general policy why this resolution should be adopted. In the first place, in the case for "protection," as stated to the American people, one of the fundamental propositions urged in its defense is that behind the protective-tariff wall domestic production would be stimulated and domestic competition would be increased. After more than 100 years of experiment with this system, to which a great political party stands committed finally and irretrievably, what do the American people find? They find that in almost every line of industry, in almost every phase of human activity, trusts and combinations are throttling domestic competition, are stifling real competition among the producers and sellers of almost every article, and have fastened their grips upon the throats of the American people. We say that the two most conspicuous examples of that system, that has been so largely instrumental in raising the cost of living to the American people, are the Sugar Trust and the Steel Trust. We say that these two great trusts ought to be investigated, so that their operations may be made plain to the American people, so that the American people may understand from whence comes this enormous increase in the cost of living. [Applause on the Democratic side.]

Take the case involved in this resolution. I think any intelligent committee that investigates this subject is bound to discover what is practically admitted by these people themselves, that this American Sugar Refining Co. and its associated and affiliated corporation, directly controls more than 50 per cent——

The SPEAKER. The time of the gentleman has expired.

Mr. HENRY of Texas. Mr. Speaker, I yield five minutes more time to the gentleman.

Mr. HARDWICK (continuing). Directly controls more than 50 per cent of the total output of refined sugar in the United States of America, and indirectly controls a portion of that output variously estimated at from 70 to 90 per cent. What has happened? The price of sugar in New York is immensely higher than it is in Hamburg or in Liverpool. The American people are paying to the Sugar Trust each year many million dollars as a pure bonus that comes from the joint operation of your tariff on refined sugar and from the organization of this great combination.

Every man in this Republic, when he sits down to his breakfast table and puts sugar in his coffee or sugar in his tea or sugar on his fruit, is paying a tribute to this system that your protective-tariff system has built up and fostered to such an extent that it oppresses every American consumer. [Applause on the Democratic side.] On this side of the Chamber we say that if the prescription given in 1890 by the famous Republican statesman at the other end of this Capitol, the late Senator John Sherman, of Ohio, is efficacious, we want to use it. We say if this thing can be stopped, if this tendency to combine, to monopolize, to forestall the markets, and to engross trade can be stopped by the operation of criminal statutes, we want to know, first, why they have not been enforced, and, second, we want to see if they can not be enforced in the future, for the benefit and protection of the American people. We believe that the adoption of this resolution and the appointment of a good, strong investigating committee under its provisions will give to the various statements that are already circulated about this American Sugar Refining Co. and its allies, official stamp, and will enable the people of America, of every section and of every party, to understand how they have been oppressed in this matter, and how the protective-tariff system, with its resulting trusts and combinations, has oppressed them all.

Mr. PAYNE. I would like to ask the gentleman a question, Mr. Speaker.

The SPEAKER. Does the gentleman from Georgia yield to the gentleman from New York?

Mr. HARDWICK. Certainly.

Mr. PAYNE. Is the resolution broad enough to enable the committee to inquire as to the retail price of sugar in the United States and the retail price of sugar, for instance, in Great Britain?

Mr. HARDWICK. Yes, sir.

Mr. PAYNE. I am glad of that, because, if the gentleman will allow me——

Mr. HARDWICK. Certainly.

Mr. PAYNE (continuing). The sugar going into Great Britain, of course, goes in free of duty.

Mr. HARDWICK. No; they raise about $50,000,000, I believe, on sugar. Great Britain raises a large amount on sugar, does it not?

Mr. PAYNE. No.

Mr. HARDWICK. I will take issue with the gentleman on that.

Mr. PAYNE. It is a new duty, then.

Mr. HARDWICK. It is not very old. Now they get about $50,000,000 from sugar.

Mr. PAYNE. Two years ago it was going in free. The consular reports showed that the price in Great Britain was the same as here, and I hope the resolution is broad enough so that inquiry can be made and it can be definitely ascertained.

Mr. HARDWICK. It will cover that. And, with all due respect to the gentleman, it will demolish that contention forever, so that no Republican Representative will ever advance it on this floor.

Mr. PAYNE. The sugar duty is a revenue duty.

Mr. HARDWICK. But the differential is a trust protection.

Mr. PAYNE. It was put in as a revenue duty, with the differential protection.

Mr. HARDWICK. And the differential is a trust protection, as the gentleman well knows.

Mr. KENDALL rose.

The SPEAKER. Does the gentleman from Georgia yield to the gentleman from Iowa?

Mr. HARDWICK. Certainly.

Mr. KENDALL. I understood the gentleman to attribute the abuses which are being practiced by the Sugar Trust to the tariff on sugar?

Mr. HARDWICK. I attribute the Sugar Trust itself to the tariff also.

Mr. KENDALL. I perhaps misunderstood the gentleman the other day when I inferred from his remarks that he was in favor of a tariff on sugar.

Mr. HARDWICK. Not necessarily. I do not favor the differential, I will say to the gentleman. Of course we are obliged to raise a large amount of money on sugar in some form or other. As I understand the situation, however, there is a differential on sugar 96 per cent refined according to the Dutch standard.

Mr. KENDALL. The impression I got when the gentleman was making his tariff argument the other day was——

The SPEAKER. Does the gentleman from Georgia yield to the gentleman from Iowa?

Mr. HARDWICK. Yes.

Mr. KENDALL. Mr. Speaker——

Mr. HENRY of Texas. Mr. Speaker, I will give the gentleman from Georgia some time if he desires to yield for a question to the gentleman from Iowa. I yield one minute to the gentleman from Georgia.

Mr. KENDALL. The gentleman from Georgia [Mr. HARDWICK] was referring to the customs duties in England on coffee and on tea, and I inquired if he was in favor of adopting similar duties in the United States, and he answered affirmatively.

Mr. HARDWICK. The gentleman understood me correctly, but the gentleman did not understand me to say—because I have never entertained such an attitude—that I think the differential carried in the present law ought to be maintained.

Mr. KENDALL. I was profoundly surprised yesterday, I will say to the gentleman, when sugar was not included in the free-list bill. [Applause and laughter on the Republican side.]

Mr. HARDWICK. If the gentleman understood anything, he understood me to say that I was not in favor of the differential that is carried in the law. That is where the vice of the sugar duty comes in.

Mr. KENDALL. I do not think that will appear in the gentleman's speech when it is printed.

Mr. HENRY of Texas. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. CANNON].

The SPEAKER. The gentleman from Illinois is recognized for five minutes.

Mr. CANNON. Mr. Speaker, I have no objection to a real investigation of the duty on sugar and as to what effect it has on the price, if it has any effect at all, outside of adding the duty thereto. Importing, as we do, the great bulk of sugar that we consume, I have no objection to an investigation touching frauds upon the revenues. In fact, I am under the impression that there have been prosecutions and convictions, where men——

Mr. HARDWICK. Will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Georgia?

Mr. HARDWICK. Will the gentleman permit me to ask him a question?

Mr. CANNON. Certainly.

Mr. HARDWICK. Does not the gentleman understand that the alleged customs frauds of the importers of sugar are already being investigated by one of the standing committees of this House—the committee in charge of expenditures in the Treasury Department? I wanted to direct the gentleman's attention to that.

Mr. CANNON. I did not so understand. Perhaps if that is the case there might be a question of propriety, instead of raising a new committee, of clothing that committee with jurisdiction. However, I do not recollect the personnel of that committee. I do not know how much power it has under the special resolution. I am not informed touching that matter.

I do not rise for the purpose in any way of giving my voice against any investigation touching any real or alleged abuses growing out of the operation of legislation now upon the statute books, or in spite of the legislation upon the statute books. Of course the courts are open, with practically unlimited appropriations for the enforcement of the law that we have, where, with complete process, with the law officers under the direction of the Department of Justice, there can be indictments, perchance, civil prosecutions, full hearing, and so forth.

But there is an impression that, notwithstanding the law, it is being violated, and if additional law is needed and additional information is needed to amend existing law or that will lead to more liberal appropriations, or in the event there is not efficient enforcement of the law, that might perchance lead to censure or impeachment of officials whose business it is to enforce the law, an investigation might cover all these points.

But I want to say here and now, taking the remarks of the gentleman from Georgia [Mr. HARDWICK], that he wants an investigation to prove that an economic policy is wrong. He wants to play politics. I want this investigation, if it be held, as it evidently will be, to find out what wrongs are being committed that are not prohibited by law. [Applause on the Republican side.]

I am told—and I do not know whether this resolution is broad enough to cover such inquiries or not—that bounties are paid upon exportations of sugar, perhaps from Russia, probably from Germany, possibly from other portions of the world—on sugar that is exported to the United States. I am told——

The SPEAKER. The time of the gentleman has expired.

Mr. CANNON. I should like just a little more time.

Mr. HENRY of Texas. How much more time?

Mr. CANNON. I think not over five minutes.

Mr. HENRY of Texas. I yield five minutes additional to the gentleman from Illinois.

The SPEAKER. The gentleman from Illinois is recognized for five minutes additional.

Mr. CANNON. I am told that, for instance, in Germany, while they are large exporters and producers of sugar under bounties paid upon exports, the retail price to the consumer there is higher than the retail price to the consumer here. I do not vouch for the truth of that statement. Whether this resolution is broad enough to cover a full investigation touching sugar I do not know. If it is not, then in my judgment it ought to be amended, because this investigation is of no use whatever unless it be an investigation conducted fairly, without prejudice, for the sole purpose of ascertaining the facts, and finding whether there be abuses that require additional legislation. If the gentleman voices the intention of that side of the House touching this investigation, I am inclined to think it is to be made to show that a certain economic policy is not a wise policy; that it is to be a whoop la, for use upon the stump, to confuse the minds of people rather than to give them the facts. It will involve a large expenditure of money, and the giving out of this, that, and the other for headlines in the newspapers; an investigation for real or supposed political advantage in coming campaigns. I do not object to any political advantage that anybody can gain from an actual development of facts; but when we receive notice beforehand, on the part of the gentleman who introduces the resolution, that he wants to show that the economic policy under which this country has grown so great, in spite of now and then a dishonest man or men to be found among 92,000,000, is an unwise policy, why, that is not the proper spirit in which to commence the investigation.

I do not propose to vote against the resolution, but I merely desire to voice my protest against the spirit that is manifested by the gentleman from Georgia [Mr. HARDWICK], because he evidently dwells in developing something, if it can be developed, for the purpose of use on the hustings and not for the purpose of use in the enforcement of the law or in amending the law if it ought to be amended. That is the function of Congress, to amend the law where it needs amendment.

Mr. HOBSON. Will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Alabama?

Mr. CANNON. Undoubtedly, with pleasure.

Mr. HOBSON. Would the gentleman make any suggestions of proposed amendments that would enable this investigation the better to arrive at the real purposes for which such an investigation should be made?

Mr. CANNON. Performing my duties to the best of my ability as a Member of Congress, I have for the first time this morning read this resolution. I believe it is reported back without amendment.

Mr. MANN. It was only introduced yesterday.

Mr. HARDWICK. If the gentleman will pardon me, it was introduced——

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Georgia?

Mr. CANNON. With pleasure.

Mr. HARDWICK. It was introduced in a different form some days ago. The resolution in its present form represents the work of the Committee on Rules and is unanimously reported by that committee.

Mr. CANNON. And this is a copy of it?

Mr. HARDWICK. Yes.

Mr. CANNON. Reported without amendment?

Mr. HARDWICK. Yes.

Mr. CANNON. Now, I am not an expert touching these matters. I would be glad to know from the gentleman, if I may be allowed to ask him, whether or not——

The SPEAKER. The time of the gentleman from Illinois has again expired.

Mr. HOBSON. Will the gentleman extend the time, so that the gentleman from Illinois may answer my question?

Mr. HENRY of Texas. I should be glad to, but I have no further time.

Mr. CANNON. I will ask unanimous consent for just a few minutes more.

Mr. HENRY of Texas. I will yield to the gentleman two minutes more.

Mr. CANNON. I will do the best I can in two minutes. I am here in no factious spirit——

Mr. HENRY of Texas. I yield to the gentleman three minutes more.

The SPEAKER. The gentleman from Illinois is recognized for three minutes more.

Mr. CANNON. Is the resolution broad enough to make full inquiry touching the conditions under which sugar is produced the world over, as to whether bounties are paid? Can the committee go beyond the production in the United States? Can it show what the competition is from abroad? Is the resolution broad enough to cover the whole ground?

Mr. HARDWICK. I think so, with the possible exception of the suggestion made by the gentleman from Illinois. I do not know that has affected the price, but the committee could consider that question also.

Mr. CANNON. I hope there is not any doubt about it, but I think the resolution will have to be broadened.

Mr. HARDWICK. I think it is broad enough, if the gentleman pleases.

Mr. HOBSON. I desire simply to ask this information of the gentleman, because I do not think he ought to impugn to our side any motive of playing politics in a serious investigation of crime and fraud against the Government, and if he has strictures to make on the resolution it is only right that he should specify the changes that would make it more perfect.

Mr. CANNON. I say again, for the first time I have read this resolution in the last 15 minutes. I have other duties to perform, and I must depend upon the various committees. I do not charge that side of the House with seeking to create headlines, whether they abound in fact or not, and should not have opened my mouth about this matter had not it been for the very interesting remarks of my colleague and very good friend from Georgia, who seemed to start out, and I take it he is to be the chairman of this committee, voicing in the beginning that we are going to raise the devil with an economic system under which the Republic has made its great progress for 50 years. [Laughter and applause.]

Mr. HENRY of Texas. Mr. Speaker, I yield five minutes to the gentleman from North Carolina [Mr. POU].

Mr. POU. Mr. Speaker, the fears expressed by our distinguished friend from Illinois we believe to be entirely unfounded. This resolution, as has been stated, is unanimously reported by the Committee on Rules. Twenty-one years ago this antitrust law was enacted. Twenty years ago this corporation came into life. Since its formation it has grown and spread out in its operations, absorbing competitors, and there is a common belief existing among the people of the United States that it is every day violating the law. Now, the purpose of this inquiry is to ascertain whether or not that is true. There is no purpose to play politics. There is no desire to get flaming headlines in the newspapers, as suggested by the distinguished gentleman from Illinois, but the people of the United States are entitled to know why it is that this trust, if it be true that it is

violating the law, is still doing business at the same old stand after an existence of 20 years. [Applause on the Democratic side.]

Now, Mr. Speaker, the resolution will have served its purpose if the investigation shall disclose, first, whether the American Sugar Refining Co. does exist in violation of law, and if so, why that company has not been prosecuted, convicted, and punished. That is the purpose of the resolution, it has no politics in it, and it comes in here with a unanimous report from the Committee on Rules.

Mr. MADDEN. Will the gentleman yield for a question?

The SPEAKER. Does the gentleman from North Carolina yield to the gentleman from Illinois?

Mr. POU. I do.

Mr. MADDEN. The resolution does not provide, does it, for the committee to ascertain the cost of the production of sugar, the price at which it is sold to the jobber or the retailer or the consumer? It only goes to the question of ascertaining whether or not the Sugar Trust is violating the antitrust law. Is that not all this resolution provides?

Mr. POU. Oh, it does more than that. The gentleman can read for himself. There are quite a number of specifications. Now, there is a common belief that the Sugar Trust not only puts up the price of sugar to the consumer, but also puts down the price of sugar cane to the producer of cane; that it strikes at the producer of the products from which sugar is manufactured and also strikes at the cane grower.

Mr. MADDEN. Does the gentleman think the resolution is sufficiently broad to enable the committee to ascertain the facts which the gentleman thinks ought to come out from the statement made by him?

Mr. POU. Why, I most certainly do. If the gentleman will read the second paragraph, line 16, page 2, he will see that the committee is authorized to ascertain whether or not there has been an increase in price of refined sugar to the consumer or decrease in the price of sugar cane or sugar beets to the producer thereof, by reason of the formation of this company, its absorption of other companies engaged in the same business, and its relations with other companies which have not been actually taken over. There is no more important question before the people of the Nation to-day. It rises above politics—above both parties and all parties. No man can predict what the investigation will disclose, but there seems to be no division of opinion that it ought to be made.

Mr. MADDEN. As I read it, I conclude that it only refers to the question of a combination as between the so-called sugar refining company and the other companies that produce sugar, and whether a violation of the law by such combination increases the price. It does not authorize this committee to ascertain the cost of producing the sugar; it does not authorize the committee to ascertain what profits the sugar refining company makes, or anything of that sort, and that is what the people ought to know. That is what we are looking for.

Mr. KENDALL rose.

The SPEAKER. Does the gentleman from Texas [Mr. HENRY] yield to the gentleman from Iowa [Mr. KENDALL]?

Mr. HENRY of Texas. I yield five minutes to the gentleman from Kansas [Mr. MADISON].

Mr. KENDALL. Will the gentleman from Texas yield to me before he yields to the gentleman from Kansas?

Mr. MADISON. What is the question?

Mr. KENDALL. I want to inquire——

The SPEAKER. Does the gentleman from Kansas [Mr. MADISON] yield to the gentleman from Iowa [Mr. KENDALL]?

Mr. MADISON. I do.

Mr. KENDALL. I submit an inquiry because I am entirely in sympathy with the investigation that is about to be ordered by this resolution. I want to ascertain from somebody who has given the subject more attention than I have been able to do, whether this committee will be empowered under this resolution to ascertain all the facts with reference to sugar production in this country and elsewhere; how much of it is under the control of the American Sugar Refining Co. and how much under the control of independent producers; and what proportion of the stock of independent companies is owned or controlled by the American Sugar Refining Co. All those facts, I think, ought to be developed for the benefit of the public.

Mr. MADISON. I will answer the gentleman as best I can, and I will answer him in the affirmative. I am satisfied the committee will have the authority to inquire as to the matters referred to by the gentleman, so far as this country is concerned.

But I want to say that I do not for one minute admit that the matters to which the gentleman from Illinois [Mr. CANNON] referred are covered by this resolution. As a member of the Committee on Rules who voted to report this resolution, I do not understand that it goes to the extent of authorizing the determining of the question of the wisdom or unwisdom of the maintenance of the present tariff duties on sugar; and I do not understand that that question is involved. So far as the economic policy is concerned as to maintaining a protective duty upon sugar, it is not included under this resolution, in my judgment. Now, then, the purpose of the resolution is stated in the first few lines. Let us read it together:

That a committee of nine Members is directed to make an investition—

For what purpose?

for the purpose of ascertaining whether or not there have been violations of the antitrust act.

That is the purpose of it. Now, if these other questions come in in any way, they come in in an incidental manner. But I think in determining whether or not there have been combinations in restraint of trade—and everybody understands that that is the gist of the antitrust act—that most of those questions which my friend from Iowa [Mr. KENDALL] referred to would, of necessity, be involved. But when you go into the broad field of the world's production of sugar, the cost of its production, the manner in which foreign countries deal with these questions, their export or import duties, and so forth, then I say that this resolution does not cover them.

Mr. HARDWICK. If the gentleman will yield just a moment——

The SPEAKER. Does the gentleman from Kansas [Mr. MADISON] yield to the gentleman from Georgia?

Mr. MADISON. Certainly.

Mr. HARDWICK. The second specification, on the second page of the resolution, provides that one of the things that shall be investigated is an increase in the price of refined sugar. The gentleman will doubtless remember when this resolution was first introduced the comparison of prices with the prices in foreign countries was also provided for and that the change made was made on the theory that that was still included in the language as to increase of price.

Mr. MADISON. I probably will not be on this committee and be called on to construe the resolution, but I should say that the increase referred to as the resolution now reads is the increase to the American consumer, and that the decrease is that to the American consumer, and that it is not a question as to what prices or the cost of production may be in England or what prices or the cost of production may be in Germany. And if this committee takes upon itself the task of investigating those questions and reporting them to the House, in my judgment it will be clearly without its jurisdiction.

Mr. MANN. Will the gentleman yield?

The SPEAKER. Will the gentleman from Kansas [Mr. MADISON] yield to the gentleman from Illinois?

Mr. MADISON. Certainly.

Mr. MANN. If you leave out some of the immaterial part and insert this:

The committee shall also inquire whether the organization and operations of all other persons or corporations engaged in manufacturing or refining sugar have had a tendency to cause restriction or destruction of competition or increase the price.

Does not that include an investigation of everybody in the world engaged in either manufacturing or refining sugar?

Mr. MADISON. Oh, the gentleman is too good a lawyer to ask me that question.

Mr. MANN. I am good enough a lawyer to ask it.

Mr. MADISON. When you come to interpret a statute or resolution, the interpretation that is reasonable must be given as opposed to that which leads to an absurdity and which is ridiculous. It is not to be presumed for a moment that we are authorizing the investigation of corporations in England and in Germany.

Mr. MANN. Yes; you are authorizing the investigation of the entire subject.

The SPEAKER. The time of the gentleman has expired.

Mr. HENRY of Texas. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

The SPEAKER. The gentleman from Wisconsin [Mr. LENROOT] is recognized for five minutes.

Mr. LENROOT. Mr. Speaker, taking up the discussion where my friend from Kansas leaves it, I am compelled to differ from him somewhat as to his construction of the second specification in this resolution, namely, the increase in the price of refined sugar, and so forth. I think this committee will be authorized and empowered in the investigation it shall make to inquire into the prices of sugar in other countries for the purpose only of determining whether this combination, if it exists, has tended to increase the price of sugar in this country.

Suppose, Mr. Speaker, that this committee should find, or that the condition should be revealed, that these combinations controlled all the sugar in this country. Then, how would it be possible for this committee to ascertain whether they had increased the price of sugar in this country without making comparisons with the prices of sugar in other countries? It seems very plain to me that the committee is authorized to inquire into the prices in foreign countries for the purpose of ascertaining whether this combination has increased the price of sugar in this country.

One word more, Mr. Speaker. I am sorry that the gentleman from Georgia [Mr. HARDWICK] in his opening statement gave, as one of the purposes of this investigation, the ascertainment as to whether or not the protective-tariff system should be sustained, so far as sugar is concerned. I want to say, and the gentleman will bear me out in my statement, that in all the discussions before the committee on this question that was never suggested or considered by any member of the committee.

There were three propositions before the committee. It was held that it was proper to secure this information; first, so that if there were violations of law found the information secured by the committee might be an aid to the administrative arm of this Government in prosecuting them; second, if there was refusal to prosecute, it was within the province of the Congress to ascertain these facts, in order to deal with the question; and, third, if facts were ascertained showing that there were violations of the law and the present law that now exists on the statute books is not sufficient to cover the case fully, we ought to have this information in order that Congress might intelligently legislate further upon the subject.

Mr. CANNON. Will the gentleman allow me?

Mr. LENROOT. Yes.

Mr. CANNON. The gentleman from Wisconsin has now in two minutes voiced what I tried to voice in reply to the remarks of the gentleman from Georgia [Mr. HARDWICK], and so tersely, that I wanted to indorse, although I could not incorporate in my remarks what the gentleman said. [Applause on the Republican side.]

Mr. HENRY of Texas. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. SAUNDERS].

The SPEAKER. The gentleman from Virginia [Mr. SAUNDERS] is recognized for five minutes.

Mr. SAUNDERS. Mr. Speaker, there are two provisions in the law relative to testimony before committees. One provides that no witness may decline to testify on the ground that the matter he will testify to will tend to disgrace him, or otherwise render him infamous, the other that the testimony of a witness shall not be used as evidence against him, except upon a prosecution for perjury committed in that testimony. That is as far as the present statutes go, so that the objection raised by the gentleman from Illinois is measurably well taken.

Mr. MANN. Does the gentleman refer to section 103 of the Revised Statutes in the statement which he made?

Mr. SAUNDERS. What does that section cover? I do not remember it by the number.

Mr. MANN. It provides that no witness who refuses to testify to a fact, and so forth——

Mr. SAUNDERS. I just referred to that.

Now, Mr. Speaker, we have conducted some very successful investigations under the laws as they are now found. We possess ample authority under existing laws to prosecute for a misdemeanor any witness who refuses to appear, and testify before a committee of this body. We possess ample authority to cause witnesses to appear before committees of this House, whether a full committee, or a subcommittee. It is true that we can not extend to witnesses, as the law stands, that complete immunity that we ought to be able to afford, in order to render our investigations completely effective, but these facts furnish no reason why the pending resolution should not be adopted by this body. During the progress of the work of the committee to be created it will be competent to introduce an amendment to the existing law, to provide that the witnesses hereafter examined shall have that immunity, which it is now insisted that we ought to give them. This may be hereafter done, but it is not necessary for the progress of this investigation to halt until the law can be amended. The progress of the investigation intended and the amendment of existing law can go hand in hand.

Mr. COOPER. Mr. Speaker——

The SPEAKER pro tempore (Mr. BURLESON). Does the gentleman from Virginia yield to the gentleman from Wisconsin?

Mr. SAUNDERS. I yield to the gentleman.

Mr. COOPER. I should like to get the gentleman's idea as to the propriety of leaving this resolution in its present form, so that the full committee or a subcommittee investigating this exceedingly important subject may, in its discretion, hold its meetings in secret. There is no provision in this rule, but there ought to be a provision in every rule of this kind requiring the meetings of the committee and of every subcommittee to be public. People want to know what is brought out at these investigations. Why was not such a provision for publicity incorporated in this resolution as was contained in the resolution providing for the Ballinger-Pinchot investigation?

Mr. SAUNDERS. I will say in response to the gentleman's query that it relates to a question of policy. So far as I am concerned, I would make it imperative, in every resolution of this character, that all of its hearings shall be conducted in public.

Mr. COOPER. Yes. In the Ballinger-Pinchot investigation, an exceedingly important proceeding, the House, with practical unanimity, adopted an amendment requiring not only the main committee but any subcommittee to hold its meetings in public.

Mr. SAUNDERS. I am not in charge of this resolution, and therefore can not say why the provision referred to in the gentleman's question, is not included in its contents.

Mr. HARDWICK. I will say to the gentleman from Wisconsin that it is the purpose of the committee to have its hearings in public; but certainly at the executive sessions of the committee the people who are being investigated should not be taken into the confidence of the committee in its deliberations.

Mr. COOPER. The gentleman knows how such a requirement for publicity has been construed in practice. The Ballinger-Pinchot committee, either the main committee or any subcommittee, were required to hold their meeting in public, but that requirement was construed to permit the committee or any subcommittee to hold merely its executive sessions in secret, but all the taking of testimony was in public.

Mr. HARDWICK. That ought to be public, and it will be, of course.

Mr. COOPER. But it ought not to be left to the discretion of any committee to make it secret.

Mr. MADDEN. Introduce an amendment.

Mr. COOPER. I will introduce an amendment at the proper time.

Mr. SAUNDERS. I will say further in response to the question of the gentleman from Wisconsin, that I am the author of a resolution of a character similar to this, and that resolution expressly provides that all sessions of the committee therein created, shall be public.

Now, Mr. Chairman, I have discussed the legal phases only of this question, in reply to the suggestion of the distinguished gentleman from Illinois [Mr. MANN]. What he says is true, but we can not go further, than the law allows. We can not give the committee, by a resolution of this House alone, any other power than it is now given by existing law. We will have to do one of two things. We will have to proceed with this investigation under the law as it now stands, and seek to amend the existing law so as to give that larger power of immunity which ought to be given, or else we will have to transform this resolution into a joint resolution, and thus give the committee the power to which the gentleman refers, and which properly should be given to all investigating committees. There is no necessary reason however why we should halt this investigation to do either one of these things, because we have conducted, as recently as within the last 12 months, a very successful inquiry under the power which the House enjoys under the law as it now stands.

Mr. HENRY of Texas. Mr. Chairman, the resolution seems to be broad enough to cover every phase intended to be reached by Congress, and I think is drawn with sufficient wisdom and efficiency to meet the emergencies confronting us. The Committee on Rules proceeded with deliberation and were exceedingly careful in drafting the resolution. I believe it is appropriate in phraseology and intent. And now, inasmuch as no one else seems to care to discuss the resolution, I call for the previous question.

Mr. COOPER. Will the gentleman permit an inquiry?

Mr. HENRY of Texas. Yes.

Mr. COOPER. Does the gentleman intend by that to preclude the possibility of amendments?

Mr. HENRY of Texas. Yes; I think it is sufficient as it stands. I call for the previous question.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and on a division (demanded by Mr. COOPER) there were—ayes 92, noes 28.

So the previous question was ordered.

The SPEAKER. The question now is on the adoption of the resolution.

The resolution was agreed to.

On motion of Mr. HENRY of Texas, a motion to reconsider the last vote was laid on the table.

ABOLISHING CERTAIN HOUSE OFFICES.

Mr. LLOYD. Mr. Speaker, I submit the following privileged resolution from the Committee on Accounts, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 128 (H. Rept. 25).

Resolved, That the following offices and employments in the service of the House of Representatives, the salaries of which as hereinafter set forth are provided in the act "making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1911, and for other purposes," approved June 17, 1910, and the act "making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes," approved March 4, 1911, be, and the same shall become and are hereby, declared to be vacant on and after May 15, 1911, and the said enumerated offices are hereby abolished as offices of the House of Representatives, namely:

Stenographers to committees: Assistant, $2,000; janitor, $720.

Janitor for rooms of official reporters of debates, $800.

Office of the Clerk: Assistant journal clerk, $2,200; index clerk, $2,500; assistant index clerk, $1,700; stenographer to journal clerk, $980; janitor for index room and police detention room, $840; janitor in journal clerk's room, $720; printing and bill clerk, $2,700; notification clerk, $2,300; distributing clerk, $2,250; document and bill clerk, $2,100; resolution and petition clerk, $2,000; printing and document clerk, $2,000; assistant enrolling clerk, $1,800; assistant printing and bill clerk, $1,800; document clerk, $1,900; superintendent Clerk's document room, $1,800; special employee in Clerk's document room, $1,580; assistant in document room, $980; telegraph operator, $1,400; assistant telegraph operator, authorized and named in resolution adopted January 15, 1902, $1,400; 1 messenger in disbursing office, $1,100; 1 clerk, $1,680; page, $900; assistant in charge of bathroom, $1,400; 1 laborer in the bathroom, $900; janitor, $840; janitor in House library, $800; janitor in file room, $800; assistant in Clerk's office, $1,600; assistant stationery clerk, $2,000.

Office of Sergeant at Arms: Clerk in charge of pairs, $1,800; assistant bookkeeper, $1,200.

Police force, House Office Building: Captain, $1,600; 1 lieutenant, $1,200; 5 privates, $1,050 each.

Office of Doorkeeper: Clerk to Doorkeeper, $1,200; Assistant Doorkeeper, $2,500; 2 attendants in the old library space, $1,500 each; chief clerk, $2,000; 1 clerk, $1,600; assistant foreman, $1,200; second assistant foreman, $1,200; 2 night watchmen, $720 each; 9 messengers, $1,180 each; 6 laborers, $720 each; skilled laborer, $820; 1 laborer in the water-closet, $840.

Resolved, That there shall be paid out of the contingent fund of the House, until otherwise provided for by law, compensation at the rates hereinafter set forth for the purposes indicated, namely:

For services in the office of the Clerk: One chief bill clerk, at $3,000 per annum; 4 assistants, at $1,500 per annum each; and 1 stenographer, at $1,000 per annum, who shall be in lieu of and shall perform on and after May 15, 1911, under such regulations as the Clerk may prescribe, all of the duties heretofore performed by the clerks whose offices shall become vacant on and after said date.

Resolved, That all unbound documents and reports hereafter printed for the Clerk's office, under authority of section 54 of the printing and binding act, approved January 12, 1895, and testimony in contested-election cases, together with all documents and reports now in the Clerk's document room, shall be delivered to the superintendent of the House document room, who shall keep a separate file thereof and distribute the same only upon the written order of the Clerk; the Manual and Digest of the Rules and Practice of the House of Representatives, ordered printed and bound by House resolution adopted April 11, 1911, shall be folded and distributed from the folding room to Members, Delegates, and Resident Commissioners under the provisions of the printing and binding act approved January 12, 1895; and orders for binding documents, pursuant to section 99 of said printing and binding act, shall be filed in the House document room, and the duty of keeping an account thereof by the Clerk, as required by said section, shall be performed, in addition to his regular duties, by a clerk detailed from the Clerk's office without extra compensation.

Resolved, That the distribution of packing boxes for the shipment of frankable matter shall be made under such regulations as the Clerk may prescribe: *Provided*, That each Member, Delegate, and Resident Commissioner shall be entitled to the same number and kind of boxes as heretofore allowed.

Mr. LLOYD and Mr. BARTLETT rose.

Mr. MANN. Mr. Speaker, I reserve the point of order on that.

The SPEAKER. The gentleman from Illinois reserves the point of order.

Mr. MANN. Mr. Speaker, I would like to ask the gentleman a question in regard to that. As I understand from information, this resolution is to carry out the directions of the Democratic caucus?

Mr. LLOYD. Yes.

Mr. MANN. To dispense with certain offices in the House?

Mr. LLOYD. Yes.

Mr. MANN. Well, Mr. Speaker, while I think the resolution is clearly not privileged, so far as I am concerned I have no objection to considering it in the House at any time. I withdraw the point of order.

The SPEAKER. The point of order is withdrawn.

Mr. BARTLETT. Mr. Speaker, I reserve the point of order.

The SPEAKER. The gentleman from Georgia reserves the point of order.

Mr. BARTLETT. Mr. Speaker, I desire to reserve it with the distinct statement that I am not going to press it. I understand what this resolution is and shall not oppose it, but I do not think that this resolution ought to be permitted to occupy the position of a privileged resolution under the rules. The rules prescribe what are privileged resolutions from this committee. That portion of the resolution which provides for the payment of money out of the contingent fund is the only part of it that is privileged, and the nonprivileged portions destroy its privilege. The other parts of the resolution, providing for the abolition of certain offices, naming them, and those portions providing for the disposition of unbound documents and reports, and the printing and binding of contested-election cases and other documents, and the balance of the resolution, are not privileged. I am perfectly willing that the House should consider this resolution as the House may desire to do, but I do not think that this ought to be accepted as a precedent for admitting resolutions which are not privileged to take the character of privileged. The gentleman from Missouri offers it as a privileged resolution.

The Chair on another occasion ruled that because Members of Congress had remained silent in their seats and had not made points of order against resolutions that ought to be, and under the rules were required to be, considered in Committee of the Whole, a point of order would not lie; and in order that all of us may not be bound by remaining silent, I have reserved the point of order for the purpose of calling the attention of the Chair and the House to the character of this resolution, that is not in its nature a privileged resolution under the rules, that this may not hereafter be invoked as a precedent upon Members to bind them simply because they remained silent, and that the rule may not be abolished by Members simply remaining silent or acquiescing in what is an evident violation of the rules. I do not desire to make the point of order.

The SPEAKER. The gentleman does not make the point of order?

Mr. BARTLETT. No.

Mr. LLOYD. Mr. Speaker, the purpose of this resolution is to carry out the action of the Democratic caucus. At the Democratic caucus it was decided that certain offices about this Capitol are unnecessary and ought to be abolished. This resolution carries out, without change of any kind, the suggestions that were made by that caucus. I now yield 20 minutes to the gentleman from Arkansas [Mr. FLOYD].

Mr. FLOYD of Arkansas. Mr. Speaker, the purpose of this resolution is to carry out the objects and purposes of a resolution adopted by the Democratic caucus for the abolishment of certain offices that were deemed useless. Resolution 128 refers to offices that are exclusively within the control of the House. Another resolution has been reported by your committee, joint resolution No. 75, which deals with the Capitol police force. In the caucus resolution it was recommended that 34 privates of the Capitol police force be dismissed. The Capitol police force is provided for in the current appropriation bills, and it is provided therein that one-half of them shall be named by the Sergeant at Arms of the Senate and one-half of them named by the Sergeant at Arms of the House.

That being the case, not desiring to reduce the entire force of the Capitol police of the House, we introduced House joint resolution No. 75, which relates to the Capitol police force. The other offices recommended to be abolished by the Democratic caucus are included in House resolution No. 128, now under consideration. When this resolution was referred to your committee we went into a further investigation to ascertain whether or not we could abolish the offices designated without detriment to the service, and also as to the power of the House to deal with those offices independently of the action of the Senate. In the Constitution, Article I, section 2, paragraph 5, it is declared:

The House of Representatives shall choose their Speaker and other officers.

Article I, section 5, paragraph 2 of the Constitution declares:

Each House may determine the rules of its proceedings.

By an examination of the precedents, we find them uniform for about 30 years to the effect that the House, under its constitutional authority, has the right to create its offices, vacate, and abolish them, and that in the exercise of such power it may abolish offices created by an act of Congress——

Mr. MANN. Will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Arkansas yield to the gentleman from Illinois?

Mr. FLOYD of Arkansas. Certainly; for a question.

Mr. MANN. Agreeing with the gentleman as to our authority to abolish offices, I understood the gentleman to say we had the authority to create offices ourselves, regardless of appropriations. Is that the gentleman's belief, that either House of Congress can create offices ad libitum without the consent of the other body?

Mr. FLOYD of Arkansas. Only the offices within its peculiar and exclusive jurisdiction.

Mr. MANN. Well, I know——

Mr. FLOYD of Arkansas. That is, offices of the House.

Mr. MANN. Does the gentleman think the Senate of the United States has authority to add all the officers it may please without regard to the action of the House? It will be very valuable to the Senate if——

Mr. FLOYD of Arkansas. I take the position that, as a matter of constitutional authority this House has the right to create such offices as it deems proper independent of the Senate and to abolish them at will independent of the Senate or independent of any act or resolution of a former Congress creating them or independent of any law that may have been passed through the two Houses and signed by the President. That is, these offices within the House, not offices outside.

Mr. MANN. This House has no greater authority as to House offices than the Senate has as to Senate offices.

Mr. FLOYD of Arkansas. Certainly not; I agree with the gentleman as to that, but I take the position that the Senate has the same absolute power over its officers that we have in the House.

Mr. MANN. I am sorry to hear the gentleman give expression to that opinion, which I do not think is well founded, but if it were well founded—well, I am not going to say, because we have to deal with the Senate in a proper and parliamentary way——

Mr. FLOYD of Arkansas. I yielded for a question, and I do not want the gentleman to take up so much of my time.

Mr. MANN. We have all day before us.

Mr. FLOYD of Arkansas. My time is limited to 20 minutes.

Mr. MANN. We will get you some more.

Mr. LLOYD. Will the gentleman yield?

The SPEAKER. Does the gentleman from Arkansas yield to the gentleman from Missouri?

Mr. FLOYD of Arkansas. Certainly.

Mr. LLOYD. The gentleman has reference to the life of the present Congress, has he not——

Mr. FLOYD of Arkansas. Certainly.

Mr. LLOYD. When the gentleman says that we have the right to control offices and abolish any we desire?

Mr. FLOYD of Arkansas. The gentleman from Illinois will understand before I get through that my statement refers to the powers of the present Congress, and I am coming to that later. It is held repeatedly in the precedents, and they are uniform, that no preceding Congress has the right or power to bind a future Congress by resolution or by an act of Congress, and it therefore follows where authority is vested in either body by the Constitution as when it says each House, it means either House independent of the other body, independent of the action of the other body, and clearly gives each House absolute control over the creation of its officers, and it necessarily follows it has the same power to destroy that it has to create. The Constitution gives the House absolute power over the rules and proceedings of the body, and it gives the House power to modify those rules from time to time.

Mr. CANNON. Will the gentleman yield?

Mr. FLOYD of Arkansas. Certainly.

Mr. CANNON. I quite agree with the gentleman that under the Constitution the House may choose its help or its officers. But how are they to be paid? I take it that they are to be paid from the contingent fund, as this provides?

Mr. FLOYD of Arkansas. Certainly. The gentleman is correct as to that proposition.

Mr. CANNON. Is it not true that the House can not appropriate by itself for a contingent fund?

Mr. FLOYD of Arkansas. Certainly.

Mr. CANNON. So that, after all, fortunately, not so far as the House is concerned, but so far as another body is concerned, I am very glad that the House, as well as the Senate, must agree to the appropriation, and then that it shall be approved by the President. And then, if I do not worry the gentleman, just for a minute I want to make a little statement along that line.

Mr. FLOYD of Arkansas. My time is limited, but I will yield to the gentleman.

Mr. LLOYD. I will extend the time of the gentleman from Arkansas.

Mr. CANNON. Now, to illustrate: When I last inquired, the Senate, consisting of a body probably of 92 Members, had three or four times as much expense in running that body as the House had, and that was before this proposed action. And I want in that same line to call the attention of the gentleman to the fact that the Senate by a resolution under the law, as it existed, namely, that expenditures from the contingent fund should be paid on the certificate of the Secretary, created the Capitol Commission, which traveled all over Europe and spent $75,000 without any authority of law except that resolution. They exhausted the contingent fund and made a deficiency in the appropriation to carry on the business of the Senate, and when the appropriation to supply that deficiency came up this House would not assent to it until the Senate assented to an amendment to the law to the effect that the expenditures of both the House and the Senate should be audited by the Treasury Department. So that, if we exhaust this contingent fund, the employees that we create, as we have the power to do, must depend for their pay upon an appropriation in which the Senate and the President would participate.

Mr. FLOYD of Arkansas. Mr. Speaker, I quite agree with the distinguished gentleman from Illinois upon that proposition, but he fails to see or to understand the real purpose of this resolution. We only create officers under the resolution whose salaries in the aggregate amount to $10,000. We propose to abolish officers whose combined salaries amount to something like $180,000. I wish to call the gentleman's attention to the fact that the Senate has no control whatever over the question of abolishing these House officers. The money is already appropriated for them in the current appropriations, it is true; but if the places are abolished it will lapse into the Treasury, and the difficulty suggested by the gentleman from Illinois, to my mind, is one of small consideration in view of the general purposes of the resolution.

Mr. CANNON. If the gentleman will allow me, I am not opposing the resolution. I am quite content that the majority, in its wisdom, shall fill offices that are authorized by law; and yet, if the gentleman will allow me, I expect in the future life of the Sixty-second Congress, in large part, to see in resolutions reported by my genial friend, the chairman of the Committee on Accounts, necessary employees picked up galore.

Mr. FLOYD of Arkansas. Mr. Speaker, I desire now to go into the merits of the proposition.

We are acting in response to a caucus resolution. The Committee on Accounts investigated, or made a further investigation, of the question, and we came to the conclusion—the Democratic members of that committee—that we could abolish these offices and make the several changes proposed without detriment to the service. And I think the distinguished gentleman from Illinois [Mr. CANNON], unless in some way the present Committee on Accounts is changed, will not see these officers reinstated from time to time. In all frankness, it may be that it will be necessary for the Committee on Accounts to restore or recreate some of these offices or to establish or to create new offices in the future. I would not say to the contrary. The exigencies of the occasion might require it.

Mr. GARNER. Mr. Speaker, is it not also possible, but probable, that the Committee on Accounts will have occasion to discontinue other useless offices that have been carried on the rolls for the last few years?

Mr. FLOYD of Arkansas. I think so. I want to make my statement, and when I am through I will be very glad to further yield to gentlemen, if I have any time.

Mr. OLMSTED. Will the gentleman yield?

The SPEAKER. Will the gentleman from Arkansas yield to the gentleman from Pennsylvania?

Mr. FLOYD of Arkansas. For just a moment.

Mr. OLMSTED. I understood you to say that by this resolution you abolished offices to the amount of $180,000? I call the gentleman's attention to the fact that on page 4 of the RECORD——

Mr. FLOYD of Arkansas. I should have said that this resolution and joint resolution 75 abolishes offices to the amount of about $119,000.

Mr. OLMSTED (continuing). That the net saving under this resolution is stated to be $182,000

Mr. FLOYD of Arkansas. Approximately so, under the caucus resolution, but I hope the gentleman will not take up any more of my time on that proposition. I decline to yield further for the present.

The SPEAKER. The gentleman from Arkansas declines to yield.

Mr. FLOYD of Arkansas. I decline to yield further for the present, Mr. Speaker, because I want to explain this resolution.

Now, we made an investigation; we appointed subcommittees to confer with the Speaker, with the Sergeant at Arms, with the Clerk, and with the Doorkeeper in regard to these officers that are proposed to be abolished, and as to the great bulk of them we found no protest whatsoever against their abolition. Those officials agreed that they ought to be abolished. We were informed by some of the new officers of the House, elected since the opening of Congress, that they could not find or locate some of these employees, and yet they are on the rolls drawing their

pay. They could not locate them. They do not know where they are and never saw them.

Now, to give you an example of the necessity of this resolution, I want to take up just one illustration as a sample of how offices have been duplicated and multiplied unnecessarily, and that relates to the Journal clerk's office and the bill clerk's office and the various other clerks in that department. I just want to call your attention to them. Here they are: Journal clerk, $4,000; assistant Journal clerk, $2,200; index clerk, $2,500; assistant index clerk, $1,700; stenographer to the Journal clerk, $980; janitor for index room, $840; janitor to Journal clerk, $720; printing and bill clerk, $2,700; assistant printing and bill clerk, $1,800; notification clerk, $2,300; distributing clerk, $2,250; document and bill clerk, $2,100; resolution and petition clerk, $2,000; printing and document clerk, $2,000. It is difficult to see how they could get up so many variations on the word "clerk" in this department. There are 14 different officers in this division of the Clerk's office alone, aggregating in salaries $28,900.

Now, what do they do? They take care of the Journal and the bills. We propose to abolish them all except the Journal clerk, at $4,000, and create a chief bill clerk, at $3,000, and four assistants, at $6,000; one stenographer, at $1,000; making seven in all, whose aggregate salaries will be $14,000, instead of $28,900, thus saving more than one-half the amount now paid for this particular service.

Now, the Committee on Accounts was not able to bring in this action without protest and objection. It was insisted that an index clerk for the Journal was absolutely essential. It was insisted that we had to have the index clerk. Under the existing law there is an index clerk and an assistant index clerk. The index clerk receives $2,500 and the assistant index clerk receives $1,700. But we have got a law on the subject of indexing. In the printing and binding act, which was approved January 12, 1895, and has not been amended or repealed expressly, we have this provision—section 14:

> The Joint Committee on Printing shall designate to the Public Printer a competent person to prepare the semimonthly and session index to the CONGRESSIONAL RECORD, and shall fix and regulate the compensation to be paid by the Public Printer for said work and direct the form and manner of its publication and distribution.

That index is made at the office of the Public Printer. Now, the Journal must be kept by the Journal clerk. It must be printed, and the rules of the House require that it shall be properly indexed. But it is clearly apparent that if the men who index the CONGRESSIONAL RECORD index it properly and correctly the Journal clerk's work in indexing the Journal is very simple, because the index to the CONGRESSIONAL RECORD must contain everything that is provided for in the Journal kept by the Journal clerk. There must be a note made of every motion, bill, or resolution considered, proceeding had, or order made, and of all amendments thereto. If the index to the RECORD is properly kept—and I take it for granted that it is—the Journal clerk can very easily make a correct and accurate index of the Journal therefrom. Under the new arrangement of officers the men in the Journal clerk's office, the chief bill clerk, and his four assistants will be busy men during the sessions of Congress. They have an enormous amount of work to do when the House is in session. There can be no doubt of that. But at the close of the session, after the adjournment of Congress, they are not so crowded with work, and under the rearrangement of these offices the Journal clerk, with the aid of the bill clerk and his four assistants, can certainly, with the aid of the CONGRESSIONAL RECORD index, made at the office of *the Public* Printer, prepare without difficulty or undue delay an accurate and complete index to the Journal.

Mr. WATKINS. Does the gentleman understand that the work of this index clerk is indispensable to the getting out of the index which is carried with the temporary issues of the RECORD during the session of Congress?

Mr. FLOYD of Arkansas. I have just read the law, which makes it the duty of the Committee on Printing to designate to the Public Printer a competent person for that purpose, and to keep up that index. I am insisting that the law as it is written shall be enforced, and that we should not have the additional help of an index clerk at $2,500 a year, and an assistant index clerk at $1,700 a year, to do what the law enjoins upon the Public Printer to do.

The SPEAKER. The time of the gentleman has expired.

Mr. LLOYD. I yield 10 minutes more to the gentleman on account of the interruptions to which he has been subjected.

The SPEAKER. The gentleman from Arkansas is recognized for 10 minutes more.

Mr. MANN. Will the gentleman yield for a question?

Mr. FLOYD of Arkansas. I hope the gentleman will not interrupt me at this stage; but I will yield for one question. I have some other matters I want to discuss.

Mr. MANN. The gentleman is undertaking to explain his resolution. I think he ought to be willing to submit to interruptions.

Mr. FLOYD of Arkansas. I say I am willing.

Mr. MANN. I want to ask about the index clerk that the gentleman has just referred to. Does the gentleman think it is the duty of the Printing Office to make up the index of the RECORD which we receive?

Mr. FLOYD of Arkansas. That is what the law says. Section 14 of the printing act so provides. I understand that the index to the CONGRESSIONAL RECORD which we receive is made at the Printing Office.

Mr. MANN. Does the gentleman think there would be any economy effected by having the Printing Office do it, where it may not be properly done, instead of having it done under the control of the Journal clerk?

Mr. FLOYD of Arkansas. I do not think there would be any economy in duplicating the work, but this resolution proposes to cut out the index clerk and let the man designated to the Public Printer by the Committee on Printing do it, as prescribed by the printing act, which has not been repealed, and is now in force; and my information is, as already stated, that they now index the RECORD.

Mr. MANN. The gentleman is mistaken. They do not do it. The index of the RECORD is made down here in a room by two clerks, both of whom are busily engaged.

Mr. FLOYD of Arkansas. I have been down there. They use the RECORD index in preparing the index for the Journal.

Mr. GARNER. Does the gentleman speak from experience?

Mr. FLOYD of Arkansas. I decline to yield further at this time, because I want to discuss another matter.

Mr. MANN. The gentleman declines to give information.

Mr. FLOYD of Arkansas. The gentleman from Illinois may put it that way, if he desires, but I want to discuss some other matters. If I have the time, I will yield to the gentleman from Illinois later.

Mr. MANN. If the gentleman is not willing to answer questions when he is in charge of this matter, he will have to have a quorum present to proceed.

The SPEAKER. The gentleman from Illinois is not in order.

Mr. MANN. The gentleman in charge of a bill ought to be willing to give information concerning it.

Mr. FLOYD of Arkansas. I yield to the gentleman for a question for information.

Mr. MANN. The gentleman just stated that he would not yield and cut off the gentleman from Texas [Mr. GARNER]. I have no question to ask now, but I think we are entitled to that consideration from the gentleman.

Mr. FLOYD of Arkansas. If the gentleman has no question I will proceed.

Now, there is another matter which this resolution proposes to change, and that is in regard to the Clerk's document room. The printing act which I have referred to, section 60, approved January 12, 1895, in effect abolished the Clerk's document room and provided for the transfer of the documents kept in that room to the House document room, under the control and custody of the Doorkeeper.

There is a clause in the act providing that this provision shall not take effect until the first day of the next session of Congress, and when the first day of the next session of Congress arrived a special employee, by a simple resolution of the House, was appointed to take charge of these documents. A little later on there was appointed a document clerk, and a little later there was appointed a superintendent of documents in the Clerk's document room and then an assistant, and it has been running in that way without any legal status of existence since 1895. One of these employees received a salary of $1,900 per annum, another $1,800, another $1,585, and another $980.

This resolution intends to carry into effect the provisions of the printing act referred to, which, after an exhaustive examination and report, was passed by the Congress, and has never been carried into effect. Now, the Clerk's document room, as at present administered, deals with only three propositions, and I will mention those of least importance first. Through it are distributed the congressional boxes, three in number, delivered to each Member of Congress, for frankable matter. The Clerk has a manual of the rules of the House printed, and this has been distributed through the Clerk's document room. This resolution provides that hereafter the manual of the rules, when printed, shall be delivered to the folding room, to the credit of the individual Member, and be allotted to the Members as other public documents, which, I think, is a much better system than the one in use at present. The only other func-

tion of the Clerk's document room is that of looking after orders and requisitions for binding documents for Members. We provide in this resolution that the custody of such documents shall go into the hands of the Doorkeeper, and be kept in the House document room, and that the Doorkeeper shall keep a separate file of all documents delivered to the Clerk under the different provisions of the law, and that they shall be distributed only upon the requisition of the Clerk himself, and that the Clerk shall detail from his force some one to keep a record of the requisitions and orders of Members of Congress for the binding of public documents.

We did not abolish the Clerk's document room because it has been abolished for all these years. We simply provide a means whereby the purpose of the Congress when it adopted the provision referred to in the printing act, which has not in any way been repealed, may be carried into effect. We do not see the necessity for having two document rooms, one under the Clerk and the other under the Doorkeeper, so we transfer these documents to the custody of one man, the Doorkeeper, who has charge of the House document room, and provide that the Clerk, without extra pay, shall designate some member of his force to take care of orders for binding documents and keep a record thereof.

Now, Mr. Speaker, I wish to explain the statement to which my attention was called by the gentleman from Pennsylvania a few moments ago. I want to state briefly what is proposed in this caucus resolution, and I will ask to publish the caucus resolution as an appendix to my remarks. This resolution follows literally all the recommendations of the caucus resolution. In the first place by its provisions we abolish under the Speaker 3 places, under the Clerk 32, under the Sergeant at Arms, including the House Office police, 9, under the Doorkeeper 27. That makes 71 that this resolution proposes to abolish. Now, the joint resolution 75 provides for the abolishment of 35 of the Capitol police force, and that would make 106 all told, if both of these resolutions should pass, that would be abolished.

Under the caucus resolution it is provided that hereafter the extra month's pay shall not be paid to the officers and employees of the House. We are not criticizing anybody for that practice. We know it was popular with the officers, but we do not think it is right or proper nor a fair way to do. If their salaries ought to be increased, we believe that the Congress of the United States ought to assume the responsibility for raising them, and let it go to the country as their true salaries. So we have declared as a party against the policy of this extra month's pay, and it is not necessary for the Committee on Accounts to take any further step in that direction, except to observe our determination to refuse it when the time comes. The Democratic House proposes to decline to vote away the people's money as a gratuity to Government officials.

When we adopted the rules we abolished a number of committees of the House that we deemed useless and unnecessary. The saving, accurately figured, on this item is somewhat less than was reported in the caucus resolution. It is estimated in the caucus resolution at $10,000, but the actual saving by reason of the abolishment of six committees in the committee report accompanying this resolution is $5,709.

Resolution 128, now under consideration, provides for the abolishment of offices, to take effect on the 15th of May, whose aggregate salaries as carried to-day on the pay roll are $92,010. Deduct from this amount the salaries of new offices created in this resolution, $10,000, and it leaves a net saving under this resolution of $82,010. Add to this the salaries of the Capitol police force proposed to be dispensed with by House joint resolution 75, which would be $36,900. Average amount saved per session by abolishing six committees, $5,709, and an amount equal to one month's extra pay to officers and employees of the House, the practice of granting which is to be discontinued (estimated), $65,000 (the amount for second session Sixty-first Congress was $65,303.78), less one-twelfth of salaries discontinued, $10,742.50, which would leave a net saving for discontinuing that practice of $54,257.50, or a grand total, when all these recommendations are carried into effect, of $179,294.50.

The SPEAKER. The time of the gentleman has again expired.

Mr. FLOYD of Arkansas. Mr. Speaker, I desire to ask unanimous consent to revise and extend my remarks in the RECORD and print in connection with them the report and also the resolution adopted by the Democratic caucus.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, which of course I do not intend to do, the gentleman stated he intends to publish the caucus resolution as a part of his remarks.

Mr. FLOYD of Arkansas. As an addendum to my remarks.

Mr. MANN. Does he intend to put in the entire resolution?

Mr. FLOYD of Arkansas. Yes; the entire resolution.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The report is as follows:

[H. Rept. No. 25, 62d Cong., 1st sess.]

CERTAIN OFFICES IN THE SERVICE OF THE HOUSE OF REPRESENTATIVES TO BE DECLARED VACANT AND ABOLISHED.

The Committee on Accounts, to whom was referred House resolution 128, declaring vacant certain offices in the service of the House of Representatives, and for other purposes, have considered the same and recommend its adoption with the following amendments:

Page 2, line 2, strike out "first" and insert "fifteenth."

Page 2, line 2, after the word "eleven," insert "and the said enumerated offices are hereby abolished as offices of the House of Representatives."

Page 4, line 17, strike out "first" and insert "fifteenth."

This resolution is in conformity with and carries out the mandate of the Democratic Party expressed at a caucus of a majority of the Representatives elected to the Sixty-second Congress, held on April 1, 1911, in so far as a simple resolution of the House can do so. It is also the purpose of the Committee on Accounts, pursuant to the Democratic caucus action on said date, to recommend the passage of a joint resolution reducing the Capitol police force, the concurrence of the Senate being necessary to effect this reform, inasmuch as members of the Capitol police force are appointed under the law one-half by the Sergeant at Arms of the Senate and one-half by the Sergeant at Arms of the House.

These several propositions, if adopted, will effect economy and retrenchment in the service of the House of Representatives by the abolition, practically, of offices deemed useless, thereby saving $128,910 per year. And having thus set its own house in order, a majority of the people's Representatives charged with the conduct of the business of the House of Representatives as now organized can and will with good grace, in good faith, and consistently proceed earnestly and vigorously to prosecute investigations of every branch of the Government service, under authority of a resolution already adopted by the House, with a view to the abolition of useless offices, and to effect reforms and greater economy in the expenditure of vast sums of the people's money. The comparatively small saving effected in the House itself is an index of what may be accomplished in the wider field of governmental activities, and an earnest of the purpose of the dominant party in the House to fulfill its promise of economy, consistent with good service, made to the people last year.

Returning to a discussion of the Democratic caucus action, the Committee on Accounts calls attention to the fact that already that part of the caucus mandate for the abolition of six useless committees of the House has been carried out in the new rules by the omission of the following committees, namely: Pacific Railroads, Manufactures, Militia, Private Land Claims, Levees and Improvements of the Mississippi River, Ventilation and Acoustics.

Each of these committees in the last Congress, excepting Ventilation and Acoustics, had a session clerk at $6 per day, and the Committees on Pacific Railroads, Manufactures, and Levees and Improvements of the Mississippi River had the services in part of messenger-janitors at $60 per month; and each committee had a room which has been assigned in this Congress for the use of working committees. The saving thus effected is not alone in actual money, but in much-needed space as well. Taking the figures of the long and short sessions of the Sixty-first Congress and adding them together to get the average expenditure per year for clerical and messenger-janitor service for the committees named, exclusive of Ventilation and Acoustics, it appears that the saving is $11,418, divided thus: Five clerks, at $6 per day, long session, 6 months 27 days, $6,180; short session, 3 months 25 days, $3,510; 3 messenger-janitors, long session, $1,194; short session, $534; total, $11,418.

This resolution makes vacant on and after May 15, 1911, and abolishes offices and employments in the service of the House of Representatives the titles and salaries of which are as follows:

Under the Speaker.		
Assistant stenographer to committees	$2,000	
Janitor to committee stenographers	720	
Janitor for rooms of official reporters of debates	800	
		$3,520
Office of the Clerk.		
Assistant Journal clerk	2,200	
Index clerk	2,500	
Assistant index clerk	1,700	
Stenographer to Journal clerk	980	
Janitor for index room and police detention room	840	
Janitor to Journal clerk's room	720	
Printing and bill clerk	2,700	
Notification clerk	2,300	
Distributing clerk	2,250	
Document and bill clerk	2,100	
Resolution and petition clerk	2,000	
Printing and document clerk	2,000	
Assistant enrolling clerk	1,800	
Assistant printing and bill clerk	1,800	
Document clerk	1,900	
Superintendent, Clerk's document room	1,800	
Special employee in Clerk's document room	1,580	
Assistant in document room	980	
Telegraph operator	1,400	
Assistant telegraph operator	1,400	
One messenger in disbursing office	1,100	
One clerk	1,680	
Page	900	
Assistant in charge of bathroom	1,400	
One laborer in bathroom	900	
Janitor	840	
Janitor in House library	$800	
Janitor in file room	800	
Assistant in Clerk's office	1,600	
Assistant stationery clerk	2,000	
		46,970

Sergeant at Arms' office.

Clerk in charge of pairs	$1,800	
Assistant bookkeeper	1,200	
Police force, House Office Building:		
Captain	1,600	
One lieutenant	1,200	
Five privates ($1,050 each)	5,250	
		$11,050

Office of the Doorkeeper.

Clerk to Doorkeeper	1,200	
Assistant Doorkeeper	2,500	
Two attendants in old library space ($1,500 each)	3,000	
Chief clerk	2,000	
One clerk	1,600	
Assistant foreman	1,200	
Second assistant foreman	1,200	
Two night watchmen ($720 each)	1,440	
Nine messengers ($1,180 each)	10,620	
Six laborers ($720 each)	4,320	
Skilled laborer	820	
One laborer in water-closet	840	
		30,740

The resolution also provides for the services of five clerks and one stenographer in the office of the Clerk in lieu of the clerks and stenographer to be dispensed with, their compensation to be paid out of the contingent fund of the House until otherwise provided for by law, to wit:

1 chief bill clerk, at	$3,000.00	
4 assistants, at $1,500 each	6,000.00	
1 stenographer	1,000.00	
		$10,000.00

SUMMARY.

Number of offices dispensed with (H. Res. 128):		
Under the Speaker		3
Clerk's office		32
Sergeant at Arms' office, including House Office Building police		9
Doorkeeper's office		27
		71
Capitol police (H. J. Res. 75)		35
Total		106
Total salaries of offices dispensed with:		
Under the Speaker	$3,250.00	
Clerk's office	46,970.00	
Sergeant at Arms' office, including House Office Building	11,050.00	
Doorkeeper's office	30,740.00	
		92,010.00
Deduct salaries of new offices created in Clerk's office, five in number		10,000.00
Net saving under this resolution		82,010.00
To which add salaries of Capitol police proposed to be dispensed with by House joint resolution 75		36,900.00
Average amount saved per session by abolishing six committees		5,709.00
And an amount equal to one month's extra pay to officers and employees of the House, the practice of granting which is to be discontinued (estimated), $65,000 (the amount for 2d sess. 61st Cong. was $65,303.78), less one-twelfth of salaries discontinued ($10,742.50)		54,257.50
Grand total saved under House resolution 128, House joint resolution 75, and by discontinuance of extra month's pay, pursuant to Democratic caucus action		179,294.50

The provision in the accompanying resolution for one chief bill clerk, at $3,000 per annum, four assistants, at $1,500 per annum each, and one stenographer, at $1,000 per annum, in the Clerk's office is made necessary because of the discontinuance of certain clerks whose duties are to be consolidated and hereafter performed by the chief bill clerk and his assistants. This arrangement, it is believed, will result in efficient service by the application of more modern methods than at present used. The printing and bill clerk and his assistant, the notification clerk, the distributing clerk, the document and bill clerk, the resolution and petition clerk, and the printing and document clerk receive and prepare for printing, keep records of, notify Members and committees of the status of, make transcripts of, and distribute all legislative propositions, such as bills, joint resolutions, simple and concurrent resolutions, executive and miscellaneous documents, reports, petitions, memorials, etc. This work will be brought under one head (the chief bill clerk), greatly simplified, and much duplication and unnecessary work eliminated.

The methods in vogue in connection with some of this work are cumbersome and primitive. In large, unwieldy books is kept the parliamentary history of each proposition, bill, resolution, etc. This system is about 50 years old. There is no general index, and dependence must largely be placed in the semimonthly index of the CONGRESSIONAL RECORD. A card system would serve both the purpose of identifying a particular measure and showing its status. The system introduced and operated by the notification clerk during the last three Congresses has served well the purpose of keeping Members and committees advised of every stage in the progress of a bill after it has been reported from a committee, and also as a current and permanent index and record. With its enlargement so as to embrace a few other necessary features, the consolidation of all of the offices mentioned may readily be made and the work carried on with equal dispatch and efficiency. The clerical force remaining at the disposal of the Clerk, together with the proposed chief bill clerk and his four assistants, will be ample, in the judgment of your committee, for the proper transaction of the business in question.

Providing the chief bill clerk with four assistants without designating titles to indicate the character of the duties to be performed by them leaves discretionary with the Clerk of the House their assignment to any necessary duty. And we think that if this practice obtained throughout the entire service of the House the work of the various departments would be more evenly distributed among the clerks at less expense, and the multiplication of new offices when new duties arise avoided to some extent. The giving of titles to offices has served to fasten such offices on the permanent rolls, however temporary may have been the object which called them into being, and to confine the occupants to the specified work indicated by the title no matter how great the exigency that made necessary the services of such clerk. These conditions and the law forbidding transfers are responsible and have furnished the reasons or excuse in the past for creating new offices to meet each new requirement, notwithstanding the fact that a number of well-paid clerks with titles are or should be available for every exigency. The law referred to is as follows:

"Hereafter employees of the House of Representatives under the Clerk, Sergeant at Arms, Doorkeeper, and Postmaster shall only be assigned to and engaged upon the duties of the positions to which they are appointed and for which compensation is provided, except in cases of emergency or congestion of public business incident to the close of a session of Congress or other like cause an employee or employees may be assigned or required to aid in the discharge of the duties of any other employee or employees, and in the discretion of the Doorkeeper not more than one folder may, if necessary, be assigned to do clerical work under the direction of the foreman of the folding room, but all assignments made hereunder shall be without additional compensation and shall not constitute the basis of a claim therefor." (From the legislative, executive, and judicial appropriation act of Mar. 3, 1901, Supp. R. S., vol. 2, p. 1530.)

This provision was, in part, the result of the so-called Moody investigation, and effectually stopped a practice of transfers and the payment of extra compensation; but it has also resulted, as before stated, in preventing the use of employees for new duties and in the creation of new offices. As illustrating the extent to which the practice of giving titles to offices has gone, it is only necessary to mention those of printing and bill clerk, assistant printing and bill clerk, document and bill clerk, printing and document clerk, document clerk, each and all of whom have like and similar duties, and who could as well have been designated by the generic term "clerk" or "assistant" and assigned to any necessary duty. This plan if generally adopted would, of course, require classification of salaries, which is not our present purpose. The principle involved is carried out in our recommendation of "four assistants" to the chief bill clerk.

The stenographer provided for at $1,000 per annum is to be in lieu of the assistant Journal clerk, at $2,200, and the stenographer to the Journal clerk, at $980, as it is believed that the Journal clerk will be amply provided with assistance with the use of a stenographer.

The Committee on Accounts was designated by the Democratic caucus of April 1, 1911, as the committee properly to make recommendations to the House carrying out the wishes of the caucus. And the Committee on Accounts has carefully considered various methods of procedure, concluding that the present House of Representatives has constitutional power at will to dispense with offices in its own service and to create other offices it may deem necessary by simple resolution of the House regardless of what the House in a previous Congress may have provided for its own service either by statute or resolution. Therefore we recommend the adoption of a simple resolution declaring certain offices vacant on and after May 15, 1911, and another resolution substituting therefor certain new offices, fewer in number. The effect of the adoption of this resolution will be to separate on said date from the service of the House the present incumbents of the offices made vacant and to abolish such offices.

The salaries already appropriated for such offices for the balance of this fiscal year, ending June 30, 1911, and for the entire fiscal year ending June 30, 1912, will be covered back into the Treasury; in fact, they will not be withdrawn from the Treasury, for the Clerk of the House, in executing the resolution, will not make requisition on the Secretary of the Treasury, and consequently no warrant will issue. The Clerk's annual report of expenditures will show unexpended balances for the remainder of the present and for the whole of the next fiscal year under the heading "Salaries, officers and employees." Then, at the ensuing regular session, when the legislative appropriation bill is formulated for the fiscal year ending June 30, 1913, the salaries of the offices now made vacant will be, in accordance with this resolution, omitted altogether from the bill. This method your committee recommends. It is direct, and admits of no delay in its execution. Then, if thought necessary or advisable, the House may follow up this action and leisurely pass a joint resolution repealing the provisions of the legislative, executive, and judicial appropriation acts of June 17, 1910, and March 4, 1911, making appropriations for the specific offices in question. This course was suggested instead of that we recommend as being the only legal method whereby the House may act in the matter. But we are convinced that it is perfectly competent for the House to follow the method first outlined. Moreover, concurrence of the Senate and the approval of the President is necessary for the passage of a joint resolution, and that body may not act at once, if it acts at all.

It is inconceivable that the House can not independently of both the Senate and President regulate its internal affairs to the extent of abolishing and creating its own officers and employees. Because a former House chose to maintain and appropriate for certain offices in the service of the House is no good reason why this present House should be bound by that action, any more than that the rules of the last Congress are or should be the rules of this Congress. Under the Constitution each House may determine the rules of its proceedings. (Art. I, sec. 5, par. 2.)

The Constitution (Art. I, sec. 2, par. 5) also declares: "The House of Representatives shall choose their Speaker and other officers."

The rule of the House (Rule II) provides that each officer elected by the House "shall appoint all of the employees of his department provided for by law." Judge William Lawrence, for many years Comptroller of the Treasury, and a Member of this House, whose legal learning and experience made him an authority on questions of constitutional and parliamentary law, in commenting on this rule (which has been the rule for many years), said:

"It is well settled that when authority is granted to a designated officer to appoint any person in his discretion to an office, and the law does not give the incumbent a right to hold the same for any specified period, the power of removal and of filling the vacancy thereby made is incidental to the authority to appoint." (Judge Lawrence cited 2 Story Const., 4th ed., par. 1537. First Comptroller's Decisions, Vol. V, p. 4.)

We believe that according to this principle it would be entirely within their power for the Speaker, the Clerk, the Sergeant at Arms, and the Doorkeeper to remove from office the incumbents of the offices now in question, and to refrain from appointing their successors. The

object sought could thus be accomplished in a very simple way. But we believe the transaction should be by order of the House and publicly recorded, as we propose.

Judge Lawrence, in the same decision, says:

"The Revised Statutes (sec. 53) have created certain officers of the House. But each House has power to appoint other officers of its own creation, and to remove, and even to refuse to employ, those provided for by a statute of a previous Congress. The right to create appropriate offices, and to appoint officers, is given by the Constitution, and can not be taken away by a statute not assented to by the Congress affected thereby. A right or power given by the Constitution can not be taken away by a statute."

And further on in the same decision:

"* * * the House of the Forty-seventh had no power to provide a Speaker or any other officer for the House of the Forty-eighth Congress, because the Constitution gives to the House of each Congress the sole, uncontrolled, and independent power to choose and remove all its own officers at pleasure. Even a statute enacted by the Forty-seventh Congress could not take from the House of the Forty-eighth Congress its power to choose all its own officers. Such statute would be void. This appears so clearly by the words of the Constitution that no argument seems necessary to prove it. Neither the House of the Forty-seventh Congress, nor even a statute, could continue Grayson in office during any part of the Forty-eighth Congress against the choice or direction of the House of the latter Congress. If this could be done, a Speaker could equally, by the same forms, be imposed on the present House. The attempt to do so would be absurd."

The case under discussion at that time and decided by Judge Lawrence January 11, 1884 (1–48), was that of Davidson, appointed to succeed Grayson, whose employment by name was authorized by a resolution adopted by the House in the Forty-seventh Congress, known as "House appointees' case," and the question raised was as to "the authority of the House of Representatives of one Congress to remove a person holding his appointment under a statute enacted by or under color of a resolution of the House of a prior Congress." The syllabus, paragraphs 5 and 6, says:

"An act of Congress may continue the existence of such office or employment for either House of Congress, and may provide for the payment of the officer or employee so appointed, even after the Congress during which he was appointed has expired.

"But the House of Representatives of a subsequent Congress may remove any officer or employee so continued, and appoint another in his stead, or, by rule, authorize any proper officer to do so."

This decision has not been reversed by any succeeding comptroller.

It will be observed that Judge Lawrence throughout applies the term "officers" to other than those elected by the House, i. e., those commonly called "employees." In this he seems to have been fully justified and sustained. On June 11, 1886 (1–49), the legislative appropriation bill was under consideration in Committee of the Whole House on the state of the Union, when the Clerk read the following paragraphs relating to employees in the office of Doorkeeper:

"For one employee (John T. Chancey), $1,500."

And also the following:

"Assistant Doorkeeper (George A. Bacon), to be employed in the document room, $2,000."

Mr. Eustace Gibson, of West Virginia, made the point of order that employees might not be designated on an appropriation bill.

After debate, the Chairman, Mr. James H. Blount, of Georgia, said:

"The Constitution gives to each House the right to select its own officers. The rules of this House prescribe the mode of choosing its officers here designated, to wit: The Doorkeeper shall designate his subordinates. It is done by virtue of the Constitution and has the full force of law, which will be disputed nowhere. Therefore the Chair thinks it is not in order to attempt on an appropriation bill to change a rule of this House. * * * It has been shown that Mr. Bacon, for instance, might be designated in this way by virtue of a resolution adopted by the House in 1881 (naming him) * * *. The Chair can not understand that in any other way than as related to that House. It can not be believed the purpose of the resolution was to be perpetuated in other Houses in violation of the Constitution providing each House shall appoint its own officers. The Chair therefore sustains the point of order." (Hinds' Precedents, Vol. IV, sec. 3819.)

We fail to find any decision contrary to the foregoing, although the practice still obtains, in a few instances, of designating subordinate officers of the House by name in an appropriation bill, but this has been permitted because the point against such provisions has not been raised.

Again, in Ordway's case, Judge Lawrence, comptroller, says:

"The House resolution of June 18, 1878, does not per se give a continuing authority to select or employ a person to prepare an index. It could not give authority to a committee of a subsequent House." (First Comptroller's Decisions, Vol. IV, p. 529.)

There are instances where the House dismissed its officers (Hinds' Precedents, Vol. I, secs. 287, 290) and other instances where it declared vacant the offices of Doorkeeper and Postmaster (Hinds' Precedents, Vol. I, secs. 288, 289, 292).

Your committee adopts the view so clearly expressed by Judge Lawrence that each House has power to remove, and even refuse to employ, officers provided for by a statute of a previous Congress, and that each House has the sole, uncontrolled, and independent power to choose and remove all its own officers at pleasure, and therefore recommends that certain offices be declared vacant.

Among the offices which the resolution declares vacant are a superintendent, special employee, document clerk, and assistant in the Clerk's document room, constituting its clerical force. The duties of these officers are chiefly to keep the files of documents delivered to the Clerk's office under the law, including testimony in contested-election cases, to receive and record requisitions of Members for binding documents, to distribute the Manual and Digest of the Rules and Practice of the House, and to distribute packing boxes to Members. It is proposed by the resolution to transfer the files of documents, reports, and testimony to the House document room, there to be kept separate and apart from other files and be distributed only upon the written order of the Clerk.

Section 54 of the printing and binding act of January 12, 1895, provides that 20 copies of each unbound document and report of the usual number printed shall be delivered to the Clerk's office of the House. They have been kept in two large rooms on the basement floor, near the restaurant, and under this resolution may remain there or be transferred to the House document room or other suitable place, but wherever kept will be hereafter in the custody of the Doorkeeper. The force of assistants in the House document room is ample to keep and distribute these documents, which would be called for only when the regular supply failed. That force also is ample for the work of filling requisitions for binding, and some duplication of work will be avoided by having it done in the House document room. The documents, in the main, first come from that room anyhow, and instead of being sent to the Clerk's document room and thence to the bindery, they will go, by one handling, direct from the House document room to the bindery. The duty of keeping an account thereof devolves by law upon the Clerk, who is directed by the resolution to detail a clerk from his office to perform this duty without extra compensation. The law as to this special binding says:

"Each Senator and Representative shall be entitled to the binding in half morocco, or material no more expensive, of but one copy of each public document to which he may be entitled, an account of which, with each Senator and Representative, shall be kept by the Secretary and Clerk, respectively." (Sec. 99, act of Jan. 12, 1895.)

It is also proposed that the Manual and Digest of the Rules and Practice of the House shall be distributed to Members, Delegates, and Resident Commissioners through the folding room, as are other bound documents under the law, which is as follows:

"All reports or documents to be distributed for Senators, Representatives, and Delegates shall be folded and distributed from the folding rooms, unless otherwise ordered, and each Senator, Representative, and Delegate shall be notified once every 60 days of the number and character of publications on hand and assigned to him for use and distribution." (Sec. 71, printing and binding act of Jan. 12, 1895.)

That the House Manual has not been so distributed is because "otherwise ordered." The House, on April 11, 1911, adopted this resolution:

"*Resolved*, That there be printed 2,000 copies of a Manual and Digest of the Rules and Practice of the House of Representatives for the first session of the Sixty-second Congress, the same to be bound and distributed under the direction of the Speaker and Clerk of the House." (RECORD, 1st sess. 62d Cong., p. 169.)

This is the usual resolution, and the Manual has always been distributed through the Clerk's document room, each Member being credited with five copies. But Members are not notified that they are entitled to the books, as in the case of books going to the folding room, and it was stated in the House in debate on the foregoing resolution that "some Members get more than their share and some get less than their share." By distribution pro rata through the folding room each Member would share and share alike, and be notified of his allowance.

The duty of distributing packing boxes for frankable matter remains that of the Clerk, and it will not impose a heavy duty on the force at his command to discharge it in such manner as the Clerk may direct. Heretofore these boxes have been distributed from the Clerk's document room. For the information of new Members we will state that an annual appropriation of $3,000 is made as a part of the House contingent fund for packing boxes, intended for the shipment of bulky frankable matter. This custom has obtained for many years, the item dating back to 1857, when "boxes for books" were provided for; in 1862 the term "packing boxes" was first and has since been employed. These boxes are secured by contract pursuant to the act of March 3, 1901 (Supp. R. S., vol. 2, p. 1530), and paid for out of the contingent fund upon vouchers approved by the Committee on Accounts. Each Member is entitled to 3 boxes—1 large pine, 1 large redwood, and 1 small pine. The latter is generally used for sending out bedding plants from the Botanic Garden to any given address, the box being labeled here and sent to the garden with a Member's frank. The large boxes are convenient for mailing documents and files of official correspondence to Members' homes at the end of a session.

In this connection attention is called to the fact that the printing and binding act approved January 12, 1895, in effect abolishes the Clerk's document room, and provides that all documents kept therein shall be transferred to the House document room. This provision of the act has never been expressly repealed, and is as follows:

"SEC. 60. There shall be one document room of the Senate and one of the House of Representatives, to be designated, respectively, the Senate and House document room.

"Each shall be in charge of a superintendent, who shall be appointed by the Sergeant at Arms of the Senate and the Doorkeeper of the House, respectively, who shall also appoint the necessary number of assistants: *Provided*, That this section shall not take effect until the first day of the first session of the Fifty-fourth Congress." (Supp. R. S., 1892–1897, p. 350.)

Attention is also called to House Report No. 7, first session Fifty-third Congress; also to the speech of Mr. Richardson, of Tennessee, then chairman of the Committee on Printing, CONGRESSIONAL RECORD, first session Fifty-third Congress, page 1459.

From the discussion, from the report, and from the act itself it is clear that Congress intended to abolish and did abolish in the printing and binding act the Clerk's document room, and that the same now has no legal status or existence. The employees carrying on this work owe their employment to items in the appropriation bills providing for their salaries from year to year. We therefore submit that the proposed transfer of all these documents now in the Clerk's office to the House document room is not only in keeping with the caucus resolution, but in strict harmony with the law itself.

In the judgment of your committee, the accompanying resolution, if adopted, will make for more economical conduct of the business of the House of Representatives, consistent with efficiency, and will effect some reforms in administrative details that are shown by investigation to be necessary and desirable, and its adoption is therefore recommended.

The caucus resolution is as follows:

Be it resolved: SECTION 1. That the Committee on Accounts be, and the same is hereby, instructed to prepare and introduce such legislation as may be necessary to carry into effect the following changes in the appointive offices in the organization of the House of Representatives, to wit:

I. UNDER THE SPEAKER.

ABOLISH.

Assistant stenographer to committees (Johnston)	$2,000
Janitor to official reporters (Miller)	800
Janitor to committee stenographers (McKenzie)	720
Total	3,520

ADD.

Messenger at Speaker's table (Nash)	1,200
Net saving	2,320

II. UNDER THE CLERK.

ABOLISH.

(Journal clerk's office.)

Assistant journal clerk (Chester)	$2,200
Index clerk (Dinger)	2,500
Assistant index clerk (Dunning)	1,700
Stenographer to Journal clerk (Cost)	980
Janitor, index room (Edwards)	840
Janitor (Scott)	720
Total	8,940

ABOLISH.

(Bills, etc.)

Printing and bill clerk (Matlack)	2,700
Notification clerk (Wakefield)	2,300
Distributing clerk (Overhue)	2,250
Document and bill clerk (Jarvis)	2,100
Resolution and petition clerk (Thomas)	2,000
Printing and document clerk (Reisinger)	2,000
Additional enrolling clerk (Theophilus)	1,800
Assistant printing and bill clerk (Andrews)	1,800
Total	16,950

ADD.

Chief bill clerk	$3,000	
Four assistants	6,000	
One stenographer	1,000	
		10,000
Total saving		6,950

ABOLISH.

(Clerk's document room.)

Document and binding clerk (Roe)	1,900
Superintendent (Cass)	1,800
Special employee (Scott)	1,580
Assistant (Dunham)	980
Total saving	6,260
Telegraph operator (Thompson)	1,400
Assistant telegraph operator (Constantine)	1,400
One messenger, disbursing office (Chaves)	1,100
One clerk (Crockett)	1,680
Page (Bentley)	900
Assistant, bathroom (Bruce)	1,400
One laborer, bathroom (Dutton)	900
Janitor, Clerk's office (McCracken)	840
Janitor, House library (Urich)	800
Janitor, file room (Mattoon)	800
Assistant in Clerk's office (Russell)	1,600
Assistant stationery clerk (Woolsey)	2,000
Clerk charge of pairs (Hollingsworth)	1,800
Assistant bookkeeper (Marden)	1,200
Total saving	17,820

Total saving in Clerk's office, $39,970.

III. UNDER THE SERGEANT AT ARMS.

ABOLISH.

34 private policemen	37,800
1 lieutenant, Capitol (O'Connell)	1,200
1 captain, House Office Building (Johnson)	1,600
1 lieutenant, House Office Building (Jones)	1,200
5 privates, at $1,050	5,250
Total saving	47,050

IV. UNDER THE DOORKEEPER.

ABOLISH.

Clerk to Doorkeeper (Lyon)	1,200
Assistant Doorkeeper (Kennedy)	2,500
2 attendants, old library space (Houk and Jewell)	3,000
Messenger at Speaker's table (Nash)	1,200
Total saving	7,900

ABOLISH.

Chief clerk	2,000
1 clerk	1,000
2 assistant foremen	2,400
2 night watchmen	1,440
9 messengers, at $1,180	10,620
6 laborers, at $720	4,320
1 skilled laborer (Roper)	820
1 laborer in water-closet (Dent)	840
Total saving	23,440

Total saving under Doorkeeper, $31,340.

SEC. 2. That the Speaker shall have the right to name the persons to fill the positions included in the list of officers and employees of the House as compiled for the Committee on Accounts by William Tyler Page, Clerk, and published February 7, 1911, and named therein, "Under the Speaker," except such as shall be abolished in accordance with section 1 hereof; and that the Speaker shall also have the right to name the Journal clerk, now under the Clerk, and the messenger at the Speaker's desk, now under the Doorkeeper; and that the Sergeant at Arms, Doorkeeper, and Postmaster and Clerk of the House shall appoint none of their subordinates except upon the recommendation as hereinafter provided by the Committee on Organization.

SEC. 3. That the Democratic members of the Committee on Ways and Means be, and they are hereby, instructed to nominate to the caucus for its action a committee of three members, to be known as the Committee on Organization, who shall have charge of the proper distribution of all of the appointive places in the House organization as provided herein, except the cloakroom men and such other places as are by law or resolution to be filled by the minority. And that said committee shall distribute said appointive places amongst the *members of the* various State delegations, *exclusive of committee chairmen having patronage as under section 4*, giving to each State the proportion in number of places and aggregate salaries thereof, as nearly as may be done, which its Democratic delegation bears to the entire Democratic membership of the House, *excluding such chairmen*, leaving to the *individual members of the several State delegations or the* several State delegations the nomination of persons to the places to which such State shall be so entitled; *provided that each Member from a State shall receive, so far as practicable, a fair and equal proportion of the patronage to which his State is entitled;* and said committee to have entire charge of the adjustment of such appointive places after the nominations have been made to said committee by the various State delegations; and the several elective officers of the House shall appoint only such persons to fill the various appointive offices as shall have been named by the said Committee on Organization, provided that the elective officers shall not be charged to any Member or delegation.

SEC. 4. That in the distribution of patronage, the clerk, assistant clerk, janitor, messenger, or other employees of each standing committee shall be charged to the chairman of the committee, who shall have the right to appoint the same by and with the approval of his committee; and that such chairman shall receive no other patronage until every other member shall have been given the opportunity to name the occupants of positions, whose salaries shall equal those of the persons so appointed by the respective committee chairmen.

SEC. 5. That the practice which has heretofore obtained of annually giving to the various employees of the House one month's extra pay shall be discontinued.

SEC. 6. That the following committees of the House shall be abolished, to wit:

Pacific Railroads,
Manufactures,
Militia,
Private Land Claims,
Levees and Improvements of the Mississippi River,
Ventilation and Acoustics.

and that the Committee on Rules be, and they are hereby, instructed to report such changes in the rules of the House as shall be necessary to carry this section into effect.

Mr. LLOYD. Mr. Speaker, I yield 20 minutes to the gentleman from Pennsylvania [Mr. PALMER].

Mr. PALMER. Mr. Speaker, I have not paid very much attention to the legal phase of the propositions involved in the proposed abolishing of these House offices, and I do not propose to discuss the question whether this resolution is the proper way to carry out the order of the Democratic caucus held on April 1 or not. I assume that it is. I have, however, given some attention and study to the merits of the proposition and much consideration to the question of whether any proper economies could be effected in the House organization, and it is to the merits of the proposition that I wish to address myself.

Mr. Speaker, the Democratic Party believes in economy as a principle of Government. From the time of the first inaugural of Thomas Jefferson as President of the United States down to the day, about six weeks ago, when the present Speaker of the House delivered his first inaugural as the presiding officer of this House every leader of the party, both in the Nation and in the Congress, has taken a strong stand for economy in the public expenditures.

Jefferson said, in his first inaugural address:

Economy in the public expense, that labor may be lightly burdened, I deem one of the essential principles of our Government and, consequently, one which ought to shape its administration.

And in his second annual message to Congress he said:

To expend the public money with the same care and economy that we would practice with our own is one of the landmarks by which we are to guide ourselves in all our proceedings.

And again this great leader of the Democratic Party and true expounder of its principles used this language:

When merely by avoiding false objects of expense we are able without a direct tax, without internal taxes, and without borrowing to make large and effectual payments toward the discharge of our public debt and the emancipation of our posterity from that moral canker it is an encouragement of the highest order to proceed as we have begun in substituting economy for taxation and in pursuing what is useful for a nation placed as we are, rather than what is practiced by others under different circumstances.

Some of the strongest utterances of the one Democratic President since the Civil War were in behalf of a rigid and frugal economy in governmental expense. In his second inaugural address President Cleveland said:

Every thoughtful American must realize the importance of checking at its beginning any tendency in public or private station to regard frugality and economy as virtues which we may safely outgrow. The toleration of this idea results in the waste of the people's money by their chosen servants and encourages prodigality and extravagance in the home life of our countrymen.

Under our scheme of government the waste of public money is a crime against the citizen.

It is a plain dictate of honesty and good government that public expenditures should be limited by public necessity, and that this should be measured by the rules of strict economy; and it is equally clear that frugality among the people is the best guaranty of a contented and strong support of free institutions.

And in 1891, in a public address, Mr. Cleveland made a striking statement covering the relation between public extravagance and inequitable tariff taxation, when he said:

Our Democratic faith teaches us that the useless exaction of money from the people, upon the false pretext of public necessity, is the worst of all governmental perversions, and involves the greatest of all dangers to our guarantees of justice and equity. We need not unlearn

this lesson to apprehend the fact that behind the fact that such exaction, and as its source of existence, is found public extravagance. The ax will not be laid at the root of the unwholesome tariff tree, with its vicious inequality and injustice, until we reach and destroy its parent and support.

But the growth of public extravagance in these latter days, and its unconcealed and dreadful manifestations, force us to the contemplation of other crimes, of which it is undoubtedly guilty, besides unjust exactions from the people.

Public extravagance, in its relation to inequitable tariff laws, not only lays an unjust tribute upon the people, but is responsible for unfair advantages bestowed upon special and favored interests as the price of partisan support. Thus the exercise of the popular will, for the benefit of the country at large, is replaced by sordid and selfish motives directed to personal advantage, while the encouragement of such motives in public places for party ends deadens the official conscience.

Public extravagance directly distributes gifts and gratuities among the people, whose toleration of waste is thus secured, or whose past party services are thus compensated, or who are thus bribed to future party support. This makes the continuance of partisan power a stronger motive among public servants than the faithful discharge of the people's trust, and sows the seeds of contagious corruption in the body politic.

Every platform of the Democratic Party during the past 16 years has contained a ringing denunciation of the waste, the extravagance, and the profligacy which have entered into every department of the Government, and everyone has condemned the Republican Party for failing to put into force that economical administration of the people's affairs, for which we have stood as a party for a century in this Republic. The platforms of the Democratic Party in this respect are in rather striking contrast to those of the Republican Party, for you may search Republican national platforms with a microscope and a magnifying glass and you will not anywhere find any condemnation of waste or extravagance in the operations of the Goverment, or any pledge or promise on the part of that party that, if intrusted with power, it would enforce a retrenchment in the expenditures of the Government. You will nowhere find in the platforms of that party any answer to the most severe indictment which has ever been presented against it as an administrative party when he, who was probably its most typical leader in the last Congress, asserted in the other branch of this Congress that the Government could be operated on a business basis with a saving of $300,000,000 annually below the amount that it now costs to run the several branches of the Government. Having come into power in this House we propose, along with the other features of the Democratic program upon which we have already started, to do real work toward accomplishing an economical, if not a frugal, administration of the Government in every branch.

On this question of extravagance, recent Democratic platform declarations have been as follows:

Democratic platform, 1908:

We denounce the needless waste of the people's money, which has resulted in the appalling increase, as a shameful violation of all prudent considerations of government and as no less than a crime against the millions of workingmen and women, from whose earnings the great proportion of these colossal sums must be extorted through excessive tariff exactions and other indirect methods. It is not surprising that, in the face of this shocking record, the Republican platform contains no reference to economical administration or promise thereof in the future. We demand that a stop be put to this frightful extravagance, and insist upon the strictest economy in every department, compatible with frugal and efficient administration.

Democratic platform, 1904:

Large reductions can easily be made in the annual expenditures of the Government without impairing the efficiency of any branch of the public service, and we shall insist upon the strictest economy and frugality compatible with vigorous and efficient civil, military, and naval administration as a right of the people too clear to be denied or withheld.

We favor the enforcement of honesty in the public service, and to that end a thorough legislative investigation of those executive departments of the Government already known to teem with corruption, as well as other departments suspected of harboring corruption, and the punishment of ascertained corruptionists, without fear or favor or regard to persons. The persistent and deliberate refusal of both the Senate and the House of Representatives to permit such investigation to be made demonstrates that only by a change in the executive and in the legislative departments can complete exposure, punishment, and correction be obtained.

Democratic platform, 1900:

We denounce the lavish appropriations of recent Republican Congresses, which have kept taxes high and which threaten the perpetuation of the oppressive war levies. We oppose the accumulation of a surplus, to be squandered in such barefaced frauds upon the taxpayers as the shipping subsidy bill, which, under the false pretense of prospering American shipbuilding, would put unearned millions into the pockets of favorite contributors to the Republican campaign fund. We favor the reduction and speedy repeal of the war taxes, and a return to the time-honored Democratic policy of strict economy in governmental expenditures.

Democratic platform, 1896:

We denounce the profligate waste of the money wrung from the people by oppressive taxation and the lavish appropriations of recent Republican Congresses, which have kept taxes high, while the labor that pays them is unemployed, and the products of the people's toil are depressed in price till they no longer repay the cost of production. We demand a return to that simplicity and economy which befits a democratic government, and a reduction in the number of useless offices, the salaries of which drain the substance of the people.

It is no secret, and I am divulging no secrets, either of the committee which named the majority members of the committees of this House, in the first instance, or of the caucus which adopted its recommendations, when I say that this House in this Congress is deliberately organized, as far as its committee assignments are concerned, with an eye singly to putting into force that principle of democracy which we know as economy in the public expense. [Applause on the Democratic side.] That is no idle statement, and if Members take the trouble to examine the personnel of the committees of this House which are charged with the duty of preparing and reporting appropriation bills they will find that the party has been careful to see to it that those committees shall be constituted of men who are absolutely sincere in their desire and will prove fearless in their attempt to work rigid economies in all matters of expenditure for governmental purposes.

We put into force two or three rules in the selection of these committees which have never obtained before in the House. For instance, no chairman of any committee which is charged with the duty of presenting appropriation bills to the House is permitted to serve on any other committee of the House. And again, no member of the Appropriations Committee, whether chairman or "private in the ranks," is permitted to serve on any other committee of the House. So that, as a result, we have the appropriation committees manned by men whose interest for economy and whose stand between those who would grasp the public funds and the Treasury of the United States will not be affected by any interest which might come to them by reason of service on any of the other legislative committees of the House. We believe that to be in the interest of economy.

In addition, we placed upon the heretofore ornamental committees, which have been serving no useful purpose for many years—the committees on expenditures of the various departments—men who had shown their fitness by reason of accomplishments in the past to do real work of investigation into the question of extravagance in the various departments of the Government. I know that this disease of activity on the part of these committees has broken out in Congress before, but it has never become an epidemic until the beginning of this Sixty-second Congress. And these committees have been manned—I almost said they are pledged, for fidelity to the party's platform amounts to such a pledge—from amongst the men whom we knew to be earnest and sincere in their desire to accomplish these retrenchments and reforms.

So, in every direction the Democratic Party in this House has made a start, which, if carried out to its logical conclusion, as we hope to do, may put into accomplished fact the statement of the former leader of the Republican Party as to the enormous amount of the annual saving that could have been accomplished by his party in the operation of the Government if it were pursued in a businesslike way. Now, that being the general program, we started it right here in this House, on the theory that we could hardly go to the other departments of the Government, especially to the various executive departments in this city, with a demand for greater economies in their administration, if we did not first put into force the strictest economy in the administration of this House.

With the idea of seeing where these economies could be effected I have made some investigation of the duties performed by the various officers and employees of the House, and I am prepared to state as my deliberate judgment, based upon that investigation, that while it now costs the Treasury of the United States approximately $900,000 to manage this House per annum, if I could get the contract to perform all the service which is performed for the House by its employees and appointive officers, I would undertake to furnish just as efficient and complete service as has been performed during the past Congress or two, for $500,000 per annum. [Applause on the Democratic side.] And I would be willing to enter into bond that I would perform through my appointees just as efficient service as has been performed in the past. And if I did not make $100,000 or $150,000 a year out of my contract I would be willing to forfeit my bond. [Applause on the Democratic side.] To that extent, in my judgment, have waste, extravagance, and profligacy entered into the management and operation of this House.

Now, I understand that last week, on a day when I was not present in the House, some Members on the other side talked about this economy plan as put through the Democratic caucus on April 1 as a mere "hurrah for economy," and made the assertion that we had put none of it into actual force, had not saved a dollar for the Government, and some doubt was expressed as to whether we could or would save very much.

I want to call the attention of the House to the fact that we have already actually put into force all the legislation which is necessary to save $107,000 per year, and according to my figures and calculations, if we pass the resolution which is now before the House and the other joint resolution referred to by the gentleman from Arkansas [Mr. FLOYD], in reference to the Capitol police, we will have actually accomplished an annual saving of $228,745.26.

I noted what the distinguished gentleman from Illinois [Mr. CANNON] said a few minutes ago about the likelihood of our putting some of these places back. It reminded me of what our genial friend, the former Clerk of the House, Maj. McDowell, told me when I first began my little investigation into the duties of these officers. He said, "Oh, yes; you can wipe out all these jobs, but in six weeks somebody will put them all back." The prophecy of the Clerk of the House and of the former Speaker of the House is based upon something else than the history and course of the Democratic Party in this Congress. [Applause on the Democratic side.] And I think we can say to you that there will not be put back any considerable number of these places that are now cut out, although there may be some new minor officers created, which, from the investigation already made, it appears may be necessary to accomplish greater efficiency than has prevailed in the past, but those restored, together with such new places, positively will not exceed in annual salary $12,000 or $15,000 at the outside.

I made the statement in the caucus of the Democratic Party on April 1 that we would save $182,000 by this economy program in the House. I say now that even if the House puts back $25,000 of the places which are wiped out by this resolution, we would still save per annum an amount in excess of that I stated in the Democratic caucus on April 1, and the reason for that is that in the estimate that I made at that time of the amount paid to the employees of the House by way of gratuity at the end of every session I was 50 per cent low, it being simply an estimate based upon information received from others and not from an examination of the statutes. For it now develops that during the Sixty-first Congress we actually paid to the employees and appointive officers of the House three months' extra salary, which amounted to a total of over $203,000.

From my observation the salaries of the various appointive officers of the House have been liberal, and in consideration of the duties they perform have been ample as compensation. As to most of them, they do nothing when the House is not in session. And so we are before the country in the attitude of first having given our employees every dollar that the law allows them as salary, and liberal salary at that, and then, having given them an average of six months' vacation in every year, and in addition to that a month and a half's salary in every year.

Mr. SIMS. Will the gentleman from Pennsylvania yield?

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Tennessee?

Mr. PALMER. I do.

Mr. SIMS. I heard what the gentleman was saying, but I want to ask him what position we will be put in if those employees in the other body get the extra month's salary? In other words, can the Appropriations Committee or this House prevent the employees in the other body from getting the extra month's salary? Can we do anything to stop that?

Mr. PALMER. As I understand it, the appropriation must be made by general law. The appropriation must be passed in the usual way.

Mr. SIMS. I did not know what the courtesy might be as between the two bodies about letting each body provide for its own employees.

Mr. BARTLETT. I will say to the gentleman that it is always done on an appropriation bill, and it is not carried by a resolution or joint resolution. It is always in an appropriation bill, and generally in a deficiency bill.

Mr. PALMER. It is carried in a deficiency appropriation bill as compensation to the employees of the House and Senate, but separately.

Mr. BARTLETT. My recollection is, and I think I am correct, that in each year that it has been done it has gone on an appropriation bill. Sometimes it has been put on in the Senate as an amendment, that the Secretary of the Senate and the Clerk of the House be directed to pay to the employees of the Senate and House one month's extra pay. That is the usual way, and it has been done by law.

Mr. PALMER. I think that is the usual way, and I so stated. I stated at the outset that I did not propose to discuss the manner in which these reforms could be carried out; but we have so gone on record, so far as this House is concerned, that the Appropriations Committee will not report any provision in a deficiency appropriation bill or any other bill providing for the payment of this gratuity to the employees of the House, and neither will this side of the House vote for such an appropriation.

Mr. MANN. No Appropriations Committee ever has reported such a provision.

Mr. PALMER. I beg the gentleman's pardon. That is almost true, but not quite. It has been reported in a deficiency appropriation bill from the committee once or twice.

Mr. MANN. Not since I have been here.

Mr. PALMER. But as a rule it has been put on on the floor of the House.

Mr. MANN. Why does the gentleman say a month and a half extra salary?

Mr. PALMER. Because during the Sixty-first Congress there were three sessions, and a month's salary was given at the end of each session.

Mr. MANN. Oh, no; there was no extra month's salary given at the end of the extra session.

Mr. PALMER. I beg the gentleman's pardon.

Mr. FITZGERALD. There was not in the short session which convened in November a few years ago.

Mr. PALMER. I have the entire record here.

Mr. MANN. The gentleman may be correct.

The SPEAKER. To whom does the gentleman from Pennsylvania yield?

Mr. PALMER. I yield to the gentleman from Illinois.

Mr. MANN. I will not interrupt the gentleman.

Mr. PALMER. If I am incorrect about the statement, it is an error made by the clerk of the Committee on Appropriations, who furnished me with a statement going all the way back to the Forty-fifth Congress, in reference to the history of this extra month's pay, and that statement shows that formerly one month's pay was given during a Congress. Then it gradually grew to a month's pay at the end of each regular session. That did not occur until during the last 16 years. Recently it was given at the end of every session, whether extra or regular, and during the Sixty-first Congress, as I stated, it aggregated $203,000. This statement prepared by the clerk of the Appropriations Committee I will print in the RECORD and not read now.

Extra month's pay, 1879–1911:

Forty-fifth Congress.—To all employees of the House and Senate not on annual rolls. (Mar. 3, 1879; vol. 20, p. 489.)

Forty-sixth Congress.—To all officers and employees of the House on the annual roll. (July 1, 1879; vol. 21, p. 456.)

Forty-seventh Congress.—Given at both sessions to all officers and employees of the House and Senate on annual and session rolls. (Aug. 7, 1882; Mar. 3, 1883; vol. 22, pp. 338, 632.)

Forty-eighth Congress.—Given at both sessions as above. (July 7, 1884; Mar. 3, 1885; vol. 23, pp. 226, 469.)

Forty-ninth Congress.—None.

Fiftieth Congress.—Given at last session only as above. (Mar. 2, 1889; vol. 25, p. 928.)

Fifty-first Congress.—Given at last session only as above. (Mar. 3, 1891; vol. 26, p. 885.)

Fifty-second Congress.—Given at last session only as above. (Mar. 3, 1893; vol. 27, p. 664.)

Fifty-third Congress.—Given at extra session and also for last session as above. (Dec. 21, 1893; Mar. 2, 1895; vol. 28, pp. 20, 864.)

Fifty-fourth Congress.—Given at last session only as above, on the general deficiency bill, which failed at that session but was enacted at the extra session of the Fifty-fifth Congress. (June 4, 1897; vol. 30, p. 59.)

Fifty-fifth Congress.—Extra session, none. Given at both regular sessions as above. (July 7, 1898; Mar. 3, 1899; vol. 30, pp. 685, 1241.)

Fifty-sixth Congress.—Given at both sessions as above. (June 6, 1900; Mar. 3, 1901; vol. 31, pp. 310, 1048.)

Fifty-seventh Congress.—Given at both sessions as above. (July 1, 1902; Mar. 3, 1903; vol. 32, pp. 583, 1066.)

Fifty-eighth Congress.—Extra session, none. Given at both regular sessions as above. (Apr. 27, 1904; Mar. 3, 1905; vol. 33, pp. 419, 1246.)

Fifty-ninth Congress.—Given at both sessions as above. (June 30, 1906; Mar. 4, 1907; vol. 34, pp. 660, 1394.)

Sixtieth Congress.—Given at both sessions as above. (May 30, 1908; Mar. 4, 1909; vol. 35, pp. 511, 931.)

Sixty-first Congress.—Given at each of three sessions as above. (Aug. 5, 1909; June 25, 1910; Mar. 4, 1911; vol. 36, pp. 127, 804, 1317.)

The SPEAKER. The time of the gentleman has expired.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent that my time may be extended 30 minutes. I have agreed to parcel out the time, and it will require about that much.

The SPEAKER. The gentleman from Missouri asks unanimous consent that his time be extended 30 minutes. Is there objection?

There was no objection.

Mr. PALMER. I should like 20 minutes more.

Mr. LLOYD. Then I ask to change my request so that my time be extended one hour.

Mr. CARLIN. Mr. Speaker, reserving the right to object——

The SPEAKER. Will the gentleman wait until the Chair puts the request? The gentleman from Missouri asks that his time be extended one hour. Is there objection?

Mr. CARLIN. I will not object. I was going to. We have a lot of other measures that we want to consider on the same subject.

Mr. LLOYD. I yield 20 minutes to the gentleman from Pennsylvania.

Mr. AUSTIN rose.

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Tennessee [Mr. AUSTIN].

Mr. PALMER. I do.

Mr. AUSTIN. I wish to ask the gentleman from Pennsylvania if in making his investigation he did not also find that the Senate are paying larger salaries to their corresponding officers than are being paid by the House?

Mr. PALMER. I will say to the gentleman very frankly that I did not investigate the question of the Senate employees. I do not know whether the gentleman's implication is correct or not.

Now, I have stated that so far the work which has been done has been all that is necessary to save $107,000. The remaining sum of $6,000, in addition to the amount which I have named as being a gratuity given to the officers for a single year, as based on the appropriations of the Sixty-first Congress, has been that saved by the abolishing of the six committees, reference to which was made by the gentleman from Arkansas [Mr. FLOYD], and in which I figure the actual saving in the salaries of employees of those committees to be $6,000.

The Committee on Rules has already reported, and the House has adopted, a system of rules for this Congress which abolishes the following committees: Pacific Railroads, Manufactures, Militia, Private Land Claims, Levees and Improvements of the Mississippi River, and Ventilation and Acoustics. All of these committees have outlived their usefulness, and none of them has reported any legislation for a long time, except, perhaps, the Committee on Militia; and the former jurisdiction of this committee has been added to the jurisdiction of the Committee on Military Affairs, which we believe to be in the interest of efficiency and economy in legislation in the House.

Now, the additional savings which we accomplish by this resolution and by the other resolution referred to by the gentleman from Arkansas [Mr. FLOYD] cover $82,010 by the pending resolution and $39,000 for the salaries of the policemen who are proposed to be abolished by the joint resolution. The largest single items in the reductions which are made by these two resolutions, which may be treated together, are in the matter of these two police forces. I want to say, Mr. Speaker, that I doubt if there is an office building in the world, unless it be, perhaps, the Senate Office Building, at the other end of the park, which is so carefully policed and guarded as the House Office Building. The law authorizes 21 men in the police force of the House Office Building, and there are actually in the service now 18 men.

Mr. MANN. And 8 would be sufficient.

Mr. PALMER. We have cut it down to about 10.

Mr. MANN. Well, I am very glad of it.

Mr. PALMER. I made some investigation of other office buildings in various parts of the country, and it was upon that investigation that I base my statement that no building in the land is so carefully guarded as is that House Office Building. For instance, the Land Title Building of the city of Philadelphia, which has about 1,100 rooms, with 365 tenants and probably 1,500 occupants, situated in the very center of the great city of Philadelphia, is guarded and policed by 4 men, about one-fourth or a little less of the number required to police and keep order in the House Office Building.

The same situation prevails, only to a more absurd extent, in the Capitol police force. This force, consisting now of a captain and 72 men, is charged with the duty of keeping order within the confines of Capitol Park. Their jurisdiction does not extend beyond the coping of the park and is confined to a space about the size, I should say, of four or five city blocks, with one building upon it, peopled, I may say, by law-abiding citizens. Yet it is supposed to require 73 men to keep order and do the ordinary work of policemen about this building and about the park. I took a half day off some time ago and "gunned" around the park, looking for these policemen. I found first that 71 of them are supposed to be in uniform, so that it is easy for a Representative in Congress to recognize a cop when he sees one; but despite my most searching inquiry in every nook and corner of the Capitol and the park, I was unable that day to find more than 11 of these policemen. I do not mean to say that they are soldiering on the job, but I do mean to say the order which does prevail hereabouts with only 11 working is sufficient argument to sustain the proposition that we can safely cut this force down one-half.

I made a comparison of the police force of the Capitol with the police force of some of the cities of the country.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. PALMER. Certainly.

Mr. MADDEN. Did the gentleman investigate how many were on duty at night, and might that not be the reason why he was not able to find them?

Mr. PALMER. I understand that there are three shifts—one-third on for eight hours, one-third for another eight hours, and one-third for another.

Mr. MADDEN. Did the gentleman make the investigation during each of the eight hours?

Mr. PALMER. No; I made the investigation during only two of the eight hours. It is possible the rest of them were on the job at night, but I doubt it. I stated a moment ago that I had made a comparison with the police forces of a number of well-governed cities, and I found, for instance, the city of Harrisburg, a law-abiding and orderly city beyond doubt, the home of my distinguished colleague, Mr. OLMSTED, and which contains a capitol park, with a legislature in session nearly as much as this Congress, and consisting of no more virtuous and law-abiding men than this Congress contains, with a population of 64,186, is policed, legislature, capitol, and all, with a force of 54 men, at a gross salary of $49,920 per annum. The city of Easton, Pa., which is the largest town in my own district, and which I know to be a law-abiding and orderly town, with a population of 28,523, with contiguous city population of as much more, with a college in its midst, with twice as many students as there are Members of Congress—students frequently bent upon fun and fond of playing the kind of pranks that worry the minions of the law and require services of a policeman now and then—is policed by a force of 20 men, at an expense of $14,700 per annum. As I say, this Capitol Park, as big as four city blocks, with a single building on it, requires 73 policemen, at a salary of $78,150 per annum.

Why, if instead of being an establishment for the making of the laws it were a penitentiary to incarcerate men as a punishment for breaking the laws, the Government would not have need for a force half as large as that which has been maintained about this Capitol Park. [Applause on the Democratic side.] It used to be 26 in number, if I am not mistaken. The report was—though I shall not vouch for the story as being the fact, as it was before my time—but the report got abroad that some Member's wife had been told by another Member's cousin at a tea party in the northwest section of the city that a stick of dynamite had been found in a coal bin in the Capitol along about the time of the Spanish War. Promptly thereafter, in fear of the institution being blown to the high heavens, the police force was increased about 100 per cent or more. The scare subsequently subsided, but the police force remained.

Now, some of these places which we have cut out in the House organization——

Mr. GARNER. May I interrupt the gentleman just a moment before he goes to that?

The SPEAKER. Does the gentleman yield to the gentleman from Texas?

Mr. PALMER. I yield, Mr. Speaker.

Mr. GARNER. If I remember correctly, the gentleman said the law now authorizes 21 policemen for the House Office Building. This resolution only cuts out 7 members of the force. That would leave, if I get the gentleman correctly, but 14 members for the House Office Building, when in reality there are only 18 now in service.

Mr. PALMER. Yes; we cut those out of these now in service, and my information is that 21 are authorized; but I will say that is hearsay. I have not examined the law and I am not sure about it being the fact.

Mr. FLOYD of Arkansas. Will the gentleman yield?

Mr. PALMER. Yes.

Mr. FLOYD of Arkansas. I investigated, and the list of the force carried only 18.

Mr. SAUNDERS. Will the gentleman yield?

Mr. PALMER. Yes.

Mr. SAUNDERS. The gentleman gave the facts in reference to this building which the gentleman investigated. Why can not the policemen in our House Office Building be reduced to the number that polices that office in Philadelphia, I think it was——

Mr. PALMER. Well, I think it could be——

Mr. SAUNDERS. Say to a half a dozen.

Mr. PALMER. We did not care to be too drastic about this thing all at once. We felt that every door in the building should be manned by a policeman and that one officer might patrol

each floor, on the theory that those men do have some other little duty to perform besides that of keeping order, namely, directing visitors to various quarters in the building.

Now, in the House organization itself I do not propose to go over the list of offices which have been abolished, but to refer only to a few. In some cases we found men were being carried on the rolls who were not performing any service whatever about the Capitol. We found other men being carried on the rolls in one position who were performing service of an entirely different kind not authorized by law. We wiped out all such places. For instance, the pay roll carries an officer known as the assistant stenographer to committees, a place now filled or heretofore filled by one Johnson. Our information was, and I know it to be the fact, that this assistant stenographer to committees, though a skilled stenographer, has never taken a line of testimony before any committee in the House——

Mr. MANN. Who is that?

Mr. PALMER. The assistant stenographer to committees.

Mr. MANN. I suppose the gentleman means he has not taken a line of testimony during the Sixty-first Congress.

Mr. PALMER. Well, I will say that; but the information which I received from the stenographers to committees went much further back than that.

Mr. MANN. The gentleman is mistaken about that——

Mr. PALMER. Again, I say, if it is a mistake it is a mistake of others, because my statement is that of the stenographers to committees, who say that he has not assisted them for some *Congresses*.

Mr. MANN. That is very likely.

Mr. PALMER. Well, I am not charging anything.

Mr. MANN. I understand. Let me tell what I know.

Mr. CANNON. Will the gentleman yield?

The SPEAKER. Will the gentleman from Pennsylvania yield to the gentleman from Illinois?

Mr. PALMER. I will not make any charge that any man is improperly placed——

Mr. CANNON. Just that the facts may be known——

Mr. PALMER. How much time have I left, Mr. Speaker?

The SPEAKER. The gentleman has five minutes left.

Mr. PALMER. I will state what the assistant stenographer to committees has done, and I think that the gentleman from Illinois [Mr. CANNON] will say afterwards that I have stated it with absolute correctness.

Mr. LLOYD. I will yield five minutes to the gentleman from Pennsylvania.

Mr. PALMER. This assistant stenographer to committees has been used in the Speaker's office as a clerk or amanuensis during the recent Congress, and, perhaps, more than during one Congress.

Mr. CANNON. Yes. He commenced, as I understand it, as far back, perhaps, as Speaker Reed; anyway, as far back as Speaker Henderson, the employees, if the gentleman will yield to me, in the Speaker's office being——

Mr. PALMER. I yield only for a question.

Mr. CANNON. Then I will try and get my own time, although there is no secret about it.

Mr. PALMER. Oh, no.

Mr. CANNON. And never has been.

Mr. PALMER. Certainly. Well, the position which we have taken is simply this: It does not involve any misconduct on the part of any employee or any officer, past or present, of the House. It is simply this: That since the Speaker of the House receives $4,500 a year more in salary than the ordinary Member, and since he has a private secretary at $4,000 a year, and a parliamentary clerk at $3,600 a year, and a messenger at his desk at $1,200 a year, and a messenger at the door of his office at $1,400 a year, and an additional clerk at $1,600 a year, and in addition to that has the same appropriation of $1,500 for clerk hire that a Member of the House has, we felt that he ought to be able to get along with that force without taking a man from the force of the stenographers to committees. [Applause on the Democratic side.] And I may say that since the present Speaker of the House has gone into office this assistant stenographer to committees has not been attached to the Speaker's office.

The Speaker has been getting along with this other force that I referred to, and, in our judgment, the Speaker's office is being run with just as great efficiency as in the immediate or remote past. [Applause on the Democratic side.] So that we felt that if this man was not so necessary to the stenographers to the committees that they could spare him, and if he was not necessary to the Speaker, by reason of the size of his office force, the place could be abolished. And so, amongst other things, we abolished that place.

Mr. AUSTIN. Mr. Speaker——

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Tennessee?

Mr. PALMER. I will yield for a question.

Mr. AUSTIN. That is what I wished to ask you. I want him to give us a reason why the position of Assistant Doorkeeper, created by the First Congress, was abolished?

Mr. PALMER. I will say this to the gentleman: We believed that the duties of the office could be performed by the Doorkeeper without an assistant, and we have already demonstrated the fact, because the present Doorkeeper of the House is performing all the duties of the Doorkeeper and those heretofore performed by the Assistant Doorkeeper. And, although the gentleman who has been upon the floor, and is now upon the roll, as the Assistant Doorkeeper of the House, and is therefore entitled to receive the compensation, has been made by the minority in this Congress a minority employee, and has been taken away from the duties of Assistant Doorkeeper, the House seems to be getting along very nicely without him.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. LLOYD. I promised to yield five minutes more to the gentleman from Pennsylvania.

The SPEAKER. The gentleman from Pennsylvania is recognized for five minutes more.

Mr. PALMER. Mr. Speaker, while I am on the Doorkeeper's department I want to mention another place that we abolished, namely, that of clerk to the Doorkeeper. I would not discuss this $1,200 place if it were not for the fact that the newspaper reports of the caucus action may possibly have done some injustice to a worthy officer of the House, Mr. Lyon, and his daughter, who was on the pay roll as the clerk to the Doorkeeper. The fact was that when we came to consider the Doorkeeper's department we were unable to find Miss Lyon, who was carried as the clerk to the Doorkeeper.

Diligent inquiry from those employees of the Doorkeeper's department whom we could see brought out the fact that she had not been here for a considerable length of time, and it was reported to us that she was a young girl, and it was so stated in the Democratic caucus. After that resolution went through the caucus the Doorkeeper of the House, Mr. Lyon, believing that an injustice had been done to him, stated to me—and I am now putting his statement before the House—that his daughter was not a young girl, but that she is actually 24 years of age. It developed, however, according to his statement, that she has not been in Washington since the opening of the short session of the Sixty-first Congress, and had been here only occasionally at times before that. She first went on the roll as the clerk to the Doorkeeper of the House at the beginning of the Fifty-eighth Congress, when, as you will see by a little arithmetical calculation, she had arrived at the age of 15 years.

We felt that a place which could be used in that way was not so necessary for the proper operation of the House but that we could dispense with it, and that is included in this resolution.

It is just to former Doorkeeper Lyon to say that he viewed the clerkship as a confidential appointment, as shown by his statement contained in a letter which he handed me after the caucus action, which was as follows:

> My daughter, Miss Lena M. Lyon, has been clerk to the Doorkeeper since August 1, 1909. She was 24 years of age the 6th day of last December, and I trust I may be pardoned in saying that she has rendered me much valuable service.
>
> As far back as I am able to discover, the clerk to the Doorkeeper has always been a confidential appointment, the same as the clerks or secretaries to each individual Member, and I regret that my successor, Mr. Sinnott, is to be deprived of the services of his clerk, for I am sure he can at this time convince any Member that he absolutely needs the services of a confidential clerk.

Now, among the other places that we abolished are the two telegraph operators, officials who have been sitting beside a silent telegraph instrument in the lobby of the House ever since the telephones were installed, and who ought long since to have gone the way that the riding pages ought to go, who were put upon the force of the House before we had street cars or automobiles or telephones.

Many years ago a telegraph line was installed connecting the Capitol with the various executive departments in this city. Members and committees used this wire for the purpose of securing information from the departments necessary in the preparation of legislation, and two telegraph operators, at an annual salary of $1,400 each, were employed to transmit these messages. During the last session of Congress the sum of $500 was carried in the sundry civil bill for the maintenance of this telegraph line. With the installation of telephones in every

office in the Capitol and on the floor of the House the use of the telegraph wire was practically abandoned, but the operators have ever since been carried on the rolls. Now, on infrequent occasions a committee clerk will send a telegram summoning witnesses from the departments to appear before his committee or a subcommittee, but we believe the telephone and the mail service will be sufficient for all of this work. If it should be necessary for any committee to transmit messages to the departments in the city, it will be noted that 15,000 messages per annum at the Government rate could be sent over the Western Union wires for the amount of salary paid these operators. These places are sinecures, pure and simple.

We abolished also two watchmen downstairs in the folding room—night watchmen. We believed that with a police force of the size that this House was willing to carry the folding room could get along at night without these watchmen.

Mr. HUGHES of New Jersey. They were watching the police force, evidently.

Mr. PALMER. Yes. Or I suppose they could get along without the policemen.

We have reduced the force of messengers under the Doorkeeper by nine, drawing an aggregate annual salary of $10,620, the balance of the messengers being sufficient to man each of the doors of the House Chamber with two men at all times. Similarly, the force of laborers has been reduced and two foremen and some other minor places, and in every case not only are we satisfied that the efficiency of the organization of the House will not be impaired by abolishing these places, but that, if anything, this action will result in better service. In nearly all cases the abolishing of these inferior places has received the indorsement of men heretofore employed in the various departments, whom we believe to have thorough and accurate knowledge of the needs of each of the departments in the House organization.

Now, Mr. Speaker, I shall not go into the other places at length, except that I want to say this: That after the investigation that we made, after a little more careful consideration of all the facts in relation to some of these places, I for one am prepared to agree that three or four of the places named in the resolution ought to go back, and I hope that the Committee on Accounts, which has already received my views in relation to that matter, will report a resolution to put back some of those places, not to exceed, however, in gross salaries, as I stated before, about $12,000 a year.

For instance, I am rather convinced that although the force in the Journal clerk's office has been outrageously large, although it has been absolutely unnecessary to have an assistant Journal clerk and a stenographer and a messenger and a janitor and an index clerk and an assistant index clerk, all engaged in the same work of preparing an index to the Journal to be published at the close of every session of Congress, still I think that the index and the Journal being of such prime importance the Journal clerk is entitled to have one man who will do nothing else but work at the index——

Mr. MANN. May I ask the gentleman a question——

Mr. PALMER (continuing). And I therefore would favor the putting back on the roll the place of index clerk.

Mr. MANN. Does not the index clerk index the RECORD?

Mr. PALMER. I think not.

Mr. MANN. He certainly did a year or two ago.

Mr. PALMER. He did not the last time I talked with him, which was since that time. He indexes the Journal.

Mr. MANN. The index clerk, who occupied a room down here at the time we made the distribution of rooms, with the assistant index clerks, prepared the index to the CONGRESSIONAL RECORD.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. PALMER. I would be glad to have five minutes more.

Mr. LLOYD. Mr. Speaker, I yield five minutes to the gentleman.

The SPEAKER. The gentleman from Pennsylvania is recognized for an additional five minutes.

Mr. PALMER. The Journal clerk has of late years been a stenographer and typewriter. The present Journal clerk, appointed by the Speaker, is a stenographer. He informs me that, so far as his experience has gone, he does not believe it necessary to have an assistant in the work of preparing the Journal and publishing it, as required by the Constitution and the rules of the House. But in a regular session of Congress it is quite possible that larger duties would devolve upon that office. The fact is that the Journal is now made up the Journal clerk making his daily entries in shorthand, transcribing them on the typewrter at night or the following morning, inserting in the loose sheets excerpts from the RECORD which will cover the case, and that Journal is signed, or supposed to be signed, by the Speaker, and when bound together becomes the original official Journal of the House. That work can all be done by the Journal clerk, and always has been done by the Journal clerk; and, with the exception of the constitutional requirement that the Journal be published from time to time, that is the entire duty of the Journal clerk. That publishing is done in the Printing Office, and the indexing can be done by one man. So that we would accomplish a saving of several thousand dollars by cutting out these places that, I assume, are simply sinecures.

Now, the other radical change in the House organization is that which is involved in the rearrangement of the several bill, petition, and resolution clerks' offices. We propose to cut them all out and to substitute for them a chief bill clerk, with four assistants, so that these assistants can be assigned on busy days, at the beginning of Congress and at the end of the session, to the peculiar duties that heretofore have been performed only by one or the other of these officers. The trouble has always been that the man who occupies the position of petition and bill clerk will do nothing except what pertains to his office. If there were a chief bill clerk, in time of busy stress in the House he could delegate his assistants to do this work, which is the up-to-date, businesslike, scientific method of doing that kind of work.

I want to say here, before I conclude, that another change that I would like to see made in this resolution, a change that I suggested at the time of the caucus, which, however, has not gone into the resolution as yet, is a change which will permit the House to continue to have the benefit of the service of the one scientific, up-to-date, systematic officer in that whole department, and that is the notification clerk. In my judgment, he performs a service of inestimable value to this House. [Applause.] And it is a service so well done, so systematically done, that it would do credit to any up-to-date business establishment in the country, which is more than I can say for these other places I have been discussing.

The notification clerk now sends notice each day to every Member of the House, keeping him accurately and officially advised of the progress of legislation which the Member has introduced. Every stage of its progress from introduction to executive approval is promptly reported to the Member, and at the end of the session each Member receives from the notification clerk a complete résumé and history of all the legislation which the Member has introduced.

Mr. GARNER. Will the gentleman yield for a question there?

Mr. PALMER. Yes.

Mr. GARNER. The gentleman provides for a chief clerk at $3,000 a year. Did he not anticipate at the time that provision was suggested that this gentleman would hold that position?

Mr. PALMER. I did; and I stated to the caucus that I considered his service in the past so valuable, and its prospect of value so great in the future, that I felt he was a man who ought to be retained in this House, regardless of politics or political influence, unless a man can be found absolutely equal to him to perform this valuable service; and the original idea was that he should be the chief of this little bureau, and extend into all the departments of these several bill clerks the same system that has been inaugurated by him in reference to following up legislation for the information of Members.

As a further illustration of what I say, we have a man who is down here as a distributing clerk, drawing $2,400 a year or more, whose sole duty is to walk out to the document room on the day after a bill is introduced, get a printed copy of the bill, and take it to the committee to which it has been referred.

That is the work of a boy, perhaps the work of the committee to which the bill is referred. I believe each Member ought to follow his bill until it gets to the proper committee just the same as he takes it up to the basket, and whether that be so or not, the only reason why a page boy can not do the work of the distributing clerk heretofore has been upon the theory that the department must have a receipt. Our idea is that the notification clerk system can be extended, so that receipts will be returned upon the delivery of these documents. [Applause.]

Mr. Speaker, I ask unanimous consent to extend and revise my remarks in the RECORD.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I ask the gentleman from Pennsylvania whether, in extending his remarks, they are to be personal to any of the employees of the House?

Mr. PALMER. Oh, no. I have not been personal so far.

Mr. MANN. I have no criticism to make of the gentleman.

Mr. PALMER. And I certainly will not be in my printed remarks.

Mr. MANN. I did not suppose the gentleman would be.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. PALMER. I have stated that it may be necessary that some of the places abolished by the pending resolution will be restored, in order to be certain that the efficient operation of the House shall not be impaired, but that such restorations or additions to other offices will not exceed $12,000 per annum, or thereabouts. I have no doubt that the force of employees still remaining after this resolution shall have gone into effect would be ample to give such efficient operation to the affairs of the House, if it were not for the fact that the change made is a sudden one, involving a reorganization in the very middle of an important session. Rather than place the majority party in the position of having crippled the management and impaired the efficiency of the House organization, I would prefer immediately to amend the pending resolution by striking out from the list of places abolished the positions to which I have heretofore referred, viz, index clerk and notification clerk and a few others, but the Committee on Accounts has deemed it best that the resolution should pass exactly as it passed the Democratic caucus. I propose therefore, and I have already so stated to the Committee on Accounts, to introduce a resolution which will restore to the rolls the following places:

Janitor to stenographers to committees	$720
Janitor for rooms of official reporters of debates	800
Index clerk	2,500
Notification clerk	2,300
Special employee (for service in connection with the work heretofore done by the force of the Clerk's document room)	1,580
Clerk in charge of pairs	1,800
Assistant bookkeeper	1,200
One clerk under the Doorkeeper	1,600

making a total of $12,500. The two janitors for the stenographers perform certain important duties in connection with the work of those stenographers, about which the investigating committee was not informed at the time that the caucus resolution was passed. The Clerk's document room having been practically wiped out by the present resolution, it is found that the Clerk does not have any employee who can take over that work, and a special employee should be provided, at a salary of $1,580, who will be able to do, with the other force of the Clerk's office, all of the work which has heretofore been done in the Clerk's document room. As to the clerk in charge of pairs, since the resolution was originally introduced the minority have filled the places heretofore used by the minority, and it is found that the majority will be short of a sufficient force to properly cooperate with the minority clerks in charge of pairs. As to the assistant bookkeeper in the Sergeant at Arms office, it is believed on further investigation that the important work of that office, when conducted by men who heretofore have had no experience in the office, will require the service of this assistant bookkeeper.

The only other position which I would propose to restore is one clerk in the office of the Doorkeeper, which is made necessary by a division of labor which has long been in force in that office, in which work it is believed that this clerk is necessary. My conclusion in regard to the restoration of these places has been reached after cooperation in an investigation made by a subcommittee of the Committee on Accounts. With these changes the system of reorganization effected by the pending resolution and the other kindred resolutions will meet with the *approval* of all the elective officers of the House whose subordinates are thus affected, and there will be no excuse or reason for any attempt on the part of these elective officers or anybody else interested in the organization of the House to make any change after the proposed resolution restoring these places has been passed.

The resolution, therefore, will be introduced for the purpose of definitely and finally settling all questions relating to the House for the present Congress, and I, for one, shall strenuously oppose any further effort to place any man upon the pay roll during the present Congress. After the resolution restoring these places shall have been passed, the net saving to the Treasury by reason of the reforms which will have been put in operation in the House management will amount to $228,245.26, as follows:

Net saving under the pending resolution		$82,010.00
Saving in salaries of employees of committees abolished		6,000.00
Saving in salaries of Capitol police proposed to be abolished by joint resolution		39,000.00
Saving per annum by discontinuance of the practice of appropriating extra month's salary to employees at the close of each session, based on appropriations for Sixty-first Congress		101,735.26
Total		228,745.26
From which there will be deducted after the resolution to which I have just referred, restoring several places, shall be passed	$12,500.00	
		216,245.26
Add estimated saving under House Resolution 158, to be reported this day	12,000.00	
		228,245.26

Mr. LLOYD. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I had no intention of participating in this debate and should not have done so, had not a reference been made to the employees connected with the Speaker's office of the House. The Speaker of the House, as I think I can prove by the present occupant of that position, if it needed any proof, is not lonesome for the want of something to do. In the first place, he presides over the House. The south half of the Capitol is under his control. He is responsible for the elevator men. He has charge of the press gallery. Under the rule, he refers every bill that is introduced to the appropriate committee, and when you recollect there are 30,000 bills, plus, every Congress, it can be seen at once that he can not do so. Under the rule, it is his duty to examine the Journal, and there are many other duties. The restaurant is under his charge, being in the south half of the Capitol. He is in one sense responsible for it. Now, no man can perform the duties of Speaker and do it all himself.

He has a clerk, which my friend from Pennsylvania [Mr. PALMER] charged to him, called the clerk to the Speaker's table, just as though he was an employee of the Speaker. Why, he not only has charge of the Speaker's table, which requires a skilled, trained man, but he is also the parliamentarian, and the experience of this individual as Speaker found him to be a very necessary assistant to the Speaker. I recollect one day when Senator WILLIAMS, of Mississippi, was minority leader, a point of order being under consideration, and being of some importance, while somebody was talking to it, I was apparently listening and yet talking to and consulting with the parliamentarian, the clerk to the Speaker's desk. Mr. WILLIAMS, then a Representative in this House, asked, "What is the Speaker doing?" I recollect my reply was that I was consulting with the gentleman touching this point of order, a gentleman who could give cards and spades touching parliamentary points and the precedents to the gentleman from Mississippi and to the Speaker and then win.

Again, in no sense is the clerk to the Speaker's table an assistant to the Speaker except in an official capacity. In point of fact, Mr. Speaker, the Journal clerk brings the Journal to your room every morning. You do not examine it. The clerk to the Speaker's table goes over it with the Journal clerk—an act of the Speaker through somebody else. In point of fact you do not refer the bills to the committees.

The clerk to the Speaker's table does that, and when there is a great avalanche of them he gets the Journal clerk, and if he can find any other competent man about the Clerk's desk, as there are frequently, and no doubt will be again and are now, he gets them, and they come in, and it takes the whole force, exercising something of vigilance, to make the proper references. Even then there is a percentage of mistakes that has to be corrected subsequently.

Again, the private secretary, so called, to the Speaker is a pretty busy man and a very important one, first to the Speaker in the performance of his official duties, but of far greater importance to the House. There is *no more important* official in the House than the so-called private secretary to the Speaker.

The reporters' gallery never gave me any trouble, because I said to the private secretary, "You wrestle it out with the boys, and I will hold you responsible, but never come to me about it unless you are up a stump and have no escape." The same way with the restaurant, whether it is good, bad, or indifferent, it was unloaded on the private secretary and on the Superintendent of the Capitol very largely. My friend says it is bad. Yes, and never will be satisfactory to all of us until we try it as the Senate tried an experiment of running the restaurant at the expense of the contingent fund, so that we can have everything on tap. That was not embarked on and I apprehend will not be.

Now, then, the messenger out here at the Speaker's office. He is not the Speaker's messenger, he is a messenger quite as important to the comfort of the House and the whole country as any messenger in the employ of the United States anywhere. Then there is a parliamentary clerk, the reading clerks, the Journal clerk, tally clerk, and so forth, and, in addition, there is a messenger to the Speaker's table. He was not there

until Gen. Henderson's time as Speaker when the House thought it was necessary, and I found the messenger to the Speaker's table to be a very important man, because here is a great membership, much of confusion, and you have got to have these assistants in the administration of the second office of the Government. Now, then, touching this assistant stenographer to committees. When I became Speaker I found him there; that he had been an employee. His designation was assistant to the committee stenographers. So far as I know, he never did any work of that kind. He was utilized by Gen. Henderson when Speaker, and I am inclined to think by Speaker Reed as Speaker, in connection with the duties of the private secretary. He might be called a stenographer to the private secretary, who used him more than anybody else, but he was a very useful man.

I have no apologies to make during a Speakership of eight years for this corps of assistants really performing the public business for the House, because no Speaker can perform one-half of these details if he could work 24 hours in a day and more industriously than I ever was or ever will be. I want to say that, in my judgment, from the standpoint of compensation the salary of a Member of Congress at $7,500 will not bring a fortune. I have been in Congress almost 38 years, at $5,000 salary, at $7,500, and I believe for the last five years, up to the 4th of March, I will not be quite sure, at $12,000 a year. I was not compelled to be Speaker, I am not compelled to be a Member of Congress, and I want to say I am not an extravagant man. To say nothing about the Illinois home and expenditures and education of children, I want to say to you that my salary in all that time has not paid one-third of the expenditures. How could you afford to stay? I made this statement once to a constituent, who was finding fault with me——

The SPEAKER. The time of the gentleman has expired.

Mr. CANNON. May I have two or three minutes more?

Mr. LLOYD. I yield three minutes more to the gentleman from Illinois.

Mr. CANNON. The reply was and is that fortunately for me when I came into Congress I owned some of this black land in Illinois, the best in the world. I had a little property that I was fortunate enough to have accumulated, and by a business that was then organized, there never has been a year but what my income with my salary added has not come out even with the expenditures, with something to the good; otherwise I never would have stayed here a single day. Now that is my experience. I have no apology to make for utilizing this employee. He was utilized not for my benefit, but for the interest of the public service, and if the present Speaker of the House does not utilize him, or at least some one, he must have very good assistants, because such an employee or some one, you may call him what name you may, is necessary for the proper conduct of that great office. [Applause.]

Mr. LLOYD. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I am in favor of economy in the service of the House, and am opposed to the creation or maintenance of any useless offices or officers. I recall, for instance, when the first proposition came into the House for policemen in the Office Building, that it was a proposition for 35 men, I believe, with a unanimous recommendation from the committee which reported it. It was I who called attention to the uselessness of that number of policemen in the Office Building, and then I offered a proposition to reduce the number, I think, to 10. But the question of the number of policemen is one thing. We can get along with a fewer or a greater number without any appreciable knowledge on our part, but the question of the transaction of the public business by the House is quite a different thing.

I am quite content that the majority of the House shall endeavor to carry on the public business in such manner as it desires, leaving it to learn by experience and to acquire wisdom by actual knowledge. The gentlemen who have talked upon this resolution, as the gentleman from Pennsylvania [Mr. PALMER] did, entertainingly and instructively, have based their statements largely upon conditions now existing in this House. We have been in session a little more than a month, and have passed a few bills and resolutions through the House. We have none on the calendar, with the exception of three or four. We have transacted no business, so far as number of bills is concerned, and gentlemen who consider the situation now, with very little business going on at the desk, and consider business in the House when bills are flying back and forth between the House and the Senate, and conference reports are being made, will find that there is a great deal of difference between having a small number of unskilled men at the desk and a sufficient number of skilled men to transact the business of the House.

Why, the gentleman from Pennsylvania [Mr. PALMER] refers to the Journal clerk. The Journal clerk never was a stenographer until the last Journal clerk, I may say to the gentleman from Pennsylvania, and the Journal clerk has always had an assistant. The time will come during this Congress when the Journal clerk will find, if he attends to his business, that it will be necessary for him to leave the Hall of the House in order to commence to make up his Journal, perhaps during some all-night session, and when he does there must be an assistant Journal clerk to take his place.

But the gentleman from Pennsylvania, and other gentlemen on that side of the House, evidently think they can supply a Journal clerk who can be bodily present at the Clerk's desk for perhaps 24 hours in succession, and at the same time be in the Journal clerk's room preparing the Journal. And they can not call in a raw recruit to do the work of the Journal clerk at the desk. Every paper that comes from the Senate, every document that comes into the House of that character, every conference report, goes into the hands of the Journal clerk, and must be taken care of by a Journal clerk who knows what they are and what they mean, and what the proceedings mean. The present Journal clerk may believe that he has had experience as a Journal clerk. Why, I would have no difficulty in writing the Journal up to date in this Congress. I think few men on the floor of the House would have any difficulty in preparing any Journal that we have had yet prepared for us. The Journal clerk has prepared the Journal well. I believe that he is a competent man to prepare it in the future, but the preparation of the Journal up to date is mere child's play compared with a giant's work when it comes to really taking care of the Journal in the days when the House is really doing business.

Mr. PALMER. Mr. Speaker——

Mr. MANN. I yield to the gentleman.

Mr. PALMER. Does not the gentleman believe that, with a force of a chief bill clerk and four assistants, and a stenographer charged with the duty of assisting the Journal clerk, all that work can be taken care of in busy times? In other words, is it not a fact that the Journal clerk's busy time is at the end of a session while these various bill clerks' busy time is at the beginning of a session?

Mr. MANN. Not at all. I will not say they can not take care of it, but the latter statement is not correct. The Journal clerk is busy whenever Congress really commences to do business and bills commence to be passed.

Now, I have heard a number of felicitations on the number of bills passed on that side of the House. In the last Congress we passed—not merely reported and had on the calendar for consideration, but passed—810 laws. That means several a day. There were 525 public laws, 285 private acts, and besides those, a considerable number of joint resolutions, current resolutions, and House resolutions.

Mr. SIMS. Mr. Speaker, are not the gentleman's figures too low? The gentleman means, doubtless, the last session, not the last Congress.

Mr. MANN. No; I mean the last Congress.

Mr. SIMS. The report I have as to the number of bills passed in the last Congress exceeds that. I get my information from official sources.

Mr. MANN. I do not see how the gentleman could have gotten his information from any official source. I had to go to the document room the other day in search of this information, and there is no official souree from which the information can be taken except the calendar. That is the only official source.

Mr. SIMS. There were more private pension bills passed than that.

Mr. MANN. Oh, Mr. Speaker, at one time, in one Congress, the Fifty-ninth Congress, there were 6,940 bills passed, of which 6,248 were private bills. We pass as many private bills now in the form of omnibus bills as we did then, and they receive the same consideration now that they did then. But they do not count in the total number of laws passed.

Mr. SIMS. But they are included in the work that is necessary to be done.

Mr. MANN. That is true. But I was speaking of the number of laws that were passed. Now, a large number of these laws that pass go to the Senate and come back again. The gentleman from Pennsylvania [Mr. PALMER] is, I believe, an exceedingly bright man, but he never yet has had the responsibility of being in control of a bill in the House and following it, and he will find when he comes to that control that there is a great deal of care and responsibility resting upon the Journal clerk, who can not be some greenhorn who does not know exactly what to do. Members know that not a day passes when the House is in session that Members on that side of the

House do not go to the Journal clerk and the reading clerks for information as to what to do and how to do it.

Matters as to conference reports, items in conference, and all sorts of questions arise in the disposition of papers. What the gentleman says now is very much like what the gentleman stated a little while ago as to a page boy being able to make deliveries to committees. Would the gentleman from Pennsylvania [Mr. PALMER] have a page boy take possession of a conference report or a bill that has been sent to conference and have him carry it to the committee in charge of it? There being but one copy, when the Senate engrossed bill is sent to the House would the gentleman have it intrusted to a page boy to be delivered? Under the existing rule the distributing clerk takes it and signs a receipt, and the engrossed bill is guarded as carefully as money is guarded at the Treasury Department.

Mr. PALMER. Will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Pennsylvania?

Mr. MANN. Yes.

Mr. PALMER. The gentleman has referred to the duties of the Journal clerk and his usefulness in giving information to Members as to the proper course to pursue. Is it not a fact that we maintain as an officer of the House, not merely as an assistant to the Speaker, a parliamentary clerk, at a salary of $3,600 a year, whose duty it is to assist Members in that kind of fashion?

Mr. MANN. I do not think that is his duty, although I have no doubt he is always glad to give information.

Mr. PALMER. It is just as much his duty as it is the duty of the Journal clerk and his assistants.

Mr. MANN. I am not saying it is the duty of the Journal clerk to do it.

Mr. PALMER. The gentleman is seeking to justify the retention of these officers because of that duty which the parliamentary clerk is being paid to perform.

Mr. MANN. The parliamentary clerk will have his hands full when we get a chance at him at the next session of Congress, and we will keep him very busy attending to the duties of his office. [Laughter on the Republican side.]

Mr. PALMER. We shall not mind that. We propose hereafter that every man who draws a salary under the Government shall be kept busy. [Applause on the Democratic side.]

Mr. MANN. I am just waiting to see how many of you will be kept busy. You have not been kept busy yet.

Mr. JAMES. But we are keeping the gentleman busy. [Laughter on the Democratic side.]

Mr. MANN. I admit the statement of the gentleman from Kentucky that they mean to keep me busy, but they have not had an opportunity yet to get busy. [Laughter.]

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. I would be glad to have a little more time.

Mr. LLOYD. Mr. Speaker, I regret to say that, in order to yield the time that I now want to yield to the gentleman from Illinois [Mr. MANN], I would like to have an extension of time for 15 minutes.

The SPEAKER. The gentleman from Missouri desires an extension of time for 15 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LLOYD. Mr. Speaker, I yield 10 minutes of that time to the gentleman from Illinois [Mr. MANN].

Mr. MANN. If I am going to have only 10 minutes, Mr. Speaker, I do not desire to have it all occupied by somebody else, although I am perfectly willing to answer questions.

Mr. SAMUEL W. SMITH. Why not have plenty of time on this matter? It is an important matter.

Mr. MANN. Oh, the gentleman from Missouri has been very liberal in his allotment of the time.

This resolution provides, as stated in the report, for a net saving of $82,010. I hope there will be such a saving. This is, so far as I know, the only resolution which has yet been presented to the House which provides for any saving in employees.

Mr. CARLIN. The gentleman is mistaken. Resolution 158 is now pending.

Mr. MANN. The only resolution which has been presented.

Mr. LLOYD. Immediately following will be House joint resolution 75.

Mr. MANN. Yes; that is a House joint resolution abolishing some of the police officers. I will have a word to say about that.

Mr. CARLIN. Abolishing a number of janitors, and so forth.

Mr. MANN. Very well. I can not keep track of them all. The gentleman refers to janitors. I have been very much amused here recently to notice in the corridors of the House certain very nice looking white southern gentlemen sitting at their committee room doors as janitors. Usually, and I think always since I have been in the House, these places have been filled by colored men. I understand now that there may be some reason for abolishing janitors, because that affects the feelings of some of these white gentlemen, to be called janitors. They prefer to be called messengers. I suppose that is the reason for the resolution. However, I suppose this resolution is to be followed by one abolishing the police. That is a House joint resolution. Everyone knows what will become of that. It will die in the Senate. There is an easy way of abolishing police at this end of the Capitol. Direct the man in charge to discharge them. They will go. There is no difficulty about that. It is a good deal like the talk about doing away with the extra month's salary. What will happen? Everyone in the House knows, and the country ought to know, what will happen. We will pass a deficiency bill in the House which will contain no reference to an extra month's salary when it is brought into the House, and will contain no reference to an extra month's salary when it goes out of the House.

But that will be added in the distinguished body at the other end of the Capitol, and it will come back here and be disagreed to by the House, and then the House employees, appointed by the various Members on the majority side of the House, will go to their Members and tell them how the Member has mileage with which to go home, but the employee has no money with which to go home unless the Member furnishes him a loan.

Mr. SABATH. That is when the House is Republican.

Mr. MANN. When the bill is signed it will contain an item providing for the payment of an extra month's salary to both the House and Senate employees, agreed to by the Democratic majority in the House.

Mr. GARNER. The gentleman is quite a prophet.

Mr. MANN. It does not take a prophet to know that. The gentleman from Texas and the rest of us know it.

But I am for the economy, notwithstanding I have suffered already from the effects of Democratic economy. The gentlemen on that side of the House have been very kind to me. They have provided the minority conference chairman with a very good committee room. The room I occupy has a very pretty red carpet upon it. I am not as fortunate as some of the committees that have janitors, because no janitor is furnished to take care of my room, and when I made a request the other day for a carpet sweeper in order that I might more easily clean my room, or have my clerks clean my pretty red carpet, this distinguished aggregation of economists over there turned it down. I suppose they did not know what it meant. [Laughter.] Some man on that side of the House said, "A carpet sweeper! What on earth does anyone need of a carpet sweeper." And so the carpet sweeper went. Now we do the best we can with an old-fashioned broom, stirring up the dust——

Mr. CARLIN. I want to correct the gentleman. I am sure he does not want to make a misstatement.

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Virginia?

Mr. MANN. I yield to the gentleman.

Mr. CARLIN. I want to say to the gentleman that the Committee on Accounts approved his requisition for the carpet sweeper and did not disapprove it, as he has stated.

Mr. MANN. And I want to say to the gentleman that the Committee on Accounts disapproved the requisition for the carpet sweeper, and we have not got it.

Mr. CARLIN. The gentleman is mistaken. It was approved, and every requisition the gentleman has made has been approved. Not one single thing the gentleman has asked for has been refused. [Applause on the Democratic side.]

Mr. MANN. Oh, it is easy to applaud. All I can say is that we made the requisition for the carpet sweeper and were informed that the gentleman from Virginia [Mr. CARLIN], who just now addressed the House, passed upon it and struck out the carpet sweeper, although that requisition went in six weeks ago.

Mr. CARLIN. The gentleman has been misinformed——

Mr. MANN. Well, we have not got the carpet sweeper.

Mr. CARLIN. The gentleman has been misinformed. It is like a good deal of other information that the gentleman has—misinformation.

Mr. MANN. I hope so. I would like to see the carpet sweeper.

Mr. CARLIN. Well, he will get the carpet sweeper.

Mr. MANN. How long does it take to get a carpet sweeper from the Committee on Accounts?

Mr. CARLIN. I do not know. The requisition was approved.

Mr. MANN. The gentleman will find that he disapproved it. Probably he did not know what it meant.

Mr. CARLIN. It has been suggested that the gentleman ought to have asked for a vacuum cleaner.

Mr. MANN. Well, if I had I would not require the assistance of the gentleman from Virginia to furnish the air.

This resolution, Mr. Speaker, by the way, proposes to do a few things which would almost seem ludicrous. You propose to repeal the statute law by this resolution in reference to unbound documents. The statute requires that the Clerk shall have charge of them. You propose to put that in charge of the Doorkeeper. Then, I would ask the gentleman in charge of the bill, whether he will agree to an amendment to this resolution which will make it effective? The resolution now declares that certain offices shall be vacant on and after May 1. I suppose the date will be changed.

Mr. LLOYD. May 15 is the date in the proposed amendment.

Mr. MANN. How do these items in the legislative appropriation bill get into that bill? Not, as the gentleman from Arkansas [Mr. FLOYD] stated, because of the constitutional power of the House to provide such officers as it pleased, without regard to appropriations or the Senate, but because under the practice of the House and the rulings which have been made from time to time, it has been held that if the House passes a simple resolution providing for the employment of any person, to be paid out of the contingent fund, that is a sufficient warrant of law to authorize the incorporation of that office and a salary for it in the legislative appropriation bill. If that be the case, then it is a sufficient warrant of law, by the House passing a resolution abolishing a place, to provide that it shall not be in order upon the legislative appropriation bill.

Mr. GARNER rose.

Mr. MANN. Mr. Speaker, I hope the gentleman from Texas will let me state my case, and then I will yield to him. Now, this resolution only declares these offices vacant. It does not dispense with or dispose of the resolutions under which they were put in the legislative appropriation bill.

Mr. LLOYD. Mr. Speaker——

Mr. MANN. Unless this resolution is amended to abolish the offices——

Mr. LLOYD. Mr. Speaker——

The SPEAKER. Does the gentleman from Illinois yield?

Mr. MANN. Yes.

Mr. LLOYD. There is a committee amendment the gentleman will find at the bottom of the page, line 14, which provides that the said enumerated offices are hereby abolished as offices of the House of Representatives.

Mr. MANN. I am glad of that. I have sent for a number of copies of this resolution, but no copy that I had received had that in it.

Mr. GARNER. I wanted to call the gentleman's attention to that fact before he exerted himself.

Mr. MANN. Oh, the gentleman ought to be willing to do it, for I gave the gentleman the language——

Mr. GARNER. The gentleman did, but he did not do me the courtesy to yield to me before he exhausted himself.

Mr. MANN. I am glad to know the gentlemen have incorporated a provision in abolishing the offices so that those which are not necessary will not be filled. Now, I will say to gentlemen on that side of the House in all good faith I appreciate their desire to economize in the employees of the House, and if they have overstepped the mark—and I think likely they have—and in the future when Congress is in session it develops that they need more employees with which to properly transact the business of the House, I hope that they will not be afraid to come into the House and state the facts and needs and ask for the employees. After all, before the country the question of saving $100,000 or $200,000 in the House is a very little moment. A few minutes ago the gentleman from Pennsylvania referred to the number of officials in the Speaker's room. Well, conditions differ. The Speaker of the House used to occupy a little room here at the end of this first corridor before you get to the large corridor——

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. LLOYD. I yield two minutes additional to the gentleman from Illinois.

Mr. MANN. The Speaker was moved out of that room and moved into the room which he now occupies on the southeast corner of the building. That is all that Speaker CANNON had at any time. At the last session I introduced a resolution, which was passed, to give to the Speaker an addition of two rooms downstairs opposite the restaurant. I think it is perfectly proper that he should have them; he needs them. He has more space than any Speaker has ever had before. No Speaker in the history of the Government has ever had as much space in the Capitol as the present Speaker has, and that is no criticism against him.

Mr. SABATH. But he is a much bigger man——

Mr. HUGHES of New Jersey. He is a much bigger——

[Applause on the Democratic side.]

Mr. MANN. Well, I have no doubt that that is as near to the point the gentleman from New Jersey or my colleague from Illinois will ever get. [Laughter on the Republican side.]

Mr. HUGHES of New Jersey. That satisfies me.

Mr. MANN. Well, very little satisfies the gentleman from New Jersey. Since yesterday, when he voted against the proposition to exclude convict labor and against the proposition to exclude articles which were not made under the eight-hour law, I think he will be very easily satisfied hereafter.

Mr. HUGHES of New Jersey. I vote against any proposition pretending to benefit labor coming from the gentleman from Illinois.

Mr. MANN. Well, the gentleman from New Jersey was very glad to have the gentleman from Illinois in the chair rule his proposition in order in reference to the eight-hour labor law.

Mr. HUGHES of New Jersey. The gentleman never did; I will call his attention to——

Mr. MANN. The gentleman ought to confine himself to the fact——

Mr. HUGHES of New Jersey. I am confining myself to the fact when I said the gentleman from Illinois never ruled the eight-hour proposition in order to my recollection, but, on the contrary, bitterly protested against my——

Mr. MANN. If the gentleman's recollection is no better than that, it is extremely bad.

The SPEAKER. The time of the gentleman has again expired.

Mr. LLOYD. Mr. Speaker, I move the previous question on the resolution and amendments to final passage.

The previous question was ordered.

The SPEAKER. The Chair wishes to call the attention of the gentleman from Missouri to the fact that when the resolution was read this morning the original resolution was read and the amended resolution was not.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent, then, that——

Mr. MANN. That is because we have green and inexperienced reading clerks.

Mr. GARNER. No; I do not think that is the cause, but——

Mr. LLOYD. Just on that, if my friend will pardon me in making this statement——

The SPEAKER. But the previous question is ordered.

Mr. LLOYD. Then I shall offer the amendment from the floor, and that is, in line 14, House resolution 128, committee print, at the bottom——

Mr. MANN. The gentleman can ask unanimous consent; I think nobody will object to it.

Mr. LLOYD. The word "first" is to be changed to "fifteenth," and following the word "eleven," in line 14, and at the top of page 2, lines 1 and 2, insert these words, "and the said enumerated offices"——

Mr. MANN. Mr. Speaker, I make the point of order the previous question has been ordered.

The SPEAKER. The point of order is well taken.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent that these be considered as committee amendments.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the amendments suggested by him be considered as committee amendments. Is there objection?

There was no objection.

Mr. MANN. It is a very good illustration of the need of experienced men at the desk.

The SPEAKER. The Clerk will report the first amendment.

The Clerk read as follows:

Page 1, line 14, strike out the word "first" and insert the word "fifteen."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 1, line 14, after the word "eleven," insert "and the said enumerated offices"——

Mr. LLOYD. Mr. Speaker, I am not sure, but I do not think the Clerk has the right bill.

The SPEAKER. He has the committee print. The Clerk will again report the amendment.

The Clerk read as follows:

Page 1, line 14, after the word "eleven," insert:
"And the said enumerated offices are hereby abolished as offices of the House of Representatives."

Mr. LLOYD. That is correct.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 4, lines 17 and 18, strike out the word "first" and insert the word "fifteen."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the adoption of the resolution as amended.

The question was taken, and the resolution as amended was agreed to.

On motion of Mr. LLOYD, a motion to reconsider the vote by which the resolution as amended was agreed to was laid on the table.

INVESTIGATION OF POST OFFICE DEPARTMENT AND SERVICE.

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent for the present consideration of House resolution 109.

The SPEAKER. The gentleman from Ohio [Mr. ASHBROOK] asks unanimous consent for the present consideration of the resolution, which the Clerk will report.

The Clerk proceeded with the reading of the resolution.

During the reading,

Mr. ASHBROOK said: Mr. Speaker, I believe the Clerk is not reading the substitute as reported.

Mr. LONGWORTH. Mr. Speaker, I would like to ask my colleague [Mr. ASHBROOK] if it is possible to procure a copy?

Mr. MANN. A minority employee was sent out to get some.

The SPEAKER. The House will be in order. The Clerk will report the resolution.

The Clerk again proceeded with the reading of the resolution.

During the reading,

Mr. MANN said: Mr. Speaker, I suggest to the gentleman from Ohio [Mr. ASHBROOK] that he ask unanimous consent to read the substitute.

Mr. ASHBROOK. Mr. Speaker, on the suggestion of the gentleman from Illinois [Mr. MANN], I ask unanimous consent to read the substitute.

The SPEAKER. The gentleman from Ohio [Mr. ASHBROOK] asks unanimous consent to dispense with the further reading of the original resolution, and that the substitute be read. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the substitute.

The Clerk read as follows:

Resolved, That the Committee on Expenditures in the Post Office Department be, and the same is hereby, directed to institute and carry forward an investigation into the conduct and administration of the affairs of the Post Office Department, and of the service under and in connection with the same, in order to ascertain whether abuses exist, either in the department or in the service to the prejudice of the public welfare.

The committee may inquire into and ascertain the amount of work done by the postmasters, officials, and employees in the department and in the service, the number of hours devoted by such officials, postmasters, and employees to their work, and whether the number of officials and employees may be reduced without detriment to the public interests.

The committee may further inquire as to the time devoted by postmasters to private enterprise and personal vocations to the detriment of the public service. They may inquire into and ascertain the extent to which such postmasters, officials, and employees participate in political campaigns, make political addresses, and serve as active members of political organizations.

The committee may further inquire into and report to what degree the public interests and the reasonable wishes of the communities affected have been disregarded in the establishment, removal, and discontinuance of post offices, and the appointment of postmasters under what is known as the referee system and other systems adopted by the department.

The committee may ascertain and report the extent to which postmasters and their employees have contributed to the expense of political campaigns, and whether these contributions were voluntary or enforced.

The committee shall further make such recommendations as to reforms in methods and procedure in the department under investigation as may be justified by the evidence taken and as will effect economy and promote efficiency in the future administration of its affairs.

Said committee or any subcommittee of the same is empowered to sit and act at any time and place. Authority to administer oaths is conferred upon the chairman of the committee or any member thereof. The committee, or any subcommittee appointed by the chairman to take evidence for the full committee, is empowered to take testimony under oath, to obtain documents, papers, and other information from the Post Office Department, or any bureau or official thereof, and to require the attendance of witnesses and the production of papers, by subpœna, to be signed by the chairman of the full committee or the chairman of any subcommittee, in the prosecution of its work.

The committee is further empowered to employ, from time to time, such stenographers as may be necessary to take, and make a record of all of the evidence received by the committee, and to keep a record of its proceedings. That the Sergeant at Arms of the House is directed to attend in person or by assistant, when requested, the sessions of the full committee or any subcommittee thereof, to serve all of the subpœnas put into his hands, pay the fees of all witnesses, and the necessary expenses of the committee. The cost and expense of this investigation shall be paid from the contingent fund of the House of Representatives.

All hearings by said committee or any subcommittee thereof shall be open to the public.

The committee shall report to this Congress all evidence taken, and their findings and conclusions thereon.

No witness shall be excused from testifying or producing any documents respecting which he shall be examined, on the ground that his testimony to such facts or the production of such papers may tend to disgrace him; but no testimony that he shall give shall be used as evidence against him in any criminal proceedings in any court, except upon a prosecution for perjury committed in giving such testimony.

The committee may file its report and accompanying documents with the Clerk of the House during the recess of Congress.

The SPEAKER. The gentleman from Ohio [Mr. ASHBROOK] asks unanimous consent for the consideration of the resolution. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to inquire first, if I may, from the Speaker whether it is to be the policy of the Speaker to recognize Members for unanimous consent for ordinary resolutions on days other than unanimous-consent days, or whether the recognition is given in this case because it is a matter relating to the committees of the House?

The SPEAKER. The latter statement is the reason for it. The Chair will pursue until directed by the House the same routine and policy that has been pursued heretofore as to unanimous recognition.

Mr. MANN. Mr. Speaker, I would like to ask the gentleman from Ohio [Mr. ASHBROOK] whether he considers the paragraph at the bottom of page 7 means anything whatever? The paragraph proposes to legislate, in this simple resolution, as to the commission of perjury when testifying before a committee. What authority has this House by simple resolution to enact law?

Mr. ASHBROOK. I would say to the gentleman from Illinois that this resolution was prepared by the gentleman from Virginia [Mr. SAUNDERS], who is a good parliamentarian and an able lawyer, and I will yield to him in order that he may answer the question.

Mr. SAUNDERS. I will say to the gentleman from Illinois, in response to his question, that that portion of the resolution to which he refers does not give any more power to the committee than it already enjoys under existing law.

Mr. MANN. That is a copy of the existing law, I should say.

Mr. SAUNDERS. Certainly.

Mr. MANN. Then what is the purpose of putting it in the resolution?

Mr. SAUNDERS. Heretofore it has been the practice to draw resolutions of this character in this form. That is one reason, and the other reason for inserting these provisions of existing law was in order that it might be available for the information of the committee. The gentleman from Illinois will remember that he was concerned in the preparation of the resolution which related to the investigation of Indian contracts. That resolution contained a provision similar to the one now under discussion.

Mr. MANN. I will say to the gentleman that I was concerned only in seeing that the gentleman from Virginia was placed on that committee, where I will say that he rendered efficient and valuable service.

Mr. SAUNDERS. I said the gentleman had something to do with the preparation of that resolution on the floor.

Mr. MANN. The only thing I had to do with it was to suggest that the gentleman from Virginia, who is now on the floor, be placed on that committee.

Mr. SAUNDERS. I am very much obliged to the gentleman from Illinois for his action in that respect. As I said before, this portion of the resolution does not give any more power to the committee than it would enjoy under the general laws. It simply states the law in concrete form, and renders it available for the committee, showing them what powers they will possess. It is the common practice to include such a provision in a resolution of this character.

Mr. MANN. I can see no reason for putting it in except to inform whoever is on this committee what the law now is.

Mr. SAUNDERS. I stated before that that was one of the reasons it was inserted.

Mr. MANN. It is to be supposed that the Members of the committee already know it.

Mr. SAUNDERS. As I said, it simply makes the law available for the information of the members of the committee.

Mr. BURKE of South Dakota. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Ohio yield to the gentleman from South Dakota?

Mr. ASHBROOK. Yes.

Mr. BURKE of South Dakota. Mr. Speaker, reserving the right to object, I would like to ask the gentleman in charge of this resolution a question. I notice that the resolution provides that the expenses of the investigation shall be paid out of the contingent fund of the House. I notice also that the resolution numbered 148, which passed the House this morning, confers upon the committee that it is proposed to create substantially the same powers that are given to this committee in the pending resolution, but in that resolution there is no provision made for paying the expenses of the investigation. I desire to know what the intention is on that side of the House with respect to providing for the expenses of these several investigations. Is it expected that there will be a resolution introduced at a future time to provide for the expenses of the committee appointed under House resolution 148? And why do you provide in one case how the expenses shall be paid and in the other case omit any reference whatever to the matter of expenses?

Mr. ASHBROOK. I will say to the gentleman that it is not anticipated that the expenses of this investigating committee will be great. But in all probability there will be some expenses in the way of conducting these investigations.

Mr. HARDWICK. Will the gentleman yield to me so that I may answer the question of the gentleman from South Dakota?

Mr. ASHBROOK. Certainly.

Mr. HARDWICK. Answering the question of the gentleman from South Dakota, Mr. Speaker, I will say that the reason why the provision for the payment of the expenses of the investigating committee referred to by the gentleman was not included was because the resolution acted upon this morning was presented as a matter of privilege, and it destroys the privileged character of a resolution to include in it the proposition that the expenses of the committee shall be paid from the contingent fund, for the reason that under the rules of the House any proposition relating to the expenditure of the contingent fund must be referred to the Committee on Accounts and be reported from that committee.

Mr. BURKE of South Dakota. Will the gentleman from Georgia tell us how it is expected to provide for those expenses?

Mr. HARDWICK. By a report from the Committee on Accounts.

Mr. BURKE of South Dakota. I would like to ask the gentleman in charge of this resolution if it would not be possible to spend a very large sum of money instead of a small amount?

Mr. ASHBROOK. I presume it would be possible for this committee to expend a very considerable sum of money, but——

Mr. BURKE of South Dakota. I simply mention that because it strikes me that there ought to be some uniformity in these resolutions with respect to the provision for the payment of expenses.

Mr. SAUNDERS. I can answer the question of the gentleman from South Dakota as to the reason why this provision was included in this particular resolution. It is because it was done in the case of other resolutions providing for investigations. I have simply followed the precedents of the House.

Mr. BURKE of South Dakota. I will say to the gentleman from Virginia that I would have raised no question had it not been for the fact that on this day we passed another similar resolution without any such provision in it.

Mr. SAUNDERS. Yes; I noted that at the time.

Mr. BURKE of South Dakota. And there is no use in creating a committee to investigate unless you make provision to pay the expenses of the committee.

Mr. MANN. All these things ought to come from the Committee on Accounts. Will the gentleman yield for a further question?

Mr. ASHBROOK. Yes; I will.

Mr. MANN. I notice that this resolution authorizes the committee to employ from time to time such stenographers as may be necessary to take and make a record of the evidence received by the committee. The gentleman is aware that we maintain a number of committee stenographers, at an expense of $5,000 a year each, and that the committees are not very busy at present. Just what reason is there for not using the committee stenographers who are permanently employed, instead of employing outside stenographers to do this work, at additional expense?

Mr. ASHBROOK. That question was discussed in detail in committee, and it is the intention of the committee to use the committee stenographers, and this provision was put in the resolution for the reason that there may come a time when the committee stenographers will be otherwise employed, and we can then employ outside help; but I will say to the gentleman that no extra stenographers will be employed whenever it is possible to secure the services of those provided by the House.

Mr. MANN. But the gentleman understands that under the law now, if he makes a request for the services of one of the official committee stenographers and they can not attend personally, they send him an outside stenographer, who is paid out of the contingent fund. Every chairman of a committee frequently O. K.'s bills of outside stenographers, under the law, whenever the committee stenographers are engaged. The committee stenographers telephone downtown, or some other place, and have some one here to do the work.

I should like to ask the gentleman, in that connection, whether it is intended that this committee shall travel around the country——

The SPEAKER. The House will be in order. This is an important matter, relating to the taking of money out of the Public Treasury, and Members ought to be permitted to hear it.

Mr. MANN. I desire to ask the gentleman whether it is the intention of the committee to travel around the country and to go to places where they could not very well take one of the regular committee stenographers away from his duties here.

Mr. SAUNDERS. Yes; that is in contemplation.

Mr. ASHBROOK. I will say to the gentleman that it is not unlikely that this committee will have some hearings at other places than here in Washington.

Mr. MANN. Junketing trips.

Mr. ASHBROOK. In that case we would certainly be compelled to employ a stenographer; but there will be no junketing. On the contrary, much hard work.

Mr. MANN. And of course the committee will have their railroad expenses and hotel bills paid?

Mr. SAUNDERS. Of course. That is provided for in the resolution.

Mr. MANN. Yes; even if they take a trip to California.

Mr. SAUNDERS. Yes.

Mr. MANN. Gentlemen are commencing early on that side of the House to provide junketing trips.

Mr. ASHBROOK. I do not think they will take any trips of that kind; and if the resolution is passed, whenever and wherever we make investigations I will be very glad if the gentleman from Illinois will examine the expense account of the committee.

Mr. MANN. I will not have the opportunity, and would not have if I had the time.

Mr. ASHBROOK. The gentleman seems to have time to do everything that he wants to do. [Laughter.]

Mr. MANN. I do not want to be put in the position where I have got to examine petty expense accounts, and I do not expect to be put in that position. This is a matter of unanimous consent. I have no objection whatever to an investigation of the Post Office Department, or to the payment of proper expenses in connection with the investigation.

But I am not quite sure how far we ought to start now in the creation of junketing trips, which always have been popular at this time of the year in Washington.

The SPEAKER. Is there objection?

Mr. WILSON of Pennsylvania. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Ohio for some information. I want to ask the gentleman if he considers the scope of this resolution sufficiently broad to enable the committee to investigate the effect upon the service in the Post Office Department of the executive orders of President Roosevelt preventing the employees from petitioning Congress for redress of grievances and the executive order of President Taft prohibiting the employees in the Post Office Department and other departments from giving information relative to the service to Members of Congress, of either House, and the order issued by the Second Assistant Postmaster General prohibiting employees in the railway mail service from joining certain labor organizations.

Mr. ASHBROOK. Mr. Speaker, I would say to the gentleman that that matter has been discussed somewhat in the committee, but we were of the opinion that that belongs to the Committee on Reform in the Civil Service.

Mr. KENDALL. Mr. Speaker, we were not able to hear the answer of the gentleman from Ohio to the question of the gentleman from Pennsylvania.

The SPEAKER. The House will be in order. The Chair would like to suggest to the gentlemen that if they would all speak a little louder we could all hear. The Chair is interested in the debate and would like to hear.

Mr. SAMUEL W. SMITH. Mr. Speaker, I would like to hear the reply of the gentleman from Ohio to the question of the gentleman from Pennsylvania.

Mr. ASHBROOK. Mr. Speaker, I would say to the gentlemen that I informed the gentleman from Pennsylvania that it had been the opinion of the Committee on Expenditures in the Post Office Department that the matter to which the gentleman refers properly belongs to the Committee on Reform in the Civil Service.

Mr. CARTER. And the investigation is being conducted now, Mr. Speaker.

Mr. ALEXANDER. Mr. Speaker, I wish to make this statement in connection, in addition to the statement already made by the chairman of the committee, if he will yield.

Mr. ASHBROOK. I yield to the gentleman.

Mr. ALEXANDER. The gentleman from Tennessee [Mr. AUSTIN] and the gentleman from Virginia [Mr. SLEMP], who are members of this committee, and the gentleman from Iowa [Mr. TOWNER], all agreed, I think, in committee that there was no occasion for us to investigate the questions that are raised by the gentleman from Pennsylvania [Mr. WILSON]. That question is already being investigated by the Committee on Reform in the Civil Service, and we have no disposition whatever to go into that question at all.

Mr. KENDALL. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. ASHBROOK. I yield for a question.

Mr. KENDALL. I want to ascertain, if I can, whether the powers conferred upon this committee which is about to be created would include authority to investigate the controversy which has been pending for a long time between the Government and what is known as the Lewis Publishing Co., at St. Louis.

Mr. ASHBROOK. I believe that it would.

Mr. SAUNDERS. Yes; it would cover that.

Mr. KENDALL. That is a disagreement between the Government and the company in which a great many very excellent people have a keen interest, and they believe that the Government's action toward the company has been arbitrary and unjust; and if this authority is not sufficiently broad to include the power to investigate this difficulty I think this resolution ought to be amended.

Mr. SAUNDERS. I will say to the gentleman that it is amply broad to cover that particular inquiry.

Mr. RAKER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question. On page 6 of the substitute I find the following language:

> The committee may further inquire into and report to what degree the public interest and the reasonable wishes of the communities affected have been disregarded in the establishment, removal, and discontinuance of post offices.

Now, there is no provision in this substitute in relation to the star routes, and why did you leave that out?

Mr. SAUNDERS. It is embraced in the provisions——

Mr. RAKER. Where is it embraced in the provisions? I can not find it.

Mr. SHERLEY. If the gentleman will permit, the answer to all of these inquiries is contained in very plain English in the first clause of the resolution, and anybody who will read that will find this fact stated——

Mr. KENDALL. I think we all have read it, but not with the great degree of intelligence of the gentleman——

Mr. SHERLEY. Mr. Speaker, I have the floor, and I did not yield to the gentleman from Iowa.

The SPEAKER. The gentleman from Ohio has the floor.

Mr. RAKER. I have the floor; I understood the gentleman from Ohio to yield to me for a question.

Mr. ASHBROOK. I yielded to the gentleman from California.

Mr. RAKER. That is my understanding, and under that yielding I will occupy the floor until the Speaker calls me out of order.

Mr. ASHBROOK. The gentleman will proceed.

Mr. RAKER. Now, if that is the condition that the first provision contains all the authority, why have these special provisions been put in the rest of the bill? We are interested in the star routes in the West, and within the last six months there have been over 50 discontinued in my district, and that applies to all the people who live in the mines and on the farms who should be entitled to have their mail. Instead of having it a weekly service, they have been cut down to one a week, and instead of having it seven times a week, they have been cut down to twice a week. Now, I want to know why this has been done, and whether or not this resolution specifies sufficiently to have that matter investigated.

Mr. ASHBROOK. I will say to the gentleman we did not consider it necessary to enumerate all of the abuses, and, as has been stated by the gentleman from Kentucky, the first section is broad enough to investigate star routes and almost any other cases.

Mr. RAKER. If you specify some, I feel as though some of these star-route matters ought to be in, because we are specially interested in them and want the service.

Mr. ASHBROOK. I will say to the gentleman——

Mr. RAKER. Would the gentleman have any objection to this amendment added after——

The SPEAKER. The Chair wishes to state that all of this debate is by unanimous consent.

Mr. RAKER. I so understand, but nobody has interrupted me by objecting.

The SPEAKER. But the Chair wanted the rest of the Members to understand it.

Mr. CARLIN. Regular order, Mr. Speaker.

Mr. MANN. Regular order amounts to an objection.

Mr. CARLIN. I withdraw the request for regular order if it amounts to an objection.

The SPEAKER. Regular order amounts to an objection.

Mr. CARLIN. I will withdraw the demand for the regular order.

Mr. RAKER. I would like to ask the gentleman from Ohio if he would not permit an amendment at the end of line 4 by adding the following, "and the reduction and the curtailment of services on star routes."

Mr. ASHBROOK. I will say to the gentleman we have no objection to his amendment——

Mr. RAKER. Very well.

Mr. ALEXANDER. No; we will not consent to it; it is absolutely unnecessary.

Mr. ASHBROOK. I do not think it is necessary, but I do not see any serious objection to it. I think the gentleman will be satisfied with the results of the investigation had.

Mr. RAKER. Will the gentleman yield for this question? Then the understanding is that when this investigation is made it will cover the star routes as well?

Mr. SHERLEY. If the gentleman will read the first section he will see that it is broad enough to include it.

Mr. RAKER. I would like to have a direct answer to that so my people will know whether or not their interests are going to be protected, but there seems to be no question from the statement of the chairman as to that fact.

Mr. ASHBROOK. I will say to the gentleman this resolution is broad enough to embrace this investigation; and if, in the wisdom of the committee, we believe it advisable, undoubtedly it will be had.

Mr. RAKER. That answers the question.

The SPEAKER. Is there objection?

Mr. BUCHANAN. Mr. Speaker, I would like to ask a question of the gentleman from Ohio [Mr. ASHBROOK].

Mr. MURDOCK. Is it the intention of the committee, if the gentleman from Ohio [Mr. ASHBROOK] will yield to me, to go into the matter of rural free delivery under this resolution?

Mr. ASHBROOK. I will say to the gentleman from Kansas that this committee has not determined just what particular branches it will take up.

Mr. MURDOCK. Does the gentleman believe that the resolution is broad enough to allow the committee to go into the matter of rural free delivery?

Mr. ASHBROOK. I certainly do. It says:

> In order to ascertain whether abuses exist either in the department or in the service to the prejudice of public welfare.

That would certainly include the point to which the gentleman refers.

Mr. MURDOCK. I did not see it specifically mentioned, and I wanted the opinion of the gentleman on the proposition.

Mr. HILL. Mr. Speaker, reserving the right to object, I would like to ask a question. If there is no objection to this resolution being taken up for consideration, is it the intention of the chairman of the committee to allow amendments to be offered or simply to ask for the previous question? I have an amendment I would like to offer.

Mr. ASHBROOK. I would be glad to have it read.

Mr. HILL. I have no objection to its being read now and to leave it pending.

Mr. ASHBROOK. Read for information.

The SPEAKER. The Clerk will read the amendment, for information only.

The Clerk read as follows:

> On page 7, at the end of line 14, add:
> "And a detailed statement of expenses so incurred shall accompany and be a part of the committee report."

Mr. ASHBROOK. I would say to the gentleman that I would be perfectly willing to accept the amendment.

Mr. HILL. Just one word. I am not opposed to any of these investigations. I encourage them rather than otherwise. But we are going into a very broad field, not only in the Post Office case, but in a great many other cases, and it strikes me that the House of Representatives and the American people have the right to know what the expenditures are, and that in each case the expenses should accompany the report and not be buried in the archives of the House, where they never will be seen. Now, the Committee on Expenditures in the Treasury Department have just ordered—and I voted for it—the expenses of the Monetary Commission to be presented in detail to the committee, and I think by far the wisest way is to have those expenditures reported with the report of the committee, showing just exactly what it cost, and if the gentleman will accept that amendment I have no objection to his resolution.

Mr. ASHBROOK. I fully agree with the gentleman and will cheerfully accept the amendment.

The SPEAKER. The gentleman from Ohio can not accept the amendment. The House will have to vote on it. Of course, he could give his assurance to the gentleman from Connecticut [Mr. HILL] that he is willing to accept it.

Mr. ASHBROOK. Mr. Speaker, I withdraw any objection, on the assurance of the Chair.

Mr. OLMSTED. Mr. Speaker, I would like to ask the gentleman from Ohio if he has any idea of what the expenses of this investigation would be?

Mr. HILL. Nobody can tell.

Mr. ASHBROOK. I will say to the gentleman I have no idea as to what the expenses will be, but I think the members of the Committee on Expenditures in the Post Office Department are all in favor of economy, and they will appreciate that it will be a very poor showing on our part to undertake to investigate this department for the purpose of effecting economy and then bring in a large expense account. My notion is that it will be very small.

Mr. OLMSTED. Would the gentleman be willing to provide, then, in the resolution a limitation upon the expense, say, of $50,000?

Mr. ASHBROOK. I do not think it will amount to that much. We will be perfectly willing to accept the amount at $50,000, but I do not believe it will amount to that.

Mr. BUCHANAN. Mr. Speaker, I would like to ask the gentleman if the resolution is broad enough in its scope to permit the committee to investigate as to the sanitary conditions under which the postal employees are working. I ask this question for the reason that, according to the reports of the health department of Chicago, the conditions under which the Chicago post-office employees are working are resulting in tuberculosis and other diseases, causing in some cases death of the employees there.

Mr. ASHBROOK. I will say to the gentleman that I am in sympathy with the suggestion he makes, and the committee, in my opinion, will be very glad to consider and investigate those matters.

The SPEAKER. Is there objection to the gentleman's request for the present consideration of this resolution? [After a pause.] The Chair hears none.

Mr. ASHBROOK. Then, Mr. Speaker, without objection, I move the previous question.

The SPEAKER. The gentleman from Ohio [Mr. ASHBROOK] moves the previous question on the resolution.

Mr. ASHBROOK. Mr. Speaker, I withdraw that motion temporarily for the purpose of permitting the gentleman from Connecticut to offer an amendment.

Mr. HILL. Mr. Speaker, I ask for the reading of the amendment which I send to the Clerk's desk.

The SPEAKER. The gentleman from Ohio [Mr. ASHBROOK] withdraws his motion for the previous question. The question is on agreeing to the substitute reported by the committee, which is in the nature of an amendment.

Mr. MANN. Mr. Speaker, the amendment of the gentleman from Connecticut is in the nature of a substitute.

Mr. PAYNE. Mr. Speaker, I think that ought to be read.

Mr. HILL. Mr. Speaker, I offer an amendment which I send to the Clerk's desk.

The SPEAKER. The gentleman from Connecticut offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 7, at the end of line 14, add: "And a detailed statement of expenses so incurred shall accompany and be a part of the committee report."

The SPEAKER. The question is on agreeing to the amendment to the substitute.

The question was taken, and the amendment to the substitute was agreed to.

The SPEAKER. The question now recurs on the substitute as amended by the amendment offered by the gentleman from Connecticut.

Mr. RAKER. Mr. Speaker, I offer an amendment, which I send to the Clerk's desk.

The SPEAKER. The gentleman from California [Mr. RAKER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add, at the end of line 4, page 6, "and the establishment and discontinuance of star routes."

The SPEAKER. The question is on the amendment offered by the gentleman from California [Mr. RAKER].

The question was taken, and the amendment was rejected.

The SPEAKER. The question is now on agreeing to the substitute reported by the committee as amended by the amendment offered by the gentleman from Connecticut.

The question was taken, and the amended committee substitute was agreed to.

The SPEAKER. The question is on the passage of the resolution.

The question was taken, and the resolution was agreed to.

On motion of Mr. ASHBROOK, a motion to reconsider the vote last taken was laid on the table.

SESSION CLERKS TO HOUSE COMMITTEES, ETC.

Mr. LLOYD. Mr. Speaker, I offer the following privileged resolution from the Committee on Accounts.

The SPEAKER. The gentleman from Missouri [Mr. LLOYD] offers a privileged resolution from the Committee on Accounts, which the Clerk will report.

The Clerk read as follows:

House resolution 158 (H. Rept. 26).

Resolved, That there shall be paid, out of the contingent fund of the House during the remainder of the first session of the Sixty-second Congress, compensation at the rates and for the purposes hereinafter indicated, namely:

For the services of a clerk to each of the following-named committees, at $125 per month: On Expenditures in the State Department, on Expenditures in the Treasury Department, on Expenditures in the War Department, on Expenditures in the Navy Department, on Expenditures in the Post Office Department, on Expenditures on Public Buildings, on Expenditures in the Interior Department, on Expenditures in the Department of Justice, on Expenditures in the Department of Agriculture, on Expenditures in the Department of Commerce and Labor, on the Election of President, Vice President, and Representatives in Congress, on Reform in the Civil Service, and on the Disposition of Useless Executive Papers; and to the Committee on the Territories, an assistant clerk. The pay of said clerks shall commence from the time they entered upon the discharge of their duties, which shall be ascertained and evidenced by the certificates of the chairmen of said committees.

For the services of a messenger to the Committee on the Disposition of Useless Executive Papers, at $60 per month.

For a janitor at $60 per month, who shall, under the direction of the Doorkeeper, perform service in the rooms of the following-named committees located in the House wing of the Capitol, to wit: Expenditures in the State Department, Expenditures in the Treasury Department, Expenditures in the War Department, Expenditures in the Department of Agriculture, Reform in the Civil Service, Railways and Canals, and Education.

Mr. LLOYD. I yield to the gentleman from Virginia [Mr. CARLIN].

The SPEAKER. How much time?

Mr. LLOYD. I yield the control of the bill.

The SPEAKER. The gentleman from Virginia.

Mr. CARLIN. Mr. Speaker, this resolution was made necessary in order to perfect the organization of the existing committees of the House. In order that the House may fully understand exactly what is accomplished in the resolution, and to avoid useless discussion, I will ask the Clerk to read the report on the resolution as a part of my remarks.

The CHAIRMAN. The Clerk will read the report.

The Clerk read as follows:

[House Report No. 26, Sixty-second Congress, first session.]

PROVISION FOR CLERKS FOR THE SO-CALLED EXPENDITURE COMMITTEES.

The Committee on Accounts, to whom was referred House resolution No. 158, have had the same under consideration and recommend its adoption.

This resolution provides for 12 clerks and 1 assistant clerk during the present session at the rate of $125 per month each to the 10 so-called expenditure committees and to the Committees on the Disposition of Useless Executive Papers, and Reform in the Civil Service, and the Territories, the pay of such clerks to commence from the time they entered upon the discharge of their duties, which shall be ascertained and evidenced by the certificate of the chairmen of said committees. It also provides for a messenger at the rate of $60 per month to the Committee on the Disposition of Useless Papers, as heretofore allowed, and one janitor to take care of seven committee rooms located in the House wing of the Capitol that are now without janitor service.

This resolution does not increase the number of offices over the number provided heretofore for like service; it actually decreases them and reduces the compensation of certain committee clerks from $6 per day to $125 per month, and still allows for an assistant clerk to the Committee on the Territories, a new authorization.

In the last Congress 9 of the expenditure committees were allowed session clerks at $125 per month. We provide for 10, including 1 to the Committee on Expenditures in the Department of Justice, whose then chairman was ill in the last Congress.

Thirteen other committees were granted session clerks in the last Congress at $6 per day, five of which committees have been abolished in this Congress. We provide for two only of the remaining eight and reduce the pay from $6 per day to $125 per month, which, with the assistant clerk to Territories, still makes a net reduction of nine clerks, including those to the committees abolished.

In the last Congress seven session janitors, at $60 per month each, were assigned to 14 rooms in the House wing of the Capitol. In this Congress only seven of the committees thus served are located in the Capitol. Those removed to the House Office Building are served by its char force. Therefore we provide but one janitor for the seven rooms of committees remaining in the Capitol, a reduction of six janitors.

Only an approximate estimate can be made of the saving to be effected by this resolution owing to the indeterminate length of the session. Assuming its length as six months from the date of the appointment of committees—April 11—the saving on committee clerks alone is about $10,000, and on janitors $2,000, or a total saving of $12,000.

In the consideration of this proposition a subcommittee of the Committee on Accounts heard the chairman of the respective expenditure committees, who represented that it is the purpose of those committees to go to work at once upon the matters within their jurisdiction, and under authority of the resolution of the House adopted April 20, 1911, prosecute investigations of the executive departments in all of their branches and ramifications, and that for this work they would need clerical assistance.

The jurisdiction and functions of the various committees on expenditures in the executive departments, as prescribed by Rule X, are too well known to require comment or elaboration. They were fully discussed in previous reports of the Committee on Accounts. (See H. Repts. 1121, 1–60; 1804, 2–60; 139, 2–61.)

It is a matter of public information that those committees, as now constituted, propose thoroughly to investigate the executive departments.

The Committee on Reform in the Civil Service have demonstrated satisfactorily that they need a clerk at this time; in fact, have had one at work since the committee was appointed, as has the Committee on the Territories, for whom we provide an assistant clerk.

A session clerk to the Committee on the Disposition of Useless Executive Papers, at $6 per day, has been granted ever since the passage of the law under which it operates. We propose like service for this session at $125 per month. Under the present rules this is now a standing committee. It is intended as a check upon the heads of departments or bureau chiefs against the destruction or removal of any public records or papers until such records have been personally inspected by a joint committee of the House and Senate and their destruction recommended by such committee.

In one instance alone its work involved examination and report on public records in seven different buildings and bureaus of the Interior Department, and in another the examination of records and papers in five bureaus of the Department of Commerce and Labor. The clerk keeps a record of every transaction, prepares the committee's reports, and renders other necessary service.

The employment of the several clerks hereby proposed is limited to the remainder of the present session, but inasmuch as it appears that this authority was contemplated and the clerks already have performed some service, provision is made for their pay to commence from the time they entered upon the discharge of their duties, which shall be ascertained and evidenced by the certificate of the chairmen of the several committees. In no case can the pay commence prior to April 11, 1911, the day on which the committees were elected. This provision follows the exact language of the law with respect to session clerks to committees provided for annually in the legislative act.

Believing the proposed employments to be in the interest of the public business as well as economical, the accompanying resolution is reported favorably and its adoption recommended with the following amendment:

In lines 15 and 16 strike out "on the Election of President, Vice President, and Representatives in Congress."

C. C. CARLIN, *for Committee.*

Mr. CARLIN. Mr. Speaker, this report fully sets out in detail the reasons for the resolution, and the reforms which are accomplished.

The net saving under this arrangement is about $12,000 per session, or $24,000 a year. It is brought about by simply rearranging and readjusting the session clerks and janitors. We abolish the janitors for these committee rooms in the House Office Building and turn that service over to the regular janitor service.

In the Capitol we allow one janitor for the five committees that sit in this building, an abolition of six.

A further saving is accomplished by reducing the pay of these session clerks from $6 a day to $125 a month. In that way we bring about a uniform system of pay and a uniform reduction.

Mr. BARTLETT. Will the gentleman yield?

The SPEAKER. Does the gentleman from Virginia yield to the gentleman from Georgia?

Mr. CARLIN. I yield to the gentleman from Georgia.

Mr. BARTLETT. The pay of the clerks in the various committees on expenditures in the different departments was $125 last session.

Mr. CARLIN. I think it was in many of them $6 a day.

Mr. BARTLETT. No; the expenditure committees was $125.

Mr. CARLIN. Yes.

Mr. BARTLETT. Except in the expenditure in the Department of Justice, and there was no clerk to that committee.

Mr. CARLIN. And the Committee on Disposition of Useless Papers.

Mr. BARTLETT. They had a clerk at $6 a day.

Mr. CARLIN. We make it $125 a month.

Mr. BARTLETT. The Committee on the Territories has never had an assistant clerk before this resolution.

Mr. CARLIN. That is true.

Mr. BARTLETT. All of the business that has heretofore been transacted by that committee, including the bills to admit Oklahoma, New Mexico, and Arizona, and the business concerning the Territory of Alaska, has been attended to by that committee without the assistance of an assistant clerk, and this resolution creates a new place for an assistant clerk to the Committee on the Territories.

Mr. CARLIN. That is true. Are there any more questions which the gentleman would like to ask?

Mr. ALEXANDER. Mr. Speaker, I would like to ask the gentleman a question. What is the necessity for an assistant clerk to the Committee on the Territories?

Mr. CARLIN. The gentleman will find that this resolution provides only for session service and for this session alone. We have provided in this resolution for none of these committees beyond the present extra session of Congress. All of this service is confined entirely to this short session of Congress, and we have taken as our guide as to the necessities for these clerks the representation of the chairmen of the various committees, and upon the representation of the chairman of the Committee on the Territories that they would need this additional clerk during this short session, we allowed it.

Mr. BARTLETT. May I ask the gentleman another question?

Mr. CARLIN. Certainly.

Mr. BARTLETT. Is the business of the Committee on the Territories at this short session going to be more onerous or greater than it was before? I served on the Committee on Accounts for a number of years, and I do not think the chairman of the Committee on the Territories ever asked for an assistant clerk before.

Mr. CARLIN. Is that the gentleman's full question?

Mr. BARTLETT. Yes; I want to know why the Committee on the Territories——

Mr. CARLIN. I am not able to tell the gentleman what has been asked for heretofore, because I have not served on the Committee on Accounts until this session of Congress. What has gone before is past, and we are dealing with conditions as we find them to-day.

Mr. BARTLETT. The question I intended to ask the gentleman is if the business before the Committee on the Territories at this session of Congress is greater and requires the assistance of more clerks than ever at any time in recent years?

Mr. FLOOD of Virginia. Mr. Chairman, if I may be permitted——

Mr. CARLIN. Oh, let me answer the gentleman, and I will give him the committee's reason. I will say to the gentleman that we find that some of these committees have less business than ever before——

Mr. BARTLETT. But I asked about a particular committee.

Mr. CARLIN. I am coming to that. I will particularize with reference to other committees so that the gentleman may have full information. I would not want him to be informed on one committee only. I want him to know about them all.

Mr. BARTLETT. I am informed——

Mr. CARLIN. For fear the gentleman is not, I am going to tell him the whole story. We have concluded in this resolution, which the gentleman will observe, not to give session clerks to many committees that have had them before. Indeed, some of the committees have been abolished, clerk and all. In many of these committees clerks have been given where the committee had no necessity for them at all, but we are determined to put them to work, and they have agreed to go to work. In order to do that work it will be necessary to have session clerks.

Mr. BARTLETT. May I interrupt the gentleman?

Mr. CARLIN. Yes.

Mr. BARTLETT. Will the gentleman state——

Mr. CARLIN. The Committee on the Department of Justice is one that had no work last session.

Mr. BARTLETT. I want to know what committee which has not been abolished, but which heretofore had a clerk, this resolution does not give a clerk to?

Mr. CARLIN. Mines and Mining, Railways and Canals, Education, and a number of others. The gentleman told me he was informed, and that was the reason why I did not mention them in the first place.

Mr. BARTLETT. I notice the gentleman was not informed, but had to consult a memorandum.

Mr. CARLIN. I had a memorandum with information on it, which bears my signature.

Mr. LEVER. Mr. Speaker——

The SPEAKER. Does the gentleman from Virginia yield to the gentleman from South Carolina?

Mr. CARLIN. I do.

Mr. LEVER. I was about to say that the gentleman from Virginia ought to yield to his colleague to explain why it is necessary to have this assistant clerk to the Committee on the Territories. The gentleman seems rather long about getting to the proposition.

Mr. CARLIN. I will yield to whomever I feel disposed at the right time.

Mr. LEVER. But the House is entitled to the information, and we are not getting it very quickly.

Mr. CARLIN. The House is not entitled to have that of the gentleman until he is ready to give it.

Mr. FOSTER of Illinois. The gentleman had better explain before we take the vote.

The SPEAKER. Does the gentleman from Virginia yield to the gentleman from Illinois?

Mr. CARLIN. I do.

Mr. FOSTER of Illinois. Mr. Speaker, I think it is very important that we should get this explanation of why the Committee on the Territories needs an assistant clerk, because, for myself as one Member of this House, until the explanation is made, I shall vote against this resolution. [Applause on the Democratic side.]

Mr. CARLIN. Now, does the gentleman ask that in the shape of a question?

Mr. FOSTER of Illinois. Yes.

Mr. CARLIN. I will say to the gentleman I thought I had answered it when I said that the committee in awarding all of these session clerks had done so upon the representation of the chairmen of the various committees. We had no other means of determining what committees needed those clerks and what services were to be performed, except by inquiry of the chairmen of these committees.

Mr. FLOOD of Virginia and several gentlemen rose.

The SPEAKER. To whom does the gentleman from Virginia yield?

Mr. CARLIN. I am going to yield to the gentleman from Virginia, the chairman of the Committee on the Territories.

The SPEAKER. How much time does the gentleman yield?

Mr. FLOOD of Virginia. I just wish to answer the gentleman's question. The question has been asked, What is the necessity for an assistant clerk to the Committee on the Territories?

In answering the question that has been put to my colleague from Virginia I will say that that committee is probably doing more work at this session of Congress than any other committee of this House except the Committee on Ways and Means. Ever since Congress has been in session it has been meeting daily considering the question of the statehood bills of Arizona and New Mexico, and as soon as that is disposed of, we are going to take up the Alaskan bill providing for a territorial government for Alaska. There are 20 Members on that committee and those Members require the assistance of a clerk looking into various questions that arise before that committee, and one clerk has not been able to do all the work up to this point, and I do not believe he will be, to do it thorough, this session, and, as I understand this provision, it provides for an assistant session clerk to the committee for this extra session. I believe it is necessary for the dispatch of business of that committee, and, in that belief, I am indorsed by the members of the committee, and I hope the House will vote to give that assistant session clerk. The committee is going to work steadily on through this session on the various propositions that are before the committee, and there are some important propositions before that committee, which has certainly more work to do during this session than most any of the other committees of the House.

Mr. PALMER. Mr. Speaker, I desire to ask the gentleman from Virginia a question.

The SPEAKER. Does the gentleman from Virginia yield to the gentleman from Pennsylvania?

Mr. CARLIN. Yes; I will yield for a question to be asked.

Mr. PALMER. The gentleman from Virginia [Mr. FLOOD] says that they have been considering a territorial bill with reference to New Mexico and Arizona.

Mr. FLOOD of Virginia. Yes.

Mr. PALMER. I take it that it is no secret that if that bill ever passes it will take those Territories outside of the jurisdiction of the Committee on Territories?

Mr. FLOOD of Virginia. That is true.

Mr. PALMER. So that after that bill is passed, which is going to be introduced to-morrow or going to be considered to-morrow——

Mr. FLOOD of Virginia. No.

Mr. MANN. How does the gentleman from Pennsylvania know?

Mr. PALMER. In the near future——

Mr. FLOOD of Virginia. Yes.

Mr. PALMER (continuing). The jurisdiction of the Committee on Territories will be less than it has been in the past?

Mr. FLOOD of Virginia. That is true.

Mr. PALMER. And consequently the work of the committee will be less?

Mr. FLOOD of Virginia. The work of the committee will not be less for this session of Congress, because it has to go into the Alaskan question, which, I understand, has not been considered by Congress for a number of years; and there are a great number of bills pending here in reference to Alaska; and the statehood bill will be back and forth between this body and the Senate probably for some time. This work will occupy the attention of that committee closely and will necessitate a considerable clerical force.

Mr. FOWLER rose.

The SPEAKER. Does the gentleman from Virginia [Mr. FLOOD] yield to the gentleman from Illinois?

Mr. FLOOD of Virginia. With pleasure.

Mr. FOWLER. I desire to know if this committee has ever had an assistant clerk in the past.

Mr. FLOOD of Virginia. I can not answer that question. I know it has not one now and did not have one in the last Congress. I do not know what it has had in the past. Its jurisdiction at one time was larger than it is now, and it may have had one; but it did not have one in the last Congress and has not one now. But I do say to the gentleman from Illinois the committee is going into a broader field of work now than it has gone into for some time in the past.

Mr. FOWLER. And the only broader field it goes into is the Alaskan question. Is that true?

Mr. FLOOD of Virginia. There may be some additional matters in reference to Hawaii.

Mr. FOWLER. What about the Insular Committee as to those affairs?

Mr. FLOOD of Virginia. We have nothing to do with the Insular Committee. They have to deal with the Philippines and Porto Rico.

Mr. FOWLER. And Hawaii is not included, then, with the Philippines and Porto Rico?

Mr. FLOOD of Virginia. No.

Mr. FOWLER. It is a Territory?

Mr. FLOOD of Virginia. Yes.

Mr. CARLIN. Now, Mr. Speaker——

Mr. FOSTER of Illinois. Will the gentleman yield?

Mr. CARLIN. Yes; I will.

Mr. FOSTER of Illinois. I wanted to ask the chairman of the committee a question, and that is if the Committee on the Territories did not consider Alaskan matters during the last session of Congress without an assistant clerk?

Mr. FLOOD of Virginia. I do not think they went very fully into those matters. Certainly not as fully as we intend to go into them at this time, and no legislation was secured, which we hope to be able to do.

Mr. FOSTER of Illinois. I would like to ask, for information, whether they do not have the Alaskan question up, together with the admission of Arizona and New Mexico?

Mr. FLOOD of Virginia. Yes; and there is a tremendous lot of legislation in relation to Alaska. Every question of a legislative character relating to Alaska goes before the committee. I do not know whether they are just or not, but there are complaints that those matters have not been considered during the past few sessions of Congress. We do not want to leave any reason for complaint on that ground. We want to dispose of all those matters, and in addition to that we want to form a Territorial government for Alaska, at least to bring a bill in for this House to consider, and I do think we need that clerk; and I hope that the Members of this House will not undertake to amend this resolution by striking that clerk out.

Mr. GOOD. Will the gentleman yield?

The SPEAKER. Does the gentleman from Virginia yield to the gentleman from Iowa?

Mr. CARLIN. For how long?

Mr. GOOD. For just two minutes.

Mr. CARLIN. Certainly.

Mr. GOOD. I want to say to the chairman of the Committee on the Territories that it is but fair to the Committee on the Territories of the last Congress to say that I do not believe that he could possibly have read the record that that committee made during the last Congress. There was hardly a day but that the Committee on the Territories was in session con-

sidering matters with regard to Alaska and with regard to Hawaii and Arizona and New Mexico. There are hundreds and hundreds of printed pages of testimony that was taken before that committee relating to the Territory of Alaska.

Mr. FLOOD of Virginia. Let me interrupt the gentleman right there.

Mr. GOOD. And at that time and during that period there was not a time when the clerk of the Committee on the Territories had not ample time to perform all the duties that devolved upon him. He was not busy all the time; and the present Committee on the Territories, if it sits and discusses questions relative to Alaska such as were discussed in the last Congress——

Mr. CARLIN. The gentleman must put his question in the form of a question. I can not yield for a speech.

Mr. MANN. Does not the gentleman intend to give anybody any time on this side of the House? If that is the situation, we will have to have a quorum right away.

Mr. CARLIN. I want to give the gentleman as much time as may be right.

Mr. MANN. The gentleman can not yield just such time as he thinks proper without a quorum present.

Mr. CARLIN. I can yield my time as I see fit.

The SPEAKER. The gentlemen are out of order.

Mr. CARLIN. Mr. Speaker, I yield to the gentleman from Iowa [Mr. GOOD] two minutes.

Mr. MADDEN. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Illinois [Mr. MADDEN] makes the point of no quorum. The Chair will count. [After counting.] One hundred and twenty-four Members are present——

Mr. CARLIN. Mr. Speaker, will the gentleman withdraw his point of no quorum?

Mr. MANN. The point of no quorum will not be withdrawn unless there is a fair distribution of time.

Mr. LLOYD. Mr. Speaker, there is no disposition here to cut off debate, and there is no disposition to mistreat anyone. I will say in behalf of the gentleman from Virginia [Mr. CARLIN], who just had the floor, that I am sure he misunderstood the situation with respect to the gentleman from Iowa [Mr. GOOD]. The gentleman from Iowa desired two minutes' time, and I thought Mr. CARLIN had so understood, and that Mr. CARLIN had yielded to him that much time. But the gentleman from Virginia, as I understand, thought that the gentleman from Iowa had interrupted him merely to ask a question.

Mr. MANN. Mr. Speaker, it is now 5 o'clock, and the House has been in session nearly five hours. During that time this side of the House has consumed less than 45 minutes, while that side of the House has consumed all the rest of the time, and aside from the gentleman from Missouri [Mr. LLOYD] Members on that side have yielded grudgingly to questions asked by Members on this side of the House.

The SPEAKER. Does the gentleman from Illinois [Mr. MADDEN] insist on a point of no quorum?

Mr. MADDEN. Unless, Mr. Speaker, there is some disposition manifested by the gentleman from Virginia to give an equal and fair division of time I will insist. The gentleman from Virginia [Mr. CARLIN] stated a moment ago that he would yield what time he thought proper, and stated that he controlled the time. If that is the disposition of the gentleman, of course I will not withdraw my point of no quorum.

Mr. CARLIN. Mr. Speaker, I will say to the gentleman that I understood I had yielded to the gentleman from Iowa [Mr. GOOD] for the specific purpose of permitting him to ask a question, and instead of asking a question he went on to make a speech. I have no disposition to deny any gentleman any time he wants, but if I yield five minutes to a gentleman I do not yield five hours.

Mr. MADDEN. I have no disposition, Mr. Speaker, to dispute the point with the gentleman, but I do insist that the gentleman from Virginia shall be fair about the disposition of time.

Mr. CARLIN. I have no disposition to be unfair. How much time, I will ask the gentleman from Iowa, does he desire?

Mr. GOOD. Two minutes.

Mr. CARLIN. Then, Mr. Speaker, I yield two minutes to the gentleman from Iowa.

Mr. GOOD. While considering this question of economy, I think it would be well to look into this question of the necessity of an assistant clerk to the Committee on Territories. In the last Congress the gentleman from Missouri [Mr. LLOYD] attended practically every meeting of the Committee on Territories, I think, and I know he will not say that that committee did not go into the many Alaskan subjects fully and completely during the last session of Congress. That committee went into the question of Territorial government for Alaska; it went into the question of the fisheries of Alaska; it went into the question of the insane in Alaska; it went into the question of placer mining in Alaska. In a word, it went into every question raised by the numerous bills introduced in this House with regard to Alaskan affairs, and no committee could have been more thorough in its investigation or more painstaking in its labors than was the Committee on Territories during the last Congress. And yet that committee did not then require the services of an assistant clerk. I think this is very poor economy. If it is the same kind of economy that was presented in the resolutions we have passed to-day, it will not be long until you will find the figures on the other side of the column. Instead of retrenchment and reform, you will be spending more money for committee clerks and for help of this kind than the last Congress expended. Here is a step in that direction. Others will no doubt follow.

Mr. CARLIN. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. FLOOD].

The SPEAKER. The gentleman from Virginia [Mr. FLOOD] is recognized for five minutes.

Mr. FLOOD of Virginia. Mr. Speaker, I want to say to the gentleman from Iowa [Mr. GOOD] that I did not intend—I do not think I said, and I certainly did not intend to convey the impression—that the Committee on the Territories in the last session did not work. I believe it did much work. I believe it did as much work as any committee of this House, and I believe it has probably more work to do in this session than any other committee of this House except the Committee on Ways and Means. For the reason that it has all this work, I believe it is entitled to an assistant clerk. There are other committees that are doing a great deal less work than that committee is doing that have not only assistant session clerks, but assistant annual clerks. Now, I know that what the gentleman says about the work done by the Committee on the Territories during the last Congress is true, because the records will show it. That committee is in session two, three, or four times every week, and it does need the assistance of competent clerks to keep its records up and to get the data and information in reference to matters with which it is dealing.

Mr. GOOD. Will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Virginia yield to the gentleman from Iowa?

Mr. FLOOD of Virginia. I do.

Mr. GOOD. What I understood the gentleman to say, and what I think the RECORD will show he said, is that the Committee on the Territories in the last Congress did not go into the question of Territorial government for Alaska. We did go into that question fully.

Mr. FLOOD of Virginia. What I intended to say was that they did not bring out bills in reference to Alaska. The idea I have is that there has been little legislation in reference to Alaska by this House in the past three or four years, and there is a great deal of legislation that is now needed. That committee had a great many hearings, but the gentleman knows there were not many bills brought out from that committee and passed through this House. There has been very little legislation in reference to Alaska for the last four or five years. A great deal is now needed, not only with reference to the Territorial legislation, but other matters for that immense country, and in order properly to conduct the business of this committee it does need an assistant to the clerk that it has. As I said before, I trust that no misunderstanding that may have occurred upon this floor in reference to the division of time will induce gentlemen to vote against a proposition that is meritorious.

Mr. CARLIN. I yield five minutes to the gentleman from Texas [Mr. GARNER].

The SPEAKER. The gentleman from Texas [Mr. GARNER] is recognized for five minutes.

Mr. GARNER. Mr. Speaker, I want to call the attention of the House to the situation in which we are going to place ourselves when we create this office of assistant clerk to the Committee on the Territories. We started out by telling the country and the Republican side of the House that we intended to run this House on a business basis, and that they had been extravagant in the conduct of the business of the House and had a great many more employees than were necessary. After passing a resolution to do away with some of them, the very next resolution that comes in is a proposition to create a new office that the Republican House never had occasion to create. [Applause on the Republican side.]

Now, you gentlemen on this side of the House, when you adopt a resolution creating the position of assistant clerk to the

Committee on the Territories, will simply open the way for other places to be created; and if the argument used by the gentleman from Virginia [Mr. FLOOD] is correct, that his committee does more work or as much work as other committees having assistant clerks, then, instead of giving his committee an assistant clerk, it is the duty of the Committee on Accounts to report a resolution recommending the discontinuance of the assistant clerks that these useless committees already have.

Mr. FLOOD of Virginia. I should like to ask the gentleman a question.

Mr. GARNER. Yes.

Mr. FLOOD of Virginia. If this clerk is needed, whether provided in the past or not, is it extravagant to provide him now when he is needed by the committee?

Mr. GARNER. Mr. Speaker, I am unwilling to admit that a Democratic committee is unable to do the work that the Republican committee has done for several years. I will not stand here and admit that this committee, now admittedly having no more work—and it can not possibly have any more work—to do than in the last Congress, is unable to conduct its business with a $2,000 clerk, when the Republican committee did, and God knows they did not need anything they did not ask for and always got. [Applause and laughter.] The truth of the business is that we ought not to create this additional clerk, and when you do it, fellow Democrats, when you do this, do not ever again criticize the Committee on Accounts for bringing in provision for new places and useless places, because in my judgment there has not been a proposition and there will not be a proposition submitted to the Committee on Accounts that is absolutely of as little necessity as this assistant clerk. [Applause.]

Mr. COOPER. Mr. Speaker, I will ask the gentleman to yield.

The SPEAKER. Does the gentleman yield?

Mr. GARNER. Yes.

Mr. COOPER. Mr. Speaker, I have had some experience in the work of the different committees. Will the gentleman tell me what possible duties an assistant clerk would have on this committee?

Mr. GARNER. I think largely drawing the salary. [Laughter and applause.] That is my judgment about it. Mr. Speaker, I simply wanted to call the attention of this side of the House to the fact that you are creating a new place, which the Republicans did not need, and paving the way for other offices of a similar character. [Applause.]

Mr. LEVER. Mr. Speaker, I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LEVER. When will amendments be in order to this resolution? I desire to offer an amendment at the proper time.

The SPEAKER. Whenever any Member gets the floor in his own right he has the right to offer any amendment he pleases. The gentleman from Virginia [Mr. CARLIN] has control of the time for one hour. If he yields the floor, then the gentleman can do that.

Mr. LEVER. I understand the gentleman from Virginia is willing to yield the time to me to offer an amendment.

Mr. MANN. If he yields the floor, he yields it, and that is all there is to it.

The SPEAKER. If the gentleman from Virginia yields to the gentleman from South Carolina to offer an amendment, the gentleman from Virginia forfeits his right to the floor.

Mr. CARLIN. I understand, but I would yield only on that condition and for that purpose.

Mr. MANN. Oh, we can not conduct that kind of a parliamentary school here.

Mr. CARLIN. Does the gentleman from Illinois desire some time?

Mr. MANN. Yes.

Mr. CARLIN. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, one of the items in this resolution is a clerk to the Committee on the Disposition of Useless Executive Papers, and another is for a messenger to the Committee on the Disposition of Useless Executive Papers. Of course, that has always heretofore been a janitor. I would like to inquire of the Speaker whether the Speaker has appointed the House members of the Committee on the Disposition of Useless Executive Papers.

The SPEAKER. The Speaker has not appointed any such committee.

Mr. MANN. The law providing for the disposition of useless executive papers provides that a joint committee of the House and Senate, the House members to be appointed by the Speaker, may pass upon useless executive papers at the request of the departments and authorize their destruction. Anyone who destroys a paper in the executive departments without authority of law commits a crime, for which he may be punished, and anyone who authorizes the destruction of papers except in pursuance of law will commit a crime. The law, and not the House, controls. The law provides that the House members of the joint committee which has control of the disposition of these papers shall be appointed by the Speaker, and I would suggest that, in view of the fact that the House has elected two members of this committee as constituting the House members of the committee, the same two members be appointed by the Speaker, so that these gentlemen will be protected if they authorize the destruction of public documents, which otherwise would be a crime; and unless that be done, there is no reason for providing for a clerk and a messenger to the committee, because the committee can do nothing under the law until the committee is appointed in conformity with the law.

Mr. COX of Indiana. When was that statute passed?

Mr. MANN. I am perfectly willing to give to that committee, when it is properly appointed and can perform the business of the office, a clerk and a messenger, or a clerk and a janitor. Why they changed the word "janitor" to "messenger" I do not know, but I suppose the office is to be filled by a white gentleman instead of a colored man, as usually has been the case heretofore. Just why you have need of a janitor for these offices in this building I can not understand. The janitor that has been given to committees heretofore has been intended to do messenger work in addition to the janitor work of the committee. I have had as chairman of a committee of this House a janitor for six or eight years, and that janitor has always worked from early morn until late in the afternoon, doing work that was of benefit to the public. He has earned his pay, and earned it so well that he is now drawing pay from the pocket of yours truly.

Mr. HAMLIN. Will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Missouri?

Mr. MANN. Certainly.

Mr. HAMLIN. I think I agree with the gentleman that these janitors should be appropriated for, and I want to offer an amendment for "janitor and messenger" for these committees, because undoubtedly the committee not only needs a janitor to clean the committee rooms, but it needs a messenger for all of these committees mentioned.

Mr. MANN. I was going to say, so far as the janitor service is concerned the mere cleaning up of the committee rooms can be most efficiently and economically performed by the regular janitor force in the Capitol Building, unless the janitor in addition is also to be a messenger and they are not all clerks. Now, for instance, these committees in this building have to go after their own mail. Members in the House Office Building have letter carriers deliver their mail to them two, three, four, or five times a day, but if you happen to occupy rooms in this building you have to go to the Office Building to get your mail or send somebody else. I suppose the Committee on Accounts intends that the distinguished chairmen of these committees shall take the time to trot over to the Office Building to get their mail.

Mr. GARNER. Will the gentleman permit a question?

Mr. MANN. I will.

Mr. GARNER. I believe there are some twenty-odd committees located in the Capitol at present. Out of the number, I am not certain, but I think they have some 13 or 14 janitors. Does not the gentleman think it would be better if the House would in some way arrange that mail should be delivered to the committee rooms over here rather than to have 14 mail carriers to 14 committees?

Mr. MANN. I think mail ought to be delivered over here, and I tried to get it through the House once, but all the gentlemen on that side voted against it, and a few on this side voting the same killed it.

Mr. BARTLETT. I beg the gentleman's pardon, I did not——

Mr. MANN. Well, the gentleman from Georgia is always an exception.

Mr. BARTLETT. I reported it from the Committee on Accounts.

Mr. MANN. The gentleman is a good exception. I am not in favor of hampering the committees by dispensing with the services of good employees. When I employ a man to work for me I think I am delinquent if I do not provide him with the proper tools to do the work; and the proper tools with which the committee can work are the employees to that committee as well as the members of that committee, and no committee can do good work unless it is provided with a competent clerk,

and in some cases an assistant clerk and a messenger, so that the committee and the chairman can keep in touch with what is going on.

Mr. CARLIN. Mr. Speaker, I yield three minutes to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Speaker, I am not on the Committee on Accounts. I am not on the Committee on Territories. I am not very populistic in my tendencies as to the payment of salaries, but I am opposed to this assistant clerk for the Committee on the Territories for one sole reason, and that reason is that we ought to be absolutely fair and we ought to practice what we preach. We have had a good deal to do and say about economy, and I compliment the committee for their economy and their activity in throwing out a lot of fellows that are useless to the House. But we ought not, even because of the affection all of us may have for the gentleman from Virginia [Mr. FLOOD] and his entire committee, to come back on the same day that we are demolishing jobs and add another that the Republican organization for the last 16 years has not demanded. There is no one here who has denied the proposition that the Committee on Territories has never before had an assistant clerk, and I believe no one now is ready to deny that proposition, and I do not think we ought to stand here and insist upon having a place that they have not had right on the eve of our economy program.

Mr. FLOOD of Virginia. Will the gentleman yield to me a minute?

Mr. CARLIN. I yield a minute to the gentleman.

Mr. FLOOD of Virginia. I want to say, Mr. Speaker, I believe this assistant clerk is needed by this committee, but I do not want to put the committee or myself in the position of violating a policy of economy that has been established and gentlemen seem to think will be violated by creating this position. I do not believe it is good economy to deny the necessary force to any committee in this House, and I believe this clerk is needed. Therefore, I would vote for it, and did ask this House to vote for it. But I do not care to put the Democratic side or the committee in the position of being criticized on the ground that we had advocated economy in one place and were extravagant in another. Therefore, I ask the gentleman in charge of this bill to offer an amendment striking out the assistant clerkship to the Committee on the Territories. [Applause on the Democratic side.]

Mr. CARLIN. Mr. Speaker, I yield two minutes to the gentleman from Indiana [Mr. COX].

Mr. COX of Indiana. Mr. Speaker, I desire to elicit information more than to address the House. I find it is very inconvenient for us to get our mail over here in our committee room in the Capitol Building, and I would like to inquire of some member of the Committee on Accounts whether or not it was contemplated in furnishing a janitor to these committees that he act as mail messenger to bring our mail to our committee room? There are four or five committees over here occupying the same position that I am in this particular. I have no doubt in the world but that this janitor will have plenty of time to carry our mail to us, but what I am particularly interested in is to have this resolution strong enough to require him to bring this mail to us.

Mr. LLOYD. Mr. Speaker, I think there can be no question about that proposition. The janitor provided would receive $60 a month, should employ all of his time, and he would be expected not only to sweep the floors and perform other janitor duty, but in addition to that he would be expected to perform that duty which all janitors perform, namely, the duties of a messenger.

Mr. GARNER. Heretofore the janitors have brought the mail, and I imagine if you secured a janitor under this resolution and he refused to bring the mail, an intimation from the one who employs him that he would lose his job if he did not go for the mail would cause him to do it or give up his position.

Mr. COX of Indiana. I have asked my janitor to bring my mail over, and he has refused to do it; and if there is going to be some pressure brought to bear on him by which I can get him to do it, I want to know what it is.

Mr. GARNER. From what source does the janitor receive his appointment?

Mr. COX of Indiana. I do not know.

Mr. GARNER. Possibly he is a hold over.

Mr. COX of Indiana. As I understand, Mr. Speaker, from the chairman of this committee, it was in the contemplation of the Committee on Accounts that this janitor should do this service.

Mr. CARLIN. I will call the gentleman's attention to the fact, if he will let me do it, that annual janitors to the committees are appointed, and shall perform, under the direction of the Doorkeeper, all the duties required of messengers, and the same thing applies to special-session janitors——

Mr. COX of Indiana. With the assurance of the chairman of this committee——

Mr. CARLIN (continuing). And they dismiss them if they do not do it.

Mr. COX of Indiana. I will be content and make my complaint to the committee in the event he does not do his work.

Mr. MANN. Who appoints the janitor?

Mr. CARLIN. The Doorkeeper.

Mr. MANN. It does not say so.

Mr. CARLIN. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. RUCKER].

Mr. MANN. Before the gentleman from Missouri proceeds will the gentleman from Virginia yield to me for a question?

Mr. CARLIN. Yes.

Mr. MANN. Who will appoint the messenger to the Committee on the Disposition of Useless Executive Papers?

Mr. CARLIN. The chairman of the committee, under the authority of the rule.

Mr. MANN. There is no such rule.

Mr. CARLIN. The committee must confirm, but the chairman of the committee nominates the messenger to the committee.

Mr. MANN. I do not think there is any such rule.

Mr. CARLIN. There is a rule of the House that provides for it.

The SPEAKER. The gentleman from Missouri [Mr. RUCKER] is recognized for five minutes.

Mr. RUCKER of Missouri. Mr. Speaker, I have a complaint, too, and my complaint is that the Committee on Accounts is just a little bit too darned economical. [Laughter.]

Mr. MANN. Will the gentleman yield there?

Mr. RUCKER of Missouri. Yes.

Mr. MANN. Does not the gentleman get a committee clerk, or does he go out?

Mr. RUCKER of Missouri. No; I get none. That is what I am kicking about. [Laughter.]

Mr. MANN. Then I am with the gentleman on that.

Mr. RUCKER of Missouri. Inadvertently or unintentionally the Committee on Committees recommended me for the chairmanship of one of the most important committees of this House. [Laughter.] That action was confirmed by the House. The committee of which I was appointed chairman deals with some of the most important questions that come before Congress. It deals with questions pertaining to the Constitution of the United States. Before the committee appointment had been ratified by the House, in the Democratic caucus—and I have no objection to taking all gentlemen into my confidence and explaining it to them—it was ordered and adjudged that that Committee on Election of President, Vice President, and Representatives in Congress should consider and report to this House two great questions, two great measures, one relating to the election of Senators by the people, and the other pertaining to the publicity of campaign contributions before elections.

We performed the task imposed upon us, and promptly we responded to the demand of the country as echoed in the Democratic caucus by reporting the very next day after we were appointed both of these measures to the House. I know that gentlemen on that side of the House said we were too hasty, and that the measures were not well considered in committee, and I myself thought for a time that perhaps we had allowed our Democratic enthusiasm to run away with our judgment, because there was so much complaint over there on that side. [Laughter.] But when we submitted the first measure to a vote they could find only 13 on that side——

Mr. AUSTIN. Sixteen.

Mr. RUCKER of Missouri. Sixteen, did the gentleman say? I think one of them voted by mistake, and that would leave 15. But 15 or 16 only in the entire membership voted against that measure, which was alleged to have been so poorly considered and so hastily reported by the committee.

Then we took up the other measure the next day, and gentlemen on that side fussed and fumed and quarreled and offered all sorts of amendments, to the confusion of some of us on this side; but we stood like a solid phalanx, commissioned by the people of the country, and voted down every amendment except one or two which improved the bill, and on its final passage I rejoice to proclaim that every Member, whether Democrat or Republican, who registered his vote voted for the publicity bill. Everybody voted for it. [Applause on the Democratic side.]

I recall that we did our work so well that the bills we brought in were passed without the change of a word—without the dotting of an "i" or the crossing of a "t." These two

measures had substantially unanimous support, and I believe they are going to receive pretty nearly the same unanimous support at the other end of the Capitol. But if the Committee on Accounts, in doling out and dishing out clerical help to the various committees of the House with an eye single to economy, will look about, they will find, as they go through the corridors both of the Capitol Building and the House Office Building, men sitting at some doors to whom even members of the Committee on Accounts will have to introduce themselves and announce their business in order to be admitted into the holy of holies of some chairmen of committees—committees that occupy no more important or dignified positions than the one which I have the honor to preside over. They will find not only an annual clerk, but a janitor or messenger in attendance upon those committees, the clerk drawing $2,000 per annum and the janitor drawing $720. I only wanted a clerk, but it seems the Committee on Accounts thinks I do not need or merit one.

The SPEAKER. The time of the gentleman has expired.

Mr. RUCKER of Missouri. I should like a few minutes more.

Mr. CARLIN. How much time have I left?

The SPEAKER. The gentleman has nine minutes left.

Mr. CARLIN. I yield to the gentleman eight minutes of my time.

The SPEAKER. The gentleman from Missouri is recognized for eight minutes.

Mr. RUCKER of Missouri. I thank the gentleman. I want to say that I believe in the economy that the House is practicing, but I want to suggest to the chairman and to the other able gentlemen on that committee that they do not begin at the bottom of the round all the time. I say to them the committee over which I have the honor to preside is as much entitled to a clerk as any other committee in this House that is of no greater dignity or importance and that deals with no more important matters; and yet, with the charge impressed upon us that we must go to work, we have been supplied with no clerical force. There are half a dozen committees in the Office Building which I say to you in all earnestness I do not believe will have one committee meeting between now and December, and those committees have clerks—annual clerks and janitors.

Mr. MANN. Bring in a resolution to abolish the offices.

Mr. RUCKER of Missouri. They have clerks drawing $2,000 a year, and janitors, and yet they will not have any meeting.

I sought to get a clerk, but the Committee on Accounts, in dealing with the committee of which I have the honor to be chairman, instead of recommending an annual clerk for that committee or leaving it where the Republicans had placed it, on a $6 a day basis, actually cut it down to about $4 a day, and therefore I asked the Committee on Accounts to strike it out entirely, because if I can not preside over that committee without humiliation I will not do it at all. [Applause.]

I do not intend to have it that way. If it is necessary, in the interest of Democratic economy, to take my clerk away, why, do it, gentlemen. With the help of my secretary we will manage to get along; but I will not accept a 75-cent rate when other committees have $2,000 clerkships. I say the Committee on Accounts must treat the Committee on Election of President, Vice President, and Representatives in Congress like the balance of them, and either bring them down to my level or bring me up to their level, or else ignore my committee completely; and at my suggestion the Committee on Accounts have stricken from this resolution the little pittance that they had generously determined to allow me for clerk hire. If the Committee on Election of President, Vice President, and Representatives in Congress is not worthy of better treatment, I think you ought to abolish it, gentlemen. It is not a matter that is personal to me. Do as your wisdom inclines you.

Mr. GARNER. Will the gentleman yield?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Texas?

Mr. RUCKER of Missouri. Certainly.

Mr. GARNER. Is it not a fact that the committees to which the gentleman refers—five or six of them—as of no greater dignity than his and having no more business coming before them for consideration, under the present law, have committee clerks at $2,000 a year, and messengers?

Mr. RUCKER of Missouri. Each of them has a clerk and a janitor or messenger.

Mr. GARNER. And heretofore the gentleman's committee has had a session clerk only?

Mr. RUCKER of Missouri. Yes; at $6 per day.

Mr. GARNER. And that if this Committee on Accounts should report a resolution giving the gentleman's committee a clerk at $2,000 a year, would it not be an addition to what that committee ever had under a Republican administration?

Mr. RUCKER of Missouri. Yes; but that would be only treating this committee as others are treated.

Mr. Speaker, further replying to the gentleman from Texas [Mr. GARNER], I would say that if the House gave me a $2,000 clerkship, it would be a raise in the salary above what it had been; but let me say to the gentleman from Texas that they might have let me alone at $6 a day and not humiliated me.

Mr. GARNER. The gentleman will realize another fact, that in this resolution in dealing with committees that have heretofore had session clerks at $6 a day, the committee has placed them on a parity with other session clerks at $125 a month.

Mr. RUCKER of Missouri. That is true, as stated by the gentleman from Texas; but I believe it is also true that those committees who were reduced a little in the per diem of their clerks were given janitors, and I have never had a janitor or a messenger—I would not know what one is.

Mr. CARLIN. Mr. Speaker, I ask unanimous consent to amend this resolution by striking out, on page 2, line 1, the words:

And to the Committee on the Territories, an assistant clerk.

Mr. OLMSTED. I object.

Mr. CARLIN. Then I move that as an amendment.

The SPEAKER. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 1, strike out "and to the Committee on the Territories, an assistant clerk."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. CARLIN. Mr. Speaker, I move to amend by striking out, beginning on page 1, line 15, down to line 16, the following words:

On the Election of President, Vice President, and Representatives in Congress.

The SPEAKER. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, lines 15 and 16, strike out the words "on the Election of President, Vice President, and Representatives in Congress."

The SPEAKER. The question is on the amendment.

Mr. MANN. Mr. Speaker, I would like to inquire from the gentleman from Virginia and the gentleman from Missouri [Mr. RUCKER], before we vote on this amendment, whether it is proposed to follow the striking of this out with a resolution providing for a $2,000 clerk for a committee which has already in the course of two or three weeks disposed of all the business that will come before it in two years?

Mr. RUCKER of Missouri. Mr. Speaker, if I may be permitted to answer the gentleman——

Mr. MANN. I was asking the chairman of the Committee on Accounts, but still the gentleman from Missouri can answer it very readily.

Mr. RUCKER of Missouri. If the gentleman will permit, I will be very glad to do it.

Mr. CARLIN. I wish to say that the committee has not considered that matter as yet, and I have no authority to speak for the committee.

Mr. RUCKER of Missouri. Mr. Speaker, if the gentleman will permit, I want to say, in the first place, that the gentleman is as grossly in error as he ever was about anything in his life when he makes the statement seriously that the committee has disposed of all of the work that it will have to do for two years, as I understood him. That is not the fact.

Mr. MANN. Well, time will develop that.

Mr. RUCKER of Missouri. Let it be the fact or not, I want to say to the gentleman that there is no purpose to bring in any resolution such as he suggests. Therefore he can vote to take away from me a little that I have.

Mr. MANN. I do not wish to take it away from the gentleman.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 71, noes 22.

So the amendment was agreed to.

Mr. CARLIN. Mr. Speaker, I move the passage of the resolution.

Mr. HAMLIN. Mr. Speaker, I have an amendment which I desire to offer.

The SPEAKER. The hour of the gentleman from Missouri is up.

Mr. CARLIN. My time is up; I can not yield.

Mr. MANN. The gentleman can not help himself; the gentleman from Missouri has a right to offer his amendment.

The SPEAKER. The gentleman from Missouri will offer his amendment.

Mr. HAMLIN. Mr. Speaker, in line 9, page 2, after the word "janitor," add the words "and messenger."

Mr. CARLIN. I accept the amendment.

The SPEAKER. The gentleman can not accept the amendment. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 9, after the word "janitor," add the words "and messenger."

Mr. BARTLETT. How will that read?

Mr. HAMLIN. I suggest the word "and" be left out and a hyphen be placed between the word "janitor" and the word "messenger" so there will be no doubt about it.

The question was taken, and the amendment was agreed to.

Mr. CARLIN. Mr. Speaker, I now move the passage of the resolution.

Mr. MANN. I suggest to the gentleman from Virginia he offer an amendment providing that the messenger to the Committee on Disposition of Useless Papers be appointed by the chairman.

Mr. CARLIN. That is covered by the rule.

Mr. MANN. I guess that is covered by the rule.

Mr. RUCKER of Missouri. Mr. Speaker, I move to strike out the last word——

The SPEAKER. The gentleman from Virginia has no time to yield to anybody.

Mr. CARLIN. I had been recognized and was moving the passage of the resolution.

Mr. RUCKER of Missouri. Mr. Speaker, I move to strike out the last word, and I do that, I will say frankly, to get about one minute's time.

Mr. CARLIN. Mr. Speaker, I thought I had recognition for the motion.

The SPEAKER. The gentleman was mistaken. The gentleman from Missouri moves to strike out the last word.

Mr. RUCKER of Missouri. Mr. Speaker, I want to say I believe, so far as I know, the committee of which I am chairman has performed substantially all the work it will do during this session. We have no clerk, and never expect one; I am going on without any, and I now appeal to the committee in the interest of economy to look over the field and see how many of the other committees might get along like my own without a clerk. [Applause.]

The SPEAKER. The question is on agreeing to the resolution as amended.

The question was taken, and the resolution as amended was agreed to.

On motion of Mr. CARLIN, a motion to reconsider the vote was laid on the table.

ATTENDANT IN LADIES' RECEPTION ROOM.

Mr. LLOYD. Mr. Speaker, I would like to have the privilege of detaining the House about three minutes longer in presenting two little resolutions.

Mr. MANN. We will give you five minutes, and at the end of the five minutes I will make the point of order of no quorum.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 94 (H. Rept. 27).

Resolved, That there shall be paid out of the contingent fund of the House, for the services of an attendant in the ladies' reception room, compensation at the rate of $75 per month from and including April 4, 1911, and during the sessions of the Sixty-second Congress, said attendant to be under charge of the Doorkeeper of the House.

Mr. LLOYD. I yield to the gentleman from Texas [Mr. GARNER].

Mr. GARNER. Mr. Speaker, I do not think it necessary to explain this resolution to the House——

Mr. MANN. Do not try to do so, then. Has it been the custom to pay this $75?

Mr. GARNER. Yes.

Mr. MANN. Then let us have a vote on the resolution.

Mr. GARNER. It has always been the custom to pay $75 a month.

The question was taken, and the resolution was agreed to.

STENOGRAPHER FOR COMMITTEE ON WAR CLAIMS.

Mr. LLOYD. Mr. Speaker, I also offer the following resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 116 (H. Rept. 28).

Resolved, That there shall be paid out of the contingent fund of the House, for the services of a stenographer to the Committee on War Claims during the sessions of the Sixty-second Congress, compensation at the rate of $75 per month, payment to commence from the time said stenographer entered upon the discharge of his duties, which shall be ascertained and evidenced by the chairman of said committee.

Mr. MANN. Mr. Speaker, I would like to inquire of the distinguished gentleman from Tennessee, who is chairman of the Committee on War Claims, whether his committee is now engaged at work and actually needs the services of this additional stenographer?

Mr. LLOYD. I yield one minute to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Speaker, I will be very glad to answer that. There were 3,280 bills introduced before that committee last session, 288 resolutions, and 112 court findings. Now, it has been six years since an omnibus bill was passed in this House, or in the Senate either, to pay court findings. They have accumulated until the claimants are needy, and everybody who ever had one is writing in reference to it, and it is just one continued sluice of correspondence. There never was a time in the history of that committee when a stenographer was worse needed than now.

Mr. MANN. Does the gentleman say he needs the stenographer for committee work? I do not think he is entitled to one for mere correspondence.

Mr. SIMS. It is committee work, Mr. Speaker, and I have to refer letters to the departments all the time in order to get reports on bills now being introduced. It is absolutely committee work and no other sort.

Mr. MANN. Mr. Speaker, here is an additional employee. The committee is not at work, and I understand the committee has no intention of working.

Mr. SIMS. The gentleman is mistaken in his understanding. The committee will not report a bill, perhaps, but the committee will be at work all the time during the extra session, and the chairman is at it now day and night.

Mr. FOSTER of Illinois. Is this a new employee?

Mr. SIMS. No; this is the usual employee.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

On motion of Mr. LLOYD, a motion to reconsider the vote by which the two preceding resolutions were agreed to was laid on the table.

ADJOURNMENT UNTIL FRIDAY.

Mr. UNDERWOOD. Mr. Speaker, I move that when the House adjourns to-day it adjourns to meet on Friday next.

The SPEAKER. The gentleman from Alabama moves that when the House adjourns to-day it adjourns to meet on Friday next.

Mr. MANN. That does away with Calendar Wednesday.

The motion was agreed to.

LEAVES OF ABSENCE.

Mr. PARRAN, by unanimous consent, was granted leave of absence for one week, on account of illness.

Mr. DOREMUS, by unanimous consent, was granted leave of absence for two weeks, on account of important business.

WITHDRAWAL OF PAPERS.

Mr. GILLETT, by unanimous consent, was granted leave to withdraw from the files of the House papers in the case of the bill (H. R. 10962, 60th Cong.) for the relief of Henry N. Penfield (Committee on Military Affairs), no adverse report having been made thereon.

Mr. RAUCH, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Paul L. Bahr (Committee on Military Affairs), Sixty-first Congress, no adverse report having been made thereon.

ADJOURNMENT.

Mr. LLOYD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 45 minutes p. m.), under the order heretofore agreed to, the House adjourned until Friday, May 12, 1911, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Sarah A. Bodkin, widow of William H. Bodkin, *v.* The United States (H. Doc. No. 47); to the Committee on War Claims and ordered to be printed.

2. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of J. B. Carter, administrator of estate of Catherine Hopson *v.* The United States (H. Doc. No. 48); to the Committee on War Claims and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LA FOLLETTE: A bill (H. R. 9239) to provide for the erection of a public building in the city of Ellensburg, in the State of Washington; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9240) to erect a public building in the city of Wenatchee, in the State of Washington; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9241) to provide for the acquisition of a site and the erection of a public building thereon at Colfax, Wash.; to the Committee on Public Buildings and Grounds.

By Mr. HAMILL: A bill (H. R. 9242) to provide for the retirement of employees in the civil service; to the Committee on Reform in the Civil Service.

By Mr. MANN: A bill (H. R. 9243) to prevent cruelty to poultry when transported from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia in any vessel or vehicle of any description operated by a common carrier; to the Committee on Interstate and Foreign Commerce.

By Mr. ANTHONY: A bill (H. R. 9244) to regulate service on the General Staff of the United States Army; to the Committee on Military Affairs.

By Mr. FORNES: A bill (H. R. 9245) to amend section 657 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. DE FOREST: A bill (H. R. 9246) to authorize the extension of Colorado Avenue NW. from its present terminus north of Madison Street to Piney Branch Road; to the Committee on the District of Columbia.

By Mr. SHERWOOD: A bill (H. R. 9247) to amend an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes," and to establish a board of pension appeals, and for other purposes; to the Committee on Appropriations.

By Mr. STEPHENS of Texas: A bill (H. R. 9248) to amend section 715 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. SABATH: A bill (H. R. 9249) to regulate accommodations on sleeping cars on the lines of interstate carriers; to the Committee on Interstate and Foreign Commerce.

By Mr. MICHAEL E. DRISCOLL: A bill (H. R. 9250) to provide for the erection of a post office in the city of Syracuse, State of New York; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9251) for the purchase of a site for a public building in the city of Oneida, N. Y.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9252) for relief of former members of New York Infantry Volunteers; to the Committee on Military Affairs.

By Mr. EDWARDS: A bill (H. R. 9253) requiring statistics from cotton speculators and manufacturers; to the Committee on the Census.

By Mr. SHARP: A bill (H. R. 9254) to provide for the erection of a Federal building at Ashland, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. MARTIN of Colorado: Resolution (H. Res. 159) concerning the calling of the roll; to the Committee on Rules.

By Mr. THAYER: Joint resolution (H. J. Res. 92) regarding the distribution of the public laws of the Fifty-sixth, Fifty-seventh, Fifty-eighth, Fifty-ninth, Sixtieth, and Sixty-first Congresses; to the Committee on Printing.

By Mr. PEPPER (by request): Joint resolution (H. J. Res. 93) for adopting the Decalogue and Jesus' rule as standard measure for laws and regulations of the Government of the United States; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 9255) granting an extension of patents to James P. Walters; to the Committee on Patents.

By Mr. AUSTIN: A bill (H. R. 9256) granting a pension to George M. D. Miser; to the Committee on Invalid Pensions.

By Mr. BURKE of Wisconsin: A bill (H. R. 9257) granting a pension to Julia A. Ferber; to the Committee on Pensions.

By Mr. CALDER: A bill (H. R. 9258) granting an increase of pension to Gabriel Wolff; to the Committee on Invalid Pensions.

By Mr. DAUGHERTY: A bill (H. R. 9259) granting an increase of pension to Harrison Shoemaker; to the Committee on Invalid Pensions.

By Mr. MICHAEL E. DRISCOLL: A bill (H. R. 9260) granting an increase of pension to Richard Dunn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9261) granting an increase of pension to Isaac Higley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9262) granting an increase of pension to John W. Petley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9263) granting an increase of pension to Oran D. Bates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9264) granting an increase of pension to John Carroll; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9265) granting an increase of pension to Daniel D. Murphy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9266) granting an increase of pension to Maurice J. Hennessy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9267) granting an increase of pension to Willis S. Barnum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9268) granting a pension to Sarah A. Huckman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9269) granting a pension to Nancy Cook; to the Committee on Pensions.

Also, a bill (H. R. 9270) granting a pension to Mary J. Kitter; to the Committee on Pensions.

Also, a bill (H. R. 9271) granting a pension to Lucy A. Emerson; to the Committee on Pensions.

Also, a bill (H. R. 9272) for the relief of Santa Anna Wallace; to the Committee on War Claims.

Also, a bill (H. R. 9273) for the relief of Liston H. Pearce; to the Committee on Military Affairs.

Also, a bill (H. R. 9274) for the relief of the heirs of James Finnegan and the heirs of Thomas Nesdall, deceased; to the Committee on Claims.

Also, a bill (H. R. 9275) to remove the charge of desertion from the military record of James Ryan; to the Committee on Military Affairs.

Also, a bill (H. R. 9276) to remove the charge of desertion from the record of Patrick Burke; to the Committee on Military Affairs.

Also, a bill (H. R. 9277) to remove the charge of desertion from the record of William S. Herrick; to the Committee on Military Affairs.

Also, a bill (H. R. 9278) to remove the charge of desertion from the record of William M. Reals; to the Committee on Military Affairs.

Also, a bill (H. R. 9279) to remove the charge of desertion from the record of John Roach; to the Committee on Military Affairs.

Also, a bill (H. R. 9280) to remove the charge of desertion from the record of Russell S. Carter, alias Robert Carter; to the Committee on Military Affairs.

Also, a bill (H. R. 9281) to remove the charge of desertion from the record of Horatio C. Patch; to the Committee on Military Affairs.

Also, a bill (H. R. 9282) to remove the charge of desertion from the record of James Pratt; to the Committee on Military Affairs.

Also, a bill (H. R. 9283) to remove the charge of desertion from the record of John H. Crispell; to the Committee on Military Affairs.

By Mr. FOSTER of Illinois: A bill (H. R. 9284) granting an increase of pension to John A. McNerney; to the Committee on Invalid Pensions.

By Mr. GILLETT: A bill (H. R. 9285) granting an increase of pension to Edward F. Seery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9286) granting a pension to Lilly B. Parkhurst; to the Committee on Pensions.

By Mr. HAMILL: A bill (H. R. 9287) granting a pension to James Duffy; to the Committee on Invalid Pensions.

By Mr. HAMILTON of West Virginia: A bill (H. R. 9288) granting an increase of pension to Ebenezer S. Exline; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9289) granting an increase of pension to Marcene J. Harvey; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 9290) for the reinstatement of Lieut. Col. Constantine Marrast Perkins to the active list of the Marine Corps; to the Committee on Naval Affairs.

By Mr. LEE of Pennsylvania: A bill (H. R. 9291) granting an increase of pension to George W. Christian; to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 9292) granting an increase of pension to True Hart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9293) granting an increase of pension to John Kingsiver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9294) granting an increase of pension to Joseph Poirer; to the Committee on Invalid Pensions.

By Mr. McDERMOTT: A bill (H. R. 9295) granting an increase of pension to James Fleming; to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 9296) granting an increase of pension to Charles P. Harder; to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 9297) granting an increase of pension to John K. McGinly; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 9298) granting an increase of pension to Samuel H. Green; to the Committee on Invalid Pensions.

By Mr. PEPPER: A bill (H. R. 9299) granting a pension to Catherine M. Hazelton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9300) to remove the charge of desertion against Oliver Lewis; to the Committee on Military Affairs.

By Mr. PUJO: A bill (H. R. 9301) granting an increase of pension to John Gilley; to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 9302) granting an increase of pension to David Weaver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9303) granting an increase of pension to Cornelius Totten; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9304) granting a pension to Paul L. Bahr; to the Committee on Pensions.

Also, a bill (H. R. 9305) granting a pension to Susan Thrailkill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9306) for the relief of Madison A. Thomas; to the Committee on Military Affairs.

Also, a bill (H. R. 9307) for the relief of John M. Corbin; to the Committee on Military Affairs.

By Mr. SHARP: A bill (H. R. 9308) granting a pension to Susan E. Lime; to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 9309) granting an increase of pension to William Wollenberg; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 9310) granting an increase of pension to Watson R. Agard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9311) granting an increase of pension to Thomas J. Thorp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9312) granting an increase of pension to Joseph Worrall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9313) granting an increase of pension to Seabird Cochrane; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 9314) granting an increase of pension to John S. Skeels; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 9315) granting an increase of pension to Isaac Woods; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 9316) granting a pension to Rebecca Hale Potter; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON of Minnesota: Papers to accompany bill for the relief of Josephine Deputy, of Minnesota, and bill for the relief of Eli J. Bertrand, of Dodge County, Minn.; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: Petition of E. Roudebush, dealer in general merchandise, Bayard, Ohio, in opposition to the parcels post; to the Committee on the Post Office and Post Roads.

By Mr. BARCHFELD: Petitions of Division No. 5, Ancient Order of Hibernians, of Pittsburg, Pa., and the Ancient Order of Hibernians of western Pennsylvania, against arbitration treaty with Great Britain; to the Committee on Foreign Affairs.

Also, petition of Marcus Rauh, A. Leo Weil, William B. Klee, Isaac W. Frank, and Edwin Zugsmith, of Pittsburg, Pa., against the Gardner immigration bill; to the Committee on Immigration and Naturalization.

By Mr. CALDER: Petition of the Congress of the Knights of Labor, Albany, N. Y., protesting against the farmers' free-list bill; to the Committee on Ways and Means.

By Mr. CARY: Petition of A. Steindler, Milwaukee, Wis., protesting against the restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. DAVIS of Minnesota: Resolutions of the Live Stock Exchange of South St. Paul, Minn., protesting against placing dressed meats on the free list; to the Committee on Ways and Means.

By Mr. GRIEST: Resolution of Local Union No. 559, Patriotic Order Sons of America, Rothsville, Pa., urging the immediate enactment of the illiteracy test into law; to the Committee on Immigration and Naturalization.

By Mr. HANNA: Petition of farmers and business men of North Dakota, protesting against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of numerous citizens of Milnor, N. Dak., favoring H. R. 5141, for the purpose of providing for and paying additional compensation to the rural free-delivery carriers; to the Committee on the Post Office and Post Roads.

By Mr. HENRY of Connecticut: Petition of numerous citizens of Hartford, Conn., favoring the establishment of national health department; to the Committee on Interstate and Foreign Commerce.

By Mr. HENRY of Texas: Petition of citizens of Bartlett, Tex., against the passage of a bill to prohibit future trading in cotton on cotton exchanges; to the Committee on the Judiciary.

By Mr. KINKEAD of New Jersey: Resolution of the American Newspaper Publishers' Association, of New York, in favor of House bill 4412, known as the reciprocity bill; to the Committee on Ways and Means.

By Mr. LOUD: Papers to accompany bill for the relief of True Hart, of Midland County, Mich.; in support of John Kingsiver, late a member of Company H, Second New York Heavy Artillery, for increase of pension; and in support of Joseph Poiner, late a member of Company K, First Regiment New York Volunteer Light Artillery, for increase of pension; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: Petition of the Street Sweepers' Union, Pawtucket, R. I., recommending the passage of the immigration bill containing the illiteracy test; to the Committee on Immigration and Naturalization.

By Mr. PORTER: Petitions of Local No. 270, International Molders' Union of North America, of Pittsburg, Pa., relative to tax on oleomargarine; and of Oakland Board of Trade and Pittsburg Chamber of Commerce, favoring the repeal of the 10-cent tax on oleomargarine; to the Committee on Agriculture.

By Mr. RUCKER of Colorado: Memorial of the General Assembly of the State of Colorado, providing for mileage for Philippine soldiers; to the Committee on Military Affairs.

Also, memorial adopted by the General Assembly of the State of Colorado, providing for an appropriation to be used in the extermination of alfalfa pests; to the Committee on Agriculture.

By Mr. SHARP: Resolution of Local No. 297, Metal Polishers', Buffers', Platers', Brass Molders', and Brass Workers' Union of North America, Elyria, Ohio, favoring the repeal of 10-cent tax on oleomargarine; to the Committee on Agriculture.

By Mr. WILSON of New York: Resolutions of the New York Mercantile Exchange, favoring investigation of pure-food laws as applied to eggs and egg products; to the Committee on Agriculture.

Also, resolution of the American Newspaper Publishers' Association, in favor of the reciprocity bill and the abolition of duty on print paper; to the Committee on Ways and Means.

SENATE.

THURSDAY, *May 11, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of the proceedings of Tuesday last was read and approved.

RULINGS OF THE POST OFFICE DEPARTMENT.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Postmaster General, transmitting, in response to a resolution of the 10th ultimo, certain information relative to the ruling of the Postmaster General and reasons therefor in the case of the Harpoon and the Woman's National Weekly.

Mr. DAVIS. I ask that the communication be printed and lie on the table subject to call.

The VICE PRESIDENT. It will be printed (S. Doc. No. 26), and at the request of the Senator from Arkansas it will lie on the table, without objection. No objection is heard.

Mr. DAVIS. I give notice that two weeks from to-day I will submit some observations on the report.

The VICE PRESIDENT. After the routine morning business?

Mr. DAVIS. After the routine morning business.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented resolutions adopted by the Central Labor Union of Newport News, Va., favoring the enactment of legislation to prohibit the imposing of the so-called "third degree" on any prisoner in the United States, which were referred to the Committee to Investigate the Administration of Criminal Laws by Federal Officers.

He also presented petitions of the Oak Grove Sunday School, of Roanoke County, Va.; of the Sunday school and church of the Germantown congregation of Wirtz, Va.; of the Sunday school of Johnsville, Va.; of the congregation of the Christiansburg Church, of Montgomery County, Va.; of the Sunday school of Topeco, Va.; of the congregation of the Oakvale Church, of Oakvale, W. Va.; and of the congregation of the Church of the Brethren (Dunkers), of Oakley, Ill., praying for the enactment of legislation for the suppression of the opium evil, which were referred to the Committee on Foreign Relations.

He also presented resolutions adopted at the annual general conference of the Reorganized Church of Jesus Christ of Latter-day Saints, at Lamoni, Iowa, praying for the ratification of the treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. KERN presented memorials of sundry citizens of Warrick County, Ind., remonstrating against the ratification of the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. MARTINE of New Jersey presented memorials of James P. Toole, of Paterson; William Dunworth, of Newark; and George McPartland, Patrick McPartland, and Hugh Montague, of Passaic, all in the State of New Jersey, remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented petitions of Washington Camp, No. 126, Patriotic Order Sons of America, of Pleasantville; of Washington Camp, No. 139, Patriotic Order Sons of America, of Columbus; and of Union Council, No. 31, Junior Order United American Mechanics, of Rahway, all in the State of New Jersey, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a memorial of West Jersey Lodge, No. 87, International Association of Machinists, of Camden, N. J., remonstrating against the adoption of the Taylor system of shop management in Government navy yards and arsenals, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Mercer County Central Labor Union, of New Jersey, praying that an investigation be made into the alleged abduction from Indianapolis, Ind., of John J. McNamara, which was referred to the Committee on the Judiciary.

Mr. GUGGENHEIM. I present a joint resolution adopted by the Legislature of the State of Colorado, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the joint resolution was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

Senate joint memorial 35.

To the Congress of the United States of America:

Whereas numerous volunteer regiments who enlisted for the War with Spain in 1898 that were sent to the Philippine Islands and did valiant service there, suppressing the Philippine insurrection after the treaty of peace with Spain was signed, were returned to the United States and mustered out without being paid the customary travel pay allowed under similar conditions.

Therefore, your memorialists, the Legislative Assembly of the State of Colorado, earnestly pray your honorable body to enact into law a bill for the purpose of giving travel pay to all volunteer soldiers who remained in the Philippine Islands, doing service after the treaty of peace with Spain was signed, and who have heretofore not obtained same.

Resolved, That a copy of this memorial be forwarded to the Colorado Representatives in the Congress of the United States.

STEPHEN R. FITZGARRALD,
President of the Senate.
GEORGE MCLACHLAN,
Speaker of the House of Representatives.

Approved, May 3, 1911.

JOHN F. SHAFROTH,
Governor of the State of Colorado.

Mr. GUGGENHEIM. I present senate memorial No. 12, adopted by the Colorado State Senate, which I ask may be printed in the RECORD and referred to the Committee on Agriculture.

There being no objection, the memorial was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Senate memorial 12.

To the Congress of the United States of America:

We, your memorialists, recognizing the grave danger with which one of Colorado's leading agricultural industries is threatened, urge upon you careful consideration of what is here set forth, so that you may make provision for protective measures which the importance of the matter in question warrants. Colorado now devotes approximately 700,000 acres to the growing of alfalfa and hay, and of this far the larger proportion is in alfalfa. The total production during 1910 was 1,400,000 tons, with a valuation of $15,120,000. Practically all of this acreage and production lies in the irrigated sections of the State, and the value of the land on which this remarkable production is possible will come close to $80,000,000. From these figures it becomes apparent that the alfalfa crop of Colorado is fast becoming, if it has not already become, the backbone of our agricultural system.

It is the basis to-day of crop rotation in the richest sections of the State, and its failure from any cause would be one of the direst calamities that could fall upon the agriculturists of Colorado.

Advices received from the Bureau of Entomology and from a recent bulletin issued by the experiment station of our sister and neighboring State Utah, gives us fair warning that the alfalfa industry is greatly endangered by the presence of a most destructive insect pest.

The alfalfa-leaf weevil is stated in the report of the Chief of the Bureau of Entomology, United States Department of Agriculture, to constitute a great menace to alfalfa culture, and an appropriation of $10,000 for investigation of the pest has been requested. In the bulletin issued by Utah the means of spread of this alfalfa pest are discussed, and the prediction is made that it would probably be a question of but a short time before the insect will be generally distributed over the alfalfa-growing regions of the United States.

Alfalfa growing in Colorado is so important that the expenditure of the amount in question could not possibly cover the work of checking the spread of the pest should it gain any headway in Colorado.

The State is menaced by its nearness to the State of Utah, for there is a constant interchange of goods between the two States, and unquestionably the State of Colorado must suffer if no steps are taken to see that shipments are properly guarded from carrying the adult weevil from one section to another. It is imperative that steps be taken in the near future to properly supervise shipments in which there may be a menace to Colorado's great industry.

The steps that should be taken to hinder the spread of the alfalfa weevil are, to a large extent, protective to all alfalfa-growing sections in the United States, and your memorialists believe that it is a matter of national importance that every reasonable effort be made to protect us against the spread of this pest.

We therefore respectfully urge that in addition to appropriating the sum of $10,000 for investigating the alfalfa weevil, as requested by the Chief of the Bureau of Entomology, there be appropriated the sum of $25,000 for the purpose of devising means to check the spread of the pest, and for practical work in locating and exterminating incipient isolated colonies of the alfalfa weevil.

And we further urge that this fund be used in cooperating with common carriers, with agricultural colleges, and by every other means which can be devised to prevent the calamity of a destruction of one of our greatest industries.

STEPHEN R. FITZGARALD,
President of the Senate.

Approved April 26, 1911.

JOHN F. SHAFROTH,
Governor of the State of Colorado.

Mr. LIPPITT presented memorials of sundry citizens of Warwick and Pawtucket, R. I., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. NIXON presented a memorial of sundry citizens of Tonopah, Nev., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Fallon, Nev., praying that United States troops be withdrawn from the Mexican border, which was referred to the Committee on Foreign Relations.

Mr. SHIVELY presented a petition of Eureka Lodge, No. 14, Brotherhood of Locomotive Firemen and Enginemen, of Indianapolis, Ind., praying that an investigation be made into the alleged abduction of John J. McNamara from Indianapolis, Ind., which was referred to the Committee on the Judiciary.

Mr. O'GORMAN. I present a resolution adopted by the Legislature of the State of New York, recommending the adoption of an amendment to the Constitution providing for the election of United States Senators by direct vote of the people. I ask that the resolution lie on the table and be printed in the RECORD.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

STATE OF NEW YORK, IN SENATE,
Albany, April 20, 1911.

Whereas the election of United States Senators by direct vote of the people themselves will increase proper confidence in and respect for the upper House of the National Legislature:

Resolved (if the assembly concur), That the legislature respectfully requests the Senators and Representatives in Congress from this State to use their best endeavors, at the present session, for the adoption of a resolution to submit to the legislatures of the several States an amend-

ment to the Constitution of the United States providing for the election of United States Senators in the several States by the direct vote of the people.

By order of the Senate.

PATRICK E. MCCABE, *Clerk.*

In assembly, April 25, 1911. Concurred in without amendment.

LUKE MCHENRY, *Clerk.*

Mr. O'GORMAN presented memorials of the Sinn Fein Club, of New York City, and of sundry citizens of Mechanicsville, New York City, Niagara Falls, and Manhattan, all in the State of New York, remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented memorials of the Hartje Manufacturing Co., of Pittsburg, Pa.; of Local Grange No. 567, Patrons of Husbandry, of Fort Dayton; of the St. George Pulp & Paper Co., of Hudson Falls; of Local Union No. 28, International Brotherhood of Paper Makers, of Fort Edward; and of sundry citizens, all of the State of New York, remonstrating against the ratification of the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a petition of the American Newspaper Publishers' Association, praying for the ratification of the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a memorial of the National Association of Tanners, remonstrating against placing leather on the free list, which was referred to the Committee on Finance.

He also presented a memorial of Lake City Lodge, No. 324, International Association of Machinists, of Dunkirk, N. Y., and memorials of sundry citizens of New York, remonstrating against the adoption of the Taylor system of shop management by the Government in navy yards and arsenals, which were referred to the Committee on Naval Affairs.

He also presented a petition of Local Union No. 491, United Brotherhood of Carpenters and Joiners, of Corinth, N. Y., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the New York Mercantile Exchange, praying that an investigation be made by the Department of Agriculture relative to the condition of frozen and dried eggs, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Onondaga County Bar Association, of New York, remonstrating against dividing the northern district of the United States district court of New York into two districts, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Camp No. 28, Patriotic Order Sons of America, of Wappingers Falls, N. Y., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on the Judiciary.

Mr. TOWNSEND. I present memorials said to be signed by 30,000 voters of Michigan, sent out under the auspices of the Michigan State Grange to various points in Michigan on town-meeting day, protesting against the adoption of the reciprocity agreement with Canada. I ask that one of the memorials, without the names, be read.

There being no objection, the memorial was read, as follows:

To the honorable Members of the Senate and House of Representatives, Washington, D. C.:

We, the undersigned citizens of Michigan, residents of Branch County, do hereby petition your honorable body, protesting against the adoption of the reciprocity agreement with Canada, and hereby agree that we will never support any man for office who works or votes for its passage.

The VICE PRESIDENT. The memorials will be referred to the Committee on Finance.

Mr. PENROSE presented memorials of sundry citizens of Pittsburg, Wilmerding, Shenandoah, Philadelphia, Pittston, Heckscherville, Lost Creek, Braddock, North Braddock, Wall, Portvue, McKeesport, Bellevue, Munhall, and Homestead, all in the State of Pennsylvania, remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. WARREN presented the memorial of John H. Malin, president-secretary of the International Brotherhood of Pulp, Sulphite, and Paper Mill Workers, of Albany, N. Y., remonstrating against the ratification of the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

Mr. McLEAN presented memorials of Frank Kasper, of Bridgeport; Fred C. Mullins, of Bridgeport; and sundry citizens of Bridgeport and New Haven, all in the State of Connecticut, remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Commitee on Foreign Relations.

Mr. PAGE presented a memorial of the congregation of the Jamaica Church of Seventh-Day Adventists, of Jamaica, Vt., and a memorial of the congregation of the Hartland Church of Seventh-Day Adventists, of Hartland, Vt., remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a memorial of Grand View Grange, Patrons of Husbandry, of Addison, Vt., remonstrating against the passage of the so-called cold-storage bill, which was referred to the Committee on Manufactures.

REPORTS OF COMMITTEES.

Mr. NELSON, from the Committee on Territories, to which was referred the bill (S. 267) providing for assisting indigent persons, other than natives, in the District of Alaska, reported it with an amendment.

Mr. SMITH of Michigan, from the Committee on Foreign Relations, to which was referred the bill (S. 12) to give effect to the provisions of a treaty between the United States and Great Britain concerning the fisheries in waters contiguous to the United States and the Dominion of Canada, signed at Washington on April 1, 1908, and ratified by the United States Senate April 13, 1908, reported it with amendments and submitted a report (No. 22) thereon.

HANDBOOK OF AMERICAN INDIANS.

Mr. SMOOT, from the Committee on Printing, reported the following concurrent resolution (S. Con. Res. 2), and it was considered by unanimous consent and agreed to:

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,500 copies of Bulletin No. 30, in two parts, of the Bureau of American Ethnology, entitled "Handbook of American Indians," of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 500 copies for the use of the Bureau of American Ethnology.

DONATION OF CONDEMNED CANNON.

Mr. DU PONT. From the Committee on Military Affairs I report back with an amendment the joint resolution (S. J. Res. 11) authorizing the Secretary of War to deliver a condemned cannon to the National Encampment of the Grand Army of the Republic, and I submit a report (No. 21) thereon. I ask for its present consideration.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The amendment was, in line 5, before the word "dismounted," to strike out "one" and insert "two," so as to make the joint resolution read:

Resolved, etc., That the Secretary of War is hereby authorized to deliver to the order of Cola D. R. Stowits, quartermaster general of the Grand Army of the Republic, two dismounted, condemned bronze cannon used in the Civil War, to be used by the Grand Army of the Republic for the purpose of furnishing official badges of the order: *Provided*, That no expense shall be caused to the United States through the delivery of said condemned cannon.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read:

A joint resolution authorizing the Secretary of War to deliver two condemned cannon to the Grand Army of the Republic.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. POMERENE:

A bill (S. 2208) appropriating additional funds for the erection of a public building at the city of Alliance, in the State of Ohio; to the Committee on Public Buildings and Grounds.

By Mr. KERN:

A bill (S. 2209) granting a pension to Meriam C. Sawyer (with accompanying papers); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 2210) providing for the recognition of certain persons, for rank only, as commissioned officers in the Civil War (with accompanying paper); to the Committee on Military Affairs.

A bill (S. 2211) granting an increase of pension to Isaiah Griner;

A bill (S. 2212) granting an increase of pension to Andrew Willis; and

A bill (S. 2213) granting a pension to George R. Smith; to the Committee on Pensions.

By Mr. SIMMONS:

A bill (S. 2214) to provide for the defense of Beaufort Harbor, N. C., and the inland waters of the State tributary thereto; to the Committee on Military Affairs.

A bill (S. 2215) to increase the salaries of the rural free-delivery carriers, and for other purposes; to the Committee on Post Offices and Post Roads.

A bill (S. 2216) to refund the cotton tax to the States wherein collected; to the Committee on Claims.

A bill (S. 2217) to provide for the purchase of a site and the erection of a public building at Rockingham, N. C.;

A bill (S. 2218) to provide for the purchase of a site and the erection of a public building at Tarboro, N. C.; and

A bill (S. 2219) to provide for the erection of a public building at Rocky Mount, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. HITCHCOCK:

A bill (S. 2220) granting an increase of pension to Victor Tracy; to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 2221) to provide for the purchase of a site and the erection of a public building thereon at Franklin, in the State of New Hampshire; and

A bill (S. 2222) to provide for the purchase of a site and the erection of a public building thereon at Somersworth, in the State of New Hampshire; to the Committee on Public Buildings and Grounds.

A bill (S. 2223) to provide for the extension of Calvert Street, Cleveland Avenue, Rock Creek Drive, Twenty-eighth Street, Twenty-ninth Street, and Thirtieth Street NW., and for other purposes (with accompanying papers); and

A bill (S. 2224) to amend "An act to regulate the height of buildings in the District of Columbia," approved June 1, 1910 (with accompanying paper); to the Committee on the District of Columbia.

By Mr. BROWN:

A bill (S. 2225) granting an increase of pension to Ezra Conley (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 2226) to create in the Navy Department a board to correct naval records; to the Committee on Naval Affairs.

By Mr. BURTON:

A bill (S. 2227) providing for the creation of a national board of sanitary inspectors; to the Committee on Public Health and National Quarantine.

A bill (S. 2228) to establish Ashtabula, Ohio, a subport of entry in the customs collection district of Cuyahoga, Ohio, and for other purposes; to the Committee on Commerce.

A bill (S. 2229) granting a pension to Elizabeth H. Cleary;

A bill (S. 2230) granting an increase of pension to John Stevens;

A bill (S. 2231) granting an increase of pension to Adison Long;

A bill (S. 2232) granting an increase of pension to John W. Farmer; and

A bill (S. 2233) granting an increase of pension to Jacob M. Stanbery; to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 2234) to provide for a primary nominating election in the District of Columbia, at which the qualified electors of the said District shall have the opportunity to vote for their first and second choice among those aspiring to be candidates of their respective political parties for President and Vice President of the United States, to elect their party delegates to their national conventions, and to elect their national committeemen; to the Committee on the District of Columbia.

By Mr. PERKINS:

A bill (S. 2235) to provide for the naturalization of aliens who have served or shall hereafter serve for one enlistment of four years in the United States Navy or Marine Corps, or for four years in the naval auxiliary service; to the Committee on Naval Affairs.

A bill (S. 2236) granting a pension to Napoleon B. Dixon;

A bill (S. 2237) granting an increase of pension to Edward L. Allen (with accompanying paper); to the Committee on Pensions.

By Mr. GUGGENHEIM:

A bill (S. 2238) granting an increase of pension to John E. Jardine (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 2239) to grant an honorable discharge to Paschal C. Hibbs; to the Committee on Military Affairs.

A bill (S. 2240) granting an increase of pension to John S. Schuyler;

A bill (S. 2241) granting an increase of pension to Honora A. Williams; and

A bill (S. 2242) granting a pension to Louisa W. Benade; to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 2243) to correct the military record of John L. O'Mara and grant him an honorable discharge; to the Committee on Military Affairs.

A bill (S. 2244) granting a pension to Jane C. Watkins; to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 2245) for the relief of volunteer officers and soldiers who served in the Philippine Islands beyond the period of their enlistment; and

A bill (S. 2246) to amend the military record of John T. Fitzgerald; to the Committee on Military Affairs.

A bill (S. 2247) granting an increase of pension to Pauline Suing Bloom;

A bill (S. 2248) granting an increase of pension to Catherine A. Engle;

A bill (S. 2249) granting a pension to Charles H. Rayner;

A bill (S. 2250) granting an increase of pension to John Thompson;

A bill (S. 2251) granting an increase of pension to Charles Randle;

A bill (S. 2252) granting an increase of pension to Alonzo Moe;

A bill (S. 2253) granting an increase of pension to Luther H. Palmer;

A bill (S. 2254) granting an increase of pension to Simon V. Seeley;

A bill (S. 2255) granting an increase of pension to Heber Angel;

A bill (S. 2256) granting a pension to George W. McMillin;

A bill (S. 2257) granting an increase of pension to Jesse F. Logsdon;

A bill (S. 2258) granting a pension to Fannie E. Douglass;

A bill (S. 2259) granting an increase of pension to Henry H. Holmes;

A bill (S. 2260) granting an increase of pension to Jacob Bauer; and

A bill (S. 2261) granting an increase of pension to Russell D. Royal; to the Committee on Pensions.

By Mr. LIPPITT:

A bill (S. 2262) granting an increase of pension to Charles Hatfield;

A bill (S. 2263) granting an increase of pension to Lester A. Corp;

A bill (S. 2264) granting an increase of pension to Emma E. Wickson; and

A bill (S. 2265) granting an increase of pension to Mary A. Bacon; to the Committee on Pensions.

By Mr. SUTHERLAND:

A bill (S. 2266) to provide for the purchase of a site and the erection of a public building thereon at Springville, in the State of Utah; to the Committee on Public Buildings and Grounds.

By Mr. GAMBLE:

A bill (S. 2267) granting a pension to August Martell; to the Committee on Pensions.

By Mr. CRANE:

A bill (S. 2268) granting a pension to Amanda Skinner (with accompanying paper); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 2269) to correct the military record of Jeremiah Morgan; to the Committee on Military Affairs.

A bill (S. 2270) to provide for the erection of a public building at Richfield, Utah; to the Committee on Public Buildings and Grounds.

A bill (S. 2271) granting an increase of pension to Ralph W. Ingard (with accompanying papers); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 2272) granting a pension to James Percival (with accompanying papers);

A bill (S. 2273) granting an increase of pension to Cordelia R. Bragg (with accompanying papers); and

A bill (S. 2274) granting an increase of pension to Austin B. Tobey (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 2275) to pay the balance due the depositors in the Freedman's Savings & Trust Co.; to the Committee on Appropriations.

A bill (S. 2276) to correct the military record of W. W. Peyton; and

A bill (S. 2277) for the relief of John M. Berelaz (with accompanying paper); to the Committee on Military Affairs.

A bill (S. 2278) granting an increase of pension to Jacob Scott;

A bill (S. 2279) granting a pension to Marthena Evans;

A bill (S. 2280) granting an increase of pension to Charles M. Smitie;

A bill (S. 2281) granting an increase of pension to Andrew Clelland;

A bill (S. 2282) granting a pension to William Barrett;

A bill (S. 2283) granting an increase of pension to Francis Knapp;

A bill (S. 2284) granting an increase of pension to A. B. Spencer;

A bill (S. 2285) granting an increase of pension to William Hobbs;

A bill (S. 2286) granting a pension to Mrs. H. G. Fuller, formerly Mrs. James P. La Mott;

A bill (S. 2287) granting an increase of pension to Robert E. Longbothom;

A bill (S. 2288) granting a pension to William Barrett;

A bill (S. 2289) granting a pension to Joseph W. Dolmans;

A bill (S. 2290) granting an increase of pension to Andrew Plank (with accompanying paper);

A bill (S. 2291) granting an increase of pension to Charles Williamson (with accompanying paper); and

A bill (S. 2292) granting an increase of pension to Charles L. Griffin (with accompanying paper); to the Committee on Pensions.

RECIPROCITY WITH CANADA.

Mr. WATSON submitted an amendment intended to be proposed by him to the bill (H. R. 4412) to promote reciprocal trade relations with the Dominion of Canada, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

Mr. OLIVER submitted three amendments intended to be proposed by him to the bill (H. R. 4412) to promote reciprocal trade relations with the Dominion of Canada, and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

PAYMASTER JOHN W. MORSE, UNITED STATES NAVY.

Mr. LODGE submitted an amendment proposing to appropriate $46,491.95 in settlement of the accounts of Paymaster John W. Morse, United States Navy, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

WITHDRAWAL OF PAPERS—LENA D. NICKERSON.

On motion of Mr. BURTON, it was

Ordered, That Lena D. Nickerson be authorized to withdraw from the files of the Senate the papers in the case of Lena D. Nickerson (S. 8315, 61st Cong.), no adverse report having been made thereon.

SOUTHERN APPALACHIAN AND WHITE MOUNTAINS.

Mr. GALLINGER. Mr. President, I ask unanimous consent for the printing of 1,000 copies of Senate document No. 91, Sixtieth Congress, first session, being the report of the Secretary of Agriculture on the Southern Appalachian and White Mountain Watershed, with the map, for the use of the Senate document room.

The VICE PRESIDENT. The order is entered without objection.

POLICE AND FIREMEN'S PENSION FUND.

Mr. GALLINGER. I have some data prepared by Gen. John A. Johnston, Commissioner of the District of Columbia, in the matter of policemen and firemen's pension funds embodied in Senate bill No. 2047. It is an important matter, which is now before the Committee on the District of Columbia. I move that the memorandum be printed as a document (S. Doc. No. 24) and referred to that committee.

The motion was agreed to.

PROPAGANDA AGAINST CANADIAN RECIPROCITY.

Mr. STONE. Mr. President, I ask unanimous consent to have inserted in the RECORD a clipping from the New York Herald of the day before yesterday. It is an interesting paper. It states that there are some master men, namely, a law firm—the firm of Allen & Graham, No. 11 William Street, New York—who are managing the fight now being made against the reciprocity agreement, and that they are particularly assuming to marshal and direct the granger forces. William Street, it will be recalled, is not very far from Wall Street. So the office of this firm, according to this article, is the headquarters of this movement. I will read just a little of the article:

Mr. Graham—

A member of this firm—

at the head of a force of writers and stenographers, is sending broadcast literature telling the farmers they will be ruined by reciprocity. Subscriptions are solicited for this propaganda. Manufacturers as well as farmers are asked to contribute, although the Grange has been making it appear that it was working independently of politicians or manufacturers.

Mr. Allen, the other member of the firm, watches the legislative end in Washington. He is understood to be an expert in legislation. If he were working for a trust, he might be known as a lobbyist.

* * * * * * *

Up to date they have sent 8,000 copies of the Canadian agreement to the various masters of the National Grange under Senator GALLINGER'S frank.

I ask leave to have the article inserted in the RECORD.

Mr. GALLINGER. Mr. President, before leave to do that is given I want to suggest to the Senator that Wall Street has nothing to do with this matter at all. I did furnish to the master of the National Grange copies of the President's reciprocity message, which I had a right to do, as I understand it. The firm referred to has business relations with the National Grange, and they have an entire right to do what they are now doing. I think, instead of inserting the article in the RECORD, it should be referred to the Committee on Finance for consideration and investigation, if need be; and I make that motion.

Mr. STONE. Mr. President, I have no objection whatever to that course. Moreover, I would be glad to have these attorneys brought as witnesses before the Finance Committee. I wish, however, to say to the Senator from New Hampshire that when I spoke of Wall Street I did not have the Senator from New Hampshire at all in mind.

Mr. GALLINGER. I understood that.

Mr. STONE. I was simply a little curious to know how the headquarters of this farmers' movement was located on the edge of Wall Street.

Mr. GALLINGER. Yes; I understood the Senator's suggestion to be a geographical one. The location has no significance, however. I move the reference of the article to the Committee on Finance.

Mr. STONE. Let it go there by consent.

The PRESIDING OFFICER (Mr. LODGE in the chair). The Senator from New Hampshire moves that the article be referred to the Committee on Finance. Without objection, it is so ordered.

AFFAIRS IN MEXICO.

Mr. CULBERSON. Mr. President, on the 20th of April last I introduced a resolution expressing the sense of the Senate that the United States ought not to intervene in the present revolution in Mexico. That resolution, on my motion, was referred to the Committee on Foreign Relations, and is still pending in that committee. I ask that the resolution be printed in the RECORD of to-day, and following it that there shall be printed a short brief of authorities which I have caused to be prepared showing the uniform course of the United States of nonintervention in controversies such as this.

Mr. ROOT. Mr. President, may I suggest that it would be more useful if the brief to which the Senator refers should be printed as a public document rather than in the RECORD.

Mr. CULBERSON. I will ask leave that it also be printed as a Senate document.

The PRESIDING OFFICER. The Senator from Texas asks unanimous consent that the paper which he sends to the desk may be printed in the RECORD, together with the resolution, and also be printed as a public document (S. Doc. No. 25). Without objection, it is so ordered.

The papers referred to are as follows:

AFFAIRS IN MEXICO.

BRIEF IN SUPPORT OF SENATE RESOLUTION OF APRIL 20, 1911, RELATIVE TO INTERVENTION IN AFFAIRS IN MEXICO.

[S. Res. 21, Sixty-second Congress, first session.]

Resolved, That it is the sense of the Senate: First. That intervention by the United States in the existing revolution in Mexico would be without justification and contrary to the settled principles of this Government of noninterference in the domestic concerns of other countries;

Second. That the extent to which the United States should go in the present emergency in Mexico is to enforce their neutrality laws with vigor and fully protect life and property within their limits along the Mexican boundary line. The rights of citizens of the United States residing in Mexico are those of neutrals in belligerent territory.

INTERVENTION.

Intervention takes place when a State interferes in the relations of two other States without the consent of both or either of them, or when it interferes in the domestic affairs of another State, irrespectively of the will of the latter, for the purpose of either altering or maintaining the actual condition of things within it. Prima facie intervention is a hostile act, because it constitutes an attack upon the independence of the State subjected to it. Nevertheless, its position in law is somewhat

equivocal. Regarded from the point of view of the State intruded upon, it must always remain an act which, if not consented to, is an act of war. But from the point of view of the intervening power it is not a means of obtaining redress for a wrong done, but a measure of prevention or of police, undertaken sometimes for the express purpose of avoiding war. * * * Hence, although intervention often ends in war and is sometimes really war from the commencement, it may be conveniently considered abstractedly from the pacific or belligerent character which it assumes in different cases. (Hall, Int. Law, 5th ed., 284.)

Generally speaking, the writers on international law assign the following causes as grounds for intervention: 1. Intervention in restraint of wrongdoing (*a*) against illegal acts, (*b*) against immoral acts. 2. Intervention under a treaty of guaranty. 3. Intervention by invitation of a party to a civil war. 4. Intervention under the authority of the body of the States. (Hall, Int. Law, 5th ed., 285–296.)

With the single exception of its intervention in Cuba in 1898, by virtue of the joint resolution of Congress of April 28, 1898, which resulted in the Spanish War, it has been the uniform policy of this Government to decline to intervene either in conflicts between two or more States or in domestic insurrections or revolts in a State, upon any of the grounds assigned. The battleship *Maine* was destroyed February 15, 1898, in Habana Harbor.

Thus the United States expressed its sympathy with the Greek insurrection against Turkey, but there was no intervention. In this instance Great Britain, France, and Russia did intervene: (1) To comply with the request of one of the parties; (2) on the ground of humanity; (3) to put a stop to piracy and anarchy.

Mr. Macon, from the Committee on Foreign Relations of the Senate, January 16, 1826, referring to the nomination by the President of envoys to the Assembly of American Nations at Panama, said:

"By the principles of this policy, inculcated by our wisest statesmen in former days and approved by the experience of all subsequent time, the true interest of the United States was supposed to be promoted by avoiding all entangling connections with any other nation whatsoever." (Moore, Dig. Int. Law, VI, 14.)

Mr. Clay, Secretary of State, in a note to Mr. Revenga, January 30, 1828, said:

"The Government of the United States scrupulously refrains from taking part in the internal dissensions in foreign States, whether in the Old World or the New." (Ib., 14.)

Mr. Van Buren, Secretary of State, in a note to Mr. Moore, minister to Colombia, June 9, 1829, said:

"The President desires that you should not identify yourself with the feelings or objects of either of the contending parties. It is the ancient and well-settled policy of this Government not to interfere with the internal concerns of any foreign country. However deeply the President might regret changes in the Governments of neighboring American States, which he might deem inconsistent with those free and liberal principles which lie at the foundation of our own, he would not, on that account, advise or countenance a departure from this policy."

On October 16, 1829, in a note to Mr. Butler, minister to Mexico, Mr. Van Buren, Secretary of State, said:

"An invariable and strict neutrality between belligerents and an entire abstinence from all interference in the concerns of other nations are cardinal traits of the foreign policy of this Government."

On October 15, 1830, Mr. Van Buren, Secretary of State, wrote Mr. Hamm, chargé d'affaires to Chile:

"One of the settled principles of this Government is that of noninterference in the domestic concerns of nations. (Ib., 15.)

"In proclaiming and adhering to the doctrine of neutrality and nonintervention, the United States have not followed the lead of other civilized nations. They have taken the lead themselves and have been followed by others." (President Fillmore, Annual Message, Dec. 2, 1851 (Mr. Webster, Secretary of State), Richardson's Messages, V, 116.)

Mr. Cass, Secretary of State, in a note to Mr. McLane, minister to Mexico, March 7, 1859, said:

"No matter how strongly the sympathies of the United States may be with the liberal constitutional party in Mexico, our Government can not properly intervene in its behalf without violating a cardinal principle of our foreign policy."

Mr. Seward, Secretary of State, writing to Mr. Dayton, minister to France, on May 11, 1863, with reference to an invitation to France to cooperate with the governments of Paris, London, and Vienna in the exercise of a moral influence with the Emperor of Russia with reference to the affairs of Poland, after expressing due appreciation of the invitation, declined it, saying, among other things:

"Since that period occasions have frequently happened which presented seductions to a departure from what, superficially viewed, seemed a course of isolation and indifference. It is scarcely necessary to recur to them. One was an invitation to a Congress of newly emancipated Spanish-American States; another an urgent appeal to aid Hungary in a revolution aiming at the restoration of her ancient and illustrious independence; another, the project of a joint guaranty of Cuba to Spain in concurrence with France and Great Britain; and more recently, an invitation to a cooperative demonstration with Spain, France, and Great Britain in Mexico; and, later still, suggestions by some of the Spanish-American States for a common council of the republican States situated upon the American Continent. These suggestions were successively disallowed by the Government, and its decision was approved in each case by the deliberate judgment of the American people. Our policy of nonintervention—straight, absolute, and peculiar as it may seem to other nations—has thus become a traditional one, which could not be abandoned without the most urgent occasion, amounting to a manifest necessity." (Moore, Dig. Int. Law, VI, 23.)

"It is against the policy of the United States to interfere in contests between the titular Government of Haiti and the insurgents." (Mr. Fish, Secretary of State, to Mr. Bassett, minister to Haiti, October 31, 1869, ib., p. 26.)

Mr. Bayard, Secretary of State, writing to Mr. Whitney, Secretary of the Navy, April 15, 1885, said:

"At Cartagena, as at any other point in Colombia, not on the direct line of isthmian transit, the only question presented for our consideration is the general one of the protection of the lives and property of citizens of the United States established there. Our right in this respect is, of course, neither more nor less than that of any other Government whose citizens or subjects may be found at such points under similar circumstances. Interests of other nationalities than our own are understood to exist at Cartagena. Consequently, no measure could be taken by the forces of the United States for the protection of their citizens there which we would not admit the perfect right of another Government—that of England, France, or Germany, for instance—to employ for the like protection of its subjects.

"Generally speaking, persons who quit the shelter of their own flag to take up a voluntary residence in a foreign land do so at their own risk and subject to the vicissitudes of foreign invasion or domestic insurrection in the country where they cast their lot, in common with the natives thereof. Their own Government could not invade the country of their sojourn there to protect them from the consequences of war from without or from within without committing a distinctly hostile act. Their rights are simply those of neutrals in a belligerent territory.

"But where the place of their sojourn is a port open to the world's commerce, to which foreign vessels have a right to resort, the presence of war vessels of their nation is proper to protect the national shipping in port and the lives and property of neutral citizens on shore from any injurious treatment contrary to the received international rules of warfare. Such war vessels may properly afford asylum to our own noncombatant citizens and moral protection to their interests within the limits of legitimate warfare, and extreme cases may be conceived where the extreme law of self-preservation may require more effective measures if the bounds of legitimate warfare be overpassed. In no event, however, should such measures amount to an intervention in the domestic disturbances of that country by aiding one belligerent against the other." (Ib., 29.)

In his annual message of December 5, 1899, President McKinley said:

"This Government has maintained an attitude of neutrality in the unfortunate contest between Great Britain and the Boer States of Africa. We have remained faithful to the precept of avoiding entangling alliances as to affairs not of our direct concern."

In a letter to Mr. Hunter, minister to Guatemala, Mr. Day, Secretary of State, September 16, 1898, said:

"The rule of this Government is to observe the most absolute impartiality in respect to questions arising between its neighbors; to refrain from forming a judgment upon the merits of the mutual recriminations which may attend such disputes; to abstain from advising either party to the difference; and to exert mediatorial offices only when acceptable to both parties. * * *

"This Government, as the impartial friend of both Guatemala and Mexico, can not but deplore the tension which has arisen between them, and were the way open for our friendly action in a manner equally acceptable to both of them we would gladly do what we properly might, in the same spirit of impartiality, to induce a friendly composition of their differences." (Ib., 30–31.)

In a letter to Mr. Trescott, special agent to Peru and Chile, January 9, 1882, Mr. Frelinghuysen, Secretary of State, said:

"Were the United States to assume an attitude of dictation toward the South American Republics, even for the purpose of preventing war, the greatest of evils, or to preserve the autonomy of nations, it must be prepared by Army and Navy to enforce its mandate, and to this end tax our people for the exclusive benefit of foreign nations."

In a letter of February 24, 1882, the Secretary of State wrote Mr. Trescott:

"On the other hand, he (the President) remains convinced that the United States has no right which is conferred either by treaty stipulations or by public law to impose upon the belligerents, unasked, its views of a just settlement, and it has no interests at stake commensurate with the evils that might follow an interference, which would authorize it to interpose between these parties, further than warranted by treaties, by public law, or by the voluntary acts of both parties."

During the Ten Years' War in Cuba (1868–1878) many and repeated protests were made to the Government of Spain, some involving the atrocious manner in which the war was conducted, and others complaining of the treatment of American citizens there and the destruction of their property, and others demanding protection for such citizens and such property. In no instance, however, does any idea of armed intervention appear. In 1875 the United States sought the good offices of the English, French, German, Russian, Austrian, and Italian Governments to end the war, but nothing appears to have come of this.

The general principle applicable to alien residents of a country in a state of insurrection, as laid down by Wharton, is this:

"A sovereign is not ordinarily responsible to alien residents for injuries they receive on his territory from belligerent action, or from insurgents whom he could not control, or whom the claimant Government had recognized as belligerents." (Wharton, Int. Law Dig., II, 576.)

Mr. Bayard, in a letter to Mr. Sutphen in January, 1888, discussing a claim against Spain for the destruction of the property of an American citizen in Cuba by insurrectionists, stated that the rule adopted by this Government with reference to such claims was that it was not within the power of the Government to prevent such destruction of property and that therefore it was not liable.

Mr. Olney, writing to Mr. Thompson, minister to Brazil, in 1896, in regard to the destruction of the property of an American citizen destroyed in the course of a battle between the Brazilian Government and insurgents, stated:

"It is a principle of public law too well settled to require the citation of authorities that a sovereign is not responsible for injuries done to alien residents by insurgents whom he can not control."

When in 1896 it was reported that the Cuban insurgents had threatened to destroy the works of an American iron company, Mr. Olney made prompt representations to the Spanish Government and asked protection of the property, which was given. So, in 1897, protection was asked of the Spanish Government for another American iron company, and assurances were promptly given by the Spanish Government.

With reference to a telegram from the American minister at Caracas, indicating a probable attack by pillagers on the property of an American corporation at Bermudez Lake, in Venezuela, Mr. Hay, on December 28, 1900, expressed to the Secretary of the Navy that the minister's request for a vessel should be granted, and that the gunboat should also protect all existing rights and maintain the status quo pending an investigation and decision as to an attempt which was alleged then to be in contemplation to deprive the company of its property by executive action. (Moore, Int. Law, 258.)

While writers upon international law seem to be in practical accord upon the proposition that alien residents of a state stand upon precisely the same footing as native inhabitants with regard to injuries to their persons or property inflicted during insurrection or civil war, within the limits set by the usage of war, this principle of course does not apply when the act from which the foreigners have suffered is directed against them as such, in contradistinction to neutral natives.

Pradier-Fodéré, in his treaties on international public law, citing Calvo (who appears to rank as perhaps the leading authority) and other text writers, after laying down the proposition supra, adds:

"These considerations apply, however, only to states which are capable of fulfilling their international obligations. When, on the con-

trary, the state which is engaged in civil war no longer offers a guaranty of power capable of making itself obeyed, when the circumstances of the contest and the loosening of passions render impossible the performance of the duty of protection toward foreigners, when the latter are menaced with becoming the victims of the violence of an excited populace, respect for the right of sovereignty and jurisdiction ought not to prevent foreign states from caring for the safety of their citizens. 'The state whose subjects inhabit the territory where civil war prevails is under an obligation to protect its citizens abroad, and the dangers to which they are exposed in consequence of revolution and civil war increase those obligations instead of diminishing them. So long as it may hope for and obtain from the state which is involved in civil war or in revolution an efficacious protection, it contents itself with diplomatic measures; when those measures become insufficient it takes such measures as may be necessary itself to protect its nationals; it masses troops on the frontier and sends its fleets to cruise along the coasts, in order to punish infractions of the law of nations or to gather up its subjects in case of need. The state which is involved in civil war is bound to permit this protection and can not see in it an act of war, if it is incapable of discharging itself the duties of protection toward foreign subjects.'" (Moore, Dig. Int. Law, VI, 951–952.)

ERADICATION OF CATTLE TICKS IN ALABAMA.

Mr. JOHNSTON of Alabama submitted the following resolution (S. Res. 40), which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of Agriculture be directed to report to the Senate:

First. In what counties of Alabama have agents of the department been employed in directing or aiding in the eradication of ticks?

Second. How long have such agents been so employed in each county, and the total expense; and in what counties such work has ceased; and whether the cattle therein are now free from ticks?

Third. The names of such agents now employed in each county, from what State appointed, the salary, compensation, and expenses allowed to each of such agents.

BUSINESS OF THE SESSION.

Mr. NEWLANDS. I submit the resolution which I send to the desk. I wish to say in connection with the resolution that we see in the newspapers various conjectures as to the action of this body with reference to legislation, and the statement is made as to this body that there will be an adjournment immediately after action upon the reciprocity bill. There are a great many questions regarding which public opinion is made up and with reference to which legislation is demanded by the people of the United States. I have, therefore, presented these questions in this resolution as worthy of the consideration of the Senate at this extraordinary session: First, covering those questions that should be acted upon in legislation, and, second, covering those questions which should be considered by the various committees of the Senate with a view to preparing legislation to be presented to the Senate at the regular session. I ask that the resolution be read.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read the resolution (S. Res. 41), as follows:

Resolved, That it is the sense of the Senate that during the extra session legislation should be enacted upon the following subjects:

(1) The Canadian reciprocity bill.

(2) Enlarging the free list of importations.

(3) The reduction of the excessive duties in the wool, cotton, and steel schedules.

(4) The gradual reduction of all duties of a prohibitory character to a revenue basis.

(5) The immediate reduction of the appropriations for military and naval expenses for the fiscal year ending June 30, 1912, to the extent of $30,000,000, such reduction to be apportioned by the President with the aid of a military board or boards.

(6) A graduated increase in the corporation tax sufficient to make up any deficit caused by a reduction in custom duties and also sufficient to *provide a fund* for the regulation of river flow and the promotion of river navigation.

(7) Publicity of campaign expenditures before the election and prohibiting contributions by corporations.

(8) Providing for the election of United States Senators by popular vote.

(9) Providing for the immediate admission of Arizona and New Mexico as separate States.

And that during the extra session the proper committees should consider and report for action, during the next regular session, legislation upon the following subjects:

(1) Providing for the physical valuation and the control of the stock and bond issues of railroads engaged in interstate commerce.

(2) Providing, in connection with the Bureau of Corporations, for a board of interstate trade with powers of examination, condemnation, and recommendation regarding interstate trade similar to those conferred upon the Interstate Commerce Commission regarding interstate transportation.

(3) Providing for the protection of bank depositors and the minimizing of bank panics by the organization of a national reserve association in each State, in which the national banks and the State banks engaged in interstate commerce shall be stockholders, such national reserve associations to have ample capital and reserves and to take over the note-issuing functions now enjoyed by the national banks, including the power to issue emergency currency; such associations to have the power to insure or guarantee the depositors of their constituent banks, and in connection therewith powers of examination of such banks; such associations to be brought into federation through a national banking board fairly representative of the different sections of the country, one-half of which shall be selected by such associations and one-half by the President of the United States; and such board to be advisory to the Congress and to the President.

(4) Providing for the neutralization of the Philippine Islands with a view to recognizing their independence as soon as a stable government can be established.

(5) Providing for the cooperation of the National Government with the States in devising and carrying out comprehensive plans for the regulation of river flow, with a view to the promotion of navigation and the prevention of destructive floods, through the preservation of forests, the storage and use of flood waters for the irrigation of arid lands, and the storage of flood waters for the development of water power, and providing a fund ample for continuous work, to be conducted under the direction of a board of experts authorized by law.

(6) Providing for the protection of our natural resources in timber, coal, iron, and oil against monopolistic control.

(7) Providing for the upbuilding of the American merchant marine by free entry to American registry of all ships, wherever constructed, and by the construction of auxiliary ships for our Navy, to be used in time of war in aid of the fighting ships and in time of peace in establishing new routes of commerce through lease to shipping companies; such legislation to involve the temporary diminution of the construction of fighting ships and the substitute of auxiliary ships, with a view to the creation of a well-proportioned and self-sustaining Navy.

Mr. NEWLANDS. I ask that the resolution lie on the table for the present, and I give notice that at the next session of the Senate I will address the Senate upon the resolution.

The PRESIDING OFFICER. The resolution will lie on the table subject to call.

ELECTION OF PRESIDENT PRO TEMPORE.

Mr. CULLOM. Mr. President, I move that the Senate now proceed to the choice of a President pro tempore, to preside over the Senate in the absence of the Vice President.

The motion was agreed to.

Mr. CULLOM. Mr. President, I nominate the senior Senator from New Hampshire [Mr. GALLINGER] for President pro tempore of the Senate of the United States.

The PRESIDING OFFICER. The Senator from Illinois nominates the senior Senator from New Hampshire [Mr. GALLINGER] for President pro tempore of the Senate.

Mr. MARTIN of Virginia. Mr. President, on behalf of the Democratic side of the Chamber, I nominate the senior Senator from Georgia [Mr. BACON] for the position of President pro tempore of the Senate.

The PRESIDING OFFICER. The Senator from Virginia nominates the senior Senator from Georgia [Mr. BACON] for President pro tempore of the Senate.

Mr. LA FOLLETTE. Mr. President, I nominate the junior Senator from Minnesota [Mr. CLAPP] to be President pro tempore of the Senate.

The PRESIDING OFFICER. The Senator from Wisconsin nominates the junior Senator from Minnesota [Mr. CLAPP] to be President pro tempore of the Senate.

Mr. CULLOM. I ask that the roll be called.

The PRESIDING OFFICER. The Senator from Illinois asks that the roll be called. Without objection, the Secretary will call the roll, and each Senator as his name is called will answer with the name of the Senator for whom he desires to vote as President pro tempore of the Senate. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BACON (when his name was called.) I have a general pair with the senior Senator from Maine [Mr. FRYE]. I transfer that pair to the Senator from Alabama [Mr. BANKHEAD] and vote. I vote for the senior Senator from South Carolina [Mr. TILLMAN].

Mr. BORAH (when his name was called). I have a pair with the junior Senator from California [Mr. WORKS]. If the Senator from California were present, I should vote for the Senator from New Hampshire [Mr. GALLINGER].

Mr. LA FOLLETTE. I will state in that connection, if permissible under the rules, that if the Senator from California [Mr. WORKS] were present he would vote for the Senator from Minnesota [Mr. CLAPP].

Mr. BROWN (when his name was called). On this question I have a pair with the senior Senator from Arkansas [Mr. CLARKE], and therefore withhold my vote.

Mr. GAMBLE (when Mr. CRAWFORD's name was called). My colleague [Mr. CRAWFORD] is confined to his room by illness. For that reason he is not able to be present. I make this statement at his request.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], which I transfer to the Senator from Wisconsin [Mr. STEPHENSON], and vote. I vote for the Senator from New Hampshire [Mr. GALLINGER].

Mr. DIXON (when his name was called). On this vote I am paired with the senior Senator from Iowa [Mr. CUMMINS]. If he were present I should vote for the Senator from New Hampshire [Mr. GALLINGER]. The Senator from Iowa, I understand, if present would vote for the Senator from Minnesota [Mr. CLAPP]. He being absent I withhold my vote.

Mr. GALLINGER (when his name was called). Being interested in the question before the Senate, I ask unanimous consent to be excused from voting.

The PRESIDING OFFICER. There is no objection, and the Senator from New Hampshire is excused.

Mr. KENYON (when his name was called). On this vote I have a pair with the senior Senator from Oregon [Mr. BOURNE]. Were he present I should vote for the Senator from New Hampshire [Mr. GALLINGER], and I understand the Senator from Oregon if present would vote for the Senator from Minnesota [Mr. CLAPP].

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. If he were present he would vote for the Senator from Georgia [Mr. BACON], and I should vote for the Senator from New Hampshire [Mr. GALLINGER].

The roll call was concluded.

Mr. McCUMBER (after having voted for Mr. GALLINGER). I ask if the senior Senator from Mississippi [Mr. PERCY] has voted?

The PRESIDING OFFICER. The Chair is informed that the senior Senator from Mississippi has not voted.

Mr. McCUMBER. Then I withdraw my vote, as I have a general pair with that Senator.

The roll call resulted as follows:

FOR MR. BACON—35.

Bailey	Hitchcock	O'Gorman	Smith, S.C.
Bryan	Johnson, Me.	Owen	Stone
Chamberlain	Johnston, Ala.	Paynter	Swanson
Chilton	Kern	Pomerene	Taylor
Culberson	Lea	Rayner	Terrell
Davis	Martin, Va.	Reed	Thornton
Fletcher	Martine, N. J.	Shively	Watson
Foster	Myers	Simmons	Williams
Gore	Newlands	Smith, Md.	

FOR MR. GALLINGER—32.

Bradley	Curtis	Lodge	Richardson
Brandegee	Dillingham	Lorimer	Root
Briggs	du Pont	McLean	Smith, Mich.
Burnham	Gamble	Nelson	Smoot
Burton	Guggenheim	Nixon	Sutherland
Clark, Wyo.	Heyburn	Oliver	Townsend
Crane	Jones	Page	Warren
Cullom	Lippitt	Penrose	Wetmore

FOR MR. CLAPP—4.

Bristow	Gronna	La Follette	Poindexter

FOR MR. BRISTOW—1.

Clapp

FOR MR. TILLMAN—1.

Bacon

NOT VOTING—18.

Bankhead	Crawford	Kenyon	Stephenson
Borah	Cummins	McCumber	Tillman
Bourne	Dixon	Overman	Works
Brown	Frye	Percy	
Clarke, Ark.	Gallinger	Perkins	

The PRESIDING OFFICER. Seventy-three Senators have voted. Necessary to a choice, 37. The Senator from Georgia [Mr. BACON] has 35; the Senator from New Hampshire [Mr. GALLINGER] has 32; the Senator from Minnesota [Mr. CLAPP] has 4; the Senator from Kansas [Mr. BRISTOW] has 1; and the Senator from South Carolina [Mr. TILLMAN] has 1. There is no choice.

Mr. CULLOM. I move that the Senate take another ballot.

Mr. STONE. Out in my country a plurality elects.

The PRESIDING OFFICER. The Chair does not think it does under the practice of Congress and the Constitution of the United States.

Mr. CULLOM. I ask for another ballot.

The PRESIDING OFFICER. The Senator from Illinois moves that the Senate proceed to another ballot.

Mr. BAILEY. I assume that that would be the procedure, without a motion. When the Senate enters upon the election of an officer it proceeds to ballot until one is elected, unless it is otherwise ordered.

Mr. CULLOM. I did not intend to make a motion.

The PRESIDING OFFICER. The Chair thinks the point of the Senator from Texas is well taken. The Senate will proceed, unless another order is made, to another roll call. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BACON (when his name was called). Again announcing the transfer of my pair with the Senator from Maine [Mr. FRYE] to the Senator from Alabama [Mr. BANKHEAD], I vote for the Senator from South Carolina [Mr. TILLMAN].

Mr. BORAH (when his name was called). I again announce that I have a pair with the junior Senator from California [Mr. WORKS]. If he were present, I would vote for the Senator from New Hampshire [Mr. GALLINGER]. I am informed that if he were present he would vote for the Senator from Minnesota [Mr. CLAPP].

Mr. BROWN (when his name was called). I repeat my announcement heretofore made. I have a pair with the senior Senator from Arkansas [Mr. CLARKE], and I therefore withhold my vote. I will allow this statement to stand for the rest of the day.

Mr. DILLINGHAM (when his name was called). I again announce my general pair with the senior Senator from South Carolina [Mr. TILLMAN], which I transfer to the junior Senator from Wisconsin [Mr. STEPHENSON]. I make this announcement for the day to save repetition. I vote for the Senator from New Hampshire [Mr. GALLINGER].

Mr. DIXON (when his name was called). I again announce that on this vote I am paired with the senior Senator from Iowa [Mr. CUMMINS]. If he were present, I would vote for the Senator from New Hampshire [Mr. GALLINGER]. He being absent, I withhold my vote. I am informed that he would, if present, vote for the Senator from Minnesota [Mr. CLAPP].

Mr. GALLINGER (when his name was called). Mr. President, observing that two other Senators nominated for this high office have voted, I vote for the senior Senator from Massachusetts [Mr. LODGE].

Mr. KENYON (when his name was called). I again announce my pair with the senior Senator from Oregon [Mr. BOURNE]. If he were present, he would vote for the Senator from Minnesota [Mr. CLAPP], and I would vote for the Senator from New Hampshire [Mr. GALLINGER].

Mr. McCUMBER (when his name was called). I again announce my pair with the senior Senator from Mississippi [Mr. PERCY]. If he were present, he would vote for the Senator from Georgia [Mr. BACON], and I would vote for the Senator from New Hampshire [Mr. GALLINGER]. I make this announcement for the day, and withhold my vote.

Mr. PERKINS (when his name was called). I again announce my general pair with the junior Senator from North Carolina [Mr. OVERMAN]. If he were present, he would vote for the Senator from Georgia [Mr. BACON], and I would vote for the Senator from New Hampshire [Mr. GALLINGER].

The roll call, having been concluded, resulted as follows:

FOR MR. BACON—35.

Bailey	Hitchcock	O'Gorman	Smith, S. C.
Bryan	Johnson, Me.	Owen	Stone
Chamberlain	Johnston, Ala.	Paynter	Swanson
Chilton	Kern	Pomerene	Taylor
Culberson	Lea	Rayner	Terrell
Davis	Martin, Va.	Reed	Thornton
Fletcher	Martine, N. J.	Shively	Watson,
Foster	Myers	Simmons	Williams
Gore	Newlands	Smith, Md.	

FOR MR. GALLINGER—32.

Bradley	Curtis	Lodge	Richardson
Brandegee	Dillingham	Lorimer	Root
Briggs	du Pont	McLean	Smith, Mich.
Burnham	Gamble	Nelson	Smoot
Burton	Guggenheim	Nixon	Sutherland
Clark, Wyo.	Heyburn	Oliver	Townsend
Crane	Jones	Page	Warren
Cullom	Lippitt	Penrose	Wetmore

FOR MR. CLAPP—4.

Bristow	Gronna	La Follette	Poindexter

FOR MR. TILLMAN—1.

Bacon

FOR MR. BRISTOW—1.

Clapp

FOR MR. LODGE—1.

Gallinger

NOT VOTING—17.

Bankhead	Crawford	McCumber	Tillman
Borah	Cummins	Overman	Works
Bourne	Dixon	Percy	
Brown	Frye	Perkins	
Clarke, Ark.	Kenyon	Stephenson	

The PRESIDING OFFICER. Seventy-four Senators have voted; necessary to a choice, 38. The Senator from Georgia [Mr. BACON] has received 35; the Senator from New Hampshire [Mr. GALLINGER], 32; the Senator from Minnesota [Mr. CLAPP], 4; the Senator from Massachusetts [Mr. LODGE], 1; the Senator from South Carolina [Mr. TILLMAN], 1; and the Senator from Kansas [Mr. BRISTOW], 1. There is no choice.

The Chair thinks it only proper to say that by an inadvertence which seems almost incredible he did not remember the second clause of Rule I of the Senate, and in pursuing the course that has been pursued here he has followed the proceeding which has always taken place in such a case since he has been in the Senate. The Vice President would leave the chair, calling a Senator to it, and in his absence, as the Constitution requires, the Senate would proceed to the election of a President pro tempore.

Under the second clause of Rule I of the Senate the present occupant of the chair has no right to occupy the chair. It must be occupied by the Secretary of the Senate, or in his absence by the Chief Clerk, unless the Senate chooses to suspend the rule, which, of course, it can do by unanimous consent.

Mr. BAILEY. I ask that the rule of the Senate in that respect shall be suspended by unanimous consent.

The PRESIDING OFFICER. The Senator from Texas asks that the second clause of Rule I of the Senate, relating to the occupancy of the chair during the choice of a President pro tempore, shall be suspended. Is there objection? The Chair hears none, and it is so ordered.

Unless otherwise ordered, the Senate will proceed to a third vote for President pro tempore.

The Secretary proceeded to call the roll.

Mr. BORAH (when his name was called). I make the same announcement that I made before.

Mr. DIXON (when his name was called). I make the same statement regarding my pair that I made on the former two votes.

Mr. KENYON (when his name was called). I will state that I am paired with the Senator from Oregon [Mr. BOURNE].

Mr. McCUMBER (when his name was called). I repeat my previous announcement as to my pair.

Mr. PERKINS (when his name was called). I again announce my pair with the junior Senator from North Carolina [Mr. OVERMAN]. If he were present, he would vote for Mr. BACON and I would vote for Mr. GALLINGER.

The roll call having been concluded, it resulted as follows:

FOR MR. BACON—35.

Bailey	Hitchcock	O'Gorman	Smith, S. C.
Bryan	Johnson, Me.	Owen	Stone
Chamberlain	Johnston, Ala.	Paynter	Swanson
Chilton	Kern	Pomerene	Taylor
Culberson	Lea	Rayner	Terrell
Davis	Martin, Va.	Reed	Thornton
Fletcher	Martine, N. J.	Shively	Watson
Foster	Myers	Simmons	Williams
Gore	Newlands	Smith, Md.	

FOR MR. GALLINGER—32.

Bradley	Curtis	Lodge	Richardson
Brandegee	Dillingham	Lorimer	Root
Briggs	du Pont	McLean	Smith, Mich.
Burnham	Gamble	Nelson	Smoot
Burton	Guggenheim	Nixon	Sutherland
Clark, Wyo.	Heyburn	Oliver	Townsend
Crane	Jones	Page	Warren
Cullom	Lippitt	Penrose	Wetmore

FOR MR. CLAPP—4.

Bristow	Gronna	La Follette	Poindexter

FOR MR. TILLMAN—1.

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FOR MR. BRISTOW—1.

Clapp

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NOT VOTING—17.

Bankhead	Crawford	McCumber	Tillman
Borah	Cummins	Overman	Works
Bourne	Dixon	Percy	
Brown	Frye	Perkins	
Clarke, Ark.	Kenyon	Stephenson	

The PRESIDING OFFICER. On this vote 74 Senators have voted; necessary to a choice, 38. The Senator from Georgia [Mr. BACON] has 35 votes, the Senator from New Hampshire [Mr. GALLINGER] has 32 votes, the Senator from Minnesota [Mr. CLAPP] has 4 votes, the Senator from Massachusetts [Mr. LODGE] has 1 vote, the Senator from South Carolina [Mr. TILLMAN] 1, and the Senator from Kansas [Mr. BRISTOW] 1. As there has been no choice, the Senate will proceed to another ballot.

Mr. DIXON. I move that the Senate adjourn.

The motion was not agreed to.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BORAH (when his name was called). I make the same announcement that I made before.

Mr. ROOT. Mr. President, I object to——

Mr. CULBERSON. Mr. President, I rise to a question of order. The roll having begun to be called, it is out of order to interrupt it.

Mr. ROOT. Mr. President——

The PRESIDING OFFICER. The Senator from New York.

Mr. ROOT. I object to the Senator from Idaho being excused from voting and ask that the rule of the Senate, Rule XII, be enforced.

Mr. BAILEY. Mr. President, I suggest that this is not a case within the rule of excusing a Senator from voting, but the vote is withheld in pursuance of a pair, a practice long sanctioned by the Senate; and in such a case a Senator does not need to be excused from voting.

The PRESIDING OFFICER. The Chair thinks that as a pair is a reason for not voting under the rule, excusing a Senator from voting should be submitted to the Senate after the roll call and before the result is announced.

Mr. BAILEY. That makes it about as broad as it is long. If a pair is a sufficient reason for not voting, the announcement of the pair, of course, is a statement of the reason, the only difference being that the reason must be approved by the Senate. By the long, uniform, and unbroken practice of the Senate, a Senator is permitted to pair. And suppose a Senator were absent, either sick or upon the public business, and his pair sat here, obliged by every fair sense of obligation to respect that pair, does the Senate think it would have the power to compel him to break it?

Mr. President, the Senate could enter that kind of an order against me and I would defy it to the point of expulsion. If I had given a Senator my word that I would protect him in his absence, the Senate could not compel me to either break it or withdraw it.

I think the Senate will hesitate long before it will assert its right to settle a question of that kind for one of its Members. I think the rule was intended where wholly apart from a pair a Senator asks to be excused. The Senator from New Hampshire [Mr. GALLINGER] on the first roll call this afternoon asked to be excused upon the ground that he had an interest in the matter. My own opinion is that it is not such an interest as would have disqualified him. I think the Senator from New Hampshire and my friend from Georgia are a little oversensitive about this matter. If I had been in the position of either, I would have voted for myself as the nominee of my party. I have done it, and I believe that every time a vote is taken a man ought to support his party's nominee.

But I waive that. I state it only as one of the questions which the Senate might decide, as to whether it was a good excuse, because that rests in the judgment of a Senator. But whether or not a Senator shall keep his pair rests with the conscience of the Senator, and I do not acknowledge the right of the Senate to decide that sort of a question for me.

The PRESIDING OFFICER. The Chair will state that under the rule this question must be decided after the conclusion of the roll call. Debate is now out of order.

Mr. ROOT. Mr. President, I ask leave to say one word with reference to the observations of the Senator from Texas.

The PRESIDING OFFICER. If there is no objection, the Senator from New York will proceed.

Mr. ROOT. Mr. President, I shall be quite content if the Senate determines to excuse the Senator from Idaho. I do not wish to permit the pairing of two Republican Senators——

Mr. BAILEY. Oh, but they are different kinds. [Laughter.]

Mr. ROOT. I do not wish the pairing of two Republican Senators, which has the effect of withdrawing two votes in opposition to the Democratic candidate to go sub silentio; and I make this objection in order that it shall be understood that the effect of this proceeding is to destroy two Republican votes and defeat the candidate of the Republican caucus, and if effective to elect a Democratic President pro tempore of the Senate.

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. The Chair must reiterate that this debate is proceeding by unanimous consent. If there is no objection, the Chair will recognize the Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, if the Senate shall determine to make the precedent which the Senator from New York [Mr. ROOT] seeks to raise here, it may take notice now that such a precedent will return many times to plague it hereafter.

I do not recognize, sir, the right of any Senator here, directly or indirectly, to make against me the criticism that I am voting against my party because that vote is against the action of Members of this Senate regarding the public business in a secret meeting held in some place outside this Chamber. I deny the right of any secret caucus held outside of the Senate Chamber behind closed doors, with no reporters present, to dispose of the public business or anything which may exercise an important or controlling influence upon the public business.

I regard the election of a President pro tempore of this great body as of great importance in the conduct of its business. It is of tremendous importance at times, Mr. President, in determining what measures shall pass this body. I do not propose to be read out of the Republican Party because I can not conscientiously support some man whom a number of my party associates have agreed upon in a secret meeting as their choice for President pro tempore of the Senate.

The PRESIDING OFFICER. The Secretary will call the roll.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. It is the duty of the Chair to call the attention of the Senate to the stringency of the rule. The Chair has relaxed it.

RULE XII.

1. When the yeas and nays are ordered, the names of Senators shall be called alphabetically; and each Senator shall, without debate, declare his assent or dissent to the question, unless excused by the Senate; and no Senator shall be permitted to vote after the decision shall have been announced by the Presiding Officer, but may for sufficient reasons, with unanimous consent, change or withdraw his vote. No motion to suspend this rule shall be in order, nor shall the Presiding Officer entertain any request to suspend it by unanimous consent.

Mr. BAILEY. Mr. President, in view of the fact that everybody except the Senator immediately concerned has had a say, I think the Chair ought to read that rule after that Senator has finished.

The PRESIDING OFFICER. The Chair merely sought to do what he deemed it his duty to do—to call the attention of the Senate to the stringency of the rule.

Mr. BAILEY. The Chair is well within his right and his duty, but I think the rule ought to be read after the Senator from Idaho [Mr. BORAH], whose right to be excused from voting is challenged, has been heard.

Mr. BORAH and Mr. HEYBURN addressed the Chair.

The PRESIDING OFFICER. The junior Senator from Idaho.

Mr. BORAH. Mr. President, I only want to say a word. This is the first time since I have been in the Senate that I have ever consented to pair at all, because I am not very much in favor of the practice or the principle. However, there were circumstances connected with this matter which I thought justified me in making this pair, and I regard it as purely a matter of conscience between the Senator from California [Mr. WORKS] and myself. I think the Senator from New York [Mr. ROOT] drifted aside from the question when he suggested that it was the result of an understanding or an effort by this process to do indirectly what we would not do directly—that is, to elect a member of the Democratic Party as President pro tempore of the Senate.

I cast my vote in accordance with what I believe to be the best interests of the organization of which I am an humble member, and I am not seeking in any way by this process to relieve myself of direct action. I am perfectly content in all matters which relate merely to the organization of my party to abide by the majority vote in caucus. If I am inside of the caucus I feel that I am competent to determine what I ought to do without the advice, aid, or suggestion of anyone else. The caucus having acted upon this matter, I was perfectly content to cast my vote for the caucus nominee, and my action was not taken with the design of embarrassing the party nor giving an advantage to the opposition party, but to accommodate a Senator who had to be absent and who could not avoid being absent. For that reason I consented to vote, as I have, by pair. It was purely to accommodate an absent Senator. I do not do business here or elsewhere by indirection.

Mr. SMOOT. Mr. President——

Mr. CULLOM. Regular order!

The PRESIDING OFFICER. The Senator from Utah.

Mr. SMOOT. Mr. President, if there is no objection, I should like to say just a word so that there will be no misunderstanding in relation to the statement in regard to the secret meeting. I think it ought to be understood that a Republican caucus was regularly called and there was not a member of the Republican Party but received notice to attend that caucus. That could only be called a secret meeting in the same way that the caucus of the Democratic Party or of any other party holding a meeting for the determination of questions of this sort.

The PRESIDING OFFICER. The Secretary will resume the calling of the roll.

The Secretary resumed the calling of the roll.

Mr. DIXON (when his name was called). I again announce my pair with the senior Senator from Iowa [Mr. CUMMINS].

Mr. HEYBURN. I object to the excuse of the Senator on that ground.

The PRESIDING OFFICER. The question will be decided after the roll call shall have been concluded.

Mr. HEYBURN. I think, Mr. President, the rule provides that when an objection is made the question shall be decided at the time by a vote without debate. I refer to Rule XII.

The PRESIDING OFFICER. The Senator from Montana [Mr. DIXON] has declined to vote on the call of his name and has assigned his reason, which is a pair. The question before the Senate is, Shall the Senator for the reason assigned by him be excused from voting? Those in favor of the motion——

Mr. CULBERSON. Mr. President, I call attention to paragraph 2 of Rule XII:

which shall be decided without debate; and these proceedings shall be had after the roll call and before the result is announced.

The PRESIDING OFFICER. That was the impression of the Chair. The Chair thinks the Senator from Texas [Mr. CULBERSON] is right. The Senator from Idaho [Mr. HEYBURN] suggested that this question should be decided now, but the Chair thinks the Senator from Texas is correct, and that the question must be decided after the conclusion of the roll call. The Secretary will resume the calling of the roll.

The Secretary resumed the calling of the roll.

Mr. KENYON (when his name was called). I make the same announcement I have previously made as to my pair with the senior Senator from Oregon [Mr. BOURNE].

Mr. McCUMBER (when his name was called). I restate my previous announcement as to my pair, and withhold my vote.

Mr. HEYBURN. I object in that case to the withholding of the vote of the Senator.

Mr. PERKINS (when his name was called). I again announce my general pair with the junior Senator from North Carolina [Mr. OVERMAN]. If he were present, he would vote for the Senator from Georgia [Mr. BACON], and if I were at liberty to vote I should vote for the Senator from New Hampshire [Mr. GALLINGER].

The roll call was concluded.

Mr. HEYBURN. Now, Mr. President, before the vote is announced, the question is——

The PRESIDING OFFICER. The Chair was about to put that question. Objection having been made to two Senators withholding their votes—the Senator from Montana [Mr. DIXON] and the Senator from North Dakota [Mr. McCUMBER]—under the rule of the Senate each of those Senators is entitled to assign his reasons for declining to vote, and, having assigned them, it becomes the duty of the Chair to put the question to the Senate, which shall be decided without debate.

Mr. BAILEY. Mr. President, I submit as a point of order, that the question of pairs is not within either the spirit or the letter of that rule, and that the rule does not apply to the case where a Senator announces his pair.

The PRESIDING OFFICER. The Chair is of opinion that pairs are not recognized by the rules anywhere, and that they are only a reason for not voting.

Mr. BAILEY. But, Mr. President, while not recognized by the rules, they are recognized by the uniform practice of the Senate and become as much a part of the rules as if they were expressly written in them.

Now, Mr. President, I want to make just this suggestion: If it is within the power of the majority present in the Chamber to compel a Senator to vote notwithstanding his pair, then, if you succeed in electing a President pro tempore—which looks very doubtful now, as we are enjoying the novel and delightful sensation of seeing a Democratic candidate run ahead in the Senate—but if you should succeed in electing a President pro tempore, when we found you down at lunch the day after tomorrow, we could depose him and elect one of our own. We could pass the word about the Senate Chamber on the Democratic side for them all to remain here, and we could then release all of our Senators who announced their pairs and compel them to vote, and, having a majority, we could refuse to release the Senators on the other side.

The purpose of a pair is not wholly to serve the convenience of Senators. It is broader and more important than that. It was to preserve that relation between the parties which the people had established by their elections; it was to provide against a contingency where a larger number of the majority party happen to be sick or absent, whether engaged upon their personal affairs or public business—under such circumstances they still might seek and obtain pairs with the minority and thus preserve the right of the majority to control the proceedings of the Senate.

Mr. HEYBURN. Mr. President, I interpose a question of order. I believe under the rule that no option is given with reference to debate, and the rule says that we must first vote upon this, and that other proceedings may follow the vote.

Mr. BAILEY. I understand that, and I think, Mr. President, on the question itself, as to the sufficiency of the reason, debate would be precluded; but I am not raising the question as to the sufficiency of the reason, I am raising the question that, under the practice of the Senate, the sufficiency of the reason is not a matter for the Senate's determination, and I submit that point. If it were that a Senator would say, "I

am interested" or "I am not qualified," or should assign any other reason for not voting, which the Senate could determine for itself, then the rule would apply; but my contention is that the pair having been recognized immemorially in the Senate, until it has become a part of the Senate's procedure, is a matter for each Senator's own conscience and not for the Senate to determine.

Let me make this one suggestion, and then I will yield the floor: Suppose a Senator, despite his pair, should vote and announce to the Senate and to the world that he voted because he found that his single vote would be decisive of the question, will any Senator contend that we would have the power to reject that vote? No, sir. The rules of the Senate leave it to each Senator, and if it be left to the Senator in one instance, when he seeks to violate his faith to a fellow Senator, it must be left to him in the other instance to keep that faith. The very reason that our rules are silent with reference to pairs is that it was expected and intended to leave that question to Senators to decide for themselves.

Mr. HEYBURN. Mr. President, I understood that I had the recognition of the Chair, and I desire——

The PRESIDING OFFICER. The Senator from Texas [Mr. BAILEY] rose to a point of order.

Mr. HEYBURN. Well, I had risen to a point of order.

The PRESIDING OFFICER. The Chair understood that the Senator's proposition was to proceed under the rule, and the Senator from Texas has raised a point of order.

Mr. HEYBURN. I do not desire to interfere with the Senator holding the floor——

Mr. BAILEY. Mr. President, the Senator from Nebraska [Mr. HITCHCOCK] has called my attention to an instance where it was expressly decided on June 20, 1860—and, of course, the rules no more recognized the pair then than they do now—that a Senator may refuse to answer to his name when called to vote when he is paired with another Senator. There is also another decision on that same question, and, as I understand, to the same effect.

I should dislike more than I can express to see the Senate of the United States assume the power to determine for one of its Members whether he would keep his promise to a brother and absent Senator. I would not heedlessly defy the Senate, but I say, without one moment's hesitation, that should the Senate order me to vote contrary to my pair I would refuse to obey its order, even if my refusal provoked my expulsion, for no majority can determine for an honorable man whether he will keep his word.

Mr. HEYBURN. Mr. President, I do not know whether the Senate has finished the consideration of the point of order.

The PRESIDING OFFICER. The Senator from Texas, as the Chair understands, has raised a point of order.

Mr. HEYBURN. I was on the floor, and had been recognized when he raised the point of order.

The PRESIDING OFFICER. Certainly. The Senator from Texas raised a point of order, which amounts to saying that an objection can not be made to a Senator withholding his vote when he is paired, and that the proceedings under paragraph 2 of Rule XII can not take place.

Mr. BAILEY. They are not applicable.

The PRESIDING OFFICER. And that they are not applicable. The Chair will rule on that point at the proper time, but is ready to hear discussion, of course.

Mr. MCCUMBER. Mr. President, I desire to make a parliamentary inquiry, which is whether at this time any Senator can give any additional reason for withholding his vote other than the statement of the pair before the question is passed upon. It seems to me that he can, and I wish to say a word upon that point.

Mr. HEYBURN. Mr. President, I yield the floor.

The PRESIDING OFFICER. In the opinion of the Chair a Senator can state his reasons in any way he pleases.

Mr. MCCUMBER. The object of the pair is to balance the strength of the political parties upon anything that is made a political question; and even though it were in the power of the Senate to compel a Senator to vote upon the question, any Senator who has a pair with a Senator on the opposite side on a question of this kind would be compelled, in order to maintain the balance between the parties, to vote, not for his choice, but to vote for some one else; and if my pair, who would vote for the Senator from Georgia [Mr. BACON], were not present, and could not vote for him, and I should be compelled to vote, I would not vote for the choice of my own caucus nominee. But in order to maintain that balance I should vote for some other Republican. So nothing would be gained by it; and I would give that as another reason for maintaining my pair.

Mr. CULLOM. I move that when the Senate adjourns today it be to meet on Monday next.

Mr. BACON. We can not hear, Mr. President.

Mr. CULLOM. Mr. President——

Mr. CULBERSON. I rise to a question of order.

The PRESIDING OFFICER. So much has intervened that the Chair overlooked the fact that the result of the roll call had not been announced, and nothing is in order except the determination of the objection raised against two Senators who declined to vote. The Senator from North Dakota [Mr. MCCUMBER] has stated his reasons. The Senator from Montana [Mr. DIXON] has stated his. On the point of order raised by the Senator from Texas [Mr. BAILEY] the Chair is unable, although he agrees entirely with the Senator from Texas as to the usage and as to the character of a pair, to see that under the rule a pair has any existence except as a reason for not voting, and therefore the Chair puts the question: Shall the Senator from Montana, for the reasons assigned by him, be excused from voting? [Putting the question.] The ayes have it, and the Senator from Montana is excused from voting.

The Chair will put the same question as to the Senator from North Dakota, if it is desired. Shall the Senator from North Dakota be excused from voting for the reasons assigned? [Putting the question.] The ayes have it, and the Senator from North Dakota is excused.

The Secretary will announce——

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. The Secretary will announce the result.

Mr. HEYBURN. Well, Mr. President——

The PRESIDING OFFICER. The rule says "any further proceedings in reference thereto shall be after such announcement."

The roll call resulted as follows:

FOR MR. BACON—35.

Bailey	Hitchcock	O'Gorman	Smith, S. C.
Bryan	Johnson, Me.	Owen	Stone
Chamberlain	Johnston, Ala.	Paynter	Swanson
Chilton	Kern	Pomerene	Taylor
Culberson	Lea	Rayner	Terrell
Davis	Martin, Va.	Reed	Thornton
Fletcher	Martine, N. J.	Shively	Watson
Foster	Myers	Simmons	Williams
Gore	Newlands	Smith, Md.	

FOR MR. GALLINGER—32.

Bradley	Curtis	Lodge	Richardson
Brandegee	Dillingham	Lorimer	Root
Briggs	du Pont	McLean	Smith, Mich.
Burnham	Gamble	Nelson	Smoot
Burton	Guggenheim	Nixon	Sutherland
Clark, Wyo.	Heyburn	Oliver	Townsend
Crane	Jones	Page	Warren
Cullom	Lippitt	Penrose	Wetmore

FOR MR. CLAPP—4.

Bristow	Gronna	La Follette	Poindexter

FOR MR. BRISTOW—1.

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FOR MR. LODGE—1.

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Bacon

NOT VOTING—17.

Bankhead	Crawford	McCumber	Tillman
Borah	Cummins	Overman	Works
Bourne	Dixon	Percy	
Brown	Frye	Perkins	
Clarke, Ark.	Kenyon	Stephenson	

The PRESIDING OFFICER. Seventy-four Senators have voted; necessary to a choice, 38. The Senator from Georgia [Mr. BACON] has 35; the Senator from New Hampshire [Mr. GALLINGER], 32; the Senator from Minnesota [Mr. CLAPP], 4; the Senator from Massachusetts [Mr. LODGE], 1; the Senator from South Carolina [Mr. TILLMAN], 1; and the Senator from Kansas [Mr. BRISTOW], 1.

Mr. HEYBURN. Mr. President, under no circumstances would I assert or support any position that contemplated any Member of this House or any man violating a contract within the terms of the contract that he had made. This is not the first time during my service here that this question has been before the Senate. At one time there was a very deep feeling—how deep I can not say at this time—because of certain remarks that I made in the Senate. About that time a question was coming on for a vote. The usual procedure was taken. The Assistant Doorkeeper on this side applied to probably the Assistant Doorkeeper or whoever has charge of the pairs on the other side, and a pair was refused me because of having made that speech, and then I objected to the pairs, and the Senate sustained me.

Now, I have been giving some attention to this rule. Every man who makes a pair makes it subject to two conditions—first, he makes it subject to the conditions of maintaining a quorum in the body. The Chair may order a pair broken to make a quorum. Again, a Member makes it subject to the will of the Senate as to whether or not public business shall be suspended because of all of the Senators or enough of them being paired to defeat the transaction of public business. Now, those are conditions that are just as much a part of a pair as though they had been written upon the face of an instrument.

I raised this objection to-day because it is evident that there is a cabal here that intends to defeat the performance of a public duty by the Senate. It has been boasted here that there are but two parties in the Senate. Men have stood upon the floor here recently and frequently asserted that they belonged to this or that party, regardless of their vote. In all legislative bodies in this country, of whatever political faith, the caucus is the meeting of the members of one or the other of the parties for the purpose of determining the course of that party upon political questions, and when you talk of a question of honor, there is the pressure of honor upon every man who claims to belong to the party which has held the caucus on political questions. His denial of it lessens it not one whit. His staying out of the caucus is staying out of the party. Whenever you break down those rules you have broken down all that may possibly maintain a party organization.

I did not object to the pair of either the Senator from North Dakota or the Senator from Montana for any personal reasons. I divided the honors. One of them was paired with a Democrat and one of them with somebody else. [Laughter.]

I do not propose to shirk this question. It is a delicate one, and far from a pleasant question to raise. But if a man is going to belong to a party and stand with its organization, he must be governed by the rules of a majority of that party when they meet for the purpose—the express and avowed purpose—of determining what that policy shall be. A casual meeting, a poll of men, would not bind him, but if he is not bound by that caucus, he is not a member of the party that holds it. We may just as well be a little bit candid about this question. I raised it because, if we are going to transact public business, we must have the action of every Senator who is present; and it does not involve the question suggested by the Senator from Texas as to the honor, because the yielding of the pair is qualified, when the pair is agreed upon, by those two provisions, one of them frequently exercised, the other less frequently. Conditions such as exist here to-day do not in the providence of God often exist.

Mr. President, I say that much in support of my action in challenging these pairs. Having had a previous experience here as to the quality, character, and efficiency of a pair, I felt that this was a proper occasion to illustrate the fact that pairs are not always regarded as a matter of right or of sacred character.

Mr. CULLOM. I move that when the Senate adjourns to-day it be to meet on Monday next.

Mr. DAVIS. Mr. President——

Mr. GALLINGER. The motion is not debatable.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Illinois that when the Senate adjourns to-day it adjourn to meet on Monday next. [Putting the question.] The ayes appear to have it.

Mr. CULBERSON. I ask the Chair to call for the negative votes.

The PRESIDING OFFICER. The Chair thought he had done so.

Mr. CULBERSON. Not very distinctly, I think.

The PRESIDING OFFICER (again putting the question). The ayes appear to have it.

Mr. CULBERSON. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. SMITH of South Carolina (when his name was called). Has the junior Senator from Delaware [Mr. RICHARDSON] voted?

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. SMITH of South Carolina. Then with great fear and trepidation I announce that I have a general pair with him, and withhold my vote. I hope it will not precipitate discussion.

The roll call was concluded.

Mr. PERKINS (after having voted in the affirmative). I desire to withdraw my vote because of my pair with the junior Senator from North Carolina [Mr. OVERMAN].

The result was announced—yeas 35, nays 42, as follows:

YEAS—35.

Bradley	Cullom	Lippitt	Penrose
Brandegee	Curtis	Lodge	Root
Briggs	Dillingham	Lorimer	Smith, Mich.
Bristow	Dixon	McCumber	Smoot
Brown	du Pont	McLean	Sutherland
Burnham	Gallinger	Nelson	Townsend
Burton	Gamble	Nixon	Warren
Clark, Wyo.	Guggenheim	Oliver	Wetmore
Crane	Heyburn	Page	

NAYS—42.

Bacon	Gore	Martine, N. J.	Simmons
Bailey	Gronna	Myers	Smith, Md.
Borah	Hitchcock	Newlands	Stone
Bryan	Johnson, Me.	O'Gorman	Swanson
Chamberlain	Johnston, Ala.	Owen	Taylor
Chilton	Jones	Paynter	Terrell
Clapp	Kenyon	Poindexter	Thornton
Culberson	Kern	Pomerene	Watson
Davis	La Follette	Rayner	Williams
Fletcher	Lea	Reed	
Foster	Martin, Va.	Shively	

NOT VOTING—14.

Bankhead	Cummins	Perkins	Tillman
Bourne	Frye	Richardson	Works
Clarke, Ark.	Overman	Smith, S. C.	
Crawford	Percy	Stephenson	

So Mr. CULLOM's motion was rejected.

Mr. DIXON. I now renew my motion that the Senate do now adjourn.

The motion was not agreed to.

The PRESIDING OFFICER. The Senate will proceed to take another ballot for President pro tempore.

The Secretary proceeded to call the roll.

Mr. BORAH (when his name was called). I again announce my pair with the junior Senator from California [Mr. WORKS]. If he were present, I would vote for Senator GALLINGER and he would vote for Senator CLAPP.

Mr. DIXON (when his name was called). I again announce my pair with the senior Senator from Iowa [Mr. CUMMINS]. If he were present, I would vote for Senator GALLINGER.

Mr. KENYON (when his name was called). I announce the same pair as on the former ballot.

Mr. McCUMBER (when his name was called). I transfer my pair with the senior Senator from Mississippi [Mr. PERCY] to the junior Senator from Delaware [Mr. RICHARDSON] and vote for Mr. GALLINGER.

Mr. PERKINS (when his name was called). I again announce my pair with the junior Senator from North Carolina [Mr. OVERMAN]. If he were present, he would vote for Senator BACON and I would vote for Senator GALLINGER.

Mr. SMITH of South Carolina (when his name was called). I transfer my pair with the junior Senator from Delaware [Mr. RICHARDSON] to the senior Senator from Mississippi [Mr. PERCY] and vote. I vote for Mr. BACON.

The roll call was concluded.

Mr. JOHNSTON of Alabama. I wish to state that my colleague [Mr. BANKHEAD] on all these votes for President pro tempore stands paired with the senior Senator from Maine [Mr. FRYE].

The roll call resulted as follows:

FOR MR. BACON—35.

Bailey	Hitchcock	O'Gorman	Smith, S. C.
Bryan	Johnson, Me.	Owen	Stone
Chamberlain	Johnston, Ala.	Paynter	Swanson
Chilton	Kern	Pomerene	Taylor
Culberson	Lea	Rayner	Terrell
Davis	Martin, Va.	Reed	Thornton
Fletcher	Martine, N. J.	Shively	Watson
Foster	Myers	Simmons	Williams
Gore	Newlands	Smith, Md.	

FOR MR. GALLINGER—32.

Bradley	Curtis	Lodge	Penrose
Brandegee	Dillingham	Lorimer	Root
Briggs	du Pont	McCumber	Smith, Mich.
Burnham	Gamble	McLean	Smoot
Burton	Guggenheim	Nelson	Sutherland
Clark, Wyo.	Heyburn	Nixon	Townsend
Crane	Jones	Oliver	Warren
Cullom	Lippitt	Page	Wetmore

FOR MR. CLAPP—4.

Bristow	Gronna	La Follette	Poindexter

FOR MR. TILLMAN—1.

Bacon.

FOR MR. BRISTOW—1.

Clapp.

FOR MR. LODGE—1.

Gallinger.

NOT VOTING—17.

Bankhead	Crawford	Overman	Tillman
Borah	Cummins	Percy	Works
Bourne	Dixon	Perkins	
Brown	Frye	Richardson	
Clarke, Ark.	Kenyon	Stephenson	

The PRESIDING OFFICER. Seventy-four Senators have voted; necessary to a choice, 38. The Senator from Georgia [Mr. BACON] has received 35 votes; the Senator from New Hampshire [Mr. GALLINGER] has received 32 votes; the Senator from Minnesota [Mr. CLAPP] has received 4 votes; the Senator from Massachusetts [Mr. LODGE], 1; the Senator from South Carolina [Mr. TILLMAN], 1; and the Senator from Kansas [Mr. BRISTOW], 1.

Mr. STONE. A parliamentary inquiry, Mr. President. Did I understand the Chair to rule that under the Constitution of the United States a President pro tempore could not be elected by a plurality vote?

The PRESIDING OFFICER. The Chair is very clearly of opinion that under the Constitution of the United States, in the absence of any provision to the contrary, all officers of both Houses must be elected by a majority; and in the practice of the House, where there have been contests very frequently, a majority vote has been and is required.

Mr. STONE. I wish to ask another question, Mr. President. It is whether at this point, the hour of 4 o'clock having arrived, it is proper, notwithstanding the pending business, to lay the unfinished business before the Senate.

The PRESIDING OFFICER. The Chair is inclined to believe that the matter in which the Senate is engaged is a privileged matter and, being engaged in a roll call, it could not be interrupted even by the unfinished business.

Mr. CULBERSON. Mr. President, the Constitution of the United States, I beg leave to say in opposition to the announcement of the Chair a moment ago, contains no provision with reference to the vote by which a President pro tempore of the Senate may be elected. If the Chair would kindly cite me to a provision of the Constitution of the United States to that effect, I would be glad to see it.

The PRESIDING OFFICER. The Chair is aware that there is no provision in the Constitution of the United States in so many words requiring a majority vote for the election of a President pro tempore, neither is there a provision requiring it for a Speaker of the House. It makes the same provision for the officers of both Houses, and in the opinion of the Chair it is the contemplation of the Constitution that a majority should be required for the election of all officers.

Mr. CULBERSON. The Constitution of the United States expressly provides that each House of Congress, the Senate and the House of Representatives, may make rules for their government, but there is nothing in the Constitution nor in the rules of the Senate that provides by what vote the President pro tempore shall be elected.

Jefferson's Manual, which, while it is argumentative and persuasive, is not a part of the rules of the Senate, at page 134 of the manual, if the Chair desires to examine it, recites that in the absence of anything to the contrary the majority rule shall prevail. As there is nothing in the rules of the Senate proper or in the Constitution of the United States which declares by what vote officers of the Senate shall be elected, either a President pro tempore or any other officer of the Senate, I give it as my opinion for whatever it may be worth that it is within the province of the Senate at this time to determine by what vote a President pro tempore shall be elected.

I merely make that statement because I did not want the statement of the Chair to go unchallenged, at least to the extent of my dissent from it.

Mr. BAILEY. Mr. President, supplementing what my colleague has said, I agree with the Chair that the same rule applies to the election of a President pro tempore of the Senate that applies to the election of a Speaker of the House; and unless I am mistaken it has been expressly decided that the House may choose a Speaker by a plurality vote. Without being positive, I venture to say that the youngest man ever elected Speaker of the House, Hon. Howell Cobb, of Georgia, was elected by a plurality vote.

Mr. HEYBURN. Mr. President, we have adopted Jefferson's Manual as a part of the rules of this body. It is provided at page 134 of the Senate Manual:

> The voice of the majority decides.

If any Senator will turn to that page——

Mr. BAILEY. Nobody questions that, in the absence of the rule——

Mr. HEYBURN. There is no absence.

Mr. BAILEY. The Senate could adopt a rule at this moment to choose the President pro tempore by a plurality vote.

Mr. HEYBURN. But that exception is not in the rule.

Mr. CULBERSON. I call the attention of the Senate to Jefferson's Manual, at page 134, from which the Senator from Idaho reads, but I do not believe the Senate has ever even adopted that or Jefferson's Manual as a part of the rules of the Senate.

Mr. HEYBURN. The Senator will admit that Jefferson's Manual provides specifically, without any exceptions or provisos, that the voice of the majority decides. There is no proviso in that section; there is no alternative.

Mr. BAILEY. It simply states a general rule, which may be modified at the pleasure of the Senate.

Mr. CULBERSON. Unless otherwise provided.

Mr. HEYBURN. It states a rule which we have adopted. We have adopted it, and unless some motion is made——

Mr. BAILEY. How, when, and where did we adopt the majority rule? I understand the Chair has held, and I think properly, that in the absence of any provision to the contrary it requires a majority vote to elect; but I have no doubt that it is within our power to supersede that requirement and provide that a President pro tempore may be chosen by a plurality.

Mr. HEYBURN. Mr. President, the affirmative is the other way. There is no alternative or conditional provision attached to this requirement, and it being a part of the rules of this body we can not amend our rules on the floor, because we have provided the manner in which the rules may be amended.

Mr. STONE. Mr. President, I make the point for the decision of the Chair that we have been proceeding here for two weeks, it may be more, with the business of the Senate without a President pro tempore, the Senator from Maine [Mr. FRYE] having resigned from that office. His resignation was laid before the Senate, and it was peremptory. We have been transacting business.

My friend from Texas [Mr. BAILEY] says to me, aside, that we elect a President pro tempore, and the necessity for electing one arises only in the absence of the Vice President; but, Mr. President, we have gone on here, I know, in the transaction of the business of the Senate in the absence of the Vice President. Since the resignation of the Senator from Maine was laid before the Senate I have seen, and you have seen, other Senators occupying the chair and called to the chair by the Vice President, either personally or by a written request that he would take the chair.

Now, sir, is it to be said that the entire business of this session is to be locked up and that nothing can be done until a President pro tempore is chosen? The contest that has developed here to-day might run on indefinitely for weeks and months. I put it to the Chair whether it is not within the province of the Vice President, following the precedent already set and the practice of the Senate already observed, to call a Senator to the chair as he called the Senator from Massachusetts, who now occupies the chair, to that position, and that we can go on with the business of the Senate; hence, that it is the duty of the Chair to lay before the Senate the unfinished business, which is the joint resolution amending the Constitution for the direct election of Senators by the people.

I do not believe that that important measure or any other important measure ought to be indefinitely delayed by a contest of this kind, which may be protracted for months and perhaps through the whole Congress. I ask the Chair to rule whether it is not the province and duty of the Chair to lay the unfinished business before the Senate?

Mr. HEYBURN. Mr. President, does not the rule that we may take up nothing while a vote is pending apply until this question is laid aside by the Senate? Are we not now, in legislative contemplation, engaged in voting upon this question until we have either determined it or it has been lain aside? I think that interpretation is borne out by the rule, and that it is not in order to interrupt the voting upon this question. We may lay it aside, then we are at liberty to take up another matter, but I think until we do lay it aside that we must continue with it. I ask that the regular business be proceeded with.

The PRESIDING OFFICER. The Chair will say that what the Chair understood to be the point of order was raised on the question of a majority vote and also on the question of the unfinished business.

The Chair will restate his position on the unfinished business. The Chair is inclined to think that this business now before the Senate is privileged, but there can be no doubt that the Senate is engaged in voting. The Chair does not think that can be interrupted by the unfinished business or in any other way except by the Senate laying aside the business before it or by adjourning or going into executive session. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BORAH (when his name was called). I make the same announcement that I have heretofore made.

Mr. McCUMBER (when his name was called). I again announce my pair, and transfer the same to the junior Senator

from Delaware [Mr. RICHARDSON], and vote. I vote for the Senator from New Hampshire [Mr. GALLINGER].

Mr. PERKINS (when his name was called). I again announce my pair with the senior Senator from North Carolina [Mr. OVERMAN].

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the junior Senator from Delaware [Mr. RICHARDSON], and the transfer of that pair to the senior Senator from Mississippi [Mr. PERCY], so I will vote. I vote for the Senator from Georgia [Mr. BACON].

The roll call having been concluded, it resulted as follows:

FOR MR. BACON—35.

Bailey	Hitchcock	O'Gorman	Smith, S. C.
Bryan	Johnson, Me.	Owen	Stone
Chamberlain	Johnston, Ala.	Paynter	Swanson
Chilton	Kern	Pomerene	Taylor
Culberson	Lea	Rayner	Terrell
Davis	Martin, Va.	Reed	Thornton
Fletcher	Martine, N. J.	Shively	Watson
Foster	Myers	Simmons	Williams
Gore	Newlands	Smith, Md.	

FOR MR. GALLINGER—32.

Bradley	Curtis	Lodge	Penrose
Brandegee	Dillingham	Lorimer	Root
Briggs	du Pont	McCumber	Smith, Mich.
Burnham	Gamble	McLean	Smoot
Burton	Guggenheim	Nelson	Sutherland
Clark, Wyo.	Heyburn	Nixon	Townsend
Crane	Jones	Oliver	Warren
Cullom	Lippitt	Page	Wetmore

FOR MR. CLAPP—4.

Bristow	Gronna	La Follette	Poindexter

FOR MR. BRISTOW—1.

Clapp

FOR MR. LODGE—1.

Gallinger

FOR MR. TILLMAN—1.

Bacon

NOT VOTING—17.

Bankhead	Crawford	Overman	Tillman
Borah	Cummins	Percy	Works
Bourne	Dixon	Perkins	
Brown	Frye	Richardson	
Clarke, Ark.	Kenyon	Stephenson	

The PRESIDING OFFICER. Seventy-four Senators have voted; 38 votes are necessary to a choice. The Senator from Georgia [Mr. BACON] has received 35 votes; the Senator from New Hampshire [Mr. GALLINGER], 32; the Senator from Minnesota [Mr. CLAPP], 4; the Senator from Massachusetts [Mr. LODGE], 1; the Senator from South Carolina [Mr. TILLMAN], 1; the Senator from Kansas [Mr. BRISTOW], 1; and there has been no choice.

The Chair desires to call the attention of the Senator from Missouri [Mr. STONE] to another point in regard to the unfinished business. This point has been brought to the attention of the Chair by the chairman of the Judiciary Committee, the Senator from Wyoming [Mr. CLARK]. The present Presiding Officer is occupying his position by the action of the Senate in suspending by unanimous consent clause 2 of Rule I. He therefore is occupying the place which the rules design for the occupancy at this time of the Secretary of the Senate. It is perfectly obvious that the Secretary of the Senate, if now presiding over the proceedings of the Senate, could not carry on other business, for the rule explicitly says he is to preside only "pending the election of a President pro tempore." Therefore, as the Chair is occupying the position of the Secretary of the Senate and is not President pro tempore or holding the place by virtue of the appointment of the Vice President, it seems to him perfectly clear that during his occupancy of the chair no business is in order except that of choosing a President pro tempore.

The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BORAH (when his name was called). I again announce my pair with the Senator from California [Mr. WORKS].

Mr. McCUMBER (when his name was called). As previously stated, I am paired with the Senator from Mississippi [Mr. PERCY]. I transfer that pair, as on the previous vote, to the Senator from Delaware [Mr. RICHARDSON] and vote. I vote for the Senator from New Hampshire [Mr. GALLINGER].

Mr. PERKINS (when his name was called). I again announce my general pair with the junior Senator from North Carolina [Mr. OVERMAN].

Mr. SMITH of South Carolina (when his name was called). Under the arrangement stated by the Senator from North Dakota [Mr. McCUMBER], the junior Senator from Delaware [Mr. RICHARDSON], with whom I am paired, stands paired with the senior Senator from Mississippi [Mr. PERCY], which leaves me at liberty to vote. I vote for the Senator from Georgia [Mr. BACON].

Mr. TAYLOR (when his name was called). I am paired with the junior Senator from Kentucky [Mr. BRADLEY], who was compelled to leave the Senate on account of illness.

The roll call having been concluded, it resulted:

FOR MR. BACON—34.

Bailey	Hitchcock	O'Gorman	Smith, S. C.
Bryan	Johnson, Me.	Owen	Stone
Chamberlain	Johnston, Ala.	Paynter	Swanson
Chilton	Kern	Pomerene	Terrell
Culberson	Lea	Rayner	Thornton
Davis	Martin, Va.	Reed	Watson
Fletcher	Martine, N. J.	Shively	Williams
Foster	Myers	Simmons	
Gore	Newlands	Smith, Md.	

FOR MR. GALLINGER—31.

Brandegee	Dillingham	Lorimer	Root
Briggs	du Pont	McCumber	Smith, Mich.
Burnham	Gamble	McLean	Smoot
Burton	Guggenheim	Nelson	Sutherland
Clark, Wyo.	Heyburn	Nixon	Townsend
Crane	Jones	Oliver	Warren
Cullom	Lippitt	Page	Wetmore
Curtis	Lodge	Penrose	

FOR MR. CLAPP—4.

Bristow	Gronna	La Follette	Poindexter

FOR MR. BRISTOW—1.

Clapp

FOR MR. LODGE—1.

Gallinger

FOR MR. TILLMAN—1.

Bacon

NOT VOTING—19.

Bankhead	Clarke, Ark.	Kenyon	Stephenson
Borah	Crawford	Overman	Taylor
Bourne	Cummins	Percy	Tillman
Bradley	Dixon	Perkins	Works
Brown	Frye	Richardson	

The PRESIDING OFFICER. Seventy-two Senators have voted; 37 are necessary for a choice. The Senator from Georgia [Mr. BACON] has 34 votes; the Senator from New Hampshire [Mr. GALLINGER], 31; the Senator from Minnesota [Mr. CLAPP], 4; the Senator from Kansas [Mr. BRISTOW], 1; the Senator from Massachusetts [Mr. LODGE], 1; and the Senator from South Carolina [Mr. TILLMAN], 1. There is no choice. The Secretary will again call the roll.

ADJOURNMENT TO MONDAY.

Mr. LA FOLLETTE. Mr. President, I move that the Senate adjourn to meet on Monday next at 2 o'clock.

The PRESIDING OFFICER. The Senator from Wisconsin moves that the Senate adjourn until Monday next at 2 o'clock.

Mr. HEYBURN. Mr. President, I rise to two points of order. First, presumably the Secretary of the Senate is in the Chair, and he can not pass upon or submit a motion. He is not a legislative officer; second, the two motions can not be consolidated. There must first be a motion that when we adjourn, it be to the time named, and that must be separate and distinct from the motion to adjourn. I think we must first lay aside the business in which the Senate is now engaged, the question of the election of a President pro tempore, before we can do any legislative business whatever.

The PRESIDING OFFICER. The Chair is obliged to overrule both points of order. The Chair thinks it is perfectly clear that if the Secretary of the Senate were holding the place which the present Presiding Officer now holds, it would be within his power to put a motion to adjourn, otherwise it would never be possible to bring the proceedings to an end. He must be able to put some motion in order to end the proceedings, provided an election of President pro tempore has not been effected.

As to the second point, there is no sort of question—in fact, it is the second privileged motion—that the Senate can adjourn to a day certain.

Mr. HEYBURN. Mr. President, if I may be pardoned for being a little insistent, I think that the orderly proceeding would be, first, that a motion should be acted upon laying aside the special order, the proceedings under which are only conducted with some one else than a Member of this body in the chair. It is entirely convenient to proceed in that way, and we can not make the Senator from Massachusetts the Secretary of the Senate by unanimous consent or otherwise.

The PRESIDING OFFICER. The Chair is of opinion that he has been placed in his present position by the unanimous vote of the Senate. He is also clear that a motion to adjourn is always in order, and he therefore puts the motion of the Senator from Wisconsin, which is that the Senate adjourn until Monday next at 2 o'clock. The question is on that motion.

The motion was agreed to; and (at 4 o'clock and 43 minutes p. m.) the Senate adjourned until Monday, May 15, 1911, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 12, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, continue, we beseech Thee, Thy spiritual gifts, and inspire us to seek Thee more diligently, that we may get nearer to Thee and empty ourselves of all selfish and ignoble desires; that we may bring our homes nearer the ideal; that the genius of our Government may more and more obtain; that by the force of our example we may lift the world to a higher standard of living, in Jesus Christ, our Lord. Amen.

The Journal of the proceedings of Tuesday, May 9, 1911, was read and approved.

SEAL FISHERIES IN ALASKA.

Mr. HARRISON of New York. Mr. Speaker, by direction of the Committee on Ways and Means, I desire to make a privileged report on House resolution 73.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 73.

Resolved, That the Secretary of Commerce and Labor be, and he is hereby, directed to furnish for the use and the information of the House of Representatives copies of all letters received, reports, and documents from his agents in charge of the seal islands of Alaska, together with copies of all instructions given to those officials aforesaid since January 1, 1904, up to date; also, copies of any and all letters addressed to him by citizens of the United States, or referred to him by the President or the Attorney General, which relate to the condition and management of the fur-seal herd, the conduct of the officers of the Government in charge of it, and the conduct of the work of the lessees on the seal islands aforesaid, since January 1, 1904, up to date.

Mr. HARRISON of New York. Mr. Speaker, I ask for the reading of the report.

The SPEAKER. There is an amendment also.

Mr. HARRISON of New York. Yes; I ask for the reading of the amendment.

The SPEAKER. The Clerk will read the amendment.

The Clerk read as follows:

Amend by striking out, in lines 7, 8, 9, and 10, the words "also copies of any and all letters addressed to him by citizens of the United States or referred to him by the President or the Attorney General."

Mr. MADDEN. What is that in connection with, Mr. Speaker? I would like to ask the gentleman from New York what that is.

The SPEAKER. The Clerk will read the report.

Mr. MADDEN. Maybe the gentleman from New York might be able to answer the question I ask.

The SPEAKER. The gentleman will state the question he desires an answer to.

Mr. MADDEN. I desire to know what is referred to. He says, "copies of all letters by any citizens of the United States." What does it mean?

Mr. HARRISON of New York. I will say to the gentleman from Illinois that it means striking out of the resolution that part of it which calls for the production of letters coming to the President or the Secretary of Commerce and Labor from private citizens, and leaves the resolution in its amended form refer only to the official communications between the head of the department and his agents on those islands.

The SPEAKER. The Clerk will read the report (H. Rept. 29).

The Clerk read as follows:

SEAL FISHERIES IN ALASKA.

Mr. HARRISON of New York, from the Committee on Ways and Means, submitted the following report (to accompany H. Res. 73):

The Committee on Ways and Means report back House resolution 73 as amended by striking out all after the word "date," in line 7, down to and including the words "Attorney General," on line 10, and recommend that the resolution as amended be passed.

The subject matter involved in this resolution has been before the House several times of late years and has been referred to in many hearings before the Ways and Means Committee, as well as before a committee of the Senate.

The fur seal fisheries are confined to the North Pacific Ocean and the Bering Sea. They have been reduced in numbers almost to the point of extinction. The herd of Russia to-day consists of not more than 20,000 seals. It is confined to the Kommandor Islands, off the Kamchatkan coast, in the Bering Sea. The Japanese herd is a small nucleus of less than 10,000 seals, which exists on Robbens Reef, Okotsk Sea. The Alaskan herd is confined to the Pribilof Islands, belonging to the United States, in the Bering Sea, and consists of less than 50,000 seals. All of these herds are practically commercially ruined. Japan has been so placed with her herd ever since 1898; Russia has been so placed with hers since 1906; and we are nearly in the same position.

The fur seal herd of Alaska is reported to be at this time on the verge of extinction, and there is reason to believe that nothing can save it from complete extinction unless an immediate and radical change in the existing rules and regulations is made which govern its slaughter by the hands of man in the sea and on the land.

The United States and Great Britain have recently entered into an agreement by which the butchery of the seals may be temporarily suspended, but this will be of little avail unless the pelagic sealing by the ships of other nations can be stopped. Existing treaties and laws do not permit us to interfere with the sealing ships of other nations outside of the 3-mile limit, and it is many miles out to the sea where the butchery of the female seals is done by foreign sealers. But the purpose of this resolution is to ascertain the facts as to the conduct of the killing of the seals on our own islands. Many charges of official neglect and malfeasance have been made in recent years, first, against the lessees of our Government, and this year against our Government itself, to the effect that our herd of seals was being unmercifully butchered, without regard for existing laws and regulations of the department. No official answers have been made to these charges. On April 30 of last year the killing of our fur seals was taken out of the hands of the lessees (the North American Commercial Co.) and the sole responsibility was placed upon the Secretary of Commerce and Labor by a law which passed the House on April 18, 1910, but that law made the killing of seals on the Pribilof Islands by the agents of the Secretary of Commerce and Labor, subject to certain regulations of the department, and thus provided that none but male seals should be killed and that no seals should be killed under 2 years of age. In February of this year Dr. William T. Hornaday, of New York, representing the Camp Fire Club, and other gentlemen appeared before a Senate committee and charged that the fur seal herd had been unmercifully butchered last summer by the agents of the Secretary of Commerce and Labor, without regard to sex and age.

At this hour it is imperative, before we go into a thorough review of the causes which have resulted in the dwindling of our magnificent public property on the seal islands of Alaska, to have in the possession of the House complete copies of the official records of our agents charged with the care and the conservation. A loss of 4,500,000 fur seals from our herd since 1882–83, so that to-day it numbers less than 50,000 animals, and is actually commercially ruined, makes it most desirable to have before the House the records of this great destruction of our natural resources.

Mr. HARRISON of New York. Mr. Speaker, I ask for immediate consideration of the resolution.

The SPEAKER. It is privileged.

Mr. HARRISON of New York. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. PAYNE].

The SPEAKER. The gentleman from New York [Mr. PAYNE] is recognized for five minutes.

Mr. PAYNE. When this resolution was before the committee I interposed no objection to it, except to suggest that the resolution be put in the shape in which it is now amended; but it occurred to me later that this might be a very inopportune time to call for this correspondence.

Of course the Members of the House know that for a dozen or more years the Congress of the United States has endeavored to frame some measure by which we might stop pelagic sealing and the destruction of the seal herd. Just at this moment commissioners from Russia and Japan and Great Britain are here in Washington in consultation with representatives of the United States with a view to framing some sort of a treaty or agreement by which the seal herds may be preserved, and it might be unfortunate to publish the correspondence of the Government upon that subject while this commission is in session. It might not aid in accomplishing what every Member of the House and of Congress on both sides must desire, and that is the preservation of the herds.

Mr. MURDOCK. Will the gentleman yield for a question?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Kansas?

Mr. PAYNE. Certainly.

Mr. MURDOCK. Mr. Speaker, this resolution is proposed to be amended by the committee striking out the request for letters addressed to the President or Attorney General by citizens of the United States. In view of the fact that there has been a charge, I think quite generally published, brought by private citizens, that there has been an illegal destruction of pups—pup seals—in that country, I would ask the gentleman what this resolution, without the amendments, will reveal, if anything?

Mr. PAYNE. It will reveal the correspondence between the officials of the United States on this subject, which covers the whole question and does bring out certain information which came to the Committee on Ways and Means through letters addressed to the department, which were so scandalous that the committee unanimously resolved not to have them printed.

Mr. MURDOCK. Does the gentleman mean by "scandalous" that they were untrue?

Mr. PAYNE. Yes; grossly untrue, and containing gross attacks upon Members of both Houses, which were disapproved by members of the committee on both sides. Public documents showed that they were untrue. Some of the gentlemen attacked have since died.

Mr. MURDOCK. The gentleman, then, does not believe this resolution as amended will bring out any material facts to the House?

Mr. PAYNE. Oh, I certainly do. I think it will bring out all the material facts, and it will not bring out that immaterial, scandalous matter.

Now, I would suggest to my colleague whether it would not be well still further to amend this resolution by putting in the words, "If not incompatible with the public interest."

After these negotiations are over, which will not be long, I have no objection to passing this resolution as it is; but just at this time, when the matter is before the representatives of these great powers that have been offending in this matter, together with the representatives of the United States, my question is whether it would not be better to put in that clause, "If not incompatible with the public interest."

Mr. HARRISON of New York. Mr. Speaker, in substance the gentleman from New York [Mr. PAYNE], my colleague, and I are in agreement that all Members of the House on both sides are desirous of putting an end to the destruction of our fur-seal herd; but I can not follow the gentleman in his line of argument as to the possible effect of the adoption of this resolution upon the negotiations now pending in the Department of State. Every time it has been proposed to investigate the conduct of the destruction of our fur-seal herd the plea has been raised by somebody connected with the administration that we were just about to enter into treaty regulations which would be endangered by the publication of correspondence and statements concerning these matters. Every time that has been brought forward it has served to put an end for the time being to the proposition to investigate these matters. I, for one, think the time has come to put a stop to the use of that argument as an excuse. I think now is the best time to begin an investigation of the conduct by the Department of Commerce and Labor of matters relating to the fur-seal herd on the Pribilof Islands.

What is it that is going on in the Department of State to-day? It is not the same old thing that was going on for 10 years and that finally led to the adoption in February of this year of the so-called Hay-Elliott treaty, by which Canada agreed to cooperate with the United States in the regulation of the destruction of the seals on the Pribilof Islands and in the waters around those islands, by which agreement Canada is to receive a certain proportion of the seals when the killing is resumed 10 years hence. But that does not refer to Japan and Russia, the other two parties in interest, and the facts to be elicited by this resolution have no bearing upon the conduct of Japan and Russia in the premises. Japan and Russia are interested in destroying the seals outside of the 3-mile limit, whereas the purpose of this resolution is to ascertain the conduct of our Department of Commerce and Labor in the killing of the seals on the islands—two entirely distinct purposes. The one conflicts in no way with the other, and should not be used as an excuse to put a stop to this investigation again. For that reason I can not agree with my colleague in his line of reasoning.

Now, in view of the long report which was read to the House, I can see no further purpose in debating this subject, unless some gentleman on the other side of the House desires to have time yielded to him.

Mr. PAYNE. Just one moment. I was not aware that any investigation had ever been thwarted by the department. We have had this matter up before the Committee on Ways and Means every two years, ever since I have been a Member, for 24 years. We have had various investigations, and there have been a great many volumes printed upon the subject, giving us information especially upon the subject of pelagic sealing, which has been engaged in not only by Russia and Japan but by the Canadians, and the endeavor of the United States, of course, has been to stop the pelagic sealing. This law was passed only two years ago, according to my recollection.

Mr. HARRISON of New York. Last year.

Mr. PAYNE. Last year. That authorized the Department of Commerce and Labor to regulate the killing of the fur seals on the islands. Before that it was done under contract, and under that contract the United States was powerless to regulate it. Now, if it is only desired to inquire into what the Department of Commerce and Labor has done, I have not the slightest objection, and I do not see how that can interfere in any way with this proposed treaty, but I do not want to bring out anything that is confidential, from which our opponents in these negotiations may get some aid and comfort, and perhaps thwart the treaty. That is my only object and my only desire.

The SPEAKER. The House will be in order. This is a very important question, and has been thrashed out here a dozen times, and yet nobody seems ever to understand it. It is of a good deal of importance.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. HARRISON of New York. With pleasure.

Mr. MANN. As to the scope of the resolution, perhaps the opinion of the gentleman may have some weight, as it ought to have in the department, in determining what the resolution covers. I notice that the resolution says that the Secretary of Commerce and Labor shall furnish information, and so forth, in reference to documents, letters, and reports from his agents in charge of the seal islands of Alaska. I suppose that means the Government agents under the Department of Commerce and Labor.

Mr. HARRISON of New York. Mr. Speaker, the gentleman from Illinois is aware that since the 30th of last April the killing of the fur seals has been conducted by the Secretary of Commerce and Labor through his agents; that the law we passed a little more than a year ago terminated the lease of the North American Commercial Co. and gave it into the hands of the department, so that the agents have been in charge of this killing.

Mr. MANN. I understand that the agents of the Government are the agents of the Secretary of the Department of Commerce and Labor.

Mr. HARRISON of New York. Oh, that is a mere quibble. It means exactly the same thing.

Mr. MANN. Very well, if that is a mere quibble, what I wanted to get at is whether that is the same thing or not. A large share of the work in reference to the Pribilof Islands has been carried on in the past by the Revenue-Cutter Service under directions of the Secretary of Commerce and Labor through the Treasury Department, to which department the Revenue-Cutter Service is attached. Does it cover those?

Mr. HARRISON of New York. Well, the gentleman from Illinois must see the distinction that I tried to point out a few moments ago. The work of the Revenue-Cutter Service relates to the seizure of vessels that are infringing upon the 3-mile limit, and it is an attempt to put an end to the pelagic sealing.

Mr. MANN. Oh, well, the gentleman is mistaken in a way about that. The directions of the Department of Commerce and Labor in reference to the seal islands of Alaska go away beyond the matter of the killing of the seals within the 3-mile limit.

Mr. HARRISON of New York. We would be glad to have all the information they will give us.

Mr. MANN. Well, that is all right. Now, let me ask the gentleman a further question. A few years ago the Department of Commerce and Labor sent a commission to Alaska, and, if my memory is correct, one of the commission was the fish commissioner, another was the solicitor of the Department of Commerce and Labor. A considerable amount of work was done, and I think it was published. Is it the intention to have that now republished?

Mr. HARRISON of New York. I think that would be advisable, as the basis of an investigation of this whole business.

Mr. MANN. What is the object of publishing a volume one year, and then, when it is still available, republishing it in another form another year?

Mr. HARRISON of New York. It is only a part of the record. It is incomplete, because no publication of facts has been made for the last two years.

Mr. MANN. Well, I question the desirability or the economy of publishing a thing two or three times.

Mr. MURDOCK. Mr. Speaker, does the gentleman from New York think that this resolution will bring out any facts other than those we already have in public documents?

Mr. HARRISON of New York. I would say to the gentleman from Kansas, Mr. Speaker, that as I understand the purpose of his question it is the complement of the question he asked my colleague from New York [Mr. PAYNE], the former chairman of the committee, and I am in substantial agreement with the gentleman from New York [Mr. PAYNE] that letters written by private individuals to the President and to the Department of Commerce and Labor, while they may or may not contain much of value, are not necessarily included in the scope of this investigation. Those gentlemen are at liberty to present their charges to the Committee on Ways and Means, and I hope that they will do so and that when those charges are submitted due consideration will be given them by the committee and, if necessary, hearings of the committee will be held in order to entertain them and pass upon them.

Mr. MURDOCK. Then, if I understand the gentleman correctly, the information which will be elicited by this resolution will be incidental to a larger investigation.

Mr. HARRISON of New York. Yes; if it transpires that there is something to investigate, which I for one believe there is.

Mr. MURDOCK. Does the gentleman really believe this resolution will elicit information other than that he already has access to in public documents?

Mr. HARRISON of New York. Yes; I believe that for the last two years facts of great value will be produced. Mr.

Speaker, if no other gentleman desires to be heard, I move the adoption of the resolution as amended.

The SPEAKER. The question is on agreeing to the amendment recommended by the committee.

The amendment was agreed to.

The resolution as amended was agreed to.

On motion of Mr. HARRISON of New York, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill and resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1149. An act permitting the Minneapolis, St. Paul & Sault Ste. Marie Railway Co. to construct, maintain, and operate a railroad bridge across the St. Croix River between the States of Wisconsin and Minnesota.

S. J. Res. 11. Joint resolution authorizing the Secretary of War to deliver two condemned cannon to the Grand Army of the Republic.

Senate concurrent resolution 2.

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,500 copies of Bulletin No. 30, in two parts, of the Bureau of American Ethnology, entitled "Handbook of American Indians," of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 500 copies for the use of the Bureau of American Ethnology.

SENATE BILL AND RESOLUTIONS REFERRED.

Under clause 2, Rule XXIV, Senate bill and resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. J. Res. 11. Joint resolution authorizing the Secretary of War to deliver two condemned cannon to the Grand Army of the Republic; to the Committee on Military Affairs.

S. 1149. An act permitting the Minneapolis, St. Paul & Sault Ste. Marie Railway Co. to construct, maintain, and operate a railroad bridge across the St. Croix River between the States of Wisconsin and Minnesota; to the Committee on Interstate and Foreign Commerce.

Senate concurrent resolution 2.

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,500 copies of Bulletin No. 30, in two parts, of the Bureau of American Ethnology, entitled "Handbook of American Indians," of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 500 copies for the use of the Bureau of American Ethnology;

to the Committee on Printing.

PRINTING AND BINDING, COMMITTEE ON EXPENDITURES IN THE STATE DEPARTMENT.

Mr. FINLEY. Mr. Speaker, I send to the Clerk's desk a privileged resolution, and I ask for its immediate consideration.

The SPEAKER. The gentleman from South Carolina presents a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 136.

Resolved, That the Committee on Expenditures in the State Department be authorized to have such printing and binding done as may be necessary for the transaction of its business during the Sixty-second Congress.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

Report (H. Rept. 31) to accompany House resolution 136.

The Committee on Printing, having under consideration House resolution (H. Res. 136) authorizing the Committee on Expenditures in the State Department to have printing and binding done, report the same back to the House with the recommendation that the resolution be agreed to.

The SPEAKER. The question is on the adoption of the resolution.

The question was taken, and the resolution was agreed to.

PRINTING AND BINDING, COMMITTEE ON EXPENDITURES IN THE DEPARTMENT OF THE INTERIOR.

Mr. FINLEY. Mr. Speaker, I also offer the following privileged resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 138.

Resolved, That the Committee on Expenditures in the Department of the Interior be authorized to have such printing and binding done as may be necessary for the transaction of its business during the Sixty-second Congress.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

Report (H. Rept. 30) to accompany House resolution 138.

The Committee on Printing having had under consideration House resolution (H. Res. 138) providing for the necessary printing and binding for the Committee on Expenditures in the Interior Department during the Sixty-second Congress, reports the same back to the House with the recommendation that the resolution be agreed to.

Mr. CANNON. Mr. Speaker, I have no objection to agreeing to the resolution, but, after all, is it privileged? It seems to me it would require unanimous consent.

Mr. FINLEY. Mr. Speaker, the rule is that anything reported from the Committee on Printing in regard to printing is privileged. Any printing for Congress reported by the Committee on Printing is privileged, in my opinion.

Mr. CANNON. That would be printing for the use of the House.

The SPEAKER. The Chair wishes the gentleman from South Carolina to restate his proposition, as the Chair did not hear it.

Mr. FINLEY. I will state that any resolution reported in regard to printing for either House of Congress—and I take it that that would include the committees—is privileged, in my opinion. It has been so held heretofore.

Mr. CANNON. The gentleman may be right. This authorizes a committee to have printing and binding done, and that is usually done by unanimous consent.

Mr. FINLEY. I think the gentleman from Illinois is in error.

Mr. CANNON. Well, having made the protest so that if it is not privileged it may not go into a precedent, I have no objection, and withdraw the point of order.

The SPEAKER. The gentleman from Illinois withdraws the point of order. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

PRINTING AND BINDING, COMMITTEE ON EDUCATION.

Mr. FINLEY. Mr. Speaker, I also offer the following privileged resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 137.

Resolved, That the Committee on Education be authorized to have such printing and binding done as may be necessary for the transaction of its business during the Sixty-second Congress.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

Report (H. Rept. 32) to accompany House resolution 137.

The Committee on Printing, have under consideration House resolution (H. Res. 137) authorizing the Committee on Education to have printing and binding done, reports the same back to the House with the recommendation that the resolution be agreed to.

The SPEAKER. The question is on the adoption of the resolution.

The question was taken, and the resolution was agreed to.

ARIZONA AND NEW MEXICO.

Mr. FLOOD of Virginia. Mr. Speaker, I desire to submit a report (H. Rept. 33) from the Committee on the Territories recommending the passage of a substitute for House joint resolution 14, and I also desire to submit along with it the views of the minority on the substitute resolution, and to give notice that I will move to take up this resolution on Tuesday next.

The SPEAKER. The gentleman from Virginia offers a privileged resolution, which is ordered to be printed and referred to the Committee of the Whole House on the state of the Union. The Clerk will report the title.

The Clerk read as follows:

House joint resolution 14, approving the constitutions formed by the constitutional conventions of the Territories of New Mexico and Arizona.

Mr. MANN. Mr. Speaker——

The SPEAKER. Does the gentleman from Virginia yield to the gentleman from Illinois?

Mr. FLOOD of Virginia. I do.

Mr. MANN. I desire to ask the gentleman whether he reports a new resolution or House joint resolution 14 with an amendment?

Mr. FLOOD of Virginia. House joint resolution 14 with an amendment.

The SPEAKER. The Clerk will call the roll of committees.

During the call,

Mr. MANN. Mr. Speaker, is this a continuance of the call of committees?

The SPEAKER. Yes; it is a continuance of it. The Clerk will proceed with the call.

During the call,

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. I understood the Speaker the other day to rule that he would take official notice of the fact that there was nothing on the calendar which could be taken up on call of the committees. If that be the case, I direct his attention now to the fact that there is nothing now on the calendar which can be taken up on call of committees to-day.

The SPEAKER. The Chair will state that he has not looked the matter up in the last day or two, but it was the Chair's understanding that there were a couple of small matters on the calendar.

Mr. MANN. There are matters on the Union Calendar, but it is not in order to call up anything on the Union Calendar on the call of committees.

The SPEAKER. The Chair is aware of that fact. If there is no business on the calendar the call will not proceed further.

ADJOURNMENT OVER.

Mr. UNDERWOOD. Mr. Speaker, I move that when the House adjourns to-day it adjourn to meet on Tuesday next.

The SPEAKER. The gentleman from Alabama moves that when the House adjourns to-day it adjourn to meet on Tuesday next.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 123, noes 74.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 131, nays 83, answered "present" 12, not voting 159, as follows:

YEAS—131.

Adamson	Ferris	Kitchin	Sabath
Alexander	Fields	Korbly	Shackleford
Bartlett	Flood, Va.	Legare	Sharp
Bathrick	Floyd, Ark.	Lever	Sheppard
Beall, Tex.	Fowler	Lewis	Sherley
Bell, Ga.	Garner	Lloyd	Sherwood
Berger	Garrett	Lobeck	Sims
Borland	Godwin, N. C.	McDermott	Sisson
Brantley	Goodwin, Ark.	McGillicuddy	Smith, N. Y.
Buchanan	Gould	Macon	Smith, Tex.
Bulkley	Graham	Maguire, Nebr.	Stedman
Burke, Wis.	Gregg, Pa.	Martin, Colo.	Stephens, Miss.
Burleson	Gregg, Tex.	Moon, Tenn.	Stephens, Tex.
Burnett	Hamlin	Morrison	Stone
Byrns, Tenn.	Hammond	Murray	Sulzer
Callaway	Hardwick	Oldfield	Sweet
Candler	Hardy	O'Shaunessy	Talbott, Md.
Carter	Harrison, Miss.	Padgett	Talcott, N. Y.
Claypool	Harrison, N. Y.	Page	Taylor, Ala.
Clayton	Hay	Pepper	Taylor, Colo.
Cline	Heflin	Peters	Thayer
Collier	Helm	Pou	Thomas
Connell	Henry, Tex.	Rainey	Tribble
Cox, Ind.	Holland	Raker	Turnbull
Cullop	Houston	Randell, Tex.	Tuttle
Daugherty	Howard	Rauch	Underwood
Davis, W. Va.	Hughes, Ga.	Reilly	Watkins
Dent	Hughes, N. J.	Richardson	Webb
Dickinson	Hull	Roddenbery	Wickliffe
Dickson, Miss.	Humphreys, Miss.	Rothermel	Wilson, Pa.
Dixon, Ind.	Jacoway	Rubey	Witherspoon
Dupre	Johnson, Ky.	Rucker, Colo.	Young, Tex.
Edwards	Jones	Russell	

NAYS—83.

Anderson, Minn.	Greene	Loud	Roberts, Mass.
Anderson, Ohio	Guernsey	McCreary	Roberts, Nev.
Austin	Hanna	McKinney	Sells
Burke, S. Dak.	Haugen	McLaughlin	Sloan
Campbell	Helgesen	Madden	Steenerson
Cannon	Henry, Conn.	Madison	Stevens, Minn.
Catlin	Hill	Malby	Switzer
Cooper	Hinds	Mann	Taylor, Ohio
Copley	Howell	Martin, S. Dak.	Thistlewood
Crago	Howland	Miller	Towner
Crumpacker	Hubbard	Mondell	Utter
Danforth	Jackson	Morgan	Volstead
Dodds	Kahn	Murdock	Warburton
Dyer	Kendall	Nelson	Wedemeyer
Esch	Kennedy	Norris	Weeks
Farr	Kent	Payne	Willis
Focht	Kinkaid, Nebr.	Pickett	Wilson, Ill.
French	Knowland	Porter	Woods, Iowa
Gardner, Mass.	Lawrence	Pray	Young, Kans.
Gillett	Lenroot	Prince	Young, Mich.
Good	Lindbergh	Rees	

ANSWERED "PRESENT"—12.

Andrus	Dwight	James	Prouty
Barchfeld	Foster, Ill.	Kindred	Rouse
Booher	Hayes	Kipp	Slayden

NOT VOTING—159.

Adair	Brown	Davis, Minn.	Fordney
Aiken, S. C.	Burke, Pa.	De Forest	Fornes
Akin, N. Y.	Butler	Denver	Foss
Allen	Byrnes, S. C.	Dies	Foster, Vt.
Ames	Calder	Difenderfer	Francis
Ansberry	Cantrill	Donohoe	Fuller
Anthony	Carlin	Doremus	Gallagher
Ashbrook	Cary	Doughton	Gardner, N. J.
Ayers	Clark, Fla.	Draper	George
Barnhart	Conry	Driscoll, D. A.	Glass
Bartholdt	Covington	Driscoll, M. E.	Goeke
Bates	Cox, Ohio	Ellerbe	Goldfogle
Bingham	Cravens	Estopinal	Gordon
Blackmon	Curley	Evans	Gray
Boehne	Currier	Fairchild	Griest
Bowman	Dalzell	Faison	Gudger
Bradley	Davenport	Finley	Hamill
Broussard	Davidson	Fitzgerald	Hamilton, Mich.
Hamilton, W. Va.	Lee, Ga.	Morse, Wis.	Simmons
Harris	Lee, Pa.	Moss, Ind.	Slemp
Hartman	Levy	Mott	Small
Hawley	Lindsay	Needham	Smith, J. M. C.
Heald	Linthicum	Nye	Smith, Saml. W.
Hensley	Littlepage	Olmsted	Sparkman
Higgins	Littleton	Palmer	Speer
Hobson	Longworth	Parran	Stack
Hughes, W. Va.	Loudenslager	Patten, N. Y.	Stanley
Humphrey, Wash.	McCall	Patton, Pa.	Stephens, Cal.
Johnson, S. C.	McCoy	Plumley	Sterling
Kinkead, N. J.	McGuire, Okla.	Post	Sulloway
Konig	McHenry	Powers	Tilson
Konop	McKinley	Pujo	Townsend
Kopp	McMorran	Ransdell, La.	Underhill
Lafean	Maher	Redfield	Vreeland
Lafferty	Matthews	Riordan	Whitacre
La Follette	Mays	Robinson	White
Lamb	Mitchell	Rodenberg	Wilder
Langham	Moon, Pa.	Rucker, Mo.	Wilson, N. Y.
Langley	Moore, Pa.	Saunders	Wood, N. J.
Latta	Moore, Tex.	Scully	

So the motion was agreed to.

The Clerk announced the following pairs:

For this session:

Mr. RIORDAN with Mr. ANDRUS.

Mr. PUJO with Mr. MCMORRAN (transferable).

Mr. FORNES with Mr. BRADLEY.

Mr. FINLEY with Mr. CURRIER.

Until further notice:

Mr. FITZGERALD with Mr. LONGWORTH.

Mr. ESTOPINAL with Mr. GRIEST.

Mr. CURLEY with Mr. HARRIS.

Mr. DOUGHTON with Mr. HARTMAN.

Mr. DIFENDERFER with Mr. HAWLEY.

Mr. CLARK of Florida with Mr. MCCALL.

Mr. CARLIN with Mr. HEALD.

Mr. DOREMUS with Mr. SAMUEL W. SMITH.

Mr. ALLEN with Mr. BURKE of Pennsylvania.

Mr. BOOHER with Mr. SULLOWAY.

Mr. FRANCIS with Mr. STERLING.

Mr. BLACKMON with Mr. SPEER.

Mr. DAVENPORT with Mr. RODENBERG.

Mr. JOHNSON of South Carolina with Mr. BUTLER.

Mr. LITTLETON with Mr. DWIGHT.

Mr. LEVY with Mr. SLEMP.

Mr. MCCOY with Mr. MOORE of Pennsylvania.

Mr. GORDON with Mr. AKIN of New York.

Mr. PALMER with Mr. AMES.

Mr. COX of Ohio with Mr. BINGHAM.

Mr. HENSLEY with Mr. BOWMAN.

Mr. DONOHOE with Mr. CALDER.

Mr. RUCKER of Missouri with Mr. NYE.

Mr. TOWNSEND with Mr. DAVIDSON.

Mr. ADAIR with Mr. DAVIS of Minnesota.

Mr. FAISON with Mr. MICHAEL E. DRISCOLL.

Mr. SCULLY with Mr. FOSS.

Mr. GEORGE with Mr. GARDNER of New Jersey.

Mr. ROBINSON with Mr. FORDNEY.

Mr. KIPP with Mr. LANGHAM.

Mr. JAMES with Mr. HAMILTON of Michigan.

Mr. PATTEN of New York with Mr. ANTHONY.

Mr. KINDRED with Mr. HIGGINS.

Mr. LEE of Georgia with Mr. DE FOREST.

Mr. GLASS with Mr. FOSTER of Vermont.

Mr. GOLDFOGLE with Mr. LAFEAN.

Mr. FOSTER of Illinois with Mr. KOPP.

Mr. SPARKMAN with Mr. BARCHFELD.

Mr. BARNHART with Mr. SIMMONS.

Mr. DENVER with Mr. PLUMLEY.

Mr. SLAYDEN with Mr. TILSON.

Mr. ELLERBE with Mr. DRAPER.

Mr. CRAVENS with Mr. LOUDENSLAGER.

Mr. BOEHNE with Mr. HUMPHREY of Washington.

Mr. AYRES with Mr. LAFFERTY.

Mr. ANSBERRY with Mr. LA FOLLETTE.

Mr. STANLEY with Mr. MCGUIRE of Oklahoma.

Mr. MOSS of Indiana with Mr. MCKINLEY.

Mr. KINKEAD of New Jersey with Mr. MITCHELL.

Mr. LEE of Pennsylvania with Mr. MOON of Pennsylvania.

Mr. LAMB with Mr. MORSE of Wisconsin.

Mr. MCHENRY with Mr. NEEDHAM.

Mr. ASHBROOK with Mr. OLMSTED.

Mr. SAUNDERS with Mr. J. M. C. SMITH.

Mr. WILSON of New York with Mr. PATTON of Pennsylvania.

Mr. GUDGER with Mr. POWERS.

Mr. ROUSE with Mr. STEPHENS of California.

Mr. COVINGTON with Mr. VREELAND.

Mr. AIKEN of South Carolina with Mr. WOOD of New Jersey.

Mr. HAMILL with Mr. WILDER.

Mr. MOORE of Texas with Mr. HAYES (transferable).
From May 9 until further notice:
Mr. GALLAGHER with Mr. FULLER.
From May 9 until May 24, inclusive.
Mr. GOEKE with Mr. BARTHOLDT.
From May 12 until further notice:
Mr. KONOP with Mr. MATTHEWS.
From May 12 ending in three weeks:
Mr. LATTA with Mr. HUGHES of West Virginia.
From May 9 to May 16:
Mr. CANTRILL with Mr. LANGLEY.
From this date until further notice:
Mr. HOBSON with Mr. FAIRCHILD (transferable).
For two weeks:
Mr. RANSDELL of Louisiana with Mr. CARY.
Until Monday:
Mr. BROWN with Mr. DALZELL.
For this day (Friday):
Mr. EVANS with Mr. BATES.
Mr. LITTLEPAGE with Mr. PROUTY.

Mr. SLAYDEN. Mr. Speaker, I desire to ask how am I recorded as voting?

The SPEAKER. In the negative.

Mr. SLAYDEN. I wish to withdraw my vote, Mr. Speaker. I find I am paired with the gentleman from Connecticut, Mr. TILSON, who is absent. I wish to vote "present."

Mr. HAYES. Mr. Speaker, I find I am paired with Mr. MOORE of Texas. I desire to change my vote. I voted "no."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. HAYES, and he answered "present."

The result of the vote was announced as above recorded.

PRINTING AND BINDING, COMMITTEE ON EXPENDITURES IN THE DEPARTMENT OF JUSTICE.

Mr. BEALL of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution offered by the gentleman from Texas [Mr. BEALL].

The Clerk read as follows:

House resolution 160.

Resolved, That the Committee on Expenditures in the Department of Justice be authorized to have such printing and binding done for the use of the committee as may be necessary during the Sixty-second Congress.

Mr. MANN. Mr. Speaker, reserving the right to object, I understand this committee is working.

Mr. BEALL of Texas. The committee will have its first meeting to-morrow. There has been a vacancy on the committee, which was filled only yesterday, I believe. The committee will begin its work to-morrow, and it intends to prosecute that work.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

RECIPROCITY WITH SOUTH AMERICA.

Mr. FOCHT. Mr. Speaker, I rise to a question of personal privilege, and ask five minutes in which to state it.

The SPEAKER. The gentleman from Pennsylvania rises to a question of personal privilege, and asks five minutes in which to address the House.

Mr. FOCHT. Mr. Speaker, in some remarks which I made on this floor on May 4 I referred to a conversation I had had with the then Secretary of State, Mr. ROOT, shortly following his visit to South America, wherein I made the observation that our party had been able to make some reciprocity treaties with these Republics, having in mind that we did have a treaty with Brazil once, which was afterwards abrogated, leaving us at her mercy in regard to the price of coffee which we imported from that country. It was my intention to emphasize in my remarks that I would be in favor of real reciprocity, namely, the exchange of free markets for noncompetitive products, because the exchange of markets for competitive products under the different conditions which may obtain in the two countries can not be real reciprocity. A paragraph of my impromptu remarks, containing certain figures which were used in a general collateral way, has been quoted by the Philadelphia Record in the narrow spirit of calling attention to the fact that my figures were not exactly accurate, but ignoring entirely the spirit of my contention. It does not matter what are the exact figures of our exports to and imports from Brazil. I could not wish to deceive my hearers in that respect, because the exact figures can be obtained from the Bureau of Statistics, but I do not propose to have my argument and the real pith of my contention belittled or ignored by even so conspicuous and ambitious an exponent of free trade as the Philadelphia Record; and to make my point clear I beg leave to briefly state again the contention which I had in mind.

When James G. Blaine became Secretary of State he at once advocated a closer commercial union with the country south of us, and this Pan American Union became a reality and a success. Mr. Blaine found that 87 per cent of the imports from Central and South America were free of duty, while nearly all of our exports were subject to heavy duties there, and that many of the articles which we imported to this country from those States were subject to heavy export duties. Because of this, he recommended a reciprocity amendment to the McKinley bill. The so-called reciprocity clause of that bill provided:

That with a view to secure reciprocal trade with countries producing the following articles, and for this purpose, on and after the 1st day of January, 1892, whenever and so often as the President shall be satisfied that the Government of any country producing and exporting sugar, molasses, coffee, tea, and hides, raw and uncured, or any of such articles, imposes duties or other exactions upon the agricultural or other products of the United States, which, in view of the free introduction of such sugar, molasses, coffee, tea, and hides into the United States, he may deem to be reciprocally unequal and unreasonable, he shall have the power, and it shall be his duty, to suspend, by proclamation to that effect, the provisions of this act relating to the free introduction of such sugar, molasses, coffee, tea, and hides, the production of such country, for such time as he shall deem just, and in such case and during such suspension duties shall be levied, collected, and paid upon sugar, molasses, coffee, tea, and hides, the product of or exported from such designated country, as follows, namely: On coffee, 3 cents per pound.

As soon as the McKinley law went into effect negotiations were entered into with various Governments for the purpose of effecting treaties in accordance with the above provisions.

The SPEAKER. The gentleman's time has expired.

Mr. FOCHT. Mr. Speaker, I ask for two additional minutes.

The SPEAKER. The gentleman from Pennsylvania asks for two minutes more. Is there objection? The Chair hears none. By unanimous consent the gentleman will proceed for two minutes.

Mr. FOCHT. On April 1, 1891, the treaty which had been concluded with Brazil January 31 went into effect, while various other treaties were concluded with Spain, Santo Domingo, the German Empire, the Republic of Salvador, the British West Indies, the Republic of Nicaragua, the Republic of Guatamala, the Republic of Costa Rica, the Republic of Honduras, with Austria-Hungary, and with France and her colonies. South America at once placed many of our commodities on the free list and reduced the duties on others 25 to 50 per cent. France and Germany were compelled to withdraw discrimination against our pork, and the treaties made with the 10 countries in the Western Hemisphere secured favorable concessions on over 2,000 different articles. These advantages were entirely destroyed by the repeal of the reciprocity clause in the Gorman-Wilson law, immediately following which repeal duties were again imposed upon goods imported from the United States to those countries with which such treaties had been made.

As the reference in my remarks alluded to was to our treaty with Brazil and our importation of coffee, I will at present only allude to that commodity, and I repeat again what I said on that day, and which the record denies, that Brazil has imposed an export duty, or what is practically an export duty or surtax, on her coffee. This has been explained in so able a manner and at such length in a recent speech by Mr. NORRIS that I will go no further than to use his statement that not only has Brazil, through the export tax or, as it is called, valorization scheme, restricted the amount of coffee exported, but is able to so control the price that whereas in December, 1908, the price at New York of Rio standard No. 7 coffee was 6½ cents per pound, it is now quoted at over 13 cents, or an increase in price of more than 100 per cent. Here, then, is a case where we might be able, if we had any basis upon which to make a trade, to conclude a real reciprocity treaty that would be of benefit to the American consumer. Brazil produces coffee; we do not produce coffee. We do produce, for instance, agricultural implements; Brazil does not. Let us be in a position, I say, to make Brazil give us certain concessions in return for the concession which we make in laying no duty upon her coffee. That would be an instance of genuine reciprocity, and that is the kind of reciprocity that Mr. Blaine believed in and the kind of reciprocity William McKinley believed in when he said:

By sensible trade arrangements which will not interrupt our home production we shall extend the outlets for our increasing surplus.

A system which provides a mutual exchange of commodities is manifestly essential to the continued healthful growth of our export trade. We must not repose in fancied security that we can forever sell everything and buy little or nothing. If such a thing were possible, it would not be best for us or for those with whom we deal. We should take from our customers such of their products as we can use without harm to our industries and labor.

This, I contend, Mr. Chairman, is not free trade, but protection in its highest form, and because it is protection to our labor and industries, and because it would lower the price of any noncompetitive foreign production to our consumers, it is not wanted by the free-trade editors who would base their arguments upon a typographical or other immaterial error and ignore the spirit of the real contention. [Applause on the Republican side.]

I will also print as part of my remarks the following letter:

THE CONGRESS OF THE KNIGHTS OF LABOR,
Albany, N. Y., May 10, 1911.

Hon. BENJAMIN K. FOCHT,
House of Representatives, Washington, D. C.

MY DEAR SIR: I have your esteemed favor of the 9th instant, inclosing copy of your speech delivered in the House of Representatives on April 20, for which I thank you.

I have read the speech carefully, and am so impressed with the able manner in which you have presented the facts therein contained that I would like to place the document in the hands of each of our subordinate assemblies, as I know they will appreciate it as much as I have. Therefore if you could spare us 100 copies it will enable us to have it read in each of our assemblies.

With all good wishes, I am, very truly, yours,

J. R. MANSION,
Secretary and Treasurer.

BICENTENNIAL OF THE CITY OF MOBILE, ALA.

Mr. TAYLOR of Alabama. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES,
May 12, 1911.

House concurrent resolution 8.

Extending congratulations to the people of Alabama and to the city of Mobile on the two hundredth anniversary of the founding and settlement of the city and port of Mobile.

Be it resolved by the House of Representatives (the Senate concurring), That the resolution passed by the Legislature of Alabama in regard to the bicentennial celebration at Mobile on May 26, 1911, be received.

The said resolution reads as follows:

"Senate joint resolution 52.

"No. 241.

"Whereas this year, 1911, is the two hundredth anniversary of the foundation and settlement of the city of Mobile, first capital of La Province de la Louisane, in 1711, and

"Whereas the city of Mobile and her people are making preparation for celebrating the event: Therefore be it

"Resolved by the senate of Alabama (the house of representatives concurring), That the Legislature of Alabama does hereby request the Senators and Representatives in Congress from the State of Alabama to bring the said anniversary celebration to the attention of Congress and the several departments of the United States Government and the representatives at Washington of foreign powers.

"Approved, April 6, 1911."

Be it further resolved, That the Congress of the United States acknowledges with pleasure the receipt of said resolution and appreciates the courtesy of the notice extended of that important event in the Nation's history.

Resolved further, That we commend the action of the city of Mobile in making preparations for this celebration. We regard that territory as one of the most valuable acquisitions of the Government and congratulate Alabama and the people of Mobile upon her growth as a city, and extend our best wishes for a successful celebration and a large attendance of patriotic American citizens.

Resolved further, That a copy of these resolutions be forwarded to the mayor of the city of Mobile in evidence of our appreciation of the work that will be done on May 26, 1911, in commemoration of the founding and settlement of our beautiful and progressive city on the Gulf.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I should like to ask whether the resolution adopted by the Legislature of Alabama has been formally laid before the House.

Mr. TAYLOR of Alabama. I have it in my hand.

Mr. MANN. Has there been any official communication from the Legislature of Alabama to the House of Representatives?

Mr. TAYLOR of Alabama. The official communication was embodied in the resolution which has been read, and I also hold a certified copy of it in my hand.

Mr. MANN. I suggest to the gentleman that before the House takes action upon the invitation it should be presented to the House.

Mr. TAYLOR of Alabama. I take great pleasure in accepting the suggestion of the gentleman from Illinois and in laying the invitation and the original resolution before the House.

The SPEAKER. The gentleman from Illinois [Mr. MANN] is undoubtedly correct in his suggestion. The Clerk will read the invitation.

The Clerk read as follows:

Whereas this year, 1911, is the two hundredth anniversary of the foundation and settlement of the city of Mobile, first capital of La Province de la Louisane, in 1711; and

Whereas the city of Mobile and her people are making preparation for celebrating the event: Therefore be it

"Resolved by the senate of Alabama (the house of representatives concurring), That the Legislature of Alabama does hereby request the Senators and Representatives in Congress from the State of Alabama to bring the said anniversary celebration to the attention of Congress and the several departments of the United States Government and the representatives at Washington of foreign powers.

Approved, April 6, 1911.

The SPEAKER. The question is on agreeing to the resolution.

Mr. CANNON rose.

The SPEAKER. Does the gentleman from Illinois desire to address the House?

Mr. CANNON. I do want about five minutes, but not strictly upon this resolution. I have no objection to the adoption of the resolution.

The resolution was agreed to.

PRINTING FOR COMMITTEE ON EXPENDITURES IN THE DEPARTMENT OF COMMERCE AND LABOR.

Mr. ROTHERMEL. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution (H. Res. 161).

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The Clerk read as follows:

House resolution 161.

Resolved, That the Committee on Expenditures in the Department of Commerce and Labor be authorized to have such printing and binding done for the use of the committee as may be necessary during the Sixty-second Congress.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I notice that a number of these resolutions have been introduced and referred to the Committee on Printing, which has promptly reported them back to the House. That is the proper method. However, I shall not object to this if the gentleman states that that committee proposes to proceed with hearings, or has already commenced hearings.

The SPEAKER. The Chair will state to the gentleman, and thinks he ought to state to the House, that after to-day these resolutions will have to take the regular course and go to the committee where they belong, and we will live up to that unanimous-consent resolution.

Mr. ROTHERMEL. I will say to the gentleman from Illinois [Mr. MANN] that our committee have already commenced work.

The SPEAKER. Is there objection to the present consideration of the resolution offered by the gentleman from Pennsylvania?

There was no objection.

The resolution was agreed to.

Mr. UNDERWOOD rose.

Mr. CANNON. Was the gentleman from Alabama thinking of making a motion to adjourn?

Mr. UNDERWOOD. I was.

Mr. CANNON. I should like about five minutes in which to address the House, if the gentleman will withhold his motion.

Mr. UNDERWOOD. I should like to ask the gentleman from Illinois upon what subject he proposes to address the House?

Mr. CANNON. Touching the business of the House.

Mr. UNDERWOOD. I think that is a very general proposition. I will say to the gentleman from Illinois [Mr. CANNON] if it is a personal matter I will have no objection to it, but if it is a matter that will bring on a general debate I do not care to go into it at this time.

Mr. CANNON. Mr. Speaker, I do not know that it would, and I apprehend that it would not, but it touches the business of the House. It is not a matter personal to myself, except as I am a Member of the House.

Mr. UNDERWOOD. Mr. Speaker, I will say to the gentleman from Illinois that I would prefer to have a matter of the discussion of the business of the House go over till a later day. I do not desire to be discourteous to the gentleman from Illinois, but I prefer not to have it come up at this time.

Mr. CANNON. Yet it is but 20 minutes after 1 o'clock; quite early. I could have gotten the time on one of these resolutions, but I apprehended——

Mr. UNDERWOOD. I will say to the gentleman from Illinois that I do not intend any discourtesy, and for a matter that was personal I would yield, but for a matter that involves the business of the House I can not do so at this time. Mr. Speaker, I move that the House do now adjourn.

Mr. CANNON. Mr. Speaker, a little later I shall find a way under the rules of the House to submit an observation.

The SPEAKER. Pending the motion to adjourn, the Chair will submit the following personal requests.

The Clerk read as follows:

LEAVES OF ABSENCE.

Mr. FOSTER of Illinois requests leave of absence for 10 days, on account of important business.

Mr. KONOP requests leave of absence until June 12, 1911, on account of illness in his family.

Mr. GRAY requests leave of absence for two weeks, on account of sickness.

Mr. PALMER requests leave of absence for two weeks, on account of illness.

Mr. HENSLEY requests leave of absence for two weeks, on account of sickness in family.

Mr. KOPP requests leave of absence until June 1, on account of important business.

Mr. THISTLEWOOD requests leave of absence for two weeks, on account of business.

Mr. DAVENPORT requests leave of absence for two weeks, on account of important business.

Mr. CLARK of Florida requests leave of absence indefinitely, on account of sickness.

WITHDRAWAL OF PAPERS.

Mr. GREGG of Pennsylvania asked unanimous consent to withdraw from the files of the House, without leaving copies, the papers with the bill H. R. 5286, Sixty-first Congress, no adverse report having been made thereon; also the papers with the bill H. R. 27232, Sixty-first Congress, no adverse report having been made thereon.

Mr. CANNON. Mr. Speaker, I move that the requests be agreed to.

Mr. UNDERWOOD. Mr. Speaker, I move the previous question on the motion of the gentleman from Illinois.

Mr. CANNON. Oh, I think the gentleman had better let me have five minutes. There are a good many requests there that would be subject to division.

Mr. UNDERWOOD. Mr. Speaker, I renew my motion that the House do now adjourn. I suppose that is in order pending these requests.

The SPEAKER. The motion to adjourn is undoubtedly in order.

Mr. CANNON. One moment, Mr. Speaker. I do not care to embarrass Members who make requests that ordinarily are granted by unanimous consent by making a motion, and I do not think that the motion to adjourn should embarrass them, in the event that it does. This will be apt two weeks from now, when the gentleman from Alabama attempts again to destroy the Monday for the discharge of the committees.

The SPEAKER. Without objection, the several requests will be granted.

There was no objection.

PRESIDENTIAL APPROVALS.

A message from the President of the United States announced that the President had approved and signed the following joint resolutions:

On May 8, 1911:

H. J. Res. 2. Making appropriations for the payment of certain expenses incident to the first session of the Sixty-second Congress.

H. J. Res. 3. Making immediately available the appropriations for mileage of Senators and Members of the House of Representatives.

On May 11, 1911:

H. J. Res. 38. To grant authority to the American Red Cross to erect temporary structures in Potomac Park, Washington, D. C.

ADJOURNMENT.

The SPEAKER. The question is on the motion of the gentleman from Alabama that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. KENDALL and by Mr. MANN) there were—ayes 99, noes 49.

So the motion was agreed to.

Accordingly (at 1 o'clock and 28 minutes p. m.) the House adjourned until Tuesday, May 16, 1911, at 12 o'clock m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Navy, transmitting to the House of Representatives information in response to House resolution 134 in regard to contracts let for Navy shoes (H. Doc. No. 49); to the Committee on Expenditures in the Navy Department and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting correspondence in regard to rent of quarters for Government officials in Cleveland, Ohio (H. Doc. No. 50); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Civil Service Commissioners, transmitting a list of useless papers on file in the commission and recommending that they be destroyed (H. Doc. No. 51); to the Committee on Disposition of Useless Executive Papers and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of State recommending change of wording in appropriation for contingent expenses of foreign missions for the current and ensuing fiscal years (H. Doc. No. 52); to the Committee on Foreign Affairs and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior in regard to paying for articles lost to exhibitors at the Alaska-Yukon-Pacific Exposition, Seattle, Wash. (H. Doc. No. 53); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Secretary of the Treasury, transmitting with a favorable recommendation a draft of a bill reenacting section 3287, Revised Statutes, relating to distilled spirits (H. Doc. No. 54); to the Committee on Ways and Means and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FLOOD of Virginia, from the Committee on the Territories, to which was referred the joint resolution of the House (H. J. Res. 14), approving the constitution formed by the constitutional conventions of the Territories of New Mexico and Arizona, reported the same with amendment, accompanied by a report (No. 33), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 1845) granting a pension to Vina Lindenbower, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KNOWLAND: A bill (H. R. 9317) to provide a tactical organization for the mobile forces of the United States and to increase the efficiency of the Army; to the Committee on Military Affairs.

By Mr. OLDFIELD: A bill (H. R. 9318) to confer jurisdiction to hear and determine appeals in cases arising under the laws relating to patents for inventions to the court of appeals of the District of Columbia; to the Committee on Patents.

By Mr. MARTIN of Colorado: A bill (H. R. 9319) to admit to the mails as second-class matter periodical publications issued by and under the auspices of benevolent and fraternal societies and trades unions; to the Committee on the Post Office and Post Roads.

By Mr. ANDREWS: A bill (H. R. 9320) appropriating $5,000 for the construction of a test well in precinct 12, in the county of Quay, in the Territory of New Mexico; to the Committee on Appropriations.

By Mr. MARTIN of South Dakota: A bill (H. R. 9321) to facilitate prompt action on final proof on homestead entries; to the Committee on the Public Lands.

By Mr. GRAHAM (by request): A bill (H. R. 9322) to establish in the District of Columbia a laboratory for the study of the criminal, pauper, and defective classes; to the Committee on the District of Columbia.

By Mr. THAYER: A bill (H. R. 9323) relative to the transportation of milk; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLER: A bill (H. R. 9324) to regulate the issue of securities by transportation, telegraph, and telephone companies engaged in interstate commerce, for the purpose of better protecting the people against unreasonable rates and charges; to the Committee on Interstate and Foreign Commerce.

By Mr. HOLLAND: A bill (H. R. 9325) to provide for acquirement by condemnation of lands at Cape Henry, Va., for the purpose of fortification and coast defense; to the Committee on Appropriations.

Also, a bill (H. R. 9326) to provide for the naturalization of aliens who have served or shall serve for one enlistment of four years in the United States Navy or Marine Corps or for

four years in the Naval Auxiliary Service; to the Committee on Immigration and Naturalization.

By Mr. MANN: A bill (H. R. 9327) providing for compensation to employees of the Government suffering personal injuries while working on the Panama Canal or Panama Railroad; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Kentucky (by request of the Commissioners of the District of Columbia): A bill (H. R. 9328) to amend "An act to regulate the height of buildings in the District of Columbia," approved June 1, 1910; to the Committee on the District of Columbia.

Also (by request of the Commissioners of the District of Columbia), a bill (H. R. 9329) to provide for the extension of Calvert Street, Cleveland Avenue, Rock Creek Drive, Twenty-eighth Street, Twenty-ninth Street, and Thirtieth Street NW., and for other purposes; to the Committee on the District of Columbia.

By Mr. MANN: A bill (H. R. 9330) to promote the safety of employees and travelers upon railroads by requiring the use of the block system by common carriers engaged in interstate commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RUCKER of Colorado: A bill (H. R. 9331) to provide for an appropriation to exterminate pests destructive of the alfalfa plant; to the Committee on Agriculture.

Also, a bill (H. R. 9332) to provide for the mileage of Philippine soldiers; to the Committee on Military Affairs.

By Mr. DE FOREST: A bill (H. R. 9333) to donate to the State of New York the brass fieldpieces and one brass howitzer captured by Gen. Burgoyne at the Battle of Saratoga; to the Committee on Military Affairs.

By Mr. STEENERSON: A bill (H. R. 9334) for the relief of innocent purchasers of lands on White Earth Reservation in Minnesota; to the Committee on Indian Affairs.

By Mr. KAHN: A bill (H. R. 9335) to enable the President to convene a national conference for the purpose of promoting concurrent action among the several States of the United States upon a uniform law for the protection, preservation, and conservation of the public health, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. NORRIS: Resolution (H. Res. 162) asking the Secretary of Commerce and Labor for certain information; to the Committee on Ways and Means.

Also, resolution (H. Res. 163) asking the President of the United States for certain information; to the Committee on Ways and Means.

By Mr. PALMER: Resolution (H. Res. 164) restoring certain positions of House employees declared vacant by H. Res. 128; to the Committee on Accounts.

By Mr. PETERS: Resolution (H. Res. 165) directing the Secretary of the Treasury to furnish information relative to the construction of public buildings; to the Committee on Public Buildings and Grounds.

By Mr. SULZER: Resolution (H. Res. 166) authorizing the Committee on Immigration and Naturalization to investigate the office of Immigration Commissioner at the port of New York and other places; to the Committee on Rules.

By Mr. FOWLER: Resolution (H. Res. 167) asking the Secretary of War to furnish certain information; to the Committee on Military Affairs.

Also, resolution (H. Res. 168) asking for an investigation of the injury to or the destruction of life and property in the United States by foreign enemies; to the Committee on Rules.

By Mr. BATHRICK: Joint resolution (H. J. Res. 94) to insure the protection of Government employees testifying before committees of Congress, and for other purposes; to the Committee on Reform in the Civil Service.

By Mr. SULZER: Joint resolution (H. J. Res. 95) proposing a convention between the United States of America and the Dominion of Canada to prevent the further pollution of the Great Lakes; to the Committee on Foreign Affairs.

By Mr. WEEKS: Joint resolution (H. J. Res. 96) to amend an act entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," approved March 1, 1911; to the Committee on Rivers and Harbors.

By Mr. JACKSON: Joint resolution (H. J. Res. 97) providing for an investigation for the purpose of collecting statistical data relating to the loss of life and property by fire in the United States, the reasonableness of rates charged for fire insurance, and the relation of such rates to the causes of fire losses, and making an appropriation to meet the expenses thereof; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AKIN of New York: A bill (H. R. 9336) granting an increase of pension to Enos Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9337) granting an increase of pension to Edward Dugan; to the Committee on Invalid Pensions.

By Mr. ANDERSON of Ohio: A bill (H. R. 9338) granting an increase of pension to Henry Reiff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9339) granting an increase of pension to Joseph S. Fabings; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9340) granting an increase of pension to Arthur Bates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9341) granting an increase of pension to Leroy Michaels; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9342) granting an increase of pension to Charles H. Muncaster; to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 9343) granting a pension to Hebe M. Miller; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 9344) granting an increase of pension to Sarah T. Hueston; to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 9345) granting an increase of pension to Levi C. Smith; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 9346) granting an increase of pension to Patrick Hogan; to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 9347) granting an increase of pension to H. Clay Smith; to the Committee on Pensions.

By Mr. CARY: A bill (H. R. 9348) granting an increase of pension to John Hanlon; to the Committee on Invalid Pensions.

By Mr. DIFENDERFER: A bill (H. R. 9349) granting an increase of pension to Francis Bartleman; to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 9350) granting an increase of pension to Samuel H. Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9351) granting an increase of pension to John Muster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9352) granting an increase of pension to James Arbuckle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9353) granting an increase of pension to Semantha McCracken; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9354) granting an increase of pension to William Lockridge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9355) granting an increase of pension to John Ent; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9356) granting an increase of pension to Alfred P. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9357) granting an increase of pension to Austin B. Wright; to the Committee on Invalid Pensions.

By Mr. DODDS: A bill (H. R. 9358) granting an increase of pension to Martin V. B. Clark; to the Committee on Invalid Pensions.

By Mr. MICHAEL E. DRISCOLL: A bill (H. R. 9359) granting a pension to Edwin F. Zufelt; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 9360) granting an increase of pension to Cephas William Parr; to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 9361) granting a pension to F. M. Perkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9362) granting a pension to Jacob Kuntz; to the Committee on Pensions.

Also, a bill (H. R. 9363) granting an increase of pension to William A. McNutt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9364) granting an increase of pension to Robert Bryant; to the Committee on Invalid Pensions.

By Mr. DUPRE: A bill (H. R. 9365) to remove the charges of desertion against Joseph Henry; to the Committee on Military Affairs.

By Mr. GRAHAM: A bill (H. R. 9366) granting an increase of pension to W. H. Mullen; to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 9367) for the relief of Alonzo D. Cadwallader; to the Committee on Military Affairs.

Also, a bill (H. R. 9368) granting an increase of pension to John S. Chandler; to the Committee on Invalid Pensions.

By Mr. HARTMAN: A bill (H. R. 9369) granting an increase of pension to Jacob Tates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9370) granting an increase of pension to Edward McDonald, alias John McCann; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9371) granting an increase of pension to Nicholas Stevens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9372) granting an increase of pension to Mary E. Beck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9373) granting an increase of pension to Thomas L. Chilcott; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 9374) granting an increase of pension to Joseph P. Jackson; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 9375) granting an increase of pension to Jesse B. Lewis; to the Committee on Pensions.

By Mr. KENNEDY: A bill (H. R. 9376) granting a pension to Mary Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9377) granting an increase of pension to George Welshymer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9378) granting an increase of pension to Benjamin Heller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9379) granting an increase of pension to Davis Sharp; to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 9380) granting a pension to Elizabeth McClane; to the Committee on Pensions.

By Mr. LOUD: A bill (H. R. 9381) granting an increase of pension to William Strong; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9382) granting an increase of pension to Maxime Boisvert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9383) granting an increase of pension to Michael Hance; to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 9384) granting a pension to Sarah B. Weaver; to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 9385) granting a pension to Mary J. Burriss; to the Committee on Invalid Pensions.

By Mr. NORRIS: A bill (H. R. 9386) granting a pension to William Llewellyn; to the Committee on Pensions.

Also, a bill (H. R. 9387) granting an increase of pension to L. R. Young; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 9388) granting an increase of pension to James D. Barnes; to the Committee on Pensions.

Also, a bill (H. R. 9389) granting an increase of pension to John D. Wales; to the Committee on Invalid Pensions.

By Mr. PEPPER: A bill (H. R. 9390) granting a pension to Michael McInery; to the Committee on Invalid Pensions.

By Mr. PICKETT: A bill (H. R. 9391) granting a pension to Agnes Dolvin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9392) granting a pension to Margaret Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9393) to refund certain money paid into the Treasury of the United States by H. B. Glover Co. through erroneous assessment of duty upon imports; to the Committee on Claims.

By Mr. RAKER: A bill (H. R. 9394) for the relief of Manley Beals; to the Committee on Military Affairs.

Also, a bill (H. R. 9395) granting an increase of pension to Julia C. E. Hubbard; to the Committee on Pensions.

By Mr. RUBEY: A bill (H. R. 9396) granting a pension to Evaline Clifton; to the Committee on Pensions.

By Mr. RUCKER of Colorado: A bill (H. R. 9397) granting an increase of pension to Frank Schaller; to the Committee on Pensions.

By Mr. RUSSELL: A bill (H. R. 9398) granting a pension to Emma Schnette; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9399) granting an increase of pension to David William Hess, alias William Brown; to the Committee on Invalid Pensions.

By Mr. SABATH: A bill (H. R. 9400) for the relief of Thomas Reed; to the Committee on Claims.

Also, a bill (H. R. 9401) granting an increase of pension to R. F. Wilson; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 9402) granting a pension to George Walters, sr.; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9403) granting a pension to Fannie Dunham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9404) granting a pension to Lucy B. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9405) granting a pension to William Hudson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9406) granting an increase of pension to Oliver H. Underkafler, alias Oliver H. Underbyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9407) granting an increase of pension to William D. Purcell; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 9408) granting an increase of pension to Ebenezer Swartwood; to the Committee on Invalid Pensions.

By Mr. SPEER: A bill (H. R. 9409) granting a pension to Mary Hetty Haight; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9410) granting a pension to Lorinda D. Smith; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Alabama: A bill (H. R. 9411) for the relief of the heirs at law of Samuel A. Mountain; to the Committee on War Claims.

By Mr. THAYER: A bill (H. R. 9412) granting an increase of pension to Moritz Schultz; to the Committee on Invalid Pensions.

By Mr. TRIBBLE: A bill (H. R. 9413) for the relief of the heirs at law of J. R. Welch; to the Committee on War Claims.

By Mr. UNDERWOOD: A bill (H. R. 9414) granting an increase of pension to James L. Tinney; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Papers to accompany bills for relief of William Wince (H. R. 2623) and David W. Brandt (H. R. 7725); to the Committee on Invalid Pensions.

By Mr. BOOHER: Petition of business men of St. Joseph, Mo., to limit the effect of the regulation of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured by convict labor or in any prison or reformatory; to the Committee on Labor.

By Mr. BRADLEY: Petition of 40 residents of the twentieth New York congressional district, favoring a national department of health; to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of Wisconsin: Papers to accompany bills granting pensions to Elizabeth Staffen (H. R. 3299) and Jake H. Wickert (H. R. 3301); to the Committee on Pensions.

By Mr. CARY: Resolutions by the Citizens' Northwest Suburban Association, of Washington, D. C., favoring the consideration of appropriation bills affecting the District of Columbia by the Committees on the District of Columbia of the Senate and House, instead of the Committees on Appropriation; to the Committee on Rules.

By Mr. CONRY: Memorial of the Legislature of the State of New York, favoring the election of United States Senators by a direct vote of the people; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. DANFORTH: Petition of 497 residents of Monroe County, State of New York, favoring the establishment of a national department of health; to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM: Resolutions of Springfield (Ill.) Federation of Labor, asking that the oleomargarine law be amended; to the Committee on Agriculture.

By Mr. HANNA: Petitions of citizens of the State of North Dakota, protesting against raising the rates of postage on magazines, and of numerous citizens of Portal, N. Dak., favoring H. R. 5651, known as the Hanna bill; to the Committee on the Post Office and Post Roads.

Also, petition of numerous farmers of the State of North Dakota, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. HAWLEY: Petition of numerous citizens of the State of Oregon, against the Gardner anti-immigration bill; to the Committee on Immigration and Naturalization.

By Mr. HINDS: Petition of Alice Pennington and numerous other residents of Portland, Me., favoring a national department of health; to the Committee on Interstate and Foreign Commerce.

By Mr. KENT: Petition for the relief of the heirs of Charles Hartwell Bonesteel, second lieutenant, United States Army; to the Committee on War Claims.

By Mr. LAFEAN: Resolutions of the Brightwood (D. C.) Citizens' Association, indorsing bill (H. R. 1672) providing for the construction of a Lincoln highway from the White House, Washington, D. C., to the battle field of Gettysburg; to the Committee on the District of Columbia.

By Mr. LEWIS: Papers to accompany bill for the relief of Jennie R. W. Vollmer; to the Committee on War Claims.

By Mr. LOUD: Papers to accompany bills for the relief of William Strong, Midland County, Mich.; Maxine Boisvert, Company G, Second Regiment Michigan Volunteer Cavalry; and Michael Hance, Lewiston, Mich.; to the Committee on Invalid Pensions.

By Mr. McGILLICUDDY: Petition of Philomene Laroche and 46 other citizens of the State of Maine, favoring the establishment of a national department of health; to the Committee on Interstate and Foreign Commerce.

By Mr. OLDFIELD: Petition of citizens of Brinkley, Ark., favoring Senate bill 3776 (61st Cong., 2d sess.), or some similar measure, placing the regulation of express companies and other common carriers in the hands of Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

By Mr. O'SHAUNESSY: Petitions of Newport Lodge, No. 119, International Association of Machinists, urging the passage of the resolution calling for investigation of the "Taylor system" of shop management; Lodge 19 and other lodges of International Association of Machinists in Massachusetts, Rhode Island, and New Hampshire, to check an attempt to reduce the standard of efficiency in the navy yards, which also means a reduction of wages for machinists; to the Committee on Labor.

By Mr. PALMER: Resolutions of Washington Camp No. 29, Patriotic Order Sons of America, of Bowmanstown, Pa., favoring the enactment of the illiteracy test; to the Committee on Immigration and Naturalization.

By Mr. SABATH: Resolutions of the Wholesale Grocers' Association of the District of Columbia, Washington, D. C., favoring free raw sugar or a large reduction of tariff on both raw and refined sugars; to the Committee on Ways and Means.

Also, resolutions of American Newspaper Publishers' Association, of New York City, favoring the passage of House bill 4412, known as the reciprocity bill; to the Committee on Ways and Means.

By Mr. SMITH of New York: Papers to accompany bill for the relief of Ebenezer Swartwood, of Buffalo, N. Y.; to the Committee on Invalid Pensions.

By Mr. TUTTLE: Resolutions of the Mercer County Central Labor Union, of Trenton, N. J., requesting the investigation by Congress of the arrest of John J. McNamara at Indianapolis, Ind.; to the Committee on Labor.

By Mr. WILLIS: Papers to accompany bill (H. R. 8467) for relief of the legal representatives of William E. Tarbutton, deceased; to the Committee on War Claims.

SENATE.

MONDAY, *May 15, 1911.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on request of Mr. CULBERSON, and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Civil Service Commission, transmitting a schedule of useless papers on the files of the commission which are not needed in the transaction of public business and have no permanent value or historical interest.

The communication and accompanying papers will be referred to the Joint Select Committee on Disposition of Useless Papers in the Executive Departments. The Chair appoints as the committee on the part of the Senate the Senator from Arkansas [Mr. CLARKE] and the Senator from New Hampshire [Mr. BURNHAM]. The Secretary will notify the House of Representatives of the appointment of the committee on the part of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a concurrent resolution (H. Con. Res. 8) relative to the receipt of a resolution passed by the Legislature of Alabama in regard to the bicentennial celebration at Mobile on May 26, 1911, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition from the secretary of the United Anglers' League, of Brooklyn, N. Y., and also a petition of the United Anglers' League, of Greater New York, praying for the establishment of a cod hatchery adjacent to New York City, which were referred to the Committee on Fisheries.

He also presented a resolution adopted by the Chamber of Commerce of Baltimore, Md., favoring the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of the congregation of the Mountain Grove Church, of Brookgap, Va., and a petition of the Mothers' Club of the Young Woman's Christian Association of Scranton, Pa., praying for the enactment of legislation for the suppression of the opium evil, which were referred to the Committee on Foreign Relations.

He also presented a memorial of members of the Belleville District of the St. Louis German Conference of the Methodist Episcopal Church, remonstrating against the recent action of the Senate in permitting WILLIAM LORIMER to take his seat in the Senate, which was referred to the Committee on Privileges and Elections.

He also presented a memorial of sundry Indians of the White Earth Indian Reservation, Minn., remonstrating against the enactment of certain legislation recommended by a delegation of Indians from that reservation who are now in the city of Washington, which was referred to the Committee on Indian Affairs.

He also presented a petition of the New York Mercantile Exchange, praying that an investigation be made by the Department of Agriculture relative to the condition of frozen and dried eggs, which was referred to the Committee on Agriculture and Forestry.

Mr. CULLOM presented a memorial of sundry citizens of Henderson County, Ill., remonstrating against the ratification of the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

Mr. GALLINGER presented a petition of Cheshire County Pomona Grange, No. 6, Patrons of Husbandry, of Keene, N. H., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Fortnightly Club of Keene, N. H., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Second Congregational Society (Unitarian) of Concord, N. H., and a petition of the Congregational Unitarian Society of Andover, N. H., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Frank Jones Brewing Co., of Portsmouth, N. H., praying for the ratification of the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented memorials of sundry citizens of Ashland, Colebrook, East Swanzey, and Keene, all in the State of New Hampshire, remonstrating against the ratification of the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. LODGE. I present a resolution adopted by the Commercial Club of Brockton, Mass., remonstrating against a reduction of the duty on boots and shoes. I ask that the memorial be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the memorial was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Whereas the boot and shoe manufacturing industry is one of the most important in the Nation, with a yearly output valued at more than $400,000,000; and

Whereas the workers in this industry earn more than $100,000,000 annually, and the dependents upon these wages number more than 1,000,000 people; and

Whereas a bill known as House bill 4413, now before our National Congress, contains a provision for admitting into this country almost all kinds of leather and shoes absolutely free of duty; and

Whereas the passage of the said provision would put our shoe industry and our shoe workers in competition with the product and the workmen of foreign countries; and

Whereas the wages paid to the workmen in foreign countries average less than 45 per cent of the wages paid here in Brockton; and

Whereas the distance of these manufacturing countries is no protection, in that goods may be shipped from England to Massachusetts, for instance, as quickly and as cheaply as they could be sent from Massachusetts to the Middle West; and

Whereas the passage of the said provision must mean either reduced wages here to meet the competition, or failing to meet it, a greatly reduced volume of business; and

Whereas we can not believe that the members of either political party want to imperil a great industry; and

Whereas we believe this enactment would mean a tremendous loss to our own Brockton people and to people elsewhere who are directly and indirectly dependent upon this industry: Be it

Resolved, That this business, the manufacturers, and the workmen who are engaged in it, and those who are dependent upon both, should be protected; that the present duty of 10 per cent is as small as can safely be made and still protect the exceedingly high-wage scale paid and the industry itself; that we, the members of the Commercial Club of the city of Brockton, for ourselves and our city, do respectively protest against the passage of that part of House bill 4413 which would abolish duty or reduce it below the present rate of 10 per cent;

and that copies of this resolution be spread upon the records, sent to the President of the United States, to the two Senators from Massachusetts, and to the Congressmen from Massachusetts.

Mr. LODGE presented a petition of the Boot and Shoe Cutters' Assembly, Knights of Labor, of Salem, Mass., praying that an investigation be made into the alleged abduction from Indianapolis, Ind., of John J. McNamara, which was referred to the Committee on the Judiciary.

Mr. McCUMBER. I present a petition signed by about 25,000 farmers from my State, protesting against the Canadian reciprocity agreement. I move that it be referred to the Committee on Finance.

The motion was agreed to.

Mr. BRISTOW presented a memorial of the Kansas State Live Stock Association, remonstrating against the ratification of the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a petition of the congregation of Unity Church, of Topeka, Kans., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented sundry papers to accompany the bill (S. 1329) for the relief of Daniel W. Boutwell, which were referred to the Committee on Claims.

Mr. WARREN presented the petition of Mrs. W. S. Metz, president, and Mrs. T. E. Wunderlich, secretary, of the Sheridan Art Club, of Wyoming, praying for the repeal of the present oleomargarine law, which was referred to the Committee on Finance.

Mr. OLIVER presented a memorial of Local Division No. 10, Ancient Order of Hibernians, of Philadelphia, Pa., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented memorials of Franklin Grange, No. 1169, Patrons of Husbandry, of Smock; of Local Union No. 249, International Brotherhood of Stationary Firemen, of Philadelphia, and of Local Union No. 273, International Brotherhood of Stationary Firemen, of Philadelphia, all in the State of Pennsylvania, remonstrating against the ratification of the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. BURNHAM presented a petition of the Frank Jones Brewing Co., of Portsmouth, N. H., praying for the ratification of the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a memorial of Local Grange, Patrons of Husbandry, of Walpole, N. H., and a memorial of the International Brotherhood of Pulp, Sulphite and Paper Mill Workers, remonstrating against the ratification of the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a memorial of the Second Congregational (Unitarian) Society of Concord, N. H., and a memorial of Congregational Unitarian Society, of Andover, N. H., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented a petition of Cheshire County Pomona Grange, Patrons of Husbandry, of Keene, N. H., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Grange No. 95, Patrons of Husbandry, of New London, N. H., praying for the passage of the so-called cold-storage bill, which was referred to the Committee on Manufactures.

Mr. O'GORMAN presented memorials of sundry citizens of Gouverneur, Morrisonville, Schuyler Falls, Watertown, and Chazy, all in the State of New York, remonstrating against the ratification of the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a memorial of Young & Metzner, of Long Island City, N. Y., remonstrating against placing cotton bagging on the free list, which was referred to the Committee on Finance.

He also presented a petition of the United States Motor Co., of New York City, N. Y., praying that an appropriation be made for the construction of the proposed Lincoln memorial highway from the city of Washington to Gettysburg, which was referred to the Committee on the Library.

He also presented a memorial of the Pfister & Vogel Leather Co., of New York City, N. Y., remonstrating against placing leather on the free list, which was referred to the Committee on Finance.

He also presented a petition of General Dwight H. Bruce Branch, No. 134, National Association of Letter Carriers, of Syracuse, N. Y., praying that an investigation be made into the removal of certain letter carriers from the service at Seattle, Wash., which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of C. Tennant, Sons & Co., of New York City, N. Y., praying for a reduction of the duty on alloys and metals used in the manufacture of steel, which was referred to the Committee on Finance.

He also presented a petition of the congregation of the African Methodist Episcopal Zion Church, of New York City, N. Y., praying for the adoption of an amendment to the Constitution providing for the election of Senators by the direct vote of the people, which was ordered to lie on the table.

He also presented a petition of the Aird-Don Co., of Troy, N. Y., praying for the imposition of 1-cent postage on all packages weighing 1 ounce or less, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Mothers' Club of Albany, N. Y., and a petition of Local Union No. 13, Journeymen Plumbers, Gas Fitters, Steam Fitters, and Steam Fitters' Helpers, of New York City, N. Y., praying for the repeal of the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of the Laymen's Association of All Angels' Parish, New York; the Independent Congregational Church, of Jamestown, N. Y.; and of the Men's Society of the Warburton Avenue Baptist Church, of Yonkers, N. Y., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented a memorial of the Ancient Order of Hibernians of New York, remonstrating against the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a memorial of the National League of Commission Merchants of the United States, remonstrating against the passage of the so-called cold-storage bill, which was referred to the Committee on Manufactures.

He also presented a petition of the National Association of Master Bakers, of Philadelphia, Pa., praying that an investigation be made by the United States Department of Agriculture into the condition of frozen and dried eggs, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of New York City, N. Y., praying that the paper known as the Woman's National Weekly be admitted to the United States mails, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Grange No. 912, Patrons of Husbandry, of Washingtonville, N. Y., praying for the passage of the so-called farmers' free-list bill, which was referred to the Committee on Finance.

He also presented memorials of sundry citizens of Oswego, Oneonta, and Dunkirk, all in the State of New York, remonstrating against the adoption by the Government of the Taylor efficiency time system of shop management in navy yards and arsenals, which were referred to the Committee on Naval Affairs.

He also presented memorials of sundry citizens of New York City, Morrisonville, Olean, Jasper, Plattsburg, Schuyler Falls, Cadyville, Brooklyn, Water Mill, West Valley, Pittsford, Jamestown, and Macedon, all in the State of New York, remonstrating against the ratification of the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of New York City, Mechanicsville, Stillwater, and Half Moon, all in the State of New York, praying for the retention of the duty on wood pulp and paper, which were referred to the Committee on Finance.

Mr. PERKINS presented a petition of Gaylord Post, No. 125, Department of California and Nevada, Grand Army of the Republic, of Upper Lake, Cal., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

Mr. TOWNSEND presented memorials of sundry citizens of Muskegon, Mich., remonstrating against the ratification of the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. ROOT presented memorials of 65 citizens of New York, remonstrating against the ratification of the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. JONES presented a resolution adopted by the Chamber of Commerce of Seattle, Wash., favoring the enactment of legislation granting to the people of Alaska the right of local self-government, which was referred to the Committee on Territories.

Mr. SHIVELY presented a statement by Dr. Vesta M. Swarts, of Auburn, Ind., relative to the Army nurse pension law, together with reasons for increasing the rate of the present law, which was referred to the Committee on Pensions.

He also presented the petition of J. M. Studebaker, of South Bend, Ind., praying that an appropriation be made for the construction of the Lincoln Memorial Highway from the city of Washington to Gettysburg, which was referred to the Committee on the Library.

Mr. CURTIS presented a memorial of the Kansas State Live Stock Association, remonstrating against the ratification of the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a petition of the congregation of Unity Church, of Topeka, Kans., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. PAGE presented memorials of the congregations of the Seventh Day Adventists' Church of Randolph, the Seventh Day Adventists' Church of Enosburg, and of the Johnson and Morrisville Church of Seventh Day Adventists of North Hyde Park, all in the State of Vermont, remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. BRANDEGEE presented a petition of the executive council of the Federation of Churches of Hartford, Conn., and petitions of sundry citizens of Bridgeport, Conn., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Bridgeport, Conn., praying for the establishment of a national department of public health, which was referred to the Committee on Public Health and National Quarantine.

REPORT OF COMMITTEE.

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the bill (S. 2276) to correct the military record of W. W. Peyton, asked to be discharged from its further consideration and that it be referred to the Committee on Naval Affairs, which was agreed to.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KERN:

A bill (S. 2293) granting an increase of pension to James M. Kinnaman (with accompanying papers);

A bill (S. 2294) granting an increase of pension to Thomas H. Kennedy (with accompanying papers);

A bill (S. 2295) granting a pension to W. H. Padgett (with accompanying papers);

A bill (S. 2296) granting an increase of pension to George W. Allen (with accompanying papers); and

A bill (S. 2297) granting an increase of pension to Emmett Langston (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 2298) for the relief of Malcolm Johnson (with accompanying papers); and

A bill (S. 2299) for the relief of Michael Burns; to the Committee on Military Affairs.

A bill (S. 2300) granting a pension to Mary J. Hill; and

A bill (S. 2301) granting an increase of pension to Mandred O. Savage (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 2302) for the relief of volunteer officers and soldiers who served in the Philippine Islands beyond the period of their enlistment; to the Committee on Military Affairs.

A bill (S. 2303) authorizing the adjudication and payment of the claim of Mary A. Heisinger; to the Committee on Claims.

By Mr. DIXON:

A bill (S. 2304) for the relief of Sarah E. Baxter, executrix of the last will and testament of Warren S. Baxter (with accompanying paper); to the Committee on Public Lands.

By Mr. BRISTOW:

(By request) a bill (S. 2305) providing for the adjustment and payment of accounts of laborers and mechanics arising under the eight-hour law; to the Committee on Education and Labor.

A bill (S. 2306) granting an increase of pension to Luther Barker; to the Committee on Pensions.

By Mr. LIPPITT:

A bill (S. 2307) granting an increase of pension to Ann J. Rouse; and

A bill (S. 2308) granting an increase of pension to Luke Gray; to the Committee on Pensions.

By Mr. WORKS:

A bill (S. 2309) to limit the number of saloons in the District of Columbia and to confine them to business streets, and for other purposes; to the Committee on the District of Columbia.

Mr. McCUMBER. I introduce a bill relating to the shipment of intoxicating liquors into prohibition districts. Ordinarily a bill of this kind, I assume, would go to the Committee on Interstate Commerce. Inasmuch as a bill somewhat similar was referred to the Committee on the Judiciary, I, for the purpose of ascertaining its constitutional legality, prefer that this bill should go to the same committee.

By Mr. McCUMBER:

A bill (S. 2310) to divest intoxicating liquors of their interstate commerce character in certain cases (with accompanying papers); to the Committee on the Judiciary.

A bill (S. 2311) for the relief of Bellevadorah Steele; to the Committee on Claims.

A bill (S. 2312) to amend an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes," and to establish a Board of Pension Appeals, and for other purposes; to the Committee on Appropriations.

A bill (S. 2313) for the relief of John L. Vennard, United States Navy, retired (with accompanying papers); to the Committee on Naval Affairs.

A bill (S. 2314) granting an increase of pension to John Feeney; and

A bill (S. 2315) granting an increase of pension to Charles H. Senseney (with accompanying papers); to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 2316) fixing the rank and precedence of naval attachés; to the Committee on Naval Affairs.

A bill (S. 2317) for the relief of F. A. Hyde & Co.; to the Committee on Claims.

By Mr. NELSON:

A bill (S. 2318) granting an increase of pension to Walter E. Truax; to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 2319) granting a pension to Albert De Witt Clinton Walker; and

A bill (S. 2320) granting a increase of pension to William Walker (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 2321) to amend and reenact section 1 of the act of February 20, 1907, entitled "An act to regulate the immigration of aliens into the United States"; to the Committee on Immigration.

By Mr. CHILTON:

A bill (S. 2322) for the relief of the estate of Philip Null, deceased;

A bill (S. 2323) for the relief of J. B. Johnson; and

A bill (S. 2324) for the relief of the heirs of J. G. Hayman, deceased; to the Committee on Claims.

By Mr. SMITH of Michigan:

A bill (S. 2325) for the relief of Heinrich Stahlin;

A bill (S. 2326) for the relief of Willard W. Hubbell; and

A bill (S. 2327) for the relief of Robert B. Jennings (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 2328) granting an increase of pension to Abial S. Loomis (with accompanying papers); to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 2329) granting an increase of pension to Ransford P. Williams;

A bill (S. 2330) granting an increase of pension to Nettie L. Jones; and

A bill (S. 2331) granting an increase of pension to Ann M. Forsythe; to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 2332) for the relief of John H. Calef, colonel, United States Army, retired (with an accompanying paper); to the Committee on Claims.

By Mr. BRADLEY:

A bill (S. 2333) granting an increase of pension to George S. Robinson (with accompanying papers); to the Committee on Pensions.

A bill (S. 2334) for the relief of W. M. Stevens (with accompanying papers); to the Committee on Claims.

By Mr. CURTIS:

A bill (S. 2335) authorizing the President of the United States to appoint Ensign O. C. F. Dodge, United States Navy, now on the retired list, a lieutenant on the retired list; to the Committee on Naval Affairs.

A bill (S. 2336) to correct the military record of Alfred E. Lewis; to the Committee on Military Affairs.

A bill (S. 2337) granting a pension to William Richardson (with accompanying paper);

A bill (S. 2338) granting a pension to Perry Abbett (with accompanying paper);

A bill (S. 2339) granting an increase of pension to William H. H. Miller;

A bill (S. 2340) granting a pension to Caroline Atkinson;

A bill (S. 2341) granting an increase of pension to Eli Sherman;

A bill (S. 2342) granting an increase of pension to Joel H. Shamel; and

A bill (S. 2343) granting an increase of pension to Joseph Cooper; to the Committee on Pensions.

By Mr. GORE (for Mr. OWEN) (by request):

A bill (S. 2344) to pay the balance due the loyal Creek Indians on the award made them by the Senate on the 16th day of February, 1903; to the Committee on Indian Affairs.

By Mr. GALLINGER:

A joint resolution (S. J. Res. 25) to amend an act entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," approved March 1, 1911; to the Committee on Forest Reservations and the Protection of Game.

By Mr. WORKS:

A joint resolution (S. J. Res. 26) authorizing the President to invite the Republic of Mexico and the Republics of Central and South America to participate in the Panama-California Exposition in 1915, at San Diego, Cal.; to the Committee on Industrial Expositions.

RECIPROCITY WITH CANADA.

Mr. CRAWFORD submitted an amendment intended to be proposed by him to the bill (H. R. 4412) to promote reciprocal trade relations with the Dominion of Canada, and for other purposes, which was ordered to be printed.

Mr. CRAWFORD. I ask that the amendment lie on the table, and I wish to state that at the next regular session, after the close of the morning business, should I be able to do so, I will make some observations upon it.

The VICE PRESIDENT. The amendment will lie on the table, without objection.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (H. R. 4412) to promote reciprocal trade relations with the Dominion of Canada, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. BRADLEY, it was

Ordered, That the papers in the case of Cornelius C. Vaughan, S. 187, Sixty-second Congress, be withdrawn from the files of the Senate, no adverse report having been made thereon.

Ordered, That the papers in the case of Rutherford H. Howell, S. 5033, Sixty-first Congress, be withdrawn from the files of the Senate, no adverse report having been made thereon.

REPORT ON SEIZURES OF COTTON.

Mr. JOHNSTON of Alabama. I offer the following order and ask for its present consideration.

The order was read, as follows:

Ordered, That 1,000 copies of Senate Document No. 23, Forty-third Congress, second session, entitled "Report of the Acting Secretary of the Treasury," be printed for the use of the Senate document room.

Mr. SMOOT. I can not call to mind what the document is, I should like to ask the Senator to state its purport.

Mr. JOHNSTON of Alabama. It is the report of the Secretary of the Treasury in reference to cotton seized and sold and the proceeds paid into the Treasury, giving the names of the owners. The edition has been completely exhausted, and additional legislation is very much needed.

Mr. SMOOT. I will not object.

The order was considered by unanimous consent and agreed to.

THE CONGRESSIONAL DIRECTORY.

Mr. SMOOT submitted the following resolution (S. Res. 42), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the contingent fund the compensation usually allowed for compiling, editing, and indexing the edition of the Congressional Directory for the first session of the Sixty-second Congress as prepared and published under the direction of the Joint Committee on Printing.

RULINGS OF POST OFFICE DEPARTMENT.

On motion of Mr. SMOOT, it was

Ordered, That 3,000 copies of Senate Document No. 26, Sixty-second Congress, first session, Rulings of Post Office Department, be printed for the use of the Committee on Post Offices and Post Roads.

WOOD AND WOOD PULP.

Mr. LODGE. I send to the desk and ask to have printed as a Senate document (S. Doc. No. 28) copies of the acts of the different Provinces of Canada regarding the exportation of wood and manufacture of spruce and other pulp wood cut on the Crown lands. They consist of extracts or complete copies of the acts.

The VICE PRESIDENT. Without objection, the order will be entered. No objection is heard.

OREGON AND CALIFORNIA RAILROAD GRANTS.

Mr. NELSON. I ask unanimous consent that the opinion of the United States circuit court in the matter of the Oregon and California railroad grants, a suit instituted pursuant to a joint resolution of Congress, be printed as a Senate document (S. Doc. No. 27).

The VICE PRESIDENT. Without objection, the order will be entered as requested. The Chair hears none.

MOBILE (ALA.) BICENTENNIAL.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (H. Con. Res. 8) of the House of Representatives, which was read and referred to the Committee on Industrial Expositions:

Resolved by the House of Representatives (the Senate concurring), That the resolution passed by the Legislature of Alabama in regard to the Bicentennial celebration at Mobile on May 26, 1911, be received. The said resolution reads as follows:

"Senate joint resolution 52.

"[No. 241.]

"Whereas this year, 1911, is the two hundredth anniversary of the foundation and settlement of the city of Mobile, first capital of La Province de la Louisane in 1711; and

"Whereas the city of Mobile and her people are making preparation for celebrating the event: Therefore be it

"Resolved by the senate of Alabama (the house of representatives concurring), That the Legislature of Alabama does hereby request the Senators and Representatives in Congress from the State of Alabama to bring the said anniversary celebration to the attention of Congress and the several departments of the United States Government and the representatives at Washington of foreign powers.

"Approved, April 6, 1911."

Be it further resolved, That the Congress of the United States acknowledges with pleasure the receipt of said resolution and appreciates the courtesy of the notice extended of that important event in the Nation's history.

Resolved further, That we commend the action of the city of Mobile in making preparations for this celebration. We regard that territory as one of the most valuable acquisitions of the Government and congratulate Alabama and the people of Mobile upon her growth as a city, and extend our best wishes for a successful celebration and a large attendance of patriotic American citizens.

Resolved further, That a copy of these resolutions be forwarded to the mayor of the city of Mobile in evidence of our appreciation of the work that will be done on May 26, 1911, in commemoration of the founding and settlement of our beautiful and progressive city on the Gulf.

ORDER OF PROCEDURE.

The PRESIDING OFFICER (Mr. LODGE in the chair). The morning business is concluded.

Mr. CULLOM. I move that the Senate proceed to the election of a President pro tempore of the Senate.

The PRESIDING OFFICER. The Senator from Illinois moves, in the absence of the Vice President, that the Senate proceed to the election of a President pro tempore of the Senate.

Mr. STONE. I ask the Senator to withhold that business for a few moments. I desire to speak for a very brief space of time on a matter that partakes largely of a personal question,

The PRESIDING OFFICER. There is also a notice, which appears on the calendar, by the Senator from Nevada [Mr. NEWLANDS], that he would address the Senate this morning. But the Senate will understand that the motion of the Senator from Illinois is not debatable, and it is a privileged motion, the Chair takes it.

Mr. CULLOM. I hope the Senator from Missouri will defer his request.

Mr. NEWLANDS. I ask the Senator from Illinois whether he will not withhold his motion for a while? It is my purpose to address the Senate this morning.

Mr. CULLOM. I think it would be better to go on with this matter and dispose of it.

Mr. STONE. I desire merely to make a statement of about five or six minutes in length; not more than that.

Mr. CULLOM. Very well; I will yield until the Senator from Missouri makes his brief statement of a personal nature, as he states it to be.

FARM WAGES IN THE UNITED STATES AND CANADA.

Mr. STONE. Mr. President, in a speech I delivered in the Senate on the 1st of the present month in support of the Canadian reciprocity agreement, and while discussing the question of comparative wages paid farm laborers in the United States and Canada, I had occasion to quote from a report made on that subject by the Tariff Board. In that report there are tables in which the average wages paid to such laborers in the American States and the wages paid in the Canadian Provinces are given. As appeared from a footnote to one of those tables, the Tariff Board had obtained their information as to Canadian wages, in part at least, from a report made by the agricultural department of Canada and published in the Census and Statistics Monthly, a periodical issued under the auspices of that department. On examining the tables prepared by the Tariff Board and the table prepared by the Canadian agricultural department it seemed manifest to me that the Tariff Board, in determining the wages paid Canadian farm laborers, had deducted the value of the laborer's board from the total given as his wage in the Canadian publication referred to, and had stated the remainder to be the sum received for his work per month or year. I went on to say that while it appeared from these reports that the Tariff Board had deducted the monthly board of the Canadian laborer from his monthly wage, the same course had not been pursued with respect to American farm laborers. I called attention to this as a mistake made by the Tariff Board in fixing the wages received by farm laborers in Canada.

Several days after the delivery of that speech the Senator from Iowa [Mr. CUMMINS] and I had a conference with Prof. Emery, chairman of the Tariff Board, in the Senate Office Building. At that conference Prof. Emery exhibited to us a letter written on April 12, 1911, to Jesse E. Pope, who is in some way connected with the Tariff Board, by the chief officer of the Canadian census and statistics office, which I will ask the Secretary to read.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested:

The Secretary read as follows:

CENSUS AND STATISTICS OFFICE,
Ottawa, April 12, 1911.

DEAR SIR: In reply to your letter of the 7th instant, the meaning of the statement "average wages of farm help, including board," is that the estimated value of the board is added to wages received in cash. Thus, $35.15 being the average per month for the summer season for Canada in 1910 and $12.49 the estimated average value of the board, the average wages in cash would be represented by the difference, viz, $22.66.

I inclose herewith a copy of the schedule issued to correspondents in which the point is made quite clear to them. This schedule was issued to all correspondents throughout Canada, and there is no difference in the way the statistics are compiled, as between east and west, but wages and board values increase in value the farther one proceeds west.

Yours, very truly,

A. BLUE, *Chief Officer.*

JESSE E. POPE, Esq.,
Tariff Board, Treasury Building,
Washington, D. C.

Mr. STONE. Mr. President, I will now read an extract from the schedule referred to in the letter:

Wages for farm help relate to hired men working on the land or taking care of stock, etc., and include as part of the wage an allowance for board in each case. For example, if the hired man was paid $20 per month for his services and was also provided with board and lodging, the correspondent should add to the $20 an amount equivalent to the cost of board and lodging.

Mr. President, after reading this letter and these instructions and after hearing Prof. Emery's explanation, I became satisfied that the course taken by the Tariff Board in subtracting the estimated monthly board of the Canadian laborer, as given by the Canadian officials, from his monthly wage was proper. It was proper because the sum of both amounts was stated in the Canadian table as the amount received by the laborer per month. I was misled by the form in which the Tariff Board stated the amount of the wage received. The Tariff Board stated it in this way: "Amount received with board," and then gave the sum obtained after deducting the board from the total as given in the Canadian report. In the Canadian report it was stated in this way: "Amount received, including board," and then giving the sum obtained by adding the board to the wage. The Tariff Board gave the amount of the wage "with board," while the Canadian table gave the amount of the wage "including board." Failing to catch on to this fine and more than half concealed distinction between the two expressions, I was misled, as were other Senators. Almost any man, except perhaps an expert statistician, would fail to detect the razor-edge distinction between the two expressions. Nevertheless, after hearing Prof. Emery's explanation, I am satisfied that the distinction should be made. And hence I now say that what the Tariff Board did in this respect was properly done. It is unfortunate that the Tariff Board did not incorporate in its report the substance of the explanatory papers Prof. Emery exhibited to the Senator from Iowa and me, for if that had been done the Senator from Iowa, the Senator from Utah [Mr. SMOOT], and other Senators who examined these several reports, as well as myself, would not have fallen into the error we did regarding the work of the board.

Mr. President, I take pleasure in making this explanation to the Senate, for I not only do not wish to do the Tariff Board or any official injustice, but I am gratified to find that in the real substance of the matter the board did not commit the error we ascribed to them. I would have made this explanation sooner, except for the fact that on the evening of the very day we held this conference with Prof. Emery the Senator from Iowa was obliged to leave the city and did not return until Friday last. He expressed a preference to me that we should make our statements respecting this matter at the same time, and out of courtesy to him I have deferred saying what I have until now. Furthermore, I have withheld the publication in the RECORD of the speech in which I called attention to this matter in the first instance, so that it might go out simultaneously with the explanations the Senator from Iowa and I desired to make; hence the entire matter will appear in to-morrow morning's RECORD.

A word more, Mr. President, before I conclude. I wish now to say that this correction does not materially affect the argument I made on Monday, the 1st instant. My contention then was to the effect that the average wages paid farm laborers in Canada were not below the average wages paid farm laborers in the United States. I sought to show this in two ways: First and chiefly, by quoting from wage tables published by the Agricultural Department and the Tariff Board of the United States; and, second, by again quoting from the same wage tables in connection with a wage table published by the Canadian Government. I proved beyond dispute that if the statistics furnished by our own Agricultural Department and Tariff Board are reliable, then, based on those statistics alone, the average Canadian wage paid for farm labor was slightly higher than the average wage paid for such labor in this country.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Michigan?

Mr. STONE. If the Senator will pardon me, I am about through. I will then listen to what he has to say.

Mr. SMITH of Michigan. I wanted to ask a question on the very point the Senator was emphasizing.

Mr. STONE. All I have to say covers that very point.

Mr. SMITH of Michigan. No.

Mr. STONE. Well, let the Senator proceed.

Mr. SMITH of Michigan. I should like to direct the Senator's attention to the fact that the Canadian communication regarding the wages of farm labor, which was read from the Secretary's desk, states $35.15 as being the average wage per month for the summer season in Canada, which includes $12 for board—not for the year, but for the summer season. I should like to ask the Senator from Missouri if he knows whether the figure given is for the harvest time only or not? The statement of the writer is very clear.

Mr. STONE. Oh, Mr. President, the letter read from the Secretary's desk is simply a letter from the officer in charge of statistics in Canada, explaining to the Tariff Board how the wage table was made up.

Mr. SMITH of Michigan. But, if the Senator from Missouri will permit me, I should like to emphasize the fact that that communication pretends to give the wages paid, including board, for farm labor in Canada during the summer season.

Mr. STONE. Certainly; that is what it gives.

Mr. SMITH of Michigan. And I dare say, although I am not quite sure about it, that the wages of the American farm laborer are given for a whole year.

Mr. STONE. Oh, Mr. President, that is incorrect, for the tables I read in the speech I made before the Senate two weeks ago referred to and covered wages paid both in Canada and in the United States by the season and by the year.

Mr. SMITH of Michigan. This communication does not state that.

Mr. STONE. This communication does not cover all that. This communication was simply to show the manner of making the table, whether made for the year or for the season. It in no sense conflicts with the tables I produced in the hearing of the Senate two weeks ago. The main body of my argument at that time was predicated on the statistics furnished by our own Government. I thought that those who heard me or should read what I said, especially Republicans, would be less likely to dispute the accuracy of statistics furnished by our own officials, appointed and holding office under a Republican administration, than they would be to dispute statistics tabulated by the Canadian Government. Having shown by these statistics, prepared by our own Government, that the Canadian wage is equal to and a little above the American wage, I then took up the Canadian statistics, and, coupling them with our own statistics, I proceeded to show that on that basis the wages paid in Canada were, in fact, considerably and appreciably higher than in the States. This latter argument I now withdraw for the reasons stated, but the other stands unshaken and undisturbed. It still remains that, according to the statistics gathered and published alone by our own officials, the wage paid to farm laborers in Canada is above and not below the wage paid in the United States.

Mr. CULLOM. Mr. President, I renew my motion that the Senate proceed to the election of a President pro tempore.

The PRESIDING OFFICER. The Senator from Illinois moves that the Senate proceed to the election of a President pro tempore.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. It is not a debatable motion.

Mr. CUMMINS. I hope, however, the same courtesy will be extended to me that has been given to the Senator from Missouri [Mr. STONE], inasmuch as I am as guilty as he, if either of us is guilty, with respect to the matter of which he has been speaking. I desire just a moment.

Mr. CULLOM. I yield for that purpose.

Mr. CUMMINS. Mr. President, during the course of the debate referred to by the Senator from Missouri, in which I took a little part, I doubted—and expressed the doubt—the accuracy of the tables prepared by the Tariff Board. My doubt arose upon an interpretation of the titles or the headings which had been attached to the table by the board. The Senator from Missouri has already explained the character of the titles. I desire to say—and I say it in justice to the Tariff Board—that a subsequent examination and conference with Prof. Emery, the head of the board, has convinced me that I was in error with respect to my interpretation of the language at the head of the table, and I have become convinced that the table is accurate. I want to express that conviction as publicly and as emphatically as I originally expressed my doubt of its accuracy.

I do not need to go further into the discussion of the matter. I am not concerned at this time with regard to the merits of the argument or what these facts may establish. All that I desire to do is to withdraw the expression of doubt that I then felt with regard to the accuracy of the table itself.

Mr. SMOOT. Mr. President——

Mr. CULLOM. I yield now to the Senator from Utah, who desires to make a brief statement on the same subject concerning which the Senator from Missouri and the Senator from Iowa have spoken.

Mr. SMOOT. I assure the Senator that I will be very brief indeed; in fact, I will only occupy a moment.

I wish to state, and to acknowledge, as the other two Senators have done, that in the examination of the report made by the Tariff Board I also was mistaken. I believe that almost any Senator examining the two reports would have been misled under similar circumstances. I had no desire other than to reach the facts, and I am very pleased, indeed, to find that our Tariff Board report is correct. The explanation made by Prof. Emery is perfectly satisfactory, and I wish to make that announcement.

ELECTION OF PRESIDENT PRO TEMPORE.

Mr. CULLOM. I move that the Senate proceed to the election of a President pro tempore.

The motion was agreed to.

The PRESIDING OFFICER. The Senate will proceed to the election of a President pro tempore.

The Chair desires to say, before action is taken, that on Thursday last the Senate, by unanimous consent, suspended clause 2 of Rule I, which provides that the Secretary shall take the chair pending the election of a President pro tempore, and continued in the chair its present occupant. Whether that action was intended to be continuous, covering all proceedings connected with the election of a President pro tempore or was for that day only, it is not for the Chair to determine. It is for the Senate to determine that question before we proceed further.

Mr. SHIVELY. I ask unanimous consent that clause 2 of Rule I be suspended and that the senior Senator from Massachusetts [Mr. LODGE] occupy the chair during the proceedings to elect a President pro tempore.

The PRESIDING OFFICER. The Senator from Indiana moves that the present occupant of the chair continue to occupy it during the proceedings——

Mr. SHIVELY. If the Chair please, I made no motion. I asked unanimous consent.

The PRESIDENT OFFICER. The Senator from Indiana asks unanimous consent that clause 2 of Rule I be suspended, and that the present occupant of the chair continue to occupy it during the proceedings connected with the election of a President pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. CULLOM. I ask for a roll call.

The Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I have a general pair with the senior Senator from Maine [Mr. FRYE]. I transfer it to the senior Senator from Oklahoma [Mr. OWEN] and vote for the Senator from South Carolina [Mr. TILLMAN].

Mr. LA FOLLETTE (when Mr. BOURNE's name was called). The senior Senator from Oregon is unavoidably absent. I desire to state that if he were present he would vote for the Senator from Minnesota [Mr. CLAPP].

Mr. BROWN (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. CLARKE], and therefore withhold my vote.

Mr. JOHNSTON of Alabama (when the name of Mr. DAVIS was called). I desire to state that the junior Senator from Arkansas is paired on this question with the junior Senator from Illinois [Mr. LORIMER]. I shall make no further statement of the pair during the proceedings.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], which I transfer to the junior Senator from Wisconsin [Mr. STEPHENSON], and to prevent repetition I make this announcement for all votes to-day. I vote for the Senator from New Hampshire [Mr. GALLINGER].

Mr. GUGGENHEIM (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER], and therefore withhold my vote. If I were at liberty to vote I should vote for the Senator from New Hampshire [Mr. GALLINGER].

The PRESIDING OFFICER (Mr. LODGE, when his name was called). I have a pair for this day with the senior Senator from Virginia [Mr. MARTIN]. If he were present he would vote for the Senator from Georgia [Mr. BACON], and I should vote for the Senator from New Hampshire [Mr. GALLINGER]. I make this announcement for the day.

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. Having no opportunity to transfer the pair, I wish to announce now that I will withhold my vote on this question to-day.

Mr. SHIVELY (when the name of Mr. MARTIN of Virginia was called). I announce that the senior Senator from Virginia [Mr. MARTIN] has been unexpectedly called from the Senate and can not be present during the proceedings to-day. As just stated by the Chair, the senior Senator from Virginia is paired with the senior Senator from Massachusetts [Mr. LODGE]. If the senior Senator from Virginia were present he would vote for the Senator from Georgia [Mr. BACON]. I wish this announcement to stand for the day.

The roll call, having been concluded, resulted as follows:

FOR MR. BACON—33.

Bailey	Hitchcock	Overman	Swanson
Bankhead	Johnson, Me.	Pomerene	Taylor
Bryan	Johnston, Ala.	Rayner	Terrell
Chamberlain	Kern	Reed	Thornton
Chilton	Lea	Shively	Watson
Culberson	Martine, N. J.	Simmons	Williams
Fletcher	Myers	Smith, Md.	
Foster	Newlands	Smith, S. C.	
Gore	O'Gorman	Stone	

FOR MR. GALLINGER—33.

Borah	Curtis	McLean	Smith, Mich.
Bradley	Dillingham	Nelson	Smoot
Brandegee	Dixon	Nixon	Sutherland
Briggs.	du Pont.	Oliver	Townsend
Burnham	Gamble	Page	Warren
Burton	Heyburn	Penrose	Wetmore
Clark, Wyo.	Jones	Perkins	
Crane	Kenyon	Richardson	
Cullom	Lippitt	Root	

FOR MR. CLAPP—7.

Bristow	Cummins	La Follette	Works
Crawford	Gronna	Poindexter	

FOR MR. LODGE—1.

Gallinger

FOR MR. BRISTOW—1.

Clapp

FOR MR. TILLMAN—1.

Bacon

NOT VOTING—15.

Bourne	Frye	McCumber	Percy
Brown	Guggenheim	Martin, Va.	Stephenson
Clarke, Ark.	Lodge	Owen	Tillman
Davis	Lorimer	Paynter	

The PRESIDING OFFICER. Seventy-six Senators have voted; 39 necessary for a choice. The Senator from New Hampshire [Mr. GALLINGER] has 33; the Senator from Georgia [Mr. BACON], 33; the Senator from Minnesota [Mr. CLAPP], 7; the Senator from Massachusetts [Mr. LODGE], 1; the Senator from Kansas [Mr. BRISTOW], 1; and the Senator from South Carolina [Mr. TILLMAN], 1. There is no choice. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BACON (when his name was called). Announcing for the succeeding votes the transfer of the pair which I have already announced, I again vote for the Senator from South Carolina [Mr. TILLMAN].

Mr. BROWN (when his name was called). I again announce the fact of my pair with the senior Senator from Arkansas [Mr. CLARKE]. I make this announcement for the rest of the day on this question.

The roll call, having been concluded, resulted:

FOR MR. BACON—33.

Bailey	Hitchcock	Overman	Swanson
Bankhead	Johnson, Me.	Pomerene	Taylor
Bryan	Johnston, Ala.	Rayner	Terrell
Chamberlain	Kern	Reed	Thornton
Chilton	Lea	Shively	Watson
Culberson	Martine, N. J.	Simmons	Williams
Fletcher	Meyers	Smith, Md.	
Foster	Newlands	Smith, S. C.	
Gore	O'Gorman	Stone	

FOR MR. GALLINGER—33.

Borah	Curtis	McLean	Smith, Mich.
Bradley	Dillingham	Nelson	Smoot
Brandegee	Dixon	Nixon	Sutherland
Briggs	du Pont	Oliver	Townsend
Burnham	Gamble	Page	Warren
Burton	Heyburn	Penrose	Wetmore
Clark, Wyo.	Jones	Perkins	
Crane	Kenyon	Richardson	
Cullom	Lippitt	Root	

FOR MR. CLAPP—7.

Bristow	Cummins	La Follette	Works
Crawford	Gronna	Poindexter	

FOR MR. LODGE—1.

Gallinger.

FOR MR. BRISTOW—1.

Clapp

FOR MR. TILLMAN—1.

Bacon.

NOT VOTING—15.

Bourne	Frye	McCumber	Percy
Brown	Guggenheim	Martin, Va.	Stephenson
Clarke, Ark.	Lodge	Owen	Tillman
Davis	Lorimer	Paynter	

The PRESIDING OFFICER. Seventy-six Senators have voted; necessary to a choice, 39. The Senator from New Hampshire [Mr. GALLINGER] received 33 votes; the Senator from Georgia [Mr. BACON], 33; the Senator from Minnesota [Mr. CLAPP], 7; the Senator from Massachusetts [Mr. LODGE], 1; the Senator from South Carolina [Mr. TILLMAN], 1; and the Senator from Kansas [Mr. BRISTOW], 1. There is no choice.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. BORAH. Mr. President, I rise to a parliamentary inquiry. Is it in order at this time to move to take up a matter for consideration under Rule VIII?

The PRESIDING OFFICER. The Chair thinks it would be in order to lay aside the present order of the Senate and supersede it by any motion.

Mr. BORAH. I move that the Senate take up for consideration House joint resolution 39.

The PRESIDING OFFICER. The Senator from Idaho moves that the Senate proceed to the consideration of House joint resolution 39. The Secretary will read the title.

The SECRETARY. A joint resolution (H. J. Res. 39) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

The PRESIDING OFFICER. The question is on the motion of the Senator from Idaho.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The PRESIDING OFFICER. The Secretary will read the joint resolution.

The Secretary read the joint resolution, reported without amendment from the Committee on the Judiciary May 1, 1911, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That in lieu of the first paragraph of section 3 of Article I of the Constitution of the United States, and in lieu of so much of paragraph 2 of the same section as relates to the filling of vacancies, and in lieu of all of paragraph 1 of section 4 of said Article I, in so far as the same relates to any authority in Congress to make or alter regulations as to the times or manner of holding elections for Senators, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the States:

"The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

"The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

"When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election, as the legislature may direct.

"This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution."

Mr. NEWLANDS. Mr. President, I presented certain resolutions at the last session of the Senate and gave notice that I would address the Senate upon them to-day at the close of the morning business.

Mr. BRISTOW. Will the Senator yield to me for a moment?

Mr. NEWLANDS. Certainly.

Mr. BRISTOW. I desire to offer the following amendment as a substitute for the pending joint resolution.

The PRESIDING OFFICER. The Senator from Kansas offers an amendment to House joint resolution 39, which the Senate has just taken up. The Secretary will read the amendment.

The SECRETARY. It proposes to strike out all after the resolving clause and to insert:

That in lieu of the first paragraph of section 3 of Article I of the Constitution of the United States, and in lieu of so much of paragraph 2 of the same section as relates to the filling of vacancies, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the States:

"The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

"When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

"This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution."

BUSINESS OF THE SESSION.

Mr. NEWLANDS. Mr. President, at the last session of the Senate I offered a resolution regarding a legislative program for the extra session and gave notice that I would address the Senate upon the resolution to-day. If there is no objection, I will avail myself of the opportunity which I intended to take at the close of the morning business. I will first ask the Secretary to read the resolution to which I refer, Senate resolution 41.

The PRESIDING OFFICER. If there be no objection, Senate resolution 41 will be read for the information of the Senate.

The Secretary read Senate resolution 41, submitted by Mr. NEWLANDS on the 11th instant, as follows:

Resolved, That it is the sense of the Senate that during the extra session legislation should be enacted upon the following subjects:

First. The Canadian reciprocity bill.

Second. Enlarging the free list of importations.

Third. The reduction of the excessive duties in the wool, cotton, and steel schedules.

Fourth. The gradual reduction of all duties of a prohibitory character to a revenue basis.

Fifth. The immediate reduction of the appropriations for military and naval expenses for the fiscal year ending June 30, 1912, to the

extent of $30,000,000, such reduction to be apportioned by the President with the aid of a military board or boards.

Sixth. A graduated increase in the corporation tax sufficient to make up any deficit caused by a reduction in customs duties, and also sufficient to provide a fund for the regulation of river flow and the promotion of river navigation.

Seventh. Publicity of campaign expenditures before the election and prohibiting contributions by corporations.

Eighth. Providing for the election of United States Senators by popular vote.

Ninth. Providing for the immediate admission of Arizona and New Mexico as separate States.

And that during the extra session the proper committees should consider and report for action, during the next regular session, legislation upon the following subjects:

First. Providing for the physical valuation and the control of the stock and bond issues of railroads engaged in interstate commerce.

Second. Providing, in connection with the Bureau of Corporations, for a board of interstate trade with powers of examination, condemnation, and recommendation regarding interstate trade similar to those conferred upon the Interstate Commerce Commission regarding interstate transportation.

Third. Providing for the protection of bank depositors and the minimizing of bank panics by the organization of a national reserve association in each State, in which the national banks and the State banks engaged in interstate commerce shall be stockholders, such national reserve associations to have ample capital and reserves and to take over the note-issuing functions now enjoyed by the national banks, including the power to issue emergency currency; such associations to have the power to insure or guarantee the depositors of their constituent banks, and in connection therewith powers of examination of such banks; such associations to be brought into federation through a national banking board fairly representative of the different sections of the country, one-half of which shall be selected by such associations and one-half by the President of the United States; and such board to be advisory to the Congress and to the President.

Fourth. Providing for the neutralization of the Philippine Islands with a view to recognizing their independence as soon as a stable government can be established.

Fifth. Providing for the cooperation of the National Government with the States in devising and carrying out comprehensive plans for the regulation of river flow, with a view to the promotion of navigation and the prevention of destructive floods through the preservation of forests, the storage and use of flood waters for the irrigation of arid lands, and the storage of flood waters for the development of water power; and providing a fund ample for continuous work, to be conducted under the direction of a board of experts authorized by law.

Sixth. Providing for the protection of our natural resources in timber, coal, iron, and oil against monopolistic control.

Seventh. Providing for the upbuilding of the American merchant marine by free entry to American registry of all ships, wherever constructed, and by the construction of auxiliary ships for our Navy, to be used in time of war in aid of the fighting ships, and in time of peace in establishing new routes of commerce through lease to shipping companies; such legislation to involve the temporary diminution of the construction of fighting ships and the substitution of auxiliary ships, with a view to the creation of a well-proportioned and self-sustaining Navy.

Mr. NEWLANDS. Mr. President, an extra session of the Congress of the United States has been called by the President for the purpose of considering a reciprocity treaty with Canada, and the question now before the Congress is as to whether it shall confine itself to the consideration of that treaty or shall take up other legislation upon matters of vital interest to the country upon which public opinion has been formed.

There can be, Mr. President, no more favorable opportunity for cleaning up the legislation of Congress relating to matters of progressive reform than at this extra session, for the appropriation bills, which always have the right of way and which absorb the attention of Congress during its regular session, will not be before us.

In the resolutions which I have presented I have endeavored to cover two classes of legislation: First, the legislation which is pressing and which should be enacted at this session; second, bills which should be considered by committees and reported for *action at the* regular session in December next.

LITTLE PROGRESS MADE.

Now, Mr. President, in looking over the history of our congressional legislation we will find that really very little progress has been made in matters of reform. We have been endeavoring to reduce the excessive duties of the tariff for over 40 years and thus far have made substantially no progress. On the contrary, until recently, the tariff duties have been constantly increased during that period. At the last session at which action was taken upon this subject, only a few modifications and reductions of the tariff were made—modifications and reductions which were entirely unsatisfactory to the country—and the result was a political revolution at the last election.

We have before us, therefore, the tariff as an unsettled question, and the inquiry arises as to whether we can not do something substantial at this session of Congress regarding a reduction of excessive duties. The House of Representatives is now Democratic. It can easily put into the shape of legislation its views upon the tariff question. The Senate is now progressive in character, while hitherto it has been reactionary in character.

The advent into this body of about 13 progressive Republicans and the increase in the Democratic minority has now made it possible for a progressive majority in this body to accomplish what the progressives in this body were unable to accomplish two years ago, and whilst it will be impossible to put upon the statute books a tariff bill entirely satisfactory to the Democratic Party, a tariff bill can be enacted which will relieve tariff exactions and which will result not only in the enlargement of the free list, but in a substantial reduction of the wool, the steel, and the cotton schedules, and which will result in the reduction of duties now of a prohibitory character to a revenue basis.

If the Senate were called upon to-day to vote upon the reductions urged by the progressive Republican leaders two years ago, nearly every one of the amendments which they offered could be adopted, because the progressives, composed of progressive Republicans and Democrats, constitute a clear majority of this body.

Now, the word has gone out that we are to do nothing; that Congress will adjourn practically without action except possibly upon the reciprocity agreement. This view is sedulously urged by many of the newspapers of the country, and public opinion is gradually forming upon the line that nothing will be done at this session. If nothing is done it will be because the progressives of this body, composed of Democrats and progressive Republicans, conclude that nothing shall be done, and the responsibility will rest with them and not with the reactionary element of this body.

IMPORTANT QUESTIONS UNSETTLED.

Mr. President, what questions are before the country that are unsettled with reference to which public opinion is now made up? First, let me recall how little substantial progress has been made. We have made substantially no progress in the reform of the tariff. In legislation relating to interstate commerce, involving three branches—interstate transportation, interstate trade, and interstate exchange—little progress whatever has been made except regarding interstate transportation, though the trust question and the banking question have been as urgent as that of transportation itself, and in transportation the full limit of accomplishment has not been reached. It took us nearly 20 years after the passage of the interstate-commerce act to give the Interstate Commerce Commission the power to fix a rate and to act upon its own initiative. Practically prior to that time their entire powers were those of recommendation, and though they urged upon Congress year after year the enactment of needed legislation enlarging their powers, they secured response only within the last six years under the lead of a strenuous President, who, backed by public opinion, forced progressive legislation through Congress.

VALUATION OF RAILROADS.

In interstate transportation, the valuation and the control of the stock and bond issues of interstate railroads by the Interstate Commerce Commission are as yet unauthorized, although public opinion was made up upon these questions years ago. Congress, as the faithful chronicler and recorder of public opinion, should long since have put these measures upon the statute books.

Why should we delay longer giving the power to the Interstate Commerce Commission to make a valuation of railroads engaged in interstate commerce? Why should we longer delay giving them the power to control the stock and bond issues of such railroads? The Supreme Court of the United States has determined that in the adjustment of rates the fair valuation of the railroads, their capital, and other elements are to be had in view. Can we deny fairly to this commission the power to make a valuation, when the Supreme Court says that a fair valuation is one of the elements to be considered in rate fixing, and can we deny them the power to determine the fair and honest capitalization in stock and bonds when the Supreme Court has determined that these matters are involved in rate fixing? In common honesty, should we not immediately put upon the statute books legislation upon these subjects?

Shall we permit the conditions to continue to which the Interstate Commerce Commission referred in its report of two years ago, giving as an instance the fact that in the Spokane case the Northern Pacific and Great Northern Railways had recently presented a valuation 25 per cent in excess of that claimed by them in a similar case a short time before? Is it fair to the people to deny to the commission the power and the means to meet such a condition?

TRUSTS.

So, with reference to the trusts, these great combinations of capital which have grown every day stronger and more powerful as the agitation against their abuses has progressed. The public mind has been made up upon this question for years, and yet we have enacted practically no legislation regarding them since the passage of the Sherman Act. If these great trusts

should be dissolved by the Supreme Court in pending cases, it will be necessary to take hold of the question as to what the limit of size and capitalization shall be. If, however, they should be sustained, then it will be essential that we should regulate and control them as public monopolies.

INTERSTATE TRADE.

Why have we not long before, with reference to this branch of interstate commerce, namely, interstate trade, organized a trade or industrial commission similar to the Interstate Commerce Commission, with powers of recommendation, with powers of condemnation, with powers of correction similar to those enjoyed by the Interstate Commerce Commission regarding interstate transportation? Under the process of evolution that body has worked out a system of law regarding these great railroads that has cured great abuses, that has steadied the finances of the railroads, that has created the confidence of the country and created the confidence of the railroad managers themselves, so that to-day there is not a railway manager of prominence in the country who would wipe off of the statute books the legislation which we have enacted, but, on the contrary, these managers, who attacked these measures prior to their enactment, now acquiesce in them and declare that they have been beneficial in their operation.

This great evolution has been crowned by a recent illuminating decision of the Interstate Commerce Commission, through Commissioner Lane, a decision which ranks with the great state papers, and a decision which has settled vital questions connected with this subject so satisfactorily that whilst the public interest has been sustained, it has been accomplished without a ripple in the market, without disturbing a single value; but, on the contrary, assurance to investors throughout the world has been given that whilst this commission is regardful of private right and public right, it is also regardful of the property rights of the railroads themselves. Is there not similar legislation upon the subject of interstate trade, involving the great trusts upon which we can enter with propriety and with safety?

BANKING.

So it is with banking. For years Congress has been enacting laws regarding banking, always with a view to giving the bankers themselves larger privileges, never with a view to protecting depositors and the public at large. The former chairman of our Finance Committee, under whose administration these abuses had been allowed to continue, declared recently that the banking system of the United States was the worst in the civilized world. Banking is a branch of interstate commerce so far as interstate exchange is concerned.

The powers of the National Government over interstate exchange are just as absolute as they are over interstate transportation or interstate trade, yet we have permitted year after year these abuses to exist. We have permitted constant breaks in the exchanges of the country just as intolerable as would be constant breaks in the transportation of the country and just as easily guarded against as would be breaks in transportation. With what tolerance would we view a condition of things under which 10 miles of track would be taken out of each one of the great transcontinental railways of the country at intervals, and interstate transportation be thus disturbed and delayed? With what tolerance would we view the destruction of great railway bridges to the prejudice of interstate commerce? With what tolerance would we view a system under which the railway cars of this country could be drifted to the city of New York and there held for storage purposes, for hire as storage warehouses, when the entire country needed them for the moving of crops? Yet we have permitted this with reference to interstate exchange; we have permitted the reserves of the entire country under our system of law to gravitate to New York, to be used there not for the proper function of banking exchange but for promotion and speculation.

Then, when the moneys have been tied up there and the country banks have asked for them in order to move the crops of the country, the return of the reserves is denied upon the ground that the withdrawal of those moneys from speculation would bring down the stock market in ruins upon New York and would bring about a destruction of values throughout the entire country; yet it only requires a little legislation, the compelling of these banks to maintain a proper proportion between their capital and their obligations, a thing concerning which there is no injunction now in our present banking law; it will only require a little care regarding reserves, the compelling of country banks to keep in their vaults the larger proportion of their reserves, and preventing them from sending them to New York; it will only require legislation which will bind them together into one great strong body in each of the States for the purpose of mutually insuring bank depositors to prevent these disastrous breaks in exchange, which, resulting from local bank panics here and there, tie up the production and trade of the country and inflict irremediable loss upon enterprise and business throughout the country.

Mr. President, interstate commerce, embracing these three subjects—interstate transportation, interstate trade, and interstate exchange—has only been partially legislated upon, successfully so with reference to interstate transportation; not at all with reference to interstate trade and interstate exchange; and yet the latter two are just as important to the prosperity of the country as is the former, and the country can be as easily protected by proper legislation relating to them as it can be protected against the abuses of transportation.

How have we done this with reference to transportation? Not by ourselves fixing rates, not by ourselves endeavoring to correct every abuse, as we would have the right to do, but by creating an Interstate Commerce Commission as the servant of Congress, to carry out its will under rules fixed by Congress, thus creating a body of intelligent, capable men under the sanction of an oath, acting in a semijudicial capacity, who devote their lives to the scientific study of these questions and are not distracted, as we are, by numerous other duties.

Mr. President, I have referred in my resolution to the legislation which should be enacted during this session. First, the Canadian reciprocity bill; second, a bill enlarging the free list of importations; third, a bill reducing the excessive duties in the wool, cotton, and steel schedules; fourth, a bill reducing all duties of a prohibitory character to a revenue basis. By that I do not mean that it would be possible for us to pass a bill that would not be of a protective character. Of course, it would be impossible in this body to pass a bill that would not embrace the protective principle, for there are not enough Democrats to pass a purely revenue measure; but whatever progressive measure is passed, must be passed with the acquiescence of the 13 Republican Senators who are progressive in character, who believe in the protective system, but favor the correction of its abuses. They, by reason of their convictions, can not go as far as we would in the way of reduction, but we certainly can go as far as they would in the way of reduction. They are not willing to go as far as we are; we are willing to go further than they are; but if they are willing to make any reduction, would it not be good Democratic policy, if we can not pass a Democratic measure, to ask these progressive Republicans to shape a bill reducing excessive and prohibitory duties and then stand behind it and support it?

WHO ARE THE PROGRESSIVES?

Mr. HEYBURN. Mr. President, would the Senator object to a slight interruption?

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Nevada yield to the Senator from Idaho?

Mr. NEWLANDS. Certainly.

Mr. HEYBURN. I should like to inquire as to the Senator's understanding of the meaning in a political sense of the word "progressive" as used by those on either side who claim to be progressive.

Mr. NEWLANDS. My idea of a progressive is a man who stands for the correction of existing abuses.

Mr. HEYBURN. Well, does the Senator include those who sit on this side of the Chamber in part under the designation as progressives?

Mr. NEWLANDS. Part of them; yes.

Mr. HEYBURN. Then, all others except them are not progressives?

Mr. NEWLANDS. They vary in degree [laughter], some of them being near progressives, others being regular, others stalwart, others reactionary, but all standing together against real progressive action in the interest of the people.

Mr. HEYBURN. Well, Mr. President, the Senator used the term a few moments ago in connection with the word "reformer." Does he consider the progressives reformers?

Mr. NEWLANDS. I do in the main; but of course——

Mr. HEYBURN. Does the Senator mean by "reformer" a man who is in favor of reforming the ranks and the direction that the ranks in the Army are taking; that is, reforming by the first order, "right about face, forward, march," and march away from all the great measures that they have been pretending for years to advocate? I merely inquire for information.

Mr. NEWLANDS. I can not follow the Senator in his last refinement. It is very apparent that every legislative body is now being divided, not by the old political lines, but by adherence on the one side to old traditions of party faith or of party action, and on the other side to the new principles, which are really old, based upon equality of opportunity, honesty,

and economy in public expenditure. So party lines are gradually being effaced in the public eye. The country does not care much now as to whether we act as Democrats or Republicans.

It wants to know our position upon specific public questions. Are we for or against the correction of transportation abuses? Are we for or against monopolistic abuses? Are we for or against banking abuses? Are we for honest, unbribed, and uncontrolled elections? Are we for or against great constructive measures, such as the regulation of our river flow and the promotion of navigation? Are we for or against the protection of our natural resources in timber, coal, iron, and oil against monopolistic control? Are we for or against providing for the election of United States Senators by popular vote? Are we for or against an income tax? Are we for or against the corporation tax? Are we for or against, if our legislation regarding the tariff results in a deficit in revenue, in an increase in the corporation tax to meet the deficit? These are questions which are being discussed in the magazines and the newspapers of the country and upon the rostrum everywhere, and it is with reference to these questions, and not mere party names, that men to-day are being judged.

REDUCTION OF ARMY AND NAVY EXPENSES.

Mr. President, when I was interrupted I was about to call attention to the fifth subject concerning which it seemed to me legislation should be enacted, and that was the diminution, the reduction of the appropriations for the military and naval service for the fiscal year ending June 30, 1912. Those appropriations to-day aggregate over $230,000,000, and a question which we could well take hold of at this extra session would be as to whether we should not by action now absolutely reduce that expenditure at least $30,000,000, giving the President power, with the aid of military boards, to apportion the reduction.

For my part I think Congress has always gone too much into detail in its appropriations. If to-day we were to give a lump appropriation, $10,000,000 less to the War Department, and ten, fifteen, or twenty million dollars less to the Navy Department than the amounts appropriated for the next fiscal year, and allow the military and naval officers under the responsibility of their position and with their high intelligence to administer these departments according to their best judgment, I have no doubt that the public service, military and naval, would be in a better condition than it is under the present system of appropriations.

Mr. WARREN. May I ask the Senator from Nevada a question?

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Wyoming?

Mr. NEWLANDS. Certainly.

Mr. WARREN. I assume the Senator knows that the amounts he has just mentioned as the appropriations for those particular branches of the Government are made less by Congress than what the President and the administration of each one of those branches call for each year—even now.

Mr. NEWLANDS. I understand it has been the custom of these various bureaus and departments to present liberal estimates for appropriations; that each has been vying with the other in an effort to get more money out of the Public Treasury; and that each department has been vying with the other in its efforts to get——

Mr. WARREN. Our information is, especially as to those two appropriations and as to those two departments, that after the estimates were made up for the appropriation bills for the last two years the President ordered them cut down. In the case of the Army appropriation estimates they were taken back to the War Department the second time for a cutting down. So that vying with each other to obtain extra large appropriations seems to have been far in the past; and as to our late bills, they were cut, as the departments said, to the bone—cut as closely as they could be and support the Army and Navy. Then Congress took up the bills and appropriated still less.

I am not assuming to contradict the Senator. Perhaps we can make smaller appropriations, but I wish to make it plain that Congress itself is not now in the habit of appropriating more but less than the sums the President and the chiefs of the departments ask for.

Mr. NEWLANDS. Yes; but it has always been, as I was just about to remark before the Senator from Wyoming interrupted me——

Mr. WARREN. Then, would the Senator give them a lump sum and have them expend it as they see fit and come in, as they will do, for large deficiencies at the end of the year?

Mr. NEWLANDS. I am not at present advocating such a system, but I am simply remarking that, in my judgment, if we had for the last 10 years given each department $10,000,000 less than what has been annually appropriated and each department had been put upon its responsibility to give the best service and the best results for the sum appropriated, we would have had better results.

I believe that if we were to reduce the total appropriations of the War Department and of the Navy Department for the year ending June 30, 1912, by the sum of $30,000,000, and give them a free hand to apportion the reduction, the result would be such efficiency in both administration and construction as to give us as good results as we will have under the present appropriations.

Our whole system, I think, has been a false one. We have put the departments into competition with each other, each to secure the larger sum, and we have put the different bureaus into competition with one another. Instead of that we should have had a budget committee, which would have cooperated with the President, who has shown great zeal in an effort to diminish the expenditures of the Government. We should survey the entire field, should ascertain the amount out of the existing revenues we should give to each department its proper proportion, and then by some system of boards, acting under the President, we would secure such efficiency in administration and in construction as to give us better service and better work.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Kansas?

Mr. NEWLANDS. I do.

Mr. BRISTOW. I should like to inquire if the Senator would have this money apportioned by the Secretaries of these departments—the heads of the departments—or by a board or a commission organized in the department?

Mr. NEWLANDS. I have not worked that out very definitely. This is a mere suggestion—as, indeed, all these items are mere suggestions—for discussion. It seems to me I should give the power to the President to organize boards in the various departments in such way as to secure this result, making them first responsible to the head of the department, and then the heads of the departments responsible to the President, all to be approved by the President. I think this is a matter of executive administration which ought to be intrusted to the President, and he ought to have as much power as possible in creating the machinery for the accomplishment of this excellent work.

Mr. BRISTOW. You would, then, appropriate a certain sum of money for the Navy and require the President to apportion the expenditure of that and hold him responsible for a proper expenditure of the fund. Is that the idea?

Mr. NEWLANDS. My proposal was with reference to the year 1912, that we should reduce the total appropriations by $30,000,000, and then let the President, with the aid of these boards, apportion the reduction amongst the various items of appropriations heretofore made, thus accomplishing substantially what the Senator suggests, but in a somewhat different way.

Mr. CLAPP. Will the Senator pardon me?

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Minnesota?

Mr. NEWLANDS. Yes.

THE BUDGET COMMITTEE.

Mr. CLAPP. The subject the Senator is dealing with is one that certainly is very interesting, and it is to me. I have believed for years that we could save vast sums of money if we would change our system in Congress as to dealing with appropriations. During several years I have at times talked with different Members of the Senate with respect to a plan of creating a committee to consist of the chairmen of those committees which handle appropriation bills, with the idea of coordinating those chairmen upon the proposition of taking into account the funds which were subject to use and saying to the departments how much each might have of this general fund, just as a business concern would do. No business concern on earth would think of allowing the heads of departments to come and tell how much they required, upon the supposition that what they asked for should be granted. They would lay their propositions before a special board, and that board would say, "You can have so much for this and so much for that."

The committee was formed. To begin with, a large number of Senators were put on it, making it too large, and then at the first meeting of the committee they proceeded to apportion these subjects to subcommittees, thus going around in a circle and getting just to the point they started from. I do not believe we will succeed in economizing until we have some system whereby there may be coordination, so that back of each chairman whose committee handles an appropriation bill is the declaration of these coordinated forces, with which he may meet

the demands that are made upon him as chairman of that committee.

That would start in the Senate; it would probably be succeeded by the same plan in the House, and eventually there would be a coordination of the two branches. I believe yet that that is the wise, businesslike way to hold down the appropriations, and I just wanted to mention the fact that it failed, because, by putting each subject in the hands of a special subcommittee, they got right back to where they started.

Mr. WARREN. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Wyoming?

Mr. NEWLANDS. Yes.

Mr. WARREN. The real failure of that budget committee was in another direction, although I agree to some extent with what the Senator from Minnesota has said. These appropriation bills originate in the House. They are made up there from the estimates. There is the place where a committee composed of the different chairmen of committees handling appropriations should start work. Last year we provided such a committee in the Senate. We sought individually and otherwise to have them adopt something of that kind at another place.

The matter was discussed in another part of this building, I understand, to quite a little extent, and, in fact, the failure to appoint such committee has been discussed on the floor. But they deliberately decided that they would not in this Congress or at this session appoint such a committee, and it therefore seemed useless to have such a committee on the Senate side, where we only amend the measures that come over from the House, after their refusal there, where the appropriation bills originate, to create such a committee.

Mr. CLAPP. If the Senator from Nevada will further pardon me, so far as we may be permitted in the Senate to discuss the duties of the other branch of Congress, I quite agree with the Senator from Wyoming that there ought to be a similar committee there. In fact, as I said before, it ought finally to result in one committee or association. But the amendments that are put on in the Senate are always increases, never or hardly ever decreases; and they come because the heads of the departments come to the Senate committee after the bill has passed the House and they lay before us a request for these things, and with each committee acting separately in this way it is almost impossible to hold them down. While it would not be the ultima thule of the movement, it would, in my opinion, be a good beginning and a great gain if the Senate itself should adopt that rule and carry it out.

COMMITTEE ON PUBLIC EXPENDITURES.

Mr. NEWLANDS. I quite agree with the Senator from Minnesota in his views as to the importance of a budget committee. We had hoped that that was accomplished by the appointment of the late Committee on Public Expenditures, which brought the chairmen of all the appropriation committees into coordination. But, unfortunately, the committee met but seldom. It never really got started upon the original plan, and the committee was abandoned at this session of Congress. It seems to me it would have been much better to have kept that committee in existence and to have endeavored to carry out the original plan. I have no doubt that in time our example would have been influential with the House itself, and the House would have organized a similar committee. I am told that now they are in process of organizing some committee that will bring the chairmen of the various committees practically into one organization.

As it is, we have an Appropriation Committee, which has jurisdiction over only about one-fourth, I believe, of the total expenditures of the Government. All the rest of the appropriations are handled by special committees, relating to particular subjects. It is utterly impossible, therefore, for that general Appropriation Committee to cover the entire sphere of action.

I have made this suggestion with reference to an arbitrary reduction. I admit it is rather a crude suggestion. It might be preferable for us to revise all the estimates for that year, but we would not have the time or the patience to do it, and it seems to me that the best way would be to reduce the amount arbitrarily by thirty millions or twenty millions or ten millions and set the executive department to work upon this problem and then wait for results. I believe the result would be a substantial one, and that we would have suggestions and recommendations from the executive department itself which would aid in this work of efficiency and retrenchment.

Now, Mr. President, there is another question that has been pending before the country for a long time, and that is the question of river transportation.

Mr. BACON. If the Senator from Nevada will permit me, I desire to make one suggestion which I have made heretofore when appropriations bills have been up. I think if there was some attention paid to it, it might result in a material reduction of appropriations.

The appropriation bills as they come to us are entirely general in the subjects matter appropriated for. There is a paragraph having half a dozen or a dozen different items mentioned in it, with no particular appropriation for each item, but winding up with a general appropriation of $5,000,000, we will say, for everything embraced in that paragraph, leaving it absolutely within the discretion of the departmental officers as to how they shall distribute the $5,000,000.

In addition to the danger of an abuse by the departmental officers in the distribution of that fund, the particular and vital vice of it is this, that Senators, when they come to pass upon the question whether or not that $5,000,000 should be appropriated, have no such division of the particular items and the particular appropriations relating to each item as will enable them to judge whether the appropriation is proper or improper.

Now, what is the consequence? I venture the prediction that there is not a Senator who will rise on this floor and deny that every session he sits here and sees appropriation bills passed in a hop, skip, and a jump, with not one-third of the bill read, and that he knows nothing about it when it is passed, except that it carries a total sum of $100,000,000, perhaps, passed here in the space of an hour, and sometimes less time than that.

I say that the difficulty is not that Senators are inattentive to duty, but the utter impossibility, when appropriation bills are framed in that way, without any specification of the particular appropriation for each item, of Senators ascertaining what are and what are not proper appropriations.

This matter has been up several times, and I think the Senator from Wyoming himself undertook to say at one time that he did not think there was a sufficient specification in these bills, and some of us ventured to say to him that in the future we would ask that more attention be paid to the specification of appropriations for particular subjects, and not to bring in a bill in which there is such a generalization that it is an impossibility for Senators to form an idea whether the appropriations are correct or incorrect.

As I have stated, by reason of that particular manner of framing appropriation bills, Senators are utterly unable to judge of them, and that leads to their failure to attempt to judge of them. Senators have seen time and again bills carrying $100,000,000 passed through this body in less than an hour, and sometimes, I think, in 15 or 20 minutes, and it is because of the fact that bills are so framed that it is impossible to judge whether or not the items are correctly specified and the appropriations in relation thereto properly graduated.

Mr. WARREN. Will the Senator from Nevada yield to me for a moment?

Mr. NEWLANDS. Certainly.

Mr. WARREN. I am quite generally in harmony with the Senator from Georgia, but I call his attention to the fact that these bills are made up in another place. They come to this body in a made-up form. They go to a committee which has been carefully selected in the usual way, and that committee, or one of its subcommittees, spends days and weeks, sometimes months, over each one of the bills.

Mr. GALLINGER. They first go to a subcommittee.

Mr. WARREN. They go to a subcommittee. The subcommittee summons a great many witnesses, has a stenographer, and prints and publishes all its hearings. Of course, the Senate is too busy to have them all read from the desk, but every bill should have, and I think generally does have, not only a brief report showing the figures, but also a volume of the Senate committee hearings and the hearings before the committee on the House side either accompanying it or at the command of every Senator.

On various occasions—and I recall one particular bill, that of the Navy—I have, in as many as four different years, insisted that a provision be inserted on this side stipulating that that bill should be divided as the Army bill is, so much for this branch, so much for that, so much for pay of officers, and divided up otherwise. That provision has always failed in the other House or has failed in conference.

Therefore I do not feel that the Committee on Appropriations of the Senate is the only one to blame, because, as I said, we take these bills as they come from the House. If we seek to divide them here, they consider that we are rather trespassing upon their prerogative. The bills are made up in

another place. On this side they go to a subcommittee and then come before the general committee, and every Senator who brings a bill in here to manage on the floor is ready to answer all questions and make all explanations. I think the Senator will bear me out in my statement that I have always taken pleasure in explaining any bill I may have had in charge, and I think other members of the committee have done the same. But the fact is that there is a great deal of money appropriated for a great many subjects and purposes, and it is almost beyond the time and the energy of the Senate in a short session to consider every bill item by item here on the floor. However, the bills do get very thorough and careful consideration in the committee room.

Mr. BACON. Mr. President——

Mr. WARREN. One word more. The Senator from Nevada speaks of the amount of money appropriated, and that the Committee on Appropriations has charge of only about a third of the amount. To some extent that is true, but here is the Committee on Pensions, we will say. It has the pension appropriation bill. That bill is simply an enumeration of certain expenses which are just the estimates of the department, nothing more and nothing less. The money is made payable by law, and they follow the law. The appropriations for the Post Office Department come in largely for salaries, and so forth, and in the Army for pay of the officers and men, but the great proportion of expenses that go to the Committee on Appropriations covers the sundry civil appropriation bill, which is the omnium gatherum of everything, and all deficiencies, and all those subjects which are supposed to require closer attention. Therefore, in my judgment, the important part of what I might call the legislative appropriations, where the appropriations and legislation go together, goes before the Committee on Appropriations.

Mr. BACON. I want to say just one word, Mr. President. Of course, I recognize the fact that these bills are made up in the other House.

Mr. WARREN. I do not say that to make any political point at all.

Mr. BACON. No; I am not speaking about that.

Mr. WARREN. But I wish that at another place they would divide up these bills more and thus make them more easily understood by Senators who do not serve on appropriating committees.

Mr. BACON. I merely want to say, Mr. President, that I recognize the fact that the Senate has a very difficult task to perform. I know that frequently these immense bills, carrying hundreds of millions of dollars, come here in the last week of the session, and it is almost an impossibility—practically it is an impossibility—for the Senate committees to give due and proper consideration to them.

It has not been my observation that the committee has had extensive hearings upon the appropriation bills. I suppose it has been due primarily to the fact that hearings have been had in the other House, and, secondly, to the fact that there is no time for extensive examination of appropriation bills by the Senate. I have heard it stated on the floor by Senators when a bill carrying a very large amount of money came here that they had not even notice of the fact that the bill was before the committee. I have not been upon the Appropriations Committee, and I am not speaking now of my own knowledge, but I have heard others state that it is a practice—I will not say the universal practice—but it frequently occurs, due, doubtless, to the fact I have mentioned, the short time at the disposition of the committee, that the bills are taken up as sent from the subcommittee, and the general committee does not consider the bill at all except to adopt as a matter——

Mr. WARREN. Oh, no; they are never reported from the subcommittee without coming before the full committee.

Mr. BACON. I did not say that they did not come before the full committee.

Mr. WARREN. May I interrupt for just a moment?

Mr. BACON. Let me make myself clear. I mean to say that when the report of the subcommittee comes in the general committee do not themselves go through the details. Of course they accept the work of the subcommittee, but without an examination of the items.

Mr. PERKINS. Mr. President——

The VICE PRESIDENT. The Senator from Nevada has the floor.

Mr. NEWLANDS. The Senator from Illinois [Mr. CULLOM] is anxious to have an executive session.

The VICE PRESIDENT. To whom does the Senator from Nevada yield, if to anyone?

Mr. WARREN. I wish to say——

The VICE PRESIDENT. The Senator will wait a moment until the Chair ascertains if the Senator from Nevada yields. Does the Senator from Nevada yield, and to whom?

Mr. NEWLANDS. I will yield to the Senator from Wyoming, and later to the Senator from California.

Mr. WARREN. What I wish to say is in reference to the allusion to the Senate side accepting the bills and not having hearings. It is true that when there is a failure on the other side to send us a bill until within the last 24 hours we can not have extensive hearings; but taking the bills generally—for instance, I will take the legislative, executive, and judicial appropriation bill—I have served on the subcommittee upon that bill ever since I was placed on the Committee on Appropriations, and the shortest time I have ever known to be given to that bill has been equal to 8 or 10 days, spent in hearings and in taking evidence before the subcommittee, and, to some extent, that is true of all the other bills.

It is lamentably true that we have had at times bills reach here at so late a day that some portions had to be taken for granted, without hearings, and had to be considered at once.

Mr. BACON. The Senator will recognize the fact, I think, that the members of the committee in charge of the bills on the floor are generally a little impatient if a Senator even asks that the Clerk should read the bill without skipping. It is considered to be an unreasonable request if a Senator asks that a bill appropriating $150,000,000 be read in full. I do not think that can possibly be consistent with a proper examination of a bill and a determination as to what are proper appropriations.

Mr. PERKINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from California?

Mr. NEWLANDS. Certainly.

Mr. PERKINS. I do not desire to trespass upon the time of the Senator from Nevada, but I wish to call his attention to the fact that taking the naval appropriation bill as an example, that bill is made up from the estimates sent in. So it is with the agricultural appropriation bill and all the supply bills.

I have been a member of the Committee on Naval Affairs since 1893. At that time Senator McPherson, of New Jersey, was the chairman of the committee. There has not been a time since I have been a member of the Committee on Naval Affairs when the Book of Estimates has not been carefully examined. The amount for each bureau, the number of clerks, and the money to be expended under the direction of that bureau is estimated. The estimates have the approval of the Secretary of the Navy and a general board of naval officers convened for the purpose. If a reduction is to be made in one of the bureaus, the Bureau of Construction and Repair, or Engineering, or some other branch of the Navy, it is considered before the estimate is made.

As a general proposition, as the Senator from Georgia says, a bill coming in here may seem to be crude in a measure, yet it represents several weeks of study, not only in this body but in the other House before it reaches the Senate. We have before our committee the hearings in detail before the House committee, filling several volumes at the last session of Congress. There is the place where the estimates are considered upon which the appropriations are based, and if it is possible to reduce an appropriation, the reduction is made in the Bureau of Construction and Repair for a dry dock, for instance, or the Bureau of Steam Engineering, or in the Marine-Hospital Service, and it is not a horizontal reduction.

Mr. NEWLANDS. Mr. President, I certainly have no disposition to cast any reflection whatever upon the efficiency of our Appropriations Committee. I simply contend that there should be some organization which would include the chairmen of all these committees having charge of appropriation bills to sit in judgment upon the estimates, in the first instance, ascertaining what the revenue of the country is likely to be and then determining what amount should be assigned to each department, and then returning the estimates to the various departments with instructions to accommodate their estimates to the amount to be actually appropriated. I believe that that would accomplish more beneficial results than the present system.

Now, Mr. President, I will simply say in extension of my remarks that if there is any reduction in the tariff it may result in a deficit of revenue. If that is the case, we shall have to find revenue from some other source, and one of the questions which this Congress will have to take up will be what source that shall be. I have suggested in the resolution that there should be a graduated corporation tax, not imposed as a vexatious tax upon the small corporations now struggling for existence, but imposed upon those of larger revenue, and increasing with the size of such revenue.

I also think that the whole question of river regulation should be taken up and a great constructive measure passed which shall provide for the cooperation of the great scientific services of the Government in treating a river as a whole, from its source to its mouth, instead of permitting a river to be treated

as now, by three or four detached services in detached sections, and that cooperation should be accomplished in some way between the Nation and the States, so that each sovereign would do the work within its jurisdiction under common plans devised and approved by all, and that a large fund should be provided for this purpose from the National Treasury of from $30,000,000 to $50,000,000 annually.

In order to provide for this work we should either save in our military expenditures or we should provide another tax, such as an increased corporation tax, for which an income tax can later on be substituted when the constitutional amendment is adopted.

The Senator from Illinois [Mr. CULLOM] desires an executive session, and I do not wish to detain the Senate longer. I shall to-morrow, at the close of the routine morning business, claim its attention with reference to a few questions which I have not discussed at this session.

I simply wish to call the attention of the Senate to the fact that we have a period of seven months between the present time and the regular session in December next; that it will be very easy for us, by a legislative declaration regarding a legislative program, to determine, first, the questions that we are to act upon at this session; second, the questions that our committees are to act upon with a view to a report at the regular session; and that we can devote at least four months or five months of those seven months beneficially to this work of cleaning up the legislation which ought to have been passed long before this.

We can easily take a recess during July and August, and that will give us five months of legislation, a sufficient time to dispose of all these important questions.

POWER OF THE PROGRESSIVES.

I wish to impress upon the progressives of this body that they have the power to organize this body from President pro tempore down, and that they have the power to lay down a legislative program that will cover every one of these existing abuses and will cover the retrenchment policy that the country is calling for.

Mr. HEYBURN. If the Senator will permit me, I should like to know how eight Members of this body can control the action of the body? What is the statement of the Senator based upon?

Mr. NEWLANDS. I do not say that eight men can control its action.

Mr. HEYBURN. How many?

Mr. NEWLANDS. I say a majority of this body can control its action, and control its organization, and that as Democrats and progressive Republicans have a common aim——

Mr. HEYBURN. A common——

Mr. NEWLANDS. So far as the correction of existing abuses is concerned, it is their duty before the country to get together in some form and secure a legislative program during the next five months that will result in decisive action.

Mr. HEYBURN. Mr. President, I want to know whether the Democrats are in such harmony with those who call themselves progressives as that they can agree upon legislation.

Mr. NEWLANDS. Mr. President——

Mr. HEYBURN. Then I want to know whether the progressives are in harmony with the Democrats or the Democrats are in harmony with the progressives. Those are important questions.

Mr. NEWLANDS. I will say as far as the Democrats are concerned that almost everything that is urged in this resolution is covered by their platform. I assume that the Democrats are going to stand by their platform, and I assume that the Democratic Party is a progressive party.

Now, we know from the utterances of the progressive Republicans at this Congress and at previous Congresses and upon the stump and in publications what their views are upon these great questions, and I believe that they are in substantial harmony with us except upon the question of the tariff. The progressive Republicans believe in the protective principle whilst the Democrats do not, but as they both believe in a practical reduction of the excessive duties of the tariff they can certainly unite in action upon that subject.

Mr. HEYBURN. So the Senator thinks——

Mr. NEWLANDS. So I think the whole subject of progressive reform is before a body capable of dealing with it, a majority of whom are in sympathy with it, and only require time in order to crystallize it into the legislation of the country.

Mr. HEYBURN. If the Senator will permit me, I should like to know whether the Democrats are going to move toward those who call themselves progressive Republicans or are the progressive Republicans going to move into the Democratic camp in order to accomplish this object.

Mr. NEWLANDS. I am not much concerned about the form of accomplishment. All I want to do is to see the thing accomplished; and I assume that the men who are intent upon this reform——

Mr. HEYBURN. Would the Senator be willing to go into the progressive camp?

Mr. NEWLANDS (continuing). Are not so fastidious about the form of organization as to prevent them from voting for a good thing when they see it.

Mr. HEYBURN. Would the Senator from Nevada then feel that it might be that he would move into the progressive Republican camp?

Mr. NEWLANDS. No.

Mr. HEYBURN. So they would then move into the Democratic camp?

Mr. NEWLANDS. Not at all.

Mr. HEYBURN. How far are they from the Democratic camp now?

Mr. NEWLANDS. I believe they have hopes of carrying with them the entire Republican Party. I believe myself that a majority of the Republican Party of the country are with the progressive Republicans to-day. [Applause in the galleries.]

Mr. HEYBURN. With them in what way?

The VICE PRESIDENT. Occupants of the galleries will refrain from demonstrations, either of approval or disapproval.

Mr. HEYBURN. With them in what way? What does the Senator mean, may I ask him?

Mr. NEWLANDS. With them in their views regarding the correction of existing abuses.

Mr. HEYBURN. That is a broad question.

Mr. NEWLANDS. In reforms in legislation and reforms in administration I believe the majority of the Republican Party are with the progressive Republicans.

Mr. HEYBURN. How would the Senator——

Mr. NEWLANDS. I can not believe that there is more than a fourth of the people—I can not believe that there is even a fourth of the people—of the United States who stand for reaction.

Mr. HEYBURN. The Senator says again that he believes they are in favor of reform. Is it the kind of reform I mentioned a little while ago, that they would turn their backs upon the principles that they had professed and march the other way from them? Is that reform? I will leave that to be answered. I do not want it answered by——

Mr. NEWLANDS. I am not undertaking now to answer the refining definition made by the Senator from Idaho upon the subject of reform.

Mr. HEYBURN. It represents the difference between going east and going west.

Mr. NEWLANDS. All I say is that there is no reason why good men should not unite upon a good thing when it is presented for legislation, and that all the discussion about the form and the courtesies and etiquette of the method of their getting together is entirely irrelevant. For my part I do not propose to enter into that.

Now, Mr. President, I will ask to have inserted in the RECORD a letter from myself to Hon. CHAMP CLARK upon these questions so far as relates to the action of the Democratic Party at this session.

The VICE PRESIDENT. Is there objection?

Mr. HEYBURN. Mr. President, we are falling into a bad habit here of printing as a part of our proceedings letters written by people in another branch, and speeches made. I object to printing the letter.

The VICE PRESIDENT. It is a letter written by the Senator from Nevada [Mr. NEWLANDS] to a gentleman in the other branch, the Chair understands.

Mr. NEWLANDS. It was written by me.

Mr. HEYBURN. The Senator desires his letter-press copy to be made a part of the RECORD? I have no objection.

The VICE PRESIDENT. No objection is heard to the printing of the letter in the RECORD, and it is so ordered.

The letter referred to is as follows:

LEGISLATIVE PROGRAM OF THE FIRST SESSION OF THE SIXTY-SECOND CONGRESS—LETTER OF HON. FRANCIS G. NEWLANDS, OF NEVADA, TO HON. CHAMP CLARK.

UNITED STATES SENATE,
Washington, D. C., March 15, 1911.

Hon. CHAMP CLARK,
House of Representatives, Washington, D. C.

MY DEAR MR. CLARK: The extra session is now approaching; the House is Democratic, the Senate and the Executive Department are Republican. Under this condition of divided responsibility the question arises as to what policy the Democratic Party shall pursue. It has already been practically determined that the House will take up, in addition to the reciprocity treaty, the tariff; and the question is, whether it will take up other matters of reform and constructive legislation, and, with a view thereto, select the committees necessary to the

consideration of such measures. The Senate will probably follow the lead of the House in this particular.

I hope, therefore, that it will not be regarded as intrusive if I, in common with other Democrats, venture a few suggestions on this score, as the question is of the highest importance to Democracy generally.

DEMOCRATIC DUTY.

It seems to me that it is incumbent upon the Democratic Party, because of its victory at the last election, to indicate decisively to the country, by specific bills to be passed through the House of Representatives, what it proposes to do if intrusted with complete power in 1912. The voters in the next campaign will rely more upon our performance than upon our promise, and we should therefore during the extra session and the next session crystallize into legislation, so far as we can, the pledges which we have made in our platform.

THE REFORM MEASURES.

The reform measures relate principally to the three branches of interstate commerce—interstate transportation, or the railroads; interstate trade, or the trusts; and interstate exchange, or banking.

With reference to interstate transportation the Democrats have supported all the various measures amendatory of the interstate commerce act which have been passed. So far as legislation is concerned the transportation question may be regarded as adjusted, for an administrative commission, which has the confidence of the public has been created, with full powers for that purpose, and it will stand as a quasi-judicial tribunal to do justice to the shippers and the public on one side and to the common carriers on the other.

All of our platform requirements on the transportation question have been complied with except those relating to a valuation of the physical properties and to the control of stock and bond issues of railroads engaged in interstate commerce. The Democratic Party should pass a bill embracing these subjects, and in order to accomplish this it will be necessary for the House to appoint its Committee on Commerce.

Outside of this there is some desirable legislation upon the subject of holding companies, which may well be passed in connection with the transportation question.

In order to combine numerous State railroads into a great interstate system it has become the custom of the railroads to organize holding companies under the laws of a single State, in whose legislation the other States comprised within the railroad system have no participation. It seems to me that in railroad corporate organization we should pursue, so far as practicable, the Federal system which prevails in government, and that if it is necessary to unionize State railroads for the purpose of creating an interstate system of transportation, it should be done through the organization of national holding companies created under a national law, in the making of which all the States interested can participate, instead of under a State law in the legislation of which only the people of a single State can participate. We will thus, whilst preserving our State railroads as corporate units, relying upon their respective States for their organization and powers, be able to federalize them under a Federal law for interstate purposes. The stock and bond issues of such holding companies, of course, should be subject to the control of the Interstate Commerce Commission.

INTERSTATE TRADE, OR THE TRUSTS.

The interstate commerce act for the regulation of railroads and the antitrust act for the prohibition of trusts were passed about the same time. The administration of the former was given to a quasi judicial board; the administration of the latter was given to the Attorney General's office. After about 23 years of operation, through a gradual process of evolution, the regulation of railroads engaged in interstate commerce has practically been accomplished and a system of cooperation is being brought about between the national commission and the various State commissions tending to insure harmony of action in the regulation of railroads by the States and the Nation, each within its jurisdiction; the former over purely State commerce, and the latter over interstate commerce.

The administration of the antitrust act, on the contrary, has been lame and halting, changing with the shifting incumbents of the Attorney General's office, and according to the requirements of political exigencies. As a result, practically no progress has been made in the control of the trusts; and whilst a few suits have been prosecuted to a successful result and others are now in process of prosecution, there exist to-day over 800 trust organizations of enormous capitalization practically without regulation or control. Experience should teach us that with reference to interstate trade a commission or board should be organized, similar to the Interstate Commerce Commission, with powers of investigation, of condemnation, and of recommendation, and with a view, whilst preserving the good arising from commercial combination, to curing the pernicious practices connected therewith. Such legislation should include among the powers of the commission the power, upon complaint or its own initiative, to inquire into the organization of all corporations engaged in interstate trade, and upon finding that any such organization is unlawful under the terms of the antitrust act, to call upon the Attorney General to prosecute the same.

The interstate trade commission should have a power similar to that of the Interstate Commerce Commission of appearing in litigation by its own counsel.

Such legislation should also include the additional remedies declared for in our last platform, namely, the prevention of the duplication of directors among competing corporations engaged in interstate commerce, a license system applicable to corporations engaged in interstate commerce and controlling a large percentage of the products in which they respectively deal, and prohibiting the control by such corporations of more than a certain percentage of the total amount of any product consumed in the United States; and also legislation compelling such licensed corporations to sell to all purchasers in all parts of the country on the same terms, after making allowance for the cost of transportation.

Such legislation will be necessary whatever may be the action of the Supreme Court upon the pending cases. If such combinations are held to be legal, the regulation of their prices and practices becomes a public necessity; if they are held to be illegal, then there should be some law which, while permitting large capitalization and the ownership of many plants by a single corporation engaged in interstate trade, will protect the public from the abuses attendant upon such large capitalization and the oppression exercised by it.

INTERSTATE EXCHANGE, OR BANKING.

Interstate exchange is as much a part of interstate commerce as interstate transportation, and any bank, whether national or State, which is engaged in interstate exchange is subject to national regulation.

Many large banks have forgotten their true function—that of exchange—and have been turned over to the aid of promotion and speculation. Sufficient reserves, particularly in the case of State banks, have not been required, nor has the proper relation between the capital of the banks and their obligations been established. Adequate provision has not been made for the mutual protection of the depositors in the banks and for mutual safeguards against bank runs and panics. Our platform calls for legislation upon this subject, and all the commercial banks of the country engaged in interstate exchange as well as State exchange are necessarily subject to the control of the national as well as the State sovereignties, each acting within its jurisdiction, the one over interstate exchange and the other over State exchange.

The repeated bank panics, with their attendant breaks in the exchange of commodities between sections, communities, and individuals, are as intolerable as would be the breaks in transportation of great interstate railway systems, caused by cutting out a section of track here or the destruction of a bridge there or by other obstacles impeding the movement of trains and of freight and passengers. There exists no greater necessity for these constant breaks in exchange than there does for similar breaks in transportation. The practice would be regarded as iniquitous which could, without the right of the Nation to intervene, impede the movement of crops by destruction of portions of the railway tracks or by piling up the railway cars of the country in New York and using them there for warehouses instead of for transportation. And yet this has been permitted with reference to the reserves of the country banks, whose cash deposits in New York have been tied up in promotion and speculation in such a way as to prevent their return to the various communities when needed for the movement of the crops.

The first thing, therefore, that it would be well to do is to secure the depositors and relieve them of apprehension, by compelling banks to maintain capital and reserves fairly proportioned to their obligations; and also by providing for a system of mutual protection, under which the reserves can be summoned to the point of danger and used for the relief of embarrassing situations. In this legislative work it would be well to federalize the system of banking, just as we have federalized the system of transportation, by organizing in each State a national reserve association, in which all the banks of such States, both national and State, engaged in interstate exchange, shall be the stockholders, and to which shall be transferred the note-issuing functions now enjoyed by the national banks, with powers of emergency circulation upon proper security. Such reserve associations should have powers of investigation of the banks constituting the membership, and there should be some method devised for the prompt payment of the depositors of any insolvent bank, a member of the association, by the taking over of its assets and the payment of its liabilities by the association. Such reserve associations should be federalized through an annual convention at Washington of the presidents thereof, with power to select eight members of a national banking commission, to be authorized by law, one from each judicial circuit, who, together with seven others, consisting of the Secretary of the Treasury, the Postmaster General, the Attorney General, the Comptroller of the Currency, and three others to be appointed by the President, would constitute a national banking commission, advisory in character both to the President and to Congress, and with powers of investigation and of recommendation as to legislation. Through the action of such a banking commission the evolution of bank regulation would be accomplished in the same gradual and effective manner as has been accomplished in the case of the Interstate Commerce Commission regarding railways.

Thus we would unite the national and State banks within the borders of each State in a purely State association for mutual protection and efficiency, and would then federalize the State associations through the organization of a national council or commission at Washington. Such a Federal system, patterned after our National Government, would, without interfering with the powers of the State over purely State commerce or State exchange, give to the National Government full regulation and control of interstate exchange.

A BUDGET COMMITTEE.

In this connection it would be well to establish a budget committee, of which at least one-half should be composed of the chairmen of the various appropriation committees of the House. Such organization should have in view cooperation with the Committee on Public Expenditures by the Senate and with the commission of economy established by the executive department, with a view to adapting governmental expenses to the national income and apportioning such income to the various services and departments in such a way as to secure the most efficient and economical administration at the least expense.

THE MILITARY AND NAVAL EXPENSE.

It might be well to declare by law that the expense of the Military and Naval Establishments should be cut down to $100,000,000 annually each, and in this connection a comparatively free hand should be given to the military and naval boards, respectively, to postpone or eliminate expenditures already authorized by law, thus applying the best energies of these boards to economical and efficient administration.

In connection with our Naval Establishment we can maintain our platform assurances as to a merchant marine and an adequate Navy by providing that the present Navy should be made proportionate and self-sustaining by the construction of an auxiliary Navy to be used in aid of the fighting ships in time of war and in establishing new routes of commerce through lease to shipping companies in times of peace, with such accompanying organization of our training schools and Naval Reserves as will man the auxiliary ships for purposes of commerce in time of peace and train them for use in time of war.

Such legislation should involve the temporary diminution of the construction of fighting ships and the substitution of auxiliary ships, and should be accompanied also by free entry to American registry of all ships, wherever constructed.

CONSERVATION OF WATERWAYS.

It would be well for us to carry out the pledges of our platform regarding the conservation of our natural resources and internal development, as well as the specific instructions of our platform for the "immediate adoption of a liberal and comprehensive plan for improving every water course in the Union which is justified by the needs of commerce, and to secure, where practicable, the connection of the Great Lakes with the navigable rivers and with the Gulf through the Mississippi River and the navigable rivers with each other by artificial canals, with the view of perfecting a system of inland waterways to be navigated by vessels of standard draft"; and also securing the coordination of the various services of the Government connected with waterways in one service for the purpose of aiding in the completion of such a system of inland waterways and the creation of a fund ample for continuous work, which shall be conducted under the direction of a commission of experts, to be authorized by law."

THE PHILIPPINES.

It would also be well to take measures to carry out our platform regarding the Philippines by declaring the Nation's purpose to recognize their independence as soon as a stable government can be established and by taking measures to secure a neutralization of the islands by treaty with other powers, and by throwing open the trade of the Philippines to all countries, without preference to ourselves, just as we are demanding that the "open door" shall be maintained as to Manchuria. In doing this we should have regard for our obligations to humanity by actual appropriation for the industrial and agricultural training of the Filipino people, without resorting to the concealments hitherto employed through favored entrance of Philippine products to the American markets to the injury of our customs duties.

COMMITTEE ORGANIZATION.

In order to consider the reform and constructive measures above referred to, as well as other matters contained in our platform, such as publicity of campaign contributions, the extension of agricultural, mechanical, and industrial education, etc., it will be necessary to organize the committees of the House applicable to such subjects. This does not necessarily imply that during the extra session we should take up general legislation outside of the reciprocity treaty and the tariff, but it does give the Democratic Party the opportunity pari pasu with the work of the Ways and Means Committee of the House, and whilst the measures passed by the House are pending in the Senate for the long and deliberate consideration always attendant upon legislation there, to thoroughly investigate the questions referred to and to frame the legislation which can be urged later on at the regular session. We will thus enter upon the regular session in December next with our measures fully shaped for immediate consideration, and will be enabled to bring the regular session to a close in time for a full consideration of Democratic policies at the national convention and in the campaign following.

With your permission I will send this letter to the Democratic Members of the House and Senate, in the hope that it may bring out other suggestions on these lines.

In view of the decided trend toward Democratic success, it is of more importance that we should debate among ourselves these serious questions than that we should debate them with our antagonists, and it seems to me of great importance that some method of conference should be established between the Democrats of the House and the Senate regarding them.

Very sincerely, yours, FRANCIS G. NEWLANDS.

Mr. NEWLANDS. To-morrow at the close of the morning business, if an opportunity offers, I will continue this discussion upon matters which I have not yet touched.

ELECTION OF SENATORS BY DIRECT VOTE.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. J. Res. 39) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. BORAH. Mr. President, I understand the Senator from Illinois desires to move an executive session. I wish to say just a word before the motion is made in regard to the matter which is now before the Senate—that is, House joint resolution 39. I very much desire to have a day fixed for a vote upon the joint resolution and the amendment, and not so much for the convenience of the Senator who has the measure in charge as for the convenience of Senators who are compelled to be away to some extent from time to time. I have had a number of requests from Senators on both sides of the Chamber that a day be fixed far in advance, so that there can be no doubt about all having an opportunity to be here without inconvenience. In view of that, I am going to ask that June 1 be fixed.

I ask unanimous consent to the effect that we take up this joint resolution June 1, together with all amendments which may be submitted, and vote upon the amendments and the joint resolution during that legislative day.

The VICE PRESIDENT. The Senator from Idaho requests unanimous consent that upon the——

Mr. HEYBURN. I object, Mr. President.

The VICE PRESIDENT. Objection is made. The Chair will not finish the statement.

Mr. CULLOM. If the Senator is through——

Mr. BORAH. Just a moment. Of course, objection is made and it is not debatable, but I desire to say just a word. Unless a time is agreed upon we will be compelled to consider the joint resolution more at length than we have been doing, and I hope that those who are moving to-day for an adjournment will move only for an adjournment until to-morrow. Is that the purpose?

Mr. CULLOM. It is my purpose, as far as I am concerned, to have a session to-morrow.

Mr. BORAH. That is right.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session, the doors were reopened, and (at 4 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 16, 1911, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate May 15, 1911.

PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

Second Lieut. Robert C. Garrett, Coast Artillery Corps, to be first lieutenant from March 11, 1911, vice First Lieut. William S. Bowen, promoted.

Second Lieut. Guy B. Lawrason, Coast Artillery Corps, to be first lieutenant from March 11, 1911, vice First Lieut. John M. Page, promoted.

Second Lieut. Carl A. Lohr, Coast Artillery Corps, to be first lieutenant from March 11, 1911, vice First Lieut. Samuel C. Cardwell, promoted.

Second Lieut. Laurence T. Walker, Coast Artillery Corps, to be first lieutenant from March 11, 1911, vice First Lieut. James B. Taylor, promoted.

Second Lieut. Samuel H. Tilghman, Coast Artillery Corps, to be first lieutenant from March 11, 1911, vice First Lieut. Brainerd Taylor, promoted.

Second Lieut. Otto H. Schrader, Coast Artillery Corps, to be first lieutenant from March 11, 1911, vice First Lieut. Guy B. G. Hanna, promoted.

Second Lieut. Creedy C. Sheppard, detailed as first lieutenant in the Ordnance Department, to be first lieutenant from March 11, 1911, vice First Lieut. Richard P. Winslow, promoted.

Second Lieut. Howard T. Clark, Coast Artillery Corps, to be first lieutenant from March 11, 1911, vice First Lieut. Creedy C. Sheppard, whose detail in the Ordnance Department was continued from March 11, 1911.

Second Lieut. Halstead P. Councilman, Coast Artillery Corps, to be first lieutenant from March 11, 1911, vice First Lieut. Avery J. Cooper, promoted.

Second Lieut. Arthur H. Doig, Coast Artillery Corps, to be first lieutenant from March 11, 1911, vice First Lieut. Frank Geere, promoted.

Second Lieut. Robert E. Guthrie, Coast Artillery Corps, to be first lieutenant from March 11, 1911, vice First Lieut. George L. Wertenbaker, promoted.

Second Lieut. William R. Nichols, Coast Artillery Corps, to be first lieutenant from March 11, 1911, vice First Lieut. Walter C. Baker, promoted.

Second Lieut. Paul H. Herman, Coast Artillery Corps, to be first lieutenant from March 11, 1911, vice First Lieut. George P. Hawes, jr., promoted.

Second Lieut. Oscar C. Warner, Coast Artillery Corps, to be first lieutenant from March 11, 1911, vice First Lieut. Richard I. McKenney, promoted.

Second Lieut. Frank S. Clark, Coast Artillery Corps, to be first lieutenant from March 11, 1911, vice First Lieut. Charles A. Clark, promoted.

Second Lieut. Kelley B. Lemmon, Coast Artillery Corps, to be first lieutenant from March 11, 1911, vice First Lieut. James M. Fulton, promoted.

Second Lieut. William S. Fulton, Coast Artillery Corps, to be first lieutenant from March 11, 1911, vice First Lieut. Charles E. Wheatley, promoted.

Second Lieut. Thomas O. Humphreys, Coast Artillery Corps, to be first lieutenant from March 11, 1911, vice First Lieut. William Paterson, promoted.

Second Lieut. Edwin F. Barlow, Coast Artillery Corps, to be first lieutenant from March 11, 1911, vice First Lieut. Earl Biscoe, promoted.

Second Lieut. Donald M. Ashbridge, Coast Artillery Corps, to be first lieutenant from March 11, 1911, vice First Lieut. Lawrence C. Crawford, promoted.

Second Lieut. Hollis Le R. Muller, Coast Artillery Corps, to be first lieutenant from March 11, 1911, vice First Lieut. Wade H. Carpenter, promoted.

Second Lieut. Eli E. Bennett, Coast Artillery Corps, to be first lieutenant from March 11, 1911, vice First Lieut. William M. Colvin, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Second Lieut. Charles T. Richardson, Coast Artillery Corps, to be first lieutenant from March 11, 1911, vice First Lieut. John L. Holcombe, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Second Lieut. Homer R. Oldfield, Coast Artillery Corps, to be first lieutenant from March 11, 1911, vice First Lieut. Thomas Duncan, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Second Lieut. Norton M. Beardslee, Coast Artillery Corps, to be first lieutenant from March 11, 1911, vice First Lieut. Henry

W. Torney, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Second Lieut. William C. Whitaker, Coast Artillery Corps, to be first lieutenant from March 11, 1911, vice First Lieut. Joseph J. Grace, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Second Lieut. James A. Brice, Coast Artillery Corps, to be first lieutenant from March 11, 1911, vice First Lieut. Walter J. Büttgenbach, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

INFANTRY ARM.

Maj. Henry C. Hodges, jr., Twenty-second Infantry, to be lieutenant colonel from May 10, 1911, vice Lieut. Col. Nat P. Phister, Thirtieth Infantry, who died May 9, 1911.

Capt. John H. Wholley, Second Infantry, to be major from May 9, 1911, vice Maj. Earl C. Carnahan, Eleventh Infantry, detailed as paymaster on that date.

Capt. Peter Murray, unassigned, to be major from May 10, 1911, vice Maj. Henry C. Hodges, jr., Twenty-second Infantry, promoted.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from May 12, 1911.

William Calvin Kennerdell Berlin, of Colorado.
John Francis Dunshie, of Louisiana.
Lawrence Augustus Felder, of Georgia.
Franklin Jennings Gilson, jr., of Texas.
Verdo Benjamin Gregory, of Oregon.
Thomas Finlie Miller, of Kentucky.
Daniel Cook Moor, of Ohio.
John Larrabee Pomeroy, of California.
Willard DeForest Preston, of New York.
Alfred Richards, of the District of Columbia.
George William Roberts, of Washington.
Frank Elmore Thompson, of Ohio.
Theodore H. Weisenburg, of Pennsylvania.
Charles Edwin Butts, of Washington.
Frederick Tanquary Hyde, of Washington.
Augustus Edward Gerhardt, of Washington.
Eugene Robert Hochstetter, jr., of Tennessee.
Thomas Boone Victor Keene, of Indiana.
Frederick Henry Newberry, of Michigan.
Theodore Stanley Proxmire, of Illinois.
Emil Henry Webster, of Michigan.
Rollin Curtis Winslow, of Michigan.
Charles William Tooker, jr., of Missouri.
Ralph Leroy Thompson, of Missouri.
Arthur Henry Sewing, of Missouri.
Eugene Tawner Senseney, of Missouri.
Major Gabriel Seelig, of Missouri.
Clive Douglas Scott, of Missouri.
Adolph George Schlossstein, of Missouri.
Gerhardt Herman Raithel, of Missouri.
Virgil Loeb, of Missouri.
Albert Frederick Koetter, of Missouri.
Albert Henry Hamel, of Missouri.
Walter Fischel, of Missouri.
John McHale Dean, of Missouri.
George William Cale, jr., of Missouri.
Orville Harry Brown, of Missouri.
Richard Shepard Bryan, of Missouri.
Judson Daland, of Pennsylvania.
Clarence Payne Franklin, of Pennsylvania.
Randle Crater Rosenberger, of Pennsylvania.
Elijah Hollingsworth Siter, of Pennsylvania.
William Merrick Sweet, of Pennsylvania.
John Ryan Forst, of Pennsylvania.
Ross Vernet Patterson, of Pennsylvania.
Alfred Reginald Allen, of Pennsylvania.
Edward John Gillespie Beardsley, of Pennsylvania.
David Hendricks Bergey, of Pennsylvania.
John Berton Garnett, of Pennsylvania.
John Thomas Carpenter, of Pennsylvania.
Walter Stewart Cornell, of Pennsylvania.
Nathaniel Gildersleeve, of Pennsylvania.
John Howard Jopson, of Pennsylvania.
Charles Francis Nassau, of Pennsylvania.
George William Norris, of Pennsylvania.
Benjamin Franklin Royer, of Pennsylvania.
Charles Godwin Jennings, of Michigan.
Hugo Abraham Freund, of Michigan.
Philip Mills Jones, of California.
Herbert Williams Allen, of California.
Frank Benton Carpenter, of California.
Walter Stanborough Sutton, of Kansas.
Roger Bernard Brewster, of Missouri.
Harold Philipp Kuhn, of Missouri.
John Gardner Hayden, of Missouri.
Minford Armour Hanna, of Missouri.
Logan Clendening, of Missouri.
Harry Nathaniel Mayo, of Utah.
John Francis Sharp, of Utah.
Thomas Arthur Flood, of Utah.
Thomas Peterson Lloyd, of Louisiana.
Frank Winders, of Ohio.
Arthur Clarence Strachauer, of Minnesota.
William West Grant, of Colorado.
Archibald MacLaren, of Minnesota.
Alexander Robert Colvin, of Minnesota.
Harry Parks Ritchie, of Minnesota.
Wesley Wilbur Beckett, of California.

PROMOTIONS IN THE NAVY.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 13th day of February, 1911, upon the completion of three years' service as ensigns:

Stephen W. Wallace and
Robert A. White.

Asst. Surg. Egbert Mackenzie to be a passed assistant surgeon in the Navy from the 28th day of December, 1910, upon the completion of three years' service as an assistant surgeon.

Acting Asst. Surg. Edward E. Woodland and Penlie B. Ledbetter (the latter a citizen of North Carolina) to be assistant surgeons in the Navy from the 4th day of May, 1911, to fill vacancies.

Lieut. Commander George G. Mitchell to be a commander in the Navy from the 9th day of January, 1911, to fill a vacancy.

Lieut. Joseph K. Taussig, an additional number in grade, to be a lieutenant commander in the Navy from the 4th day of March, 1911, with the officer next below him.

Lieut. (Junior Grade) George B. Wright to be a lieutenant in the Navy from the 4th day of March, 1911, to fill a vacancy.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 13th day of February, 1911, upon the completion of three years' service as ensigns:

George B. Wright and
William H. Booth.

Passed Asst. Paymaster Ervin A. McMillan to be a paymaster in the Navy from the 1st day of January, 1910, to fill a vacancy.

The following-named machinists to be chief machinists in the Navy from the 29th day of December, 1910, upon the completion of six years' service as machinists:

Walter S. Falk,
John P. Richter,
Charles Franz, and
Frank O. Wells.

ASSISTANT TREASURER.

Charles S. Millington, of New York, to be assistant treasurer of the United States at New York, N. Y., in place of George S. Terry, deceased.

SECRETARY OF WAR.

Henry L. Stimson, of New York, to be Secretary of War, vice Jacob M. Dickinson, resigned.

POSTMASTERS.

ARKANSAS.

E. N. Collett to be postmaster at Huttig, Ark., in place of James U. Brown, removed.

IDAHO.

Daniel J. Featherston to be postmaster at Bovill, Idaho. Office became presidential October 1, 1910.

MINNESOTA.

W. D. Jubert to be postmaster at Litchfield, Minn., in place of Charles H. Strobeck, deceased.

MISSOURI.

John H. Dunmire to be postmaster at Kennett, Mo., in place of George T. Dunmire. Incumbent's commission expired February 18, 1911.

William H. Yancey to be postmaster at La Belle, Mo., in place of William H. Yancey. Incumbent's commission expired June 29, 1910.

NEW MEXICO.

Austin A. Ball to be postmaster at Farmington, N. Mex., in place of James T. Fay, removed.

NEW JERSEY.

Caroline Kittle to be postmaster at New Durham, N. J. Office became presidential January 1, 1910.

NEW YORK.

John Maddock, jr., to be postmaster at Larchmont, N. Y., in place of Ambrose C. Montross, removed.

OKLAHOMA.

Robert G. Morris to be postmaster at Hollis, Okla., in place of William O. Allison, resigned.

PENNSYLVANIA.

Thomas E. McLaughlin to be postmaster at Midway, Pa. Office became presidential January 1, 1911.

William G. Murdock to be postmaster at Milton, Pa., in place of Robert E. Hopkins. Incumbent's commission expired March 1, 1911.

Reese M. Tubbs to be postmaster at Shickshinny, Pa., in place of Reese M. Tubbs. Incumbent's commission expired February 28, 1911.

TEXAS.

E. C. Wells to be postmaster at Jasper, Tex. Office became presidential January 1, 1911.

VIRGINIA.

A. P. Calfee to be postmaster at Basic City, Va., in place of Walter S. Hunter, deceased.

WASHINGTON.

Bert Mills to be postmaster at Oroville, Wash., in place of John F. Samson, resigned.

WEST VIRGINIA.

C. L. Evans to be postmaster at Benwood, W. Va., in place of Carrie Newton. Incumbent's commission expired June 11, 1910.

WYOMING.

Ida Fowkes to be postmaster at Cumberland, Wyo., in place of Ida Fowkes. Incumbent's commission expired December 12, 1909.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 15, 1911.

DISTRICT JUDGE.

Charles F. Clemons, to be United States district judge of Hawaii.

CHIEF JUSTICE OF THE SUPREME COURT OF HAWAII.

Alexander G. M. Robertson to be chief justice of the supreme court of Hawaii.

ASSISTANT TO THE ATTORNEY GENERAL.

James A. Fowler to be assistant to the Attorney General.

ASSISTANT ATTORNEY GENERAL.

Charles W. Cobb to be Assistant Attorney General for the Interior Department.

ASSISTANT TREASURER.

Charles S. Millington to be assistant treasurer at New York.

REGISTER OF THE TREASURY.

James C. Napier to be Register of the Treasury.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Lieut. Col. Charles H. Watts to be colonel.
Lieut. Col. Frank A. Edwards to be colonel.
Lieut. Col. Hoel S. Bishop to be colonel.
Lieut. Col. Edwin P. Andrus to be colonel.
Lieut. Col. Frederick W. Sibley to be colonel.
Lieut. Col. Homer W. Wheeler to be colonel.
Lieut. Col. John F. Guilfoyle to be colonel.
Lieut. Col. Matthias W. Day to be colonel.
Maj. Joseph A. Gaston to be lieutenant colonel.
Maj. Henry L. Ripley to be lieutenant colonel.
Maj. James B. Erwin to be lieutenant colonel.
Maj. George H. Morgan to be lieutenant colonel.
Maj. Daniel H. Boughton to be lieutenant colonel.
Maj. Franklin O. Johnson to be lieutenant colonel.
Maj. Lloyd M. Brett to be lieutenant colonel.
Maj. Augustus C. Macomb to be lieutenant colonel.
Maj. Thomas J. Lewis to be lieutenant colonel.
Maj. Augustus P. Blocksom to be lieutenant colonel.
Maj. Hugh L. Scott to be lieutenant colonel.
Maj. Loyd S. McCormick to be lieutenant colonel.
Maj. Jacob G. Galbraith to be lieutenant colonel.
Maj. Horatio G. Sickel to be lieutenant colonel.
Maj. Herbert J. Slocum to be lieutenant colonel.
Maj. William J. Nicholson to be lieutenant colonel.
Maj. Fred W. Foster to be lieutenant colonel.
Maj. Edwin P. Brewer to be lieutenant colonel.
Maj. Henry J. Goldman to be lieutenant colonel.
Maj. Charles H. Grierson to be lieutenant colonel.
Capt. George L. Byram to be major.
Capt. Charles W. Farber to be major.
Capt. Selah R. H. Tompkins to be major.
Capt. Sedgwick Rice to be major.
Capt. Arthur Thayer to be major.
Capt. John T. Haines to be major.
Capt. John T. Nance to be major.
Capt. Charles C. Walcutt, jr., to be major.
Capt. Peter E. Traub to be major.
Capt. Jesse McI. Carter to be major.
Capt. Malvern-Hill Barnum to be major.
Capt. Letcher Hardeman to be major.
Capt. Edmund S. Wright to be major.
Capt. William H. Hay to be major.
Capt. Stephen H. Elliott to be major.
Capt. John M. Jenkins to be major.
Capt. P. D. Lochridge to be major.
Capt. Nathaniel F. McClure to be major.
Capt. William C. Rivers to be major.
Capt. Ellwood W. Evans to be major.
Capt. Robert G. Paxton to be major.
Capt. George O. Cress to be major.
Capt. James B. Hughes to be major.
Capt. Robert A. Brown to be major.
Capt. Willard A. Holbrook to be major.
Capt. Lewis M. Koehler to be major.
Capt. Robert E. L. Michie to be major.
First Lieut. John S. Fair to be captain.
First Lieut. Robert J. Reaney to be captain.
First Lieut. Sherrard Coleman to be captain.
First Lieut. William F. Herringshaw to be captain.
First Lieut. Joseph A. Baer to be captain.
First Lieut. Frank O. Whitlock to be captain.
First Lieut. Charles F. Martin to be captain.
First Lieut. Robert E. Wood to be captain.
First Lieut. Willis V. Morris to be captain.
First Lieut. Walter S. Grant to be captain.
First Lieut. Charles M. Wesson to be captain.
First Lieut. Morton C. Mumma to be captain.
First Lieut. Frank P. Amos to be captain.
First Lieut. Julian A. Benjamin to be captain.
First Lieut. John Watson to be captain.
First Lieut. Samuel R. Gleaves to be captain.
First Lieut. Lewis S. Morey to be captain.
First Lieut. James Goethe to be captain.
Second Lieut. Albert B. Dockery to be first lieutenant.
Second Lieut. Henry E. Mitchell to be first lieutenant.
Second Lieut. Edmund L. Zane to be first lieutenant.
Second Lieut. Charles McH. Eby to be first lieutenant.
Second Lieut. William H. Cowles to be first lieutenant.
Second Lieut. William A. McCain to be first lieutenant.
Second Lieut. John K. Herr to be first lieutenant.
Second Lieut. Philip H. Sheridan to be first lieutenant.
Second Lieut. Joseph F. Taulbee to be first lieutenant.
Second Lieut. Harry L. Hodges to be first lieutenant.
Second Lieut. Victor S. Foster to be first lieutenant.
Second Lieut. Oscar Foley to be first lieutenant.
Second Lieut. Frederick D. Griffith, jr., to be first lieutenant.
Second Lieut. Emmet R. Harris to be first lieutenant.
Second Lieut. John C. Pegram to be first lieutenant.
Second Lieut. Thomas A. Rothwell to be first lieutenant.
Second Lieut. Thomas E. Cathro to be first lieutenant.
Second Lieut. E. R. Warner McCabe to be first lieutenant.
Second Lieut. James B. Henry, jr., to be first lieutenant.

FIELD ARTILLERY ARM.

Lieut. Col. Eli D. Hoyle to be colonel.
Lieut. Col. Granger Adams to be colonel.
Lieut. Col. Edwin St. J. Greble to be colonel.
Lieut. Col. Charles G. Treat to be colonel.
Lieut. Col. David J Rumbough to be colonel.
Maj. John E. McMahon to be lieutenant colonel.
Maj. Edward A. Millar to be lieutenant colonel.
Maj. John Conklin to be lieutenant colonel.
Maj. Samuel D. Sturgis to be lieutenant colonel.
Maj. Lucien G. Berry to be lieutenant colonel.
Capt. William J. Snow to be major.
Capt. George G. Gatley to be major.
Capt. Le Roy S. Lyon to be major.
Capt. Tiemann N. Horn to be major.

Capt. Charles P. Summerall to be major.
Capt. Dwight E. Aultman, unassigned, to be major.
Capt. William M. Cruikshank to be major.
Capt. Otho W. B. Farr to be major.
First Lieut. Joseph F. Barnes to be captain.
First Lieut. Dennis H. Currie to be captain.
First Lieut. Beverly F. Browne to be captain.
First Lieut. Raymond S. Pratt to be captain.
First Lieut. Alden F. Brewster to be captain.
First Lieut. Edward H. De Armond to be captain.
First Lieut. William P. Ennis to be captain.
First Lieut. Norton E. Wood to be captain.
First Lieut. Albert S. Fuger to be captain.
First Lieut. William N. Michel to be captain.
First Lieut. Ernest S. Wheeler to be captain.
First Lieut. Thomas W. Hollyday to be captain.
First Lieut. John B. W. Corey to be captain.
First Lieut. Marlborough Churchill to be captain.
First Lieut. William F. Jones to be captain.
Second Lieut. John G. Tyndall to be first lieutenant.
Second Lieut. Alfred L. P. Sands to be first lieutenant.
Second Lieut. Charles P. George, jr., to be first lieutenant.
Second Lieut. Charles W. Harlow to be first lieutenant.
Second Lieut. Harold S. Naylor to be first lieutenant.
Second Lieut. William H. Rucker to be first lieutenant.
Second Lieut. William H. Shepherd to be first lieutenant.
Second Lieut. Marshall G. Randol to be first lieutenant.
Second Lieut. John N. Greely to be first lieutenant.
Second Lieut. Webster A. Capron to be first lieutenant.
Second Lieut. Thomas D. Sloan to be first lieutenant.
Second Lieut. Frederick M. Barrows to be first lieutenant.
Second Lieut. William E. Dunn to be first lieutenant.
Second Lieut. James H. Burns to be first lieutenant.
Second Lieut. Everett S. Hughes to be first lieutenant.
Second Lieut. Thomas J. Smith, jr., to be first lieutenant.
Second Lieut. Roger S. Parrott to be first lieutenant.
Second Lieut. Telesphor G. Gottschalk to be first lieutenant.
Second Lieut. Harvey D. Higley to be first lieutenant.
Second Lieut. Edward P. King, jr., to be first lieutenant.
Second Lieut. Kenneth S. Perkins to be first lieutenant.
Second Lieut. Robert G. Kirkwood to be first lieutenant.

COAST ARTILLERY CORPS.

Lieut. Col. Frederick S. Strong to be colonel.
Lieut. Col. Warren P. Newcomb to be colonel.
Lieut. Col. Charles L. Phillips to be colonel.
Lieut. Col. Clarence P. Townsley to be colonel.
Lieut. Col. William C. Rafferty to be colonel.
Lieut. Col. Charles J. Bailey to be colonel.
Lieut. Col. Millard F. Harmon to be colonel.
Lieut. Col. Charles H. Hunter to be colonel.
Maj. Ira. A. Haynes to be lieutenant colonel.
Maj. Willoughby Walke to be lieutenant colonel.
Maj. Isaac N. Lewis to be lieutenant colonel.
Maj. Harry L. Hawthorne to be lieutenant colonel.
Maj. John D. Barrette to be lieutenant colonel.
Maj. Elmer W. Hubbard to be lieutenant colonel.
Maj. Gustave W. S. Stevens to be lieutenant colonel.
Maj. Richmond P. Davis to be lieutenant colonel.
Maj. Wirt Robinson to be lieutenant colonel.
Maj. George F. Landers to be lieutenant colonel.
Maj. George W. Gatchell to be lieutenant colonel.
Capt. Alston Hamilton to be major.
Capt. John C. Gilmore, jr., to be major.
Capt. Joseph L. Knowlton to be major.
Capt. Joseph Wheeler, jr., to be major.
Capt. Robert E. Callan to be major.
Capt. Edwin Landon to be major.
Capt. Clarence H. McNeil to be major.
Capt. Joseph P. Tracy to be major.
Capt. Lawrence S. Miller to be major.
Capt. Mervyn C. Buckey to be major.
Capt. Frederick E. Johnston to be major.
Capt. Percy M. Kessler to be major.
Capt. Johnson Hagood to be major.
Capt. George T. Patterson to be major.
Capt. Frank K. Fergusson to be major.
Capt. Robert S. Abernethy to be major.
Capt. Edwin O. Sarratt to be major.
First Lieut. Graham Parker to be captain.
First Lieut. Norris Stayton to be captain.
First Lieut. Richard Furnival to be captain.
First Lieut. George A. Taylor to be captain.
First Lieut. Ralph E. Herring to be captain.
First Lieut. William E. De Sombre to be captain.
First Lieut. Charles E. T. Lull to be captain.
First Lieut. Owen G. Collins to be captain.
First Lieut. Adam F. Casad to be captain.
First Lieut. John E. Munroe to be captain.
First Lieut. Myron S. Crissy to be captain.
First Lieut. Walter K. Wilson to be captain.
First Lieut. John P. Terrell to be captain.
First Lieut. Malcolm P. Andruss to be captain.
First Lieut. Offnere Hope to be captain.
First Lieut. Franc Lecocq to be captain.
First Lieut. John O'Neil to be captain.
First Lieut. Carl E. Wiggin to be captain.
First Lieut. Glen F. Jenks to be captain.
First Lieut. Edmund T. Weisel to be captain.
First Lieut. Clarence B. Ross to be captain.
First Lieut. Richard H. Jordan to be captain.
First Lieut. William S. Bowen to be captain.
First Lieut. John M. Page to be captain.
First Lieut. Samuel C. Cardwell to be captain.
First Lieut. James B. Taylor to be captain.
First Lieut. Brainerd Taylor to be captain.
First Lieut. Guy B. G. Hanna to be captain.
First Lieut. Richard P. Winslow to be captain.
First Lieut. Avery J. Cooper to be captain.
First Lieut. Frank Geere to be captain.
First Lieut. George L. Wertenbaker to be captain.
First Lieut. Walter C. Baker to be captain.
First Lieut. George P. Hawes, jr., to be captain.
First Lieut. Richard I. McKenney to be captain.
First Lieut. Charles A. Clark to be captain.
First Lieut. James M. Fulton to be captain.
First Lieut. Charles E. Wheatley to be captain.
First Lieut. William Paterson to be captain.
First Lieut. Earl Biscoe to be captain.
First Lieut. Lawrence C. Crawford to be captain.
First Lieut. Wade H. Carpenter to be captain.
Second Lieut. Warren R. Bell to be first lieutenant.
Second Lieut. Edwin K. Smith to be first lieutenant.
Second Lieut. Clarence T. Marsh to be first lieutenant.
Second Lieut. John B. Maynard to be first lieutenant.
Second Lieut. Jacob Frank to be first lieutenant.
Second Lieut. Arthur G. Campbell to be first lieutenant.
Second Lieut. John T. Rowe to be first lieutenant.
Second Lieut. Frederick L. Martin to be first lieutenant.
Second Lieut. Harold L. Gardiner to be first lieutenant.
Second Lieut. Marcel S. Keene to be first lieutenant.

INFANTRY ARM.

Lieut. Col. William C. Buttler to be colonel.
Lieut. Col. George S. Young to be colonel.
Lieut. Col. George R. Cecil to be colonel.
Lieut. Col. William A. Mann to be colonel.
Lieut. Col. Alexis R. Paxton to be colonel.
Lieut. Col. William Lassiter to be colonel.
Lieut. Col. Robert C. Van Vliet to be colonel.
Lieut. Col. Charles McClure to be colonel.
Lieut. Col. James S. Rogers to be colonel.
Lieut. Col. Robert L. Bullard to be colonel.
Lieut. Col. Edwin F. Glenn to be colonel.
Lieut. Col. Millard F. Waltz to be colonel.
Lieut. Col. William A. Nichols to be colonel.
Lieut. Col. Edward H. Plummer to be colonel.
Lieut. Col. Henry Kirby to be colonel.
Maj. Charles M. Truitt to be lieutenant colonel.
Maj. John S. Parke to be lieutenant colonel.
Maj. Charles R. Noyes to be lieutenant colonel.
Maj. Willis T. May to be lieutenant colonel.
Maj. Edwin P. Pendleton to be lieutenant colonel.
Maj. Daniel L. Howell to be lieutenant colonel.
Maj. William F. Blauvelt to be lieutenant colonel.
Maj. Walter H. Chatfield to be lieutenant colonel.
Maj. Samuel W. Dunning to be lieutenant colonel.
Maj. Joseph M. T. Partello (since retired from active service) to be lieutenant colonel.
Maj. George Bell, jr., to be lieutenant colonel.
Maj. Frank B. McCoy to be lieutenant colonel.
Maj. Richard M. Blatchford to be lieutenant colonel.
Maj. John H. Beacom to be lieutenant colonel.
Maj. Lawrence J. Hearn to be lieutenant colonel.
Maj. Charles W. Penrose to be lieutenant colonel.
Maj. Francis J. Kernan to be lieutenant colonel.
Maj. Chase W. Kennedy to be lieutenant colonel.
Maj. Thomas W. Griffith to be lieutenant colonel.
Maj. George W. McIver to be lieutenant colonel.
Maj. Wilds P. Richardson to be lieutenant colonel.
Maj. Charles H. Barth to be lieutenant colonel.
Maj. Omar Bundy to be lieutenant colonel.

Maj. Everard E. Hatch to be lieutenant colonel.
Maj. David C. Shanks to be lieutenant colonel.
Maj. William H. Allaire to be lieutenant colonel.
Maj. Willson Y. Stamper to be lieutenant colonel.
Capt. Michael J. Lenihan to be major.
Capt. Mark L. Hersey to be major.
Capt. Frank H. Albright to be major.
Capt. Frederic D. Evans to be major.
Capt. James Baylies to be major.
Capt. Wilson Chase to be major.
Capt. Charles B. Hagadorn to be major.
Capt. Harry R. Lee to be major.
Capt. Edwin V. Bookmiller to be major.
Capt. William A. Phillips to be major.
Capt. John R. M. Taylor to be major.
Capt. Francis E. Lacey, jr., to be major.
Capt. Sydney A. Cloman to be major.
Capt. Charles Crawford to be major.
Capt. William S. Graves to be major.
Capt. Frank D. Webster to be major.
Capt. Joseph D. Leitch to be major.
Capt. Samuel Burkhardt, jr., to be major.
Capt. James E. Normoyle to be major.
Capt. Robert Alexander to be major.
Capt. William O. Johnson to be major.
Capt. James R. Lindsay to be major.
Capt. Fred W. Sladen to be major.
Capt. Harry H. Bandholtz to be major.
Capt. Henry T. Ferguson to be major.
Capt. Henry G. Learnard to be major.
Capt. Peter C. Harris to be major.
Capt. Munroe McFarland to be major.
Capt. William T. Wilder to be major.
Capt. William R. Sample to be major.
Capt. William R. Dashiell to be major.
Capt. Eli A. Helmick to be major.
Capt. Robert W. Rose to be major.
Capt. William C. Bennett to be major.
Capt. Charles E. Tayman to be major.
Capt. James W. McAndrew to be major.
Capt. Edward R. Chrisman to be major.
Capt. Frederic H. Sargent to be major.
Capt. Earl C. Carnahan to be major.
Capt. Edson A. Lewis to be major.
First Lieut. Sylvester Bonnaffon to be captain.
First Lieut. Robert C. Humber to be captain.
First Lieut. Joseph C. Brady to be captain.
First Lieut. John H. Page, jr., to be captain.
First Lieut. Parker Hitt to be captain.
First Lieut. Paul W. Beck to be captain.
First Lieut. Thaddeus B. Seigle to be captain.
First Lieut. William A. Carleton to be captain.
First Lieut. George Steunenberg to be captain.
First Lieut. William Taylor to be captain.
First Lieut. Lochlin W. Caffey to be captain.
First Lieut. Ernest H. Agnew to be captain.
First Lieut. Robert O. Ragsdale to be captain.
First Lieut. Austin A. Parker to be captain.
First Lieut. Rhees Jackson to be captain.
First Lieut. Andrew C. Wright to be captain.
First Lieut. Wilbur A. McDaniel to be captain.
First Lieut. Evert R. Wilson to be captain.
First Lieut. Henry A. Wiegenstein to be captain.
First Lieut. Clenard McLaughlin to be captain.
First Lieut. Edward B. Mitchell to be captain.
First Lieut. James H. Como to be captain.
First Lieut. Harol D. Coburn to be captain.
First Lieut. Allen J. Greer to be captain.
First Lieut. Robert Whitfield to be captain.
First Lieut. Arthur W. Brown to be captain.
First Lieut. Abraham U. Loeb to be captain.
First Lieut. William B. Baker to be captain.
First Lieut. Constant Cordier to be captain.
First Lieut. James M. Loud to be captain.
First Lieut. Edmund S. Sayer, jr., to be captain.
First Lieut. J. De Camp Hall to be captain.
First Lieut. Charles M. Gordon, jr., to be captain.
First Lieut. Fred V. S. Chamberlain to be captain.
First Lieut. William N. Hughes to be captain.
First Lieut. William S. Sinclair to be captain.
First Lieut. Richmond Smith to be captain.
First Lieut. Charles L. Willard to be captain.
First Lieut. Robert H. Sillman to be captain.
First Lieut. Samuel W. Widdifield to be captain.
First Lieut. Rufus B. Clark to be captain.
First Lieut. Arthur P. Watts to be captain.
First Lieut. Robert I. Rees to be captain.
First Lieut. Jesse M. Cullison to be captain.
First Lieut. William E. Bennett, jr., to be captain.
First Lieut. William H. Noble to be captain.
Second Lieut. Walton Goodwin, jr., to be first lieutenant.
Second Lieut. Philip B. Peyton to be first lieutenant.
Second Lieut. Karl Truesdell to be first lieutenant.
Second Lieut. Frederick B. Terrell to be first lieutenant.
Second Lieut. Howard G. Sharpe to be first lieutenant.
Second Lieut. David H. Scott to be first lieutenant.
Second Lieut. Charles A. Dravo to be first lieutenant.
Second Lieut. Edwin Butcher to be first lieutenant.
Second Lieut. Russell V. Venable to be first lieutenant.
Second Lieut. Arthur J. Davis to be first lieutenant.
Second Lieut. Roderick Dew to be first lieutenant.
Second Lieut. Charles F. Thompson to be first lieutenant.
Second Lieut. Augustus B. Van Wormer to be first lieutenant.
Second Lieut. Thomas L. Crystal to be first lieutenant.
Second Lieut. Arthur D. Budd to be first lieutenant.
Second Lieut. Ralph R. Glass to be first lieutenant.
Second Lieut. Erle M. Wilson to be first lieutenant.
Second Lieut. Merrill E. Spalding to be first lieutenant.
Second Lieut. John D. Burnett, jr., to be first lieutenant.
Second Lieut. Joseph A. McAndrew to be first lieutenant.
Second Lieut. Robert B. Hewitt to be first lieutenant.
Second Lieut. William F. L. Simpson to be first lieutenant.
Second Lieut. Martin C. Wise to be first lieutenant.
Second Lieut. Andrew J. White to be first lieutenant.
Second Lieut. Walter S. Drysdale to be first lieutenant.
Second Lieut. Ralph Dickinson to be first lieutenant.
Second Lieut. Charles A. Meals to be first lieutenant.
Second Lieut. Matthew H. Thomlinson to be first lieutenant.
Second Lieut. Joseph A. Atkins to be first lieutenant.
Second Lieut. James G. McIlroy to be first lieutenant.
Second Lieut. Jay L. Benedict to be first lieutenant.
Second Lieut. Joseph W. Stilwell to be first lieutenant.
Second Lieut. Richard J. Herman to be first lieutenant.
Second Lieut. Edward L. Hooper to be first lieutenant.
Second Lieut. Irving J. Phillipson to be first lieutenant.
Second Lieut. Edmund B. Gregory to be first lieutenant.
Second Lieut. Wilber A. Blain to be first lieutenant.
Second Lieut. Robert B. Parker to be first lieutenant.
Second Lieut. Gordon R. Catts to be first lieutenant.
Second Lieut. Ursa M. Diller to be first lieutenant.

MEDICAL CORPS.

Lieut. Col. George E. Bushnell to be colonel.
Maj. Merritte W. Ireland to be lieutenant colonel.
Capt. Wilson T. Davidson to be major.

CHAPLAIN.

Chaplain Aldred A. Pruden to be chaplain with the rank of major.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants.

John Bundy Alcorn.
Robert Wesley Andrews.
Thomas Zopher Ball.
Porter Vernon Ballou.
William Francis Bernart.
Albert George Bising.
John Newton Boyce.
Arthur Irving Boyer.
John Dosher Brooks.
Earl Sprague Bullock.
John Gerald Byrne.
Willis Earle Chapman.
Harold Dunbar Corbusier.
Leighton Randolph Cornman.
Richard Matthew English.
Frank Wilbur Foxworthy.
Samuel Friedman.
Harry Greenberg.
Hubert Grieger.
Andy Hall.
Henry Norton Hall.
Stevens Thomas Harris.
Graham Edward Henson.
Gustavus Ingomar Hogue.
Harry Murray James.
Frederick Niles Coligny Jerauld.

De Witt Clinton Jones.
Wendell Ambrose Jones.
Edward Elmer Lamkin.
Samuel Connell Lindsay.
Charles Herbert Lowell.
Laurence McEvoy.
Elmer Ellsworth Mansfield.
Clarence Martin.
James Vance May.
Ben Hicks Metcalf.
George Seltzer Mintzer.
Charles Bernhard Julius Mittelstaedt.
John Lawson Norris.
Clarence Quinan.
Ivah James Ransbottom.
Ernest Charles Schultze.
Harry Clay Smith.
William Hickman Spiller.
Charles Seymour Stern.
William Stoutenborough Terriberry.
James William Thornton.
Clarence Allen Warwick.
Joseph Hall Whiteley.
Roy Alexander Wilson.
Shadworth Oldham Beasley.
Frederick Douglass Branch.
John Carling.
Charles Arthur Cattermole.
Frederick Arthur Wellington Conn.
Charles Grant Eicher.
Bruce Ffoulkes.
John Gilbert.
Lewis Theophilus Griffith.
Howard Albertus Grube.
Vernon Jay Hooper.
Simon Pendleton Kramer.
George Bradford Lawrason.
William Cooper Le Compte.
Harry Rodgers Lemen.
Peter Duncan MacNaughton.
William Barton Orear.
Palmer Heath Lyon.
Frank David Pease.
Alva Sherman Pinto.
John Joseph Repetti.
Herman Joseph Schlageter.
Robert Scott Spilman.
Walter Hoepfner Winterberg.
Clifford Thomas Sappington.
Alfred Carlyle Prentice.
Clarence Arthur McWilliams.
Edmund Dougan Clark.
John Vernon Frazier.
Ernest William Haass.
Haigazoon Kruger Kaprielian.
Arthur Waller Slee.
Rufus Bartlett Hall.
Richard Henry Whitehead.
John Overton.
Charles Sherman Carter.
James Jesse Peterson.
William Henry Condit.
Robert Emmett Austin.
John Elmer Bacon.
Joseph Lawyer Bell.
Caspar Ralph Byars.
Malone Duggan.
Charles Henry Fischer.
Albert Pope Fitzsimmons.
Edward Burke Bailey.
Bonaparte Preston Norvell.
David Wilmot Overton.
Archibald Moltz Wilkins.
George Francis Wilklow.
Charles Franklin Smith.
Daniel Baen Street.
Joseph G. Wilson.
Robert Emmett Caldwell.
Gerry Sanger Driver.
Francis Valentine Langenderfer.
Fred Fellows Sprague.
Michael Edward Connor.
John Milton Armstrong.
Thomas Andrew Burcham.
Frederick Ellsworth Clark.
Herbert Clay Lieser.
Frederick William O'Donnell.
Cassius Derby Silver.
Alfred Harrold Thomas.
Frank Christollo Vanatta.
William Cotman Whitmore.
James Ward.
Shelley Uriah Marietta.
Blase Cole.

PROMOTIONS IN THE NAVY.

Lieut. Commander Douglas E. Dismukes to be a commander.
Lieut. Commander Henry J. Ziegemeier to be a commander.
Lieut. Herbert G. Sparrow to be a lieutenant commander.
Lieut. (Junior Grade) John E. Pond to be a lieutenant.
Machinist Raymond L. Drake to be a chief machinist.

COMMANDERS TO BE CAPTAINS.

Albert P. Niblack and
William S. Sims.

POSTMASTERS.

KANSAS.

Fred S. Hazelton, Norton.
Charles G. Webb, Stafford.

MAINE.

Edward W. Hyde, Bath.
Harry E. Reed, Millinocket.

MICHIGAN.

Frank Friedrich, Traverse City.

MONTANA.

Thomas J. Waddell, Stanford.

NEBRASKA.

William A. Price, Laurel.

OKLAHOMA.

Martin Baswell, Poteau.
William H. Cleveland, Mountain View.
Clay Cross, Skiatook.

TENNESSEE.

Willis F. Arnold, Jackson.
Wayne J. Johnson, Oakdale.
John R. Richards, Oliver Springs.
Albert L. Scott, Dickson.

WISCONSIN.

Joseph W. Fritz, Ladysmith.
Nicholas A. Lee, Colfax.

SENATE.

TUESDAY, *May 16, 1911.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a concurrent resolution adopted by the Legislature of the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed in the RECORD, as follows:

Concurrent resolution.

Whereas the citizens of Hawaii, previous to annexation of the islands by the United States, had established and maintained for more than 50 years an independent national government, and thereby demonstrated their capacity for self-government under and equal to the responsibilities of a sovereign State; and

Whereas annexation by one of the great powers of the world was inevitable, owing to the mere numerical weakness of such a small State and its inability to support armed defense on land and sea; and

Whereas immediately following the annexation of Hawaii by the United States Congress passed an organic law giving Hawaii the status of a Territory that has been the traditional stepping-stone to statehood; and

Whereas under this form the citizens of Hawaii have conducted their government in a conservative, patriotic, and able manner, providing liberally in all manner for the development of the highest standards of American citizenship among all classes of the cosmopolitan population; and

Whereas Hawaii, the State, is as certainly the natural and ultimate destiny of these islands as was the annexation by and admission as an integral part of the United States of America; and

Whereas the record of our people of the present day, the evidences of their thrift in the figures of per capita, the proofs of their intelligence and ambition as shown by the small percentage of illiteracy among them, is such as to command for them a respect and confidence equaling that accorded the citizens of any State in the Union: Therefore be it

Resolved by the house of representatives, session of 1911 (the senate concurring), That the Congress of the United States is hereby re-

quested and respectfully petitioned to pass an enabling act authorizing the citizens of the Territory of Hawaii to, and naming the date when they shall, elect delegates to a constitutional convention for the purpose of framing a constitution for the government of the State of Hawaii, the same to be in full force and effect when approved by Congress and the President in the manner and form usual to the admission of States; and be it further

Resolved, That a copy of this resolution be forwarded to the President of the United States, the President of the United States Senate, and the Speaker of the House of Representatives at Washington, and to the Hon. Jonah K. Kalanianaole.

THE HOUSE OF REPRESENTATIVES,
OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, April 25, 1911.

We hereby certify that the foregoing concurrent resolution was adopted in the house of representatives of the Territory of Hawaii on the 25th day of April, A. D. 1911.

H. L. HOLSTEIN,
Speaker House of Representatives.
EDWARD WOODWARD,
Clerk House of Representatives.

THE SENATE OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, April 25, 1911.

We hereby certify that the foregoing concurrent resolution was adopted in the senate of the Territory of Hawaii on the 25th day of April, A. D. 1911.

ERIC A. KNUDSEN,
President of the Senate.
JOHN H. WISE,
Clerk of the Senate.

The VICE PRESIDENT presented a concurrent resolution adopted by the Legislature of the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed in the RECORD, as follows:

Concurrent resolution.

Whereas the welfare and civic progress of Hawaii depend upon building up in this Territory a larger citizen population; and

Whereas such a population, by providing a stronger local militia and by supporting diversified agriculture and the production within the Territory of foods now imported, will increase the value of Hawaii to the military defense of the United States; and

Whereas assisted immigration has already created in this Territory a population of Caucasian farmers and farm laborers numbering nearly 30,000: Therefore be it

Resolved by the senate of the Legislature of Hawaii (the house of representatives concurring), That Congress is requested to amend the organic act so as to provide substantially as follows:

That the Territory of Hawaii shall have authority to employ funds raised by taxation to prepay the fares and otherwise to encourage the immigration to Hawaii of Caucasians, whether from the mainland of the United States or from other countries: *Provided*, That such immigrants, except in respect to being assisted, shall be eligible to admission to the United States under such Federal immigration laws as may at the time of their arrival be in force: *And provided further*, That the Territory of Hawaii shall be bound to return to the country from which they came any such immigrants who may, within three years after their landing in the United States, become public charges.

And in order to protect the Territory of Hawaii in securing the benefit of such expenditures, any labor agent or other person who shall solicit to leave the Territory immigrants thus assisted with Territorial funds to come to Hawaii shall provide bonds satisfactory to the treasurer of Hawaii that he will pay the expense of returning to the country from which they came all immigrants thus solicited and removing from the Territory to the mainland of the United States who may, within three years after landing in the United States, become public charges; and shall, in addition, reimburse the Territorial government for the cost of bringing to Hawaii any immigrants who may, in consequence of this solicitation, remove from the Territory, and the Legislature of said Territory is hereby authorized to make suitable laws for carrying out these provisions; and be it

Resolved, That a certified copy of this resolution be sent to the President and Vice President of the United States, the Speaker of the House of Representatives, the Delegate to Congress from Hawaii, and the Governor of Hawaii.

THE SENATE OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, April 19, 1911.

We hereby certify that the foregoing concurrent resolution was this day adopted in the senate of the Territory of Hawaii.

ERIC A. KNUDSEN,
President of the Senate.
JOHN H. WISE,
Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES
OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, April 22, 1911.

We hereby certify that the foregoing concurrent resolution was this day adopted in the house of representatives of the Territory of Hawaii.

H. L. HOLSTEIN,
Speaker House of Representatives.
EDWARD WOODWARD,
Clerk House of Representatives.

The VICE PRESIDENT presented a concurrent resolution adopted by the Legislature of the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed in the RECORD, as follows:

Concurrent resolution.

Whereas from an early period in the history of the United States it has been a settled policy in those States and Territories owning public lands to set aside large areas solely for educational purposes; and

Whereas no provision was made, at the time this Territory became a part of the United States, to prevent the alienation of valuable revenue-producing lands from the people to private individuals and corporations, in order that the development of land and water of the Territory of Hawaii might be conserved in the interests of the education and the promotion of homesteading; and

Whereas it is desirable and fitting that adequate and permanent provision be made for the support and maintenance of education and the promotion of homesteading throughout the Territory of Hawaii, which provisions may best be made by setting apart for such uses the rents, issues, and profits of the developed public lands and waters requiring action of the Congress of the United States of America; and

Whereas it appears from the records of the land department of the Territory of Hawaii that in the neighborhood of 40,000 acres of developed agricultural lands, with water appurtenant thereto or capable of being led thereon, are under lease (principally to large corporations) in many instances at a very low rental; and

Whereas it is estimated that such developed lands and developed waters would, if handled in accordance with good business principles, return an income to the Territory of Hawaii about $400,000 a year; and

Whereas with a property-tax rate of 1 per cent on the actual cash value, the Territory finds itself without the funds necessary to carry on its educational measures and the proper aid to homesteaders throughout the Territory; and

Whereas heretofore the Legislature of the Territory of Hawaii did petition the Senate and House of Representatives of the United States of America, in Congress assembled, to amend "An act to provide a government for the Territory of Hawaii," approved April 30, 1900; and

Whereas said petition contained in detail the proposed amendments to said act; and

Whereas the Senate and House of Representatives of the United States of America, by act approved May 27, 1910, amended said "act to provide a government for the Territory of Hawaii" as petitioned by the said Legislature of the Territory of Hawaii, excepting as to homesteading, the plan of which as submitted by the said legislature in its petition to Congress was so altered, changed, and amended that the same became, and is, entirely unfit to afford the greatest, or, in fact, any appreciable benefit to the Territory of Hawaii and its inhabitants; and

Whereas the present law, in so far as it relates to developed lands and developed waters which now produce an annual income of about $150,000, but which under systematic control should, upon the expiration of the present leases and licenses, yield an annual income of about $400,000, will, unless amended so as to make said lands and waters capable of reasonable exploitation, result not only in an annual loss of $250,000, but may, through being allotted to speculative homesteaders at a small fraction of its real value, be entirely lost to the Territory: Therefore be it

Resolved by the Legislature of the Territory of Hawaii, That the Congress of the United States of America be, and it hereby is, respectfully requested to make such provision by the passage of an act substantially in the words and figures following:

An act to provide for the support and maintenance of the public schools and the promotion of homesteading.

Be it enacted, etc.:

SECTION 1. That from and after the passage of this act all the developed public land and all developed water of the Territory of Hawaii, excepting those lands that have already been applied for under the provisions of section 73 of the organic act, as amended by Congress, and have since been surveyed, plotted, and mapped, less such portion thereof as may have been set aside for specific purposes, together with all rights, easements, privileges, appurtenances, rents, issues, and profits thereof, shall be held and administered by a commission, of which the governor of the Territory of Hawaii and the land commissioner, or other person holding a position corresponding thereto, shall be ex-officio members, the remaining three members, who shall not be pecuniarily interested in any sugar plantation in the Territory of Hawaii, to be appointed by the governor, by and with the approval of the senate of the Territory of Hawaii; the first three members to be appointed to said commission shall hold offices respectively for the terms of four, six, and eight years; all appointments thereafter shall be for the full term of eight years. Said appointees shall be removable by the governor with the consent of the Senate. Said members, other than the ex-officio members of said commission, shall receive as compensation for their services such sum as the Legislature of the Territory of Hawaii shall from time to time appropriate for that purpose.

SEC. 2. Said commission, so appointed as aforesaid, is hereby authorized to hold, manage, lease, license, rent, or otherwise utilize said lands and waters, except by sale of same or any part thereof or any interest therein as said commission may deem best, to the end that as large a revenue as possible may be derived therefrom, and in order to more effectually accomplish this purpose, the restrictions imposed by law upon the management, handling, and dealing in and with public land and water in the Territory of Hawaii, shall not be held or considered to apply as to said developed land and developed water in any respect other than as specifically set forth in this act: *And provided*, That at any time upon two years' notice having been previously given after the first five years of any lease, the legislature may, upon the request of the governor of the Territory of Hawaii, remove any of said lands from the operation of this act for the purpose of making the same available at a value not less than the market value of same to be placed thereon by three appraisers appointed by said legislature under the law relating to homesteading: *Provided, however*, That no lease or license shall be granted by said commission for a period of more than 21 years, and that all leases and licenses made by said commission shall contain a clause giving them—the said commissioners—the right to readjust the rentals thereunder at the end of each seven-year period of said lease or license. Said readjustment, in the event the lessee or licensee and said commissioners are unable to agree as to the rental value for the next period, shall be subject to review by the supreme court of the Territory of Hawaii, the decision of which said court shall be final. Every lease or license shall contain a condition with a covenant by the lessee that he or it will make such reasonable contracts for buying cane from the homesteaders and neighboring farmers as shall have been approved by the commission.

SEC. 3. The revenues derived from such land and water shall be paid by the said commission to the treasurer of the Territory of Hawaii, who shall deposit the same in a special fund. Such fund shall from time to time be appropriated by the Legislature of the Territory of Hawaii solely for the purpose of improving and extending the educational system of said Territory of Hawaii, or for use for the promotion of homesteading in the following proportions, to wit: Fifty per cent of such revenue to be for the use and benefit of the public schools, 40 per cent thereof for the promotion of homesteading, and 10 per cent thereof for the use and benefit of the College of Hawaii.

SEC. 4. Said commission shall, within 30 days after its appointment, make and publish rules and regulations affecting its powers, and from time to time alter and amend the same, which rules and regulations shall, upon the application of a majority of said commission, be reviewable by the supreme court of the Territory of Hawaii, and the

judgment of said supreme court as to the effect and reasonableness of said rules and regulations shall be final.

SEC. 5. The term "developed land," as used herein, shall mean public lands which have heretofore been used or are now being used for agricultural purposes.

The term "developed water," as used herein, shall mean water which has heretofore been used or is now being used for agricultural purposes and purposes incidental to the development of lands and the growing and transportation of crops and the cultivation of the soil.

SEC. 6. This act shall take effect upon its approval.

THE SENATE OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, April 26, 1911.

We hereby certify that the foregoing concurrent resolution was this day adopted in the senate of the Territory of Hawaii.

ERIC A. KNUDSEN,
President of the Senate.
JOHN H. WISE,
Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES
OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, April 26, 1911.

We hereby certify that the foregoing concurrent resolution was this day adopted in the house of representatives of the Territory of Hawaii.

H. L. HOLSTEIN,
Speaker House of Representatives.
EDWARD WOODWARD,
Clerk House of Representatives.

The VICE PRESIDENT presented a concurrent resolution adopted by the Legislature of the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed in the RECORD, as follows:

Concurrent resolution requesting Congress to enact and the President to approve an act authorizing the construction of a ditch from Hilo to Kau, island and Territory of Hawaii, and for other purposes incidental thereto.

Whereas there are large areas of fertile land in the district of Kau, island and Territory of Hawaii, both of public and private ownership, which are nonproductive or productive only to a limited degree by reason of the lack of rainfall or water for irrigation; and

Whereas there are many streams in the district of Hilo, on said island, much of the water of which is at times running to waste; and

Whereas it will be in the public interest to have such waste water conveyed to said arid and semiarid lands for the purpose of developing the same and bringing them under cultivation; and

Whereas the cost of constructing the ditches, reservoirs, and other structures necessary or incidental to the transportation of said waters as aforesaid and of maintaining and operating the same will be large, rendering it necessary for parties undertaking such work to raise money to operate by means of the issuance of bonds; and

Whereas it is improbable that private capital, without the guaranties hereinafter contemplated and provided for, would undertake to finance the said enterprise; and

Whereas, in the opinion of this legislature, the public interests will be advanced by the successful development of said lands in the district of Kau by means of said waters to the extent of warranting public assistance in that behalf in manner herein set forth; and

Whereas the sanction and approval of Congress is necessary in order to secure to the grantee hereunder the rights, powers, privileges, and authority herein enumerated: Now therefore be it

Resolved, That the Legislature of the Territory of Hawaii doth hereby recommend to and petition the Congress of the United States to pass, and the President to approve, an act of Congress in substantially the following form, viz:

SECTION 1. The right and power is hereby granted to John T. McCrosson and to his associates and assigns, and to such corporation as may be organized by him or them for the purpose of taking over and exercising the rights, powers, and privileges hereby conferred, hereinafter collectively referred to as the Ditch Co., to construct a ditch, together with the tunnels, dams, water heads, reservoirs, roads, trails, conduits, buildings, machinery, and other structures or appliances necessary or proper for conducting or storing water to flow through said ditch from any point in the district of Hilo (which term shall be held to include both North and South Hilo), island and Territory of Hawaii, through the said district to and through the districts of Puna and Kau, in said island and Territory, and to any point or points therein: *Provided*, That said ditch shall be constructed at an elevation of not less than 2,500 feet at its nearest point to the land of Hakalau, district of Hilo, and shall have a fall of not more than 6 feet to the mile within the limits of said district of Hilo.

SEC. 2. The right and power is also granted to the Ditch Co. to develop, produce, use, sell, and transmit power produced by water within the district of Kau, but not elsewhere.

SEC. 3. And also the right and power to buy, take on lease, or otherwise acquire by private purchase, and to hold all land or interests in land necessary, convenient, or proper for the purposes aforesaid, or any of them.

SEC. 4. And also the right and power to condemn and take any land, or interest in land, necessary or proper for rights of way or for dam or reservoir or building sites for the purposes aforesaid, or any of them, subject, however, in all respects, as near as may be, to the obligations, restrictions, payments, and procedure now or hereafter imposed or prescribed by the laws of the Territory of Hawaii for the exercise of the right of eminent domain by public railroads in the Territory: *And provided, however*, That nothing in this act contained shall authorize or empower the condemnation of water or water rights nor permit the Ditch Co. to take or divert water now used in the said district of Hilo.

SEC. 5. The commissioner of public lands for the Territory of Hawaii, hereinafter referred to as the "commissioner," is hereby authorized and directed to execute to the Ditch Co., and the governor of the Territory of Hawaii, hereinafter referred to as the "governor," is authorized and directed to approve a lease of all such public lands in the district of Kau, to be designated by the Ditch Co., as are capable of being economically irrigated from the ditches of the company, together with rights of way for ditch purposes over all Government lands situated in said districts of Hilo, Puna, and Kau. The lease shall provide that if within six months from the date of the first delivery of water in the said district of Kau by the Ditch Co. it is ascertained to the satisfaction of the Ditch Co. that any of the lands theretofore designated by it are incapable of being economically watered from its waterways, such lands, or any portion thereof, shall be surrendered by the said Ditch Co. by notice in writing to the commissioner, and no rent for said lands so surrendered, if any, shall be charged or collected by the lessor, and that the surrender of a portion of such lands, as herein provided, shall in nowise affect the lessee's tenancy of the remaining lands under said lease; that the term of said lease shall be 50 years from the date hereinafter set forth; that the Ditch Co. shall have the right and authority at all times after the execution of said lease to enter upon all such public lands in the district of Kau for the purpose of surveys, construction work, etc.; that the rent to be paid for said lands shall be at the rate of $1 per acre per annum, payable to the Territory, at its option, either in water from the waterways of the Ditch Co. at the lowest rate payable by any consumer of water furnished by the company or in cash; that the Ditch Co. shall furnish to homesteaders or settlers along the line of the company's waterways, or such other person or persons along said waterways as the commissioner, with the approval of the governor, may direct, at a point or points to be designated by such officials, such water due as rental for said public lands. The Ditch Co. shall have full right to sublet the said lands or any part thereof, or to assign the lease in whole or in part, either by way of security or otherwise, subject, however, in all things to the provisions hereof. The lease shall be made subject to any unexpired and outstanding lease of any or all of such lands and shall contain appropriate provisions to secure the construction and maintenance of the necessary works for supplying such lands with water, and the reversion of such works to the Territory upon the termination of the lease, as hereinafter provided: *Provided, however*, That nothing herein shall authorize the withdrawal of any lands now open or applied for for settlement purposes.

SEC. 6. Not more than 30 per cent of the lands so held under lease by the Ditch Co. may at any time after the expiration of six months from the date of the first delivery of water as aforesaid by the Ditch Co. be withdrawn for public purposes or homesteaded or sold for other purposes under the laws relating to public lands in Hawaii, such withdrawal of lands to be, as far as practicable, in blocks of not less than 500 acres, and the right of way of the Ditch Co. through such land so withdrawn to be reserved to it, in which case the rent reserved shall be proportionately reduced at the rate of $1 per acre for the land so withdrawn, homesteaded, and sold: *Provided*, That written notice of intention to withdraw any portion of such public lands, together with a proper description of the lands so to be withdrawn, shall be served upon the Ditch Co. by the commissioner, with the approval of the governor, not less than three calendar months before such withdrawal is to take effect: *Provided also*, That growing crops, if any, upon said lands so to be withdrawn may be harvested by the Ditch Co. or those holding under it before such withdrawal is or shall be operative.

SEC. 7. The lease shall go into effect when the Ditch Co. shall have constructed a ditch from said district of Hilo to Pahala, in said Kau, with a delivering capacity of 100,000,000 gallons of water per day of 24 hours and when 50,000,000 gallons of water shall have been actually delivered by means of said waterway to said Pahala within a period of 24 consecutive hours, such date to be ascertained by the commissioner and fixed by him with the approval of the governor. Notice of the fixing of such date and the consequent beginning of the term of the lease shall be communicated in writing to the Ditch Co. by said officials within 10 days from the date thereof.

SEC. 8. A sum not less than $50,000 in cash shall be actually expended by the Ditch Co. in preliminary surveys, construction work upon said ditch or reservoirs, or for other good and useful purposes in that behalf within one year, $100,000 within two years, and $1,000,000 within three years from the date of the approval of this act by the President.

SEC. 9. The ditch shall be completed as far as said Pahala within four years, and as far as Waiohinu, in said Kau, within five years from the date of said approval.

SEC. 10. If the Ditch Co. shall fail to expend such respective sums of money, or any of them, within the respective times aforesaid, for the purposes aforesaid, then, and in any such case, all of the rights, powers, and privileges hereby granted, and the said lease, shall be forfeited and be null and void and of no effect, and all works and improvements up to that time erected or constructed shall immediately revert to and become the property of the Territory.

SEC. 11. If after such expenditures shall have been made the Ditch Co. shall fail to observe or perform any of the terms, requirements, or conditions herein contained or prescribed the governor shall give the Ditch Co. written notice to furnish to him within three months from the date of such notice assurances and proofs satisfactory to him that such breach or failure will be remedied and all terms, requirements, and conditions herein contained or prescribed observed, performed, or complied with within one year after the date of such notice. If the Ditch Co. shall fail to furnish to the governor assurances and proofs as aforesaid within such term of three months, or if, having furnished the same, there shall at the end of said term of one year remain unperformed, unfulfilled, or unobserved any term, requirement, or condition herein contained on the part of the Ditch Co. to be observed, kept, or performed, then and in such case all of the franchises hereby granted and the said lease shall be forfeited and be null and void and of no effect.

SEC. 12. That the times herein fixed for completion of the said ditch to various points, for the expenditure of moneys in surveys, construction, and other work aforesaid, and for the doing of any other or different act required by the Ditch Co., may for good cause shown be extended by order of the governor for a time which he shall deem reasonable in view of such cause.

SEC. 13. The corporation formed by the said J. T. McCrosson as aforesaid, for the purposes aforesaid, and its property used for or in carrying into effect the purposes aforesaid, or any of them, and its income shall be free from Territorial, municipal, and county property and income taxes for the term of 10 years after the approval of this act.

SEC. 14. The rates at which water flowing along said ditch and power produced thereby or incidental thereto shall be sold to applicants shall be fixed and published from time to time by the Ditch Co., with the approval of the governor, and such rates shall be the same to all.

SEC. 15. Such rates shall be based upon the yielding of not more than sufficient revenues to pay the following, viz:

(1) The reasonable expenses of maintenance and operation of the ditch and other plant and appurtenances.

(2) Interest on any bonds issued to procure money with which to construct the ditch and other plant and appurtenances at a rate not to exceed 6 per cent per annum, payable semiannually.

(3) An annual sinking fund to redeem all of such bonds within the term of the lease and franchises hereby granted.

(4) Dividends on the capital-stock issue of the Ditch Co. at a rate not to exceed 8 per cent upon the actual cost of the ditch and other plant and appurtenances.

SEC. 16. If at any time the income of the Ditch Co. shall exceed a sum sufficient for the purposes aforesaid the rates for water and such power shall be reduced to an estimated figure, approved by the governor, which will produce an income in compliance with the provisions of the section last aforesaid.

SEC. 17. The Ditch Co. shall at the end of each fiscal year ending June 30 file with the governor a report showing what its transactions have been during the previous year; what additions to the plant, if any, have been made; the actual cost thereof; its receipts and whence derived; and expenditures and for what made during the previous year. Such reports shall be open to public inspection. The books, papers, accounts, and records of said Ditch Co. shall at all times be subject to the inspection of the governor or the commissioner and to any agent or representative of said officers or either of them.

SEC. 18. At the end, or sooner determination, of the lease and franchises herein provided for the ditch and other plant and appurtenances shall revert to and become the property of the Territory of Hawaii, without payment therefor and free of all charges, expenses, liens, or obligations whatsoever.

SEC. 19. The Territory of Hawaii may at any time after 10 years from the completion of the ditch purchase from the Ditch Co. the ditch, together with all property and rights of whatsoever nature appertaining thereto, or used in connection therewith, for a sum equal to the cost thereof plus 20 per cent of such cost. The amount to be paid to the Ditch Co. for such purchase shall be determined by a commission of three persons, one to be appointed by the Ditch Co., or in case it should fail to do so within 30 days after requested to do so by the governor, then by the chief justice of the supreme court of Hawaii; one by the purchaser; and the third by the two so appointed, or in case they should fail to agree upon the third member within 30 days, then by said chief justice

Either the Ditch Co. or the Territory may appeal to the supreme court of Hawaii from the decision of such commission by filing a written notice of appeal with the commission within five days after the decision is rendered. It shall thereupon be the duty of the commission immediately to certify up to the supreme court the record of its proceedings, showing in such certificate the valuation claimed by the association, the valuation claimed by the purchaser, and the valuation as determined by the commission. Such certificates shall be accompanied by copies of all papers, documents, and evidence upon which the decision of the commission was based and a copy of such decision. Upon any such appeal the supreme court may, in its behalf, take or require further evidence to be introduced by either party.

Within six months after the determination of the purchase price as aforesaid the same shall be paid to the Ditch Co.

THE SENATE OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, April 7, 1911.

We hereby certify that the foregoing concurrent resolution was this day adopted in the senate of the Territory of Hawaii.

ERIC A. KNUDSEN,
President of the Senate.
JOHN H. WISE,
Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES,
OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, April 21, 1911.

We hereby certify that the foregoing concurrent resolution was this day adopted in the house of representatives of the Territory of Hawaii.

H. L. HOLSTEIN,
Speaker of the House of Representatives.
EDWARD WOODWARD,
Clerk of the House of Representatives.

The VICE PRESIDENT presented resolutions adopted by the Ancient Order of Hibernians of the District of Columbia, remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. GALLINGER presented a memorial of the congregation of the Seventh Day Adventists Church of Washington, N. H., and a memorial of the congregation of the Church of Seventh Day Adventists of Amherst, N. H., remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a memorial of the Anglo-Alliance Division, No. 1, Ancient Order of Hibernians, of Dover, N. H., remonstrating against the ratification of the treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented the memorial of Harry H. Drew, of Ashland, N. H., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a memorial of the Georgetown Citizens' Association, of the District of Columbia, remonstrating against the proposed change in the name of Montrose Park, in that section of the city, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Mount Pleasant Citizens' Association, of the District of Columbia, praying that the surplus current revenues of the District be expended on the improvement of park lands, which was referred to the Committee on the District of Columbia.

Mr. NELSON. I present memorials of 3,800 farmers of the Northwest, remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which I move be referred to the Committee on Finance.

The motion was agreed to.

Mr. NELSON presented a petition of Robson Post, No. 5, Grand Army of the Republic, of Albert Lea, Minn., remonstrating against the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

Mr. DU PONT presented a memorial of Local Division No. 6, Ancient Order of Hibernians, of Wilmington, Del., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Rockland, Del., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a petition of Washington Camp, No. 11, Patriotic Order Sons of America, of Odessa, Del., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. BURNHAM presented the memorial of Harry H. Drew, of Ashland, N. H., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a memorial of the congregation of the Seventh Day Adventists Church of Amherst, N. H., and a memorial of the congregation of the Seventh Day Adventists Church of Washington, N. H., remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a memorial of Local Division No. 1, Ancient Order of Hibernians, of Dover, N. H., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Fortnightly Club of Keene, N. H., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. GAMBLE presented a memorial of sundry farmers and business men of Clark County, S. Dak., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

Mr. O'GORMAN presented a petition of the DeWitt Clinton Health League, of New York City, N. Y., praying for the establishment of a national department of public health, which was referred to the Committee on Public Health and National Quarantine.

He also presented a memorial of the Trades and Labor Council of Dunkirk, N. Y., remonstrating against the adoption of the Taylor system of shop management by the Government in navy yards and arsenals, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Trade and Labor Council, of Peekskill, N. Y., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Finance.

He also presented a petition of the Pierce, Butler & Pierce Manufacturing Co., of Syracuse, N. Y., praying for the imposition of 1-cent postage on all packages weighing 1 ounce or less, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Chamber of Commerce of Olean, N. Y., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented memorials of Local Union No. 140, International Longshoremen's Association, of Oswego; of Local Union No. 38, Brotherhood of Paper Hangers, Decorators, and Painters of America, of Oswego; and of John H. Groat, of Kinderhook, all in the State of New York, remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. BRIGGS presented the petition of M. R. Caldwell, of Montclair, N. J., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Harrison, Kearney, Montclair, Clifton, New Brunswick, Jersey City, and Passaic, all in the State of New Jersey, remonstrating against the ratification of the treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Robbinsville and Lewell, in the State of New Jersey, remonstrating against the proposed reciprocal trade agreement between the

United States and Canada, which were referred to the Committee on Finance.

He also presented petitions of Washington Camps of Camden, Columbus, Milville, and New Brunswick, of the Patriotic Order Sons of America; of Union Council, No. 31, Junior Order United American Mechanics, of Rahway, and of sundry citizens, all in the State of New Jersey, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a memorial of West Jersey Lodge, No. 87, International Association of Machinists, of Camden, N. J., remonstrating against the adoption of the so-called Taylor system of shop management in Government arsenals and navy yards, which was referred to the Committee on Naval Affairs.

Mr. DIXON. I present a resolution adopted by the Meagher County (Mont.) Wool Growers' Association regarding both tariff and reciprocity. The resolution is very short; it is not in the usual stereotyped form, and I think in the time—about three-quarters of a minute—it would take to read it the Senate might get some real information. I should like to have it read.

The VICE PRESIDENT. Without objection, the Secretary will read the resolution.

There being no objection, the resolution was read and referred to the Committee on Finance, as follows:

Be it resolved by the Meagher County Wool Growers' Association, held in convention at White Sulphur Springs, Mont., this 22d day of April, 1911, That we are opposed to any reduction in the present wool tariff or any legislation leading toward a reduction in the present duty on wool at this special session of Congress.

That the present cost of production be fully investigated, and that we have an opportunity to present to the Tariff Commission our facts and figures relative to the cost of producing our wool and mutton.

That we ask and demand the same protection on wool and mutton as other industries have on their products, and ask further that we be acceded sufficient duty to cover the difference in our cost of production and the cost of producing the same in other countries which are in position to export to this country.

We cordially invite any authorized agent of the Tariff Commission to meet with us relative to the cost of production, and will give them all facts regarding same, and further take them to our ranches and show them our method of handling our sheep and wools.

We feel that if we are given an opportunity of presenting our side of the situation that not only would there be no reduction in the duty on wools, but they would feel that an increase in the same would be our just deserts.

We solicit no pardon in demanding for our employees or ourselves that same protection which is accorded other industries whose hours of labor are 8 and 10, while ours range from 10 to 16 hours, sometimes all night and on Sundays.

We are willing to admit that the consumer is now paying 99 cents duty on a suit of clothes made of wools imported into this country, this on a strictly all-wool suit, which retails at from $40 to $50. This applies to the present duty, and is supposed to afford us a protection of 11 cents per pound in the grease, which we do not realize for some cause or other.

We are in favor of remodeling Schedule K so that we will be able to realize this protection in fact instead of in theory.

We are in favor of legislation regulating the manufacture and sale of all woolen products, and ask that all such products be inspected and labeled by a Government inspector so that woolen goods sold as wool are wool and not shoddy, cotton, or rags, and feel that we should be accorded the same protection in the manufacture and sale of woolen goods as is accorded other industries which are regulated by the pure-food law.

We are opposed to reciprocity as is set forth in the present bill before Congress.

C. W. COOK, *President.*
JAMES L. JOHNSTON, *Secretary.*

Mr. TOWNSEND presented the petition of G. L. de Muralt, of Ann Arbor, Mich., praying that an appropriation of $3,732.52 be made to reimburse him for loss in the installation of machinery in the Government power house at the navy yard, Charleston, S. C., which was referred to the Committee on Naval Affairs.

Mr. McLEAN presented the memorial of sundry citizens of Unionville, Conn., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Connecticut Merchants' Association, praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

Mr. BROWN presented sundry affidavits in support of the bill (S. 52) granting an increase of pension to John Brown, which were referred to the Committee on Pensions.

MOBILE (ALA.) BICENTENNIAL.

Mr. ROOT. From the Committee on Industrial Expositions I report back favorably, without amendment, House concurrent resolution 8 in regard to the bicentennial celebration at Mobile May 26, 1911. I call the attention of the Senator from Alabama [Mr. JOHNSTON] to the resolution.

Mr. JOHNSTON of Alabama. I ask for the present consideration of the resolution.

Mr. GALLINGER. Let it be read.

The VICE PRESIDENT. The Secretary will read the concurrent resolution for the information of the Senate.

The concurrent resolution (H. Con. Res. 8) was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That the resolution passed by the Legislature of Alabama in regard to the bicentennial celebration at Mobile on May 26, 1911, be received. The said resolution reads as follows:

"Senate joint resolution 52.

"[No. 241.]

"Whereas this year, 1911, is the two hundredth anniversary of the foundation and settlement of the city of Mobile, first capital of La Province de la Louisiane in 1711; and

"Whereas the city of Mobile and her people are making preparation for celebrating the event: Therefore be it

"Resolved by the Senate of Alabama (the House of Representatives concurring), That the Legislature of Alabama does hereby request the Senators and Representatives in Congress from the State of Alabama to bring the said anniversary celebration to the attention of Congress and the several departments of the United States Government and the representatives at Washington of foreign powers.

"Approved, April 6, 1911."

Be it further resolved, That the Congress of the United States acknowledges with pleasure the receipt of said resolution and appreciates the courtesy of the notice extended of that important event in the Nation's history.

Resolved further, That we commend the action of the city of Mobile in making preparations for this celebration. We regard that territory as one of the most valuable acquisitions of the Government and congratulate Alabama and the people of Mobile upon her growth as a city, and extend our best wishes for a successful celebration and a large attendance of patriotic American citizens.

Resolved further, That a copy of these resolutions be forwarded to the mayor of the city of Mobile in evidence of our appreciation of the work that will be done on May 26, 1911, in commemoration of the founding and settlement of our beautiful and progressive city on the Gulf.

The VICE PRESIDENT. Is there objection to the present consideration of the concurrent resolution? The Chair hears none.

Mr. JOHNSTON of Alabama. Mr. President, I wish to state that Mobile enjoys the distinction of having lived under three flags besides the American. It was the capital of the Province of Louisiana in 1711. It is one of the most beautiful and progressive cities in the United States, and I am sure its citizens will be glad to have every Member of the Senate and of Congress attend the celebration, and will give them a most hearty and cordial welcome.

The concurrent resolution was unanimously agreed to.

BARRACKS IN HAWAIIAN ISLANDS.

Mr. WARREN. From the Committee on Appropriations I report back favorably without amendment the bill (S. 2183) to authorize change in construction of barracks and other necessary buildings for mobile troops in the Hawaiian Islands, and for other purposes, and I submit a report (No. 23) thereon. It is a short bill and the matter is rather important. I ask for its present consideration.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of War to expend the funds heretofore appropriated and to enter into contracts heretofore authorized for the construction of a cavalry post, Territory of Hawaii, by the acts of Congress approved March 4, 1909, and June 25, 1910, for the construction of barracks and other necessary buildings for mobile troops to be stationed in the Hawaiian Islands, and not to exceed 10 per cent of the amount so authorized and appropriated may be expended for the acquirement of land to be utilized in connection with such construction.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STENOGRAPHER FOR COMMITTEE ON COAST DEFENSES.

Mr. CURTIS, from the Committee on Coast Defenses, to which was referred Senate resolution 39 submitted by him on the 9th instant, authorizing the committee to employ a stenographer, asked to be discharged from its further consideration and that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, which was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FLETCHER:

A bill (S. 2345) to provide for the erection of a public building in the city of Apalachicola, Fla.; to the Committee on Public Buildings and Grounds.

A bill (S. 2346) to establish a fish hatchery and biological station in the third congressional district of Florida; to the Committee on Fisheries.

By Mr. JONES:

A bill (S. 2347) increasing the cost of erecting a post-office and courthouse building at Walla Walla, Wash.; to the Committee on Public Buildings and Grounds.

By Mr. BROWN:

A bill (S. 2348) granting an increase of pension to John West (with accompanying papers); and

A bill (S. 2349) granting an increase of pension to Samuel Beatty; to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 2350) providing for the valuation of the segregated coal and asphalt lands in the Choctaw and Chickasaw Nations, in the State of Oklahoma, and for the sale of the surface and the disposition of the mineral rights therein; to the Committee on Indian Affairs.

By Mr. POINDEXTER:

A bill (S. 2351) granting a pension to Americus Galloway; and

A bill (S. 2352) granting an increase of pension to Oscar F. Burke; to the Committee on Pensions.

By Mr. GAMBLE:

A bill (S. 2353) granting an increase of pension to George H. Welshman; to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 2354) granting an increase of pension to George A. Chaffee (with accompanying papers); to the Committee on Pensions.

By Mr. GORE:

A bill (S. 2355) extending the time for payment of balance due on purchase price of a certain tract of land; to the Committee on Indian Affairs.

By Mr. LODGE:

A bill (S. 2356) for the relief of John W. Morse; to the Committee on Naval Affairs.

By Mr. PAYNTER:

A bill (S. 2357) for the relief of J. Knight Lowery; and

A bill (S. 2358) for the relief of James R. Evans; to the Committee on Claims.

ELECTION OF PRESIDENT PRO TEMPORE.

Mr. CULBERSON. I ask unanimous consent to have printed as a Senate document in one document, first, Senate Report No. 3, Forty-fourth Congress, first session, being the report of Mr. Morton from the Committee on Privileges and Elections, January 6, 1876, on the tenure of office of the President pro tempore of the Senate; second, the proceedings of the Senate on March 12, 1890, on the subject of the resolution reported from the Committee on Privileges and Elections as to the election of President pro tempore, and so forth, being principally speeches, short speeches, of Senators George, Turpie, and Evarts. (S. Doc. No. 30.)

The VICE PRESIDENT. Is there objection? The Chair hears none, and the order will be entered.

SAMUEL GOMPERS ET AL. V. BUCK'S STOVE & RANGE CO.

Mr. GORE. I ask unanimous consent to have printed as a Senate document the opinion of the United States Supreme Court, handed down on yesterday, in what is known as the case of Samuel Gompers, John Mitchell, and Frank Morrison, petitioners, *v.* The Buck's Stove & Range Co. (S. Doc. No. 33.)

The PRESIDING OFFICER (Mr. LODGE in the chair). Is there objection to the request of the Senator from Oklahoma? The Chair hears none, and the order is entered.

CONSTRUCTION OF FAVORED-NATION CLAUSE.

Mr. PENROSE. I have a letter, addressed to the Committee on Finance, from the Secretary of State, containing a memorandum prepared by his direction, relative to the construction of the most-favored-nation clause in treaties of the United States. I ask unanimous consent to have the same printed as a public document. (S. Doc. No. 29.)

The PRESIDING OFFICER. The Senator from Pennsylvania asks that the document he sends to the desk, prepared under the direction of the Secretary of State, together with the letter of the Secretary, be printed as a public document. Is there objection? The Chair hears none, and it is so ordered.

ELECTION OF PRESIDENT PRO TEMPORE.

Mr. CULLOM. I move that the Senate proceed to the election of a President pro tempore of the Senate.

The motion was agreed to.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I have a general pair with the senior Senator from Maine [Mr. FRYE], which I transfer to the Senator from Oklahoma [Mr. OWEN], and vote. I vote for the Senator from South Carolina [Mr. TILLMAN].

Mr. BORAH (when his name was called). I have a pair with the Senator from Minnesota [Mr. CLAPP], who is not present. I therefore withhold my vote.

Mr. BROWN (when his name was called). On this question I have a pair for the day with the senior Senator from Arkansas [Mr. CLARKE]. I therefore withhold my vote. I desire this statement to stand for the rest of the roll calls.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I transfer that pair to the Senator from Nevada [Mr. NIXON] and vote. I vote for the Senator from New Hampshire [Mr. GALLINGER].

Mr. JOHNSTON of Alabama (when the name of Mr. DAVIS was called). I desire to announce for the day that the junior Senator from Arkansas [Mr. DAVIS] is paired with the junior Senator from Illinois [Mr. LORIMER] on this question.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], which I transfer to the senior Senator from Wisconsin [Mr. STEPHENSON]. I make this announcement for the entire afternoon. I vote for the Senator from New Hampshire [Mr. GALLINGER].

Mr. DIXON (when his name was called). I am paired for the day with the senior Senator from Oregon [Mr. BOURNE]. If he were present, I should vote for the Senator from New Hampshire [Mr. GALLINGER], but the Senator from Oregon being absent, I withhold my vote, and announce this pair for the remainder of the day.

Mr. GUGGENHEIM (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER], who is unavoidably detained. I therefore withhold my vote, and make this announcement for the balance of the day.

The PRESIDING OFFICER (when the name of Mr. LODGE was called). I am paired with the senior Senator from Virginia [Mr. MARTIN]. If he were present, I should vote for the Senator from New Hampshire [Mr. GALLINGER] and the Senator from Virginia would vote for the Senator from Georgia [Mr. BACON]. I make this announcement for the day.

Mr. McCUMBER (when his name was called). I have a pair with the senior Senator from Mississippi [Mr. PERCY]. Were he present, he would vote for the Senator from Georgia [Mr. BACON] and I should vote for the Senator from New Hampshire [Mr. GALLINGER]. I make this statement as a reason for not voting during the day upon this subject.

Mr. SHIVELY (when the name of Mr. MARTIN of Virginia was called). The senior Senator from Virginia [Mr. MARTIN] is unavoidably absent from the Senate. He is paired with the senior Senator from Massachusetts [Mr. LODGE]. If the Senator from Virginia were present, he would vote for the Senator from Georgia [Mr. BACON]. I desire this announcement to stand for the day.

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON]. I transfer that to the junior Senator from Ohio [Mr. POMERENE], and vote. I vote for the Senator from Georgia [Mr. BACON].

The roll call having been concluded, it resulted as follows:

FOR MR. BACON—30.

Bailey	Hitchcock	Overman	Swanson
Bankhead	Johnston, Ala.	Rayner	Taylor
Bryan	Kern	Reed	Terrell
Chamberlain	Lea	Shively	Thornton
Culberson	Martine, N. J.	Simmons	Watson
Fletcher	Myers	Smith, Md.	Williams
Foster	Newlands	Smith, S. C.	
Gore	O'Gorman	Stone	

FOR MR. GALLINGER—29.

Bradley	Curtis	McLean	Smoot
Brandegee	Dillingham	Nelson	Sutherland
Briggs	du Pont	Oliver	Townsend
Burnham	Gamble	Page	Warren
Burton	Heyburn	Penrose	Wetmore
Clark, Wyo.	Jones	Perkins	
Crane	Kenyon	Root	
Cullom	Lippitt	Smith, Mich.	

FOR MR. CLAPP—7.

Bristow	Cummins	La Follette	Works
Crawford	Gronna	Poindexter	

FOR MR. LODGE—1.

Gallinger

FOR MR. TILLMAN—1.

Bacon

NOT VOTING—23.

Borah	Davis	Lorimer	Percy
Bourne	Dixon	McCumber	Pomerene
Brown	Frye	Martin, Va.	Richardson
Chilton	Guggenheim	Nixon	Stephenson
Clapp	Johnson, Me.	Owen	Tillman
Clarke, Ark.	Lodge	Paynter	

The PRESIDING OFFICER. Sixty-eight Senators have voted; 35 necessary to a choice. The Senator from Georgia [Mr. BACON] has 30, the Senator from New Hampshire [Mr. GALLINGER] has 29, the Senator from Minnesota [Mr. CLAPP] has 7, the Senator from South Carolina [Mr. TILLMAN] has 1, and the Senator from Massachusetts [Mr. LODGE] has 1. There is no choice. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BACON (when his name was called). Again announcing my pair and its transfer, I vote for the Senator from South Carolina [Mr. TILLMAN].

Mr. BORAH (when his name was called). I make the same announcement that I made on the previous call.

Mr. LA FOLLETTE (when Mr. BOURNE's name was called). I desire to announce that the senior Senator from Oregon [Mr. BOURNE] is unavoidably detained from the Senate. If he were present he would vote for the Senator from Minnesota [Mr. CLAPP].

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I transfer that pair to the junior Senator from Nevada [Mr. NIXON], and vote. I vote for the Senator from New Hampshire [Mr. GALLINGER].

Mr. GUGGENHEIM (when his name was called). I again announce my pair with the senior Senator from Kentucky [Mr. PAYNTER].

Mr. SMITH of South Carolina (when his name was called). I again announce my general pair with the junior Senator from Delaware [Mr. RICHARDSON] and the transfer of that pair to the junior Senator from Ohio [Mr. POMERENE]. I ask that this announcement stand for the balance of the day. I vote for the Senator from Georgia [Mr. BACON].

The roll call was concluded.

Mr. GORE. I desire to announce that my colleague [Mr. OWEN] is necessarily absent from the Senate and from the city on account of illness in his family. I make this announcement to stand for the day.

The roll call resulted as follows:

FOR MR. BACON—31.

Bailey	Hitchcock	O'Gorman	Stone
Bankhead	Johnson, Me.	Overman	Swanson
Bryan	Johnston, Ala.	Rayner	Taylor
Chamberlain	Kern	Reed	Terrell
Culberson	Lea	Shively	Thornton
Fletcher	Martine, N. J.	Simmons	Watson
Foster	Myers	Smith, Md.	Williams
Gore	Newlands	Smith, S. C.	

FOR MR. GALLINGER—29.

Bradley	Curtis	McLean	Smoot
Brandegee	Dillingham	Nelson	Sutherland
Briggs	du Pont	Oliver	Townsend
Burnham	Gamble	Page	Warren
Burton	Heyburn	Penrose	Wetmore
Clark, Wyo.	Jones	Perkins	
Crane	Kenyon	Root	
Cullom	Lippitt	Smith, Mich.	

FOR MR. CLAPP—7.

Bristow	Cummins	La Follette	Works
Crawford	Gronna	Poindexter	

FOR MR. LODGE—1.

Mr. Gallinger

FOR MR. TILLMAN—1.

Mr. Bacon

NOT VOTING—22.

Borah	Davis	McCumber	Pomerene
Bourne	Dixon	Martin, Va.	Richardson
Brown	Frye	Nixon	Stephenson
Chilton	Guggenheim	Owen	Tillman
Clapp	Lodge	Paynter	
Clarke, Ark.	Lorimer	Percy	

The PRESIDING OFFICER. On this roll call 69 Senators have voted; necessary to a choice 35. The Senator from Georgia [Mr. BACON] has 31; the Senator from New Hampshire [Mr. GALLINGER] has 29; the Senator from Minnesota [Mr. CLAPP] has 7; the Senator from South Carolina [Mr. TILLMAN] has 1; and the Senator from Massachusetts [Mr. LODGE] has 1. There is no choice.

NATHAN STRAUS PASTEURIZED MILK LABORATORY.

Mr. BORAH. I move that the Senate proceed to the consideration of House Joint Resolution No. 39.

Mr. GALLINGER. I will ask the Senator from Idaho to withhold his motion for a moment that I may ask for the consideration of a bill to which I am sure there will be no objection.

Mr. BORAH. I withhold the motion.

Mr. GALLINGER. A few days ago I asked unanimous consent for the consideration of the bill (S. 26) to authorize the acceptance by the United States of the gift of the Nathan Straus Pasteurized Milk Laboratory.

The Senator from Texas objected to it, and I think quite properly, and suggested certain amendments which have been agreed upon.

I now ask consideration for the bill, and I will offer the amendments which I think will remove all opposition to the bill. The bill has been read. It is a bill to authorize the acceptance by the United States of the gift of the Nathan Straus Pasteurized Milk Laboratory.

Mr. CULBERSON. Let the title of the bill be read.

Mr. GALLINGER. I have just read it. It is the bill (S. 26) to authorize the acceptance by the United States of the gift of the Nathan Straus Pasteurized Milk Laboratory.

The Senator from Texas has, upon consultation with me, satisfied himself that the amendments I will offer are very proper, and he does not object to the consideration of the bill.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent for the present consideration of the bill stated by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. GALLINGER. On page 2, in lines 12 and 13, I move to strike out the words "the practical utility of infants' milk depots in the reduction of infant mortality" and the comma.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 2, lines 14 and 15, strike out the words "the practical utility of infants' milk depots in the reduction of infant mortality" and the comma.

The amendment was agreed to.

Mr. GALLINGER. In line 19 of the bill that I hold in my hand strike out the words "or sell" after the word "give."

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On line 21, after the word "give," strike out the words "or sell."

The amendment was agreed to.

Mr. GALLINGER. In the next line, strike out the comma after the word "products," and the words "at prices to be fixed by him."

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. In line 22, after the word "products," strike out the comma and the words "at prices to be fixed by him."

The amendment was agreed to.

Mr. GALLINGER. In line 25, as it is here, after the words "may make," strike out the semicolon and insert a period, and strike out the remainder of the bill.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 3, line 3, after the words "may make," strike out the semicolon and insert a period, and strike out the remainder of the bill.

The amendment was agreed to.

Mr. SHIVELY. I wish the Senator from New Hampshire would again indicate the precise words that he has had stricken out in lines 12 and 13.

Mr. GALLINGER. If the Senator has the same print that I have, we have stricken out in those lines the words "the practical utility of infants' milk depots in the reduction of infant mortality."

Mr. SHIVELY. I suggest to the Senator, if he will observe what is left there, whether it makes good sense?

Mr. GALLINGER. I think so. It will then read "for the purpose of investigating the relative value of pasteurized and raw milk for infant feeding, and for other appropriate scientific purposes." I think it reads all right.

Mr. SHIVELY. You begin by striking out the word "practical"?

Mr. GALLINGER. The word "practical."

Mr. SHIVELY. I thought you began by striking out the word "utility."

Mr. GALLINGER. No.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. GALLINGER, the title was amended so as to read: "A bill to authorize the acceptance by the United States of the gift of the Nathan Straus Pasteurized Milk Laboratory for the purpose of investigating the relative value of pasteurized and raw milk for infant feeding, and for other appropriate scientific purposes."

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. BORAH. I ask unanimous consent to call up the joint resolution (H. J. Res. 39) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Kansas [Mr. BRISTOW].

Mr. NEWLANDS. Mr. President, whilst I was addressing the Senate yesterday upon the importance of taking up immediately certain questions upon which public opinion has been formed, and crystalizing them into legislation, I referred, among others, to the great questions of the combinations of capital called trusts which have assumed of late years so powerful and menacing an aspect.

I stated that although the antitrust act had been passed over 23 years ago, no substantial result had been reached under it; that if the Supreme Court in pending cases should declare these great organizations to be valid organizations, then it would be necessary to have legislation which would treat them as public monopolies and regulate them as we do other public utilities; that if, on the other hand, the Supreme Court should determine that these great organizations should be broken up into their constituent elements, it would be important for us to legislate regarding interstate trade, as to the size and the extent of the operations and the extent of the capitalization of corporations engaged in interstate trade; so that on the one hand we would have the benefit of the combination of great capital in the enterprises of the country, and, on the other hand, we would be able so to regulate them as to protect the country from the abuses which have up to this time existed.

The Supreme Court yesterday acted upon this matter with reference to one of the great trusts in a decision which applies to them all, and, as the result probably of the inertia and the inaction of Congress, has taken upon itself what the dissenting member of that court, Mr. Justice Harlan, declared to be judicial legislation, and has written into the statute words which Congress never put there. And so to-day we have a decision upholding the antitrust act so far as it applies to unreasonable restraint of trade.

The question therefore presents itself to us whether we are to permit in the future the administration regarding these great combinations to drift practically into the hands of the courts and subject the question as to the reasonableness or unreasonableness of any restraint upon trade imposed by these corporations now existing and to be brought into existence in the future to the varying judgments of different courts upon the facts and the law, or whether we will organize, as the servant of Congress, an administrative tribunal similar to the Interstate Commerce Commission, with powers of recommendation, with powers of condemnation, with powers of correction similar to those enjoyed by the Interstate Commerce Commission over interstate transportation.

NATIONAL INCORPORATION.

We are told that the President is now about to urge upon Congress the passage of a national incorporation act, with a view to meeting this question, and doubtless determining the extent to which these combinations may capitalize themselves, the number of plants which they may own, the extent of their operations, placing them all under national jurisdiction as national creations.

So far as I am concerned, Mr. President, for years I have advocated the full exercise of the power of Congress over interstate commerce, even though it led to the organization of the artificial beings that are to enter into interstate commerce. But I have confined my advocacy of the latter proposition entirely to corporations organized for transportation—to the railways of the country—for I realized that railroads were natural monopolies and must be treated as such, that we could not rely upon the States to create the agencies for interstate and national purposes, and that the very necessity of long and continuous interstate lines, extending from ocean to ocean and from the Lakes to the Gulf, requiring that the Nation itself should act in the creation of the artificial agents that would carry on these great enterprises.

My feeling upon this question was accentuated by reason of the fact that the railroads themselves had fallen into the custom of resorting to the States that had the least restriction upon corporate powers, to States which had not within their jurisdiction a mile of the railroad affected, for the creation of the corporate agents that would undertake these great interstate and national functions; and I thought that it was an abdication of the functions of the National Government to permit a single State, which under the Constitution has no power whatever over interstate commerce, which with the other States granted that power in its entirety to the Government of the United States, to organize the corporation which is to operate in many States. I thought it was an outrage to permit this thing to be done by legislation of a single State in which the people of the other States had no participation, and that the proper exercise of the national functions required that the Federal Government should take hold of the entire subject matter.

I felt that such corporations would be more likely to be efficiently restrained by legislation in which the people of all the States participated than by legislation in which the people of only a single State participated. But even with reference to this question, the incorporation of interstate railroads, I gradually modified my views, for I realized that many of the States were unwilling to give up their jurisdiction over the State corporation within their boundaries, engaged, as they were, in State transportation as well as interstate transportation; and so my mind gradually drifted to a method of procedure by which the National Congress would organize not corporations that would own interstate railroads, but would organize corporations that would simply own the stock of State railroads, thus substituting national holding companies for the holding companies now created under the laws of such a State as New Jersey. I felt this would leave the individual corporations in the respective States now engaged in railroad transportation as State creations, absolutely subject to the jurisdiction of the State, so far as taxation, the police power, and State commerce were concerned, and would permit the unionizing, or, if we may so term it, the federalizing, of these State corporations through a national holding company, which would bind them together for the great national purposes of interstate commerce.

SENTIMENT OF PARTIES.

Now, Mr. President, I must admit that, so far as my own party in the Senate is concerned, the views which I entertain upon this subject have not made the headway I could wish. The Democratic Party believes in keeping power as near as possible in the hands of the people in the various localities, in the States, and entrusting to the National Government only those powers which are necessary for the national defense and for national purposes and in carefully scrutinizing the granted powers with a view to preventing any enlargement of national jurisdiction within the boundaries of the States. So the traditions and the principles of the Democratic Party have rather militated against the views which I have entertained, though I have absolute confidence of their correctness and am confident that these views will some time be incorporated in the laws of our country.

But we must take a practical view of this question. There was a time when a national incorporation act could pass Congress, and that was under the recommendation of a Republican President and by the action of a Republican House and a Republican Senate. But that condition of things exists no longer. The House is now Democratic. It will probably remain Democratic for years. The Republican ascendency in this body has been constantly diminishing and is now in danger. So I can not see any possibility within a reasonable time of the enactment of a national incorporation law even regarding railroads, much less regarding the commercial business of the country.

Now, the President contemplates this as his remedy for existing abuses, and we are told by the press that that recommendation is to be renewed and the bill which has been sleeping for so long a time in the Committee on the Judiciary will again be pressed. We all realize how futile such an endeavor will be; and it is therefore all the more incumbent upon us to determine at this session of Congress what is practicable, what will secure the assent of a Democratic House, what will secure the assent of a Senate under the control of a divided Republican Party.

It is absolutely necessary, therefore, for us to dismiss all partisan considerations. If anything is to be done, we must establish a modus vivendi as between the two great parties of the country, and passing some measure that does not contradict the principles or the traditions of either party, wait for the time when one or the other party is in complete and absolute power both in Congress and in the executive department.

Mr. President, why should we not, then, upon this great question, avail ourselves both of the lamp of reason, alluded to in a

recent Supreme Court decision, and of the lamp of experience? What has been our experience regarding that branch of interstate commerce which covers transportation? Our experience has been that 20 years ago, just about the time the antitrust act was passed, Congress passed the interstate-commerce act, creating a commission as its servant to attend to its duties under rules prescribed by Congress. The regulation of interstate commerce belonged to Congress. Congress wisely saw that it could not undertake that regulation in all its details; that it could not pass rate bills which would be satisfactory to every section of the country; that it could not reduce rates that were claimed to be excessive and increase rates that were claimed to be too low; that it could not correct the varying abuses which creep into the administration of every great enterprise. Therefore it created this commission as its servant to carry out its will under rules established by it.

The history of the last 23 years proves the wisdom of our action. By a gradual process of evolution this commission, as the result of gradual improvements in legislation and as the result of constantly increasing powers recommended by it and affirmed by Congress, has become a tribunal second in importance only to the Supreme Court of the land. It has made transportation a science. It has studied all the intricate questions relating to it, and in a recent illuminating decision has formulated a great state paper that has impressed the country and the world with its wisdom.

Now, contrast that action with the other action taken by Congress regarding the trusts. It would have been possible 23 years ago, when the interstate-commerce act was passed, with reference to interstate trade to have established an industrial or trade commission or board similar to the Interstate Commerce Commission with reference to transportation. If we had done so and had put upon that commission the same class of men who have been appointed upon the Interstate Commerce Commission, we would have had the constant corrective power of that commission applied both to the existing trade corporations and to the trade corporations afterwards created. Many abuses would have been prevented. Many abuses would have been corrected. As a result of the constant study and inquiry of a competent board engaged in this work as a specialization recommendations would have been made to Congress which would have been accepted, as were those recommendations made with reference to interstate transportation, and a great body of administrative law would have been built up and combinations of capital would have been effected without the abuses which have existed during the past 23 years.

ENFORCEMENT OF ANTITRUST ACT BY ATTORNEY GENERAL.

But instead of that we determined to trust the matter to the courts, and we gave the enforcement of the antitrust act to the Attorney General's office. So far as the Attorney General's office is concerned, I have no criticism to make regarding the present incumbent, Mr. Wickersham. I believe that he has discharged his full duty under the law and that he has prosecuted these trusts with a vigor and a determination unequaled in the history of the Attorney General's office. But it must be apparent, if we finally get a decision from the Supreme Court of the United States correcting existing abuses only 23 years after the passage of the act, that there has been negligence in the past upon the part of the Attorney General's office. It is necessarily so. The Attorney General's office is an office of shifting incumbency. During one administration there were as many, I believe, as five Attorneys General. How could you have any sequence of action, any logical policy, with such constant changes.

The Attorney General's office is also, in a measure, a political office. The chief of that department is subject to the direction and control of the President of the United States. We know how in times of great political exigency these great corporations summon their powers and make even governmental administrations tremble when an election is at hand. We know that a great, vigorous, strenuous, courageous President was brought to his knees at a time of great financial exigency, when a crisis had involved the entire country in its embrace, when a process of destructive liquidation was threatened, when the bank reserves of the country were tied up in New York and were there loaned out in enterprises of speculation and promotion, when there was universal suspension of payment upon the part of the banks of the country, and a great and powerful corporation, the Steel Trust, anxious to absorb a rival, the Tennessee Coal & Iron Co., persuaded Mr. Roosevelt to believe that the only way of relieving the tension without panic and saving the country was to permit it to absorb the rival corporation. We all recall that he wrote a letter to the Attorney General practically instructing him to commence no proceedings regarding it.

So, whilst these matters have been made public, I can not doubt that in numerous other emergencies the zeal of the administration and the zeal of the Attorney General's office was restrained by the exigency of the hour, whether financial or political.

Mr. STONE. I wish to ask the Senator a question, with his permission.

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Missouri?

Mr. NEWLANDS. Certainly.

TENNESSEE COAL & IRON CO.

Mr. STONE. Does the Senator believe that the letter written by the President to the Attorney General instructing him not to proceed against the Steel Trust and to permit it to absorb a rival is binding upon this administration or this Attorney General or the country, morally or legally?

Mr. NEWLANDS. I do not think it is. I wish to say, however, that I did not state that the President of the United States instructed the Attorney General to take no action. My recollection is that in a communication which was practically an instruction he gave his view of the transaction and indicated that he did not think it incumbent on the administration to intervene.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Utah?

Mr. NEWLANDS. Certainly.

Mr. SUTHERLAND. Do I understand the Senator from Nevada to complain that the antitrust act has not been enforced with sufficient vigor in the past?

Mr. NEWLANDS. I do.

Mr. SUTHERLAND. Does the Senator recall that the party to which he belongs was in control of the Government very soon after the antitrust law was passed for a period of four years; and if so, can he tell us how many prosecutions were instituted during that administration?

Mr. NEWLANDS. I think there were very few.

Mr. SUTHERLAND. Were there any?

Mr. NEWLANDS. I do not know of any.

Mr. SUTHERLAND. Is it not true that there was not a single one instituted?

Mr. NEWLANDS. I do not know.

Mr. SUTHERLAND. Is it not true, furthermore, that the Democratic Attorney General gave it as his opinion that the antitrust law was unconstitutional?

Mr. NEWLANDS. I do not recall that.

Mr. SUTHERLAND. Is it not true that no prosecutions were attempted under it during that Democratic administration?

Mr. NEWLANDS. But assuming that it is true, I do not propose for a moment to acquit a Democratic administration of any responsibility in this matter: I do not stand as a sponsor for the Cleveland administration. I never did. I felt always that the Cleveland administration was dominated by the same powers that have controlled the Republican Party in its legislative and administrative action. I am not making a political address. I am addressing myself to a system. I am not making an attack upon either party. I say it is in the highest degree unwise to turn over the administration of the great antitrust act to an office of shifting incumbency, subject to political influence and likely to be controlled by every exigency, political or financial.

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Wisconsin?

Mr. NEWLANDS. Certainly.

STANDARD OIL DECISION.

Mr. LA FOLLETTE. I was unable to hear that portion of the Senator's discussion of the recent decision of the Supreme Court in the Standard Oil case, but in so far as I did listen to his remarks, I understood him to express some disagreement with the opinion of the court on one or two points.

I wish to ask the Senator if he does not understand from the reported interview given out by the Attorney General that the decision was entirely satisfactory to the administration; and in this connection to call his attention to a statement prominently published in the Washington Post entitled "Attorney General Wickersham," in which he is reported to have said:

> Substantially every proposition contended for by the Government in this case is affirmed by the Supreme Court. In the reasoning by which the Chief Justice reaches the conclusion, in which the whole court concurs, he expresses the view that only contracts, combinations, etc., which in any way unreasonably or unduly restrain interstate trade and commerce, or which are unreasonably restrictive of competitive conditions, are within the prohibition of the first section of the Sherman Act.

I wish in this connection, with the Senator's permission, to direct attention, assuming that that expresses the present attitude of the administration, to quite a remarkable change which seems to have taken place in the views of the administration on that subject; and I will beg his indulgence while I read one paragraph from the special message of the President of the United States to Congress, transmitted to the Senate January 7, 1910. I read from page 14 of that message:

The Supreme Court in several of its decisions has declined to read into the statute the word "unreasonable" before "restraint of trade"—

"Restraint of trade" is quoted—

on the ground that the statute applies to all restraints and does not intend to leave to the court the discretion to determine what is a reasonable restraint of trade. The expression "restraint of trade" comes from the common law, and at common law there were certain covenants incidental to the carrying out of a main or principal contract which were said to be covenants in partial restraint of trade, and were held to be enforcible because "reasonably" adapted to the performance of the main or principal contract. And under the general language used by the Supreme Court in several cases, it would seem that even such incidental covenants in restraint of interstate trade were within the inhibition of the statute and must be condemned. In order to avoid such a result, I have thought and said that it might be well to amend the statute so as to exclude such covenants from its condemnation. A close examination of the later decisions of the court, however, shows quite clearly in cases presenting the exact question, that such incidental restraints of trade are held not to be within the law and are excluded by the general statement that, to be within the statute, the effect upon the trade of the restraint must be direct and not merely incidental or indirect. The necessity, therefore, for an amendment of the statute so as to exclude these incidental and beneficial covenants in restraint of trade held at common law to be reasonable does not exist.

Mr. NEWLANDS. Mr. President, I have to say that I indulged in no words of disapproval regarding the decision of the Supreme Court. I simply stated that the dissenting member of that court, Justice Harlan——

Mr. LA FOLLETTE. I beg pardon of the Senator. Will he permit me to read one further extract from the message in that same connection?

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Wisconsin?

Mr. NEWLANDS. I do.

Mr. LA FOLLETTE. I read from page 16 of the same message:

Many people conducting great businesses have cherished a hope and a belief that in some way or other a line may be drawn between "good trusts" and "bad trusts," and that it is possible by amendment to the antitrust law to make a distinction under which good combinations may be permitted to organize, suppress competition, control prices, and do it all legally if only they do not abuse the power by taking too great profit out of the business. They point with force to certain notorious trusts as having grown into power through criminal methods by the use of illegal rebates and plain cheating, and by various acts utterly violative of business honesty or morality, and urge the establishment of some legal line of separation by which "criminal trusts" of this kind can be punished, and they, on the other hand, be permitted under the law to carry on their business. Now, the public, and especially the business public, ought to rid themselves of the idea that such a distinction is practicable or can be introduced into the statute. Certainly under the present antitrust law no such distinction exists. It has been proposed, however, that the word "reasonable" should be made a part of the statute, and then that it should be left to the court to say what is a reasonable restraint of trade, what is a reasonable suppression of competition, what is a reasonable monopoly. I venture to think that this is to put into the hands of the court a power impossible to exercise on any consistent principle which will insure the uniformity of decision essential to just judgment. It is to thrust upon the courts a burden that they have no precedents to enable them to carry, and to give them a power approaching the arbitrary, the abuse of which might involve our whole judicial system in disaster.

Mr. NEWLANDS. Mr. President, I was remarking that I made no indication of disapproval of any part of the decision of the Supreme Court. I merely referred to the fact that the dissenting member of that court, Mr. Justice Harlan, had declared that the decision was a piece of judicial legislation. I called attention to the fact—and it seems that I am sustained by the President in that view—that if the various courts of the country, according to varying conditions, were hereafter to be called upon to determine as to whether a restraint of trade thus imposed by these corporations was reasonable or unreasonable, we could not expect any very satisfactory administration of the law, particularly in view of the fact that it has taken 23 years for us to ascertain what the law means, and in order to ascertain that it has been necessary, according to the views of Mr. Justice Harlan, to read into the statute certain words that are not there.

Mr. President, I am not commenting upon this for the purpose of criticizing the Attorney General's office or the President of the United States or the court, nor have I made reference to President Roosevelt with a view of criticizing him for his action. I have no doubt he acted patriotically under the then existing conditions, that he felt the great peril of the hour, and that he yielded, under compulsion, to action which he thought necessary in order to prevent a greater disaster than was consummated by the action which he approved. I am attacking this system of turning over the administration of our legislation regarding interstate trade to the Attorney General's office or to courts, when we should create a great administrative tribunal like the Interstate Commerce Commission, charged with powers over interstate trade similar to those possessed by that tribunal regarding transportation. I have claimed that if such a commission had been organized 23 years ago when the antitrust law was passed, these vast accumulations of menacing capital would have been prevented, that all the advantages of combination of capital would have been secured without the attendant abuses, and that we would have been saved the economic wrench that is now to take place through the dissolution of these giant combinations and the restoration of their constituent elements. I insist upon it that at this extraordinary session of Congress, with six months before us unembarrassed by general legislation, by appropriation bills, and by other matters that usually distract our attention, we have the opportunity to take up this great question in connection with the reciprocity bill and tariff matters and to press it to a wise solution.

THE TIME FAVORABLE FOR PROGRESSIVE LEGISLATION.

Why, Mr. President, how could there be a more favorable time? It is true that the heat of summer is about to intervene, but we could hold our sessions until the 1st of July and resume them upon the 1st of September, and thus secure the necessary rest and vacation, leaving us four or five months to legislate upon these important matters.

As it is, we have been here a month and have practically done nothing. We have not even as yet reached complete organization. Our committees, with the exception of the Finance Committee, are idle. Why can not the Interstate Commerce Committee or the Committee on the Judiciary be sitting at the same time that our Finance Committee is, and take up the great question of interstate trade? Why during this period can not our Commerce Committee, in charge of rivers and harbors, shape a measure for our action that will provide for the regulation of the flow of our rivers and for navigation, for inland waterway transportation, furnishing constructive machinery for this great work through boards of experts composed of the chiefs of the great services that are now working on detached parts of this problem, to whom can be added great engineers and constructors, so that the Nation within its jurisdiction and the States within their jurisdiction, by a system of cooperation, can work out a great plan of regulating river flow by the storage of flood waters in the arid regions, spreading them over the arid lands, and causing the desert to bloom by taking up these waters in artificial reservoirs and holding them for the development of water power and preventing them from adding to the destructive floods below; taking hold of great areas of swamp lands, and so controlling destructive streams as to open up vast areas of fertile soil to cultivation—all done not by usurpation of power by the Nation over the States, but by cooperation of the Nation with the States, each sovereignty acting within its jurisdiction and doing its work under plans devised by all with a proper apportionment of costs and benefits? Why should not that great committee, now idle, take up that question whilst the Finance Committee is holding its sessions and report a bill, possibly for action at this session of Congress, but certainly for action at the next session, so that the greatest constructive problem of the time may be satisfactorily solved?

BANKING.

Then there is another question—the banking question. Is there any question more pressing than that before the country to-day? We have, according to the statement of Mr. Aldrich, the late chairman of the Finance Committee of the Senate, the worst banking system that any civilized country of the world has, a banking system under which our banks have not become, as they should be, great machines of exchange, permitting the sale of products between individuals and communities and sections and furnishing the circulating medium through which the sales can be closed, but have been turned into great machines of promotion and speculation, absorbing the cash reserves of the country, tying them up, and then calmly inviting the country banks to suspend payment when an emergency comes.

Are we content to permit these annual or biennial or triennial or decennial breaks in exchange to continue, paralyzing the business of the country, paralyzing trade between communities and sections and States? Are we to take up this question as a question intrusted to the jurisdiction of the Nation alone through the grant of the States, the only right of the States upon the subject matter being to demand of the Union of States that it should fully and beneficially exercise the power granted?

Banks constitute the machinery of exchange. The functions of the banks have been perverted. In order to make them effi-

cient instruments of exchange they must have ample capital as a protection to their depositors; they must keep ample reserves as a protection against the demands of their depositors; and yet Congress has never legislated as to what proportion the capital of a bank shall bear to its obligations to its depositors. A bank with a capital of $50,000 can accept deposits to the extent of $50,000,000, and the only security that the depositors have is the reserve of their own money within the bank and the $50,000 capital of such a bank.

When banking was a science the laws of the various States absolutely required that no bank should loan its depositors money in excess of five times its capital, thus compelling the banks all the time to maintain a capital equal to 20 per cent of their deposit obligations. Yet the Congress of the United States has made no requirement upon this subject.

Our system ought to be a model system for every State in the Union, but, as the result of our carelessness and indifference upon this subject, the States themselves, formerly careful in this matter, have relaxed their care and within the last decade we have seen companies, misnamed trust companies, with small capital and large deposits, spring up in the various States, and it is these banks that have menaced the safety of the country, oftentimes involving the national banks themselves. It is our function, so long as a State bank engages in interstate commerce, to compel it to maintain the safety appliances that will make it an efficient instrumentality of exchange. We have the same power with reference to a State bank that we have with reference to a State railroad—the State bank engaging in interstate commerce and the State railroad engaging in interstate transportation—to compel either the State bank or the State railroad to apply the safety device that is necessary to make the one an efficeint instrumentality of exchange and the other an efficient instrumentality of transportation.

And yet we have done nothing upon this score, and the State banks of the country, under the example of the national banks, relaxing their old-time caution, have been organized with insufficient reserves, some trust companies keeping on hand only 2 or 3 per cent of their deposit obligations. This is the way in which Congress has acted upon that branch of interstate commerce, exclusively intrusted to its jurisdiction—the question of interstate exchange.

As I said yesterday, a system of transportation which would permit breaks here and there by the removal of tracks or by the removal of bridges would be regarded as intolerable, and if it involved interstate transportation the hand of the Interstate Commerce Commission would be laid upon such delinquency. Yet we permit similar breaks in the exchanges of the country to occur through our neglect of the proper precautions of legislation. No wonder the distinguished former Senator from Rhode Island, Mr. Aldrich, declared our system to be the worst banking system in the world. And now, instead of Congress addressing itself purely to the question of compelling national banks and State banks engaged in interstate commerce to maintain an adequate capital and an adequate reserve, instead of devising means by which they can be associated together in State associations for mutual protection and for the insurance of their depositors, the attention of the country is being directed by the Monetary Commission to a plan for practically reviving the old central-bank system—an improvement it may be, yet a central-bank system. And that, too, at a time when the Democratic Party is coming into power, or, rather, when it is increasing its power all the time in this body and is now sharing the responsibility of government with the Republican Party, and is likely to come into full power—a party whose traditions are against the creation of a central bank.

If this be so, and if the Republican Party is powerless, even if it had the will, to create a central banking system, is it not wise in this condition of things to establish a modus vivendi as to the banking question; to reach out for reforms that are within reach and which do not involve the principles or the traditions of either party? Why should not some committee of this body be sitting upon that question during these next five months instead of leaving it to the Finance Committee, which is already overcharged with labor? Why should not that whole question be referred to the Interstate Commerce Committee, which has jurisdiction of the question of interstate exchange and which could act on this question while the Finance Committee is deliberating upon matters relating to the tariff?

MERCHANT MARINE.

Mr. President, there is another question that is in the public mind, and that is the creation of a merchant marine. The Republican Party has stood for ship subsidy, although as yet it has not been able to put very extensive legislation upon the statute book in that regard. It is now powerless to accomplish its wish, for the Democratic Party is in power in the House and the Republican Party has not a sufficiently harmonious majority in this body to enable to carry out its will here.

What can we do with reference to foreign commerce as a nonpartisan measure? We all know that our Navy is an ill-proportioned Navy, a Navy composed almost exclusively of fighting ships without the auxiliary ships—the transports, the scouts, the dispatch boats, and the colliers—necessary to support the fighting ships in case of war. We all know that when our Navy took its trip around the world we were compelled to call upon other nations to furnish the transports and the colliers that were required, and one of the arguments that is used in favor of subsidizing a merchant marine is that it will furnish American bottoms that will be of use in case of the exigency of war.

THE NAVY.

Now, what can we do to make a well-proportioned Navy, to make a Navy that can sustain itself, that in case of war will not be dependent upon foreign powers that may under the law of neutrality furnish or refuse the necessary auxiliary ships? Obviously our duty is to create a well-proportioned Navy instead of an ill-proportioned Navy; to stop for the time building these fighting ships and to build the auxiliary ships which will support the fighting ships. But, you say, these ships will be useful only in case of war. That is true. Their final use will come then. But in times of peace why should we not let out these ships, manned in part by the Naval Reserves which we are training for our fighting ships, to open up new routes of commerce, the routes of commerce to South America, to Australia, and to Africa, which have been advocated, and thus utilize these ships in times of war as auxiliaries to the naval vessels, to the fighting ships, and in times of peace in aid of the promotion of commerce?

The Republican Party has thus far been opposed to such a measure. It was not satisfactory to the great interests of the country that desired subsidies for commercial enterprises.

But now, when the Republican Party realizes that it has not the power to execute its will, will not its patriotism lead it to advance our merchant marine, and at the same time to create a well-proportioned and efficient Navy, by action such as I have suggested? Why should not the great Committee on Commerce, hitherto engaged exclusively in this direction in the consideration of subsidy measures, take up a great constructive measure like this and, with the aid of the Naval Committee, create a system that will give us a well-proportioned Navy instead of an inefficient Navy—a Navy composed of both fighting and supporting ships instead of ships that, without the necessary ships to support them, would be derelicts on the ocean in case of war?

PROGRESSIVE ACTION DEMANDED.

Mr. President, I have thus far, perhaps, addressed myself to the dominant party in urging that there should be a modus vivendi established in legislation, that we should unite now upon measures that will be beneficial to the public at large and concerning which public opinion is made up. But I am aware that I am addressing a party which, while having the nominal majority, is a party without practical responsibility, a divided party, composed on the one hand of regular, stalwart, and near progressive Republicans and on the other of progressive Republicans, 13 or 14 in number.

The entrance of these progressive Republicans into this body has been like a breath of ozone, invigorating the atmosphere. I welcome them. Every progressive Democrat welcomes them. But a responsibility rests upon them. They stand for certain reforms with which the Democratic Party is in sympathy. It is possible to organize this House in the interest of progressive legislation from President pro tempore down. It is possible by our action to put upon the statute book every nonpartisan reform to which I have referred. If this extra session fails, the responsibility will be ours. I mean the mingled responsibility of Democrats and progressive Republicans. We can not charge it upon the reactionary element of the Republican Party. Ours is the power and ours is the responsibility.

I trust, therefore, that some method will be devised, not by hidden and secret agreement, not by methods unexposed to the public eye, but in the open Senate, before the entire people, by which men of like thought regarding measures involving progressive reforms of great moment to the country can act together, and I believe such action will be regarded by the country as indicating that the Senate of the United States is again self-governing, that it is not controlled either by mere chance or by a few of the elder statesmen.

I suggest, therefore, that we take up the legislative program which I have offered and determine what of the proposed legislation we shall take up at this session, and what we shall in-

struct our committees to report upon for legislative action at the regular session, and that, taking a recess during July and August, we apply our best efforts for the remaining months between now and next December in an earnest effort to meet the popular demands regarding reform and constructive legislation.

EXECUTIVE SESSION.

Mr. CULLOM. I ask for a brief executive session.

The VICE PRESIDENT. The Senator from Illinois moves that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock p. m.) the Senate adjourned until to-morrow, Wednesday, May 17, 1911, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate May 16, 1911.

PROMOTIONS IN THE NAVY.

Lieut. Commander William A. Moffett to be a commander in the Navy from the 4th day of March, 1911, to fill a vacancy.

The following-named lieutenants to be lieutenant commanders in the Navy from the 4th day of March, 1911, to fill vacancies:

Lloyd S. Shapley and
Samuel I. M. Major.

Lieut. (Junior Grade) Henry A. Orr to be a lieutenant in the Navy from the 4th day of March, 1911, to fill a vacancy.

Ensign Isaac C. Shute to be a lieutenant (junior grade) in the Navy from the 13th day of February, 1911, upon the completion of three years' service as an ensign.

Midshipman Earle W. Jukes to be an ensign in the Navy from the 6th day of June, 1910, to fill a vacancy.

Carpenter Brandt W. Wilson to be a chief carpenter in the Navy from the 7th day of March, 1911, upon the completion of six years' service as a carpenter.

POSTMASTERS.

WEST VIRGINIA.

Frank L. Bowman to be postmaster at Morgantown, W. Va., in place of Smith A. Posten. Incumbent's commission expired March 1, 1911.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 16, 1911.

SECRETARY OF WAR.

Henry L. Stimson to be Secretary of War.

APPRAISER OF MERCHANDISE.

Francis W. Bird to be appraiser of merchandise in the district of New York, N. Y.

ASSAYER.

Merrill A. Martin to be assayer of the mint at San Francisco, Cal.

REGISTERS OF THE LAND OFFICE.

Reuben N. Stevens to be register of the land office at Bismarck, N. Dak.

James G. Quinlivan to be register of the land office at Dickinson, N. Dak.

PROMOTIONS IN THE NAVY.

The following-named lieutenants to be lieutenant commanders:

Richard D. White and
William S. Miller.

Lieut. (Junior Grade) Benjamin Dutton, jr., to be a lieutenant.

The following-named ensigns to be lieutenants (junior grade):

Roy L. Lowman,
Conant Taylor,
Archibald G. Stirling,
Donald P. Morrison, and
Edwin A. Wolleson.

Asst. Surg. Charles L. Moran to be a passed assistant surgeon.

The following-named assistant surgeons to be passed assistant surgeons:

Frank P. W. Hough and
George C. Rhoades.

Carpenter Wilbert O. Crockett to be a chief carpenter.

First Lieut. Robert O. Underwood to be a captain in the Marine Corps.

Capt. Austin M. Knight to be a rear admiral.

Lieut. Commander Edwin T. Pollock to be a commander.

Lieut. (Junior Grade) Vaughn K. Coman to be a lieutenant.

The following-named ensigns to be lieutenants (junior grade):

John P. Miller,
William A. Hall,
Isaac C. Kidd, and
Richard R. Mann.

The following-named carpenters to be chief carpenters:

Joseph J. Redington and
Robert Velz.

POSTMASTERS.

GEORGIA.

Sallie M. Aaron, Lyons.
Frances E. Chapman, Buena Vista.
Charles W. Parker, Elberton.

MISSOURI.

William H. Yancey, La Belle.

NEW YORK.

Frederick Rohde, Stapleton.

NORTH DAKOTA.

Roy P. Hubbard, Glen Ullin.
Arthur J. Swartout, Wimbledon.

PENNSYLVANIA.

Thomas E. McLaughlin, Midway.
William G. Murdock, Milton.
Spencer H. Rhoads, Iselin.
Reese M. Tubbs, Shickshinny.

SOUTH DAKOTA.

Charles A. Ramsdell, Beresford.
Peter J. Schroder, Avon.

WASHINGTON.

H. T. Jones, Riverside.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 16, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

With unfeigned love and gratitude we would sing Thy praise, O God our Father, for life and its far-reaching purposes. We bless Thee that under the Constitution of these United States of America each citizen is permitted to think his own thoughts, enjoy the fruits of his own honest industry, and worship Thee according to the dictates of his own conscience. Help us to remember that each is but a unit in the great human family, bound together by ties so delicately adjusted that what helps one helps all, what hurts one hurts all; that we may think and act in consonance with the golden rule, striving earnestly day by day to do unto others as we would be done by. In the spirit of the Lord Jesus Chirst. Amen.

The Journal of the proceedings of Friday, May 12, 1911, was read and approved.

UNITED STATES STEEL CORPORATION.

Mr. HENRY of Texas. Mr. Speaker, I desire to call up for consideration a privileged report from the Committee on Rules on House resolution 148.

The SPEAKER. The gentleman from Texas calls up a privileged report from the Committee on Rules, based on a certain resolution which he names, and the Clerk will report the resolution first and then read the report.

The Clerk read as follows:

House resolution 148——

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Illinois will state it.

Mr. MANN. This resolution is on the Union Calendar, I notice. Does it require consideration in the Committee of the Whole?

Mr. HENRY of Texas. I think not.

Mr. MANN. Then it ought not to be on the Union Calendar.

The SPEAKER. One of two things is true about it; it either ought not to be on the Union Calendar; or if it is on the Union Calendar, it ought to be considered in the Committee of the Whole.

Mr. HENRY of Texas. Mr. Speaker, I desire to ask unanimous consent that the resolution be placed on the House Calendar.

Mr. MANN. Well, I do not think it belongs on the House Calendar. I should prefer the gentleman to ask unanimous consent to consider it. I was going to reserve the point of order that it was not privileged, but I shall not insist upon the point of order it is not privileged, but I reserve it for a moment for the purpose of calling attention of gentlemen who make privileged reports to the fact that under the rules a privileged

report must be presented in the House. It can not be presented by dropping it in the basket. This report was presented by dropping it in the basket and not presented on the floor of the House. I shall not insist upon that point of order, because I understand——

The SPEAKER. The gentleman from Illinois undoubtedly states the rule correctly. There is no question about it.

Mr. MANN. And I suggest to the gentleman from Texas that he ask unanimous consent to consider it in the House as in Committee of the Whole House. I have no objection to that.

Mr. HENRY of Texas. Mr. Speaker, I have no objection to that. I think the gentleman is technically correct, but this practice has been pursued in regard to these resolutions from the Committee on Rules——

Mr. MANN. I think the gentleman is mistaken——

Mr. HENRY of Texas. And I ask unanimous consent that the resolution be considered in the House as in Committee of the Whole.

Mr. MANN. I think the gentleman is mistaken about the practice, because this one instance is hardly to be given as the practice.

Mr. HENRY of Texas. I do not refer to this one instance. I have looked at others, but it makes no difference to me, and I would make the request which the gentleman desires——

The SPEAKER. What is the request?

Mr. HENRY of Texas. That the resolution be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Texas asks unanimous consent that this resolution and report thereon be considered in the House as in Committee of the Whole House. Is there objection?

Mr. BROUSSARD. Mr. Speaker, may I ask the gentleman a question?

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Louisiana?

Mr. HENRY of Texas. For a question.

Mr. BROUSSARD. Which resolution is that?

Mr. HENRY of Texas. This is resolution 148, known as the Steel Trust resolution, introduced by Mr. STANLEY.

The SPEAKER. The gentleman from Texas will suspend a moment. Inasmuch as this is a matter that the Chair would like to hear a part of, the Chair would like to have order so that the matter can be heard. Is there any objection to the consideration of the report?

Mr. AUSTIN. Mr. Speaker, I would like to ask the gentleman how much debate is the gentleman going to have on this resolution?

Mr. HENRY of Texas. Mr. Speaker, I am willing to have all the debate that is necessary and desirable. I would ask the gentleman on the other side how much he desires?

Mr. MANN. I do not think that there is anybody that wants to be heard at length on this side. I apprehend that there is no difficulty about that.

Mr. HENRY of Texas. I think we can get through in an hour, and I propose that we divide the hour equally.

Mr. MANN. I think we can settle that later. That can be arranged. The gentleman from Kentucky will probably want some time, and perhaps others will desire time.

Mr. AUSTIN. I want some time.

Mr. HENRY of Texas. Very well.

The SPEAKER. Is there objection to the consideration of the resolution called up by the gentleman from Texas? The Chair hears none. The Clerk will report the resolution and then the report.

The Clerk read as follows:

House resolution 148.

Resolved, That a committee of nine Members, to be elected by the House, be, and is hereby, directed to make an invesigation for the purpose of ascertaining whether there have occurred violations by the United States Steel Corporation, or other corporations or persons as hereinafter set out, of the antitrust act of July 2, 1890, and the acts supplementary thereto, the various interstate-commerce acts, and the acts relative to the national banking associations, which violations have not been prosecuted by the executive officers of the Government; and if any such violations are disclosed said committee is directed to report the facts and circumstances to the House.

Said committee is also directed to investigate the United States Steel Corporation, its organization and operation, and if in connection therewith violations of law as aforesaid are disclosed, to report the same.

Said committee shall inquire whether said steel corporation has any relations or affiliations in violation of law with the Pennsylvania Steel Co., the Cambria Steel Co., the Lackawanna Steel Co., or any other iron or steel company.

Also whether said steel corporation, through the persons owning its stock, its officers or agents, has or has had any relation with the Pennsylvania Railroad Co., or any other railroad company, or any coal companies, national banking companies, trust companies, insurance companies, or other corporate organizations or companies, or with the stockholders, directors, or other officers or agents of said companies, or with any person or persons, which have caused or have a tendency to cause any of the results following:

First. The restriction or destruction of competition in production, sale, or transportation.

Second. Excessive capitalization and bonding of corporations.

Third. Combinations created by ownership or control by one corporation or the stockholders or bondholders thereof of the stock or bonds of other corporations, or combinations between the officers or agents of one corporation and the officers or agents of other corporatins by duplication of directors or other means and devices.

Fourth. Speculations in stocks and bonds by agreement among officers and agents of corporations to depress the value of the stocks and bonds of other corporations for the purpose of acquiring or controlling same.

Fifth. Profits through such speculation to officers or agents of such corporations to the detriment of the stockholders and the public.

Sixth. Panics in the bond, stock, and money markets.

Said committee shall in its report recommend such further legislation by Congress as in its opinion is desirable.

Said committee as a whole or by subcommittee is authorized to sit during sessions of the House and the recess of Congress, to employ clerical and other assistance, to compel the attendance of witnesses, to send for persons and papers, and to administer oaths to witnesses.

The Speaker shall have authority to sign and the Clerk to attest subpœnas during the recess of Congress.

The Committee on Rules, to whom was referred House resolution No. 148, to investigate violations of the antitrust act of 1890 and other acts, have considered the same and beg leave to report with the recommendation that it do pass, with the following amendment: In line 10, page 20, add the letter "s" to the word "relation."

Mr. HENRY of Texas. Mr. Speaker, I would like to ask the gentleman from Illinois now if we can not have some understanding as to the time during which the discussion is to be carried on.

Mr. MANN. I suggest that the gentleman proceed. I do not think there will be objection as to time, so far as I am concerned. I do not think anybody desires to be heard more than a minute or two on this side.

Mr. HENRY of Texas. I think we can get through in an hour.

Mr. MANN. I do not think there is anyone on this side who desires to answer the gentleman from Kentucky [Mr. STANLEY], but there may be. I do not know.

Mr. HENRY of Texas. Then I take it, Mr. Speaker, that I shall be entitled to an hour, and I now yield 15 minutes to the gentleman from Kentucky [Mr. STANLEY].

Mr. STANLEY. Mr. Speaker, this is a resolution providing for an investigation of the United States Steel Corporation. I do not mean in five minutes to make any argument in favor of the passage of this resolution by referring to or defending in detail the provisions of the resolution, as that would require a much greater time. I am convinced that every lawyer in the House who has investigated this question will have but little doubt that the dicta of the Supreme Court in the Northern Securities case touching holding companies applies in the case of the formation of the United States Steel Corporation. In other words, the organization of the United States Steel Corporation, both by the character of its charter and by virtue of the circumstances under which that charter was made and the purpose which it was intended to subserve, render it strictly and technically a combination in restraint of trade.

Mr. HAMILTON of Michigan. In "unreasonable restraint of trade"——

Mr. STANLEY. Yes; according to the new law. I will not discuss the new law just passed by the Supreme Court of the United States. [Laughter.]

In addition to that, it is manifest to those who have studied the operations of the United States Steel Corporation, this matter having been previously investigated to a certain extent in the Senate, that this concern has operated in restraint of trade by the absorption of actively competing concerns. The most manifest instance of this violation of law was the taking over of the Tennessee Coal & Iron Co. The absorption of this competitor, even for a legitimate purpose, in the light of the decisions of the Supreme Court of the United States, both in the Northern Securities case and the Addystone Pipe case, and what cursory examination I have been able to make of the decision just rendered in the case of the United States against the Standard Oil Co., was and would have been illegal even if it had been a purchase in the usual order of things. As it was, this concern was not purchased. It was coerced into a surrender, having been paid but a nominal sum—a mere fraction of the actual value of that property. I believe that those who have investigated this question carefully will find that each one of these specific acts or abuses named in this resolution can be sustained by an abundance of proof.

Mr. SIMS. Mr. Speaker, may I ask the gentleman a question?

Mr. STANLEY. Certainly.

Mr. SIMS. Does the gentleman contemplate legislation to follow this investigation?

Mr. STANLEY. It would be hard to answer that question. As far as I am personally concerned, I believe an investigation of this question will bring before the country facts that will justify Congress in acting both in the passing of additional legislation and in a resolution, perhaps, or direction to the judiciary department of the Government to take such steps as may be necessary to dissolve the concern.

Mr. SIMS. It is, then, in the nature of a goad to the Department of Justice?

Mr. STANLEY. It is in the nature of an ancillary operation; I would not call it a goad. We can be of material assistance to the Department of Justice in preparing that part of its case which needs substantial facts.

Mr. HENRY of Texas. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Chairman, I have no personal interest in the United States Steel Corporation. I am neither a stockholder nor a bondholder, and what I may have to say on this subject I say in the interest of my country. I do not believe in the kind of legislation which is seeking every opportunity to embarrass the commercial and manufacturing development of our country. I believe that we have reached that period in the history of our country when we must have large combinations of capital to not only develop the splendid resources of our fair land and find constant employment for our great army of wage earners but those that are coming here from foreign shores at the rate of a million a year.

In the present splendid development of our resources we have reached a point where we not only manufacture more than we can possibly consume ourselves, but we must find an outlet and a market for our surplus in foreign lands in order to keep every mill busy and every American wage earner employed.

Now, gentlemen, if we are to inaugurate a war upon every movement looking to a consolidation of the manufacturing interests in this country, we are not only going to embarrass and injure our manufacturing development, but we are going to drive out of the field of investment men who have the needed money to carry forward the industrial development of our country and keep busy an immense army of wage earners. I believe in the proper and just control of every trust or combine or corporation, but I do not believe in carrying that control to a point that means not only destruction to the invested millions of our American citizens, but curtailing the output of the mill, the mine, and the factory.

This corporation that we are now seeking to investigate last year turned out and sold more than $750,000,000 of manufactured goods. When it was originally organized its export business was valued at $2,000,000. Last year it had so developed and extended its splendid foreign business, under Mr. James A. Farrell, that its exports had grown to almost $100,000,000. An increase from $2,000,000 to $100,000,000 means something when it comes to measure this additional prosperity in America. A hundred million dollars in foreign exports and $650,000,000 goods sold in our home market means wages—employment for more than 200,000 American workingmen.

Now, gentlemen on both sides of this Chamber talk about "competition." Why, gentlemen, the time of "cut-throat" competition among sensible business men has long since passed away, and if we by legislation seek to force a return to that era then we will not only silence thousands of mills in this land to-day, but we will prevent the future investment of millions in the development of our resources and in the conduct of our commercial and manufacturing affairs.

I am a southern Representative on the floor of this House. I do not complain at the purchase of the Tennessee Coal, Iron & Railroad Co. by the United States Steel Corporation, for it has not proven to be an injury to the South. It has been a great benefit. I say that statement can not be challenged, and the chairman of the Committee on Ways and Means, the gentleman from Alabama [Mr. UNDERWOOD], in whose district this great corporation is largely interested, will not say that the absorption of that plant by the Steel Corporation has not brought millions for the improvement and the extension of an almost bankrupt, crippled corporation, giving it new life.

I remember two years ago when the officers of the steel corporation took to the city of Birmingham the director general of the Argentine railroad system, and as a result of that trip a single order for 75,000 tons of steel rails, bringing $2,250,000, was placed in the mills of Birmingham. The hope of the South in the development of its inexhaustible resources is in the encouragement of such companies as the United States Steel Corporation, with their countless millions, to build mills, furnaces, and factories to give employment to our people, and bring millions into the circulation of the South by the sale of iron and steel products in our South American and other markets which will be opened up by the construction of the Panama Canal. [Applause.]

I thank the gentleman from Texas [Mr. HENRY] for his kindness in yielding me additional time.

Mr. HENRY of Texas. Mr. Speaker, does the gentleman from Illinois desire to consume any time?

Mr. MANN. Mr. Speaker, I may want a moment, but nothing more unless there is to be further discussion.

Mr. HENRY of Texas. Mr. Speaker, the gentleman from Georgia [Mr. HARDWICK], as I understand, desired to address the House for a few minutes. I see he is not present, and if the gentleman from Illinois will use 5 or 10 minutes now I will be very glad.

Mr. MANN. Oh, I can not use that much time.

Mr. HENRY of Texas. I will yield the gentleman five minutes.

Mr. MANN. Mr. Speaker, so far as I know, there is no objection on this side of the House to the investigation proposed by the resolution. We recognize the right of the majority to investigate all questions of this kind and hope that the result of the investigation may be for the benefit of the public good, and not merely for partisan use. Whether that hope is futile or not depends upon the result which we will await, prepared at all times to defend the proposition that the policy of the Republican Party is not to build up trusts or monopolies, but to prevent their creation and the abuses which may occur through them.

I do not think it is my duty under the circumstances to consume time for the benefit of some gentleman who is not yet prepared or who is not in the Hall. However, Mr. Speaker, I prepared some years ago a memorandum of the law on the subject of congressional investigations for my own use if I should have occasion to make use of anything of the sort, and, as it represented some little labor, I ask unanimous consent to extend my remarks in the RECORD so as to insert this for the use of any Member who has occasion to study the subject.

The SPEAKER pro tempore (Mr. RANDELL of Texas). The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

There was no objection.

The memorandum referred to is as follows:

IN RE CONGRESSIONAL INVESTIGATIONS.

In drafting a resolution or a law creating a committee or a commission and authorizing it to conduct an investigation for the purpose of securing information to be subsequently reported to Congress, certain principles, announced by the courts in cases involving the legality of governmental investigations, should be borne in mind. A review of the decisions of the Supreme Court in this class of cases discloses the fact that previous investigations which have failed met the disapproval of the courts because the acts of Congress authorizing them were insufficient, and not because of any lack of power in that body to make investigations. It is therefore of the utmost importance that mistakes and errors pointed out by the courts in the laws authorizing previous investigations be avoided. The leading cases announce the following principles:

SCOPE AND EXTENT OF CONGRESSIONAL INVESTIGATIONS.

Congress may authorize a committee or a commission to obtain information upon any subject which, in its judgment, it may be important to possess. (In re Pacific Ry. Com., 32 F. R., 241, 250; 1887.)

Interstate Commerce Commission *v.* Brimson (154 U. S., 447, 472; 1893) holds, in effect, that the Constitution having given to Congress full power in the matter of regulating commerce that body may investigate the whole subject and in that way obtain full and accurate information; that for the purpose of regulating commerce Congress may invest a commission with authority to require and compel the attendance and testimony of witnesses and the production of papers and documents relating to any matter legally committed to it for investigation.

This case holds also that the twelfth section of the interstate-commerce act is constitutional and valid so far as it authorizes and requires the circuit courts of the United States to use their process in aid of inquiries which it holds Congress may lawfully authorize the Interstate Commerce Commission to make. That part of the draft of the proposed resolution, herewith submitted, which authorizes the same aid, follows the language of that section.

But the courts will not permit a governmental investigation to delve into the purely private affairs of the citizen unless it affirmatively appears that such investigation is material to matters over which Congress has jurisdiction and concerning which it may take some lawful action. (I. C. C. *v.* Brimson, 154 U. S., 447, 481, et seq., 1894; Entick *v.* Carrington, 19 Howell's State Trials, 1029; Kilbourne *v.* Thompson, 103 U. S., 168, 190–6, 1880; In re Chapman, 166 U. S., 661, 668–71, 1896.)

In Kilbourne *v.* Thompson (103 U. S., 168, 1880) a resolution, appointing a special committee and authorizing an investigation into the matter and history of the real-estate pool and the Jay Cooke & Co. settlement was held defective because it did not appear that the subject matter of the investigation was one concerning which Congress had jurisdiction or with reference to which it could take lawful action (p. 193).

The situation may be summarized thus: While Congress may authorize the collection, in the ordinary way, of information on any subject which it may deem of importance to possess, it may authorize the exercise of the extraordinary power of compelling the giving of testimony and the production of documents and papers only in cases where the information required is material to matters over which

Congress has jurisdiction and concerning which it may take some lawful action. It is at this point that the power of the Government and the constitutional rights of the citizen meet, and it is here that governmental investigation reaches its limit.

In order, therefore, to lawfully entitle an investigating commission to forcibly compel the giving of testimony and the production of documents and papers, three things are essential.

First. The subject matter of the investigation must be one concerning which Congress has jurisdiction and with reference to which it may take lawful action.

Second. The resolution or statute creating the commission must describe in express terms the subject matter and should indicate clearly the object or purpose proposed to be accomplished by the investigation.

Third. The testimony, or the information contained in the papers and documents, which the commission forcibly seeks must be material and relevant to the subject matter which it is authorized to investigate.

If, therefore, a law authorizing an investigation contains these essential elements, the information pointed out may be secured notwithstanding it may be of a private or personal nature, providing, of course, the law contains a clause granting to witnesses immunity from future prosecution with respect to information which might tend to criminate them.

In this connection it is to be observed that if the information sought is material to the subject matter which the commission is authorized to investigate it may not be withheld on the ground that it is also material to some other subject which it has no right to inquire into. Inquiries of a commission of this character are not narrowly constrained by technical rules as to the admissibility of proof. Its function is one of inquiry, and it should not be hampered by those narrow rules which prevail in trials at common law where a strict correspondence is required between allegation and proof. (I. C. C. *v.* Baird, 194 U. S., 25, 44, 1904.)

PROVISIONS SUFFICIENT TO GRANT IMMUNITY TO WITNESSES.

Counselman *v.* Hitchcock (142 U. S., 547, 586, 1892) held that section 860, Revised Statutes, did not supply a complete protection against all the perils against which the fifth amendment to the Constitution was designed to guard, and was not a full substitute for that prohibition; that a statutory enactment to be valid must afford to a witness absolute immunity against future prosecution for the offense to which the question relates. While this case involved an investigation instituted by the Interstate Commerce Commission, section 12 of the interstate-commerce act, as it then stood, does not appear to have been passed on. That section followed the language of section 860, Revised Statutes, above referred to, however, and when that provision was declared insufficient and ineffectual that part of section 12 of the interstate-commerce act then in force was apparently abandoned. The act of February 11, 1893, was then passed to supply a provision which would be sufficient and effectual. It has so been held in Brown *v.* Walker (161 U. S., 591, 1895). The immunity provision of the draft of the proposed resolution herewith submitted follows the language of that act, which has been passed on and declared sufficient by the Supreme Court.

It is well to note, however, that the jurisdiction of an investigating commission is not extended because the resolution or act appointing it contains a provision granting to witnesses immunity from future prosecution. A statute granting immunity to witnesses does no more than deprive them of their right to refuse to answer questions or produce documents or papers which are material to the subject matter of a lawful investigation. It does not extend the jurisdiction of the commission; it only aids it in conducting investigations which it has a right to make.

PUNISHMENT OF CONTUMACIOUS WITNESSES.

As to the punishment of contumacious witnesses the case of Interstate Commerce Commission *v.* Brimson (154 U. S., 447, 485; 1893), holds that:

"Except in the particular instances enumerated in the Constitution and considered in Anderson *v.* Dunn (6 Wheat., 204) and in Kilbourn *v.* Thompson (103 U. S., 168, 190) of the exercise by either House of Congress of its right to punish disorderly behavior upon the part of its Members, and to compel the attendance of witnesses and the production of papers in election and impeachment cases, and in cases that may involve the existence of those bodies, the power to impose fine and imprisonment in order to compel the performance of a legal duty imposed by the United States, can only be exerted, under the law of the land, by a competent judicial tribunal having jurisdiction in the premises. See Whitcomb's case (120 Mass., 118) and authorities there cited."

In re Chapman (166 U. S., 661, 1897) holds that sections 102 and 104, Revised Statutes, for enforcing the attendance of witnesses, etc., are not open to the objection that they conflict with the Constitution; that Congress possesses constitutional power to enact a statute to enforce the attendance of witnesses and to compel them to make disclosure of evidence to enable the respective bodies to discharge their legislative functions; while Congress can not divest itself, or either of its Houses, of the inherent power to punish for contempt, it may provide that contumacy in a witness called to testify in a matter properly under consideration by either House, and deliberately refusing to answer questions pertinent thereto, shall be a misdemeanor against the United States.

In Interstate Commerce Commission *v.* Brimson (53 F. R., 476, 480; 1892), the court said:

"Undoubtedly Congress may confer upon a nonjudicial body authority to obtain information necessary for legitimate governmental purposes, and make refusal to appear and testify before it touching matters pertinent to any authorized inquiry an offense punishable by the courts," or subject witnesses "to penalties or forfeitures. A prosecution or an action for violation of such a statute would be clearly an original suit or controversy between parties within the meaning of the Constitution."

This part of the opinion of the lower court was expressly affirmed by the Supreme Court, notwithstanding the fact that in other particulars the decision was reversed. (I. C. C. *v.* Brimson, 154 U. S., 447, 469; 1894.)

That clause of the draft of the proposed resolution herewith submitted follows the language of the provision passed on in these cases, except that it omits the penalty of imprisonment which was stricken out by the Elkins law.

ALPHABETICAL LIST OF CASES CITED.

Anderson *v.* Dunn, 6 Wheat., 204 (1821); Counselman *v.* Hitchcock, 142 U. S., 547, 586 (1891); Ertick *v.* Carrington, 19 Howell's State Trials, 1029; I. C. C. *v.* Baird, 194 U. S., 25 (1904); I. C. C. *v.* Brimson, 53 F. R., 476 (1892); I. C. C. *v.* Brimson, 154 U. S., 447 (1893); In re Chapman, 166 U. S., 661 (1896); In re Pacific Ry. Co., 32 F. R., 241 (1887); Kilbourn *v.* Thompson, 103 U. S., 168 (1880); Whitcomb's case, 120 Mass., 118.

TENTATIVE DRAFT OF PROPOSED RESOLUTION.

Whereas (here state the subject matter or thing to be investigated, the power under which Congress acts, and the purpose of the investigation).

Resolved, etc. (This clause should authorize the appointment of a committee; authorize and direct such committee to inquire into and investigate the subject described, and require it to report. Provisions with reference to compelling the giving of testimony and the production of documents, papers, etc., should be included, substantially as follows:)

For the purposes of this investigation the committee shall have power to administer oaths and to require, by subpœna, the attendance and testimony of witnesses and the production of all books, papers, tariffs, contracts, agreements, and documents relating to any matter under investigation.

Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place of hearing. And, in case of disobedience to a subpœna the committee may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and documents under the provisions of this section.

And any of the circuit courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpœna issued to any person, issue an order requiring such person to appear before said committee (and produce books and papers if so ordered) and give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

No person shall be excused from attending and testifying or from producing books, papers, tariffs, contracts, agreements, and documents before the committee, or in obedience to the subpœna of the committee, whether such subpœna be signed or issued by one or more of the members of such committee, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture. But no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify, or produce evidence, documentary or otherwise, before such committee, or in obedience to its subpœna, or the subpœna of any member thereof: *Provided*, That no person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

Any person who shall neglect or refuse to attend and testify, or to answer any lawful inquiry, or to produce books, papers, tariffs, contracts, agreements, and documents, if in his power to do so, in obedience to the subpœna or lawful requirement of the committee shall be guilty of an offense, and, upon conviction thereof by a court of competent jurisdiction, shall be punished by fine not less than $100 nor more than $5,000.

QUERY.

How would it do to pass a bill providing immunity for witnesses testifying before a committee of either House when that House has provided by resolution for the investigation and for immunity to witnesses?

Mr. HENRY of Texas. Mr. Speaker, I yield five minutes to the gentleman from Georgia [Mr. HARDWICK].

Mr. HARDWICK. Mr. Speaker, I do not desire any time.

Mr. HENRY of Texas. Then I will yield five minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY. Mr. Speaker, in connection with this resolution, I was very much interested by the remarks of the gentleman from Tennessee [Mr. AUSTIN] in defense and laudation of the United States Steel Trust. I caught the force of one of his initial remarks, that legislation in this country ought not to force ruinous competition, and I concur with him in that proposition. I believe that experience will demonstrate that the great difficulty in this country is not from legislation in forcing ruinous competition, but from legislation permitting ruinous competition. [Applause on the Democratic side.] But the gentleman's idea of ruinous competition and mine are evidently as opposite as the poles. By ruinous competition I mean a system under which a powerful organization can combine the resources of an industry into a single grasp, and by ruinous, cutthroat methods put down every effort to compete with it. I believe that by permitting immense combinations to lower their prices in one locality while they raise them in another place, in order that while lowering prices in one place and throttling competition there they may compensate themselves by higher prices at another place or other places, that that is ruinous competition which legislation ought to forbid and ought to prohibit. I believe that when an organization like the Steel Trust or the Standard Oil may so combine its energies and direct its operations that, for instance, an independent refining company attempting to sell oil in opposition to the Standard at Fort Worth, Tex., might be throttled by lower prices at Fort Worth, while the same company—the Standard—may raise its prices at Dallas or at Houston or San Antonio or New Orleans to recoup itself for the losses sustained at Fort Worth, thereby maintaining an average at which they can make a great profit. I believe that that is ruinous and cutthroat competition, capable of being indulged in only by the great corporations and combinations, and against which the smaller industries and independent producers and the general consumer ought to be protected by proper legislation. By such ruinous competition combination builds itself into monopoly and

oppresses without limit both producer and consumer. [Applause.]

Furthermore, I believe that when a manufacturer of home products so enlarges his grasp upon an industry that he can, as Mr. Carnegie said, dictate to every manufacturer of like products the prices at which he shall put his products upon the market for fear a cutthroat war might be waged against him, we have reached a condition where the legislation of the country should interfere for the protection of the weaker. I heard a motto once when I was a boy at school given by a young college boy. The motto was, "Protect the weak, defend the right, and woman's honor shield." It appealed to the chivalrous spirit, but we have reached a position now when it seems to me we should reverse that saying and leave the first clause to be the climax, to be the greatest, "Protect the weak"; it carries all the rest. And when I hear men in the halls of Congress representing the great masses of the American people pleading for the right of immense combinations and corporations which throttle and destroy all competition under the guise of benefit to the American workingman, it seems to me we have reached a point where a renovation of our thoughts and our ideals is necessary. We have heard the cry of protection to the American workingman raised in defense of corporations that import foreign so-called pauper labor and drive out our American workingman till I am tired of it. [Applause on the Democratic side.] The very Steel Trust so eloquently praised by the gentleman from Tennessee, as I am informed, has a great majority of its laborers imported, and many of them can not speak English. We need to be represented here by Representatives who speak for the masses and not for the classes, men who speak for the millions of consumers and not for the petty few of the petted industries. [Applause on the Democratic side.] It seems to me that that is right, and I want to warn Members on our side, and the other side, too, that they will never reach a remedy until they provide a law that will prevent cutthroat, ruinous competition. [Applause on the Democratic side.]

Mr. HENRY of Texas. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM. Mr. Speaker, I have no doubt this resolution ought to pass, although it seems to me that some of the language of it is broader than perhaps it ought to be. That, however, is a matter which can be pointed out as we go along. I can not yield my assent to the position taken by the gentleman from Tennessee. It occurs to me that is rather a severe commentary on the management of public affairs when in this country, with its enormous resources, we brag because workingmen have a full dinner pail. It has always seemed to me to be the most insulting proposition that could be put forth. With the sparcity of population we have, with the enormous amount of productive land, with exhaustless mineral resources and natural advantages we have, it is strange that any party or any person should make it a cause for bragging that the workingmen of America get enough to eat. We hear a great deal—and possibly a great deal too much—about the prosperity that we enjoy, but that prosperity is not distributed, I think, as it ought to be. A prosperity improperly placed, improperly distributed, may be, and many think it is, one of the greatest menaces to our Government to-day. Wealth is power, and those who have the wealth by some means or other will manage to exercise that power. Is it prosperity of which we ought to be proud that so much wealth of the country should be placed in the hands of a few of its people and so very much of it under the control of these enormous corporations? I asked for time now merely for the purpose of reading into the RECORD a statement which is quoted from a book recently published by Prof. Gilbert Holland Montague, of the department of economics of Harvard University, which bears directly upon the organization of this very corporation. If Mr. Montague is right about it, its organization ought to be a subject for investigation. He says:

How remote is the bearing which the cash value of the plants has upon the capitalization of the trust is strikingly shown in the United States Steel Corporation. In exchange for the stock of its constituent companies, this trust gave of its own stock an equivalent amount and $74,373,035 more. At the formation of these concerns, however, there had been a capitalization in excess of cash value. The properties composing the American Tin Plate Co., which represented a cash value of $18,000,000, were capitalized at $46,000,000. The National Steel Co., valued at $27,000,000, was capitalized at $59,000,000. The American Steel Hoop Co., representing a money investment of $14,000,000, was capitalized at $33,000,000. The capitalization of the Federal Steel Co., fixed at $98,000,000, on the admission of its president, exceeded by $31,000,000 the value of its separate concerns. The properties of the American Steel & Wire Co., capitalized at $80,000,000, on Mr. Morgan's estimate in 1898, were valued at $40,000,000. From the testimony of the officers themselves it appears that the cash value of the plants entering the United States Steel Corporation—estimating the National Tube Co. on the same basis as the American Tin Plate Co.—was $278,570,200, and the "good will," $178,500,000. Since the United States Steel Corporation increased this capitalization by $74,373,035, $252,873,035 of its capital stock appears to be based on intangible assets.

The SPEAKER. The time of the gentleman has expired.

Mr. GRAHAM. Mr. Speaker, I ask leave that my time be extended.

The SPEAKER. The gentleman from Illinois asks unanimous consent——

Mr. HENRY of Texas. To extend his remarks. I have not further time.

Mr. GRAHAM. I would like to ask unanimous consent to finish reading the statement. There are but two short paragraphs.

Mr. HENRY of Texas. How long would it take?

Mr. GRAHAM. About three minutes.

Mr. HENRY of Texas. Then, Mr. Speaker, I yield three minutes to the gentleman.

The SPEAKER. The gentleman from Illinois is recognized for three minutes more.

Mr. GRAHAM. He continues:

Still another comparison is that made by the United States Steel Corporation itself in purchasing the shares of the different companies. The common stock of all the constituent companies, excluding the Carnegie Co. and the Lake Superior Consolidated Mines, which have no preferred stock, amounts to $270,835,100. As the common stock added by the United States Steel Corporation represents "good will," the total excess over the money invested in the plants is $302,118,963.

The most striking comparison, finally, is afforded by the easy test of the investment market. The par value of the securities of the United States Steel Corporation before the conversion of its preferred stock into bonds was $1,404,000,000, $550,000,000 of which was 7 per cent cumulative preferred stock and $304,000,000 5 per cent gold bonds. The bonds have since sold at about 72, the preferred stock has fluctuated about 54, and the common stock has fallen to 10. In the opinion of the stock market, the proper capitalization of the United States Steel Corporation is about $570,880,000 and the overcapitalization is about $833,120,000, or nearly 60 per cent.

This statement means that one-third of it is actual capital and two-thirds, substantially speaking, is "water." And yet the law, as it stands on the statute books to-day, is based on the theory that this concern shall have the right to overcharge the American people for what it produces to such an extent that it shall earn a very large per cent of profit not only on the real capital invested, but also on the water that is pumped into that capital. I say, where that condition exists, if it is capitalized at a billion and a half dollars, when it should be capitalized at only one-third of that amount, it ought to be investigated, and I hope it will be. [Applause.]

Mr. HENRY of Texas. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. BORLAND].

The SPEAKER. The gentleman from Missouri is recognized for five minutes.

Mr. BORLAND. Mr. Speaker, this resolution of the gentleman from Kentucky to investigate the Steel Trust comes before the House at a peculiarly opportune time. Yesterday the highest tribunal in this country rendered a decision of the most far-reaching importance, a decision directly affecting the whole industrial fight against these trusts and combinations.

I listened to the opinion of the learned Chief Justice affirming, in substance, the opinion of the circuit court of appeals at St. Louis, deciding that the Standard Oil Co. was guilty of a violation of the Sherman antitrust law. I also listened to a separate opinion of Mr. Justice Harlan concurring in the finding of the court, but pointing out that the use of the word "reasonable," in deciding that the Standard Oil Co.'s acts had been an unreasonable restraint of trade, was finally introducing into the Sherman Antitrust Act a word that the trusts and corporations had for 15 years been trying in vain to write in there.

If that be the effect of the decision; if there is to be, as the gentleman from Tennessee [Mr. AUSTIN] seems to feel—and I unqualifiedly disagree with him—a distinction between good trusts and bad trusts, it is time for us to know it right now.

There is no desire on the part of the Democratic majority in this House to tear down a single business institution under the Stars and Stripes—not one. [Applause.] But there is an earnest and sincere desire to see that every business man, big and little, gets an equal opportunity to promote trade and not to restrict it.

No better way can be found for introducing remedial legislation than a full, fair, and free investigation into the facts upon which that legislation must be based. Those who contend that the word "unreasonable" ought not to be in the Sherman Antitrust Act, lay their stress on the words "restraint of trade." It is every contract in *restraint of trade* is to be prohibited. It is not *every contract* that a business man may make, as has been speciously contended by the trust lawyers, but every contract in *restraint of trade* among the States that is declared unlawful. But if you qualify the restraint of trade

with reasonable or unreasonable or any other word which leaves it doubtful, then it becomes a question for broad, limitless construction as to which are good trusts and which are bad trusts. This has been the feeling among many men of progressive tendencies who desire to see the interests of the business men protected; who desire not to see a tearing down of trade, but a promotion of trade through individual effort, and by all men willing to embark their enterprise, energy, and capital in competition for the development of the resources of the country.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. BORLAND. If I have time.

Mr. MARTIN of South Dakota. Has the gentleman seen the full text of the opinion so as to be able to give to the House his opinion whether it is in fact liberalizing the common law as to reasonable or unreasonable restraint of trade?

Mr. BORLAND. I only heard the oral opinion. I heard both oral opinions, and, in my judgment, Justice Harlan's criticism was well founded. It seems to me that the majority opinion is capable of introducing a vague expression into the law which the trans-Missouri and the Traffic Association cases had rejected. That being so, this resolution to investigate the Steel Trust comes at an opportune time. The country is now facing a crisis in its legislative history. It must determine whether it has the power to control these trusts; whether there be any distinction between good trusts and bad trusts, and whether it be within the power of Congress to promote the interests of the Government and the interests of commerce by securing to the big business man and the little business man the same equal opportunity in the development of American trade and the American markets. [Applause.]

Mr. HENRY of Texas. Mr. Speaker, I was about to yield five minutes to the gentleman from Kentucky [Mr. STANLEY], but he does not seem to be present. I therefore move the previous question on the resolution and amendment.

Mr. MANN. Mr. Speaker, what amendment is that?

Mr. HENRY of Texas. It is one amendment adding the letter "s" to the word "relation"—a typographical error.

The SPEAKER. The question is on ordering the previous question on the resolution and amendment.

The previous question was ordered.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In line 12, page 2, add the letter "s" to the word "relation."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The resolution as amended was agreed to.

On motion of Mr. HENRY of Texas, a motion to reconsider the last vote was laid on the table.

NEW MEXICO AND ARIZONA.

Mr. FLOOD of Virginia. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the House joint resolution 14, approving the constitutions of New Mexico and Arizona as amended. Pending that motion, Mr. Speaker, I ask unanimous consent that the time for general debate be equally divided between the two sides, one half to be controlled by myself and the other half by the gentleman from Pennsylvania [Mr. LANGHAM].

The SPEAKER. The gentleman from Virginia moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House joint resolution 14, looking to the admission of Arizona and New Mexico as States. Pending that he requests that general debate be equally divided between the two sides, to be controlled one half by himself and the other half by the gentleman from Pennsylvania [Mr. LANGHAM].

Mr. FLOOD of Virginia. Mr. Speaker, I will not ask that any limitation be placed on general debate at this time.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion to go into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of House joint resolution 14, with Mr. GARRETT in the chair.

Mr. FLOOD of Virginia. Mr. Chairman, I ask unanimous consent that the first reading of the joint resolution be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FLOOD of Virginia. Mr. Chairman, I ask that the report of the committee be read in my time.

The CHAIRMAN. The Clerk will read the report in the time of the gentleman from Virginia.

The Clerk read as follows:

The Committee on the Territories, to whom was referred the joint resolution (H. J. Res. 14) approving the constitutions formed by the constitutional conventions of the Territories of New Mexico and Arizona, having had the same under consideration, reports it back with a substitute and with the recommendation that the substitute do pass.

The act "To enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," approved June 20, 1910, provided that when the constitutions for the proposed States of New Mexico and Arizona therein provided for should be formed in accordance with the terms and conditions of said enabling act, and said constitutions so framed should have been ratified by the people of New Mexico and Arizona, respectively, at elections provided for in said enabling act, certified copies thereof should be submitted to the President of the United States and to Congress for approval, and that if Congress and the President should approve the constitutions, or if the President should approve said constitutions and Congress should fail to disapprove the same during the next regular session of Congress, then, and in that event, the President should certify the fact to the governors of New Mexico and Arizona, respectively, who should, within 30 days thereafter, issue proclamations for the election of State and county officers and other officers of said proposed States, as therein set forth.

The committee reports that constitutions have been framed by constitutional conventions in accordance with the terms and conditions of said enabling act, and have been duly ratified by the people of New Mexico and Arizona, respectively, at elections held for that purpose, and that certified copies thereof have been duly submitted to Congress and to the President of the United States for approval, in accordance with the terms of said enabling act.

The committee further reports that on February 24, 1911, the President approved the said constitution of New Mexico in a message to the Congress as follows:

"To the Senate and House of Representatives:

"The act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States, etc., passed June 20, 1910, provides that when the constitution, for the adoption of which provision is made in the act, shall have been duly ratified by the people of New Mexico in the manner provided in the statute, a certified copy of the same will be submitted to the President of the United States and to Congress for approval, and that if Congress and the President approve of such constitution, or if the President approve the same and Congress fails to disapprove the same during the next regular session thereof, then that the President shall certify said facts to the governor of New Mexico, who shall proceed to issue his proclamation for the election of State and county officers, etc.

"The constitution prepared in accordance with the act of Congress has been duly ratified by the people of New Mexico, and a certified copy of the same has been submitted to me and also to the Congress for approval, in conformity with the provisions of the act. Inasmuch as the enabling act requires affirmative action by the President, I transmit herewith a copy of the constitution, which, I am advised, has also been separately submitted to Congress, according to the provisions of the act, by the authorities of New Mexico, and to which I have given my formal approval.

"I recommend the approval of the same by the Congress.

"WM. H. TAFT.

"THE WHITE HOUSE, *February 24, 1911.*"

The President so far has not acted on the said constitution of Arizona.

The committee further reports that it has had said constitutions under consideration and finds the same to be republican in form; that they make no distinction in civil or political rights on account of race or color, and that they are not repugnant to the Constitution of the United States or the Declaration of Independence, and that they are in conformity with the provisions of the enabling act.

The committee further reports that on February 16, 1911, Congress passed and the President approved a joint resolution entitled "Joint resolution reaffirming the boundary line between Texas and the Territory of New Mexico," defining the boundary line between the proposed State of New Mexico and the State of Texas, which boundary as defined in said resolution is not the boundary as defined in said constitution, and said joint resolution was passed to correct and define said boundary line and declared that any provision of said constitution that in any way tends to annul or change the boundary line defined in said joint resolution should be of no force or effect, but should be so construed as not in any way to change, affect, or alter said boundary lines defined in said joint resolution, and that the boundary line defined in said joint resolution "should be held and declared a conclusive location and settlement of said boundary lines."

The committee has carefully considered the said resolution so referred to it, and has had a number of meetings, at which citizens from the two Territories, particularly New Mexico, have appeared and been heard; representatives of the Anti-Saloon League and the Woman's Christian Temperance Union of New Mexico were also heard.

The committee also had before it the report of the hearings and evidence produced before the same committee of the Sixty-first Congress on this question.

The substitute admits both of the Territories as States without approving the constitution of either; in fact, changes in both constitutions are suggested by the substitute, which in effect is a disapproval of both constitutions as adopted.

This has been done in order to meet the views of those Members of Congress who are willing to admit these Territories as States but who are averse to affirmatively approving their constitutions as adopted.

In the case of New Mexico the suggested change is in Article XIX of its proposed constitution, which is the article on amendments. The reason for submitting this suggested change is that this article, as contained in the proposed constitution, taken in connection with the apportionment for the members of the legislature, renders it extremely difficult, if not impossible, to amend this constitution.

Article XIX as adopted requires that amendments may be proposed by two-thirds of all the members elected to each house of the legislature, except that at the first regular session held after the expiration of two years, and every eight years thereafter, a majority can propose amendments; but in either case only three amendments can be submitted at one election, and this must be a general election, and all amendments must be ratified by a majority of the electors

voting thereon, and this majority must equal 40 per cent of all of the votes cast for any purpose and 40 per cent of the vote cast in at least one-half of the counties of the State. The question of calling a constitutional convention can not be submitted to a vote of the people until the expiration of 25 years except by a three-fourths vote of all the members elected to each house of the legislature, and to call a convention during that period there must not only be a majority of all the electors voting at the election, but there must also be a majority of all the electors voting in one-half of the counties.

From a consideration of these provisions it will be seen that it will be extremely difficult for the people of New Mexico to secure the holding of a constitutional convention during the first 25 years, and when these provisions are considered in connection with the apportionment for members of the legislature provided by the constitution, the extreme difficulty of amending the constitution in any way will be manifest. By reference to the apportionment, it will be found that the four counties of Colfax, San Miguel, Bernalillo, and Socorro, with an aggregate population of 77,000, and which, on the basis adopted by the constitutional convention for representatives in the senate, would entitle this population to between 5 and 6 senators, are so apportioned that they constitute parts of 10 senatorial districts and can control the election of 10 of the 24 senators, and thus prevent the securing of two-thirds of the senators necessary to submit to the people an amendment to the constitution.

Then it will be further seen that if under such conditions an amendment is submitted to the people the constitution makes it extremely difficult to secure the necessary vote for its adoption. To adopt such an amendment a majority of the electors voting on the amendment must of course vote for it, and in addition this majority must consist of 40 per cent of the vote cast on all questions and 40 per cent of the vote cast in one-half of the counties. Thus it will be seen that if an amendment is submitted at a general election at which 25,000 votes are cast but only 10,000 votes cast upon the amendment, 9,000 of which are in favor of it and 1,000 against it, the amendment would be lost, because 40 per cent of all the votes cast at the election were not cast for the amendment. Or, again, if the amendment was popular in 12 of the 26 counties and unpopular in the other 14, 15,000 votes might be cast for it and none against it in the 12 counties, and 3,500 votes for it in the other 14 counties and 6,500 against it, and yet an amendment upon which there might have been 18,500 votes cast for and 6,500 votes against would be lost. It is only necessary to call attention to such provisions to secure their condemnation.

It is moreover found that the population of the counties lying along the eastern border of New Mexico have increased very rapidly in population in the past decade and will probably increase more rapidly in the future. The apportionment provided in the constitution suggests the denial of adequate representation to the rapidly increasing population of that section for a long time, unless the constitution is made more easy of amendment.

Certain other provisions of the constitution as framed and adopted are very objectionable, and will in their operation be very oppressive to the people of the new State, and it is claimed that they were brought about at the instigation and in the interest of certain large corporations and special interests whom it is claimed exerted large influence in the framing of the proposed constitution. The committee, however, has not thought fit to undertake to correct such objectionable features because it did not feel that it was in the province of Congress to make a constitution for the proposed State.

The substitute resolution suggests an amendment to the proposed constitution of New Mexico, providing that any amendments may be proposed at any regular session by a majority of all the members elected to the legislature, and that the same shall be submitted to the electors for ratification or rejection at the next general election or at a special election, and if ratified by a majority of the electors voting thereon such amendment or amendments shall become a part of the constitution, thus putting it in the power of the people of the new State to amend their constitution if desirable to correct or eliminate any provisions thereof that may be found to be objectionable or oppressive.

The constitution also attempts to secure the original Mexican or Spanish-American population of New Mexico in their equal right of suffrage and in the enjoyment of equal rights of education with other citizens, present and prospective, of the New State. Your committee has not only by its proposed amendment of said Article XIX preserved such rights as are secured in the proposed constitution, but has made sections 1 and 3 of Article VII, on the elective franchise, and sections 8 and 10 of Article XII, on education, more secure against amendment than is provided in said proposed constitution. This was done to make clearer and more certain what seemed to be the unanimous wish of the people of New Mexico.

It will be noted that the amendment suggested in the substitute is not made mandatory, but is to be submitted to the electors for ratification or rejection, as a majority may determine.

It has been represented to the committee, and is no doubt true, that the people of the Territory were so desirous of securing statehood that when the proposed constitution was submitted its merits and demerits were not carefully considered, but, being submitted to them, as it was, as a whole, a large majority, through their great desire to secure statehood, voted for it without regard to what is provisions were. The amendment suggested by the substitute resolution reported by the committee, if adopted, will give the people of the Territory the power and opportunity which they otherwise would not have—to change any provision which in their desire for statehood may not have been sufficiently considered when the proposed constitution was ratified.

It will be seen from section 4 of the substitute resolution that provision is made for a separate ballot for the purpose of voting upon such amendment, which is to be printed on paper of a blue tint so as to be readily distinguishable from the white ballots which will be used for the election of officers at the same election, and that these ballots are to be delivered only to the election officers and to be delivered by them to the individual voter when he offers to vote.

These provisions were made because the election is in other respects to be held under and subject to the election laws of New Mexico now in force, which do not provide for a secret ballot, and under which ballots are required to be "printed on plain white paper 3 inches in width and 8 inches in length or within one-quarter of an inch of that size." (Compiled Laws of New Mexico, 1897, sec. 1634.) And said ballots are to have the names of all candidates for the respective offices printed thereon, and if the suggested amendments were required also to be printed on these ballots, it is obvious that there would not be room for that purpose, and besides, under the present election laws of the Territory, the ballots can be distributed indiscriminately among the people some time before the day of election, and in other respects these election laws are lacking in the usual safeguards, while the provisions made by the substitute resolution in reference to the separate constitutional ballots will guarantee the necessary and usual safeguards.

The committee has also provided in said proposed substitute that the enabling act of June 20, 1910, shall be amended by making section 5 of said act so read as to remove the disqualification imposed upon the Spanish-American population of New Mexico who can not read, write, and speak the English language for holding State offices, including membership in the legislature of the new State. No just reason is found for such disqualification.

The evidence before the committee was that these Spanish-American citizens are eager for education and largely now speak the English language, and strive to advance the teaching of English to their children in all of their public schools, but that this provision of the enabling act is regarded by them as a reflection upon them and their race. They have at all times supported by their votes and the imposition of taxes the developing of the public-school system of New Mexico. They are largely an agricultural people, frugal, industrious, and earnest supporters of every movement intended to advance the progress, prosperity, and civilization of New Mexico.

Again, it was suggested that this disqualification violates the spirit and the letter of the treaty of Guadalupe Hidalgo between the United States and the Republic of Mexico, entered into on the 2d day of February, 1848, by the terms of which the Territories of New Mexico and Arizona were for the most part acquired.

The said treaty above mentioned, after providing in article 8 thereof that such citizens of the Republic of Mexico prior to said treaty as manifested their desire to become citizens of the United States by remaining in such ceded territory for a period of one year, proceeds in article 9 thereof as follows:

"Mexicans who in the territory aforesaid shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution; and in the meantime shall be maintained and protected in the free enjoyment of their liberty and property and secured in the free exercise of their religion without restriction."

It is doubted if the guaranty in Article IX to the previous citizens of the Republic of Mexico to be admitted * * * "to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution" is properly observed or enforced by said section 5 of the enabling act, when such citizens are denied the right to hold office, as aforesaid, unless they can read, write, and speak the English language. No such language restriction is found in the Constitution of the United States, and the committee believes that part of the enabling act containing such provision should be repealed.

The committee has also in its substitute resolution suggested an amendment to the proposed constitution of Arizona providing that the judiciary of the new State shall not be subject to recall from office by popular vote.

This amendment is not made mandatory, but is merely proposed and is to be submitted to the electors for their ratification or rejection at the first general election for State and county officers.

The controlling reason of the committee for proposing this change was the objection of the President of the United States to the recall provision of the Arizona constitution so far as it applies to the judiciary, and the belief on the part of the committee that if the recall as applied to the judiciary was again submitted to the people of Arizona it would meet the objection of the President.

The committee did not provide a separate ballot for voting on the proposed amendment to the Arizona constitution as it did in the case of New Mexico for the reason that Arizona has an effective and modern Australian election law, under which there is no restriction on the size or shape of the ballots, and the election on this amendment will be held under and subject to that election law, except so far as said law requires an educational qualification as a prerequisite to the right to vote. This exception was made in order to protect the Spanish-American electors of Arizona in the right to vote on this amendment.

Mr. FLOOD of Virginia. Mr. Chairman, I yield one hour to the gentleman from Colorado [Mr. MARTIN].

Mr. MARTIN of Colorado. Mr. Chairman, I fear that I appreciate the responsibility more than the unexpected honor of opening the discussion on this resolution admitting the Territories of New Mexico and Arizona to statehood, and I regret that I have not the exhaustive knowledge of Territorial affairs which might be expected on the part of one to whom that honor is assigned.

Perhaps, with the exception of the tariff and ship subsidies, the oldest issue in American politics is the admission of New Mexico to statehood, and Arizona has been knocking for admission now for more than 20 years. It might be assumed that all of the issues involved had been threshed out and argument exhausted; and particularly, perhaps, may this be contended with reference to the Territory of New Mexico, whose constitution has been approved by the President, and the resolution to approve which and admit New Mexico to statehood passed the House of Representatives during the last session without opposition or dissent. But since that action by the House, which failed of concurrence in the other body, the situation has been entirely changed by the appearance of the constitution of the Territory of Arizona and its joinder with the constitution of New Mexico in the procedure of approval.

I voted in the last House in good faith for the admission of New Mexico and without regard, I may say, to any of the various features of its constitution. It would be pleasant if I could say that I acted in the belief that a like good faith would be shown to the Territory of Arizona and that the people of that Territory, having framed and adopted by nearly an 80 per cent vote their organic law, it, too, would be approved by the President and by Congress without subjecting the various fea-

tures of its constitution not to a constitutional, but to a political, scrutiny.

But, unfortunately for me, the RECORD will show that I did not act upon the New Mexico constitution in the belief that the Territory of Arizona would be as liberally dealt with, and unfortunately for the Territory of Arizona subsequent events have established the fact that it has not been thus liberally dealt with. I therefore have no apologies to offer for the fact that while I unqualifiedly voted for the admission of New Mexico during the last Congress I am, in this Congress, proposing to attach a condition precedent thereto; and in this discussion I shall give no weight whatever to the action of this House and my action in connection therewith in the last Congress when one of these constitutions alone was before this Congress, now that they have come jointly before us and there is some disposition, if not an expressed intention, in certain quarters to make fish of one and flesh of the other——

Mr. MONDELL. Mr. Chairman, will the gentleman yield for a question?

Mr. MARTIN of Colorado. I will.

Mr. MONDELL. Did I understand the gentleman to say that his attitude toward New Mexico at this time is due to what he has termed the treatment accorded to Arizona since he voted without qualification for the admission of New Mexico? Did I rightly understand that to be the gentleman's position?

Mr. MARTIN of Colorado. My position at this time, I will say to the gentleman from Wyoming, is to insure as far as possible the admission upon equal terms and at the same time of both of those Territories.

Mr. MONDELL. Then the gentleman's position is, if there was no question about the admission of Arizona, he would not be inclined to insist upon any conditions in regard to the admission of New Mexico?

Mr. MARTIN of Colorado. Well, I think the gentleman knows as well as I do, and I propose to go into that subject somewhat during the course of my remarks, that there is some disposition to question the admission of Arizona at this time, and I need only call the gentleman's attention to the fact that the constitution of Arizona has been in the possession of the President without his approval since prior to the adjournment of the last Congress, while the constitution of New Mexico was very promptly approved——

Mr. HAMILTON of Michigan. May I ask the gentleman how long before the adjournment of the last Congress that constitution reached the hands of the President?

Mr. MARTIN of Colorado. Well, I am not claiming it reached his hands a very long period of time before——

Mr. HAMILTON of Michigan. The vote was taken February 19 for ratification, was it not?

Mr. FLOOD of Virginia. February 9.

Mr. HAMILTON of Michigan. February 9. I simply want to know, I have no——

Mr. FLOOD of Virginia. The vote was taken for New Mexico January 21.

Mr. HAMILTON of Michigan. I understand when those votes were taken, but I wanted to know of the gentleman from Colorado if he knew when the Arizona constitution reached the hands of the President?

Mr. MARTIN of Colorado. I will say to the gentleman that for my present purpose the exact date is not material. The material thing is that it reached the hands of the President on some day prior to the adjournment of the last Congress. Conceding, for the sake of argument, it was on the very last day, it has remained in his hands ever since without action.

Mr. HAMILTON of Michigan. Does the gentleman even know it reached the hands of the President on the last day of the last session?

Mr. MARTIN of Colorado. I understand it reached the hands of the President as soon as it did the Congress.

Mr. HAMILTON of Michigan. Does the gentleman know when it reached the Congress?

Mr. MARTIN of Colorado. It reached that body in time for the question of the approval of the constitution of Arizona to be attached to a resolution to approve that of New Mexico——

Mr. HAMILTON of Michigan. When was that?

Mr. MARTIN of Colorado (continuing). And it was attached in the Senate and thereafter the resolution was voted down.

Mr. HAMILTON of Michigan. Was that after midnight of March 3?

Mr. MARTIN of Colorado. Well, I did not hold the watch on the deliberations of the other body.

Mr. HAMILTON of Michigan. It was simply in the interest of getting the facts straight that I wanted to inquire of the gentleman; that was all.

Mr. MARTIN of Colorado. I think, Mr. Chairman, I make the facts sufficiently straight when I say that now for two months and a half the constitution of the Territory of Arizona has been in the possession of the President of the United States without any action by him thereon, whereas, on the other hand, he very promptly approved the constitution of New Mexico. That ought to be plain enough for the gentleman.

Mr. RAKER. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from California?

Mr. MARTIN of Colorado. I do.

Mr. RAKER. Has the gentleman from Colorado, or has the committee, any information to the effect that the President will not approve the constitution of Arizona for any cause, and if he will not approve it, is there any special reason why he will not?

Mr. MARTIN of Colorado. I want to say, in answer to the gentleman, that it has not been my privilege to discuss this matter with the President. I understand some members of the committee have discussed it with him, and that they know his attitude, if it could be known, which I think is a rather doubtful proposition.

Aside from that, all I know about it is what the gentleman and others know about it from the discussion of the subject in the public press. I presume the Members here have all read in the last two days the President's bitter and unqualified denunciation of one of the provisions of the Arizona constitution. I think it may be safely assumed when the President of the United States goes all over the land making speeches directed against the provisions of a constitution which is now in his hands, and when he warned the people against adopting it, that it is at least a matter of doubt whether he will approve that constitution unless some such proposition as we have suggested to this House shall be adopted.

Mr. HAMILTON of Michigan. Will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to the gentleman from Michigan?

Mr. MARTIN of Colorado. Yes.

Mr. HAMILTON of Michigan. I want the gentleman from Colorado to understand that I do not want to interrupt him unless he is perfectly willing. This inquiry is not for the purpose in any way of embarrassing the gentleman in anything he may say. My understanding is—and I want to find out how far that coincides with the gentleman's understanding—that the President has openly declared that he will not approve the Arizona constitution with the provision in it permitting the recall of judges? Is that the gentleman's understanding?

Mr. MARTIN of Colorado. I do not understand that the President has ever made any such open and unqualified statement as the gentleman has repeated.

Mr. HAMILTON of Michigan. I understand that is his objection. Does the gentleman from Colorado understand that?

Mr. MARTIN of Colorado. I understand that his principal objection is the recall of the judiciary.

Mr. HAMILTON of Michigan. The recall of judges.

Mr. MARTIN of Colorado. That is what I understand to be the ground of the President's objection.

I have no objection to interruptions, provided I have time to finish my speech. I have not proceeded very far, and yet in the little distance I have gone I have traveled over several sections of my speech already.

CONSTITUTIONS PRESENT GREATEST ISSUE SINCE SLAVERY.

I may say at the outset that these constitutions are typical of the two great contending schools of political thought now struggling for the mastery in this country, and whose conflicting ideas are fast becoming national issues, that of New Mexico being reactionary, as we call it—some people call it conservative—to a marked degree, and that of Arizona being progressive—some people call it radical—to a degree no less marked. And coming jointly before Congress at this time and under these conditions they are bound to excite, and have already excited, a discussion perhaps never before attending the admission of States, with the exception of the controversy over the admission of States involving the question of the extension of chattel slavery.

Mr. CAMPBELL. Kansas and Nebraska, for example.

Mr. MARTIN of Colorado. Exactly; Kansas and Nebraska, as the gentleman says.

Mr. Chairman, I take a deep interest in the admission of the Territories of New Mexico and Arizona. They are entitled to it. It is their birthright. And let those who are opposed to the imposition of any further condition precedent to the admission of these Territories bear in mind that it was not because of any fear or any probability that these Territories would not adopt

constitutions republican in form that they have been thus long denied the rights and privileges of statehood. For more than 35 years now the Territory of New Mexico has been upon the verge of statehood. She has been during all of that time qualified for statehood. She has been during all of that time entitled to statehood. And the fact that she has been, under one pretext or another, denied statehood, but never under the pretext that she would not adopt a republican form of constitution, is sufficient in itself to demonstrate that other considerations have barred her progress to the highest ambition and goal of all Territories.

Then, as a neighbor, and knowing the tower of strength they will be to the band of sister Western States in Congress, regardless of politics, I am deeply interested in the admission of New Mexico and Arizona, and I would be the last man on this committee to do any act or advise any course that I thought would materially delay or threaten the consummation of statehood. Nor is any material delay involved in the recommendations of the committee. On the contrary, indications are not wanting that acquiescence in the action of the committee will promote and expedite statehood. Before proceeding to consider these recommendations and the cause of them, I want to further notice some preliminary matters which I have already touched upon, but from which I have been diverted by interruption.

This is a Government by political parties, and I take no stock in the protestations of men who disclaim political considerations, a position I may safely take when dealing with one proposed State which failed of admission to the Union 35 years ago because of political considerations, and with another whose admission is now threatened solely because of differences of political opinion. And yet I shall undertake to show that the committee has dealt with absolute impartiality with reference to both of these proposed States; that it proposes to submit to each of them but one proposition, to be voted upon at the time of the first election of State officers, leaving the peoples of the proposed States absolutely free to vote these propositions up or down; only that they shall be required to vote upon them.

TERRITORIES EQUALLY ENTITLED TO ADMISSION.

Under the enabling act passed at the second session of the last Congress the constitution of New Mexico was submitted to the President and Congress during the closing days of the last session for their action, as provided in the enabling act. The President, as I have already stated, very promptly approved of the constitution of New Mexico, but has thus far failed to approve of the constitution of Arizona, which he can not claim, which he has not claimed, and which can not seriously be claimed to be unrepublican or violative of the principles of the Declaration of Independence or of the Federal Constitution.

The House of Representatives, as I have already stated, approved the constitution of New Mexico, at the time of taking which action I said in the House I would be glad, in view of the threatened disapproval of the constitution of Arizona, if, when it came to admitting these proposed States—and here is my answer to the gentleman from Wyoming—we could tie them together and make it both or neither, because, as I take it, their rights in the premises are absolutely equal. I, for one, now that this joinder has been brought about by circumstances over which I have no control, say that I am absolutely unwilling that one shall come into the Union and the other shall be barred.

Mr. MONDELL. Will the gentleman yield?

Mr. MARTIN of Colorado. I will.

Mr. MONDELL. I understand the gentleman to answer my question by stating that his objections to the unqualified admission of New Mexico is that Arizona shall be admitted without any conditions?

Mr. MARTIN of Colorado. The gentleman's party has a very easy and simple method to satisfy my fears on this score. They can wait upon the Executive and have him approve, if they have that much influence with him, the constitution of Arizona. But, in view of the fact that no such action has been taken, I am not in a position to further answer the gentleman's question.

Mr. MONDELL. The gentleman from Colorado said a moment ago that the constitution of Arizona was progressive and the constitution of New Mexico was reactionary.

Mr. MARTIN of Colorado. I did.

Mr. MONDELL. The gentleman comes from a State that has in its constitution a provision granting franchise to women.

Mr. MARTIN of Colorado. Yes; by amendment.

Mr. MONDELL. The constitution of Arizona limits the franchise to the male citizen.

Mr. MARTIN of Colorado. It does.

Mr. MONDELL. The constitution of New Mexico grants, not full franchise, but very considerable right of franchise to women. Is that one of the reactionary provisions in the New Mexico constitution which the gentleman had in mind?

Mr. MARTIN of Colorado. I do not think New Mexico grants sufficient franchise to women to hurt them any; just school elections, and a majority of the male voters may by petition deprive them of that small privilege. So far as the constitution of Arizona is concerned, I am not in favor of that provision. I am sorry that a people who demonstrate themselves to be so thoroughly progressive in every other particular were not broad enough to give women what my State and your State has given them, the unqualified right of franchise.

Mr. MONDELL. I understood the gentleman to approve the Arizona constitution as being thoroughly progressive.

Mr. TAYLOR of Colorado rose.

The CHAIRMAN. Does the gentleman from Colorado yield to his colleague [Mr. TAYLOR of Colorado]?

Mr. MARTIN of Colorado. Mr. Chairman, I think the gentleman from Wyoming [Mr. MONDELL] is through. I think he has squared himself with the lady vote in Wyoming for the next campaign, and does not care to interrupt me any further at this juncture. [Laughter.]

Mr. McGUIRE of Oklahoma. Mr. Chairman, I will ask the gentleman to permit a brief question.

The CHAIRMAN. Does the gentleman yield?

Mr. MARTIN of Colorado. I do.

Mr. McGUIRE of Oklahoma. I ask for information. Does the proposed constitution of Arizona provide that a majority may amend?

Mr. MARTIN of Colorado. Yes.

Mr. McGUIRE of Oklahoma. A majority vote may amend the constitution?

Mr. MARTIN of Colorado. Yes; a majority of the legislature may submit an amendment and a majority of the people voting on the question may adopt it.

Now, I take the position, which I stated to the gentleman from Wyoming [Mr. MONDELL] with reference to Arizona feeling that it is just as much entitled to admission at this time as New Mexico; that its admission is jeopardized by prejudice against a certain provision in its constitution; and that after New Mexico was safely gotten into the fold, Arizona might be left out in the cold until such time as its people saw fit to adopt, not the kind of constitution they wanted, but the kind of constitution that somebody here in Washington wanted, or thought they ought to have. As I said in the beginning, events in another body have indicated that this fear was well founded, because of the action that occurred there when, by motion, the constitution of Arizona was added to the resolution approving New Mexico, and the entire resolution failed, when there can be very little doubt that had the resolution come before that body for New Mexico alone, it would have been adopted, as it was in this House.

UNDER ENABLING ACT CONGRESS DIVIDED ITS CONSTITUTIONAL POWERS WITH PRESIDENT.

At the time of the passage of the resolution through this House in the last Congress admitting New Mexico, I examined the enabling act and expressed the opinion that it was devised to give the President alone the power to admit or reject the proposed States of Arizona and New Mexico, whereas, under the Constitution, that is peculiarly and solely within the province of Congress, and that the President having approved the constitution of New Mexico, it would become a State, unless both Houses of Congress affirmatively disapproved the constitution of New Mexico during the next regular session of Congress, which would be the session beginning in December next. This I understand to be the view taken by those who are deeply concerned for the admission of New Mexico, but not so much concerned about Arizona, and in that connection I want to quote briefly from the hearings before the committee, in which Judge Fall, the able and brilliant proponent, and, some say, the author, of the New Mexico constitution, was appearing in its behalf before the Committee on Territories. I asked Judge Fall whether the Attorney General of the United States had indicated to him what would constitute a disapproval of these constitutions by Congress and whether he indicated, in his opinion, what would be the result finally if only the House disapproved of one of these constitutions and the other body simply failed to act upon it. Judge Fall replied that he did not.

I simply presumed from the conversation with him that that would be a failure of Congress to act; that the action of Congress would be the action of both Houses, and I think that was his idea; if either House should disapprove and the other not disapprove, that would be a failure to act, and, as he stated, all you have to do is to rest easy and New Mexico comes in automatically. You will simply have to wait for it.

That, says Judge Fall, is what the Attorney General of the United States told him. It may be that the water has run by the mill. It may be that this resolution, which is tantamount to a disapproval of the constitutions of Arizona and New Mexico until the conditions specified in the resolution have been complied with, will fail of passage, and thus will New Mexico, with its antiquated form of constitution, become a State of the Union, while Arizona will remain a Territory as the penalty of its courage, independence, and advanced political thought. I do not believe that this will be the case. I know it ought not to be the case, but that the action proposed by the pending resolution is so fair that it ought to appeal to both bodies of Congress and receive the approval of the President, thus securing statehood without delay to both Territories.

NO OBJECTION MADE TO ARIZONA CONSTITUTION.

Now, the sessions of the committee were entirely occupied with the consideration of the provisions of the New Mexico constitution. No one appeared in criticism of or in opposition to the constitution of Arizona. Not one single objection, I believe, has ever been lodged with the present Committee on Territories from any source in the Territory of Arizona, or outside of it, for that matter, against the constitution that was adopted by the people of Arizona. It is from Washington, not from Arizona, that objection comes to the Arizona constitution. The spokesman of the Arizona delegation said in a few words that if the Arizona constitution contained any provision or any number of provisions upon which the committee thought the people of Arizona should have an opportunity to act independently of the great question of statehood, which might naturally have inclined them to accept their constitution whether they liked it or not, Congress might resubmit the provision or provisions to a vote of the people of Arizona.

Mr. RAKER. Will the gentleman yield for a question?

Mr. MARTIN of Colorado. I will.

Mr. RAKER. Now that Arizona is likely to come into the Union, and there is no objection there now, why ought not Congress to admit her and give her the right to become a State without delay?

Mr. MARTIN of Colorado. I think Congress ought to do so, but, unfortunately for Arizona, this matter seems to have been so shaped up that Congress has seen fit to divide its powers with another department of the Government, a division of power, by the way, it has been suggested, and I think properly, which is not binding upon the Congress and finds no sanction whatever in the Constitution.

HOW CONGRESS HAS DIVIDED POWERS WITH PRESIDENT.

Mr. HAMILTON of Michigan. May I ask the gentleman a question?

Mr. MARTIN of Colorado. Yes.

Mr. HAMILTON of Michigan. Perhaps I did not understand the gentleman's statement correctly, but it has been my understanding that heretofore the admission of States has been provided ordinarily in enabling acts, and in those acts we have said that if the constitution presented is republican in form, in harmony with the enabling act, and not in conflict with the Declaration of Independence, then the President shall make proclamation, but we have not called upon the Congress to take any action in the premises heretofore——

Mr. MARTIN of Colorado. I think that is true.

Mr. HAMILTON of Michigan. The gentleman just stated, in response to the question of the gentleman from California, that we had divided our authority with the President. As a matter of fact, we have left it with the Executive heretofore under the enabling act.

Mr. MARTIN of Colorado. No; we have divided the authority in this way, that heretofore upon the presentation by an enabled Territory to the President of a constitution that was republican in form he must issue his proclamation——

Mr. HAMILTON of Michigan. Precisely. Republican in form and with various other requirements.

Mr. MARTIN of Colorado. Now, we have provided in this enabling act, in addition to the ordinary requirements, for the submission of these constitutions to the President and to Congress for their approval or disapproval. We have heretofore given direction to the President, on the submission to him of a constitution republican in form and not contrary to the principles of the Declaration of Independence and the Federal Constitution, to issue his proclamation, but in this enabling act we say that Congress and the President shall have the power to approve or disapprove the constitutions themselves, an entirely novel proposition. Now, what does that mean? Is it not thereby intended to give a much wider range to the consideration of constitutions than heretofore? Is not that what the President is acting upon when he assumes the right to withhold approval from the constitution of Arizona simply because there is one single feature in it that he thinks is unwise and impolitic, but which he can not claim to be unrepublican? Now, Congress always has this power. Congress inherently had this power to approve or disapprove a constitution submitted to it by any Territory. The Federal Constitution gives it all power, and the President never had any power until the Congress sought to confer it upon him by this enabling act.

Mr. LITTLETON. Will the gentleman permit a question?

Mr. MARTIN of Colorado. I will yield to the gentleman now.

Mr. LITTLETON. For information I would ask the gentleman if there is any other State in the Union which has provided for the general power of recall such as is proposed in the Arizona constitution?

Mr. MARTIN of Colorado. I believe while this movement for the recall is growing and finds favor in a great many States, that Arizona has gone somewhat further in that regard than any other portion of the country.

Mr. FLOOD of Virginia. If the gentleman will permit, I do not think Arizona has gone any further than Oregon has, for here is the Oregon provision, which provides for the recall of all of its officers, including its judiciary, and especially mentions the supreme court judges; so I think Oregon has gone as far as Arizona in the recall provision in its constitution.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of Colorado. Yes.

Mr. RAKER. Has the gentleman compared the Oregon provision with the provision of the proposed constitution of Arizona? Is there any difference except a few words? Are not they both practically the same and both contain practically the same provisions?

Mr. MARTIN of Colorado. Upon the statement of the gentleman from Virginia, Mr. FLOOD, yes.

EFFECT OF PASSAGE OF RESOLUTION.

Mr. RAKER. Now, may I just ask a further question?

Mr. MARTIN of Colorado. Yes.

Mr. RAKER. Under this joint resolution, did the committee hold that if it passed the House and Senate the President would admit New Mexico without putting Arizona through?

Mr. MARTIN of Colorado. Well, that particular question was not discussed. I have been of the opinion, if the gentleman just wanted my opinion, that if the House passed this resolution and the Senate did not, when the next regular session of Congress adjourns New Mexico will be a State and Arizona will not be; but if the resolution goes through both Houses substantially as we have drafted it, it works a disapproval of both constitutions by Congress and nullifies the President's approval of New Mexico. Our position is that the amendment we have proposed to each of these constitutions is tantamount to a disapproval of them, and neither of them will be States, unless the President approves the resolution. It will then be up to the President, who must take both or neither.

Mr. RAKER. One more question. Oregon has already adopted this recall of judges. The State of California has proposed a like amendment. What we want to know now is whether or not we are having a republican form of government, and if you keep out Arizona because it is not a republican form of government, what are you going to do with Oregon, and with California if they adopt these amendments? And why should we in advance say to the President, "We are afraid of you," and not put right up to him the measure to be passed upon, with New Mexico and Arizona together?

Mr. MARTIN of Colorado. I will say this: That personally, from a political standpoint, I would not ask any better issue before the people of this country to-day than to have the President of the United States give his approval to the reactionary constitution of New Mexico and veto the progressive constitution of Arizona. But I am not injecting my personal prejudices and opinions into the proposed action of the committee, which was taken simply to meet the objection of the President and with the approval of the people of Arizona.

Mr. MURDOCK. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Kansas?

Mr. MARTIN of Colorado. I do.

Mr. MURDOCK. I wish the gentleman would clear me up on this proposition.

Mr. MARTIN of Colorado. What is the proposition?

COMMITTEE DID NOT PASS ON MERITS OF RECALL.

Mr. MURDOCK. The proposition is contained in this joint resolution in the matter of the recall. The joint resolution proposes that there shall be submitted to the voters of New Mexico a proposed amendment to their constitution, namely, a provi-

sion for a recall, with the judiciary excepted, the voter to vote for——

Mr. MARTIN of Colorado. That is Arizona.

Mr. MURDOCK. Yes; Arizona. The voter to vote either for or against this proposed amendment in the joint resolution. Now, if the majority of the voters in Arizona vote against this proposed amendment in the joint resolution, then does the original provision in the constitution of Arizona for the recall of the judiciary remain intact?

Mr. MARTIN of Colorado. That is our purpose and understanding.

Mr. HAMILTON of Michigan. That is set forth in the resolution itself.

Mr. MARTIN of Colorado. Yes. It is as clearly prescribed in the resolution as we were able to prescribe it.

Mr. MURDOCK. Then I understand that the constitution of Arizona will stand as it was originally drafted, with the recall of the judiciary, if this proposed amendment is voted down?

Mr. MARTIN of Colorado. It will. And I will say to the gentleman further that the only difference between this section as it stands in the resolution and as it stands in the constitution is that we have inserted five words, "except members of the judiciary." We have just inserted those five words in the substitute proposition.

Mr. MURDOCK. Are we to take that to mean that the majority members of the committee are against the recall of the judiciary? I will state to the gentleman that I am for the recall of the judiciary, with proper initiative safeguards. Are we to take this to mean that the majority members of the Committee on Territories of this House are against the recall provision?

Mr. MARTIN of Colorado. No; it is not entitled to any such construction, because the committee did not go into the merits of that proposition. We never divided on the question as to whether the recall was desirable or undesirable. We simply accepted the proposition of the people of Arizona, took them at their word, that they were willing to have this question resubmitted to them, and we sought thereby to meet the objection of the President; and that is the only purpose we had in the world.

Mr. FLOOD of Virginia. Will the gentleman yield?

Mr. MARTIN of Colorado. Yes.

Mr. FLOOD of Virginia. I would like to call the attention of the gentleman from Kansas [Mr. MURDOCK] to the reason given by the committee for this amendment in the report they made to the House.

Mr. MURDOCK. I have read it.

Mr. FLOOD of Virginia. The report says:

> The controlling reason for proposing this change was the objection of the President of the United States to the recall provision, so far as it applies to the judiciary.

It does not voice the sentiments of a majority of the committee. We simply take conditions as we find them and in our desire to get the resolution through and give statehood to both Territories we have put such provisions in as we believe will meet the varying views and bring about the enactment of this joint resolution.

Mr. MURDOCK. I would like to ask the gentleman from Virginia, with the permission of the gentleman from Colorado, if he does not think that this new provision in the joint resolution will rather predispose the people of Arizona to vote down the recall of the judiciary merely for the purpose of getting in?

Mr. MARTIN of Colorado. They do not have to vote it down; they can vote it up or vote it down.

Mr. MURDOCK. They can not vote it up and get in.

Mr. FLOOD of Virginia. There is no condition except that they shall vote on it; that is the only condition we attach.

Mr. MURDOCK. But the majority members of this committee do not inform me or the House as to their individual opinion on the recall of the judiciary.

Mr. MARTIN of Colorado. I am going to tell the gentleman what mine is, if I get a chance.

Mr. MURDOCK. Is the gentleman for or against it?

Mr. MARTIN of Colorado. I am for it. [Applause.]

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of Colorado. I will yield to the gentleman from Illinois.

Mr. FOWLER. I desire to ask if it is the intention of the committee to request the people of Arizona to vote on the question of the recall of the judiciary only and not as to other officers?

Mr. MARTIN of Colorado. That is the proposition; the judiciary only.

Mr. FOWLER. Why should there be any distinction made between the recall of one officer as distinguished from another?

Mr. MARTIN of Colorado. I will say to the gentleman that I do not make any distinction. I propose to notice that question very briefly if I have time. I only mention it now as another evidence of the fact that the work of this committee was not the opinion of any one man, that we arrived at what appeared to be a reasonable solution of the main issue involved to meet the objections of the President, and to which the Arizona delegation readily assented.

Mr. FOWLER. One question more. Do I understand the resolution indorses the recall as to all other officers than that of the judiciary?

Mr. MARTIN of Colorado. Well, I think our minority brethren have done that by the language they employ in the report, which I hope to give some attention to if I ever get to it.

Mr. FOWLER. I desire to know why the judiciary should receive any distinction above that of any other officer in the State?

Mr. MARTIN of Colorado. I trust the chairman of the committee will give the gentleman time on that proposition, and I think I can assure him in advance, from the tenor and tone of his questions, that our views are not materially different on that proposition.

Mr. FOWLER. I am asking for information. I want to know what provision of the constitution discriminates in favor of a judge as against a constable? [Laughter.]

Mr. MARTIN of Colorado. I want the gentleman to get after these gentlemen who are opposed to the recall of the judiciary with that question when they get the floor.

Mr. BOWMAN. Will the gentleman yield?

Mr. MARTIN of Colorado. If I have time.

Mr. BOWMAN. If this resolution prevails and the people of Arizona vote on the question and determine that they will or will not have the recall, the Territory would be admitted in either instance?

Mr. MARTIN of Colorado. It will be admitted whichever way they vote.

Mr. BOWMAN. The only purpose is to let them consider whether they were right in the first instance?

Mr. MARTIN of Colorado. Exactly. I will say to the gentleman that it is usually claimed in the adoption of all constitutions that in the overwhelming desire for statehood the people will swallow anything in the way of a constitution, and that they will accept provisions which they never would accept if disassociated from the consideration of statehood, and it is to meet that proposition that we propose to give them a chance to vote again.

Mr. BOWMAN. What objection is there to passing the resolution in its present form and giving them the opportunity of one more vote? That is all there is to it.

Mr. MARTIN of Colorado. I do not understand why the gentleman's side of the House does not see it in that light. I trust that we will have the support of the gentleman from Pennsylvania.

Mr. BOWMAN. The gentleman will certainly have my support.

Mr. FOWLER. Mr. Chairman, I desire to ask one further question.

Mr. MARTIN of Colorado. I will yield to a further question.

Mr. FOWLER. I desire to ask for information whether or not the President contends that if Arizona is required to frame its constitution omitting the recall of judges, if he contends that Arizona can not amend its constitution after it becomes a State incorporating the recall of judges?

Mr. MARTIN of Colorado. I will say to the gentleman that he has just spoiled one more good thing in my speech [laughter], because I take the position that if the people of Arizona are required to go through the senseless formality insisted upon by the minority in their report, that they shall be required to vote and vote favorably on this amendment as a condition precedent to statehood, I would not blame them a particle if they went to the polls and voted the exemption of the judiciary into their constitution at the first election, and then at the next election, as they undoubtedly may do, vote it out again. I do not believe they are ever going to vote in the exemption in the first place.

ATTITUDE OF ARIZONA COMMENDABLE.

I have referred to the action of the Arizona delegation in coming before our committee and taking the broad position that we could submit one or any number of the provisions of their constitution that we saw fit back to a vote of the people; and I think that the action of the Arizona delegation may be commended, even at this late day, to the proponents of the New Mexico constitution. We do not say to them, no more do we say to the people of Arizona, you must accept the proposed amendment to your constitution, but we merely say, you must vote on this proposition; and I am curious to know what is at the bottom of the opposition of the advocates of the New Mexico constitution, which is no more theirs than is the Ari-

zona constitution that of the Arizona delegation, which took such a liberal position.

The New Mexico delegation was divided into two camps in the hearings before our committee, one being Republican in membership, advocating the constitution as it now stands, although some of them privately conceded the fairness of submitting to the people of New Mexico an amendment to the article on amendments, rendering their constitution less difficult to amend, while at one stage of the hearings all of the delegation to which I am now referring appeared favorable to such a proposition. What influence caused them later to change their minds I am unable to say, but if I had only one guess I would without hesitation say politics. I would say politics and the whispered word that went down the line from some high source here in Washington that New Mexico is to come in and Arizona is to stay out, not only on account of her form of constitution, but for some other reasons. The other delegation, Democratic in membership, excepting one lone insurgent Republican, who found no response in the hearts of the minority on that committee, criticized different features of the New Mexico constitution, and were a unit on the proposition that it ought to be made more easily amendable.

I propose to criticize it myself, showing wherein upon the face of that instrument and irrespective of anything that has been said before the committee, and for that matter without even referring to the testimony in the hearings, the necessity exists for giving the people of New Mexico an opportunity to act upon this matter, if it is to be assumed that there is any such progressive spirit among the people of that Territory—and I think there is—as is now moving the people of this whole country irrespective of party, and is indeed more pronounced in the Republican than in the Democratic States of this Union.

Whence come the prophets of the rule of the people? It strikes me I have heard much of the Iowa idea and the Oregon plan, not to mention revolutions in Oregon and Washington and California and elsewhere. In fact, Oklahoma seems to be about the only up-to-date Democratic State at the present time.

NEW MEXICO DEMOCRATS NOT OPPOSING STATEHOOD.

But before proceeding to discuss the New Mexico constitution, I want to say a word for the men who appeared in criticism of it. I am willing to make due allowance for the play of politics. It is natural that the political party framing the constitution of New Mexico should have sought to secure its control for as long a time as possible of the politics of that State, and they certainly did their work well. It is but natural, too, that they should seek whatever political advantage is to be derived from the fact that representatives of the opposite party appeared before the committee and criticized a constitution which was adopted by a majority of 18,000, and which carried the strongest Democratic counties in the Territory by large majorities.

But I want to say for these men that they stood first for statehood, to which everything else was to be subordinated, and that they did not ask at the hands of the committee any action which would endanger or delay statehood. These men labored under a great and obvious disadvantage, the disadvantage of being made to appear in the light of obstructing statehood, when all that they asked was an opportunity that the people of New Mexico might be empowered to strike off the shackles which this constitution surely and certainly fastens upon them. It was an easy matter for the proponents of this constitution to fill the people of New Mexico with alarm as to what these Democratic Representatives were doing here and to make the people of New Mexico feel that any action that might be taken by Congress would jeopardize statehood. It was charged against these Democrats that they did not represent their party or their party sentiment in New Mexico; but mark you, after Congress has said its final word in this matter, it will be claimed, and claimed from the same sources, that these men did represent the Democratic Party, which they did, one of them being the Democratic national committeeman for the Territory and another having been for years the Democratic Delegate in the Congress of the United States. But I make allowance for that. It is part of the game as it is played. I do not even criticize the men who seek political advantage in this way.

NEW MEXICO FIGHTING GROUND.

New Mexico is fighting ground. It is naturally Democratic. Under a constitution like that of Arizona it would be Democratic within five years. Relieved of the incubus of the national administration, freed from the grip of the machine boss and the corporation lawyer, given a secret ballot such as now prevails in every other State in the Union, and within five years New Mexico would sweep out of power the combination of corporate interests and political machines which took advantage of the universal and insistent demand for statehood to fasten this yoke for decades to come upon the people of a great, progressive Commonwealth such as New Mexico certainly will be. I would be somewhat concerned that New Mexico should be Democratic in politics, but I am vastly more concerned that it shall be Democratic in principle and character. [Applause on the Democratic side.]

And I speak with knowledge of conditions when I say that this constitution was devised for the express purpose of defeating for many years the very cardinal principle of a republican form of government, the rule of the majority, and, under the conditions existing in New Mexico, of a great deal more than a majority. But let us examine this constitution, and let us examine it in the light, not of constitutions that were created 100 years ago, but of constitutions that are being re-created to-day throughout this broad land to conform with the progressive political spirit of the times, and see whether it meets the test, not a radical test, not the test of Arizona, of Oklahoma, of California, of Wisconsin, of Washington, of Oregon, of Colorado, of Missouri, or even of Illinois.

NEW MEXICO CONSTITUTION—THE ARTICLE ON AMENDMENTS.

The main proposition considered by the Committee on Territories was article 19 of the constitution of New Mexico, entitled "Amendments." This article starts out with the proposition that any amendment to this constitution may be proposed in either house of the legislature at any regular session thereof, and if two-thirds of all the members elected to each house, voting separately, vote in favor thereof it may be submitted to the people, and that every eight years a majority of the legislature may submit a constitutional amendment. I would have no particular quarrel with that feature of the New Mexico constitution. There are a great many States whose legislatures permit amendment by majority and a great many permit amendment by two-thirds vote; but in that regard I am glad to subordinate my views to the views of a majority of the committee, because, after all, the recommendation of the majority of the committee is the cardinal rule of republican institutions; that is, the rule of the majority. But it is in the method of ratification of a constitutional amendment that this article was deemed by a majoriy of the committee to be indefensibly objectionable. Indeed, I undertake to say that the provision to which I am about to call attention is duplicated in no other State constitution in the Union, and it is there for a purpose.

This constitution provides that when an amendment has been submitted by the legislature it may be ratified by a majority of the electors voting thereon and by an affirmative vote of at least 40 per cent of all the votes cast at said election in the State and in at least one-half of the counties thereof.

The language is "in at least one-half of the counties thereof"; not 40 per cent, mind you, of the votes cast on the amendment, but 40 per cent of the total votes cast in the election for any purpose must be cast for this amendment in the State and in at least one-half of the counties of the State.

THE PROPOSED SUBSTITUTE FOR THE ARTICLE ON AMENDMENTS.

Now, I want briefly to call attention to the provisions of the proposed article on amendments. I will say, first, the committee and subcommittee gave careful attention to the provisions of the resolution. We were anxious to avoid ambiguities and complications and gave more than ordinarily close scrutiny to the effect of the various provisions and the language employed. We followed as closely as practicable the language of the enabling act and of the New Mexico constitution, and if in any particulars errors are found, the mistakes are honest and are not due to any intent to hamper, harass, mislead, or dictate to the people of the Territory.

The principal change proposed in the New Mexico constitution by the recommendation of the majority, in a nutshell, is that the majority of the legislature may propose an amendment and the majority of the votes cast thereon at the election may ratify such amendment.

This constitution contains a most extraordinary feature as it now stands, and that is that every eight years a majority of the legislature may propose an amendment. I take that as an admission that at intervals it is desirable that the majority may submit an amendment, and it leaves little substantial ground for objection to giving such powers to every legislature. It is true, as I have stated, that many States require two-thirds, but the extremely conservative constitution makers of New Mexico, having recognized the periodical desirability of power in majorities, are practically out of court on that point.

This is hardly the rock upon which we will split. If we are to submit any amendment at all to the people of New Mexico, we may as well come at once to the more modern and re-

publican proposition of majority rule and let them say whether they will have the one or the other. Personally, I consider this provision as it now stands the least objectionable of the various features of article 19 and would not have advocated any change, notwithstanding I prefer the majority rule; but the substitute framed by your committee is not so nearly the product of one mind as is the original provision, and I am glad to support that feature as proposed, which finds sanction in the constitutions of 17 States of the Union.

METHOD OF RATIFICATION.

The next provision, however, that a majority of those voting upon an amendment shall control, is so manifestly right and so generally supported by the constitutions of the various States that I have little patience with pretended objections to it. I have made a notation here——

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLOOD of Virginia. How much more time does the gentleman desire?

Mr. MARTIN of Colorado. I have been interrupted so frequently that I may need 20 or 30 minutes to conclude.

Mr. FLOOD of Virginia. Then, Mr. Chairman, I yield 20 minutes to the gentleman.

The CHAIRMAN. The gentleman from Colorado is recognized for 20 minutes more.

Mr. MARTIN of Colorado. A table prepared by the committee shows that 28 States permit amendment by a majority of those voting thereon, and in only 18 is a greater than a majority vote required.

To count every vote cast at an election but which is not cast upon the question as a vote against it is to place a premium upon ignorance and neglect of duty, and is to place the power of defeating a measure in the hands of those who fail or refuse to exercise that power one way or the other.

The constitution makers of New Mexico recognized the fact that not nearly all voters at an election vote upon constitutional amendments when they provided that 40 per cent of the total vote cast should be necessary to adopt an amendment. The proposal would be considered monstrous that all those not voting upon an amendment should be counted as for it, but the reverse is no less monstrous in reason and justice and may be no less fruitful of harm. We may as well have a rule here in Congress that Members not voting upon a bill shall be recorded as against it. I believe in government by those who exercise the rights of citizenship, and not by those who do not. But our resourceful friends in New Mexico did not stop at the requirement that 40 per cent of the total vote cast voting affirmatively should be necessary, but that the amendment must receive such vote in at least one-half the counties in the State. So far as I know, this is a unique method of distributing political power.

Mr. MONDELL. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Wyoming?

Mr. MARTIN of Colorado. I do.

Mr. MONDELL. Does the gentleman think that the provision contained in the New Mexico constitution, requiring 40 per cent of all those voting for the ratification of an amendment, renders amendment more difficult than the provisions in the constitutions of some of the other States requiring a majority of all the votes cast at an election, or, as in the State of Iowa, a majority of all voters qualified to vote for members of the general assembly? I think the State of Georgia also has a provision of that kind. Does the gentleman consider that this provision he objects to renders amendment more difficult than the provisions I have referred to?

Mr. MARTIN of Colorado. Did I understand the gentleman to say that in Iowa it took a majority of all votes cast in the election?

Mr. MONDELL. In Iowa a majority is required of those qualified to vote for members of the general assembly.

Mr. MARTIN of Colorado. That is neither here nor there; that is not the most objectionable feature with reference to ratifying, but still further requirements. The gentleman understands the conditions down there as well as I do—that this amendment must get at least 40 per cent of the total vote cast and 40 per cent in at least one-half of the counties in the State.

Mr. MONDELL. Will the gentleman yield until I read the provision in the Iowa constitution?

Mr. MARTIN of Colorado. No; I do not care to have that taken out of my time. If he states that it takes a majority of the total vote cast in Iowa, I will accept it.

Mr. MONDELL. A majority of the electors qualified to vote for electors of the general assembly.

Mr. MARTIN of Colorado. But there is no provision in the Iowa constitution and no provision in the constitution of any other State in the Union that I ever heard of requiring a certain percentage of the vote cast in at least one-half the counties of a State to ratify an amendment.

Mr. MONDELL. The Constitution of the United States has a provision under which the affirmative action of three-quarters of the States is required.

Mr. MARTIN of Colorado. Well, if that is such a wise and beneficent provision of the Federal Constitution, why did not the States incorporate it in their constitutions? There seems to have been some necessary line of demarcation between the State and Federal Governments when in 28 of the 46 States of the Union a constitutional amendment may be ratified by a majority of the votes cast thereon. I am arguing as to what the general rule is to show the reasonableness of the recommendations of the committee.

Mr. MONDELL. If the gentleman will pardon me, the gentleman must admit that there are a number of States with constitutional provisions which render amendment quite as difficult as the provision which he criticizes.

Mr. MARTIN of Colorado. No; I will not concede that, especially under the conditions existing in this Territory, the racial conditions down there. I want to say to the gentleman that this provision was not put in this constitution to restrain the Spanish-speaking people of New Mexico. It was conceded on all sides before the committee that they are a very conservative people, not much taken with changes, and that they could be depended upon to stand by the constitution as adopted. But this was put in to hog tie the American element of the Territory of New Mexico. It was readily foreseen how there could be conditions injected and issues raised of a local character that I do not care to go into at this time that would make it exceedingly difficult to ever get 40 per cent of the total vote cast for any purpose for an amendment in some of these counties.

Mr. MONDELL. I note that the amendment which is proposed in the resolution which the gentleman favors provides that no amendment by a majority vote, such as is provided, shall apply to or affect sections 1 and 3 of article 7, but as to these articles there must be a three-quarters vote of the legislators and an affirmative vote of at least three-quarters of the electors. I notice that article 1, section 1, relates to suffrage, and starts out with the declaration that every male citizen of the United States shall have a right of franchise. The gentleman comes from a woman-suffrage State, and I wonder why the gentleman considers it important that a larger vote shall be required to grant the right of suffrage to women than would be necessary for an amendment, for instance, striking out the bill of rights.

Mr. MARTIN of Colorado. Now, I will say to the gentleman that I will reach that proposition in a few minutes. I will only say now that he has completely distorted the purpose of the committee, and for that matter the purpose of everybody concerned, with reference to the particular provision he has just quoted.

Mr. MONDELL. It is true that while you provide other portions of the constitution may be amended by a majority vote, a proposition to grant the franchise to women can only be adopted by a three-quarters vote of the electors. I assume that the gentleman from Colorado deems that it is wise to have that in the resolution.

Mr. MARTIN of Colorado. A proposition to amend sections 1 and 3 of article 7, on election franchise, and sections 8 and 12 of article 10, on education, can not be ratified except by a two-thirds vote in every county of the Territory of New Mexico, which shall be not less than three-fourths of the entire vote cast in the State, and I will explain the reason for that in a moment.

Mr. MONDELL. Just one question. I ask the gentleman from Colorado whether he considers it important that a larger vote should be required for a woman's-suffrage amendment than for an amendment, say, striking out the bill of rights.

Mr. MARTIN of Colorado. I want to say to the gentleman that I did not insert these provisions in the constitution of New Mexico, and the committee has not inserted them. The Committee on the Territories has not inserted one single word quoted by the gentleman, but we have simply left these provisions in the constitution of New Mexico as the people adopted them, because everybody who appeared before that committee, Democrats, Republicans, and insurgents, unqualifiedly stated that the people of New Mexico all wanted those provisions in the constitution as nearly unamendable as they could be made. They made them practically unamendable, and we left them that way. That is all there is to that. We are not making a constitution for the people of New Mexico.

Mr. MONDELL. I assume that the gentleman approves the provision, because the committee could have changed the provision and did not.

Mr. MARTIN of Colorado. Yes; the committee could have made New Mexico a constitution that would suit me in a great many particulars better than this one does, and I am pointing out some of the ways in which I could be better suited; but we are not making a constitution.

I want to say that so far as I know, and so far as has come to the attention of the committee, this 40 per cent proposition in at least one-half of the counties is absolutely a unique distribution of political power. It was claimed that the principal object of this provision was to prevent the disturbance of the different water systems existing in the American and Mexican counties, so that the one might not displace the other, or, more specifically, that the Americans might not in time seek to constitutionally overthrow the Mexican or Spanish systems.

Passing over the suggestion that anything was left undone by the framers of the New Mexico constitution to secure the Mexican support of the constitution, which suggestion is incredible in the light of provisions to which I will call attention again—the matter just mentioned by the gentleman from Wyoming [Mr. MONDELL]—I know of my own knowledge and experience that this limitation was inserted for the express purpose of rendering all parts of this constitution more difficult of amendment, and I will predict now that the very amendment proposed by this committee will be overwhelmingly defeated in certain counties of New Mexico if so willed by the controlling corporate and political influences in that Territory, and future amendments will meet the same fate; and I know this because I have got some such territory in my own district. I remember once in that State we submitted an eight-hour constitutional amendment, and down in the corporation-owned coal-mine counties that amendment was absolutely snowed under by the very men whom it was designed to benefit, simply because they were not voting, as American citizens, their own individual wills and judgments, but were voting as they were being dictated to and coerced by their employers. And we have counties, such counties as you gentlemen have in New Mexico, in which it is absolutely impossible to secure a majority for any constitutional amendment, no matter how beneficial and necessary that amendment may be, if it is opposed by the leading corporate and political influences in those counties.

I am not deceived at all as to the purpose of this extraordinary requirement, and I place too high an esteem upon the intelligence of the majority of the people in New Mexico to think they are deceived by it, and I believe, if they can get a fair expression at the polls, they will accept the substitute offered them in this resolution.

ONLY THREE "AMENDMENTS" PERMITTED.

The next change proposed by the majority is that while in the article as it now stands the number of amendments that may be submitted at one election is limited to three amendments—and I want you to note the word "amendments"—there is no limit in the substitute. I unhesitatingly criticize the present limitation as vicious and deceiving. It does not permit amendments to three articles even, but three amendments to one article would exhaust the law, and three amendments to one article, mind you, might be insufficient to properly amend the article.

Every detail proposed to be changed might be considered to be an amendment, and there would always be a question about it. We may amend six articles in Colorado, and yet we had a great legal battle there as to whether a new article did not amend several articles. I simply put this provision of the New Mexico constitution down as a joker, and as jokers have no place in a constitution we have omitted it altogether. Our action is in harmony with the general rule of other State constitutions. The gentleman from Wyoming has been springing the Federal Constitution on me, and I want to spring the Federal Constitution on him at this juncture and call his attention to the fact that at one time 10 amendments to the Federal Constitution were submitted and adopted at one time. There is no limitation as to the number of amendments that may be submitted to the Federal Constitution. We could submit 40 if we could get the votes for them here in Congress, and yet there is a purpose to limit the people of New Mexico to three amendments.

Mr. MANN. Will the gentleman yield for a question?

Mr. MARTIN of Colorado. Certainly.

Mr. MANN. Is the gentleman informed as to how many constitutions of the various States the same provision applies, limiting the number of amendments which may be submitted at the same time?

Mr. MARTIN of Colorado. There has been some investigation made along that line, and I believe that Colorado is the only State in the Union——

Mr. MANN. Oh, well; the gentleman is mistaken about that. My own State only allows one amendment at a time.

Mr. MARTIN of Colorado. I will say to the gentleman we had several tabulations here, and I thought we had that one on that, but we have not. All I can say to the gentleman is: There was an examination or running over of the charters and constitutions, and a great majority of States do not limit the number of amendments which may be submitted to the constitution at one time; 39 of the 46 States have no such limit.

I am interested, however, in the observation of the gentleman from Illinois. Does your constitution read that not more than one amendment shall be submitted at one time or that not more than one article shall be amended at one time? Does the gentleman know which way it reads?

Mr. MANN. I think it is not more than one amendment, but I am not sure about that.

Mr. TAYLOR of Colorado. If the gentleman will permit a suggestion——

Mr. MARTIN of Colorado. Certainly.

Mr. TAYLOR of Colorado. The Colorado constitution adopted the Illinois constitution, which contained a provision in regard to one article, but we amended it a few years ago making it six articles which might be amended hereafter.

Mr. MANN. We have not amended ours yet.

Mr. TAYLOR of Colorado. No; you have not been so progressive.

Mr. MANN. But we have been far more prosperous.

Mr. TAYLOR of Colorado. I do not think you have in proportion.

Mr. MANN. Oh, yes.

Mr. MARTIN of Colorado. At any rate, you are both in the Union and these Territories are not. I think my criticism is well taken that this will be a very burdensome provision of the New Mexico constitution. It will leave it an open question as to what is an amendment; and I can see no necessity for leaving any such limitation. There is no likelihood this constitution will be amended or any constitution will be amended in wholsale manner.

EDUCATION AND ELECTIVE FRANCHISE.

Now, I want to call attention here at this point to the proviso which was mentioned by the gentleman from Wyoming, and which is the concluding part of section 1 of article 19 of the New Mexico constitution. It reads as follows:

Provided, That no amendment shall apply to or affect the provisions of sections 1 and 3 of article 7 hereof on elective franchise, and sections 8 and 10 of article 12 hereof on education, unless it be proposed by vote of three-fourths of the members elected to each house.

Now, when you turn back to article 7 on elective franchise, you find this provision:

SEC. 3. The right of any citizen of the State to vote, hold office, or sit upon juries shall never be restricted, abridged, or impaired on account of religion, race, language, or color, or inability to speak, read, or write the English or Spanish languages, except as may be otherwise provided in this constitution; and the provisions of this section and of section 1 of this article shall never be amended except upon a vote of the people of this State in an election at which at least three-fourths of the electors voting in the whole State, and at least two-thirds of those voting in each county of the State, shall vote for such amendment.

Then you find, over in article 12 on education, the following in sections 8 and 10, providing substantially that the legislature shall provide for the training, and so forth, of teachers in the normal schools, so that they may become proficient in the English and Spanish languages, and that children of Spanish descent in the State of New Mexico shall never be denied the right of attendance and admission in the public schools and other educational institutions on an equal footing, and so forth, with all other children. That is followed by a provision that this section shall never be amended except by a vote of the people of the State in an election at which at least three-fourths voting in the State, and two-thirds voting in each county in the State, shall vote for such amendment.

Now, in the substitute article which we are proposing to submit to the people of New Mexico we let stand the proviso identically as it now appears in the constitution. It was suggested, however, that the adoption of the proposed substitute would wipe out the safeguards of articles 7 and 12, because it would be adopted subsequently to the constitution itself in point of time and so would raise a conflict. We therefore simply incorporated the ratification provisions of those sections in the proposed substitute and made it a part of the proviso in section 1 of article 19, safeguarding these things beyond question.

Mr. LENROOT. Will the gentleman yield?

Mr. MARTIN of Colorado. In other words, we simply went forward to section 3 of article 7 and section 10 of article 12, and bodily took out the provisions about the ratification

of amendments to these sections and brought them back and inserted them in the proviso.

Now I will yield to the gentleman.

Mr. LENROOT. I wish to call the attention of the gentleman to the fact that in section 8 of article 12 there is no provision with regard to ratification different from any other sections of the constitution, but with the resolution proposed by the committee it makes section 8 ratified only by a three-fourths and two-thirds vote, whereas, except for this resolution, it would be ratified by a majority vote. I would like to have an explanation or reason for that.

Mr. MARTIN of Colorado. The gentleman has just called my attention to a conflict in these provisions which has heretofore escaped my attention. It is provided in section 3 of article 7 that that section shall never be amended "except in the following manner," and it is provided in section 10 of article 12 that that section shall never be amended "except in the following manner," both requiring a two-thirds vote in the county and three-fourths in the State. But the proviso in section 1 of article 19 reads that sections 1 and 3 of article 7 and sections 8 and 10 of article 12 shall never be amended except the amendment be proposed by at least a three-fourths vote of each House. It would look as if there is a conflict there. But yet there may be no conflict. It may be that they propose that section 1 of article 7 and section 8 of article 12 may be amended in the manner provided in article 19, but that section 3 of article 7 and section 10 of article 12 shall never be amended except in the manner provided for in the sections.

Mr. LENROOT. Will the gentleman yield again?

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Wisconsin?

Mr. MARTIN of Colorado. Yes.

Mr. LENROOT. I would like to ask the gentleman if this resolution, then, does not make it much more difficult to amend section 8 of article 12 than does the original constitution? I would like to ask the gentleman whether the resolution now before the committee does not make it much more difficult to amend section 8 of article 12 than the original constitution does?

Mr. MARTIN of Colorado. The language of the resolution undoubtedly renders all of these sections unamendable except in the manner pointed out in the proviso—that is, three-fourths of the vote of the entire State and two-thirds in each county. But even as to section 1 of article 7 and section 8 of article 12, you could never get a three-fourths vote of both Houses to propose an amendment, so the sections are practically unamendable, anyhow.

Mr. MANN. If the gentleman will allow me, I do not see any conflict there at all. The original provision of article 3 in section 7, for instance, required that an amendment should be ratified by three-quarters of the votes and also by two-thirds in the counties. Article 19, in reference to amendments, provides that an amendment shall not be submitted unless three-quarters of the legislators vote to submit it. Now, in your proposition—which I do not agree to—you simply carry these two propositions combined in the proviso. You have not changed that.

Mr. MARTIN of Colorado. We have not. We have brought the provisions back and inserted them in the proviso because it was suggested that the subsequent adoption of the article would create a conflict between the method of ratification in section 1, article 19, and the special method provided in the articles on education and franchise.

Mr. MANN. But does the gentleman think you can provide in a constitution that a certain section shall not be amended except in a certain way, and make it so inviolable that by the adoption of another amendment to the constitution you can not amend it in any way that you please? Does the gentleman believe that a constitution can be so constructed that it can not be changed by subsequent amendment?

Mr. MARTIN of Colorado. We did not concern ourselves with that question. They had evidently sought to tie up the proposition beyond amendment except through the medium of a constitutional convention, which is also tied up, and we were willing to allow them to do so.

Mr. MANN. That is not an issue here. I was only asking if the gentleman had an opinion about it. Suppose you should provide by amendment to the constitution authorizing it to be amended in any particular by a majority vote. Does not that supersede everything else in the constitution? You had in Colorado a provision that only one article could be submitted, and thereupon you amended that and made it six.

Mr. MARTIN of Colorado. Yes.

Mr. FLOOD of Virginia. The constitution can only be amended in the manner prescribed by the constitution unless a constitutional convention is held. Of course the convention could do as it pleases, but the legislature could not submit an amendment for the people to vote upon in contravention of the constitution.

Mr. MANN. They could submit an amendment to be voted upon providing for a different method of amending the constitution, and if that was adopted you would make it wide open.

Mr. MARTIN of Colorado. The method we submit is not wide open.

Mr. MANN. I understand that.

Mr. McGUIRE of Oklahoma. Will the gentleman yield for a question?

Mr. MARTIN of Colorado. Certainly.

Mr. McGUIRE of Oklahoma. Will the gentleman state the majority for this constitution in New Mexico and also in Arizona, and the number of votes cast in each Territory?

Mr. MARTIN of Colorado. I have not those figures, but the New Mexico constitution was adopted by 18,000 majority and the Arizona constitution got 77 per cent of the total vote cast. I think the chairman will supply those figures a little later; but, anyway, there was an overwhelming majority for both.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. MARTIN of Colorado. Yes.

TEXAS-NEW MEXICO BOUNDARY LINE.

Mr. HAMILTON of Michigan. I would like to inquire of him in relation to section 2 of the joint resolution.

What I want to suggest to the gentleman is this: The gentleman is undoubtedly familiar with the fact that when the people of New Mexico ratified their constitution they ratified a constitution which did not give the true boundary line of New Mexico, and that on February 16, 1911, we passed a joint resolution defining the true boundaries of New Mexico.

Mr. MARTIN of Colorado. Exactly.

Mr. HAMILTON of Michigan. And when we put through the joint resolution approving the constitution of New Mexico in February last we declared that we approved of the constitution of New Mexico subject to the terms and conditions of the joint resolution of February 16. Now, I want to suggest to the gentleman from Colorado, as a member of the Committee on the Territories, that inasmuch as you are requiring the people of New Mexico to pass upon parts of the constitution, whether it would not be a good idea to require them to vote upon a proposition that their true boundaries shall be the boundaries not as defined in their constitution, but the boundaries as defined by the joint resolution of February 16? You might just as well do that as to make this declaration, and there is a question I take it whether we absolutely make those boundaries beyond all question the boundaries of the proposed State of New Mexico by this method.

Mr. FLOOD of Virginia. As I understand, if I may be permitted——

Mr. MARTIN of Colorado. Certainly I will yield to the chairman of the committee.

Mr. FLOOD of Virginia. I will say to the gentleman from Michigan, as far as I am concerned I am very glad to hear his suggestion. Our idea was, and we thought we were correct in that, that there was a survey a number of years ago known as the Clark survey——

Mr. HAMILTON of Michigan. Yes.

Mr. FLOOD of Virginia. That fixed the boundary line between New Mexico and Texas, and that survey had been ratified and affirmed both by Congress and by the Legislature of Texas, but was ignored by the constitutional convention of New Mexico. We thought that the joint resolution of February 16, 1911, reaffirming the Clark survey as the true boundary line between those two States and incorporating the provisions with reference to the joint resolution of 1911 in this resolution, would fix that matter beyond all question.

Mr. HAMILTON of Michigan. Mr. Chairman, I want to suggest this: There is always this question, a constitution having been framed and having been ratified by the people of a Territory proposing to become a State, whether a change of the constitution itself in any particular does not require the same ratification that the constitution as a whole received, in order to validate it, as the constitution of the proposed State. Now, in this you do not require that vote. Therefore, it occurred to me, since you are proposing these votes, that it would be very simple to make it dead sure that the people ratified a constitution with the true boundary lines in it. You have not the true boundary lines in the constitution of New Mexico. You provide

here, in effect, that they are admitted with boundaries subject to the joint resolution of February 16, and I am inclined to think that if there should be litigation about it the courts would probably hold that they were admitted with that condition as a fundamental condition, and yet, inasmuch as you are going to require these people to vote, I suggest whether it might not be a good idea before this joint resolution goes out of the House to put that in it as a question to be voted upon as a part of their constitution.

Mr. FLOOD of Virginia. I will say to the gentleman, that it does not impress me that it is necessary at all, but the committee will be together sometime during this discussion, and they will take up this suggestion and consider it.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of Colorado. Yes.

Mr. STEPHENS of Texas. Mr. Chairman, I was the author of the resolution with reference to the boundary between Texas and New Mexico. This was brought about at the request of the Attorney General of the United States, who assisted me in drafting the resolution, with the President and the Senator representing the State of Texas, and it was there——

Mr. HAMILTON of Michigan. That was the resolution of February 16?

Mr. STEPHENS of Texas. Yes; and it was understood thoroughly that it could not in any way affect the boundary between New Mexico and Texas, but it would be a fixed boundary hereafter.

Mr. HAMILTON of Michigan. Suppose we should adopt the joint resolution approving the constitution of New Mexico, with boundaries other than those specified in the joint resolution of February 16, that resolution being adopted subsequent to the joint resolution of February 16, might not some lawyer claim hereafter that we had waived the joint resolution of February 16 and approved the boundaries other than those contained in the resolution of February 16?

Mr. FLOOD of Virginia. But we specify here that this admission is subject to the resolution of February 16, 1911.

Mr. HAMILTON of Michigan. Precisely; but by so doing you do not change the constitution, the people themselves have never ratified the constitution in that——

Mr. FLOOD of Virginia. But we have jurisdiction now of the boundary line of the Territory of New Mexico.

Mr. HAMILTON of Michigan. I beg pardon——

Mr. FLOOD of Virginia. The question is between the Congress of the United States and the Legislature of Texas. They have confirmed——

Mr. HAMILTON of Michigan. I think the gentleman misunderstood me. The constitution specifies boundaries different from the boundaries as specified in the joint resolution of February 16.

Mr. FLOOD of Virginia. I understand that.

Mr. HAMILTON of Michigan. And that is part of the constitution.

Mr. FLOOD of Virginia. But we have fixed the boundary line in the resolution of February 16, 1911, and this resolution admitting this State as a State of the Union refers to this resolution of February 16, 1911, and says that the true boundary line——

Mr. HAMILTON of Michigan. But the people of New Mexico have never ratified that. You make no provision for the ratification of it. I simply suggest you might easily make a provision for the ratification, so as to tie it up beyond peradventure.

A FEW WORDS TO THE MEXICAN PEOPLE.

Mr. MARTIN of Colorado. Now, Mr. Chairman, if this particular topic is sufficiently misunderstood by the various gentlemen who have participated in the discussion, I want to proceed; and before I dispose of this proviso, in which we have sought to safeguard the Mexican people against future discrimination, I want to say a few words to our Mexican friends down in New Mexico. I represent counties of you in my district. The greater part of my district was carved out of your Territory. I know you. You will be told that this substitute is a dark and carefully veiled attack on your rights, but nothing is farther from the truth. You have rights. Yours is the right of prior occupancy and possession. The provisions on education and the elective franchise in the New Mexico constitution safeguard you against discrimination or deprivation of any right because of race, color, religion, language, or inability to speak, read, or write the English language. Your children shall always have access to the schools of New Mexico on equal footing with all other children, and teachers will be trained in both languages. In the substitute we offer you are more fully protected, if possible, because the constitution as it now stands says that no amendment shall apply to these special provisions unless proposed by a three-fourths vote of each house, and we immediately say that it must be ratified by not less than two-thirds of the total vote in each county and by not less than three-fourths of the total vote in the State, thereby removing all possibility of a conflict between article 19 and the articles on the elective franchise and education. In addition, we propose to strike from the enabling act the disability to hold office imposed upon your native tongue.

I want to warn you, therefore, against specious pleas intended to frighten you into opposing the constitutional amendment upon which you are to vote if this resolution passes. And I want to point out to you the fact that in Colorado your people have been treated fairly and their rights protected without the extraordinary safeguards in the New Mexico constitution. You are not to be cajoled into the belief that the corporation lawyers and political bosses who framed the New Mexico constitution are your divinely appointed guardians. They would double-cross you quicker than anybody if it served their selfish interests, and they have no interest in you further than they can use you to serve their own purposes. [Applause on the Democratic side.] I hope, therefore, to see you, my Mexican friends, strike hands with the progressive American element in New Mexico to make that a State where some decent measure of fairness will be realized in the election of officers and the making and administration of law. [Applause on the Democratic side.]

I want to give a little attention at this point to the minority reports which have been filed upon this resolution.

THE MINORITY REPORTS.

The majority report is consistent. It recommends the submission to a separate vote of the people of each Territory that feature of each constitution which is considered so objectionable as to make it a material issue. The minority have filed two reports. That by the gentleman from Michigan [Mr. WEDEMEYER] and the gentleman from Kansas [Mr. YOUNG] is consistent. It recommends the admission of both Territories as States under the constitutions as heretofore adopted. But the views of the majority of the minority contain about as many inconsistencies as could well be crowded into three pages of print.

In the first place they say:

As to Arizona, we agree with the majority of the Committee on the Territories that there should be submitted to the qualified voters of Arizona the question whether the provision in their proposed constitution providing for a recall of public officers shall apply to judicial officers.

And in the next place they say:

That the admission of Arizona as a State in the Union under its constitution shall be dependent upon the ratification of the proposition or amendment providing that the recall of public officers, as now proposed in the Arizona constitution heretofore adopted, shall not be construed to apply to judicial officers.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLOOD of Virginia. How much time does the gentleman desire?

Mr. MARTIN of Colorado. I did not get a chance to use very much of that 15 minutes myself, I was interrupted so frequently.

Mr. FLOOD of Virginia. I will yield 20 minutes more to the gentleman.

The CHAIRMAN. The gentleman from Colorado is recognized for 20 minutes more.

Mr. MARTIN of Colorado. They, therefore, say in one breath that they agree with the majority in submitting the proposed exemption of the judiciary to a vote of the people, letting them vote it in or out; and in the next breath that they must vote it in as a condition precedent to statehood.

But that is not the only inconsistency. It is absurd to submit to a vote of the people a proposition which they must adopt. If they must adopt the proposition, let Congress impose it. I would much rather see the committee amendment as to New Mexico go into the New Mexico constitution than to see the recall of the judiciary come out of the constitution of Arizona, but it has seemed to me all along that if the adoption of these provisions was to be made mandatory, then it was the logical thing for Congress, which has the power, to impose them. Such an election would be farcical, and it strikes me as the taking of a position by the minority which is hard to defend upon any ground. I do not envy the task of those gentlemen who have to defend such a proposition.

If the people of Arizona were required to go through this senseless formality in order to gain admission to the Union, I would not blame them for voting the exemption into the constitution at the first election and then voting it out at the next.

Our minority friends also say that they object to the delay in the admission of New Mexico as a State, which will be caused by requiring a new election to be held as proposed by

the majority, and then say, with reference to the recall of the judiciary in Arizona that this question can be submitted to the voters of Arizona at the same time with the election of State and other officers at an election to be called in conformity with the provisions in the enabling act, in order to save the delay and expense of two elections in Arizona, which is precisely what the majority propose in the case of the New Mexico amendment.

There will be no two elections in either case. The election upon these amendments will be held at the same time and place as the election for State officers. They will have the same election officers. There will be absolutely no delay and very little additional expense entailed by the fact that they are required to vote on this constitutional amendment at the same time that they are required to vote for their State officers.

EXEMPTING JUDICIARY ONLY.

But it would be most interesting to know by what line of constitutional reasoning the majority of the minority arrived at the conclusion that a constitution providing for the recall of all executive and legislative officers is republican in form, while the recall of judicial officers, to quote their own language, is "fundamentally destructive of republican form of government."

I lay no claims to being a constitutional lawyer, but it is my understanding that the fundamental fact in the structure of our Government is that the three departments are coordinate and of equal power and dignity within their respective spheres, and, so far as I am concerned, I would see the entire institution of the recall fall to the ground before I would ever give my consent to the proposition recognized by the report of the minority that one of these departments is so superior in character, function, and dignity that it is to be exempt by the fundamental law of the land from provisions by which the people undertake to control the tenure of office of the other two departments, or in any other material respect. [Applause on the Democratic side.] I do not take the position that the merits of the recall is not a debatable question. All reforms are debatable. I believe with ex-President Roosevelt that the experiment ought to be permitted to the people of a State who express a desire to undertake it, and I hope that its results will be beneficial and the institution permanent.

WHAT IS A REPUBLICAN FORM OF GOVERNMENT?

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. MARTIN of Colorado. I will.

Mr. HAMILTON of Michigan. Article IV, section 4, of the Federal Constitution provides that "the United States shall guarantee to every State in this Union a republican form of government." In the course of the gentleman's investigation, has he run across a definition of what constitutes a republican form of government—one that satisfies him—in contradistinction to a democracy?

Mr. MARTIN of Colorado. I believe there was a satisfactory definition of a republican form of government given before the committee——

Mr. HAMILTON of Michigan. I would not want to accept that as authority.

Mr. MARTIN of Colorado. It was made, not on the authority of the gentleman who made the statement, but he took it from Madison. "A republican form of government is one whose officers serve during good behavior for a fixed period or at the will of the people."

Mr. HAMILTON of Michigan. So far as Madison's definition goes, a republican form of government is a representative form of government, is it not?

Mr. MARTIN of Colorado. I should not say it necessarily means representative.

Mr. HAMILTON of Michigan. The gentleman did not quote the whole of the definition. He speaks of officers in a republican form of government, and those under the definition of Madison were elective officers.

Mr. MARTIN of Colorado. I want to say this, that I believe the initiative and referendum, which is in the Arizona constitution—and it is not proposed to keep that Territory out on account of that provision—is much nearer to the question of representative government the gentleman is driving at than that of the recall, because the recall is only another method of removing an officer. We have the method of impeachment at the hands of the legislature, and the recall is only an impeachment by the people.

The initiative and referendum goes directly to the question of representative government, and I think we had the initiative and referendum form of government existing locally at the time the Constitution was adopted, and that that form is permissible under the Constitution of this country.

Mr. HAMILTON of Michigan. I want to say that I did not rise for the purpose of undertaking to discuss the merits or demerits of the initiative and referendum, but I wanted to get the gentleman's definition of what constitutes a republican form of government as contradistinguished from a democracy.

Mr. MARTIN of Colorado. Several States in the West, I will say, have a republican form of government and are operating under the so-called "nostrum."

Mr. HAMILTON of Michigan. Would the gentleman be kind enough to give me his definition of what constitutes a republican form of government?

Mr. MARTIN of Colorado. I can give the gentleman a concrete illustration. I think the people of Arizona have adopted a republican form of government in their constitution.

Mr. HAMILTON of Michigan. Oh, that is begging the question. I suppose the gentleman concedes the high authority of the fathers of the Republic, and I supposed that the gentleman, when he was discussing this profoundly important question, might be able to lay his hand upon some definition of a republican form of government.

Mr. MARTIN of Colorado. I believe that government by consent of the governed is a republican form of government.

Mr. HAMILTON of Michigan. Oh, but a pure democracy is that.

Mr. FLOOD of Virginia. If the gentleman from Michigan would like to have Madison's definition, I have got it here.

Mr. HAMILTON of Michigan. I would like to have the gentleman read it.

Mr. MARTIN of Colorado. Well, Mr. Chairman, if the gentleman will extend my time, I would be glad to yield to the chairman, who has been so kind to me. I want to say, however, that I will never yield to the proposition that the word "republican," as used in the Constitution of the United States, has any such restricted meaning as the gentleman contends for, and if it has, every form of democracy in this country would be unconstitutional.

Mr. HAMILTON of Michigan. Will the gentleman yield further?

Mr. MARTIN of Colorado. Yes.

Mr. HAMILTON of Michigan. Is it not fair reasoning that when the framers of the Constitution adopted that language—that the United States should guarantee to every State a republican form of government—they meant that the United States would guarantee the form of representative government which already existed in the thirteen States?

Mr. MARTIN of Colorado. No, sir; it meant to guarantee them a free form of government, in which the people were supreme.

Mr. HAMILTON of Michigan. Is not that the construction put upon it by the commentators on the Constitution from the beginning down to now? I do not accept the Arizona constitution or the opinion of some gentlemen who appeared before the Committee on Territories. I am asking the gentleman to give us what lawyers concede to be authority, not somebody's speculation.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, will the gentleman yield for a moment?

Mr. MARTIN of Colorado. I yield to the gentleman from Mississippi.

Mr. HUMPHREYS of Mississippi. The delegate in the Constitutional Convention who was the author of that section of the Constitution which guaranteed to each State a republican form of government afterwards became a judge of the Supreme Court of the United States, and he gave a definition of what, in his opinion, was a republican form of government, and I will read that to the gentleman from Michigan if he would like to hear it.

Mr. HAMILTON of Michigan. Who was that?

Mr. HUMPHREYS of Mississippi. James Wilson, of Pennsylvania.

Mr. HAMILTON of Michigan. I hope the gentleman will read the whole of it.

Mr. HUMPHREYS of Mississippi. I will read a part of it.

Mr. HAMILTON of Michigan. I want the gentleman to read that part which shows that it is a representative form of government.

Mr. HUMPHREYS of Mississippi. I will read the gentleman exactly what he says. Speaking of the State of Georgia, he said:

> As a citizen, I know the government of that State to be republican, and my short definition of such a government is one constructed on this principle, that the supreme power resides in the body of the people.

Mr. MARTIN of Colorado. Mr. Chairman, I think that definition ought to satisfy the gentleman from Michigan [Mr. HAMILTON] until such time as he gets the floor in his own right. [Laughter.]

GROUNDS FOR RECALL OF JUDGES.

Mr. LITTLETON. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of Colorado. Yes.

Mr. LITTLETON. I would like to have the gentleman from Colorado indicate, if he will, upon what grounds, or what character of grounds, he thinks a recall of a judge should take place.

Mr. MARTIN of Colorado. Well, I think it may properly take place on the same grounds for which he could be impeached by a legislative body. Sometimes some of them are sought to be impeached and the proceeding is a failure when it ought to succeed. Perhaps if the people had the impeaching of some judges, the procedure would not result so invariably in a whitewash, as congressional impeachments have resulted.

Mr. COOPER. Will the gentleman from Colorado yield until I may answer the gentleman's question?

Mr. MARTIN of Colorado. Certainly.

Mr. COOPER. I think a ground for a recall of a judge, where there have been proper safeguards thrown around it, would be such grounds as were exposed repeatedly in the case of New York City Judges Barnard and Cordoza, who often and corruptly made orders in favor of the Tweed ring and were impeached and removed from office, but not impeached until long after their corruption had become known to the general public and had disgusted the people of the city of New York, and, indeed, of the whole of the United States.

Mr. MARTIN of Colorado. Mr. Chairman, I did not intend that this discussion should go off into New York politics. [Laughter.] We are away off now in the wild and woolly and untrammeled West.

Mr. LITTLETON. Mr. Chairman, will the gentleman from Colorado yield?

Mr. MARTIN of Colorado. I will yield to the gentleman from New York.

Mr. LITTLETON. May I ask the gentleman from Colorado—and by that angle may I reach the gentleman from Wisconsin [Mr. COOPER]—if he charges that the trial of Cordoza and Barnard, however corrupt they may have been and however much they may have prostituted the public service, should have been had without charges and without a hearing? [Applause.]

Mr. COOPER. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. MARTIN of Colorado. I do.

Mr. COOPER. I do not, I say to the gentleman from New York; and I will say further that his question involves the well-known fallacy of a begging of the whole question. The American people, reading as they do, considering and understanding public questions as they do, are not going to be stampeded into the removal of a judge without charges and without the charges being established. But I have not committed myself to the granting of the right of recall as to the judiciary. I was simply seeking to answer the question propounded by the gentleman from New York [Mr. LITTLETON] to the gentleman from Colorado. Now, I would like to ask the gentleman from Colorado one question, or, rather, to answer one other question which has been propounded to him as to a republican form of government.

Mr. MARTIN of Colorado. I yield to the gentleman.

Mr. COOPER. Abraham Lincoln, one of the most profound lawyers the country ever knew, one of the highest-minded patriots, gave a definition, I think, of what this Government is, which is a definition of a republican form of government—a government of the people, by the people, and for the people.

Mr. HAMILTON of Michigan. Did he say that was a republican form of government?

Mr. COOPER. No; but he said this was a government of the people, by the people, and for the people.

Mr. HAMILTON of Michigan. Will the gentleman yield to me?

Mr. MARTIN of Colorado. Yes.

Mr. HAMILTON of Michigan. Mr. Chairman, those phrases have been rolled off from the lips of gentlemen on Fourth of July orations ever since Lincoln uttered them. I was asking someone as a lawyer to give a distinction between a republican form of government and a democracy, and the gentleman from Wisconsin simply quotes those words, which are beautiful and true, but they do not give the distinction, and the gentleman knows it.

Mr. COOPER. Mr. Chairman——

Mr. MARTIN of Colorado. I think the gentleman from Wisconsin has stated his case fully and eloquently——

Mr. HAMILTON of Michigan. Eloquently; yes.

RECALL SHOULD APPLY TO ALL OR NONE.

Mr. MARTIN of Colorado. And I want him to let it rest at that. I say I am not taking the position that the recall of the judiciary, for example, or of any other officer, is not a debatable question, but I do take the position that the unwisdom of subjecting all of the officers of one department of the government to this method of removal from office and exempting all the officers of another department is beyond argument, and if carried to a logical conclusion would make the judiciary what it was never intended by the fathers and what ought not to be—superior to the other departments of government. And in this connection I make note of the fact that a lesser status was given to the judiciary of the United States when it was made appointive and not elective.

The executive and legislative departments of government hold their commission from the people, but the judiciary holds its commission from the Executive, with the consent of the legislative. And of these, the legislative is incontestably the first. This Government was not created by the executives or by judges, but by legislators. The legislature, not courts or executives, is the palladium of our liberties. The executives and judges are properly the ministers and servants of the law-making power to do those things which it has ordained but which it can not execute or interpret, and it may even remove them, but can not be removed by them. [Applause on the Democratic side.] Our friends, therefore, not merely seeking to meet the presidential objection to the constitution of Arizona, as we have done, but basing their objection upon a fundamental ground, should have leveled it against the entire proposition. Now, Mr. Chairman, I want to hasten on. I want to refer briefly to some of the provisions——

Mr. RAKER. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. MARTIN of Colorado. I do.

Mr. RAKER. Under your resolution, on page 12, commencing on line 24, after the word "constitution," in substance is that if this constitutional provision should fail of adoption by the people of Arizona the original provision in regard to the recall of the judiciary would remain in the constitution as it is now presented to Congress for its action. Is that correct?

Mr. MARTIN of Colorado. Yes.

Mr. RAKER. Now, if the people of Arizona fail to thus carry this amendment as proposed——

Mr. MARTIN of Colorado. I see what the gentleman is driving at——

Mr. RAKER. There is another stronger than that, and it is this: Is not it a fact that when the people of Arizona fail to adopt this proposed constitutional amendment it will come back to the President, and it must require his approval before Arizona can be admitted as a State?

Mr. MARTIN of Colorado. No; we do not understand that anything will come back from Arizona or New Mexico to the President for his approval or disapproval. The returns will be certified to him of the elections in Arizona and New Mexico, but we only require them to furnish evidence that the vote was had on the amendments under the resolution.

Mr. RAKER. But under your enabling act it requires the affirmative act of the President to bring it in as a State. Is not that right?

Mr. MARTIN of Colorado. Under the enabling act it does; yes.

Mr. RAKER. How are you going to overcome that by this proposed amendment in regard to the recall when it goes back to the people?

Mr. MARTIN of Colorado. This resolution is going to the President. This resolution that we are considering now is going to the President, and if the President approves this resolution, which we hope and believe he will, the State is admitted when it complies with it. There will be no further approval or disapproval of it by the President. He will accept the returns certified to him by the governors of Arizona and New Mexico and issue his proclamations accordingly.

Mr. RAKER. Without his approval under the original enabling act?

Mr. FLOOD of Virginia. The enabling act is repealed where it is in conflict with this.

Mr. MARTIN of Colorado. We contend that if he signs this resolution it will be an approval of those constitutions, with the condition attached to it just as it is imposed by Congress.

Mr. RAKER. Then, in other words, the gentleman claims that this amended resolution does away with the affirmative approval of the Arizona Constitution by the President?

Mr. MARTIN of Colorado. We claim that when he signs this resolution he will, in effect, affirm in every respect, save that which in Congress disapproves, which is tantamount, however, to an entire disapproval of the constitutions until the condition imposed is complied with.

Mr. MANN. Will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to the gentleman from Illinois?

Mr. MARTIN of Colorado. Yes.

Mr. MANN. What the gentleman says is true, but it does not quite cover the case. Is not this resolution based upon the proposition now that Congress has the power to admit any Territory as a State regardless of the provision in the enabling act with reference to the approval of a constitution?

Mr. MARTIN of Colorado. It is.

Mr. MANN. You are not requiring the approval of the constitution at all, but you consider it as a republican form of government and admit the State?

Mr. MARTIN of Colorado. It is an entirely new proposition, admitting these States when they do the thing enjoined on them, but as framed the President must first sign it.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FLOOD of Virginia. Mr. Chairman, the gentleman has been interrupted so much that I desire to yield such time to him as may be necessary for him to conclude his remarks.

Mr. MANN. Oh, we can never get through at that rate.

Mr. FLOOD of Virginia. I will yield the gentleman such time as he may desire to finish his speech.

PRESIDENT HAS NOT DECLARED RECALL UNREPUBLICAN.

Mr. FERRIS. Will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to the gentleman from Oklahoma?

Mr. MARTIN of Colorado. Yes.

Mr. FERRIS. I observe on page 6 of the majority report that the controlling reason of the committee for proposing this change was the objection of the President to the recall provision of the Arizona constitution, so far as it applies to the judiciary, and the belief on the part of the committee that if the recall as applied to the judiciary was again submitted to the people of Arizona it would meet the objections of the President?

Mr. MARTIN of Colorado. Yes.

Mr. FERRIS. I wanted to ask if the gentleman knows—and I do not want to embarrass him if he does not—whether the President put that on the ground that it would render the constitution not republican in form, or whether he said it is on account of his own personal objection?

Mr. MARTIN of Colorado. I have never heard any expression attributed to the President from any source to the effect that he believed the recall of the judiciary to be unrepublican in form. He is very much opposed to it as a matter of policy, and he thinks it very unwise and very unfair to the judiciary. He thinks it will subject them to popular clamor, and all that sort of thing; but I do not understand that the President has ever stated anywhere to anybody that it is in violation of the Constitution of this country.

THE NEW MEXICO REFERENDUM.

Now, Mr. Chairman, I will proceed, if I may, without interruption. I want to refer to a few features of the constitution of New Mexico which indicate that there is some method in the apparent hog tying of that constitution in the manner in which it is hog tied in the article on amendments, and that is the only expression that occurs to my mind to fitly characterize what they have done to that constitution in that regard. New Mexico is not so backward or reactionary as some gentlemen might infer, as will be admitted when it is known that 51 of the 100 members of her constitutional convention were elected upon a pledge for the initiative and referendum. But something happened. I do not know what it was. Things frequently happen in conventions, and sometimes in more dignified bodies than conventions, where gentlemen go pledged to certain propositions, and then change their minds. They have no initiative at all in the New Mexico constitution, and this is what they have now in the way of a referendum: Ten per cent of the qualified electors in three-fourths of the counties, constituting not less than 10 per cent of the qualified electors of the State, may sign a petition to submit a legislative act to the voters at the next election, and 40 per cent of the total votes cast at such election, not upon the law, but for governor or other high officer, whatever the high vote may be—and you can rest assured it would be the high vote—are requisite to annul the act.

To suspend the act before it becomes effective—before it takes effect—requires the petition within 90 days of not less than 25 per cent of the electors in three-fourths of the counties in the State, being not less than 25 per cent of the total votes cast, and 40 per cent, as before, to annul. And annulment revives the former law.

But now listen to this provision in the New Mexico referendum:

> It shall be a felony for any person to sign any such petition with any name other than his own, or to sign his name more than once to any measure, or to sign any such petition when he is not a qualified elector in the county specified in such petition.

The intent and object of that provision is obvious. It was obviously intended to scare the voters out of signing any such petition. It strikes me that a simpler and more effective way of getting at the desired result would have been to make it a misdemeanor to sign such a petition. I would like to stay in Congress until a legislative act was suspended under the provisions of the New Mexico referendum. But that is not all. There are some exemptions in the referendum in New Mexico. First, the general appropriation laws, then laws for the preservation of public peace, health, and safety. I have no quarrel with these. But listen to this exemption:

> Laws for the payment of the public debt or interest thereon or the creation or funding of the same.

Now, if there is any one power which has been universally reserved to the electors of the States from time immemorial it is that of funding public debts or creating bond issues. To create such State debts this power is reserved to the people of the State. To create such county debts it is reserved to the people of the county.

To create such municipal debts it is reserved to the people of the municipality. I may safely say that that is the universal rule. It is true there are exceptions in the New Mexico constitution, but the State is starting out with several millions—about four millions—of Territorial, county, and railroad indebtedness, and may contract other huge indebtedness, in the funding or refunding of which the people will have no referendum.

LEGISLATIVE AND JUDICIAL GERRYMANDER.

Then take the matter of legislative apportionment. The districts are so gerrymandered that 4 of the 26 counties will control the legislature politically. I would not complain of this, but it is further provided that only after each decennial census may the legislature reapportion the State. This insures the Republican Party control of the New Mexico Legislature for the next 10 years, no matter what political changes may occur, and will probably render a reapportionment impossible even far beyond that time. The State is judicially gerrymandered and tied up in the same way.

STATE CORPORATION COMMISSION.

Article 11 creates a State corporation commission, to which is given exclusive power and jurisdiction over railway, express, telegraph, telephone, sleeping-car, and other transportation and transmission companies and common carriers. After defining the powers of this State corporation commission comes the following extraordinary provision:

> In case of failure or refusal of any person, company, or corporation to comply with any order within the time limit therein, unless an order of removal shall have been taken from such order by the company or corporation to the supreme court of this State, it shall immediately become the duty of the commission to remove such order, with the evidence adduced upon the hearing, with the documents in the case, to the supreme court of this State.

In other words, this constitutional provision, which is to be found in no other State constitution, acts as an automatic injunction in every case, no matter how trivial, and upon every order, no matter how well settled the principles or issues involved. This is supposed to be a certain remedy for the use of injunctions against corporation commissions, and I should think it would be. It is only necessary for the defendant to ignore the order of the commission until the time set for its execution expires, when the whole matter will be removed automatically to the supreme court. As if to render this alleged corporation commission still more ornamental in character, the supreme court may try every appealed case de novo, taking new evidence. The function of the corporation commission, therefore, is purely advisory, and the supreme court will be the real corporation commission of New Mexico. The commission can not even subpœna witnesses or punish for contempt except through the medium of the courts.

ARIZONA CONSTITUTION COMPARED.

Contrast with this provision that of the constitution of Arizona, which, in addition to giving its corporation commission full power to regulate all public-service corporations within the State, also empowers it to enforce the attendance of witnesses and the production of evidence and to punish for contempt, and which further provides that the rules, regulations, orders, or decrees of the commission shall remain in force pending the decision of the courts.

Which of these constitutional provisions approximates the latest expression of Congress as prescribed in the recent amend-

ments to the interstate-commerce law, known as the Mann bill, from which I quote as follows:

All orders of the commission, except orders for the payment of money, shall take effect within such reasonable time, not less than 30 days, and continue in force for such period of time, not exceeding two years, as shall be prescribed in the order of the commission, unless the same shall be suspended or modified or set aside by the commission or be suspended or set aside by a court of competent jurisdiction.

The pendency of such suit shall not of itself stay or suspend the operation of the order of the Interstate Commerce Commission, but the Commerce Court, in its discretion, may restrain or suspend in whole or in part the operation of the commission's order pending the final hearing and determination of the suit—

and so forth.

The Arizona constitution gives every public-service corporation the right with any of its lines to cross, intersect, or connect with the lines of any other public-service corporation; but in New Mexico permission to intersect, connect with, or cross any other railroad must be secured "in each instance" from the commission.

The people of New Mexico may want to modernize their State corporation commission, or galvanize it into life, or empower the legislature to have some authority in the premises, or become dissatisfied with the supreme court as the regulative body; and I can see them now getting 40 per cent of the total vote cast for governor at an election and in at least one-half of the counties in the State for such an amendment, and I can see them all the more plainly because I have some such counties in my own State, where no opposed amendment could get a majority even of those voting upon it. It is a well-known fact that rarely is two-thirds of the total vote cast at an election cast upon an amendment, so that this provision puts the power of defeating amendments in the hands of those who are too ignorant or too careless to vote upon them at all. The chief cause of complaint, however, is the 40 per cent requirement in at least one-half of the counties in a State so divided racially as to make it more than ordinarily difficult to secure an amendment to the New Mexico constitution under any kind of method, however liberal.

OMISSIONS OF THE NEW MEXICO CONSTITUTION.

It is not only in the matter of taking things out of the New Mexico constitution that the people might want to exercise some practicable method of amendment. In the light of modern political ideals this constitution is quite as remarkable for the things that are left out. The moving principle of the Arizona constitution appears to have been faith in the people and that of the New Mexico constitution fear the people.

Some queer things develop in Congress. Representatives come here from States where every "ism" has its day. They must swallow every political nostrum and seek office as Republicans in the garb of populism. They must be for the Oregon plan. They must be against Aldrichism and Cannonism and Payneism. They must overthrow their own party organization under the shibboleth of progress, and then when they get down here to Congress they swallow such a constitutional antiquity as the New Mexican constitution at a gulp, without winking, and not only say that it tastes good, but that it is partisan politics to take the position that the people of a new State ought to be given an opportunity to say whether they want a practicable and truly republican method of amending their constitution.

NO GENERAL EMPLOYER'S LIABILITY LAWS.

Here are some of the things upon which the constitution of New Mexico is silent: Excepting railway employees, it does not contain a word with reference to employer's liability laws or enjoin in any manner the enactment of such laws upon the legislature. It is true the legislature can enact such laws, but why not have given them the sanction of the constitution? Why protect the railway employees by the most sweeping provision that language could devise and leave the men in the mines without protection? The constitution of Arizona nullifies anti-liability contracts between employer and employee; abolishes the rule of fellow servant; makes the defenses of contributory negligence and assumption of risk questions of fact for the jury; prohibits statutory limitations on the amount of recovery; provides for a workman's compensation law and commands the legislature to enact liability laws for all forms of industry.

These are all issues vital to the wage earner, but do not seem to have been of sufficient consequence in the minds of the constitution makers of New Mexico to receive mention. Every lawyer of experience knows the difficulty of devising such legislation so as to avoid constitutional objections, and with a proper recognition of these principles in the organic law the battle is half won. So far as New Mexico is concerned, it will, with the adoption of this constitution, be not even begun.

ARIZONA LABOR ARTICLE.

Arizona has dignified labor with a labor article in its constitution, and, in view of the threatened disapproval of that constitution, I commend that article to the attention of wage earners everywhere, and I stand ready to back the bald assertion that article 19 of the constitution of Arizona, entitled "Labor," does more for the protection of the wage earners in fewer words than does any constitution ever written.

DIRECT PRIMARIES.

There is a popular political institution in this country to-day known as the direct primary, but it is unknown to the constitution of New Mexico. It will be said that the legislature may enact such a law, but it might well have received the positive sanction of a constitution which defines with such particularity the method of regulating corporations. Corporation regulation is a necessary feature of modern government, but government regulation itself is much more necessary. Given this, all these other things will be added unto the people, and without this nothing else will be regulated.

The constitution of Arizona enjoins the enactment of a direct primary election law for all officers from United States Senator to constable, together with a secret ballot and publicity of campaign expenses, both before and after elections. New Mexico is silent on all these popular measures. [Applause on the Democratic side.]

ENOUGH SHOWN TO WARRANT COMMITTEE'S ACTION.

Other features of this constitution have been criticized by those conversant with the local conditions involved, but it is not my purpose to go into a general analysis of either of these constitutions. The features mentioned are typical, and I submit that sufficient has been shown to indicate that with the development and growth of population now going on and which will increase under statehood, and with the consideration of statehood eliminated, a majority of the people of New Mexico may properly want to amend their constitution in various particulars, a thing obviously impracticable, if not impossible, as it is now framed.

THE SPIRIT OF ARIZONA.

I have already contrasted the attitude of the Arizona delegation with that of New Mexico in expressing entire willingness to have any feature of their constitution resubmitted, but I want to go further and congratulate the people of Arizona upon the splendid spirit displayed by them in adopting the kind of constitution they wanted, notwithstanding the fact that the President had warned them in advance of his disapproval of such a constitution as he termed a zoological garden, by which expression he characterizes the various progressive measures for enlarging the rule and power of the people, not one of which measures has ever received his sanction.

This is not the first time in recent years that the Executive has sought to influence and coerce the people of a new State in framing the organic law under which they were to live, move, and have their being. The present Executive, when a Cabinet officer, was sent by his chief, who now appears to see things in a different light, into the then Territory of Oklahoma, which was framing a zoological garden form of constitution, and which was adopted by the people of Oklahoma by 114,000 majority, and under which constitution Oklahoma has flourished as has no other State throughout the entire history of this country. [Applause on the Democratic side.] Life, liberty, and property are nowhere safer than in Oklahoma, and in no State have the people a larger measure of governmental power than the people of that State. And this is the history and the lesson of the growth of democracy. From the cave man to Lincoln the trend of power has been from the ruler to the ruled; and never were the blessings of life, liberty, and property so generally diffused or so secure; never were governments so stable as to-day, when the will of the people is manifest in all civilized governments as never before at any time in the history of the world. I think we may well pause a moment in admiration of the American spirit of Arizona. The presidential shadow, great as it is, both naturally and officially, did not obscure the vision or chill the spirit of the hardy, rugged manhood of Arizona. The Postmaster General, who knows more about politics than he does about post offices [applause on the Democratic side], took up a quondam residence in Arizona and secured control of a bunch of daily newspapers, forsooth, to guide with the superior light of his wisdom the benighted denizens of that Territory in framing a safe, sane, and conservative constitution and incidentally to make himself a United States Senator. But the constitution of Arizona bears no earmarks of such authorship, and the senatorial seed fell upon such sterile soil that it found no root.

New Mexico was a more fruitful field for such enterprises and listened with a readier ear to the call for a safe and sane constitution. Personally I should ask for no cleaner-cut political issue in this country than the approval by a Republican President of such an instrument as the New Mexico constitution and the disapproval by him of such an instrument as the constitution of Arizona.

Mr. McGUIRE of Oklahoma. Will the gentleman permit a question?

The CHAIRMAN. Does the gentleman yield?

Mr. MARTIN of Colorado. I do.

Mr. McGUIRE of Oklahoma. Does the gentleman know the Democrats of Oklahoma have made two efforts already to amend the constitution—the best constitution ever written?

Mr. MARTIN of Colorado. Well, the people of Arizona I hope will make a great many more than two efforts to amend their constitution. [Applause on the Democratic side.]

Mr. CARTER. Will the gentleman yield?

Mr. MARTIN of Colorado. I yield to the gentleman.

Mr. CARTER. The fact that the people of Oklahoma made two efforts to amend their constitution simply demonstrates their progressiveness. [Applause on the Democratic side.] And it further demonstrates the fact that the initiative and referendum is not such a dangerous proposition after all. [Applause.]

Mr. McGUIRE of Oklahoma. Will the gentleman permit a question?

Mr. MARTIN of Colorado. I will.

Mr. McGUIRE of Oklahoma. It is a fact that the people of Oklahoma have made two efforts to amend their constitution. They made one very earnest effort to amend the constitution in which they failed. There is, at the present time, another effort being initiated to amend the constitution in our State in which I hope they will fail. For instance, every time the Oklahoma Legislature has met it has made the election laws of that State more partisan. At the last election, or rather prior to the last election, the legislature had increased the partisanship of the Oklahoma election laws——

Mr. MARTIN of Colorado. Mr. Chairman, I can not yield further——

Mr. McGUIRE of Oklahoma. And it was submitted to the people, and every liberal honest Democrat voted with the Socialists and Republicans in overwhelmingly defeating it.

Mr. MARTIN of Colorado. The only objection I have to the statement of the gentleman is that it is one of the things that calls for a reply and is a seesaw back and forth. Brother CARTER has a reply on his lips, I think.

Mr. CARTER. Mr. Chairman, I do not know to whom the gentleman from Oklahoma refers when he speaks of liberal Democrats joining with the Republicans——

Mr. McGUIRE of Oklahoma. I did not mean the gentleman.

Mr. CARTER. I did not understand the gentleman.

Mr. McGUIRE of Oklahoma. I did not mean the gentleman. [Laughter.]

Mr. CARTER. I did not understand what the gentleman said.

The CHAIRMAN. Does the gentleman from Colorado yield?

Mr. MARTIN of Colorado. Mr. Chairman, I have nearly concluded, and I decline to yield.

Mr. CARTER. Just a moment. I do not know who the gentleman means by the "good, liberal Democrats." I have never heard of any charge of fusion in Oklahoma except that between Republicans and Socialists. [Applause and laughter on the Democratic side.]

Mr. HAMILTON of Michigan. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from Michigan?

Mr. MARTIN of Colorado. I must refuse to yield.

Mr. HAMILTON of Michigan. I just want to ask the gentleman from Oklahoma a question.

Mr. MARTIN of Colorado. I have just about concluded, Mr. Chairman. But I will say, before concluding, that I have not sought to inject my personal opinions or prejudices at all into the discussion of this resolution. No matter what criticisms I have passed upon the constitution of New Mexico, and no matter what partisan observations I have made in the course of my remarks, I have voted in the committee to submit to the people of Arizona a proviso excepting the judiciary from the operation of the recall when, as I have already stated, I do not believe in distinguishing between the judicial and other departments of this Government. I do not believe the judiciary is a superior or more sacred department of this Government. The Government of England has weathered the storms of the centuries with the judiciary decidedly inferior in power and importance to the legislative branch, with the executive decidedly inferior to the legislative branch. Not in 200 years has a ruler of England vetoed an act of Parliament, and the British Parliament is today gestating a law, as it has many other laws, providing in express terms that no court shall question the constitutionality or validity of such law.

President Taft has been over in New York City inveighing bitterly against the recall, its alleged tendency to discredit judges, and all that sort of thing. He thinks that in the matter of procedure and the trial of causes the English courts are somewhat better situated than the American courts. But I would like to invite his attention to the larger aspects of the case, such as those I have just stated. The fact of the matter is that the tendency in this country has been not to degrade but to exalt the judiciary, permitting it to nullify the most solemn legislative enactments which have grown out of the very distress of the people and to legislate.

I am one of those who think it would be better to have a just judge unjustly recalled than to have a just law which affects all the people unjustly wiped off the statute books. I see no occasion for hysteria over the recall of judges. I am not an institution worshiper. I regard all public officials as public servants, with no more right to betray their employers and retain their places than a private servant, and I can anticipate no harm to the structure and integrity of the judiciary if the people are empowered to do by the recall what the legislative body may now do by impeachment, and remove them from office.

All this talk about the mob, mob law, and mob rule is an insult to the patriotism and an impeachment of the capacity for citizenship of the people of this country. Some people are always harping on mob rule in connection with these progressive reforms that are gaining such force all over this country at this time. Where are all these mobs and what are these mobs? What are they but the great body of American citizenship? There is not a man within the sound of my voice who does not know that the government of any State in the Union could be reorganized and every office in that State vacated and refilled, and still that State would have a stable government. There are scores of men in each Member's district who are just as well qualified, and perhaps better, to come here and make laws for the country as the Members themselves.

Mr. HAMILTON of Michigan. I would like to ask the gentleman if he thinks it would take a whole day to reorganize a State?

Mr. MARTIN of Colorado. Well, it might take a whole day back East, but out West it would not. [Laughter.]

Mr. HAMILTON of Michigan. We are west in Michigan.

Mr. MARTIN of Colorado. Oh, you think you are West, but we call you East. [Laughter.]

Mr. HAMILTON of Michigan. You have a good many misnomers out in your country. [Laughter.]

Mr. MARTIN of Colorado. I know that a whole lot is claimed for these reforms that will not be accomplished, and people may unreasonably expect, perhaps, that when they get a lot of reforms on the statute books they will be better off. But, I repeat, it is an insult to the American people to harp on "mob rule" in connection with these reforms, as though the ruling instinct of the American people were really mob rule. As a matter of fact, I consider the American people an extremely patient and law-abiding people, and the most enduring sign of the Republic is the vast capacity for statesmanship resident in the body politic.

But while I entertain these views, into which I can not go now into detail, I have been entirely willing to submit this question to the people of Arizona. Whether they vote it up or down, the condition will have been complied with, and Arizona will enter the Union of States. It will be the same with New Mexico. If the people of New Mexico do not want to make their constitution amendable, they have only to put a cross mark in the proper place and the constitution of that State will take rank next to the Rock of Ages among things that are stable. [Laughter.] They naturally fear that any condition precedent endangers statehood, but once the matter is submitted to them I can not think that they will go deliberately to the polls and vote to tie their own hands indefinitely. The only organized opposition that there could be to such a reasonable proposition as is proposed by your committee would come from the special and selfish interests, whether industrial or political, which feel that by this instrument as it now stands they have secured themselves far beyond the time which would be voluntarily given them by a majority of the people of New Mexico.

I want to say in conclusion, Mr. Chairman, that I believe our committee has worked out in this proposition a solution that is absolutely fair to all parties and to all interests concerned and to both Territories, and that it is not in any sense a partisan proposition. We therefore invite to the support of this resolution all fair-minded, progressive Members of this body without regard to political distinctions. [Applause.]

Mr. O'SHAUNESSY. Mr. Chairman, will the gentleman answer a question?

Mr. MARTIN of Colorado. I will; but I have concluded.

Mr. O'SHAUNESSY. The gentleman has stated that by some subtle influence 51 per cent of the delegates to the constitutional convention so changed things as directed by the will of the people, that this hybrid constitution was evolved from their labors.

Mr. MARTIN of Colorado. I stated that 51 of the 100 members were elected on a pledge for the initiative and referendum, and that when they got in they fell down and put in no initiative at all, and a referendum that is a mere farce.

Mr. O'SHAUNESSY. Admitting that that subtle influence still remains in New Mexico, what guaranty is there that when this is submitted to the people they will vote to dispense with this hybrid constitution and get something else that is more in accord with progressive principles?

Mr. MARTIN of Colorado. I will say that we have provided in section 4 of this resolution for a secret ballot. There is no Australian ballot system down there, they have the old antiquated system of ballots and open voting. I think that jarred some of our Republican brethren on the committee when it came out, but we have provided for a fairly secret ballot and thrown certain rudimentary safeguards about it. Besides, I think the people will not be subjected to the influences that were brought to bear upon a majority of the 100 men in the convention.

Mr. O'SHAUNESSY. One more question. The gentleman assumes therefore that there is a reasonable probability that this amendment will be adopted?

Mr. MARTIN of Colorado. I do. I honestly believe that there is an even chance for the adoption of this amendment. I can not mention names for it would not be fair to do so, but one of the leading Republicans who appeared before the Committee on Territories, a man who has occupied high official position in New Mexico, has stated that he would get out and take the stump for this substitute proposition if submitted to the people in New Mexico.

Mr. O'SHAUNESSY. There is another question I would like to ask: What was the compelling reason for the submission of the recall of the judiciary in the Arizona constitution?

Mr. MARTIN of Colorado. To meet the objections of the President.

Mr. O'SHAUNESSY. I mean what was the compelling reason for putting it into the constitution? Was the judiciary so bad in Arizona that they wanted an easy method to rid themselves of it?

Mr. MARTIN of Colorado. It is not a recall of the judiciary. It is a recall of all officers. The recall provides for the recall of all elective officers.

Mr. MANN. All elective officers whether elected or appointed.

Mr. O'SHAUNESSY. Was there any particular argument urged against the judges in Arizona or any other place as a reason why this should be incorporated into the constitution?

Mr. MARTIN of Colorado. Not to my knowledge.

Mr. ANDREWS. Do I understand the gentleman to say that the majority of the 100 delegates elected in New Mexico were instructed for the initiative and referendum and recall?

Mr. MARTIN of Colorado. I was told 51 of the 100.

Mr. ANDREWS. Well, the gentleman is very much mistaken.

Mr. MARTIN of Colorado. Not the recall.

Mr. ANDREWS. Or the initiative and referendum.

Mr. MARTIN of Colorado. I have been told that 51 of the 100 delegates to the New Mexico constitutional convention were elected on an initiative and referendum platform.

Mr. ANDREWS. Absolutely that is a mistake. In that convention there were 71 Republicans and 29 Democrats. Five Democrats were elected from Republican counties, nonpartisan. Now, in that caucus of Republicans I was present, and there were 70 Republicans present. On the question of the initiative and referendum, put squarely up to them by counties, 56 to 14 voted against the initiative and referendum.

Mr. MARTIN of Colorado. I am going to look over the hearings on this proposition——

Mr. ANDREWS. Well, I can not help the hearings. I am telling you the facts.

Mr. MARTIN of Colorado. To ascertain what the authority is for the statement that has been made. I think other gentlemen have heard it.

Mr. FLOOD of Virginia. Oh, yes.

Mr. MARTIN of Colorado. I think the chairman has heard the statement made that 51 of the 100 were so instructed.

Mr. FLOOD of Virginia. Yes; it has been stated. There is no doubt about that.

Mr. FERRIS. Mr. Chairman, what the gentleman from New Mexico [Mr. ANDREWS] says is not a contradiction of what the gentleman from Colorado says. He merely states what was done in the caucus, and the gentleman from Colorado stated——

Mr. MARTIN of Colorado. What was done in the districts or the counties where they were elected.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BYRNS of Tennessee, having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 8.

Be it resolved by the House of Representatives (the Senate concurring), That the resolution passed by the Legislature of Alabama in regard to the bicentennial celebration at Mobile on May 26, 1911, be received.

The said resolution reads as follows:

"Senate joint resolution 52.

"[No. 241.]

"Whereas this year, 1911, is the two hundredth anniversary of the foundation and settlement of the city of Mobile, first capital of La Province de la Louisane, in 1711, and

"Whereas the city of Mobile and her people are making preparation for celebrating the event: Therefore be it

"Resolved by the Senate of Alabama (the House of Representatives concurring), That the Legislature of Alabama does hereby request the Senators and Representatives in Congress from the State of Alabama to bring the said anniversary celebration to the attention of Congress and the several departments of the United States Government and the representatives at Washington of foreign powers.

"Approved, April 6, 1911."

Be it further resolved, That the Congress of the United States acknowledges with pleasure the receipt of said resolution and appreciates the courtesy of the notice extended of that important event in the Nation's history.

Resolved further, That we commend the action of the city of Mobile in making preparations for this celebration. We regard that territory as one of the most valuable acquisitions of the Government and congratulate Alabama and the people of Mobile upon her growth as a city, and extend our best wishes for a successful celebration and a large attendance of patriotic American citizens.

Resolved further, That a copy of these resolutions be forwarded to the mayor of the city of Mobile in evidence of our appreciation of the work that will be done on May 26, 1911, in commemoration of the founding and settlement of our beautiful and progressive city on the Gulf.

The message also announced that the Vice President had appointed Mr. CLARKE of Arkansas and Mr. BURNHAM members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, entitled "An act to authorize and provide for the disposition of useless papers on file with the Civil Service Commission.

NEW MEXICO AND ARIZONA.

The committee resumed its session.

Mr. FLOOD of Virginia. Mr. Chairman, I yield one hour to the gentleman from South Carolina [Mr. LEGARE]. [Applause.]

Mr. LEGARE. Mr. Chairman, I wish in the outset to ask the courtesy of the House that I be not interrupted. My time is limited, I am not very strong, I speak with an effort, and unless some Member really wishes to ask me a question of considerable importance I shall appreciate the courtesy of being allowed to conclude my remarks without interruption.

Last year we passed an act which placed the Territories of New Mexico and Arizona on the threshold of statehood. In this act we authorized, empowered, and directed the people of these Territories to call a constitutional convention, adopt a constitution, submit it to the people for ratification, and then come back to us and to the President for approval. These conditions have been complied with in both Territories, and the people are now asking for this approval. If I should enter into a detailed explanation of these two constitutions after the able and exhaustive explanation of my friend the distinguished gentleman from Colorado [Mr. MARTIN], it would be surplusage and a useless waste of your time; but, Mr. Chairman, I wish simply and briefly to explain this bill. It calls for a vote by the people of New Mexico on two amendments to the constitution which they have adopted and a vote by the people of Arizona upon the question of recall of their judiciary. We do not require that they shall write it into their constitution in the shape of an irrevocable ordinance, but simply that they shall

vote once more upon the question. At the same time we give them statehood.

Now, then, if it is the wish of these people that these two articles shall remain in their constitutions as they are now written, and a majority shall so elect, all well and good; but if, on the other hand, a majority of the people of the Territories wish to change these articles as amended, they are privileged to do so under the terms of this bill.

Mr. Chairman, what are these amendments? First, that the people of New Mexico shall have the right to vote once more upon article 19 of their constitution, which applies to the manner of amendment. The reason your committee gives to this House for placing this amendment in this resolution is it was assured by people from this Territory that as the constitution of New Mexico now reads it would be absolutely impossible to amend it within the next 25 years. The other article on which we say we would like them to vote once more in New Mexico is the one which relates to non-English speaking people holding office there. These people come to us from New Mexico, both Republicans and Democrats, and say that in the enabling act passed last year we have taken them by the throat and told them they must enact an irrevocable ordinance whereby no Spanish-speaking person can hold office in their State. They tell us, both factions, that some of the best people of their State and some of their most brilliant men are Spanish-speaking people; and believing, as we do, that we have no right to say to a sovereign State or a proposed sovereign State you must permit us to dictate your organic law, that we have no right to take them by the throat and force them to place in their constitution an irrevocable ordinance of this kind, we give them the opportunity of voting once more upon this question. So much for that amendment.

In regard to the amendment of the Arizona constitution our reasons are as follows: We wish to give the people of Arizona an opportunity of voting once more on the right of the recall of the judiciary. We believe, in fact, we are very certain, the President will not approve the constitution of Arizona with that article in it. Now, then, in this enabling act, strange as it may seem, there is no machinery provided whereby the people of Arizona, in the event of failure on the part of the President to approve this constitution, can recall or reconvene their convention. They are powerless. In other words, gentlemen, if the President fails to approve this constitution of Arizona the people are powerless and can not reconvene their convention for the purpose of changing or correcting this article and satisfying the President, but must stand idly by and be deprived of statehood until some new President shall occupy the White House or until Congress shall pass some law amending this enabling act. Now, then, I ask your attention to one thing in particular, and that is this: We do not say to the people of Arizona and of New Mexico, you must vote for these things, you must write these amendments into your constitution, and keep them there for all time. But we say to them, come into the Union. You are admitted into the Union, go ahead and elect your officers, and at the same time vote once more upon these propositions.

Under the resolution they lose no time; statehood is not delayed a single minute. They incur no extra expense. If the majority of the people want these amendments, they can get them. If a majority of the people are opposed to these amendments, they are not required to take them. In every event it is left to the people, a majority of the people, to write their own constitution. Now, gentlemen, those are the reasons in a nutshell and briefly expressed why the committee has placed these amendments in this resolution. I wish, however, personally to go a step further in this matter. I wish to record my protest against the recall feature of the Arizona constitution, especially the recall of the judiciary. I am opposed to the initiative and referendum. I can see no good to come of these new-fangled idiosyncracies. I can see that they will do harm. However, I realize they are political baubles which the demagogue can hand out to the people, toys with which the people may play without serious injury to themselves or to the country. We have too many laws as it is. We are grinding out new ones every day, but if every man who has a new idea is given the right to have it written into law; if every law enacted is referred to the people at an election for their ratification or rejection, it will in the end result in one continuous election and one great conglomeration of laws. However, it can not result in irreparable injury. The demagogue will have a market in which to manufacture and cry his wares, and I believe the people in time will weary of it and cry out against it.

I can even accept with equanimity this recall of officials other than judges. It is wrong, all wrong. It can do no good. It is unquestionably detrimental to the efficiency of the office, but, as a matter of fact, it can do very little permanent harm. But when you come to the recall of the judiciary, my every sense of right rebels and my every idea of a safe and stable government cries out against it [applause], because it is a blow at the strongest and most essential pillar of our Government. The Executive can go astray, but the court is there to bring him back into the paths of righteousness. The legislature can burst wide the bonds of constitutional limitation and wander afar into the field of illegality, but again the court is there to check this second great branch of our Government; but when you crush the power of the judiciary and lessen its efficiency, you make wreck and ruin of all that our fathers handed us in the shape of safe, stable, and lasting government. [Applause.]

This constitution of Arizona provides for the recall of a judge or other officer within from 20 to 35 days. In other words, when 25 per cent of the people voting at the last preceding general election shall have signed a petition and it is filed, the judge or other officer is given five days in which to resign, and if he fails to resign at the end of that time an election is ordered, not more than 30 or less than 20 days from the filing of the order; and on a ticket there is to be printed in 200 words or less the reason for his recall, and on that same ticket the judge, who possibly may be recalled because of some great decision that he has rendered, is required to write the reasons why he should not be recalled, in 200 words or less, and then his name with others is placed in nomination and voted upon.

Why, gentlemen, I can readily see how the efficiency of every little crossroads magistrate will be lowered and his decisions influenced and biased by having this sword of Damocles constantly hanging over his head. I can not fail to realize that every county sheriff will be tempted from time to time to fail of his duty, with this radical, drastic form of impeachment always staring him in the face.

I can hear now the cry of the angry mob as it struggles to gain possession of some poor, cowering wretch, whose only protection and safety are the bravery and manhood of a determined officer of the law; and when that officer shall have performed his duty and maintained the majesty and dignity of the law, I can see that same mob, defeated of its purpose and deprived of its prey, going to some place and signing the recall of that officer, whose only offense was that he obeyed the mandates of the law.

Some time ago the newspapers told how the mayor of the great city of Seattle, Wash., had been recalled because he was too lenient with the liquor men, too lax in the enforcement of the liquor laws. Not long after that the newspapers announced that the mayor of Tacoma, there in the same State, breathing the same atmosphere, operating under the same recall law, had been recalled because of his too strict enforcement of the liquor law. Wishing to be assured as to this, I went to a gentleman from Tacoma and asked him if it was true the mayor of his town had been recalled because of a too stringent enforcement of the liquor laws. "Why," he said, "no; that was partly it, but they recalled him because he stopped a prize fight." "Well," I said, "is not prize fighting unlawful and in violation of the law in Tacoma?" "Oh, yes," he said; "but the people wanted it. It helped the town. It brought crowds of people there, and they wanted it. There were 10,000 people gathered at the prize ring, waiting to see the fight, and when the mayor stopped it they left almost in a body and went directly down town and signed his recall."

Gentlemen, if this recall law applied to Members of Congress we would be in daily danger of its operation. There is always in every district in this Union a certain percentage of the electorate who are always against the incumbent. Watching your every utterance and act, this restless and dissatisfied element is always ready to take advantage of your every error and to stir up strife, and how easy it would be to secure 25 per cent of the signatures of voters to a petition. People sign almost any petition which is placed before them, and when 25 per cent of them have signed a petition for your recall, and that fact is published to the world, why the other 75 per cent immediately become suspicious of your actions, and before you have realized what has happened they have placed your name in nomination and you are recalled and damned and disgraced for all time.

It is not only the removal from office, it is not so much that you lose the position, not so much that your hopes are blighted and your ambitions crushed, but it is the disgrace that goes with it. It places the seal of disgrace upon the fair name you have heretofore borne unsullied and stamps you with a shame that will follow you for all time and be as a handicap to the children who come after you.

It is true we are liable to be removed at the end of every two years, but that is fair and to be expected. But this radical

recall law places every man at a disadvantage and subjects him to the most degrading humiliation possible to befall a public servant.

Advocates of the measure will of course say it will not reach men who comply with the law and live up to the requirements of the office. But that is not true. It requires the officeholder to comply at all times with the fanciful everchanging will of the people. There comes a time in the life of almost every public man when he must either oppose a temporary popular sentiment or else bury his self-respect and smother the dictates of his conscience. If he is strong, if he withstands the temptation, if he fails to yield, history will tell of his statesmanship and greatness, but this can not be expected where there is a recall. The temptation is too great.

Did you ever stop to think of it? George Washington would have been recalled if this law had been in operation in his day and time. Abraham Lincoln would have been recalled more than once. William McKinley would have been recalled. Grover Cleveland would undoubtedly have been recalled during his second administration. All of these great men, around whose lives and actions are laid the foundation of our country's history, men whose names will live as long as this Union shall exist—aye, for long years thereafter—all of them, I say, would have been recalled, shorn of power, degraded, ruined, and damned for all time if they had held office subject to this recall law.

But great and powerful as these men were, they could have fallen victims to this law and the country had still lived and prospered. But it is not so with the judiciary. It is to this branch of our Government we must look for justice and protection. It is the only branch to which the minority can turn for preservation at all times. The executive and legislative are supposed to represent the majority, and loudly do they proclaim this fact, but the judiciary is the harbor of refuge to which the minority can flee when pursued by the majority or by the servants of its making. [Applause.]

Destroy this branch of our Government and you destroy the only hope of the minority, and at the same time you remove all restraint from the majority and leave them to be glutted with an unholy and uncontrollable power with which they will eventually destroy themselves and the country. When you write this recall of judges into a constitution you practically destroy the force and effect of the judicial branch of our republican form of government. You place the judge in a position where he is constantly tempted to yield between mob outcry and temporary popular sentiment on the one hand and law and order on the other. While he pens his opinion he hears the cry of the mob outside his window. He sees recall and shame and disgrace and blighted hope and crushed ambitions staring him in the face. It would be asking too much of human nature to expect him under such circumstances to defy the people. It would take a great strong man to do it, and you will not find strong men on a bench that is subject to recall. Nothing would tend sooner to mar the influence, lower the integrity, and degrade the judiciary than this recall law. No self-respecting man of wisdom and intelligence would wish to take the chances and sit upon a bench subject to the recall law.

It is true judges are not all good; they are not invulnerable; they often go astray and from time to time should be removed; but this class is small, and the old form of impeachment is good enough for me. It guarantees to a judge a fair trial by an intelligent jury. It is done with dignity; it is done deliberately. It is not done by a howling mass of men, drunk with power and bent upon doing him mischief. It is done by intelligent men, men of standing, and not by thugs and bums, and loafers, and drunkards, and sneak thieves, and criminals—men who are anxious to get even with the judge who passed sentence upon them and men who, by reason of passion and prejudice, are not fit to sit upon his case.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. LEGARE. I expect I will have to.

Mr. RAKER. It is not necessary unless the gentleman wants to.

Mr. LEGARE. Go ahead.

Mr. RAKER. The last class of men named by the gentleman, bums, thugs, and cutthroats—does the gentleman find those men entitled to sign a petition for a recall, and are these the men that the gentleman speaks of who will recall the judges or any other officer?

Mr. LEGARE. If a thug is an elector, under this law he can sign; if a bum or a drunkard is an elector, if he has the right to vote, he can sign. [Applause.]

Mr. Chairman, so far as I know, every State in this Union guarantees to its most depraved and corrupt criminal the right of trial by jury, that thing which has always been as a bulwark to our Anglo-Saxon liberty, one of those things for which our fathers fought and bled and died, when they wrested this land from the mother country. So far as I know, every State in this Union accords to its most depraved criminal the right to place every juror upon his voir dire—"juror, look upon the prisoner; prisoner, look upon the juror; what say you"—stand him aside or else place him upon his voir dire, and there the criminal is given the right to ascertain and find out from every juror who is to try his case whether he has formed or expressed an opinion, whether he is biased or prejudiced against his cause. But here in this recall law you are to make jurors of a man's accusors; you desire that he shall be tried and condemned and sentenced and punished by the men who have brought the indictment against him.

I ask you, is it fair, is it right, that the highest officer of your land shall be denied a privilege accorded your meanest criminal? Why, the very thought of it is repugnant to every sense of human decency. It is the rankest kind of political heresy. It is the result of the blatant, selfish, unreliable, and dangerous teaching of the demagogue. [Applause.] It is radicalism run rampant; it is socialism gone mad. [Applause.] But—and I say it with sorrow—these false, dangerous teachings emanate often from high places. Not long ago a gentleman in another legislative body within walking distance made one of those "I am holier than thou" speeches upon this same subject. I have read that speech carefully, and the more I read the more convinced did I become of the danger attached to this proposition. His whole speech is one of vituperation and abuse of all his legislative colleagues throughout the country. It teems with such phrases as these: "Petty bribery of the people's representatives everywhere," "infamous conduct of machine politics," "corrupt politicians," "corrupt special interests," "dishonesty and depravity"; in fact, it is simply a tirade of abuse of all branches of this Government, the judiciary coming in for its share. The whole official world is rotten; all men in public life are corrupt and corruptible, save him. It was not the effort of a statesman issuing a warning to his colleagues; it was rather the thunderous cry of the demagogue to the people, carrying false tidings, teaching false doctrines. Aye, yes, he goes on to say in one of his well-turned phrases, and here comes the rub, "It means more power to the people, and the people favor it." Of course they want it. They always want it. The people always cry aloud for more power. They grasp it readily whenever you place it within their reach, and unmindful of the fact that every cup of this demagogic honey which is handed them is saturated with deadly poison, they drink of it gladly and deeply, and even unto the dregs. If these men in high places continue these false teachings to their own aggrandizement in their efforts for political preferment, it means the wreck and ruin of our country.

Once convince an excited populace—and I am speaking plainly to you gentlemen of this House—that through means of this recall of the judiciary absolute control of the judges is placed directly within their hands, and no human agency can prevent their using that power rashly and recklessly at times, and there is danger that they will steer the old ship of state direct into the maelstrom, and will mean rebellion and revolution, bloodshed and anarchy.

Let no man misunderstand me; I have an abiding faith in the sober judgment of the American people, but I have a pronounced fear of the hasty action of any people under the stress of excitement, or worse, of want; and, in my judgment, the history of the human race bears unbroken testimony to the absolute necessity of the people in calmer moments denying to themselves the power that in such moments of passion, if exercisable, would result in flagrant disregard of the rights of a minority. It is against the efforts to arouse the passions and prejudices of the people by the assertion of the absence of any need of restraint of that power to which I seriously and strongly object. It is unfortunately true that the people, under the specious and demagogic appeals of leaders who lack the courage to tell them unpleasant truths, are liable to be tempted into a resumption of the power that in calmer moments they have denied themselves, and therefore have I said that the people are hungry for power.

I feel that the people of Arizona have not gone carefully into this matter; that they have not given due consideration to this article of their constitution. They have been rapping at the door of Congress year after year, decade after decade. They are wild to become one of the sisterhood of States; they are anxious to get in; they are hungry for it, and I believe would have voted for almost any law which was placed before them, and therefore, Mr. Chairman, while I do not question the right of a State or a proposed State to forge its own organic law, while I regard it as a constitutional right handed

to us by the fathers and to be revered and held sacred, nevertheless I deem this radical, drastic recall feature of their constitution so dangerous to the safety and stability of the form of government under which we have lived and moved and had our being for more than a hundred years that I hesitate not in raising my voice against it. It is my wish that this State be forthwith and immediately admitted to the Union and enjoy all the rights and privileges to be derived therefrom, but at the same time I sincerely trust that the best there is in Arizona in the shape of conservative manhood and patriotic loyalty will unite to prevent this first step in the direction of tearing down so sacred an edifice; that they will not permit this foul blow to be struck the mother which is just about to give birth to their State. [Applause.] When the fathers contributed to these United States a Constitution they gave to our people the most wonderful system of government the world has ever known. The instrument is wonderful, and there is every reason why it should be.

There was gathered together here in America at that time the best brain and ambition of the old country. Brilliant men from every point of the compass; men who had wearied of the narrow, contracted, trammeled form of Old World government under which they had lived and were here in search of new fields in which to exploit their intelligence. Bringing with them, as they did, the best there was to be had from each form of government under which they had formerly lived, they discussed with each other and interchanged their ideas and views and theories for more than a hundred years before attempting the execution of their plans. There is no wonder, then, that the child of their making should be so great, so powerful, so wonderful, so strong, and so fully able to withstand the test of time. These master minds conceived the necessity for three branches of our Government—the executive, the legislative, and the judicial. Time has proved the wisdom of their theory. Time has also proved that the judiciary is the strongest and most essential of the three.

Let us, then, whenever the opportunity presents, throw a cloak of protection around it. Let us teach the people safe and sane things. Let us point them to that which is good instead of handing them the worst there is in the way of legislation. Let us aid them in their effort to discern that which is to their best interest. Let us hand them sound, safe, wholesome, stable, lasting laws, under which they can move and live and have their being for all time, in prosperity and peace and happiness, instead of placing within their reach these unholy, vainglorious, temporary powers with which they will eventually pull down the temple upon their own heads. [Applause.]

Mr. Chairman, I shall vote for this bill. I take all the more pleasure in doing so because it will give to the good people of Arizona an opportunity to repudiate this radical, drastic, recall law which I believe has crept inadvertently into their constitution. [Prolonged applause.]

Mr. FLOOD of Virginia. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee determined to rise; and the Speaker having resumed the chair, Mr. GARRETT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House joint resolution 14, to approve the constitutions of New Mexico and Arizona, and had directed him to report that the committee had come to no resolution thereon.

CHANGE OF REFERENCE.

The SPEAKER laid before the House the following requests for change of reference:

The Committee on Interstate and Foreign Commerce is hereby discharged from the further consideration of H. R. 5601, regulating commerce of convict-made goods, and the same is hereby referred to the Committee on Labor.

The Committee on Rivers and Harbors is hereby discharged from the further consideration of House joint resolution 96, relating to the protection of watersheds of navigable streams, and the same is hereby referred to the Committee on Agriculture.

Mr. MANN. Mr. Speaker, I would like to inquire whether these requests for the transfer of a bill from one committee to another are at the suggestion of the parliamentary clerk or the committees themselves?

The SPEAKER. It is at the request of the gentlemen who introduced the bills, and with the approval of the chairman of the committee.

Mr. MANN. If it is done with the consent of the chairman of the committee who loses the bill there can be no objection, but if it is a mere request of a Member who introduced the bill it is a dangerous practice.

The SPEAKER. It is at the request of the chairman of the committee and the man who introduced the bill.

Mr. MANN. The chairman of the committee who now has the bill?

The SPEAKER. That is the understanding of the Chair.

Mr. MANN. I have no objection.

By unanimous consent the changes of reference were agreed to.

LEAVES OF ABSENCE.

By unanimous consent the following leaves of absence were granted:

To Mr. GORDON, for three weeks, on account of important business.

To Mr. BATHRICK, for 10 days, on account of important business.

To Mr. EVANS, for one week, on account of important business.

To Mr. LEVER, for one week, on account of sickness.

To Mr. JOHNSON of South Carolina, for two weeks, on account of illness in family.

INVESTIGATION OF UNITED STATES STEEL CORPORATION.

Mr. HENRY of Texas. Mr. Speaker, I submit the following resolution, which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 171.

Resolved, That the following Members shall constitute the committee provided for in House resolution 148: AUGUSTUS O. STANLEY (chairman), CHARLES L. BARTLETT, JACK BEALL, MARTIN W. LITTLETON, DANIEL J. MCGILLICUDDY, MARLIN E. OLMSTED, H. OLIN YOUNG, J. A. STERLING, H. G. DANFORTH.

Mr. MURDOCK. Will the gentleman yield to me for a question?

Mr. HENRY of Texas. I will.

Mr. MURDOCK. This is the nomination of a committee to be elected by the House. Will the gentleman inform the House how the committee was nominated?

Mr. HENRY of Texas. The committee was nominated by several Members who were interested in the resolution. Any individual Member has the right to propose names.

Mr. MURDOCK. This is a new procedure, and one with which I am in hearty accord, but I wanted to know how the gentleman arrived at the nominations.

Mr. HENRY of Texas. I have nothing to withhold from the House. Those who are interested on this side of the House thought they were able to agree about the names, and did agree, and then I asked the minority leader on the other side to submit names, which he did, and we accepted them as suggested by him.

Mr. COOPER. Will the gentleman yield?

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Wisconsin?

Mr. HENRY of Texas. Yes.

Mr. COOPER. I am very much interested in the statement of the gentleman from Texas. As to a proposition to investigate the greatest trust in the world, the gentleman from Texas says that some of the gentlemen on that side of the House are interested in it. I had supposed that the whole House and the whole country were interested in the proposition.

Mr. HENRY of Texas. They are, I will say to the gentleman.

Mr. COOPER. I had supposed the whole majority side over there and some of the people on this side were interested, in addition to the leader of the minority, of whom the gentleman spoke. I shall not object, however. I shall vote for the resolution. But I should think, if any proposition of investigation were a matter for the consideration of the whole House, this would be it, and that it would be left to each side of the House to select its own members on the committee.

Mr. HENRY of Texas. The gentleman is correct, and the whole country is interested, and that side of the House is interested. Does the gentleman desire to offer any amendment or suggest any other name?

Mr. COOPER. Not now; no.

Mr. HENRY of Texas. Then, Mr. Speaker, I ask the adoption of the resolution.

The SPEAKER. The Chair will make an announcement, that one man here has the same right to make these nominations as any other, and if any Member does not like these nominations he has a perfect right to rise in his place and nominate somebody else. The question is on agreeing to the resolution offered by the gentleman from Texas [Mr. HENRY].

The question was taken, and the resolution was agreed to.

On motion of Mr. HENRY of Texas, a motion to reconsider the vote last taken was laid on the table.

AMERICAN SUGAR REFINING CO.

Mr. HENRY of Texas. Mr. Speaker, I submit the following resolution and ask for its adoption.

The SPEAKER. The gentleman from Texas [Mr. HENRY] offers a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 172.

Resolved, That the following Members shall constitute the select committee provided for in House resolution 157: THOMAS W. HARDWICK (chairman), FINIS J. GARRETT, WILLIAM SULZER, H. M. JACOWAY, JOHN E. RAKER, GEORGE R. MALBY, JOSEPH W. FORDNEY, E. H. MADISON, and ASHER C. HINDS.

Mr. HENRY of Texas. Mr. Speaker, I move the adoption of the resolution, unless some gentleman——

Mr. MURDOCK. Mr. Speaker——

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Kansas?

Mr. HENRY of Texas. Yes.

Mr. MURDOCK. Mr. Speaker, just for the purpose of making the RECORD show, I desire to ask the gentleman what this resolution pertains to?

Mr. HENRY of Texas. To the Sugar Trust investigation.

Mr. BOOHER. Mr. Speaker, I would like to ask a question of the gentleman from Texas.

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Missouri?

Mr. HENRY of Texas. Yes.

Mr. BOOHER. I would like to know how many Members of the committee on this side of the House—the majority Members—were present when these nominations were made?

Mr. HENRY of Texas. When the actual nominations were made, several Members; but I have talked with a number of Democrats on the subject and tried to confer with my party associates about the membership. The matter was submitted to the minority leader on the other side for suggestions as to his selections of committeemen.

Mr. BOOHER. How many members of the minority were present when the nominations were made on that side?

Mr. HENRY of Texas. We did not have anything to do with that because the gentleman from Illinois [Mr. MANN] acted for the minority.

Mr. BOOHER. Then the leader of the minority answered for his entire side?

Mr. HENRY of Texas. I presume the leader of the minority answered for his side, and inasmuch as no gentleman on that side desires to amend the resolution, I imagine it is to the satisfaction of the Members on that side.

Mr. FITZGERALD. Will the gentleman yield?

Mr. BOOHER. I would like to ask what the difference is between the old and the new way of selecting committees? [Laughter and applause on the Republican side.]

Mr. HENRY of Texas. There is a great difference. Under the old rules the Speaker appointed. Under this new system the House elects. If the gentleman from Missouri desires to offer an amendment I would be glad to yield to him for that purpose, inasmuch as the matter is now in the hands of the House and there is no desire to throttle any individual Member.

Mr. BOOHER. No doubt the action of the gentleman is fair, but I, for one, have not been consulted in this matter. [Laughter.] The names, however, are perfectly satisfactory to me. I just wanted to find out how you did it. I have found out and now I am satisfied. [Laughter and applause.]

Mr. FITZGERALD. Will the gentleman yield?

The SPEAKER. Does the gentleman from Texas yield to the gentleman from New York?

Mr. HENRY of Texas. I do.

Mr. FITZGERALD. I desire to ask the gentleman from Texas one or two questions, if I may. I understood the Democratic caucus adopted a resolution to the effect that the Committee on Ways and Means should be constituted, so far as the Democratic membership of the House is concerned, a committee on committees, and should report its nominations for various committees to the Democratic caucus for ratification.

Mr. GARRETT. Those were subcommittees.

Mr. KENDALL rose.

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Iowa?

Mr. HENRY of Texas. Yes.

Mr. KENDALL. I will wait until the gentleman from Texas yields to the gentleman from New York [Mr. FITZGERALD] first.

Mr. FITZGERALD. I desire to ask the gentleman from Texas if the Democratic members of this committee have been selected by the Democratic members of the Ways and Means Committee?

Mr. HENRY of Texas. Mr. Chairman, if the gentleman will recall the resolution of the caucus which provided for constituting the Ways and Means a committee on committees, it referred only to standing committees. The select and conference committees were left to be selected by the Speaker of the House, but in these two particular instances, following the precedent set in the Ballinger-Pinchot controversy, we thought it better to submit this directly to the membership of the House.

Mr. FITZGERALD. Yes; but if the gentleman will permit me to suggest, in the Ballinger investigating resolution it was provided, against my opposition, that the membership of the committee should be elected, and the Democratic members of the committee elected in a Democratic caucus. After the majority of the House, with the aid of the Executive, declined to accept the recommendations of the Democratic caucus, the Democratic caucus reconvened and selected another Member in place of the Member who seemed to be particularly obnoxious to the administration as a member of that committee. Now, my position on the selection of the committees of the House has never been in doubt. I have always favored, as the gentlemen know, the selection of the committees by the Speaker, and I know that no Speaker would select a committee of this character without consultation with the Members——

Mr. HENRY of Texas. Mr. Speaker——

Mr. FITZGERALD. Oh, Mr. Speaker, if the gentleman does not wish me to make the statement——

Mr. HENRY of Texas. Go ahead.

Mr. FITZGERALD. I know that no Speaker would select a committee of this character without consultation with Members on his own side of the House, at least. For my part, I am unable to see any distinction between the selection of a committee in this way—and I am not referring to the personnel of the committee, because I hardly heard the names read—under the pretense of electing a committee and the selection by the Speaker himself. My understanding was when the House was to elect committees for any purpose, that—so far, at least, as the Democratic membership of the House was concerned—the selections would be nominated to the Democratic caucus, to be ratified by the caucus, and then submitted to the House, and at least we would have the pretense of having the party in control pass in advance upon the selection. Having said that much, and being indifferent to the personnel of the committee——

Mr. HENRY of Texas. Mr. Speaker, what the gentleman says is quite true, and I know what his position has been in regard to the selection of committees; but this only demonstrates to him how easily and how harmoniously this House can elect its committees.

Mr. FITZGERALD. Mr. Speaker, I deny the gentleman's assertion, because, even if in my opinion some of the selections named in this resolution were ill-advised, a knowledge of conditions in this House, not only as at present constituted, but as constituted during my service in the House, would warn me of the inadvisability of venturing a suggestion that changes should be made in the personnel of the committee as sent to the desk by the gentleman from Texas; and I wish to say this, that so far as I am concerned such a resolution to elect a committee for any purpose in this form will not slip through in the future as easily as this resolution will at this time. A different course will have to be pursued in the future.

Mr. HARRISON of New York. Will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. HENRY of Texas. I yield to the gentleman from New York.

Mr. HARRISON of New York. Does the gentleman from Texas not think that this method of coming suddenly into the House here and letting a cat out of a bag is equivalent to transferring from the Speaker's control into the hands of the chairman of the Committee on Rules this tyranny we heard so much about in the last Congress?

Mr. HENRY of Texas. Well, I hardly think so. I did not let a cat out of the bag suddenly. I think the gentleman got a good look at the cat several hours ago. [Laughter.]

Mr. MARTIN of Colorado. Mr. Speaker, will the gentleman yield?

Mr. HENRY of Texas. Yes.

Mr. MARTIN of Colorado. I just wanted to suggest to the gentleman from Texas that if the gentleman from New York got a look at the cat several hours ago that is more than the gentleman from Colorado got. [Laughter.]

Mr. HENRY of Texas. If the gentleman had wanted to see the cat, if he had come to me at any time, I would have been glad to make profert of it before it was put in the bag.

Mr. MARTIN of Colorado. I want to say now that I did not know that the gentleman from Texas had charge of the cat. [Laughter.] I did not know that the cat was in his sack, or in anybody's sack, or in whose sack it was, but I should certainly like to have been consulted about the make-up of this committee. My constituents are deeply interested in the make-up of this committee and in the work of investigation that it is about to undertake. I am taking no exception to the personnel of this committee. So far as I know it is all right, although I confess that I do not know very far just at this juncture; but I do know that I have not been consulted in any way whatever about this committee and did not even know that the matter was to be brought before the House at this time. I thought we were going to caucus on this thing. I made the request, I will say to the Speaker, that I be consulted about this matter before these appointments were decided upon, and I made that request in writing.

Mr. HENRY of Texas. Mr. Speaker, let me say to the gentleman that this is left entirely with the membership of the House; and if the gentleman wishes to offer any amendment, I have not the slightest objection to it.

Mr. MARTIN of Colorado. Why, Mr. Speaker, I think the gentleman perfectly understands the futility of offering an amendment to this proposition.

Mr. COX of Indiana. Will the gentleman yield for a question?

Mr. HENRY of Texas. Yes.

Mr. COX of Indiana. Who did the gentleman talk with in the selection of these names?

Mr. HENRY of Texas. Well, I think gentlemen who are on the Ways and Means Committee and several gentlemen who are on the various other committees of this House, and I talked with the gentleman from Indiana about the passage of the resolution——

Mr. COX of Indiana. Yes; but not about the membership.

Mr. HENRY of Texas (continuing). Some time ago, but I do not recall talking about the membership, but the gentleman was in the committee room, and I would have been very glad to have talked it over with him at the time.

Mr. COX of Indiana. My only purpose in coming before the committee was this, as to whether the resolution embodied a proposition to investigate anything that might relate to frauds on the customs in relation to sugar. It is the only thing I discussed with the gentleman from Texas.

Mr. HENRY of Texas. Now, Mr. Speaker, let me say to the gentleman I had no desire to overlook any gentleman, and if I have any selection of committees in the future I invite every one of the Democrats to come and talk with me and give me their views. I would like to have the views of all of them.

Mr. COX of Indiana. In response to that I want to say I am thoroughly in accord with the gentleman from New York [Mr. FITZGERALD], not as against the personnel of a single member of this committee, but as to the mode of procedure.

Mr. HENRY of Texas. Probably the next time I will suit the gentleman and leave it to the Speaker to select these committees; maybe we can get together on the proposition next time.

Mr. HUMPHREYS of Mississippi. What does the gentleman mean when he says, "select committees in the future?"

Mr. HENRY of Texas. I did not say when we select the committees, but I said if I should ever be compelled to select them again, which I hope will not be the case.

Mr. HUMPHREYS of Mississippi. Again?

Mr. HENRY of Texas. The gentleman has been on the committee on patronage and knows something about the difficulties.

Mr. HUMPHREYS of Mississippi. The gentleman says if he should ever be compelled to select a committee again. Was he compelled to select this one?

Mr. HENRY of Texas. I think, on account of the exigency of the case, you might say when it becomes necessary for a committee to be selected in this way——

Mr. HUMPHREYS of Mississippi. In this way or by the gentleman from Texas.

Mr. SHACKLEFORD. Mr. Speaker, I should like to ask the gentleman from Texas why this matter was not submitted to the Democratic caucus or at least some knowledge given to the membership of the House [applause on the Democratic side] that the gentleman from Texas was charged with the extraordinary duty of naming this committee for the House. As for myself I did not know until this minute that this committee was to be named in the manner it is. I did not know until this moment who was to be a single member of this committee. I submit that this is not the proper way to name committees of this House. The way to have named this committee was to take it to the Democratic caucus and let the Republicans take theirs to a Republican caucus, and when it had been worked out let the parties come in here and let the committees be elected. I do not know who may be upon this committee. I did not know until the gentleman from Texas said he did it that he was charged with the duty to name this committee.

Mr. HENRY of Texas. I did not——

Mr. SHACKLEFORD. I understood the gentleman to say he was compelled to do it. Now, I am willing to trust the gentleman from Texas as far as I am willing to trust any man in this House. I believe he is as good a man as any in the House, but I am not willing to trust him or any other man to do for the House what this House is able to do for itself. It is just such a policy as this that brings this body into disrepute.

This ought to stand, Mr. Speaker, to us as a warning. The great body of the American people is the ruling power here, and that rule ought to come through a free consultation and a free action of the Members of this House. I protested before—I protested for four long years—on this floor against such methods as this. I protest now, Mr. Speaker, in the name of the American people, that such policy as is now being inaugurated is un-Democratic and un-American. [Applause.]

Mr. HENRY of Texas. Mr. Speaker, there is no man in this House who would more quickly yield to the majority of his associates in caucus than myself. I had not the slightest objection to submitting the names to a Democratic caucus and letting the Democrats pass on them.

Mr. SHACKLEFORD. Mr. Speaker, I——

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Missouri?

Mr. HENRY of Texas. Wait just a moment, until I get through. But, Mr. Speaker, when a majority of the Committee on Rules—aye, every member of the Committee on Rules, both Democrats and Republicans—agreed that this resolution should be adopted and the committee elected, I do not see the sense in submitting it to a caucus where we all agreed. No injustice has been done the party, and none has been done the country.

Mr. FOWLER. Will the gentleman yield?

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Illinois?

Mr. HENRY of Texas. Yes; I yield.

Mr. FOWLER. I desire to inquire whether this resolution in terms did not provide that the membership of the committee should be elected by the House?

Mr. HENRY of Texas. It did.

Mr. FOWLER. Then, why is not that done, and what body in this House had the right to take charge of the selection of that membership, other than the Democratic caucus for the Democratic Members and the Republican caucus for the Republican Members?

Mr. HENRY of Texas. The gentleman might with equal propriety have said that the resolution should have been submitted to the Democratic caucus. Some gentlemen are trying to stir up a controversy about nothing. There is absolutely nothing in it. If those gentlemen desire the matter to go to the Democratic caucus, let them make the motion.

Mr. SHACKLEFORD. Mr. Speaker, I will make the motion.

Mr. HENRY of Texas. I have no desire, Mr. Speaker, to arrogate to myself any authority. I am here to serve the Democratic Party and the country. [Applause.]

Mr. RICHARDSON. Will the gentleman yield?

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Alabama?

Mr. HENRY of Texas. I do.

Mr. RICHARDSON. Mr. Speaker, I object to this matter being referred to a Democratic caucus, as proposed by the gentleman who has just taken his seat, and I will try to give my reasons for it. I think it ought to be an important subject and an important event, that would bring the Democratic caucus together. Surely and certainly the Rules Committee, which the Democratic caucus elected, had judgment enough and patriotism enough and loyalty enough to our party to make fair and good selections without calling a Democratic caucus together. [Applause.] It concerns me but little whether the Ways and Means or Rules Committee had authority to make these nominations. Are the men named the proper men? There is too much danger in a Democratic caucus to call one to pass on unimportant matters. Probably the "Rules" Committee did not have the authority to name this committee, which I am advised is to investigate the Steel and Sugar Trusts.

Mr. HENRY of Texas. This is merely a nomination. It is a nomination only. The House can act on it.

Mr. KENDALL. Does the gentleman suppose——

The SPEAKER. The gentleman from Texas yielded to the gentleman from Alabama [Mr. RICHARDSON].

Mr. RICHARDSON. I say, Mr. Speaker, I am opposed to referring the ratification of the nominations made by the Rules Committee to the Democratic caucus, because I do not believe that on all occasions and at all times and in all small matters and unimportant incidents occurring on this floor or elsewhere, we have not confidence in the leaders we have made, but should appeal to the caucus. Mr. Speaker, I do not wish to be understood as criticizing a Democratic caucus. I always stand by the voice of a caucus of my party. But what I mean now to say, do not call a caucus about all kind of small matters. The caucus will become common. We have appointed a Committee on Rules and our Committee on Ways and Means, and, it seems to me that we are making a mountain out of a very small molehill to demand at this late hour that the gentlemen whose names are submitted to the House by the Rules Committee to make these investigations should be withdrawn by the chairman of the Rules Committee [Mr. HENRY of Texas] and carried before a Democratic caucus. This is merely a nomination, as the chairman of the Rules Committee suggests. We can defeat the nominations here on the open floor of the House if we have the desire to do so. I have not heard the names of the gentlemen submitted, because I came in on the floor of the House after this matter was called up, but I can say, inasmuch as the matter has proceeded thus far, I am prepared to vote for the nominations made by the Rules Committee. This scene here on the floor will be sufficient admonition that hereafter a Democratic caucus will handle such matters. I am not, Mr. Speaker, an advocate of frequent and numerous caucuses. Where vacancies occur on committees, I thought the Ways and Means Committee filled them. Too much talking will get the Democratic Party into trouble, and we are afraid of that. In our caucuses thus far we have done well.

The SPEAKER. To whom does the gentleman yield?

Mr. HENRY of Texas. I yield to the gentleman from Iowa.

Mr. KENDALL. I wanted to inquire of the gentleman from Texas if hereafter it is to be the policy of the majority to select special committees in this way?

Mr. HENRY of Texas. I will say candidly that I hope not. I hope that the Speaker will appoint select committees as the rules prescribe. In answer to another question of the gentleman, whether any gentleman would desire to offer a substitute, I will say that I hardly think so, because the numerous gentlemen with whom I have conferred about the personnel of the committee have done the work so well it can hardly be improved.

Mr. KENDALL. I do not suppose anybody would impeach the personnel of the committee.

Mr. SHACKLEFORD. I would like to ask the gentleman from Texas how many members of the Rules Committee are on the two investigating committees?

Mr. HENRY of Texas. Three on this side.

Mr. SHACKLEFORD. How many on the other?

Mr. HENRY of Texas. One.

Mr. SHACKLEFORD. Four in all.

Mr. HENRY of Texas. If the gentleman from Missouri desires, we will remove one of them and put him on.

Mr. SHACKLEFORD. That is a very pleasant piece of sarcasm, but has the gentleman authority to do that?

Mr. HENRY of Texas. I might obtain authority.

Mr. SISSON. Will the gentleman yield?

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Mississippi?

Mr. HENRY of Texas. Yes.

Mr. SISSON. I would like to ask if, as a matter of fact, the Rules Committee did not nominate this committee?

Mr. HENRY of Texas. No; it did not.

Mr. SISSON. They did not nominate?

Mr. HENRY of Texas. They were a small fraction of those consulted.

Mr. SISSON. From the number of interrogatories that have been propounded it seems that there were a large number that were not consulted.

Mr. HENRY of Texas. Those interrogatories were all good-natured, and of course we unintentionally overlooked some important Members. It was not possible to reach all.

Mr. SISSON. And so is mine.

Mr. HENRY of Texas. Well, what is the gentleman's question?

Mr. SISSON. How many gentlemen among the Democrats were consulted?

Mr. HENRY of Texas. Why, it really seems to me as if I talked with a majority of Democratic Members about these resolutions and the committees.

Mr. SISSON. I believe if the gentleman would submit it to the membership of the House he would find that not one-tenth of them were consulted.

Mr. HENRY of Texas. I think the gentleman is mistaken. I am not sure but that I consulted with the gentleman from Mississippi himself. Of course he will remember. There is no man in this House that I would go to sooner than to the gentleman from Mississippi.

Mr. SISSON. I appreciate the gentleman's good opinion, but I want to say that he has not, directly or indirectly, consulted with me.

Mr. HENRY of Texas. Well, I shall not be guilty of that offense again.

Mr. HUMPHREYS of Mississippi. Will the gentleman yield?

Mr. HENRY of Texas. Yes.

Mr. HUMPHREYS of Mississippi. In view of all that has been said in the last few minutes, would the gentleman from Texas be willing to withdraw the resolution and let it go over?

Mr. HENRY of Texas. No; I insist that the House shall elect the committee. We have nominated the committee, now let the House take what course it sees proper.

Mr. HUMPHREYS of Mississippi. The gentleman will see that many Members are not pleased, and that they are not satisfied with the methods that have been selected in nominating the committee. It occurred to me that it would be the part of wisdom to withdraw the resolution.

Mr. HENRY of Texas. Mr. Speaker, I ask for a vote. I want to say that I offer to yield for amendment as to new names.

Mr. SISSON. Mr. Speaker, I move that the resolution be referred to the Committee on Ways and Means.

Mr. SHACKLEFORD. I make the point of order that that is not in order.

Mr. HENRY of Texas. Mr. Speaker, I did not yield for any amendment of that sort. That is dilatory.

Mr. FITZGERALD. I suggest, Mr. Speaker, that the motion to commit is a privileged motion, and that the House has a right to commit this resolution, if it so desires, to any committee it pleases.

Mr. HARDY. Will the gentleman from Texas yield for a suggestion?

Mr. HENRY of Texas. Yes.

Mr. HARDY. I want to say that I am chairman of a little committee of which one of the members has resigned. That resignation has been put before the House, but I understand that in order to supply his place there will have to be a Democratic caucus to agree on a member before it can properly come before the House. I know that there will be no controversy or contest as to who the new committeeman may be, but I want to suggest as a solution of this matter now before the House and to avoid any friction would be to ask for a Democratic caucus, and that this resolution be submitted to that caucus for confirmation along with supplying the vacancy in my committee.

Mr. HENRY of Texas. Mr. Speaker, that is specially provided for by the rule—the case that the gentleman alludes to. The rule provides that vacancies in the standing committees shall be filled in the same manner as the original committees are made up.

Mr. COOPER. Will the gentleman yield?

Mr. HENRY of Texas. I yield to the gentleman for a question.

Mr. COOPER. Mr. Speaker, does the gentleman know whether this information which I received is true? I have been informed by a Member of the House that one of the gentlemen selected by the gentleman from Illinois [Mr. MANN] to represent the minority on this committee was up to the time of his election as a Member of this House a local attorney for the Steel Trust. Does the gentleman know whether that is true or not?

Mr. HENRY of Texas. I did not catch what the gentleman said.

Mr. COOPER. I have been informed by a Member of the House that one of the Members appointed or selected by the gentleman from Illinois [Mr. MANN] to represent the minority upon this committee on investigation was, up to the time of his election to membership in this House, the local attorney for the Steel Trust. Does the gentleman know whether that is true or not?

Mr. HENRY of Texas. I yield to the gentleman from Illinois to answer that question, although that resolution has already passed.

Mr. MANN. Mr. Speaker, if that be the case, I was not aware of it.

The SPEAKER. This whole discussion about the Steel Trust investigation committee is out of order.

Mr. KENDALL. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KENDALL. I understand the question before the House now to arise upon the motion of the gentleman from Mississippi to commit the resolution to the Committee on Ways and Means. Is that a debatable proposition?

The SPEAKER. It is. The question is on committing this resolution to the Committee on Ways and Means.

Mr. UNDERWOOD. Mr. Speaker, before that motion is put, I would like to ask the gentleman from Mississippi to withdraw the motion. I think that the rules prescribe that the Speaker shall appoint the select committees of the House. The Ways and Means Committee has been appointed by the caucus, and only by caucus action to select, subject to caucus approval, the standing committees of the House. There were personal reasons, I will say to the gentleman from Mississippi [Mr. SISSON], why I did not desire these resolutions to go to the Ways and Means Committee. I will say that one of them is a question of investigation of the United States Steel Corporation. For personal reasons I did not desire to participate in the selection of the committee to investigate the United States Steel Corporation. I did not wish to take part in the selection of that committee. Probably the gentleman can understand the position that I am in. If the occasion should arise again, the sentiment on this side of the House has clearly demonstrated that the desire of this side of the House is that similar committees shall be selected by the caucus, unless the Speaker appoints. I understand there is no issue made on the personnel of this committee, and I hope the gentleman will let it go for the present.

Mr. SISSON. Mr. Speaker, I would have no objection to the Speaker appointing these committees, or recommending these committees, to the House. I would have no objection to any committee or anybody that had heretofore been authorized, either under the rules or under the Democratic caucus, making the selection; but I do want to protest against a few gentlemen getting together and consulting around very quietly about who shall go on a committee and then bringing the resolution all cut and dried into the House. It is embarrassing to gentlemen on this side of the House to object to the personnel of a committee selected in that way, and I have absolutely no objection to the personnel of this committee. These gentlemen are all friends of mine, and I believe the committee selected to be a good one. I presume the protest on the part of others springs from the same source or reason that it does with me—not that I have anything against the personnel of either of these committees. Mr. Speaker, in view of the request made by the gentleman from Alabama [Mr. UNDERWOOD], chairman of the Committee on Ways and Means, if I may be permitted to do so, I ask that this matter be referred back to the Committee on Rules—and so change my motion—and let the Rules Committee consider the matter; and we have an opportunity then to either report it to the caucus or give the membership of the House an opportunity to consider the matter.

Mr. GARNER. Mr. Speaker, does the gentleman from Mississippi understand that one of these committees has already been selected by the House and the motion to reconsider and to lay that motion on the table has been adopted? Now, it seems to me the only question coming up here is the mode of procedure and not the personnel of these committees. Now, to have adopted one of these committees and to send the other back to a caucus or back to the Committee on Rules would bring up some question of their personnel.

Mr. SISSON. I will say to the gentleman from Texas that if the membership were taken by surprise as I was, I did not know exactly, as Tom Watson said, where I was at, the thing went through so quickly; and I will say to the gentleman from Texas I do earnestly hope that if we dispose of this matter in a proper way we may obtain unanimous consent to have that other matter referred back to the proper committee, so they would be both attended to.

Mr. GARNER. If I may be able to testify, as the gentleman from Mississippi has, I was not myself consulted about this matter. I did not know it was even coming up, and a great many Members have not been consulted sitting back here; but having already adopted one of these resolutions, now you would have us undo that, and I am not sufficiently acquainted with the rules to know just how you would undo it after you had made the motion to reconsider and to lay that motion on the table. If we send the other resolution back, it would go to the country, possibly, that those gentlemen who had been selected were not satisfactory to the House, and therefore the resolution was sent back for the purpose of looking them over again, and it would be a reflection on these gentlemen, which I do not believe the House ought to make.

Mr. HENRY of Texas. Mr. Speaker, just a word. As chairman of the Committee on Rules, I desire to say that the responsibility was put on that committee. We have not arrogated to ourselves any authority. We understand how jealous, and rightly so, Members have been of their prerogatives as Representatives in this House. We are not trying to dictate to the Democracy or the membership of this House, but here was the responsibility coming up that could be solved by your committee. Now, how much better off would you be if you submitted it to some other committee and let them pass on it?

Mr. FITZGERALD. Will the gentleman yield?

Mr. HENRY of Texas. In a moment. The gentleman says he was taken by surprise. There is never a day in this House that I am not taken by surprise when some matter is called up, and if any committee must go around and consult every individual Member before they take action, we would make poor progress in our proceedings. There is nothing in this proposition. Why, we have no ambition to select these men. The Committee on Rules does not aspire to do it. It is a large proposition when you investigate the great trusts. The Committee on Rules have unanimously agreed upon two resolutions, and no man can raise his voice against a single member of this committee proposed. Then why, forsooth, kick up a row about nothing? Mr. Speaker, it is absolutely, with all due respect to gentlemen who differ, ridiculous and absurd in the extreme.

Mr. FITZGERALD. Mr. Speaker, I would like to have about five minutes.

Mr. HENRY of Texas. I yield the gentleman five minutes' time.

Mr. FITZGERALD. Mr. Speaker, in justice to the gentlemen who are named by the pending resolution I should say that I was not in the Hall of the House when another resolution, as I am informed, was presented and adopted, because if I did not say this much it might appear as if my suggestion, coming at the time it did, in some manner did involve the Members named in this particular resolution. Had I been in the House then I would have voiced the same objection to the resolution naming the Members to investigate the steel companies that I have made to this resolution.

Suppose the Committee on Appropriations had proposed this select committee, and it would have had just as much right as the Committee on Rules to do it, the House having provided that the members of two select committees should be elected. Suppose, I repeat, the Committee on Appropriations had done this, and I take the Committee on Appropriations since, in that event, the criticism now made would be directed at myself. Suppose that committee had undertaken the selection of this investigating committee and had gone ahead and selected the Members on this side of the House, and then suppose we had consulted the gentleman from Illinois [Mr. MANN] as to the minority members, and then suppose I had presented a resolution, naming men that nobody could have criticized and nobody could have offered any objection to, and presented that resolution as matter of privilege. I would have put this side of the House in the same embarrassing position as it is now put in by the gentleman from Texas [Mr. HENRY] when he assumes authority and presents a resolution of this kind.

I do not concede for an instant that any duty devolved upon the Committee on Rules in this connection. In the first place, there is nothing in the practice heretofore followed or anything that the Democratic caucus has done which justifies the statement that the Committee on Rules had any duty devolving upon it to select the personnel of these investigating committees.

Mr. HENRY of Texas. Will the gentleman yield?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Texas?

Mr. FITZGERALD. Yes.

Mr. HENRY of Texas. Let me say to the gentleman from New York that if the Committee on Appropriations had presented or reported a resolution carrying with it the proposition to select members of the committee, and had he submitted the resolution and personnel of the committee, most certainly I would not have objected to it, because he would have been strictly within his rights and within the rules of propriety, and I do not see how any other idea could be entertained.

Mr. FITZGERALD. I disagree with the gentleman, and must say that if I had done so I should have expected this House to have rejected the resolution without any hesitation. It would have been an unwarranted presumption on my part and on the part of the Committee on Appropriations to have presumed to act as a nominating committee to this House.

Mr. LENROOT. Will the gentleman yield?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Wisconsin?

Mr. FITZGERALD. Yes.

Mr. LENROOT. The gentleman made a statement that the Committee on Rules, as I understand, had made the nomina-

tions. I wish to state that the Committee on Rules has never had this matter under consideration in any form whatever. [Laughter and applause.]

Mr. FITZGERALD. I do not wish to charge the Committee on Rules with any offense, but I understood the chairman of the Committee on Rules to make the statement that this duty had devolved upon the Committee on Rules and that the Committee on Rules had acted accordingly. My objection is very simple. I believe the proper thing to have done was to have placed the responsibility for the selection of the members of this committee on the Speaker of the House. I believe that is where the responsibility should fall.

Mr. HENRY of Texas. I would like to ask the gentleman another question.

The SPEAKER. Does the gentleman yield to the gentleman from Texas?

Mr. FITZGERALD. Just a minute, when I finish this statement. I do not know anybody who would have dared for an instant to have impugned the selections he would have made. But nobody else has any authority to make the selections. It is an unwarranted assumption, and I do not say that in a manner to be taken offensively, personally, but I do as a Member of this body consider it an unwarranted assumption of authority for any committee to present nominees in this House, and to put Members in a position where they would be embarrassed if they had objections against the nominees. There might be some perfectly legitimate reasons why certain Members should not be on some of these committees, and those reasons would not be discussed in the open, but if they were called to the attention of the nominating committee, the nominating committee could have considered the objections and taken such action as might be proper under the circumstances.

Mr. HENRY of Texas. Will the gentleman yield?

Mr. FITZGERALD. Yes; I yield.

Mr. HENRY of Texas. The gentleman does not believe that the caucus ought to nominate or the House elect committees under any circumstances, does he?

Mr. FITZGERALD. I believe that as the Democratic caucus adopted the practice of electing committees of the House; that as long as my party adopted that policy I am perfectly willing to acquiesce in it, and I did acquiesce in it. I made that statement when the question was up in the Democratic caucus. But that does not justify me or the gentleman from Kentucky or the gentleman from Virginia or any other gentleman in the House when the House has adopted a resolution to elect members of certain committees to consult a number of gentlemen and then offer a resolution naming certain men. It is a privileged resolution, difficult if not impossible to interfere with, and to assume the prerogative that the Speaker has heretofore exercised is the arrogation of a power that ought not to be allowed.

Mr. HENRY of Texas. The gentleman spoke of some Member not being acceptable to all the Members of the House. If the gentleman from New York desires to offer an amendment to substitute some other Member, he can do so. Is there any Member on this committee to whom he objects?

Mr. FITZGERALD. I do not know, because I do not know the personnel of the committee. I have no desire to offer a substitute. If there were some reason, in my judgment, that would make it inopportune to name any gentleman on the committee, I would not say it here and no other man would. He would make the statement to whoever he was conferring with about the selection of the committee.

Mr. HENRY of Texas. This is the place to offer an amendment.

Mr. FITZGERALD. I have no desire to offer an amendment, but I want to enter my emphatic protest against any Member not authorized by the rules or by the policy or the custom of the Democratic Party presenting as a matter of privilege a resolution nominating a committee to be elected by the House.

Mr. HENRY of Texas. The gentleman has made charges against the Rules Committee——

Mr. FITZGERALD. I have made no charges against the Rules Committee.

Mr. HENRY of Texas (continuing). About arrogating authority. I ask him if he is satisfied with the Members selected from New York?

Mr. FITZGERALD. I do not know who the Members are that are selected from New York.

Mr. HENRY of Texas. Mr. LITTLETON and Mr. SULZER.

Mr. FITZGERALD. I am not going to discuss them. If I were dissatisfied I would not express an opinion here, and I am not going to express any opinion about any of the Members named in the resolution. I am dissatisfied with the action of the gentleman from Texas, or whoever is responsible for arrogating to himself or to any committee the right of nominating the committee. It is, in effect, the exercise of the power of appointment. That is what it amounts to, and if it would be improper to lodge that power in the Speaker it is just as improper to lodge it in any other Member of the House.

Mr. RODDENBERY. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Georgia makes the point of no quorum.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 47 minutes p. m.) the House adjourned until to-morrow, Wednesday, May 17, 1911, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, in response to House resolution of April 25, 1911, information as to number of officers added to the Army under act of March 3, 1911 (H. Doc. No. 55); to the Committee on Military Affairs and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting, in response to House resolution of May 8, 1911, statement of expenditures on account of the National Monetary Commission from June 5, 1908, to March 31, 1911 (H. Doc. No. 56); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 640) granting a pension to Ethel K. Guerin; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 680) granting a pension to Edgar C. Sturges; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 793) granting a pension to Cleopatra Henshaw; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 806) granting a pension to Alonzo Shootman; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 820) granting a pension to Rachel M. McNeilly; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 831) granting a pension to Mary Meltabarger; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 833) granting a pension to Mitchell Fritts; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 838) granting a pension to David M. Bates; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 852) granting a pension to Othello T. Atkinson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1057) granting an increase of pension to Lewis M. Moses; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1121) granting an increase of pension to Elijah Richardson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1427) to remove the charge of desertion now standing against Thomas Martin; Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 1916) granting an increase of pension to Alexander Ginty; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1909) to correct the military record of Charles J. Lanning; Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 2048) granting an increase of pension to William P. Crayne; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2050) granting a pension to John W. McKissick; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2243) granting a pension to Frederick Wagner; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2244) granting a pension to Oscar S. Thornton; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2298) granting an increase of pension to John N. Hart; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2357) granting a pension to Charles I. Heywood; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2358) granting a pension to Edward Wilson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2490) granting a pension to Edwin Cline; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2698) granting an increase of pension to Mary Lee; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2713) granting an increase of pension to Augusta Fels; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 3435) for the relief of Austin T. Dickerman; Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 3570) granting a pension to Freda Burow; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 3705) granting an increase of pension to James Noble; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 3728) granting a pension to Charles A. Van Atta; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 3836) for the relief of McCarty & Collins; Committee on Invalid Pensions discharged, and referred to the Committee on Claims.

A bill (H. R. 5704) granting a pension to William Matthews; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5478) granting a pension to Elizabeth P. Bell; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5716) granting a pension to Garfield Lay; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5850) granting an increase of pension to Percy H. Allen; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5865) granting an increase of pension to Eliza F. Greenwood; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5881) granting a pension to Eugene U. Proctor; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5898) granting a pension to Kate C. G. Ewing; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6176) granting an increase of pension to James C. Wildes; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6241) granting a pension to Mrs. Forest Harmon; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6509) granting an increase of pension to Henry D. Lively; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6793) for the relief of Charles A. Bess; Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 6827) granting an increase of pension to William L. Carr; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7226) granting an increase of pension to Thompson McL. Chambers; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TAYLOR of Alabama: A bill (H. R. 9415) relating to Navy retirements; to the Committee on Naval Affairs.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 9416) to incorporate the Mississippi Valley Historical Association; to the Committee on the Library.

Also, a bill (H. R. 9417) granting a pension of $36 per month to all honorably discharged soldiers and sailors who served at least 90 days in the Army or Navy of the United States during the War with Mexico, and who have reached or may reach the age of 70 years; to the Committee on Pensions.

By Mr. ANDERSON of Ohio: A bill (H. R. 9418) to authorize the extension of Iowa Avenue NW. between Fourteenth and Sixteenth Streets; to the Committee on the District of Columbia.

Also, a bill (H. R. 9419) to make October 12 of each and every year a public holiday in the District of Columbia, to be known as Columbus Day; to the Committee on the District of Columbia.

By Mr. COLLIER: A bill (H. R. 9420) authorizing the Secretary of War to donate to the city of Jackson, Miss., two bronze or brass cannon or field pieces; to the Committee on Military Affairs.

Also, a bill (H. R. 9421) to establish a fish-hatching and fish-cultural station at a point near the city of Jackson, in the State of Mississippi; to the Committee on the Merchant Marine and Fisheries.

By Mr. POWERS: A bill (H. R. 9422) granting pensions to all enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9423) granting a pension to certain battalions of Kentucky State Militia; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9424) to amend the act of June 27, 1890, the act of April 19, 1908, and other acts; to the Committee on Invalid Pensions.

By Mr. THAYER: A bill (H. R. 9425) relative to the transportation of milk; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDREWS: A bill (H. R. 9426) appropriating the sum of $25,000 for additional improvements in the construction of the public building at Roswell, N. Mex.; to the Committee on Public Buildings and Grounds.

By Mr. EDWARDS: A bill (H. R. 9427) to establish a fish-hatching and fish-cultural station for the hatching and propagation of shad upon either the Ogeechee or the Altamaha River, in Georgia; to the Committee on the Merchant Marine and Fisheries.

By Mr. KINKEAD of New Jersey: A bill (H. R. 9428) to appropriate $171,018.10 for the improvement of the Hackensack River, in the State of New Jersey; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 9429) to amend section 2 of an act entitled "An act to promote the safe transportation in interstate commerce of explosives and other dangerous articles and to provide penalties for its violation"; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Kentucky (by request of the Commissioners of the District of Columbia): A bill (H. R. 9430) regarding the extension of New Hampshire Avenue, in the District of Columbia; to the Committee on the District of Columbia.

Also (by request of the Commissioners of the District of Columbia), a bill (H. R. 9431) to provide for the extension of New Hampshire Avenue, in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. MANN: A bill (H. R. 9432) to establish a fish-cultural station at or near the city of Chicago, in the State of Illinois; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 9433) for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

By Mr. DENT: A bill (H. R. 9434) to amend an act to establish a uniform system of bankruptcy throughout the United States; to the Committee on the Judiciary.

By Mr. KENDALL: A bill (H. R. 9435) to regulate the issuance of injunctions and to provide for a trial by jury in proceedings for the punishment of contempts; to the Committee on the Judiciary.

By Mr. MILLER: A bill (H. R. 9436) setting apart certain lands to be used as a permanent village site by the Chippewa Reservation Band of Indians of Minnesota, and providing for the platting, leasing, and selling of lots or parts of the said lands; to the Committee on Indian Affairs.

By Mr. LA FOLLETTE: A bill (H. R. 9437) increasing the cost of erecting a post-office and courthouse building at Walla

Walla, Wash.; to the Committee on Public Buildings and Grounds.

By Mr. PAGE: A bill (H. R. 9438) for the purchase of a site and the erection of a public building thereon at Rockingham, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. WOODS of Iowa: A bill (H. R. 9439) providing for taxation of and fixing the rate of taxation on inheritances, devises, bequests, legacies, and gifts in the United States, and providing for the manner of payment as well as the manner of enforcing payment thereof; to the Committee on Ways and Means.

By Mr. BLACKMON: A bill (H. R. 9440) to repeal an act to establish a uniform system of bankruptcy and all amendments thereto; to the Committee on the Judiciary.

By Mr. BYRNS of Tennessee: A bill (H. R. 9441) to locate, map, and mark field of battle fought near Nashville, Tenn., December 15 and 16, 1864, to construct driveways, etc., and make an appropriation for same; to the Committee on Military Affairs.

By Mr. PADGETT: A bill (H. R. 9442) to amend an act approved March 4, 1911, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1912, and for other purposes"; to the Committee on Naval Affairs.

By Mr. YOUNG of Kansas: A bill (H. R. 9443) granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico, and amending the act of April 19, 1908, relative to widows of soldiers, etc., of the Civil War; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9444) relating to soldiers and sailors employed in the civil service of the United States; to the Committee on Reform in the Civil Service.

By Mr. MURDOCK: A bill (H. R. 9445) to establish a new judicial district in the State of Kansas; to the Committee on the Judiciary.

By Mr. HOBSON (by request): A bill (H. R. 9446) to construct two national auto highways, the first along or near to the thirty-fifth parallel of north latitude, from the Atlantic to the Pacific Ocean; the second along or near to the twenty-third meridian, west from Washington, D. C., north to Canada and south to Mexico; to the Committee on Ways and Means.

By Mr. DICKINSON: A bill (H. R. 9447) to provide for the erection of a public building in the city of Butler, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. MARTIN of South Dakota: A bill (H. R. 9448) for the purchase of a site and the erection of a public building at Bellefourche, S. Dak.; to the Committee on Public Buildings and Grounds.

By Mr. BELL of Georgia: A bill (H. R. 9449) to amend the acts to regulate commerce so as to provide that publishers of newspapers and periodicals may enter into advertising contracts with common carriers and receive payment for such advertisements in transportation; to the Committee on Interstate and Foreign Commerce.

By Mr. SHACKLEFORD: A bill (H. R. 9450) construing the provisions of sections 2304 to 2309 of the Revised Statutes of the United States in certain cases; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9451) to confirm New Madrid location and survey No. 2880, and to provide for the issue of a patent therefor; to the Committee on the Public Lands.

Also, a bill (H. R. 9452) providing for the payment of certain coupons of bonds issued pursuant to an act of the Legislature of the State of California to pay the expenses of suppressing Indian hostilities; to the Committee on Claims.

By Mr. EDWARDS: Resolution (H. Res. 169) fixing hour for convening of House; to the Committee on Rules.

Also, resolution (H. Res. 170) requesting the Secretary of Commerce and Labor to institute a thorough and immediate investigation of the combination of cotton speculators in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. THAYER: Joint resolution (H. J. Res. 98) regarding the distribution of the public laws of the Fifty-sixth, Fifty-seventh, Fifty-eighth, Fifty-ninth, Sixtieth, and Sixty-first Congresses; to the Committee on Printing.

By Mr. RAKER: Joint resolution (H. J. Res. 99) authorizing the President to invite the Republic of Mexico and the Republics of Central and South America to participate in the Panama-California Exposition in 1915 at San Diego, Cal.; to the Committee on Industrial Arts and Expositions.

By Mr. McCALL: Joint resolution (H. J. Res. 100) authorizing the President to instruct representatives of United States to next International Peace Conference to express desire of United States that nations shall not attempt to increase their territory by conquest, and to endeavor to secure a declaration to that effect from the conference; to the Committee on Foreign Affairs.

By Mr. CLARK of Missouri: Memorial from the Legislature of Hawaii Territory requesting the passage of a law admitting the Territory into the Union as a State; to the Committee on the Territories.

Also, memorial from the Senate of Hawaii Territory in regard to education, homesteads, etc.; to the Committee on the Territories.

Also, memorial from the Senate of Hawaii Territory in regard to militia, etc.; to the Committee on the Territories.

Also, memorial from Hawaii Territory in regard to construction of a ditch from Hilo to Kau; to the Committee on the Territories.

By Mr. MAGUIRE of Nebraska: Memorial of the Nebraska Legislature memorializing Congress to erect on the Federal building at Lincoln, Nebr., a large clock; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 9453) granting an increase of pension to Wellington Mills; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9454) granting an increase of pension to Levi Cuddeback; to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 9455) granting an increase of pension to Patrick Kilday; to the Committee on Invalid Pensions.

By Mr. BLACKMON: A bill (H. R. 9456) to authorize the issuance of a patent to J. M. Stewart for land located in Calhoun County, State of Alabama; to the Committee on the Public Lands.

Also, a bill (H. R. 9457) for the relief of Bessie McAlister McGuirk; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 9458) for the relief of the estate of John W. McDaniel; to the Committee on War Claims.

Also, a bill (H. R. 9459) for the relief of the estate of Robert Pruitt, deceased; to the Committee on War Claims.

By Mr. CAMPBELL: A bill (H. R. 9460) granting a pension to Phebe A. Fuller; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 9461) granting an increase of pension to John W. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9462) granting an increase of pension to Lewis Virden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9463) granting an increase of pension to Columbia Spalding; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9464) granting an increase of pension to Charles M. Haver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9465) granting a pension to Andrew Woods; to the Committee on Pensions.

By Mr. CANTRILL: A bill (H. R. 9466) granting an increase of pension to William Annis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9467) to carry into effect the findings of the Court of Claims in the claim of Irene E. Johnson, administratrix of the estate of Leo L. Johnson, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9468) to carry into effect the findings of the Court of Claims in the case of Eleanor G. Whitney; to the Committee on War Claims.

Also, a bill (H. R. 9469) to carry into effect the findings of the Court of Claims in the case of Katherine McClelland, administratrix of the estate of Robert M. McClelland, deceased; to the Committee on War Claims.

By Mr. COLLIER: A bill (H. R. 9470) granting a pension to Columbia F. Mitchell; to the Committee on Pensions.

Also, a bill (H. R. 9471) for the relief of Mrs. M. M. Champion; to the Committee on War Claims.

Also, a bill (H. R. 9472) for the relief of W. W. Warren, administrator of the estate of Jackson Warren, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9473) for the relief of Mrs. Virginia Grant; to the Committee on War Claims.

Also, a bill (H. R. 9474) for the relief of L. A. Whitehead; to the Committee on War Claims.

Also, a bill (H. R. 9475) for the relief of the trustees of the New Hope Baptist Church, of Madison, Miss.; to the Committee on War Claims.

Also, a bill (H. R. 9476) for the relief of James K. Hamblen; to the Committee on War Claims.

Also, a bill (H. R. 9477) for the relief of Abner P. Bush; to the Committee on War Claims.

Also, a bill (H. R. 9478) for the relief of Mary S. Miller and Charles E. Bullock, heirs of J. L. W. Bullock, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9479) for the relief of Mrs. C. V. Wilkins; to the Committee on War Claims.

Also, a bill (H. R. 9480) for the relief of Mattie J. and W. P. Horn, heirs of Preston A. Horn; to the Committee on War Claims.

Also, a bill (H. R. 9481) for the relief of Martha S. Carmichael; to the Committee on War Claims.

Also, a bill (H. R. 9482) for the relief of J. E. Whittington; to the Committee on War Claims.

Also, a bill (H. R. 9483) for the relief of Henry L. Blake and others, complaining that their lands and other property have been taken, damaged, and destroyed in the execution of the works of the United States for the improvement of the Mississippi River; to the Committee on Claims.

Also, a bill (H. R. 9484) for the relief of J. W. Cain, Morde Fuller, Charles Van Buren, and H. C. Perry; to the Committee on Claims.

Also, a bill (H. R. 9485) for the relief of John L. McClendon, administrator of the estate of Joel McClendon, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9486) for the relief of the legal representatives of Benjamin Roach, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9487) for the relief of Frank Roberts and the heirs of Ida Roberts McNeil, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9488) for the relief of Mrs. R. R. McMullen, administratrix of Thomas J. McMullen, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9489) for the relief of Smith Summers, administrator of John Waters, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9490) for the relief of Frank Harris; to the Committee on War Claims.

Also, a bill (H. R. 9491) for the relief of Charlotte Spears; to the Committee on War Claims.

Also, a bill (H. R. 9492) for the relief of James K. Hamblen; to the Committee on War Claims.

Also, a bill (H. R. 9493) for the relief of the heirs of Harvey Latham, deceased, and for other purposes; to the Committee on War Claims.

Also, a bill (H. R. 9494) for the relief of heirs of Benjamin Garrett; to the Committee on War Claims.

Also, a bill (H. R. 9495) for the relief of heirs of Peter J. Mosley, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9496) for the relief of the heirs of Peter Anderson; to the Committee on War Claims.

Also, a bill (H. R. 9497) for the relief of the heirs of John H. McCutchen, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9498) for the relief of the heirs of Mrs. H. C. Henderson, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9499) for the relief of the heirs of Joseph Wilson, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9500) for the relief of the heirs, devisees, and legatees of the estate of Willis Lowe, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9501) for the relief of heirs of Julia L. Watson, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9502) for the relief of heirs of Samuel W. Lancaster, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9503) for the relief of the heirs of J. L. W. Bullock, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9504) for the relief of the heirs of Hiram G. Robertson and Charlotte G. Robertson, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9505) for the relief of the heirs of Mrs. C. M. J. Williamson; to the Committee on War Claims.

Also, a bill (H. R. 9506) for the relief of the heirs of Nicholas Sanquinetti, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9507) for the relief of the estate of Henry E. Windley; to the Committee on War Claims.

Also, a bill (H. R. 9508) for the relief of the estate of John A. Heard, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9509) for the relief of the estate of James P. Smith; to the Committee on War Claims.

Also, a bill (H. R. 9510) for the relief of the estate of Jacob Oates, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9511) for the relief of the estate of Emily R. Martin, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9512) for the relief of the estate of James S. Winters, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9513) for the relief of the estate of Rebecca E. Sexton; to the Committee on War Claims.

Also, a bill (H. R. 9514) for the relief of the estate of Reuben Millsaps; to the Committee on War Claims.

Also, a bill (H. R. 9515) for the relief of the estate of Nancy Maria Minter; to the Committee on War Claims.

Also, a bill (H. R. 9516) for the relief of the estate of Thomas S. Maben, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9517) for the relief of the estate of W. T. Collins, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9518) for the relief of the estate of George M. Coker, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9519) for the relief of the estate of R. T. Brown, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9520) for the relief of the estate of Wesley Crisler, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9521) for the relief of the estate of B. V. McGuffee, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9522) for the relief of the estate of Elizabeth Hemphill, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9523) for the relief of the estate of Dr. J. P. Davis, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9524) for the relief of the estate of Jane N. Gibson, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9525) for the relief of the estate of Thomas J. Gibson, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9526) for the relief of the estate of J. B. Hall, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9527) for the relief of the estate of R. A. Myrick, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9528) for the relief of the estate of Calvin Tilley; to the Committee on War Claims.

Also, a bill (H. R. 9529) for the relief of the estate of Samuel D. Kelley, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9530) for the relief of the estate of Stephen Herren; to the Committee on War Claims.

Also, a bill (H. R. 9531) for the relief of the estate of J. J. Galtney, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9532) for the relief of the estate of Benjamin Magruder, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9533) for the relief of estate of W. A. Booth, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9534) for the relief of the estate of Jesse Mabry, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9535) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of Royall Chambers, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9536) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of Charles Baker, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9537) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of John Read, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9538) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of William O. Moseley, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9539) to carry into effect the findings of the Court of Claims in the matter of the claim of Harriett Miles; to the Committee on War Claims.

Also, a bill (H. R. 9540) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of Mary Ann Nagle, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9541) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of Emma S. Lewis, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9542) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of Sarah G. Clark, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9543) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of S. N. Clark, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9544) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of William Freeman, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9545) to carry into effect the findings of the Court of Claims in the matter of the claim of the heirs of Vernon H. Johnston, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9546) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of James A. Foard, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9547) to carry into effect the findings of the Court of Claims in the matter of the claim of Elizabeth Johnson; to the Committee on War Claims.

Also, a bill (H. R. 9548) to carry out the findings of the Court of Claims in the case of Bettie B. Willis, administratrix of Joel H. Willis, deceased; to the Committee on War Claims.

A bill (H. R. 9549) for the relief of James Richards, administrator of the estate of William Richards, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9550) for the relief of Maria Elizabeth Burnett; to the Committee on War Claims.

Also, a bill (H. R. 9551) to carry into effect the findings of the Court of Claims in the case of trustees of the Methodist Episcopal Church South, of Phoenix, Miss.; to the Committee on War Claims.

Also, a bill (H. R. 9552) for the relief of John L. Hyland and other heirs of William S. Hyland; to the Committee on War Claims.

Also, a bill (H. R. 9553) for the relief of J. W. Hayes, administrator of the estate of W. D. Wilson, deceased; to the Committee on War Claims.

By Mr. COOPER: A bill (H. R. 9554) granting an increase of pension to Franklin R. Garlock; to the Committee on Invalid Pensions.

By Mr. DAUGHERTY: A bill (H. R. 9555) granting an increase of pension to Frederick Munch; to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 9556) granting a pension to Maud A. Ordway; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 9557) granting an increase of pension to William J. McGhee; to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 9558) granting an increase of pension to Jacob Grow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9559) granting an increase of pension to John Bohland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9560) granting an increase of pension to John G. Hitt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9561) granting an increase of pension to Henry Franz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9562) granting an increase of pension to Mary Doyle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9563) granting an increase of pension to Charles W. Calloway; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9564) granting an increase of pension to Elisha Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9565) granting an increase of pension to Casper Fox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9566) granting an increase of pension to Thomas F. Duncan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9567) granting an increase of pension to Francis A. Ricketts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9568) granting an increase of pension to George W. Nichols; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9569) granting an increase of pension to William H. Banks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9570) granting an increase of pension to Thomas S. Harrell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9571) granting an increase of pension to Cort Bruns; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9572) granting an increase of pension to Nicholas Rullis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9573) granting an increase of pension to John Shinolt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9574) granting an increase of pension to John F. Spencer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9575) granting an increase of pension to James A. Simmons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9576) granting an increase of pension to Herman Brunce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9577) granting an increase of pension to Lucian Harbaugh; to the Committee on Invalid Pensions.

By Mr. DONOHOE: A bill (H. R. 9578) granting an increase of pension to George W. Butcher; to the Committee on Invalid Pensions.

By Mr. DUPRE: A bill (H. R. 9579) for the relief of W. W. Lamberton; to the Committee on War Claims.

By Mr. EDWARDS: A bill (H. R. 9580) granting a pension to James H. Saint Clair; to the Committee on Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 9581) to carry into effect the findings of the Court of Claims in the case of Sarah Brewer, widow and sole heir of John Brewer, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9582) granting a pension to Mary C. Fowler; to the Committee on Pensions.

Also, a bill (H. R. 9583) granting pensions to E. H. Butram, M. T. Harris, D. M. Price, R. F. Mitchell, William B. Warren, A. L. Martin, John Mitchell, and A. M. Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9584) granting an increase of pension to Arthur G. McKeown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9585) granting an increase of pension to Joshua Lindsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9586) granting an increase of pension to John W. Morris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9587) granting an increase of pension to John F. D. Gerall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9588) to correct the military record of Thomas J. White; to the Committee on Military Affairs.

Also, a bill (H. R. 9589) to correct the military record of John B. Heffly; to the Committee on Military Affairs.

Also, a bill (H. R. 9590) to carry into effect the findings of the Court of Claims in the case of heirs of Joseph C. Zillah, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9591) to carry into effect the findings of the Court of Claims in the case of Ben Mahuren; to the Committee on War Claims.

Also, a bill (H. R. 9592) to carry into effect the findings of the Court of Claims in the case of Dan Thomason, administrator of estate of Joel Harrell, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9593) to carry into effect the findings of the Court of Claims in case of Jonathan Pigman, executor of Benjamin Pigman, deceased; to the Committee on War Claims.

By Mr. FOCHT: A bill (H. R. 9594) granting an increase of pension to David Trutt; to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 9595) to remove the charge of desertion from the record of Joseph Neveux; to the Committee on Military Affairs.

Also, a bill (H. R. 9596) granting a pension to Margaret Nevison; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 9597) granting an increase of pension to Jarvis M. Kime; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9598) granting an increase of pension to Herman P. Manly; to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 9599) for the relief of Dilly Williams; to the Committee on War Claims.

Also, a bill (H. R. 9600) for the relief of H. H. Belew; to the Committee on War Claims.

Also, a bill (H. R. 9601) for the relief of Mathew Williams; to the Committee on War Claims.

Also, a bill (H. R. 9602) for the relief of heirs of C. H. Medlin, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9603) for the relief of heirs of John Williams, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9604) for the relief of heirs or estate of J. M. Sanders, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9605) granting an increase of pension to Josiah H. Ford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9606) for the relief of heirs or estate of Nathan Dungan, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9607) to carry into effect the findings of the Court of Claims in the case of Petty Light Johnston and Scrappy Light Bradshaw; to the Committee on War Claims.

Also, a bill (H. R. 9608) to carry into effect the findings of the Court of Claims in the matter of the claim of Elam C. Cooper; to the Committee on War Claims.

Also, a bill (H. R. 9609) to carry into effect the findings of the Court of Claims in the matter of the claim of the Humboldt Female College, of Gibson County, Tenn.; to the Committee on War Claims.

Also, a bill (H. R. 9610) to carry into effect the findings of the Court of Claims in the matter of the claim of the Walnut Grove Baptist Church, of Gibson County, Tenn.; to the Committee on War Claims.

By Mr. GREGG of Pennsylvania: A bill (H. R. 9611) granting an increase of pension to John Walter; to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 9612) granting an increase of pension to William T. Patey; to the Committee on Invalid Pensions.

By Mr. HARTMAN: A bill (H. R. 9613) for the relief of Martin Cupples; to the Committee on Military Affairs.

Also, a bill (H. R. 9614) granting an increase of pension to Cephas H. Grass; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9615) granting an increase of pension to John Hogmire; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 9616) for the relief of Orville T. Perkins; to the Committee on Claims.

By Mr. HELM: A bill (H. R. 9617) granting an increase of pension to John H. Dickerson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9618) granting an increase of pension to John C. Caldwell; to the Committee on Pensions.

Also, a bill (H. R. 9619) granting a pension to John Middleton; to the Committee on Pensions.

Also, a bill (H. R. 9620) granting an increase of pension to William J. Partin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9621) granting an increase of pension to Joseph Reece; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9622) for the relief of Madison County, Ky.; to the Committee on Claims.

By Mr. HENSLEY: A bill (H. R. 9623) granting an increase of pension to James W. Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9624) granting an increase of pension to Stephen M. McAllister; to the Committee on Invalid Pensions.

By Mr. HOBSON: A bill (H. R. 9625) to carry into effect the findings of the Court of Claims in the case of the Masonic Lodge of Bexar, Ala.; to the Committee on War Claims.

By Mr. HOUSTON: A bill (H. R. 9626) for the relief of the heirs of A. J. McNabb; to the Committee on War Claims.

Also, a bill (H. R. 9627) granting an increase of pension to Marion Stone; to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 9628) granting an increase of pension to John J. Staggs; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 9629) granting a pension to Gilbert W. Bidwell; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 9630) for the relief of the heirs of Charles H. Manning; to the Committee on War Claims.

By Mr. KIPP: A bill (H. R. 9631) granting a pension to Isabella Rockwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9632) granting an increase of pension to Henry B. Hoffman; to the Committee on Pensions.

Also, a bill (H. R. 9633) granting an increase of pension to Michael Weber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9634) granting an increase of pension to Elisha Gray; to the Committee on Invalid Pensions.

By Mr. KONOP: A bill (H. R. 9635) granting an increase of pension to John Golden; to the Committee on Invalid Pensions.

By Mr. LA FOLLETTE: A bill (H. R. 9636) granting a pension to Fannie E. Douglass; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 9637) granting an increase of pension to Adam Chronister; to the Committee on Invalid Pensions.

By Mr. LANGHAM: A bill (H. R. 9638) granting an increase of pension to Robert W. Ramsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9639) granting an increase of pension to Archibald McGaughey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9640) granting an increase of pension to Archie Spratt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9641) granting an increase of pension to Sidney Marlin; to the Committee on Invalid Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 9642) granting an increase of pension to John Hornish; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9643) to correct the military record of Christian Reichert; to the Committee on Military Affairs.

By Mr. LONGWORTH: A bill (H. R. 9644) granting an increase of pension to Edwin McMillan; to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 9645) granting an increase of pension to Charles H. Hubbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9646) granting an increase of pension to Hiram Russell; to the Committee on Invalid Pensions.

By Mr. McDERMOTT: A bill (H. R. 9647) granting an increase of pension to Gideon Morisette; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9648) granting an increase of pension to Michael Lynn; to the Committee on Invalid Pensions.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 9649) granting an increase of pension to Ross Mattocks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9650) granting a pension to Arch R. Beckes; to the Committee on Pensions.

By Mr. McKINLEY: A bill (H. R. 9651) granting an increase of pension to Augustus R. Dixon; to the Committee on Pensions.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 9652) granting a pension to Monta E. Milligan; to the Committee on Pensions.

Also, a bill (H. R. 9653) granting an increase of pension to Frederick Claus; to the Committee on Pensions.

By Mr. MAHER: A bill (H. R. 9654) granting an increase of pension to John Whalen; to the Committee on Invalid Pensions.

By Mr. MARTIN of South Dakota: A bill (H. R. 9655) for the relief of Horace C. Dale, administrator of the estate of Antoine Janis, sr.; to the Committee on Claims.

Also, a bill (H. R. 9656) for the relief of Milton C. and George G. Conners, doing business under firm name of Conners Bros.; to the Committee on Claims.

By Mr. MILLER: A bill (H. R. 9657) granting an increase of pension to Clarence Watt; to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 9658) granting an increase of pension to Reuben J. Reals; to the Committee on Pensions.

Also, a bill (H. R. 9659) granting an increase of pension to Edward G. Ashley; to the Committee on Invalid Pensions.

By Mr. NYE: A bill (H. R. 9660) granting a pension to Benjamin F. Graham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9661) granting an increase of pension to George W. Marchant; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 9662) granting an increase of pension to Edward L. Godfrey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9663) granting an increase of pension to Jane Rivers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9664) granting an increase of pension to Charles W. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9665) granting an increase of pension to James H. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9666) granting an increase of pension to Emily F. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9667) granting an increase of pension to Patrick Heffern; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9668) granting an increase of pension to John Lynch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9669) granting an increase of pension to Jeremiah S. Quirk; to the Committee on Invalid Pensions.

By Mr. PAGE: A bill (H. R. 9670) for the relief of the estate of L. G. Smith, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9671) for the relief of Martha A. Moffitt; to the Committee on Claims.

Also, a bill (H. R. 9672) for the relief of the estate of John Quick, deceased; to the Committee on War Claims.

By Mr. PEPPER: A bill (H. R. 9673) granting a pension to Julia M. Ashby; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 9674) granting an increase of pension to John R. Collins; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 9675) for the relief of the New South Brewing & Ice Co.; to the Committee on Claims.

Also, a bill (H. R. 9676) granting a pension to Edward R. Baker; to the Committee on Pensions.

Also, a bill (H. R. 9677) granting an increase of pension to Wilson H. Glass; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9678) granting an increase of pension to Rupert S. Rives; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9679) granting an increase of pension to F. M. Keith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9680) granting an increase of pension to Martin R. Dutton; to the Committee on Invalid Pensions.

By Mr. RANSDELL of Louisiana: A bill (H. R. 9681) for the relief of N. W. Jones; to the Committee on War Claims.

Also, a bill (H. R. 9682) granting a pension to John Nowack; to the Committee on Pensions.

By Mr. RUSSELL: A bill (H. R. 9683) granting a pension to Malinda Mick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9684) granting an increase of pension to Lewis McGuire; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9685) granting an increase of pension to Henry Vasterling; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 9686) for the relief of Abram Floyd and S. H. Floyd; to the Committee on War Claims.

Also, a bill (H. R. 9687) granting a pension to Charles Etzel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9688) granting a pension to Charles S. Davis; to the Committee on Pensions.

Also, a bill (H. R. 9689) granting a pension to Nancy M. Blackman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9690) granting a pension to Carrie Bradley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9691) granting a pension to Sylvania Engle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9692) granting a pension to Bridget Fennessey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9693) granting a pension to M. F. Loyd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9694) granting a pension to John W. Reid; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9695) granting a pension to Agustus Thompson; to the Committee on Pensions.

Also, a bill (H. R. 9696) granting a pension to Samuel Whitsett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9697) granting a pension to John S. Ellis; to the Committee on Pensions.

Also, a bill (H. R. 9698) granting a pension to William F. Monday; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9699) granting an increase of pension to G. S. Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9700) granting an increase of pension to Lauson Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9701) granting an increase of pension to Elias Rippee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9702) granting an increase of pension to William H. H. Rose; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9703) granting an increase of pension to T. M. Laughlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9704) granting an increase of pension to Francis M. Kittrell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9705) granting an increase of pension to Levi Maule; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9706) granting an increase of pension to William H. Furber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9707) granting an increase of pension to Marian A. Franklin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9708) granting an increase of pension to Nathaniel Finley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9709) granting an increase of pension to James P. Benson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9710) granting an increase of pension to James C. Clouse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9711) granting an increase of pension to Mary Westerfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9712) granting an increase of pension to Hezekiah Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9713) to correct the military record of Robert W. Marr; to the Committee on Military Affairs.

Also, a bill (H. R. 9714) to remove the charge of desertion from the military record of William Karch; to the Committee on Military Affairs.

Also, a bill (H. R. 9715) to remove the charge of desertion from the military record of John C. Bennett; to the Committee on Military Affairs.

By Mr. SHACKLEFORD: A bill (H. R. 9716) for the relief of the Bank of Freeburg, of Freeburg, Mo.; to the Committee on Claims.

Also, a bill (H. R. 9717) granting a pension to James Gault; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9718) granting a pension to Mary Sorter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9719) granting a pension to Theodore Schaubecker, alias Theodore Schauwecker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9720) granting a pension to Joseph Bourgerert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9721) granting an increase of pension to Charles B. Swinney; to the Committee on Pensions.

Also, a bill (H. R. 9722) granting an increase of pension to James C. Simmons; to the Committee on Pensions.

Also, a bill (H. R. 9723) granting an increase of pension to Humphrey Roberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9724) granting an increase of pension to Hiram M. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9725) granting an increase of pension to John F. Rea; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9726) granting an increase of pension to George Morrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9727) granting an increase of pension to James J. Cross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9728) granting an increase of pension to Henry S. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9729) to carry out the findings of the Court of Claims in the case of John W. Brooks; to the Committee on War Claims.

Also, a bill (H. R. 9730) to remove the charge of desertion from the military record of William E. Miller, and to grant him an honorable discharge; to the Committee on Military Affairs.

Also, a bill (H. R. 9731) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of the First Baptist Church of Jefferson City, Mo.; to the Committee on War Claims.

Also, a bill (H. R. 9732) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of the Christian Church of Sturgeon, Mo.; to the Committee on War Claims.

By Mr. STERLING: A bill (H. R. 9733) granting a pension to Mary E. Rayburn; to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 9734) granting an increase of pension to Philo M. Barnes; to the Committee on Invalid Pensions.

By Mr. SMITH of Texas: A bill (H. R. 9735) granting an increase of pension to Permelia Hubbird; to the Committee on Pensions.

Also, a bill (H. R. 9736) granting an increase of pension to Catharine Pugh; to the Committee on Pensions.

By Mr. SLOAN: A bill (H. R. 9737) granting an increase of pension to Joseph T. Roller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9738) granting an increase of pension to Douglas Delano; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9739) granting an increase of pension to Albert Brunner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9740) granting a pension to Sallie J. Latham; to the Committee on Invalid Pensions.

By Mr. STONE: A bill (H. R. 9741) granting an increase of pension to Eliza J. Busse; to the Committee on Invalid Pensions.

By Mr. THAYER: A bill (H. R. 9742) granting a pension to Christopher Colvin; to the Committee on Pensions.

Also, a bill (H. R. 9743) granting a pension to Margaret McCoy; to the Committee on Pensions.

By Mr. UTTER: A bill (H. R. 9744) granting an increase of pension to Ellen Minot; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9745) granting an increase of pension to Mary A. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9746) granting an increase of pension to Ann Porter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9747) granting an increase of pension to Angeline L. Arnold; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9748) granting an increase of pension to Elma O. Phinney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9749) granting an increase of pension to Lauretta Chandler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9750) granting an increase of pension to Martha White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9751) granting an increase of pension to Sarah B. Whitaker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9752) granting an increase of pension to Rachel Parker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9753) granting an increase of pension to Martha A. Whitford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9754) granting an increase of pension to James M. Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9755) granting an increase of pension to Emily Fish; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9756) granting an increase of pension to Mary Bonner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9757) granting an increase of pension to Mary A. Baxter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9758) granting an increase of pension to Harriet A. Parker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9759) granting an increase of pension to Laura C. Hyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9760) granting an increase of pension to Mary A. Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9761) granting an increase of pension to Emily A. Hartt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9762) granting an increase of pension to Ellen M. Cutler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9763) granting an increase of pension to Bridget Kelly; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CANNON: Petition of Thomas Aurand, of Watseka, Ill., praying for the enactment of legislation whereby homestead entrymen prevented, under certain conditions, from fulfilling requirements as to residing on homestead may be credited on subsequent entry with time of residence on former entry; to the Committee on the Public Lands.

By Mr. CARLIN: Exhibits Nos. 1, 2, 3, and 4, to accompany bill for the relief of Elizabeth Burnett, and papers to accompany bill for the relief of James Richards, administrator of the estate of William Richards, deceased; to the Committee on War Claims.

By Mr. CATLIN: Resolution of Bottlers' Local Union No. 187, in St. Louis, of the United Brewery Workmen of America, to repeal the 10-cent tax upon oleomargarine; to the Committee on Ways and Means.

By Mr. COLLIER: Petition of John H. Hyland et al., heirs at law of William S. Hyland, in claims against the United States; to the Committee on War Claims.

By Mr. COOPER: Petition of Wallace W. Nash, asking for the reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. ESCH: Petition of Chamber of Commerce of Pittsburg for the amendment of the corporation-tax law; to the Committee on Revision of the Laws.

By Mr. FRENCH: Resolution from Sheet Metal Workers' Union, No. 339, Pocatello, Idaho, relating to the extradition of John J. McNamara and favoring the Berger resolution; to the Committee on Labor.

Also, resolutions and petitions bearing upon the resolution of Representative BERGER in the matter of John J. McNamara from Twin Falls Socialist Local, Twin Falls Woman's Socialist Committee, and citizens of Lucile, Idaho; to the Committee on Labor.

By Mr. GARDNER of Massachusetts: Resolutions from the Commercial Club of Brockton, Mass., protesting against the proposed legislation in the so-called farmers' free-list bill placing boots and shoes on the free list; to the Committee on Ways and Means.

Also, resolutions from Boot and Shoe Cutters' Assembly, No. 3662, Knights of Labor, of Salem, Mass., protesting against the methods used in the arrest of John J. McNamara, James McNamara, and Ortie McManigal; to the Committee on Labor.

Also, petitions from 49 citizens of Amesbury and Newburyport, Mass., favoring the establishment of a national department or bureau of health; to the Committee on Interstate and Foreign Commerce.

Also, resolutions from Second Congregational (Unitarian) Church, of Marblehead, favoring the proposed treaty between the United States and Great Britain; to the Committee on Foreign Affairs.

By Mr. GARRETT: Papers to accompany bill granting an increase of pension to Josiah H. Ford; to the Committee on Invalid Pensions.

By Mr. GOOD: Petition of the Mount Vernon Chapter of the American Woman's League et al., protesting against alleged persecutions by the Post Office Department of the Lewis Publishing Co.; to the Committee on the Post Office and Post Roads.

By Mr. GOODWIN of Arkansas: Petitions of citizens of seventh congressional district of Arkansas favoring Senate bill 3776, regulating express companies and other common carriers, their rates and classifications in the hands of Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Ellisville, Ark., favoring a congressional investigation of the kidnaping of J. J. McNamara, and approving the Berger resolution; to the Committee on Labor.

Also, papers to accompany bill (H. R. 7636) for relief of Eliza S. Byram; to the Committee on Pensions.

By Mr. HAMLIN: Papers to accompany bill (H. R. 1771) to increase pension of Andrew J. Norris; to the Committee on Invalid Pensions.

By Mr. HARRISON of New York: Petitions of sundry persons from the sixteenth New York congressional district, urging removal of duty on lemons; to the Committee on Ways and Means.

By Mr. HILL: Petition of the Connecticut Merchants' Association, in reference to parcels post; to the Committee on the Post Office and Post Roads.

By Mr. LAFEAN: Evidence in support of bill granting an increase of pension to Adam Chronister; to the Committee on Invalid Pensions.

By Mr. LOUD: Affidavits of Hiram Russell, Robert Splane, Frank Berdan, William G. Kelly, M. D., Thomas A. Baird, M. D., and James Vanleek, to accompany bill granting an increase of pension to Hiram Russell; to the Committee on Invalid Pensions.

Also, papers to accompany bill granting an increase of pension to Charles H. Hubbell; to the Committee on Invalid Pensions.

By Mr. MAHER: Petition of the American Newspaper Publishers' Association of New York, in favor of the Canadian reciprocity bill; to the Committee on Ways and Means.

By Mr. McCALL: Petition of Broadway Congregational Young People's Society of Christian Endeavor, of Somerville, Mass., for the passage of a bill to forbid Sunday banking and other unnecessary work in post offices; to the Committee on the Judiciary.

Also, petition of Broadway Congregational Young People's Society of Christian Endeavor, of Somerville, Mass., for passage of Burkett-Sims bill to forbid interstate transmission of race-gambling odds and bets; to the Committee on Interstate and Foreign Commerce.

Also, petition of Broadway Congregational Young People's Society of Christian Endeavor, Somerville, Mass., for the passage of a bill to protect "dry" territory against liquors imported under the Federal shield of interstate commerce; to the Committee on the Judiciary.

Also, petition of Broadway Congregational Young People's Society of Christian Endeavor, of Somerville, Mass., for the passage of a bill to forbid interstate transmission of prize-fight pictures; to the Committee on Interstate Commerce.

Also, petition of Broadway Congregational Young People's Society of Christian Endeavor, of Somerville, Mass., for the passage of a bill to forbid sale of intoxicating liquors in ships and buildings used by the United States Government; to the Committee on the Judiciary.

By Mr. McKINNEY: Resolutions of Moline Lodge, No. 461, International Brotherhood of Blacksmiths and Helpers, Moline, Ill., in favor of certain resolutions introduced by Representative BERGER, of Wisconsin; to the Committee on Labor.

By Mr. PADGETT: Petition of John W. Peaton, praying reference of war claims to the Court of Claims under the act of March 3, 1883, known as the Bowman Act; to the Committee on War Claims.

By Mr. PEPPER: Resolution of Tri-City Federation of Labor, of Davenport, Iowa, Rock Island and Moline, Ill., protesting against the kidnaping of the McNamara brothers; to the Committee on Labor.

By Mr. POST: Resolutions of the Miami County (Ohio) Sunday School Association, approving the arbitration treaty between Great Britain and the United States; to the Committee on Foreign Affairs.

By Mr. POWERS: Paper to accompany a bill granting a pension to Edward R. Baker; to the Committee on Pensions.

By Mr. PRAY: Petition of Meagher County Wool Growers' Association, against reduction of tariff on wool; to the Committee on Ways and Means.

By Mr. REDFIELD: Petition of the New York Cordage Co., requesting that Russia rope, tarred and untarred, for marine use, etc., be put on the free list; to the Committee on Ways and Means.

Also, petition of Frederick D. Cook, 1483 Sixtieth Street, Brooklyn, N. Y., requesting that an investigation be made in the electrical division of the United States courthouse and post-office building, New York City, with reference to leave of absence, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of the Central Labor Union of Brooklyn, N. Y., praying for the enactment of legislation providing for an eight-hour workday on all work to be performed for the United States Government; to the Committee on Labor.

Also, communication of Col. William Wilson, president National Guard Association of the State of New York, Geneva, N. Y., praying for the enactment of legislation providing pay for the officers and men who are devoting their time to the Organized Militia; to the Committee on Military Affairs.

Also, resolutions of the New York Chapter of the American Institute of Architects, concurring in the recommendations of the park commission as to a proposed site for the memorial to Abraham Lincoln; to the Committee on the District of Columbia.

Also, resolutions of the Atlanta Builders' Exchange, Atlanta, Ga., praying for the enactment of legislation repealing the so-called eight-hour law for Government work; to the Committee on Labor.

Also, communication of Mr. G. A. Ingersoll, 626 Seventy-fourth Street, Brooklyn, N. Y., requesting that an investigation be made into the affairs of certain departments of the United States Government; to the Committee on Reform in the Civil Service.

Also, petition of the Madison-Cooper Co., of Watertown, N. Y., with reference to the proposed regulations of cold-storage or

perishable goods, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. ROUSE: Resolution of the Brotherhood of Railway Mail Clerks of Covington, Ky., asking for the repeal of the tax on oleomargarine; to the Committee on Ways and Means.

Also, resolution of Local Union No. 698, Newport, Ky., in relation to the extradition of John J. McNamara; to the Committee on Labor.

By Mr. SLAYDEN: Petition from Frank B. Sanborn, Frederick Starr, Oswald Garrison Villard, Francis E. Woodruff, and others, praying that the President and Congress institute a special inquiry into the manner in which D. C. Worcester has discharged the duties of his office as commissioner in the Philippine Islands, said petition being based on a resolution censuring Commissioner Worcester passed by a unanimous vote of the Philippine Assembly; to the Committee on Insular Affairs.

By Mr. SULZER: Petition of Chamber of Commerce of Pittsburg, for an amendment of the corporation-tax law; to the Committee on Revision of the Laws.

Also, resolution of the De Witt Clinton High School, in favor of the Owen bill; to the Committee on Expenditures in the Treasury Department.

By Mr. THAYER: Petition of D. E. Chase, asking reduction in duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. UTTER: Papers to accompany bills granting increases of pensions to Ellen M. Cutler, Bridget Kelly, Emily F. Fish, and Mary Bonner; to the Committee on Invalid Pensions.

By Mr. WILLIS: Petition of J. A. Buck and 21 other citizens of Urbana, Ohio, in favor of House concurrent resolution 6, for the appointment of a committee to investigate the arrest and extradition of John J. McNamara; to the Committee on Rules.

By Mr. WOOD of New Jersey: Resolutions adopted by Local No. 428, Cigarmakers' Union of Trenton; Trenton Lodge, No. 398, International Association of Machinists, of Trenton; Pattern Makers' Association of Trenton and vicinity; and Mercer County Central Labor Union, all in the State of New Jersey, urging immediate action by the House of Representatives on the resolution introduced by Representative BERGER providing for an investigation by a joint committee of the House and Senate on the lawfulness of the acts of the arrest of John J. McNamara; to the Committee on Labor.

Also, additional affidavits to accompany bill (H. R. 8380) granting an increase of pension to Thomas L. Stringer; to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *May 17, 1911.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the Poage's Mill Sunday school, of Roanoke County, Va., and a petition of the Bethesda Sunday school, of Botetourt County, Va., praying for the enactment of legislation for the suppression of the opium evil, which were referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Iowa, remonstrating against the enactment of legislation for the proper observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. GALLINGER presented a petition of the Takoma Park Citizens' Association, of the District of Columbia, praying that the extension of New Hampshire Avenue be made in a straight line, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the congregation of the Church of Seventh Day Adventists, of Concord, N. H., and a memorial of the congregation of the Takoma Park Seventh Day Adventists' Church, of the District of Columbia, remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented the memorial of George F. Newell, of Swanzey, N. H., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a memorial of the Ancient Order of Hibernians of Dover, N. H., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. BURNHAM presented a memorial of the Ancient Order of Hibernians, of Strafford County, N. H., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a memorial of the congregation of the Seventh Day Adventist Church, of Concord, N. H., remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented the memorial of Herbert H. Chamberlain, of Swanzey, N. H., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a petition of the Friday Literary Club, of Bradentown, Fla., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. NELSON presented a memorial of the Ancient Order of Hibernians, of Dakota County, Minn., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. WARREN presented a memorial of the E. Clemens Horst Co., hop growers, of San Francisco, Cal., remonstrating against the proposed reciprocal trade agreement between the United States and Canada and also against the passage of the so-called farmers' free-list bill and all antiprotective bills, which was referred to the Committee on Finance.

Mr. BRANDEGEE presented a memorial of the county board of officers and directors of the Ancient Order of Hibernians of Fairfield County, Conn., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. O'GORMAN presented a petition of the congregation of the First Methodist Episcopal Church of Ithaca, N. Y., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. MARTIN of Virginia, from the Committee on Commerce, to which was referred the bill (S. 1627) to authorize the construction, maintenance, and operation of a bridge across and over the Arkansas River, and for other purposes, reported it with amendments and submitted a report (No. 27) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 850) to amend an act entitled "An act to legalize and establish a pontoon railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa," approved June 6, 1874 (Rept. No. 26); and

A bill (S. 144) to legalize a bridge across the Pend Oreille River in Stevens County, Wash. (Rept. No. 25).

Mr. PERKINS, from the Committee on Naval Affairs, to which was referred the bill (S. 2003) authorizing the Secretary of the Navy to make partial payments for work already done under public contracts, reported it without amendment and submitted a report (No. 28) thereon.

Mr. BURNHAM. A number of petitions have been received relating to cold storage, which have been referred to the Committee on Agriculture and Forestry. As the bill (S. 136) to prevent the sale or transportation in interstate or foreign commerce of articles of food held in cold storage for more than the time herein specified, and for regulating traffic therein, and for other purposes, is in the hands of the Committee on Manufactures, I report back the petitions and move that the Committee on Agriculture and Forestry be discharged from their further consideration and that they be referred to the Committee on Manufactures.

The motion was agreed to.

LANDS AT PORT ANGELES, WASH.

Mr. JONES. From the Committee on Public Lands I report back favorably without amendment the bill (S. 339) providing for the reappraisement and sale of certain lands in the town site of Port Angeles, Wash., and for other purposes, and I submit a report (No. 24) thereon. It is a short bill and a

similar measure has previously passed the Senate. I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REGULATION OF FISHERIES.

Mr. SMITH of Michigan. I ask unanimous consent to call up the bill (S. 12) to give effect to the provisions of a treaty between the United States and Great Britain concerning the fisheries in boundary waters contiguous to the United States and the Dominion of Canada, signed at Washington on April 1, 1908, and ratified by the United States Senate April 13, 1908.

Mr. GALLINGER. Mr. President, I will not object to the request made by the Senator from Michigan, but I give notice that I shall object to further requests for unanimous consent to consider bills until the morning business has been concluded. I will do so after this matter has been disposed of.

Mr. JONES. Unless there is some special reason why this bill should be passed soon, I should like to ask the Senator from Michigan to let it go over for a short time, because I had considerable correspondence with some gentlemen from my State with reference to this measure before it was reported. I have written to them and sent them a copy of the report and bill, and I wish to find out whether they have any objection to urge against the bill.

Mr. SMITH of Michigan. Mr. President, the object in pressing the bill for final passage is this: The treaty between these two countries was made and promulgated three years ago. In order to give it effect the regulations must be agreed upon between the two countries, and the regulations as they appear in Senate bill 12 have been agreed upon. They affect the right of fishermen to use certain sized nets in boundary waters, and if the treaty regulations are to go into effect, the fishermen must have ample notice of that fact. Otherwise they will not know what to do with reference to the purchase of new nets.

We have held the bill for over a year, in order to correct some of its details. About every section of the country directly affected by it has been consulted, and I had supposed that the interests of the Pacific coast, as well as all other interests affected, were perfectly satisfied with the regulations.

I do not like to be insistent when a Senator asks that we may delay a measure, and I could not proceed with it except by unanimous consent; but the Committee on Foreign Relations directed me to make this report, and have asked me to bring it to the attention of the Senate. I have done so; but I am not going to press it if the Senator from Washington asks for further time.

Mr. JONES. I will say to the Senator that I am satisfied I can get word by Monday, and I really do not anticipate from my examination of the bill and the report that there will be any objection at all to the measure. But these gentlemen presented such serious objections to the regulations as they were proposed that I felt I ought to submit the matter to them before the passage of the bill. So I ask that it may go over.

Mr. SMITH of Michigan. Under the circumstances, I will withdraw the request.

The VICE PRESIDENT. The Senator from Michigan withdraws the request for the consideration of the bill.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WATSON:

A bill (S. 2359) granting an increase of pension to George S. Arnold;

A bill (S. 2360) granting an increase of pension to David Cain;

A bill (S. 2361) granting an increase of pension to Eli B. Riggs; and

A bill (S. 2362) granting a pension to Mary V. Harris; to the Committee on Pensions.

Mr. GALLINGER. On the 6th day of April last I introduced a bill (S. 22) to establish and disburse a public-school teachers' retirement fund in the District of Columbia. I have been requested to introduce another bill on the same subject, which I think differs somewhat from the one now before the committee. I introduce this bill by request, and ask that it go to the Committee on the District of Columbia.

By Mr. GALLINGER:

A bill (S. 2363) to establish and disburse a public-school teachers' retirement fund in the District of Columbia (with accompanying paper); to the Committee on the District of Columbia.

By Mr. McCUMBER:

A bill (S. 2364) for the relief of Capt. James Ronayne, United States Army; and

A bill (S. 2365) for the relief of Capt. Frederick B. Shaw; to the Committee on Claims.

By Mr. WETMORE:

A bill (S. 2366) to acquire land along the course of Rock Creek for the purpose of preventing the pollution and obstruction thereof, and of connecting Potomac Park with the Zoological Park and Rock Creek Park, and providing a new location for the United States Botanic Garden; to the Committee on Public Buildings and Grounds.

By Mr. McLEAN:

A bill (S. 2367) to protect migratory wild fowl in the United States; to the Committee on Forest Reservations and the Protection of Game.

A bill (S. 2368) granting a pension to Fanny L. Graham (with accompanying paper);

A bill (S. 2369) granting an increase of pension to William H. Tinkham (with accompanying paper); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 2370) to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890; to the Committee on Interstate Commerce.

By Mr. BROWN:

A bill (S. 2371) to amend section 3224 of the United States Compiled Statutes so as to prevent the restraining of the assessment or collection of any tax—State, county, municipal, district, or Federal; to the Committee on the Judiciary.

A bill (S. 2372) to amend an act to create a commerce court and to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes, by adding a section thereto; to the Committee on Interstate Commerce.

By Mr. CHAMBERLAIN:

A bill (S. 2373) to appoint Col. William F. Stewart, United States Army, retired, to the rank of brigadier general on the retired list of the Army; to the Committee on Military Affairs.

By Mr. REED:

A bill (S. 2374) to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890; to the Committee on Interstate Commerce.

Mr. CULBERSON. I introduce a bill and ask that it be referred to the Committee on the Judiciary. I will state that it is a copy of the act approved July 2, 1890, known as the antitrust law, with certain additions. I ask that it be printed, so that the proposed interlineations may be printed in small caps. The Committee on the Judiciary considered and reported the original bill, and I ask that this bill be referred to the same committee.

The VICE PRESIDENT. Without objection, the order will be entered for the printing of the bill in the manner suggested by the Senator from Texas.

By Mr. CULBERSON:

A bill (S. 2375) to protect trade and commerce against unlawful restraints and monopolies; to the Committee on the Judiciary.

By Mr. CUMMINS:

A bill (S. 2376) granting an increase of pension to Mrs. Ellis R. Douglass (with accompanying paper);

A bill (S. 2377) granting a pension to Jennie A. Pettingell (with accompanying paper); and

A bill (S. 2378) granting an increase of pension to Robert F. Carter (with accompanying paper); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 2379) granting a pension to Addie Roof; to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 2380) granting a pension to William McCabe; to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 2381) for the relief of the estate of Antonia Sousa, deceased;

A bill (S. 2382) for the relief of Frederick Hughson;

A bill (S. 2383) for the relief of the heirs of Lemmus J. Spence, deceased; and

A bill (S. 2384) for the relief of Thomas Johnson or his legal representatives; to the Committee on Claims.

By Mr. POINDEXTER:

A bill (S. 2385) granting a pension to Frederica R. Watson; to the Committee on Pensions.

By Mr. BANKHEAD:

A bill (S. 2386) for the relief of Alberti Operti;

A bill (S. 2387) for the relief of Alberti Operti; and

A bill (S. 2388) for the relief of Alberti Operti; to the Committee on the Library.

A bill (S. 2389) for the relief of the Alabama Great Southern Railroad Co.; to the Committee on Post Offices and Post Roads.

A bill (S. 2390) for the relief of the representatives of the estate of Henry C. Sills, deceased;

A bill (S. 2391) for the relief of W. R. Hall;

A bill (S. 2392) for the relief of the estate of Edward Bedsole, deceased;

A bill (S. 2393) for the relief of the heirs of John L. Hayes, deceased;

A bill (S. 2394) for the relief of Samuel H. Yarborough and estate of John Jones, deceased;

A bill (S. 2395) for the relief of the heirs or estate of James M. Alexander, deceased;

A bill (S. 2396) for the relief of A. J. Southard;

A bill (S. 2397) for the relief of the heirs of Calvin Lacy;

A bill (S. 2398) for the relief of Turner Jones;

A bill (S. 2399) for the relief of the Alabama Great Southern Railroad Co.;

A bill (S. 2400) for the relief of Susan Seymour, heir of Edward H. Wade, deceased;

A bill (S. 2401) for the relief of David C. and Daniel W. Reece, heirs of Andrew Reece, deceased;

A bill (S. 2402) for the relief of William J. Hammond and Francis M. Warren, heirs of the estate of Solomon Kean, deceased;

A bill (S. 2403) for the relief of Dempsey Smith, heir of Wade Smith, deceased;

A bill (S. 2404) for the relief of heirs or estate of C. C. Blancit, deceased;

A bill (S. 2405) for the relief of Samuel H. Yarbrough and estate of John Jones, deceased;

A bill (S. 2406), for the relief of heirs or estates of Elbert H. Ellett and Malinda Ellett, deceased;

A bill (S. 2407) for the relief of James Williams;

A bill (S. 2408) for the relief of the heirs or estate of W. C. Burlison, deceased;

A bill (S. 2409) for the relief of Thomas Seymour;

A bill (S. 2410) for the relief of heirs or estate of Benjamin Lawler, deceased;

A bill (S. 2411) for the relief of Salina E. Lauderdale;

A bill (S. 2412) for the relief of Lewis Metz;

A bill (S. 2413) for the relief of William W. Callahan, administrator of the estate of Thomas Gibbs;

A bill (S. 2414) for the relief of Rittenhouse Moore; and

A bill (S. 2415) for the relief of Dr. J. L. Vineyard; to the Committee on Claims.

A bill (S. 2416) granting a pension to Jennings J. Pierce (with accompanying paper);

A bill (S. 2417) granting a pension to Andrew J. Tidwell (with accompanying papers);

A bill (S. 2418) granting a pension to Janie Atnip;

A bill (S. 2419) granting a pension to Daniel S. Jones;

A bill (S. 2420) granting a pension to William M. Hall;

A bill (S. 2421) granting an increase of pension to Ernest *Newbaner*;

A bill (S. 2422) granting an increase of pension to William Pritchard;

A bill (S. 2423) granting an increase of pension to Mary Walls;

A bill (S. 2424) granting a pension to Elias Brown; and

A bill (S. 2425) granting an increase of pension to T. L. Williams; to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 2426) to incorporate the "Descendants of the Signers"; to the Committee on the Judiciary.

By Mr. GALLINGER:

A joint resolution (S. J. Res. 27) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

WITHDRAWAL OF PAPERS—JOHN B. LEE.

On motion of Mr. CHAMBERLAIN, it was

Ordered, That the papers in the case of John B. Lee (S. 7023), Sixty-first Congress, be withdrawn from the files of the Senate, no adverse report having been made thereon.

COST OF LIVING IN AMERICAN TOWNS.

On motion of Mr. SMOOT, it was

Ordered, That 500 copies of Senate Document No. 22, on Cost of Living in American Towns, be printed for the use of the Senate document room.

THE STANDARD OIL CO. ET AL. V. THE UNITED STATES.

Mr. SMOOT. Mr. President, I have received many telegrams and letters this morning from different sections of the country asking that the decision of the United States Supreme Court in the Standard Oil case be printed as a public document (S. Doc. No. 34). I ask the unanimous consent of the Senate that the decision be printed, and also that the dissenting opinion of Mr. Justice Harlan be printed in the same document—5,000 copies for the use of the Senate document room.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the order is entered.

Mr. CULBERSON. I understand that the dissenting opinion of Mr. Justice Harlan probably has not been fully prepared or revised, and if the opinion of the majority of the court, delivered by the Chief Justice, is printed, I suggest that the dissenting opinion as delivered from the bench, and which has been published, go along with the main opinion at the same time.

Mr. SMOOT. Would the Senator object to withholding the publication of the document until the dissenting opinion of Mr. Justice Harlan is ready?

Mr. CULBERSON. I do not object to taking time to get both complete, but I object to printing the main opinion first and the dissenting opinion afterwards.

Mr. SMOOT. I will see that the document is not printed until both opinions are ready.

Mr. CULBERSON. Very well.

The VICE PRESIDENT. The order will then be, if there be no objection, that both opinions be printed in one document.

DEMOCRACY AND ART.

Mr. BORAH. I desire to have printed as a document an article by Dr. W. K. Bush-Brown on the subject of "Democracy and art." I ask that the article be referred to the Committee on Printing for action.

The VICE PRESIDENT. Without objection, the paper presented by the Senator from Idaho will be referred to the Committee on Printing for recommendation.

PULP AND NEWS-PRINT-PAPER INDUSTRY.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 31), which was read and, with the accompanying paper, referred to the Committee on Finance and ordered to be printed:

To the Senate:

I have the honor to transmit herewith a report on the pulp and news-print-paper industry by the Tariff Board. In response to a resolution of the Senate dated February 23, 1911, I forwarded a report by the Tariff Board answering as far as practicable the inquiries of that resolution. That report contained a preliminary report on the pulp and news-print-paper industry.

As will be seen from the letter of transmittal, the present report is not a supplement to the preliminary report, but is a complete unit in itself.

WM. H. TAFT.

THE WHITE HOUSE, *May 17, 1911.*

AUTHORITY OVER WATER POWER IN STATES.

Mr. JONES. I offer the resolution which I send to the desk and ask unanimous consent for its present consideration.

The PRESIDING OFFICER (Mr. LODGE in the chair). The resolution will be read for the information of the Senate.

The Secretary read the resolution (S. Res. 44), as follows:

Resolved, That the Committee on the Judiciary of the Senate be, and it is hereby, directed to report to the Senate, at as early a date as possible in the next regular session of Congress, upon the power and authority of the National Government over the development and use of water power within the respective States, and especially—

First. Has the National Government any authority to impose a charge for the use of water power developed on nonnavigable streams, whether State or interstate?

Second. Has it any authority in granting permits to develop water power on a navigable stream to impose and enforce conditions relating to stated payments to the Government, regulation of charges to consumers, and determination of the right to make use of such developed power?

Third. Has it authority in disposing of any of its lands, reserved or unreserved, necessary and suitable for use in connection with the development or use of water power on a nonnavigable stream, whether State or interstate, by lease or otherwise, to limit the time for which such development may continue or to impose and enforce charges for the use and development of such water power or to control and regulate the disposition of such water power to its consumers?

The PRESIDING OFFICER. The Senator from Washington asks unanimous consent for the present consideration of the resolution.

Mr. HEYBURN. Let the resolution go over, Mr. President.

The PRESIDING OFFICER. Objection is made, and the resolution goes over.

FEDERAL ANTITRUST DECISIONS.

Mr. GORE. I submit a concurrent resolution, and ask that it be read.

The resolution (S. Con. Res. 3) was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 3,000 copies of the Federal antitrust decisions, 1890 to 1911, to be compiled by the direction of the Department of Justice, 1,000 copies for the use of the Senate and 2,000 copies for the use of the House of Representatives.

Mr. GORE. I ask that the resolution be referred to the Committee on Printing for action.

The PRESIDING OFFICER. Without objection, it is so ordered.

INVESTIGATIONS OF ADVANCES IN RATES BY CARRIERS.

Mr. CUMMINS submitted the following resolution (S. Res. 43), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Senate Committee on Interstate Commerce be, and is hereby, authorized to have made for use of Members of the Senate an index-digest of the record (already printed) in Senate Documents Nos. 3400 and 3500, Interstate Commerce Commission, entitled "In re Investigations of Advances in Rates by Carriers," etc., at a cost not to exceed $1,500, payable as the work progresses, on warrants or orders of the chairman of said committee, out of the contingent fund of the Senate.

ELECTION OF PRESIDENT PRO TEMPORE.

Mr. HEYBURN. I move that the Senate proceed to the election of a President pro tempore of the Senate.

The motion was agreed to.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I have a pair with the senior Senator from Maine [Mr. FRYE]. I transfer that pair to the Senator from Oklahoma [Mr. OWEN], and vote for the Senator from South Carolina [Mr. TILLMAN]. I desire to say that I will consider this announcement made as to any subsequent ballot on this question.

Mr. LA FOLLETTE (when Mr. BOURNE's name was called). The senior Senator from Oregon [Mr. BOURNE] is unavoidably detained from the Senate. I am instructed to say that if he were present he would vote for the Senator from Minnesota [Mr. CLAPP].

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN] which I transfer to the junior Senator from Wisconsin [Mr. STEPHENSON]. I desire this announcement to stand for the day. I vote for the Senator from New Hampshire [Mr. GALLINGER].

Mr. DIXON (when his name was called). I am paired for the day with the senior Senator from Oregon [Mr. BOURNE]. If he were present, I should vote for the Senator from New Hampshire [Mr. GALLINGER]. He being absent, I withhold my vote and let this announcement stand for the rest of the day.

Mr. CRAWFORD (when Mr. GAMBLE's name was called). My colleague [Mr. GAMBLE] is unavoidably absent. He requested me to say that if he were present he would vote for the Senator from New Hampshire [Mr. GALLINGER]. I make this statement for the rest of the day.

Mr. GUGGENHEIM (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER], who is unavoidably detained from the Senate. I therefore withhold my vote. I make this announcement for the balance of the day.

Mr. CUMMINS (when Mr. KENYON's name was called). My colleague [Mr. KENYON] is unavoidably absent from the city to-day and will be for some days to come.

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. I transfer that pair to the Senator from South Dakota [Mr. GAMBLE] and will vote. I make this announcement for any subsequent vote to-day upon the same subject. I vote for the Senator from New Hampshire [Mr. GALLINGER].

Mr. GORE (when Mr. OWEN's name was called). My colleague [Mr. OWEN] is necessarily absent from the Senate and from the city. I make this announcement for the day.

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague [Mr. RICHARDSON] is unavoidably absent. He is paired with the junior Senator from South Carolina [Mr. SMITH]. If my colleague were present and free to vote, he would vote for the Senator from New Hampshire [Mr. GALLINGER], and the Senator from South Carolina [Mr. SMITH] would vote for the Senator from Georgia [Mr. BACON]. I make this announcement for the day should there be any other votes on this question.

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS]. If he were present he would vote for the Senator from New Hampshire [Mr. GALLINGER], and I should vote for the Senator from Georgia [Mr. BACON].

I also desire to announce that my colleague [Mr. CHILTON] is necessarily absent from the Senate. He has a general pair with the senior Senator from Illinois [Mr. CULLOM]. If my colleague were present, he would vote for the Senator from Georgia [Mr. BACON] and the senior Senator from Illinois would vote for the Senator from New Hampshire [Mr. GALLINGER].

The roll call was concluded.

Mr. BORAH (after having voted for Mr. GALLINGER). I observe that the Senator from Minnesota [Mr. CLAPP] is not in the Chamber. I have a pair with the Senator from Minnesota, and in view of his absence I will withdraw my vote.

Mr. DIXON. I transfer my pair with the senior Senator from Oregon [Mr. BOURNE] to the junior Senator from Iowa [Mr. KENYON] and will vote. I vote for the Senator from New Hampshire [Mr. GALLINGER].

Mr. JOHNSTON of Alabama. I desire to announce for the day that the junior Senator from Arkansas [Mr. DAVIS] is paired with the junior Senator from Illinois [Mr. LORIMER].

Mr. CULBERSON. I am requested to announce that the Senator from South Carolina [Mr. SMITH], who is unavoidably absent to-day, is paired with the Senator from Delaware [Mr. RICHARDSON]. If the Senator from South Carolina were present he would vote for the Senator from Georgia [Mr. BACON].

The roll call resulted as follows:

FOR MR. BACON—32.

Bailey	Gore	Myers	Simmons
Bankhead	Hitchcock	Newlands	Smith, Md.
Bryan	Johnson, Me.	O'Gorman	Stone
Chamberlain	Johnston, Ala.	Overman	Swanson
Clarke, Ark.	Kern	Pomerene	Taylor
Culberson	Lea	Rayner	Terrell
Fletcher	Martin, Va.	Reed	Thornton
Foster	Martine, N. J.	Shively	Williams

FOR MR. GALLINGER—30.

Bradley	Dillingham	McLean	Smith, Mich.
Brandegee	Dixon	Nelson	Smoot
Brown	du Pont	Nixon	Sutherland
Burnham	Heyburn	Oliver	Townsend
Burton	Jones	Page	Warren
Clark, Wyo.	Lippitt	Penrose	Wetmore
Crane	Lodge	Perkins	
Curtis	McCumber	Root	

FOR MR. CLAPP—7.

Bristow	Cummins	La Follette	Works
Crawford	Gronna	Poindexter	

FOR MR. LODGE—1.

Gallinger

FOR MR. TILLMAN—1.

Bacon.

NOT VOTING—20.

Borah	Cullom	Kenyon	Richardson
Bourne	Davis	Lorimer	Smith, S. C.
Briggs	Frye	Owen	Stephenson
Chilton	Gamble	Paynter	Tillman
Clapp	Guggenheim	Percy	Watson

The PRESIDING OFFICER. Seventy-one Senators have voted; necessary to a choice, 36. The Senator from Georgia [Mr. BACON] has 32, the Senator from New Hampshire [Mr. GALLINGER] has 30, the Senator from Minnesota [Mr. CLAPP] has 7, the Senator from South Carolina [Mr. TILLMAN] has 1, and the Senator from Massachusetts [Mr. LODGE] has 1. There is no choice. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BACON (when his name was called). With the same announcement of the transfer of pairs that I previously made, I vote for the Senator from South Carolina [Mr. TILLMAN].

Mr. BORAH (when his name was called). I make the same announcement that I made on the former vote.

Mr. GUGGENHEIM (when his name was called). I again announce my pair with the senior Senator from Kentucky [Mr. PAYNTER].

The roll call was concluded.

Mr. WATSON. The announcement of pairs that I made on the former vote stands for to-day.

The roll call, having been concluded, resulted as follows:

FOR MR. BACON—32.

Bailey	Gore	Myers	Simmons
Bankhead	Hitchcock	Newlands	Smith, Md.
Bryan	Johnson, Me.	O'Gorman	Stone
Chamberlain	Johnston, Ala.	Overman	Swanson
Clarke, Ark.	Kern	Pomerene	Taylor
Culberson	Lea	Rayner	Terrell
Fletcher	Martin, Va.	Reed	Thornton
Foster	Martine, N. J.	Shively	Williams

FOR MR. GALLINGER—29.

Bradley	Dillingham	Nelson	Smoot
Brandegee	du Pont	Nixon	Sutherland
Brown	Heyburn	Oliver	Townsend
Burnham	Jones	Page	Warren
Burton	Lippitt	Penrose	Wetmore
Clark, Wyo.	Lodge	Perkins	
Crane	McCumber	Root	
Curtis	McLean	Smith, Mich.	

FOR MR. CLAPP—7.

Bristow	Cummins	La Follette	Works
Crawford	Gronna	Poindexter	

FOR MR. LODGE—1.

Gallinger.

FOR MR. TILLMAN—1.

Bacon.

NOT VOTING—21.

Borah	Davis	Lorimer	Stephenson
Bourne	Dixon	Owen	Tillman
Briggs	Frye	Paynter	Watson
Chilton	Gamble	Percy	
Clapp	Guggenheim	Richardson	
Cullom	Kenyon	Smith, S. C.	

The PRESIDING OFFICER. Seventy Senators have voted; necessary to a choice, 36. The Senator from Georgia [Mr. BACON] has 32, the Senator from New Hampshire [Mr. GALLINGER] 29, the Senator from Minnesota [Mr. CLAPP] 7, the Senator from Massachusetts [Mr. LODGE] 1, and the Senator from South Carolina [Mr. TILLMAN] 1. There is no choice.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. BORAH. I move that the Senate proceed to the consideration of the joint resolution (H. J. Res. 39) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kansas [Mr. BRISTOW].

Mr. CRAWFORD obtained the floor.

Mr. WARREN. Will the Senator from South Dakota yield to me for a moment to present a matter?

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Wyoming?

Mr. CRAWFORD. Certainly.

MEMBER OF BOARD OF MANAGERS OF NATIONAL SOLDIERS' HOME.

Mr. WARREN. Last month I introduced and asked for the consideration of a joint resolution (S. J. Res. 14) for appointment of a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers. The man whose name I presented is an ex-Senator who has done faithful and valuable service in the United States Senate, an old soldier who served with distinction through the Civil War, and always the friend of the soldier, whether in public or private life. Although the measure carried unanimously, a motion to reconsider has since been entered. I now wish to present a letter from ex-Senator Scott, which I ask may be read, and then I will ask unanimous consent to strike from the calendar the joint resolution.

The PRESIDING OFFICER. Without objection, the letter will be read.

The Secretary read as follows:

MY DEAR SENATOR WARREN: In your personal friendship for me you introduced a joint resolution naming me as a member to fill a vacancy on the Board of Managers of the National Home for Disabled Volunteer Soldiers.

The resolution was offered without my knowledge, as you know. I am informed that a member of the Military Committee objects. I therefore ask that you withdraw the said resolution.

Thanking you and my former associates in the Senate for the prompt passage of the resolution, I remain,

Yours, very truly, N. B. SCOTT.

MAY 10, 1911.

Mr. WARREN. I ask unanimous consent to strike from the calendar Order No. 1, which is the joint resolution.

The PRESIDING OFFICER. The Chair thinks that the previous action of the Senate will have to be reconsidered——

Mr. WARREN. Very well. Then I make that motion.

The PRESIDING OFFICER (continuing). As a motion to reconsider is pending.

Mr. CUMMINS. A parliamentary inquiry. What would be the effect upon the order of business already established of taking up this matter for consideration? The Senate has voted to take up for consideration——

The PRESIDING OFFICER. The Senator from Wyoming is occupying the floor by unanimous consent.

Mr. WARREN. By consent of the Senator having the floor and by unanimous consent.

Mr. CUMMINS. I understand that, but if the Senate takes up for consideration another legislative matter, it seems to me it will displace the joint resolution called up by the Senator from Idaho.

Mr. GALLINGER and others. Oh, no.

Mr. WARREN. We are still in the morning hour——

Mr. CUMMINS. I understand that.

Mr. WARREN. And I asked unanimous consent.

Mr. CUMMINS. I asked the Chair as a parliamentary inquiry.

The PRESIDING OFFICER. It is not a question of laying aside House joint resolution 39, because that comes up on motion; but it can be temporarily laid aside by unanimous consent and this measure disposed of, and then the Senate will return to the consideration of the House joint resolution.

Mr. CUMMINS. I understand that; but it has not been temporarily laid aside by unanimous consent.

The PRESIDING OFFICER. It does not need to be temporarily laid aside by unanimous consent. It can be displaced by unanimous consent.

Mr. CUMMINS. I simply want to preserve the order that has been established. I have no objection whatever to the motion proposed by the Senator from Wyoming.

The PRESIDING OFFICER. The Chair understood, when the Senator from Idaho yielded to the Senator from Wyoming, that he would allow him temporarily to displace the House joint resolution and dispose of this measure.

Mr. CUMMINS. The Senator from South Dakota addressed the Chair presumably upon the joint resolution which had already been taken up.

The PRESIDING OFFICER. The Chair is aware of that.

Mr. CUMMINS. And the Senator from South Dakota yielded to the Senator from Wyoming.

Mr. WARREN. For this purpose only.

The PRESIDING OFFICER. The Senator from Wyoming thereupon asked unanimous consent to dispose of this measure now, and as there was no objection the measure was taken up.

Mr. CUMMINS. If after the disposition of the matter proposed by the Senator from Wyoming the joint resolution proposing an amendment to the Constitution at once takes its place before the Senate, I have no objection.

The PRESIDING OFFICER. Certainly it will, in the opinion of the Chair.

Mr. WARREN. I move that the votes by which the joint resolution (S. J. Res. 14) for appointment of a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers was ordered to be engrossed for a third reading, read the third time, and passed, be reconsidered, with a view of thereafter moving the indefinite postponement of the joint resolution.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the indefinite postponement of the joint resolution.

Mr. BROWN. Before that order is made I simply desire to say that I entered the motion to reconsider the vote by which the joint resolution was passed, not in any spirit of hostility at all to ex-Senator Scott. I have great personal regard and admiration for him as a man and as one of the defenders of the country when it needed a defense. My only purpose was, not being present when the joint resolution was adopted, to give the Grand Army people of my State an opportunity to be heard. They had written to me with regard to the vacancy which had been caused by the death of one of the past commanders of that State, and I entered the motion in order to hold it in statu quo until I might hear from them.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wyoming that the joint resolution be indefinitely postponed.

The motion was agreed to.

RECIPROCITY WITH CANADA.

The VICE PRESIDENT. The Chair will lay before the Senate the amendment submitted by the Senator from South Dakota [Mr. CRAWFORD] to the bill (H. R. 4412) to promote reciprocal trade relations with the Dominion of Canada, and for other purposes.

Mr. CRAWFORD. Mr. President, on January 26, 1911, the President of the United States sent a special message to the two Houses of the Sixty-first Congress, transmitting corre-

spondence embodying an agreement between the Department of State and the Canadian Government in regard to certain proposed reciprocal tariff legislation; also statistical information showing the effect of the proposed agreement upon the commerce and revenues of the United States and the Dominion of Canada. No more important and notable document has been received from a President of these United States in many a year.

It is of the highest importance, because it proposes a complete—and I may say radical—change in the policy and attitude of the Government of the United States toward what has heretofore been regarded as the most fundamental as well as the greatest of all our industries—agriculture—its purpose being to remove absolutely all duties from the farm products hereafter grown in the Dominion of Canada, a great empire with unlimited possibilities for the growth of identically the same crops as those grown throughout the northern part of the United States; an empire stretching in vast area 3,700 miles across our entire northern boundary; the only country in the world whose people can compete with ours, on the North American Continent, in the production and sale of Temperate Zone soil products; it proposes to exempt these products from all duty, whether for revenue or protection, and to allow them henceforth free access to the markets of the United States upon a basis of absolute equality with the products of the farms in this country.

It is a notable document because of its great clearness of statement, the kindliness of the sentiment it expresses, the loftiness of its tone, and the desire so deeply manifest to promote a feeling of amity and good will between two kindred peoples. The President says:

> This trade agreement, if entered into, will cement the friendly relations with the Dominion which have resulted from the satisfactory settlement of the controversies that have lasted for a century and further promote good feeling between kindred peoples. * * * The geographical proximity, the closer relation of blood, common sympathies, and identical moral and social ideas furnish very real and striking reasons why this agreement ought to be viewed from a higher plane.
>
> Since becoming a nation Canada has been our good neighbor, immediately contiguous across a wide continent without artificial or natural barrier, except navigable waters used in common. She has cost us nothing in the way of preparations for defense against her possible assault, and she never will. She has sought to agree with us quickly when differences have disturbed our relations. She shares with us common traditions and aspirations.

Notwithstanding the fine optimism with which the President commends the proposed measure, he is cautious in what he says about its bringing about a reduction in the cost of living in the United States. He says:

> I do not wish to hold out the prospect that the unrestricted interchange of food products will greatly and at once reduce their cost to the people of this country. * * * Reciprocity with Canada must necessarily be chiefly confined in its effect on the cost of living to food and forest products. The question of the cost of clothing as affected by duty on textiles and their raw materials, so much mooted, is not within the scope of an agreement with Canada, because she raises comparatively few wool sheep and her textile manufactures are unimportant.

So the President, who is its most enthusiastic advocate, makes no promise that this measure will reduce the cost of food products to the consumer in the United States; he frankly admits that it will not in the slightest degree affect the cotton and woolen schedules, and that the cost of clothing will not be reduced in any manner as the result of its enactment.

If this proposed law is not to reduce the cost of food products, nor of clothing, to the consumers in this country, are we to enact it simply upon the ground that it will "cement the friendly relations" already existing between the Dominion and the United States?

Those relations have been unbroken for a hundred years. Is there any need just now of changing our policies, in order that they may continue in the future as they have in the past? Are we not enjoying our full share of the Dominion's trade now?

In the year 1910 Canada's total trade with the world was $693,211,221. Her imports were $385,833,103. Of this amount she imported $233,071,155 from the United States, and only $152,763,910 from the rest of the world. She bought from the people of the United States what amounts to about $30 worth of goods for each one of her 7,500,000 people. During the same year our imports from Canada were $95,128,310, about $1 for each of our 95,000,000 people. The Canadians purchased from us $30 worth of goods per capita, and we purchased from them $1 per capita.

The most cordial relations exist between the two peoples. There is no crying demand for a change on the part of the Canadians. They firmly adhere to a protective tariff upon manufactured articles and are careful not to change that policy in this trade agreement. Of present trade conditions we certainly can not complain. In 1910 Canada's trade with the United States was $53,000,000 more than with Great Britain; in 1909 our sales to Canada were $192,661,000 and Great Britain's sales to her were only $86,257,000, notwithstanding she gives the mother country a preferential tariff rate 33⅓ per cent below the rate imposed against us. She is our third best customer, and if cotton were eliminated she would rank second. She is growing and prosperous and exceedingly friendly. She insists upon a tariff wall against us, to protect her growing manufacturing interests, and without resentment we cheerfully recognize her right to do so. We shall not quarrel with her because she refuses to change her protective policy for the sole purpose of "cementing friendly relations" with us.

If we could have a reciprocal treaty with Canada under which trade in the products of each country would flow back and forth between the two as freely as it does now between the great States of Pennsylvania and New York, it may be that it would be a good thing for both countries, considering the situation and cost of production in each, and that each "would find in loss a gain to match"; but Canada herself makes that impossible. It is her firmly adopted policy to build up her own manufacturing industries under a protective tariff, and we can not persuade her to change that policy. The proposed trade agreement is the limit beyond which she will not go on her side. If we enact this law as proposed, without amendment, it will give to Canada free admission into the markets of the United States for her farm products without a sufficient "quid pro quo" to our people as a whole.

She will have secured what she wants without giving up anything in return. Having obtained that, she will not advance one step nearer.

So we must face this proposed law as the limit beyond which she will firmly decline to pass, unless we insist upon amending it now.

The main question for us to decide, then, is: Shall we accept this bill unchanged and admit the farm products of Canada into the United States free of duty, leaving a duty upon what the President calls "secondary food products, or foodstuffs partly manufactured"; a tariff to remain on lumber, except rough boards, and each of the Canadian Provinces reserving the right to impose export duties on wood pulp, pulp wood, and news print paper; a tariff to remain on manufactured products generally when imported by one of the countries from the other?

Mr. President, I can not give my assent to this proposal, because, in the first place, I do not believe it will promote the general welfare of the people of the United States; in the second place, it will, in my judgment, do irreparable harm to agriculture, which is our greatest industry.

The proposed law is, in effect, a declaration that we intend no longer to depend upon the cultivation of our own soil and the industry of the American farmer for our food supplies, and that agriculture in the United States is no longer to hold its imperial place at the head of our great industries, but is henceforth to be treated as a pursuit of lesser importance among American people, because from this time on we shall look beyond these American farms into foreign lands and we shall invite the whole world, upon equal terms, to compete with the American farmer in his own market place. In the third place, the law, as proposed, gives an unfair advantage to and an unjust discrimination in favor of certain trusts in the United States without giving any relief to the consumer from the burden of the cost of living, against which he bitterly complains.

The policy of this legislation is to recognize the people of the United States, not as a people engaged in agriculture, manufactures, and commerce, with the dominating influence in agricultural pursuits and in rural communities, but an urban people engaged in manufacturing and commercial pursuits, with its dominating and formative national tendencies in the great cities and congested centers; a people who shun the country as a place of solitude and loneliness and the tiller of the soil as a vanishing type, who will disappear from the land in a few more generations. This proposed law not only recognizes this tendency, but will accentuate it ten thousand fold.

Mr. President, we are seemingly unaware of the remarkable influx of humanity that is swiftly changing the entire current of our national life. What a vast difference between the conditions which prevail in a farming community in the West, several hundred miles distant from a city, and the conditions of life in the East Side, in the Bronx, or in lower Manhattan, in the great city of New York.

I have examined with great interest the report of the New York City commission on "Congestion of population," made on the 28th day of February last, in which it quotes the following, written in 1905 by Mr. Lawrence Veiller, a well-known housing expert:

> No conception of the existing conditions can be obtained from any general statements. To say that the lower East Side of New York is the most densely populated spot in the habitable globe gives no adequate idea of the real conditions. To say that in one section of the city the

density of the population is 1,000 to the acre; and that the greatest density of population in the most densely populated part of Bombay is but 759 to the acre; in Prague, 485 to the acre; in Paris, 434; in London, 365; in Glasgow, 350; in Calcutta, 204, gives one no adequate realization of the state of affairs. No more does it to say that in many city blocks on the East Side there is often a population of from 2,000 to 3,000 persons, a population equal to that of a good-sized village.

The only way that one can understand the real conditions is to go down into the streets of these districts and see the thousands of persons thronging there and making them impassable. So congested have become the conditions of some of the quarters of this city that it is not an exaggeration to say that there are more people living there than the land or the atmosphere can safely sustain. The limits have not only been reached, but have long been passed.

The New York City commission to which I have referred also quotes the following from a book published last year by Mr. Veiller, called "The housing problem," in which the author charges that—

The conditions of New York are without parallel in the civilized world. In no city in Europe, not in Naples nor in Rome, neither in London nor in Paris, neither in Berlin nor Budapest, not in Constantinople nor in St. Petersburg, not in ancient Edinburgh nor modern Glasgow, not in heathen Canton nor Bombay are to be found such conditions as prevail in modern, enlightened, twentieth-century, Christian New York.

In no other city is the mass of the working population housed as it is in New York, in tall tenement houses extending up into the air 50 or 60 feet and stretching for miles in every direction as far as the eye can reach.

In no other city are there the same appalling conditions with regard to lack of light and air in the homes of the poor. In no other city is there so great congestion and overcrowding. In no other city do the poor so suffer from excessive rents. In no other city are the conditions of city life so complex. Nowhere are the evils of modern life so varied. Nowhere are the problems so difficult of solution.

This commission, appointed under the administration of Mayor Gaynor, reports that the congestion so scathingly arraigned by Mr. Veiller in 1905 is growing worse and is still increasing in the sections of the city which had even in that year the greatest density of population per acre. While the commission was preparing its report, a building of 55 stories was planned for lower Manhattan, and yet the commission reports that in a six-story tenement, under existing laws, it is possible that only one room out of four will obtain an adequate supply of sunshine, and that it is possible to cover an entire plot of land adjacent to such a tenement house by a factory or warehouse of almost any height; that in this way a tenement house may be deprived not only of light, but of ventilation, for the yards or shafts become closed ducts. It reports that in certain blocks in the Borough of Manhattan no thorough ventilation can be had by reason of the fact that these various buildings surround the tenement house. The congestion is growing worse. In the block in Manhattan bounded by Grand, Broome, Ridge, and Pitt Streets the population increased from 1,845 to 2,552 from 1905 to 1910, an increase in that one block of 709. In that district there was an increase from 910 per acre to 1,260 per acre. The commission goes on to say:

A study of the changes in density of population from 1905 to 1910 of 28 important blocks in the lower part of the Bronx which had in 1905 a population of 1,000 or over is even more significant, because near many of these blocks are others practically unimproved, and within walking distance of some are scores of acres of vacant lands.

In these crowded tenements parents, children, and from three to eight adult boarders are often found occupying apartments of two, three, and four rooms.

In 122 blocks in Manhattan, which in 1905 had a density of over 750 people per acre, 65 per cent were foreign born, the Italians and Russians predominating. In 1905 the foreign-born population of Manhattan Borough was 890,142, and 23 per cent of these were domiciled in blocks having a density of over 750 per acre, while only 9 per cent of American-born people were living under like conditions. South of Fourteenth Street, on the East Side, the native-born population from 1900 to 1905 increased less than 4 per cent, while the foreign born increased nearly 20 per cent. There were many other districts where the number of native born in 1905 was actually less than in 1900. The tenement house commissioners report that to provide a good standard of housing for unskilled wage earners in New York City the maximum value of the land occupied by a tenement should not exceed 50 cents per square foot, but that in 1908 the assessed value of land per square foot occupied by the congested blocks of lower Manhattan ranged from $2.74 to $16, and in most of these blocks exceeded $10 per square foot. They find that a large part of the juvenile delinquencies, which are so serious in these congested districts, is directly traceable to the congested conditions of population among a large portion of the families from which the delinquents come.

Mr. Ernest K. Coulter, clerk of the children's court of New York County, told the commissioners that congestion is responsible for a vast number of the cases that come into the children's court of New York City. He said:

Environment counts nine-tenths in the whole proposition of juvenile delinquency.

He gave many instances of the results of room overcrowding, and claimed that children often come to feel that they are not wanted in their so-called homes, and that they are really forced to the streets. He says that the most skillful pickpockets in New York City are children from these places, and that their ranks are constantly being recruited from the districts where there is the greatest congestion.

Hon. William McAdoo, chief city magistrate, gave the following as his observation:

I think there can be no question but what the connection between congestion of population, especially in that form which it takes in the tenement houses, and crime and delinquency is very marked.

The crowded living conditions in these small rooms, lack of personal privacy, and separation of the sexes must, in the very nature of things, beget conditions which conduce to immorality and the lack of self-respect. I think that the poor family in the country, however impoverished, has a much better chance of bringing up the children to lead clean moral lives and be less sophisticated as to vice than children brought up in the congested quarters of the city. For instance, said he, I recently visited what are called the "agricultural slums" in the congested districts of Ireland, in a mountainous and very healthy country, where the indoor life is cramped and poverty obvious, but where the outdoor life is very healthful and the climate moderate and even and the moral and religious atmosphere excellent; and I should hesitate, if it had been left to me to transplant these people to the crowded tenements of the East Side, even if they got more food and better clothing than they did in the old country. The percentage of crime amongst these people in the old land is so low as to be scarcely perceptible, and they lead clean, moral lives, stimulated under adverse conditions by high spiritual exaltation and deep reverence.

The tenement commissioners find that one of the principal causes of this congestion is poverty; another, lack of control over aliens and citizens; another, high price of land in the city.

Shall we now accentuate the evil by adopting a national policy of discrimination against the American farm, thus encouraging the tendency to smother the life of our race in these congested centers?

Mr. REED. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. ROOT in the chair). Does the Senator from South Dakota yield to the Senator from Missouri?

Mr. CRAWFORD. Certainly.

Mr. REED. If the people of New York City are in the desperate condition pictured, does the Senator think that we can aid them by increasing the price of farm products by taxation?

Mr. CRAWFORD. We certainly can stop country people from flocking to the cities if we make it possible for them to make a living on their farms. I shall later elaborate on that a little further.

Mr. REED. I understood the Senator to say that those people were nearly all coming, not from farms in the Dakotas and Iowa, but from foreign countries.

Mr. CRAWFORD. In those particular localities. I do not wish the Senator to understand me that that is a situation which would apply, so far as the farm element is concerned, to all cities, his own, for instance. I shall, as I proceed, make that clear.

The positive menace this abnormal congestion of our population is to the public welfare was the subject of a conference held in New York in 1908. The little group of humanitarians who had been fighting bad housing, tuberculosis, insufficient schools, dearth of parks and playgrounds, ill health, accidents, and juvenile crimes concluded that the only cure for the evils of congestion is the abolition of congestion. A writer, giving an account of that meeting in the Charities and the Commons of April 4, 1908, says:

Within 19 miles of City Hall a population numbering 5,404,638 human souls lives and works. If the increase continues at the same pace as during the last 50 years, there will reside in Greater New York alone, in the year 1950, 25,000,000 souls. Such figures would be appalling enough if the population were distributed over the whole city area, but it is packed upon a small part of the area. Eleven New York blocks have a density of 1,200 per acre, which means that if the whole of little Delaware were similarly crowded it could contain the entire population of the world—white, black, yellow, and red.

But these conditions are not confined to New York City. In Charities and the Commons for May 9, 1908, Jacob A. Riis writes thus about the city of St. Louis:

Hear the report of the housing committee of the Civic League just made. It deals with that district between Seventh and Fourteenth Streets, Lucas Avenue, and O'Fallon Streets, comprising 48 blocks, where the poor live in neglected rear tenements, sometimes two, and in one case three, upon the same lot beside the front of the house. The lower rooms of these houses might, for all the sunlight they receive, be at the bottom of a well. Dilapidation, misery, and dirt reach their depths in the rear buildings. People who live in them are poorer, more sickly, less cleanly, and generally of a lower standard in every way.

Mr. President, I could go on indefinitely and present similar pictures showing similar conditions of congestion in Chicago, Philadelphia, Pittsburg, and other American cities, but I have presented enough to call attention to what, it appears to me,

is most unwise in this proposed change in our national attitude toward the American farmer, and that is this:

It will inevitably accentuate the tendency to leave the country and crowd into these cities, which are already too large, and it will depress and discourage the farming industry of the United States. Why was it necessary to raise any question of doubt on the part of the Government as to the ability of the American farmer to supply the domestic demands of his own country for farm products, and why was it necessary to create in his mind an apprehension that his occupation will be attended in the future with greater risk and uncertainty than before, because his competitors, living in another land and giving adhesion to another flag, are invited by his Government to bring the competing products of their soils into this market which he has created, and, without the payment of even a duty for revenue, allowed to compete against him in the land of his own domicile?

The Agricultural Yearbook for 1909 shows a condition of agriculture in the United States that should not be threatened by the passage of this proposed Canadian free trade in farm products. In it we are told by the Secretary of Agriculture, Mr. Wilson, that—

> The value of the farm products is so incomprehensibly large that it has become merely a row of figures. For this year it is $8,760,000,000; the gain of this year over the preceding year is $869,000,000. Ten years ago the value of the product of the farm was only five and one-half times the mere gain of this year over 1908; it was little more than one-half of the total value of this year. It has advanced year by year during the last 11 years. It has paid off mortgages; it has established banks; it has made better homes; it has helped to make the farmer a citizen of the world; it has provided him with means for improving his soil and making it more productive.

There is no evidence in this Yearbook that the farms of the United States are rapidly approaching a time when they will not be able to provide enough food products to meet the demands of our own people or when we shall be obliged to go into the markets of the world to buy our bread and meat.

The corn crop this year was greater than the average crop of the five preceding years by 3½ per cent. We raised 2,767,000,000 bushels of corn in 1909. We had the largest wheat crop in six years with two exceptions. We raised a crop of 725,000,000 bushels of wheat in 1909. We raised 64,000,000 tons of hay, nearly 3 per cent more than the average for the five preceding years; 984,000,000 bushels of oats, 12 per cent more than the average of the five preceding years; 165,000,000 bushels of barley, 6 per cent more than the average of the five preceding years; 367,000,000 bushels of potatoes, 24 per cent more than the average of the five preceding years; also 25,767,000 bushels of flaxseed and 31,000,000 bushels of rye, which was a full average yield in each case.

The total crop of all cereals was 9,711,000,000 bushels in 1909, which was 6½ per cent higher than the average of the preceding five years. Production is not falling off, but increasing. The values both of the farms and their products are substantial and are based upon the natural law of supply and demand. Each farmer is an independent unit. He possesses no wealth created out of monopoly or by issuing watered stock. He is not a part of any combination in restraint of trade. He is not in a trust. He is one among about 12,000,000 others in the United States, constituting more than one-third of the 35,000,000 men engaged in so-called gainful occupations, but he is in no labor union. He is a creator of wealth and a builder of homes. Once only has he combined with others of his class to secure a fair price for his product. The Kentucky tobacco farmer did that. He combined to defend himself against the oppression of the Tobacco Trust. It is said that the grower of a certain kind of tobacco, who had been obliged to sell his crop for 7 cents a pound, found that the trust used it in manufacturing what was known as Star Plug, and when this farmer sought to buy Star Plug he had to pay 60 cents a pound for it. Where was the difference? It was due to the sins of monopoly and overcapitalization. So these tobacco farmers took notice of the Tobacco Trust. He became a night rider. This wide difference in price was the profits on the water in the trust stocks. He found that out. But, Mr. President, the enormous wealth which the farmer has created is without any of this alloy. He has never yet failed to supply the people of his own country with food. There is no ground for fear that he can not continue to do so for many, many years to come, unless his own Government by unjust discrimination disheartens him and destroys the incentive that has been his inspiration in all the struggles of past years.

Mr. James J. Hill, who is just now working for the Great Northern Railroad Co. rather than the American farmer, and who is a deep student of scientific methods of agriculture, says:

> An industrious, fairly intelligent, and exceedingly comfortable agricultural community can raise from the soil food enough for the needs of 490 persons to the square mile. Adopting that ratio, the 414,498,487 acres of improved lands in the United States on the date of the last official record—an area materially enlarged by the present time—would support in comfort 317,350,405 people, enabling them at the same time to raise considerable food for export and to engage in necessary manufacturing employments.

But this will never come to pass if the bars are to be thrown down and the doctrine of laissez-faire followed as to the American farmer alone. Unrestrained competition with foreign peoples will tempt our farmer to follow the lines of least resistance and to reap what he can for the day's needs only.

Such a policy holds out to him no hope for the future.

It will increase the number of abandoned farms, encourage soil waste and neglect, and mark the beginning of the end of the American farmer in many lines of food production.

Mr. MARTINE of New Jersey. Mr. President, will the Senator permit a question?

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from New Jersey?

Mr. CRAWFORD. Certainly.

Mr. MARTINE of New Jersey. I should like to ask the Senator whether abandoned farms have not been brought about under the system of Republican high protection? Previous to Republican high protection, did we ever hear of abandoned farms? Yet throughout New England—not in the far Dakotas, but throughout New England—farm after farm is to-day abandoned under the iniquitous system of your so-called high protection.

Mr. CRAWFORD. If the Senator from New Jersey will be patient, I will discuss that, and I will show that under the present tariff on farm products and under present conditions, whatever abuses there may be, there has been a falling off in the number of abandoned farms even in New England, and we want to let the progress we are now making go on.

Mr. MARTINE of New Jersey. That has been largely due to immigration and not to the iniquitous system that has burdened the farmer.

Mr. CRAWFORD. I do not agree with the Senator in his claim that it is because of immigration. It is because farming has become profitable, and as long as farming can be kept profitable the number of your abandoned farms will continue to decrease.

Mr. MARTINE of New Jersey. One moment. May I ask the Senator from South Dakota a question?

Mr. CRAWFORD. Certainly.

Mr. MARTINE of New Jersey. I want to ask under what administration and what public policy this horrid system of congestion takes place in the great city of New York.

Mr. CRAWFORD. It is one of the——

Mr. MARTINE of New Jersey. I want to ask under what system and under what administrative policy this horrid condition that is pictured in the eloquent address of the Senator took place? Was it under Republican policy or some other policy? Answer, please; answer.

Mr. CRAWFORD. We had in my recollection, as young as I am, about four years of Democratic rule, and I do not remember that the conditions were alleviated one particle during that period.

Mr. MARTINE of New Jersey. You have not alleviated them in 10 times four years.

Mr. CRAWFORD. I say this will never come to pass if the bars are thrown down and the products of the alien farmers admitted upon an equal basis with our own. Speaking of abandoned farms, Secretary Wilson, in the Yearbook for 1909, says:

> The United States has been developing for agricultural purposes an area as large as the whole of Europe, while its population is but little larger than that of any of the several European countries.
>
> So much has fashion and sentiment had to do with this agricultural development that many of the lands, particularly in the Eastern States, have been practically abandoned, so far as profitable agricultural use is concerned, by the shifting and moving of our agricultural population into new regions in which lands are purported to be cheaper and in which the advertised inducements have been proportionately large. With the rapid extension also of our industrial life and the opportunities offered in the past in business and in the professions, the cities have called upon the country for clear brains and vigorous bodies to such an extent that large areas have become so depopulated of active, vigorous minds and bodies that the stock is insufficient to repeople the country districts. The result is that some of the most fertile lands in our Eastern States, some of the most fertile lands in the world, have been left in a condition of practical, if not actual abandonment, and the prices of provisions have increased for the simple reason that there are not enough people to actually work the soils and raise the crops necessary to feed the nonproducing population of the cities. The great problem which faces American agriculture to-day is the problem of the proper utilization of our soils and the development of our agricultural interests in spite of and in face of the allurements of the cities and the commercial and industrial avocations. It has now become as serious a problem to settle up our Eastern States as it has been in the past to settle the West. The first problem of all is to devise means of resettling the lands which have in recent years been neglected through the mistaken idea that they have been exhausted, but which can be brought back to an increasing production through a change in farm management and the infusion of new and active blood into the rural communities.

I think every patriotic citizen of the United States will readily assent to what Secretary Wilson says; but is it not very inconsistent, in face of the conditions he describes, to enter upon a national policy that will make these abandoned lands less attractive and that will accelerate emigration out of our own country and give new and increased value to farm lands beyond our borders? We have heard much in recent years about the conservation of our natural resources. In 1908, while I was governor of the State I now have the honor in part to represent, I attended a notable conference of the governors of the States of the Union, which met upon the invitation of the President, who at that time was Mr. Roosevelt. In a most remarkable address delivered at that conference Mr. James J. Hill discussed the necessity of conserving our soils. He said:

There are two ways in which the productive power of the earth is lessened: First, by erosion and the sweeping away of the fertile surface into streams and thence to the sea; and, second, by exhaustion through wrong methods of cultivation. The former process has gone far. Thousands of acres in the East and South have been made unfit for tillage. Far more ruinous is the process of soil exhaustion. It is creeping over the land from East to West. The abandoned farms that are now the playthings of the cities' rich, or the game preserves of the patrons of sport, bear witness to the melancholy change. New Hampshire, Vermont, northern New York show long lists of them. * * * When prices of farms should rise by increase of population in many cases they are falling. Between 1880 and 1900 the land values of Ohio shrank $60,000,000. Official investigation of two counties in central New York disclosed a condition of agricultural decay. In one land was for sale for about the cost of improvement, and 150 vacant houses were counted in a limited area. In the other population in 1905 was nearly 4,000 less than it was in 1855.

And, yet, he continues:

We might expand our resources and add billions of dollars to our national wealth by conserving soil resources * * * for there is good authority for the assertion that a farmer could take more from the same area of ground in four years' grain crop than seven now gives him, leaving the product of the other three years, when the land rested from grain, as a clear profit due to better methods. * * * Nearly 36 per cent of our people are engaged directly in agriculture; but all the rest depend upon it. In the last analysis commerce, manufactures, our home market, every form of activity, run back to the bounty of the earth by which every worker, skilled and unskilled, must be fed and by which his wages are ultimately paid. * * * Of our farm area only one-half is improved. It does not produce one-half of what it could be made to yield—not by some complex system of intensive culture, but merely by ordinary care and industry intelligently applied.

Placing the farmer of the United States upon a free-trade basis, so far as the vast and undeveloped empire of Canada is concerned, while leaving him no choice in the purchase of manufactured products, except to buy them in a protected market, will not help this situation. It will make a bad matter far worse, which, on the other hand, is rapidly curing itself. The American farmer has slowly forced his way across a vast continent. Each generation has opened a new empire of virgin soil which has, in a way, become a competitor of the older section of which it became an offshoot, but the process has gone on under full and complete free-trade relations between the States embracing all subjects of interstate commerce, and the new country has been formed into States, from time to time coming into the Union, being a part of the same people, owing allegiance to one Nation, all contributing alike to its support. In time the advantages and disadvantages have balanced each other; a loss in one thing has been offset by gain in another. During the past 10 years agriculture has been improving in the East as well as in the West, and land values have been moving upward there as elsewhere. Why should this splendid advance be now disturbed by an unfair proposal of the Canadian farmer, who assumes no burden of this Government, but owes allegiance to another, which refuses to abandon the protective tariff upon those manufactured articles which the American farmer does not sell but which he is obliged to buy?

Mr. Mark A. Carleton, who has been in charge of grain investigation in the Bureau of Plant Industry, calls attention to the fact that the total land area of the United States is nearly 2,000,000,000 acres. In 1900 less than half of this area was included in farms, only about one-fifth of the farm area was improved, and of the area improved less than 3 per cent was devoted to wheat culture. In 1850 our total improved farm acreage was 113,032,614 acres; in 1900, 414,498,487 acres. In 1866 our total acreage of wheat was 15,424,496 acres; in 1900, 41,971,000 acres, only 4 per cent of our total farm acreage. As a matter of fact, Mr. Carleton says the yield of wheat per acre in the United States is not decreasing, but has, on the contrary, increased. He gives 10-year averages of yield per acre in this country, from 1866 to 1905, as follows:

	Bushels.
1866–1875	11.9
1876–1885	12.3
1886–1895	12.7
1896–1905	13.5

At the same time he shows that the consumption of wheat by our people per capita has been materially increasing, as follows:

	Bushels.
1870	5.02
1880	5.52
1890	5.49
1900	5.11
1906	6.39
1908	6.34

He shows that we have sufficient land adapted to wheat raising for all our domestic needs for 50 years to come; that we have at least 80,000,000 acres of farm land adapted to this purpose.

Let American farmers be encouraged to cultivate this wheat land and raise this wheat. It will not increase the price of bread, but it will strengthen our rural population and increase the prosperity of the American farmer. Germany protects her agriculture. England maintains free trade in farm products. James J. Hill, in his book, Highways of Progress, thus compares the two countries:

How to meet German competition is to-day the study of every intelligent leader of industry and every cabinet on the Continent of Europe. * * * Agricultural industry has not been slighted. Behold a contrast that throws light upon the idle host of England's unemployed, marching despondently through the streets whose shop windows are crowded with wares of German make. Between 1875 and 1900, in Great Britain, 2,691,428 acres, which were under cereals, and 755,255 acres which were under green crops, went out of cultivation. In Germany during the same period the cultivated area grew from 22,840,950 to 23,971,573 hectares, an increase of 5 per cent.

Mr. Hill also significantly remarks:

Agriculture in England has suffered in the last 25 years by the opening of new land in America and the cheapening of the world's transportation.

And our new Tariff Board, as one of the results of its recent investigation of land values in Canada, makes the following comment (p. 84) in regard to the value of farm lands in Ontario:

Ontario, while reporting the highest Canadian land value, shows the lowest Canadian rate of increase. It is worthy to note that Ontario is feeling the competition of western Canada, just as some years ago the eastern part of the United States felt the competition of our western lands.

This process of restoring worn-out lands and maintaining the productivity of the soil involves a vast expenditure each year for fertilizers. The Canadian farmer, sowing spring wheat upon the virgin soil in Alberta and Saskatchewan, can raise a good yield without using any fertilizers at all.

According to the report of the Tariff Board (p. 94), the average yield of spring wheat per acre in 1910 in the United States was 11.7 bushels; in Canada, 15.53 bushels. Of winter wheat the yield per acre was 15.8 bushels; in Canada, 23.49 bushels. A much heavier yield per acre in Canada upon much cheaper priced land. Besides I find from the advance sheets of the census of 1910, covering 29 States and the District of Columbia, being Northern and New England and Western States, but including also Maryland and West Virginia—and all being States which raise either spring or winter wheat—that these States in 1900 paid $26,062,000 for fertilizers and in 1910 $40,409,000 for fertilizers, an increase in that item of expense alone of 51 per cent.

Mr. MARTINE of New Jersey. Will the Senator permit me a word here?

Mr. CRAWFORD. Yes. I do not care for extended remarks, though.

Mr. MARTINE of New Jersey. No; I shall not make any. But fertilizer, of which the Senator speaks, is a prime necessity in this country and growing more and more so each year. Then I ask, if the Senator's heart beats so fondly for the farmer, Why is it that in your tariff scheme you have not relieved fertilizer from the iniquitous tax which is a burden? Kainit, German salts, which is the basis of fertilizer, and the other fertilizers——

Mr. CRAWFORD. I am afraid the Senator from New Jersey is making a speech.

Mr. MARTINE of New Jersey. And the other fertilizers that are controlled by the great Standard Oil Co. are all on the tariff list. So, if the Senator believes that which he speaks, lift the burden and let us have that fertilizer free, so that we need not ask odds of Canada or any other country.

Mr. CRAWFORD. As to my sincerity, I can not help the Senator's incredulity, but this very much accursed Payne tariff law did take the tariff off of sulphate of ammonia, and our southern brethren were all demanding it, because it went into fertilizer. We did something, after all.

In 1900 these States paid the sum of $245,413,000 cash for labor upon farms, and in 1910 $432,481,000, an increase of 76 per cent. During these 10 years the number of farms in Colorado increased 86 per cent; Idaho, 76 per cent; Montana, 94 per cent; Nevada, 22 per cent; North Dakota, 64 per cent; Oregon, 26 per cent; South Dakota, 47 per cent; Washington, 68 per cent; Nebraska, 6 per cent; Kansas, 2 per cent, while there was a slight decrease in the number of farms in Connecticut, Illinois, Indiana, Iowa, Massachusetts, Missouri, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, and Ohio, and a slight increase in Maine, Maryland, and West Virginia. The average increase in the number of farms in the United States during the period is 13.5 per cent.

The cash value of the agricultural implements upon the farms in this great group of States was $556,035,000 in 1900, and in 1910 it was $938,902,000, an increase of 50.7 per cent. There was a substantial increase in the value of the farming implements on the farms in each of these States. As great as 217 per cent in Idaho, 212 per cent in North Dakota, 187 per cent in Montana, 176 per cent in South Dakota, 166 per cent in Washington, 81 per cent in Wisconsin, 78 per cent in Missouri, 74 per cent in Minnesota, 65 per cent in Iowa, 73 per cent in Michigan, 77 per cent in Nebraska, 64 per cent in Kansas, 62 per cent in Ohio, 39 per cent in Pennsylvania, and 49 per cent in New York. And all these implements came from the highly protected manufactories of the United States. Besides opening up new farms, paying out millions and millions of dollars for fertilizers, and for farm labor, and for farm implements, the American farmer during the past 10 years has been erecting new farm buildings and improving the old ones.

The census returns just out for 1910 show an enormous increase in the value of buildings on the farms in this group of States during the 10 years from 1900 to 1910. In Colorado that increase was 183 per cent; in Connecticut, 45 per cent; in Idaho, 267 per cent; in Illinois, 71 per cent; in Indiana, 89 per cent; in Iowa, 89 per cent; in Kansas, 79 per cent; in Maine, 54 per cent; in Maryland, 42 per cent; in Massachusetts, 22 per cent; in Michigan, 79 per cent; in Minnesota, 120 per cent; in Missouri, 81 per cent; in Montana, 164 per cent; in Nebraska, 118 per cent; in New Hampshire, 23 per cent; in New York, 40 per cent; in North Dakota, 262 per cent; in Oregon, 127 per cent; in Pennsylvania, 26 per cent; in Rhode Island, 30 per cent; in South Dakota, 231 per cent; in Vermont, 45 per cent; in West Virginia, 67 per cent; in Wisconsin, 85 per cent; in Washington, 233 per cent; in Ohio, 67 per cent.

There has been a remarkable increase in the value of farm lands in the United States, and it has not been confined to any locality. It has occurred in New England and the East as well as in the Central West and Northwest. This increase indicates that the attention of the people is turning again to the country and to farm lands.

Mr. President, how fatal would be the mistake should we now check this tendency to "go back to the American farm" by inviting an era of free trade in farm products with Canada. During the 10 years from 1900 to 1910, according to the census returns for 29 States, the total value of farm land alone increased as follows:

Colorado, 300 per cent; Idaho, 518 per cent; Illinois, 106 per cent; Connecticut, 36 per cent; Indiana, 93 per cent; Iowa, 122 per cent; Kansas, 188 per cent; Maine, 74 per cent; Maryland, 35 per cent; Massachusetts, 32 per cent; Michigan, 45 per cent; Minnesota, 82 per cent; Missouri, 104 per cent; Montana, 394 per cent; Nebraska, 231 per cent; Nevada, 163 per cent; New Hampshire, 25 per cent; New Jersey, 31 per cent; New York, 28 per cent; North Dakota, 321 per cent; Oregon, 262 per cent; Pennsylvania, 9 per cent; Rhode Island, 11 per cent; South Dakota, 376 per cent; Vermont, 27 per cent; West Virginia, 53 per cent; Wisconsin, 71 per cent; Washington, 419 per cent; Ohio, 57 per cent.

But should we have free trade in farm products with Canada, our chief rival in the production of cereal grains would be the farmers of Ontario, Manitoba, Saskatchewan, and Alberta, and we would be at a disadvantage.

Land in Wisconsin worth $57 per acre, in Michigan worth $46 per acre, in Iowa worth $109 per acre, in Minnesota worth $46 per acre, in North and South Dakota worth $40 per acre, yielding an average of 11.7 bushels of spring wheat to the acre and 15.8 bushels of winter wheat to the acre, must compete with land in Manitoba worth $29 per acre, in Saskatchewan worth $22 per acre, in Alberta worth $20 per acre, yielding 15.53 bushels of spring wheat and 23.49 bushels of winter wheat per acre, with the barley average yield per acre 24.6 bushels in Canada and 22.4 bushels in the United States; flaxseed, 4.8 bushels in the United States and 7.97 bushels in Canada; oats, 31.9 bushels per acre in the United States and 32.79 bushels in Canada; hay, 1.33 tons per acre in the United States and 1.82 tons per acre in Canada; and the average yearly wage of farm hands in Canada $250 to $300, as against $300 to $360 per year in Minnesota and the Dakotas. With the tariff on farm products coming into this market from Canada entirely removed, the farmer in Iowa, who owns 160 acres of land worth $100 per acre, could sell it, take the $16,000, and buy 800 acres of land in Alberta—just five times the quantity he had before, each acre of which will yield more wheat, oats, barley, or flaxseed than an acre of Iowa land.

Mr. HITCHCOCK. Mr. President, I should like to ask the Senator a question.

Mr. CRAWFORD. I wish the Senator would let me finish this sentence, so as not to have it broken in two, and then I will yield. I am speaking about the farms of the West, and I would like to have the Senator listen to it. I say the farmer in Iowa who owns 160 acres of land worth $100 per acre could sell it, take the $16,000, and buy 800 acres of land in Alberta—just five times the quantity he had before—each acre of which will yield more wheat, oats, barley, or flaxseed than an acre of Iowa land, or of Wisconsin, Minnesota, or Dakota land, as the case may be. Is it not perfectly plain that the result will be a depression in the values of Iowa, Dakota, Minnesota, and Wisconsin land and a great boom for the Canadian farmer at the expense of the American farmer?

I now yield to the Senator from Nebraska.

Mr. HITCHCOCK. The Senator from South Dakota has just called attention to the fact that land in Iowa is worth $100 per acre and in South Dakota $46 per acre. I should like to ask him whether the growing of wheat in South Dakota on land worth $46 an acre has proved a disastrous competition to the growing of wheat in Iowa on land worth $100 an acre?

Mr. CRAWFORD. I do not think so; but——

Mr. HITCHCOCK. Then, I should like to ask the Senator how it is going to prove a disaster to this country to have Canadian wheat come in grown on their cheaper land, so that it will compete with the wheat grown on the land of Iowa or of South Dakota or of Nebraska, the price of which varies greatly?

Mr. CRAWFORD. The Senator lives in the State of Nebraska and he certainly knows that in the State of Nebraska, in the State of Iowa, in the State of Illinois the chief product is corn—corn, cattle, and hogs—and those States do not come in contact with Canada as the Dakotas and Minnesota, because we are cereal-growing States while they are not.

Mr. HITCHCOCK. I want to say to the Senator that Nebraska grows many million dollars' worth of wheat every year and has not felt that the competition with South Dakota on her cheaper lands is at all disastrous. I want to say that wheat land in the United States varies enormously in value; that it varies more in value in the different States than the land in South Dakota varies from the land in Canada.

Mr. CRAWFORD. I have discussed that. There is a self-adjustment, a give and take, a loss and gain, an equilibrium, and we are perfectly satisfied with it where we are all bearing the same burdens, giving allegiance to the same Government, acting in loyalty to the same system. It is true that it has many, many times depreciated the value of our lands. I remember when my people lived in central Ohio 30 years ago they thought their land was worth $100 an acre and it went down to $25 an acre, because they could not compete with the great empire of the West that developed as it did; but it afterwards regained its value; it was all in the United States, and adjusted itself.

Mr. HITCHCOCK. I want to call the attention of the Senator from South Dakota to the fact that at the very time the new State of Oklahoma was being opened to settlement hundreds of thousands of acres of land were being thrown into corn cultivation, and at the same time the corn land of Iowa and Nebraska and Kansas had their greatest advance in value and did not appear to suffer from that competition.

Mr. CRAWFORD. I am not so sure about that.

Mr. HITCHCOCK. I am.

Mr. CRAWFORD. I remember that they used to talk about burning corn for fuel in Iowa.

Mr. HITCHCOCK. That was before the days when Oklahoma was opened to corn cultivation.

Mr. CRAWFORD. I am not prepared to question the Senator in that respect. If you throw the bars down, you are going to drop our price and you are going to raise theirs until they reach a level. There is no escape from that conclusion.

What is called the "farm price per bushel" of cereals by the Tariff Board was uniformly higher in 1910 in the United States than in Canada, as the following list shows:

	Per bushel.
Wheat:	
New York	$0.96
Indiana	.87
Illinois	.88
Michigan	.89
Wisconsin	.92
Minnesota	.94
Iowa	.85
Missouri	.87
North Dakota	.90
South Dakota	.89
Montana	.86
Kansas	.84
Saskatchewan	.65
Manitoba	.80
Ontario	.88
Flaxseed:	
New York	2.20
Wisconsin	2.20
Minnesota	2.30
Iowa	2.20
Missouri	2.10
North Dakota	2.35
South Dakota	2.29
Nebraska	2.25
Kansas	2.10
Montana	2.40
Manitoba	2.09
Saskatchewan	2.08
Alberta	1.87

The average yield of oats per acre in Canada in 1910 was 32.79 bushels. In the United States it was 31.9 bushels. Its farm value per bushel was 32 cents in Alberta, 28½ cents in Saskatchewan, 21 cents in Manitoba, and 36 cents in Ontario. Its farm price per bushel in Montana was 46 cents; North Dakota, 37 cents; Minnesota, 32 cents; Michigan, 35 cents; New York, 42 cents.

The barley farmer has received an object lesson in regard to the effect upon the price of his barley by removing the tariff from Canadian barley, which he will not soon forget.

The great barley Provinces of Canada are Ontario and Manitoba. The average yield in Ontario is 4 bushels above that of Wisconsin, 8 bushels above that of Minnesota, 1 bushel above that of New York, and less than 1 bushel above that of Iowa. The highest farm prices per bushel—77 cents and 76 cents—are reported from New Hampshire, Maine, and Nova Scotia. The lowest farm prices per bushel—36 cents, 38 cents, and 39 cents—are reported from Saskatchewan, Alberta, and Manitoba, respectively.

There are two well-defined barley-growing regions in Canada, Ontario and the eastern Provinces, and western Canada. Eastern Canada, including Ontario, has long been noted as one of the finest barley-growing regions in the world, and before the present duty was placed upon it large quantities of this Ontario barley were malted in the United States. But Ontario has steadily declined in the production of high-grade malting barley. Next to Ontario in importance as a barley-producing Province comes Manitoba, but for a number of years barley production in Manitoba has been practically stationary.

Since 1905 some barley has been grown farther to the west, in Saskatchewan and Alberta. The soil and climate of western Canada are so favorable that its barley is sold at a premium in English markets, but under present conditions greater profit is apparently found in other crops.

While their barley enterprise has been standing still our farmers have been making money out of it. Now you want to tear the bars down and give the benefit of it to whom? To the Brewers' Trust.

As shown by Table 15 in the report of the Tariff Board, page 99, Minnesota is the heaviest producer of barley near the Canadian border, her crop in 1910 being nearly 27,000,000 bushels. Wisconsin comes next with 22,429,000 bushels; South Dakota is third with 18,655,000 bushels; North Dakota is fourth with 15,045,000 bushels.

Of the Canadian Provinces, Ontario is the largest producer. In 1910 her total yield was 20,727,000 bushels. Manitoba came next with 13,826,000 bushels. The average yield per acre in the United States was 22.4 bushels; in Canada 24.62 bushels. In Ontario the farm price is 53 cents per bushel, and in Manitoba 39 cents per bushel. Notwithstanding the tariff shuts Canadian barley out of our market, the production of barley has increased in Canada. It appears from a table found on page 100 of the report of the Tariff Board that in 1900 all the Provinces in Canada produced 20,322,666 bushels, and in 1909 they produced 48,810,685 bushels. In 1910 the United States produced 162,227,000 bushels, while all the Provinces produced 45,147,600 bushels. Unusual drought in North Dakota and part of South Dakota explains why our crop for 1910 was less than for 1909. That was not a normal barley year. Previous to 1897 the rate of duty on barley was 30 per cent ad valorem. By the tariff law of 1897 this duty was increased to 30 cents per bushel. Under the old rate there were large importations of barley from Canada into the United States. In 1894 more than 2,000,000 bushels were imported. In 1897 over 1,000,000 bushels. But after the imposition of the flat duty of 30 cents per bushel importations ceased. In 1909 only 2,420 bushels were imported. Under the McKinley law, from October 1, 1890, to August 27, 1894, there was a duty on barley of 30 cents per bushel, the same as now.

In 1892, under this duty, the December price per bushel in Chicago ran from 65 cents to 67 cents. The May price for the same year was 65 cents.

In 1893 December barley in Chicago ran from 52 cents to 54 cents; May barley from 55 cents to 60 cents.

In 1894 December barley in Chicago ran from 52½ cents to 53½ cents, and May barley from 51 to 52 cents.

In 1894 the tariff on barley was materially reduced, from 30 cents per bushel to 30 per cent ad valorem; and in 1895 December barley in Chicago ran from 33 cents to 40 cents, and May barley from 25 cents to 26 cents.

In 1896 December barley ran from 22 cents to 37 cents, and May barley from 24½ cents to 35 cents.

In 1897 December barley ran from 25½ cents per bushel to 42 cents, and May barley from 36 cents to 53 cents.

Then, on July 24, 1897, the old rate of 30 cents per bushel was restored by the Dingley law, and has been continued in our present law, and the price of barley has steadily advanced, as shown by the following:

[Cents per bushel.]

Years.	December high and low price in Chicago.		May high and low price in Chicago.	
	Low.	High.	Low.	High.
1898	40	50½	36	42
1899	35	45	36	44
1900	37	61	37	57
1901	56	63	64	72
1902	36	70	48	56
1903	42	61½	38	59
1904	38	52	40	50
1905	37	53	42	55½
1906	44	56	66	85
1907	78	102	60	75
1908	57	64	66	75
1909	55	72	(1)	(1)
1910	78	82	(1)	(1)

[1] Not given.

These figures are taken from Table 17, page 101, Report of the Tariff Board. This board also reports (p. 105) that—

the price of barley in Canada is generally below the price of the United States. From 1900 to 1909 the Chicago price ranged from 1 cent to 46 cents above the Winnipeg price. Half of this time the difference was above 13 cents.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Missouri?

Mr. CRAWFORD. I do, if the Senator wishes just to ask a question. I do not want to keep the Senate unduly long.

The VICE PRESIDENT. The Senator from South Dakota yields.

Mr. REED. Does the Senator hold that the passage of the tariff on barley raised the price of barley in this country?

Mr. CRAWFORD. I do.

Mr. REED. Who pays ultimately that increased price?

Mr. CRAWFORD. The man who drinks the beer, I presume.

Mr. REED. Does the Senator hold that that is true of the tariff on all farm products?

Mr. CRAWFORD. I do not.

Mr. REED. You do not?

Mr. CRAWFORD. I do not. I will demonstrate it, if the Senator will permit me, right here, and we will save time. I am going into that quite fully, and I will demonstrate that the small tariff on this cereal as it leaves the farm is not a factor when you consider the loaf of bread. However, the Senator from North Dakota [Mr. MCCUMBER] elaborated on that so completely and made it so plain that I do not think it will be necessary for me to spend much time on it. But when it comes to the loaf of bread, the difference is absolutely inconsequential.

Mr. REED. I do not want to pursue the matter further than to get clearly the Senator's view. As I understand it, if you increase the price of barley by a tariff, the man who drinks the beer pays the increased cost?

Mr. CRAWFORD. He will not in this case. If we pass this Canadian tariff it will not change the price of a glass of beer, but I will demonstrate before I get through that your Brewers' Trust and your distillers are getting something here that is an absolute outrage, when it comes to the American farmer, and you are giving it to them.

Mr. REED. I trust the Senator is not delivering over the Brewers' Trust to me.

Mr. CRAWFORD. I hope not.

Mr. REED. As my trust.

Mr. CRAWFORD. I do not wish you any harm.

Mr. REED. I wanted to pursue my question to a direct answer. I understand the Senator to say that the tariff upon barley increased the price which was ultimately paid by the man who drank the beer.

Mr. CRAWFORD. I do not think that would really be a disaster, but it may be true as a fact.

Mr. REED. If that is true then why will not an increase of the price of wheat ultimately be paid by the man who eats the bread?

Mr. CRAWFORD. If the Senator will do me the honor to remain here until I finish my remarks I will make it plain to him that the way this bill is presented to the Senate it leaves a tariff of 50 cents a barrel on flour while it takes the tariff off of wheat, and it will not decrease the price of bread a farthing, but it will give the manufacturers of flour an undue and unfair advantage at the expense of the American farmer. I will do that as to every item in this bill relating to farm products, but I do not care to be diverted at this part of my remarks to go into that.

Mr. REED. Mr. President, I think——

The VICE PRESIDENT. The Senator from South Dakota declines to further yield.

Mr. REED. I will remain to hear the Senator, but I will remind him that we are furnishing a majority of the audience who are remaining to hear the Senator.

Mr. CRAWFORD. If I do not take it up I will thank the Senator for calling my attention to it.

Speaking of hay, the Tariff Board says that Ontario, which produces more hay than New York, reports an average yield of 1.84 tons as against New York's average of 1.32 tons per acre. The highest American farm price—over $15 per ton—is reported from New Hampshire and from Wisconsin. The highest Canadian price, $14.58, is that quoted for Alberta. The Ontario price is $10.21 per ton as against the New York price of $13.70.

Flaxseed is a staple crop in several northwestern States near the Canadian border. In 1910, because of drouth, the yields in Minnesota and the Dakotas fell far below normal. But despite these low yields in 1910 South Dakota and Minnesota each produced nearly as much flaxseed as all Canada; North Dakota produced about 2,000,000 bushels more than Canada. Take the tariff off flaxseed and the situation will swiftly change. The yield of bushels per acre in 1910 was 11.79 bushels in Manitoba, 7.87 bushels in Saskatchewan, and 4.48 bushels in Alberta; 3.6 bushels in North Dakota, 5 bushels in South Dakota, 8 bushels in Nebraska, 7 bushels in Montana. The highest farm price was $2.40 per bushel in Montana; the lowest $2.10 in Kansas. In Canada the highest farm price per bushel was $2.08 in Saskatchewan, and the lowest $1.87 in Alberta. Prepared flaxseed is known as linseed, and the flaxseed crop is used by the Linseed Oil Trust in the United States.

Ontario and Quebec are great dairying Provinces. Quebec has an excellent local breed of dairy stock and Ontario is favorably situated and well equipped for the production of fine grades of dairy goods. The necessary foodstuffs are available and the skill of her dairymen is acknowledged. The Tariff Board reports that there are 856,151 milch cows in Quebec and 1,243,680 in Ontario, while Maine, New Hampshire, and Vermont combined have 582,000; New York, 1,771,000; Michigan, nearly 1,000,000; Wisconsin, 1,500,000. It is true that east Canada is not equipped for raising and fattening beef because Indian corn is neither cheap nor abundant there; but Indian corn is not a factor of the first importance in the maintenance of dairy herds. What are known as mill feeds are much cheaper in Canada than in the United States. The prices of bran and middlings are constantly lower at Winnipeg than at Minneapolis; in Toronto the prices of these products are constantly lower than at Buffalo; also lower at Montreal than at Buffalo. The Tariff Board reports that on February 26 the price of bran in Winnipeg was $19 per ton and of middlings $20, while on the same day—thanks to the Millers' Trust—the Iowa farmers were paying $25 to $28 per ton for bran and $27 to $30 for middlings.

The great dairy countries of the world are Denmark, Belgium, Holland, Norway, and Russia. It is only in recent years that the American farmer has developed what is known as modern dairying. Last year the total export of cheese by all the countries of the world was 485,000,000 pounds, of which Canada exported 172,000,000 pounds, and the United States only 10,000,000 pounds. Canada also exports about 6,000,000 pounds of butter annually.

The American farmer and dairyman can not but feel that he is unjustly discriminated against by a proposal which will admit such a competitor into our home market without the imposition of any import duty whatever. The Dominion is looking after its farmers and their welfare. Why should the United States not remain loyal to all its citizens? Why discriminate against the farmer? The Provinces of Saskatchewan and Manitoba are building up dairying interests by subsidizing Government creameries. A farmer living at a distance from a creamery ships his cream by express, and the express charges are rebated. Consul General John E. Jones, of Winnepeg, reports that before the Government creamery was established there in 1908 dairy butter sold for 12½ cents per pound in trade; but that from July 1 to the end of October, since the opening of the creamery, the lowest price paid by the Government was 21½ cents per pound and the highest price was 31½ cents per pound for butter fat, payments made in cash twice a month.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Utah?

Mr. CRAWFORD. I do.

Mr. SUTHERLAND. The Senator from South Dakota has been talking for a long time. I know that he is far from well. I ask him if he would not prefer to continue to-morrow?

Mr. CRAWFORD. I do not know but that almost an apology is due to the Senate, but I feel constrained to discuss this question at some length. It is a matter my constituents look at with tremendous seriousness, and I feel under the most profound obligation to do what I can to get this case squarely before the country for them. While I have not been very well, I have talked for a good while and I would appreciate it if I might go on to-morrow.

Mr. SUTHERLAND. I move that the Senate adjourn.

The motion was agreed to, and (at 4 o'clock and 26 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 18, 1911, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 17, 1911.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D., as follows:

Our Father in heaven, we thank Thee for every great soul who has climbed the heights, caught a vision, evolved a truth, made a discovery, invented a machine, a device, caused two blades of grass to grow where one grew, wrote a book, a poem, a song, painted a picture, carved a statue, reared an altar to his God, founded a hospital, a school, a college, or gave greater freedom of thought and action to mankind. So may it be our desire and our good fortune. And Thine be the praise forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

AMERICAN SUGAR REFINING CO.

The SPEAKER. When the House adjourned yesterday evening the matter before the House was the resolution (H. Res. 172) of the gentleman from Texas [Mr. HENRY], and the immediate matter was the motion of the gentleman from Mississippi [Mr. SISSON] to refer that resolution to the Committee on Rules. The immediate matter is to take a vote on that motion.

Mr. HENRY of Texas. Mr. Speaker, permit me to say that it is not my wish to take snap judgment or to make any technical contention about the passage of the resolution now pending as introduced by me on yesterday, but there are a few plain statements I desire to make to the membership of this House in order that the case may be thoroughly understood. About a week ago the House adopted a resolution providing for the investigation of the American Sugar Refining Co., commonly known as the Sugar Trust. In that resolution there was a provision for the House to elect a committee of nine members. For satisfactory reasons the election of the

committee has been postponed from the day of the adoption of the resolution until yesterday, when there was offered the resolution nominating the nine Members to constitute the committee, five from this side of the House and four from the other side. At the outset let me say that I assume all responsibility for nominating the five Members from this side of the House. I did not say yesterday, nor will I say to-day, that the Committee on Rules made the selection of the Democratic or the Republican members of the committee.

The Committee on Rules did not, neither did the Democratic nor the Republican membership, nor did any subcommittee of the Democrats or the Republicans, make the selections. Therefore I make the candid statement to the House that as a Representative from the eleventh congressional district of Texas, not as the chairman of the Committee on Rules, not as a member of the Committee on Rules, the responsibility of nominating these 10 Democratic Members should be charged against me.

Mr. BROUSSARD. Mr. Speaker, will the gentleman yield?

Mr. HENRY of Texas. I prefer not to yield until later.

The SPEAKER. The gentleman declines to yield.

Mr. HENRY of Texas. Mr. Speaker, I have no concealment to make from the House or country. This is a great question concerniug the American people. It is no time to quibble over technicalities. The Committee on Rules, by a unanimous vote, reported two resolutions—one to investigate the United States Steel Corporation and the other to investigate the American Sugar Refining Co.—and provided that this House should elect the committees provided for in both those resolutions.

Gentlemen, discard the idea from your minds that this resolution providing for the election of these Members came from the Committee on Rules or from the Democratic Members, for it did not come from them, but it came from me as an individual Representative, and I consulted as freely as possible many of my brethren on this side of the House about the personnel of the committee. Obviously it was impossible for me to confer with every Democrat, but I did talk with as many as were accessible. And I realize that some men who should have been consulted were inadvertently overlooked. I always consult them when within easy reach of their ear. But, Mr. Speaker, when the gentleman from Kentucky [Mr. STANLEY] first introduced his resolution it provided that this select committee should be chosen by the Speaker, as all select and conference committees are selected. The resolution came to the Committee on Rules with a provision in it to the effect that the committee should be selected by the Speaker. Let me say to you, gentlemen, that the Speaker had a conference with me. and stated that for reasons satisfactory to himself he preferred the Committee on Rules should so amend the Stanley resolution and provide for the election by the House, and I yielded to his wishes.

I candidly state the facts to the House, and have no apologies to make for my course, because it leaves it to the body of the membership to elect the committees. If gentlemen are not satisfied with the names proposed, they can make suggestions, and we can change the names if the new ones are appropriate. We will give you a better committee, if one can be found in the House. Understand that the Speaker desired to be relieved of the responsibility for reasons satisfactory to himself, and, as chairman of the Committee on Rules, I concurred with him that we could afford to make the departure in this particular case, and it was accordingly and wisely made.

The Committee on Rules does not wish to arrogate to itself any authority, and is not reaching out for it. I am acting as an individual, and am simply deferring to the wishes of the Speaker. The resolution as adopted on yesterday, as finally introduced by the gentleman from Kentucky, provides for the election by the House instead of appointment at the hands of the Speaker. The first resolution providing for the selection by the Speaker was House resolution 139, and read to this effect:

Resolved, That a committee of nine Members of this House, to be appointed by the Speaker, is hereby directed to make an investigation, etc.

Then when the matter came up the next time before the Committee on Rules we acquiesced in the wishes of the Speaker and changed the verbiage of the resolution which was reported to the House and adopted on yesterday and made it read as follows:

Resolved, That a committee of nine members to be elected by the House be, and is hereby, directed to make an investigation, etc.

And the Sugar Trust investigation resolution is fashioned exactly after the Steel Trust resolution. Gentlemen, you have the case before you. I have no desire to rob the Democratic caucus of any rights or powers they have, and let me say to you when we are pressing forward on matters of great concern to the American people let us not halt and quibble over technicalities. [Applause on the Democratic side.] Up to the present time we have been harmonious, and I am glad to report to this side of the House, after a brief journey through certain sections of the country, we have the enthusiastic and unqualified approval of the American people. [Applause on the Democratic side.]

Mr. MARTIN of Colorado. Mr. Speaker, I would like to ask the gentleman a question——

Mr. HENRY of Texas. I decline to yield for the present. Gentlemen, it makes but little difference whether or not I as an individual Member from the eleventh district of Texas can exercise the poor privilege of nominating these Members to the House. It is a small matter to me and of little importance whether this House votes me down as chairman of the Committee on Rules or as an individual. It is not important what may happen to me, and would amount to nothing if I should depart from the proceedings here and cease to be a Member, but it is of vital importance to the country that the Democrats stand together and press forward to redeem their pledges to the American people. [Applause on the Democratic side.] Reiterating, I take the responsibility for suggesting these names. If they are not satisfactory, we would be glad to have the suggestion of the gentlemen; we would be glad for them to submit names they prefer for the committee. Let me say as a Representative of my district and party, if I must be exposed to unjust criticism, I shall not hesitate to stand in this House before the American people and discuss some things as they should be discussed. [Applause on the Democratic side.]

I give warning to the gentlemen if they intend to discuss these things, they must reveal their motives and purposes and face me here and before the American people. [Applause.] It is of small moment whether you vote down these names submitted by me as an humble Member, but it does make a vast deal of difference as to what you shall do with this investigation and the personnel of the committee. They talk about referring the names back to the Committee on Rules. They do not come from the Committee on Rules; they come from an individual. If you refer them back to us, we shall not report them. Why should we? They have not been before us. Then you may take your own course.

If you go into a caucus, will you make any better selection than we have made? What is objectionable about this matter? Are any of you gentlemen dissatisfied with the personnel? If so, tell us about it and we will discuss it candidly and will make any change if it appears to be right. This committee is headed by the gentleman from Georgia [Mr. HARDWICK], and appropriately so, because he is the mover of the resolution, although he is a member of the Committee on Rules. And then we put upon it one more Member, an able gentleman, from the State of Tennessee [Mr. GARRETT]. I suggested him because he is an able, upright, honorable, and capable Representative and a first-class lawyer, and we need him to grapple with the attorneys and talent that will be employed by the Sugar Trust and Steel Trust.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. HENRY of Texas. Not now; but in a moment.

Mr. FITZGERALD. Just so as to make clear what the gentleman is saying. The gentleman from Texas makes the statement that he in his representative capacity as an individual Member proposed these names, but he is continually speaking of "we" doing this, or "we" making this change, and "we" believing something. Who are the "we" to whom the gentleman refers?

Mr. HENRY of Texas. That is only an editorial expression. [Laughter.]

Mr. FITZGERALD. I wish to be perfectly fair to the gentleman if he means that he himself would make——

Mr. HENRY of Texas. I want to say to the gentleman once and for all that "we" does not mean the Speaker of the House and myself, for the Speaker had nothing to do with making this committee, if that is what you are charging. [Applause.]

Mr. FITZGERALD. The gentleman from New York has not intimated in any manner that the Speaker has had anything to do with it. I believe that if he had had it would have been satisfactory, but to be perfectly fair, when the gentleman from Texas speaks of "we" it is not fair to Members who have not been let into the secret as to who constitutes the "we."

Mr. HENRY of Texas. I am glad the gentleman has interrupted, and if it becomes necessary, which I hope will not be the case, I will make the expression "we" peculiarly appropriate when referring to some conferences held between some of the New York delegation and myself.

Mr. FITZGERALD. Mr. Speaker, let me say to the gentleman that I am not aware of what he refers to. He had no conference with me. If he had conferred with me, anything I

would have said to him he would be at perfect liberty to disclose to this House. [Applause.] I am not accustomed to making statements in private that I am unwilling to make on the floor of this House, if they refer to anything in the discharge of my duty.

Mr. HENRY of Texas. I am glad to confirm what the gentleman says, and to state that he and I had no conference about this matter, and am indeed grieved to think that he stands in the way of this investigation, or the personnel of the committee, for a single instant by criticizing the method of our selections.

Mr. FITZGERALD. I am not doing either, and when the gentleman will give me time, which I hope he will, I will make some statements to show it. But when the gentleman intimates in a colloquy with me that it may be necessary for him to disclose statements made between him and the members of the New York delegation, the only inference could be that I was involved in such conference, when neither directly nor indirectly has any such conference been held.

Mr. HENRY of Texas. Dismiss that from your mind. I did not consult the gentleman from New York.

Mr. FITZGERALD. Nor has anybody who consulted with me consulted with the gentleman from Texas.

Mr. HENRY of Texas. I exonerate the gentleman. Now, Mr. Speaker, when I drew the gentleman into the matter and now exonerate him and say that he did not confer with me, directly or indirectly, that should suffice.

Mr. FITZGERALD. I do not wish to have a personal controversy with the gentleman, but only one inference could be drawn from the gentleman's statement.

Mr. HENRY of Texas. Then I withdraw any statement that I have made that may be offensive.

Mr. FITZGERALD. It was not offensive, because nothing offends me if it is accurate.

Mr. HENRY of Texas. I think that is true. The gentleman could not afford to be offended if it was accurate.

Now, Mr. Speaker, I have no personal feeling and it will not humiliate me if gentlemen do not agree with me. But suppose the House were to refer these nominations back to the Committee on Rules. The matter has not been there, and the Committee on Rules can take no action about the personnel. Suppose you go to the caucus to select your membership. I have stated to the House candidly why we changed the verbiage of the resolution and relieved the Speaker of the responsibility and left the choice to the House. We will take no snap judgment. We will not move the previous question—perhaps I would better say "I," and not "we"—I will not move the previous question unless compelled to do so by some emergency. We shall have freedom of discussion and amendment, and if there is anybody who is not satisfied with the names in this resolution we will be glad to consider others and vote on them. Now, I yield to the gentleman from Colorado.

Mr. MARTIN of Colorado. Did I understand the gentleman to say just now that this matter had not been taken up and considered by the Committee on Rules?

Mr. HENRY of Texas. Does the gentleman mean the personnel of the committee?

Mr. MARTIN of Colorado. Yes, sir.

Mr. HENRY of Texas. I say yes.

Mr. MARTIN of Colorado. Then, Mr. Speaker, I want to call the attention of the gentleman to this language used by him yesterday in debate:

> But, Mr. Speaker, when a majority of the Committee on Rules—aye, every member of the Committee on Rules, both Democrats and Republicans—agreed that this resolution should be adopted and the committee elected, I do not see the sense in submitting it to a caucus where we all agreed.

Mr. HENRY of Texas. I meant the resolution by that. I was speaking in general terms. I believed, and still think, the Democrats could stand together and agree upon five members of this committee. Altogether there are 55 chairmen of committees, and we felt that we could not take many of them. We were limited in the selection of the personnel, because it was hard to find Members who are not already preoccupied.

Mr. MARTIN of Colorado. Now, just a moment. The gentleman contends now that he meant to say yesterday and now says that he himself is responsible for these committee selections.

Mr. HENRY of Texas. And I say now what I said yesterday.

Mr. MARTIN of Colorado. That he—the gentleman from Texas—is responsible for these committee selections?

Mr. HENRY of Texas. Yes.

Mr. MARTIN of Colorado. The gentleman has repeatedly stated to this House and reiterated the statement that this is a matter of tremendous importance to the American people. Now, if it is a matter of such tremendous importance to the American people, does not the gentleman think that it is just a little important, the make-up and selection of this committee? Does the gentleman feel adequate in himself, out of 227 Democrats, to decide a matter of such tremendous importance to the people of the country?

Mr. HENRY of Texas. Yes; and the House is now electing, by its own will and act, the members of the committee. I merely suggested the names, and now suggest to the gentleman that if he is not satisfied with the personnel perhaps we can arrange it to suit him.

Mr. MARTIN of Colorado. I have not stated, Mr. Speaker, that I was not satisfied with the personnel of this committee. I do not know whether I am satisfied or not. I have not had an opportunity to consider the personnel of this committee. I do not know anything about the considerations or motives which may have influenced their selection. What I object to is the method by which the personnel of this committee has been decided upon.

The gentleman from Texas says these selections are open to amendment. The gentleman knows how futile that proposition is, and he also knows the utter uselessness of the mere form of going about and pulling a list out of his pocket and submitting it to this and that and the other Member and saying, "Is this list all right? Does it suit you?"

Mr. HENRY of Texas. I must object, Mr. Speaker, to yielding to the gentleman further.

Mr. ALEXANDER. Mr. Speaker——

The SPEAKER. Does the gentleman yield to the gentleman from Missouri [Mr. ALEXANDER]?

Mr. MARTIN of Colorado. I deny, Mr. Speaker, that such action is satisfactory to the membership of this body.

Mr. HENRY of Texas. Let us take a sensible view of it. When the Ways and Means Committee is to go into conference with the Senate on a great tariff bill, a great revenue measure, how are the conferees selected? Are they really, in fact, selected by the Speaker, as the rule provides shall be the case? Every intelligent Member knows that the chairman of the Ways and Means Committee suggests those conferees. The same is true with respect to the great Appropriations Committee, headed by the distinguished gentleman from New York [Mr. FITZGERALD]. Frequently, and, I imagine, in almost every instance, the chairman of that committee suggests the conferees. So this matter is not as important as the gentleman would make it appear. Because, forsooth, I have nominated these names to the House for election, for your ratification, all this unseemly wrangle has occurred.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Missouri?

Mr. HENRY of Texas. I will.

Mr. ALEXANDER. The gentleman has reiterated that he has made the selection. It obscures the issue when he says that if the membership of the committee is not satisfactory to the membership of the House, as suggested by him, they have a remedy. It is a very embarrassing remedy, and that is not the question. The question is the method of procedure in nominating this committee. Now, what did the gentleman from Texas on yesterday mean by this language? I read from page 1257 of the RECORD:

> Mr. HENRY of Texas. Mr. Speaker, just a word. As chairman of the Committee on Rules, I desire to say that the responsibility was put on that committee. We have not arrogated to ourselves any authority. We understand how jealous, and rightly so, Members have been of their prerogatives as Representatives in this House. We are not trying to dictate to the Democracy or the membership of this House, but here was the responsibility coming up that could be solved by your committee. Now, how much better off would you be if you submitted it to some other committee and let them pass on it?

Mr. HENRY of Texas. The gentleman from Missouri is too good a lawyer to want to hold me to a strict technical construction of the language. When I made that statement I spoke the truth, and was speaking in general terms of the resolutions and make-up of the membership of the committee. The resolutions came from the Committee on Rules and somebody had to take the responsibility of suggesting names, and as an humble member I have done so.

Mr. ALEXANDER. In view of that equivocal language I wished the gentleman to clear up the situation so that the House could know what he meant.

Mr. HENRY of Texas. Mr. Speaker, I decline to yield further. I do not admit that the language is equivocal or needs clearing up. I stand now as on yesterday.

Mr. KENDALL. Will the gentleman yield for a question?

Mr. HENRY of Texas. Yes.

Mr. KENDALL. After the adoption of the resolution, which provides that the committee should be elected by the House, would not the ordinary course have been for the matter to be

brought to the attention of the House by the chairman of the majority caucus in a motion to elect?

Mr. HENRY of Texas. It would be in regard to the standing committees. Undoubtedly the gentleman is correct, but here is where we varied the rule in reference to the select committees.

Mr. KENDALL. What is the distinction between this committee and the standing committee which authorizes a private Member of the House to propose the names of the committee?

Mr. HENRY of Texas. I think that can be made so plain that the gentleman will understand it. Of course, if it had been a standing committee the gentleman from Alabama [Mr. UNDERWOOD] would have made the nomination, but where we had a resolution under consideration, that changed the rule to a certain extent which provided that the Speaker should appoint the select and conference committees, and thus required the House to elect this committee, as it did the Ballinger-Pinchot committee, it was thought perhaps we could solve the problem if some Member in his individual capacity should suggest the names to the House of Representatives. If you go before the caucus, somebody must offer names to the caucus. If you come to the House, some one must present them here. We suggested the names of the Members to investigate the Steel Trust and not a murmur to the proceeding was heard. They were elected by unanimous vote; but all of a sudden some gentleman concludes that he has been overlooked and becomes antagonistic.

I regret not being able to confer with every Democratic Member, and again repeat that those who believe they can select a better committee by committing it to the Rules Committee, where it will sleep if you do it, or those who think it should be presented to a Democratic caucus, can vote this resolution down. And you will see how much better it will be and whether this controversy will avail anything. You are not making any better progress.

So far as I am concerned, it will not embarrass me whatever you do, for, in my individual capacity, I intend to keep faith with the American people, and, if it lies within my power, to maintain harmony in the Democratic Party, going forward to that greater victory awaiting us in 1912. [Applause on the Democratic side.] Mr. Speaker, I will yield five minutes to the gentleman from Louisiana, but first will yield to the gentleman from Alabama [Mr. RICHARDSON] for a question.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. How much time has the gentleman from Texas remaining?

The SPEAKER. The gentleman has 25 minutes.

Mr. MANN. The gentleman from Texas occupied a half or three-quarters of an hour yesterday. Is he now, in taking the floor, entitled to another hour because it is a different day?

The SPEAKER. Not because it is a different day, but because it is a different proposition.

Mr. FITZGERALD. Mr. Speaker, I desire to suggest this, that before adjournment last evening the gentleman from Texas [Mr. HENRY] yielded the floor for a motion to commit this resolution, but taking the floor this morning he is entitled to an hour, nobody having protested his right.

The SPEAKER. The Chair thinks that is correct.

Mr. MANN. I understand, but does the Chair rule now that if the gentleman from Texas again yields the floor to other gentlemen, he can then take the floor and be entitled to another hour?

The SPEAKER. The Chair rules this, that the original proposition which started this debate was the resolution nominating nine members of this committee, and the gentleman from Texas had an hour. Just about the time that hour was expiring the gentleman from Mississippi [Mr. SISSON] made a motion to refer the resolution to the Committee on Rules, when the gentleman from Georgia [Mr. RODDENBERY] raised the point of no quorum. The gentleman from Alabama [Mr. UNDERWOOD] then moved that the House adjourn, and the House did adjourn. So that the matter which came up first was the motion of the gentleman from Mississippi to refer this original resolution to the Commitee on Rules, and the gentleman from Texas, or any other gentleman who rose and addressed the Chair, had a right to an hour. The gentleman from Texas happened to be the first man up.

Mr. MANN. The Chair will pardon me, but the gentleman from Texas occupied a considerable time on yesterday after the motion was made by the gentleman from Mississippi [Mr. SISSON].

The SPEAKER. As the Chair stated, there was a kind of interlocutory performance among several gentleman down there. Nobody made a speech. There were suggestions bandied back and forth.

Mr. MANN. The gentleman from Texas had the floor for a considerable time, but if the Chair has no record of it, I have no desire to press the matter. I thought possibly the Chair had a record of the time that he occupied on yesterday after the motion was made by the gentleman from Mississippi. At the proper time, Mr. Speaker, I desire to be recognized.

The SPEAKER. The Chair will recognize the gentleman from Illinois at the proper time.

Mr. HENRY of Texas. Mr. Speaker, I yield to the gentleman from Alabama [Mr. RICHARDSON] for a question.

Mr. RICHARDSON. Mr. Speaker, I desire to ask this question: In the first place, I will state, as the RECORD shows, that I was one of those Members who favored yesterday afternoon immediate action or ratification of the names that the gentleman from Texas proposed—not because I believed that he or his Committee on Rules had the authority to make the nominations, but because I thought it would get our party out of the very embarrassing position in which we found ourselves. Now, the gentleman has thrown other features this morning into the discussion upon this matter, to wit: He has indicated that in the near future, if gentlemen who were opposing him yesterday prosecute that matter, that he will reveal matters in this House that he had not referred to fully and entirely. Now, I certainly am perfectly honest in my desire for information, for I am not aware of any connivance or arrangement or any recognized division for selfish ends on this side of the House. I frankly state that I am not among those Members consulted by the gentleman from Texas about the names submitted by him. Nor do I take any exception to his course, but I respectfully ask him to let me know, as a supporter on his side of the question, what he means by the intimations he has thrown out. Is there any clique, is there any prearrangement or attempt this way, is there any agreement among the Democratic Members of this side, or any number of them, for certain selfish purposes, as the gentleman indicates there is, and who leads such a movement?

Mr. HENRY of Texas. I will answer that, and say no; but when I deem it necessary and appropriate, if we reach that stage, I will say whatever I think should be said. I am keeping nothing from Members here.

Mr. RICHARDSON. The gentleman certainly is. Why did you deem it necessary and appropriate at this time to refer to it?

Mr. HENRY of Texas. I will say that there is no clique. I said what I thought I ought to have said, and I measured my words when I made the statement.

Mr. RICHARDSON. Then, I think, to be perfectly frank, that the gentleman ought to tell us what it is.

Mr. HENRY of Texas. Mr. Speaker, I yield five minutes to the gentleman from Louisiana [Mr. BROUSSARD].

Mr. RODDENBERY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERY. How is the question before the House at this time, the resolution and the motion—as a matter of privilege or as a privileged resolution?

The SPEAKER. It is before the House as a privileged resolution affecting the organization of the House, not as coming from the Committee on Rules especially, but it is a matter affecting the organization of the House, and the motion of the gentleman from Mississippi [Mr. SISSON] to refer it is a subsidiary motion affecting the resolution itself.

Mr. MURDOCK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. Is a motion to strike out a name and insert one in order previous to a vote upon the motion to refer?

The SPEAKER. The Chair thinks not. If the motion to refer should be voted down, then any gentleman on the floor in the present situation has a right to offer to amend this original resolution by striking out any name and substituting another, or by striking out all of the names and substituting others. That is true until some gentleman moves the previous question and the previous question is ordered. The gentleman from Louisiana is recognized.

Mr. BROUSSARD. Mr. Speaker, I wish to preface the few observations which I shall make on this motion by stating to the House the very high esteem with which I regard the gentleman from Texas, who has moved the selection of the committee authorized by the resolution known as the Sugar Trust investigation resolution. Nor do I want to appear here as objecting to any of the gentlemen who have been named by the gentleman from Texas on that committee. My objection to the motion made by the gentleman from Texas goes deeper than the ques-

tion of the individuals or the gentlemen whose names appear in the resolution. The investigation of the American Sugar Refining Co. is one that strikes a popular chord throughout the country; in fact, we have it from the authority of the chairman of the Committee on Rules that on the Rules Committee there is no opposition to this investigation.

It is, however, necessary, in order to obtain that evidence which will prove or disprove the common belief throughout the country regarding this corporation, that the investigation should be thorough, complete, and managed by men who understand the methods pursued by this corporation. The gentleman from Texas assumes the responsibility, as I understand, for the selection of five members of that committee. He does not state who selected the other four. Perhaps if the gentleman from Illinois, the leader of the minority on the floor, were asked the question he might be able to enlighten the House as to who selected the other four. In the selection of this committee I find that there are at least five members of that committee from States producing beet sugar. I find no one on that committee from either the State which I in part have the honor to represent and the State which in part the gentleman from Texas himself represents, the two States which are producing fully one-third of the entire American output of sugar. I would like to know if gentlemen, no matter how well posted they may be in regard to the process of producing sugar in the beet States and the process developed in the disposition of the output of the best sugar factories in the West, are qualified entirely to investigate the workings of the American Sugar Refining Co. toward the people of Louisiana and Texas in the disposition of the crops of those two great States. And yet the production of sugar from cane in this country, one-third of the entire production, is from the States of Louisiana and Texas. No one is placed on this committee to represent that interest. The American Sugar Refining Co., if not guilty of any other charge, is certainly guilty of the charge of controlling the market of sugar in both Louisiana and Texas, and yet when they come to form this committee, pursuing a system of incognito statesmanship where no one is responsible for the selection of the members, instead of placing the duty upon the Speaker of the House, a list is handed to the House, no one wishes to question the personnel of the names suggested, no one is given an opportunity to ascertain just what qualifications the gentlemen suggested possess, but all at once the resolution presented is within a short while passed by the House——

The SPEAKER. The time of the gentleman has expired.

Mr. BROUSSARD. May I have just a minute more?

Mr. HENRY of Texas. I yield the gentleman one minute additional.

The SPEAKER. The gentleman is recognized for one minute.

Mr. BROUSSARD. I should say, Mr. Speaker, without criticizing the position of the gentleman from Texas, that this resolution should be sent to the Ways and Means Committee primarily, or I should say, in right, it should be turned over to the Speaker himself that he might investigate the matter and make the proper assignments in order that something like results may come from this investigation. [Applause on the Republican side.] But if the Speaker is unwilling to assume the responsibility of the great office which he occupies [applause of the Republican side], then, I say, the matter should be referred to the Committee on Ways and Means that heretofore has selected all the other committees of the House, and that committee should look into the matter and report a committee qualified in every respect to handle this subject as it should be handled if it is not intended to absolutely play politics with this resolution. [Applause on the Republican side.]

Mr. FITZGERALD. Mr. Speaker, I was not in the House yesterday afternoon when the first resolution offered by the gentleman from Texas naming nine Members to constitute a committee to investigate the steel corporations of the country was offered. Had I been I would have made the same objection to the procedure as I afterwards advanced to the naming of the members of this committee. I came into the House when this resolution was being read, and I then asked questions as to how the membership of the committee had been selected. I stated that if the procedure were to be followed on another occasion the resolution would not go through as easily as it appeared yesterday. I have since examined the personnel of both committees and, so far as I am concerned, I should say in justice to the individuals named that I have not the slightest objection to any Member upon either one of them. But the objection which I raise, Mr. Speaker, is not to the personnel of the committee, but is to the method by which these men were selected, and I wish to speak very frankly, because intimations have been made that some attempt was made after the first resolution was adopted to halt the investigation of the sugar companies. I am particularly interested in the investigation of the American Sugar Refining Co. and the other sugar refining companies of the country. The Arbuckles, the largest independent refiners in the United States, are located in my district. The American Sugar Refining Co., which has in the Borough of Brooklyn, from which I come, though not in the district which I represent, the plants in which the gross frauds against the Government were perpetrated.

President Taft in his first annual message to Congress, if I be not mistaken, asked that the investigation by Congress of these concerns be delayed else by chance it might interfere with the administration of justice. After a reasonable time had elapsed—I think it was the entire session—I introduced a resolution calling upon the President to state what reasons, if any, then existed for deferring an investigation of these sugar companies. And the gentleman from Illinois [Mr. RAINEY], who made a speech on this floor that will not soon be forgotten about these same concerns, will testify that the speech was made after some extended conference with myself in which I furnished some, if not much, of the information used by him at the time. I am anxious to have these concerns investigated, because it would seem that a gross miscarriage of justice is taking place, and while a number of petty employees of these concerns have been convicted and have been given the penalty of the law, not a single man of any importance, as I can recall, in either one, has been brought to the bar and sentenced for gross frauds extending over a number of years and which resulted in the voluntary payment of several million dollars to the Government.

Now, that will forestall any disclosure as to my connection or interest in any way with this resolution. The gentleman from Texas [Mr. HENRY] misunderstands the entire ground of this criticism.

On two occasions in the last Congress the House provided that special committees should be elected. A caucus was held, at which Members present were not nominated, but members of the caucus voted for whom they pleased on these committees, and as a result, in both instances, there being more candidates than the number of men to go on the committees, those selected by the majority in the caucus were the ones selected by the Democrats to represent them upon the committees. If this side of the House is to elect its committees, then I am in favor of having some sort of election that means an election and not a farce and a pretense of an election, by which the gentleman from Texas or some other individual, either with or without consultation with other Members, can present a resolution naming certain individuals to be ratified by the vote of the House.

The SPEAKER. The time of the gentleman has expired.

Mr. FITZGERALD. I would like a few minutes more time.

Mr. HENRY of Texas. Mr. Speaker, I have promised all the time at my disposal. I regret that I can not give the gentleman more time.

Mr. FITZGERALD. I regret it, too, because I would like to make some reply to statements which have been made concerning myself. Of course, unless the gentleman moves the previous question——

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. FITZGERALD] be allowed to proceed for 10 minutes.

Mr. HENRY of Texas. I have only 10 minutes of the hour remaining, but I will help the gentleman to get time, if I can, after the 10 minutes is consumed.

The SPEAKER. The gentleman from Mississippi [Mr. HUMPHREYS] asks unanimous consent that the gentleman from New York [Mr. FITZGERALD] be permitted to proceed for 10 minutes. Is there objection?

Mr. HENRY of Texas. Mr. Speaker, I join in the request, provided it does not interfere with the time allowed to me under the rules.

The SPEAKER. Of course it would not do that.

Mr. MANN. I thought the gentleman from Texas [Mr. HENRY] had yielded the balance of his time.

Mr. HENRY of Texas. I agreed to yield it, and the gentlemen to whom I yielded it wished to speak.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi? [After a pause.] The Chair hears none. The gentleman from New York [Mr. FITZGERALD] is recognized for an additional 10 minutes.

Mr. FITZGERALD. Mr. Speaker, it was not for the purpose either of halting the investigation, which I have been interested in for several years, or of quibbling over technicalities, or of

interfering with harmony on this side of the House that I expressed my opinion upon the method adopted in this matter. I understood from the statement of the gentleman from Texas on yesterday that it had been believed that the duty had devolved upon the Committee on Rules to make these recommendations. He states to-day that he assumes the responsibility—and, of course, he must—for offering this resolution, and states that he did it as an individual. But if that is the manner in which committees of the House are to be elected, I wish to call the attention of the House at this time to what may be the result.

Assume that some other special committee is created and provision is made that it shall be elected by the House. Nothing can prevent the gentleman from Illinois [Mr. MANN] or some one else on that side of the House from selecting a committee, selecting the members from this side of the House, members whom he believes will not be objected to, and could not be criticized, and could not be objected to without a great injustice being done to them, then selecting the members of the minority, and then offering the resolution naming such individuals as a privileged resolution, saying that the purpose was to permit the House to elect the committee, and if anyone were dissatisfied with the personnel they could substitute other names for those suggested by him.

The committee would in that case probably be elected by the House in form, but in effect it would be selected by the minority leader of this House. Instead of having an election of committees we would, because of the peculiar condition that would exist, turn over to the minority or to some free lance the selection of the committees, on the pretext that it was being done by an election by the House.

I am too much interested in the success of the Democratic Party in this House and in the country to see such a plan initiated.

So far as this committee is concerned, I wish simply to say this: I have no objection to any member upon it. I have no objection to any member upon the other committee, and I should say, further, that no Member on this side of the House, either from the New York delegation or from any other delegation, conferred with the gentleman from Texas [Mr. HENRY] on my behalf or after a conference with me as to who should be placed upon either one of these committees. I knew nothing about any movement to select them until I heard the resolution read at the Clerk's desk, and I hope that may satisfy those who may perhaps think there is some peculiar or undisclosed or mysterious reason for my statement in connection with this resolution.

Mr. HENRY of Texas. Will the gentleman yield a moment?

Mr. FITZGERALD. Yes.

Mr. HENRY of Texas. I want to say to the gentleman from New York, once for all, that I exonerate him completely. He did not talk to me, directly or indirectly, about this resolution or about the personnel of the committee, and I have no desire to cast any aspersion upon him. I want the gentleman to understand that. I do not impugn his motives, and the only regret I have, and here express, is that he could not see his way clear to support this resolution and agree to the personnel of the committee. I was regretting that. I did not mean to reflect on the gentleman.

Mr. FITZGERALD. I know the gentleman did not intend to do so, but the language he employed was very unfortunate. I have not said at any time that I opposed or desired to oppose or proposed to oppose the resolution or to interfere or to attempt to interfere with the personnel of the committee. I think it highly important now to the Members named in that resolution that they should be elected by the House, lest an unfortunate misunderstanding should go out to the country regarding them.

And I wish to say, not only for that reason but because I believe the Members are well qualified for the work and fitted for it, that there is no objection to them. I shall vote to adopt the resolution rather than send it to the Committee on Rules.

But I do not wish to have the fact lost sight of that the method pursued is, in my opinion, indefensible, however meritorious it may appear to others, and I sincerely trust that such a method will not be followed in the future, because if it should be, regardless of those named in the resolution, whether they be properly equipped or not, or regardless of the source from which it comes, I shall not vote for the men named in the resolution presented under such circumstances.

And let me say to the gentleman from Texas that his position will hardly square with what we are attempting to do. He says that as the Representative of the eleventh district of Texas he nominates these men to the House; but when the late Speaker was Speaker of the House, as Representative of the eighteenth Illinois district, he nominated committees to the House; the House then had the same right, under the rules, by resolution to have substituted other names for the committees named by him.

If we are to have committees elected by the House, if this side of the House is to follow that method, then one of two things should be done, either opportunity should be given for men in the Democratic caucus to express preferences without directly antagonizing some individual Member for membership on the committees, or the Committee on Ways and Means, the members of which under the Democratic caucus rules are prohibited from serving upon any other committee, should act as a nominating committee. If that be done, it will save much controversy and much contention and much unnecessary discussion and will conduce very much to the success and harmony of the party in the House. [Applause.]

Mr. HENRY of Texas. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Speaker, I presume that the same objection would have been made to the Steel Trust resolution that was made to this resolution, and I desire that the RECORD shall show the exact circumstances under which I became aware of the fact that the Steel Trust resolution was being considered.

The Committee of the Whole House had arisen, the Speaker had taken the chair, and the report had been made, and a majority of the Members, or a great number of the Members, had their hats in hand, expecting the House to immediately adjourn. I had started out of the door when I heard a resolution being read, and I stopped at the rail and listened and then came back and sat down, and before I realized exactly what had happened the Steel Trust resolution had passed.

Now, I asked on yesterday that at the proper time unanimous consent be granted that the nomination of this committee be referred to the Ways and Means Committee. That would be the regular course to be pursued. But the chairman of the Ways and Means Committee [Mr. UNDERWOOD], for personal reasons, did not want that resolution referred to that committee. But that resolution is now out of the way. I do not presume that unanimous consent would be granted to vacate that order and let it go in the regular way.

I want to take this occasion to say that there is not a man in the House for whom I have a higher regard than the gentleman from Texas, chairman of the Rules Committee. I believe he is as patriotic as he is able and strong. Every single member on both of these committees is entirely satisfactory to me; but we ought to have some rule, some orderly procedure adopted, so that Members may know that when a certain committee is suggested to the House somebody has to take the responsibility of naming it.

Now, the Speaker, under the rules, may nominate the committees except the regular standing committees of the House, but if the Speaker does not name the committees the logical interpretation of the rule would be that it should go to the Ways and Means Committee. It would be infinitely better to let the Speaker of the House appoint the committees under the old régime than to have a man come in and suggest the names without anybody assuming the responsibility of nominating the committee on motion in this House. [Applause.]

Now, it is the principle involved in this question that I object to. I myself was in favor of taking out of the hands of the Speaker the power of appointing the committees. That was done by the Democratic Party, and it has worked with marvelous success and has been approved of generally by the country. I do not want to make this magnificent stride in the right direction ridiculous by a proceeding of this kind.

Now, Mr. Speaker, since the Steel Trust resolution is out of the way, and in view of the statement made by the chairman of the Rules Committee that if this resolution is referred to his committee they would have nothing to do with it, I am compelled to change my motion and ask that this resolution be referred to the Ways and Means Committee.

The SPEAKER. The Chair will say to the gentleman from Mississippi that an amendment would be in order to that effect.

Mr. MANN. Mr. Speaker, the gentleman from Mississippi has not the floor to offer an amendment.

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. RICHARDSON. Mr. Speaker, I wanted to ask the gentleman from Mississippi a question.

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. RICHARDSON. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. Is it in order for the gentleman from Mississippi to withdraw his motion of yesterday without unanimous consent?

The SPEAKER. The motion could be withdrawn in the House.

Mr. RICHARDSON. Without objection?

The SPEAKER. In the House he has the right to withdraw his motion or amendment before it is voted on.

Mr. RICHARDSON. And no Member has a right to make an objection to it?

The SPEAKER. No.

Mr. RICHARDSON. Mr. Speaker, I heard the chairman of the Committee on Ways and Means, the gentleman from Alabama [Mr. UNDERWOOD], yesterday say that it would embarrass him to refer this question to that committee, and I know it would, and I do not think it is right to refer it to the Committee on Ways and Means.

The SPEAKER. The Chair will state to the gentleman from Alabama that nobody has made a motion to refer it to the Committee on Ways and Means, but the trouble about it all is that the time of the gentleman from Mississippi has expired.

Mr. RICHARDSON. And I have none?

The SPEAKER. And the gentleman from Alabama has none. The gentleman from Texas has five minutes.

Mr. HENRY of Texas. Mr. Speaker, I yield those five minutes to the gentleman from Missouri [Mr. SHACKLEFORD]. [Applause.]

Mr. SHACKLEFORD. Mr. Speaker, I regret very sincerely that such a situation as now confronts us has arisen. I could not let it go by without protest when presented on yesterday. I believe that this House should be democratic in every particular. I believe that in making up its committees the Democratic caucus ought to name the Democratic members and the Republican caucus the Republican members of the committees. I believe that the gentleman from Illinois [Mr. MANN] and the gentleman from Texas [Mr. HENRY] would be as competent as any other two gentlemen to perform those respective functions, but in my opinion the membership of the House itself ought to have done these things. I think it was a mistake, but there was a little heat in the matter yesterday. It struck some of our ideals a little suddenly. It aroused our antagonism against an old order of things that we thought we had whipped out of existence, and we spoke somewhat suddenly. I have been looking over the names that have been presented, and I want to say now that I had no personal objection to any of those that were proposed on this committee as members of the committee. They are good, true, stalwart Democrats [applause on the Democratic side], ready to do their part and support the policies of their party and work out the welfare of the country. I believe that the gentleman from Texas [Mr. HENRY] made a mistake, but since it has gone so far I believe that it were better that we should say to him, "Go thy way and sin no more," and we will elect this committee this time. [Applause on the Democratic side.] I believe the gentleman from Texas to be a patriotic Member of this House, the equal of any here, and that he realizes as fully as I do that he committed an error. I believe that he is a good and true man, and that he inadvertently fell into this pitfall, and I would ask my friend from Mississippi not to press his motion to recommit, but to let us all close up this incident now and elect this committee. [Applause on the Democratic side.] Let it go on and perform its service, and let us, by the light of experience, in the future avoid such errors.

Mr. Speaker, I take the liberty to say this because for many years I have been an advocate on this floor—sometimes I was very lonesome, because I had no support—against a policy of one-man power. I believe that the gentleman from Texas [Mr. HENRY] is of the opinion that there ought to be no one-man power, but in the haste to get up these committees, in the fear that there might arise some friction, he fell into the pitfall to which I have referred; and I am sure he recognizes that as clearly as do I. I know he is as anxious to serve the party and the country as am I, and I would respectfully ask the gentleman from Mississippi to withdraw his motion. Let us elect this committee, and then let us see to it that this thing does not happen again. [Applause on the Democratic side.] Now, I beg the gentleman from Mississippi, let us not carry this thing any further now. There are some other matters that we want to deal with, and let us elect this committee, because they are good men, and especially do not make the motion to refer it to the Committee on Ways and Means.

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, I move to amend the pending motion by striking out the words "the Committee on Rules" and inserting "a select committee of 15 Members."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Mr. MANN moves to commit the resolution to a select committee of 15 Members.

Mr. MANN. What I move to do is to strike out and insert. The motion of the gentleman from Mississippi, as I understand, is to refer the resolution to the Committee on Rules. I move to strike out the words "the Committee on Rules" and insert "a select committee of 15 Members."

The SPEAKER. The Chair will state the motion. The motion is to strike out the words "Rules Committee" or "Committee on Rules," whichever it is, in the motion, and to refer it to a select committee of 15.

Mr. CARLIN. Mr. Speaker, I desire to ask the gentleman a question.

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Virginia?

Mr. MANN. Certainly.

Mr. CARLIN. How does the gentleman propose to select the committee?

Mr. MANN. If the gentleman from Virginia, who is or ought to be a member of the Committee on Rules, had studied the rules as carefully as he studies most questions he would have recalled the fact that the rules provide that select committees should be appointed by the Speaker unless otherwise ordered by the House.

Mr. CARLIN. I was familiar with the fact, but I wanted to get it before the House.

Mr. MANN. If the gentleman from Virginia had contained his soul in patience for a moment it would not have required the efforts of the gentleman from Virginia to get it before the House.

Mr. SISSON. I would like to ask the Speaker if I at this moment could be permitted to withdraw my motion?

The SPEAKER. The gentleman from Illinois has the floor.

Mr. MANN. I have no objection to the gentleman asking unanimous consent——

Mr. SISSON. Then, Mr. Speaker, I ask unanimous consent——

Mr. MANN. If it can be done without my losing the floor.

Mr. SISSON. I ask permission to withdraw my motion.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to withdraw his motion.

Mr. BROUSSARD and Mr. MARTIN of Colorado. I object.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that the gentleman has the absolute right to withdraw his motion.

The SPEAKER. But the gentleman asked unanimous consent to withdraw it.

Mr. SISSON. Mr. Speaker, I thought the Speaker gave me the information that it required unanimous consent. I ask to withdraw my motion if I can do so. I desire to withdraw the motion.

Mr. KENDALL. Mr. Speaker, I desire to make this parliamentary suggestion, and that is that the gentleman from Mississippi has no power over his motion now since there is an amendment on the motion which is pending before the House.

Mr. FITZGERALD. Mr. Speaker, I desire to call the attention of the Chair to a rule that is right in point, page 377 of the Manual, where the statement is made that "a motion may be withdrawn although an amendment may have been offered and may be pending." The reference is to section 5347, volume 5, Hinds' Precedents.

The SPEAKER. The House will be in order while the Clerk reads a section from Hinds' Parliamentary Precedents.

The Clerk read as follows:

A motion may be withdrawn in the House although an amendment to it may have been offered and may be pending. On April 14, 1892, Mr. Julius C. Burrows, of Michigan, moved that there be omitted from the CONGRESSIONAL RECORD the chapters of a book entitled "Protection and Free Trade," which had been incorporated in the remarks of Mr. William Stone, of Kentucky.

Mr. George W. Fithian, of Illinois, moved to amend the motion by striking out from the RECORD a certain letter published in a speech of Mr. J. P. Dolliver, of Iowa.

Mr. Burrows then withdrew his motion, to which withdrawal Mr. Fithian objected, and submitted the question or order whether the resolution could be withdrawn without the consent of the House, pending the motion to amend.

The Speaker held that the mover could withdraw the resolution, there having been no amendment adopted or decision thereon.

The SPEAKER. The gentleman from Mississippi withdraws his motion.

Mr. MANN. Mr. Speaker, I offer a motion, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Illinois offers a motion, which the Clerk will report.

The Clerk read as follows:

Mr. MANN moves to recommit the resolution to a select committee of 15 members.

Mr. FITZGERALD. Mr. Speaker, I reserve a point of order upon that.

Mr. MANN. Mr. Speaker, the gentleman need not reserve it. He may make it. Let the gentleman make his point of order.

Mr. FITZGERALD. I do not want to dispose of it until I hear what the gentleman says.

Mr. MANN. I prefer to have the gentleman make the point of order. The gentleman can not reserve his point of order unless it be by unanimous consent. The gentleman may make his point if he has one.

Mr. FITZGERALD. I will not press the point.

The SPEAKER. The gentleman from Illinois [Mr. MANN] is entitled to one hour.

Mr. MANN. I was not in favor of referring this resolution to the Committee on Rules nor would I be in favor of referring it to the Committee on Ways and Means. Three of the gentlemen named in the resolution belonged to the Committee on Rules, and at least one of the gentlemen named is a member of the Committee on Ways and Means. I think perhaps no one takes exception, so far as I know, to the membership of the committee. The gentleman from Texas [Mr. HENRY] stated that the Republican members of the committee were suggested by myself. That is correct. I did not know what method might be pursued in the selection of this committee when it was first provided for. I did not know——

The SPEAKER. Will the gentleman suspend? The House will be in order. Members have a right to hear what is said on an important question like this. Those desiring to converse will please retire to the cloakrooms.

Mr. MANN. I take it, Mr. Speaker, that the confusion on that side of the House comes because gentlemen are endeavoring to ascertain by conversation and consultation between themselves whether they better vote for or against the motion which I have offered.

Mr. FITZGERALD. That does not require any consultation, discussion, or consideration on this side of the House.

Mr. MANN. Very few things receive consideration on that side of the House, in so far as we are informed in the House. What consideration may be received in caucus no one on this side of the House is able to say. Now, Mr. Speaker, I did suggest to the gentleman from Texas [Mr. HENRY] the minority members of this and the steel-investigating committee. When the committees were first provided for and resolutions were introduced, I said to gentlemen privately on that side of the House that I thought these committees ought to be appointed by the Speaker. When the resolution for the sugar investigation was passed, the matter was suggested as to whether the so-called minority leader on this side of the House had the right to even suggest the names of the minority members. I did not assume that the minority leader had the right to name members of any committee. I took the liberty of suggesting and recommending to the gentleman from Texas, at his request, names of Republican Members as minority members of this committee, feeling that, at least, I had the equal right with any Member of the House to make a presentation which any Member of the House has. And it is fair to state that the resolution providing for the election of these committees passed this House more than a week ago. I do not know who is authorized to call a caucus of the Democratic side of the House, but if speed was intended, and an investigation was intended, even on that side of the House, some gentleman has been derelict in duty in not having had a Democratic caucus called after a week's time had elasped without the selection of a committee.

But, Mr. Speaker, this question is a question for precedents. I do not believe it is advisable or desirable to name select committees by any gentleman in the House arising on the floor and offering a resolution which shall be agreed to as a matter of form by the House itself. Of course, the resolution is privileged. Any Member within a week's time has had the right at any time when the House is in session to offer a resolution suggesting or nominating the members of this committee. But some procedure ought to be agreed upon for the selection in advance of election of these committees. Some precedent ought to be established so that Members of the House, on both sides of the House, may know whom to consult and to whom they may suggest Members for committees or opposition to Members named on committees.

It seems to me that the proper course to pursue when a resolution naming a committee is offered in the House, would be that it may be referred, where a special committee is provided for, to a select committee to be named by the Speaker. The original propaganda in reference to the appointment of committees by a committee never contemplated that committees should be selected by caucuses. It contemplated that a committee on committees might be selected by the House in some manner representing both sides of the House, where both sides of the House might consider the membership of committees and bring the proposed membership before the House for approval. Everyone knows that the ideal method of selecting committees is not by caucus action.

Mr. COOPER. Will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Wisconsin?

Mr. MANN. Certainly.

Mr. COOPER. The gentleman from Illinois has just deplored the fact that no precedent has been established for cases of this kind.

Mr. MANN. I have deplored no such fact at all. I have not spoken of it.

Mr. COOPER. The gentleman spoke more than once of the wisdom or the necessity of having a precedent established, and the gentleman now speaks of the necessity of having a select committee to which this resolution might be referred.

Mr. MANN. Exactly.

Mr. COOPER. Now, let me ask the gentleman whether we did not create a precedent in a case on all fours with this one when the resolution came up for the appointment of the Ballinger-Pinchot committee, and the House decided that that committee should be elected by the House? When the House so decided, the Republican majority promptly called a caucus. So did the Democratic minority. No one was more active in the caucus of the Republican majority than was the distinguished gentleman from Illinois, now the leader of the minority. That was a precedent which the gentleman knew about. That was a precedent which the gentleman from Texas [Mr. HENRY] also knew about. The gentleman from Texas said he consulted with certain Members on his side of the House——

Mr. MANN. How much time does the gentleman want?

Mr. COOPER. He says "we agreed"——

Mr. MANN. Mr. Speaker, I yield to the gentleman.

Mr. COOPER. And then he says he came over to this side and consulted with the gentleman from Illinois [Mr. MANN] as to the minority membership. The gentleman from Illinois suggested the names of the men from the minority to go on this committee. There was no caucus.

The precedent about which the gentleman from Illinois was fully informed was deliberately overlooked, disregarded, violated by both the gentleman from Texas and the gentleman from Illinois. [Applause on the Democratic side.]

Mr. MANN. Mr. Speaker, the precedent cited by the gentleman from Wisconsin is, I think, fairly in point with considerable force. However, the rules of the House have now provided a different method of selecting committees from the method formerly provided by the rules, and I say again that I think it is now quite important that we establish a precedent for the selection of committees under the rules.

So far as the action taken by myself is concerned, as the minority leader, I have no apologies to make for that. At the caucus—which unfortunately was not attended by my distinguished friend from Wisconsin [Mr. COOPER]—I was given authority to select the membership of committees, so far as recommendations were concerned from the minority side. And yet I should have preferred in this case, as in other cases, that the members of committees might be selected either by caucus or by the method which I have now proposed, namely, that they shall be passed upon by a select committee of the House, composed both of the majority and the minority.

I would have, been quite content to have let the Speaker name these special committees. I have more confidence in the Speaker than the gentlemen on the Democratic side of the House have. I am willing to let the Speaker name the minority members of the committees, believing that he will deal fairly. But the majority of this House—the Democratic side—do not have enough confidence in the Speaker to even let him name the Democratic members of the committees. [Applause on the Republican side.]

I am willing now to let this resolution and the names go to a select committee named by the Speaker of the House. Why, is it possible that the Democratic Members of the House distrust the man whom we all honor as Speaker of the House, the man who is Speaker of the House as to both sides of the House, the man whom the Democratic side have honored by presenting him and electing him as Speaker, whom the country is now favorably considering as candidate for President? [Prolonged applause and cheers.]

Mr. Speaker, the Democratic Party can make no better selection for its candidate than the present Speaker of this House. [Applause.] But is it possible that the Democratic side of the House that is in favor of the election and selection of our Speaker as President, where he will have the appoint-

ment of the great administrative forces of the Government, are not proud enough of him to let him select a committee which will pass upon the members of a committee of investigation?

Mr. MURRAY. Mr. Speaker——

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Massachusetts?

Mr. MANN. I yield.

Mr. MURRAY. May I suggest to the gentleman from Illinois that there is one important distinction between the two propositions, from the fact that the Speaker has stated that he did not want to appoint the committee, whereas he has not said he would not accept a nomination for President. [Laughter and applause.]

Mr. MANN. The Speaker has not said that he will accept the Democratic nomination for President, but no one who knows him believes that he ever shirks a responsibility that is placed upon him. [Laughter and applause.] Do you think that if the House should authorize him to name the committee that he will shirk that responsibility? He has more courage and bravery than the whole balance of you on this question. [Laughter and applause.]

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Pennsylvania?

Mr. MANN. I yield.

Mr. MOORE of Pennsylvania. Does the gentleman from Illinois think it probable that when the Speaker is elected President of the United States he will confer with a committee as to the selection of the members of his Cabinet and other officers of the Government whom he will have to appoint?

Mr. MANN. I do not think it is probable that he will ever be elected President. [Laughter.]

Mr. MURRAY rose.

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Massachusetts?

Mr. MANN. Yes.

Mr. MURRAY. Are we justified, Mr. Speaker, in taking the declaration of the gentleman from Illinois as an announcement of his own candidacy? [Laughter.]

The SPEAKER. The Chair can not answer that question.

Mr. MANN. Now, Mr. Speaker, we have entered upon an era of investigation. Numerous resolutions are pending in the House for the appointment of investigating committees. It is idle to say that every time there is a vacancy on a standing committee or a proposed appointment of a special committee a caucus shall be called of both sides of this House for the purpose of determining the membership of those committees. In a short time it would be impossible to obtain anything more than a bare quorum of a caucus.

But if the committee were to be appointed by the Speaker, it would be after every Member of the House had the right and the opportunity to talk with the Speaker about the membership of that committee, and the committee appointed by the committee to pass upon the committee to be elected by the House would protect, it seems to me, every position which has been taken by the most advanced theorist on the subject of the election of committees.

I think that the proper method is to say that any gentleman of the House at any time may offer a resolution for the appointment of the special committee which has been provided for by the House and have that resolution referred to a special committee, if the House is not willing in the first instance, as I am willing, to trust the appointment of the original committee to the Speaker. But gentlemen having commenced the plan of electing committees by the House have been tender on the subject. They know very well that the caucus selection of committees by the Democratic side of the House was only made possible without a row by unfairly increasing the membership of the big committees and taking the increase for themselves. [Applause on the Republican side.]

Mr. Speaker, I now yield five minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER. Mr. Speaker, the gentleman from Illinois spoke of the fact that I did not attend a caucus called by Republicans at the opening of this session.

Mr. MANN. I did not do it invidiously.

Mr. COOPER. Certainly not. I understand that. Mr. Speaker, I did not attend that caucus because I anticipated that, among other things, it might take some such action as that narrated by the gentleman from Illinois, to wit, conferring upon him the power to select the Representatives from this side of the House on select committees.

Mr. BOWMAN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. COOPER. Yes, I yield.

Mr. BOWMAN. I would like to ask why the gentleman did not attend that caucus to determine whether or not he might not, with others present in that caucus, have power to take some other action?

Mr. COOPER. Mr. Speaker, the gentleman comes from Pennsylvania, and I can well understand why the sacredness of a caucus appeals to him. [Laughter and applause.] I will, with pleasure, answer his question.

Mr. Speaker, there is a fundamental difference between a caucus and a conference. At a meeting called as a caucus those in attendance are considered as pledging themselves in advance to abide by the decision of the caucus majority, whatever that may be, and at the risk, if disobedient, of being branded as a violator of plighted faith and a party "bolter." But this is not true of a conference, a meeting which Representatives are free to attend, with every desire to do what is best for their party, but free, also, after it is over, to vote in the House as they believe, under their oaths, will be best for the country.

I will attend a conference and discuss policies, principles, and methods with my party associates, and I have no doubt that in a very large majority of instances I will vote as the majority may decide, but I will not go to a caucus and be understood as absolutely binding myself in advance to vote on the floor of the House as a majority of the caucus may dictate.

Mr. BOWMAN. Mr. Speaker, will the gentleman yield?

Mr. COOPER. Just a minute.

The SPEAKER. The gentleman declines to yield.

Mr. COOPER. Well, Mr. Speaker, if my time can be extended I will be very glad later to yield. When we had before us the famous emergency currency bill——

Mr. BOWMAN. Mr. Speaker, while the gentleman is talking about the other matter, will the gentleman yield?

The SPEAKER. The gentleman from Wisconsin declined to yield.

Mr. BOWMAN. I do not desire that he should leave the question——

Mr. COOPER. Oh, the gentleman need feel no anxiety about my leaving his question. I will answer it, if I can. If I can not, I will say so. But I can answer this question. When the famous emergency currency bill——

Mr. BOWMAN. Oh, you are some distance from the subject now. [Laughter.]

The SPEAKER. The gentleman from Pennsylvania will be in order. The gentleman from Wisconsin declines to yield.

Mr. COOPER. I do not know what the complaint is that the gentleman has, Mr. Speaker; but it is serious. [Laughter.]

Mr. BOWMAN. Will the gentleman yield for a question now?

Mr. COOPER. No; not now for a question.

Mr. BOWMAN. Will the gentleman yield?

Mr. COOPER. I might yield for an answer, if the gentleman would tell us what ails him. [Laughter.] I will ask the gentleman please to let me proceed for three minutes.

Mr. Speaker, to recur to the emergency currency bill, for it was while that bill was pending that the Republican majority deliberately and expressly recognized the difference between a caucus and a conference. We heard more than once on this floor during the last Congress that certain Members on this side of the House violated a caucus decree on that bill, and that that was one of the reasons why they were afterwards punished. The gentleman who made the speech repeated that statement several times. But the fact is that there was no caucus on that bill, but only a conference. The resolution presented by the gentleman from Illinois [Mr. PRINCE], still a Member of the House—I have a copy of it—provided in express terms that the meeting should not be a caucus and that any Representative in attendance upon that conference had the right to reserve to himself perfect freedom of action on the bill.

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. I yield to the gentleman five minutes more.

Mr. COOPER. And so every man present at that Republican conference—originally called as a conference and expressly declared to be a conference by the vote of the meeting itself—reserved to himself the right to vote as he thought might be best for his party and for the country. And yet, Mr. Speaker, it was during the last Congress asserted on this floor that that meeting was a caucus, and that for not voting in the House as the caucus dictated Members had made themselves amenable to the power of the Speaker, and for that reason, among others, had been by him justly punished. That punishment and the reasons assigned for it make clear the difference between a caucus and a conference. Men held that to be a caucus, and assigned as a reason for the removal of men from committees

that they must be punished because they had disregarded a caucus decree.

As I have said, I will not pledge myself in advance to vote in the House as a caucus may dictate.

Mr. BOWMAN rose.

Mr. COOPER. One moment, I can not reconcile attendance upon a caucus, as so understood, with the oath we all take as Representatives:

> You do solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that to the best of your ability you will well and faithfully discharge the duties of the office upon which you are about to enter, so help you God.

Think of a man taking an oath like that before God and his country, and then pledging himself in advance to vote as the caucus tells him to vote——

Mr. BOWMAN. Will the gentleman yield?

Mr. COOPER. His conscience may say no, his constituents may say no, his better judgment may be outraged, yet the caucus says vote it, and so he votes it. But does he keep his oath well and faithfully to discharge the duties of his office? No man, not even the gentleman from Pennsylvania, can defend the practice. Conferences, not caucuses, should be called for purposes of deliberation by the Members of the House of Representatives.

Mr. BOWMAN. Will the gentleman yield? [Laughter.]

Mr. COOPER. With pleasure.

Mr. BOWMAN. I will state to the gentleman that though a new Member of this House I attended that caucus, for information, as I believe a new Member should. I will say further that, though a Member from Pennsylvania, I represent as independent a district and am as independent a Representative as the gentleman who has spoken. Now, further to the question at issue. At that caucus there was a vote taken upon the question at issue, whether or not one man or a committee should select these committees, and though a new Member I spoke in favor of the selection of the committees by a committee. There was an election taken, and the result was 33 to 72, as I recall it. There was a number, I am informed, of those who call themselves progressives, I believe, who refused to attend the conference or caucus or whatever it may have been called. That would have made 50 who would have been in favor of a more general representation of the people. If those men had been present there would have been 50 to 72. There might have been some men on the fence who possibly would have been influenced to vote for what might be called the more progressive feature, if those who would have voted with us had been present, and we might then have had an opportunity of avoiding this controversy and waste of time which is taken up by this controversy.

Mr. COOPER. The gentleman misunderstands my position entirely. I do not doubt that caucuses sometimes declare for what would be best for the country, but I am unwilling absolutely to bind myself in advance to do what the caucus may dictate.

Frequently the decision of a caucus represents the judgment not of a majority, but only of a minority of the whole body. Let me give an illustration. Suppose there were only 100 Members of this House, 51 Republicans and 49 Democrats. Suppose that upon some new and important proposition the Republicans are divided, 26 in favor and 25 against. Suppose that the 49 Democrats also are against. Then, suppose that the 26 Republicans call a caucus and that all of the Republicans attend.

The SPEAKER. The time of the gentleman from Wisconsin has again expired.

Mr. MANN. Mr. Speaker, I yield five minutes more to the gentleman from Wisconsin.

Mr. COOPER. I am under great obligations to the gentleman. I will conclude in less time than that, I think. Twenty-six Republicans, forming a Republican majority, call a caucus. Every man attending it is under party rule and binds himself in advance to obey the caucus decree. Those 26 dictate how the 25 other Republicans shall vote. The 51 go into the House of Representatives and overwhelm the 49 Democrats, but it is not a majority of the representatives of the people which is legislating for the country; it is a small minority of 26 out of 100. This is legislation by caucus.

Ours is a Government of majorities, under the Constitution and the laws, but a government by caucus is very frequently government by a minority.

I have thus indicated the reason why I did not attend the caucus spoken of by the gentleman from Illinois. The gentleman who called that caucus knew what "caucus" meant. I did not attend it. As a Representative in Congress my duty is to the whole country, and I can not consent to surrender my individual judgment and my vote to a party caucus.

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, I am in favor of the motion proposed by the gentleman from Illinois, because I believe of the three methods which have been discussed to-day for the selection of this committee that proposed by him is preferable. The action that we take upon this resolution is important, for, in all probability, it will create a precedent to be followed in the future. The three methods which have been proposed are, first, the motion of the gentleman from Texas [Mr. HENRY] nominating this committee, and if that resolution shall be adopted in that form we will have the precedent created that in the future whenever a committee reports a resolution for the creation of a select committee, the chairman of that committee shall have the right and authority to nominate members of the committee.

Now, I am opposed to that method, and it seems so clear that that ought not to be the method followed by the House as to require no argument. We all see readily the embarrassment of Members in the House, even though they have the right to amend, to offer amendments, unless there shall be a secret ballot, to nominations made by the chairman of any committee.

The second method is that of the selection by the majority and minority caucuses. Mr. Speaker, upon such a resolution as this I am opposed to the selection of committees by a caucus of either party. What political question is there involved in this resolution? If the Sugar Trust is violating the laws of this country, if additional legislation is necessary, are not Republicans as much in favor of that legislation as Democrats are? What political question is involved?

Mr. SHERLEY. Will the gentleman permit a question?

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Kentucky?

Mr. LENROOT. I do.

Mr. SHERLEY. Does the gentleman think that this special committee is so different from other special committees that a different rule shall pertain to the method of selecting its personnel?

Mr. LENROOT. I will say this, that as to a select committee having to do with matters of very great importance to the country, I think it is just as important, if the standing committees are to be elected by the House, that such select committees should also be elected by the House.

Mr. SHERLEY. The point I want to bring the gentleman's attention to is this, Is the work of this committee so freed of any partisan bias as to relieve it of any rule that might apply to other committees? Now, I want the gentleman, when he is differentiating between the various committees, to indicate what select committees he thinks ought to be appointed by an election and what ones should not; and I would like him also, in that connection, to say whether he considers the rule of the House providing for the appointment of select committees by the Speaker should be abrogated or not.

Mr. LENROOT. Oh, if this were a special committee having to do, for example, with the investigation of the tariff question, involving two great theories of government, that would be a committee where I would say the political questions are involved; but not in a case like this.

Mr. SHERLEY. Does not the gentleman conceive that there have been, and may be now, such political differences as to the treatment of trusts and as to the effect of the tariff on the formation of trusts as to present just such a case as he is suggesting in the case of the sugar investigation?

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, I yield to the gentleman five minutes more.

Mr. LENROOT. I would be glad if the gentleman from Kentucky [Mr. SHERLEY] would discuss that in his own time.

Now, I was stating, when I was interrupted, that I saw no possible political question involved in this resolution. If that be so, then it ought not to be a subject of political caucus action.

The third proposition is the one now before the House, proposed by the gentleman from Illinois [Mr. MANN], for the appointment of a select committee by the Speaker of the House, which shall nominate to the House the members of this committee. If this is adopted it will be an action by the House duly empowering—not as a political matter, but embodying the action of the House as a whole—the creation of a committee to make nominations to the House. I want to say, Mr. Speaker, that upon this question, if we are to go on here assuming that

these questions must be decided by caucus action upon one side or the other, we will not represent the country as this House ought to represent it. And to you gentlemen of the majority, if you shall proceed in the way that you are pointing now, I prophesy that you will be stranded upon the rocks if you will rest your case upon caucus action instead of considering these questions upon their merits, regardless of whether they arise upon one side of this aisle or upon the other. [Applause.]

Yesterday afternoon, just before adjournment, Mr. Speaker, we heard a great many gentlemen upon the other side of the aisle protesting against the resolution of the gentleman from Texas. The gentleman from Missouri [Mr. SHACKLEFORD] used this language:

> I protest now, Mr. Speaker, in the name of the American people, that such policy as is now being inaugurated is un-Democratic and un-American.

Yet a little less than an hour ago we heard the same gentleman advocating the withdrawal of the amendment offered by the gentleman from Mississippi [Mr. SISSON] and the adoption of this pending resolution. Mr. Speaker, if that proposition was un-Democratic and un-American last night, is it any less so to-day? [Applause on the Republican side.]

The gentleman from Missouri said further that while he thought there was a mistake committed yesterday, "Let us go ahead and sin no more," thus admonishing his colleagues upon that side. But I want to remind the gentleman from Missouri [Mr. SHACKLEFORD] that his side has not sinned as yet. No one has voted upon this proposition. No error has been committed yet. It is for you to say whether you will adopt what the gentleman from Missouri says is an un-American and un-Democratic proposition, or whether you shall vote for the amendment proposed by the gentleman from Illinois [Mr. MANN]. It is not too late. You have not yet sinned. You have not committed any error as yet. The question is, Are you going to do so? [Applause on the Republican side.]

Mr. MANN. Mr. Speaker, I yield 10 minutes to the gentleman from Georgia [Mr. ADAMSON].

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] is recognized for 10 minutes.

Mr. MANN. Not that he is on my side. [Laughter.]

Mr. ADAMSON. Mr. Speaker, I am very much obliged to the distinguished leader of the minority for this courtesy. I can not support his proposition in this matter, and I am sorry to say I can support him in nothing else which he presents in his capacity as minority leader. Personally he is a very lovable and genial gentleman and does what is right. As a minority leader he is a most skillful attorney, managing their case, and not trying to harmonize and lead the Democracy to success, but endeavoring to minister to their dissensions and confusion. [Laughter.]

Mr. McGUIRE of Oklahoma. Will the gentleman yield?

Mr. ADAMSON. I will yield to the gentleman.

Mr. McGUIRE of Oklahoma. I want to know whether the reasons the gentleman mentions were the reasons why the gentleman from Illinois recognized the gentleman from Georgia?

Mr. MANN. I might be glad to recognize the gentleman from Oklahoma if he could do as well.

Mr. ADAMSON. Mr. Speaker, I did not hear the reply of the gentleman from Illinois, but I have no doubt that it was appropriate. When the House adjourned yesterday evening I was claiming recognition by the Chair, and I felt like I was pregnant with celestial fire. I was cut off by adjournment and the speech died within me, and you no doubt know from experience how it feels to be done that way. It may be that if delivery had been permitted it would have been something less brilliant than stars, suns, and heavenly constellations. [Laughter.]

This morning I listened with great interest to the illuminating debate on this momentous question. I fear now that I will not be able to shed much radiance upon it. I did desire to make peace when it appeared that war was raging beyond control in the majority ranks through the temporary excitement and indiscretion of some of my sensitive and impulsive Democratic friends, feeling that I would like to pour oil on the troubled waters. You know that since the dissolution of the Standard Oil corporation oil ought to be cheap enough to spread over and compose a large expanse of tempestuous waters.

Mr. Speaker, I did not begrudge the temporary pleasure the minority was enjoying from the temporary discord on this side. God knows it is the first pleasure they have had since the extra session began. [Laughter and applause on the Democratic side.] They were wise to make the most of it while they could, for it was not long before the gentleman from Illinois came to the bat, and then they relapsed into discord and dissension on their side of the House. [Laughter on the Democratic side.]

Now, Mr. Speaker, the precedent which the gentleman from Wisconsin [Mr. COOPER] brings to the attention of the gentleman from Illinois is, in my judgment, an unhappy one, because it proves too much for the present purpose of the gentleman from Illinois. The gentleman from Illinois stated to us that he was invested by the Republican caucus with the power of making these selections himself. The general impression was and is that the majority caucus referred to by the gentleman from Wisconsin not only selected the members of the Ballinger committee for that side of the House, but went far enough to advise, revise, and dictate the personnel of those on this side of the House—then the minority also—and that would not suit the gentleman from Illinois in this emergency. He has good ground to object to caucus action, because he is already invested with power. Following that precedent would compel the Democratic caucus to nominate the entire committee.

The two gentlemen from Wisconsin do not seem to be disposed to favor the caucus because they are opposed to caucus action entirely. So the devil himself and 400 Philadelphia lawyers could not tell from the discussion what it is they want on that side of the House. [Laughter.] The gentleman from Illinois temporarily is willing to renounce the authority with which he is invested and to refer it to a special committee. The gentleman from Wisconsin [Mr. LENROOT] would go clear back to the beginning of species by electing a committee to elect a committee to select a committee subsequently created to select another committee, and where would the beginning ever be found and when would the investigation be commenced? [Laughter and applause.]

Mr. LENROOT. Will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. LENROOT. I do not wish the gentleman to be under a misapprehension. I am sure that the gentleman wants to be right. I am in favor of the motion of the gentleman from Illinois.

Mr. ADAMSON. With the addition that the gentleman from Wisconsin would like to have a committee elected to elect that committee and a committee elected to elect that committee and a committee elected to elect that committee, and a way on back to the origin of species; when would you ever start and when would you ever finish?

Mr. Speaker, what is there in this thing? Simply this: A Member of this House—there is no controversy about that—rises and offers a resolution to appoint a committee. The original Democracy was that everybody gathered in mass on the plain or under the trees and everybody voted and everybody spoke and everybody acted. What could more perfectly carry out the idea actuating the Democrats of electing committees than for a man to get up and say, I move to elect this man, and for another to get up and say, I move to elect that one, to offer amendments, or substitutes in whole or in part?

Any man who does not like these nine is at liberty to offer nine others, or to strike out one and offer one other. It is free and open. No efforts have been made to cut off amendments or debate. Some gentlemen say that Mr. HENRY, the gentleman from Texas, as chairman of the Committee on Rules, had assumed authority. Well, Mr. Speaker, if the gentleman from Texas got the first start and made the first motion, and no other Member tried to make the same motion or made any other motion, who is to blame for it; and if he did commit an indiscretion, as my good friend Judge SHACKLEFORD suggests, was not the remedy suggested by the criticism indulged in here worse than the disease? Is it not worse to get up here and have a wash day, in the face of the derision of our ancient foes on the other side, than it is to submit to that when nobody objects to a single name on the list proposed by the resolution? [Applause on the Democratic side.] It is dangerous to have a wash day in the presence of the Republicans. I do not mean to insinuate that they would filch anything as small and insignificant as that, but there might be confusion, Mr. Speaker, and some of the linen might look dirty enough to appear familiar to them, and confusion of ownership might suggest identification and appropriation, and we would not like to get up troubles of that sort. Let me tell you the mistake my enthusiastic and conscientious and sensitive brethren made in jumping too heavily on Brother HENRY. One time when I was leading my young hopeful out by flowery paths and woodland ways a lizard ran up on my coat. My little fellow hauled off with a brick and hurled it at the lizard. He killed the lizard, but it almost killed me. [Laughter.] The correction was too severe for the evil; the treatment was too heroic for the disease. It is a "tempest in a teapot," "much ado about nothing," "great cry and little wool," "all fuzz and no feathers." Gentlemen made too much noise about the principle of the thing. Brother SHACKLEFORD was right in the beautiful speech he made this morning. It is admitted that all of these

are good men; it is admitted that, no matter whom the gentleman from Texas consulted, he offered nine good names. He did not consult me, but I forgive him. [Laughter.] It was his mistake in judgment. Very often we feel that other gentlemen fail to exercise sufficient discretion in estimating our importance and our consultability, but I do not cherish that.

I believe the nearest way and the best way and the wisest way out of this is either to vote for these nine or to offer some others right here in the open, and if I do not offer to improve the list I am going to vote for the list. [Applause on the Democratic side.] There is no necessity to refer everything to a Democratic caucus. The Democrats adopted the program of electing the standing committees, not because we were afraid to trust CHAMP CLARK with the naming of them. We did not believe that he would be as tyrannical a czar as the last three czars we have had, who were so naughty and bad in this House. We believe he would do well and right in every particular, but we were afraid when he got to be President that some Democrat of less ability and discretion might be Speaker, and could not do the job as well.

The evil aimed at was that the Speaker was, under the old plan, accused of packing committees, with a view to controlling legislation, and it was alleged that the favorites assigned to good committee places executed the wishes of the Speaker in promoting and suppressing legislation. We sought to correct that alleged evil by taking from the Speaker the appointment of the standing legislative committees. No such reason applied to the special committees incidentally or by routine raised from time to time in transacting the business of the House, so it was provided by rule, approved by the Democratic caucus, that when not otherwise provided by the House the Speaker should appoint special committees.

Now, in this case the House provided in a resolution that the committee of investigation should be elected by the House. That is what we are now doing, and if the minority will watch us right closely for a few minutes they will see us complete the election in fine form and in short order. When matters arise of sufficient importance, involving doubt or difference as to their merits, we refer them to the caucus.

But the Democratic caucus is too valuable an institution for us to abuse and weaken it by making it appear too common. To invoke its aid on trifling occasions and insignificant subjects might tend to cheapen and disparage its value and dignity. We do not claim that it is exactly sacred, but we regard it as essential to Democratic harmony and success, and we all know that they are essential to the political, material, and moral salvation of this country. Having completed the promised reforms in the organization of the House, the caucus will rarely be appealed to in the near future except for examining and lubricating the steam roller to make sure that it is kept in good order for use on an obstreperous minority. They used it so much and so indiscreetly before falling from their high estate in the majority to shrink into permanent position as the minority that it became rickety and disreputable. Several times it refused to work at all during the last Congress and recoiled on those who manipulated it so unwisely. We have repaired it and trained it to respond to the touch, execute good purposes, and run true and smooth to the appropriate obliteration of captious and partisan resistance to the people's will.

I have not meant to intimate that the Sugar Trust is unimportant. The caucus has given it attention and, if necessary, will give it more, which will result, we hope, in imprisonment of violators of the law, the removal of the differential on refined sugar, and a reduction of about 50 per cent in the duty on all sugar, thereby doubling the consumption of sugar without diminishing the revenue received therefrom for the Treasury.

I do contend, however, that the matter in hand is not of sufficient importance or doubt to demand a caucus. An investigation has been ordered. The gentleman from Texas [Mr. HENRY], chairman of the committee which reported that resolution, regarded it as his duty to suggest a committee, and he was right about it. It was his duty to take the initiative, and I do not think he did wrong nor merited any criticism in pursuing the course he adopted. Everybody admits that the Members selected and suggested in his resolution are proper men for the duty in hand. Their names were proposed to the House for selection in an open, legitimate manner, just as any Member had a right to offer them. All other Members may participate in any way they choose in this election. I think, however, it is well to adopt the advice of Judge SHACKLEFORD, and attend to this matter right now by adopting the original resolution without regard to the help or hindrance offered from the other side. When Democrats are in doubt they will be wise to vote contrary to the propositions of the minority leader. That should become an axiom. If Brother HENRY did make any mistake, which I deny, you squeamish Democrats who criticize him would commit a greater blunder, if not a crime, to follow the misleading and disconcerting advice of the minority leader in preference to the counsels of Mr. HENRY. Now is the time to elect this committee, and it has been time for almost 24 hours. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. ADAMSON. Mr. Speaker, I am mighty sorry. I wish I had an hour.

Mr. MANN. Mr. Speaker, how much time have I remaining?

The SPEAKER. Five minutes.

Mr. MANN. Mr. Speaker, I wish to make this statement, especially in view of the fact that the gentleman from Kansas [Mr. MADISON], a member of the Committee on Rules, is one of the gentlemen recommended by me for selection on this committee, and is not present. No Republican who has been named on either of the committees made application to me for appointment on the committee, and no Republican, whether named or not named, made application to me for recommendation for appointment on the committees, although I discussed the committee membership with such of them as I had a fair opportunity to do.

Mr. RAINEY rose.

Mr. MANN. Do I understand my colleague desires to take the floor?

Mr. RAINEY. In my own right.

Mr. MANN. I understand. I thought possibly the House might prefer to have debate close on my motion. Mr. Speaker, I reserve the balance of my time.

Mr. RAINEY. Mr. Speaker, as a Democrat I feel under profound obligations to the other side of this House to-day. They have tendered us many suggestions as to the methods we ought to adopt in conducting the business of this House. We do not propose to accept any of them, and I am not under obligation to the gentlemen on the other side for the various suggestions of this character they have so kindly and in such a disinterested manner made. But I do feel obligated to them because their suggestions compel some of us on this side to feel reminiscent. I listened with considerable surprise to the ferocious address of the gentleman from Wisconsin [Mr. COOPER], and as I listened I remembered another occasion not long ago during the life of the last Congress when he stood right over there at the left of the Speaker and subjected various Republicans on that side to a species of cross-examination. "What committees did you serve on before you incurred the enmity of the Speaker of this House?" "What committees are you serving on now?" And the effect of his cross-examination was to indicate to this side of the House and to the country that the Speaker of this House had been given too much power; that because certain Members on that side had incurred his enmity, by virtue of his power to select committees, he had as a disciplinary measure deprived them of their principal committee assignments, and to-day, to my surprise, I heard the same gentleman from his seat proclaiming that we ought to recur again to the old method of selecting committees; that we ought now to permit the Speaker of this House to do it. [Applause on the Democratic side.]

In its last analysis this question seems to have resolved itself largely into just a question of ethics. There is no objection on either side to the personnel of either of these important investigating committees. Everybody admits that good selections have been made, and on this side we are simply insisting, a good many of us, that they ought to have been submitted to the Democratic caucus—the selection, at least, of the Democratic members. On that side I do not know what you stand for. With the greatest pleasure the minority leader acquiesced in the selection of these committees, suggesting the Republican members, as he admits, as I understand it, without consulting any of those who were selected, at any rate without being requested by any of them and without being requested by anybody else. He simply assumed the power of a czar on that side and exercised that power in a perfectly Republican manner, in a manner against which the people of this country rebelled, and on account of which they repudiated the Republican Party at the polls at the last election. On this side the chairman of the Committee on Rules consulted, as he says, and as I believe and all of us believe, 150 Members or so, and finally suggested the very excellent committee which it is proposed now to elect. The trouble with the gentleman from Wisconsin is, and the trouble with most of those Members who wish to be called insurgent Members is, they thunder tremendously in the index, but when it comes to the essentials upon which the Republican Party stands—and they were overwhelmingly defeated on the essen-

tials at the last election—they are always with the Republican Party, and in it with both feet.

Now, we do not care anything about the difference between a conference and a caucus. As I understand the difference, as explained by the gentleman from Wisconsin [Mr. COOPER], it is this: You can go into a conference and you are not bound by the action of the conference. You can go into a caucus and you are bound by it. In other words, the gentleman from Wisconsin and some of his associates can go into a conference on that side, discuss what they ought to do, and they can come out if they want to and vote against the majority of their party, and then they can go back to their constituents and get the votes of many Democrats and all the near Democrats because they insist they are standing for Democratic principles, and they get the votes of the Republicans because they insist that at the bottom, although they have made a big fuss about some absolutely immaterial question, at the bottom of it all they stand with the Republicans, and therefore these gentlemen in those near-Democratic districts come back to Congress and hold their places here. Why, as the result of the fight we had during the last session of Congress an unfriendly feeling developed on that side. It all grew out of the power of the Speaker to appoint committees, and the Speaker went to New York or Boston and is reported in the papers as saying some things that, at least, sounded unkind about the insurgent Members of this House. I refer to the former Speaker of this House.

He said that they were in rebellion; that there was not at that time a coherent majority in the House; that they were in rebellion; that they ought not be shot, as that was too honorable a death, but that they ought to be hung, because they were traitors. And we find these two gentlemen from Wisconsin standing here to-day advocating the very policies they branded and held out to the country that they were opposed to during the last session of Congress. There are no insurgent Members any longer. You are all together, and we know it.

This pretended fight over there can not divide the Democrats on this side. We are in favor of caucuses. We realize the fact that we are in a transition period at the present time, so far as the selection of committees is concerned. The Democrats have given to the Ways and Means Committee of this House the right to nominate the majority members of all the standing committees of the House, and we have brought those recommendations before a Democratic caucus; and I do not divulge secrets when I say that that Democratic caucus was more harmonious than any Republican caucus has been for the last 10 years.

Let me assure you, gentlemen, that there are no divisions on this side. We are not trying to get apart on this side. We are trying to get together, and the only discussion here has been a discussion as to what we can do that will enable us to get closer to the people. That is the discussion on this side. You have not any discussion of that kind on your side.

The minority leader admits and proclaims here most vigorously—and no one can proclaim more vigorously than he—that he is in favor of the method of selecting committees which in its last analysis gives to the Speaker the right to do it. Why, as a result of your pretended controversies on this matter last fall, we swept the country and our candidates were elected in order to get rid of a party which gave too much power to the Speaker. We are not going to follow your advice in that particular or in any other particular at the present time. [Applause on the Democratic side.] We have no trouble here in getting together. Those of you who were Members of the Sixty-first Congress remember the dissensions in that Congress which led to the Republican defeat in the last election.

And you new Members know why you are here. You are here because of dissensions in Republican ranks. The question submitted to you now is not a question of ethics, but the question submitted to-day is whether or not we will sustain the action of a Democratic committee of this House.

Mr. BOOHER. Mr. Speaker——

The SPEAKER. Will the gentleman from Illinois [Mr. RAINEY] yield to the gentleman from Missouri?

Mr. RAINEY. I will.

Mr. BOOHER. Did not the gentleman from Texas expressly disclaim that his resolution was the result of the action of the Committee on Rules, and that he presented it here on his own individual motion and initiative?

Mr. RAINEY. I heard the statement made by the gentleman from Texas, the distinguished chairman of the Committee on Rules, and I heard him say that he consulted a great many Members, at least 150 on this side, in arriving at the conclusion as to who ought to be the Democratic members on that committee, but on that side the minority leader consulted none.

Mr. BOOHER. Now, the gentleman has said that the distinguished chairman has consulted 150 Democrats. He said that on the floor, but it is not in the RECORD.

Mr. RAINEY. I did not read the RECORD.

Mr. BOOHER. I have.

Mr. HENRY of Texas. If the gentleman will yield for a minute, I said that I consulted all the Democrats I could conveniently reach about this resolution, and, from first to last, in discussing the resolution and the personnel of the committee, I think I talked to at least 150, but to be conservative I put it "a great many of them," and I had no desire to overlook any Members. And there was no intention on my part of trying to assume any authority. I was simply endeavoring to settle this in behalf of the Democratic Party, and, therefore, in behalf of the country.

Mr. BOOHER. The gentleman from Illinois [Mr. RAINEY] was stating that he was in favor of supporting the action of a Democratic committee. However, this motion does not come from the Committee on Rules, according to the statement of the gentlemen from Texas [Mr. HENRY] himself, the chairman of the Committee on Rules.

Mr. RAINEY. I heard no protest from the Committee on Rules.

Mr. LENROOT. Mr. Speaker——

The SPEAKER. Will the gentleman from Illinois yield to the gentleman from Wisconsin?

Mr. RAINEY. I will.

Mr. LENROOT. I was greatly interested in the gentleman's observations as to selection of committees. I would like to know if he voted for the Democratic rule providing that all Democratic committees shall be appointed by the Speaker unless otherwise ordered by the House?

Mr. RAINEY. I voted for the rules adopted by this House.

Mr. LENROOT. The gentleman knows that is one of the rules?

Mr. RAINEY. I voted for and supported the idea that the Democratic members of the Committee on Ways and Means should make recommendations to this caucus, and I supported and voted for the principle that, upon the question of selecting standing committees of this House, so far as the Democratic Members were concerned, the Democratic caucus should prevail.

We believe in caucuses on this side. It is the way to bring about united Democratic action. We believe if 10 or 12 Members on this side of the House are not in accord with the rest of them, are not in accord with the other 200 and more, that the other 200 or more that attend that caucus come nearer being the Democratic Party than the 10 or 12 who do not agree with them, and so we all get together. [Applause on the Democratic side.]

Now, on account of your personal interests, you Republican insurgents who come from the Northwest, including both gentlemen from Wisconsin, you proceed upon the theory that you must keep up the pretense of opposing vigorously the action of your party in nonessentials. We gave you the opportunity—the Committee on Ways and Means did—of acting as a separate organization in this House. We were willing at any time to recognize you and appoint from your number the minority members to which you are entitled. Although you opposed vigorously the old method of selecting members of these committees, you crawled back into the Republican caucus and abided by the result of that caucus, and without protest you let the minority leader suggest the Republican membership of all committees and of this particular committee. You are not objecting here even now. The trouble with the insurgent Republican Members of this House is that they are simply fighting to get Democratic votes and near-Democratic votes. [Applause on the Democratic side.]

Mr. LENROOT. Will the gentleman yield for a question?

Mr. RAINEY. Yes.

Mr. LENROOT. I want to ask the gentleman whether he is aware that his Democratic rules now provide for the appointment of select committees by the Speaker?

Mr. RAINEY. Well, the Democratic caucus proposes hereafter in important matters to select the select committees, and if they are selected by the Speaker, the Speaker having already taken his position on that question, he will do it after consultation with the Democratic caucus.

Now, I yield to the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. A few minutes ago, while the gentleman from Missouri [Mr. BOOHER] was on the floor, I wanted to ask a question. There seems to be a difficulty about a difference in terms without any difference in substance. I want to suggest to the gentleman that as I understand the statement of the gentleman from Texas [Mr. HENRY] it is that after consulta-

tion he offered this resolution as a Representative of the eleventh district of Texas, but that he does and did know that all the members of his committee indorsed the resolution and agreed with him about it.

Mr. RAINEY. I thank the gentleman for his suggestions in this connection.

Now, the gentleman from Wisconsin [Mr. LENROOT], who interrupted me a while ago, gave to the Democrats some excellent advice. He advised them, in effect, if I understood his advice, that the Democratic Party would go on the rocks if they depended upon caucus action. He further advised us that it is not yet too late for us to change our opinion and return to the old system which he himself denounced during the last Congress. We do not intend to do it. We intend that the majority shall continue to rule.

These investigating committees are not important, in view of the recent decision of the Supreme Court of the United States. I do not believe under the present law, as construed by the Supreme Court, that the time will ever come when the Supreme Court of the United States will hold that any other corporation than the Standard Oil organization is in "unreasonable" restraint of trade. There are no teeth in this resolution we are considering now. I know there are no teeth in it, because it seems to meet with the unanimous approval of the Republican side of this House.

I want to say to gentlemen on the other side that there will come a time in the future—if this special committee finds that it can not investigate things which the people of this country want investigated—I say there will come a time when there will be an investigation that will have teeth in it, and we do not expect to have it receive the support of the minority members of the Committee on Rules or the minority members of any other committee in this House. We propose on this side to investigate the thieves who are at the head of the Sugar Trust, and I am afraid you can not do it under this resolution. The only thing that this resolution does is to find out, after taking evidence, whether or not there is a trust and suggests means of prosecuting it, to investigate the evidence which everybody knows already exists. This investigation ought not to last very long, and its results, in view of the recent action of the Supreme Court of the United States, will not be important.

I have been something of a prosecutor on this floor, in Sugar Trust matters, and I want to corroborate what the gentleman from New York [Mr. FITZGERALD] stated when he said that he furnished me with much important material which I used in my speeches, although he represents that district in New York in which is located a great plant for sugar refining.

Mr. FITZGERALD. The Arbuckle plant.

Mr. RAINEY. Yes; the Arbuckle plant. I have made a number of speeches on this floor in relation to this matter. We all know there is a Sugar Trust. We all know and the country knows that the directors of that Sugar Trust stole from the Government thousands of dollars a day for years. The country knows it because the directors have admitted that they did it. They admitted that they kept in their Wall Street office a set of books bound in red and another set in black; one set representing the incorrect weights on the Government scales and the other set representing the correct weights on the city scales. So they knew every day how much they had stolen, and they knew when they had stolen the $5,000,000, of which they refunded a part. The entire country knew it, and the country knows that the period for prosecuting these millionaire Sugar Trust directors, who are no longer merely millionaire directors but millionaire thieves, will end in November, 1912, when the statute of limitations becomes a complete bar, and while the present Attorney General of the United States still occupies his position.

I have not introduced any Sugar Trust resolution at this session because I have appeared so vigorously on this floor in the rôle of a prosecutor of the Sugar Trust, but if this investigation does not take the direction of bringing out evidence as to who these millionaire thieves are that stole the money, I propose myself to introduce a resolution, and have a Democratic caucus pass upon it as to whether or not it ought to be submitted to this House, and a committee appointed under it to investigate the stealing by these thieves. That is what we are after.

Mr. SIMS. Will the gentleman yield?

Mr. RAINEY. I will yield to the gentleman.

Mr. SIMS. Then, as I understand the gentleman, this resolution is in the nature of an exploratory investigation and not of much importance?

Mr. RAINEY. I understand this investigation is for the purpose of ascertaining whether there is a Sugar Trust, the effect it has upon sugar in raising prices, its effect in crushing out competitors, and for the purpose of suggesting remedies and amendments to laws now on the statute book in order to reach this trust.

Mr. SIMS. Why not amend it so as to get what the gentleman from Illinois desires?

Mr. RAINEY. The resolution has been adopted by this House. We are now selecting a committee to investigate under the resolution, and that is all.

Mr. SIMS. I do not see any use in having two investigations if one will do the work.

Mr. RAINEY. If this does the work it is satisfactory. If it does not do the work, I will introduce another resolution and insist upon getting at the bottom of the Sugar Trust thefts.

Mr. SIMS. Then I understand this is only an exploratory resolution.

Mr. RAINEY. It does not purport to be merely that; it purports to be what I have stated.

Mr. McGUIRE of Oklahoma. Will the gentleman yield?

Mr. RAINEY. It may be broad enough to investigate these thefts. I sincerely hope it will. If it is not broad enough there will be a resolution introduced that will be broad enough. I now yield to the gentleman from Oklahoma.

Mr. McGUIRE of Oklahoma. I understood the gentleman a moment ago to state that everybody knew there was a Sugar Trust, and that there was no question but that there was a Sugar Trust——

Mr. RAINEY. I will make an exception——

Mr. McGUIRE of Oklahoma. And later there will be a resolution introduced with teeth in it to investigate the thieves at the head of that trust.

Mr. RAINEY. Yes; I did say that.

Mr. McGUIRE of Oklahoma. If the gentleman knows there is a Sugar Trust, and if at some time there is going to be a resolution introduced that will mean something, why not introduce a resolution now that will mean something?

Mr. RAINEY. Oh, I will make an exception in favor of the gentleman from Oklahoma. Perhaps he does not know there is a Sugar Trust. I am not responsible for the things the gentleman from Oklahoma does not know, thank God. [Applause on the Democratic side.]

Mr. McGUIRE of Oklahoma. Well, the gentleman from Oklahoma did not say——

The SPEAKER. Does the gentleman yield?

Mr. RAINEY. Yes.

Mr. McGUIRE of Oklahoma. The gentleman from Oklahoma did not say that he did or did not know that there was a Sugar Trust.

Mr. RAINEY. Does the gentleman know it?

Mr. McGUIRE of Oklahoma. I do not know anything about it. I believe there is, and I think I know as much about it as the gentleman from Illinois.

Mr. RAINEY. Well, a great many Members of Congress have, during a long period of service, been studying this question, but the gentleman from Oklahoma is the only man I have ever heard who is willing to admit that after serving here for eight years he does not know anything about it. We are not going on the rocks——

Mr. McGUIRE of Oklahoma. Will the gentleman permit another question?

Mr. RAINEY. Yes.

Mr. McGUIRE of Oklahoma. If the gentleman knows it, why does he not introduce his important resolution or his resolution which he states will have teeth in it now without delay? I am just as anxious to have the Sugar Trust investigated as anybody, not excepting the gentleman from Illinois.

Mr. RAINEY. I thank the gentleman for his conversion to Democratic ideas and ideals.

Mr. McGUIRE of Oklahoma. Is that a conversion?

Mr. RAINEY. And I hope it will last long enough so that he can help us get some of these fellows in jail who ought to be there. Submit one of your own to investigate the Sugar Trust, if it is in harmony with the Republican principles for which you stand. [Applause on the Democratic side.] If it is a resolution with plenty of teeth in it, I will support it most vigorously upon this floor.

Mr. McGUIRE of Oklahoma. I would submit one, if I believed for a moment that the gentleman would support anything coming from this side, no matter how meritorious.

Mr. RAINEY. Oh, I seldom see anything meritorious coming from that side, and I never have seen anything with real merit come from the gentleman from Oklahoma. [Applause and laughter on the Democratic side.]

Mr. McGUIRE of Oklahoma. I am not responsible for the many things that the gentleman does not see and the many

good things that the gentleman does not understand. [Applause on the Republican side.]

Mr. RAINEY. Well, you can not see something that is not there. Now, we are not going to go upon the rocks, and the gentleman from Wisconsin need have no fear on that point. In future the sentiment seems to be unanimous on this side of the House to submit matters of this kind to a Democratic caucus. I hope not to a Ways and Means Committee, which is already burdened with too much work. Gentlemen may expect that to occur in the future, and those gentlemen on that side who are congratulating themselves upon a division in the ranks on this side will find this side, I think, marching solidly shoulder to shoulder at the present time and at all times in the future under Democratic banners. [Applause on the Democratic side.] We propose, after having given out this warning to the chairmen of all committees of this House, after having given this warning on this floor, to support this most excellent resolution [applause on the Democratic side] and to put it through. You have not found any fault whatever with the Democratic members on this committee as proposed by this resolution, and we have not found any fault with them either, and we have not found any fault with the Republican members, and I have not heard any Member on that side find any fault with them. We have occupied now many hours in the discussion of this question, and we propose now to support this resolution because it is tendered by a chairman of an important committee of this House. If we had any fault to find with any of these members, you need not be afraid, any of you, we would make the motion on this floor to amend this resolution and to submit the name of some one else. If you have any fault to find with it, why do you not do the same thing, but you say this committee must be selected by a special committee here of 15. To be appointed how? By the Speaker of the House, an indirect way of having this committee selected by the Speaker, an indirect way of doing that which has been most overwhelmingly repudiated by the people at the polls.

We are electing them now from the floor. Hereafter we will elect the Democratic members of committees from this floor, and we will do it after submitting the whole question to a Democratic caucus of this House. Then we will come in and elect them. That is the way we propose to do it in the future in important matters, just as we select now members of standing committees and——

Mr. SIMS. Will the gentleman permit a question?

Mr. RAINEY. The gentleman who interrupts me now has contributed much in this House—more than any other one man—to bring about the present state of facts with reference to the selection of standing committees. [Applause on the Democratic side.]

Mr. SIMS. I want to say, simply, that I heartily agree with what the gentleman is saying, and I hope the assurances the gentleman gives will be literally carried out. But how can the gentleman, myself, or anybody else prevent gentlemen getting up on the floor of the House and making a suggestion, by way of a motion, as to what men shall go on committees and force a vote, if it is a matter of privilege?

Mr. RAINEY. We may not be able to prevent it, but we expect to select these important committees in caucus hereafter; and I notice that those Members on this side of the House and Members on that side who have opposed the resolution of the chairman of the Rules Committee have almost universally been those Members who are in favor of permitting the Speaker to select the committees. But just at the present time they happen to be in the minority on this side, and I thought they were in the minority on that side, but they do not seem to be.

Mr. SHERLEY. Will the gentleman permit a question?

The SPEAKER. Does the gentleman yield to the gentleman from Kentucky?

Mr. RAINEY. I do.

Mr. SHERLEY. If I understood that gentleman rightly, he—speaking for himself and, as he believes, voicing the sentiment of this side of the House—states that the present rule, which makes it the duty of the Speaker to appoint select committees, will be abrogated, so that they will be selected by the House as a result of caucus action.

Mr. RAINEY. Oh, I think the rule in terms states that they are to be selected by the Speaker, but the Speaker will do it after consulting with the caucus.

Mr. SHERLEY. I am simply asking the gentleman——

Mr. RAINEY. I think the rule is that they be selected by the Speaker "unless otherwise provided."

Mr. SHERLEY. Now, is it the gentleman's idea that it shall in all instances be otherwise provided?

Mr. RAINEY. Well, it looks to me like the sentiment of this House is in favor of a Democratic caucus hereafter being consulted in the matter of selecting the majority members of important special committees.

Mr. SHERLEY. I just wanted to get the gentleman's position plainly stated.

Mr. RAINEY. The gentleman has a right to his conclusions in the same matter. I only speak for myself, and my judgment is not any better and usually not as good as the gentleman's——

Mr. SHERLEY. I thank the gentleman for his compliment, but I simply wanted to get the gentleman's position accurately stated.

Mr. MANN. Will the gentleman yield for a question?

Mr. RAINEY. With pleasure.

Mr. MANN. The gentleman speaks with considerable authority on that side of the House and I have the greatest respect for his opinion. He has stated how in the future select committees would be appointed through a Democratic caucus.

Mr. RAINEY. I have given my opinion in reference to it; that is all, I will say to my colleague.

Mr. MANN. I understand; but I think the gentleman speaks with considerable authority. I wish to ask, so that we may not get into this condition again about the proposition, whether he thought that same condition would apply to the appointment of conference committees. The rule in reference to select committees and conference committees is the same rule. The gentleman intimated perhaps hereafter select committees would be selected by the Democratic caucus. Will the conference committees also be selected by a Democratic conference?

Mr. RAINEY. I do not care to discuss that phase of it. The question may come on some time in the future, but the important question now from the standpoint of Democrats who have just won a tremendous victory at the polls, the important thing now is to stand together shoulder to shoulder in this House [applause on the Democratic side], and prove to the country that although we may differ here in matters of ethics that when it comes to action the Democratic Party is united. We do not propose to go upon the rocks. You did that in the last Congress by not being united. We are united now, and I simply suggest, it is my opinion only, that we proceed now to elect this committee, the personnel of which is all right. [Applause on the Democratic side.]

The personnel of the committee is all right. The methods to be adopted hereafter we can determine when the time comes, and, speaking for myself, I can say I do not believe it will be done in this manner. I know the difficulties the chairman of a committee has in suggesting appointments to any committee. I have had some experience myself, and I want to compliment the distinguished gentleman from Texas [Mr. HENRY], the chairman of the Committee on Rules, for the excellent selections he has made for the Democratic side of this committee. Now, I do not desire to take up more time, and I yield the balance of whatever time I may have left to the gentleman from Alabama [Mr. UNDERWOOD]. [Applause on the Democratic side.]

Mr. UNDERWOOD. Mr. Speaker, I desire to ask how much time there is remaining.

The SPEAKER. There are 20 minutes remaining. The gentleman from Alabama is recognized for 20 minutes.

Mr. UNDERWOOD. Mr. Speaker, I do not intend to take up the time of the House to any great extent. I will say the position of the majority of this House with reference to the selection of committees is clearly and fully defined in the rules of this House adopted by it on the motion of the majority. The Democratic Party stands for the selection of the standing committees in this House by the House, and so far as this party action is concerned, it stands for the selection of those committees by a party caucus recommended by one of the standing committees of the House.

Now, as to the special committees of the House, it would simply be absurd to say that every special committee that this House has to appoint shall be selected by the House. [Applause on the Democratic side.] The rules we have adopted recognize that absurdity. Do you want the House to stop in its proceedings every time a conference report comes in here and go into the election of three men on a conference committee? It would be a matter of absurdity. It would waste the valuable time of this House, costing the country thousands of dollars.

Now, what have we done in our rules? We have said that a special committee, like the committees being selected to-day, reported by a conference and by minor committees, shall be appointed by the Speaker of the House, unless the House determines otherwise. Now, what do we do?

The rules made by that side of the House in the last decade gave absolute power to the Speaker to appoint the special committees of this House and did not give the House the right to take that power away from him under any circumstances. The gentleman from Wisconsin, who sits before me, knows that it took a resolution in this House on one occasion within the last two years to take the power away from him. Now we have met that sentiment. We have said that the Speaker shall have the right to appoint these necessary but largely unimportant committees in order that the business of the House may be expedited; but when a matter of great importance comes before this House, a matter in which the personnel of the committee may mean great things to the American people, this House has the power by resolution of the committee to take the right of appointment away from the Speaker and elect its own committees.

Now, we expect in the future, so far as the special committees of the House are concerned, committees that are unimportant, or committees possibly sometimes of importance, where there is no real division, to go on and allow the Speaker to appoint them, realizing that at any time we have the power on the floor of this House to reach to that desk and take the power of appointment away from the Speaker. It is an orderly way in which to do business, and that is the way the country wants us to do business.

Mr. MONDELL. Will the gentleman yield?

Mr. UNDERWOOD. Certainly.

Mr. MONDELL. Under the plan which I understand has been adopted, and to which the gentleman has referred, who is to decide on that side as to when such a situation is reached of sufficient importance as to demand or require the action by the House rather than by the Speaker?

Mr. UNDERWOOD. The House itself. The House decides in this case.

Mr. MONDELL. But it was not the House that offered this resolution, but a member of the House.

Mr. UNDERWOOD. The gentleman has been asleep for a week or two. He should wake up. Within four or five days the Rules Committee brought a resolution before this House providing for the selection of a committee to investigate the Sugar Trust.

If they had brought that resolution in here and said nothing about the appointment of the committee, under the rules of the House the power to appoint the committee would have rested in the hands of the Speaker of the House. But that resolution in so many terms provided that the House should select the committee. Therefore, by the action of the House, in accordance with the rule which says that the Speaker shall appoint unless the House directs otherwise, in compliance with the terms of that rule, the House by that resolution directed otherwise, and the matter is now before the House for action.

Mr. MONDELL. Mr. Speaker, just one more question. I am not quite as wide awake as my genial friend from Alabama [Mr. UNDERWOOD], but I am sufficiently awake for the perception of some things. I want to remind the gentleman that the nomination of a committee by a chairman of a committee of the House is equivalent to the selection of the committee by that chairman, and not by the House, and the gentleman well knows that; so that while you have possibly followed the form of your resolution, yet as a matter of fact the committee is to be appointed by the chairman of the Committee on Rules.

Mr. UNDERWOOD. I will say to the gentleman from Wyoming that I was coming to that. I simply wanted to state the situation under the rules of the House. And I want to say that in the future, so far as I am concerned, in most cases I think it advisable for the Speaker to exercise the power of appointing the small special committees and thus not delay the House in the consideration or the appointment of those committees. But other cases may arise in the future—a case arises now—where the House may feel that it should exercise the power of appointment or election itself. Now, it is written in the rule that the majority may at any time exercise that power and elect a committee. Now, as to the election of these particular committees, I think it is wiser, as a family affair concerning those on this side of the House, for us to go into the caucus and select the men that we want to represent us on the committees of the House, because there is more freedom of debate in our caucus and less discord when we go into the family caucus and select our own men.

Now, I am perfectly willing to accord that right to the other side. So far as I am concerned, I will say to gentlemen on the Republican side, I do not desire to cross that aisle for a moment and attempt to dictate to your side how you shall select the men who go on the important committees of this House to represent you. If it is the sentiment on your side that one man shall select the minority membership, so be it. You are responsible to the country for what you do. We are not. If you want to elect them by caucus, do so, and we will recognize your action. There can not come any complaint from this side of the House as to that. For the first time in the history of this Government the majority of the House of Representatives has said to the minority, "Name your men on the committees of this House." [Applause on the Democratic side.] And we have elected them without the dotting of an "i" or the crossing of a "t."

Mr. SIMS. Mr. Speaker, I just wanted to ask the gentleman this question: Is the Speaker to be censured for simply waiving what he has the right to do and submitting it to the House? Is he not to be commended for it?

Mr. UNDERWOOD. The Speaker did not surrender it. The House took it away from the Speaker by a resolution brought in here on the floor of the House. The Speaker did not surrender it. The House itself brought in a resolution before this House and said the Speaker should not appoint the committees.

Now, as to this resolution I want to say this: I think, with respect to important special committees that the House desires to select, that it is probably wiser for us in the future to go into a caucus and let the caucus determine the action, where we can all get together and have absolute freedom of action.

There is no complaint against the personnel of this committee, either coming from that side or from this side. The resolution has been offered, there is no gag rule, everybody has had a chance to get up and take the floor, and any man that has had the floor yesterday or to-day could have moved to strike any name from this resolution that he wanted to and put another in its place. Now, when this resolution has been under debate for a day and there has no man arisen in his place and moved to strike a name from the list and substitute another in its place, I say to you that the time has come to act; the time has come for this side of the House to pass this resolution as offered by the gentleman from Texas and vote down the proposition of the gentleman from Illinois. [Applause on the Democratic side.]

Mr. FERRIS. Will the gentleman yield?

Mr. UNDERWOOD. I will.

Mr. FERRIS. Personally I am not so concerned about the form in which this is presented. I believe there is no objection to the personnel of the committee, but there has been from quite a reliable source a serious attack on the resolution itself. I wish the gentleman would take a moment's time and give us the benefit of his investigation of the resolution as to whether or not it will accomplish anything, because if the resolution is inoperative and of no effect, it would materially affect my vote and, I think, the votes of some other Members.

Mr. UNDERWOOD. I will say to the gentleman from Oklahoma that the resolution itself has been passed and has been a law for a week.

Mr. FERRIS. I understand that.

Mr. UNDERWOOD. In the rush of other business I have not given the resolution that careful consideration which I otherwise would. I am not very familiar with its terms. It may not go as far as you or I might desire it to go, but it certainly goes to this extent, and there is no question about it: It sends out a committee of this House to determine whether the Sugar Trust is standing in violation of the Sherman antitrust law. If that committee comes back and reports that it is, and the majority of this House adopts that report, it puts the executive branch of this Government on notice that something must be done. [Applause.] Therefore I think it is well worth our going into.

Mr. MARTIN of Colorado. Mr. Speaker, will the gentleman give me a moment to explain my position?

Mr. UNDERWOOD. I yield to the gentleman.

Mr. MARTIN of Colorado. I wish to make a statement as to my position, that it may be put before the House. I am not complaining that I have had no opportunity to be heard on the floor on this matter, and I am not objecting to the personnel of this committee.

But I want to say that certain influential people in my State were very desirous that I should be consulted in the make-up of this committee. They felt that they had a large interest at stake in this question, and I was assured by those that I thought in a position to give me the assurance that I would be consulted. I told them that it was imperative that I should be. I assured these gentlemen from my State that I would be consulted, and now I am placed in a position before them of not having been consulted, and perhaps of not having sufficient influence or standing as a Democratic Member of the House to be consulted in a matter in which my State was vitally interested. That is what I am complaining about. [Applause.]

Mr. UNDERWOOD. I will say to the gentleman from Colorado that I think the wiser course to pursue where the right of selection of committees falls to the House is to carry the matter to a caucus, and I believe that will be the course pursued hereafter.

Mr. MARTIN of Colorado. The gentleman can understand my position, and will see that Democratic Members can not afford to be put in such an embarrassing position as to be represented at home as not having sufficient influence to be consulted about important matters affecting their State.

Mr. UNDERWOOD. I do not take that view of it.

Mr. HENRY of Texas. I want to say that I do not know whether the gentleman from Colorado refers to me as not having conferred with him or not.

Mr. MARTIN of Colorado. I did not know that the gentleman or his committee was going to have anything to do with it.

Mr. HENRY of Texas. I say to the House candidly that the gentleman's colleague, Mr. TAYLOR, spoke to me about this matter and requested that I take certain action. I considered the Colorado delegation in making up this committee, and at one time the gentleman from Colorado [Mr. MARTIN] was to be a member of this committee.

Mr. MARTIN of Colorado. Would the gentleman allow me to make an observation that fits in there, because what the gentleman has just stated is indeed news to me? I never knew until this moment that I had been considered at all as a possible member of this committee, and I want to say in that connection, to be perfectly frank with the gentleman, that while the beet-sugar interests of Colorado, who want a sweeping investigation made, did want me to be a member of that committee, I did not myself want to be a member, because I felt I had my hands full of other work, with a War Department investigation ahead, but I am still more astonished that I was not consulted about it, when the gentleman says that at one time I was tentatively decided upon as a member of this committee.

Mr. HENRY of Texas. Mr. Speaker, I will simply say that I did consult some of the Colorado gentlemen, and did the best I could. We put on a Representative from the Pacific coast to represent the beet-sugar industry and interests. There was no personal intention of overlooking the gentleman or anyone who should have been consulted on account of his district, State, or the constituency he represents.

Mr. MANN. Will the gentleman yield for a short statement?

The SPEAKER. Does the gentleman from Alabama yield?

Mr. UNDERWOOD. Yes; though my time is almost up.

Mr. MANN. I have three minutes left, and I will yield them to the gentleman if necessary. I think it is fair to state to the House, and nothing improper about it, on this question of the beet-sugar interests, that several gentlemen spoke to me from the Democratic side of the House, from the so-called insurgent side of this side of the House, and the so-called regulars of this side of the House, suggesting that in making recommendations I should put on a beet-sugar man—in other words, some one representing a beet-sugar district or a State, which I did in naming Mr. FORDNEY, the gentleman from Michigan. I think that one of the suggestions came from the gentleman who is now named for chairman of the committee, and possibly also from the gentleman who introduced the resolution, Mr. HENRY of Texas.

Mr. UNDERWOOD. Mr. Speaker, in conclusion I merely have to say this: This House has had absolute free consideration of this committee. As I said before, no man on that side of the House, although they have had the floor and every opportunity to do so, has risen in his seat and moved to strike out a name and put the name of some one else in.

Mr. MURDOCK. Will the gentleman yield?

Mr. UNDERWOOD. If it is not for a question.

Mr. MURDOCK. That opportunity has not been presented as yet, I will say to the gentleman.

Mr. UNDERWOOD. Oh, the gentleman is not advised as to the parliamentary situation. His side of the floor has had ample opportunity whenever they have had the floor to move to amend this resolution.

Mr. MURDOCK. On the contrary, the Speaker ruled that no Member had, while another motion taking precedence had the floor.

Mr. UNDERWOOD. Well, the resolution that took precedence came from that side of the House.

Mr. MURDOCK. I think it came from the other side.

Mr. UNDERWOOD. The only amendment pending is the amendment offered by the leader of the minority. It comes from that side of the Chamber.

Mr. MURDOCK. Mr. Speaker, the gentleman will permit that point to be cleared up, I am sure. The motion to refer by the gentleman from Mississippi [Mr. SISSON] was withdrawn, and immediately after it was withdrawn a motion to have a committee appointed by a select committee took its place, and has shut off the motion which will come later to substitute one name for another.

Mr. UNDERWOOD. The motion that shut off the amendment did not come from us; it came from the leader of the minority.

Mr. MURDOCK. However, it did preclude the motion to strike out, which may come later.

Mr. MANN. Let me suggest, unless the previous question is ordered the opportunity will be presented.

Mr. UNDERWOOD. Mr. Speaker, we have had two days of debate on this question, or a part of yesterday and to-day, and I move the previous question on the resolution and amendment.

Mr. MURDOCK. Mr. Speaker, a parliamentary inquiry. If the previous question is now moved, is a motion to strike out and insert precluded?

The SPEAKER. If a motion for the previous question is adopted, undoubtedly it precludes amendment.

Mr. MURDOCK. Then, Mr. Speaker, I demand the ayes and nays on ordering the previous question.

Mr. COOPER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER. As to the resolution or motion before the House, I just understood the gentleman from Kansas [Mr. MURDOCK] to say that the motion now before the House is the motion of the gentleman from Illinois to have a select committee to investigate appointed by a committee to be appointed by the Speaker.

Mr. MANN. Oh, no.

Mr. COOPER. As I understand the motion now before the House, it is to refer the resolution of the gentleman from Texas to a select committee.

Mr. UNDERWOOD. Mr. Speaker, I think the debate has gone as far as it ought to in this matter, but, at the request of the chairman of the Committee on Rules, I am willing to withdraw the demand for the previous question. If the House will agree by unanimous consent to allow debate to be closed now and amendments to be offered striking out names, I will withdraw my motion for the previous question——

Mr. MURDOCK. I object to that.

Mr. MANN. I suppose it is in order for the gentleman to move the previous question on the pending motion without making it apply to the resolution——

Mr. UNDERWOOD. Oh, well, my purpose is——

Mr. MANN. That would cut off debate on the proposition which I have offered without affecting the right to amend, if my motion is not agreed to.

Mr. UNDERWOOD. I will state to the gentleman from Illinois this proposition has been under debate for some time, but of course I have no desire to cut off debate on the gentleman's resolution——

Mr. MANN. But I have no objection to the gentleman moving the previous question on my resolution.

Mr. UNDERWOOD. But I will say this, that I do not desire to cut off the gentleman from Kansas from moving to strike out a name and inserting some other name, but I think the time has come when this debate should be closed.

Mr. MANN. If the gentleman from Alabama will simply move the previous question on the pending motion, which is my motion, that will not affect the right to amend the original resolution if the motion is not agreed to.

Mr. UNDERWOOD. But it will not cut off debate on the original motion.

Mr. HENRY of Texas. Mr. Speaker, I desire to submit a motion for unanimous consent to this effect, that the gentleman from Kansas be allowed to offer an amendment to strike out whatever name or names he may desire and insert others, and that debate be now closed and that the House vote at once on the resolution and all pending amendments.

Mr. KENDALL. Mr. Speaker, I object to that.

Mr. MANN. Mr. Speaker, I think that would hardly be fair to propose new names without the right of discussion either for or against them, and hence I would be obliged to object to that request.

Mr. UNDERWOOD. As far as the offering of amendments is concerned, you have had the opportunity; we are willing to give it to you now by unanimous consent. If you are not willing to take it, I move the previous question on the resolution and all amendments thereto to its final passage. [Applause on the Democratic side.]

Mr. BROUSSARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BROUSSARD. If the motion of the gentleman from Alabama carries will it be in order for me to offer an amendment?

The SPEAKER. It will not.

Mr. BROUSSARD. I move an amendment now, Mr. Speaker——

Mr. HENRY of Texas. Mr. Speaker, I make the point of order against that.

The SPEAKER. The question is on adopting the previous question.

Mr. MANN. Mr. Speaker, I make the point of order that the gentleman can not move the previous question on the original resolution while there is pending a motion to refer a resolution to a committee; that he can only move the previous question upon the motion pending before the House at this time.

Mr. UNDERWOOD. I would like for the gentleman to cite his authority for that proposition.

Mr. MANN. Let the Chair cite that.

Mr. UNDERWOOD. I am sure the gentleman has not it to cite.

The SPEAKER. If the gentleman from Illinois has any authority to cite, the Chair would like to hear it.

Mr. MANN. Mr. Speaker, I am not able at present to lay my hands upon the authority. [Laughter on the Democratic side.] But the Speaker will remember that the motion for the previous question does not apply, although made and carried, to a subsequent motion to recommit, and if the gentleman from Alabama had moved the previous question upon the resolution it would still have been in order for me to move, after the previous question was ordered, both before and after, under the rule, to recommit, and that motion is not affected by the operation of the previous question already ordered.

Mr. UNDERWOOD. I do not take any issue with the gentleman on the question to recommit.

Mr. MANN. A motion to recommit and a motion to commit are the same thing.

Mr. UNDERWOOD. They are recognized in a different attitude under the rules of this House.

Mr. MANN. I think not. A motion to refer, a motion to commit, and a motion to recommit are all the same thing.

Mr. UNDERWOOD. We will decide the question of a motion to recommit when we get to it. I am not so sure that on this resolution the gentleman has the right. I demand the regular order.

Mr. MANN. I have made the motion, under the rules, to commit this resolution to a committee. The rule provides that the motion can be made either before or after the previous question is ordered.

Mr. SHERLEY. It does not prevent the previous question applying to both motions.

Mr. HENRY of Texas. If the Chair will indulge me I will read from Rule XVII, which refers directly to this kind of a situation:

> There shall be a motion for the previous question, which, being ordered by a majority of Members voting, if a quorum be present, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments, and include the bill to its passage or rejection.

Now, when the previous question is ordered we vote on the gentleman's motion and vote on the resolution to every pending amendment.

Mr. UNDERWOOD. Mr. Speaker, that has been decided a number of times. I call the attention of the Chair to the fact that it says that the motion may apply to the main question and to a pending motion to refer. If the Chair will look at Hinds' Precedents, Volume V, section 5466, he will find it has been very clearly decided.

The SPEAKER. The point of order is overruled. The question is on ordering the previous question.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. MURDOCK. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Chair begs the indulgence of the House for just a moment. The Chair is not at all certain but that he misled the gentleman from Kansas [Mr. MURDOCK] or misled himself—he does not know which. When the gentleman from Kansas rose and asked if the amendment that he wants to offer now was in order, the parliamentary situation was that the motion of the gentleman from Mississippi [Mr. SISSON] to refer the resolution of the gentleman from Texas [Mr. HENRY] was pending. The gentleman from Kansas [Mr. MURDOCK] rose and asked that if a motion to substitute a name would be in order at that time, and the Chair replied it would not. Subsequently the motion to refer was withdrawn and that left a new situation.

Mr. MURDOCK. If the Speaker of the House will indulge me for just a moment, I think he has stated the proposition correctly up to that point. But the motion of the gentleman from Mississippi was withdrawn at the time that the gentleman from Illinois had the floor, and in the midst of the gentleman's speech, and as soon as it was withdrawn the gentleman from Illinois, having the floor, at once presented another motion, which precluded the right of anybody else to strike out a name and insert another.

The SPEAKER. That is precisely true.

Mr. MURDOCK. That completes the whole statement, then, correctly.

Mr. UNDERWOOD. I will state to the gentleman from Kansas, Mr. Speaker, that this side is perfectly willing to give unanimous consent for his order.

Mr. MANN. Mr. Speaker, I ask for the regular order.

The SPEAKER. The question is on ordering the previous question.

The Clerk will call the roll.

The question was taken and there were—yeas 139, nays 80, answered "present" 13, not voting 153, as follows:

YEAS—139.

Adamson	Donohoe	Hughes, N. J.	Ransdell, La.
Alexander	Dupre	Hull	Rauch
Allen	Edwards	Humphreys, Miss.	Redfield
Anderson, Ohio	Evans	Jacoway	Reilly
Ashbrook	Faison	Johnson, Ky.	Richardson
Ayers	Ferris	Jones	Roddenbery
Bartlett	Fields	Kipp	Rothermel
Blackmon	Flood, Va.	Konig	Rouse
Borland	Floyd, Ark.	Korbly	Rubey
Bradley	Fowler	Latta	Russell
Brantley	Francis	Lee, Pa.	Sabath
Buchanan	Garner	Levy	Saunders
Bulkley	George	Lewis	Shackleford
Burke, Wis.	Glass	Linthicum	Sherwood
Byrnes, S. C.	Goodwin, Ark.	Littlepage	Sims
Byrns, Tenn.	Gould	Littleton	Smith, Tex.
Callaway	Graham	Lloyd	Stack
Candler	Gregg, Pa.	Lobeck	Stanley
Carlin	Gudger	McGillicuddy	Stedman
Carter	Hamill	McHenry	Stephens, Miss.
Claypool	Hamilton, W. Va.	Macon	Stephens, Tex.
Clayton	Hamlin	Maguire, Nebr.	Stone
Cline	Hammond	Martin, Colo.	Sulzer
Collier	Hardwick	Mays	Sweet
Connell	Hardy	Morrison	Taylor, Ala.
Cox, Ind.	Harrison, Miss.	Murray	Taylor, Colo.
Cullop	Harrison, N. Y.	Oldfield	Thomas
Daugherty	Hay	O'Shaunessy	Townsend
Davis, W. Va.	Heflin	Padgett	Tribble
Dent	Helm	Patten, N. Y.	Underwood
Dickinson	Henry, Tex.	Pepper	Watkins
Dickson, Miss.	Hensley	Peters	Wickliffe
Dies	Houston	Pujo	Witherspoon
Difenderfer	Howard	Rainey	Young, Tex.
Dixon, Ind.	Hughes, Ga.	Randell, Tex.	

NAYS—80.

Anderson, Minn.	French	Lawrence	Pray
Austin	Greene	Lenroot	Prouty
Bingham	Griest	Lindbergh	Rees
Bowman	Hanna	McCall	Roberts, Nev.
Broussard	Hartman	McCreary	Sells
Cannon	Hawley	McGuire, Okla.	Sloan
Catlin	Helgesen	McKinney	Smith, J. M. C.
Cooper	Hill	Mann	Stephens, Cal.
Copley	Howell	Martin, S. Dak.	Stevens, Minn.
Crago	Howland	Mondell	Towner
Crumpacker	Hubbard	Moon, Pa.	Utter
Danforth	Humphrey, Wash.	Morgan	Vreeland
Davis, Minn.	Jackson	Murdock	Warburton
Dodds	Kahn	Needham	Wedemeyer
Dwight	Kendall	Olmsted	Wilder
Dyer	Kennedy	Parran	Willis
Esch	Kinkaid, Nebr.	Payne	Wilson, Ill.
Focht	Knowland	Pickett	Woods, Iowa
Foss	La Follette	Plumley	Young, Kans.
Foster, Vt.	Langham	Powers	Young, Mich.

ANSWERED "PRESENT"—13.

Barchfeld	Gregg, Tex.	Moore, Pa.	Slayden
Booher	Hamilton, Mich.	Prince	
Finley	Hobson	Raker	
Garrett	Moon, Tenn.	Sherley	

NOT VOTING—153.

Adair	Burnett	Doughton	Goldfogle
Aiken, S. C.	Butler	Draper	Good
Akin, N. Y.	Calder	Driscoll, D. A.	Gordon
Ames	Campbell	Driscoll, M. E.	Gray
Andrus	Cantrill	Ellerbe	Guernsey
Ansberry	Cary	Estopinal	Harris
Anthony	Clark, Fla.	Fairchild	Haugen
Barnhart	Conry	Farr	Hayes
Bartholdt	Covington	Fitzgerald	Heald
Bates	Cox, Ohio	Fordney	Henry, Conn.
Bathrick	Cravens	Fornes	Higgins
Beall, Tex.	Curley	Foster, Ill.	Hinds
Bell, Ga.	Currier	Fuller	Holland
Berger	Dalzell	Gallagher	Hughes, W. Va.
Boehne	Davenport	Gardner, Mass.	James
Brown	Davidson	Gardner, N. J.	Johnson, S. C.
Burke, Pa.	De Forest	Gillett	Kent
Burke, S. Dak.	Denver	Godwin, N. C.	Kindred
Burleson	Doremus	Goeke	Kinkead, N. J.

Kitchin	Madison	Roberts, Mass.	Talbott, Md.
Konop	Maher	Robinson	Talcott, N. Y.
Kopp	Malby	Rodenberg	Taylor, Ohio
Lafean	Matthews	Rucker, Colo.	Thayer
Lafferty	Miller	Rucker, Mo.	Thistlewood
Lamb	Mitchell	Scully	Tilson
Langley	Moore, Tex.	Sharp	Turnbull
Lee, Ga.	Morse, Wis.	Sheppard	Tuttle
Legare	Moss, Ind.	Simmons	Underhill
Lever	Mott	Sisson	Volstead
Lindsay	Nelson	Slemp	Webb
Longworth	Norris	Small	Weeks
Loud	Nye	Smith, Saml. W.	Whitacre
Loudenslager	Page	Smith, N. Y.	White
McCoy	Palmer	Sparkman	Wilson, N. Y.
McDermott	Patton, Pa.	Speer	Wilson, Pa.
McKinley	Porter	Steenerson	Wood, N. J.
McLaughlin	Post	Sterling	
McMorran	Pou	Sulloway	
Madden	Riordan	Switzer	

So the previous question was ordered.

The Clerk announced the following pairs:

For the session:

Mr. FINLEY with Mr. CURRIER.

Mr. FORNES with Mr. BRADLEY.

Mr. RIORDAN with Mr. ANDRUS.

Until further notice:

Mr. WEBB with Mr. WOOD of New Jersey.

Mr. THAYER with Mr. VOLSTEAD.

Mr. TALBOTT of Maryland with Mr. TAYLOR of Ohio.

Mr. SMITH of New York with Mr. STERLING.

Mr. SMALL with Mr. STEENERSON.

Mr. SHEPPARD with Mr. SPEER.

Mr. SCULLY with Mr. PATTON of Pennsylvania.

Mr. RUCKER of Missouri with Mr. NYE.

Mr. RUCKER of Colorado with Mr. NORRIS.

Mr. POST with Mr. NELSON.

Mr. PALMER with Mr. MOTT.

Mr. PAGE with Mr. MORSE of Wisconsin.

Mr. MOSS of Indiana with Mr. MITCHELL.

Mr. MOON of Tennessee with Mr. MILLER.

Mr. MAHER with Mr. MADDEN.

Mr. MCDERMOTT with Mr. MCKINLEY.

Mr. LEVER with Mr. WEEKS.

Mr. LEGARE with Mr. LONGWORTH.

Mr. AIKEN of South Carolina with Mr. AKIN of New York.

Mr. ANSBERRY with Mr. BATES.

Mr. BEALL of Texas with Mr. BURKE of Pennsylvania.

Mr. BOEHNE with Mr. CALDER.

Mr. BROWN with Mr. CAMPBELL.

Mr. BURLESON with Mr. DAVIDSON.

Mr. CANTRILL with Mr. FARR.

Mr. CONRY with Mr. GARDNER of Massachusetts.

Mr. COX of Ohio with Mr. GARDNER of New Jersey.

Mr. DENVER with Mr. GILLETT.

Mr. DAUGHTON with Mr. HAUGEN.

Mr. DANIEL A. DRISCOLL with Mr. HEALD.

Mr. ESTOPINAL with Mr. HENRY of Connecticut.

Mr. ROBINSON with Mr. FORDNEY.

Mr. GODWIN of North Carolina with Mr. HINDS.

Mr. GOLDFOGLE with Mr. KENT.

Mr. GRAY with Mr. LAFFERTY.

Mr. TUTTLE with Mr. LANGLEY.

Mr. KINKEAD of New Jersey with Mr. MCLAUGHLIN.

Mr. LAMB with Mr. MCMORRAN.

Mr. LEVER with Mr. WEEKS.

Mr. ROBINSON with Mr. FORDNEY.

Mr. JOHNSON of South Carolina with Mr. BUTLER.

Mr. ADAIR with Mr. AMES.

Mr. TURNBULL with Mr. GUERNSEY.

Mr. DAVIS of West Virginia with Mr. GOOD.

Mr. WILSON of New York with Mr. LAFEAN.

Mr. JAMES with Mr. HAMILTON of Michigan.

Mr. CURLEY with Mr. MALBY.

Mr. KITCHIN with Mr. PRINCE.

Mr. CLINE with Mr. HARRIS.

Mr. HOBSON with Mr. FAIRCHILD. (Transferable.)

Mr. KONOP with Mr. MATTHEWS.

Mr. MOORE of Texas with Mr. HAYES. (Transferable.)

Mr. CRAVEN with Mr. LOUDENSLAGER.

Mr. ELLERBE with Mr. DRAPER.

Mr. SLAYDEN with Mr. TILSON.

Mr. WHITE with Mr. FOSTER of Vermont.

Mr. BARNHART with Mr. SIMMONS.

Mr. SPARKMAN with Mr. BARCHFELD.

Mr. FOSTER of Illinois with Mr. KOPP.

Mr. LEE of Georgia with Mr. DE FOREST.

Mr. KINDRED with Mr. HIGGINS.

Mr. LINDSAY with Mr. SLEMP.

Mr. BOOHER with Mr. SULLOWAY.

Mr. DOREMUS with Mr. SMITH of Michigan.

Mr. GALLAGHER with Mr. FULLER.

Mr. TALCOTT of New York with Mr. PORTER.

Mr. MCCOY with Mr. SWITZER.

Mr. UNDERHILL with Mr. ANTHONY.

For the balance of the day:

Mr. SISSON with Mr. LOUD.

Until May 17:

Mr. BELL of Georgia with Mr. MOORE of Pennsylvania.

Until May 18:

Mr. SHERLEY with Mr. DALZELL.

Mr. GREGG of Texas (for previous question) with Mr. ROBERTS of Massachusetts (against).

Until May 19:

Mr. COVINGTON with Mr. MICHAEL E. DRISCOLL.

From May 9 to 24, inclusive:

Mr. GOEKE with Mr. BARTHOLDT.

From May 15 to May 25:

Mr. BATHRICK with Mr. CARY.

Until next week:

Mr. POU with Mr. MADISON. (Transferable.)

From May 5 for two weeks:

Mr. CLARK of Florida with Mr. BURKE of South Dakota.

From May 13 for two weeks:

Mr. DAVENPORT with Mr. RODENBERG.

From May 15 for two weeks:

Mr. BURNETT with Mr. THISTLEWOOD.

From May 12 for three weeks:

Mr. GORDON with Mr. HUGHES of West Virginia.

Mr. HAMILTON of Michigan. Mr. Speaker, on this roll call I voted "no," but I find I am paired with the gentleman from Kentucky, Mr. JAMES. I therefore desire to withdraw my vote and answer "present."

The Clerk called the name of Mr. HAMILTON and he voted "present," as above recorded.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now recurs on the amendment offered by the gentleman from Illinois, which the Clerk will report.

The Clerk read as follows:

Mr. MANN moves to commit the resolution to a select committee of 15 Members.

Mr. MANN. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 74, nays 138, answering "present" 9, not voting 164, as follows:

YEAS—74.

Anderson, Minn.	Greene	Lindbergh	Rees
Austin	Griest	McCall	Roberts, Nev.
Berger	Hanna	McCreary	Sells
Bowman	Harrison, N. Y.	McGuire, Okla.	Sloan
Buchanan	Hawley	McKinney	Smith, J. M. C.
Campbell	Helgesen	Mann	Stephens, Cal.
Copley	Hill	Martin, S. Dak.	Stevens, Minn.
Crago	Hinds	Mondell	Taylor, Ohio.
Crumpacker	Howland	Moon, Pa.	Utter
Danforth	Hubbard	Morgan	Vreeland
Davis, Minn.	Humphrey, Wash.	Murdock	Wedemeyer
Dodds	Kahn	Needham	Wilder
Dwight	Kennedy	Olmsted	Willis
Dyer	Kinkaid, Nebr.	Parran	Wilson, Ill.
Esch	Knowland	Payne	Woods, Iowa
Focht	La Follette	Pickett	Young, Kans.
Foss	Langham	Plumley	Young, Mich.
French	Lawrence	Powers	
Gardner, N. J.	Lenroot	Pray	

NAYS—138.

Adamson	Cooper	Glass	Jacoway
Alexander	Cox, Ind.	Goodwin, Ark.	Johnson, Ky.
Allen	Daugherty	Gould	Jones
Anderson, Ohio	Dent	Graham	Kendall
Ashbrook	Dickinson	Gregg, Pa.	Kipp
Ayres	Dickson, Miss.	Gudger	Konig
Bartlett	Dies	Hamill	Korbly
Blackmon	Difenderfer	Hamilton, W. Va.	Latta
Borland	Dixon, Ind.	Hamlin	Lee, Pa.
Brantley	Donohoe	Hammond	Legare
Brown	Dupre	Hardy	Levy
Bulkley	Edwards	Harrison, Miss.	Lewis
Burke, Wis.	Evans	Hay	Linthicum
Byrnes, S. C.	Faison	Heflin	Littlepage
Byrns, Tenn.	Ferris	Helm	Littleton
Callaway	Fields	Henry, Tex.	Lloyd
Candler	Fitzgerald	Hensley	Lobeck
Carlin	Flood, Va.	Houston	McGillicuddy
Carter	Floyd, Ark.	Howard	McHenry
Claypool	Fowler	Hughes, Ga.	Macon
Clayton	Francis	Hughes, N. J.	Maguire, Nebr.
Collier	Garner	Hull	Mays
Connell	George	Humphreys, Miss.	Moon, Tenn.

Morrison	Rauch	Sherwood	Taylor, Ala.
Murray	Redfield	Sims	Taylor, Colo.
Oldfield	Reilly	Sisson	Thomas
O'Shaunessy	Richardson	Smith, Tex.	Townsend
Padgett	Roddenbery	Stack	Tribble
Patten, N. Y.	Rothermel	Stanley	Underwood
Pepper	Rouse	Stedman	Watkins
Peters	Rubey	Stephens, Miss.	Wickliffe
Pujo	Russell	Stephens, Tex.	Witherspoon
Rainey	Sabath	Stone	Young, Tex.
Raker	Saunders	Sulzer	
Ransdell, La.	Shackleford	Sweet	

ANSWERED "PRESENT"—9.

Barchfeld	Garrett	Martin, Colo.	Sherley
Booher	Hamilton, Mich.	Prince	Slayden
Finley			

NOT VOTING—164.

Adair	Denver	Kent	Pou
Aiken, S. C.	Doremus	Kindred	Prouty
Akin, N. Y.	Doughton	Kinkead, N. J.	Randell, Tex.
Ames	Draper	Kitchin	Riordan
Andrus	Driscoll, D. A.	Konop	Roberts, Mass.
Ansberry	Driscoll, M. E.	Kopp	Robinson
Anthony	Ellerbe	Lafean	Rodenberg
Barnhart	Estopinal	Lafferty	Rucker, Colo.
Bartholdt	Fairchild	Lamb	Rucker, Mo.
Bates	Farr	Langley	Scully
Bathrick	Fordney	Lee, Ga.	Sharp
Beall, Tex.	Fornes	Lever	Sheppard
Bell, Ga.	Foster, Ill.	Lindsay	Simmons
Bingham	Foster, Vt.	Longworth	Slemp
Boehne	Fuller	Loud	Small
Bradley	Gallagher	Loudenslager	Smith, Saml. W.
Broussard	Gardner, Mass.	McCoy	Smith, N. Y.
Burke, Pa.	Gillett	McDermott	Sparkman
Burke, S. Dak.	Godwin, N. C.	McKinley	Speer
Burleson	Goeke	McLaughlin	Steenerson
Burnett	Goldfogle	McMorran	Sterling
Butler	Good	Madden	Sulloway
Calder	Gordon	Madison	Switzer
Cannon	Gray	Maher	Talbott, Md.
Cantrill	Gregg, Tex.	Malby	Talcott, N. Y.
Cary	Guernsey	Matthews	Thayer
Catlin	Hardwick	Miller	Thistlewood
Clark, Fla.	Harris	Mitchell	Tilson
Cline	Hartman	Moore, Pa.	Towner
Conry	Haugen	Moore, Tex.	Turnbull
Covington	Hayes	Morse, Wis.	Tuttle
Cox, Ohio	Heald	Moss, Ind.	Underhill
Cravens	Henry, Conn.	Mott	Volstead
Cullop	Higgins	Nelson	Warburton
Curley	Hobson	Norris	Webb
Currier	Holland	Nye	Weeks
Dalzell	Howell	Page	Whitacre
Davenport	Hughes, W. Va.	Palmer	White
Davidson	Jackson	Patton, Pa.	Wilson, N. Y.
Davis, W. Va.	James	Porter	Wilson, Pa.
De Forest	Johnson, S. C.	Post	Wood, N. J.

So the motion was lost.

The following additional pairs were announced:

Until further notice:

Mr. GREGG of Texas (against) with Mr. ROBERTS of Massachusetts (for amendment).

Mr. WHITACRE with Mr. NORRIS.

Mr. WILSON with Mr. HOWELL.

Mr. TALBOTT with Mr. HARTMAN.

Mr. COX of Ohio with Mr. CANNON.

Mr. DAVIS of West Virginia with Mr. CARLIN.

Mr. BROUSSARD with Mr. BINGHAM.

Mr. HENRY of Texas. Mr. Speaker, I would like to ask if the gentleman from Indiana, Mr. GRAY, is recorded, and how.

The SPEAKER. He is recorded in the affirmative.

Mr. HENRY of Texas. I am informed that Mr. GRAY is not *present, but that* some gentleman whose name comes close to his answered, thinking that it was his name. I think it is a matter of injustice for Mr. GRAY to be recorded.

The SPEAKER. It is absolutely improper and the Clerk will erase the vote.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now recurs on the adoption of the resolution.

The question was considered, and the resolution was agreed to.

A motion by Mr. HENRY of Texas to reconsider the vote whereby the resolution was agreed to was, upon his motion, laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2183. An act to authorize change in construction of barracks and other necessary buildings for mobile troops in the Hawaiian Islands, and for other purposes; and

S. 26. An act to authorize the acceptance by the United States of the gift of the Nathan Straus Pasteurized Milk Laboratory for the purpose of investigating the relative value of pasteurized and raw milk for infant feeding, and for other appropriate scientific purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2183. An act to authorize change in construction of barracks and other necessary buildings for mobile troops in the Hawaiian Islands, and for other purposes; to the Committee on Appropriations.

S. 26. An act to authorize the acceptance by the United States of the gift of the Nathan Strauss Pasteurized Milk Laboratory for the purpose of investigating the relative value of pasteurized and raw milk for infant feeding, and for other appropriate scientific purposes; to the Committee on the District of Columbia.

LEAVE TO PRINT.

Mr. SLAYDEN. Mr. Speaker, I ask unanimous consent to print some remarks in the RECORD.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

RESIGNATION FROM SELECT COMMITTEE—UNITED STATES STEEL INVESTIGATION.

The SPEAKER laid before the House the following communication:

WASHINGTON, D. C., *May 17, 1911.*

Hon. CHAMP CLARK,
Speaker of the House of Representatives.

MY DEAR MR. SPEAKER: Not anticipating that any business would be transacted by the House yesterday beyond the debate upon the resolution providing for the approval of the constitutions of New Mexico and Arizona, I withdrew from the Hall to attend to other matters. During my absence the House paid me the compliment of a unanimous election to membership on the select committee provided for by House resolution 148, for the investigation of the affairs of the United States Steel Corporation and other corporations. That election, coming without solicitation or suggestion from me, I very much appreciate, but I find that the resolution includes, by name, the Pennsylvania Steel Co. and calls for an inquiry whether it has any relations or affiliations in violation of law, with the so-called Steel Corporation.

The Pennsylvania Steel Co. is located in my district. I have no financial interest in it of any kind and have never represented it professionally or in any other way. I have, however, a great interest in its welfare because so many of my constituents are dependent upon it for support and some of its officers are my warm personal friends. I do not believe that it has any relations or affiliations in violation of law with the United States Steel Corporation or anybody else, but it will avoid any appearance of partiality if the finding to that effect be made by others than myself. I therefore beg to be excused from service upon the committee.

Very respectfully, M. E. OLMSTED.

The SPEAKER. Without objection, the request will be granted.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to—

Mr. SHEPPARD, for one week, on account of important business.

Mr. SLEMP, for 10 days, on account of illness.

Mr. PARRAN, for one week, on account of illness in family.

WITHDRAWAL OF PAPERS.

By unanimous consent leave was granted to Mr. GREGG of Pennsylvania to withdraw from the files of the House, without leaving copies, the papers with the bill H. R. 11975, Sixty-first Congress, no adverse report having been made thereon.

ADJOURNMENT.

Then, on motion of Mr. UNDERWOOD (at 4 o'clock and 41 minutes p. m.), the House adjourned until Thursday, May 18, 1911, at 12 o'clock m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Interior, transmitting copy of a letter from the president of the United States Civil Service Commission inclosing schedule of useless papers on file in that department (H. Doc. No. 57); to the Joint Select Committee on Disposition of Useless Executive Papers and ordered to be printed.

2. A letter from the Secretary of the Treasury, recommending the enactment of certain legislation affecting administrative work in the office of the Supervising Architect (H. Doc. No. 58); to the Committee on Public Buildings and Grounds and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RODDENBERY, from the Committee on Accounts, to which was referred the joint resolution of the House (H. J. Res. 75) reducing the number of Capitol police, reported the same without amendment, accompanied by a report (No. 34), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KIPP: A bill (H. R. 9764) to amend the pension laws by increasing the pensions of soldiers and sailors who may have served in any war prior to 1866 and of widows and orphans of such soldiers and sailors; to the Committee on Invalid Pensions.

By Mr. BERGER: A bill (H. R. 9765) to authorize the erection of a Government post-office building at Waukesha, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. PADGETT: A bill (H. R. 9766) fixing the rank and precedence of naval attachés; to the Committee on Naval Affairs.

By Mr. FOCHT: A bill (H. R. 9767) to authorize the elimination of part of North Dakota Avenue from the permanent system of highways plan; to the Committee on the District of Columbia.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 9768) to establish a fish hatchery at Ittabena, Miss.; to the Committee on the Merchant Marine and Fisheries.

By Mr. COX of Indiana: A bill (H. R. 9769) to amend section 14 of an act approved March 4, 1911, entitled "An act to enable any State to cooperate with any other State or States or with the United States for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," etc.; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 9770) granting a pension to Henry Neff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9771) granting a pension to Charles H. Gilkesson; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 9772) granting a pension to Charles T. Winans; to the Committee on Invalid Pensions.

By Mr. BURKE of Wisconsin: A bill (H. R. 9773) to remove the charge of desertion against John Mitchell; to the Committee on Naval Affairs.

By Mr. BELL of Georgia: A bill (H. R. 9774) granting a pension to William M. Hammontree, alias William P. Hammontree; to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 9775) granting a pension to Daniel Michels; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9776) granting an increase of pension to Celestia Davies; to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 9777) for the relief of the legal representatives of John Giblin; to the Committee on War Claims.

Also, a bill (H. R. 9778) granting an increase of pension to Edward Anthony; to the Committee on Invalid Pensions.

By Mr. CAMERON: A bill (H. R. 9779) granting a pension to Myron L. Spear; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9780) granting an increase of pension to Abner Wilkins; to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 9781) granting an increase of pension to Isaac Leas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9782) granting an increase of pension to George Devol; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 9783) for the relief of John W. Canary; to the Committee on War Claims.

Also, a bill (H. R. 9784) granting a pension to James M. Vint; to the Committee on Pensions.

Also, a bill (H. R. 9785) granting a pension to Herschel Spainhour; to the Committee on Pensions.

Also, a bill (H. R. 9786) granting a pension to Elvina Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9787) granting an increase of pension to Thomas R. Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9788) granting an increase of pension to John D. Hammersley; to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 9789) granting a pension to Frank Shaver; to the Committee on Pensions.

Also, a bill (H. R. 9790) granting an increase of pension to George W. Brandon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9791) granting an increase of pension to D. B. Johnson; to the Committee on Invalid Pensions.

By Mr. DIFENDERFER: A bill (H. R. 9792) granting a pension to Elizabeth Allabaugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9793) granting a pension to Henry H. Shive; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9794) granting an increase of pension to Enos S. Krause; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 9795) granting a pension to Patrick Burke; to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 9796) granting an increase of pension to Jefferson Wells; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9797) granting an increase of pension to Caroline M. Tilly; to the Committee on Invalid Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 9798) granting a pension to Josaphine C. Long; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9799) granting an increase of pension to Isom Richey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9800) granting an increase of pension to William H. H. Ruble; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9801) granting an increase of pension to James L. Moss; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9802) granting an increase of pension to W. R. Gabbord; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9803) granting an increase of pension to David M. Hurt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9804) granting an increase of pension to A. B. Light; to the Committee on Pensions.

By Mr. HAMILTON of West Virginia: A bill (H. R. 9805) granting an increase of pension to G. W. Phillips; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9806) granting an increase of pension to Warren Burch; to the Committee on Invalid Pensions.

By Mr. HINDS: A bill (H. R. 9807) for the relief of the legal representatives of George Gwynn; to the Committee on War Claims.

Also, a bill (H. R. 9808) granting an increase of pension to Albert F. Cummings; to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 9809) granting a pension to Walter A. Menges; to the Committee on Pensions.

By Mr. KINKAID of Nebraska: A bill (H. R. 9810) granting an increase of pension to Andrew J. Robertson; to the Committee on Invalid Pensions.

By Mr. KIPP: A bill (H. R. 9811) granting a pension to William Hill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9812) granting an increase of pension to John Smith; to the Committee on Invalid Pensions.

By Mr. KONOP: A bill (H. R. 9813) granting an increase of pension to John Goeden; to the Committee on Invalid Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 9814) granting an increase of pension to Josiah F. Wildermuth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9815) granting an increase of pension to Henry Hepler; to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 9816) granting a pension to Patrick Quinn; to the Committee on Pensions.

By Mr. MOORE of Pennsylvania: A bill (H. R. 9817) granting an increase of pension to Parthenia M. T. P. Roelker; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 9818) granting an increase of pension to C. E. Kenney; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 9819) granting an increase of pension to Catherine McGovern; to the Committee on Invalid Pensions.

By Mr. REDFIELD: A bill (H. R. 9820) to correct the military record of Andrew Gaffney; to the Committee on Military Affairs.

Also, a bill (H. R. 9821) for the relief of Martin McNamara, alias Martin Mack; to the Committee on Military Affairs.

By Mr. J. M. C. SMITH: A bill (H. R. 9822) granting an increase of pension to George H. Sliter; to the Committee on Invalid Pensions.

By Mr. THAYER: A bill (H. R. 9823) for the relief of Peter Tatro, otherwise known as John Goodro; to the Committee on Military Affairs.

By Mr. THISTLEWOOD: A bill (H. R. 9824) granting an increase of pension to Overton R. Mallory; to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 9825) for the relief of Frances A. Bliss; to the Committee on War Claims.

By Mr. YOUNG of Kansas: A bill (H. R. 9826) for the relief of Anna L. Shepherd; to the Committee on Pensions.

Also, a bill (H. R. 9827) granting a pension to Lamar W. Hadley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9828) granting an increase of pension to Charles Swartwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9829) granting an increase of pension to David B. Clouse; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Senate resolution 6, Hawaii Territory, in regard to construction of a ditch from Hilo to Kaw; Senate resolution 10, Hawaii Territory, in regard to education, homestead, etc.; Senate resolution 9, Hawaii Territory, in regard to militia, etc.; and resolution from the Legislature of Hawaii Territory requesting the passage of a law admitting the Territory into the Union as a State; to the Committee on the Territories.

By Mr. ASHBROOK: Evidence to accompany House bill 9344, for special relief of Sarah T. Hueston; to the Committee on Invalid Pensions.

By Mr. AYRES: Petition in favor of a parcels post by citizens of the Bronx; to the Committee on the Post Office and Post Roads.

By Mr. BURKE of Wisconsin: Affidavits to accompany bill (H. R. 6154) granting a pension to Alice Rothe; to the Committee on Pensions.

Also, papers to accompany bill (H. R. 7082) granting an increase of pension to George Whalen; to the Committee on Invalid Pensions.

By Mr. COX of Indiana: Petition of sundry citizens of Bedford, Ind., against parcels post; to the Committee on the Post Office and Post Roads.

By Mr. DE FOREST: Petitions of sundry persons asking reduction in duty on raw sugar; to the Committee on Ways and Means.

By Mr. DYER: Affidavits in matter of pension for Patrick Burke; to the Committee on Invalid Pensions.

By Mr. FOCHT: Affidavits to accompany House bill 9594, in behalf of David Trutt; to the Committee on Invalid Pensions.

By Mr. HANNA: Memorial of sundry citizens of McHenry, Foster County, N. Dak., expressing appreciation of the attitude of Mr. HANNA in regard to reciprocity with Canada; to the Committee on Ways and Means.

Also, petition of sundry citizens of Arthur, N. Dak., for establishment of a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. HELM: Affidavits to accompany House bill 9618, in behalf of John C. Caldwell; House bill 9620, in behalf of William J. Martin; and House bill 9621, in behalf of Joseph Reece; to the Committee on Invalid Pensions.

By Mr. HOUSTON: Affidavits to accompany House bill 7425 in behalf of Henry E. Deberry and House bill 5235 in behalf of Alexander Scott; to the Committee on Invalid Pensions.

Also, affidavits to accompany House bill 5239 in behalf of John H. Hubbard; to the Committee on Military Affairs.

By Mr. LAMB: Resolution of the Fortnightly Club of Keene, N. H., and Local Union No. 179, Brotherhood of Painters, Decorators, and Paper Hangers of America, favoring repeal of tax on oleomargarine; to the Committee on Agriculture.

By Mr. MAGUIRE of Nebraska: Resolution of the Nebraska Legislature, memorializing Congress to erect on the Federal building at Lincoln, Nebr., a large clock; to the Committee on Public Buildings and Grounds.

By Mr. MORGAN: Resolution of citizens of Oklahoma, second district, in favor of the Berger resolution; to the Committee on Labor.

By Mr. PUJO: Petition in favor of Senate bill 3776, for the regulation of express companies, and others, by citizens of Boyce, Colfax, Washington, Opelousas, Bunkie, Cheneyville, Lecompte, Rayne, Alexandria, Crowley, Jennings, Lake Charles, De Ridder, and Lessville, La.; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBERTS of Massachusetts: Resolution from the Commercial Club of the city of Brockton, protesting against the passage of House bill 4413; to the Committee on Ways and Means.

Also, preamble and resolution adopted by the convention of the Protestant Episcopal Church in the Diocese of Massachusetts at its annual session held in Boston May 3 and 4, 1911; to the Committee on Foreign Affairs.

Also, resolution of the National Association of Shellfish Commissioners, Baltimore, Md., April 19, 1911; to the Committee on the Merchant Marine and Fisheries.

By Mr. J. M. C. SMITH: Memoranda relative to bill for increase of pension for George H. Sliter; to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *May 18, 1911.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a joint resolution adopted by the Legislature of the State of Illinois, which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

House joint resolution 9.

Resolved by the House of Representatives of the State of Illinois (the Senate concurring therein), That application is hereby made to the Congress of the United States under the provision of Article V of the Constitution of the United States for the calling of a convention to propose an amendment to the Constitution of the United States granting the Congress of the United States the following power:

The Congress of the United States shall have the power to prevent and suppress monopolies throughout the United States by appropriate legislation.

Resolved further, That the secretary of state is hereby directed to transmit copies of the application to the Senate and House of Representatives of Congress, and to transmit copies thereof to the presiding officers of each of the legislatures now in session in the several States, requesting the cooperation of the said several legislatures.

Adopted by the house February 24, 1911.

Concurred in by the senate May 11, 1911.

OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Illinois, ss:*

I, James A. Rose, secretary of state of the State of Illinois, do hereby certify that the foregoing joint resolution of the Forty-seventh Assembly of the State of Illinois, passed and adopted at the regular session thereof, is a true and correct copy of the original joint resolution now on file in the office of the secretary of state.

In witness whereof I hereunto set my hand and affix the great seal of State, at the city of Springfield, this 12th day of May, A. D. 1911.

[SEAL.] JAMES A. ROSE,
Secretary of State.

The VICE PRESIDENT presented petitions of the Mountain View Sunday School, of Hardy County, W. Va.; of the Brethren Church of the Lower Lost River Congregation, of Hardy County, W. Va.; and of the Baptist Sunday school of Bonsach, Va., praying for the enactment of legislation to prohibit the sale and traffic in opium, which were referred to the Committee on Foreign Relations.

Mr. WATSON presented memorials of C. E. Arbuckle, of Lewisburg, W. Va., and of sundry other citizens of that State, remonstrating against the reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. JONES. I present a joint memorial of the Legislature of the State of Washington, relative to the organization of a Territorial legislature in the Territory of Alaska. I ask that the joint memorial be printed in the RECORD and referred to the Committee on Territories.

There being no objection, the memorial was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

House joint memorial 3.

To the honorable Senate and House of Representatives in Congress assembled:

Whereas the Territory of Alaska is settled by a hardy, active, and energetic people, numbering more than 64,000, according to the Thirteenth Census, 1910, who have in the last 10 years added in gold and fish alone more than $225,000,000 to the wealth of the Nation, and whose trade with the merchants of the United States last year amounted to more than $52,000,000, being greater than our trade with China and twice as great in value as the trade with the Philippines; and

Whereas the development of the Territory is being greatly retarded by the want of a lawmaking or legislative body therein to be elected by the people:

Resolved by the House of Representatives of the State of Washington (the Senate concurring), That the Legislature of Washington does hereby declare its most earnest opinion that it is necessary to the de-

velopment of the Pacific coast and of the resources and good government in Alaska that Congress shall, at the earliest possible date, pass an enabling act creating and providing for the organization of a Territorial legislature in Alaska, to be elected by the American citizens resident therein, with such powers and limitations as have been usually given to and imposed upon such legislative assemblies in other Territories; and the Senators and Representatives in the Congress of the United States from the State of Washington are hereby requested to aid and assist in the securing of the passage of such a bill.

Resolved further, That a copy of this resolution be forthwith transmitted to the Senators from the State of Washington and to each Congressman from the State of Washington; also to each member of the Committees on the Territories of the House of Representatives and the Senate for their information in the premises.

Passed by the house January 17, 1911.

HOWARD D. TAYLOR,
Speaker of the House.

Passed by the senate January 20, 1911.

W. H. PAULHAMUS,
President of the Senate.

Mr. McLEAN presented a petition of Fairfield East Association of Congregational Churches of Connecticut, praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Connecticut State officers of the Ancient Order of Hibernians and a memorial of the county officers and board of directors of the Ancient Order of Hibernians of Fairfield County, Conn., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. MARTINE of New Jersey presented memorials of the Jefferson Democratic Club, of Perth Amboy; the Washington Club, of Perth Amboy; the Central Labor Board of Perth Amboy; of District Union No. 8, St. Patrick's Alliance, of Middlesex County; of the county board, Ancient Order of Hibernians, of Middlesex County; Independent Branch, No. 1, St. Patrick's Alliance, of Perth Amboy; Local Division No. 11, Ancient Order of Hibernians, of Dunellen; Local Division No. 3, Ancient Order of Hibernians, of Perth Amboy; Local Division No. 7, Ancient Order of Hibernians, of Chrome; Local Division No. 2, Ancient Order of Hibernians, of Sayreville; of James J. Walsh, secretary, and sundry members of Local Division No. 20, Ancient Order of Hibernians, of Bayonne; of James A. Saul, of Newark; William Greenfield, jr., P. Carroll, and Thomas Fitzgerald, of Kearny, all in the State of New Jersey, remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. GALLINGER presented a petition of Woodburn Citizens' Association, of the District of Columbia, praying that the extension of New Hampshire Avenue be made in a straight line, which was referred to the Committee on the District of Columbia.

He also presented a memorial of Local Division No. 2, Ancient Order of Hibernians, of Rochester, N. H., remonstrating against the ratification of the treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. BRANDEGEE presented a memorial of the Connecticut State board of directors of the Ancient Order of Hibernians, remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. RAYNER presented a petition of the Ministers' Association of Harford County, Md., praying for the enactment of legislation to prohibit the interstate transmission of race-gambling bets, which was referred to the Committee on the Judiciary.

Mr. OLIVER presented a petition of the Chamber of Commerce of Pittsburg, Pa., praying for the adoption of an amendment to the so-called corporation-tax law making it permissible for corporations to make returns at the close of the fiscal year, which was referred to the Committee on Finance.

He also presented petitions of Washington Camps, No. 382, of Emporium; No. 193, of Easton; No. 684, of Mifflinville; No. 690, of Heidlersburg; No. 158, of Hughesville; and No. 298, of Mochland, all of the Patriotic Order Sons of America, in the State of Pennsylvania, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. HEYBURN presented sundry papers to accompany the bill (S. 1156) granting a pension to Marcia M. Maris, which were referred to the Committee on Pensions.

Mr. ROOT presented memorials of Red Hook Grange, No. 918; East Aurora Grange; Essex County Pomona Grange; and Hamptonburgh Grange, No. 950, all of the Patrons of Husbandry, and of sundry farmers of Onondaga County, all in the State of New York, remonstrating against the reciprocity trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. BRISTOW presented a petition of the Chamber of Commerce of Pittsburg, Pa., praying for the adoption of an amendment to the so-called corporation-tax law making it permissible for corporations to make returns at the close of each fiscal year, which was referred to the Committee on Finance.

He also presented sundry papers to accompany the bill (S. 2306) granting an increase of pension to Luther Barker, which were referred to the Committee on Pensions.

Mr. PERKINS presented a petition of the Chamber of Commerce of San Francisco, Cal., and a petition of the California Club, of San Francisco, Cal., praying that the sloop of war *Portsmouth* be transferred to the Bay of San Francisco, which were referred to the Committee on Naval Affairs.

He also presented a memorial of Machinists Railroad Lodge, No. 610, of Oakland, Cal., remonstrating against the alleged abduction of John J. McNamara from Indianapolis, Ind., which was referred to the Committee on the Judiciary.

LANDS IN CALIFORNIA.

Mr. WORKS, from the Committee on Public Lands, to which was referred the bill (S. 940) granting to the city of Los Angeles certain rights of way in, over, and through certain public lands and national forests in the State of California, reported it without amendment and submitted a report (No. 29) thereon.

THE ORANGE JUDD NORTHWEST FARMSTEAD.

Mr. SMOOT. From the Committee on Printing I report back, and ask to have printed as a public document, a report of an informal hearing accorded the publishers of the Orange Judd Northwest Farmstead, of Springfield, Mass., on April 15, 1911, in relation to their subscription list, together with the Post Office Department's decision in the case, rendered April 21, 1911. (S. Doc. No. 32.)

The VICE PRESIDENT. Without objection, the order asked for will be entered.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WORKS:

A bill (S. 2427) for the relief of the legal heirs of A. G. Strain; to the Committee on Public Lands.

By Mr. GAMBLE:

A bill (S. 2428) for the relief of Horace C. Dale, administrator of the estate of Antoine Janis, sr., deceased; and

A bill (S. 2429) for the relief of Milton C. and George G. Conners, doing business under the firm name of Conners Bros.; to the Committee on Claims.

By Mr. BROWN:

A bill (S. 2430) granting an increase of pension to Robert Smith (with accompanying paper); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 2431) granting an increase of pension to Reuben Bronson; to the Committee on Pensions.

By Mr. BACON:

A bill (S. 2432) to amend the act entitled "An act to create a Commerce Court, and to amend the act entitled 'An act to regulate commerce,' approved February 4, 1887, as heretofore amended, and for other purposes," approved June 18, 1910; to the Committee on the Judiciary.

By Mr. GORE:

A bill (S. 2433) to declare certain acts in restraint of interstate or foreign commerce to be unlawful and unreasonable; to the Committee on Interstate Commerce.

By Mr. BRANDEGEE:

A bill (S. 2434) providing for an increase of salary of the United States marshal for the district of Connecticut; to the Committee on the Judiciary.

By Mr. WILLIAMS:

A bill (S. 2435) for the relief of J. W. Cain, Morde Fuller, Charles Van Buren, and H. C. Perry; to the Committee on Claims.

By Mr. CURTIS:

A bill (S. 2436) granting an increase of pension to Henry A. Dennis (with accompanying papers);

A bill (S. 2437) granting an increase of pension to John McCray;

A bill (S. 2438) granting an increase of pension to Martin V. Anderson;

A bill (S. 2439) granting an increase of pension to Daniel Burket;

A bill (S. 2440) granting an increase of pension to Matilda J. Fuller (with accompanying paper); and

A bill (S. 2441) granting an increase of pension to Duane L. Clark; to the Committee on Pensions.

A bill (S. 2442) for the relief of Peter Carroll and others, lately laborers employed by the United States military authorities in and about Fort Leavenworth, Kans.; to the Committee on Claims.

By Mr. CULBERSON:

A bill (S. 2443) to amend section 120 of an act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911; to the Committee on the Judiciary.

By Mr. GORE:

A bill (S. 2444) granting an increase of pension to Catherine F. Edsall; and

A bill (S. 2445) granting a pension to Jemima Lester (with accompanying paper); to the Committee on Pensions.

ADJOURNMENT TO MONDAY.

Mr. GALLINGER. Mr. President, I have consulted with various Senators on both sides of the Chamber, and as the Committee on Finance is holding protracted and regular meetings there seems to be no urgency so far as the business of the Senate is concerned. I move that when the Senate adjourns to-day it adjourn to meet on Monday next.

The motion was agreed to.

SENATOR FROM ILLINOIS.

Mr. LA FOLLETTE. Mr. President, a number of Senators have inquired as to the taking up of Senate resolution No. 6, a resolution to appoint a special committee to investigate certain charges relative to the election of WILLIAM LORIMER. I will say at this time, in order that Senators who desire to be here may have the opportunity, that I shall ask the Senate to take up that resolution on Monday at the close of the morning business.

MISSISSIPPI RIVER BRIDGE AT PRAIRIE DU CHIEN.

Mr. CUMMINS. I ask unanimous consent to call up Senate bill 850. It is what is ordinarily known as a bridge bill, and there is necessity for its early disposition.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill (S. 850) to amend an act entitled "An act to legalize and establish a pontoon railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa," approved June 6, 1874, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to so amend the act approved June 6, 1874, legalizing and declaring a lawful structure the pontoon railway bridge across the Mississippi River at Prairie du Chien, Wis., as to permit its rebuilding and relocation, with pontoon draw openings, in the two channels of the river of shorter length; but the bridge shall be rebuilt in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable streams," approved March 23, 1906.

The bill was reported from the Committee on Commerce with an amendment, to add a new section, as follows:

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PEND OREILLE RIVER BRIDGE.

Mr. HEYBURN. I ask unanimous consent to call up the bill (S. 144) to legalize a bridge across the Pend Oreille River, in Stevens County, Wash. There is a necessity for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, to strike out all after the enacting clause and insert:

That the consent of Congress is hereby granted to the Idaho & Washington Northern Railway Co., a corporation of the State of Idaho, its successors and assigns, to maintain and operate a bridge and approaches thereto now constructed across the Pend Oreille River, at or near where said river flows through Box Canyon in Stevens County, in the State of Washington, such maintenance and operation to be subject to, and in accordance with, the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That, in the judgment of the Chief of Engineers and the Secretary of War, the bridge as built provides suitable and proper facilities for present and prospective navigation, and is in all respects satisfactory to navigation interests; and if, in their judgment, any changes in said bridge are necessary to meet the aforesaid conditions, such changes shall be immediately made by the said company at its own expense: *Provided further*, That drawings showing the plans and location of the said bridge as built shall be filed in the War Department within 30 days of the approval of this act.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AUTHORITY OVER WATER POWER IN STATES.

Mr. JONES. Senate resolution 44, directing the Committee on the Judiciary to report to the Senate upon the power and authority of the National Government over the development and use of water power within the respective States, went over yesterday at the request of the senior Senator from Idaho [Mr. HEYBURN]. I understand that he has no objection to the adoption of the resolution.

Mr. HEYBURN. I withdraw any objections.

The VICE PRESIDENT. The Senator from Washington asks unanimous consent for the consideration of the resolution submitted yesterday by him. It will be read.

The resolution was read, considered by unanimous consent, and agreed to.

THE CALENDAR.

The VICE PRESIDENT. The morning business is closed and the calendar, under Rule VIII, is in order. The first bill on the calendar will be stated.

The joint resolution (H. J. Res. 1) to correct errors in the enrollment of appropriation acts approved March 4, 1911, was announced as first in order on the calendar.

Mr. CRAWFORD. Mr. President——

The VICE PRESIDENT. As the Chair understands, in furtherance of the notice he gave yesterday, the Senator from South Dakota is about to resume his speech.

Mr. HEYBURN. But the RECORD will show that he is speaking upon House joint resolution No. 1.

RECIPROCITY WITH CANADA.

The VICE PRESIDENT. The Chair will lay before the Senate the amendment submitted by the Senator from South Dakota [Mr. CRAWFORD] to the bill (H. R. 4412) to promote reciprocal trade relations with the Dominion of Canada, and for other purposes.

Mr. CRAWFORD. Mr. President, at the time of the adjournment yesterday I was calling attention to some of the advantages which the Canadian people enjoy through discriminatory legislation, which has the effect of protective legislation.

The Dominion has become one of the greatest cheese-producing countries in the world by means of Government subsidies. She is also, I understand, building grain elevators for her grain farmers. She has a system of patent laws which have the force and effect of high-protective tariff laws, because a patent becomes void within two years from its date unless within that time the patentee, or his legal representatives, commence and continuously carry on in Canada the construction or manufacturing of the patented invention; and should the patentee, or his legal representatives, after 12 months from the date of his patent, import or cause to be imported into Canada his invention, the patent shall be void as to his interest therein.

The Canadian farmer has another advantage over the American farmer in that the Canadian consumer enjoys the benefit of the British preferential tariff under which manufactures of Great Britain are admitted at 33⅓ per cent less than the rate imposed upon other nations. The tariff in the United States upon the manufactured articles that the American farmer must buy is from 25 per cent to nearly 50 per cent more than the British preferential tariff which the Canadian farmer pays. I have seen it stated during these debates that on rubber boots and shoes and on rubber coats the Canadian pays 15 per cent duty and the American 35 per cent; on jute bags the Canadian pays 15 per cent and the American 45 per cent; on a sewing machine the Canadian pays 20 per cent and the American 30 per cent; on a kitchen stove the Canadian pays 15 per cent and the American 45 per cent; on dress goods the Canadian pays 15 per cent and the American 60 per cent; on wire the Canadian pays 10 cents and the American 75 cents per 100 pounds; on his

hat the Canadian pays 20 per cent and the American 55 per cent; on his underwear the Canadian pays 22½ per cent and the American 45 per cent; all because of the preferential rate between Canada and the great manufacturing country of Great Britain. This is a very unjust and unfair proposal we are asked to consider, Mr. President. It will injure the American farmer. It will not reduce prices to the American consumer unless it be upon news-print paper. It will be of substantial benefit to many of the great trusts and monopolies of the United States. I have said that the farmer is an independent unit, who creates wealth and does not issue watered stock nor enter into contracts in restraint of trade. I can not say that of many of the beneficiaries who will profit by the passage of this law should it be enacted.

The creation of enormous fortunes by the issuance of stocks in corporations for so-called good will and the exaction of prices sufficient to pay large dividends upon this kind of capital are the greatest abuses of the age. Take, for example, the tin-plate and steel industries. When the different tin-plate manufacturers gave options on their several plants, it was for an agreed cash price. The manufacturer could take that price in cash or an equal amount in preferred stock in the new company, and if he took preferred stock, he got an equal amount of common stock as a bonus. Nearly all took stock for their plants instead of cash. When they fixed the price on their plants they estimated the good will, together with the managerial talent and the organization of each concern, worth as much as the tangible property.

For instance, if the tangible property in a given plant were $250,000, the organization, good will, and talent was estimated at a like value, or more, $250,000, making the agreed price $500,000; for this the owner would receive in preferred stock in the trust $500,000, and as a pure bonus he would receive in common stock $500,000 more, making in all an issue of $1,000,000 stock in payment for a plant whose tangible property was worth only $250,000.

According to "The Inside History of the Carnegie Steel Co." by Mr. James H. Bridge, the actual value of the various plants put into the American Tin Plate Trust, including organization, good will, and talent, was about $12,000,000. It is said that the Moores raised about $5,000,000 cash as working capital for the trust and received $5,000,000 in preferred and $5,000,000 in common stock. Eighteen millions preferred and $18,000,000 common were issued, and then an extra $10,000,000 of common was issued and divided up among the promoters, making $28,000,000 common in all. A monopoly was created and competition in the manufacture of tin plate ceased. It went from $2.65 per box in January, 1899, to $4.65 per box in the following October. Two years later the concern was taken over by the United States Steel Corporation.

Mr. President, the American farmer has created enormous wealth in the aggregate; but each farmer did his share as an independent working unit; there are no millionaires among them. The farmer has not learned the art of creating wealth out of nothing.

In the process of merging the Tin Plate Trust with the United States Steel Corporation its capitalization of $46,000,000 was converted into $60,000,0000 of stock in the Steel Trust. Probably the largest actual investment of capital ever made in the tin-plate business was the $5,000,000 in cash turned in by the promoters.

Take as another instance of this kind of stock watering the National Steel Co. and the American Steel Hoop Co., which, history tells us, issued $51,000,000 of common stock that was all good will, but when these concerns were merged into the Steel Trust, that good will capitalization was increased.

Then came Mr. John W. Gates, with his Consolidated Steel & Wire Co. and auxiliary companies, capitalized at about $5,000,000; these were merged into the American Steel & Wire Co. of Illinois, capitalized at twenty-four millions, and in 1899 taken into the American Steel & Wire Co. of New Jersey, with a capitalization of ninety millions. That in its turn was absorbed by the United States Steel and its capitalization increased in the usual way in the process.

Then came Morgan and Gates with a merger of the Minnesota Iron Co., the Illinois Steel Co., and the Elgin, Joliet & Eastern Railway Co. into the Federal Steel Co., capitalized, under quite similar methods, at about $50,000,000.

Then there was the Lake Superior Consolidated Iron Mines, a Rockefeller concern, which was taken over by the Steel Trust, in which process its less than thirty millions of capital stock were exchanged for eighty-one millions of the capital stock of the Steel Trust. But this is not all—there remains the marvelous story of securing monopolistic control of the Lake Superior ores, whereby, upon a mere loan of half a million dollars, for which he held security from the Oliver Mining Co., Mr. Carnegie got into the ore business and finally secured absolute control of the Oliver, the Rockefeller, and the Hill ores, which Mr. Schwab estimates to be 500,000,000 tons of picked quality of ore, upon which the Steel Trust can reckon a profit of from $2 to $2.50 per ton, which furnishes a basis for a capitalization of more than $1,000,000,000 based upon the ore alone.

The great Steel Trust was organized in 1901, with a capitalization, in round numbers, of $1,500,000,000, and people naturally asked: Can a trust earn enough to support this immense and highly watered issue of bonds and stocks? The report for the year ending December 30, 1909, shows that in 8 years and 9 months from its organization, on April 1, 1901, to the end of the year 1909, its net earnings, after deducting expenses, taxes, bond interest, sinking fund requirements, all ordinary charges for maintenance and depreciation of plants, and some extraordinary charges for extension of the plants, were, in round numbers, $616,500,000, or about $68,500,000 per year. It is proposed to put farm products on the free list and leave the products of this trust on the protected list. I for one will not give my consent. These industrial trusts are everywhere. Undoubtedly they have come to stay, but they are not entitled to protection in preference to the American farmer.

Mr. John Moody in his book, The Truth About the Trusts, quotes the following definition, given by Mr. S. C. T. Dodd, solicitor of the Standard Oil Co., of the modern trust, and gives it his approval. Mr. Dodd says:

> The term "trust" has now obtained a wider signification, and embraces every act, agreement, or combination of persons or capital made or formed with the intent, power, or tendency to monopolize business, to restrain or interfere with competitive trade, or to fix, influence, or increase the price of commodities.

Mr. Moody goes on to say:

> The writer is fully aware of the importance of monopoly as a factor for success in modern business life, and he recognizes its correlation with our current ethical standards. In a personal discussion of modern business and financial methods with the manager of one of our larger trusts he was told that the goal of success in business life to-day, speaking particularly of the larger corporate field, was to be reached through the successful pursuit for advantage and differentials, both natural and artificial. Said he—the manager referred to—"This talk of the elimination of competition is all nonsense. Competition is keener than ever to-day, but it is, of course, carried on on a larger plane. Where formerly the smaller producer competed to reduce his costs and undersell his competitors by the ordinary means of great economy and superior efficiency, he has now gone beyond that point. * * * The advantages he now seeks are not so crude. They consist in going to the root of things; in acquiring and dominating the sources of supply and of raw material; in controlling shipping rights of way; in securing exclusive benefits, rebates on large shipments, beneficial legislation, etc. Open competition long ago reached that point where it became necessary to resort to these more far-reaching methods."

After reviewing all the great trusts and combinations of the United States, and giving their capitalization, this author says:

> Thus it will be seen that, including industrial, franchise, transportation, and miscellaneous, about 445 active trusts are represented in this book, with a capitalization of $20,379,162,551. They embrace in all 8,644 original companies.

These are the great companies which "go to the root of things," acquire and dominate "the sources of supply and of raw material," secure "exclusive benefits," "beneficial legislation, etc."

While defending the organizations of trusts as useful on the whole, the author admits that they promote monopoly. He says (p. 495):

> We find this same tendency has been the creator of and is the underlying cause of monopoly * * * for man, in seeking to accomplish his purposes quickly, simply, and cheaply, has ever been alert to the possibilities of economy in method through the seeking of "short cuts." It is his desire to achieve at all hazards and in all ways; it was this inherent tendency which was the creator of competition. * * * And up to a certain point competition was the life of trade. But not so beyond that point. For quite early in the modern commercial and industrial life of man it was discovered that there were advantages to be gained in the adopting of methods somewhat different from those in vogue under the old régime of competition.
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> By combining together and acquiring, either as a result of this joint effort or otherwise, a special privilege or monopoly, men found they could accomplish the same ends far more cheaply and satisfactorily than in the old ways. * * * It was then that men began to first cultivate this element of monopoly, and it was not long before the more progressive all recognized the importance of the monopoly feature and hastened to take advantage of it. * * *
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> And this condition has been largely brought about by the existence of monopoly power. * * * This monopoly element is not merely the product of a tariff or of other so-called class legislation. It is far more fundamental than that. * * * The fact is we find the element of monopoly all about us, and how much civilization is going to get away from it * * *, is, in the light of the foregoing facts, an exceedingly intricate question.

Mr. President, the effect of the passage of this bill will not be fully understood by the country until they know that its chief, if not its only beneficiaries, are the trusts, who can

import free raw material under its provisions, and who will continue to enjoy the benefit of a protective tariff upon the articles they manufacture. I propose here to name the trusts, or some of them, that will be thus benefited.

Free flaxseed from Canada will be a benefit to the American Linseed Oil Co., known as the Linseed Oil Trust, which was created by the merger of 47 different corporations. It is allied with the Smelters Trust and is under Standard Oil domination. Rockefeller, jr., is one of its directors. It controls 85 per cent of the linseed-oil production in the United States. It manufactures American and Calcutta linseed oil, raw and boiled, and refined varnish, oil cake, oil meal, and crushed flaxseed. It is a New Jersey corporation, with its main office in New York. Its common stock is $16,750,000 and its preferred stock is $16,750,000.

The American farmer is asked to surrender his protection under a duty upon flaxseed, so that this trust may get free raw material.

And so it goes.

The admission of barley and rye from Canada free of duty will help the following brewing and distillery trusts, among others:

The American Malt Corporation, a big holding company of New Jersey: Common stock, $5,248,300; preferred stock, $8,353,400; bonds, $3,714,000, bearing 6 per cent interest.

The Distilleries Securities Corporation (over 100 plants and warehouses in the United States), a New Jersey corporation: Common stock, $30,762,950, paying 6 per cent dividends; bonds, $15,400,412, bearing 5 and 6 per cent. It controls also the United States Industrial Alcohol Co., whose common stock is $12,000,000; preferred stock, $6,000,000; paying 7 per cent.

The Chicago Breweries (Ltd.), London and Chicago: Common stock, £400,000 sterling, paying 5½ per cent dividends, with bonds in £276,500 sterling, paying 6 per cent.

Dayton Breweries Co. (consolidation of 7 companies): Common stock, $1,249,125; preferred stock, same amount; bonds, $2,500,000; 6 per cent interest.

Independent Brewing Cos. (16 companies), of Pittsburg: Common stock, $3,918,923; preferred stock, the same amount, paying 7 per cent; bonds, $3,900,000, at 6 per cent interest.

Huebner-Toledo United Breweries Co., of Toledo, Ohio: Common stock, $1,278,000; preferred stock, the same amount, pays 6 per cent; bonds, $2,556,000, pays 6 per cent interest.

Jones Brewing Co. (Boston and London): Common stock, $5,324,000.

Kansas City Breweries Co.: Common stock, $1,557,000; preferred stock, $1,446,000, paying 6 per cent dividends; bonds, $3,114,111, paying 6 per cent interest.

Massachusetts Breweries Co. (10 combined Boston companies): Common stock, $6,532,000, paying 3 per cent dividends.

Milwaukee & Chicago Breweries (Ltd.) (English and American trust): Common stock, $3,774,250; preferred stock, exactly same amount, paying 8 per cent dividends; bonds, $3,500,000, paying 5 per cent interest.

People's Brewing Co., of Trenton, N. J.: Common stock, $1,100,000; preferred stock, $1,100,000; bonds, $1,000,000, bearing 6 per cent interest.

Pittsburg Brewing Co. (16 companies consolidated): Common stock, $5,962,250, paying 5 per cent dividends; preferred stock, $6,100,000, paying 7 per cent dividends; bonds, $6,319,000, paying 6 per cent interest.

St. Louis Breweries (Ltd.) (10 companies consolidated): Common stock, $4,383,000; preferred stock, exactly same amount, paying 8 per cent dividends; bonds, $4,880,600, paying 6 per cent interest.

Springfield Breweries Co., Springfield, Mass.: Common stock, $1,150,000; preferred stock, $1,150,000, paying 8 per cent dividends; bonds, $930,000, paying 6 per cent interest.

United Breweries Co. (13 Chicago companies consolidated): Common stock, $2,731,500; preferred stock, $2,731,500; bonds, $1,654,000, paying 6 per cent interest.

Hoster-Columbus Associated Breweries Co., Columbus, Ohio: Common stock, $1,650,000; preferred stock, $2,700,000; bonds, $5,250,000.

Mr. President, here are over 200 brewing and distilling companies combined into 17 trusts, with enormous issues of watered stocks, and a total capitalization of $188,500,000, which will be benefited by admitting barley and rye from Canada free of duty. The consumer of whisky and beer will pay the same price and the American farmer will suffer from the competition of his Canadian neighbor; the Brewing Trust and the Whisky Trust will add enormously to their net incomes by reason of this change, should it be made. But the profits will not be confined to the Brewing Trust and to the American Linseed Oil Co.

There is the American Hominy Co. (a trust of 8 companies), organized in New Jersey, with main office at Indianapolis: Common stock, $2,347,500; preferred stock, $1,163,500, paying 6 per cent; bonds, $695,000, paying 5 per cent interest.

The Bordens Condensed Milk Co. (a trust of United States and foreign companies), organized in New Jersey, with main office in New York City: Common stock, $17,500,000, paying 10 per cent dividends; preferred stock, $17,500,000, paying 6 per cent.

The National Biscuit Co. (a consolidation of 80 plants in the United States), a new Jersey trust, with main office in New York: Common stock, $29,236,000, paying 5 per cent dividends; preferred stock, $24,804,500, paying 7 per cent; bonds, $970,000, paying 5 and 6 per cent.

Of course, this proposed law would help this great trust. Free Canadian wheat, with a tariff remaining on flour and biscuits, would "make money" for it.

On March 31, 1911, the following appeared in the Chicago Record-Herald, which shows who is helped by the prospect of this Canadian trade deal being ratified by Congress:

BISCUIT SHARES SELL AT NEW HIGH RECORD—COMMON STOCK REACHES 135 IN BOTH THE CHICAGO AND NEW YORK MARKETS.

National Biscuit common jumped to a new record price, 135, yesterday in the Chicago market and in New York. At that price it was 5 points above the preferred stock. The steady advance recently has led to the expectation of some favorable announcement on the stock other than the reports of larger earnings and the recent increase in the dividend rate to 7 per cent. With the preferred and common drawing the same dividend as they now do, the common would hardly run ahead of the preferred in the market if no further developments were expected.

But where does the consumer get any benefit? The tariff remains on biscuit, oatmeal, and all prepared foods. The trust, and the trust alone, gets the benefit of the removal of the tariff from oats, wheat, barley, and other cereals.

In addition to the National Biscuit Co., there are still other big cereal trusts.

Here, for instance, is the Quaker Oats Co. (another New Jersey trust); common stock, $4,487,200; preferred stock, $8,532,900, paying 6 per cent.

The North American Biscuit Co.; common stock, $4,438,300; preferred stock, $3,000,000.

The Pacific Coast Biscuit Co., with main office at Portland, Oreg.; common stock, $1,235,000; bonds, $825,000, paying 6 per cent interest. Also the Great Western Cereal Co. (another New Jersey trust); common stock, $2,500,000; preferred stock, $500,000, paying 8 per cent; bonds, $1,017,000, paying 6 per cent interest.

These trusts will profit enormously by free trade with Canada in wheat, oats, and barley, with a protective tariff on flour, biscuit, oatmeal, cracked wheat, hulled barley, Grape Nuts, Force, Shredded Wheat Biscuits, and the like. The poor man will pay no less for these, but the profits of the trust will be greater. Can anyone dispute this?

The Agricultural Implement Trust will be able to get into Canada without the payment of a tariff, and the Canadian farmer may thus get his farm machinery cheaper and be thereby still better equipped to compete with the American farmer under free trade in farm products. Besides these, the following trusts will profit by that arrangement:

The American Seeding Machine Co. (a New Jersey trust): Common stock, $2,000,000; preferred stock, $1,161,000; paying 7 per cent.

The International Harvester Co. (a New Jersey trust): Common stock, $60,000,000; preferred stock, $60,000,000.

With cattle coming in free and the tariff remaining on all packing-house products, the great American packers will profit by the new law, but the consumer of meat will receive no benefit whatever.

Mr. Moody, the author of the book, The Truth About the Trusts, says:

The so-called Meat Trust, or Beef Trust, while nonexistent, as far as a distinct corporation is concerned, yet is in a sense an actual fact.

When this bill becomes a law, the Beef Trust, upon the basis of their shipments into Canada last year, will save in duties $239,213, and the Agricultural Implement Trust will save in reduction in tariff rates $218,488. The Canadian farmer may get some of the benefit of this saving, but the American farmer will get nothing. On the contrary, the advantage, if any, will go to his Canadian competitor.

I wonder if the junior Senator from Missouri [Mr. REED] will notice this. I think he interrupted me yesterday as to the tariff on flour and on wheat.

The removal of the tariff of 25 cents per bushel on wheat and the placing of a protective duty of 50 cents a barrel on flour actually increases the protection now enjoyed by the Millers' Trust. This can easily be demonstrated, and was demonstrated very clearly in the House debates. For instance, it takes 4½ bushels of wheat to make a barrel of flour. With the present duty on wheat the manufacturer of flour should have a compensatory duty of $1.12 per barrel on flour, because the tariff on 4½ bushels of wheat at 25 cents per bushel is $1.12. Under the Payne tariff the duty on flour is 25 per cent ad valorem, and during 1910 the flour imported from Canada was valued on an average at $5 per barrel. The duty at 25 per cent ad valorem amounted to $1.25 per barrel, but $1.12 of that amount was to compensate for the tariff of 25 cents per bushel on the 4½ bushels of wheat it contained. This left a protective duty on flour of only 13 cents per barrel under the Payne law.

Under this law wheat will come in free and the compensatory duty of $1.12 per barrel will be eliminated; but a clear protective duty of 50 cents per barrel will be imposed, as against 13 cents per barrel under the Payne law, an actual increase in the duty on flour of 37 cents per barrel. Wheat will come in free, bread will be no cheaper, and the Millers' Trust alone will profit. To show how this Millers' Trust is robbing the American farmer and dairyman by extortionate charges for bran and middlings, I will incorporate in my remarks a table showing comparative prices of mill feeds in Canada and the United States for 1910, as reported by the Northwestern Miller.

Table showing comparative prices (per ton) of mill feeds in United States and Canada for 1910.

	Minneapolis.		Winnipeg.		Toronto.		Buffalo.		Montreal.	
	Bran.	Middlings.[1]	Bran.	Middlings.[2]	Bran.[3]	Middlings.	Bran.[4]	Middlings.	Bran.	Middlings.
January	$22.50	$22.50	$17.00	$18.00	$21.00	$23.00	$25.50	$25.50	$22.00	$23.50
February	22.50	22.00	18.00	19.00	22.00	23 00	25.50	25.50	22.00	24.00
March	21.50	21.75	18.00	19.00	23.00	23.50	24.25	24.25	23.00	24.00
April	18.00	18.75	16.50	17.50	20.50	21.75	22.00	22.00	20.00	24.00
May	18.00	19.00	15.00	16.00	19.00	21.00	20.75	21.25	18.00	23.00
June	16.00	18.00	15.00	16.00	18.00	20.00	20.60	22.60	18.00	22.00
July	20.00	21.75	15.00	16.00	18.50	21.00	22.00	24.00	18.00	22.00
August	19.00	21.50	18.50	20.50	20.00	21.00	22.00	24.65	20.00	[2] 22.00
September	18.00	19.00	17.00	18.00	20.00	21.50	20.75	22.75	20.00	[2] 22.00
October	17.50	19.50	17.00	18.00	18.50	22.00	21.00	23.00	17.00	23.00
November	18.75	20.75	16.00	17.00	18.50	20.50	20.50	23.00	18.00	23.00
December	20.00	22.00	18.00	20.00	19.50	21.50	23.00	23.50	18.00	22.50

[1] "Standard middlings." [2] "Shorts." [3] "Manitoba bran." [4] "Spring bran."

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Missouri?

Mr. CRAWFORD. I yield.

Mr. REED. The Senator addressed himself to me personally a few moments ago.

Mr. CRAWFORD. If the Senator will recall, on yesterday I told him I was going to elaborate on this point. That is the only reason I did so.

Mr. REED. Does the Senator claim that the tariff of $1.12 on the wheat going into a barrel of flour under the present Payne-Aldrich bill affects the price of wheat in this country?

Mr. CRAWFORD. The figures overwhelmingly show a difference in the price, when comparisons are made between points in the United States and points on the Canadian side, of from 15 to 25 cents per bushel, about half the amount of the tariff, on an average.

Mr. REED. I should like to get a direct answer, whether it does affect the price of wheat on this side of the line.

Mr. CRAWFORD. My contention is that it does in large centers, like that dominated by Minneapolis with its milling industry.

Mr. REED. Will it do it generally?

Mr. CRAWFORD. To a certain extent it will everywhere.

Mr. REED. Now, if it affects the price of wheat, does it make it higher or lower on this side of the line?

Mr. CRAWFORD. Higher. We admit it, and we want to make it higher.

Mr. REED. Will a reduction from $1.12 on the wheat necessary to make a barrel of flour to 50 cents on the wheat necessary to make a barrel of flour result in a reduction of the price of wheat on this side of the line?

Mr. CRAWFORD. I think it follows that it will affect it——

Mr. REED. Yes.

Mr. CRAWFORD. Depress it, for the benefit of the miller.

Mr. REED. Does the Senator claim that there is a hard and fast Milling Trust in this country that absolutely controls the price of flour?

Mr. CRAWFORD. I have not gone to the extent of making so sweeping a statement.

Mr. REED. No. As a matter of fact, there are thousands of absolutely independent mills, are there not?

Mr. CRAWFORD. Undoubtedly—small mills, in the country.

Mr. REED. If those mills get their wheat cheaper and are not in a trust or combination, will they not be able to sell flour cheaper.

Mr. CRAWFORD. Those mills would not import many bushels of wheat.

Mr. REED. Do they not buy on the market of the wheat that is imported?

Mr. CRAWFORD. In the larger sense possibly it might affect it, but so far as concerns the small amount consumed by them I think the difference would not be appreciable. But the point to which I am directing attention is that in this bill, which I understand the Senator and others are supporting, you are leaving the tariff on the flour and taking it off of the wheat. You are not reducing the price of the loaf of bread one penny.

Mr. REED. If the placing of a dollar and twelve cents tariff on the wheat necessary to make a barrel of flour does raise the price, then will not the reduction to 50 cents have a tendency to lower the price?

Mr. CRAWFORD. It would.

Mr. REED. If you lower the price of flour, does the Senator contend, in view of his concession that not all of the mills are in the Milling Trust, if there be one, that that will not reduce the price of flour in the sack that is purchased by the heads of families and manufactured into bread in the households of the land?

Mr. CRAWFORD. The amount in that case would be infinitesimal.

Mr. REED. If the benefit will be infinitesimal to the consumer, will not the injury be infinitesimal to the farmer?

Mr. CRAWFORD. But the trouble is that the Senator is supporting a bill here which is singling out the farmer and applying to him the principle of free trade—absolute free trade—and the injustice of it, to which I am calling attention, is in the fact that he is expected to buy in a protected market and yield the advantage which the present tariff gives him.

Mr. REED. Does the Senator claim that in buying in a protected market the purchaser has to pay a greater price?

Mr. CRAWFORD. Undoubtedly, in many cases where competition is destroyed.

Mr. REED. Then, what becomes of the argument on which the Senator's party has stood for 30 years, that the foreigner pays the tax?

Mr. CRAWFORD. That argument is very sound where you can mantain healthy competition at home, but in the face of a large array of trusts such as these it is very greatly weakened.

Mr. REED. I understand the Senator to say that the trusts so stand astride this land now that there is in fact no real competition.

Mr. CRAWFORD. In many lines that is true.

Mr. REED. And that has all grown up under the protective policy and under the protecting control of your party.

Mr. CRAWFORD. I am perfectly satisfied with the declaration of our platform to discriminate to the extent of the difference in cost and to pay that difference in cost in the interests of American industry, and the American people are willing to pay it. But we want it to be distributed fairly.

Mr. REED. I want to say this, in conclusion——

The VICE PRESIDENT. Does the Senator from South Dakota further yield to the Senator from Missouri?

Mr. CRAWFORD. I hope the Senator will conclude, because I want to proceed.

Mr. REED. I wish to make one matter clear and then will not disturb the Senator longer. I would not have interrupted him, but he referred to me personally. The Senator refers to this as my bill, or a bill that I am supporting.

Mr. CRAWFORD. Its chief support comes from that side of the Chamber.

Mr. REED. I want to file a disclaimer. It is neither my bill nor a Democratic bill.

Mr. CRAWFORD. I am very glad to hear that. I thought it was a Democratic bill. Its chief support comes from the Democratic Party just now.

Mr. REED. It appears to be a bill drawn or dictated by a very distinguished gentleman whom your party nominated and elected to the Presidency.

Mr. CRAWFORD. A most excellent President, but in this one instance the company he keeps is very amazing to me.

The American farmer was unjustly discriminated against in the Payne tariff law when it removed the duty from hides and left a protective rate upon boots and shoes and leather products, a proceeding which subsequent trade shows did not reduce prices a penny to the consumer, but helped the Leather Trust. Shall we now make a similar present to the Miller Trust?

The American Hide & Leather Co. is a consolidation of 21 large companies and controls 75 per cent of the trade in upper leather. It also is one of these New Jersey concerns, with common stock, $11,274,100; preferred stock, $12,548,300, paying 7 per cent; bonds, $7,194,000 paying 6 per cent interest.

Its companion in monopoly is the Central Leather Co., a New Jersey concern, which is a consolidation of 70 per cent of the tanneries of the United States: Common stock, $38,409,800; preferred stock, $31,061,000, paying 7 per cent; and bonds, $39,062,000, paying 5 per cent interest.

Under the Payne law these trusts secured the benefit of free hides at the expense of the American farmer. I have shown elsewhere how he is compelled to pay many million dollars a year for fertilizers to restore his land and maintain cultivation. He pays his money to the Fertilizer Trust, such as the American Agricultural Chemical Co., a consolidation of 25 fertilizer plants, with common stock, $17,114,100; preferred stock, $18,382,000, paying 6 per cent; bonds, $2,500,000, paying 4½ per cent interest.

Mr. President these great trusts employ many men, and in recent years the cry has been made by their employees that the cost of living is oppressive. Instead of raising the wages of their employees they attempt to satisfy the demand by securing the passage of this law, which will deceive the masses temporarily but will not bring relief from high prices. At the same time, under the pretense that this law will reduce the cost of living, they are securing a still greater monopoly than that they have heretofore enjoyed, and, as usual, the American farmer will have to foot the bill.

The junior Senator from Missouri [Mr. REED] disclaims it, but I am glad that the Democratic Party is willing to bear the responsibility for the passage of this law. Republicans should be willing to let them have the credit for it. Under this proposed law, at every turn, after a product leaves the farm, it comes under the influence of the trust. The Corn Products Refining Co., capitalized at $87,000,000; the American Woolen Co., with a capitalization of $94,000,000; the American Tin Can Trust, in which 123 different plants have been merged, with a capitalization of $82,000,000; the Lumber Trust and timber barons, with their control of the standing timber—all these are organized to control and can largely determine prices and limit output. The farmer alone runs a single-handed business, his farm and farm stock and implements being his capital, his hired man and the members of his own family supplying his labor. This bill proposes to protect the others and require him to compete with the world, because free trade with Canada in farm products amounts to that.

The Canadians refused to throw down the bars and take an equal chance with the people of the United States by a mutual remission of tariff duties on all manufactured articles, because they know that they can not compete on equal terms with the American manufacturer. But they are eager to do this with the products of the farm, because they know that with cheaper land and greater productivity of soil they can successfully compete with our farmers in the raising of cereals and many other farm products.

The speech which Sir Wilfrid Laurier made in the Canadian Parliament on the 7th day of March last shows how they look at it. He said:

> We are exporters, not of manufactured products, but of natural products, and we are large importers of manufactured products; and we have given the Americans a free entrance into our markets for their natural products, as they have given us a free entrance into their markets for our natural products. It is not a great effort of imagination to suppose that the Americans were far more concerned about obtaining reciprocity in manufactured products; but our negotiators would not consent to any reciprocity in manufactured products, but insisted on limiting the agreement simply to such manufactured products as agricultural implements.

We have allowed Canada to tickle the adherents of Gov. Foss, of Massachusetts, and the selfish and highly protected manufacturers of New England, through this treaty, into a cold-blooded betrayal of the American farmer.

In 1904 Mr. Foss delivered an address which was put in the CONGRESSIONAL RECORD the other day as representing the sentiment of the people of Massachusetts, in which he advocated the removal of the tariff from the following, when imported from Canada: Horses, sheep, breadstuffs, eggs, hay, fish, fruits, hides, dairy products, vegetables, wood pulp, and unmanufactured wood. In this speech Mr. Foss said:

> It is now fully recognized among those whose opinion is worth anything that we must either make wheat free or prepare to suffer disaster in our milling interests. As to barley, the outrageous duty upon that, and upon the malt made from it, is the heaviest burden our great brewing industries are called upon to bear.

Mr. President, it was not so much the securing of cheaper bread that Mr. Foss wanted, because he was not proposing to remove the duty from flour; it was the Massachusetts Millers' Trust he was concerned about. It was not because he wanted to secure beer at a smaller price per glass to the consumer that he wanted the "outrageous tariff" removed from barley and barley malt; it was the precious Brewing Trust of Massachusetts he was anxious to serve by sacrificing the American farmer. This is the kind of patriotism now manifesting itself in Massachusetts under the Democratic leadership of Gov. Foss. To save her millers and her brewers they are willing to proclaim free trade in the two staple cereals raised on the farms of the United States, even though doing so will not reduce the cost of living a single mill—just as two years ago they succeeded in putting hides on the free list without reducing a particle the price of the manufactures of leather, which was left on the protected list.

To show more in detail how this bill discriminates in favor of the trusts and against the farmer of the United States, I ask leave to print as a part of my remarks the following table, prepared by Hon. A. E. Chamberlain, superintendent of farmers' institutes, held under the supervision of the South Dakota College of Agriculture and Mechanic Arts.

The VICE PRESIDENT. Without objection, leave is granted.

The table referred to is as follows:

Articles.	Present duty—		Duty under reciprocity.	Year ended June 30, 1910.	
	Entering United States.	Entering Canada.		Imports from Canada.	Exports to Canada.
Horses under 1 year worth $50 or less.	$30 each.	$12.50 each	Free	2,615 head; value, $484,560.	6,604 head; value, $401,503.
Other horses worth $150 or less	do	25 per cent	do		
Other horses worth over $150	25 per cent	do	do		
Cattle under 1 year	$2 each	do	do	5,168 head; value, $109,772.	1,012 head; value, $25,150.
Other cattle worth not over $14	$3.75 each	do	do		
Other cattle worth over $14	27½ per cent	do	do		
Hogs	$1.50 each	1½ cents per pound	do	205 head; value, $6,088	2,760 pounds; value, $214.
Sheep, lambs	75 cents each	25 per cent	do	103,519 head; value, $527,687.	35,844 head; value, $131,492.
Sheep over 1 year old	$1.50 each	do	do		
Fresh meats	1½ cents per pound	3 cents per pound	1½ cents per pound	Of all these, we imported only $84,704 worth from Canada.	993,407 pounds.
Bacon and hams	4 cents per pound	2 cents per pound	do		5,453,257 pounds.
Lard	1½ cents per pound	do	do		10,915,679 pounds.
Dried and salted meat other than above	25 per cent	do	do		11,341,230 pounds.
Canned meats	do	27½ per cent	20 per cent		278,058 pounds.
Poultry, dead	5 cents per pound	20 per cent	Free	Value, $3,576	Value, $52,597.
Poultry, alive	3 cents per pound	do	do		
Butter	6 cents per pound	4 cents per pound	do	980,036 pounds	61,081 pounds.
Cheese	do	3 cents per pound	do	163,350 pounds	215,681 pounds.
Eggs	5 cents per dozen	3 cents per dozen	do	39,810 dozen	750,476 dozen.
Wheat	25 cents per bushel	12 cents per bushel	do	152,383 bushels (On which duty was paid.)	54,964 bushels.
Flour	25 per cent	60 cents per barrel	50 cents per barrel	143,830 barrels	31,398 barrels.
Bran and middlings	20 per cent	17½ per cent	12½ cents per hundredweight.	Value, $323,487	Value, $218,222.
Oats	15 cents per bushel	10 cents per bushel	Free	946,479 bushels	23,361 bushels.
Oatmeal and rolled oats	$1 per hundredweight	60 cents per hundredweight.	50 cents per hundredweight.	56,989 pounds	9,260 pounds.

Articles.	Present duty—		Duty under reciprocity.	Year ended June 30, 1910.	
	Entering United States.	Entering Canada.		Imports from Canada.	Exports to Canada.
Barley	30 cents per bushel	15 cents per bushel	Free	2,420 bushels	164,532 bushels.
Barley malt	45 cents per bushel	45 cents per hundredweight.	45 cents per hundredweight.	None	2,184,463 pounds.
Corn, except into Canada for distillation.	15 cents per bushel	Free	Free	4,357 bushels	6,583,893 bushels.
Corn meal	40 cents per hundredweight.	25 cents per barrel	12½ cents per hundredweight.	None	33,291 barrels.
Hay	$4 per ton	$2 per ton	Free	96,507 tons	7,680 tons.
Potatoes	25 cents per bushel	20 cents per bushel	do	About 90,000 bushels	15,228 bushels.
Flaxseed	do	10 cents per bushel	do	1,410,398 bushels	1,806 bushels.
Timber, hewn or sawed	½ cent per cubic foot	Free	do	Value, $23,431	Value, $53,178.
Boards, planks, and deals, sawed only.	$1.25 per M feet	do	do	983,282 feet	106,344,126 feet.
Same, planed on one side	$1 to $1.75 per M feet	Not given	50 cents per M feet	Not given	Not given.
Same, planed on one side and tongued and grooved or planed on two sides.	$1.25 to $2 per M feet	do	75 cents per M feet	do	Do.
Same, planed on three sides	$1.62½ to $2.37½ per M feet.	do	$1.12½ per M feet	do	Do.
Same, planed on four sides	$2 to $2.75 per M feet	do	$1.50 per M feet	do	Do.
Cream separators and parts thereof	45 per cent	Free	Free	Not given, but small	Value, $487,261.
Cast-steel wire	Not less than 35 per cent.	5 per cent	do	Practically none	51,989 pounds.
Galvanized wire	1.2 cents per pound	Free	do	do	641,413 hundredweight.
Barbed fencing wire	⅜ cent per pound	do	do	do	326,817 hundredweight.
Farm wagons	35 per cent	25 per cent	22½ per cent	do	5,379.
Coal, bituminous, run of mine	45 cents per ton	53 cents per ton	45 cents per ton	Not given, but insignificant.	5,690,576 tons.

Mr. CRAWFORD. This table is made from the schedules submitted with the President's message accompanying the trade agreement. The table is confined to articles in which the American farmer is most directly interested. As shown by Mr. Chamberlain, the present duty on plows, harrows, disks, harvesters, seed drills, mowers, horserakes, cultivators, and thrashing machines coming into the United States from Canada is 15 per cent ad valorem; going from the United States into Canada, 20 per cent ad valorem. Under the proposed law, the duty will be 15 per cent ad valorem each way, which is a reduction of from 2½ to 5 per cent ad valorem on the present Canadian rate. Last year we imported $74,618 worth of agricultural implements from Canada and our manufacturers shipped $2,579,597 worth into Canada. The proposed law would have made no reduction on the implements coming this way, but would have saved to our manufacturers $123,052.38 on the duty paid on the implements they shipped to Canada. This would have helped the great International Harvester Trust and the Canadian farmer, but not the American farmer.

The present duty on portable and traction engines and horsepowers for farm use is 30 per cent ad valorem on the articles coming from Canada into the United States, and 20 per cent on the articles going from the United States into Canada. Under the proposed law it would be 20 per cent ad valorem each way. We did not import any of these articles from Canada last year, but we exported $1,803,792 worth to Canada. Had the reduced rate been in force our manufacturers would have saved $18,037.92, and some gain might have accrued to the Canadian consumer, but none to the American farmer.

On hay loaders, potato diggers, hay tedders, feed cutters, grain crushers, fanning mills, and field and road rollers the present duty on the articles coming from Canada into the United States is 45 per cent ad valorem; on the same articles going from the United States into Canada 25 per cent ad valorem. We do not import any of these articles from Canada, and the 5 per cent reduction on the Canadian duty will inure solely to the benefit of our American manufacturers. There is nothing in that for a consumer on this side of the line.

On clocks, watches, and parts thereof, the present duty on the articles coming from Canada into the United States is 40 per cent ad valorem (average); on the articles going from the United States into Canada, 30 per cent. Under the proposed law the duty would be 27½ per cent ad valorem either way. Last year we exported $294,442 worth of these articles to Canada and imported from Canada only $1,090 worth. This change can not be expected to enlarge the trade either way or be of any consequence, even to Connecticut.

With a higher duty on horses, cattle, sheep, and hogs than Canada imposed, we imported from there $1,128,100 worth during the last fiscal year, and only exported $560,285 in animals to them, a difference of $567,815. Placing them on the free list both ways will, no doubt, increase the number we shall export considerably.

Of wheat, we imported 152,383 bushels that paid a duty of 25 cents per bushel, and we exported to Canada only 54,964 bushels; the duty imposed by them was only 12 cents per bushel. With the duty on wheat removed by both countries, the American flour mills will undoubtedly import from Canada millions of bushels each year for milling purposes, and thus Canadian wheat will come into direct competition with wheat raised by the American farmer in every milling center in the United States. The miller's price is not controlled by Liverpool. Local competition is very potential.

We imported 946,479 bushels of oats from Canada last year upon which there was paid to the United States a duty of 15 cents per bushel. We exported to Canada 23,361 bushels, upon which there was paid to the Canadians a duty of 10 cents per bushel. With oats on the free list each way, and with prepared cereals, such as Quaker Oats, oatmeal, and hulled oats, on the protected list, the importation of oats from Canada will, no doubt, increase very materially.

Our corn, under present law, is admitted into Canada free; so the proposed law will not enlarge the market for our surplus corn crop. Corn and cotton are the only staple crops in which Canada can not compete with us, and they are now on the free list in Canada.

Of flaxseed, with a duty of 25 cents per bushel, last year we imported from Canada 1,410,398 bushels, and with a Canadian duty of only 10 cents per bushel, we exported to Canada less than 2,000 bushels. We do not fully supply the home demand. If the tariff is removed entirely the American Linseed Oil Trust will use the Canadian flaxseed supply to beat down the price charged by the American farmer. This is plain enough. Under the present duty of 6 cents a pound we import more cheese and butter than we export. If Canadian cheese and butter are put on the free list the American farmer will certainly feel the effect of the competition.

Mr. Chamberlain calls attention to the fact that the moment the manufacturer touches one of these "natural products" it is protected in the proposed law. The free list is so formed as to practically prevent an article, coming in duty free, from reaching the ultimate consumer. It goes first and always to the manufacturer. The packer, under this proposed law, may send his agent to Canada and buy a trainload of cattle, sheep, or hogs; the whole lot, 1 trainload or 20 trainloads, can come in free; "but if a citizen of Detroit should buy a mutton chop, a pail of lard, a ham, or a pig's ear in Windsor, Canada, and bring it home for use at his family table in Detroit, he would have to pay the United States custom officer 1¼ cents per pound duty."

Under the present duty on meat products we exported into Canada from the United States, during the last fiscal year, $3,587,044 worth of meats, lard, and tallow, on which the American packers paid a duty of $626,355.14. Under the proposed law they would have paid on the same products only $378,040.85, and would thereby have saved $230,314.29. The saving would have gone to the packer. The consumer would have received none of it.

We imported from Canada during the same period $84,704 worth of meat, on which a duty of $16,941 was collected by the United States. Under the proposed law this would be

reduced only $4,236. In other words, the American packer now dominates the Canadian market after paying, in advance, 2 cents per pound duty on his product. What will he be able to do if this duty is reduced 37½ per cent, as proposed by this bill? And how will the American consumer be benefited? The Canadian can not compete with the American packer in his own market, which he has attempted to protect against him; how then can we hope that he will be able to pay 1¼ cents per pound duty to the United States and compete against the Packing House Trust in the United States?

With a duty of from $2 on a veal calf up to $22 on an $80 steer, we imported from Canada 4,156 head of cattle more than we exported to Canada last year. With a duty of $1.50 per head on hogs, we imported from Canada about $4,000 worth more than we exported to her. With a duty of 75 cents on a lamb and $1.50 on a sheep, we imported from Canada 67,675 head more than we exported to her. The packer kills them and ships them back to Canada, paying the Canadian Government 2 cents per pound duty, or $626,355, and thus does a business in that country of about $4,000,000 a year—and does that at a profit. If we reduce the duty he is required to pay Canada, $239,314, and allow him also to import these animals from Canada free of duty, he will make much more on his Canadian business than he does now; but he will not reduce the price; neither here nor there. This is a good proposal for the American packer and the Canadian stock farmer. It is a bad one for the Canadian packer and American farmer, and it gives no relief whatever to the American consumer.

Mr. Chamberlain also confirms the statement I have made that it takes approximately 4½ bushels of wheat to make a barrel of flour, and that there are 74 pounds of bran and middlings left.

We imported from Canada during the last year 143,830 barrels of flour and $105,265 of bran and middlings more than we exported to Canada. This was approximately equal to 505,944 bushels of wheat. We also imported 97,419 bushels of wheat from there in excess of our importation to Canada. When wheat is worth $1 per bushel, flour usually sells at $5 per barrel, and bran and shorts at a little more than $20 per ton. When the American miller, under the present duty, goes to Canada and buys 4½ bushels of wheat to make a barrel of flour and 74 pounds of bran and shorts, he pays $1.12½ duty on the wheat. If the Canadian miller takes another 4½ bushels of wheat and makes from it one barrel of flour and 74 pounds of bran and shorts and brings it to the United States to sell, he must pay $1.25 duty on the flour and 15 cents on the bran and middlings, or a total of $1.40. But under the present law the American miller is protected against the Canadian miller to the amount of 27½ cents per barrel of flour and the by-products, if both barrels are made of Canadian wheat. Under the proposed treaty he would be protected to the amount of 50 cents on the flour and 9 cents on the bran and shorts, or 59 cents in all, an increase of over 100 per cent. This will add to the profits of the Millers' Trust, but will not reduce the cost of a loaf of bread to the consumer.

Rough lumber, right from the saw, is placed on the free list by the pending bill, but the farmer does not use rough lumber. To avail himself of this provision he would have to unload his car in transit at a planing mill, have the lumber finished, and then reload and reship it. The expense involved would be far more than what he saves by the remission of the tariff. The manufacturer bringing from Canada large quantities of rough lumber to his own mill in the United States is the only person who could profit by the placing of rough lumber on the free list. The reduction of the tariff on lath, shingles, and finished lumber is well, as far as it goes, but is not likely to result in a reduction in price by the retailer of lumber. The proposed bill reduces the Canadian duty on coal coming into Canada from the United States, and if our exports of coal to that country continue as large as they were last year our coal barons will save $455,246.08 per annum by the reduction; but there is nothing in this to compensate the American farmer for the removal of all duties on farm products, nor to reduce the price he pays for coal.

The American Implement Trust now sells to the Canadian farmer every implement which he uses. The Canadian manufacturer can not hold the Canadian market against the American manufacturer of farm tools and machinery under the rates as they now exist, to say nothing of undertaking to compete with him in the United States.

It will be noted, however, that in the proposed bill no reduction of duty is proposed on these farm implements, necessary on every farm, when imported into this country, but there is a material reduction of the duty on almost every article of that character entering Canada. This tends to help the Canadian farmer, but does not help the American farmer. It is difficult to conceive how a bill more discriminatory and unjust to a great producing class could be devised. The Republican Party has declared in favor of a protective tariff that would measure the difference in the cost of production at home and abroad and secure to American industry a reasonable profit. To ascertain this cost in production it has favored, and does favor, the creation of a nonpartisan tariff board. We have such a board now, and it has spent many months in patient and faithful and efficient investigation. Strange to say, its investigations as to the cost of production of pulp wood, wood pulp, news-print paper, and as to the difference in value of farm lands, farm labor, and amount of crop yield per acre in Canada and in the United States have been completely ignored in these negotiations with Canada and in this proposed legislation.

The Report of the Tariff Board, page 32, shows that in Canada the average cost per ton of wood pulp and news-print paper is $28.39; in the United States, $32.53, a difference against us of $4.14 per ton. The present tariff is not sufficient to cover this difference, being only about $3.12½ per ton. But the purpose of the present bill is, so far as it can be done by act of the Canadian Parliament and a contemporaneous act of the Congress of the United States, to ignore this difference in cost of production entirely and to put news-print paper and wood pulp on the free list.

Why? Simply because the great newspapers and the great magazines of the United States, as a special class—aggressively organized for the purpose—demand it, and propose to get it as a special privilege.

The American farmer is not organized. He does not control these great instrumentalities for molding public opinion, so his right to a square deal is set aside instantly when a powerful organization like that of the American Newspaper Union or of the New England manufacturers, who, under the leadership of the Democratic governor of Massachusetts, want free raw material, decide that agriculture is no longer one of the great industries in the United States entitled to consideration by the Government. Mr. President, why, if the imposition of tariff duties is restricted to the sole purpose of raising revenues, should the importers of wood pulp and news-print paper, as a class, be exempt from taxation? I hold no brief for the paper manufacturers; we have no paper mills in the State I, in part, represent, and I am simply trying to look at this matter from the standpoint of simple justice; but I confess that I can not see anything fair in a proposal which bestows a special privilege upon one great class well able to bear its fair share of the burden of taxation.

If the tariff is restricted to the sole purpose of raising revenue, there will, nevertheless, be a substantial discrimination in favor of our home market in the very fact that import duties to the extent of $300,000,000 are levied each year. That discrimination will help somebody in the United States. Is it not fair and reasonable that the American farmer, as well as the manufacturers in Connecticut, Rhode Island, and Massachusetts, should have some of the benefits by having a part of this revenue duty laid upon those products of the farm sent into this great market by his Canadian competitor? To refuse even this much is a discrimination against him for which no reasonable excuse can be given.

If, on the other hand, we must submit, and every product of the farm produced by his Canadian competitor must come into the United States free of duty, why not enlarge the list, so that Canada may send her manufactured products into this market free of duty also? It seems clear that we can do this, if we make it a part of the reciprocal act, without involving the favored-nation clause in treaties with other countries. An amendment of that kind certainly would not annul the agreement. The bill pending before the Canadian Parliament to carry out the proposed reciprocal agreement is printed on page 195 of the hearings before the House Committee on Ways and Means. It contains the following clause:

* * * The act proposed * * * shall not come into operation until a date to be named by the governor in council in a proclamation to be published in the Canadian Gazette, and that such proclamation may be issued whenever it appears to the satisfaction of the governor in council that the United States has enacted, or will forthwith enact, such legislation as will grant to Canada the reciprocal advantages provided for in certain correspondence dated Washington, January 21, 1911, between the Hon. P. C. Knox, Secretary of State for the United States, and the Hon. W. S. Fielding, minister of finance for Canada, and the Hon. William Patterson, minister of commerce for Canada.

Mr. President, the intention of this language is plain. This Canadian bill simply requires that it shall not become operative until the United States has enacted a law granting to Canada the reciprocal advantages provided for in the agreement. When

the United States has done that, the Canadian act will go into effect. It will not prevent its taking effect if the act of the United States not only grants to Canada the reciprocal advantages named in the agreement, but does more, and, without asking anything further from her, gives to Canada other concessions, which will not only benefit her, but which will be of benefit to the consumers of the United States.

If it is a good thing for us to favor the Canadian farmer for the purpose of "cementing our friendly relations" with the Dominion, it is a still better thing to favor the Canadian manufacturer for a like reason; and by favoring him we may be able to restore to some extent the competition which our great trusts have destroyed in the United States; in other words, actually reduce the cost of living to the masses.

The Canadian Yearbooks for 1908 and 1909 show marked progress in the manufacture of food products in Canada from 1871 to 1906.

In 1871 there were 3,922 establishments for the manufacture of food products in the Dominion, with a capital employed of $12,532,202, in which 10,728 persons were employed; $2,413,701 paid annually as wages for labor, $45,911,827 for raw materials, and the value of the output that year was $56,689,227.

In 1906 there were 5,012 establishments in the Dominion engaged in manufacturing food products, as follows: Twenty-nine, baking powder and flavoring extracts; 456, bread and biscuits; 2,958, butter and cheese; 4, chewing gum; 4, cocoa and chocolate; 33, coffee and spices; 5, condensed milk; 3, confectioners' supplies; 41, evaporated fruits and vegetables; 465, preserved fish; 832, flouring and grist mill products; 59, fruit and vegetable canning; 61, slaughtering and meat packing; 7, slaughtering, not including packing; 8 sugar refineries; 3 tallow refineries; 34 vinegar and pickle factories; 10 other food-product establishments. The capital employed was $89,880,145; the amount paid out that year in these plants for wages was $12,025,927. The number of wage earners employed was 45,520. The value of the output was $173,359,431.

This is one line of manufacturing only—food products. If the products of the Canadian farms must be admitted free to promote good will with our Canadian neighbors and to check the tendency in the cost of living to increase, why should we not admit these manufactured food products from the Canadian factories into the United States free of duty for the same reason? Who, except the American trust and the American manufacturer—who seems to think the country exists for his sole benefit—can be opposed to it? Why give free trade to the Canadian farmer and refuse to remit duties to the Canadian manufacturer?

The United States Crop Reporter for January, 1911, shows clearly that the American farmer is capable for years to come, if given a square deal with other classes, of increasing the production of farm lands to meet all the demands of an ever-increasing population. I read from page 5:

> The foregoing presentation of the information that is possessed concerning the trend of agricultural production in this country, in comparison with population, makes it plain that in spite of the fact that the United States is now passing through some of the early and middle phases of agricultural land exploitation, it nevertheless appears that the final stage of better agriculture and increased production per acre has been reached in many States for a varying number of crops, and that production per acre is not only beginning to exceed normal increase of population, but really to exceed the actual increase. The ability of the soil and of the agricultural arts and sciences to produce crops at a rate greater than either the normal rate of increase of population or the normal as temporarily influenced by immigration has been demonstrated times innumerable by the Department of Agriculture, by the experiment stations, and by intelligent farmers all over the country. The potentiality of agricultural production as a national achievement sufficient for growth of population has been so numerously and so thoroughly demonstrated as to be now beyond intelligent question. * * *
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> Quietly the farmer has been rising from the depths into which he was cast by the ruinously low prices in the early nineties until now he has reached a plane where he receives a well-deserved recompense for his labors. Probably never before has the average farmer been in better condition than in recent years. Farmers are rapidly acquiring the modern conveniences formerly possessed only by those living in the cities, such as furnace-heated houses, water and bath facilities, free mail delivery, telephones, etc., and, with good crops commanding remunerative prices, he is becoming more and more able to secure such conveniences and to indulge in many luxuries enjoyed previously only by the prosperous urban communities.
>
> Within the past 10 years the purchasing power of the farmer has increased more than 50 per cent. Such conditions are having, and will continue to have, more force in keeping the rising generation of farmers' children upon the farm than volumes upon volumes of printed advice to stay there. When there was hardship and no profit in farming, such advice was useless; now farm life is becoming profitable and more attractive, and such advice is becoming unnecessary.

Mr. President, that situation gives us the solution of the puzzling social problems growing out of the congestion in our great cities. It is a situation that should be safeguarded and encouraged. There is the pure fragrance of the clover field and new-mown hay about it. Why should it be disturbed by the nightmare of free trade in Canadian farm products? Why should we break down the work of the agricultural college in the United States by a retrograde policy?

The profits made by the farmer are not inordinate. Some ridiculously false statements are being circulated about them. The claim has been made recently that the Crop Reporter, from which I have been reading, shows that while the price of 85 articles purchased by the farmer during the period from 1899 to 1909 increased only 12.1 per cent, the money return per acre in the United States in crops of corn, oats, wheat, barley, rye, buckwheat, potatoes, hay, tobacco, and cotton increased 72.7 per cent. The figures quoted were tabulated by Victor H. Olmsted, Chief of the Bureau of Statistics, from replies received by the bureau from a circular letter mailed by it to a large number of retail dealers. These replies were such as would be voluntarily made by mail, under such circumstances, and were not shown to be based upon book entries, nor given under oath. It is undoubtedly true that farm products advanced very materially in price between 1899 and 1909, but it is utterly ridiculous to make the assertion based upon letters written by retailers that the articles the farmer buys increased in price during the same period only 12.1 per cent.

The figures presented by Mr. HINDS the other day show how absurd the figures given by these retailers are. He compared the "consumer's price" and the "farmer's price" in New York for one year. The figures show that the consumers paid $8,212,000 for onions, for which the farmer received only $821,000; $60,000,000 for potatoes, for which the farmer received only $8,437,000; $9,125,000 for cabbages, for which he was paid only $1,825,000; $48,880,000 for milk, for which he received only $22,912,000; also, $28,730,000 for eggs, for which the farmer was paid only $17,238,000.

The senior Senator from North Dakota [Mr. MCCUMBER] in the remarkably able address he delivered on this subject recently left nothing to be said upon the claim that the farmer is receiving an excessive price for the products of his farm. Bulletin No. 75 of the Bureau of Labor shows that during the eight years from 1899 to 1908 there was an increase of three and four times 12.1 per cent in the price of cloths and clothing, fuel and lighting, metals and implements, lumber and building materials, as well as in the price of farm products, and that when we consider the unusually low prices of farm products for ten years prior to 1899, the increase in the price of this class of commodities since then is not at all disproportionate to that in other lines. The majority report of the select committee appointed by the Senate last year to investigate wages and the prices of commodities, although it was never able to carry on an exhaustive examination because the Democratic Members of this body defeated the consideration of an appropriation to pay the expenses of the investigation, found that during the period from 1900 to 1909 the natural products of the farm in crude form advanced in price 36.1 per cent, while the products of the forest advanced 40.3 per cent, and manufactured farm products advanced 24.2 per cent.

The Massachusetts commission to investigate the cost of living in 1910 (p. 64) gives the following percentages, showing increase in average prices paid for food products during the period from 1897 to 1910:

	Per cent.
Beef (roasting) increased	37.0
Pork (fresh) increased	79.0
Pork (salt) increased	92.0
Flour (wheat) increased	28.6
Bacon increased	71.4
Eggs increased	25.1
Butter increased	46.1
Milk increased	37.5
Potatoes decreased	33.4
Coal increased	30.2
Cotton goods:	
Sheeting, 9–8, brown, increased	49.4
Sheeting, 9–8, bleached, increased	54.1
Cotton flannel increased	20.0
Ticking increased	70.0
Prints increased	38.5
Boots, men's heavy, increased	30.9

The investigation of the Massachusetts commission was strictly nonpartisan and very exhaustive.

In the face of such facts as these, as well as in the face of facts universally known to all, how absurd it is for a few retailers to attempt to convince the public that the articles which the farmer buys have only increased in price 12.1 per cent during the last 10 years. Mr. President, it seems to me that the attitude of the highly protected manufacturers of New England and the Middle and Eastern States in joining in this movement to put the American farmer on a free-trade basis is extremely narrow and selfish. They have, over and over again, demanded and received protection for their industries against all the other countries of the world, until they have become rich and powerful. During the last 10 years, by combination, they

have crushed out competition in their own country, and now, having done that, they want special privileges further extended to them by taking away from the only independent individual in this country, the American farmer, protection on the material produced by him. Hides, wheat, barley, rye, flaxseed, rough lumber, dairy products, cattle, wool, vegetables, eggs, and poultry must be admitted from an alien country free of tax, to help these great trusts in the United States who have crushed out competition at home, who will pocket the increased profit, and the consumer will go on paying the same old prices. Of course, these patriots make their demands on the ground that they want to more firmly cement the friendly relations existing between the two nations. But you all know what old Dr. Johnson said about patriotism being the last refuge of the scoundrel.

Let me not be misunderstood here. I have no doubt about the sincerity and patriotism of the President. I accept with full credit his purpose to view the proposed enactment from a high plane, without attempting to determine the exact balance of financial gain; and that, as it appears to him, "no yardstick can measure the benefits of the two peoples of this freer commercial intercourse and no trade agreement should be judged wholly by customhouse statistics." But I refuse to credit the manufacturers, who have fattened to excess under the privilege of excessive tariff protection, with the same disinterestedness, when they—in order to escape paying their employees better wages, and in order to make still greater profits for themselves by securing free raw materials while retaining a protective rate on their manufactured products—join in the movement against the American farmer. Experience is the great teacher, Mr. President, and fortunately we have had some experience with Canadian reciprocity.

A proposal of almost identically the same character, even in detail, was enacted by both countries in 1854 and remained in force until 1865. The act approved August 5, 1854, was to become operative whenever the President received satisfactory evidence that the Parliament of Great Britain and the Provincial Canadian Parliaments had passed laws on their part giving full effect to the provisions of the treaty between the United States and Great Britain. It admitted free of duty the following articles, being the growth and produce of the Canadian Provinces:

Grain; flour and breadstuffs of all kinds; animals of all kinds; fresh, smoked, and salted meats; cotton wool; seeds and vegetables; undried fruits; dried fruits; fish of all kinds; products of fish and all other creatures living in the water; poultry; eggs; hides; furs, skins, or tails, undressed; stone or marble in its crude or unwrought state; slate; butter; cheese; tallow; lard; hams; manures; ores of metals of all kinds; coal, pitch, and tar; turpentine; ashes; timber and lumber of all kinds, round, hewed, and sawed, unmanufactured in whole or in part; firewood; plants, shrubs, and trees; pelts; wool; fish oil; rice; broom corn and bark; gypsum, ground or unground; hewn or wrought or unwrought burr or grindstones; dyestuffs; flax, hemp, and tow, unmanufactured; unmanufactured tobacco; rags.

Article 5 of the Elgin-Marcy treaty of 1854 provided that it should take effect as soon as the laws required to carry it into operation shall have become passed by the Imperial Parliament of Great Britain and by the Provincial Parliaments of those of the British North American colonies which are affected by this treaty, on the one hand, and by the Congress of the United States, on the other. "Such assent having been given, the treaty shall remain in force for 10 years from the date at which it may come into operation, and, further, until the expiration of 12 months after either of the high contracting parties shall give notice to the other of its wish to terminate the same, each of the high contracting parties being at liberty to give such notice to the other at the end of the said term of 10 years or at any time afterwards. It is clearly understood, however, that this stipulation is not intended to affect the reservation made by article 4 of the present treaty with regard to the right of temporarily suspending the operation of articles 3 and 4 thereof."

In 1860 the Secretary of the Treasury, Mr. Cobb, submitted to Congress the reports of two agents of the United States Government, Mr. Israel T. Hatch and Mr. James W. Taylor, who had made investigations of the operation of this law since its enactment. The report of Mr. Hatch was decidedly unfavorable. He quotes with approval the following from the letter of Mr. Van Buren, Secretary of State under President Jackson, in regard to trade with the British Colonies in North America:

> The policy of the United States in relation to their commercial intercourse with other nations is founded on principles of perfect equality and reciprocity. By the adoption of these principles they have endeavored to relieve themselves from the discussions, discontents, and embarrassments inseparable from the imposition of burdensome discriminations. These principles were avowed while they were yet struggling for their independence, are recorded in the first treaty, and have been adhered to with the most scrupulous fidelity.

In the same connection he quotes the following from the report of Thomas Jefferson, as Secretary of the Treasury, in 1793:

> Should any nation, contrary to our wishes, suppose it may better find its advantages by continuing the system of prohibitions, duties, and regulations, it behooves us to protect our citizens, their commerce, and navigation by counter prohibitions, duties, and regulations also. Free commerce and navigation are not to be given in exchange for restrictions and vexations, nor are they likely to produce relaxation of them.

Speaking of the Elgin treaty of 1854, Mr. Hatch then adds:

> The leading idea of the treaty itself was to permit the introduction of the products of one country into the other free of duty, and consequent reciprocal benefits were expected to follow both. * * * No statesmanship could, however, foretell the workings of the treaty, or had a right to anticipate legislation adverse to the spirit. Correct in principle as the treaty itself was, the perversion of its spirit and the disregard of its substance on the part of Canada have produced results it is the province of this report to exhibit.

Mr. Hatch shows that after the provisions of the treaty went into effect the value of the free imports from Canada to the United States increased from $380.041 in 1854 to $13.703.748 in 1859, while the imports paying duty decreased from $6,341,498 in 1854 to only $313,953 in 1858. He also shows that the value of goods exported by the United States into Canada, and paying a duty, fell from $13,449,341 in 1854 to $8,473,607 in 1858, while the value of goods going free of duty from the United States into Canada increased from $2.083.756 in 1854 to $7,161,958 in 1858. He shows also that Canada, pending the life of the Elgin treaty, violated its spirit, if not its letter, by increasing the Canadian duties imposed upon manufactured goods from the United States very materially, and observes:

> This legislation occurred at a time when, without asking for any equivalent, we had reduced our duties on Canadian manufactures 20 per cent. Before this, desirous of rendering "our commercial relations reciprocally beneficial and satisfactory," we have conferred upon Canada benefits shared by all classes of her people. We gave to her farmers highly remunerative prices, and brought their lands and productions upon an equality with our own, and thus greatly increased the value of their homesteads. Through their agriculture, we aided every branch of their industrial occupation, though we thereby left the most important points of our trade in the hands of those among whom hostile traditions are not yet wholly distinct. * * *
>
> The increase in the profits of the Canadian farmer, since the treaty, is well known on both sides of the frontier. The large amount which would have accrued to the United States in the form of duties has gone to his benefit in the increased value of his products and real estate. The production of many articles has been greatly stimulated, much to his advantage, and their importations have been severely felt by our own producers along all that line of frontier through which access is naturally sought in an eastward course to our cities, manufacturing districts, and the great highway of the world. * * *
>
> Contrary to the belief commonly held at the date of the treaty, the Liverpool market does not determine the standard of value for breadstuffs on this side of the Atlantic. European prices are now far from being remunerative to the American producer. They have seldom been profitable to us since the termination of the Crimean War. Reopening the Russian granaries threw the Russian serf into close competition with the American farmer, who can only sustain himself by his superior intelligence and the application of modern labor-saving implements of agriculture. * * * All the wheat and flour sent by us in 1858–59 to England, where flour is charged with a duty of 4½ pence per hundredweight, or about 16 cents a barrel, and a corresponding duty is levied on grain, was only $1,736,152 in value, or less than half of $3,665,502, the amount thrown on our market from Canada, notwithstanding the failure of her crop.
>
> The grain-growing regions of the Northwestern States have suffered more than other parts of the Union from a depression of prices in our Atlantic cities, thus caused by the influx of Canadian products.
>
> A temporary cheapness of transportation will not compensate for reduction in the value of grain; and Canada, by virtually prohibiting the importation of American manufactures, prevents, so far as she is able, an increased demand and consumption of breadstuffs within the limits of our confederacy.

I have been reading from the report of the special commissioner made after a full investigation of the effects of the Elgin treaty, dated March 28, 1860, published in Congressional Document No. 1350, printed under an order made February 2, 1911.

The treaty of 1854 secured freedom of navigation on the St. Lawrence River to citizens of the United States and a recognition of their right to fish on the coasts of the British North American Provinces, but those features, which aided that law, have no place in the trade agreement of 1911.

On December 14, 1863, Hon. Justin S. Morrill, of Vermont, one of the ablest and most distinguished friends the American farmer ever had, introduced in the House of Representatives a joint resolution giving notice of the termination of the Elgin treaty. It was referred to the Committee on Foreign Affairs and favorably reported on April 1, 1864. Mr. Ward, of New York, who made the report, on presenting it to the House, among other things, said:

> General dissatisfaction with the treaty exists along the whole of our northern frontier near Canada, and the moral and political effects which it hoped would result from it have been destroyed, the effect of

the Canadian tariffs exacted since 1855 having been to decrease very materially the amount of manufactures and goods of foreign origin sold by the people of this country to those of the Provinces. * * * During the past five years the export of manufactures of the United States to Canada have in the aggregate decreased from $4,185,516 in 1858–9 to $1,510,802 in 1862–3.

Mr. Pike, a Member of Congress from Maine, spoke thus of the treaty:

I confess I am impatient of delay. I desire this treaty to draw its last breath as soon as possible. Had it much longer to live in order to die a natural death, if that be not paradoxical, I should be disposed to use violence and destroy a life which, in my judgment, has been productive of so much injury. It was a creature of mistaken views and of expectations which had no basis in fact. Its workings have been a continuous and protracted disappointment. It has achieved no considerable result which was predicted for it, and I ask attention of the House for a short time while I exhibit its utter failure in all particulars which should render a commercial arrangement with a foreign country desirable to us.

Mr. Baxter, of Illinois:

Within 12 months after this reciprocity treaty—as by an infamous misnomer it is called—went into operation real estate in Canada rose 25 per cent, and within 12 months thereafter it rose 50 per cent. And why? Because my neighbor from the Canadas could go to our market any morning with me in the same car and receive the same price that I could get for my produce, without incurring any of the burdens which I have to bear.

The joint resolution terminating the treaty passed the House December 13, 1864. Allison, Blaine, Henry Winter Davis, Lott M. Morrill, Thaddeus Stevens, and Elihu B. Washburne voted for it. There were 85 yeas and 57 nays.

On December 18, 1864, the joint resolution was reported favorably by Mr. Sumner in the Senate for the Committee on Foreign Relations.

Mr. Sumner said:

The people of the United States have been uneasy under the reciprocity treaty for several years; I may almost say from its date. There was a feeling that it was more advantageous to Canada than to the United States; that, in short, it was unilateral. This feeling has of late ripened into conviction.

Mr. Sherman favored the termination of the treaty. With his accustomed good sense and practical wisdom he remarked:

My vote shall be controlled by one idea alone; and that is that it is now the interest of the United States, in a pecuniary sense, to terminate this treaty. * * * Nations in their commercial intercourse are always governed by their interests, and especially is this so with Great Britain. It is admitted to be so by all her distinguished statesmen. She has always been guided by her interests as a nation, precisely as an individual in the ordinary affairs of life would be guided by his interests. * * * When the reciprocity treaty was adopted in 1855, there was then a state of things along the border which induced both parties to cultivate kindly relations and the exchange of commodities between them.

I have no doubt that Great Britain got a great deal the best of the bargain, especially in the schedule of articles named which should be exchanged free of duty. The treaty has operated from the beginning against our interests; and it can be plainly demonstrated by the tables which are furnished by the Secretary of the Treasury that from the beginning our trade has fallen off and theirs increased, comparatively.

The amount of goods exported to Canada in 1855, subject to duty, was $11,449,472, and in 1862 no more than $6,128,783. * * * While the goods we received from Canada came to us duty free, except a very insignificant amount, they charge us duty on more than half of what we send them. Can that be said to be reciprocal? * * * While this treaty stands it is a discrimination against every farmer and against every mechanic and every industrial interest in the Western States. The farmer in Canada may raise his grain and produce and send it to our markets free of duty, and it pays no tax. We can not reach their railroads; we can not tax their transportation; we can not affect them in the least; and yet every interest of our farmers is taxed. It is manifest therefore that while we maintain our present system of internal taxation the reciprocity treaty is a direct benefit to the Canadian producer, farmer, and mechanic, and it is a discrimination against our own farmers and mechanics.

The resolution terminating the treaty passed the Senate January 12, 1865. Senators Chandler, Collamer, Doolittle, Grimes, Harlan, Lane of Indiana, Morrill, Sherman, Sumner, Trumbull, Ben Wade, and Henry Wilson voted for it. There were 33 yeas and only 8 nays.

And so, Mr. President, after trying a similar arrangement with Canada for 10 years, the Congress of the United States by overwhelming majorities in each House terminated it by joint resolution, which was approved by President Lincoln January 18, 1865.

The decree of history and experience has been of record against this proposal for 46 years. It is true that the United States has grown and that she has taken her proud place as a "world power" since then. But the Dominion of Canada has grown also, and is seeing the first dim outlines of a great empire growing rapidly under her northern skies. It was found that the admission of farm products from the Provinces of the Dominion into the United States was a one-sided agreement, detrimental to the best interests of the United States then.

The changes which have occurred since 1865 make such an agreement equally unfair and discriminatory against us now.

In 1892 President Harrison refused to entertain a similar proposal by Canada, because, he said:

A reciprocity treaty limited to the exchange of natural products would have been such only in form. The benefits of such a treaty would have inured almost wholly to Canada. Previous experiments on this line have been unsatisfactory to this country. A treaty that should be reciprocal in fact and of mutual advantage must necessarily have embraced an important list of manufactured articles and have secured to the United States a free and favored introduction of these articles into Canada as against the world, but it was not believed that the Canadian ministry was ready to propose or assent to such an arrangement. * * * It must be accepted, I think, as the statement of a condition which places an insuperable barrier in the way of that large and beneficial intercourse and reciprocal trade which might otherwise be developed between the United States and the Dominion.

This was the opinion of President Harrison against a similar proposal of Canada in 1892. The changes which have occurred since 1865 and 1892 have strengthened rather than weakened the objections so potent as to defeat it then.

Mr. President, it has been hinted in some places that the opposition of the farmer to the enactment of this law is an artificial one, caused by interests other than his own, and that it is the result of a systematic and organized effort of politicians, of lumbermen, and of certain corporations, who have deceived and misled the farmer. No claim could possibly be more unjust. I have received many letters from actual farmers in South Dakota protesting against this law and only a very few favoring it. The letters opposing it do not come from politicians nor corporations, but from actual farmers, who state their objections in their own way.

I ask permission to print in connection with my remarks some tables based upon the census of 1910, from which I have made quotations, and some of the protesting letters and petitions I have received.

The VICE PRESIDENT. Without objection, permission is granted.

Mr. CRAWFORD. In order that this bill may be really and truly reciprocal, rather than a one-sided law, which will allow the trusts of the United States to profit at the expense of the farmers of the United States, it should be so amended as to admit the manufactured products of Canada free of duty along with the natural products. To accept less is to discriminate unjustly against the American farmer and in favor of the American manufacturer and the American trust. I offer such an amendment and ask that it be referred to the Committee on Finance.

A law like the one which has been proposed here, except that it was a better one, because it put flour on the free list, and secured the free use of the St. Lawrence River, and the right to fish in the waters adjacent to the Canadian Provinces by citizens of the United States, was found, after 10 years trial, to be so unfair to the people of the United States that it was repealed by a decisive vote in 1865.

Now, why should we undertake to repeat in 1911 the error of 1854—46 years later?

During these 46 years the modern monopolistic trust has come into our commercial life; it has crushed out competition; it will appropriate all the benefits that can flow from this law if enacted in its present form; no relief will come to the ultimate consumer; it will depress American agriculture and intensify the congestion of our population in great cities. The opposite course should be taken.

The trust should be held in check; congestion in the cities should be relieved; the open spaces in the country should be occupied and made to yield harvests and support homes. Profitable returns in the pursuit of agriculture will take our people back to the farm. Profitable returns will keep them there. Nothing else will. The great Department of Agriculture and the State agricultural colleges, assisted by Federal appropriations and the work of experimental stations, have made the pursuit of agriculture a science where brain, as well as muscle, is essential to its mastery. With profitable returns for the labor and intellect bestowed, the calling of the farmer becomes dignified as well as independent. But all depends upon its yielding him a fair profit. Unless it does that, his sons will yield to the lure of the city. We are at the parting of the ways. The policy of the Government is now to be definitely determined. The issues are momentous. If this is to be henceforth an urban Nation—living as England lives, where 26,000,000 of her 38,000,000 live on imported wheat, and 13,000,000 live on imported meat, which, put in other words, means, as Mr. Mallock tells us, that her whole population lives on imported meat for nearly five months of the year, and on imported wheat for eight months of the year—if we are ready to admit that this is to be our destiny in the United States, and that we shall ransack the world for our food and not depend upon the American

farms for it, then I say agriculture will go down in this country, and with it will begin the permanent decay of our civilization. And if we have decided to maintain a protective tariff upon manufactured products, while exposing the products of our farms to free trade with their greatest world competitor, our conduct is the strongest possible admission that we have reached that melancholy conclusion.

I protest against it because, in my opinion, it is a cowardly abandonment of a grave duty and obligation we owe to the future as well as to ourselves. Necessity has not yet pushed us so far. We owe much to the soil of this favored land. We must not fail to give it our allegiance now. The farmer has fought a good fight, and is always and ever pushing on. By drainage and by irrigation, by intensive processes, and by reclamation, through crop rotation and the use of fertilizers, he is opening new fields and restoring waste places. He is always working at the base of the triangle. He was the Nation builder. He is the home builder. When he fails, all is lost. These great cities, these vast railways, these enormous combinations of wealth, these stock and commission gamblers will not remain long when the American farmer gives up the fight. How, then, can we make so fundamental a change in our policy toward the farmer with such seeming indifference? How do we dare do it when it is clear that the trusts, and the trusts only, will profit by the change?

The farmer will resent it, and the workingman, when he finds that it has given no relief to him, will resent it. Those who believe that a policy should be followed which will protect the American producer against foreign competition to the extent of the difference in cost of production at home and abroad by tariff duties will find that a fatal breach has been made in the system they would maintain and that it will speedily fall into disuse.

Instead of leading in the system which is developing an empire in Canada, and which enables Germany and France to keep first place in the world of agriculture, commerce, and manufactures, the United States will follow England in a policy which, in many ways, is adapted to the needs of the two small islands known as Great Britain, but which is not adapted to the needs of a nation like ours, the possessor of half a continent, with infinite possibilities in the yet undeveloped resources of its soil; the adoption of a policy in which the country is to yield forever the scepter of power and influence to the city; a policy which will soon change the entire character of our institutions and the quality of our citizenship.

I hope the attempt may fail now, but should it succeed, temporarily, I can not believe that the American people will permanently abandon the policies which, in three generations, have witnessed her advancement from a feeble beginning to the first place among the nations and peoples of the earth.

APPENDIX.

Increase in number of farms, 1910 over 1900.

[+ (increase); — (decrease).]

States.	1910	1900	Percentage.
Colorado	45,839	24,700	+86
Connecticut	26,431	26,948	− 2
District of Columbia	214	269	−20
Idaho	30,741	17,471	+76
Illinois	250,853	264,151	− 5
Indiana	214,741	221,897	− 3
Iowa	216,807	228,622	− 5
Kansas	177,299	173,000	+ 2
Maine	59,773	59,299	+ 1
Maryland	48,769	46,012	+ 6
Massachusetts	36,512	37,715	− 3
Michigan	206,376	203,261	+ 2
Minnesota	155,759	154,659	+ 0.7
Missouri	276,081	284,886	− 3
Montana	25,946	13,370	+94
Nebraska	129,419	121,525	+ 6
Nevada	2,660	2,184	+22
New Hampshire	26,913	29,324	− 8
New Jersey	33,161	34,650	− 4
New York	214,650	226,720	− 5
North Dakota	74,165	45,332	+64
Oregon	45,128	35,837	+26
Pennsylvania	218,394	224,248	− 3
Rhode Island	5,191	5,498	− 6
South Dakota	77,314	52,622	+47
Vermont	32,598	33,104	− 2
West Virginia	95,876	92,874	+ 3
Wisconsin	176,546	169,795	+ 2
Washington	55,744	33,202	−68
Ohio	271,383	276,719	− 2
Total	3,231,283	3,139,894	+ 2.5

Cash paid out for labor upon farms in 1910 and 1900 and rate of interest.

States.	1910	1900	Increase.
			Per cent.
Colorado	$10,723,000	$4,101,000	161
Connecticut	6,652,000	4,103,000	62
District of Columbia	221,000	197,000	12
Idaho	6,677,000	2,250,000	197
Illinois	35,675,000	22,183,000	61
Indiana	17,903,000	9,686,000	85
Iowa	24,732,000	16,376,000	57
Kansas	20,474,000	10,793,000	90
Maine	5,591,000	2,667,000	110
Maryland	8,720,000	5,716,000	53
Massachusetts	11,747,000	7,487,000	57
Michigan	18,905,000	10,717,000	76
Minnesota	22,186,000	16,658,000	33
Missouri	18,526,000	9,804,000	89
Montana	10,874,000	5,077,000	114
Nebraska	14,942,000	7,399,000	102
Nevada	2,978,000	1,387,000	115
New Hampshire	3,340,000	2,305,000	45
New Jersey	10,530,000	6,720,000	57
New York	40,483,000	27,102,000	49
North Dakota	21,715,000	9,207,000	136
Oregon	11,011,000	4,843,000	127
Pennsylvania	25,079,000	16,648,000	51
Rhode Island	1,675,000	1,632,000	62
South Dakota	12,821,000	5,528,000	132
Vermont	4,739,000	3,133,000	51
West Virginia	3,981,000	2,042,000	95
Wisconsin	19,044,000	10,469,000	82
Washington	15,223,000	5,280,000	188
Ohio	25,314,000	14,503,000	74
Total	432,481,000	245,413,000	76

Proportion of total area in wheat.

States.	1870–1879	1900–1909
	Per cent.	*Per cent.*
Maine	0.1	1.6
Pennsylvania	4.4	5.6
Delaware	5.0	8.9
Maryland	7.5	12.3
West Virginia	1.9	2.5
North Carolina	1.4	1.9
South Carolina	.6	1.5
Ohio	6.4	7.2
Indiana	8.0	9.0
Minnesota	3.3	10.5
Missouri	2.7	4.5
Nebraska	.9	5.1
Kansas	1.5	10.5
Texas	.1	.6
Arkansas	.4	.7
Oregon	.4	1.3
California	.2	1.7

Expenditures for fertilizers, and increase, years 1910 and 1900.

[+ (increase); − (decrease).]

States.	1910	1900	Percentage.
Colorado	$58,000	$23,000	+152
Connecticut	1,930,000	1,078,000	+ 79
District of Columbia	16,000	23,000	− 30
Idaho	21,000	17,000	+ 24
Illinois	571,000	831,000	− 31
Indiana	2,181,000	1,554,000	+ 40
Iowa	107,000	337,000	− 70
Kansas	73,000	268,000	− 73
Maine	4,063,000	820,000	+395
Maryland	3,375,000	2,619,000	+ 29
Massachusetts	1,931,000	1,321,000	+ 46
Michigan	936,000	492,000	+ 90
Minnesota	63,000	251,000	− 75
Missouri	662,000	371,000	+ 78
Montana	10,000	4,000	+150
Nebraska	29,000	153,000	− 81
Nevada	8,000	(1)	(1)
New Hampshire	510,000	368,000	+ 39
New Jersey	4,206,000	2,165,000	+ 94
New York	7,057,000	4,493,000	+ 57
North Dakota	9,000	14,000	− 36
Oregon	63,000	27,000	+133
Pennsylvania	6,756,000	4,686,000	+ 44
Rhode Island	309,000	264,000	+ 17
South Dakota	11,000	13,000	− 15
Vermont	570,000	447,000	+ 28
West Virginia	520,000	405,000	+ 28
Wisconsin	122,000	294,000	− 59
Washington	79,000	29,000	+172
Ohio	4,163,000	2,695,000	+ 54
Total	40,409,000	26,062,000	+ 51

[1] No figures.

Increase in value of buildings on farms during 10 years from 1900 to 1910.

	Per cent.
Colorado	183
Connecticut	45
District of Columbia (decrease)	88½
Idaho	267
Illinois	71
Indiana	89
Iowa	89
Kansas	79
Maine	54
Maryland	42
Massachusetts	22
Michigan	79
Minnesota	120
Missouri	81
Montana	164
Nebraska	118
Nevada	83
New Hampshire	25
New Jersey	31
New York	40
North Dakota	262
Oregon	127
Pennsylvania	26
Rhode Island	30
South Dakota	231
Vermont	45
West Virginia	67
Wisconsin	85
Washington	233
Ohio	67

Average wages of agricultural labor, with board, in specified States, eastern Canada, and British Columbia, 1909.

	By the month.		In harvest.
	Hiring by the season.	Hiring by the year.	
United States:[1]			
Maine	$27.60	$23.17	[2] $1.63
New York	26.00	22.08	1.77
Michigan	25.10	21.57	1.75
Minnesota	29.25	23.98	2.23
Wisconsin	28.57	24.39	1.79
North Dakota	33.34	27.01	2.58
Iowa	28.93	25.63	2.08
Ohio	22.11	19.19	1.67
Vermont	26.86	24.03	1.73
Montana	39.29	35.00	2.23
Washington	36.39	31.32	2.34
Missouri	21.10	18.85	1.50
Canada:[3]			
Prince Edward Island	17.25	10.87	[4]
Nova Scotia	21.20	15.90	.40 / .50
New Brunswick	22.59	9.96	
Quebec	23.33	17.58	.30 / .35
Ontario	21.52	17.63	.20 / .35
British Columbia	30.50	20.69	[5] .35 / .50

[1] Advance figures from unpublished bulletin on agricultural wages by Department of Agriculture.
[2] Wages by the day.
[3] From Canadian Census and Statistics Monthly, Jan., 1911, p. 2.
[4] Wages by the month.
[5] Includes only lodging.

Production and farm price per ton of hay in specified States compared with Canada in 1910.

	Production.	Yield per acre.	Farm price per ton.
UNITED STATES.			
	Tons.	*Tons.*	
Maine	1,750,000	1.25	$12.80
New Hampshire	768,000	1.20	15.80
Vermont	1,256,000	1.35	12.40
New York	6,351,000	1.32	13.70
Illinois	3,717,000	1.33	12.00
Michigan	3,370,000	1.30	13.60
Wisconsin	2,260,000	1.00	15.10
Minnesota	908,000	1.00	9.10
Iowa	3,780,000	1.05	9.60
North Dakota	103,000	.55	7.60
South Dakota	408,000	.80	7.10
Montana	840,000	1.40	12.50
Total	60,978,000	1.33	12.26
CANADA (HAY AND CLOVER).			
Prince Edward Island	495,000	2.02	8.30
Nova Scotia	1,284,000	1.94	9.70
New Brunswick	1,261,000	1.84	8.56
Quebec	5,502,000	1.78	9.29
Ontario	6,749,000	1.84	10.21
Manitoba	135,000	1.15	10.21
Saskatchewan	23,000	1.34	9.56
Alberta	57,000	.87	14.58
Total	15,497,000	1.82	9.66

Comparative values of farm lands in Canada and the United States.

	Average value per acre of improved land.		Increase.
	1909	1910	
UNITED STATES.			*Per cent.*
Maine	$15	$25	67
New Hampshire	19	26	37
Vermont	18	24	33
Rhode Island	51	62	22
Connecticut	42	63	50
Pennsylvania	46	56	20
Delaware	32	51	59
Illinois	54	108	101
Indiana	39	75	92
Missouri	25	50	100
Iowa	50	109	117
Wisconsin	35	57	63
Michigan	33	46	39
Minnesota	26	46	77
CANADA.			
British Columbia	55	73	33
Manitoba	13	29	123
New Brunswick	11	24	120
Nova Scotia	11	31	181
Ontario	35	50	43
Prince Edward Island	19	32	70
Quebec	24	43	80
Saskatchewan	7	22	201
Alberta	7	20	185

Production and farm price per bushel of oats in specified States compared with Canada in 1910.

	Production.	Average yield per acre.	Farm price per bushel.
UNITED STATES.			
	Bushels.	*Bushels.*	
Maine	5,554,000	42.4	$0.48
New Hampshire	599,000	42.8	.51
Vermont	3,528,000	41.5	.50
New York	46,161,000	34.5	.42
Indiana	65,490,000	35.4	.31
Illinois	171,000,000	38.0	.30
Michigan	51,170,000	34.0	.35
Wisconsin	69,136,000	29.8	.34
Minnesota	78,523,000	28.7	.32
Iowa	181,440,000	37.8	.27
Missouri	26,208,000	33.6	.32
North Dakota	11,396,000	7.0	.37
South Dakota	35,075,000	23.0	.30
Montana	13,300,000	38.0	.46
Kansas	46,620,000	33.3	.34
Washington	8,817,000	42.8	.48
Total	1,126,765,000	31.9	.34
CANADA.			
Prince Edward Island	6,778,000	36.48	.365
Nova Scotia	5,723,000	39.52	.488
New Brunswick	651,000	29.69	.452
Quebec	48,927,000	29.66	.442
Ontario	128,917,000	39.40	.36
Manitoba	41,742,000	28.76	.31
Saskatchewan	61,367,000	31.10	.285
Alberta	23,644,000	24.27	.324
Total	323,449,000	32.79	.354

Production and farm price per bushel of flaxseed in specified States compared with Canada in 1910.

	Production.	Yield per acre.	Farm price per bushel.
UNITED STATES.	*Bushels.*	*Bushels.*	
Wisconsin	180,000	10	$2.20
Minnesota	5,540,000	7.5	2.30
Iowa	195,000	12.2	2.20
Missouri	168,000	8.4	2.10
North Dakota	5,778,000	3.6	2.35
South Dakota	3,300,000	5	2.29
Nebraska	80,000	8	2.25
Kansas	410,000	8.2	2.10
Montana	420,000	7	2.40
Total	14,116,000	4.8	2.30
CANADA.			
Prince Edward Island			
Manitoba	290,000	11.79	2.09
Saskatchewan	3,448,000	7.87	2.08
Alberta	64,000	4.48	1.87
Total	3,802,000	7.97	2.07

Farm acreage and wheat acreage, 1850–1900.

Years.	Farms.		Improved.		Wheat.	
	Acreage.	Percentage.	Acreage.	Percentage.	Acreage.	Percentage.
1900	838,591,774	44.1	414,498,487	21.8	41,971,000	2.2
1890	623,218,619	32.8	357,616,755	18.8	37,275,000	2.0
1880	536,081,835	28.2	284,771,042	15.0	31,912,000	1.7
1870	407,735,041	21.4	188,921,099	9.9	18,386,000	1.0
1860	417,212,538	21.4	163,110,720	8.6	[1] 15,424,496	.8
1850	293,560,614	15.4	113,032,614	6.0	.....	.....

[1] This sum is the acreage for 1866.

Years.	Population.	Home consumption.	Per capita consumption.
		Bushels.	*Bushels.*
1870	38,558,371	193,698,324	5.02
1880	50,189,209	276,864,727	5.52
1890	62,979,766	345,602,279	5.49
1900	76,149,386	389,331,530	5.11
1906	[1] 84,024,026	536,706,866	6.39
1908	[1] 87,000,000	551,801,954	6.34

[1] Estimated.

Increase in total value of farm land alone from 1900 to 1910.

[Bureau of Census, 1900, 1910.]

	Per cent.
Colorado	300
Idaho	518
Illinois	106
Connecticut	36
Indiana	93
Iowa	122.7
Kansas	188
Maine	74
Maryland	35
Massachusetts	32
Michigan	45
Minnesota	82
Missouri	104
Montana	394
Nebraska	231
Nevada	163
New Hampshire	25
New Jersey	31
New York	28
North Dakota	321
Oregon	262
Pennsylvania	9
Rhode Island	11
South Dakota	376
Vermont	27
West Virginia	53
Wisconsin	71
Washington	419
Ohio	57
District of Columbia (decrease)	57

Cash value of implements upon farms in 1900 and 1910.

States.	1910	1900	Percentage.
Colorado	$12,761,000	$4,747,000	169
Connecticut	6,865,000	4,948,000	39
District of Columbia	62,000	136,000	[1] 119
Idaho	11,459,000	3,295,000	217
Illinois	73,533,000	44,977,000	64
Indiana	40,880,000	27,330,000	50
Iowa	95,273,000	57,961,000	65
Kansas	48,244,000	29,491,000	64
Maine	14,476,000	8,803,000	64
Maryland	11,845,000	8,611,000	38
Massachusetts	11,512,000	8,829,000	30
Michigan	49,771,000	28,795,000	73
Minnesota	52,243,000	30,099,000	74
Missouri	50,769,000	28,603,000	78
Montana	10,522,000	3,672,000	187
Nebraska	44,215,000	24,940,000	77
Nevada	1,558,000	889,000	75
New Hampshire	5,870,000	5,163,000	14
New Jersey	12,955,000	9,330,000	39
New York	83,330,000	56,006,000	49
North Dakota	43,887,000	14,056,000	212
Oregon	13,135,000	6,507,000	102
Pennsylvania	70,547,000	50,917,000	39
Rhode Island	1,753,000	1,270,000	38
South Dakota	33,762,000	12,219,000	176
Vermont	10,162,000	7,538,000	35
West Virginia	6,962,000	5,040,000	38
Wisconsin	52,783,000	29,237,000	81
Washington	16,653,000	6,272,000	166
Ohio	51,115,000	36,354,000	62
Total	938,902,000	556,035,000	50.7

[1] Decrease.

United States production and price of barley under specified duties.

[Reports of Department of Agriculture.]

	Acreage.	Average yield per acre.	Production.	Average farm price.	Farm value.
DUTY 30 CENTS PER BUSHEL (OCT. 1, 1890, TO AUG. 27, 1894).					
		Bushels.	*Bushels.*	*Cents.*	
1890	3,135,302	21.4	67,168,344	62.7	$42,140,502
1891	3,352,579	25.9	86,839,153	52.4	45,470,342
1892	3,400,361	23.6	80,096,762	47.5	38,026,062
1893	3,220,371	21.7	69,869,495	41.1	28,729,386
1894	3,170,602	19.4	61,400,465	44.2	27,134,127
DUTY 30 PER CENT AD VALOREM (AUG. 27, 1894, TO JULY 24, 1897).					
1895	3,299,973	26.4	87,072,744	33.7	29,312,413
1896	2,950,539	23.6	69,695,223	32.3	22,491,241
1897	2,719,116	24.5	66,685,127	37.7	25,142,139
DUTY 30 CENTS PER BUSHEL (JULY 24, 1897, TO PRESENT).					
1898	2,583,125	21.6	55,792,257	41.3	23,064,359
1899	2,878,229	25.5	73,381,563	40.3	29,594,254
1900	2,894,282	20.4	58,925,833	40.9	24,075,271
1901	4,295,744	25.6	109,932,924	45.2	49,705,163
1902	4,661,063	29.0	134,954,023	45.9	61,898,634
1903	4,993,137	26.4	131,861,391	45.6	60,166,313
1904	5,145,878	27.2	139,748,958	42.0	58,651,807
1905	5,095,528	26.8	136,651,020	40.3	55,047,166
1906	6,323,757	28.3	178,916,484	41.5	74,235,997
1907	6,448,000	23.8	153,597,000	66.6	102,290,000
1908	6,646,000	25.1	166,756,000	55.4	92,442,000
1909	7,011,000	24.3	170,284,000	55.2	93,971,000
1910	7,257,000	22.4	162,227,000	57.8	93,785,000

PETITIONS OF PROTEST.

Petition from Dempster Grange No. 4, dated at Dempster, S. Dak., March 22, 1911, requesting delegation to vote against reciprocity bill and use every effort to prevent ratification of same. Signed: A. J. Loats, jr., master; Mrs. E. V. St. John, secretary.

Petition against reciprocity signed by 103 farmers of Coleman, S. Dak. Petition is based upon the following grounds:

1. The schedule proposed provides for free trade on all that the northwestern farmer produces, while retaining almost full protection, as heretofore, on all that farmers have to buy. Practically all the concessions that have been made to Canada are made at the direct expense of the American farmer.

2. The schedule gives Canadian competition free trade in American markets for grain, but still protects flour; free trade for live stock, but still protects the packers in their meat; free trade on all the farmer's crops, but still protects the Canadian manufacturers against American competition in Canada. (See Schedule B.)

3. The immediate effect of the proposed law would be to encourage American farmers to move into Canada, where the virgin soil still produces greater crops of grain with less labor than can be produced on our farms in the Northwest. The result will be to decrease land values in the United States and to enhance land values in Canada at the expense of United States investments. It will result in many localities in creating abandoned farms in northwestern States and will retard the development of Wisconsin, Minnesota, North and South Dakota, Montana, and Idaho, causing a loss in land values in these States amounting to millions of dollars.

4. More than half of the tillable land in all of these States yet remains uncultivated, and we declare to the American Congress that so long as the policy of protective tariff continues to be the policy of this country the agricultural interests have just as much right to protection of home industry and home investments against unequal foreign competition as have the manufacturers or any other interests. Signed: J. P. Renge, Coleman, S. Dak., and over 100 farmers.

Also resolutions of protest by 200 farmers and business men of Clark County, S. Dak., protesting against the passage of the proposed Canadian trade agreement bill as unfair to the farming interests of the State and country.

Also, petition setting out the same grounds, and signed by C. E. Withan and 20 farmers of Amherst, S. Dak.

Also, petition from the Black Hills Pomona Grange, of Whitewood, S. Dak., signed by Charles C. Maas, master; Elvina Benoit, secretary.

This petition and protest declares that the members of Black Hills Pomona Grange are opposed to the reciprocity treaty with Canada, which is directly against its interest, and declares in favor of "a tariff for all or a tariff for none"; that it puts and extra burden on the shoulders of the farmer by allowing Canada to compete with him in the open market with her raw agricultural products, putting a tax upon all finished products, which will in no way aid the consumer, but which shows a spirit of paternal favoritism toward the manufacturing class and a most flagrant disregard for the welfare of the agricultural class. Requests United States Senators to use every reasonable effort to prevent the passage of the law.

A petition to the same effect from the White Grange, White, S. Dak., signed by Charles Gile, master; S. L. Gile, secretary.

Also, protest against the passage of the reciprocity bill, signed by Herbert Watzek and 18 farmers of Crandon, S. Dak.

Also, protest signed by Otto Johnson and 152 farmers of Redfield, S. Dak. This protest reads as follows:

REDFIELD, S. DAK., *March 3, 1911.*

Hon. COE I. CRAWFORD, *Washington, D. C.*

SIR: Are we farmers helpless, or will we get a square deal in the Senate in this reciprocity bill? When we elect our Senators we expect them to be fair to farmers as well as to the trusts and railroads. Why is the farmer citizen of the United States more prosperous than the

farmers of the foreign countries? Because the American farmers are protected by the high tariff.

The last few years the Government has been trying to teach farmers to conserve the natural resources of the soil. Now they are working in an opposite direction. The farmers will not hire as much help as usual if the prices of farm products are lowered, and consequently our farms will not be worked as they ought to be.

And also of late years there has been a great deal said about going back to the farm, and which was coming fast, but if this reciprocity bill will pass the Senate there will be a check to the movement.

Why do we want grain from Canada when we are an exporting country ourselves? Some will claim that the farmer will be benefited by it, but they can not pull the wool over the farmers' eyes with such a flimsy argument as that.

Now we know that the Canadian farmer can produce a bushel of grain cheaper than we can, for the reason their land is cheaper and their yield larger and the quality is better, so we object to competition with them.

Now we trust that you will do all you can to get a square deal for us. We the undersigned farmers and citizens of Spink County are opposed to the passage of the reciprocity bill. If it should be passed at all, we are in favor that everything will be put on the free list as it is between the different States and not only be favoring the trusts and railroads.

We are also in favor that Mr. Taft and all other men favoring reciprocity with Canada, should they want an office in 1912 we believe their names would appear better on the Democratic ticket.

Also protest against the passage of the law by Watertown Grange, No. 3, of Watertown, S. Dak., signed by George W. Dixon, master; Ellen Poor, secretary.

The grounds upon which the protest is made are the following:

1. The bill provides for the admission free of duty of all Canadian farm products. Since Canada is the only country from which any considerable quantity of these products can, under any circumstances, be imported, this would result in practically free trade in everything the farmer produces.

2. While putting farm products on the free list the reciprocity bill makes no material reduction in the high tariff rates on all the manufactured articles the farmer buys, and therefore gives no relief from the heavy burden of taxation imposed by these duties.

3. The theory on which our protective policy has always been defended is that all classes and interests are equally entitled to protection. The farmers, however, receive much less protection than the manufacturers, for while farm products are taxed on the average about 25 per cent, manufactured articles are taxed on an average about 45 per cent.

4. The enactment of the Canadian reciprocity bill would still further discriminate against the farmers by abolishing the comparatively slight protection now given them, while leaving the high protective duties on manufactures practically untouched.

5. The Canadian farmers, by reason of their lower general tariff and their preferential trade arrangements, can buy manufactured goods at lower prices than those prevailing in this country. The prices of farm lands in Canada are also much lower than in the United States. These conditions give the Canadian farmers an advantage over us, and the free admission of their products will subject us to unfair competition.

6. We hold that the farmers should receive exactly the same measure of protection as is given the manufacturers, and that there must be no reduction of duties on farm products, either by reciprocity or tariff revision, unless the duties on all manufactured articles are at the same time correspondingly reduced.

7. To show that this reciprocity measure is not an honest effort to reduce the cost of living in the interest of the consumer, it is sufficient to point out that while wheat is on the free list, flour is taxed 50 cents per barrel, and that while cattle, sheep, and hogs are free, meats, both fresh and cured, are taxed 1¼ cents per pound for the benefit of the Meat Trust.

As the adoption of the proposed reciprocity law would be a serious injury to the farming interests of this country and would greatly reduce the value of our farm lands, while increasing the value of Canadian farms, we earnestly protest against its enactment.

Protest in the same manner is also made by the following farmers: A. Brink, Frankfort; C. R. Walworth, Westport; Henry Dalgaard, Beresford; O. R. Schmeling, Watertown; and John Bottcher, ———.

Protest from Erwin Grange, No. 5, Erwin, S. D., which reads as follows:

We, the Patrons of Husbandry, implore you to vote for the revocation of the Canadian reciprocity treaty made by our Executive and Canadian officials. As a faithful servant of the people of this State you are by duty bound to cause this treaty to be revoked, firstly, because its burdens fall most heavily on this and other agricultural States, and, secondly, because it is unjust to the people as a whole, in so far as it is an unjust and partial regulation of commerce between the States and Canada. We will not detain you by going into details, as you have the original treaty before you. Thanking you in advance for your prompt action upon this matter, we remain,

J. F. WOLKOW, *Committeeman.*
Mrs. CLARA B. HODGES, *Master.*
F. G. LARSON, *Secretary.*

Also, protest from Florence Grange, of Florence, S. Dak., signed by George Moody, master; W. R. Hayden, Secretary.

Also, protest signed by C. G. Loriks and 55 farmers of Oldham, S. Dak. This protest states that the reciprocity act with Canada would mean an immense blow to the present market of the farmer for our largest asset, the production of small grains. Canadian grain has almost direct access to the large milling and grain market of Minneapolis.

Protest signed by N. L. Sateren and 62 farmers of Roberts County, S. Dak. This protest sets forth the following grounds of objection:

1. The bill provides for the admission free of duty of all Canadian farm products. Since Canada is the only country from which a considerable quantity of these products can under any circumstances be imported, this would result in practically free trade in everything the farmer produces.

2. While putting farm products on the free list, the reciprocity bill makes no material reduction in the high tariff rates on all the manufactured articles the farmer buys, and therefore gives no relief from the heavy burden of taxation imposed by these duties.

3. The theory on which our protective policy has always been defended is that all classes and interests are equally entitled to protection. The farmers, however, receive much less protection than the manufacturers, for while farm products are taxed on the average about 25 per cent, manufactured articles are taxed on an average about 45 per cent.

4. The enactment of the Canadian reciprocity bill would still further discriminate against the farmers by abolishing the comparatively slight protection now given them, while leaving the high protective duties on manufactures practically untouched.

5. We hold that the farmer should receive exactly the same measure of protection as is given the manufacturers, and that there must be no reduction of duties on farm products, either by reciprocity or tariff revision, unless the duties on all manufactured articles are at the same time correspondingly reduced.

The farmers have been the last to feel any direct benefit from protective tariffs. Why should the protective party expect the farmers to be the first to suffer the loss of the protective policy?

6. To show that this reciprocity measure is not an honest effort to reduce the cost of living in the interest of the consumer, it is sufficient to point out that while wheat is on the free list flour is taxed 50 cents per barrel, and that while cattle, sheep, and hogs are free, meats, both fresh and cured, are taxed 1¼ cents per pound for the benefit of the Meat Trust.

We, the undersigned, therefore earnestly appeal to our Senators and Representatives in Congress to defend the agricultural interests of the Northwest against this unfair and misnamed species of reciprocity, at least until the same principle of free trade can be applied to what the American farmers have to buy that is now proposed upon what American farmers have to sell.

Protest in identically the same language as above and signed by Joseph Pleet and 6 farmers of Roberts County.

Protest of the American National Livestock Association, Murdo McKenzie, president, and T. W. Tomlinson, secretary, of Denver, Colo., dated February 13, 1911. The executive committee of this association is composed of 70 men who are leading cattle and ranch men and stock raisers in that part of the United States west of Chicago. The members of this committee are scattered through the States and Territories of Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, South Dakota, Texas, Utah, and Wyoming.

The association favors a nonpartisan permanent tariff commission and opposes the tariff agreement with Canada.

CANADIAN RECIPROCITY PROPOSAL—LETTERS FROM SOUTH DAKOTA FARMERS AGAINST IT.

OLDHAM, S. DAK., *February 11, 1911.*

Hon. COE I. CRAWFORD, *Washington, D. C.*

DEAR SIR: I am inclosing you herewith a petition regarding the reciprocity act now in session, and you will note that the farmers of this vicinity are rather of the opinion that it will affect their markets for small grain and that it should be taken into consideration. Kindly advise me what you think of our petition and if you will be able to assist us in the matter.

Yours, truly,

———— ————,
Farmer.

HERREID, S. DAK., *February 20, 1911.*

Hon. COE I. CRAWFORD, *Washington, D. C.*

DEAR SENATOR: The inclosed clippings from Up-to-Date Farming, of Indianapolis, Ind., express my views and also of other citizens of this county in regard to the impending reciprocity law between the United States and Canada. I heard you make a speech at Pollock, S. Dak., at the time you were candidate for Senator, and from your speech I took it that you were a sincere friend of the farmer, and I hope you will be able to see that there will be a great wrong done to the poor or working people of the whole United States, not alone the farmer, if this reciprocity bill becomes a law. It is an open-faced fact that very few farmers become millionaires, even with the little protection that we have had so far, and now that it is about to be of some benefit to us, steps are to be taken to deprive us of it. We have had a very hard time of it here so far, with the prices which we have been receiving for our farm produce. This year in Campbell County, S. Dak., we had a short all-around crop on account of the drouth, and it is making it hard already for the farmers to make ends meet even after having had three quite successful years and good prices besides.

Some people tell us that farming is the most independent occupation on the face of the earth. It may be, but let those people try farming, and they will find that there are quite a few expenses attached to farming. When one piece of machinery is paid for, another one has to be replaced, and so it goes on. We are compelled to produce more than we consume ourselves or lose our homes, and if we can not get good enough prices when seasons are good to help us through a poor year, then we go backward.

I have been farming for 20 years and have worked hard, not loafed, and have not spent money foolishly, and part of the time my wife has been our hired man, so as to make ends meet, and still we have not been able to put anything by for that rainy day.

Now, I am not against this reciprocity bill from a selfish interest, just because I am a farmer and would benefit us, but I am sure it would benefit all, even the big millionaires, if this bill does not become a law, because if a farmer is not able to buy all other business must in time come to a standstill also, and the wage earners would not be able to eat bread even if wheat were only 25 cents per bushel, and all other stuff in proportion.

How is it in China, India, and other countries where people can live on less than half or one-fourth what it costs here in the United States? They starve by the millions with plenty around them, simply because they do not have the price to buy with. I understand that this is a so-called pet bill of our Hon. President William H. Taft, and I hope he is not trying his best to get this bill passed because he has any special grudge against the farmers and wants to kill them off; if so, he might better bunch us all up and turn a few of the modern guns loose on us, as we would rather be put out of existence at once than in the miserable way the reciprocity law would. Well, we are hoping for the best and expect you people that have us in your hands to use us right, and if in any way you see that it is best to favor that bill be dead sure of it before making so serious a mistake.

Respectfully,

———— ————,
Farmer.

HIGHMORE, S. DAK., *February 22, 1911.*

Hon. COE I. CRAWFORD, *Washington, D. C.*

DEAR SIR: I inclose a signed clipping from the Breeders' Gazette and trust you will do all in your power to defeat that reciprocity bill in the Senate. I am one of the county commissioners of Hyde County, and there are thousands of farmers throughout the Northwest that do not want to see that bill passed. If passed, it would be a detriment to the entire Northwest, as we can not compete with Canada raising grain. While it probably would not hurt us much this year, there would be years when it would affect the price of wheat at least 15 or 20 cents per bushel.

Yours, truly, ——— ———, *Farmer.*

HURON, S. DAK., *February 13, 1911.*

To Senator COE I. CRAWFORD, Senator ROBERT GAMBLE, Representative CHARLES H. BURKE, Representative EBEN MARTIN, *of the South Dakota delegation in Congress.*

HONORABLE SIRS: Your constituents have been taught that protection was a justifiable policy of this Government; that this market was "ours"; that the products of the farm were entitled to equal protection with the manufactured article; that one was a necessity to the other.

As we understand the proposed reciprocity treaty, we will divide this market with others who do not contribute toward our revenues, all to furnish a market for the finished article of manufactured enterprises fostered and protected at our expense. If wheat is admitted free, the dealers in flour can't expect nor receive the protection the unfinished product is deprived of. If cattle, hogs, sheep, etc., are to be admitted free, why should the Meat Trust receive protection? If logs and rough lumber be admitted free, why protect the Lumber Trust on finished lumber? If free trade (or what is practically the same) should prevail on raw material, causing the farmer of the United States to share his loaf—his market—with the Canadian farmer, why not relieve the farmer from the tax on manufactured articles? Knock off excessive duties upon trust-made articles and destroy illegal combines.

Respectfully, yours,

———— ————, *Retired farmer.*

MITCHELL, S. DAK., *February 6, 1911.*

Hon. COE I. CRAWFORD, *Washington, D. C.*

DEAR SIR: We are very much in hopes that you will vote against the measure which contemplates removing the tariff on farm products between the United States and Canada, and we hope you will not only vote against it, but use your best efforts to defeat it.

If the tariff is removed it will mean that the farmers of South Dakota will be compelled to market their butter at 6 cents per pound less than they would otherwise secure for it, as the Canadian farmers have a big advantage over the producers in the West and Central West. The eastern portion of the Provinces of Ontario and Quebec, where dairying is carried on more extensively than in any State in the Union, are very close to our leading markets, therefore they can deliver their butter in New York, Boston, etc., in about half the time required to deliver butter to those points from South Dakota. Consequently the Canadian butter would arrive in a much fresher condition and at a very much lower transportation expense; and, if I am not mistaken, farm lands and farm labor are not nearly as high in Canada as in South Dakota. Therefore the Canadians will be able to outsell your constituents, not only on butter, but numerous other farm products, and the result will be that South Dakota farmers will suffer severely and the value of their lands will be lowered materially.

If I understand it correctly, each Representative in Congress looks after his own constituents, and I am very sure that you appreciate the fact if you could interview every farmer or, in fact, every voter in South Dakota that you would find that 95 per cent of them would be unalterably opposed to the removal of this tariff.

I know it is an utter impossibility to induce a farmer to write a letter to his Representative in Congress expressing his desires; therefore it is not likely that you will hear from many of your constituents on this subject. At the same time these same farmers will spend an hour on the street corner condemning a measure of this kind, but would not take 10 minutes to express their views to you in a letter; but the writer is sure that if you will take the welfare of your constituents into consideration that you will agree with me that your efforts should be directed toward defeating this bill, and I will be pleased to have you advise me whether we can depend upon your assistance in this matter.

Very truly, yours, ——— ———,

Manufacturers of Fancy Creamery Butter and Wholesale Dealers in Butter, Eggs, and Poultry.

DOLAND, S. DAK., *February 14, 1911.*

COE I. CRAWFORD, *Washington, D. C.*

DEAR SIR: I hope you can vote against the Canadian reciprocity pact now pending before Congress as it now reads. While it admits all farm products free of duty it makes no material reduction in articles manufactured. The supporters of the bill claim it will help the high cost of living by admitting farm products free and at the same time say it won't hurt the farmer. The farmer fails to see this. While the farmer has been protected on an average of 25 per cent the manufacturers were on an average of 45 per cent. The Canadian reciprocity removes the farmers' protection while leaving the manufacturers' protection practically untouched. I do not see where it will help the high cost of living much to the consumer. It will, no doubt, help the manufacturers. They put wheat on the free list and 50 cents per barrel on flour, live stock on the free list and 1¼ cents per pound on fresh meats, 2 cents per pound on bacon, 15 per cent ad valorem on farm machinery, etc.

The farmers should receive the same measure of protection as the manufacturers. There should be no reduction on the duties of farm products unless duties on all manufactured articles are at the same time correspondingly reduced. The farmers emphatically protest against the present Canadian reciprocity pact. I hope you will use your influence to defeat this measure. If the farmer prospers, others prosper with him. I thank you for voting against the ship-subsidy bill.

Very respectfully,

———— ————, *Farmer.*

GROTON, S. DAK., *February 15, 1911.*

Hon. COE I. CRAWFORD, *Washington, D. C.*

DEAR FRIEND: The farmers hereabout are greatly alarmed to think that reciprocity with Canada might be established, the result of which would be to reduce the price of all small grain, especially wheat, from 5 to 12 cents a bushel in the Dakotas, for the Minneapolis and other mills now need this wheat to make good flour.

While it temporarily might help Minneapolis manufacturers and the railroads it certainly will seriously injure the farmers of the Northwest. Some claim it would reduce the price of living, yet the people of the Northwest were never better fed and clothed than they are now. We now can and do employ more labor at $30 to $45 a month than we did when wheat was from 40 cents to 50 cents a bushel at $15 to $25 per month. As the welfare of the State depends on the farmers, we hope to find you on our side.

Respectfully, ——— ———, *Farmer.*

HANKINSON, N. DAK., *February 15, 1911.*

Hon. COE I. CRAWFORD, *Washington, D. C.*

To our honorable Senator in Congress, COE I. CRAWFORD:

I take the liberty in writing you in regard to reciprocity treaty with Canada, as such an act, should it pass and become a law, would harm us farmers of your State and also bordering State, where we depend on grain and agriculture to a very great extent.

Trusting that you will use your influence and endeavor to do all in your power to prevent said treaty from becoming a law. You are no doubt familiar with our conditions, as we are getting poorly paid now for our work. As you are aware, my post office is Hankinson, N. Dak., but my home is in South Dakota.

———— ————, *Farmer.*

SELBY, S. DAK., *February 1, 1911.*

Hon. COE I. CRAWFORD, *Washington, D. C.*

DEAR SIR: In regard to Canadian reciprocity, am strictly opposed to it in the form as now proposed. I am a farmer. Tariff has never protected us before, and just as we are to derive some benefit from same, and right after passing one of the most unjust tariff laws, it looks kind of rank. We farmers, as a whole, were in favor of downward revision, and would have taken any and all such revision without a kick. But now, after protecting the trusts, then turn around and hit us like that. Looks like you were trying to hit us little fellows because you are afraid of the big fellows. You throw us a lumber bone to make us chaw and choke on. Why, bless you, we have never seen a piece of Canuck lumber, and that $1.25 should not have prohibited them from showing us what it looks like. No; give us a square deal and you bet we will stuff our pipe in the sack and keep it there. I see one of the dailies proposed that we farmers better take this because it would give us the whip. Such rotgut as that seems pretty small to a fellow up in a tree. It ain't a decent business proposition. Give us a decent deal and we won't squeal.

Yours, very truly, ——— ———, *Farmer.*

MADISON, S. DAK., *February 4, 1911.*

HONORABLE SIR: The neighbors around here asked me to write you that we would like a square deal in the tariff. If what we grow has to be free, all what we have to buy should be free, too. A farmer works hard for what he gets. Why take it from him? Also would like parcels post.

Yours, respectfully, ——— ———,
Farmer.

WHEATLAND, N. DAK., *February 10, 1911.*

Senator COE I. CRAWFORD, *Washington, D. C.*

DEAR SIR: I inclose a statement about farming and a resolution. Please read it carefully over. I suppose you are on our side. We farmers need the same protection as the manufacturers. We pay the same high wages and have the same competition, and more so. We have the board of trade and gamblers on our neck, from which the manufacturers don't suffer. If this Canadian treaty goes through, it will be the worst blow we as farmers and a nation ever received from our party. We want equal rights and justice.

Yours, very truly, ——— ———,
Farmer.

IRENE, S. DAK., *February 7, 1911.*

Hon. Mr. CRAWFORD, *Washington, D. C.*

DEAR SIR: There is now pending before the House a treaty with Canada providing for the removal of duty on grain, cattle, and hogs, placing the northwestern farmer on a free-trade basis in competition with foreign countries. I, as a citizen and voter of South Dakota, ask you to vote against this measure.

Yours, truly, ——— ———,
Farmer.

R. 2, CASTLEWOOD, S. DAK., *February 11, 1911.*

Senator CRAWFORD, *Washington, D. C.*

DEAR FRIEND: All these years since the beginning of the settlement the farmers have been paying high tariff, with all its results, on everything we had to buy. Now, when the time comes that we may expect some benefit of the tariff on farm products, it is proposed to put all such things on the free list. It is the most unfair thing in the history of American politics. Hoping you will see fit to fight for us, I am,

Sincerely, yours,

N. E. KNIGHT, *Farmer.*

(No date.)

Hon. C. I. CRAWFORD, *Washington, D. C.*

MY DEAR FRIEND: I and the rest of the farmers see with regret that President Taft tries to force through a free trade between Canada and the United States on certain articles, of which all grains are the principal ones. The reduction on lumber to our advantage would not amount to $1 a year to the average farmer, and on every load of grain we sell he will receive several dollars less. He will thereby sacrifice and cripple the interest of the farmers of the Northwest, and he will not deserve a vote for his renomination from us. I hope you will work with all your might to defeat and modify that measure. I know your fighting qualities, and I hope you will use them in our interest.

Yours, truly, ——— ———, *Farmer.*

COLMAN, S. DAK., *February 17, 1911.*

Hon. COE I. CRAWFORD, *United States Senate.*

DEAR SIR: Since all eyes are now turned on the Senate of the United States, I take the liberty to write you for your encouragement the views of a South Dakota farmer on the reciprocity agreement between the United States and Canada. These views I have taken from every conceivable angle and drawn my conclusions accordingly.

What will we gain by opening our markets to the Canadian farmers who produce the same things as we do? In looking over the list of things placed on the free list we discover but one article—lumber—which, if placed on the free list, might come cheaper to the farmer after passing through the hands of the Lumber Trust by perhaps a dollar a thousand feet, and as the average farmer will not use to exceed a thousand feet per year, he might save from that source a dollar a year, while on the other hand all his products would be cheapened by increased competition, President Taft's statement to the contrary notwithstanding, for is it not the avowed purpose of this agreement to reduce the cost of living, which means a reduced price for farm products? As I understand this agreement, the American farm-implement manufacturer is permitted to ship farm machinery into Canada duty free, to be sold to the Canadian farmer cheaper than we buy them at home, yet at a larger profit to the manufacturer than he now obtains. The Canadian farmer, on cheap land with cheap machinery, comes in open competition with the farmer on this side on high-priced land with high-priced machinery.

The people of South Dakota do not want free trade and are quite satisfied with conditions as they are now, as well they may be, because they never were more prosperous, as, indeed, are the people of the whole country.

Then, why do anything that will at once change this prosperity to adversity? To be sure the prices of farm products are high, not too high; so also is labor high and well employed, as is proven by the high cost of living, for if the laborer, who is the principal consumer of farm products, had not the money to buy with we could not get good prices and consequently could not prosper—a condition which we too well remember obtained back in the nineties, caused by the same experiment that is now being proposed in this Canadian agreement. Who wants a repetition of those times?

Quotation from a speech delivered by Coe I. Crawford at Brookings in 1896: "This free-trade experiment (referring to the Wilson bill) has cost the farmers of this country, in decline in value of farm animals and farm crops, the enormous sum of $1,483,829,574."

Now, then, is it any wonder we are alarmed and afraid of anything that looks like another experiment in free trade? "It is a fool who won't learn from experience."

I do not need to remind you that had we wanted free trade, or partial free trade, we would have voted the Democratic ticket. If the manufacturing interests think they can deal the farmer such a body blow without hurting themselves, they are mistaken, for as our products cheapen our power to buy goods from them diminishes, and as the western farmer is the best customer of American factories, demand for their goods decreases, which would soon lead to closing factories and putting labor out of employment, while the Canadian farmer, with his increased power to buy, would still buy most of his goods from old England.

The adoption of this agreement or anything else at this time would materially reduce the price of farm products, would spell "r-u-i-n" to a great many farmers of the Northwest—I mean those who have recently bought farms on the present high-priced basis, paying from one-fifth to one-third down (all their hard-earned savings), expecting by hard work and saving habits to sell enough products at present prices to make a living and meet future payments. Failing in this, they would be compelled to seek new homes in Canada, where land is cheaper and farmers more favored.

We are opposed to this agreement because it places all our products on the free list, while everything we have to buy is still protected. By placing barley on the free list brewers will be able to buy our barley dutyless; the Canadian farmer will not be benefited any, but American brewers will, at our expense. (Score one for millionaire brewers.) Live stock free listed, cured meats still protected. (Score one for the millionaire packer.)

We are opposed to this agreement because it seems to be one step toward a well-laid scheme to increase the purchasing power of the rich man's dollar at the expense of the poor man's labor, for when the price of a product is lowered the price of the labor required to obtain that product is lowered.

On reading comments of different advocates of the "pact," we notice that while some claim it will not injure the farming interests, none of them have the nerve to claim that it will benefit it.

President Taft, in his Springfield speech, defending his position, says: "This form of agreement can be withdrawn at any time by changing the statute by legislation." One thing sure, Canada won't want to withdraw, as they have everything to gain and nothing to lose. As to this country withdrawing, imagine, if you can, a Republican President asking a Democratic Congress to repeal a Democratic measure, which the Republican President has advocated and caused to be enacted, then you will have an idea how long we would be recovering from such an experiment.

Then, I say, if this free-trade experiment must be tried, let the Democrats try it, shoulder the responsibility, and abide by the consequences, for I do not see how any party or faction could remain long in power after committing such a blunder. I will close by saying that this community is of one mind in expecting our Senators to do all they can to protect the farming interests of South Dakota. Fair play and a square deal is all we want.

Yours, truly,

———— ————, *Farmer.*

GROTON, S. DAK., *April 8, 1911.*

United States Senator COE I. CRAWFORD,
Senate, Washington, D. C.

A mass convention of about 300 farmers unanimously passed resolutions unalterably opposed to proposed reciprocity pact with Canada. Letter and resolutions follow.

———— ————, *Chairman.*

HOLMQUIST, S. DAK., *April 4, 1911.*

Hon. COE I. CRAWFORD, *Washington, D. C.*

DEAR FRIEND: I see your hard labor is again beginning. We appreciate very much your great work in the interest of the producers of our great Northwest. I regret very much that Gov. Vessey did not have a resolution passed in our State legislature against the proposed reciprocity, as it does not give us one penny advantage to the farmers of the Northwest. It would be far better to have everything on the free list with Canada than is now proposed. President Taft is taking away the only advantage of protection the Northwest has, and is giving us nothing in return. The West and the Northwest will demand that if they are forced to sell their products in an open and free market, they will also ask the privilege of buying in a competitive or free market. It is a staggering blow to the producers of the soil and the development of our own great Northwest, which can not compete with Canada, which has less taxes, cheaper labor, material, and land. We write this in the view to encourage you in your struggle for our cause.

Yours, very truly,

———— ————, *Farmer.*

ELLIS, S. DAK., *April 2, 1911.*

Hon. COE I. CRAWFORD, *Washington, D. C.*

MY DEAR SENATOR: Although I know and see you are against reciprocity, I understand you would support it under certain amendments of your own. Whether this is true or not, I do not know. As a resident of South Dakota for 33 years and a careful student of its great resources and undreamt of wealth as an agricultural State, I, with thousands of my fellow farmers and tillers of the soil, are against any such move at this or any other time, and we can see no necessity for such. As a member of the legislature as State senator I know if such a resolution would have come to a vote in either house of that body it would have been overwhelmingly defeated, as the sentiment of the common people of our fair young State is opposed to Canadian reciprocity. Now, as an agricultural State we excel. But it is impossible for us or any other State to compete with Canada's cheaper products. Dealers in every commodity will buy in the cheaper markets. Canada is just across the road, as one might say, and the cost of transportation will be even less than from remote points within our own trade territory, and Canadian farmers are bound to shut us out, or compel us to sell at a lower price the products of our farms which are identically the same as that which the Canadian farmer raises, for Canada can in every instance produce cheaper than we can. *It is* the American farmer that has brought the products of the farm up to the standard of what it is to-day, and we must in every instance—cost what it may—be protected. As farmers we have toiled a lifetime, and when the evening sun begins to shine upon the white-capped cerebrum of us makers of empires, we—few of us—can retire from active work and toil and live comfortably the declining days of the life allotted to us.

We find as we investigate that by arts known to skilled manipulators that the cost of bread, pork, and other necessaries of life remain substantially the same to those that have to buy. These are facts that can not be disputed and have shown up more distinctly in late years.

Here we can plainly see it is capital, and capital alone, that will be benefited by reciprocity, and no one else.

And now, my dear Senator, I could say much on this subject, but you know it is against our wishes, and hope it can be stopped and killed forever. Town meetings, board meetings, and bodies of various kinds have signed petitions, and thousands of names will be sent in protesting against it. But now I will stop and hope you will be on the firing lines against anything that will come up over the Canadian line to take the place of our own. Wishing you success, I am,

Yours, respectfully,

———— ————, *Farmer.*

ALBEE, S. DAK., *March 21, 1911.*

Senator COE I. CRAWFORD, *Huron.*

DEAR SIR: Allow me to congratulate you upon the stand you have taken against reciprocity with Canada. All I have seen in Grant County congratulate you, especially the farmers. In its present form it is a great thing for the millers of Minneapolis. We began to prosper and get good prices for our produce and land raised in value. If reciprocity passes Congress, wheat will go down to 50–65 cents per bushel, barley 30 and 40 cents, and we will have to struggle for our existence and support the rich, and this comes from a Republican President to work for a bill to sit down on the common people and help the rich. Mr. CRAWFORD, continue in the path you have taken and the people will be on your side.

Very respectfully,

———— ————, *Farmer.*

SISSETON, S. DAK., *March 20, 1911.*

Hon. COE I. CRAWFORD.

DEAR SIR: I write to ask you to do all you can to defeat Taft's reciprocity treaty with Canada. We, as farmers, are very much opposed to this treaty, and every farmer we meet has the same talk. We are very much opposed to this treaty that intends to put us against the cheap wheat and barley of Canada and makes us buy our groceries, clothes, and machinery under high protection. The farmers never did have a square deal, and this treaty will only drive more boys and girls to the cities to become factory slaves. I inclose some letters clipped from the farm papers. Hoping that this treaty can be defeated, I am,

Yours, truly,

———— ————,
Agent agricultural newspapers.

LEOLA, S. DAK., *March 4, 1911.*

COE I. CRAWFORD, *Washington, D. C.*

DEAR SIR: I wish to tell you of something I should like the Government to do. First, I should like very much to see Canadian lumber on the free list, as I think lumber companies are charging enormous profits; have not made up my mind on reciprocity, as I have so far been unable to find statistics on same.

Second. Should like to see subexperiment station established about center of each county, which should be used as county farm also.

Yours, etc.,

———— ————, *Farmer.*

DE SMET, S. DAK., *April —, 1911.*

Hon. COE I. CRAWFORD, *Washington, D. C.*

I am writing you to ask you to help us out on the reciprocity treaty between the United States and Canada by casting your vote against it. In asking you to do this I am not only giving you my opinion, but am

voicing the sentiment of every farmer that I have discussed the matter with. I see nothing but the grossest discrimination in the agreement. Nearly every article mentioned in the list becomes protected after leaving the hands of the producer. Give us absolute free trade with Canada and we will take our medicine. I might mention several other reasons, but will not take your valuable time, but feel certain you will see the sense of our position and help us to defeat this unreasonable compact. Thanking you in advance, I am,

Yours, truly,

——— ———,
Special Correspondent Dakota Farmer.

ERWIN, S. DAK., *April 3, 1911.*

Mr. COE I. CRAWFORD, *Senator of South Dakota.*

DEAR SENATOR: Knowing that the special session of Congress called for April 4, 1911, is for the purpose of acting on the reciprocity treaty with Canada, it is a great injustice to the farmers of the Northwest, in fact, to all producers and consumers of foodstuffs.

Our doctrine is, "A tariff for all, or a tariff for none." We ask you to use your influence and vote to help defeat the said treaty.

Very respectfully, yours,

——— ———,
Master Erwin Grange.

BRYANT, S. DAK., *April 1, 1911.*

To the honorable United States Senator CRAWFORD,
Washington, D. C.

DEAR SIR: In regard to the reciprocity treaty with Canada I wish you would do all in your power to defeat it. I am sure you will. If it should pass, it will make a worse panic than 1893. We feel the effects of it now. Business has come to a standstill. I do not see why Taft ever proposed such a treaty, unless it is to favor the trusts. If the farmer does not prosper, how is the rest of the world going to prosper? J. J. Hill says anyone that is opposed to it is a demagogue. Now, if I understand the word, he is a genuine demagogue of the first water. He says there is only a few cents difference in price of grain here and Canada. I was talking with a man from Canada, and he says the most they ever paid for 1911 wheat was 85 cents, when we got $1.05. Why is it that the only time the farmer was benefited by the tariff they are taking the bars down? We have been contributing to the trusts so long that they have got so strong that it is hard to down them. Now, if they would take the duty off manufactured products, it would do lots more good than to take it off of farm products. I do not think Taft could get a single vote in the Northwest, nor any of his fellows. Hoping the treaty will be defeated, I remain, as ever,

——— ———, *Farmer.*

VALLEY SPRINGS, *April 5, 1911.*

Hon. COE I. CRAWFORD,
United States Senate, Washington, D. C.

DEAR SIR: I wish to enter my protest against the passage of the so-called Canadian reciprocity treaty, also any lowering of the tariff on wool. This Canadian deal is certainly rank. If we farmers can't have a square deal, I am in favor of free trade with the world. If this bill becomes a law, President Taft and the Republican Party are "goners" just as sure as the sun shines. I can get you a petition signed by practically every man in my township protesting against this treaty. Trusting that you will use every honorable means in your power to defeat this unfair measure, I am,

Respectfully,

——— ———, *Farmer.*

DOLAND, S. DAK., *April 3, 1911.*

COE I. CRAWFORD, *Washington, D. C.:*

Inclosed find clipping from the Dakota Farmer, showing the injustice of the proposed reciprocity treaty with Canada, which about fits the Northwest, especially South Dakota. Hope you will stay by us, as you have done in the past, and oblige.

Yours, etc.,

——— ———, *Farmer.*

MITCHELL, S. DAK., *March 17, 1911.*

Hon. COE I. CRAWFORD, *Huron, S. Dak.*

DEAR SIR: The writer has understood that if Canada removes the duty on farm products which now exists between Canada and the United States that they will be compelled to remove the duty on farm products coming from other countries as well. If that statement is correct, it would seem to me as though the passage of the reciprocity agreement would create havoc with the dairy industry of the United States.

I had it figured out that if the statement made at the beginning of this letter is true that the Canadians could import butter from New Zealand, Denmark, Australia, Siberia, and elsewhere for their own consumption and ship the products of their dairies into the United States, which would virtually amount to the same thing as though the duty on butter was removed between the United States and the countries above named.

It is a well-known fact that Denmark, New Zealand, and Australia can produce butter at a very much lower cost than can the farmers in the United States, and if the butter market in the United States should be high enough to pay the farmer to produce it the Canadians would import cheap butter for their own use, take advantage of the markets in the United States for the butter which they produce in Canada, and thereby shut off the American farmers' outlet for this product. This, of course, wouldn't be likely to take place if the United States market were around 15 to 18 cents per pound, but if the market should get that low the farmer could not produce it without sustaining a loss, and consequently he would be driven out of business.

I am inclosing a clipping herewith, which is along the same line of reasoning, which has been occupying my mind for some time, and it is possibly a new feature to you, and I trust you will give it some attention and thought, and it seems to the writer that every Senator who has the slightest desire to see the dairy business prosper, even to a reasonable degree, can not but realize that the passage of the reciprocity agreement would simply ruin the dairy interests of this country.

Yours, truly,

——— ———,
Manufacturers and Dealers in Butter.

SIOUX FALLS, S. DAK., *February 11, 1911.*

DEAR SENATOR: I inclose herewith clippings from the Argus Leader, containing two letters of mine on the subject of Canadian reciprocity. I am pleased to see that the South Dakota delegation in Congress will oppose the treaty. Its passage, in my opinion, would be a calamity to the Northwest. Wishing you success in the fight, I remain,

Yours, truly,

——— ———,
Lawyer and landowner.

CHAMBERLAIN, S. DAK.

Hon. COE I. CRAWFORD, *Washington, D. C.*

DEAR SIR: I am opposed to the Canadian reciprocity treaty. It does not deal fairly by all classes.

Yours, truly,

——— ———,
Farmer.

SIOUX FALLS, S. DAK.

Hon. COE I. CRAWFORD, *Washington, D. C.*

DEAR SIR: In regard to the treaty with Canada, I think it is very bad for the farmers. In Mr. Hill's speech in Chicago he says that the treaty with Canada would not and could not affect the price of wheat, as we have to compete with the markets of the world. Mr. Hill—does he forget the speeches that he has been making for the last two years, where he says that the farmers of the Northwest would have to improve their method of farming or they would not be able to feed the people of the United States at the rate they are increasing? In other words, just at the moment that the farmers of the United States could derive some benefit from the existing tariff Mr. Taft would have it removed. This would be an insult to the farmers; still, would make Mr. Hill millions, could the tariff be removed, by hauling Canadian wheat into Minneapolis.

Yours, truly,

——— ———,
Farmer.

HAMBURG, S. DAK., *February 9, 1911.*

Hon. COE I. CRAWFORD, *Washington, D. C.*

DEAR SIR: Allow us to make this statement in regard to proposed reciprocity: Seemingly we all like to be protected, though only our own production. The other party's industry may see how it comes along. High-living prices without doubt point to speculative manipulation in farm products, as far as they are concerned. Our wheat and barley products, which are marketed two-thirds to three-fourths in September to November around 50 cents and 70 cents, later in the season, when on the other side of the mill and big elevator, get well up, but have passed the producer. Beef sold in cities averaging twelve and fifteen is sold by the producer here at two and a half and three and a half. Pork is up until we have a new supply. Butter and eggs product down one-half. Reason evident. While labor, tax, mode of production, supplies keep fairly pace with principle of protection, though for the sake of that principle we are asked to let our protection drop.

Now, is there anything in the line of tariff protection from the soft, warm wool to the hard, cold steel that the farmer, living as he does in this latitude, could get along without and so shirk his end of the burden?

And now only one season, with only local drought, has swept these States, and another more general, and where is our imaginary prosperity? To reason, luxury and exaggerated high fly are poor signs of prosperity. Deterioration by either crop failure or legislation for this country spells exodus, impetus to the city and to Canada.

Yours, truly,

——— ———, *Farmer.*

Hon. COE I. CRAWFORD, *Washington, D. C.*

DEAR SIR: I come to you in an humble way and ask you to try and put your power against the reciprocity treaty between the United States and Canada, for it would fail to do any good to the farmers of the Northwest.

Yours, truly,

——— ———, *Farmer.*

Hon. COE I. CRAWFORD, *Washington, D. C.*

DEAR SIR: How do you like the President's position on Canadian reciprocity bill? He thinks all cereals should be admitted free of duty, but holds that manufactures should have duty about as high as they now enjoy. I suppose he is influenced somewhat, because his own State is more interested in manufactures than it is in agriculture. If it is good to help the Canadian farmer by admitting his wheat and other products free of duty, why not give their manufacturers the same good?

The motive back of the whole thing is the interest of our manufacturers. They want cheaper food for their labor and conclude the way to get it is to admit Canada's agricultural products free. It is shown by a careful investigation of the cost of production that the average price of wheat is not equal to the cost of producing it.

Now, on this showing, is it right or just to force the American farmer to a lower price? Again, see what an impetus the additional price would be to the Canadians. Their wheat lands are very much cheaper than ours are, hence the very material difference in the cost of production to them. There may come a time in the distant future when the difference in the cost of production will not be so great as now. It will then be soon enough to come to their rescue by lowering the duties on their cereals.

This notion of sympathy that the manufacturers are trying to work up as between the two countries is all nonsense. We have our own interests to care for, just as Canada has, and let us see that they are cared for. We have succeeded as a Nation by keeping up our own interests and letting other people do the same. Why not continue in the good work? The farmers are not ready to take the duty off their products yet.

Why should they not be permitted to choose the time of the removal of the duty and not permit the manufacturers to choose for them? Treat all interests alike.

Yours,

——— ———, *Farmer.*

ASHTON, S. DAK., *April 4, 1911.*

Hon. COE I. CRAWFORD, *Washington, D. C.*

DEAR SENATOR: * * * I hope that our delegation in Congress will do what they can to defeat the reciprocity pact, at least in its present form. If passed, it will not only be a hard blow on the Dakota farmers, but also will greatly endanger the Republican policy of protection. The manufacturing interests—labor as well as owner—must not expect

that the largest body of workers will stand for the cutting off of duties on everything that they produce and not result in similar action as regards articles which they must buy.

Yours, truly, ——— ———, *Farmer.*

SINAI, S. DAK., *April 7, 1911.*

Hon. COE I. CRAWFORD,
United States Senate, Washington, D. C.

DEAR SIR: Inclosed find a petition against the proposed Canadian reciprocity. The farmers are opposed to it to a man. Some of the reasons for same are given in the petition. These signatures were obtained in less than two days. Not a man refused to sign. The same sentiment, I believe, prevails throughout the State and the entire Northwest. Hoping that your interest and ability will be used in fighting this unjust measure, I remain,

Yours, truly, ——— ———, *Farmer.*

LEOLA, S. DAK., *April 7, 1911.*

COE I. CRAWFORD, Esq., *Washington, D. C.*

DEAR SIR: Since receiving yours of March 12 have seen considerable in the newspaper concerning Canadian reciprocity. Now, I am selfish, as well as most other men, and as I am a farmer I should be pleased to have you do all you can to keep everything off the free list that would be detrimental to farmers. You speak of our being an exporting country of wheat, hence no harm to put that on the free list, but since this reciprocity treaty has been talked I notice wheat has gone down about 10 cents per bushel in Minneapolis. Fall, I think, caused by reciprocity. I should like to see the tariff remain on wheat, horses, cattle, sheep, hogs, and meats. Let farmers have their innings awhile. They have been the under dog long enough. I should like also to see a parcels-post law passed.

Yours, respectfully, ——— ———, *Farmer.*

The PRESIDING OFFICER (Mr. CURTIS in the chair). The amendment submitted by the Senator from South Dakota to House bill 4412 will be referred to the Committee on Finance.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 6 minutes p. m.) the Senate adjourned until Monday, May 22, 1911, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate May 18, 1911.

APPOINTMENTS IN THE ARMY.

Contract dental surgeons herein named for appointment as dental surgeons with the rank of first lieutenant, each to rank from the date set opposite his name:

John Sayre Marshall, April 13, 1911.
Robert Todd Oliver, April 14, 1911.
Seibert Davis Boak, April 15, 1911.
Clarence Edward Lauderdale, April 16, 1911.
Franklin Fearing Wing, April 17, 1911.
George Lemuel Mason, April 18, 1911.
Frank Homer Wolven, April 19, 1911.
John Henry Hess, April 20, 1911.
Hugh Gordon Voorhies, April 21, 1911.
William Henry Chambers, April 22, 1911.
Alden Carpenter, April 23, 1911.
Charles James Long, April 24, 1911.
Edwin Payne Tignor, April 25, 1911.
John Archibald McAlister, April 26, 1911.
George Harry Casaday, April 27, 1911.
Julien Rex Bernheim, April 28, 1911.
Rex Hays Rhoades, April 29, 1911.
George Edward Stallman, April 30, 1911.
George Irvin Gunckel, May 1, 1911.
Frank Powell Stone, May 2, 1911.
Raymond Eugene Ingalls, May 3, 1911.
Harold O. Scott, May 4, 1911.
John Richard Ames, May 5, 1911.
Edward Pressley Rhea Ryan, May 6, 1911.
Robert Hilliard Mills, May 7, 1911.
Frank Leonard Kemner Laflamme, May 8, 1911.
Minot Everson Scott, May 9, 1911.
George Dudley Graham, May 10, 1911.
Robert Fulton Patterson, May 11, 1911.
Samuel Hunter Leslie, May 12, 1911.

PROMOTIONS IN THE NAVY.

Commander Reuben O. Bitler to be a captain in the Navy from the 29th day of January, 1911, to fill a vacancy.

Lieut. Commander Reginald R. Belknap to be a commander in the Navy from the 4th day of March, 1911, to fill a vacancy.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 13th day of February, 1911, upon the completion of three years' service as ensigns:

Leigh Noyes,
Walter B. Decker,
Isaac C. Bogart,
Harvey Delano,
Roland M. Brainard, and
Lynn B. Bernheim.

SURVEYOR OF CUSTOMS.

Frank B. Posey, of Indiana, to be surveyor of customs for the port of Evansville, in the State of Indiana. (Reappointment.)

POSTMASTERS.

MINNESOTA.

Thomas T. Gronlund to be postmaster at Tyler, Minn., in place of Thomas T. Gronlund. Incumbent's commission expired January 31, 1911.

NEVADA.

Mary E. Langwith to be postmaster at Golconda, Nev., in place of Alice F. Langwith, resigned.

OHIO.

Erwin G. Chamberlin to be postmaster at Caldwell, Ohio, in place of Erwin G. Chamberlin. Incumbent's commission expired January 29, 1911.

PENNSYLVANIA.

Edwin I. Parry to be postmaster at Langhorne, Pa., in place of Sallie P. Gillingham, removed.

SOUTH CAROLINA.

James O. Ladd to be postmaster at Summerville, S. C., in place of James O. Ladd. Incumbent's commission expired June 22, 1910.

VIRGINIA.

John Henry Scott to be postmaster at Saltville, Va., in place of Verlin M. Scott, resigned.

WEST VIRGINIA.

Harry H. Bodley to be postmaster at Elm Grove, W. Va., in place of George W. Smith, removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 18, 1911.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Second Lieut. of Engineers Charles Stevens Root to be first lieutenant of engineers.

First Lieut. of Engineers Andrew Jackson Howison to be senior engineer.

PROMOTIONS IN THE NAVY.

The following-named ensigns to be lieutenants (junior grade):

Stephen W. Wallace and
Robert A. White.

Asst. Surg. Egbert Mackenzie to be a passed assistant surgeon.

Acting Asst. Surg. Edward E. Woodland and Penlie B. Ledbetter to be assistant surgeons.

Lieut. Commander George G. Mitchell to be a commander.

Lieut. Joseph K. Taussig to be a lieutenant commander.

Lieut. (Junior Grade) George B. Wright to be a lieutenant.

The following-named ensigns to be lieutenants (junior grade):

George B. Wright and
William H. Booth.

Passed Asst. Paymaster Ervin A. McMillan to be a paymaster.

The following-named machinists to be chief machinists:

Walter S. Falk,
John P. Richter,
Charles Franz, and
Frank O. Wells.

POSTMASTERS.

IDAHO.

Daniel J. Featherston, Bovill.

MISSISSIPPI.

Sallie Millsaps, Hazlehurst.

MISSOURI.

George W. Reed, Albany.

NEW MEXICO.

Austin A. Ball, Farmington.

PORTO RICO.

Mario Belaval, Ponce.

WASHINGTON.

Bert Mills, Oroville.

WYOMING.

Ida Fowkes, Cumberland.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 18, 1911.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D., as follows:

Almighty God, our heavenly Father, we thank Thee for that silent yet potent influence ever going out from Thee to Thy children, leading them onward and upward to the things which make for Godliness in thought and action. Make us more susceptible until we all come unto the measure of the stature of the fullness of Christ; for Thine is the kingdom, and the power, and the glory, for ever and ever. Amen.

The Journal of the proceedings of yesterday was read and approved.

ARIZONA AND NEW MEXICO.

Mr. FLOOD of Virginia. Mr. Speaker, I move that the House do now resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of House joint resolution 14, approving the constitutions of Arizona and New Mexico as amended.

The question was taken, and the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of House joint resolution 14, with Mr. GARRETT in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of House joint resolution 14, of which the Clerk will report the title.

The Clerk read as follows:

Joint resolution approving the constitutions formed by the constitutional conventions of the Territories of Arizona and New Mexico.

Mr. FLOOD of Virginia. Mr. Chairman, I yield one minute to the gentleman from Georgia [Mr. HARDWICK].

Mr. HARDWICK. Mr. Chairman, I rise for the purpose only of putting into the RECORD what I consider to be a very strong statement in favor of Canadian reciprocity by Mr. H. E. Miles, of Racine, Wis., secretary of the National Association of Manufacturers. While I by no means agree to all the conclusions reached by the gentleman whose article I shall put in the RECORD, yet it is a very strong and striking statement of the case, from one standpoint at least, in favor of Canadian reciprocity. I now ask leave to extend my remarks in the RECORD in this regard.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The article is as follows:

CANADIAN RECIPROCITY AND THE TARIFF.

FOREIGN TRADE, RECIPROCITY, AND CANADA.

RACINE, WIS., *March 29, 1911.*

Good as is the proposed treaty of reciprocity with Canada, it is a mistake to think of it only in itself. Rather it is to be considered as the first definite step in a program of international trade expansion quite beyond present calculations.

M'KINLEY RATES EXCESSIVE.

The McKinley tariff was in many respects the highest our country has ever known. Said Col. George Tichenor, general appraiser, and right-hand man of McKinley in the shaping of the McKinley bill: "The controlling idea in the preparation of the McKinley bill was to dispose of and prevent the accumulation of surplus revenue. It was in that view that duties upon certain articles were made prohibitive, upon others higher than they otherwise would have been." The actual rates in the bill support this statement. The marvelous development of our great industrial aggregations and their profits confirm it. The defeat of McKinley's party in the next election showed what the people thought of it. This action by McKinley forms an interesting answer to those ultra protectionists who urge high rates as necessary to the securing of necessary revenue. McKinley knew that high rates (excessive rates) decrease revenue by decreasing imports, in many cases to the extent of prohibition.

DINGLEY RATES ESPECIALLY PROVIDED FOR RECIPROCITY.

Notwithstanding the McKinley rates were excessive, the Dingley rates were made much higher. Mr. John Ball Osborne, head of the treaty-making division of the State Department, has said that the Dingley rates were made just 20 per cent higher than the McKinley for the purpose of trading them off in treaties of reciprocity. The statement is not quite exact, however, as I found by an exhaustive comparison of all rates in both bills. The Dingley law did, however, provide that the President might negotiate treaties of reciprocity with all nations and lower the Dingley rates at his discretion up to 20 per cent in those treaties. The Dingley law was made with that in view. Senator Dolliver declared upon the floor of the Senate, in substance: "The Dingley rates were made high for the purpose of trading them off. I was a member of the committee that framed the bill and know whereof I speak." Confirmation is unnecessary, for the text of the law specifically so provided.

M'KINLEY SOUGHT RECIPROCITY.

With these Dingley rates unnecessarily high, Mr. McKinley, then President, entered eagerly upon a program of trade expansion. He declared that he expected that these trade treaties and the consequent enormous increase of our foreign trade would be the chief accomplishment of his administration. He was greatly grieved and disappointed when the Senate refused to confirm the several treaties which he submitted, known as the Kasson treaties, and especially as he found no reason to believe that other attempts, however successful, would be ratified by the Senate. The overprotected interests, having gotten the 20 per cent increase, were unwilling to return any part of it to the people for any consideration. The Dingley law limited to two years from the time of its enactment the period within which the treaties could be made. The interests had, therefore, only to prevent ratification in the Senate for these two years in order to benefit by the unintended increase from that time to this.

Few utterances in our history will be longer remembered than McKinley's last pathetic plea for reciprocity, at Buffalo, immediately preceding his assassination. A century hence it will be better appreciated than to-day, as will also the greed of those who have stayed the Nation's progress these 15 years.

THE PAYNE LAW AMPLY PROVIDES FOR RECIPROCITY.

The Payne law is, in substance, the Dingley law reenacted. The changes, whether "upward" or "downward," are mostly immaterial, like the reduction on sugar, from 72 per cent to 71 per cent. We are substantially on the Dingley basis of 15 years ago, with the 20 per cent still in, though our manufacturing efficiency is greater and our need of high rates is less and our need of foreign outlets is greater.

On the other hand, our population has wonderfully increased, while our natural resources have been much depleted. At this particular moment our factories are running short-handed and many of them short hours. This is no time for aught but confidence and optimism. It is nevertheless true that our factories need orders and their operatives will be short in wages this year by hundreds of millions of dollars.

For these and other reasons President Taft, and with McKinley's later and broader vision, and quite of his own motion, has opened again the door of opportunity, and it is inconceivable that Congress and the people will for a moment think of closing it again.

CANADA FIRST.

It is particularly fortunate that the first treaty is with Canada, which best deserves it. With only 8,000,000 population she is our third best customer, and if cotton is excepted she is our second best, surpassed only by Great Britain with its 50,000,000 of people. Mr. Osborne estimates that this treaty will almost immediately increase our trade with Canada some $200,000,000.

THE OVERPROTECTED INTERESTS OBJECT.

There are only two objections made to this treaty. The first comes from the overprotected manufacturers who see in this beginning a release of the American people from exploitation through excessive rates, that are not protective in any fair sense, but are discriminatory and unfair. The present treaty touches no such rate and the objection is therefore only because of the notice they get between the lines that those rates will be protected when opportunity offers. Indeed, President Taft offered to lower such excessive rates upon finished products of manufacture in this treaty.

THE AGRICULTURAL SCHEDULE.

The second and more interesting objection comes from our farmers. Our farmers seem not to know that they sell their products on a free-trade market and that their advantage from protection comes wholly from the diversification of our industries and the development of an enormous home market through the demands of the factories and their operatives for farm products. This is compensation enough for the granting of a reasonable and adequate protection.

So far as the agricultural rates in the tariff go our farmers have been bought with counterfeit money these many years. A vast amount of their products go abroad, as wheat, flour, meat, etc., and the price of grain on every farm in the United States, and equally in Canada, Russia, and South America, our competitors, is the Liverpool price, the price in that common market where the produce of all export countries meet—it is this Liverpool price, less freight and sundry profits and charges from each and every farm to that common market. The difference in price of wheat, for instance, between Winnipeg and Minneapolis, is not greater than the difference in price between many American States and other States immediately adjacent, as, for instance, Oregon and California, Missouri and Arkansas, differences explained as above, further modify in our country occasionally by the great local demand of millers and brewers, this latter modification, however, by no means great enough to affect international conditions. The extent to which the farmer has been fooled in the rates given him is amusing when reduced to figures. In 1907, for instance, as I remember, we had a billion-dollar corn crop. Our agricultural population of 40,000,000,000 souls was protected on that crop by duties collected on imported corn in the munificent sum of $1,450—not enough to build an average good farmhouse for a newly married couple, much less to equip the average farm with the power conveyers, cream separators, gasoline engines, and other labor-saving devices that now make farming a science and a delight.

Meat may be described as "condensed corn." What our farmers want is not protection against the very limited production of corn and food animals in Canada, but a reciprocity treaty with Germany and other European countries whereby the latter countries will admit enormous quantities of our cheaper grades of meat to their market. With what grace can we ask Germany, for instance, to accept our cattle when the German rates are not one-fifth as high as our own on imported cattle? Germany is ready any day to negotiate, with a prospect of doubling her orders for our food products.

In 1907 we produced more than 735,000,000 bushels of wheat. During the same year we exported $60,000,000 worth of wheat, and during that year we imported only $16,000 worth, or less than enough to feed one-fourth of the population of the city of New York one day. With those facts before him, and the Dingley tariff providing for a duty of 25 cents a bushel, Mr. Aldrich, who appreciates a good joke, proposed to raise the Dingley duty to 30 cents in the Payne bill.

In that year (1907) we produced nearly 3,000,000,000 bushels of corn, or more than 78 per cent of the entire world's supply, with exports exceeding $44,000,000 worth of this cereal, and another vast amount in the form of meat, and we imported less than $8,000 worth, and the farmer was tickled by the idea that he was protected by a duty of 15 cents a bushel. The extent to which we may dread Canadian competition is indicated by the fact that she produces only one-sixteenth of 1 per cent as much corn as we.

So with oats. In 1907 we exported $1,670,000, our exports rising as high as $10,000,000 to $20,000,000 when we can spare it, and our imports in 1907 were valued at $17,000, or not enough to feed the horses of a small town, and yet Mr. Aldrich proposed to raise the Dingley duty from 15 cents a bushel to 20 cents.

Buckwheat: With a domestic production of buckwheat flour of about $4,500,000 in 1904, and imports in 1907 of $683, or less than a month's supply of a good-sized bakery, it was proposed to raise the Dingley rate of 20 per cent, which no one needs and still less cares for, to 25 per cent.

Rye: Production in 1907, 31,000,000 bushels, and imports valued at $125, or about enough to supply a boarding house. Mr. Aldrich proposed to raise the duty 100 per cent, from 10 cents a bushel to 20 cents.

Take eggs: Duty 5 cents per dozen, domestic production in 1904 estimated at over $144,000,000. Our exports in 1907 exceeded $1,500,000; on the other hand, we imported a mere handful of $26,000.

No one objects to giving the farmer the benefit of such protection as he may need, but a joke is a joke, and it's time the farmer caught onto this one. As I remember, the Dingley duties on agricultural products was substantially unchanged in the Payne bill. There has been, however, always the thought in Washington in some quarters of giving the farmers foolishly high rates which he can not use, by way of inducing him to permit of similar excessive rates to other interests that can use excessive rates to the limit.

And so we might go through the whole list. Says Senator NELSON, of Minnesota, a lifelong Republican and protectionist, who owes his seat in the Senate to a constituency of farmers:

"Mr. BORAH. How much wheat does your State produce?

"Mr. NELSON. I do not recall the millions of bushels produced in the State of Minnesota, but I desire to tell these Senators that the tariff on wheat which is on the statute book has not done us a particle of good. It would be like a tariff on cotton, because up to this time we have been exporting from 150,000,000 to 250,000,000 bushels of wheat a year. The price of our wheat is fixed by the Liverpool price, the export price, and no duty up to this time has helped us. (CONGRESSIONAL RECORD, May 10, 1909, p. 1949)."

WE SHOULD NOT INSIST UPON MODIFICATIONS.

The newspapers tell us that Senator CUMMINS will insist upon a modification of the treaty so as to admit highly finished manufactures like woolens, cottons, and agricultural implements free to our market. Such a modification would doubtless be in line with President Taft's first endeavor. As a manufacturer of agricultural implements, I know the cost to be the same substantially in both countries. The second largest manufacturer of these implements in Canada tells me his cost is lower than the cost in the States. The third largest says the cost is the same. The Canadian farmer pays about 20 per cent more for his implements than the farmers south of the boundary. This is a great injustice to the Canadian users, and a handicap to those hardy men who are opening up Canada's outer Provinces.

The American makers will welcome reciprocal reductions to any extent; but to admit the Canadians free to the States and leave the Americans paying 15 per cent entry into Canada would be the height of impolicy and injustice. The Canadians make too little to affect our prices by their importations. They charge higher prices than we. Beyond making clear representations, we must await Canada's action and the time when the Canadian farmer will force relief for himself from those very exactions on his implements, which Senator CUMMINS and others of us object to when practiced by some American manufacturers upon American consumers.

So in other manufactures, as many countries have waited patiently and with unbelievable courtesy for reasonable action on our part in the interest of our consumers, we must accept an altogether just and helpful treaty, although there are further extensions to be desired and to be expected. To reject this treaty is to lose all prospect of later betterment as well as the advantages now clearly offered. Canada has too great self-respect to be again rebuffed.

And we must respect Canada, too, if she is overcareful of her manufacturing interest, as we also must ever be, for revision must never rush to the point of possible injury of great industries.

WE ARE NOVICES IN INTERNATIONAL TRADE—OUR MANUFACTURERS DO NOT GET THEIR SHARE.

There are only four great manufacturing nations in the world—England, France, Germany, and the United States. In volume of product the United States is far and away in the lead. Outside these four nations there are one and one-half billion human souls who look to these nations for their manufactured supplies. The rewards offered in this world trade are beyond comprehension. They are to be measured in money, in intellectual advancement, in national spirit, in heightened civilization, and yet in this world trade the United States has, until now, refused to participate. We have made our tariffs not protective, but prohibitive, in the majority of items, and in many ways we have served notice upon the nations that it is our policy to restrict international trade, rather than to promote it.

The total production of mine, soil, and factory in the United States is of the yearly value of $26,000,000,000; the production of manufacturers only is about $15,000,000,000; of this $16,000,000,000 of manufactures we exported in the year 1907–8 a total of $1,082,000,000; of this $1,082,000,000, the greater part, or 63 per cent, consisted of crude and semicrude materials to the total of $680,000,000;[1] there is left as our exports of more highly finished manufactured products $402,000,000. This is only one-sixtieth of our toal production and about one-fortieth of our manufactured product.

NATURAL RESOURCES DEPLETED.

We are not in the race. As a people we are ignorant of foreign trade. Lost in the by-places of England, I have learned more of world trade from notices on the walls of little post offices than I could from the officials of some of our largest cities.

It has been aptly said that America is little else than a huge stevedore—bearing down to the ships of the sea crude and semicrude materials for the employment of the capital, labor, and intellect of foreign nations. Exportation of these partly manufactured materials is a depletion of our natural resources, the heritage of the ages in mine, forest, and soil fertility, never to be restored. Those who are best informed see within a period, which to the far-sighted is only as a day, our wonderful country importing these same materials and our producers handicapped by excessive cost.

We have been proud of our great agricultural exportations, but our scientists now give us reason to question to what extent even those exportations have permanently enriched us. We are told that every bushel of wheat exported carries 27 cents' worth of phosphorus, every bushel of corn 13 cents, and each pound of cotton 3 cents. These figures fairly represent the supposed profits. To-day our best agricultural States, even those only 50 years under cultivation, yield only half as much per acre as the 1,000-year-old soils of Europe. We have been capitalizing soil values to an extreme and hurtful extent, where we thought we were making real and substantial profits. There were reasons in the past for these exportations of various raw and semicrude products, and we have, on the whole, splendidly prospered, but those reasons are no longer effective.

WE MUST EXPORT MORE OF FINISHED PRODUCTS.

Now, we must use every effort to send our products abroad ready for consumption, carrying the maximum and not the minimum of American labor and skill. Think of the difference in the amount of labor carried by a typewriter and a bar of iron, a planter and a billet. We ship our cotton abroad raw at 14 cents per pound. We buy some of it back in fine handkerchiefs from the thrifty Swiss at $40 per pound, all labor. The exports of England, Germany, and France are finished products, mostly labor; most of ours carry only enough labor to make them fit for ship's cargo.

Our labor is in many respects the most efficient in the world. We are proud of our "men behind the guns"; their brothers, the men behind the machines in our factories, have no less of ability and the courage of accomplishment. There is brains in a Remington typewriter, a Singer sewing machine, and in American shoes. These are already exported in volume and point the way for tens of thousands of other products which can be made as welcome in foreign markets. These show, too, that high-paid American wages are cheap wages.

As then-President Roosevelt said to the writer three years ago, "We have become an industrial Nation and must acquire world markets for our finished products." Such markets broaden the industrial base of operations and will infinitely lessen the hurt of domestic stringencies and panics, which in the world sense are often local.

As says President Farrell, of the United States Steel Corporation:

"The producing capacity of this country has reached a point far exceeding the consumption, and the ratio of cases is assuming greater proportions each year. It is therefore imperative for the manufacturers of this country to look beyond its borders for markets wherein they can profitably dispose of their manufactures. The possibilities for the consumption of American products in the markets of the world have long been realized by the greatest statesmen as well as the leaders in the economic and commercial enterprises of our country. To everyone engaged in foreign commerce there comes a broader knowledge of human affairs and a better understanding of the relations of men and of nations and their relations to each other than comes to those who are solely engaged in domestic or local enterprises."

THE OCEAN NO BARRIER.

The ocean is not a barrier to trade. Rather, it is the easiest, cheapest, and freest of all highways. Instead of separating the nations, it now makes them all neighbors.

Freight has been carried from Pittsburg to Liverpool as cheaply as from Pittsburg to Chicago. Mr. Hill has carried foodstuffs from Minnesota to Japan at as low charge as from Minnesota to New York. Coal is carried from Cardiff to Port Said for 75 cents per ton, some 6,000 miles. Ocean charges are about one-fifth those of the railways.

Governments all barter through trade treaties—or, as we call them, treaties of reciprocity—for nations now invariably assist their citizens in these ways. Germany is the perfect example, which we are the last of all her competitors to follow. She made a high tariff (one-fourth as high as ours) and then, by special treaties of 12 years' duration, she secured special trade privileges in all countries, and she has had peace with honor and great prosperity ever since.

The English alternative of free trade is impossible to us and abhorrent.

Let us to a man support the administration in this tardy action and make it impossible for unfriendly influences to again shut the doors of opportunity.

Mr. FLOOD of Virginia. Mr. Speaker, I would ask the gentleman from Pennsylvania [Mr. LANGHAM] to use some time now.

Mr. LANGHAM. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. WILLIS].

Mr. WILLIS. Mr. Chairman, after the very interesting and profitable display of fireworks yesterday, it will seem like coming from the sublime to the ridiculous to come to the consideration of such a subject as this, and yet I dare say, Mr. Chairman, that there has not been before this House or will not be before this House at this session of Congress any measure of more vital importance than the one now under consideration; and for fear I should forget to say this later on in my remarks, I want to say, Mr. Chairman, that I am here to speak in favor of the admission of the Territory of New Mexico as a State, and I am here to speak in favor of the admission of Arizona as a State. I believe that the American people are weary of the methods that have been followed out in Congress for the last 40 or 50 years with reference to these Territories, and particularly with reference to the Territory of New Mexico. Some 60 years ago the people of this Territory made application for admission into the Union as a State, and from time to time that application has been renewed. They have been knocking at the doors of Congress, and finally an enabling act was passed, and Members here know much more about that than I do, because it was not my good fortune to be here. However, an enabling act was passed, and under the direction of that enabling act a constitution was formed by the people of New Mexico, and that constitution was reported back to the last session of the preceding Con-

[1] These semicrude materials included the following:

Foodstuffs partly or wholly manufactured, flour, etc	$331,968,382
Manufactures of copper in bars, wire, etc	104,064,580
Manufactures of iron and steel, like bars, billets, and rails	48,118,682
Petroleum and other mineral oils	97,651,326
Crude manufactures of wood	62,706,194
Crude manufactures of leather, furs, and fur skins	34,682,482

gress, and, as I am informed, received the absolutely unanimous support of this House.

NEW MEXICO AND ARIZONA SHOULD BE ADMITTED NOW.

I have read with great interest the eloquent speeches which were made by distinguished Members of this body in favor of the admission of New Mexico with the constitution as it existed then and as it exists now, and I say, Mr. Chairman, that for one I am opposed to any action by this body that will further delay the admission of this Territory as a State into this splendid Union. [Applause.] I said a moment ago I was in favor of the admission of Arizona as a State. I am. I hope that before this session of Congress comes to an end we shall have two more great States added to this splendid galaxy. [Applause.] And I hope, sirs, that both of those States will be added in such a manner and with such constitutions as not to be out of harmony with the spirit of American institutions, and for that reason, Mr. Chairman and gentlemen—and I refer to this now not with the idea of discussing it, because other and much abler Members are to discuss that phase of it, but simply to make my position clear—I am for the admission of Arizona now, and I am in favor of the admission of that State with a constitution that shall be in harmony with the spirit of American institutions as they have been shown by a century of experience, and therefore I am opposed to the recognition and approval by this distinguished body of any such un-American institution as the recall of judges. [Applause.]

For that reason I am heartily in favor of the report that is made to this body by the minority of the Committee on Territories. Now, Mr. Chairman, I want to say something about the constitution of New Mexico. I shall direct my remarks particularly to that subject. It has been attacked here. It has been attacked in committee. As I say, I supposed when I came here that there would not be any question about the admission of that State. The constitution has been passed upon by the preceding Congress, and able and distinguished gentlemen now upon this floor upon the other side of the House have made speeches in favor of the admission of that State, and I supposed there would be no opposition to it. And that idea was carried out, I might say, still further when I saw a copy of the resolution that was introduced here by the distinguished chairman of this committee, and with whom I want to say that I regret very much to have to disagree, because as a new member of that committee I feel under particular obligations to the chairman for the consideration he has given to the "baby" members of the committee—my distinguished friend from Michigan, here, and myself.

Mr. RAKER. As one of the members of the committee, I understand the reason you are opposed to the admission of Arizona is because of the recall of judges?

Mr. WILLIS. Now, let me answer that part of the question——

Mr. RAKER. I have not finished my question.

Mr. WILLIS. I beg pardon. Proceed, then.

Mr. RAKER. Are you in favor of Arizona recalling all other officers save and excepting the judiciary?

Mr. WILLIS. I will say to the gentleman, as I have said before, that I am in favor of the admission of Arizona as a State when it has provided by amendment to its constitution that the recall shall not apply to judges.

Mr. RAKER. Now, will the gentleman yield to this question? The first thing to determine is, Are you opposed to the recall of the other officers?

Mr. WILLIS. Oh, well, I will say to the gentleman that I am not on the witness stand. It does not make any difference what my personal views are upon this, or what the views of the gentleman are.

Mr. RAKER. The only reason I want to make the distinction is, if you are not in favor of the recall of the rest of the officers, what distinction do you make in the recall of the judges?

Mr. WILLIS. I will say to the gentleman that I will reach that in due time. But I think that I make my position sufficiently clear when I say to him, whether I like every provision in the Arizona constitution or not, I am willing to admit Arizona; I want to vote for the bill to admit Arizona, with the single exception of the recall of judges. I do not believe in the recall of judges. [Applause.] I believe it will make a weak judiciary when a man sitting on the bench, instead of considering the law and the facts, is put in the position where he has to find out what is being said about this proposition in the corner groceries and at the pink teas all over the country. Therefore, I am opposed to the recall of judges. Now, if I have made my position clear, I would like to go on.

Mr. RAKER. Are you in favor of the election of judges?

Mr. WILLIS. The gentleman can figure that up for himself. I have said twice, and I thought I said it in a tone of voice loud enough to be heard, though possibly not, to my friend from California, in perfect good nature, without going into his preferences or my preferences, that the question at issue is not what any Member thinks on any question of constitutional law, but the question is, what are we going to do for these Territories? And I am in favor of New Mexico just as it stands, just as it has been ratified by unanimous vote of this House, and without playing politics. New Mexico ought to come into the Union.

Mr. RAKER. Are you in favor of the election of judges?

Mr. WILLIS. If the gentleman will kindly come to me I will give him instruction on that point. It does not make any difference whether I am in favor of the election of judges or not. I am in favor of the admission of New Mexico as a State now and the admission of Arizona as a State now, with the exception of the recall of judges. Now, if that does not make it clear, that is all there is to it.

MAJORITY FOR NEW MEXICO'S CONSTITUTION.

Now, then, a question was asked here the other day that I think ought to be answered by somebody. That question had to do with the vote on this question. The idea had been held out here that there has been some hocus-pocus about this business, that the people of New Mexico are not qualified for statehood, and that this thing has been foisted upon them. I am here to speak in behalf, so far as I can, of the good people of New Mexico and the work they have done in making a constitution, and here is good evidence of what they think about it. Here is the statement of Gov. Mills before the committee in the preceding House. Copies of this are obtainable, and I want to say to the gentlemen on the other side that it could not possibly be that there is any unfairness in this constitutional convention. That could not have been. Perish the thought! And by the way, I want to tell you this, because some one will say before this discussion is concluded that this is a boss-ridden and corporation-ridden Territory, and they will give as an illustration of that the fact that some one who was once connected with a railroad in the capacity of an attorney was the president of the convention.

I call the attention of gentlemen on the other side of the House to the fact that there could not possibly have been any wrong, there could not possibly have been any corruption, there could not possibly have been any friction or wrongdoing of any kind because this constitutional convention in New Mexico did not allow its chairman to appoint the committees. These committees were selected by a committee on committees, and consequently everything must have been fair and right [laughter and applause on the Republican side], just as in this House we have had it exemplified upon this floor in the pyrotechnics across the aisle. [Laughter.]

Now, I am going to give what is said here by the governor of New Mexico. Here is an election in which something over 45,000 votes were polled, as is shown in the certificate already before the committee. The number of votes cast in favor of the constitution was 31,041 and the number cast against the constitution was 13,399, making the majority in favor of the adoption of the constitution 18,000 out of a total vote of about 45,000. Here you have a majority of 18,000. That is an expression of the will of the people of New Mexico, and I want to say to Members that there was brought out in the hearings before this committee, and they were very extensive hearings——

Mr. HUMPHREYS of Mississippi. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Mississippi?

Mr. WILLIS. I yield to my friend from Mississippi always.

Mr. HUMPHREYS of Mississippi. Will the gentleman object to stating just here what the expression of the people of Arizona was on that constitution?

Mr. WILLIS. I would be delighted to inform the gentleman on that point, but I do not happen to have that in mind. The gentleman can state that in his own speech when he comes to it. I am not talking about Arizona just at this moment. I am talking about New Mexico.

Mr. HUMPHREYS of Mississippi. I understand the gentleman is not in favor of ratifying the Arizona constitution and allowing that Territory to come in unless she makes a change in her constitution, notwithstanding the fact that her people have ratified it.

Mr. WILLIS. That is not the only reason. I do not think a wrong is made a right because a lot of people happen to vote for it. Does the gentleman think so?

Mr. HUMPHREYS of Mississippi. No; but I understood that was the reason the gentleman was assigning; that it was because they had ratified it by a tremendous majority.

Mr. MANN. Does the gentleman think that is not a good reason?

Mr. HUMPHREYS of Mississippi. No.

Mr. MANN. Then, why does the gentleman criticize it as not being a proper reason?

Mr. HUMPHREYS of Mississippi. The gentleman from Mississippi is farthest from criticizing the gentleman. The gentleman from Mississippi was simply criticizing his argument.

Mr. WILLIS. That is all received in a perfectly kindly and Christian spirit. [Laughter.]

Now, the argument I was proceeding to make, and I will continue on that line, is in reference to the constitution of New Mexico. Very distinguished and able gentlemen appeared before the committee. I have no criticism of those gentlemen. I want to say just in passing that one of the strongest arguments that I have in my mind in favor of the admission of both of these Territories is the character of the men that we had before our committee, speaking for the constitution and against the constitution. It shows that they are men of ability, men who are able to differentiate on great public questions. I am not informed as to what takes place in Democratic caucuses or Democratic conferences, if they may be so called, but I do know that the first day of this session a resolution was introduced by the distinguished chairman of this committee providing for the admission of New Mexico just as it stands, and also for the admission of Arizona, I am frank to admit.

But somehow or other our friends have seen a light. They have obtained a different idea of this thing, and this resolution that was introduced so promptly and, as I supposed as a party measure, has been modified. Why, bless you, we are more in favor of the resolution introduced by the distinguished chairman than is the chairman himself. We are in favor of what he said about New Mexico absolutely. But during the progress of the hearings various gentlemen appeared before the committee, and they brought up this question and that question, some of which have been referred to ably by my friend from Colorado, and in one way or another—I do not accuse anybody of playing politics; I do not suppose anybody ever does it——

Mr. HAMILTON of Michigan. I do.

Mr. WILLIS. My friend from Michigan says that he does; perhaps he has better information. This situation which had been gone over and concurred in as being satisfactory was found to be terrible in the estimation of some people. We are told that the State is corporation ridden and that people are coming to this Congress and asking for relief.

How is this? I call attention to the fact that out of 45,000 votes there was a majority of 18,000 in favor of this constitution. I call attention to the further fact that in the canvass before the people of New Mexico the party lines were not drawn at all.

If politics is injected into this thing now it comes, I think, not from New Mexico, because the Democratic Party of New Mexico went out into the open upon the stump with the Republicans; party lines were not recognized at all, but Democrats and Republicans were all in favor of this constitution. But for some reason, political or otherwise, charges are trumped up and a fight is made on this constitution.

RECALL OF JUDGES.

Let me tell you what is the effect. I warn Members now that if they agree with me that New Mexico ought to come into the Union and come in now, you ought to vote down any amendment that is offered to the constitution that has already been made by the people of New Mexico. I will tell you why. New Mexico is almost in the Union now, because, according to the act adopted by this House, it was provided that when the President should approve this State should come in, provided Congress did not disapprove. I call attention to what the situation will be if we seek to amend the constitution. The President has approved the constitution of New Mexico, and a great many people are sorry he did not approve the constitution of Arizona. I myself believe it was a duty that the great Chief Executive owed the American people to draw the line upon the proposition and to make it clear where the American people stand—whether they want their judges independent and free to apply the law, or whether they want them to be the mere creatures of the passing gusts of public opinion. For that reason I think the action of the President is very commendable in that respect.

Mr. CALLAWAY. Will the gentleman yield?

Mr. WILLIS. I will.

Mr. CALLAWAY. The gentleman wants to remove the judges from the influence of public sentiment by refusing to subject them to recall. He admits, by that, he fears their decisions would be influenced by public sentiment. He can not remove them from other influences, yet he would shield them from public sentiment that might protect the public by combating other influences to which judges are subjected.

Mr. WILLIS. That is the gentleman's speech, not mine.

Mr. CALLAWAY. I ask the gentleman if he does not admit by his position that the judges would be influenced by public opinion?

Mr. WILLIS. I think I understand the gentleman's question, and will answer it the best I can.

Mr. CALLAWAY. Having admitted that, does he fear the evil influences from the people, but have no fear of anything but good influences upon the courts from other sources?

Mr. WILLIS. I have not admitted anything. The gentleman has been doing all the talking. I will tell the gentleman what I think of that when he gets through with his question. My opinion of that is this—and it is covered, in fact, by another question which the gentleman asked about an elective judiciary. I will say that, so far as I am concerned, I am not disposed to start on any crusade on this subject. We have an elective judiciary in the great State that I have the honor in part to represent, and it is a judiciary of which we are proud.

I want to say to the gentleman that I would not be at all willing to take a step that I regard as a long way from merely electing a judge. Electing a judge for 6 years or 10 years or 4 years is quite a different proposition from having a plan whereby every decision that a judge makes renders him subject to a recall, and under the provision of this Arizona constitution 25 per cent of the electors of the district from which the judge is elected can recall him, and he then has five days in which to resign; and if he does not resign, then the election is held, and the charges against him are made in 200 words.

Mr. CARTER. Mr. Chairman, the gentleman surely does not mean to say that the decision of a judge will be recalled under this constitution.

Mr. WILLIS. Oh, not at all. I am talking about the judge; and if the gentleman understood me to say the decision, then I was unfortunate in my language. It is the judge that I am talking about.

Mr. GRAHAM. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. Certainly.

Mr. GRAHAM. Does the gentleman believe, as I understand him to say, that it is any business whatever of the American people as to what the people of Arizona put in their constitution if that constitution gives a republican form of government? Is it a question of public policy that the people of the country or the President of the country has anything whatever to do with, if they have a constitution which gives them a republican form of government?

Mr. WILLIS. Very well, I will undertake to answer that question. The gentleman is doing what gentlemen on this side did with my friend from Colorado [Mr. MARTIN] the other day—changing the order of his remarks somewhat—but it does not make any difference.

Mr. MANN. I would suggest to the gentleman that he proceed with his argument. We will not have a week's more time of debate on this bill.

POWER OF CONGRESS OVER ADMISSION OF STATES.

Mr. WILLIS. I think that suggestion is a very good one. Mr. Chairman, I do not know whether anybody else will agree with this view; but since he has asked the question, I want to say to the gentleman from Illinois that my understanding of the power of Congress relative to the admission of States is this: From discussions that have been had it seems that some people think that the only ground upon which Congress can refuse to admit a State is the fact that its government is not republican in form. I do not mean to say that that is the gentleman's idea, but a great many people have that idea. I will say to him that my understanding of that proposition is that that is not the only ground. The Constitution of the United States says that new States may be admitted into this Union by Congress. I understand that this Congress can give any reason that it pleases. It does not need to say that its government is not republican in form. It can simply refuse for any reason or for no reason. The American Congress has absolute power. Therefore I think it is simply a question of policy. Does that answer the gentleman's question?

Mr. GRAHAM. It does; but it puts the gentleman from Ohio, as I understand him, in an inconsistent position. If I misunderstood him, I am sorry. I understood him to say that he accorded in his views with the views of the minority in their

report. They put it squarely on other ground, not on the ground the gentleman from Ohio now suggests—that it should be kept out of the Union as a matter of public policy, and not because it is a republican form of government.

Mr. WILLIS. I want to say to the gentleman that I think there is no inconsistency whatever in that, and no lack of harmony with the minority of the committee. The minority of the committee did not undertake in its report to make a complete statement of the reasons, but that is given as one of the reasons. I am giving you now another reason why I think Congress has power to do that, and I will say further to the gentleman——

Mr. CULLOP. Now, Mr. Chairman——

Mr. WILLIS. If the gentleman from Indiana will wait, I want to finish this subject and take one at a time, and I think they will last longer. I want to say to the gentleman that my understanding about the effect of limitations that we put upon the constitution of any State is not that which some gentlemen seem to have.

You notice the minority views say that we are in favor of the admission of Arizona provided that at the same election at which they choose their officers this question shall be voted on and the recall stricken out. I am perfectly frank to say to the gentleman if the people of Arizona want to do it hereafter, they can put their recall back into their constitution. I will say to him that any compact that is made between this Government and a Territory becomes practically of no force the moment the Territory is admitted, except in two particulars, and those are, first, if it be something that is within the power of Congress under the Federal Constitution, and then it is not because of the compact, but because of the constitutional power; and, secondly, if it is something related to property.

Mr. GRAHAM. Does the gentleman think they would have the right to put into their constitution a provision that judges should be elected for only a term of one year, and would it then meet his approval——

Mr. WILLIS. I do——

Mr. GRAHAM. What, then, would be the difference between the present provision and that one? Practically it would take a year to oust a judge now——

Mr. WILLIS. I have already stated my understanding of that matter. I think that there is a vast difference, sir, between the election of a judge for a certain definite term and the election of that judge with the understanding——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I suggest the gentleman have some time to use of his own.

Mr. LANGHAM. I yield the gentleman 30 minutes additional.

Mr. CULLOP. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from Indiana?

Mr. WILLIS. Yes; but I would like to be allowed to proceed for a few minutes, as I want to get——

Mr. CULLOP. Just a moment ago the gentleman paid a high tribute to the judiciary of Ohio. Is that correct?

Mr. WILLIS. I did not get the gentleman's statement.

Mr. CULLOP. In the gentleman's remarks a few moments ago he paid a high tribute to the judiciary of Ohio.

Mr. WILLIS. I do not know whether I did or not, but I am willing to do so so far as I have the ability to do it.

Mr. CULLOP. Have not you had the removal in your constitution of judges in Ohio since 1851?

Mr. WILLIS. Yes.

Mr. CULLOP. Well, it has not been abused there, has it?

Mr. WILLIS. No.

Mr. CULLOP. Now, the difference between that and this is the difference of the application of the law that has been in the constitution in every State in the Union as long as they have been States. Now, in your State a judge can be removed on complaint of one person, can he not?

Mr. WILLIS. Now, if the gentleman wants to make a speech I will be glad if he will get some time to do so——

Mr. CULLOP. I am simply asking a question.

Mr. WILLIS. Because I like to get on. However, I want to say to the gentleman I think there is a very distinct difference between the recall of a judge and election of a judge for a definite term with the power vested in the legislature to impeach that judge or remove him from office. There is a very distinct difference between that process wherein a judge is to have notice of the charges against him, is to have opportunity to appear by counsel, to have a dignified trial in the name of the great State of Ohio; as I say, there is a distinct difference between that and the proposition submitting that judge to a recall. [Applause.] Now, if the gentleman wants to make a speech I wish he would get some time, as I wish to proceed with what I have to say and I do not wish to be cut out of so much of my time.

Mr. CULLOP. Just one more question.

Mr. WILLIS. Go on.

Mr. CULLOP. In the constitution of your State, paragraph 17 of the judiciary article provides for the removal or recall of judges.

Mr. WILLIS. I am familiar with that.

Mr. CULLOP. There the judge can be removed upon the application of one person.

Mr. WILLIS. But on a two-thirds vote of the legislature. I want to say to the gentleman there is a big difference between two-thirds of the legislature and——

Mr. CULLOP. In one case you go to a partisan legislature to be tried by a partisan tribunal instead of going to the whole people where your case can be passed upon without prejudice or partiality.

Mr. WILLIS. If the gentleman wants to make a speech on that side, I would be glad to have him do so, but I have made my position clear. I want to see to some of the things taken up by my friend from Colorado in his remarks. A great deal of discussion has been had here and elsewhere about this method of amendment. It is said that it is necessary that the constitution of New Mexico shall be very seriously and vitally changed because of the method of amendment which is provided.

AMENDMENT OF NEW MEXICO'S CONSTITUTION.

I want to say, Mr. Chairman, that I have given a little study to this subject. I have here the constitutions of all the States of the Union. I do not pretend to say that I know about all the constitutions of the various States in the Union, not at all, but I have given the subject of the method of amendment such attention as I have been able to do. And I want to say, Mr. Chairman, that not only is the constitution of New Mexico not the most difficult one to amend, but I want to say that it is one of the easiest constitutions to amend anywhere in the United States of America. [Applause.]

Mr. MARTIN of Colorado. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Will the gentleman from Ohio yield to the gentleman from Colorado?

Mr. WILLIS. I will.

Mr. MARTIN of Colorado. The gentleman has heard the proponents of the New Mexico constitution say that they sought to render it difficult of amendment, did he not?

Mr. WILLIS. I believe they said that.

Mr. MARTIN of Colorado. Then, according to the opinion of the gentleman from Ohio, they fell down lamentably in their purpose, did they not?

Mr. WILLIS. I am not saying anything about what anyone from New Mexico said. I am talking about this constitution as it is.

Now, I am going to call attention to that somewhat in detail. I do not know whether Members have the constitution on their desks. If they have, and if they will turn to Article XIX, they will find this amendment:

> Any amendment or amendments to this constitution may be proposed in either house of the legislature in any session thereof, and if two-thirds of all the members elected to each of the two houses, voting separately, shall vote in favor of it, such proposed amendment or amendments shall be entered on the respective journals with the yeas and nays thereon.

In other words, amendments can be proposed by a two-thirds vote of the legislature.

Now, going on:

> Or any amendment or amendments to this constitution may be proposed at the first regular session of the legislature held after the expiration of two years from the time this constitution goes into effect, or at the regular session of the legislature convening each eighth year thereafter.

In other words, then, what are the methods of proposing amendments? They can be proposed either by two-thirds vote of the legislature, and the first legislature that meets after New Mexico shall have been admitted can propose amendments by a majority vote, and the legislature every eighth year thereafter can propose amendments by a majority vote. That is the way now that amendments are proposed.

Now, I have taken some pains to investigate how amendments are proposed in the constitutions in the States as they exist now. We gathered from the remarks of my friend from Colorado [Mr. MARTIN], and from discussion before the committee, that it is very difficult to propose amendments in New Mexico as compared with other States in the Union. I want to say to you, gentlemen, that there are only two States in the Union—just two—that allow a majority of the legislature, in one session, to propose an amendment, and a majority vote of the people voting

thereon to ratify the amendment. Those two States are Missouri and South Dakota. With great respect to the distinguished Member from the State of Missouri, who is a member of this Committee, I want to say that it seems to me that it is bad policy, whether in the constitution of his or any other State, to allow the majority of the legislature to propose amendments to the constitution and then a majority of those voting thereon to ratify them. I call attention to the fact that that is exactly what is proposed in this amendment that is offered by the majority of the committee.

Mr. ALEXANDER. Mr. Chairman——

The CHAIRMAN. Will the gentleman from Ohio yield to the gentleman from Missouri?

Mr. WILLIS. I yield to the gentleman from Missouri.

Mr. ALEXANDER. Can the gentleman cite from any knowledge of the operation of that provision in the constitution of Missouri that it is a bad thing?

Mr. WILLIS. No, sir; I have no personal knowledge of it.

Mr. ALEXANDER. I will say that I have been familiar with that provision since it was written into the constitution in 1875, and I wish to say to the gentleman that it has never worked badly. It has proved desirable.

Mr. WILLIS. I am glad to hear that, and I want to say further that I think that is because of the good sense of the people of Missouri and not because of the constitution. They have gotten along well, not because of the provision in the constitution but in spite of it.

Mr. BOOHER. Does not the gentleman know that because the people of Missouri have such good sense, New Mexico, having been peopled largely by Missourians, that the people of New Mexico exhibit the same good sense, and do you not think they are worthy of emulation?

Mr. WILLIS. Yes; and I think the provision whereby a majority of the people who have been elected to the legislature can propose an amendment every eight years is ample.

Mr. MANN. Does not the gentleman think that it is a proof of good sense that they moved out of Missouri into New Mexico?

Mr. WILLIS. I repeat that there are only two States in this Union that allow their constitutions to be amended in that way, and I repeat, with the greatest deference to the opinions of gentlemen on the other side, if you are going to have a constitution in which the legislature can amend the constitution at any time, very well and good, but that is not our American system.

I have always supposed that the object of a written constitution was to give some degree of stability in government, and if you allow a majority of the members elected to the legislature to propose amendments and then a majority of those voting thereon to ratify the amendments, you put it within the power of a very small minority to change your fundamental law.

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Illinois?

Mr. WILLIS. Yes; I yield with pleasure. It will give me a chance to take a sip of water. [Laughter.]

Mr. FOWLER. Does not the constitution of New Mexico provide, as it is now written, that the whole of it may be adopted by the majority vote of the people of that Territory?

Mr. WILLIS. Yes. Very well.

Mr. FOWLER. Then what is the difference between amending it by a majority vote and adopting it by a majority vote?

Mr. WILLIS. I will say to the gentleman that there is a good deal of difference between the adoption of a constitution in the first place and its amendment—a constitution that has been gone over carefully in a constitutional convention, as has been done in the case of New Mexico, where the people have been working on it for 60 years, and where, but for such trifling objections as are being made here to-day, that Territory would now be in the Union and would have been in the Union 25 years ago. This is simply a continuance of the old political game of holding it up. When the people have considered the subject, as they have in this case, for 50 or 60 years, and it has been before two or three Congresses, I say to my friend from Illinois that there is quite a distinct difference between the adoption of that and the offering of amendments to the constitution.

Now, I want to proceed in regard to this method of amendment: First, it is provided that by a two-thirds vote of the legislature at any time amendments may be proposed; and, second, by a majority vote every eight years. I have already called attention to the fact that there are only two States in the Union that allow their constitutions to be amended in that way.

Mr. SAUNDERS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Virginia?

Mr. WILLIS. Yes.

Mr. SAUNDERS. I think the gentleman will find that that is a mistake. The State of Virginia provides in its constitution for the amendment of the constitution by a majority vote, and I think, therefore, you should add Virginia to the others.

Mr. WILLIS. Very well. That may be true; but I want to see about this. In Virginia, as you will find in the seventh volume of American Charters and Constitutions, page 3955, it is provided that the amendment shall be proposed by a majority elected to each house, referred to the next assembly to be chosen, and if agreed to by the majority elected to that house, then it is to be submitted to a vote.

Mr. SAUNDERS. Where is the two-thirds proposition in there, may I ask the gentleman?

Mr. WILLIS. The gentleman was talking about the majority proposition.

Mr. SAUNDERS. There it is—a majority of the members elected to each house.

Mr. WILLIS. The point I make is this, that in the gentleman's State of Virginia the amendment has to be passed upon by two succeeding legislatures. But according to the constitution of New Mexico that is not provided for, and the constitution of New Mexico is therefore more easily amended than that of Virginia.

Mr. SAUNDERS. I will say, in reply to the gentleman, that that was not the distinction which the gentleman started out to make.

Mr. MANN. It was the precise distinction.

Mr. WILLIS. I said there are only two States, and the gentleman's State can not be added to that number, because in that State, if I read the constitution of Virginia correctly—and I would be glad to be corrected if I am mistaken—the amendment must be referred to two succeeding legislatures, and that is a very different thing. Therefore the statement I have made is absolutely correct, so far as that is concerned, that there are only two States in the Union where that applies, the States of Missouri and South Dakota. [Applause on the Republican side.]

Now, let us see about the other States. From the tremendous outbursts of eloquence from my distinguished friend from Colorado [Mr. MARTIN]—and nobody knows better than he how to let those outbursts out, and also how, in the interest of party harmony, to quell his wrath and swallow his indignity and let it all go, as he did yesterday, when he had a good case that I hoped he would fight to the bitter end [applause and laughter]—I say, to hear my eloquent friend from Colorado you would suppose that this was an unusual thing, this provision that two-thirds of the legislature, as in the case of New Mexico, should be required to pass upon an amendment, and——

Mr. MARTIN of Colorado. Will the gentleman pardon me for a moment?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Colorado?

Mr. WILLIS. Certainly.

Mr. MARTIN of Colorado. I said that I found no particular quarrel with that proposition. I yielded my judgment on that point. I said I would be satisfied to leave the precedent as to submitting amendments just as it stands now. But I am interested in that 40 per cent proposition in at least one-half of the counties.

Mr. WILLIS. I recognize that the gentleman yielded his judgment. That is the quarrel I have with him. He yielded it yesterday when he was right. He yields his judgment when he is right and he stands up for it when he is wrong. [Laughter and applause.] Now, then, a three-fifths vote or a two-thirds vote of the legislature is required to propose an amendment to the constitutions of the following States: Alabama, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Kansas, and so on; I will not read them all. I believe there are 27 or 28 of them in all. More than a majority of all the States of this great Union have similar provisions requiring three-fifths or two thirds of the legislature to propose an amendment to the constitution.

But that is not all. The half has not been told. In at least 14 or 15 States of this Union action is required in some form, not by one legislature, as is provided in the constitution of New Mexico, but in two succeeding legislatures. The States so requiring action in two succeeding legislatures in order to get an amendment proposed to the constitution are Connecticut, Delaware, Indiana, South Carolina, Iowa, Rhode Island, Massachusetts, Pennsylvania, Nevada, and North Dakota, some 14 in all, in which action is required by two succeeding legisla-

tures. There is no such provision as that in the constitution of New Mexico.

I submit, gentlemen, in view of these facts, is it not true that it is as easy to propose an amendment under the constitution of New Mexico as it is in the country at large, when, as I say, we have 27 or 28 that require the same vote and 14 or 15 that require a heavier vote, in that they require action in two succeeding sessions of the general assembly?

Now, there is another point I want to bring up before I forget it. Some one asked a question the other day which the gentleman from Colorado would have been able to answer if he had had a little more time, but he was tremendously crowded by questions, and so this escaped his attention. Some one—I think it was the gentleman from Illinois—asked him about the limitation as to the number of amendments, whether there were any States that had provisions in their constitutions limiting the number of amendments. I have taken pains to dig that out. The committee proposes to strike out the clause that says that not more than three amendments shall be proposed at once. I have taken pains to inquire how many States in this Union require a limitation as to the number of amendments. There are seven States of this Union that have limitations in the constitution as to the number of amendments—Arkansas, not more than three at one time; Colorado, not more than one at each session of the legislature——

Mr. MARTIN of Colorado. We can amend six articles now at one time. We have modified that provision in the constitution.

Mr. WILLIS. I am glad to have that correction made. It does not appear in the Constitutions and Charters. Kentucky not more than two at one session; Montana, New Jersey, Pennsylvania, and Vermont. There are seven, in all, having this very provision. Some of them have it in more stringent form, but the point I am making is that it is not anything new or unusual to have a limitation as to the number of amendments that shall be offered.

Mr. MARTIN of Colorado. Will the gentleman yield?

Mr. WILLIS. Certainly.

Mr. MARTIN of Colorado. The gentleman has found that in 39 States out of 46 there are no limitations as to the number of amendments that may be submitted at one time.

Mr. WILLIS. I have not made the subtraction, but I have no doubt the gentleman is correct. The point I am making is to counteract the proposition that this is something new and strange and will overthrow the liberties of the people. Why, gentlemen, in Arkansas the liberties of the people are protected. In Colorado, sun kissed, with her peaks rising into the skies and the snows resting everlasting thereon, the rights of the people are protected there. [Applause.] And so in Kentucky, the great State where the farmers have the "emptiness of ages in their countenance" and the "burdens of the world upon their back," why, in Kentucky the rights of the people are generally protected. The point I am seeking to make with my friend from Colorado is that this is not anything unusual—this is not anything dangerous at all.

Mr. MARTIN of Colorado. Mr. Chairman, the only point I was seeking to make was to argue the reasonableness of the recommendation of the majority of the committee, and I think I am fully sustained by the fact that in 39 of the 46 States in the Union there is no limitation in the constitution as to the number of amendments that may be submitted and acted upon at one time. I think the gentleman will concede that.

Mr. WILLIS. I did not make the subtraction. It is a matter of arithmetic. Well, then, what is good sauce for the gander is good sauce for the goose. If the gentleman argues that because there are 36 or 37 States that do not have limitations, then when I show him that there are 28 that require a two-thirds vote to propose amendments he is bound to accept that by the same logic. [Applause on the Republican side.]

Mr. MARTIN of Colorado. Mr. Chairman, I do not want any erroneous statement of mine to stand in the RECORD. We were furnished with a table by the clerk of the committee over there, and my understanding of that table is that in 28 of the 46 States of the Union a majority of the people can ratify an amendment.

Mr. WILLIS. Oh, I am not talking about the ratification of amendments at all. I have been talking about the proposal of amendments.

Mr. FLOOD of Virginia. Mr. Chairman, I want to say to the gentleman that he certainly is mistaken when he makes the statement that there are only two States in the Union that permit the submission of amendments by a majority of the legislature, for an investigation will show that 18 States of the Union allow an amendment to be submitted by a majority of the legislature, 7 States by a three-fifths vote, and 21 States by two-thirds.

Mr. WILLIS. Now, if the gentleman will do me the favor, I desire to state that there are two States now where a majority of the legislature can propose the amendment, and a majority of the people voting thereon can ratify it.

Mr. KENDALL. At one session of the legislature?

Mr. WILLIS. Yes. I shall be obliged to the gentleman if he will name me one other State. I have the constitutions right here.

Mr. MANN. Name it.

Mr. FLOOD of Virginia. Well, Nevada.

Mr. WILLIS. We will look for that. If I am wrong I shall be glad to make the correction, because I want to get this thing right. Nevada we will find in volume 4, page 2423. Nevada—proposed by a majority of the members elected to each house, submitted to the legislature next elected thereafter, and then adopted by the people—just exactly what I said. [Applause on the Republican side.] Name another one.

Mr. FLOOD of Virginia. It takes a majority——

Mr. WILLIS. In two successive legislatures, just exactly as I said.

Mr. FLOOD of Virginia. A majority of the legislature and a majority of the people can put an amendment in the constitution.

Mr. WILLIS. Oh, no.

Mr. MANN. Of two legislatures.

Mr. FLOOD of Virginia. Two legislatures; but still it is a majority of the legislature. [Laughter on the Republican side.]

Mr. WILLIS. I submit to the House that I made that statement as clear as I could, and I walked clear down to my friend the chairman of the committee so as to make it clear. My statement is that there are only two States that allow a majority of the legislature, and then my friend from Iowa [Mr. KENDALL] put in that it was at one session of the legislature, and I accepted that, to submit to a majority of the people to ratify. Now, name another State.

Mr. FLOOD of Virginia. Why, there are a great number of States.

Mr. WILLIS. Name just one of them.

Mr. FLOOD of Virginia. Try Michigan.

Mr. WILLIS. Got her! [Laughter.] We might as well have information on this subject. Michigan you will find in Volume IV, page 1969, American Charters and Constitutions, and the gentleman can look at the volume, if he wishes—

proposed by two-thirds of the members elected to each house, submitted to a general election, and adopted by a majority—

bearing out my statement exactly. A majority of the legislature can not propose. Name another.

Mr. FLOOD of Virginia. Why, the gentleman is mistaken about Michigan.

Mr. WILLIS. I am not.

Mr. FLOOD of Virginia. I have not got the book here.

Mr. WILLIS. But I have. [Laughter.]

Mr. FLOOD of Virginia. The gentleman's books are like his facts as to Colorado. He stated that Colorado could submit but one amendment by a legislature, and it turns out that it can submit amendments to six articles of its constitution. His books are antiquated, like the gentleman's information is. [Applause on the Democratic side.]

Mr. WILLIS. Mr. Chairman, I leave my good friend, the chairman of the committee, to settle his dispute with this authority. I can not go and write a book, though I am here for the purpose of instructing him. I have too limited a time to write a book for that purpose, but I take this out of American Charters, Constitutions, and Organic Laws.

Mr. FLOOD of Virginia. But the gentleman has just failed to make his investigation go far enough. I will have time later on and show that the gentleman is entirely mistaken in his statement. [Applause on the Democratic side.]

Mr. WILLIS. Mr. Chairman, I have not any objection at all to having the gentleman show us those things. I am enjoying this. See the State of Michigan, page 1916, volume 4:

Any amendment or amendments to this constitution may be proposed in the senate or house of representatives if the same shall be agreed to by two-thirds of the members.

Now, that is right; there is no doubt about it; and I shall be glad to have the gentleman name another case. I want to get at the truth of this matter.

Mr. FLOOD of Virginia. I will bring the gentleman the books and authorities——

Mr. WILLIS. When the gentleman comes to make his speech I will see to it that he has the books and authorities; I will caution him on that point.

Mr. MANN. He will never bring them.

Mr. WILLIS. I do not think he will.

Mr. MARTIN of Colorado. Before this question goes further——

Mr. WILLIS. I do not want to be driven too far afield, but go on.

Mr. MARTIN of Colorado. Leaving Colorado out of the seven States that have a limitation, Colorado's limitation being six articles, I want to ask the gentleman if he can just tell me offhand whether or not in those other six States the limitation is as to the number of articles that may be amended or as to the number of amendments that may be submitted, because I want to say to him I object to the use of the word "amendments" in the New Mexico constitution even more than to the other limitation as to the number—three.

Mr. WILLIS. I will say to the gentleman, so far as my investigation went on that line, that I think in all this the limitation was as to the number of amendments.

Mr. MARTIN of Colorado. And not articles.

Mr. WILLIS. So far as my investigation has gone.

Mr. MARTIN of Colorado. I consider the use of the word "amendments" much more objectionable than I do the limitation "three."

Mr. FLOOD of Virginia. Will the gentleman allow me to interrupt him?

Mr. WILLIS. I yield to the chairman of the committee.

Mr. MANN. Will the gentleman first allow me one question; does the Colorado constitution provide that the amendments may be submitted to six articles at one time?

Mr. MARTIN of Colorado. Yes.

Mr. MANN. Did the gentleman hear his colleague from Colorado state that the Colorado constitution was originally based upon the Illinois constitution which originally provided for amendment to only one article? That is the present Illinois constitution.

Mr. MARTIN of Colorado. To one article.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. LANGHAM. I yield 30 minutes additional to the gentleman.

Mr. MARTIN of Colorado. If the gentleman will just pardon me here. We added a new article to our constitution and we have had one of the greatest legal battles in that State upon the ground that that one article amended more than six articles, the number now permitted. Now, New Mexico will be up against the same proposition in much worse form. They can only submit three amendments, and it might be claimed that the number was exhausted in amending one section of one article in three particulars. That is the reason the committee has not seen fit to adopt this limitation. The idea is that it is more or less a joker in the constitution.

Mr. MANN. The gentleman absolutely confuses the proposition.

Mr. FLOOD of Virginia. I would like to ask the gentleman which two States he named as the States where the constitution provided an amendment could be submitted on a majority vote of the legislature?

Mr. WILLIS. Majority vote of the legislature and ratified by a majority voting thereon. Just one legislature; not two succeeding ones. The two States are Missouri and South Dakota, as I recall it.

Mr. FLOOD of Virginia. Missouri and South Dakota?

Mr. WILLIS. Yes, sir.

Mr. KENDALL. Will the gentleman yield?

Mr. WILLIS. I do.

Mr. KENDALL. And in all other States of the Union except Missouri and South Dakota an amendment must be proposed by a majority, or two-thirds or three-fifths, in two succeeding general assemblies.

Mr. WILLIS. There are some 27 or 28 that require an amendment to be proposed by a two-thirds vote and some 14 that require two succeeding legislatures. The point that I am seeking to make is that the amending of the constitution of New Mexico is not unusual, is not more difficult than it is in any other State of the Union, and it certainly is not unrepublican or undemocratic or un-American. But my friend from Colorado [Mr. MARTIN] raises some question about another point here, and that is one about which a great deal of discussion has been raised, and that is the provision as to ratification. It is said here:

> If the same be ratified by a majority of the electors voting thereon and by an affirmative vote equal to at least 40 per cent of all the votes cast at said election in the State and in at least one-half of the counties thereof.

Now, that is the point to which the most serious objection has been raised. I want to say, Mr. Chairman, in discussing that feature, that it seems to me that absolutely the best authority and the best precedent for that proposition is the method of amending the Constitution of the United States. That is well understood. Amendments must be ratified by three-fourths of the State legislatures or by convention in three-fourths of the States, as one method or the other shall be provided by Congress. In other words, it was believed to be a necessary and proper limitation in the making of amendments to the Federal Constitution that not mere numbers shall count, but that the people living in certain, definite, distinct political units, in separate and distinct jurisdictions, should be recognized as such, and therefore the requirement that amendments should be ratified by three-fourths of the States.

Mr. MARTIN of Colorado. I wish to ask whether the gentleman has found in the constitution of any other State in the Union a provision requiring a certain percentage of the votes cast in at least half of the counties in the State as necessary to ratify amendments?

Mr. WILLIS. Will the gentleman repeat his question? I was interrupted.

Mr. MARTIN of Colorado. I will ask the gentleman if he found in the constitution of any other State in the Union a requirement for a certain percentage of the votes in at least one-half of the counties in the State for the ratification of the constitution?

Mr. WILLIS. I will say to the gentleman frankly that I did not.

Mr. MARTIN of Colorado. The gentleman learned in the committee that New Mexico is to be equally divided between Americans and Mexicans; that the Americans control some counties and the Mexicans control some counties; and does not the gentleman know that that identical proposition was put into that constitution to hog-tie it, because of the almost absolute certainty of the differences that would arise between the American and Mexican people of that Territory over amendments to the constitution?

Mr. WILLIS. I do not know that, and I do not think the gentleman knows that. I do know this, however, that that provision was put into the constitution of New Mexico, in part, to do what he says, namely, to guarantee that there should never be a time in the history of that State when the incoming population should be able absolutely to control and to destroy the rights and privileges of the original people of New Mexico. That was one idea. As he correctly states, there are some counties——

Mr. POWERS rose.

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Kentucky?

Mr. WILLIS. I do.

Mr. POWERS. I just wanted to make this suggestion, that the majority of the Territorial Committee, in the joint resolution which they have proposed, embodies the same objection which the gentleman from Colorado raises to the argument made by the gentleman from Ohio. In other words, they say in this resolution:

> *Provided*, That no amendment shall apply to or affect the provisions of sections 1 and 3 of article 7 hereof, on elective franchise, and sections 8 and 10 of article 12 hereof, on education, unless it be proposed by vote——

Mr. MARTIN of Colorado. Now, the gentleman has proceeded far enough, so that I can answer——

Mr. POWERS (continuing)—

> unless it be proposed by vote of three-fourths of the members elected to each house and be ratified by a vote of the people of this State in an election at which at least three-fourths of the electors voting in the whole State and at least two-thirds of those voting in each county in the State shall vote for such amendment.

Mr. WILLIS. Mr. Chairman, I will state to the gentleman from Kentucky that I will respond to that briefly, and if the gentleman from Colorado [Mr. MARTIN] wishes to take it up later he can do so in his own time. I will state in fairness to the committee, with the majority of which I disagree absolutely on this proposition, that they made a fair effort, in the clause which the gentleman has just read, to carry out the provision of the enabling act and the constitution, so far as it exists here in regard to education and the elective franchise.

Mr. MARTIN of Colorado. And a majority of the people of New Mexico, regardless of politics, want that provision of the constitution to remain just as it is.

Mr. WILLIS. The gentleman can explain that in his own time.

It is provided here that there must be at least 40 per cent of the total votes, and a majority of those voting thereon. Now, I wonder if there is anything unfair about that? Is it the idea that constitutions can be so easily amended that a few people can run together somewhere on a rainy election day and change the fundamental law of the State? Is that the idea? I am informed by a credible authority, namely, Stimson on Con-

stitutions, that there is a case in one great State of this Union—and it is a State, by the way, which allows the amendments to be ratified by a majority of those voting thereon—in one great State of this Union less than one-fifth of the qualified electors absolutely changed the fundamental law of the State. Half of the people did not go to the election.

Gentlemen, I say to you that that is not a safe provision; it is not a wise provision to allow a small minority to change the fundamental law.

Now, then, this is an attempt—I think an honest attempt—to meet that difficulty; and, as the gentleman from Colorado suggested, the 40 per cent clause is intended to protect absolutely the different nationalties and different classes of people who live in this great Territory of New Mexico.

Now, then, the provision as to the number of amendments I have already discussed. There are some seven States that have limitations as to the number of amendments. That is all I care to say, I think, on the subject of amendments, except to summarize it in this way: Taking it both ways, taking the method of proposing amendments and the method of ratifying amendments, consider them both together, and you will find that the people of New Mexico have provided a fair and reasonable and honest method of amending their constitution. And I want to say to you that, judging from the character of men who have come before this committee, both in favor of the constitution and against it, if experience shows that there is anything in this constitution that ought not to be there, there is enough virility and enough intellectual power and enough political independence in the Territory of New Mexico to amend its constitution whenever it ought to be amended under the present provisions pertaining to amendments. [Applause on the Republican side.]

Now, it is said——

Mr. McGUIRE of Oklahoma. Mr. Chairman, will the gentleman permit a question?

Mr. WILLIS. Yes. I yield to the gentleman from Oklahoma.

Mr. McGUIRE of Oklahoma. The President of the United States and other parties who, it is said, have criticized parts of the Arizona constitution or the proposed constitution, have been severely criticized in turn by persons here on the floor after it had received an overwhelming majority of the votes of that Territory. I would like to know if the gentleman has made any inquiry as to what the majority was, as expressed by the people in New Mexico, for the proposed New Mexico constitution?

Mr. WILLIS. I will say to the gentleman from Oklahoma that I have been over that before.

Mr. McGUIRE of Oklahoma. I beg the gentleman's pardon, I was not in at the time.

Mr. WILLIS. As I recall the figures, in a vote of 45,000 there was 18,000 majority for it.

Mr. HUMPHREYS of Mississippi. And how much in Arizona?

Mr. WILLIS. I told the gentleman before that I had not investigated that. When the gentleman from Mississippi comes to make his speech he can put that in, and I have no doubt he will make a good speech, although it will be faulty in logic.

Mr. HUMPHREYS of Mississippi. The gentleman does not object to my putting it in here?

Mr. WILLIS. The gentleman can put it in when he makes his speech, but not while I am making my speech.

Mr. FLOOD of Virginia. Will the gentleman yield to me?

Mr. WILLIS. Certainly.

Mr. FLOOD of Virginia. The gentleman stated that there were only two States in the Union in which a majority of the general assembly could submit an amendment and that amendment be voted on by the people. I stated to the gentleman that I thought he was mistaken, that he was reading from antiquated books, and as soon as I could get up-to-date books I would show that he was mistaken. Now I have here the constitution of the State of Oklahoma, and it reads this way:

Any amendment or amendments to this constitution may be proposed in either branch of the legislature, and if the same shall be agreed to by a majority of all the members elected to each of the two houses such proposed amendment or amendments shall, with the yeas and nays thereon, be entered in their journals, and referred by the secretary of state to the people for their approval or rejection at the next regular general election—

Mr. WILLIS. Read on.

Mr. MANN. Read the balance of it.

Mr. FLOOD of Virginia. I will read the balance.

except when the legislature, by two-thirds vote of each house, shall order a special election for that purpose.

Mr. WILLIS. That is sufficient; I am satisfied; let that go in the RECORD.

Mr. FLOOD of Virginia. I will leave it to the committee to say whether the gentleman from Ohio is mistaken.

Mr. WILLIS. Well, I will leave it to the House. I am very much obliged to the distinguished chairman for substantiating what I said. I said, and have said repeatedly, that there are only two States where a majority of the legislature could propose an amendment and a majority vote thereon could ratify it. I have said that half a dozen times. Now, then, what the gentleman read proved that exactly. The last clause said that if a majority of all the electors voting at such election—not voting thereon—and the gentleman will have to get another book.

Mr. FLOOD of Virginia. That refers to a special election held for that purpose.

Mr. WILLIS. I am satisfied to let that go in the RECORD. The more authorities the gentleman brings in the better it is. Bring in some more books; it proves exactly what I said.

Mr. FLOOD of Virginia. If it is at a general election, it takes a majority of the people voting thereon.

Mr. WILLIS. But if the gentleman will permit me to suggest, the provision requires that a special election is to be called by a two-thirds vote.

Mr. FLOOD of Virginia. But the gentleman said there was no State in this Union except two at which a majority of the legislature could submit an amendment and a majority voting on it could adopt it. Here is a third. I will get more books and show the gentleman that he is wrong.

Mr. WILLIS. Mr. Chairman, I am perfectly willing to let it go in the RECORD, and I want to read this provision in my own time and let the country judge who is right in this matter. The constitution of Oklahoma, article 24, section 1, provides:

Any amendment or amendments to this constitution may be proposed in either branch of the legislature, and if the same shall be agreed to by a majority of all the members elected to each of the two houses, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered in their journals and referred by the secretary of state to the people for their approval or rejection at the next regular general election, except when the legislature by a two-thirds vote—

That carries out the proposition I laid down precisely, that a majority can not do it—

except when the legislature by a two-thirds vote of each house shall order a special election for that purpose.

Then it goes on to say that if a majority of all the electors vote at such election—not a majority voting thereon.

Mr. MARTIN of Colorado. Who else would be voting at a special election on a constitutional matter?

Mr. WILLIS. At a special election two-thirds of the legislature has acted. That proves what I said and disproves absolutely what the gentleman from Virginia said.

Mr. MARTIN of Colorado. I do not agree with the gentleman. The constitution of Arizona has simply provided for a special election on amendments.

Mr. WILLIS. I yield to a question, but not for a speech.

Mr. MARTIN of Colorado. I have to differ with the gentleman's construction of this language.

Mr. WILLIS. I can not help that. If the gentleman wants to differ with a fact——

Mr. MARTIN of Colorado. I am not differing about the facts.

The CHAIRMAN. The gentleman declines to yield.

Mr. WILLIS. The constitution says that a majority may submit, and a majority voting thereon may adopt, if at a general election, but if they want a special election, it takes two-thirds to submit.

Mr. FLOOD of Virginia. My friend is just mistaken. But we will thrash that out in my time.

Mr. WILLIS. Mr. Chairman, I have read this into the RECORD, and I should be glad when the gentleman makes his speech, and I know it will be an able and eloquent one, to have him cite the appropriate page of the RECORD and point out the matter in regard to which I am mistaken. I challenge him and the gentleman from Colorado now to do that, and on that occasion I will be here with the books. [Applause on the Republican side.]

Mr. MARTIN of Colorado. It looks as though we might thrash this matter out now.

The CHAIRMAN. Does the gentleman yield?

Mr. WILLIS. I will make one more statement, and then I am going to leave this proposition.

Mr. MARTIN of Colorado. Oh, let us thrash it out now.

Mr. YOUNG of Michigan. It has been thrashed out.

Mr. WILLIS. It has been thrashed out. There are none so blind as those who will not see.

Mr. MARTIN of Colorado. Let me ask the gentleman a question.

Mr. WILLIS. Let me make one more statement and I will yield to the gentleman for a question. I stated distinctly that there are only two States where a majority of the legislature could propose an amendment——

Mr. WEDEMEYER. At one session.

Mr. WILLIS. At one session, and a majority of those voting thereon could ratify it, and I stated that so many times that I know the House is tired of it. The gentleman brings up Oklahoma as a supposed exception to that rule, and by what he himself read, and by what will appear in the RECORD, he states that a majority can propose, but it shall be ratified by a majority of those voting at that election.

Mr. FLOOD of Virginia. Mr. Chairman——

Mr. WILLIS. Oh, I am going to say that—just be calm. But I will allow the gentleman to say his after a time. I want to say mine now. [Laughter.] I decline to yield for the present. I said then that a majority could not propose an amendment. Now, then, in what the gentleman has read he himself has shown as clearly as the English language will permit of it that you can not have a special election except by a two-thirds vote of the legislature, and therefore a majority could not get an amendment so proposed that a majority voting thereon could ratify. Now I will yield to the gentleman.

Mr. FLOOD of Virginia. Now, Mr. Chairman, to make this matter clear, the gentleman has stated his position, and that position was that there was no State in the Union, excepting these two, a majority of the members of both houses of the legislature of which at one legislature could submit amendments and a majority of the people could adopt them.

Mr. MANN. That is not what he said.

Mr. FLOOD of Virginia. A majority at one session of the legislature.

Mr. MANN. That is not what he said.

Mr. FLOOD of Virginia. Yes; it was. The gentleman stated this, that there were only two States in the Union in which a majority of the legislature could at one session submit amendments to the people and have those amendments ratified by a majority of the people.

Mr. MANN. Well, that is not what the gentleman said.

Mr. FLOOD of Virginia. Voting on the amendment, a majority of the people voting on the amendment. Now, here is the constitution of Oklahoma——

Mr. HAMILTON of Michigan. Voting at that election.

Mr. FLOOD of Virginia. The constitution of Oklahoma, which provides that a majority of the members of both houses of the Oklahoma Legislature can submit an amendment at a general election, and at that general election it only takes a majority voting upon the amendment to adopt it.

Mr. MANN. No; the gentleman is mistaken about that——

Mr. HAMILTON of Michigan. Voting in that election.

Mr. FLOOD of Virginia. That is not what it says.

SEVERAL MEMBERS. Read your book.

Mr. FLOOD of Virginia. I have read it. It takes two-thirds of the legislature to submit amendments to a special election, and those amendments—those submitted at a special election—must be ratified by a majority of the electors voting at that election, but amendments submitted at general election are ratified by a majority; but if the legislature, by a majority vote of both houses, submits an amendment to the people of Oklahoma at a general election, a majority of the voters voting upon the amendment at their general election adopts the amendment, and that is in direct contradiction of the statement made by the gentleman from Ohio.

Mr. WILLIS. Mr. Chairman, I have given the gentleman time to make a statement, and now I am going to make one more statement about that and then leave it.

Mr. MANN. The gentleman does not need to do so; everybody else understands it.

Mr. WILLIS. Well, the gentleman himself will understand it when he reads this over himself and studies it a little bit.

Mr. FLOOD of Virginia. I will not see any such thing, because I have read it.

Mr. McGUIRE of Oklahoma. Will the gentleman yield for a question?

Mr. WILLIS. Yes; I will yield.

Mr. McGUIRE of Oklahoma. I desire to say to the gentleman we have been over that ground in Oklahoma. I do not want to say definitely right now, but my recollection is that a majority of the people voted for the proposed amendment who voted on it at the general election, but a majority of the votes cast in the State at that general election did not favor the proposed amendment, and it failed.

Mr. HAMILTON of Michigan. That is the distinction; that is the exact distinction.

Mr. McGUIRE of Oklahoma. Now, I am not quite certain I am right, but that is correct, so my colleague [Mr. CARTER] says.

Mr. HAMILTON of Michigan. The constitution says that.

APPORTIONMENT.

Mr. WILLIS. Mr. Chairman, I am told by the gentleman who has charge of the time on this side that I must hurry, and I think that is wise, and I will be much obliged if I shall be allowed to proceed very briefly now. There is another thing about which considerable controversy has arisen, and that is the method of apportionment. A great deal of discussion was had before the committee, and before we get through here you are going to hear a great deal about the method of apportionment. It will be claimed that it is absolutely and unqualifiedly unfair, and all that sort of thing. Now, I have not the time, nor has the House the inclination, I am sure, to go into that with a great deal of detail. I have taken the pains to take up these different districts which are outlined here in the constitution of New Mexico, at page 10 in this copy I have, and then the senatorial districts, and I have taken the vote for Delegates in Congress the last time an election was had, and I have gone over those districts very carefully, and I find—and I have the figures before me—that among those districts—24 in all—there are 11 that will be Democratic and there are 13 that will be Republican. Now, I submit as a fair proposition, gentlemen, it will be pretty difficult to make a much more equitable distribution than that. We are men here, all of us, who know somewhat about how those things go in politics, and there is no use of men on one side or the other arrogating to themselves any special credit or virtue about this. To be perfectly frank, this constitutional convention of New Mexico was Republican.

And I sincerely hope that every legislative body that shall meet in that State or Territory for a long while will continue to be Republican. [Applause on the Republican side.] And I want to say that, measuring these things from a party standpoint, I believe that this apportionment was unusually fair. As I say, I have the figures, but I shall not take time to quote them, but if anyone desires to see them, I will make out a table and put it in the RECORD. Thirteen of those districts will be Republican and 11 of them will be Democratic on the basis of the votes cast for Delegate in Congress at the last election. If the Members will turn to the report of the majority of the committee——

Mr. POWERS. I want to ask the gentleman if there is any Democratic congressional district in that State as now apportioned by the new constitution, or otherwise, which will contain twice as large a population as any Republican district, following the principle as laid down in Kentucky, where one Republican district contains more population than two Democratic districts?

Mr. WILLIS. I will say to the gentleman that not only is that not so, but the districts are almost exactly equal in population. There will not be in the State of New Mexico any such outrage as was shown by the gentleman from Kentucky here on the floor of this House a few days ago in the apportionment of districts and counties in his State, and when the gentleman from Kentucky offered an amendment to provide that there should not be more than 75,000 difference in the districts, gentlemen on that side——

The CHAIRMAN. The time of the gentleman from Ohio [Mr. WILLIS] has expired.

Mr. LANGHAM. Mr. Chairman, I yield 15 minutes additional to the gentleman.

Mr. WILLIS. What I started to say, Mr. Chairman, was that under this constitution as it stands there can not be any such outrage as the gentleman called attention to when he offered the amendment to provide that these congressional districts should not have a difference of more than 75,000 in population, and gentlemen on that side voted the amendment down. And then he offered one at 50,000 and one at 20,000, and those were voted down by gentlemen that are the very personification of fairness and are objecting to this constitution as unfair. [Applause on the Republican side.]

Mr. RAKER rose.

The CHAIRMAN. Will the gentleman from Ohio yield to the gentleman from California?

Mr. WILLIS. I yield.

Mr. RAKER. I understand you to say that you consider the constitution of New Mexico republican in form?

Mr. WILLIS. I had not said that, but that is a very eloquent thing to say. I will say it for the sake of argument; yes, sir.

Mr. RAKER. Then the constitution of Arizona, where it provides for the referendum, is republican in form?

Mr. WILLIS. Probably so. I have said to the gentleman just as clearly as I could that I was not here raising any objection to that. I will vote to admit Arizona with the exception of the recall of judges.

Mr. O'SHAUNESSY rose.

The CHAIRMAN. Will the gentleman from Ohio yield to the gentleman from Rhode Island?

Mr. WILLIS. I will, inasmuch as he is over on our side. [Laughter.]

Mr. O'SHAUNESSY. I wanted to ask the gentleman when he was elaborating his argument relative to the proportionate counties that would have to vote in favor of an amendment, that I understood him to say that that was proposed in order that old citizens might be protected against the new citizens?

Mr. WILLIS. Both ways, I think, my friend. You see, there are——

Mr. O'SHAUNESSY. I will ask you another question: What do you mean by protecting the old citizens against the new citizens?

Mr. WILLIS. That is a very fair question, and I think it is asked in perfect good faith. I am glad for the interruption. The proposition is just this, and I am glad that my attention has been called to that feature of it. The gentleman must understand that in this Territory of New Mexico there are two great classes of people. There are the old New Mexicans, who have lived there for two or three hundred years, perhaps not so long as that, but they have lived there for a century or so, but in certain counties there are people who have come in from other States, from the great State of Texas, for example, from the State of Colorado, and other States.

The gentleman can readily understand that there is somewhat of friction between those two classes. For instance, the main population there have a certain system of irrigation law; for example, a certain system as to the descent of property and other things of that kind quite different from that offered by the new population coming from other States. The point is to protect, as far as possible, those people, and I think that was put in the constitution in a perfectly fair way.

Now, Mr. Chairman, I call attention very briefly again to what is said here about these counties. It is stated in the report, on page 3, that the four counties of Colfax, San Miguel, Bernalillo, and Socorro have an aggregate population of 77,000, the idea being that being put there they will be able to control the legislature and prevent the submission of amendments.

Well, now, that can not possibly be. There is no party advantage in that. For example, the county of Colfax is Democratic by 52. The county of Bernalillo is Republican, I am glad to say. Socorro is a county concerning which a great deal of argument has been made. It is said that Socorro County has been yoked up with other counties in order that it may be able to control them. The majority in Socorro County is only 143. The fact is, without going into detail in this matter, that the apportionment provided for in this constitution is fair. It protects all sections and all interests and all classes, and was intended so to do.

Now I pass to another division of the subject. It is said that——

Mr. BOOHER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Missouri?

Mr. WILLIS. Certainly.

Mr. BOOHER. I just want to know on what vote the gentleman based his statement of the majorities.

Mr. WILLIS. The gentleman was not present when I mentioned this before, I am sure. I made my computations on the vote at the last election for Delegate.

Mr. BOOHER. Will the gentleman allow me to call his attention to the evidence before the committee on that?

Mr. WILLIS. I am familiar with that. I thought the fairest way to all the counties would be to take the last vote on national questions, when the division indicated by the vote was a division on party lines.

Mr. BOOHER. Let me call the attention of the gentleman to the fact that all the witnesses before the committee agreed that it was more of a personal contest than a political contest. And was it not agreed by all parties that the fair way would be to take the votes of each county on some county officer, where the standing of the candidates was about equal? I will ask the gentleman from Ohio whether everybody before the committee did not agree that the Territory was Republican by 5,000?

Mr. WILLIS. Yes; they said it was Republican, and I am extremely glad they did.

Now, I will state to the gentleman, in further reply to his question, that I took that method of computation because it seemed that there was absolutely no other way to get at it. The gentleman from Missouri and myself and other people in this House know nothing about the probate clerk or the county clerk. Nobody knows anything about that. When a man is voting for county officers the personal element enters more largely into the election than it does when he votes for Delegates to Congress. I took that vote because it was the only one obtainable. I think that is perfectly fair.

Mr. BOOHER. Does not the gentleman admit that it was agreed before the committee, when the Delegate was present from that Territory, that the majority, as figured out, was a majority of about 5,000 Republican?

Mr. WILLIS. I understand that general remarks to that effect were made. I took as my authority the Blue Book of the Territory of New Mexico. If the gentleman from Missouri has any other authority, or better authority, I would be glad to have him call it up.

Mr. BOOHER. The Delegate was elected by something like three or four hundred majority.

Mr. WILLIS. Three hundred and eighty-eight.

Mr. BOOHER. I want to be absolutely fair. Every witness before the committee, when we came to the discussion of that part of the proposition, said it would not be fair to take that vote as showing the political complexion of the Territory, because of the personal character of the contest. It was a personal contest and not a political one.

Mr. WILLIS. There is no way of getting at any better figures.

CONTROL OF CORPORATIONS.

But I want to say, Mr. Chairman, that another charge here is that this constitution was dictated by the corporations; that this is a tremendously corporation-ridden State, and all that sort of thing; and that the people must be protected against the unholy conspiracies of these corporations. Now, if that charge is true, it ought to be investigated, and investigated very carefully. But I want to call the attention of gentlemen to a few provisions of this constitution which were certainly not written in there by these corporations that were supposed to control. For example, I have before me section 12, on page 20, which provides—

> Lands held in large tracts shall not be assessed for taxation at any lower value per acre than lands of the same character or quality and similarly situated held in smaller tracts.

Did some corporation lawyer write that into the constitution? Then, take the provision in relation to the corporation commission. Three men are to be elected in the State, elected by a vote of the people, and these three men are to have charge of the organization of corporations, the regulation of railroad rates, and things of that sort.

It is provided—and I speak very hastily upon this point—it is provided that whenever a case is taken up by that corporation commission, whenever an order is issued to a railroad company as to a rate, if that order is not obeyed immediately, instead of the litigant having to go to tremendous trouble and expense to carry his case before the supreme court, it acts automatically. The case is transferred to the supreme court. Now, I am frank to say, so far as my observation has gone, there is not any such provision as that in any constitution of any other State in this Union. This is an attempt, and I believe an attempt in good faith, to make it impossible to have the kind of litigation that this country has witnessed so much in the past 10 years. There comes in some administrative body, a corporation commission, an Interstate Commerce Commission, or something of that kind, and issues an order. Then the difficulty has been that a restraining order will issue from a court and the whole thing be tied up. What is the object of this provision? To make it so far as possible self-executing, so that the case is carried immediately to the supreme court of the State; and this corporation commission is charged with the duty of protecting the rights and the interests of the people. It is charged with the duty of carrying cases, if necessary, before the Commerce Court. My personal opinion is that it is the best and the wisest provision that has ever been made in any State of this Union to meet that very glaring evil that has existed for some time.

Mr. BOOHER. Will the gentleman yield to me?

Mr. WILLIS. I will yield to the gentleman from Missouri.

Mr. BOOHER. In that corporation article there is no provision for the order of the supreme court being carried into effect, is there?

Mr. WILLIS. I do not know whether that is distinctly provided or not.

Mr. BOOHER. Absolutely not. A writ of error lies to the Circuit Court of Appeals of the United States, and the appeal itself acts as a supersedeas, because there is no provision of the constitution putting that provision in force. Hence they do not need a restraining order. They have got it in the constitution itself.

Mr. WILLIS. I do not agree with the gentleman.

Mr. BOOHER. The appeal simply does that, does it not?

Mr. WILLIS. No; I do not think it does.

Mr. BOOHER. Well, but there is no provision, if you will read it carefully, for the order to become effective.

Mr. WILLIS. I will say to the gentleman that if there is no provision in that respect, I do not assume that this grant of power here to this corporation commission is exclusive. I understand the legislature has the power, if there is any defect, to remedy that defect.

Mr. BOOHER. Do you not remember that Judge Fall, the author of that provision, stated to the committee time and again that they had deprived the legislature of all power to change it?

Mr. WILLIS. I do not remember any such statement as that; and I want to say that if Judge Fall or anybody else said that, the language in this constitution is not susceptible of any such interpretation, and that power is not exclusive.

Mr. MARTIN of Colorado. I want to say to the gentleman that there is nothing in the New Mexico constitution prohibiting the legislature from legislating, but the powers of the corporation commission are so fully and specifically defined that the legislature has nothing left to legislate on. The constitution itself legislates. That is the trouble with that provision in the constitution of New Mexico, and I want to corroborate what the gentleman from Missouri [Mr. BOOHER] has said, that it was stated to this committee that it was the purpose of that article in the New Mexico constitution, absolutely to deprive the legislature of power to legislate with reference to such corporations in that State.

Mr. WILLIS. Mr. Chairman, I want to proceed here, because I have occupied too much time already. Another point to which attention is called in the committee report is relative to the election laws of New Mexico. It is claimed that New Mexico does not have any good election laws. I have taken pains to study the New Mexico election laws. They are not in every respect as I should like them. I do not think they are perfect. I do not think the election laws of any State are perfect, but I want to say that New Mexico has a fairly good election law. You will find it in the Laws of New Mexico of 1909 at page 285. Briefly, here are some of the things you will find provided there.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LANGHAM. I yield 15 minutes to the gentleman.

The CHAIRMAN. The gentleman is recognized for 15 minutes more.

Mr. WILLIS. The election laws of New Mexico provide for the secrecy of the ballot, for minority representation on the election board, for public notice, by publication, not less than 10 days before the election, giving full notice of the object of the election; prohibiting anyone but the person voting, the election officers, and a challenger from each political party coming within 30 feet of the polls on election day.

Providing for a fine or jail sentence, for misleading, directly or indirectly, or bribing, or in any manner interfering with any voter. Providing that such ballots shall be folded so as not to be seen, and so on. I will not weary you with them.

Mr. DYER. Will the gentleman yield?

Mr. WILLIS. I will yield to the gentleman from Missouri.

Mr. DYER. Is it not a fact that these election laws proposed for New Merico are similar to those now in force in the State of Missouri?

Mr. WILLIS. If that is true, I am much obliged to the gentleman for the suggestion.

Mr. DYER. I understand from the gentleman from Missouri [Mr. BOOHER] that that is a fact, and that New Mexico is made up in great part of former Missourians, for which we are all thankful, and thankful that they did not go from Chicago to New Mexico. [Laughter.]

Mr. WILLIS. Now, I want to say to my good old friend from Missouri——

Mr. BOOHER. I am not any older than you are. [Laughter.]

Mr. WILLIS. Well, then I will say to my good young friend from Missouri that that is one of the highest recommendations the people of New Mexico could possibly have, that a large part of them came away from Missouri. [Laughter.]

Mr. BOOHER. I want to ask my friend if he will please enlighten the House why it was that when the enabling act was passed, and when these excellent election laws were in force, the enabling act did not permit the people to elect delegates under that law?

Mr. WILLIS. I have not gone into that matter, and I do not know why. It was not my fault that I was not here; I tried hard to get here. However, I am not going into that.

Mr. BOOHER. The enabling act provided that the election should be held under a law that had been repealed by the Territorial Legislature of New Mexico, a law that provided that all of the election officers might be taken from one party, and one of the witnesses before the Committee on Territories said that they were absolutely all taken from one party or from one gang of politicians.

Mr. WILLIS. I want to say to my young friend from Missouri that if he will turn to the laws of the Territory of New Mexico in 1909, he will find exactly the provision that I have been quoting.

Mr. BOOHER. Yes; but that was passed before the enabling act was passed by Congress, and you did not hold the election under that law.

Mr. WILLIS. The point I am making is that it is absurd to provide election laws that are not half so good——

Mr. BOOHER. The gentleman from Ohio mistakes my object. I say that they have an excellent election law, but why was it, if the gentleman knows, that they did not hold the election of delegates and the adoption of the constitution under this excellent law?

Mr. WILLIS. I do not know. I was not in Congress then. The gentleman undoubtedly was and voted for the bill. Let him explain it when he comes to make his speech.

Mr. BOOHER. I do not know.

Mr. CANNON. If the gentleman will allow me——

Mr. WILLIS. Certainly.

Mr. CANNON. The gentleman from Missouri [Mr. BOOHER] was in the last Congress when a joint resolution passed approving the New Mexico constitution by a unanimous vote.

Mr. BOOHER. I thank the gentleman from Illinois. I voted for it then and I am going to vote for it now; but I want to say to the gentleman from Illinois that I propose to vote for an amendment that will enable the people of the State of New Mexico to amend their constitution. [Applause on the Democratic side.]

Mr. DYER. Will the gentleman from Ohio yield?

Mr. WILLIS. Yes.

Mr. DYER. The gentleman, in answer to my question, says that the people of New Mexico who came from Missouri were to be congratulated that they left the State.

Mr. WILLIS. Oh, I did not mean it in an offensive way; I meant it as a compliment.

Mr. DYER. The gentleman spoke of commending certain counties in New Mexico for being Republican. I want to say to him that Missouri is a Republican State and has been for 12 years, and that we have a Republican governor, which is a great deal better than the gentleman can say of his own State. [Laughter.]

ELECTION LAWS.

Mr. WILLIS. Now, Mr. Chairman, I have enjoyed this colloquy highly, but I am going to finish. I want to call attention to the election law that a majority of the committee, in its infinite wisdom, has prepared. Look at it face to face. It is said that the election law of New Mexico is not sufficient, and so the committee makes one. Now, look at it, on page 8 of this House joint resolution, and I just want to show how it is going to work out. Beginning on line 1, page 8, this is provided by the committee, and I do not say this at all offensively, but I think the committee has made a tremendous mistake:

Said separate ballots shall be delivered only to the election officers authorized by law to receive and have the custody of the ballot boxes for use at said election and shall be delivered by them only to the individual voter at his request.

Do you not see this thing is loaded? I do not mean that offensively or corruptly, but I mean to say that it is unfair. Men are to be given an opportunity to vote on this thing only when, as they go into the booths at the time of the general election, they shall make a special personal request that they have one of these ballots. Now, then, I appeal to the sense of the membership of this House. You all know how men go into the voting places. You know how they vote. How many men will go in there and make that request? If there should happen to be election judges who are corrupt and who want this thing to go in a certain way, do you not see how easily they could work that? They could suggest to a man, "Do you not want to vote on the constitutional amendments?" and to some other man they thought was not going to vote right they would hand out another ballot and let it go at that. But look at this further—

And shall be delivered by them only to the individual voter at his request at the time he offers to vote at the said general election.

Now look at this further—

And shall have the initials of two election officers of opposite political parties written by them upon the back thereof.

Why, gentlemen, if you wanted to make a plan—and I know the committee did not want to do any such thing—for they are moved by as high a purpose in this as I am or any other man—if they wanted to make a plan whereby you would

allow an election officer to put his initials on the ballot, do not gentlemen recognize that there you have the best possible way open to injustice and corruption in the election? This does not say how the initials shall be put on. If the officer wants to know how a man votes, all he has to do is to put his initials on in a certain way—with a little period here or a comma there, and he could have that understanding with himself, and there would be opened a way to perpetrate the grossest fraud under this provision.

Mr. FLOOD of Virginia. Mr. Chairman, I would like to ask the gentleman if that provision which he has just been criticizing was not incorporated in this resolution upon the motion of the gentleman from Kansas [Mr. YOUNG], a Republican member of the committee, and voted for solidly by the committee, the gentleman himself included?

Mr. MANN. Mr. Chairman, the chairman of a committee ought to know better than to make such a statement, in violation of the rules of the House.

Mr. FLOOD of Virginia. The chairman does know that that is a violation of the rules of the House, but it has been going on all through this debate, and the gentleman from Illinois has not objected until now.

Mr. MANN. The gentleman misunderstands the point. It is not the interruption, but it is the reference to divulging the action of the committee.

Mr. FLOOD of Virginia. I do not misunderstand the point. All day long allusion has been made to what has taken place in the committee, and the gentleman from Illinois does not object to a statement of what went on there until now, when his friend is in a hole.

Mr. MANN. Oh, Mr. Chairman, I decline to enter into a personal controversy that is so ridiculous as that suggested by the gentleman from Virginia.

Mr. FLOOD of Virginia. And I do not want to enter into a personal controversy with a gentleman who is so insolent as to use language of that character.

Mr. MANN. Mr. Chairman, I insist on the point of order. The gentleman from Virginia, and he ought to know it, referred to the transactions of the committee in violation of the rule.

The CHAIRMAN. The Chair understands that to be the rule.

Mr. MARTIN of Colorado. Mr. Chairman, I do not think the gentleman from Ohio has any desire to misrepresent the purpose of the committee in framing up this special ballot and providing for its initialing.

Mr. WILLIS. Mr. Chairman, let me suggest to the gentleman that I desire to finish, and then the gentleman can get some time in his own right.

The CHAIRMAN. The gentleman declines to yield.

THE PEOPLE OF NEW MEXICO.

Mr. WILLIS. I do not mean that in any discourteous sense, but I have gone on here long enough. I want to say, Mr. Chairman, that it seems to me, in view of the things that I have discussed here, that this action ought to be had—that the Territory of New Mexico ought to be admitted as a State, and ought to be admitted now without any further amendment or conditions.

I warn gentlemen that if you are going to tie this thing up with amendments you will do again what we have been doing for 50 or 60 years, and the result will be these people will be kept out of the Union. I want New Mexico, with her splendid people, her magnificent resources, to come into the Union and to come in now.

I tell you the people of that Territory have a magnificent history. Do not think of them as Mexicans, for they are not. They never were Mexicans. They were ruled for a hundred years directly from Spain, with no connection with Mexico, and then, when the Mexican Republic was established, there was only nominal control over the people of this Territory; and remember that in 1846—at any rate, at the time of the Mexican War—when Gen. Kearny went down into that country he carried a sword in one hand, he carried his commission as governor in the other, and in his mouth a promise to the people of that Territory that they should come into this great American Union. The people of New Mexico are part of our national life. In the great Civil War, when the men of the North and the men of the South were struggling and fighting as men never struggled and fought before, New Mexico contributed of the best of her blood to both sides of that conflict——

Mr. McGUIRE of Oklahoma. And the Spanish-American War.

Mr. WILLIS. And in the Spanish-American War, as my friend from Oklahoma suggests, there were no braver men who shouldered their muskets and marched away to that war in 1898 than the boys who came from New Mexico.

In the great Civil War, I want men to remember, in the great army that wore the gray and which fought so magnificently, an army that was exemplified by the splendid 18,000 who went charging up the hillside yonder at Gettysburg, there were men from New Mexico; and in the lines of blue that met and repulsed the charge, not only at Gettysburg, but on many other battle fields, there were men from New Mexico. They are part of our national life, and they ought to be a part of this great Nation. They ought to be part of it now. I say nothing unkind of Arizona. I believe the people of Arizona, while they have a constitution that may not be entirely satisfactory to you or to me, ought to be in the American Union; but there is one thing that to me seems to be so subversive of the American principle of the independence of the judiciary that I should not be willing to admit that State with that provision in its constitution. This minority report provides that the people of the Territory of Arizona shall vote on the question of the recall of judges and shall not come in until that is stricken out of the constitution, and I say that knowing that the day after, if they want to do so, as a State of this American Union, they have a right to put that clause back into their constitution.

I am in favor, Mr. Chairman, of bringing in those two States, I am in favor of bringing them in now. I am in favor of putting two more stars yonder in that flag, and it is a great flag.

> Your flag and my flag, O how much it holds;
> Your land and my land, safe beneath its folds;
> Your heart and my heart beats quicker at the sight,
> Sun-kissed and wind-tossed, the red, the blue, and white.
> The one flag, the great flag, the flag for me and you;
> Glorified, all else beside, the red, the white, and blue.

Put two more stars in that flag by admitting New Mexico and Arizona into this splendid galaxy of Commonwealths. [Loud applause.]

Mr. LANGHAM. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. ANDERSON].

Mr. ANDERSON of Minnesota. Mr. Chairman, I would not take the time of the House to discuss this bill were it not for the fact that the principles involved are fundamental, and that the passage or defeat of the bill involves the preservation or denial of natural rights which are inherent in the citizen and form a large part of the very foundation and structure of free government.

At the very outset, let me say that any discussion of the provisions of either the constitution of New Mexico or Arizona is beside the question, for while it must be admitted that Congress of the United States has the power to admit these Territories to the Union or to refuse to admit them, it is not necessary that Congress should give any reason for its refusal to admit them, should it so determine.

I believe that both should be admitted to the Union if the conditions, environments, and civilization that exists in each reasonably conduces to the conclusion that the inhabitants thereof are capable of self-government.

No question has been raised or can be raised upon that proposition, and, conceding the capacity of the citizens of these Territories for self-government, the conclusion seems to me necessarily to follow that they should be permitted to adopt and establish constitutions in conformity with the judgment of the composite citizenship.

Such constitutions must necessarily conform to the conditions, institutions, and stage of civilization which are best known and appreciated by the citizens of the Territories themselves.

But certain objections to specific provisions in these constitutions have been made the basis of the opposition to the admission of one or the other of these Territories to the Union, and inasmuch as these issues have been raised and are the basis upon which the admission of the Territories is to be determined under the pending bill, it is proper to discuss these objections in their relation to government.

The opposition to the admission of Arizona as a State centers upon the proposition that the provisions of the proposed constitution of Arizona contained in articles 4 and 8 and providing for the initiative, referendum, and recall are in violation of section 4 of Article IV of the Constitution of the United States, which provides that "the United States shall guarantee to every State in this Union a republican form of government."

The provisions of articles 4 and 8 of the constitution of Arizona provide for three distinct reservations of power to the people of that State:

First, the right to initiate or propose legislation upon a petition of 10 per cent of the voters, and amendments to the constitution upon petition of 15 per cent of the voters.

Second, the right to require that laws passed by the legislature, except emergency measures, shall be referred to the peo-

ple for approval or rejection upon the petition of 5 per cent of the voters.

Third, the right to require that the question of the recall of an elective official shall be referred to the people upon the petition of 25 per cent of the legal voters.

The proposed provisions constitute the foundation upon which will be erected a system of popular government which is in all essential particulars identical with what is popularly known as the Oregon system. This system provides not only for the initiative, referendum, and recall, but provides as well for the issuance of books or pamphlets containing the text of all proposed laws and amendments to the constitution and the arguments for and against them. It also provides adequate legislation for the secret ballot and the registration of voters, and to prevent corrupt practices in the use of money or patronage in elections.

It must be conceded that if the provisions of the Arizona constitution just referred to are violative of the Constitution of the United States, that the same provisions contained in the fundamental law of Oregon, Arkansas, Washington, South Dakota, and other States are likewise in violation of the Constitution.

The supreme courts of Oregon and South Dakota have held that the provisions for the initiative and referendum do not violate section 4 of Article IV of the Constitution. In addition, the Congress of the United States has, in effect at least, recognized the validity of these provisions by admitting Oklahoma into the Union, the constitution of that State providing for the initiative and referendum at the time of its admission.

The proposition advanced by the opposition is in effect tantamount to the charge that the provisions for the initiative, referendum, and recall are incompatible with the institutions of a republican form of government.

I shall restrict what I have to say upon the subject to an effort to demonstrate that the provisions referred to are in complete harmony with a republican form of government as conformed to the history, development, and evolution of our industrial and political institutions, and that in addition they offer the only practical and reasonable safeguard of the inherent and natural right of the people to govern themselves and provide the only remedy against a system of domination of political parties by selfish interests, acting through a political boss, which has almost annihilated and abrogated the power of the people to make effective the composite will of the majority.

Since the very beginning of history there has existed in the politics of government a reactionary force and a progressive force. The reactionary force has always claimed and sought to assert the autocratic assumption and usurpation by the few of the power and authority of government. The progressive force has tended toward a lodgement of political power finding expression in the purpose and will of the people.

Progress has been the result of long-continued protest by the people against the usurpation by the few of governmental power. There never has been and never will be any progress which does not have its inception in the common people. History confirms the belief that progress is effected only where the specific reform has come from and received the warrant of the mandate of the people, and this regardless of what is claimed to be the leadership of the period.

The old feudal barons never left their castles on the summit of some high mountain peak to come down in the valleys and lift the people out of the bondage of slavery, but the people with the heart throb of liberty in their breasts climbed the mountain heights and bore down the feudal walls to wrest from the mailed hands of the oppressor the priceless boon of human freedom.

In the very beginning of society political power and leadership was established by the force of superior physical strength. Men submitted to the power of superior strength, but did not concede its authority.

But from time to time, as the chains of reaction bore backward too heavily, they revolted against the established forms of government and leadership and established a new system of varying degree less despotic than the old.

As society became more complicated and as the people became more enlightened, as they slowly progressed against the reactionary force and tendency of despotic leadership, it became necessary to find some more potent warrant for the assumption of governmental power than the mere authority of superior strength.

The reactionary force met this condition with a new theory. Basing its foundation upon alleged divine authority, it gave birth to the claim of divine right of kings and the right of succession and the theory that political power was a God-given gift.

It was to escape this dogmatic assumption and claim of authority that our forefathers turned their faces to the west and came across the seemingly boundless deep to the unknown continent of the west and established through the revolution a new nation, founded upon the principle that governments derive their just powers from the consent of the governed.

In connection with the doctrine of the consent of the governed, Prof. Lester Ward says:

> It is no longer the consent, but the positively known will of the governed from which government now derives its power.

I call your particular attention to this statement because it measures with extreme accuracy the difference between the conditions and environment of the period immediately following the Revolution and those of the present, and because it spans exactly the progress and evolution of our political and industrial institutions.

The doctrine of the consent of the governed is distinctly Hamiltonian. It conforms perfectly with that period in our national history when the balance between success and failure of the republican form of government was extremely delicate, when our people and our institutions were only by a generation removed from tyranny and despotism of monarchical and aristocratic forms of government. It is in complete harmony with the system of delegated government. It harmonizes perfectly with that period of our history when the sending of a letter was a matter of considerable concern and no small expense, when communication was by word of mouth or by letter of hand, when transportation was by stage coach, when a journey from Philadelphia to New York was a matter of days, when the whole population of the colonies scattered along the entire Atlantic coast was less than the present population of my native State of Minnesota. The art of printing was in its infancy and the newspaper a luxury. Education was the peculiar privilege of the well to do.

By the same analogy and logic it is entirely out of harmony with the spirit, conditions, and environment of the present day, when railroad, telegraph, and telephone have annihilated time and space, when news of to-day of Tokyo, Paris, London, New York, and San Francisco will be upon every man's breakfast table to-morrow, when education has reached a high stage of development, when 90 persons out of every 100 are able to read and write.

Interpreted in the light of the development of the boss system of government and the present stage of civilization and development of our industrial institutions, government by consent of the governed in the place of government by participation of the governed is bad government. It means, as it did 135 years ago, delegated government. It means remoteness of responsibility to the people and consequently lack of accountability to the composite citizen.

And above all, it means the lack of this participation in government by the people which is the only means of attaining the best that is possible of attainment in free government.

Under this system the politician or party boss, who is always alert in the service of his master, the special interest—the campaign contributor, and the special interest itself—dominates and directs political activity. It gives to the legislator an irrevocable power of attorney during his term to establish the rules and laws by which the composite citizen must regulate his conduct, and this without any right on the part of the citizen to approve or reject his action.

It permits the executive to exercise a corrupt and unfaithful judgment in the administration of the law, while it subjects the judiciary to the charge, justly or unjustly, of domination and influence of special and privileged classes.

It widens the breach between classes and tends toward a lack of sympathy and understanding between them by setting the rights of one class in opposition to the special privileges of the others.

On the other hand, popular government is the necessary sequence of the development and evolution of the citizen and of our institutions. It is a government by the people for the people, not by consent, but by participation.

Under this system of popular government the corrupt use of money is minimized, the political boss practically eliminated, and the accountability of the official to the individual or the special interests is removed. Organization is effected for the purpose of advocacy of principle and the advancement of the general welfare.

The claim that the proposed constitution of Arizona, enlarging popular government as it does by the initiative, referendum, and recall, is violative of the provision of the Federal Constitution which declares that "the United States shall guarantee to every State in this Union a republican form of government" has no real foundation in fact.

Not only is the popular government proposed in the Arizona constitution absolutely in harmony with the spirit of a "republican form of government," but the provisions in the American Constitution which provide that the General Government shall guarantee to the States a republican form of government was not intended as a limitation upon the power of the people to develop along lines of free government, but was intended to insure against a relapse from free government and as a guaranty against the development of systems and conditions designed to abridge the right of the people to govern themselves.

The motive which moved the framers of the Constitution of the United States and of the several colonies to depart from the custom of their fathers and to establish a written and permanent Constitution was not the fear that the people would become incapable of self-government, but, on the contrary, it was the fear that systems and devices would be evolved whereby the composite will of the people would be thwarted and the very machinery provided to make certain the ascertainment of the will of the majority should be so perverted as to establish as the law the will of the few in the place of the purpose of the many.

The very language of the constitutional provisions of the original States established absolutely the purpose of the people to reserve to themselves the absolute right of government.

A proposed constitution of the Commonwealth of Massachusetts was rejected by its people because it failed to include the reservation of the right of self-government.

Subsequently, in 1780, a constitution was adopted by the Commonwealth of Massachusetts, ratified by the direct vote of the people at town meetings, which provided:

> The people of the Commonwealth have the sole and exclusive right of governing themselves as a free, sovereign, and independent State, and do, and forever shall, exercise and enjoy every power, jurisdiction, and right which is not, or may not hereafter be, by them expressly delegated to the United States of America in Congress assembled.

A Virginia bill of rights of 1776 declared "that all power is vested in and consequently derived from the people."

Similar provisions are to be found in the bills of rights in practically every State in the Union.

The test of whether a government is republican in form or not is, in the final analysis, determined by the recognition or failure to recognize the people as the source of political power and provide adequate and appropriate machinery whereby they may direct and participate in the making of the rules and laws under which they are to live.

Mr. Madison describes a republican form of government as one—

> which derives all its powers, directly or indirectly, from the great body of the people, and is administered by persons holding their offices, during pleasure, for a limited period or during good behavior.

It will hardly be contended that the initiative, referendum, and recall will not provide adequate means for the ascertainment of the will of the majority or that it fails in recognition of the people as the source of political power.

That the fear of the forefathers that systems would be devised whereby the machinery of government for ascertaining and carrying out the composite will of the people would be subverted has proven to be a well-grounded fear is sufficiently demonstrated by the experience in this country, under the system of delegated government which prevails in most of our States.

Under the system of delegated government the official is responsible only to the party boss, and through him to the selfish interests which he serves. Under this system the special interests, campaign contributor, and party boss, under the guise of organization, dominate political action, while under the popular government the responsibility of the official is directly to the composite citizen. Organization under popular government is the coming together of those seeking the several welfare and the advocacy of principle.

This system secures equality of opportunity and of political rights. It establishes the composite citizen as the master, to whom alone the public servant is accountable.

Now, reduced to the last analysis the object and purpose of government, and this is of course axiomatic, is to accomplish the greatest good for the greatest number or, perhaps more accurately, to preserve the common welfare.

Hence the efficiency and excellence of a government must be determined first by the agencies, instrumentalities, and facilities which it offers for developing the interest of and affording the opportunity for direct participation by the people, as this alone insures general welfare as the goal of political and governmental activities.

Second, the adequacy and directness of the machinery provided for determining the will and purpose of the people, and, finally, the sufficiency of the guaranty that these desires thus ascertained will be carried into effect by those in authority.

To my mind no system has ever been devised which so nearly approximates the ideal of efficiency and excellence that I have just referred to as does the Oregon system, providing as it does a special method by which the laws proposed, and the arguments for and against them, are placed in the hands of the voters before the election in the shape of a book or pamphlet, thereby affording them the information upon which an intelligent opinion can be formed, and providing a simple and direct method by which the composite judgment of the voters upon measures and principles can be ascertained, at the same time providing a guaranty in the recall that the will and purpose thus ascertained will be carried into effect.

It is, of course, essential in the administration of these features that they be accompanied by adequate election and registration laws and by efficient legislation to prevent corrupt practices, as is accomplished under the Oregon system. This system does away with all graft and boss rule. It fixes a direct responsibility for the laws upon the people who are to live under them. It tends to discourage controversy because of its known results in establishing the laws by a clear and uncorrupted majority.

Now, it will be claimed, as it always has been by those who advocate boss rule, that the people are not competent to legislate directly.

If this is the fact, which I would not for one moment concede, it is not a very pleasing commentary upon the educational efficiency of more than 100 years of boss, delegate, and convention rule, but, on the contrary, proves that government by the boss or delegate system under guise of organization is a failure as an educator in public affairs.

It points conclusively to our inability to make progress in government under that system, and of the necessity of adopting some other and more direct system which will bring the people into closer relations with public affairs, and into a more intimate acquaintance and sympathy with the needs and requirements of the many.

The initiative and referendum conduces to this understanding and mutual forbearance by promoting a familiarity with measures, principles, and conditions by guaranteeing an equality of political opportunity and political rights and by providing a swift and sure remedy for official infidelity and malfeasance.

While many accept the initiative and referendum as a logical sequence of government by the people, some hesitate to accept the recall, especially as applied to the judiciary.

I yield to no one in my respect for individuals who compose the judiciary, but I contend that the recall is no more intended for the just and upright judge than the law against theft is intended for the just and honest citizen. There is just as much reason and the same foundation for the one law as for the other.

One argument advanced against the recall of the judiciary is the claim that it will destroy the fearlessness of judges. This is a tacit admission that independence is not necessary in other officials. The absurdity of this distinction is at once apparent. The judge no more has the several and material welfare of the people in his keeping than has the legislator. The reductio ad absurdum is reached when it is declared that the recall destroys the independence of an official and hence ought not to apply to the judicial office, leaving it to be implied that no harm can come from destroying the independence of other officials. In fact, it does not destroy the fearlessness or independence of any official. A judge who decides a case because he feels that he is not accountable to anyone is not fearless. The fearless judge is one who acts only from a regard to duty. The absolute and unaccountable power is the immemorial refuge of him who is afraid. A responsible power can only be properly wielded by him who knows no fear save the fear that he may fail in the performance of duty.

Again, as courts deal more and more with political questions, making and unmaking laws, their function becomes political. While they act through the medium of the court, the making or unmaking of law is nevertheless a legislative function, and should be just as much subject to final control by the people as though they legislated through the medium of the legislature.

Fundamentally there can be no place in free government for an absolute and irresponsible power. To transfer such a power from the throne to the bench makes a travesty of the sacrifice the effort for free government has cost. Free government in the last analysis admits of no power anywhere above the people, not responsible to the people.

I hold that the tenure of office of a public servant is a matter of but little importance viewed from the standpoint of the

inability of the Government to do without his services. I hold that no man's tenure of office as an individual is necessary to the life of the Republic, but viewed from the standpoint of the inability of the people to remove that public servant, if his service be unfaithful, by some direct and efficient method, it becomes of the highest importance.

I believe that the lack of a reasonable and efficient method of machinery for removing the corrupt or inefficient public official, presents a much more serious danger than is presented by the possibility that the people might, in a moment of passion and unreason, unjustly recall the officer.

There is every reason why we should remove the judiciary from any possible domination of or responsibility to the special interest. There is no reason why the judiciary should not be responsive to the progress and evolution of the composite citizen.

I desire here to say just a word for the benefit of those who pretend to find in these measures the vain visionings and insane workings of diseased and disordered minds, who profess to believe that their adoption by the States of the Union will lead at once to the ruin of our republican institutions and ultimate political chaos.

These measures are not novelties. The initiative and referendum were adopted in Switzerland in 1874, after a long conflict covering a period of 60 years between reactionary forces contending for a centralized government and the people contending for the power of self-government. These measures have been in use in Switzerland for more than 35 years. To-day the Government of Switzerland is acknowledged to be the least corrupt and its people the most tranquil in the world.

Eight States have adopted the initiative and referendum; more than 20 are committed to their adoption. More than 100 cities in the United States have adopted the recall in connection with the commission form of government.

I commend the following statement of Numa Droz, an eminent conservative Swiss writer, to those who pretend to fear that the initiative and referendum will result in anarchy:

> It may be affirmed that on the whole the Swiss people have used their new powers with moderation. The optional referendum has often hindered, but it has never destroyed; it is not within its scope to do so. It is an instrument of conservation, not of demolition. It acts as a restraint on the authorities; it obliges them to govern with caution; but it does not make government impossible, for it is not in its power to disorganize the State.

The further development of popular government is but the logical sequence of the operation of the forces of free government itself.

Our fathers could not agree to the people voting directly for President, and made provision in the Constitution for an indirect method. This method provided that the people should elect presidential electors, who in turn should elect a President. This violated a natural law—the law that free government is destined to be popular government. The people soon began to hold conventions and nominate a candidate for President and to vote for him, until to-day, while the elector is retained, he simply executes the will of the voters, and so automatic has this become that the voter often does not even know who the elector is. In fact, in the State which I have the honor, in part, to represent we have gone so far as to provide by law that a mark placed after the name of the candidate for President carries with it the vote for all the electors.

Obedient to the same law of development, the day is not far distant when the people will provide means through a presidential preference law for direct expression of their choice for party candidates, and thus themselves practically nominate their candidates for President. In fact, some States already have this law in force. Its general adoption is inevitable, for it is repugnant to the spirit of free government that a man should, through the power of patronage or appointment, dictate who his successor should be or force his own renomination.

The strength of the demand for popular election of United States Senators is but another illustration of the trend to popular government.

The initiative, referendum, and recall are but sequential steps in the evolution of free government, for a government of the people must of necessity be a government by the people.

Mr. FLOOD of Virginia. Mr. Chairman, I yield 40 minutes to the gentleman from North Carolina [Mr. STEDMAN].

Mr. STEDMAN. Mr. Chairman, I can make no statement of facts to which attention has not already been directed during the discussion of this resolution. The law with reference thereto is plain, direct, and unchallenged. My strong conviction that both the Territories of New Mexico and Arizona are entitled to be admitted to the Union as States upon the terms proposed in the report of the majority of the committee, and not the necessity for any such advocacy, alone prompts me to address the House.

It has never been questioned that the territory embraced within the limits of New Mexico and Arizona, and, in fact, all territory acquired by the United States, could be admitted into the Union only upon the condition of compliance with the provisions of the Constitution of the United States and the ordinance of 1787. And it is equally true that the people of any State have a right to change their fundamental laws to suit their conditions and to make them conform to what they deem best for their interests, prosperity, and happiness, provided a republican form of government is maintained. The majority of the Committee on Territories has reported favorably as to the admission of both New Mexico and Arizona, with a proviso as to Arizona that article 8, which embraces the feature including the recall of judges, shall be resubmitted to a vote of its people; and, as to New Mexico, that article 19, which, in the opinion of the committee and in my opinion, makes it exceedingly difficult to amend its constitution, and almost impossible to do so, shall be resubmitted to a vote of the people of New Mexico.

I speak by authority of no one, but after having heard the report of the majority of the committee read and having listened to the discussion which has taken place in reference to this resolution, I venture the opinion that the recommendation that article 8 be resubmitted to the people of Arizona is because of the fact that the people of that Territory are anxious to avoid any further delay as to their entrance into the Union and because of the well-known views of President Taft as to the recall of judges and doubt as to what his attitude may be.

No further reason need be sought for the resubmission of article 19 to the people of New Mexico than one founded upon the dictates of humanity. It gives those people the opportunity to change in fundamental respects a constitution which, though republican in form, has the brand of the trusts stamped upon the instrument as distinctly as has the Texas pony that of its owner upon its body.

The minority of the committee recommend without qualification and unconditionally the admission of New Mexico, and they recommend the admission of Arizona upon the condition that article 8 be resubmitted to a vote of the people, and that it shall be so construed as to exclude judges from the recall feature, and that the people of Arizona shall consent to that construction by their vote. The resubmission to a vote of article 19 is an event which should be hailed with delight by the people of New Mexico. It is sincerely to be hoped that they will avail themselves of the opportunity to be rid of a feature in their constitution which must necessarily in the future hinder their advancement and retard their prosperity and happiness. The student of the histories of republics will search in vain for an article in the constitution of any one of them more calculated to excite suspicion and distrust. In fact, he will find nothing like it. It can serve no good purpose. It should be destroyed by the vote of the people of New Mexico, who might with propriety preserve a copy of it in a museum to be shown to their youth in the years to come as something to be shunned by a people living under a republican form of Government who wish to enjoy its privileges and blessings.

Neither the Constitution of the United States nor any act of Congress made it necessary that legislation be enacted which should authorize the people of the two Territories to apply for admission to the Union. Many States have been admitted without enabling acts. The method of procedure was left by Congress to them and the requisite initial steps adopted and perfected by them. By authority given by section 3, Article IV, of the Constitution, the question of admission of a State to the Union is left to the discretion of Congress, and by virtue of that power the act to enable the Territories of Arizona and New Mexico to adopt constitutions, to frame State governments, and to apply for admission into the Union was passed by the Sixty-first Congress and approved by President Taft on the 20th of June, 1910. The constitution of New Mexico was adopted on the 21st of January, 1911.

The constitution of Arizona was adopted on the 7th day of February, 1911. Both are republican in form. The enabling act made as a prerequisite to admission as States that the constitutions of these Territories should be republican in form and that they should make no distinction on account of race or color as to civil or political rights, and that they should not be repugnant to the Constitution of the United States, nor to the principles of the Declaration of Independence. The requirements of and limitations upon each Territory are the same. Although no legislation was necessary to enable these Territories to apply for admission, inasmuch as Congress has seen fit to pass the enabling act of June 20, 1910, beyond all doubt that act will be fully considered in every respect. The constitution of New Mexico is republican in form, but it has features which do not accord with the sentiments of those who wish to enjoy

the blessings of free men and also who realize the supreme importance of education to a free people. I shall notice these objectionable features before I conclude.

It is urged against the admission of Arizona into the Union, not that its territory is insufficient, not that its population is not large enough, not that its people are not loyal and true, not that it has not fulfilled every requirement of the enabling act, not for any reason, only save and except that it violates the Constitution of the United States, Article IV, section 4, in that there is embraced in its constitution the system of the initiative, the referendum, and the recall.

This objection can be sustained neither by reason nor authority. Article IV, section 4, of the Constitution of the United States provides that "The United States shall guarantee to every State in this Union a republican form of government."

It was repeatedly asked here when this discussion first commenced, What is a legal definition of a republican form of government? There is no definition given of a republican form of government in our National Constitution, but it is defined elsewhere by authority so high and in terms so plain and simple that no one can misunderstand. The Supreme Court of the United States, in an opinion rendered in Second Dallas, page 419, which you will find reported there, thus defines it:

One so constructed in principle that the supreme power resides in the body of the people.

The Supreme Court of the State of Oregon says:

A republican form of government is administered by representatives chosen or appointed by the people or by their authority.

In another opinion rendered by the same court will be found these words:

Under a republican form of government representatives are responsible to the will of the people, and the closer the power to enact laws and control officials lies with the people the more certain it is republican in form and principle.

With these definitions as a guide, a close and impartial scrutiny of the constitution of Arizona will show not only that it violates neither Article IV, section 4, of the Constitution of the United States nor any provision of the Constitution of the United States in any respect. And I go further and say that a system of government embodying the features of the initiative and referendum is vitalized in its very life, and that the principle for which that system stands—that all power is vested in and derived from the people—is made more enduring and secure.

The features of the constitution of Arizona which are objectionable to some will be found in articles 4 and 8, which, by permission, will be printed with my remarks.

ARTICLE 4.—LEGISLATIVE DEPARTMENT.

1. INITIATIVE AND REFERENDUM.

SEC. 1. (1) The legislative authority of the State shall be vested in a legislature, consisting of a senate and a house of representatives, but the people reserve the power to propose laws and amendments to the constitution and to enact or reject such laws and amendments at the polls, independently of the legislature, and they also reserve, for use at their own option, the power to approve or reject at the polls any act or item, section, or part of any act of the legislature.

(2) The first of these reserved powers is the initiative. Under this power 10 per cent of the qualified electors shall have the right to propose any measure, and 15 per cent shall have the right to propose any amendment to the constitution.

(3) The second of these reserved powers is the referendum. Under this power the legislature, or 5 per cent of the qualified electors, may order the submission to the people at the polls of any measure or item, section, or part of any measure enacted by the legislature, except laws immediately necessary for the preservation of the public peace, health, or safety, or for the support and maintenance of the departments of the State government and State institutions; but to allow opportunity for referendum petitions, no act passed by the legislature shall be operative for 90 days after the close of the session of the legislature enacting such measure, except such as require earlier operation to preserve the public peace, health, or safety, or to provide appropriations for the support and maintenance of the departments of State and of State institutions: *Provided*, That no such emergency measure shall be considered passed by the legislature unless it shall state in a separate section why it is necessary that it shall become immediately operative, and shall be approved by the affirmative votes of two-thirds of the members elected to each house of the legislature, taken by roll call of ayes and nays, and also approved by the governor; and should such measure be vetoed by the governor, it shall not become a law unless it shall be approved by the votes of three-fourths of the members elected to each house of the legislature, taken by roll call of ayes and nays.

(4) All petitions submitted under the power of the initiative shall be known as initiative petitions, and shall be filed with the secretary of state not less than four months preceding the date of the election at which the measures so proposed are to be voted upon. All petitions submitted under the power of the referendum shall be known as referendum petitions, and shall be filed with the secretary of state not more than 90 days after the final adjournment of the session of the legislature which shall have passed the measure to which the referendum is applied. The filing of a referendum petition against any item, section, or part of any measure shall not prevent the remainder of such measure from becoming operative.

(5) Any measure of amendment to the constitution proposed under the initiative, and any measure to which the referendum is applied, shall be referred to a vote of the qualified electors, and shall become law when approved by a majority of the votes cast thereon and upon proclamation of the governor, and not otherwise.

(6) The veto power of the governor shall not extend to initiative or referendum measures approved by a majority of the qualified electors.

(7) The whole number of votes cast for all candidates for governor at the general election last preceding the filing of any initiative or referendum petition on a State or county measure shall be the basis on which the number of qualified electors required to sign such petition shall be computed.

(8) The powers of the initiative and the referendum are hereby further reserved to the qualified electors of every incorporated city, town, and county as to all local, city, town, or county matters on which such incorporated cities, towns, and counties are or shall be empowered by general laws to legislate. Such incorporated cities, towns, and counties may prescribe the manner of exercising said power within the restrictions of general laws. Under the power of the initiative 15 per cent of the qualified electors may propose measures on such local, city, town, or county matters, and 10 per cent of the electors may propose the referendum on legislation enacted within and by such city, town, or county. Until provided by general law, said cities and towns may prescribe the basis on which said percentages shall be computed.

(9) Every initiative or referendum petition shall be addressed to the secretary of state in the case of petitions for or on State measures, and to the clerk of the board of supervisors, city clerk, or corresponding officer in the case of petitions for or on county, city, or town measures; and shall contain the declaration of each petitioner, for himself, that he is a qualified elector of the State (and in the case of petitions for or on city, town, or county measures, of the city, town, or county affected), his post-office address, the street and number, if any, of his residence, and the date on which he signed such petition. Each sheet containing petitioners' signatures shall be attached to a full and correct copy of the title and text of the measure so proposed to be initiated or referred to the people, and every sheet of every such petition containing signatures shall be verified by the affidavit of the person who circulated said sheet or petition, setting forth that each of the names on said sheet was signed in the presence of the affiant, and that in the belief of the affiant each signer was a qualified elector of the State, or in the case of a city, town, or county measure, of the city, town, or county affected by the measure so proposed to be initiated or referred to the people.

(10) When any initiative or referendum petition or any measure referred to the people by the legislature shall be filed, in accordance with this section, with the secretary of state, he shall cause to be printed on the official ballot of the next regular general election the title and number of said measure, together with the words "Yes" and "No" in such manner that the electors may express at the polls their approval or disapproval of the measure.

(11) The text of all measures to be submitted shall be published as proposed amendments to the constitution are published, and in submitting such measures and proposed amendments the secretary of state and all other officers shall be guided by the general law until legislation shall be especially provided therefor.

(12) If two or more conflicting measures or amendments to the constitution shall be approved by the people at the same election, the measure or amendment receiving the greatest number of affirmative votes shall prevail in all particulars as to which there is a conflict.

(13) It shall be the duty of the secretary of state, in the presence of the governor and the chief justice of the supreme court, to canvass the votes for and against each such measure or proposed amendment to the constitution within 30 days after the election, and upon the completion of the canvass the governor shall forthwith issue a proclamation giving the whole number of votes cast for and against each measure or proposed amendment, and declaring such measures or amendments as are approved by a majority of those voting thereon to be law.

(14) This section shall not be construed to deprive the legislature of the right to enact any measure.

(15) This section of the constitution shall be, in all respects, self-executing.

SEC. 2. The legislature shall provide a penalty for any willful violation of any of the provisions of the preceding section.

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ARTICLE 8.—REMOVAL FROM OFFICE.

1. RECALL OF PUBLIC OFFICERS.

SECTION 1. Every public officer in the State of Arizona holding an elective office, either by election or appointment, is subject to recall from such office by the qualified electors of the electoral district from which candidates are elected to such office. Such electoral district may include the whole State. Such number of said electors as shall equal 25 per cent of the number of votes cast at the last preceding general election for all of the candidates for the office held by such officer may by petition, which shall be known as a recall petition, demand his recall.

SEC. 2. Every recall petition must contain a general statement in not more than 200 words of the grounds of such demand, and must be filed in the office in which petitions for nominations to the office held by the incumbent are required to be filed. The signatures to such recall petition need not all be on one sheet of paper, but each signer must add to his signature the date of his signing said petition and his place of residence, giving his street and number, if any, should he reside in a town or city. One of the signers of each sheet of such petition, or the person circulating such sheet, must make and subscribe an oath on said sheet that the signatures thereon are genuine.

SEC. 3. If said officer shall offer his resignation, it shall be accepted, and the vacancy shall be filled as may be provided by law. If he shall not resign within five days after a recall petition is filed, a special election shall be ordered to be held, not less than 20 nor more than 30 days after such order, to determine whether such officer shall be recalled. On the ballots at said election shall be printed the reasons, as set forth in the petition, for demanding his recall, and, in not more than 200 words, the officer's justification of his course in office. He shall continue to perform the duties of his office until the result of said election shall have been officially declared.

SEC. 4. Unless he otherwise request, in writing, his name shall be placed as a candidate on the official ballot without nomination. Other candidates for the office may be nominated to be voted for at said election. The candidate who shall receive the highest number of votes shall be declared elected for the remainder of the term. Unless the incumbent receive the highest number of votes, he shall be deemed to be removed from office, upon qualification of his successor. In the event that his successor shall not qualify within five days after the result of said election shall have been declared, the said office shall be vacant, and may be filled as provided by law.

SEC. 5. No recall petition shall be circulated against any officer until he shall have held his office for a period of six months, except that it may be filed against a member of the legislature at any time after five days from the beginning of the first session after his election. After one

recall petition and election no further recall petition shall be filed against the same officer during the term for which he was elected, unless petitioners signing such petition shall first pay into the public treasury which has paid such election expenses all expenses of the preceding election.

SEC. 6. The general election laws shall apply to recall elections in so far as applicable. Laws necessary to facilitate the operation of the provisions of this article shall be enacted, including provision for payment by the public treasury of the reasonable special election campaign expenses of such officer.

When the people of Arizona adopted a constitution embracing the features of the initiative and referendum they reserved to themselves powers which have belonged to the people of this country from the day that the Republic was formed. They discovered no new doctrine. They simply reserved in a written constitution powers which had been recognized and asserted from colonial days. Many States have adopted constitutions with the initiative and referendum, and their representatives have been admitted to Congress without dispute. What penalties shall those splendid Commonwealths pay for adopting constitutions which recognize the sovereignty of the people instead of the sovereignty of money? [Applause on the Democratic side.] Who will say that a system is wrong which makes its representatives responsible to the will of the people and forces them to pass laws demanded by their wants and necessities, and if the representative refuses so to do, gives the opportunity to redress the wrongs of omission and commission? Shall the great truths written in the Constitution of the United States, in the Declaration of Independence, in the bills of rights of many of the sovereign States, be trampled under foot and forgotten and the dicta of corporate power substituted therefor? [Applause on the Democratic side.]

When the people of Arizona adopted the features of the initiative and referendum they made plutocracy impossible within the borders of that Territory so long as the people remain honest and incorruptible. When a people become venal and corrupt, then no constitution will save them, and they tread the paths followed by the cities and States of other days, now remembered only for their vices, their follies, and their crimes. [Applause on the Democratic side.]

The reassertion by the people of Arizona and other States of powers which have from the commencement of this Government belonged to the people, but which too long have been allowed to remain dormant, was simply a revolt against conditions existing in different portions of this Republic.

They had seen elections bought and legislatures debauched with money extorted from a struggling people, with the hideous specter of bribery and corruption walking unabashed throughout the land. The brave and manly people who dwell in that great region of our country known as the Northwest sounded the bugle blast of freedom against the unjust and cruel exactions of money, against corrupt practices in high places, and against graft in all its varied forms. [Applause.] And the music of that clarion call is resounding through every portion of this land, and day by day it grows more distinct and clear, carrying with it the tidings of a mighty and crowning triumph soon to be won, and with that triumph the redemption of a people from a burden of grievous wrongs. [Applause.]

The issue has been made whether this country shall be governed according to the will of the people, untrammeled by the power of money, or whether it shall be surrendered to the Cossacks of greed, self-styled kings of finance. [Applause.] This fight will never end until the right of the people to govern is recognized from ocean to ocean, and in the struggle the flag of the Democratic Party will be seen, where it ever has been in every contest for the supremacy of the rights of the people, far to the front [applause], upon its brilliant folds written in letters of everlasting light, "Our common country, one and indivisible, now and forever; equal rights for all and special privileges to none." [Applause.]

In my opinion the most objectionable feature, as has been stated, in the constitution of Arizona is the recall of judges. I was born and reared in a State where a supreme reverence for the judiciary is one of the earliest lessons taught our youth, and I have always thought it was well that it was so.

North Carolina, my home, has furnished many illustrious names which have illumined the judicial history of this land. Chief Justice Ruffin was, by common consent, one of the greatest equity lawyers who ever sat upon the bench in this or any other country. He ranked with Story, and his decisions have been read with approval in Westminster Hall. Our present Chief Justice, Walter Clark, is one of the greatest common-law judges in this era of distinguished lawyers.

It may be that my environments influence my judgment, but I can not but conclude that the recall of judges has a tendency to degrade the judiciary and to affect injuriously its independence. [Applause.] Others differ from me; distinguished lawyers and judges, I am told. It is sufficient to say, however, that so far as the proper determination of the question at issue is involved, the admission of Arizona into the Union, it makes no difference whether their opinion is correct or mine. [Applause.] Arizona had a perfect moral and legal right to frame her constitution. If the people of Arizona made a mistake, it is their mistake and not ours, and it in no way affects the right of Arizona to admission to the Union. I undertake to say, with all deference, that no authority from a respectable court can be shown to the contrary. [Applause.]

It is remarkable that the only opposition to the admission of Arizona comes from those who favor the admission of New Mexico. The constitutions of both are republican in form, and both are entitled to admission when the terms imposed by the majority of the committee have been complied with. But inasmuch as the constitution of Arizona has been criticized, I think it is fair and just to call your attention very briefly to some of the features of the constitution of New Mexico.

Without morality and education no free republic can live. And yet, with this everlasting truth confronting them, the people of New Mexico adopted a constitution which, by section 3, article 7, makes an educational qualification for the right to vote, to sit on a jury, or to hold office impossible; and to perpetuate this burden it further provides that it shall require the vote of three-fourths of all the electors in the State and of two-thirds in each county to carry an amendment.

You will be consternated also when you consider the vast power that is conferred upon the State corporation commission by section 7, article 11, of the constitution of New Mexico, especially when you realize that the danger which is liable to arise from the misuse of that power can not be corrected by legislative enactment. And to hold this power securely article 19, section 1, makes an amendment to the constitution of New Mexico practically impossible, or, at least, exceedingly difficult.

ARTICLE 11.

SEC. 7. The commission shall have power, and be charged with the duty of fixing, determining, supervising, regulating, and controlling all charges and rates of railway, express, telegraph, telephone, sleeping car, and other transportation and transmission companies and common carriers within the State; to require railway companies to provide and maintain adequate depots, stock pens, station buildings, agents, and facilities for the accommodation of passengers and for receiving and delivering freight and express; and to provide and maintain necessary crossings, culverts, and sidings upon and alongside of their roadbeds whenever in the judgment of the commission the public interests demand, and as may be reasonable and just. The commission shall also have power and be charged with the duty to make and enforce reasonable and just rules requiring the supplying of cars and equipment for the use of shippers and passengers, and to require all intrastate railways, transportation companies, or common carriers to provide such reasonable safety appliances in connection with all equipment as may be necessary and proper for the safety of its employees and the public, and as are now and may be required by the Federal laws, rules, and regulations governing interstate commerce. The commission shall have power to change or alter such rates, to change, alter, or amend its orders, rules, regulations, or determinations, and to enforce the same in the manner prescribed herein: *Provided*, That in the matter of fixing rates of telephone and telegraph companies due consideration shall be given to the earnings, investment, and expenditure as a whole within the State.

The commission shall have power to subpœna witnesses and enforce their attendance before the commission through any district courts or the supreme court of the State, and through such court to punish for contempt, and it shall have power, upon a hearing, to determine and decide any question given to it herein, and in case of failure or refusal of any person, company, or corporation to comply with any order within the time limit therein, unless an order of removal shall have been taken from such order by the company or corporation to the supreme court of this State, it shall immediately become the duty of the commission to remove such order, with the evidence adduced upon the hearing, with the documents in the case, to the supreme court of this State. Any company, corporation, or common carrier which does not comply with the order of the commission within the time limited therefor may file with the commission a petition to remove such cause to the supreme court, and in the event of such removal by the company, corporation, or common carrier or other party to such hearing, the supreme court may, upon application, in its discretion or of its own motion, require or authorize additional evidence to be taken in such cause, but in the event of removal by the commission, upon failure of the company, corporation, or common carrier, no additional evidence shall be allowed. The supreme court, for the consideration of such causes arising hereunder, shall be in session at all times and shall give precedence to such causes. Any party to such hearing before the commission shall have the same right to remove the order entered therein to the supreme court of the State as given under the provisions hereof to the company or corporation against which such order is directed.

In addition to the other powers vested in the supreme court by this constitution and the laws of the State, the said court shall have the power, and it shall be its duty, to decide such cases on their merits and carry into effect its judgments, orders, and decrees made in such cases by fine, forfeiture, mandamus, injunction, and contempt or any other appropriate proceedings.

ARTICLE 19.—AMENDMENTS.

SECTION 1. Any amendment or amendments to this constitution may be proposed in either house of the legislature at any regular session thereof, and if two-thirds of all members elected to each of the two houses voting separately shall vote in favor thereof, such proposed amendment or amendments shall be entered on their respective journals with the yeas and nays thereon; or any amendment or amendments to this constitution may be proposed at the first regular session of the legislature held after the expiration of two years from the time this constitution goes into effect, or at the regular session of the legislature

convening each eighth year thereafter, and if a majority of all the members elected to each of the two houses voting separately at said sessions shall vote in favor thereof, such proposed amendment or amendments shall be entered on their respective journals with the yeas and nays thereon. The secretary of state shall cause any such amendment or amendments to be published in at least one newspaper in every county of the State where a newspaper is published, once each week, for four consecutive weeks, the last publication to be not less than two weeks prior to the next general election, at which time the said amendment or amendments shall be submitted to the electors of the State for their *approval or rejection.*

If the same be ratified by a majority of the electors voting thereon and by an affirmative vote equal to at least 40 per cent of all the votes cast at said election in the State and in at least one-half of the counties thereof, then, and not otherwise, such amendment or amendments shall become part of this constitution. Not more than three amendments shall be submitted at one election, and if two or more amendments are proposed, they shall be so submitted as to enable the electors to vote on each of them separately; provided, that no amendment shall apply to or affect the provisions of sections 1 and 3 of article 7 hereof on elective franchise and sections 8 and 10 of article 12 hereof on education unless it be proposed by vote of three-fourths of the members elected to each house.

No cunning hand of skillful expert, hired by corporate power, ever drafted an instrument more calculated to hold the people of New Mexico in subjection to the demands and orders of its masters than is done by that instrument called its constitution. I regret that it is so, for I shall always have gratification in the prosperity, happiness, and renown of all citizens in this great Republic, it matters not what section they may claim as their home.

These remarkable features in the constitution of New Mexico suggest the inquiry, Wherein lies the genuine success of a State? It will be found in the possession of those qualities which constitute success in those who control and inhabit it. It is created by that moral grandeur of government which is evidenced by the diffusion of its blessings amongst all the people committed to its care, giving to them an equal opportunity for advancement in life unfettered by unjust and unwise laws. [Applause.]

No system of government where the wealth and emoluments of office and special privileges are conferred upon a few at the expense of the many can long exist. Such a system of government creates a multiplication of artificial desires and selfish wants on the part of those having those emoluments and privileges which tend to vice and luxury and the destruction of morality, virtue, and self-denial, without which no free republic can long exist. All history shows the truth of this statement. In Athens and Sparta a few held all the emoluments of office, substantially all the wealth, while the great mass of their brethren were held in servitude; hence liberty was short-lived in the Grecian commonwealths.

The same causes which destroyed the commonwealths of Greece brought about the downfall of the Italian Republics. In Genoa, Florence, Venice, and Pisa a few of the privileged class held all the wealth and emoluments of office, whilst the prosperity of the people was destroyed by mercantile monopoly.

On such a foundation can be built no structure for a free republic. Rome pursued a different policy. The rights of citizenship were granted to all her people alike, and her marvelous growth, vast dominion, and long duration of power attest the wisdom of her policy. The victories of Hannibal only urged her senate to greater exertions.

Trebia, Thrasymene, and Cannae failed to shake the foundation of that mighty structure, which was cemented by the fidelity of all its people, and when Rome fell it was due to the evil of domestic slavery and the vices and luxury of its nobles, who were thereby made unfit to stem the tide of decay and decline of that mighty empire.

What constitutes the greatness of our Republic? Not alone its vast and unparalleled wealth; not its mines of gold and silver, of iron and copper; not the palaces of the rich and powerful which adorn and beautify our great cities; not its boundless western plains, where there is gathered food for the world's consumption; not the fields of the South white with cotton which is shipped to Japan, China, and Africa to clothe their people; not its mighty rivers nor its great lakes; not its favored climate, which attracts the traveler from every land and invites him to pleasure and repose; not its mountains in their grandeur and solemnity. Great and wonderful as are the material and natural resources of our country, its chief excellence will not be found in them, but it will be discovered in the Constitution of our common country and in its legal institutions, which give to every man the same advantages and opportunities for advancement in life. [Applause.] This is its chief excellence, the most radiant jewel in its crown of glory.

There is no citizen of this country who loves its prosperity and its renown who can fail to discern that the same causes which destroyed the republics of other days now threaten the institutions which protect him. The vast accumulation of money by a few at the expense of the many, the insatiate greed of corporate power, the insane desire for wealth to be used for personal advantage, all threaten the institutions of this country and foreshadow, if not checked, the commencement of the decline of this Republic whilst it is yet in its infancy and before its work has been accomplished. Against this specter of evil I place the manifest destiny of our great Republic and the fortitude of its people in the hour of peril and its disaster. Long may it survive, and may its greatness in the ages to come be recognized by the equal diffusion of its blessings amongst all its people, by its justice in dealing with weaker nationalities, by the good it has wrought, and by the happiness it has brought to all humanity. [Applause.]

Mr. LANGHAM. Mr. Chairman, I yield one hour to the gentleman from Ohio [Mr. HOWLAND].

Mr. HOWLAND. Mr. Chairman, under the terms of the pending resolution it is proposed to admit the Territories of New Mexico and Arizona into the Union unconditionally. It is provided in the resolution that certain amendments shall be submitted to the people of each of these Territories respectively. The amendment to be submitted to the people of the Territory of Arizona provides that the judiciary shall not be subject to the operation of the recall as it now is in the proposed constitution. This amendment, however, is not mandatory, and it is possible, therefore, if the amendment be not agreed to by the people of Arizona, that that Territory may come into the Union with the recall of judges in its constitution. The question is, therefore, squarely presented to the Congress of the United States, and each one of us must go upon record as to whether or not we believe in the recall of judges as a principle. I do not propose to spend time in the discussion of the question of whether these respective constitutions are republican in form or not, for I hold it to be within our power, I hold it to be a necessary duty on our part, conceding that the form of the provisional constitutions may be republican, to go beyond the question of form and examine very carefully the question of substance.

There are many questions in these proposed constitutions which should receive our careful consideration, but I propose to address myself exclusively to that article in the constitution of Arizona which provides for the recall of judges.

I take it, Mr. Chairman, there can be no difference of opinion among us as to the soundness of three propositions. First, every citizen of this Republic is interested in obtaining and maintaining the highest standard in the judiciary of his own State as well as in every other State; second, every State in this Union is deeply interested in maintaining such standards within its own jurisdiction as well as in having them maintained within the jurisdiction of sister States; and third, the Federal Government is vitally interested in maintaining the highest standards in the Federal judiciary and in their maintenance in every one of the sovereign States of this Union. [Applause.]

We are asked in the pending resolution to give our consent to the admission into this Union of a State having in its proposed constitution a provision for the recall of judges on substantially 30 days' notice after six months of the elective term has elapsed, and we should inquire very carefully whether a provision of this character will have a tendency to raise or lower the standard of the judiciary. If it will raise the standard, it should be adopted; if it will lower the standard, it should not be adopted. [Applause.]

Mr. Chairman, we are experiencing in this country to-day a peculiar phenomenon which manifests itself on the part of some of our people in a hostile attitude toward the established order. Years ago a certain school of teachers laid down the proposition that "whatever is, is right." To-day the converse of that proposition seems to be true, and as we *listen to the* storm of criticism of the established order we are justified in saying that a certain school to-day stands for the proposition that "whatever is, is wrong." I give my support to neither one of these schools. I refuse to join with the fatalist, on the one hand, wedded to his idols; and neither will I join with the iconoclast, on the other, and tear down the temple. Between these two extremes we must choose the middle course, guiding our steps, if you please, by the lamp of experience and listening attentively to the teachings of the fathers. With these guides we must apply all the intelligence, all the judgment, all the wisdom that we can command in an attempt to solve present-day problems, firm in the determination to "prove all things and hold fast that which is good."

It is not strange, Mr. Chairman, that old things should appear new to the person who beholds them for the first time. This whole question of the judicial tenure is as old as civilization itself and was thrashed out in all its phases in the Athenian democracy, where the Archons were chosen for a year, and their chief duty was to call a jury, to which was sub-

mitted all questions of law and fact. Unlearned in the law, to be sure, but in that pure democracy each Athenian citizen was presumed to know as much as every other. Under such a system it was possible to condemn Socrates to death for teaching the youth of Athens his doctrine of the immortality of the soul, and to banish Aristides because he was known as the "Just." Under such conditions where life, liberty, and property were subject to the whim of the hour, the inevitable happened and the Government perished. The utter failure of democracy to provide an independent judiciary capable of protecting the rights of the individual drove the people to the other extreme of absolute monarchy, where the judges were appointed by the monarch and of course, subject to removal at his pleasure. In the history of the English people the glaring defects of this system early became apparent, for the judges were mere puppets of the King and were unable, and in many cases unwilling, to protect the individual against the encroachments of the Crown. This situation became intolerable to the English people and it was remedied by an act of Parliament which provided that judges should not be removed during good behavior, and that was the condition of affairs in England at the time of the adoption of our Constitution.

The framers of the Constitution were perfectly familiar with the complete failure of democracy on the one hand and monarchy on the other to provide an independent judiciary, and they realized that the rights of individuals could not be protected so long as the judiciary was subservient to or dependent on the executive arm of the Government, whether that executive arm was a pure democracy on the one hand or an absolute monarchy on the other. They therefore adopted the republican form of government, as distinguished from a democracy or a monarchy, hoping thereby to avoid the well-known dangers incident to each and to create a judicial system capable of protecting the rights of the individual even against the Government itself.

In view of the radical proposition contained in this constitution providing for a recall of judges, a proposition which gives a judge a legal title to his term for six months only and makes him a tenant at will for the balance of the elective term, I would inquire whether the history of the judiciary of our country lays a foundation for or argues the necessity of such a change, which renders uncertain and indefinite the judicial tenure.

I make bold to assert that it does not, but on the contrary argues in most eloquent and convincing language in favor of a stable tenure of office for the judiciary. The judges of our country, from the foundation of our Government to the present time; from the nisi prius judges of the various States to the judges of the Supreme Court of the United States, almost with no exception, have been men of the highest integrity, noble character, courageous, and incorruptible; and even to-day, when criticism is so rampant, few there are who even whisper that the decisions of our courts are governed by ulterior motives.

Mr. Chairman, I lay it down as a fundamental proposition that a judge in the administration of justice must be absolutely independent of the power that creates him. Otherwise, whenever the interest of that power is involved in litigation before that court, you have no judge. There are those who contend that the judge should not be independent of the power that creates him, but should be responsive to the will of the majority that elects him.

If that means that the judge should be responsive to the will of the majority that elects him as that will is expressed and crystallized in the organic and statute law, then it is an accurate and correct statement; but if it means, and I fear it does in some instances, that the judge must be responsive to the will of the majority which elects him as that will is expressed in party platforms, in the town meeting, or on the street, then it is utterly antagonistic to any rational conception of law and order and enforces the whim of the hour instead of the deliberate judgment of the people as expressed and recorded through their duly established institutions. [Applause.]

Judges are elected by majorities or selected by the people through an intermediate appointing power. Suppose, Mr. Chairman, the majority which elected the judge, or the appointing power, wished him to hand down a decision contrary to law, and in compliance with that wish he did so. Under those circumstances there is no judge. The contention that the judge should be responsive to the whim of the hour and voice it in judicial decree is more dangerous and more destructive to American institutions than that of the red-shirted anarchist, who, animated with a fiendish desire to destroy the established order, hurls the bomb.

The judge knows no constituents, knows no party, knows no friends, and knows no enemies; and if every member of the electorate, save one, that placed the judicial ermine on his shoulders should be present in the court room demanding that he turn over to them the life or property of the remaining one of his constituents contrary to law, he must refuse to do so or he is not a judge. If all the wealth of his district is on one side of the trial table without justice and equity and a pauper on the other with justice and equity, he must decide for the pauper or there is no judge.

We create judges and clothe them with power, to do what? To pass judgment upon us—each and every one of us—to interpret and to decree the enforcement of the law which we have made and which we can change at will. If we who create the judge and clothe him with power insist that he is our creature, to decree our will, regardless of the law, we have placed a phonograph on the bench, but not a judge. [Applause.] To do this is to attach such subservient and humiliating conditions to the judicial office that no broad-minded, self-respecting man could possibly consent to them. In this connection, Mr. Chairman—and I know it is not in vogue in these days to pay much attention to the teachings of wise men of bygone ages, because this generation has become sufficient unto itself and knows more than all the generations that have preceded us—I propose to read, without making any apology, a short quotation from Alexander Hamilton in No. 78 of the Federalist, as follows:

> The independence of the judges is equally requisite to guard the Constitution and the rights of individuals from the effects of those ill humors which the arts of designing men or the influence of particular conjunctures sometimes disseminate among the people themselves, and which, though they speedily give place to better information and more deliberate reflection, have a tendency in the meantime to occasion dangerous innovations in the Government and serious oppressions of the minor party in the community.

Hamilton is here arguing against the elective system and in favor of the appointive system during good behavior, but the argument is in favor of an independent, stable judiciary, and is in point in the present discussion.

And with the indulgence of the House I propose to read also in this connection a quotation from the speech of Mr. Justice Marshall in the constitutional convention of the State of Virginia in 1829. Mr. Justice Marshall said, among other things, the following:

> The argument of the gentleman goes to prove not only that there is no such thing as judicial independence, but that there ought to be no such thing; that it is unwise and improvident to make the tenure of the judge's office to continue during good behavior. Advert, sir, to the duties of a judge. He has to pass between the Government and the man whom that Governmest is prosecuting—between the most powerful individual in the community and the poorest and most unpopular. It is of the last importance that in the performance of these duties he should observe the utmost fairness. Need I press the necessity of this? Does not every man feel that his own personal security and the security of his property depend upon that fairness? The judicial department comes home in its effects to every man's fireside; it passes on his property, his reputation, his life, his all. Is it not to the last degree important that he should be rendered perfectly and completely independent, with nothing to control him but God and his conscience? * * * I acknowledge that, in my judgment, the whole good which may grow out of this convention, be it what it may, will never compensate for the evil of changing the judicial tenure of office. * * * I have always thought from my earliest youth till now that the greatest scourge an angry Heaven ever inflicted upon an ungrateful and sinning people was an ignorant, a corrupt, or a dependent judiciary.

Mr. Chairman, as I read these words from the great Chief Justice I can almost imagine that he is present in person speaking against the recall of judges, so squarely does he hit the present case. We all know that if the power had existed John Marshall would have been recalled. Yet to-day, with one accord, we are glad to pay him homage as the great expounder of the Constitution.

Sir, when I read the history of my country I am proud of the heroic men who have maintained the national honor on the land and on the sea. I give my unbounded admiration to the great lawgivers of our people, but I am imbued with a sense of the deepest gratitude when I contemplate the results which have been accomplished by an independent judiciary. [Applause.] We might adopt a new Constitution every other day, guaranteeing in the strongest language life, liberty, property, and the pursuit of happiness, and philosophizing on the rights of man, but if those guaranties are not enforced by judicial decree, we have not added one iota to the rights of man or promoted in the slightest degree the liberties of the people. "Oh," but the demagogue cries, "you are afraid to trust the people to choose their own judges," thereby hoping to win their confidence and gain advantage for himself. This is the same charge that was hurled at Rufus Choate in the constitutional convention in Massachusetts in 1853, and in replying to that charge, and in further replying to the charge that a stable tenure of office was unrepublican, he used the following language:

> It seems to me that such an argument forgets that our political system, while it is purely and intensely republican, within all theories aims to accomplish a twofold object, to wit, liberty and security. To accomplish this twofold object we have established a twofold set of

institutions and instrumentalities—some of them designed to develop and give utterance to one; some of them designed to provide permanently and constantly for the other; some of them designed to bring out the popular will in its utmost intensity of utterance; some of them designed to secure life and liberty and character and happiness and property and equal and exact justice against all will and against all power.

Then again, on page 309, he says:

You assign to Liberty her place, her stage, her emotions, her ceremonies. You assign to Law and Justice theirs. The stage, the emotions, the visible presence of Liberty are in the mass meeting, the procession by torch light, at the polls, in the halls of legislation, in the voices of the press, in the freedom of political speech, in the energy, intelligence, and hope which pervade the mass; in the silent unreturning tide of progression. But there is another apartment, smaller, humbler, more quiet, down in the basement story of our Capitol, appropriated to justice, to security, to reason, to restraint, where there is no respect of persons; where there is no high nor low, no strong nor weak; where will is nothing and power is nothing, and numbers are nothing, and all are equal, and all secure before the law.

Mr. Chairman, I entertain no doubt, sir, of the ability of the people of Arizona to select their own judges. I insist that they shall do it, but for a definite fixed period; that period to be determined by themselves. But when they have selected their judges, I insist that they shall be free and untrammeled in the administration of justice during their term of office, subject only to impeachment for malfeasance in office. [Applause on the Republican side.]

This very proposition for a recall of judges—just analyze it for a moment—this very proposition for a recall of judges after six months of the elective term have expired carries with it, by implication and of necessity, the most flagrant distrust of the ability of the people of Arizona to select competent judges for their superior and supreme courts for the limited periods of four and six years, respectively. I therefore charge, Mr. Chairman, that those who are advocating the recall are the ones who are afraid to trust the people to select competent judges, and I insist that it is an insult to the intelligence of the people of Arizona and a reflection on their ability to select competent judges for stated periods.

Oh, but you say, "The people might make a mistake in the selection of a judge, and, in that event, there ought to be machinery provided to give relief and cover that particular case." I am forced to admit that possibly now and then the people might make a mistake in the selection of a judge. But this contingency in this proposed constitution is very carefully provided for in two ways. In the first place, the supreme court is clothed with the broadest appellate jurisdiction, for it is expressly provided that no reversal shall be had for any technical error; and, in the second place, in article 8, the very article that provides for this recall, provision is made for the impeachment by the legislature of a judge for crimes, misdemeanors, and malfeasance in office. The proposed constitution has provided very carefully for the case of malfeasance in office, and the penalty is removal from office and disqualification to hold office in the future. The proposed constitution has very carefully provided for the correction of errors and mistrials in the lower court on appeal. The corrupt judge can be impeached. The mediocre judge can be reversed.

It is perfectly apparent that the recall is inserted in this constitution in order to reach the case of the unpopular judge, to reach a case of dissatisfaction and unpopularity that may for any reason be prevalent in the community. So it is provided, so it is made possible, that whenever an unpopular decision is handed down by the judge a petition may be filed, signed by 25 per cent of the electorate, and bring on an election within 30 days after the filing of the petition. Judges are elected by a majority. Most of the elective offices are filled without the successful candidate receiving 75 per cent of the total vote. The vote of the opposition will always as a rule amount to more than 25 per cent of the total vote, and how easy it would be for a disappointed litigant, an unsuccessful candidate, or an ambitious rival to secure a petition signed by 25 per cent of the electorate and bring on an election for a recall! It is perfectly apparent, Mr. Chairman, that this provision for the recall is inserted in this constitution for the very purpose of rendering the judge amenable to the temporary public sentiment in his district and controlling his decrees in accordance with that temporary public sentiment, regardless of the established law.

The point is this: Under the recall a special election might be had, a special election will be had, when feeling in the community is intense, when excitement runs high, when passions are inflamed, and when, possibly, only the judge and the law stand between the individual and vengeance. I insist, sir, that the power shall never be granted to call a special election at such a time as that. [Applause.] I insist that judges shall be elected at regular intervals, for definite periods, fixed by law and known beforehand of all men, when, as a rule, with excitement over, passion subsided, and reason enthroned in the community, the people can register their calm, deliberate judgment, and from that judgment in this country there can, and ought to be, no appeal.

Mr. Chairman, the fact that such a provision for the recall of judges is contained in the proposed constitution of a Territory knocking at our doors for admission into this Union; the fact, sir, that such heresies are entertained in other and, perhaps, more influential quarters, arouses in my mind the gravest doubts as to the future. Against this proposition, with all the energy that I can command, I enter my most emphatic protest.

In my judgment it is fundamentally wrong. It is dangerous to and destructive of American institutions. It is contrary to the experience of our people for more than a century. It is contrary to the teachings of the fathers who, amid storm and stress, framed the fabric of this Government; framed it, sir, with the avowed purpose of escaping the well-known dangers of a turbulent and unrestrained democracy on the one hand and monarchy and its tyrannies on the other. [Applause.]

I refuse, sir, to lay profane hands on the temple of justice that has sheltered and protected us throughout our national life, and I shall vote against the pending resolution for these reasons. [Prolonged applause on the Republican side.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HOUSTON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 339. An act providing for the reappraisement and sale of certain lands in the town site of Port Angeles, Wash., and for other purposes.

ARIZONA AND NEW MEXICO.

The committee resumed its session.

Mr. LANGHAM. I yield one hour and a half to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Chairman, it is with sincere regret that I feel compelled to vote against the admission of Arizona as a State into the Federal Union under the terms of the proposed constitution which has been submitted to the President and the Congress of the United States for ratification and approval.

I have been a consistent friend of the Territory of Arizona ever since I have been a Member of this House. I believe Arizona has a glorious future. I have been anxious to see her represented by a bright star in the brilliant galaxy that is the crowning glory of the starry banner of this great Nation. But I do not believe that under the proposed constitution, which has been adopted by about 12,000 of her people out of a voting population of over 37,000, and which recently has been submitted to us for ratification and approval, she can reach that splendid destiny which every one of her true friends hopes to see her attain.

In my opinion Arizona is the one section of the Union in which there should be no doubt as to the advantages of representative government; for she herself has reaped the benefit and reward of representative government. Beyond question it is due solely to the efforts of representatives of republican government that she is able, at this time, even to offer a constitution, which, if it should be approved, will give her individual autonomy as a State in the Union.

It will be recalled by those who are familiar with the comparatively recent history of the Territories of Arizona and New Mexico that a determined effort was made, in the Fifty-ninth Congress, to unite them and admit them as one State in the Federal Union.

The then President of the United States strongly recommended their union and their admission as one State. He brought all the powerful influence of his great office to bear upon many of the representatives of the people to cause them to enact the necessary legislation that should consummate this unholy alliance. But despite this powerful influence, which was exerted by one of the most popular Presidents that ever occupied the White House, despite the great pressure that was brought to bear upon the Members on this floor and on the floor of the coordinate branch of the legislative body of this Government, there were representatives of the people who still had the courage and the fortitude to withstand that pressure, and who, by their firmness in the cause of a square deal for Arizona, succeeded, ultimately, in preventing the passage of that legislation. Do the people of Arizona doubt that if the matter had been submitted by initiative or referendum to the votes of the people of the United States that the great majority of the votes would

have favored the amalgamation of the two Territories as one State?

If we had had a national initiative and referendum law at that time, the proponents of the one-State idea, in my humble judgment, undoubtedly would have been able by the means of the initiative or the referendum to have carried out their plans to consolidate these two great Territories as one State. So far as a national initiative or referendum vote could have decided the matter, the people of Arizona would have found themselves in a hopeless minority. But our present system of government recognizes the rights of minorities in the enactment of laws as the initiative or referendum never can.

In those populous sections of our country where the great masses of votes are to be found the sentiment was strongly in favor of such a union. Arguments were made upon this floor that it was unfair to the populous States, with their great and diversified interests, to give each one of these Territories, when admitted as a State, an equal representation in the United States Senate with the more populous Commonwealths. Did the people of Arizona find that the representatives of the people of many of the States of the Union proved recreant to their trusts? Did the people of Arizona find that, in having adopted means to prevent their union with New Mexico, representative government was a failure, and that new and unusual methods ought to be employed to compel the representatives of the people to do their duty? Why, sir, in the light of these events, in the light of these experiences, which must have demonstrated the fact that under existing laws the rights of minorities in legislation are much more thoroughly safeguarded than under the initiative and referendum, one is all the more surprised to find that the constitutional convention of Arizona insisted on inserting these unusual and experimental provisions in the proposed organic law of the proposed State.

Mr. Chairman, there is a disposition among some of our public officials, aided and abetted by a certain class of theorists in government, to materially change the character of our Government.

Mr. FLOOD of Virginia. Will the gentleman permit me to ask him a question?

Mr. KAHN. When I have finished my direct address I will be very glad indeed to reply to any questions that may be asked me, but just now I prefer not to be interrupted.

To my mind they are treading on dangerous ground. Our country is too vast in extent for a pure democracy. Most of the States in the Union are too vast in extent for a pure democracy. Prof. Garner, in his work, "Introduction to Political Science," differentiates a pure democracy, such as the initiative, the referendum, and the recall, would lead to, and a representative democracy, which is the republican form of Government contemplated by the Constitution of our country, in this language:

> Democracies are of two kinds—pure, or direct, and representative, or indirect. A pure democracy is one in which the will of the state is formulated and expressed directly and immediately through the people acting in their primary capacity. A representative democracy is one in which the state will is ascertained and expressed through the agency of a small and select number, who act as the representatives of the people. *A pure democracy is practicable only in small states, where the voting population may be assembled for purposes of legislation and where the collective needs of the people are few and simple. In large and complex societies, where the legislative wants of the people are numerous, the very necessities of the situation make government by the whole body of citizens a physical impossibility.*

And the distinguished author approves the distinction drawn between the two forms of government, as enunciated by Madison, as follows:

> It was, he said, a government which derives all its powers, directly or indirectly, from the great body of the people, and is administered by persons holding their office during pleasure, for a limited period, or during good behavior. "The two great points of difference," said Madison, "between a republic and a democracy are: First, the governing power in a republic is delegated to a small number of citizens elected by the rest; and, second, *a republic is capable of embracing a larger population and of extending over a wider area of territory than is a democracy. In a democracy the people meet and exercise the government in person; in a republic they assemble and administer it by their representative agents.*"

The question as to whether this country of ours should be a pure democracy or a representative democracy was fully considered at the time of the formation of our Government. The framers of the Constitution were men who were thoroughly versed in the principles of government. They were familiar with the history of every government that had ever existed since the dawn of recorded time. They remembered that the pure democracies of ancient Greece had had their rise, their zenith, and their decay. The difference between a pure democracy and a representative republic was plainly pointed out by Hamilton, Madison, Marshall, Randolph, Rutledge, Wilson, Mason, and other distinguished patriots of the period immediately succeeding the American Revolution. It was pointed out by these men, who were all skilled in statecraft, that the ancient democracies had fallen by reason of the turbulence and passion that were so often manifested among the masses; they pointed out the fact that in the great market places it was impossible to debate proposed laws as they should have been debated; they pointed out the despotism of majorities, and the danger of the ultimate debauchery of the masses. In differentiating republics from pure democracies Hamilton, in "The Federalist," said:

> The difference most relied upon between the American and other republics consists in the principle of representation; which is the pivot on which the former moves, and which is supposed to be unknown to the latter, or, at least, to the ancient part of them.

Gerry, in discussing the form of government that should be adopted by the Constitutional Convention of 1787, made a powerful argument in favor of a representative democracy as against a pure democracy. He feared the pretended patriot more than he did the people. He said:

> The evils we experience flow from the excess of democracy. The people do not want (lack) virtue, but are the dupes of pretended patriots.

And Jefferson said:

> Modern times have * * * discovered the only device by which the (equal) rights (of man) can be secured, to wit: *Government by the people, acting not in person, but by representatives chosen by themselves.*

So that when the founders of our Republic adopted the Federal Constitution they purposely tried to get away from pure democracy; and, so far as they were able to form a republican government, they accomplished their task exceedingly well. It is also a matter of the political history of our country that the party of which Jefferson became the undoubted leader did not attempt to call itself the Democratic Party.

It was designated the Republican Party. It continued under that designation during the entire life of Thomas Jefferson, and that designation was never changed until after his death in 1826. Under this republican form of government our country has advanced and developed and prospered as no other country in the world's history. The Constitution, as had been predicted, was able to expand to meet new conditions as they arose without the necessity of frequent or serious amendment. As measures were presented to the representatives of the people in the Congress of the United States for their consideration these measures were thoroughly discussed, and oftentimes they were materially amended before they were finally enacted into law. It was soon found that in a large country like ours, with many conflicting interests and diversified industries, it would be necessary to compromise differences in order that the proposed law might meet the conflicting demands of the different sections, and this spirit of compromise has generally proved efficacious in accomplishing the desired results. By these compromises the rights of minorities invariably have been respected. Practically our whole history is a history of compromise legislation, and as a rule the people have been content with the legislation that has been enacted. And when they have not been content, they have not hesitated to manifest their displeasure by defeating the majority, thus making the minority a majority, with all the responsibilities that accompany majority rule.

It is true that at times men have been elected to office who were unworthy of the confidence that the people had reposed in them, but does that show that the system of representative government is at fault? Does it not rather prove that the people themselves were to blame for having elected inefficient or corrupt officials?

It is a matter of record in our country's history that whenever the people have made mistakes they have not hesitated to rectify them at the earliest possible opportunity. Up to the present time they have been able, invariably, to mend their faults of yesterday with wisdom of to-day, under our Constitution and our laws as they have stood, lo, these many years.

But it is charged by those who so strongly favor the initiative, the referendum, and the recall that the opponents of these methods of legislation and election of public officials are "afraid of the people." As a matter of fact, the shoe is on the other foot. Those who favor the recall in effect convict the people of being incompetent in the selection of their officials. It seems to me that it is they who are "afraid of the people." They contend that the people go to the polls and make such egregious mistakes in the election of officials that a minority of the voting population ought to be given an opportunity to attempt to correct the blunders of the majority by recalling the official who has fallen under the displeasure of that minority. The logical effect of their reasoning is to admit that the people are incompetent to elect able or honest officers. And yet these same advocates of these new "nostrums" in a republican form of government expect the same people, who have failed in their

efforts to elect the right kind of officeholders, to go to the polls under the doctrine of the initiative and the referendum and adopt, perhaps, a comprehensive system of new laws, such as only a Supreme Court would be able to interpret.

It shows the inconsistency of these self-styled "friends of the people," for they practically admit in one breath that the people are incompetent to elect the right kind of public officials and in the next breath they want to clothe the same people with a still more arduous duty, namely, the duty of adopting, by ballot, and without the power of amendment, some intricate proposition of law, the adoption of which might have the most far-reaching results, for good or for evil, on the future of the entire community.

Sir, the people of this country have always shown their capacity for self-government under the existing methods, and I apprehend that they will continue to govern themselves admirably under existing methods without resorting to those that may be considered as experimental and unrepublican.

Mr. Chairman, at one time I was rather inclined to the belief that the initiative, the referendum, and the recall would prove the panacea for all our political ailments. Initiative, referendum, recall! It certainly sounds good, and in theory it looks just as good as it sounds. But the more I have studied the subject the more thoroughly I have become convinced that they would ultimately be found dangerous experiments in the field of representative government, and that, as a matter of fact, they are entirely unnecessary. Our existing constitutions and laws, with such occasional changes, additions, and corrections as the legislative branches of our national, State, or municipal governments might find it necessary to enact from time to time, will probably meet every emergency as it arises. We have abundant evidence that such is the case.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to his colleague?

Mr. KAHN. I decline to yield. If I have any time after I have finished my speech, I shall be glad to answer questions, but at present I decline to yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. KAHN. And so long as we continue along the safe lines that we have been following for over a century the danger of becoming a law-ridden people, with laws, laws, laws to regulate the every action of every individual resident of this great country, will be materially kept in check. We are in danger of having too much law, and too much law will lead eventually to contempt for all law. [Applause.]

I think it may be asserted as an axiom that every community, whether it be a municipality or a State, gets just such an administration as its people are willing to stand for, no better and no worse. All students of American history agree that the weak spot of our system is our form of municipal government. And yet it has been demonstrated time and again that whenever conditions have become intolerable, whenever graft and corruption have become a stench in the public nostrils, whenever the public conscience has really become thoroughly aroused, the people—without the aid of initiative, referendum, or recall—have been able to drive the thieves from office and put honest men in their places. [Applause.] Dozens of our cities have demonstrated the undoubted ability of their citizens to purge their communities of corruption whenever the voters wanted to assert themselves. But unfortunately, in most instances the spasms of virtue and righteous indignation have been rather short-lived. I have often wondered why the people who have the strength and the capacity to drive out public plunderers whenever they want to assert themselves, all too frequently allow the political bosses to resume control within a comparatively brief space of years after the reform movement has triumphed over the corruptionists.

In giving the subject some thought I have come to the conclusion that the swinging back of the pendulum in so many instances is due to the fact that the reformers, instead of adopting a liberal policy in construing and enforcing the laws, invariably go to the other extreme and enforce all ordinances—especially such as may be considered in the nature of sumptuary laws—with such harshness and severity that the average citizen begins to rebel at a condition that he considers intolerable, and losing all interest in the general welfare of his community, he allows either the old boss, or perchance a new one, to take possession again of the local administrations. For a little time the reinstated boss, or his successor, as the case may be, slowly and carefully feels his way along, but ultimately the old conditions again prevail. It is unfortunate that such conditions should exist. But it is utterly impossible to change human nature by man-made law, for human nature has been the same in all ages. We are familiar with the story of how in ancient Athens it was proposed to take a referendum as to whether Aristides, called "The Just," should be banished or not. He had been an excellent administrator. He had won the confidence of his people, but he had made some powerful enemies. Going into the market place, he was met by a citizen who asked him to write his (the citizen's) ballot for the banishment of Aristides. The latter asked the Anthenian citizen what objection he had to Aristides. "Oh, none," said the citizen, "but I am tired of hearing him called 'The Just.'" One can never tell what motive will actuate the citizen in the course he may pursue. However, the point I want to emphasize is this, namely, that it rests within the power of the citizens of every municipality to have a good, clean, orderly, honest, and efficient administration of its own affairs if the people of that municipality want such an administration, and that the old republican form of government is ample to guarantee such an administration without the necessity of having to resort to the unusual expediency of the initiative, referendum, and recall.

And what is true of the municipality in this regard is equally true of the State. Take my own State—the State of California—as an instance. Last November the people went to the ballot box and elected a complete set of State officials, as well as Members of Congress and members of the State legislature. The course of the legislature that was elected at that time has been generally commended. The various officials of the State government that were elected at that time have likewise been commended. And, as a matter of fact, all these results were accomplished under our existing constitution and laws, without invoking initiative, referendum, or recall. If, therefore, the existing laws of a State can be enforced so as to satisfy the citizens of that State, why should the voters of that State resort to experiments of a new and doubtful nature—experiments that have only had a trial in a few communities and that have never been invoked in any of the populous and progressive Commonwealths of our country?

Mr. Chairman, as a matter of historic interest it may be well to note at this time that the downfall of the first and second French Republics was accomplished through the medium of the referendum.

Napoleon Bonaparte was elected Consul for life in 1802 through a plebiscite or referendum submitted to the people of France in this form: "Shall Napoleon Bonaparte be Consul for life?" Three and one-half million votes were cast in the affirmative and only a few thousand in the negative. That vote really marked the beginning of the Empire under Napoleon the First.

Later on, during the period of the second Republic, which had been inaugurated in 1848, the nephew of Napoleon Bonaparte, Louis Napoleon, in 1852 was elected Emperor of France through the medium of another plebiscite or referendum submitted to the voters of that country. At this election more than 7,000,000 citizens voted in favor of the proposition, with only a few thousand in the negative.

And, Mr. Chairman, it is a noticeable fact in both instances that immediately before the submission of these plebiscites or referenda to the people of France such of their representatives in the Senate or in the Legislative Assembly who could have been relied upon to denounce and thwart the conspirators who sought the ruin of the Republic were summarily arrested and exiled before the plebiscites were submitted.

I merely mention these historic instances to emphasize the fact that the people themselves are just as prone to make mistakes and fall into error as are their chosen representatives.

Mr. Chairman, what is the history of the initiative and referendum? They were first brought to light in the little Republic of Switzerland about the year 1850. During all the years that have intervened since then they have been invoked there but a few times. The Swiss people are a pastoral people. They do not have the many or the diversified industries that are found in this great Republic of ours. Indeed, one could place the entire Republic of Switzerland in some one of the counties of some of our Western States and still have room to spare. It approximates in size more nearly the old Grecian democracies, in which the people were wont to gather in the market places and there publicly discuss matters of legislation and the election of officials. But in most of our States, with their extensive areas, their populous cities and metropolitan districts, in my judgment, these Swiss importations are absolutely impracticable.

But there are many students of the system who have declared that even in Switzerland, the original home of the initiative and the referendum, those innovations have not worked as satisfactorily as the friends of these experiments in popular government anticipated. Mr. Albert Bushnell Hart, who is con-

ceded to be a moderate and an impartial observer and critic, in his article, "Vox Populi in Switzerland," says:

I must own to disappointment over the use made by the Swiss of their envied opportunity. On the 20 referenda between 1879 and 1891 the average vote in proportion to the voters was but 58.5 per cent; in only one case did it reach 67 per cent; and in one case, the patent law of 1887, it fell to about 40 per cent in the Confederation and to 9 per cent in the Canton Schwyz. On the serious and dangerous question of recognizing the right to employment * * * only 56 per cent participated.

* * * The result of the small vote is that laws duly considered by the national legislature and passed by considerable majorities are often reversed by a minority of the voters. The most probable reason for this apathy is that there are too many elections * * *. Whatever the cause, Swiss voters are less interested in referenda than Swiss legislators in framing bills.

And Mr. Simon Deploige, a Belgian critic, in his "The Referendum in Switzerland" (Trevelyan's translation), says of the conditions that prevail in the Alpine Republic:

It is a little ridiculous to talk of legislation by the people when more than one-half of the citizens refuse to exercise their legislative rights.

Mr. A. Lawrence Lowell, in an article entitled "The Referendum in Switzerland and in America," makes this criticism:

The relation of the executive and legislative in Switzerland are very different from what they are in this country, for a great deal of what we should consider legislation falls into the province of the Swiss executive. The laws are passed in a comparatively simple and general form, and the executive has authority to complete their details and provide for their application by means of decrees and ordinances. Partly for this reason and partly on account of the small size of the country the number of laws passed in a year is far less than with us.

In the same article, Mr. Lowell draws an important, as well as an interesting, distinction between constitutional amendments and legislative enactments, and clearly points out the danger of lessening the high regard in which the fundamental principles are held in the estimation of the people. He says:

Our whole political system rests on the distinction between constitutional and other laws. The former are the solemn principles laid down by the people in its ultimate sovereignty; the latter are regulations made by its representatives within the limits of their authority, and the courts can hold unauthorized and void any act which exceeds those limits. The courts can do this because they are maintaining against the legislature the fundamental principles which the people themselves have determined to support, and they can do it only so long as the people feel that the Constitution is something more sacred and enduring than ordinary laws; something that derives its force from a higher authority. Now, if all laws received their sanction from a direct popular vote, this distinction would disappear. There would cease to be any reason for considering one law more sacred than another, and hence our courts would soon lose their power to pass upon the constitutionality of statutes.

Dr. Woodrow Wilson, in his able work "The State," draws a similar conclusion.

In criticizing the tendency to adopt nonconstitutional provisions in our constitutions, he says:

The objections to the practice are as obvious as they are weighty. General outlines of organization, such as the Constitution of the United States contains, may be made to stand without essential alteration for long periods together; but in proportion, as constitutions make provisions for interests whose aspects must change from time to time with changing circumstances, they enter the domain of such law as must be subject to constant modification and adaptation. Not only must the distinctions between constitutional and ordinary law, hitherto recognized and valued, tend to be fatally obscured, but the much-to-be-desired stability of constitutional provisions must in great part be sacrificed. Those constitutions which contain the largest amount of extraneous matter, which does not concern at all the structure or functions of government, but only private or particular interests, must, of course, however carefully drawn, prove subject to most frequent change. In some of our States, accordingly, constitutions have been as often changed as important statutes. The danger is that constitution making will become with us only a cumbrous mode of legislation.

In this very connection it may be well to call attention to the fact that the people of the United States hold the Constitution of the United States in the very highest reverence. "It is the palladium of our liberties" has been a favorite expression in the discussion of the force and the power of the organic law of the land. Mr. Bryce, in his "The American Commonwealth," has admirably described the sentiment of the American people regarding their Constitution. He says:

The Federal Constitution is to their eyes an almost sacred thing, an Ark of the Covenant, whereon no man may lay rash hands.

I believe this characterization is universally conceded to be correct. Sir, the Constitution ought to be maintained "an almost sacred thing." To be able to amend it frequently and easily by the popular vote of the people would soon destroy that spirit of reverence in which it is now held.

And it is even so with the constitutions of the various States. They ought not to be subject to change with the ease that regulations made by the legislatures, within the limits of their authority, may be changed by subsequent amendment if they require amendment, or absolute repeal where they prove ineffective or even detrimental to the public welfare.

To diminish the powerful influence of the Constitution by subjecting it to easy change through the medium of the initiative is, to my mind at least, a serious blow to the love of law and order so prevalent in our Republic; and law and order are the surest safeguards of our liberties. Sir, republican governments owe their very existence to that love of law and order that prompts every patriotic impulse of the individuals who compose the State. It seems to me that to make it comparatively easy to change the organic law of the States by such dubious devices as the initiative and the referendum is really a defiance of all the teachings of history. [Applause.]

But, Mr. Chairman, as between the initiative and the referendum, I think the former is much the more dangerous of the two. Under existing methods the legislature passes upon measures as they are reported from its committees. There is generally a full and free discussion of the merits or demerits of the proposition that is under consideration, and when it is finally passed by the legislature it is, as a rule, a well-digested, completed piece of legislation. On the other hand, the initiative does not give any opportunity for discussion or amendment whatever.

The proposed measure must be adopted in its entirety as it comes from its proposers without the dotting of an "i" or the crossing of a "t." The legislature must pass it just as it was framed by the author. The governor has no right to veto it as he may the measures that are passed by the legislature. Under the initiative, the fundamental principles of republican government can be set aside and new and unusual ones can be adopted without much debate and without full knowledge of the great change that might be contemplated under the provisions of the proposed new legislation. Therein lies its great danger. Thus "a successful faction may erect a tyranny on the ruins of law and order." [Applause.] Under the initiative or direct legislation the minority is overwhelmed by sheer force of numbers. In our legislatures the minority has an opportunity to discuss and modify the legislation proposed by the majority. I believe that the initiative strikes at the very vitals of republican government. It means the absolute tyranny of the majority—and all history teaches us that no tyranny is worse than that of majorities drunk with power.

The proponents of the initiative and referendum point with pride to the fact that they have worked successfully in a number of the cities of the country. It may be that in some cities they have worked successfully, but there is a vast difference between the affairs of a city and the affairs of a whole State. The State, just like the Union, has many diversified industries and many conflicting interests. What may work excellently for one section of the State may spell ruination for another section. Under the initiative the rights of minorities in legislation can be completely ignored. And all true statesmen recognize the fact that minorities have certain rights which majorities are in duty bound to respect.

And so, Mr. Chairman, I am free to admit that, to my mind, it is an exceedingly hazardous experiment to attempt legislation for a great Commonwealth through the experimental expediency of the initiative and referendum.

But the feature of the Arizona constitution that is most repugnant, in my judgment, is the recall. Let me submit the provision as embodied in the proposed constitution of Arizona to this House:

ARTICLE VIII.—REMOVAL FROM OFFICE.

1. RECALL OF PUBLIC OFFICERS.

SECTION 1. Every public officer in the State of Arizona, holding an elective office, either by election or appointment, is subject to recall from such office by the qualified electors of the electoral district from which candidates are elected to such office. Such electoral district may include the whole State. Such number of said electors as shall equal 25 per cent of the number of votes cast at the last preceding general election for all of the candidates for the office held by such officer may by petition, which shall be known as a recall petition, demand his recall.

SEC. 2. Every recall petition must contain a general statement, in not more than 200 words, of the grounds of such demand, and must be filed in the office in which petitions for nominations to the office held by the incumbent are required to be filed. The signatures to such recall petition need not all be on one sheet of paper, but each signer must add to his signature the date of his signing said petition, and his place of residence, giving his street and number, if any, should he reside in a town or city. One of the signers of each sheet of such petition, or the person circulating such sheet, must make and subscribe an oath on said sheet that the signatures thereon are genuine.

SEC. 3. If said officer shall offer his resignation, it shall be accepted, and the vacancy shall be filled as may be provided by law. If he shall not resign within five days after a recall petition is filed, a special election shall be ordered to be held not less than 20 nor more than 30 days after such order to determine whether such officer shall be recalled. On the ballots at said election shall be printed the reasons as set forth in the petition for demanding his recall, and, in not more than 200 words, the officer's justification of his course in office. He shall continue to perform the duties of his office until the result of said election shall have been officially declared.

SEC. 4. Unless he otherwise request, in writing, his name shall be placed as a candidate on the official ballot without nomination. Other candidates for the office may be nominated to be voted for at said election. The candidate who shall receive the highest number of votes shall be declared elected for the remainder of the term. Unless the

incumbent receive the highest number of votes he shall be deemed to be removed from office upon qualification of his successor. In the event that his successor shall not qualify within five days after the result of said election shall have been declared, the said office shall be vacant and may be filled as provided by law.

SEC. 5. No recall petition shall be circulated against any officer until he shall have held his office for a period of six months, except that it may be filed against a member of the legislature at any time after five days from the beginning of the first session after his election. After one recall petition and election no further recall petition shall be filed against the same officer during the term for which he was elected unless petitioners signing such petition shall first pay into the public treasury which has paid such election expenses, all expenses of the preceding election.

SEC. 6. The general election laws shall apply to recall elections in so far as applicable. Laws necessary to facilitate the operation of the provisions of this article shall be enacted, including provision for payment by the public treasury of the reasonable special-election campaign expenses of such officer.

Under this Article VIII, subdivision 1, sections 1 to 6, inclusive, every public officer in the State of Arizona holding an elective office, either by election or appointment, is subject to recall from such office by the qualified electors of the electoral district from which candidates are elected to such office; and such electoral district may include the whole State. These provisions are so broad that they include even the judiciary of the State within their scope. To my mind the provision stands for little short of anarchy. It means the turning over of the judiciary to the agitator and the mob. The history of our country is replete with instances where the courts have handed down decisions that were unpopular at the time they were rendered, but those decisions were in accordance with the Constitution and the laws of the land as construed by the judges who rendered the decision. To have recalled the judges who rendered them would have meant the triumph of mob rule over representative government. Our entire system of jurisprudence rests upon our constitutions, our treaties, our codes, the common law, statutes of the legislature, and precedents established by the courts. In construing laws the courts are governed by all of these instrumentalities. The judges render their decisions in accordance with their construction of these various instrumentalities, as applied to the case at bar. The judges, being human, may sometimes err, but there is usually an appeal to a higher tribunal, and, as a general proposition, the law when finally construed is promptly accepted by the people as the rule of action for all individuals affected by the decision. But what must happen in any community where the judge, when he decides the case according to the law as he construes it, if that construction be unpopular, must be divested of the ermine, must be pulled down from his seat upon the bench?

If that condition is to prevail in the new State of Arizona, or in any State of this Union, the constitution of that State, the codes of that State, all law textbooks, and the law colleges of that State should all be entirely abolished. They would be entirely superfluous and unnecessary. The judge must decide the case according to the popular demand or else he must be recalled from his position. It is unthinkable that any such condition can be allowed to prevail in this country. It would inevitably lead to anarchy and to the destruction of all government. [Applause.] High-minded lawyers would no longer seek a seat upon the bench. In fact, it would not be at all necessary to have a lawyer on the bench. Anybody would do just as well if decisions are to be rendered in accordance with the passing fancy of the multitude, rather than in accordance with the organic law and legislative acts of the State.

Mr. Cooley, in his work on "Constitutional Limitations," discussing the power of the people to amend or revise their constitution, says that it—

is limited by the Constitution of the United States.

(1) It must not abolish the representative form of government, since such act would be revolutionary in its character, and would call for and demand direct intervention on the part of the Government of the United States.

(2) It must not provide for titles of nobility, or assume to violate the obligation of any contract, or attaint persons of crime, or provide ex post facto for the punishment of acts by the courts which were innocent when committed, or contain any other provision which would, in effect, amount to the exercise of any power expressly or impliedly prohibited to the States by the Constitution of the Union; *for while such provision would not call for the direct and forcible intervention of the Government of the Union, it would be the duty of the courts, both State and national, to refuse to enforce them and to declare them altogether void, as much when enacted by the people in their primary capacity as makers of the fundamental law as when enacted in the form of statutes through the delegated power of their legislatures.*

If this be the true limitation on the power of the people to amend or revise their constitutions as contemplated by the framers of the Federal Constitution, the will of the framers would be entirely subverted if the doctrines of the initiative and the recall of the judiciary were allowed to stand in this proposed constitution of the proposed State of Arizona. Under the provision of Article IV, subdivision 1, section 2, of that proposed constitution, 10 per cent of the qualified electors shall have the right to propose any measure and 15 per cent shall have the right to propose any amendment to the constitution. Suppose 15 per cent of the qualified electors should propose an amendment to the constitution of that State, which amendment was entirely repugnant to some provision of the Constitution of the United States. Say the amendment is proposed at a period of great popular excitement and is adopted by a majority of the votes cast thereon, and upon proclamation of the governor it is declared to be the law, as provided in section 5 of Article IV, subdivision 1, of the said proposed constitution. The question of the constitutionality of this amendment is then taken to the courts of Arizona for adjudication. The judges, bound by their oaths to support the Constitution of the United States and the laws of our country, decide that the proposed amendment is, in fact, unconstitutional. Immediately petitions for the recall of these judges are circulated, and at a subsequent election, held in conformity with the provision of the recall article of this proposed constitution, these judges are recalled and their places are filled by men who are apparently in sympathy with the popular demand of the people.

New initiative petitions are circulated, and in four months there is another election on these same questions—questions that may be absolutely antagonistic to some of the provisions of the Constitution of the United States. This time the newly elected judges declare them constitutional, in conformity with the popular demand. Does anyone think for a single moment that a republican form of government can truly continue to exist under such conditions? Would such conditions not lead to anarchy? Ah, but some of the friends of the initiative and the recall will say that I have stated an extreme case. Let me remind them that governments are put to severe tests on many occasions. When the founders of our Government framed the Constitution in order to establish a more perfect union they did not realize that within 75 years millions of men would be found under arms to determine by the arbitrament of war that the Government which they had launched in the expectation that it would bestow untold blessings upon the millions who would come after them would be put to such a terrible test. [Applause.] It is much safer to prevent any possible contingencies of the character that I have suggested. And if nothing else be done by this House in the matter of approving this proposed constitution, it would be the part of wisdom and safety to compel the people of Arizona to eliminate from their constitution the recall provisions at least so far as they relate to the judiciary, and to guarantee that no such provision should at any time be adopted by the electors of the proposed State.

If judges who render opinions that do not meet with popular approval had been subject to recall under some provision of the Federal Constitution, John Marshall, Roger B. Taney, and many other judges of the Federal courts would have had to defend their titles to their places on the Federal bench. As a matter of fact our Federal judges have always stood high in the estimation of their countrymen as men of unquestioned probity and sterling integrity. [Applause.] Invariably they have had the confidence of our citizens, and the cases in which that confidence has been misplaced are so few that they may be considered a negligible quantity.

It is undoubtedly true that the chief reason why these jurists have been held in such high esteem is that they were appointed during good behavior, or practically for life, and were not subject to change by reason of a change in political conditions.

Madison, who is universally recognized as having been one of the ablest men in that convention of able men who framed the Constitution, speaking of the judiciary, says in The Federalist:

According to the provisions of most of the constitutions, as well as according to the most respectable and received opinions on the subject, the members of the judiciary department are to retain their offices by the firm tenure of good behavior.

* * * * * * *

The tenure by which the judges are to hold their places is, as it unquestionably ought to be, that of good behavior.

Does anyone seriously contend that the same high standard could be maintained if these judges were to become subject to the recall? To my mind it is ridiculous to think so. Instead of jurists absolutely independent in thought and action the bench would be occupied by weak and pliant creatures of the popular will, who would ever have their ears to the ground to find out which would prove the most popular way to decide questions of great public import.

I think the situation was admirably stated by the junior Senator from the State of California [Mr. WORKS] when he was the Senator-elect, in a letter to one of his friends in the California Legislature while this very question was pending before that

body. It was printed in the CONGRESSIONAL RECORD of April 27 last, and reads as follows:

I am glad you had the courage and good judgment to oppose the application of the recall to judges. The future of this country is greatly dependent upon a fearless and independent judiciary. Any conscientious man, who has served as judge, will tell you that he has been compelled by his oath and his sense of duty to render decisions that were unpopular with him, and if left free to exercise his own desires no such decisions would have been rendered. Indeed, the most difficult thing a judge has to do is to control his own feelings and decide cases according to law and not according to his own feelings of sympathy or the reverse.

Such a judge will, of necessity, render decisions that are unpopular with the public as well as himself in the performance of his imperative duty. It will be just such unpopular decisions that will arouse public resentment and induce the recall of the judge who has the honesty and the courage to do his duty, often against his own feelings. The judge who will bow to his own feelings or to public clamor, often ill founded, will never be recalled, while the judge who does his duty will fall a victim to the public indignation, based on wholly false ideas of the duty of a judge. We will still have judges that will do their duty fearlessly in spite of the big stick in the form of the recall. I hope we have courageous men enough in the legislature to resist the public clamor that is pressing for this legislation, that will make the weak judge weaker and encourage the dishonest judge to decide cases in such way as to secure public favor instead of deciding the law without fear, favor, or affection. It will be a sorry day to this State when a law is passed that must, in the nature of things, degrade the judiciary and make it less honest, less fearless, less independent. No possible good can come of such legislation, while much harm may, and almost certainly will, result if any such law is enacted and attempted to be enforced.

[Applause.]

Mr. RAKER. Right in that connection will the gentleman yield?

Mr. KAHN. I decline to yield at present. I will answer all questions when I have concluded my speech.

Mr. RAKER. It is so appropriate right here.

Mr. KAHN. I decline to yield.

Mr. Chairman, I thoroughly concur in these sentiments, and, as I stated before, the people of California have found that under existing laws, without having had to resort to such dangerous and doubtful experiments in popular government as the initiative, referendum, and recall, they were able to elect honest officials who have proved faithful to the trust that has been imposed upon them by the people of that State. But, under section 5 of Article VIII of the proposed Arizona constitution, only one recall petition shall be filed against the same official during the term for which he was elected "unless"—mark this language—"unless petitioners signing such petition shall first pay into the public treasury, which has paid such election expenses, all expenses of the preceding election." The judges of every State are called upon at times to decide questions where great interests are involved and where big stakes hang in the balance. Suppose, for the sake of argument, a conscientious judge decides a case according to the law as he construes it and against some powerful corporate interests. Perhaps in its scope the decision affects millions of dollars' worth of property.

The corporation, feeling incensed at the decision of the judge, gets out petitions for his recall. The recall election takes place, and the judge is sustained by his constituency. The corporation being soulless and possessed of large means determines to harass and worry the judge. It can easily afford to pay the expenses of the preceding election, and in a brief period of time it does so and starts out to secure new recall petitions against this very judge. There is no inhibition in Article VIII against such a course, always provided, however, that the petitioners "pay all of the expense of the preceding election." And unless a law were passed under the provisions of section 6 of Article VIII of the proposed constitution which would allow the payment by the public treasury of the reasonable special-election campaign expenses of the officer, the judge would have to bear the burden of these expenses out of his annual salary of $3,000, $3,500, or $4,000, according to the judicial district in which the court is located. But aside from this question of paying the special-election campaign expenses of the judge, would not the attempt to recall him harass, worry, and annoy the conscientious official?

I dare say that very few able, honest, and efficient jurists would want to continue on the bench under such circumstances and conditions. In the very nature of things justice would be throttled ultimately, and men of character and ability would never aspire to judicial office in that State. [Applause.]

Indeed, it is my firm belief that in those States in which the recall of officials may be adopted the corporations and powerful interests will attempt to utilize those provisions to harass and worry those public officials whom they can not control. It is a most dangerous weapon against honest officials. Heretofore such corporations have tried to defeat the officer, who had refused to yield to their blandishments, for renomination, or failing in that, at the polls.

Under the recall they will not have to wait so long as formerly to wreak their vengeance upon the man who has proved faithful to his trust, and who has refused to succumb to the demands of these corporations or powerful interests. Under our present system they have to wait until the offending official's term of office is about to expire. Under the new dispensation they can seek to oust him immediately, and, failing the first time, they can keep up the contest against the faithful official until he will give up his position in sheer disgust. [Applause.]

It has been contended by some of those favoring the recall that it is not a new proposition, but that it was in vogue before our Federal Constitution was adopted. Article V of the Articles of Confederation provided that—

For the more convenient management of the general interest of the United States, delegates shall be annually appointed in such manner as the legislature of each State shall direct, to meet in congress on the first Monday in November, in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year. * * *

This provision was entirely omitted from the Constitution of 1787, no doubt because it was found to be harmful and impractical. The Articles of Confederation, soon after their adoption, were found to be weak and unsatisfactory in many particulars. Probably one of the very sources of weakness was this very provision for the recall of delegates by the legislature of a State at any time within the year and the sending in their places of new delegates. It does not require any great stretch of the imagination to realize what might happen if an important measure were under consideration, a measure that had been thoroughly discussed for a long period of time, and just before the vote was to be taken on its rejection or adoption the delegates of any State should be confronted by a new set of delegates who brought with them the authority of the legislature of their State for the recall of the sitting delegates. How could these new delegates, not being familiar with the discussion on the merits or demerits of the proposed law, vote intelligently thereon? The situation is obvious, and I need hardly pursue the subject further.

And it is a matter of record that frequently the States failed to send any delegates at all to the Congress during the days of the Articles of Confederation.

"But," say some of those who favor the recall, "when the Constitution of 1787 was framed the reactionaries were in control and th— provided that the several States should no longer be able to recall their representatives."

Saints of heaven, the reactionaries were in control! George Washington, Edmund Randolph, James Madison, George Mason, Francis Dana, Elbridge Gerry, Rufus King, Caleb Strong, Roger Sherman, Oliver Ellsworth, Robert Yates, Alexander Hamilton, David Brearly, William Patterson, Thomas Mifflin, Robert Morris, Gouverneur Morris, George Clymer, Jared Ingersoll, James Wilson, John Dickinson, Daniel Carroll, Richard Caswell, Charles Pinckney, Charles Cotesworth Pinckney, John Rutledge, Nathaniel Pendleton, William Houston, and all their patriotic colleagues who spent so many weary weeks and months in framing a Federal Constitution that would help "to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common Defense, promote the general Welfare, and secure the Blessings of Liberty" to themselves and their posterity, branded by these overzealous heralds of the new dispensation as reactionaries. [Laughter and applause.] It simply illustrates the limits to which men will go in order to bolster up an unworthy cause.

Now, it must be remembered that John Dickinson, who planned the Articles of Confederation, was also a member of the convention which framed the Federal Constitution and which omitted the recall from its provisions. Evidently John Dickinson, the author of the Articles of Confederation in 1776, must have been captured, body and soul, by the reactionaries of the Constitutional Convention of 1787 and converted to their cause, for he unhesitatingly gave his entire approval to the new Constitution, notwithstanding the elimination therefrom of the sacred recall provision of the Articles of Confederation. On September 17, 1787, he joined with his colleagues in signing the historic instrument.

Nor did the legislature of his State or the citizens of his State deprecate his action in so doing, for John Dickinson was a delegate to the convention from the State of Delaware, and Delaware was the very first of the original 13 States to ratify the Constitution.

According to the logic of some of the advocates of the recall, the constituents of John Dickinson must all have become reactionaries, for they promptly placed the stamp of their approval upon the work of their delegate, John Dickinson, even though he had consented to the omission of the recall from the provisions of the proposed new Constitution.

Some of those who favor this legislation may believe that it would be a difficult thing to secure the necessary signatures to a petition for a recall, unless the people were aroused against some particular official. But let me call these facts to their attention. Election contests are usually rather close. In the total vote of a State like Arizona, there may be a difference of only 300 or 400 votes between the successful candidate and his opponent. As a matter of fact there was only a difference of 708 votes between the present Delegate from Arizona [Mr. CAMERON] and his opponent, Mr. Smith, in a total vote for Delegate of 26,367, at the general election held in the Territory on November 2, 1908.

It has been frequently asserted that our Government is a government by parties. I believe that to be true. If party spirit should run high—and it mostly always does—does anyone feel that it would be difficult to get the signatures of 25 per cent of the electors for a recall petition? And there is not a Member on this floor that is not thoroughly familiar with the fact that hundreds of people sign petitions without even looking to see what they are signing. I feel that, as a general rule, there would be mighty little difficulty in securing the necessary number of signatures.

And right now let me observe that I believe these questions of the adoption or the rejection of the initiative, the referendum, and the recall as a part of our legislative system and our election system, to be highly important ones. They ought to be discussed frankly, freely, fully, and without asperity. I have read much upon these subjects, and in the course of my reading I have often found that the proponents of these propositions were entirely intolerant of criticism and opposition.

They have frequently indulged in most scathing denunciation of those who honestly and sincerely oppose these new and unusual methods of legislation and election. "Creatures of the corporations," "hirelings of the interests," "enemies of the people" are some of the epithets that have been hurled at those who have had the temerity to array themselves among the "doubting Thomases." In many cases the latter have retorted with "demagogue," "dreamer," "impractical theorist," "fanatic," "fool." It all goes to show the intense interest that has been awakened in the discussion of these questions throughout the country; but villification and abuse never yet settled a controversy. Applying epithets hurts no one except him who indulges in the practice. Every man is entitled to have his own views upon these questions and to express those views freely and openly. It is good that they should be discussed freely and openly in order that the people themselves, who will be the last resort in determining whether they should be tried or rejected, may understand their demerits as well as their merits. And it is certainly not in a captious spirit that I am discussing them from my point of view in connection with the proposed constitution of the proposed State of Arizona.

It certainly is not my purpose to question the motives that actuate those who favor or those who oppose these provisions. I believe that many of the advocates as well as the opponents of these experiments in republican form of government are undoubtedly sincere; but doubtless, too, there are also many who attach themselves to what they consider the popular side of the controversy in the hope of future political preferment.

The latter form a dangerous element in our political system. That fact was pointed out by Alexander Hamilton during the discussion on the adoption of the Federal Constitution. He said in his letter in The Federalist "On the Purpose of the Writer"—

> a dangerous ambition more often lurks behind the specious mask of zeal for the rights of the people than under the forbidding appearance of zeal for the firmness and efficiency of government. History will teach us that the former has been found a much more certain road to the introduction of despotism than the latter, and that of those men who have overturned the liberties of republics the greatest number have begun their career by paying an obsequious court to the people, commencing demagogues and ending tyrants.

[Applause.]

Mr. Chairman, I have tried to point out the grave danger that would befall the judiciary of that proposed State if this proposed constitution were accepted as it has been presented to us.

But aside from its effects upon the judiciary, I believe that the so-called recall is of doubtful benefit to the people of any State. Why, sir, there is scarcely one of our national heroes against whom a recall petition would not have been filed at some period during his official incumbency if the laws of the land had permitted it. When Washington sent the Jay treaty to the Senate to be ratified, there was such an outburst of disapproval on all sides that within 48 hours after its provisions became known the necessary recall petitions would have been signed by thousands of electors in excess of the required percentage, and the Father of his Country might have been relegated to private life long before his countrymen could have had an opportunity to discover the wisdom and the foresight of that great statesman that prompted him to negotiate the treaty which for a brief period of time was looked upon as being so obnoxious to American interests. And does any Member of this House doubt that the immortal Lincoln would have been put to the task of defending his title as Chief Executive of this Republic if, during the dark days of 1862, the recall had been one of the cardinal principles of our Federal Constitution?

Does anyone doubt that enough signatures could have been procured in New England alone, in 1808, for the recall of President Jefferson when the embargo act began to destroy the commerce of that section?

Does anyone doubt that enough signatures could have been procured for the recall of President Madison in that same New England, in 1813 or 1814, during the progress of the War of 1812?

Does anyone doubt that enough signatures could have been procured in the South for the recall of President Roosevelt immediately after he had invited Booker T. Washington to lunch with him at the White House? [Laughter and applause.]

And so I could keep on enumerating instances where popular feeling ran high in certain localities against public officials, where there would have been no difficulty in securing the signatures of the necessary 15, or 20, or 25 per cent of the voters required by the law to put the official to the task of defending his right to continue in office.

And if the recall be a good thing for a single State, why is it not likewise a good thing for the entire Nation? But, Mr. Chairman, can it even be said that it is a good thing for a municipality? Let me read to you an editorial from the Wilkes-Barre Record of May 5, 1911, on the recall experience of the City of Tacoma, State of Washington:

ONE RECALL EXPERIENCE.

Those who revel in the excitement of a political campaign can wish for nothing more satisfying than the recall system as it is being operated in the city of Tacoma. On the 5th of April an election was held to determine whether the mayor should be ousted before the expiration of his term. None of the candidates received a majority of the votes cast and another election was held ten days later. This time the mayor was deprived of his seat. Two weeks later, on the 2d of May, the required petition having been filed, the four city commissioners were hauled up for the ordeal. The election was not decisive and another election has been ordered for the 16th of May. If this contest does not give a majority the citizens will have to try again. When the commissionership has been disposed of the requisite number of citizens may take it into their heads to petition for the recall of some other officers, if there are any others subject to the law.

With officeholders liable to be called into three or four campaigns during a single term, perhaps on the initiative of political machines whom they offend, how long will Tacoma or any other city that adopts a similar system be able to induce men of the right caliber to run for office? How long will the better class of voters take an interest in this kind of business and go to the polls to give expression to the honest sentiment of the majority whenever a handful of citizens compels an election? The recall may be enticing in theory, but carried out on the Tacoma plan it stands a good chance of defeating the very purpose which it was intended to accomplish.

It is evident that the politicians of Tacoma soon discovered the latent possibilities that lurk in the innocent-looking provisions of the recall law, and they have thus early started to play the game to its logical conclusion. In the meantime the taxpayer is footing the bills. [Applause.]

Mr. Chairman, I believe that the recall has never been tried as a State-wide proposition. It has been tried in a few communities, and there seems to be some difference of opinion as to its efficacy even in municipalities. The experiences of the city of Tacoma may have had their counterpart in other localities. I can not say as to that. But any one familiar with republican institutions must realize that numerous elections are not a good thing. Perhaps one of the great defects in our system is "too much politics" and too many elections. One election, or, at the very outside, two elections, in a year may bring out a fairly large proportion of the voting population.

But as the number of elections increases the number of voters at each succeeding election in that year will decrease materially. That, I believe, has generally been the experience of municipalities. It has been the experience in the country in which the initiative and referendum originated—Switzerland. And thus questions of most vital importance to all the people of a community may be determined by an exceedingly small proportion of the voting population. "But we must pass a law to compel people to vote," some enthusiastic believer in the new cult will proclaim. In fact, I have seen such a proposition mooted on more than one occasion. The citizen must be made to exercise his franchise. It certainly sounds mighty alluring. And some day it may be proposed in some State or in some municipality that already has adopted the initiative. Well, Mr. Chairman, that proposition has also been in vogue in some of the Cantons of Switzerland—that land of beauty and of grandeur, which is also responsible for the referendum and the initiative. But how has it operated in the Canton of

Zurich, for example? It is true the people go to the polls under this compulsory voting law. It is true that they vote, but in thousands of instances they vote blank ballots. Mr. Albert Bushnell Hart, whom I have already quoted, says:

> In Zurich there is a compulsory voting law, of which the curious result is that in both national and cantonal referenda many thousands of blank ballots are cast.

Mr. Chairman, Article VIII, subdivision 2, of the proposed constitution of Arizona provides a second method of removing officials, to wit, by impeachment. It is the method employed in the Federal Constitution and in practically every State constitution as the mode of procedure against any official charged with malfeasance in office. It is seldom invoked, but in those instances where it has been called into requisition it has generally proved sufficiently efficacious to have met the emergencies that had arisen. It is, in my judgment, a much safer and a much firmer base to stand upon than is the insecure and experimental one of the recall. [Applause.]

The framers of the Federal Constitution realized fully the danger of passing laws during periods of great excitement. And so they determined that a considerable length of time should elapse between the election of Members of Congress and the convening of the new Federal legislative body. In most of the States nearly 13 months must elapse between the date of the election of its Representatives to the Congress and their actual induction into office. But the framers also recognized the fact that conditions might arise that would require immediate congressional action, and so they wisely gave the Chief Executive the authority to call an extraordinary session whenever, in his judgment, the circumstances might warrant such a course. And time has fully vindicated the wisdom of the fathers in having framed the organic laws, so that any extraordinary conditions of great excitement at the close of one Congress will be materially allayed by the time the succeeding Congress is called to order.

Mr. Chairman, we have had during the 122 years of our history as a nation many illustrations of the comparative rapidity with which people change their views upon public questions. It is needless for me to go into details. One instance, with respect to the government of municipalities, will suffice. About 25 years ago it was felt throughout the country that the very best form of government for our cities would be found in the election of one responsible head, who should have full power to appoint all commissioners and certain other subordinates. These commissioners and subordinates were to be accountable to the responsible head, and the people, under such conditions, could hold this responsible head to a strict account of his stewardship. Whenever, under this system, the responsible head was himself an honest, efficient official who made good appointments, the plan worked admirably.

But in a number of cases the men elected to the mayoralty proved recreant to the trust the people had imposed upon them. They appointed inefficient or corrupt commissioners and subordinates. In consequence a demand for a change has been growing in all parts of the country. The responsible-head idea in more recent years has been looked upon with more or less disfavor, and to-day the so-called commission plan, is being advocated as the ideal system. That is an apt illustration also of how things that sound well in theory oftentimes work badly in practice. Why, sir, within the past few months I myself witnessed an incident that was indicative of the rapidity with which people sometimes change their opinions. In the latter part of November, 1910, I was a delegate to the Lakes-to-the-Gulf Waterways Convention at the city of St. Louis, Mo. There were some 1,500 delegates in attendance. They came from many sections of the Union. They were men of affairs, merchants, lawyers, doctors, civil engineers, scientists, financiers, farmers, and representative citizens in many other walks of life. They were intensely in earnest. The adoption of their views in regard to the deepening of the Mississippi River to a depth of 14 feet lay near to their hearts. They felt that there was a disposition on the part of the President of the United States to give them much less than they had asked for. The committee on resolutions brought in its report, and in that report there were some rather disparaging remarks about the President. I remember the prolonged cheers that greeted the uncomplimentary references to the Chief Executive. It was some little time before order could be restored.

The resolution evidently echoed the sentiment of a large majority of those present. When quiet had been restored and the question of the adoption of the report was submitted to the delegates, there arose a gentleman who moved to strike out the words which he considered to be a reflection upon the President. There was an uproar immediately, and realizing that he was in a hopeless minority, he withdrew his amendment to strike out the offensive words. Thereupon my distinguished friend and colleague from the State of Missouri, Dr. BARTHOLDT, who was also a delegate, renewed the motion, and in a few well-chosen sentences gave reasons why the objectionable language should be stricken from the resolutions. He was followed immediately by the governor of Illinois, who, in a forceful and vigorous speech of about 20 minutes' duration, completely changed the sentiment of that convention, and the very men who had so vociferously cheered the offensive aspersions a few minutes earlier were cheering just as lustily to have them stricken from the resolutions.

And it is only necessary to recite the historic incident of Marc Antony's oration over the dead body of Julius Ceasar to demonstrate the fickleness of the multitude at times. I need not recite the story here. It is familiar to every schoolboy. And what happened in the Roman forum 2,000 years ago has had its counterpart many times in the progress of human advancement.

The people, in these days of the railroad, the steamship, the telegraph, the telephone, and other methods of speedily disseminating news, are perhaps a little more prone to change their minds than were the people in those days when Rome was mistress of the world. In our everyday life we have learned to realize that the sensation of to-day becomes the "chestnut" of to-morrow. [Laughter and applause.] And all these experiences go to show that mankind are prone to err. Perhaps the most hopeful sign in our present-day civilization is the promptness with which the masses are willing to reverse their judgment when they find that they have been in error. [Applause.]

Mr. Chairman, as it is with cities, so it is with States. What may be found to work admirably in one State by reason of the conditions existing therein may not work at all in some other State. And the people of the latter State may be just as patriotic, just as honest, and just as virtuous as are the people of the former State. The framers of the Constitution realized that governments ought not to be easily changed, nor upon slight provocation. In his Farewell Address, Washington uses this language:

> Toward the preservation of your Government and the permanency of your present happy state it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. *One method of assault may be to effect in the forms of the Constitution alterations which will impair the energy of the system and thus to undermine what can not be directly overthrown.* In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitutions of a country; *that facility in changes upon the credit of mere hypothesis and opinion exposes to perpetual change from the endless variety of hypothesis and opinion;* and remember especially that from the efficient management of your common interests in a country so extensive as ours, a Government of as much vigor as is consistent with the perfect security of liberty is indispensible.

[Applause.]

These sentiments are replete with political wisdom, and I believe the Congress would be remiss in its duty if it did not heed the splendid advice of the Father of his Country.

I have come to the conclusion that this bill for the admission of Arizona as a State into the Union ought to be recommitted to the Committee on Territories with certain instructions.

There should be a condition precedent to the promulgation of a proclamation admitting Arizona as a State that the people of that Territory must eliminate the article relating to the recall. At any rate, the recall should never be permitted to include the judiciary. Not until such conditions shall have been complied with should the Territory be admitted as a State into the Union. There are numerous instances in the history of this country where certain constitutional provisions have been imposed upon Territories as a condition precedent to their admission into the sisterhood of States.

Thus the act of 1802, under which Ohio was admitted into the Union, prescribed as a fundamental condition that its constitution should not be repugnant to the Ordinance of 1787 for the government of the Northwest Territory. The sixth article of that Ordinance declares that there shall be neither slavery nor involuntary servitude in the said Territory, otherwise than in the punishment of crime, whereof the party shall have been duly convicted. A similar condition was imposed by the Congress upon the people of Indiana and Illinois. The State of Louisiana before it could be admitted was required by the Congress to provide in its constitution for trial by jury, for the writ of habeas corpus, and for the principles of civil and religious liberty. Said State was also required to keep its records and its judicial and legislative proceedings in the English language. Its people were also required to surrender all claim to all unappro-

priated lands in the Territory, and to prohibit the taxing of any lands of the United States. A condition was imposed upon the people of Missouri, which required that the Territory should take a census and should be admitted only upon condition that the census should disclose the fact that there were 40,000 inhabitants within its borders. The bill was amended by Congress before it became a law so that the constitution of the proposed State of Missouri should prevent the State from taxing lands of the United States situate therein, and also declaring that all navigable waters within the State should remain open to the other States and should be exempt from any tolls and duties. Utah was compelled to insert a stringent provision in her proposed constitution that no law establishing polygamy in the proposed State should ever be enacted. Does anyone doubt the wisdom of Congress in having insisted on such a provision in the organic law of the State of Utah? And have the people of that State ever attempted to defy the Congress by amendment of their constitution in that particular since the inhibition was imposed upon them? Why, of course not. And so I could cite innumerable instances where fundamental conditions have been imposed from time to time upon proposed new States as the price of their admission as States into the Union.

If the Congress had the power heretofore to require such fundamental constitutional provisions as conditions precedent upon which the proposed new States were to be admitted, it seems to me that it has the power to-day to require of any of her Territories that seek admission that the proposed State constitution of that Territory should carry a fundamental provision that the judiciary should never be subject to recall. I believe firmly that such a provision should be insisted upon in this case. It has been argued that even if the present proposed constitution were adopted upon the express condition that the people of the Territory of Arizona should have an opportunity to vote upon the recall provision separately, and if the said provision should, for the time being, be rescinded, that after the admission of the Territory as a State the people therein could still, by amendment of the constitution, reenact the objectionable provisions of the present proposed constitution. That is undoubtedly true. And for that very reason I believe that the Committee on the Territories should be instructed to report the bill back with a fundamental condition so that the constitution of said State shall never be amended so as to provide for the recall of the judiciary of that State. I believe that in practically every instance where such fundamental conditions were imposed the people recognized the sacredness of the obligation and religiously maintained the mandate of Congress as binding upon the proposed State.

It may seem somewhat drastic to insist upon such a condition, but I believe that the situation warrants it.

The enabling act admitting Arizona and New Mexico as separate States is itself an unusual enabling act. That act was passed by Congress with the language that compels the submission of a certified copy of the proposed constitution, and such provisions thereof as have been separately submitted, to the President of the United States and to the Congress for approval. The very purpose of inserting such provisions in the enabling act was to allow the Congress to scrutinize the proposed constitution before the full rights of statehood should be accorded. And having scrutinized the proposed constitution of Arizona and having found provisions which must seem repugnant to our institutions we are justified in insisting upon a condition precedent that the proposed constitution be so amended as to forever preclude the possibility of having the judiciary of the proposed State subject to the doubtful and dangerous expediency of recall. [Loud applause.]

Mr. FOWLER. Mr. Chairman——

The CHAIRMAN (Mr. MURRAY). Does the gentleman from California yield to the gentleman from Illinois?

Mr. KAHN. I do.

Mr. FOWLER. I desire to inquire if it is not a fact that the initiative, referendum, and recall are new elements in American politics?

Mr. KAHN. They have been mooted and discussed for a good many years; they are not altogether new elements.

Mr. FOWLER. In American politics?

Mr. KAHN. Not altogether new elements; no.

Mr. FOWLER. I desire to inquire what the gentleman regards as the cause and growth of the sentiment for initiative, referendum, and recall in America?

Mr. KAHN. They sound good, and a good many agitators, in the hope of being elected to office, have advocated them. A good many of the muckrake magazines of this country have also advocated them. I dare say the gentleman will find that a good many of those who advocate them have never given them careful or serious consideration.

Mr. FOWLER. I ask the gentleman if it is not a fact that these three elements have found their way into American politics because of the abuse of power by those who have been trusted by the people?

Mr. KAHN. I do not believe that that is the fact at all.

Mr. FOWLER. I ask the gentleman if it is not a fact that Great Britain has a recall system in her Parliament which has been in vogue for centuries?

Mr. KAHN. That is not the case. As I understand the British system it is this: The members of Parliament are elected at intervals of seven years. There is a ministry appointed, and this ministry assumes all responsibility for government, and if at any time the ministry is defeated in the Parliament on an important measure that they may have proposed, they resign from office and appeal to the country.

Mr. FOWLER. I ask the gentleman if that system has ever proved detrimental to the British Government?

Mr. KAHN. That is not the system proposed by the initiative and referendum at all. The gentleman does not know what the initiative and referendum are if he tries to couple the British parliamentary system with the system proposed under the referendum and recall. The people of Great Britain never propose bills by initiative, nor do they vote upon them by referendum after Parliament has passed them. Now I will yield to the gentleman from Colorado.

Mr. MARTIN of Colorado. I understand that Oregon has incorporated the recall into its constitution. I suppose the gentleman will admit that every other State in the Union, if the people saw fit to do likewise, could adopt it. If the gentleman concedes that, I want to ask him if it is fair to Arizona to impose upon that State a condition that will forever forbid or prevent the people of that State from incorporating the same provision in their constitution?

Mr. KAHN. If the people of other States make mistakes, let us guard against the people making a similar mistake in Arizona.

Mr. MARTIN of Colorado. New Mexico might incorporate the recall into its constitution in the course of a few years, and they would not be forbidden to do it as would Arizona.

Mr. KAHN. Well, as far as that is concerned, New Mexico had the opportunity to do it, and she showed a rational spirit in the formation of her constitution, and we are willing to trust the wisdom of her people.

Mr. MARTIN of Colorado. Well, she might get irrational like California did.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. LENROOT. I did not hear all of the gentleman's speech, and for information I would like to know whether he contends that if this recall provision shall remain in the Arizona constitution they would not have a republican form of government?

Mr. KAHN. In the true sense of the word I do not think they would have a republican form of government.

Mr. LENROOT. Then I want to ask the gentleman this question, as to whether he believes the constitutional provision in our Federal Constitution of guaranteeing a republican form of government is not a continuing duty on Congress?

Mr. KAHN. Yes; I think it is.

Mr. LENROOT. Then I want to ask the gentleman whether his State of California has not proposed a constitutional amendment to be submitted to the people for the recall of judges?

Mr. KAHN. I am sorry to say that has been done, but so long as I have voice or breath I shall protest against it with all of the energy and vigor that I can command. [Applause.]

Mr. LENROOT. Just one more question. I want to ask the gentleman this: If his State of California shall adopt that constitutional amendment, whether he believes it will then be the duty of Congress to exclude California from the Union because it has not a republican form of government? [Applause.]

Mr. KAHN. That is up to the courts and the Congress. I thought, however, the gentleman was also referring to the initiative and referendum. I think the initiative is undoubtedly unrepublican. I think it probable that the recall is not unrepublican. Perhaps I may add that I believe the initiative would ultimately lead to the destruction of all government. It would lead to anarchy.

Mr. RAKER. Will the gentleman yield for a question?

Mr. KAHN. Certainly.

Mr. RAKER. Is it not a fact that in the last Republican platform adopted in September by the Republicans of California they adopted the initiative, referendum, and recall?

Mr. KAHN. They did, and I am sorry for that; but the last Democratic national platform provided for free lumber, and yet dozens of Democrats on your side voted against free lumber.

Mr. RAKER. Now, is it not a fact that the gentleman and all those who stood on the Republican side in California stood by the officers to elect them upon the platform of the initiative, referendum, and recall, and upon the same platform and in the same building?

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. I will ask the gentleman from Pennsylvania to yield me one minute more.

Mr. LANGHAM. Mr. Chairman, I yield the gentleman one minute more.

Mr. KAHN. Mr. Chairman, I believe that the Republican platform did contain such a plank. I was not consulted in the making of that platform, nor was I present at the convention at which the platform was formulated. If I had been, I would probably have opposed it, although I had not given the subject the study and thought that I have given it since then. I stated on this floor awhile ago that I was at one time disposed to favor them. They looked good in theory to me. After having studied these innovations, however, I am entirely opposed to them, and so long as I continue in public life and so long as I live I will keep on raising my voice against those provisions, for I consider them exceedingly detrimental to the continued welfare of the American people. [Applause.]

Mr. RAKER. Will the gentleman yield for one further question?

The CHAIRMAN. The time of the gentleman has expired.

Mr. LANGHAM. Mr. Chairman, I yield two minutes to the gentleman from California [Mr. KNOWLAND].

Mr. KNOWLAND. Mr. Chairman, in view of the interest manifested by the people of California and the entire Pacific coast in the subject of Japanese immigration, which was widely discussed when the new Japanese treaty was before the Senate for ratification during the last session of Congress, I desire to insert herewith in the RECORD some very significant figures furnished by the Department of Commerce and Labor. These figures show the arrival and departure of Japanese for both the United States proper and the Territory of Hawaii from July 1, 1908, to March 1, 1911. Within this period there arrived at United States ports 7,501 Japanese, while 14,195 sailed for Japan. This does not look like an invasion. In Hawaii, regarding which Territory much concern has been expressed, there were 4,348 arrivals and 6,266 departures. In other words, 6,694 more Japanese left continental United States than arrived, and 1,918 more left Hawaii than came into that Territory.

Mr. NORRIS. Mr. Chairman, during what time was that?

Mr. KNOWLAND. During the period I have just stated, from the 1st of July, 1908, to the 1st of March, 1911. Taking the combined figures of both the continent of the United States and the Territory of Hawaii there were 8,612 more Japanese who took their departure for the Empire of Japan than entered the continent of the United States and the Territory of Hawaii. The letter is as follows:

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, May 8, 1911.

Hon. JOSEPH R. KNOWLAND, M. C.,
House of Representatives, Washington, D. C.

MY DEAR SIR: In reply to your inquiry of the 28th ultimo you are advised that the records of this bureau show that more Japanese have left the United States during the past three years than have arrived. The arrivals and departures for continental United States and Hawaii since July 1, 1908, were as follows:

Period.	Continental United States.		Hawaii.	
	Arrived.	Departed.	Arrived.	Departed.
Fiscal year ended June 30, 1909	2,432	5,004	1,493	2,378
Fiscal year ended June 30, 1910	2,598	5,024	1,527	2,355
Eight months ended Feb. 28, 1911	2,471	4,167	1,328	1,533

Very truly, yours,

CHARLES EARL, *Acting Secretary.*

Mr. HUMPHREYS of Mississippi. Mr. Chairman, may I ask the gentleman a question? I was interested in his statement. The Japanese who leave the United States or leave Hawaii, have they the right under the law to return?

Mr. KNOWLAND. To return to Hawaii?

Mr. HUMPHREYS of Mississippi. Or to the United States.

Mr. KNOWLAND. Of course, there is no exclusion law to keep them out, but a sort of gentlemen's agreement, which was discussed at the time the Japanese treaty was before the Senate for ratification.

Mr. HUMPHREYS of Mississippi. I understand that. Is it the gentleman's understanding that these——

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. HUMPHREYS of Mississippi. This is an interesting subject and I desire to get this information, and I would like to have the gentleman's time extended——

Mr. LANGHAM. I will yield the gentleman one minute additional.

Mr. HUMPHREYS of Mississippi. Under this gentlemen's agreement will these Japanese who have returned to their native land have the right to come back to Hawaii and the United States, or will they, under the terms of that agreement, be kept out?

Mr. KNOWLAND. Well, I should judge, if they are laborers, that under the terms of that agreement they would not return.

Mr. LANGHAM. Mr. Chairman, I yield 30 minutes to the gentleman from Michigan [Mr. HAMILTON].

Mr. HAMILTON of Michigan. Mr. Chairman, in June, 1910, we passed an act to enable the people of the Territory of New Mexico to adopt a constitution and to become a State, and to enable the people of Arizona to adopt a constitution and become a State.

Mr. TRIBBLE. May I ask the gentleman a question?

Mr. HAMILTON of Michigan. I did not intend to yield because I wanted to shorten my remarks, but I can not refuse the gentleman.

Mr. TRIBBLE. Did not they adopt the constitutions?

Mr. HAMILTON of Michigan. Yes; they did.

Mr. TRIBBLE. Then what have we got to do with it, so long as they conformed to our requirements?

Mr. HAMILTON of Michigan. I will try to make that plain. I thought perhaps the gentleman had heard these debates.

Mr. TRIBBLE. I heard them.

Mr. HAMILTON of Michigan. Perhaps I may be able to add something to the gentleman's information. In that enabling act we provided for the election of delegates to constitutional conventions to be held in each of the Territories. We provided for the organization of the delegates into constitutional conventions, and then we provided that after these constitutional conventions should have formed constitutions the constitutions should be submitted to the people of the respective Territories for ratification or rejection.

The constitution of New Mexico was ratified by the people of New Mexico in January last. The constitution of Arizona was ratified by the people of Arizona in February last. We provided that if those constitutions were ratified they should be certified to the President of the United States and to the Congress, and then we provided as to each constitution that if Congress should approve and the President should approve, or if the President should approve and Congress should not disapprove during its next regular session, then the President should certify the fact to the governor in each case and State officers might be elected.

Mr. TRIBBLE. One more question.

Mr. HAMILTON of Michigan. Yes.

Mr. TRIBBLE. Do the constitutions that those two Territories ratified conform to a republican form of government?

Mr. HAMILTON of Michigan. I think the constitution of New Mexico does, and I think it would be difficult to say that the constitution of Arizona does not.

Mr. TRIBBLE. That is the very point I am driving at. If it does, what has this Congress to do with it? Are they not capable of judging for themselves?

Mr. HAMILTON of Michigan. I did not propose to go into that, but I will try to make it clear Congress has time and again annexed other conditions than that constitutions should be republican in form, and so forth. In enabling acts heretofore we have not provided that constitutions should be submitted to Congress at all. We have provided that if the constitution permitted to be formed should be republican in form and not repugnant to the Declaration of Independence, and should be in conformity with the enabling act, the President should make proclamation of that fact, and the Territory seeking admission might within a given time become a State. Now, in this enabling act we have departed from that course, and have said that the constitution shall not only be submitted to the President, but to the Congress of the United States, and we have given the power to the President to approve and the power to Congress to approve or disapprove. Now, the very fact that we have set out the power of approval or disapproval separate and apart from the condition that the constitution shall be republican in form and not repugnant to the Declaration of Independence to my mind forms an argument that the President may refuse to approve the constitution or Congress may refuse to approve the constitution for other reasons than those involved in a construction of the terms ordinarily incorporated in enabling acts requiring that constitutions shall be republican in form, and so forth. I know it is contended otherwise, but I think the very

purpose of that clause in the enabling act was to give the President the power to approve or disapprove and the power to Congress to approve or disapprove, outside of whether the constitution is republican in form or repugnant to the Declaration of Independence.

Now, it is a matter of common knowledge that the constitution of Arizona has in it a provision which has challenged the opposition of a good many Members, both of the House and of the Senate, and it is a matter of common knowledge that the President has expressed himself as opposed particularly to the provision permitting the recall of judges.

Mr. HUMPHREYS of Mississippi rose.

The CHAIRMAN. Will the gentleman yield?

Mr. HAMILTON of Michigan. I will yield to the gentleman from Mississippi.

Mr. HUMPHREYS of Mississippi. Before the gentleman goes to that point I would like to ask his opinion if, under the present situation, he thinks it is necessary to the admission of these States that the President approve these constitutions? Under this resolution pending now, as the gentleman has observed, they do not require the approval of the President——

Mr. HAMILTON of Michigan. I think they do—that is, I think his approval or disapproval of the constitutions is involved.

Mr. HUMPHREYS of Mississippi (continuing). But they will be admitted under the terms prescribed. Does the gentleman think that the acts of the last Congress will still be in force and the President will have to approve?

Mr. HAMILTON of Michigan. While the pending resolution modifies the enabling act in some respects, still the pending resolution can not become a law without the signature of the President, and his signature necessarily operates as approval of the constitutions.

Mr. FLOOD of Virginia. Will the gentleman yield?

Mr. HAMILTON of Michigan. I will.

Mr. FLOOD of Virginia. Does not the gentleman think that this resolution repeals the enabling act, so far as the President having to approve affirmatively all the provisions of the constitutions of Arizona and New Mexico is concerned?

Mr. HAMILTON of Michigan. The President will have to sign this joint resolution if it becomes law.

Mr. FLOOD of Virginia. Of course, he will have to sign as a part of the legislative department of the Government, but I mean, so far as approving the provisions of those constitutions affirmatively, does not the gentleman think this resolution will repeal that portion of the enabling act?

Mr. HAMILTON of Michigan. I would not think so. The joint resolution proposes to admit these Territories as States according to the terms of the enabling act as modified by the joint resolution; but the power of Congress and the power of the President to approve or disapprove is still involved. Let us consider the two constitutions separately. The President has approved the constitution of New Mexico, and he has sent a message to Congress declaring he has done so. Now, if Congress does not disapprove the constitution of New Mexico during the next regular session, New Mexico will become a State without any further procedure.

As to Arizona, the case is different. The Arizona constitution did not arrive here until probably a day or two after the adjournment of the last session of Congress, although I think one gentleman contended that it did arrive sometime in the night of March 3. But I do not believe anybody knows about that. Now, the President has not approved the Arizona constitution, and the enabling act provides that if the President shall approve and Congress shall approve, or if the President shall approve and Congress shall not disapprove during its next regular session, then the people of Arizona may become a State.

By the terms of this joint resolution Congress is approving or disapproving pursuant to the enabling act as modified by the joint resolution, and when the President signs or vetoes this joint resolution he either approves or disapproves the constitutions. In any case, your joint resolution will have to have the signature of the President, and if you have in your joint resolution a provision providing for the recall of judges, you would probably force the President, unless he should retract, to refuse to sign your joint resolution. Then what will be the effect? Arizona will still be a Territory and the position of New Mexico will be anomalous, because, I fear, the fact that you have incorporated certain provisions in your joint resolution might operate so as to enable them to be considered as a disapproval by a man predisposed that way, although it may well be doubted whether the action of the two Houses on a resolution which never became a law could be said to have any force or effect whatever.

Now, I want to say this——

Mr. HUMPHREYS of Mississippi. That is, if the Senate concurs, too?

Mr. HAMILTON of Michigan. Precisely, if the Senate concurs and if it should go to the President.

Mr. TRIBBLE. Now, on that recall proposition, I am not trying to ask a difficult question, but——

Mr. HAMILTON of Michigan. Oh, I had a matter here that was of interest to me, and I was trying to get to it, but I will yield.

Mr. TRIBBLE. Does the gentleman challenge the recall of judges?

Mr. HAMILTON of Michigan. Yes; I do.

Mr. TRIBBLE. And the House challenges that feature. Now, I want to know what right we have to select the judges and challenge that feature and not challenge any of the other elective officers? I am not prepared to say that I am in favor of recalling the judges.

Mr. HAMILTON of Michigan. I doubt if the gentleman is in favor of the recall of judges. It is not a partisan question. I feel that it is one of the biggest questions we have had to consider or will have to consider. I know how my friend from Colorado [Mr. MARTIN] feels about it. But to me it seems to be one of the fundamental questions of our national condition.

Mr. MARTIN of Colorado. Now, let me ask the gentleman a question right there. I am burning to ask it while such good order prevails. The gentleman holds a republican form of government to be a representative form of government, does he not?

Mr. HAMILTON of Michigan. I do, and I will tell the gentleman why. But the gentleman knows why I do, does he not?

Mr. MARTIN of Colorado. Yes. I am satisfied with that answer. The gentleman's principal objection to the Arizona constitution is the recall provision?

Mr. HAMILTON of Michigan. Yes.

Mr. MARTIN of Colorado. Now, is it not the opinion of the gentleman that the initiative and referendum come far closer to the question of representative government than the recall?

Mr. HAMILTON of Michigan. Not the referendum, but the initiative does.

Mr. MARTIN of Colorado. The initiative comes far closer to the question of representative government, which, in the gentleman's opinion, is a republican form of government, than the recall?

Mr. HAMILTON of Michigan. In perfect frankness, that is my judgment, I will say to the gentleman.

Mr. MARTIN of Colorado. And yet the gentleman is directing his attention here to a feature of the Arizona constitution which is less objectionable from the standpoint of a republican form of government than the other feature, about which he is not complaining at all.

Mr. HAMILTON of Michigan. I am not discussing here the *constitutionality* of either the initiative or the recall, but I do propose to discuss the *expediency* of the application of the recall to judges.

Section 1 of article 8 of the Arizona constitution provides that—

> Every public officer in the State of Arizona holding an elective office, either by election or appointment, is subject to recall from such office by the qualified electors of the electoral district from which candidates are elected to such office. Such electoral district may include the whole State.

This recall is to be set in motion by a petition signed by 25 per cent of the number of votes cast for all the candidates for the office held by the officer sought to be removed at the last general election.

A STABLE CONSTITUTION.

Let us examine this recall proposition so far as it affects the judiciary.

In the first place, Article IV, section 4, of the Federal Constitution requires that the—

> United States shall guarantee to every State in this Union a republican form of government.

That Constitution down to recent years has been held by the people of the United States to be an almost sacred thing—as Bryce says, in his American Commonwealth, "An ark of the covenant whereon no man may lay rash hands"—but recently every upstart for political favor seeks to inflame the public mind with the idea that this instrument, or some State constitution, ought to be overhauled to express his particular theory, and the Constitution is denounced as antiquated and insufficient for modern needs.

Wendell Phillips once said that formerly a man had to serve an apprenticeship of seven years to make a pair of boots, but that in his time a man might talk seven weeks and become the governor of a great State. He does not have to talk seven weeks now. Seven days is enough.

Now, if a statesman of the spot-light, opéra-bouffe, whirling-dervish variety denounces everybody enough, claims all virtue for himself enough, and indicates that the Constitution is a bungling thing anyway, and that he could have made a better one himself at odd times, a large number of people will recognize that the world has been waiting a long time for him, and will invite him into high places to overhaul the work of ages in 30 minutes.

A written constitution is a safeguard of life, liberty, and the pursuit of happiness.

The very rigidity of a written constitution is a protection from commercial power and wealth on the one side and the tyranny and intrigue of official power and ambition on the other.

It is a safeguard against extremes. The first popular impulse, even when right, is apt to swing too far one way and then to swing too far the other way before it reaches equilibrium.

A written constitution means definiteness and stability, and definiteness and stability breed respect for law and order.

Free governments owe their existence to security under the law.

Without constitutional restraint laws themselves may become uncertain and even unjust and cease to command the respect of the governed.

Without respect for law and order frequent changes would become inevitable and law thereby become less and less respectable.

Peace and order and property and liberty and life itself hang on the stability of law.

There is danger in seeking flexibility in the fundamental law that we not only throw away backbone and stability, but that we throw away our liberties.

A constitution too easily changed is no constitution at all, but is a moving picture of passing public opinion.

SOUND LEGISLATION.

Our people are above the average in intelligence and in respect for the rights of persons and the rights of things, but the average man is not a constitutional lawyer, neither is he a lawyer at all. He may think himself the better off for that, but even a little learning is not to be despised, and the more a man knows, the more he knows there is to know, and in this way arrogant ignorance sometimes becomes humble.

Zangwill compares us to a melting pot, in which all nationalities are being fused and transformed here into a new nationality, but we are something more than a melting pot of nationalities. We are a melting pot in which all creeds, cults, denominations, ideas, ideals, and institutions are being fused and transformed, and sometimes the more radical and revolutionary the creed, cult, idea, or ideal the more attention it attracts for a time, until some other creed, cult, idea, or ideal boils to the surface.

Bryce observes that there is always an election going on somewhere in the United States, and this also keeps the pot boiling; and sometimes I think there is too much pot boiling; too much noise of political swashbucklers, swashing upon their bucklers; too many gentlemen standing at the doors of too many political tents, each advertising his own greatest show on earth "just upon the inside"; too many political jugglers and tight-rope walkers and sword swallowers and soothsayers.

The laws enacted by the earlier legislative assemblies were few and fundamental, but now 46 States and 3 Territories are grinding out laws, and the courts of 46 States and 3 Territories and the District of Columbia and the District of Alaska and the Canal Zone are grinding out decisions, until our jurisprudence is becoming more and more complex.

The questions that are presented at each session of each Congress and each session of each legislature are such as require the exercise of ripened judgment and expert experience, and this is so because of our greater density of population, our greater territory, our increasing means of transportation, communication, transmutation, and exchange.

It is so because of our increase of poverty and our increase of wealth.

It is so because of our transition from the simple to the complex life.

It is so because of railroads, steamboats, telegraphs, telephones, electricity, typewriters, automobiles, and flying machines.

In proportion as affairs require more solid knowledge, more judgment, more stability to deal with them, shall we turn them over to fickleness, impulse, and prejudice?

POPULAR SENTIMENT AND JUDICIAL DECISIONS.

Let us consider this proposition to make the judiciary subject to the "recall."

That means that if a judge, in the interpretation of the law, shall decide a cause or instruct a jury in a way which might be unwelcome to the people of his district, a percentage of the party which elected him or a percentage of the party which opposed him, or a percentage of both parties, in all amounting to only one-fourth of the total vote cast for judge at the last general election, may demand his recall.

It means that if there should be mob violence and the leading citizens of a community should be involved, a judge, threatened with the recall, might be inclined to shade the law in favor of the defendants.

It means that a federation of interests which dominated a community might also dominate the courts.

It means that if a question of taxation should be involved and a judge should hold a bond issue valid against which public opinion was inflamed, an inflamed public opinion might recall him.

It means that if a judge should hold a bond issue valid and the case should be appealed, and that pending appeal the judge should be recalled, then, if the cause should be sent back for retrial, the bondholder would be driven to seek justice in a tribunal already committed against him, or seek a change of venue—a condition dangerously close to a denial of justice; a condition dangerously close to interference with due process of law.

The disposition of the people to discipline a judge, whose decisions were just but did not for the time accord with popular sentiment, has had many melancholy illustrations.

A judge of the high court of errors and appeals in Mississippi in 1841, joining in a unanimous decision, held a $15,000,000 issue of State bonds valid which the governor had by proclamation declared void. The policy of repudiation was then a political issue in Mississippi, and the people had indorsed it by electing its advocates to the highest offices in the State. The term of the judge soon expired and he was displaced by a judge whose opinions were known to be in accord with popular sentiment.

In 1859 in Ohio a judge of the supreme court was promptly defeated for reelection because in a case before him he, with a majority of the court, had followed a decision of the Supreme Court of the United States in sustaining the constitutionality of an unpopular law.

WHAT CONSTITUTES A STATE.

We are making States here and guaranteeing their form of government.

What makes a State? Not population alone, nor any prescribed number of people. The population of States differs as widely as their areas differ. Not land alone, although land is necessary. A people not attached to a definite part of the surface of the earth are no more than a wandering horde—a migratory band.

These—population and land—are necessary, but above all is government. A mass of people occupying a piece of ground do not constitute a State until they have organized themselves into a governmental entity.

What is government? Government is power lodged somewhere to run the affairs of a nation, State, or municipality.

Hamilton, in the Federalist, asks: "Why are governments instituted among men?" and then he answers his own question by saying: "Because the passions of men will not conform to the dictates of reason and justice without restraint." That restraint is sovereignty, and sovereignty is the "unlimited power of the State to impose its will upon all persons, associations, and things within its jurisdiction."

Now, in the organization of government—

It is indispensable that there should be a judicial department to decide rights, to punish crime, to administer justice, and to protect the innocent from injury and usurpation. (Rawle on the Constitution.)

Where there is no judicial department to interpret and execute the law, to decide controversies and to enforce rights—

The Government must either perish by its own imbecility or the other departments of Government must usurp powers for the purpose of commanding obedience, to the destruction of liberty. (Kent's Commentaries.)

Since, then, it is necessary to government that there should be a judiciary, is any argument needed to demonstrate that it should be an independent and stable judiciary?

Kent, in his Commentaries, says:

The independence of the judiciary is just as essential to protect the Constitution and laws against the encroachment of party spirit and the tyranny of faction in a republic as it is in a monarchy to protect the rights of the subject against the injustice of the crown.

Story, in his work on the Constitution, says:

Upon no other branch of the Government are the people so dependent for the enjoyment of personal security and the rights of property, and it is hardly necessary to add that the degree of protection thus afforded is conditioned in turn upon the wisdom, stability, and integrity of the courts.

Edmund Burke, in his "Reflections on the French Revolution," says:

Whatever is supreme in a State it ought to have as much as possible its judicial authority so constituted as not only to depend upon it, but in some sort to balance it. It ought to give security to its justice against its power. It ought to make its judicature, as it were, something exterior to the State.

To fulfill its high purpose, Garner in his Introduction to Political Science says,

the judiciary ought therefore to possess learning, faithfulness to the Constitution, independence, and firmness of character.

THE EFFECT OF THE "RECALL" ON THE STABILITY AND INDEPENDENCE OF THE JUDICIARY.

Since learning, independence, and firmness of character are indispensable to a judiciary, let us inquire what effect the "recall" would have upon these essential qualities.

It is clear that the existence of the qualities of learning, independence, and firmness must depend largely upon: First, the mode of selection of judges; second, the permanency of their tenure; third, the adequacy of their compensation.

Judges may be chosen in three ways: By the legislature, by popular election, or by appointment of the executive with or without the concurrence of the legislative branch.

The legislative choice of judges has not commended itself to statesmen in the past, because it renders the judiciary to some extent dependent upon a coordinate department in violation of the principle of the separation of powers.

Furthermore, the system of legislative choice generally means nomination by a party caucus and frequently a parceling out of judicial positions among political divisions with reference to geographical considerations rather than fitness for the judicial office.

In short, as Chancellor Kent has pointed out in his Commentaries, it presents—

too many occasions and too many temptations for intrigue, party prejudice, and local interest, to secure a judiciary best calculated to promote the ends of justice.

Garner, in his introduction to Political Science, says:

Choice by the legislature was a favorite method of selection in the American States for a time after the Revolution, a circumstance due to the prevailing jealousy of the Executive on the one hand and the distrust of popular election on the other. This system, however, has been abandoned in all the States but four (Rhode Island, Vermont, South Carolina, and Virginia), and is not followed by any European country except Switzerland, where the judges of the federal tribunal are chosen by the legislative assembly of the confederation.

The method of popular election is now the rule in the majority of the States.

It can not be denied that the qualities which distinguish an able and fearless judge are not those of the successful politician, and hence judges frequently make poor candidates, and are sometimes defeated by men of less fitness, who are better gifted with the art of winning public favor.

Kent, in his Commentaries, says:

The just and vigorous investigation and punishment of every species of fraud and violence and the exercise of the power of compelling every man to the personal performance of his contracts are grave duties, not of the most popular character, and hence not always calculated to command the calm approval of the popular masses.

The fittest men are likely to have—

too much reservedness of manners and severity of morals to secure an election resting on universal suffrage.

JUDGMENT SHOULD BE UNBIASED AND FEARLESS.

The choice of judges by popular election, however, has become a part of the system of our State governments, and has probably come to stay.

It has resulted, on the whole, in the selection of strong men for judges. This is, in part, due to the length of term and to the almost universal respect which until recently the judicial office has inspired.

But it ought to be axiomatic that no judge should be exposed to the necessity of having to curry popular favor in order to retain his office.

Hamilton, in the Federalist, says:

The Executive not only dispenses the honors, but holds the sword of the community.

The legislative not only commands the purse, but prescribes the rules by which the duties and rights of every citizen are to be regulated.

The judiciary, on the contrary, has no influence over either the sword or the purse; no direction either of the strength or the wealth of the society, and can take no active resolution whatever. It may truly be said to have neither force nor will, but merely judgment; and must ultimately depend upon the aid of the executive arm even for the efficiency of its judgments.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. LANGHAM. I yield to the gentleman 15 minutes more.

Mr. HAMILTON of Michigan. There are many men here in this House of Representatives who have sat upon the bench, and I know that these quotations from statesmen and jurists who are revered by all who have read, construed, and practiced law must have a profound influence, not only upon the minds of lawyers, but upon the minds of all who respect the reasoned conclusions of men eminent in their professions.

Mr. J. M. C. SMITH. Mr. Chairman, will my colleague yield?

Mr. HAMILTON of Michigan. Yes.

Mr. J. M. C. SMITH. I should like to ask my colleague whether he thinks the legislature could pass an act recalling judges; and if not, why not?

Mr. HAMILTON of Michigan. That is a very difficult question to discuss within the time at my disposal. But I will say by way of preface that certainly, with a constitutional prohibition against the recall of judges, such a statute could not be enacted, and therefore I am in favor of requiring an amendment to the Arizona constitution.

Mr. J. M. C. SMITH. I will say that in our own State of Michigan our constitution provides for the initiative and referendum as to constitutional amendments, and it provides for amending the constitution in the provision for initiative and referendum. It can change the three departments of the State government in every particular. One of those is the executive. That is as important as the judiciary. The legislature is another, and that is as important as the judiciary. They are all republican.

The constitution says that the terms of our supreme court judges shall be fixed as provided by law, but the terms of the circuit judges are fixed in the constitution at six years, and the terms of the probate judges and of justices of the peace are also fixed by the constitution. Now, if the terms of the supreme court judges are to be fixed as provided by law, what is there to prevent the legislature from enacting a law at their first session to recall the judges, unless the constitution expressly prohibits doing it?

Mr. HAMILTON of Michigan. As I remember our constitution of 1909 we provide that an amendment to it may be proposed by two-thirds of the legislature. That is one way.

Mr. J. M. C. SMITH. That is correct.

Mr. HAMILTON of Michigan. Next, an amendment to the constitution may be proposed by a petition signed by 20 per cent of the qualified voters, and upon this petition the legislature may exercise a veto or may take other action prescribed in the constitution.

Mr. J. M. C. SMITH. Yes; and there is one other which I will suggest, with my colleague's consent.

Mr. HAMILTON of Michigan. Yes.

Mr. J. M. C. SMITH. That when there is a petition for a change in our constitution—that is, for the referendum—a majority of the legislature in joint session may submit a substitute or alternative, which is just as important as the original article.

Mr. HAMILTON of Michigan. That gets down to fundamentals. I will try to answer that as briefly as possible, although it is a very large question.

Mr. J. M. C. SMITH. I am very much interested indeed in the gentleman's able discussion of this question.

Mr. HAMILTON of Michigan. Cooley, in his Constitutional Limitations, states the law. I will read from pages 41 and 42 of the sixth edition of Cooley's Constitutional Limitations:

In regard to the formation and amendment of State constitutions the following appear to be settled principles of American constitutional law:

1. The people of the several Territories may form for themselves State constitutions whenever enabling acts for that purpose are passed by Congress, but only in the manner allowed by such enabling acts and through the action of such persons as the enabling acts shall clothe with the elective franchise to that end.

* * * * * * *

There are always in these cases questions of policy as well as of constitutional law to be determined by the Congress before admission becomes a matter of right—whether the constitution formed is republican, whether suitable and proper State boundaries have been fixed upon, whether the population is sufficient, whether the proper qualifications for the exercise of the elective franchise have been agreed to——

Mr. TRIBBLE. The gentleman states as to the referendum and initiative——

Mr. HAMILTON of Michigan. My friend from Michigan stated that in relation to the provision for amendment to the Michigan constitution.

Mr. TRIBBLE. But suppose your State should have the recall provision, do you think the Congress of the United States would interfere with your State?

Mr. HAMILTON of Michigan. I am coming to that question.

Mr. TRIBBLE. I think I am entitled to an answer.

Mr. HAMILTON of Michigan. But the gentleman must first allow me to lay my premises. I will try to answer the gentleman, although he has asked a pretty big question.

Mr. GARDNER of New Jersey. I would like to ask the gentleman from Michigan if he has any idea of admitting that the power of the legislature and the people to change the law of their State, the organic law, as to the terms of judges is in any way related to the recall of a particular judge?

Mr. HAMILTON of Michigan. No; but the gentleman from Michigan and the gentleman from Georgia do not mean that. That is not what they are driving at. I think I understand fully what the two gentlemen have in mind, and it is an important question. Let me finish this quotation from Cooley—

whether any inveterate evil exists in the Territory which is now subject to control, but which might be perpetuated under a State government—these and the like questions, in which the whole country is interested, can not be finally solved by the people of the Territory for themselves, but the final decision must rest with Congress and the judgment must be favorable before admission can be claimed or expected.

11. In the original States and all others subsequently admitted to the Union the power to amend or revise their constitutions resides in the great body of the people as an organized body politic who, being vested with ultimate sovereignty and the source of all State authority, have power to control or alter at will the law which they have made.

Now, to get at the proposition which the gentleman has put forward. A constitution must be republican in form. It goes back to Article IV, section 4, of the Constitution of the United States, where it is said that "the United States shall guarantee to every State in this Union a republican form of government." That obligation of the Federal Government to guarantee a republican form of government is a continuing obligation.

Now, in the law books there is a great deal of discussion as to what constitutes a republican form of government. If I should undertake to discuss that it would take too long. But I simply propose to say that according to the definitions of Madison and Calhoun and according to the definitions of law writers generally a republican form of government is a representative form of government. It is argued that when the framers of the Constitution provided that the United States should guarantee to every State a republican form of government they had in mind the republican form of government which then existed in the original States. Now, when a Territory comes up for admission with a constitution which is not republican in form it is elementary that we must not admit it.

Mr. TRIBBLE. Now, let me ask the gentleman——

Mr. HAMILTON of Michigan. I am going further; and it is elementary that we may annex other conditions than that the constitution shall be republican in form. Now, what my friend from Michigan had in mind, and what I take it the gentleman from Georgia has in mind, is whether, the legislature having the power to submit a constitutional amendment to the people and the people having voted upon and agreed to that constitutional amendment, and it having been found that that amendment embodies a proposition which is not republican in form, what then happens? That is the precise question. Now, it is said somewhere that when that happens it practically constitutes revolution.

I have it here in Cooley (p. 44):

The power of the people to amend or revise their constitutions is limited by the Constitution of the United States in the following particulars:

1. It must not abolish the republican form of government, since such act would be revolutionary in its character and would call for and demand direct intervention on the part of the Government of the United States.

My friend from Michigan inquired as to the possibility of extreme amendments and extreme legislation. That can go on up to a certain limit, but there can be no valid constitutional amendments or no valid legislation as a result of such amendments or otherwise which are unrepublican—that is, unconstitutional.

Mr. TRIBBLE. Here is the point, if I may be permitted: If this Congress could not interfere with another State in adopting a recall act, then why should Congress interfere with these Territories coming in with a recall act?

Mr. HAMILTON of Michigan. That involves a question of policy, not a question of power. We can interfere whenever a State incorporates an unrepublican proposition in its constitution; and when a Territory comes here, as in this case, with a constitution having a provision in it which some believe to be unrepublican, and which many of us consider inexpedient, we have the power to say to the people of the Territory proposing that constitution, "We do not approve of that kind of constitution," and state our reasons for it and refuse to approve it, and I am one of those who believe that that makes for the stability and permanency of our Government.

Mr. FLOOD of Virginia. I would like the gentleman to say whether he thinks if a constitution is republican in form and does not conflict with any of the principles of the Declaration of Independence, and conforms to the enabling act under which the constitutional convention which formed it was called, that then a Member of Congress would have a right, because he did not approve of these specific provisions in the constitution, to keep that State out of the Union.

Mr. HAMILTON of Michigan. If you say just a Member of Congress——

Mr. FLOOD of Virginia. Oh, I mean a Member of Congress and others—enough to keep it out.

Mr. CONNELL. Whence comes the power by which Congress can go beyond?

Mr. HAMILTON of Michigan. Oh, Congress itself has the power.

Mr. NORRIS. Mr. Chairman, I would like to suggest in answer to the various questions here that the question of whether we ought to or can are two different propositions. Congress can prevent a State from coming in and can do it without giving any reason whatever, if it wants to; but while that would be a sufficient reason for one man, it might not be a sufficient reason for another man.

Mr. FLOOD of Virginia. I have not questioned the power of Congress. Congress is all powerful; but I mean, Would Congress be exercising its constitutional power when it said to a Territory or proposed State whose constitution was republican in form and was not in conflict with the Declaration of Independence and did conform to the enabling act, just because Congress did not approve of some of the provisions of that constitution, that it shall not become a State?

Mr. HAMILTON of Michigan. Let me answer the gentleman's suggestion with this concrete illustration: Take the case of Utah. Utah did present a constitution which was republican in form and not repugnant to the Declaration of Independence, but an "inveterate evil" existed in the Territory. Does the gentleman say that Congress should not have the power to control and to say whether these people should come into the Union with that infirmity? That answers the question.

Mr. FLOOD of Virginia. That was in the enabling act, too.

Mr. HAMILTON of Michigan. It does not make any difference where it was. That answers the question.

Mr. FLOOD of Virginia. The constitution, which was framed under the laws that recognized the principles of Mormonism at that time, would not have been in conformity with the enabling act.

Mr. HAMILTON of Michigan. We enacted fundamental conditions to the admission of Missouri.

Mr. UTTER. Does not the very fact that a State has to get permission from Congress to become a State imply the fact that Congress has the right to name the conditions under which it shall come in?

Mr. HAMILTON of Michigan. I think there is no doubt as to that. We enacted conditions as to the admission of Nebraska and as to the admission of Michigan. Michigan had a boundary war with Ohio. We imposed conditions as to the admission of Oklahoma, and we must impose boundary conditions as to New Mexico.

Mr. NORRIS. Will the gentleman permit an interruption there?

Mr. HAMILTON of Michigan. Yes.

Mr. NORRIS. I would like to make this suggestion, that it is conceded that there is no appeal from the decision of Congress. That is true of any tribunal that is final and supreme and from which there is no appeal. It can do anything without giving any reason for it, anything over which it has control or gets control, and there is no way to compel it to do otherwise.

Mr. HAMILTON of Michigan. I am about to close.

Mr. MANN. I hope the gentleman will continue his remarks to-morrow morning.

Mr. HAMILTON of Michigan. No; I would rather not, because I have almost finished, but if the gentlemen prefer, I will print the rest of my argument, although I would rather go on now.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LANGHAM. I yield the gentleman 10 minutes additional.

Mr. HAMILTON of Michigan. I was quoting, when I was diverted some time ago, what Hamilton said concerning the powers of the coordinate branches of our Government and his statement that the judiciary has no influence over the sword or the purse, but is "merely judgment."

Mr. NORRIS. The whole speech is a quotation from Hamilton.

Mr. J. M. C. SMITH. And a Hamilton is making it.

Mr. HAMILTON of Michigan. Since the judiciary should be "judgment" personified, and since the purity of the judicial

ermine and the accuracy of the judicial scales have never been thought to be benefited by forcing a judge to become a politician, can it be that the judiciary would be benefited or that popular confidence in the judiciary would be strengthened by the knowledge that judges held their places subject to ebullitions of public feeling, subject to the machinations of political enemies, subject to the "recall"?

This proposition is justified by its advocates on the ground that judges are the servants of the people.

They are in the sense that they hold a delegated authority to sit in judgment among the people, but they are the servants of all the people; not the servants of the majority alone, but the servants of both the majority and the minority, and must necessarily therefore be independent of both. Indeed, the independence of the judiciary is the only safeguard of the minority.

Justice can not be the servant of men or nations. Justice sits above men and nations, and the judiciary should personify justice and judgment.

A corrupt judge is despicable; a cowardly judge is contemptible.

It is the duty of the judiciary, as Kent says, "to protect the Constitution against the encroachment of party spirit and the tyranny of faction."

The judiciary ought to protect the Constitution and the Constitution ought to protect the judiciary, and the people ought to protect both in order that they themselves may be protected.

But how can the judiciary protect constitutions when the judiciary is not protected in protecting constitutions?

How can constitutions protect the judiciary when constitutions can not protect themselves?

What assurance can be derived from a judicial decision sustaining a constitutional provision when the judicial decision itself—yea, even the Constitution itself—is only a thing of a day?

Will public respect for judges who sit subject to "recall" be increased? Certainly not.

Will gentlemen of greater ability seek judicial places when they can be tried and convicted by public clamor without opportunity to be heard? Certainly not.

Will sensitive men of high ability seek places from which they may be pulled down by inflamed prejudice and their names become a byword and a hissing? Certainly not.

Ah, you say history will vindicate them. It may be. A good many monuments have been erected to martyrs out of the stones wherewith they were stoned. But what do dead men care for monuments?

Humanity thinks it does well sometimes when in its sober senses it apologizes to the remains of those whom it has hounded to death in its frenzy, and it is well always for the apology to go on file. But what do dead men care for apologies?

Are you Democrats not guilty of indirection in this transaction?

If you believe the recall of judges to be expedient, why do you suggest any amendment to the Arizona constitution?

If you believe the recall of judges to be inexpedient, why do you not make its elimination a condition precedent to the admission of Arizona?

I am opposed to the application of the recall to judges in the Arizona constitution, and I am opposed to the application of the recall to judges everywhere.

I would not destroy the public confidence in the judiciary, and I would keep the judiciary worthy of the public confidence. The recall would weaken both.

In his seventy-fifth year John Marshall became a member of the Virginia constitutional convention of 1829. Party spirit ran high. Among other questions discussed was the question of the tenure of judges, and almost at the end of a life as potent as the life of any man has ever been in the shaping of the destinies of a nation he uttered these words:

> Advert, sir, to the duties of a judge. He has to pass between the government and the man whom that government is prosecuting—between the most powerful individual in the community and the poorest and most unpopular. It is of the last importance that in the performance of these duties he should observe the utmost fairness. Need I press the necessity of this? Does not every man feel that his own personal security and the security of his property depend upon that fairness? The judicial department comes home in its effects to every man's fireside; it passes on his property, his reputation, his life, his all. Is it not in the last degree important that he should be rendered perfectly and completely independent, with nothing to control him but God and his conscience? I have always thought from my earliest youth till now that the greatest scourge an angry Heaven ever inflicted upon an ungrateful and sinning people was an ignorant, a corrupt, or a dependent judiciary.

[Loud applause.]

Mr. FLOOD of Virginia. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARRETT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House joint resolution 14 and had directed him to report that it had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, Mr. UNDERHILL was granted leave of absence for one week, on account of serious illness in his family.

CLOSE OF GENERAL DEBATE.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent that general debate on House joint resolution 14 close on Tuesday next at 3 o'clock.

The SPEAKER. The gentleman from Virginia asks unanimous consent that general debate on House joint resolution 14 close next Tuesday at 3 p. m. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 339. An act providing for the reappraisement and sale of certain lands in the town site of Port Angeles, Wash., and for other purposes; to the Committee on the Public Lands.

ADJOURNMENT.

Mr. FLOOD of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 10 minutes) the House adjourned, to meet to-morrow, Friday, May 19, 1911, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 8649) to authorize the extension and widening of Colorado Avenue NW. from Longfellow Street, and of Kennedy Street NW. through lot No. 800, square No. 2718, reported the same without amendment, accompanied by a report (No. 35), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SABATH: A bill (H. R. 9830) to provide for the establishment of a municipal ice plant and for free public baths at Washington, D. C.; to the Committee on the District of Columbia.

Also, a bill (H. R. 9831) to raise revenue from persons engaged in and carrying on occupations and trades subject to the regulative power of Congress, and to create a fund to pay compensation to public servants injured on post roads and on mail routes, and to change the general law heretofore enunciated in actions for the recovery of damages for personal injuries, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WARBURTON: A bill (H. R. 9832) providing for the homestead entry of certain lands in the State of Washington, and for other purposes; to the Committee on the Public Lands.

By Mr. SLAYDEN: A bill (H. R. 9833) to accept and fund the bequest of Gertrude M. Hubbard; to the Committee on the Library.

By Mr. HAMILTON of Michigan: A bill (H. R. 9834) providing for the erection of a public building at the city of Benton Harbor, Mich.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9835) providing for the erection of a monument at St. Joseph, Mich., commemorating the establishment of Fort Miami on the site of said city; to the Committee on the Library.

By Mr. LANGHAM: A bill (H. R. 9836) to provide a site and to provide for the erection of a public building at Indiana, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. SULZER: A bill (H. R. 9837) to create in the War Department and the Navy Department, respectively, a roll designated as "the Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the

United States in the Civil War, and for other purposes; to the Committee on Military Affairs.

By Mr. HOBSON: A bill (H. R. 9838) to make and maintain an educational survey of the United States; to the Committee on Education.

By Mr. TAYLOR of Colorado: A bill (H. R. 9839) for the relief of homestead entrymen under the Uncompahgre reclamation project in the State of Colorado; to the Committee on the Public Lands.

By Mr. EDWARDS: A bill (H. R. 9840) providing that clerk hire allowed to Members of the House of Representatives be paid directly to clerk or clerks instead of to the Members; to the Committee on Accounts.

Also, a bill (H. R. 9841) to revive the right of action under the captured and abandoned property acts, and for other purposes; to the Committee on War Claims.

By Mr. KNOWLAND: A bill (H. R. 9842) granting pensions to certain officers and enlisted men of the Life-Saving Service and to their widows and minor children; to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: A bill (H. R. 9843) to establish a United States court of patent appeals, and for other purposes; to the Committee on Patents.

Also, a bill (H. R. 9844) to reduce postal rates, to improve the postal service, and to increase postal revenues; to the Committee on the Post Office and Post Roads.

By Mr. PRAY: A bill (H. R. 9845) to authorize the sale of burnt timber on the public lands, and for other purposes; to the Committee on the Public Lands.

By Mr. SPEER: A bill (H. R. 9846) to provide for the purchase of a site and the erection of a public building thereon in the city of Warren, State of Pennsylvania; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9847) for the erection of a public building at Ridgway, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. O'SHAUNESSY: A bill (H. R. 9848) relating to the anchorage of vessels in Narragansett Bay and its approaches and tributaries; to the Committee on Interstate and Foreign Commerce.

By Mr. HOBSON: A bill (H. R. 10009) to provide for an experiment in the improvement of certain highways by the Secretary of Agriculture in cooperation with the Postmaster General, and for other purposes; to the Committee on Agriculture.

Also, a bill (H. R. 10010) to provide for the construction, maintenance, and improvement of post roads and rural delivery routes through the cooperation and joint action of the National Government and the several States in which such post roads or rural delivery routes may be established; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 10012) to provide for a highway survey of the United States; to the Committee on Agriculture.

By Mr. PETERS (by request): Joint resolution (H. J. Res. 101) requesting the President to take measures for delivering the control and possession of the Philippine Islands to the authorities representing the people thereof and to protect their Government by a general treaty of neutrality; to the Committee on Insular Affairs.

By Mr. HENRY of Texas: Joint resolution (H. J. Res. 102) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. COPLEY: Memorial of the Legislature of the State of Illinois proposing the calling of a constitutional convention for the purpose of amending the United States Constitution in order to grant Congress the power to prevent and suppress monopolies in the United States by appropriate legislation; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. YOUNG of Kansas: A bill (H. R. 9849) granting a pension to Margaret Kelsey; to the Committee on Pensions.

By Mr. WEDEMEYER: A bill (H. R. 9850) granting an increase of pension to Mary E. Milliken; to the Committee on Invalid Pensions.

By Mr. TALBOTT of Maryland: A bill (H. R. 9851) granting an increase of pension to John H. Mitten; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 9852) granting a pension to Jennie N. Dunkin; to the Committee on Pensions.

Also, a bill (H. R. 9853) granting an increase of pension to James C. Haskins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9854) granting an increase of pension to John McDonald, alias John McHughes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9855) granting an increase of pension to Michael Lorscher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9856) granting an increase of pension to James E. Evans; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 9857) for the relief of James C. Haywood; to the Committee on Military Affairs.

Also, a bill (H. R. 9858) granting a pension to Tillie Bucklin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9859) granting a pension to John C. Koeppel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9860) granting a pension to Jesse A. Smith; to the Committee on Invalid Pensions.

By Mr. J. M. C. SMITH: A bill (H. R. 9861) granting an increase of pension to Sue May; to the Committee on Invalid Pensions.

By Mr. PRINCE: A bill (H. R. 9862) granting an increase of pension to James Fisher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9863) granting an increase of pension to John A. Ripley; to the Committee on Invalid Pensions.

By Mr. NEEDHAM: A bill (H. R. 9864) for the relief of William H. Shannon; to the Committee on Military Affairs.

Also, a bill (H. R. 9865) granting a pension to Patrick Boland; to the Committee on Pensions.

Also, a bill (H. R. 9866) granting a pension to Lucy A. Wilson; to the Committee on Pensions.

Also, a bill (H. R. 9867) to correct the military record of John Riggs; to the Committee on Military Affairs.

Also, a bill (H. R. 9868) to correct the military record of William C. Looper; to the Committee on Military Affairs.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 9869) granting an increase of pension to Edmond S. Norris; to the Committee on Pensions.

Also, a bill (H. R. 9870) granting an increase of pension to John W. Rickords; to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 9871) granting an increase of pension to Henry W. Gash; to the Committee on Invalid Pensions.

By Mr. MAHER: A bill (H. R. 9872) granting a pension to May Phillips Rogers; to the Committee on Pensions.

By Mr. MALBY: A bill (H. R. 9873) for the relief of Reuben Hazen; to the Committee on Military Affairs.

Also, a bill (H. R. 9874) granting an increase of pension to Charles H. Carter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9875) granting an increase of pension to John Shaw; to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 9876) granting an increase of pension to Lucius H. Hackett; to the Committee on Invalid Pensions.

By Mr. KINKAID of Nebraska: A bill (H. R. 9877) for the relief of Amberson G. Shaw, a white man, providing for his enrollment and allotment of land with the Indians of the Rosebud Reservation, S. Dak.; to the Committee on Indian Affairs.

By Mr. KNOWLAND: A bill (H. R. 9878) for the relief of F. A. Hyde & Co.; to the Committee on Claims.

By Mr. HAYES: A bill (H. R. 9879) authorizing the President to appoint Robert H. Peck a captain in the Regular Army; to the Committee on Military Affairs.

By Mr. HAMILTON of Michigan: A bill (H. R. 9880) for the relief of William Lilley; to the Committee on Military Affairs.

Also, a bill (H. R. 9881) for the relief of Charles H. Brown; to the Committee on Military Affairs.

Also, a bill (H. R. 9882) for the relief of James W. Houser; to the Committee on Military Affairs.

Also, a bill (H. R. 9883) for the relief of Myron Powers; to the Committee on War Claims.

Also, a bill (H. R. 9884) for the relief of William R. Gifford; to the Committee on Military Affairs.

Also, a bill (H. R. 9885) for the relief of Timothy Ellsworth; to the Committee on Military Affairs.

Also, a bill (H. R. 9886) for the relief of Samuel Washburn, deceased; to the Committee on Military Affairs.

Also, a bill (H. R. 9887) for the relief of Joseph P. Binns, deceased; to the Committee on Military Affairs.

Also, a bill (H. R. 9888) for the relief of Joseph I. York; to the Comittee on Military Affairs.

Also, a bill (H. R. 9889) for the relief of Richard Stines; to the Committee on Military Affairs.

Also, a bill (H. R. 9890) for the relief of John Laberdy; to the Committee on Military Affairs.

Also, a bill (H. R. 9891) for the relief of the widow of the late Lieut. Harrison S. Weeks; to the Committee on War Claims.

Also, a bill (H. R. 9892) granting a pension to Emilia Granger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9893) granting a pension to Melita Latta; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9894) granting a pension to Wesley H. Crockett; to the Committee on Pensions.

Also, a bill (H. R. 9895) granting a pension to Jenette Babcock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9896) granting a pension to William McGee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9897) granting a pension to Albert C. Sheldon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9898) granting a pension to William J. Feather; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9899) granting a pension to George W. Bannan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9900) granting a pension to Nettie J. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9901) granting a pension to Frank Mead; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9902) granting a pension to Harlow S. Sherwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9903) granting a pension to Sophia P. De Long; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9904) granting a pension to Sarah M. Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9905) granting an increase of pension to James S. Donahue; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9906) granting an increase of pension to John S. Heald; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9907) granting an increase of pension to Edward J. Disbrow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9908) granting an increase of pension to Levi Haus; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9909) granting an increase of pension to Jonathan Shook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9910) granting an increase of pension to Samuel H. Maxam; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9911) granting an increase of pension to James Downs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9912) granting an increase of pension to A. Norwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9913) granting an increase of pension to Robert Milliman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9914) granting an increase of pension to George W. Burdick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9915) granting an increase of pension to Henry Kiser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9916) granting an increase of pension to Marion Huff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9917) granting an increase of pension to Simeon D. Samson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9918) granting an increase of pension to Thomas E. Camburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9919) to correct the muster of Herman Haupt, late colonel and brigadier general of volunteers; to the Committee on Military Affairs.

By Mr. HAMILTON of West Virginia: A bill (H. R. 9920) for the relief of William Lloyd; to the Committee on Military Affairs.

Also, a bill (H. R. 9921) granting an increase of pension to Randall Ingram; to the Committee on Invalid Pensions.

By Mr. HELM: A bill (H. R. 9922) for the relief of J. T. Berry; to the Committee on War Claims.

Also, a bill (H. R. 9923) granting a pension to G. S. McAfee; to the Committee on Pensions.

By Mr. HOUSTON: A bill (H. R. 9924) granting a pension to Joe C. Johnson; to the Committee on Pensions.

Also, a bill (H. R. 9925) granting an increase of pension to Robert L. Higgins; to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 9926) granting an increase of pension to David Turpin; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 9927) granting an increase of pension to Lewis B. Rex; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 9928) for the relief of Mrs. V. E. Sikes; to the Committee on War Claims.

Also, a bill (H. R. 9929) granting a pension to Elizabeth C. Thompson; to the Committee on Pensions.

Also, a bill (H. R. 9930) granting an increase of pension to Jennie Townsend; to the Committee on Pensions.

By Mr. DODDS: A bill (H. R. 9931) granting an increase of pension to Reuben Cratsley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9932) granting an increase of pension to Francis Palmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9933) granting a pension to John McAfee Cuson; to the Committee on Pensions.

Also, a bill (H. R. 9934) granting a pension to Albert W. Everdon; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 9935) granting an increase of pension to Peter M. McNelly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9936) granting an increase of pension to William Ferrel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9937) granting an increase of pension to George W. Baley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9938) granting an increase of pension to Thomas Cothron; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9939) granting an increase of pension to Thomas D. Orr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9940) granting an increase of pension to Louis Regenhardt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9941) granting an increase of pension to John W. Bricker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9942) granting an increase of pension to David A. Pew; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9943) granting an increase of pension to William J. Shotwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9944) granting an increase of pension to John L. McIntyre; to the Committee on Invalid Pensions.

By Mr. COX of Ohio: A bill (H. R. 9945) granting a pension to Eliza M. Mullin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9946) granting a pension to Mary J. Carr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9947) granting a pension to John Pearson; to the Committee on Pensions.

Also, a bill (H. R. 9948) granting a pension to Lucy Jane Banks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9949) granting a pension to Wilson Bunch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9950) granting a pension to Ollie H. Hill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9951) granting a pension to John W. Allen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9952) granting a pension to Ellen C. Beam; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9953) granting a pension to Newton J. Gossett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9954) granting a pension to Lafayette Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9955) granting a pension to John Aydelotte; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9956) granting a pension to John Holland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9957) granting a pension to Mrs. James Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9958) granting a pension to Harry B. Robb; to the Committee on Pensions.

Also, a bill (H. R. 9959) granting a pension to Richard Murphy; to the Committee on Pensions.

Also, a bill (H. R. 9960) granting an increase of pension to George Dougherty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9961) granting an increase of pension to William Quinn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9962) granting an increase of pension to Eugene Peck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9963) granting an increase of pension to Walter E. Hantch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9964) granting an increase of pension to Henry Ummelmann; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9965) granting an increase of pension to John W. Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9966) granting an increase of pension to Zachary Taylor Lemmon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9967) granting an increase of pension to Edwin M. Imes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9968) granting an increase of pension to Charles A. Gaither; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9969) granting an increase of pension to John A. Grover; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9970) granting an increase of pension to Benjamin F. Petticrew; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9971) granting an increase of pension to John H. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9972) granting an increase of pension to Daniel A. Frybarger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9973) granting an increase of pension to Charles A. Pettiford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9974) granting an increase of pension to Frederick Cole Stevenson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9975) granting an increase of pension to William N. Riley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9976) granting an increase of pension to John R. Means; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9977) granting an increase of pension to Donald McDonald; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9978) granting an increase of pension to William W. Evans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9979) granting an increase of pension to Granville Davis; to the Committee on Pensions.

Also, a bill (H. R. 9980) granting an increase of pension to Francis Keating; to the Committee on Pensions.

Also, a bill (H. R. 9981) granting an increase of pension to Franklin Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9982) granting an increase of pension to Silas Lamb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9983) granting an increase of pension to John P. Barnett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9984) granting an increase of pension to William Humphreyville; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9985) granting an increase of pension to Charles Funkhauser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9986) granting an increase of pension to Thomas J. Crooks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9987) granting an increase of pension to Joseph Clingan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9988) granting an increase of pension to Obed K. Phelps; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9989) granting an increase of pension to Silas Macy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9990) granting an increase of pension to James Dinwiddie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9991) granting an increase of pension to John T. Seely; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9992) granting an increase of pension to Jacob Sarver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9993) granting an increase of pension to Edwin St. John; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9994) granting an increase of pension to Hiram C. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9995) granting an increase of pension to A. J. Crisman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9996) granting an increase of pension to Charles G. Perrin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9997) granting an increase of pension to Johnston Winters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9998) granting an increase of pension to Julius A. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9999) granting an increase of pension to Daniel M. McQuillan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10000) granting an increase of pension to George Sawyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10001) granting an increase of pension to Clemment T. Fenton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10002) granting an increase of pension to John McCarthy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10003) granting an increase of pension to Peter Wessa; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10004) granting an increase of pension to James Mills; to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 10005) to carry into effect the findings of the Court of Claims in the case of James A. Verret, administrator of the estate of Adolph Verret, deceased; to the Committee on War Claims.

Also, a bill (H. R. 10006) to carry into effect the findings of the Court of Claims in case of Arthur Taylor, surviving partner; to the Committee on War Claims.

By Mr. BURKE of South Dakota: A bill (H. R. 10007) granting an increase of pension to Elias Shook; to the Committee on Invalid Pensions.

By Mr. AKIN of New York: A bill (H. R. 10008) granting an increase of pension to William Moran; to the Committee on Invalid Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 10011) granting an increase of pension to David Harrison Colby; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 10013) granting a pension to Mrs. Joe B. Milbee; to the Committee on Pensions.

Also, a bill (H. R. 10014) granting a pension to W. H. Slack; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10015) granting a pension to W. V. Fish; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10016) granting a pension to Adam Akers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10017) granting an increase of pension to James E. Horn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10018) granting an increase of pension to Wyatt Blackburn; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of certain chiefs and headmen of the White Earth Reservation; to the Committee on Indian Affairs.

By Mr. AYRES: Resolution of the Fine Arts Federation of New York City, approving the site and plan of the Lincoln Memorial Commission; to the Committee on Industrial Arts and Expositions.

Also, resolution of Shoe Manufacturers' Association, against placing shoes on free list; to the Committee on Ways and Means.

Also, resolution of Manufacturers' Association of New York, approving Senate bill 4982; to the Committee on Patents.

Also, resolution of the Manufacturers' Association of New York, as to the proper method of making tariff changes; to the Committee on Ways and Means.

Also, petition of citizens of the Bronx, in behalf of parcels post; to the Committee on the Post Office and Post Roads.

By Mr. CALDER: Resolution of the Chamber of Commerce of Pittsburg, in favor of an amendment of the corporation-tax law; to the Committee on the Judiciary.

Also, resolution of the Fine Arts Federation of New York, approving report of the Lincoln Memorial Commission; to the Committee on Industrial Arts and Expositions.

By Mr. ESCH: Petition of citizens of Fairchild, Wis., for an investigation of the extradition of John J. McNamara, of Indiana; to the Committee on Labor.

By Mr. FULLER: Petition of Cigar Makers' Union No. 258, of Streator, Ill., favoring the Berger resolution; to the Committee on Rules.

Also, papers to accompany bill for the relief of Lewis B. Rex; to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: Resolutions from the National Association of Shellfish Commissioners favoring the conservation of our public waterways from pollution from private sources; to the Committee on the Merchant Marine and Fisheries.

Also, resolutions adopted at the convention of the Protestant Episcopal Church in the diocese of Massachusetts on May 3 and 4, 1911, favoring the proposed arbitration treaty between the United States and Great Britain; to the Committee on Foreign Relations.

By Mr. GRAHAM: Resolution of Local Miners' Union No. 1911, United Mine Workers of America, of Springfield, Ill., favoring the passage of House concurrent resolution 6; to the Committee on Rules.

By Mr. HAMILTON of West Virginia: Petitions of sundry persons asking reduction in duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. HANNA: Petition of citizens of North Dakota, in favor of the passage of Senate joint resolution 143, for the preservation of Niagara Falls; to the Committee on Industrial Arts and Expositions.

Also, petition of citizens of Griggs County, N. Dak., against the passage of the McCall bill, to promote reciprocal trade relations with Canada; to the Committee on Ways and Means.

Also, petition of residents of Bottineau, N. Dak., requesting the passage of the Hanna bill, providing additional compensation for rural free-delivery carriers; to the Committee on the Post Office and Post Roads.

Also, petition of residents of Stutsman County, N. Dak., protesting against the passage of bills requiring an observance of Sunday as a day of rest in the District of Columbia, and including the words "in the name of God" in the Constitution; to the Committee on the Judiciary.

Also, petition of residents of Bottineau, N. Dak., protesting against the passage of legislation for the establishment of a

local rural parcels-post service on the rural delivery routes; to the Committee on the Post Office and Post Roads.

By Mr. HELM: Petition of G. M. Martin, administrator, asking reference to the Court of Claims of the claim of J. L. Martin against the United States; to the Committee on War Claims.

By Mr. HOUSTON: Affidavits to accompany House bill 9809, for the relief of Walter A. Menges; to the Committee on Pensions.

Also, affidavits to accompany House bill 9627, for the relief of Marion Stone; to the Committee on Invalid Pensions.

Also, petitions of citizens of Fayetteville, Manchester, Tullahoma, and Lewisburg, all in the State of Tennessee, in support of Senate bill 3776, to regulate express companies and other common carriers; to the Committee on Interstate and Foreign Commerce.

By Mr. LAFEAN: Resolution of Local No. 534, of Strinestown, Pa., urging upon Congress the passage of a bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of Washington Camp, Local No. 690, of Heidlersburg, Pa., urging upon Congress the immediate enactment of the illiteracy test into law; to the Committee on Immigration and Naturalization.

Also, petition of High Rock Canning Co., High Rock, York County, Pa., asking reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. McCALL: Petition of citizens of the United States, favoring House joint resolution 100, authorizing the President to instruct representatives of the United States to next International Peace Conference to express desire of the United States that nations shall not attempt to increase their territory by conquest, and to endeavor to secure a declaration to that effect from the conference; to the Committee on Foreign Affairs.

By Mr. McKINNEY: Memorial of Railway Lodge, No. 695, International Association of Machinists, Rock Island, Ill., protesting against the installation of the Taylor system in the armories and arsenals of the United States; to the Committee on Labor.

By Mr. PETERS: Preamble and resolution adopted by the convention of the Protestant Episcopal Church in the diocese of Massachusetts May 3-4, 1911; to the Committee on Foreign Affairs.

By Mr. REDFIELD: Resolutions of the Manufacturers' Association of New York, advocating the establishment of a United States court of patent appeals; to the Committee on Patents.

Also, resolutions of the Manufacturers' Association of New York, urging separate revision of the schedules of the tariff law; to the Committee on Ways and Means.

By Mr. STEPHENS of California: Petition from the Church of the Brethren of Lordsburg, Cal., for the passage of a bill to forbid interstate transmission of race gambling odds and bets; to the Committee on the Judiciary.

Also, resolutions of Gaylord Post, No. 125, Department of California and Nevada, Grand Army of the Republic, in favor of the Sulloway pension bill; to the Committee on Invalid Pensions.

By Mr. SULZER: Resolution of the Fine Arts Federation of New York, approving the report of the Lincoln Memorial and Fine Arts Commissions; to the Committee on Industrial Arts and Expositions.

Also, resolutions of the New York Manufacturers' Association, relative to the revision of the tariff; to the Committee on Ways and Means.

By Mr. WEDEMEYER: Papers to accompany bill granting an increase of pension to Mary E. Milliken; to the Committee on Invalid Pensions.

By Mr. WILSON of New York: Resolution of Central Labor Union of Brooklyn, N. Y., requesting investigation of conditions in the factories of E. W. Bliss Co. in regard to the eight-hour workday on Government work; to the Committee on Labor.

Also, resolution of the Manufacturers' Association of New York, favoring revision of the tariff law schedule by schedule; to the Committee on Ways and Means.

Also, resolutions of the Manufacturers' Association of New York, favoring the establishment of a United States court of patent appeals; to the Committee on the Judiciary.

Also, resolution of the Fine Arts Federation of New York, indorsing the proposed site for the Lincoln Memorial at Washington, D. C.; to the Committee on Industrial Arts and Expositions.

Also, resolutions of the Shoe Manufacturers' Association of New York, protesting against removing the duty from leather, shoes, harness, and leather manufactures; to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 19, 1911.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D., as follows:

Eternal God, our heavenly Father, to whom we are responsible as rational beings, we thank Thee for all the strong, pure, noble, self-respecting men and women who have kept close to Thee and observed the laws which Thou hast ordained, and thus become masters in the art of living godly lives. But we most fervently pray for the poor, weak, insipid men and women who have forgotten Thee and lost all self-respect and become submerged by their own vicious acts and desires to the lowest depths. Have mercy, O God, we beseech Thee, upon them, and teach the strong how to impart strength unto the weak, the pure how to impart purity unto the impure, the godly how to impart godliness unto the ungodly. We realize that the laws enacted by men may restrict, restrain, but they do not remove the disease. This must be done by personal contact, through sympathy, by the power and influence of love. Help us thus to rid ourselves of the cesspools and slums of our city, and all cities, for Christ's sake. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 850. An act to amend an act entitled "An act to legalize and establish a pontoon railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa," approved June 6, 1874; and

S. 144. An act to legalize a bridge across the Pend Oreille River, in Stevens County, Wash.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 850. An act to amend an act entitled "An act to legalize and establish a pontoon railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa," approved June 6, 1874; to the Committee on Interstate and Foreign Commerce.

S. 144. An act to legalize a bridge across the Pend Oreille River, in Stevens County, Wash.; to the Committee on Interstate and Foreign Commerce.

ARMY SHOE CONTRACTS.

Mr. HAY, from the Committee on Military Affairs, reported the following House resolution (H. Rept. 37):

House resolution 133.

Resolved, That the Secretary of War be, and he is hereby, requested if not incompatible with the public interest, to send to the House of Representatives full information, as follows, with regard to certain statements made by Hon. ROBERT E. DIFENDERFER, of Pennsylvania, in the House on April 25, 1911:

First. What proportion of the contracts for Army shoes during the fiscal years 1909, 1910, and 1911 were awarded to the firm of Hermann & Co.?

Second. What are the names of the individuals or firms who have secured contracts for Army shoes in the fiscal years 1909, 1910, and 1911? What was the amount of each contract?

Third. Have any competitors been blacklisted or disqualified from bidding on any Army shoe contract in the fiscal years 1909, 1910, and 1911? If so, what were the names of those competitors and what was the cause of their disqualification?

Fourth. What proportion of the Army shoe contracts in the fiscal years 1909, 1910, and 1911 were awarded to the lowest bidders?

Fifth. How many bidders were there for the last Army shoe contract?

Sixth. Is Shrewsbury leather required in the specifications for Army shoes?

Seventh. Did the War Department institute a test between Shrewsbury leather and Calumet leather? If so, was it found that Calumet leather was better?

Also the following committee amendments were read:

In line 2, page 1, strike out the word "requested" and insert the word "directed."

In the same line, strike out the words "if not incompatible with the public interest."

On page 1, in lines 8 and 9, strike out "and nine, nineteen hundred and ten," and insert the word "one."

Mr. HAY. The latter amendment is to carry the inquiry back to 1901.

Mr. MANN. Will not the Clerk report it as it would read as amended?

The SPEAKER. The Clerk will report the resolution as it would read if amended.

The Clerk read as follows:

What proportion of the contracts for Army shoes during the fiscal years 1901, 1910, and 1911 were awarded to the firm of Hermann & Co.?

Mr. MANN. Mr. Speaker, I suggest to the gentleman that the amendment will only cover the three years of 1901, 1910, and 1911.

Mr. HAY. It should have read "1901 to 1911, inclusive." Therefore I move to amend the resolution by inserting after the word "eleven" the word "inclusive," so as to take in all of those years.

Mr. MANN. Why does not the gentleman make it read "1901 to 1910, inclusive"?

The SPEAKER. The question is on the adoption of the committee amendments. Is a separate vote demanded on any amendment? If not, the vote will be taken in gross.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

Mr. LONGWORTH. Mr. Speaker, I would like to ask the gentleman a question.

Mr. HAY. Certainly.

Mr. LONGWORTH. Ought not the same amendment be made on line 13?

Mr. MANN. It occurs several times in the resolution. As to the resolution that was just adopted, where the first paragraph, headed "First," was made to read from 1901 to 1910, I desire to ask the gentleman whether he wishes the same amendment in the second, third, and fourth paragraphs?

Mr. HAY. I do, Mr. Speaker. I have not had my attention called to the fact that the years were repeated in each one of these paragraphs, and I therefore move that the Clerk be instructed to amend the resolution so as to read in each paragraph "from 1901 to 1910, inclusive."

Mr. MANN. The gentleman will have to ask unanimous consent to reconsider the vote by which the resolution was agreed to.

Mr. HAY. Yes. Mr. Speaker, I ask unanimous consent to reconsider the vote by which the resolution was agreed to.

The SPEAKER. Without objection, the amendment will be agreed to. Is there objection?

There was no objection, and the amendment was agreed to.

Mr. RAKER. Mr. Speaker, that also occurs on page 2.

The SPEAKER. The gentleman from Illinois has already called attention to the fact that that occurs there, too. The amendment includes that. The Clerk will report the next resolution.

ARMY SHOE CONTRACTS.

The Clerk read as follows:

House resolution 152 (H. Rept. 36).

Resolved, That the Secretary of War be, and is hereby, requested, if not incompatible with the public interest, to send to the House of Representatives full information relative to certain statements made in the House on April 25, 1911, by Hon. ROBERT E. DIFENDERFER, a Member from the State of Pennsylvania, said information to cover the following facts, since the beginning of the fiscal year 1901:

First. The names of individuals or firms who have secured contracts for Army shoes and the amount of each contract in each fiscal year.

Second. What proportion of said contracts was awarded to the firm of Hermann & Co., of Massachusetts.

Third. Whether any competitors have been blacklisted or disqualified from bidding on any Army shoe contract in any such fiscal year; if so, the name of such competitors and the alleged causes for said disqualification or blacklisting.

Fourth. What proportion of said Army shoe contracts have been awarded to the lowest bidders.

Fifth. Whether any of the specifications for such Army shoe contracts in any fiscal year since 1901 stipulated any particular make of leather; if so, what.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

On page 1, line 2, strike out the word "requested" and insert the word "directed."

On page 1, line 2, strike out the words "if not incompatible with the public interest."

The SPEAKER. The vote is first on the amendments. Is a separate vote demanded on any amendment? If not, they will be considered in gross. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The vote now recurs on the adoption of the amended resolution.

Mr. GARDNER of Massachusetts. Mr. Speaker, has the previous question been ordered on this?

Mr. HAY. I have the floor, Mr. Speaker. Does the gentleman want some time?

Mr. GARDNER of Massachusetts. I would like to have some time. I have just come in, this second, and I was unaware of the situation.

Mr. HAY. I will say to the gentleman that the only question is as to the time covered by the resolution.

Mr. GARDNER of Massachusetts. Which resolution?

Mr. MANN. We have already passed the gentleman's resolution.

Mr. HAY. We have already passed the resolution introduced by the gentleman from Massachusetts.

The SPEAKER. The question is on the adoption of the amended resolution.

The question was taken, and the resolution as amended was agreed to.

ARIZONA AND NEW MEXICO.

Mr. FLOOD of Virginia. Mr. Speaker, I move that the House do now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House joint resolution 14, approving the constitutions of New Mexico and Arizona as amended.

The SPEAKER. The gentleman from Virginia, the chairman of the Committee on the Territories, moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House joint resolution 14, as to the admission of Arizona and New Mexico. The question is on agreeing to the motion.

The question was taken, and the motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of House joint resolution 14, approving the constitutions formed by the constitutional conventions of the Territories of New Mexico and Arizona, with Mr. GARRETT in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of House joint resolution 14, of which the Clerk will report the title.

The Clerk read as follows:

House joint resolution 14, approving the constitutions formed by the constitutional conventions of the Territories of New Mexico and Arizona.

Mr. FLOOD of Virginia. Mr. Chairman, I yield 30 minutes to the gentleman from Mississippi [Mr. HUMPHREYS].

The CHAIRMAN. The gentleman from Mississippi [Mr. HUMPHREYS] is recognized for 30 minutes.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, there have been two reports submitted to the House on this resolution, one by the majority and one by the minority. Those reports show the difference of opinion between the Democratic Members and the Republican Members, and the difference follows the lines which have differentiated the doctrines of these two parties from the beginning.

The Democratic Members, in the majority report, insist upon the admission of these Territories, proceeding upon the theory that the people are entitled to frame such constitutions as in their opinion are best suited to their needs, believing, as we have always believed, in local self-government.

The Republicans, on the contrary, have submitted a report which forbids the admission of Arizona unless she will agree to change her constitution to suit the ideas and the views of this Congress. Under the enabling act Arizona and New Mexico will come in when their constitutions are approved by Congress and the President; or if they are approved by the President, and Congress fails to disapprove, then they come in; but the present situation is this, that the President has approved the constitution of New Mexico, but has failed to act at all as to the constitution of Arizona. So that if Congress fails to act at all, New Mexico will come in and Arizona will stay out.

The report of the majority of the committee is in effect a disapproval of both constitutions. That is, it accepts both constitutions with a condition precedent, and that is that the people of New Mexico shall vote upon an amendment to their constitution, which, if adopted, will render it more easily amendable in the future, and in Arizona to give the people an opportunity to vote further upon the proposition of the recall of judges.

Mr. DICKINSON. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Missouri?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. DICKINSON. I understand that New Mexico will come in as a State by reason of the approval of its constitution by the President if no action is taken by this House on this joint resolution. Suppose that both Houses of Congress pass this joint

resolution. What effect will that have upon New Mexico? Can not New Mexico fail to act under this joint resolution and come in anyhow, by virtue of the approval of the President, if Congress does not pass affirmative action outside of this resolution disapproving the constitution?

Mr. HUMPHREYS of Mississippi. I think not. I think if Congress passes this resolution it will operate as a disapproval of the New Mexico constitution, and under the terms of the enabling act it can not come in. If the President approves the joint resolution adopted by Congress, then, if both States vote on the proposed amendments as provided for, as they undoubtedly will, both will come in.

Mr. DICKINSON. Mr. Chairman, may I inquire further?

Mr. HUMPHREYS of Mississippi. Certainly.

Mr. DICKINSON. Does the gentleman suppose that Congress, after the President has approved the New Mexico constitution, can avoid the resolution already passed admitting New Mexico?

Mr. HUMPHREYS of Mississippi. There has been no resolution already passed admitting New Mexico. There was an enabling act authorizing the people in the Territory to form a constitution and apply for statehood.

Mr. DICKINSON. Can you avoid the enabling act at this late day which requires the President to approve, which he has done, thereby admitting New Mexico if Congress did not dissent?

Mr. HUMPHREYS of Mississippi. Yes; I think so. We can admit these States without any enabling act at all. That enabling act had provisions in it which bound the people of the Territories. It had further provisions in it which are an attempt to bind the action of this Congress. In so far as the enabling act of the Sixty-first Congress was an attempt to control the action of the Sixty-second Congress, I think it is a nullity. This Congress can admit those States whether they have complied with the enabling act or not. Congress has admitted many States heretofore without any enabling act.

Mr. OLMSTED. Mr. Chairman, will the gentleman allow me a question?

Mr. HUMPHREYS of Mississippi. Certainly.

Mr. OLMSTED. I agree with the gentleman that Congress could to-day pass a law admitting these States, repealing the enabling act and admitting them at once; but as long as that stands it is the law. Would not the adoption of this resolution in its amended form act as a disapproval of the present constitution?

Mr. HUMPHREYS of Mississippi. I think so.

Mr. OLMSTED. And thus delay the admission of New Mexico as a State?

Mr. HUMPHREYS of Mississippi. It would not delay it one day, for this reason, that the enabling act provides that after their constitution has been approved by the President and Congress there shall be an election held at which State officers shall be chosen, and that the result of that election shall be certified to the President.

Upon the receipt of that certificate the President shall proclaim the admission of the State into the Union. Under the provisions of this resolution, at the same election held on the same day that it would be held under the enabling act, the people vote upon the proposition to amend the constitution. Whether they vote "aye" or vote "no," as soon as the result is ascertained and certified to the President he issues the proclamation admitting the State to statehood.

Mr. OLMSTED. Not if they vote "no."

Mr. HUMPHREYS of Mississippi. Yes; if they vote either way.

Mr. OLMSTED. If they vote "no" they do not become a State.

Mr. HUMPHREYS of Mississippi. The gentleman from Pennsylvania is mistaken. The resolution provides that whether they vote "aye" or vote "no" they shall be admitted. The minority, or rather a majority of the minority, submit a report, and I suppose they will offer an amendment at the proper time which makes a condition precedent to the admission of Arizona that they shall vote "aye" on the proposition, but that is not the provision of the resolution.

The resolution provides that they shall be admitted whether they vote "aye" or vote "no," because we proceed on the theory that it is a matter properly left to those people to determine what kind of a constitution they want, and that Congress has no right, although it may have the power, to decide what constitution they shall have.

Mr. KENDALL. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Iowa?

Mr. HUMPHREYS of Mississippi. I do.

Mr. KENDALL. The majority resolution simply provides that the Territories of New Mexico and Arizona shall each hold another election, at which there shall be submitted to the electors of these Territories the propriety of amending the constitution that they have heretofore ratified, and whether they vote to amend or reject the proposed amendments they are still admitted into the Union, irrespective of the vote?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. KENDALL. That election is to be held at the same time as the election for State officials?

Mr. HUMPHREYS of Mississippi. Yes, at the same time; and the statement in the minority report that it will work delay in the case of New Mexico is not founded on fact. She will come in exactly on the same day that she would come in under the enabling act.

Now, Mr. Chairman, I had originally intended to discuss the conditions in New Mexico and Arizona in an effort to demonstrate to the House that they are entitled to statehood, but the debate has taken a different course. Nobody seems to question the fact that they have the territorial area, that they have the population in numbers, and that they have the population in character that would entitle them to admission.

Heretofore they have been kept out, and the responsibility for it rests upon the Republican side of the House. They have been kept out of the Union not because they had an insufficient territorial area, not because they had population insufficient in numbers, but because that side of the House, the Republican side, did not have faith in the character of the people there and did not believe that they were capable of self-government. I do not believe that any other conclusion can be drawn from the history of the application of these Territories for admission in this House.

Mr. CAMPBELL. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Certainly.

Mr. CAMPBELL. May I ask how long the conditions of their fitness to statehood have existed?

Mr. HUMPHREYS of Mississippi. My opinion is that that condition has existed ever since the Territory of New Mexico was added to the Union.

Mr. CAMPBELL. Can the gentleman tell why the Territory of New Mexico was not admitted as a State when the Democratic party had undisputed control of both branches of Congress and of the Executive?

Mr. HUMPHREYS of Mississippi. No. I can state that there never has been a time when a Democratic House has refused to pass a resolution admitting New Mexico as a State into the Union. Since the Civil War the Democratic Party has had control of the three branches of the Government for two years, and two years only. But during the past 16 years the Republican Party has had control of this end of the Capitol and of the Senate and of the White House, and during all those 16 years these Territories have applied for statehood, and during all that time they have been qualified for statehood, and during all that time other Territories with less population have been admitted into the Union by that side of the House, but these Territories have been rejected. [Applause on the Democratic side.] And I call upon the gentleman, if he can, to give any other reason why they have been kept out, except that, in the opinion of the Republican Party, the character of the people was not such as to justify their coming into the Union.

Mr. CAMPBELL. I assume the gentleman would not object to naming the Territory that has been admitted with a less population in the last 16 years.

Mr. HUMPHREYS of Mississippi. No.

Mr. CAMPBELL. What Territory was admitted that had a less population?

Mr. HUMPHREYS of Mississippi. Well, I will name to the gentleman the Territories that have been admitted since the Republican Party has been in power, and I will give the population of each for a number of years back.

Mr. CAMPBELL. I mean within the last 16 years.

Mr. HUMPHREYS of Mississippi. In 1860, for instance, the Territory——

Mr. CAMPBELL. This was the statement made—for the last 16 years.

Mr. HUMPHREYS of Mississippi. I will give it to the gentleman during the entire time that the Republican Party has been in power. You have been in power for 16 years and you have kept these Territories out. You have admitted other Territories with less population and with less territorial area. The Republican Party has——

Mr. CAMPBELL. Within the last 16 years?

Mr. HUMPHREYS of Mississippi. No; but you have kept these out within the last 16 years, when you have been in abso-

lute control, and while you were in absolute control prior to that time you admitted the other Territories——

Mr. CAMPBELL rose.

Mr. HUMPHREYS of Mississippi. Oh, if the gentleman will possess his soul in patience, I will give him the figures. In 1864, for instance. Under the census of 1860 Nevada had a population of 6,857, and the same year New Mexico had 93,000. In 1870 Nevada had 42,000. In the same year New Mexico had 91,000. In 1864—I give the figures for 1860 and 1870 because there was no census for 1864—in 1864 Nevada was admitted as a State.

In 1889 Montana was admitted with 142,000, and the same year New Mexico had a population of 160,000. In 1890 Idaho was admitted with 88,000 and Wyoming was admitted with 60,000, and at the same time New Mexico had a population of 195,000, and at that same time Arizona had a population of 122,000. [Applause on the Democratic side.]

Mr. CAMPBELL. The gentleman has failed to give a single case where the Republican Party admitted a State in the last 16 years.

Mr. HUMPHREYS of Mississippi. Because the Republican Party has been in power; that is why. [Applause on the Democratic side.] It is for the very reason that I state. I can not state that they have been admitted, because the Republican Party was in power and refused to admit them; but you yoked New Mexico and Arizona together against their will in a resolution admitting them as one State. Let me tell you something else you did. In order to bribe the people of Arizona to accept that condition you inserted a provision in your resolution that they would be given $5,000,000 cash for a school fund if they would accept the terms which you imposed. [Applause on the Democratic side.]

Mr. CAMPBELL. But the gentleman stated that the Republican Party had been admitting States within the last 16 years with a less population than Arizona and New Mexico.

Mr. HUMPHREYS of Mississippi. Oh, no; the gentleman did not. The gentleman said the Republican Party had been admitting States into the Union with less population than New Mexico and Arizona, but that during the past 16 years it had kept these two States out, and the only reason you can give for it is that you did not think the character of the population would justify their admission.

This, Mr. Chairman, has been the objection which has always been made to the admission of States located outside the territory of the original States.

In 1811, when the bill for the admission of the State of Louisiana came before the House, Josiah Quincy, of Massachusetts, in a speech opposing the admission, among other things, said:

> It was not for these men that our fathers fought. It was not for them this Constitution was adopted. You have no authority to throw the rights and liberties and properties of this people into hotch-pot with the wild men on the Missouri, nor with the mixed, though more respectable, race of Anglo-Hispano-Gallo-Americans who basks on the sand in the mouth of the Mississippi.

In 1843, when the bill for the settlement of the Oregon Territory came before the Senate, the wild men on the Missouri seem to have taken a step forward in the opinion of the statesmen of the older States, and in discussing that question Senator McDuffie, of South Carolina, then said:

> Why, sir, of what use will this be for agricultural purposes? I would not for that purpose give a pinch of snuff for the whole Territory. I wish to God we did not own it. I wish it was an impassable barrier to secure us against the intrusion of others. This is the character of that country. Who are we to send there? Do you think your honest farmers in Pennsylvania, New York, or even Ohio or Missouri, will abandon their farms to go upon any such enterprise? God forbid.

In opposing the same measure, Senator Dickerson, of New Jersey, said:

> We have not adopted the system of colonization, and it is to be hoped we never shall. Oregon can never be one of the United States. If we extend our laws to it, we must consider it as a colony. Is the Territory of Oregon ever to become a State, a member of the Union? Never. The Union is already too extensive.

And again, in 1848, in a speech in the Senate, Mr. Webster said:

> I have never heard of anything, I can not conceive of anything, in itself more absurd and more affrontive to all sober judgment. Mexico and California are not worth one dollar.

I wonder with what emotions the shade of that great statesman contemplated the action of this House last winter, when, in making preparation for the celebration and glorification of the completion of the Panama Canal, we decided to hold the great exposition in the city of San Francisco.

"Mexico and California are not worth one dollar," so thought the great expounder. Let us see. In New Mexico to-day the taxable values now amount to $300,000,000. In addition, there are 400 miles of railroads now untaxed but soon to be, and, according to the estimate of the Geological Survey, 9,000,000,000 tons of coal. There are school buildings valued at a million dollars and a hundred thousand school children, 10 daily and 100 weekly papers, 41 national banks, 34 Territorial banks, and 3,000 miles of railroad.

In Arizona the taxable values equal $450,000,000, schools and public buildings $1,000,000, 33 Territorial and 13 national banks, live stock valued at $18,000,000, and 1,900 miles of railroads.

So much for the material development of the Territories that would not be worth one dollar.

In area New Mexico has 122,000 square miles; Arizona, 112,000 square miles; and New England, including New York and New Jersey, has 124,000 square miles.

If any rule as to the population requirement has ever been adopted, I think I can say safely that that rule has been that when a Territory has sufficient area and a population equal to that fixed by the apportionment as entitling a State to one Representative in Congress. Under the ordinance of 1787 for the government of the Northwest Territory it was provided that the States to be formed out of that great Territory should be admitted when they had a population of 60,000. In obedience to this requirement Illinois was admitted with 55,000; Kentucky, with 73,000; Louisiana, with 76,000; Mississippi, with 75,000; Missouri, with 66,000; and Ohio, with 45,000. And so I repeat that the only reason the Republican Party has refused admission to New Mexico and Arizona, in view of the fact that they have all along had the requisite population and the requisite territorial area, is that they have had no faith in the character of the people of those Territories and in their capacity for self-government.

There is nothing in the history of these people to justify any such position. The very common opinion entertained by the people east of the Mississippi River is that the people of New Mexico and Arizona are emigrants from old Mexico, and they regard them in the light of Mexican peons. Nothing could be further from the truth. The Spanish-American citizens of New Mexico are descended from a very noble race. They are not Mexicans in race, in sympathy, or in civilization. Their ancestors came to New Mexico direct from Spain, and they have no connection by blood or political affiliations with old Mexico.

When the first explorers reached New Mexico, they found a tribe of Indians far advanced in the arts of civilization. They lived in towns, they cultivated their fields, and were dressed in clothes made of cotton cloth. It was thought by these first explorers that that country was rich in mineral wealth, and so this first discoverer wrote back to the home Government of Spain, "I have discovered a new Mexico." Colonists were sent out from Spain to settle this new Mexico, and it became and remained a Province of Spain, as distinct from the Province of Mexico as it was from any other Spanish colonies upon the face of the earth. As a matter of fact, they were separated from the people and Government of old Mexico by hundreds of miles of trackless desert. They maintained their civilization, they reared a race of pure Castilian blood, and they are and have a right to be as proud of their lineage as any other Caucasians in any other State of this Union. They are not Mexicans, and they naturally and properly resent the treatment they have had by the citizens of the other States of this Union, who have unconsciously and ignorantly affronted them in their literature and in their political treatment of them.

When the Mexican revolution ended successfully in 1821 and the authority of Spain was put an end to, the Government of old Mexico sent a governor to New Mexico, and then, and not until then, were they brought under the authority or bore any political relation to that Government. For 300 years they have maintained their civilization, and before the settlement at Jamestown they had built their schoolhouses and erected their temples of worship.

In 1846, when war was declared with Mexico, Gen. Kearney, commanding the American forces, was received with open arms by the people of New Mexico, and he promised them then that they would be taken into the Union of States and guaranteed all the rights and privileges of American citizens. Under the treaty of Guadalupe Hidalgo it was again solemnly agreed that these people should be admitted as citizens of the United States and receive and enjoy all the rights of that citizenship according to the principles of the Constitution of the United States. This same guarantee was given them under the treaty of Gadsden, and again in the compact with Texas.

Relying upon the good faith of the United States, they applied for statehood in 1851, and President Taylor sent a message to Congress urging that they be given it. At every Congress since that time they have stood at the door and knocked, but it has never yet been opened to them. Other Territories with less population, with less territorial area, with less industrial de-

velopment have been admitted on their borders, but these more fortunate Territories were peopled by emigrants from the older States, and so those people believed, and so they had a right to believe, and I believe and charge that the only reason they have been denied admission to the Union was because the Republican Party, which has been in power in this country, with the exception of two short years, for the past half century and more, did not believe that in character and qualifications for self-government they were capable of maintaining the institutions of a State.

Mr. WARBURTON. Mr. Chairman, I would like to ask the gentleman why the Democratic Party did not admit these States when it had the power during previous administrations.

Mr. HUMPHREYS of Mississippi. I do not understand the gentleman's question.

Mr. WARBURTON. Why was it the Democratic Party did not admit these States when it had the power to do so?

Mr. HUMPHREYS of Mississippi. The Democratic Party had power two years since the war, and in those two years it failed to admit them, and when it failed to admit them it did wrong. The great trouble with the Republican Party to-day is that they follow the Democratic precedent when it is wrong, but never follow it when it is right. [Applause and laughter on the Democratic side.]

Mr. OLMSTED. But it is never right.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Certainly.

Mr. CANNON. If the failure to admit these Territories during the last 16 years excludes the Republican Party from indorsement, then the failure to admit these Territories during the period that existed between the 4th of March, 1893, and the 4th of March, 1895, when the Democratic Party had a full majority in the House and in the Senate, and the Democratic President was in the White House, with three sessions of Congress during that time, ought to exclude the Democratic Party from proper indorsement. In other words, I suppose the gentleman claims that the baby was such a small one for those two years that it ought not to put the Democratic Party out of the pale of social, if not voting, approval.

Mr. HUMPHREYS of Mississippi. Oh, no; the gentleman claims this, that there was another baby at that time that was so great a baby that had come to the Democratic Party through the mismanagement and the malfeasance of the Republican Party in power for years before that, whereby the burdens upon the people were so great and overwhelming, that it took all of the time of the party trying to take care of it. [Applause on the Democratic side.]

Mr. CANNON. If the gentleman will allow me further, receiving so much applause from his party friends—and I always like to join in applause of the estimable gentleman from Mississippi—does the gentleman, or does his party, look with pride upon the wonderful accomplishments during the years of 1893 to 1895, when you had full power? [Applause on the Republican side.]

Mr. HUMPHREYS of Mississippi. The gentleman's party looks not with pride upon all that happened then. The gentleman's party looks with pride upon the fact, however, that the Democratic Party since that time has consistently and continually fought the policies of the Republican Party, which had brought this country to the condition it was found in when the Democratic Party assumed power in 1893, and I am thankful to God that the verdict rendered last November shows that the people have at last come to the conclusion that we are right. [Applause on the Democratic side.]

Mr. CANNON. If the gentleman will allow me——

Mr. HUMPHREYS of Mississippi. Oh, Mr. Chairman, I would prefer to go on and discuss this matter, with no intention, of course, to be discourteous to the distinguished gentleman from Illinois, my friend. We have had this matter about 1893 thrashed out here until it is threadbare, and is, to use an expression of a distinguished gentleman of this country, "worn to a frazzle."

The question is of admitting the Territories of Arizona and New Mexico to-day, and the Democratic Party to-day stands for their admission with the constitutions which they have provided, without the delay of a single minute. Does the gentleman and his party stand for the same thing to-day?

Mr. CANNON. I am for the admission of New Mexico, as the gentleman was for its admission in the last session last winter of the Sixty-first Congress, when, with this constitution, without the dotting of an "i" or the crossing of a "t," it received the approval unanimously of the House; and I am of the same opinion still.

Mr. HUMPHREYS of Mississippi. I am, too. Now, is the gentleman in favor of the admission of Arizona?

Mr. CANNON. Will the gentleman vote that way?

Mr. HUMPHREYS of Mississippi. I will; but will that side of the House vote to admit the State of New Mexico with the constitution she has now, without the dotting of an "i" or the crossing of a "t," and vote to admit the State of Arizona without the dotting of an "i" or the crossing of a "t"? Will the gentleman and his party do that?

Mr. CANNON. I will treat each Territory [laughter on the Democratic side] in the matter of statehood upon its respective merits, and will vote, as the gentleman and his party voted, to admit New Mexico; and if I vote against admitting Arizona, for good reasons, when we come to the separate measure for Arizona, I will take the responsibility for my vote. Is the gentleman willing to take the responsibility for his vote if New Mexico is not admitted?

Mr. HUMPHREYS of Mississippi. The gentleman will take all the responsibility that can be put upon him. The Democratic Party has no desire to shirk it. The Democratic Party lays no log across the road of New Mexico. If the people of New Mexico come into this Union according to the provisions of this resolution, they will come in exactly the same day as they would come if the conditions proposed in the pending resolution were stricken out.

Mr. HAMILTON of Michigan. Will the gentleman yield for a question?

Mr. HUMPHREYS of Mississippi. I will.

Mr. HAMILTON of Michigan. I take it that we need have very little difficulty about New Mexico, and what I want to ask the gentleman particularly is this—the gentleman may have covered it in his remarks, because I did not hear the beginning of his remarks: Does the gentleman favor the abrogation of the recall of judges as provided for in the Arizona constitution?

Mr. HUMPHREYS of Mississippi. Well, we will get to that in a moment.

Mr. HAMILTON of Michigan. I did not know but what the gentleman might have covered that. That is really the difficulty, I take it, of Members on both sides of this House, and there really ought not to be any partisan question involved here at all.

Mr. HUMPHREYS of Mississippi. No; I have no doubt the Republican Party believe that.

Mr. HAMILTON of Michigan. Well, I reckon you believe it.

Mr. HUMPHREYS of Mississippi. I think there has been partisanship all the way through.

Mr. HAMILTON of Michigan. I mean there ought not to be any partisanship on this question of the recall of judges. It is not a partisan question.

Mr. HUMPHREYS of Mississippi. Not at all.

Mr. HAMILTON of Michigan. And really that is the only question involved here.

Mr. HUMPHREYS of Mississippi. In my opinion, that is not the only question involved. Whether I favor the recall of judges or whether I do not, my opinion is immaterial. I do not think it is up to this Congress to determine that question for the people of Arizona. I believe the people of Arizona have a perfect right to provide in their constitution that judges may be recalled by the people and still the Territory be entitled to admission into this Union.

Mr. HAMILTON of Michigan. May I make another suggestion? The gentleman and I have always reasoned pretty freely and frankly on these questions. The reason, as it appears to me, is this: Now, that this question is presented to the Congress of the United States, we, as the Congress of the United States, ought to set the mark of our disapproval on the recall of judges, if we do disapprove of it, and if we do not disapprove, then we ought to deliberately say we do approve. If as lawyers, if as Representatives. we believe in the recall of judges, why, then, let us say so, and if we do not, then let us say we do not. It is up to us now.

Mr. HUMPHREYS of Mississippi. That has been the position of the gentleman's party from the beginning, and I think he is entirely consistent.

Mr. HAMILTON of Michigan. It is not a question of party.

Mr. HUMPHREYS of Mississippi. It is a question of party. The position of the Republican Party is that it is the duty of the Federal Government to determine for the people in the States the kind of government they ought to have. The Democratic position is just the contrary, and that it is the right of the people in the various States to establish such governments as, in their opinion, are best suited to their conditions; and that is the position here to-day, and that is the issue drawn by the two reports now filed. The Democratic Party says that it is in favor of the admission of these Territories with the constitutions as they stand to-day.

Mr. HAMILTON of Michigan. Mr. Chairman, the gentleman says that his party is in favor of letting the people of a Territory make their own constitution. Now, the gentleman would not carry that so far as to say that he would be in favor of letting the people of a Territory adopt a constitution which might approve the practice of polygamy?

Mr. HUMPHREYS of Mississippi. The gentleman says this, and now, speaking for my single self——

Mr. HAMILTON of Michigan. That is the way I like to hear the gentleman talk.

Mr. HUMPHREYS of Mississippi (continuing). I believe the people of these Territories have a right to come into the Union provided they have a constitution that is republican in form and does not violate the provisions of the enabling act, and I do not believe that the recall of judges renders the constitution unrepublican in form. Now, that is what I believe.

Mr. MARTIN of Colorado. It was not forbidden by the enabling act.

Mr. HUMPHREYS of Mississippi. It was not forbidden by the enabling act as suggested by the gentleman from Colorado.

Mr. OLMSTED. If the gentleman will permit me just a second, the enabling act does require or provide for the approval of the constitution by Congress. Now, if we approve of the constitution containing a provision for the recall of judges, then we approve that provision along with the rest of the constitution.

Mr. HUMPHREYS of Mississippi. That applied to the Sixty-first Congress. That Congress can not put any limitations upon the powers of the Sixty-second Congress. The Sixty-first Congress said that they would not admit these Territories as States until they approved of their constitutions. The Sixty-second Congress says, "We will admit these States with the constitutions they have, without reference to whether we approve them or disapprove them; and the Sixty-first Congress had no power to bind us in that regard."

Mr. OLMSTED. I admit that the Sixty-second Congress can repeal any act the Sixty-first Congress passed.

Mr. HUMPHREYS of Mississippi. We do not have to repeal it, nor have we repealed any of the conditions which were fixed in the enabling act. The Sixty-first Congress was utterly without power to bind us. We can admit these States without any enabling act. States have come into this Union without any enabling acts and without any constitutions.

Mr. OLMSTED. Let me ask one more question, in order that I may understand the gentleman's position. Does he intend to vote for this substitute resolution recommended by the majority of the Committee on the Territories, or does he propose to vote for the resolution in its original form?

Mr. HUMPHREYS of Mississippi. I propose to vote for the resolution in its original form.

Now, Mr. Chairman, the question of the recall of judges——

Mr. OLMSTED. Just one word. That resolution does provide, in its original form, and requires us to say, that we approve of that constitution. If we do not approve of the recall of judges we can not conscientiously vote for the original resolution, because to so vote would be to approve of that Arizona constitution, which does contain a provision for the recall of judges——

Mr. HUMPHREYS of Mississippi. Which does the gentleman call the "original resolution"?

Mr. OLMSTED. The one introduced by the gentleman from Virginia, chairman of the Committee on Territories, House joint resolution 14.

Mr. HUMPHREYS of Mississippi. Now, Mr. Chairman, the gentleman can just draw whatever conclusion his mind will lead him to on that question.

Mr. KENDALL. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. KENDALL. The gentleman from Mississippi has been very generous in submitting to interruptions, and I want to ask him a question or two for information. The original resolution introduced by the gentleman from Virginia and referred to the Committee on Territories provided for the admission of both these Territories and the approval of the constitutions, which had been previously ratified by their people.

Mr. HUMPHREYS of Mississippi. I beg the gentleman's pardon. I did not hear him.

Mr. KENDALL. I say, the original resolution, introduced by the gentleman from Virginia and referred to the Committee on Territories, provided for the admission of both these Territories and for the approval of the constitutions which had been previously ratified by the people of those Territories.

Mr. HUMPHREYS of Mississippi. Yes.

Mr. KENDALL. Now, the committee proposes an amendment by which these Territories are to be admitted after an election shall have been held, at which these same constitutions, with certain amendments, shall be submitted to the people for their ratification or rejection?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. KENDALL. But in any event, whether the people shall approve or reject the amendments proposed in this resolution, the Territories are to be admitted into the Union. Do I understand that the gentleman proposes to ignore the recommendations of the majority of the committee and vote against the amendment?

Mr. HUMPHREYS of Mississippi. I misapprehended the question of the gentleman from Pennsylvania [Mr. OLMSTED] when he referred to the "original" resolution. I intend to vote for the resolution as reported from the committee.

Mr. KENDALL. For the substitute?

Mr. HUMPHREYS of Mississippi. Yes; on condition——

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLOOD of Virginia. Mr. Chairman, I yield 30 minutes more to the gentleman from Mississippi.

Mr. KENDALL. Let me inquire of the gentleman what the condition amounts to; if, whether or not it is complied with, the Territories enter the Union just the same?

Mr. HUMPHREYS of Mississippi. It amounts to a good deal, I think. It gives to the people of that Territory the right to vote on the proposition again, and there are a great many people in that Territory who insist that they would like to have an opportunity to vote upon this proposition. As it was submitted to them they accepted it, because, as some of them said, the people were crazy to be admitted to the Union and they would have accepted anything, and I can understand how they should be. Those Territories have been ruled from Washington. They have been administered from Washington. Their officers have been appointed from Washington. They have had, in a mild form, as one of my friends here suggests, a carpet-bag government, and I can understand how any people who live out in the Territories of the United States, where their affairs are governed from Washington, 1,000 or 2,000 miles away, would be willing to accept almost any constitution presented to them in order to escape from that condition and have self-government.

A very high official of this Government is reported to have said recently that the people of Arizona would have voted for that constitution if it had contained a provision that would have established such government as Kipling tells us lies "somewhere east of Suez, where the best is like the worst and there aren't no Ten Commandments" [laughter], and I can readily understand how they feel.

Mr. Chairman, the question here is raised sharply by the two reports, whether or not the recall of judges renders this constitution republican in form. Before taking that matter up, I want to say that, so far as I am concerned, I am utterly opposed to the recall of judges. I am opposed to the recall of any officers, and I am also opposed to short terms for officers. I was one of those who voted in this House five or six years ago in favor of making the term of Congressmen four years, and I would vote again for that proposition. I do not believe there is anything in the history of this country, and, so far as my limited investigation has gone, there is nothing in the history of other countries, that would justify this turning to the recall of judges. The judges I have in mind, whose names have come down to us in the history of the world, connected with infamy and held in execration were judges who were subject to recall. Pontius Pilate did not deliver up the Innocent One to be crucified until the mob reminded him that "we are friends of Cæsar."

I do not believe any brighter chapter in the history of this Republic will ever be written than the chapter which tells the story of the judiciary of these United States. [Applause.] I have never yet done it, and I do not believe the day will come when I shall go on the stump or rise in my place on this floor and assail in unmeasured terms the judiciary of this country. And I do not believe, with all due respect to everybody else, that those who do preach to the people the doctrine that our courts are corrupt or that they are subject to improper influences and that their opinions are directed by special interests are serving their country well or are the best friends of liberty. [Applause.]

A few days ago a distinguished gentleman of this country, whose star has recently risen above the horizon, but which in my opinion is destined at no distant date to become the brightest luminary in our political firmament, expressed my views on the subject of the recall of judges so clearly that I will quote

what he says. I read from a speech of Gov. Woodrow Wilson, recently delivered in Kansas City:

The recall is a means of administrative control. If properly regulated and devised, it is a means of restoring to administrative officials what the initiative and referendum restore to legislators, namely, a sense of direct responsibility to the people who choose them.

The recall of judges is another matter. Judges are not lawmakers. They are not administrators. Their duty is not to determine what the law shall be, but to determine what the law is. Their independence, their sense of dignity and of freedom, is of the first consequence to the stability of the State. To apply to them the principle of the recall is to set up the idea that determinations of what the law is must respond to popular impulse and to popular judgment.

It is sufficient that the people should have the power to change the law when they will. It is not necessary that they should directly influence by threat of recall those who merely interpret the law already established. The importance and desirability of the recall as a means of administrative control ought not to be obscured by drawing it into this other and very different field.

Mr. HARDY. Will the gentleman permit me just one question?

Mr. HUMPHREYS of Mississippi. Certainly.

Mr. HARDY. Has the gentleman ever heard anybody denounce the judiciary of this country in unmeasured terms?

Mr. HUMPHREYS of Mississippi. I have.

Mr. HARDY. The whole judiciary?

Mr. HUMPHREYS of Mississippi. They did not except anybody particularly.

Mr. HARDY. The gentleman has heard something I have never heard in my life.

Mr. HUMPHREYS of Mississippi. Well, that is remarkable, but nevertheless true.

Mr. KENDALL. Is the gentleman in favor of appointive judges?

Mr. HUMPHREYS of Mississippi. I am. I think our actions outside of this Chamber frequently speak louder than our words in this Chamber. The proposition was submitted in the State of Mississippi at the State election last November to change from the present system of appointing judges to the system of electing the judges by the people and I voted against the change.

Mr. KENDALL. Did the proposition carry or not?

Mr. HUMPHREYS of Mississippi. That is a very hard question to answer. It got the votes, but the question is whether it is going to be inserted in the constitution. It is claimed by some very good lawyers that it was not submitted as it should have been.

Mr. KENDALL. It got a majority of the votes in favor of the amendment?

Mr. HUMPHREYS of Mississippi. Yes; there was an overwhelming majority of the votes in favor of the amendment, I am sorry to say, and I was left then, as I have frequently been on other occasions, in the minority.

Now, Mr. Chairman, as to this recall of judges. As I understand the argument of the gentlemen on the other side, it is that the fact that the judges may be recalled by popular vote renders this constitution unrepublican in form, and to that proposition I should like to address myself for a few moments.

I do not believe any gentleman will contend that if the recall of officers is permissible, and still the Government be republican in form, that the mere fact of the recall of the judges will render it unrepublican. I believe this to be true, and I think no lawyer here will take issue with me, that if any State in this Union has a constitution which is substantially the form of the constitutions of the original States that then it is republican in form.

The Supreme Court of the United States, in fact, has said this very thing. In Twenty-first Wallace, page 162, in discussing the guaranty clause of the Constitution, the court said:

All the States had governments when the Constitution was adopted. These governments the Constitution did not change. They are accepted precisely as they were, and it is therefore to be presumed that they were such as it was the duty of the States to provide. Thus we have unmistakable evidence of what was republican in form within the meaning of that term as employed in the Constitution.

I shall call your attention very briefly to some of the provisions in the constitutions of the original States on this particular question.

Mr. WARBURTON. I understand the gentleman to say that this side are all opposed to the constitution as provided for Arizona.

Mr. HUMPHREYS of Mississippi. Oh, no; I did not intend to say that. I said the opposition to the constitution of Arizona had come from that side.

Mr. WARBURTON. Personally, I am in favor of admitting her without any further conditions.

Mr. HUMPHREYS of Mississippi. I am glad to hear that, and I understand there are a number of gentlemen on that side who are, but the minority report was submitted, as the gentleman understands, by members of his party, and the speeches that have so far been made in opposition were from that side of the House.

Now, the declaration that "all political power is vested in and derived from the people only" is in the bill of rights of nearly all the States, and I insist, therefore, that if the people have the right to delegate to the legislature the power to recall judges, the people themselves must necessarily have that power, or else they could not have delegated it to the legislature.

When the old articles of confederation were in existence before the "more perfect union" was formed, this provision appeared in them:

ART. 5. For the more convenient management of the general interest of the United States, Delegates shall be annually appointed in such manner as the legislature of each State shall direct, to meet in Congress on the first Monday in November in every year, with a power reserved to each State to recall its Delegates or any of them at any time within the year and to send others in their stead for the remainder of the year.

Thomas Jefferson—and I address this remark to this side of the House particularly—in a draft of a constitution which he prepared for the State of Virginia—and I believe that we will all agree that he would not advocate any government that was not republican in form—submitted a draft in which this provision occurred:

Delegates to Congress shall be appointed by joint ballot of both houses of the assembly for a term not exceeding one year, subject to being recalled within the term by joint vote of both said houses.

Now, I will read provisions from some other States. In Massachusetts the bill of rights and the constitution adopted in 1780 contained this provision:

In order to prevent those who are vested with authority from becoming oppressors, the people have the right at such periods and in such manner as they shall establish by their form of government to cause their public officers—

All of them, not legislative, not executive, not judicial, but all of them—

to cause their public officers to return to private life, and to fill vacant places by certain and regular elections and appointments.

In their constitution, providing for Delegates to Congress, they say that they "may be recalled at any time within a year."

Now, the New Hampshire bill of rights contains this provision:

A frequent recurrence to the fundamental principles of the constitution and a constant adherence to justice, moderation, temperance, industry, frugality, and all the social virtues are indispensably necessary to preserve the blessings of liberty and good government. The people ought therefore to have a particular regard to all those principles in the choice of their officers and representatives; and they have a right to require of their lawgivers and magistrates an exact and constant observance of them in the formation and execution of the laws necessary for the good administration of government.

And accordingly, in article 72 of their constitution, they provide that—

All judicial officers shall hold their offices during good behavior, provided, nevertheless, the governor, with consent of the council, may remove them upon the address of both houses of the legislature.

The constitution of Texas, 1845, article 4, provided that—

The judges of the supreme and district courts shall be removed by the governor on the address of two-thirds of each house of the legislature for willful neglect of duty or other reasonable cause which shall not be sufficient grounds for impeachment.

Now, if the Legislature of Texas could remove the judge for reasonable cause and when his offending did not consist in willful neglect of duty or misbehavior in office, whence came that power? We all agree, and every State in this Union has incorporated that principle in its bill of rights in one form or another, that the people are the source of all political power. Then, if the people can delegate to the legislature the power to recall a judge for reasonable cause which in itself does not constitute a willful neglect of duty or misbehavior in office, and leave to the legislature to determine what is a reasonable cause, by what process of reasoning do you reach the conclusion that the people themselves could not reserve that power and also recall the judge for what to them seemed reasonable cause?

In Maine—and I suppose we will all agree that the same rule applies to the States which have been admitted to the Union since the formation of the Constitution as applied to the original States—in Maine in 1819 they provided that their judges might be recalled by impeachment, and might further be recalled by an address of both houses of the legislature.

Now, in Maryland; I would like to read the reasons given by the people for their action. It is urged that in order that a judge may be independent—and I think they ought to be—that we should have no recall, and that any act which tends to remove that independence renders the constitution unrepublican

in form. Here is what the Maryland people stated in their bill of rights in 1776:

That the independency and uprightness of judges are essential to the impartial administration of justice and a great security to the rights and liberties of the people; whereas the chancellor and judges ought to hold commissions during good behavior; and the said chancellor and judges shall be removed for misbehavior on conviction in a court of law, and may be removed by the governor upon the address of the general assembly: *Provided*, That two-thirds of all the members of each house concur in such address.

Mr. CAMPBELL. Will the gentleman yield right there?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Kansas?

Mr. HUMPHREYS of Mississippi. I do.

Mr. CAMPBELL. Does not the gentleman think that where a man is chosen to a position for life, the position taken by the Maryland Assembly was a correct one, and that that rule should not apply where an officer is elected for a short term of years?

Mr. HUMPHREYS of Mississippi. It does apply in various States where the term is for 7, 9, or 15 years.

Mr. CAMPBELL. The term of 9 or 15 years is an unusually long term for one to be elected to office in this country.

Mr. HUMPHREYS of Mississippi. I do not think so. I think the judges, as a rule, hold for as long a term as that. In my own State the supreme court judges hold for nine years.

Mr. CAMPBELL. The average, however, is much less than that in this country.

Mr. HUMPHREYS of Mississippi. But whatever be the theory, my proposition is that the people have the power; and the fact that it was in the constitutions of the States forming the original Union shows that it was not unrepublican, or, as Madison expressed it, it was not antirepublican, and that was the test. It was not that it was unrepublican, but that it was not antirepublican. Now, this same provision goes through the constitutions of a number of the States.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Certainly.

Mr. RAKER. After reading the constitution of Massachusetts has the gentleman inquired whether or not the people have seen fit or have had occasion to recall any of their judges, and has not that provision worked well for the last 100 years?

Mr. HUMPHREYS of Mississippi. I understand the provision has worked well, because there has been no change in it.

Mr. RAKER. And therefore the judges are of just as high a class there, and render as good opinions, as anywhere in the world.

Mr. HUMPHREYS of Mississippi. My opinion is, though I am a very humble member of the legal profession, that the opinions of no court in these United States stand higher than the opinions of the courts in the State of Massachusetts, and there they are chosen for life.

Mr. CAMPBELL. The judges are appointed by the governor for life, are they not, in Massachusetts?

Mr. HUMPHREYS of Mississippi. I do not recall just as to that, but the term is for life. Now, I have a number of authorities here giving a definition of a republican form of government, to which I would like to direct the attention of the House, if I may be permitted to proceed.

Mr. UTTER. Mr. Chairman, I understand the gentleman to say that, in his mind, the sole question is the recall. I understand him to say, second, that, so far as the work of Congress is concerned, the sole question is to determine whether the constitution offers a republican form of government, and that he does not consider the recall as contrary to a republican form of government. Therefore, that Congress would not be justified in holding out a State simply because it puts the recall in its constitution. Is that the gentleman's argument?

Mr. HUMPHREYS of Mississippi. Yes. I do not think Congress would be justified; but, of course, I think Congress has the power to keep the State out, because the Constitution says, "New States may be admitted by the Congress into this Union"; and, of course, Congress can admit them or keep them out, just as Congress has kept these States out. Congress is not called upon to give anybody any reason for it, and I do not think any good reason can be given for it in this particular instance, but Congress has the power, and it also has the power to lay down the terms on which the State may be admitted.

Mr. UTTER. One more question. If Congress admits this State with a recall, does it therefore practically approve of the recall?

Mr. HUMPHREYS of Mississippi. Oh, I think not. I am in favor of admitting this State with the recall, but I do not think there is a gentleman on this floor who is more opposed to the recall of judges than I am. I think, however, that is a matter that ought to be left to the people of Arizona, to let them work out their own salvation.

Mr. UTTER. And that we have no right to say with whom we shall travel. In other words, as in the case of a woman who marries a man to reform him, whether he needs reform afterwards or not, she has nothing to say about it. If we accept a State which has a provision in its constitution that we believe is against the common good we thereby approve it, whereas now is our time to say whether or not we shall approve it.

Mr. HUMPHREYS of Mississippi. Oh, I take it that the gentleman does not approve all of the constitutions of all of the States of this Union, does he?

Mr. UTTER. Oh, certainly not. But when the States come in Congress ought to approve of their constitutions.

Mr. HUMPHREYS of Mississippi. Why, the obligation on Congress is to guarantee that their forms of government shall be republican after they are in. Now, the objection which the gentleman offers, as I understand, is not that this is unrepublican in form but that it is undesirable.

Mr. UTTER. Undesirable?

Mr. HUMPHREYS of Mississippi. The gentleman believes it is republican in form?

Mr. UTTER. I certainly do. I think the power lies in the people to do that if they wish.

Mr. HUMPHREYS of Mississippi. Then I submit, if it is republican in form, it is none of the business of Congress to attempt to change it for this reason, that as soon as they come in the State will have the power to change it back again. The gentleman in that way will not get rid of the association of an evil State or an evil community. He will still have to associate on terms of absolute equality with the State of Arizona after it comes in if the government is republican in form.

Why, the Supreme Court has decided that on many occasions. In one instance, by a solemn treaty the Government had made with the Indians, the Indians, under the treaty, had a right to go on unoccupied land of the United States and hunt. In Wyoming, after the State was admitted into the Union, the legislature enacted a law prohibiting the Indians from hunting on those unoccupied lands of the United States, and they appealed to the Supreme Court of the United States, and the court stated in that case (Ward *v.* Race Horse) that the State had full power to enact such legislation, and that there is no such thing as inequality among the States in this Union; that we could have no Union here except upon the theory that all the States stood upon a full equality.

Mr. UTTER. I think I understand the gentleman's position exactly, and that is why I asked, because that is where he differs from myself. His position is this: If in his mind the form of constitution is republican, he is not justified in going further. Now, the position I take is that while I admit that form may be republican, still as representing the Congress and therefore representing the other States that join with those States, we have the right to demand something else besides that.

Mr. HUMPHREYS of Mississippi. Now, I have the language of the Supreme Court of the United States in the case, and I will read the language of the court to show the utter futility of any such——

Mr. WILLIS. I want to suggest that the gentleman give the number of the case. I am very much interested in the argument the gentleman is making, and I think it is absolutely correct. What is the case?

Mr. HUMPHREYS of Mississippi.. The case I was about to read is that of Bolln against Nebraska. It is United States Supreme Court Report 176. Now, the court in that case held this:

This court has held in many cases that whatever be the limitations upon the power of a Territorial government they cease to have any operative force except as voluntarily adopted after such Territory has become a State of the Union. Upon the admission of a State it becomes entitled to and possesses all the rights of dominion and sovereignty which belonged to the original States and stands upon an equal footing with the original States in all respects, and, again, not only did Congress declare that Nebraska was admitted upon an equal footing with the original States, but the whole Federal system is based upon the fundamental principle of the equality of the States under the Constitution. The idea that one State is debarred while the others are granted the privilege of amending their organic laws to conform to the wishes of their inhabitants is so repugnant to the theory of their equality under the Constitution that it can not be entertained even if Congress had power to make such discrimination.

Mr. HAMILTON of Michigan. May I suggest to my friend that there is some limitation to it after all.

Mr. HUMPHREYS of Mississippi. Yes; there is a limitation.

Mr. HAMILTON of Michigan. Suppose here is a sovereign State. Its constitution is republican in form when it is admitted. After it is admitted, being a sovereign State, an amendment to the constitution is voted upon by the people which makes its constitution unrepublican in form. Then I think the gentleman will agree with me that the Federal Government has the right to say that practically a revolutionary condition exists.

Mr. HUMPHREYS of Mississippi. The theory I was proceeding upon was the statement of the gentleman from Rhode Island [Mr. UTTER] that he believed it was not unrepublican in form. Now, if it is unrepublican in form, then the constitution of Oregon is unrepublican in form, and the obligation which rests upon Congress is not simply to refuse to admit a State where the government provided is not republican in form, but that obligation continues. The words of the Constitution are, "That we guarantee to each State," and it is not the province of the guarantor to create, as Mr. Tucker says in his work on the Constitution, to create—I will read that section. I think it is very interesting.

Mr. HAMILTON of Michigan. But it is a continuing duty.

Mr. HUMPHREYS of Mississippi. It is. It is none of our business to create these governments.

I read from Tucker on the Constitution, 638, as follows:

The word "guarantee" does not mean to form, to establish, to create; it means to warrant, to secure, to protect the State—that is, the body politic—in its right to have a republican form of government. It defends the people against the interference of any foreign power or of any intestine conspiracy against its right as a body politic to establish for itself republican forms of government. To allow the guarantor to take the initiative—

This in answer to the gentleman from Rhode Island—

to allow the guarantor to take the initiative, and, under the pretext of duty as its guarantor—

And we have no other duty—

to impose a form of government upon the people of a State, would *make this clause*, intended for protection, an excuse for destructive invasion.

That is the position I take exactly.

Mr. UTTER. Will the gentleman permit me?

Mr. HUMPHREYS of Mississippi. Certainly.

Mr. UTTER. There is only one question, which is as to the power of Congress to say on other matters than the unrepublican feature. You take the position that it is only the unrepublican features, as I understand; but it seems to me Congress has not only the duty of saying that, but it has the duty of saying in regard to other things in the constitution.

Mr. HUMPHREYS of Mississippi. The gentleman and I differ radically in regard to that.

Mr. UTTER. We differ. That is all.

Mr. J. M. C. SMITH. I would like to inquire, for information: In a number of the States the constitution provides for the recall of some of the State officers, and I would like to inquire if the constitution is any more unrepublican in form that provides for the recall of judges than one that provides for the recall of other State officers?

Mr. HUMPHREYS of Mississippi. There is no distinction, in my opinion, so far as the power of the people to recall their officers goes. The judge is a very high officer, the one who has to stand between the State, frequently, and the citizen; between the rich and the powerful on the one hand and the poor and the helpless on the other. He is the highest functionary of government. But, nevertheless, the judge is an officer of the law. And if a State has the power to recall its officers and remain republican in form, that power extends to the judges as well as to all other branches.

Now, Mr. Chairman, I hope I may be permitted to conclude my remarks without further interruption. I am anxious to present my views on the question as to what is a republican form of government, as contemplated by the framers of the Constitution.

In the frame of the Constitution which Mr. Randolph submitted to the Constitutional Convention the clause, which is *now section* 4 of Article IV of the Constitution, was:

That a republican constitution and its existing laws ought to be guaranteed to each State by the United States.

In Madison's journal the following colloquy appears, which I think will be very interesting in the present discussion:

Mr. Gouverneur Morris thought the resolution very objectionable. He should be very unwilling that such laws as exist in Rhode Island should be guaranteed.

Mr. WILSON. The object is merely to secure the States against dangerous commotions, insurrections, and rebellions.

Mr. RANDOLPH. The resolution has two objects—first, to secure a republican government; secondly, to suppress domestic commotions.

He urged the necessity of both these provisions.

Mr. Madison moved to substitute "that the constitutional authority of the States shall be guaranteed respectively against domestic as well as foreign violence. * * *"

Mr. Wilson moved as a better expression of the idea "that a republican form of government shall be guaranteed to each State, and that each State shall be protected against foreign and domestic violence."

This seeming to be well received, Mr. Madison and Mr. Randolph withdrew their propositions, and on the question for agreeing to Mr. Wilson's motion it passed, nem. con.

Adjourned.

Why was this provision included in the Constitution? Madison said, in his letter to the people of New York in the Forty-third Federalist, that the purpose of it was to protect "the system from aristocratic and monarchical innovations," and I believe the history of the struggle which had ended at Yorktown will justify no other conclusion. As stated by him, the experiences of all other people who had gone that way before them taught that in a republican confederacy it was essential that the elements which composed it should also be republican, and in addition to this, all the States were weak.

Virginia, the largest of them all, had only some 700,000 population. They had fought through seven years of the Revolution to establish their independence, and success had come then only through the kindly offices of another great power; and so it was as natural as it was necessary that each of the States should insist that all of the States should bind themselves to guarantee to each the enjoyment of the right for which they had so long struggled, the right to live under a republican form of government.

Since that day many great statesmen have undertaken to give a definition of the words "republican form of government." One of the greatest lawyers who held a seat in that convention of great men was James Wilson, of Pennsylvania, and it was he who wrote the article as it was finally agreed upon by the convention. Subsequently he became a judge of the Supreme Court of the United States, and in the famous case of Chisolm against Georgia, reported in Second Dallas, he gave what he thought was a correct definition. At page 457 he says:

As a citizen I know the constitution of that State to be republican, and my short definition of such a government is one constructed on this principle, "that the supreme power resides in the body of the people."

If this definition be the correct one, certainly no one will contend that the people of Arizona have gone beyond the limits set by the Constitution when they retain to themselves the right, to use the expression in the Massachusetts bill of rights, "to cause their public officers to return to private life at such periods and in such manner as they shall establish."

Madison said that the only restriction imposed on the States is that they shall not exchange republican for antirepublican constitutions.

There is just one other matter to which I will allude, and that is the provision in this resolution which repeals so much of the enabling act as requires the people of New Mexico to put into their constitution that no person may be eligible to hold a State office or to become a member of the legislature who can not speak the English language. This was a plain, direct, and, in my opinion, unwarranted attack on the Spanish-American citizens of New Mexico, whose patriotism and whose loyalty has never been found wanting in times of great public distress. They furnished more soldiers to the Union Army in proportion to their numbers than any State west of the Mississippi River. They have filled offices of trust and responsibility in the Territory ever since its organization, and they were guaranteed by the treaty of Guadalupe Hidalgo, by the proclamation of Gen. Kearny, by the treaty of Gadsden, by the compact with Texas, and by the organic act of 1850 that they should enjoy forever all the rights of American citizens. Section 6 of that organic act expressly states:

The qualifications for voting and holding office shall be such as shall be prescribed by the legislative assembly—

and since that day down to this no attempt has ever been made to deny them the rights which had been so sacredly guaranteed, and this requirement of the enabling act is just one more evidence of the tendency of the Republican Party to discriminate against these people.

This resolution removes this proscription, and I have no hesitancy in saying that there is no warrant anywhere in the Constitution for Congress to regulate, prescribe, or in any way interfere with the elective franchise in any State, so long as the right to vote is neither denied nor abridged on account of race, color, or previous condition of servitude.

In addition to this it is an utterly useless as well as a thoroughly impudent proceeding, because as soon as New Mexico is admitted as a State she can strike out of her constitution this provision which you forced her to put into it, and Congress will have no power whatever to interfere. This question is too well settled in the books to admit of any controversy. In Bolln *v.* Nebraska the Supreme Court of the United States declared:

This court has held in many cases that whatever be the limitations upon the power of a Territorial government they cease to have any operative force except as voluntarily adopted after such Territory has become a State of the Union. Upon the admission of a State it becomes entitled to and possesses all the rights of dominion and sovereignty which belonged to the original States, and stands upon an equal footing with the original States in all respects; and again, not only did Congress declare that Nebraska was admitted upon an equal footing with the original States, but the whole Federal system is based upon the fundamental principle of the equality of the States under the Constitution.

The idea that one State is debarred, while the others are granted, the privilege of amending their organic laws to conform to the wishes of their inhabitants is so repugnant to the theory of their equality under the Constitution that it can not be entertained, even if Congress had power to make such discrimination.

And again, in Escanaba *v.* Chicago (107 U. S.) the court holds:

Although the act enabling the people of Illinois Territory to form a constitution and State government and the resolution of Congress declaring the admission of the State into the Union refers to the principles of the ordinance according to which the constitution was to be formed, its provisions could not control the authority and powers of the State after her admission. Whatever the limitations upon her powers as a Government whilst in a Territorial condition, whether from the ordinance of 1787 or the legislation of Congress, it ceased to have any operative force, except as voluntarily adopted by her after she became a State of the Union. On her admission she at once became entitled to and possessed of all the rights of dominion and sovereignty which belonged to the original States. She was admitted and could be admitted only on the same footing with them. The language of the resolution admitting her is "on an equal footing with the original States in all respects whatever." Equality of constitutional right and power is the condition of all the States of the Union, old and new.

And now, Mr. Chairman, in conclusion let me express the hope that this resolution will be agreed to, and that the old doctrine which has been the cardinal principle of the Democratic Party from its foundation, the right of local self-government, may again be asserted as the guiding principle still, and that it shall not be written that our party, which has always been the party of the people, has refused to accept this, perhaps the last star that will ever go upon the flag, because the people of Arizona have in their constitution manifested an overconfidence in the people. [Loud applause.]

Mr. FLOOD of Virginia. Mr. Chairman, I yield one hour to the gentleman from Missouri [Mr. BOOHER]. [Applause.]

Mr. BOOHER. Mr. Chairman, I believe this is the first time in four years of service in this House that I have asked the attention of the House upon any question for any considerable length of time. I only do so now because I believe that every Missourian, whether to the manner born or by adoption, has a peculiar interest in the admission of Arizona and New Mexico as States into this Union. It was the bravery and valor of Missourians that gave to this Union the Territories of New Mexico and Arizona. It was the word and honor of Missourians that promised to the people of that Territory in 1846 a republican form of government. And I stand here to urge the American Congress to carry out the promises that have been given time and time again to the people of those Territories that they may come into this Union as States with equal representation and the rights of every other State. [Applause.] I appeal to my colleagues upon the other side of this Chamber from the State of Missouri to join with me and to join with this side of the Chamber in granting to these two Territories the rights that your people and my people in 1846 promised them they should have. [Applause.]

We not only promised it then, but in the treaty of 1848, the treaty, as it is called, of Guadalupe Hidalgo, we guaranteed not only that these Territories should become a part of the United States, but we guaranteed that they should become States of this Union as soon as the Congress of the United States should admit them, and we guaranteed that they should come here with the same standing, with the same rights as every other Territory that has been admitted to the Union of States. Ever since 1846 these Territories have been knocking at the door of this Congress for admission into the Union, and they have been denied.

During the remarks of my friend from Mississippi [Mr. HUMPHREYS], the distinguished ex-Speaker of this House [Mr. CANNON] wanted to know why the Democratic Party, when in control of the Government from 1893 to 1895, had not admitted these Territories into the Union. I want to ask my distinguished friend why it was that the Republican Party during all its long years of power did not admit these Territories as States into the Union? Does he think that the Democratic Party, in the brief period of two years, could remedy all the wrongs that the Republican Party in all its years of power has fastened upon the people of this country? Give us a little time and we will remedy, not only your sins of commission, but your sins of omission as well. [Applause on the Democratic side.]

Mr. Chairman, I want to go back a little while to the war between the United States and Mexico. You are all familiar with the history of that war. Where did we get New Mexico and Arizona and part of Colorado? They were one Territory at the time, under the Mexican Government. Who captured New Mexico and Arizona? Every man who was in the Army of the United States that gave New Mexico and Arizona and part of Colorado to this Union was a Missourian. All those men were Missouri soldiers, every single one of them. [Applause.] They were recruited from among the yeomanry of Missouri.

Mr. Chairman, you will pardon me if I take some time to go over this. In the year 1846 the first regiment of mounted volunteers was organized in Missouri. Its members were recruited from the people of Missouri. One thousand strong, they left the city of Independence, Mo., and rendezvoused at Fort Leavenworth, now in the State of Kansas. At that place they halted and were mustered into the service of the United States under Gen. Kearny. They elected their officers, and I think I can appeal to every Missourian when I say to you that the men who were elected officers of that regiment had all enlisted as privates. A. W. Doniphan was elected colonel, defeating a graduate of West Point. Maj. Gilpin, a graduate of West Point, was made a major of the regiment; and so on through the whole organization. Every man who held a commission in that regiment of 1,000 men had enlisted as a private soldier in the cause of his country.

They left Fort Leavenworth in June, 1846, under the lead of Gen. Kearny. He had an army—a great little army it was—of 1,685 men, as I now recollect the number. They started on their long march to Santa Fe, then in the complete control of the Mexicans. They started across the sand of the Great American Desert, as it was then called, which Daniel Webster said was not worth spending a single dollar of American money to put into the United States. Yet to-day this Great American Desert comprises the States of Colorado, Nebraska, and Kansas and the Territories of New Mexico and Arizona, that are knocking at the doors of this Congress and asking for admission into the Union of States.

This gallant army started on its march. Where? Across 900 miles of sand and desert for Santa Fe. They arrived there in less than 50 days, and the Mexican Army surrendered to them. What did the American officers do at that time? I have here the proclamation that Gen. Kearny issued to the people of New Mexico. He promised the New Mexican people that they should be admitted as States into this Union as soon as Congress could act upon their petitions. He promised that they should have all the rights and all the privileges of any other Territory that had ever been annexed to the United States. And ever since that time the Congress of the United States, whether it has been Democratic or Republican, has denied to these people the right to come into the Union of States.

Why ask the question now, Why did not this or that party do something when in control of the Government? This is too grave and important a matter to a half million American citizens for this great House of Representatives to haggle over for a moment more. Last Congress this House unanimously voted to admit New Mexico, but the bill failed in the Senate. Let us now, with equal unanimity pass this bill admitting both Territories and let the Senate assume the responsibility, if it cares to, of again defeating the bill.

Gentlemen, I want to say to you that I do not care whether the people of Arizona and New Mexico are Democrats or Republicans. I believe they are entitled to admission as States. I believe they are entitled to come into this Union upon the constitutions that their people have written, and it makes no difference to you or me whether we agree with them upon the things they have put into their constitutions so long as they comply with the conditions of the enabling act.

I was very sorry on yesterday to hear my friend from Ohio [Mr. WILLIS] inject any politics into this discussion. I am going to reply to him after awhile. I am standing here and urging you to admit these States into the Union, because I believe they are entitled to admission, and for the further reason that Missourians in 1846 promised the people of these Territories that they should be admitted into the Union as States, with all the rights possessed by other States of the Union. I want to see that promise kept.

In 1846 Santa Fe surrendered to Col. Doniphan and Gen. Kearny, who bore a commission from one of the greatest Democrats that ever lived in this country and one of the greatest patriots the country has ever seen, William L. Marcy, Secretary of War; and he promised the people of New Mexico that they should come into this Union as a State just as soon as Congress could provide the way for them to get in. At that time they had 160,000 people, but ever since that time the way has been barred. Why have they not been admitted? I am not here to say why; but the fact remains that they have not been admitted, and now they stand here as two separate States asking at the hands of the people's Representatives that they be admitted as States into the Union, and I appeal to the Republican side of this House to state any good reason why they should not be admitted. I intend to ask, before I conclude, permission to print in the RECORD the proclamation issued by Gen.

Kearny and the treaty of Guadalupe Hidalgo, so that the people of this country may see just exactly how the American people, whether the Congress has been Democratic or Republican, have treated the people of these Territories ever since 1846.

What do I care for the recall? If the people of Arizona want the recall, they are entitled to it. That is my view upon this question. [Applause on the Democratic side.]

When the question of the initiative and referendum was submitted to the people of my State I voted against it; but a majority of the people of the grand old State of Missouri declared in favor of the initiative and referendum, and they are entitled to it. I believe in the rule of the majority every time. [Applause on the Democratic side.] Do our Republican friends say that because Arizona has incorporated into her constitution the proposition of the recall of judges that it makes that constitution unrepublican in form, contrary to the principles of the Declaration of Independence and the Constitution of the United States? No; not a single voice has declared that; but they say it is dangerous to admit a Territory with that kind of a law. How dangerous is it? Gentlemen, this is a country in which the people rule. This is the people's Government. Talk about the people reaching out and grasping for power! Let me say to you that the people in this Government do not have to reach out and grasp for power. They have the power already. [Applause on the Democratic side.] They have not surrendered one single bit of power to the National Government.

Oh, but the recall must not apply to judges. Who creates courts and elects judges? The people, of course. Since when, then, has the creature become stronger and greater than the creator. The power that makes can certainly be trusted to unmake, change, or alter their work.

Mr. KENDALL. One of the gentleman's colleagues the other day was expressing considerable apprehension if certain powers should be conferred upon the people. What does the gentleman have to say in that connection?

Mr. BOOHER. I am not here to answer for the apprehensions of any other gentleman. I am speaking my own views.

Mr. KENDALL. I understand the gentleman to hold that the power is resident in the people in the first instance.

Mr. BOOHER. Yes; and always abides with them.

Mr. KENDALL. And that we have no power except what we acquire from them?

Mr. BOOHER. If the gentleman will tell me what he means, I can answer his question.

Mr. KENDALL. I mean this: If the gentleman will permit me to make a little statement.

Mr. BOOHER. Certainly.

Mr. KENDALL. I have heard considerable anxiety expressed here that the people might tear down this great fabric of government, might profane the temple of government, might do a great variety of other rather unseemly things if they had the power.

I gather from the gentleman's remarks that he is not afraid to trust the people to do anything they may think for their best interest.

Mr. BOOHER. Not at all.

Mr. KENDALL. I am a Republican, and neither am I afraid to trust them. [Applause.]

Mr. BOOHER. Good! the gentleman is a better patriot than a Republican. I want to say that I would rather trust the great body of the American people than any body of men that the great American people by their votes have clothed with power. [Applause.]

The American people may make mistakes; they may put men in high places that are not worthy, but if you will give them an opportunity to remedy the wrong they will do it the first time the opportunity is presented.

Why, I heard yesterday the argument of my friend from California [Mr. KAHN], and also my other friend from California [Mr. KNOWLAND], and the whole theory of their argument was that it would be dangerous to admit the Territory of Arizona into the Union because of the provision for the recall of judges in the constitution of the new State. And yet it developed on a question asked by my friend from California [Mr. RAKER] that these two gentlemen themselves at the last election in California voted for candidates standing on a platform that pledged the Republican Party of California to pass the initiative, referendum, and recall, and that there was no qualification so far as judges were concerned. [Applause on the Democratic side.] If a good thing for California, why deny it to Arizona?

Gentlemen of the committee, I do not know why a judge is a sacred person. I know two Federal judges to-day that if I had the power to recall them I would vote to do it, and 90 per cent of the voters in Missouri, Kansas, and Nebraska would join me. [Applause.]

Mr. WARBURTON. Will the gentleman yield?

Mr. BOOHER. I will.

Mr. WARBURTON. Would the gentleman be in favor of the resolution of the gentleman from Wisconsin pending in this House for recalling United States Senators?

Mr. BOOHER. I want to say to the gentleman that with this hot weather and the dilatory performance in that body at the other end of the Capitol I am inclined to think that I would vote for it, but I am afraid the Senate would not pass it. [Laughter.] However, I want to say to my friend that I am not in favor of the recall proposition for any officer.

Mr. SLOAN. Will the gentleman yield to me?

Mr. BOOHER. Yes.

Mr. SLOAN. Before the gentleman commits Nebraska to the recall of the judges, I would like to ask him to state whether he refers to Federal judges or supreme judges.

Mr. BOOHER. I said Federal judges, and that only applies to two of them and not to the whole. The gentleman knows to whom I refer very well.

Now, Mr. Chairman, is it a good objection to the admission of Arizona into the Union because they have the recall of judges? Let me say to you that more crimes have been perpetrated against the liberty and lives of the people of this world by judges of courts than were ever perpetrated by the people themselves? Who was the bloody Jeffreys? Was not he the judge of a court? Who condemned the Savior and sent Him to the cross? Was it not a judge?

Mr. SLOAN. They turned it back to the people.

Mr. BOOHER. They turned it back to the rabble that did not represent the people.

Mr. SLOAN. That was the first recall of which we have any history.

Mr. BOOHER. The gentleman ought to read sacred history before he says it was turned back to the people. It was a rabble and not the people of Galilee who believed in His teachings. [Applause.]

Mr. SLOAN. The majority of the people of Galilee did not believe in His teachings.

Mr. BOOHER. The majority believed in Him, but the rabble who got Him in the Garden of Gethsemane did not believe in Him, and they were the fellows, they were the rabble, that had Him. If it had been left to the people of Galilee, Christ would never have been crucified. But suppose my friend is right, was it not a judge that turned the Savior over to the rabble? It was not the recall, it was the cowardice of a judge.

Who condemned Charlotte Corday to the guillotine? Was it the people? Oh, no; it was the judge of a court. Who sent Robert Emmet to the gallows? A court. Who sent the witches in Massachusetts to the stake? Was it the people? Oh, no; it was a judge every time. Who sent hundreds, aye thousands, to the guillotine during the French Revolution? Judges, of course.

Let me tell you that I believe the liberties of this country are safer in the hands of the people wherever they may be found and wherever they may be, safer in the hands of the people who believe in the Constitution and laws of this country, than they are in any organization, whether judicial or any other, that the people themselves have created. [Applause.] Do you believe it? I believe in a judiciary. My friends on this side of the Chamber are constantly addressing me as "Judge." I do not know why they do it. I never was a judge of anything on earth except a horse race, and I was said to be a very good one. [Laughter and applause.] I love and respect the courts. I have helped elect many a man to the supreme bench of the State of Missouri. There never has been one placed there, either with my vote or without it, that I would help to remove. While the majority of the supreme court of the State of Missouri to-day are Republicans I have the utmost confidence in their fairness, their ability, and their integrity. [Applause.] The people of my State would not vote to-day to recall a single one of those judges. We may not always agree with the decisions they render, but we have the utmost confidence in their ability, in their sincerity, and in their honesty of purpose.

My friend from Missouri [Mr. DYER] yesterday said that Missouri had been a Republican State for the last 12 years. Well, there has been a rocking of the old Democratic ship, and I am mighty sorry for it; but I want to say to my friend that when the first signs appeared in the heavens that Missouri was rocking the people began to desert her, and instead of increasing in population, in the strides she had taken before she commenced rocking, she has been decreasing in population, so that in the last 10 years the grand old State increased only 6 per cent.

Mr. SLOAN. Oh, that is just race suicide down there.

Mr. BOOHER. No, no. We do not practice it out there. The small increase in the State has been principally in the county

of St. Louis and in the city of St. Louis. All the great agricultural counties throughout the State have been losing in population. I do not say it is because she shows signs of leaving her political moorings, but if I were to apply the same reasoning as you apply I would say it was because she showed signs of becoming Republican, because you claim that the blessings of prosperity everywhere throughout this broad land of ours is because the Republican Party is in power.

Mr. DYER. I would like to ask the gentleman if the decrease in the population is not, in his opinion, because they have been sending so many missionaries out to other States and other countries, particularly New Mexico and Arizona, there to establish a civilization?

Mr. BOOHER. Oh, yes; the people are seeking homes where land is cheaper.

Mr. RUSSELL. I would like to ask my friend from Missouri if he does not remember the fact that the best part of the State of Missouri, the district that I represent, increased 45,000 in population in the last 10 years?

Mr. BOOHER. Yes; so far as the increase of population is concerned, I think that is true, and that was because they expected my friend to come to Congress; they wanted him here. But, Mr. Chairman, I want to say that I represent six counties that comprise the best agricultural country on the face of the earth. I am not overstating it when I say to you that that portion of the grand old State of Missouri, known as the "Platte purchase," has within her borders six counties, the wealthiest agricultural country on the face of this earth. You may build a wall around those six counties and to-day they could supply themselves with everything that is necessary for their comfort and convenience. It is an agricultural country that I wish every Republican in this Chamber could see. Why, you would not live in Maine or Michigan or anywhere else except northwestern Missouri if you could see that country just once.

Mr. HAMILTON of Michigan. I judge from the gentleman's description that it is very much like Michigan.

Mr. BOOHER. Yes; very much like Michigan; but very much better.

Mr. SLOAN. The gentleman remarked that there is a drift to the city, and I think he represents the district which contains the city of St. Joseph. Has there been a very large drift from the country to St. Joseph during the last two or three decades?

Mr. BOOHER. I am glad my friend asked me that question. If my friend had been in Congress at the last session he would know how earnestly I strove to have a nonpolitical census of this country taken; how earnestly I asked that the census enumerators be appointed irrespective of party affiliations; and how I met the unanimous opposition of that side of the Chamber.

In the census of 1900 I am here to say the census rolls of the city of St. Joseph were outrageously padded. The taking of that census was done by Republican enumerators and supervised by a Republican supervisor, and they padded the census 25,000 names, and when the census was taken this time, instead of equaling the census of 1900 with a census of 103,000, there was, in round numbers, about 89,000. I do not know whether the census this time was an honest one or not, but I do know the one of 1900 was an outrageous, infamous proceeding, engineered and conducted by Republicans, and if the last census shows St. Joseph has lost population, let me say to my friend from Nebraska that, as a matter of fact, St. Joseph since 1900 has increased 20,000 in population, although the census shows she lost as I have stated.

Mr. SIMS. Will the gentleman allow me a question?

Mr. BOOHER. Certainly.

Mr. SIMS. In view of the magnificent agricultural character of the gentleman's district, I want to know if they are very much alarmed over the prospect of Canadian reciprocity ruining them?

Mr. BOOHER. I have had a great many letters from the farmers and business men of my district. Now, I want to say, first, that in my district is the fourth largest cattle market in the world. The first is Chicago, then Kansas City, Omaha, and St. Joseph. Out of the numerous letters I have received in relation to Canadian reciprocity there are but two that express any doubt as to the benefit our people will receive from Canadian reciprocity. The people of Missouri do not believe that 7,500,000 Canadians can produce anything that can injuriously affect the production of 92,000,000 Americans. [Applause on the Democratic side.]

The distinguished ex-Speaker of this House remarked on yesterday that I had voted to admit New Mexico in the last Congress. I did. I am going to vote to admit New Mexico now, and if you gentlemen succeed in defeating the majority report I will vote for the minority report without the dotting of an "i" or the crossing of a "t."

Now, what is the objection to the Arizona constitution? The recall of the judges. They say the President objects to it. I have not seen any official objection having been made. What do you know about what the President's objection is? I wish the President of the United States would show the same courage that the gentleman from South Carolina [Mr. LEGARE] showed and the two gentlemen from California [Mr. KAHN and Mr. KNOWLAND], so that we might know from a public expression from him exactly what his objections are to the admission of Arizona as a State of the Union. Why, some gentlemen upon the other side have said that we can not trust the people; but do you forget this is a Government of the people, for the people, and by the people; and if that is true what difference does it make to you and me what the people of Arizona want so long as it comes within the definition of a republican form of government? What kind of a Government have we here? Let me read a few of the expressions of some of the men who formed this Government. But before I read that I want to say to you again I absolutely believe in the people of this country. I have worked with the people of this country; I have worked with them in the harvest fields; I have worked with them upon the highways; I have worked with them driving stock across the prairies before the railroads came into the part of the country where I lived, and I learned to love and respect the American people, and that love and respect has never left me. [Applause on the Democratic side.] I believe the American people can be trusted, and whenever they want a thing, however much I may disagree with them, I want to say to my good friend from Michigan [Mr. HAMILTON], I believe in letting them have it; and if it is wrong trust the people; they will remedy it and they will do right every time. But they say the judge may become unpopular and the people remove him. Some gentlemen say that President Cleveland would have been removed as President. There is no foundation for the statement. There never was a time when 25 per cent of the people of this country would have signed a petition to remove President Cleveland or to have removed President Lincoln or Washington or Roosevelt or anybody else. However much the people may disagree in their ideas of government the great body of the American people believe that every man has a right to his own opinions and has the right to express them.

I wish to God there were more men in office in this country to-day who had the nerve and courage of Grover Cleveland, so that the American people might know what their views were on great national questions. [Applause on the Democratic side.]

Mr. MOORE of Pennsylvania. Mr. Chairman——

The CHAIRMAN. Will the gentleman from Missouri yield to the gentleman from Pennsylvania?

Mr. BOOHER. I will.

Mr. MOORE of Pennsylvania. The gentleman has taken up the cause of the people very interestingly, and I agree with everything, I think, that he has said, so far as the people are concerned; but since we hear so much about the people in this Chamber and the people are constantly referred to as distinguished from somebody else, I am going to ask the gentleman if he will now define the term "people," in order that we may know, if he pleases to tell us, the difference between the people and that other portion of the community which does not seem to be embodied in the term?

Mr. BOOHER. Well, the word "people" is a very elastic one. The gentleman might apply to it any definition he pleases. I use it in its broadest sense. But I am very sorry to say that the American people have not been represented on that side of the Chamber for 16 years. [Applause on the Democratic side.]

Mr. MOORE of Pennsylvania. The gentleman pays a very high compliment to those people with whom he has been in converse for so many years, with whom he has traveled over the plains and on the farm, and I would ask the gentleman whether he distinguishes that class of people from the other great masses of people who live in urban centers, who work in the mills, who delve, and thrive, and prosper, and succeed, and help build up this country, just as does the man upon the farm and the man upon the plain? Is there any desire to distinguish as between these two classes?

Mr. BOOHER. There is no distinction between American citizens wherever you find them. The American citizen always loves his country; he always loves his flag; he is always in sympathy with the Government of his people and will follow the flag to death if need be. He has been wrongfully taught in the gentleman's part of the country. He has been taught to believe that the people are only those who represent some one great interest or industry in this country, and they send gentlemen to Congress with that idea.

Mr. MOORE of Pennsylvania. The gentleman would not care to throw out of his political economy that great body of people who take the products of the farm and make the

farm profitable for the farmer by utilizing and consuming the products he has to sell?

Mr. BOOHER. Oh, no.

Mr. MOORE of Pennsylvania. Then, may I ask the gentleman if he concedes there is some virtue in the man who does not live upon the farm, but who, in the city, takes the farmer's products, and when he refers to "the people," will he also include the man in the city who is doing his share toward the common welfare and prosperity?

Mr. BOOHER. I certainly include that great body of the American people in the word "people." It is a very broad term. I am willing to trust the people, whether they live in the city, laboring in manufacturing industries, or whether they labor on the farm or in the counting room or any other place.

Mr. MOORE of Pennsylvania. Then we all have a right to the term "people"?

Mr. BOOHER. Certainly; we all have a right to it; and I embrace in that distinction all the people in this country, because I believe they are patriotic and we can trust them. Does the gentleman remember the days from 1861 to 1865?

Mr. MOORE of Pennsylvania. I personally can not remember them.

A MEMBER. The gentleman was in the infantry then.

Mr. BOOHER. I have a brother lying in the cemetery at Hampton Roads. I remember the days of 1861 to 1865. I remember that in the section of the country where I lived the people sprung to the defense of the Union, every one of them. [Applause.] I remember another section of my country where, with an equal degree of patriotism, the people rose en masse and supported what they believed to be right. [Applause.] They fought it out, and they all belong to the great body of the American people now, and we need have no fear of them.

Mr. MOORE of Pennsylvania. There is no difference between those people to-day. We are all under one flag, if the gentleman will permit, and we are all working together, I hope, for the common welfare.

Mr. BOOHER. I hope so. Yes; we are all working together for the common welfare, and every man who is imbued with the proper American spirit is in favor of admitting Arizona and New Mexico into this Union at once, whether he occupies a seat in the White House or in the Congress of the United States. [Applause.]

Mr. SLOAN. Will the gentleman yield for a question?

Mr. BOOHER. Yes.

Mr. SLOAN. You have stated that that side of the House did not represent the people, or were not the people now, as they had been transferred to the other side of the House. You said that the people had been transferred to that side of the House.

Mr. BOOHER. I said that the trusts and combinations had been represented on that side of the House for the last 16 years, and the people were now represented by this side.

Mr. SLOAN. Six hundred thousand more of the American electorate voted against that side of this House last year than voted for it.

Mr. BOOHER. The gentleman has his figures mixed, the same as the gentleman from Ohio. [Laughter.]

Mr. SLOAN. I say that 600,000 more among the American electorate voted against that side of this House than voted for it last fall.

Mr. BOOHER. I do not know where the gentleman gets his figures, but I do know that the majority is on this side of the House, and we propose to legislate whether our legislation suits you gentlemen or not. [Applause on the Democratic side.]

Mr. SLOAN. You have a plurality on that side of the House, but not a majority.

Mr. BOOHER. No; because you count along with yourselves the Socialists and the Prohibitionists. [Laughter and applause.] You may take all the rest who voted against the Democracy and then you have but a bare majority of the 92,000,000 of our people. Count all who voted against your party at the election and there would be a majority of more than a million against you.

Now, Mr. Chairman, I said I was going to read something from the fathers who founded the Government, and then gentlemen can go out and say the people can not be trusted if they want to. Here is what John Witherspoon had to say about this Government of ours:

> Congress, popularly speaking, is the representative of the great body of the people of the United States.

We are the representatives, the agents, of the people of the United States. We are not their masters. There is not a man in this House that is the master of the situation in his own district. When he goes home and comes up for reelection two years from now, the people will judge whether he has been faithful or not. If he has not been faithful, the votes of the people will relegate him to the rear, and his place here will be filled by somebody who will meet the views of the people on these questions; that is the recall I favor. Let me read a little further. Here is what Mr. Charles Pinckney, of South Carolina, says, and I want to call Mr. LEGARE'S attention to this:

> There is no reaching out for power.

This is from Charles Pinckney, one of the signers of the Declaration of Independence. He did not think the people were reaching out for power. He said:

> Our Government should be made suitable to the wishes of the people, and we are perhaps the only people in the world who have sense enough to appoint delegates to establish a general government.

How establish a general government? The people elect delegates. The American people, Pinckney thought in 1796, were the only people on earth who had sense enough to elect delegates to establish a government, and now we, the representatives of that same people, undertake to say what a people shall put in their constitution—the Alexander Hamilton idea of the rights of the people.

Mr. SIMS. What State was Pinckney from?

Mr. BOOHER. From South Carolina. Now, I have heard a great deal said about Judge Marshall. It has been asserted that Judge Marshall would have been recalled, and gentlemen draw upon their imaginations for all sorts of arguments. This is the greatest place on earth—at least, the greatest place I ever was in—for people to draw upon their imaginations for illustration to support an argument. [Laughter.]

Mr. ALEXANDER. Will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to his colleague from Missouri?

Mr. BOOHER. Yes.

Mr. ALEXANDER. Will the gentleman permit a statement? I am not in favor of life tenure of office for judges. I think much of the sentiment against the judiciary has grown up out of the arbitrary conduct of certain Federal judges more than any conduct of judges of the several States. Is it not true that the present sentiment in favor of the recall of judges grows out of this abuse of power, and that the people, in an effort to relieve themselves, have gone to the other extreme now? Does not the gentleman believe that it has been under the guidance of men who are undoubtedly patriotic that they have gone to this other extreme? For instance, take California, where I understand the State politics as well as the judiciary for the last quarter of a century have been dominated by the Southern Pacific Railroad. And in the last campaign in that State the issue was made on the influence the Southern Pacific Railroad had in politics of that State and controlling the judiciary, and the question of the initiative, referendum, and recall was placed before the people. The present Senator from that State, a progressive, was elected on that issue, and the present governor was elected on that issue, which was simply a protest against this abuse. But because that is true, does the gentleman think for the people of Arizona it is wise to adopt the recall as applying to the judiciary as a remedy? In other words, does the gentleman not think it ought to go to them from this Congress that while we recognize the right of the people to form their constitution and determine how the judges may be elected and how they may be impeached or recalled, yet it is the opinion of this Congress that they ought to place that limitation as an amendment to the constitution?

I expect to vote for the amended resolution, but I want it understood that I do so firmly believing that that provision in their constitution is unwise and that the people upon reconsideration will reject it.

Mr. BOOHER. It was the unanimous opinion of the Committee on the Territories that this proposition of recall of judges should be again submitted to the people of Arizona, that they might vote on it separate and apart from the rest of the constitution, trusting to the patriotism and the wisdom of the people of Arizona to decide it right and to decide it as they believe right; and, gentlemen of this committee, I want to say to you that I have all the confidence in the world in the descendants of the great Missourians who settled these Territories that they will decide it right. [Applause.]

There is no question about it. I believe you can rest in perfect confidence in submitting it to them. I want to say again, so that it will not be forgotten, that I would not vote for a recall proposition; but my individual ideas on this question ought not to control me in this great matter. The great question ought to be with me and with you, Republicans and Democrats, Does the constitution of Arizona in any way conflict with the principles of the Declaration of Independence and the Constitution of the United States? [Applause.] Is it in harmony with the enabling act? If it is, what right have we to

say to the people of that Territory, "You must" and "You shall not"?

Mr. ALEXANDER. Will the gentleman yield?

Mr. BOOHER. Yes.

Mr. ALEXANDER. Does not the Declaration of Independence recognize that the people can overturn the Government if it is not in harmony with their interests and does not safeguard their liberties?

Mr. BOOHER. Yes. I want to read something more. Something has been said by Judge Marshall. There is no man in American history to-day less understood than Judge Marshall. Whenever anybody wants to prove anything they refer to Judge Marshall, and it does not make any difference whether it is in their favor or against them they make the bold assertion that Judge Marshall said so-and-so when he never said it. [Laughter.]

Judge Marshall held that this was a government of the people. In the case of McCulloch against the State of Maryland, decided in 1819, Judge Marshall, in delivering the opinion of the court, said:

The Government of the Union, then, whatever may be its influence on the facts of this case, is emphatically and truly a government of the people.

"Emphatically and truly a government of the people." What right have we got to say what the constitution of Arizona shall be? Are we the people of Arizona? The woman that is the mother of my children was the daughter of a soldier that marched and fought all the way from Independence to Santa Fe. What were they fighting for? To give New Mexico and Arizona the same rights that you in California, in Illinois, in Tennessee, in Georgia, and in other States in this Union have. They were entitled to it, and they are entitled to it now. The people of a Territory ought to be permitted to decide for themselves what they want to write in their constitution. Now, here is another Supreme Court decision. In the case of Martin against Hunter's lessee, decided in 1816, the Supreme Court of the United States said:

The Constitution of the United States was ordained and established—

Now listen—

not by the States in their sovereign capacity, but emphatically, as the preamble of the Constitution declares, by the people of the United States.

No court established it; no court ordained it; no organization that the people formed; but the people themselves, in their sovereign capacity, ordained and established this Government of ours, and they have just as much capacity to-day to say what shall be the form of government in New Mexico and Arizona as they had in 1786, and they are just as competent.

Now, here is something that James Madison said:

The sovereignty of the people of the United States was acknowledged by the Declaration of Independence, which declares that governments are instituted among men, deriving their just powers from the consent of the governed, and that whenever any form of government becomes destructive of certain inalienable rights it is the right of the people to alter or to abolish it and to institute a new government, laying its foundations in such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and their happiness.

It is the people of the community always that are to form the fundamental law of a State to which these powers are intrusted. It is the people, and no matter upon which side of this aisle we may sit, you and I can afford to trust the great body of the American people at any time. As I said before they make mistakes, but if you give them the opportunity they right every mistake which they make sooner than any organization they ever created will right the mistake it makes.

Thomas Jefferson said:

By the authority of the sovereign power of the United States all powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the Sates respectively or to the people.

Now, you can not have a State until the people of the Territory have adopted an organic law, and if they adopt a law that complies with the forms of the Constitution of the United States, let me appeal to the membership of this House again, what right have you and I to say that they shall not be admitted into this Union when their constitution complies with every requisite of the enabling act? I wish some gentleman would point out to me where it does not.

As a member of the Committee on the Territories I stand here to say to you that if any gentleman upon either side of this Chamber will point out to me a single instance in which the organic law of either one of these Territories does not comply with the Constitution of the United States and the enabling act I will ask to have this bill referred back to the committee, so that we may submit it to the people of the Territories. I want a fair deal in this matter, and I want the people of Arizona and New Mexico to be treated fairly.

My public career has been very short. Do you know that I have been attempting to break into Congress ever since the Fiftieth Congress? I did break into the Fiftieth Congress, and I think I hold the record of being the shortest-term Congressman that ever sat in this House. From the Fiftieth to the Sixtieth Congress I devoted all my time and energy to breaking into this House again; but I was told by my friends in my own party that the trouble with me was that I was too independent, that I always said what I thought, and that it was not always good politics to do so. I am going to say what I think to-day. It may not agree with some of my party, but I speak my thoughts, and I am going to stand by them before this House and before the American people. I have heard a good deal said about President Lincoln being the author of a certain sentiment, but nothing is further from the fact. Now, I am going to tell you who was the author of it. I want to call your attention to it, so that you may know just who was the author of that grand sentiment, and it is a grand sentiment. Now listen. You will find this in Volume III, page 321, of Daniel Webster's works, and I want my Republican friends to listen, because if there is any people on earth who need education along this line it is the Republican side of this Chamber. [Laughter.] Daniel Webster said in the Senate of the United States:

It is, sir, the people's Constitution, the people's Government; made for the people, made by the people, and answerable to the people. The people of the United States have declared that this Constitution shall be the supreme law.

Who? A court? Oh, no; the people of the United States have declared that it shall be the supreme law! Now, listen. We are not the masters of the people.

We are all the agents of the same supreme power—the people. The General Government and the State governments derive their authority from the same source.

We are the agents of the same supreme power—the people. Ah, the power of the people is supreme!

The National Government possesses those powers which it can be shown the people have conferred upon it and no more, and all the rest belong to the State governments or to the people themselves.

Mr. Chairman, I commend those sentiments to the other side of this Chamber. I know it is like throwing pearls before swine [laughter], but perhaps they may think better of it. I want you to think over that proposition—this is a government of the people, by the people.

We have heard so much about the judiciary and that there is no fear that the judiciary shall ever usurp any of the rights or endanger the liberties of the people that I want you to pardon me while I read an extract from a message sent to the Sixty-first Congress by the President of the United States, and I want the reporters to print this in italics in the RECORD. It was in 1910. It was after this House and the Senate had refused to write into the interstate-commerce law the word "reasonable," which the Supreme Court lately did write into it. But, then, I must not criticize the Supreme Court. But I am permitted to say that I agree with Judge Harlan in his dissenting opinion in the Standard Oil case, am I not? [Applause on the Democratic side.] It is not unparliamentary to do that. I am going to state it anyhow, that I absolutely dissent in toto from the opinion of the Supreme Court. I make no claim to being a great lawyer, but I have got just as much right to my opinion and just as much pride in my opinion as the Chief Justice of the United States; and when this Congress, the House and the Senate, composing the legislative branch of this Government, refuse to write into the interstate-commerce act the word "reasonable," I say it was a usurpation of power by the Supreme Court of the United States to write that word in there—a thing more dangerous than anything the American people have ever done [applause on the Democratic side], and I am going to prove it by President Taft himself.

Mr. FERRIS. But he is for it.

Mr. BOOHER. Yes; he is now, but he was not when he sent that message to Congress.

Mr. AUSTIN. I would like to ask whether the gentleman is in favor of a recall of the three Democratic members of that court who joined with the others in that decision?

Mr. BOOHER. No; but I trust to their good sense, their wisdom, their Americanism and patriotism to right the wrong just as soon as they get an opportunity to do it. Does the gentleman?

Mr. AUSTIN. But I think they decided right.

Mr. BOOHER. Then you are satisfied?

Mr. AUSTIN. I stand by the five Republicans and three Democrats.

Mr. BOOHER. Yet less than a year ago you on that side voted, under a leadership of the gentleman from Illinois [Mr. MANN], not to write it into the law, and yet you are ready to crawfish, and say because a court decided it should go there

that it was right. I say if it was right, you ought to have voted for it and put it into the law, and you had not the courage of your convictions to do so. [Applause on the Democratic side.]

Now, let me read to you what President Taft said about it. I do not know whether he is good authority on that side of the Chamber or not. [Laughter.] I am satisfied he is not with the insurgents, and as for the standpatters, God bless them, where are they anyhow? [Laughter.] Why, you may take a fish net 500 yards long and run it around that side of this Chamber and fish for standpatters, and I doubt whether you will catch more than the gentleman from New York [Mr. PAYNE], the gentleman from Pennsylvania [Mr. DALZELL], and my old and esteemed friend—and I do not say it in any disrespect—the gentleman from Illinois [Mr. CANNON]. You might snare them, but the rest of you would go through the meshes, every one of you. [Laughter.] Listen to President Taft in his message of January 7, 1910:

> Many people conducting great businesses have cherished a hope and a belief that in some way or other a line may be drawn between "good trusts" and "bad trusts," and that it is possible by amendment to the antitrust law to make a distinction under which good combinations may be permitted to organize, suppress competition, control prices, and do it all legally, if only they do not abuse the power by taking too great profit out of the business. They point with force to certain notorious trusts as having grown into power through criminal methods, by the use of illegal rebates and plain cheating, and by various acts utterly violative of business honesty or morality, and urge the establishment of some legal line of separation by which "criminal trusts" of this kind can be punished, and they, on the other hand, be permitted under the law to carry on their business. Now, the public, and especially the business public, ought to rid themselves of the idea that such a distinction is practicable or can be introduced into the statute. Certainly under the present antitrust law no such distinction exists. It has been proposed, however, that the word "reasonable" should be made a part of the statute, and then that it should be left to the court to say what is a reasonable restraint of trade, what is a reasonable suppression of competition, what is a reasonable monopoly. I venture to think that this is to put into the hands of the court a power impossible to exercise on any consistent principle which will insure the uniformity of decision essential to just judgment. It is to thrust upon the courts a burden that they have no precedents to enable them to carry, and to give them a power approaching the arbitrary, the abuse of which might involve our whole judicial system in disaster.

The court assumed the power that the President said was a dangerous one—"a power approaching the arbitrary, the abuse of which might involve our whole judicial system in disaster.

How can the position of the President be reconciled with the decision of the court? If Congress did right in refusing to write "reasonable" into the law, then the court must have erred when they assumed the power to write it into the law. I sincerely hope that some gentleman during this debate will point out where the power of the court to write the law ends and the right of Congress to write the law and have it declared as written begins.

Mr. AUSTIN. I object to the gentleman referring to the gentleman from Illinois as his "old friend."

Mr. BOOHER. While I do not agree with the gentleman from Illinois politically, I am satisfied, so far as personal relations are concerned, that the gentleman from Illinois, the ex-Speaker, has nothing against me because I am a Democrat. I am the same kind of a Democrat as he is a Republican. I will stand up and fight for 364 days in the year, but if you win out in the election I will say that AUSTIN, of Tennessee, is a better man than I am, because the people chose him. And having made the choice, who shall say them nay?

Mr. AUSTIN. The objection I make is that the gentleman referred to Mr. CANNON as his "old" friend, when, in fact, he is one of the youngest——

Mr. BOOHER. Well, I will withdraw that and say my "esteemed" friend from Illinois.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOOHER. And I have not gotten half through. May I have an hour more? [Applause.]

Mr. FLOOD of Virginia. I yield an hour to the gentleman. [Applause on the Democratic side.]

Mr. BOOHER. The substance of what the President said was this: He congratulated the Congress of the United States that they had not written into the Sherman antitrust law the word "reasonable," because he said it was a dangerous power to give to any court and they might abuse it in the future. The very day after the decision was promulgated the stocks of the Standard Oil Co. went up, did they not? They were not hurt a bit; oh, no. They got, in the language of a certain newspaper, all they expected, and then some. That is true as you live. Now, speaking about Arizona, I will read you from the hearings to show the difference between the people of Arizona and New Mexico. I will do this for the benefit of my Republican friends. We had 210 pages of hearings before the Committee on Territories, and when I say they were strenuous I think my Republican friends will agree with that expression. Two hundred and nine and a half of those pages were devoted to New Mexico, and of all the bright men I ever saw, of all the bright men who were imbued with the idea of accomplishing a certain purpose, I never saw eight men more in earnest than those eight men from New Mexico. We had there the representatives of corporations; we had there men who were opposed to corporations; we had Democrats and we had Republicans; and I want to say to my friend from Pennsylvania we had the insurgents and——

Mr. DYER. What does the gentleman mean by insurgents; what does he understand them to be?

Mr. BOOHER. He is a man, a Republican, who believes in progressive principles as contradistinguished from my friend from St. Louis, who believes in the principle of standing still and that all of the good in the country comes from the Republican Party. [Applause on the Democratic side.] Let me tell you what the people of Arizona said when they came before that committee.

I am going to read it to you. Listen to it, so you can see how manly and American they were. They did not ask for anything that was not right, gentlemen; I want you to remember that. They only asked for an opportunity to get into this Union, and they were ready to submit to anything which might be asked, so you did not say "You must do it." They rebelled, as all Americans do, at the word "must." My fellow citizens, they were in the same condition as if a friend of mine came to me and requested me to do a certain thing and I would say, "I will take into consideration all your suggestions, and if I believe you are right, I will do as you request." And that is what the people of Arizona say to Congress.

Now, Mr. O'Neill, a very creditable and a very intelligent gentleman, made this statement:

> Mr. O'NEILL. We have prepared a constitution in Arizona that gives us a republican form of government. If you want to change any line of it, as long as you submit it to the will of the people of Arizona, we are willing, but we will not surrender a principle or yield for a moment the right to Congress or anybody to tell us what we have got to do in order to come into the Union of the States. That is our position.
>
> Mr. LEGARE. Would you be willing to have submitted simultaneously with the election of officers and admission into the Union the right of your people to vote once more on the recall of the judiciary?
>
> Mr. O'NEILL. Yes, sir. You can submit anything, because we believe in the people. That is what our constitution declares for. We are willing for you to pass on the constitution as it stands at present or to submit each and every item in that constitution separately to the people, to be voted on by them. We do not deny your right to make it a condition precedent to our admission.
>
> Mr. LEGARE. I agree with you.
>
> Mr. O'NEILL. That is the position of the Arizona people.
>
> Mr. HARDY. In other words, to submit at the next election any desired amendments?
>
> Mr. O'NEILL. Yes, sir; as long as the people are free to act on them as they see fit. It can be amended either by the act of the legislature or by the people of Arizona. They have the initiative and referendum. They can initiate an amendment if they see fit.

That is my position. Do you not agree with it, my friend from Tennessee? Do you not believe, so long as it is constitutional, that we have not any right to say to them what they must and must not do? I will trust to the patriotism of my old friend, Mark Smith, who formerly represented Arizona in this House, to advise the people on this matter. I will trust to the great body of the people of Arizona, whether they are Democrats or Republicans, to do what is right.

Does that side of the Chamber believe in the people? If you do not, who do you believe in? I believe in the American people and I believe in the people of Arizona.

I have read all of the hearings that were held on the Arizona constitution. Did you ever know a people that were more manly? Did you ever hear of a people knocking at the door of a great Congress for admission and to be given the right of every American citizen more manly in their position? They tell us that we can submit anything we please to them and they will consider it; that they will think about it. They said, "We want to know what you think about these things, and when you have informed us, we will consider it, and, if we are not giving away our rights or what we think is just, we will yield to you." I do not know any better method the people of Arizona could pursue to show their willingness to submit this matter again to the people for their decision.

Now, I want to go to New Mexico. New Mexico is a great proposition and a remarkable one. When I speak of New Mexico I am not going to tell any facts that I have learned outside of the committee room. I will make no statement that is not borne out absolutely by the witnesses who appeared before that committee. And I want to say now on the threshold that every one of them is an honorable man. One of the witnesses who appeared there was an ex-Delegate to Congress from that Territory, Mr. Fergusson, whom we all know. He was a Democrat. There were other Democrats there; there were Republicans there; the insurgents were there; but let me tell you, I believe them all to be honest, sincere men, and they all

agreed upon the one proposition that New Mexico had been wronged in the enabling act. And I am going to point it out to you, and when I do I believe that my colleagues from Missouri on that side of the Chamber will vote with us to submit to the people of New Mexico an amendment making it easier for them to amend the constitution. No one objects to it if it did not delay the admission of the Territory as a State.

Now, something was said by my friend from Ohio [Mr. WILLIS] about corporations. Judge Fall, a gentleman I never met until he appeared before the committee—a man for whose ability and sincerity of purpose I have the highest regard, who is a Republican, time and time again stated that the constitution of New Mexico was not such a constitution as the people of New Mexico desired, but it was the best they could get, and that he had no objection on earth to the Committee on the Territories submitting an amendment to the people so long as it did not delay the admission of that Territory into the Union as a State, and with that sentiment every gentleman agreed. Why, gentlemen, my friend from Ohio [Mr. WILLIS] said that something was stated about New Mexico being under corporation control. Not only was it admitted before the committee that it was under corporation control, but this was the statement of one of the gentlemen to whom I have called your attention. He said:

It is not only corporation written, but it is corporation ridden.

Let me call your attention to just one word or two of these hearings on that subject:

Mr. FALL. There is some reason for mentioning corporation control of New Mexico, and there is absolute reason for my statement to Mr. Fergusson that the desire of those who were sincerely desirous of ridding New Mexico of such corporation influence—that their desire was to enact a corporation-commission law which would take the railroad corporations entirely out of the control of the legislature. As I said to him, that was our desire. It was sincerely so, because we do know, as a matter of fact, that New Mexico Legislatures have been controlled by corporation influence in the past, just exactly as some of the legislatures of some of the other States have been.

Mr. HARDY. Are you not fixing this so that future legislatures can not amend your corporation provision without an amendment to the constitution?

Mr. FALL. Yes, sir. The future legislatures can not change this except to provide additional machinery and additional power necessary to carry out the powers vested in this commission and the people of the Territory.

The fifth paragraph of section 2 of the enabling act I want to call your attention to. I think it is worth while. I do not want to misstate facts. I have been taught by experience in courts that it is best to stick to the facts, because if you do not the judge will. The committee tried to get the facts in relation to the conditions existing in New Mexico from the gentlemen who appeared before it. Here is a question asked of Judge Fall, the leading Republican in that Territory, and no doubt one of the gentlemen who will represent that new State in the Senate of the United States if it should elect Republican Senators. The chairman asked him this question in reference to paragraph 5 of section 2:

The CHAIRMAN. What do you think of the provision in the enabling act which prohibits anyone from being a member of the legislature or holding any office if he does not speak the English language?

Mr. FALL. I think it was an outrage upon the people who had come in here upon the absolute assurance that they should never be deprived of that right. When they took the oath of allegiance that right was absolutely guaranteed to them under the hand of the President of the United States.

Mr. BOOHER. Do you know where this provision originated?

Mr. FALL. Yes, sir; but I do not know whether I ought to divulge any parliamentary secrets. Senator Beveridge originated this provision.

STATEMENT BY MR. M'GILL.

There are very many things that ought to be considered in the creation of a new State. They can not all be adjusted at once. We do not ask it. There are some things that should be changed. Pardon me if I go back a little. I want to say here that if it is within the power of this Congress, and I believe it is, and in their wisdom to change the provision in the enabling act by which a man is prevented from holding office or being a member of the legislature unless he can speak the English language, I think in the interest of humanity and fair dealing, in the interest of right and justice, that that proposition should be changed, so that any man who is otherwise a qualified elector may be qualified to fill any office to which his people may elect him.

You take a man from a foreign country who does not speak a word of English and when he comes to the State of New York, or any other State of this Union, the question of his language is not a qualification to hold office. Why should it be with us? The people you are dealing with are not foreigners, but people who were born and raised there, good people, and many of those people's fathers and grandfathers were born and reared right on the ground on which they live to-day. There are good citizens who can not speak the English language sufficiently well to hold office under the terms of this constitution. Why should that stigma be placed upon men who are not foreigners, but American citizens, and who are as loyal to the flag of the United States as any people that walk this earth? Why say to them: "You can vote, you can serve on a jury, you can pay your taxes, and when the flag is in danger you can take your musket (which they will do and go to its defense as quickly as any men on earth), yet because you speak the language of your father and your grandfather, you can not go to the legislature, neither can you hold any State office." It is not fair. It is not right. I have no interest in those people except as a citizen of that country. I know them, and I will say to you that under the circumstances and surroundings that those people have been raised in, you will find nowhere a better or a nobler or more loyal people than the people commonly called Mexicans in New Mexico.

Mr. BOOHER. That prohibition applies only to State officers and members of the legislature?

Mr. MCGILL. Yes, sir.

Mr. BOOHER. Do you believe it would be binding on the legislature after once elected; would not they be the judges of the qualifications of their own members?

Mr. BOOHER. I am asking for your opinion, if you care to express it.

Mr. MCGILL. I have not looked into that proposition, but it has been held by some lawyers that the legislature would be the judge of the qualifications of its own representatives.

Mr. BOOHER. Are these Spanish-speaking people who would be affected by this prohibition objecting to that disqualification in the constitution?

Mr. MCGILL. Yes, sir; very strongly.

Let me add that when Santa Fe surrendered to Gen. Kearny, as I said before, he issued a proclamation in which he said that he was authorized to receive the people of New Mexico into the Union as a Territory, and that they would be soon admitted into the union of States with all the rights of the other States of the Union. We said it again in the treaty of Guadalupe Hidalgo. We promised them that same thing, and we promised it to them time and time again. No matter who is responsible for the delay—I do not care who—we ought to keep our treaty agreements and our promises to these people. My fellow Missourians, we ought to endeavor to stand together and help remove from the people of that Territory the unjust discriminations which have been made against them.

I say the provision in the enabling act which undertook to define the rights of the American citizens to hold office in New Mexico was unconstitutional, and that the people are not bound by it. Only because, as Mr. Fall said in his testimony, it was put in the constitution because the enabling act compelled them to put it in.

Now, what do you think about that—telling those people who shall and who shall not be qualified to hold an office in that State? Let me read to you another thing that Judge Fall said, and I am going to ask, after a while, permission to publish in the RECORD four or five pages of the testimony of Judge Fall, giving the history of that Territory. I wish I had done that before this discussion began, because if I had I do not believe there is a man within the sound of my voice in this Chamber, if he would take the time to study this question, if he would read those pages, who would not be prompted to help remove from those people the odium that we attached to them by putting that clause in the enabling act and making it a condition precedent to their admission. You not only got those Territories by the valor and bravery of Missouri troops, but we gave Texas $10,000,000 for a quitclaim to that portion of New Mexico and Colorado that was in controversy at the time. In the Gadsden treaty again we promised that we would admit these Territories into the Union on an equal footing with all the other States of this Union. You will find on page 51 of the hearing the particulars about that. We ought to keep our word, and I hope this Congress will do it.

Now let us go to page 55. Here is an interesting statement. I know my friends on that side of the Chamber love Tammany Hall. But Tammany Hall in its palmiest days could not hold a tallow candle to the condition existing in New Mexico, according to Republican authority.

They have got the worst condition of affairs down there that ever was inflicted upon the people anywhere upon the face of the earth. And notwithstanding this constitution imposes all these burdens and hardships upon them, they say, "Give it to us, rather than what we have got." Now listen to what a Republican says. During the hearing before the Committee on the Territories, when Judge Fall was being heard, the gentleman from New York [Mr. CONNELL] asked this question:

Mr. CONNELL. In the search you made of the constitutions of the various States, did you find any case in which it was provided that no person should hold office in that State unless he spoke a certain language?

Mr. FALL. None.

Mr. CONNELL. Then New Mexico will stand alone among the States of the Union with that provision.

Mr. FALL. Yes, sir; absolutely. It was what we regarded as an insult to the intelligence of our people. They do sometimes elect a man to the legislature who needs an interpreter, but the Spanish people are very diffident, and even when they understand the English language, some speak it brokenly. We laugh at them, but they do not laugh at us if we make mistakes in attempting to speak Spanish. The consequence is that unless a man feels that he has a thorough acquaintance with the English language, he will not speak it at all.

Mr. CONNELL. Are the people content with that provision? Are they satisfied for it to remain that way?

Mr. FALL. No, sir; they are absolutely dissatisfied with it. They take it because they had to under this protest I read to you, which was placed in the constitution itself.

Mr. OLMSTED. Will the gentleman refer me——

Mr. BOOHER. You will find that on page 55 of the hearings.

Mr. OLMSTED. I merely wanted to ask the gentleman to refer me to the provision of the constitution.

Mr. BOOHER. In a moment I will do so. But let me read further:

Mr. BOOHER. You mean that they are willing to accept anything in order to get State government.
Mr. FALL. The fact is the Territory has been governed from Washington.
Mr. BOOHER. Has it not been a good government?

Now, listen, you people who are afraid of Tammany Hall. Listen to what your own brother said about it:

If you happened to have a constituent who was bothering you in your district and you could not place him elsewhere, you would send him out to New Mexico.

That is going a long way, is it not? I do not know whether my smiling friend from Illinois [Mr. MANN] will agree to that or not, but that was the testimony before that committee.

If you happened to have a constituent that you wanted to get rid of, he was given an appointment and sent to New Mexico to prey upon the people. This does not apply to Democrats.

Mr. FALL. There have been more politics to the square inch in New Mexico in the past few years than Tammany Hall has ever known.

And that is exactly the condition down there. Gentlemen, if in your wisdom you decide that you want to disfranchise the Spanish-speaking people of New Mexico, whose ancestors were there 300 years before the American soldiers set foot on that soil; if you conclude you want to disfranchise them and refuse to strike that provision out of this enabling act, you have the power to do it, and the people of New Mexico, in order to get a State government, will accept your decision.

Mr. MANN. Will the gentleman yield for a question?

Mr. BOOHER. Certainly.

Mr. MANN. The resolution of the majority, as I understand, proposes to amend the enabling act in this respect.

Mr. BOOHER. Yes.

Mr. MANN. It is not proposed to amend the constitution of New Mexico.

Mr. BOOHER. We can not amend that. We can submit it to them.

Mr. MANN. You are proposing to submit to them another proposition. You are not offering to submit that to them.

Mr. BOOHER. Yes; that is embodied in the majority report of the committee, to enable them to more easily amend their constitution. You see, they followed up the enabling act and put that same disqualification in their constitution, because, as Judge Fall said, they believed they were bound by the enabling act.

Mr. MANN. Does the gentleman from Missouri think there is any provision of that sort in the enabling act that will have any weight so as to prevent the people of New Mexico from amending their constitution after they are admitted if they choose to?

Mr. BOOHER. No, sir.

Mr. MANN. What effect, then, will it have to amend the enabling act after they are admitted under their constitution?

Mr. BOOHER. Here is the proposition exactly: The people of New Mexico believe that that was a condition precedent to their admission, and they placed the same disqualification in the constitution. The provision for the amendment of the constitution is such that the people of the Territory do not believe they can amend it in the next 99 years. The president of the constitutional convention, when their labors were ended and they were about to adjourn, arose in his place and made this remark:

We have given them a constitution that they can not change in 99 years.

Mr. MANN. I do not see what that has to do with this question. The gentleman proposes now to amend the enabling act by a provision which will have no validity after the State is admitted under its constitution, and proposes to admit the State with the provision that is so objectionable in the constitution.

Mr. BOOHER. The gentleman from Illinois does not go far enough. Our proposition is to submit to the people of New Mexico a proposition making it possible for them to amend their constitution, which they do not now believe they can do, and we propose to amend the enabling act by striking out the disqualifying provision.

Mr. MANN. Does the gentleman from Missouri have any doubt that the provision in the enabling act dies when the State is admitted into the Union?

Mr. BOOHER. No; but gentlemen who appeared before the committee did not entertain the same views. It would have been all right if the constitutional convention had not written into the constitution the same prohibition. The people of New Mexico do not think they can amend the constitution unless we amend the enabling act.

Mr. MANN. Well, if the people of New Mexico will read the speech that I am going to make here they will not have any doubt about it.

Mr. BOOHER. I know that the speeches of the gentleman from Illinois are always illuminating. All the gentlemen who appeared before the committee agreed to submit this amendment if it would not delay the admission of the Territory as a State. And I may say, without violating any rules of the House, that the committee unanimously agreed to it.

I now read from the One hundred and seventy-eighth United States Reports, page 570:

It is obviously essential to the independence of the States, and to their peace and tranquillity, that their power to prescribe the qualifications of their own officers, the tenure of their offices, the manner of their election, and the grounds on which, the tribunals before which, and the mode in which such elections may be contested should be exclusive and free from external interference, except so far as plainly provided by the Constitution of the United States. (Taylor & Marshal *v.* Beckham, 178 U. S., 570.)

Each State has the power to prescribe the qualifications of its officers and the manner in which they shall be chosen. (Missouri *v.* Audriano, 138 U. S., 496.)

The court decided that in no event could the Congress of the United States fix and determine the qualifications of an officer in any State in this Union. Yet that is what we did under the enabling act. I do not believe that anybody in this House knew anything about it; I believe it slipped through, as many things do in the hurry and rush of the closing business of Congress, without a careful investigation by the Committee on Territories. I do not believe for a moment, if that provision of the enabling act had been called to the attention of the committee, it would have received the support of a single member. We have it in our power to remedy it, and why not do it?

Let me again read the fifth paragraph of the enabling act:

Fifth. That the said State shall never enact any law restricting or abridging the right of suffrage on account of race, color, or previous condition of servitude, and that ability to read, write, speak, and understand the English language sufficiently well to conduct the office without the aid of an interpreter shall be a necessary qualification for all State officers and members of the State legislature.

Yet from the time New Mexico has been a Territory there have been in the legislature of that Territory men who could not read or speak the English language, and I believe the evidence shows that there were three men in the convention that framed this constitution who could not speak the English language. At the same time the evidence is that they were among the ablest and best men in that convention. Yet here we undertake to say that these men should not have the right to hold an office in that State! Are you in favor of that, my Republican friends? Do you not think we ought to submit to the people of that Territory the question of whether or not they want to continue that disqualification? Do you not believe we ought to make it so that these people could get rid of that?

I see my friend from Ohio [Mr. WILLIS] in the Chamber now, and I note on yesterday that he said something about the control of the legislature, and I want to refer to it while he is here. I believe he wanted to be exactly right in his statement of facts in the matter; but when I say to you that there is no gerrymander in any State in this Union that can compare in iniquity and outrage with the gerrymander of the State of New Mexico, I think I am wholly within the truth. Do you know that seven counties in that great State, if it becomes a State, will absolutely control the destinies of the State, and every one of the seven is absolutely controlled by the corporations?

Mr. ANDREWS. Will the gentleman yield?

Mr. BOOHER. Certainly.

Mr. ANDREWS. The gentleman states that those counties are absolutely controlled by the corporations.

Mr. BOOHER. Yes.

Mr. ANDREWS. I say that the gentleman is very much mistaken.

Mr. BOOHER. I know the gentleman would not stand by my statement, but I am speaking, as I said at the outset, not from what I learned outside, but I am speaking absolutely from what was divulged by the witnesses before the Committee on Territories, and if it was not true, my good friend from New Mexico ought to have risen in his place and denied it.

Mr. ANDREWS. When my time comes I will give that subject good attention so that the gentleman will understand it.

Mr. BOOHER. I hope so. I certainly do not want to make a misstatement, but I am speaking of the testimony before the committee. I do not know what my friend has under his belt, I am not able to tell that, but I do know what was divulged in the committee room, and I am simply speaking of that. Now, let us get down to it and see whether these counties are corporation controlled. I do not know about the facts and I want to acquit myself now of being a witness. I am controlled by what I learned before the committee, and if the witnesses did not tell

the truth, I must charge it up to the Republicans, because I am relying entirely on the testimony of Republicans. If you will turn to page 74 of the hearings you will find this from Judge Fall:

There is some reason for mentioning corporation control of New Mexico, and there is absolute reason for my statement to Mr. Fergusson that the desire of those who were sincerely desirous of ridding New Mexico of such corporation influence—that their desire was to enact a corporation commission law which would take the railroad corporations entirely out of the control of the legislature.

My friend from Ohio [Mr. WILLIS] has forgotten that testimony. They did it, they spiked their guns, and they not only spiked them, but they drove it in so that you could not drill it out in a lifetime. Did you ever try to drill out an old cannon that was spiked with a rat-tail file? If you have, you know how it is, how hard it is. You can compare that with this constitution. They can not drill it out; they absolutely take the control of the railroad corporations away from the New Mexico Legislature, and that is one of the reasons why these people come here and ask you to submit a proposition that they might amend their constitution more easily. Then he goes on further and says:

As I said to him, that was our desire. It was sincerely so, because we do know, as a matter of fact, that New Mexico Legislatures have been controlled by corporation influence in the past, just exactly as some of the legislatures of some of the other States have been.

Mr. HARDY. Is that Judge Fall that you are reading from?

Mr. BOOHER. Yes.

Mr. OLMSTED. Is that why you want to put it in the control of the legislature?

Mr. BOOHER. No. Does the gentleman want me to tell why?

Mr. OLMSTED. Yes.

Mr. BOOHER. Because I would rather trust it to a legislature of 100 men than to a railroad commission of 3. Would the gentleman? I believe in the rights of the people. I believe in the right of the people to control their own affairs in their own way. The members of the legislature are elected for two years. If they sell the people out they have to settle in two years. If the railroad commission sells them out they are secure for six years. I am in favor of the people every time. He goes on further on the next page——

Mr. OLMSTED. Who selects the railroad commissioners?

Mr. BOOHER. The people, and, I am sorry to say, a majority of them are Republicans. If you read these hearings, my friends, you will find that these witnesses, without a word of difference, stated that the Territory was absolutely under the control of corporations, and that it would take a political revolution to give them relief without an easier method for amending the present constitution.

The president of the convention was the attorney of the Santa Fe Railroad and the attorney of every railroad in the Territory of New Mexico. Now you know why they got a corporation-written constitution. Are not you with me willing to let these people have an opportunity to amend, so they can get from under these corporations in that country? I think you would if you would read these hearings and consider them properly. Now, this same man, Judge Fall, said—but before I read that I want to say that my friend, the former chairman of the Committee on the Territories, brought into the Sixtieth Congress a report, signed unanimously by Democrats and Republicans, asking for the repeal of a certain law passed by the Legislature of the Territory of New Mexico that was so outrageous that the committee, over the signature of my friend HAMILTON, reported that it was an infamous law. He said it was an infamous law, and you and I and every other patriot in this House voted to repeal it, and it was repealed unanimously under the power we had under the act creating the Territory. Here is what Mr. Fall said about that:

The Congress of the United States, under the organic act, under the power reserved to the Congress to disapprove of any act of the New Mexico Legislature, disapproved of that act, and it was denounced as the most vicious piece of legislation that was ever seen or read by any Congressman, I believe, in the United States Congress. I voted for that law.

Why, it was so infamous that the Republican chairman of the Committee on the Territories brought into this House a report that it was a vicious and infamous law, and it was unanimously stricken from the laws of the Territory. Read the testimony of Judge McGill, one of the ablest men of that Territory. I will not take the time to read it, but I want you to read it, and I think you gentlemen will agree with me that those people ought to have some relief from the power of these corporations under which they have been for the last 15 years. [Applause on the Democratic side.] Now, I want to call attention to another clause of the constitution of the Territory of New Mexico. I am going to take the time to read section 7, and I call the prayerful attention of my friend from Illinois [Mr. MANN] to this. I know how he stood here in the last Congress, working as chairman of the Committee on Interstate and Foreign Commerce for a fair and just railroad law for the people of the United States. I know he has not forgotten it. I know he is willing that the people of New Mexico shall be fairly treated by the corporations as he was that the people of the United States should be fairly treated, because he and I voted the same way——

Mr. MANN. On what?

Mr. BOOHER. That the word "reasonable" should not be written into the law.

Mr. MANN. The gentleman was not in Congress until many years after that law was passed.

Mr. BOOHER. No; we had it up in the last Congress——

Mr. MANN. Neither the gentleman nor I were in Congress until many years after that law was passed.

Mr. BOOHER. Do you remember the message President Taft sent to Congress when we refused to write the word "reasonable" in? That is the last session, and you were here. Now, the trouble with my friend is he has the most wonderful information of any man in this House, but it is not always reliable. That is the trouble; he forgets, like the balance of us. [Laughter on the Democratic side.]

Mr. MANN. It is reliable on this occasion.

Mr. BOOHER. No; it is not. I beg my friend's pardon.

Mr. MANN. The gentleman is talking about a law passed in 1890.

Mr. BOOHER. I am talking about an amendment to that law that was reported last Congress from the Committee on Interstate and Foreign Commerce.

Mr. MANN. The gentleman is usually correct, but in this instance he is mistaken. No such amendment was ever presented to the Committee on Interstate and Foreign Commerce; no such amendment was ever reported from the Committee on Interstate and Foreign Commerce; and no such amendment was ever presented or reported from any committee of this House since 1890, when the Sherman law was passed.

Mr. BOOHER. Then I will ask the gentleman what President Taft meant in his message when he congratulated us because we did not write the word "reasonable" in the law of 1910? And then I would like to ask my friend another question, Does he approve of the decision of the Supreme Court that writes the word in?

Mr. MANN. I have read the decision. Have you?

Mr. BOOHER. Yes, sir; thoroughly.

Mr. MANN. Has the gentleman read the decision through?

Mr. BOOHER. Thoroughly.

Mr. MANN. So have I. I approve of it.

Mr. OLMSTED. Has the gentleman read Judge Harlan's dissenting opinion?

Mr. BOOHER. Yes; I have. I have read the extracts that were in the paper, and that is all you gentlemen have read.

Mr. MANN. The gentleman is mistaken. I have read the opinion through. That is more than the gentleman has done, and I suspected it.

Mr. BOOHER. I do not believe the people indorse the decision of the Supreme Court of the United States. I do not believe the court has the right to write into the law the word "reasonable" when the Congress of the United States refused to put it there. I know that the decision of the Supreme Court of the United States which writes the word "reasonable" into the law simply destroys its effect and puts in the power of the courts to say what is and what is not a reasonable or unreasonable restraint of trade; it is simply saying, in effect, that there are good trusts and combinations and bad trusts and combinations in restraint of trade, and the power to decide that question is with the court. I do not want any court, however great it may be, to write into the laws of this Government a proposition that Congress refuses to write in the law.

Mr. HARDY. Judge Harlan says they refused it two or three times.

Mr. BOOHER. There is no question about it. There were decisions of the Supreme Court of the United States delivered five or six years ago in which they refused to consider the word "reasonable" in connection with a matter of interstate commerce; and when the Standard Oil Co., that somebody describes as an octopus—whatever that is—that sainted corporation, comes in, they write the word "reasonable" in the law.

I do not know whether it is right or not. I have my opinion, and I have just as much pride in it as anybody else has in their opinion.

Now, let us get down to this corporation. I am going to read this right straight through, and I want my friend from Illinois to listen to it, because he fought and helped us, and under his leadership I voted with him every time, because I believed he was right. I voted for the physical valuation of railroads.

He did. We were all for it. We passed it, but the Senate took it out. I want my friend to listen to this:

SEC. 7. The commission shall have power and be charged with the duty of fixing, determining, supervising, regulating, and controlling all charges and rates of railway, express, telegraph, telephone, sleeping-car, and other transportation and transmission companies and common carriers within the State; to require railway companies to provide and maintain adequate depots, stock pens, station buildings, agents and facilities for the accommodation of passengers, and for receiving and delivering freight and express; and to provide and maintain necessary crossings, culverts, and sidings upon and alongside of their roadbeds, whenever in the judgment of the commission the public interests demand, and as may be reasonable and just. The commission shall also have power and be charged with the duty to make and enforce reasonable and just rules requiring the supplying of cars and equipment for the use of shippers and passengers, and to require all intrastate railways, transportation companies or common carriers, to provide such reasonable safety appliances in connection with all equipment as may be necessary and proper for the safety of its employees and the public, and as are now or may be required by the Federal laws, rules, and regulations governing interstate commerce. The commission shall have power to change or alter such rates, to change, alter, or amend its orders, rules, regulations, or determinations, and to enforce the same in the manner prescribed herein: *Provided*, That in the matter of fixing rates of telephone and telegraph companies, due consideration shall be given to the earnings, investment, and expenditure as a whole within the State. The commission shall have power to subpœna witnesses and enforce their attendance before the commission, through any district court or the supreme court of the State, and through such court to punish for contempt; and it shall have power, upon a hearing, to determine and decide any question given to it herein, and in case of failure or refusal of any person, company, or corporation to comply with any order within the time limit therein, unless an order of removal shall have been taken from such order by the company or corporation to the supreme court of this State, it shall immediately become the duty of the commission to remove such order, with the evidence adduced upon the hearing, with the documents in the case, to the supreme court of this State. Any company, corporation, or common carrier which does not comply with the order of the commission within the time limited therefor may file with the commission a petition to remove such cause to the supreme court, and in the event of such removal by the company, corporation, or common carrier, or other party to such hearing, the supreme court may, upon application, in its discretion or of its own motion, require or authorize additional evidence to be taken in such cause; but in the event of removal by the commission, upon failure of the company, corporation, or common carrier, no additional evidence shall be allowed. The supreme court, for the consideration of such causes arising hereunder, shall be in session at all times, and shall give precedence to such causes. Any party to such hearing before the commission shall have the same right to remove the order entered therein to the supreme court of the State, as given under the provisions hereof to the company or corporation against which such order is directed.

Now I want to call your special attention to this:

The commission shall have power to change or alter such rates, to change, alter, or amend its orders, rules, regulations, or determinations, and to enforce the same in the manner prescribed herein: *Provided*, That in the matter of fixing rates of telephone and telegraph companies due consideration shall be given to the earnings, investment, and expenditure as a whole within the State.

Do you know why they exempted railroad corporations? Why did they not make the same rule apply to the railroad corporations? The answer is clear. The convention was dominated by the railroads, and they simply cut the throats of the people. They were willing that these commissioners, when they came to decide what was a reasonable rate between the telegraph and telephone companies and the people, should take into consideration all those facts enumerated, but when they came to the determination of matters relating to the railroad corporations the commissioners were not vested with power to determine anything. I would like the gentleman from Illinois to explain it in his speech.

Mr. MANN. I could explain it if I should take the gentleman's time. It is easy.

Mr. OLMSTED. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Pennsylvania?

Mr. BOOHER. Yes.

Mr. OLMSTED. I simply want to call the attention of the gentleman to section 1 of that article—article 11—which says:

The commission shall have power and be charged with the duty of fixing, determining, supervising, regulating, and controlling all charges and rates of railway, express, telegraph, telephone, sleeping car, and other transportation and transmission companies and common carriers within the State.

And so forth.

Mr. BOOHER. Can my friend tell me why, when they provide as to what they should do with regard to telegraph and telephone companies, they should leave the railroads out? There is no physical valuation of railroads provided for there at all. There is no power to enforce it.

I stand here and say as a lawyer that there is no power in that section of the constitution of New Mexico to enforce its provisions. There is absolutely no power. The people are handicapped and bound hand and foot; thrown under the wheels of the railroad corporations of the future State of New Mexico. And we are simply asking, my fellow Members of Congress, that you confer upon the people of that Territory the right to amend the constitution. The people have some rights in that matter, and I hope this House will take them into consideration and give the people relief.

Now, I am going to consider another phase of the question, which I had hoped would not be brought into the discussion.

My friend from Ohio, my young and good-looking friend, the member of the Committee on Territories—and I have the utmost respect for him—when the gentleman from Kentucky [Mr. POWERS] yesterday asked him something about the population of the senatorial districts in that State, if I remember aright, said there was not a single district in that State where the population was three times the ratio of representation. Now, the gentleman evidently answered that question on the spur of the moment, without giving it a moment's consideration. I say to you that there are districts in the new State of New Mexico where the population is more than three times the ratio for representatives in the State senate, and, strange as it may be, whenever one of these districts appears it is overwhelmingly Republican.

Now, let us see. Here is the first district, for instance——

Mr. KENNEDY. I should like to ask the gentleman a question.

Mr. BOOHER. Certainly.

Mr. KENNEDY. I am largely in sympathy with the sentiment he has expressed in his talk. Before he leaves this corporate-commission proposition, I understand the gentleman's committee has reported in favor of the admission of the State under this constitution.

Mr. BOOHER. Yes.

Mr. KENNEDY. I wondered if the gentleman in his argument had treated that provision fairly. Does he not realize that the only way the legislature can regulate these matters is by a commission?

Mr. BOOHER. I am glad my friend has asked me that question. If I had time I would refer to the hearings, but the gentleman from Texas [Mr. HARDY] asked Judge Fall if the constitution was not so written that it would be impossible for the people of that Territory to change the law in regard to railroads and the railroad commission, and he said yes, absolutely. I am continually referring to Mr. Fall, because he is a Republican, and I think gave the committee correct information.

Mr. KENNEDY. I am not questioning that. I defer to the gentleman on that point; but conceding all the gentleman has said on that point, is not the gentleman's criticism of this commission clause in the constitution rather unfair? In other words, can the Legislature of New Mexico or any other legislature regulate the railroads and these corporation affairs in any other way than through a commission?

Mr. BOOHER. No; but let me call the gentleman's attention to the fact that in this connection they have undertaken to do it in the constitution, in the organic law, and have deprived the legislature of any right to interfere with it without an amendment to the constitution.

Mr. KENNEDY. Just forget about that for a moment. Is it not also true that in this provision giving this commisssion, which is elected by the people, the right to regulate these rates or to frame these regulations, and giving the opportunity of automatic appeal to the supreme court of the State, you have in that way adopted the most progressive way and the best way, under the decisions of the Supreme Court of the United States, to compel absolute compliance with the orders of that commission and the will of the people?

Mr. BOOHER. I have heard that idea advanced. I have listened to it and heard the argument, but if the gentleman will read this article carefully he will see that there is no provision in the article on corporations authorizing any order, whether made by the railroad commission or the supreme court, to be carried into effect, and an appeal from the order of the supreme court must necessarily act as a supersedeas. You have a provision in the law saying it goes into effect, but it does not state the order shall take effect if an appeal is taken, as the law of nearly every other State does.

Mr. KENNEDY. The gentleman is aware that the Supreme Court of the United States in the case of Prentiss against Atlantic Seacoast Line, which went up, I believe, from the State of Virginia, decided that the action of the Supreme Court was still legislation and that the Federal court could not enjoin those acts until after the Supreme Court had passed finally upon those questions.

Mr. BOOHER. When they have passed finally upon it, as they would, if my friend has read that article thoroughly, he will see that when there is no appeal taken the commission must send the record to the Supreme Court; and when they send it there a decision is made by the Supreme Court upon the record; but if an appeal is taken from the decision of the commission, then the court has the right to hear evidence anew; and let me say to the gentleman that that commission can not

subpœna a witness to appear before it to testify. They can not force a witness to appear before them to testify unless they have an order of a court—not an order from the judge of a court to bring a witness before them, but the subpœna must issue on the order of a court.

Mr. KENNEDY. The State of Oklahoma has substantially the same provision.

Mr. BOOHER. I am very sorry if they have.

Mr. KENNEDY. And the Supreme Court of the United States, in the case of which I speak—the Prentiss case—has strongly intimated that it is the quickest, the most progressive, and the best way for the people to deal with these corporation rates.

Mr. BOOHER. Well, I am not familiar with the case the gentleman cites, but I am willing to concede that he states the facts as they are, but that does not alter my opinion about it. When you sit down and read this provision thoroughly and study it, you can not help coming to the conclusion yourself, exactly as these people stated before the committee, the constitution was corporation ridden and corporation written.

Now, my friend from Ohio said, in answer to a question by the gentleman from Kentucky [Mr. POWERS], that there was no district in the State of New Mexico that had more than three times the ratio fixed by the convention for a State senator. As I said before, the gentleman was surprised by the question. He did not know that it was loaded. So I concluded that I would find out about it, and I spent a good part of a hot night working it out, and I find there are districts in New Mexico that, if my good friend and colleague [Mr. BARTHOLDT] were here, would make him have a fit. He would forget that there was ever a gerrymander in Missouri. It is the most outrageous thing that I ever heard of in my life, and I would not say a word about it if my friend from Ohio had not brought it before the House. There are 7 counties in New Mexico with a population of 77,000 that elect 12 members to the State senate. The ratio for State senator in New Mexico is 13,500. The first district is San Miguel, with a population of 22,930. The second district is San Miguel and Mora, with a population of 35,541. Why did you put San Miguel onto Mora? Because Mora is a doubtful county, and if you put San Miguel on, with 1,600 Republican majority, you have got them where you want them.

Mr. ANDREWS. That is what they intended to do.

Mr. BOOHER. San Miguel is an overwhelmingly Republican county, but that is not all San Miguel gets. They were so afraid that some county would get away from them that they put San Miguel with Guadalupe, and they have a population of 33,857, an overwhelming Republican majority, so that in three districts there is not any more chance of a Democrat or an opposition to the regular corporation-ridden candidate than there is for a snowball in Hades. [Laughter.] The fourth district, Rio Arriba, has a population of 16,624, overwhelmingly Republican, and the sixth district has a population of 25,203—that is, Rio Arriba and Sandoval—strongly Republican.

Now, I am not finding any fault with this. They have exercised their right, but I do not want any Member on that side of the House to pay any attention to Dr. BARTHOLDT when he talks about gerrymandering. This beats them all and gives them nine points in the game.

Now, the fourth district, Rio Arriba County, has a population of 16,624; the fifth district, Bernalillo, San Juan, and Sandoval, a population of 40,689; the sixth district, Rio Arriba and Sandoval, population 25,203; the seventh district, Bernalillo, 23,609. Where is the gentleman from Kentucky?

Mr. ANDREWS. Bernalillo has over 23,000 population.

Mr. BOOHER. But I am showing you how many times Bernalillo counts; it counts three times, making three Republican districts.

Mr. ANDREWS. I wish it was four.

Mr. BOOHER. I do not blame the gentleman for calling it a dandy, for that is the name to apply to it.

The eighth district, Colfax, has a population of 16,460. That is Republican, of course. Colfax has only 3,000 more than the ratio. Let us see what they do with Colfax. They want to make sure that nothing was going to get away, and so they make Colfax and Union a district of 24,939 population. Colfax can elect two senators. You know sometimes Colfax kicks out and might be dangerous, but you prevent it and put it where it can not manifest any signs of danger at all.

Mr. AUSTIN. We wanted to make the election of our genial friend here absolutely certain in the United States Senate.

Mr. BOOHER. If that is what you were after, I am sure you did it. Now, let us go on. Let us take the tenth, Santa Fe, 14,470, Republican. Then there is Taos County, population 12,008, Republican, one senator. Next, Valencia, the twelfth district, 13,320, Republican. You have not found a Democrat yet.

Mr. ANDREWS. It is a Republican county.

Mr. BOOHER. Democratic senators are as scarce as hen's teeth. You can not find them easily, and yet my good friend from Ohio [Mr. WILLIS] said we had 11 senators. Oh, how strange it is, how very very strange that the truth will bear so much stretching. I do not want to say anything else.

Mr. ANDREWS. How many Democrats have you got?

Mr. BOOHER. Six, according to your statement. I am taking it from the testimony. You have 17. That is according to the statement you made before the committee. I am judging from your own testimony, and I think it was right. Let us go on. There are some magnificent things that appear here. Let us go on to the thirteenth, with a population of 37,023. Now, listen. It is made up of the counties of Sierra, Grant, Luna, and Socorro. Oh, they fixed that, so that there was not any question. Shades of Barthold! Thirty-seven thousand having a representative with four counties to make it, in order to make it absolutely sure.

The CHAIRMAN. The time of the gentleman has expired.

Mr. AUSTIN. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for half an hour.

The CHAIRMAN. The control of the time is with the gentleman from Virginia [Mr. FLOOD].

Mr. AUSTIN. Mr. Chairman, the gentleman from Missouri does not occupy the time of the House very often, and I think it is nothing but right that we should give him unlimited time for this debate, and I appeal to the gentleman from Virginia to yield him more time.

Mr. FLOOD of Virginia. Mr. Chairman, there is no use of the gentleman appealing to me. I was going to yield the time, but if he asks unanimous consent and it is granted, then the time does not come out of my time, and I would prefer that.

Mr. AUSTIN. I ask unanimous consent that the time be extended for half an hour.

The CHAIRMAN. The Chair does not think that can be done under the rules. The agreement was that the time should be controlled by the gentleman from Virginia and the gentleman from Pennsylvania. That was a unanimous-consent order of the House, and the Chair does not think that a unanimous-consent order of the committee can change the unanimous-consent order of the House.

Mr. FLOOD of Virginia. I yield the time to the gentleman from Missouri.

Mr. BOOHER. I thank the gentleman from Virginia and also the gentleman from Tennessee. Socorro forms a part of a district with Sierra, Grant, and Luna.

Mr. ANDREWS. That is the thirteenth.

Mr. BOOHER. Socorro is the fourteenth. Now, Socorro County, with a population of 14,761, forms a district by itself, overwhelmingly Republican. They were not through with poor old Socorro County yet, so they took Socorro and made it a part of the fifteenth district, with a population of 39,771, three times the ratio for a district, and that district is made up of the counties of Torrance, Otero, Lincoln, and Socorro. Socorro therefore absolutely elects three representatives in the State senate, with but 3,000 population more than the ratio necessary to elect one.

Mr. FLOOD of Virginia. I would call the gentleman's attention to the fact that he is mistaken about Socorro. It has only about 14,000 people, and has only about 1,200 more than the population necessary to elect one senator, though it elects three.

Mr. BOOHER. I am obliged to the chairman for the correction. It has only 1,200 more. But let us go on down. We have not struck any Democratic districts yet. I am not complaining. They have a right to do it, and if you could see the map of the districting of New Mexico for State senators I am satisfied that you would at once admit that it was the greatest work of art ever presened to the American people. It should be called to the attention of the Fine Arts Commission. Then we take the county of McKinley, with 12,963, and they gave that one senator. McKinley is a Republican county. It has less than the ratio, but they give it a Senator. Then they go on down. We have not struck a Democratic district yet, and we have 17 of them called over.

Now we get to the eighteenth, Otero and Lincoln. Both of these have been in districts before; they put them together, to make a Republican district. Have not we done mighty well? Now we are getting to a lot of Democratic districts, and here is where "the author of my policies" gets in. The good people down in that Territory named a county Roosevelt, and it is overwhelmingly Democratic—one senator; population, 12,064. Chaves County, population 16,850, 3,000 more than the ratio, is 1,200 Democratic.

Mr. ANDREWS. It is not 1,200.

Mr. BOOHER. The gentleman stated before the committee it was. It is in the testimony, and I am going to publish the

counties and majorities as given to the committee and admitted to be right by my friend from New Mexico [Mr. ANDREWS]. Why pursue it further; there are 17 Republican senators, 6 Democrats, and 1 doubtful. A gerrymander is an outrage anywhere, I do not care where it occurs. I say that the people of this country have a right to have a fair and honest apportionment of the people of this country. A fair, honest apportionment of the people of this country would have made this House Democratic for the last 10 years. Take the maps printed in the CONGRESSIONAL RECORD. They talk about a Democratic gerrymander. Some men here ought to be mighty thankful that it is arranged as it is, because they could not get into this House if there was anything near like a close majority in the district they represent.

The gentleman from Ohio [Mr. WILLIS] stated that he took his figures for the majorities he gave from the last congressional election. He will permit me to call his attention to the statement before the committee that the majorities could not be based on that vote, for the reason that the election turned principally on the personnel of the candidates rather than on political questions. It was conceded by all familiar with the Territory that there was a Republican majority of 5,000 in the Territory. The convention that framed the constitution was composed of 71 Republicans and 29 Democrats—a very comfortable working majority.

Another evidence of fairness of the convention in districting the State can be seen in the arrangement of the judicial districts. Two out of the eight districts are given to the Democrats, one with a population of 18,000 and the other with a population of 58,000; and in the latter district the judge in going to some of the counties must cross the mountains, go through a part of Texas, and travel 200 miles.

Oh, Republicanism, how many wrongs and outrages have been perpetrated in thy name!

Statement of Mr. Jones, of New Mexico:

Mr. JONES. I know of one district where that was not apparently taken into consideration, the district composed of Taos, Colfax, Union, and Quay Counties. Taos is west of the mountains and has no railroad connection whatever with the rest of the district, and to get to Taos by the usual route you have to travel by way of Santa Fe, a distance of about 200 miles. In order to get from Raton over into Union County you have had to go until very recently through the southern part of Colorado to Clayton, the county seat of Union County. In order to get to the county seat of Quay County, in that district, from Clayton, you have to go into the State of Texas.

I have occupied a great deal more time than I anticipated, but I want to say to you, in all earnestness and sincerity, I feel deeply upon this subject. I feel as though the honor of the State of Missouri is at stake in this question. I feel as though every Missourian, no matter upon which side of this Chamber he sits, is bound, as he loves his State, to vote for the majority report of this committee. Do you know that when Doniphan and his regiment started from Leavenworth on their march across the plains of Kansas, Nebraska, and New Mexico, they bore a flag given to them by the good women of Missouri, and the motto emblazoned upon that flag was, "The love of country is the love of God."

It was under that flag that these Missourians captured Arizona and New Mexico, and it was under that flag that these Missourians promised the people of Arizona and New Mexico that they should be admitted into this Union as soon as possible with all the rights and privileges of the people of any other State in the Union. Now, as Missourians we are bound to carry out the compact, signed and sealed by Missourians, to give those people that kind of a State government. Are you ready to keep the promises given by such men as Willard P. Hall? Are you willing to keep the promises made by Gilpin? Are you ready to keep the promises made by Sterling Price? Are you willing to keep the promises made by Francis P. Blair? If you are, you have but one thing to do and that is to vote for the adoption of the majority report of the Committee on Territories.

Why, a Missourian, Francis P. Blair, was appointed the first United States attorney for the Territory of New Mexico. He and Willard P. Hall and A. W. Doniphan wrote the first code of laws for that Territory, and many of the laws are in existence there to-day. Willard P. Hall had a unique experience in that war. He enlisted as a private in the First Missouri Volunteers. Before he enlisted, A. W. Doniphan, who afterwards was colonel of the regiment, and himself were candidates for the Democratic nomination for Congress in the primaries. Hall, a stripling of a boy 25 years of age, defeated Doniphan for the nomination. He enlisted as a private, went to Santa Fe, went down to Matamoros, 3,500 miles across sandy deserts and alkali plains, came home and represented his district in Congress, having been elected by 3,000 majority out of a vote of 10,000 while he was away in the Army. He afterwards was war governor of the State of Missouri.

Francis P. Blair, a Missourian, the first United States attorney for the Territory of New Mexico—you all know his history. What Missourian is not proud of it? A major general in the Union Army, then a United States Senator from the State of Missouri. Every Missourian loved him, every Missourian reveres his memory. He wore the blue. There was Sterling Price, whom all Missourians loved and honored.

No soldier of the North or South in the time of battle, whatever the fortunes of war might have been, ever had reason to find fault with his treatment when he fell into the hands of Gen. Sterling Price. He wore the uniform of a major general in the Confederate Army. Gen. James Craig, who represented his district in Congress, the district I have now the honor to represent, was a lieutenant in that army of Missourians. He came home. He wore the blue. He was a brigadier general in the Civil War. And I might go through this entire list and call the roll. I could tell you of Maj. Gilpin, who enlisted as a private, who was afterwards elected major of that regiment, and who was the only man, it is said, in Jackson County, Mo., who voted for Abraham Lincoln in 1860. He became the first Territorial governor of the new Territory of Colorado. I might call your attention to Napoleon B. Giddings, who was a private through that long, weary march of 3,500 miles. He was the first Representative in this House of the Territory of Nebraska.

And so they were all heroes; they were all great men. They appeal to us to-day to fulfill their promises and keep their word that they made to the people of New Mexico when they promised them admission into this Union with all the rights of the other States. They did not attach to their promise the qualification that a man must read and speak the English language in order to hold an office in a home that had been his 300 years before our soldiers put their feet on the soil of that country. And it is an outrage for the American Congress to say to-day that because my parents educated me in the language of my forefathers I can not hold an office in the community where I have lived all my life and where all the testimony shows me to be an upright, honest, and intelligent citizen.

I tell you, I am opposed to disfranchisement. I do not care where it comes from. I lived under it once, and I know all about it. I know all about its outrages. I know how men feel when they are stripped of the right to hold an office when a majority of the people ask them to hold it, and that is what we have done in this enabling act for New Mexico. Are you willing to stand for it? Are you? Then stand for it, but I appeal again to my colleagues from Missouri to stand with me back of that illustrious group of heroes that marched with Doniphan. You can not read the roster of that regiment without reading the names of heroes who made this Nation great, not only in that war but in the great war between the States. They were upon both sides. In the State I hail from we had many men upon both sides. Missouri furnished 110,000 men to the Union Army and furnished 100,000 men to the Confederate Army. To-day those men live in perfect accord and harmony. They join hands on every Memorial Day. In my town they march side by side under the same flag, keeping step to the beat of the same drum, to the graves in the cemetery, and they decorate the graves of the soldier of the North and of the South alike. [Applause.]

I make this appeal to Missourians. Let us keep the faith that our fathers pledged. Let us keep the word they gave, and when we realize and reflect that the flag that floated over the first mounted regiment of Missouri volunteers in the Mexican War bore the inscription, "Love of country is love of God," let us march under that banner and give those people what they are entitled to; let us give them free admission to this Union, unhampered by any such conditions as are sought to be imposed upon them by the enabling act. [Prolonged applause.]

APPENDIX.

APPORTIONMENT.

Until changed by law as hereinafter provided, the legislative districts of the State shall be constituted as follows:

SENATORIAL DISTRICTS.

Population, census 1910.

First. The county of San Miguel, one senator, 22,930.

Second. The counties of San Miguel and Mora, one senator, to be a resident of Mora County and to be elected by the electors of Mora and San Miguel Counties, 35,554.

Third. The counties of Guadalupe and San Miguel, one senator, 33,857.

Fourth. The county of Rio Arriba, one senator, 16,627.

Fifth. The counties of Bernalillo, San Juan, and Sandoval, one senator, 40,689.

Sixth. The counties of Rio Arriba and Sandoval, one senator, 25,203.

Seventh. The county of Bernalillo, one senator, 23,609.

Eighth. The county of Colfax, one senator, 16,640.
Ninth. The counties of Union and Colfax, one senator, to be a resident of Union County, and to be elected by the qualified electors of Union and Colfax Counties, 27,864.
Tenth. The county of Santa Fe, one senator, 14,770.
Eleventh. The county of Taos, one senator, 12,008.
Twelfth. The county of Valencia, one senator, 13,320.
Thirteenth. The counties of Sierra, Grant, Luna, and Socorro, one senator, 37,023.
Fourteenth. The county of Socorro, one senator, 14,761.
Fifteenth. The counties of Torrance, Otero, Lincoln, and Socorro, one senator, 25,110.
Sixteenth. The county of Dona Ana, one senator, 12,893.
Seventeenth. The county of McKinley, one senator, 12,963.
Eighteenth. The counties of Otero and Lincoln, one senator, 14,891.
Nineteenth. The county of Chaves, one senator, 16,850.
Twentieth. The county of Eddy, one senator, 12,400.
Twenty-first. The county of Roosevelt, one senator, 12,064.
Twenty-second. The county of Quay, one senator, 14,912.
Twenty-third. The county of Curry, one senator, 14,443.
Twenty-fourth. The county of Grant, one senator, 14,812.

REPRESENTATIVE DISTRICTS.

First. The county of Valencia, two members.
Second. The county of Socorro, two members.
Third. The county of Bernalillo, three members.
Fourth. The county of Santa Fe, two members.
Fifth. The county of Rio Arriba, two members.
Sixth. The county of San Miguel, three members.
Seventh. The county of Mora, two members.
Eighth. The county of Colfax, two members.
Ninth. The county of Taos, two members.
Tenth. The county of Sandoval, one member.
Eleventh. The county of Union, two members.
Twelfth. The county of Torrance, one member.
Thirteenth. The county of Guadalupe, one member.
Fourteenth. The county of McKinley, two members.
Fifteenth. The county of Dona Ana, two members.
Sixteenth. The county of Lincoln, one member.
Seventeenth. The county of Otero, one member.
Eighteenth. The county of Chaves, three members.
Nineteenth. The county of Eddy, two members.
Twentieth. The county of Roosevelt, one member.
Twenty-first. The county of Luna, one member.
Twenty-second. The county of Grant, two members.
Twenty-third. The county of Sierra, one member.
Twenty-fourth. The county of San Juan, one member.
Twenty-fifth. The county of Quay, two members.
Twenty-sixth. The county of Curry, one member.
Twenty-seventh. The counties of Rio Arriba and Sandoval, one member.
Twenty-eighth. The counties of Torrance, Santa Fe, and Guadalupe, one member.

Counties.	Population.	Republican majority.	Democratic majority.
San Miguel	22,930	1,462	.....
Mora	12,611	233	.....
Guadalupe	10,927	206	.....
Rio Arriba	16,624	457	.....
Bernalillo	23,606	1,691	.....
San Juan	8,504	.....	161
Sandoval	8,579	1,032	.....
Colfax	16,460	213	.....
Union	11,404	388	.....
Santa Fe	14,770	319	.....
Taos	12,008	360	.....
Valencia	13,320	1,336	.....
Sierra	3,536	.....	40
Grant	14,813	.....	543
Luna	3,913	.....	246
Socorro	14,761	519	.....
Torrance	10,119	72	.....
Otero	7,069	.....	90
Lincoln	7,822	.....	43
Chaves	16,850	.....	625
Eddy	12,400	.....	793
Roosevelt	12,064	.....	1,122
Quay	14,912	.....	512
Dona Ana	12,893	349	.....
McKinley	12,963	139	.....
Curry	14,443	.....	[1] 600
Total	327,753	.....	.....

[1] Estimated.

ADDRESS OF GEN. KEARNY TO THE PEOPLE OF NEW MEXICO AUGUST 19, 1846.

New Mexicans, we have come amongst you to take possession of New Mexico, which we do in the name of the Government of the people of the United States. We have come with peaceable intentions and kind feelings toward you all. We come as friends, to better your condition and make you a part of the Republic of the United States. We mean not to murder you or rob you of your property. Your families shall be free from molestation, your women secure from violence. My soldiers will take nothing from you but what they pay for. In taking possession of New Mexico we do not mean to take away your religion from you. Religion and government have no connection in our country. There all religions are equal; one has no preference over another; the Catholic and Protestant are esteemed alike.

Every man has a right to serve God according to his heart. When a man dies he must render to his God an account of his acts here on earth, whether they be good or bad. In our Government all men are equal. We esteem the most peaceable man the best man. I advise you to attend to your domestic pursuits, cultivate industry, be peaceable and obedient to the laws. Do not resort to violent means to correct abuses. I do hereby proclaim that, being in possession of Santa Fe, I am therefore virtually in possession of all New Mexico. Armijo is no longer your governor. His power is departed. But he will return and be as one of you. When he shall return you are not to molest him. You are no longer Mexican subjects; you are now become American citizens, subject only to the laws of the United States. A change of government has taken place in New Mexico, and you no longer owe allegiance to the Mexican Government. I do hereby proclaim my intention to establish in this department a civil government on a republican basis, similar to those of our own States. It is my intention, also, to continue in office those by whom you have been governed, except the governor and such other persons as I shall appoint to office by virtue of the authority vested in me. I am your governor; henceforward look to me for protection.

PROCLAMATION TO THE INHABITANTS OF NEW MEXICO BY BRIG. GEN. S. W. KEARNY, COMMANDING THE ARMY OF THE UNITED STATES IN THE SAME, AUGUST 26, 1846.

As by the act of the Republic of Mexico a state of war exists between that Government and the United States, and as the undersigned at the head of his troops on the 18th instant took possession of Santa Fe, the capital of the Department of New Mexico, he now announces his intention to hold the department, with its original boundaries (on both sides of the Del Norte), as a part of the United States and under the name of the Territory of New Mexico.

The undersigned has come to New Mexico with a strong military force, and an equally strong one is following close in his rear. He has more troops than necessary to put down any opposition that can possibly be brought against him, and therefore it would be folly and madness for any dissatisfied or discontented persons to think of resisting him.

The undersigned has instructions from his Government to respect the religious institutions of New Mexico, to protect the property of the church, to cause the worship of those belonging to it to be undisturbed and their religious rights in the amplest manner preserved to them; also to protect the person and property of all quiet and peaceable inhabitants within its boundaries against their enemies, the Eutaws, Navajos, and others. And while he assures all that it will be his pleasure as well as his duty to comply with those instructions, he calls upon them to exert themselves in preserving order, in promoting concord, and in maintaining the authority and efficiency of the laws, and to require of those who have left their homes and taken up arms against the troops of the United States to return forthwith to them, or else they will be considered as enemies and traitors, subjecting their persons to punishment and their property to seizure and confiscation for the benefit of the public treasury. It is the wish and intention of the United States to provide for New Mexico a free government, with the least possible delay, similar to those in the United States, and the people of New Mexico will then be called on to exercise the rights of freemen in electing their own representatives to the Territorial legislature; but until this can be done the laws hitherto in existence will be continued until changed or modified by competent authority, and those persons holding office will continue in the same for the present, provided they will consider themselves good citizens and willing to take the oath of allegiance to the United States.

TREATY OF GUADALUPE HIDALGO, CONCLUDED FEBRUARY 2, 1848—ARTICLE 9.

The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States and be admitted, at the proper time (to be judged of by Congress of the United States), to the enjoyment of all the rights of citizens of the United States according to the principles of the Constitution, and, in the meantime, shall be maintained and protected in the free enjoyment of their liberty and property and secured in the free exercise of their religion, without restriction. (S. Doc. 37, p. 519.)

PROTOCOL, MAY 26, 1848.

The American Government, by suppressing the ninth article of the treaty of Guadalupe Hidalgo and substituting the third article of the treaty of Louisiana, did not intend to diminish in any way what was agreed upon by the aforesaid article 9 in favor of the inhabitants of the territories ceded by Mexico. Its understanding is that all of that agreement is contained in the third article of treaty of Louisiana. In consequence, all the privileges and guaranties, civil, political, and religious, which would have been possessed by the inhabitants of the ceded territories if the ninth article of the treaty had been retained will be enjoyed by them, without any difference, under the article which has been substituted. (S. Doc. 37, p. 526.)

LOUISIANA TREATY, APRIL 30, 1803—ARTICLE 3.

The inhabitants in the ceded territory shall be incorporated in the Union of the United States and admitted, as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of the citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess. (S. Doc. 37, p. 258.)

STATEMENT OF JUDGE A. B. FALL, OF THREE RIVERS, N. MEX.

Mr. FALL. Mr. Chairman and gentlemen of the committee, I am not going to read all of this matter, nor am I going to ask to have it printed.

Mr. Chairman, it seems to me from the questions that have been asked by some members of this committee that it would probably be best now to call the attention of the committee to some of the conditions that have caused the framing of this constitution in the way it has been framed. I presume that we all know that there never has been a constitution adopted in any State of the Union, nor by the Union itself, that has not been subjected to criticism and opposition. I think that all of us remember the very strenuous opposition that developed to the adoption of the Federal Constitution. A great many of its provisions did not suit a great many of the people. I think I recall that Mr. Patrick Henry fought Mr. Madison in the Virginia constitutional ratification convention over the provisions of the Federal Constitution. But I can readily understand that members of this committee do not realize the conditions existing in our Territory, because these conditions are different from those existing in any of the other States in the Union. These are conditions peculiar to the Territory, and they brought about the framing of certain of the articles and sections in this constitution. There is prevalent throughout the country an entirely mistaken idea about New Mexico and the New Mexicans, particularly about those whom we designate as native citizens. There is even a mistaken idea about the name of the Territory. I presume it possible that if you gentlemen thought about it at all

you would conclude that New Mexico was named for old Mexico, but the fact is that New Mexico was named 100 years before old Mexico was named.

Old Mexico was the Province of "New Spain" 100 years after New Mexico was known as New Mexico. New Mexico was governed directly by the King of Spain, and its governors were appointed by the viceroy. The southern boundary of the Province of New Mexico extended to nearly 400 miles south of Juarez, opposite El Paso, Tex., it included the States of Colorado and California, and extended on the north to the Frozen Sea, as shown on the map of the Duke of Burgundy. New Mexico was "discovered" by Coronado in 1541, and was settled by Oñate in 1595. In marching toward New Mexico he discovered the settlement of Santa Barbara, near what is the present mining camp of Parral. He found the country inhabited by Indians who belonged to the same tribe as the Aztecs in Mexico City. They were dressed in cotton cloth. He wrote back that he had discovered a "New Mexico" (referring to Mexico City), and he was appointed or authorized by the viceroy to proceed to explore New Mexico. For 100 years New Mexico was cut off from old Mexico by 400 miles of desert. New Mexico took no part in the Mexican revolution, because, as I have explained, these people were cut off from old Mexico. They formed a community of their own, and in some respects theirs was the most remarkable communal form of government this country has ever known. The settlements were made along the Rio Grande River from the Colorado line to the Texas border. Grants were made by the Spanish Government to the communities, and royal commissioners were sent up there to divide the land into severalties amongst the colonists. The irrigation ditches which were constructed were constructed in common and have been owned in common for over 300 years. They have an entirely different water system from that which you have in Colorado and other States of the Union; that is, in so far as the Rio Grande section is concerned.

Mr. MARTIN. My town is located along one of those grants.

Mr. FALL. Yes, sir. Recently we have adopted the Colorado and other systems of irrigation where they can be enforced in the Territory; that is, in the new settlements of the Pecos Valley, the San Juan country, and other localities. The condition of these people was very different from anything that ever obtained in old Mexico. These settlers in New Mexico, instead of being peons and slaves subject to some great family, were independent colonists and independent landowners. They constituted an entirely different class of settlers from those in old Mexico. That has been their condition for 300 years and is the same to-day. When they came into the United States they brought with them not only their laws as to waters and their communal form of government, but they brought the law of acquest property and many other civil laws, forms, and customs. Under the law of acquest community property the wife is the partner of the husband and is entitled to one-half of the entire estate. Now, that does not suit some of our people. Some who have come into the Territory more recently do not understand the old irrigation system, and the consequence is that whenever they see something come up about it in the constitution and the legislature they do not understand it. While that is an old custom here, they do not want anything of the kind. Well, as a matter of fact, it is the only system which would work out properly in the communities where these people live and where they constitute over one-half of the population. With the American settlers, who have acquired property from and live among them, they constitute over one-half of the entire population of the Territory. Now, these people were never connected, except as indicated, with old Mexico.

When Gen. Pike went into New Mexico in 1806, and the Santa Fe trail was afterwards opened, the people of New Mexico—and I can give you the names of some of the families—sent their children to school, not in old Mexico, but they sent their children to Missouri to be educated. They sent their children into the United States to be educated. The Lunas, the Chavezes, the Armijos, Oteros, Pereas, Romeros, and others were very prominent families in New Mexico, and sent their children to school in St. Louis. Their girls were educated at Notre Dame and in other places in the United States. After the establishment of the Santa Fe trail, New Mexico was in the line of the great freighting operations between Independence, Mo., and old Mexico. There were 300 miles of desert between New Mexico and settlements in old Mexico, and 100 miles in the southern part of New Mexico, known as the Jornado del Muerto (Journey of Death), and these people in New Mexico were the go-betweens between the citizens of the United States and settlements of New Mexico and the people of the northern States of old Mexico.

As I have indicated, these people were familiar with American institutions, and the children of those who were able to bear the expense were educated, as I have stated, in the United States. They knew by far more of American institutions of government then than they know to-day or have ever known of the institutions of old Mexico. Following the opening of the Santa Fe trail and the system of freighting of which I have spoken came the Mexican War, and Gen. Kearny, with Doniphan and his volunteers, crossed the country on his way from Independence, Mo., or Fort Leavenworth, into Mexico.

The people of New Mexico welcomed the Americans. They welcomed Gen. Kearny when he came into Santa Fe, because he came with a letter from the Secretary of War in one hand and his commission from the President of the United States in the other, saying to the people of New Mexico that they had come there to absolve them from their allegiance to old Mexico and to welcome them as citizens of the United States, and that they should establish a State government such as the other States in the Union had. After that the Territorial government was formed, such as we have had now for 60 years. Gen. Kearny issued his proclamation to the people of New Mexico inviting them to come in and take the oath of allegiance to the United States. He said, "We are not going to hurt you; we are going to protect you; we will welcome you as American citizens, with all the rights of American citizens; come into the United States, take the oath of allegiance." The proclamation went on to say that "just as soon as possible we are going to establish for you a legislature, and you will pass your own laws, enact your own legislation, and be a self-governing State. As soon as it is possible to do so, we are going to establish for you a State government under this authority from the Secretary of War." The secretary of the Territory, or Province, of New Mexico took the oath of allegiance to the United States and was appointed lieutenant governor of the Territory by Gen. Kearny under his authority from the Secretary of War. I want to explain this to you in order to show that these people are not in any sense Mexicans.

The CHAIRMAN. What do you think of the provision in the enabling act which prohibits anyone from being a member of the legislature or holding any office if he does not speak the English language?

Mr. FALL. I think it was an outrage upon the people who had come in here upon the absolute assurance that they should never be deprived of that right. When they took the oath of allegiance that right was absolutely guaranteed to them under the hand of the President of the United States.

Mr. BOOHER. Do you know where this provision originated?

Mr. FALL. Yes, sir; but I do not know whether I ought to divulge any parliamentary secrets. Senator Beveridge originated this provision.

When the treaty of Guadalupe Hidalgo was made with Mexico, the only modification made as to the promise of Gen. Kearny of immediate statehood was that New Mexico should be admitted to statehood so soon as Congress might decree. That was 60 years ago.

Mr. HARDY. Did that apply to New Mexico and Arizona also?

Mr. FALL. Yes, sir; at that time Arizona was a part of New Mexico. It was that portion of New Mexico which was inhabited very largely by the Apache Indians, and was known in the old Mexican records as the "Apacharia," or Apache County. Arizona was first settled by the Jesuits, and New Mexico was settled by and entirely under the control of the Franciscan friars. The first settlement in Arizona was at a silver mine in the "Apacharia," or Apache country.

Mr. HARDY. Was that prior to the settlement around Santa Fe?

Mr. FALL. Arizona was settled in 1737, and the Franciscan government in the Territory of New Mexico was established in 1595, and Santa Fe was settled in 1620 or just prior to that time.

While the Congressman has called my attention to it, I want to say that I heard a remark made by one of my friends from Arizona the other day to the effect that so far as he was concerned he did not like the Mexican vote and would have them disfranchised. He did not mean by the Mexican vote such as we have in New Mexico. He has reference to the old Mexican peons working in the mines. There were very few Mexican settlers in Arizona except those who have come in in the last few years, following the development of the mining industries in Arizona. There are two old Mexican families in Arizona—the Sanmlegos and the Aguirres—and there are no better or more honorable families of the corresponding class living anywhere in this country.

When the Gadsden purchase was made and the flag was raised under the treaty of Gadsden, the same provision was made guaranteeing the right of Mexicans as citizens of the United States, and again when the organic act establishing the government of New Mexico was enacted by the United States Congress; it was also in the compact with the State of Texas. Texas claimed all that portion of New Mexico lying east of the Rio Grande River and up into Colorado. They established a government at Santa Fe; they created it in New Mexico in two or three different counties, but when they undertook to take possession, the acting governor of New Mexico, Donaliano Vigil, refused to recognize the authority of the State of Texas and called on the President for protection. Col. Monroe was sent out there, and the President sent a message to Congress calling attention to the very grave difficulties that might arise and saying that some arrangement must be made with Texas. In pursuance of that message of the President of the United States, Texas was paid $10,000,000 for a quitclaim to that portion of New Mexico and Colorado which was involved. In that compact with Texas again the rights of the people who occupied that strip were guaranteed, and at the same time the organic act, which has been our fundamental law down to this time, contained the same provision. It was provided by the Congress of the United States that every one of these Mexicans had the right to vote and hold office.

I have referred to these matters for this purpose: You will see if you undertake to take away from them the right to vote, it will create great dissatisfaction, and the right of suffrage must be absolutely guaranteed to them in the constitution or they will prefer to remain where they have been for 60 years, under the Congress. They would prefer to remain under the power of Congress than to have these rights taken away from them by any constitutional provision. Therefore, it was necessary for us to assure them that they would be protected in these rights, in which you have protected them in the treaties I have referred to before we could persuade them that it would be better to come into the Union. My friend, Gov. Curry, has referred to the fact that they sent troops to the Civil War and to the Spanish-American War. The records show that New Mexico furnished more volunteers for the Union cause in the Civil War than was furnished by any other State or Territory west of the Mississippi River in proportion to its population. At the same time, the southern part of New Mexico, and where they sympathized with the southern cause, furnished a large proportion to the southern army. In the Spanish-American War the records of the War Department show that New Mexico furnished more than her quota of soldiers called for by the President of the United States. They have been patriotic American citizens; they are American citizens in the best sense of that term. They appreciate our Government, and not one of them would go down into old Mexico if he were offered in exchange for his American citizenship one of the princely cattle ranches of that Republic. I can speak and understand the Spanish language, and have mixed with the people for a great many years, and no more loyal or devoted people ever lived.

I want to say to you that there are no more trustworthy people anywhere, and no people ever had more respect for the constituted authorities of civil life than does the native population of New Mexico. In an election, if a native Mexican gives you his word that he will vote for you, he will certainly vote for you. I will admit that I am very fond of the Mexican people. Now, then, we know these conditions. There were 32 of these people—representatives of the best families in New Mexico, as intelligent, broad-minded, and patriotic American citizens as can be found in any State of the Union—in that constitutional convention. Thirty-two of them were in the constitutional convention.

Mr. LANGHAM. Mr. Chairman, I yield one hour to the gentleman from Iowa [Mr. PICKETT].

The CHAIRMAN. The gentleman from Iowa [Mr. PICKETT] is recognized for an hour.

[Mr. PICKETT addressed the committee. See Appendix.]

By unanimous consent, Mr. BOOHER was given leave to extend his remarks in the RECORD.

Mr. LANGHAM. Mr. Chairman, the gentleman from Virginia [Mr. FLOOD] has some one on his side to yield to at this time, and after that it is agreed that some time will be consumed on this side.

Mr. HOUSTON. Mr. Chairman, in the temporary absence of the chairman of the committee, Mr. FLOOD, from the Hall, I take the liberty of yielding one-half hour to the gentleman from New York [Mr. CONNELL].

Mr. CONNELL. Mr. Chairman, I make no excuse for asking to be heard in this House because I am a new Member. It is because I believe that there is a principle involved in the question of the new Member of Congress that I insist upon being heard. If there be truth in the observation that "God must have loved the common people, because He made so many of them," it may follow by the same logic that the American people have a tender leaning toward new Members of Congress, seeing that they occasionally make so many of them in one batch, as they so recently did. [Laughter and applause.]

Again, as wisdom sometimes falls from the lips of babes, it may happen that the new Member, in his childlike and picturesque innocence of congressional experience, may say something which ought to be said, but which, when he thinks he has grown wise and politically cunning, as I have heard even Congressmen have been known to do, he might never say. [Laughter.] The new Member comes straight from the people, blown in on the breath of the cyclone, right from where the thing started, and, no matter how he looks or how he talks, he deserves a hearing, and that before he waxes too wise to venture in where fledglings merrily and all unsuspectingly plunge. [Applause.]

No greater question than the one already up in this discussion has figured in statehood debates in this House, namely, the status of the people in our Government.

In attacking the recall in this debate gentlemen have lifted the matter to a higher sphere than has been reached before in the discussion of statehood in our time. I am convinced, Mr. Chairman, that, so far as the recall is concerned, I voice the present thought of the vast majority of those who sent me here when I oppose it as applied to members of the judiciary or to any other public servant in New York State; but when opposition to the recall involves a denial of the intelligence and patriotism of the American people sufficient to warrant confidence in them to exercise that power to the safety and honor of the courts, I protest against the doctrine plainly defined in that argument. Recall or no recall, the courts are safe in the care of the people as are the destinies of the Republic. If this be not true, then who shall mark the limit beyond which the people shall not go in government, and who shall curtail their power?

The gentlemen picture the judge against whom the recall has been invoked by 25 per cent of the voters as consigned to oblivion and disgrace. Pray, what would the 75 per cent of the people to whom the judge would resubmit himself be doing in the meantime?

Suppose, sir, that by any conception of conditions it were possible to-day for the Standard Oil Company to apply the law of recall to the Judges of the Supreme Court of the United States. Surely it would not be the rabble that would be behind such a recall; but should that powerful organization, with all its millions and all the ramifications of its far-reaching power, array itself behind such a movement, do the gentlemen believe that the American people would not rally around that court and give such an approval to the judges as to dazzle the world by the emphasis of their democracy and the splendor of their power? [Prolonged applause.] And if those who are dissatisfied with the Standard Oil decision should invoke the recall, aimed at the court, do the gentlemen imagine that the result would be different? [Applause.]

Yes; Mr. Chairman, recall or no recall, the courts are safe in the care and confidence of the American people. Only the other day a man stood upon the pinnacle of the most amazing popularity ever attained by any son of a republic in history, certainly our history. Men wondered how great his influence and his hold upon popular fancy and admiration would become. He dominated conventions and hurled from party honors the man filling the second highest place in the Government of our country. He applied his masterful political courage and genius to his party and its management, consigned every opponent to oblivion, and still seemed safe in his exalted place. Then he crossed the sea and directed England how to manage Egypt, and it is a wonder he did not tell her what to do with the pyramids or the mummies that are left there. When he had a few moments to spare he stopped at Rome and actually undertook there to reverse the diplomatic traditions of centuries. Then he went to Africa, and men wondered if this man would bring the birds of the air and the beasts of the jungle under his sway.

Back over the ocean he came, and never did Cæsar at the head of his legions receive such a reception as this man received in the first city of the western world. On and on he went until the dream of new nationalism developed and people began to quote what Bryan said in a speech some years ago with a little paraphrasing:

"Awake, Oh Ancient Lawgiver; awake! Break forth from thine unknown sepulcher and speed thee back to cloud-capped Sinai. Commune once more with the God of our fathers. Proclaim again the law written on tables of stone."

For behold, there has risen in the twentieth century a man who is going about with a dispensation that shows that he has rediscovered the Ten Commandments and is fast getting away with them as his own.

[Laughter and applause.]

You, gentlemen, with your fine-spun Hamiltonianism, who fear to trust the people with one more instrumentality of government, listen to this.

In the new nationalism this hero of war and of peace intimated that if the Supreme Court of the United States did not support certain policies which were identified with his administration some way would be found to get judges who would sustain them. And then what happened? One of those characteristic revolutions in American politics took place which tell the story of the fidelity of the people and their devotion to the judiciary. From that moment his popularity began to fail, and it went down, down, until to-day there sits your erstwhile hero as powerless to make or unmake judges or direct the destinies of this Republic as was Napoleon to realize his dream as he stood listening to the melancholy sobbing of the sea around St. Helena. [Applause on the Democratic side.]

What conception of rule is that which proclaims the people a mob because they demand more power in the government under which they live? The gentlemen tell us that Lincoln would have been recalled had there been a possibility of it in his day. Pray, from what measure of the patriotism of the country does this proceed? [Applause.] No; Lincoln would not have been recalled, to his disadvantage, any more than he was defeated in the middle of the war, when passion was at its height and the great armies were contending upon many a field of death.

I protest against the meager measure of confidence placed in the American people by the gentlemen who have so industriously searched the writings of Alexander Hamilton for material in this debate. [Applause on the Democratic side.]

Why was Lincoln not defeated? Because the American people were behind him; because he represented American institutions and human liberty, and the American people will never either recall, put out of office, or humiliate a public servant who stands for these things. [Applause.] Yes; and Washington would have been recalled, say the gentlemen, had there been such a possibility in his day; and they might have added that, without doubt, Aaron Burr would have headed the petition; but there stands the fame and splendor of Washington, forever to remain, and who will say that 25 per cent of his countrymen could, if they would, have made it otherwise had they 10,000 recalls? [Applause.]

I am sure, Mr. Chairman, that the patriotic gentlemen who are now so fearful that the hot-heads of Lincoln's day would have destroyed that great man would, had they been in public life in that eventful era, voted to prevent the hot-heads of their party from recalling, or, worse, impeaching Andrew Johnson, thus saving the Presidency from obloquy and the Government from disgrace. [Applause on the Democratic side.]

I am opposed to the recall because I believe the American people are to be trusted to take care of their Government with the machinery they already have, but God forbid that I should oppose the recall or any other proposition of government because I either doubted or feared the capacity and intelligence of the people to save their institutions from the mob and the demagogue. [Applause on the Democratic side.]

I warn the gentleman on the other side of this Chamber that this is not a good time in which to try to play a game of politics which has for its purpose the deception of the American electorate. If you undertake to hide behind the mask of patriotic defense of the judiciary, which needs no defense, while you strike at the heart of the Union in the hope of gaining party advantage, the people will understand and to them we shall appeal.

In this day of Democratic awakening exquisite sophistry will not obscure desperate partisanship.

Others may understand the purpose of your course in this debate as they will, but to me it is as clear as the fact that interests that would shout for the flag while they use law for the purposes of plunder are passing from places of power in this country.

To me your course means this monstrous thing: To let New Mexico into the Union automatically, because you believe that from that new State will come two Senators of your party. Keep Arizona out of the Union, not because its constitution is

unrepublican or at all repugnant to the spirit of the Nation, but because you fear that two Senators from that new State may be not of your party. But if, by any view of the joint resolution before the House, it should appear to your scheme that there would be added to the Senate two Democratic Senators and two Republican Senators, with the probability that in the swelling tide of Democracy in due time all four Senators might be out of sympathy with standpatism, thus removing forever from the path of American progress the last citadel of privilege, you would then, if possible, keep both of these proposed new States out of the Union. [Applause on the Democratic side.]

And when the people of this land come to grasp the full significance of such politics, woe betide the party caught in the act.

Refusing to admit a State into the Union because it might upset the political plans of party is but one step removed from laying down the doctrine that States may be put out of the Union in order to save party from the wrath of an aroused people.

On this issue I would have my party appeal to the American people, who never yet have failed to tear down party standards, as they did in the last election, not so much because they love party government less, but because they love country more. [Applause on the Democratic side.]

If, in the name of your party, you shall keep either or both of these States out of the Union in the hope of partisan advantage, all the mock alarm, all your high-browed Hamiltonianism, expressed here in twaddle about the people being likely to destroy the judiciary, will not save that party nor protect you from the fate which inevitably overtakes those who would circumvent democracy when freemen are bent upon applying it to their government and their country. [Prolonged applause.]

REDEEM A NATION'S PROMISE NOW.

More than 60 years ago, Mr. Chairman, Gen. Stephen W. Kearny, holding a commission from the United States, issued a proclamation to the people of New Mexico, in which he said:

We are not going to hurt you; we are going to protect you; we will welcome you as American citizens, with all the rights of American citizens. Come into the United States; take the oath of allegiance.

Then the proclamation added:

Just as soon as possible we are going to establish for you a legislature, and you will pass your own laws, enact your own legislation, and be a self-governing State. As soon as it is possible to do so we are going to establish for you a State government under this authority from the Secretary of War.

That promise, given when war clouds overhung the Nation—the Mexican War—should have been redeemed long ago. I believe that, after many vicissitudes, through none of which this people ever showed a want of those qualities of which States are made, New Mexico is to be admitted to the Union by this Congress, and with her Arizona, in accordance with the provisions of the joint resolution now before this House.

While the aspirations of these States to be represented among the stars of the flag under which their people have won statehood spurs many times over have repeatedly been subjected to disappointment, it may turn out that at no time since Gen. Kearny pledged a Nation's word could either or both of these States have been admitted to the Union under conditions more conducive to statehood or amid environments of more promise to the happiness of those who are to live in the new States. [Applause.]

To have been welcomed into the Union by a House of Representatives which is to be identified in history by the program of high purpose and patriotic service which has been enacted by this House during the past few weeks must forever be an inspiration to the people who shall enjoy the blessings of citizenship in these States and who shall solve their governmental problems in their own way in the coming years of Democracy's expansion. [Applause on the Democratic side.]

THE PASSING OF A POLITICAL SCHOOL.

It is well for the States that are to be admitted to the Union as part of the program enacted here since April 4, 1911, a year of grace in which Democracy's voice came out of the wilderness and began to preach from the mountain heights the gospel of true government among the free. [Prolonged applause.]

From the beginning of their statehood let New Mexico and Arizona remember the spectacle of a once great party, a once despotic organization, literally staggering to its end through this session.

Should, for instance, the people of these new States come to grapple with the high cost of living, let them recall what happened to a party which drifted from the service of humanity into the slavery of greed and despotic party rule, only to pay the penalty at the bar of public opinion.

Let them remember, too, that at the time they were admitted to the Union, in one application of Democratic doctrine, embodied in justice and law, the Supreme Court of the United States, figuratively speaking, began to draw the teeth of monopoly and to bid it loose its clutch upon the throats of the people. [Applause.]

THE FORCE OF GOOD EXAMPLE.

We would, Mr. Chairman, have these new States apply to their public questions a broader and more elevating view than that which must cling to the records of this session as the view of a passing and repudiated school of government. The distinguished gentleman from Illinois [Mr. CANNON], whose long service in public life and whose courage in political adversity will never, I hope, receive an unkind word from me or from his country, sounded the full, strong note of the political school against which the old States will surely be armed in the future, and which the new States may remember with profit. In the speech of the gentleman from Illinois [Mr. CANNON] on reciprocity with Canada, we were told that the premier of Canada had urged the reciprocity pact on the ground that it would benefit the Canadian farmer. In the same speech we were told that the President of the United States had urged the adoption of the reciprocity treaty with Canada on the ground that it would help the American farmer. Right there the passing political school touched the limitation of its vision. Let future students of this speech, great in picturesque reminiscence and characteristic eloquence, ask which of the two, the premier of Canada or the President of the United States, did the gentleman from Illinois believe. This must be the natural question, since it is clear that nowhere in the horizon of the statesmanship for which this school stands is there any vision of the fact that both are right, and that the premier of Canada and the President of the United States are trying to bring closer together in the cementing relations of trade and neighborliness two great peoples, entitled to all the blessings intended for all whose fortunes are bound up with this land, and to whom government means vastly more than high tariff walls and exact and exacting trade schedules. [Prolonged applause.]

From this Congress the new States may take inspiration, and political philosophy, too. As their people peruse in the future the record of the Congress which admitted their States to the Union, I fancy I hear them giving thanks that they have risen to a higher conception of the United States Government than to preach the doctrine so ably elucidated on this floor by the gentleman from Wyoming [Mr. MONDELL], whose alarms arose from the story that there are certain tariff dodgers who drive sheep across the Canadian border, shear them in the United States, and drive the shorn creatures back again, in consequence of which dire proceeding the prosperity of 92,000,000 of people must vanish like a blossom in a tempest, and American institutions, from the dome of this Capitol to the Statue of Liberty and the customhouses, must inevitably come tumbling down as if in chaotic answer to Gabriel's trumpet. [Laughter and applause on the Democratic side.]

Let the new States take their amusement from this school of wolf-crying statesmanship, and their inspiration to development from the doctrine of confidence in the intelligence and patriotism of the people who are to bear the burdens, and therefore deserve the blessings, of statehood in this Union.

THE STANDPATTERS OF OTHER DAYS.

Some of the difficulties which these and other States have encountered in their ambitions to become States may be noted as bearing upon the educational, if not the political, situation of to-day with regard to these proposed new Commonwealths. New Mexico is no stranger, certainly, to opposition in her march to statehood.

In the Senate of the United States, March 23, 1848, Daniel Webster said:

I am against all accession of territory to form new States. We admitted Texas—one State for the present—but, sir, if you refer to the resolution providing for the annexation of Texas, you will find a provision that it shall be in the power of Congress hereafter to make four new States out of Texan territory. Present and prospectively, five new States, with 10 Senators, may come into the Union out of Texas. Undoubtedly, if we take, as the President recommends, New Mexico and California, there must then be four new Senators. We shall then have provided, in these Territories out of the United States, enough to send 14 Senators into this Chamber.

But then, sir, suppose Texas to remain a unit and but one State for the present, still we shall have six Senators, then, for less than 300,000 people.

That the vision of the greatest minds of that day should have been limited regarding the possibilities of the Republic may be explained only by understanding the question of slave territory, which then engaged the statesmanship of the time, and to settle which the greatest civil war in history was to come. Still, while we are admitting States to the Union in our own day, and having perhaps reached the last to be

admitted in a century, we may well contemplate history as it sets forth the very duty before this House. Listen to Webster speaking of New Mexico:

As to New Mexico, its population is not likely to increase. It is a settled country, the people living along in the bottom of the valley on the sides of a little stream, a garter only on one side, and the other filled by coarse landholders and miserable peons. It can sustain, not only under this cultivation, but under any cultivation that our American race will ever submit to, no more people than are there now. There will then be two Senators for 60,000 inhabitants in New Mexico to the end of our lives, to the end of the lives of our children. * * * Forty-nine fiftieths, at least, of the whole of New Mexico are barren waste—a desert plain or mountain with no wood or timber. Little fagots for lighting a fire are carried 30 or 40 miles on mules.

And how is it with California? We propose to take California from the forty-second degree of north latitude down to the thirty-second. We propose to take 10 degrees along the coast of the Pacific. Scattered along the coast for that great distance are settlements and villages and ports, and in the rear is all wilderness and Indian country.

I have never heard of anything, I can not conceive of anything more ridiculous in itself, more absurd and more affrontive to all sober judgment, than the cry that we are getting indemnity by the acquisition of New Mexico and California. I hold they are not worth a dollar, and we pay for them vast sums of money.

And what if the voice of Webster pleading for standpatism in statehood had been potent then? Answer, New Mexico, with the results of your industry in peace and your devotion to duty in war, with your 100,000 school children, representing homes in which race suicide is regarded as untrue to civilization and morality as it is destructive of happiness and the State.

Answer, California, with your City of the Golden Gate rising above the desolation of the earthquake and making forever glorious the Pacific slope.

Answer, Arizona, with your accumulated merits, your independence and manifold equipments for statehood in the Union. [Applause on the Democratic side.]

Well may we in this body, in which the majority expresses the protest of the American people against standpatism in another, but no less menacing form, recall from history the admission of other States. There were those who would have "stood pat" on the original thirteen States. There were those whose standpatism had to be ignored by Jefferson in the greatest service ever rendered any country by any statesman—the acquisition of Louisiana. The States that were to be carved from that Territory rose ghostlike in the minds of the stand-pat statesmen of that day.

I will not say that it was the voice of Massachusetts, for that State repudiated the voice and despised the sentiment from that day to this; but listen to Josiah Quincy, of the same State which gave Webster to fame.

January 14, 1811, an eventful century ago, Quincy said, and then committed to writing this sentiment regarding the proposed admission of Louisiana as a State to the Union:

If this bill passes, it is my deliberate opinion that it is virtually a dissolution of this Union, that it will free the States from their moral obligation, and as it will be the right of all, so it will be the duty of some definitely to prepare for a separation, amicably if they can, violently if they must.

In spite of this prediction the bill passed the House by a vote of 77 to 36, and was signed by President Madison, the Speaker in the meantime having ruled the remarks of Quincy out of order.

Pitiful and petulant, sordid and unpatriotic as was this attitude of opposition to the admission of Louisiana, it constituted a standpatism of that day, not a whit more distrustful of the ability of the American people to govern than is the standpatism of to-day of the rights of the people to enjoy equal opportunity in the struggle incident to life in a rapidly developing country. Josiah Quincy's prediction was not altogether unlike the "smokeless chimney, desolate hearthstone, sheep shearing, and ruined industries" alarm of to-day.

Late but lucky New Mexico and Arizona, to be welcomed into statehood in the effulgent morning of a new youth for Democracy in this Republic. [Applause.]

A STATE SHOULD MAKE ITS OWN CONSTITUTION.

Mr. Chairman, the obstacles in the way of the admission of New Mexico and Arizona at this time are and have been trivial in comparison to those which other Territories had to overcome in order to get into the Union. I shall not enter into a discussion of the constitutions which, under the enabling acts, these States have made. This joint resolution voices the hope and affords the opportunity for further expression of the people's will in the proposed States upon features which, upon second thought, may seem to them to be more republican in form as recommended by this resolution than they may have seemed at the time of adoption. To provide in a State constitution that before any citizen of the State can hold high public office who does not speak a certain language may or may not have seemed to the authors of the enabling act, in accordance with which such a provision appears in the constitution of New Mexico, to be republican in form and meaning.

So far as I could gather from the hearings on this constitution before the Committee on the Territories, and published to the country, it was the general desire to be admitted to the Union and not the details of the constitution which had most to do with influencing the vote on the adoption of the constitution. This change and the further opening of the opportunities of the State for all the people of every language are to be voted upon as one of the conditions of the admission to the Union of New Mexico. The right to vote for or against the proposed changes remains with the people of the State without prejudice as to admission.

The obstacle in the way of the speedy admission of Arizona is that of the indecision in the mind of the President of the United States with regard to the sanction of the recall as applied to members of the judiciary. While I recognize room for difference as to the question here involved, personally I believe that there is another question of far more importance to the life of this Nation than any of these; it is bound up in this situation, and that is the right of every State to its own constitution, made and to be lived under by the people of the State without interference so long as such constitution does not conflict with the Constitution of the United States.

If I lived in Arizona, feeling as I do now regarding the recall, I should vote against its application to judges.

If I lived in New Mexico, I would vote and, if necessary, fight for a constitution which left open to all worthy citizens the right to sit in the legislature or in any other seat of honor and responsibility in the State. [Applause.]

But, sir, if living in New Mexico, Arizona, or New York, I felt that the right of the people of the State to have their own constitution was being violated or that the people of the State were being restricted in the liberties to which they are entitled under the Federal Constitution and the Declaration of Independence, I would say, "Never accept of any advantage, even that of statehood in the Union, under conditions that would weaken us as a State or humiliate us as a people." [Prolonged applause.]

And, sir, did I not know that the changes proposed by this joint resolution in no way interfere with the progress of these people to statehood, but rather give fresh opportunity to emphasize their will and to answer with their votes as to what they thought of their critics and of their principles, I would not vote for those changes here or elsewhere.

THE INITIATIVE AND REFERENDUM.

Neither shall I discuss, Mr. Chairman, the merits or demerits of the initiative and referendum. I have no difficulty, however, in accounting for the demand on the part of the people of various States, including the Republicans of New Jersey, for the application of that instrumentality of government in their affairs. Speaking on the evening of May 1 of this year, at a gathering in Princeton, N. J., and in the presence of a distinguished advocate of the initiative and referendum, Gov. Woodrow Wilson, of New Jersey, whose power for good furnishes an illustrious example of the mission of the scholar in politics, and whose fighting qualities fire the Democratic heart to the passion of combat for reform [applause], a member of the Cabinet of the President of the United States said in a speech which the press carried as an attack upon Gov. Wilson's ideas of government:

There is much clamorous advocacy of measures to limit the powers of those charged with the administration of our highly complicated Government and to increase the direct intervention of the public in the conduct of its operations.

Sure enough. Upon what right do the people clamor for more direct power in government? It is the old question of Hamiltonianism, which never fails to be heard when the people, driven to casting from their shoulders unjust burdens, rise up to drive plutocracy from power and to open wider the doors of government for those who believe that the people are not without capacity to govern. [Prolonged applause.]

If the "clamor" for the initiative and referendum has done nothing else at this time, it has served to bring out the aristocratic doctrine of Hamilton, that it may be measured by the proportions of the Democracy now sweeping over the country, just as it was measured and judged in its conflict with Thomas Jefferson in the early morning of that trust in the people which is the soul of the party represented by this majestic majority which is to give its approval to New Mexico and Arizona, together with admission to the Union. [Applause.]

This Cabinet member, Attorney General Wickersham, of my own State of New York, went on to tell how it happened that, in the midst of great prosperity, things occurred. Let me quote his words, as given to the press.

The Attorney General spoke of the recent colossal commercial development on centralized lines:

It is no wonder—

He said—

that materialism became rampant and that the golden calf was erected for worship in the market places. But the vision of truth and justice has never wholly failed before the eyes of the American people. In the period of their greatest material progress they paused to consider whether their institutions were securing justice between man and man. The laws of State and Nation alike, during this period of great industrial progress, had been molded to facilitate the conduct of business on a colossal scale. There was nothing more natural. They met the needs of the hour.

Thus plausibly and eloquently, as becomes the school of which this is typical political philosophy, the speaker led up to what, I submit, is at once the answer to the question, Why are the people clamoring for additional powers in government? This is what the Attorney General said in his splendid way:

Here and there occasional peaks of garnered riches rose high above the plain, and, like the robber barons of the Rhine land, great masters of capital sat enthroned upon them. But their very height lifted them up where all men could see and begin to question how they came there.

Yes, indeed, this questioning of "how they came there" is that which we read, like a guide sign, on the highway along the road of Democracy's progress. It is the voice of the people asking if the time has not arrived for throwing around Democracy still stronger safeguards, that it may not perish in the battle with greed and privilege, twin enemies of republics. So that Hamiltonianism, in its most eloquent advocacy of itself, justifies the very clamor of which it complains. [Applause on the Democratic side.]

Let me repeat, lucky New Mexico, lucky Arizona, to be admitted to the Union by a Congress in which the school of government that would limit the people's participation in their affairs to the needs and convenience of the favored few has been reduced to a minority whose opposition is futile and whose doctrines are literally swept away by the tide of popular protest. [Applause on the Democratic side.]

I have said, Mr. Chairman, that I would not enter upon a discussion of the initiative and referendum, but as the question raised by the constitutions of proposed new States is whether or not such constitutions are republican in form and not in conflict with the Declaration of Independence, I desire to insert in my remarks a statement sent to the New York World, a brilliant and powerful opponent of the initiative and referendum, by a distinguished Senator from Oklahoma, Senator OWEN, in whose State the law is now in effect:

SENATOR OWEN'S STATEMENT.

Is the initiative and referendum constitutional? Mr. Fred A. Baker, of Detroit, thinks it is not. The only possible ground for this absurd contention is the plea that the constitutional provision (Art. IV, sec. 4) that "the United States shall guarantee to every State in this Union a republican form of government" is inconsistent with the initiative and referendum; that is to say, that the initiative and referendum is not "republican" in form.

The guaranty of a republican form was agreed upon in the constitutional convention as a protection against a monarchy or an oligarchy.

"The term 'republican' has been applied to political organizations representing the most adverse principles.

"During the years 1781–92, under the leadership of Jefferson, the exponents of decentralization in the National Government called themselves Republicans and later became the Democratic Party. The term 'republican' was most conspicuously used as applied to the party organized in 1854–1856, which elected Lincoln in 1860."

Lincoln himself, the leader of that party, upon the field of Gettysburg raised to Heaven a mighty prayer, which has been heard around the world, for the preservation of a government "of the people, by the people, and for the people." Lincoln emphatically believed in the initiative and referendum, and so expressed himself.

The terms "Democrat" and "Republican" are synonymous, the Jefferson party having assumed the official name "Democratic-Republican," and later being called Republicans and finally becoming the Democratic Party.

The terms "Democratic" and "Republican" both mean, in fact, the rule of the people.

The guaranty of a republican form was inserted in the Constitution on the motion of Gov. Randolph, of Virginia. Mr. Madison moved an amendment as follows, and it was adopted:

"The republican constitutions and the existing laws of each State to be guaranteed by the United States." (Elliott's Debates, p. 543.)

Gov. Randolph explained why he was for the amendment, and said: "A republican government must be the basis of our National Union, and no State in it ought to have it in its power to change it into a monarchy." In letter No. 43, Hamilton, Madison, and Jay explained in the Federalist that this was "republican," defending this expression and saying: "The superintending government ought to possess authority to defend the system against aristocratic or monarchial innovations."

Letter No. 39 is of like purport.

Mr. Justice Story, in his Constitution, section 1815, explains that this term "republican" was used in contrast with "aristocratic" or "monarchial."

Mr. Justice Cooley, in Constitutional Limitations, explains the purpose of the guaranty of republican form to protect the Union against "aristocratic and monarchial innovations."

In Hopkins *v.* Duluth (81 Minn., 189) the court said: "We apprehend that a little reflection must satisfy anyone that the advantages of providing local self-government by the voters directly interested through a referendum is abstractly as well as concretely more republican in form than through representatives of the people in the legislature."

The Supreme Court of the United States (Luther *v.* Borden, 7 How., 421) declared that the republican character of a State, when recognized by the proper constitutional authority, is binding on every other department of the Government, and it can not be questioned in a judicial tribunal.

Fourteen of the States have actually adopted the initiative and referendum by a popular vote or act of the legislature.

It was, however, a recognized doctrine of the original States, the constitutions themselves being adopted by the referendum, the initiative being exercised in the right of instruction in the town meetings of New England and the county conventions of the South.

The right of recall was also recognized by the Continental Congress (Art. V), in which the States expressly reserved the right to recall their delegates to Congress at will.

The Congress of the United States admitted Oklahoma with the initiative and referendum and as a State "republican in form," and Congress has recognized Oregon, Maine, Montana, South Dakota, Missouri, Arkansas, and Oklahoma; and notwithstanding that these States have the initiative and referendum as constitutional provisions, their representatives are not questioned in Congress. Congress recognizes these States as republican in form, and this recognition is binding upon every other department of the Government, under the decisions of the Supreme Court of the United States. (Texas *v.* White, 7 Wall., 700; Taylor *v.* Beckham, 178 U. S., 546.)

The rule of the people and their right to rule is recognized in all the constitutions. (See the bill of rights of North Carolina, Virginia, Maryland, Pennsylvania, New York, Connecticut, Rhode Island, New Hampshire, Vermont, New Jersey, Delaware, South Carolina, and Georgia.)

The evidence is overwhelming, and the contention of Mr. Baker is so unsound as to not require any further answer, although further evidence is abundant.

ROBERT L. OWEN.

WASHINGTON, *April 11.*

THE AMENDMENT OF STATE CONSTITUTIONS.

The question as to the method and possibility of amending the constitution submitted by New Mexico was chiefly involved in the hearings before the Committee on the Territories, and as a consequence of the discussions a change in article 19 of the constitution has been suggested in the joint resolution before the House. I asked the gentlemen who had been instrumental in framing this constitution in what respects it differed from the constitutions of other States in the Union in the possibilities of amendment. On this point, Mr. Chairman, I desire to introduce some facts prepared by the Hon. A. B. Fall, of New Mexico, and given to me at my request as showing what various State constitutions provide on this point.

Mr. Chairman, in introducing comparisons of the constitutions of the various States as to how the people may amend them I say in connection with it that I listened to the speech of my eloquent and learned colleague on the committee on the other side of the House [Mr. WILLIS] yesterday; and while I do not remember all he said about constitutions, I do know that he found that in some States it took two sessions of the legislature and a majority vote to amend the constitution. In other States it took less; in other States it took more. In some States they did this and in other States they did that; and so, around the whole Union, it developed that the people of the States were actually living under constitutions made by themselves just as they wanted them. [Applause on the Democratic side.] That was far more significant and a far greater contribution to this discussion than all the legal hairsplitting and adroit technicalities which I suspect are somewhere being woven into one of those subtle and flimsy excuses for a dying political party to keep up its strength in the Government. [Applause on the Democratic side.]

AMENDMENTS TO CONSTITUTION.

ALABAMA.

Three-fifths of one house originate. Three-fifths of other concurring, election ordered, and vote of a majority of qualified electors voting carries.

ARKANSAS.

Either branch of legislature may propose an amendment. If agreed to by majority elected to each house submitted, and must be adopted by a majority of the voters voting at a general election for senators and representatives. No more than three amendments shall be submitted at one time.

CALIFORNIA.

Proposed by two-thirds of all members elected to each house. Approved by majority of voters voting thereon.

COLORADO.

Proposed by two-thirds of members elected to each house. Adopted by a majority vote of those voting thereon, but only one amendment to be proposed at any one session of the legislature.

CONNECTICUT.

Proposed by majority of the house of representatives, continued to the next general assembly, and if approved by two-thirds of each house at such next session, then submitted for approval by majority voting thereupon at the town meetings held for such purpose.

DELAWARE.

Proposed by two-thirds of the members elected to each house, then published and referred to next general assembly to be adopted by two-thirds of votes of members elected to each house.

FLORIDA.

Proposed by three-fifths of all members elected to each house. Adopted by a majority vote.

GEORGIA.

Proposed by two-thirds of members elected to each house. Adopted by majority vote.

IDAHO.

Proposed by two-thirds of each house. Submitted at general election. Adopted by majority of electors (not those voting "thereon").

ILLINOIS.

Proposed by two-thirds of members elected to each house. Submitted at general election. Adopted by majority of electors voting at said general election (not those voting "thereon").

INDIANA.

Proposed by majority elected to each house; goes to general assembly chosen at next general election. If approved by a majority of second assembly, submitted to a vote of the State electors, and must be ratified by a majority of such electors (not voting "thereon").

IOWA.

Proposed by majority of members elected to each house. Referred to the next legislature to be elected; if agreed to by majority of such second general assembly, submitted to voters and adopted by majority.

KANSAS.

Proposed by two-thirds of members elected to each house. Submitted at general election. Adopted by majority.

KENTUCKY (1890).

Proposed by three-fifths of members elected to each house; submitted at next general election. Adopted by majority. Not more than two amendments submitted at any one time.

LOUISIANA.

Proposed by two-thirds of members elected to each house. Submitted at regular election. Adopted by majority.

MAINE.

Proposed by two-thirds of both houses. Submitted at regular annual meetings in the towns and plantations. Adopted by majority.

MARYLAND.

Proposed by three-fifths of all members elected to each house. Submitted at general election. Adopted by majority.

MASSACHUSETTS.

Proposed by majority of senators and two-thirds of members of house. Submitted to the next elected legislature (general court), and if agreed to by majority of senators and two-thirds of members of the house, then submitted to the people and adopted by majority.

MICHIGAN.

Proposed by two-thirds of members elected to each house. Submitted at general election. Adopted by majority.

MINNESOTA.

Proposed by a majority of both houses. Submitted at general election; adopted by majority of electors voting at said election (not "thereon").

MISSISSIPPI.

Proposed by two-thirds of each house. Adopted by majority of qualified electors at said election.

MISSOURI.

Proposed by majority elected to each House. Submitted general election. Adopted if majority of qualified electors of State voting said amendment vote in favor thereof.

MONTANA.

Proposed by two-thirds members elected to each house. Submitted general election. Adopted by majority. Not more than three amendments shall be submitted at any one time.

NEBRASKA.

Proposed by three-fifths members elected each house. Submitted regular election. Adopted by majority electors voting said election (not "thereon").

NEVADA.

Proposed by majority members elected each house. Submitted to next legislature thereafter elected, and if approved submitted to people. Adopted by majority.

NEW HAMPSHIRE.

Proposed by general court under constitution 1784, and by selectmen and assessors in town meetings under constitution of 1902, but no alterations are even to be made except when approved by two-thirds of the voters.

NEW JERSEY.

Proposed by majority member elected to each house. Referred to the legislature next to be chosen, and if agreed to by majority, submitted to the voters. Adopted by majority, but no amendments submitted oftener than once in five years.

NEW YORK.

Proposed by majority members elected each house. Referred to legislature next to be elected, and if agreed to by majority elected to each house, submitted to voters. Adopted by majority.

NORTH CAROLINA.

Proposed by three-fifths each house. Submitted general election. Adopted by majority votes cast (at such election).

NORTH DAKOTA.

Proposed by majority elected to each house. Referred to next legislature to be elected; if agreed to, submitted to voters. Adopted by a majority.

OHIO.

Proposed by three-fifths of members elected to each house. Submitted at regular election. Adopted by vote of majority of electors voting at said election (not "thereon").

OKLAHOMA (ARTICLE 24.)

Proposed by majority of all members elected to each of the two houses; submitted at next regular general election (unless by two-thirds vote of each house, when it may be submitted at special election). Adopted by a majority of all electors voting at said election, voting in favor of the amendment. ("If a majority of all the electors voting at such election shall vote in favor of any amendment, etc.")

OREGON.

Proposed by majority members elected to each house. Submitted to voters at general election (unless special election ordered by legislature). Adopted by majority.

PENNSYLVANIA.

Proposed by majority of members elected each house. Submitted to legislature next chosen. Adopted by majority. No amendments submitted oftener than once in five years.

RHODE ISLAND.

Proposed by majority elected to each house; referred to next elected legislature. Adopted by three-fifths electors voting at town and ward meetings.

SOUTH CAROLINA.

Proposed by two-thirds members elected to each house. Submitted to general election, and if adopted by majority voters, referred back to next legislature, and if ratified by a majority of each house, stands adopted.

SOUTH DAKOTA.

Proposed by majority elected to each house. Submitted to general election. Adopted by majority.

TENNESSEE.

Proposed by majority elected to each house. Referred to general assembly next to be chosen; if approved by two-thirds of members elected to each house, submitted to voters. Adopted by a majority of all the citizens voting for representatives voting in favor. No amendments to be submitted oftener than once in six years.

TEXAS.

Proposed by two-thirds of members elected to each house. Adopted by majority.

UTAH.

Proposed by two-thirds of members elected to each house. Submitted to general election. Adopted by majority.

VERMONT.

Proposed once in 10 years by two-thirds of senate and majority of house. Referred to general assembly next to be chosen, and if approved by majority of such next assembly, submitted to voters. Adopted by majority.

VIRGINIA.

Proposed by majority elected each house. Referred to assembly next to be chosen if agreed to by majority elected each house. Submitted to voters. Adopted by majority.

WASHINGTON.

Proposed by two-thirds members elected each house. Submitted general election. Adopted by majority.

WEST VIRGINIA.

Proposed by two-thirds members elected. Submitted general election. Adopted by majority.

WISCONSIN.

Proposed by majority elected each house. Referred to legislature next to be chosen, and, if agreed to by majority all members elected each house, submitted to voters. Adopted by majority.

WYOMING.

Proposed by two-thirds members each house. Submitted general election. Adopted by majority electors (not "voting thereon").

A NATION'S DUTY.

Party platforms have repeatedly declared for the admission of these States to the Union. Let us redeem our pledges and admit them now. For all time let it be said of these States that they were born in the throes of a political revolution against greed in business and dishonor in politics. Admitted to the Union by this Congress, their birth will be found by the student of the future to have taken place while yet the pathetic cries of a once great party, born for the work of liberty but wrecked upon the shoals of covetousness, echoed through the Nation's Capitol. [Applause.]

If there be anything in the environment of birth, it will be well for the States born at the close of these debates.

This session is to be remembered in history as one in which a small group of standpatters, relics of a past and repudiated school of government and of political economy, united in a pitiful effort to thwart a majority, direct from the people, by dangling before patriotic visions the skeleton of a policy which students will forever know as the prolific "mother of trusts."

Mr. Chairman, somewhere it has been said "history makes itself; men only write it." The thought is too shallow, the conclusion too weak. As well might it be said that governments make themselves; men only frame them. In the admission of the two last States to the Union in our time we are making history, and may it be enduring to the strength and perpetuity of our country.

New Mexico and Arizona, this Democratic House of Representatives bids you welcome to the Union. Forevermore be represented among the stars of the most beautiful banner that ever waved between earth and sky. It is the banner whose united stars gleam as a beacon of hope to the oppressed of every land and under whose shadow liberty dwells and justice reigns. It is the banner for which the Father of his Country prayed that it might triumph over tyranny, through every danger withstand the enemies of the Republic, and vindicate the inalienable rights of mankind.

Come, New Mexico and Arizona, enter into the Union, for whose mission heroes have sanctified with their blood the battle fields of a Nation. Come, make still more invincible, still more

beautiful the American flag, the truest banner of freedom, the sweetest emblem of hope since the cross cast its redeeming shadow upon a lonely hill. [Prolonged applause.]

Mr. FLOOD of Virginia. Mr. Chairman, I now yield half an hour to the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Chairman, it would be ungracious to mar the sublime effect of such a grand oration as that to which we have just listened by feebler effort from a weaker man. That maiden speech by the gentleman from New York [Mr. CONNELL] has established his position as a statesman and orator, and the wonder to me is, after hearing his masterful discussion, that if he has been preaching the doctrine of Democracy with such truth and power in his State, his State could ever have gone Republican a single time. [Laughter and applause.] He and the other distinguished gentlemen who have been heard to-day have spoiled what little speech I thought I wanted to make by saying all that was good in it and a great deal more that I never could or would have said. To try to follow them would be tedious to my hearers. I could not add materially to what they have said; I would not answer it if I could, and no man could answer it if he would. [Laughter and applause.]

For a long time we have trifled with New Mexico and Arizona, making them promises and deceiving and disappointing their hopes. Through the majestic declaration of the will of the people this House is at last in a position to do its part in according them justice. If it has been decreed by partisanship that because it is imagined that New Mexico is Republican and that Arizona is Democratic, that New Mexico shall be admitted and Arizona rejected, argument and reasoning will be of no avail; but if the other branch of this Congress and the Executive see proper to act in that way about it for the sake of a few Members of Congress and a few electoral votes in the next election, I beg to assure them that the people of this whole Union will register a Democratic victory with such overwhelming unanimity as to render unnecessary to Democratic success in Congress and the White House the votes of either of these Territories. [Applause on the Democratic side.]

Mr. Chairman, I regard every argument and every objection which I have heard against this resolution as demurrable, and believe that any good lawyer, sworn and placed on that bench as a judge, would so hold. The pending resolution is not a Democratic proposition. The Democratic position is that both ought to be admitted if their constitutions provide for a republican form of government, and be left free to do as they please as to all local questions in detail. But this resolution is gotten up as a compromise. There was a difficulty between the President of the United States and the divergent Houses of Congress on the question, and the result is that this is gotten up as a compromise, which ought to be accepted by everybody to make peace in the premises.

The objections I have heard are demurrable for this reason: When 13 sovereign States, for unmistakable purposes, clearly declared in the preamble, formed a union and adopted a Constitution, they expected to grow; they expected the population to multiply and prosperity to increase their wealth and power, to carve out new States from themselves and from additional territory, and they made provision that Congress may admit new States, and the other provision applicable to new and old States, that a republican form of government should be guaranteed to every State. It is not expressly declared that Congress could not arbitrarily exercise the physical power to say, "Because the details of your constitution do not suit the particular personal or sectional notions of some Member of Congress we will not admit you"; but, by implication, it is clearly understood that if the constitution presented provides for government republican in form, it is the duty of Congress to admit that State.

Mr. Chairman, I do not hear much objection to the details of the New Mexico constitution. The chief one is that they try to imitate the Greek lawgiver of old, who had a compact that the law as he gave it should not be changed; but, Mr. Chairman, that itself is a nullity. The power of changing a constitution is inherent in any people, and the people of any State at any time, no matter what the language of their constitution is, can change it.

As to Arizona, I have heard gentlemen urge three objections. They do not like the initiative; they do not like the referendum; they do not like the recall. Mr. Chairman, it is not a sufficient objection that any of these gentlemen object to any of these details or any other detail for any reason. A great many of them come from States that say things and do things that I do not like, but I do not propose to move to expel them from the Union on that account. As long as their States maintain republican forms of government the detail is a matter for them, and the bedrock, the corner stone of our political system—the admiration of the world, the boon of mankind—is local self-government. Each community may do as it pleases so long as it conforms to the general system of representative government.

And what do these things mean? The lexicographer has not performed during this debate. The initiative is supposed, in its essence, to mean simply a suggestion and indication of what the people would like to have done. That is all. There is not a Member here who is not anxious to find out what the people on whom he depends for election want done. The referendum means that if a matter is agitated on which the people have not spoken and there is any doubt or dispute, then it should be referred to the people to find out what they want done about it. The last one of you keeps your ear to the ground more assiduously than the track dog every kept his nose to the scent of the game to find out what the views and notions of the people are. As to the recall, it means the power to call down a public servant, and call him out if he is not doing right, and it is applicable already in one form or another to every solitary elective office in the United States, Federal or local, from the President down to constable.

Mr. FIELDS. Will the gentleman yield?

Mr. ADAMSON. Yes; with pleasure.

Mr. FIELDS. Does not the gentleman think that the recall that the people exercised in the election of Representatives last fall added a good deal to the dislike which certain gentlemen on that side entertain to the principle of recall?

Mr. ADAMSON. I was just about to remark that I thought two years was perhaps a short enough period to exercise the power of recall on Congressmen. Under existing law periods vary in length for the different offices, and gentlemen on the other side are doubtless justifiable in opposing the idea at all, or at least making the period any shorter than two years, from the terrific experience they had last fall, which decimated their ranks to one-half and restored this House to the control of the people. [Applause on the Democratic side.] But that is not a circumstance to what they are going to suffer if they persist in disregarding the will of the people. If they insist upon the same mad career which caused the storm of last year, the people will rise in their might and resentment next year and recall the balance of them, and you will hardly find room in this entire House for the Democratic Congressmen who will be sent here to take the place of the unfaithful Representatives justly recalled. [Applause.]

Oh, the gentleman from Michigan, my eloquent brother HAMILTON, inveighed terrifically about the dangers of a terrified judiciary, afraid of the people, pandering to popular whim and caprice, trimming judicial sails to suit the popular wind, and denying justice to litigants through fear of recall. His picture did not appall me. In a great many States, my own included, the judges are all elective. The same troubles which he depicted about a miscarriage or suspension of justice incident to a change in incumbency applies with equal force to every case where the judiciary is elective. We have no trouble about it. We trust the people. They usually do right. Neither Arizona, when admitted, nor any other State of this Union, will ever permit a judge to be summarily recalled through popular caprice nor removed during the term for which elected without due notice and fair trial. I hope the Lord will long postpone the day when we will have in this country either Congressmen or judges who "forget the rock from which they were hewn" and imagine they are independent of the people whose servants they are. It is wholesome. The emphatic purpose of our Government, State and Federal, was to provide a check and curb upon its public servants in order that they would do the people's will.

The entire burden of my song is that it is none of our business what particular details the people of Arizona want in their State government, provided they present those features which are characteristic of a representative form of government. We ought to admit any such State in any such condition if it is justified by the population and power, and welcome it into the sisterhood of States on the same terms, with all the rights, powers, privileges, and immunities of an original State and say: "My sister, come in, grow, live, prosper as one of us, and do your duty and exercise your rights, powers, privileges, and immunities in this glorious Union." The trouble with us has been eloquently referred to by the last speaker, and it is that there were some people in this country wedded to the doctrines of monarchy and class and absolutism, and they fought and struggled to form and shape this Government upon that idea. They failed. Instead of submitting, as a patriotic and honest minority ought to have done, they went on from the very beginning of the Government and up to this hour endeavoring to conduct it on those principles which had been overruled and rejected in framing our Government.

They are in this House to-day advocating the pharisaical doctrine that has caused all trouble and bloodshed in this country—that you must look after other people's morals and other people's concerns and neglect your own. The true doctrine is that you ought to keep your own yard clean, you ought to attend to your own business, and do your part in governing your country by managing your own local affairs, and thereby contribute your part honestly to the entire sum of the greatness, glory, and prosperity of this country. [Applause on the Democratic side.] A good, old, honest Republican Senator, if such an apparent anomaly in expression may be pardoned [laughter], asked me this morning if the Lord was on our side over here. I said, "Most assuredly; He has come around to us at last. He is helping us put through some good bills, and we will soon send them over to you, and then I do hope the Divinity will move over to your vicinity and move your hearts to do right and serve Him by executing the people's will. The pagan gods used to make mad those whom they wished to destroy. If He does not help you and move your hearts to put through at this time the beneficial and salutary measures which we are sending over to you, it may be that He is showing his great divine goodness and wisdom of dispensation by allowing you a little more time to do a little more harm and a little more evil and a little more violation of the people's will in order to justify your own doom and demonstrate the greatness, goodness, power, and justice of His dispensation when He moves the people to destroy you utterly in the next election." [Loud applause on the Democratic side.]

Mr. FLOOD of Virginia. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. GARRETT, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration House joint resolution 14, the statehood resolution, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HARDWICK, until June 1, on account of important business.

To Mr. MORRISON, for 15 days, on account of important business.

To Mr. BELL of Georgia, for 15 days, on account of important business.

To Mr. UTTER, for two weeks, on account of important business.

COMMITTEE APPOINTMENTS.

The SPEAKER. There has been some dispute as to whether the Joint Select Committee on Disposition of Useless Executive Papers could be elected by the House. An examination of the statutes clearly shows that the two members from the House are appointed by the Speaker and the two from the Senate are appointed by the Vice President. Therefore, to clear up any difficulty as to the legality of the proceeding, the Chair appoints Mr. TALBOTT of Maryland and Mr. MCCREARY of Pennsylvania as members of this joint committee on the part of the House. Is there objection? [After a pause.] The Chair hears none.

HOUR OF MEETING TO-MORROW.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet to-morrow morning at 11 o'clock.

The SPEAKER. The gentleman from Virginia asks unanimous consent that when the House adjourns to-day it adjourn to meet to-morrow at 11 o'clock. Is there objection?

There was no objection.

ADJOURNMENT.

Then, on motion of Mr. FLOOD of Virginia (at 5 o'clock and 27 minutes p. m.), the House, in accordance with the order agreed to, adjourned until to-morrow, Saturday, May 20, 1911, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting, in response to House resolution of May 9, 1911, information regarding the erection of a building for the Bureau of Engraving and Printing, Washington, D. C. (H. Doc. No. 59), was taken from the Speaker's table, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SLAYDEN, from the Committee on the Library, to which was referred the bill (H. R. 9833) to accept and fund the bequest of Gertrude M. Hubbard, reported the same with amendment, accompanied by a report (No. 38), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SMITH of California: A bill (H. R. 10019) to appropriate $50,000 for the construction of a breakwater at Coronado, Cal.; to the Committee on Rivers and Harbors.

By Mr. SHERWOOD: A bill (H. R. 10020) granting a service pension to certain defined veterans of the Civil War; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 10021) for the erection of a public building at Dubois, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. PETERS: A bill (H. R. 10022) to amend an act entitled "An act to raise revenue for the Philippine Islands, and for other purposes," approved August 5, 1909; to the Committee on Ways and Means.

Also, a bill (H. R. 10023) for the transfer of a commissioned officer of the United States Navy Medical Corps or the United States Public Health and Marine-Hospital Service to the United States Army Medical Corps; to the Committee on Military Affairs.

By Mr. STANLEY: Resolution (H. Res. 173) authorizing the payment of the expenses of the select committee appointed in House resolution 171, under provisions of House resolution 148; to the Committee on Accounts.

By Mr. CANNON: Memorial from the General Assembly of Illinois concerning an amendment to the Constitution of the United States to grant Congress power to prevent and suppress monopolies by legislation; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 10024) granting an increase of pension to Jacob Teal; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10025) granting an increase of pension to Elexander Tittle; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 10026) granting an increase of pension to Thomas B. Reed; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 10027) for the relief of the estate of Ellen Young; to the Committee on War Claims.

By Mr. CANNON: A bill (H. R. 10028) granting an increase of pension to William H. Wells; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10029) granting an increase of pension to Dallas S. Lewis; to the Committee on Invalid Pensions.

By Mr. COX of Ohio: A bill (H. R. 10030) granting a pension to Martha A. Mouse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10031) granting a pension to Samuel Critchfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10032) granting a pension to Albert R. Huey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10033) granting a pension to Robert Saunders; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10034) granting a pension to Mary J. Langdon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10035) granting a pension to Ridley B. W. Baxter; to the Committee on Pensions.

Also, a bill (H. R. 10036) granting a pension to Charles A. Webber; to the Committee on Pensions.

Also, a bill (H. R. 10037) granting a pension to Louisa K. Schlagel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10038) granting a pension to William Golden; to the Committee on Pensions.

Also, a bill (H. R. 10039) granting a pension to Charles H. Bunge; to the Committee on Pensions.

Also, a bill (H. R. 10040) granting a pension to Sarah E. Bender; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10041) granting a pension to Orlando H. McKnight; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10042) granting a pension to John R. Stickelman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10043) granting a pension to D. M. Murray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10044) granting a pension to James D. Reigh; to the Committee on Pensions.

Also, a bill (H. R. 10045) granting a pension to Joseph Debli; to the Committee on Pensions.

Also, a bill (H. R. 10046) granting a pension to James W. Kearns; to the Committee on Pensions.

Also, a bill (H. R. 10047) granting a pension to John F. Benson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10048) granting a pension to Daniel Leigh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10049) granting a pension to G. Baxter; to the Committee on Pensions.

Also, a bill (H. R. 10050) granting a pension to Solomon Davidson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10051) granting an increase of pension to Joseph N. Dear; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10052) granting an increase of pension to John Ruehle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10053) granting an increase of pension to L. P. Huston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10054) granting an increase of pension to William M. Snyder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10055) granting an increase of pension to John R. Guest; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10056) granting an increase of pension to John Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10057) granting an increase of pension to Robert Duckson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10058) granting an increase of pension to Thomas H. Summers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10059) granting an increase of pension to John W. Howell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10060) granting an increase of pension to Henry D. Hunt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10061) granting an increase of pension to Jesse Nye; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10062) granting an increase of pension to Richard F. Logan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10063) granting an increase of pension to Michael Leusnick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10064) granting an increase of pension to Briney Doran; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10065) granting an increase of pension to Mrs. Moses Klein; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10066) granting an increase of pension to Thompson Weir; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10067) granting an increase of pension to Jacob H. White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10068) granting an increase of pension to William Sheldon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10069) granting an increase of pension to D. H. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10070) granting an increase of pension to Stella McLefresh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10071) granting an increase of pension to George W. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10072) granting an increase of pension to Orin Hill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10073) granting an increase of pension to Joseph Funk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10074) granting an increase of pension to W. J. Porter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10075) granting an increase of pension to Richard Du Bois; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10076) granting an increase of pension to F. M. Alexander; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10077) granting an increase of pension to Benjamin Stephens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10078) granting an increase of pension to Henry Habedank; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10079) granting an increase of pension to Mathew S. Stewart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10080) granting an increase of pension to Thomas N. Stanford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10081) granting an increase of pension to Amos Shatzer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10082) granting an increase of pension to George W. Royce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10083) granting an increase of pension to William F. Hoopert, alias Frederick C. Hupee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10084) granting an increase of pension to Clarence M. Hull; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10085) granting an increase of pension to Edward Chapin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10086) granting an increase of pension to Julius Engler; to the Committee on Pensions.

Also, a bill (H. R. 10087) granting an increase of pension to Richard T. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10088) granting an increase of pension to William J. Sliter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10089) granting an increase of pension to David Shiverdecker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10090) granting an increase of pension to Patrick O'Neil; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10091) granting an increase of pension to Silas Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10092) granting an increase of pension to Dillard Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10093) granting an increase of pension to Eli R. Westfall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10094) granting an increase of pension to William Houseworth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10095) granting an increase of pension to Jennie Bigelow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10096) granting an increase of pension to George W. Long; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10097) grantinng an increase of pension to Robert H. Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10098) granting an increase of pension to Charles H. Bryant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10099) granting an increase of pension to B. Frank Paris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10100) granting an increase of pension to Jacob T. Cave; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10101) granting an increase of pension to Henry M. De Hart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10102) granting an increase of pension to James Friel; to the Committee on Invalid Pensions.

By Mr. DAUGHERTY: A bill (H. R. 10103) granting an increase of pension to Hattie D. Osborn; to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 10104) granting a pension to Elizabeth J. Marshall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10105) granting an increase of pension to William C. Oakley; to the Committee on Invalid Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 10106) granting a pension to John Starr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10107) granting a pension to Ellen Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10108) to correct the military record of John C. Fite; to the Committee on Military Affairs.

By Mr. HAMILTON of West Virginia: A bill (H. R. 10109) granting an increase of pension to Bartholemew Lott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10110) granting an increase of pension to Elihu F. Eaton; to the Committee on Invalid Pensions.

By Mr. LITTLETON: A bill (H. R. 10111) to authorize the restoration of Edward P. Bigelow to the retired list of the Army and his appointment as a captain thereon; to the Committee on Military Affairs.

By Mr. MALBY: A bill (H. R. 10112) granting a pension to Thomas Bush; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10113) granting a pension to Jerome B. Gates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10114) granting a pension to William P. West; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10115) granting an increase of pension to Ira G. Haven; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10116) granting an increase of pension to Cyrus E. Ferris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10117) granting an increase of pension to Moses Blow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10118) granting an increase of pension to Adrian V. S. Clute; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10119) granting an increase of pension to Wilson F. Ball; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10120) granting an increase of pension to Edmund Doran; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10121) granting an increase of pension to Gilford Matice; to the Committee on Invalid Pensions.

By Mr. MARTIN of Colorado: A bill (H. R. 10122) granting an increase of pension to Alonzo L. Baker; to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 10123) granting a pension to William McCabe; to the Committee on Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 10124) granting an increase of pension to John L. D. Walker; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 10125) granting an increase of pension to John Degnan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10126) granting an increase of pension to William J. Knowles; to the Committee on Invalid Pensions.

By Mr. PEPPER: A bill (H. R. 10127) for the relief of Benjamin F. Dyer; to the Committee on Claims.

By Mr. PETERS: A bill (H. R. 10128) for the relief of John Hughes; to the Committee on Claims.

Also, a bill (H. R. 10129) granting an increase of pension to John N. Ellsworth, jr.; to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H. R. 10130) for the relief of Martha P. Wright; to the Committee on Pensions.

By Mr. RUSSELL: A bill (H. R. 10131) granting a pension to Andrew Metz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10132) granting an increase of pension to Friederich Mueller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10133) granting an increase of pension to Thomas E. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10134) granting an increase of pension to William T. Phegley; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 10135) for the relief of George Williams; to the Committee on Military Affairs.

Also, a bill (H. R. 10136) for the relief of John Mitchell, alias Joseph Scully; to the Committee on Military Affairs.

Also, a bill (H. R. 10137) granting a pension to Walter Allen; to the Committee on Pensions.

Also, a bill (H. R. 10138) granting a pension to Calvin D. Sartin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10139) granting a pension to Shelby T. Shipley; to the Committee on Pensions.

Also, a bill (H. R. 10140) granting a pension to Riley W. Drinnen; to the Committee on Pensions.

Also, a bill (H. R. 10141) granting a pension to W. G. Meredith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10142) granting a pension to Elizabeth Henry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10143) granting a pension to Charles Payne; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10144) granting a pension to A. C. Donnelly; to the Committee on Pensions.

Also, a bill (H. R. 10145) granting a pension to Elizabeth J. Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10146) granting a pension to John R. Janes; to the Committee on Pensions.

Also, a bill (H. R. 10147) granting a pension to David C. Greer; to the Committee on Pensions.

Also, a bill (H. R. 10148) granting an increase of pension to Thomas W. Stone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10149) granting an increase of pension to D. K. Rowe; to the Committee on Pensions.

Also, a bill (H. R. 10150) granting an increase of pension to John Baty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10151) granting an increase of pension to John Hawkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10152) granting an increase of pension to Franklin Lebo; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10153) granting an increase of pension to James B. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10154) granting an increase of pension to James Goulden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10155) granting an increase of pension to Charles W. H. Goff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10156) granting an increase of pension to Phillip Dunn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10157) granting an increase of pension to John Carver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10158) to correct the military record of William K. Bailey; to the Committee on Military Affairs.

Also, a bill (H. R. 10159) to correct the military record of William J. Henard; to the Committee on Military Affairs.

Also, a bill (H. R. 10160) to correct the military record of W. C. Setser; to the Committee on Military Affairs.

Also, a bill (H. R. 10161) to correct the military record of J. W. Nichols; to the Committee on Military Affairs.

Also, a bill (H. R. 10162) to carry into effect the findings of the Court of Claims in case of James H. and Benjamin Covington, heirs of Daniel Covington, deceased; to the Committee on War Claims.

By Mr. STONE: A bill (H. R. 10163) for the relief of Benjamin S. Ford; to the Committee on War Claims.

Also, a bill (H. R. 10164) granting a pension to Josephine Dodge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10165) making an appropriation to execute the findings of the Court of Claims in the case of John O'Neill; to the Committee on Appropriations.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AYRES: Petition of residents of New York City, in favor of parcels post; to the Committee on the Post Office and Post Roads.

By Mr. BYRNS of Tennessee: Papers to accompany bill for the relief of the estate of Ellen Young; to the Committee on War Claims.

By Mr. CANNON: Petition of A. L. Webster, Ed. McCusker, and sundry other citizens of Danville, Ill., praying for the enactment of legislation to reduce the duty on raw and refined sugar; to the Committee on Ways and Means.

Also, petition of H. W. Partel and three other citizens of Danville, Ill., praying for legislation to reduce the duty on raw and refined sugar; to the Committee on Ways and Means.

By Mr. COPLEY: Memorial of the Legislature of the State of Illinois, proposing the calling of a constitutional convention for the purpose of amending the Constitution of the United States, in order to grant Congress the power to prevent and suppress monopolies in the United States by appropriate legislation; to the Committee on the Judiciary.

By Mr. DALZELL: Petition of the Chamber of Commerce of Pittsburg, Pa., for amendment to corporation-tax law; to the Committee on Ways and Means.

By Mr. FORNES: Petition of Chamber of Commerce of Pittsburg, urging need of amendment to tax law for corporations and companies to make returns as of the close of their fiscal years instead of December 31, as at present provided; to the Committee on Revision of the Laws.

By Mr. FULLER: Petition of the Musicians' Protective Union No. 131, of Streator, Ill., favoring the Berger resolution; to the Committee on the Judiciary.

Also, petition of the Chamber of Commerce of Pittsburg, favoring an amendment to the corporation-tax law, permitting reports to be made at the end of the fiscal year; to the Committee on Ways and Means.

By Mr. HAMILL: Protest from Andrew Scott, Jersey City, N. J., against the ratification of the arbitration treaty with Great Britain; to the Committee on Foreign Relations.

Also, petition of sundry citizens of New Jersey, opposing ratification of the proposed arbitration treaty with Great Britain; to the Committee on Foreign Relations.

By Mr. HELM: Papers of J. T. Berry, of Madison County, Ky., to accompany H. R. 9922; to the Committee on War Claims.

By Mr. HUGHES of New Jersey: Petition of the John J. Brereton Camp, No. 1, Department State of New Jersey, United Spanish War Veterans, for the restoration of the canteen to United States Army posts; to the Committee on Military Affairs.

By Mr. MOON of Tennessee: Papers to accompany bill granting an increase of pension to John L. D. Walker; to the Committee on Invalid Pensions.

By Mr. McGILLICUDDY: Petition of Alex. Provanchu and 38 others, favoring the establishment of a national department of health; to the Committee on Ways and Means.

Also, petition of Robert J. Wiseman and 39 others, favoring the establishment of a national department of health; to the Committee on Ways and Means.

Also, petition of J. Gilman Noyes and 38 others, favoring the establishment of a national department of health; to the Committee on Ways and Means.

By Mr. O'SHAUNESSY: Petition of Hall & Lyon Co., protesting against passage of H. R. 8887, because it discriminates against retail druggists; to the Committee on Ways and Means.

By Mr. PATTON of Pennsylvania: Resolutions adopted by Washington Camp No. 382, Patriotic Order Sons of America, of Emporium, Pa., favoring the illiteracy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. RIORDAN: Petition asking for a reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. ROUSE: Resolution of Spanish War veterans of Newport, Ky., for repeal of Army canteen system; to the Committee on Military Affairs.

By Mr. SLAYDEN: Petition of citizens of Talpa, Coleman County, Tex., praying for a reduction of the duties on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of citizens of May, Brown County, Tex., praying for a reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. WILSON of New York: Petition of United Anglers' League of New York, for establishment of a cod hatchery in vicinity of New York; to the Committee on the Merchant Marine and Fisheries.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May 20, 1911.*

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D., as follows:

We bless Thee, Our Father in heaven, for the preservation of our lives, the sanctity of our homes, the stability of our Republic, and for that spirit which is ever leading us onward and upward to larger attainments. Strengthen us for the duties of the hour that we may go about our Father's business, doing whatsoever we find to do. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

ARIZONA AND NEW MEXICO.

Mr. FLOOD of Virginia. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House joint resolution 14, approving the constitutions of New Mexico and Arizona as amended.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. GARRETT in the chair.

Mr. FLOOD of Virginia. Mr. Chairman, I yield one hour to the gentleman from Texas [Mr. HARDY]. [Applause.]

Mr. HARDY. Mr. Chairman, I had hoped that this might not be a political question, but somehow it seems to me that it has drifted into that. I can not understand the strenuous position of the other side with reference to Arizona, demanding that by our present action we adopt a course which would deny admission of that Territory into the Union as a State because it may have some provision which they do not as individuals approve, when they admit that Arizona may come in as a State without that provision, and as soon as it is a State adopt the very provision that they now object to. The reason, the obscuring reason given for their position is, that gentlemen do not wish to be placed in the attitude of approving a certain provision of that constitution. To obviate that tender, conscientious objection, the majority have provided that the passage of this bill will not be an approval of any provision in either constitution but, as a whole, both constitutions are in effect disapproved so that no tender conscience may be offended. It reminds me, if you will pardon me a little light allusion, of a parent very seriously objecting to the wedding ceremony of his daughter with some unlikely suitor, and saying to that daughter, "You shall not wed in my house and under my rooftree, but you may run away and marry him if you please." For my part, I would rather the child would marry under my own roof and shelter, even though I did not approve the groom, than to tell her, "All right, my daughter, chase away and marry by the light of the moon." That is the attitude these gentlemen place themselves in. They all agree that if Arizona is admitted as a State, with no provision in her constitution for the recall of judges, she may as soon as she becomes a State amend her constitution, and make her judges subject to recall. I am told that some strong opponents of the recall have even advised her to that course. Such action with such advice seems to me too puerile for serious men to consider.

Gentlemen, had this debate been conducted on the usual planes, without such frequent interruptions as have been indulged in, it would have been a memorable debate in the annals of Congress, because it has called for the discussion of great fundamental principles of government. Great questions are involved, and we find represented here two different schools of thought—or citizenship, if you please.

One of these schools represents stability without progress or change. It represents that class of our citizens that point always to precedent and never to present conditions. They stand for stability and for consistency; for constancy and for continuity; for unchangingly following the ways and the paths our fathers trod, whatever may be the altered conditions under which we may live. One of these schools, I say, stands for stability without progress or change. Its followers run in a rut. They want the same methods; they want the old law of fellow-servant's liability as to corporations; they want no public schools.

In my early boyhood days I remember hearing it stated that under the Democratic teaching you had no right to tax one man for the purpose of schooling the children of another. But, thank God, Democrats and Republicans and all citizens have gone beyond that point and have recognized that the public has an interest in the education and training of the children of the land. In my early days it was declared that the parent had the right to dispose of the labor, and almost of the life, of the child, and we had no child-labor laws; and a hundred years of struggle were required in England to raise that great people out of the old rut under which children were made worse than slaves in the great factories of the old mother country.

In the olden times the judges of courts wore gowns, and the ermine enshrouded the person of the judge to add to his dignity and to insure him the respect of the populace, whether he was inherently entitled to it or not. In that day we had the law of primogeniture, by which the oldest son inherited all the estates of his father as a necessity for the preservation of the institutions and great estates of old England, a liberty-loving country always.

From following the mere rut-like routine there came a day when our fathers became revolutionists. They were not like some of us—bound by eternal precedents—but they had an initiative of their own, and stood out [applause on the Democratic side], and did something. Suppose they had said that all the past is sacred and no change can be made without destruction of our fundamental institutions? [Applause on the Democratic side.]

There is, however, along that line not a little of human nature. Our fathers saw fit to make changes for themselves, but they, too, like their fathers before them, sought to bind posterity a little bit more than posterity is willing to be bound. Consequently when our fathers established this great Federal Government and all the original State governments they put fetters upon the wrists of their posterity that ought to be stricken off, and if we have the initiative and the manhood that our fathers had we will do as they did. We will strike off the shackles. We live in a broader light than they. We will do not as they did, but we will strike the shackles from ourselves and from our children also. [Applause on the Democratic side.]

There were peculiar reasons that induced the founders of the Federal Government to make a hidebound and unchangeable Constitution. There were the great dividing interests of the slaveholding and the nonslaveholding communities. There was also the fact of the existence of small States and large States. The question of State's sovereignty was also involved and the jealous effort to guard the rights of the little individual States. Little Rhode Island hung out for years after the rest of the States had ratified the Constitution and had come into the Union. North Carolina, always jealous of her liberty and prerogatives, waited long before she entered the door from which it might be there would be no exit. To preserve the sovereignty of the States, to forever render it impossible to deprive them of that sovereignty, our fathers made an iron Constitution and said that it should not be altered, except, first, by an amendment supported by a two-thirds vote of each House of this Congress, one of them being the Senate, in which the littlest State in the Union had a representation as big as the largest, and the other the House, representing all the people.

Then they said that for the further guarding of the sovereignty of the States, and in order to show these States that we are not seeking to take away their individuality, we will not permit any amendment to become effective to this constitution until three-fourths of all the individual States have severally ratified the amendment; and the Constitution of the United States is presented as an analogy and the only one in history for difficulty of amendment to the constitution of New Mexico. The Constitution of the United States was made almost impossible of amendment, because it embodies the spirit and the design and the purpose of its framers when they built it to protect the sovereignty and the individuality and independence of the several States.

Is it a fair example? Is it an apt illustration? Is it a just comparison? Are we willing to take it in our own States as the guide of our own action and conduct?

Sir, there is another school of thought that advocates progress and change without reference to stability, and that school of thought is anarchy. It is the school of thought that regards nothing as sacred; that would not refer to a former decision of a court; or, in the language of some popular leader of the day, would take all our court records and decisions and burn them in one great holocaust in order that we might start anew without the light of history or precedent.

There is a third school—to which I hope I belong—that believes in stability, but also believes in progress. We may advance in agriculture, and we have in the appliances and in the various methods and in the knowledge with which we pursue that great branch of industry. We have advanced in the great art of transportation; we have advanced in science. Why not advance in governmental methods, and yet preserve

stability in harmony with the eternal march of an upward aspiring civilization toward nobler forms, better methods, and higher ideals? [Applause.]

It has been well said here that as to our Federal Constitution we have practically had but one amendment of it since its inception. The first 12 amendments were adopted almost coeval with its adoption, and it was fairly well understood they would be adopted when the Constitution itself was adopted, so that the original Federal organic law and the first 12 amendments were part and parcel of the great Revolution that gave us our freedom from the mother country, and we have had to that great instrument only three other amendments, which were the outgrowth and result of a revolution that shook this country to its center and filled a million graves on the south and north sides of the great dividing line. Shall those who themselves are unable to lift themselves out of a rut bind their posterity in such a manner, by such a constitution that they can only escape from its fetters by revolution? This country has been ripe and anxious now for 10 years, yea more, to amend our Federal Constitution so as to give us an election of Senators by the direct vote of the people, but we can not do it. [Applause.] Our wrists are bound, the chains are about our necks. We have been anxious for lo these many years to adopt a constitutional amendment to permit direct taxation, in order to support the great expenditures of this Government, to place its burdens in part on the shoulders of the strong and powerful, and in part to do away with a system that is corrupting in its influence, but we can not do it. We have an amendment submitted, but God only knows whether the requisite number of States will yet come to the rescue and enable us to adopt that amendment giving us the right to tax wealth instead of poverty.

Shall we follow that example in the establishment of a constitution for a single State, inhabited by a single people? Why, these men who refer to this ancient precedent would, if it were in their power, make even a county government or city charter incapable of alteration if they followed the logic of their own position.

No; the world moves, and if we are men of our time we move with it. I want to say that I favor progress; I want to say that there may come a time—while I myself individually think it impolitic and do not believe it is desirable—when we may reach female suffrage. What man here would say that any State had no right to bestow it?

There are thousands of problems arising, and incidentally let me say that if this age can not achieve something more than our fathers achieved in a less enlightened age then we are degenerate sons of noble sires.

I believe that the time will come when honest labor may always win honest bread. Just how it will be provided I do not know, but humanity's cry will be heard. Once I did not think that the Government had any right, to interfere with the right of private contract; I thought if by the power of your position you could grind me down until I must work for a pittance and starve for a living, provided you wrought under the semblance of free contract, it was your business and mine, and if a parent ground his pitiful children's bones into the dust it was all right. No, no; we have reached a higher plane than that. [Applause.] This world must progress, and as the leading Nation of the earth we should set it an example in the walks of freedom and the march of upward civilization. [Applause.]

Gentlemen, there are two constitutions before us. The so-called conservatives object to one, and the so-called progressives object to the other. The objectors to one of these constitutions fear the people, and the objectors to the other constitution fear the special and corrupt interests. [Applause.] The objectors to one fear that under it the people are given too much power; the objectors to the other fear that under it the people are bound by unbreakable chains.

Let me read you, right here, from a gentleman who is filling some space in the eyes of the public. Mr. Wilson says:

> What we are witnessing now is not so much a conflict of parties as a contest of ideals. * * *
>
> We generally sum up what we mean by the reactionary forces by speaking of them as embodied in the interests. By that we do not mean the legitimate but the illegitimate interests.

Mr. Wilson places over against the reactionary forces the forces that strive to check and control the great illegitimate interests. In the struggle over these two constitutions we are witnessing this contest of ideals. That would be perfectly clear but for the unfortunate fact that one of these about-to-be States is likely to be Republican and the other is likely to be Democratic in its political complexion; but for that fact, on that side of the aisle as well as on this side of the aisle, the effort, by those who favor progress, would have been to admit both States and to free them from chains of corporate power.

Mr. Wilson continues:

> Let us ask ourselves very frankly what it is that needs to be corrected. To sum it all up in one sentence, it is the control of politics and of our life by great combinations of wealth. Everybody knows, also, that some of the men who control wealth and have built up the industry of the country seek to control politics, and also to dominate the lives of common men in a way which no man should be permitted to dominate.
>
> In the first place, there is the notorious operation of the bipartisan political machine. I mean the machine which does not represent party principle of any kind, but which is willing to enter into any combination, with whatever group of persons or of politicians, to control the offices of localities and of States and of the Nation itself in order to maintain the power of those who direct it.

And before I get through, if I fail not to do as I intend, I will show that the bipartisan machine was operating in the creation of one of these constitutions. Lest I forget it, I will say that the leading genius in the formation of the New Mexico constitution himself laid the foundation of his own election in his own county by saying that they were not going to allow it to be a party question, and that he would not be a candidate for delegate if party politics was to be involved. It was supposed to be a convention of nonpartisan or bipartisan delegates.

That recalls to me the saying of one of the Goulds, that in Texas he was a Democrat and in New York he was a Republican.

Says Mr. Wilson:

> This machine is supplied with its funds by the men who use it in order to protect themselves against legislation which they do not desire, and in order to obtain the legislation which is necessary for the prosecution of their purposes.

While I am referring to that, I want to call your attention to a brief extract from an article in the Saturday Evening Post, under the title of the "Barred door," which discusses the efforts of New Mexico for the last 40 or 60 years to get into the sisterhood of States.

Referring to a visit of the President to New Mexico and his being entertained by the people, the writer of that article says:

> Among the inevitable speakers was the only A. B. Fall. Ever hear of Fall—Fall, of New Mexico—cowboy, miner, lawyer, judge, gun fighter, able editor, roughrider, farmer, private, chevalier, and brevet captain of industry? Well, you will; in fact, you shall.

And, by the way, I want to say that if there was a master mind connected with the formation of the constitution of New Mexico, it was that of A. B. Fall. I said "if," when I should have said there was a master mind. That is perfectly apparent. It is clear from his own statements and from the statements of all the others that he was busy at work in the committee rooms of his own committee and of all of the other committees all day long and far into the night. When this matter came before your committee Judge Fall was the genius that presided over the hopes of those who sought to have New Mexico enter this galaxy of States without the dotting of an "i" or the crossing of a "t" or the permitting of people to cross a "t" or dot an "i" in that constitution. The article continues:

> Fall is unique in one respect. He can, with equal ease and nonchalance, carry a safe Republican county for the Democrats, or a safe Democratic county for the Republicans, and then do it all over again. From this you will see he is not a bigoted partisan.

Mr. McCALL. Mr. Chairman, from what is the gentleman reading?

Mr. HARDY. From an article in the Saturday Evening Post of May 6, 1911; and I will say to the gentleman that I read that for convenience and terseness of expression, rather than anything else, because it expresses the idea that I think nearly every member of our committee on the hearings formed of the great ability, the wonderful ability and versatility of Judge A. B. Fall. I may quote more with reference to that from our hearings. To my mind it was clear from our hearings that in the framing of that constitution there were powerful forces moving outside of and above party politics. They were the forces of the interests.

But, sir, I want to discuss these constitutions. I want to discuss them in the light of present-day ideals. Let us take up the Arizona constitution and the question of the recall. I want to say to some of the gentlemen who have attacked Arizona's constitution that, given a sufficient latitude as to aptness, history may be drawn upon to support the failing cause of any position on almost any question, and it amused me to hear a very eloquent speaker the other day cite as a reason against the doctrine of the recall the fact that Socrates, the great philosopher of the heathen world, was put to death because of his great teachings. The gentleman conveyed the idea that Socrates died at the hands of the common multitude, the people. The gentleman forgot that Socrates was put to death by the Athenian judicial court [applause on the Democratic side]; that he was put to death

after an argument for days by a close vote of a body who were supposed to be representatives and to represent the wisdom of Athens. He was put to death not by the people, but by those representatives, and he was put to death on a religious question, which does not stir the blood for a moment only, but divests men of reason when its agitation has reached the point of fervid heat. What has that to do with the doctrine of recall by popular election? He sought to impress us that Aristides the Just was banished by the people because he was just. Why, you can take history and story and legend, and by being a little inaccurate in your facts and subtracting a little here or adding a little there from your fancy weave a web of illustration and analogy to damn or defend any theory. My reading has induced the conclusion that Aristides was one of those fellows who was always spoken of as the great, the just, and the people, so some cynic has said, became impatient that a man should be so paraded, and perhaps so insist on his own virtues, and they did not like it, and they had a popular election. Aristides, a very just man, was not successful in the election; and in those days the man who was successful generally drove out the man who was not successful.

This was no question of recall at all; but if it has any application to our system of government, it is against our whole theory of popular elections. The same thing occurred in Rome. Oh, yes, Rome had her consuls elected every year for the greater part of her growing and progressive existence, but when great men through corrupt means began to overawe the populace then your Sulla and Marius rose, and when Sulla was elected he drove out Marius, and when Marius was elected he drove out Sulla, and that led on to the wars of Cæsar and Pompey. During the days when Rome loved freedom she resorted frequently to the mass of the people, but when finally the reference back to the people was blotted out, when Cæsar was recalled, as you remember, from across the Alps—recalled by the decree of the senate, the representatives of the people, to quiet citizenship, but refused to obey—then he wiped out the doctrine of recall when he crossed the Rubicon with sword in hand; and in wiping out the doctrine of recall he wiped out the liberties of ancient Rome, and for a thousand years Rome knew no recall and knew no freedom. Rome had the initiative, referendum, and recall prior to Cæsar's day; after that, for a thousand years, tyranny and corruption reveled in unbridled and unrestrained license, while the people groveled in chains.

Now, let me say to those who are fighting the doctrine of initiative, referendum, and recall that there is not a State in this Union which has ever been without the doctrine of initiative and referendum. What constitution of any State has been adopted within 50 years without the application of the initiative? What constitution has ever been adopted without the referendum? The people initiate our constitutions, and they are referred to the people, and with the greatest measures of our political existence we practice and we teach the doctrine of initiative and referendum. Everywhere in all this land at the present time the doctrine is extending. It used to be, and what man does not remember the time, when bonds were fixed upon his district or county, or his town, not by the vote and voice of the people but by *miscalled* representatives of the people. They piled upon us in the South millions of indebtedness by irresponsible so-called representatives, the debts never being referred to our people for ratification or for authorization. As a result you have had in many States an effort at repudiation. Whatever be the fate of any State, God save it from repudiation. But when irresponsible, dishonest representatives beyond the reach of the people put bonds of eternal indebtedness upon the body of the people, the temptation to repudiate is great indeed. In a thousand ways we have had the referendum, and it is only a question among practical statesmen as to what kind of laws are of sufficient importance to justify the people in requiring—what kind of laws are of sufficient importance that the people ought to demand—that they be referred to them. Who should judge of the conditions of a State, of the surroundings of the people, of the importance of the questions, but the people themselves in determining whether this kind of law or that kind of law be referred to them? In my State we refer as little a thing as the stock law to the people of as small a territory as a district, a justice's precinct, or a cut-out district that they mark by boundaries. In my State every county and every precinct may have referred to its people the question of local option. In my State to-day there is a great referendum on the question of State-wide prohibition. What laws shall be referred to the people? Will you stand, as some of you gentlemen do, and say that no law shall be instituted by the initiative of the people or referred to them for ratification or adoption? That is the attitude of the conservatives, who stand for no change from things that were from time immemorial. Why, the doctrine of initiative is nothing more than the perfection of the old right of petition that our fathers in Revolutionary days said was inherent in all free peoples—the eternal right, or the inalienable right, of petition. [Applause.] As to the doctrine of recall, the two years' term of office, with the privilege of reelection—where the discharge of the duties to be performed while holding the office for two years determines the reelection or defeat of the officeholder, what is that but a recall? The faithful servant is retained, the unfaithful is recalled.

There has been a great deal of talk about distinction between a pure democracy and a pure representative government, and to the effect that our fathers in the beginning established a wonderful new thing in representative government. Now, just wipe that cobweb from your mind. There never was an ancient Greek republic, a Roman republic, or Swiss republic, or republic along the coast of the Adriatic Sea or in the marshes where Venice dwells, that was a pure democracy, because no people can perform the multitudinous functions of government in person. No people ever tried to do it. Neither was there ever a pure and unalloyed representative government, except one, and that is the government of an absolute monarchy. The monarch does not look to the people. He rules by divine right, like the "Little Father," the Czar of Russia, who rules for the people, represents them, and with paternal beneficence and deific supremacy and omniscience rules them as their supreme, independent representative. A republic can not be only representative. No republic ever was only representative. In the very act of selecting agents the people act and must act. And in all that the people can act they may act. But between those lines of pure democracy, direct rule by the people, without agents or representatives, and absolute autocracy or monarchy, which is rule by irresponsible masters, lies the ideal republic.

In such a republic the people act directly in many small and large matters—in matters, it may be, of intimate and personal but general concern, and in matters of vital and final importance to the republic. But in such a republic, also, the people must act in many matters of intricate detail and, in many matters of great importance impossible of transaction by the multitude, by and through their agents and representatives; and because they must have them, so much the more important is it that these agents and representatives be true, *loyal* servants, and that the people retain the power to keep them so.

My philosophy tells me that the more perfectly you can blend direct and representative government, the more perfect your government—a government not lame and futile from cumbrous incapacity, nor yet false and faithless; but true, faithful, and strong, meeting the highest hopes of patriotism and humanity. Such a government only, can be a government of the people, by the people, and for the people.

Now, let me answer some of the arguments we have had with reference to Arizona. As I said, there are two schools of thought, and they are not divided by party lines. I find that an advocate of one of those schools [Mr. LEGARE] steps out on this side of the aisle and speaks with a boldness and bluntness not equaled by any on that side of the aisle. This school fears the people, as was illustrated most forcibly by the Representative from South Carolina in an hour's talk on the question of the judiciary. The other school trusts the people, and to that school I belong. One says, as said by the gentleman from South Carolina, that you must not give to the people power lest they destroy liberty. The other says that all power is given by the people themselves; that it is theirs without bestowal. One says the legislator, the judge, and the executive must think and act for the people and rule the people. The other says the people must frame the laws for their own government, and the people's representatives, judicial, executive, and legislative, must be faithful exponents of the combined will of the people and must serve rather than rule them. [Applause.]

The gentleman said that the people are always crying for power. "Of course," he said, "they are always crying for power, for more power." Has not that a strange sound from this side of the aisle? He said to give them power meant ruin; to give them power would be to drive the ship of state upon the rocks. Bums, cutthroats, and thieves, he declared, if the power of recall were given the people, would recall the officers and judges elected by the people. The judges and sheriffs would sit in terror, cowering before the popular clamor.

Let me tell the gentleman and those who listened and applauded—and I am frank to say that his applause was liberal, but thankful also to say that it was from the other side of the House—let me say to him and to you, who have an elective judiciary in your States, that every argument made by him against the recall applies with equal force and has been made with equally thundering voice against the election of judges. We have in my State the county judges that have large power

over the welfare of our county and people, and those judges are elected every two years. We have our county and district attorneys who have in hand the administration of the criminal laws of the State and the enforcement of those laws, and they are elected every two years. We have district judges elected every four years. Every argument made by the gentleman would tend to make it appear that our judges and prosecuting officers and sheriffs stand in fear and trembling and dare not do their duty when election time is near.

Let me tell you how these officers stand in the light of practical experience. We have had an appointive judiciary as well as the elective in my State. I know them both. I want to tell you that there never was a more fearless set of officials—judges, prosecuting attorneys, and sheriffs—in any State than occupy these positions to-day in the State of Texas. [Applause.] Furthermore, I want to tell you that if you find a judge or a sheriff or a district attorney who hews to the line regardless of where the chips may fall, who does his duty though the heavens fall, that man is the hardest man to beat before our people, and the thieves and thugs and cutthroats do not dare to raise their voice against him. [Applause.]

I know what I am talking about, for I was eight years a prosecuting attorney and eight years a district judge, and I know that in the full and fearless discharge of duty was the strongest argument for my reelection and the strongest appeal I could make for public favor. I sought public approval, and that knowledge gave me power and strength I would not have had had I been merely the creature of some powerful influence. I believe in the people, and believe they will stand behind a brave, true man. I am not exceptional in my belief. Among the strong men that come up from Texas you will find many that filled the positions of prosecuting officers—the attorneys for the county and the district attorneys—who prosecuted fearlessly all thieves and thugs and lawbreakers, and so you can go into all the other States for the same lesson. Where do you find the rise of Folk, of Hughes, and of countless others? It is an unjust indictment of the people to say that a just and fearless judge will be condemned by them.

No; I have no patience with the man who tells me he fears the people; that he fears to submit his ambition to thieves, bums, and cutthroats. Let me tell you, I have heard that argument against elective judges, and I think you will find that the men on this side that oppose the initiative and referendum and oppose absolutely the recall of judges are at heart opposed to the election of judges.

We have nearly everywhere adopted the system of primary elections for nominations. What does it mean? It means that in conventions the people have found they were doing one thing by representatives they could better do for themselves. It means that conventions had come to be the means of corrupt trading and corrupt influences and a method for the service of corrupt bosses. Oh, these gentlemen say they have no patience with the muckraker and the demagogue who denounces everything as corrupt. Neither have I. I hate a liar. But I have no patience with the man who shuts his eyes tightly and says, "There is no corruption in this country, either on the bench or in the executive departments or in the legislative bodies."

How can a man deny the right of recall in the face of recent indictments against members of the Legislature of Ohio and against the members of the legislature of another State, and the conviction from time to time of faithless public officials?

No. I tell you what the primary did in my State, almost—it has not quite done it yet, but it will. It is driving the boss from his seat of power. I very well remember the occasion when an old gentleman came to me and told me that he ran for a county office in my county, and that he went out to a certain part of the county where a very elegant gentleman, with the title of captain, had formerly been in the habit of casting the vote of his whole precinct in the convention. He said to that elegant gentleman, "I would like to have your support for my nomination," and the elegant gentleman assured him that he would have it. But it was a primary election, and when the vote came up, my friend, who trusted in the captain, got only two votes in the precinct.

Your bosses do not go very well with the primary election. That is one effect of more power in the people. If you have the recall, if legislators know that after outraging the wishes of the people by the passage of an iniquitous bill they will have to go before the people again, and if the bill itself may be referred to the people before it becomes a law, they will see the futility of attempting to enact corrupt legislation. What will be the use in attempting to pass infamous bills if the legislator and the law both have to go before the people to be approved by the people? Oh, no. Your referendum and recall may be a great weapon in the hands of the people to protect them against corrupt measures.

Like the primary election, they have the tendency to do away with boss rule, ring rule, and corrupt rule, and to do away with the devotion of so-called representatives to the service of crooked masters and corrupt interests.

In olden times vast interests were not like vampires always ready to suck the lifeblood of the people through their governmental veins. To-day they keep sleepless vigil, and every weapon of defense is needed by the people to protect themselves against greed and corruption.

Those who fear the people say they want the judges appointed and not elected, for fear they will bow and try to please the people. We, on the other side, say we want them elected, so that they will try to please the people.

I do not believe in an appointive judiciary, and I will tell you why. Twenty years ago the then judge in my judicial district, while I was district attorney, died suddenly, and before I had any news of his death I found most of the members of the bar in three counties of the district were arranging plans for filling his unexpired term. As I got off the train to attend a meeting of the court, in ignorance of my friend's death, I was met by a member of the bar already assembled at the courthouse of the county where the court had been in session. They were holding a meeting to get the governor to appoint a member of that bar for the unexpired term, and I was asked to attend. I declined to do so, and when I went into the grand jury room I found the grand jury in conference and consultation. The bar was pushing the appointment of one man, the grand jury was urging the appointment of somebody else, and while these two bodies in one county were making plans, friends of another aspirant in another county got up a petition to the governor and got the judge of their selection appointed. How it happened I do not know. Somebody was better known to the governor; somebody had his kindly ear. There was nothing improper about it, but your appointive judges are selected in that way. I said to myself in the shadow of the death of one of my longest and best friends, "If appointment comes in this unseemly way, where aspirants must begin the scramble to take the shoes of the departed before he is laid in his grave, I want no more appointments." Appointments to the judiciary and the appointive system generally mean that those men prosper best who have learned "to crook the pregnant hinges of the knee that thrift may follow fawning." [Applause on the Democratic side.]

But popular election! No man feels humiliated in the least when he stands before his countrymen and says, "I am before you; I ask you for your votes. If I am worthy, give them to me; if not, give them to a worthier man." Oh, no. There is no humiliation about that. But before I would step with pallid brow and faltering tongue to the seat of power and pray for favor, I would stay without the pale of office; and but for the custom that has made it respectable all other independent men would do likewise.

Whom shall our judges please? It is current belief that sometimes in some places judges have been appointed at the solicitation of men interested in certain crooked deals and certain grasping interests. For one I had rather see the honest judge strive to please a great people than to please the petted interests or the power behind the throne. Yes; and I want to say that the judge who does his duty will strive to please not the toughs and bums but the good citizens, and he will strive to do right in order to please them. Where have your corrupt judges been found? In every instance, almost, you will find the corrupt judges either where they have been appointed by legal authority or where they have been foisted on the people through the rule of a corrupt ring or boss. Go to New York or anywhere else, and if you find a judge elected by the free vote of the people, untrammeled by bossism and without corrupt use of money, you will find a good man. The people may sometimes be fooled, but in 99 out of 100 cases you will find the judges so elected to be good men; and the man who does his duty may trust his people for a vindication.

Now I want to call your attention to another thing. My friend from South Carolina [Mr. LEGARE] indulged in very touching heroics about the stain that would be cast upon a man by a recall from office. I want to tell him that a recall from office is no stain upon the man who is recalled unless there was some ignoble act that caused him to be recalled. Strange indeed was the sound, of a voice in the name of Democracy from the State of South Carolina, in terror of the people and in denunciation of a free people who might dare to assert their right of recall to recall a faithless agent or servant. Would the gentleman from South Carolina dare to recall an agent or

servant of his own if that agent failed to do his bidding or became faithless to his trust? Oh, yes; he recognizes that the private individual has the right to recall a faithless agent or an incompetent one or one who takes the bit in his mouth and refuses to obey; but we are demagogues if we differ with him and say that the people ought to have the same right of control over their agents and representatives. It is a rut that the gentleman is in. He simply has not lifted himself out of it. I admire his fearlessness in the bold, blunt utterances that he makes, but he has not the spirit of the democracy that believes in the people while he utters these sentences of denunciation and distrust of the people. [Applause on the Democratic side.]

One gentleman, a Democrat, Mr. HUMPHREYS of Mississippi, said he had heard the judiciary as a whole denounced wildly by demagogues. Now, I never heard such a thing, and I think if the gentleman will revise his memory he probably never heard anybody denounce the whole judiciary. He may have heard somebody make some rather broad charges, and I want to say that about the broadest and gravest criticisms I have ever read came, I think, from Thomas Jefferson, whose disciples we profess to be and are to some extent.

Mr. SIMS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN (Mr. HOWARD). Does the gentleman yield?

Mr. HARDY. Certainly.

Mr. SIMS. If I catch the gentleman's position, it is that it is no more dangerous to vacate a judicial office by popular election than it is to fill it by popular election.

Mr. HARDY. No; not a bit. It is the same principle. One may be more practicable, but the principle is the same. If a man is elected to office for two years, and he is defeated at the end of that time when he runs for reelection, it is the same principle as if you defeat him before the end of the two years.

But my friend from South Carolina [Mr. LEGARE] took occasion to say that the judiciary must be free to hold the mob straight, that the judiciary must be free to hold the legislative branch of the Government straight, that the judiciary must be free and independent to hold the executive straight and prevent it oppressing the people. In God's name, I ask him, if the judiciary usurps, if the judiciary oppresses or is faithless, who, if the people are powerless, will hold the judge straight? All during the Sixtieth Congress Democrats were trying to restrain the Federal judiciary and prevent its oppressive practices, its abuses of power. Doubtless the gentleman thinks we were wrong. Mr. Jefferson feared the Federal judiciary, and to some extent the judiciary generally. He wrote:

* * * As, for the safety of society, we commit honest maniacs to bedlam, so judges should be withdrawn from their bench whose erroneous biases are leading us to dissolution. It may, indeed, injure them in fame or in fortune, but it saves the Republic, which is the first and supreme law.

In view of the discussion here it seems as if with prophetic eye, looking down the coming of a hundred years, Jefferson saw the very conditions that arise to-day, and his utterance of a hundred years ago is paralleled by the warnings of a member of the Supreme Court to-day, which I will read later.

Again, he wrote:

One single object, if your provision [in the Louisiana Code] attains it, will entitle you to the endless gratitude of society—that of restraining judges from usurping legislation. And with no body of men is this restraint more wanting than with the judges of what is commonly called our General Government. (To Edward Livingston, vii, 403.)

And, again:

We already see the power installed for life, responsible to no authority—for impeachment is not even a scarecrow—advancing with a noiseless and steady pace to the great object of consolidation. * * * That there should be public functionaries independent of the nation whatever may be their demerit, is a solecism in a republic of the first order of absurdity and inconsistency. (To Wm. T. Barry, vii, 256.)

Judiciary curbing: Impeachment, therefore, is a bugbear which they fear not at all. But they would be under some awe of the canvass of their conduct, which would be open to both Houses regularly every sixth year. It is a misnomer to call a government republican in which a branch of the supreme power is independent of the nation. (To James A. Pleasants, Ford ed., x, 198.)

Jefferson was progressive. He was leading the way from darkness to light. It was a great thing in his day to have achieved the removal of the judiciary from a life tenure to a six-year term and to recall them every sixth year. But Jefferson died and Federal judges still hold office for life, with no power to recall them. In his autobiography we find him again saying:

* * * There was another amendment [to the Federal Constitution] of which none of us thought at the time [when the Constitution was framed] and in the omission of which lurks the germ that is to destroy this happy combination of national powers in the General Government for matters of national concern, and independent powers in the States, for what concerns the States severally. In England it was a great point gained at the Revolution that the commission of the judges, which had hitherto been during pleasure, should thenceforth be made during good behavior. A judiciary dependent on the will of the King had proved itself the most oppressive of all tools in the hands of that magistrate. Nothing, then, could be more salutary than a change there to the tenure of good behavior, and the question of good behavior left to the vote of a simple majority in the two Houses of Parliament. Before the Revolution we were all good English Whigs, cordial in their free principles and in their jealousies of their Executive Magistrate. These jealousies are very apparent in all our State constitutions and in the General Government. In this instance we have gone even beyond the English caution by requiring a vote of two-thirds in one of the Houses for removing a judge, a vote so impossible where any defense is made before men of ordinary prejudices and passions that our judges are effectually independent of the Nation. But this ought not to be. (Autobiography, i, 80, Ford ed., i, 111.)

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARDY. Mr. Chairman, I am very anxious to get through, but though curtailing my remarks I really have not reached the one particular thing that I desire to discuss.

Mr. FLOOD of Virginia. How much time does the gentleman wish?

Mr. HARDY. I would like to have 40 minutes at least.

Mr. FLOOD of Virginia. I yield 40 minutes more to the gentleman.

Mr. HARDY. To continue my quotations from Jefferson:

Sappers and miners: A judiciary independent of an executive or king alone is a good thing, but independence of the will of the nation is a solecism, at least in a republican government. (To Thomas Richie, vii, 192. Ford, ed., x, 170.)

* * * This member of the Government was considered at first as the most harmless and helpless of all its organs, but it has proved that its power of declaring what the law is, ad libitum, by sapping and mining, slyly and without alarm, the foundations of the Constitution, can do what open force would not dare to attempt. (To Edward Livingstone, vii, 404.)

I want to say right here that it must be understood that I do not regard the recall of officers of any kind as any light or trifling thing, but I say that the right of a people to be represented by servants who are faithful to them, and who are the servants of their choice, the right of the initiative and the referendum and the recall, in order to be secure in true and faithful agents, servants, and officers of all kinds, is as inalienable a right existing in every people as the right of life, liberty, and the pursuit of happiness, and it is for them to say what limitations or restrictions they will put upon the exercise of that right.

How they shall recall, whether by elections every two years or by petitions to recall, whether they shall give a Representative a two-year, a four-year, or a six-year term, unless recalled, the method does not affect the principle of it. It is for them to say how and when they will terminate the services of a servant who is unfaithful or does not please them. It may be, as one of Shakespeare's characters says, that the only objection is "his face belikes me not." The faith of our party of our day is to trust the people, and he who to-day refuses to trust the people must learn that the moss is on his back and that he belongs to a dead and gone generation. [Applause.] Gentlemen, a recall is no stain, unless the cause of the recall be a stain, but impeachment blackens the character of the man impeached for all time. I have seen jury trials where, were I on the panel, I would render the Scotch verdict of "guilty, but not proven," and I would acquit the defendant, but would not keep him in my employ. And so we have cases where you can not properly impeach, where you can not get the evidence to impeach, where through the courts full inquiry is blocked, where the servant is so powerful he can prevent full investigation; in such case must we keep the servant?

Mr. Chairman, this is no new doctrine. It is an old maxim, "Qui facit per alium, facit per se." The doctrine of some gentlemen here is that you may do things through others, but you can not do them yourself; that the principal is not to act through his agent, but can only act as his agent wills, a strange perversion of the doctrine of principal and agent, of master and servant. The agent directs the principal; the servant rules the master.

I have many further quotations from Jefferson, all bearing out the views I have expressed, but I omit them, and ask to read some sentences from the opinion of Justice Harlan of the Supreme Court, just delivered by him in the Standard Oil case.

In that opinion Justice Harlan, among other things, says:

In the now not a very short life that I have passed in this capital and the public service of the country, the most alarming tendency of this day, in my judgment, so far as the safety and integrity of our institutions are concerned, is the tendency to judicial legislation, so that, when men having vast interests are concerned, and they can not get the lawmaking power of the country which controls it to pass the legislation they desire, the next thing they do is to raise the question in some case, to get the court to so construe the Constitution or the statutes as to mean what they want it to mean. That has not been our practice.

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The court, in the opinion of this case, says that this act of Congress means and embraces only unreasonable restraint of trade in flat contradiction to what this court has said 15 years ago that Congress did not intend.

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Practically the decision to-day—I do not mean the judgment—but parts of the opinion, are to the effect, practically, that the courts may, by mere judicial construction, amend the Constitution of the United States or an act of Congress. That, it strikes me, is mischievous; and that is the part of the opinion that I especially object to.

Mr. Chairman and fellow Members, I have listened with some anxiety to see if any man who objected to Arizona's exercise of the right of recall had any criticism to make of the constitution of New Mexico. It is a rather strange coincidence, but if I remember aright, not a man who is denouncing Arizona's constitution has had a word of criticism of that remarkable instrument submitted to us and known as the New Mexico constitution. And yet there was a mountain of testimony before us and almost a confession, that it was made by corporations, of corporations, and for corporations. And it was so wonderfully made that the chairman of the convention that framed it is reported to have said when he ceased from his labors that they had fixed it so that it could not be altered in 99 years.

Strangely, no man on that side, and no man on our side, who criticizes Arizona has yet had a word of criticism for that constitution.

In the beginning I said something of Judge A. B. Fall, the man who was the genius of the New Mexico constitution. I should, perhaps, read from our hearings, but I will not have time to do so. I want to tell you that the testimony before us shows that he was a Democrat up to 1898, that then he changed his affiliations, that he was elected, I believe, from a Democratic county, to that constitutional convention as a bipartisan. It shows, without controversy, that he went there pledged to the doctrine of initiative and referendum. It shows that that convention had a majority of its representatives pledged to the doctrine of initiative and referendum—52 out of the 78 or 79, I believe. It shows that in that convention he was one of the prime movers, going from committee to committee, working all day and far into the night, counseling and advising. And when confronted with the charge that he had caused the elimination of the initiative and referendum feature from the constitution his reply was, "You do me too much honor." The good things of that constitution were like Burns's Pleasures:

> But pleasures are like poppies spread:
> You seize the flow'r, its bloom is shed;
> Or like the snow falls in the river,
> A moment white—then melts forever.

It was so with the initiative and referendum. Not only is the good lacking and the evil abounding, as we think, in this constitution, but those who wish it to remain as it stands declared they had made it hard to amend purposely.

Now, I want to call your attention to another fact showing corporation earmarks, to my mind. When the first hearings were had before our committee it seemed to us as if the pro and con side, the for and against that constitution, were about to agree on terms acceptable to all; that those favoring that constitution would agree that the people of New Mexico might be permitted to vote again upon that section authorizing amendments; and, if they chose, to adopt a section making amendments less difficult. That was all the other side insisted on.

For a good while our hearings went along on that idea, that maybe the opposing parties could agree; and the great genius of that constitution, Judge Fall, by his language and expressions before us seemed ready to agree. Gov. Curry, of that Territory, was before us, and declared the constitution was not what he wanted; that it had objectionable features; that he would change it if it were left to him. But when we got down to the point and finally sought an agreement some overshadowing impulse or feeling or influence seemed to pervade those who were there for the constitution, and Fall, Curry, and others wanted it as it is, without the dotting of an "i" or the crossing of a "t," although Mr. Fall himself had denounced certain features of it; and they wanted to cling to the provision that rendered it impossible of amendment.

Now, without reading them, I want to give you the substance of the two provisions that make this constitution the instrument of corrupt influences in New Mexico. The first is the provision with reference to the regulation and control of railroads, article 11, section 7. This provision absolutely takes away from the Legislature of New Mexico all power to do anything to control, to limit, or to restrain the railroads of that Territory. The constitution vests all lawmaking power in the legislature, except as "herein limited," and then by article 11, section 7, it creates a commission and vests absolutely in that commission these powers:

SEC. 7. The commission shall have power and be charged with the duty of fixing, determining, supervising, regulating, and controlling all charges and rates of railway, express, telegraph, telephone, sleeping-car, and other transportation and transmission companies and common carriers within the State; to require railway companies to provide and maintain adequate depots, stock pens, station buildings, agents, and facilities for the accommodation of passengers and for receiving and delivering freight and express; and to provide and maintain necessary crossings, culverts, and sidings upon and alongside of their roadbeds whenever, in the judgment of the commission, the public interests demand and as may be reasonable and just. The commission shall also have power and be charged with the duty to make and enforce reasonable and just rules requiring the supplying of cars and equipment for the use of shippers and passengers, and to require all intrastate railways, transportation companies, or common carriers to provide such reasonable safety appliances in connection with all equipment as may be necessary and proper for the safety of its employees and the public and as are now or may be required by the Federal laws, rules, and regulations governing interstate commerce. The commission shall have power to change or alter such rates, to change, alter, or amend its orders, rules, regulations, or determinations, and to enforce the same in the manner prescribed herein: *Provided*, That in the matter of fixing rates of telephone and telegraph companies due consideration shall be given to the earnings, investment, and expenditure as a whole within the State. The commission shall have power to subpœna witnesses and enforce their attendance before the commission, *through any district court or the supreme court of the State, and through such court to punish for contempt;* and it shall have power, upon a hearing, to determine and decide any question given to it herein, *and in case of failure or refusal of any person, company, or corporation to comply with any order within the time limit therein*, unless an order of removal shall have been taken from such order by the company or corporation to the supreme court of this State, *it shall immediately become the duty of the commission to remove such order, with the evidence adduced upon the hearing, with the documents in the case, to the supreme court of this State.* Any company, corporation, or common carrier which does not comply with the order of the commission within the time limited therefor may file with the commission a petition to remove such cause to the supreme court, and in the event of such removal by the company, corporation, or common carrier, *or other party to such hearing*, the supreme court may, upon application, in its direction or of its own motion, require or authorize additional evidence to be taken in such cause; but in the event of removal by the commission, upon failure of the company, corporation, or common carrier, no additional evidence shall be allowed. *The supreme court, for the consideration of such causes arising thereunder, shall be in session at all times and shall give precedence to such causes.* Any party to such hearing before the commission shall have the same right to remove the order entered therein to the supreme court of the State, as given under the provisions hereof to the company or corporations against which such order is directed.

By this section railway companies need not appeal (but other parties must) if they would set aside the acts of the commission.

Having vested the commission with this power, the legislature is shorn——

Mr. BARTLETT. Will the gentleman from Texas yield?

The CHAIRMAN (Mr. GARRETT). Does the gentleman from Texas yield to the gentleman from Georgia?

Mr. HARDY. Certainly.

Mr. BARTLETT. These railroad commissioners, as you call them, are selected how? Are they elected by the people?

Mr. HARDY. They are elected by the people for six years.

Mr. BARTLETT. And are they given power to grant charters and say what kind of bonds and stocks shall be issued by railroad corporations?

Mr. HARDY. I confess I have not investigated that.

Mr. BARTLETT. The granting of charters to railroads is reserved to the legislature, is it?

Mr. HARDY. I think that would possibly still be in the legislature, although I am not sure about that. But let us grant that that is so.

Mr. BARTLETT. Does the gentleman think it a very safe thing to grant to a subordinate body in the State the power to grant a charter, where those to whom it is granted will exercise the power of eminent domain, unless the State reserves to itself the right to grant charters as other States do, where the party that receives the charter exercises the right of eminent domain?

Mr. HARDY. I think as the gentleman does, and I am willing to go a good deal further. I believe that the legislature of a State which undertakes to exercise power over great interests should retain that power to itself, and the giving of that power to another body means, in my judgment, that some secret influence is back of the granting of that power to another body in the constitution of that Territory. I do not believe that any State should be bound by its constitution so that it can not by its legislature control any creature made by itself, living and inhabiting within its borders. But that is what this constitution does.

Mr. BARTLETT. The gentleman understands that there is a wide distinction with reference to power and policy as between banking corporations and other corporations which could not exercise the power of condemnation and eminent domain and railroad corporations which could exercise those powers, if those powers were granted; and it occurs to me that it is rather mingling the powers, or surrendering legislative power, when any subordinate branch of the State government is authorized to grant charters where the right of eminent domain is given to the corporation so chartered.

Mr. HARDY. I think I will go along on that line, but not exactly in those terms. A republic might divide its lawmak-

ing power. I think it is a question of policy whether the Government will clothe an independent body with legislative and executive powers. But it would be contrary to the genius of our Government to make one body embrace all those powers.

Judge Fall, answering a question by myself, said that it was the purpose of this constitution to take away all this power enumerated in section 7 of article 11—take it away from the legislature and bar the legislature from ever exercising it until that constitution was amended.

He said their reason for doing it was that the railroads had corrupted their Territorial legislatures; and for fear they would corrupt them again, they wanted to put these powers into the hands of an incorruptible commission. Wonderful reasoning, it seemed to me. Later he let it out that in these stirring days, these piping times of peace, agitation was shaking that country, corruption was being driven from its stronghold, and it looked to me a little bit as though the legislature was being awakened by the people, and it was time for the railroads to get out of the house where they had been taken care of before, to find some new quarters where they might be protected. So they, by this constitution, provide double protection. They take these powers away from the legislature and nominally put them in the commission; but when you read that section fully, you find they have this strangest of all features, that when the commission makes a ruling, if the railroad does not like the ruling it can at once file a petition and carry it up to the supreme court of the State. If they do that, they can then introduce more testimony and have a rehearing, and take their time for the rehearing; but that is not all.

The railroads have the right of appeal, but they are not required to appeal. They may simply ignore the ruling of the commission. No injunction is necessary. All they have to do is just to ignore what the commission has done, and then, whenever the commission finds out they have ignored it, and it may be weeks or months before they find it out, the commission then must subserviently bundle up the papers and send them to the supreme court; and then the supreme court in the course of time takes hold of the case and hears it on the record and says that it either does or does not sustain the commission. How long this may be after the ruling is made by the commission, who can tell?

Mr. SISSON. I do not want to interrupt the gentleman in the course of his argument——

Mr. HARDY. Certainly.

Mr. SISSON. Section 6, under article 11, gives this commission, under such rules and regulations as may be prescribed by the legislature, the power to issue all charters for domestic corporations, and amendments or extensions thereof, and to license foreign corporations to do business in the State, to which shall be carried out all the provisions of this constitution relative to corporations and laws made in pursuance thereof, not only with reference to railroads, but all corporations.

Mr. HARDY. I thank the gentleman very much for that interruption, and I want to preface an apology by saying that I have become so obsessed with the iniquity of section 7 of that article that I had neglected all the rest, for in that was the rotten core of the whole proposition of this constitution.

Section 7, following section 6, is the damnable iniquity of the whole thing. The legislature is stripped of all power. The legislature becomes an absolutely useless branch of the government as to the management of these great bodies corporate. Then this corporation commission is clothed apparently with the power to do these things, and each commissioner is given a six year's term of office. This is the first refuge of the railroads, express companies, and so forth. In addition to that, when the commission acts, if the railroads see proper to obey, all well and good. If they are not then satisfied with the evidence they have introduced, if they want to introduce more evidence they will appeal to the supreme court; but if the case stands on the record as they want it, they just ignore the order of the commission, and in the course of time it goes before the court. The court is the second refuge of the railroads. The judges of this court are elected for eight years.

Mr. BARTLETT. May I ask the gentleman, Does the constitution provide for the election of all these commissioners at one time for six years, or do they go out one at a time?

Mr. HARDY. At first they are all elected, and then they draw for the longer and shorter terms—that is, terms of two, four, and six years—and after that every two years one man is elected and one goes out. Now, the point is this: You get your commission order, and it goes before the supreme court, and the supreme court hears evidence, or not, as the case may be, and then the court either confirms or annuls the action of the commission. Everything comes before that court, and that court is the commission at last, and not the three commissioners themselves. The office of the commission seems to be merely that of an outpost of defense for the corporation. The court is their last shelter. Neither of these bodies can at any time have more than one member who is fresh from the people, and both these bodies must act affirmatively against the railroads before relief is even initiated.

Not only so, but this section 7 takes the judicial branch of the government and inserts it into the legislative branch and concentrates all lawmaking and judicial power as to railroads in the supreme court. Doubtless that court may be composed of honorable men, but courts, it has been declared, are always reaching out for more power. This constitution places in the hands of the court absolute control, for weal or woe, of the most stupendous interests and enterprises in that State. The State's governor may chafe, her legislature may fret, her people may curse, but the court sits steady; her power is single and supreme. Is such a situation consonant with the genius or spirit of our day and generation? No.

Mr. JACKSON. Will the gentleman yield?

Mr. HARDY. I will.

Mr. JACKSON. I do not interrupt the gentleman with any desire to interfere in his speech, for I am in sympathy with the report of the committee. But I want to ask the gentleman if it is not true that the very reason for giving the supreme court this power was to prevent the Federal courts from interfering with the regulations by the local power, and if that is not approved by the Supreme Court of the United States in the case of Prentice against the Atlantic Seaboard?

Mr. HARDY. I am glad the gentleman interrupted me, because it leads me to say something that I did not think of. That is the reason they have given for this clause in the constitution. They say it would prevent your commission from being enjoined. It is true this commission can not be enjoined, because it never does anything to be enjoined. The difference between this commission and the commission in other States is that in other States the orders of the commission are subject to be killed by injunction, but the orders of this commission are not subject to be killled, for they are born dead. [Laughter.]

Mr. JACKSON. The gentleman does not refer to the orders of the supreme court being dead?

Mr. HARDY. No; I was coming to that. I do not doubt for one minute when the supreme court begin to issue their orders the Federal courts will hold, when it comes to orders, that they are not judicial, and they will enjoin the execution of these orders on the ground that these acts and orders of the court are legislative and executive rather than judicial, and the same grounds for injunction will lie, as may lie, in the case of orders of any other State commission.

Mr. JACKSON. No doubt about that.

Mr. HARDY. Then what steps have these gentlemen made toward obviating the delay; have they made a step in advance obviating delay? Have they not all of the means of delay left and this—that is, the delay in getting from the commission to the supreme court—in addition?

Mr. JACKSON. I think not; but that is only my opinion.

Mr. HARDY. I know that the gentleman is disposed to look at this in the light of reason. If he will give it careful attention he will come to the conclusion that I am right—that this is only a greater delay added to a great delay.

Now, I want to say that it was urged by members in the convention that there should be submitted to the people along with the constitution an independent proposition, to become a part of the constitution, that would give the legislature the right at a later date to increase the powers of that commission and alter or affect the rules of the commission. Some of the delegates thought the commission as made would be of no value to the people. But the framers of the constitution, who had some purpose in mind too big to allow it to be interfered with, said "No; we will not submit with the constitution a proposition to clothe the legislature with the power of further enlarging the sphere of the commission. No; we want it just like it is; no other way."

Now, that brings me to the closing feature of what I shall have to say. The second provision that makes this constitution the instrument of the corrupt influences in New Mexico is article 19. That article provides for amendment of this constitution. The framers of this constitution having fastened their chains and double-locked them, with the key thrown away, some of these people bound in chains came to a Democratic committee and said, "Give us a chance to find the key." They said, "Look at this constitution. Suppose all that we say is not true, why, then, what harm is done by giving us the power to amend it? On the other hand, suppose all we say is true, what then? If these gentlemen represented by Judge Fall are right, and this constitution works right, we will not want to amend it, but if we find that the fetters are grinding into

the flesh and grinding the life out of the body politic, and the corporations are enthroned in power, let us, for God's sake, have a way to change it." [Applause.]

What man on that side or this will tell the people that you shall not have a right to amend your fundamental law? If corporations have crept in and fixed and framed their constitution, will you not give them a chance to amend it? This is all that Fergusson, McGill, and others, representing the Democrats and many Republicans in that Territory, have asked. For doing this they have been held up to public obloquy and charged with attempting to delay the admission of New Mexico by the public press of New Mexico; I had almost said the venal press of that Territory. I do not say it is a venal press, though it seems hard to believe it an honest press when they make such charges in the face of the fact that every opponent of the New Mexico constitution who came before us from that Territory declared, always, his opposition to any delay of its admission under any condition, and urged us to do nothing that could delay admission, but to do all we could for the relief of the people that could be done without delaying their statehood.

A fair sample of New Mexico press literature is the following. After charging that Fergusson and others were trying to delay statehood, one paper says:

> The statement, made by whomsoever, *that the constitution is not amendable by the people is a bald, glaring, transparent falsehood. The gentlemen who are making this statement know it to be a falsehood, which is refuted by the wording of the constitution so plainly that a schoolboy can see it.* The spectacle of four alleged Democrats who have been repudiated by the rank and file of the New Mexico Democracy assuming to decide as to the possibility of early admission, and assuming to say what changes shall be made in a constitution ratified by the whole people, is one that has disgusted people of all parties all over New Mexico.

And this paper says that in the face of the facts that show that this constitution is almost impossible of amendment as it stands now. Speaking in broad terms, they have a constitution that requires two-thirds of the members elected to each house to vote for the submission of an amendment, and then it requires that a majority of all of the votes cast on that amendment shall be cast for it in the whole State. That is well enough. But then it requires that that majority shall be equal to at least 40 per cent of the whole vote in the whole State cast on all questions at that election. Now, we know that constitutional amendments are not understood by everybody, are not of interest to everybody, and that frequently men not knowing or caring will vote neither for nor against a proposed amendment. A vote on a constitutional amendment, unless it is one that stirs the whole country, rarely ever amounts to over 60 per cent of the total vote. If that be the standard that will prevail in such elections, it will require two-thirds of the votes cast on the amendment—two-thirds of 60 being 40—in order to get 40 per cent of the total vote to pass it. Ah, that is bad enough, but that is no worse than in most of the States. I want to admit that most constitutions are too hard to amend. I want to admit that the idea of stability has carried weight—and I am not criticizing the men who sometimes want to go slow—but the iniquity of this amendment provision comes after. Not only does it require 40 per cent of all the votes cast at the election in the entire State, but it requires that 40 per cent of the vote cast must be in favor of the amendment in at least 50 per cent of all the counties in that State. New Mexico is like other States and has large and small counties. If you can persuade a lot of little counties to ignore an amendment submitted to the people at large, or if in the remoteness of their regions they have not been taught what the amendment involved, and they ignore it—if you can get 50 per cent of those little counties to fail to cast 40 per cent of their total vote for the amendment, either by getting them to vote against it or not vote at all on it, your amendment is defeated. Four-fifths of the popular vote in the State might be for the amendment and still the amendment fail.

My countrymen, the advocates of that constitution ransacked the pages of constitutional literature to find a constitution like it, and could find nowhere under the ægis of the American flag a sovereign State which has such a provision. But our friends who are afraid of the people, even those on this side of the aisle, never criticize that at all. The only analogy found, or the only illustration of a somewhat equivalent difficulty to amend that was found, in all of the annals of constitutional history brought before our committee was the Constitution of the United States, framed under the conditions and with the views that I have attempted to outline to this body. But here in the light of the beginning of the twentieth century, when science is advancing, when art is moving, when the science of government is marching, when human liberty is lighting the torch of freedom everywhere in all the world, we find a constitution framed to put shackles upon the body of a young and growing giant, and they tell us in boastfulness that 99 years will be required to break the shackles; that it might possibly be done sooner, but that it would take a revolution to do it. Sir, this constitution is framed not so much in the interest of any party as it is in the interest of great corporations.

Mr. Chairman, my purpose is ended. I want to ask before I close why any man should object, and I ask this in all seriousness—why any man on that side should object to allowing the people of New Mexico a free opportunity, unmenaced by threats, uninfluenced by fears, unbiased by interests, why he should object to letting them vote deliberately and solely upon the question of whether they would make their constitution more easy of amendment? Yea, Judge Fall and all the rest denounce some of the features of that constitution as an outrage and an indignity upon part of their people, but when it comes to giving them the opportunity freely to express their will as to whether they would enable themselves to amend their constitution or not they fall back, and through some invisible power somewhere they say, "No; we do not want to touch the sacred thing." [Applause on Democratic side.]

I ask you if any man on that side can give a reason for not being willing to let these people, unbiased, uninfluenced, untrammeled, unmenaced, say whether they want the privilege of amendment? When they voted on this constitution they were compelled to vote for it or lose statehood. They would have voted for almost anything to obtain statehood.

Mr. SISSON. Mr. Chairman, will the gentleman yield?

Mr. HARDY. Certainly.

Mr. SISSON. The gentleman talks as if he were going to close on this question, and I would like to have him explain to the House what he thinks of section 2, the 25-year limitation in reference to calling a constitutional convention.

Does not this constitution for 25 years practically deprive the people of the right of calling a constitutional convention?

Mr. HARDY. It is the corporation section that the framers of this constitution wish to guard, to keep; and for that reason it provides that a three-fourths vote of each house before 25 years and a two-thirds vote of each house after that, be required in each legislature to call a convention. They could take any number of little counties and prevent that; but, better still, it is clearly shown that about four counties in the State, where the corporations are strongest, have the absolute power under the apportionment made to control more than a third of the senate. And that apportionment must remain till some means is found to amend this constitution. So with your corporate power controlling those counties there is no possibility of a constitutional convention. They have done this in their apportionment by first giving each of these corporation counties a senator, and then tacking onto it another county and giving it a second senator, and then tacking onto it a third county and giving it a third senator. Judge Fall himself, in effect, says that New Mexico has been practically corporation ridden and corporation debauched heretofore. He said the legislature has been so debauched that they wanted to take power away from it. With that kind of a statement, with the grasping of the corporations, and with three or four counties given power to control, you never can get a convention under that constitution.

Mr. SISSON. I want to call the gentleman's attention to this, in section 2, article 19: It provides that after this call for a constitutional convention shall be passed by the legislature, it is then submitted to the people, and then a majority of the people in at least 50 per cent of the counties is required. Now, under that provision, would it not be possible for 75, yea, in an extreme case, 90 per cent of the people to demand a constitutional convention and yet not be able to get a majority of the counties, because the small counties might be the counties that would be opposed to it?

Mr. HARDY. That is exactly the argument I have been attempting to make, that this constitution is without a parallel in history. That it could be prevented from being amended, although 90 per cent of the whole people might desire it, and these conditions were put there with the purpose that it should not be amended, and it was brutally stated that it was almost impossible to amend it.

Now, I will close by asking any lover of freedom, and there are some on the other side of the aisle, if he believes it wrong to let those people, unmenaced, untrammeled, uninfluenced, unthreatened, vote freely on the proposition as to whether they might not more easily amend their constitution? That is what the majority report asks you to do, and I ask you to vote on that proposition only. There may be some here who do not wish these people to be free to strike the chains of corporation dominion from their wrists. To such an one I make no appeal. "Ephraim is joined to idols; let him alone." [Loud applause.]

Mr. LANGHAM. Mr. Chairman, I yield one hour to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, last year in the consideration of the judiciary title revision bill there came incidentally before the House the question of the power of Congress to require a State to insert an inviolable provision in its constitution as to the location of the capital of Oklahoma for a period of years, which brings, in a way, for the consideration of the public, the question as to the power of Congress in the admission of new States into the Union, and it is my purpose this morning, somewhat apart from the discussion which has so far taken place in the House as to the admission of New Mexico and Arizona, to present a legal argument on the subject of the power of Congress in regard to the admission of States.

The only provision of the Federal Constitution respecting this is section 3 of Article IV:

New States may be admitted by the Congress into this Union, but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned, as well as of the Congress.

There is no provision as to the mode in which, or the terms or conditions upon which, Congress is to exercise this power.

The only provision of the Constitution which has reference to the domestic institutions of the States is section 4 of Article IV:

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion and, on application of the legislature, or of the executive (when the legislature can not be convened), against domestic violence.

There are numerous provisions imposing limitations upon the powers of the States.

Section 10 of Article I provides:

No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State on imports or exports shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

Sections 1 and 2 of Article IV may also be said to impose limitations upon the powers of the States, inasmuch as what they require of the States may not be denied by them. They are:

SECTION 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SEC. 2. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other crime, who shall flee from justice and be found in another State, shall on demand of the executive authority of the State from which he fled be delivered up, to be removed to the State having jurisdiction of the crime.

Articles IX and X of the amendments, as they are limitations upon the Federal power, necessarily affect the power of the States. They are:

ARTICLE IX.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

Articles XIII, XIV, and XV of the amendments all contain limitations upon the powers of the States. They are:

ARTICLE XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof is denied to any of the male inhabitants of such State being 21 years of age and citizens of the United States, or in any way abridge, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

SEC. 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a Member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

In addition to the express limitations upon the powers of the States are those necessarily implied by and resulting from the grant of powers to the General Government.

The Constitution makes no distinction in terms between the original States of the Union and those subsequently admitted. Neither does it in terms provide that new States shall be admitted upon an equal footing with the old. The question was the subject of much consideration in the Federal Convention, and it is a great question of present interest, as to whether Congress has the power, in the admission of new States, to make a distinction between the powers which can be exercised by the new State admitted and the powers which may be exercised by the original States. The question of the admission of new States was one of much consideration, as I said, in the Federal Constitutional Convention.

The Virginia plan, presented by Mr. Randolph, provided in the tenth resolution as follows:

Resolved, That provision ought to be made for the admission of States lawfully arising within the limits of the United States, whether from a voluntary junction of government and territory or otherwise, with the consent of a number of voices in the National Legislature less than the whole (p. 128).

This quotation and all following are from Elliot's Debates, volume 5, edition of 1845.

Pinckney's plan provided in Article XIV (p. 132):

The Legislature shall have power to admit new States into the Union on the same terms with the original States, provided that two-thirds of the Members present in both Houses agree.

Randolph's general proposition, set out above, was agreed to (pp. 156 and 157).

On June 13, 1787, the committee reported a general plan of government, including Randolph's proposition as to new States (p. 190).

The effect of the admission of new States was considered.

Gouverneur Morris thought—

the rule of representation ought to be so fixed as to secure to the Atlantic States a prevalence in the national councils.

That almost makes us smile to-day.

Col. Mason thought that if new States were—

made a part of the Union, they ought to be subject to no unfavorable discriminations.

Mr. Randolph concurred with this.

It was proposed at one time to apportion representation among the States "upon the principles of their wealth and number of inhabitants." This was, however, not adopted.

Madison "was clear and firm in opinion that no unfavorable distinctions were admissible, either in point of justice or policy" with regard to the Western States.

Gerry "thought it necessary to limit the number of new States to be admitted into the Union in such a manner that they should never be able to outnumber the Atlantic States," and moved—

that, in order to secure the liberties of the States already confederated, the number of Representatives in the first branch, of the States which shall hereafter be established, shall never exceed in number the Representatives from such of the States as shall accede to this confederation.

King seconded this. Sherman opposed. Gerry's motion was lost.

August 6 Rutledge presented the report of the committee, which contained Article XVII:

New States lawfully constituted or established within the limits of the United States may be admitted by the legislature into this Government; but to such admission the consent of two-thirds of the Members

present in each House shall be necessary. If a new State shall arise within the limits of any of the present States, the consent of the legislatures of such States shall be also necessary to its admission. If the admission be consented to, the new States shall be admitted on the same terms with the original States. But the legislature may make conditions with the new States concerning the public debt which shall be then subsisting.

When this article came up for consideration Gouverneur Morris moved to strike out:

If the admission be consented to, the new States shall be admitted on the same terms with the original States. But the Legislature may make conditions with the new States concerning the public debt which shall be then subsisting.

Madison, Mason, and Sherman opposed the motion. Langdon favored it. Williamson was for leaving Congress free. Motion carried. Nine States, aye; Maryland and Virginia, no.

Morris moved as substitute for Article XVII that—

New States may be admitted by the Legislature into the Union; but no new States shall be erected within the limits of any of the present States without the consent of the legislature of such State as well as of the General Legislature.

This was agreed to down to the word "Union"; that is:

New States may be admitted by the Legislature into the Union.

That was unanimously agreed to, and Morris's motion to substitute was agreed to.

Various amendments were offered and considerable discussion was had, and Morris's substitute as amended was adopted, 8 to 3. This was:

New States may be admitted by the Legislature into the Union; but no new State shall be hereafter formed or erected within the jurisdiction of any of the present States without the consent of the legislature of such State as well as of the General Legislature (p. 496).

Dickinson moved, and it was agreed, to add:

Nor shall any State be formed by the junction of two or more States, or parts thereof, without the consent of the legislature of such States as well as of the Legislature of the United States.

These two provisions taken together, it will be seen, are in effect the same as section 3 of Article IV of the Constitution. The verbal changes were made by the committee of style, which, through Dr. Johnson, reported on September 12 the Constitution in its present form, saving some immaterial alterations.

That gives the history of the provision in the convention as adopted, and I come now to discuss the practice which Congress has exercised in admitting new States under this provision of the Constitution.

All of the enabling acts and resolutions admitting States to the Union in some form have declared the status of the State when admitted.

Kentucky and Vermont were each—

received and admitted into this Union as a new and entire member of the United States of America.

Tennessee, Indiana, Louisiana, Mississippi, Illinois, Alabama, Maine, Missouri, Michigan, Arkansas, Texas, Wisconsin, California, Minnesota, Kansas, West Virginia, Nevada, Idaho, and Wyoming were each "admitted into the Union on an equal footing with the original States in all respects whatever."

Ohio was "admitted into the Union upon the same footing with the original States in all respects whatever."

Florida, Iowa, Nebraska, and Colorado were each "admitted into the Union on an equal footing with the original States in all respects whatsoever."

Oregon was "received into the Union on an equal footing with the other States in all respects whatever."

North Dakota, South Dakota, Montana, Washington, Utah, and Oklahoma were admitted "on an equal footing with the original States."

CONDITIONS IMPOSED.

The enabling act for Ohio provided that the constitution should be republican in form and not repugnant to the ordinance of 1787. There was also a grant of lands to the State on certain conditions.

It was required also of Indiana and Illinois that their constitutions should be in conformity with the ordinance of 1787.

As to Louisiana, the constitution must be republican, consistent with the Constitution of the United States, contain the fundamental principles of civil and religious liberty, and secure to the citizen the trial by jury in all criminal cases and the privilege of the writ of habeas corpus, conformably to the Constitution of the United States; and after admission its laws, records, and legislative and judicial proceedings must be in English; no discrimination in taxation of lands between resident and nonresident citizens; and the Mississippi River and navigable waters leading into it and into the Gulf of Mexico to be common highways and forever free.

Mississippi must have a republican form of government; freedom of navigable waters leading into the Mississippi, and so forth, and no discrimination between resident and nonresident citizens in taxation of lands.

Alabama is substantially the same as Mississippi.

Missouri was admitted on the fundamental condition that a provision of her constitution which made it the duty of the legislature—

to pass laws to prevent free negroes and mulattoes from coming to and settling in the State under any pretext whatever * * * shall never be construed to authorize the passage of any law, and that no law shall be passed in conformity thereto, by which any citizen of either of the States of this Union shall be excluded from the enjoyment of any of the privileges and immunities to which such citizen is entitled under the Constitution of the United States.

The legislature of the State was required to give assent to this condition by solemn act, and this was done.

The enabling act itself required that the government should be republican in form and not repugnant to the Federal Constitution. The State must not interfere with the primary disposal of the soil by the United States, must not tax lands of the United States, nor discriminate in taxation of lands between resident and nonresident proprietors.

Arkansas: No interference with primary disposal of public lands, and lands of the United States not to be taxed.

The enabling act for Texas provided that the State should consent to have questions of boundaries determined by the United States with other Governments; that its constitution should be laid before Congress for final action; the fortifications should be conceded to the United States; that new States might be created with the consent of Texas not exceeding four in number, with or without slavery, south of 36° 30′ north latitude; and that in States formed out of territory north of Missouri compromise there should be no slavery.

Mr. STEPHENS of Texas. Will the gentleman yield as to the boundary of Texas?

Mr. MANN. No; not on the boundary of Texas.

Mr. STEPHENS of Texas. I just want to say that there was good reason for that.

Mr. MANN. I understand that.

Mr. STEPHENS of Texas. It brought on the Mexican War.

Mr. MANN. Every student of history is aware of that fact.

The conditions imposed upon Iowa were made in consideration of land granted, and provided for noninterference by the State with the primary disposal of the soil within the same by the United States; for regulations by Congress for securing the title in such soil to bona fide purchasers thereof; for the nontaxation of United States property; for the nontaxation of nonresident proprietors at a higher rate than resident proprietors; for the nontaxation, for a limited period of time, of certain bounty land granted for military services.

The enabling act for Wisconsin provided for the freedom of navigable waters leading into the Mississippi from toll. It also provided for the giving of land to Wisconsin upon the condition that it should never interfere with the primary disposal of the soil, and so forth, and not to tax nonresident proprietors at a higher rate than resident proprietors.

The act admitting California declared the State admitted into the Union upon express condition of noninterference with the primary disposal of the public lands, and so forth, and the nontaxation of nonresident proprietors at a higher rate than resident proprietors, and for the freedom of navigable waters within the State.

The Minnesota act contained provisions for the grant of land by the United States (quite common in the Western States) upon the usual conditions as to primary disposal of the soil, and so forth, and the nontaxation of nonresident proprietors at a higher rate than resident proprietors. On May 11, 1858 (11 Stat., 285), Congress declared Minnesota admitted into the Union.

The Oregon act of admission provided that all navigable waters of the State should be free from toll. It also provided for the grant of land to Oregon upon the usual conditions.

The Kansas act of admission provided that nothing contained in the Constitution should be construed to impair the rights of person or property now pertaining to Indians so long as such rights shall remain unextinguished by treaty between the United States and such Indians.

The West Virginia act provided for its admission by proclamation when it should have amended its constitution, as its convention had expressed a desire to do, so as to limit the existence of slavery therein. The constitution was so amended and the State admitted.

The enabling acts for Nevada, Colorado, and Nebraska, all passed in 1864, were much the same. They provided for a constitution which was republican, and so forth, which should prohibit slavery and secure religious liberty. There were the usual provisions concerning public lands and the taxation of

lands. Each act provided as to the convention elected to frame the constitution for the State—

That the members of the convention, thus elected, shall meet at the capital of said Territory on the first Monday in July next, and, after organization, shall declare, on behalf of the people of said Territory, that they adopt the Constitution of the United States. Whereupon the said convention shall be, and it is hereby, authorized to form a constitution and State government for said Territory.

The two Dakotas, Montana, and Washington were all four admitted by the same act. It provided for constitutions republican in form; for "no distinction in civil or political rights on account of race or color * * *"; for an irrevocable ordinance as to religious freedom; as to the nontaxation of Indian lands except where the Indian has severed his tribal relations; for the assumption of certain debts; for the establishment and maintenance of systems of public schools, which shall be open to all the children of such States and free from sectarian control. It provided that the States would be declared admitted by proclamation when they had complied with the enabling act.

In Idaho no conditions except as to the use and disposal of lands granted to the State.

The act admitting Wyoming contained no conditions except some like those of Idaho.

The act for Utah provided that the convention should declare in behalf of the people of the proposed State "that they adopt the Constitution of the United States." It also provided that the State should be republican in form; make no distinction between civil and political rights on account of race or color; not be repugnant to the Constitution of the United States nor the principles of the Declaration of Independence; that there shall be perfect religious toleration; and that polygamous or plural marriages are forever prohibited.

The enabling act for Oklahoma provided that nothing contained in the constitution should be construed to limit or impair the rights of persons or property pertaining to the Indians of said Territory; that the convention shall declare that it adopts the Constitution of the the United States; that the constitution shall be republican in form, make no distinction between civil or political rights on account of race or color, not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence; that there be perfect religious toleration; that there shall be no sale, barter, giving away of liquor, and so forth, within those parts of the State now known as the Indian Territory, and so forth, for 21 years from the date of the admission of the State into the Union, and thereafter until the constitution of the State shall be amended; that provision shall be made for the establishment and maintenance of a system of public schools, open to all the children of the State, free from sectarian control, provided this shall not be construed to prevent the establishment and maintenance of separate schools for white and colored children; that the State shall never enact any law restricting the rights of suffrage on account of race, color, or previous condition of servitude; that the capital of the State shall be located at Guthrie until 1913.

The enabling act providing for the admission of New Mexico and Arizona contains various provisions requiring the insertion in the constitutions of various propositions. Among others, that perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship; and that polygamous or plural marriages, or polygamous cohabitation, and the sale, barter, or giving of intoxicating liquors to Indians, and the introduction of liquors into Indian country are forever prohibited; that the lands and other property belonging to citizens of the United States residing without the said State shall never be taxed at a higher rate than the lands and other property belonging to residents thereof; and various other provisions, including that provisions shall be made for the establishment and maintenance of a system of public schools which shall be open to all the children of said State and free from sectarian control, and that said schools shall always be conducted in English; that said State shall never enact any law restricting or abridging the right of suffrage on account of race, color, or previous condition of servitude, and that ability to read, write, speak, and understand the English language sufficiently well to conduct the duties of the office without the aid of an interpreter shall be a necessary qualification for all State officers and members of the State legislature; that the capital of said State shall, until changed by the electors voting at an election provided for by the legislature of said State for that purpose, be at the city of Phoenix, but no election shall be called or provided for prior to the 31st day of December, 1925.

All of which ordinance described in this section shall, by proper reference, be made a part of any constitution that shall be formed hereunder, in such terms as shall positively preclude the making by any future constitutional amendment of any change or abrogation of the said ordinance in whole or in part without the consent of Congress.

It will be seen that early in the history of the Government Congress prescribed certain conditions to be inserted in the constitutions of the proposed States before those States could be admitted into the Union. And the question arises, first, what power Congress has over the admission of a State before it is admitted; second, what power it has over the constitution of a State after the State is admitted.

Mr. RAKER. Has the gentleman found any place in any of the States that have been admitted where the constitution has not been approved by the President?

Mr. MANN. Oh, yes. The constitution of the State of California was not approved by the President.

Mr. RAKER. It was admitted without the approval of the President?

Mr. MANN. Yes. I think this is the first enabling act that ever required approval either by the President or by Congress, except the one I quoted a while ago. And I may say to the gentleman from California [Mr. RAKER], who was not in the last House, I think no one believes the sum of all wisdom is included in the enabling act——

Mr. RAKER. That is right.

Mr. MANN (continuing). Which in its present form did not originate in this House; but how far it differs from the form which did originate in this House I do not undertake to say.

I wish to discuss for a short time the decision of the court with reference to what Congress has endeavored to do and has done concerning provisions which Congress has required to be inserted in the constitutions of States as they were admitted into the Union.

JUDICIAL DECISIONS AS TO EFFECT OF RESTRICTIONS OR LIMITATIONS IMPOSED BY CONGRESS UPON A STATE AT THE TIME OF ITS ADMISSION.

In the case of Pollard's Lessee *v.* Hagan et al (3 How., 212) it was insisted that the provision in the act of Congress of March 2, 1819, admitting Alabama to the Union, and which prescribed—

that all navigable waters within the said State shall forever remain public highways, free to the citizens of said State and of the United States, without any tax, duty, impost, or toll therefor imposed by said State—

limited the power of Alabama over the navigable waters within her limits.

The court held that this provision was nothing more than the exercise of the power which Congress possessed as to all the States, under the Federal Constitution, "to regulate commerce with foreign nations and among the several States." If the provision went beyond this, the court held that it would be void, saying (p. 223):

When Alabama was admitted into the Union on an equal footing with the original States she succeeded to all the rights of sovereignty, jurisdiction, and eminent domain which Georgia possessed at the date of the cession, except so far as this right was diminished by the public lands remaining in the possession and under the control of the United States for the temporary purposes provided for in the deed of cession and the legislative acts connected with it. Nothing remained to the United States, according to the terms of the agreement, but the public lands. And if any express stipulation had been inserted in the agreement granting the municipal rights of sovereignty and eminent domain to the United States, such stipulation would have been void and inoperative, because the United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain within the limits of a State or elsewhere except in the cases in which it is expressly granted.

In the case of Permoli *v.* First Municipality (3 How., 589) was involved the validity of an ordinance of the city of New Orleans which forbade the celebration of funerals in the Catholic churches of the municipality.

It was insisted that the ordinance violated the Constitution of the United States, the provision of the enabling act for Louisiana, which prescribed that the constitution of the State should contain the fundamental principles of civil and religious liberty, and also the ordinance of 1787. The court said (pp. 609, 610):

The ordinances complained of must violate the Constitution or laws of the United States or some authority exercised under them. If they do not, we have no power by the twenty-fifth section of the judiciary act to interfere. The Constitution makes no provision for protecting the citizens of the respective States in their religious liberties. This is left to the State constitutions and laws; nor is there any inhibition imposed by the Constitution of the United States in this respect on the States. We must therefore look beyond the Constitution for the laws that are supposed to be violated and on which our jurisdiction can be founded. These are the following enabling acts of Congress: That of February 20, 1811, authorized the people of the territory of Orleans to form a constitution and State government; by section 3 certain restrictions were imposed in the form of instructions to the convention that might frame the constitution, such as that it should be republican, consistent with the Constitution of the United States; that it should contain the fundamental principles of civil and religious liberty; that it should secure the right of trial by jury in criminal cases and the writ of habeas corpus; that the laws of the State should be published, and legislative and judicial proceedings be written and recorded in the

language of the Constitution of the United States. Then follows, by a second proviso, a stipulation reserving to the United States the property in the public lands and their exemption from State taxation, with a declaration that the navigation of the Mississippi and its waters shall be common highways, etc.

By the act of April 8, 1812, Louisiana was admitted according to the mode prescribed by the act of 1811. Congress declared it should be on the conditions and terms contained in the third section of that act, which should be considered, deemed, and taken as fundamental conditions and terms upon which the State was incorporated in the Union.

All Congress intended was to declare in advance to the people of the territory the fundamental principles their constitution should contain. This was every way proper under the circumstances; the instrument having been duly formed and presented, it was for the National Legislature to judge whether it contained the proper principles, and to accept it if it did or reject it if it did not. Having accepted the constitution and admitted the States "on an equal footing with the original States in all respects whatever," in express terms, by the act of 1812, Congress was concluded from assuming that the instructions contained in the act of 1811 had not been complied with. No fundamental principles could be added by way of amendment, as this would have been making part of the State constitution. If Congress could make it in part, it might, in the form of amendment, make it entire. The conditions and terms referred to in the act of 1812 could only relate to the stipulation contained in the second proviso of the act of 1811 involving rights of property and navigation, and in our opinion were not otherwise intended.

The principal stress of the argument for the plaintiffs in error proceeded on the ordinance of 1787. The act of 1805, chapter 83, having provided that from and after the establishment of the government of the Orleans territory the inhabitants of the same should be entitled to enjoy all the rights, privileges, and advantages secured by said ordinance and then enjoyed by the people of the Mississippi territory. It was also made the frame of government with modifications.

In the ordinance there are terms of compact declared to be thereby established between the original States and the people in the States afterwards to be formed northwest of the Ohio, unalterable, unless by common consent, one of which stipulations is that "no person demeaning himself in a peaceable manner shall ever be molested on account of his mode of worship or religious sentiments in the said territory." For this provision is claimed the sanction of an unalterable law of Congress, and it is insisted that the city ordinances above have violated it; and what the force of the ordinance is north of the Ohio we do not pretend to say, as it is unnecessary for the purposes of this case. But as regards the State of Louisiana it had no further force after the adoption of the State constitution than other acts of Congress organizing in part the territorial government of Orleans and standing in connection with the ordinance of 1787. So far as they conferred political rights and secured civil and religious liberties—which are political rights—the laws of Congress were all superseded by the State constitution; nor is any part of them in force unless they were adopted by the constitution of Louisiana as laws of the State. It is not possible to maintain that the United States hold in trust by force of the ordinance for the people of Louisiana all the great elemental principles or any one of them contained in the ordinance and secured to the people of the Orleans territory during its existence. It follows no repugnance could arise between the ordinance of 1787 and an act of the Legislature of Louisiana or a city regulation founded on such act, and therefore this court has no jurisdiction on the last ground assumed more than on the preceding ones. In our judgment the question presented by the record is exclusively of State cognizance, and equally so in the old States and the new ones, and that the writ of error must be dismissed.

The case of Strader et al. *v.* Graham (10 How., 82) came from Kentucky and involved the question—

whether slaves who had been permitted by their master to pass occasionally from Kentucky into Ohio acquired thereby a right to freedom after their return to Kentucky.

It was held that this was to be determined exclusively under the laws of Kentucky, and that the ordinance of 1787, as such, was without force after the adoption of the Federal Constitution. The court said (pp. 96, 97):

It is undoubtedly true that most of the material provisions and principles of these six articles, not inconsistent with the Constitution of the United States, have been the established law within this territory ever since the ordinance was passed, and hence the ordinance itself is sometimes spoken of as still in force. But these provisions owed their legal validity and force, after the Constitution was adopted and while the Territorial government continued, to the act of Congress of August 7, 1789, which adopted and continued the ordinance of 1787 and carried its provisions into execution, with some modifications which were necessary to adapt its form of government to the new constitution. And in the States since formed in the territory these provisions, so far as they have been preserved, owe their validity and authority to the Constitution of the United States and the constitution and laws of the respective States, and not to the authority of the ordinance of the old Confederation. As we have already said, it ceased to be in force upon the adoption of the constitution and can not now be the source of jurisdiction of any description in this court.

DRED SCOTT V. SANFORD (19 HOW., 393).

Among other matters considered in this case was the right of Congress by its act to exclude the institution of slavery from a proposed new State, and this involved the power of Congress to determine the domestic institutions of a new State.

In his opinion Justice Daniel approvingly quotes the letter of Madison to Robert Walsh on November 27, 1819, thus (pp. 491, 492):

* * * As to the power of admitting new States into the Federal compact, the questions offering themselves are whether Congress can attach conditions, or the new States concur in conditions, which after admission would abridge or enlarge the constitutional rights of legislation common to other States; whether Congress can, by a compact with a new State, take power either to or from itself, or place the new member above or below the equal rank and rights possessed by the others; whether all such stipulations expressed or implied would not be nullities and be so pronounced when brought to a practical test. It falls within the scope of your inquiry to state the fact that there was a proposition in the convention to discriminate between the old and the new States by an article in the Constitution. The proposition, happily, was rejected. The effect of such a discrimination is sufficiently evident.

Justice Campbell said (p. 508):

The sentiment is now general, if not universal, that Congress had no constitutional power to impose the restriction.

He says further (p. 509):

This claim to impose a restriction upon the people of Missouri involved a denial of the constitutional relations between the people of the States and Congress and affirmed a concurrent right for the latter, with their people, to constitute the social and political system of the new States. A successful maintenance of this claim would have altered the basis of the Constitution. The new States would have become members of a Union defined in part by the Constitution and in part by Congress. They would not have been admitted to "this Union." Their sovereignty would have been restricted by Congress as well as the Constitution.

Justice Curtis, in his dissenting opinion, said (pp. 587, 588):

In the legislative debates which preceded the admission of the State of Missouri into the Union this question was agitated. Its result is found in the resolution of Congress, of March 5, 1821, for the admission of that State into the Union. The constitution of Missouri, under which that State applied for admission into the Union, provided that it should be the duty of the legislature "to pass laws to prevent free negroes and mulattoes from coming to and settling in the State, under any pretext whatever." One ground of objection to the admission of the State under this constitution was that it would require the legislature to exclude free persons of color, who would be entitled, under the second section of the fourth article of the constitution, not only to come within the State, but to enjoy there the privileges and immunities of citizens. The resolution of Congress admitting the State was upon the fundamental condition "that the constitution of Missouri shall never be construed to authorize the passage of any law, and that no law shall be passed in conformity thereto by which any citizen of either of the States of this Union shall be excluded from the enjoyment of any of the privileges and immunities to which such citizen is entitled under the Constitution of the United States." It is true that neither this legislative declaration, nor anything in the constitution or laws of Missouri, could confer or take away any privilege or immunity granted by the Constitution. But it is also true that it expresses the then conviction of the legislative power of the United States, that free negroes, as citizens of some of the States, might be entitled to the privileges and immunities of citizens in all the States.

In Withers *v.* Buckley et al. (20 How., 84) was challenged a law of Mississippi for improving the navigation of one of its inland rivers as violating the provision of the enabling act which guaranteed the free navigation of the Mississippi River. The court held that there was no conflict between the statute of the State and the enabling act, and further said (p. 93):

But for argument let it be conceded that this derelict channel of the Mississippi, called Old River, is in truth a navigable river leading or flowing into the Mississippi; it would by no means follow that a diversion into the Buffalo bayou of waters, in whole or in part, which pass from Homochitto into Old River, would be a violation of the act of Congress of March 1, 1817, in its letter or its spirit, or of any condition which Congress had power to impose on the admission of the new State. It can not be imputed to Congress that they ever designed to forbid or to withhold from the State of Mississippi the power of improving the interior of that State by means either of roads or canals, or by regulating the rivers within its territorial limits, although a plan of improvement to be adopted might embrace or affect the course or the flow of rivers situated within the interior of the State. Could such an intention be ascribed to Congress, the right to enforce it may be confidently denied. Clearly Congress could exact of the new State the surrender of no attribute inherent in her character as a sovereign independent State, or indispensable to her equality with her sister States, necessarily implied and guaranteed by the very nature of the Federal compact. Obviously, and it may be said primarily, among the incidents of that equality, is the right to make improvements in the rivers, water courses, and highways situated within the State.

THE CASE OF THE KANSAS INDIANS (5 WALL., 737).

The Kansas enabling act admitted the State on condition that the Indian rights should remain unimpaired and the General Government at liberty to make any regulations respecting them which it might make if Kansas had not been admitted to the Union. The State, in violation of treaty stipulations, sought to tax Indian lands, and it was held this could not be done. The court said (pp. 755–757):

* * * If the tribal organization of the Shawnees is preserved intact and recognized by the political department of the Government as existing, then they are a "people distinct from others," capable of making treaties, separated from the jurisdiction of Kansas, and to be governed exclusively by the Government of the Union. If under the control of Congress, from necessity there can be no divided authority. If they have outlived many things, they have not outlived the protection afforded by the Constitution, treaties, and laws of Congress. It may be that they can not exist much longer as a distinct people in the presence of the civilization of Kansas, "but until they are clothed with the rights and bound to all the duties of citizens" they enjoy the privilege of total immunity from State taxation. There can be no question of State sovereignty in the case, as Kansas accepted her admission into the family of States on condition that the Indian rights should remain unimpaired and the General Government at liberty to make any regulation respecting them, their lands, property, or other rights which it would have been competent to make if Kansas had not been admitted into the Union. The treaty of 1854 left the Shawnee people a united tribe, with a declaration of their dependence upon the National Government for protection and the vindication of their rights. Ever since this their tribal organization has remained as it was before. They have elective chiefs and an elective council, meeting at stated periods, keeping a record of their proceedings, with powers regulated by custom, by which they punish offenses, adjust differences, and exercise a general oversight over the affairs of the nation. These people have their own customs and laws by which they are governed. Because some of those

customs have been abandoned, owing to the proximity of their white neighbors, may be an evidence of the superior influence of our race, but does not tend to prove that their tribal organization is not preserved. There is no evidence in the record to show that the Indians with separate estates have not the same rights in the tribe as those whose estates are held in common. Their machinery of government, though simple, is adapted to their intelligence and wants and effective, with faithful agents to watch over them. If broken into, it is the natural result of Shawnees and whites owning adjoining plantations and living and trafficking together as neighbors and friends. But the action of the political department of the Government settles beyond controversy that the Shawnees are as yet a distinct people, with a perfect tribal organization. Within a very recent period their headmen negotiated a treaty with the United States, which, for some reason not explained in the record, was either not sent to the Senate or, if sent, not ratified, and they are under the charge of an agent, who constantly resides with them. While the General Government has a superintending care over their interests and continues to treat with them as a nation, the State of Kansas is estopped from denying their title to it. She accepted this status when she accepted the act admitting her into the Union. Conferring rights and privileges on these Indians can not affect their situation, which can only be changed by treaty stipulation or a voluntary abandonment of their tribal organization. As long as the United States recognizes their national character they are under the protection of treaties and the laws of Congress, and their property is withdrawn from the operation of State laws.

ESCANABA CO. V. CHICAGO (107 U. S., 678).

The enabling act for Illinois required that its constitution should be in conformity with the ordinance of 1787, and this provided that—

The navigable waters leading into the Mississippi and St. Lawrence and the carrying places between them shall be common highways and forever free, as well to the inhabitants of the said Territory as to the *citizens of the United States* and those of any other States that may be admitted into the Confederacy, without any tax, impost, or duty therefor (p. 688).

One question in the case was as to the effect of this condition of the enabling act upon the rights and powers of the State after admission to the Union. The court said (pp. 688, 689):

The ordinance was passed July 13, 1787, one year and nearly eight months before the Constitution took effect; and, although it appears to have been treated afterwards as in force in the Territory, except as modified by Congress and by the act of May 7, 1800, chapter 41, creating the Territory of Indiana, and by the act of February 3, 1809, chapter 13, creating the Territory of Illinois, the rights and privileges granted by the ordinance are expressly secured to the inhabitants of those Territories; and, although the act of April 18, 1818, chapter 67, enabling the people of Illinois Territory to form a constitution and State government, and the resolution of Congress of December 3, 1818, declaring the admission of the State into the Union refer to the principles of the ordinance according to which the constitution was to be formed, its provisions could not control the authority and powers of the State after her admission. Whatever the limitation upon her powers as a government whilst in a Territorial condition, whether from the ordinance of 1787 or the legislation of Congress, it ceased to have any operative force, except as voluntarily adopted by her, after she became a State of the Union. On her admission she at once became entitled to and possessed of all the rights of dominion and sovereignty which belonged to the original States. She was admitted, and could be admitted, only on the same footing with them. The language of the resolution admitting her is "on an equal footing with the original States in all respects whatever." (3 Stat., 536.) Equality of constitutional right and power is the condition of all the States of the Union, old and new. Illinois, therefore, as was well observed by counsel, could afterwards exercise the same power over rivers within her limits that Delaware exercised over Black Bird Creek and Pennsylvania over the Schuylkill River.

The case of Cardwell *v.* American Bridge Co. (113 U. S., 205) was like the preceding case, and involved the effect of the provision of the enabling act for California, that "all the navigable waters within the said State shall be common highways and forever free," and so forth.

After reviewing a number of authorities as to the powers of a State over the navigable waters, the court said (p. 210):

These cases illustrate the general doctrine, now fully recognized, that the commercial power of Congress is exclusive of State authority only when the subjects upon which it is exerted are national in their character and admit and require uniformity of regulations affecting alike all the States; and that when the subjects within that power are local in their nature or operation, or constitute mere aids to commerce, the States may provide for their regulation and management until Congress intervenes and supersedes their action.

The complainant, however, contends that Congress has intervened and expressed its will on this subject by a clause in the act of September 9, 1850 (9 Stat., 452), admitting California as a State into the Union, which declares "that all the navigable waters within the said State shall be common highways and forever free, as well to the inhabitants of said State as to the citizens of the United States, without any tax, impost, or duty therefor." (9 Stat., 453.) This declaration is similar to that contained in the ordinance of 1787, for the government of the territory of the United States northwest of the Ohio River, so far as the latter relates to the navigable waters flowing into the Mississippi and the St. Lawrence. And in Escanaba Co. *v.* Chicago we held, with respect to the State of Illinois, that the clause was superseded by her admission into the Union, for she then became entitled to and possessed of all the rights of domain and sovereignty which belonged to the original States. The language of the resolution admitting her declared that it was on "an equal footing with the original States in all respects whatever;" so that, after her admission, she possessed the same power over rivers within her limits that Delaware exercised over Blackbird Creek and Pennsylvania over Schuylkill River.

The two preceding cases are expressly affirmed in Huse *v.* Glover (119 U. S., 543); Sands *v.* Manistee, etc., Co. (123 U. S., 288); and Willamette, etc., Co. *v.* Hatch (125 U. S., 1).

Most of the cases hereinbefore cited were reviewed and reaffirmed in Ward *v.* Race Horse (163 U. S., 504). This case came up from Wyoming, and involved the effect of a treaty with the Bannock Indians. The enabling act for that State, however, contained no reservation in favor of Indians.

THE CASE OF BOLLN V. NEBRASKA (176 U. S., 83).

The enabling act for Nebraska provided for a constitutional convention, and required that—

the members of the convention * * * shall declare, on behalf of the people of said Territory, that they adopt the Constitution of the United States.

Thereupon they were authorized to form a constitution and State government. The subsequent act admitting the State into the Union, admitted it—

upon an equal footing with the original States in all respects whatsoever.

It was contended that the effect of the enabling act was to make the first eight amendments to the Federal Constitution part of the constitution of Nebraska, not subject to change by her people.

The crime charged in the case was a felony, and the prosecution was by information, and this, it was contended, was in violation of the fifth amendment to the Federal Constitution, which prescribed that "no person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury."

After reciting the enabling act and the act admitting Nebraska into the Union, the court said (pp. 87–89):

The argument of the plaintiff in error in this connection is that by these acts the people of Nebraska adopted the Constitution of the United States, and thereby the first eight amendments containing the Bill of Rights became incorporated in the constitution of the State, and that the right to proceed for felonies, other than by an indictment of a grand jury (as required by the fifth amendment), was taken away from such State.

But conceding all that can be claimed in this connection and that the State of Nebraska did enter the Union under the condition of the enabling act, and that it adopted the Constitution of the United States as its fundamental law, all that was meant by these words was that the State acknowledged, as every other State has done, the supremacy of the Federal Constitution. The first section of the act of 1867 admitting the State into the Union declared "that it is hereby admitted into the Union upon an equal footing with the original States in all respects whatsoever." It is impossible to suppose that by such indefinite language as was used in the enabling act Congress intended to differentiate Nebraska from her sister States, even if it had the power to do so, and attempt to impose more onerous conditions upon her than upon them, or that in cases arising in Nebraska a different construction should be given to her constitution from that given to the constitutions of other States. But this court has held in many cases that whatever be the limitations upon the power of a Territorial government they cease to have any operative force, except as voluntarily adopted after such Territory has become a State of the Union. Upon the admission of a State it becomes entitled to and possesses all the rights of dominion and sovereignty which belonged to the original States, and, in the language of the act of 1867 admitting the State of Nebraska, it stands "upon an equal footing with the original States in all respects whatsoever." (Escanaba Co., *v.* Chicago, 107 U. S., 678; Cardwell *v.* American Bridge Co., 113 U. S., 205; Willamette Iron Bridge Co. *v.* Hatch, 125 U. S., 1; Ward *v.* Race Horse, 163 U. S., 504.) Indeed, the legislation of Congress connected with the admission of Nebraska into the Union, so far as it bore upon the question of citizenship, was fully considered by this court in the case of Boyd *v.* Thayer (143 U. S., 135), and the conclusion reached that upon its admission into the Union the citizens of what had been the Territory became the citizens of the United States and of the State.

This court has also repeatedly held that the first eight amendments to the Constitution applied only to the Federal courts, and it certainly could never have been intended that these amendments should be imposed upon Nebraska, and thereby a hard and fast rule made for that State that would forever preclude amendments inconsistent with the Bill of Rights of the Federal Constitution and which this court has held to be applicable only to Federal courts. As we have repeatedly held, the fourteenth amendment was not intended to curtail the powers of the States to so amend their laws as to make them conform to the wishes of their citizens to changed views of administration, or to the exigencies of their social life. It may be readily supposed that the inhabitants of each State understand perfectly their own local needs and interests, and with the facilities with which the constitutions of the several States may be amended it is scarcely possible that any evil which might be occasioned by an improvident amendment would not be readily redressed. Not only did Congress in the act of 1867 declare that Nebraska was admitted upon an equal footing with the original States, but the whole Federal system is based upon the fundamental principle of the equality of the States under the Constitution. The idea that one State is debarred while the others are granted the privilege of amending their organic laws to conform to the wishes of their inhabitants is so repugnant to the theory of their equality under the Constitution that it can not be entertained even if Congress had power to make such discrimination. We are therefore of opinion that the provision of the constitution of Nebraska, permitting prosecutions for felony by information, does not conflict with the fourteenth amendment to the Constitution of the United States.

In the case of Stearns *v.* Minnesota (179 U. S., 223) the domestic institutions of the State were not involved, but only the effect of a grant of lands made by the United States to the State of Minnesota in the enabling act upon the conditions accepted by the State in its constitution. The conditions are set out in the extract from the opinion of the court, viz (pp. 243–245):

When Minnesota was admitted into the Union, and admitted on the basis of full equality with all other States, there was within its limits

a large amount of lands belonging to the National Government. The enabling act, February 26, 1857 (11 Stat., 166), authorizing the inhabitants of Minnesota to form a constitution and a State government tendered certain propositions to the people of the Territory, coupled in section 5 with this proviso (11 Stat., 167):

"The foregoing propositions herein offered are on the condition that the said convention which shall form the constitution of said State shall provide, by a clause in said constitution or an ordinance irrevocable without the consent of the United States, that said State shall never interfere with the primary disposal of the soil within the same by the United States or with any regulations Congress may find necessary for securing the title in said soil to bona fide purchasers thereof; and that no tax shall be imposed on lands belonging to the United States, and that in no case shall nonresident proprietors be taxed higher than residents."

And article 2, section 3, of the constitution, passed by virtue of this enabling act, reads as follows (Gen. Stat., Minn., 1894, p. 74):

"The propositions contained in the act of Congress entitled 'An act to authorize the people of the Territory of Minnesota to form a constitution and State government preparatory to their admission into the Union on an equal footing with the original States,' are hereby accepted, ratified, and confirmed and shall remain irrevocable without the consent of the United States; and it is hereby ordained that this State shall never interfere with the primary disposal of the soil within the same by the United States or with any regulations Congress may find necessary for securing the title to said soil to bona fide purchasers thereof; and no tax shall be imposed on lands belonging to the United States, and in no case shall nonresident proprietors be taxed higher than residents."

That these provisions of the enabling act and the constitution, in form at least, made a compact between the United States and the State, is evident. In an inquiry as to the validity of such a compact this distinction must at the outset be noticed. There may be agreements or compacts attempted to be entered into between two States, or between a State and the Nation, in reference to political rights and obligations, and there may be those solely in reference to property belonging to one or the other. That different considerations may underlie the question as to the validity of these two kinds of compacts or agreements is obvious. It has often been said that a State admitted into the Union enters therein in full equality with all the others, and such equality may forbid any agreement or compact limiting or qualifying political rights and obligations; whereas, on the other hand, a mere agreement in reference to property involves no question of equality of status, but only of the power of a State to deal with the Nation or with any other State in reference to such property. The case before us is one involving simply an agreement as to the property between a State and the Nation.

In the case of Mobile, etc., Co. *v.* Mobile (187 U. S., 479), Pollard's lessee *v.* Hagan, cited above, is approved. So also in Kansas *v.* Colorado (206 U. S., 46).

The treaty of 1859 reserved to the Yakima Indians certain rights of taking fish.

It was contended in United States *v.* Winans (198 U. S., 371) that this right of the Indians became subordinate to the powers of the State of Washington upon its admission into the Union "upon an equal footing with the original States."

The court, citing Shively *v.* Bowlby (152 U. S., 1), held that Congress had the power to make grants of land below high-water mark of navigable waters in any Territory of the United States whenever necessary to perform international obligations, to improve the lands, promote foreign and interstate commerce, or carry out other public purposes appropriate to the objects for which the United States held the Territory. Coming to the case in hand, the court said (p. 384):

> The extinguishment of the Indian title, opening the land for settlement and preparing the way for future States, was appropriate to the objects for which the United States held the territory. And surely it was within the competency of the Nation to secure to the Indians such a remnant of the great rights they possessed as "taking fish at all usual and accustomed places." Nor does it restrain the State unreasonably, if at all, in the regulation of the right. It only fixes in the land such easements as enables the right to be exercised.

In the case of Dick *v.* United States (208 U. S., 340) it was held that the United States, under an agreement made with the Nez Perce Indians in 1893, retained control over lands in Idaho to which the Indian title had been extinguished for the purpose of controlling the use of liquor therein after Idaho had been admitted as a State. The period for which control was reserved was 25 years. The court said (p. 359):

> We go no further in this case than to say that the requirement, in the agreement of 1893, that the Federal liquor statutes protecting the Indian country against the introduction of intoxicants into it should, for the limited period of 25 years, be the law for the lands ceded and retained by, as well as the lands allotted to, the Nez Perce Indians, was a valid regulation based upon the treaty-making power of the United States and upon the power of Congress to regulate commerce with those Indians, and was not inconsistent, in any substantial sense, with the constitutional principle that a new State comes into the Union upon entire equality with the original States.

CONCLUSIONS AS TO POWER OF CONGRESS.

What has been stated shows that the States of the Union, new and old, stand upon the same footing of right, power, and sovereignty. Congress, as it has the sole power to admit new States, and as this power is in nowise qualified or circumscribed by the Constitution, may refuse to admit a Territory as a State for a good reason or bad, or for no reason at all. It may, therefore, prescribe conditions of admission and may determine the constitution which shall be adopted; but when the State is in the Union its sovereignty is as full and unimpaired as that of the other States.

Conditions imposed will be binding upon the State if their subject matter is one over which, as to all the States, the Constitution of the United States has conferred paramount authority upon Congress, and also if their subject matter is property and the conditions imposed are in the nature of a property contract between the State and the United States.

A condition, however, which relates to the government of the State (provided only that government be republican in form), or to its domestic institutions or policies, or the mode of amending its constitution and the tenure of its officials, no matter in what manner imposed, nor how solemnly assented to by the people of the proposed State, nevertheless, upon the admission of the State into the Union, and by virtue of that fact, loses all its force alike as an enactment of Congress and as a compact between the State and the United States, and has validity thereafter only if and because it was adopted by the people of the State, and then only so long as it is assented to by them and remains unchanged by them.

Mr. Chairman, it is quite within the power of Congress to prescribe the constitution which shall be adopted by New Mexico or Arizona. We may require them to put in any provision within our sweet will. I have often questioned the desirability of requiring them to insert in their constitution provisions which are already binding upon them by reason of the Constitution of the United States, or requiring them to insert other provisions in their constitution. But whether they do or not, so long as these Territories shall be admitted as States in the Union, our power over them and their constitution as to the domestic institutions of their States has passed from us and is within their control.

I notice for instance, and I have no criticism of it, in the substitute resolution presented by the committee it is proposed to amend the enabling act as to that part of it that requires the officials of New Mexico to be able to speak English. That provision is already in the constitution of New Mexico as presented to us. I do not propose at this time to discuss the desirability of its being there, although I have grave doubt about it. But it could do no possible good, and probably no possible harm, to now amend the enabling act as proposed by the resolution, which resolution if adopted will admit New Mexico as a State in the Union, with that provision in her constitution which we do not propose now to amend but only propose to amend the enabling act. That can be of no possible benefit, because as soon as the State is admitted into the Union, that provision in the enabling act is as dead as a doornail, and no longer has any force or validity. The provision has no force except as included in the constitution which is adopted when the State is brought in. We have the power to keep out Territories, and we have the power to admit them.

The enabling act provided for the approval of the constitutions by the President and by Congress under certain conditions. That we have the power to do. The joint resolution disregards that provision of the enabling act entirely, and proposes to admit the Territories as States into the Union. That we have full power to do. We are not bound by the enabling act as to the admission of these Territories into the Union. We have the same power to disregard the enabling act that we have any other law when we pass a new law, and while the joint resolution, for convenience sake, recognizes certain things in the enabling act, it is not proposed under the joint resolution to bring the States into the Union under the enabling act, nor is it at all necessary to do so. We could pass a law admitting Arizona and New Mexico into the Union and providing only that they should assemble a convention to adopt a new constitution without our approving it in any respect whatever.

It is true that the Constitution says that the United States shall guarantee to each State in the Union a republican form of government. But no one knows what that means, or, if they do, how it could be enforced. It does not provide for putting out of the Union a State. There is no such authority. Neither Congress nor the State can put a State out of the Union, as we discovered a few years ago.

Mr. GRAHAM. They might suspend its right to representation in the Congress.

Mr. MANN. I do not think they could suspend its right to representation in Congress at all.

Mr. GRAHAM. At least that is as far as they could go, if they could go that far.

Mr. MANN. Yes. It is possible that if a monarchy should be set up in one of the States of the Union Congress might pass a resolution declaring that that was not a republican form of government, and that the court might be able to hold under the provision of the Constitution or the resolution, or perhaps without the resolution, that the laws of that State were violative and unconstitutional, and that the Supreme Court could enter an

order which would cause the President of the United States to send an army into a State to enforce the orders of the court. But that question probably will never arise. Let us hope not.

Mr. RAKER. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. RAKER. Is it not, as a matter of fact, that the joint resolution or substitute carried into the present one all the provisions of the original enabling act, and therefore that the President must, if the enabling act must be complied with, still approve the constitution of Arizona?

Mr. MANN. I should say, clearly not. We have in the resolution—and there is no reason why we should not—entirely disregarded the enabling act so far as the question of admission is concerned. The enabling act provides that the States shall be admitted when certain events take place. It is provided by the joint resolution that the States shall be admitted upon entirely different events taking place, and that is wholly within the power of Congress to do as they please about it. Of course the joint resolution, being a joint resolution, must be submitted to the President for his approval or disapproval under the Constitution. If the President approves it, it may be said in a way that he approves the constitution, he approves the joint resolution; but if he disapproves it, it is returned to Congress, and if Congress passes the joint resolution over the President's veto Arizona and New Mexico would be admitted into the Union, no matter what the opinion of the President might be on the subject of the constitution.

Mr. RAKER. Let us see whether that is the fact or not. On line 6, page 3, of the joint resolution it is provided as follows:

That the Territories of New Mexico and Arizona are hereby admitted into the Union upon an equal footing with the original States—

Now, if it stopped there there would be no question on earth, but it says further—

in accordance with the terms of the enabling act approved June 20, 1910.

Does that not carry in all of the provisions of the enabling act, unless hereafter in this joint resolution they are in direct conflict therewith?

Mr. MANN. I have no hesitation whatever in answering that—that refers to the enabling act, as I stated before, as a mere matter of convenience in reference to the terms, such as the terms in reference to lands, property——

Mr. GRAHAM. The gentleman's whole argument has been an answer to it.

Mr. MANN. And things of that sort, and that our power to admit under the Constitution is what this resolution is offered under. Of course its admission comes only after the proclamation of the President, but the President is required in a certain event to issue a proclamation after an election is held in Arizona and New Mexico. Nor do those Territories have any control over the question whether such an election shall be held or not under the terms of the resolution. The election is held by reason of the passage of the joint resolution, if it passes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I would like about 10 minutes more.

Mr. LANGHAM. I yield 10 minutes additional to the gentleman.

Mr. MANN. I have said what I did because myself and some others became somewhat interested in the subject, and one other gentleman helped me prepare the brief which I have presented to the House, and I thought it might be desirable to print it, as it was interesting to me.

I now wish to say a word or two, however, on the subject of the recall.

Mr. Chairman, the Arizona constitution brings before us some propositions which have been widely discussed in various parts of the country, but which so far no one, I believe, has proposed shall be enacted into national laws. I refer especially to the initiative, referendum, and recall.

I am particularly opposed to the recall of judges. A free, independent, and honest judiciary is at the bottom of our system of government. Legislators are supposed to be directly influenced and controlled more or less by popular sentiment and the passing craze of the hour. The legislature may pass a law to-day and repeal it to-morrow, because it is the duty of the legislature to make law, not to determine what the law already is.

The judge, however, finds what the law is and he can not find that the law is one thing to-day and another thing to-morrow if no legislative change has been made. It is the duty of the judge to determine what the law is, not what he may fancy it ought to be. In determining what the law is, the judge ought not to be controlled by passing passion or hysterical opinion.

To hold over every judge the threat that if he does not render a popular opinion of the law he shall be subjected to a campaign before the people to hold his office is to largely destroy his independence and his usefulness.

The Arizona constitution provides that upon petition of 25 per cent of the voters an election shall be held to determine whether a public official shall be recalled or, in other words, removed. To apply this to judges is destructive of a fair judiciary.

We undertake now to provide an unbiased judge and an unbiased jury. We provide a method by which a change of venue can be taken from a judge who is believed to have undue bias for or against one of the parties to a suit or criminal prosecution, and yet the recall system would render every judge biased either for or against the popular side of a great case where the public had become aroused.

No one claims that judges are perfect or that judicial decisions are always correct. Judges are often ignorant of the law and sometimes are swayed by passion or improper considerations. But the remedy proposed would be far worse than any evil now existing.

I am opposed to admitting Arizona as a State unless she amends her constitution so that the recall of public officers shall not apply to judges.

I do not specially favor the initiative, the referendum, or the recall of public officers, but I should not vote to refuse Arizona admission as a State because she has those idiosyncrasies in her constitution. In my opinion, the initiative and referendum and recall will be tried by various States of the Union, and will in the end be practically abandoned. These propositions will break down of their own weight.

I have been in legislative bodies now for many years. The difficulty with legislation is not in enunciating general principles, but it is in applying those principles in detail to all cases alike. But the details of legislation are the important parts of legislation. For instance, everyone is in favor of conservation of national resources, as a general proposition, but when it comes to the application of that proposition in detail, I have never seen anyone yet who was prepared to answer some of the simple questions which arise. Such propositions can be worked out in detail only by experienced legislators and experienced administrators of the law. To submit the general proposition to a vote of the people does no good, and often will permit the legislator to avoid the necessity of really working out the particular problem. To submit the details of such legislation to a popular vote of the people is to ask them to judge of something about which it is impossible for them to know, and such a system would permit the legislator to rely upon the popular vote and to escape the necessity of thorough examination of the subject himself.

Many a bond issue has been voted by the people which was wholly unjustified by the situation. The legislator votes to submit the bond issue to a vote of the people without full knowledge of the subject himself and without taking the trouble to carefully study the subject himself. Instead of learning everything there is to know about the matter and determining it upon his own responsibility in the interest of what he believes to be the good of the people, he will give it only casual examination, and say "Let the people decide," hiding his own responsibility behind the proposition to submit the matter to the people. And often the people have voted for a bond issue because they innocently believed that the legislative body would not submit the proposition to them unless it had been carefully weighed and found to be to their interest.

It will be so about most legislative propositions which would be submitted on a referendum or the initiative. General propositions may be indorsed, but the details will not be studied carefully or worked out with thoroughness. The initiative and the referendum are the boon of the lazy legislator. [Laughter.] They enable him to escape the necessity of study or thought. He avoids responsibility by putting it on somebody else. But the proper system of legislation, it seems to me, is for the people, in their wisdom, to select competent men to represent them in the legislative bodies, to require those men on their peril to study the subjects of legislation, and to enact on their responsibility legislation which will be judged by the people by its results.

Mr. GRAHAM. Will the gentleman submit to a question there?

Mr. MANN. Certainly.

Mr. GRAHAM. So far as shirking or evading the responsibility of the legislator is concerned, will the establishment of the referendum add to the difficulty that now exists because of our Supreme Court plan? Do not the legislators to-day evade their responsibility on the theory that if a law is not sound the Supreme Court will say so, and it does not matter whether they investigate that question or not?

Mr. MANN. I have often thought that when I have seen bills come before the House, and have frequently expressed that view.

Mr. GRAHAM. And not only the House but the State legislatures.

Mr. MANN. Everybody avoids responsibility sometimes, when he can. But does anybody think that under the law and the Constitution, as it now is, when Congress sometimes shirks responsibilities about laws—as to their constitutionality—because they can be passed upon by the Supreme Court, it will aid any by giving another excuse of passing everything on to the people without taking the responsibility which Members ought to take, to know and investigate on their own responsibility? [Applause on the Republican side.]

The CHAIRMAN (Mr. OLDFIELD). The time of the gentleman has expired.

Mr. LANGHAM. Mr. Chairman, I yield to the gentleman five minutes more.

Mr. MANN. If the body of electors are not able to select competent men to represent them, what reason is there to believe that they will be wiser in determining the legislative propositions which may be submitted to them? If the voters are unable to wisely choose their representatives in the legislative body, how will they with greater wisdom pass upon the numerous legislative propositions submitted to them, about which it will often be impossible for them to be well informed, if they have any other duties to perform?

Mr. Chairman, Members of Congress are elected for a term of two years. They practically experience a recall every two years. I believe it is the consensus of opinion that if the Constitution were to be rewritten in this particular the term of a Member of Congress would now be made longer than two years. The reelection or recall every two years—and I measure my words when I say it—destroys half of the usefulness of half the Members of this House. I do not believe it makes them any more responsive to the will of the people.

My own district has been very kind to me. I believe that the voters who have sent me here for many years believe it is my duty to become informed upon the public questions of the day, both by consultation with them and by other study of the subjects, and that they expect when I have reached an honest conclusion, based upon intelligent study, I will express that honest opinion by my acts and votes.

I have always endeavored to know the beliefs and wishes of my constituents and have tried to ascertain whether those beliefs were fundamental or based upon passing excitement. But I do not believe that my constituents would honor me if they thought that my votes in this House were based, not upon honest and considered judgment, but upon a mere estimate of popular excitement or agitation at home.

Mr. Chairman, it seems to me that many of the popular reform movements of the country are too often based only upon propositions to change merely the methods of legislation or merely the methods of accomplishing results. After all, the important thing about government and about legislation is the accomplishment of the result. New problems are constantly arising in every government and in every land—problems that require for their solution the best-applied genius and the most arduous study of our greatest men and women. And those people who fondly believe they are in the van of reform movements because they are urging different methods of selecting legislators or different methods of enacting legislation are, after all, dealing only with the nonessentials and have not yet engaged upon a study of the great essentials of government, which are not form, but substance; not methods, but results. [Applause.]

Mr. LANGHAM. I yield one hour to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Chairman, before beginning, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. OLMSTED. Mr. Chairman, there is no power conferred by the Federal Constitution upon Congress which requires to be exercised with more care than the power to admit new States into this Union. The addition of a new star to the flag—the admission of a new member into the sisterhood of States, upon an equal footing with all the others—is a matter which may well command our sober, serious consideration. And so it is that for days we have been listening to exceedingly able and eloquent speeches upon the republican form of government, upon State governments, State constitutions, and constitutions generally. It is not my purpose to enter very far into that wide field of discussion, interesting and important though it is. I shall endeavor to confine myself more closely to the matter immediately before us, requiring our careful consideration and treatment, in the disposition of the pending resolution.

It is entitled "Joint resolution approving the constitutions formed by the constitutional conventions of the Territories of New Mexico and Arizona." So it was in its original form, but as it is proposed—by the majority of the Committee on Territories—to be amended, it disapproves both those constitutions and provides for their amendment.

The last Congress passed and, on June 20, 1910, the President approved—

> An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States, and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

These Territories have been for a long time clamoring for admission. For 60 years the people of New Mexico have been knocking at the door of Congress. It is related that once, 36 or 37 years ago, they came so close that it was merely as the result of an extraneous incident, so to speak—the shaking of hands between two gentlemen upon this floor—that they were not admitted to statehood then. A Member had made a speech commenting in very severe and unkind terms upon a large section of this country. At its conclusion the then Delegate from New Mexico walked across the Hall and, by way of congratulation, shook hands with him, thus offending enough Members from that section to bring about the defeat of the proposition to admit New Mexico as a State.

But, now, in pursuance of this enabling act, passed by this Congress one year ago, a constitutional convention has been called in New Mexico; the delegates were elected by the people of New Mexico; they assembled as required by this enabling act; they framed a constitution; they submitted that constitution to the people. The enabling act provided that they might submit a constitution as a whole to be voted upon as a whole, and also separate provisions to be voted upon separately.

The people voted. They ratified the constitution so proposed by the constitutional convention, by a majority of 18,000, in that State whose total vote is just about that of a congressional district in Pennsylvania, thus showing a great degree of unanimity in the adoption of their constitution. The enabling act provided that in the event of its rejection by the people a second constitutional convention should be called which should frame a new constitution to be in like manner submitted to the people. But the first constitution submitted was adopted by an overwhelming majority.

Under the enabling act of 1910, when the constitution so adopted was certified to the President of the United States, he was in turn to certify it to Congress. If he approved it and Congress approved it, New Mexico was to become immediately a State. Should the President approve it and Congress fail to disapprove, then, at the end of the next regular session of Congress, New Mexico was to become immediately a State. The constitution adopted by the people of New Mexico was duly certified to the President, who in turn forwarded it to Congress on the 24th of February, 1911, with a message, in which he said, "I have given my formal approval; I recommend the approval of the same by Congress." The House did approve it, and sent it over to the Senate. I have never heard that there was any objection there to the constitution, but the session was nearly ended and the matter was not reached for action.

Now, if nothing is done by this Congress, then, at the end of the next regular session, New Mexico becomes a State by the terms of the enabling act. But this resolution proposes to do something. In its original form it approved the New Mexico constitution, but in its amended form it disapproves of that constitution, and the adoption of the resolution would cause delay in the admission of that Territory as a State. So far as New Mexico is concerned, it were better that we take no action at all.

To require any change at all is to disapprove the constitution in its present form, and disapproval by Congress delays statehood. The change suggested is not worth that delay. The only thing proposed to be changed is the nineteenth article, upon the subject of amendments. Gentlemen have argued at great length here that in its present form this is a horrible constitution, impossible of amendment under its present terms, and that it ought to be amended so as to make it more easily subject to amendment by the people of the State.

The principal provisions which the gentlemen who appeared before the Committee on Territories thought they might desire to amend hereafter were those touching railroads, which were declared "drastic and nugatory"; some suggestion was made on the subject of taxation, and one of them said "the proposition for recall was never before us, but we did want the initiative and referendum."

I am not going to discuss the initiative and referendum. If the people of New Mexico want them, I am willing that they shall have them. I am not here to say that with those features in the constitution they would not still have a republican form of government. They can, when they become a State, amend their constitution to secure the initiative and referendum, but we ought not to delay statehood. I am going to call your attention and theirs to a high Democratic authority. You have all heard of Woodrow Wilson, recently elected and now serving as governor of New Jersey. He is a prominent man, very much in the limelight at the present time. A newspaper correspondent, writing from Washington the other day, said that four-fifths of the Members on that side of the Chamber—the Democratic side—were in favor of his nomination for the Presidency.

I do not agree with that. I believe that four-fifths of you on that side favor the nomination of the distinguished Speaker of this House, the honorable CHAMP CLARK. [Applause.] I believe that if we were to have a Democratic President next time, which God forbid, four-fifths of the Members on this side of the House would rather see CHAMP CLARK occupy that high position than any other Democrat. [Applause.]

Mr. GRAHAM. If you wanted us to join the applause you should have left out the "God forbid." [Laughter.]

Mr. OLMSTED. Mr. Wilson is an eminent writer and a very distinguished man. I wish to call the attention of gentlemen on that side of the Chamber particularly to what Mr. Wilson has said in his very justly celebrated work entitled "The State," published in 1898, when he was not in the whirlpool of politics, and had nothing to disturb the calm reflection of his great mind and brain. I am not going to read all that he has written. He discusses at length the operation of the initiative and referendum in Switzerland, which he very truly says is unusually well adapted to their use because of the smallness of the cantons and because the people so live in close proximity to each other that they can readily get together to consult about matters of government. I read from page 309 of his book:

Although the people have delegated their legislative powers to representative chambers in all the Cantons except those which still retain their primitive Landsgemeinden, they have, nevertheless, kept in their own hands more than the mere right to elect representatives. The largest of the Cantons (Berne) has but a little more than half a million inhabitants; the majority of the Cantons have less than 100,000 apiece; and the average population, taking big and little Cantons together, is only about 120,000. Their average area scarcely reaches 640 square miles. The people of such communities stand, as it were, in the midst of affairs. They are in a sense always at hand to judge of the conduct of the public business. Their feelings and their interests are homogeneous, and there is the less necessity to part with their powers to representatives. In seven of the German Cantons a certain number of citizens (the number varies from one to twelve thousands) can demand a popular vote upon the question whether the Great Council shall be dissolved or not; and, if the vote goes in the affirmative, the chamber's term is ended and a new election takes place at once. If this method of control is no longer used it is because more effective methods have been substituted. In almost all the Cantons the question of constitutional revision can be brought to popular vote upon petition, and the revision, if undertaken, may go any length in changing or reversing the processes of legislation.

And then on page 311 he sums up the matter with reference to the initiative as follows:

The initiative has been very little used, having given place in practice, for the most part, to the referendum. Where it has been employed it has not promised either progress or enlightenment, leading rather to doubtful experiments and to reactionary displays of prejudice than to really useful legislation.

In both of the great Cantons of Zurich and Berne, the most populous and influential in the Confederation, it has been used to abolish compulsory vaccination. It was established for the Confederation only six years ago (1891), and has been used in Federal legislation only to aim a blow at the Jews under the disguise of a law, forbidding the slaughtering of animals by bleeding.

In an earlier work published in 1893 and entitled "Character of Democracy in the United States" Prof. Wilson had already said:

Questions of government are infinitely complex questions, and no multitude can of themselves form clear-cut, comprehensive, consistent conclusions touching them. Yet without such conclusions, without single and prompt purposes, government can not be carried on. Neither legislation nor administration can be done at the ballot box. The people can only accept the governing act of representatives.

And again in the same work he said:

Every one now knows familiarly enough how we accomplished the wide aggregations of self-government characteristic of the modern time; how we have articulated governments as vast and yet as whole as continents like our own. The instrumentality has been representation, of which the ancient world knew nothing, and lacking which it always lacked national integration. Because of representation and the railroads to carry representatives to distant capitals, we have been able to rear colossal structures like the Government of the United States as easily as the ancients gave political organization to a city, and our great building is as stout as was their little one.

I quote again from Prof. Wilson's work "The State" upon the subject of referendum. At pages 312–313 he says:

Origin of the referendum: The term referendum is as old as the sixteenth century, and contains a reminiscence of the strictly federal beginnings of government in two of the present cantons of the confederation—Graubunden, mainly, and Valais. These cantons were not at that time members of the confederation, but merely districts allied to it (zugewandete orte). Within themselves they constituted very loose confederacies of communes (in Graubunden, 3; in Valais, 12). The delegates whom the communes sent to the federal assembly of the district had to report every question of importance to their constitutents and crave instruction as to how they should vote upon it. This was the original referendum. It had a partial counterpart in the constitution of the confederation down to the formation of the present forms of government in 1848. Before that date the members of the central council of the confederation acted always under instructions from their respective cantons, and upon questions not covered by their instructions, as well as upon all matters of unusual importance, it was their duty to seek special direction from the home governments. They were said to be commissioned ad audiendum et referendum. The referendum as now adopted by almost all the cantons bears the radically changed character of legislation by the people. Only its name now gives testimony as to its origin.

658. Its origin: In respect of constitutional changes the use of the referendum is not peculiar to Switzerland. In that field its use in this country is older than its use in Switzerland. And in its application to ordinary laws it is modern even in Switzerland. Its earliest adoption was in 1852, and it was not until the decade 1864–1874 that it won its way into the constitutional practice of the greater Cantons. Its use, therefore, is everywhere new, and the experience by which we must judge of it is recent and partial. It is still tested only in part. It has led in most cases to the rejection of radical legislation, even to the rejection of radical labor legislation, such as the ordinary voter might be expected to accept with avidity. The Swiss population, being homogeneous and deeply conservative, have resisted as perhaps no other people have the infection of modern radical opinion. They have shown themselves apt to reject, also, complicated measures which they do not fully comprehend and measures involving expense which seems to them unnecessary.

And yet they have shown themselves not a little indifferent, too. The vote upon most measures submitted to the ballot is usually very light; there is not much popular discussion, and the referendum by no means creates that quick interest in affairs which its originators had hoped to see it excite. It has dulled the sense of responsibility among legislators without, in fact, quickening the people to the exercise of any real control in affairs.

Mr. BUCHANAN. Mr. Chairman, will the gentleman yield?

Mr. OLMSTED. Yes.

Mr. BUCHANAN. I would ask the gentleman what time it was that Mr. Wilson made that statement?

Mr. OLMSTED. The book is dated 1898.

Mr. BUCHANAN. He may have become converted by this time.

Mr. OLMSTED. In order to do exact justice to him, I was about to call attention to the fact that, according to this morning's New York Sun, Prof. Wilson, in an address delivered at Portland, Oreg., yesterday spoke approvingly of the initiative and referendum and direct primary as used in that State. Without having his speech before us, we can not, of course, tell to what extent, if any, he has modified his opinions, so clearly set forth in his writings, as I have shown you. In the same speech he opposed the recall as applied to judges.

I am not opposing the initiative and referendum. The people of New Mexico can readily secure them by amending this constitution which they have already adopted. I am merely trying to show that there is nothing about the initiative and referendum proposition which would justify us in delaying statehood to these people, nor making it important to make the constitution they have already adopted more easily amendable by themselves after they have been admitted as a State. As a matter of fact, as anybody may see by reference to the fourth article of this constitution of New Mexico, the referendum is already provided.

REFERENDUM ALREADY PROVIDED FOR.

It is in article 4 expressly specified that—

The people reserve the power to disapprove, suspend, and annul any law enacted by the legislature, except general appropriation laws—

and certain other laws therein specified. And it further provides that—

Petitions disapproving any law other than those above excepted, enacted at the last preceding session of the legislature, shall be filed with the secretary of state not less than four months prior to the next general election. Such petitions shall be signed by not less than 10 per cent of the qualified electors of each of three-fourths of the counties and in the aggregate by not less than 10 per cent of the qualified electors of the State, as shown by the total number of votes cast at the last preceding general election.

The question of the approval or rejection of such law shall be submitted by the secretary of state to the electorate at the next general election; and if a majority of the legal votes cast thereon, and not less than 40 per cent of the total number of legal votes cast at such general election be cast for the rejection of such law, it shall be an-

nulled and thereby repealed with the same effect as if the legislature had then repealed it, and such repeal shall revive any law repealed by the act so annulled; otherwise it shall remain in force unless subsequently repealed by the legislature. If such petition or petitions be signed by not less than 25 per cent of the qualified electors under each of the foregoing conditions, and be filed with the secretary of state within 90 days after the adjournment of the session of the legislature at which such law was enacted, the operation thereof shall be thereupon suspended and the question of its approval or rejection shall be likewise submitted to a vote at the next ensuing general election. If a majority of the votes cast thereon and not less than 40 per cent of the total number of votes cast at such general election be cast for its rejection, it shall be thereby annulled; otherwise it shall go into effect upon publication of the certificate of the secretary of state declaring the result of the vote thereon. It shall be a felony for any person to sign any such petition with any name other than his own, or to sign his name more than once for the same measure, or to sign such petition when he is not a qualified elector in the county specified in such petition: *Provided*, that nothing herein shall be construed to prohibit the writing thereon of the name of any person who can not write, and who signs the same with his mark. The legislature shall enact laws necessary for the effective exercise of the power hereby reserved.

Briefly stated, on petition of 10 per cent of the qualified voters of the State any law not of the excepted class must be submitted to the people for their approval or rejection. If 25 per cent sign, the law is instantly suspended until after the people shall have voted thereon. This is the referendum clearly provided for in the constitution as it now stands. There is no occasion to delay statehood on that account.

INITIATIVE ALSO PROVIDED FOR.

Then, over in section 3 of article 19 we find this:

If this constitution be in any way so amended as to allow laws to be enacted by direct vote of the electors, the laws which may be so enacted shall be only such as might be enacted by the legislature under the provisions of this constitution.

That contemplates that the constitution may be so amended by the people as to provide for the initiative. There is no occasion for the delay of statehood on that account.

A GOOD CONSTITUTION.

I shall presently show you that the constitution of New Mexico, already adopted, is not so difficult of amendment as we have been told, but before proceeding to that I shall show you that the constitution already adopted by the people of that Territory is a very good constitution as it now stands, and that it is not subject to the objections which have been urged against it. Mr. H. D. Fergusson, who appeared before the Committee on Territories, complained that the provisions as to railroads were "drastic and nugatory." They certainly are drastic; but if they are nugatory, I have failed to discover the fact.

Mr. GRAHAM. How could it be nugatory if it was too drastic?

Mr. OLMSTED. I do not know; but that is the objection he stated.

Mr. FLOOD of Virginia. It is drastic in its provisions, but nugatory in the fact that the commission had no power to carry it out. That is the idea I understand.

Mr. OLMSTED. I think I shall be able to show you that it has more power than the railroad commission of any other State in the Union.

Mr. STEPHENS of Texas. Does not the gentleman think the compensation allowed the commissioners is out of all reason for the amount of work they are expected to do? Is it not a fact that you pay your district judges $4,500 and pay these men only $1,500? My State would reverse that. I think the commissioners ought to be paid as much as a Federal judge. You pay your supreme judges there under this constitution $6,000 and pay your commissioners the magnificent sum of one-half that.

Mr. OLMSTED. The question of salary is a question for the people of New Mexico. I think myself that the salary is small, but it is a new State, and it is a highly honorable position. A great many men are willing to serve for honor, just as we do in Congress. As a matter of fact, however, the salary is $3,000.

Then Mr. W. R. McGill told the Committee on Territories, as his chief reason why the constitution should be made more easily amendable before statehood is granted, that—

New Mexico is the worst corporation-ridden country and political-machine country that there is to-day in this American Union. I want to say to you, sirs, that for the last 12 years or more, possibly, the public affairs of this country have been run entirely by gang politicians and corporation interests, and consequently that same gang or that same crowd that have run that country have also formulated this constitution and presented it to our people. I need not tell you that it was done by these gang politicians and corporation interests when you read this constitution.

Now he wants to submit amendments to this same corporation-ridden, gang-controlled people. What kind of amendments would he probably get? I submit, Mr. Chairman, that as everybody there—all kinds of people, and the corporations and gang politicians as well—wanted statehood, they all united and put their best foot forward to get a constitution that they believed would be approved by the President and by Congress. Under those conditions they made a better constitution than they would be likely to make after they have acquired statehood and are no longer subject to Congress or the approval of the President, particularly if they are so bound down, so ridden, and so controlled as gentlemen would have us believe.

But let us see if this constitution does bear evidence of corrupt or improper influence.

In the first place it contains a splendid declaration of rights. It declares, among other things, that—

SEC. 2. All political power is vested in and derived from the people; all government of right originates with the people, is founded upon their will, and is instituted solely for their good.

SEC. 3. The people of the State have the sole and exclusive right to govern themselves as a free, sovereign, and independent State.

There are 22 express declarations of rights of the people, and then a provision that—

The enumeration in this constitution of certain rights shall not be construed to deny, impair, or disparage others retained by the people.

Here is a provision upon the subject of elections:

All elections shall be free and open, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

Here is another:

The legislature shall have the power to require the registration of the qualified electors as a requisite for voting, and shall regulate the manner, time, and places of voting. The legislature shall enact such laws as will secure the secrecy of the ballot, the purity of elections, and guard against the abuse of the elective franchise. Not more than two members of the board of registration and not more than two judges of election shall belong to the same political party at the time of their appointment.

Those provisions do not appear to have been written for the special benefit of gang politicians. And there are many others of like import to be found herein.

Now, as to corporations, here is this provision in section 26 of article 4:

The legislature shall not grant to any corporation or person any rights, franchises, privileges, immunities, or exemptions which shall not, upon the same terms and under like conditions, inure equally to all persons or corporations; no exclusive right, franchise, privilege, or immunity shall be granted by the legislature or any municipality in this State.

And then in section 37:

It shall not be lawful for a member of the legislature to use a pass or to purchase or receive transportation over any railroad upon terms not open to the general public, and a violation of this section shall work a forfeiture of the office.

And then in section 38 it provides that—

The legislature shall enact laws to prevent trusts, monopolies, and combinations in restraint of trade.

It does not say whether reasonable or unreasonable.

Mr. GRAHAM. That was written before the Supreme Court amended the law.

Mr. OLMSTED. And again, in sections 13 and 14 of article 11, we find this:

SEC. 13. The legislature shall provide for the organization of corporations by general law. All laws relating to corporations may be altered, amended, or repealed by the legislature at any time, when necessary for the public good and general welfare, and all corporations doing business in this State may, as to such business, be regulated, limited, or restrained by laws not in conflict with the Constitution of the United States or of this constitution.

SEC. 14. The police power of this State is supreme over all corporations as well as individuals.

And again, in section 18:

SEC. 18. The right of eminent domain shall never be so abridged or construed as to prevent the legislature from taking the property and franchises of incorporated companies and subjecting them to the public use the same as the property of individuals.

And so all the way through this constitution we find provisions regulating and controlling corporations, more drastic, I may say, than can be found in the existing constitution of any State in this Union. Now, as to railroads.

Mr. FLOOD of Virginia. I will say to the gentleman that the claim is put forward by its advocates as to the corporation provision in this constitution that it was framed after the Virginia constitutional article on the same subject.

Mr. OLMSTED. I have not yet reached the railroad provision. I am about to take that up. It has been condemned loudly by several gentlemen who have spoken upon the subject. Now, what is it? Here is a State corporation commission to be chosen at the first election for State officers. There are to be six members. Those chosen at the first election are to hold office

for different terms. They are to retire one at a time, so that there is to be an election each year for one State corporation commissioner. No officer, agent, or employee of or person financially interested in any railway, express, or other kind of corporation can be a member of that commission. Section 6 of article 11 says:

Subject to the provisions of this constitution, and of such requirements, rules, and regulations as may be prescribed by law, the State corporation commission shall be the department of government through which shall be issued all charters for domestic corporations and amendments or extensions thereof.

No powers are to be taken away from the legislature. The commission is to operate under the law as enacted by the legislature and under the powers thereby given.

Section 7 says:

The commission shall have power and be charged with the duty of fixing, determining, supervising, regulating, and controlling all charges and rates of railway, express, telegraph, telephone, sleeping-car, and other transportation and transmission companies and common carriers within the State; to require railway companies to provide and maintain adequate depots, stock pens, station buildings, agents, and facilities for the accommodation of passengers and for receiving and delivering freight and express; and to provide and maintain necessary crossings, culverts, and sidings upon and alongside of their roadbeds whenever, in the judgment of the commission, the public interests demand and as may be reasonable and just.

It also enumerates a good many other powers, to change or alter rates, and so forth, which I will not stop to read. The commission is given power to subpœna witnesses and enforce their attendance.

The commission shall have power to subpœna witnesses and enforce their attendance before the commission, through any district court or the supreme court of the State, and through such court to punish for contempt, etc.

That is just as the Interstate Commerce Commission was in the first instance authorized to enforce its subpœnas. Then, when this commission has made an order, either side can appeal to the court. Why should anyone object to that? Why should there not be an appeal to the court? Then that section continues:

The supreme court, for the consideration of such causes, arising hereunder, shall be in session at all times, and shall give precedence to such causes. Any party to such hearing before the commission shall have the same right to remove the order entered therein to the supreme court of the State, as given under the provisions hereof, to the company or corporation against which such order is directed.

It is a very elaborate provision. Very elaborate and definite powers are conferred upon this commission for the thorough and complete regulation of all these corporations. It is idle to contend that corporations are responsible for these provisions; it is more likely that they were inserted by anticorporationists.

But my friend from Missouri [Mr. BOOHER] said yesterday that they all ought to have been left to the legislature. How could the legislature sit and take testimony and determine what would be reasonable rates in particular cases? The Legislature of Pennsylvania tried the fixing of rates arbitrarily, and the court held it to be unconstitutional. The legislature, without evidence before it, could not determine whether rates were reasonable or unreasonable.

The court declared in substance that the reasonableness or unreasonableness of a rate must depend upon the circumstances of each particular case.

This constitution of New Mexico provides for that State just such machinery as Congress provided for interstate railroads by creating a commission to determine these matters. The commission is given full and complete powers over such corporations. No other State constitution provides for their more complete regulation. One gentleman who appeared before the committee complained that "as it was first proposed" the constitution provided that 1,000,000 acres of land underlaid with coal should be taxed as grazing land. We need not concern ourselves about what may have been "at first proposed" if it did not finally get into the constitution. There is nothing of the kind in it. I am certain nobody wants it amended in that way now. Its provisions upon the subject of taxation are all that any fair-minded man could desire.

In article 8, section 1, it is provided that—

The rate of taxation shall be equal and uniform upon all subjects of taxation.

In section 8 of that article it is expressly provided that—

The power to license and tax corporations and corporate property shall not be relinquished by the State or any subdivision thereof.

In section 9 it is provided that—

All property within the territorial limits of the authority levying the tax and subject to taxation shall be taxed therein for State, county, municipal, and other purposes: *Provided*, That the State board of equalization shall determine the value of all property of railroad, express, sleeping-car, telegraph, telephone, and other transportation or transmission companies, used by such companies in the operation of their railroad, express, sleeping-car, telegraph, or telephone lines, or other transportation or transmission lines, and shall certify the value thereof as so determined to the county and municipal taxing authorities.

Sections 11 and 12 provide as follows:

SEC. 11. The legislature may exempt from taxation property of each head of a family to the amount of $200.

SEC. 12. Lands held in large tracts shall not be assessed for taxation at any lower value per acre than lands of the same character or quality and similarly situated held in smaller tracts. The plowing of land shall not be considered as adding value thereto for the purpose of taxation.

These are only a few of the elaborate provisions guarding against any discrimination in the matter of taxation.

Upon the whole, the careful and impartial student will find that this constitution of New Mexico is a better constitution, more restrictive of the rights and privileges of corporations, and more calculated to secure fair and free elections, than most of the State constitutions now in force. There is no urgent need for amendment in any particular and certainly no such urgent need as to require that the constitution shall be sent back to the people of New Mexico before the benefits of statehood shall be conferred upon them.

THE NEW MEXICO CONSTITUTION IN ITS PRESENT FORM IS NOT UNUSUALLY DIFFICULT OF AMENDMENT.

The excuse for disapproving of this constitution at the present time and thus deferring statehood is that the constitution ought to be sent back so that the people of New Mexico may vote for or against a provision making it more easily amendable hereafter than it would be should it go into effect in its present form. A little examination will show that it is as easily amended now as the constitutions of most of the States. The principal objection is that it requires a two-thirds vote in each house of the legislature to submit amendments for the vote of the people. The gentleman from Texas [Mr. HARDY], who opened the discussion this morning, was vociferous and almost violent in his denunciation. I am sorry that he has stepped out of the Chamber for a moment, for I wanted to call his attention to the much greater difficulty of amending the constitution of his own State of Texas.

Section 50 of the constitution of Texas, of 1869, provided that—

The legislature, whenever two-thirds of each house shall deem it necessary——

Mr. STEPHENS of Texas. Will the gentleman permit a correction on that?

Mr. OLMSTED. I will yield to the gentleman, but he can not correct me, because I am reading from the official document which I now hold in my hand.

Mr. STEPHENS of Texas. The constitution of 1869 was a Republican constitution. The constitution we are now living under, under which our present laws are made, was made in 1876 by the Democrats.

Mr. OLMSTED. The constitution of 1869, like that of 1876, was adopted by the people of Texas. I am going to read them both. The constitution of 1869 provided that—

SEC. 50. The legislature, whenever two-thirds of each house shall deem it necessary, may propose amendments to this constitution; which proposed amendments shall be duly published in the public prints of this State at least three months before the next general election of representatives, for the consideration of the people; and it shall be the duty of the several returning officers at the next general election which shall be thus holden, to open a poll for and make a return to the secretary of state of the names of all those voting for representatives who have voted on such proposed amendments; and if thereupon it shall appear that a majority of those voting upon the proposed amendments have voted in favor of such proposed amendments, and two-thirds of each house of the next legislature shall, after such election, ratify the same amendments by yeas and nays, they shall be valid to all intents and purposes as parts of this constitution: *Provided*, that the said proposed amendments shall, at each of the said sessions, have been read on three several days in each house.

You will note that it required a two-thirds vote in each house in two different legislatures.

Mr. GRAHAM. That was only seven years afterwards?

Mr. STEPHENS of Texas. Yes.

Mr. GRAHAM. Is there any presumption that if the people of New Mexico do not like their constitution they can do as Texas did?

Mr. FLOOD of Virginia. I will say to the gentleman that it will take three-fourths of the legislature to authorize the people to vote on the constitution of New Mexico. They have got to carry a majority of all the votes and a majority of half the counties.

Mr. GRAHAM. If the people want to do it, they can. They always find a way. It is for the people of New Mexico to determine this question and not for us. We have no right to legislate for them.

Mr. FLOOD of Virginia. But when the State of New Mexico has been so apportioned that the voice of the people will not be heard upon these things, then it is for us to give them an

opportunity to get from under that constitution by some amendment.

Mr. GRAHAM. Has there been any fraud alleged or shown with reference to the adoption of the present constitution in New Mexico? If there has not been, then, in the absence of fraud, and if a majority of the people of that Territory have indorsed the present constitution, what right or what power have we to butt in?

Mr. FLOOD of Virginia. A great deal of fraud has been alleged. We did not feel, however, it was necessary to go into this, because the number of fraudulent votes alleged were not sufficient to change the result.

The reason that the people swallowed the constitution was their great desire for statehood, and, besides, they were misled by the statement, constantly asserted in the newspapers and by stump orators, that this constitution was easy of amendment and the people were deceived in that particular.

Mr. GRAHAM. If the people of New Mexico want statehood, and offer us a constitution that provides for a republican form of government, why should they not have it?

Mr. FLOOD of Virginia. And why should we not say to the people of New Mexico: "If you desire to go to the polls when you elect your State and county officers and members of the legislature and Representative in Congress, and at that time vote upon an amendment to your constitution, you may do so." Why should we not allow them to do it, and let them come in, regardless of the fact of whether they adopt that amendment or reject it? What objection can there be?

Mr. OLMSTED. Mr. Chairman, I think I should like to proceed.

Mr. FLOOD of Virginia. What objection can there be to permitting the people to vote upon that amendment?

Mr. GRAHAM. The gentleman's answer——

The CHAIRMAN. The gentleman from Pennsylvania, who is entitled to the floor, declines to yield.

Mr. GRAHAM. If the gentleman will yield to me one-half a minute——

Mr. OLMSTED. One-half minute.

Mr. GRAHAM. The statement of the gentleman from Virginia [Mr. FLOOD] is, I think, entirely confusing. He proposes to force his views upon the people of New Mexico.

Mr. FLOOD of Virginia. No; not at all; the gentleman is mistaken about that. We simply propose to submit our views to the people, to be adopted or rejected, as they see fit.

Mr. OLMSTED. Mr. Chairman, there was not a scintilla of evidence before the Committee on Territories of any fraud or attempted fraud in the adoption of this constitution; simply general statements that that country was corporation-ridden and gang-politician controlled.

Mr. FLOOD of Virginia. There was a hearing before the Committee on the Territories in the Sixty-first Congress, in which there were numerous charges of fraud and a good deal of proof to that effect, but I will say that we did not deem it necessary or wise to go into that proposition.

Mr. ANDREWS. There were no charges in the Sixty-first Congress.

Mr. FLOOD of Virginia. Oh, but there were.

Mr. OLMSTED. There was no evidence submitted of any fraud. There were general charges, just as there always are.

Now, I have shown you that the Texas constitution of 1869 was, upon its face, much more difficult of amendment than this constitution of New Mexico; but they had no difficulty at all in amending it in 1876. The constitution of 1876, which my friend [Mr. STEPHENS of Texas] tells me is a Democratic constitution, in the very first line of article 17, provides that—

> The legislature at any biennial session, by a vote of two-thirds of all the members elect of the house—

Just exactly what you have in the New Mexico constitution. Where is the difference? Why should the gentleman from Texas [Mr. HARDY] complain of this constitution of New Mexico? In his own State amendments to the constitution can be submitted to the people only once in two years, and then only upon the votes of two-thirds of the members elected to each house.

Mr. STEPHENS of Texas. The difference between that and the Republican constitution of 1869——

Mr. OLMSTED. I am talking about the difference between the present constitution, the Democratic constitution of Texas, and that of New Mexico.

The gentleman from Georgia [Mr. BARTLETT] had something to say along the same line. The constitution of his State provides, in article 13, that—

> Any amendment or amendments may be proposed in the senate or house of representatives; and if the same shall be agreed to by two-thirds of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon—

and then in due time submitted for the vote of the people. In other words, Georgia has precisely the same two-thirds provision as is found in the New Mexico constitution.

Now I come to the constitution of Mississippi. My friend the gentleman from Mississippi [Mr. SISSON] talked about the constitution of his State in condemning this New Mexico amendment provision. Here is the constitution of his State, article 15, section 273:

> Whenever two-thirds of each house of the legislature shall deem any change, alteration, or amendment necessary to the constitution, such proposed change, alteration, or amendment shall be read and passed by a two-thirds vote of each house, respectively, on each day for three several days.

In other words, it is just three times as hard to amend the Mississippi constitution as it is to amend the New Mexico constitution. It is more easily amendable than the constitution of my own State of Pennsylvania, which requires that an amendment be approved by two successive legislatures before it can be submitted to the people.

Those people of New Mexico have sent us up a constitution which the President has approved, and to which there can be no serious objection. It is a good constitution. I contend that under the present provision for amendment there is no difficulty at all in securing any amendment which the people of New Mexico may desire and within a reasonable time. It is true that it requires a two-thirds vote in each house for the first two years, but at the expiration of that time a majority at any regular session may propose amendments. It is far more liberal than the provision contained in many States whose constitutions I have read, and more liberal than in at least 30 States of this Union to-day. Why, then, should this constitution not be approved? Why should it be sent back to them to amend? Why this delay? Why not approve the constitution at once, as provided in the resolution as originally offered by the gentleman from Virginia, and let them become a State at once?

Mr. FLOOD of Virginia. May I ask the gentleman a question?

Mr. OLMSTED. Yes.

Mr. FLOOD of Virginia. I would like him to explain how there can be any delay if the resolution reported by the committee is adopted. How would it delay the admission of New Mexico one day?

Mr. OLMSTED. This resolution, in its amended form, requires the people of New Mexico to vote upon an amendment to their constitution, after which it provides that they shall be admitted into the Union on an equal footing with the original States "in accordance with the terms of the enabling act." That would require an amendment to the constitution to be certified back to, and approved by, the President of the United States, and approved and acted on by Congress, or, if not acted on, to wait until the end of the next regular session. At all events, it bears that construction, and it would tend to the utmost confusion. I say that to turn down this constitution at this time will work inexplicable confusion and delay and uncertainty in the admission of that Territory as a State.

Mr. FLOOD of Virginia. I would like to call the gentleman's attention to the fact that there can not be any delay, because if this resolution is adopted, or the one introduced by me on the first day of the session, the President has to certify that to the governor of New Mexico, and he is to order an election for the State and other officers, and the Territory could not become a State until after the election of those officers.

The vote upon this amendment takes place on the very day that the officers are elected. Whether the people reject or adopt it, they come into the Union. It is to be done on the day that the election of officers takes place, and they have to have that election before they can be admitted. These are the facts. Then how can the resolution as amended cause any delay in the admission of New Mexico as a State?

Mr. OLMSTED. They are to come into the Union in accordance with the terms of the enabling act. The constitution, as amended or without amendment, if voted on again, would have to be certified up here again to the President and to Congress for approval. If not approved, the people of New Mexico would have a set of State officers without being a State. What is the occasion for taking any chances of confusion or delay? They can amend the State constitution after being admitted more easily than almost any other State. For my part I do not think that a constitution ought to be easily amended. I do not think that a State ought to amend its constitution as easily and as often as a man may change his shirt. It is not the purpose of a State constitution to be a vehicle for State legislation through

the medium of amendment. The constitution is the chart by which the ship may sail, but it does not lay down all the details for the construction and operation of the ship. It is the instrument which defines the government and distributes its powers, but it is not expected to be a whole code of legislation within itself, nor to be amended from year to year. It is not intended to be the vehicle of annual or biennial legislation. That is left for the legislature or for the people, if they adopt the initiative.

Much has been said during this debate upon the subject of "a republican form of government," as if the whole matter were to be determined by arriving at the proper definition of that term. I do not so consider it.

Section 4 of Article IV of the Constitution of the United States provides that—

> The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature can not be convened), against domestic violence.

That section has no particular reference to new States nor to the admission of new States. It applies equally to all of the States, no matter when they were admitted. It applies to the original 13 States as well as to the newest State.

No one has yet been able to give a full, complete, and satisfactory definition of the term. One writer has said that, as the 13 original States were all taken into the Union without question as to their form of government, it must be presumed that *when the Constitution* referred to a republican form it must have had reference to the constitutions of some or all of those States.

Madison defined it briefly as "a representative democracy." There are those who hold that the initiative in lessening, if not entirely taking away, the powers and privileges of the Representative, affords something less than a representative form of government. But I do not think that we need dwell upon that proposition.

The provision for the admission of new States is found in section 3 of the same article of the Federal Constitution, and it declares very simply but very definitely that "new States may be admitted by the Congress into this Union." It is within the power of Congress to admit a State on sight, without consideration of its constitution at all, but leaving that to be made by the people after statehood has been conferred. We do not require that the proposed constitution of an intending State shall be submitted to the President and Congress merely that we may determine whether or not that constitution provides a republican form of government, but also that we may determine whether its proposed principles of government are such as to commend it for admission into our glorious family of States. It would be almost a fraud to submit to Congress one constitution or frame of government so satisfactory as to secure the passage of the necessary act of admission, and then after admission immediately amend it in many important particulars, so as to make it an entirely different constitution and one under which Congress might not have been willing to admit the Territory to statehood at all. Therefore it is desirable that a constitution so submitted for the purpose of securing statehood shall be somewhat permanent in character and not susceptible of immediate change. Indeed, it is not desirable that any State shall change its constitution too often. The oftener it is amended, or sought to be amended, the less reverence will be entertained for it by the people.

The constitution already adopted by New Mexico is a most excellent constitution, justly entitled to a certain degree of permanence. It is undoubtedly true that when a State has been admitted into the Union it has the same right as that possessed by any of the older States to change its constitution with or without the consent of Congress, but it is only fair to Congress, which admits it as a State, that the constitution submitted to it for the purpose of securing that admission and which has been approved by Congress at least shall have a fair trial before it is radically changed.

We require the submission of the constitution to us because in the exercise of the power to admit a new State we must exercise a very wise discretion. Before we admit a State we ought to be convinced of the worthiness of that State and its people to be admitted, and one test of such worthiness is the form of government under which they propose to live, or, at least, to commence their statehood existence.

Mr. GRAHAM. Will the gentleman submit to a question?

Mr. OLMSTED. Certainly.

Mr. GRAHAM. Have we any right, any legal right, to go into that question any further than to determine whether the proposed constitution provides for a republican form of government?

Mr. OLMSTED. Why, certainly, we have the right to consider it in every detail, to inform our judgment as to whether that State ought to be admitted.

Mr. GRAHAM. Have we any right to keep a State out for doing that which it would have the power to do after it came in—any legal or moral right?

Mr. OLMSTED. We have a legal right to keep it out. We have a right to keep it out for any legal or any moral reason or for no legal reason or moral reason. We are under no moral or legal obligation to admit any State.

Mr. GRAHAM. Would Congress have the moral right to permit one Territory to come into this Union with Mormonism as a recognized practice, and the moral right, at the same time, to deny another admission on the same ground?

Mr. OLMSTED. The question of moral right is one thing and the question of the constitutional power——

Mr. GRAHAM. But the gentleman mentioned moral rights.

Mr. OLMSTED (continuing). Is another matter.

Mr. GRAHAM. I ask the question because the gentleman mentioned the moral right.

Mr. OLMSTED. I think the gentleman himself first mentioned moral rights. Of course Porto Rico, with 10 times the population, and Hawaii might claim that they have just as good a moral right to be admitted to statehood as either of these Territories now applying.

Mr. MANN. If the gentleman will pardon me, did he notice that there was presented to the House and to the Senate the other day a memorial from the Legislature of the Territory of Hawaii insisting upon their right to be admitted as a State of the Union?

Mr. OLMSTED. There was such a petition, and it is the great ambition of the people of Porto Rico to be admitted to statehood, but we are not bound to admit them.

Mr. GRAHAM. I want to distinguish between the right and the power. I concede we have the power to keep any Territory out of the Union, however well qualified it may be for statehood, but have we the moral right when any Territory otherwise qualified presents to us a charter or constitution which clearly provides for a republican form of government?

Mr. OLMSTED. I think we have a moral right to inform ourselves in any way we please as to the worthiness of the people applying to be admitted to statehood, and one of the tests would be the form of government under which they propose to live, whether republican or otherwise.

Mr. GRAHAM. Does that not imply the right to distinguish between applicants and to refuse one and admit another, both of which are equally qualified for admission?

Mr. OLMSTED. We have that absolute right, and nobody can deny it.

Mr. GRAHAM. Does the gentleman think we ought to exercise it?

Mr. OLMSTED. It is a question for us to consider.

Mr. GRAHAM. We have the right to do a wrong, in other words.

Mr. MANN. Will the gentleman yield?

Mr. OLMSTED. Yes.

Mr. MANN. Will the gentleman pardon a suggestion right there which is raised by my colleague from Illinois [Mr. GRAHAM] as to the difference between the moral right and the power? I assume that no one would contend that Congress had the moral right to keep the State of Illinois, for instance, if it were not now in the Union, out of the Union under present conditions, or to have kept the State of Oklahoma out of the Union with the population that she has now, only a few years ago, or to keep another part of the continental confines of the United States, the original territory, not including Alaska, out of the Union when she became sufficiently populated to ordinarily entitle her to admission as a State. We have the power, but we have no moral right to do it.

Mr. OLMSTED. We have the power, and it is not so much a question of right, moral or legal, as it is a question of discretion and judgment and wisdom whether we shall admit a particular State or not.

Now, I assume that my friend from Illinois [Mr. GRAHAM] agrees with me that as this constitution does provide a republican form of government and is in every respect a good constitution we ought to approve it and admit that State at once.

Mr. GRAHAM. Providing you at the same time admit every other applicant that stands on the same ground.

Mr. OLMSTED. Would you exclude one because somebody else is opposed to another?

Mr. GRAHAM. I would not stand by and see two cases exactly alike discriminated between. I would say both or none.

Mr. OLMSTED. Then you would do two wrongs rather than that one should be done?

Mr. GRAHAM. That would be consistent, at least.

Mr. OLMSTED. Consistently wrong. Now, I have already said I do not think constitutions ought to be too easily amended. When a constitution is submitted to us as a basis of admission to statehood it ought, at least, to have some little degree of permanence, otherwise it might merely "keep the word of promise to the ear but break it to the hope." For two years only they must have two-thirds of the legislature, and after that a majority can amend with greater ease than almost any State in the Union.

Mr. FLOOD of Virginia. My friend from Pennsylvania is mistaken about that. In two years they can amend by a majority; then for eight years it takes two-thirds. Then at one session of the legislature a majority, and then for eight years it takes two-thirds, and so on.

Mr. OLMSTED. Well, they can do what amending they want in two years. There is not any two-thirds after two years. It is a majority every time.

Mr. FLOOD of Virginia. Will the gentleman read it?

Mr. OLMSTED. I have read it.

Mr. FLOOD of Virginia. Let me read it to the gentleman:

Any amendment or amendments to this constitution may be proposed in either house of the legislature at any regular session thereof, and if two-thirds of all members elected to each of the two houses, voting separately, shall vote in favor thereof, such proposed amendment or amendments shall be entered on their respective journals with the yeas and nays thereon.

Then there is a provision that an amendment——

Mr. OLMSTED. Go on.

Mr. FLOOD of Virginia. I will read further:

Or any amendment or amendments to this constitution may be proposed at the first regular session of the legislature held after the expiration of two years from the time this constitution goes into effect, or at the regular session of the legislature convening each eighth year thereafter, and if a majority of all the members elected to each of the two houses, voting separately, at said sessions shall vote in favor thereof, such proposed amendment or amendments shall be entered in their respective journals with the yeas and nays thereon.

Mr. OLMSTED. A majority.

Mr. FLOOD of Virginia. A majority.

Mr. OLMSTED. That is just exactly what I said.

Mr. FLOOD of Virginia. An amendment at the end of two years and then two-thirds for eight years and then eight years before a majority can again amend the constitution. I will say to the gentleman that no person from New Mexico who participated in making that constitution and who appeared before our committee took the position that he takes. They concede, and the Delegate [Mr. ANDREWS] here concedes, that the statement I make in reference to it is correct.

Mr. OLMSTED. At the end of two years the majority can change.

Mr. FLOOD of Virginia. For that one session of the legislature.

Mr. OLMSTED. That is enough.

I propose to vote for the approval of this constitution and the admission of New Mexico as a State. So far as Arizona is concerned——

Mr. FLOOD of Virginia. Before the gentleman passes further I would like to ask him a question, because he has discussed the constitution more fully, and to me more interestingly, than anybody who has spoken upon it. He says any change we make would be a disapproval of the constitution of New Mexico. In that I agree with him. That was the gentleman's statement?

Mr. OLMSTED. Yes.

Mr. FLOOD of Virginia. I agree with him in that. Now, the constitutional convention of New Mexico fixed an erroneous boundary line between New Mexico and the State of Texas, and it was necessary for Congress to change the boundary line as fixed by the constitutional convention in accordance with the facts and acts of Congress and acts of the Legislature of Texas, and this change is made in this resolution. Does the gentleman think the change in the boundary line would be a disapproval of the constitution of New Mexico?

Mr. OLMSTED. If Congress changes the boundary line, it will not be a disapproval of the constitution.

ARIZONA.

I have not so carefully examined the constitution of Arizona, but I have examined it sufficiently to see that it is not, in all its details, so perfect and so complete a constitution as that of New Mexico. But I prefer to accept it, initiative, referendum, recall, and all, leaving it to the good judgment of those people to dispose of those questions afterwards as they see fit, except so far as relates to the recall of judges. My vote will never be cast for the approval of any constitution containing such a provision for the recall of judges. I can not say that I favor the recall as applied to any office, but if the people of Arizona want it I am not going to object. I am not going to say that, as applied to other offices, it would be obnoxious to a republican form of government. But as applied to the judicial office, as the Arizona constitution now stands it certainly would be destructive of those principles upon which our Government is founded, and would weaken and impair that great bulwark upon which all our liberties depend—a courageous, free, and independent judiciary.

The provision is that at any time after he shall have been six months in office 25 per cent of the voters may file a petition for the recall of a judge. He is allowed the poor privilege of resigning within five days, in which event an election is held to determine who shall fill the vacancy. If he shall not resign, the election is held anyway. His name is placed upon the ballot with that of the candidate, or candidates, to run against him, and whoever is elected gets the office. The petitioners may print upon the ballot 200 words showing the reasons for his recall, and the only defense which the judge is permitted to make against this humiliation and disgrace—the only hearing allowed him—is found in the contemptible provision that he may within the limits of 200 words give his reasons why the judicial ermine shall not be snatched from his shoulders.

The fathers of our country, the founders of our Government, provided with great care for the means of impeachment of public Federal officials, including the judiciary, and most or all of the States have similar provisions. They involve the making of specific charges and a trial in which the accused may meet his accusers face to face, produce his witnesses, and make his defense. Such a provision is found in the Arizona constitution, but this power of recall is an added feature. It denies to the judge the privilege allowed to the lowest and meanest criminal, who has a hearing and a fair trial before he is condemned. Here his defense is limited to 200 printed words.

I have known a most learned, upright, and just judge at one term of license court to incur the enmity of the liquor men because he did not grant all the licenses they desired, and at the same time the opposition of the Prohibitionists, because he did not refuse all license applications. Both sides would readily have signed for his recall. I have known a judge whose recall would have been almost certain because he signed and addressed to the board of pardons a letter recommending the commutation of a death sentence to imprisonment for life.

We have been told during this debate of a mayor who was recalled, the real reason being that he had refused to permit a prize fight to take place. If out in that country the corporations and gang politicians are so all-powerful, as we are told, it would be absolutely unsafe for a judge to render a decision contrary to their interests. He would be subject to the humiliation of a petition for recall and plunged into a campaign for reelection, unless he should resign within five days.

Think of it! He is humiliated and disgraced, and subjected to impeachment practically. Is he given the right to appear with his witnesses? No. Is he given the right to face the witnesses of his accusers? No. Is he given a hearing? No. He is given only the privilege of stating in 200 printed words on the ballot his "justification of his course in office." He is not allowed the privilege that would be given to the lowest and vilest criminal in the land.

My vote shall never be cast in favor of a proposition to set the judicial boat afloat upon the sea of politics or to permit that a judge after six months in office may be put in a position where he must either resign or be plunged again into the political vortex to secure a reelection. This country is, and ever has been, blessed with judges not only learned and capable, but also pure and incorruptible and with absolute courage and independence to decide according to their honest convictions.

Mr. Chairman, from the day when the first judge of Israel received from the Ruler of the Universe the command: "Thou shalt not respect the person of the poor nor honor the person of the mighty, but in righteousness shalt thou judge thy neighbor" down to the present moment of time there has not been nor can there ever be any office within the power of man to confer upon man holding more of human interest than the office of judge. It represents the wisdom, the beneficence, the protection, the dignity, the awful majesty and the vast power of the law. It touches, or may touch, us in almost every relation of life—in our rights, our properties, our liberties, our reputations, or even our lives. Clothed as it is with such vast and varied responsibilities, duties, and powers, the requisite qualification

for this high office include great legal learning, wide legal experience, quick and keen legal perception, a high order of executive ability, unwearying patience, unceasing industry, a warm and gentle heart, yet cold and stern impartiality, rigid honesty, great strength of character, and, above all, an overpowering determination to do equal and exact justice between man and man, without fear, favor, or hope of reward. Inscribed upon the corporate seal of the State Bar Association of the great Commonwealth from which I come is the motto, "Justice is the great interest of mankind on earth," and such should be the actuating, moving, guiding sentiment inscribed upon the heart and conscience of every judge.

Blackstone tells us that the "lucubrations of 20 years" are hardly sufficient to qualify a man for that great office. When we have found a man with all these qualifications, he may, after six months in office, if he render an unpopular decision, be recalled, disgraced, impeached, having been allowed the defense of 200 printed words in justification of his course in office. How could a man fit for the position be found to accept it under such conditions?

As defined by Socrates, the attributes of judgeship are "to hear courteously, answer wisely, consider soberly, decide impartially." Happily, we have in this country judges in whom those attributes are exemplified in the highest degree. We have all seen many instances where courageous judges have rendered just decrees in the face of great popular opposition. We have seen the judges of the supreme court of Kentucky render an opinion commanding a new trial in that most sensational case wherein a Member of this present Congress was a party, and when those judges knew that the State was worked up to a white heat about the matter and that their decision would render them, temporarily, at least, exceedingly unpopular. We have all seen within the past few days nine justices of the Supreme Court of the United States unite in a decree rending, tearing apart, and dissolving one of the greatest and most powerful corporations the world has ever known.

No judge shall ever by my vote be placed in a position where, in order to save himself from humiliation and disgrace, he must trim his sail to every political or popular breeze that blows, or consider the wishes of corporate managers or political bosses, or in rendering his decision take into consideration the probable effect upon his own position.

When the Arizona constitution is amended in that one particular I shall vote for its approval. But let us leave each judge in a position where, without injury or embarrassment to himself, he may render equal and exact justice according to his understanding, and with the firm step of conscious strength go forward, unmoved by public clamor, without reference to any possible effect upon his own reputation or popularity, absolutely free to

> Poise the cause in justice's equal scale,
> Whose beam stands sure.

[Applause.]

Mr. FLOOD of Virginia. I yield 30 minutes to the gentleman from Louisiana [Mr. DUPRE].

Mr. DUPRE. Mr. Chairman, in the first place I desire to thank the gentleman from Virginia [Mr. FLOOD], who controls the time of the majority, for allowing me, with the fine courtesy that belongs to him as a son of the Old Dominion, an opportunity to participate in this discussion. In the second place, I desire to assure the committee that I shall not inject the American farmer into this debate. I have no doubt that he, in common with every good citizen, is intensely interested in the proper disposition of the pending resolution, and I am quite sure that there are eloquent and ingenious statesmen on both sides of this Chamber who, given the opportunity, would and could prove conclusively that his whole future welfare is dependent on the passage or defeat of this measure. I shall eliminate the farmer, however, from no feeling of hostility or indifference, but, on the contrary, from a feeling of friendship for and sympathy with him; for I believe that since the 4th of April last he has been worked "overtime" in this House and that he is entitled to a rest—if not a rest, at least an opportunity to pursue his avocation undisturbed by the "applause," the "loud applause," and the "loud and prolonged applause" that have greeted every allusion to him on this floor. If he lives in far-away Dakota, where the snow is beginning to melt—it was falling yesterday in Wyoming—give him a chance to sow his fields. If by good fortune he lives in Louisiana, where he can raise four crops a year, give him a chance to reap his harvest and to plant another crop. [Applause.]

Certainly the farmer can not justly complain that he has been neglected or overlooked in this extra session, for the RECORD teems with praises of him; of his patriotism; of his industry; his energy; his pluck; his progressiveness; with exultant joy at his prosperity, and tearful lamentation at his adversity. Always he has held the center of the stage, with light of every hue known to the spectrum playing artistically and effectively on his sturdy form and noble brow.

The majority and the minority are equally his friends. Leaders and followers, veterans and recruits, standpatters and insurgents, gentlemen from every section, of every style of oratory, of every degree of personal pulchritude, and of every sartorial taste, have testified to their affection for him and their tender solicitude for his welfare. The gentleman from Birmingham [Mr. UNDERWOOD] loves him no less than the gentleman from that lesser Birmingham, Pittsburg [Mr. DALZELL]. The gentleman from Michigan [Mr. FORDNEY], though he would sell him his lumber at the highest possible price, thinks as much of him as does my silver-tongued and silver-haired friend from the Cotton Belt, the gentleman from Alabama [Mr. HEFLIN]. That king of globe trotters, with the inevitable diary in hand, the gentleman from Connecticut [Mr. HILL], is no more his friend than is the gentleman from Mississippi [Mr. CANDLER], who prefers the beauties of the Tombigbee to the castled banks of the Rhine. [Laughter and applause.] It would be as hard to decide who has the farmer's interests most at heart—whether the Sage of Danville [Mr. CANNON] or the Giant from Marion [Mr. JAMES]—as it was to decide the memorable debate at the Press Club the other night on the relative merits and demerits of hirsute ornamentation. The Apostle of Precedents, the gentleman from Maine [Mr. HINDS], in his philosophic tribute to "The Man with the Hoe," was not less solicitous than the poet-statesman from California [Mr. KENT], who made "Dunc" McKinlay famous by defeating him. The gentleman from Washington [Mr. LA FOLLETTE], who lives so near Saskatchewan that he can see the frolicsome sheep play hide and seek across the Canadian border, has no advantage in his love for the farmer over the gentleman from Texas [Mr. DIES], who, from his Beaumont home, can hear the turbulent roar of the Mexic Sea. By such as these has the farmer been glorified within the past month, and by a host of others, including the distinguished leader of the minority, the gentleman from Illinois [Mr. MANN], whose quondam incisiveness and blithe spontaneity and "near" omniscience are not so conspicuous now as in the good old days when his desk was connected with the Speaker's chair by a wireless apparatus and he could always send or receive the danger signal—S. O. S. [Laughter.]

No, the farmer has not been forgotten. Rather let us pray that, under such a shower of oratorical affection, he will not grow cynical and begin to wonder if we are all sincere. Let us hope that the farmer's daughter, now a student at Vassar or Smith or Newcomb, as a result of and because of Republican legislation, may not suggest to her fond parent the familiar Shakespearean line, "Methinks the lady doth protest too much."

Let us trust that the same farmer's son, driven from the ancestral farm as a result of and because of the same Republican legislation, and now a refugee in some great urban center of wickedness and depravity, may not quote to his revered sire the immortal words of Chimmie Fadden, with apologies to the gentleman from New Jersey [Mr. TOWNSEND], "Dad, I t'ink de 'hole bunch is stringin' yer." [Laughter.]

Mr. Chairman, having thus far strictly adhered to my promise not to embroil the American farmer in this discussion, I address myself to the pending measure. It undertakes to admit two worthy postulants to membership in our sisterhood of States. They have served a long and strenuous novitiate. More than once have they asked to take their final vows. Always objection has come; oftenest when the future seemed serenest. I fear, Mr. Chairman, that they have largely been the football of politics, but at last both the Democratic and Republican Parties have risen to a loftier appreciation of duty and, discarding all political advantage, have by their last platforms bound their followers to immediate admission into the Union of Arizona and New Mexico. The Democratic platform of 1908 says:

> The national Democratic Party has for the last 16 years labored for the admission of Arizona and New Mexico as separate States of the Union, and recognizing that each possesses every qualification successfully to maintain separate State governments, we favor the immediate admission of the Territories of New Mexico and Arizona as separate States of the Union.

The Republican platform of 1908 reads as follows:

> We favor the immediate admission of the Territories of New Mexico and Arizona as separate States in the Union.

The Democratic platform is the more consistent, as since 1892, and every four years thereafter, it has been favoring the immediate and separate admission of these Territories as States, the platform of 1892 declaring as follows:

> We approve the action of the present House of Representatives in passing bills for the admission into the Union as States of the Territories of New Mexico and Arizona.

For a while the Republican Party sought to force their admission as one State. Its then leader, President Roosevelt, in his message of December, 1905, to the Fifty-ninth Congress urged that—

New Mexico and Arizona be admitted as one State. There is no obligation upon us to treat territorial subdivisions, which are matters of convenience only, as binding us on the question of admission to statehood.

But when legislation in accordance with his recommendation was enacted, the Territories refused to enter as Siamese twins, a proposition to that effect having been rejected by a vote of the people. The same Chief Executive in 1908, in accordance with his party's platform and in view of the express will of the people of the Territories, then made this recommendation to the Sixtieth Congress:

I advocate the immediate admission of New Mexico and Arizona as States. This should be done at the present session of Congress. The people of the two Territories have made it evident by their votes that they will not come in as one State. The only alternative is to admit them as two, and I trust that this will be done without delay.

In his message to the first regular session of the Sixty-first Congress, President Taft in December, 1909, used the following language:

The successful party in the last election in its national platform declared in favor of the admission as separate States of New Mexico and Arizona, and I recommend that legislation appropriate to this end be adopted.

But he added the following:

I urge, however, that care be exercised in the preparation of the legislation affecting each Territory to secure deliberation in the selection of persons as members of the convention to draft a constitution for the incoming State, and I earnestly advise that such constitution after adoption by the convention shall be submitted to the people of the Territory for their approval at an election in which the sole issue shall be the merits of the proposed constitution, and if the constitution is defeated by popular vote means shall be provided in the enabling act for a new convention and the drafting of a new constitution.

Thereafter a bill was passed on June 20, 1910, carrying his views into effect, the said bill being in truth "an enabling act," wherein the admission of the States separately was made dependent on their framing constitutions which conformed to the restrictions of the enabling act, and must be ratified by popular vote and thereafter receive the approval of the President and Congress. The exact provision of the law in so far as action by Congress and the President is required reads as follows:

If Congress and the President approve said constitution and the said separate provisions thereof, or if the President approves the same and Congress fails to disapprove the same during the next regular session thereof, then and in that event the President shall certify said facts to the governor, who shall within 30 days after the receipt of said notification from the President of the United States issue his proclamation for the election of the State and county officers, the members of the State legislature, and Representatives in Congress, and all other officers provided for in said constitution, all as hereinafter provided, etc.

The provision is exactly the same for both Territories.

The constitutions were duly framed and ratified by the people, and the President, on February 24, 1911, advised Congress that he had approved the constitution of New Mexico. A resolution giving the approval of Congress passed this House at its last session, but failed in the Senate. No message emanated from the President with regard to Arizona and no resolution of approval was submitted to either House of Congress in so far as I know; the explanation being that the necessary certificate from the governor, chief justice, and secretary of state was not received in time, or, if received, was not in due form. It is generally understood, however, that the President will not give his approval to the constitution of Arizona, as one of its provisions is repugnant to him.

The present resolution undertakes to give the formal approval of Congress to the admission of both States, substantially under the constitutions framed and ratified by their electorate. It comes from the Committee on the Territories, reported by substitute, which provides that the people of Arizona and New Mexico shall vote on certain additional propositions the effect of which will be to give them an opportunity to reiterate or repudiate certain clauses in their proposed constitutions.

I shall not discuss the amendments proposed in the substitute resolution, as they are immaterial from my viewpoint of this question. The naked proposition, as I see it, is, Shall we, or shall we not, admit Arizona and New Mexico into the Union? Both parties favor such action. The people of the Territories are clamoring, even pleading, for it. That they are satisfied with their organic laws is shown by the fact that the constitution of New Mexico was ratified by a vote of 31,742 to 13,999, a majority of 17,743 votes; that of Arizona was approved by a vote of 12,186 to 3,822, a majority of 8,364. The size and extent of the Territories, the number of their inhabitants, the character of the people and their fitness for statehood all measure up to the criterion heretofore established for the admission of other Territories to statehood.

Indeed, all such preliminary questions are concluded, are put beyond the pale of present discussion by the passage of the enabling act in June last, which recognized the fitness of these States for admission. The only test now to be applied is that requirement to be found in section 4 of Article IV of the Constitution of the United States, which reads as follows:

The United States shall guarantee to every State in this Union a republican form of government.

I have read with care the constitutions of Arizona and New Mexico, and in my judgment they, when put into operation, will ordain within the borders of those future States a republican form of government, no matter whether the suggested amendments to these constitutions are adopted or rejected.

In so far as that of New Mexico is concerned, a former Ohio judge, a former Solicitor General of the United States, and an ex-judge of the United States circuit court, whose high professional attainments men without regard to party gladly recognize—William Howard Taft—is of opinion, as shown by his executive approval of February last, that under its constitution a republican form of government will be guaranteed to its people. As far as the constitution of Arizona is concerned, no man can doubt that it, too, guarantees a republican form of government, who reads the illuminating argument of the junior Senator from Oregon [Mr. CHAMBERLAIN], delivered in the Senate of the United States on the 17th of last April. He establishes the proposition by an historical analysis of Article IV of the Constitution of the United States, by a philosophic review of the origin and development of republican government in this country, and by numerous and convincing references to judicial decisions by the courts of a number of States as well as by the Supreme Court of the United States. As I read his speech, I was glad to think of him as a typical American, born in the State of Mississippi, educated in the State of Virginia at the great university immortalized by the names of Washington and Lee, and now representing the State of Oregon in the Senate of the United States, where he stands for the best thought and highest ideals of the Great Northwest.

While time does not permit me to dissect them or refer to them in extenso on this occasion, as I said before, I think that both constitutions are constitutional. I am, however, free to say that neither meets my ideal of a State constitution. There are from my standpoint grave imperfections in both.

For that matter, so are there in the constitution of my own State of Louisiana, which I have sworn to protect and uphold. That of New Mexico is too hidebound, too inelastic. It reeks with cunningly devised schemes to prevent amendment or change. Its provisions with regard to corporate control are transparently nugatory, palpably in the interest of corporations, in spite of the ingenious explanations of these provisions given at the committee hearing by their author, Judge Fall. As one reads the constitution it is easy to see how a Delegate from New Mexico, in the Forty-third and Forty-fourth Congresses, could with ease develop into a Republican Senator from West Virginia. The spirit of the constitution is, in a word, reactionary, out of touch with present-day ideas, and out of line with the enlightened thought of the best men in all parties and in no party.

The constitution of Arizona is too radical. It contains many provisions with which I am not in sympathy, but in spite of its circumstantiality of details, its crudities, its excesses, and its shortcomings, it errs in the right direction. If I had to cast my lot in either one of these new States, and had to live under either of these projected constitutions, I for one would prefer to intrust my life, liberty, and happiness to the organic law of Arizona rather than to that of New Mexico, and I make so bold as to say that a better and more American civilization will develop more quickly in Arizona than in New Mexico, unless the people of the latter State soon cast off the shackles which they, in their almost pathetic eagerness to enter this Union, have suffered to be imposed on them.

Among other provisions occurring in the Arizona constitution is one recognizing and making operative the initiative, referendum, and recall. I take occasion to say that I do not favor any one of those provisions, and I do not believe that they really make for the best interests of any State or of our country as a whole. I see no need of the initiative. There is no law that the people, if a majority of them really want it, can not secure through the present ordinary channels of legislation. Certainly their Representatives are not slow in suggesting or initiating laws for them. In the Sixty-first Congress some 45,000 bills were introduced in the two Houses, one bill for each 2,000 of our people. In this extra session, barely a month old, more than 12,000 bills have been dropped in the respective hoppers. They are bills of every character and description and represent every imaginable theory of legislative relief, including the abolition of the United States Senate.

If the people want any of these bills passed, will it be questioned that their passage can be accomplished without resort to the initiative? Just here, I may say that I for one agree with the Attorney General in the view expressed by him in his recent Princeton speech, that what the people want is not more laws but more efficient enforcement of existing laws. The situation calls more for men than for measures. [Applause.] But because I do not happen to believe in the initiative is no reason why I should call it unrepublican, when it has never been so held by any court, though it exists in Oregon, Oklahoma, Missouri, Arkansas, and other States.

In the same way I see no need for the referendum. As the people can now compel their Representatives to adopt such legislation as they desire, so can they compel them to repeal or modify existing laws when they find them unjust or unsatisfactory. Is there a better evidence of this reserve power in the hands of the people than that public opinion forced a Republican President to call an extra session in 1909 to revise the tariff, and that when the law enacted at that session was practically subjected to a referendum in November, 1910, the people refused to validate the action of their faithless Representatives and repudiated the Payne-Aldrich law in unmistakable tones. [Applause on the Democratic side.] Less than six months thereafter we find the Representatives of the people, through the Democratic majority, responding to the views expressed at the recent referendum and taking steps to initiate and enact legislation in accordance therewith. [Applause on the Democratic side.] I say that there is no real need to incorporate the referendum in a State constitution, and yet I am sure that such a clause does not conflict with a republican form of government within the meaning of the constitutional guaranty.

If the people of Arizona want it in their organic law, I for one, say, let them have it. Let them try it, and if experience demonstrates its unwisdom, they, unlike New Mexico, have left themselves foot-loose and can eliminate it.

I do not favor, because I see no necessity therefor, the insertion of an express recall provision in our scheme of Government. It is there already—an unwritten law, if you please—but one that the people have an unpleasant way of invoking.

For instance, when I came to this House in December last there were approximately 219 Republican Members. To-day the Republicans have dwindled to 160—some 59 of these patriotic gentlemen having been "recalled" by unappreciative constituencies. Is there a more perfect proof of the actual, if latent, existence of the power of recall under our Government than the spectacle of the picturesque gentleman from Illinois, who for eight years occupied the Speaker's rostrum until the 4th of March last, now recalled from that high elevation to a modest seat in the Fifth Row Back? [Laughter on the Democratic side.] And so I say that the underlying idea of the recall and its practical operation are actualities with us to-day. But I would not favor its crystallization in any statute or any extension of it by express law. As a rule, terms of office are short—distressingly so for the occupants of seats in this House—and the people can easily await the expiration of these terms "to turn the rascals out" without suffering serious damage to themselves or to our institutions. A provision that puts the officeholder at the weekly, monthly, semiannual, or annual mercy of a people's recall can not, in my conception of things, make for the stability of our Government nor for the courage or greater honesty of those charged with the enactment or enforcement of the law.

But, after all, it is the people who make the law, who create the office, who define its term, who choose its incumbent. Why, then, from a legal standpoint, can not they elect the official subject to such limitation as to his tenure as they may have previously imposed? Why can not they say, "We will give you a two-year tenure of office, but if you do not measure up to its responsibilities and do not satisfactorily discharge its duties, we reserve the right to turn you out even before the expiration of your term—whenever a majority so decides"? Is there anything antagonistic to a republican form of government in such a reservation of power in the people? If there is, I can not see wherein it lies.

But it is objected that the recall provision in the Arizona constitution will extend even to the judiciary. So it will, but what of it from the angle of whether there is to be a republican form of government in Arizona under its proposed constitution? Is there any difference between the judiciary and the other officers of the Government in the last analysis? Are not judges themselves subject to the supreme control of the people who instituted this Government and who ordained a judiciary to dispense justice therein? Can not the proper authority make the judiciary elective or appointive, extend or reduce their jurisdiction, increase or diminish the emoluments of their offices, and exercise other attributes of creatorship? Why, from the constitutional standpoint, is it permissible to make a governor of Arizona subject to recall but illegal to make the same apply to a judge?

I am a humble follower of the law. For 15 years I have practiced the profession, with the usual average of success and failure. When the day comes—may it be remote—and the people of my district, with the ingratitude with which republics have been accused, retire me from their service, I expect to resume its practice. I love the ideals of the profession; I honor its great names, whether of the past or of the present; I revere its noble exponents on and off the bench, but I never have been one to believe that any "divinity doth hedge" a judge. [Applause on the Democratic side.] There are good and learned judges as there are good and worthy lawmakers. The percentage of good over bad, I am proud to say, is overwhelmingly predominant; but there have been, are, and will be corrupt judges as well as legislators and the one should be made to feel as well as the other the scorn and contempt of his associates and the damning judgment of his fellow citizens.

In my own State of Louisiana the entire judiciary is elective for varying terms of 4, 8, and 12 years. They are subject to impeachment and removal in differing modes: Judges of the supreme court by trial before the senate on charges preferred by the house; judges of the court of appeals and of the district court, among other ways, by a suit of the attorney general or a district attorney, on written request or information of 25 taxpayers of the circuit or district over which the judge presides, subject to appeal to the supreme court. For any reasonable cause, whether sufficient or not for impeachment, the governor is required to remove any judge on the address of two-thirds of all the members elected to each house of the general assembly. Louisiana is not, and never has been regarded as radical in its ideas or laws, yet these are the provisions in its organic law for the recall of unworthy judges.

I have no doubt that other States contain similar or more advanced provisions along these lines. The members of the profession themselves are constantly invoking the substantial idea of the recall as to judges when in their bar associations they protest against the renomination or reelection of a judge who has proven false to his trust. In the light of such provisions as I have quoted, and of such instances as I have cited, ought you or I or the Chief Executive deny statehood to Arizona because that State goes a step further and puts the power of recall of judges in the hands of the people and permits them to effect such recall before the term of the judge has expired?

Mr. Chairman, I yield to no one in my appreciation of the value—indeed, necessity—of an independent and fearless judiciary. I know how much the permanency of our institutions owes to the great jurists of the past. I know how dependent, especially in this time of upheaval and unrest, our future is on the inculcation of a spirit of respect for law and order and of unquestioning obedience by the people to the decisions of the courts. But I know, too, that coequal in importance with this principle, indeed paramount to it, is the duty of upholding the right of self-government, the right of a community to make rules for its guidance as long as these rules do not conflict with superior authority. [Applause.] I would not by my vote insert the right of recall of a judge in the constitution of Louisiana; but believing, as I do, that the Constitution of the United States does not prohibit a Territory desiring to become a State from incorporating such a provision in its organic law, I will not by my vote prevent the admission to statehood of a Territory that desires such a provision in its constitution. I will not by my vote nullify, because of my personal ideas and convictions, the expressed will of more than two-thirds of those who voted to ratify a constitution containing such a provision. I shall support the committee's amendments, because they may more effectively secure the passage of this measure, but with or without them I am ready to vote for the immediate admission of the Territories of Arizona and New Mexico into this Union of States. [Loud applause.]

Mr. LANGHAM. I yield 30 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, the debate on this question has been going on for a week. The mercury has climbed to nearly 100 in the shade. About everything that can possibly be said on the subject has been said; many eloquent speeches have been made; and under these circumstances, late Saturday afternoon, it is somewhat of an embarrassment to attempt to discuss the matter even briefly. Had it not been for some things which have been brought out during the debate, I should not have entered into the discussion at this time.

On the 24th of last February the President of the United States communicated with Congress in the form of a message,

in which he transmitted the proposed constitution of the State of New Mexico and informed us that he had approved the same. On the first day of March following, this House, without division or dissenting vote, approved that constitution. At that time the proposed constitution of the State of Arizona had not reached the Capitol, but it arrived here later, and at the beginning of this session the Committee on Territories very properly took up the consideration of the question of the approval of the proposed constitutions of these two States.

The result of their labors is before us in the resolution now under consideration, in which it is proposed to admit both Territories, but submit to the people of each for their consideration at the time of their first State elections certain proposed amendments to their respective constitutions. The amendment which the people of New Mexico are required to vote upon relates to that portion of their constitution which provides for amendments to that instrument. The proposition presented to the people of Arizona is an opportunity to eliminate from their constitution, if they see fit to do so, the provision for the recall of judges. Both these propositions are in the nature of referendums, and both Territories are to be admitted as States without regard to how their people vote on the propositions presented.

The objection to the constitution of New Mexico, as stated by the majority of the committee, is that its provisions for amendment are such as to make amendment difficult, and all sorts of sinister and unworthy motives are attributed to those who are responsible for that provision. In this condition of affairs it is pertinent to inquire what has occurred since the 1st of March last which has so radically altered the view of the gentlemen on the other side of the aisle touching the proposed constitution of New Mexico. At that time, from anything I have heard to the contrary, that constitution was held to be a most excellent instrument, one under which that new Commonwealth could very properly be admitted into the Union. What has come over the spirit of the dreams of the gentlemen on the other side of the Chamber?

Since that time there has been some criticism of a certain provision in the constitution of Arizona, and I am of the opinion, as I believe many others are, that if it were not for the criticisms that have been made of the provisions of the Arizona constitution touching the recall of judges we never would have heard the philippics hurled from the other side of the aisle against the proposed constitution of New Mexico. But Arizona's constitution has been criticized in one particular, and having been attacked it became necessary for the gentlemen on the other side of the aisle to present a New Mexico Roland for the Arizona Oliver, and so for a week we have heard the Chamber reverberate with most fervid denunciations of this awful instrument, this reactionary constitution of New Mexico, which on the 1st day of March last, according to the vote of the House, was an altogether lovely and proper instrument.

Gentlemen on the other side of the Chamber are much disturbed in regard to this constitution, as to many of its provisions. I have not the time to go over those provisions. I understand that the gentleman from Pennsylvania [Mr. OLMSTED], who preceded me, referred to some of them at length; but having read that constitution with considerable care, it strikes me as being one of the best under which a State has ever proposed to become of the sisterhood of States.

Gentlemen on the other side are particularly disturbed with regard to the provision of the constitution relative to amendment—that is, the provision with regard to amendments to most of the provisions of the constitution. What are those provisions? First, that the legislature shall by two-thirds vote propose amendments. I think 22 of the States of the Union have a similar provision, and some 6 or 7 States of the Union require three-fifths, so that more than a majority of the States of the Union have practically this same provision with regard to the initiation of constitutional amendments. When it comes to the ratification of a constitutional amendment the constitution provides that it shall be by an affirmative majority of the votes cast on the amendment, providing that majority is not less than 40 per cent of all the votes cast, and in half of the counties, and this is the provision that the gentlemen on the other side are particularly disturbed over, forgetful that about a third of the States of the Union have provisions with regard to the ratification of constitutional amendments which render such ratification much more difficult than this provision of the New Mexico constitution. I think there are some eight or nine States which require a majority of all of the votes cast at an election for the ratification of a constitutional amendment, whereas the proposed constitution of New Mexico requires only 40 per cent of all the votes cast.

The constitutions of Iowa and Georgia require for the ratification of a constitutional amendment the affirmative vote of a majority of those qualified to vote for members of the general assembly, which, I assume, means an affirmative vote of a majority of all those registered. No one can deny that these provisions of the constitutions of States of the Union render the amendment of their constitutions much more difficult than the provision of the constitution of New Mexico referred to renders that constitution, and yet against this provision the gentlemen on the other side have thundered, with more eloquence than logic, for a week.

It seems to me it is highly important that the States shall have such constitutional provisions that the fundamental laws can not be amended by a minority vote. The gentleman from Colorado [Mr. MARTIN] opened the debate on this resolution, and I am reminded of the fact that in his State, under a provision by which a constitutional amendment may be adopted by a majority of the votes cast on the question, an important constitutional amendment was adopted several years ago by an affirmative vote of less than 7 per cent of the electors of the State.

The resolution before us which the Democratic majority ask us to support proposes to call upon the people of New Mexico to vote on the question as to whether they shall modify their constitutional provision with regard to general amendments, so that an amendment may be proposed by a bare majority of the legislature and ratified by a bare majority of those who vote on the question. Those who have given any attention to that sort of thing know that in the presence of a noisy, clamorous, and insistent demand, even though it be backed by an infinitesimal minority of the people, a legislature may finally be worn out and working along the line of least resistance prevailed upon to present an amendment for the ratification of the people which a majority of the members do not approve. We also know that it has frequently occurred that amendments thus presented have been adopted, as in the case of the amendment I have referred to in Colorado, by a small minority of the people. Of course, it can be argued that if the proposed amendment is really seriously objectionable the people will take the trouble to vote against it, but this does not necessarily follow. The indifference that often characterizes a vote on a constitutional amendment is quite as likely to arise from the fact that the evils that may lurk in the amendment are not appreciated as from the fact that the amendment is considered innocuous. Certainly there is no crying need for an amendment to the fundamental law of any State the necessity for which is not realized by a majority of those who vote at an election.

Personally I am inclined to favor the Iowa and Georgia provisions, which require that a majority of all those qualified to vote shall give their assent to a constitutional amendment before it shall become part of the organic law. This is but a logical application of the rule of majorities, and those who insist upon what they are pleased to call more liberal provisions with regard to amendments are clamoring not for the rights of the people but for the opportunity of active and possibly ill-advised minorities to write their views into the organic law.

But if the gentlemen on the other side of the aisle were consistent in their demand for the liberalization of the amendment provisions it would be an entirely different matter, but consistency, which is a jewel, shineth not in this report or in the resolution now before us. There are objectionable features in the constitution of New Mexico touching the amendment of four of the articles of the constitution, and this same majority which is so fearful that the people of New Mexico shall not have a right by a minority vote to repeal the bill of rights still leaves the matter of amendment of these articles in such form that if the people of New Mexico want to grant the franchise to women, the better half of mankind, if they want to do away with the teaching of alien language in all the schools of the Commonwealth, they must have the vote of three-fourths of the legislature, three-fourths of the voters, and two-thirds of the electors in every county of the State. And that is the sort of consistency we find in the proposition before us.

If the gentlemen on the other side of the aisle are honest and sincere in their demand that constitutions shall be easily amended, why do they not demand an amendment so that the franchise may be granted to women; that the teaching of Spanish in the schools may some day be dispensed with, and thus a dual civilization and language pass away, without compliance, with requirements which are practically prohibitory?

Article 7, section 1, of the constitution of New Mexico relates to the qualification of electors; section 3 relates to the rights

of citizenship; and section 10 of article 12 provides that the children of Spanish descent shall be granted equal privileges in the schools with other children and that separate schools shall not be established for them. For reasons which seemed good to them the people of New Mexico provided that, so far as these articles were concerned, the constitutional provision relative to amendments should be practically prohibitive.

And gentlemen on the other side, clamorous in their demand that the people of New Mexico shall have the right to amend their fundamental law, leave the provisions of amendment of these sections just as written by the people of New Mexico. Ah, more than that! The gentleman from Colorado [Mr. MARTIN] the other day, when I called his attention to the matter, said, "Well, we did not change that."

Well, that would not have been a very good answer if it had been entirely accurate, but unfortunately it was not entirely accurate. Section 8 of article 12 of the constitution provides for the training of teachers in Spanish in order that the Spanish language may be forever taught in the schools of New Mexico, and thus an alien population permanently maintained there. The people of New Mexico were perfectly content with the provision in their constitution to the effect that an amendment proposed to change this section should only be submitted upon the vote of three-fourths of the legislature, but they were perfectly willing to leave the ratification of that question to the people on the general proposition of ratification of 40 per cent of the electors in half of the counties. But the gentlemen on the other side, claiming to be so anxious to liberalize this constitution, so anxious to give the people of New Mexico an opportunity to amend their constitution by a minority, have in the case of this particular section of article 12 made it much more difficult to amend in their proposed change than was provided in the constitution adopted.

And this is the consistent position which the gentlemen on the other side expect us to follow. If the constitution of New Mexico relative to amendments ought to be amended, it ought to be amended in toto. And yet in regard to those provisions which are practically prohibitive the gentlemen on the other side have either left them as they were, or, as in the case of the article that I have referred to, they have made it more prohibitive than it was before.

Well, I suppose there was some reason for this. In the first place, the Spanish-speaking people of New Mexico are not altogether unacquainted with what the Democratic Party has done to the colored brother in the South, and it would not have done for the Democratic Party to have changed those provisions intended to safeguard the rights of the Spanish-speaking people. Otherwise my friend from Colorado [Mr. MARTIN] could not have made that impassioned appeal in his speech, which sounded like a stump speech to a meeting of his Spanish-speaking constituents, in which he assured them that the Democratic Party did not propose in any way to affect those guaranties which tend to maintain in New Mexico a dual citizenship.

Mr. FLOOD of Virginia. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Virginia?

Mr. MONDELL. I do.

Mr. FLOOD of Virginia. I would like to ask the gentleman if he is comparing the Spanish-speaking citizens of New Mexico and Arizona with the colored people of the South?

Mr. MONDELL. I am not making any comparison. The gentleman himself has made the comparison. I am simply suggesting—and that suggestion came to my mind from the speech of my eloquent friend from Colorado [Mr. MARTIN], when he assured the Spanish-speaking constituents of his State, which borders on New Mexico, that while you as the majority of the House were demanding that a small percentage of the citizens of New Mexico should be given the opportunity to repeal the bill of rights, you were leaving unchanged those provisions that make it practically impossible for the people of New Mexico to dispense with the teaching of Spanish in the schools or further restrict voting or holding office on the ground of inability to speak the English language.

And it was very proper, under the circumstances, that my friend from Colorado, who has the largest Spanish-speaking constituency in the United States outside of New Mexico, should have opened the argument on that side of the Chamber.

I reminded the gentleman at the time that, coming as he did from a woman's-suffrage State and a State where the ladies had had the very good judgment to return him to Congress, it seemed to me that, so long as he was aiding in proposing to amend the constitution of New Mexico it would have been highly logical and proper to have so amended it as to make it possible for the people in New Mexico to grant the franchise to the most intelligent and to the "better half" of mankind. [Laughter.]

But evidently the Democratic Party, while anxious that the good people of New Mexico shall have the right by a minority vote to repeal all of the guarantees, civil and religious, contained in their constitution and adopt every fad and fancy that every change in the political wind may bring to them, does not propose to aid or assist in securing the franchise for women or to lose sight of the hope of electing a Democratic Senator down there by changing one iota a proposition which they fondly imagine appeals to the Spanish-speaking people of the proposed State.

Mr. Chairman, if the Committee on the Territories had simply examined these two constitutions for the purpose of determining whether or not they provided a government republican in form and in harmony with the enabling acts and had reported they had found them such, I should have voted to admit both Arizona and New Mexico into the Union under the constitutions they have adopted without any qualifications or provisions whatever.

I do not believe in the recall of judges. I think that Commonwealth is most unfortunate that shall adopt a provision of that kind. But I realize the right of an American Commonwealth to write into its organic law a provision of that kind, and if the duty of approving or disapproving it had not been presented to us directly, as it has been presented here, I should have been willing to have voted to accept both constitutions. But the gentlemen on the committee saw fit to accept the responsibility of proposing the approval of these constitutions with certain requirements. Their action, then, amounts to an approval of the constitutions after consideration of their provisions with a demand that the people go through the form of again passing on some of their provisions.

Now, we either are for or we are against the proposition of the recall of the judiciary. We have, by the action of a committee of this House, assumed the responsibility of saying whether or no, in our opinion, a provision of that kind should go into a State constitution by approval of Congress; and in that condition of affairs, it seems to me, our duty is perfectly clear, and that is to accept the constitution of New Mexico, a fair and reasonable and just constitution, except as to those particular provisions which the majority do not propose to change, and that, on the contrary, we should demand of the people of Arizona that if they are to receive the approval of the Congress of the United States for their constitution they shall take from it that provision that nine-tenths of the Members of this House believe ought not to be in it. I do not believe there are 10 per cent of the Members of this House who believe in the recall of the judiciary. I firmly believe that a great majority of Members on both sides of the Chamber believe it to be a very unwise and very dangerous provision. We have accepted responsibility, we have gone into the subject, we have laid down certain propositions. We shall not have done our duty until we shall have insisted that, so far as that dangerous provision is concerned, it shall be stricken from the constitution of the State.

In the 15 years that I have been here I have on numerous occasions labored for the admission of these two Territories. I opposed the joint admission of the two as one State, because I believed that the West and the Southwest were entitled to the influence that they will exert more potently as two than as one State. I did not believe that the people occupying that region would have the same influence in the American Congress and in the affairs of the American people as one State, without regard to representation in the Senate, that they will have as two; and so believing, I opposed the proposition of joining the two Territories in a single State.

They are now ready for admission. But one thing stands in the way, the striking from the constitution of Arizona of a provision which is profoundly dangerous. With this done, two more stars from the golden Southwest shall be added to the glorious flag of the Union. [Applause.]

Mr. LANGHAM. Mr. Chairman, I yield 30 minutes to the gentleman from Arizona [Mr. CAMERON].

Mr. CAMERON. Mr. Chairman, at the opening of this debate I had intended to take up the subject quite extensively; but since listening to the able discussions on both sides of this House I do not feel at this late hour that I need take up the time that I had intended to give to this matter, and for that reason I will be very brief in my remarks.

I have the honor to represent what is perhaps one of the most-talked-of Territories that ever asked for admission into the Union. After reading our constitution, some people have erred so far as to intimate that the people of Arizona are not capable

of governing themselves. I wish to say that this is decidedly an erroneous conclusion, and I am going to show that, on the contrary, we have within the confines of the Territory of Arizona the highest type of citizenship of any State within this Union. I am going to make the logic of that claim clear to every one of you. [Applause.] Many of you are familiar with the nature of our citizenship, but for the benefit of those who have never studied the character of the genus Arizonan I will endeavor to make a character sketch of him.

The citizenship of Arizona is made up of people from every State in the Union and from almost every nation on earth. The man in the East who has moved to Arizona and started life anew has of necessity been a man of intelligence, enterprise, and courage. He is of the material of which pioneers are made—men bold and strong in body and courage. The United States has developed the strongest citizenship of any nation on earth, because she has drawn the strong spirits from all the nations of the world. She has displayed her charms to those who were bold enough to throw off the inertia of the ages and strike anew into the unexplored. These pioneers of Europe, the fittest of all her sons, have settled in the older communities of this country and bred sons and daughters. Then the West again began to call, to offer her attractions to those who were again bold enough, strong enough, and intelligent enough to conquer the difficulties that lay in the way of a second migration. Again were the strongest and the fittest taken west.

When these selected, active spirits reached Arizona they found that the country was full of men and women just like them. One man had come from New York, one from Iowa, one from Texas. Each man had brought the ideas of the section from which he came. Each tried out his ideas of farming or mining or cattle raising in the light of his earlier experience. Each compared notes with all his fellows. Each learned toleration. Each constantly broadened his horizon. The life of the West so proved itself a demonstration school of methods, a college for the pushing back of the mental horizon, a nursery for the sons and daughters of the sons and grandsons of selected pioneers.

So, Mr. Chairman, I say to you that the people of Arizona are the results of generations of the fittest men and women that the world has to offer. In no other community has a better opportunity been offered to build up the highest type of the dominant man. The result is the citizenship of Arizona as it exists to-day, which I claim is the highest type of citizenship on earth. The logic of the development of the Territory shows why this statement of mine should not be mere boast, but an actual fact.

Mr. Chairman, I wish to insert into the RECORD some figures from the census of 1910:

Arizona.

	1910	1900
Total population of Territory	204,354	122,931
Native white, native parents	82,472	44,830
Native white, foreign parents	42,161	25,678
Foreign white	46,866	22,395
Negro	2,067	1,848
Chinese	1,220	1,419
Japanese	357	281
Indian	29,201	26,480
Indians taxed	5,072	1,836
Indians not taxed	24,129	24,644

Arizona, 1900. Country of birth:	Foreign-born white persons.
Mexico	13,961
England	1,560
Canada	1,263
Germany	1,243
Ireland	1,155
Italy	699
Scotland	399
Sweden	342
Austria	298
France	253
Denmark	199
Switzerland	199
Wales	136
Norway	123
Russia	107
All other	458
Total	22,395

Mr. Chairman, shortly after I came to Congress I had the pleasure of meeting the late Senator Elkins one day. He had at one time represented the Territory of New Mexico as a Delegate in Congress. He said to me, after I had talked to him for a short time, that a Delegate representing a Territory is simply a political beggar. This I found to be very true. I have been begging ever since I have come to Congress for the admission of Arizona into the Union, and I am here to-day, gentlemen, in that capacity, begging the Democrats and the Republicans on both sides of this House to admit Arizona into the Union, and to do it now.

There has been some discussion on the floor of this House as to Arizona's political faith. I do not think that that question should be taken up here. We are not here asking as Democrats or as Republicans to come into the Union. We are here asking for admission for Arizona and all the people in it, for no clique, nor creed, nor party.

I am here representing the people of Arizona, not the Republican Party, not the Democratic Party, nor the Populist Party, nor any other particular party. I came to Congress as their Representative, and ever since my arrival I have worked in that capacity, and I believe that the Members of this House will bear me out in the statement that I have tried faithfully in every respect to do everything I could for the people whom I represent. [Applause.] I want to say, further, that I am proud to represent Arizona, and I hope that when I retire from Congress the people will have the respect for me which I have for them, and always will have.

Mr. AUSTIN. Mr. Chairman, I will say that we hope to see the gentleman go to the Senate of the United States just as soon as we admit Arizona. [Applause.]

Mr. CAMERON. Mr. Chairman, I want to say as to political faith that everybody knows I am a Republican. I am a Republican because I believe in the Republican doctrine, and I shall believe in it, I know, as long as I live, because I feel it has made and formed one of the greatest Nations that will ever exist. It is not an issue now to be considered who will represent Arizona in Congress after she has been admitted into the Union. I will say to you gentlemen on the other side of the House that if Arizona should elect, to represent her in the Halls of Congress, two Democratic Senators and one Democratic Representative, they will be good men, but if I can help it they will never come here as Democrats. I will do my utmost to see that two Republican Senators and one Republican Representative are sent. But, Mr. Chairman, those are questions which we will fight out at home. All we want now is to have the Members of this House give us an opportunity. Those who come after we are admitted will be capable and efficient men, and a credit to the new State and to the Nation.

Mr. Chairman, it is high time that Arizona be recognized in her efforts to gain a place in the sisterhood of States. I am here in an attempt to remove from her path the last of the obstacles that have for more than a score of years barred her citizens from the privileges that are extended to others of their kind living under the Stars and Stripes.

Mr. Chairman, your Committee on Territories has just reported a resolution for the admission of Arizona and New Mexico. There is a majority and a minority report. The majority report provides that Arizona be admitted and that, following admission, the matter of the recall of judges be voted upon by the people of the proposed State. In other words, it requires that the President shall approve of the constitution of Arizona without knowing whether or not it is to contain the clause that is so objectionable to him.

The minority report, however, takes a different view. It states that Arizona shall be admitted provided she strikes out the recall of judges at the election of her first State officers. It has the effect of virtually striking out the provision for the recall of judges, for Arizona has her choice of striking out this clause or keeping out of the Union. But it has the great advantage of being acceptable to the President. Mr. Taft will, I believe, sign the minority resolution.

Mr. FLOOD of Virginia. Mr. Chairman, I would like to know upon what authority the gentleman says the President will sign the minority resolution; and I suppose he means by that that he would not sign the majority resolution.

Mr. CAMERON. Mr. Chairman, in answer to the gentleman from Virginia, I will state I have said Mr. Taft will, I believe, sign the minority resolution, and I feel that I have excellent reasons for holding that opinion.

Mr. FLOOD of Virginia. Does not the gentleman believe he would sign the majority resolution?

Mr. CAMERON. I will say, if the gentleman will allow me, that I will take up those questions a little later.

Mr. RAKER. Mr. Chairman, just one moment before the gentleman begins. I have understood, and it has been practically conceded on the floor of the House here, that the President would sign this majority resolution if it passed the House. Now, what information has the gentleman contrary to the rest of the statement that he would not sign it?

Mr. CAMERON. I will say to the gentleman from California that these are my personal convictions, and I am solely responsible for them.

Mr. RAKER. Has the gentleman any information on the subject?

Mr. CAMERON. I am not at liberty to answer that question. I have the best of information upon which to base my opinion, and regret that I may not state just what that information is.

Mr. RAKER. Is it not a fact that the committee went to the President to see him?

Mr. WILLIS. Oh, no.

Mr. RAKER. Just a moment. Is it not a fact that the committee went to the President to see him about the matter?

Mr. CAMERON. I am only one of the committee.

Mr. RAKER. That is not the question. The question is, Did not this Committee on Territories send a delegation to the President in regard to these resolutions?

Mr. CAMERON. Mr. Chairman, I feel that I should not yield further to this questioning, as my time is limited in which to conclude my remarks.

Mr. MANN. The gentleman might understand that it is not customary in the House to narrate conversations between a committee and the President.

Mr. FLOOD of Virginia. I will say to the gentleman, Mr. Chairman, what took place between the committee and the President was published in the newspapers, and that certainly there would be no impropriety to state what was so published.

Mr. MANN. We have no objection to the gentleman stating, if he desires to do so.

Mr. FLOOD of Virginia. I do not want to interrupt the Delegate from Arizona until he desires to be interrupted.

Mr. MANN. Everyone knows that the President probably would not sign the resolution.

Mr. HOUSTON. I would like to ask the gentleman a question. Did I understand you to make statement of your opinion on the subject and say it was based upon personal information?

Mr. MANN. I did not.

Mr. HOUSTON. I do not wish to pursue it further, if that is the case. I do not know any authority for the statement of the gentleman from Illinois that the President would not. I do not know what authority the gentleman has.

Mr. MANN. I withdraw it as to the gentleman from Tennessee [Mr. HOUSTON] or anybody on that side of the House. I thought it was generally understood.

Mr. HOUSTON. I will say to the gentleman from Illinois that "the gentleman from Tennessee" and other Members on this side of the House have had as much opportunity to know as the gentleman from Illinois has on this especial matter.

Mr. MANN. I am not questioning that. I am not questioning that wisdom resides on that side of the House.

Mr. HOUSTON. Several Members of this House have had some consultations and interviews on this subject, and have some knowledge, but we do not care, nor is it proper, to discuss what that knowledge is.

Mr. MANN. I think myself it is not proper to discuss conversations had with the President. I have no idea that the President would sign the joint resolution proposed by that side of the House if it ever should go to him.

Mr. HOUSTON. I want to say that I have some ideas on this subject, and they do not concur with the gentleman from Illinois.

Mr. FLOOD of Virginia. I was going to say, Mr. Chairman, that I have no idea the President would fail to sign the resolution reported here by this committee on account of its provision in reference to Arizona.

Mr. WILLIS. If I may be permitted to state, since this matter has come up for general expression of opinion—and I do not think it is proper to discuss in this committee personal conversations had with the President—but I give it to you as my opinion that I have not the slightest idea that the President of the United States, in view of the position he has taken before the country in the past, would sign the resolution reported by the majority of this committee. I want it understood that that is simply my opinion.

Mr. FLOOD of Virginia. With the gentleman's permission——

The CHAIRMAN. Does the gentleman from Arizona [Mr. CAMERON] yield?

Mr. CAMERON. I do.

Mr. FLOOD of Virginia. The newspapers published the fact that a committee from the Committee on Territories, consisting of Mr. HOUSTON of Tennessee, Mr. LEGARE of South Carolina, Mr. GUERNSEY of Maine, and Mr. FLOOD of Virginia, paid the President a visit and consulted with him on this subject.

Mr. CAMERON. Mr. Chairman, I had not any idea that I would precipitate a controversy over this matter. I am trying to make a short statement here of my own. I have not questioned any statement that has been made here during this debate of nearly a week's duration. I have not said one word as to whether these statements were right or wrong, but I now desire to make my position in the matter clear.

So, to get back to the original question, I would say that every indication is that Mr. Taft will not sign the majority resolution. We must have the signature of the President to become a State. We want to take the proper steps to get that signature.

If the minority report is adopted and the measure passes the House, there is every indication that it will pass the Senate also. If it passes the Senate, the President will sign it and the matter will be finally disposed of. If the majority report is adopted, it will meet opposition in the Senate. The bill will come back to this side of the Capitol for further action. If the House finally forced its majority report through the Senate, it would fail of approval by the President and we would be farther from the goal than ever.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LANGHAM. I yield five minutes more to the gentleman.

Mr. CAMERON. Mr. Chairman, it is statehood we want instead of the disfranchisement we have so long suffered. It is definite action we want instead of legislation with a string to it.

It is now two years since President Taft's visit to Arizona. On that occasion he assured the Territory of his friendship and his desire that statehood should soon be granted. The platforms of both parties had declared in favor of statehood. There was apparently no obstacle in the way. In the Congress that followed, Arizona was for the first time in many years represented by a Republican. Congress was Republican. The administration was Republican.

The result of this combination of favorable conditions was that an enabling act was passed, and Arizona lacked only the framing of a suitable constitution to become a State. The President had told our people of the sort of constitution he would approve, and warned them against extremes. But a constitutional convention was called that was entirely dominated by Democrats, and these men framed the very constitution against which the President warned them. The result was that the Territory failed of admission at the last regular session of Congress. The result is that she is still on the outside looking in, while she should even now be holding her election for Senators, Representative, and State officers.

Now, Mr. Chairman, I took the position with the people of Arizona that the right thing for them to do under the enabling act was to frame a constitution under which they might get statehood. Statehood has been the thing nearest the hearts of the people of Arizona for more than two decades. I therefore canvassed the Territory advising that the President's suggestions be followed. I have ever since warned the people whom I represent against extremes in their constitution, for the good and sufficient reason that I knew just what would happen to such a constitution when it came to the President for his signature. The merit or lack of it in the measures proposed has had nothing to do with the advice I gave. I merely pleaded for diplomacy and expediency.

I have known all the time that the President was intensely opposed to such measures as the recall of judges, and that he would refuse to sign a constitution that provided for it. I have insisted that the people of Arizona stand back of me in this matter. I believe they are back of me. There was a time when I was criticized for my stand, but the people have now found out that it is a question of giving over the recall of judges or giving over the hope of statehood, and it is statehood we want. The President very definitely stated his position in the matter in his address before the conference on the reform of criminal law in New York on May 13 last. He said:

> Not content with reducing the position of the judge to one something like that of the moderator in a religious assembly or the presiding officer of a political convention, the judge is to be made still less important and to be put still more on trial and to assume still more the character of a defendant. If his rulings and conduct in court do not suit a small percentage of the electors of his district, he may be compelled to submit the question of his continuance on the bench during the term for which he was elected to an election for recall, in which the reason for his recall is to be included in 200 words and his defense thereto to be equally brief.
>
> It can hardly be said, my friends, that this proposed change, if adopted, will give him greater authority or power for usefulness or constitute a reform in the enforcement of the criminal law of this country. Let us hope that the strong sense of humor of the American people, which has so often saved them from the dangers of demagoguery, will not be lacking in respect to this "nostrum."

Mr. Chairman, we who really want statehood and who are attempting in an intelligent way to get it want no more of this

attempt to force this matter down the throat of the President. We want to take no more chances. We want to give no further opportunities to those trouble mongers who have already caused us so much embarrassment and have, in so doing, kept us out of statehood and are still endangering our chances. We want this minority report, which virtually cuts the objectionable part of the constitution out and leaves it clear sailing to ultimate passage and the signature of the President.

We want this minority report, because it seems sure of a smooth passage through Congress and sure of the signature of the President. The constitution as framed, even with the elimination of the recall of judges, is sufficiently liberal to please the Democrats and those members of the Republican Party who style themselves "progressives." The regular Republicans are going as far as they may well be expected to go when they accept the initiative, the referendum, and the recall of officials other than judges. There seems to me to be no occasion for insisting upon the retention of this one small thing in the constitution when that thing is almost certain to prevent that statehood for which we have so long fought.

Mr. Chairman, I have a wholesome respect for the judgment of the President of the United States. His performances and accomplishments since he came into office have been epoch making. I predict that the time will come when the passing of years has given events of the present the proper perspective, when history will write the name of William Howard Taft high in the annals of fame, when posterity will give him credit for many things that were in advance of his time. [Applause on the Republican side.]

The steadying hand of the President has been felt in Arizona as elsewhere. Since the first indications were at hand, after the passing of the long Democratic domination in Arizona, that statehood was attainable the President's well-balanced mind laid down for the Territory the fundamental principles for a constitution. The President was right in his advice. But had he been wrong, it would have been the part of wisdom for the people of Arizona to have conformed to his wish, for statehood was impossible without the President's approval.

Long before the President made his positive denouncement of the recall of the judges there was no question of his stand in the matter. Attorney General Wickersham had been sent forth to declare the position of the administration on many occasions, and his utterances had been concise and to the point. At the annual banquet of the State Bar Association of New York, in January, Mr. Wickersham, in speaking of the constitutions of the newer States, said:

> What do you think; what will lawyers anywhere, thoughtful lawyers, think of a constitution which provides for the recall of judges by popular election if they render decisions which do not meet with popular applause? Yet that is the sort of thing which is now being advised by men who are seeking to found a Commonwealth on distrust in their fellow citizens. Neither the government of a State nor the government of a city nor the government of a nation can ever progress except in reliance upon the integrity of the greater mass of mankind. Unless every government is to be a failure and unless government of the people and for the people is to perish from the earth, such conceptions as these must receive the reproach of all the thoughtful, patriotic, law-abiding, trusting citizens of this great land.

Mr. Knox and other members of the President's Cabinet have been no less outspoken. It has been clearly obvious from the beginning that those alleged friends of Arizona who were attempting to force certain measures down the throat of the administration were in reality Arizona's worst enemies. Many of these men had the best intentions in the world. Some of them were merely self-exploiters. The results of the labors of all were the same—to embarrass Arizona.

Now we have this majority report which will further embarrass us in our hopes. The minority report will allow us to reach our goal with greater ease. We would therefore prefer that you remove for all time this troublesome appendix to our constitution and allow us to come into that health and vigor to which we are entitled.

Mr. Chairman, this desire for statehood has become a ruling passion with the people of Arizona. They want statehood as they want nothing else. So long has it been held out to them as a bauble to a child and then withdrawn that they have been driven almost to desperation.

Now, with a citizenship such as I have described to you, deprived of a voice in the government of which it is a part, controlled by governors, secretaries, and supreme court judges in whose selection it has no choice, doing business under that unstable form of government accorded to the Territories, you can well imagine the discontent.

These people want statehood. They are not interested in the splitting of hairs over some particular phase of some minor point in the constitution under which they are admitted. They have made that constitution easy of amendment; and if its provisions are not found to be satisfactory, they may be changed. The people of Arizona want to waive all this bother about small matters and get down to business. They want to be admitted into the Union now. [Applause.]

Therefore I ask you to adopt a resolution that will go through and give us statehood.

There is but one other thing in the mind of the people of Arizona. They have the ambition to become the best governed community on earth. The man of the West is not averse to trying experiments. He is not greatly bound by precedent. He believes in trying things out. If they prove the best things, he adopts them. If they prove unsatisfactory, they are rejected. So it is with Arizona. She wants to be the best-governed community on earth. She is trying some experiments in government. Her judgment as to their merits after trial may be relied upon. There need be no fear of the people of Arizona persevering in any mistake. If they are given the statehood to which they are entitled, the bigger sisters need never fear embarrassment on the part of the baby of them all.

So we want to rally the friends of statehood around this minority report and urge it through to final passage. We want, this fall, to hold an election for State officials and Members of Congress. We want to have a man on this side next winter who can not only speak in behalf of the good people of Arizona, but can vote in their interest. We want men on the Senate side to serve with equal purpose. We believe we know the best way of accomplishing this. We ask you, our friends, to join us and help us out in this final struggle for the goal of our ambition. [Applause on the Republican side.]

Mr. FLOOD of Virginia. Mr. Chairman, I yield 45 minutes to the gentleman from Illinois [Mr. GRAHAM].

The CHAIRMAN (Mr. MAGUIRE of Nebraska). The gentleman from Illinois [Mr. GRAHAM] is recognized for 45 minutes.

Mr. GRAHAM. Mr. Chairman, the discussion of this matter has taken a very wide range. Much of it was relevant, but a good deal of it is, I think, irrelevant. It seems to me that too many of the arguments made and too much of the discussion that we have listened to have been devoted to a comparison of the merits of different State constitutions, and are entirely beside the question. I do not think we have much, if anything, to do with the respective merits of the organic laws of the different States that have been admitted into the Union already. The question before us, as I understand it, is not what constitutional provisions are the best, but the simple question, Do the constitutions offered by these two applicants for admission to the Union provide for governments which are republican in form?

There are but two provisions in the Federal Constitution which relate to this matter. One of them is the third section of the fourth article of the Constitution, which provides that Congress may admit new States into the Union. The word "may" means, no doubt, that Congress has discretionary power in any particular case as to whether it will or will not admit the applicant, but surely it was expected to be a wise and honest discretion. The other constitutional provision and the one discussed so much here is, I think, the one we should devote most of our attention to, namely, that "the United States shall guarantee to each State a republican form of government."

Now, I freely concede that under the first of those constitutional provisions Congress has the power to keep any applicant from coming into the Union; and, as developed in the colloquy between the gentleman from Pennsylvania, my friend Mr. OLMSTED, and myself, I concede that Congress has the power to keep an applicant out of the Union, even though Congress is wrong. Congress can arbitrarily exercise that power if it chooses, but I do not think it has the moral right to do it.

For example, a very bright little boy delivers the evening paper at my office. He is about 10 years old. I have the physical power on the slightest pretext, or no pretext at all, to thrash that boy. But, even if no law prevented, have I the moral right to do it? No one would claim that I have. In that same line Congress has the power to keep either one of these applicants or both of them out of the Union, but has it the right to do it? Has it the moral right to do it, even though it has the power, as I concede it has?

I listened with particular attention this afternoon, and with great interest, to the argument made by my colleague from Illinois [Mr. MANN]. I think, so far as the first branch of the case is concerned, his brief and argument absolutely covered every point that could be raised in regard to the question. I thank him for it. It is conclusive; and I was particularly pleased with it, because it covered vastly better than I could cover it my own line of thought on the subject.

I was reminded during the course of his argument of a historical incident with which you are all familiar. When Gen. Jackson was in New Orleans in 1813 he had occasion to proclaim martial law in that city, and, for reasons which seemed satisfactory to him, he placed Judge Hull under arrest there. Later on the judge got after the General and imposed a fine of $1,000 on him for his interference with the judicial branch of the Government. The fine was paid and retained for a long time. Many years afterwards a distinguished Senator from my State—a man not only of national but of international fame—offered a resolution in the Senate that the fine be remitted, and in a very able argument Senator Stephen A. Douglas explained why Gen. Jackson was justified in his action in the premises. When the General afterwards met Senator Douglas he expressed his gratitude very warmly, and remarked, "I always knew I was right in what I did, but I never could give a reason for it till I read your speech." [Laughter.] I thought frequently during the argument of the gentleman from Illinois [Mr. MANN] of that remark of Gen. Jackson's. I was of the same opinion as my colleague [Mr. MANN], but I confess I could not have given as many and as cogent reasons in support of it as he gave.

Now, I repeat, the question before us here is whether these applicants for admission into the Union offer us a scheme of government which is republican in form. If they do, we have no moral right to keep them out of the Union, while I concede we have the physical power to do it, just as I would have the power to thrash the little boy of whom I spoke. But have we the moral right to exercise that power? I think we have not; and, for my part, I am heartily for the resolution offered, because it merely calls their attention to some matters by way of emphasis, but does not deny either of these applicants the right of admission. It is not for us to make fundamental laws for them. It is very well for us to suggest that it were better for them to do this or that, to make this or the other change in their fundamental law, but it is not for us to say, "You shall put this or that in your charter," although, as you present it now, it does provide for a republican form of government, and thus complies with the constitutional requirement. I say we have no moral right to take that position.

Now, do these constitutions provide for a republican form of government? That is the real question before us. I say they do. I have not given them the careful examination that some other gentleman have, but I have listened to many of the arguments and read others, and so far as I know there has been no argument advanced claiming that they do not now offer us constitutions which provide for a republican form of government. And if they do, then I say, so far as the right of the case is concerned we have but one duty to perform, and that is to admit them.

It is argued that many of the provisions in the constitutions offered us are unwise. But what right have we to enter into the question of the internal public policy of either of these proposed States? In my own State we have in our constitution some things which evidently do not meet the approval of the other States. In our constitution of 1870, which is now in operation, there is a provision for minority representation. I do not know of any State which has borrowed that provision, although it has been in force in Illinois for 40 years. It provides for cumulative voting. We divide the State into 51 senatorial districts, and we elect a senator and three representatives from each district. The voter may cast 1 vote for each of three candidates, or 2 votes for one, and 1 for another, 1½ each for two candidates, or 3 votes for one. He can distribute his 3 votes as he pleases among the three candidates in that senatorial district. So far as I am aware, no other State has adopted this scheme, and if the question were up now whether Illinois should be admitted into the Union with that provision in its constitution, gentlemen might argue with as much force that that provision was not a wise one, that it was not sound policy, as they now argue against the alleged objectionable features of those before us.

But my answer to that would be: "Gentlemen, it is none of your business. It is for the people of Illinois to decide that question." [Applause.] And so here there are some provisions in each of these constitutions which I do not approve and which I would not myself write into the organic law.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM. Certainly.

Mr. WILLIS. Mr. Chairman, I am very much interested in what the gentleman says about the constitution of Illinois, and I ask a question entirely for information. How has that provision for cumulative voting worked out? Do the voters, as a matter of fact, generally distribute their votes around, one for each man, or do they follow the cumulative plan?

Mr. GRAHAM. The purpose of it was to enable the minority party in each district to get one representative.

Mr. WILLIS. Does it work out that way?

Mr. GRAHAM. It has worked out that way; but, as far as I know the feelings of the people of Illinois, there is a very strong feeling now that it should be eliminated from the constitution for this reason: That voters from different parties who are not supposed to have a too scrupulous regard for political results can combine and by casting three votes for a particular candidate elect him, although perhaps he should not be elected. In a way it puts a premium on a breach of faith by inducing "plumping" as between two candidates of the same party.

But I am not discussing the merits of it now. I refer to it merely for illustration. I infer from the fact that no other State has adopted it; that it has not met with general approval. I think that is a fair inference, and also that if Illinois were asking admission into the Union here to-day and that provision were in its constitution, gentlemen might object to its admission on that ground. But they would have no right to do it, in my judgment, because such a provision would not deprive Illinois of having a republican form of government, which is the material question and practically the only one before us now.

I listened with very great interest to my friend the gentleman from Ohio [Mr. WILLIS] the other day, and greatly regretted he was not permitted to continue his argument in a consecutive way and without interruption, because, while I did not agree with him, he was presenting the matter in a very concrete and a very logical way. His premises, I think, were unsound, but granting his premises to be sound, the gentleman's mind is so ordered and so orderly that his conclusions will be apt to be sound if his premises are.

Now, the other question is as to the internal public policy of the proposed States, and the one on which he and I disagree. If this question of public policy, of the internal policy of the State is to be considered here, then I repeat that when Illinois, with the provision I referred to in its organic law, came asking for admission, you would probably decide against it because you did not agree with its proposed internal policy. And I am inclined to think the opinion of the majority of the people of Illinois would be in accord with you at this time in saying that it was not the best policy; but again I say you have no right to decide that question for Illinois or for Arizona or New Mexico. You have only the right to decide whether the organic laws offered you here by the people of Arizona and New Mexico present a plan for the government of the future State which is republican in form, and whether the condition of the applicants justifies their admission. Now, that makes acute the question, What is a republican form of government, as intended by the fathers and within the scope and meaning of the language used in the Constitution?

Before taking that up, I want to call attention to the attitude of the minority of the committee here. I have in my hand the "Views of the minority," and I read from it this paragraph:

> We believe that the provision in the Arizona constitution as adopted in that Territory which would authorize 25 per cent of the voters in any judicial district to require an election to be held to see whether some judge who may have rendered an unpopular decision shall be retained in office or ousted from his office is fundamentally destructive of republican form of government.

A main point in that paragraph is the one I emphasize in the reading, "who may have rendered an unpopular decision." Now, that is wholly gratuitous. There is no justification for the insertion of that phrase in the report. Why is that conclusion reached? Who has the right or the power or the wisdom to say whether that would ever happen? I believe that it would not. I firmly believe that it would never happen, but if it did here is the attitude those who take that position put themselves in. They say if that proposition is eliminated—and as public report goes they are in accord with the views of the President of the United States—they say if the judicial recall feature is eliminated they are willing that Arizona shall come in as a State. How would its elimination change the real situation? Would striking that provision out of the constitution make the people of Arizona more fit for statehood? Would striking out that provision under congressional or presidential coercion prove them more capable of self-government? Would they be, in fact, any fitter after than before?

Not in the slightest degree. They are what they are. And whether they come in with the constitution they offer or with the constitution amended as proposed, would in no way affect their capacity for self-government. If they are fit for admission to the sisterhood of States after thus yielding to coercion, they are at least as fit before. Therefore, I say those who signed

the minority report admit that Arizona and New Mexico have every qualification for statehood. Is not that all that is required? Again, I say, the main question is: Do they in these constitutions offer a scheme of government republican in form? Now, what is a republican form of government? Of course, you would not be willing to accept my definition of it, so I will give you the views of wiser men. Some reliable definitions will be found in The Federalist. In Letter 38, written by Mr. Madison, he deals with this provision of the Constitution at great length, and, of course, with great ability. He says:

> The first question that offers itself is whether the general form and aspect of the government be strictly republican. It is evident that no other form would be reconcilable with the genius of the people of America, with the fundamental principles of the Revolution, or with their honorable determination, which animates every votary of freedom to rest all political experiments on the capacity of America for self-government. If the plan of the convention, therefore, be found to depart from the republican character, its advocates must abandon it as no longer defensible. What, then, are the distinctive characters of the republican form?
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> If we resort, for a criterion, to the different principles on which different forms of government are established, we may define a republic to be, or at least may bestow that name on, a government which derives all of its powers directly or indirectly from the great body of the people, and is administered by persons holding their offices during pleasure, for a limited period, or during good behavior. It is essential to such a government that it be derived from the great body of the society, not from any inconsiderable proportion or a favored class of it; otherwise a handful of tyrannical nobles, exercising their oppressions by a delegation of their powers, might aspire to the rank of republicans and claim for their government the honorable title of "republic."
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> It is sufficient for such a government that the persons administering it be appointed either directly or indirectly by the people and that they hold their appointments by either of the tenures just specified, otherwise every government in the United States, as well as every other popular government that has been or can be well organized or well executed, would be degraded from the republican character.

This definition clearly indicates that a government whose officers serve during the pleasure of the people or for a limited period may be republican in form. What better way to determine the pleasure of the people than by an election, that is, by the plan known as the recall? In the case of Miner against Happersett the Supreme Court of the United States deals with this same constitutional provision. Chief Justice Chase, speaking for the court, says:

> The guaranty is of a republican form of government. No particular government is designated as republican; neither is the exact form to be guaranteed in any manner especially designated. Here, as in other parts of the instrument, we are compelled to resort elsewhere to ascertain what was intended. The guaranty necessarily implies a duty on the part of the States themselves to provide such a government. All the States had governments when the Constitution was adopted. In all, the people participated, to some extent, through their representatives. These governments the Constitution did not change. They were accepted precisely as they were, and it is therefore to be presumed that they were such as it was the duty of the States to provide. Thus we have unmistakable evidence of what was republican in form within the meaning of that term as employed in the Constitution.

In Downes *v.* Bidwell, Mr. Justice Brown said:

> A republican form of government is one in which the supreme power resides in the whole body of the people, and is exercised by the representatives elected by them.

And in Duncan *v.* McCall it was held that—

> The distinguishing feature of that form is the right of the people to choose their own officers for governmental administration and pass their own laws in virtue of the legislative power reposed in representative bodies whose legitimate acts may be said to be those of the people themselves.

Undoubtedly those who framed the Constitution had existing conditions in their minds; a good test, then, would be to examine those conditions, for it will be admitted that all of the 13 States which constituted the Union in that day had republican forms of government, and that such forms as they did have furnish us criteria by which to judge other applicants for admission into the Union, and that if any proposed State approaches as nearly as may be to the form which any of them had it comes within the field of republican government.

Now, they differed very widely in their charters—very widely, indeed—but the field bounded and described by the words "republican form of government" is a wide field, a very wide one, containing governments differing widely in their details. Some of the New England States, and also the State of Georgia, had direct local legislation; others had the indirect method. Connecticut continued till 1818 under the charter granted by King Charles II in 1662, and Rhode Island operated till 1842 under a charter granted by the same King in 1663. But they were both admitted into the Union as having republican forms of government, although they recognized the sovereignty of the King and his successors.

Justice Wilson passed on the status of Georgia in the case of Chisholm *v.* Georgia (2 Dallas, 419). He says:

> As a citizen I know the government of Georgia to be republican, and my short definition of such a government is one constructed on this principle—that the supreme power resides in the body of the people.

Justice James Wilson was one of the framers and one of the ablest expounders of the Constitution.

The field of republican government is a big one, but if a State government enters this field at all it is none of our business what part of the field it occupies.

What was the purpose of the fathers? In order to find out what their purpose was let us apply the ordinary rule for statutory construction—the old Blackstonian rule. When the legislature expresses its purpose in words, it is done. It can not construe its own language. It is for the courts to construe it, and one of the fundamental rules of construction is to first ascertain what was the evil intended to be remedied. What is the thing they want to avoid or prevent? Apply that rule in this case and let us put ourselves in the attitude of the fathers.

The Declaration of Independence tells us broadly what the evils were of which they complained and from which they suffered. Some 25 or 30 specific charges are made against the King. The main evils were monarchy and aristocracy, or oligarchy, if you please. The purpose was to avoid these and to bring the work of government nearer to the people, and to fix it so that neither one man nor a minority of men in any community or State could govern. It was to bring the work of government closer to the whole people. Government by a majority might be said to be their first and their main purpose. They tell us that governments derive their just powers from the consent of the governed. Now, when any Territory or State offering a constitution in accord with that view is presented here, and there are no valid objections, it seems to me there is but one thing for us to consider, and that is whether it adopts a republican form of government.

In determining this we must keep in mind that monarchy and aristocracy or government by less than a majority was the main difficulty to be avoided, and that the original States give us a sure guide as to what is a republican form of government.

Mr. Madison said:

> As long, therefore, as the existing republican forms are continued by the States they are guaranteed by the Federal Constitution. The only restriction imposed on them is this, that they shall not exchange republican for antirepublican constitutions, a restriction which, it is presumed, will hardly be considered as a grievance.

This fact is also referred to by Judge Cooley in his Constitutional Limitations, and is further emphasized by reference to the provision against granting any titles of nobility. He says:

> The last provisions we shall here notice are that the United States shall guarantee to every State a republican form of government, and that no State shall grant any title of nobility. The purpose of these is to protect a Union, founded on republican principles and composed entirely of republican members, against aristocratic and monarchical innovations.

In his work on the Constitution Judge Story says on this point:

> The Federalist has spoken with so much force and propriety upon this subject that it supersedes all further reasoning. "In a confederacy," says that book, "founded on republican principles and composed of republican members, the superintending government ought clearly to possess authority to defend the system against aristocratic or monarchical innovations.

If, then, these "would-be" States have provided for republican form of government, by what right—I mean moral right, I do not mean power—what right have we to exclude them? The only ground such right is put on, so far as I have heard it discussed, is that one of these applicants offers a provision in its constitution for a recall of the judiciary, and for that reason it is contended it should not be admitted into the Union.

Suppose Arizona eliminates this provision as to the recall of judges, and Arizona is admitted. Then what? Has Congress any power to keep it from adopting that provision by way of an amendment to its constitution? Most assuredly it has not. Have we, then, any moral right to say that it shall not come into the Union now because it has a provision in its constitution of which we do not approve, which we concede it can afterwards put into its constitution and still remain in the sisterhood of the Union. Is that consistent? Is there any logic to support such a proposition as that? It is still in the republican field, and if it departs in any way from the usual standard of republican government, it departs in the direction of greater freedom of the people themselves. When you go back to consider the evils which were to be remedied by the adoption of the Federal Constitution and the establishment of this Republic, you find it was an effort to get away from aristocracy and monarchy and get nearer the people. I am not unaware of the fact that some of the able men in the convention, men like Hamilton and possibly Madison and Jay, the joint authors of the articles which constitute the Federalist, and some others who were in sympathy with Hamilton, wanted a government as far removed from the people as possible.

But their ideas did not prevail. The Constitution was a compromise, in the end, between those different forces. But still the fact remains that the constitution tended toward a government by the people, toward a wider range of democracy. That

is the direction in which this provision tends. It is bringing the Government nearer to the people.

Now, would any gentleman here contend that a State would not have the right to pass a constitutional amendment to the effect that the judges in that State should serve for only one year, or for six months, if you please? If a State should adopt such a provision in its constitution, what would you do about it? My friend, the gentleman from Ohio [Mr. WILLIS], the other day had to concede, and did concede, that that might be done. Would a State thereby lose any of its rights in the Federal Union? Not one. As my colleague from Illinois [Mr. MANN] suggested to-day during a colloquy, "How would you force a State out of the Union?" And I suggested then that possibly the State might be denied representation in Congress—in the Senate and the House—but he did not agree with that view. I suggested a denial of representation merely as the ne plus ultra—the worst that could be done. But it could not be expelled from the Union. I know of no way that it could be. Perhaps some of you do know.

Now, if the State could adopt a constitutional amendment the year after it was admitted to the Union providing for the very thing that you now complain of, what is gained? And that it could do so is admitted. There can be no question on that point. It does seem to me, therefore, most illogical and inconsistent that we should now deliberately refuse to admit a State, otherwise qualified in every respect, because in its fundamental law it has incorporated that which you who oppose its admission admit it can subsequently put there and still remain in the Union.

Mr. POWERS. Will the gentleman yield?

The CHAIRMAN (Mr. GARRETT). Does the gentleman from Illinois yield to the gentleman from Kentucky?

Mr. GRAHAM. Certainly.

Mr. POWERS. You have made the argument that Arizona should not be kept out of the Union because of the recall of the judiciary as provided for in her constitution.

Mr. GRAHAM. I have.

Mr. POWERS. And you have based that argument partly on the ground that the 46 States now in the Union could, if they wanted to do it, put in their constitutions and statutes the judicial recall; and that the Federal Government could not for that reason declare them out of the Union, and if that fact is not sufficient to put a State out of the Union it ought not to be sufficient to keep one from coming in?

Mr. GRAHAM. That is my position.

Mr. POWERS. And I want to add, Mr. Chairman, that that is also my position. I am not in favor of the recall of the judiciary. I would not vote for such a provision to be put in the Kentucky constitution.

Mr. GRAHAM. The gentleman's position is exactly mine in that regard. I will curtail my remarks as much as possible and come to that very point. I state now that personally I would not favor this provision were it proposed to put it in the constitution of my State. I would oppose it. I do not think it wise; but again I repeat, when some other State proposes to do that, it is none of my business. It is a question for the people of that State. Those gentlemen who go further and say that the people of Arizona and the people of New Mexico are qualified for statehood, but that there is some provision as to public policy in their fundamental laws of which those gentlemen do not approve, and therefore they will vote to keep them out of the Union, are, I think, taking a most inconsistent and illogical position, and I quite agree with the gentleman from Kentucky that it is not any of my business, or of his, or of anyone else, what public policy they adopt. They do not have to make everything to fit my judgment or yours. They are to be a self-governing, sovereign State, and they have the right to provide the constitutional and legal provisions under which they are to live, providing always they fit up to the standard of a republican form of government.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Ohio?

Mr. GRAHAM. I do.

Mr. WILLIS. I am very much interested in what my friend has to say upon this question of public policy. I want to know if one of these Territories provided in its constitution for polygamy, that being a question of policy, would the gentleman then say what he has already said, that we have nothing to do with that, and we therefore ought to vote to admit it?

Mr. GRAHAM. I do not think polygamy is a mere question of public policy. I think it goes far deeper than that. I am one of those cranks who believe that there is a great deal in the Federal Constitution which is not expressed in words. The concrete result of human history is in it between the lines. I believe it rests as fundamentally on the doctrines of the Christian religion, although that is not expressed in it, and probably should not be, as it does on the provisions that are expressed. I think that monogamy, the doctrine of Christian marriage, of one husband and one wife, and the family relation, and those things that go with it, are fundamental and necessary to the perpetuity of the Republic and as much a part of the Constitution as any of the provisions expressed in it; and should we leave monogamy and adopt plural marriages, in my judgment we would sap the foundations of the home and virtually destroy the family, which is the unit of society, the brick of which the building we call society is constructed. I say that is not a mere matter of State policy, but it is a matter that is fundamental to the existence and perpetuity of the Republic.

There are some defects of policy in both of the constitutions now proposed, one possibly going too far in one direction, one in the other direction. It is claimed one goes too far toward centralized power and that the other goes too far toward democratic power. They do not suit the inclination or the judgment of some gentlemen in this House; but that is not the question here. However, if one is to be admitted, then the other ought to be. If there are errors in the proposed constitutions as to matters of public policy, I think they are about equal; or if there is any difference in them, in my opinion the defect is greater in the New Mexico constitution. But that will not prevent me from voting for it. It is republican in form. It suits a majority of the people of the Territory, as shown by an election in which no fraud is shown. And nothing but fraud could vitiate it; and in the absence of fraud I must assume that it is what the people of New Mexico want, and that is enough for me. It is republican in form, and it suits them; and therefore I am ready to vote for it. Here, on the other hand, is Arizona, with a constitution equally republican in form, or more so. She knocks at the door for admission also, and I say to you, so far as my vote is concerned, if one comes in the other must come in also. That may not be perfectly just, but there is a good deal of human nature in it if it is not according to the highest and strictest principles of equity.

The gentleman from Arizona [Mr. CAMERON] a while ago made a point that seems to me to have a good deal of merit in it. He suggested that, after all, experiment in the work of government is not a bad thing. I quite agree with him. Some very eminent man, who wrote on social and historical lines—and if I had a guess I would say it was Buckle, the essayist and historian—said in substance that it is only by practicing the uncustomary that we can find out whether it should become customary. There is a good deal of philosophy and good common sense in that remark. How are we ever going to advance if we never try? How will the child learn to walk if it never takes a second step? And so in this case. I do not know whether this is, in fact, going to be a good thing or not. I am conservative by nature, and if it were proposed in my State I would not be for it, but I think that the recall will prove a very valuable feature in government. Now, whether it should apply to the judiciary, I am not yet convinced one way or the other, but I am perfectly willing that some other State than my own shall make the experiment. [Laughter.] If it is a good thing, then we can get it, and if it is not, then we can avoid it. Now, the people of Arizona are very willing to make that experiment. Why should I object to it? The statement in the minority report, which contains the gratuitous statement I read, particularly mentions, "The judge who may have rendered an unpopular decision." By what authority did the minority of the committee assume or presume that because a judge has rendered an unpopular judgment the people would throw him out of office? Where is the experience which justifies that statement? I have on the floor here again and again during this debate heard that Chief Justice Marshall, after he rendered certain decisions, would have been thrown out of office by virtue of the recall if it had existed. Who knows? That is but their guess, and I put mine against it.

I have known a number of cases in my own judicial district where judges have rendered exceedingly unpopular decisions on the eve of an election. I can recall one which grew out of a certain riot you may have read of, in Springfield, a few years ago. The judge, whose term of office had almost expired, who was then a candidate for reelection, ruled what he deemed to be the law of the case. It was exceedingly unpopular with the people. The people's minds were aflame on the subject. Did it affect his judgment? Not in the slightest degree. He followed where he thought duty and the law led, and he usually thinks right on that line. Now, he was a candidate. He had opposition. What was the effect on him? Why, there was no-

body else in the running. I have known other cases of the same kind. Gentlemen, you who oppose this provision in the Arizona constitution, you lack faith in the honesty, the intelligence, and the sincerity of the common man. He is a bigger fellow than you think he is. He is moved less by prejudice or by passion than you think he is, and he usually rises to the level of the responsibility placed on him. Responsibility is a great thing to make men pause and deliberate.

At the time the Constitution was adopted all judges were appointed. There was no elective judiciary, I think, about 1812, when Georgia broke away from the appointive plan and made its State judiciary elective. If gentlemen who now so much fear the recall of judges had lived then they would have seen all sorts of calamities ahead. But the plan worked very well; so well that every State now has it, and none think of abandoning it.

It was a very much longer stride toward pure democracy than the one proposed now. It was a more radical departure than the one adopted by Arizona, but no question was ever raised as to its being in conformity with republican institutions. And I have faith enough in the people to believe that this provision is not the Pandora's box gentlemen would have us believe.

The gentleman from Illinois [Mr. MANN] argued that a provision like the recall or the referendum would only take responsibility from the legislators and cast it on the people, and therefore the legislators have even less sense of responsibility and exercise a less degree of care than they do now. I do not think that would be the effect of it at all. But even if it did throw less of a burden on the legislators and a greater burden on the people themselves, what of it? Responsibility is one of the greatest things in the world to sober people and make them think, and so it seems to me that this question of the recall would set men to thinking, and that instead of exciting their passions and prejudices it would have the effect rather of cooling them, and that even if they did make one mistake—and maybe they would; I do not know—but if they did make a mistake, after making it they would know things better; they would have located Charybdis and would probably avoid it thereafter.

That is one way to teach people if they need teaching. If you want them to rise to the responsibilities of self-government let the responsibility for their government rest upon them, and if they do make a mistake are you going to condemn them for that? Did we never make mistakes? Has Congress never made any? Have the courts never made any? If not, why do they so frequently reverse themselves; and why can you find the same question decided in one way on one side of a State line and a different way on the other side of the line?

Courts make mistakes; legislatures make mistakes; Congress makes mistakes; and will you deprive the people of the exercise of a right which you admit they have inherently for fear they would some time make a mistake? If they do, they will learn from it. And so, I say, that as an experiment, if you please, it is more than worth the while. I should be glad to see it. As I selfishly said a while ago, I am quite willing that some other State than mine should make the experiment. We can watch the result of it, and if it is worthy of imitation, we can imitate it; if it is not worthy of it, just as in the case of minority representation in my State, it will not be imitated. Just as other States did not follow the State of Illinois on the matter of minority representation, because it did not seem to be the thing needed, just so, if this matter of recall in Arizona does not prove to be a good thing, then it will not be followed by other States. And, I predict, Illinois will soon abandon that feature of its constitution and abolish its minority representation, and just so Arizona, if it does not like this principle, can abandon it, and no harm will have been done to republican form of government.

Now, I would warn gentlemen in conclusion—although they do not have to heed the warning, and perhaps I do not owe it to them—that they can not deceive the people. One of the gentlemen who spoke on the other side, the gentleman from Wyoming [Mr. MONDELL], I think, clearly intimated that gentlemen on this side of the Chamber were influenced in opposing the admission of New Mexico by partisan reasons. I have not been in Congress long enough to know whether that is likely to be true or not. Some of you, perhaps, have been.

But does the gentleman from Wyoming think that he can play ostrich; that he can hide his head only and escape detection? Even if it be as he says, are the ones on this side the only ones? Does he think he can convince the people that his side of the House is not playing the partisan game? How about that? That is tender, slippery ground to tread on, and I would not think of going in on it but for the remarks of the gentleman from Wyoming. But we should rise above those party considerations. And I say now that they do not affect me in this matter. I am for fair play. I believe in what I used to call "criminal equity." I believe that if two men commit an offense against the law, the State's attorney has no right to pick out one of them and prosecute him and let the other one go when the facts of both cases are similar. And in this case I do not believe that it is right, with two candidates knocking at the door for admission on practically similar terms, to admit one and exclude the other. Such a course would not commend itself to fair-minded men. The matter of partisan advantage should be ignored. Both should come in or both should stay out. I say, further, that neither this House, this Congress, nor anyone else has a right from such motive as that to keep a State out of the Union which is qualified in every way for admission and which comes before us and offers a charter or constitution which conforms to the requirements of the Federal Constitution. Congress has no moral right to do such a thing. I stand on the ground that this resolution is perfectly fair, for in substance it means that both shall come in or neither shall. That is the ground on which I stand, and I shall vote for it, and I hope it will prevail. [Applause.]

Mr. FLOOD of Virginia. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. ALLEN].

Mr. ALLEN. Mr. Chairman and gentlemen of the committee, I rise to say that I shall give my vote for the adoption of the resolution presented by the majority of the Committee on Territories for the addition of two new States by admitting New Mexico and Arizona into our American Union. I have no doubt that a considerable majority of the Members of this House will so vote, in spite of the rather lengthy discussion to which we have listened with relation to various theories of government.

I shall support this resolution in spite of the apparent approval of the constitutions of these new States which such a vote would indicate, because I believe that the framers of these constitutions have held fast to the principles which were in the minds of our fathers when they framed our Government.

I take this opportunity to protest against the present-day tendencies to depart from those principles. I object to the growing tendencies of the executive and judicial branches of our Government, both National and State, to usurp the functions of the legislative branch.

I have made as a fundamental point that no branch of the Government should invade the legitimate province of any other branch. Our fathers declared that this was to be a Government of laws and not of men. They declared that we should have a legislature to record, from time to time, the will of the American people in the form of Federal and State statutes; they declared, too, that we should have a judiciary whose duty should be to interpret such statutes in the light of the organic law and of its principles. They declared, also, there should be an Executive whose sole duty should be to carry out, as the agent of the people, the laws that the people's representatives have put upon the books.

Political writers, not only of our own country, but of almost every civilized country in the world, have glorified the beauties of this system of checks and balances that our fathers founded.

I believe that just so long as we observe the fine adjustment of powers that was arranged by our fathers there never can be any serious disturbance of long continuance in our internal government.

I call to your mind a familiar truth when I say that of late years there has been a decided tendency on the part of other branches to usurp legislative powers.

I protest against the use of the "big stick" which was characteristic of a former Chief Executive.

I protest against Executive interference in pending legislation by sending for Representatives and threatening the withholding of Federal patronage unless the will of the Executive be made the will of the Legislature.

I protest against this perversion, and I urge upon my countrymen a speedy return to the principles of the fathers.

We have heard much in the course of this debate about that clause of the constitution of Arizona which provides for the recall of judges. What has caused the agitation for the recall of judges which has resulted in a provision for that system in the constitution of a future State?

I can not believe that distrust of the individuals who sit upon the bench has caused it nearly so much as the judicial usurpation of legislative powers. The people of the country, like the people of the States, have frequent opportunities to pass judgment upon the men who are elected as Representatives. If they do not trust us, if they do not trust our fellow Representatives in the various States, it is an easy matter for them to show their displeasure at any of the frequent elections. The nature of the legislator's work puts him in close touch with the

thoughts and the hopes of his people, and it is his aim to write laws for their benefit and protection.

We have but this week witnessed a great public protest against an almost unanimous decision of the highest court in our land. We find that court, called upon to interpret an enactment of the Congress, construing a statute in a manner to cause a division within the court. The majority of the court has made a distinction between "reasonable" and "unreasonable" restraint of trade. The statute which they had under consideration makes no reference to reasonable or unreasonable restraint. The people, through their Representatives, considered that any combination in restraint of trade was illegal, and advisedly wrote the statute without any qualifying words. We find that numerous attempts to amend the statute by including the word "unreasonable" have repeatedly failed.

I call attention to one paragraph from the special message of the President of the United States to Congress, transmitted to the Senate January 7, 1910. I read from page 16:

Many people conducting great businesses have cherished a hope and a belief that in some way or other a line may be drawn between "good trusts" and "bad trusts," and that it is possible by amendment to the antitrust law to make a distinction under which good combinations may be permitted to organize, suppress competition, control prices, and do it all legally, if only they do not abuse the power by taking too great profit out of the business. They point with force to certain notorious trusts as having grown into power through criminal methods by the use of illegal rebates and plain cheating, and by various acts utterly violative of business honesty or morality, and urge the establishment of some legal line of separation by which "criminal trusts" of this kind can be punished, and they, on the other hand, be permitted under the law to carry on their business. Now, the public, and especially the business public, ought to rid themselves of the idea that such a distinction is practicable or can be introduced into the statute. Certainly under the present antitrust law no such distinction exists. It has been proposed, however, that the word "reasonable" should be made a part of the statute, and then that it should be left to the court to say what is a reasonable restraint of trade, what is a reasonable suppression of competition, what is a reasonable monopoly. I venture to think that this is to put into the hands of the court a power impossible to exercise on any consistent principle which will insure the uniformity of decision essential to just judgment. It is to thrust upon the courts a burden that they have no precedents to enable them to carry, and to give them a power approaching the arbitrary, the abuse of which might involve our whole judicial system in disaster.

I shall not attempt to discuss the legal aspect of this situation, as my entire purpose has been merely to call attention to certain political tendencies. I rejoice, however, that we have one member of the court who stood alone and opposed to the rest of his fellows in the assertion that the judiciary should not attempt to legislate, but only to decide what the Legislature had enacted.

I quote from an article in the Philadelphia North American of May 18, 1911 (p. 13):

Justification of the decision, so strongly attempted by the court itself and supplemented by efforts of tory newspapers and great corporation interests, is made more difficult, in the opinion of the progressives in Congress, by an examination of the records of the court itself.

Effort has been made to create the impression that the court heretofore had been called upon to decide only specific violations of the law and had never before considered the law in its entirety with regard to its effect in general application to the business of the country. In other words, that the court had never before been called upon to apply the rule of reason to the operation of the law and to decide what are and what are not unreasonable restraints of trade. The records, however, show that in nearly every case which has been brought before the court the lawyers for the defense—that is, for the violators of the antitrust act—have sought to invoke the rule of reasonableness, and as Justice Harlan had declared in his great dissenting opinion, the court had heretofore invariably declined to read "reasonable" into the statute.

SUPPORT FOR JUSTICE HARLAN.

A notable instance of this is found in the trans-Missouri case, argued and decided before any of the present members of the court, except Justice Harlan and Chief Justice White, were even thought of as Supreme Court possibilities. Here it is found that the brief of Judson Harmon, then Attorney General of the United States, contains page after page of strong argument against the contention of the combined railroads that the reasonableness of their agreement must be considered. They based their contention upon the construction which had been given the common law as it relates to restraints of trade.

Judson Harmon, for the Government, contends that there could be no reference to the common law in connection with so specific a statute as the antitrust law. He said:

"It is incredible that Congress, dealing in obedience to the popular demand for relief from a great and growing evil which affected the entire people, intended to qualify the relief it granted by leaving its enforcement to depend on the varying views of other tribunals as to public policy. No such intention is expressed, nor is there the slightest ground for implying it. On the contrary, Congress declared in no uncertain terms the public policy with respect to the trade and commerce committed to its care and control, instead of leaving it to be discovered or pieced out from the multitude of conflicting decisions, of which the briefs afford abundant examples."

The significance of this argument is due to the fact that the court sustained it absolutely; refused to go to the common law for an interpretation of the statute, and declined to consider the reasonableness of the railroad combination at the request of the railroad attorneys. The records of the court are as unvarying as those of the Congress in showing absolute refusal to consider the statute, except as it was written, until the decision of Monday.

I believe that the people of this land will not long continue to permit the practice of interference with their will, as reflected by the legislature. I do not believe that an Executive will ever again be permitted to use his great office to influence the honest judgment of men in the legislative branch of the Government.

I look upon this feature of the constitution for the recall of judges as an indication that the people are ready to protest against interference with their representatives, whether that interference may come from a declaiming Executive or a dignified judiciary. [Applause.]

Mr. FLOOD of Virginia. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARRETT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration joint resolution 14, relative to the admission of New Mexico and Arizona, and had come to no resolution thereon.

WITHDRAWAL OF PAPERS.

Mr. HOUSTON, by unanimous consent, obtained leave to withdraw from the files of the House papers filed in support of H. R. 6760, Sixty-first Congress, no adverse report having been made thereon.

HOUR OF MEETING.

Mr. FLOOD of Virgina. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock Monday next.

The SPEAKER. The gentleman from Virginia asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock on Monday next. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ADJOURNMENT.

Mr. FLOOD of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 28 minutes p. m.) the House adjourned until 11 o'clock a. m., Monday, May 22, 1911.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 648) for the relief of the city of Quincy, the towns of Weymouth and Hingham, and the Old Colony Street Railway Co., all of Massachusetts; Committee on Claims discharged, and referred to the Committee on Interstate and Foreign Commerce.

A bill (H. R. 3776) granting an increase of pension to Mary Gorman; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JOHNSON of Kentucky (by request of the Attorney General of the United States): A bill (H. R. 10166) to provide for an addition to the courthouse in the District of Columbia for the accommodation of the juvenile court and the municipal court of the said District; to the Committee on Public Buildings and Grounds.

By Mr. DYER: A bill (H. R. 10167) granting a pension to widows of honorably discharged volunteer soldiers of the Army of the United States; to the Committee on Invalid Pensions.

By Mr. UTTER: A bill (H. R. 10168) to establish a fish-cultural station in the State of Rhode Island; to the Committee on the Merchant Marine and Fisheries.

By Mr. CLAYTON: A bill (H. R. 10169) to provide for holding the district court of the United States for Porto Rico during the absence from the island of the United States district judge, and for the trial of cases in the event of the disqualification of or inability to act by the said judge; to the Committee on the Judiciary.

Also, a bill (H. R. 10170) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes"; to the Committee on Ways and Means.

By Mr. J. M. C. SMITH: A bill (H. R. 10171) to provide for the erection of a public building at Charlotte, in the State of Michigan; to the Committee on Public Buildings and Grounds.

By Mr. ROTHERMEL: Resolution (H. Res. 174) to authorize the Committee on the District of Columbia to investigate the affairs of the Washington Gas Light Co.; to the Committee on Rules.

By Mr. AUSTIN: Joint resolution (H. J. Res. 103) to amend an act entitled "An act to enable any State to cooperate with any other State or States or with the United States for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," approved March 1, 1911; to the Committee on Agriculture.

By Mr. SLOAN: Joint resolution (H. J. Res. 104) for appointment of a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

By Mr. LOBECK: Joint resolution (H. J. Res. 105) for appointment of a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H R. 10172) granting an increase of pension to Joseph Roseberry; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 10173) granting a pension to Nancy A. Bumgardner; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 10174) granting an increase of pension to Nathan Goodman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10175) granting an increase of pension to Charles A. Peironnet; to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 10176) for the relief of S. C. Gist; to the Committee on Claims.

By Mr. DYER: A bill (H. R. 10177) for the relief of John Dieter; to the Committee on War Claims.

Also, a bill (H. R. 10178) for the relief of Camille Noel Dry; to the Committee on Military Affairs.

Also, a bill (H. R. 10179) for the relief of James Clarkson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10180) for the relief of James Bartlett; to the Committee on Military Affairs.

Also, a bill (H. R. 10181) for the relief of Capt. George W. Murray; to the Committee on Claims.

Also, a bill (H. R. 10182) for the relief of Isaac W. Harding; to the Committee on Military Affairs.

Also, a bill (H. R. 10183) for the relief of Thomas S. McKee; to the Committee on Military Affairs.

Also, a bill (H. R. 10184) for the relief of John H. Rheinlander; to the Committee on Claims.

Also, a bill (H. R. 10185) granting a pension to Mary A. Laurient; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10186) granting a pension to Anna Buhrman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10187) granting a pension to Clarinda Pike; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10188) granting a pension to Emilie S. Buder; to the Committee on Pensions.

Also, a bill (H. R. 10189) granting a pension to Cordelia Sullivan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10190) granting a pension to William Tepe, jr.; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10191) granting a pension to Mary Gonter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10192) granting a pension to Caroline Watson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10193) granting a pension to Paul Heineman; to the Committee on Pensions.

Also, a bill (H. R. 10194) granting a pension to Helen Mathews; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10195) granting an increase of pension to C. L. Stevenson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10196) granting an increase of pension to Charles H. Frank; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10197) granting an increase of pension to Martin Schubert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10198) granting an increase of pension to John Fritz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10199) granting an increase of pension to Thomas J. Connor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10200) granting an increase of pension to Lawrence Ring; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10201) granting an increase of pension to Margaret M. Stone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10202) granting an increase of pension to Charles Bieger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10203) granting an increase of pension to Louisa Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10204) granting an increase of pension to Oscar Messick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10205) granting an increase of pension to John F. Nixon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10206) granting an increase of pension to Mary A. McDonough; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10207) granting an increase of pension to James M. Patterson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10208) granting an increase of pension to James M. Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10209) granting an increase of pension to Adam Zimmerman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10210) granting an increase of pension to Oscar Messick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10211) granting an increase of pension to Julius Bonger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10212) granting an increase of pension to Harvey S. Page; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10213) granting an increase of pension to David F. Fox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10214) granting an increase of pension to Andrew Houlihan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10215) granting an increase of pension to Charles H. Frank; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10216) granting an increase of pension to Mary Westerfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10217) to correct the military record of Patrick J. Carmody; to the Committee on Military Affairs.

Also, a bill (H. R. 10218) correcting the hospital record of Edward J. Wehrle; to the Committee on Military Affairs.

By Mr. FLOYD of Arkansas: A bill (H. R. 10219) for the relief of William H. Engles; to the Committee on War Claims.

Also, a bill (H. R. 10220) for the relief of G. A. Jenkins, L. A. Jenkins, J. T. Jenkins, Mrs. S. M. Horton, Clay Jenkins, and Floyd Jenkins, sole heirs at law of W. D. Jenkins, deceased; to the Committee on War Claims.

Also, a bill (H. R. 10221) granting an increase of pension to William H. Cleveland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10222) granting an increase of pension to Franklin D. Milum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10223) to correct the military record of and grant to John B. Curtis an honorable discharge; to the Committee on Military Affairs.

Also, a bill (H. R. 10224) to correct the military record of William Green Mhoon; to the Committee on Military Affairs.

Also, a bill (H. R. 10225) to carry out the findings of the Court of Claims in the case of Samuel B. Derreberry; to the Committee on War Claims.

Also, a bill (H. R. 10226) to carry into effect the findings of the Court of Claims in the matter of the claim of the Cumberland Presbyterian Church of Mount Comfort, Ark.; to the Committee on War Claims.

Also, a bill (H. R. 10227) to carry into effect the findings of the Court of Claims in the case of Isaiah L. Blair, administrator of the estate of John N. Curtis, deceased; to the Committee on War Claims.

Also, a bill (H. R. 10228) to carry into effect the findings of the Court of Claims in the case of Isaiah L. Blair, administrator of the estate of John N. Curtis, deceased; to the Committee on War Claims.

By Mr. FRENCH: A bill (H. R. 10229) granting an increase of pension to Peter Diehl; to the Committee on Invalid Pensions.

By Mr. GUDGER: A bill (H. R. 10230) for the relief of J. C. Murray; to the Committee on Claims.

Also, a bill (H. R. 10231) granting a pension to Robert E. Taber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10232) granting a pension to Wilson Rice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10233) granting a pension to Thomas L. Holland; to the Committee on Pensions.

Also, a bill (H. R. 10234) granting a pension to Claude E. Bennette; to the Committee on Pensions.

Also, a bill (H. R. 10235) granting a pension to Robert Garrett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10236) granting a pension to Thomas E. Carter; to the Committee on Pensions.

Also, a bill (H. R. 10237) granting an increase of pension to Wiley S. Roberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10238) granting an increase of pension to Michael J. Swope; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10239) granting an increase of pension to Henry Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10240) granting an increase of pension to Susan M. Chandler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10241) granting an increase of pension to Josephine Wolfe; to the Committee on Pensions.

Also, a bill (H. R. 10242) to correct the military record of Levi Jones; to the Committee on Military Affairs.

Also, a bill (H. R. 10243) to complete the military record of Benjamin F. Buckner and Ninevah T. Buckner; to the Committee on Military Affairs.

By Mr. HANNA: A bill (H. R. 10244) for the relief of James W. Foley; to the Committee on Military Affairs.

Also, a bill (H. R. 10245) for the relief of Robert Kee, alias Robert Adams; to the Committee on Military Affairs.

Also, a bill (H. R. 10246) granting an increase of pension to John Egan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10247) granting an increase of pension to John C. Creighton, alias Charles Chesterwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10248) granting an increase of pension to Catherine Frederick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10249) granting an increase of pension to William Fluegel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10250) granting an increase of pension to Lars B. Foss; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10251) granting an increase of pension to Louis Freeman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10252) granting an increase of pension to Charlotte A. Hewett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10253) granting an increase of pension to John B. Holden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10254) granting an increase of pension to Steen Hanson, jr.; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10255) granting an increase of pension to James Kenyon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10256) granting an increase of pension to John Mooney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10257) granting an increase of pension to Martin Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10258) granting an increase of pension to William H. Mowder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10259) granting an increase of pension to Thomas Parsley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10260) granting an increase of pension to Eli Prescott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10261) granting an increase of pension to Charles Henry Palmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10262) granting an increase of pension to John L. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10263) granting an increase of pension to Chadbourne Salie; to the Committee on Pensions.

Also, a bill (H. R. 10264) granting an increase of pension to William Stevens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10265) granting an increase of pension to Gordon H. Shepard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10266) granting an increase of pension to James A. Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10267) granting an increase of pension to John Torbenson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10268) granting an increase of pension to Alma J. Van Winkle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10269) granting an increase of pension to Jasper N. Wonser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10270) granting an increase of pension to Gilman W. Whitcomb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10271) granting an increase of pension to Frank W. Wade; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10272) granting an increase of pension to G. M. Banfill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10273) granting an increase of pension to John W. Bennett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10274) granting an increase of pension to William Bossingham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10275) granting an increase of pension to Thomas G. Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10276) granting an increase of pension to Douglas R. Case; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10277) granting an increase of pension to Edwin A. Pierce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10278) granting an increase of pension to George W. Strong; to the Committee on Invalid Pensions.

By Mr. HARTMAN: A bill (H. R. 10279) granting a pension to Elizabeth Shaffer; to the Committee on Pensions.

Also, a bill (H. R. 10280) granting an increase of pension to Hiram Osman; to the Committee on Invalid Pensions.

By Mr. HELM: A bill (H. R. 10281) granting an increase of pension to Martha Gaines; to the Committee on Pensions.

By Mr. HINDS: A bill (H. R. 10282) granting an increase of pension to Alpheus L. Winchester; to the Committee on Invalid Pensions.

By Mr. KIPP: A bill (H. R. 10283) granting an increase of pension to Joseph A. Buckland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10284) granting an increase of pension to William H. Crane; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10285) granting a pension to Susan C. Carey; to the Committee on Invalid Pensions.

By Mr. KORBLY: A bill (H. R. 10286) granting an increase of pension to Mahala E. Warmoth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10287) granting an increase of pension to John W. Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10288) granting an increase of pension to Nixon Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10289) granting an increase of pension to Samuel Tibbets; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10290) granting an increase of pension to William A. Teetor; to the Committee on Pensions.

Also, a bill (H. R. 10291) granting an increase of pension to Stephen Sutton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10292) granting an increase of pension to Joseph B. Stimson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10293) granting an increase of pension to Andrew J. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10294) granting an increase of pension to Jacob S. Shoeman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10295) granting an increase of pension to Henrietta H. Sheets; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10296) granting an increase of pension to Francis M. Sanford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10297) granting an increase of pension to Noah Russell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10298) granting an increase of pension to Addison Rogers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10299) granting an increase of pension to George W. Riggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10300) granting an increase of pension to Eli Reese; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10301) granting an increase of pension to Christian Redmier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10302) granting an increase of pension to Patrick Quinlan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10303) granting an increase of pension to George H. Platt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10304) granting an increase of pension to Sarah E. Orner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10305) granting an increase of pension to Charles W. Nickum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10306) granting an increase of pension to John W. Negley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10307) granting an increase of pension to Joshua M. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10308) granting an increase of pension to Richard Mitchell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10309) granting an increase of pension to Andrew V. Mitchell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10310) granting an increase of pension to John A. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10311) granting an increase of pension to Adam D. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10312) granting an increase of pension to James A. Mefford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10313) granting an increase of pension to Jacob Mathias; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10314) granting an increase of pension to John Martindale; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10315) granting an increase of pension to Albert O. McNulty; to the Committee on Pensions.

Also, a bill (H. R. 10316) granting an increase of pension to Joseph B. McKee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10317) granting an increase of pension to George S. Kendall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10318) granting an increase of pension to John Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10319) granting an increase of pension to Samuel Hicks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10320) granting an increase of pension to Alfred Hammell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10321) granting an increase of pension to Ellison Gatewood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10322) granting an increase of pension to Adolph Frey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10323) granting an increase of pension to William B. Elliott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10324) granting an increase of pension to Leavitt Burr Elder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10325) granting an increase of pension to Benjamin F. Doremus; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10326) granting an increase of pension to Solomon Cleet; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10327) granting an increase of pension to Martin Brady; to the Committee on Pensions.

Also, a bill (H. R. 10328) granting an increase of pension to David F. Boyer; to the Committee on Pensions.

Also, a bill (H. R. 10329) granting an increase of pension to John A. Blackwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10330) granting an increase of pension to John P. Angleberger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10331) granting an increase of pension to William Amos; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10332) granting an increase of pension to Lewis S. Barge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10333) granting an increase of pension to Origan Snider; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10334) granting an increase of pension to Amos Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10335) granting an increase of pension to Francis M. Delks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10336) granting an increase of pension to George W. Allen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10337) granting an increase of pension to Josiah Dom; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10338) granting an increase of pension to Jesse M. Stilwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10339) granting an increase of pension to Benjamin F. Niceley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10340) granting an increase of pension to Horatio S. Garner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10341) granting an increase of pension to William James; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10342) granting an increase of pension to James C. Holmes; to the Committee on Pensions.

Also, a bill (H. R. 10343) granting a pension to Elizabeth J. Prentice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10344) granting a pension to Jennie Stubbs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10345) granting a pension to Edward West; to the Committee on Pensions.

Also, a bill (H. R. 10346) granting a pension to Hugh L. Fitzpatrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10347) granting a pension to Wilson Zurmehly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10348) granting a pension to Elizabeth Weber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10349) granting a pension to Lydia A. Swift; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10350) granting a pension to James Runyan; to the Committee on Pensions.

Also, a bill (H. R. 10351) granting a pension to John Paul; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10352) granting a pension to Mattie M. McGee; to the Committee on Pensions.

Also, a bill (H. R. 10353) granting a pension to John McClintic; to the Committee on Pensions.

Also, a bill (H. R. 10354) granting a pension to Andrew R. Lewis; to the Committee on Pensions.

Also, a bill (H. R. 10355) granting a pension to George Law; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10356) granting a pension to Catherine Klingelsmith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10357) granting a pension to Mary S. King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10358) granting a pension to Virginia John; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10359) granting a pension to James W. Huston; to the Committee on Pensions.

Also, a bill (H. R. 10360) granting a pension to Jacob W. Horner; to the Committee on Pensions.

Also, a bill (H. R. 10361) granting a pension to Elizabeth Holzworth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10362) granting a pension to Clement M. Holderman; to the Committee on Pensions.

Also, a bill (H. R. 10363) granting a pension to Alice Henry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10364) granting a pension to Aylmer E. Hendryx; to the Committee on Pensions.

Also, a bill (H. R. 10365) granting a pension to Joseph M. Heller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10366) granting a pension to Edward Hannan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10367) granting a pension to Timothy C. Faries; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10368) granting a pension to Elizabeth A. Buckler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10369) granting a pension to Thomas Bristow; to the Committee on Pensions.

Also, a bill (H. R. 10370) granting a pension to Marilla Barnes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10371) granting a pension to Fannie G. Arnold; to the Committee on Invalid Pensions.

By Mr. MADISON: A bill (H. R. 10372) granting an increase of pension to Laban H. Johnson; to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 10373) granting an increase of pension to Joseph D. Fulmer; to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 10374) granting an increase of pension to Oscar F. Prescott; to the Committee on Invalid Pensions.

By Mr. MALBY: A bill (H. R. 10375) for the relief of Charles Snow; to the Committee on Military Affairs.

Also, a bill (H. R. 10376) for the relief of Maxim Lizette; to the Committee on Military Affairs.

Also, a bill (H. R. 10377) for the relief of Thomas Debuke; to the Committee on Military Affairs.

Also, a bill (H. R. 10378) for the relief of Russell Tripp; to the Committee on Military Affairs.

Also, a bill (H. R. 10379) for the relief of George Pray; to the Committee on Military Affairs.

Also, a bill (H. R. 10380) for the relief of Daniel O'Brien; to the Committee on Military Affairs.

Also, a bill (H. R. 10381) for the relief of Stephen Charter; to the Committee on Military Affairs.

Also, a bill (H. R. 10382) granting a pension to Zoa Boshaine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10383) granting a pension to Andrew H. Seaver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10384) granting a pension to Orpha A. Coonley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10385) granting a pension to George W. Flack; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10386) granting a pension to John Bresett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10387) granting a pension to Mary G. Hoffnagle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10388) granting a pension to Martha E. Snell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10389) granting a pension to Joseph H. Mayo; to the Committee on Pensions.

Also, a bill (H. R. 10390) granting an increase of pension to William A. Nichols; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10391) granting an increase of pension to Lyman E. Bowron; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10392) granting an increase of pension to Paul Carter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10393) granting an increase of pension to Patrick O'Connor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10394) granting an increase of pension to Levi N. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10395) granting an increase of pension to Leonard A. Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10396) granting an increase of pension to Fred H. Cramer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10397) granting an increase of pension to William Keenan; to the Committee on Invalid Pensions.

By Mr. ROTHERMEL: A bill (H. R. 10398) granting a pension to Thomas I. Miner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10399) granting an increase of pension to Benneville Christman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10400) granting an increase of pension to James Glasser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10401) granting an increase of pension to John A. Ott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10402) for the relief of the Agricultural and Horticultural Association of Berks County, Pa.; to the Committee on War Claims.

By Mr. RUSSELL: A bill (H. R. 10403) granting an increase of pension to Calvin D. Weatherman; to the Committee on Invalid Pensions.

By Mr. J. M. C. SMITH: A bill (H. R. 10404) granting a pension to Jennie Millspaugh; to the Committee on Pensions.

Also, a bill (H. R. 10405) granting an increase of pension to George W. Baker; to the Committee on Invalid Pensions.

By Mr. THAYER: A bill (H. R. 10406) for the relief of Christopher Colvin; to the Committee on Claims.

Also, a bill (H. R. 10407) granting a pension to Flora E. De Coff; to the Committee on Pensions.

Also, a bill (H. R. 10408) granting an increase of pension to Charles O. Lombard; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 10409) granting a pension to Lavina Osborn; to the Committee on Invalid Pensions.

By Mr. UTTER: A bill (H. R. 10410) granting a pension to Caroline H. Hill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10411) granting an increase of pension to Ellen M. Cutler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10412) granting an increase of pension to Ann J. Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10413) granting an increase of pension to Ella F. Bussey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10414) granting an increase of pension to Harriet E. Erwin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10415) granting an increase of pension to Josephine Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10416) granting an increase of pension to Ellen Albro; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10417) granting an increase of pension to Martha W. Sanborn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10418) granting an increase of pension to Filindy Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10419) granting an increase of pension to Bethia A. Gay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10420) granting an increase of pension to Mary M. Geer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10421) granting an increase of pension to Margaret Wiley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10422) granting an increase of pension to Mary E. Arnold; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10423) granting an increase of pension to Hannah E. Crowell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10424) granting an increase of pension to Catherine Fairbanks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10425) granting an increase of pension to Mary A. Riley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10426) granting an increase of pension to Helen Senior; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10427) granting an increase of pension to George Easterbrooks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10428) granting an increase of pension to Eliza J. Maine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10429) granting an increase of pension to Charles H. Chase; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10430) granting an increase of pension to Sarah A. Nickerson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10431) granting an increase of pension to Isaac Barnum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10432) granting an increase of pension to Mary A. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10433) granting an increase of pension to Amelia S. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10434) granting an increase of pension to Jubal Blount; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10435) granting an increase of pension to Catherine Moan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10436) granting an increase of pension to Ann L. Waterman; to the Committee on Invalid Pensions.

By Mr. WEDEMEYER: A bill (H. R. 10437) granting a pension to George Messler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10438) granting an increase of pension to Emory Randall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10439) granting an increase of pension to Edwin S. Butts; to the Committee on Invalid Pensions.

By Mr. YOUNG of Kansas: A bill (H. R. 10440) granting a pension to Frances A. Beard; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANSBERRY: Resolutions of the Travelers' Protective Association, of Cincinnati, Ohio, in favor of the repeal of the bankruptcy law; to the Committee on the Judiciary.

Also, resolutions of the Travelers' Protective Association, of Cincinnati, Ohio, against parcels post; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Resolutions adopted by the Travelers' Protective Association of the State of Ohio, asking for a repeal of the present bankruptcy laws; to the Committee on the Judiciary.

Also, resolutions adopted by the Travelers' Protective Association of the State of Ohio, at Cincinnati, Ohio, in opposition to the parcels post; to the Committee on the Post Office and Post Roads.

By Mr. AYRES: Petition of residents of the Bronx, New York City, in favor of a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. BYRNES of South Carolina: Petition of sundry citizens of the State of South Carolina, asking for reduction in duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. CALDER: Papers to accompany House bill 7083, to remove the charge of desertion from the naval record of Herbert W. George; to the Committee on Naval Affairs.

By Mr. CANNON: Joint resolution of the General Assembly of Illinois, making application to Congress for the calling of a constitutional convention to propose an amendment to the Constitution of the United States granting the Congress of the United States the power to prevent and suppress monopolies by appropriate legislation; to the Committee on the Judiciary.

By Mr. CARY: Communication from Banner Coffee Co., of Milwaukee, Wis., protesting against the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. CRAVENS: Petitions of citizens of Fort Smith, Ark., asking for reduction of duty on raw and refined sugar; to the Committee on Ways and Means.

By Mr. FINLEY: Petitions of A. D. Dorsett and sundry other persons of the State of South Carolina, praying for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. FLOYD of Arkansas: Petitions of citizens and business firms of Mountain Home, Ark., asking for a reduction of duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. FRENCH: Petitions of citizens of Laclede, Idaho, asking for removal of duty on sugar; to the Committee on Ways and Means.

By Mr. HINDS: Memorial of Novell & Libby, of Sanford, Me., praying for a reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. McKINNEY: Resolutions adopted by the Moline (Ill.) Branch of Socialists, relating to the McNamara case; to the Committee on Rules.

By Mr. O'SHAUNESSY: Petition of Providence Retail Druggists' Association, against House bill 8887, a tax on proprietary medicines, in that said tax does not and can not fall upon either the maker or the consumer, but upon the retail druggist, who will be compelled to bear the entire burden thereof; to the Committee on Ways and Means.

By Mr. PRAY: Petition of Miners' Union No. 1, Western Federation of Miners, of Butte, Mont., in favor of appointment of joint committee of investigation under resolutions introduced by Representative BERGER, of Wisconsin; to the Committee on Labor.

By Mr. PRINCE: Petition of J. W. Ogden and 100 other citizens, asking for relief of C. W. Bowden, rural free-delivery carrier, of Herman, Knox County, Ill.; to the Committee on Claims.

By Mr. J. M. C. SMITH: Papers in re increase of pension to George W. Baker; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: Petition from various citizens of Bowie, Tex., relative to the tariff on sugar; to the Committee on Ways and Means.

Also, petitions of citizens of Silverton, Tex., relative to the tariff on sugar; to the Committee on Ways and Means.

By Mr. UTTER: Papers to accompany bill (H. R. 8598) granting an increase of pension to Samuel E. Reynolds; to the Committee on Invalid Pensions.

Also, paper to accompany bill granting an increase of pension to Ann L. Waterman; to the Committee on Invalid Pensions.

Also, papers to accompany bill granting an increase of pension to George Easterbrooks; to the Committee on Invalid Pensions.

Also, papers to accompany bill granting an increase of pension to Sarah A. Mickerson; to the Committee on Invalid Pensions.

Also, papers to accompany bill granting an increase of pension to Catherine Moan; to the Committee on Invalid Pensions.

By Mr. WEDEMEYER: Papers to accompany bill granting an increase of pension to Edwin S. Butts; to the Committee on Invalid Pensions.

Also, papers to accompany bill granting a pension to George Messler, son of John Messler; to the Committee on Invalid Pensions.

Also, papers to accompany bill granting an increase of pension to Emory Randall; to the Committee on Invalid Pensions.

SENATE.

MONDAY, *May 22, 1911.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of the proceedings of Thursday last was read and approved.

CASS GILBERT.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, recommending the insertion in the general deficiency appropriation bill of an item authorizing the payment of $3,434.92 for certain architectural services rendered by Mr. Cass Gilbert in connection with the furnishing of the new customhouse at New York City, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed. (S. Doc. No. 35.)

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the International Railway Fuel Association, praying for the enactment of legislation to create a national arbitration tribunal and to define the duties and powers thereof, which was referred to the Committee on Foreign Relations.

He also presented petitions of the Mount Zion Sunday School, of Luray, Va.; of the congregation of the Maple Spring Church, of Preston County, W. Va.; of the Cedar Run Sunday School of the Church of the Brethren of Virginia; of the congregation of the Church of the Brethren of Carrington, N. Dak.; and of the congregation of the Church of the Brethren of Peace Valley, Mo., praying for the enactment of legislation for the suppression of the opium evil, which were referred to the Committee on Foreign Relations.

Mr. GALLINGER presented memorials of Local Union No. 51, International Brotherhood of Stationary Firemen, of Berlin; of Leon E. Stone, of Swanzey; and of John T. Hall, of Lebanon, all in the State of New Hampshire, remonstrating against the reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a petition of the North Capitol & Eckington Citizens' Association, of the District of Columbia, praying for the establishment of an inebriate hospital in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Religious Society of Friends in America, praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. CULLOM presented a petition of the General Assembly of the State of Illinois, praying for the adoption of an amendment to the Constitution of the United States to prevent and suppress monopolies, which was referred o the Committee on the Judiciary.

Mr. LODGE. I present resolutions adopted by Joint Council No. 1, Boot and Shoe Workers' Union, representing 13,000 boot and shoe workers of Brockton, Mass., remonstrating against any reduction of the duty on boots and shoes. I ask that the resolutions be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the resolutions were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Whereas statistics emanating from the Department of Commerce and Labor bear witness to the fact that since the tariff on shoes was reduced from 25 per cent to 10 per cent a rapid increase in imports of boots and shoes has occurred; and

Whereas the bill now under consideration by the National Congress and known as House of Representatives No. 4413 proposes to remove all duty from such imports: Therefore be it

Resolved, That Joint Shoe Council No. 1 of the Boot and Shoe Workers' Union, representing 13,000 shoe workers of Brockton, Mass., expresses its opposition to the proposed legislation, believing such action would prove detrimental to their interests; and be it further

Resolved, That we believe conditions in the shoe trade of the United States where unlimited and untrammeled competition exists are such that no possible benefit could be conferred on any portion of the country by the admission of boots and shoes free of duty; therefore be it

Resolved, That we urge upon Congress the necessity of retaining not only the present tariff on boots and shoes, but to consider the advisability of an increase in the same, to the end that the home market will be conserved for the product of American workmen.

Mr. JONES presented a petition of sundry citizens of Quinault, Wash., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. BURNHAM presented memorials of Local Union No. 51, International Brotherhood of Stationary Firemen, of Berlin; of B. F. Williams, of Grafton Center; of E. J. Bullard, of Swanzey; and of C. E. Gunn, of Swanzey, all in the State of New Hampshire, remonstrating against the reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a memorial of Local Division No. 2, Ancient Order of Hibernians, of Rochester, N. H., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. PERKINS presented a petition of the Chamber of Commerce of Stockton, Cal., praying that the sloop of war *Portsmouth* be transferred to San Francisco Harbor, which was referred to the Committee on Naval Affairs.

He also presented memorials of sundry manufacturers of San Francisco and Oakland, in the State of California, remonstrating against any reduction in the duty on alimentary pastes, which were referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. TOWNSEND presented petitions of sundry volunteer officers of the Civil War of Plymouth, Detroit, and Centerville, in the State of Michigan; of Kansas City, Mo.; of Auburn, Kans.; of New York City and Saratoga Springs, N. Y.; of Ocean Springs, Miss.; and of Danville, Ill., praying for the enactment of legislation to place certain volunteer officers of the Civil War on the retired list, which were referred to the Committee on Military Affairs.

Mr. SHIVELY presented a memorial of Local Division No. 2, Ancient Order of Hibernians, of Jasonville, Ind., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Indianapolis Fancy Grocery Co., of Indianapolis, Ind., praying for a reduction of the duty on raw and refined sugar, which was referred to the Committee on Finance.

Mr. ROOT presented a memorial of the congregation of the Seventh Day Baptist Church of Adams Center, N. Y., remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. BROWN presented a petition of the Commercial Club of Omaha, Nebr., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Commercial Club of Omaha, Nebr., praying for the adoption of a certain amendment to the corporation-tax law, which was referred to the Committee on Finance.

Mr. WETMORE presented a memorial of the Retail Druggists' Association, of Providence, R. I., remonstrating against the imposition of a stamp tax on proprietary medicines, which was referred to the Committee on Finance.

He also presented a petition of the Woman's Alliance of the First Congregational Church of Providence, R. I., and a petition of the First Methodist Episcopal Church, of Newport, R. I., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. BOURNE presented a petition of sundry citizens of Oregon, praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors into prohibition districts, which was referred to the Committee on the Judiciary.

PROMOTION OF AGRICULTURAL EDUCATION.

Mr. OVERMAN. I present a letter from H. Q. Alexander, president of the North Carolina division of the Farmers' Educational Cooperative Union of America, approving the bill to promote the cause of agricultural education in States. I ask that the letter be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the letter was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

NORTH CAROLINA DIVISION,
Matthews, N. C., May 20, 1911.

Hon. LEE S. OVERMAN,
Washington, D. C.

DEAR SENATOR: I want to say that I most heartily approve your bill for promoting the cause of agricultural education in States that will appropriate an equal amount. This bill is progressive and constructive.

It goes directly to the fountain head of all real and permanent wealth of the Nation—its citizenship. With an intelligent, efficient, and productive citizenship, our growth and development would have far outstripped our present achievements, great as they have been. If half of the money which has been expended since the Civil War on the Army and Navy alone had been used in educating our people in the productive sciences and arts and in building post roads, as required by the Constitution, our growth and power in wealth and population would have been 50 years in advance of present conditions. Our Government has nurtured and protected the dollar, but has ignored the man who produced the dollar primarily. Had we pursued the policy of education, efficiency, and prosperity of the great producing masses of our citizenship, we would not now be menaced with the high cost of living and have to turn our hungry faces to another country for food products.

I do hope you will succeed in pushing your bill through Congress. If we had fewer politicians and more statesmen in Congress, you would have no difficulty in passing the bill.

With kind regards, I am,

Yours, fraternally, H. Q. ALEXANDER.

REPORTS OF COMMITTEE ON THE DISTRICT OF COLUMBIA.

Mr. GALLINGER, from the Committee on the District of Columbia, to which was referred the bill (S. 307) to change the name of Fort Place, from Seventeenth to Eighteenth Streets NE., to Irving Street, reported it without amendment and submitted a report (No. 32) thereon.

He also, from the same committee, to which was referred the bill (S. 851) to change the name of Fort Place, from Seventeenth to Eighteenth Streets NE., to Irving Street, submitted an adverse report (No. 30) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. JOHNSTON of Alabama, from the Committee on the District of Columbia, to which was referred the bill (S. 237) for the proper observance of Sunday as a day of rest in the District of Columbia, reported it without amendment and submitted a report (No. 33) thereon.

Mr. DILLINGHAM, from the Committee on the District of Columbia, to which was referred the bill (S. 274) providing for the removal of snow and ice from the paved sidewalks of the District of Columbia, reported it without amendment and submitted a report (No. 34) thereon.

NATIONAL CONTROL OVER ELECTION OF SENATORS.

Mr. SUTHERLAND. I present the views of the minority of the Committee on the Judiciary upon the joint resolution (H. J. Res. 39) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States. I ask that the report be printed, and that it also be printed in the RECORD.

The VICE PRESIDENT. The views of the minority will be printed under the rule, and without objection the order to print in the RECORD will be made as requested.

The views of the minority (S. Rept. No. 35), submitted by Mr. SUTHERLAND from the Committee on the Judiciary, are as follows:

NATIONAL CONTROL OVER ELECTION OF SENATORS.

VIEWS OF THE MINORITY OF THE SENATE COMMITTEE ON THE JUDICIARY ON HOUSE JOINT RESOLUTION 39, PROPOSING AN AMENDMENT TO THE CONSTITUTION PROVIDING THAT SENATORS SHALL BE ELECTED BY THE PEOPLE OF THE SEVERAL STATES.

The undersigned members of the Senate Committee on the Judiciary dissent from the action of the committee in reporting favorably House joint resolution No. 39 on the following grounds. The resolution as reported is as follows:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That in lieu of the first paragraph of section 3 of Article I of the Constitution of the United States, and in lieu of so much of paragraph 2 of the same section as relates to the filling of vacancies, and in lieu of all of paragraph 1 of section 4 of said Article I, in so far as the same relates to any authority in Congress to make or alter regulations as to the times or manner of holding elections for Senators, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the States:

"The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branches of the State legislature.

"The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

"When vacancies happen in the representation of any State in the Senate the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election, as the legislature may direct.

"This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution."

This contains two separate and distinct amendments to the Constitution. The first is an amendment to section 3 of Article I so as to provide for the direct election of Senators by the people. The second is an amendment of section 4 of Article I so as to destroy the power which the National Government now has to regulate and direct the time and manner of electing Members of its own Senate.

The fourth section of the first article now reads as follows:

"The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators."

This provision requires the State legislatures, in the performance of a duty under the National Constitution, to regulate the times and manner of holding elections both for Senators and Representatives, and gives the National Congress power at any time by law to make or alter such regulations.

Under this provision it was clearly contemplated that the authority to prescribe the times, places, and manner of holding elections for Representatives and Senators should primarily vest in the State legislatures, but that the ultimate power to make or alter such regulations should forever remain in the hands of the Federal Government. It is manifest that the framers of the Constitution intended that this supervisory power on the part of Congress should exist independently of the way in which the Members of Congress should be elected. Representatives, under the Constitution, are now elected by the people; Senators are elected by the various legislatures, but in both instances the authority of Congress to regulate the election is preserved.

There would seem to be no doubt that if the Constitution had originally provided for the popular election of Senators as it did for the election of Representatives, provision would have been made for the supervisory control by Congress over such elections, just as it is now provided with respect to elections by the legislatures.

The resolution, as reported, leaves the duty of the State legislatures and the power of Congress the same, so far as Representatives are concerned; but, so far as Senators are concerned, it strikes out the words which empower the Congress at any time by law to make or alter the regulations, and it thus transfers from the National Congress to the State legislatures the power of control over the election of Senators, which the National Government now has and has had since the beginning of the Government, and which it has and will continue to have over the election of Representatives.

The resolution also makes another change in section 4, which will be important in determining the construction of the instrument and the nature of the powers to be exercised by the State legislatures. The present provision is a command to the State legislatures to prescribe the times, places, and manner of holding elections, subject to the ultimate authority of Congress. In performing that function the State legislatures are discharging a duty under the Constitution of the United States—acting by its authority. The proposed amendment inserts the word "as" before the word "prescribed," and makes the provision read: "The times, places, and manner of holding elections for Senators shall be *as* prescribed in each State by the legislature thereof." The command to the State legislatures is thus taken out of the Constitution, and the legislatures, in making such regulations as they see fit to make, will be performing no duty imposed upon them by the Constitution of the United States, but exercising, according to their own will and pleasure, an authority to which the Government of the United States will be subjected.

As to these proposed changes in section 4 of Article I, we consider—

First. That they are unnecessary to accomplish the purpose of securing the direct election of Senators by the people. They do not aid or contribute to the direct election of Senators in any manner or degree. There is no reason why the ultimate authority of the National Government over the times and manner of electing Senators by direct, popular vote should not continue to be exercised, just as it always has been exercised, over the direct election of Representatives by popular vote. The exercise of that national power over the popular election of Representatives meets now with no objection, and, under the proposed amendment, is to continue. The proposed change from legislative election of Senators to popular election of Senators furnishes no reason whatever for destroying the ultimate power of control over the election of Senators which the National Congress now has under the Constitution.

Second. The abandonment of national authority by the proposed changes in section 4 would be a fundamental and vital change in our system of government, and should be regarded as far more important than the change from legislative to direct election of Senators, to which it has been attached in the resolution reported as if it were merely incidental and subordinate. The present provision contained in section 4 of Article I was adopted by the framers of the Constitution after full discussion and upon great consideration. The conclusion expressed in the section as adopted was an assertion of the ultimate authority of the National Government over the steps necessary to constitute the Government and to insure its continued exercise and power to act. It was one of a series of provisions which established definitely the distinction between the old Confederation, under which the Central Government was dependent upon the States, and the new National Government, which was to contain within itself every element of power essential to its continued existence and effectiveness. The proposed change would reverse that conclusion, would change the theory and the nature of the relations between the National Government and the several States, and would leave the Nation dependent upon the several States and without authority of its own in respect of an essential part of the machinery necessary to its continued existence.

How vital is the preservation of the supervisory power conferred upon Congress by section 4 of Article I was strongly set forth by the Supreme Court of the United States through Mr. Justice Miller, delivering the opinion in the Yarbrough case (110 U. S., 651). In that case the Supreme Court was passing upon the validity of the Federal election law of 1870, an act based upon the authority conferred by the first clause of section 4 of Article I. We quote from the opinion as follows:

"That a Government whose essential character is republican, whose executive head and legislative body are both elective, whose most numerous and powerful branch of the legislature is elected by the people directly, has no power by appropriate laws to secure this election from the influence of violence, of corruption, and of fraud, is a proposition so startling as to arrest attention and demand the gravest consideration. * * *

"If this Government is anything more than a mere aggregation of delegated agents of other States and governments, each of which is superior to the General Government, it must have the power to protect the elections on which its existence depends from violence and corruption.

"If it has not this power it is left helpless before the two great natural and historical enemies of all republics—open violence and insidious corruption.

"It is as essential to the successful working of this Government that the great organisms of its executive and legislative branches should be the free choice of the people as that the original form of it should be so. In absolute governments, where the monarch is the source of all power, it is still held to be important that the exercise of that power shall be free from the influence of extraneous violence and internal corruption.

"In a republican government like ours, where political power is reposed in Representatives of the entire body of the people, chosen at short intervals by popular election, the temptations to control these elections by violence and by corruption is a constant source of danger. * * *

"If the Government of the United States has within its constitutional domain no authority to provide against these evils, if the very sources of power may be poisoned by corruption or controlled by violence and outrage, without legal restraint, then, indeed, is the country in danger, and its best powers, its highest purposes, the hopes which it inspires, and the love which enshrines it, are at the mercy of the combinations of those who respect no right but brute force on the one hand and unprincipled corruptionists on the other."

The Senate of the United States and the House of Representatives constitute one of the three great departments of the Federal Government upon whose existence and efficiency the very life of the Nation depends. To say that one branch of this department shall be in the absolutely uncontrolled power of the various State governments is to deny the supremacy of the Federal Government, and to that extent make it subordinate to the government of the several States. No matter what laws the State governments may pass regulating the time and manner of the election of Senators, no matter how profound may be the effect of such laws upon the efficiency of the Senate, the Federal Government, if this resolution shall be finally adopted, will be utterly powerless to protect itself. It would seem that the mere statement of such a contingency, however remote its happening may appear to be, should be sufficient to prevent its adoption. No harm can possibly result from a continuation of the supervisory power in the hands of Congress, while infinite harm might follow its destruction.

Third. That possession by the National Government of the power of control over the election of its own legislative bodies is a matter of practical concern is shown by the fact that it has been found necessary to exercise that control in the past regarding both branches of the National Legislature. It was found necessary to regulate the election of Representatives by a national statute passed in 1842, and by further statutes in 1872, under which those elections are still held, and it was found necessary to regulate the legislative proceeding for the election of Senators by national statute in 1866. The Federal election law of 1870 and the subsequent amendments of that law were based upon this provision of the Constitution. No one can tell when the further or renewed exercise of that power may be of the highest importance to the National Government. A moment's reflection will indicate that the greatest inconvenience and possibility of abuse might grow out of a variety of regulations in the different States fixing different times and ways of electing Senators in the absence of any power in the National Government to require a general and harmonious system throughout the States.

But it is not requisite to show how the exercise of the power will be necessary in the future. It rests upon those who wish to destroy the power, to show that there can be no need of it in the future. This has not been, and can not be, successfully attempted.

Fourth. It is not proposed to disturb the power which section 5 of Article I of the Constitution confers upon each House of Congress to "be the judge of the elections, returns, and qualifications of its own Members." That power is essential. It must rest somewhere, and under our system, which separates the judicial and legislative branches, it can rest nowhere but in the legislative bodies themselves. It has been exercised by the House of Representatives in respect of the popular election of its Members in more than 400 cases during the 122 years of the Government's existence. The continuance of the power to regulate the time and manner of holding elections, which it is proposed to strike out from section 4 of Article I, is necessary to enable the Houses of Congress to perform the duty of judging of the elections and returns of their Members. In order to perform that duty Congress must have the power to require that elections shall be held at such times and in such manner that there shall be competent and sufficient evidence available to enable the judging body to get at the truth and secure a basis for a just judgment.

Fifth. Possession of the power which it is proposed to strike out from section 4 is essential to enable the National Government to act effectively in case it should ever have occasion to enforce the provisions of the fourteenth and fifteenth amendments to the Constitution. The basis of any enforcement of those provisions must necessarily be the ascertainment and establishment of the facts in respect of the elections to which they may relate. The proposed amendment of section 4 of Article I, if adopted, would be the latest expression of the sovereign will of the people of the United States, and would take away from the National Government authority to make those regulations regarding elections which are essential to the preservation of evidence regarding what actually occurs.

There may be a difference of opinion as to whether the fourteenth and fifteenth amendments should remain in the Constitution, but it surely can not be thought consistent with the dignity and honor of the United States to leave them in the Constitution and at the same time surrender the power which would be necessary for their enforcement.

Sixth. The proposed amendment of section 4, depriving the United States of its authority over the ultimate control of the election of the Members of its Senate, has not been demanded or sought by the people of the United States. It has had no general discussion or consideration by them. It has had no general discussion or consideration in Congress. It has been proposed and reported as if it were an incident to another amendment to which it bears no necessary relation; as if it were a light and trifling matter; and no just basis exists upon which the Senate of the United States can now take the grave and serious step of proposing it to the State legislatures.

Seventh. It has been contended by some that even if the provision of the Constitution conferring upon Congress the authority to regulate the times and manner of the election of Senators shall be eliminated full power will still exist under other general provisions. We are unable to agree with this contention. Under the resolution express power is granted to the States to regulate this subject. The language is exclusive; the whole power is granted to the State, and nothing whatever upon this subject is reserved to Congress. To expressly grant exclusive power over the subject to the State governments is equivalent to a denial of the same power to the General Government, and nothing can be clearer than that such express and exclusive grant would foreclose the General Government from exercising the same power under any general language contained in the Constitution.

It has been suggested that the right to vote for a Member of Congress is a right guaranteed by the Federal Constitution, and that Congress would therefore have the implied power to pass any regulation necessary to preserve this right. It is to be observed, however, that the power to regulate the time and manner of the election of Senators is to be *specifically* granted to the State legislatures, and it is difficult to understand how an *implied* power can exist in one agent to do a thing under general language where the identical power has been specifically and in exclusive terms granted to another.

The resolution now before the Senate is an exact copy of the joint resolution reported by Representative Tucker, of Virginia, in the Fifty-second Congress. Mr. Tucker, who was an able lawyer, in the course of his report, stated:

"It is proposed to abrogate and annul the above [referring to clause 1, section 4] in so far as it gives to Congress any control, absolute or remote and contingent, over the election of United States Senators by substituting the following language for so much thereof as refers to the election of Senators: 'The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.'"

Here is a plain, straightforward, candid statement of one of the great lawyers of the country, who knew precisely what he desired to accomplish; that the effect of this portion of the resolution is to annul clause 1 of section 4 as far as it gives Congress any control "absolute or remote and contingent," and, in the opinion of the minority members of the committee, Mr. Tucker's view of the matter is entirely correct. If the proposed change in the language of clause 1 of section 4 does not have this result and does not have the effect to deprive Congress of its power in the premises, we are somewhat at a loss to understand what its proponents, who take this view, seek to gain.

Eighth. The two proposed amendments ought to be considered separately, and each upon its own merits. The existing tendency toward the direct election of Senators by the people ought not to be made a vehicle or pretext for getting the approval of Congress to an entirely separate and distinct proposal to destroy Federal control over elections. The people of the country ought not to be compelled to approve, through their legislatures, a change which they may not desire as the price of securing another change which they may desire. In order to prevent this unfair and injurious treatment of the subject, we recommend that the resolution be amended to read as follows:

"Joint resolution proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That in lieu of the first paragraph of section 3 of Article I of the Constitution of the United States, and in lieu of so much of paragraph 2 of the same section as relates to the filling of vacancies, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the States:

"'The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

"'When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

"'This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.'"

C. D. CLARK.
KNUTE NELSON.
WILLIAM P. DILLINGHAM.
GEO. SUTHERLAND.
FRANK B. BRANDEGEE.
ELIHU ROOT.

MAY 22, 1911.

FURTHER VIEWS OF MESSRS. DILLINGHAM, BRANDEGEE, AND ROOT.

The undersigned, who have joined in the foregoing expression of views regarding the amendment of section 4 of Article I of the Constitution, wish also to put upon record an expression of their opinion that the amendment of section 3 of Article I so as to provide for the direct election of Senators by the people instead of by State legislatures is inexpedient and unnecessary. We think that the change would be injurious rather than beneficial, and that the abuses which have led to the proposal of the amendment can be obviated by a simple act of legislation, without any amendment to the Constitution. A bill for that purpose (S. 123) is now pending in the Senate.

WILLIAM P. DILLINGHAM.
FRANK B. BRANDEGEE.
ELIHU ROOT.

MAY 22, 1911.

CATHARINE MALLOY.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 38, submitted by Mr. CULLOM on the 9th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay, from the contingent fund of the Senate, to Catharine Malloy, mother of William M. Malloy, late clerk to the Committee on Foreign Relations of the Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

HEARINGS BEFORE THE COMMITTEE ON APPROPRIATIONS.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 32, submitted by Mr. WARREN on the 4th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Appropriations, or any subcommittee thereof, be authorized to send for persons and papers and to administer oaths and to employ a stenographer to report such hearings as may be had in connection with any subject which may be pending before said committee, and to have the same printed for its use, the expenses

thereof to be paid out of the contingent fund of the Senate; and that the committee or any subcommittee thereof may sit during the sessions of the Senate.

HEARINGS BEFORE THE COMMITTEE ON COMMERCE.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 37, submitted by Mr. GALLINGER (for Mr. FRYE) on the 8th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Commerce, or any subcommittee thereof, be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee, and to have printed such hearings and such other papers as may be deemed necessary in connection with the subjects heretofore considered or to be considered by said committee during the Sixty-second Congress.

DRAINAGE SURVEY OF LANDS IN MINNESOTA.

Mr. SMOOT, from the Committee on Printing, to which was referred Senate resolution 26, submitted by Mr. CLAPP on the 28 ultimo, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That 500 copies of House Document No. 27, Sixty-first Congress, first session, entitled "Drainage Survey of Certain Lands in Minnesota," be printed for the use of the Senate document room.

MARSHAL FOR DISTRICT OF CONNECTICUT.

Mr. BRANDEGEE. From the Committee on the Judiciary I report back favorably, without amendment, the bill (S. 2434) providing for an increase of salary of the United States marshal for the district of Connecticut, and I ask unanimous consent for the present consideration thereof.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that from and after the passage of this act the salary of the United States marshal for the district of Connecticut shall be at the rate of $3,000 a year.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ENCAMPMENTS OF GRAND ARMY OF THE REPUBLIC.

Mr. CLAPP. From the Committee on Interstate Commerce I report back favorably without amendment the joint resolution (S. J. Res. 18) authorizing free or reduced transportation to members of the Grand Army of the Republic and others whenever attending regular annual encampments, reunions, or conventions, and for other purposes, and I submit a report (No. 31) thereon.

Mr. CURTIS. I ask unanimous consent for the present consideration of the joint resolution.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KERN:

A bill (S. 2446) for the relief of Aaron F. Adams (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 2447) granting an increase of pension to William Gant (with accompanying papers); to the Committee on Pensions.

By Mr. LEA:

A bill (S. 2448) to carry into effect the findings of the Court of Claims in the matter of the claim of Edmund W. Williams, executor of the estate of Joseph R. Williams, deceased;

A bill (S. 2449) to carry into effect the findings of the Court of Claims in the claim of Nathaniel F. Cheairs; and

A bill (S. 2450) for the relief of the estate of Adolph Roehl; to the Committee on Claims.

By Mr. POMERENE:

A bill (S. 2451) providing against the abandonment of destitute, infirm, or aged parents; to the Committee on the District of Columbia.

By Mr. DIXON:

A bill (S. 2452) to authorize the construction of fishways, screens, and paddle wheels at the intake of canals constructed in connection with irrigation projects (with accompanying papers); to the Committee on Irrigation and Reclamation of Arid Lands.

A bill (S. 2453) for the relief of Benjamin F. Martz; to the Committee on Public Lands.

By Mr. LODGE:

A bill (S. 2454) exempting certain yachts from the provisions of section 37 of the act of August 5, 1909, and for other purposes (with accompanying paper); to the Committee on Finance.

By Mr. JONES:

A bill (S. 2455) to provide for the government of the Canal Zone, the construction and operation of the Panama Canal, and for other purposes; to the Committee on Interoceanic Canals.

A bill (S. 2456) authorizing the State of Washington to lease the southeast quarter and the southwest quarter of section 36, township 18 north, of range 10 west, in Chehalis County, for public-park purposes; to the Committee on Public Lands.

By Mr. BROWN:

A bill (S. 2457) to correct the military record of William H. Burgess; to the Committee on Military Affairs.

A bill (S. 2458) granting an increase of pension to George W. Patterson (with accompanying paper); to the Committee on Pensions.

By Mr. BANKHEAD:

A bill (S. 2459) for the relief of heirs or estate of Jacob Keller, deceased; to the Committee on Claims.

By Mr. HITCHCOCK:

A bill (S. 2460) granting an increase of pension to Charles H. Jones; and

A bill (S. 2461) granting an increase of pension to James W. Wilson; to the Committee on Pensions.

By Mr. BACON:

A bill (S. 2462) to cede jurisdiction to the State of Georgia over certain land in Fulton County; to the Committee on Public Lands.

A bill (S. 2463) for the relief of Mrs. M. B. Patterson; to the Committee on Claims.

By Mr. POINDEXTER:

A bill (S. 2464) granting a pension to Thomas Harlan; and

A bill (S. 2465) granting a pension to Arthur F. Shepherd; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 2466) granting an increase of pension to Charles E. Abbott (with accompanying paper); to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 2467) granting a pension to Oliver C. Morris;

A bill (S. 2468) granting a pension to Alexander W. Donald son; and

A bill (S. 2469) granting a pension to Joseph H. Daugherty, sr.; to the Committee on Pensions.

By Mr. CRANE:

A bill (S. 2470) granting an increase of pension to Philip S. Dusenbury; to the Committee on Pensions.

RECPROCITY WITH CANADA.

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (H. R. 4412) to promote reciprocal trade relations with the Dominion of Canada, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

STENOGRAPHER FOR COMMITTEE ON AGRICULTURE AND FORESTRY.

Mr. BURNHAM submitted the following resolution (S. Res. 45), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Agriculture and Forestry, or any subcommittee thereof, be, and the same is hereby, authorized to employ a stenographer from time to time as may be necessary to report such hearings as may be had on bills or other matters pending before said committee, and to have printed such hearings and such other papers as may be deemed necessary in connection with subjects heretofore considered or to be considered by said committee during the Sixty-second Congress, and that the expense thereof be paid out of the contingent fund of the Senate, and that the said committee and all subcommittees thereof may sit during the sessions of the Senate.

SENATOR FROM ILLINOIS.

Mr. DILLINGHAM. Mr. President, after consultation with several Members of this body, and in view of the action of the upper branch of the Legislature of Illinois relating to the seat of Senator LORIMER of that State in this body, as reported in the public press, I offer the following resolution, which I ask may be read, and that it may lie on the table.

The resolution (S. Res. 46) was read as follows:

Whereas since the action by the Senate on the resolution of June 20, 1910, relating to the seat of WILLIAM LORIMER, it is represented that new testimony has been discovered; and

Whereas the Senate of the State of Illinois did on the 18th day of May, 1911, adopt the following resolutions:

"Whereas under senate resolution No. 17 a committee was appointed to investigate charges of corruption and official misconduct against members of this senate; and

"Whereas said committee has reported the result of its investigation to this senate, from which it appears that there were important and material witnesses without the State of Illinois, whose attendance it could not legally compel and which witnesses refused voluntarily to appear; and

"Whereas said committee was seriously impeded in the performance of its duties by what we believe to be the unwarranted action of a certain judge; and

"Whereas it appears from the report of said committee that despite its inability to compel the attendance of such foreign witnesses and

the adverse action of said judge sufficient evidence was procured to show that without bribery and corruption and by reason of the failure of certain senators and representatives during the different roll calls to carry out the will of the people, as expressed at the polls, in the choice for a United States Senator, which action we deem most reprehensible and should be condemned, and which we hereby condemn: Therefore be it

"*Resolved*, That it is the opinion of this senate, based upon the report and findings of the said committee, that the election of WILLIAM LORIMER to a seat in the United States Senate was brought about by bribery and corruption; and

"*Resolved*, That the gravity of the situation, involving as it does the integrity and good name of this State and the welfare of the Nation, demands a further investigation and determination of this matter by a body possessing broader jurisdiction and greater powers than does this senate; and be it further

"*Resolved*, That the secretary of this senate be, and he is hereby, authorized and directed to transmit to the Senate of the United States a copy of the evidence taken by the said committee, together with the report and findings of that committee and a copy of this resolution for such action as the Senate of the United States may deem proper.

"*Resolved*, That the findings of said committee, as set forth in the report heretofore filed, be, and the same are hereby, ratified and approved."

Therefore be it

Resolved by the Senate of the United States, That the Committee on Privileges and Elections are authorized and directed to further investigate the charges made against WILLIAM LORIMER, a Senator from the State of Illinois, and to inquire and report to the Senate whether in or about the election of the said WILLIAM LORIMER as a Senator of the United States from the State of Illinois, or in connection with his right to a seat in this body there were used or employed by any person, firm, corporation, or association any corrupt methods or practices.

That said committee be authorized to sit during the sessions of the Senate and during any recess of the Senate or of Congress; to hold its sessions at such place or places as it shall deem most convenient for the purposes of the investigation; to employ stenographers and such counsel and competent accountants as it may deem necessary; to send for persons and papers and to administer oaths; and that the expenses of the inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

The VICE PRESIDENT. Without objection, the resolution will lie on the table.

CONSIDERATION OF BILLS ON THE CALENDAR.

The VICE PRESIDENT. Morning business is closed. The calendar, under Rule VIII, is in order. The Secretary will report the first business on the calendar.

The joint resolution (H. J. Res. 1) to correct errors in the enrollment of certain appropriation acts approved March 4, 1911, was announced as first in order.

Mr. HEYBURN. I ask that that joint resolution go over.

The VICE PRESIDENT. Objection is made; and the joint resolution goes over.

DESIGNATION OF LAND IN THE DISTRICT OF COLUMBIA.

The bill (S. 1095) to authorize the surveyor of the District of Columbia to adopt the system of designating land in the District of Columbia in force in the office of the assessor of said District was announced as next in order, and the Senate as in Committee of the Whole proceeded to its consideration.

Mr. SHIVELY. Mr. President, I should like to ask the Senator in charge of the bill what is the particular mischief which it is designed to obviate?

Mr. DILLINGHAM. Mr. President, this bill is similar to one which has already once passed the Senate. The report of the committee explains it better than I could, as I am not particularly familiar with the indexing and recording systems of the District. If the Secretary will read the fine print of the report, which is very short, I think it will explain to the Senator from Indiana precisely what is the object of the bill.

The VICE PRESIDENT. The Secretary will read the report as requested.

Mr. GALLINGER. Mr. President, perhaps a word from me will obviate the necessity of even reading any part of the report.

There is a system in vogue in the office of the assessor of the District of Columbia whereby parcels of land are described very accurately, while the surveyor has an entirely different system, so that a purchaser of property here finds it difficult to get a correct description of his property. This bill simply provides that the surveyor shall adopt the same system that is in vogue in the office of the other official and that there shall be a very simple method provided in the matter of designating land in this District.

Mr. SHIVELY. That is, to have the same system in the assessor's and in the surveyor's office?

Mr. GALLINGER. Precisely. The assessor's system has worked most admirably. That is all there is to the bill.

The VICE PRESIDENT. The Secretary will the state the amendment to the bill recommended by the committee.

The SECRETARY. In section 2, page 2, line 14, after the word "not," it is proposed to strike out "unless for good cause shown to him," so as to make the section read:

SEC. 2. That hereafter all instruments tendered for record in the office of the recorder of deeds of the District of Columbia in which original lots, subdivision lots, squares, or tracts are mentioned shall, in addition to any other description, contain a reference to the square or parcel shown on the plats and plans as filed for record in the office of the surveyor of the District of Columbia in which the real estate intended to be affected is contained, and the recorder of deeds shall not receive any instrument for record unless the provisions of this act are therein complied with.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARREARAGES OF DISTRICT TAXES.

The bill (S. 1082) to receive arrearages of taxes due to the District of Columbia to July 1, 1908, at 6 per cent interest per annum, in lieu of penalties and costs, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JEANNIE TURNBULL.

The bill (S. 19) authorizing the Secretary of War to convey the outstanding title of the United States to lots 3 and 4, square 103, in the city of Washington, D. C., was considered as in Committee of the Whole. It directs the Secretary of War to grant to the present occupant of original lots 3 and 4, square 103, in the city of Washington, a quit-claim deed of the legal title of the United States to those lots, it having appeared that the United States has no other interest therein or claim thereto than a record title resulting from a failure to comply with the requirement of the act of the Maryland Legislature of December 19, 1791, relative to the recording of deeds in the original city of Washington; but the occupant of the lots shall establish to the satisfaction of the Secretary of War his or her title to the premises, saving only the aforesaid outstanding legal title of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HEYBURN. Mr. President, there are two bills on the calendar, practically for the same purpose, as to which there is some confusion. I should like to call attention to one of them. I think there is an omission in the bill which has just been passed. It provides for no grantee. In line 3, page 1, it says:

That the Secretary of War is hereby directed to grant to the present occupant—

It does not say who the occupant is. The words "Jeannie Turnbull" should be inserted. It would not be careful legislation to provide for the transfer of land by the United States to a person unnamed, and I ask that the votes by which the bill was ordered to be engrossed for a third reading, read the third time, and passed, may be reconsidered, and then I shall offer an amendment.

The VICE PRESIDENT. Without objection, the votes by which the bill was ordered to be engrossed for a third reading, read the third time, and passed will be reconsidered. Is there objection? The Chair hears none. The bill is now in the Senate and open to amendment.

Mr. HEYBURN. I move to strike out the words "the present," in lines 3 and 4, and to insert in lieu thereof the name "Jeannie Turnbull" and a comma.

The VICE PRESIDENT. The amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. On page 1, line 4, before the word "occupant," it is proposed to strike out the words "the present" and to insert the name "Jeannie Turnbull" and a comma.

The amendment was agreed to.

Mr. HEYBURN. Now, on page 2, line 1, after the word "the," where it occurs near the end of the line, I move to insert the word "said," so as to read "the said occupant."

The VICE PRESIDENT. The amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. On page 2, line 1, before the word "occupant," it is proposed to insert the word "said."

The amendment was agreed to.

Mr. HEYBURN. In line 3, on page 2, I move to strike out the words "his or," before the word "her."

The VICE PRESIDENT. The amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. In line 3, before the word "her," it is proposed to strike out the words "his or," so as to read "her title to said premises."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF DISTRICT LICENSE TAX.

The bill (S. 29) to amend paragraph 43 of an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902, was considered as in Committee of the Whole. It proposes to amend paragraph 43 of the act by adding the following:

Provided, That such classification shall not be applied to booksellers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TITLE TO CERTAIN LOTS IN THE DISTRICT.

The bill (S. 20) directing the Secretary of War to convey the outstanding legal title of the United States to sublots Nos. 31, 32, and 33 of original lot No. 3, square No. 80, in the city of Washington, D. C., was announced as next in order.

Mr. HEYBURN. I ask that that bill go over, Mr. President.

The VICE PRESIDENT. The bill goes over.

REGISTRATION OF BIRTHS IN THE DISTRICT.

The bill (S. 1087) to amend an act entitled "An act to provide for the better registration of births in the District of Columbia, and for other purposes," approved March 1, 1907, was considered as in Committee of the Whole. The bill had been reported from the Committee on the District of Columbia with an amendment, on page 2, line 3, after the word "Labor," to strike out "and such other data, if any, as the commissioners of said District deem needful," so as to make the bill read:

Be it enacted, etc., That any physician or midwife who attends at the birth of any child within the District of Columbia, and any person whomsoever, who, in the absence of a physician or midwife, performs any of the offices usually rendered by such, shall execute, or cause to be executed, and shall file with the health officer of said District within 24 hours immediately following the date of such birth a proper report thereof, written in ink, on a blank furnished by said health officer, embodying all such data as may be necessary for the purposes of the Bureau of the Census of the Department of Commerce and Labor. So far as relates to any data aforesaid not based upon the personal observation of the physician, midwife, or other person by whom report is made, every such report shall show the name and address of the informant and the relationship of said informant to the child born: *Provided, however*, That if the child born be illegitimate it shall in no case be necessary for any physician, midwife, or other person to indicate on any report required by this act any fact or facts whereby the identity of the father or of the mother or of the child born will be disclosed: *And provided further*, That no report need be made of stillbirths when the fetus delivered has apparently not passed the fifth month of utero-gestation.

Upon receipt of any report aforesaid, said health officer shall forward to the father of the child, or, if his address be unknown, to the mother, an acknowledgment of the receipt of such report; and if the infant delivered be not stillborn, and such report does not contain the given name of the child born, a blank form on which the father or mother may certify over his or her signature the name of such child, which form, if thus executed and returned to said health officer within three months next following the date of birth, shall be a part of the official record of such birth.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSION OF KENYON STREET.

The bill (S. 30) to provide for the extension of Kenyon Street from Seventeenth Street to Mount Pleasant Street and for the extension of Seventeenth Street from Kenyon Street to Irving Street, in the District of Columbia, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WIDENING OF SIXTEENTH STREET NW.

The bill (S. 1094) for the widening of Sixteenth Street NW. at Piney Branch, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COMMODORE BARNEY CIRCLE.

The bill (S. 306) to confirm the name of Commodore Barney Circle for the circle located at the eastern end of Pennsylvania Avenue SE., in the District of Columbia, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSION OF NEWTON PLACE NW.

The bill (S. 32) to amend an act entitled "An act to provide for the extension of Newton Place NW. from New Hampshire Avenue to Georgia Avenue, and to connect Newton Place in Gass's subdivision with Newton Place in Whitney Close subdivision," approved February 21, 1910, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

IDA A. CHEW.

The bill (S. 21) for the relief of Ida A. Chew, owner of lot 112, square 721, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSION OF UNDERWOOD STREET NW.

The bill (S. 23) to authorize the extension of Underwood Street NW. was announced as next in order.

Mr. GALLINGER. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

GUIDES AND PEDDLERS IN THE DISTRICT.

The bill (S. 1090) providing for guides in the District of Columbia and defining their duties was considered as in Committee of the Whole.

It provides that peddlers shall pay a license tax of $25 per annum, and guides shall pay a license tax of $5 per annum.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AID TO INDIGENTS IN ALASKA.

The bill (S. 267) providing for assisting indigent persons, other than natives, in the District of Alaska, was considered as in Committee of the Whole. The bill had been reported from the Committee on Territories with an amendment.

Mr. HEYBURN. I move to amend——

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. There is a committee amendment first, if the Senator will permit it, to be acted upon.

Mr. WILLIAMS. Before we proceed to that, I should like to ask the Senator in charge of the bill why the Indians are omitted from this bill? Why is it that it applies only to such persons as are not Indians?

Mr. NELSON. I am unable to hear the Senator from Mississippi.

The VICE PRESIDENT. The Senator from Minnesota fails to hear the Senator from Mississippi.

Mr. WILLIAMS. I want to know why it is that this language——

Mr. HEYBURN. I am just about to move to amend by striking out the words "other than natives." I had addressed the Chair first——

The VICE PRESIDENT. Certainly; the Senator from Idaho has the floor if he desires it.

Mr. HEYBURN. I have moved to amend by striking out in line 10, page 1, the words "other than natives," so that this fund will be distributable to all the indigents of Alaska.

Mr. WILLIAMS. That is what I rose to ask about—to ask the Senator in charge of the bill why the language "other than natives" had been put in?

Mr. NELSON. Under a law passed some years ago the license and occupation taxes collected in Alaska were set aside for the indigent people of Alaska. Twenty-five per cent was to be devoted to educational purposes—the establishment of schools—5 per cent for taking care of the insane, and the balance to the construction of roads and trails. Now, the object of this bill is to take 5 per cent of that Alaska fund and devote it to the care of the indigent whites. The natives of Alaska are taken care of under another appropriation. For years and years they have been under the charge of the Bureau of Education, which has had charge of them and taken care of them both in an educational way and otherwise, and a large appropriation is made for that purpose, disbursed and managed by the Bureau of Education. That is why this distinction was made.

Mr. HEYBURN. But, Mr. President, I do not understand that the natives will come within this classification or derive any benefit from that fund. This bill provides for indigent persons——

Mr. NELSON. Other than natives.

Mr. HEYBURN. Unfortunately the application is too wide. But the Department of Commerce and Labor have no special jurisdiction over the indigent. There is, in fact, to-day, as far as I can ascertain, no department of the Government that is charged with the responsibility for the care of indigent Indians or natives, and I know of no reason why they should not participate in this fund. The class of people over which the De-

partment of Commerce and Labor have jurisdiction and for whom they administer funds does not include at all, as I understand, the indigent.

Mr. NELSON. The facts of the case are as I stated. The natives of Alaska, the Indians and the Esquimaux, have for years been under the charge of what is known as the Bureau of Education, now a part of the Department of Commerce and Labor. We make a large appropriation every year for the benefit of that bureau. They have established schools in Alaska and are taking care of the indigent natives under that appropriation, and have been for years. That is why this distinction is made, because they have a share of that fund while the whites have none at all.

Mr. HEYBURN. Is the Senator sure that that covers the Indians?

Mr. NELSON. Certainly it does. They have taken care of them.

Mr. HEYBURN. They take care of them in the way of educating them.

Mr. NELSON. Oh, no; they take care of them otherwise, providing them with hospitals and medical attendance and looking after them in every way. In fact, that is the only branch of the Government that is looking after the natives in Alaska.

Mr. HEYBURN. Unfortunately that seems to be true. I have had a number of complaints in letters that there was no specific department of the Government charged with the care of the indigent natives. They educate them; they provide for their education; they provide for them in health; but they do not provide for them when they have lost their health and are unable to take care of themselves.

Mr. NELSON. They take care of them as far as they can take care of them.

Mr. HEYBURN. There has been quite a demand that we establish——

Mr. NELSON. And the purpose of this fund, which is very limited, is to take care of those indigent white people, miners who get strapped, as it were, and are utterly helpless; and the criticism is that it is taken out of what we call the road-and-trail fund in Alaska, which is diminished to that extent. But the other fund, of which the Bureau of Education has charge, is an ample fund, and to my knowledge, derived from a visit to Alaska, the Bureau of Education is looking after that matter and using that fund for this purpose, and that is why we put in this amendment.

Mr. HEYBURN. My attention was called to this within a few days by a man who lives in Alaska and who is here now, and he seems to think that we are unjustly discriminating against the natives in this matter. He is quite familiar——

Mr. NELSON. I think he is not quite familiar with the facts or the character of our appropriations in the past.

Mr. HEYBURN. He was speaking more from familiarity with the facts as they exist in the community in which he lives. He is a man who happens to have some sympathy with the natives in Alaska, and at one time was closely connected with their direct government. He suggested that in this matter they were being unfairly discriminated against.

I desired to call attention to this matter in order that the discussion may show always the position this matter occupied at the time of the passage of the bill.

The VICE PRESIDENT. The amendment reported by the Committee on Territories will be stated.

The SECRETARY. On page 2, at the end of the bill, it is proposed to insert:

Provided, That the governor, in his annual report, shall submit an itemized statement with proper vouchers of all expenditures under this act.

So as to make the bill read:

Be it enacted, etc., That from and after the passage of this act, 5 per cent of all the moneys collected by the clerks of the district courts in Alaska for licenses and occupation taxes in the District of Alaska, now paid by the said clerks into the Alaska fund and to the treasurers of the several incorporated towns in Alaska, shall be paid into the Treasury of the United States and there held as a separate fund for the relief of the indigent persons, other than natives, in Alaska.

SEC. 2. That the said fund shall be disbursed upon the recommendation of the governor of Alaska to such persons and in such manner as he may direct: *Provided*, That the governor, in his annual report, shall submit an itemized statement with proper vouchers of all expenditures under this act.

The amendment was agreed to.

The VICE PRESIDENT. Does the Senator from Idaho offer an amendment?

Mr. HEYBURN. Under the statement of the Senator from Minnesota, I will not insist on the amendment.

Mr. NELSON. Withdraw it.

Mr. HEYBURN. I want to be sure that the Senator from Minnesota is sure that there is an adequate provision for the care of indigent natives.

Mr. NELSON. I will take pains by and by to show the Senator the appropriations that are made for the Bureau of Education.

Mr. HEYBURN. Yes; I think the difficulty is more in the application and classification of the appropriation. It covers several classes of public service in connection with the Indians.

Mr. NELSON. As I understand, the amendment is withdrawn.

Mr. HEYBURN. Yes.

The VICE PRESIDENT. The Senator from Idaho withdraws the amendment he proposed to offer.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FISHERIES TREATY WITH GREAT BRITAIN.

The bill (S. 12) to give effect to the provisions of a treaty between the United States and Great Britain concerning the fisheries in waters contiguous to the United States and the Dominion of Canada, signed at Washington on April 1, 1908, and ratified by the United States Senate April 13, 1908, was announced as next in order.

Mr. SMITH of Michigan. The Senator from Washington [Mr. JONES] asked that the bill go over a few days ago. I think he withdraws his request to-day.

The VICE PRESIDENT. The bill is reached in regular order now.

Mr. JONES. As the Senator says, the bill went over at my request the other day. While I have not heard from my people, I have examined the bill very carefully and I do not see any objection to it, so I withdrew my objection.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with an amendment, on page 2, line 7, after the word "regulations," to insert "or amendment thereto," so as to read—

And provided further, That no further or other regulations or amendments thereto under the provisions of said treaty of April 11, 1908, shall be adopted or have the force or effect of law without action by the Congress of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGE ACROSS ARKANSAS RIVER.

The bill (S. 1627) to authorize the construction, maintenance, and operation of a bridge across and over the Arkansas River, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments.

The first amendment was, on page 1, line 9, after the word "Oklahoma," to insert:

In accordance with and subject to the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

So as to make the section read:

That the Muskogee & Fort Gibson Bridge Co., a corporation of the State of Oklahoma, its successors and assigns, are hereby authorized to construct, maintain, and operate a bridge and approaches thereto across and over the Arkansas River, at a point suitable to the interests of navigation, at or near the city of Muskogee, Muskogee County, Okla., in accordance with and subject to the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The amendment was agreed to.

The next amendment was, to strike out section 2, as follows:

SEC. 2. That the construction, maintenance, and operation of said bridge herein authorized shall be in all respects in accordance with and subject to the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PARTIAL PAYMENTS ON NAVAL CONTRACTS.

The bill (S. 2003) authorizing the Secretary of the Navy to make partial payments for work already done under public contracts was announced as next in order.

Mr. HEYBURN. I shall probably have no objection to the passage of this bill, provided it is understood that it does not recognize the right of one Congress to amend the record or journals of a preceding Congress; and it will be with that

understanding in the RECORD; otherwise I shall oppose the consideration of the bill.

Mr. LODGE. This bill is a totally independent measure. It has nothing to do with the amendment of the appropriation act.

Mr. HEYBURN. The Senator makes that statement——

Mr. LODGE. It does not amend the appropriation act.

Mr. HEYBURN. Just a moment.

Mr. LODGE. I am correct.

Mr. HEYBURN. I have the floor, and I am correct, and I am going to read what is said in the report of the committee. It says:

> The provision relating to such partial payments contained in the bill as passed, which is said to have been included by a clerical error, and which it is proposed to repeal by joint resolution No. 1—

Which is the joint resolution I have referred to—

> now before the Senate, authorizes, as you are aware, payments up to only 90 per cent of the value of the work already done.

Mr. LODGE. Mr. President——

Mr. HEYBURN. Just a moment before I am interrupted, that I may present this matter squarely. Joint resolution No. 1, before the Senate, which we have passed over under my objection, undertakes to correct the records of the last Congress of the United States, on the ground that some clerk failed to perform a duty. That, as I said on a former occasion here when joint resolution No. 1 was up, is conceding the right of one Congress to correct the journals of another, because the bills that pass, in whatever shape they appear by the record, went to a conference committee of the two Houses and the conference agreed upon those measures; they went to the separate Houses and were signed by the presiding officers; they passed the scrutiny of the Committee on Enrolled Bills; and they went to the President and were signed. Now, to say that a subsequent Congress could come in here and say "we found memorandum lying around the room in which the committee met, which indicated that the enrolling clerks did not carry out faithfully the result of the action of the conference committee"——

Mr. LODGE. Mr. President——

Mr. HEYBURN. In a moment. I want to finish this statement, because I want it to appear concisely in the RECORD. To say that because some one found some memorandum which would indicate that the enrolling clerks did not correctly or accurately carry out the conclusion of the committee of conference would open the door so wide that no legislation enacted by this body would be safe. You would not know when Congress adjourned what laws had been enacted, notwithstanding the fact that they bore the signatures of the presiding officers of the separate Houses and of the President of the United States. I am not alone in this matter. It is not my intention to allow, so long as it can be prevented, any action that will discredit the enactments of Congress at a previous session.

Now I am through with the statement, and I yield to the Senator.

Mr. LODGE. Mr. President, I agree entirely with the Senator from Idaho as to the business of correcting bills of a previous Congress. I think it is an unsound practice. I am for this bill, which is a totally independent measure. The allusion in the Secretary's letter has of course nothing to do with the bill. It is merely showing the position in which the department was put by the proposition to amend the act that the bill as passed was in error.

Mr. HEYBURN. Let me say to the Senator that I have no intention of objecting to this measure when it is understood and a matter of record that it is not a concession to the rule sought to be invoked to correct the record. It appeared in the report of the committee, although the Senator was quite sure there was nothing to justify it here. I have been very carefully through it.

Mr. LODGE. I am on the committee, and I have read the whole correspondence; I made inquiry at the Navy Department, and I know something about it. I do not know about as many subjects as the Senator from Idaho, but this particular one I do know about. It occurs in the letter of the Secretary of the Navy, which is not our legislation. Our legislation is the bill.

Mr. HEYBURN. It is in the report of the committee from which the bill comes. I think this bill is a very proper measure. It provides for something that is necessary to be done and I have not failed to give it consideration. But I do not intend nevertheless to allow the bill to go through by default.

Now, Mr. President, with that understanding and that statement in the record, I have no objection to the consideration of the bill. But if that is not the understanding, the bill will not be up for consideration.

Mr. PERKINS. That is the understanding of your committee, Mr. President.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RIGHTS OF WAY IN CALIFORNIA.

The bill (S. 940) granting to the city of Los Angeles certain rights of way in, over, and through certain public lands and national forests in the State of California was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The VICE PRESIDENT. That completes the calendar.

SENATOR FROM ILLINOIS.

Mr. BORAH. Mr. President, I move that the Senate proceed to the consideration of the joint resolution (H. J. Res. 39) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho withhold his motion for a moment?

Mr. BORAH. I do.

Mr. LA FOLLETTE. I gave notice Thursday last that at the conclusion of the morning business I should like to take up, and would take up, with the consent of the Senate, the resolution which I had introduced. With the permission of the Senator from Idaho, I will take up that resolution now and address myself to it.

Mr. BORAH. I withdraw my motion.

The VICE PRESIDENT. The Senator from Idaho withdraws his motion. The Chair will lay before the Senate the resolution now on the table.

The SECRETARY. Table Calendar 4, Senate resolution by Mr. LA FOLLETTE. A resolution to appoint a special committee to investigate certain charges relative to the election of WILLIAM LORIMER.

Mr. GALLINGER. Let the resolution be read.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 6) submitted by Mr. LA FOLLETTE April 6, 1911, as follows:

> Whereas the Senate, by resolution adopted on the 20th day of June, 1910, authorized and directed the Committee on Privileges and Elections to investigate certain charges against WILLIAM LORIMER, a Senator from the State of Illinois, and to report to the Senate whether in the election of said LORIMER as a Senator of the United States from said State of Illinois there were used and employed corrupt methods and practices; and
>
> Whereas said committee, pursuant to said resolution, took the testimony of a large number of witnesses, reduced the testimony to printed form, and reported the same to the Senate, which was thereafter considered and acted upon by the Senate; and
>
> Whereas the Illinois State Senate thereafter appointed a committee to investigate like charges against WILLIAM LORIMER and to report to said State senate whether in the election of said LORIMER to the United States Senate corrupt methods and practices were employed and used; and
>
> Whereas as it appears from the published reports of the proceedings of the said Illinois State Senate committee that witnesses who were not called and sworn by the committee of this Senate appointed to investigate said charges have appeared before the said committee of the Illinois State Senate, and upon being interrogated have given important material testimony tending to prove that $100,000 was corruptly expended to secure the election of WILLIAM LORIMER to the United States Senate: Therefore be it
>
> *Resolved*, That Senators JOHN D. WORKS, CHARLES E. TOWNSEND, GEORGE P. MCLEAN, JOHN W. KERN, and ATLEE POMERENE be, and they are hereby, appointed a special committee, and as such committee be, and are hereby, authorized and directed to investigate and report to the Senate whether in the election of WILLIAM LORIMER as a Senator of the United States from the State of Illinois there were used and employed corrupt methods and practices; that said committee be authorized to sit during the sessions of the Senate and during any recess of the Senate or of Congress, to hold sessions at such place or places as it shall deem most convenient for the purposes of the investigation, to employ stenographers, to send for persons and papers, to administer oaths, and to report the results of its investigation, including all testimony taken by it; and that the expenses of the inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

Mr. DILLINGHAM. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Vermont?

Mr. DILLINGHAM. I do not want to take any of the time of the Senator, but I simply wish to make an announcement.

The VICE PRESIDENT. Does the Senator from Wisconsin yield for that purpose?

Mr. LA FOLLETTE. Certainly.

Mr. DILLINGHAM. I simply want to announce that at the proper time, when action is had on this resolution, I will offer as a substitute for the resolution that which I offered this afternoon and which was ordered to lie on the table.

Mr. LA FOLLETTE. Mr. President, I take up the discussion of this matter this afternoon without the expectation of being able to conclude. The suggestion came to me during the session that Members of the Senate who had hoped to be present this afternoon are not here, and that a vote upon the resolution to-day would result in disappointment to many Senators who desire to be present.

I shall review briefly the "Lorimer case," as it is known to those Members of the Senate who voted upon it near the close of the last session. I contend that it shows the following undisputed and important facts:

On the 30th of April, 1910, a Democratic member of the Illinois General Assembly, who had voted for the election of WILLIAM LORIMER, a Republican, to the United States Senate, confessed that he was bribed, and received as a consideration for his vote the sum of $1,900.

The important details of this confession were published in practically every newspaper in the United States.

Shortly thereafter the grand juries in Cook and Sangamon Counties convened to investigate the charges.

Within a week following the publication of the first confession, and during the grand jury investigation, two other Democratic members of the Illinois Legislature, who had voted to elect WILLIAM LORIMER to the United States Senate, confessed, under oath, to receiving Lorimer money under circumstances which can leave no doubt that they had been bribed to vote for LORIMER.

The confessions of those two members of the Illinois Legislature were likewise widely published in the newspapers of the country.

At the same time another Democratic member of the Illinois General Assembly, since deceased, who had voted to elect WILLIAM LORIMER to the United States Senate, was proven to have been present when the Lorimer money was distributed, and proven afterwards to have had money in the same amount as the other members who confessed to receiving the bribes by sworn testimony before two grand juries.

Mr. President and Senators, I ask you to let your minds run back over that period covered by these extraordinary events. I ask you again to remember that the first charge made against WILLIAM LORIMER, impeaching his title to his seat as a Member of this body, was made and published broadcast throughout the land on the 30th day of April. The other confessions followed within a week or 10 days, and were printed in substantially every newspaper in the country.

Think of it, Senators! A Member of this great body charged with bribery by men who claimed to have received the money, their confessions published in every newspaper of general circulation from ocean to ocean as early as the 7th or 8th of May, and that Member contents himself with a brief, flippant, undignified newspaper interview and otherwise remains silent! Is there a man on this floor, other than that Senator, against whose honor there could be raised, against whose right to a seat on this floor there could be lodged, an imputation a fraction as strong as that who would not with all possible speed have hastened here at any sacrifice in order that he should be ready to rise in his place when next the Senate assembled and demand instant and complete investigation?

Have Senators who were Members of this body at that time forgotten that, as day after day went by, Members began to talk among themselves about LORIMER'S silence? The very atmosphere of this Chamber, Mr. President, became surcharged, as it were, with indignant protest—protest that the man whose title to a seat here with us was clouded, whose right to pass upon important affairs reaching into the lives of all the people of this country was questioned, still permitted the validity of his election to rest under a taint, and asked for no investigation.

May passed. Week after week went by. The 7th, the 8th, the 10th, the 15th, the 20th ran along, and no demand for a chance to meet his accusers face to face at the bar of this Senate. Yet everywhere throughout the country the press was demanding to know what it meant.

Mr. President, our forefathers gave us a system of government. They wrought out a plan by which and through which the people should have control. That plan gave to every citizen just the same part in the affairs of government as though he could go in person to the seat of government and directly participate in the making of those laws. What was it? They gave to him the opportunity to send somebody to make the law for him; to send somebody to truly represent him, to put his voice and his vote and his views upon all public questions into the legislation that was to govern the land. They called it representative government, Mr. President; it was representative government; it remained representative government just as long as the men so chosen were faithful to the trust committed to them. But, Mr. President, even a novice may see that the very moment some power comes between the citizen and his representative the whole plan, worked out in all its elaborate details by the great intellects that gave us our Government, fails utterly and completely.

This Government is representative only when each United States Senator and each Member of the other House is truly representative of the public interest. It becomes the worst subversion of the liberties of the people whenever the United States Senator or the Member of the House of Representatives, chosen as the representative of the people, betrays his trust. Can you conceive, Mr. President and Senators, of any man other than WILLIAM LORIMER holding such a trust as a Member of this great legislative body for weeks and weeks with his title impeached?

For three long weeks he made no answer here. He had more interesting, more important matters in hand than the question of his right to a seat here or the honor of the Senate. During these weeks every Member of this body, excepting the Senator whose title to a place was in question, cringed under the public criticism. During this time there was directed toward the Senate criticism from which it will take us a long time to recover.

I can not understand, sir, how any man fit to be here—in short, any man who was innocent—could permit such charges to be published and republished day after day and week after week without demanding a searching investigation by the Senate.

But LORIMER failed to demand investigation until, in the corridors and in the cloakrooms, were heard mutterings that unless the sitting Member spoke pretty soon somebody would have to speak for him.

Finally, on the 28th of May, another member of that legislature who had voted for him came to the altar of public opinion and bowed his knee in penitence, and said, "I, too, am guilty. I have sinned. I took the money." Then, and not until then, did the Senator from Illinois appear in the Senate to plead other and more important engagements and finally to proclaim his innocence. There are sitting here this afternoon men who have come to their feet quickly when the least intimation was made in some public print detrimental to their high sense of honor, and have denounced it, and purged themselves by the denunciation.

On the 28th of May, nearly four weeks after the first charges were made, while testimony against the sitting Member was accumulating week by week and day by day, WILLIAM LORIMER rose here to make his denial. I do not know who finally forced him to speak, but I can well imagine, Mr. President, that he could not wholly have escaped importunity and warning from friends here and elsewhere. It is not my province to invade the privacy of any committee room. My respect for his venerable colleague [Mr. CULLOM] warrants me in believing that he made appeal to the man who divided with him the honor of representing the great State of Illinois in this body; appealed to him no longer to remain passive under those charges, but for the honor of Illinois to speak. I do not know, but I think it is fair to that Senator, who has borne clean hands and maintained a clear record through a generation of time while a representative of the public interest, to believe that he could not, with his high ideals of public service, fail to demand that some sort of answer be made here to the awful charges that were daily published throughout the country, impugning the honor of the sitting Member from Illinois, and raising questions as to why the Senate of the United States sat by and permitted this thing to go on without some voice raised in denial or protest.

I do not mean to speak in disparagement of "senatorial courtesy," of that regard and consideration for the feelings of Members that is necessary to the best consideration of legislative measures and the best service to the public; but, Mr. President, it may be exalted into a fetich; it may be made to take the place of the ideal of service to the public. We do not owe more, nay, we do not owe so much, to our colleagues as we owe to those who have commissioned us here as the bearers of a sacred trust.

I do not think it is unfair to presume, Mr. President, that the Senator from Illinois waited until he was admonished that formal charges were to come; that they could not be averted; that they must be met; and that he had better at the eleventh hour secure whatever consideration he could by "demanding" an investigation.

And so, on the 28th day of May, the voice of the sitting Member was first heard in this Chamber in protest of innocence.

Mr. President, so long as I live I am going to cherish the belief and the conviction that he is the only Member of this body who would not, as soon as he could after any publication even intimating that he had gotten his seat through bribery, have taken the floor to defend his own honor. I do not believe

there is a man here, from any State in this Union, who would not have been in the center aisle there, and whose voice would not have rung out from this Chamber demanding that those who had made the charges be called before a committee of this Senate and required to prove them. I am going to believe that there is not a man here, other than that one man, who would not have made full and complete answer to the Senate and the country early on the morning of the 30th day of April, 1910.

On the 7th of June formal charges were filed in the Senate by the president of the Voters' League of Illinois, and on the 20th day of June, 1910, 13 days thereafter, the Senate, by resolution, authorized and directed the Committee on Privileges and Elections to investigate the charges against WILLIAM LORIMER and report to the Senate whether, in his election, there were used or employed corrupt methods and practices.

The Committee on Privileges and Elections, by subcommittee, pursuant to said resolution, took testimony in the case, reduced it to printed form, and reported it to the Senate on the 21st day of December.

Senator Beveridge, of Indiana, dissented from the report, and subsequently filed his conclusions based upon the record of testimony in the case, accompanying the same with a resolution declaring that WILLIAM LORIMER had not been duly elected a Member of the United States Senate.

Senator Frazier, of Tennessee, a member of the Committee on Privileges and Elections and a member of the subcommittee which took the testimony, withheld concurrence in the findings of the majority of the committee as set forth in its report and reserved, through the chairman of that committee, the right, if he saw fit, to subsequently file a minority report. It is my recollection that he did not file a minority report. But I think, running all through the debate up to the time when the sickness and death of his mother called him from our midst, his position upon this case was clearly defined as one of opposition to the views of the majority of the committee as completely as though he had made a formal report.

Mr. SHIVELY. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Indiana?

Mr. LA FOLLETTE. I do.

Mr. SHIVELY. I think the RECORD will disclose that Senator Frazier did file minority views.

Mr. LA FOLLETTE. Is that true? Well, I am glad to make the correction. I cherish a very warm personal feeling for the ex-Senator from Tennessee, and very great respect, and regret that I had to be corrected to put him right on the record. I made what I thought was a very diligent search for his minority report, and was unable to find it.

Mr. SHIVELY. Probably I ought to observe that his views were not submitted at great length. They were submitted subsequently to the time when the views of the Senator from Indiana were submitted, and he agreed in the main with the views submitted by Senator Beveridge.

Mr. LA FOLLETTE. I am under obligations both to the Senator from Indiana and to the Senator from Texas who have corrected me.

The VICE PRESIDENT. The Senator from Wisconsin will suspend for a moment. The hour of 4 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (H. J. Res. 39) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. BORAH. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. The Senator from Idaho asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none. The Senator from Wisconsin will proceed.

Mr. LA FOLLETTE. Mr. President, one of the secretaries of the Senate has just been kind enough to place upon my desk the Journal of the Senate which makes note of the filing of the report of the Senator from Tennessee, Mr. Frazier, and I read into the RECORD now the following:

Mr. Frazier asked and obtained leave to submit his views on the investigation by the Committee on Privileges and Elections instructed by resolution of the Senate of June 18, 1910, to conduct such investigation relating to certain charges against WILLIAM LORIMER, a Senator from Illinois, which were ordered to be printed as part 4 of Report No. 942.

I ask leave, Mr. President, at this point in my remarks to incorporate exactly what Senator Frazier filed as his views in that case.

The VICE PRESIDENT. Without objection, permission is granted. The Chair hears no objection.

The matter referred to is as follows:

[S. Rept. No. 942, pt. 4, 61st Cong., 3d sess.]

ELECTION OF SENATOR LORIMER.

Mr. Frazier, from the Committee on Privileges and Elections, submitted the following views, to accompany S. Res. 247:

It is with great reluctance that I differ with my colleagues on the subcommittee, but feeling impelled to do so, I beg leave to state briefly my views and conclusions in this case.

As I understand the precedents as established by the Senate and the other branch of Congress, and now recognized as the law governing such cases, they are:

First. If the proof establishes the fact that the Member whose seat is in question because of alleged bribery or corrupt practices resorted to in his election has himself been guilty of bribery or corrupt practices, or knew of or sanctioned such corrupt practices, he may be unseated without reference to the number of votes thus corruptly influenced.

Second. If the proof fails to show that the Member knew of or participated in or sanctioned such corrupt practices, then, in order to justify unseating him, the proof must show that enough members of the legislature voting for him were bribed or influenced by corrupt practices that deducting their votes from the total vote received by him would reduce his vote below the constitutional majority required for his election.

While there are some facts and circumstances in this case tending to show that Senator LORIMER may have heard of or known that corrupt practices were being resorted to, and while Senator LORIMER failed to avail himself of the opportunity of going on the stand as a witness and denying any such knowledge or sanction of corrupt practices, if any such were being practiced, still I am of the opinion that the testimony fails to establish the fact that Senator LORIMER was himself guilty of bribery or other corrupt practices, or that he sanctioned or was cognizant of the fact that bribery or other corrupt practices were being used by others to influence votes for him.

This being true, the question then arises, Was bribery or corrupt practices used by others in his behalf to influence votes for him; and, if so, were enough votes thus tainted with fraud and corruptly influenced when excluded to reduce his vote below the legal majority required for his election?

The Legislature of Illinois consisted of 204 members. There were present and voting on the occasion of the election of Senator LORIMER 202 members. A quorum of both houses being present, in my opinion, he must have received a majority of all those present and voting, or 102 votes, to have been elected. Senator LORIMER received 108 votes, or 6 more than necessary to elect.

The testimony taken by the committee satisfies me that four members of the legislature were paid money for voting for, or in consequence of having voted for, Senator LORIMER. One senator and three representatives admitted under oath before the committee that they were paid money, and their admissions and the facts and circumstances surrounding the transactions satisfy me that they received it as a bribe for or in consequence of their votes for Senator LORIMER.

The four self-confessed bribe takers implicate three other members of the legislature who voted for Senator LORIMER as the persons who bribed them. The testimony satisfies me that the three alleged bribe givers were guilty of that offense. To my mind the man who bribes another is as corrupt as the one who is bribed, and by his corrupt act of bribery he demonstrates the fact that he is none too honest to receive a bribe if offered him.

While the proof is not clear or conclusive that these three bribe givers were themselves bribed or corruptly influenced to vote for Senator LORIMER, when I take into consideration their corrupt conduct as bribers of others, together with all the facts and circumstances surrounding this case, I can not bring myself to agree with the majority of the subcommittee that their votes are free from taint or corruption. These three votes, added to the four confessedly bribed, would make seven tainted votes. Eliminate them, and the vote received by Senator LORIMER was less than a majority of the votes cast.

As stated above, it is with hesitancy and great reluctance that I differ with my colleagues upon the subcommittee, but I have felt impelled to do so after a most careful and, I trust, unbiased study of this record. In view of the fact that I appear to stand alone in the views herein expressed, I make no recommendation to the committee, but I do ask that members of the committee not members of the subcommittee carefully read all of the testimony before forming an opinion.

At the time the foregoing statement of my views and conclusions were filed with the full Committee on Privileges and Elections it was my purpose to file in the Senate a more elaborate statement, setting out in full the reasons which led me to the conclusions reached. It was also my purpose to offer with such statement a resolution declaring that Senator LORIMER was not legally elected Senator from the State of Illinois.

Since then, to wit, on January 9, 1911, the Senator from Indiana, Mr. Beveridge, has filed an extended statement of his views, with copious reference to the testimony, and has offered a resolution of the character referred to. Hence it is not necessary for me at this time to file either the more extended report contemplated or the resolution. I am gratified that the Senator from Indiana concurs in the conclusion reached by me as to the election of Mr. LORIMER. In the resolution offered by him with respect thereto I concur.

Mr. LA FOLLETTE. Mr. President, I have reviewed the facts in this case as they transpired, from the publication of the charges against WILLIAM LORIMER down to May 28, 1910. And I now invite your brief consideration of other testimony in this same connection.

It is a most extraordinary, a most remarkable fact in this case that some 30 members of the Democratic Party under some powerful influence were brought to the support of WILLIAM LORIMER for United States Senator.

Why was it that the so-called Democratic minority leader, Lee O'Neil Browne—shown by testimony in this case to have had $30,000 strapped around his body at the time that "Lorimer money" was being paid to legislators—why was it that Browne, a Democrat, at the crisis in LORIMER'S candidacy was able to muster so large a number of Democrats and deliver

them in a body to elect a strongly partisan Republican United States Senator?

Mr. President, the answer to that question will disclose the evil forces combined in subverting representative government.

I have brought to the attention of the Senate the established fact that four Democratic legislators, three of them members of the lower house and one of them a member of the senate, admitted the receipt of sums of money varying from $1,000 to $2,500 in consideration for their votes for WILLIAM LORIMER.

Now, then, what does the testimony further prove? It proves:

That another Democratic member (Luke) was proven to have been present when the Lorimer money was distributed among the confessed bribe takers, and was proven afterwards to have had in his possession substantially the same amount and in bills of similar denomination;

That strong circumstantial evidence pointed to the payment of money to still another Democratic member of the legislature—members closely associated with those who confessed to having received Lorimer money;

That at least one other member of the legislature was offered money to vote for the sitting Member, and that others were approached and sounded on the subject;

That one other Democratic member of the legislature, as soon as the investigation was ordered, ran to cover and remained beyond the reach of a subpœna for many weeks;

That at least one other member of the legislature was induced to vote for LORIMER by the promise made by LORIMER in person that he—the member of the legislature—should control the appointment of postmaster at Jerseyville, Ill., where he resided, and that this promise was the only consideration for said legislator's vote for WILLIAM LORIMER;

That still another member, who refused to answer, because if he did and told the truth it would incriminate him, claimed his constitutional privilege and refused to testify before the Senate committee; and, finally,

That the Democratic leader of the general assembly who conducted the Lorimer campaign among the Democratic members swore that he did not know LORIMER "except to see him"; that he had a "mere passing acquaintance"—and I am quoting his words—"hardly a speaking acquaintance," which statement was flatly contradicted by LORIMER, who asserted on the floor of the Senate that he (LORIMER) "became very intimate with him (said Democratic leader) years ago"; that it was proven that throughout many weeks covering the period of the campaign for his election the sitting Member occupied a room either connected with or in close proximity to the room occupied by this Democratic leader, and that they were proven and admitted to have been in conference day and night throughout the whole period; that this Democratic leader was shown by the testimony to have been the custodian of the Lorimer bribe money, and to have personally paid certain sums of said money to certain members of the legislature.

Upon the testimony, Mr. President, I was convinced beyond a reasonable doubt, and this conviction I know was shared by other Members of the Senate, that WILLIAM LORIMER had personal knowledge of the bribery which was committed to elect him to the United States Senate.

And, Mr. President, I pause here to remind Senators that the committee appointed to investigate this matter, or the subcommittee selected by the Committee on Privileges and Elections, so far departed from the authority and direction given to it by the Senate as to accept the statement of the attorney of a newspaper which took part in the examination of witnesses before that committee that he acquitted Mr. LORIMER of any guilty knowledge of bribery, and upon this to dismiss all consideration of the personal knowledge of the sitting Member of the bribery which had given him his seat.

I contended in the brief statement I made when this case was last before the Senate that at least I could not, reviewing all the testimony, bring myself for one moment to believe that the sitting Member had not been cognizant all the while of everything wrong which was done to secure him a seat in the Senate. If Senators who have not gone over the former record in the case should do so, they would find, page by page, evidence of the close association and the complete confidences which existed between Shurtleff, the Republican speaker, Lee O'Neil Browne, the leader of the 30 Democrats, and WILLIAM LORIMER, living together practically in the same room day and night for weeks and months while this contest was on, this thing and that thing being done to block the election of the candidate nominated at the primary by the voters of Illinois. These three boon companions, in either the same room or connecting rooms, were nightly with their heads together, plotting to defeat anybody who could be suggested.

When you come to consider the new testimony, you will see the bearing of all this scheming to prevent anybody from being chosen excepting this man, who represented not the Republican Party, not the Democratic Party, but something else which is intruding itself into the political life of the people of this country, secretly, masked, oftentimes difficult to hunt out, to define, to uncover, but it is here, Senators. If we close our eyes to it there are some millions of people in this country who do not.

And so I say, Mr. President, that upon the testimony I was convinced beyond all doubt—and in this conviction I know that other Members of the Senate share—that WILLIAM LORIMER had personal knowledge of the bribery which was committed to elect him to the United States Senate.

But, aside from his guilty knowledge of the bribery, I believe the testimony, beyond any possibility of doubt, proved that in the election of WILLIAM LORIMER to the United States Senate corrupt methods and practices were employed, without which he would under no circumstances have been elected.

The resolution offered on the 9th day of January, 1911, by the Senator from Indiana, Mr. Beveridge, was submitted to a vote at the conclusion of the debate on March 1, 1911. The resolution was in the following form:

Resolved, That WILLIAM LORIMER was not duly and legally elected to a seat in the Senate of the United States by the Legislature of the State of Illinois.

Upon this resolution the following Senators voted yea:

Bacon, Beveridge, Borah, Bourne, Bristow, Brown, Burkett, Burton, Chamberlain, Clapp, Clarke of Arkansas, Crawford, Culberson, Cummins, Davis, Dixon, Gore, Gronna, Jones, La Follette, Lodge, Martin, Money, Nelson, Newlands, Overman, Owen, Page, Percy, Rayner, Root, Shively, Smith of Michigan, Smith of South Carolina, Stone, Sutherland, Swanson, Taylor, Warner, Young—40.

The following Senators voted nay:

Bailey, Bankhead, Bradley, Brandegee, Briggs, Bulkeley, Burnham, Burrows, Carter, Clark of Wyoming, Crane, Cullom, Curtis, Depew, Dick, Dillingham, du Pont, Fletcher, Flint, Foster, Frye, Gallinger, Gamble, Guggenheim, Hale, Heyburn, Johnston, Kean, McCumber, Nixon, Oliver, Paynter, Penrose, Perkins, Piles, Richardson, Scott, Simmons, Smith of Maryland, Smoot, Stephenson, Thornton, Tillman, Warren, Watson, Wetmore—46.

When Mr. Frazier's name was called, Mr. CULBERSON said:

The Senator from Tennessee, Mr. Frazier, is absent at his home on account of the death of his mother. If present, he would vote "yea."

When Mr. TERRELL'S name was called, Mr. BACON said:

My colleague [Mr. TERRELL] is necessarily detained from the Chamber by personal illness. I desire to state for him, and upon his authority, that while he has been detained from the Chamber he has examined the record in the case and has made up his judgment, and that if he were present he would vote "yea."

Not voting:

Aldrich, Frazier, Lorimer, Taliaferro, Terrell.

Votes for the resolution, 40; against the resolution, 46; not voting, 5.

So the resolution of Mr. Beveridge was not agreed to, and WILLIAM LORIMER retained his seat.

Mr. President, the heat is so oppressive that I will ask the indulgence of the Senate to yield the floor at this time and resume again to-morrow after the morning business shall have been concluded. I have a certified copy of the testimony that has been taken by the senate committee of the Illinois Legislature. I have made an analysis of that testimony, and I want to submit to the Senate that analysis. It will take me some little time, and I could not by any possibility conclude to-night. Therefore, with the indulgence of the Senate, I will yield the floor at this time, with the request or with the notice that I will, if other business does not intervene, resume it to-morrow after the conclusion of the morning business.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 48 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 23, 1911, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate May 22, 1911.

PROMOTION IN REVENUE-CUTTER SERVICE.

Ellsworth P. Bertholf, captain, United States Revenue-Cutter Service, to be captain commandant, United States Revenue-Cutter Service, in place of Worth G. Ross, retired.

PROMOTION IN PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Asst. Surg. William M. Bryan to be passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from May 9, 1911.

PROFESSOR OF CHEMISTRY, UNITED STATES MILITARY ACADEMY.

Lieut. Col. Wirt Robinson, Coast Artillery Corps, to be professor of chemistry, mineralogy, and geology, at the United States Military Academy, to take effect October 3, 1911, vice Prof. Samuel E. Tillman, to be retired from active service.

PROMOTIONS IN THE ARMY.

CORPS OF ENGINEERS.

Capt. Harley B. Ferguson, Corps of Engineers, to be major from February 27, 1911, vice Maj. Charles L. Potter, promoted.

Capt. Frank C. Boggs, Corps of Engineers, to be major from February 27, 1911, to fill an original vacancy.

Capt. Clarke S. Smith, Corps of Engineers, to be major from February 27, 1911, to fill an original vacancy.

Capt. William P. Wooten, Corps of Engineers, to be major from February 27, 1911, to fill an original vacancy.

Second Lieut. Gilbert E. Humphrey, Corps of Engineers, to be first lieutenant from February 27, 1911, vice First Lieut. Douglas MacArthur, promoted.

PROMOTIONS IN THE NAVY.

Lieut. Charles H. Fischer to be a lieutenant commander in the Navy from the 4th day of March, 1911, to fill a vacancy.

Lieut. (Junior Grade) Burton H. Green to be a lieutenant in the Navy from the 20th day of October, 1910, to fill a vacancy.

Lieut. (Junior Grade) Duncan I. Selfridge to be a lieutenant in the Navy from the 7th day of November, 1910, to fill a vacancy.

Lieut. (Junior Grade) John J. London to be a lieutenant in the Navy from the 14th day of November, 1910, to fill a vacancy.

Lieut. (Junior Grade) John W. Wilcox, jr., to be a lieutenant in the Navy from the 9th day of January, 1911, to fill a vacancy.

Lieut. (Junior Grade) John M. Smeallie to be a lieutenant in the Navy from the 4th day of March, 1911, to fill a vacancy.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 13th day of February, 1911, upon the completion of three years' service as ensigns:

Douglas W. Fuller,
John T. G. Stapler,
Alexander Sharp, jr., and
Wilfred E. Clarke.

CHIEF OF BUREAU OF ORDNANCE, NAVY DEPARTMENT.

Commander Nathan C. Twining to be Chief of the Bureau of Ordnance in the Department of the Navy, with the rank of rear admiral, for a period of four years from the 25th day of May, 1911, vice Rear Admiral Newton E. Mason, resigned.

POSTMASTERS.

CALIFORNIA.

Nora Buchanan to be postmaster at Pittsburg (late Black-Diamond), Cal., in place of Nora Buchanan, to change name of office.

GEORGIA.

Edward M. Hagin to be postmaster at Douglasville, Ga., in place of Robert E. James, removed.

Abbie B. Youmans to be postmaster at Adrian, Ga., in place of George E. Youmans, resigned.

KANSAS.

Nelson M. Cowan to be postmaster at Kensington, Kans., in place of Nelson M. Cowan. Incumbent's commission expired January 30, 1911.

MINNESOTA.

B. H. Holte to be postmaster at Starbuck, Minn., in place of Iver M. Kalnes, removed.

Samuel C. Johnson to be postmaster at Rush City, Minn., in place of Samuel C. Johnson. Incumbent's commission expired January 10, 1911.

NEW YORK.

Wilmer D. Sharpe to be postmaster at Loomis, N. Y. Office became presidential October 1, 1909.

SOUTH DAKOTA.

Abraham H. Dirks to be postmaster at Marion, S. Dak., in place of Henrietta R. Dahlman, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 22, 1911.

SURVEYOR OF CUSTOMS.

Frank B. Posey to be surveyor of customs for the port of Evansville, Ind.

COLLECTOR OF CUSTOMS.

Russell H. Dunn to be collector of customs for the district of Sabine, Tex.

PROMOTIONS IN THE NAVY.

Lieut. Commander William A. Moffett to be a commander.

The following-named lieutenants to be lieutenant commanders:

Lloyd S. Shapley, and
Samuel I. M. Major.

Lieut. (Junior Grade) Henry A. Orr to be a lieutenant.

Ensign Isaac C. Shute to be a lieutenant (junior grade).

Midshipman Earle W. Jukes to be an ensign.

Carpenter Brandt W. Wilson to be a chief carpenter.

POSTMASTERS.

KENTUCKY.

G. W. Patrick, Williamsburg.

OHIO.

Abraham L. Miller, Liberty Center.
George W. Rich, Loveland.
Lester A. Smith, Jamestown.

WEST VIRGINIA.

C. L. Evans, Benwood.

REJECTION.

Executive nomination rejected by the Senate May 22, 1911.

Elmer B. Colwell to be United States marshal for the district of Oregon.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 22, 1911.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite and eternal presence, God, our Heavenly Father, ever ready to hear and answer the prayers of Thy children, take us into Thy care and keeping and guide us through the remaining hours of this day, that we may fulfill the obligations resting upon us and thus satisfy our own conscience and merit Thine approbation, in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of Saturday, May 20, 1911, was read and approved.

EXTENSION AND WIDENING OF COLORADO AVENUE AT KENNEDY STREET NW.

Mr. JOHNSON of Kentucky. Mr. Speaker, this being the day set apart by the rules for the consideration of legislation pertaining to the District of Columbia, I move that the House do now resolve itself into Committee of the Whole House for the purpose of considering House bill No. 8649.

The SPEAKER. The gentleman from Kentucky [Mr. JOHNSON] moves that the House resolve itself into Committee of the Whole House for the purpose of considering H. R. 8649, a District of Columbia bill. The question is on agreeing to that motion.

The question was taken, and the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House for the consideration of the bill H. R. 8649, with Mr. RUSSELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of House bill 8649, which the Clerk will report.

The Clerk read the bill and report, as follows:

A bill (H. R. 8649) to authorize the extension and widening of Colorado Avenue NW. from Longfellow Street to Sixteenth Street, and of Kennedy Street NW. through lot No. 800, square No. 2718.

Be it enacted, etc., That under and in accordance with the provisions of subchapter 1, of chapter 15, of the Code of Law for the District of Columbia, within six months after the passage of this act, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension and widening of Colorado Avenue NW. from Longfellow

Street to Sixteenth Street with a width of 120 feet, according to the plan for the permanent system of highways for the District of Columbia, and of Kennedy Street NW. through lot No. 800, square 2718, with a width of 90 feet: *Provided, however,* That the entire amount found to be due and awarded by the jury in said proceeding as damages for, and in respect of, the land to be condemned for said extension and widening, plus the costs and expenses of the proceeding hereunder, shall be assessed by the jury as benefits.

SEC. 2. That there is hereby appropriated, out of the revenues of the District of Columbia, an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings herein provided for and for the payment of the amounts awarded by the jury as damages, to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia.

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, submitted the following report:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 8649) to authorize the extension and widening of Colorado Avenue NW. from Longfellow Street to Sixteenth Street, and of Kennedy Street NW. through lot No. 800, square No. 2718, report the same back to the House with the recommendation that it do pass.

This bill was introduced at the request of the Commissioners of the District of Columbia, who submitted the draft of the same, with the following statement of their reasons for requesting its passage:

OFFICE COMMISSIONERS DISTRICT OF COLUMBIA,
Washington, April 15, 1911.

Hon. BEN JOHNSON,
Chairman of Committee on District of Columbia,
House of Representatives.

SIR: The Commissioners of the District of Columbia have the honor to inclose herewith a draft of a bill entitled "A bill to authorize the extension and widening of Colorado Avenue NW. from Longfellow Street to Sixteenth Street, and of Kennedy Street NW. through lot No. 800, square 2,718," and to request that it be enacted.

A blue print is inclosed upon which is indicated, in red, the land proposed to be condemned under the provisions of the bill. The estimated cost of this land is $17,538, and the bill provides that the total cost, together with the expenses of the condemnation proceedings, shall be assessed by the jury on the surrounding and abutting property as benefits.

The extension and widening of Colorado Avenue, as proposed in the bill, is believed to be very desirable. This avenue is becoming an important thoroughfare between Fourteenth and Sixteenth Streets, and should be opened to the full width of 120 feet, as laid down in the highway extension plans, before the increase in the value of the land or the erection of improvements would make the cost prohibitive. The land to be taken for the widening is divided into a number of small holdings, and it is impracticable to acquire it by dedication.

The widening of Kennedy Street is also desirable. This street is now open between Fourteenth and Sixteenth Streets with the exception of a small triangular part of lot 800, square 2718, and it has been found impossible to acquire this small portion by dedication. The District appropriation act for the fiscal year 1912 contains an appropriation of $5,600 for grading and improving this street between Fourteenth and Sixteenth Streets, and unless this small piece of land is acquired the street can not be improved to its full width at Sixteenth Street.

Very respectfully,
BOARD OF COMMISSIONERS DISTRICT OF COLUMBIA,
By CUNO H. RUDOLPH, *President.*

Mr. JOHNSON of Kentucky. Mr. Chairman, this, in the opinion of the committee, is one of the most innocent of the bills which come under the policy under which so many bills have been passed. The committee has been urged by the Commissioners of the District of Columbia to take it up immediately and urge its passage, for the reason, as explained by them, that through an engineering mistake they have gotten onto private property a little bit, and the early passage of this bill will prevent a suit for damages against the District. It varies from many of the other bills, in that the District of Columbia must pay everything that is to be paid, and the general payment of it all will fall as assessments upon the neighboring property holders.

Mr. SIMS. Mr. Chairman, I wish to extend my remarks for the purpose of placing a newspaper article in the RECORD—not on this bill.

The CHAIRMAN. The gentleman from Tennessee [Mr. SIMS] asks unanimous consent to extend his remarks. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. SIMS. Mr. Chairman, at this time the question of whether the Democrats on the Ways and Means Committee or in the House will vote to put wool, both washed and unwashed, on the free list or retain a fixed duty of some amount on it, or adopt what is called the sliding scale, is of such paramount importance that we should welcome aid and assistance in our efforts to arrive at a wise solution of the problem from any source.

With this purpose in view, I read a very able and illuminating contribution to this discussion from the pen of Mr. E. W. Newman, who writes under the nom de plume of "Savoyard," which I clipped from the Nashville Banner, a newspaper published in Nashville, Tenn.:

ABOUT FREE WOOL.

[By Savoyard.]

WASHINGTON, D. C., *March 18, 1911.*

There has been a deal of backing and filling over the proposed wool schedule of this Democratic Congress. Shall it be such a revision as John G. Carlisle would have made, or shall it be such a reaction as Samuel J. Randall would have given us? Shall the work of the Democratic Party of the Sixty-second Congress be Gormanized as was the work of the Democratic majority of the Fifty-third Congress? Shall we be overwhelmed in another wave of party perfidy and party dishonor?

If there is anything firmly established as a Democratic policy, it is free wool, for Schedule K is the citadel of protection and the duty on raw wool the keystone of the tariff arch. As long as we have taxed wool we will have a protective tariff, and the day wool goes on the free list the tariff wall will tremble, and soon thereafter it will fall. Carlisle said so, and Aldrich says so. Only a few days ago Mr. Aldrich said wool is the crux of the protective policy.

Why have two parties that favor a tax on wool? If both parties are for it, what was all that election row about last year? If the country is for a tax on wool, why did the people turn out the Republicans, who believe in it, and set up the Democrats, all of whose leaders of any sort of Democratic character since and including James R. Guthrie have advocated free wool?

The issue is plain and simple and sharp. The Democratic idea is free wool—and other raw materials he is bound to use—for the woolen manufacturer, and then compel him to compete with the foreign manufacturers by placing a duty strictly for revenue on his finished product. In the first place, that would give the people cheaper clothing, cheaper blankets, cheaper carpets, which would cheapen the cost of living enormously. Second, it would force the manufacturer to make woolens for the foreign trade, and that would enlarge his plant, give employment to more labor, supply a larger market to the woolgrower, and afford investment for more capital.

That is the Democratic idea. The Republican idea is a protective duty on raw wool, dyestuff, machinery, building material, and everything else the woolen manufacturer has to buy. Then pile up the protection on his finished product so as to give him a complete monopoly of the American market for woolens, such as clothing, hats, carpets, blankets, and everything made of wool. "But," says some fellow, "I'll never consent to free wool so long as the manufacturer has protection." No more will I. We propose to give him free raw materials and then take from him every scrap of protection not found in a tariff on finished products so constructed as to invite and stimulate importations of woolen goods. That was the position of Cleveland and Carlisle, of Morrison and Mills, of William L. Wilson and Henry G. Turner, and I'll say this: It has ever been the position of William J. Bryan. In my little way I have discharged as many shafts at "the Matchless" as anybody else. I was opposed to him when many of those now abusing him were in his train, shrieking "Noel!" and striving to touch the hem of his garment; but I always saw in Bryan a genuine tariff reformer of the Cleveland not the Gorman, of the Morrison not the Randall, type.

Strange to say, the manufacturer who buys from abroad 256,606,638 pounds of manufactured wool insists on paying tariff duties upon it to the amount of $21,128,728. Why? Because he knows that as long as there is a duty on wool 90,000,000 Americans, the most prodigal consumers in the world, will be forced to buy nearly everything made of wool from him, and the American people pay five times that $21,000,000 to protect him. That is what is the matter with this wool question. It is what the late Jonathan P. Dolliver said it was, a rascally and wicked conspiracy between the weavers and the shepherds to rob the American people and make living higher in price and greater in hardship.

When we shall succeed in smashing that cruel and remorseless combination of the shepherds and the weavers, the entire rascally tariff will go to the pot, and not before. And that is what the people ordered Congress to do last November, and why all this backing and filling is the mystery of it.

"Who but must laugh, if such a man there be?
Who would not weep, if Atticus were he?"

I have been about Congress for some 30 years, and it takes a heap to shock me, but I got a jolt the other day. A "Democratic" solon from Ohio said that he was elected by 10,000 majority. But if the Democrats put wool on the free list, he would be beaten by 10,000. Serene in his egotistic asshood, this fellow actually believes that it is more important to retain him in Congress than for the Democratic Party to redeem it solemn pledges of 40 years and upward.

I recollect 1892. A few moments after the Democratic Fifty-second Congress passed a bill putting wool on the free list Ohio voted for Grover Cleveland for President of the United States, and it was the only time Ohio has gone Democratic in a presidential year since 1852. The tariff was paramount in 1892 and the Democratic assault was made on the wool and woolen schedule. It is true that Cleveland got but one electoral vote from Ohio that year, but if every voter had understood the ballot he would have received every one of them.

Now it is common report that the Ways and Means Committee will put a duty on wool in order to carry Ohio. When you eat soup with the devil you must have a long ladle. Why stop at Ohio? Put the tariff high enough on steel and the Democrats would carry Pennsylvania. Michigan can be bought with a high duty on lumber. We would get Maine with a big duty on fish. Nay, make the duty out of sight on maple sugar and we might carry Vermont, that, it is said, will go Democratic when hell goes Methodist.

Just think of it! We can make the thing unanimous. Put the duties high enough and Aldrich and CANNON, PAYNE and DALZELL will come into the Democratic Party. Why, we can carry the G. O. P. that way. If we are going to fix a tariff to carry one State, let us fix it to carry all States. If the Democratic Party is to turn fat-fryer, let it go "a-cattin'" and sweep the whole platter.

And yet there is hope that the Democratic majority of the House will be Democratic, after all, and pronounce for free wool.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move that the committee do now rise and report the bill with favorable recommendation, provided there is to be no other debate.

Mr. BUCHANAN. Mr. Chairman, I would like to ask as to the locality where this street is to be opened. I understand it is a new street. I would like to know if the home owners or property owners are in accord with this proposition?

Mr. JOHNSON of Kentucky. So far as we know, there is no objection; and if the gentleman heard the report read, he will have noticed that part of the money, $5,600, has already been appropriated.

Mr. BUCHANAN. I do not know anything about it at all. I am not sufficiently informed to act intelligently, and therefore I asked the question.

Mr. JOHNSON of Kentucky. I renew my motion, Mr. Chairman.

The CHAIRMAN. The Clerk will report the bill.

The Clerk proceeded to read the bill.

Mr. BORLAND. Mr. Chairman, I ask unanimous consent that the second reading of the bill be dispensed with and that the motion of the gentleman from Kentucky [Mr. JOHNSON] be put.

Mr. MANN. This is the reading of the bill for amendments, I suppose?

Mr. BORLAND. Mr. Chairman, I ask unanimous consent that the second reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Missouri [Mr. BORLAND] asks unanimous consent that the second reading of the bill be dispensed with. Is there objection?

Mr. MANN. Mr. Chairman, as this is the second reading of the bill, I think it ought not to be dispensed with.

The Clerk proceeded with and completed the reading of the bill.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move that the committee rise and report the bill back to the House with the recommendation that the same do pass.

Mr. DYER. Mr. Chairman, I desire to know if this is the bill that the committee passed on at its meeting the other day. I have come in a little late.

Mr. JOHNSON of Kentucky. This is the one.

Mr. DYER. The only one we passed on the other day at our meeting?

Mr. JOHNSON of Kentucky. Yes; and reported unanimously.

The motion of Mr. JOHNSON of Kentucky was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. RUSSELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8649) to authorize the extension and widening of Colorado Avenue NW. from Longfellow Street, and of Kennedy Street NW. through lot No. 800, square No. 2718, and had directed him to report the same to the House without amendment and with the recommendation that the bill do pass.

The SPEAKER. The question is on ordering the bill to be engrossed and read a third time.

The question being taken, the bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ARIZONA AND NEW MEXICO.

Mr. FLOOD of Virginia. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of House joint resolution 14, approving the constitutions of New Mexico and Arizona as amended.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of House joint resolution 14, approving the constitutions formed by the constitutional conventions of the Territories of New Mexico and Arizona, with Mr. GARRETT in the chair.

Mr. LANGHAM. I yield to the gentleman from South Dakota [Mr. BURKE].

Mr. BURKE of South Dakota. Mr. Chairman, occasionally we read in a newspaper, or some one on the floor of this House makes the statement, that the farmers of the country are not alarmed or disturbed, fearing any serious effect by the approval of the Canadian reciprocity pact, and it is said that the real farmers are not concerned about it to any considerable extent.

I have heretofore asserted on the floor that I not only believed that this proposition would seriously affect the farmers generally throughout the country but particularly in the Northwest, and in doing so I believed that I not only represented the best interests of my constituents but that I represented their sentiments upon this question.

On the 19th instant there assembled at Aberdeen, S. Dak., several hundred actual farmers from throughout the State, who met in convention for the purpose of expressing their dissatisfaction and their disapproval of the Canadian reciprocity pact, and they formulated a communication addressed to the President and the Congress of the United States, and also adopted resolutions embodying their views on the measure. They also elected a large delegation that will reach Washington during the present week and will appear personally before the Finance Committee of the Senate to protest against the reciprocity bill. I am one of those who have entertained hopes that the measure will fail of passage in the other body, and that, in any event, when it returns here it will be materially amended, and that therefore this House will again be given an opportunity to pass upon it. For that reason and for the purpose of giving greater publicity to the attitude of the farmers of South Dakota on the question, I send to the Clerk's desk and ask to have read the following communication appearing in the Aberdeen Daily News of the 19th, being the communication adopted, as before stated:

To the President and the Congress of the United States:

This convention, held at Aberdeen, S. Dak., on May 19, 1911, representing the agricultural and stock-raising interests of the State of South Dakota, respectfully and earnestly and unanimously protests against the passage of the so-called Canadian reciprocity act.

The farmers of these Northwestern States have loyally supported a high-protective tariff for the purpose of developing the manufacturing interests of the United States, and protecting their employees against the cheap labor of other lands, and have willingly paid the increased prices for manufactured products occasioned thereby. The result has been that our manufacturing development has become the wonder of the world, and the employees in these protected industries have received far higher wages than in any other country on earth.

We also believed that the time would come when the immense development of these manufacturing interests would furnish a home market for the products of agriculture at higher prices than if sold abroad in competition with the cheap labor of Russia, India, and Argentina. That day has now practically arrived, and food consumption has nearly caught up with agricultural production, and although we still export a small portion of our agricultural products, our domestic prices of oats, barley, wheat, flax, and corn and other agricultural products (except in cases of unusually large crops) will average considerably higher than across the Canadian line with equal freights to Liverpool.

DEVELOPMENT OF CANADA.

The Canadian northwest has barely begun to develop. Its production of grain, according to the careful estimates of Canadian and English statisticians, partially corroborated by our own Department of Agriculture, can be ultimately increased to several times the present total product of the entire United States. Canadian possibilities has already taken from us thousands of American citizens, who, with their millions of capital, should have been encouraged to develop the resources of our own country rather than expatriate themselves to a foreign land. The adoption of this treaty will stimulate this exodus of our American citizens and encourage Canadian development at our expense by allowing the entire Canadian surplus free access to our markets, and thereby put our farmers into direct competition with the Canadian producer, who has virgin soil, much cheaper and more productive land, pays lower wages and lower taxes and a lower tariff upon manufactured products, and has equal, if not better, facilities for reaching the world's markets. The inevitable result will be that the prices of our grains will again fall to the world's level, and be fixed at Liverpool, as in former years, instead of in Chicago or Minneapolis, and will again come into competition not only with Canadian products but with the cheap labor of all the grain-exporting countries of the world.

The rapid development of the Middle West years ago was a fearful blow to the agricultural interests of New England and the Eastern States, resulting in abandoned farms, depreciated land values, and discouraged farmers. Who is bold enough to say that history will not repeat itself and that similar results may not befall the farmers of the Middle West as the ultimate result of the free admission of grains from the "future granary of the world," the great Canadian northwest.

ENGLAND'S EXAMPLE.

Free-trade England does not protect its farmers and the result is that more than 3,000,000 acres of its farming land have gone out of cultivation during the last generation as the result of the free importation of the farm products of the world. The great Bismarck declared that the prosperity of the United States was based upon its protective tariff, and Germany thereupon inaugurated and has ever since maintained the protective system, both upon its agricultural as well as its manufacturing interests, and has made marvelous progress. France also protects its farmers against injurious foreign competition. Are not the farmers of the United States as worthy of protection as those of France and Germany, or the employees and proprietors of the manufacturing interests of the East

We resent the so-called farmers' free-list bill as a sop to the outraged farmers of the Northwest, and declare our conviction that such a law will be of little, if any, benefit to us. The farmers of South Dakota do not ask for the admission free of duty of agricultural implements, supplies, or any manufactured products which can be made in the United States with American labor at a reasonable cost and sold at reasonable prices.

BELIEVE IN PROTECTION.

We not only wish protection for ourselves, but we unselfishly favor the protection of every producer of the United States in the production of goods and other products made or grown in competition with the cheap labor of other lands. If, however, the protection now enjoyed by us upon our farm products is taken away there will be little advantage to us in a home market, as the price of grain will be the same in cities upon both sides of the international line, less freight to Liverpool. And while making no threats as to our future political action, we frankly suggest to the employees and proprietors of the protected industries of the East, whom we shall hold chiefly responsible in case of the passage of the reciprocity bill, whether they expect us to favor the continuance of a high protective tariff for their exclusive benefit when they have selfishly taken away all protection upon the products of our farms?

It is only during the last few years that farm lands have materially increased in value and agriculture has been even fairly prosperous. The farmer is deprived of many of the advantages, comforts, and conveniences of city life. His entire family are at work from daylight until dark and know no eight-hour day. A large investment in horses and machinery is required. After allowance of wages for labor no greater than paid to the ordinary laboring man, and the wear and tear of farm machinery, repairs to fences and buildings, the payment of taxes, and the expense of sufficient fertilization of the ground to prevent deterioration, the average net return upon the capital invested will not amount to one-half as much as the ordinary merchant or manufacturer expects to receive upon his investment.

THE PROFITS SMALL.

Had it not been for the great increase in farm values and temporarily increased prices of farm products of recent years, a large percentage of grain farming would have been conducted at a loss instead of a profit. Even with the unusually high prices of farm products last year the average net return upon developed farms was very small.

The avowed object of the passage of this bill is to reduce "the cost of living"; but while its effect will undoubtedly be to lower the price received by the farmer, it is extremely doubtful if the consumer will receive any substantial benefit. At the time this treaty was negotiated we enjoyed an advantage over the Canadian producer of about 12 cents per bushel on northern wheat, 30 cents per bushel upon barley, and 25 cents per bushel on flax. We had no advantage upon oats on account of excessive production, making it necessary to market abroad an unusually large surplus. This advantage is so small that it does not affect the price paid by the ultimate consumer for a loaf of bread, a glass of beer, or a gallon of paint. The blow will fall upon the agricultural interests alone, and with little probable benefit to the ultimate consumer, who is seldom required to pay less than 50 per cent profit upon the price received by the producer. The real cause of the alleged high cost of living is the excessive cost of transportation and the needless waste in distribution, which often more than doubles the price between the original producer and the ultimate consumer.

The tariff upon hides was removed, to the great detriment of the stock raiser and immense loss of customs duties formerly paid upon imported hides, and the result has been an increase in the price of shoes and leather instead of a reduction, as confidently promised at the time the tariff was removed. The reciprocity act removes all protection upon farm products, and the next step proposed is the abolition of the tariff upon wool, which will complete the removal of the last vestige of protection enjoyed by the northwestern farmers. What have we done to merit such treatment by the people of the United States?

The Canadians are as loyal to the English king to-day as they were in Revolutionary days. They have given and will continue to give, even after the passage of this act, a great advantage to English manufactured products over those of the United States. They buy our goods only because of price, quality, and speedy delivery.

There is no advantage likely to result to any portion of the people of the United States that will offset in the slightest degree the disastrous effects upon agriculture which are absolutely sure to follow the passage of this bill. One-third of the entire population of the United States is engaged in agriculture. When their prosperity is menaced, every avenue of trade and commerce will be affected, and the mad rush from our farms to the congested cities will again recur. The depressed prices of farm products certain to result from the passage of this act will have a similar effect upon agriculture as a complete abolition of our protective tariff laws would have upon the manufacturing industries of the East protected thereby.

STAND IS COMMENDED.

The following resolution was also adopted:

"We heartily commend the position taken by our delegation in the House and Senate in opposing this unjust treaty, and also the papers of our States, especially the Aberdeen Daily News, and Dakota Farmer and other weekly papers which advocate a square deal for everybody."

SIXTEEN DELEGATES CHOSEN.

Following the adoption of the resolutions the convention took up the matter of choosing delegates, and decided to send the following men to Washington to represent the State of South Dakota to oppose the treaty:

J. C. Simmons, Hugh N. Allen, C. A. Russell, Aberdeen; W. H. Wenz, Bath; E. J. Mather, A. W. Krueger, J. D. Reeves, Groton; E. P. Ashford, Rondell; J. D. McKenna, Bradley; E. E. Clapp, Raymond; Otto Johnson, Redfield; W. B. Burr, Selby; J. W. Parmley, M. P. Beebe, Ipswich; A. E. Chamberlain, Brookings; W. H. Lyon, Sioux Falls.

Mr. LANGHAM. I yield 10 minutes to the gentleman from Nevada [Mr. ROBERTS].

Mr. ROBERTS of Nevada. Mr. Chairman, some of us who have come to Congress for the first time, and who by virtue of the "dice-shaking" custom which prevails in the selection of seats, have been relegated to the suburbs of the House floor, have sat here throughout this long debate listening as best we could, and hoping against hope that something might be said or done that would justify the action of those Members on both sides of the floor of this House who oppose the immediate and unconditional admission of New Mexico and Arizona into the Union under the constitutions they have adopted. [Applause.] It would appear to us that those two western Territories, great in area, peopled with an intelligent, progressive, law-abiding and liberty-loving people, rich in natural resources, and possessing all that is essential to statehood, are being made the unfortunate victims of a political "gamble" in which their "hold card" has been seen, and their opponents, Democrats and Republicans alike, are each "raising" the other while the Territories "stand pat" and lose their "ante." [Applause.] They have been knocking at the door of Congress asking admission into the Union for years, but lest one party or the other might benefit by their admission and the political complexion of the lawmaking bodies of this country be changed, their admission has been postponed on one pretext or another, until now, regardless of parties or politics, the great mass of fair-minded American people demand their admission, and their admission at once. The majority Members of this House are entitled to no great credit if this resolution is adopted (as it undoubtedly will be) because it defers action and asks the people of Arizona to vote again on the very questions they once adopted by a vote of more than three to one, or, to be specific, 12,187 for and 3,822 against. Is that Democratic? Is that in accordance with your ideas of Democracy? You ask the people of New Mexico, after they have presented a constitution republican in form and adopted it at a general election by a vote of more than two to one, or, to be more specific, by a vote of 31,742 for and 13,339 against, to vote on it again? Is that Democratic? Is that in keeping with your cherished ideas of Jeffersonian Democracy of which we hear so much? [Applause on the Republican side.]

You say to the people of Arizona: "You have adopted a constitution which contains a provision for the recall of all elective officers by a decisive vote. It is republican in form and democratic in spirit, but we, as the great censors of all that is purely democratic, do not believe that you meant what you said by your votes, and are going to make you 'toe the mark' and try it again."

You claim to believe in the people. I have heard this Chamber echo and reecho with the eloquence of great men and have seen great beads of perspiration course down the cheeks of the orators while copious gushing tears dimmed their vision in passionate appeals made in behalf of the down-trodden masses, while the sanctity of the ballot was upheld and the "majority rule" on all questions was held to be the guiding spirit in all that savors of a pure democracy. [Applause.]

Why this change of heart at a time when you can respond by bowing to the will of the majority? All on this side of the House are ready to act at once as regards the admission of New Mexico, and many of us on both sides are ready to do the same with Arizona, regardless of our individual opinions, on the various articles and sections of the two constitutions. I am speaking my individual opinion, not as a partisan, but as a plain representative of the people who has no "axes to grind," alliances to make, favors to ask, or fears to constrain him.

The Constitution of the United States has said in the following words:

New States may be admitted by the Congress into this Union, but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

It is admitted by all that Congress has the right under the law to admit one or both if it deems best, or to deny one or both admission if it sees fit so to do. What, then, should actuate Congress in the admission of States into the Union? In my humble opinion whenever a Territory of the United States of sufficient area and resources and peopled with a class of people of such a standard of citizenship as to conduct the limited affairs of a Territorial form of government in a manner becoming an enlightened people, who are intelligent, moral, law-abiding, and liberty loving and have complied with the terms of the enabling act of Congress by the adoption of a constitution prepared by a convention duly elected, organized, and held in compliance with the terms of Congress, and subsequently ratified by a majority vote of the people of the Territory, it is not only entitled to admission into the Union on an equal footing with the original States, but should be admitted, and admitted at once. But the majority Members in their report say:

The committee further reports that it has had said constitution under consideration and finds the same to be republican in form; that they make no distinction in civil or political rights on account of race or color and that they are not repugnant to the Constitution of the United States or the Declaration of Independence; and that they are in conformity with the provisions of the enabling act.

Then why does not the committee in the discharge of its duties and without delay adopt House joint resolution 14, as introduced April 4, 1911, by Mr. FLOOD of Virginia? Is it because the committee does not believe in giving to any people the right to insert in their constitution the right of recall of members of the judiciary? The people of Arizona said by their votes that—

Every public officer in the State of Arizona holding an elective office, either by election or appointment, is subject to recall from such office by the qualified electors of the electoral district from which candidates are elected to such office.

The majority members in their report say:

The committee has also in its substitute resolution suggested an amendment to the proposed constitution of Arizona providing that the judiciary of the new State shall not be subject to recall from office by popular vote.

They say, however, apologetically to the people of Arizona:

This amendment is not made mandatory, but is merely proposed and is to be submitted to the electors for their ratification or rejection at the first general election for State and county officers.

"O Consistency, thou art a jewel."

The views of the minority, signed by WILLIAM H. DRAPER, FRANK E. GUERNSEY, J. N. LANGHAM, FRANK B. WILLIS, WIL-

LIAM H. ANDREWS, and RALPH H. CAMERON, are set forth plainly and explicitly in a joint resolution, as follows:

SEC. 2. That the Territory of Arizona be admitted into this Union as a State with the constitution which was formed by the constitutional convention of the Territory of Arizona elected in accordance with the terms of the enabling act, approved June 20, A. D. 1910, which constitution was subsequently ratified and adopted by the duly qualified voters of the Territory of Arizona at an election held according to law on the 9th day of February, A. D. 1911, upon the fundamental conditions, however, that article 8 of the said constitution of Arizona in so far as it relates to the "recall of public officers" shall be held and construed not to apply to judicial officers, and that the people of Arizona shall give their assent to such construction of article 8 of the said constitution.

The views expressed by these men are plain, and the people of Arizona need have no question as to how they stand upon the recall when applied to the judiciary. We do not agree with them in their stand as dictators to the people of that Territory as to the precautions they may take in their constitutions to safeguard the people against an incompetent, unjust, and unscrupulous judiciary any more than do I agree with the majority in compelling the people to submit the question of recall of the judiciary a second time at an election. The minority members have, however, met the question squarely, while the majority have not. The views of the gentleman from Michigan [Mr. WEDEMEYER] and the gentleman from Kansas [Mr. YOUNG] are, to my way of thinking, the most in harmony with the intention of the framers of the Constitution of the United States. Their views are as follows:

We agree to the minority views as far as they relate to New Mexico. We disagree to the minority views so far as they relate to Arizona. We are in favor of both Territories coming into the Union as States under the constitutions adopted by the people of both New Mexico and Arizona, pursuant to the enabling act, by large majorities. We are for the passage of House joint resolution 14, as introduced April 4, which joint resolution as originally introduced we favor without amendment.

Many able and convincing arguments, pro and con, have been delivered in this House on the question of the soundness of the recall proposition when applied to the judiciary, but I am unwilling to take the stand that this Congress should invade the province of the electors of Arizona or any other Territory and dictate to them the tenure of their judicial offices and the manner in which judicial officers or any other officers may be removed from office as a condition precedent to their admission into the Union. That is a right inherent in themselves.

It is a right guaranteed the people by Articles IX and X of the Constitution of the United States. Article IX reads as follows:

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

Article X reads:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

My reasoning leads me then to this conclusion. That the power of Congress to dictate to the people of a State the manner in which they shall elect and maintain their judiciary and the only manner in which they may be removed, is not and never was delegated to the United States, and is not and never was prohibited by it to the States themselves.

It must, then, be a power reserved to the States respectively or to the people.

Mr. Chairman, so far as I am concerned, I am ready to vote now, and vote for the immediate admission of both Arizona and New Mexico as States into this Union.

Let us add two more States to that old flag, the merest mention of which should bring to the mind of every true American the deepest thoughts of patriotism, and make us all brothers of one great patriotic Nation, whose flag is known in every land and upon every sea, and whose graceful folds unfurled to the breezes command the respect and admiration of the entire civilized world.

Hail blessed flag, three cheers to thee,
The emblem of sweet Liberty!
Long wave aloft, retain thy hue,
Those blessed colors red, white, and blue!

[Loud applause.]

Mr. FLOOD of Virginia. Does the gentleman from Pennsylvania desire to yield some more of his time now?

Mr. LANGHAM. I should like to yield to the gentleman from Indiana [Mr. CRUMPACKER] one hour.

The CHAIRMAN. The gentleman from Indiana [Mr. CRUMPACKER] is recognized for one hour.

Mr. CRUMPACKER. Mr. Chairman, the power to admit States into the Union is said to be discretionary. It is political in its nature, and is vested in the political branch of the Federal Government, and is not subject to control by any other branch or department of the Government. In that sense it is a discretionary power. The courts can not by any sort of proceeding compel the Congress to admit Territories to statehood or to perform any other of its multiform functions under the Constitution. It is discretionary, perhaps, in a broader sense, in the sense that Congress is the judge of the wisdom of admitting new States into the Union, but that discretion is not an arbitrary one, judged from the standpoint of public policy. It should not be prompted by considerations that are whimsical or capricious. It is a reasonable discretion. Congress should investigate the conditions of an applicant for statehood. It should consider the area of the Territory, its resources, its population not only as to numbers but as to character, homogeneity, and political experience, and determine, upon the whole, whether the proposed Territory is capable of assuming the responsibilities of statehood. It is not a local question altogether. Every State in the Union has a vital interest in the question as to what new States shall be admitted, because every State sends Representatives and Senators to Congress to assist in making laws for the entire country.

The question as to the fitness of the Territories of Arizona and New Mexico for statehood, it seems to me, was primarily settled in the enabling act. When Congress made that law it decided that these Territories were fit for the duties and responsibilities of statehood, and then, in accordance with precedent, it proceeded to enumerate a number of conditions that should be performed before statehood would be granted. There is a persistent disposition on the part of Congress, manifested in almost every instance when new States are admitted into the Union, to prescribe special conditions for the new State government.

The Constitution of the United States declares, in effect, that State governments shall be republican in form. This, properly construed, means that they shall be republican in spirit as well as in form. A republican government is understood to be a popular government that performs its various functions through agents, officers, and representatives selected by the people for that purpose, as distinguished from a democratic government in which the people conduct the public affairs themselves. A republican government is predicated upon the representative idea, and State governments must be republican in spirit as well as in form. The constitutions that are offered to Congress for consideration now by these Territories seem to comply in a general way with the enabling act. They do not conflict with the Federal Constitution. They are republican in form. A question has occurred to my mind in the study of this measure as to whether a State might be admitted into the Union with a constitution providing for the making of its laws by the institution of the initiative and referendum, without any provision for a representative legislative body at all. I shall address myself to that problem a little later on in the course of my remarks, but I will say here that, in my judgment, that kind of a constitution would not be republican in either form or spirit, but these constitutions are republican in form because they both provide for representative government. I do not believe in injecting into the fundamental law of a new State conditions and provisions that are not adapted to the social and political development of its people. I do not believe that Massachusetts, with her 250 years of political life and experience, should determine the conditions for Arizona altogether from her own standpoint. We should be somewhat liberal in approving a constitution for a new State, but the fundamental conditions underlying republican government should be insisted upon, as they always have been and probably always will be.

With the admission of these two Territories into the Union every foot of territory in continental United States, if I may use that term, outside of Alaska will then be under the control of State governments, excepting the District of Columbia. The problem of statehood perhaps will not arise to vex Congress for a number of years to come, although I understand Hawaii is preparing to make application for admission into the Union as a State.

Mr. MANN. It has made application recently.

Mr. CRUMPACKER. It has already made application. In connection with Hawaii's application some very interesting problems will doubtless arise. In the course of this discussion, in colloquies that have occurred on the floor, there have been banterings back and forth across the main aisle as to which party was ready and willing to grant statehood to these Territories first, as if the greatest virtue was in the party that offered to grant statehood at the earliest date. I claim for the Republican Party the virtue of first acting with discrimination. It is not the party that is first willing to do a thing, but the party that has the discriminating sense to know when the time is ripe, when conditions are ready to do the act, and will do it at the proper time.

The questions of education, political experience, social institutions, permanence of population are among the things to be

considered in determining whether Arizona and New Mexico are ready for statehood and whether, from the standpoint of the other States, statehood should be extended to them.

WHAT CONSTITUTIONS SHOULD CONTAIN.

These Territories have presented constitutions that contain many good provisions. If I were making the constitutions, I would omit some things from both of them and probably embody provisions not contained in either of them. The only criticism the Committee on the Territories makes of the constitution of New Mexico so far as its report discloses is that it is not sufficiently liberal in providing for its own amendment. I have no sympathy with that criticism of the New Mexico constitution. What is the constitution of a State or of a country? It is the organic law which defines the powers and outlines the framework of the government. It should impose limitations upon the various branches of government and safeguard the rights and liberties of the citizens. It should provide for the stability of free institutions. A constitution is a port of safety in time of storm; it is a city of refuge in the face of popular frenzy. It should not be a vehicle to carry legislation. The legislative body should make the laws for the people. The constitution should be made by the people to control and govern the government it creates.

It ought not to be amended too easily. There has been much said during the course of this debate about the rights of the people. The RECORD abounds in fulsome praise and adulation of the people, but most of it bears the earmarks of cheap lip service designed to cover the barbs in the political fishhooks. I hope we are all interested in the welfare of the people, but we should show that interest in a more substantial way than in high-sounding rhetoric. This Government, with its splendid institutions, is our common heritage, and we are part of the people, and share with them the benefits of popular government. But stability of government is one of its most beneficent features, and that can not exist when the organic law changes with every change of the moon. A constitution that can be amended as easily as an act of the legislature will soon lose its sanctity.

I believe, Mr. Chairman, there is great virtue in political sentiment. We cherish the memory of the patriots who founded this Government, and of the brave men who preserved it against destruction. Their sacrifices should inspire us to a nobler patriotism. A people that has no sentiment, that has no reverence for its historic characters and institutions, is far down in the scale of civilization. A constitution ought to embody general principles; it ought to outline the powers of the Government and impose limitations upon the exercise of those powers wherever it is for the welfare of the people to do so, and the government created thereby should work out the details of legislation and administration in accordance with the principles and limitations contained in the constitution.

LEGISLATION IN THE CONSTITUTION.

Mr. Chairman, the strongest evidence against the fitness of Arizona for statehood is that contained in the constitution itself, in the legislation it embodies. The convention that framed that constitution put much in it in the way of detail that should have been left to the legislature, in the belief, perhaps, that in their anxiety for statehood the voters would approve it. Those items of legislative detail are embalmed in the instrument and can not be changed except by amendment to the constitution. If you make the constitution an instrument of legislation, of course you must make it easy of amendment.

Mr. JACKSON. Will the gentleman yield?

The CHAIRMAN. Will the gentleman from Indiana yield to the gentleman from Kansas?

Mr. CRUMPACKER. I will yield.

Mr. JACKSON. I simply wanted to inquire whether the gentleman would favor leaving these legislative matters out of the constitution and allowing the judges to put them in afterwards, or whether he would think it was better to put more in the constitution in the way of limitation?

Mr. CRUMPACKER. I believe in putting in the constitution all that may be regarded as necessary fundamental law. I have little fear of the judges. I live in a State where they have honest, upright judges, and I have high regard for the Federal courts.

Mr. BUCHANAN rose.

The CHAIRMAN. Will the gentleman from Indiana yield to the gentleman from Illinois?

Mr. CRUMPACKER. For a question.

Mr. BUCHANAN. The gentleman says that in Indiana the judges are clean and upright, and I suppose they are. I would like to ask the gentleman if he favors the judges writing the laws of the country?

Mr. CRUMPACKER. I am not in favor of the judges writing the law.

Mr. BUCHANAN. That is what they have been doing.

Mr. CRUMPACKER. I think the gentleman has more politics than law in his head. I do not agree with that proposition at all.

Mr. BUCHANAN. I do not plead guilty to being a lawyer. The gentleman has made a charge which he can not substantiate.

Mr. CRUMPACKER. I wish to submit some observations upon the great questions pending, and I do not wish to be sidetracked in a discussion of the judiciary.

Mr. NORRIS. I want to suggest that while I think the gentleman is entirely right in not yielding, I think that in passing he ought to apologize to the gentleman from Illinois, who interrupted him, who says he has been charged with being a lawyer and seems to take offense at it. [Laughter.]

Mr. CRUMPACKER. I did not mean anything offensive to the gentleman. I will withdraw the imputation that he is a lawyer.

Were the framers of the Arizona constitution afraid of the people? They evidently were, because they took advantage of an opportunity to nail provisions into the constitution which they could with entire propriety have left to the consideration of the voters of the new State. But they were not willing to do it. They were afraid of the people. They were afraid to leave those questions to be dealt with by the legislative branch of the government.

I think the New Mexican constitution in the main is a fairly good charter of government. I believe it can be amended with sufficient facility. It may be amended with greater facility than the constitutions of more than half of the States in the Federal Union now. The State I live in may be a little old-fashioned in some respects. We believe in old-fashioned virtues adapted to new-fashioned standards of life. The Indiana constitution provides that a proposed amendment must be agreed to by two-thirds of the entire membership of two successive legislatures before it can be submitted to the people for ratification. It has been amended but few times. It was adopted in 1851, and it is a real constitution, because it defines and outlines the State government and is not full of legislative detail.

THE FEDERAL CONSTITUTION PROGRESSIVE.

The Constitution of the United States has been criticized in the course of this debate as undemocratic and nonprogressive. The gentleman from Texas [Mr. HARDY], in a speech he made two or three days ago in this Chamber, declared that its shackles were festering upon the wrists and ankles of the people at this time and seriously obstructing progress. Mr. Chairman, I have great reverence for the Federal Constitution. Among its chief virtues is its capacity for growth, its adaptability to changed and changing conditions.

If it were not for its progressive spirit it would have gone to the scrap heap of disuse generations ago. It abounds in eternal principles safeguarding the fundamental rights of the citizen rather than legislative details incapable of adjusting themselves to new conditions. It is as well adapted to the needs of this time as it was to the needs of the time that gave it birth. Its principles are as eternal as the laws of a Newton or a Kepler. I suppose if the law of gravitation had been embodied in the Constitution there would be statesmen and reformers to-day declaring that law nonprogressive and undemocratic and insisting that the people should have the right to repeal or amend it by initiative and referendum. [Applause on the Republican side.]

Talk about the Federal Constitution being despotic and nonprogressive. There never was an instrument or charter of government in the history of civilization that so admirably embodied in its provisions principles so well adapted for growth and development—principles that are so capable of meeting the wants of all conditions and stages of political, social, and economic development as does the Constitution of the United States. [Applause on the Republican side.]

I know that there are those who want to tinker it, who are seeking to destroy its representative character. I know to-day that there are many who would take from the courts the power to determine whether legislation is in conflict with the Constitution. That proposition might carry at a popular election, but I do not believe it would. If that power were taken from the courts, the Constitution would be worthless and the end would be anarchy.

Mr. BUCHANAN. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Illinois?

Mr. CRUMPACKER. Yes.

Mr. BUCHANAN. I would like to ask the gentleman if he would be willing to give the people an opportunity to approve this—whether they would be willing to give the judges the power of usurping the functions of legislative bodies?

Mr. CRUMPACKER. I feel justified in declining to answer such a question. The fear of courts usurping legislative power exists only in the fancy of the gentleman. I will discuss the courts somewhat when I come to the proposition for the recall of judges.

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to the gentleman from Illinois?

Mr. CRUMPACKER. Yes.

Mr. FOWLER. You say that if the power to decide as to the constitutionality of a law is taken away from the judges anarchy would be the result. With what class of people would the anarchy be most likely to originate, and what class of people would be most likely to advocate it?

Mr. CRUMPACKER. The demagogues, the dreamers, the doctrinaires who are now denouncing the Constitution because it stands for stability, for security of life, liberty, and property.

Mr. FOWLER. One more question, if you please.

The CHAIRMAN. Does the gentleman yield?

Mr. CRUMPACKER. I yield for a question.

Mr. FOWLER. Do you not think that the good sense of the people of the United States will always rise above the demagogue and the designing newspaper man?

Mr. CRUMPACKER. The common people of the United States have more good hard sense and more honesty than is possessed by many self-appointed political leaders. They know their own limitations. They know that the ordinary business man, the ordinary man of affairs, has not the time nor the opportunity to investigate complicated problems of government.

Mr. FOWLER. Is it not a fact that if the Constitution was absolutely destroyed the good judgment of the American people would at once reenact one for the purpose of establishing a stable form of government?

Mr. CRUMPACKER. From your standpoint what is the use of having a constitution if the people are infallible? What is the use of having limitations on government if the people are incapable of making mistakes? Absolutely none. You discredit the people and their capacity for self-government when you want a constitution. The people would discredit themselves and their ability to make wise laws, from your standpoint, if they should create another constitution, because a constitution is a limitation on the power of the government and the power of the people. I believe in a constitution myself, with authority in the courts to prevent its violation by the lawmaking branch of the Government. No legislative body should enact a law in conflict with the constitution nor should the people under the referendum be allowed to do so.

Mr. FOWLER. The gentleman does not answer my question.

THE ENGLISH CONSTITUTION.

Mr. JACKSON. I desire to suggest to the gentleman, along the line he was discussing when the gentleman on the other side of the aisle asked him a question, whether he has overlooked the proposition that the United States Government is about the only Government on earth, and was the only one, I believe, until within the last few years, in which the judges have the power to declare a law unconstitutional. I want to say to the gentleman that I agree entirely with him as to the proposition that that is a good thing, but he is hardly warranted in assuming that anarchy would result from the abolition of this power, because the judges of England do not have it, and I believe he will agree that England has at least a stable government.

Mr. CRUMPACKER. Here is one difference between this country and England. England has an unwritten constitution. She has the constitutional safeguards of liberty and justice, and they are supported by an active, a vigilant, a discriminating public opinion, which is instinctive in the subjects of the British Crown. It is the outgrowth of centuries of struggle for free institutions.

The people of the United States have a written constitution. Ever since this Government was ordained they have depended upon the courts to take care of the rights of the people by enforcing the constitutional safeguards. Public opinion in this country has been dormant upon constitutional guaranties. Probably in the course of the years and the generations public opinion would develop sufficient force and strength to make a written constitution unnecessary, but it would require upheavals that would shake the foundation of our institutions to develop it. Our people would doubtless be educated up to that point, but the cost of the education, I fear, would be terrific. Besides, England is small in area and her people are more homogeneous than ours. This country is vast in area and has, perhaps, the most cosmopolitan population of any country on the globe. There is a great diversity of ideals, social and political, in this country, and the material interests of various sections are often antagonistic in their legislative wants and needs. Without a written constitution there would be interminable conflict among interests and sections, and the result would be disintegration and chaos.

Mr. BUCHANAN. Mr. Chairman, I should like to ask if it is not a fact that the condition in England has been due to the fact that there has been a liberty of public opinion there—that public opinion has been unhampered? Is it not a fact that that power was taken away from the judges owing to the hostility of the people?

Mr. CRUMPACKER. The power to hold acts of Parliament unconstitutional never resided in the courts of England. There never was a time in English history when the highest court in the realm could hold an act of Parliament to be unconstitutional. If courts in this country could not set aside legislative acts when in conflict with the Constitution, legislatures would be omnipotent. They might pass bills of attainder, laws impairing the obligation of contracts, and ex-post facto laws at liberty, with no restraining influence except public opinion. The taxing power could be used to build up one industry at the expense of another with perfect safety if the beneficiaries of the legislation possessed a controlling influence at elections.

Sovereignty in England resides nominally in the Crown, but really it is the House of Commons, the members of which are elected by the people. Tradition and sentiment are more potent factors in English affairs than they are in this country, and conflict of local interests is very much less.

INITIATIVE AND REFERENDUM.

One of the provisions contained in the Arizona constitution that I do not agree with is that establishing the initiative and referendum. The institution of the initiative and referendum has a legitimate place in local government. There is not a State in the Union that does not have it in one aspect or another. It is a valuable and useful institution for the determination of many questions of a business nature in county and city government. For instance, when it is desired to construct a gravel road in a township in Indiana at the expense of the township a certain number of voters of the township may initiate the movement and have an election by the voters in the township to determine whether the improvement shall be made. The voters and taxpayers of the township know whether they desire the improvement and whether their financial condition is such that they can afford it. That is an illustration of a class of questions that may properly and justly be left to the various localities for the people to decide for themselves.

Mr. CAMPBELL. Will the gentleman yield for another citation on that line?

Mr. CRUMPACKER. Yes.

Mr. CAMPBELL. In the State of Kansas, and I think in most of the States, we have an initiative and referendum for the location or relocation of county seats.

Mr. CRUMPACKER. We have that also in Indiana, and I think it exists in most of the States. The issuing of bonds for local public improvements, the granting of subsidies to railroad companies, the purchase of water and lighting plants by cities, and the granting of franchises to public utility companies—all of those questions are within the legitimate field of the initiative and referendum.

Mr. FERRIS. Mr. Chairman, I understood the gentleman to say at the start that he was opposed generally to the provision of the initiative and referendum?

Mr. CRUMPACKER. Yes.

Mr. FERRIS. Although he conceded it obtained in most of the States.

Mr. CRUMPACKER. I say I am opposed to it as it is provided in this constitution.

Mr. FERRIS. I hope the gentleman will draw the line at which he would have it apply and where he would not.

Mr. CRUMPACKER. I am doing that now.

It is peculiarly adapted for the determination of simple local business questions, for the people of each locality know better than any legislature can know what their respective communities need and desire. There are some general propositions that may be submitted to the people with propriety—the issue of State bonds for the construction of canals or public buildings, for instance. Then there is the question of the prohibition of the manufacture and sale of intoxicating liquors. That question has been submitted to the people of some States, not altogether because they are more competent to decide it than the legislature is, but because it is an easy way for an ambitious statesman to escape the embarrassment of voting upon the

question himself. There is no roll call and record of yeas and nays connected with the ballot, and that is probably one reason why the referendum is so popular on the prohibition question.

Mr. CAMPBELL. Is there a constitutional inhibition upon the legislature to submit by referendum any proposition involving the enactment of a general law within a State?

Mr. CRUMPACKER. In what constitution?

Mr. CAMPBELL. In any of the constitutions of any of the States.

Mr. CRUMPACKER. Yes.

Mr. CAMPBELL. What is it?

Mr. CRUMPACKER. Almost every constitution declares that all laws shall be enacted by the legislature, and where legislative bodies have voluntarily submitted questions of general application to the people to vote upon, the courts have held the submission invalid. When the constitution reposes the duty of making laws upon the legislature, that duty can not be delegated to anyone else, not even to the voters of the State.

Mr. CAMPBELL. I think a large majority of the decisions of the courts in States, and where the question has come to the Supreme Court of the United States, of that court, are that the legislature has authority to submit by referendum to the people of the State questions enacting general law. The authority has been denied, I think, in a few States, and the authority conceded in many instances.

Mr. CRUMPACKER. I have read recently several decisions of courts on the question of the referendum, and the holding was uniform that where the constitution provides that all laws shall be made by the legislature, the legislature has no power to submit measures to voters to decide by ballot or in any other manner. The courts hold generally in this country that when the constitution reposes a power in a legislative body, that power can not be delegated to any other tribunal, person, or body of persons. That limitation, however, applies only to general legislation and not to matters pertaining to local government of counties, cities, and towns.

In Indiana the prohibition question can not be submitted to the people of the State for decision until the constitution is amended. In the States where the initiative and referendum is in use it is specially authorized by the constitution. The New Mexican constitution now before us for consideration specially authorizes the legislature to establish the initiative and referendum. The framers of that instrument evidently thought the legislature could not refer legislative questions to the people for decision unless the constitution expressly authorized it to do so.

Mr. CAMPBELL. If the gentleman will permit me, the State of Virginia has the right to submit by referendum and also the State of Vermont, not on purely sumptuary questions, but on questions of general legislation, and I have some opinions of the courts here, which, of course, I do not care to call particular attention to at this time.

Mr. CRUMPACKER. I am not prepared to discuss the decisions under the Virginia constitution nor under the Vermont constitution, because I have not had an opportunity to study the constitutional provisions upon which they were rendered.

Mr. BUCHANAN. May I ask the gentleman if they have not a county option law in the State of Indiana?

Mr. CRUMPACKER. They had a county option law until last winter, when it was repealed. County option is purely a local question, and it may be authorized by a legislature which could not provide for a plebiscite in the entire State on the prohibition question.

LIMITATIONS UPON INITIATIVE AND REFERENDUM.

Now, if I am permitted to proceed with my remarks, I desire to locate the line of demarcation between questions that may with safety and propriety be the subjects of initiative and referendum and those that may not.

Mr. FERRIS. If the gentleman will permit, I wish to say, in regard to the suggestion made by the gentleman from Kansas [Mr. CAMPBELL], even granting that what the gentleman from Kansas says is true, that would not answer the purpose of those of us who believe in the initiative and referendum at all.

Mr. CRUMPACKER. I can only repeat, without going into detail, that in my judgment the initiative and referendum is entirely proper and useful respecting local questions of a business nature, but it is not adapted to matters of general legislation. General lawmaking by the voters at the polls is subversive of representative institutions, and can not, under existing conditions, result in wise laws and policies. I make that assertion in the belief that I have in my heart as much respect for the intelligence and sturdy character of the American people as any man in this House. I am one of the people myself. I do not believe the voters have the time nor the opportunity nor the disposition to give such study to the science of government as is necessary to enable them to understand and vote intelligently upon complicated economic, social, and political legislation. They are too busy with their individual interests to inform themselves respecting grave and important matters of legislation. I know how strong the temptation is for politicians to appeal to the vanity of the people and say to them, "You ought to have a larger share in your own Government; this is your Government; you ought to make its laws; you ought to run it." It is a popular appeal ordinarily, but level-headed men in this country know their own limitations. The men on the farm, the men in the shops, the men in the offices are so fully engrossed in their own personal affairs that they do not have the time nor the opportunity to make the thoughtful investigation of general legislative questions that is necessary to vote wisely. Who are competent to make laws? Those only who have the time and the opportunity to study social conditions, to know what the laws are, and what abuses may exist that ought to be corrected; those who are able to put a practical interpretation upon proposed measures and know how they will operate, how they will affect business and social institutions. "Every man his own statesman" is a good political slogan, but you might as well say that every man should be his own lawyer or his own doctor. It is claimed that this modern movement toward a larger popular control of legislation is the logical development of democratic institutions. That position will not stand the test of analysis. The institution of initiative and referendum is ebullitional rather than evolutional.

Every man his own statesman. Government is a science. Some of us, Mr. Chairman, who have been selected by our constituents to represent them in the lawmaking bodies of the country know altogether too little about the science of government to act with the highest wisdom upon all questions that come before us. I say, without fear of offending my own constituents, that it is impracticable and unwise to refer matters of general legislation, such as criminal codes, and civil codes, and laws for taxation, and the creation of corporations, and the transmission of property, and legislation generally, to the people to be acted upon at the polls. It seems to me that it is an insult to the intelligence of the people to say to them that, while they do not have sense of discrimination enough to select honest, competent men from among their neighbors and acquaintances to represent them in a lawmaking body, they are capable, nevertheless, of understanding the problems involved in general lawmaking and can and will decide safely and intelligently at general elections what the law should be. [Applause on the Republican side.]

This is a great problem, Mr. Chairman. It means more to this country than a mere experiment in the prospective State of Arizona. I am going to vote to approve the constitution. I am willing that Arizona shall try it, but I predict its failure wherever it is generally employed. Some of us can learn some things only by experience, and a large percentage of our people are determined to experiment with this the latest fad in politics. If Arizona does not prosper under it, some William Allen White will write in burning rhetoric upon the subject: "What's the matter with Arizona?" [Applause on the Republican side.]

The diagnosis will be tribuni plebis, meaning in English "demagogitis." [Laughter.]

Mr. SLOAN. I am with you in spirit, but not on the Latin. [Laughter.]

Mr. PROUTY. There is too much Latin there. [Laughter.]

THE OREGON PLAN.

Mr. CRUMPACKER. The provision in the Arizona constitution is copied almost verbatim from the constitution of the State of Oregon. The "Oregon plan" is paraded before the country to show how wisely laws are made under the initiative and referendum and how safe and conservative the people of Oregon have been in the face of provocation. I admit that the people of that State have shown more good sense in some instances than the legislature has. [Laughter.] There were 32 legislative propositions submitted to the voters for decision at the general election in November, 1910, along with the election of Congressmen and State and county officers. Eight of the propositions carried and 24 failed. Among other propositions submitted was an amendment to the constitution, proposed by the legislature, to abrogate the provision in the constitution which requires taxes to be equal and uniform. The legislature proposed that amendment to the State constitution. It had to be submitted to the voters for ratification or rejection. The vote upon it was—for, 37,619; against, 40,172. It was beaten in a vote of almost 80,000 by a narrow margin of 2,500.

Now, what does that mean? What does it signify? Equality and uniformity of taxation are inseparable from liberty and justice. Think of a State legislature in this country that will seek to make the taxing power an instrument of convenience to favor friends and punish enemies. Most of the great struggles for English liberty were waged over the taxing power. When our Government was ordained the rule of uniformity of taxation found its way into the Constitution, and it is one of the most potent safeguards of liberty and justice in that instrument. Taxation and representation in those days were vital questions. As Edmund Burke said, the wrong was not so much the weight of the tax as the weight of the preamble, asserting the power in the Parliament to impose taxes upon the Colonies without their consent. Uniformity has been the rule of taxation throughout this country. We have been governing Territories that have had no representation in Congress for more than a century; we have been taxing them without representation; but they were protected by the uniformity principle.

The people, through the Representatives, impose the taxes, and they must be uniform in all parts of the country. We can impose only such taxes on the Territories that are not represented in Congress as we voluntarily impose upon ourselves. The vital principle that taxes must be imposed by those who pay them is carried to the Territories through the uniformity rule. The good sense of the people saved the credit of the State of Oregon by rejecting the proposition to strike out of the constitution of that State the equality and uniformity rule. The amendment may be again submitted, and the small majority against it in 1910 may be converted into a majority in its favor at the next referendum. In that event taxation may run riot. There will be no guiding principle for the distribution of the burdens of government. It has been well said that the power to tax is the power to destroy. With no uniformity or equality of taxation, it may become a most dangerous and invidious agency for destruction.

Mr. LENROOT. I will ask the gentleman if it had not been for the referendum, might not taxation have run riot now?

Mr. CRUMPACKER. I think not. It is true the referendum saved the honor of Oregon at the election in 1910 and preserved the rule of equality and uniformity in the constitution.

Mr. McCALL. Will the gentleman yield?

Mr. CRUMPACKER. I yield for a question.

Mr. McCALL. Is it not probable that the Legislature of Oregon voted to submit that amendment to the people simply because there was a referendum?

Mr. CRUMPACKER. It was a proposition to amend the constitution and had to be submitted to the voters.

Mr. McCALL. Precisely upon that theory the Massachusetts Legislature submitted to the people a prohibitory amendment, on the theory that the people should have the right to pass upon it. The members of the legislature would not say that they believed in it, and the people finally rejected it, but it was simply to throw the responsibility for it upon the people.

CORRUPT LEGISLATURES.

Mr. CRUMPACKER. Where the initiative and referendum is established it is because of a general suspicion of the integrity of members of the legislature. That is what prompts it. I do not know how comfortable a man in the Oregon Legislature may feel. He is not necessarily a criminal. He is nothing more than a suspect, to say the worst about him. An old lady received a letter from a son who many years before had gone into the far West. She had not heard from him for a number of years, until she received this particular letter. Among other things he wrote that he had been sent to the legislature. In relating it the mother said he did not say what he was sent up for, nor for how long, but she said with a sigh, "He is my boy, and I was glad to hear from him anyway." [Laughter.] It is not known whether the son lived in Oregon or not.

Mr. LAFFERTY. Will the gentleman yield for a question?

Mr. CRUMPACKER. I yield for a question.

Mr. LAFFERTY. I should like to know if the gentleman is familiar with the object of the constitutional amendment in Oregon to which he has referred, with reference to uniformity of taxes?

Mr. CRUMPACKER. I do not know what the object was. I know what the effect would have been.

Mr. LAFFERTY. I desire to state, without taking issue with the gentleman's argument at this time, that the object of that amendment was to authorize the single tax to be applied to Multnomah County as a test of it; that is, the result that would follow. I believe that the single tax as applied to Multnomah County will be a good thing. That county contains the most populous city in the State, and I believe it will be a good thing there.

Mr. CRUMPACKER. The voters did not seem to think so, because a majority voted against it. I want to say that I do not believe a local matter of that kind is of sufficient importance to justify the legislature or the people of any State in destroying the guaranty of uniformity and equality in the assessment of taxes.

Mr. LAFFERTY. We had no such object as that in Oregon in passing this constitutional amendment, and we do not think that the amendment does authorize discrimination in taxation on the same class of property.

Mr. CRUMPACKER. The gentleman stated a moment ago what the purpose was, but that is not the question. What the motive may have been is a matter of little consequence. The question is, What would have been the effect of what they seriously tried to do?

Mr. LAFFERTY. Mr. Chairman, I desire to make this plain now, if the gentleman will permit. The object was to authorize taxes to be removed from personal property in Multnomah County, by a bill to be submitted at the next election, and Multnomah County will have to raise her taxes on real estate so as to contribute her proportionate share to the revenues of the State. In that way men can not hold 20 to 40 acres in the heart of the cities in Multnomah County, where we have people in tenement houses living in cramped conditions. They will have to improve the property if we put the taxes on the land.

Mr. MANN. Was that object stated in the matter that was submitted to a vote?

Mr. LAFFERTY. That object was stated in the discussions that took place.

Mr. CRUMPACKER. Well, Mr. Chairman, the suggestions of the gentleman are hardly tenable, because it is not what the people intended, but it is what they actually proposed to do, for if they had amended the constitution as was proposed there would have been liberty to discriminate among taxpayers without hindrance. One industry could have been taxed out of existence to build up another, and so on. The purpose may have been good, but the proposition illustrates one of two things, either that the legislature was a guileless body or that there was a desire to use the taxing power for purposes contrary to principles of justice.

Mr. MANN. It illustrates the absurdity of the proposition.

Mr. NORRIS. Mr. Chairman, was the amendment defeated?

Mr. CRUMPACKER. Yes.

Mr. NORRIS. At a referendum?

Mr. CRUMPACKER. Yes.

Mr. NORRIS. Voted on by the people?

Mr. CRUMPACKER. Yes.

Mr. NORRIS. Then it does not follow, does it, that that is an illustration showing that the referendum and initiative is wrong? They seem to have come out all right with it.

Mr. CRUMPACKER. I stated a moment ago that it was beaten at the polls, and I said that the people displayed better judgment than the legislature; but it was beaten in an aggregate vote of 80,000 by only 2,500 majority. At the next election it may succeed. It illustrates the danger of submitting matters of such vital importance to the common welfare to the fate of the ballot. That is where the danger lies.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LANGHAM. Mr. Chairman, I yield 20 minutes more to the gentleman.

Mr. BURKE of South Dakota. Mr. Chairman, if I understand the gentleman, he is criticizing the Legislature of Oregon for submitting that amendment. I desire to ask the gentleman if it is his opinion that the legislature, the majority that voted to submit the amendment, really believed in the amendment?

Mr. CRUMPACKER. I presume they did or they would not have submitted it.

Mr. BURKE of South Dakota. Is it not true that constitutional amendments may be submitted by a legislature when there is a considerable demand, and that an amendment may be submitted by legislators who are not themselves in favor of the proposed amendment?

Mr. CRUMPACKER. I presume that is the case.

Mr. LENROOT. Will the gentleman yield for a question?

Mr. CRUMPACKER. Yes.

Mr. LENROOT. The gentleman is discussing this referendum of a constitutional amendment, and I wish to ask him whether his own State of Indiana has not now and always has had a referendum for exactly similar propositions?

Mr. CRUMPACKER. We have the referendum for constitutional amendments.

Mr. LENROOT. That was what this was.

Mr. CRUMPACKER. Certainly.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. CRUMPACKER. I will yield for a question.

Mr. FERRIS. The thought I have is this: The gentleman indicts the people and indicts the initiative and referendum on the theory that the voters seem to have voted on an amendment that is personally objectionable to him. Now, why does not the same indictment lie more directly against the legislature that submitted it than against the people who defeated it?

Mr. CRUMPACKER. I have already said that, in my opinion, the people of Oregon showed better judgment than the legislature did in this instance.

Mr. FERRIS. Why does not that explode the gentleman's theory?

Mr. CRUMPACKER. The mere fact that a question of that nature will come so near carrying by a popular vote is a serious thing.

Mr. FERRIS. It did carry in the representative body.

Mr. CRUMPACKER. They can not amend a constitution except by referendum in many of the States, although there are some States where they make constitutions without consulting the people at all. The reason that is urged for the referendum is the alleged venality of the legislators. It is insisted that the people can not trust the men they select from among their neighbors and acquaintances to make laws, therefore they should make their own laws at popular elections.

They tell us that the people are honest and wise, that the country is full of honest, capable men, but men selected for the legislature can not be trusted. It seems strange that so many communities should select about the only rogues they have for their representatives in the legislatures. I do not believe they do. I believe most men in public office are honest and trustworthy. I think the corruption of legislative bodies is greatly exaggerated. But there is altogether too much of it. A member of a legislature or of any other body in which is reposed a discretion to be exercised on behalf of the people who corruptly violates his trust commits the most insidious, the most execrable crime that is possible to commit against society and government. [Applause.] Its effect is to destroy confidence in public men and in popular institutions. The people are not always able to discriminate between the honest and the dishonest, and the honest suffer for the sins of the dishonest. There ought to be as much candor and honesty in politics as there is in any of the business relations of life. [Applause.]

A candidate for office who will deceive and mislead the people in order to get their votes can not be trusted in public office. He ought not to be trusted in any capacity. I do not know that the law can impose more effective penalties against corrupt officeholders, but they ought to be branded with eternal infamy. Over 200 years ago Scotland outlawed one of her troublesome clans, and enacted a law making it a crime for anyone to write, print, or speak in an audible tone the name of the clan or of any of its members. If we could devise a method of emphasizing the odium of dishonest officials, it would be well to do it.

The strength of this Government is not in its Army and Navy. It is in the reverence and affection the people have for government and free institutions, and when that reverence is destroyed by official corruption our bond of unity and cohesion is a rope of sand. When the laws are wise and just and are honestly administered, there is not an able-bodied man under the folds of the flag that would not shoulder a gun and stand in the face of danger and death if necessary for the preservation of the Government. But when the public mind has become saturated with the suspicion that the Government is honeycombed with rottenness and corruption patriotism is at a low ebb. Who among us would hasten to grasp his gun and fight in defense of a "jack-pot" government? [Applause.]

I submit these observations, gentlemen, to emphasize the enormity of crimes against official honesty. But they can not be cured by the referendum. This is a Government of the people. They are the sovereigns. It is their Government, and they can never hope for the highest standard of honesty and efficiency in the public service until they devote more attention to nominations and elections and to public affairs generally. They must hold every public official to a strict accountability for the honest performance of his duties.

Mr. LAFFERTY rose.

The CHAIRMAN (Mr. BYRNS of Tennessee in the chair). Will the gentleman from Indiana yield to the gentleman from Oregon?

Mr. CRUMPACKER. I will yield for a question.

Mr. LAFFERTY. I would like to inquire what the gentleman means by a "jack-pot" government? I am not familiar with that term.

Mr. CRUMPACKER. I can not speak with precision about it.

Mr. SHACKLEFORD. Nobody can open it.

Mr. CRUMPACKER. I assume that it means the "anti-social" method of making and administering laws. It is a technical term borrowed from the same science that contributed the word "standpatism" to our political vocabulary, although I understand that "jackpotism" is worse even than "standpatism." [Laughter.]

We have spasms of virtue in this country. When public sentiment is aroused and people look after public men and public affairs, representative government is honest, clean, and efficient; there are no corruptionists in public life. When the people are indifferent, when they stay in their offices and factories and on the farms and give no attention to nominations and elections, dishonest men will occasionally get into office and perpetrate crimes. Public corruptionists flourish when the people devote their time and thought to their individual interests and give no attention to the cause of government.

If you have the referendum, it will be a failure from your own standpoint in the absence of a vigilant, persistent public opinion to back it up. That kind of a public opinion is all that is needed to make representative government efficient, honest, and clean. There can be no satisfactory administration of popular government unless the people do their part. They must see that honest and capable men are elected to office.

If dishonest and incapable men are chosen to responsible public positions, the voters are chiefly responsible for the consequences.

Mr. FERRIS. Will the gentleman yield?

The CHAIRMAN (Mr. GARRETT in the chair). Does the gentleman from Indiana yield to the gentleman from Oklahoma?

Mr. CRUMPACKER. I yield for a question.

Mr. FERRIS. The gentleman has asserted that which it seems to me is a truism and of which everybody recognizes the truth, that in the people is the fundamental right to do things. Now, does not the gentleman think that reposing in the people the power as given in the referendum and initiative would stimulate greater vigilance on their part?

Mr. CRUMPACKER. It would not have that tendency. The voters can select honest, capable men among their acquaintances without great difficulty and secure good legislators. Men who are honest and upright in all the walks of life can be trusted in public office. But the average voter is too busily employed in his personal affairs to study the science of government, to investigate economic and political questions to such an extent that he can act with wisdom in making laws. The average voter does not always know what the existing laws are nor how a proposed measure would operate in practical affairs. The result would be he would not attempt to inform himself on those questions and would be indifferent about voting upon proposed measures. I say this with no disposition to disparage the intelligence of the voters, but I state it as a truth that all level-headed citizens understand perfectly well.

Mr. FERRIS. If the gentleman will yield right there a moment, I would like to say that although there are few of us who believe in the initiative and referendum who advocate a pure democracy, we do advocate the safeguards which the initiative and referendum impose upon representative government.

Mr. CRUMPACKER. It is a "safeguard" that tends to weaken and destroy popular government. If the initiative and referendum shall come into general use in making laws the principle of the infallibility of the majority will follow, and constitutions will be cast aside as an incumbrance. Vox populi, vox Dei. The divine right of the majority will become the basis of government. The voice of the people is the voice of God only when it speaks the language of truth and justice and liberty and humanity. [Applause on the Republican side.]

THE DIVINE RIGHT OF THE MAJORITY.

The doctrine of the infallibility of the majority is a dangerous political heresy. It inevitably leads to the overthrow of all limitations on the powers of government. If majorities can make no mistakes, there can be no need for constitutions when laws are made directly by the people. The laws will be right simply because they will have the sanction of the majority behind them. The Declaration of Independence proclaims that all men are created equal and are endowed with certain inalienable rights, and that it is the paramount duty of government to safeguard the citizen in the enjoyment of those rights.

There is a latitude of liberty that belongs to every citizen in virtue of his manhood that no power on earth can justly take from him. This liberty is essential to his growth and development and to the fulfillment of that destiny which is appointed to him by the God who created him. Government and laws and institutions are ordained for the protection of the citizen in those fundamental rights. It is as great a wrong for the Gov-

ernment itself to invade those natural rights as it is for the assassin or the highwayman or a band of conspirators to do so. Those rights do not emanate from government, but it is the vital purpose of government to protect the citizens in their proper enjoyment. It is as great an offense against manhood and civilization for those rights to be invaded or destroyed by a majority vote in a democracy as it is to invade or destroy them by the edict of an absolute monarch.

The essential liberties of the people are secured by absolute limitations upon the power of government. It is the office of the constitution to embody those limitations and the duty of the executive officers and of the courts to enforce them. They are of especial importance to the weak and the poor, for the strong and the rich are better able to take care of themselves. There can be no liberty in the real sense unless the government is effectively denied the power to invade the inalienable rights of the citizen.

It was the boast of Lord Chatham that English liberties were so secure that the humblest subject of the King was supreme in his own dwelling place; that his house might be so poor that the winds could shake it and the rains drive through the roof, yet the King himself dare not enter it unbidden. It is more than a matter of mere sentiment that the humblest citizen of this great Republic can stand in God's sunlight in the consciousness that he is the possessor of certain rights and liberties that the Government, with all its wealth and power, can not take from him.

Liberty is not a matter of grace; it is an inherent right; and history abounds in illustrations of the truth that real liberty is secure only where the Government is powerless to invade it. There is as much, if not greater need of limitations on the power of government in pure democracies as in monarchies.

There is no despotism in history more cruel and merciless than the despotism of an unbridled majority. It carries no individual responsibility. A monarch who has unlimited power carries the responsibility for its exercise. Irresponsible power is always liable to abuse. While under normal conditions the people are conservative and their purposes and impulses are good, there are times when public feeling becomes greatly excited and a frenzy of passion will sweep over the country with the fury of a cyclone. It is under such conditions that representative constitutional government is necessary to protect free institutions.

These seem to be plain observations to make in public by one who represents the people and who, if he comes back here, will have to go to the people for approval. But I would be willing to make this speech in every county in my congressional district, and I am confident it would have the indorsement and approval of four out of five of the people without regard to party. [Applause on the Republican side.] Level-headed men know what they can do and what they can not do wisely in connection with public affairs. They know that general law-making by the people through the agency of the ballot is impracticable and must break down with its own weight. I believe in primary election laws, properly safeguarded with efficient corrupt-practices acts, and I believe in extending the civil-service method of selecting public servants to State, county, and municipal governments wherever it is practicable. I believe in taking patronage and jobs and contracts for public work altogether out of politics. That will destroy the cohesive force that cements and holds corrupt political machines together. [Applause on the Republican side.] If that be done, the power of the corrupt boss will be gone. Let the people be more vigilant and active at primaries and elections.

They must exercise care in selecting honest, capable men to represent them in the Government service. If they do that, *there will be* little reason to complain of the laws or their administration. There will be no *calling* for the self-selected champion of the cause of the "dear people," to advocate political nostrums and fakir remedies that tend to undermine social and political institutions that have the sanction of centuries of wisdom and experience.

I have faith in the sturdy, common sense of the people, and therefore I do not believe the institution of the initiative and referendum will ever come into general use in this country. If, under the influence of political reforms, it should be generally established by law, its impracticability and unwisdom would become apparent to the average man, and it would become innocuous by disuse. Every law providing for the referendum requires a majority of the votes cast, not at the election, but upon the particular measure submitted to carry it.

There is a general disposition on the part of the voter to refrain from voting upon proposed laws. The vote is significantly small on legislative matters. It is exceedingly rare that a proposition receives the support of a majority of the voters of a State, and in some instances laws have been enacted by the referendum by less than 10 per cent of the whole number of voters. Those who are specially interested in the proposed measure vote, while the great body of the voters are indifferent.

This is a perfectly natural result, because most of the voters do not have the time nor opportunity to inform themselves respecting legislative measures submitted to them for consideration, and rather than vote unintelligently they will not vote at all. The referendum, from the practical viewpoint, is not legislation by the voters, but legislation by a small minority of the voters who are interested specially in the measures submitted for action.

THE RECALL.

I do not believe in the recall for public officers, because it is fundamentally wrong. It is not based on justice or merit. I believe in a good, efficient law for the removal of corrupt or inefficient public officers by a proceeding in a court of justice or before a civil-service board, where charges can be investigated and decided upon their merits. Last week, in one of the cities in my district, a court removed the chief of police on the charge of dishonesty and inefficiency. It only required a few days to make the investigation. The law in Indiana provides for a summary proceeding in charges against public officers, and they are conducted under established rules and decided according to law and justice, rather than upon considerations of politics or by whim and caprice, which are sure to influence results under the recall plan.

The chief of police of the city mentioned would, in all probability, have won in a recall proceeding, without regard to his fitness, for he would have had the support of all of the so-called liberal element of the city.

Under the recall there would be as many good, efficient officers retired because they enforced the law as there would be dishonest and incompetent officers retired because they did not enforce the law. Suppose a petition were filed for the recall of Judge Blair, in Adams County, Ohio. He would doubtless be opposed by every voter in that county who has been indicted in his court for selling his vote, and the records show that a majority of all the voters were so indicted. The judge would stand a poor show of vindication. In a great many cities throughout the country it would be much easier to recall an officer who fearlessly performs his duty than one who acquiesces in lawbreaking. That is not the case in all the cities, and perhaps it is not in a majority of them. I was told a few days ago that the voters of the city of Tacoma, in the State of Washington, recalled their mayor because he refused to allow a prize fight to take place in the city.

Mr. LAFFERTY. Seattle.

Mr. CRUMPACKER. Is there a proposition pending for the recall of the mayor of Tacoma?

Mr. LAFFERTY. Yes.

Mr. CRUMPACKER. Because he would not allow a prize fight?

Mr. LAFFERTY. No; I do not understand that to be the ground.

Mr. CRUMPACKER. The law of the State of Washington does not permit prize fights, and an organization of the sporting element of Tacoma arranged to supply the people with that luxury regardless of the law. The mayor thought the law was made to be obeyed, and he refused to allow the prize fight to take place. Indignant citizens of Tacoma at once filed a petition for the recall of the mayor for his interference with their liberties, and the vote was had a few days ago and the mayor was removed from his office by a large majority. I suppose prize fights will be a common entertainment in Tacoma in the future. No law officer will dare interfere with them.

Elections for the recall of officers are not decided on their merits. It often happens that very efficient executive officers possess very few popular qualities, and such officers are always at a great disadvantage in a contest against a man of the "hail-fellow-well-met" type, who promises every voter everything he wants. Considerations of politics, personality, affability, and many others of an unsubstantial character often control in local elections.

The application of the recall to the judiciary is a grave menace to the integrity and independence of the courts. I have great respect for the courts and high regards for most of the judges. Occasionally a weak judge may be selected and occasionally a strong judge may make a mistake in the decision of a question of law or fact. But in the main, judges of our courts are able, honest, fearless men. The courts are the bulwark of free institutions; they are the citadel of liberty and justice; and they must always be free to administer law and justice without fear or favor. Under the elective system they should be especially protected against the baleful influence of party politics. The tendency of the recall applied to the judiciary

would be to make cowards and sycophants of judges. The equation of public sentiment would enter more or less into the decision of every question of general importance. The gentleman from Texas [Mr. HARDY] in his speech the other day said he believed the courts ought to consider the public in the administration of the law. I agree that courts ought to discharge their duties in an honest and fearless manner; but they do not make the law; they only decide what it is and apply it to concrete cases. If the law is imperfect, it should be amended by the lawmaking branch of the Government. Courts are often criticized for the faults of the legislatures. They are condemned for adhering to well-established precedents and long-settled principles, and yet there can be no uniformity or stability of law if they pursued any other policy. The tendency of the recall will be to overthrow uniformity and stability in the laws. There will doubtless be honest and fearless men on the bench in Arizona under the recall, but the tendency will be to keep men of independence and self-respect out of the judiciary. With a weak man on the bench the wealthy influential litigant will have a distinct advantage over his poor and less influential adversary.

The plain citizen who seeks nothing but what is his just and legal right is more vitally interested in the honesty and independence of the courts than is the wealthy and influential citizen who employs the courts to obtain some advantage that is not rightly and justly his. The courts, above all things, should be kept free from the influence of politicians and political bosses. They should also be deaf to popular clamor. What would be thought of a proposition authorizing an appeal from important decisions of courts to the people to be decided at popular elections? It is said that the people are fully competent to enact laws of all kinds by referendum. Why are they not competent to decide what the law is by referendum? No citizen would favor such a radical and destructive policy as that, and yet it is proposed to give the voters the power to recall judges if they do not decide the law as the voters think it ought to be decided.

The people of Arizona, judging from their constitution, desire to have their courts administer the law under the influence of the recall. I do not know what they will do if they have an opportunity to vote on that proposition separately. Arizona will soon be a sovereign State, and may establish such institutions as she pleases without consulting the other States, provided they do not conflict with the Federal Constitution.

Our system of government, Federal and State, is admirably adapted to the needs of the country, with its great area, its diversified climate and resources, and its large population. It has worked well for a century and a quarter of political life.

One of England's greatest statesmen referred to the Constitution of the United States as "the most important work that was ever struck off at a given time by the brain and purpose of man."

The course of human history is strewn with the ruins of monarchies that crumbled and fell because they gave no liberties to the people. They are alternated with the wrecks of democracies that perished from the earth because they lacked the qualities of stability and endurance. The patriot fathers who framed our Government profited by the lessons of history and combined in its groundwork ample safeguards for the liberties of the citizen, with abundant securities for the strength and permanence of its institutions. This Government is no longer an experiment. It is the best-balanced Government civilized man has ever known. It embodies the principle of growth and expansion and adapts itself to the needs and wants of a progressive people. It is fundamentally representative in character. Its laws are made by a body of responsible citizens selected by the voters because of their capacity and qualifications for that important work. That feature can not be overthrown without destroying the equilibrium of political forces underlying the system and causing destruction of the whole fabric. Our besetting danger is not from without, but from within. The corrupting influences of human greed, the insidious arts of the conscienceless demagogue, and the impracticable dreams of the doctrinaire must be guarded against by a vigilant and discriminating public opinion or our institutions will be destroyed. Republican government was established at too great a sacrifice of blood and treasure to be exposed to the whims and vagaries of political quackery or to the destructive power of selfish interests. Let the imperishable principles of the Declaration of Independence shine through our constitutions and laws and illuminate the pathway of progress, and the destiny of the Republic will be secure. [Applause.]

Mr. FLOOD of Virginia. Mr. Chairman, I yield one hour to the gentleman from Missouri [Mr. BORLAND]. [Applause.]

Mr. BORLAND. Mr. Chairman, by this measure provision is made to admit to statehood Arizona and New Mexico, being the last Territories in the contiguous stretch of continental United States to be admitted to the sisterhood of States.

My sympathies are in favor of their admission. I have always believed, and now believe, in the right of local self-government as a fundamental part of our political life. Whenever the people of any Territory are able and willing to bear the expense and responsibilities of statehood they should have the right to elect their own officers and to govern themselves, subject only to the common bond of the Federal Union. This includes the right to form a constitution satisfactory to themselves and suitable to their needs.

I am not at all sure that the power vested by the Federal Constitution in the Congress of the United States will permit this body, on account of the individual views of its Members on governmental questions, to infringe upon that right of local self-government.

I have no doubt that all inconsistencies or defects, if such exist, in the proposed constitutions will be cheerfully remedied by the people of the respective Territories and the admission as free and independent members of the Union happily consummated. I hope that two new stars will soon blaze forth in our national flag. [Applause.]

It is impossible for a Representative from the Commonwealth of Missouri to approach the consideration of this question without being reminded of the remarkable part which Missouri has played in the acquisition, settlement, and development of these Territories. They are the twin daughters of the old Commonwealth of Missouri; that Commonwealth which has played the part of mother to all the great States of the trans-Mississippi country. Missouri is the mother of empires. She is, and has been from the days of her earliest infancy, a land of daring, enterprise, and romance. Her history is a rich field for the future statesman, historian, and poet.

She is, to the trans-Mississippi country, the starting point of all civilization and progress; the Plymouth Rock and the Jamestown of our western history.

She contained within herself the seed of the manifest destiny which carried the American flag from ocean to ocean.

Missouri's connection with the history of New Mexico, embracing originally Arizona, was the necessary result of the position which she held with relation to all the territory west of the Mississippi. She is not the eldest child of the Louisiana Purchase, but her central position at the juncture of the great Missouri Valley with the Mississippi, made her the center of civilization, the starting point of all exploration and development. Besides dominating and developing the Louisiana Purchase she helped to add three empires to the American flag, Texas, Oregon, and California, with all of the States that have been carved from them. This year, 1911, which witnesses the coming of age of the last of her daughters, the twin Commonwealths New Mexico and Arizona, is the one hundredth anniversary of the year when Missouri herself was erected into a self-governing Territory. In 1811, just 100 years ago, the name Missouri was first applied to a definite district. [Applause.] She is celebrating her own struggles toward self-government in commemorating the triumph of her twin daughters.

The earliest settlement of white men on Missouri soil was at St. Genevieve, by the French in 1735, 40 years before Bunker Hill. In quick succession St. Charles and St. Louis were founded. These French were hunters, trappers, and small farmers of a simple, brave, and pastoral character. They dealt with the Indians without fraud and without bloodshed, and probably saved the young community from the horrors of the Indian massacres which have so stained the early progress of all of the other American States. Although Louisiana passed legally under the rule of Spain in 1763, yet her character and institutions remained French of the best provincial type.

In 1797 the wilderness hunter, Daniel Boone, who had already performed marvels of human endurance and daring in his exploration of Kentucky and Tennessee, was invited to Missouri. He agreed with the Spanish governor to bring a colony of Americans and settle them west of the Mississippi, and he kept his agreement. His settlement was in what is now Warren County, about 20 miles west of St. Louis, and was considered a remote outpost of the white man. This tiny settlement, however, was the beacon light which proclaimed to all the world that the American had crossed the Mississippi, and that there was no stopping place and no turning back for the restless tide of civilization. [Applause.]

When the infant Missouri had scarcely learned to toddle she was already rambling over the plains and exploring the lands

of the West. In 1804 Daniel Boone's two sons learned of a salt lick 150 miles to the westward, up the great Missouri Valley. Salt was then as precious as gold to the early pioneer and was worth risking life and fortune for. The same year that the American flag was raised over upper Louisiana the two brothers were manufacturing salt at Boone's lick, in what is now known as Howard County. The wilderness was being conquered step by step. In 1805 upper Louisiana, which was originally attached to Indiana Territory, was detached and given a separate governor, although without the right of self-government. Americans began to pour in by the thousands. The peaceful and pastoral French were astonished by these eager, land-hungry, speculating, boisterous Americans. Before the change of Government land had been free and could be had for the asking without survey and without fencing; now land values began to soar, surveys must be made, formal grants and deeds were demanded, and speculation was rife. The restless and insatiable passion of the Anglo-Saxon for land and for speculation was running its riot in the blood of all western pioneers.

A few days ago a great newspaper of the West published a fanciful sketch portraying what might have happened if Jefferson had been a standpatter and had refused to embrace the opportunity to acquire the Louisiana purchase. It presents an attractive field for fancy, but Jefferson was not a standpatter. He was keenly alive to the irresistible sweep of American destiny.

Those who have represented Jefferson as being reluctantly forced by circumstances into the Louisiana purchase have made a great historical mistake. His whole soul was in it, and he saw with the eyes of a statesman the uncontrollable impulse that would carry Americans beyond any artificial barriers that might be erected by law.

In May, 1804, under the active direction of President Jefferson, Lewis and Clark left St. Louis and, with a tiny band of daring white men, explored the Missouri River to its farthest source, nestling under the peaks of the Rockies, 1,900 miles away. They then advanced across the frozen passes and through barren sierras down to the valley of the Columbia, and gazed out upon the Pacific Ocean, like new Balboas, bearing not bloodshed, but peace and progress, science and civilization. [Applause.] These two heroes and their little band returned to St. Louis in the summer of 1806, and transmitted to President Jefferson a faithful and accurate report of their journey. Meriwether Lewis had been his private secretary. The whole expedition was the personal work of Jefferson. This report, which time has shown to have been singularly free from the almost universal fault of explorers—boastful lying and exaggerated misstatement—has been of incalculable value to the Nation. It told of a new world and rang like a clarion note in the ears of every enterprising American youth.

In 1805-6 another hardy spirit, Zebulon Pike, started from St. Louis, and explored, in turn, the headwaters of the Mississippi, the headwaters of the Red River, and the passes of the Rocky Mountains. In 1808 Fort Osage was established on the Missouri River, in what is now Jackson County, within 20 miles of the present site of Kansas City, and George C. Sibley was placed in charge, as agent, to trade with the Indians. In the same year the first newspaper west of the Mississippi was established at St. Louis—the Missouri Gazette, now the St. Louis Republic. By 1810 extensive settlements of Kentuckians were being made in the very heart of Missouri, in what came to be known as Boone's Lick country, now comprised in Howard and Cooper Counties. These settlers were the highest type of American pioneers—men who feared neither man nor nature, who were equal to any combat, who brought their families and their live stock, as well as their rifles and their axes; men who could build their own houses, kill their own food, raise their own crops, protect their own homes, and govern their own community. The world has probably never seen a higher development of the possibilities of the Anglo-Saxon race for native resourcefulness and self-reliance.

At this time the infant Commonwealth began to long for self-government, and chafed under a rule which was practically that of a military governor. It was not possible for men of such ideals to submit long to a government by appointment. We find that a sterling Democratic Congressman, Hon. John Rhea, of Tennessee, appeared as the champion and spokesman for the infant Commonwealth. I will quote some interesting extracts from the annals of Congress:

On November 8, 1811: On motion of Mr. Rhea, the petition of sundry inhabitants of the Territory of Louisiana, presented on the 6th day of January, 1810, was referred to a select committee.

On Thursday, November 14, 1811: Mr. Rhea, chairman of the committee appointed on the 8th instant, presented a bill for the government of the Territory of Louisiana, which was read twice and committed to the Committee of the Whole on Monday next.

On Thursday, December 5, 1811: The Speaker laid before the House sundry resolutions adopted at the meeting of a number of the inhabitants of the city of St. Louis, in the Territory of Louisiana, expressive of their wishes that the second grade of Territorial government may be extended to the said Territory; that the judges of the general court be required by law to have some permanent interest in the welfare of the inhabitants and to reside in the Territory; that additional and more equitable provisions be made in favor of the claimants to the lands in the Territory; and that the limits of the Territory may be more clearly defined, which were referred to the Committee of the Whole on the bill providing for the government of said Territory.

This has the genuine American ring, and is the sturdy demand of free men for self-government. Notice that they are tired of absentee officials and want their rulers to be compelled to reside in the Territory and have some permanent interest therein. This movement was not without opposition, however, as is shown by the following extract of December 7, 1811:

Mr. Pleasants presented a remonstrance to a petition of sundry inhabitants of St. Louis, in the Territory of Louisiana, stating the many injuries and inconveniences which would result from a change in their form of government, and praying that no alteration be made in their said form of government. Referred to the Committee of the Whole on the bill providing for the government of said Territory.

Notice that the standpatter was present even then. You have seen him in this debate all the way through; men who do not want any change in any form of government and do not want anything new tried.

However, the movement went steadily forward. On April 1, 1812—

The House resumed, as in Committee of the Whole, the consideration of the bill respecting the government of Louisiana. Mr. Rhea moved to amend the bill by striking out sixty thousand—the number of souls entitling the Territory in the future to become a State—and to insert in lieu thereof thirty-five thousand; motion negatived. The committee arose without debate and reported the bill with its amendment, in which the House concurred. The bill was then ordered to be engrossed for the third reading.

On April 9, 1812—

The House proceeded to consider the engrossed bill providing for the government of the Territory of Louisiana, when Mr. McKee moved that said bill be postponed until the first Monday in December next; negatived. The question was then taken that the said bill do pass; and resolved in the affirmative.

On May 21, 1812—

The amendments of the Senate to the bill providing for the government of the Territory of Louisiana were read and concurred in with an amendment.

And thus upper Louisiana, or a portion thereof, became a Territory of the second grade under the name of Missouri. At this time Congress recognized three grades of Territories. The lowest form of government, which had existed in Upper Louisiana previous to this time, was that of a governor and three judges, appointed by the President, who exercised supreme executive, legislative, and judicial power. The second grade of government, which was created by the act of 1812, established a separate judiciary, and provided that the lower branch of the legislative assembly be elected by the people; the upper branch, or council, remaining appointive.

The year 1811 is memorable also for another thing. In December of that year, while the people of the infant Territory were clamoring for self-government, that they might conquer the wilderness, a tremendous force was coming to their aid. The steamer New Orleans, the first steamboat ever built west of the Allegheny Mountains, made a successful trip by inland water from Pittsburg to New Orleans. The power of steam was about to invade the West. The day of the flatboat and the dugout canoe was over—savagery must roll back beaten in the unequal strife with civilization and inventive genius.

The War of 1812 with England could not disturb the far-off settlements west of the Mississippi, but the close of that struggle and the weight that it lifted from the breasts of the American people, accelerated the wave of progress and immigration. By 1815 a steady stream of American immigrants, mainly from the South, was pouring into the West. This year a road, known as the Boones Lick Road, was surveyed from St. Charles to Old Franklin.

Up that road came the advancing army of immigration—mule teams, horse teams, ox teams, handcarts—everything that could carry men, women, and children and household goods. Ahead marched the sovereign of the little family kingdom, with his rifle on his shoulder, ready to subdue the wilderness.

In 1816 Missouri was advanced to the third and highest grade of Territory. By this change she was given the right to elect both branches of her legislative assembly and to engage in general legislation necessary to self-government. The first act of her new legislature was to adopt in large measure the statutes of Virginia. In so doing she adopted also, by formal act, the common law of England as the basis of her jurisprudence. This act is memorable, for it was the first time that the common law had thus been planted by the free will of a self-governing

people upon alien soil. The original British territory in America, embraced within the Thirteen Colonies, extended, at least by a fiction of law, as far west as the Mississippi River. The eastern half of the United States may be said to have acquired the common law of England as a part of its colonial inheritance, but our Missouri immigrants carried this great body of the law across the Mississippi to a land where it had never existed and supplanted with it the Spanish law there dominant. By the statute of 1816 Missouri adopted the common law of England and all acts of Parliament of a general nature, not local to the Kingdom of Great Britain, passed prior to the fourth year of the reign of James I. As you know, the fourth year of James I was 1606, one year prior to the first permanent settlement of Englishmen within the bounds of the United States at Jamestown, Va. We took our common law direct from the pure fountain head as it existed before the Colonies were established, unpolluted by the colonial strife and discrimination which followed.

In 1817, on the 2d of August, the steamer *General Pike* arrived at St. Louis, and navigation of the Mississippi by steam was an accomplished fact. Two years later, in May 1819, the steamboat *Independence* first disturbed the age-long solitude of the Missouri River and made a successful trip from St. Louis to Franklin. This was the year of the great financial stringency, but it could not affect men who raised more than they could eat and who were living in a land of abundance, where the gratification of their physical wants was a sure reward of energy and courage. The great need of these men was transportation, and the scream of the steam whistle answered the cry of their souls for some power to take their goods out to the market and to bring in the refinements of civilization.

Statehood was the next demand. On August 10, 1821, Missouri was admitted into the Union after a bitter contest that shook American institutions to their very foundations. She continued the storm center of political life for 40 years. The political strife in which she was born and in which she grew and strengthened never for one moment, however, checked her onward advance, either in internal development or in her dominating influence over the settlement of the West. The first constitution of Missouri, framed in 1820, was a marvel of constitution making. It was drafted by a convention of 41 members, who met in St. Louis and worked for one month. The total expense of the convention was $26.25 for stationery, and it framed a constitution which took effect without submission to the people and governed the State for 45 years.

The lusty infant had now grown to maturity. Missouri was a State and could enter upon her career of empire building.

The first act of the new State legislature was to elect two brilliant men to the United States Senate, David Barton and Thomas H. Benton.

Mr. KAHN. Mr. Chairman, will the gentleman yield for a question?

Mr. BORLAND. Mr. Chairman, I am ordinarily very glad to yield, but I intend to get through within the time allotted to me, and therefore I will ask the gentleman to excuse me at this time.

The CHAIRMAN. The gentleman declines to yield.

Mr. BORLAND. Benton's power as an orator, his tireless energy, his tremendous personal force, his indomitable will, his intense democracy, and, above all, his wonderful faith in the manifest destiny of the West made him one of the remarkable characters of American history. Such qualities would balance more faults than Benton possessed. For 30 years he stood in the Senate as the champion of the great West. He was the incarnate voice of the West, with its great needs and its restless power. Daily he fought its battles in that arena of intellectual gladiators. [Applause.] To him the manifest destiny that should carry our flag from ocean to ocean was no idle fancy; it was a religion; he lived it in every fiber of his intense nature. The West owes him a debt which has never been measured, and no historian has yet done justice to the matchless services to the Union of Thomas H. Benton. [Applause.]

About the year 1821 the first successful expedition is said to have been made to New Mexico over the Santa Fe Trail by one William Becknell, from the town of Old Franklin. There may have been earlier expeditions—Becknell's claim to fame is disputed—but it is certain that by the year 1822 the Santa Fe Trail was well established. It then had its northern terminus at Independence, in Jackson County, Mo. For a quarter of a century this great international highway stretched its 900 miles across the blazing plains between the little Missouri village and the strange land to the southwest. It had a peculiar attraction for the ambitious, the resolute, and the daring. The men who operated this wonderful traffic were drawn from the pioneer life of Missouri. Their vocation made demands upon them which have rarely been equaled in human history. This was no place for the weakling, the indolent, or the vicious. When a train was ready to start from Independence on its long and perilous journey it must be manned by a crew of picked men. No superfluous men could be carried and no unnecessary mouths could be fed. The combination of qualities demanded of these men was surprising. They must be riflemen, quick, cool, and unerring, absolute strangers to fear, yet cautious and watchful as the savage; they must be teamsters, skilled in the knowledge of horseflesh, able to care for their beasts, not only with the broad sympathy of the true horseman, but with the consciousness that their very lives depended upon the safety and efficiency of the horses; they must be men of powerful muscle, able to handle tremendous loads of freight and to pack and repack the great wagons; they must be plainsmen and skilled in all knowledge of woodcraft, able to track their way across the boundless deserts and read the wilderness like an open book; they must be merchants, able to judge correctly what goods could be profitably carried and what the trade demanded, and of sufficient skill and education to balance the expenses, profits, losses, and risks of the enterprise; they must be self-reliant in every emergency and patient in every adversity, surmounting with indomitable will dangers and difficulties impossible to foresee or to estimate. Romance can find no richer field than this marvelous old trail, which has no counterpart in the history of the world, has never had, and can never have. It is one of those brilliant pictures which adorn the gallery of history, whose colors will fade unless they are caught and fixed by the gifted hand of some master genius. In this Santa Fe Trail is found the key of the subsequent exploration and development of the West. It was the cradle of daring, of enterprise, and of liberty. The men who made it were the men who won and who governed in the rapidly succeeding years great Commonwealths and who brought vast empires under the Stars and Stripes.

In 1824–25 an event occurred of tremendous importance to the young State of Missouri. A celebrated German author by the name of Gottfried Duden traveled through St. Charles, Warren, and Montgomery Counties, in Missouri, in company with Daniel M. Boone, a son of the great hunter. On his return to Germany Herr Duden wrote a very remarkable book describing the new country. This book directed the attention of all intelligent Germans to this country, with the result that an enormous German immigration set in to that part of Missouri. Germans are proverbial home makers and home builders. With their integrity and their thrift they add enormously to the stability of any community. From that day to this German immigration to Missouri has been a steady stream. The German immigrants, unlike some late comers from other countries, are home makers who become at once a part of their adopted State. They are not of the transient, shifting species, but every German family is an addition to the economic strength of the community. This visit of an intellectual German to America has had a far-reaching influence on the history of Missouri, to which but little credit has been attached.

From 1822 to 1836 the great empire of Texas was being reclaimed by Americans who were largely Missourians. Old Moses Austin undertook the first plan to take American settlers into Texas. He returned to his home in Missouri, where he died, and is buried near the beautiful city of Potosi, in Washington County. His work was taken up by his son, Stephen F. Austin, who became a leader in the subsequent fight for freedom of Texas and a hero among the race of heroes which that giant land called forth. During these years thousands of Missourians poured into Texas, until at the time that Texas achieved her independence, in 1835, it was said that there was scarcely a family in Missouri that did not have one or more of its members in Texas.

In 1836, through the efforts of Senators Benton and Linn, the Platte purchase was added to Missouri to extend her northwest corner to the Missouri River. This was done in spite of the Missouri compromise, which provided that no more slave territory should be added north of the southern boundary of Missouri. This is probably the richest section of its size in the State, or in the entire country. It contains one town, an agricultural town of 900 inhabitants, which is the richest community per capita in the world. Platte City has a wealth of $1,000 for every man, woman, child, or baby in its limits.

Mr. BUCHANAN. Is that wealth well distributed?

Mr. BORLAND. I think it is well distributed. There are no poor people in Platte City, and I doubt if there are any very rich people. I know there are no millionaires.

In 1837 Col. Gentry assembled his Missouri regiment at Columbia and marched to the Seminole war in Florida. In this year, also, a general panic swept over the United States. The

Whigs were not slow to attribute this panic to the existing Democratic administration and the fight which it had made upon the Bank of the United States five years before. On this issue they carried the election all over the country in the succeeding presidential campaign of 1840. We now know that the panic was caused by an era of overspeculation and frenzied finance such as has been the cause of every panic this country has ever suffered. As Missouri had not indulged in any overspeculation or frenzied finance, as she had not pledged her credit in wildcat schemes to irresponsible promoters, she was not severely affected by the panic. The Whigs were not successful in Missouri; she remained true to the pole star of her Democratic faith.

About this time there came upon the stage of western history a romantic character—the brilliant young explorer, John C. Frémont, whose name is inseparably linked with the great work of empire building. Frémont was a young Army officer, who won the love of as brilliant a woman as America has ever produced—Jessie Benton, the daughter of Missouri's great Senator. In 1838–39 Frémont had begun his career as an under officer in the exploration party of the country lying between the upper Mississippi and the Missouri Rivers. This expedition was successful, and its results were valuable. He returned to St. Louis and had just reached the happy climax of his courtship of Miss Benton when he received an order to explore the sources of the Des Moines River. His sweetheart bade him go, as she did on every subsequent occasion when duty and fame were beckoning to him. He made this trip in 1841. The next year—1842—he encountered in St. Louis that dauntless young Missourian, Kit Carson. Carson had been brought as a baby 1 year old from Kentucky to Howard County, Mo., and grew up in the Boones Lick country. When a mere boy he left there, drawn by the powerful fascination of the Santa Fe Trail, and for many years was the foremost explorer and the most daring plainsman of all the West. Upon his meeting with Frémont in St. Louis he became the guide of Frémont's exploration of the Rocky Mountains. In 1843 Frémont made his third expedition. He says that he started from "the little town of Kansas on the Missouri frontier" and explored the route to Oregon and California. This is probably the first mention in history of "the little town of Kansas," now the great metropolis of Kansas City, on the Missouri border.

Missouri was called upon at this time to bear the brunt of the fight for Oregon. When the Santa Fe Trail became well established from Independence one branch of it ran northwest to Oregon. For 100 miles west from Independence the Oregon Trail was identical with the Santa Fe Trail. It is said that at this point there was a stake driven into the ground, upon which was a small board bearing the simple words "Road to Oregon." This was an offhand way of mentioning the fact that 2,100 miles away were the boundless resources of an unknown country. Over this trail the restless Americans pressed on. The country vaguely known as Oregon, and which embraced the three great States of Oregon, Washington, and Idaho, was occupied under a joint claim of title by the United States and Great Britain. As long as it was unknown and presumably worthless this vague claim was sufficient, but when the pathfinder had blazed the way it was no longer unknown to the Americans. In 1842 a huge caravan of over 1,000 Americans made the journey overland from Missouri to Oregon, taking with them their wives and their children, their flocks and their herds, carrying their rifles on their shoulders and their spades in the great canvas-top wagons. In the following year 2,000 Americans crossed the trail from Missouri to Oregon. It became urgent that the American Government secure a good title and definite boundaries to the possessions of this country in Oregon. The issue was crystallized by the Democrats in the campaign of 1844 by the cry of "54 40 or fight." Apparently the Democrats have never been adverse to expansion when the territory was available for settlement of white men and could be incorporated into the Union. This corrects the historical falsehood that the Democrats as a political party were in favor of acquiring territory only for the purpose of the extension of slavery. On this issue Polk defeated the brilliant Henry Clay. All the country could see that upon the result of the election depended not only the fate of Oregon, but the fate of the new republic of Texas, which was then knocking for admission. [Applause.] Missouri followed Polk even against her dazzling idol Henry Clay. The march of events was rapid now. In 1845 Texas was admitted to the Union. In 1846 Polk asked Thomas H. Benton to father the Oregon treaty in the Senate. The result was that the title to Oregon was established and the compromise boundary fixed where it now exists. This same year marked the opening of the War with Mexico.

At this time Frémont made his third expedition to California. This was the first exploration he had made under Government authority. The earlier ones are said to have been made at private expense—his own and that of patriotic citizens of St. Louis. He owed his governmental authority to the unceasing work of his father-in-law, Senator Benton, against the combined opposition in political life in Washington, not only of Benton's enemies and Frémont's enemies, but the enemies of the settlement of the West.

It is said that Benton had a tremendous fight to get Frémont started on that expedition. Such men as Daniel Webster brought the whole force of their tremendous intellectual artillery against the exploration of California and the West. They denounced it as foolhardy and dangerous, as calculated to break up the Union, as trying to lead away the settlers of the older States, as reducing the value of agricultural land east of the Mississippi, and every possible ground.

I think that it was on this occasion that, after Frémont had made his plans and assembled his party and was on the point of leaving St. Louis, his enemies in Washington, by a temporary triumph, succeeded in having his recall issued. The recall was sent to St. Louis and fell into the hands of his heroic wife. Mrs. Frémont, with the wholly illogical, but sublime, heroism of such women, promptly decided not to communicate the recall to her husband and thus ruin the plans and blast the dreams of which she had been such an earnest sharer. She allowed her husband to go on his way with his little band, technically a traitor, in flat disobedience to his Government. He reached California in January, 1846, before the outbreak of hostilities with Mexico, but the war was at this time plainly impending. The Spanish governor ordered him to leave without delay. Instead of complying with this order, he and his little band of 60 men hoisted the flag of the United States on the soil of California March 9, 1846, where it has ever since remained. [Applause.]

War with Mexico was declared April 13, 1846. Immediately Gen. Kearny, a Missourian and an officer in the United States Army, in command at Fort Leavenworth, was given authority to raise two mounted regiments for service in Mexico. The first regiment to respond was the celebrated First Missouri Cavalry of Col. Alexander W. Doniphan, a regiment that contained more heroic men, more famous names, among its roll of privates and subaltern officers than any other similar organization known in American history.

With this regiment, gathered wholly from the western part of Missouri, and a small force of Regulars, Gen. Kearny began his march, without supplies, without reserve forces, and without lines of communication, overland down the Santa Fe Trail into the heart of the enemy's country. The 900 miles were covered by the middle of August. On August 22 Gen. Kearny formally took possession, in the name of the United States, of all of New Mexico, then including Arizona, and established a civil government in the name and under the authority of the United States. In this instance also it is probable that a Missourian exceeded his legal authority, for no territory had been acquired or demanded from Mexico except the right to the peaceful annexation of Texas. In the midst of international war, civil strife, and savage depredations this little band of Missourians erected and consecrated the sacred temple of the law. Gen. Kearny, a Missourian, promulgated the first constitution, or bill of rights, of New Mexico and with it a code of laws drafted by Col. Doniphan and a brilliant young Missouri lawyer in his regiment, Willard P. Hall. A Missourian, Charles Dent, was appointed the first civil governor; another Missourian, of budding greatness, Francis P. Blair, was made attorney general. This was the first acquisition of foreign soil as the result of the War with Mexico. It is said to have been technically unauthorized, but the flag there planted never came down, and the laws there promulgated have never ceased to exist.

The subsequent history of this expedition is well known. Gen. Kearny, with a small force, started overland for California. Col. Doniphan, with his 1,000 Missourians, marched into the heart of old Mexico. Before he left Santa Fe Col. Sterling Price had arrived with the second regiment of Missourians and held possession of the Territory, maintaining peace and order until it was formally ceded to the United States. There is a curious side light upon American ideals of government in this early settlement of New Mexico. The Navajo Indians had for many years been carrying on a destructive and savage warfare against the Mexicans. Col. Sterling Price was appealed to to protect the citizens of New Mexico against the Indians. He promptly sent a small force under Capt. John W. Reid, afterwards a Member of Congress from my district, who

pursued the Indians to their mountain fastness and subdued them in a pitched battle.

The astonishment of the Indians was great. When their chief submitted to Capt. Reid he told him, through an interpreter—

We do not understand why you Americans fight with us. You come here to fight the Mexicans and you are fighting them. We also are fighting the Mexicans, and why did you not let us fight them as much as you do? Why have you pursued us here into our villages?

Reid's answer was short, sharp, and thoroughly American. He said:

The Mexicans were our enemies, but they have been subdued and have submitted to us. We feel obliged to protect their lives and their property from any danger whatsoever, and we can not let you continue your war.

The close of the war in 1848 brought under the American flag the magnificent domain of California, comprising all of four States and parts of three others. Thus in three years from the foundation laid by Missouri exploration and enterprise three great empires, Texas, Oregon, and California came under the Stars and Stripes.

In 1849 gold was discovered in California, and the rush of settlers to the Pacific coast began. The West presented a busy scene in those days. The Mississippi and the Missouri Rivers were teeming with boats. The river towns along the Missouri, and especially those close to the great bend at the western border of the State were crowded with teams, mule, horse, and oxen, and the huge and picturesque canvas-covered schooners that were used in freighting across the plains. A ceaseless army of Americans made this hazardous trip across the plains, through the mountain passes, and over the deserts to the golden land of California. Western Missouri was the last inhabited and settled portion of the country that they saw. Here they must gather their supplies and bid farewell to all hope of civilization and safety, unless they could win in the unequal battle against the forces of nature, wild and savage, both inanimate and animate. It is needless to say that Missourians led this mass of emigrants and gave color and character to the whole. Joe Bowers and his brother Ike have become immortal types of this great exodus. For more than half a century, down to the present time, the prevailing name on the Pacific coast for all newcomers from the Central West is Pike or Pike County. They seem to assume that those who travel across the plains are "All the way from Pike."

The land-title abstract books in the western part of the State of Missouri show in the numerous families of those days there were always some of the sons, Johns, Williams, Henrys, and Stephens, and so forth, who were reported as missing, supposed to have died, single and unmarried, in California. Their record is written all through the land titles of Missouri, and their bones are supposed to be whitening on the way across the great desert.

Some gentlemen seem to be afraid of the recall of public officers. The recall in some form has been exercised by the people and always will be exercised by the people. [Applause.] The permanent political power can reside nowhere but in the people, and if they make mistakes, it may be said that the power to make mistakes and to suffer by them is of the very essence of self-government. The greatest man who ever represented Missouri in either branch of Congress was practically recalled. Thomas H. Benton closed his career by a recall. In 1849 the legislature passed the Jackson resolution, instructing Benton how to vote on the question of unionism and slavery. Benton refused, and went home to submit his case to the people. He went from one end of that State to the other, in the midst of that gathering storm of political strife, championing the cause in which he believed. He went down to defeat, but does any man say that such defeat left a stain on Benton? Can any man say that a representative of the people who does what he believes is right and sticks to it can be stained on the pages of history by subsequent events? Why, there is no more stain on the fame of Benton because he went down to defeat than there is on that of Robert E. Lee because he went down to defeat.

It is in the man, in his belief in the cause for which he fights. The tremendous political storm which accompanied Benton's recall I can liken to nothing so much as an incident that occurred about 20 years ago in the harbor of Samoa.

A phenomenal hurricane occurred in that part of the Pacific, which swept all of the small craft away and carried them out to destruction. In the harbor of Apia lay 7 war vessels, as I recollect—1 English, 3 German, and 3 American. Even the great warships, sheltered as they were in the harbor, were not able to withstand the storm. All of these war vessels were wrecked except two; the British steamer and one German vessel escaped. There was one war vessel, I have forgotten whether German or American, but I think German, which made an heroic fight against fate. Its commander had every available man, naked to the waist, shoveling in the coal and keeping the furnaces at white heat, getting up every pound of steam that the great old ship could muster, and she was headed out into the teeth of the storm. She had her anchor sunk in the mud of the bay, but the storm increased in fury, and in spite of every effort it was seen that she was dragging her anchor and was certainly going down to destruction. All the other vessels were straining every nerve to save themselves; they had neither time nor power to help. When the commander of this noble ship saw that she was doomed, that every human effort had failed, he ran his colors up to the top of his mast, he called every jackie on deck and had them man the yardarms, he brought up his marine band and stationed it on the forecastle, and then they struck up the national air. As they drifted back past the remaining vessels there blared out above the roar of the storm the notes of the national air. Every man within sight knew the ship was going down to certain destruction. The English and the American sailors rushed to the sides of their vessels, and above the shrieking and howling of the tempest was heard cheer after cheer of honest, courageous, human hearts hailing those who could face the inevitable and face it like men. [Applause.]

When old Benton saw that the maelstrom of American political strife had carried away the small vessels, was sweeping away the little men, the time servers, the trimmers, the pickers, and stealers that get into politics, and that it was a fight to the death with titanic forces, he put on every pound of steam possible, be bared his brow to the storm and worked like a hero to save himself. But when he found he could not resist the tide of public opinion, he nailed his colors to the mast and went down to defeat with band playing and his flag still flying. I would not say that only a man big enough to do that is big enough to go to the United States Senate, but I say that a man that can do that is big enough to be a Senator from Missouri.

During the decade that followed, Missouri continued her efforts in colonizing, settling, and developing the great empires which had so suddenly been brought under the protection of the American flag. It was a wild region, inhabited only by roving savages. It is not strange that for many years the older communities of the East refused to believe seriously that the vast stretches of the trans-Mississippi country could be made the home of the white man. The conviction was very general in the East that not within any reasonable period of human life could the great, barren West be reclaimed. This conviction was not without reasonable foundation, but those who held to this belief failed to take into account the abiding faith of the people of the Missouri Valley in their own tremendous powers of colonization. Missouri had been an empire builder from the beginning of her history. She had been working miracles of exploration and settlement from the very dawn of the century. After 50 years of dazzling success she could not lose faith in her own power. In 1850 the building of the Missouri Pacific Railroad was begun at St. Louis. During the next eight years the St. Louis & San Francisco, the Iron Mountain, the North Missouri, and the Hannibal & St. Joe stretched their tiny arms westward from the Mississippi River. This was at the cost to the State of Missouri of $24,000,000, being the first and only expense of this kind which the people of Missouri, as a whole, ever authorized.

When Kansas was thrown open for settlement in 1856, Missouri met her first defeat as a colonizing power. She undertook to colonize and settle Kansas, but without success. The singular result has been that from that day to this Missouri has continued to draw more from Kansas than from any other State in the Union. Very few Missourians go to Kansas, but thousands of Kansans go to Missouri every year.

Mr. MANN. That is what Missouri depends upon.

Mr. BORLAND. To a great extent. She gets the best blood and brains of Kansas, and they are good, too. Every good Kansan, when he gets rich, promptly moves to Missouri to enlarge the horizon of his business opportunity.

The people of Missouri have always cherished a profound belief in the inherent right of every State to govern itself and regulate its own institutions. On the issue of "squatter sovereignty" Missouri was the only State, except New Jersey, to give its electoral vote to Stephen A. Douglas in the presidential election of 1860. Although a slaveholding State, her attachment to the Union was strong. When the dark clouds of the Civil War gathered over our devoted country, the storm broke with pitiless fury upon the State of Missouri. A man in the extreme North or one in the extreme South had little difficulty in choosing his political ground. He was carried along in the rush of the political opinion of his section. It cost something, however, to have political opinions in Missouri, and thousands of lives and millions of property were engulfed in the frightful maelstrom of civil strife. Her military strength was taxed as was

that of no other State. Between 1861 and 1865 Missouri furnished 109,000 men to the Union Army and 50,000 to the Confederate Army. The startling nature of these figures is apparent when we understand that she sent 47 per cent of all men of military age into the Union Army and 23 per cent of all men of military age into the Confederate Army. More than 70 per cent of her fighting men were in the two armies. It is possible that large numbers entered the armies of the South of whom no record can be obtained. The ravages of the Civil War left deep scars on the fair breast of Missouri. Many years have passed since then, and each recurring springtide has spread its mantle of green over the wounds; summer has touched them with the gold of her harvest; autumn for a brief space revives the crimson glory until old winter brings the white flag of truce and spreads the snowy couch for the birth of a newer, better year. [Applause.]

Most historians for some reason or other stop at the close of the Civil War. I do not know why this should be, unless that titanic struggle so stunned the muse of history that she is unable to resume the commonplace of peaceful progress. The highest ambition of the human soul is not realized in the destruction of life and property, even in a noble cause. Greater is he who can create, develop, and build up; he who can make two blades of grass grow where only one grew before. 'Tis as the poet has said about the destruction of the sacred oak:

> Thou can'st not censure more than we
> The vandal hand that laid thee low,
> For any fool can fell a tree,
> But it takes a god to make one grow.

[Applause.]

In the half century that has followed the civil strife Missouri has not only healed her own wounds, but has sent forth her sons in ceaseless stream to all the Commonwealths of the western land. On the sun-baked plains and on the bleak mountains, where permanent human habitation was considered impossible, the divine alchemy of science has transmuted all the baser elements of stubborn nature into the gold of human progress. The desert has been taught to blossom like the rose, and the mountain fortresses have been carried by assault until they have received their invaders within their own bosoms and furnished them homes in fruitful valleys. Missouri's fair daughter, *Oklahoma*, came into the Union only four years ago, and now has a greater population and more electoral votes than half the New England States. Northern Texas, Colorado, Wyoming, and Montana are being cultivated and developed by colonies of Missourians. Missouri has given freely of her sons, and especially of her tillers of the soil.

And what of the future? Is her work closed with the admission to the Union of the last of her family, or is it just begun? She can turn now to her own development and gather up some of the scattered wealth that has been disregarded in the hurried march of progress. A scientific writer has stated that Missouri is one of the richest and, economically, the most nearly independent of any district in the known world.

Mr. McGUIRE of Oklahoma. Excepting Oklahoma.

Mr. BORLAND. Not excepting Oklahoma.

The extent and variety of resources in Missouri are remarkable. It is said that if a hostile army were to surround entirely the State and besiege it with the design of starving it into submission Missouri could subsist upon her own resources without aid from the outside world and maintain the highest degree of civilization known to man. Not only so, but the Missourians would have an enormous surplus of products to throw over the borders to their besieging foes. In the last decade, while the cities of Missouri have grown enormously, she has suffered a loss in her agricultural population. In spite of this, however, the increase in the value of her farm lands has been 102 per cent. Her mineral wealth can scarcely be estimated. One-third of her surface is underlain with inexhaustible deposits of coal. She contains the greatest zinc mines in the world, and is an enormous producer of lead. She is the first in the production of nickel and an important factor in the production of copper, silver, iron, barytes, and cement. Her climate and soil seem to have been wonderfully adapted to the growth of the best grades of hardwood lumber, especially white oak and the beautiful black walnut that is now becoming so rare. The fruit-culture possibilities of the Ozark Mountains have well repaid the scientific study which is being devoted to this pursuit. Southern Missouri has long been known as the land of the big red apple, and now she is known as the land of the big red strawberry. The crop of strawberries and other small fruit has become an enormous commercial asset. There are thousands of acres of lowlands in the southeast corner of the State, near the Mississippi River, that are being drained and cultivated. The richness of these reclaimed lands and their adaptation to the culture of cotton are rapidly increasing the wealth of that section of the State. The conservation of natural resources in Missouri has just begun. In the past only the land easiest of cultivation was occupied, but now science is unlocking many treasure houses of inexhaustible wealth. There is at least a half million acres of bottom land along the Missouri River and its tributaries which, when reclaimed, will prove to be of inexhaustible fertility. The gentle slopes of the Ozark Mountains are the abode of both beauty and health. The death rate of the State is low and the measure of human efficiency is high. Missouri is the poultry queen. The value of her poultry product is far in advance of any other State or district in the world.

In 1909 the faithful hen brought to the Missouri farmer $46,000,000. The Missouri hen could build the Panama Canal and pay the entire expense year by year without aid. She would be thoroughly willing to undertake this great public work at her own cost if it were not for the fact that the Missouri hog could dig the canal in three roots without stopping to grunt. It is unnecessary to eulogize our old friend, the Missouri mule, our country's best reliance in both peace and war. In 1909 the total natural products of Missouri, not including, of course, her wealth of manufactures, was worth the enormous sum of $530,000,000. Of this amount $342,000,000 were surplus products that were sent to market, the balance being consumed or manufactured within the State.

A short time ago the old capitol building of Missouri, at Jefferson City, which was constructed in 1837, was destroyed by fire. Missouri will erect a new capitol fully in keeping in size, value, and artistic beauty, with the greatness and wealth of the State. She can erect the most magnificent building in the world and furnish it complete with every convenience that modern science can suggest, or modern art can design, and all of it, down to the most minute detail, be the product of Missouri. Her own granite could lay the foundations; her building stone of beautiful shades could rear the lofty walls; her onyx and her marble could decorate the halls of legislation; her iron, lead, and zinc could furnish the metal work; her polished hard woods could luxuriously fit and furnish the offices and committee rooms; her native glass could add its crystal beauty; her cobalt and other minerals could paint the woodwork or emblazon upon glistening walls of Missouri plaster brilliant pictures of her romantic history, and in the sunlight above could shine the burnished dome of Missouri copper.

For a century emigration has flowed from and through Missouri to fill the apparently insatiable demands of the West. Uncle Sam had a boundless extent of free land which tempted the age-long land hunger of the white race. To-day those free lands are gone. Uncle Sam has no more farms to give away, except where the expense of irrigation must proceed cultivation. The tide of white civilization has rolled westward, and ever westward, until at length it dashed itself against the shores of Far Cathay. It can go no farther, but must plant its standard forever in the greatest natural home of white civilization—the Mississippi Valley.

Every man has his pet insanity, and I have mine. It is a profound and unshakeable belief in the greatness of the Middle West. Nowhere in the known world is there such a vast expanse of fertile region under one government, except in Russia, and Russia is a hundred years behind us in development. The Mississippi Valley contains a wealth of natural resources surpassing in sober fact the far-famed riches of the Valley of the Nile. Missouri has a luxuriance of vegetation that would make the vine-clad hills of Italy look like an arid desert. She has a variety of crops that would put to shame the fairest fields of fertile France. She has the forests and the mines, the cattle upon a thousand hills, and the mighty cities, where the smoke from countless factories rolls up like incense upon the altar of industry. With it all, she has a restless and indomitable race peopling this vast empire; a race that has planted civilization in the wilderness; that has snatched victory from the jaws of defeat; that has conquered the savage, harnessed nature, and laughs at time, distance, and difficulties. [Applause.]

With such an empire, and with such a race, what may she not hope? To her agricultural strength we will add commercial supremacy and financial independence. We will adorn her with learning, from the humble district school to the lordly university. We will crown her with art, and music, and letters, and political science, and philanthropy, and all that beautifies, sweetens, and ennobles human life. And high above the old Commonwealth we want to see wave once more the banner of Jeffersonian democracy, emblazoned with the people's motto: "Equal and exact justice to all, and special privileges to none." [Prolonged applause.]

Mr. LANGHAM. I now yield 30 minutes to the gentleman from New Mexico [Mr. ANDREWS].

The CHAIRMAN. The gentleman from New Mexico [Mr. ANDREWS] is recognized for 30 minutes.

Mr. ANDREWS. Mr. Chairman, on June 20, 1910, there was passed by the Congress of the United States the enabling act, which was an act to enable the people of New Mexico and Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States, the provisions being that the governor of said Territory shall within 30 days after the approval of the enabling act by proclamation, in which the aforesaid apportionment of delegates to the convention shall be fully specified and announced, order an election of the delegates aforesaid on a day designated by him in said proclamation, not earlier than 60 nor later than 90 days after the approval of this act. The election of delegates to this said constitutional convention for the Territory of New Mexico was held on the 6th day of September, 1910, and the constitutional convention was held in the capitol building at Santa Fe, N. Mex., on the 3d day of October, 1910, and adjourned on the 21st day of November, 1910.

Now, Mr. Chairman, this constitutional convention consisted of 71 Republicans and 29 Democrats. About 5 of the Democratic members of this said costitutional convention were sent to the said convention by Republican counties; that is to say, the Republicans placed them there by placing their names on tickets and elected them along with the Republicans. Out of the 100 members of the constitutional convention, Mr. Chairman, 71 were Republicans and 29 were Democrats, as stated above, and after the constitution of New Mexico was completed, the same was signed by all the Republican members and by 23 Democrats, 6 refusing to sign.

Now, Mr. Chairman, as stated above, this constitutional convention adjourned on the 21st day of November, 1910, and under the terms of the enabling act there were to be 60 days' lapse of time from the time of adjournment until the constitution could be voted upon for ratification or rejection by the duly qualified electors of the Territory of New Mexico, and during this lapse of time, Mr. Chairman, there was a spirited campaign carried on both for and against the ratification of the said constitution of New Mexico. Some few Democrats and Republicans, Mr. Chairman, were against the ratification of the constitution, but the greater majority of both the old parties—the Republican Party and the Democratic Party—were for the constitution and rode together, spoke on the same platform together, and worked together for the adoption of the said constitution of New Mexico, and all questions pertaining to it were thrashed over in public meetings by both parties; and on the 21st day of January, 1911, Mr. Chairman, an election was held in the Territory of New Mexico for the purpose of accepting or rejecting the constitution of New Mexico as framed by the constitutional convention at Santa Fe from October 3 to November 21, 1910, and after the result of the said election was announced it was found that there were about 31,742 votes cast for the constitution and about 13,399 against, leaving a majority of about 18,343 for the constitution. Now, Mr. Chairman, after this vote on the question of accepting or rejecting the constitution, and which said vote resulted in the acceptance of the said constitution by the people of New Mexico with a handsome majority, under the terms of the enabling act certified copies of the said constitution, with a statement of the votes cast thereon, were brought to Washington, copies of same being duly given to the President of the United States and to Congress for their approval or disapproval, as per section 4 of the enabling act, which I attach hereto, with request that it be made a part of these remarks:

SEC. 4. That when said constitution and such provisions thereof as have been separately submitted shall have been duly ratified by the people of New Mexico as aforesaid, a certified copy of the same shall be submitted to the President of the United States and to Congress for approval, together with the statement of the votes cast thereon and upon any provisions thereof which were separately submitted to and voted upon by the people. And if Congress and the President approve said constitution and the said separate provisions thereof, or, if the President approves the same and Congress fails to disapprove the same during the next regular session thereof, then and in that event the President shall certify said facts to the governor of New Mexico, who shall, within 30 days after the receipt of said notification from the President of the United States, issue his proclamation for the election of the State and county officers, the members of the State legislature and Representatives in Congress, and all other officers provided for in said constitution, all as hereinafter provided; said election to take place not earlier than 60 days nor later than 90 days after said proclamation by the governor of New Mexico ordering the same.

Now, Mr. Chairman, copies of the certified constitution reached here on the 9th day of February, 1911, and the same was recommended for approval by the Secretary of the Interior and by the Attorney General of the United States, and on the 24th day of February, 1911, the constitution of New Mexico was approved of by the President of the United States in a message to Congress by him, a copy of which I attach hereto and request that it be made a part of these remarks:

To the Senate and House of Representatives:

The act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States, etc., passed June 20, 1910, provides that when the constitution, for the adoption of which provision is made in the act, shall have been duly ratified by the people of New Mexico in the manner provided in the statute, a certified copy of the same will be submitted to the President of the United States and to Congress for approval, and that if Congress and the President approve of such constitution, or if the President approve the same and Congress fails to disapprove the same during the next regular session thereof, then that the President shall certify said facts to the governor of New Mexico, who shall proceed to issue his proclamation for the election of State and county officers, etc.

The constitution prepared in accordance with the act of Congress has been duly ratified by the people of New Merico, and a certified copy of the same has been submitted to me and also to the Congress for approval, in conformity with the provisions of the act. Inasmuch as the enabling act requires affirmative action by the President, I transmit herewith a copy of the constitution, which, I am advised, has also been separately submitted to Congress, according to the provisions of the act, by the authorities of New Mexico, and to which I have given my formal approval.

I recommend the approval of the same by the Congress.

WM. H. TAFT.

THE WHITE HOUSE, *February 24, 1911.*

On February 17, 1911, Mr. Chairman, the House Committee on the Territories of the Sixty-first Congress began hearings on the proposed constitution of the State of New Mexico, of which several were held and opportunity was given to people both for and against the constitution to be heard, and on the 28th day of February, 1911, the resolution to approve the constitution of New Mexico was favorably reported to the House by the Committee on Territories, each and every member of that committee being in favor of the approval of the said constitution. The minority members of that committee numbered six and the ranking Democratic member, Mr. Chairman, was Mr. LLOYD, who is the chairman of the Democratic congressional committee of the United States, and, I might add, Mr. Chairman, one of the ablest Members on the opposite side of this Chamber, and I might further add, one of the fairest.

As I stated above, this constitution was reported favorably to the House, and I do not think that it was five minutes until the same was passed on the floor of this House unanimously, both the majority and minority forces of the House at that time being for it. The resolution calling for the approval of the New Mexico constitution, after being passed by the House, then went to the Senate on the 28th day of February, 1911. The resolution then went to the calendar, and at a later hour, Mr. Chairman, the Senator from Texas called the resolution up again and made an able, patriotic speech in favor of the approval of the constitution by the Senate, and, Mr. Chairman, I herewith quote his remarks to this House in full:

[CONGRESSIONAL RECORD, Mar. 6, 1911, 61st Cong., 3d sess., p. 4509.]

Mr. BAILEY said:

Mr. President, I hope that the Senate will dispose of this matter without delay, and certainly it can be disposed of without being seriously delayed by what I intend to say. The only objection which I have heard urged to immediate action on the joint resolution is that it is desired to hold the State of New Mexico as a sort of hostage for the State of Arizona. I have given some little time and some little effort to secure the inestimable right of statehood for both of those Territories, and I recall that when an effort—a successful effort, too—was made to unite them into one State, in common with all of my political associates on this side, with one or two exceptions, and joined by a number of gentlemen on the other side, I resisted the union of those two Territories, and while we did not accomplish all we sought at that time, we did finally succeed in forcing into that enabling act a vote of each Territory to determine whether or not that union of them should be made. That proposition was negatived by the people of Arizona herself, and if she were not willing to be joined with New Mexico then, surely she will not ask New Mexico to wait for her now. The statehood of these two Territories is independent of each other. I remember, Mr. President, when we had those two statehood bills pending here, we also had a bill for the admission of the State of Oklahoma. When those two Territories were denied admission, I did not hear anybody contend that Oklahoma ought therefore to be made wait upon Arizona and New Mexico. The Congress of the United States has deliberately recorded its judgment that each of these Territories is suitable for admission into the Union as a State, and nowhere can it be found that any of us suggested that one should not be admitted until the other had adopted a constitution suitable to themselves or acceptable to us. I am, sir, moved now by no partisan consideration, because I know that unless something well-nigh like a miracle transpires, New Mexico will send two Republicans to this body; but, much as I think they will make a mistake in making such a choice, that does not disqualify them for statehood, and I am unwilling to deny to those people the right of local self-government upon such narrow and partisan consideration. There is, however, a question of party expediency, which my Democratic associates can afford to ignore. I feel constrained to say to my friends on this side that we might as well disorganize the Democratic Party of New Mexico as to stand in the way of statehood for that Territory. Senators who have lived in a Territory know that with their people statehood is always the paramount question.

If these people, having obeyed our command, having conformed to the enabling act which we passed almost without a dissenting voice when we reached the end of that controversy, having done all that we required of them, are now told that because some other people did not

act as promptly as they did, or perhaps have not acted as wisely as they did, they shall be made to suffer this Territorial vassalage until somebody else shall have corrected an independent mistake, they will have ample cause to bitterly complain. I believe New Mexico is entitled to become a State. I believe New Mexico is qualified to become a State. I know that the faith of the American Congress has been pledged that she may become a State by conforming to the terms of that enabling act, and I sincerely hope that this Congress will signalize its closing hours by adding another star to the flag of the Union by making another Commonwealth, next to the last, I sincerely hope, that the Union will receive into the sisterhood. When we have taken New Mexico in upon terms of equality, and Arizona shall follow, as follow she will in time, then I am ready myself to adopt a constitutional amendment that no other State shall ever be admitted into the American Union. I hear those suggestions about Mexico on the south and I have heard suggestions about Canada to the north. There was a time when I would have believed the principle of the American Government susceptible of indefinite application. If you had adhered to the old-time doctrine of local self-government I think we might have covered a continent from ocean to ocean and from north to south. But, sir, when we abandoned that and were tempted by appropriations from the Federal Treasury to yield one State power and one State function after another, we made it dangerous to extend our jurisdiction, because it is as true in politics as it is in physics that when you increase the area over which a given force must operate, you must increase that force at its center; and as we extend the limits of this Republic it will be inevitable, sir, that we must extend the power of the Federal Government until it destroys the sovereignty of the States. Believing that and compelled to believe it by the trend of events, I want to close the book. I could not be tempted by anything they might offer us at the north, neither could I be tempted by anything that they might offer us on the south. It is for that reason that I am always eager to keep peace with our neighbors to the south. Our children will not be as well and as strongly fortified against the lust of our territorial expansion as our fathers were. We ran the flag of this Republic up once over the capital of a neighboring nation, and then gave the world an enduring exhibition of generosity to a foe by taking it down and bringing it home. But, sir, I fear very much that the same spirit of conquest, which sought to free the Philippines from an alien domination and ended by subjecting them to our own domination, will not be strong enough, nor wise enough, nor just enough to ever take the American flag down from the capital of another conquered nation. If I had my way I would take a bond against the spirit of conquest against this greed of territory by writing it into the Constitution of this Union that its circle had been completed and never again should its numbers be increased, but whether we shall do that or not must be decided in the years to come. It is enough for us to-night, sir, to perform the duty that lies before us and add a new star to the flag that shall answer to the name of another great and splendid Commonwealth.

But regardless of that fact, Mr. Chairman, the resolution failed of passage in the Sixty-first Congress, and so it is now up before you, gentlemen, in this special session of Congress, called by the President of the United States on the 4th day of April, 1911; and upon the matters to be acted upon in this special session, as agreed upon in your caucus at the opening of this special session of Congress, was, Mr. Chairman, the question of statehood for New Mexico and Arizona. On April 4, 1911, the chairman of the Committee on the Territories, the gentleman from Virginia, introduced a joint resolution in this House to approve the constitutions of New Mexico and Arizona, which is known as House joint resolution 14, which is exactly the same as my joint resolution, 295, of the third session of the Sixty-first Congress, with the exception that it called for the approval of the Arizona constitution jointly with that of New Mexico, and with the exception of that it is the same as mine without the cross of a "t" or the dot of an "i." It was evident to my mind, Mr. Chairman, that it was the intent of the majority of this House to pass the said joint resolution 14 without any changes whatsoever being made. But, Mr. Chairman, at the first or second meeting of your Committee on the Territories there appeared four gentlemen from the Territory of New Mexico, who said that they desired to have the constitution of New Mexico made more easy of amendment, and after several hearings, extending over several weeks, these gentlemen, Mr. Chairman, have succeeded in making the majority side of your honorable Committee on the Territories believe that their views were in accordance with those of the people of New Mexico irrespective of party, and, Mr. Chairman, judging from letters, telegrams, and from the public press of the Territory of New Mexico, I am constrained to believe that these gentlemen represent no one but themselves, as the greater majority of the people of the Territory of New Mexico, irrespective of party, are against any amendments being made to the constitution; and, in closing, Mr. Chairman, I want to say that I believe that this constitution of New Mexico will rank with any of the constitutions of the great States of this Union, and it has so been pronounced by very able lawyers, both on this floor and elsewhere, and I want to say, Mr. Chairman, that this constitution is more easy of amendment as it stands now than that of any State in this Union, with the exception of two or three, and now, gentlemen, as this constitution was passed by a majority of over 18,000, I sincerely trust that this joint resolution which has been presented to you by the majority of your Committee on the Territories will be voted down and the minority views prevail. Gentlemen, I thank you. [Applause.]

Mr. LANGHAM. I yield 30 minutes to the gentleman from Nebraska [Mr. KINKAID].

[Mr. KINKAID of Nebraska addressed the committee. See Appendix.]

Mr. LANGHAM. Mr. Chairman, I yield 30 minutes to the gentleman from Oklahoma [Mr. MORGAN]. [Applause.]

Mr. MORGAN. Mr. Chairman, my inclination is to apologize when I consume with my remarks the time of the House or the Committee of the Whole House; but there are several reasons why it is appropriate that I should discuss this resolution now pending, which provides for the admission of New Mexico and Arizona as States into the Union. New Mexico is my neighbor. My congressional district, beginning at the very center of our State and including its chief city and commercial metropolis, Oklahoma City, with a population of 75,000, extends northwestward more than 300 miles to the eastern border of New Mexico. Oklahoma has contributed its share in the growth of the population of these two Territories. Many of our good citizens during the last four years have emigrated to these two Territories. I know many of these people personally. These Oklahomans who have sought homes in New Mexico and Arizona are good citizens and will do their part in the founding, the building, and the perfecting of the institutions of the two new States about to be created. These two Territories are situate in the great Southwest, a section of the country of which Oklahoma is a part. Naturally our people are deeply interested in bringing into the Union two additional States from the great Southwest, a section of the Union that will, in the near future, rapidly increase in wealth, in population, and in its influence in the affairs of our Nation.

More than this, it has been less than four years since the people of my State emerged from the thraldom of Territorial government. The undesirable conditions, the material disadvantages, the political restrictions, the burdens, drawbacks, and handicaps of Territorial government are still fresh in their minds. I feel, therefore, that I am voicing the unanimous sentiment of the people of Oklahoma when I urge the admission of New Mexico and Arizona as sovereign States into the Union at the earliest date possible.

GOVERNMENT WITHOUT CONSTITUTION.

Mr. Chairman, I do not agree in all things with many of the able gentlemen who have discussed this resolution. To my mind there is a disposition to place too much importance upon the various provisions that are found in these proposed constitutions. I have had a somewhat varied personal experience in testing the value of a constitution to a people.

On the 22d day of April, 1889, with the great rush into Oklahoma, I established my residence in that Territory. From that day until May, 1890, there were 60,000 to 75,000 people in that Territory without a constitution. Aye, more than that, we were without laws. We were without any government. Congress had provided that these lands, aggregating something like 2,000,000 acres, should be opened under the proclamation of the President; but Congress, through inadvertence or for some other reason, failed to provide any laws for the people. No provision was made for State, Territorial, county, or municipal governments. Seventy-five thousand people lived there for more than a year without a constitution and without any State laws; in fact, with no laws at all, except a few Federal statutes which applied where the United States had exclusive jurisdiction. But what did those people do? They gave the world a sublime object lesson of what American citizens can do without a constitution and without laws.

In this emergency our people maintained order, preserved the peace, established schools, built churches, founded cities, engaged in trade and commerce, engaged in every line of business and in every occupation, and gave adequate protection to life and property. During this year the people were happy and contented, and without a constitution, without any legal local government, had their full share of that liberty and justice which is enjoyed by every American community.

I well remember that opening day. As men settled upon lands or upon town lots one of the most common things to observe was to see them carrying in their hands American flags. When they located upon these lands or upon the town lots the first thing they did, the first act of settlement performed, the first monument of ownership erected on the claim or town lot was an American flag. And as these settlers, coming from the various States of this Union, carried in their hands the Stars and Stripes, so they carried in their hearts the constitutions and the laws of the State from which they came; and there the principles of justice, self-government, and Christian civilization embodied and exemplified in these laws and constitutions were transplanted into the fruitful soil of the new State and have guided our people in their aspirations for the attainment of the highest and best in human government.

I remember that on the afternoon of April 22, 1889, on the town site of Guthrie, where I located, there were 20,000 people. I vividly recall how the people instituted their first government. Ten thousand men gathered on a beautiful hillside for the purpose of holding the first election in the new State. What was the method adopted? It was the very method that this House of Representatives uses when we take a vote by tellers. Tellers were appointed, and those 10,000 intelligent, patriotic citizens, gathered from all the States of this Union, passed between the tellers and expressed their choice between the candidates for mayor. What occurred at Guthrie took place at Oklahoma City and at other places. All this demonstrates to my mind that it is not so much the Constitution and the laws that make good government, but that good government comes from what the people have in their hearts and in their consciences.

TERRITORIAL GOVERNMENT.

Then Congress gave us a Territorial government, and from May, 1890, up until the 16th day of November, 1907, over 17 years, we were under a Territorial form of government, without a constitution. And what magnificent progress our people made there without a constitution. When we came into the Union we had a population of 1,400,000 people. We had accumulated vast millions of property. We had established a system of public schools that was scarcely surpassed in any State of this Union. We had founded higher educational institutions, erected churches, and established social, educational, charitable, and industrial institutions, comparing favorably with the best, in the highest civilization of the world.

Mr. STEPHENS of Texas. Will the gentleman yield for a question?

Mr. MORGAN. Certainly.

Mr. STEPHENS of Texas. Is it not a fact that when you had a constitution, that you and other gentlemen who think as you do voted against it, and that you wanted to continue in the condition you were in without statehood?

Mr. MORGAN. I will come to that very soon.

Mr. STEPHENS of Texas. Is not that a fact?

Mr. MORGAN. I voted against it myself, and, according to the report, about 90,000 others, all very intelligent and patriotic men, did as I did. [Applause.]

Now, then, I want to talk a little about our constitution. I feel it is proper that I should do so, because the storm center of this discussion is around the initiative, referendum, and recall, and we have in our constitution the initiative and referendum.

Mr. TRIBBLE. May I ask the gentleman a question?

Mr. MORGAN. Certainly.

Mr. TRIBBLE. Does the Government of the United States undertake to exclude you from the Union of States because you do have the initiative and referendum in your constitution?

Mr. MORGAN. We are in the Union now, and I do not know of any effort to exclude us.

Mr. TRIBBLE. Has there been any effort to exclude you?

Mr. MORGAN. No.

Mr. TRIBBLE. Then why do you and others want to exclude this Territory?

Mr. MORGAN. I have not said I was in favor of excluding it. The constitutional convention which prepared our constitution was overwhelmingly Democratic.

The constitution was prepared and promulgated. The people voted on it. About 80,000 votes were cast against that constitution. In further answer to the question propounded to me by the gentleman from Texas [Mr. STEPHENS], I will state that I voted against the main part of that constitution. I voted for some of the special provisions upon which the people were allowed a separate vote.

Mr. STEPHENS of Texas. Did the gentleman vote against the initiative and referendum part of it?

Mr. MORGAN. I had my own peculiar reasons why I voted against that constitution. I did not vote against it because it contained the initiative and referendum or because it created a corporation commission with the most sweeping powers over the corporations of our State. The main reason that I voted against the constitution was because I thought the constitutional convention, in apportioning the members of the legislature to the various counties, had committed a political crime against the people of Oklahoma. [Applause on the Republican side.]

Mr. STEPHENS of Texas. Will the gentleman yield further?

The CHAIRMAN (Mr. WITHERSPOON in the chair). Does the gentleman from Oklahoma yield to the gentleman from Texas?

Mr. MORGAN. I do.

Mr. STEPHENS of Texas. The gentleman refers to the gerrymander in Oklahoma. Did the Democrats in Oklahoma count one county three times in making up their list of senators and representatives, as they did in New Mexico?

Mr. MORGAN. I have not examined the matter to which the gentleman refers. I will tell you what our constitutional convention did. I am sorry I am driven into this, because I did not want to discuss matters relating to political controversies in my own State. I prefer to fight these matters out at home. But here is the method used by our Democratic constitutional convention to insure a Democratic legislature: Draw a line through Oklahoma, running from the east to the west, about the center of the State. Generally the counties south of this line are largely Democratic, while the counties north of the line are slightly Republican. In the upper branch of our legislature, according to our population at that time, on an average about 30,000 people were entitled to one senator.

Near the Texas line, north of the line above referred to, were the adjoining counties of Ellis and Dewey; Republican counties, with a combined population exceeding 30,000. Placed in a senatorial district these two counties ordinarily would have elected a Republican State senator. South of the line were the counties of Roger Mills and Beckham, largely Democratic, with a combined population of about 30,000, entitling them to a senator. Under the apportionment in our constitution these four counties were placed in a senatorial district and given two senators. The double district thus created was largely Democratic. Another instance, Caddo County is a large county, with over 30,000 population, entitled to a senator. Caddo County, though close politically, was regarded as a Republican county. South of Caddo was Grady County—a county with a large Democratic majority—with a population sufficient to entitle it to one senator. These two counties were placed in one senatorial district and given two senators. Still another instance, Lincoln County, a Republican county, and Pottawatomie County, largely Democratic, each entitled to a senator, were placed in one district and given two senators. This method was followed along this line from Texas to Arkansas, and illustrates the kind of political theft that was perpetrated upon the people. [Applause on the Republican side.] The honorable gentlemen, our Democratic politicians, dominating our constitutional convention, were posing as reformers. They assumed political virtues not possessed by the ordinary citizen. They claimed to be the champions of the people's rights. They denounced corporations for robbing the people. But I could not see any difference in principle between corporations robbing the people of their money and politicians robbing people of their just and fair representation in the legislative assembly.

Now, I say I did not intend to bring these things out in this debate. However much I may criticize the acts of our Democratic politicians at home, when I talk in the House of Representatives of the United States I much prefer to speak well of all Oklahomans, for nothing is more sacred to me than the honor, reputation, and good name of Oklahoma.

Mr. FERRIS. Will the gentleman yield?

Mr. MORGAN. I can not yield to the gentleman just now. I know it is said that all political parties have been guilty of such things to a greater or less extent. Even if this be true, such things could not control me. I must be guided by my own conscience. I regarded the apportionment as unfair and unjustifiable. I deemed it a species of political robbery, and so far as I was concerned, I did not propose to give it my indorsement, and I have never been ashamed to face the people of Oklahoma upon that question. But, Mr. Chairman, what did our own Democratic politicians finally do? They were so ashamed of that apportionment that they placed in the constitution a provision that, after the census of 1910, such an outrage, such a political crime, could never again be perpetrated upon the people. I cheerfully give them credit for this.

But they took no chances in seeing that for six year at least Oklahoma should be represented in the United States Senate by Democratic Senators, and that in the meantime the legislation, institutions, and affairs of the State should be in the complete control of the Democrats.

Mr. STEPHENS of Texas. With reference to New Mexico, is the gentleman aware that that constitution prohibits the redistricting of that State, as the presiding officer of that convention said, for 99 years, and is not that the main reason for the objection of the Democrats against the New Mexico constitution?

Mr. ANDREWS. If the gentleman will yield, the gentleman from Texas is entirely wrong about the apportionment of New Mexico. The New Mexico apportionment is as fair as in any

State in this Union, although it has been proclaimed from the other side that it was not. The trouble is that they could not put in a provision that a Republican county should elect Democratic members.

Mr. STEPHENS of Texas. That was not the point I made.

Mr. ANDREWS. The point you are raising is that they can not make a reapportionment for 10 years. That is so in all the States—until the next census.

Mr. MORGAN. For myself, I am in favor of admitting New Mexico immediately upon this constitution adopted by the people. I am opposed to that part of the resolution now pending which requires the people of New Mexico to vote upon certain proposed amendments. I regard this as unfair and wholly without justification.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MORGAN. For a minute.

Mr. STEPHENS of Texas. The objection I made was to the fact that the constitution could not be changed. The way it is made, it is almost impossible to submit to the people a constitutional amendment that will change the basis that you now have.

Mr. ANDREWS. That is all rot; it is mere assertion.

Mr. MORGAN. Now, Mr. Chairman, I have said frankly why I voted against the constitution of Oklahoma when it was submitted to the vote of the people.

Mr. FERRIS. Will the gentleman yield right there?

Mr. MORGAN. For a question.

Mr. FERRIS. The gentleman has made a statement with reference to the districting of the State by the Democrats. I do not desire to occupy his time or to divert his attention, but the thought is this: That the President of the United States—President Roosevelt—sent special census takers down there to take the census to determine whether or not, in truth and in fact, we had gerrymandered the State. It resulted that the gerrymander which Congress gave the State was a thousand times more vicious than any single gerrymander found in the State.

Mr. MORGAN. I do not concede that at all. This controversy has been pushed upon me. I want to say this, however, that I believe the bulk of the Republicans voted against the constitution, which was a Democratic document. It contained many things that were objectionable to many people. The bulk of the Republicans voted against it, but when the voice of the people had been heard and the majority indorsed the constitution, the Republicans and Socialists said: "We will unite with the Democratic forces; we will work out our destiny and build up a great State, in spite of some bad things in the constitution."

Mr. TRIBBLE. Will the gentleman yield?

Mr. MORGAN. Certainly.

Mr. TRIBBLE. Has not the voice of the people been heard in New Mexico and Arizona again?

Mr. MORGAN. Yes; so far as I know. As to the initiative and referendum in the Oklahoma constitution, I will say that I believe that a great majority of the people—Republicans, Socialists, and Democrats alike—want to give the initiative and referendum a fair trial. That is now our situation. I believe our people are favorably disposed to both of these provisions. I have heard little complaint about them. I can say that at one time the minority, the Republican Party in my State, used the referendum with great advantage to the people.

I refer to this not for the purpose of criticizing our Democratic politicians down there; but at one time our legislature passed what the Republicans regarded as a very partisan and a very unfair and very dangerous election law. The Republicans took advantage of the referendum provision which had been given us by the Democratic constitutional convention, secured a proper petition, presented it to the secretary of state, and while there were technical objections made to it and we were compelled to go to the supreme court of the State, that court said that it was regular and ordered an election.

Then what? Our Democratic politicians, apparently being frightened, knowing that they could not go before the people and sustain that election law, promptly had a special session of the legislature called, and that objectionable election law was repealed. We took the instrument that they gave us, and in that instance I believe it worked to the advantage of the entire people, without regard to politics.

They passed another election law, not so objectionable, but still a partisan election law. Republicans, as well as many prominent Democrats, to-day are demanding that the people of Oklahoma shall have a nonpartisan election law. And to-day apparently the only prospect the people of Oklahoma have of securing a fair, impartial, nonpartisan election law is to obtain it through and by virtue of the initiative provision in our constitution.

My observation and experience is that the referendum and initiative may be valuable to a minority party, especially if the majority party is represented by a political machine and that machine happens not to be very conscientious about the methods it employs in order to perpetuate itself in power.

So far as I am concerned I have no objection to the initiative and referendum. I shall not vote against Arizona coming into the Union because these provisions are in her constitution. I do not understand that this question is a political question. I glanced through the Democratic platform of 1908 and the Republican platform of 1908, and as I understand it, neither of the great political parties have declared for or against these propositions.

Applied to political parties as we have them now, the initiative and referendum and the recall are neither Democratic nor Republican doctrines. There seems to be a wide difference of opinion upon both sides of the House as to the wisdom of these measures. Some very learned gentlemen here, whose judgment I greatly respect, say that in the recall of public officers there is great danger to our free institutions. I have tried to look at this thing fairly, and I confess that I do not so regard this provision. My judgment is that as the States constituting this Union shall go on in their history power in their Representatives will not be increased, but as years shall go by the people will more and more participate by direct vote in the affairs of the State. As our people naturally grow more intelligent, as they shall progress in their capacity of self-government, I believe the tendency of the future will be for an enlargement of the powers of the people to participate directly in the administration of affairs of state.

Of course nobody expects that by using the initiative and referendum the people can or will enact the great bulk of laws necessary for the government of the State. But nothing of that kind is expected. But when great questions are pending, when great, fundamental propositions are before the people, when perhaps the party in power shall be imposing upon the rights of the people, then the initiative and referendum will be a weapon and an instrument in the hands of the people whereby they can more speedily secure what is right and just and best for all.

As to the recall, I do not understand that that will in any way affect the form of government. My understanding is that many lawyers claim that the initiative and referendum does affect the form of the government, and that if a State has these provisions in its constitution it is not therefore republican in form—that is, not a representative government.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman.

Mr. RAKER. Do I understand that any Member of the House has contended upon the floor of the House that because a constitution should have in it an initiative and referendum it is not therefore a republican form of government?

Mr. MORGAN. I will say this, that I know good lawyers who maintain that.

Mr. RAKER. But nobody on the floor of the House on either side.

Mr. MORGAN. I can not say positively. I know that when Oklahoma was admitted there were a good many persons who claimed that those provisions made our form of government not republican in form, and that was one of the objections urged against the admission of Oklahoma, but notwithstanding these objections Oklahoma was admitted.

Mr. TRIBBLE. Is the recall more against the republican form of government than the referendum and the initiative?

Mr. MORGAN. I think not. I do not think the recall applies to the form of government. The question of the length of the term of public officers, or how they shall be elected or removed, I do not think applies to the form of government at all.

Mr. TRIBBLE. Is not this an effort, then, to centralize the government, in undertaking to exclude a State that comes up and applies for admission with a republican form of government?

Mr. MORGAN. I did not understand the gentleman's question.

Mr. TRIBBLE. If you undertake to exclude a Territory on account of its government, which is republican in form, would it not be centralizing to exclude such a State?

Mr. MORGAN. Mr. Chairman, I would not exclude it. I am not trying to do that. I do not want to exclude either one of these States.

RECALL OF PUBLIC OFFICERS.

I have not been able to see the dangers in the recall provision that others do. The public official is rightly regarded as the servant of the people. If his services are for any reason not satisfactory, the people have the right to remove him and select

another. In my judgment, the right to recall public officials will tend to secure from them greater efficiency and a higher degree of faithfulness in the discharge of their duties. It will encourage strict attention to business, secure a more successful administration of public affairs, and will lessen the amount of malfeasance, dishonesty, graft, and fraud on the part of public officers.

Whoever asks his fellow citizens for a position which carries with it distinction, honor, and emoluments should accept the same recognizing the right of those who gave him the position to take from him the position. The vast majority of public officials in the United States, high and low, are of course honest, capable, and faithful officers.

But there are many exceptions. Too many men seek and secure public offices solely with the view of gratifying their own selfish ends. Prompted by greed and avarice, they seek and obtain public office and then proceed to betray the people and rob the taxpayers. In actual practice I do not believe the right of recall would be frequently exercised. But, in my opinion, the placing of this power in the hands of the people will, on the whole, insure better service from public officials, a more honest administration of public affairs, and a higher standard of honesty and integrity among public officials generally.

RECALL OF JUDGES.

As to the recall of judges, I do not agree with many very able and distinguished gentlemen who have declared this a most dangerous provision. In my opinion, the recall provision applied to judges will not destroy the independence of the judges or interfere with the administration of justice. With the recall provision in force you will see that judges will go on in the future, as they have in the past, doing their duty, maintaining the dignity of their high positions, administering justice, construing the law, interpreting the statutes, delivering opinions, rendering decisions, entering decrees and judgments, and through it all maintaining the confidence and respect of the people and receiving their support. The high regard which the people have for the courts does not depend upon the fact that the judges are not subject to recall. The fact is that in the various States of the Union, after judges have served a term of four or six years and their terms expire and the people have an opportunity to recall them or elect another person, they usually do not do so, but reelect the old judge, thus demonstrating that the people respect the judge who does his duty and reelect him again and again. The judiciary and our courts are creatures of the people. Their security rests not upon the fact that the people can not recall the judges, but upon the fact that our people have confidence in our courts, respect the judges, and believe they are not only able, but honest in their decisions. So long as our judges continue impartial, fair, honest, and sincere in discharging their high duties the people will sustain them; but it will be a sad day for our country should the time ever come when the people shall conclude that our courts are corrupt and our judges dishonest. The people have confidence in our judges as a rule, not because they can not recall them from office, but because judges as a rule have made records that entitle them to the confidence of the people. So it will be in the future, even with the recall in force. The able, honest, upright, conscientious judge will not have and need not have any fear of being recalled.

GOOD CITIZENSHIP MEANS GOOD GOVERNMENT.

Now, Mr. Chairman, in my opinion good government is not secured so much through constitutions and statutory laws as through good citizenship. Constitutional conventions may promulgate constitutions and legislatures may enact laws, but constitutional provisions and legislative acts are enforced and administered through the power of public opinion. The character of the people, the standard of citizenship is above the constitution and the laws. Good government is the result of good citizenship. In practical administration the government of any State is a reproduction of the ideals, conceptions, and principles of government in the hearts of the people. The initiative and referendum and the recall are not essential to the safety of the government or the perpetuity of our free institutions. The Republic will be preserved, our free institutions will be perpetuated, liberty and freedom will be maintained either with or without the initiative, referendum, and the recall. The splendid institutions that the people have erected on the American Continent are secure with or without these provisions in our State constitutions. Constitutions may be good or bad. All constitutions are imperfect. Every new provision proposed for the improvement of our government necessarily is more or less an experiment. How the initiative and referendum and the recall will work out in actual practice must necessarily be to some extent a matter of conjecture. But for one I am willing to try them. In voting to admit Territories as States into the Union I look to the character of the people rather than the special provisions in the constitution. I prefer to trust a good people with a bad constitution rather than a bad people with a good constitution. [Applause.] The true greatness of a State depends upon the character of the people. I really do not regard the initiative and referendum and the recall an issue in the vote for or against the admission of these Territories. Why should we vote to exclude Arizona from statehood because we find in her proposed constitution the initiative and referendum and the recall of all public officials, when Oregon, a State within the Union, has these same provisions in her constitution? I shall vote for the admission of both of these Territories, but in so doing will not feel that I am thereby voting for or against the initiative and referendum and the recall. I am not one who believes these provisions are essential to good government or necessary to protect the people in their liberties. But I see no great danger in these provisions, and I am perfectly willing to let them be tried.

If after trial they prove ineffectual, impractical, detrimental, or unwise, the people, in the exercise of good common sense, will discard these provisions and eliminate them from our constitutions and laws. For after all we must depend upon the people for good government. For the safety of our Republic, for the stability of our free institutions, for the preservation of our rights and liberties, for the wise administration of public affairs, we must look to the good sense, the intelligence, and the patriotism of the American people.

WELCOME TO THE PEOPLE OF ARIZONA AND NEW MEXICO.

I hold in my hand a printed copy of the constitution of New Mexico. I read it through, article by article, and section by section. But I am not satisfied. I cast this constitution aside, and I take up the constitution of Arizona, and I read it through, article by article, section by section, clause by clause, phrase by phrase, and sentence by sentence. Still I hesitate. I ask for further evidence before I cast my vote on this resolution for the admission of these two Territories. And I turn from these inanimate, dead constitutions and look 2,000 miles to the southwest, beyond my own beloved State, to New Mexico and Arizona. I behold in each of these two Territories an intelligent people. They have demonstrated their ability to govern themselves. They have founded schools, erected churches, established charitable institutions, and have shown their fidelity to the Union and their loyalty to the flag. I am willing to trust these people. So I place these proposed constitutions in the background, and looking to the intelligent, loyal, and patriotic people of New Mexico and Arizona I say to them, "Welcome, thrice welcome, into this great Union—the United States of America." [Loud applause.]

The CHAIRMAN (Mr. GARRETT in the chair). The Chair will state that the gentleman from Virginia [Mr. FLOOD], who by unanimous-consent order of the House controls the time of the majority side of the House, was called from the Chamber, and he requested the Chair to recognize the gentleman from Oklahoma [Mr. FERRIS] for 30 minutes, and, without objection, the gentleman from Oklahoma will be recognized. [Applause.]

Mr. FERRIS. Mr. Chairman and gentlemen of the committee, this joint resolution provides for statehood for Arizona and New Mexico. I am in favor of their admission into the Union and full sisterhood of States, and in favor of it now.

I think before beginning a discussion of this almost entrancing subject it would be well to do as the lawyers do and file an agreed statement of facts that will govern all the way through this discussion. It is as follows:

First. That the only requirement of the Federal Constitution is that the constitutions of the incoming two States shall be republican in form.

Second. That they are republican in form and that they are not contrary to any provision of the enabling act or the Federal Constitution. Neither of the three reports attack them on either of these grounds.

Third. That the two proposed States have sufficient population, wealth, and area to entitle them to admission. No one, so far as I know, either in speech, brief, or by committee report, has attacked them on grounds other than technicalities.

Hence we have the right to assume that the agreed statement proposed is but a fair one.

With this agreed statement of facts as a premise to start with, my decided personal views are that this Congress and President Taft should not inflict on the people of Arizona and New Mexico the dotting of an "i" or the crossing of a "t" if those clerical acts be not agreeable to them. It is, however, but fair to state in this connection that if there ever was a pardonable exception to this rule it would be in the method of amendment of the New Mexico constitution, as per the majority report of the committee so far as it applies to New Mexico. For

while I do not intend to deal with the New Mexico constitution in detail, or scarcely at all, I think it is safe to predict that numerous amendments to that document will soon become necessary and within the urgent desires of most of their citizenship. So while in my judgment, personally, I think it ill advised to inflict views upon a people that they do not want, this is perhaps the most pardonable.

As I read and as I understand Arizona's constitution I can not but conclude that it is the handiwork of men of the people, for every one of its pages fairly teem with the rights and liberties of the men that are to live under it. It is an embodiment of human liberties and human rights made by men who believe in humanity and scringe for their every ache and pain. [Applause.]

I am proud to welcome into this sisterhood of States a broad-gauged, broad-shouldered, courageous, warm-hearted citizenship who will, if this constitution is any criterion to go by, make us all better by reason of them. [Applause.]

I must not longer indulge in my affection and in eulogy for these new States soon to be, but must proceed to consider somewhat in detail Arizona's constitution, which safeguards well indeed the liberties of men. They have collected together the choicest provisions of all the constitutions of their sisters who have go on before.

For those who are deeply concerned over the transgressions of the rights of their fellow men I tell you, sir, few, if any, better constitutions were ever penned by the hand of man. [Applause.]

NO VICIOUS ELECTION LAWS.

Article 7, section 1, of the Arizona constitution provides:

All elections by the people shall be by ballot, or by such other method as may be prescribed by law, provided that secrecy in voting shall be preserved.

Here we observe no disposition, now or in the future, to throttle or bind down the State with vicious oppressive election laws. This insures forever the secrecy of the ballot—a universal essential in every election. This insures to those people a safe, sane, and honest election, free from boodle and free from graft. This is the first step to the political purity, progress, and honor of any State. I rejoice that they did not juggle, falter, or attempt to seek any semblance of unfairness, though it was within the power of that Democratic majority so to do.

POPULAR VOTE OF PEOPLE INSTRUCTING LEGISLATURE ON SENATORIAL ELECTIONS.

Article 7, section 9, of the Arizona constitution provides:

For the purpose of obtaining an advisory vote of the people the legislature shall provide for the placing of the names of the candidates for United States Senator on the official ballot at the general election next preceding the election of a United States Senator.

This step surely can meet with the criticism of but few, if any, on either side of this Chamber, and surely not from the Democratic side, who have for the last 20 years, in platform and in Congress, solemnly declared for the election of United States Senators by the popular vote. This is traveling, by those constitution makers, as far toward the light as their powers under the Federal Constitution will permit them to go. It is, I submit, in this regard merely following in the wake of this present Democratic House of Representatives, who at this very session have passed a joint resolution so to amend the Federal Constitution. It is but a following in the wake of 37 States who have passed resolutions petitioning Congress to take some action in this regard. There is every reason to commend this advanced step, and so few to condemn it.

DIRECT PRIMARIES V. CROOKED, JUGGLING CONVENTIONS.

Article 7, section 10, of the Arizona constitution provides:

The legislature shall enact a direct-primary election law, which shall provide for the nomination of candidates for all elective State, county, and city offices, including candidates for United States Senator and for Representatives in Congress.

I think there are few of us who longer cling to the vanishing and antiquated system of conventions and the varied and weird pranks that usually attend them. I think the number must be small who think nominations by convention better than by a direct vote of the people; for under the latter system every man, unmolested and in secrecy, may vote for the man of his choice after this has been accorded him, whether his choice be the voice of the majority or of the minority, he will have had his day in court. He will then, and not until then, with moderation and willingness abide by the everlasting good judgment of the majorities, the hope of the Republic, and the bulwark of us all. [Applause.]

I tell you, those sturdy people living on the broad prairies of the West, in constitution making, offer to the entire civilized world a beacon light in the embodiment of American liberties and human rights. You of the crowded East may and do know more of frenzied finance and its weird panics and pranks, but we of the West have higher regard for human liberties and human rights. We believe it is right to look after humanity first and property after. You of the East have been trained in a different school, where property rights come first and human rights and liberties last, if at all. I rejoice that Arizona recognizes the right of the humblest citizen at the ballot with equal sacredness with that of every other man. This law insures that right to him and will instill responsibility and patriotism in his breast to climb higher in the roll of citizenship.

PUBLICITY OF CAMPAIGN EXPENSES BOTH BEFORE AND AFTER ELECTION.

Article 7, section 16, of the Arizona constitution provides:

The legislature at its first session shall enact a law providing for general publicity, before and after election, of all campaign contributions to and expenditures of campaign committees and candidates for public office.

The wholesomeness of this provision needs little dilation or explanation. We have before us a concrete example. There is now a sitting Member of a legislative body other than the one to which I belong, a man who secured his seat in the Senate of the United States after the expenditure of $111,385.49 in his primary campaign. It is also true that his opponents in the same campaign spent sums respectively, as follows: $42,203.29, $30,002.07, and $11,063.88.

The filing of such reports after election can not but be the locking of the stable after the horse has been stolen. May we not pause and ask, With what can the honest, upright poor boy indulge his ambitions when men hold seats in legislative bodies at such figures as the ones just quoted? It must be nauseating and sickening to America's ambitious young men, who, it is true, have no titles to overcome but do have unreasonable wealth and unreasonable expenditures of money instead, which are quite if not equally as vicious and oppressive!

All hail to Arizona for her progress and fortitude to so well, in her infancy, safeguard the liberties of men that have too long been neglected by her older and more sedate sisters!

POWER TO INITIATE LEGISLATION BY THE PEOPLE—INITIATIVE AND REFERENDUM.

Article 4 of the Arizona constitution provides:

SECTION 1. (1) The legislative authority of the State shall be vested in a legislature, consisting of a senate and a house of representatives, but the people reserve the power to propose laws and amendments to the constitution and to enact or reject such laws and amendments at the polls independently of the legislature; and they also reserve, for use at their own option, the power to approve or reject at the polls any act, or item, section, or part of any act, of the legislature.

(2) The first of these reserved powers is the initiative. Under this power 10 per cent of the qualified electors shall have the right to propose any measure, and 15 per cent shall have the right to propose any amendment to the constitution.

(3) The second of these reserved powers is the referendum. Under this power the legislature, or 5 per cent of the qualified electors, may order the submission to the people at the polls of any measure, or item, section, or part of any measure, enacted by the legislature, except laws immediately necessary for the preservation of the public peace, health, or safety, or for the support and maintenance of the departments of the State government and State institutions; but to allow opportunity for referendum petitions no act passed by the legislature shall be operative for 90 days after the close of the session of the legislature enacting such measure, except such as require earlier operation to preserve the public peace, health, or safety, or to provide appropriations for the support and maintenance of the departments of the State and of State institutions: *Provided*, That no such emergency measure shall be considered passed by the legislature unless it shall state in a separate section why it is necessary that it shall become immediately operative and shall be approved by the affirmative votes of two-thirds of the members elected to each house of the legislature, taken by roll call of ayes and nays, and also approved by the governor.

To me more beautiful and wholesome than all else is the right vested by the Arizona constitution which places in the hollow of the hand of each citizen full power to play his part in initiating legislation when recreant legislatures fail or refuse to act.

Under the Arizona constitution 10 per cent of the voters at the last regular election may propose legislation that they think desirous and have a vote thereon. If the majority approves it, it becomes a part of the statutes of the State.

If 15 per cent of the voters at the last election desire to amend the constitution, an election may be had thereon, and if a majority of the voters decree an amendment, it is by them inserted and becomes a part of the constitution.

Much has been said of late in the press and by different politicians about the fanaticism of such methods of legislation, but, as one who has for four years lived under its beneficent provisions and as one who has taken part in elections dealing with 14 items of legislation thereunder, it has no terrors for me. Such indictments to me seem faulty and untrue.

No party in our State is now seeking its repeal, and no party has sought its repeal since its enactment four years ago when we became a State. Our legislature has met once each year since our admission; our constitution is easy of amendment; the opportunity so to do has at all times been ample. The same charges were preferred against Oklahoma's constitution when it was formed, but four years' experience and the exercise of

the right has taught us that their prophesies were weird, unworthy, and untrue.

I, tell you, sir, when perplexing questions arise in a State, questions that are full of sentiment and feeling, in which honest and strong men differ widely, there is no way to settle them so satisfactorily as to submit them to the will of the majority, which is to-day, was yesterday, and should ever be the just and most holy arbiter of us all.

When we depart from the will of the majority and refuse to abide its mandate, we embark on unknown seas of anarchy, disaster, and destruction. [Applause.]

I tell you, sir, the very hope of the Republic is the absolute reliance in the will of the majority honestly and fairly expressed at the ballot box, as distinguished from the secret pranks and bickerings of the few, assembled in some dingy committee room of some city council, legislature, or Congress, who operate under rules and bans of secrecy which the public can not fathom or understand.

It is altogether too often in this House asserted that the judgment of the plain people can not be trusted to act with moderation and calmness in matters of legislation and the preservation of their own rights. I share no such opinion, and extend to all such thinking persons a complete and sole monopoly on all such beliefs. I am willing to exempt that school of thought from the operation of every section of the Sherman antitrust law, and let them go on in error, deluded and alone. [Applause and laughter.]

Let me not be tedious, but as our answer to this unholy indictment against the intelligence of our people let me call your attention to the calmness and moderation with which the people of my State have, during the last four years, exercised the right, in each case dealing with knotty problems and perplexing ones that legislatures and Congresses too often dodge or refuse to act on at all.

As you will recall, Congress in admitting Oklahoma provided that she should have prohibition for 21 years. She did this, we assume, on account of our Indian population. Those citizens of our State who for reasons of their own were displeased with this limitation have twice availed themselves of the initiative plan to remove what to them was a barrier, but each time the people of the State elected to stand by the enabling act by handsome majorities, the first time by an approximate majority of 18,000, while at the last election, held on November 8, 1910, at the general election, the vote stood 105,041 "wet" as against 126,118 "dry." So while there will be those here and there who disagree with the majority result in this case—and there are those of my State who think the result unwise—still you can not say that we did not follow in the steps of the Congress that placed the provision in our enabling act and kept the everlasting faith. This, it seems to me, is but an humble example of a question full of sentiment where feeling ran high; still the people were not without calmness or without reason, and to-day I think I am not exaggerating when I say the question is more nearly settled in our State than it ever could be under the representative government operating alone.

The people can be trusted, and the indictment that they are not competent to legislate and vote intelligently on matters that deeply concern them is both faulty and unsound.

Mr. MORGAN. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oklahoma yield to his colleague?

Mr. FERRIS. I want to be as courteous with the gentleman as he has been with me, but I have but little time and I want to go as fast as I can.

Mr. MORGAN. The gentleman states that 14 propositions have been voted on. Does he know how many of them have been carried?

Mr. FERRIS. Two of them have been carried. Some of them have been referendum propositions. I will come to that in a moment.

In further reply to the suggestion of the gentleman from Oklahoma I want to speak of some things we actually voted on. When Congress passed the enabling act and admitted us as a State, it provided as one of the many limitations that we should retain our capital at Guthrie, Okla., until the year 1913. The people chafed under that as an unusual and unwarranted limitation. Under the initiative they put it to a vote, and it was voted out of our constitution by more than three-fourths of the 75 counties of the State by a majority of 32,014. They say you can not trust the people as you can trust the Congresses and legislatures. But it is not so. The indictment will not stand. It is but the old adage that "The king can do no wrong," and such a theory has no place among Americans. To say that all of the people will err more quickly than one of the people is illogical, uncertain, and untrue. [Applause.] To so assault the voting population of this Republic is but to utter vile slander against the people who but yesterday placed the mantle of power about you. Why indict the intelligence of to-day that you applauded but yesterday?

Again, we may call your attention to a provision of the Oklahoma constitution known as article 9, it being in substance a provision against the merger of railroads without domestication. Twice the railroads, and many good people of our State who agreed with them about it, have under their rights petitioned for an election for the repeal of this section, and the elections have been held each time, sustaining the constitution by majorities of 54,421 in the first election and 27,994 in the second election.

It is quite true that the judgment of the people may, by those who do not agree with the results, be attacked, but the will of the majority honestly expressed at the ballot box can never be successfully attacked. [Applause.]

Again, I may call your attention to a question perhaps more sentimental than all the rest—that of woman's suffrage. The good women of our State said:

We are entitled to know the true sentiment of this State with reference to equal suffrage.

They exercised their rights under the initiative law, and the vote was had on November 8, 1910, the day of the regular election, and the vote was 88,808 for equal suffrage and 128,928 against it, rendering clear and emphatic the sentiment of the State by a majority of 40,120 against woman's suffrage. Who is there here that would deny those good women, who believe they ought to have the right to vote, to put it to a test of sentiment under this beneficent law? Who is there that can not recognize at a moment's glance what a jewel such a law is to settle and settle rightly and finally such questions full of sentiment and full of dissatisfaction until settled rightly?

I could go on, at the hazard of being tedious, and deal with all of the 14 questions initiated and referred in our State since statehood, but these show quite well the working and the desirability of the law.

THE REFERENDUM.

This is but the reverse of the same principle. This law merely permits the people of the State to sweep from the statute books laws that have crept in through inadvertence or corruption; laws that are offensive to the majority of its citizenship. In the Arizona constitution 5 per cent of the voters at the last election may petition for the repeal of any law particularly offensive to them and then the election ensues, and if a majority of the citizens qualified to vote and voting do not want the law to remain on the books, they simply vote it off. Nothing more and nothing less. We can all think of vicious acts of city councils, boards of county commissioners, and even legislatures that were personally obnoxious to practically all of the people and should be repealed, though too often impossible under the delegated government standing alone to eradicate or rid themselves of it. It has been said that the instances are rare when such a case would occur, but the principle of the referendum is as sound even if such a case did not occur once in an age. It would stand as a solemn sentry ever patiently guarding the people's rights, inexpensive and unpretentious when not in use, ever courageous and willing to act when encroachments and usurpation appear. [Applause.] Sometimes laws that appear honest and sound on their face are in fact faulty and unsound, still many are the times they are such questions that even a vote thereon would involve the political fortitude of the members thereof, and no action can be secured or accomplished through the old way. This statement I know is not entrancing and ennobling to refer to, but is a condition that exists and the truth of the statement is exemplified in legislatures and Congress almost every day. This will of course be answered by those who say, Send better men to the legislatures and Congress. Still that is not a reply, for the people have for more than a hundred years sent the best men they could find, still the condition is present. That admonition is and would be as good with this system as without it, and it does not answer the virtue of the principle or the necessity of correction of a condition that most of us know actually and in reality does exist. It is an evidence of intelligence and fortitude to ever repose in the people full power to protect themselves against usurpation and oppression which may or may not appear. The system is inexpensive and simple when not used; is not too powerful or unwieldy when used.

ENEMIES OF PEOPLE'S RULE CHARGE EXTRAVAGANCE TO THE SYSTEM.

This indictment of extravagance does not stand the searchlight of experience in my State, for the elections are usually held in conjunction with the general elections, and the cost of holding them is but slight. This, of course, is not true of urgent matters that must be voted on at intervals between elections, but if the grave conditions are present it is not too much

to bear the expense of an election to correct it speedily. The disaster and evil effects that follow in the wake of a vicious law are more burdensome to a community than the expense of its removal by special election. Evil laws usually press down upon but few, while the expense of their removal will be borne by all of the citizenship. Hence the removal is both equitable and wholesome, while its retention is both blighting and unwholesome.

The average cost of special elections in our State is but $3,592, and we have had but 2 special elections out of 14 items voted upon, hence the cost to the taxpayers of our State in the full four years we have been operating under it will be less than $10,000, and would aggregate but $50,288 if every one of the 14 items voted on should have been dealt with at special elections. It is, I believe, not wide of the mark to say that when great and grave problems spring up in a State or community and greatly agitate the minds of a great Commonwealth, the expense of settling them under the initiative and referendum is the cheapest, the quickest, and the best way. It is again, in the light of our experience in Oklahoma, safe and just to say that the people's judgment is usually honest, safe, and calm. The charge that the people are a mob and a rabble is but a vile slander at the hands of those who agree to represent them. Such representatives, it seems to me, fall short of the common loyalty and decency that an agent usually accords his principal. Such representatives are misrepresenting more people than they represent.

CONSTITUTIONALITY OF THE INITIATIVE AND REFERENDUM UNQUESTIONED.

No one, I think, has attacked this wholesome system of government on the ground of its unconstitutionality. Such charges would not be sustained if made. Courts have upheld laws so enacted every time they were brought in question, so far as my investigations have gone, the theory being that what a people could do by representatives they themselves could do without transgressing either the spirit or the letter of the Constitution. This being true, it resolves itself into a question of, Should the people have reinstated to them the power that through inadvertence and usurpation has crept away from them? Further, perhaps, to be more blunt, do the people know enough to be trusted with their own affairs when their agents fail to properly care for them? To me there is but one answer to each of the questions, and that is that they have absolute right in the first place and plenty of ability in the second place.

I was grieved to hear my friends on this floor exploit the theory of the people's lack of intelligence to pass intelligently on matters that concern them. I was grieved to hear them called "the rabble," "the mob," and use epithets even more severe than the ones just mentioned. I was again surprised to hear it said that the advocates of initiative and referendum were but the theories of the demagogue. In so saying they assault numerous States of this Union in their entirety. They assault some of the ablest thinkers in the land to-day. They assault Woodrow Wilson, a prominent candidate for President now. They assault Bryan, the purest and brainiest citizen in the land to-day. They assault a school of thought unworthy of such epithets.

NOT FAVORABLE TO THE ABOLISHMENT OF REPRESENTATIVE GOVERNMENT, BUT DESIRE INITIATIVE AND REFERENDUM USED IN CONJUNCTION WITH REPRESENTATIVE GOVERNMENT.

To those without actual experience in the operation of the initiative and referendum and who have not had the time to go carefully into the working of this improved plan of government, I feel it my duty, at the hazard of having my position misunderstood, to tell you that I am in no manner favorable to the abolition of representative government, for it is my belief that it is the form of government that will ever be most used. It is, however, no less my emphatic position that the ever-vigilant safeguard of the initiative and referendum ought to be ever present so that always and forever the majority of the plain, tax-paying citizens may have full power to do those righteous things which the representative government fails to afford them, and likewise to rid themselves of the obnoxious and offensive legislation that creeps in through inadvertence or caprice. It is a wholesome provision that will inspire trust, responsibility, and patriotism within us. It will rid us and free us from the dangers of anarchy, revolution, and disintegration. It will be a solution of the perplexing questions by a majority vote which will ever well defend itself.

It may be suggested that it is a case of vested power never used; but if that were true, it does not serve as an indictment to its usefulness or faithful service. It is a safety valve that will ever be a solace of protection to the private citizen and can not but stimulate and prompt the delegate of delegated government to act more wisely, more honestly, more justly, and render better service to his employer, who is none other than the private citizenship of the land.

UNIVERSAL DESIRE TO TAKE MORE PART IN THE GOVERNMENT NOT ALONE WITH ARIZONA.

The opponents of popular government need not be deluded with the thought that this desire for improved methods of legislating comes alone from fair young Arizona and Oklahoma, for such is not the case. We find this patriotic ambition well disseminated among the people in the village, in the township, in the county, in the State, and in the Nation. The answer that it is violent and inoperative and revolutionary in character will not suffice to answer this universal desire to supplant that which is good by that which is its superior. I tell you, sir, whatever action you may take regarding Arizona, the eliminations from her wholesome constitution will not down with the coming morrow. This improved method of legislation is an issue in this country, and it is here to stay.

NOT AMONG THOSE WHO THINK GOVERNMENT AND MEN ARE GROWING WORSE AND MORE CORRUPT.

Some well-meaning persons have assigned as a reason for this great clamor for popular government in connection with delegated or representative government as provided by the initiative, referendum, and recall that the Government and men are growing more corrupt daily. I do not share any part of this opinion with any one of them. I am one of those who think the world has not yet seen its fairest and best day. I would prefer to share the belief of those who think to-day is better than yesterday and to-morrow will be better than to-day. Neither am I to be found among those who believe we had better men yesterday than we have to-day, for I do not believe that genius, patriotism, and greatness ever in the past ran more rampant than now. I think the world never was more full of patriotism and patriotic, courageous men. I think the increase for good, for honor, for courage, for genius, and intelligence will be more rapid as the fleeting years speed by. [Applause.]

The correct reason to assign for this activity and patriotic desire to improve our form of government is but the wholesome desire of our people to supplant that which is already good government with that which is thrice its superior. This is but the pathway of progress that will lead to perfection as a common goal. The representative government now enjoyed, walking hand in hand with the initiative and referendum as a safety valve to insure fair treatment at the hands of representative government, is the problem well solved. Fair Arizona has her face turned toward the light, and we should not befog or bedim her vision, which, so far as her State is concerned, may be clearer than our own. [Applause.] I would, if called on to do so, offer as an additional reason the fact that our Republic has grown from a handful of half-starved settlers in the beginning to a world power, and with it greed and avarice have made unusual strides. With great aggregations of wealth in the hands of the few, it is dangerous to leave the reins of government solely, without check, in the hands of the few.

If it were still true that wealth was but fairly well distributed among our people, the grave necessity for a more thorough distribution of power among the people might not be present, but with the wealth of the country rapidly reaching the hands of the few, in dealing with the power of government it should ever be more thoroughly distributed, rather than centralized. Naught but the keenest vision and foresight will ever be adequate to even fairly well safeguard the rights of the modest and unassuming against the ever-present greed of the few.

I tell you, sir, the wealth and prosperity of a nation should not be judged by the fortunes of the few. I would much prefer to belong to that school of thought who believe that the true test to determine the prosperity and happiness of a country is to observe how nearly absent hunger and want actually are among the industrious, law-abiding citizens thereof. The riches of the modern Dives is no certificate that will palliate the gnawing stomach of the hungry modern Lazarus. I would prefer to cluster around that group of citizens who believe that the most solid foundation stone of the Republic consists of our ability to ever keep the powers and responsibilities of government as well distributed among our people as is possible to do.

It has been suggested here by the most thoughtful minds of this House that the initiative and referendum is and would be too cumbersome of operation and unwieldy to be of service. While I long hesitate to differ with men of that thought, still I can not but conclude that, while at first blush it may appear cumbersome of operation, it will be wholesome in effect. I suggest the charge of "cumbersome" strikes alone at the method of carrying on government, while concentration strikes at the very fabric of government itself. The kingdom is less unwieldy than the republic, but who is there who advocates a kingdom? Who is there here that would exchange the beneficent results of a republic for that of any kingdom or king? We, as Americans, may differ in politics and policies. We may and do have parties and factions within our parties, but we have no

such differences as these. Every thought of concentration is a step in the wrong direction. Every step toward distribution of powers is both American and ennobling.

History is replete with the downfall of great and glorious countries, due to overcentralization of powers, and never, I think, due to overdistribution of them.

Equal distribution of powers affords us a Nation made up of citizens with equal responsibilities and patriotism, and so long as we are equal in patriotism naught but victory can come to us when attacked from without. Cumbersomeness is and may well be referred to as an impediment, but it is not a deep-seated one that will amount to our undoing. It is not impossible of accomplishment, but easy of understanding instead. It leaves a contented people in its wake. Its burdens are light and equally divided.

If citizens are competent to vote on men to be their delegates to administer their governments, why not afford them the right to vote on the measure itself when it is objectionable to them? Experience teaches us they will not use the power except when grave abuses occur. The idle, incompetent agitator is as repulsive to the people as to the politician. The law can be nothing but the product of an agent of their own creation; nothing more, nothing less. Such an indictment that the people are not competent is surely demurrable in any forum of reason and logic. To conclude otherwise is but to conclude that all the people will err more readily than one of the same people. I can not be converted to such a belief. The placing of responsibility upon men is to make strong men stronger and weak men strong. The withholding of power and responsibility can be but the process of withering away of the talents of the citizen by the process of rust, disuse, and disintegration.

I think we could procure, even from our opponents of popular government, an agreed statement of fact to the effect that to allow the average citizen the right to exercise the right of franchise under the present form of government is but to make him a stronger and better citizen. Then where is the logic subject to attack which asserts that to let him have the right to vote on measures likewise makes him stronger? Strong men make strong countries and weak men weak ones. Surely there can be no exception to this self-evident rule.

The indictment filed against this plan, that people can not understand the laws, is not well taken, for some one has been cruel enough to utter the most truthful thought; that laws are sometimes more easily understood than the reason for their representatives' failure to enact them. To constantly attack the ability to do is but to revert to the adage that "The king can do no wrong," and that the people are but a "babbling rabble."

NOT ONE WHO THINKS INITIATIVE AND REFERENDUM WILL CURE ALL ILLS OR ALONE BRING THE MILLENNIUM.

I do not belong to that hopeful and indulgent class of citizens who think this improved and popular government will free us of all the ills that befall governments and men, for after all we must, for our success and progress, largely depend upon the character, the intelligence, and patriotism of our plain citizens. Still this trueism, glaringly true and self-evident as it is, does not offer any reason why we should not ever be ready to supplant the already good government by a better government. To do otherwise is but to close the door to progress and advancement.

While I again repeat I do not think it will free us of all the pitfalls common to government and men, I do, with the thousands of patriotic men who crave it and desire it, enter into full fellowship with them in their every effort to acquire it.

Loyal, patriotic citizenship being the substantive part of our curriculum of Government, coupled with honest men to act in a representative capacity, with the ever-wholesome safeguard of the initiative to cure the crimes of omission and the referendum to cure the crimes of commission, this, as I believe, is the solution of most of the perplexing problems that do and will confront us as a Republic as the years speed by.

To those of us who really believe the rights of humanity are superior to the rights of greed this Arizona constitution is beautiful to look upon and sound at the core. As we read it we can not but conclude that it was made by men of the people who are in full accord with the people's rights and liberties.

To men who would make and who have made such a constitution no eulogy to or of them is fulsome or overdrawn. Naught but the kindest words should ever be employed of or concerning them while they are here, and the tenderest memories of them should abide with those of us that remain. Let the future be all to them that we hope it will be. Let not trouble or disappointment overtake them here or there. Their work will live after them, and live to bless and recommend them to their descendants generations after the poor words now employed in their eulogy shall have died away. [Applause.]

COURTS' TENDENCY TO LEGISLATE THINGS INTO THE LAW NOT THERE IN FACT.

I guess there is but few of us who do not long hesitate to criticize the decisions of our courts. I am sure this is and has at all times been the case with me, but as we have before our very eyes so flagrant a case of legislating things into the law by judicial interpretation in the Standard Oil case just decided I think it should not go unnoticed. As an additional excuse for the feeling of criticism within me, I might suggest the severe criticism of Justice Harlan, a long and trusted member of the court. The length of his dissenting opinion prevents my presentation of it in full, but I quote a portion of it, which is to me the most severe indictment of the judiciary I have ever observed from such a high source.

I here quote from Justice Harlan's dissenting opinion:

In the now not very short life that I have passed in this Capitol and the public service of the country the most alarming tendency of this day, in my judgment, so far as the safety and integrity of the institutions are concerned, is the tendency to judicial legislation, so that, when men having vast interests are concerned, and they can not get the law-making power of the country which controls it to pass the legislation they desire, the next thing they do is to raise the question in some case to get the court to so construe the constitution of the statutes to mean what they want it to mean. That has not been our practice.

I further quote:

The court, in the opinion in this case, says that this act of Congress means and embraces only unreasonable restraint of trade—in flat contradiction to what this court has said 15 years ago that Congress did not intend.

I quote further from the Harlan decision:

Practically the decision—I do not mean the judgment—but parts of the opinions are to the effect practically that the courts may, by mere judicial construction, amend the Constitution of the United States or an act of Congress. That, it strikes me, is mischievous, and that is the part of the opinion I especially object to.

If Justice Harlan is willing to say so much in so few words of the Supreme Court of the United States, why need we stand in such holy awe of allowing Arizona the right of recall of their judges of the Arizona courts, who must of necessity be of less ripe experience and more subject to error and caprice?

The action of our highest court in doffing the rôle of a judiciary and assuming, without constitutional authority, the rôle of legislators, I think can result in naught but a stinging disappointment to the well-meaning citizens of this country.

A few such decisions can but amount to the abolition of the functions of the legislative branch of our Government altogether. In this case the court has given the Standard Oil Co. the very thing that Congress has withheld from them for 15 years. This decision is not alone vicious and nauseating to those who complain of their encroachment of power in legislating into the laws things that are not there, but it even repeals that thing which Congress positively has given.

Their decision draws the line between good trusts and bad trusts, a distinction never intended by Congress and surely never desired by the people. It can, I think, amount to nothing short of a wholesale disregard of the true function of a judiciary, from which the people must suffer much. It brings but rejoicing to the Standard Oil Co., which is the chief recipient of this unwarranted decision. The joy afforded them from any source should be unmolested so long as their joy emanates from a true construction of the law, but when it comes from a strained construction, detrimental to the people and beneficial to the trusts, criticism can not be but just and wholesome. I think it is not wide of the mark to prophesy that as soon as the people understand what this decision really is it will increase their confidence and affection for Justice Harlan and cause them to marvel at the fact that none of the other members of the court joined him in his logic. I think those who in moments of frenzied belief that the court could do no wrong must feel at least disarmed and fettered in their further efforts to propagate such belief.

I can not but believe that this majority decision of the United States Supreme Court in the Standard Oil case is perhaps the most eloquent support that the truly American and democratic doctrine of recall has ever had uttered in its defense.

Section 1 of article 8 of the Arizona constitution provides:

RECALL OF PUBLIC OFFICERS.

SECTION 1. Every public officer in the State of Arizona, holding an elective office, either by election or appointment, is subject to recall from such office by the qualified electors of the electoral district from which candidates are elected to such office. Such electoral district may include the whole State. Such number of said electors as shall equal 25 per cent of the number of votes cast at the last preceding general election for all of the candidates for the office held by such officer may by petition, which shall be known as a recall petition, demand his recall.

I can not conclude that our President will especially endear himself to the good people of Arizona in opposing them in their desire to incorporate the recall of officers in their new State constitution, for it is my belief that he has first transgressed the spirit and letter of the Federal Constitution when he med-

dles with the provisions of their State constitution so long as it is republican in form; and, second, he is denying them a wholesome law they may, and in all probability will, need while their State is new and conditions unsettled.

I tell you, sir, when a Territory is changing from a Territorial form to that of a State government, it too often happens that men are elected to office who are unknown and untried. Sometimes men so selected are honest, courageous, and square, but sometimes they are unworthy and unfair. In the fears that some of the latter class might unawares creep in, I am personally perfectly willing to give full sanction to Arizona in their incorporation of the recall of officers in their constitution. I am not personally so familiar with the practical workings of the recall, but to me it is in no manner offensive. It can not but be right in theory, and I am constrained to believe it is and will be right in fact. If we select a citizen to serve us in any representative capacity, and he serves us well, of course no majority will ever recall him, nor do I believe any small faction will even vainly seek his recall. I would prefer to believe that they will sustain him, uphold him, and confirm him instead. If we select a citizen who we think will serve us well, and he does not, where is the logic that can object to his removal by the people that intrusted him with power? He but yesterday derived his commission from them. What other tribunal would be so competent to possess the power of his removal?

Opponents of the recall cry aloud that it would wound the feelings of the officer recalled. We think this not a defense sufficient to the provisions and workings of the recall, for while it is quite true that to remove an unworthy officer is the wounding of the pride of but one citizen, it is also true that his obnoxious retention would wound the pride of the entire citizenship that placed the mantle of power about him.

It is charged that his political opponents would oust him unjustly from power. This we think untenable, for they were absent in power to defeat him at the beginning. They would be without power to oust him now. Hence, if ousted at all, it would be by reason of his unworthiness. Nothing other than this could have wrought the change.

I think it would not be stating the rule too broadly to say that the friends that intrusted him with power at the beginning would still be the friends that would retain him, confirm him, and glorify him. Unwarranted uses of the recall would but make the official stronger with his friends and weaken the determination of his adversaries. Warranted efforts to recall would in each case bring wholesome results as well.

I tell you, sir, the plain people will play few political pranks and remove few men unwarranted and without just cause. The politicians are usually the political prank players, if any there be, and not the rank and file of our citizenship. Our citizens are usually satisfied when they receive fair treatment at the hands of their officials.

As said before, I am not personally acquainted with the actual workings of the recall; I can not but firmly believe it will be the one superior agency that will pull up and eradicate the weeds of corruption and neglect now luxuriantly growing in by far too many of the fence corners of the legislatures and Congresses. I can not but sacredly believe that it will have none other than a wholesome effect upon every office and officer of a public character coming under its beneficent operation. I can not but think it will be an inexpensive and satisfactory way of cleansing any abuses of custom or corruption that may spring up in a Republic that is growing like the weed in fallow soil. I can not but think under all conditions it will exact of our every officer the best service there is within him, and surely we are entitled to the best.

I may be in error and alone in the belief, but I think I can see many wholesome effects the recall would have in this new State, and can think of but few, if any, disastrous or blighting effects that it would work on men or property.

If I mistake not, the dawn is breaking. A fairer day is at hand when representative government will be purer and better and will ever walk hand in hand with the initiative and referendum, ever submitting to the will of the majority, who may and will in the last analysis judge all things correctly and well. [Loud applause.]

Mr. Chairman, Mr. Otto Praeger, a representative of the Dallas News, has written for his paper a series of articles dealing ably and well with the initiative and referendum.

He has gone into this very interesting subject at great length. I am very anxious to afford the readers of the CONGRESSIONAL RECORD an opportunity to read his very interesting series of articles, hence I am printing them in connection with my remarks on the same subject.

INITIATIVE, REFERENDUM, AND RECALL—HISTORY OF WORKINGS OF POPULAR CHECKS ON REPRESENTATIVE GOVERNMENT — LEGISLATION BY PEOPLE—CONSTITUTION OF UNITED STATES PROVIDES FOR INITIATIVE AND REFERENDUM IN NATIONAL AFFAIRS.

WASHINGTON, *March 23.*

Every republican form of government is safeguarded by one or two or three of the popular checks on representative government known as the initiative, the referendum, and the recall.

Of these three checks, the referendum is most general in use; the initiative is more general than is popularly supposed; while the recall, which in recent years has made forward strides in this country in municipal affairs, is perhaps the oldest check employed by the American people. It was specifically reserved to the Colonies in Article V of the Articles of Confederation under which our earliest Congresses met and conducted the affairs of the United States until the formation of the Constitution, and its most notable use was in 1776, when Pennsylvania recalled her delegates to the Continental Congress because they refused to sign the Declaration of Independence, and sent in their stead others who would.

RELATION TO PURE DEMOCRACY.

A brief consideration of the subject of government will readily suggest how the initiative, referendum, and recall came into existence; how the initiative, or power of the people at large to initiate legislation, is the very essence of pure democracy; the referendum, or compulsory reference of acts of legislation by representatives to the people for approval or rejection, is a check on representative government; and how the recall, or the power to remove an official from office at the will of the people, is a check on any form of government.

A republic may be either pure democracy or purely representative in form, though in practice no representative system ever gets so far away from the people who created it but that in course of time some of the forms of pure democracy do not grow up within it as checks against abuse.

OFFICERS AS PEOPLE'S AGENTS.

Pure democracy is that form of government in which all legislation is initiated and enacted by the people at large, instead of by a body of representatives, or legislators, its officers being merely the agents, recallable at will, to administer the laws ordained by the plebiscites. Such a government, it is contended, is possible, for physical reasons, only in small areas, and successful only when the individual sovereigns are trained in civic duties and have unity of aspirations. For this reason it succeeded temporarily and auspiciously in ancient Greece, and is to-day in successful operation in most of the cantons of Switzerland. Theoretically it does not tend to the greater national efficiency that is to be expected of those forms of government where a few specialize in the work of ruling, but it does tend to the political development of the whole people, and is regarded as being a truer reflection of the average intelligence and a truer response to the will and the aspirations of the whole community or nation, so that what is lost in the higher political development of the few is compensated by the civic development of the entire people.

EVERYDAY OPERATIONS.

Pure democracy is found in everyday life in such small organizations as clubs, societies, commercial bodies, and public meetings, and its limitations are those of time and space necessary to enable every man to participate in every occasion requiring the act of government. These limitations, naturally, confine it for successful operation to small bodies and to small areas. Its essence is that every individual sovereign or participant has his hand on the rudder of government at every stage of action, from the initiation and enactment of legislation to the details of proper administration in accordance with the expressed will of the ruling whole.

The pure democracy belong to the initiative and recall. The referendum logically finds no place in a system of government in which the acts of government originate with the people and which, obviously, need not be referred by the people back to themselves for approval or rejection. It has come into vogue with that other form or republicanism, representative government, not as an essential constituent, but as a check.

ANALOGOUS TO ABSOLUTISM.

All forms of government except pure democracy assume two classes—the rulers and the ruled. In an absolute monarchy the rulers sway according to their personal will, unhampered by limitations. In a constitutional monarchy they govern thus within the limitations of an organic law, these limitations being sometimes lightly considered, as in the German Empire under Bismarck, or as effective and far-reaching as in England at the present time.

Absolute monarchy is the absolutism of the few over the many. Its antithesis, and, paradoxical as it may seem, its analogy, is pure democracy, which is the absolutism of the many over the few. The analogy of the constitutional monarchy is pure representative government. Whereas under a constitutional monarchy one or a few may rule under limitations for life and by accident of birth, in a pure representative government one or a few may rule under limitations by reason of periodical elections. Pure representative government contemplates the complete surrender of the functions of government by the people to the judgment of the periodically selected administrators and legislators. It would create a condition of contract between principal (the people) and agent (the representatives), in which the agent operates with a free hand for the period of his employment, or election, so long as he acts within the law and without binding suggestions or instructions (initiative) from his principal, without reference of any act to the principal for approval or rejection (referendum), and without being subject to removal (recall) so long as his acts do not constitute some stipulated cause for removal. Thus, pure representative government, for which some contend even to this day, has no place in its philosophy for the initiative, referendum, or recall.

EXAMPLE OF PRECEDENT.

Under such a system the procedure in the creation of a nation or a State would be as follows:

1. The election by the people of representatives to make a constitution, without further control over their actions by the people and without requiring the submission of their work to the people for approval or rejection. The constitutions of Delaware, Mississippi, and South Carolina were not submitted to the people for approval, and in the States of Delaware and South Carolina even amendments to the constitution need not be submitted for ratification by the voters.

2. The election of representatives, legislative and administrative, likewise absolutely independent of the control of the people throughout the period of their election, provided they remain within the pale of the law, which stipulates the sole causes on which they can be removed.

THE PRESENT SAFEGUARDS.

Individual integrity, the desire of the good opinion of their fellow men, and the desire of reelection or promotion to higher office are the influences depended upon in pure representative government to insure conscientious performance of duties and fidelity to the pledges made to the public while seeking election to the offices which they are to administer without control or interference from those who selected them to serve.

But pure representative government does not exist. Everywhere and in every age it has been hedged in and modified by such checks as the initiative and the referendum, or both, and sometimes in addition by the recall. The Constitution of the United States itself did not become effective until three-fourths of the States ratified it either through conventions or State legislatures. Congress can not amend it. It can by a two-thirds vote of each Chamber in effect only recommend an amendment which must be ratified by three-fourths of the States, either through their legislatures or through specially elected conventions, to become effective. In addition to this referendum, the Constitution, in effect, provides another check, the initiative, by ordaining that the people, through the initiative of the legislatures of three-fourths of the States may direct Congress to submit to the legislatures or conventions of the various States amendments to the Constitution. The legislatures of almost three-fourths of the States already have availed themselves of this initiative by requesting Congress to submit for their ratification an amendment to the Constitution providing for the direct elections of Senators.

CONSTITUTIONAL PROVISIONS.

Some denounce the checks of popular government on representative government as undemocratic and out of harmony with our republican institutions when it is sought to make them applicable to the functions of Congress, States, and minor civil divisions in the passage of general laws; yet here, in the organic law of the land, are practically two of these checks, the initiative and the referendum, which the builders of the Constitution thought necessary to embody in that great work.

Again, it will be noted that legislators are not always opposed to giving the people the initiative and referendum. Thus the local-option laws of some States, notably Texas, provide that the county commissioners may of their own motion submit to the voters of the county, or a division thereof, the question whether it shall be unlawful to sell liquor in that county or division, and, further, that if the commissioners do not so act of their own volition, the people may invoke the initiative and referendum through a certain percentage of the voters requesting the commissioners to submit the question to a referendum vote.

Universally in vogue in this country is the compulsory referendum in the matter of certain forms of legislation, particularly in the creation of bonded indebtedness, and perhaps every State in the Union prescribes the referendum on ordinances authorizing the borrowing of money for counties, cities, or minor subdivisions.

NO RECALL PROVISION.

About the only one of the popular government checks which the American Constitution does not invoke is the recall. That institution, as it appears in the Articles of Confederation, was designed to enable constituencies to keep a constant hand on their Representatives in Congress. It read as follows:

"ART. V. For the more convenient management of the general interests of the United States, Delegates shall be annually appointed in such manner as the legislature of each State shall direct, to meet in Congress on the first Monday in November in every year, with a power reserved to each State to recall its Delegate, or any of them, at any time within the year, and to send others in their stead for the remainder of the year."

Within the last 10 years the introduction of these checks on representative government has made considerable progress in some parts of this country, particularly in the always-progressive West and Southwest, and the political bench mark to which the movement for more direct control over legislation and administration generally refers for the light of long and thorough experience, in that interesting Republic of monarchial Europe, the Swiss federation. With the operations of the various institutions of direct legislation in Switzerland and elsewhere abroad, the second paper of this series will deal.

INITIATIVE, REFERENDUM, AND RECALL—OPERATION OF SYSTEM IN SWITZERLAND AND RESULTS THAT HAVE OBTAINED—IS BORN OF NECESSITY—ESTABLISHED TO STOP CONDITIONS SIMILAR TO THOSE IN THIS COUNTRY—RECALL NOT INVOKED.

WASHINGTON, *March 31.*

In 1850 only 5 out of the 25 Cantons and half Cantons of Switzerland had any form of cantonal referendum.

In 1860 fully 34 per cent of the Swiss people had the right of a referendum vote, while 10 years later, in 1870, not less than 71 per cent of the population was entitled to the referendum in cantonal legislation.

To-day the referendum, except in minor fiscal matters and certain urgent laws and decrees, is operative in every Swiss Canton except Freiburg, and in that Canton, in conformity with the federal constitution, amendments to the cantonal constitution must be submitted to a referendum.

To-day, also, the initiative, applicable to the enactment, repeal, or amendment of cantonal laws and general decrees, exists in every Canton except Freiburg, and again in this Canton the initiative is in vogue as applying to the proposal of amendments to the cantonal constitution.

REFERENDUM ON CONSTITUTION.

In 1874 Switzerland came under its present federal constitution, which provides the compulsory referendum not only for every amendment to the federal constitution and the optional referendum on application of 30,000 voters on general laws, but stipulates that every Canton must submit its proposed constitutional changes to a referendum.

In 1891 the Federal Congress took another important step by submitting to the people a constitutional amendment extending to them the right of proposing amendments to the constitution on the initiative of 50,000 voters, which amendment was adopted by the people. The next step, the application of the initiative to the enactment, repeal, or amendment of general federal laws, was formally broached by the Canton of Zurich in 1904, was debated at length in Congress, but was finally referred to the federal council, which is the executive body of Switzerland for further investigation. The council entered into correspondence with the various cantonal councils, but the latest literature on the subject does not disclose that either the Swiss Congress or the Swiss people, through the initiative, have been able to make up their minds to take the important step of creating the statutory initiative.

RELATION TO "LANDSGEMEINDE."

Thus briefly is sketched the extension and development of direct legislation in Switzerland. This development has been steadily toward the incorporation in national affairs of the same degree of direct control by the people of those affairs as they exercise in cantonal matters. With the exception of Freiburg, which has an almost pure representative form of government, the Swiss Cantons, in varying degrees, approach pure democracy in the conduct of their political affairs. In them the germ of direct legislation survived from the primitive methods of communal legislation, when the residents of the communes, as is the practice in some New England townships to this day, met in mass meeting at stated periods, proposed laws, and debated and enacted them by the count of upraised hands. This method was gradually extended to the larger affairs of some of the cantons, and to-day the following two Cantons and four half Cantons, Uri, Obwalden, Nidwalden, Glarus, Appenzell interior, and Appenzell exterior, are still legislating in this primitive democratic fashion. This is the "landsgemeinde," or land-community system, and these meetings have been participated in by as high as 10,000 Swiss voters, who thus dispose of proposed constitutional amendments, passage of general laws, and the election of officers. In most of the Cantons, however, legislatures have taken the place of the "landsgemeinde," but as checks on these legislatures there has come into existence in every Canton, except Freiburg and the "landsgemeinde" Cantons, the initiative and referendum on all general laws of the Canton.

SWISS LEGISLATIVE BODIES.

The country in which these advances toward pure democracy have been made is a Republic, in many respects similar to, and again in some vital respects essentially different from, the form of government in the United States. Switzerland is composed of 22 Cantons, 3 of which are partitioned into half Cantons. These Cantons in modern development were first bound together by the constitution of 1848 into a confederacy in a manner like our own colonies by the Articles of Confederation, and were finally welded into a firm national entity by the constitution of 1874, as were the United States by our own Constitution of 1790.

The Swiss Federal Government has a legislative body called the Federal Assembly, which is composed of two houses—a Senate, or Council of State, constituted of two members from each Canton, and a Lower House, constituted of one representative for each 20,000 inhabitants, who is elected for three years. The Swiss Senate has no such power over treaties or appointments as has the American Senate. It is, in fact, but a second legislative chamber, coequal with the Lower House.

NO REAL PRESIDENT.

There is also a President and a Cabinet, but not in the American sense, for the Swiss, neither in their national affairs nor in their cantonal affairs, give to any single man the power that the Americans put in the hands of a President, a governor, or a mayor. The federal executive control in Switzerland is vested in a federal council of seven members, elected by the Federal Congress in joint session, with one of its members named as President of the Republic, but who in reality is only the presiding officer of the Federal Council. This executive council serves for three years. Its presiding officer, the President of Switzerland, is elected for one year and can not be his own successor. His salary is $2,605 per year, which is about $300 a year more than the other members of the council receive. The councillors may not engage in private business or practice a profession while holding office. They have a "consultative" voice in Congress, but no vote. The general decrees of the council, as well as the laws of the Federal Congress, with certain exceptions, are always subject to a referendum on the application of 30,000 voters.

THE JUDICIARY SYSTEM.

Such, in brief, are the legislative and executive branches of the Swiss Republic. The judiciary is no less interesting. A Canton usually has four sets of courts. One is an arbitration tribunal having jurisdiction principally in the matter of disputes between employers and employees. Then there is what we would call the justice of the peace court, in which the justice first sits as an arbitrator in an effort to bring the contestants together so as to avoid litigation. If he fails, then he sits as a magistrate and decides the case as such. Next, there is a higher court which has jurisdiction over a district, or division, of the Canton; and above that is what we would call a State supreme court, which has final jurisdiction in a Canton. All judges are elected for varying terms, ranging from one to eight years. In addition to the cantonal courts there is a federal court, which settles disputes between the Cantons themselves and between the Cantons and individuals. This court, however, can not pass on the constitutionality of any federal act or nullify any federal law. This can be done by congress alone, subject always to the referendum.

The inability of their highest court to reconcile conflicts between federal laws and the constitution does not appear to perturb the Swiss greatly. In fact, it is not clear where there is any need for a constitution at all when that instrument may be changed at will by a mere majority vote of the people in a majority of the Cantons, on the initiative of either the Federal Congress or 50,000 voters, while a law may be changed only on the initiative of congress and with the consent of a majority of the people, if a referendum is demanded. If congress is opposed to the change, it is easier to change the constitution than the law, because the Swiss permit the people to initiate a constitutional amendment, but not a statutory amendment.

This anomaly in government has resulted in the strange incorporation in the constitution, instead of in the law, of the ordinance against slaughtering animals by bleeding without first stunning them. Due in part to racial animosity and in part to a crusade by humane societies against the slaughtering methods of the "kosher" butchers, the Swiss sought in vain to get a federal law against this method of slaughtering, but having no statutory initiative, they fell back on all they had—the right to initiate constitutional amendments—and by a majority of 64,000 wrote into the constitution the provision that they had no means of writing in the statutes.

PEOPLE LIKE NEW SYSTEM.

This brings us to the questions: How do the Swiss feel about the initiative and referendum? How generally and how intelligently do they participate in these legislative votings?

Prof. Frank Parsons, in his study of the Swiss Government, makes this answer to one question:

"I did not find one man who wanted to go back to the old plan of final legislation by the elected delegates without a chance of appeal to the people."

As to the other question, the statistics and the records, studied in the light of the purpose of these instruments for direct legislation, bear interesting testimony which is variously interpreted by those who have delved into this fruitful subject.

It is a matter of common criticism of the Swiss system of direct legislation that except in the Canton of Zurich, where failure to vote is punishable by a fine, only a part of the people, usually about one-half, participate in the referendum. That the attitude of the Swiss is to let those who believe that they understand the proposition to be voted upon decide its fate is indicated by the fact that in Zurich, where voting is compulsory, there are always a large number of blank ballots cast on the pending proposals. It is also asserted that a large number of people out of an abundance of caution vote against the adoption of a law or an amendment which they do not understand or as to the effect of which they are not certain.

PERCENTAGE OF VOTING CITIZENS.

An instance of this state of things is found in the vote on the constitutional amendment to extend to the people the power of the initiative in proposing amendments to the constitution. Out of 641,692 registered voters only 303,628 voted—183,029 for the initiative and 120,599 against it. In Cantons where voting is compulsory from 94 to 97 per cent of the registered vote was cast, while in other Cantons only from 10 to 19 per cent of the voters participated in the referendum. Commenting on this situaton, Simon Deploige, the Belgian publicist, who is a sharp critic of direct legislation, says: "It is a little ridiculous to talk of legislation by the people where more than one-half of the citizens refuse to exercise their legislative rights."

Other *publicists*, however, point out that the Swiss have incorporated the initiative and referendum in their political machinery not to have the people do all of the legislating, but to hold over the legislators a club in the shape of the initiative to compel them to direct legislation along the desires of the people at large and to exercise as a veto against pernicious legislation the referendum. That practically all of the legislation for Switzerland is still done by the Federal Congress or the cantonal legislatures is shown by the fact that in the first 20 years of the existence of the present constitution the referendum was demanded in regard to but one-sixth of the laws passed by the Federal Congress, leaving five-sixths of the legislation of that body to become laws unchallenged. Only one-tenth of the laws passed by the Swiss Federal Assembly were rejected on referendum. In that time the Federal Assembly proposed seven constitutional amendments, of which the people rejected six and accepted one. In the first six years after the initiative on constitutional amendments became effective, which was in 1892, the people proposed six such amendments to the constitution, of which one was accepted and five rejected on referendum. When a constitutional amendment proposed by the initiative of the people is voted upon, it must obtain not only a majority of all votes cast, but a majority in a majority of the Cantons in order to become effective.

MANY MEASURES DEFEATED.

The record of the initiative in the Cantons is just as illuminating. The most frequently cited example is the record of Zurich, between 1869 and 1885, inclusive. In those 16 years there were proposed through the initiative 18 measures, of which only 4 obtained the sanction of the cantonal legislature, and of these 4 the people, on referendum, rejected 2 and accepted 2. In the fifth case the legislature offered a substitute for the initiative proposals, the substitute being adopted by the people. Of the 13 proposals which the legislature disapproved, the people, on referendum, adopted 3 and rejected 10. The 3 laws adopted against the judgment of the legislature were: Establishment of a house of correction for the reformation of tramps; the reestablishment of the death penalty, which was subsequently reabolished; the abolishing of compulsory vaccination. The experience in Zurich is cited by opponents of the Swiss system as showing that the initiative and referendum are too easily made the vehicle by which the passing storms and spasms of public opinion can be enacted into unjust or harmful laws.

Enough has been shown in this brief survey of the two principal instruments of direct legislation in the Swiss governmental machinery to indicate their defects as well as their merits. These defects appear to lie largely in the details of the working, as, for instance, in the small number of petitioners that can force the consideration by the electorate of legislation, the frequency of resulting elections, and the lack of those safeguards that would tend to give greater stability to the constitution than to change the new statutes. In some Cantons the annoyance of frequent elections has been obviated by the institution of the compulsory in place of the optional referendum, held at stated periods, sometimes once a year and sometimes twice a year, at which all general laws and decrees, except those of an urgent character and those dealing with detailed fiscal matters, as the division of the budget allowances, are voted upon at one time.

In this article no reference has been made to the institution called the recall. The student has to look hard and long in the literature on popular government in Switzerland to find a discussion of the recall or its application. The short terms for which Swiss Government officials hold office, the direct control over the acts, not only of the legislators, but of the executive council of the Federal Government as well as of the Cantons, appears to have obviated the necessity for instrument of popular will which has been found necessary and successful in some communities of our own representative form of government. The recall is a check on the personal equation of almost unrestricted representative government, whereas in Switzerland the powers of the persons elected to office have been reduced to a minimum through the direct control of the people by means of the initiative and referendum over the acts of the representatives.

"Prior to the referendum," says John Roger Commons in his essay on the Swiss Government, "Switzerland was going through an era of political villainy quite similar to that which the American people know so well. In fact, Swiss politics from 1830 to 1860 reads quite like a chapter in current America. It was no abstract philosophy or democratic instinct that brought the referendum. The people were driven to it as the only certain means of expelling corrupt wealth from politics. The Canton Vaud adopted it immediately following an especially exasperating grant of subsidy to a railroad corporation. Other Cantons followed. Switzerland was rescued from evils that now threaten other democracies. No longer could lawmakers sell out the people; they could no longer 'deliver the goods.' The people themselves must ratify the bargain."

A contrary view of the Swiss system, especially as to the possibility of its incorporation into our own political machinery, is that of Prof. Albert Bushnell Hart, who says:

"Conventions and caucuses with us take the place which the initiative is meant to fill in Switzerland. So different are the conditions in the two countries that the success of the referendum in one does not at all imply that it would work well in the other; while if the referendum has disappointed friends in Switzerland, where it harmonizes with other institutions, it is not likely to succeed in the United States. A national referendum would nullify the Senate and hence be a complete change in the American system of government and probably a national misfortune."

The common fear is expressed that the initiative and referendum would usher in an era of radicalism, but such is not the conclusion reached by Abbott Lawrence Lowell, who points out that radicals in Switzerland oppose the extension of these institutions to general legislation, because the Swiss experience shows that instead of being a means of radical advance, it has proven a powerful influence for conservatism. In discussing this phase of the subject in an article in the Atlantic Monthly, Mr. Lowell says:

"Several very marked tendencies are observerable in the treatment by the people (of Switzerland) of the various measures submitted to them. The first of these is a tendency to reject radical laws, especially those that are in any way extreme, for in both the Federal and cantonal matters the people have shown themselves more conservative than their representatives. It is clear that in Switzerland a measure can not pass unless it is so thoroughly ripe that there is a good deal of agreement of opinion about it, and it is equally clear that the people are less willing than their representatives to try experiments in legislation."

Upon the experience of the Swiss the advocates of direct legislation as checks on the system of representative government in this country have drawn for guidance and inspiration. The progress that has been made in the United States in this direction, the adaptation of the Swiss system to our conditions, its elaboration and inclusion of the recall, will be the theme of the third article of this series.

DIRECT LEGISLATION WITHIN THE STATES—INITIATIVE AND REFERENDUM IN PRACTICAL OPERATION IN FIVE COMMONWEALTHS—ACTS AS MUNICIPAL CLUB—MOVEMENT FOR PURE DEMOCRATIC CONTROL OF LAW-MAKING OR REJECTION PROCEEDS ON TWO LINES.

WASHINGTON, *April 7.*

In five States of the United States, having an aggregate population of 7,774,760, the initiative and referendum, applicable to constitutional amendments and general State laws, is in practical operation. In three States, having an aggregate population of 1,702,312, the initiative and referendum is in operation applicable only to State laws. In one State, Nevada, with a population of 81,875, the referendum, without the power to initiate legislation, is in operation as regards State laws. In addition, there is a compulsary referendum on constitutional amendments in effect in every State of the Union, except Delaware and South Carolina.

Furthermore, 9,535,133 people have the right of initiative and referendum in regard to making known public sentiment on vital public questions, which ascertained results, however, is not binding on the legislatures. This system prevails in Illinois and Texas.

FURTHER PROGRESS THAN SWITZERLAND.

Thus, it will be seen that direct legislation has progressed further in the United States than Switzerland to this extent: That, whereas in Switzerland 3,315,433 people have the right of initiative and referendum in regard to constitutional amendments, and only the referendum on general State laws, 7,774,760 people in five States of the United States have the right of initiative and referendum as to constitutional amendments and also the initiative and referendum in regard to State laws. The extent of direct legislation, binding on State legislatures in the United States, is told in the following tabular summary:

TABULATED SUMMARY.

	Population.
Initiative and referendum applicable to constitutional amendments and State laws:	
Arkansas	1,574,449
Missouri	3,293,335
North Dakota	577,056
Oklahoma	1,657,155
Oregon	672,765
Total	7,774,760
Initiative and referendum applicable to State laws and not to the constitution:	
Maine	742,371
Montana	376,053
South Dakota	583,888
Total	1,702,312
Referendum on general State laws:	
Nevada	81,875
Initiative and referendum to obtain public sentiment, not binding on legislature:	
Illinois	5,638,591
Initiative and referendum within party primaries, not binding on legislature:	
Texas	3,896,542

From this tabulation it will be seen that in the United States 9,558,547 people may exercise, in a binding way and in varying degrees, the two principal checks of popular over representative government, namely, the initiative and referendum.

GREATEST PROGRESS IN STATES.

In Switzerland direct legislation began in the communes or municipalities, and subsequently extended to the Cantons, or States, while with us direct legislation on a large scale has made its greatest progress with the States, and is rapidly being extended in general matters to the municipalities. The result is that, while in Switzerland direct legislation is practically universal in the municipalities, in the United States it either is limited in application or, where it covers the whole subject of municipal legislation and administration, it is limited to a few States and to a small part of the aggregate population of the country.

Direct participation by the people of the United States in legislation is confined to States and their minor civil divisions. In nothing relating to the Federal Government can a direct vote be had, except in the matter of electing Members of the House of Representatives of Congress. While there exists the principle of both the initiative and the referendum in the process of amending the Federal Constitution, it is available only to the State legislatures and not to the people directly. On the other hand, everything in the way of State government, save the making of laws, is settled by a direct vote of the people, including, except in Delaware and South Carolina, compulsory referendum amendments to the State constitution.

PLAN TAKING ROOT RAPIDLY.

But rapidly there has been taking root in the States the plan of extending to the people the same right, at their option, of ratifying or rejecting general laws as they have of ratifying or rejecting State constitutional amendments, but where this movement has taken hold the people, except in Nevada, have obtained the right to initiate or propose laws as well as to ratify or reject them.

The movement for the introduction of popular checks on representative government in this country has proceeded on two distinct lines in State and municipal affairs. In State matters the greatest development has been in the application of the initiative and referendum as checks on the legislatures, with only a few instances of the recall applying to State administrative officers. In municipal affairs the greatest development has been in the introduction of the recall, with the initiative and referendum, or the referendum alone, in a secondary position. This seems to arise from the fact that in State affairs the legislature exercises a function that is closer in with the immediate concern of the people than are the administrative acts of the State officials, whereas the larger police powers of the municipal administrations brings them in closer touch with the individual citizen. Hence the initiative and referendum in State legislation gives the public control over that branch of State government that concerns them most directly, and with this power to direct and veto the acts of the legislators, the recall has not been considered of prime importance in State affairs. In fact, only Oregon has the recall, applicable to State officials, including the judiciary, but it has never invoked this agency. On the other hand, by the use of the recall, a club is held over the aldermen and the administrative officers of the cities, and therefore has been first seized upon as a controlling agency in municipalities. But in a legislative way the recall can have the effect only of a deterrent, and hence, for a more complete control over aldermanic statesmanship the development in direct legislation in municipalities has been toward the introduction of the initiative and referendum.

GROWTH OF PUBLIC SENTIMENT.

The growth of public sentiment for power to exercise the right of initiating or vetoing legislation by the people is due to a vital defect in our representative form of government which does not provide the means of making a representative, during his term of office, live up sincerely to the promises and representations on the strength of which he was elected to serve his constituents. In our form of government the voters surrender to the representatives all control over government for a period of two, four, or six years, and they can not exercise their convictions as to governmental policy except through electing such men to represent them as promise to enact those convictions into laws. Those promises usually are given in the form of party platform pledges on which the candidate for office seeks the vote of the people. There, however, the control of the voter over governmental policies in the United States ends. There is no sure way to hold the representative to account if he violates the pledges in his platform. He can not be disturbed during the entire period of his election, no matter how grossly he breaks every pledge he gave in order to win enough votes to elect him to office. In this connection it is pointed out that, while it is true that the people need not reelect him at the expiration of his term, it is also true that, if he is a plausible excuse-maker or a good political-machine builder, or can inject into the campaign a lively diverting issue, he frequently slips back into office on the strength of his plausible personality, or through the power of his machine, or by reason of his skill in directing the campaign so as to center fiercely around some diverting issue. But even if he is not reelected, there is no way to keep him from misrepresenting the people during his first term.

Thus, to enable the people to go over the heads of politicians who become no longer responsive to the public will, or who violate their platform pledges, the initiative and referendum has been devised. In a like manner the recall is designed to enable the people to remove an officer whose acts do not square with his promises, or whose policies have grown out of harmony with those of the people whom he was elected to represent.

LITTLE TROUBLE WITH LEGISLATORS.

The Swiss experience is that with the initiative and referendum in effective operation little trouble is experienced with the legislators, for they can no longer block reforms nor put through corrupt deals unless the people give their consent thereto in the event that such deals are challenged by a referendum. Therefore the recall has its main use in its application to administrative officials who may be out of harmony with the policy and sentiments of the community, generally in fiscal, law enforcement or public development matters. That is the reason given why the recall has been seized upon so eagerly by municipalities, especially in ring-ruled communities.

MODERN MOVEMENT IN 1898.

The modern movement in behalf of the initiative and referendum as checks on State legislatures bore its first fruit in 1898, when South Dakota adopted it in reference to general laws by a vote of 23,000 to 16,000. As to its results in South Dakota, former Gov. Charles N. Herriard, of that State, is quoted in Senate document No. 529, first session of the Sixtieth Congress, as testifying thus:

"Since the referendum has been a part of our constitution we have had no chartermongers nor railroad speculators, no wildcat schemes submitted to our legislatures. Formerly our time was occupied by speculative schemes of one kind or another, but since the referendum has been a part of our constitution these people do not press their schemes on the legislature, hence there is no necessity for having recourse to the referendum."

OREGON PLAN WORKED OUT.

Four years after South Dakota adopted this system Oregon came to the fore with what many considered to be the most carefully worked-out plan for initiative and referendum applicable to the State constitution and State laws that has yet been devised. It was adopted by a vote of eleven to one, the exact figures being 62,024 for and 5,668 against the plan. The Oregon plan, in brief, provides that every initiative petition must contain the full text of the proposed measure, must be signed by not less than 8 per cent of the legal voters, and must be filed at least four months before the time of the election at which it is to be voted on. A referendum petition must have the signatures of 5 per cent of the voters and be filed not more than 90 days after final adjournment of the legislative assembly. A majority vote makes any measure a law. This is the Oregon plan as embraced in the constitutional amendment of 1902. In 1907 a law was enacted designed to perfect the system. It provides the following detail for the publication and distribution of the proposed measures, with arguments for or against them, which provision is the striking characteristic of the Oregon plan:

STRIKING OREGON CHARACTERISTICS.

Before any election at which any proposed law or amendment to the constitution is to be submitted to the people, the secretary of state is required to have printed in pamphlet form the text of each measure to be submitted, together with the title as it will appear on the official ballot. Parties filing initiative petitions have the right to file any arguments advocating such measures. In the case of the referendums any person has the right to file arguments for or against the referred measures. The parties offering arguments for distribution must pay all expenses for paper and printing to supply one copy with every copy of the measure to be printed by the State. The cost of printing, binding, and distributing the measures proposed, and of binding and distributing the arguments are to be paid by the State as a part of the State printing. Within a specified time before any election at which measures are to be voted upon the secretary of state is required to transmit copies of each measure, together with the arguments submitted, to the voters within the State.

At the general election on November 8, 1910, the people of Oregon voted on 32 initiative and referendum proposals, which, together with arguments pro and con, filled a 208-page pamphlet, thoroughly indexed. The ballot with these amendments and the names of candidates, from Congressman to constables, made a poster almost the size of one page of the average daily newspaper. It took the voters from two and a half to six minutes to mark their ballots. Commenting on the result of this particular election, Frederic C. Howe, in a recent magazine article, says:

SUBJECTED TO SEVERE TEST.

"Direct legislation was subjected to its severest test in 1910, when 32 measures, covering the greatest variety of questions, were submitted to popular verdict. It was generally believed the people could not discriminate between so many measures, some of them in conflict and a considerable number involving expert knowledge and taxation, legal procedure, educational and industrial conditions.

"Of these measures 9 were approved and 23 defeated, many of the latter by decisive majorities. Fifteen of the measures were put forward by local interests for the division of counties, for normal schools, and asylums. These were generally defeated, as was the woman's suffrage amendment and the resolution for a constitutional convention."

Among the constructive results of this election was the enactment of a law providing for a verdict in civil cases by three-fourths of a jury, instead of by the verdict of 12 men, and also the simplification of the judicial procedure, by which the supreme court is directed to enter judgment in a civil suit if, from all the testimony presented, it is evident to the superior court that the verdict in the trial court is a just one.

CRITICS POINT OUT WEAKNESS.

While in the opinion of its advocates the initiative and referendum suffers nothing by reason of the multiplicity of measures submitted to the people, this very fact, as is evidenced by the Oregon elections, is regarded by its critics, who are not necessarily its opponents, as an element of weakness in the system. Prof. Lowell, in an article in the Atlantic Monthly, points to a number of contradictory and illogical measures submitted at various times to the people of Oregon through the initiative, some of which have been adopted and some rejected, and to him it seems that the initiative will eventually result in a hodgepodge of law, full of reconcilable contradictions. In some of the Swiss Cantons this criticism has been met by provisions requiring the legislatures to submit to the people their judgment in the way of a favorable or unfavorable report on, or a substitute bill of its own for, every initiative proposal. The people, then, at the polls accept or reject the advice of their representatives.

PLAN SERVES AS MODEL.

The Oregon plan has served as the model, in whole or in part, for other States. In rapid succession the system spread to North Dakota, Missouri, and Oklahoma, the latest State to adopt the initiative and referendum being Arkansas. The California Legislature has recently passed an amendment to the constitution providing for the initiative and referendum and recall, which is yet to be voted upon by the people, and now there is knocking at the door for admission into the Union Arizona, with a full-fledged initiative, referendum, and recall, modeled after the Oregon law, and demanding that it be not denied admission because it proposes to have the same system which another State already has, and which it contends every other State can have if the people choose to so amend their constitutions.

PUBLIC LAW OF ILLINOIS.

Compared with this system the recent operation of the public-opinion law of Illinois is interesting. This law provides that not more than three questions for an expression of popular opinion may be submitted to the people on the initiative of 10 per cent of the voters of the State. This plan has been in operation since 1901. It has resulted in very decisive expressions of public opinion on public questions, but on the whole it has produced little legislation in accordance with those expressions on the more important matters, because the legislatures were not bound by the results of these elections. The latest instance is the overwhelming vote in favor of the initiative and referendum. On this proposition more than 570,000 votes were cast, and the result in favor of the initiative and referendum was nearly 4 to 1. The present legislature, in disregard of such an overwhelming expression of sentiment, has failed to enact the system into law.

HOPELESS SYSTEM IN VOGUE.

It is almost amazing what a large vote is cast, year after year, in Illinois, under such a hopeless system. In fact, the number of votes cast on referendum in the United States generally is interesting. In Oregon the total average vote cast for all candidates was 102,500, while

the highest number of votes cast on any one measure was 104,100, and the lowest, on a bill to create a new county, was 68,326, the average on the 32 measures being 85,042. The highest vote cast on any one proposal was within 6,000 of the whole vote cast for President in 1908. Such results are important when it is considered that one of the most frequent criticisms of the initiative and referendum in Switzerland is that, as a rule, except in the Cantons where voting is compulsory, less than half of the voting strength is polled on referendum elections. More than half as many votes were cast under the impotent public-opinion system of Illinois recently as were cast for President in that State in 1908. It is an indication of greater popular interest, if not greater competency, in the exercise of the right of direct legislation in the United States than in Switzerland.

In this article no mention has been made of the extension of the initiative and referendum to cities. In American municipalities it is usually associated with the recall, and the next article of this series will deal with the subject of the recall in States and cities in this country, the battle for its introduction, and some notable instances of its application.

DIRECT LEGISLATION AND ITS WORKINGS—HISTORICAL AND MODERN REVIEW OF INITIATIVE, REFERENDUM, AND RECALL—MEASURES POWERFUL—SENTIMENT OF RECALL DATES BACK TO EARLY HISTORY OF FEW STATES—WHERE USED.

WASHINGTON, *April 13.*

The recall is less of an innovation in American constitution making than are the referendum or initiative. The recall was written into the first Constitution of the United States, known as the Articles of Confederation. The fathers, to whose sagacity public men so frequently refer, wrote it into Article V of that instrument in unmistakable terms, when, in providing for the election of Delegates to the National Congress, they reserved to each State the power "to recall its Delegates or any of them, at any time within the year, and to send others in their stead for the remainder of the year." When the delegates to the Constitutional Convention undertook to write a new organic law for the Nation they created the second chamber of Congress, the Senate, and left out the recall provision of the Articles of Confederation.

But there is another constitution, older than the Constitution of the United States, into which the fathers wrote a recall sentiment—the constitution of the State of Massachusetts. The recall is in that instrument to this day and will be found in Article VIII, which reads:

"In order to prevent those who are vested with authority from becoming oppressors, the people have a right at such periods and in such manner as they shall establish in their frame of government to cause their public officers to return to private life, and to fill up vacant places by certain and regular elections and appointments."

In keeping with the spirit of this provision Massachusetts elects her State officers for but one year.

Former United States Senator Blair, of New Hampshire, calls attention to the fact that "the power of removal of the judiciary by address of the two houses of the legislature existed, and perhaps still exists, in the State of New Hampshire, while the entire judiciary has been changed frequently by the legislature, and the courts, since I can remember, about four times."

IN USE IN OREGON.

Coming down to the present day and to the power of the recall vested directly in the hands of the people, the record shows that Oregon has had the recall, applicable to all elective State officers, judicial, administrative, and legislative, for the last three years. It was written into the constitution through direct legislation, the constitutional amendment providing for it being adopted by a vote of 58,381 to 31,002. In Oregon the recall on State officers can be invoked on the application of 25 per cent of the legal voters. This agency of control, however, has not been invoked by the people of that State since its adoption. In this respect the experience of Oregon is similar to that of Switzerland, where the recall is found in about one-third of the Cantons, but is rarely invoked. As a matter of fact, the Swiss have a way of continually reelecting their public officers, so that a competent man in office is there for practically all of his life.

The recall, as affecting State officials, has not yet gone beyond Oregon, but is incorporated in the proposed constitution for Arizona, and just recently has been submitted to the people of California by the legislature of that State. The California proposal also provides for the initiative and referendum, and the situation there in regard to the application of the recall to the judiciary is particularly interesting. In an extended article in the New York Evening Post on the recent political revolution in California, written before the legislature voted to submit a constitutional amendment granting to the people the right to recall judges, appears this statement and prophecy by Chief Justice Beatty, of the California Supreme Court:

"A special committee of the legislature is to investigate the most recent decision of the supreme court in the Ruef case, granting the former boss a rehearing of his case in the supreme court. This decision has now been reversed and Ruef is at last behind the bars. Chief Justice Beatty, of that court, in a public statement says that he expects *the legislature* to pass a recall amendment, that a movement will be begun to recall the supreme court judges, and that the movement will be successful."

COL. ROOSEVELT FAVORS ADOPTION.

Commenting on the situation in California, former President Roosevelt, in an interview published by the Associated Press, said that personally he would prefer to see the legislature itself act in the matter of recalls by providing for the removal of an unfit judge by a majority vote of each house without trial, but on assignment of reasons. "That some of your judges have been placed upon the bench under the old convention system, in response to the demands of special interests, I little question," Col. Roosevelt is quoted as saying. "The legislature, however, has preferred to put the responsibility of their recall upon the people themselves, and therefore you are faced by the alternative of leaving the present system unchanged or else adopting the amendment proposed. In the immediate emergency there is no other choice, and this being the case, I feel strongly that the amendment should be adopted."

While, however, the recall is still rare in its application to State officials, whether legislative, administrative, or judicial, it has spread rapidly in various parts of the country in city governments. In almost every instance of its application to local affairs it is accompanied by the initiative and referendum. There is no complete list showing the recall, initiative, and referendum in cities to date, because the movement of extending direct legislation in cities is going on almost from day to day, but the following summary will indicate the extent to which these three instruments of direct control over municipal affairs has developed in the United States:

In Iowa, by a general statute, the recall is granted to every city having a commission form of government, and any city of 25,000 or more may adopt the commission form of government.

In South Dakota there is the same kind of a general law, except that in that State any city of the first or second class or any city having a special charter may change to the commission government, the recall in South Dakota cities being effective upon the application of 15 per cent of the legal voters.

In Oregon in 1906 the people, by a vote of 46,678 to 16,735, extended to every city in the State the initiative on the application of 15 per cent and the referendum on the application of 10 per cent of the qualified voters.

HOME RULE TO THE CITIES.

The next thing to the Oregon constitution and general law granting home rule to the cities is the constitution and statutes of the State of Washington. By an article in its constitution cities of 20,000 may create for themselves freehold charters, which need not be approved by the legislature; and by a law adopted in 1903 the local electorate, on petition of 15 per cent of the voters, may initiate amendments to the charter affecting local matters. Under this law Seattle and Everett, Wash., adopted the recall. By a further provision of the Washington general laws all cities of the second class may recall their aldermen on petition of three-fourths of the legal voters of those cities.

In California all cities of 3,500 population or more may create freeholders' charters, subject to the approval of the legislature, but it has been the custom of the legislature to approve practically all of these city charters. Amendments to such charters may be initiated by 15 per cent of the voters, which amendments, when approved by a vote of the people, must be submitted to the legislature. The amendments, like the charters, are in nearly every instance approved by the legislature. Thus all of the important California cities to-day have either the initiative and referendum or the recall, or all three of these means of direct legislation. In a sense Los Angeles was the pioneer of the recall cities of California, modeling its statutes after the recall law of the Canton Schaffhausen, in Switzerland. It provides for the recall of any elective officer by 25 per cent of the electors who are qualified for the election of a successor to the man to be recalled. Other California cities followed with modifications in the matter of percentage of voters required to force a recall election, as follows: San Diego, 25 per cent; San Bernardino, 51 per cent; Santa Monica, 40 per cent; Alameda, same as Los Angeles, except that it applies also to appointive officers; Long Beach, 40 per cent; San Francisco, 30 per cent; Riverside and Vallejo, 25 per cent. A number of California cities, including Sacramento and Eureka, have the initiative and referendum without the recall, while practically all of the above-mentioned cities which have the recall also have the initiative and referendum.

DALLAS ONE OF THE THREE.

In Texas the initiative, referendum, and recall has been granted by the legislature to three cities by special charters. The Dallas recall provision follows the general lines of the Los Angeles provision, except that in Dallas 35 per cent of the voters is required for a recall election. In Fort Worth the percentage is 20, while in Denison the recall on the application of 20 per cent of the legal voters applies only to the mayor and aldermen. By reason of Gov. Colquitt's veto the initiative, referendum, and recall charter of Texarkana failed.

This summary does not cover all of the direct legislation development in American cities, but it serves to show the extent to which these checks on representative government in municipalities have grown in the past decade. How intelligently it has been used in some communities is shown by the following instance from San Francisco, with a mixed, ring-ridden population of 416,912: On November 15 last San Francisco held a special election at which 38 proposed amendments to the city charter were voted upon. These amendments filled a 36-page pamphlet, and 45,000 voters, about 50 per cent of the electorate, participated in the election. As to the result the well-known weekly publication, the Nation, comments thus:

"Every voter had to discriminate and act separately on the 38 proposals. There were no party emblems to help him. Yet there is nothing in the result to indicate that the decision was not arrived at as carefully as it would have been had the amendments been submitted to a representative assembly. Eighteen of the amendments were carried and 20 were rejected. Practically all the so-called reform amendments were accepted. The franchise rights of the city were safeguarded by the passage of amendments forbidding a monopoly of subways and tunnels and permitting the city to recall a franchise whenever it decides to buy the property of the traction company. Business interests opposed the proposal for the initiative and the recall, and a hard campaign was made against the franchise amendments, but both were carried, although by closer votes than those on most of the other proposals. San Francisco may be boss ridden and union labeled, but apparently the voters know how to decide important public questions intelligently."

MACHINE-RULED CITIES.

How some of the larger cities obtained the recall and the initiative and referendum is an interesting chapter in the development of direct legislation in machine-ruled cities. Seattle is a typical instance. One of the first uses by Seattle of the initiative and referendum was to get a charter amendment for a recall. This was in 1906. It took 25 per cent of the legal voters to initiate a recall amendment to the city charter. The city administration, through its corporation counsel and city clerk, threw one obstacle after another in the way of the movement, and the courts had to be invoked. The supporters of the movement were compelled, through a technicality, to submit the petition for the recall amendment on two separate occasions to 25 per cent of the voters for signatures before they could get it on the ballot, and when it did get there finally the amendment was so worded that the word "recall" did not appear in it for the guidance of the voters. The amendment read as follows: "No. 8. An amendment to fix term of office." It carried by 8 to 1. Of the 17,708 men who voted at this election, which was also the mayoralty election, 10,583 voters located and voted on the amendment, and of this number 9,312 voted for and only 1,271 against it. At this same election an amendment to increase the salaries of the city officials was defeated by 1,000 votes.

POWER OF RECALL FEATURE.

In 1902 Los Angeles adopted the recall by a vote of 5 to 1, after an exciting campaign. It used this instrument of control once and threatened to use it again with interesting results. The Los Angeles official who was removed by the recall was an alderman, whose influence, it was thought, was too uniformly in favor of the corporations that were manipulating city matters through the city council. When an alder-

manic ring voted to give a printing contract to a bidder who was $25,000 higher than the competing bidder, the people of Los Angeles undertook to make an example of that particular alderman. About 40 per cent of the voters in his ward signed a petition for recall and at the special recall election he was retired to private life by a vote of 1,837 to 1,083. His successor, it is said, fought the political machine and the corporations that dominated the machine for a time, but finally gave up the fight and settled down to a passive, innocuous course in the city council that brought upon him the criticism of those who put him in office. The opponents of direct legislation cite this as an instance of the uselessness of the recall, while the advocates of the system contend that it merely demonstrates that the recall alone can not accomplish that which can be better done by a combination of the initiative, referendum, and recall. The advocates of direct legislation in this connection point to another instance in the political history of Los Angeles as showing the moral effect of the recall. The instance is this: Subsequent to the recall of the alderman in question the city council, it is said, attempted to grant a street railway franchise reputed to be worth $1,000,000, without compensation to the city. A cry was raised and a movement was started to recall several of the aldermen, whereupon the proposed franchise ordinance was withdrawn. In 1903 Los Angeles obtained also the initiative and referendum.

BEGINNING ABOUT 1892.

Such is the movement for direct legislation in cities and States in this country. The agitation for it started in an effective way about 1892. After a long campaign Iowa, in 1897, led the way with a general law applying the referendum to all franchise grants. Nebraska followed the same year with a law that was designed to enable cities to introduce both the initiative and referendum. The next year South Dakota adopted a constitutional amendment for the initiative and referendum in State affairs. In 1902 Oregon adopted the system in a form that has become the pattern for other Commonwealths, and then in rapid succession followed the other States. Colorado and Arkansas were the last two States to adopt the initiative and referendum—Colorado by a vote of 89,141 to 28,698 and Arkansas by a vote of 91,363 to 39,680. The proposal is now before the people of California in the shape of a constitutional amendment, providing not only for the initiative and referendum, but also for the recall, applicable even to the judiciary.

Heretofore the question of direct legislation has been either a municipal or a State issue, but recent events have exalted it into practically a national question. These events center around the admission of the Territory of Arizona, with its constitution containing the initiative, referendum, and recall, applicable to all elective State officers. This would make the recall applicable to the judiciary as it exists in Oregon and as it is now before the people of California. Only one State has come into the Union with a constitution containing an initiative and referendum provision. That was Oklahoma, but it did not contain a recall provision. In the United States Senate the fiercest opposition developed among Republicans and some Democrats to the Arizona constitution because of its direct legislation feature, and more particularly because of the proposed application of the recall to all elective officers, which includes the judiciary. This opposition went to the extent that most of the Republicans and one Democrat, Senator BAILEY, of Texas, voted to keep out both Arizona and New Mexico because of the provision in the Arizona constitution, the question being upon a joint resolution to admit the two Territories.

The difference between the two constitutions is interesting. New Mexico's constitutional convention was controlled by Republicans, who did not insert either the initiative or the recall, but adopted a referendum to become effective on the petition "of not less than 25 per cent of the qualified electors in each judicial district of the State," a stipulation which, it is asserted, would make the referendum unworkable under existing political conditions in that Territory. The Arizona constitution provides for the initiative and referendum, the initiative on application of 15 per cent of the voters and the recall applicable to all elective officers. Other notable features of the Arizona constitution are the direct primary system, the advisory primary for United States Senators, nonpartisan elections for the judiciary, juvenile courts with the age of responsibility fixed at 18 years, physical valuation of railroads, abrogation of the fellow-servant doctrine in lawsuits, corporation commission with wide powers.

The Democratic position is that so long as a Territory offers a republican form of government Congress should admit it to statehood, and in the present extra session of Congress they will attempt to force the admission of Arizona as a State. It is the fight that will be made against such action that will probably bring the initiative, referendum, and recall to the front as a national issue, where heretofore it has existed only as a problem in local government.

This situation has produced a widespread interest in the subject of direct legislative agencies, and an interesting variety of views are being expressed upon it. It is with these views, as well as the question as it is now before the Supreme Court of the United States, in the case from Oregon, that the next article of this series will treat.

PROMINENT VIEWS ON DIRECT LEGISLATION—ATTITUDE OF BAILEY, TAFT, AND OTHERS ON INITIATIVE, REFERENDUM, AND RECALL—OPINIONS VARY WIDELY—SOME FAVOR IDEA IN EXTREME FORM; OTHERS THINK IT SHOULD BE QUALIFIED AND LIMITED IN SCOPE.

WASHINGTON, *April 22.*

This necessarily brief survey of the initiative, referendum, and recall in the countries where it has been put to a practical test—Switzerland and certain States of the American Union—would be lacking in an interesting and enlightening detail did it not set forth what some of the leading thinkers and leading politicians have to say upon the subject.

It may be well to set down at the beginning three views that have attracted wide attention—two of them radically different, and the third occupying a middle ground. One of these expressions is by Gov. Woodrow Wilson, of New Jersey, indorsing the Oregon law, which is the most carefully devised system of initiative, referendum, and recall for State affairs in existence. The second is the contrary view of Senator JOSEPH W. BAILEY, of Texas, which denounces as "Populistic heresies" the initiative, referendum, and recall. The third is the middle-ground view of President William Howard Taft.

Immediately after his election to the governorship of New Jersey, Gov. Woodrow Wilson issued the following signed statement on this subject:

"I believe the Oregon system of popular-government laws has wrought a fundamental reform of previous corruption and has brought to the people of the State truly representative government. I believe the system which has been evolved there contains the essentials of a body of laws and constitutional amendments which the people of other States should carefully study with a view of procuring for themselves the manifest benefits which have been derived for the people of that State."

SENATOR BAILEY'S VIEWS.

In his telegram to Gov. Colquitt announcing the withdrawal of his resignation from the United States Senate Senator BAILEY says:

"You know how unalterably I am opposed to these Populistic heresies known as the initiative, referendum, and recall, and I would not be willing to remain in the service if a majority of the party friends associated with me were willing to give their approval to them. * * * I am willing to work to the limit of my strength so long as I can serve the public and at the same time obey what I understand to be the commandment of Democratic principles, but no office could tempt me for one moment to compromise with a policy which I am certain would in the end destroy the Government established by our fathers."

The views which President Taft holds as to the initiative, referendum, and recall, while known generally to his friends, have not been embodied by him in a speech or formal statement, and therefore can not be directly quoted. It is known that President Taft regards these instruments of direct legislation as largely experimental, and he finds no objection to municipalities trying them out, cautious and on a moderate scale. In larger matters he is not inclined to find fault with the referendum limited to such cases where the acts of one legislature would be binding on a succeeding legislature, as, for instance, in the granting of franchises, but he does not favor a general initiative and referendum as found in Oregon, where a great mass of voters is periodically called upon to exercise the fine discrimination that is exercised by a small body of legislators after thorough debate and study of the subjects before them for enactment into law.

President Taft is inclined to go a little further in the matter of the recall. He does not find serious objection to a recall, properly safeguarded, that is made applicable to administrative and legislative officials, but he stands unalterably opposed to the application of the recall to the judiciary.

ROOSEVELT FAVORS IDEA.

To these views may be added a fourth, that of former President Roosevelt, who gives a cautious indorsement of the initiative and referendum, coupled with an almost noncommittal observation about the recall; also a fifth view, that of Senator HENRY CABOT LODGE, of Massachusetts, which is frequently cited by the ultraconservative Republicans of the United States Senate as the last word in opposition to the clamor for more direct legislation by the people.

In his articles on Nationalism, in the Outlook, Col. Roosevelt says in regard to the initiative, referendum, and recall:

"As regards the initiative and referendum, I think that the anticipation of their adherents and the fears of their opponents are equally exaggerated. I believe that it would be a good thing to have the principle of the initiative and referendum applied in most of our States, always so safeguarded as to prevent its being used either wantonly or in a spirit of levity.

"As regards the recall, it is sometimes very useful, but it contains undoubted possibilities of mischief, and of course it is least necessary in the case of short-term elective officers."

OPPOSED BY SENATOR LODGE.

The views of Senator LODGE on the demand for more direct control over legislation are given in a speech delivered in Boston on September 15, 1907, and which, on motion of Senator Hale, of Maine, were embalmed in Senate document No. 114 of the first session of the Sixtieth Congress. Senator LODGE was discussing not a binding initiative, referendum, and recall proposal, but merely a public-opinion bill, such as they have in Illinois, which enables the people by direct vote only to record their sentiment on some submitted public question. In this speech, which is regarded as perhaps the strongest expression in opposition to the principle of direct legislation, Senator LODGE says:

"If you force the legislature to deal with certain measures under a mandate which practically compels them to vote upon these measures in only one way, you take from your representatives all responsibility and all power of action, and the representative principle in your government will atrophy and wither away, until it becomes in the body politic like some of those rudimentary organs in the natural body—quite useless and often a mere source of dangerous disease. This public-opinion bill does this very thing, for it aims directly at the destruction of representative responsibility, and I think, although it received the support of many excellent people, who did not pause to consider it carefully, that it found its origin among those small groups whose avowed purpose is to destroy our present institutions and forms of government and replace them with Socialism and anarchy."

PRESERVING REPRESENTATIVE FORM.

Another interesting view which Senator LODGE presents in that speech is as follows:

"I think the people are eminently capable of governing themselves by proper methods, and that their power should not be distorted and crippled by impossible devices. But the great fundamental objection to this bill is the destruction of the representative principle which it necessarily involves. The resort to the plebiscite is the favorite device of the usurper and savior of society. His opportunity comes when disorder, license, and wild legislation have driven the masses of men to a readiness to sacrifice liberty in the determination to have peace and order, a sad and desperate situation, familiar, unhappily, in the world's history. * * * What we want above all things is to preserve the representative bodies which have ever been the guardians of freedom and of popular liberties in this country."

Hardly less interesting than the study of the initiative, referendum, and recall, and its rapid application in recent years in State and municipal affairs in this country, is the study of the views of our leading public men on this subject. The first thing that appeals to the investigator is the meagerness of information on the part of most public men—not the thinkers, but the average leader in public affairs—as to the results, good or unsatisfactory, that have attended the practical application of these methods of legislative and administrative control. Most of these men are ready to rest their verdict on the deductions at which they arrive from a contemplation of how such a system would work out. Such a verdict is not based upon evidence or experience, and is apt to prove as faulty and defective as a system of government would be apt to prove that is worked out theoretically in great detail from a given principle, without the guidance of a practical test. Yet most public men have reached a conclusion that is either a sweeping indorsement or a sweeping denunciation of these instruments of government, based on a study of the theory, without a clear knowledge in detail as to exactly what the practical tests have developed in the way of good or bad results.

AS MEANS OF REFORM.

The next thing in the study of public opinion on this subject that strikes the investigator is that the political house cleaners seize upon the initiative, referendum and recall as the most effective means for remedying public evils and for holding politicians responsive to the public will—the initiative and referendum for State affairs and the recall for municipal matters. Three rather striking instances are found in the course assumed by former Gov. Folk in Missouri, Gov. Johnson in California, and the late Gov. John A. Johnson, of Minnesota. Each has spoken out eagerly in favor of more power to the people over their public servants as the most effective way of checking or eradicating the evils and abuses of representatives so strongly intrenched, politically speaking, that they feel safe in disregarding the public interests.

Thus Gov. Joseph W. Folk helped along the movement for more direct legislation in Missouri, which has culminated in the adoption of the initiative and referendum in State legislation by his attitude, which he stated thus:

"That the people have direct legislation reserved will do much to permanently end legislative corruption. There would be little use to bribe a legislator to defeat a measure if the people have the right to pass that measure over the head of the legislature. So it would be futile to bribe the legislature to pass a bill when the people have the power to veto it."

IN CALIFORNIA AND MINNESOTA.

Gov. Hiram Johnson, of California, seized upon the initiative, referendum, and recall as the most effective means of freeing the State from the powerful hold of the Southern Pacific Railway Co., that extended even to the courts, and one of the most far-reaching accomplishments of the recent political upheaval in California has been the incorporation in the California constitution of these three instruments of political control by the people over their representatives in office.

How the late Gov. John A. Johnson, of Minnesota, regarded the initiative and the referendum is set forth in one of his inaugural messages to the Minnesota Legislature as follows:

"There can be, I am sure, no valid reason against the submission to the people of a proposed constitutional amendment providing for a direct initiative and referendum. This would give the people an opportunity to vote on the question whether or not they want the right to instruct their representatives and also the further right to pass upon the laws enacted by their legislature. But whether you would care to go so far in this direction, I would urge your consideration of a plan for an advisory initiative and referendum."

WILSON'S RECOMMENDATION.

Whether any of these three reform governors just cited ever shared the opinions of Senator LODGE, or had reached an unfavorable opinion as to how the initiative, referendum, and recall would work out in practice is not disclosed in the range of study upon which this series of articles is based, but the investigation has developed a most interesting modification of the views of one reform governor who is now prominent in the public eye. But a few days ago Gov. Woodrow Wilson, whose indorsement of the Oregon State government plan has been quoted above, sent to the New Jersey Legislature a special message urging that New Jersey cities be given authority to establish for themselves commission form of government combined with the initiative, referendum, and recall.

"The reforms suggested for the adoption of the cities," Gov. Wilson tells the legislature, "do not consist merely in putting their government into the hands of a small commission. Back of this change and in addition to it are the initiative, referendum, and the recall, measures which enable the people to correct the mistakes of their governors, to adopt measures of their own initiative when necessary, and to recall from office unsatisfactory officials."

FORMER IDEAS CHANGED.

This is Gov. Wilson's view in facing a condition. His views, a few years back, in contemplating the subject as a theory, are given in an article recently published. In that article Dr. Wilson discussed two prime objections to the referendum: First, that it assumes a discriminating judgment and a fullness of information on the part of the people touching questions of public policy which they do not often possess; secondly, that it lowers the sense of responsibility on the part of the legislators. What Dr. Wilson thought then of the more creative initiative is perhaps found somewhere in his voluminous contributions to the thought of the day, and is probably as interesting as was his judgment on the referendum. The point in contrasting these two views is that since Gov. Wilson spoke of the referendum in such a dubious vein, the initiative, referendum, and recall have been put in operation in several States and numerous cities, and a study of the results obtained is perhaps responsible for the radical revision of his former verdict on the subject.

In view of the fact that the initiative, referendum, and recall are now occupying the attention of Congress in an incidental way, through the consideration of the constitution of the Territory of Arizona, three recent views expressed by intelligent Members of the House of Representatives are interesting. One of these is by Representative SIMS, of Tennessee, a Democrat; another is by Representative KENT, a progressive Republican of California; and the third is by Representative MCCALL, of Massachusetts, a so-called regular Republican and one of the most scholarly men in the House.

In offering an amendment providing for the application of the recall to United States Senators, Representative SIMS said:

"Revolution can nearly always be prevented if we will only yield to proper public sentiment, even in a conservative way. If you think that this kind of sentiment is going backward, you are mistaken. It is coming. Call it populistic or what you please, the doctrine of initiative, referendum, and recall is coming, and it is coming to stay. It is going to be a part of the national, State, and municipal legislation of this country; if not in the form now demanded, then in some way by which the same result will be reached."

APPLIED TO ARIZONA.

Discussing the Arizona constitution, Representative MCCALL deals only with the provision for the recall of the judges, in regard to which he says:

"I do not believe in the principle of the recall of the judges. The judge would no sooner be elected than he would be liable again to enter into a contest for his place. He would be compelled to argue his possibly complicated legal decision on an appeal to the voters. If he desired to retain his place, he could only do so by constantly deciding important cases not according to the law, but in a way that would conform to the prevailing popular passion. Believing that the recall of judges would be entirely subversive of the independence of the judiciary, and even of well-settled civil government, I am opposed to it."

Representative KENT of California takes this view:

"I am not afraid of the result of such power—the recall—being lodged in the people. I believe that our people are extremely patient and really conservative, and that the attempt to exercise the recall would at once create a sympathy for the person against whom the process is to be applied. I therefore believe that nothing but extremely unworthy conduct or a vitally antipublic attitude, and not a mere trivial difference of opinion, could be a cause for the removal of a judge."

The initiative, referendum, and recall have been tried before another tribunal than the bar of public opinion. It has been fought for and fought against most luminously in the courts of several States, and its final, constitutional test awaits it even now before the United States Supreme Court. The legal consideration of the question goes to the very fundamentals of our form of government. What light, within the understanding of the layman, the courts have been able to shed on the subject will be theme of the next of this series of articles.

GROUNDS FOR GREAT DEAL OF ARGUMENT—MANY LOOK TO SUPREME COURT'S DECISION AFFECTING DIRECT LEGISLATION—REPLETE WITH INTEREST—CONSTITUTIONAL QUESTIONS INVOLVED IN INITIATIVE, REFERENDUM, AND RECALL—RECENT CONTROVERSIES.

WASHINGTON, *April 27.*

By way of bringing to a termination this series of articles on the initiative, referendum, and recall, it may be well to consider briefly the constitutional question involved in the subject.

This question, as raised in the leading cases that have been decided by the State courts and that is raised in the case from Oregon, the first one of its kind in the United States Supreme Court, hinges upon what is meant by the constitutional requirements of a republican form of government. The contention wages over whether the Constitution by "republican form of government" meant a government with power exclusive in the men elected to represent the people, or, in other words, pure representative government, and whether, in that event, the representatives can delegate back to the people for direct legislation any of this governmental power.

Early judicial decisions generally upheld the doctrine that the legislatures have no authority to redelegate to the people the power which is constitutionally vested in the legislatures, and therefore have no authority to refer to the people for adoption or rejection proposed general laws. Judicial citations on this point usually given are Thorne *v.* Cramer (1851, 15 Barb., N. Y., 112), Barto *v.* Himrod (1853, 8 N. Y., 483), People *v.* Collins (1854, 33 Mich., 343), State *v.* Copeland (1854, 3 R. I., 33), Santo *v.* State (1855, 2 Iowa, 165), and State *v.* Hayes (1881, 61 N. H., 264). For a contrary view, State *v.* Parker (1854, 26 Vt., 357) is cited.

REQUIREMENTS OF LAW.

Yet in nearly every State the constitution expressly requires ratification or rejection by the people of legislative acts on specified subjects, as, for instance, State boundaries, location of seat of government and State institutions, public debt and taxation, etc., while, as has been shown in the preceding articles of this series, some 12 States have adopted constitutional amendments, most of them for the initiative and referendum in general legislation, some for the referendum alone, and in one State—Oregon—the initiative, referendum, and recall in State and municipal government.

Whether such sweeping constitutional provisions, particularly the right of the people to initiate legislation, are in contravention of "republican form of government" is the question which is now squarely before the United States Supreme Court for final and conclusive determination in the Oregon case, which is to be heard and decided at the next term of the Supreme Court. The style of the Oregon case is Pacific States Telegraph & Telephone Co. *v.* State of Oregon. It grows out of an action brought by the State to recover from the telephone company 2 per cent of the gross receipts of the company for the year 1906. In that year the people of Oregon by an initiative petition adopted a law to tax corporations on their gross receipts. The Pacific States Telegraph & Telephone Co. resisted this payment upon several grounds, the principal one being "that the initiative and referendum amendment to the constitution, under which the act of 1906 was proposed and adopted, is unconstitutional and void," because it is repugnant to certain cited sections of the Federal Constitution and to the Oregon enabling act. Other issues were raised by the telephone company, such as that the act fixing the tax was never approved by the governor nor submitted to him for approval; that the tax is not equal and uniform, as the company is already taxed under an act by the legislature of 1903 for its franchise to do business, etc. The trial and appellate court sustained the State in all points, and the Oregon supreme court affirmed the judgment of the lower courts. In its decision, by Justice Bean, the Oregon supreme court passes on the question of the constitutionality of the Oregon initiative and referendum as follows:

DIRECT AND INDIRECT POWER.

"Whether the initiative and referendum amendment to the constitution is invalid because repugnant to the provisions of the Constitution of the United States was thoroughly argued to and considered by this court in Kadderly *v.* Portland, and the views of the court as then entertained are indicated in the opinion filed in that case, and it is needless to restate them at this time."

In the case of Kadderly *v.* Portland (44 Oreg., 118) the Oregon supreme court, taking the view of Madison in the Federalist, 302, that by republican form of government is meant a form of government opposed to monarchy or aristocracy, and which "derives all its power directly or indirectly from the great body of the people and is administered by persons holding office during pleasure, for a limited period or during good behavior," finds as follows:

"The initiative and referendum amendment does not abolish nor destroy the republican form of government or substitute another in its place. The representative character of the government still remains. * * * Under this amendment, it is true, the people may exercise a legislative power, and may, in effect, veto bills passed and approved by the legislature and the governor, but the legislative and executive departments are not destroyed. * * * Laws proposed and enacted by the people under the initiative laws of the amendment are subject to the same constitutional limitations as other statutes and may be amended or repealed by the legislature at will."

No briefs have been filed as yet in the Pacific States Telegraph & Telephone Co. case in the United States Supreme Court, but in the presentation of its case against the initiative and referendum before the Oregon supreme court this contention was set up by the company:

"The initiative is in contravention of the guaranty of a republican form of government. (U. S. Constitution, Art. IV., sec. 4.) Govern-

ment by the people directly is the attribute of a pure democracy and is subversive of the principles upon which the Republic is founded. Direct legislation is, therefore, inconsistent with the form of State government which, upon the creation of the Union, the people of the States reserved the right to adopt and repugnant to that form of government with which alone Congress could admit a State to the Union.

"The question is submitted with confidence that the courts of the country will protect the people in the enjoyment of those constitutional checks and safeguards against their own power which, with wisdom and deliberation, they created for themselves. Injustice and misrule have characterized all unconstitutional democracies and all popular governments administered in accordance with the whims and caprices of the multitude."

It was further contended that the initiative and referendum is "contrary to and in violation of the implied provision of the Constitution of the United States, that the government of the several States shall be representative in form and that the several States shall create and maintain legislative assembles." The citations for these implied provisions are sections 2, 3, 4, and 6, Article I; sections 3 and 4, Article IV, of the United States Constitution; section 1 of the fourteenth amendment, and also the provisions of the Oregon enabling act.

It is contended that if the people can override the legislatures through the initiative and referendum the legislatures can not do those things, as, for instance, the prescribing of the time and manner of holding elections for Congressmen, concurrence in the purchase by the Federal Government of military sites, etc., which the Federal Constitution leaves to the discretion of the legislatures.

In this case, which is now before the Federal Supreme Court, the constitutionality of the initiative and referendum was defended on these grounds:

DEFINITION OF "REPUBLICAN."

That the word "republican" has a broad and general meaning, indicating self-government, or popular government, as opposed to monarchy or aristocracy.

That the right of direct legislation has been universally recognized and approved by the State governments and by all departments of the National Government in the matter of the fundamental laws of the different States, in the matter of local legislation as affecting portions of the State, and in the matter of general legislation upon particular subjects wherein the people in their State constitutions saw fit to reserve that power.

That the courts now generally hold that view.

When this case comes before the Supreme Court next term it will be followed with keenest interest by people in all of the States, but it will be of especial interest to the 12,653,645 people of Arkansas, California, Colorado, Maine, Missouri, Montana, North Dakota, Oklahoma, Oregon, and South Dakota, who have both the initiative and referendum in State legislation, and to the people of Nevada, who for some years have been applying a general State-wide referendum to their State legislation. The decision will also be awaited with interest by hundreds of cities in the United States where these agencies of direct legislation have been established.

To those who would follow up this interesting subject of their own accord, a brief statement of sources of information should prove of service. First, it may be stated that no one work has brought the development of direct legislation, with its recent rapid extension to cities, down to date; nor, so far as its extension to State governments is concerned, is there any single work or article that has brought the subject down to as recent a period as has been done in this series of articles.

GIVE SUBJECT SPECIAL STUDY.

There are two organizations in this country that are devoted to presenting arguments and literature on this subject, one in favor of and the other against direct legislation. The former is the Initiative and Referendum League of America, George H. Shibley, president, Bliss Building, Washington, D. C. The opposing organiation is the Representative Government League, W. D. McKinney, secretary, Columbus, Ohio.

Two United States Senators, JONATHAN BOURNE, Jr., of Oregon, and ROBERT L. OWEN, of Oklahoma, have made the initiative, referendum, recall, short ballot, and other agencies for political reform a special study, and have had much direct legislation literature reproduced in the form of Senate documents which they will send out on request under their congressional franks. In addition to these sources, there are several magazines given up in greater or less degree to the advancement of direct legislation, the one following the subject in greatest detail being the quarterly publication called Equity Series, published in Philadelphia. A recent important contribution that has been made on this question is an extended legal analysis by Senator CHAMBERLAIN, of Oregon, published in the CONGRESSIONAL RECORD of April 20, 1911. A complete bibliography of the initiative, referendum, and recall is in course of preparation by the Library of Congress and will shortly be available through application to Members of Congress.

[Editorial Dallas News of Apr. 31, 1911.]

THE INITIATIVE, REFERENDUM, AND RECALL.

With the article which it prints elsewhere to-day, dealing with the legal or constitutional phase of the matter, the series of articles which the News has been running from the pen of its Washington correspondent on the subject of the initiative, the referendum, and the recall is brought to an end. It was the purpose of the News, in printing these articles, to throw an uncolored light on a subject that was manifestly in need of illumination of that kind. They have excited a great deal of discussion in Texas, mostly academic, since there was no pending issue that involved the question of their adoption, and this discussion has disclosed less knowledge than lack of knowledge. The News believes that these articles have served their purpose excellently. It would not be possible, of course, to exhaust a subject of that depth and breadth in five articles, limited each to such space as a newspaper can afford to give to a single topic, but they must have supplied a working basis for such as care to make a thorough study of the subject and somewhat rectified the preconceived notions of those whose opinions as to the virtue of these devices were woven out of their predilections or prejudices only.

The News feels that in printing this series of articles it has performed something of a public service, for it must be obvious to most men, regardless of their individual dispositions, that sooner or later we in Texas shall have to deal with this issue in a definitive way. It is, then, in the highest degree important that the judgment that the people of Texas will make should be based on facts rather than fancies; that they should know what the experience of other people has shown to be virtues and the evils of these devices of government. The desire of the people for a larger control of their political affairs is a legitimate ambition, even when they are not impelled to it by the necessity of wresting control from corrupt politicians. Children grown to be men are not content with the restraints and repressions which chafed them not at all as children. Societies are subject to this same law of life, so that the swelling demand for a more direct control of political affairs must in a republic seem to be the result of a purely evolutionary process.

These articles have brought several important facts into clear view. The most important of them, it seems to us, is that whatever the present status of the initiative and referendum, both in this country and in Europe, it has been evolved of natural causes and has been attained by slow process. That is particularly true of Switzerland, where, as if by natural consequence of democratic government, these devices of government first made their appearance. There, the referendum was evolved first, and it came in a single canton as the result of a particularly obnoxious railroad grant. The initiative came afterwards, and both were adopted cautiously, first by cantons and then by the nation. They were not the patented prescription of some theorist, but rough tools forged by experience to handle situations for which there was apparently no satisfactory management with the instruments that had been in use. If, then, that which is born of the travail of necessity has a validity and vitality which is not to be credited to the thing that is spun merely by the imagination, then the initiative and referendum have a parentage that entitles them to at least a respectful consideration.

In the recital of their operation in Switzerland there was much that challenges the arguments of both the advocates and the opponents of these devices of government. For example, it appears that not more than half the people of Switzerland usually participate in initiative and referendum elections. This fact seems to refute the point urged by their advocates that the exercise of direct legislative power by the people must necessarily excite in them a livelier interest in public matters and induce a keener study of political questions. Students of the working of the initiative and referendum in Switzerland have suggested, as an explanation of this rather anomalous circumstance, that it signifies, not a lack of interest in the questions submitted to the voters, but rather a disposition on the part of the average voter to refrain from voting when either he does not understand or is in doubt as to the merits of the question to be determined. That the crowd, meaning thereby the great mass of the people, is strongly inclined by instinct to conservatism, more prone to accommodate itself to the existing order than to undergo the pains of readjustment, is asserted by psychology, proved by history, and is, indeed, verified by common observation among ourselves. The suggestion, therefore, that the rather large abstention from voting in Switzerland is due, not to lack of interest, but to doubt and uncertainty, is in perfect accord with the fact that the popular impulse is conservative.

Another fact disclosed as to the working of the initiative and referendum in Switzerland is that initiative and referendum elections are by no means common, a circumstance that rather supports the argument that the possession of this power by the people tends to make the use of it unnecessary, because of a greater readiness on the part of legislative bodies to respond to the wish of public opinion. This notion is further confirmed by the fact that during 20 years only one-sixth of the laws made in Switzerland were initiated by the people, and that only one-sixth of the laws originating in the Federal assembly have been challenged or submitted to a referendum vote. It is a very notable circumstance, too, that, having the initiative and referendum, the Swiss seem to have concluded that the recall is unnecessary.

But a frequent objection is that the initiative and referendum are exotics with us, and that the experience which the Swiss have had with them has very little didactic value for us. As to the lesson which the experience of one people has for another, that would be a sufficient theme of itself; we shall merely remark that if the initiative and referendum are exotics with us, they seem to have found an environment exceedingly favorable to their propagation. It was shown that the initiative and referendum, applicable to both constitutional amendments and State laws, are in operation in Arkansas, Missouri, North Dakota, Oklahoma, and Oregon, and are available to nearly 8,000,000 people; and that the initiative and referendum, as applicable to State laws but not to constitutional amendments, are in operation in Maine, Montana, and South Dakota, and available in those three States to more than a million and a half people. The power to initiate and pass on laws is exercised, in other words, by about 9,000,000 people in this country, so that if these devices of government are of alien birth they have pretty far undergone the process of naturalization. It ought to be said that these figures do not take account of the advisory initiative and referendum in Illinois, nor of the party initiative in Texas.

In this country the initiative and referendum were first espoused by the people of South Dakota, but it remained for the people of Oregon not only to give the most absolute application, but to devise particular features designed to make them more workable. The severest test to which these devices were ever subjected was probably last year, when the people of Oregon at one time passed judgment on 32 measures, as diverse in their subject matter as they were numerous. And it is a remarkable fact, of which the advocates of these devices can not fail to make much note, that of the 32 measures submitted to the people all but 9 were rejected.

In all discussion of the subject of direct legislation the initiative and referendum are usually linked, as if they were but two phases of the same thing, while, as a matter of fact, they are distinct entities. The referendum, as we have said, or, rather, the adoption of it, preceded the adoption of the initiative in Switzerland; and in Nevada the people have the referendum without the initiative. But in all other States in this country one has been taken with the other. Nevertheless, they are not parts of the same thing, nor even twins. One can be, and is, used independently of the other. They are not of equal merit, and an argument could be made for one which would give very little support to the other. Our Washington correspondent, in his articles, cited a very notable instance of this fact by quoting from an article recently written by Prof. Lowell for the Atlantic Monthly on the working of the initiative and referendum in Oregon. Prof. Lowell, while inclining palpably to favor the referendum, pronounced against the initiative, on the ground that with the people free to propose laws the statute books would become a hodgepodge of conflicting enactments.

This seems to be a valid and cogent criticism, although it could hardly be contended that statute books which legislatures have made are remarkable for the harmonious coordination of their several chapters. But of course the sovereign answer to all these criticisms is that, like everything that is new, the initiative and referendum will be subject to no final judgment as to their worth until they shall have under-

gone the test of experience. Our Federal Constitution was subjected to a good deal of tinkering before it became measurably satisfactory. The greater part of it as it exists to-day was added by way of amendment, suggested by experience, and it is to that test that the initiative and referendum will be subjected; and it is by that test that they will be judged. If they withstand that test, they will become fixed principles of our Government, despite all the theorizing and argument that can be brought to bear against them; and if they do not withstand that test, they will be rejected finally, despite all the theorizing and argument that can be invented in their behalf. So far the progress which these ideas have made prove them to be an evolutionary process. If they come of that legitimate and irresistible cause, it would be fatuous to oppose them. The utmost that wisdom should attempt is to demand that they shall prove themselves at every step of their progress.

Mr. NORRIS. Mr. Chairman, in the consideration of this resolution for the admission of these two Territories as States it seems to me we ought to draw a distinction between the making of a constitution, by representatives, for a people who must live under it and the approval of a constitution by Representatives who will not live under it. As I look at it, our duty here is to ascertain whether these constitutions are republican in form and whether they conflict with the Constitution of the United States. If they are republican in form, and if they do not conflict with the Constitution of the United States, we ought, as Members of this Congress, to approve those constitutions, even though we do not agree with all of the stipulations that are contained in them. If I were a member of a body that was making a constitution for Arizona and New Mexico there *are things* in both these constitutions that I would oppose, and there are other things, not in them, that I would include.

But it has not been seriously contended here by any man that these constitutions are not republican in form or that they conflict with the Constitution of the United States, and it seems to me that it is our duty to approve them, as long as they are in accordance with the wishes of the people who must live under them and having been made by direct representatives of those people.

Mr. Chairman, I am a believer in the initiative and the referendum, and also in the recall, and yet I have never believed that the recall ought to apply to the judiciary. From the very nature of things the judge is called upon often to protect the minority against the majority. I believe the experiment is coupled with danger, and yet after listening to several days of this debate, indulged in by eminent attorneys who are Members of this House, I have come to the conclusion that we are overcautious in regard to this particular objection and that many of the objections that have been urged to this particular kind of recall against the judiciary are not entitled to all the consideration that they were intended to have by those who made them. I believe the conditions that have been imagined here by those who have opposed this recall are exaggerated and that they will never occur, at least not in the flagrant forms in which they were presented here.

It seems to me that we can account for the feeling of attorneys who during all their lives have lived in an atmosphere of profound respect for the judiciary. I share in that belief, and I believe we are overcautious, perhaps, as attorneys, men whose profession and livelihood have led them all along one line of great admiration and respect for the judiciary and the imputation to the judiciary of almost a quality of infallibility.

It has been said by those who have opposed the initiative and referendum that if it had existed Washington would have been recalled. Mr. Chairman, I deny it. Washington was reelected after four years of service by practically a unanimous vote. He would have been elected again for a third term by a grateful and patriotic people had he consented longer to serve his country as President. It is said that Abraham Lincoln would have been recalled. I do not believe it. Mr. Chairman, Abraham Lincoln was elected again in the midst of his term of office by a majority so strong that it left no doubt but that the people approved of his action and were anxious and willing that he should continue in office. It has been said by those who have opposed the initiative and referendum that President Roosevelt would have been recalled had that particular power been in existence when he was President. And yet it is common knowledge to all men that President Roosevelt, in order to escape nomination and overwhelming reelection for a third term, had positively and unequivocally to decline. [Applause.]

Now, Mr. Chairman, it has been argued that the people are not sufficiently well posted to pass upon matters that may be submitted to them under the initiative and referendum. It has been argued that representatives in the legislature are better qualified to pass upon the law that they should give to the people than the people are themselves; and yet as a rule all the members of the legislature go back to the people for reelection, and always claim this honor upon their record. Take as an illustration Members of this Congress who go back to their people for reelection—ask for a reelection upon the record made here. That record consists of their votes for and against various measures that come before this House, and they go before their people and ask approval of their conduct. If the people can not understand the meaning of their votes for and against the various bills and propositions that come before us, then how can they intelligently pass upon the qualifications of a Member for reelection? If they understand the Member's record—and they do, and we all know it—then they must know, they must understand, the bills and the measures and the laws that have come before the legislative body for passage or rejection. And if they understand them, why can they not just as well and just as intelligently vote directly upon the measures themselves as they can vote for the reelection or defeat of the man who has made the record?

It has been contended here that they will make mistakes. There is not any doubt but that they will. We never will have a form of government or system of control but what mistakes will be made in connection with it. Everything human is occasionally wrong. Every human being lacks perfection.

But I want to contend that if the initiative and referendum is given to the people it will increase their intelligence, it will increase their understanding, and it will increase their responsibility. When you increase the responsibility of a man, honest and patriotic—and a majority of the people are both honest and patriotic—when you increase a man's responsibility, then you increase his interest, you increase the care he is going to exercise in carrying out that responsibility.

It has been assumed by those men who have opposed the recall that the people are always going to vote wrong; that they are going to go wrong on the recall. It seems to me that that is a weakness in the argument that is its own sufficient answer. If responsibility is increased by giving the people additional power, they will rise equal to the emergency, and become, if it is necessary, more intelligent, and will take a greater interest, if it is necessary, in the affairs of government. [Applause.] And, rest assured, they will meet the responsibility with no more liability to err and go wrong than the representatives themselves. This demand for the initiative and referendum and recall has come about because of the dissatisfaction with conditions that have existed in the past. Great corporations and combinations of wealth have had too much influence in legislative affairs. Political machines by the use of money and political bosses by the control of patronage have controlled legislatures and brought about the enactment of laws detrimental to the public welfare and contrary to the direct will of the people. These influences have elected United States Senators, controlled the nomination and election of Members of the House of Representatives, and in some instances have placed the judicial ermine upon unworthy shoulders. By the use of money and political pie legislatures have been corrupted, bad laws enacted, and the rights of the common citizen disregarded and nullified.

The political machine and the political boss under our present system are the greatest enemies to the progress of humanity and the welfare of the country. The initiative and referendum will put them both out of business. It will give the people the right, whenever they choose to exercise it, to rectify any of the omissions, the wrongs, or the evils of the legislature. It will permit every citizen to have a direct voice in the enactment of laws under which all of the people must live. The existence of the right will act as a check and prevent bad legislation. It will not be abused or exercised to the injury or detriment of society. It simply puts into the hands of the people the right to enact laws for their own government and control. It is foolish to think they would try to use this right to their own injury and detriment.

As every man who has spoken, even those who have argued against this proposition of the initiative, the referendum, and the recall, has admitted, there have been instances of frequent occurrence throughout the country in State and National Legislatures where the expressed will of the people has failed, because of a failure of their representatives to redeem the pledges and promises they have made and to be true to the platforms on which they were elected. It is because of this failure that this demand has come about for a greater participation in the affairs of the government by the people themselves. And if it is a government by the people, as every man will admit, if the consent of the governed is necessary, as the Declaration of Independence asserts it is, then why has any man the right to say, if a demand on the part of the people comes for the right of greater participation in the affairs of the government, that it should be denied? If it is their government, if it is their consent that is necessary in order to perpetuate it, and they want to take a direct hand in the government themselves, why should

they not have the privilege? If they make mistakes, the responsibility will rest upon their own shoulders, and they will have the right, the opportunity, and the will to rectify them.

The recall, against which so much has been said, is not intended by those who favor it to be an everyday occurrence. It is not expected that this extraordinary remedy will be put into operation every day, every month, or every year. If it is in the constitution of a State, it will not be necessary, from its very presence there, to be often used. It will be like the policeman on the corner. So long as he is there there will be no danger of a robbery of the store on the corner. The very fact that the recall is placed in the constitution will of itself have a healthy, a patriotic, and a well-defined effect upon the members of the legislature and other elective officers. We can not afford, either as Members of Congress or as citizens of any of our States, it seems to me, to deny the right or privilege of any people to take into their hands as great a portion of the responsibility of government as they see fit by the exercise of the elective franchise to demand. [Applause.] The people can be trusted to do the right and patriotic thing. We have been regaled with all kinds of improbable, if not impossible, contingencies, under which, it is claimed, officials will be recalled. We have had the recall in some States for several years, and, as far as I am informed, no attempt even has been made to recall a State or even a county official. There is no danger that such an attempt would be made, except in cases of the most flagrant disregard of public duty. It is intended by its advocates for application only in such cases. If by any contingency, however, sufficient signatures could be obtained to apply the recall, without a good and sufficient reason, you can rest assured that the patriotic American voter, moved by his sense of justice and fair play, would rise up in his might and give to the upright official such an overwhelming indorsement as would be the most gratifying and satisfactory compliment that could come to an honest official who has done his patriotic duty. It has been said here that these reforms are favored by designing politicians only. I question no man's motive on either side of the question. There may be those whose motives are not pure on both sides, but the professional politician is against any reform or any change. It stands him in hand to be against this change, because it takes away his occupation and starts him out into the cold world with no visible means of support.

Mr. MARTIN of Colorado. Is the gentleman in favor of the minority report, which says that the people of Arizona must vote the recall of the judiciary out of their constitution?

Mr. NORRIS. No, sir; I am not. I expect to vote for the majority report. [Applause.] I thought I made myself plain at the beginning; that while personally I had some fear and doubt, and if it were a proposition put up to me to vote one way or the other in my own State or any other place where I or the people whom I represent was to be governed by the constitution, I should vote against that proposition, yet, as I explained awhile ago, I do not believe that to be my duty here. But in the majority report that particular proposition is submitted again to the people of Arizona. I think it is wise to submit it again, because, as it has been said, and I think with a good deal of reason, the people of these Territories have been clamoring for years for admission as States, and were, perhaps, inclined to vote for almost any provision in the constitution in order to be admitted, and it may be that there are some stipulations in this constitution that, standing alone, by a straight referendum vote on some particular proposition they might reject. This report gives them the opportunity to do that. If they vote in favor of it, I am in favor of permitting them to have it, and believe that they ought to have the right to have it if they want it, and the majority report puts it up squarely to them as to whether they want it or not. And I believe that if the experiment is tried, we will find at least that the objections are not so serious as many of us have thought they possibly were.

It seems to me, Mr. Chairman, that as to any other proposition in the constitution of either one of these States that, standing alone, as a separate proposition, there would be any doubt about, it would be wise to give the people of those Territories the opportunity to vote directly upon that proposition. But after their constitutions are adopted they will have the right to do that, and perhaps, if there be any evil in either one of those constitutions, in their own time and in their own way they will extricate themselves from the difficulty.

As far as we are concerned, we ought to give them the fullest opportunity to do it. They have expressed themselves on these two constitutions and have, by a large majority in each instance, voted to approve them; and with the safeguard in regard to the two particular provisions, one in New Mexico and one in Arizona, about which there seems to be some doubt, it seems to me we are doing exactly the right thing to give them an opportunity to express themselves again on those two particular propositions. And when they have done it, Mr. Chairman, then we ought to be perfectly satisfied with the result, whether the constitution in all particulars agrees with our ideas or whether it does not.

I believe, Mr. Chairman, that the tendency toward initiative and referendum is going to result in more good to the people of the several States that have been putting it into their constitutions, and others that I think will soon follow, than any other one particular item in any constitution or in any law. It will be placing within the hands of the people the largest possible amount of participation in Government affairs. It will give to them rights that can now only be exercised in an indirect way, and I do not fear but what they will rise to the responsibility that this new duty and this new privilege places upon them. [Applause.]

By unanimous consent, Mr. CRUMPACKER, Mr. HAMILTON, Mr. FERRIS, and Mr. ANDREWS were given leave to extend remarks in the RECORD.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from Virginia, in charge of the time on that side, if he expects to ask the House to meet at 11 o'clock to-morrow morning?

Mr. FLOOD of Virginia. I do; yes.

Mr. MANN. And may I ask how late the committee will continue in session this evening?

Mr. FLOOD of Virginia. I would like to run along until 6 o'clock.

The CHAIRMAN (Mr. GREGG of Pennsylvania in the chair). To whom does the gentleman from Virginia yield?

Mr. FLOOD of Virginia. I will yield 30 minutes to the gentleman from Illinois [Mr. FOWLER].

Mr. FOWLER. Mr. Chairman and gentlemen of the committee, while discussing the resolution before this House for the admission of Arizona and New Mexico into the Union, I shall esteem it a favor if you will not interrupt me until I have finished, as my time has been limited to 30 minutes. After I have concluded, if my time has not expired, I will be glad to entertain a question from any of you.

In the creation of man nature has surrounded his being with certain fixed and unalterable conditions, which are primary in their character and which are coextensive with his existence, among which are air, light, water, food, and space. Destroy any of these and human life at once becomes extinct. While it is impossible to conceive of matter without space, yet it is just as impossible for man to live without air, light, water, and food.

Air and light are gifts from Heaven, and come to us freely. Water is found in abundance, and in such a pure condition that it requires but little exertion on our part to supply our daily wants, but the adequate supply of wholesome food is a different proposition. In all ages it has given mankind the greatest concern, and when coupled with our demand for raiment and shelter, at the very threshold of life, we find that nature has entailed upon us a servitude to ourselves of the most urgent and responsible character. A servitude upon which life itself depends.

In obedience to the same law of nature the herbivorous animal wanders all day long in search of food and drink, each depending upon its own activity for a sufficiency, and when night comes it lies down upon the bosom of mother earth contented for repose. At the dawn of the next day it eagerly enters upon the same monotonous task—day in and day out, the year round—with no other law to obey and with no other mission to fill it labors industriously without complaint and without tiring. No superiors to command; no masters to drive. All upon the same level, following the same instinct—the preservation of animal life.

A wonderful lesson is taught in the simple and harmless habits of this animal. The lesson of perfect equality; no preemption of territory, no corner on the supply of food, however small it may become; all are given an equal chance in the race for life.

How different it is with man. His physical wants are much more complex. The limitation which is placed upon the natural supply of his food products and the crude and unwholesome state in which he receives them from the hand of nature, has forced him to open up and extend a mighty industry—the cultivation of the soil. Out of this industry, by force of necessity, sprang a new and independent business—the production of implements, tools, vehicles, and machinery—by the assistance

of which the farmer might be able to take from the lap of nature annually the fullness of her richest and most bountiful gift.

This gave birth to the workshop and created a demand for new materials, which drove the workman to the forest for lumber and to the mine for iron and steel. Coupled with our demand for structural material for shelter, these two industries have grown to such proportions that the blacksmith now manages the modern steel plant and the carpenter directs the progress of a wonderful lumber industry.

Raiment for our bodies is no less exacting upon our energy and activity. At first the bark from the tree and the grass from the marshes furnished our ancestors with materials for clothing, but they have long since been superseded by the broad acres of flax and cotton, large herds of sheep and goats, and the fruitful product of the busy silkworm. The housewife has no longer any use for the hand cards, the spinning wheel, and the family loom—the cotton and woolen mills do the work for all.

The wooden sandal has been placed in the museum as a relic by the industrious tannery and the mammoth boot and shoe factory.

The necessity for collecting the crude material in centers to be converted into the finished product, and the further necessity of the proper distribution of the finished product among the people for daily use and daily consumption, created the demand for a new and distinct business of great activity and labor. First we had the pack animal climbing mountains and crossing deserts and the galley slave tugging at the oar of rowboats; then followed the invention of steam; and now we have master ships of wonderful capacity crossing the high seas and loaded trains flying across the country at lightning speed.

While it is true that our demands for intellectual and moral culture have given us the public school and the university, charitable, penal, and reformatory institutions, the Sunday school and the church, and other kindred institutions, calling for more or less manual labor, yet the great industrial and commercial enterprises of modern civilization had their origin in the supreme law of nature, which entailed upon us the responsibility of supplying ourselves with food, raiment, and shelter, and upon this responsibility these vast institutions are founded and must depend for their future support, maintenance, and development. This by far is the greatest field for physical labor—a labor which must be performed by us and from which we can not escape, however much we may so desire—and in the performance of which we are carrying out the same instinct of nature as that of the animal on the plain in search of food—the instinct of the preservation of animal life. In my opinion, God intended that every man should bear his just share of these burdens. Is this true? Let us see.

Were the mission of man in this life fulfilled by the supply of our temporal wants, the answer to this question might be less difficult, but as man by nature is both a social and progressive being and as his greatest happiness is not found in satisfying his physical appetite, but in the culture and development of the finer qualities of his mind and soul, we find ourselves confronted with a new field of labor more extensive in its scope and claimed to be by far more important to our temporal and spiritual welfare. Upon this culture our beautiful civilization is founded, and upon its purity and the extent of its future development hangs the destiny of nations.

Thus we find two vast fields of labor spread out before us, in which all mankind are required by the decree of nature to enter and labor.

Physical labor being the most burdensome, it is the most dreaded, and from the earliest history of man we find certain men seeking to avoid it. At the beginning the physical strong—the men—reveled in idleness or amused themselves in the chase, while they forced the weak—the women and children—to cultivate the soil and make the living.

In the primitive formation of government whole communities met on the plains and elected the tallest of their number as their leader. Time and experience gave these leaders a taste for power, luxury, and ease. They picked quarrels with neighboring tribes, and by deception and false promises of reward they organized armies for conquest, and after subduing and capturing weaker and unsuspecting neighboring communities they divided the spoils among their generals, created a feudal system of land tenure, and subjugated their captives—men, women, and children—to a condition of abject physical servitude. They created titles of honors, forced labor to build castles for defense, molded crowns for the head of arbitrary power, and boldly proclaimed to the world the false and damnable doctrine that the right to rule was divine and that kings could do no wrong. They surrounded royalty with large standing armies to enforce cruel decrees for taxation and punishment.

They kept the masses in ignorance, tied them to the wheel of toil, and appropriated the fruits of their labor to create rich dynasties. For long centuries only the few, the rich, were permitted to enter schools of intellectual culture and to participate in the administration of government.

They reveled in ease and luxury, while the poor, helpless masses, driven by whips of cruel masters, were forced to assume the entire burden of physical labor, with no opportunity for mental or moral culture. This was not nature's decree.

To explode this unholy theory of government, and to relieve the people from its baneful and blighting influence, we are told that it has cost the world the lives of 1,500,000,000 soldiers and the expenditure of $40,000,000,000 of wealth. But the light of civilization, directed by the Divine hand of Providence, has led the people out from under the cruel hand of imperial power, as Moses led the children of Israel out from under the bondage of their cruel Egyptian masters. But in doing so, the people, like the children of Israel, have been compelled to wade through red seas—not of water, but of blood.

It was the plain, common people of Europe, acting under the inspiration of love and longing for religious and political liberty, who deserted their homes, kindred, and loved ones in a land of arbitrary rule and paddled their way across the stormy Atlantic in search of a peaceful home in the bosom of nature—to the shores of beautiful America they drifted. Here they established a brotherhood, based upon nature's law of equality and simplicity. They separated the church from the state and carved out a stable government, deriving its just powers from the consent of the governed. [Applause.]

Under this form of government the plain, common people have steadily marched onward from the little log hut by the seaside to populous cities, whose clustered spires and stately edifices kiss the skies. By their labor they have converted the dense forests into beautiful farms and made the deserts blossom with roses. They have connected useful water courses by canals and constructed across the continent a perfect system of railroads. They have stretched the electrical wire from sea to sea and from lake to gulf, so that the man in his distant hut at the crossroads can talk with the merchant in the large cities a thousand miles away. The strong arm of labor has reached down into the bosom of the earth and brought to the surface hidden wealth in quantities sufficient to plaster the dwelling house of every citizen of this lovely land with silver and gold. At the bidding of persistent labor last year the mines of America yielded a treasure worth $2,000,000,000, and the farm surrendered products valued at $8,926,000,000, aggregating a total of nearly $11,000,000,000 in one year.

And now, in the morning of the twentieth century, these same common people present to the world for its candid inspection the product of their labor—a country of more than 3,000,000 square miles—the richest the blessed sun ever shone upon, teeming with a population of more than 92,000,000 of the best people of the best thought; a country with a government without an equal, with a civilization without a rival. [Applause.]

Mr. Chairman, when I sit here in this beautiful historic Capitol, in the shadow of that splendid monument erected within the corporate limits of this Capital City in honor of the Father of his Country, and hear gentlemen on the floor of this Chamber, gentlemen who directly represent more than 200,000 American freemen, the common people, and who indirectly represent more than 92,000,000 of the same common people, and while discussing the merits of this interesting resolution, utter language of distrust in their constituents, the common people, and charge that limited power left in their hands to correct abusive legislation is dangerous to stable government, and that these people with such power in their hands become a dangerous mob, I become restless in my seat and grow weary of life. [Laughter and applause.] When did the common people become a howling mob, with a rope in its hands for the neck of civilization? You show me a mob of the common people and I will show you a bastile to be pulled down. [Applause.]

It was this same mob that you are here denouncing who met old King John on the banks of the Runnymede on the 15th day of June, 1215, and forced him to sign the Magna Charta which gave to the people the writ of habeas corpus and the right of trial by jury. [Applause.] For centuries in England innocent men had been arrested upon false charges, cast in dungeons to languish, starve, and die, without even a hope for a trial. It was the crystallized public opinion of the common people in 1688 which forced King James II to abdicate the throne and make room for William of Orange, a more liberal King, who

granted to the people the Bill of Rights, the substance of which has been copied in the constitutions of every State of the Union. [Applause.] While the people elected the members of the House of Commons, yet the Crown had created a large number of small boroughs, over which the "House of Tudor" had absolute control, for the purpose of giving to the King a majority in that great deliberative body, thereby depriving the people of their right to representative government.

Was the destruction of these "rotten boroughs" in order to restore to the people their rights under the English constitution the act of the criminal mob? Was the opening of the door to star-chamber courts in order to release innocent men from foul prisons the act of the criminal mob? No. It was the hand of destiny. You must not confound the criminal with the mob, for the criminal acts under cover and lies in wait for the blood of his victim and then seeks to hide from the public his hellish deed, while the mob rises up in its might, proclaims to the world its mission, and boldly marches forward without fear of danger. The man who secretly arms himself, boards the train, and holds up the helpless passenger for his money is the criminal. The force that rises up and in one night, pulls down imperial temples of force and murder, and the next day establishes instead thereof a beautiful republican form of government, deriving its just powers from the consent of the governed, is the mob. [Applause.]

Remember, a grievance always precedes the mob, and without a grievance to redress, there is no mob. The Sons of Liberty had their grievance in taxation without representation before the Boston Tea Party emptied shiploads of English tea into Boston Harbor. The signers of the Declaration of Independence were the conspirators of the mob and the Revolutionary heroes were the real mob, who rescued from the hands of the selfish few the right to govern and placed it where it justly belongs, in the hands of the intelligent many.

The foul rape of Lucrece ended in the death of the cruel Tarquin, and the burning flames lighted by the torch in the hand of profligate power to destroy life and property in the city of ancient Rome revealed to the people the hiding place of Nero the tyrant. [Applause.]

Greatness rarely comes from the mansions of the idle rich. It springs more readily from the ranks of the honest, sturdy poor. Webster was a poor country boy, and Lincoln was of such humble parentage that he had to borrow books for his early education, and worked as a deck hand on a flatboat on the Ohio River. Jesus was born in a manger and John the Baptist fed on locusts and wild honey. [Applause.]

Everything else being equal, the greater the degree of liberty given to the people in government the greater the civilization of that people. Republican Greece is the best model of ancient democracy.

At one time her people kept in their hands all the rights to make laws and administer the government. They met in common council for that purpose—anyone could propose a law; all had a right to vote upon it. They elected the generals of their armies in this way, but for one year only at a time. Under this form of government she built up a civilization of literature, architecture, and art which astonishes the world—a civilization which has found its way into all modern civilization. No work on oratory would be complete without Demosthenese's oration on the Crown; no public structure would be complete without the aid of Grecian architecture.

The people of Arizona and New Mexico have been begging for statehood for a long time. They are entitled to it, and ought to have had it many years ago. They present us their constitutions, the product of the common people, for our ratification, but because the people have reserved certain rights to themselves not usually found in the constitutions of other States—the initiative, referendum, and recall—there seems to be a disposition on the part of some to require them to eliminate these new features from their organic law before admitting them into the Union.

The sudden forging of these new elements to the front in American politics naturally lead us to inquire for the cause. I have been casting about in search of it for some time, and I have reached the conclusion that the abuse of power intrusted to the hands of our public servants is the sole and only cause. For more than a quarter of a century bribery at elections has been the favorite method of inducting corrupt and unscrupulous men into high places of trust. By the same method we are led to believe unwholesome laws have been placed upon the statute books, conveying the rights of the people to criminal combines in perpetuity.

It has been shown that, in return, large sums of money have been subscribed by these combines for campaign purposes in order to defeat the will of the people. Soon after the passage of the Dingley tariff law in 1897 a wonderful commotion and scramble for advantage took place in the business and commercial world. Like the gathering of many storms at the same time in different parts of the country, each deepening in intensity and widening in circumference until their outer circles touched each other, then uniting and bursting forth in one mighty and dreadful tornado, sweeping across the country in its mad fury and destroying everything in its grasp. When this storm was over we found in its wake the lifeless but invisible bodies of nearly 9,000 independent corporations, out of this corporate wreck 445 combines had been perfected. The day of competition was over, but the morning of exclusion and exploitation of the people had dawned.

Since that time these 445 have been pushing closer and closer together, until now they have control of all the necessaries of life and can artificially increase the price thereof at will, which is a complete explanation of the high cost of living about which we have heard so much complaint of recent years.

The baneful and corrupting influence of their ill-gotten gains has found its way into political halls and legislative bodies, with the hope of obtaining new advantages and for longer terms, until the foul stench of bribery and corruption rises up from every quarter of the country and smells to high heaven, thereby flooding political circles with putrid rottenness far outranking in stench the famous Augean stables where 3,000 oxen had been stalled for 30 years. No one but Hercules could be found with strength enough to clean these stables. Can a modern Hercules be found with strength and courage sufficient to purify our political stables? The answer comes back in one grand chorus of more than 90,000,000 voices: "We, the common people, can and will do it. You can't intimidate us by calling us the mob. Our mission on earth is the liberation of suffering humanity from oppressive power. Our motto is 'Equal and exact justice to all.'" [Applause.]

Go where you will, the rich few are always trying to find an excuse to justify themselves in usurping the powers of government and reducing the masses to a condition of servitude. Our constitutional convention bristled with advocates of this doctrine, and a strong effort was made to fasten upon us a government of the rich with life tenure in office, modeled upon the plan of the Government of Great Britain. The Federal court is the product of this doctrine, and the present method of electing United States Senators is tinged with it. When a boy in the common school I read of Alexander Hamilton and learned to love him, because of his brilliancy, but perhaps more on account of his untimely death in an unfortunate duel. In more mature life, after I became a student of political economy, I read his speeches in the constitutional convention, and to my great surprise I found him to be an advocate of a government by the rich and an enemy of the masses. I could scarcely believe my own eyes when I read the following extract from his famous speech delivered in that convention on the 18th day of June, 1787, which is found in Volume I of his works, page 382, and which reads as follows:

> All communities divide themselves into the few and many. The first are the rich and the well born, the other the mass of the people. The voice of the people has been said to be the voice of God, and however generally this maxim has been quoted and believed it is not true in fact. The people are turbulent and changing. They seldom judge or determine right. Give, therefore, to the first class a distinct permanent share in the Government, they will check the unsteadiness of the second; and as they can not receive any advantage by a change they therefore will ever maintain good government. Can a democratic assembly, who annually revolve in the mass of the people, be supposed steadily to pursue the public good? Nothing but a permanent body can check the imprudence of democracy. Their turbulent and uncontrolling disposition requires checks.

To-day, while the people of New Mexico and Arizona are knocking at the door of the Union for statehood and self-government, we find advocates of that same selfish doctrine on the floor of this House, but instead of charging the common people with being "turbulent and changing," as did Mr. Hamilton, they are now branded by these gentlemen as the howling mob, the enemy of stable government. In the constitution of these Territories the people have reserved to themselves certain corrective rights over legislation and over their public servants. New Mexico has the referendum and Arizona has the initiative, referendum, and recall. Such power left in the hands of the people, especially the recall, is denounced as the "rankest of heresy." In answer to such argument, I ask where did all the power of administrative government come from at the time of the formation of the original colonies in America? It was all lodged in the hands of the plain, common people.

They could have kept it all had they so desired, but being honest, true, progressive, and manly they ceded certain of their rights to organize the general government, and it has been shown that the wisdom of these common people has excelled the wisdom of any monarch upon the throne or that of designing politicians seeking unlawful and unrighteous advantages in govern-

ment for the purpose of extorting from the people unjust tribute and making themselves powerful and strong. [Applause.]

It is said by some that the constitution of one of these Territories gives too much power to the common people. In reply to that I say to those gentlemen that the only question to be observed by this Congress is as to whether this constitution is republican in its form, whether it will give to the people of the State of Arizona, when she becomes a member of this Union, a republican form of government. If it does, then we have done all as Representatives of this great Republic that is required at our hands in order to admit a Territory to the grand galaxy of States in this Union. [Applause.]

It is also said by others that the constitution of the Territory of New Mexico is so surrounded by restrictions that for 25 years it will be almost impossible for the people to get a constitutional convention in order to get a new constitution. It is also said that the limitations thrown around the right to amend the constitution are too great, that it is of such a character that it makes the rights of the people clumsy and awkward, and if burdens are to be borne through unguarded conditions in its constitution, the people will be powerless to amend it in a large measure. I say in reply to all of these arguments that I have examined both of these constitutions with some care, and, in my opinion, as a whole both of them, perhaps with the exception of Oklahoma, are the best that I have ever read from the hand of any constitutional convention in any State in this Union, not even excepting my own good State of Illinois. I desire, further, to state that the guards with reference to bribery and corruption in both of them are admirable, and every man in this beautiful Chamber ought to bow his head in reverence to the constitutional conventions for incorporating into their constitutions these wise provisions. [Applause.]

Again, Mr. Chairman, the provision giving to labor short hours and the further provision of giving labor an opportunity to recover for unjust injuries are so couched in these constitutions, and especially in that of Arizona, that they appeal to us in no unmistakable terms. [Applause.]

Four years ago, when Oklahoma presented her constitution to be ratified by Congress, it reserved to the people the initiative and referendum, and also required State banks to guarantee the payment of bank deposits. The tories in Congress then yelled themselves hoarse to prevent the admission of this Territory with these three powers left in the hands of the people. They predicted that riot, bloodshed, and bankruptcy would follow the adoption of such a constitution, but not so. It has brought to her people splendid results. [Applause.]

These same imperialists are here to-day opposing the constitution of Arizona, and run mad in their denunciation of the recall of public servants. They stand up and talk about the common people as though they were enemies of ours, as though they were enemies of organized government, as though they were enemies to civilization, as though they were not a part of this great Republic. But I can not reconcile their philosophy with the history of the American people. They are trying to show us the sun by the light of a candle. [Applause.]

The people of Arizona are not alone in their efforts to correct abusive legislation and hold public servants in check. In 1911 California adopted the initiative, referendum, and recall, but I believe she is the only State having the recall.

Mr. LAFFERTY. Mr. Chairman, will the gentleman yield for a moment?

Mr. FOWLER. Certainly.

Mr. LAFFERTY. Oregon has had the initiative and referendum since 1902, and adopted the recall in 1908.

Mr. FOWLER. I thank the gentleman. That makes three States with the initiative, referendum, and recall—California, Oregon, and Arizona. Nine have the initiative and referendum: South Dakota in 1898, Utah in 1900, Nevada and Montana in 1905, Missouri in 1906, Oklahoma in 1907, Maine in 1908, Arkansas in 1910, and New Jersey in 1911.

The following States have referendum in part on special questions or localities:

Colorado and Illinois, 1904; Iowa, 1891; Montana, 1903, New Mexico and Ohio, 1902; Rhode Island, Texas, Washington, and Wisconsin, 1903.

Massachusetts has recall in Boston for the mayor, and has used the referendum repeatedly in its history.

Mr. Chairman, this proves that there is a decided tendency in America on the part of the people to take back to themselves certain rights which they have ceded to the General Government in the organic law of the various States of the Union. Democratic Switzerland is said to be the home of these reserved powers. For centuries the people of Great Britain have elected the members of the House of Commons. The ministry formulates a policy for the Government, and if at any time Parliament fails to indorse this policy the Crown prorogues Parliament, calls a new election, and the people settle these public questions by electing the members of a new Parliament, based upon the question in dispute.

This is akin both to the referendum and recall. Who will say that this feature in the English constitution has not been a blessing to Great Britain? It is one of the strongest features of safety and security in her whole legislative system. It brings her Government in close touch with the people, and gives them the right to settle questions of government upon which Parliament fails to agree.

We are told that our good President has refused to give his sanction to the constitution of Arizona because its provision for the recall of public officers is broad enough to include judges of courts, but that he does not object to its provisions as to the recall of other public officers. While I do not desire to pass upon the wisdom of the recall, yet I do say that if it is right as to all other public offices it should with equal propriety include the judges of courts. I have great reverence and respect for our courts of justice, but I have no less respect for the other positions of public trust.

The Federal court is too far away from the people and too close to politics and predatory wealth. Who will say that the Dred Scott and income-tax decisions were not political in character? Who will say that the late decision in the Standard Oil case does not legislate a joker in the Sherman antitrust law for the benefit of the trusts?

Mr. Chairman, we elect men to office to do for us what we can not do for ourselves. If they betray our confidence and there is any way to relieve ourselves of their obnoxiousness, whether it be a constable in a little country town or a judge in ermine upon the bench, we should do it. [Applause.] It is said that the judge would be handicapped in rendering his decisions, but, in reply, I say, Mr. Chairman, that the sheriff of a county with a writ in his hand for the arrest of a criminal would be handicapped in the same way. The same would be true as to all other officers of the country. [Applause.] I am in favor of stable government and would not support a measure opposed to it, but I am just as strongly committed to the wants of the people. [Applause.] If the constitutions of older States have failed to properly guard the rights of the people, thereby entailing hardships upon the masses, all the more, then, ought we to be on our guard here and see that like mistakes find no homes in these two constitutions. [Applause.] Remember it is hard to change constitutions after their adoption.

If the people of these Territories desire to safeguard their rights more carefully than has been done in the past by other States, in order to save themselves from evils which now afflict the people of older States, I believe we will commit a great wrong, of far-reaching magnitude, if we compel them to eliminate these safeguards before admitting them into the Union. [Applause.]

I would not change the crossing of a "t" or the dotting of an "i" in either of them. They have been passed upon by the intelligent common people of these Territories, and adopted by an overwhelming majority of all voting upon them. I have much confidence in the wisdom of these intelligent people. I have seen many of them and conversed with them, and dare say their intelligence will compare favorably with that of the people of any of the States. [Applause.] They are knocking; let us open unto them.

Let the common people write their will in the constitutions of these two Territories. They wrote the Declaration of Independence. They wrote the Constitution of the United States. They have been trusted to write the constitutions of 46 States. Why not let them write the constitutions of these Territories. Strike down the common people and you destroy representative government. Uphold the common people and behold a beautiful civilization represented by the American flag. [Applause.]

Mr. Chairman, I believe that that beautiful banner has folds enough in it to cover every man, woman, and child in this broad land of ours. [Applause.] It was baptized in blood and consecrated by the lives and fortunes of the greatest men who ever led a brave army to a glorious victory. [Applause.] I believe, Mr. Chairman, that that sacred emblem, which was first unfurled to the breezes of heaven on the banks of the beautiful Brandywine and which hovered over the bloody tracks of barefoot soldiers from Valley Forge to Yorktown in order to witness the palsied hand of imperial power surrender the scepter of authority to the hand of liberty [applause]; I believe, Mr. Chairman, that that flag, which was with Jackson at New Orleans and witnessed Pakenham's legions vanish like the "children of the mist" and made us mistress of the high seas; I believe that that flag, which scaled the walls of Montezuma

and forced Mexico to acknowledge our territorial rights; I believe that that flag, which trailed through blood from Bull Run to Appomattox, tore off the mask of slavery, and proclaimed to the world the everlasting Union of these States; I believe that that flag, which extended its benign influence to oppressed Cuba a few short years ago and enabled her to transfer her devotion from the god of royalty to the Goddess of Liberty, has ample virtue in its folds to lift the heavy hand of oppression from the heads of the oppressed in every country and in every clime. [Loud applause.]

I therefore, Mr. Chairman, invite the last piece of our territory, contiguous to this great country, and its citizens, to exchange the clumsy yoke of territorial servitude for the righteous robe of self-government. [Applause.] We welcome you to our sisterhood of States. We invite you to write your names in living letters of devotion on the bosom of that beautiful ensign of liberty, and thereby add two more stars in that grand galaxy in her field of living blue, which will give to us a country of the greatest possibilities, a union of 48 sovereign States over which the flag of freedom shall forever wave. [Loud and continued applause, followed by handshaking.]

Name of State.	Area of States and Territories.	Greatest width.	Greatest length.	Date of admission.
		Miles.	*Miles.*	
Alabama	52,250	200	330	Dec. 14,1819
Arkansas	53,850	275	240	June 15,1836
Colorado	103,925	390	270	Aug. 1,1876
Connecticut	4,990	90	75	Jan. 9,1788
California	158,360	375	770	Sept. 9,1850
Delaware	2,050	35	110	Dec. 7,1787
Florida	58,680	400	460	Mar. 3,1845
Georgia	59,475	250	315	Jan. 2,1788
Idaho	84,800	305	490	July 3,1890
Illinois	56,650	205	380	Dec. 3,1818
Indiana	36,350	160	265	Dec. 11,1816
Iowa	56,025	300	210	Dec. 28,1846
Kansas	82,080	400	200	Jan. 29,1861
Kentucky	40,400	350	175	June 1.1792
Louisiana	48,720	280	275	Apr. 30,1812
Maine	33,040	205	235	Mar. 15,1820
Maryland	12,210	200	120	Apr. 28,1788
Massachusetts	8,315	190	110	Feb. 6,1788
Michigan	58,915	310	400	Jan. 26,1837
Minnesota	83,365	350	400	May 11,1858
Mississippi	46,810	180	340	Dec. 10,1817
Missouri	69,415	300	280	Aug. 10,1821
Montana	146,080	580	315	Nov. 8,1889
Nebraska	77,110	415	205	Mar. 1,1867
Nevada	110,700	315	485	Oct. 31,1864
New Hampshire	9,305	90	185	June 21,1788
New Jersey	7,815	70	160	Dec. 18,1787
New York	49,170	320	310	July 26,1788
North Carolina	52,250	520	200	Nov. 21,1789
North Dakota	70,795	360	210	Nov. 2,1889
Ohio	41,060	230	205	Feb. 19,1803
Oklahoma	70,057	585	210	Nov. 16,1907
Oregon	96,030	375	290	Feb. 14,1859
Pennsylvania	45,215	300	180	Dec. 12,1787
Rhode Island	1,250	35	50	May 29,1790
South Carolina	30,570	235	215	May 23,1788
South Dakota	77,650	380	245	Nov. 2,1889
Tennessee	42,050	430	120	June 1,1796
Texas	265,780	760	620	Dec. 29,1845
Utah	84,970	275	345	Jan. 4,1896
Vermont	9,565	90	155	Mar. 4,1791
Virginia	42,450	425	205	June 26,1788
Washington	69,180	340	230	Nov. 11,1889
West Virginia	24,780	200	225	June 19,1863
Wisconsin	56,040	290	300	May 29,1848
Wyoming	97,890	365	275	July 11,1890
Arizona	113,020	335	390	.....
Alaska	590,884	800	1,100	.....
District of Columbia	70	9	.....	.....
New Mexico	122,580	350	390	.....

Population of States, excluding Indians not taxed, 1910.

States.	Total population in 1910.	Indians not taxed, 1910.	Population, exclusive of Indians not taxed, 1910.
Alabama	2,138,093	.....	2,138,093
Arkansas	1,574,449	.....	1,574,449
California	2,377,549	988	2,376,561
Colorado	799,024	452	798,572
Connecticut	1,114,756	.....	1,114,756
Delaware	202,322	.....	202,322
Florida	752,619	.....	752,619
Georgia	2,609,121	.....	2,609,121
Idaho	325,594	2,154	323,440
Illinois	5,638,591	.....	5,638,591
Indiana	2,700,876	.....	2,700,876
Iowa	2,224,771	.....	2,224,771
Kansas	1,690,949	.....	1,690,949
Kentucky	2,289,905	.....	2,289,905
Louisiana	1,656,388	.....	1,656,388
Maine	742,371	.....	742,371

Population of States, excluding Indians not taxed, 1910—Continued.

States.	Total population in 1910.	Indians not taxed, 1910.	Population, exclusive of Indians not taxed, 1910.
Maryland	1,295,346	.....	1,295,346
Massachusetts	3,366,416	.....	3,366,416
Michigan	2,810,173	.....	2,810,173
Minnesota	2,075,708	1,332	2,074,376
Mississippi	1,797,114	.....	1,797,114
Missouri	3,293,335	.....	3,293,335
Montana	376,053	9,715	366,338
Nebraska	1,192,214	.....	1,192,214
Nevada	81,875	1,582	80,293
New Hampshire	430,572	.....	430,572
New Jersey	2,537,167	.....	2,537,167
New York	9,113,614	4,680	9,108,934
North Carolina	2,206,287	.....	2,206,287
North Dakota	577,056	2,653	574,403
Ohio	4,767,121	.....	4,767,121
Oklahoma	1,657,155	.....	1,657,155
Oregon	672,765	.....	672,765
Pennsylvania	7,665,111	.....	7,665,111
Rhode Island	542,610	.....	542,610
South Carolina	1,515,400	.....	1,515,400
South Dakota	583,888	8,212	575,676
Tennessee	2,184,789	.....	2,184,789
Texas	3,896,542	.....	3,896,542
Utah	373,351	1,487	371,864
Vermont	355,956	.....	355,956
Virginia	2,061,612	.....	2,061,612
Washington	1,141,990	1,856	1,140,134
West Virginia	1,221,119	.....	1,221,119
Wisconsin	2,333,860	1,007	2,332,853
Wyoming	145,965	1,307	144,658
Total for 46 States	91,109,542	37,425	91,072,117
A aska	64,356	.....	.....
Arizona	204,354	24,129	180,225
District of Columbia	331,069	.....	.....
New Mexico	327,301	10,318	316,983
Total, including Alaska, Arizona, District of Columbia, and New Mexico	92,036,622	71,872	91,569,325

Mr. FLOOD of Virginia. Mr. Chairman, I yield 30 minutes to the gentleman from California [Mr. RAKER].

[Mr. RAKER addressed the committee. See Appendix.]

Mr. FLOOD of Virginia. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee determined to rise; and the Speaker having resumed the chair, Mr. GARRETT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration joint resolution No. 14, to approve the constitutions of New Mexico and Arizona, and had instructed him to report that they had come to no resolution thereon.

HOUR OF MEETING TO-MORROW.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day, it adjourn to meet at 11 o'clock to-morrow morning.

The SPEAKER. Is there objection to the request of the gentleman from Virginia? [After a pause.] The Chair hears none, and it is so ordered.

ADJOURNMENT.

Then, on motion of Mr. FLOOD of Virginia (at 5 o'clock and 43 minutes p. m.), the House adjourned until 11 o'clock a. m. to-morrow.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting to Congress with his approval recommendations of the Chief of Engineers in regard to disposal of wreckage of the battleship *Maine*; also the progress made in said work (H. Doc. No. 60); to the Committee on Military Affairs and ordered to be printed.

A letter from the Secretary of the Navy, transmitting in response to H. Res. No. 151 information relative to purchase of Navy shoes during the fiscal years 1901 to 1911, inclusive (H. Doc. No. 61); to the Committee on Expenditures in Navy Department and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BERGER: A bill (H. R. 10441) to regulate the employment of females in the District of Columbia; to the Committee on the District of Columbia.

By Mr. SCULLY: A bill (H. R. 10442) appropriating $10,000 to aid in the erection of a monument in memory of the late President James A. Garfield at Long Branch, N. J.; to the Committee on the Library.

By Mr. MARTIN of South Dakota: A bill (H. R. 10443) providing for the disposition of town sites in connection with reclamation projects, and for other purposes; to the Committee on Irrigation of Arid Lands.

By Mr. SULZER: A bill (H. R. 10444) to encourage the American merchant marine and American commerce, and for other purposes; to the Committee on Ways and Means.

By Mr. GEORGE: A bill (H. R. 10445) to assess benefits for the opening, extension, widening, and straightening of alleys and minor streets in the District of Columbia; to the Committee on the District of Columbia.

By Mr. WARBURTON: A bill (H. R. 10446) to authorize the State of Washington to lease the southeast quarter and the southwest quarter of section 36, township 18 north, of range 10 west, in Chehalis County, for public park purposes; to the Committee on the Public Lands.

By Mr. HAMMOND: A bill (H. R. 10447) to create in the War Department a roll to be known as the "Volunteers' honor roll," and to authorize placing thereon, with half pay, certain persons who served in the United States Army, Navy, or Marine Corps during the Civil War; to the Committee on Military Affairs.

By Mr. HOBSON: A bill (H. R. 10448) to provide an educational survey of the United States; to the Committee on Education.

By Mr. SABATH: Resolution (H. Res. 175) providing for the investigation of certain matters in regard to express companies; to the Committee on Rules.

By Mr. CLAYTON: Resolution (H. Res. 176) providing for the investigation of the condition of the business of the district court of the United States for Porto Rico; to the Committee on Rules.

By Mr. MARTIN of Colorado: Joint resolution (H. J. Res. 106) to request the President to take measures for delivering the control and possession of the Philippine Islands to the authorities representing the people thereof and to protect their government by a general treaty of neutrality; to the Committee on Insular Affairs.

By Mr. McCALL: Joint resolution (H. J. Res. 107) declaring the purpose of the United States to recognize the independence of the Filipino people as soon as a stable government can be established, and requesting the President to open negotiations for the neutralization of the Philippine Islands; to the Committee on Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARNHART: A bill (H. R. 10449) granting an increase of pension to Henry H. Weirick; to the Committee on Invalid Pensions.

By Mr. BARCHFELD: A bill (H. R. 10450) granting an increase of pension to Henry Cump; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 10451) granting a pension to William D. Daniels; to the Committee on Pensions.

By Mr. DAUGHERTY: A bill (H. R. 10452) granting an increase of pension to Henry C. Wallace; to the Committee on Invalid Pensions.

By Mr. DENT: A bill (H. R. 10453) granting an increase of pension to George H. Austin; to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 10454) granting a pension to Jacob Righthouse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10455) granting an increase of pension to John A. C. Hazel; to the Committee on Pensions.

Also, a bill (H. R. 10456) granting an increase of pension to James L. Prentice; to the Committee on Pensions.

Also, a bill (H. R. 10457) granting an increase of pension to Godfrey Winkler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10458) granting an increase of pension to Thomas J. Cotton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10459) granting an increase of pension to William F. Vance; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10460) granting an increase of pension to Ezra Keeler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10461) granting an increase of pension to Hensley H. Kirk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10462) granting an increase of pension to William Menke; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10463) granting an increase of pension to David McClintic; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10464) granting an increase of pension to Samuel McIlroy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10465) granting an increase of pension to William H. Sparks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10466) granting an increase of pension to Francis R. Phelps; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10467) granting an increase of pension to George W. Watson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10468) granting an increase of pension to Henry Willman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10469) granting an increase of pension to John Wikel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10470) granting an increase of pension to Elbridge Emerson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10471) granting an increase of pension to Edmon T. Wesley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10472) granting an increase of pension to Edgar B. Bishop; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10473) granting an increase of pension to Thomas H. Hyatt; to the Committee on Invalid Pensions.

By Mr. DONOHOE: A bill (H. R. 10474) granting an increase of pension to Michael Kelly; to the Committee on Invalid Pensions.

By Mr. HAMMOND: A bill (H. R. 10475) granting a pension to John Minch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10476) granting a pension to Harvey W. Trumble; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10477) granting an increase of pension to William B. Norman; to the Committee on Pensions.

By Mr. KENDALL. A bill (H. R. 10478) granting an increase of pension to Martin V. Saunders; to the Committee on Invalid Pensions.

By Mr. KENNEDY: A bill (H. R. 10479) granting an increase of pension to Richard McChesney; to the Committee on Invalid Pensions.

By Mr. KNOWLAND: A bill (H. R. 10480) for the relief of Maurice J. O'Brien; to the Committee on Naval Affairs.

By Mr. MAHER: A bill (H. R. 10481) granting an increase of pension to Charles Edwards; to the Committee on Invalid Pensions.

By Mr. MALBY: A bill (H. R. 10482) granting an increase of pension to Henry Couger, alias Henry Stevens; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 10483) granting an increase of pension to James Monaghan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10484) granting an increase of pension to Rachel Read; to the Committee on Invalid Pensions.

By Mr. ROTHERMEL: A bill (H. R. 10485) granting a pension to Mary I. Spangler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10486) granting a pension to Melara C. Abbott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10487) granting an increase of pension to Moses H. Enochs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10488) granting an increase of pension to Benjamin Zellner; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 10489) granting an increase of pension to Samuel F. Crump; to the Committee on Invalid Pensions.

By Mr. SHARP: A bill (H. R. 10490) granting a pension to Oscar May; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10491) granting a pension to James H. Sharp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10492) granting an increase of pension to Thomas Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10493) to place William Welsh on the retired list with the rank of captain; to the Committee on Military Affairs.

By Mr. SPEER: A bill (H. R. 10494) granting an increase of pension to Merrick Davidson; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 10495) granting an increase of pension to John W. Glaze; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 10496) for the relief of Jacob Murray; to the Committee on Military Affairs.

Also, a bill (H. R. 10497) for the relief of W. H. Denham; to the Committee on Military Affairs.

Also, a bill (H. R. 10498) granting a pension to Frances F. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10499) granting an increase of pension to James H. Lile; to the Committee on Pensions.

Also, a bill (H. R. 10500) granting an increase of pension to King A. Bowman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10501) granting an increase of pension to Marion F. Segars; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10502) granting an increase of pension to Jeremiah M. McPherson; to the Committee on Invalid Pensions.

By Mr. WOODS of Iowa: A bill (H. R. 10503) for the relief of Jacob M. Cooper; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANSBERRY: Petition of C. J. Cornin, of Bryan, Ohio, favoring a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. BARCHFELD: Papers in re bill granting an increase of pension to Henry Cump, late of Company F, Forty-sixth Regiment Pennsylvania Volunteer Infantry; to the Committee on Invalid Pensions.

By Mr. BURKE of Wisconsin: Papers accompanying House bill 6156, granting an increase of pension to Matthew L. Johnson; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: Resolutions of Trades Council of Nashville, Tenn., relative to the arrest, etc., of J. J. McNamara at Indianapolis; to the Committee on Labor.

Also, resolutions of International Moulders Union, of Nashville, Tenn., relative to the arrest, etc., of J. J. McNamara at Indianapolis; to the Committee on Labor.

By Mr. CARY: Communications from citizens of Milwaukee, Wis., urging the reduction of the tariff on sugar; to the Committee on Ways and Means.

Also, communication from Yahr & Lange Drug Co., Milwaukee, Wis., protesting against H. R. 8887, providing for stamp tax on proprietary medicines; to the Committee on Ways and Means.

By Mr. CLARK of Florida: Petition of L. H. Tempe and numerous other citizens of Sanford, Fla., demanding the withdrawal of American troops from the Mexican border; to the Committee on Foreign Affairs.

Also, petition of W. A. King and numerous citizens of Sanford, Fla., demanding a rigid investigation into the manner of the removal of John J. McNamara from the State of Indiana to the State of California for trial; to the Committee on the Judiciary.

By Mr. DANFORTH: Petition of 93 residents of Rochester, N. Y., favoring the enactment of a law establishing a national department of health; to the Committee on Interstate and Foreign Commerce.

By Mr. DYER: Petition of a citizen of St. Louis, Mo., asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. FORNES: Resolutions of the Manufacturers' Association of New York City, that various schedules of tariff law should be considered and opportunity given all interests affected to be heard before final action; to the Committee on Ways and Means.

Also, petition of Shoe Manufacturers' Association of New York City, against free-list bill or placing leather on the free list; to the Committee on Ways and Means.

Also, petition of Manufacturers' Association of New York City, in relation to establishing a United States court of patent appeals; to the Committee on the Judiciary.

By Mr. FRENCH: Resolutions of citizens of Twin Falls, Idaho; to the Committee on Rules.

By Mr. FULLER: Petition of Glass Bottle Blowers' Association, Branch 3, of Streator, Ill., favoring the Berger resolution; to the Committee on the Judiciary.

By Mr. GARDNER of Massachusetts: Resolution from Central Socialist Club, of Haverhill, Mass., protesting against the method of procedure in the arrest of J. J. McNamara and J. W. McNamara, charged with conspiracy in connection with alleged dynamiting of Los Angeles Times Building; to the Committee on Labor.

By Mr. GOODWIN of Arkansas: Petition of citizens of Patmos, Ark., protesting against the kidnaping of J. J. McNamara; to the Committee on Labor.

By Mr. HAMILTON of West Virginia: Petition of C. A. Millery Grocery Co., of Martinsburg, W. Va., asking for reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. KAHN: Papers to accompany House bill 8112, for the relief of Wilmerding-Loewe Co.; to the Committee on Claims.

By Mr. KNOWLAND: Petition signed by S. P. Dobbins and other residents of Vacaville, Cal., urging a reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, resolutions adopted by the board of trustees of the Chamber of Commerce of San Francisco, Cal., favoring the judicial settlement of international disputes; to the Committee on Foreign Affairs.

Also, resolutions adopted by the board of trustees of the Chamber of Commerce of San Francisco, Cal., requesting the transfer of the sloop of war *Portsmouth* to San Francisco; to the Committee on Naval Affairs.

Also, resolutions adopted by the board of trustees of the Chamber of Commerce, San Francisco, Cal., protesting against the free admission of burlap bags into this country; to the Committee on Ways and Means.

By Mr. MALBY: Petition of W. H. Gordon and others, requesting a reduction in the tariff on raw and refined sugars; to the Committee on Ways and Means.

By Mr. O'SHAUNESSY: Petition by the Carded Woolen Association, Boston, Mass., that the rates in Schedule K should be as far as possible ad valorem, because specific rates necessarily result in great irregularities, especially when imposed on a commodity varying as wide as wool does in condition and value; to the Committee on Ways and Means.

Also, petition of Michael Eagan and sundry citizens of Providence, R. I., for a reduction in duty on raw and refined sugars in the interests of the consumers of the country; to the Committee on Ways and Means.

By Mr. WILLIS: Papers to accompany House bill 4402, granting an increase of pension to John Scott; to the Committee on Invalid Pensions.

Also, resolutions adopted by Ohio State Council, Junior Order United American Mechanics, asking for the further restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. WOOD of New Jersey: Resolutions adopted by Local No. 296, Journeymen Barbers' Association of America, of Trenton, N. J., urging immediate action on the resolution of investigation in reference to John J. McNamara, introduced by Representative BERGER, of Wisconsin; to the Committee on Labor.

SENATE.

TUESDAY, *May 23, 1911.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

RANDOLPH M. PROBSFIELD V. UNITED STATES.

The VICE PRESIDENT laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a certified copy of findings of fact filed by the court in the cause of Randolph M. Probsfield *v.* United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed. (S. Doc. No. 37.)

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 8649) to authorize the extension and widening of Colorado Avenue NW., from Longfellow Street to Sixteenth Street, and of Kennedy Street NW. through lot No. 800, square No. 2718, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the congregation of the Church of the Brethren, of Burlington, W. Va., praying for the enactment of legislation to prohibit the sale and traffic in opium, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry members of the Third Unitarian Congregational Society, of Brooklyn, N. Y., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. CULLOM. I present numerous memorials remonstrating against the ratification of the proposed arbitration treaty with Great Britain, which I ask may be referred to the Committee on Foreign Relations. I also desire to state that in my position as chairman of the Committee on Foreign Relations some 2,000 letters protesting against the ratification of the treaty have been received by me.

The memorials presented by Mr. CULLOM were referred to the Committee on Foreign Relations, as follows:

Memorials of the Robert Fulton Social and Literary Society, of New York City; of the Star Spangled Banner Association of America; of the Peter O'Neill Crowley Club, of Kansas City, Mo.; of sundry citizens of Braddock, Pa.; of Local Division No. 46, Ancient Order of Hibernians, of Philadelphia, Pa.; of sundry citizens of New York; of Monsignor Slocum Branch, Ancient Order of Hibernians, of Waterbury, Conn.; of the United Irish Societies of Bristol County, Mass.; of sundry citizens of the eighth congressional district, Montclair, N. J.; of Local Branch No. 5, District No. 9, St. Patrick's Alliance of America, of Passaic, N. J.; of Local Division No. 10, Ancient Order of Hibernians, of Philadelphia, Pa.; of sundry citizens of Pueblo, Colo.; of Local Division No. 1, Ancient Order of Hibernians, of Dover, N. H.; of the Knights of the Red Branch, of East St. Louis, Ill.; of the county board of officers and directors, Ancient Order of Hibernians, of Fairfield County, Conn.; of the county officers, Ancient Order of Hibernians, of Strafford County, N. H.; of sundry citizens of Attleboro, Mass.; of sundry citizens of New Haven, Conn.; of the Jefferson Democratic Club of Perth Amboy; of the Central Labor Board of Perth Amboy; of the Washington Club of Perth Amboy; of Local Division No. 3, Ancient Order of Hibernians, of Perth Amboy; of the county board, Ancient Order of Hibernians, of Middlesex County; of District No. 8, St. Patrick's Alliance of America, of Middlesex County; of Independent Branch No. 1, St. Patrick's Alliance, of Perth Amboy; of Local Division No. 2, Ancient Order of Hibernians, of Sayreville; of Local Division No. 7, Ancient Order of Hibernians, of Chrome; of sundry citizens of New Brunswick; and of the Deutsch American Central Verein of Middlesex County, all in the State of New Jersey.

Mr. CULLOM presented a petition of the Chamber of Commerce of Philadelphia, Pa., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. BRANDEGEE presented a memorial of Local Division No. 1, Ancient Order of Hibernians, of Wallingford, Conn., remonstrating against the ratification of the treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Fairfield East Consociation of Congregational Churches of Connecticut, praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Connecticut Merchants' Association, praying for the establishment of a self-sustaining parcels-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. PERKINS presented a memorial of Railroad Lodge No. 610, International Association of Machinists, of Oakland, Cal., remonstrating against the adoption of the Taylor system of shop management by the Government in arsenals and navy yards, which was referred to the Committee on Naval Affairs.

He also presented memorials of sundry manufacturers of San Francisco and San Jose, in the State of California, remonstrating against any reduction in the duty on alimentary pastes, which was referred to the Committee on Finance.

Mr. JONES presented a memorial of sundry citizens of Spokane, Wash., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. TOWNSEND presented petitions of sundry volunteer officers of the Civil War of Marquette, Coldwater, Ann Arbor, and Romeo, in the State of Michigan; of El Dorado and Ness City, Kans.; and of Minneapolis, Minn., praying for the enactment of legislation to place certain volunteer officers of the Civil War on the retired list, which were referred to the Committee on Military Affairs.

Mr. WATSON presented a memorial of sundry druggists of Charleston, W. Va., remonstrating against the imposition of a stamp tax on proprietary medicines, which was referred to the Committee on Finance.

Mr. BURNHAM presented the memorial of Rev. T. S. Tyng, of Ashland, N. H., remonstrating against the adoption of certain amendments to the proposed constitution of New Mexico, which was referred to the Committee on Territories.

He also presented memorials of Local Divisions Nos. 1, 2, 7, and 8, and Central Union, Ancient Order of Hibernians, of Manchester, N. H., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented a petition of the General Conference of the Congregational Churches of Claremont, N. H., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. ROOT presented petitions of 93 citizens of Schenectady, 21 citizens of Newburgh, and 9 citizens of Middletown, all in the State of New York, praying for the establishment of a national department of public health, which were referred to the Committee on Public Health and National Quarantine.

Mr. GALLINGER presented the memorial of J. H. Phillips, of Swanzey, N. H., and the memorial of George D. Stone, of Swanzey, N. H., remonstrating against the reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a memorial of the Ancient Order of Hibernians of Manchester, N. H., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. O'GORMAN presented a petition of the Manufacturers Association of New York, praying for the establishment of a United States court of patent appeals, which was referred to the Committee on Patents.

He also presented a petition of the Fine Arts Federation of New York City, N. Y., praying that the site be selected for the Lincoln memorial in the city of Washington, as recommended by the Park Commission, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Glove Table Cutters' Union, of Gloversville, N. Y., remonstrating against fine gloves being placed on the free list, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of New York City, N. Y., praying that the Woman's National Weekly be admitted to the mails as second-class matter, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Mine & Smelter Supply Co., of New York City, N. Y., praying for the adoption of a 1-cent postage on first-class mail matter weighing 1 ounce or less, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of New York, praying for the establishment of a national department of public health, which were referred to the Committee on Public Health and National Quarantine.

He also presented a memorial of Local Union No. 229, International Brotherhood of Stationary Firemen, of Fort Edward, N. Y., and a memorial of Pomona Grange, Patrons of Husbandry, of Essex County, N. Y., remonstrating against the reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a memorial of the Shoe Manufacturers' Association of New York, remonstrating against placing shoes on the free list, which was referred to the Committee on Finance.

He also presented memorials of sundry citizens of New York, remonstrating against the reciprocal trade agreement between the United States and Canada, especially in reference to print paper and wood pulp, which were referred to the Committee on Finance.

PUBLIC BUILDING AT BANGOR, ME.

Mr. WETMORE. From the Committee on Public Buildings and Grounds I report back, with an amendment in the nature of a substitute, the bill (S. 2055) to provide for the erection of a public building at Bangor, Me., and I submit a report (No. 36) thereon. I ask unanimous consent for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment was to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a suitable site, and to contract, within the limit of cost hereinafter fixed, for the erection and completion thereon of a suitable and commodious building, including fireproof vaults, heating, hoisting, and ventilating apparatus, and approaches, complete, for the use and accommodation of the post office and other Government offices at Bangor, Me., at a cost for said site and building of not exceeding $400,000.

An open space of such width, including streets and alleys, as the Secretary of the Treasury may determine shall be maintained about said building for the protection thereof from fire in adjacent buildings.

For the purposes aforesaid the sum of $150,000 is hereby appropriated out of any moneys in the Treasury not otherwise appropriated: *Provided*, That the balance of the appropriation heretofore made by the

sundry civil act of June 25, 1910, for the retaining wall and approaches at the former post-office building in said city, is hereby reappropriated and made immediately available, in addition to the appropriation hereinbefore made, toward the purposes of this act.

And the Secretary of the Treasury is further authorized and directed to sell, in such manner and upon such terms as he may deem for the best interests of the United States, the site and remains of the former post-office building in said city recently destroyed by fire; to convey the last-mentioned land to such purchaser or purchasers by the usual quit-claim deed, and to deposit the proceeds derived from such sale in the Treasury of the United States as a miscellaneous receipt.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading and to be read the third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site and the erection of a new public building at Bangor, Me., also for the sale of the site and ruins of the former post-office building."

ADDRESS BY SENATOR JOSEPH F. JOHNSTON.

Mr. SMOOT. From the Committee on Printing I ask that a certain address by the Senator from Alabama [Mr. JOHNSTON], delivered December 31, 1907, before the Algonquin Club, Boston, Mass., be printed as a public document. (S. Doc. No. 36.)

The VICE PRESIDENT. Without objection, the order requested will be entered.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and by unanimous consent the second time, and referred as follows:

By Mr. SWANSON:

A bill (S. 2471) granting an increase of pension to Moses M. Whitney; to the Committee on Pensions.

By Mr. CUMMINS:

A bill (S. 2472) granting a pension to Bert E. Lockwood (with accompanying papers); to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 2473) granting an increase of pension to Mary E. Carpenter;

A bill (S. 2474) granting an increase of pension to Alvord D. Chappell; and

A bill (S. 2475) granting an increase of pension to Isabella Oliver; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 2476) granting an increase of pension to Joseph P. Sullivan (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 2477) granting an increase of pension to William Fitzgerald;

A bill (S. 2478) granting an increase of pension to Thomas Boland;

A bill (S. 2479) granting an increase of pension to Lyman C. Brown;

A bill (S. 2480) granting an increase of pension to Chauncey M. Carpenter;

A bill (S. 2481) granting an increase of pension to Michael Culp;

A bill (S. 2482) granting an increase of pension to William H. Dupray;

A bill (S. 2483) granting an increase of pension to Andrew J. Laws;

A bill (S. 2484) granting an increase of pension to John Leavell;

A bill (S. 2485) granting an increase of pension to George W. McKain;

A bill (S. 2486) granting an increase of pension to Alexander J. Matthews;

A bill (S. 2487) granting an increase of pension to Simon W. Morgan;

A bill (S. 2488) granting an increase of pension to Thomas H. Rutter;

A bill (S. 2489) granting an increase of pension to Charles E. Steadman;

A bill (S. 2490) granting an increase of pension to Leeman Underhill; and

A bill (S. 2491) granting an increase of pension to Henry H. Warner; to the Committee on Pensions.

By Mr. CRANE:

A bill (S. 2492) to place William F. Greeley on the retired list of the Army (with accompanying papers); to the Committee on Military Affairs.

By Mr. STONE:

A bill (S. 2493) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri; to the Committee on Claims.

By Mr. HEYBURN:

A bill (S. 2494) granting an increase of pension to Charles E. Clark (with accompanying paper); to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 2495) to define and classify health, accident, and death benefit companies and associations operating in the District of Columbia, and to amend section 653 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. JOHNSON of Maine:

A bill (S. 2496) granting an increase of pension to David H. Robinson (with accompanying paper); and

A bill (S. 2497) granting a pension to Charles E. Jackson (with accompanying paper); to the Committee on Pensions.

By Mr. WATSON:

A joint resolution (S. J. Res. 28) authorizing the Secretary of War to donate two condemned cannon to the State of West Virginia for use at National Guard Armory at Huntington, W. Va.; and

A joint resolution (S. J. Res. 29) authorizing the Secretary of War to donate two condemned cannon to the State of West Virginia for use at Berkeley Springs Park; to the Committee on Military Affairs.

By Mr. TERRELL:

A joint resolution (S. J. Res. 30) authorizing the Secretary of Commerce and Labor to employ 10 commercial cotton agents to be stationed in foreign lands for the purpose of promoting foreign commerce in raw cotton and its manufactured products; to the Committee on Agriculture and Forestry.

WITHDRAWAL OF PAPERS—JAMES L. BRADFORD.

On motion of Mr. FOSTER, it was—

Ordered, That the papers in the case of Senate bill 1232, Sixty-first Congress, first session, for the relief of James L. Bradford, be withdrawn from the files of the Senate, there having been no adverse report thereon.

STUDIES IN CRIMINOLOGY.

Mr. CLAPP. I ask that the manuscript of studies in criminology, including other patho-social conditions, now on the files of the Senate, be withdrawn and that it be referred to the Committee on Printing.

The VICE PRESIDENT. Without objection, it is so ordered.

DELIVERY OF MAIL FROM MOVING TRAINS.

Mr. CUMMINS. I submit a resolution, and ask for its immediate consideration.

The resolution (S. Res. 47) was read, considered by unanimous consent, and agreed to as follows:

Whereas the Post Office Department has for more than 25 years last past been endeavoring to secure a device which will reduce to the minimum injury to persons and property incident to the delivering of mails to and from moving trains; and

Whereas the department has from time to time advertised for proposals for such a device, and has at different times appointed committees of experts to examine different devices presented for its consideration, all of which has occurred at great expense to the Government; and

Whereas the Postmaster General, on the 15th day of March, 1910, formally approved a device for this purpose; and

Whereas the Second Assistant Postmaster General, on the 5th day of May, 1910, stated in a communication to the General Superintendent of the Railway Mail Service that the device so approved had successfully stood the tests prescribed by the department and had been approved by the Postmaster General, and further stated that it was expected that all the railway companies using catcher service for the exchange of mails would take steps for the introduction of an improved system of exchanging the mails at such stations on or before the 5th day of May, 1911; and

Whereas it is known that the railway companies have not complied with the direction of the department: Be it therefore

Resolved, That the Postmaster General be, and he is hereby, directed to furnish for the information of the Senate of the United States the causes of injuries to persons and damage and destruction of mail and mail equipment from accidents resulting from delivering and receiving mail to and from moving trains at what are known as catcher stations, the amount of mails, including newspapers and periodicals, lost or damaged, the places where the injury or damage occurred, the amount of loss to the Government or the railway companies, or both, on account of same, and also to state for the information of the Senate what, if anything, the department has done to compel the railway companies to equip their cars and stations with a suitable device approved by the department, in order to avoid the aforesaid injuries to persons and damage to mail and mail equipment.

THE STANDARD OIL CO. ET AL. V. THE UNITED STATES.

Mr. POMERENE submitted the following resolution (S. Res. 48), which was considered by unanimous consent and agreed to:

Whereas the Supreme Court of the United States, in the case of the Standard Oil Co. of New Jersey et al. *v.* The United States, decreed, in effect, that the Standard Oil Co. of New Jersey and 33 other constituent corporations and 7 individual defendants, John D. Rockefeller, Wil-

liam Rockefeller, Henry H. Rogers, Henry M. Flagler, John D. Archibald, Oliver H. Payne, and Charles M. Pratt, have united together to form and effect a combination, and as such conspired to monopolize and have monopolized, and are continuing to monopolize, a substantial part of the commerce among the States, in the Territories, and with foreign nations in restraint of interstate trade and commerce in violation of sections 1 and 2 of the Sherman antitrust law; and

Whereas under the provisions of said act, if the said defendants, or any of them, or any one for them, has entered into a combination or monopoly in restraint of trade or commerce among the several States, in the Territories, or with foreign nations, they are amenable to criminal prosecution: Therefore be it

Resolved, That the Attorney General of the United States be, and he is hereby, directed to inform the Senate of the United States what, if any, criminal prosecutions have been begun or are now pending against the said the Standard Oil Co. of New Jersey, or the said constituent companies, or individual defendants above named, or any of them, for violations of said sections 1 or 2 of said Sherman antitrust law.

REPORT ON SEIZURES OF COTTON.

Mr. WILLIAMS submitted the following resolution (S. Res. 49), which was read and referred to the Committee on Printing:

Resolved, That there be printed for the use of the Senate document room 1,000 copies of Executive Document No. 23, Forty-third Congress, second session, entitled "A Report of the Acting Secretary of the Treasury," in relation to the number of bales of cotton seized under orders of that department after the close of the war.

ASSISTANT CLERK TO COMMITTEE ON THE LIBRARY.

Mr. WETMORE submitted the following resolution (S. Res. 50), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the Library be, and it is hereby, authorized to employ an assistant clerk at a salary of $1,500 per annum, to be paid from the contingent fund of the Senate until otherwise provided by law.

SENATOR FROM ILLINOIS.

Mr. MARTIN of Virginia. I submit a resolution and ask that it be read, printed, and lie on the table.

The resolution (S. Res. 51) was read, as follows:

Whereas the Senate adopted a resolution June 20, 1910, directing the Committee on Privileges and Elections to investigate the charges relating to the election of WILLIAM LORIMER to the Senate of the United States; and

Whereas since the Senate voted on the report of that committee it is represented that new material testimony has been discovered in reference to such matter; and

Whereas the *senate of* the State of Illinois, on the 18th of May, 1911, adopted a resolution for the reasons therein stated, requesting the Senate of the United States to institute further investigation of the election of WILLIAM LORIMER to the Senate: It is therefore

Resolved by the Senate of the United States, That the Committee on Privileges and Elections, sitting in banc, be, and are hereby, authorized and directed forthwith to investigate whether in the election of WILLIAM LORIMER as a Senator of the United States from the State of Illinois there were used and employed corrupt methods and practices; that said committee be authorized to sit during the sessions of the Senate and during any recess of the Senate or of Congress; to hold sessions at such place or places as it shall deem most convenient for the purposes of the investigation; to employ stenographers, counsel, and accountants; to send for persons and papers; to administer oaths; and as early as practicable to report the results of its investigation, including all testimony taken by it; and that the expenses of the inquiry shall be paid from the contingent fund of the Senate, upon vouchers to be approved by the chairman of the committee. The committee is further and specially instructed to inquire fully into and report upon the alleged "jack-pot" fund in its relation to and effect, if any, upon the election of WILLIAM LORIMER to the Senate.

The VICE PRESIDENT. The resolution will be printed, under the rule, and, without objection, it will lie on the table.

CIVIL GOVERNMENT FOR ALASKA.

Mr. SMITH of Michigan submitted the following resolutions (S. Res. 52), which were read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Whereas certain bills are now pending before the Senate Committee on Territories providing for a civil government for Alaska, these measures having been proposed looking toward a thorough readjustment of the rules applicable to the government and control of that Territory: Therefore be it

Resolved, That the Committee on Territories be, and they are hereby, authorized and directed, by subcommittee or otherwise, to investigate the present needs and requirements of the people of Alaska, having especial reference to such legislation as may be necessary and desirable for the purpose of establishing a form of self-government or otherwise for said Territory; and be it further

Resolved, That said committee or any subcommittee are hereby authorized to sit, by subcommittee or otherwise, during the sessions or recess of the Senate at such time or places as they may deem advisable; and be it further

Resolved, That they shall be empowered to send for persons and papers, to administer oaths, and to employ such stenographic or other assistance as they may deem necessary for that purpose, the expense of such investigation or inquiry to be paid from the contingent fund of the Senate; and be it further

Resolved, That the committee is authorized to compile the Territorial laws applicable to Alaska, and order such printing and binding as may be necessary for its use.

HOUSE BILL REFERRED.

H. R. 8649. An act to authorize the extension and widening of Colorado Avenue NW. from Longfellow Street to Sixteenth Street, and of Kennedy Street NW. through lot No. 800, square No. 2718, was read twice by its title and referred to the Committee on the District of Columbia.

ELECTION OF SENATORS BY DIRECT VOTE.

The VICE PRESIDENT. The morning business is closed.

Mr. BORAH. I ask unanimous consent to take up House joint resolution 39.

There being no objection, the Senate as in Committee of the Whole resumed the consideration of the joint resolution (H. J. Res. 39) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Kansas [Mr. BRISTOW].

Mr. BRISTOW. Mr. President, there have been a great many inquiries made as to just what the joint resolution I have offered as a substitute provides. I want to invite the attention of the Senate to the changes which it proposes in the Constitution, and I shall occupy but a very few moments.

I offered the substitute for the joint resolution chiefly for the reasons: First, I think it desirable, because it makes the least possible change in the Constitution to accomplish the purposes desired; that is, the election of Senators by popular vote; and, second, because it is in the same form in which it was voted upon at the last session, when it received within 4 votes of enough to insure its adoption. Since that vote was taken 10 Members of the Senate who voted against the joint resolution have been succeeded by other Members, and I am advised that a majority of the 10 new Members will vote for the joint resolution, so that I have no doubt of its passage if it is submitted to the Senate at this time in the form in which it was submitted at the last Congress.

If Senators will take the Constitution, Rules, and Manual of the Senate, and turn to the Constitution on page 184, in section 2, Article I, I will call attention to the changes which are proposed. First, I will direct the Senate's attention to section 3 of Article I, which reads as follows:

SEC. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

This substitute of mine proposes to change that section by the striking out of the words "chosen by the legislature thereof" and inserting "elected by the people thereof."

The only change in section 3 is the substitution of the words "elected by the people thereof" for the words "chosen by the legislature thereof." That certainly is as simple a change as can be made. It involves no other question except the transferring of the election of Senators from the legislatures to the popular electors.

Then a change is made in section 2 of the same article, the section which refers to the House of Representatives. It now reads:

SEC. 2. The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

That provides for the election of Members of Congress; it provides the qualifications of the electors in such an election, and I have inserted that in my substitute, so that it reads:

The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

I have used the exact language used in the Constitution prescribing the qualifications of electors who will vote for Senator that is used in prescribing the qualifications of electors who vote for Members of Congress—nothing more and nothing less. So this substitute of mine simply transfers the election of Senators from the legislatures to the people, and provides that the electors, when they cast their vote for a Senator, shall have exactly the same qualifications as the electors who cast their votes for a Member of the House of Representatives.

The only other change that is proposed to be made in the Constitution as it is now is a provision for the filling of vacancies. The Constitution as it now reads, referring to vacancies in the Senate, says:

And if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

Instead of that, I provide the following:

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies.

Which is exactly the language used in providing for the filling of vacancies which occur in the House of Representatives, with the exception that the word "of" is used in the first line for the word "from," which, however, makes no material difference.

Then my substitute provides that—

The legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

That is practically the same provision which now exists in the case of such a vacancy. The governor of the State may appoint a Senator until the legislature elects. My amendment provides that the legislature may empower the governor of the State to appoint a Senator to fill a vacancy until the election occurs, and he is directed by this amendment to "issue writs of election to fill such vacancies."

That is, I use exactly the same language in directing the governor to call special elections for the election of Senators to fill vacancies that is used in the Constitution in directing him to issue writs of election to fill vacancies in the House of Representatives.

It is unnecessary for me to make any extended remarks in regard to my substitute for the joint resolution. I believe it is the best proposition, because it is the simplest of any that has been presented. It is substantially in the same language as the resolution which I introduced some two years ago, from which the joint resolution reported by the Committee on the Judiciary was formed. A very extended discussion was had on the joint resolution in the last Congress. A great deal of outside controversy was injected into it. I do not believe that section 4 of Article I of the Constitution should be in any way touched by the pending joint resolution. It is a separate and distinct proposition, and I do hope that Senators will not insist that we repeal a part of section 4 of Article I of the Constitution in order that we may give the people of the various States an opportunity to elect their Senators at a general election, instead of by the legislature.

I do not intend to enter into any elaborate discussion of section 4, Article I, of the Constitution as to the wisdom or unwisdom of its being repealed or modified in any way, because I do not think it ought to have any part in this discussion. I am going to vote for the joint resolution, whether any substitute shall be adopted or not, because the great question here is whether the people shall have an opportunity to elect their Senators instead of having them elected by the legislature. I believe the joint resolution is better in the form proposed by the substitute; I believe that it will be more satisfactory to the people of the country in that form, and I sincerely trust that the issue will not be confused by injecting into the discussion controversies that are foreign to it.

Mr. BRANDEGEE. Mr. President, I want to call the attention of the Senator from Kansas to the fact that section 2, Article I, of the Constitution, as read by him, provides:

The House of Representatives shall be composed of Members chosen even second year—

And section 3, as quoted by him, provides:

The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof.

Section 4 also uses the word "chosen," only it is spelled in a different way. It provides:

But the Congress may at any time by law make or alter regulations, except as to the places of chusing Senators.

The Senator's proposed amendment inserts the word "elected," in line 9, on the first page, instead of the word "chosen," and yet he preserves the word "chosen" in the tenth line, on page 2. I desire to know if there is any distinction between the use of the two words, and whether it would not be better to have the language uniform through all sections of the Constitution.

Mr. BRISTOW. Well, I do not think there is any material difference. The phrases "chosen by the legislature" or "elected by the legislature," it seems to me, mean the same thing. I have used the phrase "elected by the people thereof" because that is the phrase that is generally used in discussing the matter.

Mr. BRANDEGEE. If the Senator will permit me, I am aware of that fact; but I ask, if that is so, why does he not use the same word in line 10 of page 2 of his amendment, where it provides—

This amendment shall not be so construed as to affect the election or term of any Senator chosen, etc.—

Whereas previously the amendment provides that Senators shall be elected?

Mr. SUTHERLAND. Mr. President, if the Senator from Kansas will allow me a moment——

Mr. BRISTOW. Certainly.

Mr. SUTHERLAND. I think the language the Senator from Kansas has used is entirely appropriate to accomplish the purpose which he intends to accomplish. In the first part of the proposed substitute the provision is:

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof.

That is providing for a new method of selecting Senators. Heretofore they have been chosen by the legislatures; now they are to be elected by the people; but in the latter part of the proposed substitute, where the provision is that the amendment which alters the method by which Senators shall be elected shall not be construed so as "to affect the election or term of any Senator chosen before it becomes valid," the word "chosen" is there used with reference to the selection by the legislature, while in the first part the word "election" is used with reference to the selection by the people.

Mr. BRANDEGEE. Mr. President, if I may be permitted, if that distinction is intentional and of any significance whatever, why should not section 2, Article I, of the Constitution, which prescribes that "the House of Representatives shall be composed of Members chosen every second year by the people," be amended also so that it will read "elected by the people," instead of "chosen by the people"?

Section 2 provides for the manner of electing Members of the House of Representatives and uses the word "chosen." My point is that if there is any subtle distinction between the use of the word "chosen" and the word "elected," the language should be uniform in the different sections of the Constitution which we are proposing to amend. I do not know that there is any distinction between them, and I am inclined to think there is not; but I do think that the word ought to be used uniformly at least for the appearance of the diction of the section.

Mr. BRISTOW. I desire to say that, in line 2, page 2, of the proposed amendment, the word should be "legislature" instead of "legislatures"; that is, the "s" should be stricken off of the word, so that it will be singular instead of plural.

The VICE PRESIDENT. The amendment will be so modified, if there be no objection.

Mr. BRISTOW. The point raised by the Senator from Connecticut [Mr. BRANDEGEE] I do not think is at all material. The word "chosen," which is in line 10, on page 2, simply refers to Senators who have been chosen under the phraseology of the Constitution as it now exists; and I can not see any objection to it in that connection.

Mr. SMITH of Michigan. Mr. President, I should like to ask the Senator from Kansas whether the substitute which he has offered is in the same form and language as the substitute submitted by the Senator from Utah [Mr. SUTHERLAND] upon which we voted at the last session?

Mr. BRISTOW. It is in the same form as the joint resolution which was amended on motion of the Senator from Utah at the last session.

Mr. SMITH of Michigan. Then, it will leave the question of the election of Senators by direct vote of the people stripped of every other proviso or rider with reference thereto, the sole question involved being the manner of their election?

Mr. BRISTOW. It simply incorporates the words "elected by the people" for the words "chosen by the legislature." That is the only change that is made.

Mr. SMITH of Michigan. The safeguards which the Constitution has thrown around the authority of the General Government in the choice of these officers remains unimpaired?

Mr. BRISTOW. The Constitution is left just as it is now in that respect.

Mr. SMITH of Michigan. Mr. President, I am only going to say that I am strongly in favor of the resolution providing for the direct election of Senators by the people. In many ways I have contributed toward that result and have voted for such a resolution while a Member of the House of Representatives. That proposition places me in direct harmony with the expressed wishes of the people of our State, and I desire to redeem that promise made by my party.

I do not believe it to be wise to burden this proposal with any race rider or kindred problem of any kind or character. I think it should be shorn of every burden or subterfuge calculated to defeat it before the legislatures of our States.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Idaho?

Mr. SMITH of Michigan. Yes.

Mr. BORAH. What particular feature of the joint resolution as it was introduced does the Senator consider to be a subterfuge?

Mr. CLAPP. We can not hear what the Senator from Idaho says.

Mr. SMITH of Michigan. I did not mean to use the term "subterfuge" as a criticism of the honored Senator from Idaho. I think perhaps he has his measure in as good form as he has been able to get it from the committee to which it was referred, and I am finding no fault with him about it. I think

he is as zealous and as honest as any other Member of the Senate in his desire for this reform, but I regard the element of time and the general supervision which the Federal authority may now exercise over the choice of Senators, as well as Representatives, as very desirable to be retained in the Constitution, and it is my intention to vote for the substitute of the Senator from Kansas [Mr. BRISTOW].

If we can have this naked proposition, providing for the direct election of Senators by the people, unincumbered, I shall be very glad, but if the substitute of the Senator from Kansas shall fail, I then propose to cast my vote in favor of the joint resolution reported by the Senator from Idaho, and feel that by so doing I am discharging a solemn duty which I owe to the people of my State.

Mr. HITCHCOCK. I desire to ask the Senator from Kansas whether his substitute takes into account section 4 of Article I of the Constitution? Section 4 provides:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof, but the Congress may at any time by law make or alter such regulations, except as to the places of chusing Senators.

Mr. BRISTOW. We leave that just as it is. It does not affect or change it in any way.

Mr. HITCHCOCK. Then if his substitute were adopted there would still be a distinction between the power of Congress as it affects the election of Senators and as it affects the election of Representatives. That is, as it is now, Congress would have no power to alter the action of the legislature——

Mr. BRISTOW. It will have just the power that it now has. I do not undertake to change in any way the authority which the Congress has now over the election of Senators——

Mr. HITCHCOCK. That is to say, Congress would then have power to dictate to the States the places at which the election of Representatives should occur, while having no power to dictate to the States the places at which the election of Senators should occur.

Mr. BRISTOW. "But the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators." We leave that just as it is.

Mr. HITCHCOCK. I should like to ask the Senator whether that would not create possibly an awkward conflict where Congress has reserved the power in one case and not in the other?

Mr. BRISTOW. I do not myself think it is a matter of any consequence.

Mr. HITCHCOCK. I am merely inquiring to know whether they should not be placed in harmony. Does the Senator intend that Congress shall have no power over the States with relation to the places of choosing Senators, while it does retain that power over the States in the election for the choosing of Representatives?

Mr. BRISTOW. I can say no more than I said before, that I do not think the question of regulating the place where Senators should be elected is of any consequence. I am perfectly willing to leave the Constitution just as it is. Congress never has exercised that authority, and what I am seeking to do is to change the Constitution just as little as it can be changed in order to bring about a direct election of Senators by the people instead of an election by the legislature.

Mr. HITCHCOCK. I merely raised this question because in the joint resolution as passed by the House of Representatives and as pressed by the Senator from Idaho that matter is made clear by the paragraph which provides that—

> the times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof——

Mr. BRISTOW. Yes.

Mr. HITCHCOCK. And in the joint resolution proposed as a substitute by the Senator from Kansas there seems to be an ambiguity, possibly, between the two provisions.

Mr. BRISTOW. I regret that the Senator should think there is an ambiguity. I think that the resolution as reported by the Senator from Idaho undertakes to amend section 4, and I did not want to amend section 4 in any way. I wanted to leave it alone, because I do not think it is necessary to amend it in order to accomplish the purpose that we are undertaking to accomplish here by this amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Kansas.

Mr. ROOT. Mr. President, this subject has been very fully debated in the Senate, and I do not wish to occupy the time of the Senate by going over the same arguments that I myself have already made or by repeating the arguments of others. I do wish, before the vote is taken, to state the position I take and the views which influence me to vote as I shall vote.

I shall vote for the substitute offered by the Senator from Kansas, and I shall then vote against the proposition to amend the Constitution. I shall vote for the substitute because it strikes out from the proposed amendment the amendment of section 4 of Article I, and I shall vote against the proposition as a whole because I am opposed to the amendment of section 3 of Article I.

There are two separate, distinct, and independent amendments of the Constitution included in the joint resolution as reported by the Committee on the Judiciary. One is an amendment to section 3, so as to provide for the election of Senators by the people instead of their election by the State legislatures. The other is an amendment of section 4 of Article I, so as to take away from the Congress of the United States the power to make or alter the regulations which may be prescribed by the several State legislatures in respect of the choosing of Senators.

The second amendment—that to section 4—is wholly unnecessary to the effectiveness of the first amendment, relating to the election of Senators by the people. There is no occasion whatever to destroy the power and authority of the Government of the United States over the process of constituting its own legislative body in order to secure the change of election from the State legislatures to the people of the several States. It is a new, additional, independent, disconnected, and unnecessary amendment of the Constitution. It has no place in the deliberations of this body or of any body upon the change in the manner of electing Senators. A change from the election by the legislature to an election by the people can be made with or without the other amendment, and wholly unaffected by it.

The people of the United States may wish for one and may not wish for the other. They ought not to be compelled to vote for one, which they may not wish for, as a condition for securing the other, which they may wish for. Each should stand upon its own basis. The people of the country should have an opportunity to vote to change the manner of the election of Senators, if they wish for it, without being compelled, as the price of getting it, to vote for the destruction of that control which the National Government has had from the beginning over the constitution of this great branch of the national institution.

I believe, sir, that the adoption of this amendment to section 4, which takes away the power of Congress to make in the last resort, if it finds it necessary, regulations to secure the effective, the honest, the uncontrolled selections of Members of the Senate, would be a reversal of the theory of the Constitution. I believe that it would strike a blow at that power of independent self-support which is essential to the perpetuity and the effectiveness of government. I believe that it would be a revertal to the theory of the old Confederation, under which the Government of the United States was dependent upon the States, and an abandonment of the theory of the Constitution under which we live, which was that the Government of the United States should stand erect and self-sustaining and have all the powers necessary for the maintenance of national life, dependent upon no State, upon no State legislature, and upon one power and upon no power whatever except the power of the Nation itself.

Mr. BORAH. Is it not true that the State legislature at this time has the sole and exclusive power to prescribe the manner of electing the electors who elect the President?

Mr. ROOT. It is.

Mr. BORAH. In what respect does this weakening of national powers differ from that which you choose to call a weakening with reference to the electing of electors?

Mr. ROOT. In this respect, Mr. President, if any State chooses not to take part in the election of the President, the President would be selected by the other States. Only the failure of all the States to perform their duty would prevent the election of a President.

Mr. BORAH. Is that not equally true with reference to Senators?

Mr. ROOT. No; it is not.

Mr. BORAH. If the State of New York should see fit not to choose her Senators, it would not hinder the State of Idaho from choosing hers?

Mr. ROOT. It would not; but it would prevent the Senate of the United States from having the representation of the State of New York in the membership of the body, and would render the Senate liable to have seats in the body filled by practices which might involve coercion, intimidation, and corruption, which it would have no power to prevent.

Mr. BORAH. The same effect precisely would be had upon the electoral college as to vacancies in the chairs, which should

be filled in that college as would be had should the State fail to elect Senators.

Mr. ROOT. In the ultimate result, Mr. President, we would receive the votes and count them, and the President would be elected. Any State which failed to perform its function would lose its voice in the selection of a President.

But, Mr. President, there is no proposition here to change the provision of the Constitution in regard to the election of the President. The proposition here is to change the Constitution so as to take away from the National Legislature the power to make any regulations with regard to its own creation, and it is to that that I object.

We have had occasion to exercise the power of regulation both in regard to the election of Members of the House of Representatives and in regard to the election of Senators. Congress in 1842 passed a statute to regulate the election of Members of the House. It was found necessary in order to have effective and proper elections. It has passed repeated statutes since then, notably in 1872, and our elections are being conducted now under those statutes passed by the Congress. Congress has found occasion to regulate the election of Senators, and those elections are being conducted now under the statute passed in 1866. No man can say that the time will not come again when it will be necessary for the Congress, in order to secure uniformity, in order to secure effectiveness, in order to prevent abuses, to exercise its power in respect of regulating the times and the manner of electing Members to each House of the National Legislature.

But, Mr. President, it was not my purpose, as I have already said, to reargue this case. I have stated the substantial grounds upon which I prefer that the substitute offered by the Senator from Kansas shall take the place of the original joint resolution. I shall oppose the resolution, then, on the ground that I think it is inexpedient and unnecessary to make any amendment of the Constitution at all in regard to the election of Senators. I believe that it will result in a deterioration in the personnel of the Senate. I believe that it will keep out of the Senate a large and important element well adapted to the performance of the peculiar and special duty of the Senate in our system of government. I believe that all the abuses which have led to such a desire for this change on the part of the people of the country can be cured by a simple amendment of the law, by amending the statute rather than by amending the Constitution of the United States.

Such a step I have already introduced. It was introduced at the last session and favorably reported by the Committee on Privileges and Elections. It has been introduced again at this session and is now pending before the Committee on Privileges and Elections. It provides for the election of Senators by a plurality, which is something that would be inevitable if we transfer the right of election from the legislatures to the people. It cures the evils which we have had by a simple amendment of the law. It affords an opportunity for a majority rule to control for a period which is stated in the bill as introduced at 20 days after the first convening of the two houses of the legislature. After the operation of 20 days has failed to produce an election by the majority rule, it provides for the application of a plurality rule.

Mr. President, I fully recognize the fact that we have going on throughout a large part of the country a process of change, a process of experiment in the way of modifying our governmental institutions. I recognize the fact that the people of many States have become dissatisfied with the way in which their political machinery has acted and that they desire to change it. I have great sympathy with the feeling and take great interest in the experiments that are being tried. I believe that good will come from the awakened interest of the people of the country in their own political affairs and from their determination to take a part in their affairs and to make their will effective.

But, sir, it is a process of experiment. We can not change the institutions of more than a century without long trial and consideration. Experiments will fail; experiments will succeed. All of us will see opportunities for modification and improvement. No one of us can evolve from his own thought, not all of us together can by conference produce, results which we may feel sure are better than the methods devised by the framers of our Government until the results have been put to the test of practical application.

The system under which we live, Mr. President, has produced the best results that ever have come from the experiments of mankind in government. We have received from our present institutions manifold blessings, and in the providence of God have wrought out under those institutions results which have made for the happiness, for the liberty, for the advancement of all mankind. With all history strewn with the wrecks of effort in government, with human nature still unchanged, I would hesitate long before assuming that my own judgment or the judgment of all of us can improve the system and framework of our Government except upon experiment and demonstration by practical application.

Mr. President, I do not like to see experiments begin or proceed in their early stages by amendments to the Constitution in advance of their being tried out fully. Amendments should be the result of long deliberation and trial. They should not initiate deliberation and trial.

For these reasons, sir, I shall take the course regarding the substitute and the joint resolution, whether the substitute be adopted or not, which I have indicated.

Mr. WILLIAMS. Mr. President, I had not intended to open my mouth at this session of the Senate of the United States, but it seems to me that it is necessary that my own position upon this question should be made clear. This is one of those curious and interesting cases where by keeping the language of the law just as it is in one place after a change in another place you change the facts, and where the only way of not changing the facts in their practical operation is to omit or change the language.

The Senator from New York [Mr. ROOT] is not only distinguished but notorious for his intellectual ingenuity, and with all of his ingenuity he can not cover up this practical change. The fact to-day is that when the people of Mississippi undertake to elect a legislature which is to elect a Senator the United States Government can not, does not pretend even to have the right to, interfere at the polls where the people are voting. If this change is made and the language in section 4 left just as it is and not omitted, then the power of the Federal Government is extended just that much further than it is to-day, to wit, that afterwards the Federal Government can at least pretend to the right, whether it have it or not, to interfere at the polls in the State of Mississippi when a Senator is being elected.

Now, gentlemen may refine all they please. They may split hairs "as betwixt the nor' and the nor'west side," but they know, just as well as the country, if intelligent, will know, that when they are pleading that the Constitution shall not be changed in section 4 they are really pleading that the relations between the Federal Government and the people at the polls shall be changed by adding a power which the Federal Government now has not, with regard to the presence and supervision of the election of a Senator.

I am not astonished at the position taken by the Senator from New York, because his object is to defeat the amendment to the Constitution making Senators to be elected by the people, and, of course, if he can force a large body of southern representatives by the adoption of the amendment of the main joint resolution as reported by the committee to a position of opposition he has with him upon the final vote against the adoption of the amendment to the Constitution just that many votes; and I presume, knowing his intelligence, that he has taken a reckoning of that fact. But I am a little astonished that the Senator from Kansas [Mr. BRISTOW], who desires the adoption of the amendment electing Senators by the people, should push his natural allies upon this subject, southern Senators, into that unnatural position.

Mr. President, the Senator from New York tells us that we should go slowly about changing the Constitution of the United States. It is strange that a New York Republican should tell a Democrat of my school that. I feel that, too; but the people of the United States have not gone rapidly about this. They have been considering it a long time. The Senate of the United States has been "tried in the balance" and, rightfully or wrongfully, wisely or foolishly, the people of the United States have concluded that as now constituted it has been found wanting.

I do not believe that the election of Senators by the people will result in any deterioration of the intellectual ability which will represent the States upon this floor. I know, as the Senator from New York says, that it might result in excluding from this Chamber "a certain element" which is of the highest ability in administering affairs, but it is an element that the people of the United States have concluded has been represented here too much.

Mr. President, I can not for the life of me see why the Senator from Kansas should desire to put us in the attitude in which he will put us if his amendment to the joint resolution shall prevail. Can no popular reform of any description be instituted in the United States without mulcting the South somewhere along the line—without demanding of her some special sacrifice? The Senator from Kansas, of course, knows as well as I do that if the joint resolution as it has come from the committee shall prevail there will be no change in the

facts, in the practical operation of things, in the present relationship between the Union and the States, whereas if he makes the change of fact by keeping the words which he proposes to keep in section 4, he does bring about practically the condition of things which our people at home would not admit for a moment of our overlooking, and concerning which they would condemn us if we omitted to take proper notice here and now.

Mr. President, I had not intended to be heard at all. That much I thought I ought to say.

Mr. SUTHERLAND. Mr. President, I have no intention of discussing this question at any great length. It was very fully discussed by the Senate within the last two or three months. But I do want to say a word or two to point out my position with reference to the joint resolution, and with reference to the substitute for it which has been proposed by the Senator from Kansas [Mr. BRISTOW].

In the first place, I am in hearty sympathy with the general proposition to amend the Constitution so as to provide for the election of United States Senators by the direct vote of the people. I am not going into any discussion of my reasons for that position. They have been stated very often. A United States Senator is a representative officer precisely the same as a Member of the House of Representatives, and I can see no reason why such a representative officer should not be elected by a *direct vote of the* people the same as a Member of the House of Representatives. I do not agree with the suggestion which has been made that we will in some unfortunate way affect the efficiency of this body or of the individual members of it. I think the tenure of office, six years, will of itself operate to mark whatever difference is desirable between these two great bodies—the House and the Senate.

It has been suggested that if we shall adopt this amendment and provide for the election of United States Senators by a direct vote of the people, it will next be proposed to destroy the equal representation which the States of the Union now enjoy in the Senate, and that we shall have a proposition, which ultimately will be adopted, that will provide for the same measure of representation that prevails in the other House, and that Senators will be elected in proportion to population and there will not be, as now, an equal representation from each State.

I do not well see how that can be brought about under that clause of the Constitution which provides that no State shall be deprived of its equal representation in this body without its own consent. I know it has been suggested that even that might be amended; but to destroy that provision would not be a change of the Constitution by the orderly processes of constitutional amendment. It would be equivalent to a revolution. That is the one thing which the people who framed this Constitution stipulated among themselves should never be altered so long as one State in the Union objected to it. I am not at all afraid that any serious attempt will ever be made to bring about that result.

But, Mr. President, while I am strongly in favor of this general proposition, I am opposed to the joint resolution as it has been presented, because the resolution as presented proposes not to accomplish the one result of electing Senators by direct vote of the people, but it proposes to accomplish that and another and an additional result, namely, the surrender of the power which the Government of the United States has possessed over the election of Senators from the foundation of this Government to the present day. The Constitution of the United States provides, in the first instance, that the legislatures of the various States shall regulate the times, places, and manner of choosing Representatives and of United States Senators, but that Congress may at any time make or alter such regulations. If we shall take out of the Constitution so much of it as provides for the exercise of this power on the part of Congress with reference to the election of United States Senators, we shall introduce into the Constitution, as I view it, an inconsistent and an altogether inharmonious condition.

The Constitution is entirely consistent and harmonious with itself. The Senator from Idaho [Mr. BORAH], interrupting the Senator from New York [Mr. ROOT] a few moments ago, called his attention to the fact that Congress had no power to regulate the time, place, or manner of the election of electors for President. That is true.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SUTHERLAND. I do.

Mr. BORAH. The Senator from New York only addressed himself to the question of the "manner."

Mr. SUTHERLAND. The Constitution expressly provides respecting the time. The Senator is correct. He calls attention to the fact that the Constitution does not provide for the exercise of the supervisory power on the part of Congress over the manner of electing electors, but the Constitution does preserve the power of Congress over the action of the electors themselves. In other words, the Constitution all the way through preserves the power of the Government of the United States to regulate the ultimate electors of the officers for whose election provision is made. In the case of Representatives the people vote directly for the officer; they are the ultimate electors. So the Constitution preserves the supervisory power of Congress over the people, who in that instance are the electors. In the case of United States Senators the people are not the ultimate electors, but the legislatures of the various States are. So the Constitution preserves the supervisory control of Congress over those bodies as the ultimate electors. In the case of the President of the United States the electors, so called, are the ultimate elective power. So the Constitution preserves the authority of Congress over those electors. The whole system is entirely consistent and entirely harmonious.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SUTHERLAND. I do.

Mr. BORAH. Mr. President, the Senator from New York [Mr. ROOT] was addressing himself to the question of the power under the Constitution to control elections for the purpose of insuring proper elections, and, with that end in view, I asked if it were not true that the legislatures prescribed the manner of electing electors. So far as the local election is concerned, the State legislature has absolute and exclusive control over the manner of electing electors. After the electors are elected they are in the same attitude that we are after elected. But, so far as the election of electors in the several States are concerned, to prescribe the manner of election, that is a matter which rests exclusively and alone with the legislature of the State.

Mr. SUTHERLAND. That is all quite true, but it in no manner, as it seems to me, affects the contention which I have made with reference to it.

Mr. BORAH. I think, Mr. President, that that is true, but I think it affects the proposition which the Senator from New York has made as to the manner of controlling a local election.

Mr. SUTHERLAND. The Senator from New York has demonstrated that he is quite capable of taking care of himself.

Mr. BORAH. I think that is true.

Mr. SUTHERLAND. I shall not undertake to do that for him.

The Senator from Mississippi [Mr. WILLIAMS] has said that the substitute offered by the Senator from Kansas [Mr. BRISTOW], while it ostensibly preserves the constitutional provision as it is, in reality makes a change in it. If I understand him, his position is that now, under the Constitution, Senators are not elected by a vote of the people, but are elected by the legislatures, and that, therefore, under the Constitution, Congress has no supervisory power over the acts of the voters themselves, and that by preserving this section 4 in the Constitution unaltered Congress will hereafter have an authority over the voters of the States which it does not now possess with relation to the election of United States Senators; but, as it seems to me, that argument is somewhat misleading and disingenuous. The Constitution provides that Congress shall have the supervisory control over the election of Representatives and the supervisory control over the election of Senators. The manner in which those different officers shall be elected has nothing whatever to do with the provision in the Constitution that the ultimate supervisory power shall exist in Congress; in other words, if the Constitution had provided in the beginning for the election of United States Senators by direct vote of the people, as it did for the election of Representatives by direct vote of the people, can there be the slightest doubt in the mind of anybody that the framers of the Constitution would have provided for the ultimate supervisory control of Congress over the election of Senators in that way precisely as it did over the election of Representatives?

Can any man give me any good reason why the supervisory control of Congress over the election of Representatives should be preserved when they are elected by the people and the supervisory control of Congress over the election of Senators should be destroyed when they are elected in precisely the same way? There is no change in principle. It is simply the application of an existing principle of the Constitution to new conditions.

We have illustrations of that in other parts of the Constitution. When the clause which gives Congress authority to regulate commerce among the several States was first adopted, it had no application to railroads; it had no application to tele-

graph lines; it had no application to telephones. Why? Because they were not in existence; but the moment those instrumentalities came into existence that provision of the Constitution applied to them of its own force at once. So, when this provision was put into the Constitution it was intended to operate irrespective of the manner of election, and when we provide for a new method of election the supervisory power of Congress already provided for in the Constitution at once and automatically attaches to that new condition of affairs.

The Senator from Mississippi [Mr. WILLIAMS] undertakes to find fault with the Senator from Kansas [Mr. BRISTOW] for having presented this substitute and made it impossible, according to his statement, for some Senators upon the other side to support it, and he warns the Senator from Kansas that it may result in the defeat of the joint resolution. I have no doubt in my own mind that if the substitute of the Senator from Kansas is not adopted it spells the defeat of this joint resolution—I do not mean necessarily in the Senate, but I mean before the country and before the legislatures of the country. If Senators who are in favor of giving up this supervisory control of Congress believe that the country is ready for it, let them present it by itself; let it stand upon its own feet; let it stand or fall by its own strength. I think if it should be separately proposed by Congress, not only would it not obtain a vote of three-fourths of the States of the Union, but it would not obtain the vote of a fourth of them.

Mr. RAYNER. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Maryland?

Mr. SUTHERLAND. Certainly.

Mr. RAYNER. If the Senator will allow me, I intend, of course, to vote against the proposed amendment of the Senator from Kansas [Mr. BRISTOW], but I shall vote for the joint resolution, even if the amendment be adopted. I want to call the Senator's attention, however, to a remark he made, which, I think, will require some modification. He said that, in his judgment, the framers of the Constitution, if they had provided that Senators should be elected by the people, would have adopted this supervisory power. I want to call his attention, or, rather, his recollection, to the fact that New York and, if I remember aright, Rhode Island, Pennsylvania, and Massachusetts, in ratifying the Constitution adopted a provision in the act of ratification that, in the contemplation of those States ratifying it, never was intended to give Congress any such power as that; that the only power it was ever intended to confer upon Congress was the power to act when the States failed to act.

Now, just one word further. I will only take a moment. Let us look at New York. The preamble to the ratification in New York recited:

> In full confidence, nevertheless, that until a convention shall be called and convened for proposing amendments to the Constitution * * * that the Congress will not make or alter any regulation in this State respecting the times, places, and manner of holding elections for Senators and Representatives unless the legislature in this State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstances be incapable of making the same, and that in those cases such power will duly be exercised until the legislature of this State shall make provisions in the premises.

Pennsylvania, in adopting the Constitution, provided:

> That Congress shall not have power to make or alter regulations concerning the time, place, and manner of electing Senators and Representatives, except in case of neglect or refusal by the State to make regulations for the purpose, and then only for such time as such neglect or refusal shall continue.

The State of Massachusetts did the same thing, as also did Rhode Island. I can not agree with the Senator's contention.

Mr. SUTHERLAND. There were a number of States which took that view.

Mr. RAYNER. The idea of this clause was that where the States failed to act Congress should act, but it never was intended and never was in the contemplation of the framers of the Constitution; and the Senator will, I think, never be able to find in the debates of that body any recognition of the principle that the authority of the Congress should supersede the regulations of the States.

One other word before the Senator sits down with reference to the electors. There is a specific power in the Constitution that the States shall have the right to appoint electors. The Constitution confers the right upon the States to appoint their own electors. It provides—

> Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in Congress.

There is no provision in the Constitution giving Congress supervisory power of the manner in which the States shall determine the matter or the regulations as to the election of electors.

Mr. SUTHERLAND. No; but over the action of electors when chosen the power of Congress has been preserved. The Constitution not only preserves the power of Congress, but provides how those electors shall discharge their duties.

Mr. RAYNER. But not their selection.

Mr. ROOT. Mr. President, will the Senator from Utah permit me to ask the Senator from Maryland a question?

Mr. SUTHERLAND. Certainly.

Mr. ROOT. What force does the Senator from Maryland give to the words "or alter such regulations"? Section 4, Article I, provides—

> But Congress may at any time by law make or alter such regulations.

How could they alter such regulations if their power was to exist only in case the State failed to make any?

Mr. RAYNER. I can answer that by saying that where the regulations were not sufficient for the purpose of accomplishing the purpose they intended the power attached. Mr. President, I do not think the Senator from New York will say, in looking over the debates in the Constitutional Convention, although, of course, it does not bear practically upon this question at all, and I do not care what the debates were in the Constitutional Convention now, I do not think he would say that it was the intention of the framers of the Constitution or that it was the intention of the States that ratified the Constitution that Congress should have a supervisory power over the election regulations of the States. That power was deemed to exist in Congress only when the States failed to send Senators here and Representatives to the House of Representatives, and the word "alter" meant when they did not sufficiently accomplish the purpose. The action in the New York convention, in the Pennsylvania convention, in the Rhode Island convention, in the Massachusetts convention, and in other conventions of other States that I do not now recall shows plainly that it was never the intention to give Congress the power that the Senator from Utah claims it would have been given if the Constitution had originally provided for the election of Senators by the people, and that the framers of the Constitution would not have conferred any such power upon Congress as the Senator from Utah now wants to confer upon it. Of course, Congress has exercised the power with the approval of the courts, but I am speaking now of what was within the contemplation of the ratifying States.

Mr. SUTHERLAND. I am entirely familiar with the resolutions to which the Senator from Maryland refers, but, with all due respect to him, they do not meet in any degree the contention that I am making. I care not whether the position of the Senator from Maryland is correct about it or my position is correct about it; my proposition is that the framers of the Constitution would have given Congress the same power, whatever it may be, of supervision over the election of Senators that it does give them under the Constitution if they had been elected by a direct vote of the people. It gave the Congress the ultimate supervisory control over the election of Representatives, and they were elected by the people; it gave the ultimate supervisory power over the election of United States Senators, and they were elected by the legislature; but if the Constitution had provided that Senators should be elected by the people, the same as Representatives were elected by the people, the framers of the Constitution would have given to Congress exactly the power which they had given them over the election of Representatives. That is my contention.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Mississippi?

Mr. SUTHERLAND. I yield to the Senator from Mississippi.

Mr. WILLIAMS. Does not the Senator from Utah admit that our forefathers and the Constitution regarded the Senators as peculiarly the representatives of the States—in a certain sense as ambassadors?

Mr. SUTHERLAND. I do not know that I quite understood the Senator.

Mr. WILLIAMS. I say, does not the Senator from Utah admit that our forefathers and that the Constitution contemplated the Senators as peculiarly the representatives of the States, the Senate itself as a body being representative of the State and not of the people of the State?

Mr. SUTHERLAND. The Senator is a representative——

Mr. WILLIAMS. Now, if that is the case, does the Senator think they would have made exactly the same rule for the Representatives elected by the people and for these men who in their view were in a sort of way ambassadors from the States?

Mr. SUTHERLAND. The Senator from Mississippi is a representative of his State in one sense, but a Senator represents the people of his State the same as a Representative

represents the people of his State. And beyond that a Senator is not only a representative of his State, but he is a Senator of the United States. He exercises——

Mr. WILLIAMS. What I am trying to get at, if the Senator will permit me, is this: Not in your contemplation nor more than in mine, for things have evolved since then very much, but whether in the contemplation of our forefathers the Senators were not the representatives of the States, of the corporate body, the State, more than of the people of the State.

Mr. SUTHERLAND. Well, let me concede that, then——

Mr. WILLIAMS. This body was inaugurated for the very preservation of the equality of the States, was it not?

Mr. SUTHERLAND. Let me concede that, at any rate, for the sake of argument, and what does the Senator make of it? Does the Senator think that because that distinction might exist Congress ought to preserve no control over the election of United States Senators while it does preserve control over the election of Representatives?

Mr. WILLIAMS. Yes——

Mr. SUTHERLAND. Does that constitute a reason for that distinction?

Mr. WILLIAMS. The reason for that distinction is just as when a congress of people meet. There are so many delegates, and the congress itself has no control over the delegates.

Mr. SUTHERLAND. I can not follow the Senator in that.

Mr. WILLIAMS. I am saying that because you went back historically to the beginning; and if we are to go back, I should like to go back to the atmosphere that surrounded those people. Of course I admit, as a matter of fact, in the course of historical evolution that the very nature of institutions change because of the nature of new demands made upon them.

Mr. RAYNER. Will the Senator yield to me?

Mr. SUTHERLAND. If the Senator will let me have just a moment, I will yield to him.

To my mind, if there can be a distinction, there is more reason for the preservation of the supervisory control of Congress over United States Senators than over Representatives, because——

Mr. WILLIAMS rose.

Mr. SUTHERLAND. If the Senator will hear me through—because a Senator of the United States, while he may be, as the Senator says, a representative of the State, is more a representative of the United States than is a Member of the House. The Representative, the Member of the House of Representatives, has nothing to do with the question of treaties. He has nothing to do with the confirmation of appointees to Federal positions and ambassadors to foreign governments. The Senator of the United States passes upon treaties with foreign governments. A Senator of the United States advises and consents to the appointment of the judges, ambassadors, and all the other officers of the United States.

Mr. WILLIAMS. Yes; I understand that.

Mr. SUTHERLAND. In that condition, can it be said that the Government of the United States should absolutely yield to the States its control over the election of such an officer, who discharges these important functions of the National Government?

Mr. WILLIAMS. And from their standpoint at that time one of the very reasons why they gave all these extraordinary powers to the Senate was that the Senate was peculiarly representative of the equality of the States.

Now, right here one other question. The Senator from New York [Mr. ROOT] says that he wants to add to the present powers of the General Government this right to be present at the polls in a State when the Senator is elected.

Mr. ROOT. To retain it.

Mr. WILLIAMS. That is my standpoint. Of course, his standpoint is that he is keeping things as they are. He says that one reason why the Federal Government must do that is because it must continue its own existence in the Senate and that New York must have her Senator here.

I want to ask the Senator if, under the present condition of things, there is any way under the sun to compel Colorado to send a Senator here?

Mr. SUTHERLAND. Absolutely none.

Mr. WILLIAMS. None under the sun. So that the argument which he makes there is no more against the condition of things that would exist if the joint resolution of the committee should pass than it is at present.

Mr. RAYNER. The Senator from Utah has been very liberal in allowing interruptions. Will the Senator permit me?

Mr. SUTHERLAND. I will yield to the Senator briefly.

Mr. RAYNER. I object on general principles to interpretations of the Constitution which, in my opinion, were not sanctioned at all at the time it was adopted. The best way to get at what the Constitution means is to get at what the States meant when they ratified it. Nine out of the 13 States in their articles of ratification held that this clause does not mean what the Senator from Utah says it does mean. The records of the other 4 States have been lost, but I have no doubt they would follow in the same line. It will not take me a moment——

Mr. SUTHERLAND. Let me ask the Senator right here, whatever it means, why destroy the power?

Mr. RAYNER. Because it means just exactly what we say it means. We give the State the right to provide for the manner of electing Senators. And that is exactly what it meant, unless the States decline to act.

Mr. SUTHERLAND. Mr. President——

Mr. RAYNER. Just a moment, and then I shall have finished. I will just read this—it is only a few lines—and then I will not detain the Senator.

The matter has always been so clear to me that I do not like to have a statement made upon the floor of the Senate contrary to what I think the framers of the Constitution meant. Here is what the State of South Carolina said:

> And whereas it is essential to the preservation of the rights reserved to the several States, and the freedom of the people, under the operation of a General Government that the right of prescribing the manner, time, and places of holding the elections to the Federal Legislature should be forever inseparably annexed to the sovereignty of the several States, this convention doth declare that the same ought to remain to all posterity a perpetual and fundamental right in the local, exclusive of the interference of the General Government, except in cases where the legislatures of the States shall refuse or neglect to perform and fulfill the same according to the tenor of said constitution.

Now, Virginia said:

> That Congress shall not alter, modify, or interfere in the times, places, and manner of holding elections for Senators and Representatives, or either of them, except when the legislature of any State shall neglect, refuse, or be disabled by invasion or rebellion to prescribe the same.

You have nine States. I never have had any doubt after a most careful examination as to the proposition that if the records of the other four States could be found they would substantiate the declaration in the ratification of these States. At least we have the records of nine of them, every one of them giving is as the opinion of the ratifying convention that it never was intended to repose in Congress the power that Congress has unlawfully exercised in regard to the matter.

The Senator from Georgia [Mr. BACON] at the last session of Congress cited these various acts of ratification to which I have referred and demonstrated the proposition that I am now contending for.

Mr. NELSON. Will the Senator yield to me for a moment?

Mr. SUTHERLAND. Yes.

Mr. NELSON. The unfortunate thing, Mr. President, with the position of the Senator from Maryland is that if this paragraph is amended, whether the legislature acts or fails to act, in any event the Congress of the United States will have absolutely no power, and therefore the statement made by the Senator from Maryland is not germane and has no force, because the original joint resolution does not even give the Congress the power to act when the legislature utterly fails. Here is the language, and the only language, left in the original joint resolution:

> The times, places, and manner of holding elections for Senators shall be prescribed in each State by the legislature thereof.

There is no proviso here giving Congress the power to act in case the legislature fails to act.

Mr. RAYNER. The Senator from Minnesota is contesting with a shadow. There is not the slightest possibility of a State declining to send a Senator to the Senate of the United States. There was danger at the time the Constitution was adopted. There is not now the slightest practical danger of a State not sending a Senator here.

Mr. HEYBURN. Will the Senator permit me?

Mr. RAYNER. I will permit an interruption, but the Senator from Utah has the floor.

The VICE PRESIDENT. The Senator from Utah has the floor.

Mr. RAYNER. I am talking about the intention of the framers of the Constitution. The Senator from Utah says it was the intention to give Congress a supervisory power. I know very well they have exercised a supervisory power, but I say when you look over the ratification of the States you can come to but one conclusion, and that is that it never was the intent of the framers of the Constitution; and let me say another thing, that the Constitution never would have been raified if the States had believed that that was the intention.

Mr. HEYBURN. I want to ask the Senator from Maryland a question, with the permission of the Senator from Utah.

The Senator from Maryland made the assertion that there was not the slightest danger that any State would ever fail or refuse to send representatives to the Congress of the United States. The history of the United States discredits that assertion.

Mr. RAYNER. I do not think it does, Mr. President. I should like the Senator to point out where it discredits it. It does not discredit it in the case of the State of Idaho.

Mr. HEYBURN. Well, Mr. President, there were certain years in the history of this country when certain States did not send representatives here.

Mr. RAYNER. And there were certain years in the history of the country when the Senate turned down Senators who were sent here and put in Senators who were never lawfully elected to the Senate.

Mr. HEYBURN. I was merely referring to the statement of the Senator—that such conditions could never exist.

Mr. BORAH. Will the Senator from Utah permit me to make just a suggestion here, because it illustrates what I may say is an exaggeration of the effect of section 4? At the time that the States did fail to send Senators here, of what earthly use was section 4 to the United States? We did not exercise any power under it. We could not exercise any power under it. It was utterly useless to accomplish anything which now by imagination it is suggested might be accomplished.

Mr. NELSON. May I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Minnesota?

Mr. SUTHERLAND. Yes.

Mr. NELSON. Of what earthly use was the Constitution anywhere—any part of it—during the Civil War?

Mr. BORAH. Well, I think it served a very good use. It held us together up here. But this particular section was never intended to give us the power to go into the States and elect Senators, and we have not that power now.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Idaho?

Mr. BORAH. I hope he will.

Mr. SUTHERLAND. Yes; I yield to the Senator.

Mr. HEYBURN. There is in the Constitution a process of compelling the election of Senators and Representatives, which was adopted at that time, and it was an effective process. It took a little while to do it, but the Government of the United States compelled those States to resume the functions of statehood and send their representatives here. It was only a question of how they would do it, and they adopted the only method of doing it.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SUTHERLAND. I will yield to the Senator from Idaho, and then I must proceed.

Mr. BORAH. I assert that never at any time did the Congress of the United States undertake to exercise any power under this section to compel any State to elect a Senator or a Representative.

That statement has been made here on the floor time and time again, and I challenge any Senator to point to a single instance, to a single statute, or a single proceeding under section 4 of the Constitution looking to the accomplishment of that purpose.

Mr. HEYBURN. I can refer you to one.

Mr. LODGE. Will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Massachusetts?

Mr. HEYBURN. If I may be permitted here, I think——

Mr. SUTHERLAND. Mr. President, I think——

The VICE PRESIDENT. The Senator from Utah has the floor. To whom does he yield?

Mr. SUTHERLAND. This whole discussion is aside——

Mr. HEYBURN. Three words will answer.

Mr. SUTHERLAND. I will yield to the Senator, but I hope he will be brief.

Mr. HEYBURN. By processes of martial law it made a government for these States.

Mr. LODGE, Mr. RAYNER, and others addressed the Chair.

The VICE PRESIDENT. The Senator from Utah has the floor.

Mr. SUTHERLAND. I must decline to yield further.

The VICE PRESIDENT. The Senator from Utah declines to yield further. The Senate will please be in order.

Mr. SUTHERLAND. I yield to the Senator from Massachusetts.

Mr. RAYNER. I only wanted to say to the Senator that martial law is no law at all.

The VICE PRESIDENT. The Senator has not yielded to the Senator from Maryland. He yielded to the Senator from Massachusetts.

Mr. LODGE. I will detain the Senator but a moment. I only wanted to say that it seems to me Senators forget the origin of those provisions. They were put in because toward the close of the Revolution the States failed to send delegates, in many cases, to the Continental Congress, and during the Confederation they absolutely brought the Government to a standstill by their failure to provide representation at the seat of government, and this was put in to prevent the new Government from being paralyzed in that way.

Mr. SUTHERLAND. I desire to get back to the point where I was when the storm broke.

The Senator from Maryland has called attention to the resolutions passed by several of the States in which in substance they declared that this clause of section 4 was only intended to operate in case the States failed to act. Now, I care not whether that was the view of the framers of the Constitution or the view of those who ratified the Constitution. The point that I was making to the Senator was that whatever their view of the scope and meaning of this provision was they intended it should operate upon the election of Representatives and United States Senators, whether they were elected by the people or by the legislature. Whether you give it a broad application or a limited application, they did not intend to make a distinction as to the power which should be exercised based upon the manner in which the Senator or the Representative should be elected. But if that was the original intention of the framers and that was the view of these States it has been construed to have a broader operation during the 124 years of the existence of the Republic, and the people of the United States during that 124 years have been quite content to leave that provision in the Constitution with that broad interpretation of it.

Now, Mr. President, it has been suggested that even if we eliminate this clause of section 4 from the Constitution the power will still exist in Congress to regulate the manner of the election of United States Senators, under the general provisions of the Constitution. I do not agree with that view. I think if we provide in express terms by an amendment to the Constitution that the legislatures of the States shall be given the authority to make regulations as to the times, place, and manner of election of Senators, that will constitute the last expression of the people's will upon that subject.

The language is exclusive. It is specific. It confers upon that one agency the power to do this thing; and the rule of statutory construction is too well settled to admit of dispute, that when we have conferred a specific power, in exclusive terms, upon one agent, we, by that very act, deny it to any other agent. I can not understand——

Mr. BORAH. Mr. President——

Mr. SUTHERLAND. Just a moment. I can not understand how, when we shall have conferred the express, positive, and exclusive power upon the State governments, any power to do that same thing can remain in the General Government under any general language of the Constitution.

Now I will yield to the Senator from Idaho.

Mr. BORAH. Mr. President, the Supreme Court has said in the case of McPherson *v.* Blacker, with which the Senator is familiar:

> Under the second clause of Article II of the Constitution, the legislatures of the several States have exclusive power to direct the manner in which the electors of President and Vice President shall be appointed.

The Congress has from time to time passed certain acts protecting elections with reference to Representatives and Senators and electors, and the Supreme Court has sustained those acts, when sustained at all, upon other grounds and according to other powers than that found in section 4.

Mr. SUTHERLAND. In what case did the Supreme Court say that?

Mr. BORAH. In one of the cases which the minority cited in their views.

Mr. SUTHERLAND. The Siebold case?

Mr. BORAH. No; the Yarborough case.

Mr. SUTHERLAND. I must entirely disagree with the Senator with regard to that. The Yarborough case is based upon the Siebold case, in One hundredth United States, and the Siebold case expressly holds that the act which was passed was under clause 4 of Article I of the Constitution.

Mr. BORAH. I will read the section to the Senator, and I will submit to him here on the floor whether he thinks that section was based on section 4.

Mr. SUTHERLAND. The Senator is referring to the act of 1872. I would not undertake to say that every section was passed under that clause. There may have been some sections that were not.

Mr. BORAH. But the section which the court was construing was section 5508. It was not passed by virtue of section 4, and the court did not undertake to uphold it by reason of section 4.

Mr. SUTHERLAND. What I say about it is this: Heretofore the express power has rested in Congress, in the last analysis, to supervise the time and manner of the election of Senators. If the people of the United States, in effect, repeal that provision, take it out of the Constitution, so that it shall no longer exist in the Constitution, and confer in exclusive terms that identical power upon the State legislatures, I can not understand under what rule of construction it could possibly be held that the power would still exist in the General Government as it exists now. It will be taken away in express terms and expressly conferred upon somebody else, and it can not at the same time be taken away and still exist, as it seems to me.

Now, Mr. President, I want to hurry along and get through, because it is not only getting late, but it is continuing warm.

This power has been exercised from time to time, and necessarily exercised, by the General Government. It passed at one time—I do not recall the exact date of it—a law which fixed the uniform time for the holding of elections. That was a necessary law. It could not have been passed so far as United States Senators are concerned if the joint resolution advocated by the Senator from Idaho had been in force.

We passed at a later time a provision with reference to the character of the ballot, providing that the ballot should be written or printed. Those laws have a uniform operation throughout the United States. Without the provision for a printed ballot it would have been entirely competent for a State to have provided for an election by a viva voce vote.

We provided for the use of the voting machine by a later act. The act of 1872, while perhaps not entirely based upon that clause, was at least in part based upon it, as the Supreme Court held in the case to which I have already referred.

Now, there is one other thing that I desire to call attention to in this connection, and that is that the burden of proof in this matter is upon those who undertake to change the existing provision of the Constitution. It is for them to show that no harm would result. It is indeed for them to show more than that—not only that no harm will result from it, but that some positive good is to result from this amendment to the Constitution. It does not seem to me that that has been done or attempted up to this moment.

If we amend the Constitution in this particular, however unwise it may be hereafter found to be, no matter what embarrassment the change may occasion to the General Government, it will be utterly impossible for us to retrace our steps. We can prevent its being done. One-fourth of the States of the Union may prevent this change from being made; but when it has once been made, no matter how important the restoration of the provision may be made hereafter to appear, it will be impossible to put it back into the Constitution except by a vote of three-fourths of the States, and that probably never could be obtained.

Something was said in a former debate on this question to the effect that the several States may be trusted to see that the elections are fairly conducted, their purity preserved, and their freedom from sinister influences guaranteed and protected. I do not doubt, and I think no one doubts, the truth of this assertion under the normal conditions which prevail to-day; but the Constitution is made, not for to-day alone, or for a month hence, or a year hence, but for a vastly expanding and constantly changing future, the nature and extent of which no man can with any degree of certainty predict.

We may indulge the hope, we may believe, that no occasion will ever arise for the exercise of the ultimate authority of Congress in this regard, and yet we can not with safety close our eyes to the fact that occasion has arisen in the past, and that what has happened may happen again. This authority of Congress will be and should be exercised sparingly in the future, as it has been exercised sparingly in the past.

The Constitution, by devolving upon the States the primary duty and responsibility, clearly contemplates that Congress shall not intervene so long as normal and healthful political conditions prevail, but who among us is so wise as to know that these normal and healthful conditions will always continue?

True, the States are interested in the election of Senators, but has the Nation no interest? The interest of the States is one of great importance, but that of the Nation is vital. If the retention of this ultimate supervising power in the Nation be an expression of distrust in the State governments, which it is not, will not its elimination express a loss of confidence in the wisdom and fairness of the National Government?

The Nation is simply the whole of which the States constitute the integral parts. We are an "indissoluble Union of indissoluble States." If in a Nation so constituted there are degrees of fidelity, surely the whole may be trusted to preserve the integrity of the various parts more safely than each of the several parts may be relied upon to preserve the integrity of the whole.

There is the one tremendous lesson of our history—some of the States once sought to dismember the Union, but the Union has never sought and will never seek to dismember itself. I am for preserving the power of the Nation unimpaired and undiminished, not for the normal ordinary days when the power may safely remain uninvoked, but for that rare and exceptional day of stress when its exercise shall become of imperious and overshadowing necessity—when the strong, supervising, compelling hand of the Federal Government not only may but must stretch forth to preserve it from disaster or from destruction.

Mr. BORAH. The Senator from Wisconsin [Mr. LA FOLLETTE] is on the floor, and as he perhaps desires to proceed under his notice of yesterday, I am going to have the joint resolution laid aside temporarily, but before doing so I move that when the Senate adjourns to-day it be to meet to-morrow at 12 o'clock.

The VICE PRESIDENT. The Senator from Idaho moves that when the Senate adjourns to-day it be to meet at 12 o'clock to-morrow.

The motion was agreed to.

Mr. BORAH. I ask that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. The Senator from Idaho asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? No objection is heard.

SENATOR FROM ILLINOIS.

The VICE PRESIDENT. Without objection, the Chair will lay before the Senate the following resolution.

The SECRETARY. Table Calendar 4, Senate resolution by Mr. LA FOLLETTE. A resolution (S. Res. 6) to appoint a special committee to investigate certain charges relative to the election of WILLIAM LORIMER.

Mr. LA FOLLETTE. Mr. President, when I concluded last evening speaking upon the resolution which I introduced, I had reviewed the leading facts of the case upon which the Senate passed on the 1st of March, 1911. I did not pretend, except in the briefest possible way, to make any summing up of the testimony submitted at that time; but I felt that in calling upon the Senate to reopen this case a backward glance over the important material facts upon which the Senate did pass was necessary and proper.

I briefly reviewed the case from the beginning down to the time when the Senate entered its judgment, by a vote of 46 to 40, in favor of the sitting Member.

I believed then, Mr. President, that this judgment was wrong. I believed that it would not stand. Senators may remember that when request was made here on one occasion to fix a time for a vote in the Lorimer case, I objected, and said I had reason for doing so.

I believed, Mr. President, that all the testimony in this case had not been secured. I am now sure, Mr. President, that all the testimony in this case had not been taken at that time, and I am equally sure that all the testimony in this case has not yet been recorded in any forum. I remember saying a few moments before a vote was taken, that this case would come back again to this Senate. I felt sure of that; and it is here to-day; and I am here, Mr. President, to ask that the Lorimer case be reopened.

It is a matter of common knowledge that the people of the State particularly interested, the State of Illinois, and the people of the whole country, did not accept the judgment which we entered on the 1st day of March last. They rejected it at once with almost one voice. From all over the country protests came against the action of the Senate.

Mr. President, nothing is ever really settled until it is rightly settled. It may seem to be settled. We may think in our imperfect human way that we have disposed of it, but it will come back to confront us. It is God's law of everlasting righteousness demanding judgment. As the law of gravity always pulls to make things plumb, so the eternal law of right goes on and on forever, exercising its tremendous, unending, immutable decree that right shall prevail.

Following the decision which we entered in this case, I gathered together as best I could the public opinion of this country as recorded in the public press of the country. I caused to be

clipped from every paper that could be reached the comment upon the action of the Senate. I did it, Mr. President, with a view of presenting it here. I have it. I can not present it without violating the rule of the Senate which provides that there shall be nothing uttered in debate which "directly or indirectly by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator."

Sir, out of 117 editorials representing leading papers in all sections of the country there is not one that does not reflect most severely upon the action of the Senate in the Lorimer case and upon the motives of many Senators who voted to confirm LORIMER's title to a seat in this body. In view of the rule I merely call attention to the fact that the judgment of the Senate was not in accord with the judgment of the press.

Mr. President, I know that Senators—some Senators have expressed from time to time a feeling of indifference as to public opinion. Now, I do not think this great body ought to yield its judgment to any spasmodic manifestation of temper which may sweep over this country, but, Mr. President, taken by and large, public opinion in this country is right; public opinion is conservative, and I think it would be well for the Senate of the United States to look at itself from time to time in that great mirror, public opinion.

We complain sometimes here because we think that the so-called muckraking and uplift magazines and reform criticism present to the public a distorted and imperfect characterization of the Senate of the United States. But, Mr. President, for my part, I never have had any fear of the criticism magazines or newspapers may make of this body. I never have believed that it is possible for them to make any lasting impression as to the character of the Senate unless they print the exact truth about the Senate. That is the only thing the Senate need be apprehensive about.

What may be said outside of this Chamber, Mr. President, is not important excepting as it is a record of comment upon what actually transpires in this Chamber. What we ourselves, as Senators, do is important. What the newspapers and magazines say we do is of no consequence unless it be true. Then, sir, it is vitally important, because it is the basis for a real, lasting public opinion. And so I say, Mr. President, that the well-considered judgment of the press and the periodicals of this country on public men and public affairs goes to the making of the history of the country, and, taken as a whole, this collective editorial judgment of the Senate of the United States and the House of Representatives and the administrative officers of Government is generally in accord with what they deserve.

I am here to ask the Senate of the United States to reconsider this judgment, to reopen this "Lorimer case." I do not believe I need cite any authority. I will, however, bring to your attention the case of HENRY A. DU PONT, of Delaware, Senate Election Cases, page 873, where, in a report made, in which Gray and Turpie and Pugh and Palmer and Hoar and Chandler and Pritchard and Burrows joined, I find this:

> We do not doubt that the Senate, like other courts, may review its own judgments where new evidence has been discovered, or where, by reason of fraud or accident, it appears that the judgment ought to be reviewed. The remedy which in other courts may be given by writs of review or error or bills of review may doubtless be given here by a simple vote reversing the first adjudication. We have no doubt that a legal doctrine involved in a former judgment of the Senate may be overruled in later cases.

Now, Mr. President, I am prepared to offer to the Senate reasons why this judgment should be reopened, why the Senate should review the findings that it made in the Lorimer case on the 1st of March.

The majority report of the Senate Committee on Privileges and Elections, made in December to the Senate, approved the title of Mr. LORIMER to a seat in this body. That was an announcement to the people of the country, and particularly to the people of Illinois, which, I suppose, led them to believe that this committee would do all in its power in this Chamber to give validity to the title of WILLIAM LORIMER to a place here as the representative of the State of Illinois.

Mr. President, acting upon that information and that belief, they proceeded to organize in the Senate of the Illinois Legislature an investigation of their own. Manifestly they were not ready, sir, to accept the judgment of that committee; they did not believe that WILLIAM LORIMER ought to represent that great State on this floor. So, on the 17th day of January, 1911, the Illinois State Senate adopted the following resolution:

> Whereas certain official misconduct on the part of certain members of the senate has been charged, wherein it is alleged that certain senators have violated their oaths of office in that they have knowingly and intentionally paid, contributed, or received something, or have made or received some promise or promises, in the nature of a bribe, with intent to influence, directly or indirectly, the official action of a member or members of the general assembly: Now, therefore,
>
> *Resolved*, That the committee heretofore appointed, consisting of Senators Helm, Hay, McKenzie, Ettelson, and Burton, are hereby authorized, directed, and empowered to investigate and report to the senate concerning the alleged acts of bribery and official misconduct of members of this or the preceding general assembly.
>
> And in reference to such investigation said committee is hereby authorized and empowered to send for and subpœna persons to appear before it as witnesses and to compel such witnesses to testify, and to compel the production of documents and other papers; to administer oaths, to take testimony, and to employ, in its discretion, if it deems it essential, counsel, a clerk, stenographer, and other assistants; and
>
> All processes issued by the chairman of said committee shall be served by the sergeant at arms of the senate or his assistants.
>
> And said committee shall meet at such times and places as shall best serve its purposes.
>
> *Further resolved*, That the members of said committee shall be allowed their actual traveling expenses, and any persons employed to assist the committee shall be paid reasonable compensation out of the appropriations made by the senate.
>
> *Further resolved*, That this resolution be entered nunc pro tunc, as and for Senate Resolution No. 5.

Pursuant to that resolution, Mr. President, the senate committee of the Illinois Legislature organized and began its work of investigation. I want to take the time of the Senate to place before it so much of the results of that investigation as, it seems to me, has a material bearing upon the reopening of this case.

It appears, Mr. President, that one of the Chicago newspapers, the Record-Herald, had charged specifically in an editorial that a fund had been raised to purchase votes to secure the election of Mr. LORIMER to the Senate of the United States. The publication of the editorial led the Illinois senate committee to summon the editor of that paper.

Let me inject a word of explanation here, Mr. President. I requested that certified copies of the minutes of the testimony, taken by the committee, be furnished to me. I have before me here all the record evidence taken by that committee, except, I believe, that of the first session, containing the testimony of the editor of the Chicago Record-Herald, Mr. Kohlsaat, on the occasion of his first appearance as a witness before that committee, March 29, 1911. It was brief. I therefore state, as best I can from the press accounts, in substance, the testimony given on that occasion by Mr. Kohlsaat.

Summoned before the committee, he was asked to state upon what information he had published, editorially, the statement that a fund of $100,000 had been raised and expended to bring about the election of WILLIAM LORIMER. Mr. Kohlsaat refused to answer. He told the committee he had been informed that such a fund had been raised. When asked for the name of his informant, however, he declined to give it upon the ground that the information had been received in the strictest confidence and that he could not, without violating that confidence, make the disclosure. The committee then adjourned, after requesting Mr. Kohlsaat to reconsider the matter and reappear at a later meeting of the committee. Before the next meeting, Mr. Kohlsaat telegraphed the chairman of the committee that he had been released from his pledge of confidence and could, if desired, give the name of his informant. The committee called on Mr. Kohlsaat to name the man. Mr. Kohlsaat then appeared and testified that he had received his information from Mr. Funk, the general manager, I believe, of the International Harvester Co.

Mr. Funk, upon being called before the committee, testified to a conversation with one Edward Hines, of the Edward Hines Lumber Co. This conversation between Mr. Funk and Edward Hines had taken place shortly after WILLIAM LORIMER had been elected United States Senator. Mr. Funk testified that he met Mr. Hines in the Union League Club of Chicago; that Hines stopped Funk as he was coming down from the lunch room and talked to him in the lounging room. The following, in so far as I quote at all, is Mr. Funk's statement of the conversation:

> He (Hines) said I was just the fellow he had been looking for or trying to see, and said he wanted to talk to me a minute. So we went and sat down on one of the leather couches there on the side of the room, and without any preliminaries, and quite as a matter of course, he said, "Well, we put LORIMER over down at Springfield, but it cost us about a hundred thousand dollars to do it." Then he went on to say that they had had to act quickly when the time came; that they had had no chance to consult anyone beforehand. I think his words were these: "We had to act quickly when the time came, so we put up the money." Then he said, "We—now we are seeing some of our friends so as to get it fixed up." He says they had advanced the money, that they were now seeing several people, whom they thought would be interested, to get them to reimburse them. I asked him why he came to us. I said, "Why do you come to us?" meaning the Harvester Co. He said, "Well, you people are just as much interested as any of us in having the right kind of a man at Washington." "Well," I said. I think I replied and said, "We won't have anything to do with that matter at all." He said, "Why not?" I said, "Simply because we are not in that sort of business." And we had some aimless discussion back and forth, and I remember I asked him how much he was getting from his different friends. He said, "Well, of course, we can only go to a few big people; but if about 10 of us will put up $10,000 apiece that will clean it up." That is the substance of the conversation.

With some reluctance Mr. Funk testified that Hines told him to "send the money to Ed Tilden."

Within a day or two after this conversation with Hines Mr. Funk reported what Hines had said to both Mr. Cyrus H.

McCormick, president of the International Harvester Co., and to Edgar A. Bancroft, general counsel for the Harvester Co. Mr. McCormick said, "Good; I am very glad you turned him down promptly."

I think it was something like a year after this conversation with Hines and shortly after the publication of Assemblyman White's exposure of the Lorimer bribery matter that Funk informed Kohlsaat of what Hines had said to him, but Mr. Funk, as shown by the testimony, was very prompt in reporting what had taken place between himself and Hines to the principal officials of his company.

In February, 1911, Mr. Hines came to Mr. Funk's office. This was a day or two after an editorial appeared in the Chicago Record-Herald making specific reference to a $100,000 corruption fund.

Mark this: After Mr. Hines had made this statement to Mr. Funk and Mr. Funk had reported it to the president and the general counsel of the company for which he worked, after months had passed by and the country was stirred by disclosures in the Lorimer case, Mr. Funk had met Mr. Kohlsaat and said to him, in substance, "I know there was a great fund raised; at least, I was asked to make a contribution of $10,000 to help make up a hundred thousand dollar fund that was used in this case." That gave rise to the publication of this editorial, and the publication of the editorial in February, 1911—just last February—gave Mr. Hines, for the first time, notice that his talk about pulling off LORIMER's election had found its way into the public prints. This made him uneasy.

Now, see what he did. Sitting around me here this afternoon are many lawyers who will at once recognize Mr. Hines's next step as indicative of the man who is fearful of being caught. He hustles about to see whether he can not in some way correct—not correct, but pervert—the recollection of the men with whom he had perhaps been careless in his conversation. See what Hines did. I quote now from the testimony of Mr. Funk:

Q. What conversation did you have with him [Hines] upon that occasion?—A. Well, he was very much disturbed at that time and undertook to refresh my memory as to what our conversation had been. * * * I can not repeat his language exactly, but in substance it was to the effect that his former conversation with me had been merely a general discussion of the situation down there, and that he had not asked me for any money, and that he did not know anything about any money having been raised. * * *

The trick is an old one. You will observe Mr. Hines resorting to this same practice, which is the mark of guilt always, at other stages in this case:

Q. And did he pretend to have any other business or any other thing to discuss with you when he came to your office in February, 1911?—A. No.

Mr. President, how indicative that is of the guilty mind. The moment Hines saw that publication he began to think of the men with whom he had conversed upon this subject, with whom he had been somewhat boastful, perhaps, as it appears he was on some occasions when he was not looking for contributions, and he began to think of the men to whom he had gone to secure contributions. He remembered that this man, Mr. Funk, general manager of the Harvester Co., was one of the men to whom he had applied. We have not the testimony, but I have no doubt that Hines took the back track and visited as promptly as possible all other men with whom he had talked and to whom he had gone for contributions. The editorial in the Chicago Record-Herald was proof positive to Hines that there had been a "leak" somewhere.

Mr. OWEN. The editorial did not mention him?

Mr. LA FOLLETTE. Oh, no; it did not mention Mr. Hines; it did not mention any name; it just stated that it was known that a $100,000 fund had been raised to elect LORIMER—a plainly libelous editorial if it were not true. But Mr. Hines immediately hastens to Mr. Funk and says, "Now, you remember we had a talk, and about all I said was so and so and so and so," and he attempts to blur the recollection of this man as to that conversation. I say the trick is an old one. Any man who has had experience in trial work will recognize it at once. You will find it running all the way through this case. O Mr. President, this is one of the plainest cases that I have ever reviewed. I ask you to listen for a moment to a brief reference to the testimony of another witness.

Mr. Herman H. Hettler, of the Hettler Lumber Co., admitted having had some conversation with Edward Hines in reference to the senatorial election of 1909 at the Union League Club. (Employees of the club were present and in a position to hear what transpired.) He met Hines by the cigar stand in the outer hall by accident:

I stepped into the Union League Club on the day of the election just mentioned. I was about to buy some cigars, as I was leaving that day for Toronto. I was leaning over the cigar case talking with the cigar man and making the selections when—rather intent—when some one touched me on the shoulder, and turning around, I saw it was Mr. Hines, who was very enthusiastic, and apparently in a happy frame of mind, and stated, "Do you know the name of your new Senator?" * * * I looked at him before I made any reply, and he says, "I just come out of the telephone booth, just a minute," pointing to the booth, "I have just been talking to him." He says, "LORIMER has been elected. And," he says, "I am feeling very happy over it," which was plain to be seen by his actions. He says, "I elected him. I did it myself personally."

Now, I take you for a moment to some facts which developed on a railroad train. William Burgess, of Duluth, Minn., manager and treasurer of the Burgess Electrical Co., testified that in March, 1911, he was present at a conversation on the Winnipeg Flyer, a train running between Duluth and Virginia, Minn., at which was discussed "the election of an Illinois Senator." This conversation occurred in the smoking room of the Winnipeg sleeper. A man named Johnson, of the Northwestern Lumberman; Rudolph Weyerhaeuser; John Weyerhaeuser; and "I think" Carl Weyerhaeuser; Samuel J. Cusson, manager of the Virginia & Rainy Lake Lumber Co.; and C. F. Wiehe were in the smoking compartment on that trip. The C. F. Wiehe referred to is secretary of the Edward Hines Lumber Co. and the brother-in-law of Hines.

Now, I quote from Mr. Burgess's testimony:

A. I can not remember how the conversation started in regard to the election of Mr. LORIMER any more than I made some remark disparaging to Mr. LORIMER's election—

These men were grouped about in the smoking compartment and fell into conversation. This Lorimer case was in all the papers. It was most natural that it should come up in that casual meeting—

What that remark was I do not remember. And Mr. Wiehe immediately took the cudgel up and wanted to know what I knew about Mr. LORIMER's election, and I told him that the only thing that I knew about Mr. LORIMER's election was what I had read in the papers. He wanted to know if I got my information from the—I think he said the Chicago Record—Record-Herald—whatever the paper is—

Perhaps he said the Chicago Tribune; I do not know—

I told him no; that I got it from the local papers in Duluth, the Evening Herald and News-Tribune, and the Chicago Examiner; and he made the remark that I "did not know very damn much about it." And the conversation started, and he made—I told him that it was credited around the country that Mr. LORIMER had used a considerable amount of money to secure his election, and he said that Mr. LORIMER had not used a dollar of his own money for his election. And the conversation kept on. He started in to tell me how Mr. LORIMER was elected, and finally he made this statement: "There was a jack pot raised to elect Mr. LORIMER; I know what I am talking about, because I subscribed $10,000 to it myself."

Mr. OWEN. A brother-in-law.

Mr. LA FOLLETTE. A brother-in-law of Mr. Edward Hines.

Now, it is not any bolder or more audacious than a dozen statements made by Edward Hines that will be proven by a score of witnesses if this case is ever reopened and tried by the Senate.

Q. Was anything said about the General Assembly of Illinois in that conversation?—A. He did make this remark that it was impossible to get anything of merit through the Illinois Legislature without the use of money.

Burgess testified that the only one of the persons whom he named as being on that train, who was present during his conversation with Wiehe, was a young man from Regina, Canadian Northwest, with whom Burgess got into conversation after Wiehe left the smoking compartment, but whose name Burgess did not remember.

Burgess repeated his conversation with Wiehe the next day to two men; one of them was Mr. Bailey—W. T. Bailey, a lumberman from Duluth, who was in the lumber business at Virginia—and the other was Mr. W. H. Cook.

Mr. Burgess testified:

I went into the hotel that night, and when I asked Mr. Bailey who this gentleman (Wiehe) was, he told me. I told him about the conversation I had on the train.

When Burgess left Virginia on the Winnipeg Flyer the following Wednesday morning, he repeated Mr. Wiehe's statement about the $10,000 contribution to the Lorimer election fund to a Mr. Cook.

There appeared before this committee, at the request of Mr. Wiehe, two or three of the gentlemen who were on that train; friends whom he called to sustain him in his statement that he did not have such a conversation with Mr. Burgess. If this case is ever reopened, and Mr. Burgess comes before a Senate committee to testify, I have no doubt, from information which has come to me, as to the reliability which the Senate will attach to Mr. Burgess's testimony.

B. A. Johnson, of Chicago, for 25 years general staff representative of the American Lumberman, a newspaper, testified that he was in the smoking compartment of the Winnipeg Flyer on the night mentioned in Burgess's testimony, when Wiehe talked to Burgess about the "slop fund." He went into the compartment soon after the train left Duluth, smoked a cigar, and left after finishing his smoke, which was in about "25 or 30

minutes." When asked who was in the compartment when he left, he replied: "A gentleman whom I afterwards learned was William Burgess."

He testified that Mr. Wiehe had telegraphed to him to come to Springfield to testify regarding what took place that night on the Winnipeg Flyer and said he did not hear any conversation in that smoking compartment about the Lorimer matter by anybody; that Mr. Wiehe left the compartment before he did and was not seen again by Johnson, who testified he "looked for" Wiehe on the train. "It was not idle curiosity; it was a matter of cold business." Johnson did not leave his seat in the sleeper, he admitted, although "looking for" Wiehe.

He testified that he left that smoking compartment, went into the sleeper, took a seat about the center of the sleeper, and watched for Mr. Wiehe.

I think it will appear in this connection, from other witnesses whom Wiehe called to sustain him in his denial, that Johnson is not telling the truth.

S. J. Cusson, general manager of the Virginia & Rainy Lake Lumber Co., testified that he was on the Winnipeg Flyer on the night in question with the Hines-Weyerhauser-Wiehe crowd. His testimony as to the length of time he was in the smoking compartment is vague and confused. He saw Burgess and Wiehe sitting near each other and facing each other.

Q. * * * and you heard no conversation in there about the Lorimer matter?—A. None at all.

Mr. Cusson was not in the committee room during the examination of Mr. Johnson. Mr. Helm, chairman of the committee, had asked that witnesses who had not yet testified retire to another room. Cusson did not therefore hear Johnson's testimony about his efforts to find Mr. Wiehe, after he had left the smoking compartment, in order to discuss "business matters" with him. Cusson's testimony on this point contradicts Johnson's testimony. Johnson testified that when he left the smoking compartment he went back into the sleeper—same car—and sat down in a seat near the middle and "played it both ways"—that is, watched both ends to make sure that Wiehe did not enter the car without his knowledge.

A pretty handy witness, you see; a fellow who was looking "both ways."

Said Johnson:

I was not successful in seeing Mr. Wiehe—after he left the smoking compartment—until the next evening at 8 o'clock, in Virginia.

You see the purpose of this testimony is to get Wiehe out of the way, out of the smoking compartment, so that he could not possibly have had this conversation with Mr. Burgess—that is, if Johnson is telling the truth, which he is not.

Johnson responded to this line of questioning evasively, bringing from Chairman Helm the admonition, "Don't argue; answer the question."

On this point, coming back now to Cusson's testimony, Cusson testified as follows, directly contradicting Johnson:

Q. Do you mean to say, Mr. Cusson, that when you came out of the smoking compartment into the body of the car that Mr. Wiehe was there?—A. I do.

Now Johnson, you recall, says Wiehe did not appear in the car that evening. Clearly, Johnson was framing the story so Wiehe could not possibly have gone into the smoking compartment again to resume this conversation with Burgess. Johnson was playing a strong hand. Whereupon comes Mr. Cusson, who had not heard Mr. Johnson's testimony on this subject, saying that when he had gone out into the sleeping car Mr. Wiehe was there.

Q. And he remained there until you arrived at Virginia?—A. Yes, sir.
Q. Did you talk with him?—A. Yes, sir. * * *
Q. How far apart were Johnson and Wiehe when you came out of the compartment?—A. Oh, I don't know as I could say just where Mr. Johnson sat.
Q. Well, assuming that he sat in the middle of the car, how far was Mr. Wiehe away from where Johnson sat?—A. Two or three seats.
Q. Forward or backward?—A. Forward.
Q. In front of him, so that he was in plain view of Mr. Johnson all the time?—A. Yes, sir.

James H. Harper, of the insurance firm of Harper, Shields & Co., of Duluth, carrying fire insurance for lumber concerns with which Mr. Hines is associated and a stockholder in the Virginia & Rainy Lake Lumber Co., of which Mr. Hines is president, was another witness called in this case. Harper testified that he was on the Winnipeg Flyer on the night in question, but that at no time during the trip was he in the smoking compartment. He looked into the smoking compartment as he came into the car, greeted Mr. Wiehe, who was inside, and "noticed in there at that time Mr. Johnson, a Mr. Burgess, and Mr. Fred Weyerhaeuser, and there were some others I did not notice particularly, because I just looked for an instant."

Harper testified that about half an hour later Mr. Wiehe came out of the smoking compartment into the main part of the car. This also directly contradicts Johnson's testimony.

Q. Well, how long did he remain there?—A. Well, he was there—oh, I suppose he and I were together possibly an hour, the rest of the time.
Q. In the main part of the car?—A. Yes, sir. * * *
Q. So that, so far as your observation went, Mr. Wiehe was in that same car during that entire trip?—A. Yes, sir.
Q. Did not leave the car, in other words?—A. Not to my knowledge; no. * * *
Q. Where did Mr. Wiehe sit with reference to the seat occupied by Mr. Johnson and the man with whom he was talking?—A. Well, when he was with me he was down near the end of the car, next to the smoker, where my seat was.
Q. And when he left you, then he went up to the other end of the car?—A. Yes, sir; as I remember it.
Q. And stood there and talked with those other men whom you mentioned?—A. I think he sat in with them.
Q. So that he was about one section removed from Mr. Johnson and the men he was talking with?—A. Well, I think they were perhaps right across the aisle.
Q. Yes; within comparatively a few feet of each other?—A. Yes.

Now, Mr. President, I quote from the testimony of Mr. Wiehe himself.

Mr. Christian F. Wiehe, of Chicago, secretary and a director of the Edward Hines Lumber Co., testified that he was in the smoking compartment of the Winnipeg sleeper on the night in question and remained there "25 or 30 minutes."

Although denying he told anyone he had contributed $10,000 to the Lorimer fund, Mr. Wiehe admitted, and I quote now his exact words:

I may have talked into a conversation. I may have talked there. I would not say I did not or did.

Mr. W. H. Cook, of Duluth, stockholder in the Virginia & Rainy Lake Lumber Co., of which Edward Hines is president, testified that he was on the Winnipeg Flyer on the night in question. He did not see Mr. Burgess on the train, but about 11 o'clock next morning, at Virginia, he met Mr. Burgess and talked with him.

Q. What was that conversation?—A. Why, he came up to me and asked me who that—he said, "What do you call that fellow with the short, black whiskers, one of the Hines gang?" "Oh," I said, "do you refer to Mr. Wiehe?" He said, "Yes; that is the fellow." He said, "He is a funny fellow. He talks too much."

Now, mark you, that was the next morning.

Q. He said he talked too much?—A. Yes.
Q. Anything else said?—A. Oh, he said he was talking about the Lorimer election up there, and money, and one thing and another. I did not pay much attention to what he did say.

I cite that as showing what was in Mr. Burgess's mind—the impression that had been made upon him by this talk with Wiehe in the smoking compartment.

Mr. Cook testified further that he has known Edward Hines for some 10 years; that in the month of May, 1909, shortly before the election of WILLIAM LORIMER, he had a conversation with Edward Hines at the Grand Pacific Hotel, in Chicago, in the presence of Mr. Henry Turrish, of Duluth, who is in the lumber business in Oregon.

I think it is fair to say at this point that Mr. Cook and Mr. Hines have had some business troubles. The following is from Mr. Cook's testimony:

A. Mr. Hines was going through the lobby—this was in the Grand Pacific Hotel—and he saw Mr. Turrish and myself standing there. He stopped and spoke to us. Mr. Turrish asked him how he was getting on down in Washington. "Oh," he said, "I am having a hell of a time." He said, "Now, there is—for instance," he said, "there is old STEPHENSON," he said, "after I elected him he has gone down to Washington and started working there for free lumber." He said, "I had a terrible time getting him lined up." Then he went on and told about what a time he had with the southern Democrats. He said he would have them all fixed up to-day and to-morrow they would flop, and he would have to go and fix them all over again.
Q. What else, if anything, was said at that conversation?—A. Mr. Turrish asked him how they were getting along down here with the senatorial deadlock. "Well," he said, "it is all fixed." He said, "I will tell you confidentially LORIMER will be the next Senator." He said, "We had Boutell fixed for the senatorship. He had promised to work to keep the $2 tariff on lumber, but," he said, "when the lumber schedule came up before the Ways and Means Committee he was working for free lumber." He said, "I immediately took it up with Senator Aldrich, and we decided that we had to have another man, a man we could depend on. It was decided that I should have a talk with LORIMER. I did. LORIMER has agreed to stand pat. He will listen to reason. I have got it all fixed; he will be the next Senator from Illinois." That was the substance of the conversation.

Mr. Cook testified to another conversation with Mr. Hines subsequent to this, "somewhere about" the 24th or 25th of the same month—May, 1909. Mr. Cook and Mr. O'Brien, of St. Paul, had arranged with either Mr. Wiehe or Mr. Baker, of the Hines Lumber Co., for a conference with Hines at the Grand Pacific Hotel. Hines kept the appointment.

As soon as Hines came into the hotel Cook met him in the lobby. After asking for the number of Cook's room he said he had talked over the long-distance telephone and would go up to Cook's room and attend to it there.

Q. Well, did he subsequently come to your room?—A. Yes. I got him—my room was on the parlor floor and Mr. O'Brien's was up on either the second or third floor, and my room was easiest to get at, and we went up and—well, Mr. Hines went in and put in a long-distance call, and then we all went to my room. * * *

Q. Well, now, what happened after you got in your room?—A. Why, we were in the room for a short time—some, probably, three or four minutes. The phone rang. I went to the phone. The operator, I suppose, asked if Mr. Hines was there. I said, "Yes." She says, "Here is Springfield for him; here is the governor." I called Hines to the phone.

Now, there will appear some contradictions in this testimony as to just whom Hines talked with at that time. I will later undertake to demonstrate that he talked with LORIMER. As is suggested to me by the Senator from Oklahoma [Mr. OWEN], the use of the word "governor" might have been prearranged. I will prove with the aid of Hines's own testimony that he talked with LORIMER, and talked about money and about "putting it over," and so I ask Senators to follow me closely.

Now, mark you, they are in the room of Cook on the second floor of the Grand Pacific Hotel. O'Brien is there; Cook is there; Hines is there; and Hines's brother-in-law, Wiehe, is there.

Q. Did you hear the conversation which he had on the telephone that morning?—A. Yes.

Q. Will you tell the committee what it was as you remember it?—A. Hines took the receiver out of my hand, and he spoke in the phone. He asked, "Hello, hello, hello. Hello, is this you, governor?" He said, "Well, I just left President Taft and Senator Aldrich last night in Washington. Now, they tell me that under no consideration shall Hopkins be returned to the Senate. Now, I will be down on the next train. Don't leave anything undone. I will be down on this next train, prepared to furnish all the money that is required. Now, don't stop at anything; don't leave anything undone; I will be down on the next train," or words to that effect—repeated it over three or four times.

Q. And who was present in the room during that conversation besides you and Mr. Hines?—A. William O'Brien and either Mr. Wiehe or Mr. Baker; I am not positive which.

About a year afterwards, in May or June, 1910, Mr. Cook received a visit from Mr. C. F. Wiehe, who came to him at Mr. Hines's request. Mr. O'Brien was present during this conversation between Mr. Wiehe and Mr. Cook. At 12 o'clock midnight Mr. Wiehe came to the Grand Pacific Hotel.

Q. Well, tell the committee what occurred when Mr. Wiehe came to the hotel that night about midnight.—A. Mr. O'Brien and I had been to a theater. We came back to the hotel shortly after 11 o'clock, and sat down and had a smoke. And we smoked there for some time, finally burned up a couple of cigars, and I says, "Bill, it is about time to go to bed," and I looked at the clock, and it was just 12 o'clock. He says "I guess that is right," he says, "we had better go to bed." We were just about starting for bed and Mr. Wiehe came in. He seemed to be very anxious that we should get out of town; told us if we did not get out of town that night they would have us before the grand jury the next morning. He said that Hines had called him up out of bed and told him to get down and see us; LORIMER had called him—that is, Hines—and told him that we were in town, and "for God's sake to get us out."

Q. Do you remember anything else that occurred at that time?—A. Yes. We had—Mr. Wiehe sat down after a while, and we had a little further conversation. I think Mr. O'Brien made the remark that "the papers seem to be chasing Hines pretty hard"; and Wiehe says, "Yes, ha, ha, they will get him." He says, "Hines talks too much." He says, "All the office force gets there from daylight to dark is, 'Keep still, keep still, keep still; don't say a word,' then," and he says, "Every damned newspaper reporter that comes along, Hines will give him two columns." * * *

[Laughter.]

Mr. O'Brien asked Wiehe how—he says, "How do you expect we are going to get out of here this time of night; no train leaving here now?" And there were some further remarks about certain people not being very scared of the grand jury, even if they were pulled up. That was about all. * * *

Q. How did Mr. Wiehe act on that occasion?—A. Well, he was considerably excited when he first came in.

Q. Did he say that he had come from his home to see you gentlemen purposely in order to convey this message?—A. Well, he said Mr. Hines had called him up out of bed.

Mr. Cook further testified that he met Mr. Hines about two or three weeks after this midnight visit of Mr. Wiehe's. This time he met Hines by appointment in the office of William E. McCordic, who is Mr. Cook's Chicago attorney.

Q. Well, did you have a talk with Mr. Hines on that occasion?—A. Yes; Mr. Hines came down there to see Mr. Davis and Mr. McCordic and myself about some exchange of some bonds that we were interested in. After our business was concluded Mr. Hines and I went down together. As soon as we got out into the hall Hines spoke to me about a story that was going around to the effect, or purporting to be something similar to, the conversation which he carried on over the long-distance phone from my room in the hotel about a year previous. He says, "Now, this story comes from some telephone operator, some girl," he says, "and they have got it all mixed up"; says he, "the way they have got it is that I was talking from your office in Duluth with ex-Gov. Yates at Springfield, wherein I told him I would be down on the next train prepared to furnish a million dollars to elect LORIMER." "Now," he says, "you know that was not Yates at all I was talking with." He says, "It was Deneen"—

Fixing up another witness's memory, you see—

And then he went on to caution me about keeping very quiet about such a story, or about the conversation he held there. He said if it ever came out that it would be betraying the confidence that President Taft and Senator Aldrich put in him; that he never could go back to Washington; he never could look either of those gentlemen in the face again, and that it would compromise some of the best people in the city of Chicago and the State of Minnesota.

Cook told the committee that he had discussed Hines's telephone conversation with Mr. O'Brien, of St. Paul, and that there was no difference at all between his remembrance of what took place and what Mr. O'Brien remembered about it except the single matter as to whether it was Gov. Deneen that Hines was talking with over the phone or ex-Gov. Yates.

It does not make any difference; any governor was good enough for Hines to use as a cover for LORIMER.

Mr. Cook further testified that he had had some business controversies with Mr. Hines, but that such matters would in no way cause him to testify to anything that was untrue or to color any of his statements to the detriment of Mr. Hines.

In further corroboration of these conversations with Hines and Wiehe, Mr. Cook testified that he had repeated all of them to his attorney, Mr. McCordic, and also to Mr. Washburn and Mr. Bailey, his attorneys in Duluth, soon after they occurred.

Now, of course, this Illinois committee, in conducting its investigations, was limited by State lines, and whenever it heard of any witnesses outside it was necessary to send some messenger or employee of the committee to interview them and ask them if they would come before the committee and testify. For this purpose the Illinois senate employed Mr. M. B. Coan.

Mr. Coan testified that he went to St. Paul to interview Mr. William O'Brien. What Mr. O'Brien said to Coan is in direct contradiction of Mr. Hines's statement that he had not talked about money in the Lorimer election to anyone. Mr. Coan's account of what O'Brien told him is as follows:

He (O'Brien) said he was mixed up in a deal with the Weyerhausers and Hines, and he did not think it would be to his advantage to come down here and testify; that he felt that his testimony might convict Mr. Hines of perjury to this committee; that he believed Mr. Hines had testified that he had not spoken to anyone in regard to the money used in connection with the election of Mr. LORIMER; and that he had told him he—he had had talks with him about it.

O'Brien also told Coan that W. H. Cook's testimony concerning Hines's telephone conversation from the Grand Pacific Hotel to a person he addressed as "governor" was entirely correct, except that O'Brien differed with Cook as to who was on the other end of the telephone. O'Brien was of the opinion that it was ex-Gov. Yates to whom Hines was talking, while Cook thought it was Gov. Deneen.

Regarding Cook's statement that Mr. Wiehe came to the Grand Pacific Hotel and asked Cook and O'Brien to get out of town before the grand jury could call them, "and so forth," O'Brien said to Coan, "Why, they can't deny it; they know it is true; they won't deny it."

Coan further testified that in the capacity of investigator for the committee he visited Marquette and interviewed Frank J. Russell, editor of the Mining Journal; E. V. Mosier, deputy United States marshal; and a reporter named Lowe on the Mining Journal, in reference to the Illinois senatorial election. He also talked with Shelly B. Jones, druggist, and Rush Culver, lumberman and lawyer, of L'Anse, Mich.

Mr. Jones stated to Mr. Coan that he had some information with reference to the Illinois senatorial election. Mr. Coan said:

He (Jones) told me that * * * in the early part of 1909 Edward Hines, who was dealing with him and his brother-in-law (Rush Culver) and Edward Culver in lumber from the Northern Lumber Co., in which they were both interested, came to Marquette, and they were out that evening and having a few drinks, and either in the Marquette Hotel or in a saloon called Bush's saloon, he could not remember which, he said Mr. Hines began telling him the history of his life—a synopsis of it—how he rose from a poor boy to becoming a very prominent lumberman, and he concluded by saying that he had just succeeded in making a United States Senator that had cost a hundred thousand dollars, and that it was well worth it; that he would stand for a high duty on lumber, and that the lumber trade needed such a man in Washington. That is about all he said.

Mr. Jones stated to Mr. Coan that at the time of this conversation with Hines his brother-in-law, Rush Culver, was present. This statement was made by Mr. Jones to other persons in and about Marquette.

Mr. Coan, during this visit to Marquette, on or about April 9, also talked with Mr. Rush Culver, lawyer and lumberman. He met him at his house in L'Anse and asked him about this conversation. Mr. Coan said:

He (Culver) said that he and Hines were very good friends, and that he did not want to say anything that would get Mr. Hines into any trouble; that he had talked with Mr. Hines a number of times about Senator LORIMER and his political affiliations; that Hines had spoken to him about financing LORIMER'S campaign, and perhaps for Congress and otherwise, and he said that he was not clear as to just when this conversation had taken place; he thought it was perhaps before his last conversation with Hines on the campaign contribution; he said he thought it was in 1907. Then he called in his son, Harry Culver, and he asked him when it was that the Northern Lumber Co. had sold Hines a lot of hardwood culls, whatever they are, and his son said that it was in the summer before he left college, and he left college in 1910, which made it the summer of 1909. And he placed that as nearly as he thought he could—the date when he talked with Hines. * * * He said Mr. Hines talked very candidly to him and he talked frankly to him.

Frank J. Russell, a resident of Marquette, made affidavit as follows:

That on or about the 6th day of April, A. D. 1911, in the city of Marquette, I went to see Shelly E. Jones, of said city, in his place of business and asked him if he was a party to a conversation with Edward Hines, of the city of Chicago, State of Illinois, relative to the election of WILLIAM LORIMER as a United States Senator from Illinois. To this question Jones replied, in substance, that Hines had said in the course of the conversation referred to, "We put LORIMER over. It cost us a lot of money to do it, but he is well worth the price. I handled the stuff."

On the following day Russell again discussed the matter with Jones, and Jones again repeated his statement, saying that the remarks made by Hines about LORIMER'S election grew out of a discussion of the lumber tariff, Hines saying that LORIMER was a high lumber-tariff man and that was why he was a good man to have in the United States Senate.

Russell stated further that in this conversation Jones also said:

Have within a week called this conversation to the attention of Rush Culver, who was also present, and he told me that he remembered it.

I suppose these gentlemen were reminded of Hines's former statement by the testimony which the investigation by the Illinois Senate committee was bringing out at that time and was then the subject of general newspaper comment.

A witness, Mr. Bergener, was present at this conversation. That witness was present, of course, at Mr. Coan's instance, because, I assume, he was directed to have somebody present when he interviewed these witnesses in other States who could not be persuaded to respond to a subpœna.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Wisconsin yield to the Senator from Idaho?

Mr. LA FOLLETTE. Certainly.

Mr. BORAH. Does the Senator from Wisconsin desire to try to conclude to-night?

Mr. LA FOLLETTE. It will be impossible, I will say to the Senator from Idaho, for me to conclude to-night. I would be perfectly willing to continue as long as the Senate cares to sit. I regret that I did not get started earlier to-day. I was completing my analysis of this testimony. There are some 600 pages of this testimony. I have put some time upon it in order to present it to the Senate, as I consider it important.

Mr. CULLOM. Will the Senator yield for a motion to adjourn?

Mr. LA FOLLETTE. I will, and with the statement that I should like to go on as early to-morrow as possible and complete what I have to submit to the Senate if I can.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 42 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 24, 1911, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 23, 1911.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God, our heavenly Father, before whom millions daily prostrate themselves in adoration and praise, we humbly and reverently bow in Thy presence and acknowledge with unfeigned gratitude our indebtedness to Thee for all things; and we most humbly and fervently pray that Thou wilt continue Thy blessings unto us, to uphold, sustain, and guide us, that we may fulfill to the uttermost our mission in this life and be fully prepared at the proper time to enter upon that other life where we shall serve Thee in a world without end, for Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

RATIFICATION OF THE INCOME TAX.

The SPEAKER laid before the House the following communication from the secretary of state of Colorado, inclosing a joint resolution of the Legislature of Colorado ratifying the proposed amendment to the Constitution of the United States authorizing an income tax:

STATE OF COLORADO,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Colorado, ss:*

I, James B. Pearce, secretary of state of the State of Colorado, do hereby certify that the annexed is a full, true, and complete transcript of senate concurrent resolution 3, which was filed in this office the 21st day of February, A. D. 1911, at 5.43 o'clock p. m., and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Colorado, at the city of Denver, this 20th day of May, A. D. 1911.

[SEAL.] JAMES B. PEARCE, *Secretary of State.*
By THOMAS F. DILLON, Jr., *Deputy.*

Senate concurrent resolution 3, ratifying the sixteenth amendment to the Constitution of the United States of America.

Whereas both Houses of the Sixty-first Congress of the United States of America at its first session, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America in the following words, to wit:

"Joint resolution proposing an amendment to the Constitution of the United States.

"*Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution, namely:

"'ART. XVI. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States and without regard to any census or enumeration.'"

Therefore be it

Resolved by the General Assembly of the State of Colorado, That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby, ratified by the General Assembly of the State of Colorado.

That certified copies of this preamble and joint resolution be forwarded by the governor of this State to the President of the United States, Secretary of State of the United States, to the Presiding Officer of the United States Senate, and to the Speaker of the United States House of Representatives.

STEPHEN R. FITZGARRALD,
President of the Senate.
GEORGE MCLACHLAN,
Speaker of the House of Representatives.

Approved this 20th day of February, A. D. 1911.

JOHN F. SHAFROTH,
Governor of the State of Colorado.

Filed in the office of the secretary of state of the State of Colorado on the 21st day of February, A. D. 1911, at 5.43 o'clock p. m.

JAMES B. PEARCE, *Secretary of State.*
By THOMAS F. DILLON, Jr., *Deputy.*

RIGHT OF GOVERNMENT EMPLOYEES TO ORGANIZE.

Mr. MCCALL. Mr. Speaker, I ask unanimous consent to print in the RECORD an article which I hold in my hand, chiefly made up of a letter by Hon. Nicholas Murray Butler, of Columbia University, New York City, on the question of the right of the Government employees to unite together in organizing a union. It is a very admirable letter and I think Members might like to read it.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to have printed in the RECORD the article to which he refers. Is there objection?

There was no objection.

The article referred to is as follows:

WHEN GOVERNMENT EMPLOYEES GO ON STRIKE.

[The Sun, Tuesday, May 18, 1909.]

We have asked and obtained permission to quote from a private letter written by President Nicholas Murray Butler, of Columbia University, concerning a momentous question which he has made recently the subject of several public addresses:

"The newspapers are advising us day by day of the situation in which the French Government finds itself through an earlier temporizing with this question. France will either be a republic or a commune, with all that the word commune means, unless Clemenceau can have public opinion at his back in the attitude which he is now taking, sound although belated.

"In my judgment the fundamental principle at issue is perfectly clear. Servants of the State in any capacity—military, naval, or civil—are in our Government there by their own choice and not of necessity. Their sole obligation is to the State and its interests. There is no analogy between a servant or employee of the State and the State itself on the one hand, and the laborer and private or corporate capitalist on the other. The tendency of public-service officials to organize for their own mutual benefit and improvement is well enough, so far as it goes. The element of danger enters when these organizations ally or affiliate themselves with labor unions, begin to use labor-union methods, and take the attitude of labor unions toward capital in their own attitude toward the State. In my judgment loyalty and treason ought to mean the same thing in the civil service that they do in the military and naval services. The door to get out is always open if one does not wish to serve the public on these terms. Indeed, I am not sure that as civilization progresses loyalty and treason in the civil service will not become more important and more vital than loyalty and treason in the military and naval services. The happiness and prosperity of a community might be more easily wrecked by the paralysis of its postal and telegraph services, for example, than by a mutiny on shipboard.

"Just as soon as any human being puts the interest of a group or class to which he belongs, or conceives himself to belong, above the interest of the State as a whole, at that moment he makes it impossible for himself to be a good citizen. It seems to me that what I said in my speech in Chicago is entirely true, namely, that a servant of the entire community can not be permitted to affiliate or ally himself with the class interests of a part of the community.

"President Roosevelt's attitude on all this was at times very sound, but he wabbled a good deal in dealing with specific cases. In the celebrated Miller case at the Government Printing Office he laid down in his published letter what I conceive to be the sound doctrine in regard to this matter. It was then made plain to the printers that to leave their work under the pretense of striking was to resign, in effect, the places which they held in the public service, and that if those places were vacated they would be filled in accordance with the provisions of the civil-service act, and not by the reappointment of the old employees after parley and compromise.

"It may be that the exact line between a mutual benefit organization and a trade union is not easy to draw; but I think it must be drawn and insisted upon so far as Government employees are concerned, unless we are to permit communism to organize itself under our flag and at the expense of the taxpayers themselves.

"To me the situation which this problem presents is, beyond comparison, the most serious and the most far-reaching which the modern democracies have to face. It will become more insistent and more difficult as Government activities multiply and as the number of civil-service employees increases. Now is the time to settle the question on right principles once for all. So far as my observation goes, the events which have been taking place in France have produced a response from American opinion which is sound to the core."

We have yet to see any clearer exposition of a question which, as Dr. Butler says, "will wreck every democratic government in the world, unless it is faced sturdily and bravely now and settled on righteous lines." We print his remarks in this place because of their uncommon discernment, their vigor, and their justice.

PERSONAL PRIVILEGE.

Mr. WILSON of Pennsylvania. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. WILSON of Pennsylvania. Mr. Speaker, I can state it best by reading from an article appearing in the New York Herald on the 17th of this month, which has just been brought to my attention, in which Mr. John Kirby, jr., president of the American Manufacturers' Association, is reported to have used the following language in an address to that association on a previous date:

"*There are danger signs* ahead of us," said Mr. Kirby, "in the Sixty-second Congress, and we shall be fortunate indeed if at its final adjournment we are as free from vicious class legislation as we are at present.

"With WILLIAM B. WILSON, one time secretary-treasurer of the miners' union, chairman of the House Labor Committee, his daughter Agnes clerk of the committee, his daughter Mary private secretary to the chairman of the House Labor Committee, and his wife, Mrs. William B. Wilson, janitress of the room of the House Labor Committee, we have a committed American Congress and a fair illustration of the extremes to which labor leaders will go when they get a chance."

Mr. Speaker, the only particle of truth that there is in that statement is that my daughter Agnes is clerk to the Committee on Labor. So far as the statement relative to my daughter Mary is concerned, or to my wife, it is without a particle of foundation in fact. My daughter Agnes has been my secretary for the past 10 years, for more than 10 years—long before I was a Member of Congress. When I became a Member of Congress she was continued as my secretary. When I was elected as chairman of the Committee on Labor, knowing that she had spent 10 years of time in connection with labor organizations, as my secretary, I selected her as clerk to the committee. My daughter Mary and my wife have both been with me during the present session of Congress until recently. They have frequently been in the committee room. My daughter Mary has been sick since she was 12 years of age, and is not physically competent to be a clerk to anyone. My wife has also been sick, having been stricken with paralysis during last February, and is not well yet. She was frequently in the room of the Committee on Labor. That may have given rise to the statement. I do not know. Otherwise it is a malicious statement. My private secretary is Hugh L. Kerwin, of Wellsboro, Pa., and the janitor to the Committee on Labor is Dean Van Kirk, of Galeton, Pa. My wife is the mother of 11 children. We have raised 9 of them. She has been a hard-working woman during her entire lifetime, and she would neither be afraid nor ashamed of being a janitress to a committee, although she prefers being janitress to your humble servant in our home. I look upon this statement as being one that should not go unchallenged. It is a reflection upon me as a Member of this House, and I protest against any statements of this character being sent broadcast over the country. [Applause.]

UNANIMOUS CONSENT.

Mr. LAFFERTY. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER (after examining the resolution). This is a resolution that will have to go through the basket under the rules of the House. Until a few months ago the unanimous-consent business rested entirely with the Speaker, the Chair will state to the gentleman from Oregon. Just exactly when it was changed I have forgotten, but a new rule was adopted by which there was established a Calendar for Unanimous Consent. At the beginning of the present session, in order to get things in working order, the Chair recognized a few people out of order, but the Chair announced about a week ago that he was going thereafter to observe the rule, and that all such resolutions would have to go through the basket.

NEW MEXICO AND ARIZONA.

Mr. FLOOD of Virginia. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of House joint resolution 14, relative to the admission of Arizona and New Mexico as States into the Union.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the statehood resolution, with Mr. GARRETT in the Chair.

Mr. FLOOD of Virginia. Mr. Chairman, I yield 20 minutes to the gentleman from Tennessee [Mr. HOUSTON].

Mr. HOUSTON. Mr. Chairman, the question of the admission of Arizona and New Mexico as States of the Union has been so much discussed throughout the public press of the country and by public speakers all over this land and there has been such unanimity of expression in behalf of their right to admission as full States into this Union that it would seem to be useless to take up the time of this House in offering arguments or reasons why these Territories should be admitted as States into the Union. But in listening to the many speeches made on this subject, able and eloquent and varied as they have been, I have concluded that it was but right that as a member of the Committee on the Territories for the past four years I should state to this House some of the reasons that caused me to think that every Member of this House should vote for the admission of these Territories into the Union. Their right to admission has been admitted by all. The great political parties of this Nation have expressed it in their platforms. So far as the Nation could through its public speakers and its party-platform declarations they have promised to these Territories that they should be admitted as States into this Union. The faith of our Nation has been plighted to them for statehood.

For more than a hundred years the Territory of New Mexico has been connected with us, has been studying our institutions, has been learning of us the ways of a republican form of government. They have adopted our customs and principles of government; they have assimilated them; and for more than 60 years they have felt and have been justified in the feeling that they had the absolute promise of this Republic that they should at an early date be admitted as a State. So far as the area is concerned and her population and the character of her citizenship and her vast and varied resources are concerned they justify to the fullest her admission. At this point, Mr. Chairman, I will digress in order to ask leave to extend my remarks in the RECORD, for the purpose of printing a portion of the evidence taken before the Committee on the Territories in the hearings upon the question of the admission of this Territory and Arizona into the Union.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HOUSTON. With this permission I will insert some extracts from the statement of Judge A. B. Fall, a citizen of New Mexico for nearly 30 years and a prominent and distinguished lawyer and member of their constitutional convention:

There is prevalent throughout the country an entirely mistaken idea about New Mexico and the New Mexicans, particularly about those whom we designate as native citizens. There is even a mistaken idea about the name of the Territory. I presume it possible that if you gentlemen thought about it at all you would conclude that New Mexico was named for old Mexico, but the fact is that New Mexico was named 100 years before old Mexico was named.

Old Mexico was the Province of "New Spain" 100 years after New Mexico was known as "New Mexico." New Mexico was governed directly by the King of Spain, and its governors were appointed by the viceroy. The southern boundary of the Province of New Mexico extended to nearly 400 miles south of Juarez, opposite El Paso, Tex.; it included the States of Colorado and California and extended on the north to the Frozen Sea, as shown on the map of the Duke of Burgundy. New Mexico was "discovered" by Coronado in 1541, and was settled by Oñate in 1595. In marching toward New Mexico he discovered the settlement of Santa Barbara, near what is the present mining camp of Parral. He found the country inhabited by Indians who belonged to the same tribe as the Aztecs in Mexico City. They were dressed in cotton cloth. He wrote back that he had discovered a "new Mexico" (referring to Mexico City), and he was appointed or authorized by the viceroy to proceed to explore New Mexico. For 100 years New Mexico was cut off from old Mexico by 400 miles of desert. New Mexico took no part in the Mexican Revolution, because, as I have explained, these people were cut off from old Mexico. They formed a community of their own, and in some respects theirs was the most remarkable communal form of government this country has ever known. The settlements were made along the Rio Grande from the Colorado line to the Texas border. Grants were made by the Spanish Government to the communities, and royal commissioners were sent up there to divide the land into severalties amongst the colonists. The irrigation ditches which were constructed were constructed in common, and have been owned in common for over 300 years. They have an entirely different water system from that which you have in Colorado and other States of the Union; that is, in so far as the Rio Grande section is concerned.

When Gen. Pike went into New Mexico in 1806, and the Santa Fe trail was afterwards opened, the people of New Mexico—and I can give you the names of some of the families—sent their children to school, not in old Mexico, but they sent their children to Missouri to be educated. They sent their children into the United States to be educated. The Lunas, the Chavezes, the Armijos, Oteros, Pereas, Romeros, and others were very prominent families in New Mexico, and sent their children to school in St. Louis. Their girls were educated at Notre Dame and in other places in the United States. After the establish-

ment of the Santa Fe trail New Mexico was in the line of the great freighting operations between Independence, Mo., and old Mexico. There were 300 miles of desert between New Mexico and settlements in old Mexico, and 100 miles in the southern part of New Mexico, known as the Jornado del Muerto (Journey of Death), and these people in New Mexico were the go-betweens between the citizens of the United States and settlements of New Mexico and the people of the northern States of old Mexico.

As I have indicated, these people were familiar with American institutions, and the children of those who were able to bear the expense were educated, as I have stated, in the United States. They knew by far more of American institutions of government then than they know to-day or have ever known of the institutions of old Mexico. Following the opening of the Santa Fe trail and the system of freighting of which I have spoken came the Mexican War, and Gen. Kearny, with Doniphan and his volunteers, crossed the country on his way from Independence, Mo., or Fort Leavenworth, into Mexico.

The condition of these people was very different from anything that ever obtained in old Mexico. These settlers in New Mexico, instead of being peons and slaves subject to some great family, were independent colonists and independent landowners. They constituted an entirely different class of settlers from those in old Mexico. That has been their condition for 300 years and is the same to-day. When they came into the United States, they brought with them not only their laws as to waters and their communal form of government, but they brought the law of acquest property and many other civil laws, forms, and customs. Under the law of acquest community property the wife is the partner of the husband and is entitled to one-half of the entire estate. Now, that does not suit some of our people. Some who have come into the Territory more recently do not understand the old irrigation system, and the consequence is that whenever they see something come up about it in the constitution and the legislature they do not understand it. While that is an old custom here, they do not want anything of the kind. Well, as a matter of fact, it is the only system which would work out properly in the communities where these people live and where they constitute over one-half of the population. With the American settlers, who have acquired property from and live among them, they constitute over one-half of the entire population of the Territory. Now, these people were never connected, except as indicated, with old Mexico.

When the Gadsden purchase was made and the flag was raised under the treaty of Gadsden, the same provision was made guaranteeing the right of Mexicans as citizens of the United States, and again when the organic act establishing the government of New Mexico was enacted by the United States Congress; it was also in the compact with the State of Texas. Texas claimed all that portion of New Mexico lying east of the Rio Grande and up into Colorado. They established a government at Santa Fe; they created it in New Mexico in two or three different counties, but when they undertook to take possession the acting governor of New Mexico, Donaliano Vigil, refused to recognize the authority of the State of Texas and called on the President for protection. Col. Monroe was sent out there, and the President sent a message to Congress calling attention to the very grave difficulties that might arise and saying that some arrangement must be made with Texas. In pursuance of that message of the President of the United States, Texas was paid $10,000,000 for a quitclaim to that portion of New Mexico and Colorado which was involved. In that compact with Texas again the rights of the people who occupied that strip were guaranteed, and at the same time the organic act, which has been our fundamental law down to this time, contained the same provision. It was provided by the Congress of the United States that every one of these Mexicans had the right to vote and hold office.

I have referred to these matters for this purpose: You will see if you undertake to take away from them the right to vote it will create great dissatisfaction, and the right of suffrage must be absolutely guaranteed to them in the constitution or they will prefer to remain where they have been for 60 years, under the Congress. They would prefer to remain under the power of Congress rather than to have these rights taken away from them by any constitutional provision. Therefore it was necessary for us to assure them that they would be protected in these rights, in which you have protected them in the treaties I have referred to, before we could persuade them that it would be better to come into the Union. My friend Gov. Curry has referred to the fact that they sent troops to the Civil War and to the Spanish-American War. The records show that New Mexico furnished more volunteers for the Union cause in the Civil War than was furnished by any other State or Territory west of the Mississippi River in proportion to its population. At the same time the southern part of New Mexico, and where they sympathized with the southern cause, furnished a large proportion to the southern army. In the Spanish-American War the records of the War Department show that New Mexico furnished more than her quota of soldiers called for by the President of the United States. They have been patriotic American citizens; they are American citizens in the best sense of that term. They appreciate our Government, and not one of them would go down into old Mexico if he were offered in exchange for his American citizenship one of the princely cattle ranches of that Republic. I can speak and understand the Spanish language, and have mixed with the people for a great many years, and no more loyal or devoted people ever lived.

Mr. Chairman, I voted in the last Congress for a joint resolution admitting New Mexico into statehood without requiring or suggesting any changes in their constitution as they had framed it and adopted it by an overwhelming majority, and I would do so again. I would do this because the people of this Territory have framed the constitution, and I do not believe it is the part of Congress to tell them how to make their organic law, so long as it is republican in form and not in conflict with the Constitution and the Declaration of Independence. In other words, so long as it is not in conflict with a government of the people.

There are provisions in that constitution that I am strongly opposed to, but I do not believe for that reason I should vote to refuse them admission into the Union.

In framing the fabric of this Government it was contemplated and provided that the making of constitutions should be done by the people. Systems were inaugurated for choosing representatives and officers to carry out the will of the people in the three great coordinate branches of the Government, but when it comes to the making of constitutions this has been left to the people alone. Constitutions place limitations upon the different branches of the Government, but let us remember that the people make constitutions.

The organic law of a State, the constitution by which they put limitations and restrictions upon every other branch of their government, is the people's law. They make this the supreme law, and it is not for Congress or Presidents to tell them how they shall make that law. This power is vested in the people, or, rather, I should say is inherent in the people. For these reasons I would not refuse them admittance to this great Union because I disapproved features of a constitution they had made, unless that constitution was clearly subversive of the principles of republican government and repugnant to the principles of the Constitution and Declaration of Independence.

Now, then, Mr. Chairman, the Committee on the Territories have, by the resolution recommended by its majority, provided for the admission of New Mexico and Arizona. It is true they have submitted to the people of these Territories suggestions that they make some amendments to their constitutions, but, mark you, it is only a suggestion. It is not a requirement that these suggested amendments be made a part of their constitutions. The only requirement is that they go to the ballot box and express there their own preference as to whether they will adopt the suggestions. Their adoption is not a condition precedent to their admission into the Union, but in the exercise of the rights of freemen they will, at the ballot box, say whether they approve the suggestions made and whether or not they will adopt them. For these reasons I can most cheerfully support this resolution for the admission of New Mexico and Arizona as States in the Union.

The principal amendment offered, or rather suggested, to the people of New Mexico is a substitute for section 19 of their constitution, which is the section providing for the amendment of their constitution. The suggested amendment makes their constitution easier of amendment than is provided in section 19 as they have adopted it. The proposed amendment simply provides an easier method of changing their organic law, and I am sure this can furnish no well-considered reason why this proposition made to them and submitted to their own determination would justify a refusal to support the resolution authorizing their admission to the Union.

Some other amendments are suggested, but, like the above, they are left to their own determination, and I shall not dwell upon them, for, as before stated, I am willing to let them make their own constitution, so long as it is consistent with a free people's government.

I am unable to understand why any man, be he Republican or Democrat, who is actuated by patriotism and by a sense of justice free from the control of partisan bias or design to gain political advantage, can vote to refuse either one of these Territories statehood.

In fact it seems that all the Members of this House, both Republican and Democratic, are willing to admit New Mexico; but when it comes to the admission of Arizona there is a halting on the part of some of our Republican friends. They are not willing to admit Arizona under the constitution framed by the people of that Territory; not willing to even abide by the decision of those people as to whether or not they shall approve the suggested amendment; but they demand that they shall change their constitution, that they shall rewrite their fundamental law in one particular, or else they shall be denied admission to statehood. When we come to consider what this objection is predicated upon it is difficult to understand why representatives of a people's government should stand up and boldly assert that unless the people of Arizona shall strike out from their constitution the provision providing for the recall of members of the judiciary, it shall not be admitted. I am unable to see any justification for this course in reason or in justice.

It has been suggested that the fact that when Arizona is admitted to this Union she will be Democratic; that she will elect two United States Senators who will be Democrats; that she will elect one Member of this House who will be a Democrat; and will have three Democratic electoral votes; and that these reasons operate upon the minds of Republicans and cause them to vote against giving these people their just and natural rights. Mr. Chairman, this is a reflection upon the patriotism and the political integrity of a part of the membership of this House. I know it is difficult for men to rise above partisan influence, and I recognize the further fact that a proper party spirit is not unworthy of the man who believes in the principles of his party; but, sir, when that influence goes to the extent of causing a representative of the people to cast a vote merely

for the purpose of strengthening his own party, which violates the rights of a part of the people of this great country, it is unjustifiable, to the uttermost, and surely high-minded men "would scorn the spoil from such foul foray borne."

I appeal to Republicans to rise above such an influence and to do justice to these people. I accuse no man on this floor of being controlled by an improper motive, but I recognize the fact that it is sometimes difficult to let patriotism rise above party advantage.

The recall of judges is the stumbling block, it seems, in the way of Arizona in the minds of some. If a Member of this House honestly believes that that feature of their constitution is not republican in form and subversive of the principles of the Declaration of Independence, he would be justified in casting his vote against its admission; but when we come to analyze and consider the real essence of this provision in their constitution I am unable to understand why it will afford a sufficient reason to justify any man in opposing the admission of the Territory upon this ground.

The discussion in this House has hinged around what was meant by being republican in form. Speakers have undertaken to define what is meant by republican in form. Extracts have been quoted and read from many of our great statesmen; lexicons have been consulted and judicial opinions have been appealed to in the effort to get at a tangible, concrete definition that would furnish a rule or a standard by which this question may be decided.

But, Mr. Chairman, it seems to me that the best authority to which we can go in search of light on this question is the fountainhead or the source and beginning of this our own great Government, the greatest and most perfect of all the republics in the history of the world—the wisest and the best republic that has been evolved by the civilization of man. Our fathers undertook to form a republic; they built one, and it occurs to me that there can be no better source of knowledge to go to in search of what is republican than to the builders of this mighty Republic of ours. What is the cardinal principle upon which it rests? In the formation of this Republic the underlying principle was the right of the people to form their government and control it, and the statement in the Declaration of Independence that governments "deriving their just powers from the consent of the governed," and the further statement that declares "the right of the people to alter or abolish it and to institute new government, laying its foundation on such principles and organizing its power in such form as to them shall seem most likely to effect their safety and happiness," and the statement that this is a "Government of the people, by the people, and for the people," and that other phrase that is contained in so many of the State constitutions which asserts that "all power is inherent in the people"; also mark the statements of two of the wise builders of this governmental fabric:

Mr. James Madison, a member of the Constitutional Convention, said: "* * * If we resort for a criterion to the different principles on which different forms of government are established, we may define a republic to be, or may at least bestow that name on, a government which derives all its powers, directly or indirectly, from the great body of the people, and is administered by persons holding their offices during pleasure for a limited period or during good behavior. It is essential to such government that it be derived from the great body of society and not from any inconsiderable portion or a favored class of it * * *." (The Federalist (Hamilton ed.), paper 39, p. 301.) Another and more pointed definition appears in Chisholm *v.* Georgia (2 Dall., 419, 457; 1 L. ed., 440), by Mr. Justice Wilson, a member of the Constitutional Convention, who but a short time after the adoption of the Federal Constitution, in adverting to what is meant by a republican form of government, remarked: "As a citizen, I know the government of that State (Georgia) to be republican, and my short definition of such a government—one constructed on this principle—that the supreme power resides in the body of the people."

One of the framers of the Constitution, Mr. Madison, in No. 43 of the Federalist, in commenting on that clause in the Constitution—section 4, Article IV—which provides that "the United States shall guarantee to every State in the Union a republican form of government," said:

But the authority extends no further than to a guaranty of a republican form of government, which supposes a preexisting government of the form which is to be guaranteed. As long, therefore, as the existing republican forms are continued by the States, they are guaranteed by the Federal Constitution. Whenever the States may choose to substitute other republican forms, they have a right to do so and to claim the Federal guaranty for the latter. The only restriction imposed on them is that they shall not change republican for antirepublican constitutions, a restriction which, it is presumed, will hardly be considered as a grievance.

These are the fundamental ideas upon which our Government is based, and these basic principles, it occurred to me, should furnish the best definition of which is republican in form, because they furnish the foundation of this the master Republic of the ages. These are the very foundation stones upon which the fabric of this Republic rests, and can any man in reason say that it is unrepublican for a State to reserve the right to recall an officer or recall a judge when, in the judgment of its people, they believe they should exercise this power, and when they employ the republican methods of doing so by the exercise of the ballot, that legal expression of a freeman's will?

Mr. FERRIS. Will the gentleman yield?

Mr. HOUSTON. Yes, sir.

Mr. FERRIS. I had wondered, as the gentleman traveled along very much the same line of thought and belief that I have, if he did not recognize that the people of Arizona—it being a new State, where conditions are rapidly changing, as they are transforming from the Territory to a State—would find the right of recall, initiative, and referendum more necessary there than perhaps in any other place?

Mr. HOUSTON. I think it is undoubtedly true that the gentleman is correct. I think it is very reasonable to conclude that the very conditions to which the distinguished gentleman from Oklahoma has alluded would give them a better reason for the recall than exists in the old and more settled States.

Mr. FERRIS. And if I may interrupt the gentleman right in the same connection, having so recently gone over precisely the same ground in our State, this position is true: But few of the candidates in a new State are known at all until the time they are elected. The head of the ticket is the only one that any attention is paid to whatever, and the officers lower down on the ticket are voted for just by guess and not by reason of any personal knowledge of their true worth.

Mr. HOUSTON. I repeat that it is most reasonable that their conditions make more justification for the exercise of this power than exists elsewhere. But I want to say this, that they are a part of this great Nation; they should be clothed with all the sovereign rights of the people of every other part of it; they should have the right themselves to pass upon what they need, as they are upon the ground and best know the conditions and what those conditions demand.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. HOUSTON. I will.

Mr. STEPHENS of Texas. Is it not a fact that for 50 years, ever since there was an organization of the Territory of Arizona, they have lived under a system of Federal judges, and those men, except possibly in very few instances—none that I know of—have been sent there from other States, have no sympathy with the people, and the people have been ruled by the Federal courts? They are not accustomed to having men whom they have elected themselves, and for that reason they are justified, in my opinion, in not wanting to continue the conditions they have been under for the last 50 years. And I think it is a complete justification of the people of Arizona in having the recall in the constitution.

Mr. HOUSTON. I have no doubt that their judiciary having been an appointive one, that their judges having been furnished to them from Washington, that the fact that they have not had the right to make the selection of their own members of the judiciary operates very largely to create a strong desire on their part to select their own judges, and not only to select them but to control and regulate the tenure of their office as they see proper to do. You may doubt the wisdom of the recall, but you can not in reason say that it is unrepublican.

So, Mr. Chairman, our Republic, the greatest of all republics and the greatest of all nations, was laid out upon the express principle that all power belongs to the people, and I say to you that no man need be alarmed when they are given, or rather when they choose to exercise this power of recall. I have an abiding faith that in their wisdom they will solve this new departure, in a sense, as they have solved other questions when met and tried. [Applause.]

I do not fear disaster or ruin from the exercise or use of a power inherent in the cardinal principles enunciated by the framers of this Government. The wisdom of their building grows upon the world with the advancing years, and the timbers that they laid beneath the national fabric are sound, secure, and safe.

Do not misunderstand me. I do not favor the recall of judges. I have known no conditions or cause to call for the use of such a power. I believe the people should always have the right and power to elect their judges; to fix their term of office, say, for eight, six, or two years; then if they choose to reserve the right to terminate the tenure of office at an earlier period it is only the exercise of their natural and inherent right to do so. The wisdom of this method may be doubted, but there is no foundation for the claim that they have not the right to adopt it if they choose, or that it is unrepublican.

There is a growing disposition in this country on the part of the people to take more active part in the management of their Government, and this is a healthy and a hopeful sign. The

growing sentiment in some parts of the country in favor of the initiative, the referendum, and recall is but a manifestation on the part of the people to take hold of and to control their own governmental agencies. This is by no means an unhealthy symptom.

The fact that the people are on the watch and alive to governmental affairs gives the best guaranty of success to our Nation and is the brightest promise of the full perfection and perpetuation of a people's Government. In their zeal they may make mistakes and call into use untried methods that may prove unwise, but on sober reflection, guided by the experience they will have, they will work out these problems and select the good and discard the bad. This must be true if our Government shall stand, for the judgment of the masses is the final and last voice in controlling the destinies of this country. The more interest they take in its management the better citizens they become and more capable to exercise the rights of freemen and to maintain and perpetuate a people's form of government. So, after all, there is nothing in this feature to alarm us. If any part of the American people see proper to adopt it, they can test it. They can try it upon its merits and pass upon its virtue; and I for one shall not be frightened to leave a question of this kind to the solution of any State that, in its own sovereign capacity, sees proper to make the experiment.

I have confidence in the judiciary of our country. It is a matter of pride to our Nation that almost invariably the judges have been upright and just. The present system among the States has worked well, and to establish the recall would be an innovation that, I believe, would be found upon trial to be impracticable and unwise and one that the people would abandon if it were put in operation; but, Mr. Chairman, that they have the right, in accordance with our republican institutions, to establish this recall I do not think admits of doubt.

For this Congress to exercise the physical power it has to keep Arizona out of the Union because of this feature in its constitution would be an arbitrary exercise of that power that, to my mind, would be utterly unrepublican and even worse than monarchial; it would be despotic. To recognize the right of the people to elect a judge for a given period of time, say, eight, six, or two years, it seems to me, embraces the right to recall that judge or limit his term to a less period if conditions arise that, in their judgment, demand such action.

I think it unwise to go further than to fix his term of office; I think this has proved all sufficient in our country. I think it will stand the test of all conditions that may arise, but I can not say it is unrepublican for a State to exercise the power of recall if in their sovereign capacity they see proper to do so.

In voting to allow Arizona to exercise her own preference as to this feature of her constitution we do not indorse the recall of judges, but we do indorse local self-government and the right of the State to control its own affairs. It is a strained conclusion to reach when you assume that a vote to admit Arizona with the privilege of passing upon this recall feature is an indorsement of the recall. It is an unwarranted conclusion that if carried to its ultimate end would deprive them of the right and power to form their own constitution. What could be more unrepublican than that? Beware lest in the name of republicanism you act the part of the usurper and the tyrant. If you do not allow them to exercise this sovereign right you have utterly trampled under foot the principles of republicanism, of home rule, and local self-government. [Applause.]

Mr. Chairman, as said before, I do not favor the recall of judges; I do not believe in it as a policy of State government; but I do not subscribe to the argument that it would take away from the judge the spirit of independent desire to do right. The man or the judge has but a poor opinion of American citizenship who fears to do right less he incur their disapproval. To the honest man who desires to serve and win the approbation of his countrymen there exists every reason and inducement to do right and to discharge his duty faithfully and according to the law as it is written. The character and history of the American people furnish no reason to fear that they will destroy or condemn the faithful and efficient public officer; on the contrary, they honor and sustain a man who does his duty fearlessly and according to his conscience.

I trust these two Territories will not longer be kept out of their just rights.

There is no excuse for longer delay.

They love our institutions and, what is more, they understand them.

In peace and war they have shown their patriotism and valor.

Let the promise of statehood that has been so long on our lips be put into practice.

Let not partisanship longer stand in their way. Let us redeem the plighted faith of this Nation and remove this reproach upon our sacred honor by admitting these Territories as full sisters into our great body of Commonwealths. [Loud applause.]

Mr. LANGHAM. Mr. Chairman, I yield 30 minutes to the gentleman from Oklahoma [Mr. McGUIRE]. [Applause.]

Mr. McGUIRE of Oklahoma. Mr. Chairman, I have been for a number of years interested in the application of New Mexico and Arizona for admission into the Union. I had the honor of serving as the Delegate to Congress from Oklahoma before that State was admitted, and during that service was for more than four years a member of the Committee on the Territories in this House.

The question of the admission of New Mexico and Arizona was considered at that time, and I became to a greater or less extent familiar with their claims to admission into the Union. There was a difference of opinion in the committee as to the relative merits of these Territories, many Members of the House believing that the two Territories should be united to comprise one State, and the bill which was ultimately recommended by the committee provided that there should be one State formed from these two Territories. Such a provision would give it a vast area, equal in size to the State of Texas. It was believed by many that the physical features as well as the climatic conditions of these Territories would never support a population equal in numbers to that of the average State of the Union unless they were united into one State. On the other hand, many Members believed that they should be separate States, and those differences of opinion resulted in a long and at times an almost bitter struggle in Congress, particularly at the other end of the Capitol, and it was because of those differences that these two Territories failed of admission at that time.

The Constitution of the United States provides—

New States may be admitted by the Congress into this Union—

but leaves the method of admission to the Congress. Few States heretofore admitted have had objectionable provisions in their proposed constitutions, and the most notable, perhaps, of any whose constitutions have contained objectionable provisions was the State of Oklahoma, which I have the honor to represent in part. There were a number of provisions in our constitution which are almost identical with certain of the provisions of the constitution of Arizona, and it was seriously questioned at the time of our admission whether our constitution with respect to the initiative and referendum was republican in form. However, the Congress left that question to be determined by the President of the United States, who approved the constitution in that form and issued his proclamation admitting Oklahoma to the Union.

Personally, I do not believe that the provisions for the initiative and referendum are repugnant to the Constitution of the United States. The evident purpose of these provisions is: First, that the people may direct legislative bodies by themselves initiating the kind and character of legislation desired; second, that the people may pass judgment upon important legislation, and approve or disapprove at the ballot box legislative acts before they become effective. It has always been my contention that the constitution of Oklahoma does not give the initiative and referendum a fair chance, for the reason that two-thirds of both branches of the State legislature, by voting for a measure, may preclude the possibility of any expression whatever on that measure by the people of my State, and I have the same objection to the provisions in the constitution of Arizona, for the reason that it is almost verbatim with the constitution of Oklahoma, and the meaning is exactly the same.

The particular provision to which I refer in the Arizona constitution reads as follows:

(3) The second of these reserved powers is the referendum. Under this power the legislature, or 5 per cent of the qualified electors, may order the submission to the people at the polls of any measure, or item, section, or part of any measure, enacted by the legislature, except laws immediately necessary for the preservation of the public peace, health, or safety, or for the support and maintenance of the departments of the State government and State institutions; but to allow opportunity for referendum petitions, no act passed by the legislature shall be operative for 90 days after the close of the session of the legislature enacting such measure, except such as require earlier operation to preserve the public peace, health, or safety, or to provide appropriations for the support and maintenance of the departments of State and of State institutions: *Provided,* That no such emergency measure shall be considered passed by the legislature unless it shall state in a separate section why it is necessary that it shall become immediately operative, and shall be approved by the affirmative votes of two-thirds of the members elected to each house of the legislature, taken by roll call of ayes and nays, and also approved by the governor; and should such measure be vetoed by the governor, it shall not become a law unless it shall be approved by the votes of three-fourths of the members elected to each house of the legislature, taken by roll call of ayes and nays.

The intent of this provision is to refer to the people, if thought necessary either by the legislature or by 5 per cent of the qualified electors, any measure except laws immediately necessary for the preservation of the public peace, health, or safety, or for the support and maintenance of the departments of the State government and of the State institutions.

But four years of operation under this provision in Oklahoma's constitution has proven conclusively its ineffectiveness with a vicious or incompetent legislature which cares nothing for the spirit of the constitution. The first legislature of Oklahoma had a Democratic majority of more than two-thirds in each house. They were intensely partisan; their principal business was to play politics—the constitution and the people be damned—as is evidenced by the fact that out of 213 legislative acts they evaded this constitutional provision in 149 of them by declaring with a two-thirds majority that the act passed was for the preservation of the public peace, health, and safety.

For example, the following are some of the acts to which the emergency clause was attached, acts which show on their face the incompetency and stupidity of the men who were supposed to represent the people. At the time of the convening of the legislature we had a nonpartisan election law, which was changed by that legislature and supplanted by the most infamous election law this country has ever known; and to accomplish their purpose and to prevent its going to the people for approval or disapproval they attached the emergency clause, and declared that this law was for the public peace, health, and safety, thereby taking advantage of a constitutional provision the supposed purpose of which was to protect the people from just this kind of a legislature, and using it to further their own vicious political purposes, stultifying themselves and degrading our constitution.

I sincerely hope that no legislative body could be found in any other State of the Union which would exhibit such a studied purpose to evade the spirit of the constitution of its State, but as a precaution against such vicious legislative conduct, I trust that Arizona will take advantage of the experience of the people of Oklahoma and amend this paragraph so that there may be no way for her future legislatures to pervert it, avoid it, or misconstrue its meaning.

While I have never been an advocate of the principle of the initiative and referendum, yet I see no great disadvantage in them save and except the probability of the multiplying of elections and the expense incident thereto, as well as the agitation and fomentation which are always the natural product of too frequent campaigns. Without the initiative and referendum, the people at recurring elections select new representatives where the old ones have been unfaithful to a trust or reelect the old ones where they have proven competent and efficient. Mistakes always have been and always will be remedied by the people, and the only advantage of the initiative and referendum is that the people bear the additional expense for an earlier expression of approval or disapproval at the polls of that which the legislature has enacted into law.

If the people of Arizona want the initiative and referendum, they are entitled to it; but they should have the genuine article, so as to give it a fair chance, and not a mere pretense such as we have in Oklahoma.

The trouble with the initiative and referendum provisions of Oklahoma's constitution is that they were written for campaign purposes and not for an effective and basic organic law of a great State. The members of that convention in the preceding campaign had taken advantage of every political fad and fancy. Many of them had promised openly that they would be for and *privately* that they would not be for this and that provision, as occasion might demand. It was a campaign of promises and empty pledges by persons who had no record from which they could be judged, and under such conditions it was but natural they should straddle all questions where there was a difference of opinion. The Democratic Party had an overwhelming majority in that convention, and they knew as soon as the constitution was completed they must go before the people immediately in another campaign. They wanted the vote of those who were for the initiative and referendum and they must have the vote of those opposed to the initiative and referendum. Hence our constitutional provision, which is meaningless with respect thereto, when a political party is strong enough to kill it by a two-thirds vote.

But I have not mentioned the only instance where they were able to disregard and trample under foot this provision of our constitution. For example, on page 90 of the constitution of Oklahoma, section 35 reads as follows:

SEC. 35. All debts and indebtedness authorized to be incurred by the constitutional convention of the proposed State of Oklahoma, and all expenses of holding the election for the ratification or rejection of this constitution and for the election of officers of a full State government, which shall remain unpaid after the appropriation made by the Congress of the United States has been exhausted are hereby assumed by the State; and it is hereby made the duty of the legislature at its first session to provide for the payment of same: *Provided*, That the debts and indebtedness the payment of which is hereby assumed by the State shall not include any debt or expense as a salary or compensation of the delegates of the constitutional convention.

The House will observe that all expenses incurred by the constitutional convention not appropriated for by Congress in the enabling act were assumed by the State except the salaries or compensation of delegates to the constitutional convention. You ask why this provision in our constitution. That same question has been asked many times by people who do not understand conditions as they existed at that time in Oklahoma. That constitutional convention had taken six months to write a constitution where the average constitutional conventions of the different States had taken less than 30 days. The people were indignant at the time used and the expenses incurred by the convention, and this indignation was understood by the members to such an extent that when they had under discussion the question of the recall, during the latter days of the convention, the president of the convention stated that if they had the recall at that time there would not be enough of the members left to constitute a quorum; and the facts are that they were forced to insert the frivolous provision in the organic law of a great State that the State would not assume the payment of their salaries, with the hope of reestablishing themselves and of gaining the favor of the people for the coming campaign. And they never failed to mention in their speeches that while the constitutional convention was expensive the members had refused to take their salaries.

But when the legislature met, immediately after the election, that overwhelming Democratic majority not only voted to pay the salaries of the members of the convention, but they declared that it was for the public peace, health, and safety of the people to do it. Suppose in this case they had not made a plaything of our constitution and had not thrown to the winds the rights of the people, and had referred this question of their salaries to the people so short a time after their pledges that they never would take their salaries. The provision would have been overwhelmingly defeated at the polls. But they not only failed to refer it to the people, but by their act in attaching to it this public-peace, health, and safety clause they nullified that provision of the constitution which was supposedly the guaranty to the people of the right of the referendum.

These are only two examples of the 149 measures of similar character which were passed with the attached emergency clause for the peace, health, and safety of the people. Had we not had so recent an example, an object lesson so entirely conclusive as to its effect, we would think such procedure in a civilized community beyond the limit of legislative perfidy. It has been suggested that the people of Arizona would not take such advantage of their own constitution. That may be true, but inasmuch as it has been done in another State it is not at all improbable that at some time in the future the same vicious practices may be repeated in Arizona; and it is for that reason that I am now calling the attention of Congress and the country as well as of the people of Arizona to the villainy which may be consummated under this provision of their proposed constitution.

Now, as to the provision for the recall in this proposed constitution. I never have been and am not now in favor of that provision. While I do not believe anything serious would come of it, except as to the judiciary, yet I am not of the opinion that any good can follow. The average tenure of office in the United States, both in Federal and State offices, is very short as compared with other countries. For instance, a Member of Congress must meet the judgment of the people every two years, leaving scarcely time to call and hold an election before his term of office has expired.

The same is true of the State legislatures of the various States, they seldom having a provision for more than two years of service. That, in my judgment, is only a sufficient length of time to give any officer a fair chance to be understood by his constituents. If he makes a mistake, his own party, as a rule, repudiates him, for the reason that the strongest and best men of the country must be presented for the judgment of a reading and intelligent people. And in a country where we have a government by political parties, as is always the case in every representative government, every public officer must stand the test of accusations from the opposing political party, of being continuously watched, of having his every official act scrutinized, a condition which leaves a very narrow margin for the public official, and one which, I believe, renders absolutely unnecessary this provision of the recall.

That which I have said regarding public officials in general, and a great deal more, may be said of the judiciary of the States

of the Union. Their tenure is short; their business is to settle the differences of contending litigants, and no difference how able nor how just the judge, the defeated litigant will complain. It is always an easy matter to get 20 per cent of the opposition party to petition for the removal of any officer, judges included. And when you inaugurate the recall under the provisions of this constitution, the weaker of the judiciary may dodge the questions so necessary to be settled honestly, squarely, and fairly upon the law and the evidence without fear or favor. And not only that; the real lawyer, the conscientious jurist, the man of splendid and superior qualities—in other words, the very kind of man whom we should seek for the bench—would not hazard his reputation for discretion, fairness, and integrity by submitting himself to the dissatisfaction of contending litigants, the machinations of opposing political parties, and the passing whim of malcontents.

What we should have is the best judicial material of the country. Without the recall we may have it; with the recall it is impossible to get it. There may be isolated cases of unfaithful judges, but the rule is entirely the other way. Our confidence in the American judiciary has thus far seldom been misplaced. Under the present practice we obtain the highest standard of American citizenship for the bench. Under this proposed constitution, I am convinced, that standard will be lowered rather than elevated. It may do but little harm to test it, but I have looked in vain for its justification.

It is my hope that New Mexico and Arizona may be admitted to the Union, and I hope to see them admitted on an equal footing with the other States. I have confidence enough to believe that their people will ultimately work out their own salvation, but I should like to see them come without this expression of distrust embodied in the fundamental law of their States.

Mr. FLOOD of Virginia. Mr. Chairman, I yield 50 minutes to the gentleman from New York [Mr. LITTLETON]. [Applause.]

Mr. LITTLETON. Mr. Chairman, I did not intend when this discussion began, and as it proceeded, to take part in it. In fact, I was willing then, as I am willing now, to vote for the admission of New Mexico and Arizona into the Union with or without the amendments that are suggested in the report of the committee. My reason for occupying the time of the committee and for soliciting a portion of the time from the chairman is that there has been disclosed in the debate, and there is disclosed in one of the constitutions submitted, a tendency, if not an announced principle, which primarily as an American, but, secondarily, as a Democrat, I protest against.

I have fully realized in my short service here that however active I may have been at the bar, it leaves me new, young, and unsteady on my feet in the great parliamentary business of this country, and I would willingly have foregone the opportunity and the honor of submitting my views at this time under the apprehension which grew out of that unsteadiness, if I did not feel constrained by what I believe to be a sense of public duty, to call the attention of the committee to the objections which I entertain against these tendencies and the principle announced in the Arizona constitution.

I share with the most democratic of Democrats the conviction that all power resides finally in the bosom of the whole people, and I share with them their enthusiastic support of the proposition that this power may be exercised by the people to alter or to abolish the government under which they live. But I think it would be prudent and wise if we should for a moment reexamine the structure of our own Government, and particularly that instrument for public control which was fashioned by the hands of our forebears, which for more than a hundred years has sustained a great civilization and which has enabled us to take our place among the nations of the earth.

The structure of this Government, as I understand it, and the structure which has been more or less imitated by our State governments which have lately come into the Union and those State governments which are comprised in the original Thirteen States, was, as I have become fully convinced, distinctly, intentionally, and wholly representative in form.

Much has been said here in this discussion as to what is meant by "republican form of government." The clause in the Constitution under which this discussion has been had is rather unusual in its phraseology. It says:

> The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the legislature or of the executive against domestic violence.

I should have been pleased, Mr. Chairman, could I persuade myself that the language employed in that section of the Constitution, referring to a republican form of government, really meant a guaranty of representative government. In the first investigation which I attempted to make I did, indeed, persuade myself that what was intended was that there should be a guaranty of a representative form of government, and that any government which did not rise to the standard of a representative form of government would not meet the requirements of this section of the Constitution. I must, however, in the utmost candor, admit that I have not been able to vindicate wholly the position in which I first found myself, and I am not now able to say that I believe that the words "republican in form," as here used, carry with them a guaranty of a distinctly representative form of government. If I did so, I would not vote for the admission of Arizona into the Union; and, I am free to confess, I would not know how to treat those States in the Union which have adopted the initiative, referendum, and recall, which I sincerely believe to be opposed to a representative form of government.

But on an examination of the authorities with which, and for the submission of which, I crave the indulgence of the committee, I find the best authority upon the question does not use the words "republican" and "representative" in anything like a synonymous sense. Mr. Cooley says:

> The principles of republican government are not a set of inflexible rules, vital and active in the Constitution, though unexpressed, but they are subject to variation and modification from motives of policy and public necessity; and it is only in those particulars in which experience has demonstrated any departure from the settled practice to work injustice or confusion that we shall discover an incorporation of them in the Constitution in such form as to make them definite rules of action under all circumstances.

May I draw the attention of the committee to a brief examination of our exact position in the effort to distinguish between a representative and a republican form of government, and in that connection may I ask you to consider the further declaration of Mr. Cooley in his work on constitutional limitations? He says:

> In every sovereign State there resides an absolute and uncontrolled power of legislation. In Great Britain this complete power rests in the Parliament; in the American States it resides in the people themselves as an organized body politic. But the people, by creating the Constitution of the United States, have delegated this power as to certain subjects and under certain restrictions to the Congress of the Union; and that portion they can not resume, except as may be done through amendment of the National Constitution. For the exercise of legislative power, subject to this limitation, they create, by their State constitution, a legislative department upon which they confer it; and, granting it in general terms, they must be understood to grant the whole legislative power which they possessed, except so far as at the same time they saw fit to impose restrictions.

Just what is now proposed in the Arizona constitution—

> While, therefore, the Parliament of Great Britain possesses completely the absolute and uncontrolled power of legislation, the legislative bodies of the American States possess the same power except, first, as it may have been limited by the Constitution of the United States, and, second, as it may have been limited by the constitution of the State. A legislative act can not therefore be declared void, unless its conflict with one of these two instruments can be pointed out.

Now, the proposition in the Arizona constitution is to reserve to the people of Arizona the right to initiate legislation upon a certain percentage, and also to reserve to them the right to compel the submission to them of legislation which has been wholly or partially enacted.

I am well aware of the earnestness of the advocates of the initiative, referendum, and recall. I have heard upon this floor the assertion that to oppose them is practically to distrust the people. Let me call the attenion of my friends to the fact that by this proposed program they are confounding and confusing the power of the people to erect a great organic structure of a State with the power of ordinary legislation conferred upon the legislative branch of that State. They seem to have lost sight of the fact that when there is a constitution, as there no doubt will be in Arizona, and the people, in addition to that, initiate legislation, as they no doubt will, as that legislation is adopted by the people, the difference between the organic law as it is written in the constitution and the initiative legislation which they propose to adopt will be one of form rather than of substance, for the organic law and the legislation thus adopted will be no different in source or no different in the method of adoption, and therefore primarily will be the law arising from the supreme expressed will of the people; and every act of the people, either by initiative legislation or by legislation which has gone through the process of the referendum, will derive its force and its power from exactly the same source as does the constitution.

Let me submit, Mr. Chairman, for a moment to the consideration of the committee what I regard as the best definition available to me of a constitution:

> What is a constitution? It is a form of government delineated by the mighty hand of the people in works in which the first principles of fundamental law are established. The constitution is certain and fixed. It contains the permanent will of the people and is the supreme law of the land. It is paramount to the power of the legislature, and can be revoked and altered only by the power that made it.

That is from a decision in Second Dallas of our Supreme Court Reports. And may I submit another definition? The supreme court of Arkansas said:

What is a constitution? The constitution of an American State is the supreme, organized, and written will of the people acting in convention, assigning to the different departments of the government their respective powers. It may limit and control the action of those departments, or it may confer upon them any extent of power not incompatible with the Federal compact. By an inspection and examination of all the constitutions of our country they will be found to be nothing more than so many restrictions or limitations upon the departments of the government and the people.

Taking the initiative separately and apart from the referendum in the Arizona constitution, what is it designed to accomplish? Our friends say, "We desire to place in the hands of the people the power to initiate legislation which a legislature may have failed to initiate." They say that those of us who are opposed to their program have shown a distrust of the people. Let me call their attention to the fact that it is not a matter of right or power. It is really a matter of sound wisdom in the conduct of a great government. Those who went before us, and laid deep those foundations to which we so often recur and with which we so often consult, knew that it was necessary and wise to guard against the power of the majority just as it had been necessary and wise to guard against the power of a tyrant in a monarchy. [Applause.]

Those men understood—they had drunk deep drafts of information from the great wells of the lawgivers of the earth—that they must so construct the organic law of this land that there should be embedded within it great and sacred rights against which neither the protests of the minority nor the passions of the majority should prevail, and that the final determination of the rights of both should find its lodgment in the great judicial system of this country.

You say—those of you who are in favor of this program—that you wish to put it in the power of the people to initiate legislation in your State. Where, in the final and full philosophy of your doctrine, will your Supreme Court be? What will be its status? You may write into the Arizona constitution that any law that conflicts with that constitution shall be unconstitutional and the courts may so declare it; but if you give to the people of that State the power, through the legislature, or in conjunction with the legislature, to make any day in the year by the initiative any law, or to have referred to them any law proposed by the legislature, you are in fact providing for legislation, in the ordinary sense, whose source, whose power, and whose binding effect shall be as great and as final as the organic law expressed in your constitution.

What will be the attitude of the courts of the State if they are called upon to review a legislative act which has been brought about by the initiative through the medium of the people? How will they approach the question of declaring that kind of a law to be in conflict with the constitution of the State, especially when they know that it and they spring from the same source?

I say, my friends, you may protest that it is a distrust of the people, but it is really yourselves who are destroying trust in the people—that supreme and definite trust which was created in the inception and which has been maintained in the development of this Government. You say to me that I do not trust the people, but I tell you that I trust them more than you do, for I trust them to choose their representatives and to compel their representatives to respond to their will, to do their final bidding, to represent them, and to achieve for them in a representative capacity what the people themselves in their multifarious occupations can not achieve. You who favor these particular laws do not trust the people because you are not willing that they should choose their representatives, and you have not faith in them that they can compel their representatives to respond to their will.

The referendum in all its essentials does not differ from the initiative. Our friends have said to us, and we have seen it published, but without foundation, that there has been a breakdown in representative government. Mr. Chairman, I challenge any man to find any era in American history in which the legislative and executive branches of the Government have been so keenly sensible of the popular will as they are to-day. There may be occasions, there may be places, in which there has been a breakdown, but as a general proposition it is not true. The whole world to-day is governed by some system of representation—in science, in art, in commerce, in banking, in law, in scholarship—wherever the human race has made any progress or advancement. If you will analyze the sources of that development you will find that it has resulted and depends upon the judgment of those who have the selection of the man, and the final fulfillment of that judgment by that man in his representative capacity.

Let me draw your attention to the early opinions of the great statesmen of this country on the question of representative government. Mr. Webster said, in the case of Luther *v.* Borden, in the Seventh of Howard:

Let me state what I understand these principles to be. The first is, that the people are the source of all political power. Everyone believes this. Where else is there any power? There is no hereditary legislature; no large property; no throne; no primogeniture. Everybody may buy and sell. There is an equality of rights. Anyone who should look to any other source of power than the people would be as much out of his mind as Don Quixote, who imagined that he saw things which did not exist. Let us all admit that the people are sovereign. Jay said that in this country there were many sovereigns and no subject. A portion of this sovereign power has been delegated to government, which represents and speaks the will of the people as far as they chose to delegate their power. Congress have not all. The State governments have not all. The Constitution of the United States does not speak of the government. It says the United States. Nor does it speak of State governments. It says the States, but it recognizes governments as existing. The people must have representatives. In England the representative system originated not as a matter of right, but because it was called by the king. The people complained sometimes that they had to send up burgesses. At last there grew up a constitutional representation of the people. In our system it grew up differently. It was because the people could not act in mass, and the right to choose a representative is every man's portion of sovereign power. Suffrage is a delegation of political power to some individual. Hence the right must be guarded and protected against force or fraud. That is one principle. Another is that the qualification which entitles a man to vote must be prescribed by previous laws directing how it is to be exercised, and also that the results shall be certified to some central power so that the vote may tell. We know no other principle. If you go beyond these, you go wide of the American track. One principle is that the people often limit their government; another, that they often limit themselves.

Let us turn from New England to the South and consult a southern writer upon this subject. Our minds naturally turn to that distinguished and venerable Virginian, who so long adorned this Chamber and at whose feet so many men in America gathered instruction and learning, John Randolph Tucker, of Virginia. He said:

Representation is the modern method by which the will of a great multitude may express itself through an elected body of men for deliberation in lawmaking. It is the only practicable way by which a large country can give expression to its will in deliberate legislation. Give the suffrage to the people, let lawmaking be in the hands of their representatives, and make the representatives responsible at short periods to the popular judgment, and the rights of men will be safe, for they will select only such as will protect their rights and dismiss those who, upon trial, will not. True representation is a security against wrong and abuse in lawmaking.

If we leave these great and wise philosophers to one side and consult the Supreme Court of the United States, we will find, in the case of In re Duncan (139 U. S.), that court adopting the language of Mr. Webster, just quoted, and proceeding further to say:

By the Constitution a republican form of government is guaranteed to every State in the Union, and the distinguishing feature of that form is the right of the people to choose their own officers for governmental administration and pass their own laws in virtue of the legislative power reposed in representative bodies, whose legitimate acts may be said to be those of the people themselves. But while the people are thus the source of political power their governments, National and State, have been limited by written constitutions, and they have themselves thereby set bounds to their own power as against the sudden impulses of mere majorities.

Then the Chief Justice takes up Mr. Webster's argument in the case of Luther *v.* Borden, and he says:

Mr. Webster's argument in that case took a wider sweep and contained a masterly statement of the American system of government as recognizing that the people are the source of all political power, but that as the exercise of governmental powers immediately by the people themselves is impracticable they must be exercised by representatives of the people; that the basis of representation is suffrage; that the right of suffrage must be protected and its exercise prescribed by previous law and the results ascertained by some certain rule; that through its regulated exercise each man's power tells in the constitution of the government and in the enactment of laws; that the people limit themselves in regard to the qualifications of electors and the qualifications of the elected, and to certain forms for the conduct of elections; that our liberty is the liberty secured by the regular action of popular power, taking place and ascertained in accordance with legal and authentic modes; and that the Constitution and laws do not proceed on the ground of revolution or any right of revolution, but on the idea of results achieved by orderly action under the authority of existing governments, proceedings outside of which are not contemplated by our institutions.

I could multiply the authorities on this subject, Mr. Chairman, but, as my time is limited, I shall call the attention of the committee to but a few more. It has been held in this country by a court of respectable standing that laws enacted by the people in the method proposed in the Arizona constitution are in contravention of the Constitution of the United States. For example, in the case of Rice *v.* Foster, in the State of Delaware, it has been held:

Although the people have the power, in conformity with its provisions, to alter the Constitution, under no circumstances can they, so long as the Constitution of the United States remains the paramount law of the land, establish a democracy or any other than a republican form of government.

And this, the court went on to declare, would in effect be done should the electorate be given a direct legislative power.

In the State of New York, in the case of Barto *v.* Himrod, the court said:

It is not denied that a valid statute may be passed to take effect upon the happening of some future event, certain or uncertain. But such a statute, when it comes from the hand of the legislature, must be a law in præsenti to take effect in futuro. * * * The event or change of circumstances on which a law may be made to take effect must be such as in the judgment of the legislature affects the question of the expediency of the law; an event on which the expediency of the law, in the judgment of the lawmakers, depends. On this question of expediency the legislature must exercise its own judgment definitely and finally. * * * But in the present case no such event or change of circumstances affecting the expediency of the law was expected to happen. The wisdom or expediency of the free-school law, abstractly considered, did not depend on a vote of the people. If it was unwise or inexpedient before that vote was taken, it was equally so afterwards. The event on which the act was made to take effect was nothing else than the vote of the people on the identical question which the Constitution makes it the duty of the legislature itself to decide. * * * The government of the State is democratic, and it is a representative democracy, and in passing general laws the people act only through their representatives in the legislature.

In addition to this, let me call your attention to so eminent an authority as Mr. Madison, in so far as what he says may apply to the proposed program in the Arizona constitution; for the question here really is, Shall we descend from the established position of a representative government to try the uncertain experiment of pure democracy upon a great continent? Mr. Madison said:

From this view of the subject it may be concluded that a pure democracy, by which I mean a society consisting of a small number of citizens who assemble and administer the government in person, can admit of no cure for the mischiefs of faction. A common passion or interest will in almost every case be felt by a majority of the whole; a communication and concert result from the form of government itself, and there is nothing to check the inducements to sacrifice the weaker party or an obnoxious individual. Hence it is that such democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property, and have in general been as short in their lives as they have been violent in their deaths.

A republic, by which I mean a government in which the scheme of representation takes place, opens a different prospect and promises the cure for which we are seeking. Let us examine the points in which it differs from the pure democracy and we shall comprehend both the nature of the cure and the efficacy which it must derive from the union.

The two great points of difference between the democracy and a republic are: First, the delegation of the government in the latter to a small number of citizens elected by the rest.

* * * The effect of the first difference is, on the one hand, to refine and enlarge the public views by passing them through the medium of a chosen body of citizens whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations. Under such a regulation, it may well happen that the public voice, pronounced by the representatives of the people, will be more consonant to the public good than if pronounced by the people themselves convened for the purpose.

Now, permit me to read a quotation from Mr. Jefferson upon this subject, in a letter which he wrote to M. Coray:

Modern times have discovered the only device by which the equal rights of man can be secured, to wit, government by the people acting not in person but by representatives chosen by themselves—that is to say, by every man of ripe years and sane mind who either contributes by his purse or person to the support of his country.

I could go further and assemble such authorities and with him others of the great men who illumined the literature of the world with the Federalist. I could quote Watson and Cooley and Story. I will for a moment go back to John Stuart Mill and call attention to the very fountain source of the one great work distinctly devoted to representative government. Mr. Mill says:

From these accumulated considerations it is evident that the only government which can fully satisfy all the exigencies of the social state is one in which the whole people participate; that any participation, even in the smallest public function, is useful; that the participation should everywhere be as great as the general degree of the improvement of the community will allow; and that nothing less can be ultimately desirable than the admission of all to a share in the sovereign power of the State. But since all can not, in a community exceeding a single small town, participate personally in any but some very minor portions of the public business it follows that the ideal type of a perfect government must be representative.

Let us consider for a moment later authorities upon the subject, and among them we must not overlook the distinguished governor of New Jersey, who occupied so conspicuous a place as president of Princeton University and who has written so ably and well upon this subject. He says, among other things:

It is for this reason as much as for any other that the balance of power between the States and the Federal Government now trembles at an unstable equilibrium, and we hesitate into which scale to throw the weight of our purpose and preference with regard to the legislation by which we shall attempt to thread the maze of our present economic needs and perplexities. It may turn out that what our State governments need is not to be sapped of their powers and subordinated to Congress, but to be reorganized along simpler lines which will make them real organs of popular opinion. A government must have organs; it can not act inorganically, by masses. It must have a lawmaking body; it can no more make law through its voters than it can make law through its newspapers.

[Applause.]

Mr. Wilson in another book reviewed deliberately the situation of Switzerland, and said:

So far has the apparent logic of democracy been carried in Switzerland that the people exercise in several ways a direct part in lawmaking. The right of petition, which is recognized in every country where popular rights exist at all, has become in Switzerland a right of initiative legislation.

Then he discusses the application of the policy there. He says:

The initiative has been very little used, having given place in practice, for the most part, to the referendum. Where it has been employed it has not promised either progress or enlightenment, leading rather to doubtful experiments and to reactionary displays of prejudice than to really useful legislation. In both of the great Cantons of Zurich and Berne, the most populous and influential in the confederation, it has been used to abolish compulsory vaccination. It was established for the confederation only six years ago (1891), and has been used in federal legislation only to aim a blow at the Jews, under the disguise of a law forbidding the slaughtering of animals by bleeding.

In reference to the referendum Mr. Wilson says:

It is still tested only in part. It has led in most cases to the rejection of radical legislation, even to the rejection of radical labor legislation, such as the ordinary voter might be expected to accept with avidity. The Swiss populations, being both homogeneous and deeply conservative, have resisted, as perhaps no other people have, the infection of modern radical opinion. They have shown themselves apt to reject, also, complicated measures which they do not fully comprehend, and measures involving expense which seems to them unnecessary. And yet they have shown themselves not a little indifferent, too. The vote upon most measures submitted to the ballot is usually very light; there is not much popular discussion; and the referendum by no means creates that quick interest in affairs which its originators had hoped to see it excite. It has dulled the sense of responsibility among legislatures without in fact quickening the people to the exercise of any real control in affairs.

[Applause.]

Mr. LAFFERTY. Mr. Chairman, I would like to ask the gentleman to yield for the purpose of permitting the reading of a short paragraph containing a statement by Gov. Woodrow Wilson in Oregon on the 17th day of the present month, on the subject upon which the gentleman has been addressing the committee.

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Oregon?

Mr. LITTLETON. I will say to the gentleman from Oregon that it will give me much pleasure to give him part of my time or part of anything else that I may possess or enjoy, but I have been allotted only one hour of time, and the necessities of the moment prevent me from yielding.

Mr. MANN. I suggest, Mr. Chairman, that we on this side could give additional time to the gentleman from New York.

The CHAIRMAN. The gentleman from New York has the floor.

Mr. LITTLETON. Mr. Chairman, I did not understand the remark of the gentleman from Illinois [Mr. MANN].

Mr. MANN. I suggested, Mr. Chairman, that additional time could be yielded to the gentleman from New York.

Mr. LAFFERTY. This is a statement made by Gov. Woodrow Wilson while within the confines of the great State of Oregon. I commend most of his statements. This is taken from the Oregonian, of Portland, Oreg., of May 18, 1911. It says:

The laws of recent years adopted in this State seem to me to point the direction which the Nation must also take before we have completed our regeneration of a Government which has suffered so seriously and so long from private management and selfish organization. Primary laws should be extended to every elective office and to the selection of every committee or official in order that the people may once for all take charge of their own affairs.

To nullify bad legislation the referendum must be adopted, and it is only a question of time until it will be extended to the Nation. The better education of the people through the various States, of which Oregon was the first, will enable them to pass intelligently upon national measures. In such manner will popular government be lifted from the ranks of theory to actuality and a democracy which represents the will of the people be established.

I have not yet made up my mind on the subject of the recall of the judiciary. I am open to conviction, but I as yet fail to see where it would be a wise law in many respects, as fear of the people's displeasure might lead some judges to cater more to popular expression than to an interpretation of the law. It is a great problem and must be approached cautiously.

[Applause.]

The CHAIRMAN. Does the Chair understand that the gentleman from Pennsylvania [Mr. LANGHAM] yields to the gentleman from New York an amount of time equivalent to the amount consumed by the gentleman from Oregon?

Mr. LANGHAM. Yes.

The CHAIRMAN. It is three minutes.

Mr. LITTLETON. Now, Mr. Chairman, I did not hear all that was read by the gentleman from Oregon, but I think I know what he read from the little I did hear. I have submitted the authority of the scholar, the student, the thinker, and the philosopher upon civil government. I prefer to accept that as a riper and a wiser opinion than any fugitive utterance

made in the friction of politics—even though it was made in the great State of Oregon. [Prolonged applause on the Democratic side.]

Mr. LAFFERTY. Will the gentleman yield for a question?

Mr. LITTLETON. I can not yield any of my time.

The CHAIRMAN. The gentleman declines to yield.

Mr. LITTLETON. I will yield if the gentleman from Pennsylvania [Mr. LANGHAM], on the other side, will pay it back to me. [Laughter.]

Mr. LAFFERTY. For one question—a question of one sentence?

The CHAIRMAN. The gentleman from New York declines to yield.

Mr. LITTLETON. Mr. Chairman, my time has about expired and I shall omit references to other branches of the initiative and referendum which I had intended to discuss. Let me say, however, that as popular suffrage is not a matter of right, but a matter of privilege to be conferred by the States, and as it may be limited or unlimited, according as the judgment of the State may dictate, and as it is claimed in this debate that the whole power of government resides in the people, the foundation of the initiative and referendum is logically unsound. If the initiative and referendum had been a part of the scheme of government of the Original Thirteen States, with their qualified suffrage, it would have been far from being a truly democratic Government.

I wish to close my remarks with a reference to what I regard as the third and last of the three great errors proposed, and that is the recall of officers.

I may say what I am sure even my most bitter opponents will not dispute: That you can not procure the services of a man in an important and remunerative situation in any civilized country of the world without entering into some general agreement with him as to the period of his service and the tenure of his employment. If the position is one that calls for great discretion and judgment, one which requires an exercise of authority and power, even though it be in a private employment, you will not find men accepting it with power on the part of the employer to recall him at the end of six months' service.

On the other hand, in the service of the Government, you will find that the civil service has striven for years and years against great difficulty not only to destroy the power of recall but to make it impossible to remove from the public service even subordinate employees who have proven themselves faithful and who are protected within the confines of the civil-service law.

I may say in a phrase that I believe the initiative, referendum, and recall to be the great trinity of modern errors and that they propose the prostration and destruction of representative government as it has been established in this country, as it has been maintained for over 100 years, and as it is being maintained to-day. [Applause on the Democratic side.] I do not say this in any sense from a distrust of the people. It is because I believe in the wisdom of the founders of our Government. I believe that a community may be able to choose a man to represent them and at the same time the same community be wholly incompetent to pass upon a statute, to enact a law, or to discriminate in legislation in such a way as to serve themselves or their country. Our fathers selected and founded the finest instrument for government that could have been fashioned in the light of the experience of all the ages, and that was a representative form of government. It is proposed in this constitution, in addition to the initiative and referendum, to allow 25 per cent of the voters at the last election to recall public officers of all classes within six months after their election. I can not understand how any gentleman can consider the initiative, referendum, and recall together. If you are going to strip the legislature of its power and provide that the people may initiate legislation, and, in addition to that, have legislation referred, then your legislators become simply a set of draftsmen whom you send there, and therefore there will be no occasion to recall them, because they will have nothing to do to be recalled for. [Applause on the Republican side.]

I can understand how you might impeach a legislator or other public officer for the betrayal of his trust, but I can not understand by what process of logic the initiative and the referendum and recall is to be applied distinctly to the legislative body. It is a departure from the traditions of our country, and, in my opinion, a debauchery of the law of impeachment. We have always understood that public officials, as well as private individuals, when charged with any offense must be accused in writing, must be confronted with the witnesses against them, must be allowed to answer, must be given an opportunity to be heard, and must be tried according to the due process of law. This is not so under the recall. It is in fact taking the seasoned and staid traditions of impeachment and translating them into a trial by tumult. The orderly processes of regulated justice are to be converted into a sporadic assault born of hate and disappointment. The dignified minister of the established law, ennobled by the grandeur of his lofty station and disciplined by the pressure of a sober responsibility, is to be degraded by the impending threat and distracted by the uncertainty of a precarious tenure.

The misguided or malignant passions of an unimportant fragment of the community may recklessly accuse the most stainless judge and by a groundless charge put suspicion in the place of confidence and distrust in the place of faith.

The lying litigant, baffled in his mendacious effort to subsidize the court to make secure his fabricated cause, lays his unscrupulous hand upon this ruthless weapon to strike from public esteem the upright judge.

The culpable confederates of the convicted criminal, audacious in that freedom which has foiled detection and angered at the thought that tardy justice has overtaken one of their members, can assemble and foment the necessary and irresponsible fraction to put on trial the conservator of public honor. The corporate bandit, marauding through the legitimate fields of honest commerce and finally condemned by the firm hand of an incorruptible court, can turn its passive chagrin into active revenge and summon sufficient of its dependents to write a recall.

The agrarian agitator, whose uplifted hand is always against the substance and the symbols of order, unable to write his crooked creed into the court's decrees, will call for venal volunteers to rebuke the judge who dared deny his loud protestations.

The reformer, whose righteous zeal and unbalanced judgment make him at once the most attractive and most dangerous of men, will find the courts archaic and too rigid bound to serve the elastic purpose of his pretentious program, and his honest wrath will stir the souls of his faithful followers to issue a recall in the name of all political virtue.

The "boss," who in the flush of full success sits in the shadow of the throne, and who even in defeat still reigns a mighty ruler in the empire of intrigue, will touch the mysterious sources of his unjust powers with deft and secret sign, and swarms of satraps will rise in mockery of the voice of an outraged community to indict the fearless judge.

The daring demagogue, whose eager ear catches the first sound of discontent and whose strident voice swells it into a volume of protest against oppression, whose whole platform is the appropriated grievances of the community, will make of the recall a recurring opportunity to put himself in flexible adjustment with the superficial sentiment of the community.

And upon what grounds, Mr. Chairman, is it proposed to recall the judges?

Does the Arizona constitution provide that they may be recalled for malfeasance or misfeasance?

Does it set any limitation upon this sudden impulse of dissatisfaction?

Does it attempt to protect the judiciary against the caprice of a meddlesome fraction of the community?

Does it seriously set down in writing the impeachable offenses?

You will look in vain for any limitation upon this reckless power.

The recall is a political indictment found without evidence, charging no offense, moral or legal, presented to the entire community as a court. The defendant is stripped of all presumptions. He can not answer the charge, because no charge is necessary to convict him.

The answer is made that the recall simply affords the judge an opportunity to go before the people at another election.

Yes; but how does he go? Does he go as a clean-hearted, clear-headed candidate, resting his claims upon his ability as a judge or his honor as a man? Does he go with pride gathered as the fruits of a useful life? Does he go as the embodiment of courage and patriotism? No; he goes with character dismantled by the attacks of those who would destroy him. He goes with his oath of office broken by the furtive whisperings of those who hold a grudge. He goes with his honor stained by the vulgar hands of the reckless accuser. He goes leaving his family at home in the shadow of disgrace. He goes impugned, impeached, outraged, and dishonored, not so much to regain the worthless office, but to restore his shattered fame and recover his foreclosed honor. [Applause.]

How will it finally affect the character of our judiciary? What ultimate contribution will it make to the stability of good government?

As I see it, the man of dignity and honor will not submit himself to the possibilities of degradation by the recall. No

one but the spineless seeker for office would place himself in the hands of an irresponsible fraction of the community. The idle invertebrate gambling on his versatile capacity to adjust himself to every whim of discontent and the caprice of every faction may lend his protean genius to this scheme of judge baiting.

The irresolute timeserver may speculate upon his negative ability to do and say nothing from which the community could draw any conclusion on any subject. [Applause.]

But the lofty character, the stout heart, and the ripe experience of the man fitted to determine the great issues of life, liberty, and property, will decline the probationary tenure.

How will it affect the rights of person and of property? How will it secure the impartial preservation of life, liberty, and property?

Suppose the recalled judge is sitting in judgment upon the life of a fellow citizen. Suppose the passions of the community are at white heat. Is not the judge on trial as well as the prisoner? Instead of holding the scales of justice with even hand and applying the law with fearless disregard of the results, is he not scanning the ugly faces of an angry mob and wondering who will be his accuser in the recall? Does he not search the inscrutable faces of the warring factions for the fatal percentage which will arraign him before the country on the recall?

Suppose the recallable judge is sitting to determine a controversy between employer and employed. Suppose on one side is organized labor and on the other organized capital. Does he meet the grave, economic, and legal questions as the great and dauntless minister of justice? Does he summon to his aid the juridical learning of the ages and invoke the spirit of passionless justice to guide him? Or does he see in the grim and earnest faces of the contestants the imminence of a recall which will put him to shame before his neighbors? [Applause.]

It will strike from the splendid structure of free government the arch upon which it has come to rest with unshaken confidence. It will cleave the very heart of a great representative democracy and enervate its vital forces. We look in vain for precedents, for no people ever dared to write such an example into their history. We make fruitless search for comparisons, but the intelligent nations of the earth have only contrasts to offer.

The examples of patriotism and courage in the history of English-speaking people are those of the unterrified judge holding together the almost dismembered governments.

We turn with unaffected pride to our own John Marshall, without whose genius and courage the history of our country might have been the chronicles of contending States. [Applause.]

Mr. Chairman, wherever we turn in the history of all peoples and nations we read a protest against the degradation of our judiciary. There is no case or occasion in history, sacred or profane, which so graphically reveals the supine judge as does the almost piteous protestations of Pilate against the brutal cry of the mobs:

And the whole multitude of them arose, and led him unto Pilate.
And they began to accuse him, saying, We found this fellow perverting the nation, and forbidding to give tribute to Cæsar, saying that he himself is Christ a King.
And Pilate asked him, saying, Art thou the King of the Jews? And he answered him and said, Thou sayest it.
Then said Pilate to the chief priests and to the people, I find no fault in this man.
And they were the more fierce, saying, He stirreth up the people, teaching throughout all Jewry, beginning from Galilee to this place.
When Pilate heard of Galilee, he asked whether the man were a Galilean.
And as soon as he knew that he belonged unto Herod's jurisdiction, he sent him to Herod, who himself also was at Jerusalem at that time.
And when Herod saw Jesus, he was exceeding glad: for he was desirous to see him of a long season, because he had heard many things of him; and he hoped to have seen some miracle done by him.
Then he questioned with him in many words; but he answered him nothing.
And the chief priests and scribes stood and vehemently accused him.
And Herod with his men of war set him at nought, and mocked him, and arrayed him in a gorgeous robe, and sent him again to Pilate.
And the same day Pilate and Herod were made friends together: for before they were at enmity between themselves.
And Pilate, when he had called together the chief priests and the rulers and the people,
Said unto them, Ye have brought this man unto me, as one that perverteth the people: and, behold, I, having examined him before you, have found no fault in this man touching those things whereof ye accuse him:
No, nor yet Herod: for I sent you to him; and, lo, nothing worthy of death is done unto him.
I will therefore chastise him, and release him.
(For of necessity he must release one unto them at the feast.)
And they cried out all at once, saying, Away with this man, and release unto us Barabbas:
(Who for a certain sedition made in the city, and for murder, was cast into prison.)
Pilate therefore, willing to release Jesus, spake again to them.
But they cried, saying, Crucify him, crucify him.
And he said unto them the third time, Why, what evil hath he done? I have found no cause of death in him: I will therefore chastise him, and let him go.
And they were instant with loud voices, requiring that he might be crucified. And the voices of them and of the chief priests prevailed.
And Pilate gave sentence that it should be as they required.
And he released unto them him that for sedition and murder was cast into prison, whom they had desired; but he delivered Jesus to their will.

God forbid that the sanctuaries of justice in this country of America shall ever be ravished by the sibilant hiss of a mob crying, Crucify him! Crucify him! [Prolonged applause.]

Mr. LANGHAM. Mr. Chairman, before the general debate on this question closes, I want to say just a few words. Seven days have been consumed in general debate on this resolution proposing the admission of New Mexico and Arizona as States of the Union, and notwithstanding the weather has been extremely hot and uncomfortable the sessions have been long, the speechmaking practically unlimited as to the time, the arguments thoughtful and logical, and the eloquence unsurpassed. The attendance upon the sessions has been good and the interest has been intense; but in looking over the Chamber at the present moment it seems to me that I can discover that there is a general feeling of rejoicing among the Members that the general debate is so near a close, and I assure the Members that I shall not detract from their felicity by any prolonged remarks.

I simply want to state my position as a member of the Committee on the Territories. As indicated by the minority report of said committee, I am in favor of admitting New Mexico to the Union of States under the provisions of her proposed constitution, without any limitations whatever, and I am supported in that position by a unanimous recommendation of the Committee on the Territories of the Sixty-first Congress, and a unanimous vote of this House of the Sixty-first Congress, after a free, fair, and full discussion of New Mexico's constitution in its present form. As to Arizona, I am opposed to the admission into the Union of that State with the provisions of the recall of the judiciary written into her fundamental law. The question has been raised as to whether or not that recall provision renders that constitution unrepublican in form. I do not know whether it does or not and I do not care. The consideration of that proposition does not control my action, because I justify my course by holding that I have the moral right as well as the legal right to vote upon this proposition as seemeth best to me for the public good, and I do not believe that this constitution with the recall provision in it will result in the public good, and it may bring great harm to that new Commonwealth, and may bring harm to the older States, on account of the congressional recognition given to that doctrine and considered by many so dangerous.

And, unless I experience a very marked and pronounced change of heart, I will never be a sympathetic student in that great school of political thought that advocates that doctrine. By my vote I propose to extend the freedom and independence of the judiciary instead of limiting it and restricting it by any form of duress. Our forefathers sacrificed much for liberty, freedom, independence, and equal rights for the common people, and we, as Representatives of the common people in the greatest lawmaking body on earth, must concern ourselves in preserving and protecting those rights against the assaults that may come from any and all adversaries by keeping the judiciary above the prejudices, the whims, the vagaries, and the inconsiderate action of unthoughtful men. The opposition to this measure from either or both sides of this Chamber on account of the recall is not because of any desire to infringe or abridge the rights of the people, but to protect those rights. And when Arizona is admitted as a State, and I hope that time will soon come, with this objectionable feature eliminated, she will take her place in the sisterhood of States in perfect unison with the spirit of our American institutions, the perpetuity of which is the only hope of our progressive civilization. [Applause.]

Mr. Chairman, I propose to vote for the substitute as suggested in the minority report. [Applause.]

I now yield to the gentleman from Kansas [Mr. JACKSON].

Mr. JACKSON. Mr. Chairman, I had not thought of addressing the House upon this question until the repeated references to one of my constituents, whom I take the liberty of saying is one of the most distinguished men of our State, convinced me that in justice to him and in justice to the principles which dominate the political spirit of our State, I ought not to sit silent. Another thing, Mr. Chairman, I did not feel as a Republican that I wanted to sit idly by and see our friends on the other side of the aisle enjoy a monopoly, either "reasonable" or "unreasonable," of the popular ideas of government which obtain to-day

throughout the land. Within the last hour I have heard a speech which convinces me that the Democrats do not enjoy that monopoly; if any speech in this Hall since the beginning of this session is entitled to be denominated a defense of standpatism, it is the one just delivered by the gentleman from New York [Mr. LITTLETON].

In the short time which has been given me I will avail myself of the opportunity of expressing my ideas upon some of the problems of government which confront us to-day. I shall not, therefore, attempt to review the legislative situation here.

As I understand it, the enabling act passed upon the question of population, both the size of the population and its fitness to be admitted into the Union. If I understand the situation correctly, we are merely passing here upon the fact as to whether these constitutions presented by these two States comply with this enabling act, and whether these States present constitutions preserving a republican form of government. We find the men who are in a sense opposed to the most pronounced forms of popular government objecting to certain parts of the Arizona constitution because it provides for the recall of public officers. We find, on the other hand, men who are in favor of the more radical forms of popular government objecting to the New Mexico constitution because it does not provide a more liberal way in which that constitution may be amended.

Now, so far as I am concerned, addressing myself to these two amendments, I think the objections on each side of this question have been greatly exaggerated. It seems to me that the conservatives have become the alarmists in this debate. Why, think of it, my friends! You have listened here to one of the greatest lawyers of the country, representing a constituency from the borough of Brooklyn, who announces with all the eloquence at his command that the adoption of a constitution by the State of Arizona, which provides for the recall of judges, endangers the very Constitution of the United States, effects its repeal, and effectually kills the spirit of our Government. And my handsome friend from California, Mr. KAHN, who would certainly look well leading a revolution, talks to you about this same provision repealing the Constitution of the United States and ending in anarchy. And so we go on all through this debate, until *Hamilton* himself, who, it is said, yearned for an American house of lords, would have been perfectly satisfied could he have awakened to hear a few echoes from this debate and the accompanying assaults upon the right of the people to rule themselves. These assaults have not stopped with arguments against the recall of judges, but they have extended to the use of the initiative and referendum even in local affairs.

Now, my friends, I am in favor of giving both of these States the right to try the initiative and referendum if they want to. I am not alarmed about it. I possibly would not have worded the initiative and referendum clause as it has been worded in either of these constitutions, but what harm can result in these States, in adopting their constitutions, if they wish to devolve certain powers of legislating upon their people? I favor the trial of the initiative and referendum, because it is one of the evidences of the great forward movement of Democracy in this country of ours. And when I speak of that I have in mind something definite and not merely an intention of engaging in fulsome praise of the power of the people. What I do mean is that in this country of ours, regardless of what procedure we have had for recording the will of the people in the last 25 years, we have made a wonderful progress in developing the powers of a real Democracy. This progress has taken well-defined lines and can be readily traced and observed.

Now, I do not agree with much that has been said here about the original purpose of the Constitution of the United States. Great problems were to be worked out then. It was not the intention of the creators of the Constitution to stifle public opinion. They wrote into that document, as has been cited here many times on this floor in this debate, the fact that all political power resided in the people. What did they mean to do then? They undertook to provide a procedure by which the will of the people might be registered. It was not public opinion, but it was public clamor, that the Constitution of the United States sought to stay until it could be found out whether a substantial majority of the people were really in favor of a particular measure.

Much has been said about the checks which constitutional government placed upon the rights of the people to control the Government, but very little about the checks, more important than any others, which were placed on the power of those who were to be intrusted with the duty of ruling and which were intended to prevent the Government and those who were to administer it from abusing the powers granted to them and thus becoming tyrants, as the Government and its rulers before them had done.

The time is now here when the people feel that the methods outlined in the initiative and referendum measures, in local government, will operate as a check upon the tendency of legislators to fail in their duties. These measures will be an incentive to promptness in carrying out the people's will and a check upon the repeal of the people's laws or in violating their public rights.

It is conceded that in municipal affairs, questions of local taxation, and in the granting of franchises the initiative and referendum are of much value. I assert that the State under the Constitution is the proper unit of local government. It is more effective to-day as the unit of local government than ever before. Government in a sense is nothing more than communication of citizen with citizen and the cooperation which results from communication made manifest through agreements and the machinery of society.

The development of facilities for communication and the consequent bringing of people together has made the State governments more closely associated with the people than were the city governments of a generation ago. There is no reason why the procedure found beneficial in city governments may not be found so in the control of State affairs by the State's electorate.

If it be right for the people of a county to decide whether that county shall issue bonds to aid in constructing a railroad, it is also right that all the people of the State shall decide whether the State shall permit laws authorizing such bond issues.

If it be right for the people of a city to express an opinion as to whether a railroad shall have a franchise through that particular city, then it is right for the people of that city and every other city of the State to have something to say about the general laws relative to railway franchises and their control throughout the State.

If it be right for the people to control the levy of taxes for local schools, as it certainly is, and the local public schools are the corner stones of the foundation upon which rest the universities and other higher education, then the people have a right to a direct voice in the levy of the university and other taxes for higher education. Indeed, it may be laid down as almost axiomatic that the different parts of every State are so closely connected under our modern forms of society that each is interested in the other, and no general law should be enacted without consulting each and every part of the State. But it is said the people can not work out the details of these laws, for laws must be technically drawn. It might be a sufficient answer to say that neither can any considerable number of the legislators in any legislative body frame laws. But this objection brings us to another one, and I shall be pleased to answer both together. It has been frequently asserted in this debate that the initiative and the referendum and the recall are the devices of demagogues and of those who are seeking office by advocating popular theories.

But I shall be able to show, I think, that the ablest advocates of these governmental theories are men who are not candidates for office and who would not accept office; they have been humble workers, though sometimes mighty ones, in the ranks of the great movements which have accomplished the best things of our modern legislation. Indeed, for each and every man who has been prominent in advancing these and other measures tending to a wider democratic government who has sought or accepted office as a result of his public service I will show you 15 professional politicians who have maintained themselves in office and in the favor of some political machine by decrying popular government. The people are growing tired of too much political expediency and too little political efficiency in the affairs of public business.

Over and over again the assertion is made, principally on the Democratic side of this House, that this is a Government of political parties.

Mr. Chairman, I deny that statement in the sense in which it is so often made. The great forward movement of democracy which has taken place in this country in the last quarter of a century is not due to any party; it has affected both parties alike. It is here—and for the most part in spite of political machines—because it emanated from the hearts and minds of the great people of this country.

The mistake of the hour on the part of the Democratic Party is placing party caucus above the welfare of the country. Every day we are treated to the spectacle of some statesman rising on the other side of the House and delivering a panegyric on "my party," as he terms it, referring to the Democratic caucus and the Lord Almighty in the same breath, treating both as divine institutions, and too many times placing the former above the latter in importance.

But, Mr. Chairman, the evils of the oath-bound political caucus in Congress and outside of it have been fully as great as all the

good accomplished by the parties which have adopted and have been ruled by it. At some time in the future I shall endeavor to discuss this subject more in detail, but I shall not do so now. I shall content myself with the assertion, that to my mind the strongest attribute of the initiative and referendum is that it encourages citizens to form organizations independent of political parties, for the purpose of framing and advocating the enactment of laws in the interest of society in general. These activities of our citizenship constitutes one of the strongest forces of our democracy and the initiative and referendum gives it life and form and provides the procedure whereby its influence may gain more important results than ever before.

Now, I said in the beginning the name of Mr. William Allen White had been mentioned several times in this debate. His books are read wherever the English language is spoken and in many other countries besides. He did write "What is the matter with Kansas," but that article was not an indictment of popular government; it was an assault on the political caucus, a system which had turned over to hungry politicians the control of a sentimental public uprising which had its origin in a correct diagnosis of public ills. Mr. White has contributed much in the last few years to the literature of public questions, and I desire to read into the RECORD his description of the development of our modern democracy and the manner of its workings relative to organizations of our people independent of political parties and their ability to accomplish legislation. I read from his book, The Old Order Changeth, written in 1910, pages 51 to 64, inclusive:

Indeed, the growth of fundamental democracy in this country is astonishing. Thirty years ago the secret ballot was regarded as a passing craze by professional politicians. Twenty years ago it was a vital issue in nearly every American State. To-day the secret ballot is universal in American politics. Ten years ago the direct primary was the subject of an academic discussion in the University of Michigan by a young man named LA FOLLETTE, of Wisconsin. Now it is in actual operation in over two-thirds of our American States, and more than half of the American people use the direct primary as a weapon of self-government. Five years ago the recall was a piece of freak legislation in Oregon. To-day more American citizens are living under laws giving them the power of recall than were living under the secret ballot when Garfield came to the White House, and many times more people have the power to recall certain public officers to-day than had the advantages of the direct-primary form of party nominations when Theodore Roosevelt came to Washington. The referendum is only five years behind the primary. Prophecy, with these facts before one, becomes something more than a rash guess.

The democracy has the executive and the legislative branches of the State and Federal governments under its direct control, for in the nomination of a majority of the Members of the House and of the Senate the personification of property is unimportant. By making the party a legalized State institution, by paying for the party primaries with State taxes, by requiring candidates at primaries to file their expense accounts and a list of their contributors, as is done in some States; by limiting the amount to be spent, as is done in certain States; and by guaranteeing a secret vote and a fair count, the State has broken the power of money in politics. Capital is not eliminated from politics, but it is hampered and circumscribed, and is not the dominant force that it was 10 years ago. Then the political machine was financed by capital invested in public-service corporations and was continually trying to avoid the responsibility of its public partnership. Then the political machine quietly sold special privileges to public-service corporations. Now the political machine is in a fair way to be reduced to mere political scrap iron by the rise of the people. To-day in States having the primary under the State control the corporation candidate for any public office is handicapped. The men elected to the United States Senate from States having the northern type of primary generally have been free men, free from machine and corporation taint. Under the primary system any clean, quick-witted man in these States can defeat the corporation senatorial candidate at the primary if the people desire to defeat him. This advantage alone is worth the cost of the primary—something like $100,000 for each State biennially. Moreover, the fact that governors and State officers, legislators and county officers also are free men makes the primary invaluable in terms of money. Taft and Bryan, the two men who have less money behind them than any of their opponents, the two men whom the "interests" did not wish to see nominated, headed the tickets of the two great parties in 1908. And when those United States Senators who win their nominations and elections without the railroad and public-service corporations, and win in the face of the opposition of these organizations of capital, when these Senators begin to name Federal judges, the Supreme Court will begin to reverse itself and the people will capture the lower Federal court—the last citadel of capital. But that is almost an "irridescent dream."

However, just now the people are finding a way around the legislative veto of the State courts. And this they are doing more generally than may be realized by many people. The voters are taking two methods of circumventing the legislative veto of the courts—first, by amending their State constitutions, or making new constitutions, and, second, by direct legislation, or the modification of it known as the initiative and referendum. State courts are elective, and therefore are afraid of majorities. They can not declare constitutional amendments unconstitutional and they handle laws adopted by a direct vote of the people with great care. Hence, the prevalence of the constitutional amendments in American States and the growth of the initiative and referendum from Maine to California. The tendency to amend a State constitution is not a local phenomenon. In 1908 California voted on 18 amendments and Missouri voted on 8. If a State may be said to have a tendency to amend its constitution when it has voted upon one or more amendments at nearly every biennial election for half a dozen years, then the tendency is fairly marked in California, Alabama, Utah, Massachusetts, Oregon, Rhode Island, Texas, Minnesota, New Jersey, Montana, Florida, Maryland, and Mississippi; in New York, where the amendment is a slow and difficult process; in Vermont, where there is agitation for a constitutional convention; in Michigan, where a new constitution has just been adopted; in Illinois; in Maine, where the initiative and referendum has just been instituted by constitutional amendment; and in New Hampshire, Louisiana, Missouri, and Kansas. Where the habit of amending the State constitution becomes settled, as it is in California and Missouri, the habit amounts to a public referendum of many laws, and from the standpoint of direct legislation and government by the majority this habit is praiseworthy. If, however, the guaranty of absolutely unrestricted capital is considered more important than the majority rule, the habit of amending the constitution is dangerous and revolutionary.

The value of the initiative and referendum depends also upon the point from which it is viewed. In certain quarters politics is considered the science of government of the many by the few. Also a government is considered excellent when it protects investment, when it makes the right of contract more important than the welfare of citizens, when it protects vested rights even after they become vested wrongs. In those quarters the initiative and referendum, which is coming into American government as surely as the secret ballot came, will be deemed a dangerous menace to our institutions. Certainly it is a departure from the idea of a government by the few which inspired the fathers of the Federal Constitution when Chief Justice John Marshall gave the Federal judiciary the final veto on all laws passed by State or national legislatures.

And the issue should be met candidly. The friends of the movement for direct legislation should admit frankly that the purpose of their cause is twofold: First, to compel legislatures to act quickly and without evasion; and, second, to circumvent the veto of such courts as are elective, and hence dependent upon popular majorities, and to put whatever righteousness there is in a definitely registered expression of popular will before such courts as are not elective to stay them in their vetoes. For the veto power of the American courts over legislation—under the assumed rights to declare legislation "unconstitutional"—is one of the most ruthless checks upon democracy permitted by any civilized people. European kings and courts do not have such reactionary power; yet in the end it seems to make for righteousness, because under that power in America people have developed a patience and a conscience and a patriotic self-abnegation which fits them to progress in the light of the vision within them. So the initiative and referendum—a most outlandish phrase—which is coming into State governments and city governments all over the country, will be the instrument of a self-restrained people. It will not be the weapon of the mob.

Maine and Missouri have adopted the initiative and referendum as a part of their constitutions. South Dakota, Oregon, Oklahoma, Utah, and Montana have the initiative and referendum as a part of either their fundamental law or upon their statutes. Nevada has the referendum, and is about to vote on the proposition to establish the initiative and referendum. Illinois and Texas have the advisory initiative; in the case of Illinois it is enacted under a law called the public-policy law; and in the case of Texas it is in the primary election law, which forbids party platforms to indorse proposed legislation that is not first voted upon at the primaries and indorsed by the people. Nebraska gives the right of initiative and referendum to her cities. Kansas grants the referendum on all franchises to cities. Arkansas has submitted a constitutional amendment enabling the establishment of the initiative and referendum by statute.

The movement for constitutional State-wide laws providing for the initiative and referendum is now well under way in 30 States of the Union. The movement never has been defeated by the people of a State when it has been presented to them in a simple form for a direct vote. The Legislatures of Wisconsin, of Minnesota, of Iowa, of Oregon, of Mississippi, of South Dakota, of Nebraska, of Delaware, of North Carolina, of California, of Oklahoma, of Washington, of Idaho, of Kansas, of Texas, of Illinois, of North Dakota, of Missouri, of Montana, of Colorado, of New York, of Massachusetts, of Tennessee, of Maine, and of Georgia have granted either the initiative and referendum or one of them to certain cities in these 25 States.

Thus we see that while the secret ballot in the Nation is universal and the primary prevails in two-thirds of the American States the movement for direct legislation has gained foothold in 25 States and is directly before the people, either as a constitutional amendment, a pledge of the dominant party, or as a pledge of the majority of the members elected to the legislature or in the message of the governor in 5 other States, making a total of 30 American Commonwealths wherein there is an aggressive movement toward direct legislation. It is noteworthy that the movement has followed the direct primary movement and has doubled its strength biennially since 1901. And back of the movement for the initiative and referendum and the primary and the secret ballot, waiting silently for its summons to come to the active service of democracy, like Mme. Defarge knitting in the wrongs of the people, stands the recall.

So the appearance of the recall in the cities of a dozen States within a little over a year should make those statesmen nervous who look forward to the time when the country will go back to the good old days. For this tightening grip of the people upon their State governments, as evidenced in some form in every American State, has been an intelligent, gradual, well-directed growth of popular power. Its direction has been wise, for from the beginning to the present there has been no spasm of public indignation followed by reaction. Whose wisdom directed it? No man's name is connected with it. No party nor propaganda has been behind the movement. It operates in Democratic States and in Republican States with equal efficiency. And in no American State has the fight been abandoned, either for the secret ballot, the publicity of party financing, the primary, the initiative and referendum, or the recall, after it has become a serious issue of any group of men of any party. The movement is one of the largest vital things in our politics to-day, but politicians generally—even the best of them—do not seem to understand it. It is as unobtrusive as the wonderful miracle of growth. And in all the heavens, the sea, and the earth this movement has no other prototype except the miracle of growth that we pass by unnoticed every day of our lives. It is growth—spiritual growth in the hearts of the American people. It is a big moral movement in democracy.

For each one of these four reforms—the secret ballot, the publicity of party finance, the direct primary, and direct legislation—requires a broader scope for the individual's concern than he would have under the old order. The man who refuses to sell his vote when bribery is a "conventional crime" is considering some interest other than his own. The man who votes for a direct primary foregoes a place in the aristocracy. The man who demands publicity in campaign finance knows that he is cutting the revenue from under his own party and that there will be less fun in the campaign. The man who urges direct legislation puts a vast power in the hands of his neighbors to control him. Only as men have faith in the force outside themselves that makes for

righteousness will they surrender personal prerogatives to the public good as the people have been surrendering their individual advantage in this democratic movement. The people are controlling themselves. Altruism is gaining strength for some future struggle with the atomic force of egoism in society.

But who has led the people in this journey toward democracy? Who has directed the movement? Who has performed the miracle of democratic growth in the hearts of the people? Here it is—the great surrender which is bringing the great reward—an old equation in the arithmetic of Providence. But who has put the problem and worked it out? No man—no group of men, even—has done it. Yet here it is—no more strange or mysterious than any other miracle of growth about us that our eyes see and our souls ignore.

The good will of the people—the widening faith of men in one another, in the combined wisdom of the numerical majority—indicates the presence of a human trust that only may come to a people with broadening humanity, widening human love for one's fellows. And if God is life, as the prophets say, then love is God, and this growing abnegation of self to democracy is a divinely planted instinct—one with the miracles of life about us. If this is true, if the growth of democracy in this country is as natural as the inexplicable wonders of growth in the woods and fields and cities of men, then democracy may be trusted. For its title is secure, and so we may understand certain signs of the times. For what do we see in this program of American democracy?

It is as old-fashioned as the fog. Indeed, what is the fight of our democracy against unfair competition but the cause against him that "taketh reward against the innocent"? What is the contest of the people against overcapitalization but a struggle with him that "putteth his money out to usury"? What is the campaign of all decent Americans for simple business honesty but scorn for "the reprobate"? What is this broadening intelligence of the Republic, which faced a panic and did not flinch from its conviction of righteousness, but "him that sweareth to his own hurt and changeth not"? The tendency to democracy is a tendency to altruism, and altruism is love of kind, and God is love. The social, political, and economic forces released by steam—democracy and capital—are in the crucible of our national life. They are fusing. But there will be no explosion. For when democracy comes to the problems that have baffled other nations, if democracy holds true to faith, true to its instinct, we may expect democracy to be just.

But those who would use democracy for an end, who would make it serve them by flattering it, by making it mad with power, those who would teach democracy the doctrine of an eye for an eye and a tooth for a tooth, even against those who have oppressed the people, they are democracy's foes, for—

"Except the Lord shall build the house, they labor in vain that build it; except the Lord keep the city, the watchman waketh but in vain."

Again, in this same book, on page 131, Mr. White discusses the modern movements of our social and industrial life and their effect upon the Government. It is a wonderful array of facts and statistics put in attractive form. Chapter VI, pages 131 to 146, inclusive:

THE LEAVEN IN THE NATIONAL LUMP.

Theoretically this Nation lives under a government of laws sustained by a written Constitution. Practically it is a government by public sentiment. This does not mean that it is a government by public clamor. But it does mean that whenever the people have believed in a public policy, whether it was the direct election of the President by the people, or the emancipation of slaves, or the issue of greenbacks, or the acquisition of colonies, or the direct election of United States Senators, and have believed in these things deeply enough to sacrifice their own personal comfort for them—to fight for them in short—the Constitution has never been strong enough to hold them back. The Constitution was meant to suppress clamor, not sentiment; the difference between the two expressions being—broadly—that clamor is the desire to reform some one else, and public sentiment is the desire to reform one's self. Public clamor is essentially selfish—tyrannical. Real public sentiment is essentially unselfish—democratic. For democracy is, at base, altruism expressed in terms of self-government. And so to know what kind of a National Government we really have in America it is as necessary to study our public sentiment as it is to examine our laws and consider our written Constitution.

For while a city or State may exhibit some sporadic legalization of clamor the area of the Nation is too large geographically, mentally, and morally for sheer clamor often to get legal recognition. A democracy must be big. Size is a fundamental part of it; and our very bigness here in America has prevented many vital mistakes. Clamor, from California to Maine and from Florida to Oregon, however loud and terrifying, generally wears itself out before the machinery of law can stamp it and authorize it. So, as a rule, our Federal laws are observed—not because the National Government is so ruthless, but because its laws are just.

And in taking inventory of our national progress during the decade or two past we must consider, along with our new laws, the public sentiment that made them and that sustains them and is demanding the extension of these laws into larger areas; for the sentiment that made the laws is more important than the laws themselves, and the study of the organization and growth of sentiment is an important part of the work of the student of government, for much error prevails about the way this Nation thinks. Commonly newspapers are supposed to be the great factories of sentiment. Gentlemen in the pillory of public sentiment blame their discomfiture upon the newspapers and magazines; and if these gentlemen are in funds at the moment they buy other newspapers and subsidize other magazines, and accomplish nothing. For newspapers and books and magazines do not make sentiment; they merely voice sentiment. Often they make clamor, but public sentiment grows. It is as evanescent as the wind and as resistless as the waves. It may be dammed, but not permanently checked. And in America public sentiment grows after the manner of the genius of the people—by parliamentary organization. Given an idea in common to three Americans, and the best known becomes president, the most effective, secretary, and the richest of the three treasurer. These are faith, hope, and charity.

"To believe your own thought, to believe that what is true for you in your private heart is true for all men—that is genius," says Emerson, and admonishes us, "Speak your latent conviction, and it shall be the universal sense; for the inmost in due time becomes the outmost." So public sentiment grows in America. An idea comes to a man and simultaneously to his brother a thousand miles away, or perhaps in the next block. The idea draws them together. When they meet there is a third and a fourth with them, and they organize. The idea has become a force in the world. It has the seed of events in it. If men are willing to sacrifice their time for it, to give up their comforts for it, to live for it, and, if need be, to die for it, the group that fostered it multiplies by division, in some curious way, into a multitude of groups, all pressing the idea into life. There is the State association, two, three, perhaps four, State associations all advocating the righteousness of the idea. Then comes a call for a national association and the wildfire is out. State associations spring up everywhere. A national bureau is set up promoting the idea, fostering its propaganda, bound to its work in the world, and then follows a national law, and the private organization becomes a public institution.

Ideas in various stages of incubation may be seen all over the country. Where the demand for pure food was 10 years ago the contest against tuberculosis is to-day. And 10 years from now tuberculosis may be as arch an enemy to the laws of the Republic as adulterated food is to-day. And here is another curious thing about the advancement of ideas: Just as the same hundred men or so are the directors of all our big banks, of all our great railroads, and of many of our public-service corporations, directing the centripetal forces of American society, so another group of a hundred men, more or less, is found directing many of the societies, associations, conventions, assemblies, and leagues behind the benevolent movements—the centrifugal forces of American society. It is Morgan, the Gould's, the Harriman interests, Winslow Pierce, Ryan, Stillman, and their associates against Seth Low, William Dudley Foulke, the Pinchot interests, Samuel McCune Lindsay, Jane Addams, Clinton Rogers Woodruff and their associates. They are captains of two opposing groups—capital and democracy—each necessary to the life of the Nation, each performing his organic function in our body politic—the assimilation of the great discovery of steam into our social body.

Thus our history is made by men organized in parliamentary form, bound together by an idea, often opposing a force not always organized, save by the instinct of fear under attack, which makes the community of interest in business and in politics. For instance, one of the most important laws put on our Federal statutes in two decades is the Hepburn railroad law. It prohibits discrimination between individual shippers reasonably well. It is correcting a serious and sinister abuse in our national commerce. The law is fairly well observed. The sentiment of the people is behind it. Here is the leaven that changed the national lump. Before the passage of the Hepburn law there was an organization among American business men known as the Interstate Commerce Convention. It was composed of State and local commercial and trade organizations, boards of trade, fruit growers, lumbermen, and the like, in 34 States; and in addition to these it comprised 35 national associations, like the American Hereford Cattle Breeders, the National Association of Manufacturers, the National Paint, Oil, and Varnish Association, the National Hay Association, and similar organizations that one rarely hears of in the newspapers. This association of associations, called the Interstate Commerce Convention, met from time to time and formulated its demands. In those demands was sacrifice for some associations, abnegation of special privileges by others, selfishness in some quarters, and meanness in others, but, on the whole, what they asked for was fair. They appealed to the Nation. The people were convinced. The newspapers began to voice the sentiment of the people. The President recognized the sentiment and realized its justice. The railroads controlled the machinery of politics. They had hundreds of subsidized newspapers. They hired men to establish bureaus and to write controversial articles and paid editors to print a refutation of the justice of the shippers' demands. Money was spent without stint. Millions might have been used if they had been usable. The Interstate Commerce Convention had raised $22,855.

Gossip said at the time, and the lobbyists for the railroads boasted, that they had two millions. Probably they had no such sum; but they might have had ten. And yet the $22,000 of the shippers was enough. Half as much would have done as well. For money in America does not make sentiment. Printing presses are as useless as cheese presses in making sentiment. Public sentiment comes out of the consciences of the people, and it can not be fed to them in any sort of medicinal form from newspapers, magazines, or books. So the railroads surrendered with all their money. The Hepburn law was enacted. The genius of the people for parliamentary organization, outside of constitutions and law, saved them. They sacrificed something—did these hundreds of thousands of people of the organization—not money, but time, and convenience, and special privileges, passes, inside rates, rebates, concessions, and whatnot of the crumbs of commerce, and by giving to the common good they won for the common good.

Take another instance. The people of this country were eating poisoned food. The president, the secretary, and the treasurer met, discussed the matter, and the Pure Food Association, greatly to be sniffed at by the intrenched forces of culinary poison, began its work. It had no money. It had no newspapers. Newspapers and magazines 10 years ago were taking millions of dollars in advertising from manufacturers of improper foods and drugs. But the pure-food show began to appear in American cities and towns, just as the tuberculosis exhibit is moving over the country to-day. The people learned the truth. The wholesale grocers' associations took up the fight, and in spite of all the money behind the manufacturers of the adulterated and poisonous food, the pure food and drug act passed Congress in June, 1906, and became a law. The sacrifice of hundreds of men and women, who were willing to give their time and their name to the cause of pure food for the masses, was more potent than all the legislative machinery, all the lobby of retailers, all the flood of telegrams from cattle growers, and all the forces of selfishness.

Observe still another illustration of the force of public sentiment in our American life. There is the National Civil Service Reform League. The forces of plunder and graft in the United States hate that league and all its work. The high-caste politicians of the States, of the cities, and of the Nation make this league the particular object of their curses. If organized politics, with all its power and with all its machinery, could stop the spread of the civil service, it would be a dead issue. Yet this little handful of men in the Civil Service League—most of them highly incompetent in the machinations of practical politics—has organized the sentiment of the American people for justice in the public service, and as a result during the last eight years much has been accomplished. In 1901, 1,600 positions in the War Department were restored to the classified service after removal from it in 1899; in 1902, 250 employees of the temporary government in Cuba were added to the classified list, and labor regulations were made for the Washington departments. The next year the shipping commissioners were restored to the classified service and the Philippine teachers added, and in 1904 the classification of the subordinates in the Isthmian Commission began, and the year following the whole labor service was put under control of the Civil Service Commission. Since then the

fourth-class postmasters have been protected, putting presidential postmasters under the merit system; under this rule they are reappointed without reference to congressional indorsement or opposition, if their records are in the first grade of the service. And under the influence of the National Civil Service Commission we are taking the first census ever taken in America not compiled by spoilsmen. The States of Wisconsin, Illinois, New Jersey, Colorado, and Kansas have adopted laws which protect certain employees in certain public institutions from removal for political reasons, and in a measure establishing the merit system. Moreover, San Francisco, Los Angeles, Des Moines, Cedar Rapids, Atlanta, Baltimore, Duluth, St. Louis, Wilmington, N. C., Oklahoma City, Portland, Philadelphia, Scranton, Pittsburg, Norfolk, and all of the 60 cities operating under the commission plan of government have established civil-service rules for one or more of the city departments. All of this leaven of righteousness is worked by public sentiment, and the particular organism that promotes that sentiment is the National Civil Service League, which never spends over $9,000 a year. Money plays a small part in directing the actual current of American public life.

In 1901 and the two years following commercial bodies and labor unions all over the land began petitioning Congress to establish some sort of a bureau of commerce; and in 1903 the Department of Commerce and Labor was established. It marks the greatest advance in our Government's relation to the individual that has been taken for a generation, for the right of the Government to examine the books and accounts of every American business concern and, upon its own judgment of expediency, to withhold or make public the result of its examination, in effect is legalized. The precedence of the common good over the private rights of capital in even private business is established in law. This establishment makes all business public business, so far as its status before the law is concerned. The altruism of democracy has no stronger fortress in America than the law upon which the Department of Commerce and Labor is founded; yet it was founded without excitement, without clamor, because the president, the secretary, and the treasurer of a thousand business organizations—willing to reform themselves, to subject themselves to inspection and regulation—asked for it.

And now we come to the core of the so-called reform movement in America, for it is at bottom a national movement. What we find in ballot laws and democratic tendencies in States, what we find in regulative and restrictive legislation in the various Commonwealths, what we find in reshaping of charters and remaking of municipal governments, are but the local symptoms of our national adolescence. They are growing pains of the new life that is upon us. When President Roosevelt interfered in the anthracite coal strike, early in his administration, he did not create the sentiment which backed him up so loyally in his extraconstitutional act. A score of organizations for a decade had been making sentiment which recognized the common good as paramount to the private right. The right of property as against the right of the people was a shell. It was worm-eaten by public sentiment, and however the coal operators might chatter about their divine rights the real divine right was that of the people to keep warm at a reasonable price. Chief among the organizations propagating the right of the people to industrial peace was and is the National Civic Federation. It is composed largely of rich men who have vision to see that they must surrender to the common good much of their vested rights, and generally these men find joy in it. Among other members of the federation are labor leaders who see that they, too, and their constituents must give in before the common good, and take joy in the giving.

That sentiment is abroad in America; it is the soul of our new-born democracy; so that one who looks at the large national movements of the decade now closing will find that those movements which have become national laws are laws looking to the distribution rather than the accumulation of wealth. Practically all the large national organizations which jam the trains annually going to their conventions are fundamentally altruistic. There are a million Masons in the United States. There are 6,000,000 members of fraternal insurance companies, distributing annually nearly $6,000,000 in sick and death benefits and giving almost as much more in free fraternal service from man to man in time of trouble. For this democratic tendency of our times does not express itself well in dollars and cents, but always it is ready to respond to any call, whether political or social or economic, when the voice is clear and the motive unblurred. When Theodore Roosevelt came to the White House he merely saw the obvious thing, and did it, and became a force for righteousness—the first leader the Nation has developed since Lincoln—because he had a righteous people behind him.

The important measures accomplished by the Roosevelt administration are these: The regulation of corporations, the beginning of the Panama Canal, the enactment of the pure-food law, the reclamation of the deserts by irrigation, the preservation of the forests and water rights, the extension of the civil service, the establishment of peace under the Portsmouth treaty. These may be called the Roosevelt policies; yet they are not his; he merely adopted them. He found in every case a strong parliamentary organization working for these things. Moreover, in every case, these organizations were poor in funds and rich in men and were fighting intrenched interests rich in funds if often poor in men. The struggle of the Interstate Commerce Convention, with its pitiful little $22,000 against the millions of the railroads, has been noted. The same forces that fought the Hepburn law and the establishment of the Department of Commerce and Labor opposed the Panama Canal undertaking—for the canal will play havoc with transcontinental rates—and the packers and poison dealers who opposed the pure food and drug law were beaten by the same little David, in another coat, who slew the railroad Goliath in the first two battles. The irrigation congress had to fight the cattle men and the sheep men who had the ranges and desired to keep them, but the men with vision won, and the fields were cut into "quarters" and "eighties," and the desert blossomed as the rose. In the contest for the preservation of the forests the timber cutters have had nine points of the law—they have had possession—and they have had unlimited funds; and the American Forestry Association, the Appalachian National Forest Association, the International Society of Arboriculture, the Joint Committee on Conservation, and the Society of American Foresters have had less funds than it takes to give a national lumbermen's banquet. Yet the feeble folk built their homes among the rocks of simple justice and are winning, and inevitably must win.

When he established peace at Portsmouth, President Roosevelt was not alone. There was with him the sentiment of a Nation fostered by the American Peace Society, maintaining 18 lecturers in the field, the Association for International Conciliation, the Universal Peace Union, and the Lake Mohonk Peace Conference, not to mention 32,000,000 of church communicants in the Nation. The history of the Roosevelt administration, with its wonderful advance in our national institutions, has been the history of the expression of the people rather than the growth of the people. Like Homer, when he "smote his bloomin' lyre," Theodore Roosevelt found the people bursting with pent-up righteousness, "and what he thought he might require, he went and took." And yet without the leadership of Theodore Roosevelt, without his personality to dramatize the growing righteousness of the people, it is not difficult to imagine what calamity of misdirected radicalism might have been visited upon the Nation. If that righteous wrath of the people at the selfish forces of society had not found expression through President Roosevelt, it would have been voiced through demagogues at an awful cost to the Nation. His genius lies not in making sentiment, but in directing it into sane, conservative, workable laws.

In the light of these things constituting as they do the greatest things accomplished in our time—the real evolution of our Government and civilization—can there be any doubt about the wisdom of giving the people the right to organize and to advance legislation demanded by the conditions of the times? The initiative furnishes them the legal and orderly way to do this. They will use it as they are now using it in the States where it has been ordained. Certainly it furnishes no excuse for the condemnation of these Territories which seek to come into the Union with constitutions giving their people this power.

And now, a word as to the recall of public officers. The power of the electorate to control its officers is so closely connected with the power to legislate that in principle there can be but little difference. All history furnishes us no instances where either has been used by the mob or the rabble; but history is replete with instances where the refusal of governments to provide orderly means for the redress of public wrongs has resulted in riot, anarchy, and the terrors of armed rebellion. The laws of Mexico furnished no method by which Diaz could be recalled, so he was recalled by the sword. So it has ever been in history. It was Benjamin Harrison who said:

> The man whose protection from wrong rests wholly upon the benevolence of another man or of a Congress is a slave, a man without rights.

A free people will redress their wrongs peaceably by orderly methods provided by laws, or they will redress them by force. The freest and most orderly government is one which furnishes ample means for the expression of the popular will.

If judges must indulge in judicial legislation to make the laws meet the needs of the time, then the people should be heard as to who shall constitute their interpreters of the law.

The removal of officers by trial of impeachment is adequate as a punishment for the officer who has failed to do his duty, but as an immediate remedy for public wrongs it is limping and halt. No judgment can be obtained usually in the case of local officers until after the expiration of the term for which the offending officers were elected.

As to the judiciary, I have failed to hear any good reason urged against the recall of judges that does not apply equally to the recall of other officers. I have heard none which does not apply equally to the recall and the election of judges. I am perfectly willing to let the merits of the two systems stand on the records of the judges now serving in the country who have been elected, compared with those, now serving, who hold their positions by appointment. The argument that the recall would be resorted to by disappointed litigants and others to embarrass the court is ridiculous. In the first place, the disappointed litigant would gain nothing by the recall of the judge who had decided against him, as the judge's recall would not revoke his former judgment, and none of these elements of dissatisfaction would be more effective in the recall than they are against elective judges. The recall of judges could only be used to check judicial legislation or the conduct of courts in construing laws of great public interest, which amounted to the same thing. While all admit instances of judicial legislation are far too frequent to be tolerated, it must also be admitted that under our constitutional form of government it is the duty of the judges to construe the laws to suit present needs and the conditions of society and the people.

If "applied" or interpreted law is expected to meet the demands of the time, what harm or injustice can there be in submitting some authority to arbitrate these questions of public policy of the people, even by so indirect a method as the right to change the interpreters of the laws? If the false interpreter of laws can not be removed, the Constitution itself will, in his hands, become an instrument of oppression and a charter of special privileges and eventually a reproach to the Nation.

The recall of judges who willfully pervert its solemn mandates is the only sane remedy ever proposed for the prevention of judicial legislation.

The CHAIRMAN. The gentleman from Kansas asks leave to extend his remarks in the RECORD. If there be no objection, it will be so ordered.

[Mr. SAUNDERS addressed the committee. See Appendix.]

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed joint resolution and bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 18. Joint resolution authorizing free or reduced transportation to members of the Grand Army of the Republic and others whenever attending regular annual encampments, reunions, or conventions, and for other purposes;

S. 1095. An act to authorize the surveyor of the District of Columbia to adopt the system of designating land in the District of Columbia in force in the office of the assessor of said District;

S. 1082. An act to receive arrearages of taxes due to the District of Columbia to July 1, 1908, at 6 per cent interest per annum, in lieu of penalties and costs;

S. 19. An act authorizing the Secretary of War to convey the outstanding title of the United States to lots 3 and 4, square 103, in the city of Washington, D. C.;

S. 29. An act to amend paragraph 43 of an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902;

S. 1087. An act to amend an act entitled "An act to provide for the better registration of births in the District of Columbia, and for other purposes," approved March 1, 1907;

S. 30. An act to provide for the extension of Kenyon Street from Seventeenth Street to Mount Pleasant Street and for the extension of Seventeenth Street from Kenyon Street to Irving Street, in the District of Columbia, and for other purposes;

S. 1094. An act for the widening of Sixteenth Street NW. at Piney Branch, and for other purposes;

S. 306. An act to confirm the name of Commodore Barney Circle for the circle located at the eastern end of Pennsylvania Avenue SE., in the District of Columbia;

S. 21. An act for the relief of Ida A. Chew, owner of lot 112, square 721, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia;

S. 32. An act to amend an act entitled "An act to provide for the extension of Newton Place NW. from New Hampshire Avenue to Georgia Avenue, and to connect Newton Place in Gass's subdivision with Newton Place in Whitney Close subdivision," approved February 21, 1910;

S. 1090. An act providing for guides in the District of Columbia and defining their duties;

S. 267. An act providing for assisting indigent persons, other than natives, in the District of Alaska;

S. 12. An act to give effect to the provisions of a treaty between the United States and Great Britain concerning the fisheries in waters contiguous to the United States and the Dominion of Canada, signed at Washington on April 1, 1908, and ratified by the United States Senate April 13, 1908;

S. 1627. An act to authorize the construction, maintenance, and operation of a bridge across and over the Arkansas River, and for other purposes;

S. 2003. An act authorizing the Secretary of the Navy to make partial payments for work already done under public contracts;

S. 940. An act granting to the city of Los Angeles certain rights of way in, over, and through certain lands and national forests in the State of California; and

S. 2434. An act providing for an increase of salary of the United States marshal for the district of Connecticut.

NEW MEXICO AND ARIZONA.

The committee resumed its session.

Mr. LANGHAM. Mr. Chairman, I yield 25 minutes to the gentleman from Massachusetts [Mr. MCCALL].

Mr. MCCALL. Mr. Chairman, the last Congress passed an enabling act under which the two Territories have taken certain action. The Territory of New Mexico has conformed to the requirements of the act, and unless there is some further legislation by Congress it will be admitted as a State in the Union. It does not appear that the Territory of Arizona has complied with the requirements of the act, because its constitution has not yet been approved in the way set out, and unless it shall be approved by the President or unless there shall be further action by Congress it will not be admitted as a State. I am willing to stand by the enabling act, but I am not disposed to stretch the principles of correct government any further in the direction of the admission of the Territory of Arizona.

At the special election held to pass upon the constitution which involved the admission of that Territory there were only 16,000 votes cast. I hesitate to increase the inequality which now exists in our Government and to confer upon another State, with a very small population, which has only cast 16,000 votes upon the important question of its admission into the Union, an equal power in the Senate with that exercised by the great State of New York, which casts 1,600,000 votes at an election.

It is attempted to balance here—and it seems to be for the purpose to give this bill a judicial pose—an imagined fault in the constitution of New Mexico, in order to offset a very grave and vital defect in the constitution of Arizona. It is said that the constitution of New Mexico is not sufficiently flexible and that the people should pass again upon the question of the manner in which they shall amend it, but it was conclusively shown here in debate by the gentleman from Ohio [Mr. WILLIS] that the constitution of New Mexico could be more easily amended than the constitutions of a majority of the States in the Union. Now, what is that used to offset? Arizona provides in its constitution for a recall of the judges, something that I believe would not merely in the long run result in the destruction of a republican form of government, but which I believe would be entirely subversive of civil government. I do not care to vote to admit that Territory, simply saying that she shall pass upon the question whether she will have this obnoxious provision in her constitution or not. I do not propose to agree that Congress shall put itself in a position of indifference or in a doubtful or equivocal attitude and pass a solemn law, saying that the people of Arizona should pass upon the proposition whether they will have the recall of judges in their constitution or not, and that whichever way they decide the State shall come into the Union.

I am not in favor of the general principle of recall of even political officers. I believe that we consult the omens altogether too much; that the tendency of our statesmen is to go out and see which way the wind is blowing rather than, during the time in which the people have intrusted power to them, conscientiously performing the business that comes before them in the light of the great and true principles of government. [Applause.]

In a speech which I made some two weeks ago I pointed out some of the possible consequences of a recall of political officers. I then said that if the recall had been operative in the United States in 1862 I believed that Abraham Lincoln would have been recalled. You will remember that there had then been a long series of unsuccessful battles. The great organs of newspaper opinion in the country were ranged against him, and even the abolitionists were opposed to him. He had been elected to office by a minority of the people of the country, and there is a probability that even a greater majority than that cast for other candidates would have voted in favor of recalling him if the question had been put at that hour of his unpopularity; and, if I am correct, we should have seen some of the most glorious history that has ever been recorded spoiled in the making. We should probably have seen our Union dismembered and obloquy take the place of as great and pure a fame as can be found among the children of men. [Applause on the Republican side.]

Mr. BUCHANAN. Will the gentleman yield for a question?

Mr. MCCALL. I have only 25 minutes.

Mr. BUCHANAN. Will he yield just for a question?

Is it not a fact that all of those forces that the gentleman thinks would have caused the recall of President Lincoln operated against him during the campaign in which he was reelected?

Mr. MCCALL. Well, not to discuss that further, everybody who is familiar with the history of the country knows that there was a great change in conditions and of sentiment between the summer of 1862 and November, 1864. I can not take the time to show the differences that had occurred.

Now, one would think, from the air of wisdom and of invention with which the recall and the referendum and the initiative have been presented on this floor, that they were modern discoveries. Why, it is the old question of direct against representative government which has been on trial from the earliest historical times. The framers of the Constitution were entirely familiar with it. The system of direct government had been in force among the most intelligent people of the world. We are apt to think that because we have made great inventions and discoveries, therefore we have immunity to violate sound political principles. Advancement is of two kinds—the physical advancement, such as we have had, such as has been so rapid and revolutionary in this country in the last century, and moral advancement, an advancement which would affect

the operations of the human mind. The first kind, as I have said, has been great and rapid in the last century. But in order to see the second kind one must look at periods of time remote from each other. It is almost imperceptible, because the same impulses and the same motives animate mankind to-day as animated them in the time of the ancient Greek.

Take the ancient democracies. The Greeks were more civilized than we are. Take those consummate flowers of civilization, art and literature, and as to them they were ahead of us. As you go through one of the art galleries of the Old World, looking at the masterpieces, and see in the distance some remnant of the work of even an unknown Greek sculptor, you are held enchained in wonder, and what must the work of Phidias and Praxiteles have been? And it is the same way with letters. We have produced nothing that can compare in finish and perfection with the works of Æschylus and Sophocles and Plato.

How did this system of government work among the Greeks? They did not have these baffling questions that we have had thrust upon us in our complicated material civilization, and yet no man could be long prominent in public life before he would encounter antagonism, and unless he bowed to it he would be stricken down. As great an orator and as pure a patriot as ever lived, Demosthenes, was put to death because in spite of the clamor of his countrymen he had insisted on regarding the real interests of his country.

I say we do not want even a political recall. But I am talking too much about the political recall, because I wish to speak especially upon the recall of judges. Our system of government permits political liberty, and at the same time it has another great object. It aims to safeguard individual rights and individual freedom. There is a distinction between the agencies of our Government which deal with the political expressions of our people and those agencies which administer justice between man and man. It is the very essence of democracy that any man, however humble and lowly and poor he may be, may have his rights under the Constitution and the laws as against the most powerful in the land; and so we attempted to set our judges aside and to free them from the influence of popular passion, so that they might exactly and equally enforce the law. But we must make them of human clay. We can not have archangels for our judges, but we attempt to make them as independent and impartial as the lot of humanity will permit.

Now, suppose you make them dependent for every decision which they may make upon the will of the people and liable to be called upon to argue any of their legal decisions upon appeal before a popular tribunal.

Why, a man may no sooner be upon the bench in Arizona—I believe he may be there six months—when one-fourth of the voters may petition for his recall, and then he is given the inestimable privilege of choosing between two alternatives—either to resign in five days or to make his defense in 200 words and have the people pass upon his record. What sort of a judge would you have under that system—a judge who would feel that after any decision, if he might offend powerful interests, if he might offend some great politician, if he might offend some great corporation employing thousands of men, or some great labor union which might hold the balance of power, he would be subject to recall? What sort of justice would you have under such a system? Why, your judge, instead of going to the sources of the law and to the fountains of jurisprudence before deciding a case, would go out and look at the weather vane. He might be put on trial before the very mob from whose lawless vengeance he had just rescued a prisoner.

But you say these things can not affect a judge. Why, there is nothing in the character of the office, if you make the man's tenancy of it dependent upon the popular favor of the moment, that would change the nature of the man.

Before the Revolution of 1688 in England the judges held their office at the pleasure of the Crown, and under the last of the Stuart kings we had an era of the grossest judicial crimes, we had an era of the blackest judicial murders which history records. The will of the sovereign was subserved by the judges; and the great result of that portentious revolution was to take away from the King the power over the tenure of judges and establish their independence. Ever since that time the administration of justice in England has been surpassed nowhere upon the face of the globe.

Adopt this system and you will have your judges respond in the same way as they responded when the King was their master. You will have them inevitably respond to the political boss, or to the man who controls the political party, or to popular clamor, precisely as Representatives are too often apt to respond to them.

We have had in Massachusetts ever since our constitution was adopted a judicial tenure during good behavior, commonly known as the life tenure, and I do not believe that any judicial system in the world has been administered with a greater regard for the interests of the people, or has better served the ends of justice, than has ours in Massachusetts.

In 1853, when there was a wave going over the country for the election of judges, an attempt was made to change our constitution. Of course, our judges could not make uniformly popular decisions. There were decisions under the fugitive-slave acts, where the supreme court of Massachusetts and the circuit court of the United States in Massachusetts had ordered the return of black men to bondage under the clause of the Federal Constitution which gave the master the right to reclaim his slave. Those decisions were disliked by a great many people, and the judges were criticized on account of them. Richard H. Dana, who was one of our greatest lawyers, and who was a most eloquent advocate of the rights of these black men, having defended some of them, said upon that point that he was deeply grieved at these decisions; but he declared that in his greatest distress there was one drop of comfort left him:

I knew that these decisions came from men who were not making them for their judicial lives. I knew that they came from men who were not making them because their offices or their salaries were dependent upon them.

[Applause.]

At the time of that convention to amend the constitution a speech was made which probably was more responsible than anything else for the fact that the constitution of Massachusetts was not amended.

That speech was made by Rufus Choate, as brilliant an advocate as ever spoke the English tongue. Far better than any words of mine what he said at that time will illumine this debate, and I will read some extracts from that speech which I think are very pertinent to this discussion. Speaking of the character of the office of a judge, he says:

Dismissing for a moment all theories about the mode of appointing him or the time for which he shall hold office, sure I am we all demand that as far as human virtue, assisted by the best contrivances of human wisdom, can attain to it he shall not respect persons in judgment. He shall know nothing about the parties; everything about the case. He shall do everything for justice; nothing for himself; nothing for his friend; nothing for his patron; nothing for his sovereign. If on one side is the executive power and the legislature and the people—the sources of his honors, the givers of his daily bread—and on the other an individual nameless and odious, his eye is to see neither, great nor small, attending only to the "trepidations of the balance." If a law is passed by a unanimous legislature, clamored for by the general voice of the public, and a cause is before him on it, in which the whole community is on one side and an individual nameless or odious on the other, and he believes it to be against the Constitution, he must so declare it, or there is no judge.

I would have him one who might look back from the venerable last years of Mansfield or Marshall and recall such testimonies as these to the great and good judge:

"The young men saw me, and hid themselves; and the aged arose and stood up.

"The princes refrained talking, and laid their hand upon their mouth.

"When the ear heard me, then it blessed me, and when the eye saw me, it gave witness to me.

"Because I delivered the poor that cried, and the fatherless, and him that had none to help him.

"The blessing of him that was ready to perish came upon me, and I caused the widow's heart to sing for joy.

"I put on righteousness and it clothed me. My judgment was as a robe and a diadem. I was eyes to the blind, and feet was I to the lame.

"I was a father to the poor, and the cause which I knew not, I searched out.

"And I brake the jaws of the wicked, and plucked the spoil out of his teeth."

Give to the community such a judge, and I care little who makes the rest of the Constitution, or what party administers it. It will be a free government, I know.

He speaks thus of the qualities of a judge:

In the first place, the qualities which fit him for the office are quite peculiar; less palpable, less salient, so to speak, less easily and accurately appreciated by cursory and general notice. They are an uncommon, recondite, and difficult learning, and they are a certain power and turn of mind and cast of character which, until they come actually and for a considerable length of time and in many varieties of circumstances, to be displayed upon the bench itself, may be almost unremarked but by near and professional observers.

The candidate is made the nominee of a party boss—

And so nominated, the candidate is put through a violent election, abused by the press; abused on the stump, charged 10,000 times over with being very little of a lawyer and a good deal of a knave or boor; and after being tossed on this kind of a blanket for some uneasy months is chosen by a majority of 10 votes out of 100,000, and comes into court breathless, terrified, with perspiration in drops on his brow, wondering how he ever got there, to take his seat on the bench. And in the very first cause he tries he sees on one side the counsel who procured his nomination in caucus and has defended him by pen and tongue before the people, and on the other the most prominent of his assailants, one who has been denying his talents, denying his learning, denying his integrity, denying him every judicial quality and every quality that may define a good man before half the counties in the State. Is not this about as infallible a recipe as you could wish to make a judge a respecter of persons? Will it not inevitably load him with the suspicion of partiality, whether he deserves it or not?

The argument was urged that a judge should be elected as well as a governor or members of the legislature, and to this Mr. Choate replied as follows:

It seems to me that such an argument forgets that our political system, while it is purely and intensely republican, within all theories, aims to accomplish a twofold object, to wit, liberty and security. To accomplish this twofold object we have established a twofold set of institutions and instrumentalities—some of them designed to develop and give utterance to one; some of them designed to provide permanently and constantly for the other; some of them designed to bring out the popular will in its utmost intensity of utterance; some of them designed to secure life, and liberty, and character, and happiness, and property, and equal and exact justice against all will and against all power. These institutions and instrumentalities in their immediate mechanism and workings are as distinct and diverse, one from the other, as they are in their offices and in their ends. But each one is the more perfect for the separation, and the aggregate result is our own Massachusetts.

Thus, in the law-making department, and in the whole department of elections to office of those who make and those who execute the law, you give the utmost assistance to the expression of liberty. You give the choice to the people. You make it an annual choice; you give it to the majority; you make, moreover, a free press; you privilege debate; you give freedom to worship God according only to the dictates of the individual conscience.

* * * * * * *

But to the end that one man, that the majority, may not deprive any of life, liberty, property, the opportunity of seeking happiness, there are institutions of security. There is a Constitution to control the Government; there is a separation of departments of Government; there is a judiciary to interpret and administer the laws, "that every man may find his security therein." And in constituting these provisions for security you may have regard mainly to the specific and separate objects which they have in view.

* * * * * * *

Your security is greater; your liberty is not less. You assign to liberty her place, her stage, her emotions, her ceremonies; you assign to law and justice theirs. The stage, the emotions, the visible presence of liberty are in the mass meeting; the procession by torchlight; at the polls; in the halls of legislation; in the voices of the press; in the freedom of political speech; in the energy, intelligence, and hope which pervade the mass; in the silent unreturning tide of progression. But there is another apartment, smaller, humbler, more quiet, down in the basement story of our Capitol—appropriated to justice, to security, to reason, to restraint; where there is no respect of persons; where there is no high nor low, nor strong nor weak; where will is nothing, and power is nothing, and numbers are nothing—and all are equal and all secure before the law. Is it a sound objection to your system that in that apartment you do not find the symbols, the cap, the flag of freedom? Is it any objection to a courtroom that you can not hold a mass meeting in it while a trial is proceeding? Is liberty abridged because the procession returning by torchlight from celebrating anticipated or actual party victory can not pull down a half dozen houses of the opposition with impunity, and because its leaders awake from intoxications of her Saturnalia to find themselves in jail for a riot? Is it any objection that every object of the political system is not equally provided for in every part of it? No, sir. "Everything in its place, and a place for everything." If the result is an aggregate of social and political perfection, absolute security combined with as much liberty as you can live in, that is the state for you. Thank God for that; let the flag wave over it; die for it.

Then he concluded by this reference to the people of Massachusetts, which will apply in effect to the people of the whole country:

Sir, that people have two traits of character, just as our political system in which that character is shown forth has two great ends. They love liberty; that is one trait. They love it and they possess it to their heart's content. Free as storms to-day do they not know it and feel it—every one of them, from the sea to the Green Mountains. But there is another side of their character, and that is the old Anglo-Saxon instinct of property—the rational and the creditable desire to be secure in life, in reputation, in the earnings of daily labor, in the little all which makes up the treasures and the dear charities of the humblest home; the desire to feel certain when they come to die that the last will shall be kept, the smallest legacy of affection shall reach its object, although the giver is in his grave; this desire and the sound sense to know that a learned, impartial, and honored judiciary is the only means of having it indulged. They have nothing timorous in them as touching the largest liberty. They rather like the exhilaration of crowding sail on the noble old ship and giving her to scud away before a 14-knot breeze; but they know, too, that if the storm comes on to blow, and the masts go overboard, and the gun deck is rolled under water, *and the lee* shore, edged with foam, thunders under her stern, that the sheet anchor and best bower then are everything! Give them good ground tackle and they will carry her round the world and back again till there shall be no more sea.

[Applause.]

During the foregoing remarks the time of the gentleman expired and the gentleman from Virginia [Mr. FLOOD] yielded him one minute additional time.

Mr. FLOOD of Virginia. Mr. Chairman, this debate has taken such a wide range that I wish, in the short time that I am to occupy the floor, to discuss the various propositions that will come before the committee, to be voted on at 3 o'clock, namely, the resolution submitted by the Committee on the Territories admitting as States the Territories of Arizona and New Mexico and the substitutes offered by the two wings of the minority of that committee.

Mr. DICKINSON. Mr. Chairman, before the gentleman begins his speech I desire to ask him a question.

The CHAIRMAN. Will the gentleman yield?

Mr. FLOOD of Virginia. Certainly.

Mr. DICKINSON. I notice that in the amendment providing for New Mexico there is a different provision regarding the ballot from the provision in regard to the amendment to the Arizona constitution.

Mr. FLOOD of Virginia. Yes; I understand.

Mr. DICKINSON. I have in my hand a newspaper clipping sent me by a member of the constitutional convention of New Mexico complaining of the difference. Will the gentleman please state to the committee why this difference and which amendment follows the law of either State, if there is any difference, and if the New Mexico amendment does not follow the ballot law of New Mexico, then why?

Mr. FLOOD of Virginia. Mr. Chairman, the difference was made in the resolution because the Arizona election laws are of the most modern character; the secret ballot and all the Australian ballot provisions are embraced in it. In New Mexico such is not the case, and we desire to give the people of New Mexico who vote on this amendment an opportunity to have an election under such restrictions, so that it may be absolutely fair and honest. [Applause.]

Mr. Chairman, the Committee on the Territories have had but one desire in the work they have done in this matter and the resolution they have reported, and that is to bring about the admission of New Mexico and Arizona as States of this Union with as little delay as possible. [Applause.] I believe that the committee has adopted a course that will bring those two States into this Union, and the only course that will bring them in without serious delay. To fully understand the situation it is necessary for us to consider for a few moments the immediate history connected with the effort to get these two Territories in as States. On June 20, 1910, the President approved the enabling act to permit the people of New Mexico and Arizona to adopt constitutions and become States. By the terms of the enabling act we provided for the election of delegates to constitutional conventions and empowered them to frame constitutions for their respective proposed States. We provided also for the ratification or rejection of these constitutions.

On the 21st day of January of this year a vote was taken upon the constitution of New Mexico, as framed by the constitutional convention provided for in the enabling act, and this constitution was ratified by a large majority of the votes cast upon it.

On the 9th day of February of this year a vote was taken upon the constitution framed by the constitutional convention of Arizona, as provided for in the enabling act, and that constitution was ratified by a vote of about 80 per cent of the vote cast.

No other question was voted on, nor was any other election held but a vote upon the ratification or rejection of these constitutions. This was as the enabling act provided.

The enabling act further provided that if the constitutions so framed should be republican in form, not in conflict with the Declaration of Independence, and should conform to the terms of the enabling act, that they should be submitted to Congress and the President; and if Congress and the President both approved the constitutions, then, upon notice by the President to the governors of the Territories, elections should soon thereafter be held for State and county officers, members of the legislatures, and representatives in Congress. If, however, the President approved these constitutions and Congress did not approve them, then the final steps for the admission of these States were not to be taken until after the adjournment of the next regular session of Congress. Of course, if Congress disapproved the constitutions the Territories would not be admitted as States.

On the 24th day of last February the President transmitted a message to Congress approving the constitution of New Mexico. He has not up to this time taken any action in reference to the constitution of Arizona. Upon the receipt of the message of the President approving the constitution of New Mexico it was referred to the Committee on the Territories.

On the 28th day of February the committee reported and there was passed by this House a resolution approving the constitution of that proposed State. The committee had hearings, Mr. Chairman, but I do not believe if that committee had heard the arguments and evidence that the committee of this Congress heard upon this question that that report would have been anything like unanimous. I doubt if they could have gotten a majority of that committee to approve the constitution of New Mexico at all. The first day of this session of Congress I introduced a resolution to approve both the constitution of New Mexico and Arizona. I did that with the information I then had. If I had had the information at that time that I now possess, I should have introduced just such a resolution as the Committee on the Territories has reported here for the consideration of the Committee of the Whole. [Applause.] We have

made changes, or suggested them; we have proposed changes in both of these constitutions, and so have the minority of this committee proposed changes in the Arizona constitution.

We proposed in the case of New Mexico that there should be submitted to the people of that proposed State an article on amendments as a substitute for the article on amendments which their constitutional convention put in that constitution, and the minority of the committee objects to that. We proposed, Mr. Chairman, an amendment which provides that a majority of both houses of the legislature may submit amendments, that the number of amendments to be submitted shall be in the discretion of the legislature, and that a majority of the people voting upon the amendments can adopt them. The minority opposes that proposition and says that New Mexico ought to come in with no suggestion made as to the change of its constitution, and they give two reasons for their position. The first is that by proposing this change we will delay the admission of New Mexico as a State, and the second is that the constitution of New Mexico as adopted is already easy of amendment.

Mr. Chairman, there is absolutely no foundation in fact for either position taken by the minority of the Committee on Territories and the gentlemen who have supported that minority here. [Applause.] The enabling act provides that when the final steps looking to the admission of this Territory are taken, when this resolution passes, or the original resolution, as I introduced it, or any other resolution of admission passes, the President shall notify the governor of New Mexico, who shall order an election, and when that election has taken place the fact is certified to the President, then the President issues his proclamation which makes New Mexico a State. Now, we have proposed——

Mr. FERRIS. Would it disturb the gentleman to ask him a question?

Mr. FLOOD of Virginia. Just a question would not.

Mr. FERRIS. I am very much interested in the gentleman's remarks, and I think the committee has advocated the only avenue for good statehood for Arizona. I want to ask the gentleman if it is not his opinion that the two minority reports—following either one—will eventually deny Arizona any kind of statehood at all, with the views of the President as they are?

Mr. FLOOD of Virginia. I think the gentleman is right about that.

Mr. FERRIS. One question further. I notice the Delegate from Arizona has signed one of the minority reports.

Mr. FLOOD of Virginia. I notice that, too. I was astonished at it. I can not see how a man who is here representing the Territory of Arizona, whose people are anxious for statehood, could sign a report and advocate a resolution the purpose of which is to deny to those people statehood. [Applause.]

Mr. CAMERON. Mr. Chairman——

The CHAIRMAN. Will the gentleman from Virginia yield to the gentleman from Arizona?

Mr. FLOOD of Virginia. I will.

Mr. CAMERON. I think I fully set forth, Mr. Chairman, my position in my remarks to this House, and I am willing to stand by what I said on the floor of this House. My explanation will be in print to-morrow and you can all read it. [Applause.]

Mr. FLOOD of Virginia. Oh, Mr. Chairman, the gentleman will not be able to protect himself from the wrath of the people of Arizona by the excuse he gave here Saturday, because he admitted he knew nothing of what the position of the President of the United States was, and therefore the people of Arizona will not be fooled by his statement that he signed the report to please the President. With this admission went the only defense he had for his position. [Applause.]

Now, we propose that the amendment we are going to submit shall be voted on at the election at which these officers are to be elected, which election must take place under the enabling act before the President can declare New Mexico a State. So there can not be an hour's or a minute's delay on account of this proposition. Therefore the statement made by the minority of this committee that it would cause delay in the admission of New Mexico is absolutely without foundation. [Applause on the Democratic side.]

The other objection urged by the minority of the committee to this resolution is that it is not necessary, because the constitution of New Mexico already provides an easy method of amendment. So carried away are these gentlemen by their zeal to serve their partisan friends in that Territory that they have actually made that statement in the report filed in the House.

The distinguished gentleman from Massachusetts [Mr. McCALL] made the same statement this morning. He made it upon the authority of my colleague upon the committee, Mr. WILLIS, of Ohio. I assert, Mr. Chairman, that it is a more difficult constitution to amend than any constitution that exists in the United States to-day. There is no State now in the Union that has a constitution anything like as hard to amend as the one proposed for the new State of New Mexico. [Applause on the Democratic side.]

Mr. Chairman, the distinguished gentleman from Ohio [Mr. WILLIS], when he discussed this question, asserted with great positiveness that there were only two States in the Union in which a majority of the legislatures could submit amendments and a majority of the people at the polls could ratify those amendments. I told him I knew he was mistaken.

The gentleman had his books and I did not have mine, and could not, therefore, prove my statement at the time. But even his books did not bear him out. I find that the books he had show that the Oregon constitution provides that a majority of both houses of the legislature can submit amendments and a majority of the people at the polls can adopt those amendments, and that is one of the States that the gentleman did not include in the two he named. I found that in the State of Michigan—and I called his especial attention to Michigan—they have a provision much easier even in the submission of amendments than by a majority of the legislature. Twenty-five per cent of the qualified voters can submit amendments, and the majority of the people voting on the amendments can ratify them; and when these amendments are considered by the legislature a majority of both houses of the legislature can submit a substitute amendment for the one proposed by the people, and a majority of the people at the polls, voting on those amendments, can adopt them. I simply mention these two States to show that my distinguished friend was wrong in his statement of facts. And I want to say, Mr. Chairman, that he is as wrong in his statement of every other fact connected with the statehood matter as he is in connection with this fact. My friend is eloquent and entertaining, but he does not recognize a fact.

Mr. WILLIS rose.

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Ohio?

Mr. FLOOD of Virginia. Certainly.

Mr. WILLIS. I simply wanted to inquire what the gentleman said about the constitution of Oregon. I did not catch quite all of his statement.

Mr. FLOOD of Virginia. The constitution of Oregon—not the antiquated one, probably, that the gentleman has, but the one that is now in force—provides that:

> Amendment or amendments may be proposed in either branch of the legislative assembly, and if the same shall be agreed to by a majority of all the members elected to each of the two houses such proposed amendment or amendments shall, with the yeas and nays thereon, be entered in their journals and referred by the secretary of state to the people for their approval or rejection at the next general election, except when the legislative assembly shall order a special election for that purpose. If a majority of the electors voting on any such amendment shall vote in favor thereof, it shall thereby become a part of this constitution.

Mr. WILLIS. I want to be perfectly frank and fair with my friend, and I will say to him that in volume 5 of the book to which I referred—"Charters and Constitutions," printed at the Government Printing Office in 1909—there is the distinct statement that the amendment has to be referred to a second session of the legislature.

Mr. FLOOD of Virginia. That is the old constitution. The gentleman is like all Republicans; he can not keep up with the march of the times and the march of progress, and even the adoption of progressive constitutions. [Applause on the Democratic side.]

The New Mexico constitution is a most difficult one to amend. It requires two-thirds of each house of the legislature to submit an amendment, except at intervals of eight years, and amendments can only be submitted at general elections. Any amendment submitted must be ratified by a majority of the votes cast on the amendment, and in addition to this by 40 per cent of the votes cast at the election and in at least 50 per cent of the counties.

To require two-thirds of each house of the legislature to submit an amendment on its face does not seem to be a very rigid restriction on the power of amendment; but we find that there are 26 counties in New Mexico and that these 26 counties have 24 senators. To submit an amendment it will take the vote of 16 senators. By reference to the apportionment for senators it will be seen that 4 of these 26 counties control the election of more than enough senators, if they are opposed to the submission of an amendment, to prevent one being submitted to the people. The county of Socorro, with a population of 14,760—about 1,200 more population than would entitle it to one senator—not only is given a senator, but is made a

part of two other senatorial districts, and if the vote of Socorro is properly organized it could control three votes in the senate against the submission of an amendment. Bernalillo County has its own senator and is projected into another senatorial district, so it can be made to control two senators. San Miguel County is so apportioned that it may control three senators, and Colfax County, a mining county, where the voters are notoriously under the control of the mine owners, with a population of a few thousand more than is necessary to entitle it to a senator, is made to constitute not only one senatorial district, but a part of a second. It will be seen, therefore, that these four counties, with an aggregate population of 77,000, or about 23 per cent of the population of the State, can control 10 of the senators out of 24, or more than 40 per cent of the senate. Or, to substitute Rio Arriba for Bernalillo—and Rio Arriba controls two senators—there would be a population of about 70,000, or a little more than 21 per cent of the entire population of the State, controlling 10 senators, and would be able to prevent the submission of an amendment.

This demonstrates the difficulty which will confront the people of New Mexico in taking the first step toward securing an amendment to their constitution. The constitution provides that this apportionment shall not be changed by the legislature until after the publication of the census of 1920, and then does not require that an apportionment be made, but merely permits the legislature to make one. This also demonstrates the inequality in the representation in the State senate and, to a certain extent, the same inequality exists in the apportionment for the House. The evidence before the committee was to the effect that certain counties in New Mexico, none of which are in the list of these five, are rapidly increasing in population and are filling up with American citizens from Texas, Oklahoma, and other States, which will each year make the inequality of this apportionment greater.

Taking this apportionment in connection with the two-thirds of each house required to submit amendments to the people, it is too rigid a restriction on the power of amendment. I have heard a good deal said about this apportionment being gotten up in the interest of the Republican Party. I was not so impressed with that fact as I was with the fact that it was gotten up in the interests of the corporations of New Mexico. [Applause on the Democratic side.] The Republicans were, of course, incidentally helped. [Applause.] The strongest proponents of this constitution who appeared before our committee admitted that this was a corporation-ridden Territory and that its constitutional convention was controlled by corporate interests. At least there was no denial of that fact. And they have taken the counties that are absolutely corporation ridden and projected them into senatorial districts over nearly all of the State for the purpose of preventing any amendment to this corporation-written constitution that they are trying to impose upon the people of New Mexico. [Applause on the Democratic side.]

The rights of the people of no State in this Union have been so bartered away by fundamental law as is proposed in this constitution. [Applause.]

Mr. Chairman, the people of New Mexico ask to be relieved from this provision, which puts them in the power of the corporate interests of that Territory. Cedric the Saxon never had a stronger hold upon the services of Gurth, the swineherd, than have the corporations of New Mexico upon the votes of the majority of the people of these five counties. [Applause on the Democratic side.]

Mr. Chairman, from this you can see the difficulty that the people will encounter in procuring the submission of an amendment.

But that is not the greatest difficulty they will have. That will come when they have an amendment voted on by the people. Of course, it must get a majority of the votes polled for the amendment. Then it must get 40 per cent of all the votes polled in the whole State at a general election. So, of the people who go to the election, interested in the election of county and State officers and Members of Congress, those who do not vote on the amendment at all will be counted against the amendment.

But that is not all. They could even stand that, Mr. Chairman, but there is another provision, and I defy any man upon this floor to point to a single State in this Union that has a provision anything like approaching the one I am going to mention now. It is this: Not only must they get a majority of all the votes polled on the amendment, not only must that be 40 per cent of all the votes polled in the State, but it must be 40 per cent of the votes polled in at least 50 per cent of the counties.

There are something over 60,000 voters in this Territory now. Nearly that many have been polled in elections between contending candidates. I have made a calculation, and I find that if the constitution had been submitted at a general election and a full vote polled, and if this provision had been applied, there were 11 of these counties which did not cast votes enough for the constitution to constitute 40 per cent of the full vote that in all probability would have been cast. And if there had been a change of about 250 votes in three other counties, under a provision like this, the constitution itself would not have been adopted at the election in January, notwithstanding the great desire of the New Mexican people to become a State. [Applause on the Democratic side.]

The corporations have the people of this Territory by the throat; and under this constitution which they have forced upon them, with its unfair apportionment, they will, unless we give the relief provided in this resolution, rally its mercenaries in the counties where they are strong behind the ramparts of countless moneybags and hold the State indefinitely against the will of the people. [Applause.]

Mr. FERRIS. Will the gentleman from Virginia yield?

Mr. FLOOD of Virginia. For a question; my time is short.

Mr. FERRIS. Along the line of the gentleman's argument, and in support of it, I want to call his attention to a question submitted in our State, showing that the people vote for the head of a ticket and much less for a proposition away down the line. In our State the Torrens land system was submitted, and while there was a vote of between 250,000 and 260,000 for governor on the Torrens land-system proposition, which was a proposition other than the head of the ticket, they cast only 198,282 votes, over 50,000 less than for the head of the ticket.

Mr. FLOOD of Virginia. That is the case everywhere. Gentlemen representing every shade of political thought in New Mexico appeared before us, asking to be relieved of this infamous and binding article upon amendments. There were representatives of the Democratic Party, four gentlemen appointed by the Democratic executive committee of this Territory, who appeared and made this request. There was a representative of progressive Republicans in New Mexico preferring a similar request. A representative of the Anti-Saloon League appeared and made a similar request. A representative of the Women's Christian Temperance Union appeared and made a similar request. The only organization that did not make this request was that of the stand-pat Republicans of New Mexico, who seem to be hand in glove with and controlled and owned by the corporations of that Territory. [Applause on the Democratic side.]

They ask us, Mr. Chairman, to relieve them of the tyranny and oppression of the corporations that had robbed their people and their Territory. They gave us every reason to believe that if we would give the people an opportunity to vote for a substitute for the article on amendments that that substitute would be adopted, and in the future we could expect to see this new State controlled by its people, instead of by the bosses and corporations that have in the past plundered and exploited them. [Applause on the Democratic side.]

The proposed constitution attempts to secure the original Mexican or Spanish-American population of New Mexico in their equal right of suffrage and in the enjoyment of equal rights of education with other citizens, present and prospective, of the new State. Your committee has not only, by its proposed amendment of said article 19, preserved such rights as are secured in the proposed constitution, but has made sections 1 and 3 of article 7, on the elective franchise, and sections 8 and 10 of article 12, on education, more difficult of amendment than is provided in said proposed constitution, to the end that the Spanish-American population of said Territory shall be made secure for the future in the enjoyment of equal rights of suffrage and equal rights of education.

It will be noted that the amendment suggested in the substitute reported is not made mandatory, but is to be submitted to the electors for ratification or rejection, as a majority may determine, thus putting the whole matter under control of the people of the new State and so providing that they can consider and vote again on that particular article of their constitution; and no reason, except one of partisanship, can be advanced why they should not have this right. [Applause.]

It has been represented to your committee, and is no doubt true, that the people of the Territory were so very desirous of securing statehood that when the proposed constitution was submitted its merits and demerits were not carefully considered; but being submitted to them as it was, as a whole, a large majority, through their great desire to secure statehood, voted for it without regard to what its provisions were. The amendment

suggested by the substitute resolution reported by this committee will give them the power and opportunity which they otherwise would not have to change any provision which, in their desire for statehood, may not have been sufficiently considered when the proposed constitution was ratified. [Applause.]

SEPARATE BALLOT.

It will be seen from section 4 of the substitute resolution that provision is made for a separate ballot for the purpose of voting upon such amendment, which is to be printed on paper of a blue tint, so as to be readily distinguishable from the white ballots, which will be used for the election of officers at the same election, and that these ballots are to be delivered only to the election officers authorized to have custody of the ballot boxes and to be delivered by them to the individual voter when he offers to vote.

The provisions in reference to this separate ballot were provided because the election is in other respects to be held under and subject to the election laws of New Mexico now in force, which do not provide for a secret ballot and under which ballots are required to be "printed on plain white paper 3 inches in width and 8 inches in length or within one-quarter of an inch of that size." And said ballots are to have the names of all candidates for the respective offices printed thereon, and if the suggested amendments were required also to be printed on these ballots it is obvious that there would scarcely be room for that purpose, and, in fact, as the amendments are to be printed in two languages, it would be impracticable, if not impossible, to print them on ballots of that size, and, besides, under the present election laws of the Territory, the ballots can be distributed indiscriminately among the people sometime before the day of election, and, in other respects, these election laws are lacking in the usual safeguards while the provisions provided for by the substitute resolution of the committee in reference to the separate constitutional ballot will guarantee the necessary and usual safeguards. [Applause.]

BOUNDARY LINE.

The substitute resolution provides, as did the original resolution, for an amendment in reference to the boundary line between New Mexico and the State of Texas.

This provision was incorporated in the joint resolution so that there might be no mistake as to this boundary line. In the past there has been a disagreement on this subject.

Some years ago a survey was made, known as the Clarke survey, to settle this dispute. Legislation has been had in Congress and in the Legislature of Texas confirming the Clarke survey. The New Mexico constitution disregarded the Clarke survey, and when this was learned a joint resolution was passed by Congress and approved on February 16, 1911, by the President, declaring the line established by the Clarke survey to be the proper boundary line between New Mexico and Texas; now to prevent any question being raised as to whether this joint resolution admitting New Mexico as a State with a constitution fixing a boundary line different from the one established by the Clarke survey superseded the joint resolution of February 16, 1911, we have provided that the admission of New Mexico shall be subject to the terms and conditions of that joint resolution.

SPANISH-AMERICAN CITIZENS.

The substitute provides for the repeal of that part of the enabling act which prescribes the qualifications for members of the legislature and officers in the new State to be the ability to read, write, and speak the English language. There never was any just reason for compelling such a provision to be incorporated in the constitution of New Mexico. No such provision has been in the laws enacted for the government of this Territory during the 60 years that it has been a part of this country, or any other of our Territories. It is violative of the conditions upon which the Spanish-American portion of the population of New Mexico became citizens of the United States. These people constitute a most meritorious class of the citizenship of that Territory and are nearly one-half of its population. From the evidence before the committee it is clear that they are a very different class of people from the inhabitants of Mexico. They are descendants of Spaniards who settled this part of the country in 1595, and owed their allegiance directly to Spain. In the twenties they became subject to the Mexican Government, but never had much intercourse with the Mexican people. This allegiance continued for more than 25 years, when this part of the country was ceded to the United States. Under the treaty of Guadalupe Hidalgo they were guaranteed "all the rights of citizens of the United States according to the principles of the Constitution." By the Gadsden treaty the same provision was made. It was also contained in the organic act establishing the government of New Mexico. The people are largely agricultural and pastoral; they are honest, industrious, hospitable, frugal, and patriotic. There can be no better class of citizens for rural communities than they are described to be. English is being taught in all of the schools of the Territory now and the population largely speaks English, but some of the most highly respected and most intelligent citizens of that Territory do not understand it sufficiently well to enable them to qualify for membership in the legislature or to hold any other office under this enabling act and constitution. The people of the Territory who are of Spanish descent naturally feel that this is an unjust discrimination against them and a breach of faith on the part of Congress. They feel that they took possession of this country, that they carved a civilized State out of the wilderness, that they wrested it from the Indians and consecrated it forever as the theater of the transcendent achievement of the Spanish-speaking people upon the American Continent. They are desirous that this restriction should be removed, and with this desire I fully sympathize. [Applause on the Democratic side.]

ARIZONA.

Now, Mr. Chairman, I want to say a few words about Arizona. We recommend that New Mexico be admitted, we believe its constitution is republican in form. We had some doubt about it at first, but we solved that doubt in favor of the constitution. We believe that the constitution of Arizona is republican in form, and we believe that the arguments made here denouncing it springs from partisan motives and a deep-laid and skillfully planned effort to keep this brave and glorious Democratic State out of the Union. [Applause on the Democratic side.]

Mr. LAFFERTY. Will the gentleman yield for a suggestion?

Mr. FLOOD of Virginia. No; I have not time. I would be glad to yield to the gentleman.

Mr. LAFFERTY. It is only for a suggestion.

Mr. FLOOD of Virginia. I do not need any aid, and I think I can make my own speech. I do not mean to be discourteous to the gentleman, but my time is very limited.

Now, Mr. Chairman, the minority of the committee say that Arizona's constitution, because of the recall of judicial officers in it, is fundamentally destructive of a republican form of government. It is curious, Mr. Chairman, that gentlemen will take the position that a constitution having the initiative in it, the referendum in it, and the recall of all the officers is not unrepublican on account of those provisions, but that the recall of judges makes it antirepublican.

I see my distinguished friend, the gentleman from Pennsylvania [Mr. OLMSTED], who made an able argument along this line last week. I read the newspaper after going home, from the delight I experienced at hearing his speech, and found that the House of Representatives of Pennsylvania came very near mobbing the speaker because he refused to allow them to vote on a constitutional amendment to submit to the people whether there should be an initiative in Pennsylvania. [Applause on the Democratic side.]

Instead of trying to keep Arizona out of the Union because she wishes to recall her judicial officers when they are corrupt or when they are not true to their duties, my friend had better go back home and try to keep the legislature and electorate of the old State of Pennsylvania straight.

Mr. OLMSTED. If the gentleman will yield, I did not object to Arizona's constitution on account of the initiative and referendum, but simply on account of the recall.

Mr. FLOOD of Virginia. Yes; on account of a much less republican provision. If the gentleman had objected to it on account of the initiative, I would have thought possibly there was some consistency in his position, but he objected to it as not being republican on account of a much less republican provision, that of the recall of the judges. [Applause on the Democratic side.]

The substitute proposes to the people of that Territory an amendment by which they can vote upon the article on the recall of public officials, so that it will not apply to judicial officers. Whether the recall of public officials is wise or unwise is a matter which was not considered by the committee, as we did not feel that it was in our province to determine this question. I am satisfied and the committee was satisfied, however, that the article on recall of public officials does not render the constitution unrepublican in form.

While these were our views, we did feel that the same desire existing in that Territory for statehood that existed in New Mexico might have induced the people to vote for this provision of their constitution, which has been so savagely attacked, through their desire to obtain statehood and not because they favored it. We therefore thought it just to them and wise to give them an opportunity to vote upon this provision again, and

also wished to make this substitute in reference to Arizona meet as near as we could the views of the President of the United States as we understood them. The minority, including the Delegate from Arizona, who have been so desirous that nothing should be done to delay the admission of New Mexico, seem equally anxious to prevent the admission of Arizona as a State. These gentlemen have recommended a resolution which will deny statehood to the people of Arizona, unless they surrender their manhood and their principles and vote as those gentlemen dictate. They propose that Arizona shall not only vote upon an amendment to her constitution, but that her people shall vote as they tell them to vote, and unless they do this they will be denied the right of statehood.

They are not willing to trust the people who bear the burdens of government; they declaim with great eloquence against giving the people too much power, forgetting that in a republic the people are the source of all power.

Their anxiety is misplaced. There is no danger that the people will destroy this Government. It is of the people, and they are determined that it shall not perish from the face of the earth, and, in turn, the Government will protect its citizens. It will take trusts and monopolies by the throat; it will equalize the burdens of taxation. It can distribute its privileges impartially, and, Mr. Chairman, it can do more—it can trust the people, in whose name it was founded, in whose courage it was defended, in whose wisdom it has been administered, and in whose stricken love and confidence it can not survive. [Applause.]

No attack is made upon the constitution on account of the initiative and referendum or the recall as applied to any other officers than judges. I can see no reason why the republican form of this constitution is affected by the recall of the judiciary more than it is by the recall provision as applied to the executive or other officers. If the one makes it unrepublican, then the other would also. Having conceded that the constitution with the recall of executive officers is republican in form, it is difficult to understand what argument can be advanced to demonstrate why the application of this principle to the judiciary would make a constitution antirepublican, and no reason why the one class of officers can be differentiated from the other has been given in this debate. [Applause.]

I want to say, Mr. Chairman, that I yield to no man in the respect I entertain for the judiciary. I come from a State which has given the greatest judges who have adorned the bench of this country and where the people not only respect, but revere, the judges. I have too much respect for both the people and the judges to believe that the power of recall in the people will affect the integrity, the ability, or the fearlessness of those who occupy judicial positions.

The question for us to decide is whether the recall is antirepublican. Reverting to the Federal Constitution, we find that while section 4 of Article IV was under discussion in the constitutional convention Gov. Randolph, of Virginia, offered a resolution, which was amended by Mr. Madison, and reads as follows:

> The republican constitutions and the existing laws of each State to be guaranteed by the United States.

Mr. Wilson, of Pennsylvania, offered an amendment to this which was adopted and which we find in the Constitution, as follows:

> The United States shall guarantee to every State in this Union a republican form of government.

While this resolution was being discussed Gov. Randolph made the following statement:

> The republican government must be the basis of our National Union, and no State in it ought to have the power to change its government into a monarchy. (1 Elliott's Debates, 453.)

Immediately after this statement by the author of the resolution, it was unanimously agreed to. Here is a clear-cut statement of the purpose of the guaranty. It guaranteed against the rule of the few and not against the exercise of power by the people.

In the Federalist Mr. Madison defines a republic to be:

> A government which derives all its powers directly or indirectly from the great body of the people, and is administered by persons holding their offices during pleasure, for a limited period, or during good behavior.

Under this definition the recall is properly a part of a republican form of government, because it is provided that the officers shall hold during pleasure, which means the pleasure of the people.

Mr. Wilson, who helped to frame this provision, afterwards became a Justice of the Supreme Court of the United States, and in the case of Chisolm *v.* Georgia (2 Dallas, 457), gives the definition of a republican government to be one where "the supreme power resides in the body of the people."

The discussion of this question in the Federalist, in the textbooks, and by the Supreme Court of the United States, leads to the conclusion that the phrase "republican form of government" was used in the Constitution as contradistinguished from a government in which the few are the ruling power—a monarchy, an aristocracy, or oligarchy. It follows, then, that had the Federal Government provided for more power in the people, it would have been republican, and it also follows that if there had been a provision that the officers of the government could be recalled at the will of the people, it would still be republican in form.

If, as stated by Madison in the Federalist, a republican government is one administered by persons holding their offices during pleasure, then the fact that the people have a right to recall their officers certainly can not be antirepublican.

The recall system is but another method by which officers of a State or its subdivisions may be removed from their offices. The power to remove officers is generally vested in the legislative department or in some other department of the State government, either by the direct power of impeachment or removal. There can exist no constitutional reason why this power should not be reserved to or vested in the people.

Mr. GRAHAM. Mr. Chairman, will the gentleman yield?

Mr. FLOOD of Virginia. Yes.

Mr. GRAHAM. Is there any better way that you can conceive of to find out what is the pleasure of the people than by the exercise of the thing called the recall?

Mr. FLOOD of Virginia. Well, I do not know that there are not other ways just as good.

Mr. GRAHAM. But the gentleman knows of no other?

Mr. FLOOD of Virginia. Well, I think that when people in mass meetings instruct their representatives, or when their representatives are in constant correspondence with their constituents, they can form a very good idea of what the people do want. I do not mean to commit myself to the recall. I think it is free of many of the objections that have been urged against it, and that these denunciations made of it on this floor are unjustifiable, but I hold they have nothing to do with the question which we are considering, because I do not believe that any gentleman upon this floor will contend that having a provision for the recall of any public official in a constitution renders that constitution antirepublican. No one here has as yet been bold enough or courageous enough to come out and say that this recall provision of the judiciary renders this constitution unrepublican in form; and if it does not, it seems to me that we have but one duty to perform, and that duty is to vote to admit the Territory of Arizona as a State as soon as possible. [Applause.]

I recognize the high and important part the judiciary plays in our system of government, and I would not aid any movement which I thought would weaken the proper powers of that important branch of our Government, but I fail to see the great dangers in this recall provision that some have professed to fear. I do not believe the people who possessed this power would undermine either the independence or the integrity of their judiciary.

In my State, which is exceedingly conservative, there is a provision by which judges can be removed by a joint resolution of the two houses of the general assembly upon 20 days' notice. In every aspect of the case this power of removal in the legislature is as destructive of the independence and integrity of the judiciary as would be the recall vested in the people, because if popular clamor was aroused against the judges it would find expression in the legislature as quickly as it would at the polls; but we have never found that it interfered in the slightest with the character of our judges or the administration of justice.

Virginia is the home of great judges, and her bench is adorned to-day by a set of judges who in ability, in character, in learning, and in independence are the equals of the great judges of the past, of and from Virginia, who added so splendidly to the glory of the judicial history of their State and country. [Applause.]

The fact that the legislature that elected them had power to recall them has never affected the standing or the conduct of our judges. And, Mr. Chairman, there are 12 other States that have a provision for removing judges similar to that of Virginia. Congress is not called upon in this matter to pass upon the wisdom, advisability, or beneficial results of this provision. It may be productive of all the evil results which its most ardent opponents have urged; our individual opinions may be that it is unwise and pernicious in its operation. On the other

hand, it may be the wisest provision ever incorporated in the fundamental law of a State; but these are not the questions which we are now considering or which Congress is called on to pass upon. The sole question is whether or not the provision is antirepublican and renders the government of a State in whose constitution it is embodied unrepublican in form.

To hold that a government embodying the recall of judges is not republican in form is to say to the people of Oregon that they have violated the Constitution of the United States; that their government is such as they have no right to maintain; that their Senators and Representatives shall not be admitted to seats in Congress, and that Congress has heretofore erred in so doing. It would be to say to the people of California and of other States that they have not the right or power under the United States Constitution to exercise the powers of recall over their judges, and if they do so we will relegate them to a Territorial form of government.

We may not individually believe that this provision is wise or that it is best for the interest of the people that it should be exercised by them, but I do not believe a dozen men here would go so far as to say to them that they have not the constitutional right to exercise it if they so desire.

It seems to me that no other conclusion can be reached than that this provision is not antirepublican, and that the government of Arizona, under its proposed constitution, is republican in form. [Applause.]

Mr. Chairman, speaking of Arizona brings to the minds of the older Members in the service here the name of Mark A. Smith. His ability and distinguished service in the cause of his people won the respect of everybody here. His many qualities of heart bound us to him, and I do not think it is saying too much to say that it was due to his intelligent and well-directed efforts that the infamy of uniting these two immense Territories as one State was not finally consummated. [Applause.]

His many appeals on the floor of this House for justice to Arizona still sound in our ears. In all his service he did not burden her with one weight or hindrance. Not a single opportunity to aid or to force her progress did he permit to escape his vigilant and ready action. I am afraid the present Delegate from Arizona can not have as much said for him. I was astonished, Mr. Chairman, when he signed this minority report. I must think that the gentleman was led to deal this blow at his people by his partisan stand-pat Republican associates on that side of the Chamber, who seem, in this instance as in other instances heretofore, willing to put partisanship above the rights of a whole people. [Applause on the Democratic side.]

Mr. Chairman, it is discouraging to see gentlemen of such intelligence and of such high character giving away to partisan considerations in great and momentous questions of this kind. In a great and free country like this partisanship can have no secure basis or foundation. In a land which we all love and which we all alike hope and believe will endure, mere party advantage is but temporary and fleeting, but the fruition of the hopes of the people of this Territory will bring lasting and enduring blessings not only to themselves, but to the people of this entire Republic. [Applause.]

Mr. Chairman, I am just as desirous of seeing New Mexico admitted into the Union as I am of seeing Arizona admitted. These two Territories have been retarded in their growth and development by reason of not having been granted the right of statehood. It has been difficult to get capital with which to develop their marvelous resources. Development has been stopped. Industrial immigration has been halted. Statehood will remove these disadvantages and these barriers to their progress. They have done everything that a people could do unaided and alone with the governments which they have had.

New Mexico has a population of 327,000, more than double what it was 20 years ago. Arizona has a population of 204,000, nearly treble what it was 20 years ago. New Mexico has taxable values of $300,000,000; Arizona has taxable values of $450,000,000. Each Territory is an empire in extent.

I have often, Mr. Chairman, admired the beautiful and animated fresco that we see as we go up the stairs to the House gallery over there. It represents a caravan traveling to the west in the days when there were no railroads. These people have just reached the highest peak of the Rocky Mountains and they stand in awe and wonder, gazing at the beautiful vision before them, which stretches out to the setting sun. If we can imagine them on the spur of the mountains that separate Arizona from New Mexico, we can see them looking back 300 miles to the Texas line, over New Mexico, and looking forward for an equal distance of 300 miles, over Arizona, to where the Colorado River empties into the Gulf of California—a territory in square miles in each of these proposed States equal to all of New England, New York, and New Jersey combined.

These people have accomplished wonders. They have built cities, towns, and villages. They are cultivating land, operating mines, and running factories. A substantial school system exists in each Territory. Highways are running in every direction. Railroads are being built to all important points, and many irrigation projects of immense size are adding to the productiveness of their acres. All they need is statehood. This will give a splendid impetus to these people, to their development, and to their growth. Population will pour in. The money necessary to develop their resources will be readily secured. And these new States, with constitutions germinating in the hearts of their people and adopted at the polls by the free and untrammeled votes of their citizens, will stride forward to that splendid destiny which we have every reason to believe a kind Providence, aided by the energies of man, has in store for them. [Loud applause.]

Mr. LINDBERGH. There is a difference between a government limited as by the Federal Constitution and a people's or popular government run by popular choice. I make that distinction in order that my few statements may not be misunderstood.

The United States is not, within strict interpretation, a people's or popular government, but is a constitutional government. The United States may be said to be governed by the people, except where the Constitution represses. That instrument does limit the majority. It makes no difference that originally the people through their servants framed the Constitution. Those who did that have long since gone and are no longer the people. They left posterity an instrument that limits in several respects the privilege of majority rule.

The only time that this country was in a position to be governed by the people was the period of 12 years between the Declaration of Independence and the adoption of the Constitution. Since that time it clearly appears, by interpretation of the courts enforced by judicial decrees, that the people are not entirely in possession nor control of their own Government. In one respect it would require unanimous consent, or practically so, to change the Constitution. For instance, "No State, without its consent, shall be deprived of its equal suffrage in the Senate." The State of New York, with nearly 10,000,000 people, has no greater representation in the Senate than the State of Nevada with a population of 81,000; that is, one person in Nevada has a representation in the Senate equal to 123 in New York. Even if all the other States should decide by unanimous vote that each State should have a representation in the Senate in proportion to population, such a decision could be nullified by a majority of the State of Nevada. There would be no way to overcome that except by revolution. There are many cases in which the Constitution prevents the people by majority to rule, the most conspicuous being the manner required to amend the Constitution itself.

The Constitution is a great instrument and has been looked upon as evidence of the profound wisdom of its authors. The good faith and great foresight of its founders is not questioned. It must not be overlooked, however, that the Constitution was a compromise. Some of its provisions were placed there to meet certain emergencies existent at the time of its adoption and not because in themselves they were preferred. In fact, they were, some of them, most strenuously opposed. The Colonies were weak and had to compromise their differences, resulting in some provisions that have later repressed the people.

I have no sympathy with all this talk about the sacredness of old instruments of government, regardless of their fitness for this generation and the future. We can not progress and at the same time follow cumbersome old forms that really block progress. All rules made in the past that are suited, let us keep as long as experience shows them suited to present necessities; but whenever experience shows the need of change, let no fetish reverence for the past methods repress the present and future necessities.

My respect for government rests primarily in the ability of the people to conduct it. Succeeding generations should be better able to master the problems of their own than the people of earlier generations could do it for them. Each generation should conduct the affairs of its own times, and when a majority rules that can be done. So much of the past as is worth while would naturally be adopted. Now, since we have our growth principally in our native born, I do not believe we should be tied up with constitutional limitations that will pre-

vent a majority from changing the Constitution and making such laws and regulations as shall seem best, provided the change is determined by the people.

We can imagine wrongs that a majority could, if it would, do to a minority, but I am not with those who anticipate that the majority will be less just than a minority. We suppose this to be a government by the people, and I am willing to trust it as such. My votes, so far as I am able to cast them, will give the fullest credit to that purpose.

The objection that is pressed the hardest by some to the proposed constitution of Arizona is the provision for the recall of judges. Some have worked up their imaginations to the extent of believing that excitements might and probably would sometime arise and carry in their waves the recall of judges. It is believed by them that the people would go through all the forms required for the recall of judges who had decided cases in accordance with law. Those who carry prejudices of that nature are more considerate of the individual than of the public. Even suppose it happened several times in a century, which is not likely, the fact of the recall would not reverse the cases. They would stand as they had been decided. If the decisions were wrong, the recall would not be wholly unmerited. As things are now, a judge can not be removed except by impeachment, which, except under the most extraordinary circumstances, is impractical.

It is well known that with responsibility comes caution. The recall would make people cautious in the exercise of the right. The very fact that we had the law of the recall would create a steadiness of purpose and feeling of responsibility in the people that would far outweigh indiscretions that might possibly occur.

It is odd that those who oppose the purposes of securing the nearest we can to popular government should assume mistakes by the people while they give no excuse for the innumerable mistakes of the courts. I refer you to the findings of the courts for the most contradictory decisions imaginable. In nearly all of several thousand volumes of reports of decisions in this country you will, on examination, find that the courts have overruled, reversed, and revised the decisions of judges so often that no one can say what the law is. Everyone is presumed to know the law, and yet no one does know the law.

The legal procedure would not be more simplified by the recall, but it would impress judges with the fact that they should consider the side of the public with as much care as they do the side of the individual. There is an old saying that what is everybody's business is nobody's business, and it seems that in the interpretation of constitutions and statutes it has often been nobody's business to keep the interpretation consistent with a common national purpose.

The judges should keep a little closer to the people, and with the law of recall it is quite likely they will; not that they should be unfair to individuals, for that would not be serving the public's best interest. The public is most interested in keeping private rights consistent. The public is most interested in preserving private rights, for the public is merely an aggregation of individuals, but the public is opposed to special favors to individuals.

I do not, of course, think it practicable for the public in general to enter into all the intricacies of the law, but the people are fair and will treat those whom they trust with that duty with great consideration and respect, and the law of recall will furnish a moral influence that will be of inestimable value to the common interests of the country.

Whenever we generally establish laws for the initiative, the referendum, and the recall to apply to all matters that pertain to the public interest in connection with the administration of the affairs of the people in common, we shall find the responsibility accepted and dealt with by the public in such manner as will make it much easier for public officials to do their duty unincumbered by the influence of special interests. Get the great office-holding body of this country to understand that they owe their places to the public and that instead of being interested in the public just before each election they are to be interested all the time, it will make everybody independent to do what seems best.

Mr. SULZER. Mr. Chairman, I am a friend of the people of Arizona and of New Mexico, and I want to do all I can to protect their rights and promote their general welfare. For years these good people have been knocking at the doors of Congress for justice, for relief, for their rights, and the Congress has turned to them a deaf ear. They are American citizens, and they want the rights of American citizens.

The people of New Mexico and Arizona want to govern themselves. They want statehood, and they should be admitted as States. The people of Arizona and New Mexico want to make their own laws. They should be admitted as States. For 40 years they have been begging Congress for this fundamental right, and for 40 years Congress has closed to their appeals the doors of opportunity, of equal rights, of justice, and of statehood. How much longer must they plead? How much longer must they wait? The refusal of Congress to grant them statehood is a substantial denial of constitutional rights, and contrary to the spirit of our free institutions.

Let us stop treating Arizona and New Mexico like conquered provinces. Let us grant them the rights they demand. Let us permit these Territories to come into the Union, so that they can govern themselves and make their own laws. The people of these Territories are as brave, as honest, as intelligent, and as patriotic as any other citizens in our land. They want to govern themselves. They want home rule. They demand statehood. Let us be true to ourselves and grant them all the rights and all the privileges enjoyed by all the rest of the citizens of the States of the Union. New Mexico must be a State. Arizona must be a State. Now is the time to grant them this sovereign boon.

The people of Arizona and New Mexico want the right to govern themselves, and sooner or later it must be granted to them. I know something about that vast domain. I know something about the sentiment of the people who live there, and I stand here and declare, with the confident knowledge that I can not be successfully contradicted, that the people of these Territories—the people who have gone there, and who have lived there for years, and who are bona fide residents of these Territories, and intend to stay there during the rest of their lives—I know what they want, and I declare here that they want what every other Territory has received, and that is statehood. They want the right that every other State in the Union has—the right to make their own laws, to levy their own taxes, to regulate their own internal affairs, and to spend the money gathered by the tax collector for their own use, for their own schools and for their own charitable institutions. Should this substantial right to these Territories longer be denied by Congress?

Why not give Arizona and New Mexico statehood and let them govern themselves? The principles of self-government are dear to the American heart. They constitute the corner stone of the Republic. The people in Arizona, the people in New Mexico are entitled to home rule, are entitled to self-government, and the only way they can get it is through the agency of statehood.

Hence, Mr. Chairman, I shall vote for the pending bill to admit these Territories of Arizona and New Mexico to statehood, and I indulge the hope that the day is not far distant when they will be States in the Union with all the rights and all the privileges of all the other States under and by virtue of the Federal Constitution.

[Mr. SABATH addressed the committee. See Appendix.]

By unanimous consent, leave to revise and extend remarks on the subject of the statehood bill was granted to Mr. KAHN, Mr. MCCALL, Mr. CAMERON, Mr. STEPHENS of Texas, Mr. SAUNDERS, Mr. HARDY, Mr. WILLIS, Mr. LITTLETON, Mr. RAKER, Mr. BORLAND, Mr. SABATH, Mr. SULZER, and Mr. LINDBERGH.

Mr. FLOOD of Virginia. Mr. Chairman, general debate having closed, I ask that the resolution be reported and read.

The CHAIRMAN. Under the order of the House, general debate having closed, the Clerk will report the resolution for amendment.

Mr. KENDALL. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. KENDALL. For a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KENDALL. Before the Clerk begins to read the resolution I want to inquire when the right of amendment will arise.

Mr. FLOOD of Virginia. I did not hear the gentleman from Iowa.

Mr. KENDALL. I inquired of the Chair what would be the ruling of the Chair as to when amendments would be in order.

The CHAIRMAN. The Chair would say, in response to the inquiry of the gentleman, that in his opinion the regular order will be the reading of the original resolution by sections, and that at the conclusion of each section amendments to the original resolution will be in order; that is, down to line 6, on page 3. After that the committee amendment, which is a substitute, will be read as a whole, and it will then be open for amendment. The Clerk will again report the bill.

The Clerk read as follows:

Joint resolution (H. J. Res. 14) approving the constitutions formed by the constitutional conventions of the Territories of New Mexico and Arizona.

Resolved, etc., That the constitution formed by the constitutional convention of the Territory of New Mexico, elected in accordance with

the terms of the act of Congress entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States, etc." approved June 20, A. D. 1910, which said constitutional convention met at Santa Fe., N. Mex., on the 3d day of October, A. D. 1910, and adjourned November 21, A. D. 1910, and which constitution was subsequently ratified and adopted by the duly qualified electors of the Territory of New Mexico, at an election held according to law on the 21st day of January, A. D. 1911, being republican in form and not repugnant to the Constitution of the United States and the principles of the Declaration of Independence, and complying with the terms of said enabling act, be, and the same is hereby, approved, subject to the terms and conditions of the joint resolution entitled "Joint resolution reaffirming the boundary line between Texas and the Territory of New Mexico," approved on the 60th day of February, A. D. 1911.

Mr. MANN. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend page 2, line 10, by striking out the word "sixtieth" and inserting in lieu thereof the word "sixteenth."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. That the constitution formed by the constitutional convention of the Territory of Arizona, elected in accordance with the terms of the act of Congress entitled "An act to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States, etc." approved June 20, A. D. 1910, which said constitutional convention met at Phoenix, Ariz., on the 10th day of October, A. D. 1910, and adjourned December 9, A. D. 1910, and which constitution was subsequently ratified and adopted by the duly qualified electors of the Territory of Arizona at an election held according to law on the 9th day of February, A. D. 1911, being republican in form and not repugnant to the Constitution of the United States and the principles of the Declaration of Independence, and complying with the terms of said enabling act, be, and the same is hereby, approved.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk and ask to have read.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

Amend by striking out section 2 of the resolution and inserting in lieu thereof the following:

"SEC. 2. That the Territory of Arizona be admitted into this Union as a State with the constitution which was formed by the constitutional convention of the Territory of Arizona elected in accordance with the terms of the enabling act, approved June 20, A. D. 1910, which constitution was subsequently ratified and adopted by the duly qualified voters of the Territory of Arizona at an election held according to law on the 9th day of February, A. D. 1911, upon the fundamental condition, however, that article 8 of the said constitution of Arizona, in so far as it relates to the "recall of public officers," shall be held and construed not to apply to judicial officers, and that the people of Arizona shall give their assent to such construction of article 8 of the said constitution.

"That within 30 days after the passage of this resolution and its approval by the President, the President shall certify the fact to the governor of Arizona, who shall, within 30 days after the receipt of such certificate from the President, issue his proclamation for an election by the qualified voters of Arizona, to be held not earlier than 60 nor later than 90 days thereafter, at which election the qualified voters of Arizona shall vote upon the proposition that "Article 8 of the constitution, in so far as it relates to 'recall of public officers,' shall be held and construed not to apply to judicial officers," and shall also vote for State and county officers, members of the State legislature, and Representatives in Congress, and all other officers provided for in said constitution of Arizona; said election to be held and the returns thereof made, canvassed, and certified as provided in section 23 of the enabling act approved June 20, 1910.

"If a majority of the qualified voters of Arizona voting at such election ratify and adopt the herein proposed construction of article 8 of the constitution, the same shall be and become a part of the said constitution, and said article 8 of said constitution, in so far as it relates to the "recall of public officers," shall have like effect as if judicial officers were expressly excepted therefrom.

"If the proposed construction of said article 8 of the constitution is duly ratified and adopted by the qualified voters of Arizona, the election of officers at the same election shall be and become valid and effective.

"When said election as to the proposed construction of the said constitution and of State and county officers, members of the legislature, and Representatives in Congress, and other officers provided for in said constitution has been held, the result thereof shall at once be certified by the governor of the Territory of Arizona to the President of the United States, and if the proposed construction of article 8 of the said constitution of Arizona has been ratified and adopted by a majority of the qualified voters of Arizona voting at such election, the President of the United States shall immediately make proclamation thereof and of the result of the election of officers, and upon the issuance of said proclamation by the President of the United States, Arizona shall, without other proceeding, be deemed admitted by Congress into the Union by virtue of this joint resolution, upon the terms and conditions of the said enabling act approved June 20, 1910, except as modified herein, and on an equal footing with the other States."

The CHAIRMAN. The question is on the amendment.

Mr. STEPHENS of California. Mr. Chairman, my home is in Los Angeles, Cal. I had not intended to speak as early in the session as this, but I am so concerned in the initiative, referendum, and recall that I can not sit quietly by and have a vote upon this question without saying a word or two.

Before I go further, and for fear I may not distinctly say it before my short time is over, I want to declare now that I am in favor of the initiative, the referendum, and the recall, and that I am in favor of the recall of judges as well. [Applause.]

In the city of Los Angeles we have had the initiative, the referendum, and the recall for almost 10 years, and each succeeding election has shown that the people of my city are more strongly in favor of all three of those propositions than they were at the previous election. [Applause.]

Take the initiative. In the city of Sacramento the wisdom of that proposition has been well demonstrated. Within the last few years the city council of Sacramento, being tied down by a great corporation in the State of California, refused to allow another railroad corporation to build a competing line through that city; but the people found in their charter and ordinances a provision which allowed the initiative to be invoked, and it was invoked, with the result, if my recollection serves me right, that by a vote of 45 to 1 the people of the city of Sacramento voted to have this competing corporation build its lines through the city. [Applause.] From that time to this the city of Sacramento has grown apace.

In the city of Los Angeles we have had demonstrations of the usefulness of the initiative, as well as the goodly effect of the referendum.

Let me call to your attention a particular instance of the value of the referendum. Some years ago, without any previous notice to the people, a measure was brought before the city council granting to a corporation the free use forever for railroad purposes of the river bed that goes through Los Angeles. To make a long story short, that ordinance was passed by the city council. It only awaited the signature of the mayor, who was away; but before the mayor returned the people were getting ready for a referendum and recall. The final result was that because of the referendum and the recall which would follow, the city council retracted and took back everything that they had done, and to-day Los Angeles is possessed of a river bed of inestimable value for many uses. [Applause.]

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. SIMS. I ask unanimous consent that the gentleman's time be extended 10 minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the time of the gentleman from California be extended 10 minutes. Is there objection?

Mr. MANN. Reserving the right to object, I should like to inquire of the gentleman from Virginia whether it is his intention to press this matter to a vote to-night, if that is the temper of the House?

Mr. FLOOD of Virginia. Yes; we certainly want to get a vote to-night.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STEPHENS of California. In consequence of this action and in consequence of their having the referendum and the recall in their charter the people of Los Angeles are still possessed of this wonderful river bed that can be made an inlet and an outlet for the future commerce of that city, the value of which can not be determined to-day. It runs into the millions, and we have it under our own control because the initiative, the referendum, and the recall are in our charter. [Applause.]

We have had the practical value of the recall clearly demonstrated. A little over two years ago Los Angeles avoided a serious municipal scandal by recalling its mayor and electing in his place a strong and sturdy citizen who served out the unexpired term, was then elected by an increased plurality for a two-year term, and this fall will be reelected for still another term, and by a larger vote than ever.

Now, as to the recall of judges. That is not yet within our city charter, but it soon will be a part of the constitution of the State of California, and after the 10th day of next October, at which time that question will be passed upon, you men will know as well as I do that the State of California will forever and forever retain the initiative, the referendum, and the recall. [Applause.] Is there any reason on earth why a judge should not be subjected to the same laws, the same rules that govern the mayor and the city council and the governor and the legislators of a State? None whatever. I am not a lawyer. I do not know how to plead as you men do. I am only one of the plain people come to you to talk in a plain way about what we believe you lawyers should help us do, and that is to make judges as well as other officers subject to the recall.

You Members know of man after man who has stood on this floor and discussed certain questions for which all of you in

turn probably have taken him to task, alleging that he did not know what he was talking about; that he was wrong about this legal question or that; and yet is that man any different if the next moment he is made a judge of some particular court? Not a bit of it. He does not know any more law, and there is no reason why he should not be subjected to having criticisms made in the way of a recall.

Furthermore, you men, as lawyers, recall a judge every day. Some one of you somewhere does. Why and how? A criminal is arrested, the case is before the court, and you ask for a change of venue. Why? You allege that the judge is prejudiced; that you can not get a fair trial before that judge. Why do you do that?

Mr. BURKE of Pennsylvania. Will the gentleman yield?

Mr. STEPHENS of California. I should like to, and will at some other time, but I beg to be excused at this time, for I have not time. You ask for a change of venue because you say you have not confidence in the judge. Is not that a recall? Have not the people as much right collectively as you have individually to allege that they would like to have a change of venue, to wit, a change of judges? [Laughter and applause.]

Then after you have asked for and got the change of venue you are not satisfied. You virtually say, "Put the defendant over into the other court and I will be satisfied." Then are you satisfied? No; you take exception to every single ruling that the new judge makes. [Laughter.] Why do you do it? Because you are not satisfied, and you say you do not believe the man knows the law, and you go on to a higher court, and from that to a higher court; and finally you get to the Supreme Court of the United States, and then you are not satisfied unless the judgment is in your favor, and you ask for a rehearing. You would do still more than that if you had any opportunity. [Laughter.]

No man can possibly have greater respect for the bench than I have. I believe the right kind of a judge will not be swerved from his honest opinions through fear of the recall, neither will he be influenced by political bureaus of any kind.

Gentlemen, I might talk on; I am so full of this subject that I could talk for an hour. Apropos of that I want to tell you a story. Out in Los Angeles we have a good many Chinamen, who ordinarily understand and speak English fairly well, but when brought into court can not do either, and always ask for an interpreter. A certain Chinaman was arrested for killing a dog, and brought to trial in a justice's court. During the trial the prosecuting attorney asked, "What time was this dog killed?" The Chinaman did not understand, and so the interpreter put a question to him that took about two minutes. The Chinaman gave an answer fully as long. The interpreter turned to the court and said, "Your honor, him say 3 o'clock." [Laughter.]

Now, I could talk for an hour or longer on this subject, but I would like to say "3 o'clock." I believe that unless you favor the majority report as put in by the committee you will do the committee and the country a great wrong, because the initiative and referendum and recall are coming sure, the recall of judges as well. [Loud applause.]

Mr. BURKE of Pennsylvania. Mr. Chairman——

The CHAIRMAN. Does the gentleman rise in opposition to the amendment?

Mr. BURKE of Pennsylvania. Mr. Chairman, I am in favor of the amendment, but in opposition to the argument of the gentleman from California [Mr. STEPHENS]. The instance which is cited by the gentleman from California, in which cases are removed by changes of venue, recalls to my mind one of the most striking arguments against the adoption of the provision for the recall of the judiciary that has been heard in this Chamber since this discussion began. The gentleman is incorrect in his assumption that the changes of venue are asked because of the prejudiced state of mind of the judge; but, on the contrary, where the demand is attributed in one case to the mental attitude of a judge, it is attributed in a thousand instances to the inflamed state of the public mind. [Applause.] That has been the history of nearly all such proceedings since our Government was founded. We have had instances of it in nearly every State in the Union.

Mr. RAKER. Mr. Chairman, is it not a fact that there are only five States in the Union that permit a transfer of a case on the ground of the bias and prejudice of a judge?

Mr. BURKE of Pennsylvania. If that is true, it only adds force to my argument, because of the fact that wise men framed the constitutions of the various States of this Republic. If so few of them expressly guard against it, it proves the evil of small proportions.

Mr. Chairman, during the closing of the general debate two very able gentlemen, leading the discussion for the adoption of this measure as reported by the committee, came from the State of Virginia, and in the closing sentences of one of those gentlemen, the chairman of the committee in charge of the measure, he suggested that certain steps might be taken by the gentleman from Pennsylvania—my colleague [Mr. OLMSTED]—with reference to conditions in our State.

In the course of his argument against the adoption of this measure as it now stands affecting the people of New Mexico, he stated that a great evil had been brought into existence by the people of that State in gerrymandering the Territory of New Mexico in such a manner as to prevent the people from amending their constitution that would guarantee them justice in the future. Mr. Chairman, I wish to suggest this to the people of New Mexico: They must follow one of two schools of politics; they must follow one of two political leaderships—that which brought the measure into the Sixty-first Congress or that which produced the measure before us for consideration now. The one before us now is fathered by the gentleman from Virginia [Mr. FLOOD], and he says in effect that because of the fact there was a gerrymander in the Territory of New Mexico, therefore that Territory is corporation ridden. Mr. Chairman, if a gerrymander is evidence of a control by corporations I want to suggest from the records of the Sixty-first Congress the most flagrant case of a violation of the spirit of the law which the gentleman complains of is found in the State from which the gentleman himself hails. The most vicious gerrymander that has come under the observation of the Congress of the United States in the last 10 years was perpetrated in the State of Virginia in 1908, and I will state the instance and cite the law. It is not so far back that the memory of every man in this House——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURKE of Pennsylvania. Mr. Chairman, I ask unanimous consent that my time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BURKE of Pennsylvania. Mr. Chairman, under the constitution of Virginia it is provided that apportionment shall be made as nearly as practical with an equal number of inhabitants in each district. Under the act of 1906 the fifth district of Virginia had a population of 175,000. The unit of population provided for in the general measure was 180,000.

Mr. BOOHER. Mr. Chairman, I make the point of order that the gentleman is not talking to the amendment.

Mr. BURKE of Pennsylvania. Mr. Chairman, I submit I am discussing the evils of a form of apportionment under the constitutions of the States in this Union, and I am citing the act of the legislature under the constitution of the State of Virginia in proof of my argument, and, if it is pertinent and virtuous, then I am in order; if it is vicious and impertinent, then I am out of order, and so is the State of Virginia.

The CHAIRMAN. The gentleman from Pennsylvania will proceed in order.

Mr. BURKE of Pennsylvania. Mr. Chairman, under the apportionment act of 1906 the fifth district of Virginia——

Mr. BOOHER. Mr. Chairman, I again make the point of order that the gentleman is not talking to the amendment.

Mr. BURKE of Pennsylvania. Mr. Chairman, I am speaking to the amendment.

Mr. BOOHER. The point of order is that there is nothing in this amendment concerning the apportionment of New Mexico or Virginia, or any other place. It touches only the recall of judges.

Mr. BURKE of Pennsylvania. Mr. Chairman, I am discussing the adoption of the constitution in the amended form proposed by the gentleman from Illinois.

The CHAIRMAN. It seems to the Chair if the point of order is insisted upon that the amendment before the committee relates wholly to the admission of Arizona.

And it seems to the Chair that if the point of order is insisted on the point will be sustained.

Mr. BURKE of Pennsylvania. Mr. Chairman, it would have been very easy for me to move to strike out the last word and take the time, but I do not wish to do that. My suggestion, Mr. Chairman, is this: That under that act this district had 275,000 inhabitants. Two years later——

Mr. BOOHER. Mr. Chairman, I again make the point of order.

Mr. BURKE of Pennsylvania. The gentleman will not save any time by it.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SHERLEY. Mr. Chairman, I move to strike out the last word. I do not desire to unnecessarily delay the committee, but if what I have to say is to be said at all, it will require more than five minutes. I therefore ask unanimous

consent to proceed for 15 minutes, but if the committee does not desire it, I shall not feel aggrieved.

Mr. CANNON. Is this upon the point of order?

Mr. SHERLEY. I am not speaking to a point of order. The gentleman from Pennsylvania [Mr. BURKE] has yielded the floor, and I have taken the floor in my own right.

Mr. CANNON. I was under a misapprehension. I did not understand that the gentleman from Pennsylvania had given up the floor.

Mr. SHERLEY. The gentleman is under a misapprehension.

Mr. BURKE of Pennsylvania. The Chair having ruled without having asked any discussion upon the point of order, I yielded the floor.

Mr. SHERLEY. I would like to have my request stated, Mr. Chairman.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to proceed for 15 minutes. Is there objection?

Mr. WEDEMEYER. Mr. Chairman, reserving the right to object, I will say that I will not object to this, but I will object hereafter to any extensions.

Mr. FERRIS. That statement coming from a gentleman on the other side, and there being a decided opinion on this proposition, I do not think it would be fair to yield 15 minutes to a gentleman on one side with a notice served that they would not give an equal time on the other side.

Mr. SHERLEY. Fifteen minutes have been used on the other side. I have not spoken during general debate. However, it is with the committee. I do not care to attempt to say in five minutes what can not be said in that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky? [After a pause.] The Chair hears none. The gentleman from Kentucky [Mr. SHERLEY] is recognized.

Mr. SHERLEY. Mr. Chairman, the amendment offered by the gentleman from Illinois goes to the crux of the debate that has engaged the attention of the committee for a week. I am one of those who believe that if the constitution of Arizona contained a provision twice as drastic and far-reaching as the one it does contain in regard to the recall of the judiciary that that would not be a sufficient reason for this Congress to deny it statehood. [Applause.] The requirement of the Constitution that the United States shall guarantee to every State in this Union a republican form of government is not neglected in the admission of Arizona. I hold a republican form of government to be one whose creation springs from and whose continuation must rest upon the consent of those subject to its dominion. Judged by this rule, the form of government created by the people of Arizona is republican. But while I believe this, yet there is no man upon the floor who has a more pronounced objection to the recall of the judiciary than I have, and because I desire to answer the very pertinent question of the gentleman from California as to why a judge should not be recalled as well as any other official, I have taken the floor and the time of the committee. It is sometimes worth while to consider the purpose of government as well as its form, and that purpose should be not simply to execute the will of a majority, but to safeguard to any and all citizens those rights that the experience of mankind has demonstrated as essential to the enjoyment of real liberty. It is true that all power comes from the people, but it is equally true that all people loving and possessing real liberty, and history, to my mind, points not a single exception, have seen the wisdom in their calm moments of so restricting themselves in the exercise of that power as to prevent hasty and unfair action in their excited moments.

Every limitation you have in a written constitution, the very purpose of a written constitution itself, testifies to the need of the people limiting and restricting their power. We are told that whenever we question their exercise of power that we distrust them. I reply that they themselves in their wisdom have mistrusted themselves. And I suggest this fundamental thought, that the test of a government, the test of the institutions of a government, comes in the crises of its life and not in ordinary peaceful times.

When the people of some State have stood in a crisis, with hunger staring the great majority in the face, when they have stood in the crisis of bankruptcy, with debts so heavy that it seemed impossible to pay them, and under that test have exercised the recall with wisdom, then I am willing to believe that the people need not restrain themselves.

The distinguished gentleman from New York [Mr. LITTLETON] in his eloquent speech this morning said that, unfortunately, he could cite no history in justification of his view, because no nation had seen fit practically to exercise the recall of judges. It so happens that in my own State of Kentucky this issue, in its essence, was fought out amid the searching times and trying scenes of State bankruptcy, when the debtor class outnumbered the creditor class two to one; and the history of that fight, the history of the experience of those people, may well serve as a warning to the people of America against undertaking to make the judiciary by recall answerable to a majority.

But before I read that history let me say this to the House: The reason why the judge is not in the same attitude toward the public as other officials are is because by the very virtue of his office he is frequently the shield, and the only shield, of the minority of the community. You can test and judge the civilization of a people by the rights that are reserved by them to a minority, no matter how small it may be; and the mere numerical strength of a people can never give them a right, according to all the theories of American government, to take away certain rights of the individual.

Not only is that a reason, and to my mind a fundamental reason, but the judiciary is also charged with the high and important function of determining when the executive and legislative branches exceed their proper functions, and this right and duty is the highest contribution of the great statesmen of the Revolution to the science of government. It is the very capstone of the Constitution, without which all guaranties of the Constitution must be in danger whenever passion sways the body of the people. In that sense it is not the equal, but the superior of the other two branches, and to make it answerable to the people by a recall—for it is now truly answerable to the sober judgment of the people—to make it answerable to the temporary judgment of the people is to destroy absolutely the function that it is called upon to exercise, that function of judgment, and not simply of execution, of the majority will.

Now to refer to the bit of history: Kentucky chartered, during the years from 1817 to 1828, innumerable banks of issue, and through them was undertaken the old scheme of creating wealth by legislation instead of by labor. These banks issued bank notes and allowed credit without any regard to the property and the value that underlay the notes or the persons applying for credit. There came pay day, as there always will come pay day, and the people of that State awoke to find themselves bankrupt. What did they do? The debtors were in the majority. They elected men to the legislature who reflected their viewpoint, and the legislature passed replevin laws and execution laws, undertaking to prevent the collection of debts. Then what happened? The courts of the State of Kentucky declared those laws unconstitutional. And then what happened? The logic of events is wonderfully impressive. Why, this same majority that was represented by the legislature and that caused it to pass laws to relieve men of the payment of their debts undertook to remove the judges. Under the constitution, as it then existed, there lay a power of address to the governor, an address by two-thirds of the houses, for the removal of a judge. The repudiators controlled the majority of the legislature, but they could not get the two-thirds necessary to remove those judges by address. So they proceeded to abolish the court and with it the judges who had declared unconstitutional the laws that undertook to enable men to get out of the payment of their just debts. The court declined to be abolished, and held the act abolishing them and creating a new court of appeals unconstitutional; and there was thus presented the spectacle in the State of Kentucky of two courts of last resort.

The politics of that day resolved itself into a fight between the old court and the new court. In the meanwhile men were leaving Kentucky as if it were a place of pestilence. For every man who came into this then border State there were more than four going out of it. Everyone was in debt, everything was gloomy and forlorn.

But finally the people awoke to the realization that no community can ever sustain itself by repudiation of its honest debts. They upheld the old court party, they elected a legislature that repealed all the laws that had been passed by the new court party undertaking to change the judiciary, and the new court passed out of existence, and to-day its decisions are treated as a nullity.

I would like, if my brief time permitted, to further recite the history of this period to show the passion and animosity of a portion of the people inflamed by demagogic leaders against the judges whose only offenses were refusals to uphold laws making unnecessary the payment of just debts. But I can only hope that you will read the history of those 10 years of stirring times in the State of Kentucky, read the admirable summary in Sumner's Life of Jackson, and answer me, How long would a judge have sat upon the bench if there had been the power to recall him in those days when men's passion and their debts were controlling their reason and their judgment? [Applause.]

Those judges would have been recalled overnight, and the State of Kentucky would have been plunged into the mire of repudiation, and her history, glorious as it is, would have been checked for a generation. Any man here, in his calm, quiet moments, could properly arm himself without danger to society; but there is no man here of sense and intelligence but would refuse to carry a pistol, not because of the fear of himself during his calm moments, but because of the fear of himself under excitement and provocation. So the people in their calm moments would not abuse the right of recall. But the test of a people is in the crises of State and national life, even as the tests of men are in the personal crises of their lives. The times that try men's souls are the times that must determine the fitness of the recall. Under that test I say to you that the people may well keep from themselves that power for hasty, ill-conceived action, that will always carry with it the execution, not of the people's real will, but simply the immediate execution of the passions of the people.

The gentleman from Massachusetts [Mr. MCCALL] well called attention to the history of England. Englishmen began to have real liberty when they obtained a judiciary that was free and independent. The persecution of the British subjects came when the Crown had the right to recall the judiciary, and when the judge who did not do as the Crown desired lost his official position and usually lost with it his head, and a judge was put in his place who would be subservient. That is what the recall meant then. Under modern government it means that the temporary passions of the people may have expression rather than their sober judgment.

Mr. FERRIS. I wanted to interrupt the gentleman from Massachusetts when he made his comparison, but I hesitated to do so, and so I heard him through. Does the gentleman from Kentucky think it is fair to compare the recall of judges by the Crown with the recall of judges by the people?

Mr. SHERLEY. I answer the gentleman by saying that a good king——

Mr. FERRIS. There is none.

Mr. SHERLEY. I agree with the idea of the gentleman that underlies his answer, that society can not afford to put its government in the hands of any one man; and yet, using the term as it properly can be used, and not subject to any legitimate exception, a good king would not wrongly use such power. A people in their calmness will not wrongly use such power; but I say to you that the history of the world has shown that the people, like the individuals who compose the mass, under stress of excitement will do temporary wrong, wrong that they will regret as much as anyone in the world; and the whole purpose of government, the whole reason for every constitution that has ever been written, has been to give the people an opportunity to pause. Otherwise why the limitations? Why do you have the limitation that no one shall "be deprived of life, liberty, or property without due process of law"? Why any of the other amendments to the Constitution? If the people can under all circumstances always be relied upon to do the right thing, of what need is a constitution? Why, we spend half our time here determining not only what we ought to do, but what under the sovereign law of the Nation we can do. What a mistake, what a travesty it all is, if always the people can trust themselves. [Applause.]

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. LENROOT. Mr. Chairman, I have not thus far participated in this debate, and at this time I shall only make two observations. The first is that if the people of Arizona can not be trusted to determine this question of the recall of judges *for themselves*, they are not capable of self-government at all [applause], and ought not to be admitted into this Union. If they can not be trusted to determine that question, then they can not be trusted to determine any other question in their constitution. [Applause.]

Second, it has been said a great many times on this floor during this debate that the accountability of judges to the people by way of recall is something entirely new in government, an innovation in governmental affairs.

Mr. Chairman, I wish to read, for I do not believe it has been read on this floor in this debate, two sections from the constitution of the staid, old, conservative State of Massachusetts. Their constitution was adopted in 1780, and, so far as these provisions are concerned, they still remain in it and a part of the declaration of rights. The fifth section of the declaration reads as follows:

All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive, judicial, are their substitutes and agents and are at all times accountable to them.

Section 8 reads as follows:

In order to prevent those who are vested with authority from becoming oppressors, the people have a right, at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life, and to fill up vacant places by certain and regular elections and appointments.

Now, Mr. Chairman, the question of recall of judges is a debatable one. For myself, I should be unwilling to have the recall apply to the judges with the same facility, with the same low percentage, that I would see it applied to other officials of the Government.

But, Mr. Chairman, that is not a question for this Congress to decide; it is a question for the people of each State to decide for themselves. [Applause.]

Mr. Chairman, in listening to the very eloquent speech of the gentleman from New York [Mr. LITTLETON] to-day, and especially his peroration where he compared the people exercising the recall to the mob who crucified the Saviour, I felt that I should be sorry indeed to have anyone believe that the people of my congressional district or any other in settling such questions as this would act as a mob. So far as the people are concerned they are as intelligent, as patriotic, as law-abiding as any Member of this House. There is a distinction, Mr. Chairman, as wide as the wideness of the sea between the action of the mob and the action of the people of a State or a congressional district expressing their will in an orderly way under the provisions of law, going to the polls and registering their will as to the kind of government they shall have, and who shall represent them, whether it be with reference to judicial, administrative, or legislative officials.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Mr. Chairman, I did not intend to say a word during this debate. I have listened with much pleasure and something of profit to the debate on the pending bill. I shall not address myself in the five minutes I have to the initiative and referendum. I shall vote for the proposed amendment offered by the gentleman from Illinois [Mr. MANN].

It is a little trite, perhaps, and yet a matter not fully understood by many people, that ours is not a direct democracy, but is a representative government, controlled by the people through the ballot at frequent elections held under the law. I see no danger to the public welfare in keeping it a representative government. No State, I believe, elects a governor for a longer term than four years. The popular body of the respective State legislatures is usually elected for two years and the senate for four years. One-third of the Senate of the United States goes out of office every two years, and the body changes completely in six years, as provided under the Constitution and the laws. The House of Representatives of the United States changes every two years. I do not believe it would be politic to have a recall for Members of Congress or members of the State legislatures or for governors or judges. If there be misdemeanor or crime upon the part of the individual Representative or Senator, there can be an expulsion, and if he commit a crime he is subject to the penalty of the law, the same as other citizens.

If the sound popular sentiment, or sometimes the unsound popular sentiment, of a district or State demands that a new Representative or Senator should be chosen, the people speak by a majority at the ballot box. Then there may be impeachment of judges and impeachment of officials, as provided in the Constitution of the United States and by the constitutions of the several States.

The question, however, that comes directly to us in the consideration of this bill is whether we shall approve the constitution of Arizona, which provides for the recall of judges on the demand of one-fourth of the voters of the proposed State. As to New Mexico, I will content myself merely with saying that I believe New Mexico should be admitted, and that within the past three months the House of Representatives unanimously so decided. But here is a bill that practically provides that New Mexico shall be kept out until Arizona comes in. That is the real question. You propose practically that Arizona shall come in with the recall of judges of the courts in her constitution. The Constitution of the United States provides that the United States shall guarantee to every State a government republican in form. I take it that means also in substance as well as in form.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for 10 minutes.

The CHAIRMAN. Is there objection?

Mr. FLOOD of Virginia. Mr. Chairman, I shall not object, but I desire to say that while I am not going to object to any extension of time for the distinguished gentleman from Illinois, we have had seven days of debate on this amendment, and

hereafter I shall object to any extension of time upon the part of anyone.

The CHAIRMAN. The Chair hears no objection, and the gentleman is recognized for 10 minutes.

Mr. CANNON. Mr. Chairman, gentlemen have said on both sides of the House that when a State is once in the Union it can adopt any kind of an amendment to its constitution that it may desire, including a provision for the recall of judges. I respectfully dissent from that proposition.

Mr. HAMILTON of Michigan. So long as it is not unrepublican in form.

Mr. CANNON. What is "republican in form"? In my judgment a constitution or law of a State that provides for a direct government by a democracy as against a representative government by the people is not a "republican government in form." Some years ago we admitted the State of Utah with a solemn statement in the enabling act that Utah never should amend her constitution so as to legalize polygamy. Now, then, how would you enforce such a contract? If Utah can not amend her constitution legalizing polygamy, Idaho and Wyoming or any other State, and Arizona and New Mexico, if they are admitted as States, can not change their constitutions by adopting an amendment legalizing polygamy. Is there any Member of this House that will rise in his place and say that the United States is powerless, in the event any State should amend its constitution legalizing polygamy, to nullify that constitution by virtue of the constitutional power in the United States to guarantee each State a government republican in form? I pause for an answer. No man disputes the power of the United States in the premises. I may go further and say it is the duty of the United States in such case to enforce the guaranty of the Constitution of the United States. Let me put another case which perhaps you will say is an extreme case. If any State should provide that the governor should hold his office for life and that his oldest son or daughter should succeed him for life, would the United States be powerless to nullify that amended constitution?

Mr. GRAHAM. Will the gentleman yield?

Mr. CANNON. I only have 10 minutes. No man would question the right of the United States to exercise the power and the propriety of its exercising the power to nullify that amended constitution. The courts of the United States and the courts of the respective States construe the law and apply it to each case so as to protect each citizen in his liberty, his life, and his property. They should perform their function without fear, favor, or affection. If the judge is corrupt, he is subject to impeachment and removal from office. The judge should be, and usually is, able and courageous, and be it said to the credit of the judiciary they have both of these qualities, and these qualities are essential for the protection of all the people under all conditions, from the mob on the one hand and the plutocrat on the other.

To the Member from California [Mr. STEPHENS], who proclaims himself as one of "the plain people," I will say that he and every other man who belongs to the plain people—and I am tolerably plain myself—is more interested in preserving the integrity, the manhood, and the courage of the judiciary than those who have great fortunes. [Applause.] Therefore I am going to vote against this bill, for the reason that it places it expressly within the power of Arizona to adopt a constitution with a provision for a recall of judges, and that, too, on the petition of one-fourth of the voters of the State or district. [Applause.]

Mr. RAKER. Will the gentleman yield?

Mr. CANNON. I would prefer not, unless I can have additional time.

Mr. Speaker, the judge should not be subject to the threat of the strong or the cry of the mob armed with the bludgeon, called the recall, to avoid which he must make the will of one or the other the judgment of the court.

The courts in the history of the Republic have performed their functions in harmony with the law and the Constitution. Allow me to give you an instance of great importance.

In the settlement of the country across the continent transportation of persons and products became a necessity. The cry was for the construction of railways. To secure the same nearly all the States, by legislation, gave 99-year charters—many of them perpetual charters—to railway corporations, with full power to fix the charges for transportation of persons and products.

The rates fixed by the railways in many instances were exorbitant. It was claimed that the railways, by virtue of the franchise, had a vested right to fix the charge. It was conceded generally by the lawyers, harking back to the Dartmouth College case and a long line of precedents, that the claim of the railways was valid.

But when the case was presented to the courts they held that while the railways were private property, they were also public utilities, and that their charge for service must be reasonable.

I am not afraid of the courts. But, gentlemen, if I were to discuss this matter from a political standpoint—which I am not doing now—I would say that I wish the House of Representatives were elected once in four years. I wish the President were elected once in eight years, because, looking in your faces and casting my glance inward—and I am not saying that I am better than you or much worse than you—you know that when you go back to your close districts every two years you find that not only corporations, but men who proclaim themselves the friends of the plain people, are good for more votes, or claim to be, in your districts than you like to acknowledge, and they put you under a threat that they will bring their organization, whatever it may be, religious or secular, to the defeat of Members that do not take orders. You may say a man who would take orders from anyone is not worthy to hold a seat here. Oh, gentlemen, the human animal is a practical animal, and when somebody is making war on a Member of Congress out in his district, first for the nomination, then for an election, there is a temptation to respond to the demand that is made. When some wild-eyed sand-lotter in former years in San Francisco was carrying on a great movement against immigration, not only to restrict, but to entirely exclude, I have seen some California Representatives turn double somersaults in order to respond to a temporary demand. [Applause and laughter.] Of course, my friend from California [Mr. STEPHENS] has no feeling of that kind. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLOOD of Virginia. Mr. Chairman, I move that the debate on the paragraph and all amendments thereto be closed in 15 minutes.

The CHAIRMAN. The gentleman from Virginia [Mr. FLOOD] moves the debate on this paragraph and all amendments thereto close in 15 minutes.

The motion was agreed to.

Mr. KONIG. Mr. Chairman, I move to strike out the last word in the amendment. I will not make any apology for violating the much-violated custom of this House prohibiting new Members from speaking during the first session of Congress which they attend, but being deeply interested in the question now before this committee, namely, the admission into the Union of New Mexico and Arizona, I must give my views on the subject. These Territories come to us with constitutions embodying matters which, if I were asked and had the power to insert in the constitution of the ancient and honorable State of Maryland, I would refuse to do it. But, Mr. Chairman, Arizona, in making its constitution, did not make it to govern Massachusetts or Connecticut. It drafted it with one purpose, and one purpose only, namely, to govern the people of the Territory of Arizona. If they have made a mistake, they will soon discover it and correct it, and, anyway, my friends, it is Arizona's funeral, not ours. The friends of the recall tell us that there is no danger in a recall, because the people can always be trusted. Firm believer that I am in the people, knowing after sound and sober second thought that the people will come to a right conclusion, yet I believe that in particular cases they often can and do go wrong. Like the individual who places his belongings in some secure place, where he can not reach them to satisfy every passing passion and fancy, I believe that the public should place checks on itself so that it may not be carried away with every fancy of the hour.

I suppose I shall vote wrong while I am in Congress. I presume that a good many of you gentlemen have voted wrong. And, after all, who are the people but Tom Jones and Bill Brown and you and me, my friends? That being so, if we have voted wrong, why can not the people in the several States of this Union vote wrong? It is a well-known fact that the statesman gives the people what they ought to have; the politician gives them what they want. Look out, therefore, my friends, lest ye make a politician out of the judge.

My conception of the thing is that a judge should be a judge of the law and the facts, and nothing else. We should put him as far above the clamoring mob as we put him above the purchasing power of the capitalist. As I said before, the people are ofttimes wrong, and the best illustration I can give of that is the last national election. In that election the people of the great Commonwealth of Pennsylvania voted to uphold and maintain the Payne-Aldrich tariff law, and it was a majority of the people of Pennsylvania that voted for the law as it now

stands, while the people of the great Empire State of New York voted to repudiate, to strike out forever and a day after, that same Payne-Aldrich tariff law, and that was the great majority of the people of the Empire State. One or the other was wrong, and whichever was wrong, it was a majority. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Minnesota [Mr. LINDBERGH] is recognized.

Mr. LINDBERGH. Mr. Chairman——

Mr. KONIG. If the gentleman is looking for something about the principles laid down by the late Republican leader, Theodore Roosevelt, on the question whether marriage was a failure, race suicide, or the broken promises of the Republican Party, I will answer him; otherwise my time is too precious. I shall vote, Mr. Chairman, for the admission of both New Mexico and Arizona. [Applause and laughter on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Minnesota is recognized. The gentleman from Maryland will come to order. The committee will be in order. The gentleman from Minnesota will proceed.

Mr. LINDBERGH. Mr. Chairman, during the discussions in this debate, if one were to give full credit to many of the speakers, it could be easily inferred that the courts of this country are crowded with judges who would be intimidated if we had the law of recall. There can be no other inference from some of the remarks made, and the same speakers seem to consider the people in the light of a mob.

The assumption that judges are moral cowards that would violate the oaths of office is not justified; neither is there justification in assuming that the people exercising the right of recall would do so in the spirit of a mob.

It might be wise to provide that the recall of judges, more than other officials, should be surrounded with longer time for public deliberation before the recall was actually made, but that would be a question for the people in their good judgment. That is a matter of detail not going to the question of the policy of recall.

The whole question is one of whether the people shall be brought in closer relation with the actual administration of the Government.

There is a difference between a government limited as by the Federal Constitution and a people's or popular government run by popular choice. I make that distinction in order that my few statements may not be misunderstood.

The United States is not, within strict interpretation, a people's or popular government, but is a constitutional government. The United States may be said to be governed by the people except where the Constitution represses. That instrument does limit the majority. It makes no difference that originally the people, through their servants, framed the Constitution. Those who did that have long since gone and are no longer the people. They left posterity an instrument that limits in several respects the privilege of majority rule.

The only time that this country was in a position to be governed by the people was the period of 12 years between the Declaration of Independence and the adoption of the Constitution. Since that time it clearly appears, by interpretation of the courts enforced by judicial decrees, that the people are not entirely in possession nor control of their own Government. In one respect it would require unanimous consent, or practically so, to change the Constitution. For instance:

> No State, without its consent, shall be deprived of its equal suffrage in the Senate.

The State of New York, with near 10,000,000 people, has no greater representation in the Senate than the State of Nevada, with a population of 81,000; that is, one person in Nevada has a representation in the Senate equal to 123 in New York. Even if all the other States should decide by unanimous vote that each State should have a representation in the Senate in proportion to population, such a decision could be nullified by a majority of the State of Nevada. There would be no way to overcome that except by revolution. There are many cases in which the Constitution prevents the people by majority to rule, the most conspicuous being the manner required to amend the Constitution itself.

The Constitution is a great instrument, and has been looked upon as evidence of the profound wisdom of its authors. The good faith and great foresight of its founders is not questioned. It must not be overlooked, however, that the Constitution was a compromise. Some of its provisions were placed there to meet certain emergencies existent at the time of its adoption, and not because in themselves they were preferred. In fact, they were, some of them, most strenuously opposed. The colonies were weak and had to compromise their differences, resulting in some provisions that have later repressed the people.

I have no sympathy with all this talk about the sacredness of old instruments of government, regardless of their fitness for this generation and the future. We can not progress and at the same time follow cumbersome old forms that really block progress. All rules made in the past that are suited, let us keep as long as experience shows them suited to present necessities, but whenever experience shows the need of change, let no fetish reverence for the past methods repress the present and future necessities.

My respect for government rests primarily in the ability of the people to conduct it. Succeeding generations should be better able to master the problem of their own than the people of earlier generations could do it for them. Each generation should conduct the affairs of its own times, and when a majority rules that can be done. So much of the past as is worth while would naturally be adopted. Now, since we have our growth principally in our native born, I do not believe we should be tied up with constitutional limitations that will prevent a majority from changing the Constitution and making such laws and regulations as shall seem best.

We can imagine wrongs that a majority could, if it would, do to a minority, but I am not with those who anticipate that the majority will be less just than a minority. We suppose this to be a government by the people, and I am willing to trust it as such. My votes, so far as I am able to cast them, will give the fullest credit to that purpose.

The objection that is pressed the hardest by some to the proposed constitution of Arizona is the provision for the recall of judges. Some have worked up their imaginations to the extent of believing that excitements might and probably would sometime arise and carry in their waves the recall of judges. It is believed by them that the people would go through all the forms required for the recall of judges who had decided cases in accordance with law. Those who carry prejudices of that nature are more considerate of the individual than of the public. Even suppose it happened several times in a century, which is not likely, the fact of the recall would not reverse the cases. They would stand as they had been decided. If the decisions were wrong, the recall would not be wholly unmerited. As things are now a judge can not be removed except by impeachment, which, except under the most extraordinary circumstances, is impractical.

It is well known that with responsibility comes caution. The recall would make people cautious in the exercise of the right. The very fact that we had the law of the recall would create a steadiness of purpose and feeling of responsibility in the people that would far outweigh indiscretions that might possibly occur.

It is odd that those who oppose the purposes of securing the nearest we can to popular government should assume mistakes by the people, while they give no excuse for the innumerable mistakes of the courts. I refer you to the findings of the courts for the most contradictory decisions imaginable. In nearly all of several thousand volumes of reports of decisions in this country, you will, on examination, find that the courts have overruled, reversed, and revised the decisions of judges so often that no one can say what the law is. Everyone is presumed to know the law and yet no one does know the law.

The legal procedure would not be more simplified by the recall, but it would impress judges with the fact that they should consider the side of the public with as much care as they do the side of the individual. There is an old saying that what is everybody's business is nobody's business, and it seems that in the interpretation of constitutions and statutes it has often been nobody's business to keep the interpretation consistent with a common national purpose. The judges should keep a little closer to the people, and with the law of recall it is quite likely they will—not that they should be unfair to individuals, for that would not be serving the public's best interest. The public is most interested in keeping private rights consistent. The public is most interested in preserving private rights—for the public is merely an aggregation of individuals—but the public is opposed to special favors to individuals.

I do not, of course, think it practicable for the public in general to enter into all the intricacies of the law; but the people are fair and will treat those whom they trust with that duty with great consideration and respect, and the law of recall will furnish a moral influence that will be of inestimable value to the common interests of the country.

Whenever we generally establish laws for the initiative, the referendum, and the recall to apply to all matters that pertain to the public interest, in connection with the administration of the affairs of the people in common, we shall find the responsibility accepted and dealt with by the public in such manner as will make it much easier for public officials to do their duty

unincumbered by the influence of special interests. Get the great office-holding body of this country to understand that they owe their places to the public, that instead of being interested in the public just before each election they are to be interested all the time, and it will make everybody independent to do what seems best.

Mr. FLOOD of Virginia. Mr. Chairman, I hope this amendment will be voted down. It represents the views of the minority of the Committee on Territories. It leaves the initiative and referendum untouched in the Arizona constitution. It leaves the recall of all officers, except judges, untouched. Its real purpose is to keep Arizona out of the Union. It proposes to submit to the people of Arizona an amendment to be voted on, but these gentlemen tell them exactly how they must vote. Unless they vote as they say, they shall not come into this Union. It is unfair and unjust. The real purpose is to deny statehood to Arizona, and I hope every gentleman here will vote against it. [Applause.]

I ask for a vote, Mr. Chairman. [Applause.]

The CHAIRMAN. If there be no objection, the pro forma amendment will be withdrawn. The question recurs upon the amendment proposed by the gentleman from Illinois [Mr. MANN].

The question being taken, on a division (demanded by Mr. MANN) there were—ayes 50, noes 142.

Accordingly the amendment was rejected.

The Clerk read as follows:

That the Territories of New Mexico and Arizona are hereby admitted into the Union upon an equal footing with the original States, in accordance with the terms of the enabling act approved June 20, 1910, upon the terms and conditions hereinafter set forth. The admission herein provided for shall take effect upon the proclamation of the President of the United States, when the conditions explicitly set forth in this joint resolution shall have been complied with, which proclamation shall issue at the earliest practicable time after the results of the election herein provided for shall have been certified to the President, and also after evidence shall have been submitted to him of the compliance with the terms and conditions of this resolution.

The President is authorized and directed to certify the adoption of this resolution to the governor of each Territory as soon as practicable after the adoption hereof, and each of said governors shall issue his proclamation for the holding of the first general election as provided for in the constitutions, respectively, heretofore adopted by each Territory, and for the submission to a vote of the electors of said Territories of the amendments of the constitutions of said proposed States, respectively, herein set forth in accordance with the terms and conditions of this joint resolution. The results of said elections shall be certified to the President by the governor of each of said Territories; and if the terms and conditions of this joint resolution shall have been complied with, the proclamation shall immediately issue by the President announcing the result of said elections so ascertained, and upon the issuance of said proclamation the proposed State or States so complying shall be deemed admitted by Congress into the Union upon an equal footing with the other States.

Mr. FLOOD of Virginia. Mr. Chairman, I offer the following amendment.

Mr. MANN. I will suggest to the gentleman that this is not the proper time to offer it.

The CHAIRMAN. The Chair will state to the gentleman from Virginia that, as heretofore stated by the Chair in response to a parliamentary inquiry, the substitute will be treated as one entire amendment, and amendments will not be in order until the Clerk shall have completed the reading of the substitute.

The Clerk resumed and completed the reading of the substitute.

Mr. FLOOD of Virginia. Mr. Chairman, I offer the amendment which I send to the Clerk's desk. This is a committee amendment, and there are two other committee amendments, one to be offered by the gentleman from Colorado [Mr. MARTIN] and the other by the gentleman from Tennessee [Mr. HOUSTON].

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 3, line 23, after the words "in the," strike out the words "constitution, respectively, heretofore adopted by each Territory," and insert in lieu thereof the words "constitution of New Mexico heretofore adopted and the election ordinance No. 2 adopted by the constitutional convention of Arizona, respectively," so as to make the clause read:

"The President is authorized and directed to certify the adoption of this resolution to the governor of each Territory as soon as practicable after the adoption hereof, and each of said governors shall issue his proclamation for the holding of the first general election as provided for in the constitution of New Mexico heretofore adopted and the election ordinance No. 2 adopted by the constitutional convention of Arizona, respectively, and for the submission to a vote of the electors of said Territories of the amendments of the constitutions of said proposed States, respectively, herein set forth in accordance with the terms and conditions of this joint resolution. The results of said elections shall be certified to the President by the governor of each of said Territories; and if the terms and conditions of this joint resolution shall have been complied with, the proclamation shall immediately issue by the President announcing the result of said elections so ascertained, and upon the issuance of said proclamation the proposed State or States so complying shall be deemed admitted by Congress into the Union upon an equal footing with the other States."

The CHAIRMAN. The question is on the amendment.

Mr. FLOOD of Virginia. Mr. Chairman, the purpose of this amendment is to make this joint resolution conform to the facts. In New Mexico the provision was made in the constitution. In Arizona it was made in an ordinance known as ordinance No. 2. When the resolution was framed by the committee, we did not observe that there was that difference in these two constitutions. We want to make the resolution conform to what took place in New Mexico, and also to what took place in Arizona.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. FLOOD].

The question being taken, the amendment was agreed to.

Mr. HOUSTON. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

On page 5, line 11, after the word "Spanish," insert the words "when newspapers in both of said languages are published in said counties."

Mr. HOUSTON. Mr. Chairman, the object of this amendment is that if there happens to be no newspaper published in both languages there would be no need of it.

Mr. BUCHANAN. Mr. Chairman, I move to strike out the last word.

Mr. MANN. Mr. Chairman, a motion to strike out the last word is not in order, it being an amendment in the third degree.

The CHAIRMAN. An amendment to strike out the last word would be in the third degree, and under the rule would not be in order. The gentleman will be recognized in favor or against the amendment.

Mr. BUCHANAN. Mr. Chairman, I have no apology to make for being a new Member and addressing the House. First, I believe a new Member has the same right to the floor as the older Members, and, secondly, I wish to state that it is not through choice that I am a new Member, for I made two previous efforts that were unsuccessful. [Laughter.] In regard to the question before the House at this time, I wish to say in reply to the gentlemen on both sides of the House who oppose the initiative, referendum, and recall, and who evidently fear leaving the Government in the hands of the people, I probably have been in a position to know as well, if not better, what the sentiments of the people of this country are than most any other Member of the House. I have within the last 12 months worked at my trade and otherwise associated with the intelligent workingmen, who have been discussing judges and the decisions they have rendered, and have come to the conclusion that if there is any official there is more need of the people having the power to recall than another it is the judge.

I wish to insert here an editorial written by Louis F. Post, the editor of the Public, one of the ablest and most fearless writers on the question of the initiative, referendum, and recall. This expresses my position on the question:

If the recall may properly apply to legislative representatives, who make laws, and to administrative representatives, who execute laws, by what process of reasoning shall we conclude that it must not apply to judicial representatives, who nullify laws?

President Taft is opposed to this application of the recall, but he gives no reason for distinguishing it from legislative or administrative applications, and the inference from his record and toryistic cast of mind is that he doesn't wish to. Being against the recall in every application, he merely submits for the moment to overwhelming public opinion in respect of its other applications in order the more efficiently to resist its application to judges, a use of it which has but recently come under discussion. Lacking those gymnastic mental qualities that permit his agile predecessor to advocate the recall of judges for California while opposing it for Arizona, President Taft takes positive ground against it as a principle for all places.

That it would deprive judges of dignity is one of his objections. This objection would have applied to abolishing the King's veto, which, as Mr. Asquith says, is now "as dead as Queen Anne"; and it is a very appropriate objection for the additional reason that autocratic prerogatives of aforetime British kings are asserted by the American judiciary. Not alone do our judges veto laws; through their equity jurisdiction they make laws. It is for this double power, as well as the dignity of judges, that Mr. Taft contends in his denunciation of the recall for judges. Like the great privileged interests whom he most directly represents, he finds that privilege can endure the initiative and the referendum, which affect legislation alone, and a recall that would affect administrators and legislators only, provided the judiciary remains untrammeled in its power over both administration and legislation.

Gov. Wilson, however, is not to be counted among those who oppose the judicial recall from toryistic motives. This exception is allowed not because Gov. Wilson is a Democrat, nor because he seems to be democratic, nor because, unlike Mr. Taft, he has come out for people's power in respect of such electoral mechanism as direct primaries, direct election of Senators, the initiative and referendum and the recall except for judges. From an opponent once of the initiative and referendum, Gov. Wilson has come to be one of its most effective advocates, and for right reasons. When opposing it as an author several years ago, he had not grasped the point that the initiative and referendum is not a substitute, but a palladium, for representative government. Believing now with all the rest of us who advocate the initiative and referendum, that when this reform is once in full opera-

tion it will be seldom used—probably never except on great and burning fundamental issues—because legislatures will then be as keen to represent the people as they now are to represent marauding interests, Gov. Wilson frankly declares his change of opinion. But what he does not yet appear to see is that the reason for the recall for judges is the same as the reason for its application to other representatives of the people. Indeed, he has distinctly put his objection on the ground that judges are not lawmakers, but only apply the law to individual cases. If judges did determine only individual disputes, Gov. Wilson's opposition would be quite unobjectionable. But our judges have built up a judicial system under which they exercise the kingly power of making laws at their own will by decree, of repealing statutes as unconstitutional, and of controlling administrative authority. Not as administrators of justice in private quarrels, then, is it that judges must be subjected to the recall, but because they have usurped legislative power, administrative power, and people's power in respect of the laws of the land. As in Great Britain, the King's lawmaking decree and his lawbreaking veto are as dead as Queen Anne, so must it be in this country with the judicial usurpation of making law and breaking law. When that is done, no recall for judges will be needed; until it is done, the recall of judges will be as necessary, logically and in fact, for the defense of democracy against plutocracy as any other application of the recall.

An impartial administration of justice is about all there is to a free government. It is the just administration of the law that holds the community together. It is the courts that all must go to for the protection of their liberty, person, and reputation.

The judicial department is a department in which the people are more concerned than in any other. It is the department which comes home to them and deals with them in all the relations of life, from their birth to their death, and with their heirs and estates after death.

Abraham Lincoln said, in a speech at Cincinnati, September 17, 1859:

The people of these United States are the rightful masters of both congresses and courts; not to overthrow the Constitution, but to overthrow the men who pervert the Constitution.

What would that great emancipator say if he lived at this age and witnessed the judges perverting the Constitution, as in the case of the income-tax law, where the verdict was rendered by one judge turning a double somersault overnight and reversing himself, and other judges rendering injunctions prohibiting the workingman from exercising his constitutional rights—freedom of speech and of the press—to please big business interests and industrial pirates? That great commoner would have raised his voice in protest against such methods of forcing industrial slavery.

Thomas Jefferson said:

The germ of dissolution of our Federal Government is in the judiciary, an irresponsible body working like gravity day by day and by night, gaining a little to-day, and gaining a little to-morrow, and advancing its noiseless step like a thief over the fields of jurisdiction until all shall be usurped.

And again he said:

If we ever lose our liberties, it will be through the action of our Federal judiciary, who, with a life tenure of office, will feel themselves the law and construe away the dearest rights of the people.

It is my opinion that if a revolution occurs in this country in the future (which I hope will never be necessary to protect the people's rights) it will be due to the arbitrary usurpation of power by the judges.

In an article written by Hon. Henry Clay Caldwell, former United States circuit judge, presiding judge of the United States circuit court of appeals for the eighth circuit, he said:

It is an interesting historical fact that despotic power and official oppression received its first check in the Colonies at the hands of a New York jury. The blow was a staggering one. It was the entering wedge to freedom, which later was driven home. William Crosby was the governor of New York in 1734. In the administration of his office he was unscrupulous, avaricious, and arbitrary. The New York Journal, a paper established to defend the cause of liberty against arbitrary power, exposed his official corruption and oppression. For this its publisher, John Peter Zenger—may his tribe increase—was thrown into prison and a criminal information filed against him by the attorney general for libeling the governor and other colonial officers. History tells us the case excited intense interest, not in New York only, but in other Colonies, for it involved the vital issue of the liberty of speech and of the press, without which the people of the Colony could not hope to be free. The case was brought on for trial before Chief Justice De Lancey, whose first act was to disbar Zenger's counsel for questioning the validity of the judge's commission. Zenger's friends then sent to Philadelphia for Andrew Hamilton, one of the foremost lawyers of his time, who came on to New York to defend him. Zenger entered a plea of not guilty, admitted the publication of the alleged libel, and justified it by asserting its truth. A jury was impaneled to try the case. The chief justice refused to permit the defendant to prove the truth of the publication and charged the jury that it was libelous, and that it was their duty to return a verdict of guilty. The jury retired and soon returned with a verdict of not guilty. The verdict electrified the country. Gouverneur Morris, one of the ablest and most sagacious statesmen of the Revolutionary period, dated American liberty not from the Stamp Act of 1765, nor yet from the "Boston Tea Party," but from the verdict of the jury in Zenger's case.

The rendition of this verdict constituted the immortalizing moment of those men's lives and is the richest heritage of their descendants. If the names of these 12 patriots were at hand, they would appear here. Their names should go down in history with the foremost patriots of the Revolution. This historic incident would not be complete without adding that the people bore Zenger's lawyer, Hamilton, out of the court room on their shoulders and that the common council of New York gave him the freedom of the city in a gold box for his gratuitous services in defense of the rights of mankind and the liberty of the press.

The jury's verdict in the above case was clearly a verdict of the great masses of the people, because it was a popular verdict, and the people can always be trusted to render just and wise verdicts. The framers of the Declaration of Independence proclaimed that one of their chief grievances was that they were denied their right of trial by jury, and the judges of to-day are invading guaranteed rights by usurping power, issuing injunctions in conflict with the Constitution, and rendering unjust decisions, thereby denying the poor men their right of trial by jury and permitting industrial highbinders to exploit the wage-workers.

I have had a wide acquaintance with the lawyers, and among them I have some very good friends, and in my opinion they are very generally high-minded and public-spirited citizens. I regret that about all the opposition to the initiative and referendum and recall comes from the legal fraternity. The corporation lawyers, it seems, almost without exception, are opposed to these reforms, and especially to the recall of judges, which will cause further doubt of their sincerity of purpose and further strengthen the opinion that is now prevalent among the people that they have drawn their convictions from the same place that they have their emoluments.

The gentlemen here who have so fluently opposed the initiative, referendum, and recall have spent much of their time in the defense and commendation of judges and in telling us about the danger of the mob (people), but have been conspicuously silent in their praises of the people, who, in the end, will be the final and supreme judge of the conduct of all public men. The people will never permit themselves to be misled into giving up that right that our Revolutionary fathers fought and bled for—the right of self-government. Plutocracy has the most brilliant and intellectual agents that money can buy. They speak of Cæsar, Demosthenes, Plato, and Aristides. They quote from orators, philosophers, logicians, and statesmen; they read from the Bible, and legends of old. They describe the beauties of the flag and how it unfurls its folds in the breezes. They take their chances at deluding the people with flowery oratory and words of praise, which for so long a time has characterized their deceit; but to them I give a word of warning. I remind them that the people have borne their loss in the past and have been good and courageous losers. But now, sirs, they are fighting with the ballots of the many against the capital of the select few, and you will find yourselves, on the eve of what you had hoped would be your victory, crushed by the will of the masses, and once more that which you would claim your own will revert to its rightful owner, and the people will have triumphed.

I am in favor of this joint resolution to admit Arizona and New Mexico into the Union as States, and congratulate the people of Arizona in reserving to the electorate the power of recall to all elective officers, including the judges.

A good, honest judge, who exercises his functions efficiently and conscientiously, need not fear the recall. Such a judge can not remain too long on the bench. A month, however, is too long a term for an inefficient, dishonest judge; and for this reason the recall should not only apply to elective judges, but to the Federal judges who are appointed also.

The judges appointed by the President to the bench are usually attorneys of great ability. Their ability has generally resulted in their employment, sometime in their career, by special privileged corporations, which are able to pay the highest prices for legal service. The minds of such men tend to become warped in favor of special privileges, which they formerly represented. Elevation to the bench does not free them of their prejudice, and if their prejudices should prevent them from rendering justice to the public, the electorate should have the right to recall them.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none. The question is now on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was agreed to.

Mr. MARTIN of Colorado. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 7, at the end of section 4 of the proposed article 19, in line 19, add the following:

"SEC. 5. The provisions of section 1 of this article shall not be changed, altered, or abrogated in any manner, except through a general convention called to revise this constitution as herein provided."

Mr. MARTIN of Colorado. Mr. Chairman, the amendment which I have offered is the identical section 5 of article 19 of

the constitution of New Mexico on amendments. That section provides that section 1 of article 19, which provides the method of submitting and ratifying amendments, shall only be amended through the medium of a constitutional convention, as provided for in section 2. At first blush the committee did not think it fair, in case the people of New Mexico should adopt the substitute submitted to them, to tie that section up in the manner in which it was tied up in this article, but subsequent reflection has developed the fact that that is the only method by which we can safeguard the special provisions as to ratification provided in the articles on education and elective franchise. In other words, unless we insert section 5 of the article on amendments as it stands in the New Mexico constitution, if our substitute should be adopted, the first New Mexico Legislature could submit an amendment to section 1 of article 19 eliminating or dropping the proviso which carries the safeguards on education and elective franchise, and that amendment could be adopted by a majority of the people voting thereon. It is therefore necessary, in order to safeguard the proviso and those sections of the articles on education and elective franchise as now provided for in the constitution, to continue this section 5, and that is the purpose of the amendment and the end that will be effected by it.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Colorado.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend the substitute, page 3, line 6, by striking out all of sections 1, 2, 3, 4, and 5 and inserting in lieu thereof the following:

"That the constitution formed by the constitutional convention of the Territory of New Mexico, elected in accordance with the terms of the act of Congress entitled 'An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States, and so forth,' approved June 20, A. D. 1910, which said constitutional convention met at Santa Fe, N. Mex., on the 3d day of October, A. D. 1910, and adjourned November 21, A. D. 1910, and which constitution was subsequently ratified and adopted by the duly qualified electors of the Territory of New Mexico, at an election held according to law on the 21st day of January, A. D. 1911, being republican in form, and not repugnant to the Constitution of the United States and the principles of the Declaration of Independence, and complying with the terms of said enabling act, be, and the same is hereby, approved, subject to the terms and conditions of the joint resolution entitled 'Joint resolution reaffirming the boundary line between Texas and the Territory of New Mexico,' approved on the 16th day of February, A. D. 1911."

Mr. MANN. Mr. Chairman, the amendment which I have offered is to approve the constitution of New Mexico adopted by the constitutional convention of that Territory. If that amendment be agreed to and be enacted into law, the result is to at once make New Mexico a State without further proceedings on the part of Congress. The enabling act provided that either of these Territories should be admitted if the constitution to be adopted should be approved by the President and by Congress, or, for that matter, if it should be approved by the President and not disapproved by Congress at the next regular session. The proposition offered by the majority in their substitute resolution is to admit New Mexico when and after she has voted upon an amendment to her constitution. In one breath they say that we have no moral right to say what shall be in the constitution of these Territories, and in the next breath they refuse to accept the constitution which has already been adopted by New Mexico. If the gentlemen on the other side of the aisle in good faith believe that Congress ought not to scan the constitution of a proposed State except that it be republican in form, then there is nothing left for them to do but to approve the constitution as New Mexico has adopted it and let the Territory into the Union as a State. [Applause on the Republican side.] This same resolution was the resolution first introduced by the distinguished gentleman from Virginia [Mr. FLOOD], the chairman of the Committee on the Territories. It is the same resolution which passed unanimously in the closing days of the last session of Congress.

Mr. COX of Indiana. But the House was so busy it could not consider it.

Mr. MANN. The House was not so busy but it gave consideration and debate to this proposition, led on that side of the House by the distinguished gentleman from Missouri [Mr. LLOYD], and it received the approval of both Democrats and Republicans in this House. If we have no jurisdiction, as claimed by my friends on the left side of the aisle here, except to say that the constitution is republican in form, then let us say it, because we on this side of the aisle are prepared now, without further delay, to admit New Mexico as a State into the Union. [Applause on the Republican side.]

I do not think it is necessary in order to determine whether we admit these two States that you determine what their politics is or will be. I am willing to vote in reference to the admission of a Territory as a State when it has reached the point where it is entitled to have consideration, regardless of its politics or its partisanship or its future political representation, either in this body or in the body at the other end of the Capitol. [Applause.] And you gentlemen who refuse to vote to admit New Mexico now by approving the constitution, I do not think show the best of faith in the matter. [Applause.]

Mr. FLOOD of Virginia. Mr. Chairman, the amendment offered by the gentleman from Illinois presents the issue between the majority and the minority of the Committee on Territories. It seems to me that it does not come with good grace from the gentleman from Illinois to criticize this side of the House for offering some condition for the admission of New Mexico, when he only a few moments ago offered a resolution as a condition for the admission of Arizona which not only said to the people of Arizona, "You must vote on an amendment to your constitution, but you must vote as we say you shall vote."

Now, the proposition of the majority is to allow the people of New Mexico to vote upon an amendment to their constitution. It has been represented to that committee, as I said a little while ago, by every shade of political thought in that Territory, except the stand-pat Republicans and the corporate interests there, that this constitution was framed up in the interests of the corporations of New Mexico, and this article on amendment was fixed so it would be impossible for a majority, even for three-fourths or four-fifths of the people of this proposed State, for years to come to amend it. They have asked that no condition be imposed upon the admission of this new State, except the people are permitted to vote upon an amendment to the article on amendments. Regardless of how they vote they come in. It does not delay them, and they are free to vote as they please, and not as the gentleman from Illinois would treat Arizona—require her people to vote a particular way. This represents the views, Mr. Chairman, of the people of New Mexico, as opposed to the corporate interests of New Mexico, and I hope this committee will vote this amendment down. [Applause on the Democratic side.]

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Illinois [Mr. MANN].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. MANN. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 67, noes 117.

Mr. MANN. Mr. Chairman, I ask for tellers.

Tellers were ordered; and Mr. MANN and Mr. FLOOD of Virginia took their place as tellers.

The committee again divided; and the tellers reported—ayes 74, noes 141.

So the amendment was rejected.

Mr. SAUNDERS. Mr. Chairman, I would like to ask the chairman of the committee if, in line 17, on page 5 of the resolution, the committee does not mean to say "not more than two weeks" instead of "not less than two weeks"? Under the resolution as it now reads the last printing could be six months prior to the election.

Mr. FLOOD of Virginia. The last publication must be not less than two weeks before the election.

Mr. SAUNDERS. Not less than two weeks prior to the election; you want it "not more than two weeks"?

Mr. FLOOD of Virginia. Not less than two weeks.

Mr. SAUNDERS. There will be no harm if you bring it within two weeks, but under your provision here, if the last publication was six weeks prior to the election it would still be permissible under the act. You do not want it less than two weeks prior to the election?

Mr. FLOOD of Virginia. No.

Mr. SAUNDERS. You want it not more than two weeks prior to the election?

Mr. FLOOD of Virginia. I think the gentleman from Virginia is right about that, Mr. Chairman. Therefore I move to strike out the word "less" and insert the word "more."

The CHAIRMAN. The gentleman from Virginia [Mr. FLOOD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 5, line 17, strike out the word "less" and insert the word "more."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now recurs to the adoption of the substitute as amended.

The question was taken, and the substitute as amended was agreed to.

Mr. FLOOD of Virginia. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FLOOD of Virginia. The title to the resolution has to be changed, and would it be proper to offer the amendment in committee or in the House?

The CHAIRMAN. The title would be changed after the engrossment and third reading of the resolution, in the opinion of the Chair.

Mr. FLOOD of Virginia. It will be done after we get into the House?

The CHAIRMAN. Yes; under the rules.

Mr. FLOOD of Virginia. Mr. Chairman, I move that the committee do now rise and report the resolution to the House with the several amendments, with the recommendation that the amendments be agreed to and that the resolution as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. GARRETT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House joint resolution 14, approving the constitutions formed by the constitutional conventions of the Territories of New Mexico and Arizona, and had directed him to report the same back to the House with amendments thereto, with the recommendation that the amendments be agreed to, and that the resolution as amended do pass.

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question now is, Shall the joint resolution as amended be engrossed and read the third time?

The joint resolution was ordered to be engrossed and read the third time, and was read the third time.

Mr. MANN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The gentleman from Illinois offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. MANN moved to recommit the resolution (H. J. Res. 14) to the Committee on the Territories, with instructions to report said resolution forthwith back to the House, with the following amendment, to wit:

Strike out all of said resolution after the word "that" in the first line of the resolution after the resolving clause, and insert in lieu thereof the following:

"The constitution formed by the constitutional convention of the Territory of New Mexico, elected in accordance with the terms of the act of Congress entitled 'An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States, and so forth,' approved June 20, A. D. 1910, which said constitutional convention met at Santa Fe, N. Mex., on the 3d day of October, A. D. 1910, and adjourned November 21, A. D. 1910, and which constitution was subsequently ratified and adopted by the duly qualified electors of the Territory of New Mexico, at an election held according to law on the 21st day of January, A. D. 1911, being republican in form, and not repugnant to the Constitution of the United States and the principles of the Declaration of Independence, and complying with the terms of said enabling act, be, and the same is hereby, approved, subject to the terms and conditions of the joint resolution entitled 'Joint resolution reaffirming the boundary line between Texas and the Territory of New Mexico,' approved on the 16th day of February, A. D. 1911.

"SEC. 2. That the Territory of Arizona be admitted into this Union as a State with the constitution which was formed by the constitutional convention of the Territory of Arizona, elected in accordance with the terms of the enabling act, approved June 20, A. D. 1910, which constitution was subsequently ratified and adopted by the duly qualified voters of the Territory of Arizona at an election held according to law on the 9th day of February, A. D. 1911, upon the fundamental condition, however, that article 8 of the said constitution of Arizona, in so far as it relates to the 'recall of public officers,' shall be held and construed not to apply to judicial officers, and that the people of Arizona shall give their assent to such construction of article 8 of the said constitution.

"That within 30 days after the passage of this resolution and its approval by the President, the President shall certify the fact to the governor of Arizona, who shall, within 30 days after the receipt of such certificate from the President, issue his proclamation for an election by the qualified voters of Arizona, to be held not earlier than 60 nor later than 90 days thereafter, at which election the qualified voters of Arizona shall vote upon the proposition that 'article 8 of the constitution, in so far as it relates to "recall of public officers," shall be held and construed not to apply to judicial officers,' and shall also vote for State and county officers, members of the State legislature, and Representatives in Congress, and all other officers provided for in said constitution of Arizona; said election to be held and the returns thereof made, canvassed, and certified as provided in section 23 of the enabling act approved June 20, 1910.

"If a majority of the qualified voters of Arizona voting at such election ratify and adopt the herein proposed construction of article 8 of the constitution, the same shall be and become a part of the said constitution, and said article 8 of said constitution, in so far as it relates to the 'recall of public officers,' shall have like effect as if judicial officers were expressly excepted therefrom.

"If the proposed construction of said article 8 of the constitution is duly ratified and adopted by the qualified voters of Arizona, the election of officers at the same election shall be and become valid and effective.

"When said election as to the proposed construction of the said constitution and of State and county officers, members of the legislature and Representatives in Congress, and other officers provided for in said constitution has been held, the result thereof shall at once be certified by the governor of the Territory of Arizona to the President of the United States, and if the proposed construction of article 8 of the said constitution of Arizona has been ratified and adopted by a majority of the qualified voters of Arizona voting at such election, the President of the United States shall immediately make proclamation thereof and of the result of the election of officers, and upon the issuance of said proclamation by the President of the United States, Arizona shall, without other proceeding, be deemed admitted by Congress into the Union by virtue of this joint resolution, upon the terms and conditions of the said enabling act approved June 20, 1910, except as modified herein, and on an equal footing with the other States."

Mr. MANN. Mr. Speaker, I do not know whether anyone desires to have that read through. It is a combination of the two amendments which I offered in the Committee of the Whole. I would suggest, Mr. Speaker, that the full reading be dispensed with.

The SPEAKER. The gentleman from Illinois asks that the full reading of the amendment be dispensed with. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. ANDERSON of Minnesota. Mr. Speaker, I object.

The SPEAKER. Too late. [Laughter.] The question is on the motion to recommit the bill.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. MANN. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 58, nays 215, answered "present" 10, not voting 99, as follows:

YEAS—58.

Austin	Foss	Knowland	Patton, Pa.
Bingham	Gardner, Mass.	Langham	Payne
Burke, Pa.	Gardner, N. J.	Langley	Plumley
Burke, S. Dak.	Good	Lawrence	Prouty
Butler	Greene	Longworth	Roberts, Mass.
Calder	Griest	Loud	Speer
Cannon	Harris	McCall	Steenerson
Catlin	Hartman	McGuire, Okla.	Taylor, Ohio
Copley	Heald	McKinney	Towner
Crumpacker	Hinds	McMorran	Weeks
Danforth	Howell	Madison	Willis
Dodds	Howland	Mann	Wilson, Ill.
Dwight	Humphrey, Wash.	Mondell	Young, Mich.
Dyer	Kahn	Nye	
Focht	Kennedy	Olmsted	

NAYS—215.

Adair	Dupre	Konop	Roberts, Nev.
Aiken, S. C.	Edwards	Lafferty	Roddenbery
Akin, N. Y.	Ellerbe	La Follette	Rothermel
Alexander	Esch	Lamb	Rouse
Allen	Evans	Latta	Rubey
Anderson, Minn.	Faison	Lee, Ga.	Rucker, Colo.
Anderson, Ohio	Farr	Lee, Pa.	Russell
Ashbrook	Ferris	Legare	Sabath
Ayers	Fields	Lenroot	Saunders
Bartlett	Fitzgerald	Lever	Scully
Bathrick	Flood, Va.	Lewis	Sells
Beall, Tex.	Floyd, Ark.	Lindbergh	Shackleford
Berger	Fowler	Linthicum	Sharp
Blackmon	Francis	Littlepage	Sheppard
Borland	Garner	Littleton	Sherley
Bowman	Garrett	Lloyd	Sherwood
Brantley	George	Loback	Sims
Broussard	Godwin, N. C.	McCoy	Sisson
Brown	Goodwin, Ark.	McDermott	Sloan
Buchanan	Gould	McGillicuddy	Smith, J. M. C.
Bulkley	Graham	McLaughlin	Smith, N. Y.
Burke, Wis.	Gray	Macon	Smith, Tex.
Burleson	Gregg, Pa.	Maguire, Nebr.	Stack
Byrnes, S. C.	Gregg, Tex.	Martin, Colo.	Stanley
Byrns, Tenn.	Gudger	Mays	Stedman
Callaway	Hamill	Miller	Stephens, Cal.
Campbell	Hamilton, W. Va.	Moon, Tenn.	Stephens, Miss.
Candler	Hamlin	Morgan	Stephens, Tex.
Cantrill	Hammond	Moss, Ind.	Stone
Carlin	Hardy	Mott	Sulloway
Clark, Fla.	Harrison, Miss.	Murdock	Sulzer
Claypool	Hay	Murray	Sweet
Clayton	Heflin	Needham	Talbott, Md.
Cline	Helgesen	Norris	Talcott, N. Y.
Collier	Helm	Oldfield	Thayer
Connell	Henry, Tex.	O'Shaunessy	Thomas
Conry	Hensley	Padgett	Townsend
Cooper	Holland	Page	Tribble
Covington	Houston	Patten, N. Y.	Turnbull
Cox, Ind.	Howard	Pepper	Tuttle
Curley	Hubbard	Peters	Underwood
Daizell	Hughes, Ga.	Post	Volstead
Daugherty	Hughes, N. J.	Pou	Warburton
Davis, Minn.	Hull	Pray	Watkins
Dent	Jackson	Pujo	Webb
Denver	Jacoway	Rainey	Wedemeyer
Dickinson	Johnson, Ky.	Raker	Wickliffe
Dickson, Miss.	Jones	Randell, Tex.	Wilson, N. Y.
Dies	Kendall	Ransdell, La.	Wilson, Pa.
Difenderfer	Kindred	Rauch	Witherspoon
Dixon, Ind.	Kinkaid, Nebr.	Redfield	Woods, Iowa
Donohoe	Kinkead, N. J.	Rees	Young, Kans.
Doremus	Kipp	Reilly	Young, Tex.
Doughton	Konig	Richardson	

ANSWERED "PRESENT"—10.

Boehne	Fornes	Hamilton, Mich.	Stevens, Minn.
Booher	French	Hobson	
Davis, W. Va.	Goeke	Powers	

NOT VOTING—99.

Ames	Finley	Kitchin	Porter
Andrus	Fordney	Kopp	Prince
Ansberry	Foster, Ill.	Korbly	Riordan
Anthony	Foster, Vt.	Lafean	Robinson
Barchfeld	Fuller	Levy	Rodenberg
Barnhart	Gallagher	Lindsay	Rucker, Mo.
Bartholdt	Gillett	Loudenslager	Simmons
Bates	Glass	McCreary	Slayden
Bell, Ga.	Goldfogle	McHenry	Slemp
Bradley	Gordon	McKinley	Small
Burnett	Guernsey	Madden	Smith, Saml. W.
Carter	Hanna	Maher	Sparkman
Cary	Hardwick	Malby	Sterling
Cox, Ohio	Harrison, N. Y.	Martin, S. Dak.	Switzer
Crago	Haugen	Matthews	Taylor, Ala.
Cravens	Hawley	Mitchell	Taylor, Colo.
Cullop	Hayes	Moon, Pa.	Thistlewood
Currier	Henry, Conn.	Moore, Pa.	Tilson
Davenport	Higgins	Moore, Tex.	Underhill
Davidson	Hill	Morrison	Utter
De Forest	Hughes, W. Va.	Morse, Wis.	Vreeland
Draper	Humphreys, Miss.	Nelson	Whitacre
Driscoll, D. A.	James	Palmer	Wilder
Driscoll, M. E.	Johnson, S. C.	Parran	Wood, N. J.
Fairchild	Kent	Pickett	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

For the session:

Mr. FORNES with Mr. BRADLEY.

Mr. RIORDAN with Mr. ANDRUS.

Mr. FINLEY with Mr. CURRIER.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Until further notice:

Mr. DANIEL A. DRISCOLL with Mr. DAVISON.

Mr. GLASS with Mr. LAFEAN.

Mr. HUMPHREYS of Mississippi with Mr. HIGGINS.

Mr. JOHNSON of South Carolina with Mr. HAUGEN.

Mr. KORBLY with Mr. MARTIN of South Dakota.

Mr. UNDERHILL with Mr. MOON of Pennsylvania.

Mr. WHITACRE with Mr. STERLING.

Mr. GORDON with Mr. WILDER.

Mr. RUCKER of Missouri with Mr. PARRAN.

Mr. ANSBERRY with Mr. PORTER.

Mr. MAHER with Mr. SAMUEL W. SMITH.

Mr. COX of Ohio with Mr. WOOD of New Jersey.

Mr. MORRISON with Mr. GILLETT.

Mr. GALLAGHER with Mr. FULLER.

Mr. LEVY with Mr. MICHAEL E. DRISCOLL.

Mr. DAVIS of West Virginia with Mr. MCCREARY.

Mr. JAMES with Mr. HAMILTON of Michigan.

Mr. ROBINSON with Mr. FORDNEY.

Mr. ESTOPINAL with Mr. HENRY of Connecticut.

Mr. MCHENRY with Mr. HANNA.

Mr. GOLDFOGLE with Mr. SLEMP.

Mr. BOOHER with Mr. SULLOWAY.

Mr. FOSTER of Illinois with Mr. KOPP.

Mr. HOBSON with Mr. FAIRCHILD. (Transferrable.)

Mr. MOORE of Texas with Mr. HAYES. (Transferrable.)

Mr. CRAVEN with Mr. LOUDENSLAGER.

Mr. ELLERBE with Mr. DRAPER.

Mr. SLAYDEN with Mr. TILSON.

Mr. BARNHART with Mr. SIMMONS.

Mr. TAYLOR of Alabama with Mr. CARY.

Mr. SPARKMAN with Mr. BARCHFELD.

For two weeks:

Mr. CULLOP with Mr. PICKETT.

Mr. BELL of Georgia with Mr. FRENCH.

From May 13 for two weeks:

Mr. DAVENPORT with Mr. RODENBERG.

From Monday, May 15, for two weeks:

Mr. BURNETT with Mr. THISTLEWOOD.

From May 20 for two weeks:

Mr. HARDWICK with Mr. UTTER.

From May 9 to 24, inclusive:

Mr. GOEKE with Mr. BARTHOLDT.

From May 16 until May 26:

Mr. LINDSAY with Mr. SWITZER.

From May 23 until May 24 noon:

Mr. WHITE with Mr. CRAGO.

For the vote:

Mr. NELSON (against recommitment) with Mr. MADDEN (in favor).

Mr. KENT (against recommitment) with Mr. HILL of Connecticut (in favor).

Mr. KITCHIN (against recommitment) with Mr. PRINCE.

Mr. MALBY (in favor of recommitment) with Mr. ANTHONY (against).

Mr. SMALL (against recommitment) with Mr. MCKINLEY (in favor).

Mr. CARTER (against recommitment) with Mr. MOTT (in favor).

Mr. PALMER (against recommitment) with Mr. DE FOREST (in favor).

Mr. GOEKE. Mr. Speaker, I voted "no." I ask permission to withdraw my vote and to vote "present," as I am paired with the gentleman from Missouri [Mr. BARTHOLDT], who did not vote.

Mr. FORNES. Mr. Speaker, I voted "no." I am paired with the gentleman from New York [Mr. BRADLEY], and so I vote "present."

Mr. FRENCH. Mr. Speaker, I voted "no," but I notice that the gentleman from Georgia [Mr. BELL] did not vote at all. I have a general pair with him, and therefore I withdraw my vote and vote "present."

Mr. HAMILTON of Michigan. Mr. Speaker, I voted "aye" on this roll call, but I am paired with the gentleman from Kentucky [Mr. JAMES], and I desire to withdraw my vote and to answer "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is, Shall House joint resolution 14 pass?

The question being taken, the joint resolution was passed.

Mr. FLOOD of Virginia. Mr. Speaker, I move to amend the title. I send the amendment to the Clerk's desk.

The SPEAKER. The gentleman from Virginia offers an amendment to the title, which the Clerk will report.

The Clerk read as follows:

Amend the title so that it will read "Joint resolution to admit the Territories of New Mexico and Arizona as States into the Union upon an equal footing with the original States."

The amendment to the title was agreed to.

On motion of Mr. FLOOD of Virginia, a motion to reconsider the vote by which the bill was passed was laid on the table.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. J. Res. 18. Joint resolution authorizing free or reduced transportation to members of the Grand Army of the Republic and others whenever attending regular annual encampments, reunions, or conventions, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 1095. An act to authorize the surveyor of the District of Columbia to adopt the system of designating land in the District of Columbia in force in the office of the assessor of said District; to the Committee on the District of Columbia.

S. 1082. An act to receive arrearages of taxes due to the District of Columbia to July 1, 1908, at 6 per cent interest per annum in lieu of penalties and costs; to the Committee on the District of Columbia.

S. 19. An act authorizing the Secretary of War to convey the outstanding title of the United States to lots 3 and 4, square 103, in the city of Washington, D. C.; to the Committee on the District of Columbia.

S. 29. An act to amend paragraph 43 of an act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes; to the Committee on Appropriations.

S. 1087. An act to amend an act entitled "An act to provide for the better registration of births in the District of Columbia, and for other purposes," approved March 1, 1907; to the Committee on the District of Columbia.

S. 30. An act to provide for the extension of Kenyon Street from Seventeenth Street to Mount Pleasant Street, and for the extension of Seventeenth Street from Kenyon Street to Irving Street, in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

S. 1094. An act for the widening of Sixteenth Street NW. at Piney Branch, and for other purposes; to the Committee on the District of Columbia.

S. 206. An act to confirm the name of Commodore Barney Circle for the circle located at the eastern end of Pennsylvania Avenue SE., in the District of Columbia; to the Committee on the District of Columbia.

S. 21. An act for the relief of Ida A. Chew, owner of lot 112, square 721, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia; to the Committee on the District of Columbia.

S. 32. An act to amend an act entitled "An act to provide for the extension of Newton Place NW. from New Hampshire Avenue to Georgia Avenue, and to connect Newton Place in

Gass's subdivision with Newton Place in Whitney Close subdivision," approved February 21, 1910; to the Committee on the District of Columbia.

S. 1090. An act providing for guides in the District of Columbia, and defining their duties; to the Committee on the District of Columbia.

S. 267. An act providing for assisting indigent persons other than natives in the District of Alaska; to the Committee on the Territories.

S. 12. An act to give effect to the provisions of a treaty between the United States and Great Britain, concerning the fisheries in waters contiguous to the United States and the Dominion of Canada, signed at Washington on April 1, 1908, and ratified by the United States Senate April 13, 1908; to the Committee on Foreign Affairs.

S. 1627. An act to authorize the construction, maintenance, and operation of a bridge across and over the Arkansas River, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 2003. An act authorizing the Secretary of the Navy to make partial payments for work already done under public contracts; to the Committee on Naval Affairs.

S. 940. An act granting to the city of Los Angeles certain rights of way in, over, and through certain lands and national forests in the State of California; to the Committee on Public Lands.

S. 2434. An act providing for an increase of salary of the United States marshal for the district of Connecticut; to the Committee on the Judiciary.

LEAVES OF ABSENCE.

By unanimous consent leaves of absence were granted to the following Members:

To Mr. PLUMLEY, indefinitely, because of important business.

To Mr. ADAMSON, for one week, on account of official business.

To Mr. HANNA, until further notice, on account of illness.

To Mr. TAYLOR of Alabama, indefinitely, on account of important business.

To Mr. MCLAUGHLIN, for 10 days, on account of important business.

RESIGNATION FROM COMMITTEE.

The SPEAKER laid before the House the following communication:

WASHINGTON, D. C., *May 23, 1911.*

Hon. CHAMP CLARK, *Speaker House of Representatives.*

SIR: I hereby tender my resignation as a member of the Committee on Expenditures in the War Department, to take effect at the pleasure of the Speaker.

CHARLES F. BOOHER.

Mr. MANN. Mr. Speaker, what has become of the request for the leaves of absence?

The SPEAKER. They have been granted.

Mr. MANN. Does that include the resignation from the Committee on Expenditures in the War Department, and does that take effect now?

The SPEAKER. It takes effect now.

ADJOURNMENT OVER.

Mr. UNDERWOOD. Mr. Speaker, I move that when the House adjourns to-day it adjourn to meet on Friday next.

The SPEAKER. The gentleman from Alabama moves that when the House adjourns to-day it adjourn to meet at 12 o'clock on Friday next.

The motion was considered and agreed to.

THE LATE REPRESENTATIVE ALLEN OF MAINE.

Mr. HINDS. Mr. Speaker, I ask unanimous consent that the following order be made.

The Clerk read as follows:

Ordered, That there be a session of the House on Sunday, June 11, at 12 m., and that the said session be devoted to eulogies on the life, character, and public services of AMOS L. ALLEN, late a Representative from the State of Maine.

The SPEAKER. Is there objection to the request of the gentleman from Maine? [After a pause.] The Chair hears none, and it is so ordered.

LEAVE TO EXTEND REMARKS.

Mr. STEPHENS of California. Mr. Speaker, I ask unanimous consent for leave to extend my remarks in the RECORD.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent that all who spoke on the statehood bill be allowed to extend remarks in the RECORD.

The SPEAKER. For how long?

Mr. FLOOD of Virginia. For five days.

The SPEAKER. The gentleman from Virginia asks unanimous consent that all those who made remarks on the statehood bill have five days to extend remarks in the RECORD.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Virginia if he thinks anyone who spoke on the subject except myself did not get leave to extend remarks in the RECORD?

Mr. FLOOD of Virginia. One or two gentlemen have asked me to make the request, and I did not suppose they had got leave.

Mr. MANN. There were 15 or 20 who did, but I shall make no opposition unless I find that the privilege is abused in a way to which I expect later to call to the attention of the House by inserting in their remarks "Loud and tumultuous applause," "Prolonged applause," "Loud laughter and applause," all of which never took place. That I shall call to the attention of the House later.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock p. m.) the House, under its previous order, adjourned until Friday, May 26, 1911, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting photograph and sketches prepared for a building for the Geological Survey, etc. (H. Doc. No. 62), was taken from the Speaker's table, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MACON: A bill (H. R. 10504) authorizing the Secretary of War to furnish three condemned bronze or brass cannon or fieldpieces and cannon balls to the city of Marianna, State of Arkansas; to the Committee on Military Affairs.

By Mr. HARTMAN: A bill (H. R. 10505) providing for the purchase of a site and the erection thereon of a public building at Hollidaysburg, in the State of Pennsylvania; to the Committee on Public Buildings and Grounds.

By Mr. AYRES: A bill (H. R. 10506) to amend an act of Congress approved June 9, 1910, entitled "An act to amend laws for preventing collisions of vessels and to regulate equipment of certain motor boats on the navigable waters of the United States"; to the Committee on the Merchant Marine and Fisheries.

By Mr. J. M. C. SMITH: A bill (H. R. 10507) to provide for the purchase of a site for a public building at Marshall, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Texas: A bill (H. R. 10508) to protect trade and commerce against unlawful restraints and monopolies; to the Committee on Interstate and Foreign Commerce.

By Mr. HENSLEY: A bill (H. R. 10509) to extend the provision of the pension acts of June 27, 1890, and of February 6, 1907, to all State militia and other organizations that were organized for the defense of the Union and cooperated with the military or naval forces of the United States in suppressing the War of the Rebellion; to the Committee on Invalid Pensions.

By Mr. FAISON: A bill (H. R. 10510) to provide for the defense of Beaufort Harbor, N. C., and the inland waters of the State tributary thereto; to the Committee on Appropriations.

Also, a bill (H. R. 10511) appropriating the sum of $20,000 for repairs and improvement of the roadway to the national cemetery at Newbern, N. C.; to the Committee on Military Affairs.

Also, a bill (H. R. 10512) to increase the salaries of lighthouse keepers; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 10513) providing for beacon lights in Bogue Sound, Carteret County, N. C.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 10514) for the survey of Northeast Cape Fear River, N. C.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 10515) for the survey of Shelter River, N. C., with a view to the improvement of its navigation; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 10516) for the improvement of navigation of Carrot Island Slough, Carteret County, N. C.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 10517) to appropriate the sum of $10,000 for equipping and maintaining a weather bureau observatory at Warsaw, N. C.; to the Committee on Agriculture.

By Mr. BORLAND: A bill (H. R. 10518) for the enlargement of the Federal building at Kansas City, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. CANDLER: A bill (H. R. 10519) to amend the act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908," approved March 4, 1907; and to amend the act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907," approved June 30, 1906; to the Committee on Agriculture.

By Mr. FRENCH: A bill (H. R. 10520) authorizing Indians in the Kootenai Valley, Idaho, to enter into drainage contracts; to the Committee on Indian Affairs.

By Mr. EDWARDS: A bill (H. R. 10521) to establish a fish-hatching and fish-cultural station for the hatching and propagation of shad in Georgia; to the Committee on the Merchant Marine and Fisheries.

By Mr. LANGLEY: A bill (H. R. 10522) to amend section 1 of an act entitled "An act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico"; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10523) granting pensions to volunteer Army nurses of the Civil War; to the Committee on Invalid Pensions.

By Mr. KONOP: A bill (H. R. 10524) for the payment of certain logging claims on the Menominee (Wis.) Indian Reservation; to the Committee on Indian Affairs.

By Mr. LAFFERTY: Joint resolution (H. J. Res. 108) authorizing the Secretary of War to loan certain tents for the use of the Astoria Centennial, to be held at Astoria, Oreg., August 10 to September 9, 1911; to the Committee on Military Affairs.

By Mr. SMITH of New York: Joint resolution (H. J. Res. 109) extending the operation of the act for the control and regulation of the waters of Niagara River for the preservation of Niagara Falls, and for other purposes; to the Committee on Foreign Affairs.

By Mr. FULLER: Memorial of the Legislature of the State of Illinois for an amendment to the Constitution giving to Congress the power to prevent and suppress monopolies; to the Committee on the Judiciary.

By Mr. FOSS: Memorial of the Legislature of the State of Illinois for an amendment to the Constitution giving to Congress the power to prevent and suppress monopolies; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 10525) granting an increase of pension to Edward Steinbaugh; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 10526) granting an increase of pension to Congreve J. Jacks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10527) granting an increase of pension to Elias Smith; to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 10528) granting an increase of pension to George A. Porterfield; to the Committee on Invalid Pensions.

By Mr. COX of Ohio: A bill (H. R. 10529) granting a pension to Paul Kroll; to the Committee on Pensions.

Also, a bill (H. R. 10530) granting a pension to William V. S. Walter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10531) granting a pension to Thomas E. Haggerty; to the Committee on Pensions.

Also, a bill (H. R. 10532) granting a pension to Ida M. Hammon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10533) granting a pension to Daniel Jones; to the Committee on Pensions.

Also, a bill (H. R. 10534) granting a pension to A. H. Barnes; to the Committee on Pensions.

Also, a bill (H. R. 10535) granting a pension to Theodore J. Kountz; to the Committee on Pensions.

Also, a bill (H. R. 10536) granting a pension to Alice B. Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10537) granting a pension to George Paul; to the Committee on Pensions.

Also, a bill (H. R. 10538) granting a pension to Joel Loganbill; to the Committee on Pensions.

Also, a bill (H. R. 10539) granting an increase of pension to Robert Fitzimmons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10540) granting an increase of pension to John O. Harmon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10541) granting an increase of pension to Daniel Kennedy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10542) granting an increase of pension to George Botner; to the Committee on Pensions.

Also, a bill (H. R. 10543) granting an increase of pension to George T. Robison; to the Committee on Pensions.

Also, a bill (H. R. 10544) granting an increase of pension to Daniel Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10545) granting an increase of pension to Salem Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10546) granting an increase of pension to David Burks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10547) granting an increase of pension to Eugene Hewel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10548) granting an increase of pension to William Brice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10549) granting an increase of pension to Jacob R. Stover; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10550) granting an increase of pension to Francis M. Mast; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10551) granting an increase of pension to William K. Logan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10552) granting an increase of pension to George W. C. Jenifer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10553) granting an increase of pension to Henry M. Parks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10554) granting an increase of pension to George Lutz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10555) granting an increase of pension to John S. Pence; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10556) granting an increase of pension to Francis X. Kapps; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10557) granting an increase of pension to Clay Deckert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10558) granting an increase of pension to Edward H. Schutt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10559) granting an increase of pension to Jonathan H. Beard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10560) granting an increase of pension to John G. Price; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10561) granting an increase of pension to Richard Burns; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10562) granting an increase of pension to Peter Larson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10563) granting an increase of pension to Dennis Tracy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10564) granting an increase of pension to Joseph Hime; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10565) granting an increase of pension to William Trew; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10566) granting an increase of pension to Isaiah Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10567) granting an increase of pension to John Carr, alias John McCarthy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10568) granting an increase of pension to Joseph Frederick Nurrembrock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10569) granting an increase of pension to Ira Marsh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10570) granting an increase of pension to Isaac Newton Spaid; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10571) granting an increase of pension to David H. Richardson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10572) granting an increase of pension to D. T. Elliott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10573) granting an increase of pension to George L. Mull; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10574) granting an increase of pension to Lawrence Dempsey; to the Committee on Pensions.

Also, a bill (H. R. 10575) granting an increase of pension to William H. Snoderly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10576) granting an increase of pension to William Longstreth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10577) granting an increase of pension to Levi J. Sliver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10578) granting an increase of pension to John Faber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10579) granting an increase of pension to Gilbert H. Kneeland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10580) granting an increase of pension to William D. Tod; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10581) granting an increase of pension to George W. Phipps; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10582) granting an increase of pension to Joseph Rodefer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10583) granting an increase of pension to John C. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10584) granting an increase of pension to Charles Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10585) granting an increase of pension to Frank Emonnin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10586) granting an increase of pension to Eli H. Longley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10587) granting an increase of pension to John Stewart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10588) granting an increase of pension to James A. Turner, alias Anthony Riddle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10589) granting an increase of pension to Franklin L. Rominger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10590) granting an increase of pension to James A. Carrell; to the Committee on Pensions.

Also, a bill (H. R. 10591) granting an increase of pension to Marion P. Phillips; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10592) granting an increase of pension to Thornton J. Warner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10593) granting an increase of pension to James Kemp; to the Committee on Pensions.

By Mr. CRAVENS: A bill (H. R. 10594) for the relief of the heirs of W. W. Fleming; to the Committee on War Claims.

By Mr. DODDS: A bill (H. R. 10595) granting an increase of pension to William H. Salisbury; to the Committee on Invalid Pensions.

By Mr. FAISON: A bill (H. R. 10596) for the relief of the trustees of Salem Church, Wayne County, N. C.; to the Committee on War Claims.

Also, a bill (H. R. 10597) to carry out the findings of the Court of Claims in the case of the First Baptist Church, Newbern, N. C.; to the Committee on War Claims.

Also, a bill (H. R. 10598) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of George W. Perry, deceased; to the Committee on War Claims.

Also, a bill (H. R. 10599) to carry into effect the findings of the Court of Claims in the matter of the claim of the Methodist Episcopal Church South, of Morehead City, N. C.; to the Committee on War Claims.

Also, a bill (H. R. 10600) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of Raiford Brewington, deceased; to the Committee on War Claims.

Also, a bill (H. R. 10601) to carry into effect the findings of the Court of Claims in the matter of the claim of the Hood Swamp Baptist Church, of Wayne County, N. C.; to the Committee on War Claims.

By Mr. GOULD: A bill (H. R. 10602) granting an increase of pension to Warren Taylor; to the Committee on Invalid Pensions.

By Mr. GEORGE: A bill (H. R. 10603) for the relief of Julius L. Bullard; to the Committee on Military Affairs.

Also, a bill (H. R. 10604) granting a pension to John Sink; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10605) granting a pension to John Butler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10606) granting an increase of pension to Joseph D. Donellen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10607) granting an increase of pension to Michael Baker; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 10608) granting an increase of pension to Hattie A. Reynolds; to the Committee on Invalid Pensions.

By Mr. PEPPER: A bill (H. R. 10609) granting a pension to William M. Wilson; to the Committee on Pensions.

By Mr. PROUTY: A bill (H. R. 10610) granting an increase of pension to Jacob Lutz; to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 10611) granting an increase of pension to William Delvin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10612) granting an increase of pension to McGill Clarke; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10613) granting an increase of pension to Joseph Collins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10614) granting an increase of pension to John R. Kingman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10615) granting an increase of pension to James A. Wells; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 10616) granting an increase of pension to Alexander Murphy; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 10617) granting an increase of pension to Ottillia H. Smith; to the Committee on Invalid Pensions.

By Mr. SCULLY: A bill (H. R. 10618) granting a pension to Matthias Van Pelt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10619) granting an increase of pension to Abram R. Newman; to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 10620) granting a pension to Usenia Newby; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 10621) granting an increase of pension to James F. Boyle; to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 10622) granting a pension to Jennie L. Williams; to the Committee on Pensions.

Also, a bill (H. R. 10623) granting a pension to Isaac Labissoniere; to the Committee on Pensions.

Also, a bill (H. R. 10624) granting a pension to Walter H. Davies; to the Committee on Pensions.

Also, a bill (H. R. 10625) granting an increase of pension to Edwin S. Bean; to the Committee on Pensions.

Also, a bill (H. R. 10626) granting an increase of pension to Louis Westhauser; to the Committee on Pensions.

Also, a bill (H. R. 10627) granting an increase of pension to Frederick Hester; to the Committee on Pensions.

By Mr. STONE: A bill (H. R. 10628) for the relief of Lars P. Peterson; to the Committee on Claims.

By Mr. WHITE: A bill (H. R. 10629) to correct the military record of Richard Bond; to the Committee on Military Affairs.

Also, a bill (H. R. 10630) to correct the military record of Bennett F. Jackson; to the Committee on Military Affairs.

Also, a bill (H. R. 10631) granting an increase of pension to Napoleon B. Agy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10632) granting an increase of pension to John T. Waxler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10633) granting an increase of pension to John Dunn; to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 10634) granting a pension to Henry C. Stratton; to the Committee on Pensions.

Also, a bill (H. R. 10635) granting an increase of pension to Edward Sprague; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10636) granting an increase of pension to Jesse Sherwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10637) granting an increase of pension to Henry C. Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10638) granting an increase of pension to James L. Cornell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10639) granting an increase of pension to William D. Giesman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10640) to remove the charge of desertion from the military record of Daniel G. Lang; to the Committee on Military Affairs.

By Mr. AUSTIN: A bill (H. R. 10641) for the relief of Marion B. Patterson; to the Committee on Claims.

By Mr. LEWIS: A bill (H. R. 10642) for the relief of the estate of John Young, deceased; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petitions of L. B. Barcroft and S. S. Urfer, merchants of Coshocton and New Philadelphia, Ohio, asking for a reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. BUTLER: Resolution of Washington Camp, No. 298, Patriotic Order Sons of America, of Uwchland, Pa., urging immediate enactment of the illiteracy test into law; to the Committee on Immigration and Naturalization.

By Mr. CALDER: Petition of A. J. Muldoon, protesting against H. R. 8887; to the Committee on Ways and Means.

Also, resolutions of Manufacturers' Association of New York, approving Senate bill 4982, entitled "A bill to establish a United States court of patent appeals," etc.; to the Committee on Patents.

Also, resolutions of Manufacturers' Association of New York, asking for separate action on the different schedules of tariff; to the Committee on Ways and Means.

By Mr. CRAVENS: Papers to accompany a bill for the relief of the heirs of W. W. Fleming; to the Committee on War Claims.

By Mr. CURLEY: Resolution in protest of pollution of rivers and harbors; to the Committee on the Merchant Marine and Fisheries.

Also, resolution in protest against proposed treaty between United States and Great Britain; to the Committee on Foreign Relations.

By Mr. DAVIS of West Virginia: Petitions of sundry citizens of West Virginia, protesting against the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. DYER: Resolution of house of representatives of Missouri, relating to pension matters; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Resolutions of the Fine Arts Federation of New York, indorsing report of the park commission appointed by the Senate Committee of the District of Columbia in general and in particular the site for the Lincoln memorial, and urging its adoption by the Lincoln Memorial and Fine Arts Commissions; to the Committee on Public Buildings and Grounds.

Also, resolutions of the Manufacturers' Association of New York, favoring Senate bill 4982, entitled "A bill to establish a United States court of patent appeals"; to the Committee on Patents.

Also, resolutions of the Manufacturers' Association of New York, affecting the tariff; to the Committee on Ways and Means.

Also, resolutions of the Shoe Manufacturers' Association of New York, protesting against such legislation as ruinous to the shoe and leather industries and as threatening the very existence of business; to the Committee on Ways and Means.

By Mr. FRENCH: Petitions from citizens of Idaho, protesting against the passage of a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petitions of Falk Wholesale Co. and Dandson Grocery Co., of Boise, Idaho, asking for reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. GRIEST: Protest of H. F. Ruhl, Manheim, Pa., and of John Henry Miller in behalf of the druggists of Lancaster, Pa., against the passage of H. R. 8887, being a bill providing revenue by a stamp tax on proprietary medicines, etc.; to the Committee on Ways and Means.

Also, petition of residents of Lancaster, Pa., for the enactment of an old-age pension system; to the Committee on Pensions.

By Mr. HARTMAN: Petition of Sinking Valley Grange, Pennsylvania, asking for reduction in duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. HELM: Papers to accompany House bill 10281, granting an increase of pension to Martha Gaines; to the Committee on Pensions.

By Mr. MAGUIRE of Nebraska: Petition of business men of Lincoln, Nebr., requesting a reduction in the rate of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. MORGAN: Petitions of various citizens of the second congressional district, State of Oklahoma, protesting against the passage of Senate bill 237; to the Committee on the District of Columbia.

By Mr. OLMSTED: Petitions of sundry citizens of the eighteenth congressional district of Pennsylvania, favoring the establishment of a national bureau of health; to the Committee on Interstate and Foreign Commerce.

Also, petitions of sundry citizens of the eighteenth congressional district of Pennsylvania for reduction of duty on sugar; to the Committee on Ways and Means.

By Mr. PRINCE: Resolution of Kewanee (Ill.) Socialist Lodge, asking Committee on Rules of House to report Berger resolution of inquiry relative to McNamara case; to the Committee on Rules.

By Mr. ROTHERMEL: Resolution of Local Lodge No. 61, Patriotic Order Sons of America, of Reading, Pa.; to the Committee on Labor.

Also, resolution of Local Lodge No. 113, Patriotic Order Sons of America, Bernville, Pa.; to the Committee on Labor.

Also, resolution of Local Lodge No. 99, Wernerville, Pa.; to the Committee on Labor.

By Mr. ROUSE: Petition of citizens of Louisville, Ky., asking for repeal of tariff on lemons; to the Committee on Ways and Means.

By Mr. SCULLY: Petition of Mercer County (N. J.) Central Labor Union, urging the passage of the Berger resolution; to the Committee on Labor.

By Mr. SM[illegible] of Texas: Petitions of sundry citizens of Texas, asking for reduction in duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petitions of sundry citizens of Texas, asking for reduction in duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. SULZER: Resolutions of Downtown Taxpayers' Association, recommending acquisition by the Government by purchase of additional water front for Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. TUTTLE: Petitions from Union Council, No. 31, Junior Order United American Mechanics, and Old Glory Council, No. 16, United American Mechanics, of Rahway, N. J., recommending restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. UTTER: Petition of the Carded Woolen Manufacturers' Association, of Boston, for ad valorem instead of specific rates of duty on wool and by-products; to the Committee on Ways and Means.

Also, petition of Whitehead Bros. Co., of Providence, R. I., urging prompt action upon a special appropriation bill for a public building at Bangor, Me.; to the Committee on Public Buildings and Grounds.

Also, petition of Druggists' Association of Providence, R. I., against a stamp tax on proprietary medicines; to the Committee on Ways and Means.

Also, petition of sundry citizens of Narragansett Pier, R. I., for a reduction of duty on sugar; to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *May 24, 1911.*

The Senate met at 12 o'clock m.

Prayer by Rev. John Van Schaick, of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT laid before the Senate a communication from the clerk of the House of Representatives of the Commonwealth of Massachusetts, transmitting a resolution passed by that body favoring the adoption of an amendment to the Constitution providing for the election of Senators by direct vote, which was ordered to lie on the table and to be printed in the RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS,
HOUSE OF REPRESENTATIVES,
May 18, 1911.

Whereas there is an earnest, general, and widespread demand that United States Senators be elected by the direct majority vote of the electors of the several States; and

Whereas the desire of the citizens for an amendment of the Constitution of the United States securing to them this right has been manifested in various ways in a large majority of the said States, including the Commonwealth of Massachusetts; and

Whereas a resolution proposing such an amendment for submission to the several States has recently been adopted by the lower branch of the present Congress and is now under consideration in the Senate: Therefore be it

Voted, That the House of Representatives of the General Court of Massachusetts favors the proposal of this amendment to the States by Congress, and respectfully urges upon the Senators from Massachusetts in the Congress of the United States the favorable consideration of the resolution now pending, that the people shall have secured to them the right to vote directly for United States Senators.

Voted, That a copy of this vote be sent by the clerk to each of the Senators from Massachusetts in the Congress of the United States and to the President of the Senate of the United States.

JAMES W. KIMBALL, *Clerk.*

The VICE PRESIDENT presented a petition of the Sunday School of the South Congregational Church, of New Britain, Conn., and a petition of the congregation of the Church of the Brethren of Beaver Creek, Md., praying for the enactment of legislation to restrict the sale of and traffic in opium, which was referred to the Committee on Foreign Relations.

Mr. GALLINGER presented a memorial of White Mountain Grange, No. 50, Patrons of Husbandry, of Littleton, N. H., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a petition of the General Conference of Congregational Churches of New Hampshire, praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a memorial of Local Division No. 3, Ancient Order of Hibernians, of Dover, N. H., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. BURTON presented a memorial of sundry citizens of Licking County, Ohio, remonstrating against any reduction being made in the duty on raw wool, which was referred to the Committee on Finance.

Mr. WATSON presented memorials of the State Board of Pharmacy; of Dr. W. E. Dittmeyer, of Harpers Ferry; and of the F. L. Johnstone Drug Co., of Davis, Parsons, and Elkins, all in the State of West Virginia, remonstrating against the imposition of a stamp tax on proprietary medicines, which were referred to the Committee on Finance.

Mr. BOURNE presented memorials of sundry citizens of Portland, Oreg., remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. NELSON presented memorials of 459 citizens of Minnesota, remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. BRISTOW presented a petition of the Chamber of Commerce of Wichita, Kans., praying for the adoption of an amendment to the corporation-tax law permitting corporations to make returns at the close of each fiscal year, which was referred to the Committee on Finance.

Mr. O'GORMAN presented a petition of the Merchants' Association of New York, praying for the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a memorial of Local Union No. 17, Stationary Firemen, of Syracuse, N. Y., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

Mr. PENROSE presented memorials of sundry citizens of the State of Pennsylvania, remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEE ON NAVAL AFFAIRS.

Mr. LODGE, from the Committee on Naval Affairs, to which was referred the bill (S. 2316) fixing the rank and precedence of naval attachés, reported it without amendment and submitted a report (No. 43) thereon.

Mr. PERKINS, from the Committee on Naval Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 817. A bill appropriating $25,000 for the repair of the wooden warship *Portsmouth* (Rept. No. 40); and

S. 291. A bill providing for the retirement of petty officers and enlisted men of the United States Navy or Marine Corps, and for the efficiency of the enlisted personnel (Rept. No. 39).

Mr. THORNTON, from the Committee on Naval Affairs, to which was referred the bill (S. 1724) to amend section 14 of "An act to promote the administration of justice in the Navy," approved February 16, 1909, and to provide for the destruction of records of deck courts in the United States Navy, reported it without amendment and submitted a report (No. 41) thereon.

Mr. CLAPP, from the Committee on Naval Affairs, to which was referred the bill (S. 2004) to amend section 1505 of the Revised Statutes of the United States providing for the suspension from promotion of officers of the Navy if not professionally qualified, reported it without amendment and submitted a report (No. 42) thereon.

Mr. WETMORE, from the Committee on Naval Affairs, to which was referred the bill (S. 1774) to authorize the Secretary of the Navy to erect a suitable monument over the remains of Rear Admiral Charles Wilkes, United States Navy, in the national cemetery at Arlington, Va., asked to be discharged from its further consideration and that it be referred to the Committee on the Library, which was agreed to.

JAMES HENRY PAYNE.

Mr. LODGE. From the Committee on Naval Affairs I report back favorably without amendment the bill (S. 287) for the relief of James Henry Payne, and I submit a report (No. 37) thereon. I ask for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the President to nominate and, by and with the advice and consent of the Senate, to place upon the retired list of the United States Navy, with the rank of passed assistant surgeon, with three-fourths the pay of that grade, the name of James Henry Payne, late passed assistant surgeon of the United States Navy. But James Henry Payne shall not, by the passage of this act, be entitled to back pay or allowances.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ENSIGN JOHN TRACEY EDSON.

Mr. LODGE. From the same committee I report back favorably, without amendment, the bill (S. 288) to authorize the President to place Ensign John Tracey Edson on the retired list of the Navy with the rank of lieutenant, and I submit a report (No. 38) thereon. I make the same request in regard to this bill.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the President to appoint late Ensign John Tracey Edson a lieutenant in the Navy of the United States and then place his name on the 75 per cent pay list of retired officers, under section 1588 of the Revised Statutes of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BROWN (by request):

A bill (S. 2498) for the relief of Mary A. Dickinson and others, as the heirs at law of Owen Grant, deceased (with accompanying paper); to the Committee on Military Affairs.

By Mr. BRISTOW:

A bill (S. 2499) granting an increase of pension to W. H. T. Wakefield; to the Committee on Pensions.

By Mr. GAMBLE:

A bill (S. 2500) granting an increase of pension to Robert E. Love (with accompanying paper); and

A bill (S. 2501) granting an increase of pension to Elias C. Burdick (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 2502) granting an increase of pension to John Justice; to the Committee on Pensions.

A bill (S. 2503) to amend and correct the military record of Henry H. Willis; to the Committee on Military Affairs.

By Mr. GALLINGER:

A bill (S. 2504) to provide for the extension of New Hampshire Avenue, in the District of Columbia, on a straight line, and for other purposes; and

A bill (S. 2505) to provide for the extension of New Hampshire Avenue, in the District of Columbia, and for other purposes (with accompanying papers); to the Committee on the District of Columbia.

By Mr. PENROSE:

A bill (S. 2506) granting a pension to Ella V. Temple;

A bill (S. 2507) granting an increase of pension to George S. Tillson; and

A bill (S. 2508) granting an increase of pension to Margaret E. McPherran; to the Committee on Pensions.

By Mr. CLARKE of Arkansas:

A bill (S. 2509) to amend section 1004 of the Revised Statutes of the United States; to the Committee on the Judiciary.

THE CALENDAR.

The VICE PRESIDENT. The morning business is closed, and the calendar is in order under Rule VIII.

The joint resolution (H. J. Res. 39) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States was announced as the first business on the calendar.

Mr. BORAH. I will not ask at this time that the unfinished business shall be proceeded with, but will let other bills be called.

The VICE PRESIDENT. The joint resolution will be passed over.

The joint resolution (H. J. Res. 1) to correct errors in the enrollment of certain appropriation acts, approved March 4, 1911, was announced as next in order.

Mr. HEYBURN. I ask that the joint resolution may go over.

The VICE PRESIDENT. It will go over.

The bill (S. 20) directing the Secretary of War to convey the outstanding legal title of the United States to sublots Nos. 31, 32, and 33 of original lot No. 3, square No. 80, in the city of Washington, D. C., was announced as next in order.

Mr. HEYBURN. I ask that the bill may go over.

The VICE PRESIDENT. It will go over.

The bill (S. 23) to authorize the extension of Underwood Street NW. was announced as next in order.

Mr. GALLINGER. Let this bill likewise go over.

The VICE PRESIDENT. It will go over.

IRVING STREET, CITY OF WASHINGTON.

The bill (S. 307) to change the name of Fort Place, from Seventeenth to Eighteenth Streets NE., to Irving Street was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SUNDAY-REST LAW.

The bill (S. 237) for the proper observance of Sunday as a day of rest in the District of Columbia was announced as next in order.

Mr. SMOOT. I ask that the bill may go over.

The VICE PRESIDENT. It will go over.

Mr. JOHNSTON of Alabama. On whose objection does the bill go over?

The VICE PRESIDENT. It goes over on the request of the Senator from Utah [Mr. SMOOT].

Mr. JOHNSTON of Alabama. Does the Senator from Utah wish to put over the consideration of the bill now?

Mr. SMOOT. I hardly think we have time under the five-minute rule to consider it, and I would very much appreciate it if the Senator would allow the bill to go over for a few days. I have received a number of letters on the subject, and I have not had time to read them.

Mr. JOHNSTON of Alabama. The bill will go over, but I intend to insist on a vote upon this measure.

Mr. SMOOT. I have no intention whatever to prevent a vote from being had upon it.

Mr. JOHNSTON of Alabama. It is a bill for the proper observance of Sunday as a day of rest, and I give notice that I shall call it up and insist upon a vote on the bill.

Mr. SMOOT. I wish to say to the Senator and to the Senate that I have no desire whatever to prevent a vote on the bill. The only reason why I have asked that it should go over is because my secretary handed me a number of letters this morning and I did not have time to go over them. They are all upon the subject of this bill. I simply ask that the bill may go over until I can read the letters; that is all.

Mr. JOHNSTON of Alabama. That is all right; I have no objection to the bill going over to-day; but I wish to say that those opposing the bill have had a full hearing before the committee and every consideration has been given to them.

Mr. GALLINGER. While the title of the bill is doubtless right, so far as the bill itself is concerned, on the calendar it reads a bill for "the proper observation" instead of "the proper observance." I suggest to the clerks that that be corrected.

The VICE PRESIDENT. The correction will be made.

REMOVAL OF SNOW AND ICE.

The bill (S. 274) providing for the removal of snow and ice from the paved sidewalks of the District of Columbia was considered as in Committee of the Whole.

Mr. CHAMBERLAIN. Mr. President, it seems to me that a little different rule is applied to the individuals from that applied to both the corporation itself and the United States; but that, in the very nature of things, is to be expected. Yet it appears to me that inasmuch as there are known to be a great many nonresident property owners within the District, there ought to be some notice sent to them where the snow and ice have been removed from the sidewalks abutting their property before the corporation counsel can institute proceedings to recover the amount certified by the city authorities.

Under the provisions of the bill, it seems to me that a nonresident property owner might have proceedings instituted against his property and have it sold without ever having any notice, either through the possible neglect of the agent or in a case where the property happens to be vacant. It appears to me that some provision ought to be made in the bill for notice to the property owner before these proceedings can be instituted.

Mr. DILLINGHAM. I think the difficulty suggested by the Senator from Oregon is obviated by the provisions of the District Code. No provision was incorporated in this bill beyond one that the corporation counsel might be directed to authorize a suit for recovery. Of course, if he does that, he will do it under the provisions of the Code of the District of Columbia. So that class of nonresidents will stand upon the same basis as other nonresidents against whom suits have to be brought.

Mr. CHAMBERLAIN. I should like to ask if the Senator from Vermont knows what the provision is with respect to notice provided by the code in other cases.

Mr. DILLINGHAM. I recognize the force of the Senator's objection, but I think it is provided for by the code.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The VICE PRESIDENT. That completes the calendar.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. BORAH. I move that the Senate proceed to the consideration of House joint resolution 39.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. J. Res. 39) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. HEYBURN. Mr. President, while, speaking in a parliamentary sense, an amendment is before the Senate, yet it is impossible to segregate the original joint resolution from the amendment which is intended to change or limit its application. The Senate of the United States is on trial this morning as to its capacity and fidelity as a representative of the people of the country.

The first question to be considered is, Shall we amend the Constitution at all, and primarily is there a necessity for its amendment? Is this merely a hue and cry for change or is it a proposition to amend the Constitution because it has been found wanting as a fundamental rule of law to insure a representative government of the people? It can not or certainly will not be claimed in this body that the members of it and every member of it is not here by virtue of regular proceedings had in conformity with the provisions of the Constitution. That being answered in the affirmative, the next question is, Has there been a failure to realize the purpose which the founders had in organizing this branch of the Government—a failure to procure an efficient, competent representation of the political subdivisions of the Government intended to be represented in this body? It was intended that the States should be represented as parts of the Government, each equal to the other in right, and each requiring the same character of representation as the other in relation to the affairs of the States as parts of the Government. The States existed before the Constitution was adopted. They existed just as firmly and stood upon just as high a plane before the Constitution was adopted as afterwards; but the States had more power before the adoption of the Constitution than they possessed after its adoption.

The Constitution is a limitation upon the power of the States. One part of the subject under consideration is directed to the enlargement of the power of the States, or rather to a release to the States of a part of the power which they surrendered by the Constitution. The other part is directed in exactly the opposite direction. The joint resolution proposed by the junior Senator from Idaho [Mr. BORAH] proposes to change the manner of selecting Senators, and it also proposes to change the power of the Senators after they are elected.

The proposition to amend section 4 of Article I can not be applied in a practical way. You leave a skeleton of paragraph 1 of section 4; you leave a skeleton of that section unaffected by these amendments. You substitute one amendment for the provisions now contained in three separate and distinct parts of the Constitution. Nothing is proposed to be done in regard to that portion of section 4, in line 2, which is represented by the words "and Representatives." What will be the status of those words with that section amended, as is proposed by the joint resolution offered by the junior Senator from Idaho? You will have eliminated from it everything except the provision relative to the right of Congress to provide for the times, places, and manner of holding elections for Senators; that you eliminate; and the following words, "and Representatives," you deal with not at all. Will Congress still have the power to make regulations affecting the election of Members of the House of Representatives? No attempt is made to dispose of that language in section 4, and no proposition is made to repeal section 4 in this joint resolution. You provide in an independent section proposed to be incorporated into the Constitution language as to the regulation of the election of Senators and make no provision as to the power of Congress to regulate the election of Members of the House of Representatives. I am speaking now to the provisions that must be rearranged and must be considered before we can vote upon this measure, and I am now speaking as to the legal effect of this proposed amendment.

The proposition contained in the joint resolution is this:

And in lieu of all of paragraph 1 of section 4 of said Article I, in so far as the same relates to any authority in Congress to make or alter regulations as to the times or manner of holding elections for Senators—

Then it jumps over the words in the Constitution "and Representatives"—

the following be proposed as an amendment to the Constitution.

No amendment separate and distinct is proposed in the joint resolution.

Now we come to the provision itself as suggested, and we find it reading thus:

The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

There is no provision that section 4, Article I of the Constitution, as it now exists shall be repealed; only that a part of it be changed, without a suggestion as to what shall be done with the remainder of it. I appeal to the lawyers of this body and to all Members of it as to whether or not that is a complete disposition of section 4, Article I. Will not that part of section 4 which relates to the control of elections affecting Members of the House of Representatives remain? I should be glad to hear from some Senator who is supporting this measure in regard to that question. Will it leave standing as a part of the Constitution of the United States the provision authorizing Congress to make regulations governing the election of Members of the House of Representatives? If it does, then section 4, Article I, of the Constitution must be redrawn; otherwise we will have inconsistent provisions.

That is all there is in this proposed amendment with relation to section 4 of Article I.

The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

And that is confined to Senators. Shall it be in each State as prescribed by the legislature in regard to Members of the House of Representatives? Suppose you send this proposed amendment out to the legislatures of the country for ratification; there will be no legislature in the United States lacking the intelligence and the legal ability to recognize the imperfection of the amendment submitted. It is not provided that section 4, Article I, shall be amended, mind you; it is not provided that any part of section 4 shall remain in the Constitution. It provides for the creation of a new section in the Constitution that will stand separate and apart from any other section in the Constitution. That being true, you will have inconsistent provisions in the Constitution; you will have this new section with these words confined entirely to the election of Senators standing as a section of the Constitution—a new section, because the joint resolution provides that it shall be a new section. It does not provide that it shall be incorporated into any section existing. It provides for the creation of a new section and leaves a mutilated section stand without any provision being made therefor.

If I am incorrect in that, I shall be glad to have some member of the committee show wherein I am incorrect. Would you send a proposed amendment to the legislatures in that form? They can do nothing with it; they can not change a word or a phrase or a punctuation mark in it; they will either adopt it or reject it, and they can reject it upon the ground that it is not sufficiently explicit, that it does not properly safeguard the provisions of the Constitution outside of the proposed new section. They may reject it on that ground and on no other, and you would not get the benefit of the judgment of the legislatures of the several States upon the merits of this question. It is not a small matter for consideration; it is one that may affect this entire proposed legislation and its results.

That is aside from the merits of the proposition of amending the Constitution; that goes to the question as to the sufficiency of the joint resolution that is to present to the legislatures this question. Does any Senator desire that the States shall pass upon it upon those grounds without considering the principle sought to be reviewed. I call the attention—I see that the author of the joint resolution is not present, but evidently he expects to be present——

Mr. NELSON. A call of the Senate might bring him.

Mr. HEYBURN. No; I will not call the Senate; the Senate is here.

I challenge any Member who is responsible for the joint resolution, or who participated in its consideration in the committee, or who is going to vote for it, to defend that proposition as to the insufficiency, from a legal standpoint, of this proposed amendment to the Constitution. Of course, this is squarely involved in the consideration of the amendment to the joint resolution offered by the Senator from Kansas [Mr. BRISTOW]. I should like to know whether or not any lawyer of the Senate wants to send his reputation out with that tag on it. If he does, he is welcome, so far as I am concerned, to do so. You will find that the country and those who are competent to analyze and pass upon such questions will hold you to account for it in the legislatures to which it is submitted.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Certainly.

Mr. CUMMINS. I am a member of the committee that reported the joint resolution.

Mr. HEYBURN. I am aware of that.

Mr. CUMMINS. I am not the author of the joint resolution, and it is quite probable that I will vote for the substitute proposed by the Senator from Kansas [Mr. BRISTOW]; but, nevertheless, I can not allow the broad and unqualified statements of the senior Senator from Idaho to pass unchallenged, simply as a lawyer. If the Senator from Idaho were content to criticize the composition of the joint resolution as compared with some other form——

Mr. HEYBURN. I am not.

Mr. CUMMINS. To accomplish the same object I would not have a word to say; but when the Senator from Idaho insists that the joint resolution is not effective, that the Constitution of the United States would not be amended to accomplish the object we have in view if the proposed amendment receive the assent of the proper number of States, I can not concur with him.

I rose because the junior Senator from Idaho was not present, but I call the attention of the senior Senator from Idaho to what he has already read in the hearing of the Senate for further reflection. It declares that section 4—I will have to give it from the beginning in order to make the connection clear—

That in lieu of the first paragraph of section 3 of Article I of the Constitution of the United States, and in lieu of so much of paragraph 2 of the same section as relates to the filling of vacancies, and in lieu of paragraph 1 of section 4 of said article, in so far as the same relates to any authority in Congress to make or alter regulations as to the times or manner of holding elections for Senators, the following be proposed as an amendment to the Constitution.

If the joint resolution which the Senator is now considering becomes a part of the Constitution, while it does not rewrite section 4, it does repeal, if I may use the word "repeal" in connection with the Constitution, all that part of section 4 which relates to the authority of Congress to prescribe regulations or alter regulations relating to the time and the manner of electing Senators of the United States. It leaves in full force and effect all of section 4 so far as it relates to prescribing either rules or regulations or altering regulations relating to the election of Members of the House of Representatives. It has precisely the same effect as though we were to pass a law inconsistent with some former law and declare that the former statute, in so far as it was repugnant or inconsistent with the one then being passed, should be repealed.

Mr. HEYBURN. The trouble in this case is that you have not done that.

Mr. CUMMINS. After listening very carefully to the argument of the senior Senator from Idaho I can not see the justice of his conclusion. I can readily see that he might prefer, even if he were trying to accomplish this same object, to rewrite section 4, preserving it just as it will be preserved in law after the passage of this amendment.

But the senior Senator from Idaho certainly can not insist that if this joint resolution in its present form becomes a part of the Constitution of the United States there will be any doubt whatsoever that all the power that Congress now has relating to rules and regulations respecting the election of the Members of the House of Representatives remains just as it is, and that Congress will have no power whatsoever with regard to regulations respecting the elections of Senators of the United States, but that that subject is entirely provided for in the part which the Senator from Idaho has already read, namely:

The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

Mr. NELSON. Will the Senator from Iowa yield to me?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. NELSON. And will the Senator from Idaho allow me——

Mr. HEYBURN. Yes.

Mr. NELSON. Allow me to call attention to the difference in the phraseology of section 4 as found in the Constitution and this substitute in the joint resolution. The language of section 4 is:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof.

It is mandatory; while in this paragraph here the language is as follows:

The times, places, and manner of holding elections for Senators shall be as prescribed by the legislatures thereof.

They may prescribe them or not, just as they see fit.

Mr. HEYBURN. I was coming to that. That is another subject.

Mr. CUMMINS. The Senator from Minnesota is now passing from the construction or interpretation of what is proposed to the merits of the proposal.

Mr. HEYBURN. If the Senator will permit me, I should like to ask him a question here.

Mr. CUMMINS. I am not saying anything about the merits of the proposal. I am simply differing with the senior Senator from Idaho in regard to the effect of the amendment if it does become a part of the organic law.

Mr. HEYBURN. Will the Senator permit me to request him to state how section 4 of Article I of the Constitution would read after the adoption of this proposed amendment?

Mr. CUMMINS. There is no attempt to rewrite section 4.

Mr. HEYBURN. Well, how would it read?

Mr. CUMMINS. And nominally section 4 of Article I would remain in the Constitution, I assume, precisely as it is now.

Mr. HEYBURN. Nominally?

Mr. CUMMINS. But a subsequent amendment or a subsequent part of the Constitution takes from section 4 all operativeness with regard to the election of Senators, leaving it precisely as it is with respect to the election of Members of the House of Representatives.

Mr. HEYBURN. Well, then, would the proposed section be a new one or be incorporated into section 4?

Mr. CUMMINS. It would make no difference, Mr. President——

Mr. HEYBURN. Well, what would it do?

Mr. CUMMINS. How it was numbered.

Mr. HEYBURN. But it does make a difference——

Mr. CUMMINS. Not at all.

Mr. HEYBURN. How sections are numbered in the Constitution.

Mr. CUMMINS. I take it it does not make any difference how sections are numbered in the Constitution. It would be a part of the Constitution. It would be adopted after section 4 had been adopted, and would therefore qualify section 4.

Mr. HEYBURN. Let me ask the Senator. In a reprint of the Constitution after the adoption of this amendment, would section 4 read as it does now and then an additional explanatory or curtailing section be incorporated into it as a new section?

Mr. CUMMINS. In my opinion section 4, on a reprint of the Constitution, would read exactly as it now reads, and the proposed amendment would take its place physically in some other part of the Constitution; but the amendment would nevertheless qualify in the manner I have described section 4.

Mr. HEYBURN. It would relate back to it?

Mr. CUMMINS. Certainly.

Mr. HEYBURN. It would be printed as the amendments are now printed—far from section 4 as it appears in the Constitution.

Mr. CUMMINS. I do not know how it would be printed.

Mr. HEYBURN. It is not material to know how the Constitution would be written?

Mr. CUMMINS. I do not think it is in the least material as to where it finds a place physically in the print of the Constitution.

Mr. BORAH. Mr. President——

Mr. HEYBURN. I now understand the Senator's position, and I will yield to my colleague.

Mr. BORAH. I was only going to suggest that the amendment would undoubtedly be printed as the other amendments to the Constitution are printed, following the amendments which now exist, and this amendment would modify any original provision of the Constitution to the effect of the language found in the amendment.

Mr. HEYBURN. I take it the author of the joint resolution right there——

Mr. BORAH. I want to say, however, that in view of the anxiety of my colleague to have this just exactly right, I shall be glad to have his assistance in rewriting any of it in order to get it exactly right.

Mr. HEYBURN. I will call my colleague's attention to the fact that it says in lieu of section 4.

Mr. BORAH. And so much thereof——

Mr. HEYBURN. Yes; it is expressed in the amendment. It says in lieu of it. Then why not take out section 4? Of course the word "repeal" is not a proper term to use. Why not eliminate section 4, as it applies to this question?

Mr. BORAH. It says:

In lieu of all of paragraph 1 of section 4 of said Article I, in so far as the same relates to any authority in Congress to make or alter regulations as to the times or manner of holding elections for Senators——

Mr. HEYBURN. I have read that.

Mr. BORAH. But not as to Representatives. It does not say in lieu of section 4, but it says in lieu of a certain part of section 4.

Mr. HEYBURN. Yes.

Mr. BORAH. And my colleague ought at least to state the matter fairly when he is criticizing his colleague.

Mr. HEYBURN. I think I am stating it fairly. I am endeavoring to. I am objecting to an amendment of the Constitution by reference to a part of a section without in any manner disposing of the remaining part of the section. The language would be entirely inappropriate; that is, the remaining language, unaffected by this amendment, would be inappropriate as section 4. Why not say "in lieu of section 4," and then repeat the section as it is to be amended entirely? That is the orderly way in which to do it.

Mr. BORAH. Of course it is very difficult to draw a resolution which is satisfactory to those who are opposed to the resolution in any form. It is not so difficult to draw it for those who are in favor of some amendment, but it is very difficult to draw it for those who are opposed to any amendment.

Mr. HEYBURN. That is a very correct statement of a certain code of morals, and I have no objection to it. I prefer that every law or every provision of the Constitution of the United States, if it is to become a part of our law, shall be correctly and properly and unambiguously stated. Why was it not proper to say that in lieu of section 4 there is hereby adopted a section 4 in the following language, or as follows? It is not in lieu of it. Why leave a part of the section—a ragged section? Why not recite the whole section as it is intended to read when it is adopted, so that when you look at it you will know what the provision is without referring or without the analysis that would be in some cases necessary to determine just exactly what effect it had on the original provision?

Mr. BORAH. The view of the minority of the committee, signed by the Senator from Wyoming [Mr. CLARK], the Senator from Minnesota [Mr. NELSON], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Utah [Mr. SUTHERLAND], the Senator from Connecticut [Mr. BRANDEGEE], and the Senator from New York [Mr. ROOT], asserts that this amendment does precisely what it purports to do, and makes this particular and specific change in the Constitution. I feel quite sure that if those Senators could be convinced that it does not make the change, they would feel that they would like to withdraw their minority views.

Mr. HEYBURN. I did not appear before the minority of that committee or the majority of the committee, and the minority views do not express my views, and it is not a majority of this court, and I say that in all respect. We have passed beyond the tribunal of majority and minority on the committee into the court of last resort, and we are here to review and discuss the report of both the majority and the minority, being a body empowered to overrule both of them if necessary.

If I were in favor of this, I would not support it in this form. I would insist that section 4 should be drawn as a whole, to represent both that which was to be stricken out and that which was to remain in, in the interest of proper legislation; and I think that the members of the committee, on reflection, will be induced to change the form both of the preamble and of the amendment to be submitted.

Now, Mr. President, I warn them that if they go before the legislatures of the several States and submit this to the judgment of lawyers in those bodies they will meet with that objection, and I hope with that objection and other valid objections they will meet with defeat. So much for that.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. CLARK of Wyoming. Just for a question.

Mr. HEYBURN. Certainly.

Mr. CLARK of Wyoming. I understand that the objection of the Senator from Idaho to both the majority and minority report, as stated by the Senator from Idaho, is that if either be adopted by the legislatures of the various States we will have in the Constitution an inconsistent expression upon one and the same subject matter.

Mr. HEYBURN. Yes.

Mr. CLARK of Wyoming. That is the fundamental objection which the Senator from Idaho makes.

Mr. HEYBURN. That is the basis of it; and I think, upon reflection, the members of the committee may see some justification for my objection.

Now I come to the proposed amendment of section 3, which is practically adopted by the minority report and which is the amendment under consideration at this time, as presented by the Senator from Kansas [Mr. BRISTOW].

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. LIPPITT in the chair). Does the Senator from Idaho yield to his colleague?

Mr. HEYBURN. Certainly.

Mr. BORAH. I call the attention of my colleague to amendment 12 of the Constitution. It was an amendment of Article II. All of Article II yet remains physically in the Constitution, but it is modified by amendment 12, which is published further along in the Constitution. So far as I have ever been able to learn, there has never been any difficulty in construing Article II in connection with the twelfth amendment of the Constitution. That is precisely what has taken place here.

Mr. HEYBURN. The twelfth amendment of the Constitution was additional matter, and the subject matter was not included in existing provisions of the Constitution.

Mr. BORAH. But the fact is that Article II was not rewritten. A portion of Article II was permitted to remain and there were additions and distinctions made with reference thereto in the twelfth amendment to the Constitution. So you have precisely the same rule of amendment that we have adopted here. They might have rewritten Article II entirely or they might have pursued the course which they did pursue, either one being effectual to accomplish the purpose of those seeking the amendment.

Mr. HEYBURN. Mr. President, an inspection and a comparison of the language of section 2 of Article I with the twelfth amendment will not bear out the conclusion of the junior Senator. It is more in line with the principle which I am invoking. If there is any instrument on earth that ought to be so definite, unambiguous, and certain that there would be no necessity for an analytical construction as to its meaning, it is the Constitution of the United States. There should be no amendment by reference whatever; the amendment should be by a specific statement of the provision to be incorporated in it.

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New York?

Mr. HEYBURN. Certainly.

Mr. O'GORMAN. May I call the attention of the Senator to what is regarded as a well-settled rule of construction both of statutory law and of the organic law?—

> Amendments to constitutions or statutes are not regarded as if they had been parts of the original instruments, but are considered rather in the nature of codicils or second instruments, altering or rescinding the originals to the extent to which they are in conflict, and, of course, are to be treated as having a force superior to the originals to the extent of such conflict. If a constitutional amendment does not in terms expressly repeal a constitutional provision, yet if it covers the same subject provided for in such provision, the amendment will be regarded as a substitute for it and as suspending it.

That would be the principle to be applied to this proposed amendment, even if the phraseology were not as exact as it is in distinctly stating that in lieu of these various features of the first and second paragraphs and the fourth paragraph of Article I the following is to be taken as a substitute.

Mr. HEYBURN. Mr. President, I entirely agree with the Senator as to the rule of construction. Where ambiguities are discovered in the application of amendments to either a law or the Constitution the court must find a way out of it so as to preserve the principle if possible. But we are here initiating provisions; we are here for original action; and it is our first duty to avoid the necessity of doing just those things to which the Senator from New York has called our attention.

I am not arguing that if we were to adopt this amendment as it is a court would not search, under the rule invoked by the Senator from New York, for the means of sustaining the provision; but I am discussing the question as to whether or not this is a proper way, in an original action, to proceed.

Mr. O'GORMAN. If the Senator will pardon me——

Mr. HEYBURN. Certainly.

Mr. O'GORMAN. I do not seek to vindicate the phraseology employed, but I do express the opinion that it will carry out the purpose of those who designed the proposed amendment. I do not dispute that the language employed might be more specific and that perhaps a more appropriate amendment might be the means of effectuating the common purpose.

Mr. HEYBURN. I am discussing now the proper way to do it. I am not maintaining that no other method might accomplish the purpose, but I am discussing the propriety of the method proposed, as to whether or not it is the best and the proper method; and it was to that proposition that I directed my criticism. It may be that any thought can be expressed in more than one phrase or character of phrases and yet by interpretation it may reach its ultimate purpose; but the question is, Can we not and should we not adopt a more direct method of amending section 4, if it is to be amended? That is to say, we can eliminate the future necessity of reference to a condition that existed before our action by acting directly ourselves, and it is a question of the propriety of doing it.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Connecticut?

Mr. HEYBURN. Certainly.

Mr. BRANDEGEE. Does the Senator from Idaho mean that where the joint resolution says on the first page, for instance:

> In lieu of all of paragraph 1 of section 4 of said Article I, in so far as the same relates to any authority in Congress to make or alter regulations—

And so forth—

> the following be proposed as an amendment to the Constitution—

and whereas the following on page 2 appears to be four separate paragraphs, relating to several different features of the Constitution, by the language used practically those four paragraphs on page 2 are substituted in lieu of all of paragraph 1 of section 4? Does the Senator intend to convey that idea?

Mr. HEYBURN. No; that is a question yet to be entered upon. I had not reached the point as to the propriety of incorporating isolated parts of the Constitution into sections without number and calling it one amendment. I will reach that in a minute. The suggestion of the Senator from New York as to how this should be done is one that I will first give attention to.

If I were drawing this proposed amendment, I would say "of section 4 of Article I the following is proposed as an amendment," and then I would recite, as amended, the whole section. I would not leave out the provision in that section relative to the election of Members of the House. Why should you? Why should you not, in order to avoid the necessity of reference and construction, state the section as it is to be remolded, including the provision in regard to the election of Members of the House? Why the necessity of limiting the amendment to a part of the section when you could as well say that the section shall read as follows, and leave it stand as section 4 of Article I of the Constitution? That is the rule when rightly applied in legislation, and why not apply it in amending the Constitution?

Mr. BRANDEGEE. Mr. President——

Mr. HEYBURN. I was going to come to that question, but I yield.

Mr. BRANDEGEE. I do not want to interrupt the Senator, but——

Mr. HEYBURN. I like to be interrupted. It does not interrupt me a bit.

Mr. BRANDEGEE. I wanted to see if I could make myself a little clearer and perhaps say something in addition to what I said before in relation to the same subject.

It seems to me that the language of the proposed joint resolution (H. J. Res. 39) on the first page, on a careful reading, is somewhat unfortunately worded. I admit that, because it proceeds to say that "in lieu of the first paragraph of section 3 of Article I of the Constitution of the United States, and in lieu of so much of paragraph 2 of the same section as relates to the filling of vacancies, and in lieu of all of paragraph 1 of section 4 of said Article I," in so far as it relates to another subject. Apparently the language of all those separate paragraphs and sections would be amended, if this language is to be literally construed, by inserting all that appears on page 2 pertaining to all these several matters. Of course that would be an absurdity, and that is not the intention, I assume, of the proposers. Yet that, as I read it, is what the joint resolution literally proposes to do; and the Senator from New York proposes a rule of construction, as I understand it, by which he thinks that absurd interpretation could not be sustained.

Mr. HEYBURN. The Senator from Connecticut expresses the objection I was going to urge to the attempt to incorporate as a single amendment to the Constitution corrections of three separate and distinct paragraphs of the Constitution. A constitution should be amended in the most specific and direct manner. It is entirely competent and entirely within the rule of legislation of this or any other kind to take each of those paragraphs and propose a substitute for it as a separate amendment. As was said yesterday, and as I said in opening this morning, you have incorporated three amendments, or the

amendment of three different parts of the Constitution, in one amendment, and they are not directed to the same purpose or the same political principle. Of course an amendment to the Constitution is the purest kind of politics. It is politics as politics should be; it is the science of government.

The science of our Government is written in the Constitution, and it is politics and should be regarded as such. I have always contended against the application of the term "politics" to political jugglery. It means nothing of the kind when I use it. It was not intended to be so used at any time by those who speak responsibly.

We are now dealing with a political principle of government. First, shall the manner of electing Senators be changed? That is a distinct, separate principle and can stand out alone. Second, shall the power of the Government over the States be changed? That has nothing whatever to do with the election of Senators. One must precede the other. Until Senators are elected there is no part of the Government possessing the functions to perform the other thing sought to be changed.

Before I take up the question of the merits of the proposed change in section 4, I want to discuss the question as to the change of the manner of electing Senators. I said upon first addressing the Chair that the Senate of the United States from the foundation up to the present day is on trial, because the purpose of this legislation and the constitutional provisions is to secure the performance of the will and the carrying out of the principles of the Government.

No Senator will claim that the standard of the men who have constituted the Senate of the United States has been below the high character that it was intended they should possess. No Senator will maintain that either on his own account or on the account of his associates. Since the Senate was founded there have been elected to it up to last year eleven hundred and eighty-odd persons, and that does not include reelections. That many individuals have been selected by legislatures of the States and they have served in this body and they have been responsible for the laws that have been enacted and the manner of their administration. Are we in considering this proposed amendment to challenge the capacity, the honor, or the integrity of those men?

I am looking now for a reason for a change proposed to be made in the Constitution. If there is no reason for it I do not believe that any Senator would for a moment consider it or support it. Where is the reason? We will pass the question as settled definitely that it is not to be found in the personnel of those who have been elected. Is it to be found in their acts in this body? Have they shown a lower scale of judgment or integrity than it is to be presumed will be found in those selected in some other way? I think we would not admit that. We would not challenge the ability or the high character of the Senators of the past. Then why change it? Whence comes this demand, if it is a demand? Is it from selfish interests? Is it from any place that we should respect?

Mr. President, I would suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Curtis	Lodge	Reed
Bailey	Davis	McCumber	Root
Borah	Dillingham	Martin, Va.	Shively
Bourne	Dixon	Martine, N. J.	Simmons
Brandegee	Gallinger	Myers	Smith, S. C.
Bristow	Gamble	Nelson	Smoot
Burnham	Gore	Newlands	Stone
Burton	Gronna	O'Gorman	Sutherland
Chamberlain	Guggenheim	Oliver	Swanson
Chilton	Heyburn	Overman	Terrell
Clark, Wyo.	Johnson, Me.	Owen	Thornton
Clarke, Ark.	Johnston, Ala.	Page	Townsend
Crane	Jones	Percy	Watson
Crawford	Kern	Perkins	Wetmore
Cullom	Lea	Pomerene	Williams
Cummins	Lippitt	Rayner	Works

The PRESIDING OFFICER. Sixty-four Senators have answered to their names, and there is a quorum present. The Senator from Idaho will proceed.

Mr. HEYBURN. Mr. President, I was inquiring as to whether or not there was a demand for this change in the Constitution; and if so, where did it come from and how has it been expressed. It is easy enough to say that the people are demanding this, and to make that a ground for action; but the people are not demanding, nor have they at any time demanded, this action on the part of the Congress of the United States. The people of some of the States have asked that they shall be permitted to meet in convention and take action upon this matter; but the States have not asked that Congress shall submit it to the legislatures.

The grounds upon which it is claimed that this change in the Constitution should be made are that the legislatures can not be intrusted to perform this duty. If the people are clamoring against the present method because the legislatures can not be intrusted with this duty, is it to be supposed that the people are clamoring that Congress shall submit it to the tribunals which they discredit? The fact is that there is no demand for this action among the intelligent and thinking people of the United States. When the Constitution itself was adopted it was not submitted to the people except through their representative bodies in the several States then existing. The founders seemed to think that the legislatures of that day could be trusted to act upon this question or any questions of this character. The States—a few of them; one came in this morning—that ask that the question be submitted do not ask that it be submitted to the people, but they ask that it be submitted to the legislature, this discredited agency of the people; and this joint resolution under consideration does not propose to submit this amendment to the people, but it proposes to submit it to all of these discredited legislatures; and yet the very provision itself——

Mr. JOHNSTON of Alabama. I should like to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Alabama?

Mr. HEYBURN. Certainly.

Mr. JOHNSTON of Alabama. I desire to ask the Senator from Idaho if the amendment proposed by the Senator from Kansas [Mr. BRISTOW] is not just as objectionable on that question as is the original joint resolution?

Mr. HEYBURN. It proposes to submit the question to the legislatures.

Mr. JOHNSTON of Alabama. Yes; and is just as vicious on that ground as is the original joint resolution?

Mr. HEYBURN. I oppose the original joint resolution and the substitute.

Mr. JOHNSTON of Alabama. I am glad to hear that.

Mr. HEYBURN. I oppose them because there is no demand for such a change, except from the selfish interests of the country, from the coterie of men who stand on the street corner and acclaim themselves "the people."

What position would the people of the States place themselves in were they to confess that they did not possess sufficient intelligence or patriotism to elect a legislature? If they can not elect a legislature, is it to be supposed that they are more competent to elect a Senator? No; the demand for this action comes from selfish interests, men who hope, by getting around the law, to obtain place and position for themselves. I am not afraid to trust the people, to intrust them with any duty of citizenship which the law imposes upon them. If I were to say that the people of my Sate needed some supervision, I would criticize their action through which they sent me to the Senate.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. HEYBURN. I yield.

Mr. WILLIAMS. I wish to ask the Senator from Idaho for information—I do not myself remember. How many States have passed resolutions demanding that Senators be elected by the people?

Mr. HEYBURN. None of them have made any such demand. About 19 of the States have asked that a convention be called.

Mr. WILLIAMS. For this purpose?

Mr. HEYBURN. That a constitutional convention be called——

Mr. WILLIAMS. For the purpose of securing the election of Senators by the direct vote of the people?

Mr. HEYBURN. Some of them have. I think the Senator's own State placed no limitation on it, but asked that a constitutional convention be called. Some of them who have in their minds amendments in regard to organized labor include that; some of them include one thing and some another. They ask that in that constitutional convention this question of the election of Senators shall be considered; but, of course, if a constitutional convention is called, you can not limit it.

Mr. WILLIAMS. I understand that.

Mr. HEYBURN. A constitutional convention is all of the people; it is a town meeting of the Nation.

Mr. WILLIAMS. Does not the Senator from Idaho admit that some 18 or 19 States—I do not remember how many—have asked for a constitutional convention for the purpose of securing the election of Senators by the people? If that be true, does not the Senator from Idaho think that it would be much safer and more conservative to submit this specific amendment

through the Congress than to have called a constitutional convention whose action, as he suggests, can not be limited?

Mr. HEYBURN. I agree with the Senator, and that view of the case I had heretofore intended to present; but when the Constitution says that upon request of two-thirds of the States we shall take certain action we are not authorized to take it at the request of less than the number specified in the Constitution. If we do it, we can not claim that we do it in response to the constitutional demand of the States, and no one will claim that a sufficient number of States have asked in any manner for a change in the plan of electing Senators.

Mr. WILLIAMS. I will ask the Senator from Idaho this question: Frankly, does not the Senator believe that the reason why these 19 States have asked a constitutional convention for this purpose is because they thought that the Senate of the United States would never pass a resolution for amending the Constitution in the first manner provided for in the Constitution?

Mr. HEYBURN. No, Mr. President, I do not think so; and I think that a wide inquiry regarding that question would satisfy the Senator from Mississippi that that reason, if it ever prevailed, was in a very limited number of cases. I have taken some pains, in fact I have the record of the proceedings by the various legislatures, to find out how much consideration the question has received, and I challenge any Senator to show me that the matter received in any legislature where the resolution was adopted such consideration as would be given to a measure of the least importance. It has been brought forward in response to the cry and the appeal of the selfish interests of self-serving men.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. HEYBURN. Certainly.

Mr. REED. I desire to be clear about one matter. I may have misunderstood the Senator. Does the Senator claim that Congress has not the right to pass a joint resolution submitting a constitutional amendment until, as a prerequisite, two-thirds of the States by their legislatures have demanded that action from Congress?

Mr. HEYBURN. Oh, no. There are two separate methods provided for amending the Constitution. The provision in the Constitution under which Congress may propose amendments without the action of the States is distinct and separate, and that is the proceeding that it is sought to be had here.

Mr. REED. I thought so, but I had understood the Senator the other way, and I thought that I had probably misunderstood him.

Mr. HEYBURN. No; I am thoroughly familiar——

Mr. MARTINE of New Jersey. Will the Senator permit me a question?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Jersey?

Mr. HEYBURN. Certainly.

Mr. MARTINE of New Jersey. In relation to the Senator's statement that this measure is in behalf of and is demanded by the selfish interests and not by the people, I protest. Every Democratic convention in the State of New Jersey, county as well as State, and as well the Republican conventions, county and State, have declared unequivocally for this change, and "the interests" have been decidedly against it. The Senator is utterly wrong in his position.

Mr. HEYBURN. Mr. President, I do not use the word "interests" in the same sense as the Senator from New Jersey uses it. I have never, at least, gone so far as to denominate one class of the people "the interests" and the other "the people." They are each of them to me individuals, and each of them stands upon his own merits. I have known some very bad poor men and some very bad rich men, and I have known some very good rich men and some very good poor men. I do not classify them.

The Senator speaks of the action of the State of New Jersey in regard to this matter. I have the record of the action of the State of New Jersey, and before I close I will advise the Senator exactly as to the record of the State of New Jersey upon this question.

I reiterate that no part of the people have ever voted upon this question; and, in further response to the inquiry of the Senator from Missouri [Mr. REED], I would say that when the Constitution provides that Congress may, upon the occurring of a certain event, take certain action, it means just that; that the jurisdiction comes from the occurring of the event; the jurisdiction attaches when the event occurs. Had it not been so, had the Congress been at liberty at any time to propose amendments, we perhaps might have been led far out into the wilderness long ago.

It was a very wise provision that placed a limitation upon Congress to submit amendments to the Constitution to the States or to the people. The Constitution provided two methods—first, upon the legislative appeal or demand of the requisite number of States Congress shall call a convention. That authorizes the calling of a constitutional convention with wide-open doors, that shall be the people of the United States—all of them. That is one method. That does not originate with us; it does not originate in Congress, but with the people in the States, acting through their organized government, and in no other way; but the other method that we are seeking here to invoke is that by which Congress submits to the legislatures of the States certain amendments to the Constitution to be voted upon by the legislatures. Congress has no power under the Constitution to submit amendments to be voted upon by the people. We submit amendments to the legislatures, and that is the only step that we can take in regard to the amendment of the Constitution.

We want to keep those methods separate, because we have here petitions from some States—but not the requisite number in either case—that a constitutional convention shall be called. That is because they do not care for Congress to be invested with the power of formulating the amendments; they want to formulate the amendments to be considered, as they have a right to do under the Constitution; but when Congress, regardless of any expression from the organized government of the people, shall of its own volition submit amendments, it is not at the call of the States at all; the States have nothing to do with it; and it is a piece of political impertinence on the part of the States to ask Congress to submit amendments to the Constitution except in the manner provided by the Constitution.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. HEYBURN. Certainly.

Mr. REED. I understand the Senator, then, to claim that if the legislature of any State or the legislatures of all of the States were to respectfully petition Congress to submit an amendment it would be a piece of impudence?

Mr. HEYBURN. Well, I said a political impertinence. I did not mean to be rough in my expression. I think I used a conservative one. It is a question of jurisdiction.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from California?

Mr. HEYBURN. Certainly.

Mr. WORKS. The Senator from Idaho has made the broad statement that there is no demand made for this change in the Constitution by the intelligent and thinking people of this country. If it were necessary, or if I believed that the charge made by the Senator would be seriously considered, I should desire to enter a protest against this imputation upon the intelligence of the people of my State. Both of the political parties in the State of California have declared in their platforms in favor of the change in the Constitution. The sentiment in my State is almost unanimous for it. No political party in the State of California even dared to raise the issue with respect to this change in the Constitution, knowing, as they did, what the sentiment of the whole people was on that subject.

Mr. HEYBURN. I hope that the Senator from California and all other Senators will understand that I make no personal reference and impugn no person's integrity in this Senate or in an individual sense. I am speaking of a principle, and of that principle as applied or invoked in regard to the people generally, and if I do not make good before I have finished my remarks, I will then be a subject for judgment. I, of course, would make no personal allusion to any Senator.

Now, Mr. President, as to the manner. I want to see whether we have jurisdiction to act. The Constitution says how we shall act, and it says it in no ambiguous terms. It does not say that if the people clamor for something we shall submit amendments to the Constitution. It does not say that if some man or a million men stand up and clamor for it we shall submit it to the legislatures. It says we shall do it upon our own judgment here, and the clamor may or may not reach the ears of the Members of this body. If in the judgment of the Senate it will submit these matters to the legislature, it performs an act so inconsistent as to be utterly irreconcilable. To submit this question to the very tribunals that we are seeking to discredit would be a most singular performance.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho further yield to the Senator from Missouri?

Mr. HEYBURN. Yes.

Mr. REED. I am not seeking to interrupt, but I asked the Senator awhile ago if he claimed that Congress did not have

the power to submit this amendment until, as a prerequisite, two-thirds of the legislatures of the States had petitioned for it.

Mr. HEYBURN. I answered that.

Mr. REED. I understood the Senator to say that he did not claim that, and a little later to say that there were two distinct methods of amendment laid down—one by the calling of a constitutional convention in response to the requests of the legislatures of the States, and the other by submitting it in this way. Now, I understand the Senator in his last few words to say that we are proceeding here without authority; and I ask him again if he makes the serious claim that Congress does not have the right and authority to submit to the various legislatures this proposed amendment in the way in which it is being submitted?

Mr. HEYBURN. The Senator misunderstood me. At the time the Senator addressed his remarks to me I was referring only to the calling of a constitutional convention, and my reply applied only to that method. We need no insistence from any one to submit to the legislatures an amendment to the Constitution. I was addressing myself to the propriety of submitting it to the legislatures if the demand of the people is based upon the assumption that the legislatures are not fit tribunals to select Senators.

There are the two propositions. Should we submit this question to a discredited tribunal because the people are crying out, as the Senator from California [Mr. WORKS] says, for the right to select a Senator directly? Where is the consistency between that cry and this action?

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. HEYBURN. Certainly.

Mr. REED. Does the Senator from Idaho claim that by submitting to the various State legislatures a proposition which will give to the very people who elect them the right to vote upon the election of United States Senator that that necessarily implies a discrediting of the legislature?

Mr. HEYBURN. Yes; there is no question about it. You can not get away from that conclusion.

Mr. REED. I just wanted to get the Senator's view.

Mr. HEYBURN. There is no way of escaping that conclusion. I started upon an inquiry as to why this was necessary, and I inquired, Is it because the people can not exercise this function through their legislature; and if they can not do this through their legislature, is the legislature any better qualified to pass upon the amendment to the Constitution? Is the legislature better qualified to amend the Constitution of the United States than it is to elect a Senator? Can its integrity be relied upon any more surely to amend the Constitution than it can to elect a Senator? Those are the questions, and that takes it out of the line of demagogy. You hear men say, "The people should elect their Senators." The people elect the legislatures; and if they are corrupt, then probably the character of the legislature might show some evidence of it; but if they are capable and pure and clean and intelligent enough to elect a legislature, then their selected men are competent to elect the Senators of the United States. I am looking for a reason for this.

I asserted that the only reason that was evident to me was that some men carried away, rightfully or otherwise, by their ambition to accomplish something that they could not accomplish in a direct way, were seeking indirect methods, and they were doing what is often done—asserting in support of their position that the people demanded it, and the people probably consisted of that man and a half a dozen friends under a lamppost. If the people want this they can call for it, and Congress will act in the manner prescribed by the Constitution. Let them do it, and you will not see me standing up here opposing it. When the requisite number of States in the constitutional manner ask that Congress shall call a convention of the people of the United States for the purpose of revising their Constitution, I shall not shirk my duty to vote for it, because the Constitution that I have sworn to uphold says you shall do it. Not that I would approve of it personally, but that I would perform a public duty under the Constitution.

But we are not in that position. The people are not asking us to do this in the numbers required by the Constitution. It is Congress, and Congress only, that initiated this movement to send it down to the legislatures and to place the final judgment in the hands of the very people whom it is claimed the people want to be relieved against.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. HEYBURN. I yield.

Mr. REED. If it were true, as the Senator from Idaho assumes it to be, that this movement is based upon the corruption or incapacity of the State legislatures, and, therefore, that it is absurd to submit the proposition to those bodies assumed to be corrupt, and if that condition existed, would it not absolutely bar the possibility of having the demand made by the necessary number of States?

Mr. HEYBURN. No.

Mr. REED. And would that not leave us, on the Senator's theory, without any means of relief?

Mr. HEYBURN. No.

Mr. REED. Would not that condition, if it existed, call loudly upon Congress to pass this measure and submit it to the various legislatures and present to the people of the various States sharply the proposition that the men they were about to elect to the legislature would have to pass upon this question?

Mr. HEYBURN. No. The people of the United States represent something more than the legislature of the States. The people of the United States are not a proper subject for impeachment in determining their capacity for self-government upon any history or experience we have had. They have selected the great Presidents of the United States of all parties. They have selected the Congress of the United States, with all of its grand achievements and magnificent manhood. The people have done it through the constitutional agencies and methods that have prevailed during the history of the country.

Mr. REED. Just one further question.

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. HEYBURN. Yes.

Mr. REED. If the people possess all these virtues and all this intelligence, then why can they not be trusted to pick their Senators directly?

Mr. HEYBURN. The people have not made a demand in the manner prescribed by the Constitution. The people are given the opportunity of changing the Constitution. When I say the people I do not mean the coterie of people who are connected with office seeking and office holding. I mean the great silent mass of this people who speak only in the silence of the ballot box. Those people have not spoken. Men have volunteered to speak for them, but the people have not spoken, and if this is a crying need and a great necessity, we can rely upon it that the people will ask Congress for redress against these evils, if they be evils.

Now, Mr. President, the history of a government is its record to which we appeal in determining the wisdom of its action. I had started to say that the number of Senators that have been selected from 1789 to 1909—I have not included this winter—was eleven hundred and eighty who served in this body. Some of them have been contested. There have been 161 contests, including the existing contests. The number of Senators who have been denied a seat is 7. That is a pretty good record. Can you take any body of men on earth that will show a better record than that? Can you go into the churches, and into the colleges, and into any walk of life, and show me where out of eleven hundred and eighty men elected to the performance of such duties as rest upon Senators but 7 of them have been found not entitled to their seats? That speaks something for the record.

Is not that some justification of a system of government? Do you think that if you take the power of the election of Senators from the accredited and selected representatives of the people in the legislatures you will get better results? Do you think that if you throw the election of a United States Senator into the downtown wards of a city you will get a purer deliverance of right? Do you believe that if the question of the election of a Senator is subject to all of the trades and the bargains and the vicissitudes of an election you will get a better result than you will at the hands of the selected of the people? It does not appeal to me that you will, and it is not the highest purpose that we could have in view that we maintain and keep up to the high standard the personnel of the members of this body.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. HEYBURN. Certainly.

Mr. REED. A moment ago the distinguished Senator pronounced a eulogy upon the purity and intelligence of the American people. Now I understand that he challenges the purity and intelligence of a portion of them. I want to ask him if that same impure, vicious, and bad element which he thinks should not vote direct for United States Senator does not now vote direct for the men who elect United States Senators?

Mr. HEYBURN. If the distinction is not obvious, I am afraid the Senator will have to appeal to some one else to make it so. I have not challenged the integrity or the ability of the American people to perform the duties of citizenship, but am I to be understood in that as accrediting the discredited citizenship of the country that languishes in prisons or has discredited itself so that it can not live in one place long enough to acquire the right to vote?

Mr. President, I can not dwindle this discussion down to a point—and I say it with due respect to the Senator—that would necessarily present the criticism and the challenge of the Senator. I think the Senator seems to be quite devoted to the idea of finding that I am not consistent in my remarks.

Mr. REED rose.

Mr. HEYBURN. If the Senator will be patient until I have concluded my remarks—I do not mean by that that I object to interruptions, because I do not; I rather prefer, when matters arise in the minds of Senators that would seem to be antagonistic to my expressions, that they should make them known—but when I said that the American people could be intrusted with citizenship, I meant the American people who are entitled by their training and their integrity to exercise those rights, and I did not mean that there would not be within that great body of just men knots and curls and quips of irregularity that would affect the election either of Representatives or of Senators; but when those people have selected the legislature they have taken picked men from their community to represent them; they have expressed their contentment to be so represented.

Now, Mr. President, there are some facts in regard to this matter that are pertinent. There is no need to amend the Constitution of the United States to do away with the evil of what you might call deadlocks in legislatures. Congress has the power by legislation to remedy it, because Congress can provide under the Constitution as it is how the legislature shall elect a Senator. It needs no amendment to the Constitution. It is competent for Congress to say, as the legislatures of some States have said and, under the rules, conventions have adopted, that after a certain number of ballots the low man shall be dropped, and so on. That always results in a very speedy determination of a deadlock.

I have seen it in operation at times during my political career where, the inability of a convention to nominate a candidate being demonstrated, a rule would be adopted that after the third ballot, or the fifth, or any other number, the low man should be dropped, and then after the next ballot the next low man should be dropped, and so on. It speedily resulted in the untying of these knots.

The Senator from New York [Mr. ROOT] has proposed a method of resorting to a plurality vote after so many ballots. That is feasible, but I prefer the rule of dropping the low man, perhaps because I have been somewhat familiar with it; but either of them would answer. Dropping the low man still elects by a majority, which I think is a better plan. When you have dropped the low man until it is down to two men of a party, if you please, it will be determined by that ballot and by a majority vote.

I started to inquire as to the necessity of this amendment. I have not found it yet. No Senator has pointed out any necessity for this amendment to me, except that it comes in a cry from somewhere, and when you undertake to trace that back to the source you find that it is somebody who could not get what he wanted very often in the regular way, and he thought if some new rule could be found for him he might possibly stand a better chance. I do not say that to be invidious. I do not intend to apply it to any Senator. I am talking now of matters of experience in political life, and when I use the term "political life" I mean the pursuit of the study of government, the science of government.

Has any necessity presented itself for this action? I am now talking about the simple question of changing the Constitution so that the legislature shall not perform the duty of selecting the representatives from the State—the big State and the little State alike. It is not the people, the body and mass of the people, that is represented by the Senator from a State. He represents the people from all States. The Senator from Mississippi [Mr. WILLIAMS] is as much a Senator for the State of Idaho as he is for the State of Mississippi; yes, he is, under the Constitution, and his duty is the same, the pledge of his faith is the same in the making and the consideration of the making of law. The Senator from New York is as much a Senator for the State of Ohio as is the Senator that Ohio selected. That has been recognized throughout the history of this country. Your vote is not confined to its effect upon the interests of your own people. In three-fourths of the questions upon which we vote the State of some Senator has no particular interest, but you vote because you are a Senator of the United States as a whole.

This goes to the question of the character of representation for which a Senator stands, and that goes to the question as to how that character should be represented. The State has a medium provided by the Constitution of the United States. Its legislature speaks for it. A Senator in this body may speak and does speak for his State. When he votes upon a question affecting the whole Nation if he does not rise above that, he falls below the duty of a Senator.

Now, Mr. President, I approach a question directly involved in the amendment of the Senator from Kansas [Mr. BRISTOW]. The joint resolution itself provides for the repeal of that provision of the Constitution which authorizes Congress to change or modify the rules which a State makes in regard to this matter. Yesterday the inquiry came from somewhere as to how the United States could compel a State to continue to exist. It seemed to be assumed or conceded by some that a State might cease to exist and the Government of the United States would be helpless.

Mr. President, such a contention is to me so startling, so threatening to the continuity and continuance of this Government as to appall me. Do you think that a State by failing to exercise its constitutional duty of sending representatives to this body or to the other could terminate its obligations as a State of the Union? In this age, in the light of this experience of most of us or some of us, such a proposition can not be sustained. You can not destroy this Government by inaction any more than you can by action. The failure to exercise the duty on the part of a part of the people would not affect the right or the fact that the other part of the people would exercise it.

If none exercised it, it is no longer a State government. A State government is not constituted alone of the State officers or the officers within the State. To be a State it must be a part of the Nation. To be a part of the Nation it must be represented in the departments of the Government wherein the Constitution provides that it shall be represented. If it fails in this it is only a Territory. Statehood is not geography; it is men; it is constituted of the actions of men; and if men do not or will not act there is no statehood. If any State in this Union failed or refused to respond to its constitutional duty to be represented in Congress, Congress would and could take possession of that territory, because it is all the territory of the United States, and they could organize a Government in that territory according to and within the constitutional provisions in such cases.

I never want to see the day when the truth of that assertion will have to be tested, but if the day does come, those who delude themselves with the idea that a State may sulk itself out of existence will be rudely awakened from their dream. Congress can organize a territorial government in the absence of a State government, and a State government is not complete or efficient unless it is represented in Congress in the constitutional manner. Congress can enforce its action in taking possession of the affairs of those people as it would enforce its power over an alien foe.

It is not fashionable among patriots to consider how this Nation may be destroyed by neglect. It is not wise among statesmen to consider how that the Government is so powerless and weak that it can not maintain its own existence, and it is not maintaining its own existence when it permits one of the States to dissolve itself out of the Union by inaction. That territory belongs none the less to the Government of the United States, the lord of the fee, the sovereign of the domain, because that the people within it refuse to perform constitutional duties.

Why should not Congress then retain the power peacefully by allowing section 4 to remain as it is, where the express power is given to compel representation in both Houses of Congress? If you, if any part of the people, take the nominal power away from Congress, and, acting upon that, the people of any State decline the duties of citizenship, Congress will nevertheless have the power to act from a different standpoint, but none the less effective, in the absence of any provision in the Constitution authorizing Congress in express terms to compel the performance of its nationalism or nationalship by a State, to go in and perform it for them. Why should they not? There is no man within the sound of my voice so unpatriotic as to maintain that he would not by his effort, official or personal, undertake to uphold the supremacy within any State that refused to exercise its political duty or to perform its political duty toward the maintenance of the Government.

It takes all the States of this Union to make the Government. No one can drop out of the ranks. Now, they are proposing by this amendment to the Constitution to take away from Congress

the power to compel a State to perform the constitutional functions of a State. That is what they are doing. I do not need to go out beyond the pages of the history of our country to call attention to what might have happened. It is a difficult question to discuss and one for which the necessity of discussion should never arise. I am not going to enter into the question from an individual standpoint nor at any length. I will merely say that there was a time in this country when it was claimed and strongly maintained that a State had a right to withdraw from this body or from Congress or from any department of the Government, and that the Government should have no power to prevent it. Why, that was the very commencement of the troubles that resulted in war. It started right over there. Look up the history of it and see where the first declaration was made, and by whom it was made, that a State could exercise its own pleasure about being represented here, and that Congress had no power to compel its representation, or in any manner to control it.

Without going over any part of that terrible time when that question was being thrashed out, it is sufficient to say that it was, and I do not believe that there is a man within the sound of my voice who ever wants to see such a question thrashed out in the household of the American people. If we have war, let it not be within our own household; let it be for the defense and the honor of our flag and our country as against some other nation than our own.

Do not raise this question. I have been accused in the public press, and I do not know where else—I do not care—of waving the bloody flag in my discussion of these questions. Great God, Senators! they must be discussed when you force their discussion upon us. It is discussed, not in anger, not in terms of recrimination, but weighed in the balance of patriotic and generous discussion.

The question of State rights is involved in this fourth section of the Constitution. As it was written in that section, so was it the cause of the great strife which no sane man can but regret. It was the question of the right of Congress to interfere where the necessity for interference existed in the affairs of a State, and in the great arbitrament of war it was decided that that section 4 should not be written out of the Constitution of the United States. That was in the verdict, because it was in the indictment. I am not appealing to Senators on this side in regard to that, because if I thought there was in the breast of any one of them a difference of opinion in regard to it I would lose faith in the great party of which I have always been a member. I do not believe there is a remnant of that sentiment in the heart of any man on the other side of the House. I have heard you say, and I believed you when you said it, that those were buried questions and abandoned claims, and that you would stand as ready to defend this country against dissolution either by sword or by ballot as your ancestors did. I believe you, and I have no desire to bring up those questions. But they are forced upon us here in that we are asked to repeal the provision in the Constitution that was the battle cry of our armies, and I protest against it.

Necessity for its enforcement or application might never arise. Generations come and go. Before me to-day there are only a handful of men on either side who participated in the settlement of that question, but it is just as necessary for the generations that follow those who did participate in it to correctly understand the bearing of the question upon our existence and upon the integrity of our Government as it was for those who took the responsibility in that hour. Shall we be less thoughtful, shall we be less patriotic and less quick to respond to an attack upon the Constitution, civil or military, than were our ancestors? Is it a small thing to take away from Congress a power that was given it by the founders merely because there is nothing at the moment that would seem to make it material one way or the other? Since I was born there have been men who ridiculed the idea here in this Chamber that any difficulty could ever arise by reason of the exercise of the rights of the Government under this section 4. Why should it be taken out? Let us look for a reason for that. Does anyone want to do anything that the Government of the United States would be justified in stopping? Does anyone want to do anything that would be interfered with by this just provision of the Constitution? If they do, why do they? If they do, should they be permitted to do it?

I say those who are proposing that we take this power away from the Government, and it is a power, what would they do that they can not do now? Why do they want it repealed? Is it because they anticipate some conditions where the Government under existing provisions would interfere, and under the conditions that would exist after its repeal could not? Is that it? Be candid, brave, and fair, and tell us why you want this section 4 of Article I repealed. It is not sufficient to cry out "Repeal! Repeal!" It is necessary in the deliberations which properly accompany the consideration of these great questions that reasons should be given, and reasons that convince the reason of men.

This is not a place for negative action. There must be an affirmative reason in this body for the exercise of the functions of office by every Senator and all the Senators. There must be an affirmative reason for doing it, and I challenge any man to state here the affirmative reason why section 4 of Article I of the Constitution should be abolished, wherein it provides for the Government of the United States, which is as great as the aggregate of all of them, to perform its functions in the hour when its judgment dictates that it should act. I speak of that in support of the provisions contained in the amendment of the Senator from Kansas [Mr. BRISTOW]. Were his amendment confined to that I would support it, but I speak against the provision in the resolution of that Senator, more properly speaking, wherein it provides for a change in the method of the election of Senators in an unconstitutional manner—that is, by a direct vote of the people.

What next? What will we face next here in this Chamber? The recall perhaps of officers of the United States at the changing whim of local communities. Do you think that you would get a self-respecting man to occupy a position in this Chamber when his right so to do was likely at any time to be challenged and canceled? I would not care for the acquaintance of a man who would accept a place of responsibility on such terms. Is there nothing left of the spirit which actuated the generations that have gone before us, who have maintained that the value of a government rests in its stability, that the value of a law rests in its stability and its certainty of application? Those are the very foundation principles upon which our Government was founded. The violation of those principles sent our patriots to battle against England and her allies and to win out the Constitution and the government we enjoy. It was because we never knew in New England or Pennsylvania or Virginia or the Carolinas or Georgia whether the law that you were striving to obey to-day, that you are striving to rest your personal property rights upon to-day, would be the law of to-morrow, when royal edict might change overnight the law of property and person.

We recognize the necessity for stability in government; we recognize the necessity of a fixed tenure of office, not changeable at the will of any monarch or superior power, except for cause defined and limited by the people, and yet to-day seems to be the day of amendment. Some congregation or aggregation of people to-day are in session who have proposed to amend the Ten Commandments, seriously, not in jest, and I have the proceedings of their meeting in my desk here. They are only a little in advance of the kind of men who are to-day looking rather how to change the law than how to obey it; how to degrade the law rather than to elevate it as the standard of stability, fixed, stable government of the people, by the people, a representative form of government that we have all sworn allegiance to. When we take our oath of office we pledge ourselves to support and defend the Constitution of the United States. That means its principles; and the conditions under which we are justified in attempting to change those principles are mighty uncertain. The principle of representative government is the very first underlying groundwork of our system. When the fathers were in session to determine our form of government, the first question was, What kind of a government? There was a school for a democratic government along the lines and principles of the town meeting, where the people would come together and declare their will. Of course, that was impracticable. Men who had seen a little more of this limited world knew that was impracticable. The wise men who had read the history of mankind and mankind's government said "we can not all go on every occasion to determine these questions, but we will send the best we can select." A bad man may select a good man to represent him, and is more apt to do it than people generally think, because if the man realizes that he is bad, he generally realizes the necessity of having a good man, more perhaps than does the good man. They settled upon that principle of representative government, divided into units, ascending upward from the little coterie of citizens who select a representative, to a convention of the first magnitude, and that to the second, and so on up until, in the great electoral college, we select men who select the President of the United States. We have never been betrayed in the history of the country. That speaks well for representative government. No man was ever elected to the electoral college who did not perform the duty as his constituency had elected him to perform it.

You wipe out in a large measure this principle of self-government. I know the old argument. I have heard it. They say, Is not an election by the people of the State for Senator

just as much an election as it is if they act through one medium—the legislature? No; it is not. The people of the States are individual members of this great Government. In some States there are millions of them and in others hundreds of thousands, but the hundreds of thousands represent as much in this body as do the millions.

I am astonished at the Representatives of some of the smaller States supporting a measure of this kind, knowing that they are only adding to the agitation of the hour that may—pray God it will not—result in a constitutional convention. When the constitutional convention has signed its work, the old Constitution with all its restrictions is gone.

I have been reminded—and I have heard it even spoken here in terms of confidence—that the prohibition in the Constitution against the destruction of the equal representation in the Senate could never be changed. A constitutional convention is bigger than the Constitution; a constitutional convention can just as well change that clause as it can change any other. It can adopt a constitution that is different in every respect in principle or in detail if it wants to. When the people of the United States meet in constitutional convention there is no power on earth greater than the will of that body, and they can, and they will, provide that the States shall be represented in this body according to their population. We should then have two Houses of Congress upon the same basis, representing the same element of our people. One of them would be a little larger than the other, and its Members would have a longer term of office, but there would be no other distinction. Instead of representing the States of which this Nation is composed, they would represent themselves, subject to review by the people at intervals.

Mr. President, the question is most serious; it involves the principle upon which the Government will some day rest with its life at stake. The habit of amending the Constitution is a dangerous one.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER (Mr. WORKS in the chair). Does the Senator from Idaho yield to the Senator from Utah.

Mr. HEYBURN. Yes.

Mr. SUTHERLAND. I was struck with one statement which the Senator from Idaho has made, and that is that he thinks it would be possible for an amendment to be made to the Constitution, without the consent of all the States, which would deprive a State in the Union of its equal representation.

Mr. HEYBURN. Absolutely.

Mr. SUTHERLAND. I call his attention to the fact that Article V, which provides how amendments shall be made, provides that an amendment may be proposed either by the two Houses of Congress, when two-thirds consent, or by a convention; but in either event the amendment is simply proposed. The convention has no more power to adopt an amendment to the Constitution than has Congress. Congress in the one case proposes it and the convention in the other case proposes it, but no amendment can be made to the Constitution until it has been ratified by three-fourths of the States. Does the Senator think it would be possible to adopt an amendment to the Constitution without the consent of three-fourths of the States of the Union?

Mr. HEYBURN. A constitutional convention is without limit as to its power. When the people of the United States meet again for the purpose of making an organic law, that prohibition is at an end.

Mr. SUTHERLAND. Then the Government is at an end.

Mr. HEYBURN. The Government is being reborn.

Mr. SUTHERLAND. That is revolution.

Mr. HEYBURN. That is a possibility, and within the power of a constitutional convention, because a constitutional convention represents all the people, and all the people can do as they please.

Mr. SUTHERLAND. But when that is done, that is not an amendment to the Constitution.

Mr. HEYBURN. I am not speaking of anything except it be under this joint resolution. There is nothing proposed in this legislation that calls for the determination of that question. I was speaking of the tendency of the age, as to certain people and certain bodies professing certain principles.

Mr. SUTHERLAND. Well, does the Senator think that under this Constitution it would be possible to amend it so as to deprive any State in the Union of its equal representation without the consent of every State in the Union?

Mr. HEYBURN. Not under this amendment; but I am speaking of the age of amendments and the proposals or propositions for change. I was merely directing the eye into the sky of the future to see a reflex from the idiosyncracies and the insanities of some organizations of to-day; that is all.

Mr. President, I have been met with that proposition so often that I always think I am going to make it plain that I am not claiming that they can do it under this amendment, but I am decrying the age of innovation and change. Men do not realize the responsibility involved in change. One change breeds another. Familiarity with change is apt to make men hunt for changes rather than investigate the necessity for such changes. That is the idea that I have. I do not want it to appear, and it must not appear, that I have claimed that under this joint resolution it would be possible; but just let a certain element in this country once get away from the shackles of the law, once forget the respect that is due to the fundamental law of our land, and no man can foresee where it will end.

Do you imagine for a moment that the people are not greater than the Constitution? Do you imagine for a moment that the people are not capable and able to throw down any obstructions to their free will in the making of a government? When I say "the people" I mean a majority of the people, because this is a government of majorities.

Mr. President, if the consideration of this question is circumscribed or is to be circumscribed by the tumult of the hour or by a consideration of the result that will follow the discussion of it upon the fortunes of this man or that, we had as well let it go to a vote and allege as a reason that this was not a reasoning body; that men would not listen to reason and did not care for it.

Mr. President, I would not undertake to conclude the discussion of a question of the magnitude and importance of this within the short time that I have been discussing it. The Senator from Wisconsin [Mr. LA FOLLETTE] is now in the Chamber and, I believe, is ready to proceed, and, with the consent of the Senate, I will yield to the Senator from Wisconsin and resume the consideration of this question at another convenient time.

Mr. BORAH. Mr. President, if the Senator from Wisconsin will allow me a moment, I desire to make a motion. I move that when the Senate adjourns to-day it be to meet to-morrow at 12 o'clock.

Mr. HEYBURN. Mr. President, without discussing the motion, I would say there are two committees which will meet to-morrow of which I am a member. To appear before one of those committees a large number of men, as I am advised, have come from Chicago and even from a greater distance to be heard, pursuant to a resolution of the Senate. In addition to that the Committee on Finance is sitting and there are many men in attendance, waiting, I think, to appear before that committee. I think if the Senator will be patient for a few days we shall make better headway. To-morrow the committee having under consideration the cold-storage bill will meet, and I should like to have from 10 o'clock to-morrow until 2 to dispose of that matter, and then I will accommodate myself, so far as the Committee on Finance is concerned, to the 12 o'clock arrangement, but I wish the Senator would postpone his motion for one day.

Mr. BORAH. I would be glad, indeed, to accommodate all Senators with reference to the matter, and I will undertake to do so. With that in view, I ask unanimous consent that upon the 1st day of June, immediately after the morning business, the pending joint resolution, together with all amendments, be taken up for consideration, and that a vote be had upon the amendments and the joint resolution before the close of that legislative day.

Mr. HEYBURN. Mr. President, I object to that.

The PRESIDING OFFICER. Objection is made.

Mr. BORAH. Mr. President, I move that when the Senate adjourns to-day it adjourn to meet to-morrow at 12 o'clock.

Mr. SMOOT. Mr. President, I wish the Senator would consent to leave the hour of meeting at 2 o'clock to-morrow. I only ask for to-morrow for the reason that there are a number of gentlemen in Washington who wish to conclude their testimony before the Committee on Finance, and if the Senator will consent to let the hour of meeting be 2 o'clock to-morrow, it would give those parties a chance to finish their testimony and leave the city to-morrow afternoon, and many of them tell me that they must go to-morrow afternoon.

Mr. HEYBURN. I shall not object to the motion to meet at 12 o'clock on Friday.

Mr. SMOOT. On that account I ask the junior Senator from Idaho to let the hour of meeting be 2 o'clock to-morrow.

Mr. STONE. Mr. President, I should like to inquire of the Senator from Utah [Mr. SMOOT], who asks that the Senate adjourn until 2 o'clock, instead of 12 o'clock, to-morrow, because of some hearing before the Finance Committee, can the Senator from Utah tell the Senate whether, in his opinion, we will likely conclude the hearings before that committee by an adjournment until 2 o'clock to-morrow?

Mr. SMOOT. Mr. President, in my opinion we can get through with the hearings on the paper schedule to-morrow by 2 o'clock. I know of but one or two other witnesses who intend to appear before the committee, and I have every reason to believe that it will not be later than Friday when all of the witnesses will have had a hearing before the committee.

Mr. HEYBURN. Well, Mr. President, I do not think the Senator from Utah would, with a full knowledge of the facts, undertake to fix Friday as the time for closing the hearings, because there are men here representing interests that have not yet been heard at all.

Mr. SMOOT. There is another day for the hearings.

Mr. HEYBURN. There are men representing certain interests who have not been able to obtain a hearing, not because they were not ready to be heard and anxious to be heard.

Mr. STONE. Mr. President, I desire to say, if I may be permitted, without assuming the prerogative of criticizing the Committee on Finance or any other committee, that the Committee on Finance has now been engaged well on toward three weeks on these hearings, and the time has come when they should be concluded and some action taken by the committee on the bill referred to it, so that it may either be killed in the committee, or at least that the Senate may know what the disposition of the committee is. Not only that, Mr. President, but the Committee on Privileges and Elections has a bill before it, and has for a month or thereabout. The Committee on the Census, of which the Senator from Wisconsin [Mr. LA FOLLETTE] is the chairman, has a bill before it, and other important measures have been sent here by the House of Representatives; and these committees are delaying action and postponing and procrastinating in a way that ought not to be permitted to go on without protest, and I protest against it.

Mr. SMOOT. Mr. President——

Mr. GALLINGER. I rise to a question of order, Mr. President. I inquire whether the motion of the Senator from Idaho [Mr. BORAH] is pending?

The PRESIDING OFFICER. The motion is pending, and the Senator from Utah [Mr. SMOOT] has the floor.

Mr. GALLINGER. That motion is not debatable, and, unless the Senator from Idaho withdraws it, I shall insist upon the regular order.

Mr. BAILEY. What is the motion?

Mr. GALLINGER. That when the Senate adjourns to-day it adjourn to meet at 12 o'clock to-morrow.

Mr. SMOOT. I should like to answer the statement made by the Senator from Missouri [Mr. STONE], so far as the Finance Committee is concerned.

Mr. GALLINGER. I think that should be done when it can properly be done. I think we had better observe the rule.

Mr. BORAH. Mr. President, I think I shall withdraw my motion, but before doing so I feel compelled to say that I doubt very much whether or not I am doing the proper thing.

Mr. BAILEY (to Mr. BORAH). Renew it later.

Mr. BORAH. The difficulty with the situation is that it is impossible to accommodate everyone in a question of this kind, and there is no way that I know of to close up the matter except to come here and dispose of it.

After to-morrow—and I say this for the benefit of Senators who may desire to be away or otherwise—if there is a majority of Senators in this Chamber in favor of proceeding with this matter until it is disposed of, I shall feel compelled to ask that that be done. If there is a majority who desire otherwise, of course it is in the hands of the Senate; but, so far as the Senator who has charge of the joint resolution is concerned, I shall insist upon a disposal of it after to-morrow and consideration of it during all the hours that the Senate is in session.

Mr. STONE. We have been hearing that for a good while. I should like to have it go on now.

Mr. BORAH. I desire to say to the Senator from Missouri that this is done just as much to accommodate Senators on the other side of the Chamber as upon this side. There have been repeated requests for postponement upon both sides of the Chamber, and there is no partisanship in this move.

Mr. BAILEY. Mr. President, I want to say for the benefit of the Senator from Missouri [Mr. STONE] that I happen to be a member of all three of the committees under criticism—the Committee on Privileges and Elections, the Committee on the Census, and the Finance Committee—and I cheerfully bear whatever share of that criticism belongs to me. Not in the way of exculpating myself, for that is not necessary, but to do justice to the chairman of the Census Committee, who is also a member of the Finance Committee, I will say that I have conferred with him about the apportionment bill, and he has assured me that he will call that committee together as soon as the matter before the Finance Committee is disposed of.

I want to say to the Senator from Missouri also that I have no doubt that the Committee on Privileges and Elections will report the publicity campaign bill, and, without intimating a threat, because that would not be in order nor would it be justified by the conditions, I have no doubt that that committee will report that bill, and if it does not do so, I mean to make a motion to discharge it.

As for the Finance Committee, I am ready to conclude its labors even if there are some gentlemen who have not been heard; but it has not been the practice of Senate committees to close their doors in the face of any American citizen who comes in good faith and asks to be heard respecting any matter under consideration. While I myself would be ready to take a vote on the measure before that committee in the morning—indeed they could not please me better than to summon the committee back to their room this afternoon and take the vote—I would not consent to terminate the hearings so long as there is any American citizen asking in good faith to be heard.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Mississippi?

Mr. BAILEY. Certainly.

Mr. WILLIAMS. I think perhaps the Senator from Texas ought to modify his statement somewhat. The Senator from Texas does not intend to give the Senate and the country to understand that just so long as anybody would come to the committee desiring to be heard we would continue to hear them. If that were the case, an organized movement might be made to keep on sending people there.

Mr. BAILEY. The Senator from Mississippi did not catch my expression. I said so long as they came "in good faith." Of course, if I should become convinced that there was any such understanding amongst the people who appeared there, I would end the hearings at once.

Mr. DILLINGHAM. I desire to say just a word in reply to the remarks of the Senator from Missouri in regard to the status of the bill which was referred to the Committee on Privileges and Elections. The bill that he has in mind—the publicity bill——

Mr. STONE. That is the bill.

Mr. DILLINGHAM. Was by direction of the committee placed in the hands of a subcommittee, which has been appointed and notified, and two members of which have been necessarily absent this week, so that they could not attend the meeting of the committee. One of them is the junior Senator from Iowa, who is necessarily out of the city. I expect that the next regular meeting of the committee will be on Saturday, and I fully expect that the subcommittee will be prepared at that time to make a report to the full committee. There has been no disposition on the part of any member of the committee to make delay in respect to that matter, and I think that the Senator's fears are entirely groundless.

Mr. CULBERSON and Mr. NEWLANDS addressed the Chair.

The VICE PRESIDENT. The Chair understood the Senator from Wisconsin desired to proceed.

Mr. CULBERSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Texas?

Mr. LA FOLLETTE. I do.

Mr. CULBERSON. Before the Senator proceeds, I desire to know what became of the motion of the Senator from Idaho.

The VICE PRESIDENT. The Senator from Idaho withdrew the motion in reference to the time of meeting.

Mr. BORAH. I desire to ask unanimous consent to have the unfinished business temporarily laid aside.

Mr. CULBERSON. Do I understand the Senator will renew the motion to-morrow to meet hereafter at 12 o'clock?

Mr. BORAH. Yes.

The VICE PRESIDENT. The Senator from Idaho asks unanimous consent that the Senate temporarily lay aside the unfinished business. Is there objection? The Chair hears none.

ORDER OF BUSINESS FOR THE SESSION.

Mr. LA FOLLETTE. If I may be permitted to say just a word before resuming my argument upon the resolution, as a sort of answer to the suggestions of the Senator from Missouri [Mr. STONE], as chairman of the Committee on the Census I want to say that from the time of the appointment of the committee on committees there has been no opportunity to call together the Committee on the Census, unless I was willing to desert the hearings of the Committee on Finance.

Now, I want to set at rest the Senator from Missouri and every other Senator here; and I know there are many Senators who feel some anxiety about the apportionment bill. I will state very frankly my position upon that bill. I am opposed

to it as it passed the House of Representatives, but I do not propose to use any power that I may have as chairman of the Committee on the Census to defeat the consideration of that bill, because that would be in opposition to what I believe is the duty of Members of this Senate, and just as soon as that committee can be called together for the consideration of that bill, without neglecting other business which seems to be equally or more important, that committee will be called together, and that bill I have no doubt will be promptly reported out. And I have little doubt that it will be reported out favorably, notwithstanding my attitude with respect to it.

I want to say to Senators who are anxious for its passage that I have no doubt, from suggestions that have been made to me by Senators, that it will be debated somewhat at length upon this floor when it is reported out, so that it can not be passed at once even if it were reported out. But at the first open day——

Mr. STONE. Will the Senator permit me?

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. LA FOLLETTE. I do; with very great pleasure.

Mr. STONE. I suppose the bill will be debated at considerable length when it is reported. I suppose the bill for publicity in campaign expenses will be debated at considerable length.

Mr. LA FOLLETTE. Allow me to interrupt the Senator to say that the Committee on the Census has nothing to do with that bill.

Mr. STONE. Of course; I know that perfectly well. But the time that will be consumed in the debate of the reapportionment bill, the publicity bill, and other bills might be occupied now, while the Finance Committee is struggling with these hearings, these political speeches that are being made before the committee, when we are sitting there day after day and week after week listening to some of them repeated over and over again, the same gentlemen appearing before the Finance Committee who appeared before it only two or three months ago—many of them at least; speeches printed and coming back, occupying days in traveling over the same ground.

Now, we might be debating the bills to which I have referred and getting them out of the way, so that when if the Lord is willing and the Finance Committee to permit a report upon the tariff bill, we may take it up and not have some other bill as the unfinished business in the way.

Mr. LA FOLLETTE. Mr. President, in response to the suggestions of the Senator from Missouri, I will say that when the apportionment bill is debated I should like to be present on the floor of the Senate and not in attendance upon the hearings of the Committee on Finance.

Regarding former hearings, I think it proper to say that the hearings held before the Committee on Finance of some former Congress have nothing to do with the hearings held before the committee as now composed. At the time that the hearings were held heretofore—at a former session of Congress—I do not think there was a very clear understanding in the country as to the proposed reciprocity treaty. Sitting as a member of the Committee on Finance during these hearings I must say that it has not occurred to me that any of the time was wasted. I want to say to the Senator from Missouri that I am quite as ready as he is, when the people who ought fairly to be heard have been heard, to act upon that bill. I have no disposition to delay action on that or any other bill.

Mr. STONE. May I ask the Senator from Wisconsin a question?

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. LA FOLLETTE. Certainly.

Mr. STONE. Is it not a fact that the hearings had before the Finance Committee during the closing days of the last session of Congress and the hearings had before the Ways and Means Committee of the House are published and accessible to every member of the Finance Committee and every Member of the Senate?

Many of the gentlemen who have appeared before the Finance Committee had appeared two or three months ago before the Finance Committee or the Ways and Means Committee of the House, and their statements being substantially the same as repeated the other day, have been printed—printed not once, but twice in many cases. The Senator from Mississippi [Mr. WILLIAMS] tells me just now that one of the men took 10 hours at these hearings. The Senator from Wisconsin must also know that it often happens—I do not know but more often than otherwise—that during these hearings now going on before the Finance Committee we sit there and listen to these discourses with less than a quorum of the committee present. I have been there myself when there were not over four or five members of the committee present at the hearing. So the committee is not intensely interested in them; and I do not think anybody else is.

Mr. LA FOLLETTE. I suppose it is true that some of the men who appeared before the Committee on Ways and Means and the Committee on Finance as constituted in a prior Congress have appeared before this committee. I was not a member of the Committee on Finance at that time. I suppose the Senator from Missouri was. Perhaps he had the opportunity, the full opportunity at that time, to interrogate those who appeared before that committee, but there are many new members on the committee who had not that opportunity, and they may not be satisfied to take the statements of those who appeared before the committee in former Congresses and swallow them just as they were presented, and may desire to ask some questions. It seems to me that if these investigations mean anything, they ought to be permitted to proceed, affording to members of the committee that opportunity.

I think it is true, as suggested by the Senator from Mississippi [Mr. WILLIAMS] through the Senator from Missouri [Mr. STONE] that one man there has taken perhaps a day—maybe 10 hours; parts of two or three days. But I think it is fair to say that, probably, in so far as the hearings of that committee have been protracted they have been protracted largely by discussions between members of the committee rather than by the time taken up by people who appeared before the committee.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Nevada?

Mr. LA FOLLETTE. Certainly.

Mr. NEWLANDS. If the Senator from Wisconsin will permit me before he proceeds to his remarks on the Lorimer case, I should like to say a few words regarding the matter in hand.

It is perfectly obvious that great dissatisfaction exists amongst the Members of this body as to the manner in which the business of the Senate is being conducted. There was a time when the dominant party, through its leaders, with the acquiescence of that party, laid down a definite program for legislative action. Now, we have no dominant party, and we have no recognized leaders of a dominant party, and instead of the rule of the elder statesmen, as heretofore, we are now having the rule of chance and chaos.

Mr. BAILEY. It makes every man equal.

Mr. NEWLANDS. It makes every man equal and equally inefficient and ineffective, and it makes the Senate of the United States the subject of much animadversion.

Is it not important that we should determine now that the Senate of the United States shall be a self-governing body, not a chaotic body, controlled by chance, but a self-governing body with a definite program of action?

I am admonished by the Senator from Wisconsin that he wishes to go on with his argument. If he objects to my holding the floor for five or six minutes longer, of course I shall be glad to yield to him.

Mr. LA FOLLETTE. No; I do not.

Mr. NEWLANDS. When I was interrupted I was suggesting that the Senate should prove to the world that it is a self-governing body, able to map out its line of action, its program of legislation. This is a little more difficult to do at an extra session than at a regular session, for tradition has pointed out practically the line of procedure at a regular session and an extra session is always, of course, in its character exceptional. The President of the United States has indicated to us what subject we should take up—the reciprocity treaty—and doubtless he desires that that subject alone should be considered. We have indications of his views from time to time upon that subject, and the question is whether the Senate of the United States and the Congress of the United States coincide with the President in that view, or whether they are disposed to take up other questions; and, if so, what other questions?

Now, it is clearly the intention of the Senate to take up other questions. We have had that indicated in the debate that has taken place—the question with reference to the apportionment, the question with reference to campaign contributions, and the pending question relating to the election of United States Senators by the people. Shall we rest content with those questions or shall we determine what other questions we will take up, and when we will take them up?

We have between the present day and the regular session in December six months. Shall we determine to employ the entire six months in this work or shall we determine to apply only a part of it; and if so, how much? Why should we not determine at the start that very question as to whether we will take a recess on the 1st of July during the hot season and resume our session during the temperate season some time in September, or whether we will swelter here during these hot months and

finally be driven into adjournment by conditions of discomfort without action?

Mr. President, I have presented certain resolutions upon this question, resolutions calling for the sense of the Senate as to what questions it shall take up for action during the extra session, and what questions it shall simply consider through committees, with a view to a report at the regular session and immediate action. I suggested that nine questions should be taken up during the extra session—all of them pressing questions, including those that have been referred to on the floor this day. I have suggested that several other pressing questions relating to reform and constructive legislation should be taken up by the appropriate committees, so that they may be able to make their reports to us at the next regular session, with a view to decisive action. There is an opportunity for us to clear the slate, to take up all important questions upon which public opinion is now made up and upon which Congress lags far behind public opinion.

I hope that these resolutions will be taken up, and that by a process of elimination, perhaps, or a process of addition, the Senate of the United States will express by resolution its sense as to what subjects shall be taken up for action during the extra session and what questions should be considered through committees, for report early in the next session, and when a recess shall be taken during the hot season, so that the Senate of the United States, controlled not by mere chance and accident, but by reason, can determine upon an orderly procedure with reference to the determination of these very important questions.

SENATOR FROM ILLINOIS.

The VICE PRESIDENT. Without objection, the Chair will lay before the Senate the resolution.

The SECRETARY. Table Calendar 4, Senate resolution 6, by Mr. LA FOLLETTE: A resolution to appoint a special committee to investigate certain charges relative to the election of WILLIAM LORIMER.

Mr. LA FOLLETTE. Mr. President, I wish now to take up the consideration of the testimony in this important case, which I am asking the Senate to reopen, at the point where I was interrupted yesterday.

I had just called the attention of the Senate to the testimony of Frank J. Russell, a resident of Marquette. He could not be compelled to appear before the committee of the Senate of the Illinois Legislature, but he consented to make an affidavit, which was submitted to that committee.

Robert C. Lowe, a resident of Marquette, made affidavit as follows concerning Shelly B. Jones's conversation in his presence and hearing at the People's Drug Store, Marquette, on April 5, 1911:

> You have read this stuff about Kohlsaat and Hines relative to the "slop fund" that is said to have elected LORIMER? Well, Hines told Rush Culver and I when he was up here to look over the Northern Lumber Co. property that he was the man that handled the "slop fund" that elected LORIMER. The three of us were having a good time that evening in Marquette, and having been drinking a little "Scotch," Hines was talkative and bragged about different lumber deals he had put through. Finally he stated that LORIMER had promised him (Hines) that he (LORIMER) would stand for a high protective tariff on lumber, and because of that promise Hines said he had collected the "slop fund." In a later conversation Mr. Jones stated to me that this conversation took place about a couple of years ago, shortly after LORIMER'S election to the United States Senate. Jones said it was either at E. H. Bush's saloon or at the Hotel Marquette bar, both of which places are in the city of Marquette, that Hines made these statements. At this time Hines mentioned $100,000 as the amount of the "slop fund," according to Jones's statement in my presence.

The witness, Mr. Bergener, was present at this conversation also.

E. D. Mosher, a resident of Marquette, made affidavit as follows concerning Shelly B. Jones's conversation in his presence and hearing at the People's Drug Store, Marquette, on April 1, 1911:

> Edward Hines, the Chicago lumberman, told me in a conversation with Rush Culver and myself that he had "put LORIMER over" as a United States Senator, and that he had collected a fund of $100,000 to do it. It was while we three were discussing the tariff on lumber.

The witness before mentioned, Mr. Bergener, was present at this conversation.

I now come, Mr. President, to the testimony of Edward Hines, of Chicago, president of the Edward Hines Lumber Co.

Mr. SMITH of Michigan. Will the Senator permit me to ask him a question?

Mr. LA FOLLETTE. Certainly.

Mr. SMITH of Michigan. I did not understand whether the affidavits read by the Senator from Wisconsin were submitted to the Illinois Senate committee.

Mr. LA FOLLETTE. Mr. President, they were. They were taken by an agent or investigator for that committee who was sent out to procure the attendance of these witnesses in other States where not being able to procure the attendance of the witnesses he secured affidavits where he could, and where he could not he made affidavits of conversations with these people.

Mr. SMITH of Michigan. Then, these affidavits were filed with the committee?

Mr. LA FOLLETTE. Yes. These affidavits were filed with the committee of the Illinois Senate that was conducting the investigation.

Mr. SMITH of Michigan. And they are a part of the record?

Mr. LA FOLLETTE. Yes. They are a part of the record here.

Mr. President, if the entire record as taken by the committee has not reached the Senate when I shall conclude what I have to say on this case, I purpose as soon as I have finished with these records to ask to have them printed as a Senate document in order that Senators may have access to the whole testimony of the case.

Now, Mr. President, I had intended to submit to the Senate nearly all of Mr. Hines's testimony, as given to the committee, but, prompted by a desire to conclude if I could to-day, I have gone over my condensation of it since the session of yesterday and have marked out certain pages, the omission of which I believe does not in any way impair the continuity of the testimony, or make for or against Mr. Hines. I will ask that the testimony of Mr. Hines be printed in full in the course of my remarks, although I shall not take the time of the Senate to give all of it here.

The VICE PRESIDENT. Without objection, permission is granted.

Mr. LA FOLLETTE. Mr. Hines was asked this question:

> Q. Mr. Hines, were you interested in any way in the election of a United States Senator, State of Illinois, year 1909?—A. Well, I don't know exactly how I can answer that question intelligently.
>
> Q. Did you interest yourself in the matter?—A. Yes.
>
> Q. Will you state to the committee in a general way what your interest was and what you did in connection with the matter?—A. Well, I just don't exactly know how I should answer that question, Mr. Healy; won't you ask me a little more specifically?
>
> Q. When was your attention first called to the matter of the election of a United States Senator from this State?—A. Oh, I think in the spring of 1909.
>
> Q. And where were you at that time?—A. I was in Washington.
>
> Q. With whom did you confer about the matter?—A. Why, I think first, if I recollect correctly, with United States Senator PENROSE, or Senator Aldrich; I am not certain. * * *
>
> Q. About when was it you talked with these gentlemen about that matter?—A. I think it was in April, the 1st of April.
>
> Q. In the early or middle or later part of the month?—A. Why, it seems to me it was about the middle of the month, if I recollect, sometime during April.
>
> Q. How long did you remain in Washington, at that time, Mr. Hines?—A. Why, I was in Washington almost continuously from February until June.
>
> Q. What was your business there?—A. Why I was called to Washington as a witness before the Ways and Means Committee of the House and the Senate Finance Committee of the Senate.
>
> Q. And how long did that necessitate your attendance at Washington?—A. Well, it necessitated my being there practically continuously.
>
> Q. When did you cease to be a witness before that committee?—A. Well, directly, before the House committee sometime, if I recollect, in March.
>
> Q. March of 1909?—A. I think sometime during the spring.
>
> Q. And then did you appear as a witness before the Senate committee?—A. Yes.
>
> Q. Subsequently?—A. It was later, yes; some little time later.
>
> Q. And how long were you in attendance before the committee of the Senate as a witness?—A. Oh, directly as a witness, not over one or two days, I think.
>
> Q. When was the last time you appeared before either of those committees in the capacity of a witness?—A. I could not give the exact time, I do not recollect.
>
> Q. Approximately, about when?—A. Oh, I think it was sometime in April, if I recollect, March or April.
>
> Q. April, 1909?—A. The spring of 1909.
>
> Q. During the time you were in Washington, during February, March, or April, I assume you discussed the senatorial situation in Illinois, in a general sort of way?—A. No, I did not discuss that then until along in April.
>
> Q. And the men with whom you first discussed it were the two Senators whose names you have just mentioned?—A. I think they were the first men I discussed it with.
>
> Q. Now, tell the committee in a general way what the conversation was between you and Senator Aldrich and Senator PENROSE.—A. I think along in April Senator PENROSE asked me if I knew anything about whether or not the United States Senator would be elected from Illinois. He said he had heard some rumors that a deadlock would occur and no Senator would be elected. I told him I didn't know anything about the situation. He asked me then if I would try and find out the inward situation and the possibility of the different interests uniting upon some man and electing him. I told him I would. I inquired of several Congressmen then at the session, who apparently didn't know anything about the situation, and they said that Congressman LORIMER would probably know as much about it as anyone in Washington. I telephoned and made an engagement with Congressman LORIMER, at his office, and I asked him of the probability or possibility of the senate soon electing a Senator. He said——
>
> Mr. HENNECY. You mean the legislature?
>
> A. The legislature, yes. He said, as I recollect, that there were several interests that apparently could not unite at that time on the Senator, and that he was unable to tell me anything definite. He said he was going to Springfield in a day or two and would be back in

Washington in the course of a week and possibly when he returned he would be able to tell me something more definite.

Mr. HEALY. Can you fix the time of that conversation, Mr. Hines?—A. Why, I think that was along in April, that is from memory; I just got my memory for it.

Q. Do you remember in what part of the month it was?—A. Why, it seems to me it was about the middle of April. I am not positive just about the dates or weeks of the situation. I saw the Congressman then upon his return from Springfield, and he told me no new developments had occurred and the conditions were about the same. I think he—yes; about the same. The Senators again asked me about the matter and I told them what Congressman LORIMER had stated. Then he went back to Springfield again—I think a matter of a few days and returned again—and I asked him the question if anything new had occurred. He said no. Then I asked him several names that I had heard in the general gossip around Washington that had been considered for Senator, and he told me that there didn't seem to be any likelihood of any of those names being decided upon, harmonized upon. I asked him whether he could become a candidate, whether the interests could unite upon him——

Q. Whether what?—A. Whether he could become a candidate, whether the different conflicting interests would be united on him. He said no; he was not a candidate and would not be a candidate. I told him that there was some rumors around Washington that he was a candidate. He said that he was not. Then I suggested Congressman Boutell, from Chicago—suggested his name as a possible Republican candidate that they could unite upon. I asked the Congressman would he be friendly to Congressman Boutell, and I think he stated that his relations had always been reasonably friendly with Boutell and he had many traits that might make him a desirable candidate. He asked me why I suggested his name, and I told him that he had been recommended as being a man that would be received favorably by the administration at Washington. Upon his return from Springfield, possibly a few days later, maybe a week, he said it appeared as if they could not unite on Boutell. Later, just only a short time, Senator Aldrich sent for me and stated that the administration, President Taft, was very anxious for a Senator to be elected from Illinois at the earliest date possible, and wanted to know if some influence could not be brought to bear on Congressman LORIMER to become a candidate; that he had understood that if he became a candidate that he could not be elected.

Now, in the testimony the word "not," in the phrase "that he could not be elected," I think is a manifest error. I call attention to it. "That he could be elected," I think, is the way the witness gave his testimony; otherwise it would be meaningless.

I told him I would see the Congressman upon his return to Washington. I talked to him. He would not commit himself. He said he had stated he would not be a candidate and had so given out to a number of his friends and could not say he would become a candidate.

Q. About when was that, Mr. Hines?—A. That was some time during April. It seems to me it was along toward the last of the month. It may have been early in May. I am not positive about the time. He left then in a day or two for Springfield. I think this session was early in May the more I recollect the time.

Then Senator Aldrich came to me and told me that President Taft was very anxious to have Congressman LORIMER become a candidate and do all he could to be elected at the earliest date possible; that the tariff bill, so-called Payne-Aldrich tariff bill, was then up in the Senate, there was very strong probability of their being able to pass it through the Senate, and it was very necessary to have a Senator from Illinois elected at the earliest date possible. He asked me if I would not immediately get in communication with Congressman LORIMER over the long-distance telephone, and impress upon his mind that the President was anxious to have him become a candidate and do all he could to be elected. I went to the long-distance telephone some time between 12 and 1 o'clock in the morning and called up from Washington Congressman LORIMER on the long-distance telephone, and told him at Springfield——

Q. Where did you call him up, at Springfield?—A. From Washington.

Q. From Washington to what point?—A. Springfield. And told him at length the request that the President had made through Senator Aldrich. We had quite a conversation over the telephone. He told me all the details about it, and I explained to him. Then he asked me—

Now, Senators, mark this, because, if an investigation is ordered by the Senate, I am convinced that some other testimony upon this very point, quite illuminating in its character, can be put into the record by a committee of the United States Senate with full powers—

Then he asked me—

He, LORIMER, from Springfield, at the time of this midnight conversation—

he asked me to telegraph him the substance of my conversation over the telephone in a night message, which I did, sent him a telegram practically stating the substance of the conversation over the telephone. That telegram was sent some time in the early part of May or the middle of May. I have not got the exact date, but I can get a copy of the telegram.

No one, I digress for a moment to say, can doubt that Mr. Hines is stating what occurred, because he purposes to verify it with the record of the telegraph company. That he had such a conversation with LORIMER is extremely probable; and that he can verify that fact by the record of the telegraph office, if their messages are not already destroyed, is also highly probable. That such a message was sent to WILLIAM LORIMER by Edward Hines from Washington I think there can be no doubt.

Mr. President, I choose to say at this time I do not think it is any proof whatever that the President was interfering in this matter, but I do think that there was a scheme to "put Mr. LORIMER over" at Springfield, and that all those who were concerned in it understood that if the name and sanction of the President could be used with Republican members of the legislature there it would have great influence. If a committee is ever raised to make this investigation, and it does its work as a committee of the Senate should, I believe it will be found that there was a telegram shown in which President Taft's name was used; shown under stipulations of and under seals of confidence, as though there was something sacred about it; shown in rooms behind locked doors and drawn blinds. I believe it will be found that that telegram helped to pull into line for the candidacy of WILLIAM LORIMER Republican members of the Legislature of Illinois who could not be reached by other methods and who could not be prevailed upon by any argument to support him.

Then he asked me to telegraph him the substance of my conversation over the telephone in a night message, which I did; sent him a telegram practically stating the substance of the conversation over the telephone. That telegram was sent some time in the early part of May or the middle of May. I have not got the exact date, but I can get a copy of the telegram. At that time he didn't promise to become a candidate, did not commit himself. He said he would give the subject consideration. I saw him then; then I saw him once after that before he became a candidate, before he was elected, in Washington. I am not positive of it, but it runs in my mind that he came back to Washington, and I saw him before he became a candidate. I think just a very short time prior to his election Senator Aldrich came to me again and stated that the President was very nervous about the situation in Illinois; that he had been notified or had been advised that the legislature would adjourn without electing the United States Senator; that they were very anxious to have a Republican elected from Illinois, and wanted me to see Congressman LORIMER and see if he could be elected Senator from the State before the legislature adjourned. They asked me to take the train and come to Springfield and meet him.

Q. Pardon me a minute. Was that before the last conversation which you had with Congressman LORIMER at Washington?—A. No; that was after the conversation at Washington.

Q. In order to get it in the natural sequence of events, if you would tell the committee the conversation or the substance of the conversation which you had with Congressman LORIMER at Washington.—A. Why, it was very brief. I simply tried to impress upon him the conversation and the message that I had received from the President through Senator Aldrich and the others if he could be elected.

Q. Was anyone present at that conversation other than you and he?—A. No; it was in his office at Washington. His—no; nobody was present. Then, as I stated, I telegraphed Congressman LORIMER that I was leaving Washington for Springfield or Chicago. I arrived in Chicago in the morning, on the morning that he was elected. I got off of the train and went over to the bank and telephoned him on the long-distance telephone, and told him that I was going down to Springfield to see him and to carry the message from the President to impress upon those in Springfield that the administration wanted him to be elected United States Senator at the earliest moment possible. He told me that I could save time and accomplish the same purpose if I would call up Gov. Deneen on the long-distance telephone and acquaint him with the message I had from the President. I called up Gov. Deneen on the telephone in the neighborhood of half an hour afterwards and explained to Gov. Deneen my message from Washington. I then telephoned Senator LORIMER about 11 o'clock that day—

I ask Senators to keep that in mind—

and told him that I had talked with the governor, and told him what the governor stated, and I think that is practically all of my connection with it.

Q. What did the governor say to you in that respect when you talked with him on the long-distance wire?—A. The governor stated, "Mr. Hines, how can I tell who I am talking to over the telephone, and also whether or not you are authorized to bring this message to me?" I told him that I was talking from the Continental Commercial National Bank, that Mr. George Reynolds, the president, was in the room—I was using the telephone, a box telephone, just a box telephone right off of the room—that I would call him to the telephone, who I understood he knew very well. I was a director in the bank. Mr. Reynolds could confirm that I was there. Then he said, "No; that is not necessary, Mr. Hines; I understand your voice now, and will accept this for granted," practically those words.

Q. And is that substantially all as you recall it that you had to do or did do in connection with this matter?—A. Why, in a general way, yes. I think, in a general way, yes.

Q. You mean, that is all you now recall?—A. Just at this moment, yes.

Q. During any of those times, Mr. Hines, did you confer in any way or talk with any of the members of the general assembly?—A. I talked with one, I recollect.

Q. With whom did you talk?—A. Either a gentleman of the name—either a senator or house member, by the name of Stewart, from Aurora. I can not just recollect his initials.

Q. When did you talk with him?—A. Why, it was some time—it seems to me it was some time during April or May; I am not positive what month.

Q. Where were you when you talked with him?—A. In Chicago.

Q. And where was he?—A. He was in Chicago.

Q. You met him there?—A. Yes.

Q. By previous arrangement?—A. I think it was through appointment through his uncle at Washington, who was a former Congressman and a lumber acquaintance of mine.

Q. What talk did you have with Mr. Stewart on that occasion?—A. I met his uncle, of the firm of Alexander Stewart Lumber Co., of Wausau, Wis., and who has a winter home in Washington, and whom I used to see almost every day there, and I explained to him how anxious the administration seemed to be to get this deadlock in Illinois settled. He said his nephew was a member of either the house or senate, I am not certain which, and he said he was a Hopkins man, and I think he suggested, if I was going to Chicago, that he would like to have me meet his nephew, and I believe he made the appointment by wire, and I met his nephew in Chicago and discussed with him the condition in Springfield. He told me that he had pledged or promised he would vote for Senator Hopkins. We discussed the possibilities of Hopkins not being elected or a deadlock occurring, and I told him I had been trying to have Congressman LORIMER become a candidate, and I asked him if he would become a candidate would he support him, and I think he told me he could not do so consistently; that he had given his word and promise to either Senator Hopkins or

Hopkins's manager or associate, and that he could not very well change. I think that is the substance of the conversation with him.

Q. And was he the only member with whom you discussed that matter?—A. I think he was the only member with whom I discussed it, to my knowledge.

Q. Did you send anyone to any one of the members of the general assembly for the purpose of discussing the matter of the senatorial election with them?—A. No; I didn't send anyone, to my recollection.

Q. Anyone in your employ or anyone else whom you now recall?—A. No; nobody in my employ. Now, let me see. I think I telephoned either from Chicago or Washington to a gentleman at Rock Island—I think it was Rock Island.

Q. What was the name of that gentleman?—A. Samuel Davis.

Q. When did you telephone to him?—A. Well, it was along about that same period.

Q. And what was the substance of that telephone conversation?—A. That the administration was very anxious to end the deadlock in Illinois, and that it appeared as if Senator Hopkins could not be elected, and unless some compromise candidate would be elected or there would be no Senator elected at this session, and that the administration leaders were anxious to have a Republican elected at the earliest date possible, and I think I asked him if he could request the members that he was acquainted with in that district to that import. I don't know who they were.

Q. Who is Mr. Davis?—A. He is a manufacturer of—that is, he is connected with—I think he is president of a large manufacturing concern in Rock Island, manufacturing farm machinery.

Q. How long have you known him?—A. Oh, I have known him in the neighborhood of 15 years.

Q. Did he report to you subsequently that he had seen any of the members of the house or senate from Rock Island?—A. No; he did not say he had. I think he said he would see them.

Q. He never reported to you after that?—A. No; I don't think so.

Q. Did you ever receive any word from him through any other person that he had seen the members of that district?—A. No; I only talked with him. I talked with no one else in that section.

Q. My question is, Did he send word to you through any other person?—A. No.

Q. Subsequently?—A. I don't think he did; I don't think of any.

Q. You have no recollection of that, if you did receive such word?—A. No.

Q. During this time, Mr. Hines, were you in Springfield at all?—A. No.

Q. Did you visit Springfield at any time during the legislative session at which Senator LORIMER was elected?—A. I have not been in Springfield for five years until to-day.

Q. And is it your recollection that all your communications with Springfield were from the Washington end of the line on the telephone?—A. No; I telephoned from Chicago before he was elected.

Q. Yes; one conversation you had with Senator LORIMER was from Chicago.—A. I had two conversations that morning; one with Gov. Deneen.

Q. Did you telephone from any other place or section of the country to Springfield?—A. No.

Q. During this time did you spend all of your time at Chicago and Washington? I refer now to the months of February, March, April, and May, 1909.—A. From my memory—to the best of my memory—yes; between Chicago and Washington.

Q. Were you in Duluth during that time?—A. Why, I don't think I was; I might have been; I don't think I was. I frequently go to Duluth, but I don't——

Q. You have no recollection of being up there during that period?—A. No; not during March, April, or May.

Q. Well, were you there shortly after May, 1909?—A. Oh, I think so.

Q. Did you communicate with anyone in reference to the senatorial situation in Illinois or Duluth?—A. No.

Q. At any time?—A. No.

Q. By telephone or otherwise?—A. No.

Q. When you had these talks with Senators Aldrich and Penrose and those other men at Washington, did they express any opposition to any of the men who were aspirants for the position of Senator from Illinois?—A. Why, their discussion was not along such lines, if I recollect. Their discussion was along the lines of having some one elected.

Q. Well, did they express any opposition to anyone—Senator Hopkins or any other candidate before the general assembly?—A. I don't think we discussed that phase of the situation at all.

Q. You have no recollection?—A. No recollection.

Q. Of such a talk with any of those men?—A. No.

Q. Did any of those men offer to aid in any way the selection of a Senator from Illinois?—A. In what way do you mean aid?

Q. Aid in any way? Aid financially or politically, or by using their influence or anything of that sort?—A. Not in any way financially, no; that subject was not discussed.

Q. You had no talk with anyone in Washington or the eastern portion of the country?—A. No; absolutely none.

Q. With reference to financial aid, volunteer to affect in any way the senatorial situation in Illinois?—A. Absolutely no.

Q. With Senator Aldrich or anyone else?—A. Absolutely no.

Q. Did you ever discuss with anyone, Mr. Hines, the question of raising money to aid the election of Senator LORIMER or anyone else for that position?—A. Absolutely no.

Q. Have you any knowledge or information with reference to anyone or any person who did aid or solicit funds for the purpose of affecting that situation?—A. Absolutely no.

Q. And never heard that matter discussed in Washington or elsewhere?—A. No.

Q. In Washington or elsewhere?—A. No.

Q. Do you know of any money having been raised to be used in that campaign?—A. No.

Q. Either before or after the election of Senator LORIMER?—A. No.

Q. Did you personally solicit or receive a fund or funds to be used in connection with the election of Senator LORIMER?—A. I did not.

Q. Did anyone for you?—A. No.

Q. Did you ever hear that matter discussed?—A. No.

Q. Did you ever discuss it with anyone?—A. No; except with the newspapers.

Q. Did you ever direct anyone or authorize anyone for you or anyone?—A. No.

Q. To solicit funds to be used for that purpose?—A. No.

Q. Have you any information at this time outside of what you may have received from newspapers that a sum of money was raised or used to aid in the election of Mr. LORIMER?—A. No; I have none.

Q. Did you personally, or your firm, contribute any money for that purpose?—A. Not a dollar, sir.

Q. And you never knew of such a fund being raised?—A. No.

Q. Did anyone ever approach you, Mr. Hines?—A. No.

Q. For the purpose of enlisting your financial aid?—A. No.

Q. In the matter of the election of a United States Senator from the State of Illinois?—A. No.

Q. And you never approached any other person?—A. No.

Q. Do you know of any money that was raised or solicited in any way after the election, Mr. Hines?—A. No, sir.

Q. And which was to be used to defray certain expense which has been incurred in the matter of his election?—A. No.

Q. You say you are a director of the Continental & Commercial Bank?—A. Yes.

Q. How long have you been identified with that bank, Mr. Hines?—A. Why, about 5 years as a director; as a depositor, for 15 years.

Q. Did you do business with any other bank than the Continental?—A. Yes.

Q. What other banks do you do business with?—A. The Hibernian National Bank.

Q. Of Chicago?—A. Yes. The Corn Exchange National Bank, the Fort Dearborn National Bank, the Northern Trust Co., the Graham & Sons Co., and another bank—I just can't recollect its name. It is a small bank that we use for our pay rolls on the West Side. I think it is Blue Island National; I think it is. It is a small bank. * * *

Q. Will you tell the committee the names of the different companies with which you are identified, Mr. Hines?—A. There is the Virginia & Rainy Lake Lumber Co.—that is a Virginia company; the Northwest Lumber & Manufacturing Co., the White River Lumber Co., the Iron River Lumber Co., the Champion Lumber Co., Wisconsin Mill Co., Lincoln Street Milling Co. I think that is all. I can not just recollect them all.

Q. I assume these are all lumber companies, or are affiliated in some way with the lumber trade?—A. Yes. * * *

Q. Have you ever heard directly or indirectly, Mr. Hines, except through the columns of the newspapers, of a collection of a fund of money in and around the city of Chicago, or in other parts of the State of Illinois, which was to be used in any way in connection with the senatorial election of May, 1909?—A. No, sir.

Q. Nobody ever discussed that matter with you?—A. No.

Q. And you never talked with anyone about it?—A. No.

Q. And you never contributed any sum of money to that purpose?—A. No.

Q. And have you any knowledge about any person?—A. No.

Q. Or corporation who did so contribute money?—A. Never heard it discussed.

Q. And you have no information which you can give the committee on that subject?—A. Absolutely, no.

Q. Either personal information or information which you have obtained through others?—A. No.

Q. Do you know of anyone connected with any of your various companies, or associated with you in any way, who was instrumental in raising such a fund as I have described?—A. Nobody would have any authority.

Q. Do you know of any person——A. No; they would not have any authority.

Q. Who did?—A. No.

Q. And in the various discussions which you have detailed to the committee—over the telephone and otherwise—was the question of money ever discussed?—A. No, no.

Q. And you have no information, I assume, with reference to the raising of money in the eastern section of the country.—A. Never heard——

Q. To be used for that purpose?—A. Never heard it discussed nor discussed it with anyone.

Q. And you don't know of any money having been sent from there to Springfield or Chicago or any other place in the State of Illinois?—A. No.

Q. To be used for that purpose?—A. No.

Q. Do you know of any attempt being made in any part of Illinois to raise money to be used in conjunction with the senatorial election of this State?—A. Never heard of it.

Q. Either before or after the election of Senator LORIMER?—A. Never heard of it.

Q. And you had nothing to do with such an effort?—A. No.

Q. If one there was?—A. No.

Q. And you have no information along that line which you can give the committee?—A. No.

Q. Did anyone ever approach you and solicit you to subscribe to such a fund?—A. No.

Q. At any time?—A. No.

Q. Or any place?—A. No.

Now, Mr. President, I am going to say just this, in conclusion, concerning Mr. Hines's testimony: Edward Hines was to be seen in the Senators' gallery day after day from the beginning of the last session to the end. He lunched at the Senate restaurant. He haunted the Marble Room and waylaid Senators at every turn. He was brazen and impudent in his work. He secured letters of introduction from prominent lumbermen and made or attempted to make capital for LORIMER of such friendly offices. How he was received in all cases I do not know, but I do know that he met deserved rebuke in some.

As the day approached for the calling up of this resolution Hines is again found on duty, making himself busy about the Capitol.

Sir, I want to say to the Senate of the United States and to the country that Edward Hines is not a raw hand at this business, though his work is often rank and coarse. During another protracted senatorial contest, which was likewise involved in scandal, his henchmen were notoriously active for the successful candidate. When all honest men were in doubt as to the final outcome, one of Hines's agents boastfully foretold days in advance the hour of the election and the exact result.

His principal agent, who was a resident of Wisconsin, has not dared to remain since that time within the borders of the State.

Mr. President, I refer to that subject with personal regret. Any part that I have taken in this matter I have been prompted by no personal feelings and no ulterior motives. I believe that influences are at work in this country which are undermining the Government that our fathers gave to us, and I believe it to be the duty of every man who cares for the perpetuity of free institutions to raise his voice and stand without flinching against this thing, which is everywhere eating into the very life of representative government.

I now ask the attention of the Senate a little further to this testimony. Christian F. Wiehe is a brother-in-law of Hines. I referred to him and quoted in part some testimony from him yesterday upon another point. I again remind the Senate that Wiehe is secretary and director of the Edward Hines Lumber Co. He also admitted to the committee that he heard Mr. Hines conversing with some one at Springfield over the long-distance telephone from the Grand Pacific Hotel on the day that LORIMER was elected. He admitted having gone at midnight to the Grand Pacific Hotel on another occasion, at Mr. Hines's request, to warn Mr. Cook and Mr. O'Brien to keep out of the way of a subpœna of the grand jury. He entered a general denial of any participation in or knowledge of a corruption fund for the election of LORIMER.

Wiehe admitted that during the month of May, 1909, Hines called him up from Washington on the long-distance telephone and asked him to telephone to Senator LORIMER and "let him know that the administration is with him." Wiehe did so. LORIMER on that occasion was at Springfield.

Wiehe testified that he had a number of talks with Hines concerning LORIMER's election, on the long-distance telephone and otherwise.

Concerning the long-distance telephone that Hines had with "the governor"—I use the words "the governor" in quotation marks here, because I believe all the testimony shows beyond any question, Senators, that when Hines was telephoning from Mr. Cook's room in the Grand Pacific Hotel the morning of the day that LORIMER was elected, he was talking to LORIMER. To my mind, the testimony absolutely clinches that matter. Of course this case does not depend upon that by any means, but if that fact is proven it connects LORIMER with the corruption and makes him a party to it, because it was stated over the telephone at that time, "Go ahead"—I am not quoting the exact words—"money plenty; use every effort; leave no stone unturned."

Hines is using every effort possible to make it appear that they were talking with somebody called "the governor" at that time, and that it was not LORIMER, for there is proof by living witnesses that money connected with this election was discussed over a telephone wire on that day, and the best they can do is to get LORIMER out of it, if possible, and make it appear that it was somebody else at the other end of the wire.

Cook and O'Brien were present in the room; they heard the Hines end of that telephone conversation. They heard the word "governor," and that is how they got the notion that he was talking with the governor. That is the explanation of it, so far as they are concerned, because, when they came to talk about it afterwards, one of them says that he thought it was Gov. Deneen, and the other says that he thought he was talking with ex-Gov. Yates.

Following is the testimony of Wiehe, the brother-in-law of Hines, who was also present during that telephone conversation of Hines from the Grand Pacific Hotel:

Q. Well, will you tell the committee what the conversation was?—A. Why, the conversation was substantially or practically as follows: "I have just talked with the governor on the long-distance telephone"—

This is what Hines said to the man at the other end of the line—

"and he assures me he will do what you ask. You know that the administration—you know what the administration wants. Now, leave no stone unturned to be elected. I will get down to Springfield, if necessary, in the morning." And when he got through talking he turned to the people in the room and he said: "I have just been talking to Senator LORIMER." * * *

That is Wiehe's statement of who the telephone conversation was with. The other two men who were in the room say that Hines made mention of money; that he would be on hand with any amount of money necessary.

Q. How soon after you gentlemen went to Mr. Cook's room before Mr. Hines was called up on the telephone?—A. I would not attempt to say how long. It was—we were in there a little while discussing matters, and this call came. Just the time I do not——

Q. Who went to the telephone first?—A. Well, I don't know.

Q. You have no recollection of that?—A. No.

Q. But you do recall very distinctly the conversation which Mr. Hines had over the wire?—A. Well, I recall that portion of it; yes.

Wiehe told the committee that Hines had been at the Continental Bank immediately before coming to the Grand Pacific Hotel.

We come now to another phase of the case. Concerning the midnight visit he made to the Grand Pacific Hotel, to warn Cook and O'Brien to evade subpœnas, Wiehe's testimony is as follows:

Q. Well, what was the occasion of your meeting them at that time, Mr. Wiehe?—A. Why, Mr. Hines—somebody had informed him that Cook and O'Brien were to be subpœnaed before the grand jury, and at that time Mr. Hines, owing to his relations with the administration, their asking him to act as a messenger and see Gov. Deneen, he did not feel as if he wanted that disclosed at that time, and he asked me to go down and see Mr. Cook and O'Brien and ask them to keep out of the way until this thing was over.

Wiehe said he got a message from Hines that night, when he got home from the theater, to call him up on the telephone. Wiehe did so.

Q. I wish you would tell us just exactly what Mr. Hines said, as you now recall it, the telephone message that he gave you.—A. He asked me to go down and see Cook and O'Brien, who were at the Grand Pacific Hotel, and ask them to keep out of the way, on account of this grand jury investigation that he thought was pending. * * *

Q. Well, do you know why Mr. Hines was interested in keeping witnesses out of the jurisdiction of the grand jury?—A. Well, he thought he was—he would probably be drawn into this matter.

Q. Do you know why he thought he would be drawn into the matter?—A. Well, because a number of people had spoken to him about it, I suppose. I don't know why. He never said that to me.

Wiehe did not remember the name of the theater or the performance he attended that night and he volunteered the opinion that his midnight trip of two miles across the city was a "foolish" proceeding.

Wiehe said:

I told them that Hines had called me up—I thought it was perfect nonsense for him to do it—but he called me up and I went down to tell them what he said.

Wiehe denied that he had any further talk with Cook and O'Brien that night, but, later on in the hearing, when he was asked if he recalled making the statement that "Mr. Hines talked too much," he replied, "I may have made that statement; yes."

Wiehe added: "Mr. Hines felt that he did elect LORIMER," and that "the reason he thought that, was that he had requested Gov. Deneen to throw the support to LORIMER, and Deneen said he would do it, and immediately following that Mr. LORIMER was elected, and Mr. Hines supposed that he had assisted in electing him."

Wiehe said Hines had told him about talking to Gov. Deneen on the long-distance telephone at the Continental & Commercial National Bank on the morning of the day that LORIMER was elected.

Q. And, so far as you know, that is the only conversation he ever had with Gov. Deneen?—A. As far as I know, yes.

This conversation, Wiehe testified, occurred between the time that Hines left the Pennsylvania-Washington Special, upon its arrival in Chicago, and the time he came over to the Grand Pacific Hotel to meet Cook and O'Brien late that morning.

Now, Mr. President, I will call the attention of the Senate to another feature of this case, from the testimony taken by the Illinois senate committee. Mr. Kohlsaat, it will be remembered, informed the committee that his information about a $100,000 fund had come from Mr. Funk, the general manager of the International Harvester Co. Edward Hines had said to Mr. Funk at their meeting in the Union League Club that a hundred thousand dollar fund had been raised to secure LORIMER's election; and that it had been underwritten in a hurry—I am not giving the exact words, but just the substance to connect this up—that he was going about soliciting money enough to make up that amount; that he was collecting from people who, he thought, would be interested in having LORIMER in the Senate; and that the Harvester Co., he felt, ought to pay about $10,000.

The proposition was refused by Mr. Funk, but in the course of the conversation Hines said that contributions were to be sent to Ed. Tilden, president of the National Packing Co., of Chicago, and a stockholder and director in banking and other corporations. Tilden was named in Mr. Funk's testimony as the person to whom Hines said contributions to the $100,000 fund should be sent. Mr. Funk stated this, when pressed by the committee, a little bit reluctantly—as I think the record shows. The committee then subpœnaed Mr. Tilden. I quote just briefly from the testimony of Mr. Tilden. When questioned by the investigating committee on April 13, he objected to the inspection of his banking account by the committee. He said:

I claim that there is nothing, and I am here under oath, and I claim that there is nothing in these accounts that in any way has any connection with the matter under investigation by this committee. And I do not think it is fair of the committee to compel a man to come in here and show his private transactions with his customers, his clients, and corporations he represents, and estates that he represents, and his own personal and household expenses. * * *

Q. Well, this subpœna, Mr. Tilden, calls for the production by you of all books which will show the receipts and disbursements of moneys,

by you in the year 1909, during the months of June, July, August, and September, whether by you personally, as trustee or otherwise, together with all canceled checks, signed by you during that period. Also all other letters and memoranda received by you at that time, bearing upon the question of the election or selection of a United States Senator from Illinois, and which said election occurred in May, 1909. Have you any objection to complying with the terms of that subpœna at some subsequent hearing of the committee?—A. Yes.

William T. Abbott, vice president of the Central Trust Co. of Illinois, representing this bank, declined to furnish the investigating committee a certified copy of the account of Mr. Tilden for the period of time under investigation. In a lengthy explanation he said that the officers of that bank believed that "no foundation has been laid which warrants the committee in requiring us to produce those documents." He admitted that the only information they had as to whether the evidence before the committee was "relevant and material" enough to cause them to obey the committee subpœna was gathered from newspaper reports.

Q. When will you determine, Mr. Abbott, when that information shall be relevant and material? And from what particular newspaper would you take your information in that respect?

Mr. Abbott declined to indicate his "preference for my morning's reading" and declined to produce the account of Mr. Tilden "at this time."

On April 20, one week after Edward Tilden had testified before the Helm committee, Mr. William A. Bradford appeared before the committee as Mr. Tilden's representative, and presented a letter and an affidavit, both signed by Edward Tilden. In his letter Mr. Tilden says:

In regard to my private papers, accounts, etc.—

I am taking particular pains to lay before the Senate all of the substance of the defense of Mr. Tilden for not producing his books—

I wish to repeat, as I stated to you in Springfield, that it is manifestly unfair to attempt to compel me to expose any private transactions to public view, when such private matters bear no relevancy to the subject matter of your investigation. My affidavit specifically states that I have never had in my possession or have I ever had any knowledge of any papers or documents which relate either directly or indirectly to the election which you are investigating. I sincerely hope that you will see the justice of my position and not require any further response from me.

That tends to raise the presumption, you know, that the entries in the books would describe just what was to be done with the money paid out under a particular check.

Mr. Tilden then offers in his letter to designate a member of the Helm committee to examine the papers and accounts in question. In his affidavit he makes sweeping denial of participation in or knowledge of the receipt or disbursements of money in connection with LORIMER's election.

Chairman Helm then read a communication from the vice president of the Drovers' Savings Bank, of which Edward Tilden is president, saying that "we understand that in the present instance Mr. Tilden is making to your committee a statement which obviates the difficulty presented," said difficulty being a subpœna served upon the cashier of the bank, Mr. Cummings, directing them to produce for the committee all the accounts of Edward Tilden.

Upon the refusal of Tilden and the bank officials to obey the subpœnas of the committee and produce the documentary proof sought, the committee reported such refusal to the State senate. The State senate then ordered that these men be arrested and brought before the bar of the senate and required to show cause why they should not produce the documentary proof demanded. Whereupon the senate caused warrants to be issued against these witnesses. The witnesses were arrested, but immediately secured their release under writs of habeas corpus issued by Judge Petit, of the Circuit Court of Cook County, who, after a hearing, denied the right of the committee and the State senate to require the attendance of Tilden and Benedict and Cummings or the production of their books. These witnesses were thereupon discharged. The investigating committee was unable to probe further into Tilden's relation to Hines or the Lorimer election. In fact, this act of Judge Petit put an end to the Helm committee's investigation of the corruption fund.

Prior to that time, however, the committee had taken some testimony relative to the distribution of this $100,000 fund. That testimony, Mr. President, is very important and material in its bearing upon the question of whether the Senate shall make an investigation. I will give it only briefly and will ask leave to print such portions of this synopsis and the quotations that I have made from the testimony as do not, it seems to me, need to be read at this time.

The PRESIDING OFFICER (Mr. SMITH of Michigan in the chair). Does the Senator make the request now?

Mr. LA FOLLETTE. Yes; I make the request now.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wisconsin? No objection is heard, and the request is granted.

Mr. LA FOLLETTE. This digest I am to present contains—

First. Testimony of former State Senator Jandus, friend and legal representative of Senator Broderick, admitting he was present in Broderick's saloon when, it is charged, money was distributed; also admitting purchasing Montana lands in 1909 which cost him $5,500; also claiming he kept at the time over $5,000, mostly in hundred-dollar bills, in a little tin box in his office; also revealing total failure to remember from whom he got this large amount of currency; also showing that he deposited in his bank on June 5, 1909, $3,010, more than twice as much as was deposited on any other one day in the year; also claiming that, although attorney for 15 building and loan associations, still he kept absolutely no books in his office; also declaring that the bank stub books requested by the committee had been lost.

Second. Testimony of Assemblyman McMackin, admitting that he holds 50 shares of stock in Senator LORIMER's new bank in Chicago; also admitting that he could not state definitely the name of the person with whom he arranged for the purchase of this stock.

Third. Testimony of Assemblyman Blair, admitting that shortly after LORIMER's election he had over $600 in currency with him at a baseball game, was drunk, and was betting on the game—this in spite of the fact that Blair was in debt and had a mortgage on his home.

Fourth. Testimony of Mr. Taylor that he had heard a member of the legislature, L. E. York, tell some people that while there was no money offered, nevertheless jobs were offered.

Fifth. Testimony of former United States Senator Hopkins and Mr. Peffer, Hopkins's private secretary, and Senator McCormick. Hopkins and Peffer say McCormick told Peffer he had been offered $2,500 to vote for LORIMER; McCormick denies he had ever been approached with such an offer.

Sixth. Testimony of Assemblyman Campbell that a Lorimer representative had offered him a job if he would change his vote from Hopkins to LORIMER.

Mr. President, I now call attention to the testimony of Cyril Jandus, another member of the Illinois Legislature whose name is new to the Senate, but whose testimony is so remarkable that I feel compelled to read it. I think it strongly suggests that if we start upon another inquiry, with all the power of the Senate behind it, a searching and thorough-going inquiry, we shall then come to know much more about this case than we ascertained as a result of the last investigation. I shall not be surprised, Mr. President, if a thorough-going investigation shall reveal the fact that a fund was raised and used nearly double, or somewhat more than double, the figures that have been mentioned in this connection. I know how hazardous it is to make prediction, but I venture to predict that, if there is ever a thorough-going investigation of this case, a mine of facts will be opened up to the Senate and to the public more shocking than anything that has yet been revealed.

Jandus, of Chicago, is an important witness in the matter of the distribution of a corruption fund to elect LORIMER. He is described by the Helm investigating committee in its report to the State senate as follows:

The evidence shows that Jandus was then, and for a long time had been, a close friend of Broderick and was his legal representative.

Senators who were here in the Sixty-first Congress will remember Broderick. Broderick was a State senator who kept a saloon in which Mr. Holstlaw stated he received his share of the boodle fund. Jandus is chief deputy in the probate clerk's office in Chicago, where he has been since December, 1910. He is one of the Democrats who voted on the final ballot for WILLIAM LORIMER. He admitted being present at Broderick's saloon in June, 1909, when Holstlaw was there. He testified it was the first time he had met Holstlaw in Broderick's saloon. He said that he kept only one bank account, and that was in the Caspar State Bank; that he never kept a safety-deposit box, but that he had a little tin box in his office. He admitted purchasing lands in Montana in the year 1909, his own share of which cost him $5,500.

Q. About when was it that you bought those lands?—A. I think I made the agreement in—or started to deal with Three Forks Land Co. in April. * * * And finally signed up the agreement some time in May (1909). * * *

Q. And when was the transaction consummated or closed?—A. Entirely closed some time in July; that is——

Q. July?—A. That is the balance; some money paid.

Q. And how much money do you say you paid for that land?—A. Well, we paid down $20,000 all together, so I put up $5,500 of my own.

Q. You had some associates in that transaction?—A. Yes.

Q. And your share of the purchase was a little over one-fourth of the purchase price paid?—A. Yes; just a little over $5,500; we owe

still on that over $19,000, some of which I am on the note in the State Bank of Chicago.

Q. How much money did you pay in the summer of 1909 on account of this particular transaction?—A. Well, as I recollect it, I—if my memory serves me right—I first put down some time in May a thousand dollars as a sort of option on it, and then I think I had 10 days' time or something like that——

Q. Was that thousand dollars your own money?—A. Yes.

Q. Was that paid by check or currency?—A. By check, I paid it, if my recollection is right, I paid all three checks—the same as that—I gave them three checks, I believe. Then about 10 days or so afterwards I had to put up $5,000, and then I got, I think, a little over a month's time to scrape $14,000.

Q. Well, how much of that $5,000 payment did you make?—A. I made part of it; I made, I believe, $3,000 of it, and two other parties put up a thousand each at that time.

Q. And was that $3,000 payment in currency or cash?—A. I made that in check, I guess.

Q. I mean in currency or check.—A. Check.

Q. Check. Now, you say you made a third payment?—A. Yes; after the sum was scraped up.

Q. And how much was that third payment?—A. I paid twenty-five hundred dollars first, a thousand of which I paid for one of the men who had given me it to pay for him; then he afterwards sold it to one of the others. He held it for some time.

Q. So that the total payment was a $2,500 payment?—A. Yes, sir.

Q. And it was by your check on the bank?—A. Yes, sir.

Q. And of that amount fifteen hundred dollars represented your own money?—A. Fifty-five hundred dollars.

Q. Well, I am talking about the twenty-five hundred dollars.—A. Yes; that was my own money.

Q. And the thousand dollars was money you received from another man?—A. Yes. * * *

Q. That $3,000 payment made at that time represented, as I understand it, your own money?—A. Yes.

Q. That $3,000—where did you obtain that $3,000, Mr. Jandus, do you know?—A. Oh, I have had money; possibly in the neighborhood of $5,000 at that time; had it ready to pay some loan.

Q. Where did you have it?—A. I had it ready to pay some loan.

Q. Where did you have it?—A. I had it in my box in the vault in my office.

Q. In the office?—A. In the private office.

Q. You carried the currency in the box?—A. I did not carry it; I had it there.

Q. Yes. How much currency did you carry in that office?—A. Over five thousand at that time; I think it was fifty-two or three hundred I had there at that time.

Q. And you took from your box in the vault this $3,000?—A. I do not recollect just how I did that, because I have money coming in all the time; I make all kinds of deposits from loans being made by building and loans, for I am attorney of 15 building and loan associations, and private loans, and I don't know just how I did that.

Q. How long had you had this fifty-two hundred dollars or fifty-three hundred dollars in your box in the vault?—A. Well, in its entirety, I had not had it long, but gradually, whenever I could add a hundred or two, I have had there over a year——

Q. You carried during that time a bank account?—A. Yes, sir. * * *

Q. What were the denominations of those bills carried by you in your vault?—A. Well, pretty near all $100 bills, $50 bills. * * * Possibly more than half of it was in $100 bills.

Senators who remember the denomination of the money that these boodlers got from time to time will recognize that this gentleman was carrying, in his little tin box, bills of the same denomination as that known as the "jack pot" and the "Lorimer money."

Q. And how long had you had that fifty-two or fifty-three hundred dollars in the vault?—A. Well, that, the fifty-two or three hundred exactly, I don't know when I did add the last; always when I got a chance to add a hundred I put a hundred to it, but the money itself I have been carrying along in sums up there; kept it there pretty near two years.

Jandus testified that this money in the little tin box was kept in his safe, and that a man in his office besides himself had access to the safe.

Q. Now, your best recollection is that this $3,000 was drawn out about June, 1909?—A. Somewhere around there, I think it must have been, because it was about 10 days after the first payment of a thousand dollars.

Q. You took that $3,000, as I understand, over to the Caspar State Bank to deposit?—A. No; I don't know whether I took $3,000 out of there or whether it was other money received and not the money that I had in there.

Q. Well, the $3,000 which was the payment which you made on account of this Montana land purchase, as I understand it, was obtained by you from those funds which you carried in your office in the vault?—A. Well, not directly from that fund; I do not recollect whether that was true or not.

Q. Well, how did you make——A. Well, I might have had other money from some other people; I don't know.

Q. How did you make this $3,000 payment—by check or in cash?—A. By check.

Q. You say you might have had it from some other people?—A. Yes.

Q. You mean by that that it might have been the money of some of your clients?—A. Yes.

Q. And do you mean to say that you used it in connection with the purchase of this land in which you and your other three associates were interested?—A. Yes, sir.

Q. Well, if that was the fact, did you replenish that fund subsequently?—A. Undoubtedly. * * *

Q. When did you do that?—A. I do not know; whenever it is necessary to repay the money out for the client.

Q. Do you have any recollection now of having received $3,000 from any of your clients?—A. No; I do not.

Q. In the month of May or June, 1909?—A. I do not recollect it.

Q. Did anybody pay you any such sum of money at that time?—A. Yes, they may have; I don't know.

Jandus's testimony brings out the fact that he was away from his office in almost constant attendance at the Illinois Legislature and that during his absence there were in his office a man who served as office boy, a stenographer, his office associate (Sindon), and a real estate man who rents a room there in the suite occupied by Jandus—yet Mr. Jandus felt no uneasiness about leaving in the little tin box the large sum of money he said was there. Mr. Jandus's deposit book for this period was shown in evidence, and on June 5, 1909, was recorded a deposit of $3,010. This is more than twice as large as any other daily deposit made during the year.

And yet Mr. Jandus, in spite of the fact that he admits that he is attorney for 15 building and loan associations, in spite of the fact that he admits his bank deposits for one year alone were about $16,000—still this man told the committee that he kept absolutely no books in his office, but carried accounts in his head or upon loose memoranda.

Q. Do you keep books of account, Mr. Jandus?—A. No.

Q. Have you ever kept any books of account?—A. Never; I have tried it several times; gave it up very shortly.

Q. Do you have any written memoranda or data of any kind in your office, or at your home or elsewhere, which indicate the amount of money received and disbursed by you from time to time?—A. I have not. * * *

Q. Do you have a pretty good recollection of the amount of moneys received and disbursed by you during the summer of 1909?—A. I have not

Mr. Jandus appeared at a subsequent meeting of the committee. He was questioned about the canceled checks covering the period in question which the committee had requested him to produce. The bank-stub books which the committee asked him to produce he said were undoubtedly "lost."

Q. Where were those books when you saw them last?—A. I do not recollect. I tell you honestly when I get through I generally cut off the ends and leave the stub there, and sometimes I might have carried it around in my pocket and——

Jandus said that he had made a search of his office for those books but was unable to find any of them.

Q. Your bank account in the month of June, 1909, Mr. Jandus, was unusually active as compared with the other period, with the other months, included in this period. Have you any explanation to make of that fact to the committee?—A. Only what I made the last time, that I was in that Montana deal and I deposited the money so I could pay it out by check.

C. L. McMackin, of Salem, Ill., is in the house-furnishing business and runs a general store; in addition, he is director in the Salem State Bank. He was a Republican member of the lower house of the Illinois Legislature and voted steadfastly for Mr. Hopkins for United States Senator on every ballot except the one that elected WILLIAM LORIMER, and on that ballot he changed his vote from Hopkins to LORIMER.

Q. What induced you to change your vote, Mr. McMackin?—A. Well, I was very much worn out and sick and tired about the deadlock, and I had made up my mind a long while before if there ever came a time when we could elect another Republican I would assist in doing it, and Mr. LORIMER suited me first rate.

Mr. McMackin admitted that he holds 50 shares of stock in Senator LORIMER's new bank in Chicago. He secured this stock when the bank was organized—"probably in May last, in 1910." He claimed that an error was made in making out the 50 shares in his name; that 10 of those shares were for Mr. B. M. Smith, the cashier of the Salem Bank, of which Mr. McMackin is a director; and that only 40 shares really applied to himself, although "the shares are all made out in one certificate." This error was not corrected on the records of Senator LORIMER's bank, but was "just fixed up between me and Mr. Smith."

Mr. McMackin was unable to tell the committee definitely the name of the person with whom he arranged for the purchase of this stock in LORIMER's bank. He said he had forgotten. Mr. McMackin's story of his purchase of the stock in LORIMER's bank is as follows:

I will tell you how that happened. Let's get right down to it. I got notice—I suppose a great many did—that this bank was going to be organized, and Mr. Smith (the cashier of the Salem State Bank, of which Mr. McMackin is a director) is a member of the Bankers' Association of the State, and I took this to him and asked him to please hold the matter up and see what he thought about investing in this stock, and he reported in a few weeks that the best he could get—he thought it would be all right, and that if I could get 10 shares he would like to have it. But then we subscribed for the stock.

Q. And subsequently purchased it?—A. Yes, sir.

Mr. McMackin said he paid for this stock in two payments. In order to make the first payment he says he made a loan of the bank—his own bank at Salem—for $2,500. Mr. Smith's part of the stock represented $1,250, so a draft was sent to LORIMER's bank for $3,125. Before making the next payment McMackin borrowed $5,000 of Robert Martin, another director in the Salem State Bank.

Mr. McMackin testified that out of this $5,000 he paid back his loan of $2,500 to the Salem bank, and then met the other payment on his stock in LORIMER's bank. The second payment was made about two weeks after the first. McMackin said he

had to pay only 5 per cent interest on his loan of $5,000 from Martin, and gave the committee to understand that he retired his loan of $2,500 from the Salem bank out of this other loan, because he had to pay 7 per cent at the bank. McMackin told the committee he still owed that $5,000 to Martin, evidenced by a note. McMackin denied that prior to the publication of White's confession he had ever heard rumors of the use of money in the senatorial election. He said:

I never heard, Mr. Healy, of the use of money; I never heard any talk of money; I never had the least suspicion, no cause for suspicion, to think money was being used.

William C. Blair, an attorney of Mount Vernon, Ill., and a Democratic member of the lower house of the last general assembly, admitted that he was at a baseball game in June, 1909, and had with him more than $600 in currency. Asked if he made any bets on the game, he replied, "Never bet on a game in my life." Asked if he pretended to bet, he replied, "I want to tell the square thing about it. I did have a little money up." Blair's testimony as to the happenings that day at the game is muddled. He admits that he was more or less drunk on that occasion. The fact that Blair carried with him to a baseball game so soon after the election of WILLIAM LORIMER a sum of money in excess of $600 is significant in the light of his own testimony regarding his personal finances. In the early part of the year 1909 he was in debt. He testified as follows:

I first borrowed from Albert Watson, the president of the bank. I went to him to get the loan, something like $400, I don't remember the amount; that is the best I can recall; and at the Third National Bank I was security there on a note for a hundred; and I had two hundred borrowed; and at the Jefferson bank I had some borrowed; but I do not—now I do not want to be quoted just as to the dates when I had this. I borrowed it out and they were kind to me, and I borrowed money at each bank.

Q. How much was your indebtedness to the Jefferson bank?—A. Well, that was not so much.

Q. Well, how much?—A. It is possibly a hundred dollars or more; I don't remember.

Q. Well, did you have any other indebtedness about that time, in the first half of the year 1909? * * *—A. Yes, sir.

Q. How much?—A. I don't remember.

Q. Can you approximate it?—A. Oh, I had a mortgage on my home, got it yet, of $1,300.

Blair testified that since the early part of 1909 he paid off part of his indebtedness, but denied that he got the money from any other source or place than "from the legislature and some law practice."

C. A. Taylor, of Harrisburg, Ill., testified that he heard one member of the legislature, L. E. York, tell a number of people in a drug store one evening in Harrisburg that he never got any money; there wasn't any money offered; but he said there were jobs offered. York voted for Mr. LORIMER. Taylor testified that "there was a good deal of censure of him [York] about it" down home.

Albert J. Hopkins, former United States Senator from Illinois, testified that Senator McCormick, of the Illinois Legislature, stated to Mr. Peffer, Hopkins's private secretary, that he, McCormick, had been approached with an offer to receive a sum of money in consideration of his vote for Mr. LORIMER, the sum named being twenty-five hundred dollars, according to Hopkins's remembrance.

Q. Who had he, McCormick, been supporting at that time?—A. Well, he had been supporting me, and he voted for me afterwards. He voted for me. But, as I now remember it, he was one of the seven that voted for Mr. LORIMER ultimately.

Hopkins was told of this conversation with McCormick by his private secretary, Peffer.

Regarding his conversation with Senator Landee, Hopkins testified:

Q. You have read Senator Landee's testimony given before the committee?—A. Yes.

Q. And your recollection of it is in harmony with that he said?—A. In substance; yes.

Q. He told you, as I recall his testimony, that Mr. Luke, a member of the house, had suggested to him that 10 Democratic votes could be obtained for you if you would do the right thing?—A. Yes.

Senators will remember that Luke, deceased at the time of the former investigation, was proven to have been present when "Lorimer money" was distributed among the confessed bribe takers and was proven to have had in his possession after the distribution substantially the same amount of money and in bills of the same denominations as the other "jack-pot" statesmen.

Hopkins said:

I told Senator Landee that I was not looking for Democratic votes; that I was a candidate for the Senate and not the penitentiary.

Hopkins testified as follows regarding a conversation he had with Johnson Lawrence, a member of the house:

Mr. Lawrence had been supporting me all the way through, and I learned the morning of the vote—somebody told me—that he was going to vote for Mr. LORIMER, and I could not believe him. He was in his seat in the house and I went and sat down beside him, and I had a talk with him and found that he was going to vote for Mr. LORIMER. And I remember I was somewhat exercised myself to think that he was going to leave me, and I told him that he could not justify himself before his people up there; that I knew them all; that they came from the same section where I was born and had lived, and he would not be justified in changing. But about all that he said to me was that he should vote for Mr. LORIMER. He did not state to me that he was getting any consideration for it.

Q. Well, did you state to him that he was getting money for his vote?—A. Well, I did not; no. I did not say that he was, but I told him that he could not make his people believe that he was not bought if he voted.

Q. Well, have you any information of any sort with reference to his having been approached along that line? * * *—A. No; any further than the reports that were going around about the use of money. And I used that as a basis of my remark to him.

John M. Peffer, of Aurora, secretary of the Merchants' Association, testified as follows regarding his conversation with Hopkins, which took place in the St. Nicholas Hotel, Springfield:

Q. What did you tell him (Senator Hopkins) on that occasion?—A. I told him that Senator McCormick had just told me a little while before that—maybe a matter of half an hour—that he had been offered money provided he would vote for Senator LORIMER.

Q. Did you tell the Senator how much money had been offered?—A. Well, I gave him the story just as I got it, which was to the effect Senator McCormick told me he had been offered $2,500 if he would vote for Senator LORIMER, and upon his refusal to do—to accept those terms and vote for LORIMER for that sum—he was told that he could name the amount which he would perform that service for.

Peffer testified this information he obtained from Senator McCormick himself in conversation in the lobby of the Illinois Hotel, in Springfield. It was within an hour afterwards that Peffer told of this conversation to Hopkins.

George F. McCormick, of Alton, senator from the forty-seventh district, was called to the stand. He denied that any man had ever offered him "a dollar to switch from Hopkins to LORIMER." He had voted steadfastly for Hopkins until the one hundred and eighth ballot, when he switched to LORIMER. He testified he knew Peffer well, and met him several different times in the Illinois Hotel, but said he had absolutely no recollection of telling Peffer that he had been approached, adding, "and I don't believe it ever happened."

Q. And you never told Mr. Peffer that such a suggestion had been made to you?—A. I think not; I—I am absolutely sure of it.

Q. You say you think not?—A. I say I am not——

Q. Is there some——A. Well, I will qualify it; I will say it never happened.

Q. * * * And you say under oath that you never told Mr. Peffer that such a suggestion had been made to you?—A. Never did.

McCormick denies it. But Holstlaw got $2,500. There is one expression here in the testimony of Jandus, who was a member of the senate, that indicates, to my mind, that the amount he received was $2,500. McCormick, a senator, according to the testimony of former Senator Hopkins and his private secretary, stated that he was offered $2,500. I think it is pretty clear from the testimony presented to us at the last session of Congress that the price fixed for senators was $2,500 and that the members of the assembly got $1,000, and subsequently $900 of the "jack pot," and that it was all called "Lorimer money."

Thomas Campbell, of Rock Island, a farmer and a member of the lower house of the last General Assembly of Illinois, testified that he had been approached by a Lorimer representative and offered a job if he would change his vote from Hopkins to LORIMER.

Q. When was that conversation?—A. Well, it was the next day. I met him on the street. He called me by name and I looked up to see who he was, and I did not think I knew him, but when he called me by name I hesitated, and he said, "I met you yesterday." And he introduced himself again. Do you want me to tell the conversation?

Q. Yes.—A. He said, "Mr. Campbell, I met you yesterday at the Peoria depot." I said, "Yes, I remember meeting you." He said, "I have been in the employ of Mr. LORIMER." I think he said seven years—seven or nine; am not positive, but I will say seven. He said, "He is a poor man's friend," and he said "I am looking after his welfare." And he wanted to know if I would not vote for him. I said, "I do not see how I can, as a Republican. I, as a Republican, must stand by the wishes of the Republicans of the State which gave Mr. Hopkins 47,000 more votes than the next highest man." Then he said, "Wouldn't you like to have a job?" My reply was, "You have not anything big enough for me." He said he was sorry and that was the extent of his conversation.

Mr. President, I am going to detain the Senate for just a moment longer with this testimony. I desire to come back again to that telephone conversation at the Grand Pacific Hotel. I became very much interested in it while examining this evidence, and I went through the record, bringing together all the testimony bearing upon that incident. I want to present it briefly to the Senate to see what impression it leaves upon your minds.

Did LORIMER have personal knowledge of the corruption? I think, Mr. President, it is shown by the testimony that he did.

That LORIMER was in daily and nightly conference with his Democratic lieutenant, Lee O'Neil Browne, scheming and plot-

ting and planning to bring his election about, was fully disclosed by the evidence before this body at the last session.

New evidence secured by the Helm committee shows beyond question that LORIMER not only had personal knowledge of every step taken by the men who "put him across," but also had personal knowledge that money was used in his election.

How intimate were the relations between LORIMER and Hines during this time is shown by the testimony bearing upon a telephone conversation which Hines had with LORIMER over the long-distance telephone from W. H. Cook's room in the Grand Pacific Hotel on the day of LORIMER's election. Hines had just returned to Chicago from Washington. LORIMER was down in Springfield working with legislators to bring about his election.

Now, what I am about to quote is from Mr. Hines's own testimony. Parts of this testimony I have given you before. But I am now about to bring together the evidence upon this telephone conversation, to demonstrate that it was Hines at one end of the telephone wire and LORIMER at the other when there was talk about using money and sparing nothing in the way of money to put through LORIMER's election. I think it is rather important. I do not mean to say that the case depends upon this point by any means. There is a mass of testimony that shows, it seems to me, so overwhelmingly that LORIMER knew of this corruption that, even if it were not proven that there were bribed votes enough to take him out of the Senate, no unbiased and unprejudiced jury, putting together all the facts in this case, could possibly escape the conviction that this man had guilty knowledge of the fact that his way into this Chamber was corrupted.

Following is Hines's own testimony:

I telegraphed Congressman LORIMER that I was leaving Washington for Springfield or Chicago. I arrived in Chicago in the morning, on the morning that he was elected. I got off of the train and went over to the bank and telephoned him on the long-distance telephone, and told him that I was going down to Springfield to see him and to carry the message from the President, to impress upon those in Springfield that the administration wanted him to be elected United States Senator at the earliest moment possible.

That is what he tells this committee. I do not think that is what he telephoned to LORIMER from that bank. He had already given LORIMER all of the evidence that he could possibly have furnished him upon that point. He had previously wired him a message from Washington which could be shown to people in Springfield who could be influenced by the views of the administration and the views of administration Senators regarding the senatorial election. He had nothing which he could add to that. That is not what he said to LORIMER, but that is what he tells the committee he said to LORIMER:

He told me that I could save time and accomplish the same purpose if I would call up Gov. Deneen on the long-distance telephone and acquaint him with the message I had from the President. I called up Gov. Deneen on the telephone in the neighborhood of half an hour afterwards and explained to Gov. Deneen my message from Washington. I then telephoned Senator LORIMER about 11 o'clock that day and told him that I had talked with the governor and told him what the governor stated, and I think that is practically all of my connection with it.

Where was he at 11 o'clock? It will appear by what I will recite to you from the testimony that he was in the room of Cook, in the Grand Pacific Hotel; that he was on the telephone talking to LORIMER. In his conversation with LORIMER he made reference to the governor. With these men sitting by, engaged in conversation at that time, it was the easiest thing for them, hearing the word "governor," to conclude that he was talking with the governor.

Now, I ask Senators to bear in mind that the testimony of this man Hines himself is that about 11 o'clock on that day *he talked again* with LORIMER and told LORIMER that he had already talked with the governor.

I then telephoned Senator LORIMER about 11 o'clock that day—

Hines says—

and told him that I had talked with the governor and told him what the governor stated, and I think that is practically all of my connection with it.

Mr. Hines made further reference to this telephone conversation in his testimony.

Q. And is it your recollection that all your communications with Springfield were from the Washington end of the line on the telephone?—A. No; I telephoned from Chicago before he was elected.

Q. Yes; one conversation you had with Senator LORIMER was from Chicago?—A. I had two conversations that morning; one with Gov. Deneen.

Q. Did you telephone from any other place or section of the country to Springfield?—A. No.

Now, Mr. President, we come to Wiehe's version, taken from the testimony:

Q. Well, will you tell the committee what the conversation—the telephone talk from Cook's room in the Grand Pacific Hotel—was?—A. Why, the conversation was substantially or practically as follows: "I have just talked with the governor on the long-distance telephone, and he assures me he will do what you ask. You know that the administration—you know what the administration wants. Now, leave no stone unturned to be elected. I will get down to Springfield, if necessary, in the morning." And when he got through talking he turned to the people in the room and he said: "I have just been talking to Senator LORIMER."

Who was in the room? Wiehe, Hines's brother-in-law, Cook, and O'Brien. Cook and O'Brien got the impression that Hines was talking with "the governor," although they fell into a dispute about it within an hour.

But Wiehe says that when Hines hung up the telephone he turned to them and said, "I have just been talking with LORIMER." Hines had told the committee that he talked with LORIMER at 11 o'clock—and it was about 11 o'clock that he is proven to have been over at the Grand Pacific Hotel. It was then he used the expression over the phone, talking with LORIMER, that he had been talking with the governor, which could easily have worked into the minds of those sitting by, not following his telephone talk closely, but casually, as men will hear such things, that he was talking either with the governor or the ex-governor.

Wiehe further testified that he knew of no other conversation that Hines had over the telephone with Gov. Deneen than the one at the Continental Bank just before he came over to the Grand Pacific Hotel.

Q. As far as you know, that is the only time he ever communicated with Gov. Deneen?—A. As far as I personally know.

We get now to W. H. Cook's version, taken from the testimony:

We were in the room for a short time, some, probably, three or four minutes. The phone rang. I went to the phone. The operator (I suppose) asked if Mr. Hines was there. I said, "Yes." She says, "Here is Springfield for him; here is the governor." I called Hines to the phone. * * *

Hines took the receiver out of my hand and he spoke in the phone. He asked, "Hello, hello, hello! Hello, is this you, Governor?" He said, "Well, I just left President Taft and Senator Aldrich last night in Washington. Now, they tell me that under no consideration shall Hopkins be returned to the Senate. Now, I will be down on the next train. Don't leave anything undone. I will be down on this next train, prepared to furnish all the money that is required. Now, don't stop at anything; don't leave anything undone; I will be down on the next train," or words to that effect—repeated it over three or four times.

This statement is corroborated by Mr. O'Brien, who agrees to all of it, except his impression is that Hines was talking to ex-Gov. Yates.

Following is William O'Brien's version, as reported to the committee by Special Agent Coan, taken from the testimony:

Q. Did you show Mr. O'Brien on that occasion a statement made by Mr. W. H. Cook, the witness who has just testified?—A. Yes, sir.

Q. And was the statement of Mr. Cook's testimony which was shown Mr. O'Brien substantially what Cook has testified to here?—A. Yes, sir.

Q. What did Mr. O'Brien say with reference to that statement?—A. The only thing he said was that while—the only difference there was in the statement was as to who was on the telephone. He said he was positive it was Yates—Gov. Yates—ex-Gov. Yates.

Q. That was the telephone conversation in the Grand Pacific Hotel?—A. Yes, sir. * * *

Q. Otherwise his version of those—well, his version of those conversations, as I understand it, was substantially the same as the testimony given by Mr. Cook, except that he said (O'Brien said) that the telephone conversation of Mr. Hines from the—over the long-distance wires at Springfield was with ex-Gov. Yates?—A. Yes, sir.

Now we find Hines attempting to cover his tracks. The following is from W. H. Cook's testimony concerning what Hines said to him about a year after this telephone conversation occurred.

Cook met Hines by appointment at McCordic's office in Chicago. McCordic is Cook's Chicago attorney. Cook testifies:

Mr. Hines came down there (McCordic's office) to see Mr. Davis and Mr. McCordic and myself about some exchange of some bonds that we were interested in. After our business was concluded, Mr. Hines and I went down together. As soon as we got out into the hall Hines spoke to me about a story that was going around to the effect or purporting to be something similar to the conversation which he carried on over the long-distance phone from my room in the hotel about a year previous. He says, "Now, this story comes from some telephone operator, some girl," he says, "and they have got it all mixed up." Says he, "the way they have got it is that I was talking from your office in Duluth with ex-Gov. Yates at Springfield, wherein I told him I would be down on the next train prepared to furnish a million dollars to elect LORIMER." "Now," he says, "you know that was not Yates at all I was talking with." He says, "It was Deneen." And then he went on to caution me about keeping very quiet about such a story, or about the conversation he held there. He said if it ever came out, that it would be betraying the confidence that President Taft and Senator Aldrich put in him, that he never could go back to Washington, he never could look either of those gentlemen in the face again, and that it would compromise some of the best people in the city of Chicago and the State of Minnesota.

Cook repeated this conversation soon after it occurred, to McCordic and to his Duluth attorneys, Mr. Washburn and Mr. Bailey.

Here, again, we see Hines attempting to pervert the remembrance of a man whose exact recollection of what had occurred might prove damaging to Hines. Just as he tried to befog Funk's recollection of what had taken place that day at the

Union League Club, so now he tries to smear over what Cook remembers of that telephone conversation from the Grand Pacific Hotel. It is a year afterwards. The whole country is stirred by the confessions of legislators. Hines brings up the matter with Cook. He cautions Cook about keeping quiet. He attempts to refresh Cook's memory of this phone conversation in the way that Hines wants it to be remembered.

Hines said, "It was Deneen." What more natural than that he should try to cover the fact it was LORIMER who was on the telephone? At this time Hines was trying desperately to prevent being "dragged into" the Lorimer affair. If Hines had made no statement about furnishing money, why should he try to throw Cook off the track in this way, to make him think it was anybody other than LORIMER?

Now it is interesting, Mr. President and Senators, to compare the different versions of what Hines said over the telephone. Let us follow the sequence of ideas, as each witness repeated the conversation:

HINES. Told LORIMER I had talked with the governor. Told him what the governor stated.

WIEHE. Just talked with the governor. You know what the administration wants. Leave no stone unturned to be elected. I will get down to Springfield, if necessary. I have just been talking to LORIMER.

COOK and O'BRIEN. Hello, Governor. Just left Taft and Aldrich. Don't leave anything undone. I will be down on the next train. Don't stop at anything. Prepared to furnish all money required.

Hines was not questioned closely as to this particular long-distance conversation. His reference to it occurs in the proper sequence in his narrative of what he was doing on the day of LORIMER'S election. Hence he makes no attempt to repeat to the committee the language of his conversation.

Hines mentions 11 o'clock as the time this second talk over the phone with LORIMER occurred. That fixes the place as the Grand Pacific Hotel, since it is clear in the testimony that Hines reached the hotel somewhere between 9 and 11 o'clock. The only reference to this telephoning in Hines's testimony, therefore, tends to establish the fact that it was LORIMER at the other end of the wire.

Doubtless this fact was in Wiehe's mind when he was questioned concerning the conversation. He, too, says LORIMER was at the telephone. He makes it specific and even dramatic.

Now, compare Wiehe's version with Cook's version. Notice the sequence of ideas, occurring in both:

1. The word "governor."
2. Taft-Aldrich administration.
3. Get busy now.
4. I'll come if necessary.

Wiehe and Cook disagree as to how the word "governor" was used, but both agree it was uttered. Otherwise we find substantial accord in the testimony of these two, even to the order in which Hines put his statements.

Cook is not positive—and does not claim to be—on this point. He says it was his "impression" that Deneen was on the phone. He also testified that immediately after Hines had left his room that morning he and O'Brien had an argument as to whom Hines had just been talking with. They went to McCordic's office and talked it over.

Chairman HELM. The difference was between you at that time, right after the conversation, as to which party was at the other end of the wire when that conversation was going on?

A. Yes, sir; it started off right there; I never felt very positive on that point, but Mr. O'Brien always felt very positive.

It appears from this that Hines did not make it clear who was on the phone, but his use of the word "governor" at the beginning is such that it is not at all unnatural that Cook and O'Brien should have received different impressions.

Consideration must be given to the orders which, it is agreed, Hines gave over the telephone. Is it likely he would be ordering Deneen to get busy, leave nothing undone? His relations with LORIMER all through this period, his constant communications to LORIMER, all show that LORIMER himself, not Deneen, was directing the operations at Springfield. The statements occurring in Hines's telephone conversation can mean nothing else than that he was giving final admonitions, instructions, and tendering assistance to LORIMER just before the latter was "put across."

I want to say at this time, Mr. President, that I took it upon myself to write a letter to the Sergeant at Arms of the Senate some two weeks ago, asking him to preserve in his files, if not already destroyed, a number of telegrams—somewhere from 30 to 60—that LORIMER sent to various people whose names frequently occur throughout this whole record—Shurtleff, Lee O'Neil Browne, Hines, and others.

I take this occasion to remind the Senate that there has lately appeared in the public prints a story to the effect that a mass of telegraphic communication between LORIMER and these men whose names have become so offensive could not now be produced. The telegrams referred to were sent while LORIMER was still in the House of Representatives. I do not know how that is, but if a committee is created here to investigate this matter they should sweep the ground clean; they should gather every bit of testimony pertaining to the whole affair.

I hope, Mr. President, that such a committee, if it is ever created, will not be satisfied with its investigation even when its work is conclusive with respect to Mr. LORIMER. I hope and trust, sir, that it will pursue this inquiry to find the men who were backing all this infamy, as I believe it to be, no matter how high up they may be in the financial circles of this country. The time has come, sir, when no man is too big to answer to the people of this country for seeking to undermine the principles upon which representative government must rest if it is to endure for our children and our children's children.

Mr. CULLOM. Will the Senator allow me to interrupt him for a moment?

Mr. LA FOLLETTE. Certainly.

Mr. CULLOM. I desire to inquire whether he is about through with his discussion on the testimony. If not, I should like to move an executive session.

Mr. LA FOLLETTE. Mr. President, I should like very much to conclude to-night if the patience of the Senate is not exhausted. I have substantially concluded my review of the testimony. Following that I wish to take up the appointment of a special committee by the Senate to make this investigation. I can not dispose of that in a few minutes. If it is the pleasure of the Senate, I could defer that until to-morrow. I would like just to conclude, which I can do in a very few minutes, on this point, and then I will yield to the Senator.

Mr. CULLOM. I supposed the Senator would like to discuss the question of the appointment of a committee.

Mr. LA FOLLETTE. I certainly desire to do that.

Mr. CULLOM. I will wait, if the Senator prefers to conclude his general speech to-night, and then I should like to move an executive session.

Mr. LA FOLLETTE. I will conclude with respect to the testimony in a very few minutes—in perhaps 10 or 15 minutes.

Mr. President, this is to be considered, too: If the evidence before us shows the existence of a corruption fund and its distribution, then we can not escape the conviction that LORIMER knew it. He knew up to the minute every other fact in connection with his election—the testimony shows that Hines was in constant telegraphic and telephonic and personal communication with LORIMER. Is it possible that in all these talks LORIMER was told of every plan except that of raising the "slop fund"?

As to the promise to furnish all the money needed, it is natural Wiehe should deny it was made. His admissions, however, on other points tend to establish the truthfulness of Cook.

No doubt McCordic, of Chicago, and Washburn and Bailey, of Duluth, to all of whom Cook repeated this telephone conversation almost immediately after it occurred, would, if they had been placed on the stand, have been valuable witnesses. But the investigation was not pursued to the end. These men were not called. Some of them lived in other States.

So one might go on through this mass of testimony. Enough is contained in the evidence to establish beyond all reasonable doubt that—to quote from the official findings of the Helm committee—

It also appears from the testimony before us that said Hines communicated by telephone with LORIMER a few hours before said election and informed him, among other things, to leave nothing undone to secure said election and that all the money necessary would be furnished. The truth of this conversation is corroborated in no small way by the admissions of C. F. Wiehe and Edward Hines.

This being true, WILLIAM LORIMER had personal knowledge of the corrupt use of money in securing his election to the United States Senate.

But, Mr. President, this investigation in the Illinois senate came to a sudden and disastrous end. The writ of habeas corpus was interposed to stop the work of that committee. Application for that writ was made to a Lorimer judge of the city of Chicago and county of Cook. I say, and no reputable man will ever contradict it, that he was a creature of LORIMER. I am going to read one editorial. It is a calm and dispassionate discussion of the finding of this judge. Senators doubtless know that there is no appeal from the finding of this Judge Petit, under the Illinois statutes. It was in his hands to close the doors of inquiry to this committee and he boldly did it. That was the end.

The Chicago Post of the 8th of May, 1911, printed the following editorial:

JUDGE PETIT'S DECISION AGAINST THE ILLINOIS SENATE.

No one can rise from a thoughtful examination of Judge Adelor J. Petit's decision in the Tilden case without a feeling of pity for the judge.

Some people maintain cynically that every judge is "in politics." We don't believe that. We can recall a few instances, to be sure, but they were guilty, for the most part, of bad taste rather than of bad law. We do not at this writing recall a single judge in the county of Cook who has had to fetch and carry, as Judge Petit has had to fetch and carry, without a scrap of law to aid him and in plain violation of the doctrine laid down for such cases by the highest authority in the land.

The thing would be pathetic if the civic element in the situation did not so seriously outweigh the personal.

Judge Petit's decision is a very long and somewhat painfully rambling statement. Its inconclusive periods and its other rhetorical curiosities may be pardoned, for Judge Petit is new to the circuit court and its practice of writing opinions. Out of the whole thing emerges with much shillelah whirling the blunt dogmatic statement that the committee of the Illinois State senate had no right to demand for examination certain books and papers of Mr. Edward J. Tilden in an effort to ascertain the truth of the charge that moneys had been raised and spent in bribing, among others, members of the State senate to vote for the present junior Senator from Illinois.

That statement was all that Mr. Tilden needed. It was all that the junior Senator from Illinois desired. It was enough to do, somewhat crudely, the business on hand. But we hope that the Bar Association of Chicago will look into that decision. Deliberately to state as law what is not law is an abuse of the judicial function. Men will always differ in the interpretation of the law; but we have no hesitation in saying that neither the board of directors nor the grievance committee of the bar association will have two opinions regarding Judge Petit's ruling.

There are many interesting things to be said regarding the growth of the practice of legislative investigations in this country. Judge Petit might have touched upon them, but he did not. Perhaps we shall ourselves some day in the course of this discussion. For the present it may be sufficient to say that the practice has grown steadily, and, with some interesting and thoroughly explicable reservations, has been steadily and cheerfully bulwarked by the courts. In the entire story of American legislative history—Federal, State, and local—there has been, as some one has said, no feature so promising as the growth of this practice, the practice of investigating, of getting the facts, what might be called the scientific attitude. Public opinion and the two correlative branches of our Government—the judicial and the executive—have encouraged the method and smoothed the way. Along with this the courts have confirmed the right of legislative bodies to examine all witnesses on matters pertaining to their own membership and—note the addition—their own integrity.

Practically all the cases on this point—except Judge Petit's—now fall in line behind the well-known case of Chapman, decided by the United States Supreme Court in 1896 and reported in One hundred and sixty-sixth United States Reports. Perhaps the facts are still in general recollection. Congress in 1894 was thrashing over the Wilson bill, and the Senate had become greatly perturbed over persistent reports that certain Senators were speculating in sugar, and sugar, of course, was one of the important items in the tariff. The Senate appointed a committee to investigate, and that committee subpœnaed a Wall Street broker named Chapman to show whether his books carried the names of any United States Senators during the spring of 1894. Chapman refused to show his books and was arrested under a statute which, like a sort of fifth wheel, undertook to facilitate congressional investigations by making it a criminal offense, a misdemeanor, for a witness to refuse to testify. The United States Supreme Court, in an opinion handed down by Chief Justice Fuller, held that a congressional committee had full power to compel the witness to testify and to produce all material books and papers. It did not need the statute, nor did the statute interfere with a prerogative so supreme that Congress could not divest itself of it. The opinion began as follows:

"Under the Constitution the Senate of the United States has the power to try impeachments; to judge of the elections, returns, and qualifications of its own Members, to determine the rules of the proceedings, punish its Members for disorderly behavior, and, with the concurrence of two-thirds, expel a Member; and it necessarily possesses the inherent power of self-protection. According to the preamble and the resolution, the integrity and purity of the Members of the Senate had been questioned in a manner calculated to destroy public confidence in the body and in such respects as might subject Members to censure or expulsion. The Senate, by the action taken, signifying its judgment that it was called upon to vindicate itself from aspersion and to deal with such of its Members as might have been guilty of misbehavior and brought reproach upon it, obviously had jurisdiction of the subject matter of the inquiry it directed and power to compel the attendance of witnesses and to require them to answer any question pertinent thereto. And the pursuit of such inquiry by the questions propounded in this instance was not, in our judgment, in violation of the security against unreasonable searches and seizures protected by the fourth amendment."

The court then took up the Kilbourn case, which grew out of Uncle Sam's vain attempt to find out, by prying into Kilbourn's books, whether the bankrupt Jay Cooke had any resources hidden away in a partnership with Kilbourn:

"In Kilbourn *v.* Thompson (103 U. S., 168), among other important rulings, it was held that there existed no general power in Congress or in either House to make inquiry into the private affairs of a citizen; that neither House could, on the allegation that an insolvent debtor of the United States was interested in a private business partnership, investigate the affairs of that partnership as a mere matter of private concern; and that consequently there was no authority in either House to compel a witness to testify on the subject.

"But the case at bar is wholly different. Specific charges publicly made against Senators had been brought to the attention of the Senate, and the Senate had determined that investigation was necessary. The subject matter as affecting the Senate was within the jurisdiction of the Senate. The questions were not intrusions into the affairs of the citizen; they did not seek to ascertain any facts as to the conduct, methods, extent, or details of the business of the firm in question, but only whether that firm, confessedly engaged in buying and selling stocks and the particular stock named, was employed by any Senator to buy or sell for him any of that stock whose market price might be affected by the Senate's action.

"We can not regard these questions as amounting to an unreasonable search into the private affairs of the witness simply because he may have been in some degree connected with the alleged transactions, and, as investigations of this sort are within the power of either of the two Houses, they can not be defeated on purely sentimental grounds."

Of course it will be instantly suggested that perhaps a committee of the United States Senate is more august and has greater powers than a committee of the Illinois Legislature. Well, the former body may or may not be more august, but certainly it has not wider powers. Both Houses of Congress are expressly limited to the specific duties and powers named in the Constitution, and all the rest of the sovereignty is lodged with the State legislatures. The latter can do anything not expressly prohibited by the State constitutions, and there is not a line in the Illinois constitution which, even by implication, shuts the State senate out from an investigation of the charge that some of its members had been bribed to vote for a certain United States Senator.

It was a gross impropriety for Judge Petit to consent to take the Tilden case in the first place, in the light of his well-known personal and political relationships. That act alone is enough to warrant the bar association in examining the operations of justice in this community. But his decision is not only bad taste; it is indefensible law, an abuse of the judicial position too flagrant to be allowed to pass.

And now, Mr. President, in conclusion upon this branch of the testimony, I want to submit a few paragraphs from the final report of the investigating committee submitted to the Illinois senate. It is in the nature of a summary:

Your committee further respectfully represents that in pursuance of the information so obtained it caused the issuance of a subpœna duces tecum directed to the said Edward Tilden, requiring him to be and appear before your committee at a certain time and place, and to bring with him and produce certain books, papers, and other documentary proof, which, in the opinion of the committee, might indicate the amount of such fund and the identity of the persons contributing thereto, together also with the names of the persons receiving the same. And that it also caused George M. Benedict and William C. Cummings to be subpœnaed and to produce certain bank accounts kept by said Edward Tilden at and during the time of the collection of said fund.

That said Tilden, Benedict, and Cummings, to whom said subpœnas were directed, refused to appear before your committee or to produce the documentary proof sought. Whereupon your committee reported such refusal to this honorable body, which subsequently ordered the arrest of such contumacious witnesses and required their appearance before the bar of the senate, to show cause why they should not appear and testify and produce the documentary proof required.

That thereafter your honorable body caused warrants to be issued against said witnesses and placed them in the hands of one of the assistant sergeant at arms of the senate for service; that said witnesses were subsequently arrested under said warrants, but immediately secured their release under writs of habeas corpus issued by Judge Petit, of the Circuit Court of Cook County, who, after a hearing, denied the right in your committee and this honorable body to require the attendance of said witnesses or the production of said proof, and thereupon discharged said witnesses from the custody of your officer.

Your committee further respectfully shows and represents that the action of Judge Petit in that respect necessarily blocked and prevented an investigation into and examination of the books and papers and bank accounts of said Edward Tilden.

That in and by said decision it was held that under said senate resolution No. 17 your committee had no power or authority to subpœna witnesses or take proof because of the fact that the scope of said inquiry in said resolution named included not only members of the senate, but of the house as well; and that in the passage of said resolution the senate sought to embark upon an inquiry over which it had no jurisdiction.

That the effect of such decision made further investigation impossible, since any witness, whose testimony was desired, could refuse to obey any subpœna issued by your committee and could apply for and secure a discharge before said judge whenever the enforcement of such attendance was sought.

Your committee is advised and believes that in the matter of requiring the attendance of said witnesses it was acting strictly within its legal rights, and that the action of said judge was an unwarranted and unlawful interference on the part of a member of the judiciary with a legislative branch of the government. That the inability of your committee to compel the attendance of said witnesses and the submission of said documentary proof has prevented, on the part of this committee, a full and complete investigation into the question of corruption and official misconduct on the part of members of this or the last general assembly. And your committee is therefore unable further to follow the line of proof pointed out in the testimony of Mr. Funk, so as to report to your honorable body the exact amount used in the corruption of members of the last general assembly in the matter of the election of a United States Senator, or the names and identity of the persons contributing or receiving the same. * * *

They say:

From the oral proof already submitted we further find that shortly after the 26th of May, 1909, Edward Hines, of the Edward Hines Lumber Co., stated in conversation that he had been instrumental in raising the sum of about $100,000, which had been used to bring about the election of said LORIMER, and that he was then seeking to reimburse those who had furnished said fund by securing from different persons contributions in the sum of about $10,000 each.

I am giving this to show that the committee, after considering this testimony, arrived at a definite conclusion with respect to important facts, in so far as their investigation was permitted to go.

That following the publication of the confession of said Charles A. White, in the spring of 1910, and while a grand jury empaneled in the county of Cook was investigating the truth or falsity of said confession, said Hines sent C. F. Wiehe, his brother-in-law and one of his business associates, at midnight several miles across the city to the Grand Pacific Hotel for the purpose of inducing two persons to leave the jurisdiction of said grand jury, so that they might not be called to testify.

That the persons whose absence he sought to induce were residents of Duluth, Minn., one of whom, W. H. Cook, has since appeared and testified before your committee; and from his testimony, together with other facts and circumstances corroborative thereof, your committee is led to conclude that if said witnesses had appeared before said grand jury they would have given testimony which for the first time would have publicly implicated said Hines in said legislative corruption.

That at the time when Wiehe was sent on his midnight mission by Hines the name of the latter had not been publicly connected with any wrongdoing in the matter of said senatorial election, and it was evidently the purpose of said Hines and Wiehe to prevent, in so far as

they could, the disclosure of any participation by Hines in the matter then under investigation by the grand jury.

That Cook testifies that when Wiehe arrived at the Grand Pacific Hotel Wiehe informed him and William O'Brien, the other nonresident witness, that LORIMER had called Hines on the telephone that night, with the request that Hines reach Cook and O'Brien and urge upon them an immediate flight from the city, so that they might not be called as witnesses in the investigation then being had.

That it also appears from the testimony before us that said Hines communicated by telephone with LORIMER a few hours before said election and informed him, among other things, to leave nothing undone to secure said election and that all the money necessary would be furnished. The truth of this conversation is corroborated in no small way by the admissions of C. F. Wiehe and Edward Hines.

That from the testimony of said White and others, in connection with the proof before your committee tending to show the existence of a large corruption fund, and from other corroborating proof and circumstances, too numerous to set out in detail, it would appear that a large sum of money was raised and used for the specific purpose of corrupting and bribing members of the general assembly in order to induce the election of said LORIMER to said United States Senate. * * *

That in the necessarily brief compass of this report it is impossible to call specific attention to all of the testimony supporting the conclusions of your committee with regard to the corruption of members of the last general assembly in the matter of the election of a United States Senator.

Your committee has reached the conclusion that the election of WILLIAM LORIMER before the last general assembly would not have occurred had it not been for bribery and corruption.

Mr. CULLOM. Mr. President, will the Senator yield to me?

Mr. LA FOLLETTE. Mr. President, I wish just to say that I think I can conclude what I have to say in from half an hour to an hour or three-quarters of an hour, possibly. I wish to go into the matter of the appointment of a select or a special committee by the Senate, and I say that I purpose to show, according to the precedents of the Senate, that it does not violate such precedents to appoint such a committee. But I do not desire to detain the Senate to present that to-night, if it is the wish of the Senate to adjourn at this time. It is late and the discussion might carry me beyond 6 o'clock.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 25, 1911, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate May 24, 1911.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Capt. Thomas Q. Donaldson, jr., Eighth Cavalry, to be major from March 21, 1911, vice Maj. Charles H. Grierson, Tenth Cavalry, promoted.

First Lieut. Varien D. Dixon, Cavalry, detailed in the Signal Corps, to be captain from March 11, 1911, subject to examination required by law, vice Capt. Edmund S. Wright, First Cavalry, promoted.

First Lieut. Verne La S. Rockwell, Eleventh Cavalry, to be captain from March 11, 1911, vice Capt. William H. Hay, Tenth Cavalry, promoted.

First Lieut. John W. Wilen, Thirteenth Cavalry, to be captain from March 11, 1911, subject to examination required by law, vice Capt. Stephen H. Elliott, Eleventh Cavalry, promoted.

First Lieut. George B. Comly, Third Cavalry, to be captain from March 11, 1911, vice Capt. John M. Jenkins, Fifth Cavalry, promoted.

First Lieut. Charles G. Harvey, Second Cavalry, to be captain from March 11, 1911, vice Capt. P. D. Lochridge, Thirteenth Cavalry, promoted.

First Lieut. Richard M. Thomas, Fifteenth Cavalry, to be captain from March 11, 1911, vice Capt. Nathaniel F. McClure, Fifth Cavalry, promoted.

First Lieut. Fred W. Hershler, Fourth Cavalry, to be captain from March 11, 1911, vice Capt. William C. Rivers, First Cavalry, promoted.

First Lieut. George B. Rodney, Fifth Cavalry, to be captain from March 11, 1911, vice Capt. Robert G. Paxton, Tenth Cavalry, promoted.

First Lieut. Alexander H. Davidson, Thirteenth Cavalry, to be captain from March 11, 1911, vice Capt. Robert L. Howze, Sixth Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

First Lieut. Duncan Elliot, Eighth Cavalry, to be captain from March 11, 1911, vice Capt. Charles D. Rhodes, Sixth Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

First Lieut. Christian A. Bach, Seventh Cavalry, to be captain from March 11, 1911, vice Capt. James G. Harbord, Eleventh Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

First Lieut. David H. Biddle, Sixth Cavalry, to be captain from March 11, 1911, vice Capt. Ervin L. Phillips, Thirteenth Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

First Lieut. William F. H. Godson, Tenth Cavalry, to be captain from March 11, 1911, vice Capt. Walter C. Short, Thirteenth Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

First Lieut. George W. Winterburn, Ninth Cavalry, to be captain from March 11, 1911, vice Capt. James H. Reeves, Fourteenth Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

First Lieut. Lewis Foerster, Fifth Cavalry, to be captain from March 11, 1911, vice Capt. Frank Parker, Eleventh Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

First Lieut. Lewis W. Cass, Twelfth Cavalry, to be captain from March 11, 1911, vice Capt. Nathan K. Averill, Seventh Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

First Lieut. Dennis P. Quinlan, Fifth Cavalry, to be captain from March 11, 1911, vice Capt. Alvord Van P. Anderson, Sixth Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

First Lieut. Edward W. Robinson, Thirteenth Cavalry, to be captain from March 11, 1911, vice Capt. Elvin R. Heiberg, Sixth Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

First Lieut. Gilbert C. Smith, Second Cavalry, to be captain from March 11, 1911, vice Capt. Matthew E. Hanna, Second Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

First Lieut. William P. Moffet, Thirteenth Cavalry, to be captain from March 11, 1911, vice Capt. Frank R. McCoy, Third Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

First Lieut. Archibald F. Commiskey, Seventh Cavalry, to be captain from March 11, 1911, vice Capt. Malin Craig, First Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

First Lieut. William A. Cornell, Tenth Cavalry, to be captain from March 11, 1911, vice Capt. Guy V. Henry, Twelfth Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

First Lieut. George J. Oden, Tenth Cavalry, to be captain from March 11, 1911, vice Capt. John D. Long, Twelfth Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

First Lieut. James E. Shelley, Eleventh Cavalry, to be captain from March 11, 1911, vice Capt. William H. Winters, Third Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

First Lieut. William L. Lowe, Thirteenth Cavalry, to be captain from March 11, 1911, vice Capt. Daniel Van Voorhis, Tenth Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

First Lieut. Edward Calvert, Ninth Cavalry, to be captain from March 11, 1911, vice Capt. Charles H. Boice, Eighth Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

First Lieut. Bruce Palmer, Tenth Cavalry, to be captain from March 21, 1911, vice Capt. Thomas Q. Donaldson, jr., Eighth Cavalry, promoted.

First Lieut. James E. Fechét, Ninth Cavalry, to be captain from March 30, 1911, vice Capt. Samuel B. Arnold, First Cavalry, detailed in the Signal Corps on that date.

First Lieut. Philip W. Corbusier, Seventh Cavalry, to be captain from April 2, 1911, vice Capt. Samuel F. Dallam, Twelfth Cavalry, detailed as paymaster on that date.

First Lieut. Frederick M. Jones, Twelfth Cavalry, to be captain from April 13, 1911, vice Capt. Lawrence J. Fleming, Fourteenth Cavalry, detailed as quartermaster on that date.

First Lieut. Christian Briand, Cavalry, unassigned, to be captain from April 13, 1911, vice Capt. Frank S. Armstrong, Ninth Cavalry, detailed as quartermaster on that date.

First Lieut. John A. Wagner, Third Cavalry, to be captain from April 13, 1911, vice Capt. William D. Chitty, Fourth Cavalry, detailed as quartermaster on that date.

First Lieut. Archie Miller, Sixth Cavalry, to be captain from April 13, 1911, vice Capt. Patrick W. Guiney, Third Cavalry, detailed as quartermaster on that date.

First Lieut. William S. Wells, Seventh Cavalry, to be captain from May 12, 1911, vice Capt. John T. Haines, Eleventh Cavalry, who died May 11, 1911.

Second Lieut. Andrew W. Smith, Third Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. Verne La S. Rockwell, Eleventh Cavalry, promoted.

Second Lieut. Troup Miller, Seventh Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. John W. Wilen, Thirteenth Cavalry, promoted.

Second Lieut. William W. Edwards, Tenth Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. George B. Comly, Third Cavalry, promoted.

Second Lieut. John A. Barry, Second Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. Charles G. Harvey, Second Cavalry, promoted.

Second Lieut. William W. Gordon, Second Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. Richard M. Thomas, Fifteenth Cavalry, promoted.

Second Lieut. Harold B. Johnson, Third Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. Fred W. Hershler, Fourth Cavalry, promoted.

Second Lieut. James P. Castleman, Tenth Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. George B. Rodney, Fifth Cavalry, promoted.

Second Lieut. Albert H. Mueller, Eighth Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. Alexander H. Davidson, Thirteenth Cavalry, promoted.

Second Lieut. Allan F. McLean, Seventh Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. Duncan Elliot, Eighth Cavalry, promoted.

Second Lieut. Herman S. Dilworth, Tenth Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. Christian A. Bach, Seventh Cavalry, promoted.

Second Lieut. John V. Spring, jr., Seventh Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. David H. Biddle, Sixth Cavalry, promoted.

Second Lieut. Norman H. Davis, Fourteenth Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. William F. H. Godson, Tenth Cavalry, promoted.

Second Lieut. Charles Telford, Twelfth Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. George W. Winterburn, Ninth Cavalry, promoted.

Second Lieut. Levi G. Brown, Thirteenth Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. Lewis Foerster, Fifth Cavalry, promoted.

Second Lieut. Olan C. Aleshire, Twelfth Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. Lewis W. Cass, Twelfth Cavalry, promoted.

Second Lieut. Emil P. Laurson, Eleventh Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. Dennis P. Quinlan, Fifth Cavalry, promoted.

Second Lieut. Frederick E. Shnyder, Second Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. Edward W. Robinson, Thirteenth Cavalry, promoted.

Second Lieut. Thomas F. Van Natta, jr., Eighth Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. Gilbert C. Smith, Second Cavalry, promoted.

Second Lieut. James A. Mars, Second Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. William P. Moffet, Thirteenth Cavalry, promoted.

Second Lieut. George L. Morrison, Fifth Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. Archibald F. Commiskey, Seventh Cavalry, promoted.

Second Lieut. Orville N. Tyler, Fourth Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. William A. Cornell, Tenth Cavalry, promoted.

Second Lieut. James A. Shannon, Seventh Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. George J. Oden, Tenth Cavalry, promoted.

Second Lieut. Allan M. Pope, Tenth Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. James E. Shelley, Eleventh Cavalry, promoted.

Second Lieut. Reynolds J. Powers, Eighth Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. William L. Lowe, Thirteenth Cavalry, promoted.

Second Lieut. John C. Montgomery, Seventh Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. Edward Calvert, Ninth Cavalry, promoted.

Second Lieut. James S. Jones, Sixth Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. Christian Briand, Fifteenth Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Second Lieut. Edward M. Zell, Seventh Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. Henry Gibbins, Ninth Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Second Lieut. Dorsey R. Rodney, Fifth Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. Gordon N. Kimball, Twelfth Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Second Lieut. Alexander M. Milton, Fourth Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. Thomas M. Knox, First Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Second Lieut. Hugh S. Johnson, First Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. Gordon Johnston, Seventh Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Second Lieut. Carl Boyd, Third Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. William A. Austin, Fourth Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Second Lieut. Stephen W. Winfree, Ninth Cavalry, to be first lieutenant from March 11, 1911, subject to examination required by law, vice First Lieut. George M. Lee, Seventh Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Second Lieut. Ephraim F. Graham, Tenth Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. Rowland B. Ellis, Fourteenth Cavalry, detached from his command under the provisions of an act of Congress approved March 3, 1911.

Second Lieut. George E. Nelson, Third Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. Selwyn D. Smith, Fifth Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Second Lieut. Thomas L. Sherburne, Eighth Cavalry, to be first lieutenant from March 11, 1911, vice First Lieutenant Benjamin O. Davis, Tenth Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Second Lieut. Charles W. Stewart, Fifth Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. Creed F. Cox, Eleventh Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Second Lieut. Emil Engel, Ninth Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. Kerr T. Riggs, Fourteenth Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Second Lieut. Emmett Addis, Tenth Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. Allen C. Keyes, Tenth Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Second Lieut. Harry L. King, First Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. John Symington, First Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Second Lieut. Arthur G. Hixson, Fourteenth Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. William G. Meade, Eleventh Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Second Lieut. Vaughn W. Cooper, Twelfth Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. Irvin L. Hunsaker, Eighth Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Second Lieut. Robert C. Richardson, jr., Fourteenth Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. Ronald E. Fisher, Fourteenth Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Second Lieut. Robert M. Campbell, Twelfth Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. Peter J. Hennessey, Fifteenth Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Second Lieut. George V. Strong, Sixth Cavalry, to be first lieutenant from March 11, 1911, subject to examination required by law, vice First Lieut. Isaac S. Martin, Fifteenth Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Second Lieut. George B. Hunter, Twelfth Cavalry, to be first lieutenant from March 11, 1911, vice First Lieut. Francis A. Ruggles, Third Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Second Lieut. Stanley Koch, Sixth Cavalry, to be first lieutenant from March 12, 1911, vice First Lieut. William C. Tremaine, Fifteenth Cavalry, retired from active service March 11, 1911.

Second Lieut. Stephen C. Reynolds, Eleventh Cavalry, to be first lieutenant from March 16, 1911, vice First Lieut. Frank E. Sidman, Twelfth Cavalry, resigned March 15, 1911.

Second Lieut. William V. Carter, Sixth Cavalry, to be first lieutenant from March 21, 1911, vice First Lieut. Bruce Palmer, Tenth Cavalry, promoted.

Second Lieut. Henry C. Pratt, Fourth Cavalry, to be first lieutenant from March 30, 1911, vice First Lieut. James E. Fechét, Ninth Cavalry, promoted.

Second Lieut. Charles B. Amory, jr., Ninth Cavalry, to be first lieutenant from April 13, 1911, vice First Lieut. Frederick M. Jones, Twelfth Cavalry, promoted.

Second Lieut. Kinzie B. Edmunds, Eighth Cavalry, to be first lieutenant from April 13, 1911, vice First Lieut. John A. Wagner, Third Cavalry, promoted.

Second Lieut. Charles S. Hoyt, Fifth Cavalry, to be first lieutenant from April 13, 1911, vice First Lieut. Archie Miller, Sixth Cavalry, promoted.

Second Lieut. Henry J. Reilly, Thirteenth Cavalry, to be first lieutenant from April 17, 1911, subject to examination required by law, vice First Lieut. Walter H. Rodney, Second Cavalry, who died April 16, 1911.

Second Lieut. James J. O'Hara, Fourth Cavalry, to be first lieutenant from May 12, 1911, vice First Lieut. William S. Wells, Seventh Cavalry, promoted.

The officers named were nominated to the Senate on May 4 and May 9, 1911, respectively, and the nominations were confirmed by the Senate on May 15, 1911.

Correction in the designation of vacancies for promotion to which the officers were nominated and for correction of the date of rank of some of the nominees, owing to the death, on May 11, 1911, of Capt. John T. Haines, Eleventh Cavalry, who was nominated to the Senate on May 4, 1911, for promotion to the grade of major from March 3, 1911, and whose nomination was confirmed on May 15, 1911.

Capt. John T. Nance, Second Cavalry, to be major from March 3, 1911, vice Maj. Edwin P. Brewer, Seventh Cavalry, advanced to the grade of lieutenant colonel under the provisions of an act of Congress approved March 3, 1911.

Capt. Charles C. Walcutt, jr., Fifth Cavalry, to be major from March 3, 1911, vice Maj. Henry J. Goldman, Twelfth Cavalry, advanced to the grade of lieutenant colonel under the provisions of an act of Congress approved March 3, 1911.

Capt. Peter E. Traub, Twelfth Cavalry, to be major from March 5, 1911, vice Maj. Daniel H. Boughton, Fifth Cavalry, promoted.

Capt. Jesse McI. Carter, Fourteenth Cavalry, to be major from March 9, 1911, vice Maj. George W. Read, Eighth Cavalry, detailed as inspector general on that date.

Capt. Malvern-Hill Barnum, Eighth Cavalry, to be major from March 11, 1911, vice Maj. William C. Brown, Third Cavalry, advanced to the grade of lieutenant colonel under the provisions of an act of Congress approved March 3, 1911.

Capt. Letcher Hardeman, Tenth Cavalry, to be major from March 11, 1911, vice Maj. Lloyd M. Brett, First Cavalry, promoted.

Capt. Edmund S. Wright, First Cavalry, to be major from March 11, 1911, vice Maj. Augustus C. Macomb, Ninth Cavalry, promoted.

Capt. William H. Hay, Tenth Cavalry, to be major from March 11, 1911, vice Maj. Thomas J. Lewis, Thirteenth Cavalry, promoted.

Capt. Stephen H. Elliott, Eleventh Cavalry, to be major from March 11, 1911, vice Maj. Guy Carleton, Fourth Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Capt. John M. Jenkins, Fifth Cavalry, to be major from March 11, 1911, vice Maj. Thomas B. Dugan, Twelfth Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Capt. P. D. Lochridge, Thirteenth Cavalry, to be major from March 11, 1911, vice Maj. Henry T. Allen, Eighth Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Capt. Nathaniel F. McClure, Fifth Cavalry, to be major from March 11, 1911, vice Maj. Stephen L'H. Slocum, Second Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Capt. William C. Rivers, First Cavalry, to be major from March 11, 1911, vice Maj. William W. Forsyth, Sixth Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Capt. Ellwood W. Evans, cavalry, detailed paymaster, to be major from March 11, 1911, vice Maj. William F. Flynn, Fifteenth Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Capt. Robert G. Paxton, Tenth Cavalry, to be major from March 11, 1911, vice Maj. Farrand Sayre, Ninth Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

First Lieut. Frank P. Amos, Eleventh Cavalry, to be captain from March 3, 1911, vice Capt. John T. Nance, Second Cavalry, promoted.

First Lieut. Julian A. Benjamin, Third Cavalry, to be captain from March 3, 1911, vice Capt. Charles C. Walcutt, jr., Fifth Cavalry, promoted.

First Lieut. John Watson, Eighth Cavalry, to be captain from March 5, 1911, vice Capt. Peter E. Traub, Twelfth Cavalry, promoted.

First Lieut. Samuel R. Gleaves, First Cavalry, to be captain from March 9, 1911, vice Capt. Jesse McI. Carter, Fourteenth Cavalry, promoted.

First Lieut. Lewis S. Morey, Twelfth Cavalry, to be captain from March 11, 1911, vice Capt. Malvern-Hill Barnum, Eighth Cavalry, promoted.

First Lieut. James Goethe, Thirteenth Cavalry, to be captain from March 11, 1911, vice Capt. Letcher Hardeman, Tenth Cavalry, promoted.

CORPS OF ENGINEERS.

First Lieut. Charles T. Leeds, Corps of Engineers, to be captain from February 27, 1911, vice Capt. Harley B. Ferguson, promoted.

First Lieut. Harold C. Fiske, Corps of Engineers, to be captain from February 27, 1911, vice Capt. Frank C. Boggs, promoted.

First Lieut. Max C. Tyler, Corps of Engineers, to be captain from February 27, 1911, vice Capt. Clarke S. Smith, promoted.

First Lieut. Ulysses S. Grant, 3d, Corps of Engineers, to be captain from February 27, 1911, vice Capt. William P. Wooten, promoted.

First Lieut. Julian L. Schley, Corps of Engineers, to be captain from February 27, 1911, to fill an original vacancy.

First Lieut. William H. Rose, Corps of Engineers, to be captain from February 27, 1911, to fill an original vacancy.

First Lieut. Richard C. Moore, Corps of Engineers, to be captain from February 27, 1911, to fill an original vacancy.

Second Lieut. Richard Park, Corps of Engineers, to be first lieutenant from February 27, 1911, vice First Lieut. Charles T. Leeds, promoted.

Second Lieut. Daniel I. Sultan, Corps of Engineers, to be first lieutenant from February 27, 1911, vice First Lieut. Harold C. Fiske, promoted.

Second Lieut. Glen E. Edgerton, Corps of Engineers, to be first lieutenant from February 27, 1911, vice First Lieut. Max C. Tyler, promoted.

Second Lieut. Charles L. Hall, Corps of Engineers, to be first lieutenant from February 27, 1911, vice First Lieut. Ulysses S. Grant, 3d, promoted.

Second Lieut. Virgil L. Peterson, Corps of Engineers, to be first lieutenant from February 27, 1911, vice First Lieut. Julian L. Schley, promoted.

Second Lieut. George R. Goethals, Corps of Engineers, to be first lieutenant from February 27, 1911, vice First Lieut. William H. Rose, promoted.

Second Lieut. John W. N. Schulz, Corps of Engineers, to be first lieutenant from February 27, 1911, vice First Lieut. Richard C. Moore, promoted.

Second Lieut. Clarence L. Sturdevant, Corps of Engineers, to be first lieutenant from February 27, 1911, to fill an original vacancy.

Second Lieut. Earl J. Atkisson, Corps of Engineers, to be first lieutenant from February 27, 1911, to fill an original vacancy.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from May 20, 1911.

Thomas Ward Burnett, of New York.
Luther Raymond Poust, of Pennsylvania.
John William Meehan, of Nebraska.
Carroll Royer Baker, of Delaware.
Leo Barton Allen, of Pennsylvania.
Morris Hirshfeld Boerner, of Texas.

POSTMASTER.

VIRGINIA.

Clinton L. Wright to be postmaster at Norfolk, Va., in place of Stephen B. Carney. Incumbent's commission expired February 28, 1911.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 24, 1911.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Edwin V. Morgan to be envoy extraordinary and minister plenipotentiary to Portugal.

PROMOTION IN THE MARINE-HOSPITAL SERVICE.

Asst. Surg. William M. Bryan to be passed assistant surgeon.

PROMOTIONS IN THE NAVY.

Commander Reuben O. Bitler to be a captain.
Lieut. Commander Reginald R. Belknap to be a commander.
The following-named ensigns to be lieutenants (junior grade):
Leigh Noyes,
Walter B. Decker,
Isaac C. Bogart,
Harvey Delano,
Roland M. Brainard, and
Lynn B. Bernheim.

POSTMASTERS.

INDIANA.

Luster E. Roush, Bluffton.

MINNESOTA.

Thomas T. Gronlund, Tyler.

NEVADA.

Mary E. Langwith, Golconda.

NEW JERSEY.

Caroline Kittle, New Durham.

NORTH CAROLINA.

John W. Armstrong, Belmont.
J. Rufus Dorsett, Spencer.
John B. Powell, Warrenton.

OHIO.

Erwin G. Chamberlin, Caldwell.

PENNSYLVANIA.

Edwin I. Parry, Langhorne.

SOUTH CAROLINA.

James O. Ladd, Summerville.

VIRGINIA.

Howard T. Jenkins, East Radford.

WEST VIRGINIA.

E. E. Wells, Pennsboro.

SENATE.

THURSDAY, *May 25, 1911.*

The Senate met at 2 o'clock p. m.

Prayer by Rev. John Van Schaick, of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a joint resolution (H. J. Res. 14) to admit the Territories of New Mexico and Arizona as States into the Union upon an equal footing with the original States, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of Local Division No. 1, Ancient Order of Hibernians, of Danbury, Conn., remonstrating against ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented the memorial of A. S. Evans, of Utica, N. Y., remonstrating against the imposition of a stamp tax on proprietary medicines, which was referred to the Committee on Finance.

He also presented a petition of the Photo-Engravers' Union of Denver, Colo., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Finance.

Mr. CULLOM presented memorials of sundry citizens of Chicago, Ill., of Local Division No. 1, Ancient Order of Hibernians, of Danbury, Conn., and of sundry citizens of New Brunswick, N. J., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Georgia Woman's Christian Temperance Union, praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Civic Department of the General Federation of Women's Clubs, praying for the enactment of legislation for the preservation and control of the waters of Niagara Falls, which was referred to the Committee on Foreign Relations.

Mr. DU PONT presented memorials of sundry citizens of the sixth, tenth, and twelfth wards of Wilmington, Del., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. KERN presented a memorial of the Ancient Order of Hibernians, of Lake County, Ind., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a memorial of Local Union No. 33, International Cigar Makers' Union, of Indianapolis, Ind., remonstrating against the alleged abduction of John J. McNamara from the city of Indianapolis, Ind., which was referred to the Committee on the Judiciary.

Mr. BORAH presented a petition of members of the Kuna County Improvement Club, of Idaho, residents of the Payette-Boies reclamation project, praying that homesteaders under that project be given patent to their lands at the expiration of the required residence period, etc., which was referred to the Committee on Public Lands.

Mr. WATSON presented memorials of the State Pharmaceutical Association; of John R. Elson, of Wellsburg; and of the F. S. Johnston Drug Co., of Davis, all in the State of West Virginia, remonstrating against the imposition of a stamp tax on proprietary medicines, which were referred to the Committee on Finance.

Mr. OLIVER presented a petition of Washington Camp, No. 419, Patriotic Order Sons of America, of Gettysburg, Pa., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a memorial of the Drug Exchange of Altoona, Pa., remonstrating against the imposition of a stamp tax on proprietary medicines, which was referred to the Committee on Finance.

Mr. JONES presented a memorial of the Ancient Order of Hibernians of Bellingham, Wash., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. PERKINS presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying that an appropriation be made for the fortification of Los Angeles Harbor, which was referred to the Committee on Coast Defenses.

He also presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying that the sloop of war *Portsmouth* be transferred to San Francisco Bay, which was referred to the Committee on Naval Affairs.

Mr. MARTINE of New Jersey presented a memorial of Local Union No. 55, International Brotherhood of Stationary Firemen, of Newark, N. J., and a memorial of Allenwood Grange, No. 193, Patrons of Husbandry, of Allenwood, N. J., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented memorials of John J. Hechy and Patrick J. Dyer, of Paterson; Hugh F. Connolly, of Kearney; J. J. Evans and Patrick Smith, of Harrison; Matthew P. Green and Andrew Koele, of Passaic; G. B. Nivison, William Kelligar, Andrew Scott, and George H. Lusch, of Jersey City; of the United Irish and German Societies of Union Hill; of Local Division No. 10 of New Brunswick, and Local Division No. 21 of Hoboken, Ancient Order of Hibernians; of the Allied German-American Societies of Newark; of the Middlesex County Building Trades Council, of Perth Amboy; and of the German-American Central Verein of Middlesex County, all in the State of New Jersey, remonstrating against the ratification of the proposed treaty of arbitration between the United States and

Great Britain, which were referred to the Committee on Foreign Relations.

He also presented petitions of Old Glory Council, No. 16, United American Mechanics, of Rahway, and of Washington Camps, Nos. 75, of Ocean City; 76, of Elmer; and 153, of Point Pleasant, of the Patriotic Order Sons of America, in the State of New Jersey, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a memorial of Local Grange No. 40, Patrons of Husbandry, of Windsor, N. J., remonstrating against the passage of the so-called cold-storage bill, which was referred to the Committee on Manufactures.

He also presented memorials of Local Union No. 428, Cigar Makers' International Union, and of the Pattern Makers' Association of Trenton, N. J., and of Local Union No. 45, Sanitary Pressers, of Trenton, N. J., remonstrating against the alleged abduction of John J. McNamara from Indianapolis, Ind., which were referred to the Committee on the Judiciary.

Mr. STEPHENSON presented memorials of sundry employees of the paper mills at Neenah and Niagara, and of Local Union No. 5931, American Society of Equity, of Cedar Grove, all in the State of Wisconsin, remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Milwaukee, Wis., praying for the repeal of the tax on Italian lemons, which was referred to the Committee on Finance.

He also presented a memorial of the Germania Society of Superior, Wis., and a memorial of the Ancient Order of Hibernians of Janesville, Wis., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. WETMORE presented a petition of the congregation of Channing Memorial Church, of Newport, R. I., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. O'GORMAN presented a memorial of the United German-American and United Irish-American Societies of New York, remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. REED presented memorials of sundry citizens of St. Louis and St. Charles, in the State of Missouri, remonstrating against the enactment of legislation for the proper observance of Sunday as a day of rest, which were ordered to lie on the table.

REPORTS OF COMMITTEE ON MILITARY AFFAIRS.

Mr. JONES, from the Committee on Military Affairs, to which was referred the bill (S. 1754) to correct the military record of William F. McKim, reported it with an amendment and submitted a report (No. 45) thereon.

Mr. DIXON, from the Committee on Military Affairs, to which was referred the bill (S. 70) to remove the charge of desertion standing against the military record of Minor Berry, reported it without amendment and submitted a report (No. 44) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McCUMBER:

A bill (S. 2510) for the relief of former Paymaster's Clerk James S. Alexander; to the Committee on Naval Affairs.

A bill (S. 2511) for the relief of Capt. Frederick G. Lawton, United States Army; and

A bill (S. 2512) for the relief of the Snare & Triest Co. (with accompanying papers); to the Committee on Claims.

A bill (S. 2513) granting an increase of pension to Hardin T. Richardson (with accompanying paper);

A bill (S. 2514) granting an increase of pension to Denis Hallahan (with accompanying paper);

A bill (S. 2515) granting an increase of pension to James H. Rogers, alias James H. Robinson (with accompanying papers); and

(By request.) A bill (S. 2516) granting pensions to Volunteer Army nurses of the Civil War (with accompanying papers); to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 2517) to fix the travel allowances of discharged soldiers; and

A bill (S. 2518) to provide for raising the volunteer forces of the United States in time of actual or threatened war; to the Committee on Military Affairs.

By Mr. STEPHENSON:

A bill (S. 2519) granting an increase of pension to Frederick J. Thilke (with accompanying paper);

A bill (S. 2520) granting a pension to Sophia Bodle (with accompanying paper);

A bill (S. 2521) granting an increase of pension to John Duebenhorst (with accompanying paper);

A bill (S. 2522) granting an increase of pension to Ira McCall (with accompanying paper);

A bill (S. 2523) granting a pension to Mary E. Briggs (with accompanying paper);

A bill (S. 2524) granting a pension to Susan Thompson (with accompanying paper);

A bill (S. 2525) granting a pension to Frederick S. Barrows, jr. (with accompanying paper);

A bill (S. 2526) granting an increase of pension to Christopher G. Burdick (with accompanying paper);

A bill (S. 2527) granting an increase of pension to Lester L. Carr (with accompanying paper); and

A bill (S. 2528) granting an increase of pension to John W. Dyer (with accompanying paper); to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 2529) for the relief of Lieut. William R. Cushman, United States Navy, retired; to the Committee on Naval Affairs.

By Mr. BORAH:

A bill (S. 2530) granting to the city of Twin Falls, Idaho, certain lands for reservoir purposes; to the Committee on Public Lands.

By Mr. KERN:

A bill (S. 2531) for the relief of Reezes Hammond (with accompanying paper); to the Committee on Military Affairs.

By Mr. DIXON:

A bill (S. 2532) providing for an increase of salary for the collector of customs for the district of Montana and Idaho; to the Committee on Commerce.

By Mr. SMITH of South Carolina:

A bill (S. 2533) granting a pension to Mary Lillie Bauskett; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 2534) to extend the time for the completion of the Alaska Northern Railway, and for other purposes; to the Committee on Territories.

PUBLICITY OF CAMPAIGN CONTRIBUTIONS.

Mr. JONES submitted an amendment intended to be proposed by him to the bill (H. R. 2958) to amend an act entitled "An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected," which was referred to the Committee on Privileges and Elections and ordered to be printed.

HOUSE JOINT RESOLUTION REFERRED.

The joint resolution (H. J. Res. 14) to admit the Territories of New Mexico and Arizona as States into the Union upon an equal footing with the original States, was read twice by its title and referred to the Committee on Territories.

RULINGS OF THE POST OFFICE DEPARTMENT.

The VICE PRESIDENT. The morning business is closed.

Mr. DAVIS. Mr. President——

The VICE PRESIDENT. Without objection, the Chair lays before the Senate the following, upon which the Senator from Arkansas has given notice that he will address the Senate.

The SECRETARY. The response of the Post Office Department to Senate resolution No. 10, to require the Post Office Department to furnish certain information to the Senate.

Mr. DAVIS. Mr. President, I should have contented myself with the answer of the Postmaster General to the resolution had it occurred to me that he had answered the resolution of the Senate candidly, but I do not think he did so. For that reason, for a short time I ask leave to discuss the response of the department.

Mr. President, I desire to relieve this discussion at the very outset of any apparent personal feeling upon my part. I beg to assure the Senate that I do not know Mr. E. G. Lewis, publisher of the Woman's National Weekly; never have seen him in my life, to my personal knowledge; neither do I know the editor of the Harpoon, published in Denver, Colo.; neither have I the pleasure of the acquaintance of the Postmaster General, Mr. Hitchcock; and I therefore could not possibly have any personal feeling in this matter.

My attention has been called to it, however, by the good women of the country who reside in almost every State in the Union, and who are subscribers to the Woman's National Weekly, which, in my judgment, is the cleanest, most wholesome family newspaper that has ever come under my observa-

tion. It has less of the advertising feature of any paper of similar character, is devoted to domestic science, literature, art, religious discussions, clean, wholesome news services; all in a condensed, concise form, ready for the housewife and mother who is unable ordinarily to spare the time to read the voluminous daily papers of the times. This complaint became so general and universal that I began to investigate the situation as best I could, and I frankly state, Mr. President, that in my judgment Mr. E. G. Lewis, editor and publisher of this clean, wholesome little sheet, has been the worst abused, the worst maligned and maltreated man by the Post Office Department, also the Department of Justice and their subordinates, that I have ever known in my whole life; and I began to set about to find a reason for the persecutions that have followed him.

It may appear in my former remarks on this subject, demanding an answer to the Senate resolution which I had the honor to offer, that Mr. Hitchcock alone is responsible for these persecutions; but such is not the case, Mr. President. His predecessor, Mr. Cortelyou, began this work of spoliation against this man in 1907, and it has been constantly and vigilantly kept up by the present Postmaster General and the Department of Justice to this good day. Mr. Lewis must be a wonderful genius to have accomplished in the face of the outrageous treatment that has been inflicted upon him the wonderful results he has attained.

He conceived the idea of the little city of University City, which lies adjacent to St. Louis, where he might build up a wonderful plant devoted to the education and culture of the women of our land, for the betterment of their home conditions. Clubs and leagues composed of the best women of the country sprang up in every State in the Union as if by magic, and because of the tone of his paper, its worth and merit, its circulation immediately became voluminous, numbering something like 500,000.

Mr. Lewis established a magnificent plant for the mechanical work of his paper, probably the most complete individual plant in the country. The subscription price of his paper was small and it became necessary for him to devise some means by which his patrons might send their small remittances without having to pay the price of bank exchange, so he conceived the idea of a bank. Stock was sold to some of the best business men in the country; also to his patrons and to the public generally. His scheme of charging no exchange interfered with the business of the express companies, and in this fact the reason for his downfall may be found. The express companies of the Nation, seeing that this man's idea, if it finally should prevail, meant the wreck and ruin of their business of handling money for the public, because his profits became enormous. His plan of operation was simple and unique, and I charge here now that through the instrumentality of the express companies and their paid hirelings Mr. Cortelyou, former Postmaster General of the United States, issued a fraud order against Mr. Lewis and his bank and caused him to be indicted for the improper and illegal use of the mails, which indictment was returned in the city of St. Louis. Mr. Lewis immediately begged for a trial, which was finally granted him, after his bank had been ruined by the issuance of this fraud order illegally, and, in my judgment, maliciously issued by the Government of the United States, through the Postmaster General, Mr. Cortelyou. Spies were put upon his track, agents of the Government were sent pell-mell all over the country notifying his stockholders and depositors and the public generally that he was a scoundrel and a thief and that a fraud order had been issued against him by the Government. This, of course, wrecked and ruined his banking institution. That is the point the express companies wished to accomplish. Mr. Cortelyou well knew and so did the paid hirelings of the express companies that Lewis had committed no wrong, no crime, and upon the final trial, after the testimony was all in, the distinguished judge who tried the case peremptorily directed the jury to return a verdict from the box, stating that the Government had no case, and that Lewis should never have been interfered with. But this relief came too late. The will of the express companies had been accomplished—his financial downfall had been secured. That he had been thoroughly vindicated by the courts of the country from the criminal charge made against him by Mr. Cortelyou in this fraud order offered him but little relief, because it came too late to save the fortune which his energy and ability had builded.

Not satisfied with this outrageous treatment and his complete vindication, Mr. Hitchcock, the present Postmaster General, who arrogates to himself such superiority that even a Senator of the United States is not permitted to enter the holy of holies to consult this great apostle of postal regulations without first giving to a lackey at the door a written statement of his business, ordered three civil suits brought against Mr. Lewis for excess postal charges, by means of which he has tied up to-day in the hands of the officials of the Government $30,000 of Mr. Lewis's money. Mr. Lewis has begged for a trial of these suits and has begged the Department of Justice to give him one letter or syllable of law upon which they might hope to be sustained. They deny him this simple justice, keep his money, when they know full well that he has violated no postal law or postal regulation which the department, under the law, had a right to make.

Mr. President, shall this matter continue? Shall 300,000 patrons of this paper stand up and clamor for justice and fair dealing and their voice go unheeded? Why, sir, we have just witnessed the most remarkable revolution against tyranny and oppression that the world in recent years has beheld; a little handful of Mexicans, inspired by love of liberty and the determination to throw off the yoke of tyranny, having God and right upon their side, have accomplished in Mexico what our forefathers accomplished for the Colonies against the tyranny of the kings. And this demand of the people, represented by this Lewis Publishing Co., can not go unheeded, and Senators had as well understand that this matter can not be brushed aside by a wave of the hand or a cold smile of indifference. They must act, and they must act wisely and judiciously, in the settlement of this controversy. I say, Mr. President, that the Postmaster General in answering the resolution of the Senate adopted on the 10th day of April, calling on his department for this information, has not answered honestly, has not answered truthfully, has not answered candidly the reasons that impelled him to the course he has pursued; and, in detail, I shall take up and analyze each of the answers which he pretends to give and show their hideous fabrication and their total insincerity.

The Senate resolution of inquiry was passed April 10, 1911. It, and the Adams letter made a part of it, are as follows:

Resolved, That the Postmaster General be required and directed to furnish to the Senate copy of the rulings of his department and his reasons therefor in regard to the circulation of the Woman's National Weekly, also the Harpoon, of Denver, two newspapers published in the United States, inasmuch as serious charges are made against said rulings, as is shown by letter attached and made a part of this resolution; that said information be furnished to the Senate at the earliest possible convenience of the department.

—

BANK OF DENNING,
Ozark, Ark., March 31, 1911.

Hon. JEFF DAVIS, *Washington, D. C.*

DEAR SIR: As one of your constituents in this neck of the woods, would like to ask that you give a few moments' serious thought to some of the recent rulings of the Postal Department, from which it has been made to appear that certain officials have made arbitrary rulings relative to certain newspapers, and without apparent cause have demanded that one paper strike from its subscription list the names of upward of 100,000 subscribers, for the reason that relatives or friends saw fit to make them a present of the paper for a year by paying in advance the regular subscription price of said publication.

It occurs to me that there is a rotten egg in the basket somewhere that the Postal Department should say that because a friend desires to give a year's subscription that the department can step in and say that they can not receive same because they did not apparently send in the money in their own name.

Having followed your record for election of Senators by popular vote, and believing that you are in a sincere desire to give the common people a square deal, I will note with considerable pleasure any action you may take with reference to a thorough airing of the Postal Department in its arbitrary rulings.

Yours, very sincerely, R. M. ADAMS.

I refer to the Woman's National Daily, now the Woman's National Weekly; also the Harpoon, of Denver.

The Postmaster General's response to this resolution and letter is dated May 10, 1911. The Postmaster General first makes the following broad, general response:

Relative to that portion of the resolution embodied in the letter to Senator DAVIS, which says that this department "has demanded that one paper strike from its subscription list the names of upward of 100,000 subscribers for the reason that relatives or friends saw fit to make them a present of the paper for a year by paying in advance the regular subscription price of said publication," and "that the department can step in and say that they can not receive same, because they did not apparently send in the money in their own name," I have to say that no such ruling has been made by any officer of this department, nor by any other person on its behalf, either in the case of the Woman's National Weekly, of St. Louis, Mo., or the Harpoon, of Denver, Colo., or of any other publication, as will appear from the facts and statements hereinafter set forth.

This is a broad denial of the charge in the Adams letter, which was made a part of the resolution of inquiry.

It may indeed be true that the rulings made in this case are not technically the same as charged by Adams, but it is true that in effect they are exactly what he charged.

The Postal Laws and Regulations make it the duty of the Third Assistant Postmaster General to decide all questions in relation to the classification of mail matter and the collection of the lawful postage rates thereon. In the Woman's National Weekly case that officer has, in effect, demanded, as Mr. Adams

alleges, that the publisher strike from the subscription list the names of upward of 100,000 subscribers for the reason that—

relatives or friends saw fit to make them a present of the paper for a year by paying in advance the regular subscription price.

Exactly what that officer did is told in the language of his own telegram of March 27 to the postmaster at St. Louis. It is as follows:

[Telegram.]

MARCH 27, 1911.

POSTMASTER, *St. Louis, Mo.:*

Application of publisher of the Woman's National Weekly, dated March 21, received to-day. Information in possession of the department, obtained through queries to claimed subscribers to the publication, indicates that at least 24 per cent thereof are not subscribers in fact. This is strongly corroborated by reports of nonacceptance of publication by alleged subscribers at many post offices throughout the country, as well as by the statement of the publishers in admitting that a large percentage are gift subscriptions, and also by excessive use of premiums.

You will inform publisher that upon removal of 24 per cent of the claimed list—103,920—required deposit will be waived, effective with date of application, pending further inquiry.

Should the publisher desire to mail copies of the publication to persons whose names are eliminated from claimed list, they may be accepted at the transient second-class postage rate of 1 cent for each 4 ounces or fraction thereof, prepaid by stamps affixed.

You will obtain the publishers' decision and report to this bureau immediately.

JAMES J. BRITT,
Third Assistant Postmaster General.

This, Mr. President, is the telegram of the Postmaster General in reference to these people. I ask you in all fairness, does it not bear out the charge that he has peremptorily demanded that 103,920 subscribers to that paper be arbitrarily cut from the list?

Technically speaking, the Third Assistant did not demand that the publisher strike off 100,000 names. What he did was to inform the publisher that unless 24 per cent of the list of subscribers (103,920) was removed he would continue to tax the third-class rate, which amounted to 17 cents a pound, on the entire list of over 400,000.

If the 24 per cent were removed, the balance of the list would be accepted at the publisher's rate of 1 cent a pound. The company could do one of two things—refuse to comply and close up altogether, or it could comply and continue to do three quarters of its previous business—that is what it meant. The company was, of course, bound to accept the latter alternative.

Upon this 24 per cent (103,920 copies), if they be mailed, the third assistant still imposes 17 cents a pound. But now it is not done as the third-class rate, but as the "transient second-class postage rate of a cent for each 4 ounces or fraction thereof, prepaid by stamps affixed." There are 17 copies in a pound. Each copy must be prepaid with a 1-cent postage stamp. Seventeen cents a pound is 17 cents a pound by whatever name it is called, and it is prohibitive to any publisher.

The Third Assistant required the "removal of 24 per cent of the claimed list (103,920)" because they "are not subscribers in fact." He estimates the number of objectionable subscribers from reports of nonacceptance by postmasters as well as from the statement of the publisher "that a large percentage are gift subscriptions and also by the excessive use of premiums."

Mr. Adams says that 100,000 names were required to be stricken off "because they (the subscribers) did not apparently send in the money in their own name." The Postmaster General denies that his department has made such a ruling. What he has done is to put an embargo of 17 cents a pound upon copies sent on "gift subscriptions," that prohibits the publisher from sending them out. There is some difference between Adams and the Third Assistant as to form, but not as to the effect. The response of the Postmaster General is at least disingenuous.

It will be shown further along that the action of the department is not only arbitrary and without warrant of law, but in direct violation of law. Furthermore, it will be shown that the very condition on which the action of the Third Assistant is based is due to lawless and unwarranted conduct by the department itself in dealing with this publishing company.

It is the province, indeed the duty, of Congress to examine into and consider from time to time how its laws have been and are being administered. In this case there are several matters which should be considered—whether there is authority for the action taken, the methods employed; whether there has been an abuse of power, and the effect of the action. To those matters some attention is given.

The Woman's National Daily (now changed to weekly) has been published since 1906. It was then and has since and up to the time of this change been admitted to the mails as a newspaper and as matter of the second class and at publishers' rates. Sometime in March last the publishing company decided to change the period of issue from daily to weekly, and did so, notifying its patrons and subscribers through the columns of the paper.

The changing of periods of issue of publications is a frequent occurrence among publishers. All the law requires in that regard is that the period of issue be stated in the publication itself, and that it (the newspaper or periodical) shall be issued not less frequently than every three months. The following is the paragraph of the statute on that point:

First. It must regularly be issued at stated intervals, as frequently as four times a year, and bear a date of issue, and be numbered consecutively.

The Woman's National Weekly complied with that requirement of the statute. It was a well-established newspaper. Its character had been determined in the beginning in the regular way; it had its mail classification. The change from daily to weekly did not alter its character; it was still a newspaper. The change did not make it heavier or lighter as mail matter to be carried. It was the same publisher; the same publication office; the same post office of mailing; the same list of subscribers. It was the same identical thing formerly carried in the mails every day, but now to be carried once a week.

The company notified its subscribers that all subscriptions would be extended in proportion; that is to say, those who subscribed for the daily and some period of their subscriptions had been fulfilled were to have the unexpired period fulfilled by the weekly, but extended in proportion as the amount paid and unearned would apply on the subscription rate of the weekly.

The 103,920 subscribers which Mr. Adams says were paid for by "relatives or friends" as a "present of the paper for a year by paying in advance the regular subscription price," and which the Third Assistant says must now be removed from the "claimed list," because they are not "subscribers in fact," before he will permit any copies at all to be mailed at publishers' rates, were for some time carried upon the list of this newspaper while it was a daily.

They did not come in a bulk lot. They came in from day to day or week to week or month to month, and at the time this embargo was placed upon them the company was obligated to send out those copies in fulfillment of its contracts for the varying degrees of time for which those subscriptions had yet to run. Thus, in the middle of the fulfillment of these 103,920 contracts, the company is forced by the action of the department to default upon them.

For a long time the general public, and especially publishers, have been complaining, as does Mr. Adams, of the arbitrary acts of the Post Office Department in relation to the mail service.

In one way or another, the department seems to have abandoned the law as a guide for the conduct of that service. It is and has been imposing upon the public, and especially upon publishers, by means of so-called regulations, rulings, and so forth, conditions which Congress never authorized and never intended. Publishers have felt and have complained bitterly that there was no longer any security in the mail service; no uniformity, no stability. The so-called regulations are constantly changing. A reading of the law affords a citizen no reliable information as to what his rights in the mails may be. A reading of the so-called regulations affords him no reliable information, for the regulations of to-day may not be the regulations of to-morrow, and it is of record and notorious that neither the law nor regulations are applied uniformly to all cases, as the statutes of Congress contemplate.

It is popularly supposed that when a citizen or a publisher feels aggrieved by reason of a ruling of the department in his case, that he has recourse to the courts to secure justice. That, in effect, is a fallacy, because when the department rules in an individual case which is brought to test all the powers of the Government are invoked to secure judicial approval. Even special counsel will be engaged. The court is permitted to see only the isolated case, and it is impressed with the necessity of supporting the Postmaster General in his arduous duty of administering the law from day to day. It is made to appear to the court that it is a mere proper exercise of discretion in a multitude of cases similarly handled. The complainant is unable to get the department's files to show that this ruling is special and not in consonance with the rulings in other similar cases, and so show the court that it is therefore a denial of justice. The law unless uniformly administered to all alike under similar circumstances is not the law. The court, left in ignorance of facts essential to a just judgment and loath to interfere, will in all probability sustain the Postmaster General. The publisher, to win the verdict, must show clearly that the ruling is wrong. This he might be able to do if he could

produce the department's records, which are denied him. Hence, the chances are all against him. It is a one-sided struggle.

But if the court should rule in the publisher's favor, still he has not won. The department will then carry the case through the United States Supreme Court, exhaust his funds, and wear him out. For years the final decision will be kept uncertain.

There is now pending in the United States Supreme Court a case wherein the department ruled the publication was not second-class matter because not a "periodical," although issued regularly once a week, and although it had been accepted as a periodical of the second class for many years, and the publishing business had been built up on the good faith of that mail classification. The publisher felt aggrieved and applied to the court for relief. In the meantime he is required to give bond for the difference between second and third class rates. The case has been pending over three years, and is not likely to be settled for a year or two yet. What publishing business could exist under such circumstances?

But even after a test case has been decided the Postmaster General is not guided by the decision in other similar cases. He acts as he pleases.

So it has come about that the Postmaster General is the despot of the United States postal service. He does not choose to be governed by laws. He is daily extending the scope of his meddling and his powers, by means of alleged "interpretation," far beyond the lines of the service and into the private business and lives of our citizens. One lawless step in the direction of assumed power unchecked encourages for another. Presently the law is altogether forgotten and it is practically impossible to force him to obey it. At will he can tyrannize over citizens, practically free from the restraint of the courts and the laws of Congress.

It is justly charged to be no longer true that the Postmaster General interprets the laws of Congress and administers them according to their intent and purpose uniformly and impartially. Now he makes his own law to suit his own purposes. He is not deterred by the rulings of the Supreme Court that every act of his must be founded upon some law; neither is he deterred by the statute which requires that all his regulations be "consistent with law." He introduces, in the form of regulations, rulings, or orders, whatever novelties he pleases. He is practically without restraint. The citizens of the United States, and especially publishers, are at his mercy.

Coincident with the development of our now great spy system, it is coming to be understood that no institution or citizen who resists the Postmaster General and asserts his legal rights can escape in the course of time annihilation of his business or himself, for the system which has been perfected ramifies to every phase of private life and endeavor, and never forgives a criticism, an exposure, or a defeat. Like the mills of the gods, its machinery may grind slowly, but it gets there just the same.

The Lewis Publishing Co. believes that it is paying the penalty for severe criticism of the officials some years ago. Since that time the official hand has never been lifted from its business. It has been kept under constant surveillance, and the official grip is now slowly but steadily tightening upon its throat. On April 23, 1906, the postmaster at St. Louis wrote the department a strongly indicative letter. Among other things, he said—

Mark you, Senators, how did the postmaster at St. Louis get this letter? He writes to the Postmaster General, and in his letter quotes what President Lewis, of the Lewis Publishing Co., said about the department:

> Lewis (the president of the company) has vilified and maligned every officer in any way connected with the fraud order issued against him—

My God! he ought to have maligned them. Other men had gone in and built up banking institutions, notably, the late Tom Johnson, of Ohio, establishing a bank by mail. Lewis was the originator, but Lewis received no benefit. Why? Because the hand of the Department of Justice and the Post Office Department was laid heavily upon him.

> Lewis (the president of the company) has vilified and maligned every officer in any way connected with the fraud order issued against him from the heads of the department down, including the judge of the United States court, and has placed all of them in the category of thieves, conspirators, dishonest officials, dupes, or incompetents. In letters signed by Lewis and in articles published regularly in his publications since the fraud order was made effective (all of which are teeming with anarchistic statements and charges of official corruption) your name alone, as an official, has received favorable comment. The effect of this on thousands of his credulous readers is appalling, as is evidenced by the fact that not only I, as postmaster, but other officials of the department here in St. Louis have received many letters of vituperative condemnation for the course they have pursued

This is followed with the statement of alleged facts which are intended to make out a case against the right of the company's two magazines to the mails. The paragraph so made up closes as follows:

> In the face of these indisputable facts I can not understand why any of his (Lewis's) explanations or statements are accepted as truthful or why he should be given the sufferance of the second-class privileges another day.

This is followed by a violent appeal for revocation of Lewis's second-class privileges on his two magazines. Subsequently, without a word of notice, the two magazines were closed out of the mails, and one of the largest and most successful publishing businesses in this country was summarily closed down. Hundreds of persons were thrown out of employment. This was done in the very face of, or in direct violation of, the act of Congress which requires that the right of a publisher to the second-class mail privileges shall not be suspended or annulled without a hearing.

The company complains seriously of the administrative conduct. It charges that there has been a deliberate campaign of ruin carried on against it in part by lawless acts on the part of the officials; in part by cunning devices of construction to give the law a false meaning to enable them to act as they did; in part by the assessing against its mail matter extortionate and unlawful postage rates; in part by the secret seizure and confiscation of its outgoing mail matter after it had been deposited in the mails; in part by the fraudulent indictment of its officers for alleged crimes that were lawful privileges in order to discredit it with the public; in part by the harassment of spurious civil suits to destroy its public faith and credit; in part by the holding up of its letter mail; in part by unauthorized and unnecessary ceaseless alleged investigations at its offices and plant, employing in the operation thereof half a hundred or so Government agents for a great part of several years; in part by conducting a Nation-wide intimidating course of inquiries among its patrons; and in part by other unauthorized, unjustifiable, and lawless acts.

It charges, also, that the officials conspired together to work, by these various processes, the ruin of its business, and that the purpose has been accomplished. The one remnant left is the Woman's National Weekly.

The company claims to have been damaged by the lawless conduct of the officials to the extent of millions. It is seeking an opportunity to be heard in the Court of Claims on the merits of a bill to compensate its 18,000 stockholders for the wrongs it charges were inflicted upon them.

The company believes that the case of the Woman's National Weekly, now under consideration, is but an incident in the general official scheme. Regardless of whether it can make good on its allegations, what this case alone shows ought to be sufficient to warrant a searching investigation by Congress to ascertain the truth and to do justice to those concerned.

Before we get too far away from it, attention is directed back to the quotation from the St. Louis postmaster's letter. Note these words: "In letters signed by Lewis and in articles published regularly in his publications." In these letters and articles, says the postmaster to the department, there were "anarchistic statements" and "charges of official corruption." How, so far as the sealed letters were concerned, did the postmaster know that? One of the charges of the company is that in the operations of the department against its business its outgoing letter mail was held up, and for days at a time. It has proof of that. This postmaster's letter to the department at least indicates a suspicious knowledge of the contents of Lewis's signed letters. What were they held up for? That was a violation of law. If they were opened, that was another violation of law.

Incidently, at Fargo, N. Dak., two post-office inspectors have just been arrested for so tampering with the mail of one C. C. Van Dyke. No information is available as to what sort of a case there may be against these inspectors, but it is some indication of the operations of the system of which the Lewis Publishing Co. complains.

Now, to briefly examine into the case of the Woman's National Weekly, it has been published as a daily for some years. It has been carried in the mails at publishers' rate the same as other newspapers. Large capital is invested in the enterprise. A large and costly publishing and printing plant has been erected in University City, St. Louis, Mo. The newspaper is national in scope. It has subscribers in every State in the Union, altogether over 400,000.

The company employs an enormous field agency for securing subscriptions. This agency numbers some 70,000 persons. They secure subscriptions not only for this publication, but for some 100 others joined with the company in that department.

The company carries no subscription on its list which has not been paid for. It states, however, that probably as many as

100,000 out of the 400,000 are what would be called "gift" subscriptions.

Mr. President, I call the attention of the Senate to the fact that other papers have asked for these gift subscriptions, and that privilege is not denied them, namely, the Literary Digest. I have several copies on my desk. I have not now the time to read the notice, but on the front page in big letters their field agents are told that gift subscriptions are all right and can be sent through the mail as second-class mail matter and will not endanger the Literary Digest with the Post Office Department.

I have here the St. Louis Star of Sunday that carries with its Sunday edition a magazine which is published in the city of New York. It is not published by the St. Louis Star. These Sunday magazines are sent to 12 or 15 great daily papers and put in the paper, published not by the paper but by the company that publishes this Sunday magazine. Does the Postmaster General raise his voice against this publication sent out by these great daily papers? No. But he jumps on this Woman's National Weekly, the cleanest, purest sheet that I ever read in my life—started for the benefit of the mothers and the wives of the country. Shame on a Government official, Mr. President, that will raise his hand against the womanhood of our Nation!

The 70,000 field agents know something of the struggle of the company to preserve its life. The members thereof to help and encourage the company have seen fit to subscribe for others than themselves or have successfully solicited persons who paid for perhaps themselves and others. The gift subscriptions carried, therefore, approximate about one and a fourth to each field agent. None of these field agents paid for a bulk number.

Every person has had the experience of being solicited for subscriptions to newspapers, magazines, and books. Sometimes, when he has not cared to subscribe for himself, he has done so for others. It may have been in the form of a Christmas present to a son, a mother, a daughter, or a friend. Nothing in law or morals against that. There is probably not a publication in the country which does not carry upon its list some subscribers of that kind. But this company appears to be under the ban of the department. It is singled out and denied the right to do that which is common to all others.

The Third Assistant finds that the number carried in the case of the Woman's National Weekly is not 100,000, as stated by the publisher, but exactly 103,920 copies. He admits that it is a mere estimate. He arbitrarily orders the company to remove that number from its list, whether, as a matter of fact, it be more or less, or suffer suspension of business altogether by the imposition of the rate of 17 cents a pound upon its entire output.

On these 103,920 copies the Third Assistant suspends the rights of the company to publishers' rates for the reasons stated in his telegram of March 27. In some part those subscriptions had been fulfilled. The suspension of the publishers' rate upon them is without a hearing, as required by the act of 1901, the very purpose of which is to prevent the suspension or annulling of the privilege to mail at publishers' rates or of such striking down, in whole or in part, of an established enterprise without a hearing. That statute was designed, as its terms indicate, to give stability and uniformity to the service and security to publishers. That is denied this company by the device of an alleged postal regulation under the authority of which the Third Assistant assumed to act.

Briefly, the facts are that for some period, under the provisions of this postal regulation, an embargo of 17 cents a pound was suddenly and without warning imposed upon the entire 400,000 copies of this publication, and at the present time the company's right to mail at publishers' rates has been suspended and stands suspended upon approximately one-fourth of his entire output. These acts are charged to be discriminatory and lawless.

It appears that under the provisions of this postal regulation 443, which presently will be quoted, the company was required, when the change from daily to weekly occurred, to file a new "application" for the privilege to mail. This requirement was complied with March 21 last. The local postmaster demanded a deposit of money with him at the third-class rate. This was to continue on the mailings of all copies pending the decision of the department on the application. The third-class rate amounted to 17 cents a pound, and was, of course, prohibitive. The company had been mailing the publication for some years at a cent a pound. The department was asked to waive the deposit and accept the paper as before at the publishers' cent-a-pound rate. The regulation places the authority to decide on such a waiver in the jurisdiction of the Third Assistant. On March 22, the day following, the Third Assistant declined to waive the deposit of 17 cents a pound on the entire issue. His telegram and a number of others exchanged between the company and the department tell an interesting story. Here they are.

These telegrams may be pretty dry reading, Mr. President, but they are going to make somebody mighty hot down at the other end of Pennsylvania Avenue.

[Telegram.]

WASHINGTON, D. C., *March 22, 1911.*

POSTMASTER, *St. Louis, Mo.:*

Telegram received. Because of existing inquiry as to subscription list, I can not waive deposit of third-class postage in case of Woman's National Weekly pending reentry. When application is received I will give it immediate attention and decide at earliest possible date.

JAMES J. BRITT, *Third Assistant.*

They have not yet decided.

[Telegram.]

MARCH 23, 1911.

Hon. F. H. HITCHCOCK,
Postmaster General, Washington, D. C.:

Your wire received. The demand for third-class rate figures 1 cent per copy—17 cents per pound—there being 17 copies to the pound, and this is the demand being made and this is the amount required of us. No change in publication is being made excepting temporary change in period of issue; otherwise publication in all respects remains the same. Our subscription list of over 400,000 paid-in-advance subscribers makes demand for third-class postage prohibitive and amounts to suppression and confiscation of an established newspaper property valued at more than a million dollars complying with the second-class law, and this demand for third-class rate is unlawful. We have filed sworn statement with application for entry. Our lists are open to any investigation required, but it would occupy months, and I again request you to be good enough to accord customary waiver to third-class deposit.

E. G. LEWIS.

[Telegram.]

WASHINGTON, D. C., *March 23, 1911.*

E. G. LEWIS, *St. Louis, Mo.:*

Your telegram received. It is a rule of this department not to waive deposit pending application for reentry when publication is under inquiry. When your application is received final action will be taken at the earliest possible date consistent with existing conditions.

FRANK H. HITCHCOCK,
Postmaster General.

[Telegram.]

MARCH 25, 1911.

Hon. FRANK H. HITCHCOCK,
Postmaster General, Washington, D. C.:

For years Woman's National Daily, regularly accepted at second-class rate, now asks to change temporarily its period of issue. Any inquiry does not change its classification, we having received no notice of such inquiry or hearing thereon. It is now being arbitrarily held up by demand for exorbitant and unlawful rate of 17 cents per pound. This has already resulted in loss of its yearly advertising contracts and damages to the extent of hundreds of thousands of dollars. With the largest paid-in-advance subscription of any newspaper in America, the unusual and oppressive measures taken have amounted to its ruin and suppression. We have appealed to you direct for fairness and justice, and are refused both. We ask nothing unusual. Failing in our appeal to you, we are left no other recourse but to appeal direct to the daily press of the country, asking them to notify our million readers and to hold both you and the St. Louis postmaster in damages of half a million dollars each.

E. G. LEWIS,
President Lewis Publishing Co.

[Telegram.]

WASHINGTON, D. C., *March 27, 1911.*

POSTMASTER, *St. Louis, Mo.:*

Application of publisher of the Woman's National Weekly dated March 21 received to-day. Information in possession of the department obtained through queries to claimed subscribers to the publication indicates that at least 24 per cent thereof are not subscribers in fact. This is strongly corroborated by reports of nonacceptance of publication by alleged subscribers at many post offices throughout the country, as well as by the statement of the publisher in admitting that a large percentage are gift subscriptions and also by excessive use of premiums. You will inform publisher that upon removal of 24 per cent of the claimed list, 103,920, required deposit will be waived. Effective with date of application, pending further inquiry. Should the publisher desire to mail copies of the publication to persons whose names are eliminated from claimed list, they may be accepted at the transient second-class postage rate of 1 cent for each 4 ounces or fraction thereof, prepaid by stamps affixed. You will obtain the publishers' decision and report to this bureau immediately.

(Signed) JAMES J. BRITT,
Third Assistant Postmaster General.

UNIVERSITY CITY,
St. Louis, Mo., March 28, 1911.

Hon. FRANK H. HITCHCOCK,
Postmaster General, Washington, D. C.:

Order received through St. Louis postmaster partly waiving third-class postage, and I thank you for your prompt action and courtesy. His judgment of you seems to have been right. Pardon any harsh reflections, but long years of unfair, unlawful hounding by department has spoiled our temper.

Permit me to call attention, however, to Mr. Britt's ruling, which will place department in such a ridiculous attitude as to seriously reflect on it. He rules that certain of our subscriptions appear to be illegitimate because of being gifts paid for by others, or obtained with premiums, both of which are legitimate means of securing subscriptions unless abused. He estimates this percentage at 24 per cent, and directs that we cut down our mailings at second-class rate by 103,000 subscriptions, but does not specify which particular subscribers are objected to, simply the quantity. We must therefore cut off 103,000 subscribers at random without knowing which ones are considered illegitimate and which are not.

Why not give us a full, square deal? Take off the embargo; then make any investigation of the lists necessary, rule on the various classes of subscriptions, making the ruling applicable to all publishers, and we will not only comply, but will aid the department in such reforms. As it is now, a great newspaper property has been all but destroyed under pretext that its list of subscribers was being inquired into without a hearing or notice; then part of its list is declared second and part third class without specifying which is which.

We are fair men here, and in spite of reports to contrary are trying to do right, and have been patient under great injury. We have filed a *sworn application* for entry and are amenable for any misstatements.

If our entire list was second-class matter yesterday, it is to-day, as no change has been made in it, only in period of issue. To cut off a hundred thousand people who have paid for their papers will simply raise more sheol. No other paper in the country is so particular in regard to gift subscriptions. We even require an acceptance from person presented. We don't want them and would be glad of a general ruling declaring them invalid, but don't want an exclusive ruling made for our particular benefit. Give us a clean-cut square deal and we will meet it more than halfway.

Kindly put this up to Hon. Britt gently but firmly, and ask him to try us first and hang us afterwards. We ask only to mail paper to those whose subscriptions have been paid for at full price in cash, and we have no others on our list. If ruling is then made that any particular class are illegitimate, ruling to also be applied to other publishers, we will cheerfully comply.

We are being swamped with telegrams and letters of inquiry from all parts of America, and before getting out next issue ask that you lift entirely this ridiculous and unlawful embargo; give us a square deal and let's all take a fresh start.

E. G. LEWIS.

[Telegram.]

MARCH 29, 1911.

Hon. FRANK HITCHCOCK,
Postmaster General, Washington, D. C.:

Last week's issue Woman's National Weekly still unmailed; this week's on press. All advertising patronage killed and a damage of hundreds of thousands of dollars already caused us. Mr. Britt's ruling was accepted Monday, but St. Louis postmaster is waiting official order to accept paper for mailing. Unless we are given relief by you to-day we see no alternative but to make general assignment stating reason to public. This means loss of millions to 20,000 stockholders, for which you will be held responsible by all concerned.

WOMAN'S NATIONAL WEEKLY,
E. G. LEWIS, *President.*

[Telegram.]

WASHINGTON, D. C., *March 29, 1911.*

E. G. LEWIS,
Lewis Publishing Co., St. Louis, Mo.:

Your telegram received. Postmaster has been directed to receive at second-class postage rate copies of Woman's National Weekly to the number named in your application, less 103,920, which you agree to eliminate, and also to waive deposit pending further inquiry.

JAMES J. BRITT,
Third Assistant Postmaster General.

It can not be Congress ever contemplated that a citizen or citizens engaged in a publishing enterprise should be any less secure under the laws of the land than those who betake themselves to other forms of business. More than any other the publishing business is dependent upon the use of the mails. Expressly to give security and protection to publishers Congress, in 1901, enacted the following statute, which forbids the suspension or annulment of a publisher's privileges without a hearing:

When any publication has been accorded second-class mail privileges, the same shall not be suspended or annulled until a hearing shall have been granted to the parties interested. (Act of Mar. 3, 1901.)

The action complained of in this case was under regulation 443, which practically defied the statute. This is the regulation:

In case of a change of name or of the regular periods of issue of a publication entered as second-class matter, or the removal of its known office of publication to another post office, the postmaster shall require the publisher to apply for reentry. In such cases the requirement of a deposit to cover postage at the third-class rate on mailings of the publication pending action on the application will, on application to the Third Assistant Postmaster General, be waived, if the conditions appear to warrant that action. (Regulation 443.)

There is something to be said on both sides of the question of whether the postage rates for second-class matter are too high or too low, but that is a matter for Congress and not the Postmaster General. In the National Railway Publishing Co. *v.* Payne case, the Court of Appeals of the District of Columbia made the following pertinent observation which applies to this case:

It is very clear that the Congress of the United States has not committed to the Postmaster General or to anyone else the matter of determining what should be carried in the mails as second-class matter and what as matter of the third class. It has reserved that power exclusively to itself. It has itself made the classification, and it is not competent for the Postmaster General to add anything to the statute or take anything from it. It may be that the classification has not been made with all the definiteness that is desirable. It may be, even, that the privilege of the mails has been grossly abused by the introduction into them of mail matter of the second class, which was never anticipated by Congress. * * * Yet it is not the province of the Postmaster General to remedy the evil, if evil there is, by a postal regulation, or by unwarranted interpretation of the law.

It has been already explained that the change from daily to weekly in this case did not alter the character of the paper. If it were a newspaper in the first place it was still a newspaper. The company alleges that it is the campaign of the officials, in some part already recited, which brought about the conditions which made it necessary to change the period of issue.

After two years of practically continuous investigation, so called, conducted at the offices and plant at University City and simultaneously throughout the country among its patrons and readers, the company's two magazines were summarily, without notice, closed out of the mails. One of the largest and most successful publishing institutions in the country was thus snuffed out of existence by a scratch of the Postmaster General's pen, and without a hearing, as provided by the statute quoted.

The same processes of extermination are going on with regard to the Woman's National Daily, now weekly. Referring back to the telegram of March 22, already quoted, it will be noted that Third Assistant Britt says there was an "existing inquiry." That was as to the daily. It is now on as to the weekly. The company believes that its newspaper is being investigated to death, as was its magazines. It was impossible to revive them after they were restored to the mails nine months after exclusion. It believes that everything possible is being done to harass and annoy it and its patrons and to cripple it by extorting its money as alleged postage and to prevent it from fulfilling its contracts with subscribers by applying prohibitive rates, while, as in the case of the magazines, its patrons all over the country are at the same time being subjected to a continuous course of irritating and exasperating official inquiries into their private dealings with the company.

It is in part because of these exasperating, intimidating, and threatening inquiries by the department that the company's patrons throughout the country refuse copies when they are sent as gifts, and often when they are paid for by themselves. It is that condition which makes it possible for Third Assistant Britt to say, as he did in his March 27 telegram, that there are "reports of nonacceptance of publication by alleged subscribers at many post offices throughout the country."

When this newspaper was first offered for mailing, in the fall of 1906, the business of the company was subjected to a rigid investigation by post-office inspectors. This was at the plant in University City. Since that there have been several other investigations at the plant. In the summer of 1907 some 30 representatives of the Post Office Department appeared at the plant and demanded that the company turn over to them all of the subscription cards, records, files, and other books of account. They informed the company during that investigation it would not be allowed to refer to any subscription card or to take from the files for use any subscription cards. When these Government representatives left off work at night, a watchman was placed in charge in order to keep any employees of the company from touching them.

This possession of the company's records covered a period of about 60 days. The company says that for that period it was forced at great expense to maintain a new and separate set of subscription lists. When subscriptions were received it could not always tell whether they were new or renewals of old ones, because it could not get at its records. Having received the money, it was obligated to send out the copies. It happened, of course, that two copies might be going to the same person, because it was not able to tell, its records being out of its possession, whether a subscription which came in was a new one or a renewal of an old one.

The company charges that during that time it was impossible to transact its business in an orderly and proper manner and keep it up to date. Ordinarily it requires a large number of clerks to keep up the changes constantly necessary to be made in such a large list. Changes of address are always going on, and there is other incidental work of cutting off expired subscriptions or continuing those which are renewed, and so forth.

During the 60-day period when these investigators had possession of the company's records 30,000 subscriptions expired. They could not be taken off the books, because the company did not know which ones they were. Copies, therefore, were sent out for them as usual. This was one other reason why postmasters could report the receipt of copies which were refused. The company was at the loss of both paper and postage.

The company charges that at the conclusion of this investigation its records were returned to it in the most topsy-turvy condition, and that it required its whole force of clerks three months to straighten them out so that its business could be conducted with the usual expedition. During this period it was next to impossible to correct or change addresses as notices came in or to cut off the paper after expiration of subscription, and so forth. That, of course, gave subscribers and patrons grounds for complaint. It also enabled postmasters to report to the department that they were receiving copies for delivery to persons who had not ordered or paid for them, or after ex-

piration of the period paid for, or that copies were being sent to persons who had removed—all to the detriment and damage of the company.

The cause for complaint on the part of its patrons and on the part of postmasters to the department having been created in the ways described, let it now be considered that on the other side the department itself, or through its postmasters or through its post-office inspectors, was circularizing the patrons of the company, asking all sorts of questions concerning their business dealings with the company. The following is a copy of a circular letter sent out to the company's patrons April 20, 1907. Sweeping inquiry was made to ascertain whether the patrons were satisfied.

[Case No. 39640–C.]

POST OFFICE DEPARTMENT,
OFFICE OF INSPECTOR, ST. LOUIS DIVISION,
St. Louis, Mo., April 20, 1907.

With the return of this letter please inform me whether your business transactions with the People's United States Bank; the Lewis Publishing Co., E. G. Lewis, president; F. V. Putnam, treasurer; and H. L. Kramer, trustee, have been satisfactory, and advise me fully as to the particulars thereof, and forward all your correspondence received from them, except the certificate of stock, which it is desired that you retain. You should also send the envelopes in which the correspondence was received, having first written your name on each for identification.

It is thought proper to make the above requests because of inquiries received at this office as to the business of the firm named, and this letter should not be regarded as in any way reflecting on their character or reliability, and should be treated as strictly confidential.

My God, Mr. President, what could be a reflection? Was there ever such a system of espionage inaugurated against the business of any institution on this earth as Mr. Hitchcock and his hellhounds have organized against this man? And still he said, "We do not wish this to be considered as a reflection upon their character."

Your early reply under cover of inclosed envelope, which does not require that a postage stamp be affixed, will be duly appreciated.

Very respectfully,

R. M. FULTON, *Inspector in Charge.*

These investigations and inquiries continued from time to time. In September, 1910, the Third Assistant circularized the patrons of the company from Washington, making inquiries of a somewhat similar nature. Now, the department is again active on the same lines, but the inquiries are being sent out in part by postmasters. Here is sample of the inquiries sent out by the postmaster at South Bend, Ind., April 28, 1911, to one C. L. Hudson, 548 Vistula Street, that place. The postmaster propounds these questions:

Are you a subscriber?
How did you become a subscriber?
Did you pay the full subscription price? If not, how much did you pay?
Is the paper sent you free? If so, by whom?
Was the subscription obtained through the American Woman's League? If so, upon what terms?

The company charges that to be a subscriber to any one of its publications since March, 1905, when the campaign against it began, has meant to be in receipt almost constantly of official inquiries of one kind or another. Sometimes they came from the department at Washington; sometimes from the postmaster at a certain place; sometimes from the letter carriers while delivering at the doors; sometimes from post-office inspectors. It has track of some 70 different communications and inquiries which have been so sent out. These inquiries and communications are couched in such terms as to irritate and annoy its patrons. Many are disgusted with the continuous surveillance, and refuse, even after paying for the paper, to receive it longer because of annoyance it causes them.

The effect of this circularizing campaign upon any business, but especially upon one which has to deal with its patrons at long range, like a publishing company, must be apparent.

The company alleges that it has in its files the written order (the documentary proof) for every subscription on its books and the evidence of the payment of the money, for how long a period and by whom paid, and that if such information be necessary in the administration of the postal laws in good faith, it can be furnished from the home office.

All these official communications to the patrons of the company, from whatever source, have had in them a seeming menace to the party addressed; some sort of trouble for him or for her for having patronized the company at all was and is to be inferred.

In the case of C. L. Hudson, of South Bend, Ind., just cited here as a sample, he did not reply to the postmaster's inquiry of April 28. On May 8 following the postmaster addressed him thus:

About two weeks ago I sent you a list of questions pertaining to the Woman's National Weekly paper that you receive from St. Louis, Mo., which you were to answer—

Listen to the presumptuous cur—

which you were to answer—

Was Mr. Hudson under any obligation to answer? By what authority do Hitchcock and his minions assume to make people answer?—

and return to this post office, but I have not yet received your reply. There will be three more days allowed you to send in your reply, and wish you would do so immediately before this matter will be referred to higher officials.

Three more days of grace, three more days of living before this autocrat, this high mogul of post-office efficiency, lets the hammer fall. Hudson then wrote the company as follows. He must have been from Arkansas, Mr. President, and must have moved out to Indiana. This sounds like an Arkansas man to me:

What answer, if any, do you want me to make? Please notify me at once. As yet I have ignored the questions, as I consider it none of the postmaster's damned business.

A fine answer. That ought to hold Hitchcock for awhile. It is not by reason of anything in the law, or, for that matter, in any postal regulation, that the Postmaster General or his assistant acting for him, or any postmaster or inspector acting for him, is required to make such inquiries into the private affairs of the patrons of this company or any other publisher. The records at the publication office showed everything in the way of evidence that possibly could be required in a proper administration of the law.

The company states that in its subscription list there were approximately 100,000 gift subscriptions. The Third Assistant estimates 103,920. Exactly what the number is could be told better from the records themselves than from the cumbersome, expensive, and business-wrecking methods employed. It may be doubted if Congress ever appropriated money to be spent for services of this kind—that is, the examination of these records.

Even if necessary in some degree, there is reasonable ground for questioning the good faith of the administration in the continuous investigations at the plant and inquiries throughout the country in this one case. A more insidious process of undermining a business could scarcely be devised.

Now, devoting attention to the law in the case, we find that under the act of 1885 it is provided that "all publications of the second class" when sent by the publisher thereof and from the office of publication shall be subject only to the cent-a-pound rate. The statute makes an exception of certain copies which may be mailed free of all postage. It also excepts the copies addressed for delivery by the carriers from the office of mailing. These must be paid by stamps affixed to each. All other postage paid by publishers is in money on the bulk weight.

The following is the act of Congress:

All publications of the second class, except as provided in section 25 of said act (of Mar. 3, 1879, ch. 180, 1 Supp., 249), when sent by the publisher thereof, and from the office of publication, including sample copies, or when sent from a news agency to actual subscribers thereto, or to other news agents, shall * * * be entitled to transmission through the mails at 1 cent a pound or a fraction thereof, such postage to be prepaid as now provided by law. (Act of Mar. 3, 1885.)

Now, under this March 27 telegram from the Third Assistant Postmaster General, 24 per cent of the copies sent out and not coming within the exceptions of this statute of 1885 are denied the cent-a-pound rate, although they are sent "by the publisher thereof and from the office of publication," which is all the law requires. This privilege, says the act of 1901 quoted, shall not be suspended or annulled without a hearing.

Now, to cap the climax, the Third Assistant holds that on 24 per cent of the copies sent "by the publisher thereof" the "transient" second-class rate of 1 cent for each 4 ounces or fraction must be paid. This is the rate fixed in the act of 1884. In the unmistakable language of that act it may be applied only to publications of the second class "when sent by others than the publisher." The act speaks for itself. It is as follows:

The rate of postage on newspaper and periodical publications of the second class, when sent by others than the publisher or news agent, shall be 1 cent for each four ounces or fractional part thereof, and shall be fully prepaid by postage stamps affixed to said matter. (Act of June 9, 1884.)

The reason given for assessing this rate for "others than the publisher" upon 24 per cent of the copies sent by "the publisher thereof" is that there is estimated to be that number of "gift" subscriptions upon the publisher's list. They are held to be "not subscribers in fact."

The act of 1879, which creates the second class of mail matter and confines it to newspapers and periodicals, requires a "legitimate list of subscribers." That the Woman's National Weekly has that is not denied. Nor is it denied that it is "of the second class."

The act of 1885 fixes the cent-a-pound rate for publishers of publications "of the second class," with three exceptions, no one of which is involved in this case. Aside from the exceptions, all copies—"all publications" is the exact language of the act—are mailable at the cent-a-pound rate on the bulk

weight "when sent by the publisher thereof and from the office of publication."

The statute makes its own exceptions to the cent-a-pound rate, and nowhere is there authority given to read other exceptions into it.

Neither that act nor any other act affecting this class of mail matter fixes any limit upon the publisher at the cent-a-pound rate, nor does it confine his privilege to subscribers' copies sent, or to sample copies, or to both. It includes all copies sent by him—the entire output. That is the language of the law. The company submits to the law and to all regulations consistent with law.

A practically similar case, and a revenue measure, was decided by the United States Supreme Court (Morrill *v.* Jones, 106 U. S., 466). Congress authorized the importation into the United States free of duty of "animals alive specially imported for breeding purposes." The Secretary of the Treasury issued instructions to customs collectors in the form of a regulation. It required that the collectors should be "satisfied that the animals were of superior stock and adapted to improve the breed in this country." Said the Supreme Court:

> The Secretary of the Treasury can not, by his regulation, alter or amend a revenue law. All he can do is to regulate the mode of proceeding to carry into effect what Congress has enacted. In the present case we are entirely satisfied that the regulation acted upon by the collector was in excess of the power of the Secretary. The statute clearly includes animals of all classes. The regulation seeks to confine its operation to "animals of superior stock." This is manifestly an attempt to put into the body of the statute a limitation which Congress did not think it necessary to prescribe. Congress was willing to admit, duty free, all animals specially imported for breeding purposes. The Secretary thought this privilege should be confined to such animals as were adapted to the improvement of breeds already in the United States. In our opinion, the object of the Secretary could only be accomplished by an amendment of the law. That is not the office of a Treasury regulation.

The Postmaster General has undertaken to do in the Woman's National Weekly case precisely what the Secretary of the Treasury undertook to do in the case of Morrill *v.* Jones—that is to say, he proposes to limit the scope of the cent-a-pound rate law so as to exclude, under his declaration that they are "not subscribers in fact," subscriptions paid for by others than those to whom the copies are sent as "gifts," and because they are so held to be not subscribers in fact to deny the publisher thereof the right to send them out at publishers' rates.

When a publisher receives the subscription price for his publication through the mails or otherwise he obligates himself to send out copies in fulfillment thereof to the address given. There is nothing in the law affecting this class of mail matter which requires a publisher to know or to inquire whose money it is that is paid for the subscription in order to place the name on his list as a subscriber in fact, or to entitle him to publishers' rates upon the outgoing copies in fulfillment of that subscription.

There is nothing in the law affecting this class of mail matter which requires a publisher to know or to inquire whether copies sent out by him in fulfillment of subscriptions received, whether paid for by the party addressed or otherwise, will be accepted at the point of delivery in order to entitle him to publishers' rates upon those copies.

Here is further evidence of the lawless character of the rulings. That refusals at post offices, which is in part the basis of the ruling of the Third Assistant, is something Congress anticipated is clear from the fact that it provided by statute (act of June 8, 1872) that postmasters should notify the publisher of any newspaper or periodical when any subscriber should refuse to take his copies from the mails. That act was amplified by another which imposes the same duty upon postmasters in the case of all copies sent out by publishers, whether to subscribers or not. The latter is the act of May 12, 1910, as follows:

> That hereafter when copies of any publication of the second class, mailed by a publisher at the pound rate or free in the county of publication, are undeliverable at the address thereon, the postmaster at the office of destination shall promptly notify the publisher of the fact, giving the reason therefor, and copies received five weeks after the mailing of the notice to the publisher, and in no instance until two successive issues thereof have been published, shall, under such regulations as the Postmaster General may prescribe, be separately returned to the publisher thereof charged with postage at the third-class rate. All laws and parts of laws in conflict with this act are hereby repealed.

If Congress had intended that refused copies should not be mailable at publishers' rates, fixed in the act of 1885, it would have so provided. If it intended that the rate fixed in the act of 1884 for "others than the publisher" should apply to refused copies, it would have so provided. It has provided that under certain circumstances refused copies shall be sent back to the publisher and that he shall pay on them the third-class rate.

If Congress had intended that copies sent out in fulfillment of gift subscriptions should not be mailable at publishers' rates, but should be subject to the rate for "others than the publisher," it would have so provided.

In the language of the court in the National Railway Publishing Co. case, it is not in the province of the Postmaster General to remedy what he may regard as an evil, if evil it really be, "by postal regulation or by unwarranted interpretation of the law."

In the language of the United States Supreme Court in the Morrill *v.* Jones case, the Postmaster General can not, "by his regulation, alter or amend a revenue law." He can not "put into the body of a statute a limitation which Congress did not think it necessary to prescribe."

It is undoubtedly an unwarranted interpretation of the law to deny the company the publishers' rate fixed in the act of 1885 on copies sent out by it from the office of publication for any of the reasons given. It is undoubtedly an unwarranted interpretation of the law to assess the "transient" rate upon any copies at all sent by the publishing company, and especially for the reasons given.

Under the law the postage rate upon matter "of the second class" depends upon who the sender of the matter happens to be. The act of 1885 fixes four different rates for matter "of the second class" when sent by the publisher thereof and from the office of publication or from a news agency. The act of 1884 fixes the fifth rate upon matter "of the second class" when sent by others than the publisher.

Manifestly, the rate for publishers on the one hand and the rate for "others than the publisher" on the other hand are not interchangeable by any sort of device of administration. The several rates fixed for the publisher are confined to a single point of mailing. The rates for "others than the publisher," namely, the general public, are not limited to any point of mailing. At that rate copies of the same publication may be mailed at any post office.

Conceding for the sake of argument that the Postmaster General had the power to say that the publisher should eliminate 24 per cent of his "claimed list," he could, as the law stands, by no possibility have power to assess the transient rate for "others than the publisher" upon any copies sent out by the publisher or any by news agency.

The Postmaster General twice denies that his act was arbitrary, as alleged by Mr. Adams. This is in spite of the Third Assistant's ruling of March 27, to the St. Louis postmaster, as follows:

> You will inform the publisher that upon removal of 24 per cent of the claimed list—103,920—required deposit will be waived.

If the company had not removed this 24 per cent, the embargo of the third-class rate of 17 cents a pound would have remained upon the entire subscription list of over 400,000. That would close up the business and was the effect of the order. If the company would remove the 24 per cent, the embargo would be lifted as to the remainder of the list. Says the Postmaster General:

> There has been no arbitrary elimination of any portion of the list, as has been claimed by the publisher, but simply a demand for payment of the only rate to which such copies of the publication were entitled as appeared from the facts before the department. There is not, nor has there ever been, the slightest intention on the part of the Post Office Department to deny to the Lewis Publishing Co. all right to the use of the mails to which it is under the law entitled.

If what the Third Assistant did was not an "arbitrary elimination of any portion of the list," what was it?

Nowhere in his response does the Postmaster General cite the "law" to which he refers; that is, the law giving him authority to make such rulings as were made, denying, on the one hand, the right to send out copies at publishers' rates and, on the other hand, assessing the so-called "transient" rate on 24 per cent of the "claimed list."

The Postmaster General's response is made up of numerous dicta, based not upon law but upon "regulations," themselves clearly arbitrary and unwarranted by law, and of dissertations upon alleged "duty to the public," when, in truth and reality, the duty to the public consisted in obeying the laws of Congress, which are couched in unmistakable language. The whole answer to the resolution is beside the point.

Adams charged that the rulings were arbitrary, which meant that they were without authority of law. The Postmaster General begs the question, and cities as the authority "regulations," so called, not the statute. Neither does he cite a statute upon which such regulations might be based.

The Postmaster General states that what has been done in this case is the "uniform rule of the department." He will have some difficulty in showing, if called upon, that such a course of treatment as that shown to have been administered

in the case of the Woman's National Daily, now weekly, has been uniformly applied to the newspapers of the country.

Mr. President, I want to say to the chairman of the Committee on Post Offices and Post Roads, who I see has just stepped into the Chamber, that if they will inaugurate this investigation and make it searching and sweeping, search for that hidden pearl, the truth, and find it, if possible, I will furnish all of the testimony necessary to convict Mr. Hitchcock of willful, deliberate deception in this answer.

It may be doubted, even if such a course of administration were really authorized by law, and even if the whole force of the postal service were engaged upon it, whether it could be uniformly and properly performed. By assuming that it might be, the work would be very costly and burdensome to the people. It would cost much more than the postage revenue involved. At least the cost would be more than it now costs to maintain the entire establishment at Washington.

The following case is recited as an illustration of the "uniform rule in the department." Many others might be cited. The Sunday Magazine (see Exhibit A) is published by The Associated Sunday Magazine (Inc.) of New York, with a branch office in Chicago. The Sunday Magazine is a weekly publication. It claims a weekly circulation of 1,300,000 copies. This number of copies is divided up among 12 of the large newspapers in the country, no two in the same city. The Star, of Washington, D. C., is one of those newspapers. The copies sent to each newspaper are inserted in the folds of that paper as an alleged "Part 3." In that way a copy of this Sunday Magazine is gotten free into the hands of every subscriber and purchaser of one of the copies of the 12 newspapers with which it is sent out. It has about the same connection with these newspapers, or any one of them, as it has with the decalogue.

"Part 3" is the device by which the publisher of the Sunday Magazine circumvents the law which limits the mailing of each separate publication at publishers' rates to the "publisher thereof and from the office of publication." It is mailed at publishers' rates at 12 different post offices. The real "office of publication" is in New York, and the magazine so announces. If one desires to advertise in it, he must apply to the New York office or the Chicago branch office, not to any one of the newspapers with which it is sent out as an alleged "part."

"Part 3" is the device by which the publisher of the Sunday Magazine circumvents the law which requires "a legitimate list of subscribers." It is foisted free upon the subscribers to 12 different newspapers. It has no subscribers of its own.

"Part 3" is the device by which the publisher of the Sunday Magazine circumvents the "free circulation" prohibition of the statute, as follows:

Provided, however, That nothing herein contained shall be so construed as to admit to the second-class rate regular publications designed primarily for advertising purposes, or for free circulation, or for circulation at nominal rates. (Act of Mar. 3, 1879.)

Some years ago the Department of Justice advised the Post Office Department that this alleged "Part 3" was a separate and independent publication, and not a legitimate part of the newspapers with which it was folded. The Sunday Magazine circulates to this day without interference by the Post Office Department. Encouraged by its success, other similar publishing enterprises have been established. They circulate their publications in the same way, in the folds of still other newspapers.

Nothing is heard of the Postmaster General asking the recipients of copies of any of these publications, through postmasters or otherwise, whether they are subscribers; how they became such; whether they paid the full price; if not, how much; whether the paper is sent them free; and if so, by whom, and so forth. Or whether their business transactions with the publisher have been satisfactory. Nothing is heard of any postmaster threatening such recipients as fail to respond to inquiries with report of their failure to officials higher up for chastisement of some sort. Yet the law is for all the same.

I am not complaining of this Sunday Magazine. I rather approve it, and might say much in its favor. I am simply citing the case as an illustration of the operation of the "uniform rule in the department."

Turning now to the morals of the case, consider that the Third Assistant makes use of the reported refusals to receive copies by the addressees as a reason for taxing the publisher the "transient" rate for "others than the publisher" on 24 per cent of the "claimed list." Against this the company charges that the refusals are largely due, and possibly mainly due, to the conduct of the department in irritating and exasperating its patrons all over the country by ceaseless inquiries as to their private transactions with the company, and that this causes them to refuse the copies whether they be gifts or not. Again, the great proportion of gift subscriptions, another reason for assessing the rate for "others than the publisher" on 24 per cent of the "claimed list," is due to the circumstances that the friends of the company desired to help it financially, and by an enlarged circulation to resist the lawless persecution of the department.

It is important to be noted that on receipt of all notices of refusals from such postmasters as have obeyed the statutes, the company acted promptly as possible and ceased to send out the copies. At the same time it took pains to write every person whose copies had been so discontinued. To the extent of from 50 to 60 per cent those persons responded, saying the refusals were upon a misunderstanding or were not justified by any act of theirs, and they have requested that their names be restored to the list and the paper continued to be sent.

The Postmaster General names something less than 30 post offices from which "reports of nonacceptance of publication by alleged subscribers" have been received. Exhibit B, submitted as a part of this case, shows the conditions as to the sending of copies of the Woman's National Weekly to these post offices.

Exhibit B, which is an answer from the Lewis Publishing Co. to that portion of the answer of the Postmaster General, I desire to insert without reading.

The VICE PRESIDENT. Without objection, permission is granted.

Mr. DAVIS. The Postmaster General says that the "Postmaster at Oak Ridge, Ill., states that he has, without avail, three times requested the publishers to discontinue the sending of undeliverable copies to his office." The company reports that it has no subscribers at all at that place and sends no copies at all to such a post office.

We caught Mr. Hitchcock one time sure. The paper has absolutely no subscribers at Oak Ridge, Ill., and never sent a copy of the paper there. In fact, there is no such post office in that State. It also reports that there is no such post office in the State named, and that the official list of post offices issued by the Post Office Department shows no such post office in the State named.

In conclusion, the matter stands: The Third Assistant has, after irreparable damage done by an imposition of the third-class rate upon the entire issue of the paper for some period, lifted the embargo of 17 cents a pound and allowed the company to mail copies to all subscribers at the publishers' rate of 1 cent a pound, except 103,920. Upon these he imposes the "transient" rate of 1 cent for each 4 ounces, or fraction, which in effect is the same as the third-class rate—17 cents a pound—notwithstanding the company is under contract to send out those copies as much as the others. It is, in the main, ignorant of what particular subscriptions the department rules against. It must, under the terms of the order, arbitrarily cut off 24 per cent, whether it includes more or less "gift" subscriptions than the estimate; that is to say, subscriptions paid for by persons other than to whom the copies are sent. These, according to the ruling, are not subscribers in fact, because of reports of nonacceptance, and so forth.

All this comes about, in the first place, by reason of regulation No. 443, which is not a law, but a ruling. It suspends the protection intended by the act of 1901, which in no uncertain terms forbids the suspension or annulment of publishers' rates, once accorded, until there shall have been a hearing given the publisher. The suspension having, however, been accomplished, the acts of 1884 and 1885, which establish the postage rates for publications "of the second class," are applied directly contrary; that is to say, to the opposite of their unmistakable language and intent.

The company by these means is denied the protection of the law and its lawful rights and privileges in the United States mails. It is prevented from fulfilling its lawful contracts. If it resorts to the courts to contest the ruling, the department will employ special counsel and resist to the end at an expense of much more than is involved in the question of postage. It will consume at least five years in getting the final decision of the Supreme Court. By that time the subscriptions in question would have expired, the company's business and credit would have suffered great additional damage, for its patrons would be dissatisfied and would, no doubt, so state if official inquiry were made of them to learn. The company would be wasting its energies to solicit them again for subscriptions.

And, finally, the company is in such a crippled condition from the effect of the long campaign against it, recited in some part

herein, that it can not undertake the expense of a legal contest. It can not pit its now slender resources against those of the Government, which would be invoked against it. Besides, it desires to devote its energies and such financial resources as are at its command to the rebuilding of its wrecked business.

Perhaps Congress will deem it proper to ascertain, in the interest of justice, fair play, and uniform treatment of citizens under the law, as well as for the protection of publishers and institutions in general from like experiences, whether the laws of the country have been properly administered in this case.

I also desire, Mr. President, to submit the sworn statement of the attorney for the Lewis Publishing Co., Mr. Edward C. Madden, who was for eight years Third Assistant Postmaster General, showing only the correspondence between Mr. Cortelyou, the Attorney General, and Mr. Hitchcock and himself relative to this matter. I do not desire to detain the Senate by reading the document at this time and therefore ask that it be printed as part of my remarks without reading.

The VICE PRESIDENT. There being no objection, the request of the Senator from Arkansas is granted. The Chair hears none, and it is so ordered.

EXHIBIT A.

UNIVERSITY CITY,
St. Louis, May 20, 1911.

Senator JEFF DAVIS, *Washington, D. C.*

DEAR SIR: In reply to your request for information in detail in response to the Postmaster General's letter to the Senate resolution of April 10, 1911, relative to refusal notices sent to the Lewis Publishing Co. and the Woman's National Weekly, will state that it is the rule for the subscription department to give these notices immediate attention. Whether from a postmaster or subscriber, they are taken from our list as quickly as possible. However, some notices of refusal are received from postmasters throughout the country who fail to copy the full name on the refusal card correctly. This has been one of our greatest troubles. We can not act until one is received that is a true copy of the name on our subscription list to enable us to pick it out. All such received are at once taken from the list.

When a notice of refusal is received from the postmaster, the subscriber is notified and given the privilege of being reinstated on request. From 50 to 60 per cent of those so notified asked to be reinstated for the full time paid for.

All subscriptions received by us and known to be gifts are not entered until a notice is received in response to our request to know whether they will accept. When the sender fails to state whether it is a gift subscription, we have no means of knowing and can only take the subscription as having been paid for by the person whose name is given. We enter them as such on our list.

We make every effort to conform with the postal regulations, and are sending each day copies of our mailing lists to postmasters throughout the country, with the request that they check up errors in address, refusals, etc.; and, invariably, where we have large lists we separate them into carrier bundles, and our aim has been to cooperate with postmasters in every possible case, to lighten their work and make our subscription list the most accurate of any newspaper.

We have received many letters from the postmasters throughout the country thanking us for our efforts in this direction. We quote herewith a letter received from postmaster at Lawrence, Kans.:

LAWRENCE, KANS., *February 11, 1911.*

LEWIS PUBLISHING CO.,
University City, St. Louis, Mo.

GENTLEMEN: I wish to call to your attention the first advantage of your routing your mailings according to our rural and city carrier routes. Your papers arrived in the office this morning at a time when the office was stuck with too much mail, and arrived also just when the rural carriers were ready to leave, but as your papers were routed in the bundle every carrier got his papers, making a Saturday reading, instead of a Monday delivery and no attention.

This office desires to thank you for the prompt attention and the very satisfactory manner in which the papers were prepared for distribution, and to again assure you that such cooperation will be well worth while from the efficiency standpoint of your paper.

Respectfully, IRVING HILL, *Postmaster.*

The Woman's National Daily, with the enormous circulation of over 400,000 copies being mailed each day, has the reputation of having the best equipped and efficient subscription and mailing system in the country. This has been conceded by publishers visiting our publication plant.

In the following paragraphs you will find statements covering each specific case of postmasters' reports regarding refusal notices, etc., as stated in the Postmaster General's letter to Congress in response to Senate resolution of April 10, 1911, relative to rulings in the case of the Woman's National Weekly:

1. *Battle Creek, Mich.*—Facts in this case are that 47 cancel requests have been received from the postmaster at Battle Creek during the past five months, which have received the usual prompt attention accorded to all other requests to cancel. We have 781 subscribers in this city.

2. *Biddeford, Me.*—Facts are that we have 163 subscribers at this city. All copies mailed to this office are on subscriptions paid for in advance, either by the subscribers themselves or by others for them. Records show that all notices of refusal from the postmaster of nondelivery for whatever cause have been given prompt attention upon receipt.

3. *Wheeling, W. Va.*—During the past six months we have received 30 requests from the postmaster to cancel certain subscriptions in Wheeling, W. Va., and each one of these requests received the usual prompt attention. We have some 300 subscribers in this city.

4. *Oak Ridge, Ill.*—We have no subscribers at Oak Ridge, Ill. There is no such post office, neither does the Postal Guide show any such post office. The Postmaster General errs in statement of refusal notices from Oak Ridge.

5. *Hamilton, Mo.*—During the past six months four notices have been received from postmaster at Hamilton, Mo., which have all received prompt attention. We have 47 subscribers at Hamilton, Mo.

6. *Sioux City, Iowa.*—Facts are that all notices received from postmaster at Sioux City, Iowa, have been given prompt attention and names were taken off the list early as practicable. The cancellation from our lists is invariably made from the first notice received and all other duplicate notices received are useless. We have at present 182 subscribers at Sioux City, Iowa.

7. *Lawrence, Kans.*—Requests to cancel from the postmaster at Lawrence, Kans., have always been met with the same promptness accorded all other requests, and taken off our list early as practicable. We have 482 subscribers in this city.

8. *Sioux City, Iowa.*—In the second report of the postmaster of Sioux City, Iowa, the facts are that his notices of refusal met with the same attention given all others, cancellations being made from the first one received.

9. *Adrian, Minn.*—Facts are that we have 13 subscribers in this city; our records show that they have been paid for. Notices of refusals were received from postmaster and canceled promptly.

10. *Los Angeles, Cal.*—Refusal notices have been received from postmaster at Los Angeles containing only the name of the subscriber. Inasmuch as our list contains some thirty subscribers by the name of Smith, we could not recognize cards received in this manner, and we returned a number of these requests to postmaster at Los Angeles, notifying him that unless all refusal notices sent to us contained the full name, initials, and street number, to enable us to cancel the proper and correct subscription, we could not comply. We then requested him to issue all notices filled out, as required by the postal regulations. The number of subscribers in Los Angeles at present is 7,230. The 132 copies refused by the Los Angeles postmaster were removed from our list. We are extremely careful to give each notice received prompt attention. In this case it takes four days before a notice reaches us after issued by the postmaster. This does not seem to be taken into consideration by the postmasters throughout the country, who mail, as a rule, a notice every five days until the paper stops coming.

11. *Williamstown, New Brunswick, Canada.*—January 5, 1910, we received four subscriptions, at $1 each, to the following persons: H. S. Grant, Whitfield Hunt, Byron Morse, and E. C. Shaffner, all of Williamstown, New Brunswick, Canada, from J. E. Shaffner, of Lawrencetown, Nova Scotia, Canada. These were received as gift subscriptions and canceled from our lists September 26, 1910, upon the notice received.

12. *Holyoke, Mass.*—Facts are that all notices of refusal received from Holyoke, Mass., were taken from our lists as soon as practicable. Records show in this case that all subscriptions have been paid for by subscribers themselves and others. We have 48 subscribers at Holyoke, Mass.

13. *Elkhart, Ind.*—Our subscription list of Elkhart, Ind., consists of 148 subscribers and our records show that each subscription has been paid for at the full subscription price by the subscribers themselves and friends who sent them the paper as a gift. All refusal notices received from the postmaster at Elkhart, Ind., have been taken off the list promptly upon receipt of same.

14. *Medford Branch, Mass.*—Facts in this case are that all requests were promptly taken from our lists, with two exceptions, due to clerks handling subscriptions erring and taking the wrong subscription from the list; this was corrected at a later date on receipt of additional request to discontinue. We have 98 subscribers at Medford Branch, Boston, Mass.

15. *Oxford, Ohio.*—The postmaster at Oxford, Ohio, has mailed us two requests to cancel subscriptions; these were taken off promptly on receipt of same. It is evident that notices claimed to have been sent to us have never reached us. We have 35 subscribers at Oxford, Ohio.

16. *Pleasantville, N. Y.*—The postmaster at Pleasantville, N. Y., has sent us four requests to cancel subscriptions; the first one was immediately taken from our list, but in the meantime three other notices were received making the same request. We have 11 subscribers at Pleasantville, N. Y.

17. *Demopolis, Ala.*—We have a list of 27 subscribers at Demopolis, Ala. These have been paid for by the following persons: Emma R. Labugun, Demopolis, Ala.; Mrs. Charles E. Pease, Dayton, Ohio; and John W. Smith, of Demopolis, Ala. Our records show that requests received from the postmaster of this town to discontinue publications were promptly taken off the list.

18. *Palatka, Fla.*—Refusal notice for the subscriber whom the postmaster has reported as dead for about three years, was taken off upon receipt of notice giving correct name of the subscriber. His previous notices had all been incorrect. We have 63 subscribers at this place.

19. *Warrenton, Va.*—All notices received from the postmaster at Warrenton, Va., were taken from the list upon receipt of the notice of refusal. We have 26 subscribers at Warrenton at present, and records show that they have all been subscribed for at the regular subscription rate.

20. *Joliet, Ill.*—Refusal requests received from the postmaster at Joliet, Ill., received prompt attention and were taken from our lists as soon as practicable. We received a letter from the postmaster at St. Louis, Mo., informing us to cancel a list of our subscribers, stating that the postmaster at Joliet had sent us several notices to discontinue this list. Investigation showed that the list mentioned had never been received by us; however, the list was canceled immediately upon receipt of same from the St. Louis postmaster.

21. *Glencoe, Ill.*—We have 16 subscribers at Glencoe, Ill., and the refusal notices received from this postmaster during the past six months have met with prompt attention.

22. *Fort Wayne, Ind.*—Records show that upon receipt of refusal requests from the postmaster at Fort Wayne, Ind., they were taken from our lists as soon as practicable.

23. *Atlanta, Ga.*—In Atlanta, Ga., members of the league have made gifts of our publication to some extent. If 146 of this list were not subscribers and did not wish to receive the paper, the postmaster failed to notify us of their refusal. During the past two years we have received some 60 refusal notices from the postmaster at Atlanta, Ga.

24. *Asheville, N. C.; Lynchburg, Va.; Wilmington, N. C.; and Morristown, Tenn.*—Our records show that 24 per cent of subscribers in these towns are gift subscriptions. No papers are mailed free, as stated by the Postmaster General. Records show they have been paid for, either by the subscribers themselves or others.

THE LEWIS PUBLISHING CO.
R. U. MYERS,
Circulating Manager.

Mr. DAVIS. Mr. President, to determine whether or not the Postmaster General has answered truthfully as to the annoyance

he said in his reply has been caused to the postmasters of the country about the undelivered copies of this paper, I had the Lewis Publishing Co. send me from their books an answer to this part of the reply of the Postmaster General, taking up each instance as mentioned by him in detail and showing clearly and conclusively that his statements in that behalf were untrue, and I desire to submit this report as a part of my remarks without reading.

The VICE PRESIDENT. If there be no objection, the request of the Senator from Arkansas is granted. The Chair hears none, and it is so ordered.

EXHIBIT B.

A CHAPTER FROM THE UNITED STATES GOVERNMENT'S SHAME—HOW OFFICIAL POWERS WERE ABUSED TO RUIN A LEGITIMATE ENTERPRISE DESCRIBED IN UNITED STATES SENATE AS "WAR"—INSIDE FACTS BROUGHT OUT.

[By Edwin C. Madden, former Third Assistant Postmaster General.]

[An affidavit.]

NOTICE.—A copy of this pamphlet is sent to each Member of Congress.

A congressional inquiry to learn with what fidelity and what propriety the country's laws have been administered and into complaints of administrative abuses is reported to be contemplated. The purpose is to furnish all Members in as concise form as possible reliable information in that connection.

The case presented deeply concerns the honor of the Government in dealing with its citizens. It is a grievance of a company composed of 18,000 persons, who believe they have rightful cause to complain of unjust oppression and harassment by Government officers using their powers for an ulterior purpose.

It is believed that the disclosures of this pamphlet clearly establish a case of infidelity to public trust and afford sufficient grounds for impeachment of two Cabinet officers for malfeasance.

The great Webster said: "The contest of the ages has been to rescue liberty from the grasp of executive power."

In Mexico a contest is on to rescue liberty from the grasp of executive power. Long continuance of one party in office fostered abuses. Complaints were unheeded. Then came armed rebellion. Now, after men have been shot down in sufficient number, comes the promise of reform of the petty tyrannies and the abuses of which the people long complained in vain. Assurances are given that reasonable complaints will hereafter receive attention, and that there shall be efficacious punishment of malfeasance, and that no official is to be reelected.

In this country good men have long been rebelling against and have come to have a grudge against every form of governmental power and authority. There has been so much abuse of executive power that all such authority is distrusted. As in Mexico, long continuance of one party in power is responsible.

A specific case is here stated. The evidence to support it is given. Eighteen thousand persons are directly concerned. Complaints have been in vain. Consider their grievance, put yourself in their place, and note how long they have patiently waited in the hope that their Government would yet deal honestly with them.

It is now a nation-wide understanding that the Lewis Publishing Co. has been subjected to severe lawless persecution by Government officers. This began in March, 1905, and continued hotly for two years. The Postmaster General, under whom the operations were conducted, then retired. Afterwards the attitude of the department, though still hostile, oppressive, and obstructive, abated some of its venom.

On March 2 last the case was brought up by Senator STONE in the United States Senate. A proposition was before that body to broaden the powers of the "spy system" of the Post Office Department. The Senator vigorously denounced the abuses of power by those spies under existing law. He cited the Lewis case as an example, and contended that their authority should be curtailed, not increased.

"There was," he said, "a citizen of my State, a publisher, a Mr. Lewis, whose case became a celebrated one. For some reason the department waged war against him."

A general congressional inquiry into abuses of official power seems imminent. Possibly it will include this extraordinary case. Maybe the light will be fully turned on.

A correct understanding of the Lewis case as a whole requires some study. This pamphlet brings out specially one feature of it, one chapter, which stands by itself and may easily be comprehended by anyone.

Before proceeding, a brief summary of what the whole case comprehends will be helpful. The company charges that there was among the officials of the Post Office Department and the Department of Justice a conspiracy to work the ruin and suppression of its business by the misuse or abuse of official power.

There was a motive for this, but that need not be discussed here. Regardless of what the motive may have been, the company is prepared to establish by competent evidence, when proper opportunity is given in the Court of Claims to be heard on the merits of its indemnity bill, the fact of the existence of the said conspiracy and to identify those concerned in it.

The company is also prepared to establish by competent evidence that through the systematic operations of the said conspiracy and its giving the official conduct the plausible appearance of duty, the company was lawlessly robbed of its money, lawlessly robbed of its property, lawlessly denied its rights in the mails, lawlessly denied the protection of the laws and the rights, privileges, and immunities guaranteed by the Constitution to every citizen.

The company is also prepared to show that, to effect the objects and purposes of the said conspiracy, both alleged laws and alleged evidence were manufactured out of whole cloth and that judicial processes were basely prostituted.

The company is also prepared to show that, to effect the objects and purposes of the said conspiracy, its business was kept under a causeless, ceaseless, and credit-destroying official surveillance covering a period of over two years; that during that time there were from 25 to 50 Government employees stationed in its offices and plant, demanding and seizing its books and papers and examining into its private affairs; that during that time, under instructions from Washington, there was a nation-wide, systematic course of intimidating, credit-destroying inquiries conducted by postmasters and letter carriers when making delivery of the company's mail matter to the persons addressed regarding their business dealings with the company; that during the same time post-office inspectors conducted a campaign of credit-destroying inquiries by correspondence with the persons to whom the company's mail matter was addressed, ostensibly to learn if those persons were satisfied in their business transactions with the company; and that cause for complaint on the part of the company's patrons had been artificially created by the secret holding up in the mails of the company's mail matter—letters and magazines; and that none of such inquiries were authorized by law; and that all Government funds spent in the furtherance of these matters, probably a quarter or half a million dollars, was without warrant of law.

The spy system played an important part in the conspiracy. The whole case constitutes the "war" which Senator STONE mentioned. It inflicted upon the company damages to the extent of millions of dollars. The purpose of the "indemnity bill" is to make good in part the damages to the 18,000 stockholders of the company, and so redeem the Government's honor.

In passing, let it be remarked that, according to press reports, Attorney General Wickersham, speaking at Hotel Astor, February 18, 1911, to an assemblage in honor of Mr. Justice Hughes, lately appointed to the Supreme Bench, among other things said:

"Let us uncover and punish all corruption in office; let us remedy abuses of power; let us mold our laws to protect the oppressed and downtrodden; let us hold our representatives to strict accountability in the discharge of their duties."

The Attorney General is himself a "representative" of the people. One instance is here shown of where his official act failed to square with his public utterance.

Among other things, it is charged in this case that in the furtherance of the objects and purposes of the conspiracy the President and two other officers of the Lewis Publishing Co. were three times indicted fraudulently by the grand jury. The indictment numbers are 5222, 5257, and 5316. They were returned in the eastern division of the eastern judicial district of Missouri December 1, 1905, May 4, 1906, and July 6, 1907.

These indictments charge the officers named with the felonious conspiracy to defraud the Government of postage by depositing, or causing to be deposited, in the mails hundreds of thousands of copies of the company's two magazines on which the publishers' rate of 1 cent a pound only was paid, but upon which, according to the "form of the statute in such case made and provided," the rate of 1 cent for each 4 ounces or fraction (4 cents on an even pound) should have been paid.

No notice was given the company that its right to mail at a cent a pound was limited, or that it was held by the authorities that the limit had been violated. The indictments came with as little warning as a bolt of lightning from a clear sky.

As a matter of truth, the "form of the statute in such case made and provided" fixed then as now the cent-a-pound rate without limit whatsoever for "all publications of the second class when sent by the publisher thereof."

But these indictments went further in misrepresentation of the "form of the statute." They alleged, not only that there was a limit in the statute, but that by its form copies in excess of the limit were subject to the rate of a cent for each 4 ounces or fraction, when, as a matter of truth, the statute fixed then as now that rate solely for "publications of the second class when sent by others than the publisher."

In other words, the indictments charged that the "form of the statute in such case made and provided" limited the company's right to mail copies of its two magazines at the publisher's rate of a cent a pound; that the limit was greatly exceeded, and that on the excess the higher nonpublishers' rate was by law required. The statute books do not now, and never did, contain such a "form of the statute." The indictments open with these words:

"The grand jurors of the United States, impaneled, sworn, and charged at the term of the court aforesaid, on their oath present," etc.

The operations of the grand jury, under solemn oath, were a mere pawn in the conspirators' game of ruin. An investigation will probably disclose that the jurors were deceived into this act of perjury by a United States officer representing the existence of such a "form of the statute."

But regardless of whether it were true that the "form of the statute" limited the company's mailings at a cent a pound, and that on an excess of the limit the higher rate was required, the company claimed that its mailings did not violate the limit. Subsequent to the indictments, the matter was investigated at a cost to the Government of between $50,000 and $100,000, and it was disclosed that the limit was not violated. A decision to that effect was made by the proper officer. The conspirators suppressed that decision, and substituted a false finding of fact to the contrary. Only the latter decision was permitted to be published.

This suppressed decision showed that the evidence upon which the indictments had been secured was false. If it had stood, the want of evidence alone would have compelled their dismissal. The company alleges that the purpose of these fraudulent indictments was twofold. The publication of them in Government documents sent out from time to time to the press to copy would have the effect of destroying the company's public faith and credit. The further purpose was, by means of the manipulation of the grand jury, the false law, and the false evidence, to railroad the officers of the company into the penitentiary.

Not one of these three indictments was brought to trial on its merits. The last of them was dismissed voluntarily by the Government in October, 1909. Their appearance from time to time and their being allowed to stand so long (about three years) had, however, accomplished irreparable damage to the company.

This case alone would seem to be proof that the Attorney General's proposition to "remedy abuses of power" is either but the idle vaporing of a man in charge of a great engine of destruction, which he controls only in name, or that he is not sincere, for there are still persons in the Government service who were responsible, in more or less degree, for this prostitution of the great Department of Justice.

Congress should not wait upon or trust the Attorney General to correct abuses of power. It should do it itself. Without delay laws should be enacted to protect citizens from such abuses as those described. Laws should be enacted to provide efficacious punishment for those who misuse their public offices. But above all, Congress should see to it that, without delay, there is a law placed upon the statute books which will make it possible for a citizen to effectually arrest the official hand which would, without just cause, despoil him of his good name or property, and to bring to justice him who does so.

The program of ruin comprehended harassment at every point. In part it was to rob the company of its money. By means of the same

alleged "form of the statute" as was the basis of the indictments the St. Louis postmaster, acting under instructions from Washington, demanded from the company excess postage at the nonpublishers' rate upon hundreds of thousands of copies of the magazines mailed from time to time. The company appealed to the department. The question was kept pending nearly a year. In the meantime $29,550 in all was deposited under protest. A $50,000 bond was also given.

The company's appeal did not question the legality of the limitation upon its mailings. It disputed merely the accuracy of the count of the officials. The Third Assistant was the officer to decide. He gave the company a hearing, and subsequently instituted the investigation aforesaid. Later he decided from what was disclosed that no excess was mailed. It was then that the Postmaster General suppressed the Third Assistant's decision as to the fact of excess mailings and substituted his own to the contrary. This decision not only furnished the evidence to sustain the indictments, but confiscated the company's $29,550 deposited in trust. This false decision was issued on March 4, 1907.

The next move of the conspirators was to make use of the decision of the Postmaster General to institute three civil suits in the name of the United States to collect from the company $130,000 additional back postage at the nonpublishers' rate on alleged previous excess mailings not covered by the $29,550 aforesaid.

The most unenlightened person will understand that the bringing of such suits in the name of the Government and for such an enormous amount destroyed whatever vestige of public faith and commercial credit the two years' "war" had left the company.

But now the dismissal of the indictments in October, 1909, and the Postmaster General having now been out of public office for some period, it seemed possible that there might be a change of temper in the two departments. Not all, but a good number of those in the conspiracy were out of office. Now, too, there was a President reputed to be judicial, temperate, and fair. He would be likely to require, as far as was in his power, the undoing of any wrong which had been done in the name of the Government to any citizen. Indeed, it was thought he would regard the righting of such a wrong as this a paramount duty in order to redeem the Government's honor. Again, such a President would naturally surround himself with men more or less of that temperament.

Under these circumstances, and after sounding the Department of Justice, now under Mr. Wickersham, to learn whether the proposition would be considered, the company applied February 18, 1910, for a dismissal of the three civil suits which had been so long standing to its injury. The dismissal would open the way to apply to the then Postmaster General to return, as the law authorized, the $29,550 which had been wrongfully taken from the company, as explained. With that accomplished, the rehabilitation of the company might be possible. The following is the correspondence between the company and the Department of Justice, between the company and the Post Office Department, and between the company and the President. It tells its own story.

If the reader will follow out the one chapter of the Lewis case complete in this correspondence, it will throw much light upon the nature and character of the "war" mentioned by Senator STONE. It will show how the "system" works and how those now in office are able to, and do, protect from exposure the evil acts of their predecessors.

The first letter of the company to the Department of Justice was the formal application for dismissal of the three suits. In it were quoted all the statutes in relation to second-class mail matter and those fixing the postage rates on matter of that class. The letter showed clearly that the civil suits, like the indictments which had been dismissed, were not warranted by any law, and were without probable cause, and, like the indictments, spurious. The letter also showed that, regardless of whether there were such a "form of the statute," as alleged in the indictments and civil suits, an official investigation had proven that the alleged limit upon the company's mailings was not, as a matter of fact, exceeded, and that the decision to that effect, which was the basis of the civil suits, was false.

It is unnecessary to a correct understanding of this phase of the case to quote this long 24-page letter. It closes with the following, and was acknowledged by the Department of Justice under date of February 24, 1910. So the play begins:

"There can be but little doubt that you (Attorney General Wickersham) will have been convinced from a review of this paper that those suits are unworthy, and can not be maintained, and if pressed are predestined to fail, because not founded upon law or facts. Hence it is not conceivable that you would prolong the injustice to the publishing company of holding those suits over it, and so by indirection keeping it longer out of the use of its money. (The $29,550.)

* * * * * * *

"In conclusion we beg to express the belief that the honor and good faith of the Government demands the prompt granting of this prayer (the dismissal of the suits), and that it would be unrighteous to put the Government to the expense of prosecuting those suits and the publishing company to the expense of defending itself.

"The case is respectfully submitted, and an early response is hoped for."

The following is the formal acknowledgment of the company's letter of February 18, 1910:

WASHINGTON, *February 24, 1910.*

EDWIN C. MADDEN, Esq., *St. Louis, Mo.*

SIR: I beg to acknowledge the receipt of your communication of the 18th instant in regard to the Lewis Publishing Co., and to say that the matters referred to therein will be considered by the department as soon as practicable, and you will be advised later as to its views in the premises.

Respectfully,

J. A. FOWLER,
Acting Attorney General.

After waiting 30 days to be advised of the department's "views in the premises," the following letter was sent to the Attorney General:

ST. LOUIS, *March 18, 1910.*

Hon. GEORGE W. WICKERSHAM, *Attorney General,*
Washington, D. C.

DEAR SIR: I have the honor to state that on February 18 last I forwarded from here for consideration by your department an important question concerning postage rates and certain postage suits pending against the Lewis Publishing Co. My communication was acknowledged February 24.

In that connection, I beg now to say that there are very important reasons here for wishing to be informed as to whether any action has been taken, and to know, if it be convenient and possible to advise, by what date a decision on the question may be made.

Thanking you in advance for such information as may be proper to give me, I am,

Very respectfully,

EDWIN C. MADDEN,
For Lewis Publishing Co.

The foregoing letter was acknowledged by the following:

WASHINGTON, *March 22, 1910.*

EDWIN C. MADDEN, Esq., *St. Louis, Mo.*

SIR: Replying to your letter of the 18th instant in regard to the question as to postage rates and certain suits pending against the Lewis Publishing Co. in the United States circuit court for the eastern district of Missouri, presented to the department by your letter of February 18, 1910, I beg to say that the matter is receiving careful attention and will be disposed of as soon as practicable.

Respectfully,

J. A. FOWLER,
Acting Attorney General.

After waiting another 30 days and smarting under the injustice, not only of the whole matter, but of the unwarranted delay, the following more vigorous letter was sent the Attorney General:

ST. LOUIS, *April 21, 1910.*

Hon. GEORGE W. WICKERSHAM,
Attorney General, Washington, D. C.

MY DEAR SIR: I have the honor to say that under date of February 18 last I submitted to your department, on behalf of the Lewis Publishing Co., a statement concerning suits Nos. 5474, 5515, and 5516, now pending in the United States circuit court for this district. They were brought by the United States district attorney, the first in July, 1907, and the last two in November, the same year. Ostensibly they are to collect back postage at the "transient," or general public, rate on copies of the Woman's Magazine and Woman's Farm Journal, alleged to have been mailed in excess of the publishers' privilege at the rate of a cent a pound.

The object of that presentation was to show your department that those suits misrepresent the law, first as to the "form of the statute" alleged to fix limits upon the publishers' mailings at the cent-a-pound rate; and, second, as to the "form of the statute" alleged to assess against an excess of the limits "the transient second-class rate of postage, to wit, the rate of a cent for each 4 ounces or fractional part thereof."

It was sought also in that presentation to make it clear that even if the statutes were as represented in those suits, there were nevertheless, as a matter of truth, no such excesses mailed, and that from the nature of things it was impossible for the facts as to mailings to be as alleged.

On what was shown, concerning the law alone, it was expected you would promptly order the dismissal of those three suits, because if you looked into the matter at all, you must have seen they could not have been brought in good faith and on probable cause. They were simply to back up the Postmaster General in an unwarranted and unparalled course of administrative conduct. On the same alleged law and evidence criminal indictments against the president of the company and other officers had been returned charging conspiracy to defraud the Government of postage. The decision of the Third Assistant Postmaster General that no excess copies had been mailed under the limits applied left the indictments without any evidence. That decision was suppressed, and the Postmaster General himself decided to the contrary and furnished the "evidence." After being allowed to stand long enough to do inestimable damage to the company the indictments were dismissed in October, 1909, presumably because your department found there was no such "form of the statute" as they represented.

We believe that an investigation will show that neither the indictments for conspiracy nor the civil suits for back postage were drawn by the district attorney. We think they were drawn by the post-office inspectors—the Postmaster General's personal representatives. It is inconceivable that one learned in the law at all, as a district attorney must be, would have drawn criminal indictments and civil suits in the name of the United States which so grossly misrepresent the form of the statutes.

The effect of the dismissal sought ought to be the return to the publishing company of $29,550, unlawfully extorted under the ruling of the Postmaster General dated March 4, 1907, the basis of which was the same alleged forms of the statute as were represented in the indictments and in the civil suits, one fixing limits at the cent-a-pound rate and the other fixing the transient rate on excesses of the limits.

If my letter did not make the foregoing matters altogether clear, I am ready and shall be glad to go more fully into the matter.

In a word the fundamental question for your department and the one upon which all of the suits depend is whether or not existing law limits the number of sample copies of a publication "of the second class" which a publisher may send on his own account and from the office of publication at the publishers' rate of a cent a pound. If there be no limit, the suits can not stand. If there be a limit, there still remains the question of the legality of charging upon the alleged excesses of the limits a rate for "others than the publisher." That is the case.

All of the statutes having any possible bearing upon this question are furnished on the inclosed sheets. You are an experienced lawyer. It will not take you five minutes to review them and determine the law questions.

In this connection it may be of interest to know that Congress appointed a commission of three Senators and three Members of the House of Representatives, all but one lawyers, to consider the whole subject of second-class mail matter. That commission reported back to Congress in Document No. 608, Fifty-ninth Congress, second session. On page 40 of that report the commission in discussing the various provisions of the law, among other things, said that it gives an "unlimited sample privilege." The law, except in this one case had been so administered since its enactment in 1879. The courts have repeatedly held that the Postmaster General has no authority to enforce restrictions not in the statute. If a publication violates the law in any particular, the Postmaster General may, after a hearing as required by the statute, annul its second-class mail privilege altogether. In that event no copies at all could be sent as "of second class." There is no doubt of the Postmaster General's authority there.

One phase of the question worthy of consideration is that under the statute and practices of the Post Office Department second-class mail matter may not be forwarded by a postmaster until the lawful postage rate is fully prepaid thereon. The theory of this case is that only a

cent a pound was paid for those alleged excess copies, whereas the law required they should be prepaid at the transient rate. The statute (R. S., 4051, sec. 373, Postal Laws and Regulations) makes the postmaster at the office of mailing responsible for any postage he fails to collect. Therefore if, as a matter of truth, there were a limit to the company's rights at a cent a pound, and that the transient rate may be required on copies mailed in excess of the limits, it was the duty of the local postmaster to collect the lawful rate at the time. He exceeded his authority in forwarding those copies without such prepayment. His failure to hold the mail and collect or to notify the publishing company that more postage was required places the responsibility for the deficient postage upon him. The publishing company complied fully with the law as it is in the books. The two publications were "of the second class." The copies were "sent by the publisher thereof, and from the office of publication," and a cent a pound was paid upon them. If the company had been notified that those alleged excess copies were subject to the transient rate it might, as under the circumstances was its right, have chosen to withdraw them, because that rate is substantially prohibitive to publishers. The company could not be assumed to know, without notice at least, that a statute fixing the postage rate on mail matter "of the second class, when sent by others than the publisher," was to apply to it, a publisher.

It must be clear from what is said in this letter alone, if it be true, and its truth is easy to establish, that the integrity of the Department of Justice is seriously involved.

I should not have applied to you, sir, as I did February 18, and as I do now, but from my belief that the real function and high purpose of the Department of Justice is to inform grand juries and courts correctly as to the law—the forms of the statutes—and on the one hand on probable cause bring offenders and violators to trial and judgment, and on the other see that the unoffending are not molested, or without probable cause harassed by unwarranted indictments and dishonest suits which destroy commercial credit and which may otherwise injure a lawful and law-abiding enterprise, and but for my belief that any other course is to betray the law, pollute the fountain of justice, and be false to the oath to support and defend the Constitution and bear true faith and allegiance to the same.

After waiting 30 days for a decision on the matters submitted February 18 we wrote your department again seeking a decision. The Acting Attorney General replied to the effect that the matter was receiving careful attention and would be disposed of "as soon as practicable." Another 30 days have passed, and we are still waiting a decision.

We have endeavored to be respectful, temperate, and patient. No Member of Congress has been brought into the case, and no word upon the subject has been said in one of our newspapers or magazines. We think it is not being overinsistent to say that we feel we are entitled now to a decision upon the matters submitted February 18 last.

We have the honor to be, sir, very respectfully,

EDWIN C. MADDEN,
For the Lewis Publishing Co.

The foregoing letter stirred matters up a little. The writer does not believe, and the reader will scarcely believe, it intemperate under the circumstances. A public office is a public trust. This is a people's Government. The long course of tyranny and oppression to which the company had been subjected by the officials, now intensified by the exasperating delay in answering a simple question, justified every word in the letter. In Mexico the people are now in armed insurrection against the tyrannies and oppressions of Government officers no worse than those of which the Lewis Publishing Co. complains in its case. The following letter was the result:

WASHINGTON, *April 27, 1910.*

EDWIN C. MADDEN, Esq., *St. Louis, Mo.*

SIR: I beg to acknowledge the receipt of your letter of the 21st instant, in further reference to certain suits by the United States pending in the United States circuit court at St. Louis against the Lewis Publishing Co. to recover alleged excess postage on the Woman's Magazine and the Woman's Farm Journal.

As you were advised about a month ago, this matter is receiving careful consideration and will be disposed of as soon as practicable. As it is not our practice, however, to dispose of such matters on ex parte statements, we have requested the Post Office Department to furnish us with its views in the premises. I may add that the decision of this matter will not be hastened by any intemperance of speech on your part, or covert threat.

Respectfully,

WILLIAM R. HARR,
Assistant Attorney General.

In order to remove or apologize for what might appear to be "intemperance of speech" or "covert threat," regardless of whether the language used was subject to that construction, the following letter was promptly forwarded:

ST. LOUIS, *April 29, 1910.*

Hon. WILLIAM R. HARR,
Assistant Attorney General, Department of Justice,
Washington, D. C.

SIR: I am in receipt of your letter of the 27th instant. You say that the views of the Post Office Department have been asked concerning the suits pending against the Lewis Publishing Co. to recover alleged excess postage, etc., and that the matter will be disposed of as soon as practicable. You add that a decision will not be hastened by any intemperance of speech or covert threat.

This letter is to say that it was expected you might take the views of the Post Office Department, and probably those of the district attorney here, and it seemed to us there had been ample time to do so. But whatever those views may be, they can not change the law in the case.

I did not regard either my letter of February 18 or that of April 21 as intemperate or threatening. I offer my apology for what seems to you to be intemperance of speech or a covert threat, and so much of either letter as appears to you in that light I recall, and ask that the questions of law be decided upon their merits. We would like to have the matter disposed of peacefully and as promptly as possible.

Very respectfully,

EDWIN C. MADDEN,
For the Lewis Publishing Co.

The case with the Department of Justice now rested until July 16. Then the following letter was issued by that department. Attention is specially directed to the date, because of what will appear presently, and to the fact that no one of the letters from that department is signed by the Attorney General himself. It is always an "Acting Attorney General." That is one of the processes by which heads of departments avoid direct responsibility for official acts when the case is one in which they think it unwise to appear.

WASHINGTON, *July 16, 1910.*

Mr. EDWIN C. MADDEN,
St. Louis, Mo.

SIR: Referring further to your letter of February 18, 1910, on behalf of the Lewis Publishing Co., I beg to advise you that, after a careful consideration of the matter, the department thinks that the interests of the Government require that the three suits to recover excess postage on the Woman's Magazine and the Woman's Farm Journal, published by said company, should not be dismissed, but prosecuted to a prompt conclusion, and that the sum of $29,550 deposited by the Lewis Publishing Co. with the Post Office Department to cover excess mailings on said publications should be retained by that department.

Respectfully,

WILLIAM R. HARR,
Acting Attorney General.

The company has all along claimed that the bringing of the indictments, the bringing of the civil suits, and the taking of its money were acts unwarranted by any law. If, as a matter of truth, there were such a law, it could be no secret, and it surely was entitled to be informed. Hence, the following courteous letter of inquiry:

ST. LOUIS, *July 18, 1910.*

The ATTORNEY GENERAL,
Washington, D. C.

DEAR SIR: I am in receipt of your letter of July 16, 1910 (W. R. H., 60027–66), in which you advise me of your decision that the interests of the Government require the three suits to recover excess postage on the Woman's Magazine and Woman's Farm Journal should not be dismissed, as recommended, and that the sum of $29,550 deposited by the company, etc., should be retained by the Post Office Department.

The United States Supreme Court held in the American School of Magnetic Healing *v.* McAnnulty case that "the acts of all its officers (the Post Office Department) must be justifiable by some law." Will you be good enough to advise me as early as may be of the law or laws upon which your department relies to prosecute those suits, and of the law or laws upon which your action is based in advising that the sum of $29,550, deposited under protest by the Lewis Publishing Co. as alleged excess postage, should be retained by the Post Office Department?

Thanking you in advance, I am,

Respectfully,

EDWIN C. MADDEN,
For the Lewis Publishing Co.

There was no response to this polite and very proper request. The situation so far is that the officers of the company had been indicted and solemnly charged to have committed a criminal offense by violating a "form of the statute"; $29,550 of the company's money had been extorted as alleged "excess postage," under the same "form of the statute," and the company has been harassed and its credit destroyed by the bringing and long standing of civil suits to collect an additional $130,000 alleged excess postage under the same "form of the statute." Now, when this Department of Justice is cornered, and the issue is boiled down to the bare question of the identification of that statute, information is denied by the device of refusing to answer. So it is that the law under which a citizen's good name may be blackened forever, or under which the business of 18,000 citizens may be ruined, is not to be disclosed. It is small wonder that lately the public has come to regard "Department of Justice" a misnomer. But it had appeared plainly from the letter of April 27 from this department that it was "playing in" with the Post Office Department, and that it would be governed by its "views in the premises." It was then that the company abandoned hope of the "square deal," so called, from the Department of Justice and addressed the Postmaster General direct, May 16, 1910. This effort was simply to secure the return of extorted money. The following is the letter; it was written two months before the last-given letter from the Department of Justice:

ST. LOUIS, *May 16, 1910.*

Hon. FRANK H. HITCHCOCK,
Postmaster General, Washington, D. C.

MY DEAR SIR: By reason of an order of the Postmaster General, dated March 4, 1907, the Lewis Publishing Co. was made to pay the sum of $29,550 postage at the transient second-class rate on a portion of the copies of its publications, the Woman's Magazine and the Woman's Farm Journal, which were mailed from the office of publication at the St. Louis post office in April, May, June, and July, 1906. The greater portion of the copies of the publications were accepted at the publisher's rate of a cent per pound. The transient rate (a cent per copy) was exacted on alleged mailings of copies in excess of the number lawful to be mailed by the publisher at a cent a pound.

The ruling of the Postmaster General was not the law, and it was contrary to the established practice of the Post Office Department. But, based upon his ruling, the Department of Justice brought several civil suits for back postage at the same transient rate on alleged previous mailings in excess of the postmaster's limits. The suits were all filed in 1907, and no one of them has yet been brought to trial.

On February 18 last we applied to the Department of Justice to dismiss the suits, because they were not founded on law or fact. That course was taken because it was thought inadvisable to appeal to you for return of this money while those suits were pending.

Several times the Department of Justice has advised that the matter would be decided "as soon as practicable," but about 90 days have now passed, and we have concluded not to wait longer. It is not at all essential to a settlement of the matter that there be any action by the Department of Justice before addressing you on the subject. It was simply thought to be a better course of procedure.

Inclosed with this you will find a copy of the case as presented to the Attorney General, under date of February 18 last. The exhibits, outside the appendix, are not furnished, because it is thought you would not be concerned in them.

The purpose of this letter is to ask you to be good enough to return to the Lewis Publishing Co., under the provisions of the act of March 3, 1905 (sec. 486, Postal Laws and Regulations), the money ($29,550) which the local postmaster required the company to pay at the transient rate of a cent per copy on copies of the Woman's Magazine and the Woman's Farm Journal mailed from the office of publication during

April, May, June, and July, 1906. Under the law the copies were mailable at the publishers' cent-a-pound rate, and the exaction of the transient rate was without warrant of law. The money was paid under protest, and was covered into the Treasury under an order of the Postmaster General, dated March 4, 1907, sustaining the ruling of the local postmaster.

The basis of the transaction was the allegation that the statutes fixing the postage rates on mailable matter of the second class limited the number of sample copies which a publisher might send from the office of publication at a cent a pound, and that any excess of that limit was subject to the transient rate. (Sec. 455, Postal Laws and Regulations.)

Of course you know that the statute does not limit the number of sample copies a publisher may send at a cent a pound, and that if it did so limit the number of copies, the rate for "others than the publisher," in section 455, could not lawfully be imposed upon an excess of the limit. But in this case there was, as a matter of fact, no excess.

You, no doubt, are perfectly familiar with the judicial decisions to the effect that an administrative officer may not impose conditions in addition to those in the statute. The decisions specially applicable to this question are that of Morrill *v.* Jones (106 U. S., 466); American School of Magnetic Healing *v.* McAnnulty; and National Railway Publishing Co. *v.* Payne (No. 1231, Apls. D. C.).

Even if the judicial decisions were not as they are, Circular 4 issued from the office of the Third Assistant Postmaster General states in paragraph 8 of the syllabus, that "the statute does not put any express limitation upon the number of sample copies." The 1906 congressional commission considered the whole subject of second-class mail matter and reported to Congress in Document 608, Fifty-ninth Congress. It discussed the law of second-class mail matter very thoroughly, and among other things said it gave an "unlimited sample privilege." The law was so administered from its passage, except in this one instance.

The case was founded on the local postmaster's error of assuming the right to limit the mailings of the publishing company. His action was in excess of his lawful authority. In the controversy the company did not contest the postmasters right to limit, but disputed his claim as to the number of subscribers on the lists, which was the basis of his limitation. The investigation by the Third Assistant's office sustained the contention of the publisher that the limit was not exceeded. The Postmaster General overruled the decision of the Third Assistant without an appeal to him in due course. His action was dated March 4, 1907, and was an excess of his lawful authority, because it did sustain the postmaster in fixing a limit upon the number of copies which could be mailed at a cent a pound, and in assessing the transient rate on an alleged excess of the limit.

This is an application to you to do justice in the matter and to return to the company the money which was taken from it without lawful authority.

There are special reasons why we would be grateful for a prompt decision. The company will regard it as a special favor at your hand if you will arrange that your decision be mailed on or before May 25. We do not think it will take many minutes of your time to decide the questions at issue. It is wholly unnecessary to wait any decision of the Department of Justice.

Thanking you in advance, we are, very respectfully,

LEWIS PUBLISHING CO.,
By EDWIN C. MADDEN,
Attorney in Fact.

This letter, "by direction of the Postmaster General," was acknowledged by the following:

WASHINGTON, *May 19, 1910.*

The LEWIS PUBLISHING CO., *St. Louis, Mo.*

GENTLEMEN: By direction of the Postmaster General, I have to acknowledge receipt of your communication of the 16th instant, requesting a refund of $29,550 alleged to have been erroneously required on certain mailings of the Woman's Magazine and the Woman's Farm Journal, published by you, and to inform you that the matter will have due consideration and you will be further advised.

Respectfully,

A. M. TRAVERS,
Acting Third Assistant Postmaster General.

With the foregoing acknowledgment the case stood still until July 9. Nearly five months had passed and neither the Attorney General nor the Postmaster General had acted. The company, exasperated by the delay and the injury it was steadily inflicting upon its business, then wrote the President. The purpose was merely to force action by the departments. The following is the letter to the President:

ST. LOUIS, *July 9, 1910.*

Hon. WILLIAM H. TAFT,
President of the United States,
Beverly, Mass.

DEAR SIR: I beg to lay the following matter before you and to state that I believe it of such importance as to call for your personal attention. It seriously affects large interests and many people. It is a complaint of the conduct of two departments of the Government toward those interests and those people.

To state the matter briefly, I, on February 18 last, asked the Department of Justice in a formal communication to dismiss three civil suits brought by it in the Circuit Court of the United States for the Eastern Judicial District of Missouri in November, 1907, to recover alleged back postage on certain copies of the Woman's Magazine and Woman's Farm Journal, published and mailed by the Lewis Publishing Co., of University City, St. Louis, Mo. The ground of the request was that those suits misrepresent the law and misrepresent the facts. This was conclusively shown in the communication. It was also stated that the continued pendency of those suits, as if sometime to be tried, was ruinous to the commercial credit of the publishing company.

It was also shown that there was no warrant of plausible right to put the Government to the expense of trying those suits, and that it would be unjustifiable to put the publishing company to the expense of defending such suits.

Being a question of law, it would not take the Attorney General five minutes to find that there is no such statute as those suits represent, and without such a statute the suits are spurious.

From time to time the department was requested to act. It has repeatedly responded that it would "as soon as practicable." In one communication it was stated that the views of the Post Office Department had been asked. There has now been ample time to get the views of the Post Office Department, but whatever those views may be they can not create a statute upon which to base these suits.

The second cause of complaint is that on May 16, 1910, the Postmaster General was appealed to to return, under the provisions of the act of March 3, 1905, the sum of $29,550, which had, in violation of law and on misrepresentation of facts, been extorted from the Lewis Publishing Co. by the Post Office Department as alleged postage on copies of the company's two publications, the Woman's Magazine and Woman's Farm Journal. The collection of this alleged postage was based upon the same misrepresented law and facts as the aforesaid civil suits.

Up to the moment of this writing neither of the departments has acted. It is now necessary to appeal to you for justice and fair play on the part of the Government. We have not come to you until compelled by the apparent indifference to the rights of citizens by the two departments named.

I myself, as Third Assistant Postmaster General, administered these postal laws for 8 years, and in all had 15 years' experience in their application. I may, therefore, be presumed to know whereof I speak. I assure you on my honor that there is no such statute in existence as these suits represent. I assure you that even if there were such a statute the facts upon which the suits are based are misrepresented, and that the records of the department will so show.

The case grows out of the circumstance that the postal laws governing the second class of mail matter were administered differently to this publishing company from what they were administered to other publishers. It was charged, wrongly, that the statute limited the number of copies which the publishing company might mail at a cent a pound, and that the limit had been exceeded in the mailings of both publications. Upon the alleged excess of the limit the "transient" rate for "others than the publisher" was fixed. The statute does not limit a publisher's mailings at a cent a pound. The fundamental error was that of reading the limit into the statute. That error having been committed, it was necessary to find a rate for the alleged excess. That for "others than the publisher" was applied. If Congress had intended to limit a publisher's mailings at a cent a pound, it would certainly have fixed a rate for an excess. There is none. The error in these suits is compound; first, that of fixing the limit; and, second, that of assessing the nonpublishers' rate on an excess.

But to make the case still worse for the Government, there was, as a matter of fact, no excess of the limit, even if there had been such a limit in the statute. An investigation by the department showed that the local postmaster's count was grossly erroneous. If the company had mailed thousands of copies more than it did, still the arbitrary limit would not have been exceeded.

It is upon this state of the law and facts that the suits, which we asked to have dismissed, stand.

It is upon this state of the law and facts that the $29,550 alleged postage on excess mailings, which we asked to have returned, was extorted from the company as a penalty for offending the then Postmaster General.

At this time practically all business is more or less depressed. These are strenuous days for the publishing industry. The keeping of these suits for alleged back postage pending, to the ruin of commercial credit, and the holding up of many thousands of dollars of this company's money, without a shadow of legal or moral right, are, therefore, specially aggravating. It is a matter of the importance of life and death.

The persons who compose the Lewis Publishing Co. and those who depend upon it for a livelihood are taxpayers and loyal, law-abiding citizens of the United States. Those citizens now appeal to their President, not for favors, but for justice and decent treatment at the hands of the Government they support. Their complaint is serious. It charges two departments not only with wrongdoing in the first place, but with now cruelly prolonging the aggravating, unjust, and unwarranted conditions.

If you care to have me do so, I shall be glad to go more fully into this case and develop it to completion for your information.

Will you, Mr. President, be good enough to direct the two departments named to act in these matters without further delay?

We have the honor to be, sir, your obedient servants,

LEWIS PUBLISHING CO.,
By EDWIN C. MADDEN,
Attorney in Fact.

The President was then at Beverly, Mass. The letter was acknowledged under date of July 12 by Secretary Norton. He stated that "by direction of the President the matters have been brought to the attention of the Attorney General and the Postmaster General, respectively." By reference to the correspondence with the Department of Justice, it will be seen that it acted on July 16 following. The letter is not signed by the Attorney General, but by an "Acting Attorney General."

The following letter is from the Postmaster General. It is dated July 5, but, as its acknowledgment shows, the envelope which contained it was postmarked July 12, seven days later. Plainly, the letter to the President set both departments in motion. But it took five months to get this far. The last of the indictments, after being allowed to stand about two years and a half and the doing of irreparable damage, was dismissed. At the time of placing this matter with the printer the civil suits, now four years old and based upon the same alleged law as the indictments, are still standing.

WASHINGTON, *July 5, 1910.*

EDWIN C. MADDEN, Esq.,
Care Lewis Publishing Co., St. Louis, Mo.

SIR: Replying further to your communication of May 16, 1910, asking the return of $29,550 paid by the Lewis Publishing Co. during the months of April, May, June, and July, 1906, as postage at the rate of 1 cent for each 4 ounces or fraction thereof on copies of its two publications—the Woman's Magazine and the Woman's Farm Journal—mailed in excess of its legitimate subscription list and an equal number of sample copies, I have to say that upon the receipt of your letter I caused a full investigation to be made into the state of facts upon which this postage was collected, as a result of which I am advised that the same was justly and lawfully demandable upon grounds of which the company was at that time duly advised.

I must, therefore, for the reasons indicated, respectfully decline to refund to the company the sum of $29,550 as requested.

Very respectfully,

F. H. HITCHCOCK,
Postmaster General.

The words "justly and lawfully demandable upon grounds of which the company was at the time duly advised," interpreted, mean that the company was "advised" of the law (the "grounds") upon which its money was taken as alleged postage. The use of the word "lawfully" signifies the existence of a law. Without that the money could not be "lawfully" taken. To make the record complete, and to show that it is not true that the company was "at the time duly advised" of the law under which its money was taken, the two orders of the Postmaster General, which state the "grounds," not the law, are here given. The manner in which the company was "advised" was to furnish it with copies of these letters:

WASHINTON, *March 4, 1907.*

The POSTMASTER, *St. Louis, Mo.*

SIR: In the case of the appeal of the publisher of the Woman's Magazine from your recommendation and action in the matter of demanding and collecting postage at the transient second-class rate on all copies of said publication mailed monthly in excess of its legitimate subscribers, which, as shown by the extended investigations of the department and the count of October 13, 1905, aggregated 539,901, and the excess of a like number properly marked and sent as sample copies, you are informed that upon the hearing granted the publisher on April 30 and May 1, 1906, and a careful and thorough investigation by the department, your recommendations are approved and your action sustained.

You will therefore remit to the department, in canceled stamps attached to sheets of paper, the excess postage that has been collected by you, and also make demand on the publisher for the balance due the Government, under the law and the regulations of the department, at the transient second-class rate of postage, upon all excess copies of the publication mailed on and after October 1, 1905.

In the matter of your recommendation that the department deny the pending application, submitted August 22, 1902, for entry of this publication as second-class matter, you are informed that upon a hearing granted the publisher on the same dates (Apr. 30 and May 1, 1906), and upon a careful and thorough investigation of all of the evidence by the department, I find that the publication does not have a legitimate list of subscribers, that it is designed and published primarily for advertising purposes, and that it is being circulated at a nominal rate, contrary to the law and the regulations of the department.

You will therefore refuse hereafter to accept for mailing, at the second-class rate of postage, copies of the said publication, and inform the publisher that his application for entry of the Woman's Magazine as second-class matter is denied.

Very respectfully,

GEO. B. CORTELYOU,
Postmaster General.

WASHINGTON, *March 4, 1907.*

The POSTMASTER, *St. Louis, Mo.*

SIR: In the case of the appeal of the publisher of the Woman's Farm Journal from your recommendation and action in the matter of demanding and collecting postage at the transient second-class rate on all copies of said publication mailed monthly in excess of its legitimate subscribers, which, as shown by the extended investigations of the department and the count of October 13, 1905, aggregated 141,328, and in excess of a like number properly marked and sent as sample copies, you are informed that upon the hearing granted the publisher on April 30 and May 1, 1906, and a careful and thorough investigation by the department, your recommendations are approved and your action sustained.

You will therefore remit to the department in canceled stamps attached to sheets of paper the excess postage that has been collected by you, and also make demand on the publisher for the balance due the Government under the law and the regulations of the department at the transient second-class rate of postage upon all excess copies of the publication mailed on and after October 1, 1905.

In the matter of your recommendation that the department revoke the order granting second-class mailing privilege to this publication, you are informed that upon a hearing granted the publisher on the same date (Apr. 30 and May 1, 1906), and upon a careful and thorough investigation of all of the evidence by the department, I find that the publication does not have a legitimate list of subscribers; that it is designed and published primarily for advertising purposes; and that it is being circulated at a nominal rate, contrary to the law and the regulations of the department.

You will therefore refuse hereafter to accept for mailing, at the second-class rate of postage, copies of the said publication, and inform the publisher that the second-class mailing privilege heretofore extended the Woman's Farm Journal is withdrawn, and that the order granting the same is revoked.

Very respectfully,

GEO. B. CORTELYOU,
Postmaster General.

Postal regulations which are consistent with law have the force of law. The regulations in effect at the time made it the duty of the Third Assistant to decide all questions as to postage rates, subject only to appeal to the Postmaster General. The Third Assistant did decide in this case in favor of the publisher. The Postmaster General endeavored to force the Third Assistant to reverse that decision. Failing, he used his authority to suppress the decision altogether, and without an appeal to him substituted his own, as shown in the two letters of March 4, 1907. The Postmaster General's decisions were unlawful, because so long as the regulation so provided he could have jurisdiction to decide only in the event of an appeal.

The foregoing two letters in the first two paragraphs of each state the "grounds" (not the law) for assessing the $29,550 as alleged "excess" postage upon a "hearing granted the publisher on April 30 and May 1, 1906, and a careful and thorough investigation by the department." This "hearing" and this "careful" investigation were not, as would appear, conducted by the Postmaster General, but by the Third Assistant Postmaster General.

The Department of Justice having remained silent upon the request of the company July 18, 1910, to be informed of the law which was the basis of the civil suits and the taking of the $29,550, a way seemed now to be open to press the Postmaster General for that information. In his letter of July 5, 1910, he stated that the money was "justly and lawfully demandable." Hence, the following letter:

ST. LOUIS, *July 14, 1910.*

Hon. FRANK H. HITCHCOCK,
Postmaster General, Washington, D. C.

DEAR SIR: I beg to acknowledge receipt to-day of your letter dated July 5, but postmarked July 12, answering my communication of May 16, and declining to refund to the Lewis Publishing Co. the sum of $29,550 as requested.

You state in your letter "I am advised that the same was justly and lawfully demandable upon grounds of which the company was at that time duly advised."

Will you be good enough to inform me of the particular statute or statutes upon which the department relies in stating that the money was "justly and lawfully demandable"?

Thanking you in advance, I am, very respectfully,

LEWIS PUBLISHING CO.,
By EDWIN C. MADDEN,
Attorney in Fact.

The foregoing letter will surely be regarded as a courteous request for information, which should have received a frank answer, especially under the aggravating circumstances. Instead, it brought forth the following evasive reply. The Department of Justice made no response at all to the company's similar request in a letter of July 18.

WASHINGTON, *July 29, 1910.*

LEWIS PUBLISHING CO.,
St. Louis, Mo.

GENTLEMEN: I have received your letter of the 14th instant, in which you request that you be advised of the "particular statute or statutes" upon the authority of which the Postmaster General declined, under date of July 5, 1910, to refund to the Lewis Publishing Co. the sum of $29,550, excess postage collected on mailings of its two publications, the Woman's Magazine and the Woman's Farm Journal, during the months of April, May, and June, 1906.

In reply I have to say that the questions involved are now in the courts for determination and in the civil suits now pending between this department and the Lewis Publishing Co. in the United States Circuit Court for the Eastern District of Missouri. The various contentions of the Government, including the subject of your immediate inquiry, are set forth in its several declarations of complaint, to which you are respectfully referred for further information.

Respectfully,

C. P. GRANDFIELD,
Acting Postmaster General.

It is, of course, true that the "questions involved" are "in the courts for determination." But the company believes they are not rightfully in the courts, and its request was to be informed, as it was entitled to know without equivocation, under what law or laws the suits had been brought and its money taken. The "declarations of complaint" in those suits do not, as alleged by the "Acting Postmaster General," show upon what law they are based. However, the company thought that the Postmaster General might now be induced to reconsider the matter. Hence the following letter, which recites the case in detail:

ST. LOUIS, *August 13, 1910.*

The honorable POSTMASTER GENERAL,
Washington, D. C.

DEAR SIR: Your letter of July 29, in relation to cases C. D. 26575 and 58208, was duly received.

In your letter of July 5, to which you refer, it is stated that the $29,550 will not be returned as requested because it was "justly and lawfully demandable" upon copies of its (the company's) two publications, the Woman's Magazine and the Woman's Farm Journal, "mailed in excess of its legitimate subscription list and an equal number of sample copies."

As all postage rates are fixed by statute, or the right of your department to fix them is given by statute, I, in my letter of July 14, asked you to be good enough to inform me of the particular statute or statutes upon which your department relied in making the statement that the $29,550 in question was "justly and lawfully demandable," at the rate of 1 cent for each 4 ounces or fraction, because under the act of March 3, 1885, it would appear beyond doubt that "all publications of the second class, * * * when sent by the publisher thereof, and from the office of publication, including sample copies, * * * shall be entitled to transmission through the mails at 1 cent a pound or fraction thereof."

It has not been disputed that the copies upon which this money was demanded, at the transient rate of a cent for each 4 ounces, were copies of "publications of the second class," and that they (the publications) "were sent by the publisher thereof, and from the office of publication." In the plain language of the law that is all that was required to entitle all copies mailed to the cent-a-pound rate.

Your letter of July 29 does not identify, as I asked you to be good enough to do, the law by the authority of which the transient rate was assessed. You simply advise that the "questions involved" are now in the courts for determination, "of the various contentions of the Government, including the subject of your (my) immediate inquiry." I believe, and have so stated to the Department of Justice, that suits 5474, 5515, and 5516, to which you refer, are spurious, in that they have no basis whatever in law and are not founded on probable cause. They have been standing for three years, and there is no prospect of a judicial determination of the "questions involved" in the near future. The information I asked for is urgently needed for immediate use.

Suit 5474 states substantially that by virtue of a "temporary permit" in the case of the Woman's Magazine and a "certificate of entry" in the case of the Woman's Farm Journal the company was definitely limited in mailing at the pound rate under the act of 1885 to copies sent as recited specifically in the "declaration." The declaration also states that copies in excess of those limits were subject to the "transient rate," which is the rate at which the $29,550 in question was taxed, and this suit purports to be to collect other postage at the transient rate on copies claimed to have been mailed in excess of the authorizations of the said temporary permit and certificate of entry; and the declaration further says "and said postmaster (postmaster at St. Louis) was then and there demanding and proposing to continue to demand upon such alleged excess copies the transient second-class rate of postage of 1 cent for each 4 ounces or fractional part thereof as provided by the act approved June 9, 1884, chapter 73."

Without quoting so at length from suits 5515 and 5516, they state only that they are based upon the "force of the statute in such case made and provided," but they do not identify the statute having such "force."

Said the court in the "Salvation" case: "The law must not only, however, be honestly executed by the department itself, but it must be

honestly and faithfully obeyed by the person who is seeking to obtain the benefit of its privileges. He can not evade it by any sort of device. He must show the utmost good faith." The court's injunction as to "good faith" and the use of "any sort of device" to evade the law applies equally to the department.

Two important questions are involved in this case. The first is the statutory authority to fix any limits whatever upon the company's mailings of its two magazines while those publications were "of the second class," or to fix those limits said in the suits in question to be fixed by the "temporary permit" in one case, and by the "certificate of entry" in the other, those instruments being unknown to the law. The second question is that, as the act of 1884 mentioned in suit 5474 when read in its entirety applies only and unequivocally to copies "sent by others than the publisher," can that act be construed to the direct opposite of its specific language? In other words, how can an act which in its own specific terms excludes publishers be construed so as to apply to publishers, or to copies "sent by the publisher thereof and from the office of publication," under the unlimited privilege of the publisher under the act of 1885, unless there be still another statute somewhere authorizing, in the first place, the limiting of the publisher's unlimited privilege given in the act of 1885, and, in the second place, authorizing the imposition upon an excess of the limitation the rate fixed in the act of 1884 for "others than the publisher."

It is well settled that as to matters of fact the decision of your department is final. Also, that the department is absolute in the adoption of reasonable rules of limitation uniformly applied both as to what shall constitute a legitimate list of subscribers and sample copies for the purposes of admission of a publication to be "of the second class," or for the purposes of exclusion of a publication from that class, after a hearing. Especially to the point is the case of Conant *v.* The Postmaster General, equity 24361, in the Supreme Court of the District of Columbia, and the Lewis Publishing Co. *v.* Frank Wyman, No. 5417, in the Circuit Court of the United States for the Eastern Division of the Eastern District of Missouri. The company does not now complain of the limitation upon its lists of subscribers or upon its sample copies for the purpose of determining whether its publications were due to be admitted to the second class or due to be rejected from that class. That is a different matter. Its complaint now is as to the application of unlawful rates to copies of its publications admittedly "of the second class" at the time of mailing.

The determining of what is and what is not of the second class under sections 10 and 14 of the act of 1879 is a question separate and apart from the question of rates, under the act of 1885, for matter which is "of the second class." In the two cases mentioned the power to limit what should enter into the composition of a legitimate list of subscribers and mailings of sample copies were the questions under consideration by the court. The limitations were approved as just and proper in the first case, and in the second held not subject to review. But no court has ever allowed, even by the remotest inference, that the "transient rate" for "others than the publisher" could be enforced on copies "sent by the publisher thereof (for himself) and from the office of publication" while the publication was "of the second class."

In the Conant *v.* The Postmaster General case it is shown (no such consideration was shown in this case) that the publisher was given "every opportunity" to correct his list of subscribers and mailings of samples to come within the very limitations in question in this case before the department acted on the rejection, but there was no attempt to assess against copies of the periodical (Salvation) while it was "of the second class" any rate but the publishers' rate in the statute of 1885.

It is, of course, assumed that your department is governed by law and as the law is interpreted by the United States Supreme Court. That court has held in a number of cases that the action of the head of your department or of a subordinate must be based upon some law, and that neither may impose, by ruling or regulation, conditions not in the statute; and that if the statute itself be wrong it is a matter for Congress and not the department.

The act of fixing the publishers' rate of a cent a pound to be paid in money is later than that fixing the rate for others than the publisher at a cent for each 4 ounces or fraction to be paid by stamps attached to the matter itself. The act of 1884 must be assumed to have been before Congress at the time the act of 1885 was under consideration. Both acts make the question of rate depend merely upon who is the sender of matter "of the second class." The cent a pound rate is limited to the publisher who sends from the single point of "the office of publication." The cent for 4 ounces rate is opened to all from any point of mailing.

The statute upon which the action taxing the $29,550 at the rate in the act of 1884 in the first place, and which you now approve by refusing to return it, because in the first place it was "justly and lawfully demandable" is the law I am in search of for the benefit of the 18,000 persons in this company which I represent. Your letter of July 29 does not give me the information I sought. It is, therefore, necessary for me to again ask you to be good enough to inform me definitely of this specific statute or statutes upon which your department relies in fixing the limits upon the company's mailings, under the unlimited privilege given the company by the act of 1885, while the publications were "of the second class," and I again ask you to inform me of the statute or statutes upon which your department relies in stating that the $29,550 collected at the "transient rate" fixed in the act of 1884 specifically for "others than the publisher," was "justly and lawfully demandable" upon copies of "publications of the second class, sent by the publisher thereof and from the office of publication" under the unlimited privilege at the cent a pound rate given the company by the act of 1885, while the publications were "of the second class."

My inquiry is on behalf of approximately 18,000 persons who compose the Lewis Publishing Co.—an honorable enterprise. They are citizens of the United States. They support the Government and are concerned in good administration. They want, if possible, to keep their faith in the honesty and fair dealing of the Government with the people. They do not seek and would not knowingly take any advantage of the Government. Likewise, they will not, without every possible resistance, permit the Government to take advantage of them to their loss or damage; or to put them in the position of being violators of the law. In this case they believe they have been wronged by the Government whose duty it was to protect them. They believe their money was literally stolen from them by distortion of the statutes and the facts; and that the suits mentioned are merely the stalking-horse in the unholy business, and are unworthy of serious consideration by any person, much less a lawyer, who can read the English language in which the statutes fixing postage rates are written.

Unless there be some other statute than those quoted herein, the convictions of the company would seem to be well grounded. They plainly contradict that the money was "justly and lawfully demandable."

The following is a restatement of the case to make clear the matters already stated, and to make plain the points of distinction and the laws which are essential to the proper understanding of those matters. Will you be good enough to reconsider the case personally in the light thereof? This request is made because in your letter of July 5 you say, "I am advised that the same was justly and lawfully demandable." That indicates that the decision was not your own, but that you relied upon others. The questions are believed to be important enough to claim your personal consideration and judgment.

Clearly your department has no lawful power to assess postage rates upon any domestic mail matter except as authorized by statute.

In order to determine the class to which any mail matter belongs, regulations and rulings, not inconsistent with the law, have the force of law. Regulations and rulings inconsistent with the law have no legal force.

In determining what shall constitute compliance with the law of mailable matter of the second class, reasonable rules and regulations fixing limitations upon what may enter into the composition of a legitimate list of subscribers and what shall constitute designed primarily for free circulation—the mailings of sample copies—are necessary. Similar rules and regulations are necessary to determine when, after admission of a publication to the second class, it should be rejected from that class because of noncompliance with the law. This is the precise question determined in the Supreme Court of the District of Columbia, Conant *v.* Postmaster General (equity 24361), and in the Lewis Publishing Co. *v.* Frank Wyman, in the Circuit Court of the United States in the Eastern District of Missouri (No. 5417). These are the only adjudicated cases.

In neither case was the question of assessing the rate in the act of 1884 upon any copies mailed by the publisher thereof and from the office of publication while the publication was of the second class considered.

But the right of your department to limit a publisher's mailings at the pound rate under the act of 1885, while his publication is "of the second class," no decision to the contrary having been made up to the time of mailing, and to assess against an excess of the limitations the nonpublishers' rate in the act of 1884, is a separate question and stands by itself.

Truly, as a matter of practice, publishers were permitted to voluntarily pay the rate fixed in the act of 1884 on occasional excesses of th limitations, such voluntary payment being in a nature of a compromise and in lieu of a citation and threatened disturbance of second-class status of their publications because of violation of the limitations. But never before this case had the privileges of a publisher to mail at the pound rate been arbitrarily suspended and the rate in 1884 arbitrarily assessed against copies mailed by that publisher on his own account and from the office of publication while the publication was "of the second class."

It is specially provided by the act of 1901 that when a publication has been accorded second-class mail privileges, the same shall not be suspended or annulled until a hearing shall have been granted to the parties interested. This must mean that the right to mail at the pound rate belongs to the publisher up to the time your department gives the hearing and makes a decision that his publication is not of the second class.

The penalty of exclusion from the second class after a hearing for violation of the limitations, or for other noncompliance with the law, is the only penalty your department can, it is believed, impose under the law and the court decisions last referred to.

I quote for your information the following three statutes:

"All publications of the second class, * * * when sent by the publisher thereof, and from the office of publication, including sample copies, * * * shall be entitled to transmission through the mails at 1 cent a pound or fraction thereof." (Act of 1885.)

The omitted words have no bearing.

"The rate of postage on newspaper and periodical publications of the second class, when sent by others than the publisher or news agent, shall be 1 cent for each 4 ounces or fractional part thereof, and shall be fully prepaid by postage stamps affixed to said matter." (Act of 1884.)

"When any publication has been accorded second-class mail privileges, the same shall not be suspended or annulled until a hearing shall have been granted to the parties interested." (Act of 1901.)

The $29,550 which you state in your letter of July 5 was "justly and lawfully demandable" must have been taken from the company under authority of some statute or statutes. The foregoing are all I have been able to find, and they appear to contradict that statement.

The assessment appears to have been accomplished by reading limitations into the pound-rate act of 1885, and assessing upon an alleged excess of those limits the transient rate in 1884. The local postmaster notified the company to that effect April 6, 1906. The company appealed to the department at Washington, and asked for a hearing.

At the hearing (April 30 and May 1, 1906) the company did not raise the question of law—that is, did not then question the right of the department to limit its mailings at the pound rate. It contested solely the question of fact, and believed that it had not exceeded the limits fixed and that the investigation which followed the hearing and was a part of it would so disclose. Subsequently, the Third Assistant, whose duty it was to decide, found and determined, from an exhaustive investigation by his officers, that the limits were not exceeded. Thereupon, the then Postmaster General suppressed the findings and decision of the Third Assistant's office and issued his own decision to the contrary, namely, that the limits were exceeded. This was on March 4, 1907—10 months after the hearing. As your letter of July 5 is understood, you approve and adhere to the conclusion that the limits were exceeded as decided by the Postmaster General. Without stating the law to support your conclusions, you also say that the money taken from the company at the transient rate on those alleged excess mailings was "justly and lawfully demandable." Accepting for the purposes of statement that the limitations were exceeded, these questions of law arise:

First, the publications being "of the second class" (whether by reason of a "temporary permit" or "certificate of entry" is immaterial), did the statute or statutes from which the department drew its authority include authority to fix limitations upon subscribers' copies and sample copies? We say no.

Second, assuming the foregoing to be decided in the affirmative (the contrary would foreclose all further questions against the department in favor of the company), did the statute or statutes from which the department drew its authority include authority to assess a rate for "others than the publisher" upon any copies whatever, whether excess or not, sent by the publisher? We say no.

Third, assuming both the foregoing questions to be decided in the affirmative, did the statute or statutes from which the department drew its authority to act in both those matters include authority to so act in advance of a hearing and a decision thereon as provided by the act of 1901? We say no.

We answer all three questions of law in the negative. If we are right on any one, the case is ours. As to the first proposition let us point out these circumstances:

(1) The language of the statute itself gives publishers an unlimited privilege while their publications are of the second class.

(2) The regulations of 1887, drawn and published, first following the act of Congress, state specifically that there is no limitation upon sample copies. Those of 1902 fix limits only for the purpose of determining whether or not a publication is of the second class.

(3) In a later circular issued to publishers on the "Salvation" case it is stated specifically that there is no limitation upon the number of sample copies.

(4) The congressional committee, composed of lawyers, in Document 608, Fifty-ninth Congress, second session, said committee being appointed to consider and report to Congress on the provisions of existing law in relation to second-class matter, states that the statute gives publishers an "unlimited sample privilege."

(5) The act of 1901 forbids the suspension or annulment of the second-class privileges until a hearing shall have been granted to the parties interested.

Notwithstanding the foregoing, your department, while the publications were of the second class, did on April 6, 1906, without a hearing, suspend in part the privilege of the company to mail samples at the pound rate. Upon alleged excesses of those limits, without a hearing, the rate in the act of 1884 for "others than the publisher" was assessed. The company paid the rate under protest, and appealed from the action of the local postmaster. It was on that appeal that the hearing of April 30 and May 1 was given. This was after the suspension had taken place. No decision was made on that hearing until 10 months after. Then it was made retroactive to cover the first suspension, without the hearing required by law to be given prior to suspension. It was on this retroactive ruling that the $29,550 paid under protest at the transient rate in that act of 1884 was taken from the company. This was done at the very time that your department declared the publications not to be of the second class at all.

In order that the taking of this money be lawful, the department must have had authority to read into the act of 1885 limitations upon the publishers' pound-rate privilege; upon an excess of the limitations it must have had authority to assess the rate in the act of 1884; and it must have had the authority to proceed as it did without a hearing as provided by the act of 1901. Where was, and where is that authority? Certainly not in the three statutes quoted.

You must concede the righteousness of the following conclusions from the decisions referred to and the laws quoted.

First, that your department had the right under sections 10 and 14 of the act of 1879 to limit what should enter into the composition of a legitimate list of subscribers and the number of sample copies to be mailed for the purpose of determining whether either publication was in the first place of the second class; or after entry, whether either should be rejected, after a hearing, from that class.

Second, that your department had no power or authority to limit or suspend in whole or in part the privilege of the company to mail at the pound rate while the publications were of the second class, under the act of 1885, "until" a hearing had been granted, as required by the act of 1901.

Third, that your department had no power to assess the rate for "others than the publisher" in the act of 1884 on any copies whatever, sent by the publisher and from the office of publication, whether or not the department had the right to suspend in whole or in part the pound-rate privilege before or after a hearing. Congress ordained that the rates for matter of the second-class should depend upon whom the sender should be; one is for the "publisher thereof" and the other is for "others than the publisher." They are not interchangeable by "any sort of device" of construction.

Now, therefore, unless there be some other statute or statutes than those herein quoted to justify your statement that the rate in the act of 1884 was "justly and lawfully demandable" upon the copies in question which were sent by the publisher thereof and from the office of publication, while the publications were of the second class, the error of your decision is plain. The acts, fixing rates, standing alone are flatly opposed to such a conclusion. The act of 1901 is also opposed to such a conclusion, for it is certain that if the privilege of a publisher may not be suspended in whole without a hearing, it may not be suspended in part without a hearing. Under the act of 1901, alone, if no others were involved, and assuming your department had power to suspend the pound rate upon excess copies and to impose the transient rate upon them, the suspension could take effect only from the hour of judgment following the hearing precisely as did the decision that the publications were not "of the second class" take effect from the time of the decision, not before.

In this letter the question of fact—that is, the question as to whether or not excess copies were actually mailed, as held in the decision of the Postmaster General dated March 4, 1907—is not discussed, but such is not to be understood as admitted to be the fact. This letter presents the questions of law only. Your letter of July 5 states: "I caused a full investigation to be made into the state of facts upon which this postage was collected." That is taken as putting you in the position of accepting the facts as to mailings in excess of the limits as stated in the Postmaster General's letter of March 4, 1907. Then you say that the postage on those excess copies was "justly and lawfully demandable." This is another matter, and it puts you in the position of interpreting the law and applying it as he did. It is upon this question of law that we ask a reconsideration.

A large sum of money is at stake. If it belongs lawfully (that is, by reason of some statute) to the Government, the people I represent do not expect it back. If it does not, according to some statute, belong to the Government, it is theirs, and they do expect it back, and regard you as in honor bound to return it to them under the provisions of the act of March 3, 1905. As the matter stands, these people believe that the money was taken from them, not only without warrant of law, but in direct violation of law, and contrary to all previous practice of the department. It was a punishment inflicted upon them for exercising the right of free speech in criticism of the acts of the then Postmaster General. They are smarting under what they believe to be a gross injustice inflicted upon them.

In conclusion, I say that no impartial person but will admit that under the statutes quoted which give the company its privileges and protect it in them, and from which your department must draw whatever authority it had to curtail those privileges, in whole or in part, I have shown that up to the moment the decision was made that the publications were not "of the second class" the company had beyond successful dispute an unlimited privilege at the pound rate; and that whether it had or had not an unlimited privilege, it was an unwarranted act for your department to read into the law power to assess upon any copies whatever sent by the company for itself the rate for "others than the publisher," while the publications were of the second class. That act constituted both violent misapplication and total disregard of law.

If you do not agree with me and adhere to your decision of July 5, which appears to have been based upon advice (and which advice is, I believe, now shown to be unsound as to law), I beg you to frankly inform me of the statute or statutes upon which you base your decision, whether it be these quoted or others. To say, as you did July 5, that the money was taken "upon grounds of which the company was at the time fully advised," is not to identify the statute giving authority to take it. It could properly be taken only by authority of some statute. The Postmaster General, in his letter of March 4, 1907, in which the "grounds" are stated, does not identify that statute. Neither do the alleged suits in which the "questions involved" are supposed to be stated, and to which on July 29 you refer, identify the statute giving such authority.

The thousands of people who compose this company hope you personally intend to be just and deal fairly with them; that you will not turn your back upon the dawn, and that you will appreciate the very trying circumstances in which they are placed. Rightly or wrongly, they believe they have been taken advantage of by those in authority, and wronged. You made a "full investigation" of this matter. The moral obligation now rests upon you to right the wrong or show plainly that it is not a wrong. The honor of the Government is in the balance.

An early response will be much appreciated.

Respectfully submitted.

EDWIN C. MADDEN,
For the Company.

The foregoing letter brought the following response. It speaks for itself:

WASHINGTON, *October 1, 1910.*

EDWIN C. MADDEN, Esq.,
The Lewis Publishing Co., St. Louis, Mo.

SIR: Replying to your letter of August 13, written for the Lewis Publishing Co., in which you request to be advised of the particular statute upon which the Post Office Department based its action in declining, under date of July 5, 1910, to refund to the company the sum of $29,550 postage collected at the St. Louis post office during the months of April, May, June, and July, 1906, on copies of the Woman's Magazine and the Woman's Farm Journal mailed in excess of the legitimate lists of subscribers and an equal number sent as samples, you are again advised that the grounds of the Government's claim to the sum in question, together with other amounts accruing in like manner from October 1, 1905, to March 5, 1907, are set forth in its several declarations of complaint in three civil suits now pending adjudication in the United States Circuit Court for the Eastern District of Missouri, at St. Louis, Mo., which pleadings appear of public record, and to which you are respectfully referred for a complete statement of the Government's several contentions, including the law and a summary of the facts in the pending judicial controversies with the Lewis Publishing Co.

Very respectfully,

F. H. HITCHCOCK, *Postmaster General.*

The United States Supreme Court is our final arbiter on questions of law. That court has held that every act of the head of a department, or of one of his subordinates, must be founded upon some law. The criminal indictments, the civil suits, and the taking of the money for "excess" postage must, therefore, be founded upon some law. That law must have fixed a limit upon the number of copies which the company might mail at a cent a pound, and required on an excess of the limit, if there were one, "excess" postage.

The company alleges the indictments were frauds, because no law placed any limit upon the number of copies it might mail at a cent a pound; that the civil suits are spurious, because no law placed any limit upon the number of copies it might mail at a cent a pound; that its money was taken as "excess" postage, not only without warrant of law, but in violation of law and on a false statement of facts.

As the correspondence printed herewith shows, great effort was made to ascertain the statutes upon which the official conduct was based. The Postmaster General's letter of July 29, replying to the direct request for information as to the statutes, did not state. His last letter of October 1, responding to a further request, was equally as evasive. The Attorney General did not respond at all.

The official papers in neither the indictments nor the civil suits disclose the statutory basis for them. Neither does the Postmaster General's letters of March 4, 1907, which assessed the "excess" postage, identify the law upon which his action was based. Neither does any book of the United States stautes disclose laws upon which such indictments and such civil suits might be based and this "excess" postage might be required.

The writer of this article administered for eight years in the department all the postage-rate laws, and asserts of his positive knowledge that there is no such "form of the statute," as alleged in the criminal indictments and in the civil suits; and that in the whole scheme of our postal laws no such thing appears as a limit upon the number of pieces mailable at any rate of any class, and that there is no such thing known in postal history as "excess" mailing or "excess" postage.

But here is further evidence that no such statutes exist. In sustaining the demurrer to the first of the criminal indictments, Mr. Justice Trieber, among other things, said:

"It will be noticed that there is no limitation in the act of March 3, 1885, as to the number of copies of such publications which may be sent through the mails at second-class rates, nor does the act limit copies to subscribers solely, but grants the privilege to all 'publica-

tions' of the second class, including sample copies. * * * It (the indictment) fails to allege anything which warrants the conclusion that legally the publishers could not transmit through the mails all the copies which they did send. There is nothing to indicate why these copies were in excess of the number of copies which they were legally entitled to transmit at the rate of 1 cent per pound."

According to the theory of our Constitution and laws, the Postmaster General and the Attorney General are servants of the people, not masters. They hold their offices merely to execute the people's laws, enacted through their representatives in Congress. A discreditable act by one of them discredits the President who appointed him, discredits the Government which he represents, and the people whose Government it is. If, in truth, there be a statute in existence justifying the indictments and the civil suits in this case and justifying the taking of the "excess" postage, both the Postmaster General and the Attorney General were as "representatives" in honor bound, when called upon, to promptly and fairly disclose it. Neither did so.

But there is another phase of this matter. Suppose some statute did authorize a limitation upon the company's mailings; suppose the limitation was violated; suppose the civil suits to collect back postage were justified, how has the Government's interests been guarded? If those suits were now, after these years of standing, pressed to trial and the Government were successful in securing a judgment, it would be valueless. The years of relentless "war" upon the company, recited only in small part here, has so disabled and crippled it that the effect would probably be to force it into bankruptcy, and so complete the ruin of this legitimate and once highly profitable enterprise of 18,000 persons, valued in millions.

If such usurpations of power as those shown here may go unrebuked, our justice is a mere trick and our Government honor a travesty. A citizen's good name, earned by a lifetime of proper living and dealing, may in a moment be stained forever by the solemn indictment of a United States grand jury, charging to be criminal an act most lawful; on forged law and false facts he may be robbed of his money; and his private business may be destroyed by the long-standing menace of spurious suits brought in the good name of the United States.

In the light of this whole case one may well ask the value of the constitutional Bill of Rights; of "the freedom of speech or of the press"; * * * and the right to "petition the Government for a redress of grievances"; of the "right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized"; of the promise that no person shall be deprived of property "without due process of law, nor shall private property be taken for public use without just compensation"; of the promise that "in all criminal prosecutions the accused shall enjoy the right of a speedy and public trial"; of the assurance that "he (the President) shall take care that the laws shall be faithfully executed"; and the value of the oath: "I do solemnly swear that I will faithfully execute the office of President of the United States, and to the best of my ability execute, protect, and defend the Constitution of the United States."

All these amount to nothing when scheming officials, having in their control a great spy system, design to use their public offices to "war" on a citizen or an institution. In Mexico the people are now endeavoring to "rescue liberty" from such abuses of power.

Whether the acts of the present Attorney General and the present Postmaster General, as shown by the correspondence printed herein, involves them in the conspiracy of ruin of which the company complains is a question by itself. Whether the tactics employed by both to avoid an answer to the inquiry for the law which justified their official acts were adopted to shield their predecessors may or may not be of importance.

But, apart from these questions and standing by itself, the correspondence shows indisputable transactions for which those officers are responsible. Both are servants of the people, and the honor of the people required them to deal frankly and fairly in a matter of such vital importance. Neither did so. One makes no response at all to the inquiry for the law upon which the civil suits were based, the other resorts to the shifty trick of sending the company to the "pleadings" in those suits to ascertain the law upon which its money was held to be "justly and lawfully demandable," well knowing that those pleadings do not disclose that information.

To such state has the honor of Cabinet ministers come. In either case all honest men will regard the act dishonest, a breach of high trust, a blot of bad faith upon the good name of the Government. It ought to be, and may be, sufficient ground to warrant impeachment for malfeasance and moral unfitness for public office.

The matter is respectfully submitted for the information of the Congress of the United States. The hope is expressed that at least it will be placed in the public record for the enlightenment of the people on the state of the public service.

EDWIN C. MADDEN,
Attorney in Fact for Lewis Publishing Co.

APRIL 12, 1911.

STATE OF MISSOURI, *County of St. Louis, ss:*

I, Edwin C. Madden, being duly sworn, do depose and say that I have carefully compared the correspondence printed in this pamphlet with the carbon copies of my letters to the President, the Department of Justice, and the Post Office Department, and with the original letters from those Departments, and that they are true copies thereof.

EDWIN C. MADDEN.

Subscribed and sworn to before me this 12th day of April, 1911.

[SEAL.] D. COHEN,
Notary Public for the County of St. Louis, Mo.

My commission expires March 21, 1915.

Mr. DAVIS. Mr. President, out of order, I desire to offer the following resolution, and ask for its present consideration.

The VICE PRESIDENT. Without objection, out of order, the Senator from Arkansas introduces the following resolution and asks unanimous consent for its present consideration. The Secretary will read the resolution for the information of the Senate.

The Secretary read the resolution (S. Res. 53), as follows:

Whereas widespread complaints are made as to the management of the Post Office Department under the administration of the present Postmaster General, in almost every department of the service, said complaints coming not only from the public at large but from the employees of the Government in the postal service generally; and

Whereas on the 10th day of May, 1911, said Postmaster General made to the Senate what he terms an answer to the resolution adopted by the Senate on the 10th day of April, 1911, regarding the alleged misuse of his office against the Woman's National Weekly, a publication of the city of St. Louis, State of Missouri, and the Harpoon, of Denver, Colo.; and

Whereas the correctness of said answer and its truthfulness has been called in question: Be it therefore

Resolved, That said resolution, together with the answer of the Postmaster General thereon, be, and the same is hereby, referred to the Committee on Post Offices and Post Roads, which said committee is hereby authorized and directed to make a complete and thorough investigation of the entire post-office system, and more especially as to the facts contained in said answer to said resolution, and report their findings to the Senate at as early a date as possible. Said committee is hereby authorized and empowered and directed to subpœna witnesses, to sit during the present session of Congress or during adjournment, at their convenience, to employ whatever clerical force is necessary, and the expenses of same to be paid out of the contingent fund of the Senate.

Mr. GALLINGER. The resolution will have to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE PRESIDENT. Under the statute the resolution must first go to the Committee to Audit and Control the Contingent Expenses of the Senate, and that reference will be made.

Mr. BURTON. Mr. President, some of the statements of the Senator from Arkansas [Mr. DAVIS] are of such an extraordinary nature that I am unwilling to allow them to pass unchallenged. I shall not, however, devote my time to an expression of opinion as to his accusations against certain officials. I think they can take care of themselves, and, in any event, their records speak for them. I desire to devote my attention to his allegations of fact.

It must be evident to all of us that never has there been a more noticeable disposition to find fault with officials than there is to-day. Some of these criticisms arise from a disposition to improve public service, others to gratify the wish of constituents and friends; and I am glad to ascribe to the Senator from Arkansas motives resting upon one of these two reasons. At times, however, this criticism springs from a desire to make political capital; then, too, it comes frequently from those who are always making a noise. I would not for a moment stand in the way of any fair investigation of any department of the Government, however close that investigation might cut to the bone. Let dishonesty and inefficiency be exposed and promptly and properly punished. But, Mr. President, the efficiency of our Government—not alone the respect for it—is very much impaired by reckless criticism. Such attacks have another deplorable effect. They encourage a disposition to disobey the law and to disregard those who are called upon to administer it. In this atmosphere of carping complaints the policeman to many citizens is a hobgoblin and every judge is a Jeffreys.

So I say, we should be fair to officials, not merely to give due credit to those who deserve it, but also in order to render efficient the whole framework of our administration.

THE RESOLUTION.

What is this resolution to which I wish to call attention? First, I desire to read the resolution, and then I wish to reduce to the lowest terms and to the simplest language the occasion of this controversy. The resolution as introduced by the Senator from Arkansas is couched in these words:

Resolved, That the Postmaster General be required and directed to furnish to the Senate copy of the rulings of his department, and his reasons therefor, in regard to the circulation of the Woman's National Weekly; also the Harpoon, of Denver, two newspapers published in the United States, inasmuch as serious charges are made against said rulings, as is shown by letter attached and made a part of this resolution; that said information be furnished to the Senate at the earliest possible convenience of the department.

To that resolution is attached a letter of an exceedingly abusive nature.

THE HARPOON.

I call attention first to the fact that not one word has been said here about any ruling as to the Harpoon, one of these two periodicals. Why? Because in that part of the resolution the chase was after a phantom. The Harpoon is to-day enjoying the full second-class mail privilege, without any restraint by the Post Office Department.

THE WOMAN'S NATIONAL WEEKLY.

Now, what is the fact in regard to the Woman's National Weekly?

Mr. DAVIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Arkansas?

Mr. BURTON. Certainly.

Mr. DAVIS. I have direct information from the editor of the Harpoon that they have been interfered with and are being interfered with and seriously crippled by the unlawful and unauthorized action of the Postmaster General. I have it on my desk.

Mr. BURTON. I think the Senator from Arkansas will find that this interference has not been by the Post Office Department, but by another department of the Government, with which any citizen is liable to be involved, and that is the Department of Justice. I can hardly understand why the Senator from Arkansas should not have called attention to the regulations in regard to second-class matter if there had been anything in them in any way affecting the Harpoon.

Mr. President, I am informed not only that there has been no interference with the Harpoon, but that it received the second-class mail privilege within two or three days after its first issue.

Now we come to the Woman's National Daily. It appears that this periodical, now published weekly, has a circulation of about 400,000 copies. It appeared upon investigation by the usual tests that approximately one-fourth of its circulation was not of such a nature as to entitle it to the second-class mail privilege.

We have heard much of an embargo of 17 cents a pound. I do not know from what source that comes. The Woman's National Weekly is being circulated to the number of approximately 300,000 copies at a cent a pound and approximately 100,000 copies at a cent for 4 ounces, or 4 cents a pound.

REASONS FOR THE RULING.

What is the reason for this distinction? Widespread complaints came to the Postmaster General from all over the country that post offices were, I may say, almost congested with copies of this paper, which arrived in the mails and were either rejected by those to whom they were addressed or were addressed to persons who could not be located. A large selection of these letters is given in the answer of the Postmaster General of the hundreds of like letters received at the department. I will read a few of them, and I ask unanimous consent to insert other typical letters which will describe the situation.

The VICE PRESIDENT. Without objection, permission is granted.

Mr. BURTON. The postmaster at Adrian, Minn., in reporting the receipt of a large number of undeliverable copies at his office, says:

None of these people subscribed for, and many refuse to take it out of the office. They are not marked "Sample copy." I think the whole Northwest is flooded with them. The price is $1 per year. Who pays for it? Does anybody?

The postmaster at Los Angeles, Cal., incloses a list of the addresses of 132 refused copies of the paper, and states that—

"Refused" cards have been frequently issued by this office on these copies, but no attention seems to be paid to these notifications.

One of the postal laws provides that when a copy of a newspaper arrives at a post office and is not called for, the postmaster shall notify the publisher of that fact.

This office solicits the assistance of your department in securing the discontinuance of the receipt of these copies here.

This does not sound very much like a conspiracy against the Woman's National Weekly, when the postmaster of the second city on the Pacific coast writes to the department soliciting its assistance to secure the discontinuance of such copies received there.

Under date of September 7, 1910, the deputy postmaster general of Canada reported that, although repeatedly notified, the publishers failed to discontinue undeliverable copies addressed to persons at Williamstown, New Brunswick.

Again:

The postmaster at Battle Creek, Mich., informed the department that he had notified the publishers of the refusal of the publication by 14 persons at his office, adding:

We have never succeeded in getting a paper stopped on one request, and the above list comprises those which have been sent in weekly since the fore part of January (five weeks) and were still coming at the end of last week.

Oh, it is said but these are gifts to relatives, that a father wants to give something to his daughter of that kind. That is the implication, but, Mr. President, that is not the case, save in a few rare instances. The difference between the subscriptions held by the Post Office Department to be illegitimate and bona fide gift subscriptions is clear and marked. If I make a bona fide gift of a subscription to a publication to another—some relative, for instance—I give the subscription because I wish that relative to read what the publication contains. In other words, in harmony with the spirit of the statute which grants this nominal rate of postage, I pay for the subscription in order that my relative may be informed and may keep abreast of the current information of the world as disseminated by that publication. My relative, complimented, is glad to receive the publication, and consequently he will in some unmistakable manner ratify my act in subscribing for him. With legitimate publications the number of these bona fide gift subscriptions is always small when compared with the number of subscriptions obtained in other ways. Such publications are usually circulated, as we know, in response to the orders of individuals and through newsdealers. The Post Office Department has always recognized bona fide gift subscriptions as legitimate.

What have we in the case of the Woman's National Weekly? Vast numbers of alleged gift subscriptions—over 50 per cent of all the copies circulated, according to the department's finding, and 70 per cent according to the publisher. How were these subscriptions ruled against obtained? Women, eager for the great benefits held out by the publisher, such as membership in the American Woman's League, paid for these subscriptions. Why? Was it to send the paper because of its informing or literary value? No, save, as I have said, in few rare instances. They paid for these subscriptions, Mr. President, not as bona fide gifts, but for selfish reasons, namely, in order that they might send in the requisite number of subscriptions and obtain the promised benefits. They had the publication sent to mere acquaintances, often to persons they did not know, whose names they procured in various ways. The recipients of the publication did not want it. They did not in any way assent to or ratify the acts of the persons subscribing for them. On the contrary, they disavowed their acts by refusing the publication or failing to take it from the post offices. The publisher recognizes this, for in an editorial in the April 29, 1911, issue of the Woman's National Weekly he says:

You have a perfect right to make a gift of one or more subscriptions where this is done in good faith, but the indiscriminate presentation of subscriptions to persons whom you may not even know, for the purpose of gaining some reward or prize for yourself, is not legitimate subscription business.

This American Woman's League I have mentioned is a plan of the publisher. Fifty-two dollars is the amount paid for membership, either in cash or subscriptions to the Woman's National Weekly, or to certain other designated periodicals. The publisher's ambitious scheme is to secure 1,000,000 ladies in the United States to pay $52,000,000 into the fund. It was held out that membership would entitle the holders to numerous privileges, among them instruction in a so-called university. The league was launched, I understand, with a loud blare of trumpets, but now many of its promised privileges have not materialized and its university has shrunk to a correspondence school, in which instruction is given, not at the league's headquarters at University City, but by mail, by instructors in existing correspondence schools. The names of the teachers in these schools were catalogued without their consent, and as a consequence many of them have refused to accept the designation of instructors in the university of the league. I will have more to say about this American Woman's League.

If a paper is a gift, it is perfectly proper to put it on the regular subscription list. But, Mr. President, the rule is well established and anyone can see that there must be a contractual relation between the publisher of the paper and the addressee; that the latter must pay his money for it, or else he must receive the paper when it comes to him. It is in a sense immaterial how the money is paid, but there must be that element of contractual relationship between the sender of the paper and the one who receives it. I mean by the sender, in this case, the publisher. There must be an unequivocal expression of intention or of desire on the part of the addressee to receive the paper.

Now, here is another letter on this subject, selected from a large number:

FOREST GROVE, OREG., *January 17, 1910.*

The LEWIS PUBLISHING CO.,
University City, St. Louis, Mo.

GENTLEMEN: Your card, bearing date of December 27, 1909, and stating that a subscription in my name to the Woman's National Daily has been "paid in advance by a Mrs. H. Marnach," was forwarded to me some time ago from North Yamhill, Oreg., my former address, but I have been too busy to notice the matter before.

Permit me to say that I do not know the person whom you name and never before heard of her existence. I do not stand for any act

that she may make in my name, and I have no use for your publications.

I send your card and a copy of this letter to the postal authorities at Washington.

CHAS. F. TORRANCE.

That was sent to the publisher, and the following was sent to the department:

To the POSTMASTER GENERAL, *Washington, D. C.*

SIR: The above and the inclosure are self-explanatory, and may, perhaps, be of interest to your department. Such liberties by publishers should be checked.

CHAS. F. TORRANCE.

The Senator from Arkansas seems to lay great stress upon the fact that there is no such place as Oak Ridge, Ill., from which the Postmaster General states, in his answer to the resolution, the postmaster reported to the department the receipt of undeliverable copies. That is a typographical error. The post office referred to is Oak Park, Ill.

THE RULING WAS LEGAL.

But it is maintained that there existed a second-class mail privilege which could not be removed; and, at great length, the Senator from Arkansas has argued that this publication having been given the second-class privilege, this full privilege can not be removed without a hearing or some other action, and in support of his contention he read Postal Regulation No. 443.

The argument has been made that a mere change in title from daily to weekly does not require an application for a reentry. This is the way in which the regulation reads:

In case of a change of name or of the regular periods of issue of a publication—

That is, if it is changed from a monthly to a weekly, or, as in this case, from a daily to a weekly—

entered as second-class matter, or the removal of its known office of publication to another post office, the postmaster shall require the publisher to apply for reentry.

So, when a change was made several months ago in periodicity from a daily to a weekly it was not only the postmaster's right but his duty to require an application for a reentry. It changed the whole nature of the publication. It made it altogether different from what it was before.

THE REAL QUESTIONS INVOLVED.

There are two points that I think are worthy of consideration as legal propositions. If an issue were joined upon these points in good faith, I should feel that they ought to be decided by the courts. As regards the first one, however, there has been a decision by the minor courts in favor of the contention of the Post Office Department.

The two questions are: First, when there is a claimed subscription list, say, of 400,000 copies, can you separate it and say that the legitimate part is entitled to be mailed at the second-class rate of 1 cent a pound and the remaining illegitimate part must pay the rate of 1 cent for 4 ounces, or 4 cents a pound?

The second question is whether it is lawful by tests involving less than the whole claimed subscription list to determine what the proportion is in the whole subscription list between legitimate and nonlegitimate subscriptions. Now, this is the reading of the statute:

A newspaper or other periodical publication must be originated and published for the dissemination of information of a public character, or devoted to literature, the sciences, arts, or some special industry, and having a legitimate list of subscribers: *Provided, however,* That nothing herein contained shall be so construed as to admit to the second-class rate regular publications designed primarily for advertising purposes, or for free circulation, or for circulation at nominal rates.

The Senate will understand the point I am making. The courts *thus far* have sustained the department in the ruling that the legitimate part of the subscription list of a publication can be regarded as entitled to the second-class rate of 1 cent a pound and the illegitimate part to the highest second-class rate, and until that decision is overturned the Post Office Department is performing its duty in saying that 100,000 copies must pay what is called the transient second-class rate of 4 cents a pound, while the 300,000 copies go at a cent a pound.

ARE SUBSCRIPTION TESTS FAIR?

Another question is this: Is there entire legal justification for a ratio test of a subscription list? That is, in the first investigation made, out of 300,000 copies then being sent, investigation was made as to 3,000, selected at random from the publishers' records. Of those 3,000 it was found that 24 per cent were sent to persons who stated that they were not subscribers. Can you apply that 24 per cent of the 3,000 to the whole 300,000?

The making of a subscription test by query letters has long been followed by the department, and its use has been fully justified as a means of furnishing correct and satisfactory evidence as to the condition of a subscription list and other matters pertaining to second-class mail publications. The procedure is to take at random from the mailing list of a publication a given number of names and to address to each claimed subscriber a letter containing such questions as tend to determine whether there is or has been any direct contractual relation between the subscriber and the publisher, and if so, how it was brought about and the particular facts and circumstances connected with it. This is no undue interference on the part of the Post Office Department with the rights of the subscriber, but is the mere asking of plain, respectful, lawful questions, the correct answers to which are more fully and correctly known to the subscriber than to any other person. It is no different from a request for information made in the ordinary course of business by one man of another, and it is entirely discretionary with the person of whom the inquiry is made whether he will reply. If he does not reply, the matter is pursued no further. Usually, however, the alleged subscriber is willing to give the desired information.

It has been the experience of the Post Office Department that the disclosures brought about by such queries have been the means of wisely guiding both the department and the publisher to a correct understanding, inducing the full cooperation of the latter, and resulting in the proper relations between the two, to wit, the publisher bringing the condition of his publication within the requirements of the law and regulations and the Post Office Department having the necessary facts before it to enable it to give him all the rights and benefits to which he is justly entitled.

In the case now before the Senate the long-established rules were adhered to, and the results seem to have had the effect of determining the relative relation of the subscribers to the Woman's National Weekly to the publishers. Of those replying to the queries of the department, at least 24 per cent made it quite clear that they were not, in any legal sense, a part of the "legitimate list of subscribers" such as is contemplated by the statute and such as is required under the interpretation and application of the Postal Laws and Regulations.

It can not be justly claimed by the publishers that any harm resulted to them by this action on the part of the department, since they claim that all subscriptions made to the Woman's National Weekly have been paid for and that their relations with the claimed subscribers have been open and aboveboard, and if this is the case, surely no injury can result either to the publishers or subscribers by a direct and full understanding of the way in which the list of claimed subscribers became such, if it is true that they sustain that relation to the publishers. As evidence of the fact that no new procedure was instituted, no new order of administrative affairs set up, reference is made to the records of numerous cases decided by the Post Office Department extending back for a number of years in which the same course was followed as in this case, resulting in amicable and proper settlement of the matters in dispute between the publishers and the Post Office Department. As instances of this, I name the following:

Publications.	Total claimed subscriptions.	Claimed subscriptions eliminated as illegitimate.	Per cent claimed subscriptions eliminated as illegitimate.
Every Woman's Magazine, New York, N. Y.	90,000	83,000	92
Missouri and Kansas Farmer, Kansas City, Mo.	61,687	53,687	87
Home Friend, Kansas City, Mo.	417,779	321,410	76
Welcome Guest, Portland, Me.	450,000	292,000	64
Household Journal, Springfield, Ohio.	176,363	108,792	61
Vick's Magazine, Chicago, Ill.	55,730	30,730	55
Orange Judd Northwest Farmstead, Springfield, Mass.	73,604	32,469	44
Die Deutsche Hausfrau, Milwaukee, Wis.	105,954	44,000	41
Farm News, Springfield, Ohio.	85,782	30,372	33
American Family Journal, Jersey City, N. J.	284,763	98,052	34
Farm Magazine, Omaha, Nebr.	59,235	13,940	23
Popular Fashions, Springfield, Mass.	266,462	52,327	19
Woman's Home Journal, Springfield, Mass.	263,195	44,735	17
Farmer, St. Paul, Minn.	103,660	16,629	16

I may remark here in passing that since this test was made another test has been made of a larger number, approximately 9,000 copies, and the proportion of illegitimate subscriptions instead of being 24 per cent was 40 per cent. On this I need only say it has been the unbroken custom of the department to follow these tests. This table shows the results of the second test.

Statement showing result of inquiries made of persons at the following post offices, selected at random, to whom copies of the Woman's National Weekly, of St. Louis, Mo., were mailed as to subscribers.

States and post offices.	Column 1.	Column 2.	Column 3.		Column 4.		Column 5.	Column 6.	Column 7.
			State they are subscribers.		State they are not subscribers.				
	Total number copies received.	Refused to answer or could not be seen.	Paid for subscriptions themselves.	Another paid subscriptions.	Do not know why publication comes.	Sent free by another.	Copies refused and unclaimed.	Total not subscribers (columns 4 and 5).	Per cent not subscribers (based on columns 3 and 6).
Alabama:									
Selma	32		15	10	7			7	21
Arizona:									
Flagstaff	12		4	2	4	2		6	50
Arkansas:									
Pine Bluff	200	104	68	16	7	5		12	12
California:									
Corning	232	21	95	50	27	36	3	66	31
Colorado:									
Colorado Springs	1,041	57	369	519	64	32		96	9
Connecticut:									
Manchester	13	8	2	1		2		2	40
Delaware:									
Dover	26	12	4	4	5	1		6	43
Florida:									
Kissimmee	74		53	5	9	3	4	16	21
Orlando	115		53	8	26	28		54	47
Georgia:									
Athens	83	12	26	10	29	6		35	50
Atlanta	411	43	92	111	146		19	165	44
Idaho:									
Payette	105	42	37	16	5	5		10	16
Illinois:									
Mount Vernon	474	10	217	1		242	4	246	53
Princeton	880	40	187	340	179	134		313	37
Indiana:									
Fort Wayne	557	29	107	13	253	144	11	408	77
South Bend	150		39	30	40	33	8	81	54
Iowa:									
Stockport	63	9	18	4	25	5	2	32	59
Kansas:									
Arkansas City	1,046	80	404	209	182	171		353	36
Manhattan	124	18	50	18	20	9	9	38	35
Kentucky:									
Corydon	48	1	18	6	4	19		23	50
Louisiana:									
Alexandria	21	4	4	4	7		2	9	52
Maine:									
Augusta	216	81	54	19	50	12		62	46
Maryland:									
Cumberland	36		11	3	15	7		22	61
Massachusetts:									
Gardner	49	1	5	9	16	11	7	34	70
Michigan:									
Onondaga	7		7						
Minnesota:									
Mankato	64		22	24	9	9		18	28
Mississippi:									
Jackson	40		14	16	8	2		10	25
Nebraska:									
Grand Island	25		13			12		12	48
New Hampshire:									
Concord	148	15	74	26	8	25		33	30
New Jersey:									
Phillipsburg	33		8	1	9	14	1	24	72
North Carolina:									
Asheville	500	51	195			254		254	56
Biltmore	23		2	3	10	8		18	80
Charlotte	17	2		9	5		1	6	40
Raleigh	74	27	14	6	14	13		27	57
Wilmington	59	5	16		1	37		38	70
North Dakota:									
Bismarck	19	2	5	3		5	4	9	53
Ohio:									
Hamilton	386	52	127	131	28	48		76	22
Oklahoma:									
Muskogee	84		33	27	24			24	28
Oregon:									
Salem	112	3	34	44	15	16		31	28
Pennsylvania:									
Johnstown	285	7	71	13	45	141	8	194	69
Rhode Island:									
Woonsocket	47	8	20	17		2		2	5
South Carolina:									
Greenville	66	6	17	28	7	8		15	25
South Dakota:									
Watertown	23		8	7	6	2		8	35
Tennessee:									
Morristown	15		7		6	2		8	53
Texas:									
Flatonia	60	1	41	18					
Utah:									
Ogden	107	9	43	21	12	22		34	34
Virginia:									
Danville	41	15	9	10	6		1	7	27
Lynchburg	170	18	56	22	37	37		74	48
Washington:									
Ridgefield	111		26	1	34	46	4	84	75
West Virginia:									
Charleston	40	1	18	7	7	5	2	14	36
Wisconsin:									
Madison	113	10	43	33	12	14	1	27	26
Wyoming:									
Cheyenne	52	3	28	2	9	10		19	38
Total	8,729	807	2,883	1,877	1,432	1,639	91	3,162	40

WERE THE PUBLISHERS FULLY INFORMED AS TO WHICH WERE THE ILLEGITIMATE SUBSCRIPTIONS?

There is another point to which I desire to call your attention. The Senator from Arkansas argues as if a great hardship had been imposed upon the publishing company by charging them with the duty of finding out which of its subscriptions went to legitimate subscribers and which did not. How else can you enforce the law? Just see how easily it would be absolutely evaded. Suppose, for instance, a publication was established intended entirely as an advertising sheet, with 100,000 copies, that they made out a legitimate list of 1,000 copies and then turned over to an agent the matter of sending out the other 99,000 copies, and said, "We can not tell, we do not know, whether they go to the intended subscribers or not," you could nullify the law. There are other ways, but that is a good illustration of how the statute could be practically abrogated.

The Post Office Department indicated clearly to the publishers the particular class of alleged subscriptions that were objected to, the ground of the objection, and the necessary correction to be made. The publishers practically admitted the existence of the objections, as well as the free subscriptions, and stated that they were alike objectionable to them. However, they at all times failed to make any effort to eliminate these subscriptions from their list. They were definitely informed by the department that the particular subscriptions which could not be included as a part of the "legitimate list of subscribers" were those paid for by members of the American Woman's League, sent to persons whose consent they had not obtained, and whose acceptance was never secured, and who disclaimed being subscribers at all, and that in many instances these persons were annoyed by the receipt of the publication, not knowing whether an obligation of debt for a subscription to it would be contracted by receiving it, and were anxious to be relieved from the burden of the imposition. The publishers have, or should have, an order for each and every claimed subscription made in their application for reentry. The Post Office Department has no such means of knowledge regarding their subscription list.

They were informed that they could address the members of the American Woman's League, ascertain the names of the persons to whom they had given the subscriptions, and could then address them at their pleasure to ascertain the persons who objected to becoming subscribers to the publication. This way was pointed out most clearly to them and their cooperation with the department earnestly insisted upon, but they refused or neglected and still refuse or neglect to act in cooperation with the department. If the publishers do not know the eliminations to be made and the corrections insisted upon by the Post Office Department, it is their own willful fault and they can blame no one but themselves.

ILLEGITIMATE LIST RESULT OF PUBLISHERS' METHODS.

The publishers have so conducted their business relations with the public as to encourage the payment for large numbers of copies by persons desiring to become members of the American Woman's League, to be sent to persons not wanting the publication and who are unwilling to be regarded as subscribers. The persons thus encouraged to pay for copies do so not because of any desire to confer a benefit upon those to whom the copies are to be sent, but for a commercial purpose—that is, in order to pay for their membership fee in the American Woman's League, or to interest the recipient in the American Woman's League, or some of the other schemes of E. G. Lewis, textually advertised in the publication, or that the donor might obtain prizes or premiums for sending in a given number of paid subscriptions, such premiums being, for instance, membership in the American Woman's League, shares of stock in the University Heights Realty & Development Co., the United States Fiber Co., or in other Lewis concerns.

The notices or advertisements in the paper in regard to the club subscriptions were worded in such a way as to suggest or encourage "gift" subscriptions—that is, that the person paying for them send in the names of persons and sufficient money from his own pocket to pay for the subscriptions.

The case of a person paying for subscriptions for the purposes above stated is analogous to that of a merchant who, having an advertisement in a publication, pays for 1,000 or more copies there and requests the publisher to send them to persons whose names he furnishes. The copies thus paid for by the merchant are clearly for advertising purposes, and the persons to whom they are sent are in no sense subscribers to the publication.

Again, I wish to read a letter from Mr. Lewis, with whom I have some personal acquaintance——

Mr. HEYBURN. Would it interrupt the Senator if I were to ask him a question there?

Mr. BURTON. Certainly not.

Mr. HEYBURN. Is it the claim that you can penalize the entire publication because a percentage of it is sent out in this manner?

Mr. BURTON. Oh, no; 300,000 copies go out at the second-class rate of 1 cent a pound.

Mr. HEYBURN. If this is a publication within the provisions of the postal laws, does it penalize the entire paper and its issue because a portion of them was sent out in violation of the postal laws?

Mr. BURTON. Not at all.

Mr. HEYBURN. That is, I mean, by means of issuing a fraud order the department would exclude from the mails the legitimate as well as the illegitimate. Is that the purpose of the decision?

Mr. BURTON. Oh, no; nothing of the kind. There has been no fraud order. Every copy goes to the person to whom it is addressed. There is no delay, except that the publisher is compelled to pay on one-fourth 4 cents a pound, and even that matter is held for further consideration.

Mr. HEYBURN. That is penalizing it. You are requiring a portion of the issue to be paid at one rate and another portion at a different rate. Is that the status now?

Mr. BURTON. That portion upon which the higher rate is required can not be included, in the language of the law, in the "legitimate list of subscribers."

Mr. HEYBURN. I have no knowledge in regard to the charges that are made as to the character of the man or the character of the paper, but the statement of the legal proposition interested me and attracted my attention. It would seem to me that the Senator was contending for a rule of law which would permit the Postmaster General to forbid the mails to a publication because a part of its circulation——

Mr. BURTON. Oh, no. I probably did not make that clear, and I will repeat my statement. The Postmaster General does not penalize any of the subscriptions.

Mr. HEYBURN. Is it not penalizing it to charge a larger rate for one portion than for another?

Mr. BURTON. No. The term "penalize" means something more than keeping out of the mails. Twenty-four per cent, or one-fourth, pays at the second-class rate of 4 cents a pound, because it does not go to legitimate subscribers. The other three-fourths is thought to reach legitimate subscribers, and pays the ordinary second-class rate of 1 cent a pound.

Mr. HEYBURN. How would that affect the papers that are sent out under the very prevailing system of voting subscriptions for papers, where some one writes you, "Will you not, please, subscribe for a certain paper, and by doing so I will benefit; I will get a piano; I will get something." That seems to be quite a practice.

Mr. BURTON. Personally I take it there could be no case in which, when the initiative was with the person who received the paper, it would be other than a legitimate subscription.

Mr. HEYBURN. The initiative in that case——

Mr. BURTON. This is a case where the paper is sent to persons who do not want it.

Mr. HEYBURN. That, of course, is a serious question, and I am not unobservant of that proposition. Still, it seemed to me that the same legal proposition would apply. Just how much a person desires a newspaper could hardly be determined. Some of us subscribe for papers and do not value them very highly afterwards.

Mr. BURTON. The desire would be exemplified by taking it out of the office or recognizing its receipt.

Mr. HEYBURN. I have only been interested in this because of the legal question that is presented. As I understand the decision to which the Senator referred, it was that they could forbid the mails to these papers upon the second-class basis.

Mr. BURTON. They could, on a second-class basis of 1 cent a pound.

Mr. HEYBURN. That is penalizing them; that is requiring more for one part than another. It is a question that ought to be looked into very carefully. There is no question about that.

Mr. BURTON. As I have already stated, some of the minor courts have decided that question.

Mr. HEYBURN. I understood the Senator so to state.

Mr. BURTON. Now, Mr. Lewis himself recognized this position. He wrote the following letter on the 28th of February, 1911, to the postmaster at St. Louis:

THE LEWIS PUBLISHING CO.,
University City, St. Louis, February 28, 1911.

Mr. T. J. AKINS,
Postmaster, St. Louis, Mo.

MY DEAR SIR: Replying to your letter of the 27th, inclosing copy of a letter from Third Assistant Postmaster General of date of the 24th, we beg to state that we are thoroughly in accord with the department in this matter of gift subscriptions. No single other item causes

us so much annoyance, expense, and trouble as the handling of these gift subscriptions.

We have endeavored in the past to eliminate this as much as possible by requiring those sending us gift subscriptions to make them out on a separate form of blank headed in large letters with a notice that they are gift subscriptions, and then by mailing promptly to each subscriber so reported a postal card notifying them of the fact that the subscription had been presented to them. So troublesome have these subscriptions been in the past, however, causing both the department and ourselves constant annoyance by the refusal of the papers, that we have decided hereafter to publish at the head of the editorial columns in the Woman's National Daily the inclosed notice, and will hereafter refuse to place any gift subscriptions on our list until the return half of the postal card has come back to us from the person to whom the gift has been made, advising us of the acceptance of the gift.

We would welcome a ruling by the department to that effect which would justify us and all other publishers in absolutely refusing gift subscriptions unless accompanied by the consent of the one to whom they were presented.

Very truly, yours, E. G. LEWIS, *President*.

I think there is some point in the fact that the publishers of the Woman's National Weekly are estopped from complaining, because they virtually admit in the letter I have just read that a portion of the subscription list is not legitimate, and because a copy of the notice which was carried in the editorial column——

Mr. HEYBURN. I do not like to interrupt the Senator, but I do not want to leave unfinished the suggestion I started to make. In a contest for a piano—and I merely used that for an illustration—sometimes the friends of a certain party will subscribe very largely in the last hours of a contest, the contest being published each day; they will subscribe probably for 40 copies in order to help out their friend, and they send a list of names to whom the 40 copies shall be sent. Now, is that illegitimate?

Mr. BURTON. If they do not receive them, if they do not want them, they are not legitimate subscribers. The test is a relation of quasi contract between the publisher and the addressee. A decision on this point was rendered by Judge Sherman, of the United States circuit court, in which he said:

> I would not wish to be understood as holding that the terms employed by the act, to wit, "bona fide and regular subscribers," were to be construed so strictly as only to embrace persons who by their own hand have made subscriptions; but it is quite plain that no one can be a subscriber unless he has subscribed himself or by some authorized agent, or has subsequently in some sufficient way ratified the subscription which may have been volunteered for him. It follows that the sending of newspapers without prepayment of postage to persons who have not subscribed themselves, nor by any authorized agent, or not subsequently ratified it, is not a sending to subscribers.

POST OFFICE DEPARTMENT SHOULD NOT BE BLAMED.

Now, the Senate understands the grave danger of the abuse of this second-class mail privilege, and I do not think it is quite fair to blame the officials of the Post Office Department, who endeavor to stay the abuses which are springing up on every hand. This Government of ours should give its support to those who adhere to the law and observe its provisions without making trouble or evading the law. In this case it is perfectly manifest that there is a disposition to send out a large share of the issues of the papers to people who do not care for it and in direct contravention of the law.

Mr. President, I should like to go over the history of this whole transaction. I have met Mr. Lewis and formed a favorable impression of him. If he is altogether wrong they can say of him, "A fairer person lost not heaven," but I am afraid he has a little too much diversity in his schemes and plans and that this newspaper is not the main enterprise in which he is interested. They are as numerous as the list that Bagehot gives of the absurd enterprises in which people were urged to invest about the year 1700, when the wheel of perpetual motion and a lot of other ridiculous things furnished the basis for the formation of stock companies.

THE LEWIS SCHEMES.

Here are a few of the concerns:

Development & Investment Co.
United States Fiber Stopper Co.

That is a very interesting plan, indeed. It was to conserve our natural resources by saving wood—to stop the use of corks and substitute a stopper made of paper. Thousands of persons subscribed for the stock of this company, but not one of them ever received a dividend. What is a little more to the point is that the paper stoppers were never put on the market. A statement was published in a prospectus of this concern that the patents had been sold abroad for $500,000, and, in fact, it appeared that they were sold for not even a single nickel. The statement, to say the least, was incorrect. When promoters become interested in enterprises they ascend into an atmosphere toward the heavens. They think these things are all so, and because of their sanguine disposition it is very hard to visit upon them the obloquy with which we should punish a designing rascal. They think in millions. The men of the Col. Sellers type are not all dead. I do not want to call down the highest degree of objurgation on Mr. Lewis, but I am inclined to think that the Post Office Department is thoroughly justified in keeping a pretty close watch on his business enterprises and his publications.

I will read the names of a few more of these concerns:

People's United States Bank.

I will come to that in a minute.

University City Bank.
People's Savings Trust Co.
American Woman's League.
University Heights Realty & Development Co.
People's University.
Woman's National Daily.
Lewis Addressing Machine Co.
Controller Co. of America.

The following concerns also appear to have been promoted by Mr. E. G. Lewis, but were not investigated by post-office inspectors:

Progressive Watch Co.
California Vineyards Co.
Hygienic Remedy Co.

I do not know whether that is a water cure or an ice cure, or what it is.

Chemical Freezer Co.
Anti-Cavity Co.

That is the natural complement of the United States Fiber Stopper Co. [Laughter.]

Clare Art Co.
Faultless Suspender Co.

And many others.

THE CHARACTER OF THE WOMAN'S NATIONAL WEEKLY.

I have copies of this publication here. It is not a very large paper. It does not weigh like the Daily Journal, and the difference between a cent a pound and 4 cents a pound amounts to but little per copy.

I find here a number of subjects that awaken popular interest. Here is an article over two columns, "The standing army." Here is another article over here, "Canada to the rescue." That is nearly two columns. Both of those are advertisements of Lewis's concerns. Then, here is another article, "The voice of Jacob, but—." A very large share of the paper is made up of attacks upon the Post Office Department. I am inclined to think, however, the department can take care of itself.

Now, that is the general nature of the publication. It is too closely associated with a number of the publisher's business enterprises. The full and complete purpose of E. G. Lewis in all his publication of magazines and newspapers is not to supply the public with information of an educative and informing character, nor to devote them to the development and popularizing of literature, art, science, or information relating to any particular industry, but the exploitation of his business schemes, the aggrandizement of Lewis, and the putting of money into his pocket through the sale of stock in the various doubtful projects which he has promoted, and of the capitalization of the emotions, sympathy, and energy of the good women of the country by holding up to them the glittering and alluring promises of clubhouses, dividends on money, cheap university courses, fine pieces of art, and trips from their homes to University City for the annual meeting of the Woman's League, where the principal part of the show is Lewis himself, and the airy and hollow promises which he makes to those whom he lures to that place.

If time and pains are taken briefly to scan the kind and character of the schemes devised by Lewis in the last 10 years, his purpose will be as clear as daylight, and there will no longer be any doubt as to why he is holding up his hands to the Congress of the United States begging for the return of alleged money which no one owes him; why he is appealing to the women of the country to swamp Representatives and Senators of this Congress with letters in his behalf, and to send petitions to the President of the United States and to the Postmaster General asking relief from persecutions and discriminations that never existed, except in his imagination. From the beginning to the end, the only object in the mind of E. G. Lewis has been the furtherance of his own selfish aims. He has been woefully slack of his promises. When overtaken in his plans to wring money from the people, he has immediately proceeded to beguile them into another net laid for them, and being overtaken in this, into another, and another still, until he has so intertwined and interwoven his schemes that the unwary and unsuspecting are absolutely unable to understand them, but are made to stand in awe of their apparent greatness and the amount of money invested in them.

The VICE PRESIDENT. The Senator from Ohio will suspend for a moment. The hour of 4 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (H. J. Res. 39) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. BORAH. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The VICE PRESIDENT. The Senator from Idaho asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none. The Senator from Ohio will proceed.

THE PEOPLE'S UNITED STATES BANK.

Mr. BURTON. Mention has been made of the famous bank. I would not mention that, Mr. President, except for the glowing eulogy pronounced upon it.

In 1904 what was known as the People's United States Bank was organized to transact all of its business by the use of the mails. The plan was to receive savings deposits, carry on a certified-check system, and do exclusively a mail-order banking business. Its offices were located at University City, a suburb of St. Louis, Mo. The bank was chartered under the laws of the State of Missouri in November of that year, with a capital stock of $1,000,000, half paid up. The articles of association were signed by 18 persons, 17 subscribing 5 shares each, and E. G. Lewis subscribing 9,915, making 10,000 shares in all. On December 12, 1904, the secretary of state satisfied himself by the examination required under the Revised Statutes that the requisite capital "had been paid in in cash," and the bank was accordingly permitted to commence business. About three months later this capital stock was increased in due form of law by $1,500,000, fully paid up, and a certificate of such increase issued, so that its capital stock finally amounted to $2,500,000, of which $2,000,000 were paid up. This capital had been furnished by some 60,000 persons scattered throughout the country.

E. G. Lewis was president of the bank and at the same time the dominating spirit as executive officer of two other corporations, the Lewis Publishing Co. and the University Heights Realty & Development Co. The development company confined its operations to speculating in real estate. The Lewis Publishing Co. issued two monthly publications, the Woman's Magazine and the Woman's Farm Journal, and both were used by Lewis to solicit subscribers to the bank's stock.

FRAUD ORDER ISSUED AGAINST THE BANK.

Complaint was made that E. G. Lewis and the officials of the People's United States Bank were using the mails for fraudulent purposes, and post-office inspectors were assigned to investigate the charges. Upon receipt and consideration of their report by the department a citation was sent to the officers and agents of the bank and E. G. Lewis to show cause why a fraud order should not be issued. A hearing was held upon such citation, and the Postmaster General, on July 6, 1905, upon the recommendation of the Assistant Attorney General for the Post Office Department, and after the Attorney General of the United States had rendered an opinion, issued a fraud order against the bank, its officers and agents as such, and E. G. Lewis. The order against the bank is still in force, but the order against Lewis was suspended on July 5, 1906.

WHY FRAUD ORDER WAS ISSUED.

I think it is well to read, in this connection, a little material from the decision of the Supreme Court of the State of Missouri. It was not the decision of a Federal court that wound up this bank. It was a State court of Missouri that first appointed a receiver and the supreme court of that State that rendered this decision.

These are the reasons why that fraud order was issued against the People's United States Bank:

In soliciting subscriptions for the stock of the bank some of the inducements held out, which seem to have been effective, were that the board of directors would be composed of 7 strong men who had succeeded in building large fortunes of their own, that is, men independent in fortune; that the loaning of the bank's funds would be in the hands of 15 of the most experienced bankers; that the directors of the bank could not and would not loan the funds of the bank to themselves; that such funds were to be deposited in five large banks for the purpose of loaning, and that three directors of each of these banks were to be an advisory board, passing upon all loans; that the money subscribed to the capital stock must be either held in cash or invested only in Government bonds or such absolutely safe securities that they would pass the inspection of the Government or State bank examiners; that the bank's affairs were to be so closely watched by the Government and State officials that on the slightest sign of mismanagement or impairment of the bank's capital the examiner would at once step in and protect the stockholders and depositors; that he (Lewis) was arranging his personal affairs so as to take and pay for $1,000,000 of the stock himself, would be its president, and could not lend himself a single dollar of the bank's funds.

Here are some quotations from Lewis's publications which show their nature and the exceedingly hopeful, more than optimistic, disposition of the man, and show also why he thinks the express companies and others stand in his way. Among other things said, Lewis held forth as follows:

I pledge you all, here and now, that I will give my life and my heart's blood before one tiny speck of that confidence or one penny of that money shall ever be misplaced. * * * It is the king of banks, the dictator of the wealthy man's bank; for it is the people's bank, created by their small sums each, all directors, none of them borrowers, and its debtors will be the great banking institutions of wealthy men. I am straining every nerve to organize for you what I believe to be the greatest bank in the world. I am arranging my resources to put a million dollars into our bank myself and then trustee my stock so that its earnings will go into the reserve of the bank each year, and so that no wealthy scoundrel with the riches of Crœsus can ever gain control of our bank; for he must first collect from all over the Nation a million dollars of the stock in small sums to offset my single trusteed holdings. He could not do it. In your hands will always be the election of the officers and directors. Only by serving you truly and well can they hold their positions, and I tell you again that I would rather be president of that bank and the Woman's Magazine than President of the United States.

Mr. SMITH of Michigan. Is this a public proclamation?

Mr. BURTON. Yes; it reads like it, and you can see very readily what effect it would have on a certain class of people.

* * * Never before have the people of moderate means been permitted to get in on the ground floor of a great bank. This bank of ours, with its capital invested in Government bonds and high-class securities, and which never speculates with its money, but deals with other great banks and holds them responsible. * * * I am not only putting nearly a million dollars into it myself, but am so doing it as to add my share of its earnings to the reserve of the bank, thereby doubling the value of your stock from year to year. * * * Putting your money into this stock is a very different matter from putting it into some mine, or oil well, or industrial enterprise. You take no possible chance of loss under its plan of organization. I would advise my own mother to put the last penny she had in the world into it. * * * I tell you frankly your profits will burn your hands. * * * I have pledged my fortune and my great publishing company to you in it. * * * I will sacrifice the flesh on my body before the purpose of this great bank shall be moved one inch from the path laid out; and I ask you in turn for that confidence and love, as it is the sweetest wine that can ever pass a man's lips. * * * A bank which, never speculating, puts its capital in gilt securities, will forever stand as the tower of safety and strength to a million families whose savings and all it guards. * * * No man, no matter what his wealth, or any combination of men, can ever change the purpose for which this great bank has been organized, or ever divert its funds from the absolutely safe lines that have been laid down, without first obtaining the consent of nearly 70,000 different stockholders. * * * I will put a stumbling block in the path of the man whose greed for wealth shall ever tempt him to stock-job or bleed it that will break his neck before he can surmount it. I hope to see the day when an election to the board of this bank will be harder to gain and more sought after than an election to Congress.

The Supreme Court of Missouri, in commenting upon these promises of Lewis, said:

It needs not the test of a cold, judicial touchstone to determine that a good deal of the foregoing is, using the word in its primary meaning, afflatus rhodomontade. Thus: "Heart's blood;" "wealthy scoundrel;" "Crœsus;" "I would advise my own mother to put the last penny she had in the world into it;" profits that will burn one's hand; the promise to sacrifice the flesh of his body; the "sweetest wine that can pass a man's lips," to wit, love and confidence; "tower of safety;" "strength to a million families;" "stumbling block in the path of a man whose greed for wealth shall tempt him to stock-job or bleed" the bank would "break his neck;" a "hope to see the day when an election to the board of directors" would be "harder to gain and more sought after than an election to Congress." What is all this but a flourish of trumpets of advertising rhetoric of the type used in the exploitation of bitters, Peruna, and liver pills; the transparent use of bold hyperbole, of which rhetorical figure it is said that "it lies without deceiving?" All lucubrations of that ilk fail to reach either the form or substance of enforceable promises. Nevertheless, when the mass is put in a reducing crucible of common sense, and the dross of mere verblage is burnt and refined away, it stands forth, as said, that promises were made by him, and that, too, of a substantial sort. For instance, he promises, in effect, the bank should not be one man's bank; that it should have a directorate of trained, independent, wealthy financiers, who might bring to the loaning of its funds the shrewdness and thrift of experienced wisdom; that the directors should not borrow its funds; that they should be deposited in large banks and were to be kept in cash or invested in Government bonds or such absolutely safe securities; and that Lewis could not lend a dollar to himself. Now, how did the result correspond with the "sounding phrase of the manifesto"? How were these sensible and practical promises kept and performed by the corporation? Indifferently well, it must be admitted. For example, the bank was organized with a directorate composed of Lewis and nominal stockholders, Lewis's underlings at that, i. e., men subordinate to him in his other two ventures, mere vest-pocket corporations of his, with not a banker in the lot, and within a few months after its organization nearly a million dollars of its capital are found loaned to the said publishing company and said development company, thus doing in a circuit—as the fox runs—exactly what he had promised should not be done in a straight line—as a bee flies—to wit, loan the bank's funds to himself or its directors.

Among the false and fraudulent representations and promises which the Postmaster General found that Lewis had made in the promotion of his scheme were those relative to the amount of capital stock which Lewis had subscribed and would subscribe; representations relative to the independent, strong,

capable men who would compose the board of directors; representations and promises that all funds of the bank would be loaned by a committee composed of a board of 15 directors of the principal banks of St. Louis; and that the funds would not be loaned to himself or other directors. The Postmaster General found that in his early articles in the Woman's Magazine and in his other advertising literature about the bank Lewis represented that he would subscribe to the capital stock a dollar for every dollar subscribed by others, so that he would own half of the capital stock, and that later he represented that he had pledged his entire fortune, every dollar he had and his publishing business, in this banking enterprise, and that his subscriptions would exceed a million dollars. These representations were found to be false and made with intent to deceive.

The evidence upon which the Postmaster General acted showed that Lewis had not cooperated to the extent of a single dollar of his own money, although the bank had then been in operation some seven months and had a paid-up capital stock of $2,000,000; that Lewis had received and held as payment for shares of stock in the bank the sum of $2,290,000 and had accounted to the bank for only $2,200,000. Thus every cent of the $2,000,000 paid-in capital stock was received from the public and Lewis had invested nothing, although he had stated that almost all of the $500,000 paid in at the original incorporation of the bank were his personal funds.

The seven independent, strong, capable men "practically retired from active business," "standing between the intrigue and influence of the cold-blooded banking business and the people's money," were represented by only five persons, consisting of Lewis and four of his underlings—one the editor of his magazine and the other three employees of his publishing company. These men complied with every request of Lewis for the loan of money, and hundreds of thousands of dollars were loaned to Lewis and his enterprises.

The committee composed of three directors each of the five principal banks of St. Louis, who would pass upon all loans that the board of directors might desire to make, was never organized, and although Lewis repeatedly and persistently represented that the funds of the bank could not be loaned to himself and other directors, the evidence upon which the Postmaster General issued the fraud order showed that loans had been made practically at Lewis's will; that the day after the post-office inspectors began their investigation Lewis placed in the assets of the bank two notes—one for $50,000, signed by himself, loaned without collateral, and the other for almost $150,000, signed by the board of directors. These notes were paid into the bank to cover money previously expended by him. When the paid-in capital stock of the bank amounted to $500,000, $400,000 of it Lewis had loaned to himself and his enterprises, and later, when the paid-in capital stock amounted to $2,000,000, Lewis's loans to himself and his enterprises amounted to over $900,000, and in addition he had invested almost $45,000 of the bank's money in stocks and bonds of his enterprises and had agreed to loan about $67,000 of the bank's money on an unsecured note.

Lewis's corporation, the University Heights Realty & Development Co., which had borrowed from the bank $346,000, and the stock of which to the extent of nearly 1,300 shares Lewis had sold to the bank, was found to have assets consisting for the most part of land purchased for $200,000, as a speculation in suburban property, upon which Lewis said about $150,000 had been expended in improvements, but the liabilities of this company were found to be nearly $675,000.

The record upon which the fraud order was issued also showed that until checked by the secretary of state of Missouri Lewis was obtaining proxies from all stockholders, appointing himself to vote the stock. These proxies were to remain in force for three years at least, and in case revocation was desired in that time Lewis was to have the opportunity to purchase the stock. Nearly 4,500 shares of the increased capital stock of the bank were issued, and in every instance the shareholder had signed a proxy to the above effect.

When demand was made by the secretary of state of Missouri for the immediate return to the bank of all funds borrowed by Lewis and his enterprises, Lewis, up to the time of the issuance of the fraud order, had failed to pay the loans. He continued, however, to receive a large number of remittances for stock in the bank in his own name, and sought remittances of money for deposits in the bank upon the same representations and from the same persons as in the sale of stock. It was stated that it was the intention of the bank to increase its stock to $5,000,000, and remittances were asked for on that account.

After the issuance of the fraud order action was taken by the authorities of Missouri to have a receiver appointed to take charge of the affairs of the bank and wind up its business, and on August 15, 1905, the circuit court of St. Louis County made an order placing the affairs of the bank in the hands of a receiver.

At the time of the issuance of the fraud order there was, as we have seen, something over $2,000,000 of stock outstanding, and something like $300,000 of deposits, making a total received by Lewis in the bank matter of about $2,400,000. Lewis had, however, appropriated between $900,000 and $1,000,000 of this money for himself and his various institutions, and had given to the bank notes therefor. This left on hand deposits in the various banks of St. Louis at the time the fraud order was issued about $1,400,000. After the depositors were paid there was something over $1,000,000 left for the stockholders.

LEWIS HAS BANK STOCK ASSIGNED TO HIM.

Immediately upon the issuance of the fraud order Mr. Lewis, through his publications, represented to his readers and to the stockholders in the bank that he had been grossly misused; that he and they were being persecuted; that the bank was being destroyed without having an opportunity to be heard in its defense and at the behest of the money powers of the country; that, however, no stockholder in the bank should ever lose one dollar of his investment, but that Lewis would assume all of the loss and make good every dollar to every stockholder who had invested in the bank. He urged that they assign their stock certificates to him, and promised that upon receipt thereof he would send them stock in his publishing company, dollar for dollar, or, at their option, would send them his trusteed notes for the face value of the stock, bearing 5 per cent interest, payable semiannually.

The trusteed notes were secured by a trust deed given upon his income over and above his living expenses. The capital stock of his publishing company, which he represented to be of great value and exceedingly profitable, was increased from $1.200,000 to $3,500,000, and this stock was sent to the stockholders of the bank in exchange for their stock in the bank. Through these representations he procured the assignment to him of $1,200,000 of the stock in the bank for stock in the Lewis Publishing Co., and $500,000 of stock in the bank for his trusteed notes, making a total of $1,700,000 of stock in the bank thus secured. The receiver appointed for the bank in the State courts, after having paid the depositors, had in hand something over $1,000,000 which belonged to the stockholders, and announced his readiness to pay a dividend of 50 cents on the dollar. Lewis thereupon presented to the receiver the stock which had been assigned to him and received upon it 50 cents on the dollar, partly in notes of himself and his institutions and partly in cash. The receiver then announced his readiness to pay a further dividend of 35 cents on the dollar, whereupon Lewis presented to him stock in the bank which had been assigned to him and received upon the same the balance of the notes of himself and his institutions which he had given the bank, and the remainder in cash, so that in this manner Lewis secured the payment of his notes of something over $900,000 and something like $500,000 in cash. A further dividend of 2 per cent was finally paid by the receiver, making a total dividend declared of 87 per cent; but only those stockholders who refused to transfer their stock to Lewis and who were only a small minority actually received 87 cents on the dollar. Lewis received the balance and the holders of the $1,700,000 worth of stock which was assigned to him received his notes and stock in his publishing company. The first six months' interest on the notes was paid and it seems one small dividend paid on the stock of the publishing company. The notes are now long past due, and only in a few rare instances have they been paid. Practically nothing has been paid upon these notes and practically nothing has been paid upon the stock of the Lewis Publishing Co., which was issued to the stockholders of the bank, so that in truth the owners of $1,700,000 of this stock have received practically nothing for their stock.

WHY LEWIS WAS SUCCESSFUL IN OBTAINING THE BANK STOCK.

To secure the exchange of bank stock for his publishing company stock Lewis represented that the publishing company paid regular annual dividends of 6 per cent; that it was making a profit of a quarter of a million dollars a year; that it would own the Daily Star of St. Louis; that it had paid for the equipment, presses, machinery, and great publishing buildings in cash weekly as the plant and building were constructed; that the company owned real estate; that it had no debts except current expenses; that it was the largest and most profitable publishing business in the world; and, again, that the stock would pay 100 per cent dividends and have a cash asset of $3,000,000. Lewis also represented that, besides the income from this profitable publishing business, he had a large private

fortune in real estate and other property, and that he personally pledged his fortune and income to pay back every dollar in full. Lewis made earnest personal appeals for the exchange, alleging that it was necessary in order to give him the means of protecting their interests from a conspiracy of their enemies. In other words, after having violated the State banking laws in loaning himself and his enterprises more than the law allowed him as an officer of the bank, and more than a bank is allowed to loan one customer, and having broken his promises that no officer of the bank could borrow its funds, and after having abused the trust of these stockholders, he appealed to them as their protector against both State and Federal Governments, which were protecting their interests.

The trustee notes have become due, and neither interest nor principal has been paid. The promises to exchange them and the publishing company stock for stock in the new bank have been repudiated, and the pledges to redeem the notes in cash have not been kept. It was not true that the company paid regular dividends, nor that it had paid for the plant and buildings in cash out of earnings, nor that he had on hand a million dollars in cash, nor that it had no indebtedness. The real estate was mortgaged; the presses were mortgaged; and on March 14, 1905, Lewis issued a statement showing liabilities of nearly $600,000.

THE UNITED STATES FIBER STOPPER CO.

In 1906 Lewis, through his publishing company, started a daily paper, known as the Woman's National Daily. Up to about a year ago Lewis, through the publishing company, issued, in addition to the Woman's National Daily, the Journal of Agriculture, the Woman's Farm Journal, the Woman's Magazine, Palette and Bench, and Beautiful Homes. Palette and Bench was sold, and all the other papers discontinued or merged into the Woman's National Daily, and the frequency of issue of this paper has been changed to weekly.

Since the bank affair the columns of the daily have been used to exploit Lewis's various schemes. One of these, known as the United States Fiber Stopper Co., claims a capital stock of $1,000,000 and to be organized to manufacture, under certain patents, bottle stoppers of paper or fiber. Some time ago Lewis represented that he had sold the English rights under these patents for $500,000, and that he was therefore ready to manufacture stoppers in this country; that he had thousands of dollars' worth of orders to be filled; and that the profits of the company would be enough to pay big dividends on the stock. He also represented that the stock was then worth a premium of 100 per cent. The rights were never sold in England for $500,000, the company never manufactured corks for the market, never paid any dividends, never had any tangible assets, and the stock was never worth double the face value—in fact, it never had any real value.

THE READERS' POOL.

Another scheme exploited in the Woman's National Daily was the so-called "readers' pool." It was started in the early part of 1908. Lewis proposed that every person who sent him $5 in subscriptions to his paper would, for as many remittances of that amount as were sent, receive a certificate of membership in the pool. From each remittance $2 was to be set aside and placed in a fund and when the fund grew large enough land was to be purchased for the members of the fund. As months rolled by he reported great success, and finally decided to close the pool on April 12, and leading up to that time urged that enough be sent to buy a 50-acre lot, which would cost $75,000. On April 15 he declared that remittances for the 12th had been so large that he was not able to count them, but he surely had enough to buy the 50 acres, and had already done so. He promised to put the land on the market the same year and divide the proceeds semiannually among the members until the last foot was sold. However, ignoring this promise, he stated a little later that he had purchased for the pool another lot, free and clear of all incumbrances, of 48¼ acres, at $2,225 an acre, but alleged it was worth $5,000 an acre. He stated he had paid for this land $108,000, and asked that remittances be continued until he had $42,000 to improve it and $50,000 for a building loan fund. In May, 1909, Lewis stated that the scheme was meeting with great success and he had received $20,000 in 10 days, and that the 48¼ acres had been bought for $125,000. The pool was to be divided into 100,000 portions and the profits to the members were to run into millions. Neither he nor any member of the company could share in the pool. It all belonged to the members who sent him $5. It was to be a square deal, and for the first time in the history of the world the common people were to share in the unearned increment of city property.

The profits were to be millions and the subscriptions were to be worth a million to him and his publications. When he solicited remittances, Lewis promised to give account of the pool. Although requested, no accounting has been made. There is no information to show that the money was kept in a special account. Members have no definite information that the promised number of acres were purchased and no information that sales of lots were made or attempted as promised. There is no definite knowledge of the number of certificates issued. If his scheme-fertile brain would pause long enough in its mad whirl to entertain a memory of the "Readers' Pool," Lewis, I think, would cry out in the words of Macbeth:

Thou art too like the spirit of Banquo; down!

THE AMERICAN WOMAN'S LEAGUE.

In 1908 Lewis organized the American Woman's League as an auxiliary of his publishing company. In his first literature he proposed the scheme as a means of paying his debts. Membership in this league was to be secured by sending $52 worth of subscriptions to Lewis's papers or for certificates of membership. It could be secured in no other way. One-half of these remittances were to go to pay for subscriptions, the other half to be put into a fund and the income of it used for the benefit of the league membership, which was to be limited to 1,000,000 persons. This was to give the league an endowment of $26,000,000; but the league was also to own the publishing company, the real estate at University City, and a bank, which would become enormously rich through handling the business and funds of the publishing company, real estate, and the league. From these sources the income of the league was figured to be $3,800,000 annually. The $26,000,000 endowment would remain undisturbed. From the income alone clubhouses were to be built, furnished, and supported in all parts of the country; a free university, with courses from the lowest grades to and including instruction in every branch of study and culture and the professions, was to be established; an old ladies' home, a library, an orphanage, a woman's exchange, a loan and relief fund, and numerous other benefits, all to be free to the members of the league. Later he changed this, and as a little stimulant to quicken the feminine pulse launched the Founders' Chapter. This was to be composed of the first 100,000 members who sent in $52 each. Men might be admitted at $20 per. Lewis promised to endow this chapter with $1,000,000 of the capital stock of the Lewis Publishing Co. (characteristically forgetting that he had previously pledged the entire stock of this company to the league as a whole). This endowment would pay 100 per cent, or $1,000,000, the first year and several times that modest sum every year afterwards. He was also to endow the chapter with a million dollars of the capital stock of the trust company, which Mr. Lewis was to buy for cash (where he would get it is not stated) and donate to the league. The income from this was to equal the income from the publishing company. The 100,000 members were to share in this income for life. It was to amount to $15 or $20 yearly and to be paid semiannually. Later he changed the plans again and allowed subscriptions to other papers to count for membership, limited to only such papers as allowed him a 50 per cent commission on orders.

Last summer the league was said to have about 100,000 members, of whom 26,000 appeared to be life members. If the 26,000 life members paid $52 each for membership, there should have been at that time a fund of $1,352,000. This fund, however, should have amounted to considerably more than that when to it are added sums varying from $1 to $51 paid by the remaining 74,000 persons. Last fall, yielding to persistent demands for an accounting, Lewis stated through his employees that he had received from the league $892,576; that he had spent $1,117,782. He gave no credit for interest, and instead of millions of endowments the statement shows a shortage of $342,064. At the same time he announced that the average cost of maintaining a membership was $20, and that correspondence cost the league 20 cents a letter. He said that 60,000 members would each be entitled to a $20 debenture. This would amount to $1,200,000, or $307,424 more than the total contributions to the league.

Lewis originally insisted that the whole success of the scheme depended upon the fact that membership could be secured only by sending $52 worth of subscriptions to his papers. The benefits were to come from the increased circulation of the papers and the renewal of subscriptions from year to year. Now, he allows membership to be bought for cash or for subscriptions to papers other than his own. He admits that 70 per cent of these subscriptions are given away and that recipients of the publications do not renew; that his monthly papers, constituting at one time, according to his statement, the greatest and most profitable business in the world, have been discontinued, because he found that they were published at a loss. It took him three years to find this out.

Lewis's statements show that the league is not paying its own expenses; that, instead of being run on the income from paid endowment, it has, through Lewis's exclusive management, used up its entire capital and is $800,000 in debt. Add to this the $1,200,000 of debentures to be paid later, and we have a debt of $2,000,000 against the league.

Lewis says the average cost of membership in the league is $20 a year; that the life member brings the league only $26, so that after two years a member of this kind has already cost $14 more than she contributed. Each year, so long as she lives, $20 is added to the deficit.

The great educational university consists, for the most part, at least, of correspondence lessons. Lewis arranged for these lessons by contracts with three existing concerns, and without consent of the instructors associated with these schools catalogued their names. Many of them have never heard of either Lewis or his university.

The American Woman's League is one of the largest and most alluring and most fraudulent of the schemes of E. G. Lewis. In the extravagance of his promises he has attracted women of many classes and temperaments. Culture and educational advantages appeal to their ambition, a clubhouse appeals to their social instincts and civic pride, an orphanage for children and a home for the aged to their charity, and an independent income and freedom from domestic drudgery and masculine domination to a discontented and unfortunate class. Lewis knows well how to excite the pride, vanity, desire for notoriety, and the sentiments and passions of his readers. But the full force of the nefarious scheme comes to us only when we realize that all of his clever writings, his disgusting flattery, his educational allurements, and association with respectability are focused in the purpose of winning the confidence of country people that he might borrow their money on worthless paper securities. On his own statements the funds belonging to the league and intrusted to him on his promises to give an account of them have been misappropriated. No endowment has been made; Lewis has disposed of everything. The league is $800,000 in debt on his accounting, and members hold $1,200,000 in notes besides. Not a single essential promise has been kept. There is no endowment of the league, nor Founders' Chapter, nor annuity, nor orphanage, nor old ladies' home; the league does not own the land promised it, nor the publishing company, nor the bank; membership may be purchased for cash; clubhouses are not built as promised; instead of $3,800,000 annual income, it is in debt more than $2,000,000.

The American Woman's League was a fraudulent scheme on its face. Its record has confirmed its text. It was a mere name given to the women whom Lewis had inveigled into his service as subscription agents. He hoped through the league to defeat the postal laws and regulations under which he had previously been prevented from circulating his papers free at the pound rate of postage. By promising the women rewards and profits far in excess of the cost of subscriptions he induced them to remit in bulk for coupons for subscriptions, which they might sell or give away. The remittances would constitute a reward to satisfy the postal inspectors. The correspondence courses and clubhouses and association of other publishers would inspire confidence, and when this was established a borrowing scheme could be inaugurated to collect millions. This developed the debenture scheme.

THE DEBENTURE SCHEME.

Lewis defaulted on the interest of the three-year trustee notes given in 1905 in exchange for stock in the People's United States Bank. He also defaulted on the principal of the notes when due. The Lewis Publishing Co. stock did not pay the promised dividends, and notes of the Development & Investment Co. were not paid when due. Default was made on the Lewis Publishing Co.'s 7 per cent notes. Suits were being docketed for notes and other obligations. Demands were being made for clubhouses and other benefits promised to women of the league. Salaries due women for working up membership were due and demands being made for them.

The expenses of a large number of women at a "hurrah-for-Lewis" meeting at St. Louis last June must be met at once. Remittances from the league account had almost ceased. Demands from many quarters were incessant from all these different obligations last summer. It would seem that the limit had been reached and the time for an accounting had come. Any other man would either have absconded or sought relief in a bankruptcy court. Not so with Lewis. He had been in such situations before. He thought, and, from that prison-like idea in cement at University City, borrowed from the land of the Pharaohs, "The Woman's National Daily," heralded "the solution." Lewis contended that, so far, every scheme was a fortune. Although he vainly boasted of $8,000,000 assets, with liabilities of only one-third of that amount, he admitted that he was unable to finance his enterprises and proposed that everything he had in the world be trusteed under a builders' fund, and that debentures be issued against this fund to pay off his debts. He said that a paltry $2,500,000 would do it. It is incredible that anyone outside the confines of an insane asylum would have loaned money on such a scheme, and yet Lewis so successfully confused the situation, made such plausible and extravagant promises of future profits, coupled with his pretense of a great sacrifice in giving up a private fortune (which many would have liked to find) that women actually subscribed to the debentures to the amount of about $1,500,000.

Mr. Lewis takes a full page of his paper to explain the new financial tangle, yet all could have been told in these few words: "I have mortgages and interest and notes and other obligations coming due. Creditors are pressing me for their money. I have borrowed the limit on such property as I have. Bankers and money lenders will loan me no more. The Woman's League scheme has failed to furnish sufficient cash to meet my obligations. Hence I propose to create a man of straw. I will dump all of my debts over on his imaginary shoulders, and have him issue all the 10-year notes needed. I will hand these notes over to my country creditors for everything that I owe them. That will keep them quiet for 10 years, anyway. Then I will issue more of the straw-man notes—there is no limit to them—and exchange them with country people for what further cash I need. These creditors owe me a living for these 10 years, and if there is anything left them they are welcome to it, provided I can not think up a bigger scheme or two to fool them with in the meantime."

What a saving there would have been in paper and printer's ink! How much confusion, how many consequent headaches he would have spared his readers! But then, would Mr. Lewis's genius for complications and literary mazes have been served? Would the real purpose of his scheme have been disguised?

Let us examine Lewis's claim of $8,000,000 assets and the intimation that $2,500,000 of debentures would liquidate his obligations. In August last the assessment on real estate held by him and the companies controlled by him amounted to approximately $1,779,220. Some experts claim that the assessments are on a basis of three-fifths of the actual value, others estimate at one-half:

Using the most favorable estimate, the value would be	$3,598,440
Against this he had at the same time mortgages recorded against the property to the amount of	2,926,108
Leaving, according to the most liberal estimate, an equity of only	672,332

Now, let us see how many debentures will cover his obligations. It will take $3,000,000 for the mortgages and $1,500,000 for the notes and stock he traded for the old company; $850,000 for the obligations of the Lewis Publishing Co., exclusive of real estate mortgages; $2,000,000 for 100,000 league members in lieu of the promised annuity; $557,500, as stated September 8, 1910, in lieu of dividends. He owes in definite figures over $8,000,000, and, besides this, debentures were issued in exchange of stock on the Lewis company; for interest due on mortgages and notes; for subscription certificates; for readers' pool certificates; and for commissions for agency work to an indefinite amount. Taking his own grossly inflated estimate of assets, the liabilities would exceed them half a million dollars, and may run to an indefinite amount. The debentures are payable in 10 years, and for the first two or three years draw a nominal rate of interest, so that under the present plan Mr. Lewis could continue to devote the proceeds of these debentures to his running expenses and ever-recurring interest charges and to the actual expense of marketing the debentures themselves for a number of years. He could even pay the interest on the debentures themselves for the first two or three years out of the proceeds of other debentures, making a sort of endless chain of the proceeding; and, judging from his past operations, this is what he will do if permitted to use postal facilities for the continuation of this and the other fraudulent schemes which originate in his fertile mind under the pressure of financial difficulties. The extravagance of this debenture scheme is in itself indisputable evidence of fraud. It is promoted with a purpose of giving only to an all too confiding and gullible people an impression of fairness. What sane man would be so prodigal of paper obligations he ever expected to redeem?

THE LEWIS RECIPE FOR UNLOADING PERSONAL OBLIGATIONS.

Issuing debentures and exchanging them for the trustee notes was not the only way Lewis devised to get rid of these notes, which, overdue, were becoming troublesome. Besides the notes and the stock Lewis had sold mortgages, bonds, and notes of great variety and in unlimited numbers. These he called in, and promised to pay for them in cash or exchange them for

stock in the People's Savings Trust Co., which he later organized. Those who sent in their certificates and asked for cash got in return an "interim receipt." This receipt is the Lewis recipe for unloading personal obligations. The joker is that the "interim" is not limited. It may extend a thousand years. The property received is, according to the receipt, to be held in trust and transferred in accordance with the order of the board of directors of the Savings Trust Co., in pursuance of the plans for final organization thereof. From this and what has been said it will thus be seen that the prominent feature of the Lewis method for obtaining other people's money and quell the squeal is to create a number of companies or concerns, sell the stock on the strength of his plausible misstatements, and when the time came for the payment of dividends, the interest, or the principal of the money loaned, to change or convert the stock, notes, and so forth, into other paper, in order to obtain more time. Thus there has been organizing and mixing and combining of his concerns, followed by the issuance, exchange, and reissuance of shares of stock, notes, debentures, receipts, and so forth, and the columns of his papers have been used to "boost" these "enterprises."

Although I have already taken up much time with these Lewis schemes, I have not by any means touched upon them all. A statement with any attempt at completeness of his operations for the last few years would fill a volume of no mean proportions.

As his account with the hundred-odd publishers growing out of their fulfillment of subscriptions through the American Woman's League had to be settled, Lewis ingeniously inaugurated a new way of settling such matters outside of the bankruptcy court. By a so-called agreement with the publishers he attempts to consolidate his various interests and place them in the hands of a board of trustees. Thus, as Lewis seems to stagger upon the brink of financial ruin, it is amusing to read his statements in the Woman's National Weekly that, by reason of this agreement, for the first time in many years the sunshine has broken through the darkening and forbidding clouds and a great burden has been lifted from his shoulders.

There is another side, however, to this case which should be borne in mind: During the last 10 years E. G. Lewis has taken from the American people not less than $10,000,000. This money has come mostly from women who could ill afford to lose it—servant girls, washerwomen, boarding-house keepers—often the savings of a lifetime.

It is an old saying that "Hell hath no fury like a woman scorned." When the women of this country fully awake from the hypnotic trance of this man and see the facts as they are, will Lewis, like King Richard III, command:

> A flourish, trumpets! Strike alarum, drums!
> Let not the heavens hear these tell-tale women
> Rail on the Lord's anointed. Strike, I say,
> Either be patient, and entreat me fair,
> Or with the clamorous report of war
> Thus will I drown your exclamations.

IS THE POST OFFICE DEPARTMENT TO BLAME FOR THE FAILURE OF THE SCHEMES?

In the issue of the Woman's National Daily for February 20, 1911, is an article entitled "The United States Government's shame," occupying half of the entire contents of that issue, four pages. It purports to come from the pen of former Third Assistant Postmaster General E. C. Madden, and to give "The secret history of the assassination of the People's United States Bank and the Lewis Publishing Co." It lays the blame at the door of the Post Office Department for the failure of the Lewis schemes. Let us review these schemes with this charge in mind.

Upon the record of the case of the People's United States *Bank I submit* that the Postmaster General was justified in issuing the fraud order in 1905. But for it many more thousand people in this country would now be without their savings. That bank scheme was a rich haul for Lewis. He never put a dollar into the venture, and yet he diverted to himself and his other enterprises nearly a million dollars of the bank's cash, and when its affairs were settled he drew an additional $500,000 on the stock that had been transferred to him.

A question concerning that quiet, gentle scheme, the United States Fiber Stopper Co., What effect has the Post Office Department had upon its operation? And yet the number of thousands of dollars Lewis has scooped in on this "paper" company he only knows.

I would like to ask the same question about that mysterious "readers' pool," and must confess that I regret that the Post Office Department has not thrown its searchlight into its abysmal depths, that we may know how many thousands of dollars of the people's money have been thrown into it, and in just what way the money has leaked out. In this, however, I only share the fond wish of many, that these questions be answered by that "postal martyr," E. G. Lewis.

Then we come to the American Woman's League, with its promised endowment of $26,000,000 and its income of $3,800,000 rolling in as regularly and as often as "the bells ring out the old and ring in the new year." Let us contemplate that mirage of an American woman's republic, with its capital in the great and flourishing University City, and its beautiful and sumptuous chapter houses scattered throughout the length and breadth of this country; its great university; its orphanage; its home for the aged; its library; and the thousand-odd institutions upon which the great woman's republic was to be built. Has the rude hand of the Post Office Department interrupted this dream? It began in 1908, three long years after the bank affair, and in a time when the department and Lewis were perfectly amicable. It has had all the benefits of "peaceful times," and yet if we break the spell of its allurements by turning our eyes from its entrancing prospectuses we see set against the "assured" endowment of $26,000,000 and the independent annual income of $3,800,000 no capital, no funds, but $2,000,000 in debts.

Is it charged that the involuntary bankruptcy proceedings against Lewis which began recently in St. Louis were brought about by this ruling of the Post Office Department we now have under consideration? If so, I would like some one to explain to me why Lewis could not have used a little of the $10,000,000 that a more generous than wise people have given him in recent years and have paid the paltry thousand dollars a week in lawful postage on copies of the paper sent to those persons who, unconsulted and lacking interest in his schemes, threw them in the waste basket? Lewis claims that he has been paid for each and every copy of the Woman's National Weekly circulated. Where, then, is the loss to him?

Then, too, why were so many publishers interested in a recent agreement under which Lewis endeavored to consolidate his all and turn it over to them in trust for their benefit? Some one said they lent him $500,000 in subscriptions and that he has never paid anything on account of the bills for those subscriptions to their publications which they fulfilled for the American Woman's League. How much did these publishers' claims contribute toward the bringing of the bankruptcy proceedings? And then, too, what did his other creditors have to do with the suit?

After a broad view is taken of the operations of the Lewis "companies"—I like the word "schemes" better—during the last 10 years, particularly of those to which I have referred, does the conclusion not follow that these "enterprises" have been merely Lewis's devices for extracting other people's money as quietly as possible?

THE VIEWS OF OTHERS.

The following quotations from some of many letters received at the Post Office Department speak for themselves:

EAGLE GROVE, IOWA, *March 23, 1911.*

Hon. F. H. HITCHCOCK,
Postmaster General, Washington, D. C.

DEAR SIR: My wife and I noticed in the Woman's National Daily, edited by E. G. Lewis, an advertisement of the Realty & Development Co. They wanted to borrow money to improve their real estate and offered their notes at 6 per cent, with real estate security. We sent them $200 and got note in June, 1909. Last summer, at the request of the Realty & Development Co., we sent them our pass book to have the interest credited, and it has never come back, though we have written about it several times. This pass book contains the only evidence we had of another claim against them.

In May, 1910, we sent the Realty & Development Co. $600 more. Soon after they asked us to change our notes for debenture bonds which were to have 2 per cent the first year and increase at the rate of 1 per cent per annum until it reached 6 per cent. We exchanged the $600 and sent the notes to the trust company. Finally the bonds came, one for $500 and one for $100, but the conditions were changed. The circular described them as five-year bonds, with all the net earnings of all the companies to be divided during the five years. The bonds proved to be 10-year bonds, and the earnings were not to be divided until the end of the 10 years. We sent them back and demanded our notes. In about a week the $100 bond came back, with no explanation. We promptly wrote, refusing the bonds and demanding our notes. To this we have received no answer. The notes and the $500 bond the trust company still have, and all we have to show for our $800 and nearly two years' correspondence and worry is a bond for $100 and a note for $200, on which we can get no interest.

Yours, respectfully,

FRED. E. YORK.

WINFIELD, N. Y., *March 25, 1911.*

Hon. F. H. HITCHCOCK,
Postmaster General, Washington, D. C.

SIR: I urge that the affairs of E. G. Lewis, the St. Louis publisher, be made the subject of a searching investigation. He organized the "People's United States Bank." On his representations, a relative and I invested $500 in the stock of the bank. Something went wrong and a receiver was appointed. Lewis persuaded us to transfer our stock to him, we receiving in its place stock of the Lewis Publishing Co. Lewis repeatedly promised during the summer and fall of 1910 that he would pay off all of his debts and take up the stock of those dissatisfied with their investment. Much space was used in his paper explaining his

plans and urging his readers to subscribe to the debenture notes. On a number of occasions he claimed to have taken in over $1,000,000 from this source.

I took Lewis at his word and wrote him that I wished to cash my certificate of stock in accordance with his promise to the public. His reply was that the stock of the publishing company could not be retired at the request of the stockholders.

His Woman's League is a scheme to defraud. The Woman's National Daily is printed to exploit Lewis's schemes for extorting money from the public. These women are misled and really believe Lewis to be a paragon of virtue and integrity. I understand that Lewis is not worth a dollar outside of what he collects from the confiding women who are at present financing his schemes.

I urge that action be taken at once in order to protect the public from this designing promoter of schemes to defraud, and insure a return to investors of at least a few dollars of the many Lewis has filched from his dupes.

Yours, respectfully, JOHN F. ROBERTS.

SOMERS, N. Y., *March 31, 1911.*

Hon. F. H. HITCHCOCK.

SIR: I infer from letters that an investigation into the affairs of the multinamed company of St. Louis, whose head is E. G. Lewis, is in prospect. Knowing the power that he has had over helpless and poorly informed women to secure from them funds they so sorely need, I beg to add my entreaties to those of thousands of others, that the search may be immediate and thorough. I regard the whole scheme as without parallel, and not even Dowie has held such peculiar mesmeric influence as this man has had over his victims.

I shall hope to know that your best work is being done to release these victims.

Very truly, yours, AMY J. BROWN.

STRATFORD, CONN., *March 31, 1911.*

Hon. F. H. HITCHCOCK,
Postmaster General, Washington, D. C.

MY DEAR SIR: Is there no way that E. G. Lewis, of St. Louis, Mo., can be prevented from using the United States mails for the purpose of defrauding the people of the country out of their money? It is my honest and candid opinion that is his sole purpose of publishing his Woman's National Daily and other publications. I am a victim.

With great respect,

P. BURGER MACKEY.

BEREA, OHIO, *April 13, 1911.*

Hon. F. H. HITCHCOCK,
Postmaster General, Washington, D. C.

DEAR SIR: About eight years ago, when Lewis was organizing the People's Bank, of St. Louis, I bought $125 worth of stock in the bank, putting in every dollar I possessed at the time. When the bank was closed * * * I took a note at 5 per cent interest for the amount, which I was asked to indorse and return about two years ago, as Mr. Lewis was ready to pay up these notes at that time. I did as requested, expecting to receive the money right away. Instead I received an interim receipt for the note. I have not been paid any interest for more than five years.

I have asked Mr. Lewis many times for the money, but all I could get was a promise to pay sometime soon. He has been trying to induce me to send him more money, even as late as January, 1911, for some new scheme which he is trying to work on the people.

I respectfully ask an investigation and hope I may receive payment, as I am greatly in need of the money.

Very respectfully, Mrs. T. M. BERWICK.

GREENVILLE, MICH., *April 18, 1911.*

Hon. F. H. HITCHCOCK,
Postmaster General, Washington, D. C.:

If not too presuming, and with your permission, I would like to ask how much longer is that promoter of fake schemes, E. G. Lewis, of St. Louis, Mo., going to be permitted to rob unsophisticated and innocent people of their hard-earned savings by using the United States mails for the promotion of his fraudulent schemes? Is he going on for a lifetime unpunished?

I have a sister living with me who, dazzled by his People's United States Bank scheme of some years ago, sent out of her small earnings the sum of $50 for bank stock. When the so-called bank was closed she received a letter from E. G. Lewis frantically imploring her to immediately exchange her bank-stock certificate for one in his publishing company. She did so. Of course, like all the rest of his victims, she can not get anything from him. She is aged and in poor circumstances. We have both been ill almost unto death. That $50, little though it may seem to you, would be a help in our present time of need. If you can not help us, I appeal to you to try to stop the wholesale robbery of the poor practiced by E. G. Lewis and others of his class.

Very respectfully,

Miss C. A. MACOMBER.

DEXTER, ME., *April 25, 1911.*

Hon. F. H. HITCHCOCK,
Postmaster General, Washington, D. C.

DEAR SIR: I am writing in regard to E. G. Lewis and the Lewis Publishing Co., St. Louis, Mo.

Six years ago I sent him $50 under illusive promises to pay for stock in the now defunct People's United States Bank, since which time I have not been able to get any satisfaction or any direct word from him whatever. I heartily approve of your efforts to do your duty toward Lewis and his ilk.

Very truly, yours, CHARLES C. HALE.

WEST SPRINGFIELD, MASS., *April 28, 1911.*

As a victim of Mr. E. G. Lewis, of St. Louis, Mo., I wish to protest against any further privilege being granted him to secure money from unsuspecting people through his paper or by any other means within the power of the proper authorities to prevent.

I placed $1,000 in his hands six years ago * * * and so far I have been unable to get anything in return from him, although he has made promises without limit.

My experience, like that of several I know, is that he is the greatest of modern frauds. I have abundant evidence.

With sincere respect, I am, GEORGE W. LOVE,
Pastor First Congregational Church.

WHEELING, W. VA.

Hon. F. H. HITCHCOCK, *Washington, D. C.*

DEAR SIR: The actions of the Government in the matter of E. G. Lewis, of St. Louis, Mo., are in every way to be commended. The Woman's National Weekly has deteriorated until it is a worthless sheet, run solely as a vehicle wherein Mr. Lewis may exploit his various schemes.

I have been a member of the American Woman's League for more than two years, and was sent to the convention of the league at St. Louis last June. There I became convinced that the plan is essentially fraudulent. I have tabulated references to the Dailies, and they show that the paper is run solely for the purpose of advertising his many ingenious devices for obtaining other people's money.

Take the readers' pool. It was formed in 1908, and it was to yield immediate returns, divided semiannually. No statement of the readers' pool has ever been issued, though I have several times asked for one.

We were told that the league would be heavily and permanently endowed. In Daily of November 19 there is an informal financial statement, in which it was said the league was $350,000 in debt.

I ask for the fullest and most exhaustive audit and investigation of every scheme in which Mr. E. G. Lewis figures.

Through the agency of the Daily (now Weekly) stock was advertised for sale in the People's Savings Trust Co. I have a friend who long ago paid for several shares, but though the stock certificates have been promised many times they have never been issued. A dividend of 5 per cent was declared in January, but has never been paid.

All last fall Fiber Stopper Co. stock was given as premiums for Daily subscriptions.

Lewis is most daring and unprincipled, but I continue to have faith in the ability, probity, and power of the high officials of our Government. The Weekly is unworthy to be ranked with any newspapers.

Last summer we were urged to subscribe for all the Lewis publications. Then, on October 15, all the Lewis publications were discontinued except the Daily. You were told that you could transfer all unexpired subscriptions to the Daily or have the cash refunded. I calculated the amounts still due on my old orders and sent them a bill, telling them I preferred the cash. I wrote about it several times, but it was never sent.

Very respectfully, N. M. TENER.

MILAN, BRADFORD COUNTY, PA., *April 10, 1911.*

Hon. F. H. HITCHCOCK, *Washington, D. C.*

DEAR SIR: I wish you would look into the many schemes E. G. Lewis, of St. Louis, Mo., has gotten up to get money and see what they have amounted to.

My aunt has lost some money by him. All he will do is to make promises. I think he ought to be deprived of the mails, as he is nothing more than a faker of the smoothest kind.

Yours, very truly, L. A. HARRIS.

WOODFORD, N. Y., *April 3, 1911.*

Mr. FRANK H. HITCHCOCK,
Postmaster General, Washington, D. C.:

We, the undersigned, request that you use your influence to bar the publications of E. G. Lewis, of St. Louis, Mo., as they are, in our opinion, only advertisements of his swindling schemes and have taken hundreds of dollars from poor people in this vicinity.

M. B. WHITE,
M. C. ELMORE,
ERNEST WHITE,
FRANK JONES.

COLUSA, CAL., *April 8, 1911.*

Hon. JAMES J. BRITT,
Third Assistant Postmaster General, Washington, D. C.

MY DEAR SIR: My wife is receiving, unpaid for by her, a copy of the National Woman's Weekly, of St. Louis, Mo. We do not want the paper at all, because we consider it a fraud of the first water. There are many more in this neighborhood who likewise receive the paper and have never subscribed for it.

Yours, truly, ERNEST WEYAND.

BIRMINGHAM, ALA., *April 21, 1911.*

POSTMASTER GENERAL, *Washington, D. C.*

DEAR SIR: Is there no way by which citizens may be relieved of the receipt of the sheet (Woman's National Weekly) inclosed herewith? I have never subscribed for it, do not want it, will not have it in my house, and have written the publishers repeatedly to stop sending it, without success. Please advise if there is any way by which this may be stopped.

Respectfully, yours, A. D. PECK.

JAMESPORT, N. Y., *May 8, 1911.*

Hon. F. H. HITCHCOCK,
Postmaster General, Washington, D. C.

DEAR SIR: I am writing you to let you know I approve of your efforts to stop E. G. Lewis and his concerns of St. Louis, Mo., the use of the United States mail to defraud the common people. He has $500 of my coin. I am a good loser, but don't think he should be allowed to continue this slippery work.

Respectfully, E. M. FREDERICK.

REMOVING A LITTLE OF THE LEWIS GLAMOUR.

I really think it is justified, in view of the nature of such an attack upon the Post Office Department, to remove a little of the glamour, to singe the sacred wings of this man, when there is such abundant opportunity for so doing. I do this with no ill will whatever, but I do think it ought to be understood that a wanton attack—I do not charge the Senator from Arkansas with doing it so much as those behind him—could not be made on men who are seeking to do their duty without revealing the true character of those who are making the attack. That is not merely a matter of retribution; in no sense is it a matter of vindictiveness; it is merely justice and fairness.

It is true these glowing descriptions have influenced a great many. As one plan would fail another would bob up in its place. In a recent issue of one of the foremost agricultural

papers of the country appears the following in regard to E. G. Lewis:

TO SENATOR JEFF DAVIS:

In the CONGRESSIONAL RECORD of April 10 you are reported as appearing on the Senate floor as the champion of E. G. Lewis and as a defender of his publications. You express your admiration of him as a business man and your approval of his papers as a service to womanhood. We discard the suggestion that this was merely a bid for cheap notoriety on your part. We are not prepared to believe that you spoke with a knowledge of the facts. We are inclined to believe that you hastily accepted the protests of Mr. Lewis and his friends as made in good faith, and that relying on this exclusive information you believed that Mr. Lewis was conducting an honest publishing business and that he was the publisher of legitimate and worthy publications. It would have been wiser to have informed yourself more fully before delivering yourself of such an unsparing indorsement of the Lewis schemes; but we have no disposition to criticize an honest error.

We, however, take the liberty to give you some voluntary information. Here it is: For the last 10 years Mr. Lewis has been working confidence schemes on country people. The principal function of his papers has been to sell "gold bricks" to his readers. It is estimated that he got from these people in all about $10,000,000. Much of it he promised to return at definite fixed times with great profits. He has refused to return it at all. The profits they never got. He got the money from children, from widows, from orphans, from working girls, from washerwomen, from cripples, from the aged and infirm, from old soldiers and superannuated ministers of the gospel, and from people whom he induced to mortgage their homes and their farms to share the wonderful profits he promised them. Some of these deluded victims have since died, piteously appealing to Mr. Lewis to return the money to provide the necessities for their last hours. Others are appealing to him yet in a *blind faith* in humanity, that no one could be so dishonest and cruel as to keep it. Some of them are completely dependent. He is as indifferent to the appeals of widows on behalf of sick and fatherless children as he is to the dying appeals of husband and father in behalf of those dependent on him.

Don't be misled by his lying pretense that this all happened because the Government interfered with his bank and his publications. Most of these complaints come from people who sent him the money on new schemes since the Government interfered. The department could not fully rescue his early dupes, but it did give them an opportunity to recover part of their loss and furnish an intimation for the protection of others. You interfere with the business of the safe breaker and the pickpocket when you apply the law to their trade. The Government simply applied the law established for the protection of its subjects to the Lewis enterprises.

The details of his schemes to get money from country people would take volumes to relate. The schemes were laid with a forethought and cunning worthy of a better cause. The amount each dupe could contribute was limited. It would not do to take enough from anyone so that he could afford to appeal to the United States courts. The victims must be widely distributed. It would not do to get too many dissatisfied victims together. Numerous companies must be formed. If you became dissatisfied with one paper certificate, you could have another—an old fake trick. He added $5,300,000 to a company already grossly overcapitalized, and by hysterical appeals and gross misrepresentations induced his dupes to buy over a million of it. After three years without profit he declared a dividend of 18 per cent, which had not been earned, promising to pay it in installments, and actually paid 2½ per cent. Then he offered the stock at par and sold more of it. The balance of the dividend never was paid, but we can tell you where stock was bought and paid for on the strength of that promised dividend. Perhaps you think it was not declared for that purpose. When selling this stock he promised that a pool of rich men had been formed to redeem the stock when the purchaser met a necessity for selling. Do you think the lie helped sell stock? He capitalized a few stopper patents for another million, and we can direct you to boys whom he induced to buy it at double its face value. Neither of these stocks was ever worth the paper the handsome certificates were written on. They are not worth so much now. He advertised notes secured by a first mortgage on real estate, and when he got the remittance he sent an unsecured note of doubtful value. He made promises to induce people to send him money on "readers' pool" certificates, and broke the promises. He repeated the promises and again broke faith on building certificates. He induced many women to send him money for subscription purposes under the promise that he would make them members of a league with millions of dollars of endowments. He now admits that, instead of the millions of cash in hand, the so-called league is several hundred thousand dollars in debt. He promised that all these stocks and notes and certificates would be exchanged for bank stock. It was a lie. When notes became due he wrote the holders to send them in for cash payments, if cash was wanted. It was another lie. He got the notes out of their hands, but did not return the cash. Read his papers for three years and see how he lied about membership in the league. Last August he got to his limit for cash on the old schemes and promised to turn over everything he had in the world to some sort of a straw man who was to issue debentures to pay all his debts. Read his paper for six months following and see how he lied about this scheme. *That failing*, he now has a new scheme to get all of the evidence of indebtedness and criminality out of the hands of his deluded dupes. It is the judgment of every disinterested business man and lawyer familiar with his affairs whom we have consulted that he has been insolvent for years, that he has no paying business, and that he has kept up an appearance with the money borrowed from country people on these schemes.

This, Senator DAVIS, is part of the record of the man you have championed in the United States Senate. Are you proud of your hero?

BANKRUPTCY.

We have the following dispatch from St. Louis:

"Claud D. Hall, local attorney representing creditors from all parts of the country, has filed involuntary bankruptcy proceedings in the United States district court against the Lewis Publishing Co., and also a suit to foreclose mortgage against the University Heights Realty & Development Co. and People's Savings Trust Co., trustee in mortgage dated June 4, 1909, and for appointment of receiver for real estate covered by said mortgage, and a temporary restraining order was granted."

Among other allegations in the petition it is charged that Lewis paid $114,000 for the property in the realty suit and sold it to the company which he controlled for $537,788.16, and on the day of the sale issued a mortgage for $537,788, and sold the notes secured by the mortgage to various persons of all ages and sexes throughout the United States; that no interest has ever been paid on the notes except the first six months, which was paid in advance, and it is alleged as a bait to get people to invest in the notes. Taxes on the property have not been paid since 1906, and suit is pending in the county for four years' taxes. This is charged as a violation of the deed of trust. In addition to this, the People's Savings Trust Co., trustee, had never given any security, although it has trusteeships of $6,000,000 with paid-up capital of only $400,000. Further, that L. B. Tebbetts, chairman of the board of directors, to whose credit a deposit of all moneys was to be made that were received from the sales of lots covered by the mortgage, was adjudicated a bankrupt on February 13, 1911. He never gave any security for his trust, and the court is asked for his removal and the appointment of a receiver for the property. The deed of trust in this case, which the people had a right to expect to be in due shape and legal form, is alleged to be a mere pretense, and made for the purpose of Lewis's realty company and trust company, controlling this property and the proceeds thereof almost indefinitely.

It is also charged that the trust company had authority to convey any or all of this property without the consent of the holders of the notes and without surrender or payment of these notes.

This proceeding looks like the beginning of the end of the Lewis schemes. The attempt to form a board of trustees, under the control of John H. Williams, seems to have failed, partially because publishers with a reputation to sustain were not willing to become a party to it, and, further, because creditors were unwilling to surrender their evidence of claims to Mr. Williams. It has been intimated by Lewis's agencies that there was really nothing in the way of assets left in the Lewis Publishing Co., and that in the case of the bankruptcy proceedings there probably would not be enough of assets to pay the cost of the action. Whether this is so or not, the suspense may as well be over, and creditors may as well know the worst as to delude themselves with vain hopes.

Creditors of these two companies have now only to place their claims where their interests will be protected. The attorney in this case is Mr. Claud D. Hall, 705 Olive Street, St. Louis, Mo. Claims sent to us will go in with our other claims. We will gladly look after the interests of our subscribers or their friends, and will not receive nor accept any pay for the service, but these claims will now need to be looked after by attorneys at St. Louis, and the usual 10 per cent will probably be charged by them on the amount collected.

In the April 20, 1911, issue of the Censor, a periodical publication published at St. Louis, Mo., the following is said of E. G. Lewis and his various schemes:

THE LEWIS BUG—STRANGE HOW IT HAS INOCULATED SOME SEDATE AND SOBER CITIZENS—HOW HE HAS INFLUENCED BANKERS AND BUSINESS MEN TO PUT MONEY INTO HIS VENTURES, AND THE OUTCOME—IMAGINE A RUBBER BALL, KNOCKED, KICKED, PRESSED, AND SAT UPON, YET ALWAYS BOUNDING INTO AIR IMMEDIATELY ON BEING RELEASED; IN THAT YOU HAVE THE PROTOTYPE OF E. G. LEWIS.

As a usual thing, when a dozen or more suits are filed against a man and he frankly admits that he can not meet the demands made in the petitions, recourse is had to the beneficent Federal bankruptcy act. But not so with Lewis. He deftly unloads the burden on some trustees, whom he permits other people to name, reserves a share of the profits for himself, should anything be made, calmly informs the public that these trustees will hereafter fight any court cases, then smiles contentedly and says: "There, I feel 20 years younger with that burden off my shoulders!" In the next breath he tells how he is going to bamboozle the women of the United States into making a million dollars for him during the next few years. But in order to make his million, net, they will have to make something like $100,000,000 for other people. Half of this sum is to go to the publishers of 108 magazines and the other half to the trustees above mentioned. All Lewis wants is a little million for himself. Just how these women are going to drag in the money and save the defunct publishing company and the dead periodicals, to say nothing of financing the 108 other magazines, is about as clear as down-town St. Louis on a low-barometer day. But Lewis says they will do it. All he needs is 1,000,000 women, each of whom will turn in $100. Easy, isn't it? One of the returns they will receive is an opportunity to try female suffrage on themselves and see how they like it. Lewis promises to start a female republic, make University City the capital, and let the $100 subscribers to the thing, whatever it is, play at electing a president, senators, representatives, etc.

Isn't it curious how Lewis has always worked the women? The Woman's Magazine, the Woman's National Daily, the Woman's Farm Journal, and now the Woman's League, all aimed to draw the coin from the fair sex. And yet, if you follow his style of writing, you can understand how he does it.

I give due credit to the Senator from Arkansas that he was influenced by this kind of argument, and in a certain sense it is much to his credit, indicating as it does the possession of sentiment and a large degree of compassion.

A woman dotes on a martyr. And as a first-class, long-suffering martyr Lewis heads the list. He can give cards and spades to those old duffers who were stoned to death or fed to lions. When Lewis gets down to the business of writing a story of his martyrdom he can beat the sob squad on any New York yellow newspaper. I once heard a lawyer, describing a mean man, say in his peroration: "Why, gentlemen of the jury, the defendant is so mean that he would boil potatoes for the pigs in the tears of widows and orphans." Now, if that man had only been hitched up with Lewis, the tear producer, what a spud-cooking establishment they could have operated. "How I have suffered at the hands of the Federal authorities," is the favorite pulse increaser and eye moistener, and it is always placed in juxtaposition with an appeal to please send in a dollar, or a half, a quarter, or even a dime to help the great fight along.

Now, I ask unanimous consent to add such portions of the article as may be pertinent to the issue, and also, Mr. President, to include certain letters very recently written in regard to this publication and these business enterprises.

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). Without objection, permission is granted.

The following is the matter referred to:

* * * * * * *

I first heard of Lewis in Memphis, Tenn., when he blew in from some mysterious realm with a bug or rat poison. He persuaded a drug-store proprietor to let him put his stuff on sale; then, to attract attention to it, he secured a number of live rats, so runs the story, and penned them

up in the show window of the store. When he came to St. Louis he went to John Mueller, then editor and proprietor of the Shoe and Leather Gazette, to have some circular letters printed. Mueller told me the man had just a lone $5 bill. I have heard Lewis say many times that he had less than $5, and I have also heard him declare that he had just $1.25. The circulars that Mueller printed for him, I have been told, were his start in business here. The proposition in brief was that the recipient of the circular should send 10 cents and get 10 more of the circular letters. There should be sent to 10 persons, each being requested to send 10 cents for 10 circulars, and on and on and on. The final proposition was that when the chain was completed the sender of the dime should receive a $30 watch or bicycle. I am told by persons who were in touch with Lewis at that time that in a very little while his mail became so heavy that he had to take two big clothes hampers to the post office. In a little while he had a small army of girls opening the letters and taking out the dimes and stamps.

Suddenly the United States Government stepped in, and then began his war with Uncle Sam, and he seems to have been having that war ever since. The chain-letter scheme was knocked on the head, but the man figured out that if he was issuing a publication of some sort he could work the same scheme through it and dodge the law. Then was when he got hold of the Winner Magazine. It was printed in the basement of the Wainwright Building, the type being set at a job office. The same chain letter or premium scheme, slightly modified, was carried on, the subscription price of the magazine being only 10 cents a year. The thing prospered and money came in a perfect avalanche from all over the country, but always from the back counties and rural districts. In those days, when the claim was made that the Woman's Magazine, which was the successor to the Winner, had a circulation of over a million copies, not a copy of it was ever seen in St. Louis, where it was printed, nor in any other city or even large town, so far as I could find out. The business grew so that the idea of having their own printing plant took root, and then came the plant out where is now University City.

* * * * * * *

Lewis says he shall devote himself for the next five years to getting a million subscribers to the magazines he has on his list, and if he succeeds he is to get a million dollars. He always talks in millions. I have heard Lewis tell how he was once a book agent; a book agent he is, according to his own announcement, to-day. It has always amused me to read Lewis's heart-rending declarations of how he "sacrificed his private fortune" to save his enterprises and to protect those interested in them. Since he started with less than $5—with only a dollar and a quarter, as he has been so fond of declaring—how much of a private fortune has he sacrificed? It seems to have been a clear case of other people's money from start to finish, and I have read with interest his declarations of what he is going to do in the future and of his hopes for reclaiming all his enterprises at or before the end of five years. But I have also heard whispers of a plan for a trip abroad "on account of his health." If it is true that he has a "kick" full of ready cash, he can have a mighty fine time abroad, and perhaps might never want to return to St. Louis. I have also heard a great deal said about the wonderful genius of the boyish-looking fellow. It is well in taking note of things to remember that he is close to, if not beyond, the half-century mark in the journey of life. He testified in court nearly three years ago that he was "past 47 years old."

It is funny to look back. Lewis was going to establish a world-famous art school, and he did rope in some pupils. Lewis was going to establish a school of journalism, and he did map out a program, and paid for a few of the lessons for which he contracted. Lewis was going to establish the most wonderful pottery in the world, having discovered most remarkable clay on his real-estate holdings, and he did bring a teacher over from France. Lewis launched the fiber stopper company and sold a great deal of stock, but where are the fiber stoppers? Lewis was going to make the Woman's Magazine and half a dozen other publications the most wonderful in their respective classes in the world. Lewis was going to make the Star the leading newspaper in St. Louis. Lewis was going to build up a bank—two of them, in fact—that would deliver the people all over the United States from the rapacious clutches of the express octopus. Lewis was going to build a subway for St. Louis. Lewis was going to do a thousand and one other things. All gone a-glimmering into the limbo of the things that never were, and in their stead we have a smiling, glib-tongued, and personally admirable, almost lovable, little subscription agent for magazines. I hope he will be able to hold onto his automobile and that natty white duck suit and those white shoes and that white cap he was so fond of wearing; and, above all, I hope he will be able to hold on to his sunny nature and his assertive optimism.

Mr. BURTON. The Senator from Arkansas has submitted a statement from former Third Assistant Postmaster General Madden, setting forth demands made by Mr. Madden on behalf of the Lewis Publishing Co., on July 14, 1910, and August 13, 1910, respectively, that the Post Office Department advise him specifically as to the postal laws and regulations violated and constituting a basis for the seven civil suits brought in the United States Circuit Court for the Eastern District of Missouri for the recovery of some hundred thousand dollars in postage due the department by the company. That these demands were not made in good faith will appear from the fact that while Third Assistant Postmaster General Mr. Madden held two separate and distinct hearings, in which all the matters alleged by the department, and upon which claim for postage was based, were thoroughly inquired into, investigated, sifted, and analyzed before him, and from the further fact that responses by way of answer had been made by the Lewis Publishing Co. in each of the before-named seven civil suits in the United States circuit court at St. Louis, Mo., such answers being verified by the oath of an officer of the company, and from the still further fact that the counsel of the publishing company at the time of the hearings referred to, and also at the time the seven civil suits were brought, as well as at the present time, were also fully advised of the grounds of action. It is manifest, therefore, that the sole object of the company in asking, through Mr. Madden, a second statement of the grounds of action was not for the purpose of information, as they were already fully advised on that subject, but was for the purpose of opening further cavil and dispute, and adding further confusion to an already complicated situation, with a view of distorting the action of the Post Office Department into unfair treatment of the publishing company. The Post Office Department and Department of Justice did, in the premises, the only legitimate and proper thing to do, namely, referred the publishing company to the records of the court where all the matters of inquiry appeared in full, both the law and the facts, of which matters they were at that time and had for a long time theretofore been duly advised.

If the Senator from Arkansas will turn to the report which, under date of January 23, 1911, the Postmaster General transmitted to the House Committee on Claims in regard to House bill 26799, for the relief of the Lewis Publishing Co., he will find a more accurate statement of the facts than he seems to have had the fortune of obtaining in relation to the fancied grievances of the Lewis Publishing Co. during the administration of former Postmaster General Cortelyou. Beginning at about page 9 of that report he will find the facts and the legal authority upon which the Post Office Department collected from the Lewis Publishing Co. some $30,000 in postage. He will also find on pages 6 and 7 of that report that it is absolutely false that the second-class privileges of the two Lewis magazines to which he refers were revoked without a hearing having first been accorded the publishers as required by the law—act of March 3, 1901. The publishers were given a hearing in both cases; in fact, even two hearings were held in each case. The publishers, in response to the department's rules to show cause, appeared at the department, accompanied by counsel and others. The hearings consumed three days, and decision was reached only after the most careful consideration of all the evidence, including that adduced at the hearings. Had the Senator been familiar with the facts disclosed by this report, that degree of fairness I concede to him would, I am certain, have prevented him requesting that the statement of Mr. Madden, the paid attorney of the Lewis Publishing Co., be printed as a part of his remarks. Rather it would have prompted him to throw the statement into the waste basket.

THE FRAUDULENT USE OF THE MAILS SHOULD BE PREVENTED.

Mr. President, we can not be too severe, consonant, of course, always with justice, in preventing the frauds that are carried on by mail. Fourteen years ago an official of the Post Office Department told me that he and his associates could compute with substantial exactness the amount of money gained by one of these mail-order concerns before they were pounced upon. The average varied from twenty-five to thirty thousand dollars.

I have a report from the Post Office Department stating that the amount taken from the people by those convicted since July 1, 1910, of using the mails for fraudulent purposes is over $26,000,000, and the amount taken by those whose trials are now pending for such offense is almost $50,000,000. Thus over $76,000,000 has been filched from the people by these promoters of fraudulent schemes. This startling figure is more eloquent than any plea I can make that the Post Office Department be encouraged and assisted in its efforts to stay the hand of the spoiler.

It is pathetic, Mr. President, to go into some of the communities in this country and find the number of people who have been robbed by these enterprises, deluded by some promising advertisement—and not merely robbed, but oftentimes deprived of the last dollar of their savings. I have seen widows, elderly women, day and night, anxious over one thing, "Will there be any return from the enterprise in which we have placed our money?" They were trustful, little thinking anyone who would publish such an appealing account could be a rogue, and feeling that everything is sacred that appears in print.

The strong arm of the Government has been raised to stamp out these frauds. I have before me a long list of some of the most flagrant of these abuses. If there is a newspaper under suspicion—I do not charge that this newspaper is given to promoting these schemes—but if it is under suspicion, the best course to pursue is not to attack the Post Office Department, but rather to ask them to exercise a scrutinizing eye and to protect the old, the innocent, and the unsuspecting from being defrauded by this class of schemers.

I would be the last man to rise from my seat and suggest anything that would embarrass the Post Office Department in its efforts to stay the hand of the spoiler or that would in any way make the postal service less efficient.

People sometimes think that severe rulings are inspired by some whim of a public official. They think that those who make self-sacrifices and face the storm of criticism are of necessity backed by the truth. But we should recognize that, if

duty is conscientiously done, it is for us and for our country that these sacrifices are incurred, and it should be our part to applaud rather than criticize those who are doing their duty.

THE EFFICIENCY OF THE POST OFFICE DEPARTMENT.

I think the Post Office Department has established a most commendable record. In a report, out just a few days ago, it appeared that for the first half of the fiscal year ending December 31, 1910, the revenues amounted to $118,573,817 and the expenditures to $118,614,680, a deficit of only $40,863 against deficits of ten and fifteen million dollars in previous years. A department is not to be judged merely by its economy, for there may be false economy. But there is no branch of the postal service that has been neglected. The rural-carrier service has been improved; collections and deliveries in the cities have been more frequent than before; and a larger amount has been paid out for wages—not, perhaps, as much as many employees would desire, but in that event the fault rests not so much with the department as with Congress. The department is spending what we are allowing it to spend and what we are appropriating for it. All along the line there are indications of increased efficiency for the benefit of the people. Wherever there may be defects in management or wherever there may be the slightest wrongdoing or defalcation I will join with anyone in condemning it, but I can not allow an attack to be made here on that department and its officials without replying to it. If anyone comes here winding the robe of sanctity about some person who is not entitled to wear it, then that robe ought to be torn away.

HOUR OF MEETING.

Mr. GALLINGER. I move that when the Senate adjourns today it adjourn to meet at 12 o'clock to-morrow.

The motion was agreed to.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. BORAH. Mr. President, I have been conferring with some of the Senators with reference to an attempt to secure a day to vote on House joint resolution No. 39, and I now ask unanimous consent that upon the 12th day of June we may take up House joint resolution No. 39 immediately after the close of the morning business and vote upon the amendments to the joint resolution and the joint resolution itself before the conclusion of that legislative day.

The VICE PRESIDENT. The Senator from Idaho asks unanimous consent that upon June 12 House joint resolution 39 be taken up for consideration, and that a vote be taken on all pending amendments and on the joint resolution itself before the conclusion of that legislative day.

Mr. GALLINGER. And amendments to be offered, I suppose.

Mr. BORAH. Yes.

The VICE PRESIDENT. Pending amendments and amendments to be offered.

Mr. GALLINGER. I ask the Senator from Idaho if he has conferred with his colleague [Mr. HEYBURN] on this matter?

Mr. BORAH. My colleague is present.

Mr. GALLINGER. I beg the Senator's pardon; I saw his colleague's seat was vacant.

Mr. HEYBURN. Mr. President, I do not intend to interpose any objection to the vote being taken at that time, but I think the request is hardly in the usual form. The Senator does not mean that the joint resolution may not be taken up and will not come up between now and the 12th of June?

Mr. BORAH. No; but, Mr. President——

Mr. HEYBURN. I think the usual language would be "not later than on the 12th of June."

The VICE PRESIDENT. The Chair understands the request to mean that the joint resolution be finally disposed of upon that day, and that in the meantime, at 2 o'clock or 4 o'clock, as the case may be, on each day it will still be the unfinished business and will retain its position as unfinished business upon the calendar.

Mr. WILLIAMS. Mr. President, one word. I understood the request to be that the vote be taken upon that day. If the suggestion of the senior Senator from Idaho [Mr. HEYBURN] be adopted, the vote might be taken on an earlier day.

Mr. HEYBURN. I did not distinctly understand the statement of the Senator.

Mr. WILLIAMS. I was trying to understand the Senator from Idaho. As I understood the junior Senator from Idaho [Mr. BORAH], his request was that the vote be taken on the 12th of June.

Mr. HEYBURN. That the joint resolution be taken up on that day and voted upon; yes.

Mr. WILLIAMS. What I want to understand now is, if the request is modified, does it leave it so that the vote can be taken prior to that time?

Mr. HEYBURN. No.

Mr. WILLIAMS. Very well. That is all right. What I was interested in was having the day set definitely.

Mr. BORAH. Mr. President, I desire to have inserted in the unanimous-consent agreement the words "immediately after the morning business."

The VICE PRESIDENT. That will be understood.

Mr. HEYBURN. That the joint resolution be taken up immediately after the morning business.

Mr. BACON. Mr. President, I have no objection to the day suggested. I simply desire to have a clear understanding on one point. It will be recalled that when a similar joint resolution was before the Senate at the last session there was some difference of opinion as to whether or not at that time the regular order of the Senate as to the consideration and passage of a bill and amendments to it was set aside by such an agreement. The Chair on that occasion, it will be recalled, held that although the bill had never passed from the Committee of the Whole to the Senate, the agreement in that case did away with that order of procedure and required that we should take the vote directly as if the measure had prior to that time been transferred by the action of the Senate from the Committee of the Whole to the Senate.

I want to say that my understanding theretofore of unanimous-consent agreements in such matters had always been that the effect was to bring the Senate to the immediate consideration of the measure in the status in which it was found at the time when the agreement was made that we were to begin to vote or to consider the matter.

The purpose I have in view is this: I think that if the joint resolution is still in Committee of the Whole when the time arrives when it is agreed that we will proceed with the consideration of it, it is not to be considered that by that agreement we have passed over the intervening steps ordinarily had in transferring a measure from the committee to the Senate and that by that consent we are brought to a vote upon the measure without those intervening steps. To illustrate, in the other House there is a procedure by which the previous question is to be considered as ordered at a particular time. Of course that being so, under that practice it necessarily brings the body to a vote at that particular stage. But I do not understand that it has that effect here, where we have not that particular parliamentary procedure; and, if I understand correctly the agreement in this case, it will be simply that on the 12th of June, at the time indicated, the measure will be taken up, and be taken up in the status in which it may be found at that time, and will be proceeded with in the regular order in which the Senate in other matters proceeds to the third reading and passage of a bill.

The VICE PRESIDENT. That is the Chair's understanding. If the Chair may suggest to the Senator from Georgia, the agreement in the preceding Congress to which he has referred provided that a vote be taken at a specific hour. That is not the request in this case, but the request is that the matter be taken up at a particular time and proceeded with until disposed of.

Mr. BACON. I understand that, and that is entirely satisfactory to me. As I understand, the matter is correctly stated, and it will be that when the joint resolution is taken up it will be taken up in the status in which it may be at that time and that we will proceed with it in regular order.

The VICE PRESIDENT. The Chair so understands it.

Mr. STONE. We are to take up this joint resolution for consideration and continue the consideration of it until a vote has been reached on the 12th of June, and if in the meantime it is to remain the unfinished business, that means that it will stand in the way of the consideration of any other measure for something more than two and one-half weeks. For instance——

Mr. BAILEY. Will the Senator from Missouri permit me?

Mr. STONE. Certainly.

Mr. BAILEY. I think if a unanimous-consent agreement is entered fixing a certain day the joint resolution then loses its place as the unfinished business of the Senate and becomes a special order.

Mr. GALLINGER. That is right.

Mr. STONE. In that view of it, I have no objectoin whatever to fixing the 12th of June as the day for the consideration of this joint resolution and to continue the consideration of it until it is completed on that legislative day; but I understood the Chair to say a few moments ago that this joint resolution would continue as the unfinished business in the interim.

Now, Mr. President, I should like to have it settled at this point whether the Senator from Texas or the statement of the Chair, as I understood it to be, is correct.

The VICE PRESIDENT. The Chair's understanding was and is that the matter remains upon the calendar as the un-

finished business, to be called up two hours after the meeting of the Senate on each day, and to be disposed of when called up in such manner as the Senate sees fit.

Mr. HEYBURN. Mr. President——

Mr. STONE. Then, Mr. President, I desire to ask the Chair as to this possible situation: Suppose next week the Committee on Finance should report what is known as the reciprocity bill and it goes to the calendar. Can it be taken up and considered by the Senate except on motion, so that it would displace the resolution in charge of the Senator from Idaho as the unfinished business?

The VICE PRESIDENT. It could be done. It could displace it as the unfinished business, most certainly, if the Senate so desired.

Mr. STONE. But could it be taken up for consideration, for debate, for a disposition of it finally?

Mr. GALLINGER. It could in the morning hour.

Mr. STONE. I do not refer to the morning hour.

The VICE PRESIDENT. It could, by action of the Senate, be made the unfinished business. There is no question about that. It could be made the unfinished business by the action of the Senate.

Mr. STONE. That would displace the joint resolution.

The VICE PRESIDENT. Certainly, as the unfinished business; but it would not annul this unanimous-consent agreement that on a particular day it be disposed of.

Mr. STONE. Then I understand that if some other bill, on motion, should be taken up after the morning hour——

The VICE PRESIDENT. Yes.

Mr. STONE. The bill would then become the unfinished business, instead of the joint resolution, which is now the unfinished business.

The VICE PRESIDENT. If taken up at the proper hour, it would.

Mr. STONE. After 2 o'clock?

The VICE PRESIDENT. Yes.

Mr. STONE. After 2 o'clock, for example, when the Senate meets at 12 o'clock.

Mr. HEYBURN. Mr. President——

Mr. STONE. Excuse me just a moment, please.

Mr. HEYBURN. Yes.

Mr. STONE. Then, although that bill might displace the joint resolution as the unfinished business, the order which is asked for now would still stand, and on the 12th of June the joint resolution would be taken up for disposition on that legislative day.

The VICE PRESIDENT. The Senator correctly states it as the Chair understands it.

Mr. STONE. I think I have no objection, with that understanding.

Mr. HEYBURN. Mr. President, I am speaking for my own action. I agreed to this request for unanimous consent with the express understanding, as stated to my colleague, that the joint resolution would remain the unfinished business. It can readily be seen that no further opportunity might be given to discuss the joint resolution if it were displaced as the unfinished business. It is not probable, in my judgment, that it could be taken up by a vote of the Senate prior to the time fixed for the vote. I would not agree to fixing the time by unanimous consent, except that the joint resolution might have such a status on the calendar as that any Senator who desired to discuss it might have a right to discuss it, without appealing to the Senate any day prior to the day fixed for a vote.

Mr. BACON. I suggest to the Senator that that could certainly be done during the two hours known as the morning hour. That would give ample opportunity.

Mr. HEYBURN. One might discuss it when it was not before the Senate, of course, under any order of business open to discussion, but I want to preserve the right, not the privilege, to discuss the joint resolution on the part of any Senator who may desire to discuss it between now and the time when the vote is to be taken. When my colleague [Mr. BORAH] spoke to me about it, I told him that if it should remain the unfinished business, retain its status, so that it might be discussed at any time as a matter of right, I would agree to fix the date on which a vote should be taken.

It may readily be seen that otherwise further debate might be shut off until the 12th day of June. That I could not consent to. I regard the matter as one that probably will and should be further discussed as a matter of right, and were a change to be made, I would withdraw my consent to the fixing of that date or any date, because the matter has not been sufficiently discussed.

Mr. BACON. Mr. President, with the permission of the Senator, I simply wish to suggest that it has been the very frequent practice, if not the general custom, of the Senate when one of these consents was taken or given, to incorporate or include in it a provision that the measure could be called up at any time in the interval by any Senator who desired to address the Senate upon the subject.

Mr. HEYBURN. Now, that suggests a remedy. If the agreement embodies a provision that the joint resolution may be called up as a matter of right, that will afford any Senator who desires it an opportunity to discuss it.

Mr. BACON. That has very frequently been done.

Mr. HEYBURN. But if he has to rely on a vote to take it up he might lose any further opportunity to discuss it. The joint resolution should remain as the unfinished business, and that should be a part of the record; and with that condition I will give my consent, so far as my consent is necessary, to fixing a date upon which the vote shall be taken. But if that is not to be respected then I would withhold my consent.

The VICE PRESIDENT. May the Chair state the proposition as it is now suggested by the senior Senator from Idaho? It is agreed by unanimous consent that on June 12, 1911, following the routine morning business, the Senate will proceed to the consideration of the joint resolution (H. J. Res. 39) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States, and that a vote shall be taken upon all amendments then pending or to be offered and upon the resolution itself before adjournment on that legislative day, and that meantime the joint resolution shall continue the unfinished business of the Senate.

Mr. HEYBURN. That is satisfactory to me.

Mr. PENROSE. Mr. President, I should like to make an inquiry. Supposing that the reciprocity agreement should be reported from the Committee on Finance prior to that time, and a motion should be made to proceed to its consideration.

The VICE PRESIDENT. It could not displace this business except by unanimous consent.

Mr. HEYBURN. It was my intention that it should be in that position.

Mr. PENROSE. I must certainly object to that part of the agreement. I do not want to object to coming to a vote on the joint resolution.

Mr. CURTIS. Under the rules, could not the Senator in charge of this joint resolution ask permission to have it temporarily laid aside? That would let in any——

Mr. HEYBURN. No; that requires unanimous consent.

Mr. CURTIS. It could be temporarily laid aside.

Mr. HEYBURN. Yes.

The VICE PRESIDENT. That could be done. Of course, notwithstanding the form of the order in which the Chair stated it, at any time the unfinished business may be laid aside by unanimous consent.

Mr. HEYBURN. Certainly; and unless some Senator desires to speak, that would not be opposed.

The VICE PRESIDENT. Undoubtedly it would be done.

Mr. BAILEY. I hope the Senator from Pennsylvania will not object to that. I doubt if the Senate will be ready—it certainly will not be much more than ready—to proceed with the reciprocity agreement by the 12th of June, and we could dispose of this.

In addition to that, Mr. President, I only desire to say that I am glad to have incorporated in this agreement the specific understanding that the joint resolution is to remain the unfinished business, because in the absence of that understanding my impression is that the practice of the Senate is that a unanimous-consent agreement like this takes the matter from the condition of unfinished business and makes it a special order. That, however, is not material at this time, since the agreement stipulates for the status of the joint resolution.

Mr. HEYBURN. Of course, I take it for granted that the Senate would regard the obligation not to displace the unfinished business as being protected by the provision contained in the agreement.

Mr. BAILEY. I think, under that unanimous-consent agreement, a motion to do it would not be in order.

Mr. HEYBURN. That is the way I look at it.

The VICE PRESIDENT. The Chair so understands. It must be done by unanimous consent.

Mr. STONE. Let me see if I correctly understand the Chair. Do I understand the Chair to say that a motion made to take up another bill would not be in order under that unanimous-consent agreement?

The VICE PRESIDENT. No; a motion would not. The unfinished business could at any time be set aside by unanimous consent.

Mr. STONE. Then it would lie in the hands of any Senator to postpone the consideration of any other measure until after

this joint resolution had been disposed of on the legislative day of June 12?

The VICE PRESIDENT. Only during the hours that the unfinished business has the right of way; not during other hours.

Mr. STONE. It would have the right of way, as I understand it, throughout all that period except during the morning hour.

The VICE PRESIDENT. Except two hours each day.

Mr. STONE. The two hours.

Mr. President, I do not like the idea, I am frank to say, of making an agreement which puts it in the hands of a single Senator to delay the consideration of important measures for nearly three weeks, carrying us right into the middle of the summer, when it may be, and probably will be, that the joint resolution will drag along with nobody to discuss it.

Mr. BACON. If nobody desires to discuss it, of course something else will be taken up for consideration.

Mr. HEYBURN. That is the answer.

Mr. STONE. Let me understand that. If on any given day another bill is on the calendar—say, the reciprocity bill, for I have that particularly in mind—and no Senator is ready or disposed to proceed with the discussion of the joint resolution in charge of the Senator from Idaho, would the consideration of the reciprocity bill be in order?

The VICE PRESIDENT. By unanimous consent.

Mr. STONE. Only by unanimous consent?

The VICE PRESIDENT. That is all. Since the occupancy of the chair by the present Presiding Officer, he has never seen a time when the unfinished business was not set aside promptly by unanimous consent when no one desired to discuss it.

Mr. STONE. But one objection would prevail?

The VICE PRESIDENT. Yes.

Mr. BACON. I think the Senator did not make himself clearly understood by the Chair. The inquiry of the Senator from Missouri was whether it required unanimous consent at such a time to take up the reciprocity measure. The Chair's reply was that unanimous consent would be necessary to lay aside the unfinished business.

The VICE PRESIDENT. The unfinished business; yes.

Mr. BACON. But unanimous consent would not then be required, after *the joint* resolution had thus been laid aside, to take up the reciprocity measure.

The VICE PRESIDENT. Oh, no.

Mr. STONE. Then will the Chair inform me how the reciprocity bill, since we are speaking of that, would get before the Senate if the Senator from Pennsylvania, the chairman of the Finance Committee, should ask to proceed with it?

The VICE PRESIDENT. It could be done either by unanimous consent or by a motion after the unfinished business had been laid aside by unanimous consent.

Mr. BAILEY. And after the bill gets out of the committee. [Laughter.]

The VICE PRESIDENT. Provided it gets out of the committee.

Mr. STONE. After what gets out of the committee?

Mr. BAILEY. The reciprocity measure.

Mr. STONE. Of course, the committee may hold the bill indefinitely if it is the wish of the Senate that it should. But if it is the purpose of the majority of that committee—which I hope is not true and I do not believe is true—to hold that measure indefinitely in the hands of the committee a motion might be made to discharge the committee from the further consideration of the bill.

Mr. GALLINGER. And being a debatable motion we might never get a vote on it.

Mr. STONE. We are having some expressions now that seem to indicate a purpose to prevent a consideration of that bill.

Mr. GALLINGER. If the Senator will permit me, I will say to him that I am ready to cooperate with him in every proper way to get that bill out of the committee and to get a vote on it. I did not mean that in the sense that I was obstructing the matter at all.

I think the Senator, however, is troubled unnecessarily about getting to the consideration of the reciprocity bill. It is well known to the Senator that we can debate any bill on any other bill, and if the unfinished business is not being debated any Senator can debate the reciprocity question; he can proceed to do so whether he has obtained consent to have the bill before the Senate or not.

Mr. STONE. Sure; he can debate.

Mr. GALLINGER. But the suggestion of the Chair is a very pertinent one, that the Chair has never, during more than two years, known an instance when the unfinished business was not being debated that it was not laid aside by unanimous consent. It is always done, and I feel sure that just as soon as we get the reciprocity bill out of the committee there will be ample opportunity to discuss it.

Mr. STONE. The Senator knows, of course, as well as anyone that the unfinished business can not be temporarily laid aside, except by unanimous consent.

Mr. GALLINGER. No; but I assume that that will be granted. It always is granted.

Mr. STONE. I think it ought to be.

Mr. GALLINGER. But in the meantime——

Mr. STONE. But I have not that supreme confidence that the Senator from New Hampshire seems to enjoy that it would be.

Mr. GALLINGER. I have. My confidence is supreme, because in 20 years I have never known it to fail.

Mr. BAILEY. I want to relieve the mind of the Senator from Missouri on the question of any plan to keep the reciprocity bill in the committee. That was merely a good-natured banter, largely provoked by the fact that the Senator was talking about keeping us here through the hot summer time; and I can understand how corpulent Senators would shun the hot weather.

Mr. STONE. I am very glad indeed to know that the remarks of the Senator from Texas and the Senator from New Hampshire were jocular. It relieves the situation somewhat.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. STONE. Just one moment and I am through. I still understand the Chair to hold—and there is no dissent from it, so far as I have heard—that while a Senator may debate the reciprocity bill, if, perchance, it gets into the Senate, in the meantime a Senator can take his place on the floor and say what he may have in mind to say about the reciprocity bill day after day. That might go on, but he can not have a vote on the bill.

The VICE PRESIDENT. Oh, no; the Chair did not say that, and did not intend to say so. No.

Mr. GALLINGER. If the Senator will permit me, I suggest to him that at any time when the bill is before the Senate, whether it be in morning hour or when the unfinished business is laid aside, if the Senate is prepared to vote, it can proceed to vote on it.

Mr. STONE. By unanimous consent.

Mr. GALLINGER. Not by unanimous consent. It can vote on the bill at that time if the Senate is prepared to vote on it without any reference to the unfinished business.

Mr. STONE. I do not want to put myself in the attitude of objecting to the request of the Senator from Idaho, particularly when Senators around me, who are as much in favor of the reciprocity bill as I am, are rather urging me not to do so. But I am very frank to say that I am withholding that objection very reluctantly. I do not think the situation is at all favorable to a consideration of the reciprocity bill, however it may be intended.

The VICE PRESIDENT. Is there objection to the order?

Mr. HEYBURN. I think I should say that of course I have no intention of interposing an objection to laying aside the unfinished business as a mere matter of tantalizing some one or obstructing. I merely want the right, that any Senator may choose to exercise, to discuss it, and if it is not laid aside by unanimous consent they can go on and discuss the reciprocity measure as well.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the request for unanimous consent is agreed to.

SENATOR FROM ILLINOIS.

Mr. CULLOM. I believe it is getting a little too late to take up a new subject, and therefore I move an executive session.

Mr. LA FOLLETTE. Will the Senator from Illinois withhold his motion for a moment?

Mr. CULLOM. Certainly.

Mr. LA FOLLETTE. I should like to say that after the conclusion of the morning business to-morrow morning I will conclude what I have to say on Senate resolution No. 6.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were reopened.

HOUR OF MEETING TO-MORROW.

Mr. NELSON. I move to reconsider the vote by which the Senate agreed to change the hour of meeting for to-morrow to 12 o'clock noon.

The motion to reconsider was agreed to.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 26, 1911, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate May 25, 1911.

UNITED STATES CIRCUIT JUDGE.

William Schofield, of Massachusetts, to be United States circuit judge for the first judicial circuit, vice Francis C. Lowell, deceased.

UNITED STATES DISTRICT JUDGES.

Henry A. Middleton Smith, of South Carolina, to be United States district judge for the district of South Carolina, vice William H. Brawley, resigned.

James D. Elliott, of South Dakota, to be United States district judge for the district of South Dakota, vice John E. Carland, appointed judge of the Commerce Court.

PROMOTIONS IN THE NAVY.

Lieut. Commander Frank H. Schofield to be a commander in the Navy from the 29th day of January, 1911, to fill a vacancy.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 13th day of February, 1911, upon the completion of three years' service as ensigns:

Owen Bartlett,
Henry G. Fuller,
George E. Lake,
Fred F. Rogers, and
Arthur A. Garcelon, jr.

The following-named midshipmen to be ensigns in the Navy from the 5th day of June, 1911, to fill vacancies:

Ralph D. Weyerbacher,
William W. Smith,
Luther Welsh,
David I. Hedrick,
Carl P. Jungling,
Olaf M. Hustvedt,
Gaylord Church,
Harold T. Smith,
Cummings L. Lothrop, jr.,
Preston B. Haines,
Herbert R. A. Borchardt,
Thomas B. Richey,
Robert S. Robertson, jr.,
Gerard Bradford,
Mark L. Hersey, jr.,
Frank T. Leighton,
Alva D. Bernhard,
Chester S. Roberts,
Penn L. Carroll,
Benjamin V. McCandlish,
Daniel A. McElduff,
Arthur S. Dysart,
Hugh P. Le Clair,
Phillip F. Hambsch,
Edmund S. R. Brandt,
Ralph D. Spalding,
James D. Maloney,
Alan G. Kirk,
Fitzhugh Green,
Levi B. Bye,
Granville B. Hoey,
Tracy L. McCauley,
Francis W. Scanland,
Joel W. Bunkley,
Max B. De Mott,
Ernest J. Blankenship,
John J. Saxer,
Leo L. Lindley,
Harold C. Train,
Richard McC. Elliot, jr.,
Lee P. Johnson,
Monroe Kelly,
Alfred L. Ede,
Raymond E. Jones,
Marion C. Robertson,
Edward C. Raguet,
Ward W. Waddell,
Charles C. Davis,
Robert R. Paunack,
Frank D. Manock,
George K. Stoddard,
Williams C. Wickham,
Freeland A. Daubin,
Anson A. Merrick,
Hugh V. McCabe,
Paul H. Rice,
William C. Faus,
Radford Moses,
Thomas E. Van Metre,
John H. S. Dessez,
Stuart S. Brown,
Richard W. Wuest,
Charles H. Morrison,
Robert G. Coman,
William C. Bartlett,
Holbrook Gibson,
Howard H. J. Benson,
William D. Billingsley,
Virgil J. Dixon,
James B. Glennon,
Franklin Van Valkenburgh,
Vance D. Chapline,
Charles S. Yost,
Frank A. Braisted,
Robert E. Thornton,
John Borland,
Oscar C. Greene,
Raleigh C. Williams,
Thalbert N. Alford,
Eugene M. Woodson,
James S. Spore,
Charles H. Maddox,
Edgar A. Logan,
Benjamin F. Tilley,
Mark C. Bowman,
Harold A. Waddington,
Percy W. Northcroft,
Augustine W. Rieger,
James B. Rutter,
Cyrus D. Gilroy,
Theodore H. Winters,
Robert P. Guiler, jr.,
Ralph G. Haxton,
Charles M. Elder,
James M. Doyle,
Creed H. Boucher, and
Henry T. Settle.

POSTMASTERS.

ARKANSAS.

W. C. Burel to be postmaster at Walnut Ridge, Ark., in place of Samuel T. Benningfield, resigned.

CONNECTICUT.

Alfred W. Converse to be postmaster at Windsor Locks, Conn., in place of Alfred W. Converse. Incumbent's commission expired February 28, 1911.

MARYLAND.

Harry C. Bowie to be postmaster at La Plata, Md. Office became presidential October 1, 1910.

MINNESOTA.

Nels L. Johnson to be postmaster at Buhl, Minn. Office became presidential January 1, 1911.

MISSOURI.

Homer Beaty to be postmaster at Drexel, Mo. Office became presidential January 1, 1910.

NEBRASKA.

William R. Pedley to be postmaster at Bertrand, Nebr., in place of William R. Pedley. Incumbent's commission expired January 31, 1911.

NORTH DAKOTA.

J. A. Meyer to be postmaster at New England, N. Dak. Office became presidential April 1, 1911.

C. E. Styer to be postmaster at Crosby, N. Dak., in place of Hans McC. Paulson, resigned.

OKLAHOMA.

Walter Ferguson to be postmaster at Cherokee, Okla., in place of Ira A. Hill, resigned.

George Y. Walbright to be postmaster at Stroud, Okla., in place of George Y. Walbright. Incumbent's commission expired December 13, 1910.

OREGON.

John A. Stevens to be postmaster at Dufur, Oreg. Office became presidential January 1, 1911.

VIRGINIA.

Charles C. Bolton to be postmaster at St. Paul, Va. Office became presidential January 1, 1911.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 25, 1911.

PROMOTIONS IN THE NAVY.

Commander Nathan C. Twining to be Chief of the Bureau of Ordnance in the Department of the Navy with the rank of rear admiral.

Lieut. Charles H. Fischer to be a lieutenant commander.

Lieut. (Junior Grade) Burton H. Green to be a lieutenant.

Lieut. (Junior Grade) Duncan I. Selfridge to be a lieutenant.

Lieut. (Junior Grade) John J. London to be a lieutenant.

Lieut. (Junior Grade) John W. Wilcox, jr., to be a lieutenant.

Lieut. (Junior Grade) John M. Smeallie to be a lieutenant.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 13th day of February, 1911, upon the completion of three years' service as ensigns:

Douglas W. Fuller,
John T. G. Stapler,
Alexander Sharp, jr., and
Wilfred E. Clarke.

POSTMASTERS.

CALIFORNIA.

Nora Buchanan, Pittsburg (late Black Diamond).

KANSAS.

Nelson M. Cowan, Kensington.

MINNESOTA.

B. H. Holte, Starbuck.
Samuel C. Johnson, Rush City.

NORTH CAROLINA.

Warren V. Hall, North Charlotte.

SOUTH DAKOTA.

Abraham H. Dirks, Marion.

WEST VIRGINIA.

Frank L. Bowman, Morgantown.

REJECTION.

Executive nomination rejected by the Senate May 25, 1911.

POSTMASTER.

William A. Moxley to be postmaster at St. Marys, Ohio.

INJUNCTION OF SECRECY REMOVED.

The injunction of secrecy was removed from a treaty of extradition between the United States and Salvador.

SENATE.

FRIDAY, *May 26, 1911.*

The Senate met at 2 o'clock p. m.

Prayer by Rev. John Van Schaick, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ADJOURNMENT TO MONDAY.

Mr. GALLINGER. I move that when the Senate adjourns to-day it adjourn to meet on Monday next.

The motion was agreed to.

THE STANDARD OIL CO. ET AL. V. UNITED STATES.

The VICE PRESIDENT laid before the Senate a communication from the Attorney General, stating by direction of the President and in response to a resolution of the 23d instant that no criminal prosecutions have been begun or are now pending against the Standard Oil Co. of New Jersey or the constituent companies or individual defendants named for violations of sections 1 and 2 of the Sherman antitrust law, which was referred to the Committee on the Judiciary and ordered to be printed. (S. Doc. No. 39.)

LAWS OF PORTO RICO.

The VICE PRESIDENT laid before the Senate a copy of the acts and resolutions of the special session of the Fifth Legislative Assembly and first session of the Sixth Legislative Assembly of Porto Rico, which was referred to the Committee on Pacific Islands and Porto Rico.

PETITIONS AND MEMORIALS.

Mr. BRIGGS presented memorials of sundry citizens of Jersey City, Sayreville, Perth Amboy, Dunellen, Chrome, Kearny, and Newark, all in the State of New Jersey, remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented memorials of Local Union No. 45, National Brotherhood of Operative Potters, of Trenton; of Cigar Makers' Union No. 428, of Trenton; of General Teamsters' Union No. 78, of Trenton, in the State of New Jersey, remonstrating against the abduction of John J. McNamara from Indianapolis, Ind., which were referred to the Committee on the Judiciary.

Mr. CULLOM presented memorials of the Unity Church Society, of Hinsdale, Ill.; of the Vergnuegungs Club Unter Uns, of New Brunswick, N. J., and of sundry citizens of Jersey City, N. J., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented a memorial of the congregation of the Seventh-day Adventist Church of Pontoosuc, Ill., and a memorial of sundry citizens of Urbana and Champaign, Ill., remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. JONES. I present a petition on behalf of members of Reynolds Post, No. 32, Grand Army of the Republic, Department of Washington and Alaska, of Blaine, Whatcom County, Wash., praying for the passage of the so-called Sulloway pension bill. I ask that the petition be read and referred to the Committee on Pensions.

There being no objection, the petition was read and referred to the Committee on Pensions, as follows:

To the honorable Senate and House of Representatives,
Washington, D. C.

Your memorialists, the officers and members of Reynolds Post, No. 32, Grand Army of the Republic, of Washington and Alaska, of Blaine, Whatcom County, Wash., most respectfully represent and pray as follows:

That your memorialists, desiring to preserve the integrity of the Union, spent some of the best years of their lives in the service of the United States, years that were fraught with opportunity for financial gain; that at that time your memorialists were actuated solely by patriotic motives and without consideration of the future.

That now, however, time in passing has laid its hands heavily upon us, and the hardships and exposures incurred in service are having their inevitable effects, and our ranks are rapidly thinning.

That we feel that our good work and that of our comrades in arms merits substantial recognition, and that the country which we preserved should assist in relieving our declining years from want.

That we believe the Sulloway pension bill, if enacted as law, is just and equitable to us, and that it should be passed: Therefore be it

Resolved, That we, your memorialists undersigned, most respectfully pray that said proposed Sulloway pension bill, or some other equally as good, be passed in order to remove us and our comrades from want during the short remaining period of our allotted lives.

JASPER N. LINDSEY, *Commander.*
I. M. SCOTT, *Adjutant.*
T. J. SPOHN, *Quartermaster.*

Mr. BURNHAM presented a memorial of White Mountain Grange, Patrons of Husbandry, of Littleton, N. H., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a memorial of Local Division No. 3, Ancient Order of Hibernians, of Dover, N. H., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a memorial of the congregation of the Seventh-day Adventists Church of Keene, N. H., remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. GRONNA presented a petition of the Commercial Club of Tolna, N. Dak., praying for a reduction of the duty on raw and refined sugar, which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Portland, N. Dak., remonstrating against the establishment of a rural parcels-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. O'GORMAN presented petitions of sundry citizens of Brooklyn, N. Y., praying for the enactment of legislation for the preservation and control of the waters of Niagara Falls, which was referred to the Committee on Foreign Relations.

He also presented memorials of Local Division No. 6, Ancient Order of Hibernians, of Kings County; of Local Division No. 4, Ancient Order of Hibernians, of Saratoga; and of the Ancient Order of Hibernians of Batavia, in the State of New York; and of Local Division No. 1, Ancient Order of Hibernians, of Danbury, Conn., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Westbury quarterly meeting of the Religious Society of Friends, of Brooklyn, N. Y., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Brooklyn, N. Y., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

Mr. BRANDEGEE presented a memorial of Local Division No. 1, Ancient Order of Hibernians, of Danbury, Conn., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Hartford, Conn., praying for a reduction in the duty on raw and refined sugar, which was referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce of New Haven, Conn., praying for the adoption of an amendment to the corporation-tax law permitting corporations to make returns at the close of each fiscal year, which was referred to the Committee on Finance.

Mr. LODGE presented a memorial of the Shoe Manufacturers' Association of Brockton, Mass., remonstrating against any reduction in the duty on boots and shoes, which was referred to the Committee on Finance.

Mr. SMITH of South Carolina presented memorials of the State Pharmaceutical Association; of the legislative committee of the State Pharmaceutical Association; of the Riley Drug Co., of Florence; and of the Ligon's Drug Co., of Spartanburg, all in the State of South Carolina, remonstrating against the imposition of a stamp tax on proprietary medicines, which were referred to the Committee on Finance.

Mr. ROOT presented memorials of 26 citizens of Mechanicsville, N. Y., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

JAMES CARTER.

Mr. BRIGGS, from the Committee on Military Affairs, to which was referred the bill (S. 938) for the relief of James Carter, reported it without amendment and submitted a report (No. 46) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MARTIN of Virginia:

A bill (S. 2535) to reimburse the estate of Gen. George Washington for certain lands of his in the State of Ohio lost by conflicting grants made under the authority of the United States; to the Committee on Private Land Claims.

By Mr. HITCHCOCK:

A bill (S. 2536) granting an increase of pension to James W. Wilson; and

A bill (S. 2537) granting an increase of pension to Victor Tracy; to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 2538) to authorize the extension of Grant Street NE. and Deane Avenue NE., in the District of Columbia, from Minnesota Avenue to Fifty-eighth Street; to the Committee on the District of Columbia.

By Mr. DU PONT (for Mr. RICHARDSON):

A bill (S. 2539) for the relief of George Hallman; to the Committee on Claims.

By Mr. BRANDEGEE:

A bill (S. 2540) granting an increase of pension to Charlotte A. Avery; to the Committee on Pensions.

By Mr. BORAH (by request):

A bill (S. 2541) to amend an act entitled "An act to prohibit the passage of local or special laws in the Territories of the United States, to limit Territorial indebtedness, and for other purposes"; to the Committee on Territories.

By Mr. GAMBLE:

A bill (S. 2542) granting an increase of pension to William Mulloy (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 2543) granting an increase of pension to Joseph Annis (with accompanying papers); and

A bill (S. 2544) granting a pension to Mary E. Colby (with accompanying papers); to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 2545) for the execution of a suitable and creditable painting depicting and perpetuating the baptism of Virginia Dare, the first known celebration of a Christian sacrament on American soil; to the Committee on the Library.

A bill (S. 2546) granting an increase of pension to Susan A. Reynolds (with accompanying paper); to the Committee on Pensions.

A bill (S. 2547) for the relief of Chalmers G. Hall;

A bill (S. 2548) for the relief of W. T. Hawkins;

A bill (S. 2549) for the relief of the estate of Henry Kizer, deceased;

A bill (S. 2550) for the relief of the estate of Benjamin C. Smith, deceased;

A bill (S. 2551) for the relief of Samuel J. White; and

A bill (S. 2552) for the relief of the estate of Seth Waters, deceased; to the Committee on Claims.

By Mr. RAYNER:

A bill (S. 2553) for the relief of the heirs of Charles N. Gregory, deceased; to the Committee on Claims.

By Mr. CHAMBERLAIN:

A joint resolution (S. J. Res. 31) authorizing the Secretary of War to loan certain tents for the use of the Astoria Centennial, to be held at Astoria, Oreg., August 10 to September 9, 1911; to the Committee on Military Affairs.

DRAINAGE SURVEY OF CERTAIN LANDS IN MINNESOTA.

Mr. CLAPP submitted the following resolution (S. Res. 54), which was read and referred to the Committee on Printing:

Resolved, That 1,000 copies of House Document No. 27, Sixty-first Congress, first session, entitled "Drainage Survey of Certain Lands in Minnesota," be printed for the use of the Senate document room.

COST OF LIVING.

Mr. SMOOT. I present a digest from Bulletin No. 93, United States Bureau of Labor, of a report of the British Board of Trade on the cost of living in the principal industrial towns of the United States, together with a comparative summary of reports of the British Board of Trade on the cost of living in the principal industrial towns of England and Wales, Germany, France, Belgium, and the United States. I move that the digest be printed as a Senate Document. (S. Doc. No. 38.)

The motion was agreed to.

THE CALENDAR.

The VICE PRESIDENT. The morning business is closed and the calendar is in order under Rule VIII. The first business on the calendar will be stated.

The joint resolution (H. J. Res. 39) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States was announced as the first in order on the calendar.

The VICE PRESIDENT. The joint resolution, being the regular order as the unfinished business, will go over.

The joint resolution (H. J. Res. 1) to correct errors in the enrollment of certain appropriation acts, approved March 4, 1911, was announced as next in order.

Mr. HEYBURN. I ask that the joint resolution may go over.

The VICE PRESIDENT. The joint resolution will go over.

The bill (S. 20) directing the Secretary of War to convey the outstanding legal title of the United States to sublots Nos. 31, 32, and 33 of original lot No. 3, square No. 80, in the city of Washington, D. C., was announced as next in order.

Mr. HEYBURN. I ask that the bill may go over.

The VICE PRESIDENT. It will go over.

The bill (S. 23) to authorize the extension of Underwood Street NW. was announced as next in order.

Mr. GALLINGER. Let the bill go over, as there are certain amendments being prepared.

The VICE PRESIDENT. It will go over.

SUNDAY-REST LAW.

The bill (S. 237) for the proper observance of Sunday as a day of rest in the District of Columbia was announced as next in order, and the Secretary read the bill, as follows:

Be it enacted, etc., That it shall be unlawful for any person or corporation in the District of Columbia on the first day of the week, commonly called Sunday, to labor at any trade or calling, or to employ or cause to be employed his apprentice or servant in any labor or business, except in household work or other work of necessity or charity, and except also newspaper publishers and their employees, and except also public-service corporations and their employees, in the necessary supplying of service to the people of the District: *Provided*, That persons who are members of a religious society who observe as a Sabbath any other day in the week than Sunday shall not be liable to the penalties prescribed in this act if they observe as a Sabbath one day in each seven, as herein provided.

SEC. 2. That it shall be unlawful for any person in said District on said day to engage in any circus, show, or theatrical performance: *Provided*, That the provisions of this act shall not be construed so as to prohibit sacred concerts, nor the regular business of hotels and restaurants on said day; nor to the delivery of articles of food, including meats, at any time before 10 o'clock in the morning of said day from June 1 to October 1; nor to the sale of milk, fruit, confectionery, ice, soda and mineral waters, newspapers, periodicals, cigars, drugs, medi-

cines, and surgical appliances; nor to the business of livery stables, or other public or the use of private conveyances; nor to the handling and operation of the United States mail.

SEC. 3. That any person or corporation who shall violate the provisions of this act shall, on conviction thereof, be punished by a fine of not more than $10, or by imprisonment in the jail of the District of Columbia for not more than 10 days, or by both such fine and imprisonment, in the discretion of the court.

SEC. 4. That all prosecutions for violations of this act shall be in the police courts of the District of Columbia and in the name of the District.

Mr. HEYBURN. I ask that the bill may go over.

The VICE PRESIDENT. It will go over.

Mr. JOHNSTON of Alabama. What is the purpose of the Senator, I will ask him?

Mr. HEYBURN. Because, Mr. President—and I speak by unanimous consent only—it is not a measure that should be discussed under a five-minute rule. The questions involved here are of more than passing importance. Many questions are involved; and if the bill is taken up at all, it should be under a rule which would permit its full and free discussion.

Mr. JOHNSTON of Alabama. Mr. President, I move that the bill be set down for hearing and action on Monday next, immediately after the morning business.

Mr. HEYBURN. I suggest that the Senator can, without postponing it, if he desires, move to take up the bill, and then it will not be under the five-minute rule.

The VICE PRESIDENT. The Senator from Alabama may move to take the bill up for consideration notwithstanding the objection of the Senator from Idaho.

Mr. JOHNSTON of Alabama. I make that motion now.

The VICE PRESIDENT. The Senator from Alabama moves that Senate bill 237 be now considered, the objection of the Senator from Idaho to the contrary notwithstanding. The question is on agreeing to the motion of the Senator from Alabama.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. BACON. May I inquire whether the bill has been read?

The VICE PRESIDENT. The bill has just been read in full.

Mr. HEYBURN. I would move to amend the bill by striking out all of section 1, after the word "charity," in line 8.

The VICE PRESIDENT. The Secretary will read the amendment.

The SECRETARY. On page 1, line 8, after the word "charity," strike out the remainder of the section, in the following words:

And except also newspaper publishers and their employees, and except also public-service corporations and their employees, in the necessary supplying of service to the people of the District: *Provided*, That persons who are members of a religious society who observe as a Sabbath any other day in the week than Sunday shall not be liable to the penalties prescribed in this act if they observe as a Sabbath one day in each seven, as herein provided.

So that the section will read:

That it shall be unlawful for any person or corporation in the District of Columbia on the first day of the week, commonly called Sunday, to labor at any trade or calling, or to employ or cause to be employed his apprentice or servant in any labor or business, except in household work or other work of necessity or charity.

Mr. HEYBURN. Mr. President, my object in proposing the amendment is not that I believe those provisions should be excepted from the legislation. I am opposed to this legislation, and I merely propose the exception as a basis for submitting some remarks upon it, unless the Senator from Alabama desires to make some statement in regard to the bill before it is taken up for further consideration.

Mr. JOHNSTON of Alabama. I will wait until I hear the Senator.

Mr. HEYBURN. I understand the Senator does not desire to proceed now.

Mr. JOHNSTON of Alabama. I will wait until I hear what the Senator has to say in opposition to the bill before I shall seek the floor.

Mr. HEYBURN. Mr. President, I have always been opposed to this class of legislation. In the very early days of the settlement of this country we had a great deal of it, and on the statute books in many of the States there are now provisions, which are termed "blue laws," that are ignored. There are some now in existence relative to the District of Columbia that are not observed or enforced.

We can not make people good by legislation. You can punish them for being bad. The spirit upon which this is based, I suppose is the commandment that "six days shalt thou labor." I have never known anyone to propose legislation for the enforcement of that part of the commandment or trouble his mind about it, and yet, I presume, it is just as important, and was intended to be just as operative, as the following provision against performing any labor on the seventh day.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Certainly.

Mr. GALLINGER. Does the Senator think that the language "six days shalt thou labor" is a command that men and women shall labor six days?

Mr. HEYBURN. It says "thou shalt labor."

Mr. GALLINGER. I think the Senator has given that a far-fetched interpretation. I am sure the theologians will not agree with him.

Mr. HEYBURN. I am not a theologian. It may be fortunate for all except myself that I am not. I have a due regard for the observance of the Sabbath, and I believe it should be observed, but I do not believe in legislation compelling one to do it. This measure is of more than passing importance. I had not thought it would pass without considerable discussion. I have heard it suggested that it was a delicate question upon which to speak. I do not feel it to be such. A man who can not discuss his religion has none; a man who is afraid to discuss it has none. I do not think this is an appropriate place to discuss religious questions, except so far as they may be relied upon as a basis of legislation, but I can not refrain from expressing my regret that it is proposed in Congress to deal with the questions involved in this bill. I think I opposed a similar bill on a former occasion, and it was charged in certain places that I was an irreligious person and that I did not believe in orderly conduct on the Sabbath day. There is no foundation for that charge. I have always been a person of strong religious convictions. My ancestors have always been largely interested in religious principle and the development of it. I have followed in their footsteps, and it is because of that, at least in part, that I do not approve of this class of legislation. It was such legislation as this that wrote the annals of bloodshed and oppression and intolerance in the religious history of the world where a part of the people undertook to be sponsors for the conscience of another part.

The bill provides:

That it shall be unlawful for any person or corporation in the District of Columbia on the first day of the week, commonly called Sunday, to labor at any trade or calling, or to employ or cause to be employed his apprentice or servant in any labor or business, except in household work or other work of necessity—

That is very ambiguous—"or other work of necessity." Who is to be the judge of what is a "work of necessity," the police court? This bill provides that the police court shall have sole jurisdiction of these questions, and if one is haled before that court on Sunday morning for disobedience of this law, then the police court must work. It is not excepted under the terms of this bill from work. The clerks and employees of the court must work on Sunday if a man is arrested and taken before them. However, that is of minor importance.

Provided, That persons who are members of a religious society who observe as a Sabbath any other day in the week than Sunday shall not be liable to the penalties prescribed in this act if they observe as a Sabbath one day in each seven, as herein provided.

In other words, this legislation grants special privileges to people who are members of religious societies. More than half the world and more than half the people in this city are not members of any religious society. It grants a special privilege to those who are which is withheld from those who are not. The law in this land, general and local, was intended to insure perfect freedom and independence to the citizen in regard to the observance of religious principles. So, as a matter of principle, I am opposed to such legislation.

SEC. 2. That it shall be unlawful for any person in said District on said day to engage in any circus—

I agree to that—

show, or theatrical performance—

I am in thorough accord with that—

Provided, That the provisions of this act shall not be construed so as to prohibit sacred concerts—

That is too indefinite. Who is to say what is a sacred concert? A concert that is sacred to one person or one class of persons is not sacred to another. I adhere to the tenets of a religious body which does not believe in sacred concerts or any other concerts on the Sabbath day; yet this bill selects a class of persons, described in indefinite phrase, who may, under the guise of a sacred or what they term a sacred concert, be exempted from the provisions of this proposed law. What is called a sacred concert is as offensive to the Society of Friends, commonly known as Quakers, as would be any other violation of the sanctity of that day. They do not believe in anything of that kind on the Sabbath, yet this bill undertakes

to give some people a license to engage in that kind of diversion.

Nor the regular business of hotels and restaurants on said day—

Of course, hotels should be permitted to pursue their regular business on that day or on any other day—

nor to the delivery of articles of food, including meats, at any time before 10 o'clock in the morning of said day from June 1 to October 1—

If this bill is based upon principle, there is no reason for that exception. You can not make a law reasonable or valid because of any sentiment in regard to the hours of the day in which food may be brought into the house—

nor to the sale of milk, fruit, confectionery, ice, soda and mineral waters—

Well, the sale of soda and mineral waters means the keeping open of places of resort that are not necessary. I would allow them to proceed on that day as on others; but we are talking now about a principle upon which a law shall be based—

newspapers, periodicals, cigars, drugs, medicines, and surgical appliances—

Cigars can be purchased on Saturday, of course, and carried over to Sunday. Why should a cigar store be exempted from the provisions of this act? Is there any moral principle involved? Must men have cigars on the instant when they feel like smoking?—

nor to the business of livery stables, or other public or the use of private conveyances; nor to the handling and operation of the United States mail.

We have been anticipated in that. The Sunday mail service has been cut off in Washington and also, I understand, elsewhere. I suppose that reduces the expenses of the Post Office Department one-seventh, and accounts for the obliteration of the deficiency in the Post Office revenue. A reduction of one-seventh would more than account for the $17,000,000 deficit which was to be wiped out. Of course the people pay for it. We do not get any mail on Sunday. I suppose that if they would cut off mail deliveries on two or three more days we would not have any expense in connection with the Post Office Department other than the payment of the salaries of the officers. This is a subject of considerable interest to me—much more interest than this bill.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Certainly.

Mr. GALLINGER. I think the Senator is not quite as accurate as he usually is. The transactions of the Post Office Department are not entirely abandoned on Sunday. I think so far as the delivery of mail by the carriers is concerned, there has been a practical abandonment of that, but the post offices are open for the transaction of business on Sunday all over the country at the present time, and the salaries of the employees are going on just the same as though they were delivering the mail on that day. So that the Senator's mathematics are at fault when he figures out that by that change, which is a limited change, we are saving one-seventh of the expenses of running the Post Office Department.

Mr. HEYBURN. Well, Mr. President, I was briefly proceeding to explain the extent to which this service had been diminished, for I am not going to make a speech upon that question. As I know from experience, the delivery of mail on Sunday to people in their homes or to hotels has been discontinued. The saving thus effected would be a large item. I have not as yet made up the figures that would represent that change in the system, but it would amount to a great deal of money.

Mr. GALLINGER. The salaries of the carriers are being paid just the same.

Mr. HEYBURN. Yes; the salaries of the carriers are being paid just the same, but they are not performing full service for those salaries. A man who received a thousand dollars for delivering mail seven days in the week is now receiving a thousand dollars for delivering it six days in the week, and the only person that is benefited by it is the carrier at the inconvenience of the people of the whole country. I know of no law that authorizes the change to be made, but I am not much astonished at that, because so many things are now done without legal authority that I have merely looked on with astonishment, and my astonishment has not yet exhausted itself, that the lawmakers of the land should quietly submit to an Executive order, or an order of some kind, that diminishes the services to be performed by officers created by authority of Congress. Some one should be called to account for it by Congress.

No man has the right to set himself up as the moral standard of all the community or of any part of the community except himself. As to the use of the Sabbath day, every man, so far as personal acts that do not include any acts of lawlessness are concerned, should be the guardian of his own morals. It was never intended that the law should lay down the rules that should constitute a good man, and say that all men must live up to those rules. That never was the intention of the lawmakers, and we discovered it very soon after we became a Nation and had organized government, and we abandoned that kind of legislation. It was the legislation that resulted in whipping people at the tail of the cart, placing them in the stocks, branding them upon the hands, and so forth. That was this kind of legislation under which some person or coterie of persons undertook to set themselves up as the censors of the morals of the people. I thought that age had passed. I never expected to see it revived, and I never expected to see an attempt made in the Congress of the United States to prescribe rules that are intended, I presume, to supplement the Ten Commandments, and I suppose every year, according to the temper of a part of the people, we shall have new prohibitions and restrictions

This bill, I believe, does not cover baseball. I wonder why. I wonder that this august body should have omitted the mention of a pastime of which many of its Members are so fond. There is no provision here against baseball or football or golf. Golf could hardly be termed a religious exercise [laughter], but it affords ample opportunity for meditation as the players pass over the golf links, and it may be that in that way it performs some good, but it should have been mentioned one way or another just out of respect for the pastime.

Mr. President, if it is a great principle that should be recognized by legislation, then it should not contain the exceptions of cigar stores, ice-cream parlors, soda fountains, and places of that kind. If you are going into this question, go into it to the limit, and compel the people to live like the old Puritans of New England did, when they were not allowed to have fire in their churches and when they had to take their luncheons with them and eat them in cold sheds or where they might. If you are going to be erratic in legislation, be erratic according to some established rule, the rule of our ancestors. If you are going to recognize the rule that is recognized, or, at least, I thought it was, in all parts of this country, of religious freedom and freedom of personal action so long as it violates no law of the land and no contractual right of anyone—if you are going to uphold that kind of religious freedom—you can not pass this bill.

What authority have we, whence do we derive authority, under the Constitution to enact legislation that will interfere with the personal action of a citizen that is in violation of no law applicable to the whole country? Where else in the United States does such a law as this exist? Are we going to have one code of morals in force by virtue of a law of Congress in the District of Columbia and allow people to go right outside into the State of Maryland and perform the acts that they are not allowed to perform in the District of Columbia?

Mr. GALLINGER. Why not?

Mr. HEYBURN. The Senator asks me why not. Are we going to convert the District of Columbia, then, into a sanctuary, into a great church, so that the citizen must get out of the District of Columbia in order that he may enjoy the ordinary and reasonable freedom of a citizen?

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Certainly.

Mr. GALLINGER. The Senator must know that in a large number of the States, though not in all the States, laws very similar to this are now on the statute books. The Senator must know that in regulating the liquor traffic we have prohibition in one State and local option in another State, and I do not suppose that that is an anomaly which would come under the Senator's condemnation. I see no absurdity or contradiction in legislating for the District of Columbia on any matter different from what Maryland or Virginia or any other State may think it wise to do. So I think the Senator's contention is not well grounded on that point.

Mr. HEYBURN. Would the Senator be in favor of enacting a law such as this, if we had the power, that should be applicable to the whole Nation?

Mr. GALLINGER. I would on this subject. I do not know that I would take the exact phraseology of this bill; but I would in a general way.

If the Senator will permit me, as an illustration, two great buildings have recently gone up in the city of Washington, on the corner of H Street and Fifteenth Street. Every Sunday during the construction of those buildings men and teams have been employed, pounding has been going on on the steel frames; and that is a common thing in the city of Washington. I think it is a very bad condition for the Capital of this great Christian Nation. That is my view.

Mr. HEYBURN. Mr. President, I do not approve of that work; but because I do not approve of that class of work, it does not follow that I shall go to the extremes presented by this bill.

Mr. GALLINGER. No; that is right.

Mr. HEYBURN. They have gone way beyond that class of control.

I remember once, a good many years ago, being in a certain town in New England. I arrived there late on Saturday night. I went there only for the purpose of seeing a gentleman on a matter that would occupy a few minutes. On the Sabbath morning I undertook to get a carriage to take me out to see this man. I was asked, when I went to the livery stable, if I wanted it to go to church. I said, "No; I want to go into the country to see a certain man and return in time for my train." They said, "You can not have it; the law forbids hiring carriages except within the lines of religious attendance." I do not know whether that law is still in force or not. I have often remembered it as an instance of unreasonable regulation or rule. No good purpose could be accomplished by it, and it could certainly conduce nothing to my frame of mind that could calm it and make it appropriate for Sabbath observance. I had to wait over another day.

I would not on Sunday have a circus operated or a theatrical performance, and I would not allow, under the guise of a sacred concert, a performance in a theater. What is a sacred concert? To what is it sacred? Why is it sacred? Because they sing a certain class of songs? Perhaps those songs or that music might be very offensive to persons of some other denomination, and if one part of the people are allowed to select certain music and call it sacred, when they go there for no sacred purpose, then there is a discrimination.

There are good, old-fashioned songs that to me are more sacred than the technical music of the day. That is true as to a majority of the people. I have attended some of these sacred concerts in my hours of idleness, and I have not been imbued with any special sacred spirit during that time. No; they did not sing hymns. The Senator from New Hampshire asks me if they sung hymns exclusively. I am fond of music, but the musical performance on those occasions would have been just as appropriate at a theater as it would at the sacred concerts.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Certainly; always.

Mr. GALLINGER. The Senator from Wisconsin [Mr. LA FOLLETTE] gave notice that he desired to address the Senate at the conclusion of the morning business, and I will likewise say that there is a conference to be held by a committee of this side of the Chamber after adjournment. I learn from the Senator from Alabama [Mr. JOHNSTON] that he is willing that this matter shall go over until some other day, and if the Senator from Idaho will consent to have that order taken, I think it will greatly accommodate the Senate.

Mr. HEYBURN. It meets with my most hearty approval.

Mr. JOHNSTON of Alabama. I am perfectly willing that the bill shall go over, but I give notice that I shall call it up and ask for its consideration and a vote on it on Monday.

The VICE PRESIDENT. The Senator from Alabama asks unanimous consent to lay aside the pending business. Is there objection? The Chair hears none, and it is so ordered.

SENATOR FROM ILLINOIS.

The VICE PRESIDENT. Without objection, the Chair lays before the Senate the following resolution:

The SECRETARY. Table Calendar No. 4, Senate resolution 6, by Mr. LA FOLLETTE: A resolution to appoint a special committee to investigate certain charges relative to the election of WILLIAM LORIMER.

Mr. LA FOLLETTE. Mr. President, on the 24th of May I received a certified copy of senate resolution No. 78, introduced and passed in the Illinois Senate, and I now read it to the Senate as a fitting conclusion to what I have already submitted touching upon the testimony taken by the committee of that body appointed to investigate certain charges relative to the methods employed by WILLIAM LORIMER in securing a seat in the United States Senate.

Senate resolution No. 78 reads as follows:

Senate resolution 78.

Whereas under senate resolution No. 17 a committee was appointed to investigate charges of corruption and official misconduct against members of this senate; and

Whereas said committee has reported the result of its investigation to this senate, from which it appears that there were important and material witnesses without the State of Illinois whose attendance it could not legally compel and which witnesses refused voluntarily to appear; and

Whereas said committee was seriously impeded in the performance of its duties by what we believe to be the unwarranted action of a certain judge; and

Whereas it appears from the report of said committee that despite its inability to compel the attendance of such foreign witnesses and the adverse action of said judge sufficient evidence was procured to conclusively show that WILLIAM LORIMER was elected to the United States Senate from Illinois by the aid of bribery and corruption;

And by reason of the failure of certain senators and representatives during the different roll calls to carry out the will of the people, as expressed at the polls, in the choice for a United States Senator, which action we deem most reprehensible and should be condemned, and which we hereby condemn, and that without such bribery and corruption his election would not have occurred: Therefore, be it

Resolved, That it is the opinion of this senate, based upon the report and findings of said committee, that the election of WILLIAM LORIMER to a seat in the United States Senate was brought about by bribery and corruption and that he should not be permitted to longer represent Illinois in the United States Senate.

Resolved, That the gravity of the situation, involving, as it does, the integrity and good name of this State and the welfare of the Nation, demands a further investigation and determination of this matter by a body possessing broader jurisdiction and greater powers than does this senate; and be it further

Resolved, That the secretary of this senate be, and he is hereby, authorized and directed to transmit to the Senate of the United States a copy of the evidence taken by the said committee, together with the report and findings of that committee and a copy of this resolution, and that this senate recommends that in view of the new evidence found the question of the right of WILLIAM LORIMER to a seat in the Senate of the United States should be reopened and further investigated by that honorable body, to the end that this question may be finally settled in the interest of the State and of the Nation.

I hereby certify that the foregoing resolution is a true copy and that it was adopted by the Senate of the Forty-seventh General Assembly of the State of Illinois on May 18, 1911.

J. H. PADDOCK,
Secretary of the Senate.

Mr. President, I submit to the Senate that this resolution which I have just read, together with the testimony which the committee of the Illinois Senate have taken in their investigation of this case—and a synopsis of which I have submitted to the Senate—make a strong, conclusive appeal to the Senate for a reopening, a rehearing, and a retrial of the right of WILLIAM LORIMER to continue as a Member of this body.

Mr. President, shortly before the final vote on this case at the last session, when the question was before the Senate of agreeing by unanimous consent to fix a time to vote, I interfered. I objected in the hope that I could, before the Senate completed its consideration and disposed of this case, submit to the Senate reasons why the case should be still further investigated.

After making such objection, I made the most diligent efforts to secure facts of which I had received some intimation, in order to lay them before the Senate and induce it to defer further consideration of the case until there had been a more complete and thorough investigation.

But, sir, with all that I could do, I was not able to come before the Senate so prepared that I would feel warranted in asking that it arrest the progress of the case and reopen it. And therefore, though I felt a moral certainty that the Senate was proceeding to the determination of this vital matter without all the facts in the case, nevertheless I felt obliged, sir, under the circumstances, to permit it to go to judgment on the facts then laid before us. But I was confident that there would come a time when this body would be called upon to reopen and to reinvestigate this case.

So, sir, when the committee of the Illinois Senate began its first taking of testimony I was interested enough to follow its proceedings closely, and when Mr. Kohlsaat was called before that committee I felt morally certain that facts of great importance would be disclosed.

I had previously used my best endeavors to get the consent of men in possession of those facts to submit them to the Senate, with the promise that they would be at hand to offer proof in support of them.

Therefore, Mr. President, as soon as Mr. Kohlsaat appeared before the committee of the Illinois Senate and stated that he had been informed that $100,000 had been raised as a fund to consummate this great wrong, I looked for the facts to come into the light of day for the inspection of this Senate and the country.

I remember, Mr. President, that the question was raised in the debate on the Lorimer case that a most important link in the testimony was wanting. It was contended that while there were witnesses ready to swear that money had been used, no

one had been forthcoming with proof to show whence that money came. That was a very significant and noticeable omission in the testimony presented by those who were seeking to make a case against Mr. LORIMER's title to a seat here.

So, Mr. President, I acted as soon as Kohlsaat furnished his testimony to that committee regarding what Mr. Funk had told him. I will say that, from such investigation as I have made personally, I feel warranted in saying that Mr. Funk is a most reputable witness. If a Senate committee should ever take his testimony, I am sure every member of it will be constrained to come before this body and say that no more reputable witness appeared than this man Mr. Funk. I have taken some pains to learn about him.

So, I say, when Mr. Kohlsaat referred to him as the man from whom he had derived the information upon which was based the editorial that first attracted my attention, I felt it my duty to put before the Senate a resolution calling for a new investigation.

I felt unwilling, as a Member of this body, to sit here silent while testimony was being taken in a legislature of one of the sovereign States of this Union tending to prove that a fund of $100,000 had been used to corrupt the title of a Senator to sit here with us in our deliberations and vote day by day in settling the fate of important legislation. The integrity of this body, the standing of the Senate before the people of this country, were involved. I conceive that, sir, to be a matter of great importance, for, after all, we are the agents of the public. The Senate must have the confidence of the public. So, when this testimony became public, I introduced the resolution now pending—Senate resolution No. 6.

Now, Mr. President, in view of the action of the Illinois State Senate and in view of the important testimony which I have been able, however imperfectly, to lay before the Senate, I have no doubts but that this body must conclude to reopen this case.

I provided in the resolution that five Senators, whose names I stated, should be chosen as a select committee, by the Senate, to make the investigation.

Mr. President, when I introduced that resolution, there were no committees of the Senate. Perhaps I ought to qualify that. I believe a resolution had been adopted that the existing committees of the Senate should continue to be the committees of the Senate, in so far as there were quorums, until a reorganization was perfected.

At the time I offered the resolution there was no Committee on Contingent Expenses, and it was not possible for the resolution which I offered to be acted upon by the Senate until it had gone to the Committee on Contingent Expenses and had been returned to the Senate with the report of that committee. I say there was no committee. There was a fragment of a committee. I think there were but two members out of five who had constituted that committee in the preceding Congress.

Now, Mr. President, that resolution provoked criticism—criticism upon this floor, not made in session, but made personally by Members of the Senate. It was subjected to some criticism by a part of the press. The suggestion was made that it was unprecedented. It was criticized as a reflection upon the Presiding Officer of this body; as an unwarranted interference with the prerogative so long exercised by the Presiding Officer under the resolutions which had clothed him with the power of naming special committees.

Mr. President, I want to say that I intended no reflection upon anybody by the introduction of that resolution. I took a course which seemed to me to be logical and consistent and fair. It did seem to me that a new committee raised by this Senate for the investigation of this case ought to be composed of Members of the Senate who had not formed and expressed an opinion on the case. So, Mr. President, in the resolution which I introduced, I named out of the Senate five Senators who could not have recorded any opinion on the case, and who had not, as far as I knew, expressed any opinion on the case as formerly presented. I consulted with none of the Members of the Senate whose names were included in that resolution. I did not then know anything more than was known by any Member of the Senate with respect to the attitude of mind of any one of the five Senators named in the resolution regarding the record evidence that had been taken on the former trial of this case.

That is, Mr. President, a frank statement of what controlled me and of my purposes, of what was in my mind in introducing the resolution to which I am now addressing myself. It was said very generally, by way of criticism, that there never had been a case in all the history of this Senate where any Member of the Senate had presumed to select and name in a resolution Senators to be chosen for special service upon any committee. Mr. President, that is not true.

But, sir, what is the significance of offering a resolution here naming or nominating candidates to be elected upon a committee to perform some service for the Senate? It is but the suggestion of a Senator. It is subject to amendment. It may be overruled. It has been done again and again. Contests on the floor of the Senate have grown out of just such suggestions.

This criticism led me to look somewhat carefully into the record of the Senate upon this subject. One of the earliest precedents I came across in my examination of the subject arose on the 3d of March, 1803. At that time the Senate elected a select committee to consider the impeachment of Judge Pickering. This fact was cited by Senator Tazewell when the impeachment of Judge James H. Peck came up, April 26, 1830. The debates in Congress of April 26, 1830 (vol. 6, pt. 1, p. 384), read:

Mr. Tazewell then read from the Senate Journal as follows:
"In the Senate of the United States, March 3, 1803.
"On motion,
"*Ordered*, That the message received this day from the House of Representatives respecting the impeachment of John Pickering, judge of a district court, be referred to Messrs. Tracy, Clinton, and Nicholas, to consider and report thereon."

Senators well understand that the report of the proceedings of the Senate at that time were not as now a chronicle of every statement made on the floor of the Senate, but a summation of what occurred.

In the Congressional Globe, Twenty-fourth Congress, first session (Dec. 22, 1835), page 24, I find the following:

The Senate proceeded to ballot for a select committee to consider the President's message relative to the northern boundary of the State of Ohio and the application of the State of Michigan for admission into the Union, and Messrs. Benton, Wright, Clayton, Crittenden, and Preston were chosen.

On page 514 of same volume, following debate regarding the deposit of public moneys on May 31, 1836, I quote as follows:

On motion of Mr. Calhoun the whole subject was referred to a select committee of nine members, which on balloting was found to consist of Wright, Calhoun, Webster, King of Alabama, Buchanan, Hendricks, Shepley, Leigh, and Ewing of Ohio.

Mr. President, there was a time when the proceedings of the Senate were not directed and controlled by secret conferences and caucuses held outside the Senate Chamber as completely as they are now. Of that I shall have occasion to say something more definitely a little later, for in contending for the passage of the resolution which I have introduced here I am contending for a principle which goes to the very heart of representative government.

In the first session of the Thirty-second Congress a contest arose over the seat of the Senator from Florida, Hon. Stephen R. Mallory. Immediately upon the presentation of his credentials by Senator Morton, question was raised as to his right to a seat. It was moved—and now I quote from the Globe:

That the credentials of the Senator elect, together with the extract from the journal of the Florida Legislature, be referred to a select committee of five.
The motion was agreed to.
On motion of Mr. Gwin, the election of the special committee was postponed until 1 o'clock to-morrow.

* * * * * * *

SPECIAL ELECTION COMMITTEE.

[From p. 11.]

The hour of 1 o'clock having arrived, the Senate proceeded to ballot for the special committee agreed to be appointed yesterday to consider and report on the Florida contested-election case.
The President announced that the Secretary had furnished him with the following result of the balloting: Mr. Berrien had received 21 votes, Mr. Bright 21, Mr. Davis 21, Mr. Mason 17, and Mr. Pearce 12. These five gentlemen having received the highest votes, they were duly elected the special committee.

* * * * * * *

Mr. BERRIEN. I would inquire what was the whole number of Senators voting?
The PRESIDENT. The Chair can not tell. It is not usual to require a majority of the whole number to elect members of a select committee. They are elected by plurality.
Mr. BERRIEN. I was under the impression that it required a majority to constitute any act of the Senate. My impression is that we have several times balloted repeatedly for members of committees.
The PRESIDENT. The majority rule applies to standing committees.

* * * * * * *

The PRESIDENT. The rule on the subject, after speaking of the standing committees, says:
"All other committees shall be appointed by ballot, and a plurality of votes shall make a choice."
The Senate having under consideration the assault upon Mr. Sumner, the Congressional Globe of May 22, 1856, contains the following:
Mr. MASON. I move to amend the resolution in such a manner as to provide that the committee shall be elected by the Senate.
Mr. SEWARD. I accept the amendment.
The PRESIDENT. The resolution will be read as proposed to be amended.
The Secretary read it, as follows:
"*Resolved*, That a committee of five members be elected by the Senate to inquire into the circumstances attending the assault committed on the person of the Hon. Charles Sumner, a Member of the Senate, in the Senate Chamber yesterday; and that the said committee be instructed

to report a statement of the facts, together with their opinion thereon, to the Senate."

The PRESIDENT. The question is on the resolution as amended.

The resolution was agreed to.

That was not regarded as a reflection upon the Vice President or the President pro tempore.

APPOINTMENT OF A SPECIAL COMMITTEE ON RETRENCHMENT.

On December 13, 1871, Mr. Anthony (of Rhode Island):

"I offer the following resolution and ask for its consideration:

"'*Resolved*, That a standing committee of seven, to be known as the Committee of Investigation and Retrenchment, be created to investigate and report on such subjects as may be committed to it by the Senate, such committee to be elected by the Senate as other standing committees.'"

By unanimous consent the Senate proceeded to consider the resolution.

This resolution was debated at length, the discussion extending over several pages of the CONGRESSIONAL RECORD and taking up the entire session. It was also debated through two or three sessions of the Senate; and thereafter, on December 18, Mr. Anthony (of Rhode Island), perfecting the resolutions which he had submitted, added thereto the following:

"*Resolved*, That the Committee of Investigation and Retrenchment consist of Mr. Buckingham (chairman)"—

There was a Member on the floor of this Senate assuming to nominate the members of that committee—

"to consist of Mr. Buckingham (chairman), Mr. Pratt, Mr. Howe, Mr. Harlan, Mr. Stewart, Mr. Pool, and Mr. Bayard."

The name of Mr. Casserly was later added as a member of the proposed committee.

The debate upon the resolution as perfected by Mr. Anthony proceeded throughout the session of December 18. The resolution was further amended by providing "that the said committee be authorized to send for persons and papers and report by bill or otherwise, and also to appoint a clerk."

While that was called a standing committee, Mr. President, all the debate shows plainly that it was a committee that was chosen upon the nomination of a Senator, and with a view of searching, just as political parties sometimes do preceding an election, the records of the departments of the opposition party in the hope that they may discover matters which will be helpful to them in the campaign. It was in character just like a special committee, although it was called a standing committee.

During the debate some question was raised as to whether the resolution named the Senators who had been the strongest advocates of the Committee on Investigation and Retrenchment, and it was argued at some length that the committee should be composed of the Senators who had been most favorable to the forming of such committee.

Shortly before the adoption of the resolution the following proceedings occurred:

The PRESIDING OFFICER. The question recurs on adopting the amendment as amended.

Mr. VICKERS. I offer this amendment: To strike out the names in the original resolution, namely, "Mr. Buckingham (chairman), Mr. Pratt, Mr. Howe, Mr. Harlan, Mr. Stewart, Mr. Pool, Mr. Bayard, and Mr. Casserly," and in lieu thereof to insert: "Lyman Trumbull (chairman), Charles Sumner, Eugene Casserly, Thomas F. Bayard, Henry B. Anthony, Roscoe Conkling, Oliver P. Morton, and T. W. Tipton."

Mr. EDMUNDS. On that I ask for the yeas and nays.

The yeas and nays were ordered.

The question, being taken by yeas and nays, resulted—yeas 12, nays 27, absent 32.

So the amendment to the amendment was rejected.

The question upon the final passage of the resolution creating the special committee and naming the members of the committee in the resolution, being taken by yeas and nays, resulted—yeas 43, nays 1.

Mr. President, I am willing to argue this case and to submit the resolution which I have offered to the Senate just as though no precedent could be found for it. If the adoption of this resolution providing for the election of a committee really made a new precedent it is high time it were done. I stand here to say, however shocking it may be to the sensibilities of some Senators, that other precedents of like character should follow.

When the Senate has a particularly important task to do, which can be better done by the selection of a special committee of its Members, the Senate itself should name and elect such committee by direct vote of the Senate.

It should not delegate such selection to the Vice President or to any individual Senator who may be temporarily presiding. I mean no disrespect to the distinguished gentleman who occupies the high office of Vice President, or to any Senator who may have acted as temporary presiding officer, but I lay it down as a great fundamental principle of government that "no power ought to be delegated which can be fairly exercised by the constituent body."

Sir, I believe the time is near at hand when we will change the present practice of naming regular or standing committees of the Senate.

It is un-American, it is undemocratic. It has grown into an abuse. It typifies all of the most harmful practices which have led an enlightened and aroused public judgment to decree the destruction of the caucus, convention, and delegate system of party nominations.

Under the present system of choosing the standing committees of the United States Senate a party caucus is called. A chairman is authorized to appoint a committee on committees. The caucus adjourns. The Committee on Committees is thereafter appointed by the chairman of the caucus. It proceeds to determine the committee assignments of Senators. This places the selection of the membership of the standing committees completely in the hands of a majority of the Committee on Committees, because in practice the caucus ratifies the action of the committee, and the Senate ratifies the action of the caucus.

See now what has happened: The people have delegated us to represent them in the Senate. The Senate, in effect, has delegated its authority to party caucuses upon either side.

The party caucus delegates its authority to a chairman to select a committee on committees. The Committee on Committees largely defer to the chairman of the Committee on Committees in the final decision as to committee assignments.

The standing committees of the Senate so selected, Mr. President, determine the fate of all bills; they report, shape, or suppress legislation practically at will.

Hence, the control of legislation, speaking in a broad sense, has been delegated and redelegated until responsibility to the public has been so weakened that the public can scarcely be said to be represented at all.

Mr. President, I believe the day is near at hand when Members of this body will refuse to permit the secret senatorial caucus to exercise any controlling action upon the public business.

In the course of my reading I came upon a most interesting discussion bearing on this important subject, and it confirmed me in a thought, Mr. President, which has often come to my mind, that in every day and generation there are a few men who rise above the common lot of us, a few men who from their high eminence look out with the eye of prophecy on what is to come. They, sir, are the real statesmen of their time. The mere politician seeing the event of the hour, if honest in his service to the public, applies the best remedy he can to meet the evils of the hour; but real statesmanship is that quality of mind which grasps the facts of a day, and on those facts projects its vision into the to-morrow.

I came on this quotation from Charles Sumner touching on the control of the action of this great representative body by secret caucuses, held behind closed doors, to enthrall the free mind of the public servant. Let me read you these words that once fell in this Chamber from lips now dust:

Mr. SUMNER. Allow me to make one remark before this debate closes, if it ever shall close.

Something has been said about senatorial caucuses. Now, I shall make no revelation, but I shall repeat what for 10 years I have said in this Chamber as often as occasion allowed. A senatorial caucus is simply a convenience. It is in no respect an obligation on anybody. To hold that it is is infinitely absurd and unconstitutional. I mean that—I say—it is infinitely absurd and unconstitutional. We are all under the obligation of an oath as Senators obliged to transact the public business under the Constitution of the United States. We have no right to desert this Chamber and go into a secret conclave, and there dispose of the public business. I say that it is absurd and unconstitutional to pretend that you have.

I make a great, broad, clean distinction between a nominating convention outside, or a caucus outside and a senatorial caucus. A nominating convention or a caucus outside is held in the light of day; it is open; there are reporters present; it is under the direct eye of the people.

I wish I could have had this 15 years ago. I wish I could have known the next utterance that I am to read and have quoted it in the hard struggle that we had in Wisconsin to bring government a little closer to the people; that long struggle to tear down those instruments for manipulating government by political machines—the caucus and the convention. In that contest to remove those artificial barriers between the citizen and the public official these words that I am now about to read from Sumner would have been of great service:

I think—

Mark you, this was uttered away back in 1871. What prophetic vision the man had!

I think that all patriotic citizens are beginning to recognize that even that—

That is referring to a political convention with open doors—the public political convention—

is a very questionable form of proceeding, and I know that there are many who are looking about anxiously for some way in which to supersede it. But there is an immense difference between such an assembly and a senatorial caucus. The senatorial caucus is secret; it is confidential, if you please; it has no reporters present; it is not in the light of day. Why, sir, to take the public business from this Chamber and carry it into such a caucus is a defiance of reason and of the best principles of government. A Senator has no right to abdicate his duties here in this Chamber. He has no right to go into a secret chamber and there constrain himself in regard to the public business. * * *

What I say now I do not say for the first time in this Chamber. * * * In making this protest I say nothing new, but I do it now under a profound sense of duty. Sir, I am one of the oldest members of the Republican Party; in some measure I am one of its founders; I am the oldest Senator in service here; and I bear my testimony now as a member of the Republican Party and as a Senator against the pre-

tension which is set up that a senatorial caucus can exercise any constraint or obligation with regard to public business. It is nothing but a convenience—that is all—and anyone who goes further and insists that it is an obligation runs against the Constitution of his country.

Now, Mr. President, I want to address myself for a few minutes to the effect of carrying the business of the Senate, the public business, into caucuses and disposing of it there. Take, sir, the action of the caucuses of the two parties reflected in the committees, reflected particularly in the appointment and assignment of the Committee on Privileges and Elections. And at this point I read into the RECORD the following tabulation:

MEMBERS OF FORMER COMMITTEE THAT REPORTED ON LORIMER INVESTIGATION WHO ARE MEMBERS OF PRESENT COMMITTEE ON PRIVILEGES AND ELECTIONS.

Senators DILLINGHAM, GAMBLE, HEYBURN, BAILEY, PAYNTER, JOHNSTON of Alabama, and FLETCHER—7.

MEMBERS OF PRESENT COMMITTEE WHO SERVED ON SUBCOMMITTEE OF LORIMER INVESTIGATION.

Senators GAMBLE, HEYBURN, PAYNTER, JOHNSTON of Alabama, and FLETCHER—5.

Mr. FLETCHER. I will say to the Senator that I was not a member of the subcommittee.

Mr. LA FOLLETTE. I do not wish to commit any error.

Mr. FLETCHER. I did not serve on the subcommittee. I never was on the subcommittee. I was on the general committee.

Mr. LA FOLLETTE. I thank the Senator for the correction. I think that is the only mistake I have made.

Mr. FLETCHER. It was Senator Frazier, of Tennessee.

Mr. LA FOLLETTE. Senator Frazier, of Tennessee. He is not a member of the present committee.

Mr. FLETCHER. Or of the Senate.

Mr. LA FOLLETTE. Or of the Senate. That leaves on the present committee four instead of five Senators who served on the subcommittee. I thank the Senator for the correction.

MEMBERS OF PRESENT COMMITTEE WHO, AS SENATORS, VOTED THAT LORIMER WAS DULY ELECTED.

Senators DILLINGHAM, GAMBLE, HEYBURN, BRADLEY, OLIVER, BAILEY, PAYNTER, JOHNSTON of Alabama, and FLETCHER—9.
Total number of Senators on present committee—15.

MEMBERS OF PRESENT COMMITTEE WHO, AS SENATORS, VOTED THAT LORIMER WAS NOT DULY ELECTED.

Senators CLAPP, SUTHERLAND, and JONES—3.

MEMBERS OF PRESENT COMMITTEE WHO WERE NOT MEMBERS OF SENATE WHEN LORIMER CASE WAS CONSIDERED AND DECIDED, THIRD SESSION, SIXTY-FIRST CONGRESS.

Senators KENYON, KERN, and LEA—3.

Now, Mr. President, I have a few more words to say as to what committee should be put in charge of this investigation. Whatever may be said hereafter, I wish to record as a part of what I utter here to-day that I have no personal reflection to make upon any individual. I am arguing for the appointment of a special committee of new men to investigate this matter, because I believe the mind of the average man the country over must, as my mind does, revolt against the idea of submitting this case to a jury or body of men who have already passed upon facts with respect to it. I say, Mr. President, the fact that new—and highly important—testimony has come to our attention can make no difference in the psychology of the case.

The human mind operates in certain well-known and clearly defined lines. It reasons according to well-known and clearly defined principles.

Mr. President, I want to bring the Senate back, if I can, for a moment, to the importance of the business we have in hand. The office of United States Senator, as every one of you must feel, is one of tremendous power.

The vote of a single Senator may change the entire economic policy of the Government. It may unjustly impose vast burdens upon the citizen. It may unsettle our whole financial policy. It may, in effect, subvert the liberties of the people, and set in motion a train of evils which, in the end, will undermine and destroy our free institutions. A single vote may do that.

Mr. President, it is a deeply significant fact that for 70 years after this Government was established the United States Senate had never been humiliated by a call to investigate a charge of corruption in the election of one of its Members.

Since that time, 11 Senators have been summoned to the bar of the Senate to defend against the charge of bribery. In recent years the allegations of fraud and corruption in connection with the election of United States Senators have been rife in scores of legislatures where the positive and direct evidence, always so difficult to secure in bribery cases, has failed to warrant filing formal charges.

It is within the knowledge of Senators on this floor—it must be—that there are scores of cases where charges of gross corruption have been too specific not to find lodgment in the public mind, and yet not definite enough to warrant the bringing of the case to this bar. Some States in this Union have had cases of that sort recur session after session. Seats have been vacant here session after session because of struggles involving bribery and corruption that prevented the consummation of an election. This thing is coming too frequently into the life of the people of this country. I just suggest that, Senators, to plant in your minds at this moment a fact well known to you, to remind you of it as we approach final determination in the matter of reopening the Lorimer case.

A study of the 10 bribery cases—consider this, Senators—a study of the 10 bribery cases tried here in recent years discloses a growing tendency toward the establishing of precedents which make it increasingly difficult to convict, excepting in cases where the proof is overwhelming and notorious. The tendency is all the wrong way.

The decision in the Lorimer case makes another of these unfortunate precedents. In some respects it stands alone—a dark page in the history of lowered senatorial standards.

Blind, indeed, the men who will not see the certain and inevitable result!

The abolition of caucuses and conventions and the nomination of all candidates by direct vote; the election of United States Senators by direct vote; the nomination of presidential candidates by direct vote; the initiative, the referendum, and the recall—all these are but the logical outcome of the betrayal of public trust by public officials.

There has grown up in high places a scorn and contempt for the plain citizen. It has become common to refer to the people as a "mob" and to the people's rule as "the rule of the mob."

Mr. President, constitutions and statutes and all the complex details of government are but instruments created by the citizen for the orderly execution of his will. Whenever and wherever they fail, they will be so changed as to make them effective to execute and express the well-considered judgment of the citizen.

For over and above constitutions and statutes, and greater than all, is the supreme sovereignty of the people!

We need not fear, Mr. President. This is the people's Government. They will not destroy it. They will not permit organized privilege to destroy its vital principle. They will restore and forever preserve it as a Government that shall be truly representative of the will of the people.

They know that the initiative and referendum will place in the hands of the people the power to protect themselves against the mistakes or indifference of their representatives in the legislature. Then it will always be possible for the people to demand a direct vote and to repeal a bad law which the legislature has enacted, or to enact by direct vote a good measure which the legislature has refused to consider.

The recall will enable the people to dismiss from public service a representative whenever he shall cease to serve the public interest. Then no jack-pot politician can hold his office in defiance of the will of a constituency whose commission he has dishonored.

Wherever representative government fails, it fails because the representative proves incompetent or false to his trust. Intrenched in office for his full term, his constituency is powerless and must submit to misrepresentation. There is no way to correct his blunders or to protect against his betrayal. At the expiration of his service he may be replaced by another who will prove equally unworthy. The citizen is entitled to some check, some appeal, some relief, some method of halting and correcting the evils of misrepresentation and betrayal.

The VICE PRESIDENT. Will the Senator suspend for a moment? The hour of 4 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (H. J. Res. 39) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. BORAH. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The VICE PRESIDENT. The Senator from Idaho asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none. The Senator from Wisconsin will proceed.

Mr. LA FOLLETTE. Mr. President, the initiative, referendum, and recall will insure real representative government and will prove so effective as a check that it will rarely be found necessary to invoke the powers conferred against unworthy representatives in any enlightened and progressive Commonwealth.

So, I say, Mr. President, it is in the power of the representative to so discharge his public trust as to make the foundations of representative government again secure.

And in the case of WILLIAM LORIMER let us so meet our responsibility that the people, whose servants we are, shall find no just cause for criticism.

The validity of a man's title to a seat in the United States Senate should be considered with judicial fairness.

The Senate is sole judge in every case. It is unhampered by legal technicalities. All the limitations in the consideration of the Lorimer case, or in any case involving the right of any Senator to a seat, are limitations of precedent created by this body itself.

Why this constitutional provision? Manifestly the Senate is left free to take testimony, weigh evidence, and decide as to its Members, because it has the responsibility of maintaining its own unimpeachable legislative integrity.

In the consideration of cases of this kind other parliamentary bodies seem to regard it their first duty to keep the lawmaking power above suspicion and strong in the public confidence. All will remember that in the discussion of this case last session many instances were cited where the slightest taint of fraud or corruption was held to be cause for expulsion from the English Parliament.

No one can review the proceedings, the records, and precedents made by the Committees on Privileges and Elections in recent years and not be impressed with the fact that there is a growing and dangerous tendency to invoke every technical possibility of law and precedent for the protection of the individual accused, instead of recognizing as paramount our highest obligation to protect the honor of the Senate and preserve the confidence of the public.

We should remember that it is not our own private business on which we are engaged, where we might properly permit personal considerations to control our action. We have a public duty to perform of the gravest character upon which the Senate can ever act.

Mr. President, we want the confidence of the American people. We have been too long careless regarding it.

We all recognize that the Lorimer case has taken possession of the public mind. The question involved is a moral one, upon which there is great intensity of feeling. Out of this condition arises the demand that when the case is reopened the new committee shall first of all have the confidence of the American public.

Deeply implanted in the Anglo-Saxon mind is the idea of an unprejudiced jury.

We may be unwilling to admit that we can be influenced by our previous action, but the American people will not accept that view. They will not believe that the committee is unprejudiced and fit to reopen and consider the new testimony in this case which conducted the previous investigation and made a report favorable to the seating of LORIMER, which they defended on the floor of the Senate, and confirmed by their solemnly recorded judgment on March 1.

And, Mr. President, I contend that it is unfair to the Committee on Privileges and Elections to refer this case to it for further investigation.

Its work will be prejudged from the start.

It will be heralded as a "packed committee."

The public believes that the Browne, the Erbstein, the Broderick juries, all in cases growing out of LORIMER'S election, were in each case "packed."

It will be too ready to say that this case is in the hands of LORIMER'S friends.

It may be weeks and months before the committee can conclude its labors.

Is it wise, is it just to the committee, that it should conduct its proceedings under a fire of criticism and public suspicion all that time? Will it conduce to the judicial poise and calm, which, in fairness to the public, the Senate, and the accused, should characterize the proceedings of any committee that investigates this Lorimer case? Could a committee under such circumstances do its best work?

Whatever the committee may report, their action will be misjudged. If they should decide for LORIMER again, will the public think it a fair and unbiased judgment? Will the people be satisfied? If they should reverse their former judgment, will the public believe that they do so from conviction?

In asking that a committee of new men be named I have had no ulterior design. The adoption of this resolution would be no reflection on any member of the former committee. If I were a member of that committee, with my convictions formed and expressed as a result of the first trial, I would not consent to serve on a committee charged with the duty of prosecuting an investigation of all the facts upon both sides of this case and reporting the results of that investigation to the Senate.

I would not feel, sir, that I could stand as a fair representative of this Senate directing me to pursue this inquiry impartially as to both sides or with equal vigilance as to both sides.

Mr. BACON. Mr. President, will the Senator permit me to ask him a question?

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. LA FOLLETTE. I do.

Mr. BACON. Of course the Senator recognizes that the ultimate decision of this question is to be by the Senate. When the question was before the Senate upon a former occasion both the Senator and myself voted that Mr. LORIMER was not entitled to his seat in the Senate, because, according to our judgment, upon the evidence taken his election had been procured by corruption; and I want to say that the Senator was not more fixed in that conviction and conclusion than I was, and I have never seen any reason to change my opinion in that regard.

The question I wanted to ask the learned Senator is, whether in view of the fact that we are to be the ultimate judges after the work of this committee shall have been completed, the reasoning of the Senator in this case would not disqualify both himself and myself from sitting as final judges in the case?

Mr. LA FOLLETTE. Mr. President, the question of the Senator from Georgia to my mind is very easily answered. I take it that Senators will vote as they believe right on the record that is presented here. But I, Mr. President, would conceive it to be a very different office to be sent out to search the country over for the facts upon which the Senator from Georgia and other Senators must finally act. I take it that Members of the Senate who are lawyers will, and must, when their attention is directed to it, readily see that there is a wide difference between passing upon the facts as they shall be established by the sworn proof brought in, and making an excursion over the country to secure those facts. A little less vigilance here, a little more activity there, a present notion of what testimony is admissible, a fixed idea as to the bearings of the evidence written into the past record of the Lorimer case, these influences, acting as a check and a hamper upon the free exercise of the mind of the man who acts on the committee of investigation, will all have a most important bearing on the character and thoroughness of that investigation.

We are none of us, Mr. President, free from those influences which come to us as a result of the positions we have taken and defended in the past with all our zeal; and I say, sir, that there is a wide difference in the office that shall be performed by Senators who sit here to pass upon the information that is to be brought back to the Senate out of this investigation and the office performed by the men who shall go out to make that investigation.

For my part, sir, I want this Senate to send out men who are absolutely free. I mean by that men who are free from any preconceived convictions about conducting the case. My use of that word reflects not in the slightest upon the integrity or the honor or the sensitiveness of any Senator. Nearly all Members on this floor are lawyers. I do not believe there is a man here who would be willing, or ever has been willing, to take a case into which he could not enter fully and whole-heartedly, without restraint, without reservations. I would not. I never did. If a client came to me with a case and did not seem to have the right side of it I let him go. According to my view, that is right. I am subject to mistake, I admit, and that may be a narrow view, but it is what guided me in my professional life. When I enlisted for a client, I enlisted my best services.

I believe we ought to select men here who are not zealous against Mr. LORIMER or zealous for him, but men who will recognize, first of all, that the public has the paramount right in this case, then the Senate, and then Mr. LORIMER; that they must conduct their investigation with perfectly free minds, pursuing and recording and bringing to the Senate every fact that will tend to prove that Mr. LORIMER was honestly elected; pursuing every fact that will tend to prove the contrary, of which there are witnesses ready to testify, so that when their duty is performed there will be no shred of testimony left lurking in any secret place in Illinois or elsewhere that can aid the Senate in arriving at a just conclusion.

I do not believe that work can be done by selecting men who have been on the case before. I say that without any disparagement to those men, and I would say it as freely if I myself had been on the former committee. Had I been assigned to the Committee on Privileges and Elections—and I would have been glad to have had an assignment on that committee, because it is work of investigation for which I have a liking—I would still have felt constrained to criticize my right

to sit as an investigator in this particular case upon which I had previously acted. Every Senator must act for himself. I have no word of criticism for any Senator who holds views to the contrary. Even supposing a select committee did not do any better work than the Committee on Privileges and Elections may do, it would still redound to the fairest and most satisfactory disposition of this case if we named new men. A select committee of new Senators would, at the very outset, engage the confidence of the public. It would take up its task without a word of criticism from the public, without anybody saying, "Oh, well, it is all up; the same old result."

Now, that would be unfortunate, even if the result were otherwise. It is not good to have that impression hammered into the public mind over and over again during the next six months. Its influence upon the work of the committee is bad; its influence upon the witnesses is bad; it stiffens up the backs of men who will commit perjury; it fortifies men who would dodge.

Do not, I plead with the Senate, start on the wrong road in the reinvestigation of this case, which has taken such a deep hold upon the mind of the public. Everywhere, all over the country, people are showing a most remarkable zeal in following this case, step by step. Associations and groups of citizens, remote from the State of Illinois, are registering their protests in memorials and resolutions.

Now, Mr. President, to come back to the point at which I was diverted by the question of the Senator from Georgia, I say if I were a member of that committee, with my convictions upon the case formed and expressed, I would not consent to serve on a committee charged with the duty of prosecuting an investigation of all the facts upon both sides of this case and reporting the results of that investigation to the Senate. And, as it seems to me, the Committee on Privileges and Elections would not care to be charged with this grave responsibility, but would prefer to remain free to vote for or against the report of the new committee, according to their conscientious convictions.

If it were a matter outside of the Senate, Mr. President, and such an investigation or reinvestigation of this case was pending in any organized body in any court or forum of any sort in the world and one of the Senators who had previously participated in the case were called upon to serve again, I can not conceive that he would not rise in his place and say, "I served on one committee in this case; I arrived at a conclusion. Of course there has been some new testimony discovered; but, Mr. President, I have certain fixed convictions in my mind on the bearing of testimony upon which I passed and it would take something to root those out, and I do not think that I ought to serve on this committee. I think that a committee or a jury or a body of men ought to be called whose minds are fresh and open."

I say if there is to be a new investigation, it should be an investigation by the Senate itself, if that were possible; that is, such an investigation should reflect in its thoroughness of every detail and in its results, the will of this body.

Now, Mr. President, as important as this investigation is to the integrity of the Senate and all its proceedings, that is manifestly not feasible.

But it is feasible, and it is supremely important, that this investigation be made, as nearly as lies within the power of the Senate, the work of the Senate.

How can this best be done?

By turning it over to a committee that has not been appointed with reference to this particular case, a committee that was selected to take charge of questions generally affecting privileges and elections, a committee 7 members of which were upon the committee that formerly passed upon this case and reported that LORIMER's election was valid, a committee 5 members of which constituted a majority of the subcommittee which determined the scope and character of the former investigation; a committee of 15, as at present constituted, of which 9 members, by their votes as Senators, confirmed the title of WILLIAM LORIMER to a seat in the Senate?

Or should the investigation be conducted by a committee directly delegated by this body, and especially with reference to this case—a committee composed of new men who have not the handicap of a previous judgment; who did not hear, try, and determine any of the issues involved in the former trial, who have no record to constantly confront them, no erroneous rulings made in the former case as to the admissibility of evidence to limit the scope of a new inquiry, no bias as to witnesses who testified before, no mistaken declarations as to the rules of law which should govern, but who, one and all, can come to the investigation of this case with open, unprejudiced minds, both as to the testimony of witnesses taken on the former hearing, and the new evidence which this investigation will uncover?

Is it not in accordance with all the precedents of the centuries behind us that we should commit this case to new men, so long as they are available? And we have new and able men—men strong in the public confidence, bipartisan but nonpartisan. This is not a party issue. It involves the honor of both of the great political parties, the honor of the Senate, and the honor of the Nation.

Mr. President, at the proper time I shall offer as an amendment to my resolution that the names submitted there be stricken out and that the Senate elect by a majority vote, in the open Senate upon a roll call, five Senators to make this investigation, and that only those Senators shall be eligible to serve upon the committee who were not Members of the Sixty-first Congress.

And, sir, I shall still further amend the resolution by providing that it is the sense of the Senate that the investigation shall be made promptly.

I thank the Senate for its great patience in following me.

Mr. BAILEY. Mr. President, I speak without their authority, but I am sure that I speak with absolute accuracy when I say that in view of the testimony elicited by one of its committees, and in view of the resolution adopted by the State Senate of Illinois every Democratic Senator favors a further and a thorough inquiry into the election of Senator LORIMER. That was the mind of Democratic Senators before the Senator from Wisconsin began his extended address, and that is the mind of Democratic Senators since he has concluded it.

I think, Mr. President, that I have fairly expressed the opinion of all Democratic Senators in what I have just said, but in what I am now about to say I state the position of only a part of them. We favor this investigation because it is alleged that new and material evidence of corruption has been found, and we feel that if that allegation can be established the Senate owes it to itself, and owes it to the country, to hear it and consider it. But, sir, it is upon this new evidence we base our votes and not upon any dissent from the former judgment of the Senate, nor upon any dissatisfaction with the work of the subcommittee which conducted the former investigation. With some immaterial exceptions, that committee did its work as well as any committee of this Senate could have done it, and it can not be fairly criticized because some who now claim to know about those transactions concealed their knowledge from that committee and afterwards imparted it to another committee or to other people.

If there were no new evidence I would not vote to grant a new trial, because here, as elsewhere, there must be a finality of judgment; here, as elsewhere, we must sometime reach the end of even a proceeding like this; and if, without the discovery of new and material evidence, the Senate of each succeeding Congress could reopen and review the judgment of the preceding Senate, we would forever be in a struggle over questions like this. It happens that this case possesses no party significance, and, consequently, Senators have divided on it without the remotest reference to their party affiliations. But I can not close my mind to the fact that in that respect at least this is rather an exceptional case and that on many occasions there have been party advantages sought and party advantages to be obtained by reopening questions like this.

I have as much respect for public opinion as any Senator ought to have, and, without intending to defy it, I say to the Senate and to the country frankly that public sentiment could not control me in a matter like this. When we come to pass upon the election returns and qualifications of our Members, we act, sir, in a judicial capacity, and if I were a judge upon the bench, I would yield as soon to the clamor of the crowd which thronged my courtroom and demanded a new trial as I would grant it upon the public demand in this case.

We decide these questions upon our oaths. The Senator from Wisconsin [Mr. LA FOLLETTE] himself has well said that we should decide them with judicial fairness. Can we, sir, decide them with judicial fairness with one eye upon the evidence and the other turned toward the angry crowd? Oh, no, sir; the Senate must not be swayed by considerations like that. But I venture to believe that the Senator from Wisconsin has not correctly judged public sentiment on this question. Sir, clamor is not sentiment. To see the newspapers filled with certain demands does not always indicate that the people approve those demands.

Mr. President, even if this were a question in which we might consider public opinion, I would demand to know whether or not that public opinion were well informed, and I am able to say to the Senator from Wisconsin that in this case it is not well informed.

All Senators here, all sensible men everywhere, will agree that before the judgment of any man with respect to this case is

entitled to be considered he must have read the evidence and he ought to have studied the law. As the people do not employ their minds about the cold and technical rules of law, I waive that requirement in this case, but I still demand that those who censure us and demand that we review and reverse our judgment shall at least know something about the facts. Do the American people understand them, sir? They are to be found in a printed volume covering more than 700 pages. How many busy men in this Republic have rested from their several tasks to study that testimony? How many men in their homes or about their business places have occupied even their leisure hours in reading it? Fortunately we are not left to guess. True, we can not number them by an actual count, but the records of this Senate furnish us an almost infallible index.

When this testimony was printed, the committee only ordered eight copies of it deposited to the credit of each Senator for general distribution. They did not order a larger edition because the experience of all these years had taught them that there was never an extensive public demand for a document like that, and they believed that to print a larger edition would be a waste of public money. That they judged wisely is made apparent by an examination of the books of the folding room. Let me tell the Senator from Wisconsin that on the day when the Senate took the vote on the resolution declaring LORIMER'S election illegal, out of the 736 copies of that testimony to the credit of Senators for general distribution but 14 copies had been withdrawn. Not only so, but on yesterday 631 of that 736 copies still remained in the folding room.

If millions of these good people have rejected our judgment, upon what have they based their conclusion? On extracts from the testimony printed in the newspapers. Are we to try men in that way? I think not. Mr. President, I believe it is a reflection upon the intelligence of the American people to say that they assume, without having read this testimony, to understand it better than Senators who have studied it under the sanction of an oath.

While that case was still pending I had a personal illustration of how honest men may be misguided by their zeal. I received a letter from a citizen of Illinois, who wrote like an intelligent and an honest man, and he raised the presumption in my mind that he was both by telling me that he had been a lifelong Democrat. He further did me the honor to state that he had for years read with attention and with approval what I had said concerning public questions, and expressed his deep regret that I felt called upon to defend the validity of LORIMER'S title to a seat, whom he declared guilty beyond all doubt. Ordinarily I do not answer letters of that kind, but this man made such an earnest appeal to me and he seemed such a good man that I answered him and told him that as he wrote like a good man, had been a lifelong Democrat, it looked like we ought not to differ very much about a question which we both understood. I told him, further, that perhaps I had overlooked some very important testimony in this case, and if he would point out the testimony which had convinced him that LORIMER'S election was procured by bribery I would be glad to give it renewed and earnest attention. The good man, missing the gentle irony of my letter, replied by saying that he had not seen a copy of the testimony, but that if I would send him one he would examine it and call my attention to it. [Laughter.]

I believe that he was a good man, Mr. President, but his judgment could not influence me, because his judgment was not formed upon information; and I think the state of mind which he exhibited is largely the state of mind existing among the people who are dissatisfied with the judgment of the Senate.

Mr. President, I shall not have anything to say about the contest between a special and general committee, although I could freely discuss that, because I was not a member of the subcommittee previously appointed. But I will say to the Senator from Wisconsin that the Mallory case, which he cited as a precedent, is not in point, because at that time there was no Committee on Privileges and Elections in the Senate. That is rather a curious historical circumstance. The very first contested election case ever appearing here—and I thank God sincerely it involved no corruption—was referred to the Committee on Elections. Let me digress here long enough to tell the Senator from Wisconsin that I rejoice as much as he does that in those first 70 glorious years of this Republic corruption never laid its foul hand upon this Assembly; and let me remind him that in those years we never heard anything about the initiative, the referendum, or the recall. The first case was that of Kensey Johns, involving purely a question of law. The record says that it was referred to the Committee on Elections. The next case was referred to a select committee, and the Senator might have found that in the cases immediately preceding the Mallory case a select committee was appointed in each instance. In other instances questions touching the rights of Senators to their seats were referred to the Committee on the Judiciary.

I have here a volume of Contested Election Cases, compiled by the clerk of that committee, and he has a statement on page 23 that the Committee on Privileges and Elections was organized in the first session of the Forty-second Congress. As a matter of fact, as shown by the records of the Senate, that committee was first appointed on the 10th of March, 1871. Since that time there has been no effort to create a select committee. There has been no proposal to refer these questions to any other committee, except in two instances, as I recall. One was the case of Powell Clayton, which involved some reconstruction conditions in the State of Arkansas; and in that case I think that the motion to appoint a select committee of three prevailed. The other, as I now recall, was the case of Spencer, from the State of Alabama, where again conditions growing out of reconstruction measures were involved. In that instance, if I am not mistaken, the motion to appoint a select committee was rejected.

Mr. President, speaking for myself alone, though I am sure that I could include in that statement every Senator here, if this further investigation shall develop that this seat was obtained through bribery and corruption, the Senators who voted to sustain its validity before will be the first to declare that election void. We acted then upon the evidence and the law as we understood them. Certainly, sir, we acted under every temptation to vote the other way. I knew, and those who agreed with me understood as well as I did, that the public mind had been filled with an unreasonable and unreasoning prejudice in this matter. I understood, and so did they, that a vote to vacate that seat would win for us the approval and the applause of thousands who had never looked into that volume of evidence. We knew, besides, that the vote we gave would subject us to censure from one end of this Republic to the other; but in God's name, were we to do our duty as we understood it, were we to keep inviolate our oaths, or were we to yield to a popular demand?

Mr. President, I believe in a representative republic, and when the people in my State have deliberately made known their will I will obey it or I will return to them the commission which I bear. I am not one of those who believe that a man may keep the people's office and defy the people's will; but, sir, the public will which I respect is one which permits me to respect the obligation of my oath, and a people who demand of me that I ignore the evidence and trample upon the law in a case like this are welcome to my commission whenever it pleases them to ask for it.

I go further, Mr. President, and I say to the Senate and to the country that if it shall transpire upon further investigation that this seat was procured through bribery and through corruption, I and those who acted with me on the former occasion shall have added to our plain sense of duty the motive to set ourselves right—not right, sir, before the country; we do not need to do that, but right before our conscience and before our God. If we have saved the seat of a man who was guilty of buying it, or whose friends bought it for him, we owe a reparation, and the Senator from Wisconsin will not be readier than we will be to make it.

Fortunately, Mr. President, in my opinion, with the lead now furnished to the committee, if corruption and bribery were practiced, the escape of the guilty men is impossible. The committee can take the attorneys for which the resolution of the Senator from Virginia [Mr. MARTIN] provides; they can take the expert accountants, for which it also provides; they can go to the business houses of the men accused; they can go into the banks, and under the process of the Senate they can compel those people to open their books, and with these accountants I have no sort of doubt that if a corruption fund was raised and spent, that fact can be clearly established. And if that shall be done, sir, we will give the country instant and convincing proof that the Senate of the United States will not shelter a corruptionist or the beneficiary of corruption.

But, Mr. President, let us remember this—and when I have said that I am done—let us remember that as important as it is that the Senate shall enjoy the public confidence, it is still more important that we shall preserve our self-respect. I will trust the destiny of this Republic to Senators who would give up their office rather than to do violence to their conscience, but I will not give it into the keeping of men who are prone always to hear and always to heed the emotional exclamations of the people. A Senate, sir, which will sin against its conscience and its judgment is not fit to legislate for 90,000,000 freemen, and it will not safeguard the rights of our children and their children's children through all the years to come. A

Senate, sir, conscious of having betrayed itself, will not hesitate to betray our countrymen.

Mr. DILLINGHAM. Mr. President, I am not authorized to speak for the Republicans of this body; I can only speak for myself personally and for such of the Senators on this side of the Chamber as I have by chance conversed with; but if there be any Senator on the Republican side who is opposed to the reopening of this case and the prosecution of further inquiry, I do not know who he may be.

It has been known to everybody that an investigation by the upper branch of the Legislature of Illinois has been in progress for some time past, and it is undoubtedly true that every Senator has closely watched, as I have done, the daily press to learn what developments have been made. I was only expressing the conviction which I had reached and which probably others had reached, when on the 22d instant I introduced into the Senate a resolution providing for the reopening of the Lorimer case and for the reference of it to the Committee on Privileges and Elections. I did that, sir, because I thought I understood the character of this body and its duties under the Constitution, a body that is the sole judge of the elections, returns, and qualifications of its Members; and, being the sole judge, is clothed with tremendous responsibilities, which call for the exercise not only of conscience but of a wise judgment and just action.

In looking through the history of election cases which have come before this body, my attention has been attracted to the case of my distinguished friend who sits at my side [Mr. DU PONT]. It occurred in 1897, when upon the presentation of his credentials a seat in this body was denied him. An application was made for a rehearing, but the Committee on Privileges and Elections, to whom the application had been referred, found that the facts were unaltered, and the request was not complied with; but the committee, at that time consisting of George F. Hoar, William E. Chandler, J. C. Pritchard, J. C. Burrows, George Gray, David Turpie, James L. Pugh, and John M. Palmer, made a report to this body which so fully and clearly sets forth its character as a court, its responsibility, and its duty that I venture to read from it on this occasion. They said:

> The majority of your committee now, as then—

Referring to the previous action—

> The majority of your committee now, as then, are of the opinion that this decision of the Senate was wrong; but the Senate is made by the Constitution the judge of election, qualifications, and returns of its Members, and its judgment is just as binding in law, in all constitutional vigor and potency, when it is rendered by 1 majority as when it is unanimous.
>
> It is clear that the word "judge" in the Constitution was used advisedly. The Senate in the case provided for is to declare a result depending upon the application of law to existing facts, and is not to be affected in its action by the desire of its Members or by their opinion as to public policies or public interest. Its action determines great constitutional rights—the title of an individual citizen to a high office and the title of a sovereign State to be represented in the Senate by the person of its choice. We can not doubt that this declaration of the Senate is a judgment in the sense in which that word is used by judicial tribunals. We can conceive of no case which can arise in human affairs where it is more important that a judgment of any court should be respected and should stand unaffected by caprice or anything likely to excite passion or to tempt virtue. When the Senate decided the question it was sitting as a high constitutional court. In its action we think it ought to respect the principles, in giving effect to its own decision, which have been established in other judicial tribunals in like cases and which the experience of mankind has found safe and salutary.

They say further:

> We do not doubt that the Senate, like other courts, may review its own judgments where new evidence has been discovered, or where by reason of fraud or accident it appears that the judgment ought to be reviewed. The remedy which in other courts may be given by writs of review or error or bills of review may doubtless be given here by a simple vote reversing the first adjudication. We have no doubt that a legal doctrine involved in a former judgment of the Senate may be overruled in later cases. But there is no case known in other judicial tribunals in which a final judgment in the same case can be rescinded or reversed merely because the composition of the court has changed or because the members of the court who originally decided it have changed their minds as to the law or fact which is involved.

Mr. President, it seems to me, in consideration of the new evidence which has been discovered by the committee of the Illinois Senate, and in view of the difficulties it has encountered in securing witnesses from other States, and especially in view of the request of that body that the case be further investigated by the Senate of the United States, that this body, possessing this great power, this great responsibility, should follow the lines which the courts of law have always adopted under similar circumstances and grant a new hearing and make further investigation. Such action, under similar conditions, is what has given our courts their stability for more than three centuries. The very fact that they possess great powers has laid upon them great obligations, when a proper case is presented, to open that case to further consideration. For similar reasons and because I became convinced that this body ought to take such action in this case, I presented the resolution before mentioned providing for it.

Mr. President, I need not say any more than this regarding the committee to which the investigation should be committed. I have examined the records from 1855 down to the present time, and I do not find a case where a special committee has been appointed to take into consideration the question of the election of a Senator to this body.

The case of James Shields, of Illinois, in 1853, and the case of Mallory, which has been cited, were sent to special committees. But as has been said by the Senator from Texas [Mr. BAILEY] the Committee on Privileges and Elections was formed in 1871, and every case of this character, from that date to this, has been referred to the Committee on Privileges and Elections. The line is unbroken. I have a list of the cases since 1871, which I will place in the RECORD.

The list referred to is as follows:

SENATE ELECTION CASES.

Cases referred to Committee on Privileges and Elections, covering all election cases since 1871.

1871. Reynolds *v.* Hamilton.
1871. Goldthwaite, of Alabama. Report by Stewart.
1871. Norwood *v.* Blodgett, of Georgia. Mr. Stewart reported.
1871. Ransome *v.* Abbott, of North Carolina. Reports by Logan and Carpenter.
1872. Pomeroy and Caldwell, of Kansas. Reports by Logan, Morton, and Thurman.
1872. Sykes *v.* Spencer, of Alabama. Reports by Carpenter and others.
1872. George *v.* Spencer, of Alabama. Reports by Carpenter and others.
1873 to 1880. Louisiana cases. Committee directed to inquire whether an existing legal State government in Louisiana and to look over credentials of McMillan and Ray. Reports by Carpenter and others.
1873. Bogy, of Missouri. Report by Morton.
1877. Corbin *v.* Butler, of South Carolina. Report by Cameron.
1877. Grover, of Oregon. Report by Wadleigh.
1879. Ingalls, of Kansas. Report by Salisbury.
1881. Lapham *v.* Miller, of New York. Report by Hill, of Georgia.
1886. Payne, of Ohio. Reports by Pugh and others.
1887. Lucas *v.* Faulkner, of West Virginia. Report by Hoar.
1890. Clark and Maginnis *v.* Sanders and Power, of Montana. Report by Hoar.
1890. Shoup and McConnell, of Idaho. Report by Hoar.
1890. Dubois, of Idaho. Report by Hoar.
1891. Claggett *v.* Dubois, of Idaho. Report by Mitchell.
1891. Call, of Florida.
1892. Davidson *v.* Call, of Florida. Report by Turpie.
1893. Roach, of North Dakota.
1893. Ady *v.* Martin, of Kansas.
1895. DU PONT, of Delaware. Report by Mitchell.
1897. Addicks *v.* Kenney, of Delaware.
1898. Hanna, of Ohio. Report by Chandler.
1899. Scott, of West Virginia. Report by McComas.
1899. Clark, of Montana. Report by Chandler.
1906. SMOOT, of Utah. Report by Burrows.
1911. LORIMER, of Illinois. Report by Burrows.

Mr. DILLINGHAM. Now, I want simply to say, before action is taken, that it is my opinion, as it is the opinion of the Senator from Texas [Mr. BAILEY], that if an investigation is ordered at this time it should be conducted along broad lines, that it should be deep, that it should be searching, that every possible fact that can shed any light on the circumstances attending the election of Senator LORIMER should be secured and presented to the Senate, and that evidence should receive from the committee that special consideration which will enable them to present a report to the Senate which will command its respect and which will command the respect of the people.

Did I not believe that the Committee on Privileges and Elections is composed of men of such character, ability, and honor that they would be able to do this I should hesitate to make this request. But knowing its membership as I do, knowing the Members of this body as I do, I believe that both the committee and the Senate are composed of men who can rise above any impressions derived from any previous consideration of this question to a new and independent consideration of the facts as they may be developed by further investigation.

For these reasons I hope that the case may be reopened, and that it may take the orderly course of procedure which has been ordained in this body.

Mr. BORAH. Mr. President, the course which this debate has taken justifies me in saying a word before the vote is taken upon the resolution or before it is disposed of.

I presume if this had been an ordinary matter, coming up in the ordinary way, the usual resolution would have been introduced and have gone to the regular committee and been disposed of in the usual and regular manner. But, of course, we all recognize that it has not come up in the ordinary way or in the usual manner in which these matters arise.

We are confronted with the proposition that there has been one investigation and that the old Senate, if I may refer to it in that way, debated the matter extendedly and extensively and very earnestly, that both the committee and the Senate as a

body were committed to certain ideas and preconceived opinions. Therefore it devolved upon those who initiated the proposition of a reinvestigation to outline, if practicable or possible, a mode of investigation which would lead, as nearly as could be done under the conditions of affairs as they exist here, to a hearing before a committee which was not bound either pro or con by reason of previous conviction.

Mr. BAILEY. Will the Senator from Idaho permit me to ask him a question?

Mr. BORAH. Yes.

Mr. BAILEY. Does the Senator from Idaho believe that there is a Senator in this body who, upon the evidence as it now stands, has not an opinion upon the case?

Mr. BORAH. I do not. I should not want to believe that, and I do not.

Mr. BAILEY. Then they are all disqualified.

Mr. BORAH. Undoubtedly that is true in one sense. But, Mr. President, that is one of the conditions which can not be avoided. There is no other body to pass upon this matter. But the matter of an investigation, of going and searching for evidence, the matter of inquiry, should certainly be conducted, if possible or practicable, by a committee which has no preconceived opinions as to the kind of testimony, the method of admitting testimony, or preconceived opinions as to witnesses or the standing of witnesses, if that can be done.

If this were the old Senate, I have no notion that the idea which is involved in this resolution would ever have been incorporated in a resolution.

But, Mr. President, I rose to say that it was this idea—whether it be a correct one or an incorrect one—which actuated those who were consulted in reference to this resolution, and certainly not any desire upon the part of some of them, at least—and I believe all—to reflect upon the Committee on Privileges and Elections or the Presiding Officer of this body.

We may have been in error as to the proper mode of proceeding. That is a matter for debate. But this was the reason for our proceeding in this way. I wanted to say before I cast my vote that I would not be a party to a willful or a purposeful reflection upon any member of that committee or the Presiding Officer of this body, and would not have consented to a resolution naming a special committee had it not been possible to incorporate in that committee new Members of the Senate, *which* seemed to me a perfect justification for the procedure.

I say furthermore, with some frankness, that it was with some difficulty that I arrived at a conclusion as to whether a reinvestigation ought to be made at all or not. I had supposed when the vote was taken in the previous session that the matter was ended. Indeed, I was convinced that it ought to end there. But after the investigation began at Springfield a new line of testimony was brought forward, and certainly, whether the evidence is conclusive or not, it all points in one direction and tends to prove one fact, and that is that the title to this seat is based upon corruption.

Certainly we must all admit that if those who are charged with having done so were going about in the city of Chicago to collect assessments to pay for seats here they were not doing so as a mere matter of pastime or as a joke. It must further appear conclusively to all that if there was anyone who was putting up money for the purpose of paying for a seat in this Chamber they were doing so because they expected an interest in the seat when it was purchased. And that kind of evidence, Mr. President, was so startling and of such import that it was new and distinctively new to the kind of evidence which had been gathered by the committee at its prior hearing.

In other words, this was not an election where parties, through their party zeal or party interest or personal loyalty, had gathered for the purpose of an election and through their zeal accomplished it by fair means or by foul. But it was an instance, if the evidence is to be believed in its import, where parties deliberately set about to purchase an interest in a seat in this Chamber. It sounds like the gabble of idiots to say that business men, who do not expend $10 without knowing where the return is to come from, would put $10,000 in the purchase of a seat in this Chamber unless they expected some return from that investment.

Such evidence necessitated a reconsideration, notwithstanding the fact that justice, as suggested by the Senator from Texas [Mr. BAILEY], might ordinarily require that there be an end of such matters at some time or other.

Furthermore, Mr. President, and this was another matter which would have some bearing upon this question, it must be conceded that the judgment as taken in this Chamber at the last session was unsatisfactory. By this I do not mean to imply who was right or who was wrong. But that the Senate of the United States should evenly divide or almost so upon a question not involving party alignments or party politics, but a simple question as to the integrity of a seat, was not only unsatisfactory to the country, but it was highly unsatisfactory to the Senate. It was in a large measure because there was a persistent rumor to the effect that there was evidence yet undiscovered, that the case as brought into this Senate Chamber was incomplete, that the investigation, whether with fault or without, was not conclusive; and the matter terminated not only with the practically even division of votes, but with the belief prevailing to a very large extent that the committee had been unable to procure all the evidence which was at hand.

Under such circumstances the investigation began at Springfield, and under such circumstances this new evidence, pointing to the source of supply for this corruption fund, was revealed, and then the only question to be presented was the manner of the reinvestigation. As I said a moment ago, those who offered the resolution did so because they believed that it was the nearest approach to a new jury for a new trial that could be had on the next investigation. We could not have a wholly new Senate, but we could have a wholly new investigating committee. It was our duty we felt to go as far in that direction as conditions would permit.

Mr. BAILEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Texas?

Mr. BORAH. I do.

Mr. BAILEY. I think the Senator from Idaho is not happy in describing the Senate as a jury. I hardly think he would make a motion for a new trial to the jury. He would go to the judge, and after the judge had granted his motion for a new trial, I hardly think the Senator from Idaho would ask him to recuse himself.

Mr. BORAH. I think that this practice would prevail, however: If I were seeking to have a rehearing before a body which is recognized in the court as a proper body to hear the evidence, I would want a body which had not passed upon the case, if I could get it. I might be answered by some friend who wanted the same jury which had decided in a certain way, "If the members of this jury are convinced they are wrong, they have sufficient manhood to change their opinion." But I would know, as every man knows, that you can not approach the mind which is once convinced and get the same equity and the same unprejudiced hearing and the same attention that you can when you approach the mind which has not yet been convinced, although one may be just as honorable and just as honest as the other.

Mr. BAILEY. If the Senator from Idaho will permit me, I can understand how his objection would be well founded if the Senate is to be regarded as a jury, but I do not think that it is well founded if the Senate is to be regarded as a court. In all my experience at the bar I never thought it necessary to ask a judge to recuse himself after he had granted me a new trial upon the ground of new and material testimony. I have always rather thought the fact that he granted a new trial indicated that he believed that the testimony, if produced, would be decisive of the case.

Mr. BORAH. I will venture to suggest that if the Senator from Texas has had the experience that other lawyers have had, while he did not ask for a new judge he would have done so many times if it had been possible to get him.

Mr. BAILEY. I have been where I would ask for a new judge after he refused my motion for a new trial, but never where he granted it.

Mr. BORAH. The Senator would not ask for it after he had refused the new trial, because his only remedy would be to appeal to another court, which remedy we have not in this case.

Mr. BAILEY. I would rather recall him under the modern practice.

Mr. BORAH. The Senator from Texas does not believe in that proposition. I am afraid he is not sincere in that statement.

Mr. BAILEY. I said under "the modern practice," not under mine.

Mr. BORAH. Mr. President, it may be that this testimony which has been adduced at Springfield is not sufficient to reach conclusively to the title of the sitting member. It may, indeed, be true that some of the business men of Chicago, sitting around their clubs or social dives, talk about purchasing seats in this Chamber as a mere matter of intellectual recreation. Or it may be that their moral appetites have become so imbruited in the pursuit of their several lines of business that they find some pleasure and take some pride in boasting of crimes which they feel unfortunately they have never had an opportunity to commit. But, Mr. President, if some wealth-ridden financial accidents are going about in the high places

and the business centers of Chicago talking about collecting assessments for the payment of seats in this Chamber, which, in fact, have not been purchased, still I would have this investigation proceed with the same rigidness and the same thoroughness, not only that the imputation might be removed from this body, but that such men might be branded before the world as common street liars.

It is almost as important to remove the imputation of slander from this Chamber as it is to remove the man who has purchased his seat. And there is only one way in which to do it, and that is to secure the presence of those who assert these things, whether they be true or not, and let them state before an inquiring body what reasons they had for making assertions of that kind.

I would not permit a man to talk in cold blood of purchasing seats in this Chamber, as if it were a market place or a stock exchange, and then seal his lips and close his books when the facts are wanted and the truth is demanded. Against the integrity of this body I would not permit, nor would the law permit, if it were properly applied, a man to plead his personal convenience or his personal affairs. Against the integrity of a coordinate branch of this Government the law is sufficient to gather all the facts, wherever they may be buried, and the law is sufficient, if necessary, to break the bank and jail the officers to enable a committee of this body to look into the contents of every book which would exonerate or condemn. It was for that purpose, Mr. President, without reflection upon those who had their preconceived opinions as to the law, that some thought it was necessary to have a new inquiring body, if it could be had.

I recall one instance, as an illustration, in the other investigation which, in my judgment, if it should be followed in this investigation, would lead precisely to the same result that it did in that. It was a matter of law, about which, I presume, the members of the committee would have the same conviction, and that was with reference to relieving Mr. Broderick from testifying before the committee. It was perfectly apparent upon the face of it why Mr. Broderick did not want to testify. It was perfectly apparent, as it was afterwards disclosed in his trial, that he proposed to prove what was, in effect, an alibi. To prove that when it was said that he went into the side room with Mr. Holstlaw, that he did not go there at all. Therefore he went upon the witness stand and told only a part of his story. He told it all until he got to the place where it was vital to his defense, and then, in violation of a well-established legal principle, he was permitted to close his lips. The result of it was that when he went to Springfield to put in his defense, he pulled out his satellites from his saloon and proved that Mr. Holstlaw was not in the side room with him at all; that he (Broderick) did not leave the presence of those who were at the bar, and did not pass into the side room where the money was paid.

For this reason, and others which might be cited, it was reasonable to conclude that a new committee would give a hearing upon legal propositions, and accept them more readily than one which had already taken a position in regard to them.

But, Mr. President, I can not dissociate this question and these matters from the larger question, and that is, What is to be the ultimate effect of such matters as this upon this body and upon representative government itself? It requires an optimistic turn of mind indeed not to see in the present condition of affairs a troubled future for these institutions which our fathers gave us. We have had contentions heretofore as extended as the broad domain of the Government itself. We have had a civil conflict largely to determine the meaning of the Constitution. But we have never before had in this country to any considerable extent disbelief in the theory and the framework of our institutions as such. It is now seriously charged and many good people believe that representative government is breaking down. It is believed that representatives are not always free to serve the public. It is believed by many that their sympathies are away from those whom they are supposed to serve. And hence there is a widespread and a widespreading sentiment in favor of having less and less of representative government.

Who can blame the masses for becoming dissatisfied with a system which gives us such State legislatures as are now most prominent in the public eye? Where the lawmakers of the great Commonwealths, lawyers and business men, seem to be actuated and guided and controlled in the discharge of their public duties by two motives, and only two, that of grand and petit larceny. Hence, public thought upon affairs of government are heading in two directions, both of them away from representative government. Upon the one hand there are those who seem to think that the solution of the question rests in a more bureaucratic form of government. A government with an autocrat in the shape of a bureau chief, responsible to no person and answerable to no people, to whom the President should yield obedience, and to whom the people should yield submission. A bureau which, through its worn-out and unbusinesslike system of red tape, may take up a matter with this generation and, if nothing unforeseen happens to delay it, conclude it with the succeeding generation.

Upon the other hand, there are those who would dispose, if possible, or so far as practicable, with the representative agency in government entirely, and would both enact and execute laws by popular vote. Both of these movements are manifestations of distrust of representative government. Both of them indicate a belief upon the part of the popular mind that there is a failure in representative government to do what the fathers believed it would do.

Mr. President, while we are dealing with these grave questions of changes in government, some of which are important and useful, let us not overlook doing the simple thing, the direct thing, the thing now at hand to be done, and that is to restore confidence in representative government as we now have it. Let us meet the responsibility that is now with us and discharge the obligation that is now upon us and cleanse representative government of corruption, and, what is equally important, cleanse it of the reputation and the imputation of corruption. It is up to this generation to rehabilitate representative government and restore confidence if we would preserve it.

Those who still cling to the old faith, who still believe that let come what may—the representative principle is essential and indispensable to free institutions—must set about to fit representative government for the conditions of modern affairs.

The first thing to do, Mr. President, is to proceed against corruption in high places in that rough and rugged and determined and uncompromising way which shows that we hate it and look upon it as a menace to our institutions, rather than a thing to be expected and ignored and compromised with and finally forgiven.

It is perfectly plain, Mr. President, that if we have not the power to cleanse representative government of corruption, then no form of popular government will long endure. It is perfectly plain that if we have not the power to separate those who have been brought in connection with the Government through corruption from the Government, that then what we need is not more popular government, but less. If such men as Wilson and Broderick and Browne, steeped in duplicity and corruption, can be nominated at a primary and reelected at a popular election, it is proof positive that the composite citizen needs some attention as well as the component parts of that ideal conception. The solemn injunction which rests upon everyone who believes in the principle of representative government is to restore confidence in the mind of the people that it is representative and not the partial advocate of special interests.

Mr. President, I sincerely hope that this resolution as amended finally will pass. I should like to see the Senate—if I may make the suggestion—put aside for once the question of courtesy, the question of compromise, the question of precedent, the question of recognition of some one's sensitiveness, and proceed in this matter in such a determined and uncompromising way as to satisfy the great American public, whether the judgment be for or against Mr. LORIMER, that it is a correct and righteous judgment.

It was truly said by the Senator from Wisconsin [Mr. LA FOLLETTE] that the question of confidence and respect and the manner in which we proceed to investigate is almost equal in importance to the capacity of the investigating committee itself.

When we have concluded our work, when we have finished our investigation, when we have finally rendered another judgment, it is important that the public be convinced that the righteous and right thing has been done as well as to have the right and righteous thing done. We may disregard public opinion if we desire and as much as we choose, but the fact is that we live and have our usefulness and thrive as a Senate of the United States by reason of the respect and confidence of those who sent us here.

Mr. MARTIN of Virginia, Mr. CUMMINS, and Mr. LA FOLLETTE addressed the Chair.

The VICE PRESIDENT. The Senator from Virginia.

Mr. MARTIN of Virginia. Mr. President, I offer as a substitute for the resolution submitted by the Senator from Wisconsin the resolution which I presented to the Senate on the 23d instant, and known as Senate resolution No. 51.

The VICE PRESIDENT. The Senator from Virginia offers as a substitute for the resolution of the Senator from Wisconsin the following, which the Secretary will read.

The SECRETARY. In lieu of Senate resolution 6 substitute the following:

Whereas the Senate adopted a resolution June 20, 1910, directing the Committee on Privileges and Elections to investigate the charges relating to the election of WILLIAM LORIMER to the Senate of the United States; and

Whereas since the Senate voted on the report of that committee it is represented that new material testimony has been discovered in reference to such matter; and

Whereas the Senate of the State of Illinois, on the 18th of May, 1911, adopted a resolution for the reasons therein stated, requesting the Senate of the United States to institute further investigation of the election of WILLIAM LORIMER to the Senate: It is therefore

Resolved, That the Committee on Privileges and Elections, sitting in banc, be, and are hereby, authorized and directed forthwith to investigate whether in the election of WILLIAM LORIMER as a Senator of the United States from the State of Illinois there were used and employed corrupt methods and practices; that said committee be authorized to sit during the sessions of the Senate and during any recess of the Senate or of Congress; to hold sessions at such place or places as it shall deem most convenient for the purposes of the investigation; to employ stenographers, counsel, and accountants; to send for persons and papers; to administer oaths; and as early as practicable to report the results of its investigation, including all testimony taken by it; and that the expenses of the inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee. The committee is further and specially instructed to inquiry fully into and report upon the alleged "jack-pot" fund in its relation to and effect, if any, upon the election of WILLIAM LORIMER to the Senate.

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. The Chair supposes the Senator from Virginia claims the floor.

Mr. MARTIN of Virginia. I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. I will wait until I can take the floor in my own right.

The VICE PRESIDENT. Does the Senator from Virginia yield the floor?

Mr. MARTIN of Virginia. I understood that the Senator from Wisconsin was of opinion that this matter could not be concluded this afternoon, and that he was going to make some suggestion in that regard. It is entirely immaterial to me. I am ready to go on, or I can wait.

Mr. LA FOLLETTE. I do not wish to take the Senator from Virginia from his feet.

Mr. MARTIN of Virginia. I was not taken from my feet. I yielded to the Senator, understanding that he was going to make a suggestion of that sort.

The VICE PRESIDENT. The Chair understood that the Senator from Virginia yielded to the Senator from Wisconsin.

Mr. LA FOLLETTE. With a view of making a motion, and I am about to make a motion, but I do not wish to make a motion to take the Senator from Virginia off the floor.

Mr. MARTIN of Virginia. I understood the Senator wanted this matter to go over until Monday.

Mr. LA FOLLETTE. I am satisfied it will not be possible to conclude argument upon the resolution to-night. I know of other Senators who desire to speak, and I myself shall have something to say. I am perfectly willing, if the Senator from Virginia desires to speak now, to withhold a motion to adjourn. I wish to accommodate the Senator.

Mr. MARTIN of Virginia. I am perfectly willing that a motion to adjourn shall be made, but I should like to have it understood that I will resume the floor when this matter is taken up on Monday.

The VICE PRESIDENT. It is in the hands of the Chair, and of course the Chair would recognize the mover of the substitute.

Mr. MARTIN of Virginia. I am perfectly willing, with that understanding, to yield the floor for to-day.

Mr. LA FOLLETTE. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until Monday, May 29, 1911, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 26, 1911.*

The House met at 12 o'clock m.

Prayer by Rev. William Alexander Major, D. D., of Seattle, Wash., as follows:

O Lord, our God, Thou who art the Spirit, infinite, eternal, and unchangeable, in Thy being wisdom, power, holiness, justice, goodness, and truth, we look to Thee for all good. We are told that if a man lack wisdom, let him ask of God. We need Thy help, intelligence, instruction, discipline, growth.

Let Thy blessing fall upon these men who represent the greatest Government upon earth, help every man to be a good steward, faithful in the discharge of his duty, and may we all live and act so that what we do may commend itself to all the nations of the world.

We thank Thee for what Thou hast done for the individual. We bless Thee for his place in the world. We thank Thee for what Thou hast stamped upon him, and we come to-day to recognize that every act and perfect gift cometh from Thy hand. Lead us now in the deliberations of the day, strengthen us for every duty which awaits us, and not unto us, O God, not unto us, but unto Thy name give glory, for Thy mercy and Thy truth's sake. Amen.

The Journal of the proceedings of Tuesday, May 23, 1911, was read and approved.

SWEARING IN OF A MEMBER.

Mr. McKENZIE, of Illinois, appeared at the bar of the House and took the oath of office.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 287. An act for the relief of James Henry Payne;

S. 288. An act to authorize the President to place Ensign John Tracey Edson on the retired list of the Navy with the rank of lieutenant;

S. 307. An act to change the name of Fort Place, from Seventeenth to Eighteenth Streets NE., to Irving Street;

S. 274. An act providing for the removal of snow and ice from the paved sidewalks of the District of Columbia; and

S. 2055. An act to provide for the purchase of a site and the erection of a new public building at Bangor, Me.; also for the sale of the site and ruins of the former post-office building.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 287. An act for the relief of James Henry Payne; to the Committee on Naval Affairs.

S. 288. An act to authorize the President to place Ensign John Tracey Edson on the retired list of the Navy with the rank of lieutenant; to the Committee on Naval Affairs.

S. 307. An act to change the name of Fort Place, from Seventeenth to Eighteenth Streets NE., to Irving Street; to the Committee on the District of Columbia.

S. 274. An act providing for the removal of snow and ice from the paved sidewalks of the District of Columbia; to the Committee on the District of Columbia.

S. 2055. An act to provide for the purchase of a site and the erection of a new public building at Bangor, Me.; also, for the sale of the site and ruins of the former post-office building; to the Committee on Public Buildings and Grounds.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted to—

Mr. HAMILTON of West Virginia, for 10 days, beginning Monday, May 29, 1911, on account of important business.

Mr. J. M. C. SMITH, for 14 days, on account of important business.

Mr. KENDALL, for two weeks, on account of important business.

Mr. STEVENS of Minnesota, for two weeks, on account of illness in family.

Mr. WATKINS. Mr. Speaker, my colleague, Mr. BROUSSARD, desires 10 days leave of absence, on account of important business.

The SPEAKER. The gentleman from Louisiana asks leave of absence for his colleague, Mr. BROUSSARD, on account of important business. Without objection, this request will be granted.

There was no objection.

WITHDRAWAL OF PAPERS—WILLIAM A. HARLAN.

By unanimous consent, leave was granted to Mr. CANNON to withdraw from the files of the House, without leaving copies, the papers in the case of William A. Harlan, Fifty-ninth Congress, no adverse report having been made thereon.

WITHDRAWAL OF PAPERS—JOHN MITCHELL.

By unanimous consent, leave was granted to Mr. BURKE of Wisconsin to withdraw from the files of the House, without leaving copies, the papers in the case of John Mitchell, in the Sixty-first Congress, no adverse report having been made thereon.

CHANGE OF REFERENCE.

By unanimous consent, reference of the bill (H. R. 10508) to protect trade and commerce against unlawful restraints and

monopolies was changed from the Committee on Interstate and Foreign Commerce to the Committee on the Judiciary.

CALL OF COMMITTEES.

The SPEAKER. The Clerk will call the committees.

When the Committee on Accounts was called,

Mr. RODDENBERY. Mr. Speaker, I desire to call up House joint resolution No. 75, reported favorably from the Committee on Accounts, and ask for its present consideration.

The SPEAKER. The gentleman from Georgia, by authority of the Committee on Accounts, calls up the resolution which the Clerk will report.

The Clerk read as follows:

Joint resolution (H. J. Res. 75) reducing the number of Capitol police.

Resolved, etc., That the provisions in the legislative, executive, and judicial appropriation acts, approved June 7, 1910, and March 4, 1911, making appropriations for the Capitol police, are hereby amended by reducing the number of lieutenants from 3 to 2, by reducing the number of privates from 67 to 33, and by reducing the total appropriations for the Capitol police to such sums as may be necessary.

Mr. MANN. Mr. Speaker, I make the point of order that this resolution should be on the Union Calendar and should be considered in the Committee of the Whole.

The SPEAKER. The Chair will hear the gentleman.

Mr. MANN. I believe the rule is the same whether the purpose of the bill is to reduce expenditures or to increase expenditures. The purpose of this resolution is to discharge a certain number of employees and reduce the total of the appropriation. It is not a privileged report from the Committee on Accounts, where the money is to be paid out of the contingent fund, and does not come within the rule the Chair has heretofore made, that privileged resolutions from the Committee on Accounts involving expenditures out of the contingent fund are properly upon the House Calendar and do not require consideration in the Committee of the Whole.

The SPEAKER. The Chair will state that this resolution is not considered as a privileged resolution at all.

Mr. MANN. I understand it is not a privileged resolution and does not come within the ruling of the Chair. This is a joint resolution to amend an appropriation bill affecting the expenditures and providing for a reduction in the appropriation.

Mr. UNDERWOOD. Mr. Speaker, I would like to know if the gentleman will object to asking unanimous consent to consider this resolution in the House as in Committee of the Whole.

The SPEAKER. The Chair wishes the gentleman would speak a little louder, inasmuch as it is a matter for the House to pass on.

Mr. MANN. I will not object.

Mr. UNDERWOOD. Mr. Speaker, I asked the gentleman from Illinois if he would object to a request for unanimous consent to consider this resolution in the House as in the Committee of the Whole, and he said he would not object, and I suggest the gentleman from Georgia make that request.

Mr. RODDENBERY. Mr. Speaker, I ask unanimous consent that the resolution may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the resolution may be considered in the House as in the Committee of the Whole. Is there objection?

Mr. MANN. Mr. Speaker, I shall not object, assuming if there is desired a little time for debate there will be no trouble about it.

Mr. RODDENBERY. I will state to the gentleman there will be no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. RODDENBERY. Mr. Speaker, this resolution completes, or is designed to complete, the caucus action of the majority on the 1st of April. On a previous day House resolution 128 was passed carrying into effect the recommendations of the caucus with the exception of the items carried by this resolution.

Mr. HENRY of Texas. Mr. Speaker——

The SPEAKER. Does the gentleman from Georgia yield to the gentleman from Texas?

Mr. RODDENBERY. I do.

Mr. HENRY of Texas. Mr. Speaker, I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HENRY of Texas. I desire to ask whether there is to be general debate under a proceeding of this sort or whether the House does not at once proceed to the reading of the resolution and will offer it under the five-minute rule?

The SPEAKER. The resolution has been read once.

Mr. HENRY of Texas. I understand; but it seems to me we now proceed under the five-minute rule, and there is no general debate allowed.

The SPEAKER. The Chair will state to the gentleman that on an interrogatory of the gentleman from Illinois [Mr. MANN] the gentleman from Georgia [Mr. RODDENBERY] promised there should be debate if they wanted any.

Mr. HENRY of Texas. I understand that. I wanted to have the rule clearly understood. My impression is now that we are considering this resolution under the five-minute rule. Of course, we can consider it this way only by unanimous consent.

The SPEAKER. The precedents show that there is no general debate when you are considering a resolution in the House as in the Committee of the Whole.

Mr. HENRY of Texas. Then I understand that it is by agreement that we are under general debate?

The SPEAKER. That is true. There is a kind of tentative agreement between the gentleman from Georgia [Mr. RODDENBERY] and the gentleman from Illinois [Mr. MANN] that if the gentleman from Illinois or anybody on that side wanted any time for debate they should have it. That was not put, however, as part of the motion.

Mr. HENRY of Texas. I have no objection at all to the discussion.

The SPEAKER. According to the rule you are pursuing debate under the five-minute rule.

Mr. UNDERWOOD. Mr. Speaker, I think any difficulty in the matter can be obviated by any gentleman when he is recognized under the five-minute rule by asking for an extension of time, which will be granted.

The SPEAKER. The gentleman from Georgia [Mr. RODDENBERY] has the floor for the first five minutes.

Mr. LLOYD. Mr. Speaker, I ask that the time of my colleague on the committee from Georgia be extended for 15 minutes.

The SPEAKER. The gentleman from Missouri [Mr. LLOYD] asks unanimous consent that the time of the gentleman from Georgia [Mr. RODDENBERY] be extended 15 minutes. Is there objection?

There was no objection.

Mr. RODDENBERY. Mr. Speaker, I do not apprehend that there will be any necessity for my consuming 15 minutes to present the report of the committee to the House. In addition to the favorable report on this resolution by the committee, a committee report has been filed with the resolution. It goes into the history of the creation of the Capitol police force and is for the information of the House, but, on account of its length, I shall merely incorporate the report as a part of my remarks and the House may examine it if they desire. The Members of the House will readily perceive that the Capitol police force is a joint force, a composite force, and under the existing law one-half of the police force is chosen by the Sergeant at Arms of the Senate and one-half by the Sergeant at Arms of the House. The caucus action and the report of the committee favor the abolition of 34 private policemen of the Capitol force and one lieutenant of Capitol police. And the joint resolution seeks to carry into effect this resolution by reducing the number of lieutenants from 3 to 2 and by reducing the number of privates from 67 to 33, which, if concurred in by the Senate, will give effective force to the action of the caucus and the recommendation of the Committee on Accounts, with a saving of approximately $36,000. And we submit this resolution for the purpose of executing this mandate of the caucus.

Unless there is some question that a Member of the House would like to ask, if it is permissible under the motion to extend the time for 15 minutes, I will reserve the remainder of my time.

Mr. WEEKS. Mr. Speaker——

The SPEAKER. Does the gentleman from Georgia yield to the gentleman from Massachusetts?

Mr. RODDENBERY. I do.

Mr. WEEKS. I would like to know whether the practice is now to have a lieutenant on duty all the time.

Mr. RODDENBERY. I am not able to answer the gentleman on that point. The rule seems to have been in the past to divide each 24 hours into 8-hour shifts, and under that theory three lieutenants might be necessary to make the systematic shifts of 8 hours each.

Mr. WEEKS. Necessarily, if the number of lieutenants were reduced, either the lieutenants would have to be on duty 12 hours each or else there would be one shift where there would not be an officer in charge of the force.

Mr. RODDENBERY. Yes, sir; if the captain did not take one of the shifts. The committee was not, however, able to see why the rule of an 8-hour shift should apply to a lieutenant with the same force that an 8-hour shift would apply to a private policeman, the duty of the policemen being of a char-

acter which might require an 8-hour shift, while that of the lieutenants is of another character—mainly supervisory—not requiring an 8-hour shift.

Mr. WEEKS. Does the gentleman think that it is desirable that the lieutenant shall remain on duty 12 hours?

Mr. RODDENBERY. The gentleman will excuse me; I could not quite understand what he said.

Mr. WEEKS. My question was whether the gentleman thinks it desirable for a lieutenant or any other man to remain on duty continuously for 12 hours?

Mr. RODDENBERY. If the captain serves 8 hours, there would be no interregnum or extra service to be performed by the lieutenants. But, speaking for myself, I think we might abolish the other two lieutenants and have a first-class captain and a reasonable police force and have no lieutenants at all. [Applause on the Democratic side.]

The committee, however, did not feel authorized to undertake to abolish all three of the lieutenants, as it was acting in accordance with the recommendation of the caucus. The caucus probably thought they would abolish one of them first, and that in due course they would attend to the other two.

Mr. Speaker, I desire to reserve the remainder of my time.

Mr. MANN. The gentleman can not reserve his time under the five-minute rule. If the gentleman wants to take the floor again, nobody will object, but I do not want to see established the practice of reserving time under the five-minute rule.

Mr. Speaker, I am not informed as to the number of police necessary properly to police the Capitol, although I have no doubt whatever that there are more men employed than are necessary, and to that extent I am in sympathy in the main with the apparent purpose of this resolution. But I am not in sympathy with the real purpose of the resolution, which is merely buncombe. If there are too many policemen in the Capitol, there is an easy way of dispensing with half of them, who are under the control of this House. The police in the Capitol are named by the Sergeant at Arms of the Senate and the Sergeant at Arms of the House, and they are divided equally between the Sergeant at Arms of the Senate and the Sergeant at Arms of the House, and the Sergeant at Arms of the House can at any time discharge one-half of them, and the House can on any day pass a resolution directing the Sergeant at Arms of the House to dispense with the services of one-half of the Capitol police. But everybody who has gray matter in his brain—and everyone on that side and on this side, both, has gray matter in his brain—knows that when this resolution passes the House it is as dead as a last year's smelt.

Mr. HAMILTON of Michigan. Or any other smelt.

Mr. MANN. It would be a ridiculous attitude for the Senate to assume if they were to agree to the passage of this resolution, when they, without responsibility having changed, have just passed a law providing for this specific number of policemen.

The gentlemen on that side of the House who say there are too many police under the control of this body ought by resolution to require that the extra number be discharged. They have it within their power. If they have too many police, dispense with them. You gentlemen on that side are endeavoring to make political capital simply by pretending that you want to dispense with these policemen, when you know that you really propose to keep every one of them and when you will fill every vacancy that is created.

Mr. GARNER. Will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Texas?

Mr. MANN. I always yield with pleasure to my friend from Texas.

Mr. GARNER. I want to challenge the statement, Mr. Speaker, that we intend to keep them in office, and I want to ask the gentleman from Illinois if he will support a resolution dispensing with one-half of the number?

Mr. MANN. I will; certainly. [Applause on the Democratic side.] But will you bring it in? [Applause on the Republican side.]

Mr. GARNER. Yes.

Mr. HAMILTON of Michigan. Have them bring it in now.

Mr. GARNER. We will give the Senate a chance first.

Mr. MANN. The gentleman says he will bring it in. I am willing to dispense with half of the police, because that is the only way there is to ascertain if we have too many. But I do not think the Capitol would run away if we had only one-quarter of the policemen that we have now. In fact, I believe the Capitol would be here when we returned from a vacation if we did not have any police at all.

Mr. FOCHT (from his seat). Is there going to be any vacation? [Laughter.]

The SPEAKER. Gentlemen desiring to participate in debate will rise and first secure recognition.

Mr. MANN. The question of the necessity of a vacation is such an admitted matter that I think it is perfectly natural for a Member to make an inquiry of that kind without rising from his seat. On that subject I refer the gentlemen on this side of the House to the gentlemen on that side of the House. [Laughter.]

I imagine that if we can keep the Weather Bureau in good order and the Chambers sufficiently hot at both ends of the Capitol, we may after awhile succeed in getting a vacation. Meanwhile, I hope the House will remain in session on those days when the new rule can operate which provides for the discharge of committees [applause on the Republican side], so that if we are obliged to stay in Washington we may be able to transact the business of the country, instead of merely loafing, as we are likely to for the next few days or few weeks. [Applause on the Republican side.] The gentleman thinks it is very important to pass a joint resolution to pretend to want to discharge half of the police of the Capitol. We think it is more important to pass a law providing for pensions for the old soldiers. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. FINLEY. I ask unanimous consent that the gentleman have five minutes.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that the time of the gentleman from Illinois be extended five minutes. Is there objection?

There was no objection.

Mr. FINLEY. Now, the gentleman from Illinois states that he thinks it is more important for the House to be in session and pass the pension bill that he speaks of. I ask the gentleman this question—I know that he is in a position to answer it—Why is it that the Republican Party in all the years that it was in power did not pass the bill the gentleman speaks of, and why did not the Republican Party pass that bill in the Sixty-first Congress?

Mr. MANN. Well, Mr. Speaker, this House did pass that bill in the Sixty-first Congress. Will this House pass it in the Sixty-second Congress?

SEVERAL MEMBERS. Yes.

Mr. MANN. Let us do it, then. Let us not adjourn over the next committee-discharge day, and we can pass it quickly.

Mr. FINLEY. In the Sixty-first Congress was there not a Republican House, a Republican Senate, and a Republican President——

Mr. MANN. Yes; and there will be in the Sixty-third Congress also. [Applause on the Republican side.]

Mr. FINLEY. I think the gentleman is guessing as to the Sixty-third Congress. [Applause on the Democratic side.] But when power was in the hands of the Republican Party that bill was not passed.

Mr. MANN. That is true.

Mr. FINLEY. And now the gentleman comes around and cries for the old soldier and complains that Congress does not pass this bill; yet his own party in the Sixty-first Congress absolutely refused to do the very thing that he now asks this House to do. [Applause on the Democratic side.]

Mr. MANN. Yes, Mr. Speaker; and there was one time before when a resolution passed Congress providing for the discharge of Capitol police, but it contained the provision when it passed that it should not be construed to require or permit the discharge of any old soldier who was on the roll of the Capitol police. No such provision is in this joint resolution. Not content with having this House pass over committee-discharge day, one of your great original ideas which you were in favor of until you could put it into effect, not content with that, you now propose to say that you would like to discharge the old soldiers on the Capitol police roll.

Mr. ANDERSON of Ohio. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Ohio?

Mr. MANN. I do.

Mr. ANDERSON of Ohio. I am glad to see the interest manifested by the gentleman from Illinois on pension legislation, and——

Mr. MANN. I am mighty glad the gentleman is.

Mr. ANDERSON of Ohio (continuing). I would like to ask you a question. As you know, I have a motion on the calendar to discharge the committee from further consideration of H. R. 767, a bill to increase the pensions of old soldiers and their widows, and am anxious to have the motion considered, but suppose the House will adjourn, when it adjourns to-day, to next Tuesday, and the question is, under the rule, would my motion be in order next Monday? You understand next

Monday will not be the first or third Monday, which days are motion-to-discharge-calendar Mondays.

Mr. MANN. The gentleman's motion would be in order on the first Monday in June, if there were a session of the House, but as there will be no session of the House, under the leadership of the gentleman on that side of the House, on the first Monday in June the gentleman's motion will not be in order, because it can only be in order when the House is in session.

Mr. ANDERSON of Ohio. It will be in order on the third Monday in June, will it not?

Mr. MANN. Well, I expect not. [Laughter.] I do not think it will be in session on either the first or the third Monday of any month before December, and I am not sure it will be even then.

Mr. SIMS. For which the gentleman from Illinois is duly thankful in his heart. [Laughter.]

Mr. MANN. Mr. Speaker, along this same line I wish to have read in my time a very pathetic appeal which has been addressed to the Members of the House, or, at least, to the majority Members of the House, by a gentleman who has apparently been the statistician of the Democratic national committee, a member of the force of employees of the House, whose job has been legislated out of existence. In order that the pathetic appeal may live in history, I desire to have it read and placed in the CONGRESSIONAL RECORD as an able effort; and if it does not bring tears to the eyes of gentlemen on that side of the House, and sympathy as well, they are a cold-blooded lot. [Laughter.]

Mr. GARNER. Has it brought tears to the eyes of the gentleman from Illinois? [Laughter.]

The SPEAKER. The Clerk will read.

The Clerk read as follows:

DEMOCRATIC NATIONAL CONGRESSIONAL COMMITTEE,
821 FIFTEENTH STREET NW.,
Washington, D. C.

MY DEAR SIR: The caucus abolished the position of pair clerk. Both Mr. PALMER and Mr. HULL say they had no idea that this would abolish me, yet it has so worked. My place dies on May 15, as per resolution adopted Tuesday. Is this just to an employee who has always been at his post? Is it fair? Is it just to injure a faithful employee under the shibboleth of economy? Did a single man who voted to abolish the pair clerk's place have in his mind when so doing that it abolished me? More than 100 Members have told me that they never dreamed that my position was imperiled. Yet events have so twisted about that the full weight of the blow falls on my shoulders. Does economy outweigh the demands of justice?

I call every Member of the House to witness that I have always stood to my post and done valiant service for a much less compensation than the service warranted. I never complained at the pay and never asked for a better place, although I had a right so to do. I simply asked to be retained where I was, and common justice will move every man of you to say that I ought to have been retained.

You won a great victory in 1910. Was I not a contributor in 1909 to that victory, when, as clerk to the minority of the Ways and Means, I gave the party figures which were used on the floor of the House and on every stump in the country? Was I not a real contributor in 1910, when, as statistician for your committee, I furnished facts, figures, information, and arguments, which were used as weapons to strike a common enemy to the ground? Flushed and elate with victory, is it fair or just to me not only not to advance me but with fell hand to strike down the modest position I hold?

When a common defeat comes I am as ready to wear the willow unmurmuringly as any man living; but when a common victory, one to which I contributed a full share, without regard to section or district, comes to our banner I have a just right to the laurels, especially when my ambition leaps no higher than my old $1,800 place. Having shared the dangers, it is not too much to ask a very small share of the honors. I have stood in no man's way nor coveted any man's place. I was satisfied where I was, and a great party can hardly afford to punish its honest workers by abolishing their positions. My place was not a sinecure, and besides filling it well I did work for the entire Congress which should have made my place immune from attack on any ground. Believing that a wrong has been done by Democrats without in the least intending it, I write this letter to each of the 226 victors with the hope that they will with pleasure and unanimity undo the wrong they have so unconsciously done a vigorous, enthusiastic, and vigilant member of their force. As the matter now stands, the Republicans have two pair clerks and the Democrats one. Is a Democrat's place so absolutely useless as to be abolished, while Republican places are impregnable?

I appeal to you, one and all, for an immediate reinstatement of my place, so that my opportunity for helpfulness in a common cause may not be ruthlessly destroyed.

As ever, your friend and coworker, JOSIAH H. SHINN.

Mr. MANN. Mr. Speaker, that sounds like the plea of a lost soul. [Laughter.]

Mr. CLAYTON. Will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Alabama?

Mr. MANN. Certainly.

Mr. CLAYTON. In view of the sympathy expressed by the gentleman from Illinois for Mr. Shinn—and I share in that sympathy—I have no sympathy for the employee by the name of Joseph Weir. Therefore I ask the gentleman from Illinois if he will agree to a resolution to dispense with the services of Mr. Weir and substitute Mr. Shinn in his place?

Mr. MANN. I do not know Mr. Weir, and neither do I know Mr. Shinn. I do not know what jurisdiction I have over a resolution in reference to employees.

Mr. CLAYTON. The gentleman is the leader of the minority.

Mr. MANN. Does the gentleman from Alabama desire that Mr. Shinn should be put in as a minority employee?

Mr. CLAYTON. I thought the sympathy the gentleman from Illinois expressed for him would lead him to put him in that place. [Laughter.]

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. CLAYTON. I ask unanimous consent, Mr. Speaker, that the time of the gentleman from Illinois be extended five minutes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CLAYTON. I want to see if we can not reach a common point of agreement about this matter. I think the gentleman, Mr. Shinn, was unjustly turned out, and the gentleman from Illinois thinks so, too. So we agree. The majority of the House, it seems, has but one pair clerk and the minority has two; so I think the fair and right thing, in view of the valuable service that Mr. Shinn has rendered, would be to dispense with the new man by the name of Weir and put Mr. Shinn in. What I desire to get at is an expression from the gentleman from Illinois, as minority leader, to see if he would agree with me in that; and then, if he will, I will devote myself to framing a proper resolution having that end in view.

Mr. MANN. Mr. Speaker, the inquiry is a fair one. The gentleman, Mr. Weir, is, I believe, one of the minority pair clerks and a very efficient one, one that we have need for and use. The reasons given by the gentleman, Mr. Shinn, whose letter was read, for being employed by the House, is that he has been of great assistance and furnished the brains for the minority members of the Ways and Means Committee in the last Congress and very largely for the Democratic national committee. That may be a very good reason for his applying for the place in the House, although it does not appeal to me, but certainly it is not a very good reason for his being employed as a Republican minority employee of the House. [Laughter.] Perhaps he could change his party as rapidly as he could his position, but I do him the credit to say that I believe he was sincere and is a sincere man, who did good service in the House while he was employed under a Republican House. Whether he be reemployed or not, shortly some one else will be named by the Democratic House to fill his position, in order to properly take care of the work of the House.

Mr. RODDENBERY. Mr. Speaker, the debate has taken a range entirely foreign to the resolution, and I desire to call the attention of the House to one subject to which we did not allude.

The SPEAKER. The Chair will suggest to the gentleman from Georgia that he has no right to address the House again until everybody who wishes has spoken under the rule.

Mr. RODDENBERY. Mr. Speaker, I understood that I reserved the remainder of the 15 minutes' time.

The SPEAKER. The difficulty about that is that one can not in Committee of the Whole or in the House when the House is proceeding as in Committee of the Whole reserve time.

Mr. HENRY of Texas. Mr. Speaker, I ask unanimous consent that the gentleman be allowed to proceed for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. RODDENBERY. Mr. Speaker, merely for this purpose do I rise: The gentleman from Illinois [Mr. MANN] called the attention of the House to a fact, or made a statement, that may be true, and that is that this joint resolution undertaking to abolish 34 private Capitol police and 1 lieutenant may never get any further toward actual passage than this end of the Capitol. The gentleman may be correct. However, it is the opinion of the majority—certainly of the Committee on Accounts—that before the House by simple resolution, or before the Sergeant at Arms of the House should assert or exercise the authority, if he has it, of his own will, to dismiss certain of the Capitol police force, this end of the legislative machinery should first pass by appropriate legislation, in the shape of a joint resolution, a proposition providing for a reduction of the number of the Capitol police force, with the concurrence of the Senate, inasmuch as the Capitol police force has always been a composite body. There has heretofore been no House police force and no Senate police force, but a Capitol police force, and so provided by existing law. Speaking for myself, and I believe for the committee, we will not controvert the proposition that the House by simple resolution could abolish 34 po-

lice by instructing the Sergeant at Arms not to appoint his quota—to wit, 34—but in that event we would have a police force of 34 which would be all nominated and selected by the Sergeant at Arms of the Senate. Before that course, as a matter of economy, is resorted to, we think we are clearly within the purposes of the action of the caucus in submitting to the House a joint resolution and transmitting it to the Senate. It is a breach of no confidence that there is already a report on file upon the minutes of the Committee on Accounts recommending that if this resolution should meet with disaster at the hands of the Republican majority in the other end of the Capitol, we then forthwith report a resolution dismissing one-half of the police employed in the House end of the Capitol, which will give the gentleman from Illinois [Mr. MANN] one chance to vote for genuine and speedy economy. [Applause on the Democratic side.]

Mr. CANNON. Mr. Speaker, I am not anxious to have unnecessary employees, our friends the Democrats being in the majority, and I was never anxious to have unnecessary employees when the Republicans were in the majority. I had never thought that the employees about the Capitol, especially the Capitol police, in connection with the grounds and Capitol, were too many. You gentlemen are responsible—discharge them all if you choose, or discharge a part of them if you choose—do your part of the legislating if you choose. Unfortunately, however, you may be blocked, as the gentleman from Illinois [Mr. MANN] says, by an unwilling Senate, because, after all, under the Constitution of the United States the Senate has to unite before legislation can be enacted. I have sometimes thought that this touching of the employees of the House and Senate was uncomfortable, because for many years, as I recollect, the employees in the Senate, a body numbering 92 Members, have been and are in excess of the employees of the House, a body numbering 391 Members. Oh, Mr. Speaker, I have assisted in tearing passion to tatters in denouncing that situation. If gentlemen doubt the correctness of my statement, let them just inquire and see the number of secretaries and the number of committees and committee clerks and the number of messengers and the number of janitors that the coordinate branch of the Government, called the Senate, has. After all, for 20 years this claim has been made, that either they have far too many or we too few. I expect there is a happy medium. Did any of you gentlemen ever make a vote out in Texas or anywhere else by holding up to public notice the extravagance of the Senate? Oh, no. But, Mr. Speaker, it is a nice diversion. Now, what we ought to have in this Capitol is enough employees to care for the Capitol and to care for the grounds.

Mr. GARNER. Will the gentleman yield?

Mr. CANNON. Certainly.

Mr. GARNER. Mr. Speaker, one would infer from the gentleman's remarks that because the Senate had an excess of employees over the number employed in the House that the House ought to continue the present number——

Mr. CANNON. Oh——

Mr. GARNER. Just one moment. Surely the gentleman does not contend that if it is shown that the employees in the House are unnecessary they ought to be retained?

Mr. CANNON. Why, absolutely not; but I wanted to show that you are, as I believe you are, masquerading before the country watching the drippings that drop here and drop there from the spigot; a little later on you will waste at the bung.

Why, discharge them all, if you want to do so. I can get along; but with the people coming to the Capitol, from the 90,000,000 of them, with all kinds of people, I do not know—I never was afraid of being assassinated when I was Speaker of the House, the present occupant of the Chair is not afraid of being assassinated, but unless they have forgotten their cunning the letters are many that the Speaker is receiving that his days are numbered, and for you to make your peace with God, Mr. Speaker. [Laughter and applause.] That is unavoidable. Once in awhile there comes a real crank or criminal, yet I never lost any sleep on that account or had a guard. If it was foreordained from the beginning that the Speaker of the House should be assassinated, nothing would stop it; yet there come into the galleries in the main many people, and once in awhile a crank or an insane man will possibly get in.

So much for that. Now, I am making no argument to affect your action in the premises, and having said that much about it, I might add that I have a room. We all have rooms. I think I am responsible more than any man living for the two Office Buildings. I had the honor and pleasure, along the line of the public service, by unanimous consent, of putting the provision in the sundry civil bill when I was chairman of the Committee on Appropriations authorizing the two Office Buildings. There has been much of criticism about it, but I think no man criticizes now. Up to this time, however——

The SPEAKER. The time of the gentleman has expired.

Mr. CANNON. Mr. Speaker, I would be glad to have a few minutes more if I may—5 or 10 minutes—I do not think I shall use 10 minutes.

Mr. GARNER. Mr. Speaker, I ask unanimous consent that the gentleman may have five minutes additional.

Mr. CANNON. I think I will not take 10 minutes——

Mr. GARNER. I ask that the gentleman may be granted 10 minutes additional.

The SPEAKER. Is there objection to the request of the gentleman from Texas? [After a pause.] The Chair hears no objection, and the gentleman from Illinois is recognized for 10 minutes additional.

Mr. CANNON. Mr. Speaker, I have been treated with great courtesy always as a Member of this House and have tried to treat others with courtesy. Now, I expect you have too many janitors, but I do not know; there is none for my room. [Laughter.] I can get along without a janitor or without anybody to sit at the door of the room and wait. After all, in a Government, the greatest on earth, that expends $900,000,000 a year for the public service, and we make the appropriations and do the legislating, the query I want to suggest is, Had not we better seek to go to larger things than to deprive ourselves of the ordinary assistance for the performing of our duties because we have great responsibilities? That is all. I will get along and I guess you will get along. So much for that. Now a word touching the discharge of committees. Something has been said about it.

The rule being in the rules, and there being a calendar of that kind, it had just as well not be there unless we use it; but I find that the majority, after a caucus, as I understand it, say that we shall not use it. Well, all I want is for the country to understand, because I believe in the rule of the majority. This is a Government of the people through a majority, the majority being responsible. You might just as well not have adopted the rule unless you are going to use it. Are you afraid to use it? Will it embarrass somebody? I fancy so. Let me go a little bit into some of the happenings. I have in my mind's eye some Members in the Sixty-first Congress on the minority side. I have some letters written by some of those Members—I will not mention their names unless they want me to do so [laughter]—to their constituents informing them that the pension legislation for the veterans of the Civil War—a dollar a day—could not be considered by the House because an autocratic czar—the Speaker—had so decreed.

There is no autocratic czar now in the Speaker's chair. You have nearly 65 majority in the House. Oh, my dear friends from Ohio, how you came over into Illinois demanding a dollar-a-day pension, and how I was grilled because, as an autocratic Speaker, I put my autocratic foot upon that legislation. And, say, I have some of you in my mind's eye, and some of you in my eye right now. [Laughter and applause.] And now the query is, What are you going to do? Were you deceiving the people then, or are you going back upon your promise now?

Mr. ANDERSON of Ohio rose.

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Ohio?

Mr. CANNON. I do.

Mr. ANDERSON of Ohio. The gentleman mentioned some Members, particularly from Ohio. I hope he does not refer to the gentleman from the thirteenth district.

Mr. CANNON. Oh, no.

Mr. GARNER. Will the gentleman yield for another question?

Mr. CANNON. Yes.

Mr. GARNER. Is the gentleman very particularly interested at this day on account of his desire to get up the pension bill and let it become a law?

Mr. CANNON. The gentleman will receive a full, frank, earnest, and truthful reply. Recognition was given on suspension day in the last session of Congress to move to suspend the rules and pass what was known as the "Sulloway bill." I never demagogued in my life touching pension legislation, and I believe I have not demagogued touching any legislation.

Mr. RUSSELL. Mr. Speaker——

The SPEAKER. Will the gentleman from Illinois yield to the gentleman from Missouri?

Mr. CANNON. I want to answer this first, but a little later I will yield. Oh, the gentleman said we had a Republican Senate, and they did not pass it. We passed it here, and I, for the

second time while I was Speaker during eight years, took five minutes to advocate that legislation, and it passed by a two-thirds vote through the House. Everybody understands that the Senate has no cloture, no previous question, and it could not be reached and was not reached. I want to put it up to the Senate. You say that it is a Republican Senate, but it does not seem to be able to elect Senator GALLINGER President pro tempore of the Senate. But if it is a Republican Senate, let us put up this legislation to it. I appeal to the chairman of the Committee on Invalid Pensions. I appeal to the Ohio Members. I appeal to the Indiana Members that tore passion to tatters with speeches along this line. Gentlemen, I do not say that you intended to deceive, but I will say that you intended to deceive unless you call another Democratic caucus and rescind that resolution that I understood you adopted, to the effect that there should be no pension legislation at this session.

Mr. ANDERSON of Ohio. Mr. Speaker, I want to correct the gentleman's impression.

The SPEAKER. To whom does the gentleman from Illinois yield?

Mr. CANNON. I yield to the gentleman from Ohio [Mr. ANDERSON].

Mr. ANDERSON of Ohio. I want to correct the gentleman's impression as to what the Democratic caucus did, if I may. You understand as well as I do that the program did not consider pension legislation; but I understood we would be called together several times, and at the next caucus I expected to ask for pension legislation. There was no statement made at the caucus that we would not have pension legislation at the special session, and my candid opinion is that we will have pension legislation at this session of Congress, at least I expect to do everything I can to get legislation that will do justice to the old soldier and his widow.

Mr. CANNON. That is all right. If you are going to do it, then my remarks do not amount to anything. It reminds me of a boy that I once met when I was in a campaign. I stayed a night with a farmer. He had a beautiful farm, and we were looking over it the next morning, and finally I said to him, "I have got a farm down in Vermilion County; come down and see me and we will go out and look it over; bring this boy and bring the wife." And I said, "I have got a pony that I will give to this boy." The boy began to pull at the father's coat-tail. Finally the father said to him, "What is it, Chan?" The boy replied, "Father, ask the gentleman when." [Laughter and applause.]

Mr. COX of Indiana. Will the gentleman yield for a question?

Mr. CANNON. I will.

Mr. COX of Indiana. The gentleman was appealing a moment ago to the Indiana delegation in regard to the pension question. I want to put this inquiry to the gentleman, if he will permit, Whether or not he thinks his own party in Indiana was trying to deceive the people when it, in State convention, solemnly declared for a dollar-a-day pension bill?

Mr. CANNON. Oh, my party, I think, was in good faith. I know I am in good faith, and I know that the Republican House of Representatives of the Sixty-first Congress was in good faith. But all this is "leather and prunella." You have got your 65 majority. Are you going to perform? [Applause on the Republican side.]

Mr. COX of Indiana. Yes.

Mr. WILLIS. Do it now. [Laughter.]

Mr. HAMILTON of Michigan. When? [Laughter on the Republican side.]

Mr. CANNON. Now, that is all I desire to say. You are entitled to time for consideration. That is all right, but——

Mr. RUSSELL. Will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Missouri?

Mr. CANNON. With great pleasure.

Mr. RUSSELL. I wanted very respectfully to ask my good friend from Illinois a question, being on the Committee on Invalid Pensions.

Mr. CANNON. With pleasure; all right.

Mr. RUSSELL. I have a pleasant recollection now of the fact that the gentleman from Illinois placed me upon that committee in the Sixtieth Congress.

Mr. CANNON. Yes.

Mr. RUSSELL. As a member of that committee I want to say now that I personally am in favor of pension legislation as early as possible at this session of Congress, if practical, or as soon as it can be had, so that it is not with a view of opposing legislation at this session that I ask this question.

Mr. CANNON. But I will say to the gentleman, before he asks his question, "Next!" [Laughter on the Republican side.] Is there anybody else who wants to be excused on that side? [Applause on the Republican side.]

Mr. RUSSELL. My friend from Illinois seems to desire to make the impression that the Democratic Congress is opposed to pension legislation.

Mr. CANNON. Not at all.

Mr. RUSSELL. I will ask him to state if it is not a fact that in the Sixty-first Congress there was an extra session at which there was no effort made to enact pension legislation?

Mr. CANNON. Yes; I think so.

The SPEAKER. The time of the gentleman has expired.

Mr. CANNON. May I have a minute more?

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed for another minute. Is there objection? The Chair hears none. The gentleman from Illinois will proceed by unanimous consent.

Mr. RUSSELL. I would like to ask the gentleman whether there has ever been a pension bill passed or even considered by a Republican Congress at an extra session?

Mr. CANNON. I do not recollect. But you are the reformers. You have come in with all kinds of pledges, and you have promised that you were going to be better than we Republicans were. It makes no difference whether it is an extra or special session or not. If we failed in our duty at a special session, is that any reason why you should fail in your duty?

Mr. RUSSELL. We are not going to fail in our duty. If a bill is not passed at this session, as I am personally in favor of having it passed, we propose to pass it at the regular session, when we will still have a majority of this House.

Mr. GARNER. Does the gentleman from Illinois think the passage of a pension bill that will increase the expenses of the Government $50,000,000 a year a reform measure?

Mr. CANNON. I believe in it from the standpoint of public policy. As we rely upon the citizen soldiery for the defense of the great Republic of 90,000,000 of people for the future, I believe it is good policy. I am old enough to know what those men passed through in that great struggle, and I would pass the bill. If you gentlemen will stop tinkering with the revenue laws, I believe we shall have enough money to pay the expense. But if you keep on tinkering, I would still pass the bill, and, if necessary, to discharge this great obligation I would borrow the money. [Applause on the Republican side.]

Mr. FERRIS. Will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Oklahoma?

Mr. FERRIS. Will the gentleman yield for a question?

Mr. CANNON. Certainly.

Mr. FERRIS. I wanted to ask the gentleman from Illinois if the Republican President who called this session included the pension legislation in his call or recommended it?

Mr. CANNON. Oh, as to Oklahoma, God knows what that Oklahoma constitution does provide; I do not. There is the initiative and the referendum. I do not know precisely whether the gentleman's State has the recall, but I know that down there there are all kinds of chances to legislate. It may be that that constitution of Oklahoma prohibits a legislature called in special session from considering anything not included in the call; but we are operating under the Constitution of the United States, and the President did not put anything in his message touching the free-trade tariff bill, or a revision of Schedule K, or the cotton schedule. Under our Constitution we have plenary power to cover the whole legislative field. I trust I have given my friend from Oklahoma something of information touching the United States. We are not governed by the constitution of Oklahoma. [Laughter.]

Mr. ANDERSON of Ohio. Mr. Speaker, during the last session of Congress it was rumored that the President would veto the Sulloway bill, a bill drafted along the same lines as my bill. Now, I should like to know if the gentleman from Illinois is aware of the fact, or if it is a fact, that the President will sign the bill, providing the Democratic Party passes it, as I think they will?

Mr. CANNON. Let me say to my friend the President is President. So far as the veto power is concerned and his power to communicate with Congress with recommendations for legislation, the gentleman is as familiar with it as I am. I will perform my duty here and the President can perform his duty there. He has not directed my action, and can not. I have not directed his action, and can not. God forbid that we should ever race along the lines where one coordinate branch of this Government interferes with another. [Applause.]

Now, as to whether he would have vetoed it or not, I do not know. He never asked me, and we never talked along that line. The newspapers say that he never said he would veto it. I will vote with you to pass it and send it to him, and then I believe

he will perform his duty as God gives him to see the right. [Applause.] I think it is right to pass the legislation. Now, that is all I have to say.

The SPEAKER. The time of the gentleman has again expired.

Mr. SHERWOOD. Mr. Speaker, I have been referred to by the distinguished gentleman from Illinois.

Mr. CANNON. I will say to the gentleman that my reference was not at all personal.

Mr. SHERWOOD. The gentleman was looking right at me, and I supposed he referred to me.

Mr. CANNON. I referred to the gentleman as chairman of the Committee on Invalid Pensions.

Mr. SHERWOOD. I greatly admire the gentleman's newborn zeal for the old soldier.

Mr. CANNON. Oh, it is not new born.

Mr. SHERWOOD. It was born in the November election of 1910. [Applause on the Democratic side.] I am the author of the dollar-a-day pension bill, introduced in this House in December, 1907, and reintroduced in the next Congress. I never was able to get a vote, even, in the Invalid Pensions Committee of the House, controlled by the Republican Party. They would not even give me a vote on the question.

On the 26th of February, 1908, I made a speech on the floor of this House in favor of the dollar-a-day pension bill and exhibited at that time the greatest array of petitions in favor of that bill that were ever seen on the floor of this House; and while I was delivering that speech the gentleman from Ohio [Mr. ASHBROOK] called attention to the fact that the Republicans on that side of the House, with the exception of only six, had left the Hall. I want to show by the RECORD how much the gentleman from Illinois was in favor of the dollar-a-day pension bill when he was Speaker of this House.

On April 24, 1910, Representative Charles Weisse, of Wisconsin, a member of the Invalid Pensions Committee, well known to all the Members of this House, came into my office, No. 175 House Office Building, and in the presence of two witnesses made this statement:

> You can quote me as saying, Chairman SULLOWAY told me that he would not allow the Sherwood dollar-a-day bill to come out of the committee, as Mr. CANNON and the administration would not stand for it; that they would prevent a vote by keeping enough members of the committee away from each meeting to prevent a quorum.

This was on April 24, 1910.

Mr. CANNON. Will the gentleman from Ohio yield?

Mr. SHERWOOD. Let me get through with my remarks. I did not interrupt the gentleman.

Mr. CANNON. Just upon that point. The gentleman there quotes a double hearsay and brings it as evidence, and I, looking in his eye, tell him there is not a word of truth in it. [Applause on the Republican side.]

Mr. SHERWOOD. You were Speaker of this House and absolutely in control. You had a Republican committee. Why did you not report the bill?

Mr. CANNON. I was not a member of that committee then and am not now. You are its chairman. Why do you not report the bill? [Applause on the Republican side.]

Mr. SHERWOOD. The dollar-a-day pension bill has been considered and approved. It was adopted as the platform of the Democratic Party of Ohio. The Republican Party of Ohio in convention assembled denounced that as demagoguery. Gov. Harmon was elected governor of Ohio by 100,000 majority and over on that bill. [Applause on the Democratic side.]

We have prepared a bill and the committee has agreed to a bill and at a future day it will report a bill which will be passed by this Congress, and you will vote for it. [Laughter and applause on the Democratic side.] The reason it has not been reported is that we have not had a chance to report it. It seems to me it is an exhibition of remarkable amount of gall for a man who has been Speaker of the House of Representatives during all this time, who would not allow a pension bill to come out of a committee for over four years, to complain that no bill has been reported at an extra session when no bill has ever been passed at an extra session. [Applause on the Democratic side.]

I want to call attention to the fact and ask the gentleman how long the Senate committee had the Sulloway bill before it reported it? The bill was passed by the House on the 10th of January, and the Senate held it for 53 days in committee, clearly intending to smother it. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. ANDERSON of Ohio. Mr. Speaker, I ask that the gentleman's time be extended.

Mr. SHERWOOD. Mr. Speaker, I do not desire a further extension of time.

Mr. CANNON. Mr. Speaker, I move to strike out the last word.

Mr. SHERLEY. I demand the regular order.

Mr. CANNON. That is the regular order.

The SPEAKER. The gentleman from Illinois moves to strike out the last word, and that is the regular order.

Mr. SHERLEY. The gentleman from Illinois will have to speak to the matter before the House.

Mr. MANN. Mr. Speaker, the gentleman from Kentucky was not in the Hall of the House when we commenced this afternoon, I understand.

Mr. SHERLEY. That statement is true. I was not here when the House met, but I was here very shortly after.

Mr. MANN. This is a resolution that should have been considered in Committee of the Whole, and I think there was no intention of being strict about the rules of debate. I simply want to call that to the gentleman's attention.

Mr. SHERLEY. I merely exercised my right in demanding the regular order.

Mr. MANN. The gentleman has the right; but I want to say that if that right be exercised freely on that side of the House, the same right will be exercised on this side of the House. The other day the gentleman from Kentucky got 15 minutes by consent of the House to speak on a question that was not before the House.

The SPEAKER. The gentleman from Illinois moves to strike out the last word.

Mr. CANNON. Mr. Speaker, I believe this House ought to be properly equipped by appropriations providing for officials that will enable the House to properly legislate for the consideration of the House. There is much of important legislation that the country expects will be considered and hopes that it may be enacted. This is a large country, with larger revenues than any country on earth and larger expenditures than any country on earth. It requires much of diligence and much of industry. I especially desire to call attention to the great number of important bills touching interstate and foreign commerce that have been referred to the proper committee. There has been much of criticism heretofore touching legislation that was referred to that committee that was promised to be considered if there should be a change in the complexion of the House. I say that also with regard to many other important measures and important committees—the Ways and Means Committee, for instance. So it is with another important committee. Much of criticism for alleged failure to enact proper pension legislation has been had.

I will not stop to discuss—and perchance under a strict construction it might not be in order—the merits of that criticism, but I do desire to say, without discussing it, without excusing or without accusing, the House should be properly equipped with vigilant committees to consider this important business before the Ways and Means Committee, before the Appropriations Committee, the Committee on Interstate and Foreign Commerce, and before the Committee on Invalid Pensions. The country does not care three whoops about what legislation has not been enacted; it is a question of what shall be enacted. The chairmen of these great committees can not excuse themselves from failure to report proposed legislation that will enable the House to consider the same. Mr. Speaker, I believe I have been strictly in order. [Applause on the Republican side.]

The SPEAKER. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read the resolution.

The Clerk read the resolution as follows:

> *Resolved, etc.*, That the provisions in the legislative, executive, and judicial appropriation acts, approved June 17, 1910, and March 4, 1911, making appropriations for the Capitol police, are hereby amended by reducing the number of lieutenants from 3 to 2, by reducing the number of privates from 67 to 33, and by reducing the total appropriations for the Capitol police to such sums as may be necessary.

Mr. LANGLEY. Mr. Speaker, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

> Strike out the period at the end of line 10 and insert in lieu thereof a comma and add the following:
> "*Provided*, That in carrying out the provisions of this resolution preference in the matter of reduction of said force shall be given to honorably discharged soldiers and sailors of the Civil War and of the War with Spain."

Mr. LANGLEY. Mr. Speaker, I desire to make only a few remarks in support of this amendment. This debate has taken a wider range perhaps than the rules strictly construed would permit, and inasmuch as that has occurred I shall venture to say a few words which will not relate directly to the merits of the amendment. I want to say in answer to the statement made

by some gentleman that the President of the United States might have vetoed the Sulloway bill if it had passed the Senate, that in my judgment he would not have done so. Furthermore, no Republican President ever did veto a pension bill, public or private, and no Republican President, in my judgment, ever will veto a pension bill. [Applause on the Republican side.]

I have heard President Taft on more than one occasion utter the most friendly and patriotic sentiments in favor of liberal pension legislation, and I do not think I violate any confidence when I say that only yesterday the distinguished gentleman from Ohio, Gen. SHERWOOD, and myself had a talk with him, in which he expressed his earnest desire for liberal pension legislation for the relief of soldiers who have jeopardized their lives or their health in the service of this country. And I say to you, gentlemen, that he is the soldier's friend, and will approve any reasonable pension bill that comes to him.

As a member of the Committee on Invalid Pensions I want to say that I am anxious to see a more liberal pension law enacted, and I am doing all I can to that end, and I believe my colleagues on the committee are also. I hope it will be done at this extra session. I think such legislation has already been too long delayed. I shall not stop to say whether or not my own party has been derelict in that respect, but let me say to gentlemen on the other side of the Chamber that if they will take up and pass such a bill I, as a Republican, will heartily support it even if it is a Democratic measure, and I will give you your full share of the credit for aiding in the enactment of such a law. I want to see the law passed while the old boys are still living to enjoy it, I care not who gets the credit.

With reference to this amendment, I do not know whether I am personally acquainted with a single member of this Capitol police force or not, but I have no doubt there are some ex-soldiers of the Civil War and some ex-soldiers of the Spanish War among them, and if such there be I want to see them given this preference in the matter of retention which the general law now gives to the soldier employees of the Government in the classified branches of the service. I hope the amendment will prevail. [Applause on the Republican side.]

Mr. LLOYD. Mr. Speaker, as far as the Committee on Accounts is concerned, if I understand the amendment as it was read, we have no objection to its being adopted. Therefore I ask to have the amendment read that we may fully understand what it is.

The SPEAKER. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

Mr. MANN. Mr. Speaker, I would like to make an inquiry of the gentleman from Georgia, if he has the information, or the gentleman from Missouri [Mr. LLOYD], as to how many new men have been appointed, or how many men have been appointed anew, on the police force since the officers of the House were elected—named by the Sergeant at Arms of the House?

Mr. LLOYD. Mr. Speaker, nearly all of the 17 that would remain on the House side have been named. Some of them have been actually appointed. Others have not yet been appointed.

Mr. MANN. As I understand, there have been a number of policemen appointed through the Sergeant at Arms of the House since the present Sergeant at Arms was elected.

Mr. LLOYD. Yes.

Mr. MANN. I should have supposed if there were vacancies they would leave them vacant, if there is really no use for the policemen.

Mr. LLOYD. Mr. Chairman, we have not filled any vacancies. We have simply made vacancies and filled those with Democrats.

Mr. MANN. Oh, the gentleman has filled vacancies because he has made vacancies. He could have made vacancies and left the vacancies unfilled; and if there is no need for the policemen, why in the world does he not make the vacancies and leave them for the present? If you do not need the men, why should you have them and waste public money paying them?

Mr. LLOYD. Mr. Speaker, the 17 remaining places will be filled by Democrats. The patronage committee, or the organization committee, if I may so call it, which is a caucus committee of the Democratic Party, have no power to dismiss anybody. They have followed as strictly as they knew how the suggestions of the Democratic caucus, and that Democratic caucus said that 17 policemen should be had, and we expect to have 17 policemen appointed.

Mr. MANN. Then, as I understand it, the gentleman proposes to name 17 Democrats for useless places that are not needed, it being stated that there is no occasion for these policemen, in the opinion of the other side of the aisle—no demand for them; no need for them. They still propose to appoint 17 men to those places at a salary of $1,100 a year—a gross waste of the money if gentlemen are correct. Now——

Mr. FOSTER of Illinois. The useless places are held by Republicans, who will be discharged——

Mr. MANN. Ah, the gentleman says——

The SPEAKER. Does the gentleman yield to his colleague?

Mr. MANN. I do.

Mr. FOSTER of Illinois. Mr. Speaker, I was going to say the 17 useless places are now held by Republicans, who will be discharged when this resolution goes into effect.

Mr. MANN. Ah, but this resolution says there are 34 useless places. Do I understand my colleague from Illinois to say that a place is useless unless it is to be filled by a Democrat, and if it is to be filled by a Democrat, then it is useful? I can understand that these places are useful to gentlemen on the committee on patronage—is the gentleman on the committee on patronage? Yes; and my colleague thinks the places are useful because they are obliged to find places in order to satisfy the cormorant demands of that side of the House——

Mr. FOSTER of Illinois. The gentleman is mistaken.

Mr. MANN. And they say in one breath they have no need for them and in the next they say that they do need the places, and hence it is proposed to appoint men to the job.

Mr. GARNER. Will the gentleman yield?

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. RODDENBERY. Mr. Speaker, I desire to address myself to the amendment for just a moment.

The SPEAKER. The gentleman is recognized for five minutes.

Mr. RODDENBERY. Mr. Speaker, the provision contained in the amendment of the gentleman from Kentucky extends a preference to the soldiers of the Civil War and the Spanish War, and the chairman of the Committee on Accounts, from whose action I can not dissent, has expressed the view that that committee will accept the amendment, but before the House votes upon it I desire to suggest that the expressed preference now designed by the amendment in favor of the Civil War veterans comes at a late hour from that side of the House, when for 16 years, and since the Spanish War, you have been filling those places, and your resolutions made no such provision for the Civil War veterans. [Applause on the Democratic side.] More than that, I would ask you now why in 1898, when 18 of these Capitol police were put on under the exigencies of the Spanish-American War and the places were filled, you did not give them to old soldiers, and why old soldiers do not fill them now?

Mr. LANGLEY. Mr. Speaker——

The SPEAKER. Does the gentleman yield to the gentleman from Kentucky?

Mr. RODDENBERY. I do.

Mr. LANGLEY. Mr. Speaker, I would call the gentleman's attention to the fact that when the Republicans are administering the law it does not require a resolution for them to keep soldiers on the roll. They do it anyhow. [Applause on the Republican side.] Some of them were appointed, I am told, on this police force when the Republicans had control of it. Let me call the gentleman's attention also to the fact that the Republicans have enacted into the statute law of the country provisions giving preference in all branches of the public service to the ex-soldiers and ex-sailors of the country. [Applause on the Republican side.]

Mr. RODDENBERY. I am glad of the gentleman's statement. If they pursued that policy, then go to the Post Office Department, go to the War Department, go, if you please, into the Treasury Department and see sitting at the desks there, standing at the doors, and filling the places able-bodied, sleek-faced, strong Africans holding easy jobs which old, enfeebled veterans deserve. [Applause on the Democratic side.] Why give to these old, feeble men who fought 50 years ago the arduous task of night police duty and day police duty? Why do you not give them some of these sitting-down jobs? [Applause on the Democratic side.] Speaking as a son of the South, with no lineage that connects me with those who led the Union side 50 years ago, the day is not now and never has been south of Mason and Dixon's line when Afric's son could displace a Caucasian in any office under any Democratic appointment. [Applause on the Democratic side.] You can no longer deceive the old soldiers or American people with your cunning demagoguery in order to control the southern vote in your Republican conventions.

We had accepted the amendment; and we would have carried out the purposes anyway, if it had never been in the bill. [Applause on the Democratic side.]

The SPEAKER. The question is on agreeing to the amendment of the gentleman from Kentucky [Mr. LANGLEY].

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended House joint resolution.

The joint resolution was engrossed and read a third time.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

UNITED STATES STEEL CORPORATION.

Mr. LLOYD. Mr. Speaker, I offer from the Committee on Accounts the following privileged resolution, with certain committee amendments, which I send to the Clerk's desk and ask to be adopted:

House resolution 173 (H. Rept. 40).

Resolved, That all expenses that may be incurred by the committee appointed under the resolution of the House of Representatives adopted May 16, 1911, to make an investigation for the purpose of ascertaining whether there have occurred violations by the United States Steel Corporation or other corporations or persons of the antitrust act of July 2, 1890, and the acts supplementary thereto, the various interstate-commerce acts and the acts relative to the national-banking associations, shall be paid out of the contingent fund of the House of Representatives on vouchers approved by the chairman of said committee.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

In line 10, after the word "associations," insert "to an amount not exceeding $25,000."

In line 12 strike out the words "approved by the chairman of said committee" and insert "ordered by said committee, signed by the chairman thereof, and approved by the Committee on Accounts, evidenced by the signature of the chairman thereof."

The SPEAKER. The gentleman from Missouri [Mr. LLOYD] is recognized.

Mr. LLOYD. Mr. Speaker, this resolution as presented is in the usual form. Though there are numerous forms that have been used in the past, I think the one that is generally adopted is the form in which this resolution is presented. The Committee on Accounts believed that it was wise, inasmuch as we were beginning a new policy, and a policy for ourselves, that the expenditures should be limited. We therefore provide by an amendment that the expenditures shall not exceed $25,000. Now, I want to say, however, that so far as the Committee on Accounts is concerned, we have no disposition to limit any reasonable expenditure of that important special committee. If it is necessary to expend more money, there will be no hesitancy on the part of the Committee on Accounts to bring in a resolution asking for a greater authorization. In addition to that, we believed that it was wise policy to provide that the accounts as they may accrue, that the expenditures that are made by the committee, should be authorized by the committee itself, and that the Accounts Committee, which is charged with the watching and controlling of the contingent fund, should also have some control of the expenditures of that committee. So that these amendments provide that any expenditures that are made shall be authorized by both the special committee and the Committee on Accounts.

Mr. MANN. Will the gentleman yield for a question?

The SPEAKER. Will the gentleman from Missouri yield to the gentleman from Illinois?

Mr. LLOYD. I will.

Mr. MANN. I notice the limitation in the first instance is $25,000. I think the amendments, I will say to the gentleman, which the committee has proposed make a very good guard for the resolution in order to safeguard it properly. I would like to ask the gentleman whether it is anticipated that this committee is likely to expend any such sum as $25,000? You authorize this for the sugar investigating committee, and if newspaper reports are true innumerable requests will be made for other committees. Of course, I do not know how many are likely to be appointed, but are these committees likely to expend such a sum as $25,000?

Mr. LLOYD. I am assured by the chairman, Mr. Speaker, that the committee, so far as it now has information, thinks it will not spend as much as $10,000 in this investigation, but no one can tell at this juncture what will be the expenditure; and I suppose that, so far as every Member of this House is concerned, if more money is needed that they may have it, in order to hold a complete and thorough investigation of the matters referred to the committee.

Mr. MANN. I certainly have no objection to letting them have a proper amount, and I feel very confident that the gentleman from Kentucky, who now rises, will not be unduly extravagant. I have no idea that that is in his mind; but, as I said before, I would like to make an inquiry as to what is the probable amount of expense connected with this investigation.

Mr. STANLEY. I would like to say to the gentleman from Illinois that it is impossible at this time to tell what will be the necessary expenses connected with this investigation, because we can not tell at this time the full scope of the inquiry. We propose to make a careful and diligent and thorough investigation, as outlined in the resolution. It might occur that in making that investigation the services of experts and other items of expense would be found necessary. For instance, if the United States Steel Corporation should be unwilling or reluctant to give us the facts to which we think we are entitled, or if we should not be satisfied with their report and should require the services of expert accountants and people of that kind to ascertain the data that we might think necessary in such an investigation as would be satisfactory to the American people, some considerable expense might be entailed. But, as at present outlined, I do not believe this investigation will be expensive.

Mr. MANN. If the gentleman from Missouri will yield, I will say that I was chairman of an investigating committee of this House that carried on a rather prolonged investigation as to wood pulp and paper and took thousands of pages of testimony—an investigation that went very carefully into the accounts of a great many manufacturing concerns—and my recollection is that the entire expense of that investigation was less than $5,000. I am inclined to think it did not exceed one-half of that.

Mr. STANLEY. It may be that this investigation will not exceed one-half of that. This resolution does not provide that the $25,000 must be expended.

Mr. MANN. I understand.

Mr. STANLEY. The business of the United States Steel Corporation is an epitome of the industry of this whole country. It is interwoven with the railroads and banks and cement companies and with contracts with and for the Government. It entails an investigation into a multiplicity of subjects, and the Committee on Accounts for that reason has wisely given to this investigating committee a broad discretion, which I can assure the gentleman will not be abused.

Mr. LLOYD. Mr. Speaker, if no one wishes that I yield to him, I now move the previous question on the resolution and amendments to their passage.

The SPEAKER. The gentleman from Missouri [Mr. LLOYD] moves the previous question on the resolution and amendments thereto.

The previous question was ordered.

The SPEAKER. The question is now on agreeing to the amendments. Is a separate vote demanded on any amendment? If not, they will be considered in gross.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question now is on agreeing to the resolution as amended.

The question was taken, and the resolution as amended was agreed to.

On motion of Mr. LLOYD, a motion to reconsider the resolution just passed, and the joint resolution passed immediately preceding it, was laid on the table.

ADJOURNMENT OVER.

Mr. UNDERWOOD. Mr. Speaker, I move that when the House adjourns to-day it adjourn to meet on Tuesday next.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. MANN. Tuesday next is Memorial Day, and it happens to be my wedding anniversary day. [Applause.] I would like to inquire of the gentleman from Alabama whether by adjourning to meet on Tuesday it is the intention to transact any business on Tuesday?

Mr. UNDERWOOD. I will say to the gentleman from Illinois that it is not the intention to transact any business on Tuesday. I know it is the desire of a great many Members of the House to leave here in order to make Memorial Day speeches, and there will be very few Members present here, and I want to make an arrangement by which nothing will be done on Tuesday except to adjourn over until the following Friday.

Now, the reason I want to adjourn over until Tuesday is not to escape business to be transacted on Monday. Next Monday is the fifth Monday in the month, and therefore not a Calendar Monday anyhow. But a Democratic caucus has been called to consider the wool schedule of the Ways and Means Committee on Thursday, and I want to have the meeting convene at noon instead of at night. I am in hopes of being able to report the wool bill on Friday, provided the caucus agrees to the bill, and to present it to the full committee on Saturday, so that we may be able to take it up early the following week. For that reason I desire that the House adjourn until Tuesday. I will say to the gentleman that if agreeable to both sides we shall not transact any business on Tuesday except to adjourn over until Friday.

The SPEAKER. The gentleman from Alabama moves that when the House adjourns to-day it adjourn to meet next Tuesday. The question is on agreeing to that motion.

The motion was agreed to.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 53 minutes p. m.) the House adjourned to meet Tuesday, May 30, 1911, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. PADGETT, from the Committee on Naval Affairs, to which was referred the bill (H. R. 9442) to amend an act approved March 4, 1911, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1912, and for other purposes," reported the same with amendment, accompanied by a report (No. 39), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 9930) granting an increase of pension to Jennie Townsend, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JACOWAY: A bill (H. R. 10643) to abolish the Arkansas National Forest; to the Committee on the Public Lands.

Also, a bill (H. R. 10644) appropriating $350,000 for the construction of dredge boats for dredging on the Arkansas River; to the Committee on Rivers and Harbors.

By Mr. RUSSELL: A bill (H. R. 10645) for the acquisition of a site and the erection of a building thereon at Sikeston, Mo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10646) for the acquisition of a site and the erection of a building thereon at Westplains, Mo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10647) to increase the limit of cost for the erection of a post-office building at Poplar Bluff, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. BRANTLEY: A bill (H. R. 10648) amending an act entitled "An act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with the Indian tribes, and to protect the same"; to the Committee on Patents.

By Mr. BORLAND: A bill (H. R. 10649) to regulate the assignment of wages, salaries, and earnings in the District of Columbia; to the Committee on the District of Columbia.

By Mr. COOPER: A bill (H. R. 10650) to establish a fish-cultural station at or near the city of Janesville, in the State of Wisconsin; to the Committee on the Merchant Marine and Fisheries.

By Mr. DYER: A bill (H. R. 10651) for the relief of Spanish War soldiers; to the Committee on Pensions.

By Mr. JACOWAY: A bill (H. R. 10652) to authorize the counties of Yell and Conway to construct a bridge across the Petit Jean River; to the Committee on Interstate and Foreign Commerce.

By Mr. McHENRY: A bill (H. R. 10857) authorizing the Secretary of War to furnish a condemned bronze or brass cannon or fieldpiece to Goodwich Post, No. 22, Grand Army of the Republic, Danville, Pa.; to the Committee on Military Affairs.

By Mr. ANDERSON of Minnesota: Resolution (H. Res. 177) asking the President of the United States for certain information relating to the wool schedule; to the Committee on Ways and Means.

By Mr. HUBBARD: Resolution (H. Res. 178) requesting the President to furnish the House with certain information; to the Committee on Interstate and Foreign Commerce.

By Mr. WILSON of Pennsylvania: Resolution (H. Res. 179) authorizing the Committee on Labor to investigate conditions existing in the Westmoreland coal fields of Pennsylvania; to the Committee on Rules.

By Mr. PEPPER: Joint resolution (H. J. Res. 110) to authorize the Secretary of War to issue ordnance and ordnance stores to high schools; to the Committee on Military Affairs.

By Mr. BROUSSARD: Joint resolution (H. J. Res. 111) to empower and instruct the Mississippi River Commission to investigate, recommend, and report as to whether or not the United States shall take charge of the levee system of the Mississippi River; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 10653) granting an increase of pension to Daniel J. McConnell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10654) granting a pension to Leonidas Orr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10655) granting an increase of pension to Algerman S. Fuller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10656) granting an increase of pension to William Goodin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10657) granting an increase of pension to Jacob Gish; to the Committee on Pensions.

Also, a bill (H. R. 10658) to remit a judgment rendered against John G. Dorn and Thomas F. Cunningham by the United States District Court for the Eastern District of Louisiana; to the Committee on Claims.

By Mr. ASHBROOK: A bill (H. R. 10659) granting an increase of pension to Theodore T. McKinney; to the Committee on Invalid Pensions.

By Mr. BATHRICK: A bill (H. R. 10660) granting an increase of pension to Roy Goddard; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 10661) granting a pension to Lee Fisher; to the Committee on Pensions.

By Mr. BROUSSARD: A bill (H. R. 10662) for the relief of Glasgow C. Davis; to the Committee on Military Affairs.

By Mr. BURKE of Wisconsin: A bill (H. R. 10663) granting an increase of pension to Conrad Hoppe; to the Committee on Invalid Pensions.

By Mr. BYRNES of South Carolina: A bill (H. R. 10664) granting a pension to Claude M. Crawford; to the Committee on Pensions.

By Mr. CALDER: A bill (H. R. 10665) granting an increase of pension to Edward Ganung; to the Committee on Invalid Pensions.

By Mr. CAMERON: A bill (H. R. 10666) granting an honorable discharge to Joinville Reif; to the Committee on Military Affairs.

Also, a bill (H. R. 10667) granting certain lands to the town of Yuma, Ariz.; to the Committee on the Public Lands.

By Mr. CANNON: A bill (H. R. 10668) granting an increase of pension to Lewis Virden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10669) granting an increase of pension to Joseph F. Babcock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10670) granting an increase of pension to Charles Martell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10671) granting an increase of pension to Henry Counterman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10672) granting an increase of pension to Edward Adams; to the Committee on Invalid Pensions.

By Mr. CLINE: A bill (H. R. 10673) granting a pension to Marshall A. Duers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10674) granting a pension to Reuben Humbarger; to the Committee on Invalid Pensions.

By Mr. COPLEY: A bill (H. R. 10675) granting an increase of pension to William Farrell; to the Committee on Invalid Pensions.

By Mr. COX of Indiana (by request): A bill (H. R. 10676) for the relief of Mrs. M. B. Patterson, widow of B. F. Patterson, late United States consul general at Calcutta, India; to the Committee on Claims.

By Mr. CULLOP: A bill (H. R. 10677) to correct the military record of George W. Dunning; to the Committee on Military Affairs.

By Mr. DENVER: A bill (H. R. 10678) granting an increase of pension to William Ellis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10679) granting an increase of pension to Samuel Stiff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10680) granting an increase of pension to William W. Britton; to the Committee on Invalid Pensions.

By Mr. DONOHOE: A bill (H. R. 10681) granting an increase of pension to Richard Gennett; to the Committee on Invalid Pensions.

Mr. FLOYD of Arkansas: A bill (H. R. 10682) granting a pension to Daniel Phillips; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10683) to correct the military record of Albert L. Arbaugh; to the Committee on Military Affairs.

Also, a bill (H. R. 10684) to correct the military record of Richard A. Hutson; to the Committee on Military Affairs.

By Mr. FOSTER of Illinois: A bill (H. R. 10685) granting an increase of pension to Robert L. Bennett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10686) granting an increase of pension to Isaac W. Waters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10687) granting an increase of pension to Aaron L. Ogden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10688) granting an increase of pension to Joseph E. Vest; to the Committee on Invalid Pensions.

By Mr. GOODWIN of Arkansas: A bill (H. R. 10689) for the relief of Rebecca Walthall, widow, and the heirs of John Walthall, deceased; to the Committee on War Claims.

Also, a bill (H. R. 10690) for the relief of the heirs of Peter Pope, deceased; to the Committee on War Claims.

Also, a bill (H. R. 10691) for the relief of heirs of Nathaniel S. Word; to the Committee on War Claims.

Also, a bill (H. R. 10692) for the relief of the heirs of Sarah Winter; to the Committee on War Claims.

Also, a bill (H. R. 10693) granting a pension to Mart Bradshaw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10694) granting a pension to George C. Rimes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10695) to correct the military record of Erastus Coyle; to the Committee on Military Affairs.

Also, a bill (H. R. 10696) to carry into effect the findings of the Court of Claims in the case of Joseph H. Bean, administrator of estate of Joseph Bean, deceased; to the Committee on War Claims.

By Mr. HAMILTON of Michigan: A bill (H. R. 10697) granting a pension to Margaret D. Hardman; to the Committee on Invalid Pensions.

By Mr. HARRIS: A bill (H. R. 10698) granting a pension to Daniel K. Franklin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10699) granting a pension to Carrie C. Washburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10700) granting a pension to Lizzie M. Parsons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10701) granting a pension to Malinda Hubert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10702) granting a pension to Nellie A. Varney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10703) granting an increase of pension to Thomas Donahoe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10704) granting an increase of pension to Esteria F. Wood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10705) granting an increase of pension to Nahum A. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10706) granting a pension to Eva M. Jenkins; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 10707) granting an increase of pension to William Burgett; to the Committee on Pensions.

Also, a bill (H. R. 10708) granting an increase of pension to Daniel L. Anderson; to the Committee on Pensions.

Also, a bill (H. R. 10709) granting an increase of pension to Charles A. Baldwin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10710) granting an increase of pension to Patrick Moloney; to the Committee on Pensions.

Also, a bill (H. R. 10711) granting an increase of pension to Harriet Ann Jones; to the Committee on Invalid Pensions.

By Mr. HEALD: A bill (H. R. 10712) naturalizing David Whitaker; to the Committee on Immigration and Naturalization.

By Mr. HELM: A bill (H. R. 10713) granting an increase of pension to Daniel Jacobs; to the Committee on Invalid Pensions.

By Mr. JACOWAY: A bill (H. R. 10714) granting an increase of pension to Noah Hayes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10715) granting a pension to Udora E. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10716) granting an increase of pension to Mary A. Ault; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10717) granting an increase of pension to Alonzo Walrath; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10718) granting an increase of pension to George W. Burton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10719) granting a pension to James H. Sykes; to the Committee on Pensions.

Also, a bill (H. R. 10720) granting a pension to William A. Pollard; to the Committee on Pensions.

Also, a bill (H. R. 10721) granting a pension to James M. King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10722) for the relief of W. H. Hicks, administrator of the estate of John Diehl, deceased; to the Committee on War Claims.

Also, a bill (H. R. 10723) for the relief of Amasa and Edgar Bernard and the legal representatives of the estate of Susan E. White; to the Committee on War Claims.

Also, a bill (H. R. 10724) for the relief of the estate of George Byerly, deceased; to the Committee on War Claims.

Also, a bill (H. R. 10725) for the relief of the heirs of Catherine Carter, deceased, and others; to the Committee on War Claims.

Also, a bill (H. R. 10726) for the relief of the heirs of Augusta W. Diehl, deceased; to the Committee on War Claims.

By Mr. KAHN: A bill (H. R. 10727) for the relief of Glasgow C. Davis; to the Committee on Claims.

By Mr. KIPP: A bill (H. R. 10728) granting an increase of pension to Phillip N. Bartlow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10729) to remove the charge of desertion from the record of Archibald Nurss; to the Committee on Military Affairs.

By Mr. LITTLEPAGE: A bill (H. R. 10730) granting a pension to William Reedy; to the Committee on Pensions.

Also, a bill (H. R. 10731) granting a pension to Guilbert Allen (now Peace); to the Committee on Invalid Pensions.

By Mr. McCREARY: A bill (H. R. 10732) for the relief of the heirs of Lucy M. Fisher, deceased; to the Committee on War Claims.

By Mr. McKENZIE: A bill (H. R. 10733) granting an increase of pension to Alfred Bowden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10734) granting an increase of pension to Fredrick D. Fouke; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10735) granting an increase of pension to Kate L. John; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10736) granting an increase of pension to Fred E. Savage; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10737) granting an increase of pension to Patrick Powers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10738) granting an increase of pension to William S. Weinhold; to the Committee on Invalid Pensions.

By Mr. MALBY: A bill (H. R. 10739) granting an increase of pension to William Fogarty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10740) granting an increase of pension to Peter Brayton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10741) granting an increase of pension to Elliott A. Clarke; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10742) for the relief of Lewis F. Hall; to the Committee on Military Affairs.

Also, a bill (H. R. 10743) granting a pension to Florence L. Latrace; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10744) granting a pension to Mary C. Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10745) granting a pension to Eliza Holbrook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10746) granting a pension to Jenkin Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10747) granting an increase of pension to Nathan H. Mooney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10748) granting an increase of pension to William H. McAllister; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10749) granting an increase of pension to Robert Wilkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10750) granting an increase of pension to Jacob H. Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10751) granting an increase of pension to John Allen; to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 10752) granting a pension to Sarah E. Mills; to the Committee on Invalid Pensions.

By Mr. PEPPER: A bill (H. R. 10753) granting an increase of pension to Frank G. Lockwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10754) granting an increase of pension to Andrew J. Reeves; to the Committee on Invalid Pensions.

By Mr. PLUMLEY: A bill (H. R. 10755) granting a pension to Ella A. Carlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10756) granting an increase of pension to Giles J. Burgess; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 10757) for the relief of William Wells; to the Committee on War Claims.

Also, a bill (H. R. 10758) granting a pension to Mary Bruce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10759) granting a pension to William Roark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10760) granting a pension to Henry Marlow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10761) granting a pension to Owen A. Black; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10762) granting an increase of pension to Jane West; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10763) granting an increase of pension to John W. Jackson; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 10764) granting an increase of pension to G. W. Tracy; to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 10765) granting a pension to Margaret A. Wilson; to the Committee on Invalid Pensions.

By Mr. J. M. C. SMITH: A bill (H. R. 10766) granting an increase of pension to Edward Cunningham; to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 10767) granting an increase of pension to Henry Selover; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Mississippi: A bill (H. R. 10768) for the relief of heirs or estate of Mrs. Eunice Hurdle, deceased; to the Committee on War Claims.

Also, a bill (H. R. 10769) for the relief of heirs or estate of James Porter, deceased; to the Committee on War Claims.

Also, a bill (H. R. 10770) to carry into effect the findings of the Court of Claims in case of W. T. Smith, administrator of Maria A. Reinhardt, deceased; to the Committee on War Claims.

Also, a bill (H. R. 10771) to carry into effect the findings of the Court of Claims in the case of John L. Woodson, administrator of Richard O. Woodson, deceased; to the Committee on War Claims.

Also, a bill (H. R. 10772) to carry into effect the findings of the Court of Claims in the case of G. D. Able, administrator of the estate of Catherine J. Rutherford, deceased; to the Committee on War Claims.

Also, a bill (H. R. 10773) to carry into effect the findings of the Court of Claims in the case of J. D. Robinson, administrator of estate of Melchisedec Robinson, deceased; to the Committee on War Claims.

Also, a bill (H R. 10774) to carry into effect the findings of the Court of Claims in case of California M. Hearn, in her own right and as administratrix of estates of Susan L. Bailey and Julia B. Hancock, deceased; to the Committee on War Claims.

Also, a bill (H. R. 10775) to carry into effect the findings of the Court of Claims in the case of John Fuller, administrator of J. B. Fuller, deceased; to the Committee on War Claims.

Also, a bill (H. R. 10776) to carry into effect the findings of the Court of Claims in the case of Charles O. Spencer; to the Committee on War Claims.

Also, a bill (H. R. 10777) to carry into effect the findings of the Court of Claims in the case of Mrs. J. H. T. Jackson, administratrix of estate of Elizabeth Hull Welford, deceased; to the Committee on War Claims.

Also, a bill (H. R. 10778) to carry into effect the findings of the Court of Claims in the case of J. A. Hill, administrator of estate of Benjamin Hawes, deceased; to the Committee on War Claims.

Also, a bill (H. R. 10779) to carry into effect the findings of the Court of Claims in the case of Hardinia P. Kelsey and Mildred E. Franklin, heirs of Hardin P. Franklin, deceased; to the Committee on War Claims.

Also, a bill (H. R. 10780) to carry into effect the findings of the Court of Claims in the case of Mrs. L. H. Rowland, administratrix of Willis J. Moran, deceased; to the Committee on War Claims.

Also, a bill (H. R. 10781) to carry into effect the findings of the Court of Claims in the case of Charles A. Doak and John R. Doak; to the Committee on War Claims.

Also, a bill (H. R. 10782) to carry into effect the findings of the Court of Claims in the case of Margaret Raiford Loftin, administratrix of Robert Raiford, deceased; to the Committee on War Claims.

Also, a bill (H. R. 10783) to carry into effect the findings of the Court of Claims in the case of Minor Saunders; to the Committee on War Claims.

By Mr. STEENERSON: A bill (H. R. 10784) for the relief of Charley Clark, a homestead settler on certain lands therein described; to the Committee on the Public Lands.

By Mr. TALBOTT of Maryland: A bill (H. R. 10785) granting a pension to Margaret A. Easton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10786) granting an increase of pension to William W. Parsons; to the Committee on Invalid Pensions.

By Mr. TRIBBLE: A bill (H. R. 10787) granting an increase of pension to William P. Clark; to the Committee on Pensions.

By Mr. WHITACRE: A bill (H. R. 10788) granting a pension to Haidee Culler; to the Committee on Pensions.

Also, a bill (H. R. 10789) granting a pension to Estella M. Manville; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10790) granting a pension to Sarah A. Mangus; to the Committee on Pensions.

Also, a bill (H. R. 10791) granting an increase of pension to John Heltzell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10792) granting an increase of pension to Alexander T. McCord; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10793) granting an increase of pension to Elwood M. Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10794) granting an honorable discharge to James H. Davis; to the Committee on Military Affairs.

Also, a bill (H. R. 10795) holding and considering Silas Steffy to have been honorably discharged; to the Committee on Military Affairs.

By Mr. WHITE: A bill (H. R. 10796) granting an increase of pension to William Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10797) granting a pension to William F. Slack; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10798) granting an increase of pension to Benjamin F. Kyle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10799) granting an increase of pension to Marion Ridgley; to the Committee on Invalid Pensions.

By Mr. WOODS of Iowa: A bill (H. R. 10800) granting an increase of pension to Milton G. Wiggins; to the Committee on Invalid Pensions.

By Mr. COX of Ohio: A bill (H. R. 10801) granting a pension to Susan Chambers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10802) granting a pension to Mile Bean; to the Committee on Pensions.

Also, a bill (H. R. 10803) granting a pension to Sarah B. Vorhis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10804) granting a pension to T. J. Harcourt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10805) granting a pension to Catharine J. Trine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10806) granting a pension to Jackson Weathers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10807) granting a pension to Michael Luby; to the Committee on Pensions.

Also, a bill (H. R. 10808) granting a pension to Lovina Swain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10809) granting a pension to Edward McCabe; to the Committee on Pensions.

Also, a bill (H. R. 10810) granting a pension to Fred Hoppe; to the Committee on Pensions.

Also, a bill (H. R. 10811) granting a pension to Julia King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10812) granting a pension to John A. Kelly; to the Committee on Pensions.

Also, a bill (H. R. 10813) granting a pension to Mrs. C. S. Jarboe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10814) granting a pension to Payton Lacy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10815) granting an increase of pension to James L. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10816) granting an increase of pension to Edwin Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10817) granting an increase of pension to William A. Hurley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10818) granting an increase of pension to Richard A. Simpson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10819) granting an increase of pension to John Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10820) granting an increase of pension to George E. Wells; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10821) granting an increase of pension to James M. Love; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10822) granting an increase of pension to John G. Whitman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10823) granting an increase of pension to Charles L. Burleigh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10824) granting an increase of pension to John Graves; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10825) granting an increase of pension to Charles S. Price; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10826) granting an increase of pension to William Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10827) granting an increase of pension to Michael Ries; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10828) granting an increase of pension to Eugene D. Lloyd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10829) granting an increase of pension to William H. Bender; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10830) granting an increase of pension to Acquila T. Miles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10831) granting an increase of pension to John Webb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10832) granting an increase of pension to William Hasker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10833) granting an increase of pension to William L. Smoot; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10834) granting an increase of pension to Job Eldridge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10835) granting an increase of pension to Albert A. Ceser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10836) granting an increase of pension to William J. Light; to the Committee on Pensions.

Also, a bill (H. R. 10837) granting an increase of pension to James Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10838) granting an increase of pension to William H. Hoyt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10839) granting an increase of pension to Tilmon Craft; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10840) granting an increase of pension to Timothy J. Golden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10841) granting an increase of pension to Josiah B. Cratty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10842) granting an increase of pension to S. N. Burdsall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10843) granting an increase of pension to James Heyburn; to the Committee on Pensions.

Also, a bill (H. R. 10844) granting a pension to Joseph W. Nichols; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10845) granting an increase of pension to Mitchell Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10846) granting an increase of pension to Eliza Peterson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10847) granting an increase of pension to Adam Shade; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10848) granting an increase of pension to Thomas W. Aylsworth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10849) granting an increase of pension to John Dauenhauer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10850) granting an increase of pension to Danforth B. Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10851) granting an increase of pension to William H. Noggle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10852) granting an increase of pension to Francis Howard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10853) granting an increase of pension to John Barbeau; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10854) granting an increase of pension to Thomas W. Ireland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10855) granting an increase of pension to James A. Haas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10856) granting an increase of pension to Joseph D. Boyer; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON of Ohio: Resolutions adopted by the Third National Peace Congress, at Baltimore, May 3–6, 1911, urging upon the United States Government the adoption of an arbitration treaty on the lines of the proposed treaty with Great Britain; to the Committee on Foreign Affairs.

By Mr. ANSBERRY: Petition of O. T. Gillett, of Continental, Ohio, in favor of a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. ASHBROOK: Papers to accompany House bill 10525, for the relief of Edward Steinbaugh, and House bill 6143, for the relief of Frank O. Richards; to the Committee on Invalid Pensions.

Also, petition of Frank C. Rea and 6 other druggists, of New Philadelphia, Ohio, protesting against the enactment of House bill 8887, a bill putting a tax on proprietary medicines; to the Committee on Ways and Means.

By Mr. BARCHFELD: Petition of the Chamber of Commerce of Pittsburg, urging an amendment to the corporation-tax law whereby it shall be made permissible for corporations and companies to make returns as of the close of their fiscal years instead of December 31, as provided now by law; to the Committee on the Judiciary.

Also, petition of Carnegie Hive, Ladies of the Maccabees of the World, of Carnegie, Pa., against the Howard bill, which proposes to tax fraternal benefit societies; to the Committee on Ways and Means.

Also, petitions of the Chamber of Commerce, Allegheny Lumber Co., and the E. V. Babcock Lumber Co., of Pittsburg, Pa., favoring House joint resolution 97, providing for an investigation for the purpose of collecting statistical data relating to the loss of life and property by fire in the United States, the reasonableness of rates charged for fire insurance, and the relation of such rates to the causes of fire losses; to the Committee on Rules.

By Mr. BURKE of Wisconsin: Papers to accompany House bill granting an increase of pension to Conrad Hoppe; to the Committee on Invalid Pensions.

By Mr. BUTLER: Petitions of sundry citizens of Chester, Pa., protesting against the passage of Senate bill 237, entitled "An act for the proper observance of Sunday as a day of rest in the District of Columbia," or any like measure; to the Committee on the District of Columbia.

By Mr. CARY: Communication from the Monarch Manufacturing Co., Milwaukee, Wis., urging the passage of the bill providing for the erection of a new post-office building at Bangor, Me.; to the Committee on Appropriations.

Also, communication from Geuder, Paeschuke & Frey Co., Milwaukee, Wis., urging the speedy erection of a new post-office building at Bangor, Me.; to the Committee on Appropriations.

By Mr. CLINE: Papers accompanying pension claim of Reuben Humbarger; to the Committee on Invalid Pensions.

Also, papers to accompany pension claim of Marshall A. Duers; to the Committee an Invalid Pensions.

Also, protest against House bill 8887 by A. R. Otis, of Kendallville, Ind.; Fort Wayne Drug Co., of Fort Wayne, Ind.; and the Fuelling Drug Co., of Woodburn, Ind.; to the Committee on Ways and Means.

Also, protest of D. H. Stinson against parcels-post legislation; to the Committee on the Post Office and Post Roads.

Also, protests by Fort Wayne Local of Socialist Party; Friendship Lodge, No. 70, International Association of Machinists; Old Fort Lodge, No. 379, Brotherhood Railway Carmen of America; International Moulders' Union Local No. 62, all of Fort Wayne, Ind.; and Cigar Makers' Union No. 33, of Indianapolis, Ind., against the court action taken in the McNamara case; to the Committee on Labor.

By Mr. COOPER: Petition of the Foster Mercantile Co., of Salem, Wis., asking for a reduction in the duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. COX of Indiana: Petitions of sundry citizens of Jeffersonville, Ind., asking for lower duties on raw and refined sugars; to the Committee on Ways and Means.

Also, petition in favor of resolution asking for investigation of kidnapping of John J. McNamara; to the Committee on Rules.

By Mr. FARR: Petitions of William Farrell and four others, of Scranton, Pa., asking for a reduction in the import duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. FRENCH: Petitions from citizens of Kendrick, Juliaetta, Orofino, Ilo, Cottonwood, Leland, Southwick, Cameron, Reubens, Gifford, Chesley, Russell, Morton, Genesee, Nez Perce, Korsler, Post Falls, Rathdrum, Gilbert, Peck, and Melrose, Idaho, protesting against the passage of the Canadian reciprocity treaty; to the Committee on Ways and Means.

Also, petition of a firm at Ferdinand, Idaho, asking for reduction in duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. GARDNER of Massachusetts: Petitions of sundry citizens of Massachusetts, protesting against the establishment of a Federal bureau or department of health; to the Committee on Interstate and Foreign Commerce.

Also, resolutions adopted by Massachusetts State Board of the Ancient Order of Hibernians of America, protesting against the adoption of the proposed peace treaty between the United States and certain foreign countries; to the Committee on Foreign Affairs.

Also, resolution adopted by the First Parish in Hingham, Mass., favoring the adoption of the proposed arbitration treaty between the United States and England; to the Committee on Foreign Affairs.

By Mr. HAMILTON of West Virginia: Petition of sundry druggists of Charleston, W. Va., protesting against House bill 8887; to the Committee on Ways and Means.

Also, resolutions adopted by the Socialists and labor sympathizers, protesting against kidnaping of J. J. McNamara; to the Committee on Labor.

By Mr. HEALD: Petitions of sundry citizens of the sixth, tenth, and twelfth wards of the city of Wilmington, Del., protesting against the proposed arbitration treaty with Great Britain; to the Committee on Foreign Affairs.

By Mr. HELM: Papers to accompany House bill 9619, granting a pension to John Middleton; to the Committee on Pensions.

By Mr. KAHN: Papers to accompany House bill 10727 for the relief of Glasgow C. Davis; to the Committee on Claims.

By Mr. LAFEAN: Petitions of W. H. Andrews, of Chanceford, Pa., and George W. Devilbiss, of Stewartstown, Pa., praying for the reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. McHENRY: Petition of Camp No. 364, Patriotic Order Sons of America, Danville, Pa., urging immediate action by Congress of illiteracy test; to the Committee on the Judiciary.

Also, petition of Camp No. 684, Patriotic Order Sons of America, Mifflinville, Pa., urging upon Congress the immediate enactment of the illiteracy test into law; to the Committee on the Judiciary.

By Mr. MOON of Tennessee: Papers to accompany House bill granting a pension to Sarah E. Mills, widow of Samuel W. Maroon; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: Petitions of sundry citizens of Arkansas, asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. RAKER: Resolutions by the Los Angeles (Cal.) Chamber of Commerce, urging the fortification of Los Angeles Harbor; to the Committee on Rivers and Harbors.

By Mr. SCULLY: Resolution adopted by National Association of Shellfish Commissioners at Baltimore, Md., April 19, 1911, urging conservation of marine and inland fisheries; to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of New Jersey, protesting against the proposed new arbitration treaty with Great Britain; to the Committee on Foreign Affairs.

Also, petition of the Carded Woolen Manufacturers' Association, protesting against a specific duty on wool; to the Committee on Ways and Means.

By Mr. SLAYDEN: Petitions of citizens of Bexar and Brown Counties, Tex., praying for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. J. M. C. SMITH: Papers to accompany House bill granting an increase of pension to Edward Cunningham; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: Petition of the Columbus Chamber of Commerce, of Columbus, Ohio, for an amendment to the corporation-tax law; to the Committee on Ways and Means.

By Mr. WHITE: Papers to accompany House bill 10631; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 10633; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 10630; to the Committee on Military Affairs.

Also, papers to accompany House bill 10632; to the Committee on Invalid Pensions.

By Mr. WILSON of New York: Petition of Central Labor Union of Brooklyn, N. Y., in favor of the House resolution introduced by Mr. BERGER, calling for an investigation of the kidnaping of the secretary-treasurer of the Structural Iron Workers' National Union; to the Committee on Labor.

Also, petition of United American and United Irish-American Societies of New York, protesting against proposed new arbitration treaty with Great Britain; to the Committee on Foreign Affairs.

SENATE.

MONDAY, *May 29, 1911.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of the proceedings of Friday last was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a joint resolution (H. J. Res. 75) reducing the number of Capitol police, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented resolutions adopted by the National Machine Tool Builders' Association, in convention assembled, favoring the extension of the merchant marine service, which were referred to the Committee on Commerce.

He also presented a resolution adopted by the committee of law and legislation of the Chamber of Commerce of Washington, D. C., remonstrating against the passage of the so-called Johnston Sunday rest bill, which was ordered to lie on the table.

He also presented resolutions adopted by the East Washington Citizens' Association, favoring the consideration and recommendation of all appropriations for the District of Columbia by the District of Columbia Committees of the Senate and the House of Representatives, respectively, which were referred to the Committee on Rules.

He also presented memorials of sundry citizens of Danbury, Conn., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. GALLINGER presented resolutions adopted by the East Washington Citizens' Association of the District of Columbia, favoring a change in the rules of the Senate so as to authorize the Committees on the District of Columbia of the Senate and House of Representatives, respectively, to consider and recommend all appropriations for the District of Columbia, which were referred to the Committee on Rules.

He also presented a petition of the committee on law and legislation of the Chamber of Commerce of Washington, D. C., praying for the establishment of an inebriate hospital in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. CULLOM presented a memorial of sundry citizens of Martinsville, Ill., remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of the Lake County Druggists' Association of Illinois, and a memorial of the Rock Island County Retailers' Association of Illinois, remonstrating against the imposition of a stamp tax on proprietary medicines, which were referred to the Committee on Finance.

He also presented a petition of the Woman's Christian Temperance Union, of Boulder, Colo., and a petition of the Woman's Christian Temperance Union, of Salida, Colo., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of South Fork and New Brunswick, in the State of New Jersey; and of the Ancient Order of Hibernians, of Manchester, N. H., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. SUTHERLAND. I present a joint memorial of the Legislature of the State of Utah, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the joint memorial was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

STATE OF UTAH,
OFFICE OF THE SECRETARY OF STATE.

I, Charles S. Tingey, secretary of state of the State of Utah, do hereby certify that the following is a full, true, and correct copy of house joint memorial No. 2, petitioning the United States Government to improve a certain part of the Fort Douglas Military Reservation, as appears on file in my office.

In witness whereof I have hereunto set my hand and affixed the great seal of the State of Utah this 25th day of May, A. D. 1911.

[SEAL.] C. S. TINGEY, *Secretary of State.*
By H. L. CUMMINGS, *Deputy.*

Memorial to the Congress of the United States of America, petitioning the United States Government to improve a certain part of the Fort Douglas Military Reservation.

To the honorable, the Senate and House of Representatives of the Congress of the United States:

Your memorialists, the governor and Legislature of the State of Utah, respectfully represent that

Whereas Fort Douglas Military Reservation, adjoining on the east the residence district of Salt Lake City, contains approximately 9,995 acres; and

Whereas approximately 200 acres of this tract, lying between the improved residence district of Salt Lake City and the barracks and parade ground, is at present unimproved and unsightly; and

Whereas the Government has ample water rights and facilities, through its regular equipment at Fort Douglas, to improve this tract; and

Whereas at slight expense this 200 acres could be made and maintained as one of the most beautiful and attractive parks in the West; and

Whereas the city of Salt Lake is making corresponding improvements in its property adjoining: Now, therefore, be it

Resolved, That the Legislature of the State of Utah does hereby respectfully urge and request that steps be taken immediately by the Government, through the War Department, to make the improvements suggested, and to maintain the unimproved portion of the Fort Douglas Military Reservation in the manner justified by the nature, location, and surroundings of this tract.

And your petitioners will ever pray.

HENRY GARDNER,
President of the Senate.
E. W. ROBINSON,
Speaker of the House.

Approved March 9, 1911.
[SEAL.]
WILLIAM SPRY, *Governor.*
Attest:
C. S. TINGEY, *Secretary of State.*

Mr. BRISTOW presented a memorial of sundry citizens of Collyer, Kans., remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented sundry affidavits in support of the bill (S. 2180) granting a pension to Mildred Rhodes, which were referred to the Committee on Pensions.

Mr. NELSON presented memorials of Local Divisions Nos. 1 and 4, of Duluth; No. 7, of St. Paul; and No. 1, of Belle Plaine, all of the Ancient Order of Hibernians, in the State of Minnesota, remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented the memorials of the congregations of the Seventh-day Adventist churches of Staples, Pine City, St. Paul, Hewitt, and Bruno, all in the State of Minnesota, remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. BURNHAM presented a memorial of Local Grange No. 74, Patrons of Husbandry, of Deerfield, N. H., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

Mr. WORKS presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the enactment of legislation providing for the development of the coal deposits and other resources of the Territory of Alaska, which was referred to the Committee on Public Lands.

Mr. CURTIS presented resolutions adopted by the Kansas Congregational Conference, held at Topeka, Kans., favoring the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. SMOOT presented a joint memorial of the Legislature of the State of Utah, favoring the improvement of a certain part of the Fort Douglas Military Reservation, which was referred to the Committee on Military Affairs.

Mr. CHILTON presented memorials of sundry citizens of Piedmont, W. Va., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. OLIVER presented a memorial of Pomona Grange, No. 33, Patrons of Husbandry, of Clearfield County, Pa., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a memorial of the Western Pennsylvania Retail Druggists' Association (Inc.), remonstrating against the imposition of a stamp tax on proprietary medicines, which was referred to the Committee on Finance.

He also presented a petition of Washington Camp, No. 611, Patriotic Order Sons of America, of Apollo, Pa., and a petition of Washington Camp, No. 364, Patriotic Order Sons of America, of Danville, Pa., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. JOHNSON of Maine presented memorials of congregations of the Seventh-day Adventist churches of Shawmut, Skowhegan, and Richmond, in the State of Maine, remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. PERKINS presented memorials of the congregations of the Seventh-day Adventist churches of Oakland, Richmond, San Francisco, Tulare, Fresno, Woodland, Le Grande, Hughson, Orville, and Oakdale, all in the State of California, remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the enactment of legislation providing for the development of the coal deposits and other resources of the Territory of Alaska, which was referred to the Committee on Public Lands.

He also presented resolutions adopted by the Southern California Congregational Conference, held at Whittier, Cal., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented a memorial of the Laborers' Protective Benevolent Association of San Francisco, Cal., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a memorial of Carpenters' Union, No. 1158, of Berkeley, Cal., remonstrating against the alleged abduction of John J. McNamara from Indianapolis, Ind., which was referred to the Committee on the Judiciary.

Mr. SMITH of Michigan presented a petition of the congregation of the First Presbyterian Church of Flint, Mich., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. SHIVELY presented a petition of the Young Men's Bible Class of the First Presbyterian Church of Goshen, Ind., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented memorials of Sherman Council, No. 7, Ancient Order of Hibernians, of Indianapolis, and of the Ancient Order of Hibernians of Miami, Delaware, and Lake Counties, all in the State of Indiana, and of the American Federation of Catholic Societies, remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. PAGE presented a memorial of the congregation of the Seventh-day Adventists' Church of Rutland, Vt., remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. O'GORMAN presented memorials of the International Union of Rammermen, Pavers, Flag Layers, Asphalt Workers, Bridge and Stone-Curb Setters; of Local Union No. 10, Amalgamated Ladies' Garment Cutters' Association, of New York City, N. Y.; of the International United Brotherhood of Leather Workers; and of the Central Federated Union of New York City, N. Y., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented memorials of the Religious Liberty Association of Washington, D. C.; of F. M. Brylawski, of Washington, D. C.; and of sundry citizens of Norwich, Jamestown, Rome, New York, Oswego, Buffalo, Fultonville, Schenectady, Salamanca, and Rochester, in the State of New York, remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

JOSEPH A. O'CONNOR.

Mr. JOHNSON of Maine, from the Committee on Naval Affairs, to which was referred the bill (S. 1237) for the promotion of Joseph A. O'Connor, carpenter in the United States Navy, to the rank of chief carpenter and place him on the retired list, reported it with amendments and submitted a report (No. 47) thereon.

HEARINGS BEFORE THE COMMITTEE ON INTERSTATE COMMERCE.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 33, submitted by Mr. CLAPP on the 4th instant, reported it with an amendment in the nature of a substitute, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Interstate Commerce, or any subcommittee thereof, be authorized to send for persons and papers and to administer oaths and to employ a stenographer to report such hear-

ings as may be had in connection with any subject which may be pending before said committee, and to have the same printed for its use; that the committee may sit here or elsewhere during the sessions or recesses of the Senate, and that the expense thereof be paid out of the contingent fund of the Senate.

HEARINGS BEFORE THE COMMITTEE ON INDIAN AFFAIRS.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 30, submitted by Mr. GAMBLE on the 4th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Indian Affairs, or any subcommittee thereof, be authorized to send for persons and papers, to administer oaths, and to employ a stenographer to report such hearings as may be had in connection with any subject which may be pending before said committee; that the committee may sit during the sessions or recesses of the Senate; and that the expense thereof be paid out of the contingent fund of the Senate.

HEARINGS BEFORE THE COMMITTEE ON MANUFACTURES.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 31, submitted by Mr. HEYBURN on the 4th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Manufactures be, and they are hereby, authorized, in the consideration of bills referred to it, to sit, by subcommittee or otherwise, during the recesses or sessions of the Senate, at such times and places as they may deem advisable, to subpœna witnesses, to administer oaths, to have the hearings stenographically reported, and to employ such expert and other assistance as may be necessary, and to have such printing and binding done as may be necessary, the expense of such investigations to be paid from the contingent fund of the Senate.

CIVIL GOVERNMENT FOR ALASKA.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 52, submitted by Mr. SMITH of Michigan on the 23d instant, reported it without amendment, and it was considered by unanimous consent and agreed to as follows:

Whereas certain bills are now pending before the Senate Committee on Territories providing for a civil government for Alaska, these measures having been proposed looking toward a thorough readjustment of the rules applicable to the government and control of that Territory: Therefore be it

Resolved, That the Committee on Territories be, and they are hereby, authorized and directed, by subcommittee or otherwise, to investigate the present needs and requirements of the people of Alaska, having especial reference to such legislation as may be necessary and desirable for the purpose of establishing a form of self-government or otherwise for said Territory; and be it further

Resolved, That said committee or any subcommittee are hereby authorized to sit, by subcommittee or otherwise, during the sessions or recess of the Senate at such time or places as they may deem advisable; and be it further

Resolved, That they shall be empowered to send for persons and papers, to administer oaths, and to employ such stenographic or other assistance as they may deem necessary for that purpose, the expense of such investigation or inquiry to be paid from the contingent fund of the Senate; and be it further

Resolved, That the committee is authorized to compile the Territorial laws applicable to Alaska, and order such printing and binding as may be necessary for its use.

STENOGRAPHER FOR COMMITTEE ON AGRICULTURE AND FORESTRY.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 45, submitted by Mr. BURNHAM on the 22d instant, reported it without amendment, and it was considered by unanimous consent and agreed to as follows:

Resolved, That the Committee on Agriculture and Forestry, or any subcommittee thereof, be, and the same is hereby, authorized to employ a stenographer from time to time as may be necessary to report such hearings as may be had on bills or other matters pending before said committee, and to have printed such hearings and such other papers as may be deemed necessary in connection with subjects heretofore considered or to be considered by said committee during the Sixty-second Congress, and that the expense thereof be paid out of the contingent fund of the Senate, and that the said committee and all subcommittees thereof may sit during the sessions of the Senate.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. OLIVER:

A bill (S. 2554) providing for the adjudication of the claims of the Philadelphia & Reading Coal & Iron Co., of Philadelphia, Pa., by the Court of Claims; to the Committee on Claims.

A bill (S. 2555) granting an increase of pension to Philip Wining (with accompanying papers); to the Committee on Pensions.

By Mr. BOURNE:

A bill (S. 2556) to amend the enlarged homestead act of February 19, 1909, in so far as it applies to the State of Oregon; to the Committee on Public Lands.

A bill (S. 2557) granting a pension to Albert W. Kelley; to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 2558) making an appropriation of public money to install an elevator in the United States public building at Martinsburg, W. Va. (with accompanying papers); to the Committee on Public Buildings and Grounds.

By Mr. MARTIN of Virginia:

A bill (S. 2559) for the relief of L. L. Scherer; and

A bill (S. 2560) for the relief of the estate of James P. Yancey, deceased (with accompanying paper); to the Committee on Claims.

By Mr. CLARK of Wyoming:

A joint resolution (S. J. Res. 32) authorizing chief clerks in offices of surveyors general to approve and sign plats and field notes of public-land surveys; to the Committee on Public Lands.

THE ORANGE JUDD NORTHWEST FARMSTEAD.

Mr. BOURNE. I ask for an order to print 3,500 copies of Senate Document No. 32, Sixty-second Congress, first session, for the use of the Committee on Post Offices and Post Roads and the Post Office Department.

The VICE PRESIDENT. Is there objection to the request of the Senator from Oregon?

Mr. CULBERSON. What is the character of the publication?

The VICE PRESIDENT. The Secretary will state the title of the document.

The SECRETARY. The Orange Judd Northwest Farmstead.

Mr. CULBERSON. I remember the document. It is all right.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the order is entered.

The order was reduced to writing and agreed to, as follows:

Ordered, That 3,500 copies of Senate Document No. 32, Sixty-second Congress, first session, The Orange Judd Northwest Farmstead, be printed for the use of the Committee on Post Offices and Post Roads.

HOUSE JOINT RESOLUTION REFERRED.

H. J. Res. 75. A joint resolution reducing the number of Capitol police, was read twice by its title and referred to the Committee on Appropriations.

PROPOSED ADJOURNMENT OVER MEMORIAL DAY.

Mr. GALLINGER. Mr. President, I move that when the Senate adjourns to-day it be to meet on Wednesday next.

Mr. SMITH of Michigan. Mr. President, I do not like to object to a motion of this character, but——

The VICE PRESIDENT. It is not a debatable motion.

Mr. SMITH of Michigan. I understand that, but I was going to ask the Senator from New Hampshire if he could not withhold the motion until a little later in the afternoon.

Mr. GALLINGER. I have no objection to that, but I would suggest to the Senator that to-morrow is Memorial Day and the Senate has ordinarily adjourned on that day. I think it a very proper thing to do. A large number of Senators have suggested that they want to be away to-morrow. I will withhold the motion if the Senator desires it.

Mr. SMITH of Michigan. I wish it might be withheld for the present. I would not object to adjournment over Memorial Day, which is usually observed by this body as a compliment to the sacredness of the day, when all citizens pause to acknowledge our great debt of gratitude to the saviors of the Union, but the motion can be renewed later in the day.

If the Senate will indulge me, when a motion is made that we adjourn to a day certain in the morning, at the beginning of the morning hour, most Senators take it as the signal that there is to be no other business done, and the consequence is that we go along from day to day without accomplishing anything or getting anywhere.

Mr. GALLINGER. Mr. President, I withhold the motion. It is not a debatable motion.

The VICE PRESIDENT. The Senator from New Hampshire withholds the motion for the present.

Mr. GALLINGER. I will make it a little later on, if necessary.

THE CALENDAR.

The VICE PRESIDENT. The morning business is closed, and the calendar is in order, under Rule VIII.

The joint resolution (H. J. Res. 1) to correct errors in the enrollment of certain appropriation acts approved March 4, 1911, was announced as first in order on the calendar.

Mr. HEYBURN. I ask that the joint resolution may go over.

The VICE PRESIDENT. It will go over.

The bill (S. 20) directing the Secretary of War to convey the outstanding legal title of the United States to sublots Nos. 31, 32, and 33 of original lot No. 3, square No. 80, in the city of Washington, D. C., was announced as next in order.

Mr. HEYBURN. I ask that the bill may go over.

The VICE PRESIDENT. It will go over.

The bill (S. 23) to authorize the extension of Underwood Street NW. was announced as next in order.

Mr. GALLINGER. Let that go over, likewise, Mr. President.

The VICE PRESIDENT. The bill will go over.

The bill (S. 237) for the proper observance of Sunday as a day of rest in the District of Columbia was announced as next in order.

Mr. HEYBURN. Let that go over, Mr. President.

The VICE PRESIDENT. The bill will go over.

The bill (S. 291) providing for the retirement of petty officers and enlisted men of the United States Navy or Marine Corps, and for the efficiency of the enlisted personnel, was announced as next in order.

Mr. PERKINS. At the request of the senior Senator from Ohio [Mr. BURTON], I ask that the bill may go over without prejudice.

The VICE PRESIDENT. It will go over.

REPAIR OF THE "PORTSMOUTH."

The bill (S. 817) appropriating $25,000 for the repair of the wooden warship *Portsmouth* was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PERKINS. I ask that the report of the Committee on Naval Affairs be printed in the RECORD.

There being no objection, the report (S. Rept. 40) submitted by Mr. PERKINS on the 24th instant was ordered to be printed in the RECORD as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 817) appropriating $25,000 for the repair of the wooden warship *Portsmouth*, having considered the same, report thereon with a recommendation that it pass.

Your committee has not been so fortunate as to secure the approval of this bill by the Secretary of the Navy, as the following letter will show:

DEPARTMENT OF THE NAVY,
Washington, April 21, 1911.

MY DEAR SENATOR: I have received, with request for the department's opinion thereon for the information of the Committee on Naval Affairs, a copy of a bill (S. 817) appropriating $25,000 for the repair of the wooden warship *Portsmouth*.

In response I have the honor to say that the department has been requested by the Treasury Department to lend the *Portsmouth* to that department for use as a quarantine vessel at Fortress Monroe to replace the old and unserviceable sloop of war *Jamestown* now used for that purpose. The Secretary of the Treasury has been informed that this request will be complied with, and steps are now taking to prepare the vessel for the trip to Hampton Roads for the purpose of turning her over to the quarantine authorities. The repairs necessary to this end will cost about $1,100.

The use of the *Portsmouth* for quarantine purposes will, it is believed, best serve the interests of the Government, and the enactment of legislation for extensive repairs to the vessel, such as might be necessary were she to be devoted to other uses, is not therefore recommended.

Faithfully, yours, G. V. L. MEYER.

Hon. GEORGE C. PERKINS,
Chairman Committee on Naval Affairs, United States Senate.

Your committee regrets that it does not take the view of the question which is held by the Navy Department, but believes that a vessel of the historic interest of the *Portsmouth* should be devoted to other uses than that suggested, and that the money it is proposed to spend for repairs will enable the Nation to preserve and maintain this noble vessel of the old Navy as a reminder of the predominating influence we once held upon the sea and as a visible incentive to all who fight under the flag to do their duty. We do not think that this honorable service of a noted fighting ship of the American Navy can be given by turning her into a hospital hulk for the use of a department of the Government for which she was not built and under whose direction she has never sailed. A brief recapitulation of the history of this old vessel will give, we think, the reason for the great public interest in her preservation and devotion to other uses than that proposed by the Navy Department. The following letter gives the principal points in her career:

NAVY DEPARTMENT,
LIBRARY AND NAVAL WAR RECORDS,
Washington, D. C., April 24, 1911.

MY DEAR SENATOR PERKINS: I have the honor to acknowledge your note of the 22d instant, and in reply send you the following brief history of the old *Portsmouth:*

U. S. S. *Portsmouth*, second of the name. Built at the navy yard, Portsmouth, N. H. (Kittery, Me.), in 1843. Her battery varied at different periods from 22 to 14 guns.

First cruise, 1844–1848, in the Pacific under command of Commander J. B. Montgomery, squadron of Commodore J. D. Sloat. Took a prominent part on coast of California in War with Mexico.

June 3, 1846, arrived in the harbor of San Francisco, Cal., and, July 5, 1846, landed a party of seamen and marines for the protection of American consul and citizens, under command of Lieut. J. S. Missroon, United States Navy, and Lieut. H. B. Watson, United States Marine Corps.

July 9, 1846, war having been declared, landed a force at Yerba Buena, by order of Commodore Sloat, took possession of San Francisco, and at 8 a. m. hoisted the United States flag in front of the custom-house. Sent detachments of officers and men to raise the United States flag at Sutter's Fort, Sausalito, Sonoma, and Bodega.

March 11, 1847, to October 29, 1847, captured three Mexican vessels. Two of them were ransomed for $14,929.

February 24, 1848, sailed from Valparaiso; reached Boston May 5, 1848.

From 1849 to 1851, one of the African Squadron.

From 1851 to 1854, Pacific Squadron.

From 1856 to 1858, East India Squadron, under Commander A. H. Foote; took most prominent part in the capture and destruction of the Barrier Forts, Canton River, November 16–22, 1856. In this engagement there were 7 Americans killed and 22 wounded. The *Portsmouth* was struck by shot 12 times. At the close of the action she was given three rousing cheers by the crews of the British men-of-war lying near.

From 1859 to 1861, African Squadron; captured several slavers.

From 1861 to 1865, West Gulf Squadron; with Admiral Farragut, commanded by Commander S. Swartwout, at passage of Forts St. Phillip and Jackson, occupation of New Orleans, and numerous engagements in the lower Mississippi. Made a number of prizes.

In 1866, quarantine ship, New York Harbor.

In 1867 to 1868, fitting as a training ship and on special duty.

From 1869 to 1871, South Atlantic Squadron.

From 1872 to 1877, special service to Brazil and Pacific Squadron.

In 1877, training ship for boys, San Francisco.

In 1878, special service in connection with the Paris Exposition.

From 1879 to 1894, training ship for apprentices, Atlantic coast.

January 17, 1895, transferred by the Navy Department to the Naval Militia, State of New Jersey.

At the present date lying at the New York Navy Yard.

Total cost of building and repair to December 15, 1851, $313,632.33.

Very respectfully,

CHARLES W. STEWART,
Superintendent Library and Naval War Records.

Hon. GEORGE C. PERKINS,
United States Senate.

It will be seen from the above that the *Portsmouth* has carried our flag with glory and honor into many widely separated portions of the world. She was a fighting ship and did bravely the duty of a fighter. The cheers given her by the crews of British men-of-war in Canton River were evidences of the appreciation of the bravery of the men who sailed under her flag, which was still more conspicuously shown under Farragut in the passage of the Mississippi forts. And in the Mexican War she made history on the Pacific coast, when she took possession of what was then the Mexican settlement of Yerba Buena, and, on raising the flag over the land which was thenceforth to be American, gave to the place the name by which the great city which has grown up there is now known over the civilized world. It was only natural, therefore, that the people of California should take a deep interest in this old vessel and should desire to have her preserved and stationed where she could pass the rest of her life within sight of the scene of one of the most important national events. In consequence it was proposed that the *Portsmouth* be sent to San Francisco, there to remain as long as she could be kept afloat. A year ago this suggestion was made to the Navy Department, which returned the following letter of disapproval:

DEPARTMENT OF THE NAVY,
Washington, April 5, 1911.

MY DEAR SENATOR: Referring to your letter of April 20, 1910, in which you brought to the attention of the department the request of the Hon. Charles S. Aiken, acting secretary of the committee of exploitation and publicity of the Panama Pacific International Exposition, that the U. S. S. *Portsmouth* be sent to San Francisco, to remain at that place as a historic relic, I have the honor to advise you that the department, after mature consideration, has decided to lend this vessel to the Treasury Department for service at Hampton Roads in place of the old *Jamestown*.

The department arrived at this conclusion as a result of a general survey held on the *Portsmouth*, which showed that extensive repairs would be necessary to make this vessel safe for a voyage to San Francisco, and it is believed that the interest of the Government will best be served by the action taken in this matter.

Faithfully, yours, G. V. L. MEYER.

Hon. GEORGE C. PERKINS,
United States Senate, Washington, D. C.

Since the attitude of the Navy Department became known there have appeared many protests against what is termed the proposed desecration. The following letter appeared in the New York World April 8, 1911:

A PLEA FOR THE PORTSMOUTH.

To the EDITOR OF THE WORLD:

The fate of the old wooden warship *Portsmouth* interests a wider America than did the saving of the *Constitution* by Holmes's poem. Atlantic joins Pacific in hoping that her remaining days may be spent inside the Golden Gate.

Although launched in the early uninteresting forties, the *Portsmouth* had the good fortune to sail into California's noble port in July, 1846, and hoist the American flag, thereby taking the initial step to bring that State into the Union. In following years the ship helped suppress the African slave trade, did gallant service in 1856 at Canton, China, under Commander Foote, and served with Farragut at the mouth of the Mississippi. Since the Civil War the ship has performed various duties, and is now at the New York Navy Yard, just released by the New Jersey Naval Militia.

The Navy Department would like to oblige California and send the *Portsmouth* to San Francisco to become a museum and take part in the Panama Fair of 1915, but declines, as it will cost $25,000 to repair the ship and send her there. The *Florida*, now being completed at this navy yard, will cost nearly if not quite $8,000,000.

The *Portsmouth* has outlived many iron pots and is as beautiful under full sail as when she emerged from the New Hampshire harbor in 1843. Her birthplace advances this plan:

Let the *Portsmouth* be the first ship to pass through the Panama Canal. It is her right historically. Don't send her to Norfolk to become a fever ship. How long must this particular ship work? Send her to Portsmouth, N. H., for repairs. Let her sail from her home port for San Francisco via the Panama Canal, the first ship through.

The added distinction will compensate San Francisco for waiting, and the *Portsmouth* will not be late at the fair.

A. E. W.

NEW YORK, *April 8.*

An editorial in the San Francisco Chronicle of April 17 says:

"The Navy Department certainly should reconsider its refusal to send the historic old war sloop *Portsmouth* to San Francisco. To use it as a quarantine hulk at Norfolk, Va., is a desecration. San Francisco is a city which is being rapidly populated by people from all over the United States, few of whom are very familiar with this State's history. The presence here of a vessel which played so important a part in the transfer of sovereignty in California from Mexico to the United States would provoke inquiry and stimulate historical reading."

At about the same time the following letter was addressed to the governor of California:

APRIL 10, 1911.

The GOVERNOR OF CALIFORNIA,
Sacramento, Cal.

DEAR SIR: In the latter part of June, 1846, the United States sloop of war *Portsmouth* came into San Francisco Bay and dropped her anchor before the little village of Yerba Buena. On the 9th of July Commander John B. Montgomery, acting under instructions from Commodore Sloat, landed a party of 70 men, sailors and marines, took possession of the town, and raised the American flag on the plaza before the customhouse. The *Portsmouth* remained in Yerba Buena cove, to protect the town from recapture, until relieved by the *Warren* in the spring of 1847. Lieut. Bartlett, of the *Portsmouth*, who was put in charge of the town as first alcalde, ordered that on all public documents the name San Francisco should be used instead of Yerba Buena, which was but a local designation. Lieut. Misroon, with a party of sailors from the ship, erected a battery on Clarks Point, which gave a name to Battery Street. The name of Portsmouth Square was given to the plaza in honor of the ship, and Montgomery Street was named in honor of her commander. Some time ago it was decided that the ship was no longer fit for sea service and she was ordered sold. It was then suggested that she be sent to San Francisco and be preserved and cared for in consideration of her services to California and as a relic of historic importance. A board of examiners reported that it would cost $25,000 to place her in condition to make the voyage from New York to San Francisco, but it would only require $1,120 to make her serviceable for a quarantine-service ship, and she is ordered to Norfolk for that purpose.

I submit that this is an indignity the gallant ship should not be subjected to. She should neither be sold for junk nor converted into a hospital hulk. She should be sent to San Francisco and preserved and cared for as an object lesson and historical relic of patriotic interest to the school children of our State. I believe the Government would do this if the request came in proper form.

The New York Sun, in an editorial yesterday, said that the ship should be fitted out and sent around the Horn to San Francisco, and that the sooner the decision of the Navy Department was reversed the better; that the *Portsmouth* was intimately bound up in the beginnings of California, and should surely be on hand in San Francisco Bay when the Panama Canal is opened and the whole country is there represented to celebrate.

I would respectfully request that the Government be asked to send the ship to San Francisco.

Very respectfully, ZOETH S. ELDREDGE.

Still later came resolutions from the Chamber of Commerce of San Francisco and the California Club of that city, as follows:

[Resolution adopted by the board of trustees of the Chamber of Commerce of San Francisco May 9, 1911.]

Whereas a resolution has been introduced in the Senate of the United States providing for necessary repairs on the U. S. sloop of war *Portsmouth*, the first naval vessel that unfurled the American flag at the Golden Gate, San Francisco, Cal., which action is designed to preserve a historical relic and object of patriotic interest: Therefore be it

Resolved by the Chamber of Commerce of San Francisco, That the honorable Secretary of the Navy be, and he is hereby, requested to transfer the sloop of war *Portsmouth* to San Francisco, in accordance with the wishes of the people of the Pacific coast of the United States.

Attest:

THE CHAMBER OF COMMERCE OF SAN FRANCISCO,
WM. MATSON, *President.*
C. W. BURKS, *Secretary.*

[Resolution passed by the California Club on May 9, 1911.]

Whereas the old sailing ship *Portsmouth* played an important part in the early history of California, having sailed into the Bay of San Francisco in 1846, at which time its captain on July 9 of that year raised the American flag in a plaza, afterwards called Portsmouth Square.

Whereas it is rumored that the United States Navy Department is considering the matter of bringing the *Portsmouth* to San Francisco Harbor, and converting it into a marine hospital: Be it

Resolved, That the California Club, in view of the historical value of this ship to the people of California, does herewith petition the United States Navy Department, through its congressional Representatives, to place the old ship *Portsmouth* in the Bay of San Francisco and convert the same into a naval museum, where valuable historical relics may be properly cared for and exhibited, and that said ship and museum shall be placed permanently and established before the opening of the Panama-Pacific Exposition.

[Resolution adopted by the board of trustees May 13, 1911.]

Whereas a resolution has been introduced in the Senate of the United States providing for necessary repairs on the U. S. sloop of war *Portsmouth*, the first naval vessel that unfurled the American flag at the Golden Gate, San Francisco, Cal., which action is designed to preserve a historical relic and object of patriotic interest: Therefore be it

Resolved by the Stockton Chamber of Commerce, That the honorable Secretary of the Navy be, and he is hereby, requested to transfer the sloop of war *Portsmouth* to San Francisco in accordance with the wishes of the people of the Pacific coast of the United States.

STOCKTON CHAMBER OF COMMERCE,
Attest: J. M. EDDY, *Secretary.*

The Merchants' Association of San Francisco wired the following message to the Secretary of the Navy:

To the SECRETARY OF THE NAVY,
Washington, D. C.:

The Merchants' Association of San Francisco, representing 1,400 business firms here, earnestly petitions the Government to refit the sloop of war *Portsmouth* and send it to San Francisco, to be permanently stationed here—the first vessel to officially unfurl the American flag at San Francisco.

The vessel will also be of great historic interest to visitors during the exposition in 1915.

THE MERCHANTS' ASSOCIATION OF SAN FRANCISCO,
M. H. ROBBINS, Jr., *President.*

—

SAN FRANCISCO, CAL., *May 23, 1911.*

Hon. GEORGE C. PERKINS,
United States Senate, Washington, D. C.:

Precita Parlor, No. 187, Native Sons Golden West, in meeting assembled adopted resolution calling on you as senior Senator from California to intercede with Department of Navy to save sloop of war *Portsmouth* from condemnation. The ship holds prominent place in the early history of California, and all loyal Californians wish to see it preserved. Our order wants this ship brought to California that it may be preserved as historic remembrance of California heroic past. We respectfully ask you to present our case to the Navy and Treasury Departments and to the President.

B. C. MCKINLEY, *President.*
GEO. F. WELCH, *Past President.*

Your committee believes that the public interest in the *Portsmouth* is sufficiently pronounced to warrant the expenditure of $25,000 to fit her for the sea voyage to California, and that the people would approve her transfer to San Francisco, there to remain as an incentive to duty to our Navy on the Pacific coast. We therefore recommend that the bill pass.

SUMMARY TRIALS IN THE NAVY.

The bill (S. 1724) to amend section 14 of "An act to promote the administration of justice in the Navy," approved February 16, 1909, and to provide for the destruction of records of deck courts in the United States Navy, was considered as in Committee of the Whole. It proposes to amend section 14 of "An act to promote the administration of justice in the Navy," approved February 16, 1909, so as to read as follows:

SEC. 14. That section 1624, article 34, Revised Statutes of the United States, is hereby amended as follows:

"SEC. 1624. The proceedings of summary courts-martial and of deck courts shall be conducted with as much conciseness and precision as may be consistent with the ends of justice and under such forms and rules as may be prescribed by the Secretary of the Navy, with the approval of the President, and all such proceedings shall be transmitted in the usual mode to the Navy Department, where they shall be kept on file for a period of two years from date of trial, after which time they may be destroyed, in the discretion of the Secretary of the Navy."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SUSPENSION FROM PROMOTION IN THE NAVY.

The bill (S. 2004) to amend section 1505 of the Revised Statutes of the United States, providing for the suspension from promotion of officers of the Navy if not professionally qualified, was considered as in Committee of the Whole. It proposes to amend section 1505 of the Revised Statutes so as to read as follows:

SEC. 1505. Any officer of the Navy on the active list below the rank of commander who, upon examination for promotion, is found not professionally qualified, shall be suspended from promotion for a period of six months from the date of approval of said examination, and shall suffer a loss of numbers equal to the average six months' rate of promotion to the grade for which said officer is undergoing examination during the five fiscal years next preceding the date of approval of said examination, and upon the termination of said suspension from promotion he shall be reexamined, and in case of his failure upon such reexamination he shall be dropped from the service with not more than one year's pay: *Provided*, That the provisions of this act shall be effective from and after January 1, 1911.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RANK AND PRECEDENCE OF NAVAL ATTACHÉS.

The bill (S. 2316) fixing the rank and precedence of naval attachés was considered as in Committee of the Whole. It provides that hereafter naval attachés while serving on duty at embassies abroad shall have the rank of captain, and while serving on duty at legations abroad shall have the rank of commander in the Navy. But all officers serving as naval attachés shall continue to receive the same pay and allowances which they receive under existing law, and nothing in this act shall be construed to increase such pay or allowances or to reduce the rank of such officers while serving as herein provided. The precedence of military and naval attachés at the same embassy or legation shall be determined by their actual precedence in the Army or Navy and not by any provision of law giving temporary increased rank to such attachés.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MINOR BERRY.

The bill (S. 70) to remove the charge of desertion standing against the military record of Minor Berry was announced as next in order on the calendar.

Mr. DIXON. I ask unanimous consent that the bill be sent back to the Committee on Military Affairs for the reason that there was a mistake made inadvertently in reporting it.

The VICE PRESIDENT. The Senator from Montana asks unanimous consent that the bill be taken from the calendar and rereferred to the Committee on Military Affairs. Is there objection? The Chair hears none, and that order is made.

WILLIAM F. M'KIM.

The bill (S. 1754) to correct the military record of William F. McKim was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That the fact that William F. McKim, who was a private of Company I, Second Regiment Kentucky Infantry, was absent without leave from the 10th day of April, 1863, to the 27th day of May, 1863, shall be no bar to any right, privilege, or benefit as an honorably discharged soldier to which he would have been entitled had he not been so absent without leave during the period specified.

Mr. GALLINGER. Mr. President, let that bill go over until we can read the report.

Mr. JONES. I should like the Senator to let that bill go through. I do not think there is any objection to it. It has been considered very carefully. This man was simply absent for about four weeks. The testimony shows that he had actually applied for a furlough; that it had been secured for him; that he came back before the time expired; that he then served honorably; and that he was honorably discharged.

Mr. GALLINGER. I ask the Senator—I simply had turned to the report and had not had time to read it—did the soldier voluntarily return at the end of four weeks?

Mr. JONES. He did.

Mr. GALLINGER. Then, on that statement I see no reason why the bill should not pass, and I withdraw my objection to it.

The VICE PRESIDENT. Objection is withdrawn. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES CARTER.

The bill (S. 938) for the relief of James Carter was considered as in Committee of the Whole. It proposes that in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers James Carter, who was a first lieutenant of Company H, Twenty-third Regiment New Jersey Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a first lieutenant of said company and regiment on the 24th of February, 1863, but that other than as above set forth no bounty, pay, pension, or other emolument shall accrue prior to or by reason of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The VICE PRESIDENT. That completes the calendar.

SENATOR FROM ILLINOIS.

Mr. CULLOM. Mr. President, I supposed the Senator from Wisconsin [Mr. LA FOLLETTE] would call up his motion at this hour.

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin desire to continue his discussion of his resolution?

Mr. LA FOLLETTE. I do not, Mr. President, but before the substitute motion is submitted, I desire to perfect my resolution if I can be recognized for that purpose.

The VICE PRESIDENT. Certainly, the Senator has a right to perfect the motion at this stage. The Chair understands the Senator from Wisconsin desires to suggest some changes in the resolution.

Mr. LA FOLLETTE. Mr. President, at the close of the last session the Senator from Virginia [Mr. MARTIN] offered a substitute for my resolution and asked for the floor and for recognition at the next session. I do not care to be recognized at this time except to call up the resolution.

The VICE PRESIDENT. The Chair did not understand that the Senator desired to speak, but the Chair thought the Senator wanted to make his suggested changes now.

Mr. LA FOLLETTE. I want the opportunity to do so before the question is put.

The VICE PRESIDENT. Without objection, the Chair lays before the Senate the resolution.

The SECRETARY. Table Calendar No. 4, Senate resolution 6, by Mr. LA FOLLETTE: A resolution to appoint a special committee to investigate certain charges relative to the election of WILLIAM LORIMER.

The VICE PRESIDENT. The question is on agreeing to the substitute for the resolution just stated, submitted by the Senator from Virginia [Mr. MARTIN].

Mr. MARTIN of Virginia. Mr. President, I shall detain the Senate for a very few moments in relation to these resolutions, the one offered by the Senator from Wisconsin [Mr. LA FOLLETTE] and the substitute offered by myself. Of course, I shall have to address myself to the resolutions as they are now laid before the Senate.

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Wisconsin?

Mr. MARTIN of Virginia. Certainly.

Mr. LA FOLLETTE. In order that the Senator from Virginia may be advised, I will say that at the proper time I will offer an amendment to my resolution striking out the names of the five Senators in the resolution and providing that the Senate shall elect five Senators in open Senate on roll call, only Senators who were not Members of the Sixty-first Congress being eligible.

Mr. MARTIN of Virginia. Mr. President, I understand from the remarks of the Senator from Wisconsin substantially what his course will be. I will say that it is not impossible that when his resolution is presented I may make some changes in the resolution which I have offered as a substitute, but for the present I shall address myself to the general proposition which is before the Senate, with respect to which different views are presented to the Senate by the Senator's resolution and by the substitute which I have offered; and in doing so, as I have stated, I shall endeavor to be very brief and to confine myself to the special matter before the Senate.

There has been a good deal of discussion of certain general principles which may have some relation to and to some extent underly the proposition immediately before the Senate, but I shall not go into the discussion of those general propositions to which a good deal of allusion has been made and in respect to which very able arguments have been presented.

The question before the Senate, Mr. President, is not whether Mr. LORIMER is entitled to a seat in the Senate; the question is not whether fraud and bribery were used in his election. That question was once before the Senate on evidence and on a report of a committee of this Senate which had made an investigation, and when it was before the Senate it was carefully considered and elaborately debated. I considered at that time the merits of the proposition; I considered the case then on the evidence and on the law, and I reached the conclusion that Mr. LORIMER was not entitled to a seat on the floor of the Senate, that bribery and fraud had been used to secure his election; and I voted for the resolution which declared that he had not been legally elected and was not entitled to a seat on the floor of this body. I cast my vote after a conscientious investigation of the record and after a careful examination of all the questions which it seemed to me were involved. I had clear, distinct, and strong convictions at that time, and I have seen no cause to change the conclusion at which I arrived.

I did not then nor do I now question the sincerity and the integrity of those Senators who reached a different conclusion. The Senate decided the case on the evidence reported by the committee and after elaborate debate, and they decided that Mr. LORIMER was entitled to a seat in the Senate. As I have stated, I do not propose now to go into any discussion of that matter.

The question which is now presented to the Senate is not whether Mr. LORIMER was elected by fraud and corruption, but the question before the Senate now is, Shall there be a further investigation into the question as to how he was elected to a seat in this body?

It is hardly necessary, Mr. President, for me to engage in any argument to show that there should be a further investigation. If any Senator on this floor ever entertained a doubt about the necessity of further investigation, that doubt must have been removed when the Senate of the State of Illinois adopted a resolution and caused it to be certified to this body, declaring that they had discovered new and material testimony and calling upon the Senate to make a further investigation. So I say that it is not necessary under these circumstances to argue that there should be a further investigation. I do not believe there is a single Senator on the floor of the Senate to-day who does not believe that it is incumbent upon this body to make a new investigation into the circumstances attending the election of Mr. LORIMER to a seat in this body. I have certainly not heard a single voice raised against such an investigation. Every Senator who has expressed an opinion in my presence has said that the Senate should at once undertake an investigation of this vitally important matter.

Surely there can be nothing of greater or more vital importance to the Senate than the question of the right of a man to sit here and to exercise the privileges of a Senator. I say his right to exercise those privileges and to vote here from day to day when that right is seriously called in question, as is the right of Mr. LORIMER, should be investigated not only thoroughly but promptly. The resolution which I introduced had that purpose in view.

The fact that there should be an investigation being established, the next question is: What sort of an investigation should we have? The investigation should be promptly undertaken; it should be diligently prosecuted; it should be speedily concluded. All the testimony taken and the conclusions of the committee which makes the investigation should be reported to the Senate at the earliest possible moment. There is occasion, Mr. President, for the utmost dispatch in an investigation of this character, because the Senator from Illinois should not remain here in his seat and exercise a voice in the determination of great public questions unless he has been fairly and justly and lawfully elected. The dignity and the honor of the Senate is involved, and it is of the utmost importance that the dignity and honor of the Senate should be preserved by the exclusion from its membership of any man who has obtained a seat here by bribery, fraud, or corruption of any character.

I am sure that the Senator from Wisconsin can not by any possibility desire a more thorough and more exhaustive investigation than I do. The light should be turned on; every avenue of suspicion should be followed out. We should have a committee diligent, able, and earnest. The objective point of the Senator from Wisconsin and myself is one and the same.

The only difference between the Senator from Wisconsin and myself in this matter, if there be any serious difference between us, is as to the agency through which this investigation shall be made. The Senator from Wisconsin, as I understand, proposes to modify his resolution so as to provide that the Senate shall proceed to elect a committee to make the investigation. I do not question, Mr. President, the power of the Senate or the right of the Senate to raise a special committee for any purpose whenever it sees fit to do so. If I had the slightest suspicion that the Committee on Privileges and Elections would fail in the exercise of the duty which would ordinarily be devolved upon it in a matter of this sort, I would not hesitate to favor a special committee. I would not let any question of personal feeling interfere. I would not for a moment consider whether or not there might be those who would feel wounded or feel that a reflection had been cast upon them if I thought that there was even the remotest possibility that this work could not be discharged faithfully, earnestly, and exhaustively by the regular committee. But I do believe, Mr. President, that the Committee on Privileges and Elections, composed as it is of able men, of honorable men, of patriotic men, of faithful men, will do whatever they undertake to do faithfully, exhaustively, thoroughly, and well. If the Committee on Privileges and Elections should find that it is inexpedient or impracticable in any way for it to meet the full responsibilities which would devolve upon it in case they are required to make this investigation, I feel that we can rely upon their fidelity and their patriotism to report that fact to the Senate.

Mr. JONES. Mr. President——

The PRESIDING OFFICER (Mr. HEYBURN in the chair). Does the Senator from Virginia yield to the Senator from Washington?

Mr. MARTIN of Virginia. I do.

Mr. JONES. I agree with all that the Senator has said, but it has occurred to me that it would be a proper course to refer all of these resolutions to the Committee on Privileges and Elections and allow the committee to report to the Senate such resolution as under the circumstances they thought would be best to bring before the Senate for consideration and adoption. I believe if that were done a very satisfactory solution of this matter could be worked out, and I want to suggest that to the Senator.

Mr. MARTIN of Virginia. Mr. President, if that suggestion had been made earlier it might have commended itself—though I am not sure that it would have done so—to my mind. It has seemed to me that it was hardly necessary to have the Committee on Privileges and Elections formulate a plan for the Senate in this matter. I feel that the Senate can itself, by the adoption of a suitable resolution, make an order which will accomplish what we all want to accomplish. I think the Senate itself, in considering the several resolutions which are now before it and the amendments which may be offered to them, can perfect a proper resolution which will lead to a thorough and exhaustive inquiry into this matter without asking the Committee on Privileges and Elections to formulate that resolution for it.

The resolution which I offered was prompted by an earnest desire to accomplish those results. It provides that the investigation must commence at once. It provides that it must be proceeded with diligently. It provides that the committee must report to the Senate as soon as possible.

It provides that the committee shall make a special investigation of the so-called jack-pot fund. I have not a very satisfactory idea as to what this jack-pot fund is. I know enough to know that it is a taint on the whole election of Mr. LORIMER. I know that the Senate has not the power to investigate it except in so far as it relates to the election of a Member of this body. If the State of Illinois wants to have legislation in its State corrupted by a jack-pot fund, this Senate has nothing to do with it, so far as it relates to local matters of the State of Illinois. But when a jack-pot fund is created in the State of Illinois and it is alleged that it was used to effect the election of a Senator to represent the State of Illinois in this body, it is up to the Senate of the United States to find out exactly what the relation of that corruption fund was to the election of WILLIAM LORIMER, and what effect it exerted on the election of WILLIAM LORIMER, if any.

I have provided in my resolution specifically that the committee shall make a thorough and exhaustive investigation into the so-called jack-pot fund in its relation and effect to the election of WILLIAM LORIMER to a seat in this body. In other words, I have endeavored by the language of my resolution to require a prompt, a thorough, and an exhaustive examination into this whole matter as quickly as possible, and that the result of the investigation, with the evidence taken, shall be reported to the Senate as speedily as possible, including an investigation of the jack-pot fund.

Mr. President, as I have stated, I do not question the right, the privilege, or the propriety of the Senate creating a special committee to make this investigation if it sees fit so to do. I do say, however, that when we have a regular committee, a standing committee, of the Senate created for a purpose and given jurisdiction over certain matters which must come before the Senate, that the standing committee so created for those purposes should be required to exercise the jurisdiction vested in it, unless there be some good reason in any particular case why that committee should not be intrusted with that jurisdiction. I know of no reason why this committee can not be trusted with the responsible duty, and although there are many important matters now before committees of this body, there is no single matter before any committee of this body that is of more vital importance than the question which I am proposing to send to the Committee on Privileges and Elections, involving the right of a Senator to a seat in this body. I say that unless there be some reason to believe that this committee will not exercise its jurisdiction efficiently, faithfully, and thoroughly, the jurisdiction should not be taken from it.

Now, I do not attach so great an importance to the precedents as some Senators seem to attach. I have great reverence for precedents, but I am perfectly willing to see precedents trampled under foot whenever they are in the way of what is right and just and necessary for the public welfare. I have great respect for the feelings of individuals; I do not wish to wound the sensibilities, even the prejudices, of a single Senator in this body, but I do stand ready to wound the sensibilities, to trample on the prejudices, and to wound the feelings, if need be, of any Member of this body or any number of the Members of this body when the public welfare requires that it should be done. But there must be clear and distinct and satisfactory conviction in my mind that the public welfare requires me so to do.

Mr. President, none of us is free from bias in respect to the Lorimer case—not one of us. There can not be a man on the floor of the Senate to-day who has not some preconceived idea in respect to the election of WILLIAM LORIMER to a seat in this body. I certainly have ideas and opinions. I acted on my ideas and my opinions and my convictions when I cast my vote at the last session of Congress. Every other Senator then a Member of this body entertained an opinion and expressed it by the vote which he cast when the case was under consideration. Every other Senator then in this body by the vote he cast expressed his opinion, expressed his conviction; and I do not question that he was as sincere and as honest and as patriotic in his vote as I was.

I claim to have acted conscientiously, after an earnest investigation and a careful consideration of the entire case in all its bearings. I do not question the fact that every other Senator discharged his duty just as honestly, conscientiously, and faithfully as I did, and whichever way he cast his vote, it was due to a conviction and impression which must to-day remain in his mind.

I hope and believe that such impression as was made upon my mind at that time—such conviction as still remains in my mind—can be removed by testimony.

If, on a further investigation, it can be demonstrated that WILLIAM LORIMER was fairly and honestly elected, and that

neither bribery nor fraud nor corrupt practices of any kind were practiced in his election, it would give me infinite pleasure to cast my vote next time differently from the way I cast it the first time. But I confess, Mr. President, it would take an affirmative array of evidence. There is an impression which will stay in my mind until it is removed by satisfactory proof to the contrary. I believe the same is true of every other Senator who participated in the events of the last session of Congress. Not only must an impression exist in the mind of every Senator who participated in the trial at the last session of Congress, but I am sure no man who has entered the Senate since the vote was taken in the Lorimer case can be without an impression on his mind.

It is impossible that a man who has become a Senator of the United States, in view of the wide discussion of this matter, can have failed to form some opinion, one way or the other; and although he has not recorded it by a vote in this body, no doubt every one of them has expressed it with his associates; has expressed it privately and publicly from day to day in his contact with his fellow men. I do not believe there is any very considerable difference between the new Senators who came in for the first time at this session of the Senate and the Senators who participated in the trial at the last session of the Senate in respect to their convictions about the Lorimer case. We all have convictions the one way or the other, and you can not get a committee composed of Senators on which there will be one single member who is free from an impression one way or the other in respect to this matter.

It is, of course, unfortunate that a tribunal can not be organized entirely free from an impression one way or the other. It would be much better if the case were one of first impression with the tribunal which will be charged with handling it. But that is absolutely impossible, and I see very little difference between the old Senators and the new Senators, between the Senators who have recorded their convictions by a vote and the Senators who have not recorded their convictions by a vote, but who have formed and expressed their convictions from day to day during the last few months.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from California?

Mr. MARTIN of Virginia. I do.

Mr. WORKS. My name has been used in the resolution offered by the Senator from Wisconsin. I hope no Senator here believes that I have either sought or desired a place upon this committee. I know I should not want to accept a place upon it upon the supposition that I have not very decided convictions upon the question whether fraud and corruption were used for the purpose of bringing about the election of the Senator from Illinois.

I agree thoroughly with what has been said by the Senator from Virginia [Mr. MARTIN], that any intelligent man, whether he be a member of the Senate or not, who has carefully read the testimony and heard the arguments on this question, must have some convictions on the one side or the other of a question so important to the people of this country.

Mr. MARTIN of Virginia. It is not necessary, I am sure, for me to say to the Senator from California that I never for a moment conceived the idea that he had sought or desired service on this committee. I will say, in addition, that it never entered my mind that the Senator from Wisconsin [Mr. LA FOLLETTE] desired to place on that committee any man who had any bias either one way or the other. I do not think I am mistaken when I say that the Senator from Wisconsin put the names in his resolution without any consultation with the Senators whose names he inserted in it.

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Wisconsin?

Mr. MARTIN of Virginia. I do.

Mr. LA FOLLETTE. I think I so stated on the floor during the course of my remarks upon the resolution. If I did not, I should like to have it definitely in the RECORD. When I offered the resolution naming five Senators to serve upon this committee I did not know the views or opinions of a single Senator named upon this subject. I had had no conversation with any one of the five men who were named with respect to their attitude of mind regarding the former hearing and the former action of the Senate, and I wrote in those names simply to place before the Senate, subject to such changes as the Senate might see fit to make, a resolution upon which the Senate might act in any way, enlarging the membership, as suggested by me, or changing the membership. But it expressed my idea that the membership of that committee ought to be composed of men who had not been Members of the Sixty-first Congress. I thank the Senator from Virginia.

Mr. MARTIN of Virginia. I was very sure I had heard——

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from California?

Mr. MARTIN of Virginia. I do.

Mr. WORKS. I desire to say further that I had no intimation from any source, either from the Senator from Wisconsin or from anyone else, that my name was to be used in any such way. The first intimation I had of the fact was when the resolution was read here in the Senate.

I desire to say further that, so far as I know, the Senator from Wisconsin [Mr. LA FOLLETTE] had no knowledge or intimation as to what my convictions were upon this subject.

Mr. MARTIN of Virginia. I was very sure that I had heard the Senator from Wisconsin express the views which he has just expressed. But I was not sure whether I had heard him express those views in private conversation or on the floor of the Senate. I would not have attributed to him any other views if I had not heard him express himself in either place. I believe he desires a thorough and an honest investigation of this case.

I believe he wants to get to the very bottom of it, as I want to get to the very bottom of it. I do not believe he wants any unfair tribunal or any unfair advantage, the one way or the other, in the investigation which it is incumbent upon us to make.

But, Mr. President, the question is, Where can we get the fairest tribunal? How can we organize a committee that will be entirely fair and impartial? It is absolutely impossible to get a committee, as I have stated, in the minds of whom there will not be some bias the one way or the other, whether the membership of the committee be from the old Members of the Senate or from the new Members of the Senate. I feel very sure, from the remarks made by the Senator from California [Mr. WORKS], in a recent argument he submitted to the Senate, that he has just as strong convictions and feelings about this matter as I have.

I feel that he would approach the consideration of this case with just as much bias upon his mind as I would approach it if it devolved upon me to make the investigation; and I do not believe, Mr. President, that the Senator from California is any exception in the list of new Senators who entered this body for the first time at the commencement of the Sixty-second Congress.

I do not believe there is a single new Senator in this body who has not just as much conviction about this matter as I have. They have all read about it; they have all thought about it; they have all talked about it; they have all expressed their convictions; and they will have to have those impressions removed by the evidence just as I will have to have the impressions on my mind removed by the evidence if I ever change my vote from the way I cast it before.

But if I know myself, Mr. President, I stand ready to change that vote if the evidence brought into this Senate by the new committee is such as to demonstrate the innocence of Mr. LORIMER. It must demonstrate a little more than the innocence of Mr. LORIMER personally, for his friends may have practiced fraudulent methods and may have resorted to bribery and corruption, and whether he knew of it and participated in it or not, if he was elected by bribery and fraud, it makes no difference who perpetrated the fraud or who gave the bribes, he is not entitled to his seat in this body if it was procured by methods of that sort.

But if I know myself I would gladly vote Mr. LORIMER a right to a seat in this body if evidence can be adduced, reliable and satisfactory and convincing, that can demonstrate that neither he nor his friends nor anyone else used bribery or fraud or corruption in procuring for him a seat in this body. As I entertain that feeling, as I will endeavor to live up to that purpose, as I hope I will be able conscientiously and honestly and justly to live up to that purpose of treating this case fairly, considering it justly, and determining it honestly when the new evidence and the new report will come in, I will not attribute to any other Senator a less honest or a less patriotic purpose than I myself entertain. Whether he voted as I did or voted differently from the way I voted, I must concede that he acted honestly and conscientiously, that he is open to conviction, and that he will vote when the case comes up again fairly and justly and honestly and in accordance with the evidence which may then be adduced.

Entertaining that opinion, I feel that we must all have charity enough to entertain that opinion toward each other. Not

one of us can arrogate to himself a virtue superior to that of his colleagues on this floor. Not one of us has a monopoly of virtue, honesty, sincerity, or patriotism. I trust we all endeavor to live up to those high principles. I, in my humble way, have certainly endeavored to walk that path, and I will not attribute to a brother Senator a disposition to walk any other path until he has demonstrated his unworthiness of the high and honorable position which the State which sent him to this great body has conferred on him.

Now, Mr. President, when we come to select a committee to do this great and important and responsible work, which is so essential to the dignity and honor of this body and so essential to the perpetuity of our institutions, how are we to go about it? We can not get a committee without some bias, without some conviction one way or the other, whether we take that committee from the old Senators or from the new Senators, whether we take that committee from those who voted for Mr. LORIMER's right to a seat here or voted against his right to a seat here. Suppose we proceed as the distinguished Senator from Wisconsin proceeded. When he first took this matter up he endeavored to select a fair committee. I know he would not have selected willingly a committee with any undue bias or prejudice. I believe when his resolution was introduced, though the Senator from California [Mr. WORKS] was here at the time, he had not made the address to the Senate which contained an expression of his views about the Lorimer case; but in his endeavor to get a fair and impartial tribunal the Senator from Wisconsin placed on it at least one man, the Senator from California, who has as strong a conviction about the case as either the Senator from Wisconsin or myself.

The Senator from Wisconsin shakes his head, but judging by the remarks of the Senator from California I think his conviction is just about as strong on this case as his mind is able to form about any matter. I am not criticizing the Senator from California. He would be hardly worthy of a seat in this body if he had not formed an opinion about the Lorimer case, in view of all the testimony which has been gone through. He had formed an opinion and no doubt had expressed it many times before he came to the Senate, and after he came to the Senate he availed himself of the very earliest opportunity to give to the Senate and the country his abiding conviction in the guilt of Mr. LORIMER.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from California?

Mr. MARTIN of Virginia. I do.

Mr. WORKS. I hope the Senator will understand that I neither formed nor expressed any opinion as to the guilt or innocence of the Senator from Illinois. I have not done so. I referred to the fact that evidence which was adduced at the former hearing showed that corrupt practices were resorted to at the election, and that as I understood it that was the simple question submitted to the committee at that time, and upon that simple question I had my convictions and I have expressed them; but I have never expressed an opinion, and I have in fact never formed an opinion, upon the question whether the Senator from Illinois was himself guilty under the evidence that had been adduced. Now, there is additional evidence here, taken by the committee of the Legislature of Illinois, which may place an entirely different face upon the situation, and it may show—at least it has the tendency to show—that there was personal guilt upon the part of the Senator from Illinois whose seat is in controversy here.

Mr. MARTIN of Virginia. Mr. President, the words I used were not aptly selected. Though I confess my language imported as much, I did not intend by what I said to attribute to the Senator from California a conviction as to the personal participation of Mr. LORIMER in these frauds, but he reached exactly the conclusion I had reached, and I meant to express that. He reached the conclusion that bribery and corruption had been used, and without the use of that bribery and corruption Mr. LORIMER would not have been elected. It was not necessary in determining Mr. LORIMER's right to a seat to go further and show that Mr. LORIMER was particeps in a personal sense, and had full knowledge and participation in the bribery and corruption; but when the conclusion was reached that bribes had been given to members of the legislature, that fraudulent and corrupt methods had contributed to the election of Mr. LORIMER, and that he would not have been elected without them, that disqualified him for a seat in this body.

That was the conclusion I reached, and it was expressed in my vote. That was the conclusion, as I understood it, that the Senator from California had reached, as expressed in the speech delivered by him on the floor of the Senate. So the Senator from California is just as much disqualified, if a bias of that sort can disqualify a Senator, as I am disqualified, or as any member of the Committee on Privileges and Elections is disqualified.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield further to the Senator from California?

Mr. MARTIN of Virginia. I do.

Mr. WORKS. I certainly had not intended to urge my qualifications as a member of this committee, but I simply wished to justify myself against the statement made that I had formed an opinion as to the guilt or innocence of Mr. LORIMER.

Mr. MARTIN of Virginia. The Senator's disclaimer is entirely unnecessary. Certainly no thought of that sort ever entered my mind. I simply meant to demonstrate by the Senator's attitude toward this matter the proposition that new Senators, as well as old Senators, had convictions, and were under bias in respect to the Lorimer case, and that when you look for an impartial committee you will find it impossible to get such a committee in the membership of the Senate as now constituted, either from those who were in the Sixty-first Congress or those who have appeared for the first time in the Sixty-second Congress. The bias is just as great in the one case as in the other.

The question is, where can we come as near as possible to securing a fair and impartial committee to make this investigation. If you go to work to organize a committee, how will you have it? Is it possible for the human mind to approach this subject in such a way as to make a selection for this specific purpose and that selection not be subject to more criticism than to take a committee that was created without any reference to this case? The standing Committee on Privileges and Elections as it is now constituted in the Senate, so far as the new members of the committee are concerned, was created, I am sure, without any reference whatever to this case and before the question of reopening the case had been agitated.

Senators who had served in the Sixty-first Congress and continued to be Members of the Sixty-second Congress and who had in the last Congress been members of the Committee on Privileges and Elections were, for the most part and probably all of them—I have not turned my mind to that examination—continued on the present committee. But there were new Senators put upon it and there were Senators who were in the last Congress and yet not members of that committee put upon it. The committee was selected without any reference to the Lorimer case or the proposed investigation. It is composed of able men. I would not make any comparison or any invidious distinction between the ability of Senators on the different committees, but I will go so far as to say it would be very difficult in the Senate to find an abler body of men than those who now constitute the Committee on Privileges and Elections. As they are able and honorable and patriotic men, and as they were placed upon the committee without any reference to this investigation, it seems to me that they must be as fairly constituted as any special committee that could be raised for this particular purpose.

Suppose we should go to work now to raise a special committee for this particular purpose, how would we proceed? We would start out with a full knowledge that every Senator has an opinion one way or the other with respect to the case. Will you divide the membership equally? Will you take half of your committee from those who voted in favor of Mr. LORIMER having a seat in this body and the other half from those who either voted differently or did not vote at all? If you do that, surely you will have a committee made up of biased Senators. I mean by biased an honest bias, a bias that must be in the mind of every honest man who has considered the case. Would that be any fairer committee than the Committee on Privileges and Elections? I think not.

I reached the conclusion in my consideration of this matter, in my thought in respect to it, that the fairest and the most effective and the most satisfactory method of procedure would be to send this investigation to the committee created by the Senate to take jurisdiction of matters of this sort, and put it up to the Committee on Privileges and Elections. Every member of that committee is responsible to the Senate; every member of it is responsible to his State; every member of it is responsible to the people of this great country; every one of them is responsible to his own conscience, his own sense of right; and I say the wisest, the safest, and the justest way for the Senate to proceed, in my humble opinion, is to put this matter up to the standing committee of the Senate which was created to take jurisdiction of matters of this importance, a committee which was created without any reference to this particular case and which is composed of honorable and able and patriotic Senators.

Now, Mr. President, if the Committee on Privileges and Elections for any reason shall find itself unable to proceed with dispatch, with diligence, with promptness, with thoroughness, and with efficiency, if any member of the committee shall find that he is so biased that he can not exercise the jurisdiction justly and honorably, surely we can rely upon him as we rely upon the judges of our courts when they find themselves so situated in respect to a case that they are not able to proceed fairly and justly with the case. I say we can rely in like manner upon any Senator who finds either his other engagements or his state of mind such as to disqualify him from discharging the duty fairly and justly and efficiently, and I say we can rely on that committee to make a report to the Senate.

Let us put it up to the Committee on Privileges and Elections. Let us place the responsibility where the rules of the Senate place it. Let us demand of them that they shall discharge the duties which they assumed when they accepted membership upon the Committee on Privileges and Elections. Let us rely on their fidelity and their high sense of honor and justice. If they are unable for any reason to proceed with the matter I say let us rely upon them to make report to the Senate and explain to the Senate why it is, if it be so, that they can not proceed in the exercise of this jurisdiction faithfully, promptly, diligently, and efficiently.

Now, Mr. President, that is the gist of this whole matter. The smaller matters to which I referred are matters about which we would all agree. Promptness in commencing the work, diligence in pursuing the work, an early report of the result of the work, a thorough investigation of the jack-pot fund, and an exhaustive investigation of every phase of this matter are what we all desire. The only point about which it seems to me there could be any material difference of opinion is in respect to the agency which the Senate shall employ to make the investigation.

I have briefly presented the reasons why I think the standing Committee on Privileges and Elections is as fair a tribunal as we can submit this investigation to. It is the regular course; it is in accord with the precedents. Of course, there are some precedents which being differentiated under some special reasons might seem to be the other way, but substantially speaking, all the precedents of the Senate point to the selection of the standing Committee on Privileges and Elections.

But even if the precedents were not that way and I am not a great stickler for precedents, I put this question on deeper and broader grounds than the matter of precedents. I believe it is a juster method. I believe it will bring better results. I believe it will offend fewer people. There are members of that committee who would feel that a different course would be something of a censure, something of a reprimand, something of a reflection. I do not think it would be either a censure, a reprimand, or a reflection. I do not believe the Senate would intentionally do either, but such a course would be susceptible of that construction, not only in their mind but in the mind of others; and I am not willing to take that course unless there be made manifest some controlling, some necessary requirement to do so. I do not believe any such requirement exists. I believe we will get through the agency of the Committee on Privileges and Elections exactly what we all want, a thorough and exhaustive examination and investigation, and a prompt report to the Senate of the results of that investigation, so that the Senate can take this case up again, consider it carefully again, and do complete justice and final justice in the matter. I sincerely hope that course will be pursued.

Mr. DAVIS. Mr. President, could I yield my willing assent to this resolution as proposed by the Senator from Virginia [Mr. MARTIN] I would not tax the patience of the Senate on this occasion.

I, Mr. President, first of all, am a Democrat. I believe in the principles of Democracy as truly and sincerely as I do in the religion of Jesus Christ. In religion I am a hard-shell Baptist; that goes ahead of my Democracy; but, sir, being a Democrat, being unwilling to yield assent to this resolution, I am impelled to give the reasons which actuate me to this course.

In the first place, Mr. President, this is not a party question. I have heard it stated, and reiterated time and again, upon the floor of the Senate that in the settlement of this question party politics plays no part. I accept that as true, because it has been stated by every Senator who has addressed the Senate upon this subject. Then, sir, if party politics plays no part in the settlement of this question, I, as an independent Democrat, have a right to vote as I see proper in this case unembarrassed by what my party leader or my party associates may have determined.

I am interested first, Mr. President, in a reopening of this case. It has been stated repeatedly on both sides of the Chamber that there is no objection to a reopening of this controversy. Then, if there is not, I am certainly delighted, because that is the pivotal point in which I am interested in this controversy. At the last session of Congress this matter was debated thoroughly, and I shall not enter into a discussion of any of the testimony. It will be remembered by Senators here how sharply the lines were drawn, how acute the discussion was. I say that I am interested primarily in the reopening, the rehearing, of this case. Why? Because I do not believe it was decided right at the last session of Congress. I do not reflect on any Member of the Senate who voted the other way. I concede, Mr. President, that good men may differ on this important proposition. Why, my father—the best man, I think, that ever lived on earth—and myself often disagreed, and he was more often right than I was. [Laughter.] So I say that good men may often disagree on the merits of a controversy and both be honest and conscientious. I am not going to challenge anybody's motives, but I say I am interested in the reopening of the case. Why? I am going to be honest about it and I am going to shell down the corn. If the testimony is as it stands to-day, my mind is made up. It will take lots of testimony—a whole parcel of testimony—to disabuse my mind of the fact not only that there were corrupt practices used in the election of WILLIAM LORIMER, but that he personally knew all about them. He is either the biggest ass that ever disgraced the Senate or the biggest knave that ever disgraced the Senate. A man, Mr. President, in the light of this testimony, would have been the biggest fool—I withdraw that phrase, "the biggest fool," and will say that, in the light of this testimony, a man would have been a fool not to have known what was going on at Springfield during that election.

The PRESIDING OFFICER. The Chair would call the attention of the Senator from Arkansas to Rule XIX, which forbids a personal reference to any Member of this body in terms.

Mr. DAVIS. I withdraw the language. I realize that in my excitement, perhaps, I went too far.

The PRESIDING OFFICER. The Chair would call to the attention of the Senator that it was more than the words which he applied, and the Chair suggests that the Senator bear that rule in mind.

Mr. DAVIS. I certainly shall, sir. Sometimes we get beside ourselves in the heat of debate, and I did on that occasion. I am willing to be called down. I wish all the newspapers to state that I was called down. They always get in the record everything against me anyway, so I will invite criticism now.

I am interested in the reopening of this case. After we have got the case reopened, I say, Mr. President, I am then interested in a fair committee. No man in the Senate wants Mr. LORIMER tried by an unfair committee, but no man wants him tried by a pro-Lorimer committee. I believe it is the sense of every Senator here that this matter shall go out to the country not only so as to give Mr. LORIMER an absolutely fair trial, but so as to preserve the integrity and honor of the Senate as well in the estimation of the country at large.

But, Mr. President, I have heard it said on this floor that public sentiment does not go for anything unless it is well-informed public sentiment, unless it is well-advised public sentiment, but I notice a great many Senators have always got their ears to the ground listening to the echoes of public sentiment. I want to say to Senators here that they need not lay the unction to their souls that the people do not know this case. We are told they do not know it, because they have withdrawn from the folding room of the Senate but a few copies of the testimony. My God, Mr. President! "Old Man People" gets his knowledge independent of books and papers, independent of schoolrooms, if you please. The child of nature, the true nobleman, God's nobleman knows these things, and he knows them in a way that very few people know about, but the people know this case. You can not fool them. They have rendered their verdict, and it is going to take testimony, and lots of it, to change the verdict in the minds of the public. I agree thoroughly that Senator LORIMER ought not to be tried by public sentiment; I agree that ought not to enter into the consideration of this case by each individual Senator; but, Senators, do not ease your conscience by saying that the people do not understand this case. They are bound to be informed. Public sentiment is not hasty and rash, but they know all about it. The new faces that will appear in this Chamber in a short time will be evidence that they do know all about it.

I do not agree with the Senator from Virginia [Mr. MARTIN] that this resolution perforce should be referred to the Committee on Privileges and Elections. He says unless we believe that committee unfair, unless we believe them unpatriotic, unless we believe them unjust that a long line of precedents as to the stability of the working of the Senate and the dignity of the

Senate require that this matter go to that committee. I say no. The Senator from Wisconsin [Mr. LA FOLLETTE] has cited precedents to the contrary, but he did not cite the last case, the Dietrich case. I call the attention of the Senator from Wisconsin to the Dietrich case, where a committee was made up on the floor of the Senate by the Senate itself. I ask Senators here and I ask the country as well, What is unfair about that? What is unfair about merely having the roll call here now and somebody nominating the distinguished Senator from Vermont as a member of the committee?

Mr. DILLINGHAM. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Vermont?

Mr. DAVIS. Certainly.

Mr. DILLINGHAM. I would like to call the attention of the Senator from Arkansas to the fact that the Dietrich case did not involve the question of that Senator's election to this body.

Mr. DAVIS. No; but it involved the question of a committee to which the matter should be referred, and a special committee was raised for that purpose on the floor of the Senate.

Mr. DILLINGHAM. If I may be permitted further——

The PRESIDING OFFICER. Does the Senator from Arkansas yield still further to the Senator from Vermont?

Mr. DAVIS. Certainly.

Mr. DILLINGHAM. The inquiry in the case referred to went to the personal conduct of that gentleman as a Senator and involved the question whether he had violated a statute of the United States while a Senator of the United States.

Mr. DAVIS. Mr. President, that is simply splitting hairs. It is not a question of what the matter involved was, but it is a precedent of the Senate, whether or not it has been customary and usual, when a matter involved either the seat of a Senator or his integrity as a Member, it should be tried by a standing committee or be tried by a select committee raised on the floor of the Senate; and I say that in the Dietrich case a select committee was raised.

Why ought not this case be referred to the Committee on Privileges and Elections? In the first place, Mr. President, without reflecting in the least upon that committee, many of whom are my personal friends—the Senator from Minnesota [Mr. CLAPP], the Senator from Vermont [Mr. DILLINGHAM], and others that I might mention, I hope are my personal friends; I trust they are, and, of course, the Democrats are all my friends—I do not intend in the least to reflect upon that committee, but why is it that this matter ought not to be sent to the Committee on Privileges and Elections? There are 15 members of that committee, Mr. President. In March last 9 of them voted for Mr. LORIMER to retain his seat when this controversy was then up. Three of them voted against Mr. LORIMER, and there are 3 new Senators who have not voted at all.

Now, gentlemen, let us avoid all appearance of evil; let us be like Cæsar's wife, above suspicion. What will the country say? You say, "Oh, you must not listen to the country." My God, you are here for the purpose of serving the country. You are the servants of the people; they are your masters; you are not their masters. Then you ought to heed their just admonitions. Nine members of the Committee on Privileges and Elections have already voted for Mr. LORIMER, 3 voted against him, and 3 have not voted at all. Now, in the very nature of things, do you think that this matter ought to be investigated by that committee again?

You ask, Do you think they will not be fair? I do not say they will not be, but I want just to shell down the corn.

Mr. President, if you would put me on that committee, I would go on there with a very strong predilection against Mr. LORIMER, and I want to tell you that it would take a whole lot of testimony to change that opinion. I am but a plain human being, actuated by the ordinary motives that actuate ordinary men. I am not above the things that move ordinary men to ordinary action. I say that those nine men that have previously voted to seat Mr. LORIMER ought not to be called on in any capacity to act in this matter.

But it is said we are going to have a select committee. I do not know whether we are or not. I am talking about the resolution as it is presented. There is a whisper running through the Chamber and the cloakrooms that perhaps it will be done in that way. I can not say. I am not on the inside of the holy of holies. I am sort of dancing around in the corners, and I do not know what is going on on the inside. I am arguing this resolution as it is presented on its face. What does it say? That this committee shall sit in banc. What does that mean? Altogether. You say that this is impossible for the whole committee to sit. Well, I do not know. You say some of them can not sit. I do not know, but the resolution as offered here to-day says that they shall sit in banc. I can not vote for that. I am not willing to turn this matter again into the hands of 9 out of 15 men who voted to seat Mr. LORIMER in the face of what I concede to be the plainest case ever made out against a man in the courts of the country.

Now, what else? They ought not to ask the committee to take up this work; the committee ought not to ask for it, and they ought not to want it; but, above and beyond all that, Mr. President—and I have said twice as much as I thought I would—I want to say "Poor, old LORIMER!" He has been garroted—is that what you call it?—that is a ship term; scuttled, in other words. He is gone, and it does not make any difference how you get at it.

The PRESIDING OFFICER. The Senator will suspend while the Chair reads the Senator the rule of the Senate.

Mr. DAVIS. I withdraw that remark, Mr. President.

The PRESIDING OFFICER. The Chair will state the language of the rule to the Senator.

No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

Mr. DAVIS. I do not think what I have said reflects on the Senator. But I accept the ruling of the Chair. Let us take another term. He has been "marooned." I think that does not reflect on him, does it? He has been "marooned." The ship has left him. He has been put out on a lonely island, and the procession has gone by him. His friends have deserted him. Poor LORIMER has been marooned; he is out on the island by himself. It does not make any difference whether the resolution as originally proposed to be offered by the distinguished Senator from Vermont [Mr. DILLINGHAM] prevails or the one offered by the distinguished Senator from Virginia [Mr. MARTIN] or the one offered by the distinguished Senator from Wisconsin [Mr. LA FOLLETTE], poor LORIMER has been marooned. He is left, and the procession has gone by.

I am sorry in a way for Mr. LORIMER, because I am sorry for any man who is in trouble, and especially am I sorry for a man, Mr. President, when it seems everybody is against him if they say a certain thing is true.

The Committee on Privileges and Elections had this whole matter under consideration at the last session of Congress. The talk about this fellow Hines and a hundred-thousand-dollar fund. All this could have been gotten last year by the Committee on Privileges and Elections just as well as it could be gotten now, because it existed then just as it exists now. There has been no new testimony developed; there have been no new facts produced. It is simply a question of the gathering by the new committee of facts that existed at the time of the other committee's investigation. I say this talk about Hines existed at the time that the Committee on Privileges and Elections had charge of this case. That matter was not gone into. We are assured that if this matter is now referred to that committee it will be gone into. Mr. President, let us just go at it in an old-fashioned way. Let us raise a committee here among ourselves. Let each Senator nominate somebody and let us elect a committee. Is there anything unfair about that? Could anybody on earth say that that is wrong?

I am a Democrat and I am not accustomed to throwing bouquets at Republicans, but I want to say in behalf of the Senator from Wisconsin [Mr. LA FOLLETTE] that I think he is about as good a Democrat as we have here. In late days he is getting around to the right doctrine mighty fast; he is getting converted awfully fast; in fact, Mr. President, these "insurgents," about 13 of them, if they will do what they say they will, if in their actions they will live up to their speeches in the Senate, are all pretty good Democrats. I do not know whether they will do it or not. But this fight, I say, ought to have been between the "standpat" Republicans and the "insurgents," if fight there had to be about the mode of conducting this investigation. But, instead of that, the Democrats have assumed to enter into it. The distinguished Senator from Vermont, chairman of the Committee on Privileges and Elections, no doubt rejoices to see my friend from Virginia take the fight off of his shoulders. No doubt he is tickled down to the bottom of his boots when he sees the Democrats jump into the breach at the mouth of the gun and take the fight from the shoulders of the "standpat" Republicans. I for one, Mr. President, am not willing to do it. Let the Republicans fight it out among themselves.

But for Senator LA FOLLETTE, I want to say that he has made a manly, game fight. Probably he introduced his resolution a little bit early, but he has made a manly, game fight.

I am answered that if LORIMER is gone anyway, then what is all this talk about the way it is done. Mr. President, I plead for Democratic regularity. I do object to the Democrats taking the fight that belongs to the "standpat" Republicans and flying into the face of our natural allies, the "insurgents" of this body. I say that the Senator from Wisconsin has made a game fight. He introduced the resolution probably a little prematurely, but he introduced it, did he not? It may be said that it did not need a three-day speech and did not need any long-winded argument to convince the Senate, and that 50 Senators would have introduced a resolution if he had not; but they did not do it, did they? The Senator from Wisconsin [Mr. LA FOLLETTE] is the only man who introduced a resolution to reopen this case. He has made the fight, and as a Democrat, because I believe him right, I am willing to stand with him and give him what meed of credit he is entitled to for the manly fight he has fought.

Mr. President, he has suggested a fair manner of selecting this committee, just to nominate them right here, pick them right here from the floor, and elect them. Do it in the open. Do it where everybody can see you. Do it under the clearest sunlight of God himself. Let the public know what is going on. Do not do it behind closed doors, in closets, in back places; do it here.

Sir, perhaps I have said more than I should. I am intensely interested in this matter, and but for the fact that I felt this deep interest I should not have spoken at all.

I regret, sir, more than any man the fact that I shall have to leave some of my Democratic friends on this vote, but I will take my record, Mr. President, and lay it right by the side of the Denver platform. I say I am as good a Democrat as ever stood in shoe leather.

Take my record since I have had the honor to be a Member of this body and lay it down by the square and compass of the Denver platform and you must say that JEFF DAVIS is a good Democrat. I do not like to leave my Democratic friends and get among the Republican insurgents, but I will have to do it on this vote.

Having said this much, Mr. President, I conclude my remarks.

Mr. CUMMINS. Mr. President, I first make a parliamentary inquiry. During the course of the observations to which we have just listened, I understood the Chair to hold that the rule which prohibits a Member of the Senate from reflecting in any way upon another Member of the Senate in public debate is applicable to the Senator now under discussion. I ask the Chair whether I correctly understood his ruling?

The PRESIDING OFFICER. The Chair would say that the legal status of the junior Senator from Illinois, so far as being a Member of this body, is identical with that of every other Member.

Mr. CUMMINS. I ask one further question. If, then, we were discussing the question as to the guilt or the innocence of the sitting Member; that is to say, discussing the testimony which has already been laid before the Senate in one way or another, and if a Member of the Senate in that debate were to declare that in his opinion it established a guilty knowledge or a guilty participation in the corruption occurring at the election, the Chair would hold that that would be in violation of the rules of the Senate?

The PRESIDING OFFICER. The Chair would not so hold. The action of the Chair was based upon the epithets, if I may term them such, applied to the junior Senator from Illinois. The Senator from Iowa may not have heard the expression.

Mr. CUMMINS. I did not hear the expression.

The PRESIDING OFFICER. He was called by two opprobrious names.

Mr. CUMMINS. I did not hear what was said.

The PRESIDING OFFICER. It was because of that that the Chair felt called upon to remind him of the rule, without requiring him to take his seat—merely to admonish him.

Mr. CUMMINS. The reason I make these inquiries is, while I may not debate the matter upon its merits at this time, I am very anxious not to fall under the condemnation of the Chair or the condemnation of Senators who desire to observe the rules of this body.

Mr. President, the resolution offered by the Senator from Wisconsin [Mr. LA FOLLETTE], coupled with the proposed substitute offered by the Senator from Virginia [Mr. MARTIN], presents two definite questions, and only two, to the Senate. The first is, Shall the Senate proceed to a further investigation concerning the election of WILLIAM LORIMER to a seat in this body? The second is, By what instrumentality shall the Senate proceed with the further investigation if it be decided that additional evidence ought to be taken?

I gather from what has been said on all sides that concerning the first proposition or question there is no controversy whatsoever. We seem to have reached a common conclusion with regard to that part of the controversy. Every Senator here seems to be convinced that, by reason of the occurrences elsewhere since the vote upon the former resolution was taken, it is our duty to further inquire with respect to the circumstances concerning the election of WILLIAM LORIMER to this body.

I therefore shall not exhaust a single moment of your time or any part of my strength in the examination of that proposition. I come, therefore, immediately to the consideration of the two methods which are proposed—the one by the Senator from Wisconsin [Mr. LA FOLLETTE] and the other by the Senator from Virginia [Mr. MARTIN].

I have a decided opinion with regard to the two methods of making this investigation. I believe that the resolution proposed by the Senator from Wisconsin, modified as he has suggested, will furnish a more adequate investigation, a completer inquiry into the election of WILLIAM LORIMER, than though it were committed to the Committee on Privileges and Elections, and therefore I stand for the select committee.

I have been wondering ever since this debate began whether I would be able to express the opinion I hold without being offensive. I do not intend to be offensive. I feel no unkindness toward the Committee on Privileges and Elections. I am quite ready not only to admit, but to insist, that the committee is composed of high-minded, intelligent, patriotic men and patriotic Senators, as so often declared by the Senator from Virginia [Mr. MARTIN]. And I trust that not a single word that falls from my lips will be so construed as to reflect in the slightest degree upon the purpose of the Committee on Privileges and Elections or the purpose of any member of the Committee on Privileges and Elections.

But in my judgment this committee substantially disqualified itself by the manner in which the former investigation was carried forward, not disqualified itself by reason of any want of desire on the part of the committee to reach the truth, not disqualified itself by reason of any desire upon the part of the committee to present to the Senate fairly and impartially the result of its investigation and its deliberations, but it has disqualified itself, in my opinion, because of the views which the members of that committee held apparently with regard to the scope of the powers of an investigating committee and because of the rules of law which the members of the committee feel ought to control such a body of men in making an investigation of this character.

This is not a new proposition of mine. It is a conclusion that I expressed in the very first sentences of the observations I had the honor to make months ago, when the resolution relating to the seat of WILLIAM LORIMER was before the body for decision, and I beg to read a word or two from my remarks at that time, in order to remind Senators of the exact situation.

I think there is great force in the suggestion that new men would be more effective for a great number of reasons than any of the old Members of the Senate. But I do not attach so much importance to the opinions we hold with regard to the guilt or the innocence of Mr. LORIMER. We all hold those opinions. Possibly we do not all hold the pride of opinion that must be experienced by those of us who have voted upon the resolution, but, nevertheless, every intelligent man in the United States has an opinion with regard to the guilt or innocence of WILLIAM LORIMER. I agree in some respects with the declaration recently made, that if we could find a man within the limits of the Republic who had no opinion with respect to the merits of the case, we would at the same time find a man utterly disqualified to express any opinion on it.

But an opinion with respect to the guilt or the innocence—and I am speaking now of guilt and innocence as synonymous with the validity of his seat in this body—is one thing. Entirely aside from that, if I find a Senator here who holds a certain view of the law, who holds a certain view with regard to the scope and functions of an investigating committee, that does not correspond with my own, an opinion which I believe, if carried into execution, will not result in a full and comprehensive and complete investigation, then I do not want that man to investigate this subject, not because he is dishonest, not because he is not intelligent or patriotic, not because he has not all the attributes which we love to find in American citizens, but because he has adopted a false view of the law.

That is my suggestion with regard to the members of the Committee on Privileges and Elections, who formerly looked into the circumstances which preceded and which surrounded the election of WILLIAM LORIMER.

Let us see. I read from the opening sentences of a former speech of mine upon the same subject:

Whether WILLIAM LORIMER had guilty knowledge of the efforts that were being made in his behalf, and which finally resulted in his election, I do not say; it is not necessary for me to declare an opinion upon that subject, and the attitude of the committee with respect to it has made it exceedingly difficult for anyone to reach a proper conclusion with regard to it. I question that attitude in this: The committee seems to have assumed that the Chicago Tribune was the plaintiff in the case before it and that WILLIAM LORIMER was the defendant, and that the admissions and statements made on behalf of the plaintiff concluded the committee in so far as those admissions and statements were made against the interest of the plaintiff. It appears that because counsel for the Chicago Tribune announced, in response to a suggestion from the senior Senator from Idaho [Mr. HEYBURN], a member of the committee, that personally he did not intend to connect Mr. LORIMER with the bribery, and that at another time, in argument upon the admission of evidence, stated—and I now quote—"we do not contend he had anything to do with it," therefore the question of Mr. LORIMER'S participation in or guilty knowledge of the corruption was eliminated from the investigation, and there seems to have been no effort from that time forward to pursue that particular phase of the subject.

I do not agree with such attitude upon the part of the subcommittee. I do not think that the Chicago Tribune was the plaintiff. I do not think that any admission or statement made by the counsel for the Tribune could in any wise restrict or limit the powers or duties of the committee raised by the resolution of the Senate.

And more of the same character.

This subcommittee, composed of most intelligent men, and men who are just as wholly dedicated and devoted to the public service as any of the Senators of this body, met in the city of Chicago, and the subcommittee organized itself into a court—a court not of investigation, but a court of trial—and it proceeded to try a suit in ejectment brought by the Chicago Tribune against WILLIAM LORIMER. It sought for no testimony that was not produced by the plaintiff. It sought for no testimony that was not brought forward by the defendant; and it measured the competency of all the testimony offered with all the rigor and the technicalities of the common law with respect to the admission of testimony.

In the 700 pages composing this record a large part will be found to be consumed in useless and senseless arguments made by counsel respecting the admissibility of testimony; whether the testimony suggested was hearsay testimony or whether it was secondary testimony. So the investigation proceeded with absolute fidelity upon the part of the full committee to the principle upon which it was instituted, but I do not believe that that is the office of an investigating committee. It is not a committee for the trial of Mr. LORIMER. This Senate is the body which tries Mr. LORIMER. The committee ought to be one that would search here and there and everywhere to elicit testimony, no matter where found or how found.

I deny that evidence must be tested by the rules of common law in order to ascertain whether it shall be submitted to the investigating committee or not. I agree that when the testimony finally comes to the Senate, then we must take the evidence and subject it to that scrutiny and subject it to those tests which the long experience of civilized mankind has ordained in order to ascertain the truth.

The PRESIDING OFFICER. The hour of 4 o'clock having arrived, the Chair will lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (H. J. Res. 39) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. BORAH. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Idaho asks that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none. It is so ordered. The Senator from Iowa will proceed.

Mr. CUMMINS. In the very best of faith the members of the subcommittee adopted this plan for investigating the election of WILLIAM LORIMER. With a high intelligence they proceeded upon this plan to hear the evidence submitted by the newspaper upon the one side and by Mr. LORIMER upon the other. With great and comprehensive knowledge of the law they subjected all the evidence to these rules of the law which are applicable in the courts of the country. If you want that kind of an investigation, then this committee, which has already assumed a position with regard to such things, ought to be commissioned to carry on the inquiry.

Now, mark you, there is no reflection upon any member of the committee in saying this. I differ from a great many Members of the Senate upon a great many things, but I hope that it is not thought disparaging to any Senator to say that he differs from all or part of his fellow Senators with regard to questions of either law or of fact. I differ from this committee as it was then composed with regard to making investigations such as this. I deny that it ought to be a committee of trial and insist that it be a committee of investigation. I deny that the testimony which is brought forward must bear the tests of the courts in the trial of cases. I insist that the committee has a perfect right to take any testimony whatsoever that in its judgment will lead to competent evidence upon the substantial or the pivotal fact to be decided by the Senate. I want a committee of real investigators to go out, unhampered, unrestricted by any declaration that they have ever made of the law before by any vote that they have ever cast upon the subject, to go out and pursue every channel open to the inquiring mind to ascertain the truth with regard to the election of WILLIAM LORIMER. I do not believe those members of the Committee on Privileges and Elections who either sat as a subcommittee before or those members who approved the conduct of the subcommittee in the management of the investigation can with that freedom, that liberty we ought to expect in an investigating committee, go forward and do this work. I care not what the precedents are, what we want is the truth, and we want it gathered in the way I have suggested, if that be the way approved by a majority of the Senate.

I understand there are two types of minds in the Senate. There are more upon a great many subjects, but there are at least two upon this subject. I made this same objection before. It was not only assumed by silence on the part of the committee that that was the real way in which to carry forward this investigation, but that course was openly defended upon the floor of the Senate. Senators will remember a somewhat spirited discussion carried on between the distinguished Senator from Texas [Mr. BAILEY] and myself with regard to this very matter. He declared with all the eloquence that attends his utterances and with all the sincerity which accompanies his arguments that the trial between man and man—he considering this case as an ordinary trial, with the plaintiff on one side and the defendant on the other—was the best way to adduce the truth, and that the committee did entirely right in allowing the newspaper on the one hand to take charge of the case and Mr. LORIMER'S counsel upon the other. I have no reason to believe that he has changed his opinion with regard to that subject. I have no reason to believe that a single member of that committee has changed his honest and often expressed opinion upon that subject.

If therefore you recommission this committee to conduct the inquiry what do you expect? Do you expect that it will go to Chicago or remain in Washington and invite those who have made those charges against Mr. LORIMER to appear with their evidence, and that side having concluded do you expect that then Mr. LORIMER will bring forward whatsoever testimony he thinks makes for him? Do you expect that this testimony will either be admitted or excluded according to the rules of the law which apply by their strictness in the trial of cases?

If you do, then the Committee on Privileges and Elections will carry on this inquiry as honestly and efficiently as any body of men that can be found in the Senate. But if you want a committee that starts upon this line with a determination to find everything that is to be known with regard to the matter, whether it finds it at Springfield or St. Louis or whether it finds it at Centralia or Ottawa, whether it finds it in Chicago or in Washington, a committee that understands its duty to be to make whatever inquiry is necessary to lead to the truth, with no responsibility upon the part of any other person or any other concern to bring forward any testimony whatsoever—if that be what you desire, then you will adopt the resolution presented by the Senator from Wisconsin.

We had this difference of opinion before and we have it still. I shall have no word of criticism to enter upon anyone who differs with me with regard to it, but if I can do it without being disagreeable and offensive I want the Senate to understand what the issue is, and, understanding it, it seems to me that, without any reflection upon any member of the Committee on Privileges and Elections, with the full appreciation of the honorable character of every member of that committee, we must, if we desire to satisfy the demands of the country—I speak these words deliberately—carry on this investigation by a committee that has not adopted as its policy the plan that I have endeavored so inadequately and meagerly to set forth.

It is of just as high importance that the people of this country shall believe that the Senate of the United States is composed of men who sit here with unimpeachable and honest titles as that these titles be unimpeachable and honest. The confidence which the people of this country may have in the laws of the country, in the purity and integrity of purpose of those who make the laws, is, I think, of even greater importance than that the laws themselves be wise and just. We have stood here too long already against the wish and purpose and desire of the great mass of the people of the United States.

I did not intend to enter these broader questions at all, but they come to me now at this moment with such force that I can not relinquish the floor without saying one word with respect to our supreme duty in such matters as this. I heard the other day, accompanied, of course, with great compliment to the integrity and the intelligence of the people, the suggestion that we must go very, very slowly in responding to the wishes and demands of the people lest we shall respond to an unintelligent clamor of impulse and of passion. Senators, for 25 years and more the people of this country have been insisting that the Constitution composed by our forefathers should be changed so that the Members who sit in this body shall be elected by direct vote. Will anyone suggest that this demand, continuing now over a quarter of a century, is an impulse or a passion? Can anyone assert that it does not represent the deliberate, the thoughtful, the persistent purpose of a great majority of the people of this country?

Six times now has the one branch of the legislative government of the United States passed this resolution. Five times has the Senate of the United States either deliberately ignored the demand or rejected it upon consideration. The people are not only patient, but they are persistent still, and they intend to change this part of the Constitution, if, as Grant said about the war, it takes the century to do it.

Our forefathers—I do not criticize them—put into the Constitution obstacles against amendments which seemed wise to them and with which we must comply, but obstacles which are exceedingly difficult to surmount. Two-thirds of each of these bodies must agree to the resolution, and then when two-thirds have agreed to the same resolution, in the same words, three-fourths of the Commonwealths must ratify it in order that it may become a part of the organic law. Every obstacle apparently is removed except the obduracy of the Senate.

I do not say that Senators ought not to exercise their own judgment with respect to the propriety of voting for this amendment or not, but I do say that Senators should give great heed to the desire of the people to be given the opportunity to say whether they want to change their Constitution or not. It is not our Constitution. This Constitution belongs to 90,000,000 people or more. Yet we stand here determined that they shall have no opportunity to declare whether it is the Constitution they want or not.

I do not cavil at or criticize the argument which I have often heard made here, but it is an argument that ought to be made upon the hustings; it is an argument that ought to be made to the people who vote to determine whether our Constitution shall be changed or not. It is our duty to heed, to respond to the fundamental primary demand of the citizens, namely, that they be given an opportunity to say for themselves whether they want the Constitution changed or whether they want it to remain as it is.

Just so I feel regarding the agitation for the last year respecting the two new States in the southwestern part of our country. It is not my purpose to debate the merits of the initiative, referendum, or recall. However, when New Mexico comes to the Congress with compliance with every provision of the enabling act, and when Members of the Senate would vote for the admission of New Mexico if it were not for a provision in the constitution which has been adopted by the people of that Territory relating to its amendment, I say that we are intruding upon the province of the people themselves. I do not like the provision of the constitution of New Mexico with regard to its amendment, but I feel that I would be impertinent if I were to withhold my vote upon the proposition upon condition that the people should again vote upon or change this provision of the constitution. They know what they want, and if the State is otherwise entitled to demand, we ought not to longer hinder her entrance to the Commonwealths of the Union.

Just so with regard to Arizona. I know there are many Senators here who do not believe in the initiative or the referendum or the recall. I do. But you ought to say precisely what I have said respecting the constitution of New Mexico. The people of Arizona, in a deliberative, thoughtful, and patriotic way, adopted their constitution; and if it presents a republican form of government, it is an insult to every man and woman and child within the limits of that Territory to declare that they must again vote in order to see whether their former expressed opinion was a deliberate and calm expression of judgment upon these vital matters.

These are the things which are in the minds of the people. These are the things which are unsettling the confidence of the American people in our legislative bodies. These are the things which promote the Senate of the United States to a high place in the criticism and censure of many men and many women, too, throughout the borders of the country.

I return, however, to the question in hand. The only point of difference is, shall we elect an investigating committee—not a committee to hear testimony, not a committee to try Mr. LORIMER. If we had the testimony, or if it were to be brought forward by interested people to be laid before the committee in order that the committee could examine it and judge of it and determine its competency, I would not be so insistent upon the resolution presented by my friend, the Senator from Wisconsin [Mr. LA FOLLETTE]. But we are not organizing a committee of that sort. We are organizing a committee which we know has a fight before it. We are organizing a committee which we know will be confronted with all the devices which ingenuity and wealth can create in order to prevent a successful issue to its deliberations.

I submit we will be more likely to secure the services of the investigating committee, the committee that has a purpose and has a mission and that recognizes its duty, or ought to recognize its duty, to go forward and search the United States from one border to the other for every item of testimony that will shed light upon this vital issue, by the election of five men who were not Members of the Sixty-first Congress than we will be to commit the subject again to the Committee on Privileges and Elections.

Mr. GALLINGER. Mr. President, an hour or so ago I made a motion that when the Senate adjourns to-day it be until Wednesday next. Since then many Senators from both sides of the Chamber have suggested that the public business will be expedited if we adjourn until Thursday. Many Senators are going to leave the city and will not be able to get back on Wednesday. The chairman of the Committee on Finance has suggested to me that if that committee could have a full day on Wednesday in his opinion the committee would conclude its work and be able to report the bill to the Senate speedily thereafter. It is important that we should know whether we are going to adjourn over Wednesday, the Printing Office having made inquiry because of the arrangements for the employment of their large force.

Now, Mr. President, I am going to move that when the Senate adjourns it be until Thursday next, but I do not propose to urge that. If a majority of the Senate shall vote it down, I will be quite content; and if it is voted down I will then make a motion that when the Senate adjourns it be until Wednesday next. I move that when the Senate adjourns to-day it adjourn until Thursday next at 12 o'clock.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. The motion is not debatable.

Mr. SMITH of Michigan. I understand the matter is not debatable, but I hope the Senator from New Hampshire will withhold his motion for a moment.

Mr. GALLINGER. I will do that.

Mr. SMITH of Michigan. I simply desire to say that my purpose in asking the Senator from New Hampshire to withhold the motion in the earlier part of the session was not that we should not adjourn over Memorial Day, which is the custom, and which has been most appropriately observed ever since I have been a Member of this body. My purpose, however, was to direct attention to the fact that the moment we decide to adjourn Senators reach the conclusion that no vote will be reached and absent themselves for the day.

I hope, Mr. President, we may reach a vote on this resolution to-night. I think it is important, if we are to commission anyone to make this investigation, that it be done promptly, and I sincerely hope that before we adjourn we may reach a final vote authorizing a thorough investigation of the charges affecting the election of the junior Senator from Illinois.

But, Mr. President, I desire to commend the suggestion of the Senator from New Hampshire that we adjourn over until Thursday. Many Senators are necessarily absent on Memorial Day and can not get back in time for the proceedings on Wednesday, and I hope the course suggested by the Senator may be followed.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Hampshire that when the Senate adjourns to-day it adjourn to meet on Thursday next at 12 o'clock.

The motion was agreed to.

Mr. POINDEXTER obtained the floor.

Mr. SMITH of Michigan. Before the Senator from Washington proceeds——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Michigan?

Mr. POINDEXTER. I yield to the Senator from Michigan.

Mr. SMITH of Michigan. With the consent of the Senator from Washington, I desire to offer an amendment to the resolution of the Senator from Virginia [Mr. MARTIN], and I ask that the Secretary read it.

The PRESIDING OFFICER. The amendment intended to be proposed by the Senator from Michigan will be stated.

The SECRETARY. It is proposed, on page 2, line 2, to strike out the word "any" and to insert in lieu thereof the word "the"; on line 3, page 2, to strike out the words "of the Senate or of" and to insert the words "between the first and second sessions of the Sixty-second."

Also, in line 8, on the same page, after the word "it," to insert:

> And any member of said committee is hereby authorized and empowered to direct the issuance of a subpœna or subpœna duces tecum, and he may summon such witness or witnesses as he may deem necessary in the course of said investigation.

The PRESIDING OFFICER. What disposition does the Senator from Michigan desire made of the amendment which has just been read?

Mr. SMITH of Michigan. I merely ask that it lie on the table until it is reached in order.

The PRESIDING OFFICER. The proposed amendment will lie on the table and be printed.

Mr. POINDEXTER. Mr. President, in view of the fact that the decision of the question to be investigated by the committee provided for in either one of the pending resolutions practically will depend upon the determination as to the nature of that committee—as to which one of these resolutions shall be adopted—and in view of the further fact that no more important question will be before the Senate, and that it is about to be disposed of, I desire to say a few words, based upon the report of the Committee on Privileges and Elections, which investigated the case at the former Congress.

I apprehend, Mr. President, that we have at least the freedom and latitude in criticism or argument upon the report of this committee that a litigant in a court would have in criticizing the judgment of the court in an argument before the judge for a new trial. As has been well stated, difference of opinion as to the conclusion or even as to methods by which the inquiry is to be conducted does not necessarily imply a reflection upon the personnel of the committee, nor upon their motive, character, or integrity, although there has been some intimation that this matter should not be dealt with and that the correctness of the opinion of the former committee ought not to be impugned. I do not understand that the rules of the Senate preclude free criticism of the correctness and of the justness of the report which was filed by that committee. If they did, the usefulness of the Senate would be very largely handicapped and impaired. Under the practice of so-called senatorial courtesy, or so-called senatorial dignity, if Senators would not be free to differ radically and absolutely in their opinions upon every matter upon which the Senate is called upon to act, then the usefulness and the effectiveness of the Senate of the United States as a legislative body must necessarily be greatly impaired.

Some Senators have compared the situation in which we are placed to that of jurors; others have compared it to that of a judge. I hardly think that either a juror or a judge represents the function which the Senate is to exercise in the determination of the validity of title to the seat of the Senator from Illinois. There is a great case here to be tried; it is to be tried by the Senate of the United States. Nobody ever heard of a case being tried by a jury alone, without some other functionary of the tribunal, nor by a judge alone. It is absolutely necessary in proceedings in court that there should not only be a judge and a jury, or a judge alone, but that there should be an officer of the court, a functionary whose duty it is to take the question up, prosecute it, bring it before the court—not to see that the one side or the other should prevail unjustly, but one of the officers of the court, and as a part of the court—to see that all the evidence which relates to the matter that can be produced shall be produced and shall be fairly presented, and that every reasonable deduction that can be drawn from the evidence shall be presented as forcibly as possible to the court, and that there shall also be counsel upon the other side.

It seems to me that a committee appointed by this body to investigate the validity of the title to a seat in this Senate, if it is to perform its duties effectively, must necessarily contain within itself the power to push the investigation, to take the initiative. The duty must necessarily rest with it to make inquiries, not, as the Senator from Iowa [Mr. CUMMINS] has aptly said, to sit simply as a court and to have the evidence brought to it; but it is the duty of the committee to go out and look for the evidence and bring it in, and, if it is necessary, to appoint counsel for that purpose.

The resolution of the Senator from Virginia provides for the appointment of counsel, not by the Chicago Tribune, but by a committee of the Senate. The duty of that counsel will be to prosecute the case, just as a prosecuting attorney in the trial of a criminal case in court should prosecute a case—not to unjustly convict the defendant, but to present the evidence, and all the evidence, to the court, and to see that it is properly laid before the court.

Now, I want to call attention to the principles upon which the investigation was conducted, and not simply the conclusions or the verdict reached by the Committee on Privileges and Elections. Many of the members of the present committee signed that report and concurred in it, and presumably they entertained the views therein expressed as to the relevancy of certain great lines of testimony, which necessarily will be involved in any new investigation. The resolution of the Senator from Virginia in its concluding paragraph provides:

> The committee is further and specially instructed to inquire fully into and report upon the alleged "jack-pot" fund in its relation to and effect, if any, upon the election of WILLIAM LORIMER to the Senate.

It proposes that that resolution should be referred to the Committee on Privileges and Elections; and yet the Committee on Privileges and Elections, after careful reflection, has reported its opinion here that such testimony as that has no relevancy or bearing upon the Lorimer case. So we would be, if the resolution introduced by the Senator from Virginia should be adopted, in the position of forcing upon the Committee on Privileges and Elections an inquiry which they have deliberately held and reported to the Senate to be absolutely irrelevant, so far as the case under consideration is concerned. It seems to me that some of the principles enunciated by the committee are quite remarkable, and I read from the report:

> Much of the testimony taken upon the investigation related to the alleged payment of money to members of the General Assembly of Illinois by one Robert E. Wilson. This was denied by Wilson and by others, and after considering all the evidence on that subject, the committee are not prepared to find that the fact is established.

But mark this language:

> But whether the sums of money claimed to have been paid were or were not paid, that fact has no relevancy to the matter which the committee was appointed to investigate.

In other words, if it should be found by the committee that large sums of money were paid to members of the Legislature of Illinois by a man who was admitted to be interested in the election of WILLIAM LORIMER—if the recipient came along, actuated by the invariable impulse of a man charged with a crime, and denied the secret motive of his mind, which no man can read, claiming that he was not actuated and controlled by the payment of that money—the committee records its opinion as a matter of law in this case that, even though all the members of the legislature should be bribed in that way or should have been the recipients of money—that is the necessary inference, of course—that if in its view that testimony was irrelevant, the bribery of every member of the legislature would be irrelevant. They do not base it upon the question of whether or not a sufficient number were bribed to deprive him of a majority, but they say:

> But whether the sums of money claimed to have been paid were or were not paid, that fact has no relevancy to the matter which the committee was appointed to investigate.

I desire to go on record as a member of this body as opposed—not through any personal objection or with any reflection upon the members of the committee—to referring this inquiry to a committee which entertains such views as to the relevancy of the great mass of the evidence in the case; and it is not a question of what conclusions it is going to reach after the evidence is taken, but it amounts to a proposition that they will not consider the evidence because they do not consider it relevant. They go further and say:

> It was therefore no part of the duty of the subcommittee to inquire—

I ventured to say that I thought some parts of this report were remarkable, and I read this from the report in substantiation of that statement:

> It was therefore no part of the duty of the subcommittee to inquire into either the origin of the fund or the purpose for which it was used.

Could the Senate of the United States expect an intelligent finding, which would command the respect of this body and of the country, from a committee which says it is not their duty "to inquire into either the origin of the fund or the purpose for which it was used"? Yet it is proposed here to refer the case again to a committee, a large number of whose members were members of the former committee and entertain those views. I say to do so would not be conducive to giving confidence to the people of this country in the result. It may be invidious to refer to the people of this country, and yet we are all subject to the public opinion of this country. Public opinion is not, as some one has said, the opinion of the average man, but it is the opinion of the great mass of all classes of citizens, operating together through the means of intelligence which we have in this day of enlightenment and education. I

say that a report from a committee which has deliberately recorded the views that I have just read as to the scope and nature of this inquiry could not command the respect or confidence of the people. I mean by that statement the respect or confidence of the people in the wisdom and accuracy of their judgment, and not, of course, as to their integrity or their personal motives.

While I am referring to the report of the committee I want to refer also, in substantiation of my statements, to the special report signed by the distinguished senior Senator from Idaho [Mr. HEYBURN], who now occupies the chair, who signed the majority report and also filed a separate report, and who is also still a member of the committee. He is entitled to his views, and he is a distinguished and able lawyer, but lawyers differ. We are discussing this question upon a difference of opinion upon legal questions as well as upon questions of fact.

The report of that member of the committee, which I hold in my hand, goes to the extent of saying—and not only goes to the extent, but says it unequivocally in so many words, about which there can be no mistake—that even though a majority of the members of the Legislature of Illinois, every one of them, were bribed to vote for WILLIAM LORIMER, it would not affect the validity of his seat unless it was shown that the bribery was done with his knowledge and consent, or done by himself or by his agent. I dispute that as a proposition which the Senate can afford to adopt. I am not willing to refer this case as a member of this body to a committee a number of whose members apparently entertain such an opinion. I think that it is obnoxious and abhorrent to the system of representative government that a Member of this body and of the investigating committee should record himself as believing, though corruption should be rife, though the legislature should be bribed by parties who were interested in the action of the Member to be elected, even though the entire legislature should be polluted by such corruption, that the Senate should not inquire into it.

I read from the report, to substantiate my statement. It says:

> The Senate may, however, inquire—

Taking the general position, in the first place, apparently that it is a matter largely for the State of Illinois to deal with, and later on in the report, taking that position specifically, that it was better for the State of Illinois to deal with it, and concluding that the State has dealt with it, and consequently that this body ought not to deal with it; in other words, taking the position that the constitutional prerogative of this body to be the judge of the qualifications and election of its own Members should be abdicated and turned over to some jury in the purlieus of Chicago, or to some down-town election district in Chicago, from which one of these guilty legislators was returned to the legislature. That is the position taken by the distinguished member of the committee, because he says:

> The Senate may, however, inquire into the manner of the election of a Member of its body to the extent and for the purpose of ascertaining whether such election was an honest one, representing the will of the members of the legislative body which certifies his election to the Senate, and in doing this we may inquire—

This is what we may inquire into according to him—

> whether the votes cast by members of the legislature were procured by bribery of such members, by the person for whom they voted or by anyone on behalf of such person with the knowledge or consent of such person, and in case we should find that such bribery existed we should find that his election was procured in violation of the law, and the person so selected should not be permitted to hold the office of Senator.

In other words, if we should find that these votes were procured by the person for whom they were cast or by some one on his behalf, with his knowledge and consent. According to that language—and I am not technical at all about it, but am giving it a liberal construction, looking at it from every standpoint—even though they were bribed on his behalf, yet unless it could be shown, what in most cases it is absolutely impossible to show, that the bribery was done with the personal knowledge and consent of the beneficiary, the Senate should purge him of the taint of corruption and allow him to take his seat in a body whose business is largely conducted upon the theory, and the theory alone, that every Member is an honest and an honorable man. The senior Senator from Idaho says in his report that—

> The committee granted this request—

That is, the request that the Chicago Tribune should be represented—

> The committee granted this request and a large amount of testimony was introduced, much of which was outside the legitimate scope of the inquiry and some of which consisted of the testimony of members of the legislature establishing the unreliability, and even infamy, of such witnesses.

In other words, after a long inquiry, consuming a number of weeks, the committee came to the conclusion that men who sold their votes in the Legislature of Illinois were infamous and unreliable. Of course, they were infamous and unreliable. The committee seems to have proceeded upon the theory—and I base this upon a careful examination of the report—that everything that these witnesses said was true except their admissions that they had been bribed. The committee takes up the case of the four members of the Legislature of Illinois who had confessed that they were bribed. Ordinarily the confession of a man that he was bribed is entitled to credence. That is in harmony with the theory of evidence because it is a declaration against interest. A declaration of a man that he was not bribed ordinarily would not be entitled to very much weight in court because it is a self-serving declaration, a declaration in his own interest, prompted by the natural laws of human nature; but when a man says that he was bribed, his admission is entitled to credence, even in a court where the strictest rules of the common law prevail, because it is not natural that a man would make a declaration of that kind unless he was impelled to do so by its truth, and probably by the fact that he believed that his crime had been discovered. Yet this committee reverses the philosophy of evidence; it reverses the principles upon which evidence is admitted in the courts throughout the land under the common law. It disbelieves the declaration against interest and believes and bases its finding upon the self-serving declaration—the denials on the part of members of the legislature that they had received bribes.

When I started to read this report and read the manner in which the committee disposed of the first witness, White, I was not much astonished. I thought perhaps some special circumstances applied to White that caused the committee to disregard his admission that he had been bribed and to believe his subsequent denial that he had not been bribed; but when I proceeded to read further in the report and found that one after another of four men made admissions at different times and places that they had accepted bribes, and that in each case the committee found to all intents and purposes that they had not accepted bribes; that their admissions that they had acceped bribes were not credible, but that, on the contrary, in each one of the four cases where these men had come before the public and admitted being bribe takers they had falsely besmirched their own character and the standing of their families. When I read that I must say that I felt almost, so far as this hearing was concerned, as if we had come to the age of miracles again.

Now, the question is before the Senate whether, on the resolution of the chairman of the Committee on Privileges and Elections [Mr. DILLINGHAM] or the resolution of the Senator from Virginia [Mr. MARTIN], we shall refer this case to a committee which, whatever new evidence there may be, have already shown their disposition and their determination, I might say—because it is their action—to exclude the testimony of the four men who admitted they were bribed, and lay down the rules of procedure to which I have referred; or whether it shall be referred to a new committee which has not enunciated any such strange principles of evidence, none of whom have ever said that it made no difference how many members of the legislature were bribed unless it could be shown that it was done with the knowledge and consent of the beneficiary, and who, whether or not they have determined upon the final verdict in the case at this time, are yet free to form their opinions upon reason and upon justice as to the mode of procedure and the relevancy of testimony, because I venture to say that none of them have fixed opinions upon those questions.

I venture to say, notwithstanding the assertion that every Member of this body has already formed his opinion, and, consequently, that every one of them is in the same position that the members of the Committee on Privileges and Elections are, and that it makes no difference what kind of a committee you have—whether it is the Committee on Privileges and Elections or a select committee—that that is very far from the fact.

Mr. BAILEY. Mr. President, will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Texas?

Mr. POINDEXTER. I yield to the Senator from Texas.

Mr. BAILEY. I did not desire to interrupt the Senator just at that point, but I understood him to say that the committee has held and reported that it was of no consequence as to the number of votes which had been bribed, provided the beneficiary had no knowledge of the bribe. Does he understand that to be the committee's report?

Mr. POINDEXTER. The Senator from Texas misunderstood me. What I said was that one member of the committee, who is still a member of the committee, had filed a separate report, in which he had enunciated that doctrine.

Mr. BAILEY. I understood the Senator to say that that was the report of the committee. I knew it was not.

Mr. POINDEXTER. It was a special report by one member of the committee, who also signed the majority report.

Mr. BAILEY. I would not think the Senator could have read the committee's report to that effect.

Mr. POINDEXTER. Oh, I have read the committee's report, and did not so state. The Senator is mistaken.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Washington yield to the Senator from Idaho?

Mr. POINDEXTER. I yield.

Mr. HEYBURN. I would now ask the Senator from Washington to refer me to the language in which he charges that I took the position that if all the members of the legislature were bribed, unless the candidate knew of it, it would not affect his election.

Mr. POINDEXTER. I did not state that you used the language "if all of them were bribed." I said that was the necessary inference from what was stated. This is the language, at the bottom of page 16 of the report:

> We may inquire whether the votes cast by members of the legislature were procured by bribery of such members, by the person for whom they voted, or by anyone on behalf of such person with the knowledge or consent of such person.

That is, in stating the limitation of the inquiry; and reading further—

> And in case we should find that such bribery existed we should find that his election was procured in violation of the law.

Mr. HEYBURN. I would suggest that the Senator must have a different copy.

Mr. POINDEXTER. I have the official copy, Senate Report No. 942, of the Sixty-first Congress, third session.

Mr. HEYBURN. Now, in fairness, let us have the language:

> The Senate may, however, inquire into the manner of the election of a Member of its body to the extent and for the purpose of ascertaining whether such election was an honest one, representing the will of the members of the legislative body which certifies his election to the Senate, and in doing this we may inquire whether the votes cast by members of the legislature were procured by bribery of such members by the person for whom they voted, or by anyone on behalf of such person with the knowledge or consent of such person, and in case we should find that such bribery existed we should find that his election was procured in violation of the law, and the person so selected should not be permitted to hold the office of Senator.

Mr. POINDEXTER. Exactly.

Mr. HEYBURN. There is a great deal of difference——

Mr. POINDEXTER. Allow me to state——

Mr. HEYBURN. I should like to finish.

Mr. POINDEXTER. The Senator himself has read the report. My contention is that if there was bribery, especially if there was wholesale bribery, of members of the legislature by some one who was interested in the election of WILLIAM LORIMER, his seat should be vacated, whether it was done by him or with his knowledge and consent or not.

Mr. HEYBURN. I was only dealing with the one proposition which I had undertaken to discuss. I was not dealing at that time with the effect that the action of Mr. LORIMER might have or with the question as to how many corrupted votes would unseat him. The Senator selected a part of the consideration of a subject and did not give the whole subject matter.

Mr. POINDEXTER. I think I read the entire paragraph. I am willing for the Senator from Idaho to read it.

Mr. HEYBURN. The paragraph——

Mr. POINDEXTER. Excuse me——

Mr. HEYBURN. I only just wanted to stay the hand at that point. I shall call the attention of the Senate to that report, but I will do it on my own time.

Mr. POINDEXTER. I was just going to say that I am perfectly willing at this time, or at any other time, that any other part of the report which can be construed as changing in any way the meaning or the effect of what I have read should be called to the attention of the Senate. I have read it all.

Mr. HEYBURN. I took the position that if only one vote was corrupt, and LORIMER was connected with it, it would vitiate his election. I then took the position that if LORIMER was not connected with it, it must be shown that enough votes were corrupted to change the result of the election.

Mr. POINDEXTER. That does not appear in the report.

Mr. HEYBURN. It will appear in my remarks in the Senate.

Mr. POINDEXTER. I apprehended that the report was a deliberate one and represented the mature opinion of the Senator. Of course I do not know what actuated the committee in forming its opinions or why apparently throughout the report the testimony in behalf of Mr. LORIMER, of the slightest nature, should have been accepted by the committee as the truth, and testimony to the opposite effect throughout the report should have been reported by the committee as not worthy of credence. What I am referring to the Senator will find in each one of the subdivisions of the report dealing with the four self-confessed bribe takers, and particularly in the summary of the testimony as to each of these four cases contained in the committee's report. At the bottom of page 14, for instance, they say:

> Much of the testimony taken upon the investigation related to the alleged payment of money to members of the General Assembly of Illinois by one Robert E. Wilson.

I am not intending to say that the committee were actuated by any improper motive, because I know that they were not. When I say I do not know what actuated them I mean to say that I do not know upon what principle of evidence this case was being conducted. Now, the committee report goes on to say that "this was denied by Wilson and by others." In other words, there is a large amount of testimony that Wilson had paid bribe money, but the committee reports that Wilson denies that, and consequently they are unable to find that the facts existed.

> This was denied by Wilson and by others, and after considering all the evidence on that subject, the committee are not prepared to find that the fact is established.

I do not know to what extent of proof the committee held the evidence was necessary to go in order to establish the fact. I judge that it might be contended that it should go to the point of proving corruption of the election beyond a reasonable doubt—the same as in a criminal trial in a court. I should judge, from the general tenor of this report, that was the rule adopted by the Committee on Privileges and Elections, since, notwithstanding these admissions, the committee could not find the fact of bribery was established, because they were subsequently retracted. Now, there is no such rule as that pertaining in this case. The rule in this case lies in the conscience and the judgment of the Members of this body. I say that a proper rule would be not only that it was not necessary to show beyond a reasonable doubt that the election was corrupt, but that if a reasonable doubt was cast upon its honesty, the seat should be vacated. No man should occupy a seat in this body when the majority of the Members of this body, who are forced to associate with him and transact a large amount of business on what is called senatorial courtesy, which is based upon senatorial honor, believe that there is a reasonable doubt as to whether his election was corrupt.

I can not see for myself, having been accustomed during a great part of my working period to study evidence, how a man can read the testimony already taken in this case and not say—whatever degree of proof may be necessary to establish the fact—that at least there was a reasonable doubt cast upon the honesty of this election. I think myself that it goes further, because I can not conceive in the first place of four men confessing falsely that they had accepted bribes. In the second place, nobody who values money as much as those who were paying this money is going to pay it over by the thousands of dollars unless it was necessary to secure the election. I do not think there is going to be any futile bribery going on, any money or large amount of money wasted in bribery. They usually figure those things pretty closely. It has gotten to be, not exactly common, but a familiar thing to see accounts stated of the amounts paid to the members of a legislature for their votes for United States Senators.

I am not going into a discussion at this time how we can be relieved from that situation. I believe myself we can be relieved from it without changing the essential nature of the Constitution, without changing the balance between the States and the Federal Government, by relieving the legislatures of the power of electing United States Senators, and by restoring it to the original source of power from which legislatures as well as the Senate derive their existence.

We are entitled to consider circumstances. Men are convicted of felonies of the gravest nature upon circumstantial evidence, and it is not necessary in this case to have direct evidence that the sitting Member participated, personally, in this bribery or that he knew of it personally. That fact can be found, as many a man has been convicted of murder, upon the circumstantial evidence in the case. There are certain circumstances in this case sufficient to convince a juror, in my judgment, that he did know it—the circumstance to which I have just referred.

Leaving out of the question the knowledge and participation of the sitting Member, suppose we admit, as has been admitted by many of the defenders of this case both here and elsewhere—admitted by those who have spoken upon this floor in behalf of the sitting Member from Illinois—that four members were

bribed, yet contending that it was not quite enough bribery to unseat him——

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Idaho?

Mr. POINDEXTER. Yes; I yield.

Mr. HEYBURN. In a report in which I joined it is clearly stated:

> Four members of the general assembly which elected Mr. LORIMER testified to receiving money as a consideration for their votes. The members who thus confessed were—

giving their names. It is also stated that not a sufficient number of members were shown to have been corrupted to affect the election.

The Senator from Washington would not dispute the legal proposition that if less than a sufficient number were shown to have been bribed, in the absence of any corruption on the part of the candidate, he should be unseated. The Senator would not undertake to say he should be unseated for less than a sufficient number?

Mr. POINDEXTER. I do not subscribe to the statement made by the Senator from Idaho. On the contrary, I do not say that in all cases he should be unseated, but I say that in many cases the situation might be such that the duty of the Senate would be to unseat him, although there was not evidence that he had personal knowledge of or participation in it, even though there was not proof that a sufficient number were bribed to overcome the majority he had.

Mr. HEYBURN. Does the Senator know of any case when such a rule was ever held in the history of civilized nations?

Mr. POINDEXTER. Well, I hope it will be held in this case.

Mr. HEYBURN. I know. It is evident that the Senator hopes it will be held in this case; that this case shall be exceptional.

Mr. POINDEXTER. I think each case ought to stand upon the testimony in the particular case.

Mr. HEYBURN. The Senator for some years was a judge upon the bench. Did he have one rule of law in one case and one in another? I will take back that inquiry because I know he did not. I know, as a judge in determining matters or questions of law, or law applied to facts, or facts subjected to the law, he had a uniform rule of interpretation which he applied to those cases.

Now, the Senator would not contend for a different rule here. The rule is as well established as any rule in jurisprudence that where it is not claimed or shown that the candidate had any knowledge or any guilt in the matter the number of corrupt votes must have been sufficient to change the result of the election.

I signed the report with that in, as well as the supplemental report, which I thought covered some other questions. Now, would the Senator charge me with having held that if one-half of the members were corrupt it would not affect the election?

Mr. POINDEXTER. In answer to the Senator's question as to what a judge would do or what I may have done while on the bench I want to say that the Senator is entirely mistaken in supposing that I always held the same rule of law in the same class of cases. I remember some cases in which I granted new trials because I thought I had been mistaken about the rule of law in one case, and I think the supreme court reports of this country, both recent and old, are full of cases where different rules of law have been applied in the same class of cases because the judges had held one way in one case and another in a similar case. It is said that that was the situation in the Standard Oil decision just rendered.

It certainly was the case in the great Income Tax case, which was decided by the Supreme Court of the United States, and I differ with the Senator that the precedents of this body are so sacred that they can not be changed. They have at least no more weight than decisions of the Supreme Court of the United States have in that tribunal as stare decisis.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Idaho?

Mr. POINDEXTER. I yield.

Mr. HEYBURN. If the Senator will permit me, I merely suggest that I assume he would not like to be placed in the position of saying that the rules of law to be applied to controversies in court should not, or need not, be uniform.

Mr. POINDEXTER. I suppose they are striving after uniformity in those cases in which there is so much lack of uniformity.

But it is not a question of law altogether, if it is at all. It is a question whether or not the bribery of four votes was sufficient to unseat the sitting Member. It is a question of fact, a question whether or not the election was procured by bribery, and whether or not the Senate can not infer upon the circumstances in the case that if there were four members bribed it was necessary to bribe them. At least it casts such a doubt upon the honesty of the election that the sitting Member should be unseated.

Mr. HEYBURN. I should like to ask just one concluding question. Would the Senator from Washington, were he sitting as a trial judge, arrive at a presumption or a conclusion that would be a presumption, if three men were being tried for a joint act, and the testimony showed that only two of them had anything to do with it, that the other one was necessarily guilty? Would he carry his presumption that far, that because four men were bribed, that of necessity some other number must have been bribed?

Mr. POINDEXTER. I would carry the presumption to this extent—I do not like very much this idea of being put on trial as a judge, but I will answer——

Mr. HEYBURN. Just a moment. The Senator, when I was occupying a position where to a large extent my hands and voice were tied, undertook to put me upon trial. That is the reason I appeared in the forum.

Mr. POINDEXTER. There is nothing in that. The Senator knows and I know—every Senator knows—that he always has an opportunity to defend himself. He may be occupying the chair, but it is easy enough to leave the chair, as the Senator did leave it. The Senator asks a question and leaves the room before it is answered. I want to say in answer to the Senator's question that on the trial of a case in court if I found in a case that a juror was bribed by one of the parties I would not stop to inquire whether a sufficient number of them were bribed to find a verdict before finding him guilty or setting aside the verdict.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Missouri?

Mr. POINDEXTER. Yes.

Mr. REED. I want to ask the Senator this question: If it appeared in this case that four men were bribed, and that they had been bribed by one Wilson, and if it further appeared that Wilson denied paying those specific bribes, does he not think, as a lawyer, that it would be proper to inquire, even in an ordinary trial, whether at about the same time and under about the same circumstances Wilson had tried to bribe others in regard to other matters then pending, and if that would not throw some light upon the credibility or lack of credibility of his denial of guilt?

Mr. POINDEXTER. In a proceeding of this kind undoubtedly that inquiry should be made, and under the decision of a great many courts such testimony would be admissible, although there is a conflict of decisions upon that question at common law upon the matter of evidence. Some courts have held it was competent to show the commission of other crimes. Others have held it was not competent. But there are many other things upon which a verdict can be based besides that disclosed by the testimony in this case, and some of those are matters which have been admitted and boasted about on this floor.

Suppose, for instance, it was shown, as it is admitted here and apparently boasted of, that Lee O'Neil Browne controlled the Democratic members of the legislature; that he was their bellwether; that Lee O'Neil Browne had sufficient influence with the Democratic members of the Illinois Legislature to tell them how to vote for United States Senator without bribing them. I want to say to the Senate that under those circumstances it would have the same force and effect in morals and in law if the beneficiary of those votes bribed Lee O'Neil Browne alone, corrupted his vote, secured his support, knowing that the support of other members of the legislature would follow as a matter of course, as if they proceeded to bribe each individual Democratic member of the legislature.

I want to say, Senators, however much you may discredit and ridicule public opinion and public clamor, as it is called, that this thing of figuring betwixt tweedledum and tweedledee as to exactly how much bribery there was, as to what exact extent bribery was committed in the Legislature of Illinois, does not sit well with the great American people. As a matter of course you can not make powerful and dignified senates by constitutions, and you can not make them by the claims of the senate to dignity and power; you can not make them by conferring power upon them under the law or the Constitution. The only way that senates can have power and dignity and influence in the land, however much you may belittle and discredit public opinion, is by so conducting themselves, so purging themselves of corruption, wherever it appears, that they will command the confidence and the respect of this public opinion which some Senators seem so much to despise.

I want to say that it is asking a great deal of the people of a country supposed to be self-governing—and it is self-governing, because when the people in this country are once aroused they can control the Government by one means or another—I hope it will be according to the Constitution and with the ballot and in the ordinary forms of procedure—but when they are sufficiently interested, whether it be by that means or some other means, the people will control this Government—I want to say that it is asking a great deal of the people to have respect and confidence and obedience for the law that is made by the vote of a man who those people conscientiously and honestly believe, upon the testimony which has been introduced, to have secured his election to this body by guilty money, paid by private interests, seeking to control his vote in the making of the laws for the government of these people after he is elected. It is presuming that the people are long suffering and patient to a degree that no other people on the face of the earth have ever exhibited.

You can not maintain those conditions very long. There is a good deal of discontent, I am sorry to say, abroad. The duty of every patriotic man is to quiet it and to remove the causes of it. You can not remove it by the methods which have been used in the case now pending before the Senate, but you will increase it—you will accentuate this condition—people will become convinced, not by one case alone—it has been stated by Senators upon this floor that there were other cases—where a reasonable doubt is cast upon the question whether a Senator sitting as a Member of this body is free to vote in the making of laws according to the welfare of the public, or whether he is owned and controlled by some private party to vote to the detriment of the public, in the interest of the private party. It is asking a great deal to expect that the people will patiently and indefinitely give humble obedience to law enacted by his vote.

That is the situation which has been expressed here in other ways by many other Senators. It was expressed by the distinguished Senator from New York [Mr. ROOT] when he said that he believed that the very existence of this body was involved in the decision of this question. That is the way it is involved. That is the manner in which the existence of this body will be attacked—by the loss of confidence and respect in its action on the part of the people.

You can not make a great nation by the accumulation of money, through monopolies or in any other way. I have not any objection to the accumulation of wealth, and the people of this country have not, but it does not constitute, it does not make in an essential degree toward a great nation. Nor does greatness depend upon military power. The Lord did not tell Abraham that his seed should grow into a great and mighty people because they would accumulate great wealth or because they would have great armies and great military prowess. But He told him that they would grow into a great and mighty people because they would do justice and render judgment. In other words, that the laws would be just and that they should be obeyed. There is a growing disrespect for the laws of this country, and it is the most evil tendency of the day. The country can not be maintained unless the confidence and respect of the people in law is maintained.

Long it has been a question before the people, and justly so, because public functions have been turned over to private interests. You have taken the public function of railroads and turned them over to the absolute, unrestricted control of private parties. The making of tariff laws which affect the welfare and business condition of every family in the land has been turned over very largely to the judgment and the influence of private parties. I have heard Senators in the discussion of tariff bills say, "Well, the committee reported this." If you investigate the proceedings of the committee you will find that some representative of a great monopoly, who was supposed to be an expert on the question, practically determined what the tariff rates should be. That is due to conditions that exist, not to any evil intent on the part of the legislators; but it has resulted in turning over to private parties the public function of levying customs duties, and the public function of operating the highways of the land, and the public property, the natural resources of the country, which should be disposed of under uniform and equitable laws for the benefit of all the people and to the largest number that could be benefited by them. But a few private individuals, many times by a perversion of the law, by fraud upon the law, have reaped the benefit. Those are some of the private interests which have reached their hands into the councils of Congress and the legislatures of the country.

That question is involved in the determination of this question—the inquiry into the validity of this seat, whether or not this seat is to be one which the private interests to which I have referred will control or whether it is to be one absolutely free to exercise judgment for the public welfare.

I myself saw this man Hines, spoken of so often in the testimony in this case—he is quite a conspicuous individual. I would not forget his countenance after my attention had been called to him—sitting in the reserved Speaker's seats in the gallery of the House of Representatives during the crisis of the consideration of the tariff upon lumber. There was no time during the deliberation of that body, in the critical periods of debate and taking of the vote upon the lumber tariff, but what if you cast your eye into the Speaker's gallery you would find Hines occupying one of the chairs. He is a familiar figure around Congress. It has been stated that he stood here in the Marble Room and had a line of couriers going between himself and Senators upon this floor during the consideration of the Lorimer case at the former session of Congress.

These are important reasons, Mr. President, for believing that it is essential and vital in the determination of this great question to refer it to a new committee. Many Senators may have formed an opinion, but have not committed themselves in writing to that opinion, and have no set determination as to the rules of evidence which should guide them.

It is human nature for a committee to defend its report which enunciated the principles upon which the inquiry was conducted. And in the face of public criticism, after they have been attacked for their judgment in that case by the people and by this body time and again, what would be the natural course for that committee to take? Human nature unconsciously will impel the members of it to stand by their former judgment and bolster up the record which they have made and fortify it. They would not go into it with an open mind. I say that human nature would impel them unconsciously to take such a course as that.

As a new Member of this body I must say—and sometimes perhaps we get a more disinterested view from a new Member or from a stranger rather than from those who are familiar by long years with the proceedings—that it is a strange spectacle to me to see distinguished and honorable Senators, members of the Committee on Privileges and Elections, who have filed this report and expressed the opinions I have read from that report, pleading with the Senate in person that this case should be referred to them. It strikes me as peculiar that they should want to have it referred to them. It seems to me that they would prefer to be relieved of the responsibility. If they go into this investigation they have got to do either one of two things in the face of this record, and either one of the two will put them into a disagreeable and a more or less humiliating position.

I say, without any reflection upon the committee, that either they have got to confess that the principles of evidence reported in their former hearings were wrong—not simply that they find a new verdict because there may be new evidence, for they can never find a different verdict if they follow the principles of evidence they have enunciated in their former report—but they have either got to repudiate the rules that they laid down in that case and admit that they were in error in this great case, or else they have got to be put in the position—and that is the worst feature of it, it seems to me—of yielding to public clamor; or else, on the other hand, find the same verdict according to the same rules of evidence and be subjected, on account of the criticisms in this case, to the charge that they were prejudiced because they had committed themselves to that view before.

It is strange, consequently, to me that they would be pleading in person with the Senate to refer this case to them. If I were in their position, I would be glad to be relieved of it; and I think, as a matter of fact, they would be. It is no reflection on them to refer it to a new committee.

I desire to record myself as being in favor of the resolution presented by the Senator from Wisconsin.

Mr. HITCHCOCK. I desire to offer an amendment to the substitute submitted by the Senator from Virginia, and unless we come to a vote this afternoon I ask that it be printed and lie over.

The PRESIDING OFFICER. The amendment will be printed.

Mr. WILLIAMS. Is it a substitute or an amendment?

Mr. HITCHCOCK. It is an amendment to the substitute.

SEVERAL SENATORS. Let it be read.

The PRESIDING OFFICER. It will be read.

The SECRETARY. Strike out, on line 3, page 1, the word "forthwith" and insert the following:

to select and report to the Senate, within one week from the passage hereof, from their own membership, a special committee of not less than five Senators, which, upon confirmation by the Senate, shall be constituted a special committee of the Senate authorized and directed.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Michigan [Mr. SMITH] to the substitute.

Mr. LA FOLLETTE. Mr. President, I know that several Senators desire to be heard upon the various amendments and substitutes which have been offered. It is now 20 minutes of 6. It is not possible to conclude this debate to-night, even though we ran to a very early hour in the morning. Of that I am quite certain. The Senate has now been in session for a number of hours, and I move that the Senate adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from Wisconsin.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin withhold the motion? It is not debatable.

Mr. SMOOT. It is not debatable.

The PRESIDING OFFICER. Does the Senator from Wisconsin withhold the motion?

Mr. LA FOLLETTE. If the Senator from Utah has something to propose other than debate, I will withhold it. If he proposes simply to debate, I will not withhold it.

Mr. SMOOT. That is all; it was to debate it. I will not therefore ask the Senator to withhold it.

The PRESIDING OFFICER. The question is on the motion of the Senator from Wisconsin, Shall the Senate now adjourn? [Putting the question.] The noes seem to have it.

Mr. LA FOLLETTE. It will settle it quickest to have the yeas and nays on the question. I ask for a vote by yeas and nays.

The PRESIDING OFFICER. Is there a second to the demand for the yeas and nays?

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FLETCHER (when Mr. BRYAN'S name was called). I desire to state that my colleague [Mr. BRYAN] is necessarily detained from the Senate on account of serious illness in his family.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], but upon this question and all connected with it I am released. I vote "nay."

Mr. CUMMINS (when Mr. KENYON'S name was called). I wish to announce that my colleague [Mr. KENYON] is unavoidably absent from the city.

Mr. SHIVELY (when Mr. KERN'S name was called). My colleague [Mr. KERN] is unavoidably absent from the city.

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. RICHARDSON]. I am not advised, on a question of this kind at least, how he would vote. Therefore I withhold my vote.

Mr. FOSTER (when Mr. THORNTON'S name was called). I wish to announce that my colleague [Mr. THORNTON] is absent on public business.

Mr. CLARK of Wyoming (when Mr. WARREN'S name was called). My colleague [Mr. WARREN] is necessarily detained from the Senate by public business.

The roll call was concluded.

Mr. BACON. I have a general pair with the Senator from Maine [Mr. FRYE], but under our agreement I feel at liberty to vote. I vote "nay."

Mr. GORE. I am paired with the senior Senator from Maryland [Mr. RAYNER] concerning the Martin amendment. I withhold my vote in reference to adjournment.

Mr. CHAMBERLAIN (after having voted in the negative). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. As he is not here, I desire to withdraw my vote.

The result was announced—yeas 19, nays 52, as follows:

YEAS—19.

Borah	Crawford	Hitchcock	Poindexter
Bourne	Cummins	La Follette	Reed
Bristow	Davis	Martine, N. J.	Sutherland
Brown	Dixon	Newlands	Works
Clapp	Gronna	Owen	

NAYS—52.

Bacon	Dillingham	Lodge	Simmons
Bailey	du Pont	Martin, Va.	Smith, Md.
Bradley	Fletcher	Myers	Smith, Mich.
Brandegee	Foster	Nelson	Smoot
Briggs	Gallinger	Nixon	Stephenson
Burnham	Gamble	O'Gorman	Stone
Chilton	Guggenheim	Overman	Swanson
Clark, Wyo.	Heyburn	Page	Taylor
Clarke, Ark.	Johnson, Me.	Paynter	Terrell
Crane	Johnston, Ala.	Penrose	Townsend
Culberson	Jones	Perkins	Watson
Cullom	Lea	Root	Wetmore
Curtis	Lippitt	Shively	Williams

NOT VOTING—20.

Bankhead	Gore	McLean	Richardson
Bryan	Kenyon	Oliver	Smith, S. C.
Burton	Kern	Percy	Thornton
Chamberlain	Lorimer	Pomerene	Tillman
Frye	McCumber	Rayner	Warren

So the Senate refused to adjourn.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Michigan [Mr. SMITH] to the substitute submitted by the Senator from Virginia [Mr. MARTIN].

Mr. SMITH of Michigan. Mr. President, I intend to detain the Senate for only a few moments.

I offered this amendment because I believe it should be the province of any member of the investigating committee to issue a subpœna and to further the inquiry which we are about to authorize in such a manner as he thinks best for the purpose of ascertaining the truth about this miserable affair; and my amendment simply gives to the individual members of this committee, if, as a whole, the Committee on Privileges and Elections shall be authorized to make the investigation, all the power and all the authority possible to obtain such information. Now, I desire to call the attention of Senators to the fact that the subcommittee which conducted this investigation before was composed at the time of but four or five members, only four of the present committee, at least. Two or three votes at times determined the relevancy and materiality of testimony, and I do not wish to leave it in the power of any majority of that committee to determine the scope or exact line of inquiry.

I am bound to say that much of the time of the previous investigation was consumed by Judge Hanecy, counsel for Mr. LORIMER, and Mr. Austrian in wrangling with one another in an attempt to befog the question. When the committee made its report I scanned every line with great care. I carefully read the testimony, and became satisfied that corruption laid at the foundation of Mr. LORIMER'S election, and I have seen no occasion to change my mind.

Thwarted, hindered, delayed by irrelevant argument which made the entire proceeding a mockery, I disagreed entirely with the course of the committee and their conclusions of law and fact, and voted my judgment at the time.

Mr. President, it is very plain that it is the purpose of the Senate to clothe the Committee on Privileges and Elections with the power and the authority to investigate this case again.

The scope of the resolution of the Senator from Virginia is broader than the resolution upon which the Senate committee previously acted. It authorizes an inquiry into the "jack pot," around which, in my opinion, all this later corruption centers; and in order that there may be no question about the right of the Senator from Vermont [Mr. DILLINGHAM], who was not then a member of the subcommittee, and the Senator from Minnesota [Mr. CLAPP] and other honored Senators who were not then members of the committee, and the Senator from Iowa [Mr. KENYON], who was not a Member of the Senate, and the other new members of the Senate Committee on Privileges and Elections to go to the very bottom, unimpaired and unhampered by the rulings of a bare majority of its members, I have urged my amendment. I believe it will facilitate the investigation and fix responsibility on each member of the committee, resulting in a thorough investigation.

Mr. BACON. Will the Senator permit me a moment?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Georgia?

Mr. SMITH of Michigan. Certainly.

Mr. BACON. As I understand the purpose of the Senator it is to give the opportunity for the widest scope of investigation. In other words, the design of the Senator is that if any one member of the committee desires to have a certain witness examined, that witness shall be called and examined. That is the purpose?

Mr. SMITH of Michigan. Exactly.

Mr. BACON. Now, the object of my interruption of the Senator is to suggest to him that possibly a different method might be more efficacious to accomplish that end. The plan proposed by the Senator from Michigan is to give to each member of the committee the power to issue a subpœna. I suggest to the Senator that that is an extremely unusual and inartistic method of procedure. Possibly it might be better for him to offer an amendment to the effect that every witness shall be called whom any member of the committee may desire to have called, and let the subpœna issue by the committee and not by the individual.

Mr. SMITH of Michigan. Mr. President, I accept the suggestion of the Senator from Georgia. He has correctly described my purpose, and in the hasty preparation of it perhaps it is not

quite sufficient to meet the purpose for which it is intended. I accept cheerfully the suggestion of the Senator from Georgia, and will ask that the amendment be changed accordingly.

Mr. BACON. The Senator can formulate it.

Mr. GALLINGER. How will it then read?

Mr. BRISTOW. I should like to inquire of the Senator from Michigan if his amendment does not postpone any inquiry until after the adjournment of the session?

Mr. SMITH of Michigan. It does not. In fact it authorizes the inquiry to begin from the day the resolution is passed by the Senate, and it may be conducted during the sessions of the Senate during the present session of Congress, and if not finished it shall be conducted during the recess of the Senate, so that in any event it may not go beyond the coming recess. At least that was my purpose.

Mr. BRISTOW. I should like to have it read again.

Mr. BACON. I suggest to the Senator from Michigan, with his permission, that the substitute covers that fully. The resolution which I hold in my hand reads this way:

That said committee be authorized to sit during the sessions of the Senate and during any recess of the Senate or of Congress.

Mr. SMITH of Michigan. I understand; and that may take it over until the next session of the present Congress if the committee desire. That is the thing which I do not desire to have done. My amendment limits it to the present session and the approaching recess, if we shall have one.

Mr. BACON. But the language of the resolution is—

Resolved, That the Committee on Privileges and Elections, sitting in banc, be, and are hereby, authorized and directed forthwith to investigate whether——

Mr. SMITH of Michigan. Yes; they may proceed forthwith, but under the terms of my amendment they must report at the latest at the beginning of the next regular session of this Congress.

Mr. BACON. I think the present language of the resolution covers all that is practicable. In line 6, page 2, it says "to administer oaths; and as early as practicable"——

Mr. SMITH of Michigan. Yes; but I definitely limit the time.

Mr. BACON (reading):

and as early as practicable to report the results of its investigation, including all testimony taken by it.

Mr. SMITH of Michigan. I simply desire to say to the Senator from Georgia that it was my hope and purpose to facilitate an immediate inquiry, and that we might have a report at the present session or at least at the beginning of the next session of this Congress.

Mr. BACON. We all want it.

Mr. SMITH of Michigan. But the resolution of the Senator from Virginia does not read that way.

Mr. BACON. But the language of the resolution is that the committee shall do it as soon as they can do it. Of course, if the committee is to act in good faith, it will report at the very first time that it is practicable to take the testimony and make the report. I do not see how we can add to the language. If the Senator wants to accomplish his purpose, the only way to do it would be to fix a certain date by which they must report, whether it is practicable to do it then or not.

Mr. SMITH of Michigan. I did fix the date by saying that they shall proceed during the present session of the Congress and during the coming recess, which exhausts the time before Congress shall meet again in December.

Mr. BACON. I hope they will not have to go into the recess. I hope they will furnish it before the recess——

Mr. SMITH of Michigan. So do I.

Mr. BACON. Or before adjournment.

Mr. SMITH of Michigan. And if the Senate favors the language of the Senator from Virginia, I will withdraw that part of my amendment.

Mr. STONE. The Senator could amend by inserting after the words "report as soon as practicable," the words "not later than the first day of the next session."

Mr. SMITH of Michigan. Would the Senator from Virginia be willing to have that limitation in his resolution?

Mr. MARTIN of Virginia. I think that is simply an invitation to postpone it and do the work during the recess. The mere suggestion to them that they shall report not later than the next session of Congress is a suggestion that they are not expected to report earlier than the commencement of the next session of Congress. As the resolution reads, it requires them to commence at once and to report as soon as practicable. It could not do more than that.

Mr. SMITH of Michigan. Then, Mr. President, I withdraw that part of my amendment.

The PRESIDING OFFICER. Will the Senator from Michigan state the amendment as he now offers it?

Mr. SMITH of Michigan. I should like to have it read by the Secretary.

The PRESIDING OFFICER. The amendment will be read by the Secretary as modified.

The SECRETARY. On page 2, line 8, after the word "it," it is proposed to insert the following words:

And the said committee is hereby authorized and directed during the course of the investigation to issue a subpœna or a subpœna duces tecum to any witness whose presence is desired by any member of the committee.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Michigan [Mr. SMITH] to the substitute resolution of the Senator from Virginia [Mr. MARTIN].

Mr. CUMMINS. Mr. President, I could not clearly hear the amendment as stated by the Secretary, but it seems to me that it might be construed as a limitation rather than an enlargement of the powers of the committee; that is to say, it might be construed so that no other person could be called before the committee save one who is suggested by a member of the committee.

Mr. BACON. If it was favored by the entire committee it must be favored by some one member of the committee.

Mr. CUMMINS. On the contrary, Mr. President, there will be witnesses, I have no doubt, who will not be suggested by any member of the committee. I do not think the Senator from Michigan intends to put that limitation upon the resolution.

Mr. SMITH of Michigan. I do not. I want the widest possible scope. I thought this amendment would help it, and I believe it does.

Mr. CUMMINS. I think, Mr. President, that would be a direct limitation upon the power of the committee instead of an enlargement of the power. I should prefer the original resolution rather than the amendment suggested by the Senator from Michigan.

Mr. MARTIN of Virginia. Mr. President, I am sure that the Senator from Michigan will find that his amendment is entirely unnecessary. I do not know that it will do any harm, but there is certainly ample provision in my resolution for the issuance of subpœnas, and I do not think the Senator from Michigan will strengthen the resolution by proposing that amendment.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Michigan [Mr. SMITH] to the substitute resolution offered by the Senator from Virginia [Mr. MARTIN]. [Putting the question.]

The amendment to the proposed substitute was rejected.

The PRESIDING OFFICER. The question now recurs on the substitute offered by the Senator from Virginia.

Mr. HITCHCOCK. Mr. President, I had expected when I offered my amendment to the substitute resolution of the Senator from Virginia [Mr. MARTIN] that the matter would not be passed upon to-day and I counted upon speaking at the next session. As, however, the disposition seems to be to dispose of the resolution at this session, I want to say a few words in support of the amendment which I have offered.

It is evident, Mr. President, that there are merits in both of the resolutions offered, the one by the Senator from Wisconsin [Mr. LA FOLLETTE] and the other by the Senator from Virginia [Mr. MARTIN]. The particular merit possessed by the resolution offered by the Senator from Virginia is that it recognizes the ordinary machinery of the Senate to carry out its purpose. To my mind the particular recommendation of the resolution offered by the Senator from Wisconsin is, first, that it provides for a small committee, and, in the second place, it provides for a committee with the particular special authority of the Senate.

Sir, it is the purpose of my amendment to combine and to harmonize, if possible, the most meritorious parts of both of these resolutions. I propose that the Committee on Privileges and Elections shall be instructed within one week to select from their membership a committee of at least five Senators, which committee, when reported to the Senate and confirmed by the Senate, shall constitute a special committee to take the evidence involved in this case.

It seems to me that my amendment recognizes as fully as the Committee on Privileges and Elections should require their authority and their function. It gives to them the nomination and the selection of the committee; it provides that the committee shall consist wholly of members of the Committee on Privileges and Elections, but it restricts the committee to such size as will result in giving the earliest possible effect to its investigation.

Mr. President, I undertake to say that it is practically impossible for this great committee of 15 members, sitting in banc, to take this testimony in any thorough way and digest and present it to this session of Congress. That is utterly impossible. At the last session a committee which consisted of only

13 members found it necessary to intrust the vital work of the committee to a subcommittee, which, I understand, consisted of 5 members, and not over 7 at the most.

Mr. JOHNSTON of Alabama. The subcommittee consisted of 7 members.

Mr. HITCHCOCK. I am told it consisted of 7 members. If it was then necessary for that committee of 13 members to devolve the duties which it was supposed to exercise upon a subcommittee, it will be still more necessary for the present committee of 15 to do so.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Washington?

Mr. HITCHCOCK. I do.

Mr. JONES. Would the Senator's committee, when selected out of the Committee on Privileges and Elections, then be expected to make its report to the Senate and not to the full Committee on Privileges and Elections?

Mr. HITCHCOCK. Yes, sir.

Mr. JONES. In other words, then, it would become a special and distinct committee of the Senate?

Mr. HITCHCOCK. It would.

Mr. JONES. I think that is a very good suggestion.

Mr. HITCHCOCK. And, Mr. President, that is necessary. It is well known now that we are likely, in the course of prosecuting this research, to run into men accused of serious crimes. The committee is likely to find itself confronted with the most serious difficulties in gathering testimony, and it will be, to my mind, the height of folly to intrust the great powers of this committee to a subcommittee, which has no legal authority to set in motion the machinery of contempt proceedings. It would inevitably result in delay.

Mr. President, I do not think there is in this situation any question of a disregard for the feelings of the Committee on Privileges and Elections. As I regard it, the Committee on Privileges and Elections is representative of the Senate: it is composed of some Senators who voted against LORIMER, of some Senators who voted for LORIMER, and of some Senators who were not in the Senate at the time the Lorimer case was tried.

If this great Committee on Privileges and Elections were intrusted with the responsibility and authority to select from its own membership a special committee of five or six or seven members, it is the most natural thing to suppose that it would select a representative committee—one that would commend itself to the intelligence of the Senate.

I repeat, Mr. President, it is unthinkable that a committee of 15 men, constituted practically of one-sixth of this whole Senate, should undertake seriously, sitting in banc, to investigate this great case. If the committee did so seriously, it would practically interfere with other legislation here, and I do not think it would be within the possibilities.

There is, however, another reason, Mr. President, why I think this small special committee should be selected in this way and confirmed by the Senate. I think the special committee should report to the Senate; it should not be a subcommittee to report to the main committee, and for this reason: Each Senator here, whether he be a senior Senator or a new Senator, has the same responsibility; he must approach this disagreeable task with the same sense of responsibility to his conscience and to the country; he comes here under his oath to pass upon the evidence, not as he thinks it to be, not as has been widely rumored it is, but he comes here to pass upon the evidence as the committee gathers it and brings it to the Senate; and he ought therefore to have a voice at least in the confirmation of that committee after it is selected from the membership of the Committee on Privileges and Elections.

Mr. President, I have said that in my amendment I have sought to harmonize these two conflicting resolutions by selecting the parts of each which seem to me to commend themselves to fair-minded men. I think that we should recognize, to the extent that is done in my amendment, the natural machinery of the Senate, the Committee on Privileges and Elections; but I think also that we should remember that we stand here with responsibilities, and that we ought to have a voice in the selection of that committee or at least in its confirmation.

Mr. President, it is now two years since WILLIAM LORIMER took his seat in this body. This is not a case where we are examining evidence for the first time. Already the lapse of this long period, one-third of the term, presents to some extent a scandal in the country because of inaction. If urgency, if haste, were ever important, they are now doubly important because of the time which has already elapsed, and it seems to me that that fact argues strongly for a committee small enough to be able to work constantly, if necessary, during the remainder of the session or such length of time as may be sufficient to collect all the evidence. I think that every man we add to that committee will tend to lengthen out the time of the investigation. If we want haste, if we want prompt action, we must make the committee small enough to have its sessions practically continuous until the result is reached. At the proper time, Mr. President, I shall ask a yea and nay vote on my amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska [Mr. HITCHCOCK] to the substitute of the Senator from Virginia [Mr. MARTIN].

Mr. DILLINGHAM. Mr. President, when on the 22d instant I submitted a resolution to the Senate providing for the reopening of this case and the reference of it to the Committee on Privileges and Elections, I purposely avoided the subject of a subcommittee, thinking that if the resolution were adopted the committee itself would be obliged to select from among its members those who could more easily attend to the matter, and that it would then be time for them to report to the Senate their action, and ask for the same authority for that subcommittee that had been provided in the resolution for the full committee.

I noticed that when the Senator from Virginia [Mr. MARTIN] submitted his resolution it was very similar to the one which I had presented, and I was very willing that mine should remain on the table, and that the resolution of the Senator from Virginia should be adopted, as I hope it will be adopted this afternoon.

In some respects it is broader than the resolution which I presented, and it was my desire and my purpose, if the investigation were committed to the Committee on Privileges and Elections, to make it as broad and deep and searching and thorough as was possible; but it strikes me that it will be very much better, under the circumstances, to let the resolution of the Senator from Virginia be adopted as it stands and give the committee an opportunity to consider the matter. If they determine, as I expect they will—in fact, I do not see how they can do otherwise—that the work can better be done by a smaller body of men, let them so report to the Senate and ask for those whom they have selected the authority that will be necessary to carry on the work.

The PRESIDING OFFICER. The Chair understands the Senator from Vermont to withdraw his resolution.

Mr. DILLINGHAM. I have not presented it as a substitute resolution. The resolution is on the table, and I prefer the resolution offered by the Senator from Virginia.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Nebraska [Mr. HITCHCOCK] to the substitute of the Senator from Virginia [Mr. MARTIN].

Mr. NEWLANDS. Mr. President, when this matter first came up for consideration in the Senate, my mind drifted in the direction of a method of procedure that would be recognized under all circumstances as absolutely fair, and one which would inspire the confidence of the entire country. I was opposed, therefore, to that portion of the resolution offered by the Senator from Wisconsin [Mr. LA FOLLETTE] which named the members of a select committee, for I thought that if a select committee was to be created, its members should be chosen in open session by the entire body of the Senate. Since that time the Senator from Wisconsin has modified his resolution by providing for that method of procedure, and it is my purpose to support his resolution thus modified.

I wish to say that I have the highest opinion of the character and ability of the members of the standing Committee on Privileges and Elections, and I would be the last man to cast any reflection upon the sincerity or the integrity of their action, but I differed with that committee at the last session of Congress. I believed that that committee was wrong in its conclusions, both as to the law and as to the facts, and as a new inquiry was to be made, the question in my mind was whether, believing, as I did, that the standing committee was wrong in the law and in its conclusion as to the facts, I could conscientiously refer the new inquiry to such committee, for those who voted against Mr. LORIMER have convictions as strong as those who voted for him. So I could not see how with propriety, having condemned the action of that committee on a previous occasion upon the inquiry then made, I could deliberately choose that committee as the instrument of the Senate to make an inquiry which would include not only the matters embraced in the old inquiry, but new matters.

I have long felt that the Senate was accustomed to adhere too much to traditions, to precedents, to senatorial courtesy, to a regard for the sensibilities of fellow Senators. I have never felt that it involved an attack upon the personnel of any committee or any Senator to move that a subject matter intrusted to a committee should be withdrawn from it and the committee discharged. I have always felt that a proper sys-

tem of self-government required that we should consider a committee simply as a convenience of the Senate, as the servant of the Senate, subject to its will and command, and I have never hesitated to act in these matters regardless of the sensibilities of members of a committee with reference to matters of jurisdiction. A standing committee is a matter of convenience. It is in the power of the Senate at any time to withdraw a subject intrusted to such a committee, and it is in the power of the Senate at any time to select a new committee, a committee chosen for a particular purpose. Whilst I always wish to be courteous to fellow Senators and courteous to committees intrusted with certain matters under the jurisdiction laid on them by the Senate, I have never hesitated to exercise my right as a Senator wherever my convictions and my sense of propriety were involved, regardless of the jurisdiction of a particular committee. To act otherwise would be, in my judgment, to make the Senate the slave of its own organization.

Mr. President, what is the fair method of procedure in this matter? What will impress the country itself as fair? We are told that we should have no regard for public opinion or public clamor. That is true when we come to exercise the judicial function or the quasi-judicial function.

We should act upon the evidence and the law according to our convictions and our sense of duty, regardless of what public opinion may be, but as to the mere procedure under which the facts are to be ascertained and the law applied by a committee, it seems to me obvious that we should choose a method that will impress the public opinion of the country as a fair exercise of our power. It has seemed therefore to me that we should select a committee that had no share in the contention of the last session over this matter; that had no share in the personal feeling that was unhappily aroused during that contention; that we should select a committee which would have no pride of opinion regarding a previous decision, and which would be untrammeled by considerations of consistency, often so potent with the strongest of men.

We have fortunately in this body a number of Senators who have come fresh from the people, admirably trained for a duty of this kind, perhaps lacking in the experience regarding legislation which the older Members of this body who have had long service here have, but this is a subject that does not involve experience in legislation. It is a matter involving an investigation according to the forms of law by men trained in such investigations, and we have a number of Senators in this body who have freshly come to us, men of distinction at the bar, men who have been trained in investigations of this kind, who can discharge this duty just as well as the most experienced Senators in this body. Under the rule or tradition which assigns membership on the important committees in this body to men of long experience and on the minor committees, as a rule, to new men, such new Members have the time to devote themselves to this inquiry.

How is the Committee on Privileges and Elections made up? There are 3 of the members of that committee who are now engaged in the arduous work of the Finance Committee. It is clear that they should not be disengaged from that work. That leaves only 12 of the committee disengaged, and many of that 12 are assigned to very important committees in this body, which will be called upon to act if we should conclude to really serve the country by availing ourselves of the opportunity of this extra session to put upon the statute books measures which have been approved by public opinion and with reference to which Congress itself has been dilatory and negligent.

So far as the standing Committee on Elections is concerned, it is composed of 15, 3 of them new members, and of the remaining 12, 9, if I am correct, declared themselves at the last session in favor of Mr. LORIMER upon the law and the facts. I do not question that they were conscientious in their determination, just as conscientious as the men who voted against Mr. LORIMER, but having passed through those contentions, having been personally identified with them, would it be becoming in those of us who believe that their decision was wrong upon the facts and the law then presented to them to vote to turn over this entire inquiry to a committee so constituted? I do not think so. We have a responsibility in this matter, and our sincerity might well be doubted if, having this conviction and this responsibility, we should refuse to exercise it, forsooth, because the precedents of the Senate, or the good feeling of the Senate, or the courtesy of the Senate suggest that the ancient jurisdiction of this committee should be regarded.

This is my view regarding my personal action, and having this view, I shall vote for the modified resolution urged by the Senator from Wisconsin [Mr. LA FOLLETTE].

The PRESIDING OFFICER. The yeas and nays are demanded upon the amendment offered by the Senator from Nebraska [Mr. HITCHCOCK] to the resolution offered by the Senator from Virginia [Mr. MARTIN]. Is there a second to the demand for the yeas and nays? [After a pause.] There appears to be none.

The question is on the amendment of the Senator——

Mr. HITCHCOCK. I did not understand the Chair.

The PRESIDING OFFICER. The Chair called for an indication of those who supported the demand for the yeas and nays.

Mr. HITCHCOCK. I think that was not understood.

The PRESIDING OFFICER. The Chair will again put the question: Those who second the call for yeas and nays will indicate it by raising their hands. [After a pause.] Evidently not a sufficient number.

Mr. LA FOLLETTE. Mr. President, I ask for a count.

The PRESIDING OFFICER. The Chair will count. [After counting.] A sufficient number. The yeas and nays are ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I will not vote.

Mr. CHILTON (when his name was called). I am paired with the junior Senator from Arkansas [Mr. DAVIS]. If he were present he would vote "yea" and I would vote "nay."

Mr. SMITH of Maryland (when Mr. GORE's name was called). The Senator from Oklahoma [Mr. GORE] is paired for the day with the senior Senator from Maryland [Mr. RAYNER].

Mr. SMITH of Maryland (when Mr. RAYNER's name was called). The Senator from Maryland [Mr. RAYNER] is paired with the Senator from Oklahoma [Mr. GORE] for the day upon this question.

Mr. SMITH of South Carolina (when his name was called). I again announce that I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON]. Therefore I withhold my vote.

Mr. SMITH of Michigan (when Mr. TOWNSEND's name was called). My colleague is unavoidably detained from the Senate. If he were present, he would vote "nay."

Mr. CLARK of Wyoming (when Mr. WARREN's name was called). I again announce the unavoidable absence of my colleague. If he were present, he would vote "nay."

The roll call was concluded.

Mr. DU PONT. I announce the absence of my colleague [Mr. RICHARDSON]. Were he present, he would vote "nay."

Mr. CUMMINS. I announce the unavoidable absence of my colleague [Mr. KENYON]. I do not know how he would vote if he were here.

Mr. WILLIAMS. I wish to announce that my colleague [Mr. PERCY] is paired with the senior Senator from North Dakota [Mr. MCCUMBER].

Mr. SMITH of South Carolina. In view of the announcement made by the senior Senator from Delaware, I will vote. I vote "nay."

Mr. FOSTER. I wish to announce the unavoidable absence of my colleague [Mr. THORNTON]. If he were present, he would vote "nay."

Mr. FLETCHER. I wish to announce the unavoidable absence of my colleague [Mr. BRYAN], on account of illness in his family. I will let this announcement stand for the day.

Mr. BACON (after having voted in the negative). I have a general pair with the senior Senator from Maine [Mr. FRYE]. Under our agreement, on any question not strictly political, either is at liberty to vote in the absence of the other, and in this particular instance I am assured that the Senator from Maine would have voted the same way that I have voted. So I will permit my vote to stand.

The result was announced—yeas 11, nays 55, as follows:

YEAS—11.

Dixon	La Follette	Newlands	Pomerene
Hitchcock	Lea	Owen	Reed
Jones	Myers	Poindexter	

NAYS—55.

Bacon	Crawford	Lippitt	Smith, Mich.
Bailey	Culberson	Lodge	Smith, S. C.
Borah	Cummins	Martin, Va.	Smoot
Bourne	Curtis	Martine, N. J.	Stephenson
Bradley	Dillingham	Nelson	Stone
Brandegee	du Pont	O'Gorman	Sutherland
Briggs	Fletcher	Overman	Swanson
Bristow	Foster	Page	Taylor
Brown	Gallinger	Paynter	Terrell
Burnham	Gamble	Penrose	Watson
Clapp	Gronna	Perkins	Wetmore
Clark, Wyo.	Heyburn	Root	Williams
Clarke, Ark.	Johnson, Me.	Simmons	Works
Crane	Johnston, Ala.	Smith, Md.	

NOT VOTING—25.

Bankhead	Frye	McLean	Thornton
Bryan	Gore	Nixon	Tillman
Burton	Guggenheim	Oliver	Townsend
Chamberlain	Kenyon	Percy	Warren
Chilton	Kern	Rayner	
Cullom	Lorimer	Richardson	
Davis	McCumber	Shively	

So Mr. HITCHCOCK's amendment to the substitute of Mr. MARTIN of Virginia was rejected.

Mr. MARTIN of Virginia. I move that the Senate adjourn.

Mr. CLAPP. I ask for the yeas and nays on that motion.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I again announce my pair with the junior Senator from Pennsylvania [Mr. OLIVER].

The roll call having been concluded, the result was announced—yeas 50, nays 17, as follows:

YEAS—50.

Bacon	Davis	Lodge	Smith, Md.
Bailey	Dillingham	Martin, Va.	Smoot
Borah	du Pont	Martine, N. J.	Stephenson
Bourne	Fletcher	Nelson	Stone
Bradley	Foster	Newlands	Sutherland
Briggs	Gallinger	O'Gorman	Swanson
Bristow	Gamble	Overman	Taylor
Brown	Heyburn	Owen	Terrell
Clark, Wyo.	Hitchcock	Paynter	Wetmore
Clarke, Ark.	Johnson, Me.	Penrose	Williams
Crawford	Johnston, Ala.	Perkins	Works
Culberson	La Follette	Pomerene	
Curtis	Lea	Simmons	

NAYS—17.

Brandegee	Dixon	Page	Smith, S. C.
Burnham	Gronna	Poindexter	Watson
Chilton	Jones	Reed	
Clapp	Lippitt	Root	
Cummins	Myers	Smith, Mich.	

NOT VOTING—24.

Bankhead	Frye	McCumber	Richardson
Bryan	Gore	McLean	Shively
Burton	Guggenheim	Nixon	Thornton
Chamberlain	Kenyon	Oliver	Tillman
Crane	Kern	Percy	Townsend
Cullom	Lorimer	Rayner	Warren

So the motion was agreed to, and (at 6 o'clock and 48 minutes p. m.) the Senate adjourned until Thursday, June 1, 1911, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 30, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

God of the ages, our fathers' God and our God, we bless Thy holy name for the spirit of seventy-six, which moved our forefathers and our foremothers to deeds of heroism and glory, which gave to us the precious heritage, a Government of the people, by the people, for the people; and for the spirit of sixty-one which moved their sons and daughters to deeds of heroism and glory, which saved that Government from destruction. And grant, O most merciful Father, as these sacred Memorial Days recur, North and South, that the tears of the blue and the gray may mingle together over the graves of their precious dead; that if there were feelings of bitterness, animosity, hatred, they may be buried so deep that they never again can be resurrected; that Old Glory may float on in triumph, yet in peace, over a united country; one flag, one land, one heart, one hand, and one Nation evermore; and glory and honor be Thine forever. Amen.

The Journal of the proceedings of Friday, May 26, 1911, was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 938. An act for the relief of James Carter;

S. 817. An act appropriating $25,000 for the repair of the wooden warship *Portsmouth;*

S. 1724. An act to amend section 14 of "An act to promote the administration of justice in the Navy," approved February 16, 1909, and to provide for the destruction of records of deck courts in the United States Navy;

S. 1754. An act to correct the military record of William F. McKim;

S. 2004. An act to amend section 1505 of the Revised Statutes of the United States providing for the suspension from promotion of officers of the Navy if not professionally qualified; and

S. 2316. An act fixing the rank and precedence of naval attachés.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 938. An act for the relief of James Carter; to the Committee on Military Affairs.

S. 817. An act appropriating $25,000 for the repair of the wooden warship *Portsmouth;* to the Committee on Naval Affairs.

S. 1724. An act to amend section 14 of "An act to promote the administration of justice in the Navy," approved February 16, 1909, and to provide for the destruction of records of deck courts in the United States Navy; to the Committee on Naval Affairs.

S. 1754. An act to correct the military record of William F. McKim; to the Committee on Military Affairs.

S. 2004. An act to amend section 1505 of the Revised Statutes of the United States, providing for the suspension from promotion of officers of the Navy if not professionally qualified; to the Committee on Naval Affairs.

S. 2316. An act fixing the rank and precedence of naval attachés; to the Committee on Naval Affairs.

INCOME-TAX AMENDMENT—RATIFICATION BY WISCONSIN.

The SPEAKER laid before the House the following communication:

EXECUTIVE CHAMBER,
Madison, Wis., May 26, 1911.

Hon. CHAMP CLARK,
Speaker House of Representatives, Washington, D. C.

SIR: I have the honor of transmitting herewith a verified copy of joint resolution No. 66 A, recently passed by the Wisconsin Legislature, duly signed by the proper officials of both houses, ratifying the sixteenth amendment to the Constitution of the United States. The original is on file in the office of the secretary of state.

Very respectfully, yours,

FRANCIS E. MCGOVERN, *Governor.*

—

UNITED STATES OF AMERICA,
THE STATE OF WISCONSIN,
DEPARTMENT OF STATE.

To all to whom these presents shall come:

I, J. A. Frear, secretary of state of the State of Wisconsin and keeper of the great seal thereof, do hereby certify that the annexed copy of joint resolution No. 66 A has been compared by me with the original printed joint resolution on file in this department and that the same is a true copy thereof and of the whole of such original printed joint resolution.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at the capitol, in the city of Madison, this 26th day of May, A. D. 1911.

[SEAL.] J. A. FREAR, *Secretary of State.*

—

Joint resolution (J. Res. 66 A) ratifying the sixteenth amendment to the Constitution of the United States.

Whereas both Houses of the Sixty-first Congress of the United States of America at its first session, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America in the following words, to wit:

"A joint resolution proposing an amendment to the Constitution of the United States.

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution, namely:

"ART. XVI. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration": Therefore be it

Resolved by the assembly (the senate concurring), That the said proposed amendment to the Constitution of the United States of America be, and the same hereby is, ratified by the Legislature of the State of Wisconsin; and be it further

Resolved, That copies of this joint resolution, certified by the secretary of state, be forwarded by the governor to the Secretary of State at Washington and to the presiding officers of each House of the National Congress.

C. A. INGRAM,
Speaker of the Assembly.
H. C. MARTIN,
President of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.
F. M. WYLIE,
Chief Clerk of the Senate.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. DUPRE, for 15 days, on account of important business.

To Mr. HANNA, for 30 days, on account of important business.

LEAVE TO WITHDRAW PAPERS—WALTER COX.

By unanimous consent, at the request of Mr. RUCKER of Colorado, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Walter Cox, H. R. 14398, Sixty-first Congress, no adverse report having been made thereon.

COMMITTEE RESIGNATION.

The SPEAKER laid before the House the following communication:

WASHINGTON, D. C., *May 30, 1911.*

Hon. CHAMP CLARK,
Speaker House of Representatives.

MY DEAR Mr. SPEAKER: Having been elected a member of the special committee selected to investigate as to alleged violations of the anti-trust law by the American Sugar Refining Co., etc., I feel that the labors entailed by that service will prevent the proper discharge of my duties as a member of the standing Committee on Expenditures in the Treasury Department, and accordingly I respectfully request to be excused from further service on the latter committee.

Very respectfully,

FINIS J. GARRETT.

The SPEAKER. If there be no objection, the resignation will be accepted.

There was no objection.

ADJOURNMENT UNTIL FRIDAY NEXT.

Mr. UNDERWOOD. Mr. Speaker, I move that when the House adjourns to-day it adjourn to meet on Friday next.

The motion was agreed to.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 10 minutes p. m.) the House adjourned until Friday, June 2, 1911, at 12 o'clock noon.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 6465) granting a pension to Albert Truffner; Committee on Invalid Pensions discharged and referred to the Committee on Pensions.

A bill (H. R. 7238) granting a pension to John Meehan; Committee on Invalid Pensions discharged and referred to the Committee on Pensions.

A bill (H. R. 7480) granting a pension to Mary Emma Axmacher; Committee on Invalid Pensions discharged and referred to the Committee on Pensions.

A bill (H. R. 7862) granting a pension to Mary M. Shambaugh; Committee on Invalid Pensions discharged and referred to the Committee on Pensions.

A bill (H. R. 8057) granting a pension to Monta E. Milligan; Committee on Invalid Pensions discharged and referred to the Committee on Pensions.

A bill (H. R. 8126) granting an increase of pension to Albert Fletcher; Committee on Invalid Pensions discharged and referred to the Committee on Pensions.

A bill (H. R. 8366) granting a pension to John Aldrich; Committee on Invalid Pensions discharged and referred to the Committee on Pensions.

A bill (H. R. 8557) granting a pension to William E. Reed; Committee on Invalid Pensions discharged and referred to the Committee on Pensions.

A bill (H. R. 8558) granting a pension to Philip C. Elbert; Committee on Invalid Pensions discharged and referred to the Committee on Pensions.

A bill (H. R. 8559) granting a pension to Fred W. Nisbett; Committee on Invalid Pensions discharged and referred to the Committee on Pensions.

A bill (H. R. 9657) granting an increase of pension to Clarence Watt; Committee on Invalid Pensions discharged and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ANDERSON of Minnesota (by request): A bill (H. R. 10858) to provide for regulation of political parties' procedure nationally; to the Committee on the Judiciary.

By Mr. LAFEAN: A bill (H. R. 10859) amending section 2 of the act of April 19, 1908, increasing the pension of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant pensions to certain widows of deceased soldiers and sailors of the late Civil War; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 10860) to establish a fish-cultural station in the State of Georgia; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 10861) to provide for a public building at Statesboro, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. LEVER: A bill (H. R. 10862) to provide for the erection of a public building in the city of Columbia, S. C.; to the Committee on Public Buildings and Grounds.

By Mr. BERGER: A bill (H. R. 10863) to amend section 5278 of the Revised Statutes of the United States; to the Committee on the Judiciary.

By Mr. BYRNS of Tennessee: A bill (H. R. 10864) to provide for the reduction of mileage to actual transportation expenses of Representatives and Senators; to the Committee on Appropriations.

By Mr. McHENRY: A bill (H. R. 10865) for the advancement of agriculture; to the Committee on Agriculture.

By Mr. COX of Indiana: A bill (H. R. 10866) to repeal section 1273 of the Revised Statutes of the United States; to the Committee on Military Affairs.

By Mr. BYRNES of South Carolina: A bill (H. R. 10867) repealing that portion of the appropriation act of 1911 which provides for the enlargement of a stable between N and O Streets NW., in the District of Columbia, and providing for the purchase of a site for such stable; to the Committee on Appropriations.

By Mr. BYRNS of Tennessee: Resolution (H. Res. 180) directing the Attorney General to inform the House of Representatives what prosecutions have been begun or are pending against the American Tobacco Co. and others; to the Committee on the Judiciary.

By Mr. HARRISON of New York: Resolution (H. Res. 181) directing the Secretary of State to inform the House of Representatives whether any communications have been made to our Government in regard to Russian discrimination against the American passport in the hands of American Jews; to the Committee on Foreign Affairs.

By Mr. HENRY of Texas: Resolution (H. Res. 182) authorizing the payment of $300 to Nathaniel Crutchfield for expert services in preparing rules of the House; to the Committee on Accounts.

Also, resolution (H. Res. 183) authorizing the payment of $200 to Mrs. H. McKenna Kolkmeyer for expert clerical, stenographic, and typewriting services; to the Committee on Accounts.

By Mr. GARRETT: Resolution (H. Res. 184) authorizing the payment of the expenses of the select committee appointed in House resolution 172 under provisions of House resolution 157; to the Committee on Accounts.

By Mr. ASHBROOK: Resolution (H. Res. 185) to add two members to the committee heretofore directed to investigate the Post Office Department and service; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARTLETT: A bill (H. R. 10868) for the relief of the estate of Dr. J. M. Curry, deceased; to the Committee on War Claims.

By Mr. BURKE of Wisconsin: A bill (H. R. 10869) granting an increase of pension to Mark Weeks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10870) granting an increase of pension to Isaac Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10871) granting an increase of pension to Michael Normile; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 10872) granting an increase of pension to Harrison Bradley; to the Committee on Invalid Pensions.

By Mr. COX of Ohio: A bill (H. R. 10873) granting a pension to Ella H. Candy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10874) granting a pension to Frank Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10875) granting a pension to Beatrice Snyder; to the Committee on Pensions.

Also, a bill (H. R. 10876) granting a pension to Ollie Philips; to the Committee on Pensions.

Also, a bill (H. R. 10877) granting a pension to George W. Krug, alias King; to the Committee on Pensions.

Also, a bill (H. R. 10878) granting a pension to Fenton B. King; to the Committee on Pensions.

Also, a bill (H. R. 10879) granting a pension to Royal Colvin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10880) granting a pension to William G. Stewart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10881) granting a pension to Harry Scott; to the Committee on Pensions.

Also, a bill (H. R. 10882) granting a pension to Sarah M. Snyder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10883) granting a pension to Rebecca Gard Butler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10884) granting a pension to Susan O. Woods; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10885) granting a pension to Edward Riley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10886) granting a pension to Malachi E. Kittredge; to the Committee on Pensions.

Also, a bill (H. R. 10887) granting a pension to Johnston Winters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10888) granting a pension to Pearl B. Scully; to the Committee on Pensions.

Also, a bill (H. R. 10889) granting a pension to George B. Bolender; to the Committee on Pensions.

Also, a bill (H. R. 10890) granting a pension to William T. Hedges; to the Committee on Pensions.

Also, a bill (H. R. 10891) granting a pension to Edward F. Denny; to the Committee on Pensions.

Also, a bill (H. R. 10892) granting a pension to Eliza Jane Watson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10893) granting a pension to Carrie Cohee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10894) granting a pension to Fannie B. Haines; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10895) granting a pension to Robert E. Martin; to the Committee on Pensions.

Also, a bill (H. R. 10896) granting a pension to Frank H. Brunner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10897) granting a pension to Laura Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10898) granting a pension to Allen A. Cornelius; to the Committee on Pensions.

Also, a bill (H. R. 10899) granting a pension to Martha Hamerick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10900) granting a pension to Daniel Owens; to the Committee on Pensions.

Also, a bill (H. R. 10901) granting a pension to Joseph Turner; to the Committee on Pensions.

Also, a bill (H. R. 10902) granting a pension to V. W. Ochs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10903) granting a pension to Mary A. Chambers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10904) granting a pension to John C. Ferneding; to the Committee on Pensions.

Also, a bill (H. R. 10905) granting a pension to Louis Farhlender; to the Committee on Pensions.

Also, a bill (H. R. 10906) granting a pension to Mary A. Wiegand; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10907) granting a pension to Catharine Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10908) granting a pension to Harriet A. Porter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10909) granting a pension to Jacob Myers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10910) granting a pension to John Lambertson; to the Committee on Pensions.

Also, a bill (H. R. 10911) granting a pension to Louis A. Rowe; to the Committee on Pensions.

Also, a bill (H. R. 10912) granting a pension to Ira V. Ennis; to the Committee on Pensions.

Also, a bill (H. R. 10913) granting a pension to Nolan Read; to the Committee on Pensions.

Also, a bill (H. R. 10914) granting a pension to James E. Martin; to the Committee on Pensions.

Also, a bill (H. R. 10915) granting a pension to Charles Mayrwieser; to the Committee on Pensions.

Also, a bill (H. R. 10916) granting a pension to Charles E. Schindler; to the Committee on Pensions.

Also, a bill (H. R. 10917) granting a pension to Horace W. Hunt; to the Committee on Pensions.

Also, a bill (H. R. 10918) granting an increase of pension to Vernie Warr; to the Committee on Pensions.

Also, a bill (H. R. 10919) granting an increase of pension to William F. Brewer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10920) granting an increase of pension to Daniel F. Doty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10921) granting an increase of pension to Joseph Hammond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10922) granting an increase of pension to Sim Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10923) granting an increase of pension to Philip Leveline; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10924) granting an increase of pension to Julius R. Brace; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10925) granting an increase of pension to Sam Mars; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10926) granting an increase of pension to George H. Hutter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10927) granting an increase of pension to William Powell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10928) granting an increase of pension to Charles M. King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10929) granting an increase of pension to W. A. Danner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10930) granting an increase of pension to Daniel T. Elliott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10931) granting an increase of pension to George F. Kimball; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10932) granting an increase of pension to James Mansfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10933) granting an increase of pension to Thomas Kenney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10934) granting an increase of pension to Alexander Hanley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10935) granting an increase of pension to Daniel Pottenger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10936) granting an increase of pension to Jeremiah Zimmerman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10937) granting an increase of pension to Peter McCabe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10938) granting an increase of pension to Lurton T. Reeve; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10939) granting an increase of pension to Samuel Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10940) granting an increase of pension to Isabella Joyce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10941) granting an increase of pension to Charles Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10942) granting an increase of pension to John E. Sidney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10943) granting an increase of pension to Joseph Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10944) granting an increase of pension to Franklin W. Kumler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10945) granting an increase of pension to Daniel Peyton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10946) granting an increase of pension to Michael Shiverdecker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10947) granting an increase of pension to Joshua A. Hart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10948) granting an increase of pension to Alvah M. Weller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10949) granting an increase of pension to Alexander McMurtrie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10950) granting an increase of pension to Eugene A. Olney; to the Committee on Pensions.

Also, a bill (H. R. 10951) granting an increase of pension to John Doyle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10952) granting an increase of pension to George R. Gibney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10953) granting an increase of pension to Jeremiah Calden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10954) granting an increase of pension to James F. Rankin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10955) granting an increase of pension to James P. Morgan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10956) granting an increase of pension to Abraham Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10957) granting an increase of pension to William F. Hoopert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10958) granting an increase of pension to Fredrick Garling; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10959) granting an increase of pension to L. T. Dysert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10960) granting an increase of pension to Joseph Bates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10961) granting an increase of pension to John Fowler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10962) granting an increase of pension to William T. Sliver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10963) granting an increase of pension to Charles F. Kimmel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10964) granting an increase of pension to John R. McCracken; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10965) granting an increase of pension to Silas McFowler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10966) granting an increase of pension to William Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10967) granting an increase of pension to Henry Glady; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10968) granting an increase of pension to Alphonso B. Passage; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10969) granting an increase of pension to Charles R. Louch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10970) granting an increase of pension to Jacob G. B. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10971) granting an increase of pension to Alexander Wood; to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 10972) granting a pension to James Davis, alias Robert J. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10973) granting an increase of pension to William Leeper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10974) granting an increase of pension to John Bachtler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10975) granting an increase of pension to Thomas Stevenson; to the Committee on Invalid Pensions.

By Mr. DENT: A bill (H. R. 10976) granting an increase of pension to Henry Schmidt; to the Committee on Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 10977) granting an increase of pension to William Sturgeon, now known as William Patton; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 10978) to correct the military record of David Mowen; to the Committee on Military Affairs.

By Mr. GREGG of Pennsylvania: A bill (H. R. 10979) granting an increase of pension to John W. Truxel; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 10980) granting a pension to Hannah P. Edwards; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 10981) granting an increase of pension to Stephan A. Hulse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10982) granting an increase of pension to John F. Wier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10983) granting an increase of pension to Hallie Geer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10984) granting a pension to Norah Nevileir; to the Committee on Pensions.

Also, a bill (H. R. 10985) granting a pension to Hattie E. Miller; to the Committee on Pensions.

By Mr. HANNA: A bill (H. R. 10986) granting an increase of pension to Agnes L. Little; to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 10987) granting an increase of pension to George W. Newman; to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 10988) granting an increase of pension to Thomas Stubbs; to the Committee on Invalid Pensions.

By Mr. MAHER: A bill (H. R. 10989) granting an increase of pension to Bridget Burns; to the Committee on Invalid Pensions.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 10990) granting an increase of pension to John Pope; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10991) granting an increase of pension to John W. Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10992) granting an increase of pension to Martin Hubbard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10993) granting an increase of pension to Henry H. Swim; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10994) granting an increase of pension to John P. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10995) granting an increase of pension to John Bowermaster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10996) granting an increase of pension to John Level; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10997) granting an increase of pension to Benjamin F. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10998) granting an increase of pension to Othaniel Marsh; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 10999) granting an increase of pension to Mary Murphy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11000) granting an increase of pension to James Moran; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11001) granting an increase of pension to Bridget M. Muldoon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11002) granting an increase of pension to Annie J. Tierney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11003) granting an increase of pension to Dennis Cremen; to the Committee on Invalid Pensions.

By Mr. PALMER: A bill (H. R. 11004) granting an increase of pension to William H. Johnson; to the Committee on Invalid Pensions.

By Mr. PEPPER: A bill (H. R. 11005) granting an increase of pension to R. H. McCampbell; to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: A bill (H. R. 11006) granting a pension to Eliza Lake Sprague; to the Committee on Pensions.

Also, a bill (H. R. 11007) granting an increase of pension to Frank A. Schaller; to the Committee on Pensions.

Also, a bill (H. R. 11008) granting an increase of pension to Charles W. Edmonds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11009) granting an increase of pension to Christopher M. McGuire; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11010) granting an increase of pension to Allen King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11011) to authorize the Secretary of the Interior to issue patent in fee simple to the National Lincoln Douglas Sanatorium and Consumptives' Hospital Association (a corporation), of Denver, Colo., for a certain described tract of land, and for other purposes; to the Committee on the Public Lands.

By Mr. RUSSELL: A bill (H. R. 11012) granting an increase of pension to Charles Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11013) granting an increase of pension to Reuben Melton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11014) granting an increase of pension to David E. Cummins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11015) granting an increase of pension to John W. Bond; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 11016) granting an increase of pension to George T. Daniels; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11017) granting an increase of pension to Moses Davison; to the Committee on Invalid Pensions.

By Mr. HAMILTON of West Virginia: A bill (H. R. 11018) for the relief of William Lloyd; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of Arthur Wyeth and 8 other farmers of Johnstown, Ohio, asking that no reduction or modification be made on the present tariff on wool; to the Committee on Ways and Means.

Also, petitions of Wayne County Pharmaceutical Association, of Wooster, Ohio, and Frank Le Page, S. T. Naylor, and W. A. Winkler, druggists of Canal Dover, Ohio, protesting against the passage of House bill 8887, a bill putting a tax on proprietary medicines; to the Committee on Ways and Means.

By Mr. BURKE of Wisconsin: Resolution passed by Dolge-Trier Camp, No. 12, United Spanish War Veterans, of Sheboygan, Wis., favoring the repeal of the anticanteen law; to the Committee on Military Affairs.

Also, resolution passed by Arthur McCourt Camp, No. 15, United Spanish War Veterans, of Fond du Lac, Wis., favoring the repeal of the anticanteen law; to the Committee on Military Affairs.

Also, papers accompanying bill granting an increase of pension to Michael Normile; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: Papers to accompany bill for increase of pension to Harrison Bradley; to the Committee on Invalid Pensions.

By Mr. CALDER: Petition of New York State Pharmaceutical Association, in opposition to House bill 8887; to the Committee on Ways and Means.

Also, petition of Calisher & Co., of New York City, in opposition to House bill 8887; to the Committee on Ways and Means.

Also, petition of the Central Labor Union of Brooklyn, N. Y., calling attention to resolution introduced by Mr. BERGER, asking an investigation of the kidnaping of the secretary treasurer of the Structural Iron Workers' National Union; to the Committee on Labor.

Also, petition of Oakley & Co., of New York City, in opposition to House bill 8887; to the Committee on Ways and Means.

By Mr. CLARK of Missouri: Petition of citizens of Grundy County, Mo., in favor of the National Guard pay bill; to the Committee on Military Affairs.

By Mr. FLOYD of Arkansas: Petitions of citizens of Newton County, Ark., for reduction of duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. FORNES: Petition of the Carded Woolen Manufacturers' Association, against section K of the Payne-Aldrich law, and for the rates in the new law to be as far as possible ad valorem; to the Committee on Ways and Means.

Also, petition of National Boot and Shoe Manufacturers' Association, against any reduction on the present rate of duty on shoes; to the Committee on Ways and Means.

Also, petition of New England Mineral Fertilizer & Chemical Co., against actions of being summoned before postal authorities; to the Committee on Rules.

By Mr. FULLER: Petition of Edward Moir, president Carded Woolen Manufacturers' Association, favoring ad valorem duties on wool and manufactures thereof; to the Committee on Ways and Means.

Also, petition of Streator, Ill., Branch, Socialist Party, favoring the Berger resolution; to the Committee on Rules.

Also, petition of the National Peace Congress, favoring arbitration treaties, etc.; to the Committee on Foreign Affairs.

Also, petition of committee of wholesale grocers, for reduction of tariff on sugar; to the Committee on Ways and Means.

By Mr. GEORGE: Petition of William E. Carlin, administrator of estate of William Passmore Carlin, representing that the estate of William Passmore Carlin is entitled to longevity pay for the portion of his military service covered by his attendance at the United States Military Academy; to the Committee on War Claims.

By Mr. HAMILTON of West Virginia: Petitions of sundry citizens of West Virginia, asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. HELM: Petitions of citizens of Cropper and Stanford, Ky., for a reduction of duty on sugar; to the Committee on Ways and Means.

Also, memorial of Mrs. James Bennett, urging that women be given the privilege of voting for United States Senators; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. HANNA: Petition of James E. McAdoo and others, protesting against the passage of the Canadian reciprocity bill, protesting against increasing the postage rates on the advertising pages of magazines, favoring the abolition of the franking privilege, and a more businesslike management of the Post Office Department; also favoring the establishment of a parcels post; to the Committee on Ways and Means.

Also, petition of the Fargo Local of the Socialist Party of America, Fargo, N. Dak., requesting speedy consideration by the House Committee on Rules of the resolution providing for an investigation of the arrest and extradition of John J. McNamara; to the Committee on Rules.

By Mr. HAWLEY: Petitions of the Portland (Oreg.) Chamber of Commerce and the Employers' Association of Oregon, protesting against the placing of burlap bags on the free list; to the Committee on Ways and Means.

Also, petition of John A. Roebling's Sons Co., of Portland, Oreg., protesting against placing stranded wire, wire rods, and wire rope on the free list; to the Committee on Ways and Means.

Also, petition of Mrs. J. H. Williams and others, for the passage of the Miller-Curtis bill excluding liquors from interstate-commerce protection; to the Committee on Alcoholic Liquor Traffic.

By Mr. HILL: Resolutions of the directors of the Bridgeport Business Men's Association, of Bridgeport, Conn., in regard to parcels post; to the Committee on the Post Office and Post Roads.

Also, resolutions of the Ancient Order of Hibernians, Division No. 1, of Danbury, Conn., in regard to certain treaties; to the Committee on Foreign Affairs.

Also, resolutions of the New Haven Chamber of Commerce, relative to date of payment of the corporation tax; to the Committee on Ways and Means.

Also, resolutions of the Bridgeport (Conn.) Central Labor Union, with reference to the Berger resolution concerning the arrest of J. J. McNamara; to the Committee on Rules.

Also, resolutions of the County Board (Fairfield County, Conn.), Ancient Order of Hibernians, protesting against any alliances with foreign countries; to the Committee on Foreign Affairs.

By Mr. KNOWLAND: Memorial of the Chamber of Commerce of Los Angeles, Cal., favoring the transfer of the sloop of war *Portsmouth* to San Francisco; to the Committee on Naval Affairs.

Also, memorial of the Chamber of Commerce of Los Angeles, Cal., urging the fortification of Los Angeles Harbor; to the Committee on Rivers and Harbors.

Also, memorial of the Chamber of Commerce of Los Angeles, relative to the development of coal deposits and other resources of Alaska; to the Committee on the Territories.

By Mr. LAFEAN: Resolutions of Washington Camp, No. 414, of Gettysburg, Pa., urging the passage of legislation favoring further restrictions in immigration; to the Committee on Immigration and Naturalization.

Also, petitions of merchants of York County, Pa., praying for the reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. MORGAN: Petition of citizens of Hooker, Okla., remonstrating against the passage of Senate bill 237, known as the Johnston Sunday bill; to the Committee on the District of Columbia.

By Mr. O'SHAUNESSY: Petition of the Carded Woolen Manufacturers' Association, Boston, Mass., favoring an ad valorem duty on woolen and by-products; to the Committee on Ways and Means.

By Mr. PAGE: Petitions of citizens of Sanford, Lee County, N. C., asking reduction of tariff duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. ROBINSON: Petitions of J. J. Wendel and others, Isaac Dreyfus Co. and others, F. A. Stearns and others, David Gates, jr., and others, R. P. Goodman and others, Gillespie Trading Co. and others, A. T. Cotham and others, for the regulation of express companies by the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany House bill 2399, for the relief of Stephen Knieka; to the Committee on Pensions.

By Mr. STEENERSON: Petitions of C. R. Wielin, P. E. Smedesavg, H. E. Schneider, C. O. Swanson, Martin Solun, A. L. Ortloff, O. W. Rohde, A. Dreelan, Nich Echstein, C. G. Berger, the Wylie Farmers' Elevator & Mercantile Co., Peter Hansel, all of Minnesota, requesting a reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Mr. SULZER: Resolutions of the Downtown German Branch of the Socialist Party, protesting against the kidnaping of the secretary and other members of the International Association of Bridge and Structural Iron Workers; to the Committee on Rules.

Also, resolutions relating to proposed legislation affecting the cold-storage industry, adopted by the Chicago Clearing House Association; to the Committee on Interstate and Foreign Commerce.

Also, petition of Calisher & Co., manufacturers of perfumery and toilet articles, protesting against House bill 8887; to the Committee on Ways and Means.

Also, resolutions adopted by the Piano, Organ, and Musical Instrument Workers of Greater New York and vicinity, protesting against kidnaping and deportation to Los Angeles, Cal., of J. J. McNamara; to the Committee on Rules.

By Mr. UNDERHILL: Petition of M. V. Allen, of Ovid, N. Y., protesting against any reduction of the present duty on wool; to the Committee on Ways and Means.

Also, petition of the Carded Woolen Manufacturing Co., of Boston, Mass., Edward Moir, president, in favor of an ad valorem duty on wool; to the Committee on Ways and Means.

Also, petition of American Nickeloid & Manufacturing Co., against the new tariff law of 1909; to the Committee on Ways and Means.

Also, petition of D. H. Townsend & Sons, of Trumansburg, N. Y., protesting against any change reducing tariff on wool; to the Committee on Ways and Means.

Also, petition of Weiermiller Bros., of South Danville, N. Y., asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of Oakley & Co., of New York City, protesting against House bill 8887; to the Committee on Ways and Means.

Also, petition of Calisher & Co. of New York City, protesting against House bill 8887; to the Committee on Ways and Means.

Also, petition of Postmaster John L. Chatfield and others, of Painted Post, N. Y., in favor of bill introduced by Mr. MANN for the closing of post offices on Sundays; to the Committee on the Post Office and Post Roads.

Also, petition of the Niagara Alkali Co., praying for a change in present tariff on potash so as to make the duty of 1 cent per pound apply to all caustic potash, no matter in what form of package it may be contained, when the content of total alkali exceeds 85 per cent; to the Committee on Ways and Means.

Also, petition of New York State Pharmaceutical Association in opposition to House bill 8887; to the Committee on Ways and Means.

By Mr. WOOD: Resolution adopted by Local Union No. 26, International Union of United Brewery Workmen of America, of Trenton, N. J., urging immediate action by the House of Representatives on the resolution of investigation of the lawlessness of the acts of the arrest of John J. McNamara; to the Committee on Rules.

Also, petition of Frank N. Cole, of Readington, N. J., asking for a reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, resolutions adopted by Division No. 540, Amalgamated Association of Street and Electric Railway Employees of America, of Trenton, N. J., urging immediate action by the House of Representatives on the resolution of investigation of the lawlessness of the acts of arrest of John J. McNamara; to the Committee on Rules.

SENATE.

THURSDAY, *June 1, 1911.*

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of the proceedings of Monday last, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a concurrent resolution adopted by the Legislature of the Territory of Hawaii relative to the modification of the boundaries of the proposed Kilauea National Park in that Territory, which was referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed in the RECORD, as follows:

Concurrent resolution.

Whereas a bill has been introduced into the Congress of the United States to authorize the establishing of a national park in the region of the active crater of Kilauea, in the island and county of Hawaii, of this Territory, to the end that the scenic wonders and volcanic phenomena of that region may be henceforth maintained as a public reservation for the benefit of all people and the enabling of scientific research of volcanic phenomena; and

Whereas in the message of the governor of the Territory to the present session of the legislature an expression of opinion by the legislature is suggested upon this important subject; and

Whereas it is further considered by the property owners and leaseholders that will be affected by the creation of this proposed park, as well as by the public at large, a laudable and praiseworthy purpose; and

Whereas it appears that the only opposition to the project is due to the boundaries of the park as in said bill described, which, it is claimed by the parties affected, are of greater magnitude than necessary for the object sought and unnecessarily take in large tracts of timber and grazing lands not essential to the creation of a "volcano park"; and

Whereas in order to allay any and all opposition to the general plan for a national park at Kilauea it is desirable to modify the boundaries defined in the bill introduced into the Congress of the United States for the creation of said park on lines that will retain within the boundaries of the proposed national park the whole of the crater of Kilauea and of Kilauea-iki and other volcanic phenomena in the vicinity, together with a right of way from said park lines to the crater of Mokuaweoweo, on the summit of Mauna Loa: Therefore be it

Resolved by the House of Representatives of the Territory of Hawaii (the Senate concurring), That the Congress of the United States be, and is hereby, petitioned and requested to create the said park on the lines or boundaries indicated on the memorandum and on the map attached, modifying, as shown thereon, the excessive area provided for in the original plan, it being evident that all opposition to the project will be then dissipated, and that the interests of all concerned, both public and private, will be the better subserved; and be it further

Resolved, That the superintendent of public works be instructed to immediately provide a technical description of the boundaries referred to in this resolution, as modifying the lines originally laid out, in order that the same may go forward with this resolution to Congress for its consideration and action; be it further

Resolved, That a copy of this resolution, with said technical description, be transmitted to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and also to the Delegate to Congress of this Territory.

PROPOSED BOUNDARIES OF THE KILAUEA NATIONAL PARK, HAWAII.

Beginning at a point on the west edge of the Keamoku Aa flow (lava flow of 1823), from which point the true azimuth and distance to Government survey trig. station "Ohaikea" is 166 degrees 20 minutes, 6,850 feet, and running by true azimuths:

1. Along the west edge of the Keamoku lava flow in a northeasterly and northwesterly direction, the direct azimuth and distance being 194 degrees 45 minutes, 15,118 feet.
2. Two hundred and fifty-six degrees 15 minutes, 23,000 feet, more or less, across the lands of Kapapala and Keauhou to the southwest boundary of the land of Olaa.
3. Three hundred and twenty-nine degrees 31 minutes, 16,200 feet, more or less, along the land of Olaa.
4. Three hundred and sixty degrees, 3,500 feet, more or less, along the land of Keaau.
5. Three hundred and thirty-four degrees, 7,000 feet, along the land of Kahaualea.
6. Two hundred and eighty-one degrees, 30,455 feet, more or less, across the land of Kahaualea, passing through the north corner of the land of Panaunui to the north corner of the land of Laeapuki.
7. Thirty-one degrees 30 minutes, 13,200 feet, more or less, along the land of Laeapuki and across the land of Panaunui.
8. Eighty-nine degrees 40 minutes, 32,225 feet, more or less, across the lands of Panaunui, Apua, and Keauhou to "Pali-lele-o-Kalihipaa," the boundary point of the Keauhou-Kapapala boundary.
9. Sixty-two degrees 50 minutes, 6,200 feet, across the land of Kapapala.
10. One hundred and one degrees, 17,700 feet, across the land of Kapapala to a small cone about 1,500 feet southwest of "Puu Koae" trig. station.
11. One hundred and sixty-six degrees 20 minutes, 21,000 feet, across the land of Kapapala to the point of beginning.

Area, 38,275 acres.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, April 22, 1911.

We hereby certify that the foregoing concurrent resolution was adopted in the House of Representatives of the Territory of Hawaii on the 22d day of April, A. D. 1911.

H. L. HOLSTEIN,
Speaker House of Representatives.
EDWARD WOODWARD,
Clerk House of Representatives.

THE SENATE OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, April 26, 1911.

We hereby certify that the foregoing concurrent resolution was adopted in the Senate of the Territory of Hawaii on the 26th day of April, A. D. 1911.

ERIC A. KNUDSEN,
President of the Senate.
JOHN H. WISE,
Clerk of the Senate.

The VICE PRESIDENT presented petitions of the congregations of the Churches of the Brethren of Enterprise, Mont., Berthold, N. Dak., and Kenmare, N. Dak., praying for the enactment of legislation for the suppression of the opium evil, which were referred to the Committee on Foreign Relations.

Mr. SHIVELY presented a memorial of Local Branch, American Federation of Catholic Societies, of Muncie, Ind., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of Cigar Makers' Local Union, No. 33, of Indianapolis, Ind., and a petition of the local Socialist Party, of South Bend, Ind., praying that an investigation be made into the alleged abduction of John J. McNamara from Indianapolis, Ind., which were referred to the Committee on the Judiciary.

He also presented the petition of C. T. Davis and 23 other citizens of Brooklyn, N. Y., praying for the enactment of legislation for the control and preservation of the waters of Niagara Falls, which was referred to the Committee on Foreign Relations.

He also presented a memorial of Local Division No. 2, Ancient Order of Hibernians, of Lake County, Ind., and a memorial of Local Division No. 6, Ancient Order of Hibernians, of Indianapolis, Ind., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. CULLOM presented memorials of sundry business men of Lakewood, Ill., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented petitions of the Buffalo Methodist Preachers' Meeting; of the Peace and Arbitration Society of Buffalo; of the Men's Club of the First Presbyterion Church of Poughkeepsie, in the State of New York; of the Woman's Christian Temperance Union of Fort Collins, Colo.; of the congregation of the Methodist Episcopal Church of Worcester, Mass.; of the Woman's Christian Temperance Union of Worcester, Mass.; of the James W. Houston Co., of Pittsburg; of Robert S. Glass, of Pittsburg; and of M. J. Scott, of Pittsburg, in the State of Pennsylvania, praying for the ratification of the proposed treaty of arbitration between the United States and

Great Britain, which were referred to the Committee on Foreign Relations.

He also presented a memorial of the Central Labor Union of the District of Columbia, remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. GALLINGER presented a petition of the New Hampshire Sunday School Association, and a petition of Oliver S. Baketel, of New York City, N. Y., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented memorials of Local Grange No. 47, Patrons of Husbandry, of Deerfield; of Sunapee Lake Grange, No. 112, Patrons of Husbandry, of South Newbury; of John Hancock Grange, No. 33, Patrons of Husbandry, of Hancock; and of Rockwell Clough, of Alton, all in the State of New Hampshire, remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented petitions of the Pastors' Federation, of Rev. C. H. Butler, of Edward Tarring, of Joseph F. Bixler, of Mrs. J. T. Humphreys, of Bessie L. Humphreys, of Marie G. Humphreys, and of John T. Humphreys, of Washington, D. C., praying for the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a memorial of the Northeast Washington Citizens' Association, of the District of Columbia, remonstrating against conferring upon the District Commissioners the duties of a public-utilities commission, which was referred to the Committee on the District of Columbia.

He also presented the petition of Louis P. Shoemaker, of Washington, D. C., praying for the extension of New Hampshire Avenue in a straight line, which was referred to the Committee on the District of Columbia.

Mr. BURNHAM presented a petition of the First Baptist Bible School of Concord, N. H., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a memorial of John Hancock Grange, No. 33, Patrons of Husbandry, of Hancock, N. H., and a memorial of Sunapee Lake Grange, No. 112, Patrons of Husbandry, of South Newbury, N. H., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. WATSON presented memorials of C. B. Disque, druggist, of Sistersville, of Grant Graham, druggist, of Belington, and of the McNutt Pharmacy, of Princeton, all in the State of West Virginia, remonstrating against the imposition of a stamp tax on proprietary medicines, which were referred to the Committee on Finance.

Mr. BRANDEGEE presented a memorial of Local Division No. 1, Ancient Order of Hibernians, of Mount Carmel, Conn., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. KERN presented memorials of Local Division No. 2, of Whiting, of Local Division No. 6, of Indianapolis, and of Local Division No. 7, of Indianapolis, all of the Ancient Order of Hibernians, in the State of Indiana, remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Young Men's Bible Class of the First Presbyterian Church, of Goshen, Ind., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. FLETCHER presented a petition of the Housekeepers' Club, of Cocoanut Grove, Fla., praying for the enactment of legislation for the preservation and control of the waters of Niagara Falls, which was referred to the Committee on Foreign Relations.

Mr. BURTON presented memorials of sundry citizens of West Carrollton, Miamisburg, and Germantown, all in the State of Ohio, remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. BRISTOW presented memorials of sundry citizens of Kansas, remonstrating against the establishment of a parcels-post system, which were referred to the Committee on Post Offices and Post Roads.

Mr. DU PONT presented a memorial of Harmony Grange, No. 12, Patrons of Husbandry, of Marshallton, Del., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a petition of sundry members of the Friends' Meeting and First-Day School, of Wilmington, Del., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors into prohibition districts, which was referred to the Committee on Interstate Commerce.

Mr. BRADLEY presented a memorial of sundry druggists of Henderson, Ky., remonstrating against the imposition of a stamp tax on proprietary medicines, which was referred to the Committee on Finance.

Mr. JONES presented a memorial of the county board of the Ancient Order of Hibernians of King County, Wash., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. CLARK of Wyoming presented memorials of sundry citizens of the Territory of Arizona, remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. ROOT presented a memorial of Elk Creek Grange, No. 506, Patrons of Husbandry, of Elk Creek, N. Y., and a memorial of Floyd Grange, No. 665, Patrons of Husbandry, of Stittville, N. Y., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. WETMORE presented a memorial of the Sarsfield Literary Association, of Woonsocket, R. I., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEE ON MILITARY AFFAIRS.

Mr. FOSTER, from the Committee on Military Affairs, to which was referred the bill (S. 897) for the relief of Alfred L. Dutton, reported it without amendment and submitted a report (No. 49) thereon.

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the bill (S. 116) to maintain at the United States Military Academy an engineer detachment, reported it without amendment and submitted a report (No. 48) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRISTOW:

A bill (S. 2561) granting a pension to Elizabeth Teel (with accompanying papers); to the Committee on Pensions.

By Mr. BURNHAM:

A bill (S. 2562) granting an increase of pension to Joseph Rever (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 2563) granting an increase of pension to Charles W. Morgan; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 2564) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications; to the Committee on Printing.

A bill (S. 2565) granting a pension to Matilda L. Lyman; and

A bill (S. 2566) granting an increase of pension to Joseph Goddard; to the Committee on Pensions.

By Mr. TAYLOR:

A bill (S. 2567) granting an increase of pension to Benjamin A. Yates;

A bill (S. 2568) granting an increase of pension to Sarah S. Conway (with accompanying paper); and

A bill (S. 2569) granting an increase of pension to Mirusa Rutherford (with accompanying papers); to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 2570) for the relief of E. J. Finch, heir of Patrick D. Gilchrist, deceased; to the Committee on Claims.

By Mr. STEPHENSON:

A bill (S. 2571) granting an increase of pension to Henry J. Hallowell (with accompanying papers);

A bill (S. 2572) granting an increase of pension to Charles E. Tennant (with accompanying papers); and

A bill (S. 2573) granting an increase of pension to Ziba O. Hamilton; to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 2574) granting an increase of pension to Annie G. Hawkins (with accompanying paper); to the Committee on Pensions.

By Mr. GRONNA:

A bill (S. 2575) granting an increase of pension to Robert Paisley; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 2576) for the relief of S. S. Somerville (with accompanying paper); to the Committee on Claims.

A bill (S. 2577) authorizing the lease of school lands for public-park purposes by the State of Washington for a longer period than five years (with accompanying papers); to the Committee on Public Lands.

By Mr. BRANDEGEE:

A bill (S. 2578) granting an increase of pension to Lafayette H. Bevans; and

A bill (S. 2579) granting an increase of pension to John W. Ayer; to the Committee on Pensions.

By Mr. BURTON:

A bill (S. 2580) granting an increase of pension to Heloise Gano; to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 2581) granting an increase of pension to Lafayette Hall (with accompanying papers);

A bill (S. 2582) granting an increase of pension to Ambrose Roan (with accompanying papers);

A bill (S. 2583) granting a pension to Nelson Ponyard (with accompanying papers);

A bill (S. 2584) granting a pension to Elizabeth Teeple;

A bill (S. 2585) granting an increase of pension to Daniel H. McAbee; and

A bill (S. 2586) granting a pension to Henry Koehler; to the Committee on Pensions.

By Mr. KERN:

A bill (S. 2587) granting an increase of pension to Charles D. Butler (with accompanying papers);

A bill (S. 2588) granting an increase of pension to Jared M. Keith (with accompanying papers);

A bill (S. 2589) granting an increase of pension to George W. Shreeve (with accompanying papers);

A bill (S. 2590) granting an increase of pension to Manuel Jay (with accompanying papers); and

A bill (S. 2591) granting an increase of pension to Thomas B. Prather (with accompanying papers); to the Committee on Pensions.

By Mr. BURTON:

A bill (S. 2592) granting an increase of pension to Albert P. Odell; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 2593) granting an increase of pension to Abraham Neidigh (with accompanying papers); to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 2594) for the relief of Anthony, Eubanks & Co.; to the Committee on Claims;

A bill (S. 2595) granting an increase of pension to Henry G. Trimble; to the Committee on Pensions.

By Mr. GUGGENHEIM (by request):

A bill (S. 2596) for the relief of Baer, Senior & Co.'s successors and C. Ingenohl; to the Committee on Claims.

RECIPROCITY WITH CANADA.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (H. R. 4412) to promote reciprocal trade relations with the Dominion of Canada, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

PULP AND NEWS-PRINT-PAPER INDUSTRY.

On motion of Mr. SMOOT, it was—

Ordered, That 2,000 copies of Senate Document No. 31, Sixty-second Congress, first session, "Pulp and news-print-paper industry," be printed with accompanying illustrations for the use of the Senate document room.

THE AMERICAN TOBACCO CO. ET AL. V. UNITED STATES (S. DOC. NO. 40).

On motion of Mr. OVERMAN, it was—

Ordered, That the opinion of the Supreme Court of the United States in the case of the American Tobacco Co. et al., appellants, *v.* The United States, with the dissenting opinion of Justice Harlan, be printed as a Senate document.

THE STANDARD OIL AND AMERICAN TOBACCO COS.

Mr. POMERENE. Mr. President, I submit a concurrent resolution and ask that it may lie on the table. I give notice to the Senate that I shall desire to say something on the subject of the resolution, perhaps on Monday next.

The concurrent resolution (S. Con. Res. 4) was read, as follows:

Whereas the Supreme Court of the United States, in the case of The Standard Oil Co. of New Jersey et al. *v.* The United States, decreed, in effect, the Standard Oil Co. of New Jersey and 33 other constituent organizations and 7 individual defendants have united together to form and effect a combination, and as such conspired to monopolize and have monopolized and are continuing to monopolize a substantial part of the commerce among the States, in the Territories, and with foreign nations in restraint of interstate trade and commerce in violation of sections 1 and 2 of the Sherman antitrust law; and

Whereas the Supreme Court of the United States, in the case of The United States of America *v.* The American Tobacco Co. et al., and in the case of The American Tobacco Co. et al. *v.* The United States, in effect, decreed that the said the American Tobacco Co. and its co-defendants, corporate and individual, had formed and maintained a combination in restraint of trade and that they were engaged in an attempt to monopolize and in a monopolization within the first and second sections of the Sherman antitrust law; and

Whereas under the provisions of said act if the said parties or persons, or any of them, or anyone for them, or anyone aiding or abetting them, have entered into or continued any contract, combination in the form of trust or otherwise or conspiracy in restraint of trade or commerce among the several States, in the Territories, or with foreign nations, or have monopolized or attempted to monopolize or combine or conspire with any person or persons to monopolize any part of the trade or commerce as aforesaid, they are amenable to criminal prosecution; and

Whereas no criminal prosecutions have been begun against any of the said parties or persons: Therefore be it

Resolved by the Senate (the House of Representatives concurring)—

(1) That it is the sense of the Senate and of the House of Representatives that criminal prosecutions shall be begun against any or all of said parties or persons who shall have, in the opinion of the Attorney General, violated the criminal provisions of said statute.

(2) That the Attorney General of the United States be, and he is hereby, instructed to institute criminal prosecutions against said parties or persons for said violations, if any, where the evidence in the opinion of the Attorney General shall justify such proceedings.

The VICE PRESIDENT. The concurrent resolution will lie on the table, if there be no objection.

REESTABLISHMENT OF DIVISION HEADQUARTERS.

Mr. HITCHCOCK. I submit a resolution and ask that it be read.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 55), as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish the Senate with a statement of the reasons for the proposed reestablishment of division headquarters in the Army, together with a description of the proposed divisions, and a statement of the number of officers and civilian employees to be stationed at each division headquarters, and the number of officers and civilian employees that it is proposed to withdraw from each of the department headquarters as now organized; also what effect, if any, the proposed return to the system of division headquarters will have on Army expenditures, and whether this was taken into account in making up the estimates for the next fiscal year; and if so, in what total amount?

Mr. HITCHCOCK. I ask unanimous consent for the present consideration of the resolution.

Mr. CULLOM. I think the resolution ought to go to the Committee on Military Affairs.

Mr. HITCHCOCK. I should like to ask the chairman of the Committee on Military Affairs whether he has any objection to the present consideration of the resolution.

Mr. DU PONT. I have no objection to the present consideration of the resolution so far as I am concerned.

Mr. SMOOT. Let it be read again, Mr. President.

The Secretary again read the resolution.

The VICE PRESIDENT. A request has been made for the reference of the resolution to the Committee on Military Affairs, which is equivalent to an objection.

Mr. HITCHCOCK. I should like to inquire of the Senator——

Mr. CULLOM. The chairman of the Committee on Military Affairs is present. I did not know that he was here. I withdraw my objection.

The resolution was considered by unanimous consent and agreed to.

THE POSTAL SYSTEM.

Mr. BOURNE submitted the following resolution (S. Res. 56), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Post Offices and Post Roads is hereby authorized and directed, by subcommittee or otherwise, to inquire into and report to the Senate at the earliest date practicable what changes are necessary or desirable in the postal system of the United States or in laws relating to the postal service and particularly with reference to the establishment of a parcels post, and for this purpose they are authorized to sit during the sessions or recesses of Congress at such times and places as they may deem desirable or practicable; to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses, to conduct hearings, and have reports of same printed for use, and to employ such clerks, experts, counsel, stenographers, messengers, and other assistants as shall be necessary, and any expense in connection with such inquiry shall be paid out of the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

SENATOR FROM ILLINOIS.

Mr. BROWN. I offer a resolution which I ask to have read.

The resolution (S. Res. 57) was read as follows:

Resolved, That WILLIAM LORIMER was not duly and legally elected to a seat in the Senate of the United States by the Legislature of the State of Illinois.

Mr. BROWN. Mr. President, I ask that the resolution be printed and lie on the table.

The VICE PRESIDENT. Without objection, that course will be followed.

THE CALENDAR.

The VICE PRESIDENT. The morning business is closed and the calendar is in order under Rule VIII.

The joint resolution (H. J. Res. 1) to correct errors in the enrollment of certain appropriation acts, approved March 4, 1911, was announced as the first business on the calendar.

Mr. HEYBURN. I ask that the joint resolution may go over.

The VICE PRESIDENT. It will go over.

The bill (S. 20) directing the Secretary of War to convey the outstanding legal title of the United States to sublots Nos. 31, 32, and 33 of original lot No. 3, square No. 80, in the city of Washington, D. C., was announced as next in order.

Mr. HEYBURN. I ask that the bill may go over.

The VICE PRESIDENT. It will go over.

The bill (S. 23) to authorize the extension of Underwood Street NW. was announced as next in order.

Mr. GALLINGER. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 237) for the proper observance of Sunday as a day of rest in the District of Columbia was announced as next in order.

The VICE PRESIDENT. The bill has been read. The question is on agreeing to the amendment offered by the Senator from Idaho [Mr. HEYBURN], which will be read.

The SECRETARY. On page 1, beginning with line 8, after the word "charity," strike out the comma and the remainder of the section in the following words——

Mr. HEYBURN. I ask that the bill may go over.

Mr. JOHNSTON of Alabama. I wish to know if the Senator has concluded, or will he conclude his argument on the bill now?

Mr. HEYBURN. On an early occasion I would submit whatever remarks I might have to make. I had not anticipated that the bill would come up this morning.

Mr. JOHNSTON of Alabama. Does the Senator think he will be prepared at the next session to do that?

Mr. HEYBURN. I can not tell just when the next session will be. At the next session of Congress I would be prepared.

Mr. JOHNSTON of Alabama. No, sir; I mean the next session of the Senate.

Mr. HEYBURN. I can not tell just when that will be. I ask that the bill may go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 291) providing for the retirement of petty officers and enlisted men of the United States Navy and Marine Corps, and for the efficiency of the enlisted personnel, was announced as next in order.

Mr. PERKINS. At the request of the senior Senator from Ohio [Mr. BURTON], I ask that the bill may go over without prejudice.

The VICE PRESIDENT. The bill will go over.

JOSEPH A. O'CONNOR.

The bill (S. 1237) for the promotion of Joseph A. O'Connor, carpenter in the United States Navy, to the rank of chief carpenter, and place him on the retired list, was considered as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs with an amendment to strike out all after the enacting clause and insert:

That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to promote Carpenter Joseph A. O'Connor, United States Navy, retired, to the grade of chief carpenter on the retired list.

The amendment was agreed to.

Mr. GORE. Mr. President, I object to the further consideration of the bill.

The VICE PRESIDENT. Objection is made, and the bill goes over on the request of the Senator from Oklahoma. That concludes the calendar.

SENATOR FROM ILLINOIS.

Mr. LA FOLLETTE. Mr. President, I call up Senate resolution No. 6.

The VICE PRESIDENT. Without objection, the Chair lays before the Senate the resolution, which will be stated.

The SECRETARY. Table Calendar 4, Senate resolution 6, by Mr. LA FOLLETTE. A resolution to appoint a special committee to investigate certain charges relative to the electon of WILLIAM LORIMER.

The VICE PRESIDENT. The queston is on agreeing to the substitute offered by the Senator from Virginia [Mr. MARTIN].

Mr. OWEN. Mr. President, I favor the resolution introduced by the Senator from Wisconsin [Mr. LA FOLLETTE] as modified by him.

Mr. LA FOLLETTE. I ask the Senator from Oklahoma to yield to me while I offer the modification to the resolution which I introduced.

Mr. OWEN. I yield to the Senator from Wisconsin for that purpose.

The VICE PRESIDENT. The Senator from Oklahoma *yields* to the Senator from Wisconsin to modify his resolution in the manner which will be stated by the Secretary.

The SECRETARY. It is proposed to modify the resolution by striking out all after the word "*Resolved*," in line 1, page 2, down to and including the word "hereby," in line 4, and inserting the following in lieu thereof:

That a committee composed of five Members of the Senate, three of whom shall be of the majority and two of the minority party, shall be elected in the open session by roll call, and when so elected said committee be, and it is hereby.

Also by inserting, before the word "investigate," in line 2, page 2, the word "promptly."

Also to add at the end of the resolution the following:

In electing said committee a majority of those present and voting shall be required to elect. Each Senator may vote for five upon the first roll call, and thereafter for such number as have not received the requisite majority. No Senator who was a Member of the Senate on the 3d day of March, 1911, shall be eligible to a place upon such committee, and any votes cast for such a Senator shall be void.

The VICE PRESIDENT. Without objection, the Secretary will read the resolution in the form that it is now presented.

The Secretary read the resolution as modified, as follows:

Whereas the Senate, by resolution adopted on the 20th day of June, 1910, authorized and directed the Committee on Privileges and Elections to investigate certain charges against WILLIAM LORIMER, a Senator from the State of Illinois, and to report to the Senate whether, in the election of said LORIMER as a Senator of the United States from said State of Illinois, there were used and employed corrupt methods and practices; and

Whereas said committee, pursuant to said resolution, took the testimony of a large number of witnesses, reduced the testimony to printed form, and reported the same to the Senate, which was thereafter considered and acted upon by the Senate; and

Whereas the Illinois State senate thereafter appointed a committee to investigate like charges against WILLIAM LORIMER and to report to said State senate whether in the election of said LORIMER to the United States Senate corrupt methods and practices were employed and used; and

Whereas as it appears from the published reports of the proceedings of the said Illinois State senate committee that witnesses who were not called and sworn by the committee of this Senate appointed to investigate said charges have appeared before the said committee of the Illinois State senate, and upon being interrogated have given important material testimony tending to prove that $100,000 was corruptly expended to secure the election of WILLIAM LORIMER to the United States Senate: Therefore be it

Resolved, That a committee composed of five members of the Senate, three of whom shall be of the majority and two of the minority party, shall be elected in the open session by roll call, and when so elected said committee be, and it is hereby, authorized and directed to promptly investigate and report to the Senate whether in the election of WILLIAM LORIMER as a Senator of the United States from the State of Illinois there were used and employed corrupt methods and practices; that said committee be authorized to sit during the sessions of the Senate and during any recess of the Senate or of Congress, to hold sessions at such place or places as it shall deem most convenient for the purposes of the investigation, to employ stenographers, to send for persons and papers, to administer oaths, and to report the results of its investigation, including all testimony taken by it; and that the expenses of the inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

In electing said committee a majority of those present and voting shall be required to elect. Each Senator may vote for five upon the first roll call, and thereafter for such number as have not received the requisite majority. No Senator who was a Member of the Senate on the 3d day of March, 1911, shall be eligible to a place upon such committee, and any votes cast for such a Senator shall be void.

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent to have printed as a Senate document the testimony taken by the senate committee of the Illinois Legislature in the senate bribery investigation of the Forty-seventh General Assembly of the State of Illinois.

I wish to say, Mr. President, in making this request, that the testimony is complete, as I believe, excepting that it does not begin with the first session of that committee. My attention was attracted to the investigation by the published statement that Mr. Kohlsaat had been subpœnaed before the committee and had refused to answer certain questions. The committee, as announced in the newspapers, adjourned for something like a week. I then requested that a certified copy of the testimony taken by the committee be transmitted to me. Thereafter I received in sections, at the conclusion of each sitting of the com-

mittee, the testimony, which I have before me here. Each section of the testimony as transmitted to me has attached to it the following:

STATE OF ILLINOIS, *County of Sangamon, ss:*

Charles L. Binns, being first duly sworn, deposes and says that he is a shorthand reporter, residing at Chicago, Ill.; that he is the official reporter for a committee appointed under senate resolution No. 17 for the purpose of investigating alleged acts of bribery and official misconduct of members of the Forty-seventh and Forty-sixth General Assemblies of the State of Illinois; that on the 28th day of March, 1911, he made shorthand notes of the testimony given by Edward Hines before said committee; that on April 5, 1911, he made shorthand notes of testimony given by H. H. Kohlsaat and Clarence S. Funk; that he subsequently transcribed said shorthand notes, and that the foregoing is a full, true, and correct transcript of said shorthand notes.

CHARLES L. BINNS.

Sworn to and subscribed before me this 5th day of April, A. D. 1911.

WILLIAM O. HOLMBERG,
Notary Public.

A similar affidavit or verification is attached to each one of the sections of testimony as I received it.

Mr. BROWN. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. LA FOLLETTE. In just a moment. I shall endeavor, Mr. President, to procure the testimony taken prior to that which I first received. The first section of the testimony which I received is marked page 22. I think there was one session, perhaps two sessions, of this senate investigating committee held prior to the date covered by the first section of testimony which I received. I shall endeavor to make that complete, although I think this covers all the testimony which is of any materiality or importance taken by this committee, and covers, I believe, all the testimony taken by this committee on and after the 5th day of April. I ask to have it printed as a Senate document for the information of the Senate.

The VICE PRESIDENT. Is there objection?

Mr. BROWN. I desire to ask the Senator a question, if he will permit. I do not know whether I understood the Senator clearly, but I ask, does the man who authenticates the correctness of the transcript of the testimony say that he is the official reporter of the committee?

Mr. LA FOLLETTE. He so states. I quote from the verification, which reads:

Charles L. Binns, being first duly sworn, deposes and says that he is a shorthand reporter, residing at Chicago, Ill; that he is the official reporter for a committee appointed under senate resolution No. 17, and so forth.

That is the resolution, I will say to the Senator, under which this investigation was conducted.

Mr. SMOOT. Mr. President, I notice that the resolution of the Illinois Legislature, as published in the papers, provides—

That the secretary of this senate be,—

That is the senate of the Illinois Legislature—

and he is hereby, authorized and directed to transmit to the Senate of the United States a copy of the evidence taken by the said committee, together with the report and findings of that committee, and a copy of this resolution for such action as the Senate of the United States may deem proper.

I should like to inquire, Mr. President, if that official document has been received by the Senate?

Mr. LA FOLLETTE. Mr. President, I will state that I am informed at the desk that it has not been received, and that was one reason for asking to have this testimony printed, because Senators had requested the opportunity to examine the testimony in full. I made as faithful and complete an abstract of the testimony as I could, and presented it to the Senate in the remarks which I submitted several days ago and which will appear in the RECORD in a day or two.

Mr. SMOOT. Mr. President, I think that the official report ought to be printed. If there is an official report of the proceedings of the committee of the senate of the Illinois Legislature, and if it is to be presented to the Senate, then it would of necessity be printed, but I can not see why there should be two prints of those proceedings.

Mr. LA FOLLETTE. Well, Mr. President, I will say that I have no information whatever as to the occasion of the delay, if it may be called delay, in transmitting to the Senate the resolution adopted by the Illinois senate, together with the testimony taken and reported by the committee of that body; but it is not here. In the course of my remarks upon this case I said I should ask to have this testimony printed in full; but before I concluded I received a certified copy of the resolution adopted by the Illinois senate, and I apprehended each day that the testimony would reach the Senate. That was one of the reasons I did not ask to have this testimony printed as a Senate document earlier. The other was that I retained it to compare it, as I found time to look over the reporters' notes, with the excerpts of testimony which I had taken from this record and used on the floor of the Senate.

Mr. CULLOM. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Illinois?

Mr. LA FOLLETTE. I do.

Mr. CULLOM. When the Senator from Wisconsin first addressed the Senate on this subject I listened to hear him state whether he had a certified copy of that record. I did not understand that he had. Some days ago I wrote to one of the members of the committee of the Illinois Legislature who made the investigation and inquired whether it had been sent. I have not heard from him. I advised him that the full testimony, the whole record, ought to be sent, so that the Senate might have it before it. I hope that it will be received very soon.

Mr. LA FOLLETTE. Mr. President, I want to say, in reply to the Senator from Illinois, that I have a verified copy of the testimony, which covers, I am confident, the full testimony of every important witness called before that committee; otherwise I would not ask, Mr. President, to have it printed as a Senate document. Because of the delay in the arrival of the official record, and because Senators have asked me to give them the opportunity to see this testimony, it seemed to me that I ought to ask to have it printed as a Senate document.

Mr. CULLOM. I understand from the remarks of the Senator this morning that there is perhaps one chapter of the testimony not here.

Mr. LA FOLLETTE. I know there is, Mr. President, but, judging from the press reports made of the hearings before the committee, I do not think that was an important session of the committee. I believe it was the session of the committee at which Mr. Kohlsaat refused to answer. Then the committee took an adjournment of about a week to give him an opportunity to reflect and consider whether he would answer, and at the next hearing, I think, the real testimony taken by this committee began.

Mr. CULLOM. I remember the story as to the testimony of Mr. Kohlsaat, but I do not know whether or not anything occurred at that session of the committee that we ought to have before us. I think myself that the whole record of the proceedings of the legislative session, so far at least as the senate is concerned, ought to be before us.

Mr. LA FOLLETTE. Let me say, Mr. President, that I do not offer this to supplant or take the place of the official testimony, which will later be received, but I offer it to have it printed for the present information of the Senate, because I have been requested so to do, and while it may duplicate some printing by the Senate, I believe in this important case that I am warranted in asking for it.

Mr. CULLOM. I have no objection to having it all printed.

Mr. ROOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from New York?

Mr. LA FOLLETTE. I do.

Mr. ROOT. I make this suggestion, that we order this printing now, with the understanding that if, before the final striking off of the copies, the official document is received from the secretary of the Illinois senate, that the print be corrected so as to be made a print of the official document.

Mr. LA FOLLETTE. I think that, Mr. President, is a very good suggestion.

Mr. ROOT. It is very probable that this is a matter of a few days, and, of course, it is rather desirable to avoid the confusion of having two documents, but I would not postpone the printing of this substantial matter very long on account of it. If the order can be made with that understanding, it may help us out of the difficulty.

Mr. LA FOLLETTE. Well, Mr. President, if I understand aright, the Senator from New York does not suggest that the printing of this testimony be delayed.

Mr. ROOT. No.

Mr. LA FOLLETTE. But that if, while it is being put in type and before it is printed, the official record is received, then the comparison be made, and the official record be made to take the place of the printing done under the unanimous-consent agreement, which I now request.

Mr. ROOT. That is my suggestion.

Mr. LA FOLLETTE. In that way the Senate will receive it quicker. I submit the request in that form.

Mr. SMOOT. I would like to have it distinctly understood that in printing the report it is printed as an unofficial report, and then when the official report is received print it in full as the official report. If the Senator from Wisconsin has no

objection to that understanding, I will not object to the printing of the report.

Mr. LA FOLLETTE. If before this can be printed and returned by the Public Printer the official record is received, as I understood the suggestion of the Senator from New York—and it seemed to me a very excellent one—it was this: That upon the official record being received a comparison be made while this was still in proof and any corrections necessary be made, so as to conform to the official record. Then it might be printed as the official record and save duplication.

Mr. SMOOT. That is perfectly satisfactory to me; but if the official record does not come before that document is issued from the Printing Office I would like to have it designated as the unofficial report, and when the official report arrives have it printed as the official report.

Mr. LA FOLLETTE. Let it be printed if it can be——

Mr. HEYBURN. Mr. President——

Mr. LA FOLLETTE. Just a moment. Let me respond to the suggestion of the Senator from Utah. Let it be printed as upon my request, and it will show upon the certificate or verification of the official reporter just how much importance should be attached to it. It would not be called, of course, the official record, because it is not transmitted here by the secretary of state or by the secretary of the senate of the State of Illinois, from one or the other of which officials, I presume, the official record will be received by the Senate in due course.

Mr. HEYBURN. Mr. President, I should object to printing an unofficial record of a matter so important. It does not purport to be a complete record, and if I correctly heard the reading of the certificate of the stenographer, he does not say that no other or further testimony was introduced or received before that committee. He merely certifies that that to which he places his certificate is correct.

The Senate will doubtless want to know all that occurred before that committee, and it should not come under the certificate of the stenographer. The certificate of the stenographer is all right if it is full enough, but the record should come to us, coming, as it does, pursuant to the resolution of the Legislature of Illinois, with the certificate of the secretary of state. If this which is admitted not to be a complete report goes out, those who receive it will doubtless never receive the official report, and they may or may not get wrong impressions as to what occurred.

I had supposed that the official report was here. I would have no objections, of course, to printing it; think it should be printed immediately; and if there is delay it can readily be remedied through the officers of this body by a telegram to know whether it has been sent.

Should we commence printing so large a document and one that might be so misleading—I do not attach any personal question to that—as to make it necessary for a part of the people to examine the record twice and compare them one with the other? There should be but one record of a matter of this importance. It should be the official record. And, of course, I imagine there will be no objection whatever, when it comes in, to printing it. We are all very much interested in that record, but we want to know that it is the record of all the proceedings.

I shall be constrained, not from any personal motives, but in the interest of having but one record and having that a correct record, to object, and I do object, to the printing.

The VICE PRESIDENT. Objection is made.

Mr. LA FOLLETTE. I may take occasion to put this matter into the CONGRESSIONAL RECORD before the debate closes if the other testimony does not arrive.

Mr. BROWN. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Nebraska?

Mr. OWEN. I yield.

Mr. BROWN. I should like to inquire of the Senator from Wisconsin if the testimony he has asked to have printed to-day for the information of the Senate is not the same testimony that he discussed in his remarks last week on this question?

Mr. LA FOLLETTE. It is, Mr. President.

Mr. BROWN. It does seem to me that the Senator from Idaho ought to allow, for the convenience and information of Senators, this to be printed as a public document. Nobody here denies that, so far as it goes, this transcript is correct. If this is a correct transcript of the testimony of these important witnesses, I want to know how a Senator can justify an objection to allowing it to be printed, so that the Senators may have it for their own information.

Mr. HEYBURN. Mr. President——

Mr. BROWN. I will not yield for a moment. We are discussing here now a very important question, and one which necessarily involves what happened before this committee of the Illinois senate. We have it undisputed here that that senate, by a vote, instructed one of its administrative officers to communicate that testimony to this body. That report has not arrived here yet, but we do have in lieu of it a volume of testimony from witnesses who were heard by that committee; the correctness of the testimony is unquestioned; and I appeal to the Senate to allow the Senators to have that in print for our guidance, for our information, and that we may consider these resolutions with some intelligence.

Mr. CURTIS and Mr. LODGE addressed the Chair.

The VICE PRESIDENT. To whom does the Senator from Oklahoma yield, or does he yield the floor?

Mr. OWEN. I yield to the Senator from Massachusetts.

The VICE PRESIDENT. The Senator from Oklahoma yields to the Senator from Massachusetts.

Mr. LODGE. I was merely going to say, in connection with the matter we have just been discussing, I hope the Senator from Idaho [Mr. HEYBURN] will be willing to withdraw his objection. It really seems to me not very important whether we print an incomplete record now and a full record a little later, and it is very desirable that this mass of testimony which we have here should be printed without unreasonable delay. The full record will undoubtedly come, and can then be printed, and if we should have two documents I do not see what great harm is done. We occasionally duplicate in our printing. I sincerely hope that the request of the Senator from Wisconsin [Mr. LA FOLLETTE] will be granted and that this testimony will be printed.

Mr. CURTIS and Mr. BAILEY addressed the Chair.

The VICE PRESIDENT. To whom does the Senator from Oklahoma [Mr. OWEN] yield?

Mr. BAILEY. I should like to ask the Senator from Wisconsin if he has——

The VICE PRESIDENT. Does the Senator from Oklahoma surrender the floor?

Mr. OWEN. I surrender the floor.

The VICE PRESIDENT. The Senator from Kansas [Mr. CURTIS] has been demanding the floor for some little time before the Senator from Texas rose.

Mr. CURTIS. I yield to the Senator from Texas.

Mr. BAILEY. I will wait my order. What I wanted to know was if any Senator had any information which explains or excuses the delay of the Illinois senate in forwarding this testimony.

Mr. CURTIS. I was going to suggest that the Secretary of the Senate or the chairman of the committee be authorized to wire the secretary of state of Illinois. Perhaps in that way we could find out something about this testimony and obtain some information as to about when it will be sent to the Senate.

Mr. CULLOM. Will the Senator allow me to make one remark?

Mr. CURTIS. Yes.

Mr. CULLOM. I wrote two or three days ago to one of the members of the committee, asking why this record has not been received and telling him it ought to be here.

Mr. BAILEY. This all illustrates the difficulties into which we fall when we depart from the orderly procedure of the Senate. Had we waited until this matter had come and referred it you would not have had this altercation. The committee has not forwarded the testimony, and so far as I know has never forwarded an engrossed copy of the resolutions which were adopted by the senate of Illinois. Yet they have advertised that fact to the country, and I think we are entitled, in the absence of the official proceedings of the committee, to print what we have; and I myself hope the Senator from Idaho will withdraw his objection.

Mr. CULLOM. So do I.

Mr. BAILEY. It can do no harm, because at last this will be printed at the request of the Senator from Wisconsin [Mr. LA FOLLETTE], and when the matter comes in the due course of affairs from the committee of the Illinois senate or from the senate itself, it will be printed as another document, a separate document, and any discrepancies that may exist between the two reports will be discovered. I can not see any possible harm that it can do to print it, and I can see a good deal of good because in the meantime Senators who are interested in this matter can advise themselves.

Mr. HEYBURN. I want Senators to advise themselves; but I want them to advise themselves from a record in proper form. I agree with the Senator from Texas that it is always better to adhere to regularity of procedure, and that this matter should come from the proper certifying officers of the State of Illinois or it should not come at all.

The Senator from Wisconsin does not contend that this is a complete record. He admits that two sessions of the committee are not included in the record. What Senator familiar with proceedings in court would permit one party on appeal to file a record that was not in conformity with procedure and then say, "If this is not correct, you can discover the discrepancies by a subsequent comparison"?

Mr. SMOOT. Mr. President——

Mr. HEYBURN. Just a moment. This record will be printed, and it will be immediately available to the outside world. This case has become sensational, and it is being tried everywhere else quite as much as in the Senate. A record goes out that perhaps may not contain some matters of grave importance. Parties who receive it will never know at all that they are being misled.

Mr. BAILEY. But, Mr. President, I understand the Senator from Wisconsin has the certificate that this part of the record which he presents is correct, and I understand the Senator from Wisconsin to say—and I am perfectly willing to accept his statement on that point—that the sessions of the committee not reported are not important. It matters not whether important or unimportant; when the whole record is made up the Senate will judge for itself.

Now, I want to say to the Senator from Idaho [Mr. HEYBURN] that while I am not indifferent to the trial of this case, which seems to be in progress throughout the land, I am not to be influenced by it one way or the other, and I assume that I am not different from other Senators. We will at last, no matter what our feelings may be, no matter what our prejudices may be, if we have any, decide this case upon the law and the evidence.

I think the Senator from Idaho would not object, if he were trying a case, to print the record from day to day, so that he would have the evidence before him.

We are having hearings before the Finance Committee, and for the convenience of the committee we have been printing the record from day to day, so that members of the committee may keep themselves advised as the hearing proceeds. I have no hesitation in saying that if this matter had been before the Senate, or a committee of the Senate, I would be glad to have the evidence printed from day to day, so that at the beginning of each session of the committee we would have before us the testimony of the preceding session.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. I yield.

Mr. SMOOT. Perhaps I can offer a suggestion to the Senator from Wisconsin which, if he would accept it, would obviate the objection the Senator from Idaho has. Would the Senator from Wisconsin make a request that the report be printed for the use of the committee instead of as a public document? Then it would be confined to the use of Senators, and it would not go to all the depository libraries in the country. If published as a public document the Senate would get only 150 copies, and a given number would go to the House, some to every depository library in the United States, and a few copies to every one of the departments; whereas if he requests that it be printed for the use of the committee, every Senator can secure it for his use, and it would not become a public document. Then when the official report arrives let the Senator from Wisconsin ask that the official report be printed as a public document, and there will be no question about the Senate agreeing to same.

If the Senator would accept the suggestion I believe that it would meet the objection of the Senator from Idaho.

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Wisconsin?

Mr. HEYBURN. I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. I can not accept the suggestion of the Senator from Utah. I sincerely hope this resolution will never go to the Committee on Privileges and Elections. It is a matter of utter indifference to me whether the Senate prints this testimony or not. I have had the opportunity to examine it, and as it was being taken I became convinced that it was my duty as a Senator to offer the resolution which I offered, whether it was regular or not. I think it was regular. If other Senators are to be put on trial here in this case I am entirely willing to come to the bar of this Senate, along with the committee that had charge of this case. I withdraw the request which I made for the printing of this document.

The VICE PRESIDENT. The Senator from Wisconsin withdraws his request.

Mr. BAILEY. Will the Senator from Wisconsin be good enough to tell me——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Texas?

Mr. HEYBURN. I yield.

Mr. BAILEY. The date of the first session of that committee? My impression is it is some time——

Mr. LA FOLLETTE. I have the date of verification to this first section of the testimony which I have received. It is the 5th day of April. The stenographer swears that he is the official stenographer; says that "the foregoing is a full, true, and correct transcript of his shorthand notes made of the hearing had upon that day." That was the day the testimony of H. H. Kohlsaat, Clarence Funk, and Edward Hines was taken.

I am certain, Mr. President, that that was the first time Edward Hines had been called before the committee, the first time Mr. Funk had been called before the committee, and the second time Mr. Kohlsaat had been called before the committee. The first time the examination was very brief, as indicated at least by the press report, he refusing to answer. The Senator from Texas may remember having seen some account of it. It was the press report that first attracted my attention to it. Then I asked to have a certified copy of the notes taken sent to me. I made the request to have this transcript printed because Senators have asked me to make it, and I am sorry to have taken up the time of the Senate.

Mr. BAILEY. I was one of the Senators who asked the Senator from Wisconsin to have it printed, and I am of opinion that it ought to be printed.

Mr. HEYBURN. I had in mind when a request was made to print it as a Senate document the result which would flow from that action on the part of the Senate. Senate documents are distributed under the law to the public libraries and distributed throughout many sources as public information reliably stamped with the Senate's guaranty.

Now, I shall not object to the printing of that testimony for the use of a committee, but I object to its being and purporting to be a record in the public libraries throughout the country of the testimony taken. I shall not object to the printing of the testimony of persons before that committee to be deposited anywhere in the world when it is certified in a proper manner. The Senator from Wisconsin admits that sessions of the Senate are not included in it.

The people reached by a Senate document should be accurately and fully informed. I had it in my mind when I rose to send it over until to-morrow; and, I presume, by to-morrow morning the same Senator, or more, perhaps, will have accurate information as to the stage of the work necessary to carry out the instructions of the legislature to this Senate, by furnishing with a certified copy of the resolution of the senate of Illinois, a certified copy of all the proceedings. Is not that an orderly way to proceed?

Mr. SMOOT. Mr. President, I ask unanimous consent that 200 copies of the testimony be printed for the use of the Senate.

The VICE PRESIDENT. The Senator from Utah asks unanimous consent that 200 copies of the document which the Senator from Wisconsin has upon his desk be printed for the use of the Senate. Is there objection?

Mr. JONES. I object.

The VICE PRESIDENT. Objection is made.

Mr. ROOT. Mr. President——

The VICE PRESIDENT. The Senator from Oklahoma [Mr. OWEN] is entitled to the floor. Will he yield to the Senator from New York?

Mr. OWEN. Certainly.

Mr. ROOT. I ask unanimous consent to introduce the following resolution.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 58), as follows:

Resolved, That the testimony before the committee of the Illinois senate presented by the Senator from Wisconsin [Mr. LA FOLLETTE] be printed as a public document.

Mr. HEYBURN. I ask that the resolution may lie over one day.

Mr. ROOT. We can deal with it then by a vote.

The VICE PRESIDENT. Objection is made, and the resolution will lie over.

Mr. ROOT. I ask unanimous consent, with the courtesy of the Senator from Oklahoma, to introduce the following resolution, and I ask for its immediate consideration.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution (S. Res. 59), as follows:

Resolved, That the Secretary of the Senate be, and he is, instructed to inform the secretary of the Illinois senate that the resolutions of the Illinois senate of May 18, 1911, have been informally brought to the notice of the Senate of the United States, and that possession of an

official copy of the evidence and record therein referred to would facilitate the action of the Senate of the United States in regard to the subject matter of the resolutions.

Mr. CULBERSON. I suggest to the Senator from New York that communication be made by wire.

The VICE PRESIDENT. The Chair assumes that the Secretary of the Senate would so communicate.

Mr. CULBERSON. There is nothing in the resolution to cover it.

The VICE PRESIDENT. Will the Senator from New York modify the resolution so as to provide that the communication shall be by wire?

Mr. ROOT. I will do so, by inserting the words "by wire" after the words "secretary of the Illinois senate."

The VICE PRESIDENT. The resolution will be so modified. Is there objection to the present consideration of the resolution? The Chair hears none.

The resolution was agreed to.

The VICE PRESIDENT. The Senator from Oklahoma will proceed.

Mr. OWEN. Mr. President, there are two resolutions before the Senate proposing a reinvestigation of the Lorimer case. First, the one introduced by the Senator from Wisconsin [Mr. LA FOLLETTE] proposes that a committee shall be appointed by this body of Members who took no part in determining the previous controversy of the Lorimer case. The second resolution, offered as a substitute for the resolution of the Senator from Wisconsin and presented by the Senator from Virginia [Mr. MARTIN], refers this matter to the Committee on Privileges and Elections of 16 members, providing that they shall sit en banc. Of these two resolutions, I prefer that of the Senator from Wisconsin, for the reason that I believe this investigation should be conducted by a committee which took no part in the previous decision. There are 20 new Senators, I believe, from whom such an independent committee could be chosen.

I do not think that this question should be referred to a committee composed entirely of those who supported Mr. LORIMER in the previous investigation and determination of this case. I do not think it would be just under the circumstances to have a committee composed entirely of those who voted against Mr. LORIMER. I should prefer a committee of Members who took no part for or against Mr. LORIMER in the previous judgment on his case. I can see no good reason why the Senate should not select a committee which has taken no part in this matter.

I think, moreover, it would have an unfavorable effect upon the standing of the Senate itself before the people of the United States to refer this question now to the Committee on Privileges and Elections for the very reason that seven of the members of that committee made speeches in favor of Mr. LORIMER, and nine of them voted for Mr. LORIMER upon the previous record. There are only three new members of that committee and only three members of the committee who voted against Mr. LORIMER on the previous record.

Even if it were otherwise justified to select a committee overwhelmingly composed of those who supported LORIMER on the previous bad record, it will not look right to the public, and I believe the United States Senate should not only avoid evil, but should avoid the appearance of evil.

It is all very well to say that the members of this committee will discharge their proper function without bias, without being influenced by what they have heretofore said on this record; without being influenced by any prejudice in their point of view, but if that be true, and if it prove true, it will be contrary to the law of psychology, which ordinarily influences the minds of men.

In this connection I want to call the attention of the Senate to the remarkable record of the electoral commission of 1877. That commission was composed of five Justices of the Supreme Court of the United States—Hon. Joseph P. Bradley, Hon. Nathan Clifford, Hon. Samuel F. Miller, Hon. Stephen J. Field, and Hon. W. Strong; five distinguished United States Senators—Edmunds, Morton, Frelinghuysen, Thurman, and Bayard; and five great leaders of the House of Representatives—Mr. Payne, Mr. Hunton, Mr. Abbott, Mr. Garfield, and Mr. Hoar. This distinguished commission passed upon four contested-electoral cases involving the electoral vote of Oregon, of South Carolina, of Louisiana, and of Florida, a voluminous record, involving many difficult questions, and the remarkable result followed that every one of the 15 followed his previous political predilection, and by a decision of 8 to 7 decided every point of importance in that case and decided the result in each of the four cases in the strictest accord with the previous political opinion of each of these 15 judges sitting upon that electoral commission to determine the Presidency of the United States in the Tilden and Hayes controversy.

It is not necessary to question the integrity of purpose or the sincerity of judgment of any one of the seven great Democrats who sat on that electoral commission nor of the eight distinguished Republicans who sat on it, but it taught a lesson to this country that men are profoundly influenced by their previous judgment. In this case it is, I believe, the open purpose, not expressed in the record, but understood, I think, that this reference to the Committee on Privileges and Elections really means that the Committee on Privileges and Elections will report back for confirmation a new special committee of eight members and that four Senators who supported LORIMER shall be put upon the new special committee to be named by the Senate, one Senator who voted against him, and three Senators who took no part in it. That is to be, as I understand, the construction of this proposed committee. I see no sound reason why the Senate should abdicate its powers and delegate the selection of this special committee to a committee whose membership overwhelmingly supported LORIMER on the previous gross record of fraud. I do not think the people of the United States will approve the reference to the Committee on Privileges and Elections, and yet, Mr. President, I am willing to believe that if it is so referred that committee will discharge its duty. But we must always remember it will discharge its duty as the committee sees that duty. Four members of the proposed special committee (comprising half of the proposed special committee) have heretofore expressed views which are greatly at variance with my opinion as to what is the law and as to what are the facts developed by the record in the Lorimer case.

The action taken by the committee in its previous report to the Senate I did not criticize in discussing the Lorimer case any further than I could possibly help, but I thought the committee was in grave error in a number of important particulars.

In the first place, I do not think the committee followed out the scope of the resolution of June 20, 1910, under which they were instructed by the Senate to report to this body. The resolution of June 20, 1910, under which the committee was to report, reads as follows:

Resolved, That the Committee on Privileges and Elections of the Senate, or any subcommittee thereof, be authorized and directed to investigate certain charges against WILLIAM LORIMER, a Senator from the State of Illinois, and **to report to the Senate whether, in the election of said William Lorimer as a Senator of the United States from the State of Illinois, there were used or employed corrupt methods or practices.**

The committee, in its official report, failed to quote the resolution under which they acted. On the contrary, they quoted the resolution of May 28, 1910, submitted by Mr. LORIMER, and the committee abstracted the resolution of June 20, 1910, as follows:

On the 20th day of June, 1910, the Senate adopted a resolution authorizing and directing said committee, or any subcommittee thereof, *to investigate said charges.*

It says nothing about the further instruction to report to the Senate whether or not "*there were any corrupt methods and practices employed*," and the committee did not report whether, in their opinion, there were corrupt methods and practices employed. They reported, on the contrary, that according to the precedents the law of the case is this—it must be made to appear in order to invalidate a seat:

(1) That the person elected participated in one or more acts of bribery or attempted bribery, or sanctioned or encouraged the same; or
(2) That by bribery or corrupt practices enough votes were obtained for him to change the result of the election.

This report was not responsive to the instruction of the Senate, but that was the basis of law upon which the committee based its report. The question as to these corrupt practices, the extent of the corrupt methods and practices, was not reported on and presented to the Senate as a guide to its action, except, perhaps, as the volume of 700 pages of evidence might disclose. On the contrary, the committee found that in their opinion, upon the evidence and under this statement of the law, the validity of the seat of the Senator from Illinois had not been successfully assailed. This attitude of the committee was and is indefensible and should not be confirmed by this committee nor by the Senate.

In the second place, the committee instructed to prosecute the inquiry put their own duty of conducting the inquiry on a Mr. Austrian, an attorney who appeared to have been employed by a newspaper—the Chicago Tribune. Upon him was put the burden of conducting this inquiry. I think this was a serious error, which I should not like to see repeated in kind.

In the third place, the committee seemed to think they were sitting as judges on a controversy between private citizens assailing the right of Mr. LORIMER to retain his seat, instead of being charged by the Senate with the grave duty of determining whether or not there had been used corrupt practices in obtain-

ing a seat on the floor of the most important legislative body in the world.

In the fourth place, the committee not only did not pursue, obtain, and compel evidence in the line of this investigation, as directed by the Senate, but permitted witnesses to avoid giving evidence which might have led to a proper development of the truth.

In the fifth place, the committee failed to summon the most important witnesses and compel their testimony.

They did not summon Mr. Edward C. Hines, although Mr. Hines was recognized in his activity in this matter and had been charged in the public press previously with having had an active hand in the Lorimer election. Mr. Hines was constantly in the galleries and reception room of this body taking an active part in conducting a lobby in this behalf, as I am informed and believe.

Mr. LORIMER himself was not required to give testimony, which I thought a very grave omission, and the 30, 40, or 50 members of the bipartisan jack-pot combination in the Illinois Legislature were not summoned before the committee. The committee actually declined to pursue this inquiry, even after evidence had been submitted showing that the jack-pot money was used in obtaining the election of Mr. LORIMER.

In the sixth place, the committee permitted the counsel of Mr. LORIMER and of the Chicago Tribune to fill the record and consume the time of the committee in immaterial and irrelevant discussion as to whether or not certain testimony was material, relevant, or admissible before an investigating committee, applying the highly technical rules of law that would be invoked in a criminal trial, and which had no proper place before a committee of investigation charged with inquisitorial powers and duties.

In the seventh place, the committee made arguments in favor of Mr. LORIMER that I think utterly unsound, the most egregious of which, perhaps, was that even if 7 votes had been corrupted, these 7 votes would have to be deducted, not only from the number of those who voted for LORIMER, 108, but also from the total vote, 202, on the theory that if a majority of the honest, uncorrupted votes, or votes not proved to have been corrupted, should elect a Senator to the United States Senate it would give him valid title.

If the Lumber Trust had desired to buy a seat for Mr. Hopkins, this doctrine would have permitted the Lumber Trust to have bought 24 votes that were cast for Stringer and 39 votes that were cast for LORIMER, and paid them a thousand dollars each to absent themselves, and having thus bought 63 votes, and each bribe taker having confessed in open court, they could have thus procured the election of Mr. Hopkins, who would have had 70 honest votes under this proposal, leaving Mr. LORIMER or any other candidate with 69 honest votes, and thus seat Mr. Hopkins and give him a good title to a seat on the floor of the United States Senate that could not be assailed, although 63 men had confessed their bribery before the Committee on Privileges and Elections of the United States Senate.

What kind of doctrine is this? I am not willing to submit this case to a committee entertaining such views or defending such views on the floor of the Senate, and I do not believe the people of the United States will approve it. Why should a committee which asserts such a doctrine have control over a further inquiry into the same case?

Under the doctrine of a "majority of the honest votes" being sufficient, the Lumber Trust could have openly bribed 100 votes of the Illinois Legislature to absent themselves and have thus elected Mr. LORIMER a United States Senator by the votes of the 52 Democrats who voted for him in the Illinois Legislature, whose corruption was not established. What kind of doctrine is this, and why should we place in the hands of a committee that entertains such a view and defends it on the floor of the Senate the control of this investigation?

I can not consent to nor will I be placed in the attitude of unfriendliness to this committee. I am personally friendly to it. I sincerely respect the committee, but the views of the committee do not commend themselves to me. I am not willing to have a new special committee, with one-half of its members committed to a doctrine of such character, make another report to the Senate of the United States that shall confirm the same views. I should hope that, upon reflection and consideration, every member of that committee would realize that this doctrine is unsound. When applied to one or two votes or even to 7 votes it does not seem to be so egregious, but when you apply it, the principle asserted, to half of a legislature, leaving only a quorum present, it becomes so shocking as to be revolting.

Mr. President, the doctrine of a mere majority of the uncorrupted votes giving a valid title to a seat on the floor of the United States Senate is untenable, is unsound, and full of dangerous and mischievous consequences. It might easily lead to the corruption of other legislatures and the election of other Senators by the sinister forces of this Republic. It might lead to wholesale bribery and corruption.

Eighth. Mr. President, I think the committee assumed the attitude of a partisan defense of Mr. LORIMER. They condemned officials of the State of Illinois who prosecuted crimes in connection with this election and in effect suggested the subornation of perjury by such State officials. The committee evidently regarded the witnessess who testified, against their own interest, to having received bribes in this matter, as unworthy of belief, which, I think, was not justified, since a man who gives testimony against his own personal interest, who gives testimony that disgraces him before the community, who gives testimony that wounds the feelings of his family and friends, would not do so except by the compelling power of conscience which alone could drive him to make such a shameful confession.

The larger part of the report of the committee was devoted to an attempt to show that the State's attorneys had compelled witnesses to falsely confess bribery in order to escape the charge of perjury, a view which I could not approve and do not wish confirmed.

Ninth. I was not content with the doctrine laid down as the law of the case, that the election would only be invalid in case:

(1) That the person elected participated in one or more acts of bribery or attempted bribery or sanctioned or encouraged the same; or
(2) That by bribery or corrupt practices enough votes were obtained for him to change the result of the election.

I believe the time has come in this country to set a better precedent and adopt a higher moral and ethical standard. I believe that the Senate should set the precedent for all future time, that where a Senator's seat has been procured by the bribery of members of the legislature, such an election should be held void.

The English people were compelled to adopt this rule, and I put in the CONGRESSIONAL RECORD, in discussing the Lorimer case March 2, 1911, the English corrupt-practices act, with its plain, simple, common-sense rules, that has put an end to corrupt practices in Great Britain.

The Senate has the power to make the precedent for the election of its own Members. I want a sound rule and a rule that will terminate, not condone or encourage, bribery and corruption.

In my previous remarks I pointed out testimony, which I found convincing, of 10 men whose corrupt practices had been established by the evidence and 3 more to whom corrupt proposals had been made.

The committee paid no attention to the point-blank testimony of Henry A. Shephard that Mr. LORIMER made him a personal promise, in violation of the law of the State of Illinois (the law against bribery), which forbids the making of a promise in order to obtain a vote. No weight was paid to that testimony of Mr. Shephard that Mr. LORIMER made him a personal promise to use his power as a Senator, if elected, to prevent Mr. Richards, the postmaster of Jerseyville, Ill., or his assistant, Mr. Becker, from being appointed as postmaster of that city if Shephard would vote for Mr. LORIMER. Yet Shephard makes the flat proposition in his testimony that he got this promise from Mr. LORIMER in exchange for his vote, and that he would not have given his vote to Mr. LORIMER unless he had gotten the promise, and Mr. LORIMER did not contradict and no man denied this open charge of personal bribery made against Mr. LORIMER.

This was a plain violation of the law of bribery of the State of Illinois, and it stands uncontradicted. The committee ignored the fact in its report.

I submit, for reference to the committee, whoever the committee may be, three affidavits. I do not care to have them go into the CONGRESSIONAL RECORD, but I submit for reference to the Committee on Privileges and Elections copies of the affidavits of Joseph M. Goodbrake, J. A. Hutchinson, and George D. Steinhauer, to the effect that Joseph S. Clark had made the statement that Mr. LORIMER had promised him the privilege of naming the postmaster at Vandalia, Ill., in consideration for his (Clark's) vote. These affidavits were sent me by William P. Welker, State's attorney. I did not present these affidavits to the Senate for the reason that cross-examination had not been provided, but I think they should now be before any committee which examines into this matter. This is another charge of personal bribery by Mr. LORIMER.

Mr. President, I do not wish to detain the Senate with any discussion of this matter. I understand perfectly well that the time for discussion has ended. We are arguing now to deter-

mine the personnel of the new and special committee. I believe the country will disapprove of the Senate of the United States if the Senate of the United States puts the naming of this special committee in the hands of the Committee on Privileges and Elections, nine of whom voted for Mr. LORIMER; and I am not willing to take any part in doing that which I believe will result unfavorably, even temporarily, to the high standing of this body before the American people.

PUBLIC OPINION.

Mr. President, I have a profound respect for public opinion, the opinion of the body of the American people. We have the most intelligent Nation in the world. Our people read more, think more, are more active intellectually than any people on earth. They are advised every day—morning, noon, and night—by our splendid American press of what occurs in Congress and in the Senate. With all due respect to the Senate, I believe they know more than the Senate, and this may account for the retirement of so many of our distinguished colleagues on March 4 last and should admonish those who remain not to express too great contempt for the opinions of the people nor to forget that public opinion is the ruling sovereign in this country.

Public opinion made a tremendous inroad on the Senate in the last Congress. It retired 20 Senators last March. It will retire 20 more in 1913 if it be not appeased. The American people have been very patient and long-suffering, but the limit of their patience has been reached by the subservience of the United States Senate to the selfish commercial interests of this country and the indifference of the Senate to public opinion.

For the reasons which I have set forth I shall support the resolution of the Senator from Wisconsin, and I do so in a spirit of friendly and cordial amity toward the committee which has heretofore passed upon this matter. I am not willing to believe that they were less sincere than I, and I am not willing to be denied my right and my duty to express my sentiments by any fear that I may not meet the approval of any Senator who thinks differently from me.

Mr. WORKS. Mr. President, I feel myself free from any embarrassment in speaking upon this question since the Senator from Wisconsin [Mr. LA FOLLETTE] has modified his original resolution by striking out that portion of it which provided for the appointment of a special committee of which I was one.

The Senator from Virginia [Mr. MARTIN] has discussed this question, apparently, upon the theory that it was solely a question as to the personnel of the committee. In my estimation that is far from the truth. It is not so much a question as to who shall conduct this investigation as it is a question as to how it shall be conducted. It is important, vastly important, to the Senate and to the country that this investigation, when made, shall be made fully, fairly, and without prejudice, bias, or the appearance of indifference on the part of the investigators. The Senate desires it, the country demands it, and the Senator from Illinois, if he is worthy to occupy a seat in this body under any circumstances, should demand it in his own interest.

When the previous investigation took place I was a private citizen. I had no more interest in the outcome of the investigation than any other private citizen had in the welfare and honor of his country. I was greatly surprised, when the investigation commenced, to see that a committee of the Senate of the United States, charged with the duty of ascertaining the facts with reference to the use of corrupt means in electing one of its Members, should practically place itself in the hands of the attorney of a newspaper and allow that attorney to control the progress and course of the investigation that was to be made. Right at the beginning an admission was made by the attorney who was conducting the examination that prevented the presentation of the evidence that we are confronting to-day, namely, that the Senator himself had been a party to the corruption that resulted in his election. It was broadly stated by the attorney, who was acting in that matter at the time in the interest of the newspaper, that there was no evidence of the fact that the Senator himself had been a party to corruption or that he had any knowledge whatever on that subject.

There was another thing that created surprise in my mind, and that was the fact that the Senator whose seat was in controversy here was never at any time, either voluntarily or by action of the committee, brought before the committee for the purpose of stating his side of the controversy. It is impossible for me to conceive that any man charged with the offenses that were charged in this instance should hesitate for one moment to demand of a committee called upon to investigate a question of that kind, he be heard, and heard under oath. The very fact that he did not make that demand, the very fact that he did not voluntarily present himself before the committee, in order to justify himself with respect to it, is the strongest possible ground for suspicion that he was guilty of partaking in the corruption that took place or that was alleged to have taken place in the legislature. If the committee desired to reach the bottom of this transaction, how did it happen that during all of this investigation no effort was made to require the testimony of the Senator from Illinois upon a question of this kind, involving not only the honor of the Senate, but the honor of the Senator himself, who might have been expected to appear before the committee for the purpose of making his own defense?

It is not a question, Mr. President, as to the personnel of the Committee on Privileges and Elections or the standing of any member of that committee. No Senator here would contend for a moment that any member of that committee is not as well fitted on account of his ability, his integrity, and his conscientious desire to do his duty as any other committeeman who might be selected by the Senate, but they have committed themselves to a certain line of conduct in the investigation of this matter, so far as the gathering together of the evidence is concerned; they have committed themselves to one line, so far as the law of the case is concerned; and I imagine, Mr. President, that a large majority of the Members upon this floor are not satisfied either with the manner in which the testimony in that investigation was taken and the investigation made, or with the law as it was laid down and contended for by the committee.

Does the Senate desire that sort of investigation to be remade in this case? Was the Senate satisfied with the investigation as it was made in the first instance? If so, the country was not satisfied, as was very clearly demonstrated very soon after the final vote was taken. Is there any Member of the Senate who is to-day satisfied with the investigation that was made at that time? Is the Senator from Illinois satisfied that that investigation established his right to a seat in this body and verified and established his own honesty and honor in that transaction? Certainly not.

Now, the question is whether we are going to refer this investigation back to that same committee, with the line of conduct in the investigation and the law as they have laid it down, or is it better, in the interest of the Senate and in the interest of the country, that new men should be selected to make the investigation?

I may say it has been a matter of some surprise to me that the Committee on Privileges and Elections has not itself, under the circumstances, asked that another committee should be appointed. On the contrary, the Senator from Vermont [Mr. DILLINGHAM], the chairman of that committee, has made the statement on the floor of the Senate that some of the members of the committee—I do not know how many—gathered together and determined to introduce the resolution that has been offered here by the Senator from Vermont, revesting the power to make this investigation in the committee of which he is chairman. Do the Senators believe that an investigation made by that committee under all the circumstances will be accepted on the part of the people of the country as conclusive? I do not.

I am not making any objection to this reference on account of the personality of any single member of the committee. I am making it upon the broad ground that they have so conducted this investigation in the past, that they have so contended for the law with respect to it, that it will not be conducted as it should be—in the interest of the Senate and the country. And it is for that reason, and for that reason alone, that I stand here to-day opposing the reference of this matter to the Committee on Privileges and Elections and supporting the resolution of the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. BRISTOW. Mr. President, I am going to support the resolution of the Senator from Wisconsin, because I think that the committee in the former investigation did not make a thorough investigation. I think the committee instead of following up all of the trails that were opened leading to evidence avoided them. I had not read a hundred pages of the testimony before I was impressed that at least some members of that committee were trying to prevent a thorough inquiry instead of making one.

The chairman of the committee in his statement made on Monday last said:

> I noticed that when the Senator from Virginia [Mr. MARTIN] submitted his resolution it was very similar to the one which I had presented, and I was very willing that mine should remain on the table and that the resolution of the Senator from Virginia should be adopted, as I hope it will be adopted this afternoon.

Continuing:

> In some respects it is broader than the resolution which I presented, and it was my desire and my purpose, if the investigation were committed to the Committee on Privileges and Elections, to make it as broad and deep and searching and thorough as was possible.

It is to be regretted that such a desire did not take possession of the Committee on Privileges and Elections sooner. If the desire expressed by the chairman of the committee on Monday last had existed in the minds of members of the committee when the former investigation was in progress the Senate would not now be bothered with this question as to whether or not this case should be reopened, for in my judgment there is not a line of testimony or evidence that has been brought out by the committee of the Illinois Senate that was not available to the Committee on Privileges and Elections at the time the investigation was made, if it had looked for it. The reason that the Senate of the United States, in considering this case at the last session, did not have the evidence that has been presented by the Senator from Wisconsin during this debate is because the committee did not go after it. It could have been found by proper inquiry.

Mr. DILLINGHAM. Will the Senator from Kansas permit me?

The PRESIDING OFFICER (Mr. TAYLOR in the chair). Does the Senator from Kansas yield to the Senator from Vermont?

Mr. BRISTOW. I yield.

Mr. DILLINGHAM. I was not a member of the subcommittee that had this investigation in charge. I attended none of their meetings. I was confined to my home by illness at the time, wholly unable to be there.

But, as has been suggested here this morning, that investigation was conducted largely upon lines suggested, as I suppose, by the Chicago Tribune. The committee, I understand, has been criticized for permitting the attorney of that paper to conduct, on the one side or the other, the investigation. Regarding that I express no opinion whatever.

But the information that has been brought out recently by the investigation of the senate of the Illinois Legislature is information which, I understand, was not in the possession of anybody connected with that investigation at that time. If so, it certainly ought to have been brought forward. If it was in the possession of those who are spoken of as having prosecuted that case before the committee, it certainly ought to have been brought forward by them. Unless it appears—and I do not recall the fact that it does—that these matters were in some way called to the attention of the subcommittee which was then investigating the matter I hardly see the justice of the Senator's criticism. If it was within their knowledge, or if it appears that it was within the knowledge of anybody who was connected with that examination, I should quite agree with him that the investigation ought to have gone further.

Mr. BRISTOW. I do not contend that the information which has been brought out by the committee of the senate of Illinois was in possession of any members of the subcommittee at the time that the investigation was in progress, but I do contend, first, that it was the business of the subcommittee to look for evidence and follow up every indication as to where it could find evidence, independent of what the Chicago Tribune's attorney might say or do; and that if it had exercised the diligence it should have, this evidence was available then just as much as it was available to the committee of the State senate of Illinois afterwards.

Mr. DILLINGHAM. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Vermont?

Mr. BRISTOW. Yes.

Mr. DILLINGHAM. I have no disposition at all to criticize the statement made by the Senator from Kansas, but I wish to inquire of him whether previous to the publication by one of the Chicago papers, made during the present season, that it was known that $100,000 was spent in this election, it was known to anyone connected either with the committee or the prosecution that such evidence existed?

Mr. NELSON. Will the Senator from Kansas allow me to interrupt him?

Mr. BRISTOW. Certainly.

Mr. NELSON. I take it the Senator wants to be fair in this matter.

Mr. BRISTOW. I certainly do.

Mr. NELSON. As a matter of fact, all this new testimony that has been brought out by the committee came through Mr. Kohlsaat, the editor and publisher of one of the leading Chicago papers. He saw fit, after the former trial, after the case was over, to publish an article in his paper, stating that a fund of $100,000 had been raised. That information Mr. Kohlsaat gave to nobody, and when he was subpœnaed before the senate committee of the Illinois Legislature for the first time he declined to divulge the source of his information and refused to answer the questions until the man who had given him the information released him from the promise of secrecy, and in that way he gave the testimony.

Now, you can readily see, Mr. Kohlsaat was a newspaper man. He did not go and communicate to the committee or anybody else. The first communication he made was in a newspaper article in his own paper quite awhile after we had disposed of the case here in the Senate. As one of the Senators who voted against Mr. LORIMER in this matter, I trust it is safe for me to make this statement here in this body and to call the attention of Senators to the fact that all this subsequent testimony was brought out because of that editorial statement in Mr. Kohlsaat's paper. He might have come out before, but until he did how could the committee know that Mr. Kohlsaat was possessed of that information?

Probably he was actuated by this spirit. The investigation had been started by the Chicago Tribune, a rival newspaper. Probably he felt like this: Let the Tribune go on and see what it can do; and after the Tribune had failed, then Mr. Kohlsaat, as a newspaper man, came forward with his story, and that led to this new testimony that we have before us to-day, which was presented by the Senator from Wisconsin.

There is whence it came, and the committee is not to be blamed for not getting that testimony. If anybody is to blame for it it is Mr. Kohlsaat for not informing the committee when they were sitting in Chicago.

Mr. BRISTOW. I think the Senator from Minnesota is in error in stating that the editorial was printed after the Senate had voted upon the Lorimer case.

Mr. NELSON. I think not. I am quite sure about it.

Mr. BRISTOW. No; it was printed before. It first appeared February 15, 1911.

Mr. NELSON. Will the Senator allow me? Possibly before we had voted, but not until long after the committee had made their investigation in Chicago.

Mr. BRISTOW. Yes; it was printed after the committee had made the investigation in Chicago.

Mr. NELSON. And after they had made their report here.

Mr. BRISTOW. But before the Senate had voted upon the Lorimer case.

Mr. DILLINGHAM. One question further.

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Vermont?

Mr. BRISTOW. Yes.

Mr. DILLINGHAM. This question was very thoroughly discussed in the Senate. I will inquire of the Senator from Kansas whether this newly discovered evidence was in any way called to the attention of the Senate during the debate and before the action of the Senate.

Mr. BRISTOW. My memory may be in error; I would not state positively, but I think this editorial was made a subject of comment. At least I think it was reproduced in papers before the Lorimer case was disposed of by the Senate.

Mr. DILLINGHAM. If it was, it escaped my attention entirely, and if there is a word in the record of the debate in the Senate that refers to any such thing, I would be glad to have it pointed out.

Mr. BRISTOW. I am confident that Members of the Senate had heard of Mr. Kohlsaat's views upon the matter, and that he had communicated with certain Members of the Senate and given them information in confidential communications bearing upon this subject.

Mr. DILLINGHAM. Then, I would inquire of the Senator from Kansas whether the other Members of the Senate were dealt fairly with in that debate if this information prevailed or was ascertainable and that fact was not disclosed to us?

Mr. BRISTOW. Well, that would be a little difficult to say. Mr. Kohlsaat had talked in confidence to a number of friends in regard to this information; had communicated with a number of friends. Some of them were Members of the Senate, so I have been advised. I have no personal knowledge of this. And they did not feel justified in making public information which they had in confidence. Whether or not any members of the committee were advised as to Mr. Kohlsaat's views, I am not able to say.

Mr. DILLINGHAM. If the Senator will permit me, I should like to say that, so far, certainly, as I am concerned, this information first came to me during the present session and since the matter was made public in the State of Illinois; and I can only repeat that if the knowledge of these circumstances was known on the part of anyone in the Senate at the time, it seems to me it should then be urged as a reason why the case should be reopened.

I want to say again what I said the other day, and I say it in earnest, too, that if this case is reopened, it ought to be

prosecuted with vigor and thoroughness and efficiency, so that every fact shall be known, whether it is done by one committee or another.

Mr. KENYON. May I ask the Senator from Vermont a question for information?

Mr. DILLINGHAM. Certainly.

Mr. KENYON. I have often wondered why Mr. Hines was not called as a witness before that committee. Has the Senator any information on that point?

Mr. DILLINGHAM. I have not. As I have said before, I say again, I was not a member of the subcommittee that had this investigation in charge. I was not present in Chicago. In fact, I was confined to my home in Vermont with illness at the time and I was unable to get in touch with——

Mr. NELSON. Will the Senator from Kansas yield to me?

Mr. BRISTOW. Yes.

Mr. NELSON. I want to say to the Senator from Iowa, who has referred to Mr. Hines, that Hines got into the case because of the information that Mr. Kohlsaat gave, or when he published an article in his paper stating in substance that a hundred thousand dollars corruption fund had been raised. But when he was called before the committee at first he refused to answer, because it was confidential.

The committee adjourned. In the meantime, the man who had given Mr. Kohlsaat the information released him from his promise, and then he came forward and brought Mr. Hines into the case. That is how Hines got into it. He did not get into it before Mr. Kohlsaat's article.

Mr. KENYON. My understanding was that Mr. Hines was very much in the case long before Mr. Kohlsaat's article.

Mr. NELSON. Not in reference to this matter.

Mr. JONES. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Washington?

Mr. BRISTOW. Yes.

Mr. JONES. My recollection of the record is that there is nothing in it anywhere, from beginning to end, that suggests Mr. Hines.

Mr. NELSON. Nothing.

Mr. JONES. I may be mistaken; but I do not remember the name having been suggested, so far as the record goes, until after the case was voted upon.

Mr. BORAH. That is one complaint we have of the record, that there is nothing in it about Mr. Hines.

Mr. JONES. Nothing appeared anywhere to suggest to the committee that Mr. Hines was connected with it in any way, shape, or form. Of course, I would not excuse the committee if there was anything brought to their attention to indicate that Mr. Hines ought to be called. I would not excuse them at all; but there is nothing that I can see in the record to indicate that Mr. Hines was suggested as having anything to do with it.

I may say that, perhaps, things were brought before the committee upon which they should have acted in a great many ways, but I have not seen anything definite in the record to warrant any censure of the committee for not bringing Mr. Hines into the matter. I think, possibly, if I had been on the committee at the time I should have probably taken an entirely different view of several different propositions from the committee, but I do not believe the committee is subject to censure for not bringing Mr. Hines in during the progress of the testimony.

Mr. NELSON. The Senator from Kansas is a fair man; I have always found him to be so; and I am sure for the sake of truth he will bear with me.

How was this new testimony brought about? It came through the newspaper article of Mr. Kohlsaat, and after he was permitted to state what he knew, the information he divulged was that a certain person had told him that Mr. Hines had said there was a fund raised of $100,000 to elect Mr. LORIMER, and that Mr. Hines was going around trying to get money, and appealed to a certain gentleman—the man who had given the information to Mr. Kohlsaat—asking him to contribute $10,000 to reimburse them; that they were in such a hurry to raise that Lorimer fund of $100,000 a few of them had to put their hands into their own pockets, and then afterwards Mr. Hines was sent around to get contributions, and he passed the plate around to get more money to make up for those few who had put into the fund. Now, that is how Mr. Hines got into the case.

The VICE PRESIDENT. The Senator will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (H. J. Res. 39) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. BORAH. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The VICE PRESIDENT. Is there objection? The Chair hears none. The Senator from Kansas will proceed.

Mr. BRISTOW. Mr. President, the criticism that I have been making of the investigation was that the committee seemed to sit there and wait for something to come to it, and if it had not been for the interest of the Chicago Tribune in the matter I do not suppose that there would have been any investigation at all.

Mr. HEYBURN. I wonder if it would interrupt the Senator——

Mr. BRISTOW. Not at all.

Mr. HEYBURN. There seems to be much criticism of the action of the committee in this matter. Unfortunately, the chairman of the committee is no longer a member of this body. All Senators will recognize the functions of the chairman of a committee in presiding over the performance of the duty of a committee. I was only one member of that committee. We may all have had some idea as to how it should proceed, or we may have had different ideas, and the differences were not developed. I think Senators are losing sight of the jurisdiction of the committee as prescribed in the resolution. I think they are losing sight of the origin of the investigation; that they are losing sight of that which the committee was instructed by the Senate to do. The committee did not go out of its own accord with a dragnet in order to find charges against a Member of this body. It acted upon specific charges. It was instructed to investigate those charges and no others by the express language of the resolution, which I have before me.

Mr. BROWN. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. HEYBURN. I am speaking only by the courtesy of the Senator from Kansas.

Mr. BROWN. I wish to ask——

The VICE PRESIDENT. Does the Senator from Idaho yield?

Mr. HEYBURN. I do not yield my interruption of the Senator from Kansas. I have no right to yield the floor to the Senator. I was proceeding to make a statement.

The VICE PRESIDENT. The Senator from Idaho declines to yield.

Mr. BROWN. The Senator from Kansas, I understand, yields to me to suggest——

Mr. HEYBURN. If the Senator from Kansas takes me off my feet, then, of course, he can yield to whom he pleases.

The VICE PRESIDENT. The Senator from Idaho will proceed.

Mr. HEYBURN. I am speaking by the courtesy of the Senator from Kansas, in his time, and I did it because I have heard it charged here within the last few minutes that the committee should have done this and that, and we heard one Senator say if he had been a member of the committee he might have done so-and-so.

Now, it would be well enough for us to look to the power and duty that was given that committee. The resolution does not say that they shall go out and hunt up testimony or hunt up a new case on new grounds other than those contained in the charges. It says:

Resolved, That the Committee on Privileges and Elections be directed to examine the allegations recently made in the public press charging that——

No; that is Mr. LORIMER's resolution. I withdraw that from the record. I have the wrong paper. It was the resolution of Mr. LORIMER that I started to read, which was never acted upon. It remains to-day in the hands of the Committee to Audit and Control the Contingent Expenses of the Senate. The resolution under which the committee acted was as follows:

Resolved, That the Committee on Privileges and Elections of the Senate, or any subcommittee thereof, be authorized and directed to investigate certain charges against WILLIAM LORIMER, a Senator from the State of Illinois, and to report to the Senate whether in the election of said WILLIAM LORIMER as a Senator of the United States from said State of Illinois there were used or employed corrupt methods or practices.

The charges alleged corrupt methods and practices.

Mr. BRISTOW. Oh, if the Senator will permit me, it seems to me that is all the authority any committee ought to want to make the most thorough and searching investigation possible.

Mr. HEYBURN. Well, the charges——

Mr. BRISTOW. The charges were——

Mr. HEYBURN. They are in the RECORD.

Mr. BRISTOW. And also whether corrupt methods——

Mr. HEYBURN. They are in the RECORD.

Mr. BRISTOW. Will the Senator please read the resolution again?

Mr. HEYBURN. The charges are specific. I will read the resolution:

That the Committee on Privileges and Elections of the Senate, or any subcommittee thereof, be authorized and directed to investigate certain charges against WILLIAM LORIMER—

Now, there was only one set of charges made, and that was made by the resolution offered by the Senator from Illinois.

Mr. BRISTOW. But the committee were directed to investigate the charges. What were the charges?

Mr. HEYBURN. "Certain charges."

Mr. BRISTOW. What further direction did the committee receive?

Mr. HEYBURN. Nothing that was entirely in line with the first allegation.

Mr. BRISTOW. If the Senator will continue to read it.

Mr. HEYBURN. I will.

To investigate certain charges against WILLIAM LORIMER, a Senator from the State of Illinois, and to report to the Senate—

That is, upon the investigation of certain charges—

to report to the Senate whether in the election of the said WILLIAM LORIMER as a Senator of the United States from the said State of Illinois there were used or employed corrupt methods or practices.

Under said charges what would the Senator do in court, where the rules of procedure are specific and perfectly established, if he were directed to investigate certain charges? Would he feel that he had a roving commission to go out in the world and see whether or not he could find some charges or some grounds upon which to charge? We were not appointed to perform any such duty.

If Senators who are discussing this question will bear in mind that the committee was investigating specific and not general charges, that the charges were made by Clifford W. Barnes, that they are in this record, that the charges were presented by the Senator from Illinois [Mr. CULLOM] upon the authority of Clifford W. Barnes, they will keep closer to the text. The committee was not a roving committee. It was not sent out to find out something that was not charged. It performed its duty like good lawyers and Senators and not like brigands.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from California?

Mr. BRISTOW. In just a moment. I desire to state that the phraseology of the resolution imposed upon that committee the broadest authority and directed it to ascertain whether or not WILLIAM LORIMER was elected by the use of corrupt methods.

Mr. HEYBURN. Now, let us take the Senator's statement, Mr. President. How was the committee to gather information as to the grounds upon which any charges are based except through the ordinary medium, which was the charging party, with those associated with him? The committee was not appointed to go outside of the things charged. If the committee had had it brought to their attention, it would have been authorized and would have investigated any charges. Did the Senator know then of anything the committee should investigate?

Mr. BRISTOW. If the Senator from Kansas had been a member of that committee, I think he would have made a more rigid effort to find information than the committee did.

Mr. HEYBURN. The Senator was a member of that committee, and I made a separate report joining in the general report——

Mr. BRISTOW. The Senator from Kansas I was referring to. The question was directed to me.

Mr. HEYBURN. I beg pardon. The Senator from Kansas, then, means to say had he been a member of the committee he would have performed those duties better. Now, what information did he have upon which he could have based any further investigation? Did the Senator have any information?

Mr. BRISTOW. The Senator from Kansas would not have considered himself limited by the narrow construction which the Senator from Idaho seems to have given to the direction.

Mr. HEYBURN. But, Mr. President, I repeat, did the Senator then or at any time have knowledge upon which he might have acted as a member of that committee had he been a member of it?

Mr. BRISTOW. The Senator from Kansas was not a member of that committee. He did not have the opportunity to investigate these facts, nor was the opportunity offered to him to ascertain whether or not there was additional evidence that would tend to prove that Mr. LORIMER was elected by corrupt methods.

Mr. HEYBURN. How would the Senator obtain that?

Mr. BRISTOW. If the committee had subpœnaed other witnesses.

Mr. HEYBURN. What witnesses?

Mr. BRISTOW. A number of them.

Mr. HEYBURN. Based upon what? What other witnesses? Name one witness the committee should have subpœnaed.

Mr. BRISTOW. I should have subpœnaed Mr. Hines.

Mr. HEYBURN. The committee did not even hear of Mr. Hines in connection with it. Upon what knowledge would the Senator have subpœnaed Mr. Hines?

Mr. BRISTOW. There the Senator explains the weakness of this committee's investigation. They have never heard of Mr. Hines. His connection with the Lorimer case was notorious, and if the committee had not heard of him—— [Manifestations of applause in the galleries.]

The VICE PRESIDENT. Occupants of the galleries must refrain from any demonstration either of approval or disapproval. Any demonstration by the occupants of the galleries is not permitted under the rules of the Senate.

Mr. HEYBURN. Can the Senator refer to any word written, spoken, or printed that connected Mr. Hines with this matter at the time of the hearings? If so, where is it?

Mr. BRISTOW. Oh, well, the Senator can ask questions at random here. I do not remember.

Mr. HEYBURN. There is not much random about it.

Mr. BRISTOW. It is a matter of fact well known.

Mr. HEYBURN. Upon what is the fact based?

Mr. BRISTOW. That Mr. Hines was intimately connected with the election of Mr. LORIMER, and the evidence that has been brought out by the Illinois senate was then available if proper search had been made for it.

Mr. HEYBURN. No; but I want——

Mr. BRISTOW. It was available then if it had been sought for by the Committee on Privileges and Elections.

Mr. HEYBURN. Did the Senator know that Mr. Hines was charged as being connected with the Lorimer election?

Mr. BRISTOW. If the Senator had been a member of the Committee on Privileges and Elections, he thinks he would have known more about it than the Senator from Idaho seems to know now.

Mr. HEYBURN. The Senator would have been wiser had he been a member of the committee than he was as a Senator of the United States?

Mr. BRISTOW. He would have undertaken to have informed himself upon all important matters relating to this case——

Mr. HEYBURN. What steps would the Senator have taken?

Mr. BRISTOW. Many which the Senator from Idaho seems to have neglected to have done.

Mr. HEYBURN. What steps would the Senator from Kansas have taken to inform himself?

Mr. BRISTOW. There are many steps that could have been taken.

Mr. HEYBURN. I should like to know what steps the Senator would take to ascertain something on which he had no lead whatever.

Mr. BRISTOW. I should have subpœnaed a number of witnesses which the committee neglected to subpœna.

Mr. HEYBURN. What witnesses?

Mr. BRISTOW. I should have subpœnaed Mr. LORIMER for one.

Mr. HEYBURN. Mr. LORIMER was in attendance. He could not be compelled to testify. He was given an opportunity to testify.

Mr. BRISTOW. Did he decline to testify?

Mr. HEYBURN. He did not testify.

Mr. BRISTOW. Was he invited to testify?

Mr. HEYBURN. He was given an opportunity to testify.

Mr. BRISTOW. Was he asked to testify?

Mr. HEYBURN. He was asked.

Mr. BRISTOW. Did he refuse?

Mr. HEYBURN. He did not testify.

Mr. BRISTOW. Why did he not testify?

Mr. HEYBURN. The Senator supposes I might happen to have personal knowledge of the fact that he was asked.

Mr. LA FOLLETTE. Quote the record.

Mr. HEYBURN. No.

Mr. LA FOLLETTE. No; you can not; that is all there is about that.

The VICE PRESIDENT. The Senator from Kansas has the floor. Does he yield further?

Mr. HEYBURN. I want to do away with some of these bombastic fallacies that have been brought into this case.

Mr. LA FOLLETTE. Then I submit that the Senator will do away with his own fallacies.

Mr. HEYBURN. I have nothing to do with yielding to the Senator from Wisconsin. I am here only by courtesy of the Senator from Kansas. I think it is high time that the discussion of this question should be brought down to the real facts, and not to those that have been conjured up from some-

where. Of course, everybody knows perhaps more now than before the Illinois Legislature investigated this matter. That is probably true, but I was speaking only from the standpoint of the duty of the committee, which it was charged they had not performed.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from California?

Mr. BRISTOW. I do.

Mr. WORKS. Mr. President, in view of the fact that the Senator from Idaho is still a member of the Committee on Privileges and Elections, as the question is whether this matter should be recommitted to that committee, it would certainly be interesting to know whether he still maintains the views he expressed formerly as to the narrow construction that should be placed upon the investigation by the committee.

Mr. HEYBURN. If the Senator from Kansas will yield to me, I will answer the Senator from California.

Mr. BRISTOW. I will yield.

Mr. HEYBURN. When the newspapers published such statements as were published in regard to the investigation of this question by the senate of Illinois, I drew a resolution asking that this matter be reopened, and only did not present it to the Senate because others presented resolutions in the same hour and minute. Does the Senator from California think for a moment that, as a Member of this body, I have any prejudice in favor of Mr. LORIMER? My instincts are against Mr. LORIMER having a seat in this body, because I do not believe in any man holding a seat here with the aid of votes from an opposition party, and it required the strictest evidence, in my judgment, to compel me to arrive at a conclusion that he was entitled to his seat. I did not go into the hearings with any prejudice in his favor.

Mr. BRISTOW. Mr. President——

Mr. WORKS. If the Senator from Kansas will indulge me——

Mr. BRISTOW. I beg pardon——

Mr. WORKS. The Senator from California made no such intimation. But certainly in the case of any Senator entertaining the sort of view as to the proposition contained in the resolution the Senator has expressed, the result would probably be as it was before.

Mr. HEYBURN. If the Senator from California entertains such views as he has expressed here on other days it would seem to me that he is not an entirely unbiased judge in the case.

The VICE PRESIDENT. The Senator from Kansas will proceed.

Mr. BRISTOW. Mr. President, before this interesting and somewhat animated colloquy, I was suggesting that the objection I had to referring this investigation to the Committee on Privileges and Elections was that it was intrusted with this responsibility upon a former occasion, and it did not make a thorough investigation; that it did not follow out the clues that were available.

Mr. HEYBURN. Only once more. What charge did the committee not investigate that was embodied in the charges presented here to us?

Mr. BRISTOW. There was a long list of charges presented.

Mr. HEYBURN. I should like to see the list.

Mr. BRISTOW. There was a long list of charges by Mr. Barnes that was made the basis for an inquiry.

Mr. HEYBURN. Mr. Barnes refused to testify.

Mr. BRISTOW. And the committee was directed to ascertain whether or not Mr. LORIMER had been elected by corrupt methods.

Mr. HEYBURN. As charged, to investigate the charges for the purpose of seeing whether he was elected by corrupt methods.

Mr. BRISTOW. If the Senator will read the resolution——

Mr. HEYBURN. I read it.

Mr. BRISTOW. It does not say as charged. That was the interpolation by the Senator; it is not in the printed record. The committee was directed to ascertain whether or not Mr. LORIMER was elected by corrupt methods, and it did not follow up the clues with the energy and determination that it ought to have done.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Florida?

Mr. BRISTOW. Certainly.

Mr. FLETCHER. I was not a member of the subcommittee, but——

Mr. BRISTOW. There seems to have been only one member of the subcommittee, and that was the Senator from Idaho [Mr. HEYBURN]. I should like to see another one if I can find him, for every member of the committee denies that he was a member of the subcommittee, and I think for very good reasons. I would be glad to hear the Senator——

Mr. FLETCHER. I will state what is true and correct; the record shows it. I am not making denials just for the sake of making them.

Mr. BRISTOW. I congratulate the Senator if the record does show that he was not a member of the subcommittee.

Mr. FLETCHER. I resent the idea that I am here to apologize for anybody at any time, either on the committee or on the subcommittee. It happens that there were seven members of the subcommittee. I believe five of them actually acted. The record shows who were present when this testimony was taken. Some of the members of that subcommittee are not now Members of the Senate. The chairman of the committee is not a Member of the Senate. That is all the more reason why I asked the courtesy of the Senator to allow me to interrupt him in order that there may be something approaching fairness in dealing with the subcommittee.

If I had been a member of the subcommittee, I should not presume to give attention to the remarks that are being made, or which have been made, but not being a member of the subcommittee, I feel that out of justice to those who are out of the Senate now, to say nothing of those who are in the Senate who are members of that committee or that subcommittee, that at least this much might be suggested to the Senator from Kansas.

He will recall the record shows that Mr. Austrian appeared before the subcommittee and stated:

> We have the names, we have the witnesses, we have the documentary proof and the evidence, and we, the Chicago Tribune, are thoroughly responsible. No one will gainsay that for a moment. We ask to appear in this matter.

And they were granted leave to do so.

Now, there was an agency at work, coming before the committee and assuring the committee that they had the witnesses and they knew the testimony—that they knew the facts and were ready and willing and anxious to produce them. Was it incumbent on the committee to go out searching the highways and byways at that time and under those conditions?

In addition to that, the people who now disclose this new alleged evidence were people who were identified with the prosecutors who appeared before that subcommittee. The editor of the Chicago Record-Herald, Mr. Funk, and other people there connected with the Harvester Co., and so forth, and the Chicago Tribune, as I understand it, were identified, certainly, with those who were opposing Mr. LORIMER. If they did not see fit to furnish the evidence in their breasts at that time to the subcommittee it seems to be far-reaching to blame the subcommittee for not presenting it to the full committee and subsequently to the Senate.

Mr. BRISTOW. I believe the Senator from Florida is at present a member of the Committee on Privileges and Elections.

Mr. FLETCHER. I am; and I was a member then.

Mr. BRISTOW. Will the Senator from Florida favor the same limitation on the investigation that is going to be directed now to the committee that was imposed upon the committee formerly? Will the Senator refuse to listen to men who come and ask to be heard?

Mr. FLETCHER. Not at all; neither did that subcommittee.

Mr. BRISTOW. The Senator has just stated that it was not the business of the committee to go out to search for evidence.

Mr. FLETCHER. I do not say it was not their business to go out and search for testimony if they had anything that made it worth while or pointed to any lead.

I should say they ought to follow every lead that indicated pay dirt anywhere and in any direction. I am not in favor of any limitation.

The Senator asked me the question whether I am in favor of a limitation in the minds of the subcommittee or the full committee. I do not know for certain to what he refers, but, as far as I am concerned, I am not in favor of any limitation on this investigation. Let it lead where it will; let it open up what it may; let it reach whom it may; follow it to the bottom and to the limit, that the truth may be known, and let the chips fall where they will.

Mr. BRISTOW. I will simply state again, as I said in the beginning, that if the Committee on Privileges and Elections at the former investigation had been animated by the spirit which, judging from what Senators say, at least two members are animated with now, these two weeks of discussion in regard to the opening of this case would have been unnecessary.

Mr. FLETCHER. Precisely; and I submit now that we are wasting time in giving reasons why this case should have been reopened, when there was not a Member of this body opposed to it from the start.

Mr. BRISTOW. Mr. President, it is a question——

Mr. FLETCHER. But, if the Senator will allow me one moment, so much more is the reason for urging that the Senator is scarcely fair to the old committee, when the fact is that the members of the old committee were not insisting upon limitations or restrictions in the making of this investigation. The subcommittee ruled out certain testimony as they saw fit, but if there were any rulings objectionable of that nature, the criticism ought to be confined to the subcommittee and not to a general charge against a whole committee. I say frankly I can not conceive of any sort of limitations or any sort of restriction now that ought to be imposed upon the members making this investigation.

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Wisconsin?

Mr. BRISTOW. Certainly.

Mr. LA FOLLETTE. I just wanted to ask, before the Senator from Florida took his seat, whether the Committee on Privileges and Elections did not adopt the limitation which the subcommittee had fixed with respect to testimony—that is, to make myself a little more specific, whether on that Saturday morning when the Committee on Privileges and Elections first met to receive the report of the subcommittee, whether they did not propose to adopt, and whether there was not a motion made to adopt, the report of the subcommittee just as it had been made to the full committee, limitations and all?

Mr. FLETCHER. My recollection is—I suppose I am authorized to say—that a motion was made to adopt the report of the subcommittee when it was submitted to the full committee, that the motion was not adopted or agreed to, and the report of the subcommittee was afterwards submitted to the members of the full committee, and not until they had had an opportunity of examining it and all the record did the full committee act upon the report of the subcommittee. That is my recollection of it.

Mr. LA FOLLETTE. Mr. President, if I am not interfering with the course of the argument of the Senator from Kansas I remind Senators of the statement made on the floor of the Senate by a member of that committee, Senator Beveridge, that on Saturday morning, December 17, the Committee on Privileges and Elections was first called together to receive the report of the subcommittee.

Mr. President, I do not feel the same hesitation which some Members of the Senate express with respect to talking on the floor of the Senate about committee proceedings, because, sir, I believe that work done in committee is public business, and I do not recognize the right of any Senate committee to put the ban of secrecy upon the public business which a committee transacts.

Immediately thereafter, before any Senator had had an opportunity to examine that testimony, a motion was made that the report of the subcommittee which confirmed the title of WILLIAM LORIMER to a seat here, be adopted by the Committee on Privileges and Elections.

So, I say, Mr. President, the Senator from Kansas [Mr. BRISTOW] is right in assuming that the full Committee on Privileges and Elections was not in possession of all the facts in this case when it adopted the report of the subcommittee in that meeting. As early as February 15—indeed much before that date—the Chicago papers—not the Tribune, but other Chicago papers—had published the fact of the existence of this hundred thousand dollar slush fund, brought together and contributed for the purpose of purchasing a seat on the floor of the United States Senate. It would seem to me, Mr. President, with those publications, so widely made by entirely responsible newspapers, that even if they had made their report to the Senate, having notice of the existence of testimony so vital, so important, the Committee on Privileges and Elections should have asked the Senate to be allowed to take further testimony in the case.

Mr. STONE. Mr. President, my curiosity is excited by what the Senator from Wisconsin has just said. If I understand him aright, he declares that it was a matter of general information, perhaps, in the Senate that before the conclusion of the Lorimer case in the last Congress it was known that reputable newspapers published somewhere had charged that a fund of $100,000 had been raised to purchase a seat in the Senate. The chairman of the Committee on Privileges and Elections this morning declared in the hearing of the Senate that he had no such information; that he knew nothing of it; and that he had not heard of it until after the matter was taken up by the Illinois State senate. I am not sure that I ever heard of the matter until about that time—I mean the Kohlsaat matter. I would ask the Senator from Wisconsin if he knew of it before that time?

Mr. LA FOLLETTE. I answer very frankly, Mr. President, that I heard of it shortly after the publication of the editorial on the 15th of February. That is the date of the publication of one editorial in the Chicago Record-Herald, charging that a hundred thousand dollar fund had been expended in corrupting the Illinois Legislature and securing the election of LORIMER to the Senate.

Mr. STONE. Is that the editorial about which Mr. Kohlsaat was first examined by the Illinois senate?

Mr. LA FOLLETTE. I am not able to say whether or not that is the specific editorial that the Illinois State senate committee had in mind when it examined him. I know that editorial was published on the 15th of February, 1911, but I am informed that other——

Mr. STONE. What was the date of that?

Mr. LA FOLLETTE. The 15th of February.

Mr. STONE. What was the date of the final vote on the Lorimer case? I do not now recall.

Mr. LA FOLLETTE. The 1st of March.

I am informed that other editorials or editorial comment had been made with reference to the existence of such a fund prior to that time, but my attention was first directed to the publication of that editorial shortly after it appeared. I will say to the Senator from Missouri and to other Senators that it stimulated me to make some inquiry, and I sent a telegram to the editor of the Record-Herald asking him to furnish me the information upon which that editorial was based.

I followed it up, sir, with other telegrams. I was not able to elicit from him the information upon which he based the statement in that editorial. I suffered in that respect just exactly as the senate committee of the Illinois Legislature did when it got Mr. Kohlsaat before that committee and he refused to answer. He felt bound by an obligation of confidence to the party who had communicated that information to him not to disclose his authority—a sort of journalistic obligation.

I will say to the Senator from Missouri and to the Senate that I appealed to the editor of the Chicago Record-Herald to put me in possession of such facts as would enable me to lay before the Senate some specific data upon which to arrest the further consideration of the Lorimer case or to reopen it for further investigation.

Mr. DILLINGHAM. Mr. President——

Mr. STONE. That was matter, Mr. President, in the possession of the Senator from Wisconsin, and he was pursuing a course that was exceedingly praiseworthy in endeavoring to ascertain the facts from Mr. Kohlsaat or from anyone else having the information; but that is a little foreign to the point I have in mind. What I wanted to know was whether the Senator from Wisconsin or any other Senator brought that information to the Senate itself or to the committee of the Senate itself, so that we might have taken cognizance of it here in the Senate, stopped the proceedings, and directed the committee to go further with the examination if necessary.

Mr. LA FOLLETTE. Mr. President, I answer with the utmost frankness. I have lying upon my desk now a statement which I had drafted, addressed to the Senate, asking that further proceedings in the Lorimer case be stayed until the Senate could take further testimony regarding this hundred thousand dollar fund. But, Mr. President, I did not submit that statement to the Senate for the reason I will state. I made diligent effort to secure the information which would support the statement, but was unable to procure it. I stop now just a moment to remind the Senate that when a request was made in the Senate—I am not able to fix the date—but when a request was made for unanimous consent to fix a date for a vote on the Lorimer case I objected, and stated to the Senate at the time that I objected upon "good and sufficient reason." I was at that time in pursuit of this information and hopeful that I might be able to present it to the Senate before the final vote upon the case.

Mr. STONE. Did the Senator finally lay it before the Senate?

Mr. LA FOLLETTE. I did not; because I was informed that Mr. Kohlsaat would under no circumstances furnish that testimony, even if he were called before a committee of the Senate; and furthermore, that he would not appear before a committee of the Senate, and that he was ready to absent himself from the country and from the jurisdiction of a committee of the Senate if an effort should be made to summon him. So I was certain, Mr. President, if I succeeded in arresting proceedings in the Lorimer case, upon a statement that new testimony material to the issue existed, that I should be unable to produce the witness to prove the facts.

I believed and I stated to several Members of the Senate that, even though the Senate might vote to confirm the title of WILLIAM LORIMER to his seat in the Senate, ultimately the truth would be known; that it would not be possible to suppress the facts, and that ultimately the case would be reopened. I believed then that there would transpire just what has come to pass—that the Senate would be called upon to reconsider this case, and that the public interest would not greatly suffer by the delay. I want to assure the Senate that I used all legitimate means at my command to persuade Mr. Kohlsaat to come before the Senate committee and state the facts which he has since stated before the committee of the Illinois senate. I did everything in that respect which I could, but I failed, and was advised by those to whom I appealed at that time that if the statement were made here that this testimony was in existence I would find myself utterly unable to furnish it if the case should be stayed and reopened. For that reason, Mr. President——

Mr. NELSON. Mr. President, will the Senator from Wisconsin allow me to interrupt him?

Mr. LA FOLLETTE. I will yield, sir.

Mr. NELSON. I voted with the Senator on this question at the last session of Congress, and I concede the Senator was diligent, but in view of the fact that the Senator, although he was diligent, was unable to get this information, why should he charge the committee with a lack of diligence because they could not do better than he could?

Mr. LA FOLLETTE. Well, Mr. President, the committee had the authority of the Senate to subpœna witnesses. If they had gotten service upon Mr. Kohlsaat he would have been compelled to appear and finally to testify as he finally testified before the committee of the Illinois senate. As I have already stated, I was advised, if I asked to have the case referred back to the committee and the committee authorized to summon Mr. Kohlsaat, that he would have notice and ample time to place himself beyond the reach of subpœna before service could be made. I think this committee should have discovered these facts while they were investigating the case in Chicago. For more than a year, as I am informed, the story had been rife in Chicago that a hundred thousand dollars had been raised as a slush fund to put WILLIAM LORIMER "across" and elect him as a Member of the Senate.

Mr. DILLINGHAM. Mr. President, may I inquire of the Senator just for information——

Mr. LA FOLLETTE. Just a moment. Mr. President, I have been pretty careful in what I have said in this debate regarding the members of the former committee. I have not uttered a word reflecting upon their motives. I have tried, Mr. President, to observe the courtesies of debate. But I can not help saying now, in view of the suggestion of the Senator who has asked the question, that it does seem to me that a committee, clothed with the broad powers of this committee and given the direction that this committee was given by the Senate, might well have ascertained all the facts that have been testified to before the senate committee of the Illinois Legislature.

Without criticizing the rules of evidence adopted by the committee, which narrowed the scope of their inquiry, I am wholly unable to understand why they permitted Mr. Austrian, an attorney, who appeared for the Chicago Tribune, to fix the limit of their investigation, and why they did not themselves run down every suggestion of fact and send out everywhere for information bearing upon the election of WILLIAM LORIMER to the United States Senate. Had they pursued such a course can anyone doubt that they would have discovered as much and more than was discovered by the Illinois senate committee?

Mr. FLETCHER. Mr. President, I will interrupt the Senator, if I may, just for a moment in order that the record may be correct as regards the report of the subcommittee.

Mr. BRISTOW. Do I understand the Senator from Florida is asking me a question?

The VICE PRESIDENT. The Senator from Florida is addressing his inquiry to the Senator from Wisconsin.

Mr. FLETCHER. I want to interrupt the Senator from Wisconsin just for a moment.

Mr. LA FOLLETTE. I beg pardon of the Senator from Kansas for taking so much of his time.

Mr. FLETCHER. I did not know that the Senator from Kansas had the floor, but I will take only a moment. It will be borne in mind that testimony was taken by the subcommittee largely in September. The last testimony was taken on December 7. The report of the subcommittee to the full committee was made December 17. The action on that report by the full committee was taken December 20, and the report of the committee to the Senate was presented December 21. I simply want to state that as the chronological order of events.

Mr. LA FOLLETTE. Right in that connection——

Mr. DILLINGHAM. May I ask the Senator one question?

Mr. LA FOLLETTE. Right in that connection, if the Senator from Kansas will yield to me that I may ask the Senator from Florida another question——

Mr. BRISTOW. Certainly.

Mr. LA FOLLETTE. I inquire of the Senator from Florida if it is not a fact that on the morning of Saturday, December 17, the testimony taken by the subcommittee was for the first time reported to the full committee and laid before them for consideration?

Mr. FLETCHER. My recollection is, Mr. President, that that is correct. Possibly some portions of the testimony and certainly the briefs of counsel had been furnished before that time.

Mr. LA FOLLETTE. Yes. May I interrupt the Senator to ask whether prior to that time any portion of the testimony had been furnished except what was quoted in the briefs of counsel?

Mr. FLETCHER. I do not remember that there were any portions of the testimony actually furnished to the committee.

Mr. LA FOLLETTE. No. I think that is true. Is it not also a fact, if I may still further ask the Senator for information, that on Saturday morning, December 17, assuming that to be the date when the testimony taken by the subcommittee was first submitted to the full committee—if a motion were not made to adopt the report of the subcommittee based upon that testimony, which, of course, no member of the committee, other than the seven members of the subcommittee, could have read up to that time?

Mr. FLETCHER. I am inclined to think that is correct. As I stated a moment ago, the motion was not agreed to. Action was not taken until the 20th.

Mr. BAILEY. Will the Senator from Wisconsin allow me?

Mr. LA FOLLETTE. Just a moment before I yield; I wish to ask the Senator from Florida another question. I ask the Senator from Florida this question, and I base it entirely upon the statements made in the course of debate by the then Senator from Indiana [Mr. Beveridge] who was a member of the committee: Is it not true that the reason why the report of the subcommittee was not adopted by the full committee at that Saturday morning session was because the then Senator from Indiana objected to the question being put to the committee on the ground that he had had no opportunity to look at the testimony, because it had just then been printed and laid before the full committee?

Mr. FLETCHER. I would say, in answer to that, Mr. President, that it is true, I believe, that the then Senator from Indiana did object to action on the motion at that time upon the ground that he had not had time or occasion to examine that testimony; but I can not say that was the sole reason the action was not taken, because there would have been others who would have objected to the consideration of the question at that time.

Mr. LA FOLLETTE. On the same ground?

Mr. FLETCHER. On the same ground.

Mr. BAILEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Texas?

Mr. LA FOLLETTE. Certainly.

Mr. BAILEY. I simply want to remind the Senator from Wisconsin that the full committee were anxious to make their report to the Senate at the earliest possible day, because there was at that time in the Senate a complaint about the delay, and the full committee felt that it ought to submit its report, together with the printed testimony, so that Senators might have it during the holiday adjournment of Congress. That was one of the reasons urged for immediate action.

Mr. LA FOLLETTE. Well, of course, Mr. President, I assume that that was urged in the committee.

Mr. BAILEY. Yes.

Mr. LA FOLLETTE. Not being a member of the committee I did not know that, and I do not recall that there had been any inquiry made on the floor of the Senate about the report of the committee that had been appointed to investigate the Lorimer case up to that time; but, of course, the Senator from Texas being a member of that committee will have better recollection upon that subject than I have.

Mr. BAILEY. Mr. President, I do not say that there had been any complaint made on the floor, because I do not recall that such was the case; but I do know that a number of Senators were urging the committee, as I think every member of the committee will recall, that the matter should be submitted at the earliest possible moment. The Senator from Vermont [Mr. DILLINGHAM] reminds me that I myself suggested that it had better be done thoroughly than to be done in haste, and it was on my motion that the matter went over until every member of the committee was willing to say that he had sufficiently examined the record.

Mr. LA FOLLETTE. Well, Mr. President, upon that point, not being a member of the committee, I can not offer any statement; but I think it proper that I should call the attention of the Senate to the statement made by the then Senator from Indiana, Mr. Beveridge, who, in the course of his thorough and exhaustive discussion of this case, referred to this fact. I have the RECORD before me; but without referring to it and stating it just from having recently read it, I will say that the Senator from Indiana, Mr. Beveridge, asserted, in the course of the debate when the Lorimer case was before the Senate that the consideration of the case before the Committee on Privileges and Elections went over upon his insistence that he had not had any opportunity to examine the testimony upon which the subcommittee based its report, and hence could not vote either to approve or reject the report of the subcommittee, and he asked, as he states in his argument before the Senate, that the matter be permitted to go over until after the holidays in order that he might examine the testimony.

I remember very distinctly that he said there were seven hundred and odd pages of this testimony—I think about 780 pages of testimony—and he said he could not examine that testimony, and did not examine the testimony so as to vote intelligently as to whether he ought to support the report of the subcommittee or vote against it in the time that intervened between that Saturday morning and the Tuesday morning when the committee next met to vote on the adoption of the report made by the subcommittee.

If I can understand at all the statement of the Senator from Indiana, Mr. Beveridge, it was intended to make plain to the Senate that he had tried diligently between Saturday morning, when this testimony was submitted, and Tuesday morning, when the committee met, to vote on the question whether or not they would adopt the report of the subcommittee—and at which time they did adopt the report—that he had tried diligently to examine that testimony, to say nothing about the briefs of counsel upon either side, amounting to a couple of hundred pages, and that he had not found time between the dates of the meeting of the committee on Saturday morning and the reconvening of the committee on Tuesday morning to go over more than about 190 pages of the testimony and examine it with care and thoroughness such as a lawyer would want to put upon any record upon which he was to pass judgment.

I gathered from hearing the Senator from Indiana and from rereading his speech that he was compelled as a member of that committee to vote on Tuesday morning on the report of the subcommittee without having had an opportunity to read the testimony in this case and know the facts.

Mr. BAILEY. Would the Senator from Wisconsin permit me?

Mr. LA FOLLETTE. Certainly.

Mr. BAILEY. I do not recall the statement of the former Senator with respect to the testimony. I do recall, however, that he made some statement on the floor as to his inability to examine the briefs, and I recall very distinctly that I suggested to him that the brief for the petitioner had been sent to the members of the committee some two months before the Congress convened. I know the Senator from Indiana did make some suggestion about the briefs.

Mr. LA FOLLETTE. The Senator from Texas is right about that. I have just read over the discussion of that day, and the Senator from Texas did remind the Senator from Indiana of the fact that these briefs had been furnished somewhat in advance of the time when the printed record of testimony was furnished.

I beg the pardon of the Senator from Kansas [Mr. BRISTOW] for having so long trespassed upon his time. I will recur to this subject a little later, and I yield the floor now, with my apologies for having occupied it so long.

Mr. BRISTOW. The question for which I yielded has been rather long, but I think I can remember about what I was saying.

To summarize, I stated that I was in favor of the resolution of the Senator from Wisconsin, because I did not believe that the former investigation was thorough, that it was not made with that diligence with which it should have been made, and that I believed from what I have heard from the present members of that committee that it now entertains the same views as to the limitations imposed that the committee entertained at that time that the investigation was made. And that has been confirmed by statements made by the Senator from Florida, and the Senator from Idaho. That being the case it seems to me that the Committee on Privileges and Elections should not be intrusted with this investigation unless the Senate wants just such an investigation as was formerly made.

Now, I have received another impression, and that is, that while formerly the members of the committee did not go out and search for evidence as they should, did not secure evidence that was available if they had undertaken to have secured it, it now seems to be animated by a zeal and an earnestness, in part at least, that is creditable.

But I have been advised upon rumor, which has the earmarks of accuracy, that the committee as a whole does not intend to make this investigation, but intends to appoint, by the permission of the Senate, a subcommittee. I am not very familiar with senatorial procedure, but if it is the purpose to appoint a subcommittee, why does not the resolution say so, instead of saying that the committee shall sit in banc?

I have been further advised by rumor, which has the same earmarks of accuracy, that an agreement has been entered into by the Democratic leaders and by the Republican leaders that that committee shall consist of eight—four Democrats and four Republicans. Now, why the Republican leaders have abdicated the rights of the majority to have a majority on the committee on investigation I have not been advised.

Of course the leaders on the Republican side—I say "leaders" because they have no leader now. Since Mr. Aldrich retired his mantle has not been assumed by any of the Members on this side of the Chamber. But it is said in the public prints that an agreement was necessary in order to insure a majority vote in behalf of the Committee on Privileges and Elections. The chairman of the Committee on Privileges and Elections, on this side, being unable to muster under his standard a majority of the Senate, has capitulated and withdrawn his resolution and accepted that of the leader on the Democratic side. And the leadership of the Democratic leader [Mr. MARTIN] is well recognized—or, at least, it was on Monday—because we could not adjourn until he made the motion.

It is with some feelings of regret, of course, that we see the mantle of Mr. Aldrich transferred from this side of the Chamber to the other, but it seemed to be necessary in this case.

I am advised that the Martin resolution is to pass, and that then the Committee on Privileges and Elections will select a subcommittee of eight—four Republicans and four Democrats—four Lorimer men and four anti-Lorimer men—and ask the Senate to confirm such a subcommittee, and that it will be confirmed by the same majority that has been secured by merging the two elements, one on this side of the Chamber and the other on that side, and that it will go through by practically the same vote that the Martin resolution will receive.

Now, that may be true. It looks like it was. Time will demonstrate whether or not it is.

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Wisconsin?

Mr. BRISTOW. I do, for a question.

Mr. LA FOLLETTE. I should like to inquire of the Senator from Kansas if that indicates to his mind that the reactionary elements in the Senate of both political parties are getting together?

Mr. BRISTOW. Of course, I do not know, but I have been thinking. Now, that combination will put through the Martin resolution for a Lorimer investigation, giving to the committee that made the other investigation authority to proceed and investigate. It is to be hoped it will do a better job this time than it did the other.

I have wondered if this new combination and this new leadership are to continue during the session. It will control the Lorimer investigation. Will it control anything else—the tariff, for instance? Will this committee, when it is organized to make this investigation, investigate exclusively Mr. LORIMER or will it feel that it has authority to go out and find who contributed the money to buy this seat in the Senate and search for legal authority to bring action against the men who furnished the funds to bribe legislators and buy seats in this body, or will it hamper itself by that sense of propriety and restriction that will render safe Mr. Hines and the men from whom he collects $10,000 contributions? Will it in the hearing of the tariff bills that are to come protect Mr. Hines's duty on lumber which he has been so anxious to preserve and keep it in the tariff bill? Will it affect the duty on iron ore and a few other things? This is a very interesting inquiry that comes to my mind.

Mr. NELSON. Mr. President, the question is—and the Senator from Kansas misses it—Will it prevent reciprocity?

Mr. BRISTOW. Will it insure reciprocity? That would be a better question for the Senator from Minnesota to put.

Now, it may be improper for me to make such inquiries; I may be infringing upon the dignity of this body. It may be somewhat embarrassing to the leaders on this side of the

Chamber. The mantle of leadership has not yet found any single Senator to wear it. It seems the senior Senator from New Hampshire [Mr. GALLINGER] has not been able to get the mantle onto his shoulders. The senior Senator from Pennsylvania [Mr. PENROSE] has not found that it fits him exactly, although he has inherited it by official position. And for some strange reason—I do not know why—it has not been tendered to the senior Senator from Massachusetts [Mr. LODGE].

But since the wolves have somewhat scattered the flock of lambs on this side of the Chamber, and they have recently been in great need of a shepherd, I congratulate them upon having found one, Mr. MARTIN, on the Democratic side. And now we are assured that the majority is safe and an official adjourner will be selected soon, so that when the Senate is ready to adjourn we will receive the signal from authority.

Mr. President, I think that the Senate owes something to itself as well as to the public. Senators may assume to despise public opinion and hold it in contempt, and they may discredit the intelligence of the American reading public; that is, they may attempt to do so; but that will not succeed.

If there is anything that the Senate needs, it is to be restored to the high public esteem that it once occupied and which it ought to occupy now. Senators, public opinion is the sovereign power of this country. We have no other sovereign, and it is entitled to the respect that sovereignty is entitled to, and the man or set of men that affect to despise it will in time receive that public condemnation and disapproval that they deserve.

I want a new committee to make this investigation because the results of the last investigation have destroyed public confidence in the thoroughness and effectiveness of the Committee on Privileges and Elections. The welfare of this country depends vitally upon the public confidence that the executive and legislative and judicial branches of the Government hold, and if any one branch of this Government of ours loses that public confidence, the very stability and foundations of the Government are weakened.

It is a painful thing for me to sit here and hear Senators intimate that we should be proof against the influence of public opinion. This body is being tried by public opinion in this country to-day, and that public opinion carries tremendous weight, and it should. We ought to do that which will most readily and effectively inspire the public confidence, and that will be to appoint a new committee to make this investigation, to do it promptly, and then act with equal promptness upon the facts which the committee submits to us.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The question is on agreeing to the substitute proposed by the Senator from Virginia [Mr. MARTIN] for the resolution submitted by the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. LEA. Mr. President, I had not intended participating in the debate upon this question, but feel impelled to state briefly my position, giving the reasons for the vote which I intend to record.

In the beginning, it is necessary to state that from such testimony as has been published in the papers relating to the Lorimer investigation by a committee of this Senate, the reports of the committee and the minority report, the newspaper reports of the criminal proceedings in Illinois growing out of the legislative session of 1909, and from the fact that Senator LORIMER did not take the stand in his own behalf during the Senate investigation, I have formed an impression—or opinion, if you like—that the election of WILLIAM LORIMER as a Senator of the United States was not valid. While it is an impression or opinion, it is one which could be removed by testimony; still I want the Senators to know that, although not a Member of the Sixty-first Congress which passed upon this case, in company with Senators who recorded their votes at that time, I have an opinion upon it.

Next, Mr. President, I shall state that my every personal inclination is to support the substitute resolution offered by the Senator from Virginia [Mr. MARTIN], because I would like, especially since he was not my choice for minority leader, to express the full and absolute confidence I feel in his integrity of purpose in his sincere desire that the election of WILLIAM LORIMER be given the fullest and most complete investigation. Not only that, but, since he has introduced the substitute resolution, I would be inclined to vote for it as an expression of my appreciation of his consideration and tactful attitude toward the minority Senators of this body and as a public acknowledgment of his splendid leadership.

But, Mr. President, the Senator from Texas [Mr. BAILEY], in the course of his remarks upon this resolution, on Friday of last week, said: "In my judgment, with some immaterial exceptions, that committee (referring to the Committee on Privileges and Elections) did its work as well as any committee of the Senate could have done, and it is no fair subject of criticism against it that some of the witnesses to those transactions concealed their knowledge from that committee and afterwards imparted it to another committee or to the people."

If the Senator from Texas [Mr. BAILEY] casts his vote for the substitute resolution offered by the Senator from Virginia instead of for the resolution offered by the Senator from Wisconsin [Mr. LA FOLLETTE], as an expression of his approval of the course taken by the last committee of the Senate, by his reasonings I must withhold my vote, for I can not approve of the course of investigation pursued by that committee or of the conclusions it reached.

And in saying this, I want it to be understood frankly that I do not in the slightest degree impugn the motives of any of the Senators who acted upon that committee, for I have the fullest confidence in their integrity of purpose, and in what I believe to have been their sincere desire to conduct a thorough investigation, and acknowledge gladly their high character and splendid abilities. My difference with them is not a personal one, but entirely one of judgment.

There are at least four grounds on which I do not approve the course of the former committee, and in stating these I shall not go into the reasonings by which the full committee reached its conclusions, but deal entirely with the procedure adopted by the subcommittee.

The first ground of disapproval relates to the committee's conception of its functions. The committee seems to have thought that its functions were purely judicial and that it occupied the position of a referee or master in chancery to sit and hear proof which might be offered in the controversy, and to report its findings to the full committee or to the Senate; that the parties to this controversy were Mr. Clifford W. Barnes, representing the Legislative Voters' League of Illinois, and his designated successor, the Chicago Tribune, on the one hand, and Senator LORIMER as represented by his counsel, upon the other, and that it could make no investigation other than that demanded by these parties.

A more correct idea of the functions of that committee would have been that the Senators, while sitting as such a committee, have not only judicial but inquisitorial functions to perform, and if any parallel is to be drawn, this committee of the Senate is to be likened not to a referee or master in chancery, but rather to a grand jury; that it is to hear not only the testimony that may be offered by the parties directly interested in the controversy, but to seek out, ascertain, and introduce any testimony that may shed light upon the methods employed to secure the election of WILLIAM LORIMER.

That the committee assumed the theory of the case attributed to it by me is substantiated by the following quotation from page 2 of their report:

> At what was practically the outset of the investigation counsel for the Chicago Tribune (who conducted the inquiry against Senator LORIMER) announced that he did not expect to connect Senator LORIMER with any acts of bribery, and upon this point the following took place.

There follows after this statement a quotation from the transcript of the case, showing the position of the Chicago Tribune, and throughout the case, so far as I have been able to observe, the committee pursued this attitude, namely: That, inasmuch as counsel for the Chicago Tribune did not claim that Senator LORIMER was connected with any acts of bribery, therefore no investigation should be made upon this point.

Upon the other theory of the case, investigation should have been made to see whether Senator LORIMER was connected with the bribery in this case, irrespective of the attitude of counsel for the Chiacgo Tribune or anyone else.

It should have been an investigation, not by the Chicago Tribune, not by the Illinois Voters' League, but by the Senate of the United States, an investigation by the Senate to find out whether a man had bought his way, or his way had been bought for him, into this great body, and it should not have stopped at any barriers that might have been raised by any counsel for interested parties.

This brings us to the second ground of my disapproval of the procedure of the committee in this investigation, and that is, the failure to put Senator LORIMER upon the stand and require him to give testimony. The fact, as I gather to-day, that a majority of the Senate believe that if another inquiry is instituted one of the first things that should be done by the committee in charge of it would be to place Senator LORIMER upon the stand, is sufficient ground for stating that the former committee erred in not putting WILLIAM LORIMER upon the stand.

The third ground of disapproval of the course pursued by that committee was the adoption by it of certain rules of evi-

dence, by which, as I conceive, certain important testimony was excluded, testimony which would have led to the discovery, doubtless, of other evidence that would have been pertinent and material, and which would doubtless have rendered unnecessary another investigation of this case.

One instance of this is shown by the following quotation from the RECORD, page 395, during the examination of W. F. Gray, after Mr. Gray had testified that he introduced at the Commercial Trust Co., and where he made a deposit of $500, one H. J. C. Beckemeyer, a member of the Legislature of Illinois, who had voted for Senator LORIMER.

Q. What were the denominations of the bills you saw?—A. A $100 bill.
Q. Did you ask where he got it?—A. Yes, sir.
Q. What did he say?
Judge HANECY. I object to that. That is the same question that has been ruled on several times. He can not make corroborative or self-supporting testimony for himself.
Mr. AUSTRIAN. He said he deposited it at the Commercial Trust Bank, and this gentleman took him there and introduced him. That is a part of the res gestæ.
Judge HANECY. It is a collateral matter; there is no res gestæ on a collateral thing. The doctrine of res gestæ applies to the thing itself. This is offered for the purpose of inducing this honorable committee or somebody else to infer or draw a deduction or inference against the presumption of innocence; the direct inference that he got this money by improper methods and in an improper manner, not from the same general, but from other, sources that it is claimed here it was paid. I submit the matter can not be proven in that way by proving a lot of collateral things and leave it for somebody to infer.
Senator GAMBLE. Is this for the purpose of impeaching the testimony of Mr. Beckemeyer?
Mr. AUSTRIAN. No, sir.
Judge HANECY. Or of supporting it?
Mr. AUSTRIAN. Of course it is for the purpose of supporting it.
Senator PAYNTER. When did this occur?
The WITNESS. Somewhere last July or the 1st of August. I paid no attention to it. He came in and asked me to go over, and I went over.
Senator BURROWS. The objection will be sustained.

It also appears that other gentlemen—Mr. Ford and Mr. Murray—would have testified similarly to Mr. Gray, but under the ruling of the committee they were not offered as witnesses. The point I desire to make in this connection is that if Mr. Gray had been allowed to answer the question and had stated that he received that money (deposited at the Commercial Trust Co.) because he had voted for Senator LORIMER, then not only under the theory of Mr. Austrian would that testimony have been competent, but it would have been competent as a declaration against interest and would have been material in this case.

I could cite other similar instances, including the testimony of the wife of the late Representative Luke, in regard to the statement he made on his return from St. Louis, where he had been called to meet Leader O'Neil Brown, when he showed her $950 in bills of large denominations. That testimony was excluded on the same ground.

Mr. President, my insistence is that the committee, by establishing such highly technical rules of evidence, even though they were correct, which I do not concede, narrowed the scope of this inquiry, and that if the scope had been as broad as it should have been, doubtless to-day the time of the Senate and whatever committee may be appointed to make this investigation would not have to be spent in making another investigation, for Mr. LORIMER would either have been rightly exonerated or he would have been denied his seat in this body, and that would have ended the subject, once and for all.

Mr. President, my fourth disagreement with the committee is that the committee did not call Edward W. Hines to the stand and take his testimony as to what he knew about the election of WILLIAM LORIMER, for I believe we will all agree to-day that Hines could have shed more light upon this subject than any other man. Mr. Hines, Mr. President, was not an unknown man in this controversy at the time the subcommittee convened and sat in Chicago. He had been known for some time as one of the creators, or alleged creators, of Senator LORIMER. In the Chicago Tribune of May 4, 1910—many months before the subcommittee sat in Chicago—there was an article published showing the connection between Senator LORIMER and Mr. Hines. We find such articles published frequently. In the Chicago Tribune of May 6 we find the following quotation from an article that was published on this subject:

Mr. Hines admits he telegraphed Aldrich for an appointment, but says that he talked to the Senator about the lumber duty, and not about LORIMER for Senator. Yet apparently there was the silent understanding between the two that is common to great minds. For along toward the latter part of May Senator Aldrich confided this to a friend:

"Mr. LORIMER probably will be the new Senator from Illinois. Mr. Hines has gone out there to see what can be done."

It was even as the astute Senator said. Mr. Hines had departed from Washington the day before, bound for Illinois. A few days later the election of Mr. LORIMER was accomplished. Thus it came about that Mr. Hines was given the principal credit for resolving order out of the legislative chaos and filling the vacant seat in the Senate.

In this way Senator Aldrich saw his wish for a new Senator—anybody but Hopkins—come true. A few weeks later Mr. Hines realized a large part of his wish, for the Senate raised the duty on lumber to $1.50.

Again, we find similar articles in the Tribune of May 27 and August 5. Then we find that by September public opinion had grown so in regard to the connection of this man Hines with this controversy, and had become so settled and fixed that Hines was a party to whatever was illegitimate in that election, that a great conservation congress held at St. Paul considered that Hines would not be a fit man to preside as chairman of the committee on credentials, and why? Because of his notorious connection with the Lorimer case. Hines's connection with LORIMER was notorious enough for the conservation congress to deny him the honor of the chairmanship of the committee on credentials, but it was not notorious enough for the subcommittee at Chicago to send for him and to ask him what he knew about the election of WILLIAM LORIMER, the election of a man whom, as I understand it, he had boasted throughout the clubs of Chicago he had elected and raised to the exalted position which he was then filling.

We have the testimony in regard to what happened at St. Paul from a very distinguished gentleman who to-day occupies a seat in the President's Cabinet. In referring to the naming of Mr. Hines then as chairman of the committee on credentials, Mr. Fisher, now Secretary of the Interior, said:

The vote of 28 to 5 in the Illinois delegation [said Mr. Fisher] indicated that the opposition to Mr. Hines as chairman of the committee on credentials was nearly unanimous.

Then, referring to the part he took in the discussion, Mr. Fisher said:

But on account of Mr. Hines's prominence in the election of WILLIAM LORIMER, including his activities at Springfield, I argued that it was inopportune that he should hold a prominent place in the Congress as an Illinoisan.

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Wisconsin?

Mr. LEA. Certainly.

Mr. LA FOLLETTE. May I ask the Senator the date of that last quotation which the Senator has read?

Mr. LEA. This was from the Chicago Tribune of Thursday, September 8. As I recall it, it was about two weeks before the Senate subcommittee on investigation met in Chicago.

Mr. President, as I was saying, if this subcommittee had had a different view of its functions, if it had resolved then to act, not in a purely judicial, but in an inquisitorial capacity, I submit that with these statements about Hines being published in at least one paper—and doubtless published in many others, for I have not had time to examine the files carefully—this committee would have called Mr. Hines to the stand and made him testify as to his connection with the election of WILLIAM LORIMER. The committee did not take that view of its functions, and for that reason, Mr. President, I am unwilling by my vote to return this case to that committee, not knowing whether it will consider that it is necessary for it to place the same limitations upon their investigation.

Mr. President, I would not have the temerity to suggest my disagreements with the procedure of this committee unless the fact had subsequently developed that the committee was in error, for, Mr. President and Senators, whenever we cast a vote to reopen this case, disguise it and sugar coat it as we may, it records the solemn conclusion that the investigation by the former committee was not a success, but a failure. If it had been a success—whether it exonerated LORIMER or unseated him—we would not be consuming time to-day in deciding whether we should make another investigation and who shall conduct it.

Mr. HEYBURN. May I ask the Senator a question?

Mr. LEA. Certainly.

Mr. HEYBURN. Did the Senator see that statement in the newspaper before or during the sitting of the subcommittee in Chicago?

Mr. LEA. I did not. I will say to the Senator from Idaho I was not then investigating this question as a Senator. I was not even a Member of Congress much less a member of the subcommittee.

Mr. HEYBURN. Speaking as one of the subcommittee, I will say that I never saw it. There might have been a thousand statements in newspapers that no member of the committee would see at all. I never heard of it.

Mr. LEA. I am very glad the Senator asked me that question, because had he been investigating this subject with a view of the committee's having inquisitorial powers, he would have been searching any new channel of investigation that might be opened.

Mr. HEYBURN. I think I may speak for every member of the committee, that had their attention been called to it—and none will assume that they must know all that is in the newspapers—they certainly would have taken notice of it, and it is no reflection upon them that they did not know all that was in all the papers of the United States.

Mr. LEA. As I have distinctly stated, nothing that I am saying is to be construed as a reflection on the committee. It shows a certain line of procedure. That line of procedure did not result in success, and if the Senate votes to refer the case to it again it indorses a line of procedure which resulted in failure, for the committee did not accomplish the purpose for which it was created.

Mr. HEYBURN. I should like to suggest in this connection, if it does not bother the Senator, that it is rather singular, in the light of what has transpired, that the Chicago Tribune, which certainly exhausted every possible avenue for evidence or suggestions against Mr. LORIMER, did not call the attention of the committee to it. The committee did not reside in Chicago, and I doubt if any of them read that paper. There can be no question as to the zeal with which the Chicago Tribune was pursuing this prosecution.

Mr. LEA. Relying as much as the subcommittee and the Senator evidently did on the Chicago Tribune, it is fair to assume that at that time at least the Chicago Tribune chose one way of calling it to the attention of the committee, and that was by publishing in its columns under very broad and flaring headlines——

Mr. HEYBURN. I did not read the Chicago Tribune. I do not know whether other members of the committee read it, but I did not read in it a statement that it made in regard to Mr. LORIMER. They produced before us much that they had said.

Mr. LEA. In the light of recent events I will say to the Senator from Idaho, I think it is unfortunate he was not at that time a reader of the Chicago Tribune.

Mr. HEYBURN. I think I was fortunate.

Mr. JOHNSTON of Alabama. I wish to ask the Senator from Tennessee if he knows that when the committee commenced its investigation they first called before them the official of the Voters' League and asked him to present all the witnesses they could produce touching this election? The official said he had no personal knowledge of it—that he got all his information from the Chicago Tribune—and asked that they should be substituted for him in representing the side which was against the election of Mr. LORIMER, and the committee afterwards admitted Mr. Austrian, the attorney of the Chicago Tribune, who proceeded to call witnesses, and every witness he called was examined by the committee, as I remember it. If he, knowing that Hines or any other man was implicated, and that his principal the Chicago Tribune had so stated, knowingly failed to give this information or to call this witness, I would say that he acted in bad faith to the committee and his employer.

Mr. LEA. I am very grateful to the Senator for interrupting me, because evidently I did not make myself clear to him. I stated that I can not vote for this case to go to the same committee, because it treated this inquiry as one in which the Chicago Tribune was plaintiff instead of treating it as one in which the Senate of the United States was an investigator. They treated it as if it was there only as a judge to try what was proved and whatever might be offered by the Chicago Tribune. It sat there in a capacity to enable it to be taken advantage of, in a way that the Senator has indicated, if such was done, and that is one reason why I can not vote for this case to go back to the committee, because it did not seem to think it was clothed with inquisitorial powers.

Mr. President, in saying that I can not vote for it to go back to the committee I want it to be distinctly understood that our difference is not a personal one, but purely one of judgment, and that as one member of a court can dissent without in any way reflecting upon the motives or the judgment or the wisdom or the ability of his associates, so can we in this case dissent from the judgment of the committee and vote against the resolution that this case should be referred to the Committee on Privileges and Elections.

But, Mr. President, it is urged that it will be a lack of confidence in the Committee on Privileges and Elections unless we send this case to that committee. I do not agree with that for the reasons which I have stated. I contend, Mr. President, that we do not show any lack of confidence in the Committee on Privileges and Elections by ordering a new investigation, although I say that the former investigation by that committee was not a success, but a failure. But, if we are to apply this rule of lack of confidence, where will it lead us? If it be a lack of confidence in the Committee on Privileges and Elections for the Senate to send this case to any other committee, by the same reasoning would it not be a lack of confidence on the part of the Committee on Privileges and Elections not to send the case to the same subcommittee that had it before; in fact, it ought to go, on the parity of reasoning, to the same subcommittee, and if the gentlemen of that subcommittee are as true and loyal to the principles which they have announced as their supporters advise us we should be to the Committee on Privileges and Elections would they not adhere to the same scope and the same principles under which they conducted the former inquiry? I venture the opinion that if this investigation goes to that same subcommittee, and it prescribes it and narrows it and hedges it about with the same limitations it did on the former investigation, that committee would bring in the same report. And to carry one step further this rule of "lack of confidence" that subcommittee would bring in the same report to the Committee on Privileges and Elections, and would it not be lack of confidence for the full Committee on Privileges and Elections not to adopt the report of that committee? One step further around the circle and then it will be complete. Would it not finally be a lack of confidence in the Senate not to adopt the report of the full committee? And then after having traveled the entire circumference of the circle we would be back where we are to-day.

Mr. President, there is another doctrine which is sought to be invoked in this case from which I must dissent, and I do it with the greatest possible hesitation and with the profoundest respect for this body. I do it with the greatest possible hesitation because I am totally lacking in seniority in both service and years, but I want to say that I have heard much in the last few days of the doctrine of "senatorial sensitiveness," and since the few weeks I have been in this Chamber I have heard even more of the doctrine of "senatorial courtesy." While during my term of service here I will try to let no Senator be more courteous in his manner and demeanor toward his fellow Senators than myself, and I will try in no way to wound the feelings or sensibilities of any Senator, I want to say at the outset of my term of service that I have no sympathy with "senatorial courtesy" and "senatorial sensitiveness" to the extent it has been attempted to invoke them in this case.

Often when a Senator starts in a certain direction, impelled by a sense of duty, he finds he must stop, his progress blocked by a barrier which is called "senatorial courtesy." But if he is able to circumvent that barrier and go forward, nevertheless, in the same direction, he is again immediately halted by another barrier, and it is called "senatorial sensitiveness."

Or, Mr. President, if I were to change the metaphor, I would say if the dose of "senatorial courtesy" is compounded with "senatorial sensitiveness," I am afraid it will soon render our service ineffective, and the result of the compounded dose might be called "senatorial asphyxiation." [Laughter.]

Mr. President, as was so truly said by the Senator from Wisconsin [Mr. LA FOLLETTE] the other day, the true relation between the people of the United States and the Senator is that of principal and agent. If I were to prescribe any general rule which I would follow during my term of service it would be to try to do no act as agent that I would not be willing to do if I were principal instead of agent.

And now let us apply that rule to these facts. As I understand it, from the meager information I have been able to get, the former investigation cost approximately $13,000, an insignificantly small sum in comparison with the enormous income of the Government and its enormous expenditures. But it is the sum total of these small items which makes the final grand total so large.

Now, Mr. President, let us suppose this case. Suppose any one of us here had employed a certain lawyer to conduct a certain case for us and that his viewpoint of the case had been too narrow; that his conception of the rules of evidence had been wrong, and as a result thereof he had lost the case, but that he had been fortunate enough not only by his service but by the service of other new attorneys to gain a motion for a new trial. Let us assume further that the conduct and trial of that case had cost the plaintiff $10,000. Would any of us, if we were plaintiffs, reemploy that same attorney who had made a failure of that case because we were afraid if we did not reemploy him we would wound his sensitiveness, or be guilty of an act of discourtesy?

Mr. HEYBURN. Will the Senator permit me?

Mr. LEA. Certainly.

Mr. HEYBURN. Would the Senator think it would be a violation of any rule if the attorney had lost the case upon the evidence he was able to produce and other evidence had been discovered? Would you change the attorney in order to have the benefit of the newly discovered testimony?

Mr. LEA. Of course not, but the Senator's suggestion is not in point——

Mr. DAVIS. Mr. President——

Mr. LEA. Just a moment and then I will yield. Because the evidence is here, I will say to the Senator from Idaho, or we would not be ordering another investigation.

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Arkansas?

Mr. LEA. Certainly.

Mr. DAVIS. I desire to call the attention of the Senator from Tennessee to the fact that the Senator from Idaho has contended that the subcommittee acted in a judicial capacity. I wish to ask the Senator from Tennessee if he ever heard of a judge, after he had decided a case and dissatisfaction arose and a new trial was granted, being solicitous about getting the trial of the case again?

Mr. LEA. I will say to the Senator if I have heard of such a case, under those circumstances, I would be all the more unwilling to submit it to such a judge.

But if my illustration in regard to a lawyer was not happy, I will try one in regard to the medical profession. Let us assume a Senator fell ill, and having the symptoms of appendicitis, employed a general practitioner, a man who was not an expert, and no one would claim that this committee was particularly expert in that line of endeavor. Suppose this general practitioner had performed an operation which had endangered the life of the patient and for which he had received a very large fee, but that in performing an operation for appendicitis he had failed to find the appendix. Let us suppose that this same patient fell ill again with the same malady; would he reemploy the same surgeon who had failed to find the appendix for fear he would wound his feelings or be guilty of discourtesy?

So, Mr. President, I maintain in this case that the former committee did not find the appendix of corruption, that another operation is necessary, and for one I want to employ a new surgeon.

In summing up what I have said, because I disagree with the former committee in its conception of its functions, in the scope of its inquiry, in its rules of evidence, and in its failure to place WILLIAM LORIMER and Edward Hines upon the stand and examine them, I can not vote for the resolution, which, in the opinion of some Senators would be regarded as approving the course of that committee, but I must vote for it to go to a special committee that will be raised upon the floor of the Senate. I must do this for the reasons I have given, and for the additional reason that if it was my money that was to be expended in this investigation, and even if I had all the resources of the United States behind me, I would not reemploy the committee which had made a failure of the former investigation; and because I would not do this as principal I will not do it as agent.

Mr. KENYON. Mr. President, I had not intended to occupy any time of the Senate in this discussion, but I find myself in the same position as the Senator from Tennessee [Mr. LEA] and in accord with his sentiments; and being a member of the Committee on Privileges and Elections, and being compelled under my conscience as I see my duty to vote against referring this case to that committee, I want simply to give a few of the reasons for the belief that actuates me. I realize that a new Senator is expected to accept the advice of St. Paul to the Corinthians regarding women, "Let them keep silence in the churches"; but as that injunction is sometimes broken, and as the Senator from Tennessee has broken the tradition here to-day, I may be excused for still further violating it.

The Senator from Idaho [Mr. HEYBURN] has said that "this matter is being tried everywhere else." He is exactly right. I have been, during the last week, down in the beautiful southland in States whose Senators have possibly voted on this question before. It is being discussed and it is being tried there. I have been out on the prairies of Iowa, where we understand not what it means to secure seats in the United States Senate by trickery or bribery or corruption of any kind, and it is being tried there. It is absolutely true that it is being tried everywhere—on the farms, in the house of business, around the firesides of the Nation. Public sentiment in this country, which you may sneer at at times and pay no attention to, has decreed that this investigation shall be complete, without any technicality, without any attempt to protect anybody, however high or low it may reach. Whether we believe it or not we realize the force and power and value of public sentiment. It is an abhorrent thing to me that the head of a great Lumber Trust can sit on the fine upholstered lounges of a club, glancing into a cocktail and surrounded by the aroma of a cigar, boast of how they have spent a hundred thousand dollars to "put over" an election of a man to the United States Senate. Who are "they"? If Mr. Hines has that information, we want a committee that will make Mr. Hines produce that information.

I have the greatest respect for the Committee on Privileges and Elections, especially for its honored chairman, the great lawyer from the State of Vermont [Mr. DILLINGHAM]; but if that subcommittee, in its previous investigation, could not discover that this same party, who is now boasting of the money they spent, had anything to do with it—with the papers full of it, the air full of it—they could not have conducted a very thorough investigation.

This question goes further than Mr. LORIMER. He sinks into insignificance. We know him not; it is a question of this Senate being on trial, and the whole form of government being on trial. It is a more important question than any other before the Senate. Shall men come here to make laws under these circumstances? Shall they come as representatives of special interests, or shall they come to represent the people? If Mr. Hines is correct—if the Lumber Trust furnished the money—what does the Lumber Trust expect back? If the Beef Trust furnished the money, what is the quid pro quo for the Beef Trust? Our Senators and Representatives dictate, largely, the appointment of district attorneys. District attorneys prosecute these trusts. The question goes to that far-reaching extent. If Mr. Hines, with his Lumber Trust, has contributed, has it been for the purpose of getting a district attorney to prosecute the Lumber Trust? If the Beef Trust has contributed, has it been for the purpose of getting a district attorney to prosecute the Beef Trust? This is one feature of the case that has come to me painfully, because I have seen the withering blight of Lorimerism in many kinds of prosecutions.

The country is tired of a half-hearted investigation. This matter "smells to heaven," and the people appeal to and believe in the Democrats as well as Republicans uniting in the formation of a committee that they will be perfectly satisfied with—one that will go to the bottom of the matter without fear or favor. It is no imputation against the Committee on Privileges and Elections. I am a member of that committee. My friend from Tennessee [Mr. LEA] is a member of that committee; but that committee made up its mind on the former testimony. There is a certain pride of opinion in all of this. If a case is tried and goes to an upper court and is reversed, if we have been beaten, we are not satisfied, generally, as lawyers, to try that case bfore the same court, but we prefer a new court. So here there should be a new committee.

We are, however, met with "senatorial courtesy." I am mystified by "senatorial courtesy." It seems to me that as to almost everything you try to do in the Senate it is suggested, "Look out; you are offending 'senatorial courtesy.'" Senatorial courtesy can not be a cloak to prevent men from voting their honest convictions. It shall never be with me. The people of this country are interested in this proposition—more interested in it than they are in senatorial courtesy—it goes to the very root of this Government, and having a deep interest in and love for this Government, they intend to go through with the proceeding and have a thorough investigation made, even though it may jar the somewhat dilapidated fetish of senatorial courtesy.

The PRESIDING OFFICER. The question is on the substitute resolution offered by the Senator from Virginia [Mr. MARTIN].

Mr. LA FOLLETTE. Mr. President, just before the vote is taken I want to say a final word, if I may have the further indulgence of the Senate.

The Senate is about to determine whether it will send the Lorimer case to the Committee on Privileges and Elections as organized and appointed by the secret conferences and caucuses of the Republican and Democratic Parties in the Senate, or whether it will send this case to a special committee elected in open session by Senators.

Public interest—the principle that all action of this body should be influenced by no consideration save that of the general good—demands that the Senate itself should choose the committee which is to make the investigation.

I protest, Mr. President, against sending this case to the Committee on Privileges and Elections because nine members of that committee, as now organized, have formed and expressed settled convictions upon it. I do not mean to say that new evidence has not been discovered since they adjudged and determined this case, but I do mean to say that they could not well claim that such new evidence would change *their* votes. When these Senators ask to again take charge of this case because new testimony has been discovered, I want to be recorded as saying that no new testimony has been discovered that can

by any possibility change the convictions of a man who voted that WILLIAM LORIMER was entitled to a seat in the Senate.

The new testimony does not at all affect the credibility of the evidence that the four legislators, White, Link, Beckemeyer, and Holstlaw, were bribed. Not a word of the testimony taken by the committee of the Illinois Legislature goes to the question of whether Lee O'Neil Browne, Broderick, or Wilson bribed those four members of the legislature. What I mean is, that the new testimony which has induced members of this committee to express an eagerness and a willingness again to take possession of this case does not in the slightest degree aid in determining whether the seven witnesses, believed by 40 Members of this Senate to have been bribed, were or were not bribed.

If you commit this case to a committee controlled by nine Members who rejected the proof of the guilt of the seven bribe takers and bribe givers upon the evidence reported by that committee last session, you will have no right to expect them to return a different judgment upon any new testimony discovered up to the present time. There is no new evidence here to alter their judgment as to the corruption of those seven legislators. And mark what I say! No committee who regarded those seven votes as untainted will ever find enough new testimony to cause it to report or vote to unseat LORIMER.

Nearly all of the report of the committee of the Senate which was sent out to ascertain whether or not LORIMER's seat was bought is devoted to an attempt to show that the law officers of Cook and Sangamon Counties had used their power to suborn witnesses to commit perjury to prove that LORIMER had secured his seat here by bribery.

This report occupies four and one-half pages of the CONGRESSIONAL RECORD. It is given over to an arraignment of the law officers of Cook County and of Sagnamon County, putting them on trial before the Senate, instead of this organization, composed, Mr. President—and I choose my words carefully—composed of the Beef Trust, the Lumber Trust, and kindred interests which set out to buy a seat on the floor of the Senate. I say this because it is time it should be said here. Senatorial seats should not be on the bargain counter for great interests to buy.

Now, Mr. President, what does that committee say? I quote from their report:

> The circumstances before referred to—

That is, referred to in their arraignment of the law officers who were struggling against all the obstacles that the criminal law interposes for the protection of the accused—

> The circumstances before referred to, and many others which might be instanced, tended to render the testimony of each and all the witnesses who have been named of doubtful value—

White, Link, Beckemeyer, Holstlaw, Lee O'Neil Browne, and Broderick. Broderick was permitted by the committee to testify what he wanted to about the transaction, and then, in violation of every rule of evidence, to withhold his testimony as to the balance of the transaction on the ground that it would tend to incriminate him.

Are Senators who are charged to-day with the responsibility of reopening this case to a genuine investigation for the honor of the Senate and the integrity of this Government willing to intrust it to a committee seven members of which joined in that report and nine members of which, as it is at present constituted, voted to sustain that report? You are weighing in the balance senatorial courtesy on the one side and the honor of the Senate on the other. These may be disagreeable sentiments to proclaim here, but, Mr. President, the Senate will be compelled to hear such sentiments repeated until that time when it rears the standard of public service higher than the standard of senatorial politeness and courtesy.

I quote further from this report:

> And in each case in which it was claimed that some member of the Illinois General Assembly had been bribed to vote for Mr. LORIMER the accusation was positively denied by the person accused of committing the alleged act of bribery.

The committee to which it is proposed to entrust this important matter emphasizes that in its report to establish title to the seat of WILLIAM LORIMER. Is it so unusual—and convincing—for accused persons to make "positive" denial of guilt?

> It is, however, declared that if the four witnesses before named were bribed to vote for Mr. LORIMER, those who bribed them were equally guilty, and that the votes of Browne, Broderick, and Wilson should also be excluded.

Now, direct your attention to this:

> But the committee can find no warrant in the testimony for believing that either one of said legislators was moved by any corrupt influence.

There is not a scintilla of evidence in this new testimony that will help that same committee, or men so minded, to arrive at a different conclusion.

As to the four legislators who confessed to receiving bribes, namely, White, Link, Beckemeyer, and Holstlaw, or the three members of the legislature, namely, Browne, Broderick, and Wilson, who were proven to have paid over the bribe money, there is no new testimony which could, by any possibility within the operation of any of the known laws of pyschology, work upon the mind of this committee to bring them to a different conclusion. They rejected their testimony before, and, as there is no new evidence bearing directly upon that feature of the case, they would, of course, again reject the testimony of these men. It may fairly be assumed that two other members of the committee, as at present constituted, who were Members of the Senate, who voted to retain LORIMER in his seat on this report, and who adopted the reasons and the conclusions of the committee, will find themselves in the same position. So it must be expected that 9 of the 15 members of the Committee on Privileges and Elections, as at present organized, would, as men who had honestly decided that—

> The committee can find no warrant in the testimony for believing that either one of said legislators was moved by any corrupt influence,

be compelled upon the same reasoning again to reject the testimony that the votes of White, Link, Beckemeyer, Holstlaw, Lee O'Neil Browne, Broderick, and Wilson were corrupt.

And that, Mr. President, would leave this case on the testimony that Mr. Hines had boasted that he had raised a hundred-thousand-dollar fund, and had solicited contributions from interests he thought would be willing to contribute. That is the new testimony. Hines, of course, will come in and deny it. There is, too, the testimony of Jandus, and about the only thing proved regarding him is that he made an investment of a very considerable sum of money, aggregating about $5,500, in Montana lands which he could not explain. Jandus will also deny that he was bribed.

The testimony as to Mr. McMackin and Mr. Blair and Mr. Campbell and Mr. Taylor is of much the same character. They also may be expected to enter denials of corrupt acts.

If a committee would reject the testimony that was offered as to the bribery of these seven legislators, what is there to give the Senate hope that it can purge its good name by sending the case, with the new testimony, to the same committee or to a body of men controlled by those who stood with that committee?

Mr. President, the Senate to-day is confronted with one of the gravest responsibilities that has come to it since it has been my privilege to be one of its Members.

Senators may speak in scorn of public opinion, and may cite instances in criticism of men who have not read all of the voluminous record in this case. It is perfectly apparent that the Committee on Privileges and Elections last session adopted its report without having read the testimony. I assert that there is no Senator on this floor who was then a member of the Committee on Privileges and Elections who can rise in his place and say that between Saturday, December 17, when the full record of printed testimony was for the first time laid before the committee, and the following Tuesday, when they made their report, he had read all that testimony and weighed it all. I venture the assertion that there is not one Senator who will say that he did.

We know perfectly well that the members of the Committee on Privileges and Elections followed the members of the subcommittee who had been sent out to make this investigation; and, Mr. President, the members of that subcommittee have been arraigned here to-day because they adopted rules under which they conducted the investigation that were unsupported by precedent or authority. I had forborne to do it, but other Senators have taken up the procedure of this subcommittee, point by point, and have demonstrated that it was fatally defective. So I submit to the Senate now that we can ill afford to send this case to the Committee on Privileges and Elections.

It has been said in the course of the debate this afternoon that it is perfectly understood that the resolution offered by the Senator from Virginia, if adopted by the Senate, will not be followed by the committee. That resolution, which was offered as a substitute for the one I presented, provides that this committee of 15 shall investigate this case in banc, all the members serving. If that be adopted, then we shall have a vote of confidence by the Senate in the 15 members of that committee who were selected by secret conference and caucus.

The time is coming, Mr. President, when members of committees will be selected in open Senate on a primary vote, as members of both parties now vote in many States to nominate their candidates for their respective tickets. The day is at

hand when the Senate will be democratized and made more nearly to represent public interest than it has in recent years—than it does now.

Mr. President, I take the time of the Senate now to cast a little backward glance. During the first 75 or 80 years of the life of this Republic there was no such thing as corruption in public life.

Now, I do not mean that there were not instances of corruption, for there were. There have always been sporadic cases where individuals have betrayed public trust. I do mean to say that nothing like systematic organized corruption was known then. For 75 or 80 years after the adoption of the Constitution, this Government was truly representative. Why? Because business had not been made a part of government.

And then came a change, a change that I do not hold individuals accountable for, a change that I think was inevitable. It put upon us responsibilities which it was destined in the course of civilization we should bear.

I believe that we will be able to meet those responsibilities, sir. I believe that here in this New World there is to be worked out ultimately in its perfection the problem of self-government. I believe, sir, that here was the best chance for it that the whole history of the human race had afforded. We did not have to build on the old ruins of other and obsolete forms of government. We had a clean foundation, primitive conditions. But we were given the richest country in all the world, and this very richness made it impossible that business could always be conducted as it was during the first 75 or 80 years of the life of this Republic—on an individual or on a partnership basis. It was necessary to bring into life and being a new institution to conduct business and develop the country—the modern corporation.

With the modern corporation came the necessity of bringing business and government into close contact. About that period of time the agents of business interests appeared as an organized lobby at the Capital of the Nation. They began to go to the assemblies and to the senates in the different States, seeking franchises, seeking special privileges, and special immunities; and then, for the first time, business was brought into the most intimate relationship with the Government. Then, too, for the first time, temptation came into the life of the Representative, and it was a question whether he would yield to the importunities of the public-service and other corporations or stand for public interest.

You will find, in studying this subject, that systematic corruption in Government made its first appearance at that period of our life when the corporations began to take charge of the development of the country; when they began to tunnel mountains, to bridge great rivers, to build great lines of roads, to start great industrial enterprises such as the world never had seen before. Then it was, I say, that corruption began to undermine representative government. From that hour to this its virus has been spreading into every fiber of our political system.

There came a time, in 1897, when conditions were favorable to a still further development of this business organization which had already begun to destroy the representative character of our Government. In three years the consolidation of great corporations outran anything known before in the experience of this or any other country, and from that time to this it has continued.

And so we are to-day confronted by conditions altogether different from any that have ever before been known in the history of this Republic. We need not delude ourselves that the great public does not understand this. The people know all about it. They understand perfectly well that when the corporations had to go to their State legislatures to get franchises, and to Congress to get special privileges and land grants, the scandals, the great, organized scandals, appeared.

Our business development has its successive stages. It passed from the period when business was first transacted by individuals and partnership into the period when it was transacted by corporations, and when those corporations were honestly in competition with each other. Then came the period when those corporations made combinations to destroy competition. Now we are in the period when those combinations have been consolidated and combined to subjugate all the commercial, industrial, and financial institutions of the American people.

Mr. President, I say to you that an investigation proves the Lorimer case to be one of the manifestations of that great power working itself out to install here in this body, whose traditions ought to make it secure from such contamination, a man who comes not with the high sanction of the people of his State to represent the public interest, but who comes here commissioned to serve special interests. Mr. Hines said to LORIMER in his sworn testimony which I have read here, "Can not the interests unite on you?"

And they did unite "on you"—on LORIMER—and they elected him.

Mr. President, I am not going to comment upon the organization of this committee, with nine men on it who, in the face of all this testimony, voted that LORIMER'S seat was untainted, with only two men on it who voted against him, and with only three new men. I cite it in passing as a fact worthy of the attention of the Senate. I believe I would violate my oath as a Member of this body if I put the feelings of any individual Senator or of any committee above service to the country. Talk about truckling to public opinion and deciding cases with "one eye on the record and one eye on the mob!" Talk about the courage of ignoring public demand! Let me say to you, Mr. President, out of some 15 or 20 years' experience in public life, it takes at least equal, if not more, courage to stand up in the United States Senate and fight for public interest.

It has been suggested that a perfect understanding has been reached. This suggestion came from the Democratic side. It would thus appear that those who had to do with naming and are controlling the committees on the Republican side and those who are controlling the committees on the Democratic side have arrived at an understanding that if this substitute is adopted and goes to the Committee on Privileges and Elections it is not to be carried out. That is what has been said here in the course of this debate.

Mr. BACON. What does the Senator from Wisconsin mean by that remark?

Mr. LA FOLLETTE. I mean just what was stated on this floor; that instead of this committee of 15 serving in banc, as stated in this resolution, it is understood—at least it has been so asserted by a Democratic Member on this floor—that there will be appointed by the Committee on Privileges and Elections a subcommittee consisting of four Members who voted for LORIMER, of three who did not vote on the Lorimer case, and of one who voted against him, and that committee is to be the subcommittee to make this investigation.

Mr. BACON. If the Senator from Wisconsin will permit me——

Mr. LA FOLLETTE. I will.

Mr. BACON. The language used by him at the time I ventured to interrupt him in the time of his very earnest remarks was such as to indicate that the Senator meant to imply that all the Senators on the Republican side and all the Senators on the Democratic side who would support the substitute offered by the Senator from Virginia were a party to an agreement of that kind.

I desire to say to the Senate and to the Senator that such a statement or such an imputation is absolutely unwarranted, so far as I am concerned, and, as I believe, so far as others are concerned. What may have been said among themselves by Senators who may be upon that committee and who may have conferred as to what the future course should be I know nothing. I am not on that committee.

Mr. LA FOLLETTE. I am aware of the fact that the Senator from Georgia is not on that committee.

Mr. BACON. I am, however, one of the Senators who have been indicated——

Mr. LA FOLLETTE. I understand that; and I will ask the Senator now if he has heard no intimation of the fact that a committee of this sort would be appointed?

Mr. BACON. I have heard discussions as to what that committee should be, but as to any agreement about it——

Mr. LA FOLLETTE. Oh——

Mr. BACON. The Senator can not wave me aside in any such way.

Mr. LA FOLLETTE. No; and the Senator——

Mr. BACON. If the Senator permits me to interrupt him, he must permit me to go ahead. If not, I will wait until he concludes.

Mr. LA FOLLETTE. I will give you full opportunity; proceed.

Mr. BACON. I simply mean this, that when the Senator makes any suggestion that the support of the substitute offered by the Senator from Virginia has been conditioned upon any agreement of that kind or any understanding of that kind, the Senator is speaking utterly without warrant and wide of the mark.

Now, Mr. President, I desire to say for myself, if the Senator will permit me the statement further, that I did not undertake to join issue with the Senator in any degree until he put what I considered to be an imputation upon myself, at least, if he included me in the number, because I intend to support the resolution of the Senator from Virginia.

I wish to say that I am going to support it simply because I have full confidence that whatever committee is appointed, whether it be under the resolution offered by the Senator from Wisconsin or a committee under the substitute offered by the Senator from Virginia, it is going to be a most thorough and exhaustive investigation. I would not give my support, nor do I believe that any of my colleagues would give their support, to any measure that they did not think would have a result such as I have indicated, because if there ever was an occasion which demands and requires the fullest and most exhaustive investigation this occasion now presents itself.

The Senator and I differ as to what is essential to secure that. If I thought as he does I would vote the way he is going to vote. But my confidence in the result of the examination in the one case is as great as it would be in the other. In other words, I have full confidence that the committee which is sought to be raised by the resolution of the Senator from Wisconsin would make a thorough and an exhaustive investigation. I have equal full confidence that any committee raised, either the full committee or any subcommittee of the Committee on Privileges and Elections, will also make a thorough and an exhaustive examination.

I only ventured to interrupt the Senator because I am not willing that it should appear that I am casting my vote in consequence of any agreement or any condition. I shall cast it in the full sense of my obligation as a Senator to do all in my power and to assist in such measures as in my judgment will lead to a proper and thorough investigation in this case.

What the Senator from Wisconsin said was an implication that Senators might be guided by other considerations than I have thus announced.

Mr. LA FOLLETTE. I have yielded to an extended speech by the Senator from Georgia, and I will answer him now. I do not want to be misunderstood, and I shall not be. I have been a Member of this Senate for five years. I have understood perfectly well how these "understandings" have been entered into without being called agreements, and I say that at this time it is perfectly understood on this floor that if this resolution is sent to the committee the investigation will not be conducted in the manner provided by the terms of that resolution—that is, by the full committee—although the resolution provides that it shall be so conducted.

Mr. BACON. Well, Mr. President, if the Senator will pardon me——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. LA FOLLETTE. I will yield for an interruption.

Mr. BACON. I wish simply to say, Mr. President, so far as concerns what the Senator says, that there can be understandings without understandings, that if he applies that to what I say the Senator is without warrant in his statement to that effect. It is absolutely without foundation, so far as I am concerned.

Mr. LA FOLLETTE. I am going to say that during the time I have been a Member of this Senate, I have on many occasions, as Senators conversed among themselves at their desks, when votes similar to this were about to be taken, listened to comments that it was "understood" that this thing or that thing was to be done. I have heard the same comment about this resolution, and I have every reason to believe, from what has been said to me privately on this floor, that there is an understanding that this committee of fifteen is not to make this investigation, that the Senate is to send it to that committee upon the votes—maybe there are some Senators who do not understand that—of enough Senators who do understand it to be the situation to insure the passage of the resolution.

Mr. BACON. As the Senator turns to me and says there may not be——

Mr. LA FOLLETTE. Oh, no; I do not mean to imply any want of confidence in the Senator.

Mr. BACON. When I make a statement on the floor in regard to myself, I do not put it upon matters of uncertainty and possibility.

Mr. LA FOLLETTE. There is not any occasion for the Senator to take to himself any personal offense from anything I have said to him just now or anything I will ever say to him. But, Mr. President, for one I am done with this kind of business, and I purpose to use my voice and what power I have as a Member of this body against the transaction of the public business in any other place except in the open Senate, where it will appear in the RECORD.

I reviewed, Mr. President, on another day while this resolution was pending, the system of building up the committees in the Senate; how, in the first place, caucuses are called upon both sides.

Mr. DAVIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Arkansas?

Mr. LA FOLLETTE. Certainly.

Mr. DAVIS. For the relief of the Senator from Georgia, if any relief is necessary, I want to say to the Senator from Wisconsin that the Senator from Georgia was not present when any understanding was reached about this matter, and several other Senators were not present, but it was distinctly understood that this committee should be composed of eight Members, just as the Senator from Wisconsin states it. I want the truth to be known here.

Mr. LA FOLLETTE. I thank the Senator from Arkansas. I was not present, of course. I had understood from the statement made in open Senate here by the Senator from Oklahoma that there was such an "understanding," and I was simply proceeding to base what observations I had to make upon that statement.

Mr. President, I submitted a few days ago some observations upon the building up of the committees of the Senate in caucuses held by either party. I outlined the proceeding—how somebody arises in the caucus and moves that the chairman of the caucus appoint a committee on committees. That motion, as a matter of course, carries. The committee on committees is appointed by the chairman of the caucus and the committee on committees proceeds to make up the committees of the Senate. The committee on committees very largely defers to the chairman of the committee on committees. Thus the authority, which has been delegated to us by the legislatures of our respective States to represent the people of this country, is delegated by the two parties to their respective caucuses, and delegated in their respective caucuses to one man who happens to be chairman of the caucus on that occasion, and delegated by that one man again to a committee which he appoints, and largely delegated by that committee to the chairman of the committee. This chairman, therefore, wields almost absolute power in the selection of the members of the committees that control the legislation of this body.

What I am stating now goes directly to the composition of the Committee on Privileges and Elections. It bears also upon the control of the legislation for two years in the Senate of the United States. Thus, in a brief space of time, in a caucus covering, it may be, not more than a period of five minutes, there has been delegated to one man in that caucus a power which—when it is delegated and redelegated and delegated again—works out finally in the selection of committees that absolutely shape and mold legislation in the Senate of the United States during the life of that Congress.

I contend that is undemocratic, unrepublican, un-American, and I want to say, Mr. President, that same thing carried into party politics has been the occasion for the enactment of the direct primary, and the demand for a more direct expression of the public voice which are heard upon all sides and which will not be answered until written into statute law.

Let me say to Senators here that the Senate of the United States is not great and powerful enough to escape reformation. We have approached nearly to the time when we are going to see an end of the control of the legislation of this body by a few men who determine the character of the standing committees of the Senate.

Mr. President, a couple of years ago a resolution was introduced in this body by the Senator from Nebraska [Mr. BROWN]. That resolution was sent to the Committee on Corporations Organized in the District of Columbia. When the committees of the Senate are being arranged, that committee does not receive much attention. It is not expected to be a committee of any importance; almost anybody is assigned to it, and I was given a place on that committee. [Laughter.] So was the Senator from Nebraska [Mr. BROWN] and one or two other Senators. It was regarded as a perfectly "safe" committee on which to place men who might prove troublesome on important committees.

Now, Mr. President, when the Senator from Nebraska [Mr. BROWN] introduced his resolution, which was an inquiry into the capitalization of the Washington Gas Co., he asked to have it referred to this committee of which he was a member. It was referred to that committee. Then the Senator from Nebraska and I conferred about that resolution and broadened it a good deal so as to provide for an investigation of the true value of the property of the Washington Gas Co., with a view, you know, to determining the basis upon which they should charge rates.

Well, that resolution was amended and reported back to the Senate. It was purposed to have it go to the Committee on Contingent Expenses, in order that we might be authorized to

subpœna witnesses and employ a stenographer and make other necessary expenditures. Then a fight took place on the floor.

The Committee on the District of Columbia claimed that resolution. This opened the contest. Of course, it was fought out on a high plane. There was not a word said as to how the resolution itself was to be affected by sending it to that committee, but many things were said privately among Members on the floor here about what would happen. Many Members said, "Of course if it goes to the Committee on the District of Columbia it never will be heard of again." It was common talk on the floor here that the Committee on the District of Columbia had been so organized that such a resolution could never be reported out.

It did go to that committee by vote of the Senate. It never came out. It died the death there. That is just one instance. I cite that committee merely as an illustration. It is not different from many other important committees in the Senate.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Oklahoma?

Mr. LA FOLLETTE. I do.

Mr. OWEN. If it would not interrupt the Senator from Wisconsin, I should like to call attention to the fact that in the Sixtieth Congress, when I first entered this body, I introduced a resolution providing for the election of Senators by direct vote of the people, and it went to the Committee on Privileges and Elections and died the death; and in the Sixty-first Congress I did the same thing, and again it died the death.

Mr. LA FOLLETTE. Mr. President, that is the old, old story. When I came to the Senate in 1906 I introduced a bill for the valuation of railroad property. That is one of the many bills I introduced. That bill was sound in principle. It was sustained by the highest authority of the country. For years it had been recommended by the Interstate Commerce Commission as essential to any right basis for the making and the regulation of rates. I introduced that bill in 1906. I also introduced it as an amendment to the Hepburn-Dolliver bill which was pending before the Senate. Only seven Republican Senators voted for it. The Interstate Commerce Commission had said they could not ascertain a reasonable rate excepting upon a valuation of the physical railway property of the country, and it had appealed to Congress in every report since 1903 for authority to ascertain the value of railway property in this country. Yet, Mr. President, under this iniquitous system here in the Senate the committees were organized so that it made no difference how strong were the reasons, how strong the appeal, how righteous the cause, you could not get out of the Committee on Interstate Commerce a bill to ascertain the value of the railway property of this country.

I introduced that bill in 1906; I introduced it in 1907, in both sessions; I introduced it in 1908, in both sessions; I reintroduced it in 1909, in both sessions. I have introduced it at every session since I have been a Member of this body. I have had the support of the Interstate Commerce Commission for identically the bill that I have introduced. I have appealed to the chairman of the committee time after time. I pursued the chairman of that committee for weeks and months around the Capitol to get a meeting of the committee so I might have a hearing on that bill.

Mr. President, a system like that throttles democracy, it destroys representative government; and the Senate of the United States can not maintain such a system. It will go down, as it ought to go down, before a righteous public opinion.

Mr. HEYBURN. Mr. President, will the Senator permit an interruption?

Mr. LA FOLLETTE. Certainly.

Mr. HEYBURN. I send to the desk a telegram which I ask may be read.

The PRESIDING OFFICER. Without objection, the telegram will be read.

The Secretary read as follows:

STATE HOUSE, *Springfield, Ill., June 1.*

CHARLES G. BENNETT,
Secretary United States Senate, Washington, D. C.:

I forward you to-day by express copy of evidence and copy of report of Helm investigating committee and copy of resolution adopted by State senate.

J. H. PADDOCK, *Secretary.*

Mr. LA FOLLETTE. Mr. President, I thank the Senator from Idaho for bringing me back to the Lorimer case. I wandered somewhat afield, I confess, although I do contend, Senators, that what I have had to say about these committees is pertinent to the resolution upon which you are now to vote. I believe that every American citizen and I believe that every Senator right down in his heart must recognize the soundness and the wisdom of submitting this case to a new committee, a committee composed of Senators who have not taken part in any proceedings in this case up to the point of passing judgment upon it. There is something in the human mind that, after it once records its judgment, makes difficult the reforming of that judgment.

I believe, Mr. President and Senators, that we ought to submit this matter to a new committee. I do not feel about it just as if it were a matter of submitting it to a jury, because we have got to act as judges as well as jurors finally in this case. We can not get rid of that, as suggested by the Senator from Georgia [Mr. BACON] the other day. But there is another office that falls upon this committee of investigation—that of exploring for testimony, that of pursuing every clue, that of hunting down and bringing to the Senate of the United States every fact that has a bearing on this case; for I say to you, Senators, this case is a good deal bigger than Mr. LORIMER; it is vastly more important than the great Commonwealth of Illinois. I want to see a committee, Mr. President, that will pursue this investigation to the high places in this land, to the most powerful commercial organizations in the country, and lay bare the secrets which are there housed and concealed relating to the election of Senator LORIMER and to other and very important matters which deeply concern this Government.

I believe, Mr. President, we should select a committee that is absolutely free. I believe that it is better for the Committee on Privileges and Elections if we do so. I can not conceive of a judge before whom I ever tried a case, to whom I applied for a new trial upon newly discovered testimony, arguing and pleading and struggling to retain the case for retrial. I trust the Senate will not be misled by any feeling of sentiment, but will meet the situation with directness and submit this investigation to the control of a committee composed of new men who were not Members when the Senate passed upon the LORIMER case before.

Mr. MARTIN of Virginia. Mr. President, I desire to say, in view of the remarks made by the Senator from Wisconsin [Mr. LA FOLLETTE], that the resolution offered by me as a substitute for that offered by the Senator from Wisconsin represented my individual views and my individual opinions, and that it was offered on my individual responsibility as a Member of this body. I do not mean to say that I did not consult with other Senators and did not have the advice and assistance of other Senators in treating this matter; but certainly no Senator gave his assent to the resolution offered by me except upon his own judgment and his own individual responsibility as a Senator.

I can go further, Mr. President, and say that I have not solicited the support of a single Senator for the resolution which was offered by me. Every Member in this body is as free and as independent as I am, and any Senator who votes for the resolution votes his own convictions and votes on his own responsibility.

I desire to go further, Mr. President, and say that no Senator will vote, so far as I know or believe, by reason of any agreement or understanding, open or secret or otherwise, but he will vote his independent judgment as he thinks he ought to vote.

At the time I offered the resolution, Mr. President, it was my confident expectation that this investigation would be conducted by the full committee. The resolution provided that the committee should sit in banc in making this investigation. Of course, that simply meant that a majority should do so; it did not mean that every Member should be present; but it meant to repel the idea that the committee should act through a subcommittee. It intended to require that the action taken should be the action of the full committee, for the reason that there was a legal impediment in the way of having the subcommittee act in the premises.

The committee must be a committee of the Senate in order, under the law of the land, to exercise full powers in dealing with cases of contempt. That being a criminal procedure, there was grave doubt, if indeed there was not a certainty, whether a subcommittee would have jurisdiction to act efficiently in a case of contempt. It was therefore provided that the committee should sit in banc, to repel the idea that they should undertake to make this investigation through a subcommittee.

In the progress of that matter, Mr. President, the argument was made that the Committee on Privileges and Elections was too large a body to conduct this investigation efficiently; it was argued that it would take from the Senate, at a time when the presence of Senators was required, too large a number of the membership of the Senate away from Washington to visit Springfield, Chicago, and perhaps other places. It did seem that there was a good deal of force in the argument. I talked freely with Senators on both sides of the Chamber in respect to that difficulty, and the opinion was expressed to me that the full Committee on Privileges and Elections would find it

necessary to designate a special committee. I call it a "special committee," because they can not act through a subcommittee. In view of the conversation held by me on that subject with Members of the Senate on both sides of the Chamber, I became satisfied that such a conclusion would be inevitable; that the Committee on Privileges and Elections would find it necessary to act through a special committee composed of a lesser number than 15 Senators. I myself not only felt that that would be necessary, but I found that the membership of the Committee on Privileges and Elections agreed with me and expressed that opinion; and that was the basis of the statement made by me in the few remarks which I submitted the other day, that I would put this responsibility up to the Committee on Privileges and Elections, and they would have to deal with it in banc, as a whole, or through such other agency as they might see fit to provide and recommend to the Senate.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Washington?

Mr. MARTIN of Virginia. I do.

Mr. JONES. The Senator from Virginia does not intend to give the Senate the impression that he conferred with all the members of the Committee on Privileges and Elections, does he?

Mr. MARTIN of Virginia. I did not intentionally do so, and I do not think my remarks bear that construction. If so, I cheerfully make the correction, for I did not so intend.

Mr. JONES. I am sure of that.

Mr. MARTIN of Virginia. I talked with some members of the committee, but not with all. After those conversations I was of the opinion that it was the purpose of the Committee on Privileges and Elections to recommend to the Senate a special committee, composed of perhaps eight members.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield further?

Mr. MARTIN of Virginia. Certainly.

Mr. JONES. Mr. President, in view of what the Senator has just stated, does he not think that the suggestion I made the other day, that all these resolutions really ought to be referred to the Committee on Privileges and Elections, would be the best course to take? I take it that the Senator's idea now is that we should pass this resolution directing the Committee on Privileges and Elections to sit in banc, but without any idea that it would do so; and that it would bring in some other course of procedure to recommend to the Senate. Therefore it would seem to me—and I am still of the opinion that I was the other day—that it would be far better to refer all these resolutions to the Committee on Privileges and Elections and let that committee bring out such resolution as it thought would propose the best course for the Senate to take.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Texas?

Mr. MARTIN of Virginia. I do.

Mr. CULBERSON. Before we pass from the question of a full committee, I wish to remind the Senator from Virginia of the fact that, if I mistake not, in the Smoot case from Utah and in the Clark case from Montana the full Committee on Privileges and Elections sat in this city, heard all the testimony, and made its report.

Mr. MARTIN of Virginia. Mr. President, undoubtedly the full Committee on Privileges and Elections could sit in this city, though that might be attended with some inconvenience. It is equally true that the full committee might sit in other cities, but in other cities the inconveniences would be still greater. It was suggested that in this case, under the conditions existing in the Senate at this time, it would be desirable to have a lesser number delegated and given the full authority of the Senate. I say that this idea came along after I introduced my resolution, for I introduced the resolution with the full purpose of having the entire committee make the investigation, and I provided that the investigation should be made in banc, so as to prevent any subcommittee being created for the purpose. It was only after considerable discussion and a considerable lapse of time, when so often the argument was made to me in discussing the resolution which I had offered that it would not do to have the whole 15 or the majority of 15 Senators away from the business of the Senate at this time, that I considered the question of a lesser committee, and discussing it, I say, with members of the Committee on Privileges and Elections I found a strong sentiment in favor of a smaller committee. Indeed I thought I might conclude with safety that it was the purpose of the Committee on Privileges and Elections to designate a smaller committee.

Mr. DILLINGHAM and Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Virginia yield, and to whom?

Mr. MARTIN of Virginia. I yield first to the Senator from Vermont, and then I will yield to the Senator from Nebraska.

Mr. DILLINGHAM. Mr. President, I want to say that there never has been a conference in the Committee on Privileges and Elections in relation to this matter, but I have heard everything that has been said, I think, on both sides of the Chamber in relation to it. Two or three days ago when the amendment of the Senator from Nebraska [Mr. HITCHCOCK], I think it was, was pending, providing for the appointment of a special committee of a smaller number, I made the remark here that, in looking over the condition of the work of that committee and the size of it, I had myself reached the conclusion that in all probability they would be obliged at some stage of the proceedings to ask for the appointment of a subcommittee to carry on the work of the committee, and when I introduced a resolution on the 22d instant, it was substantially the same as that of the Senator from Virginia [Mr. MARTIN]. I purposely avoided mentioning any subcommittee, having myself a feeling at that time that it would be better that the committee should sit as a whole, as it did in the Smoot case. On the other hand, since that time I have heard objections to that view, that it would be impossible for them to do so. In looking the matter over I became convinced that probably a smaller committee at some time would be required, so I made that statement on the floor of the Senate; but as for any meeting or even any consultation among the members of the Committee on Privileges and Elections as to what they would do, there has been none. No one can say that that committee has made any arrangement of that kind.

Mr. MARTIN of Virginia. Mr. President, the Senator from Wisconsin [Mr. LA FOLLETTE] has talked about secret arrangements and open arrangements. I want to say to him that I have not made any secret arrangement, and if he made any intimation or insinuation that I have, it was without color of reason or a particle of justification. Every word that has passed between me and other members of the committee, whether Democratic members or Republican members, in respect to this matter has been open to all ears that would listen. I have told every Democrat with whom I have had an opportunity to talk my opinion as to the matter, and there has been no secret about it. There has been no reason for secrecy. There was a considerable demand for a smaller committee, and I expressed the opinion that that would be the result. I expressed that opinion after talking with members of the committee, and I am of that opinion now. I have not hesitated to express that opinion openly to anybody; and if I had had occasion to talk to the Senator from Wisconsin on the subject I would have told it to him as freely, or more freely, than I would to most Senators here, because he was more interested in the subject than most Senators. Every Member perhaps on the Democratic side has heard all that I know of the matter. I may not have talked to every one, but to all with whom I have spoken I have expressed the same opinion. I repeat there has been no secrecy and there has been no occasion for any secrecy. Everything has been open and aboveboard. I had expressed the opinion that there would be a smaller committee designated, that it would have to be reported to the Senate, and when the names came in, if the Senate did not like the names, the Senate could reject them.

Mr. BROWN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Nebraska?

Mr. MARTIN of Virginia. I do.

Mr. BROWN. I am very anxious to understand the idea in the Senator's mind. His resolution provides for an investigation, and instructs a certain committee to make that investigation in banc. That is the language of the resolution. Now, is it the idea of the Senator from Virginia when this resolution passes, if it shall pass, and goes to this special committee, that the committee will proceed to make the investigation according to the terms of that resolution, or does he expect that committee to report back a recommendation for a smaller committee to be authorized to make the investigation?

Mr. MARTIN of Virginia. As I have explained, this resolution was introduced by me with the full expectation and purpose that the standing Committee on Privileges and Elections of the Senate, and not a special committee, would undertake the investigation and would sit in banc and do the work.

Mr. BROWN. I understand that was the Senator's original proposition.

Mr. MARTIN of Virginia. In presenting that idea the argument has been made that the Committee on Privileges and Elections was too large to do the work efficiently, and so many

Senators as constitute the full membership of that committee, which is made up of 15 Senators, could not leave Washington at this time.

Mr. BROWN. Now, I want to know what the present idea of the Senator is, and what the committee will do with the resolution if it shall be passed?

Mr. MARTIN of Virginia. Though no agreement has been made with the committee, after talking with members of the committee, I reached the opinion—and having reached it I have expressed it to Senators freely, openly, and publicly—that that committee would find it necessary to name a smaller committee and report accordingly to the Senate, and then the Senate would designate that smaller committee as a special committee of this body to make the investigation.

Mr. BROWN. Then, as a matter of fact, if the Senator will permit me, the Senator from Wisconsin [Mr. LA FOLLETTE] was absolutely right when he said that this resolution was being passed without any intention of having it carried out; that, instead of the committee making the investigation in banc, it would report a proposition for the creation of another committee. That seems to be the present idea of the Senator who fathered the resolution which has been offered as a substitute.

Mr. MARTIN of Virginia. I think that will be a very wise course for the committee to take.

Mr. BROWN. Then, Mr. President, why not amend the Senator's proposed substitute resolution and have it say on its face just exactly what the Senator expects to happen to it after the committee gets it?

Mr. MARTIN of Virginia. I do not desire to amend the resolution, because I offered it in this shape and I propose to have the Senate vote on it in this shape. It puts the responsibility on the standing Committee on Privileges and Elections, where it belongs, and if that committee can not perform the duty in accordance with the terms of the resolution it is the responsibility of that committee to report to the Senate accordingly.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from California?

Mr. MARTIN of Virginia. I do.

Mr. WORKS. I should like to ask the Senator from Virginia whether, in considering the matter of a smaller committee, the question was discussed as to how the committee should be composed?

Mr. MARTIN of Virginia. It was discussed to the extent that I have insisted in every conversation I have had with every Senator that there must not be on the committee a majority of men who voted before for WILLIAM LORIMER, and I am satisfied that there will not be. If there should be, I do not believe the Senate will or ought to appoint such Members recommended as a special committee. For my own part, I would not expect to vote for such a committee. If the Committee on Privileges and Elections should make a report to the Senate recommending a special committee and naming that special committee, and a majority of those so named had voted for WILLIAM LORIMER at the last session, I would expect to vote against appointing that committee.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Kansas?

Mr. MARTIN of Virginia. I do.

Mr. BRISTOW. I should like to inquire if it is further understood that there should be four Democrats and four Republicans on the subcommittee that shall be appointed?

Mr. MARTIN of Virginia. There has been no understanding to that effect. There is, however, an expectation on my part that if there are eight members, there will be four who voted for LORIMER and four who either voted against him or did not vote at all.

Mr. BRISTOW. As I understand, then, there is really no difference between the Senator from Virginia and the Senator from Wisconsin as to what really is the understanding as to the ultimate end of this resolution.

Mr. MARTIN of Virginia. I think there is a very wide difference between the statements I have made and the statements made by the Senator from Wisconsin. He talked about a secret agreement here. There has been no secret agreement; there has been no secrecy. I have talked with Senators, and I have ascertained what their opinions and beliefs on the subject were, and I have given open and public expression to the opinion I have formed after hearing the views of those Senators. That is all there is of it.

Mr. BRISTOW. That is, there is no agreement, but simply an understanding that what has been understood to be an agreement is to be carried out without any agreement having been made?

Mr. MARTIN of Virginia. I am not going into any metaphysical discussion of any such proposition as that with the Senator from Arkansas. I do not think the conditions in the Senate have gotten to that pass where Senators can not express a purpose and Senators can not believe in that purpose without calling it "an agreement."

Mr. BROWN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Nebraska?

Mr. MARTIN of Virginia. I will yield for a question.

Mr. BRISTOW. If the Senator from Nebraska will pardon me, I merely want the name of the State corrected. I have not the honor of representing Arkansas, but I have the honor, in part, to represent Kansas.

Mr. MARTIN of Virginia. The Senator from Kansas allows his imagination to get possession of him and indulges in facetious remarks very often in the Senate. While he is interrupting me, I will call his attention to some innuendoes he cast during the day about agreements between Senators on this side and on the other side particularly in reference to a motion to adjourn. If there was any agreement about the motion to adjourn it was between the Senator from Wisconsin [Mr. LA FOLLETTE] and myself. He asked me to make that motion, and I made it. I had no agreement with any other human being in respect to it. I thought the time had come when we ought to adjourn, and I had a right to make the motion. If Senators did not want to adjourn, they had a right to vote against the motion. I do not think that that properly subjected me to any animadversions of the character indulged in by the Senator from Kansas.

Mr. BRISTOW. If the Senator will pardon me, I will say that I did not know it was an animadversion to suggest that he had inherited the leadership of the Senate, or that when he made a suggestion a majority voted with him, and that it was necessary, apparently, for him to make the motion before we could adjourn. I thought I was conferring a great honor upon the Senator from Virginia.

Mr. MARTIN of Virginia. When I get honors I expect to get them from some other hands. I did not understand that a motion to adjourn constituted leadership in the Senate. The Senator from Wisconsin expressed a desire not to proceed that evening, and I thought it would be exceedingly unreasonable to expect him to proceed then. In a conversation between him and myself he suggested that I move to adjourn, and I did it, and that is all there is to it. My friend, the Senator from Oregon, says to me, very much to my surprise. I can hardly say to my surprise, because I thought everybody was tired, and that the Senate would adopt a motion to adjourn, even if made by your humble servant.

Mr. President, I will not protract my remarks. I regret exceedingly to have felt called upon to detain the Senate under the circumstances, tired as we all are, but I did feel, in view of the——

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Iowa?

Mr. MARTIN of Virginia. I do.

Mr. CUMMINS. As I understand the Senator from Virginia now, it is his expectation, putting aside all questions of understandings or agreements, that the Committee on Privileges and Elections, if it takes this resolution, will shortly nominate to the Senate a select committee to carry on this investigation, a committee to be commissioned and authorized by the Senate itself. Am I right?

Mr. MARTIN of Virginia. I think they are going to do that; but if the Senator has any doubt about it, let him talk to the members of the committee like I did. I do not want to be sponsor for them. I believe they will do that. I have stated it two or three times, and that is all I can say.

Mr. CUMMINS. The Senator from Virginia is the author of the resolution we are now considering, and he says it is his expectation that if it is adopted the Committee on Privileges and Elections will shortly nominate to the Senate a select committee, to be thereafter either elected by the Senate or refused by the Senate. The resolution of the Senator from Wisconsin is that we now nominate and elect a select committee.

In what respect does the resolution of the Senator from Virginia, therefore, differ in principle from the resolution of the Senator from Wisconsin?

Mr. MARTIN of Virginia. I am not going to prolong my occupancy of the floor by going into a discussion of that. That is as apparent to the Senator from Iowa as it is to me. The resolutions speak for themselves. My resolution directs the Committee on Privileges and Elections to make this investigation. If the Senate passes it, the responsibility will be up to

the Committee on Privileges and Elections. I have expressed the opinion that that committee would find it necessary to name a special committee. It can not name a special committee except by the concurrence of the Senate. It will be a committee of the Senate when created, and when they do report a special committee, in case they do, if the personnel is not satisfactory to the Senate, the Senate can correct that personnel. That is all I desire to say. That is all there is to it.

Mr. CUMMINS. So that in the end the Senator from Virginia expects the Senate to elect the special committee?

Mr. MARTIN of Virginia. The Senate will certainly have to approve the recommendation or substitute some other names. You can not create a special committee except by the action of the Senate. The action of the Senate created the Committee on Privileges and Elections, and it must create any special committee that is raised.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Washington?

Mr. MARTIN of Virginia. For a question; not for a speech.

Mr. POINDEXTER. The resolution introduced by the Senator from Virginia authorizes the Committee on Privileges and Elections sitting in banc to conduct this investigation. Now, I understand that the Senator, even if this resolution should be adopted, does not expect it to be carried out. I will ask the Senator what is his object in submitting this resolution to the Senate if he expects it to be ignored after it is adopted?

Mr. MARTIN of Virginia. I have explained that so often that the Senator will have to reason it out for himself. I can not go through it again.

Mr. President, I am sorry to have detained the Senate so long.

Mr. STONE. Mr. President, I desire to say a few words before this vote is taken.

Mr. President, at the last session of Congress I voted for the resolution which declared in effect that Mr. LORIMER was fraudulently elected to the Senate and was not entitled to the seat he occupied. Before casting that vote I examined the testimony taken by the Committee on Privileges and Elections with such thoroughness as I was capable of. I read every word of that testimony, and read the material parts of it more than once. I was familiar with the record as it was then made up. I came to the conclusion that Mr. LORIMER'S election was not honestly secured, and accordingly I voted to unseat him. I cast that vote under a profound conviction that I was doing right. Nothing coming to my knowledge has since occurred to shake my faith in the accuracy of that judgment or the righteousness of that vote. There has not been a day since that vote was cast that I would not have been willing to vote to reopen the case, if it could have been properly done, for I did not, and do not, think the case was rightly determined. Of course, I recognize that where the claim or title of a citizen to anything of value is disputed there must come a time when controversy over that title must be composed and finally settled; and yet, Mr. President, if a motion to reopen and retry that case could have been entertained under the law governing this body, I would not have hesitated to support it. Whatever might have been said heretofore about reopening the case, the time has now come when that motion can be lawfully and properly made. When the State senate of Illinois entered upon the investigation with which the Senate and the country are familiar and developed a mass of new and important testimony I felt that the time had come when the Senate, with the utmost propriety and within the strictest letter of the law, not only might reopen the case for a new investigation, but that the time had come when the Senate stood face to face with the imperative and unescapable duty of reopening it. Moreover, Mr. President, I express it as my confident belief that there is not a Senator here on either side of this Chamber who does not feel exactly as I do about this matter. Since the Illinois State senate concluded and reported upon its inquiry there is not a Senator here who does not favor reopening the case for a more thorough investigation by this body. There has never been the least occasion—and now I speak with the utmost deliberation—for any argument of any kind, brief or extended, to be made here to convince the Senate or any Senator that a new investigation should be made. Every moment consumed in that behalf has been a moment wasted—at least wasted so far as any useful purpose here is concerned, although it may have been profitably spent if posing in other fields was the chief end to be promoted. Mr. President, there has been a great deal of politics, and to my thinking very small politics, introduced into the consideration of this matter. I am free to say that I feel a sense of profound indignation, yes, even of contempt, for many things that have been going on here since this session began about this Lorimer case. This is not the sort of business into which small politics should be introduced. While the public right and interest require that we should proceed with due expedition, we should also proceed in a spirit of fairness and with becoming dignity. Where the honor of a man or the good name of a State is involved mere theatrical politics should be eschewed.

Mr. President, as for myself I need no additional inculpatory evidence to determine my judgment as to LORIMER'S guilt of the charge against him. If this case should be or could be again brought before the Senate on the same record we had before, I would vote again as I voted before. I need no additional inculpatory testimony to determine my course or to establish my judgment. If the committee which will make the investigation we are about to order shall return additional incriminating testimony, it will tend only to confirm the opinion I have already deliberately formed and expressed. If there is any exculpatory testimony to be found, I will welcome it. No man would rejoice more than I if the Senator from Illinois [Mr. LORIMER] or his friends in Illinois can produce facts—real facts, about which there can be no question—showing that he is innocent of the dishonoring charge made against him. No man, I say, would welcome that kind of testimony with more pleasure than I. I would not have such a heart as should throb in the breast of a real man if I would not rejoice to see Mr. LORIMER prove himself innocent of the charge against him. I fear that proof can not be made, but if it can be made, then, as God is my judge, I hope it will be made, for his sake, for the sake of our country, and especially for the honor and good name of the great State of Illinois. I have no malice or feeling of hostility against Mr. LORIMER. I can not rejoice over the fall of any man. A ruin of that kind is always a pitiful spectacle. I am unspeakably sorry that this shameful tragedy has occurred.

Mr. President, I have not cared much about the personnel of the committee that is to carry on this investigation. To be sure, I want a fair and representative committee, and a committee that will go to the bottom of the inquiry and ascertain all the facts. If there was, as I believe there was, base corruption in that election, I want to see it exposed. I want it written, as it were, upon a scroll blazoned on the sky that every man may read. But the mere personnel of the committee is a matter, to my thinking, of minor consequence. All we should want is a representative committee, fair to LORIMER, fair to the Senate, fair to the country, and which will proceed promptly to discharge its duty thoroughly and justly. I have heard Senators say there are two questions before us—one as to whether the investigation shall be ordered and the other as to what particular agency shall be employed to make it. As to the first of these there is absolutely no difference of opinion. The investigation is as good as ordered already, and it will be ordered by a practically unanimous vote. I have not heard a Senator say anything to the contrary. I have not heard an expression that was not pronouncedly in favor of the investigation, and no one else has heard anything of a different kind. It has gone through this Chamber in such a way that every man knows—must know if he does not shut his ears and eyes and if all his senses are not dead—that it is the fixed purpose of the Senate to order this investigation. That question is already settled. It was settled from the beginning. The only thing we have to deal with, therefore, relates to the committee to be selected to execute the order of the Senate. I have already said I regard that as a matter of comparatively minor importance. That is a question we should have settled long ago and settled within an hour. I can not conceive it to be possible that the Senate could send out a committee on this mission that would not honorably discharge the duty devolved upon it. Mr. President, I have heard utterances here to-day that have stirred the very depths of my indignation—utterances impugning the integrity and honor of the Senate. I do not believe that the Senate of the United States is made up of dishonorable men. A charge of that kind—even an insinuation to that effect, however covertly made—is wanton, unwarranted, and unworthy. A dishonest man may find his way into the Senate, as he may into the church or into any organized body, but I believe that sort of thing to be rare and exceptional. I do not believe that the Senate of the United States deserves to be spoken of on this floor or elsewhere in such terms of opprobrium and reproach as imputes a lack of integrity in its membership. Why, sir, are the Senators who surround me while I speak dishonest men? Sitting here three feet in front of me is the junior Senator from Oregon [Mr. CHAMBERLAIN], if he will pardon me for so pointedly mentioning his name in this connection. Does any man question that this Senator or that either of the Senators from Oregon is an honorable and high-minded public servant? I see here at my side the senior Senator from Indiana [Mr. SHIVELY], and a little farther away I see his colleague [Mr. KERN]. Are

not these honorable men and faithful representatives? What would the people of Indiana say to that? And what do the people of the other States say as to the personal integrity of the men they have commissioned to this great assembly? The people of each State personally know the men they send to the Senate, and the voters, no matter which party is in the ascendancy, will not elect any man to the Senate they do not believe to be honest; and in this respect I believe the people of all the States and all the parties are alike. A bad man may find his way into the Senate, or a man may become bad after he gets to the Senate, but such cases are, as I have said, rare and exceptional. The Senate as a body is composed, and always has been composed, of honorable and high-minded men. I will not stand on this floor and seek to put upon the American Senate the brand of dishonor. These Senators around me here are not men so dishonest, unfaithful, and unpatriotic that they should be scourged from this floor as were the money changers from the temple. For myself I have faith in the patriotism and honor of the American Senate and in the personnel and official integrity of American Senators. Evils exist undoubtedly—evils that cry aloud for remedies. The Senate is largely responsible for these evils, and it is slow in granting relief; but these evils are chiefly the outgrowth of bad economic systems and policies and not of official dishonesty and betrayal by individual Senators.

Mr. President, when we first began to consider the appointment of this investigating committee I myself thought it would be better to appoint a special committee composed of Senators sworn in at the beginning of this session. This was not because I had any doubt about the integrity of the standing Committee on Privileges and Elections, to which such matters are ordinarily referred, but because I felt that it would be in some respects better to send out a committee composed of men who had not expressed—at least officially expressed—any opinion on the case. I did not deem that to be of vital importance, however, although I was rather strongly inclined to that view as being perhaps the most satisfactory solution of the committeeship question. Another suggestion I heard made I thought equally as good, namely, that the committee should be composed in part of Senators who had voted for LORIMER at the former hearing and in part of Senators who voted against him, dividing them equally. In fact, Mr. President, I have always been ready to accept any committee so constituted as to command respect and confidence and that had nothing sinister in appearance. This matter ought to have been easily and satisfactorily disposed of without controversy. It is not a seemly thing to see the Senate wrangling over the personnel of a committee chosen for a work of this character. In a matter of this kind I act not as a partisan but as a judge. I do not like the notion of organizing a committee like this with any thought of securing an advantage one way or the other. All I want—and all any of us should want—is a committee that will go out and get the testimony and report it back as speedily as possible, so that we may take up this case and finally dispose of it. Mr. President, there is no good sense in this controversy. We are simply making much out of nothing, or next to nothing. The question which has been raised here, involving a want of confidence in the Committee on Privileges and Elections, ought never to have been raised. It is most unfortunate. But that question has been raised, and it has been emphasized with blunt directness in speeches made here to-day. I had not intended to say a word about this matter until these utterances here this afternoon. But now I feel constrained to say that I am unwilling to cast a vote that in itself would be an expression of a want of confidence in the Committee on Privileges and Elections. I will not do it, because I have confidence in the committee. There are too many high-minded and honorable men on that committee to cast such a reflection upon them. The utterances to which we have listened here to-day can only be interpreted as a reproach of that committee—not only a reproach, but an expression of absolute want of confidence in the integrity of the committee. I think these utterances were altogether ill timed, unfortunate, and undeserved, and I am unwilling to cast any vote that would appear to be in approval of them.

I had nothing to do with the introduction of the resolution offered by the Senator from Virginia [Mr. MARTIN]. I was not consulted about it. I knew of it only when it was presented and read to this body. I was not at the time altogether satisfied with the form of the resolution, and after it was offered and the matter had taken that shape I would have preferred to send the whole matter to the Committee on Privileges and Elections with instructions to report back to the Senate such recommendation as the committee thought proper and expedient. I thought by doing that the Senate would still retain full control of the matter, and I thought that that disposition of the matter would be satisfactory to everybody. I prepared a resolution to that effect, and consulted with several Senators about offering it, but most of them thought it better to leave the matter as it was, rather than add to the confusion by another resolution, and so I did not offer it. I yielded to the judgment of those who had given more attention to the subject than I, and besides I did not consider it of great importance whether the matter should be disposed of in the one way or the other.

Now, sir, it is said there is an agreement or understanding, expressed or implied, that the Committee on Privileges and Elections will not make the investigation, but will report back recommending the appointment of a special committee of eight Senators, to be selected from the Committee on Privileges and Elections, four to be Senators who voted for LORIMER on the former hearing and four to be Senators who voted against him or of new Senators who have not voted at all. Senators who are dissatisfied with anything and everything they do not themselves propose have spoken in disparagement of that agreement. Suppose there is such an agreement, what of it? Is it not an agreement in the interest of justice, right, and fair play? For myself I do not want a committee having a majority of men who voted for LORIMER three months ago; neither do I want a committee having a majority of men who voted against him. I do not want a committee so constituted that a majority of its members would start upon this investigation with fixed impressions, already officially expressed, that LORIMER is either guilty or innocent. I want neither the one nor the other. I want a committee that will be as nearly representative and impartial as it is possible to be made. Does any Senator desire any other kind of committee? Would not a committee made up of eight Senators, four of whom voted for LORIMER and four of whom voted against him or did not vote at all, be a fair and representative committee? Do you want something that is not fair, honorable, and right? Do you want a committee to start out with the case prejudged? Senators, we are dealing with a grave question, one that involves even more than the life of a man, for it involves his honor, as well as the good name of a great State. We should proceed in such a way that it can never be said that we forgot or ignored the rules of fair dealing among men. I repeat, I want a committee made up of fair men—an impartial and representative committee—and I want nothing else. A committee of that kind can be made up in more ways than one. A committee made up of new Senators, who have not voted or spoken at all, would be a fair committee, and, as I have said, I felt inclined at the beginning, and until these new and most unfortunate collateral issues were injected, to favor a committee of that kind. But, Mr. President, when Senators rise here and undertake to say, whether directly or by insinuation, that the Committee on Privileges and Elections is not entitled to the confidence and respect of the Senate, I will not cast a vote that would seem to sanction or give countenance to that assault. I am content to send this matter to the Committee on Privileges and Elections, and I had rather send it there than to cast any reflection on the committee. The Senator from Vermont [Mr. DILLINGHAM], the chairman of the committee, is an honorable man, and I have faith that he will carry out any understanding he has with the Senator from Virginia [Mr. MARTIN]. If it is understood, as I have been assured it is understood, that a special committee of eight Senators is to be recommended, and to be constituted in the way I have indicated, I am satisfied. I can see no possible objection to that. It would be in all respects a fair committee, and that is enough. I do not care to waste time in quarreling over indifferent and immaterial things. It is results I am looking for, and if the final outcome is satisfactory I am content. No man under the dome which spans the universe can say that a committee composed of four men who voted for LORIMER and four who voted against him or did not vote at all is not a fair committee. Any man who would say anything else is not a fair man, and his opinion would be of no consequence to me.

Mr. President, I am going to vote for the resolution offered by the Senator from Virginia. I am going to vote for it in the faith and with the understanding that the Committee on Privileges and Elections, being practically unable, acting as a whole, to carry on the investigation, will report a recommendation for the appointment of a special committee, composed as the Senator from Virginia [Mr. MARTIN] has indicated. The arrangement is an honorable and proper one, and I expect it to be carried out. The Committee on Privileges and Elections is composed of honorable men; they will do what they ought to do, and I am willing to trust them.

Mr. President, there is another reason why I shall support the resolution offered by the Senator from Virginia, and that is a reason that should strongly appeal to every Democratic

Senator. The Senator from Virginia is the chairman of the Democratic caucus, and is therefore ex officio our titular leader. We also have a steering committee, of which the Senator from Virginia is also ex officio the chairman. This steering committee represents the official organization of the Senate Democracy. Because of the complications that have arisen here about this investigation the Democratic steering committee saw proper, and I think wisely, to take up the subject and consider it. It was not the purpose of the steering committee to give to this subject a partisan aspect, for it is a subject which can not be honorably considered in a partisan way, but for the purpose of bringing the Democratic minority, which now comprises nearly one-half the Senate, to such a consideration of the subject as would aid in securing a just and fair determination of it. As a result of that conference of the steering committee the Senator from Virginia offered the resolution now pending before the Senate. Moreover, a conference of all Democratic Senators was called to consider this matter, and that conference determined that the resolution of the Senator from Virginia should be supported, provided that an arrangement could be made or an understanding had that a fair and impartial special committee—one that would challenge universal commendation—should finally be appointed. I am not a member of the steering committee and I did not attend the party caucus or conference to which I have referred, but I state the case as it has been reported to me. I do know that a second or subsequent conference was called and held, which I did attend, and I do know that the final action of that conference was in accord with the action taken by the previous conference. Mr. President, I am a Democrat and a party man. I am an organization Democrat, not a disorganizer. I believe in party organization, for if we have no parties I know of no means or agency through which men having the same views, or substantially the same views, on great and vital public questions can work together and cooperate so as to make their efforts effective. I want to see the Democrats of the Senate stand together. The Democrats of the House have set us a most inspiring example in this regard—an example we would do well and wisely to follow. I do not want to see the Democrats of the Senate break up into factions and tear at each others' throats, particularly over comparatively indifferent and immaterial things. I appeal to you, my Democratic friends, to stand by our own organization and support its recommendations, and especially so when its recommendations do not involve any vital and far-reaching question against which your conscience makes a protest. If we would maintain an effective organization, we can not afford to be individually dogmatic and refuse to cooperate with our party unless we can have our own individual way. That would be the policy of rule or ruin and would be absolutely destructive of party organization and all hope of party cohesion. We must have some regard for the views and sentiments of each other and strive to reach a common ground of agreement. To that end we should be willing to make reasonable concessions, and cheerfully make them, whenever concessions do not involve a vital principle which deeply concerns the public welfare. We should remember that the only well-grounded hope we can have of working effectively to accomplish ends is by cooperation through our party agencies. If we split into factions and war against each other about every little thing that comes along we will dissipate our opportunities and accomplish nothing of practical value. My party organization having determined upon the course outlined by our floor leader, the Senator from Virginia, I shall support it, confident in the belief that a satisfactory result will be achieved. Others may do as they please, but, as for me, I shall stand by my own flag and follow my own party leadership in preference to standing under some other flag and following some other leadership.

The Senator from Wisconsin [Mr. LA FOLLETTE] has talked much to-day, as he often does, about the bad things going on in the country. He denounced with his usual vehemence the trusts and great combines, and cried out for reform in the prevailing economic conditions, which he declares are injuring the country and the people. In the main I agree with him about all that. We Democrats have been saying substantially the same things and crying aloud for substantially the same reforms for lo! these many days. For years we have denounced the very things the honorable Senator so eloquently denounces and about which he becomes so righteously indignant. The trouble about the Senator from Wisconsin and his immediate associates is that they content themselves with denunciatory oratorical outbursts and fruitless declamations. If they mean business why do not they come over into the Democratic Party, which is a great and powerful organization, and help us accomplish at least some of the things that ought to be accomplished; but they will not come to us nor lend us any effective aid. Instead of doing that, these 12 or 13 Senators, banded together in a little alliance of so-called progressive Republicans, stand aloof and content themselves with hurling philippics and jeremiads in the face of the majority—the controlling and dominating majority—of their own party. If they mean business why do they not come with us and go with us to accomplish results? They break away from their own party, but they refuse to join their efforts with ours. The reciprocity bill is now before the Finance Committee and I hope will soon be before the Senate. We also have the so-called farmers' free list before the Finance Committee, and in a few days the Democratic House will send over to the Senate a revision of the woolen schedule, and a little later will send other bills revising the cotton schedule and the steel schedule. The Senator from Wisconsin is a member of the Committee on Finance. Will he help us to put these bills, or any of them, through the Finance Committee? Will he or his associates help us to pass any of these bills when the committee reports them to the Senate? I venture the doleful prophecy that they will not. They stand on this floor and shout voluble, vigorous, and vehement denunciations against the iniquities of our high-protection laws, and in doing that they do splendidly and talk like Democrats; but when it comes to doing real, practical things they not only turn their backs on the high protectionists of their party, but they refuse to affiliate or cooperate with Democrats in the work of amending the tariff laws and bringing about the reforms they clamor for. They simply stand off by themselves and talk. For myself I want these gentlemen to be one thing or another—"to fish or cut bait." I confess to a growing feeling of weariness over this thing of men denouncing everything and everybody, but when it comes to doing something practical they throw their opportunities away and vanish. I am growing weary of the habit these distinguished Senators have fallen into of telling us Democrats that they will work with us if we will permit them to arrange the whole program and assume the undisputed leadership, and will work with us in no other way. They declare that the high-protection policy of the Republican Party furnishes an opportunity for commercial pirates to carry on, under color of law, a refined species of grand larceny, and they are right in that. They say they stand for lowering the customs duties and for revising the tariff downward. Just how much they would lower the rates or just how far downward they would revise the tariff I do not know, and they do not tell us. They will not act with us nor yet tell us frankly just what they want. All we know is that they are equally opposed to a protective tariff and a revenue tariff. They denounce the present rates as too high, but how much lower they would consent to make the rates they do not deign to advise us. Is it possible that they are opposed to grand larceny, but look with complaisance on petit larceny? I am against larceny of either kind. I am opposed to plundering the people either in a large way or a smaller way. I am for a revenue tariff—that is, a tariff no higher than is necessary to raise needed revenue for the support of the Government. When these bills are brought before the Senate I shall strive to develop the attitude of this small heroic band of so-called progressive Republicans. I am going to try to find out whether they will pull with us or whether they will pull off and say, "No; we can not go with you, nor can we go with the regulars of our own party, but we would like to have you Democrats come over and put yourselves under our tutelage and guardianship." I shall also be curious to observe what effect that kind of appeal will have on Senators on this side of the Chamber. I am apprehensive that these insurgents over there are ambitious to inoculate this side of the Chamber with that spirit of factionalism which so distinguishes the other side. It would really be a fine achievement if they could decoy a lot of Democratic Senators into their camp and teach them the art and inspire them with a passion for destroying effective party organization.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the junior Senator from Idaho?

Mr. STONE. Certainly.

Mr. BORAH. Can the Senator from Missouri inform us how the Democrats stand as to unanimity on the reciprocity agreement?

Mr. STONE. I think most of them are for it. It is possible that a small minority are against it.

Mr. BAILEY. If the Senator from Missouri will permit me, I should like to volunteer to the Senator from Idaho the information that when we get to the woolen schedule, which is a real party test, we will all vote the same way.

Mr. SMITH of Michigan. So will we.

Mr. STONE. Yes; so you will [laughter]; you will all vote against it.

Mr. BAILEY. I would like to see the credentials of the Senator who says they will all vote together on that side.

Mr. SMITH of Michigan. I volunteered the suggestion, and stand by it.

Mr. BAILEY. I did not ask for the identity; I asked for the credentials.

Mr. SMITH of Michigan. I did not ask for any credentials on that side.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield further to the Senator from Idaho?

Mr. STONE. As long as the Senator desires.

Mr. BORAH. I wanted to ask the Senator from Texas if that includes Mr. Bryan?

Mr. BAILEY. As Mr. Bryan is not a Member of the Senate, it was not necessary to include him.

Mr. BORAH. I am not sure that Mr. Bryan is not effectively a Member of Congress, and he is certainly a large part of the party.

Mr. BAILEY. I am sure he is not legally a Member. It is not proper to refer in this body to what transpires in the House of Representatives, but I think the Senator from Idaho will find that the woolen schedule will not be made according to Mr. Bryan's views, and I am indulging the hope that it will be so made that the Senator from Idaho will vote for it. Can he comfort me by an assurance on that point?

Mr. BORAH. I am unable to extend the comfort until I see the schedule.

Mr. BAILEY. It will be better than the existing law, which so many of your own party have denounced.

Mr. BORAH. The conditions which confront our friends on the other side of the Chamber are not so specific or so certain as to enable us to know just where we are going in case of a desire to go with you.

Mr. BAILEY. I will tell the Senator from Idaho what I will agree to do. If we can not pass our bill and he will write one better than the existing law, and then give us enough insurgent votes to pass it, we will vote for it. Will the Senator agree to that proposition?

Mr. BORAH. I might agree to that; but the thing I am most interested in is to discover the extent of the harmony which is being discussed upon the Democratic side this afternoon.

Mr. STONE. The Senator from Idaho seems to be more interested in the question of harmony on this side than in the passage of legislation for the relief of the people. I am not surprised at the Senator's absorbing interest in Democratic harmony.

Mr. BORAH. Mr. President, we have had considerable difficulty over here because of the lack of harmony, and, as we are invited over on the Democratic side, we want to be sure that we do not jump from the frying pan into the fire.

Mr. STONE. Well, some of you are striving to create the same state of inharmony on this side that you have over there, and that seems to be your chief interest in the Democratic Party. When it comes to kicking up a row, I invite you to stay on your own reservation. I want the Democrats in this Senate to stand together as a solid, cohesive, aggressive body, instead of permitting themselves to be misled by influences that are not intended for the promotion of Democratic success.

Mr. BORAH. That would be an extraordinary and comforting position for our Democratic friends to occupy, even for a short time.

Mr. STONE. You mean harmony?

Mr. BORAH. Yes; harmony.

Mr. STONE. I think we are reasonably harmonious.

Mr. BORAH. I think it is true that the Senator from Missouri holds the harp, but I doubt if the others are dancing to the tune.

Mr. STONE. As to that we can only wait and see.

Mr. BORAH. The Senator from Idaho is willing to wait.

Mr. STONE. I am not prophesying, but I invite the Senator to be patient.

Mr. BORAH. But we do not want this invitation urged too much until the harmony is established.

Mr. STONE. We will let the invitation stand, although we are without much hope of its acceptance under any circumstances.

Mr. President, I do not think I care to add anything further to what I have said. I shall vote for the Martin resolution, because I believe—yes; because I have the utmost confidence—that a result will be worked out under that resolution that will be satisfactory to every man who asks only for fair play. That is all I care to say.

The PRESIDING OFFICER. The question is on the substitute submitted by the Senator from Virginia [Mr. MARTIN] for the resolution offered by the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. CUMMINS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SMITH of Michigan. I want to say, Mr. President, that this is an important vote. I am going to vote for the resolution of the Senator from Virginia because it provides that the Committee on Privileges and Elections shall sit together and try this case. I hope they will sit in Washington and summon witnesses here, where, if they refuse to produce their books or refuse to testify, they can be tried under contempt proceedings by this body. In that respect, I think, the resolution is stronger, more far-reaching, and meritorious than the resolution of the Senator from Wisconsin, and I am going to vote for it. The committee are all honorable, high-minded men, and the resolution especially directs an inquiry into the collateral questions not specifically enjoined on the first investigation, and I have no doubt the work will be well done and that the whole truth will be ascertained for our guidance. We do not ask for the rule of law applicable in such cases; we ask for the facts, and we will supply the rules of law in our final consideration of the entire subject when a report shall reach the Senate. I disagreed with the committee before on the rule to be applied, and reserve the right to do so again if, in my judgment, that course seems necessary or wise in order to reach a just and honest verdict.

The Secretary proceeded to call the roll.

Mr. FLETCHER (when Mr. BRYAN's name was called). My colleague [Mr. BRYAN] is unavoidably detained from the Senate on account of serious illness in his family.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], but I have been released from that pair upon this question and upon all others growing out of it. I shall therefore vote. I vote "yea."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY], but I have a letter from that Senator authorizing me to disregard my pair in this case for reasons specified by him in the letter. I therefore vote. I vote "yea."

Mr. MYERS (when his name was called). On this proposition I am paired with the Senator from Kentucky [Mr. PAYNTER]. If he were present, he would vote "yea," while I would vote "nay." Being paired with him, I refrain from voting.

Mr. BACON (when Mr. O'GORMAN's name was called). I was requested by the Senator from New York [Mr. O'GORMAN], who has left the city, to announce that he has arranged a pair on this question with the Senator from California [Mr. WORKS]. If he were present, the Senator from New York would vote "yea," and the Senator from California will doubtless announce as to his own vote.

Mr. STONE (when Mr. REED's name was called). My colleague [Mr. REED] was called unexpectedly from the city and we have not been able to arrange a pair for him. If he were present, I am authorized to say that he would vote "yea."

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague [Mr. RICHARDSON] on this question is paired with the junior Senator from South Carolina [Mr. SMITH]. If he were present and free to vote, my colleague would vote "yea."

Mr. CULBERSON (when the name of Mr. SMITH of South Carolina was called). The Senator from South Carolina [Mr. SMITH] is paired with the Senator from Delaware [Mr. RICHARDSON], and has asked me to make that announcement.

Mr. MARTIN of Virginia (when Mr. SWANSON's name was called). The junior Senator from Virginia [Mr. SWANSON] is unavoidably absent from the city. He is paired with the junior Senator from Michigan [Mr. TOWNSEND]. If he were present, the junior Senator from Virginia would vote "yea."

Mr. FOSTER (when Mr. THORNTON's name was called). My colleague [Mr. THORNTON] is unavoidably absent on public business. If he were present, he would vote "yea."

Mr. SMITH of Michigan (when Mr. TOWNSEND's name was called). My colleague [Mr. TOWNSEND] is unavoidably absent. If present, he would vote "yea."

Mr. CLARK of Wyoming (when Mr. WARREN's name was called). My colleague [Mr. WARREN] is unavoidably absent from the city. He is paired with the Senator from Louisiana [Mr. THORNTON]. My colleague if present would vote "yea." He desired me to make that announcement.

Mr. WORKS (when his name was called). On this question I am paired with the junior Senator from New York [Mr. O'GORMAN] and therefore withhold my vote. If he were present the Senator from New York would vote "yea" and I should vote "nay."

The roll call was concluded.

Mr. BACON (after having voted in the affirmative). Mr. President, before the vote is announced I desire to say that I have a general pair with the senior Senator from Maine [Mr. FRYE]. As I have voted I think it proper to say that I have done so in accordance with his permission.

Mr. CHAMBERLAIN (after having voted in the negative). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I am just advised that he has not voted, and I therefore withdraw my vote. I understand that if the junior Senator from Pennsylvania were present he would vote "yea."

Mr. GORE (after having voted in the negative). I am advised that the junior Senator from Maryland [Mr. SMITH] is absent from the city. I have a pair with him upon this vote. If he were present he would vote "yea." I have voted "nay," but on account of the pair I withdraw my vote.

Mr. SMITH of Michigan. Mr. President, I did not understand whether the Senator from Virginia announced that his colleague [Mr. SWANSON] would have voted "yea" or "nay."

Mr. MARTIN of Virginia. The junior Senator from Virginia, if present, would have voted "yea."

Mr. SMITH of Michigan. I understood the senior Senator from Virginia to say that the junior Senator from Virginia was paired with the junior Senator from Michigan [Mr. TOWNSEND]. The junior Senator from Michigan is not present, being unavoidably absent, and, as I have announced, if present he would have voted "yea"; so that the pair does not stand, as I understand.

Mr. MARTIN of Virginia. Both are absent and it does not affect the vote.

The result was announced—yeas 48, nays 20, as follows:

YEAS—48.

Bacon	Curtis	Kern	Root
Bailey	Dillingham	Lippitt	Shively
Bradley	du Pont	Lodge	Simmons
Brandegee	Fletcher	McCumber	Smith, Mich.
Burnham	Foster	McLean	Stephenson
Burton	Gallinger	Martin, Va.	Stone
Chilton	Gamble	Nelson	Sutherland
Clark, Wyo.	Guggenheim	Nixon	Taylor
Clarke, Ark.	Heyburn	Overman	Terrell
Crane	Johnson, Me.	Page	Watson
Culberson	Johnston, Ala.	Penrose	Wetmore
Cullom	Jones	Rayner	Williams

NAYS—20.

Borah	Crawford	Hitchcock	Newlands
Bourne	Cummins	Kenyon	Owen
Bristow	Davis	La Follette	Perkins
Brown	Dixon	Lea	Poindexter
Clapp	Gronna	Martine, N. J.	Pomerene

NOT VOTING—23.

Bankhead	Lorimer	Reed	Thornton
Briggs	Myers	Richardson	Tillman
Bryan	O'Gorman	Smith, Md.	Townsend
Chamberlain	Oliver	Smith, S. C.	Warren
Frye	Paynter	Smoot	Works
Gore	Percy	Swanson	

So the substitute of Mr. MARTIN of Virginia for the resolution of Mr. LA FOLLETTE was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

The preamble of the substitute resolution was agreed to.

ADJOURNMENT TO MONDAY.

Mr. LODGE. I move that when the Senate adjourns to-day, it adjourn to meet on Monday next at 12 o'clock.

Mr. STONE. Mr. President, that is not a debatable motion——

The PRESIDING OFFICER. It is not a debatable motion.

Mr. STONE. But I very much object to it. We ought to go on and do some business.

The PRESIDING OFFICER. The question is on agreeing to the motion made by the Senator from Massachusetts.

Mr. WILLIAMS. What is the motion?

The PRESIDING OFFICER. That when the Senate adjourns to-day, it adjourn to meet on Monday next at 12 o'clock meridian. The question is on that motion.

Mr. MARTIN of Virginia and Mr. CLARKE of Arkansas. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I desire to announce my pair with the junior Senator from Pennsylvania [Mr. OLIVER]. If he were present, I should vote "nay."

Mr. GUGGENHEIM (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER], who is unavoidably detained. So I withhold my vote.

The roll call was concluded.

The result was announced—yeas 43, nays 24, as follows:

YEAS—43.

Bacon	Crawford	Heyburn	Penrose
Borah	Cullom	Johnson, Me.	Perkins
Bourne	Cummins	Johnston, Ala.	Poindexter
Bradley	Curtis	Jones	Pomerene
Brandegee	Dillingham	La Follette	Root
Bristow	Dixon	Lippitt	Smith, Mich.
Brown	du Pont	Lodge	Stephenson
Burnham	Foster	McCumber	Sutherland
Burton	Gallinger	McLean	Taylor
Clark, Wyo.	Gamble	Nelson	Wetmore
Crane	Gronna	Page	

NAYS—24.

Bailey	Gore	Myers	Simmons
Chilton	Hitchcock	Newlands	Stone
Clapp	Kern	Overman	Terrell
Clarke, Ark.	Lea	Owen	Watson
Culberson	Martin, Va.	Rayner	Williams
Fletcher	Martine, N. J.	Shively	Works.

NOT VOTING—24.

Bankhead	Guggenheim	Paynter	Smoot
Briggs	Kenyon	Percy	Swanson
Bryan	Lorimer	Reed	Thornton
Chamberlain	Nixon	Richardson	Tillman
Davis	O'Gorman	Smith, Md.	Townsend
Frye	Oliver	Smith, S. C.	Warren

So Mr. LODGE's motion was agreed to.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 40 minutes p. m.) the Senate adjourned until Monday, June 5, 1911, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 2, 1911.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D., as follows:

Our Father in heaven, draw us by Thy loving kindness and tender mercies close to Thee, that we may partake of the bread which cometh down from above, drink from the fountain of all good, breathe the purer atmosphere of heaven, and feel the thrill of eternal life; be refreshed, purified, ennobled, strengthened for the daily tasks of life; measure up to the highest ideals of manhood and grow day by day into the likeness of our Maker. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of Tuesday, May 30, 1911, was read and approved.

SWEARING IN OF A MEMBER.

The SPEAKER. The Member elect from Pennsylvania, Mr. REYBURN, is here to be sworn in, and the Clerk will read his credentials.

The Clerk read as follows:

COMMONWEALTH OF PENNSYLVANIA,
EXECUTIVE DEPARTMENT.

I do hereby certify that by the provisions of the forty-second section of an act of the general assembly of this Commonwealth, entitled "An act relating to the elections of this Commonwealth," approved the 2d day of July, A. D. 1839, it is made the duty of the governor when the returns of any special election for a Member of the House of Representatives of the United States shall be received by the secretary of the Commonwealth to declare by proclamation the name of the person elected, and also to transmit the returns so made to the House of Representatives of the United States.

I do further certify that the attached returns of the special election held on Tuesday, the 23d day of May, A. D. 1911, in the second congressional district of Pennsylvania, composed of the eighth, ninth, tenth, thirteenth, fourteenth, fifteenth, twentieth, and thirty-seventh wards of the city of Philadelphia, for a Member of the House of Representatives of the United States, to fill the vacancy existing in the representation of this State in the House of Representatives of the Congress of the United States caused by the death of the Hon. Joel Cook, is a full, true, and correct copy of the original returns of said special election as filed in the office of the secretary of the Commonwealth, and by said returns of said special election it appears that WILLIAM STUART REYBURN, having received the highest number of votes cast for any candidate voted for at said special election, has been duly elected a Member of the Sixty-second Congress to represent the said second congressional district for the unexpired term of the Hon. Joel Cook, who was elected at the general election November 8, A. D. 1910, for the term of two years.

And I do further certify that, as required by the aforesaid act of the general assembly, I did on the 27th day of May, A. D. 1911, issue my proclamation declaring the election of WILLIAM STUART REYBURN, a copy of which proclamation is hereto attached.

Given under my hand and the great seal of the State, at the city of Harrisburg, this 27th day of May, A. D. 1911, and of the Commonwealth the one hundred and thirty-fifth.

[SEAL.] JOHN K. TENER.

By the governor:

ROBERT MCAFEE,
Secretary of the Commonwealth.

The following is a true and correct copy of the original return of a special election held in the second congressional district of Pennsylvania on Tuesday, the 23d day of May, A. D. 1911, for the purpose of electing a Member of the House of Representatives of the United States to represent the said second congressional district of Pennsylvania for the unexpired term of the Hon. Joel Cook, deceased:

	Votes.
WILLIAM STUART REYBURN had	15,470
Henry Baur had	4,373
John J. Miller had	445
H. F. Wilson had	1
David H. Lane had	1

COMMONWEALTH OF PENNSYLVANIA,
EXECUTIVE DEPARTMENT.

PROCLAMATION.

To all to whom these presents shall came, greeting:

Whereas in and by an act of the general assembly, entitled "An act relating to the elections of this Commonwealth," approved July 2, A. D. 1839, it is made the duty of the governor, upon the receipt of the returns of the election of Members of the House of Representatives of the United States by the secretary of the Commonwealth, to declare by proclamation the names of the persons elected in the respective districts;

And whereas by the death of the Hon. Joel Cook, who was elected to represent the second congressional district, composed of the eighth, ninth, tenth, thirteenth, fourteenth, fifteenth, twentieth, and thirty-seventh wards of the city of Philadelphia, in the House of Representatives of the United States, a vacancy now exists in said district for the Sixty-second Congress;

And whereas a special election for Member of the House of Representatives of the United States was held in the said second congressional district on Tuesday, the 23d day of May, A. D. 1911, to fill said vacancy as aforesaid;

And whereas the returns of said special election held on Tuesday, May 23, A. D. 1911, for Representative of said district in the House of Representatives of the Sixty-second Congress of the United States for the term for which the said the Hon. Joel Cook, deceased, was elected have been received at the office of the secretary of the Commonwealth, agreeably to the provisions of the above-recited act of the general assembly, whereby it appears that in the said second congressional district WILLIAM STUART REYBURN has been duly elected:

Now, therefore, I, John K. Tener, governor of said Commonwealth, do issue this my proclamation, hereby publishing and declaring that WILLIAM STUART REYBURN has been returned as duly elected in the second congressional district before mentioned as Representative in the House of Representatives of the United States for the term for which the Hon. Joel Cook, deceased, was elected in the Sixty-second Congress.

Given under my hand and the great seal of the State, at the city of Harrisburg, this 27th day of May, A. D. 1911, and of the Commonwealth the one hundred and thirty-fifth.

[SEAL.] JOHN K. TENER.

By the governor:

ROBERT MCAFEE,
Secretary of the Commonwealth.

Mr. BINGHAM. Mr. Speaker, I present Mr. REYBURN to be sworn in.

The SPEAKER administered the oath of office to Mr. REYBURN.

UNITED STATES STEEL CORPORATION.

Mr. HENRY of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 186.

Resolved, That AUGUSTUS P. GARDNER be, and is hereby, elected a member of the select committee provided for in House resolution 148 in place of MARLIN E. OLMSTED, resigned.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

THE WOOL SCHEDULE.

Mr. BURLESON. Mr. Speaker, I ask unanimous consent that I may proceed for two minutes, for the purpose of making a brief statement.

The SPEAKER. The gentleman from Texas asks unanimous consent that he may proceed for two minutes to make a brief statement. Is there objection?

There was no objection.

Mr. BURLESON. Mr. Speaker, on yesterday a Democratic caucus was held, which gave its approval to a bill shortly to be introduced, revising Schedule K of the existing tariff law. During the caucus proceedings considerable discussion was had as to the necessity of laying a tariff upon raw wool for revenue purposes. During the day, and prior to action upon the bill by the caucus, a resolution was adopted, which the morning newspapers failed to carry in their report of the caucus proceedings, and I ask that the resolution be read in my time, in order that all of the facts may be known in connection with the approval that was given the bill.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. BURLESON. Certainly.

Mr. MANN. The gentleman says he desires that all of the facts be known. Can he put in the rest of the proceedings of the caucus?

Mr. BURLESON. The proceedings, with the exception of this resolution, were substantially carried by the newspapers this morning.

Mr. MANN. But not in the RECORD.

The SPEAKER. The gentleman from Texas asks unanimous consent for the reading of the resolution referred to. Is there objection? [After a pause.] The Chair hears none.

Mr. WILSON of Illinois. Mr. Speaker, will the gentleman yield for a question?

Mr. BURLESON. Certainly.

Mr. WILSON of Illinois. Were the speeches that were delivered here yesterday and last night made a part of the RECORD also?

Mr. BURLESON. There was no stenographic report of the speeches, but not a speech delivered during the day would have given any comfort to the gentleman from Illinois. [Laughter and applause on the Democratic side.]

Mr. WILSON of Illinois. How about the gentleman from Texas?

Mr. HILL. Mr. Speaker, will the gentleman yield?

Mr. BURLESON. Certainly.

Mr. HILL. Does the gentleman expect the adoption of this resolution without discussion?

Mr. BURLESON. Oh, no; I am not asking the House to take action on the resolution. I simply ask that it be read in order that its contents may be made public and that the country may know exactly what took place.

Mr. HILL. Then it is not understood that in not declining to allow the resolution to be read and put into the RECORD, those who do not decline assent to the principles involved?

Mr. BURLESON. Oh, the resolution states only the truth—the straightforward, God's honest truth.

Mr. HILL. That is a matter of opinion that might be decided after argument, but the question I asked was whether we are to be allowed to discuss the proposition or whether we are to accept it?

Mr. BURLESON. You will be given full opportunity to discuss it when the gentleman from Alabama presents the bill revising Schedule K. [Applause on the Democratic side.]

Mr. HILL. But no opportunity will be given now?

Mr. BURLESON. You can, so far as I am concerned.

The SPEAKER. Is there objection to the reading of the resolution? [After a pause.] The Chair hears none.

The Clerk read as follows:

Resolved, That the bill revising Schedule K, as presented to this caucus by the majority members of the Ways and Means Committee, is not to be construed as an abandonment of any Democratic policy—

[Applause on the Republican side.]

but in view of the Democratic platform demand for a "gradual reduction" of the tariff, and of the depleted and depleting condition of the Public Treasury—

[Applause on the Democratic side.]

a result of Republican extravagance—

[Applause on the Democratic side.]

a tariff of 20 per cent ad valorem on raw wool is now proposed as a revenue necessity.

Mr. PAYNE. I would like to ask the gentleman from Texas a question.

The SPEAKER. Does the gentleman from Texas yield to the gentleman from New York?

Mr. BURLESON. Certainly.

Mr. PAYNE. Was it stated in that meeting yesterday that there is now a surplus for this fiscal year of from $3,000,000 to $4,000,000 in the Treasury?

Mr. BURLESON. I do not recall that any statement of that character was made.

Mr. PAYNE. Was a statement made that the Treasury was $20,000,000 better off to-day, or, rather, the 31st day of May——

Mr. BURLESON. No.

Mr. PAYNE (continuing). Than it was a year ago?

Mr. BURLESON. No; there was not a single erroneous statement made during the entire caucus proceeding. [Applause on the Democratic side.]

Mr. PAYNE. Mr. Speaker, in that connection, I ask unanimous consent to print the Treasury statement of May 31, in order that the gentlemen on the other side may have exactly

the official information which I was trying to give the gentleman from Texas by a question, but it appears he would not accept it——

Mr. BURLESON. Mr. Speaker, I join in the request in order that the statement of the gentleman from New York may be thoroughly refuted.

Mr. GARNER. Mr. Speaker, I demand the regular order.

Mr. PAYNE. I would like to get that consent, Mr. Speaker.

The SPEAKER. If the gentleman from New York will suspend, the Chair will endeavor to get the consent. Is there objection to the publication of the statement which the gentleman from New York mentioned? [After a pause.] The Chair hears none, and it is so ordered.

The statement follows.

Statement of the United States Treasury at close of business, May 31, 1911.

RECEIPTS AND DISBURSEMENTS, MAY 31, 1911.

(Exclusive of postal revenues and disbursements, except postal deficiency.)

	This day.	This month.	This month last fiscal year.	This fiscal year ending June 30, 1911.	To this date last fiscal year.
Ordinary receipts and disbursements:					
Receipts—					
Customs	$983,099.20	$24,073,286.02	$23,010,989.23	$289,487,993.87	$305,124,965.02
Internal revenue—					
Ordinary	466,275.00	21,855,740.91	21,702,565.15	261,823,939.58	242,413,127.31
Corporation tax	17,934.55	895,285.59	489,271.80	8,241,127.92	696,705.30
Miscellaneous	5,293,818.70	14,408,131.21	6,405,557.74	54,830,384.44	44,158,960.23
Total	6,761,127.45	61,232,443.73	51,608,383.92	614,383,445.81	592,393,757.86
Disbursements—					
Civil and miscellaneous	594,897.49	15,320,967.29	13,584,595.46	162,505,710.32	156,777,391.38
War	729,628.19	11,864,109.81	10,598,514.30	148,049,425.97	144,672,844.18
Navy	331,953.35	9,475,439.56	8,679,309.11	109,821,849.78	112,382,674.25
Indians	4,736,441.49	5,836,319.97	4,017,313.53	19,286,313.63	16,497,113.72
Pensions		14,367,455.64	14,309,208.56	146,245,224.61	148,838,544.75
Postal deficiency		1,035,192.00		1,040,004.74	9,495,628.45
Interest on public debt		1,976,867.94	1,954,760.31	21,210,627.55	21,207,544.19
	6,392,920.52	59,876,352.21	53,143,701.27	608,159,156.60	609,871,740.92
Less repayment of unexpended balances	3,129,455.82	3,967,998.33	4,964,030.07	651,625.16	4,202,872.71
Total	3,263,464.70	55,908,353.88	48,179,671.20	607,507,531.44	605,668,868.21
Excess of ordinary receipts over ordinary disbursements	3,497,662.75	5,324,089.85	3,428,712.72	6,875,914.37	[1] 13,275,110.35

[1] Excess of disbursements over receipts.

Surplus (as above) May 31, 1911	$6,875,914.37
Deficit (as above) May 31, 1910	13,275,110.35
	20,151,024.72

Mr. DALZELL. Mr. Speaker, I would like to ask the gentleman a question.

Mr. GARNER. Now, Mr. Speaker——

The SPEAKER. The time of the gentleman from Texas [Mr. BURLESON] has expired.

Mr. MANN. Mr. Speaker, I ask unanimous consent that his time may be extended for five minutes.

Mr. GARNER. Mr. Speaker, I object.

Mr. MANN. Oh, ha, ha, ha.

Mr. PAYNE. Mr. Speaker, did any gentleman rise in his place and object?

The SPEAKER. Yes; the gentleman from Texas [Mr. GARNER] was standing in the aisle when he objected.

Mr. PAYNE. The gentleman from Texas [Mr. GARNER]?

The SPEAKER. Yes.

ELECTION OF MEMBERS TO FILL VACANCIES ON COMMITTEES.

Mr. UNDERWOOD. Mr. Speaker, there are vacancies on three standing committees of the House caused by the resignation of Members. I move the election of Hon. ROBERT E. DIFENDERFER, of Pennsylvania, to a vacancy now existing on the Committee on Expenditures in the War Department. Also the election of Hon. CHARLES F. BOOHER, of Missouri, to the Committee on Expenditures in the Navy Department. Also the election of the Hon SAMUEL A. WITHERSPOON, of Mississippi, to the Committee on Expenditures in the Department of Justice.

Mr. MANN. Mr. Speaker, I ask to have the motion reported from the Clerk's desk.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Hon. ROBERT E. DIFENDERFER, of Pennsylvania, nominated by the committee on committees——

Mr. UNDERWOOD. Mr. Speaker, I did not write the motion out. I just sent the names up there. The gentleman from Illinois——

Mr. MANN. I do not ask the gentleman from Alabama to write the motion out.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Hon. ROBERT E. DIFENDERFER, of Pennsylvania, to the Committee on Expenditures in the War Department.

Hon. CHARLES F. BOOHER, of Missouri, to the Committee on Expenditures in the Navy Department.

Hon. SAMUEL A. WITHERSPOON, of Mississippi, to the Committee on Expenditures in the Department of Justice.

Mr. PAYNE. Mr. Speaker, the Clerk started to read something as to the recommendation of the committee on committees. I suppose that as a member of the Ways and Means Committee I am a member of the committee on committees. I am not aware that that committee has been called together to make a recommendation.

Mr. JAMES. The gentleman is awfully mistaken about that.

Mr. UNDERWOOD. Mr. Speaker, I would say to the gentleman that he is still working under the czar rule on that side.

Mr. PAYNE. I think the only mistake the gentleman made was that he supposed before the session commenced, and has since, that the entire rules and legislation of the House were settled upon in caucus, and not in the House itself.

Mr. HELM. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HELM. Mr. Speaker, I will say that Mr. DIFENDERFER, who is assigned to the Committee on Expenditures in the War Department, takes the position vacated by Mr. BOOHER, and I would like to be informed what position Mr. DIFENDERFER will be accorded on that committee.

The SPEAKER. He will go to the foot of the Democratic contingent on that committee.

The question is on the motion of the gentleman from Alabama [Mr. UNDERWOOD].

The question was taken, and the motion was agreed to.

LEAVES OF ABSENCE.

By unanimous consent, leaves of absence were granted as follows:

To Mr. HAMMOND, for two weeks, on account of important business.

To Mr. BORLAND, for two weeks, on account of important business.

ADJOURNMENT UNTIL TUESDAY.

Mr. UNDERWOOD. Mr. Speaker, I move that when the House adjourns to-day it adjourn until Tuesday next.

Mr. MANN. Tuesday is unanimous-consent day and committee-discharge day.

Mr. UNDERWOOD. Mr. Speaker, the motion is not debatable.

Mr. MANN. I ask unanimous consent, Mr. Speaker, for one minute.

Mr. UNDERWOOD. Mr. Speaker, if the gentleman really wants to discuss this question, I will ask unanimous consent that the gentleman may have 10 minutes, and that I may have a like amount of time.

Mr. MANN. I do not want more than one minute.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that the gentleman from Illinois [Mr. MANN] have 10 minutes in which to discuss the motion.

Mr. MANN. I only asked one minute.

Mr. UNDERWOOD. I will couple with that the request that I have 10 minutes.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that the gentleman from Illinois have 1 minute and that he himself have 10 minutes. Is there objection?

Mr. PAYNE. Mr. Speaker, I object to that. I am in favor of the gentleman's original proposition for 10 minutes on a side.

Mr. UNDERWOOD. Has the unanimous consent carried, Mr. Speaker?

Mr. JAMES. It was objected to by the gentleman from New York over the protest of the minority leader.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Illinois [Mr. MANN] is recognized.

Mr. MANN. Mr. Speaker, next Monday, if the House met, would be Unanimous Consent Calendar day, Suspension Calendar day, and Committee Discharge Calendar day. There are a number of bills upon the Committee Discharge Calendar, such as the pension bill, a bill providing for the physical valuation of railroads, and a large number of others, which might just as well be considered by the House while it is waiting for the final adjournment and waiting on other business. It seems to me that with the committees appointed in the House ready to do work, if they are willing to work, it is right and proper that the House take up these matters on Monday and determine whether the House will proceed to their consideration if the committees will not discharge the duties for which they are appointed, but sit idle and do nothing. The motion of the gentleman from Alabama [Mr. UNDERWOOD] if it prevails, will carry over this discharge day. We have heard a good deal in the country about the desirability of giving the House the right to discharge committees which will not consider bills, and yet when we are met with the actual proposition that side of the House is afraid to meet the issue. It is all very well for them to say that the caucus of their party has determined not to act, but we are met now with this proposition, for example: On the Panama Canal it is absolutely necessary that we fix the tolls that shall be charged for the use of the canal when it shall have been opened. And yet we have here a majority declining, so far, to do anything, although I hope on that matter they will change their opinion.

Let us have a meeting on Monday and say whether we are willing to go ahead and transact other business while we are waiting upon the distinguished gentleman from Alabama and his committee to report these tariff bills. [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Speaker, when I hear the pathetic plea of the gentleman from Illinois I hark back to the time when the Hon. Thomas B. Reed sat in that chair and the Dingley bill was under consideration, when for four long months he refused to appoint a committee of this House because, he said—not the House, but he said—that this Congress should transact no business except the enactment of the tariff bill. I remember at that time——

Mr. HINDS. Will the gentleman yield there?

Mr. UNDERWOOD. No; excuse me. The Hon. Jerry Simpson, of Kansas, occupying a position corresponding to that of my friend from Illinois, would rise in his seat on every day, almost, and ask the distinguished Speaker of the House when he intended to appoint the committees and let the House transact business. I remember when the Payne bill was before this House it was stated by the distinguished gentleman from New York [Mr. PAYNE] that the session was a tariff session, and that we were here to enact only tariff legislation and that no other legislation should be considered by this House. We have Republican precedents if we wanted to prohibit legislation. But we do not. Instead of asking the Speaker of this House to act the part of a czar and refuse to appoint committees of the House we have carried the matter before the caucus of the responsible majority of this House, and they have outlined a program of legislation for this Congress at this extra session—a program that has met with the approval of the American people. [Applause on the Democratic side.]

We have not prohibited all legislation. We have passed a bill compelling publicity of campaign contributions before elections that you refused to do.

Mr. MANN. Oh, we passed it at the last Congress.

Mr. UNDERWOOD. Well, not requiring publicity of contributions before elections.

Mr. MANN. Yes; we did. In the House we passed it in that way.

Mr. BURLESON. But your party failed to enact it.

Mr. UNDERWOOD. Your party failed to pass it, and if it fails now it will be because of your party and not ours.

Mr. MANN. That is another question.

Mr. UNDERWOOD. We have passed on to the United States Senate a bill requiring the election of United States Senators by the people of the United States. We have passed the legislation that a Republican President called us together to enact——

Mr. WILSON of Illinois. So did we——

Mr. UNDERWOOD. Legislation which your party in another branch of Congress, at the other end of the Capitol, to this day has not even reported to the Senate of the United States. We are here to carry out our legislative program. The country did not want us to stay here all summer and enact any general legislation, therefore we limited our program to the important questions that the country demanded, including tariff legislation, and it would be a matter of absurdity for us when we had, by the action of the responsible majority of this House, told the chairmen of the great committees of this House that they should not report any bills except the bills agreed upon in our program, to come here and meet, as the gentleman from Illinois wants us to do, and go through the form of defeating motions to discharge committees when the responsible majority of this House has told those committees they should not report the bills.

Now, we do not dodge the issue. The reason the bills are not reported is because we said they should not be reported. In due time, I will say to the gentleman from Illinois, those bills will come before the House.

Mr. MANN. There is no time like the present.

Mr. UNDERWOOD. They will come before the House, not as introduced, but they will come before the House——

Mr. PAYNE. Mr. Speaker——

Mr. UNDERWOOD. I ask the gentleman not to interrupt me. They will come before the House properly considered by the legislative committees of this House, put on the calendar in the regular way, and if they meet with the approval of the majority of this House, they will be enacted into law. [Applause on the Democratic side.]

The gentleman from Illinois asked us to go through a farce. He knows, and the country knows, why the bills have not been reported, and he knows that if the Committee Discharge Calendar were in order to be considered to-day, in common justice to those committees, in good faith to our position, we would be compelled to defeat the motion to discharge the committees. It is for that reason that we are adjourning over Calendar Monday, so that the gentleman from Illinois [Mr. MANN] may not attempt to play horse in this House by trying to work the Discharge Calendar, when he knows the great committees of this House have been prohibited from reporting these bills. [Applause on the Democratic side.]

Mr. Speaker, I ask for a vote.

Mr. DALZELL. Will the gentleman allow me to interrupt him?

Mr. NORRIS. Mr. Speaker, I ask unanimous consent that I may proceed for five minutes.

Mr. UNDERWOOD. Mr. Speaker, I make the point of order that this resolution is not debatable.

Mr. NORRIS. The gentleman has had 10 minutes——

Mr. UNDERWOOD. I yielded to the minority leader [Mr. MANN] such time as he desired.

Mr. DALZELL. I suggest to the gentleman——

The SPEAKER. The House will be in order. This motion is not debatable under the rules, but the gentleman from Alabama [Mr. UNDERWOOD] obtained 10 minutes for himself and 1 minute for the gentleman from Illinois, at the request of that gentleman, by unanimous consent of the House.

Mr. DALZELL. If the time of the gentleman from Alabama has not expired, I think he ought to yield to me, to correct a mistaken statement which he made.

Mr. SLAYDEN. Mr. Speaker, if the gentleman representing the Democratic Party had 10 minutes, and the gentleman from Illinois [Mr. MANN], representing the Republican Party on this floor, had the opportunity to use 10 minutes, ought not the third party, represented by the gentleman from Nebraska [Mr. NORRIS] to have 10 minutes also?

The SPEAKER. The gentleman from Nebraska [Mr. NORRIS] asks unanimous consent to address the House for five minutes.

Mr. UNDERWOOD. I object.

The SPEAKER. Objection is made.

Mr. DALZELL. Will the gentleman yield now for a minute, to allow me to make a correction?

Mr. UNDERWOOD. If the gentleman says that he desires to have one minute to correct a statement that I made, if I have made any incorrect statement, I am pleased to have the gentleman correct it, and I will ask that the gentleman have one minute.

Mr. MANN. The gentleman from Alabama has time remaining.

Mr. DALZELL. Mr. Speaker, I think that in justice to the memory of Mr. Reed I should make this statement: The gentleman from Alabama [Mr. UNDERWOOD] ascribed to him an assumption of power to refuse to appoint committees. While the Dingley bill was in process of making, and while the House was adjourning three days at a time, as we are adjourning now, Mr. Dingley offered a resolution directing the Speaker to appoint the committees of the House, and that resolution was voted upon, and voted down by a vote of the House.

Mr. UNDERWOOD. Yes; after the House had been in session for months. I was here with the gentleman, and I remember very well. We had been in session for months.

Mr. DALZELL. But Mr. Reed was not responsible for that.

Mr. UNDERWOOD. Well, Speaker Reed had refused for months to appoint the committees, and then this resolution was offered to protect the Speaker.

Mr. SWITZER. Will the gentleman yield for a question?

Mr. UNDERWOOD. I ask for a vote.

Mr. SWITZER. Mr. Speaker, will the gentleman from Alabama allow a question?

Mr. UNDERWOOD. No. Mr. Speaker, I ask for a vote.

Mr. MANN. Mr. Speaker, when the question is put, I shall ask for the yeas and nays.

The SPEAKER. The question to be voted on is the motion of the gentleman from Alabama, that when the House adjourns to-day it adjourn to meet on Tuesday next. On that question the gentleman from Illinois demands the yeas and nays. Those in favor of ordering the yeas and and nays will rise and stand until they are counted. [After counting.] Those opposed will rise and stand until they are counted. The Chair will count all gentlemen standing.

The question being taken, the Speaker announced 48 in favor of ordering the yeas and nays and 130 in the negative, more than one-fifth in the affirmative—a sufficient number—and that the yeas and nays were ordered.

The question was taken; and there were—ayes 154, noes 67, answered "present" 6, not voting 160, as follows:

YEAS—154.

Alexander	Fields	Korbly	Roddenbery
Allen	Fitzgerald	Lamb	Rothermel
Ashbrook	Flood, Va.	Latta	Rouse
Ayres	Floyd, Ark.	Lee, Ga.	Rubey
Bathrick	Francis	Lee, Pa.	Rucker, Colo.
Beall, Tex.	Garner	Lever	Russell
Bell, Ga.	Garrett	Lewis	Saunders
Blackmon	George	Littlepage	Shackleford
Boehne	Glass	Lloyd	Sharp
Borland	Godwin, N. C.	Lobeck	Sheppard
Brown	Goeke	McCoy	Sherley
Buchanan	Goodwin, Ark.	McDermott	Sherwood
Bulkley	Gordon	McGillicuddy	Sims
Burke, Wis.	Gould	Macon	Sisson
Burleson	Graham	Maguire, Nebr.	Smith, Tex.
Burnett	Gray	Maher	Stedman
Byrnes, S. C.	Gregg, Pa.	Martin, Colo.	Stephens, Miss.
Byrns, Tenn.	Gregg, Tex.	Mays	Stephens, Tex.
Callaway	Hamill	Moon, Tenn.	Sulzer
Candler	Hamlin	Morrison	Sweet
Cantrill	Hardwick	Moss, Ind.	Talbott, Md.
Carlin	Hardy	Murray	Talcott, N. Y.
Clark, Fla.	Harrison, Miss.	Oldfield	Taylor, Colo.
Cline	Hay	O'Shaunessy	Thayer
Collier	Helm	Page	Thomas
Conry	Henry, Tex.	Palmer	Townsend
Cox, Ind.	Hensley	Parran	Tribble
Curley	Holland	Patten, N. Y.	Turnbull
Daugherty	Houston	Peters	Tuttle
Dent	Howard	Post	Underhill
Denver	Hughes, Ga.	Pou	Underwood
Dickinson	Hughes, N. J.	Rainey	Watkins
Difenderfer	Hull	Raker	Webb
Dixon, Ind.	Jacoway	Randell, Tex.	Whitacre
Doremus	James	Rauch	Wickliffe
Doughton	Johnson, Ky.	Redfield	Wilson, Pa.
Evans	Kipp	Reilly	Witherspoon
Faison	Kitchin	Richardson	
Ferris	Konop	Robinson	

NAYS—67.

Anderson, Minn.	Cox, Ohio	French	Hinds
Anderson, Ohio	Crago	Gardner, Mass.	Howell
Austin	Dalzell	Gillett	Hubbard
Bartholdt	Dodds	Griest	Jackson
Bingham	Dyer	Hamilton, Mich.	Kahn
Bowman	Esch	Haugen	Kinkaid, Nebr.
Burke, S. Dak.	Focht	Hawley	Knowland
Campbell	Foss	Helgesen	Lafean
Cannon	Fowler	Hill	La Follette
Lawrence	Morgan	Rees	Vreeland
McCreary	Needham	Reyburn	Wedemeyer
McKenzie	Norris	Roberts, Nev.	White
McKinney	Nye	Sloan	Willis
Malby	Payne	Steenerson	Wilson, Ill.
Mann	Pepper	Stone	Woods, Iowa
Miller	Powers	Switzer	Young, Kans.
Mondell	Pray	Taylor, Ohio	

ANSWERED "PRESENT"—6.

Adamson	Bartlett	Foster, Ill.	McMorran
Akin, N. Y.	Finley		

NOT VOTING—160.

Adair	Driscoll, D. A.	Kent	Porter
Aiken, S. C.	Driscoll, M. E.	Kindred	Prince
Ames	Dupre	Kinkead, N. J.	Prouty
Andrus	Dwight	Konig	Pujo
Ansberry	Edwards	Kopp	Ransdell, La.
Anthony	Ellerbe	Lafferty	Riordan
Barchfeld	Estopinal	Langham	Roberts, Mass.
Barnhart	Fairchild	Langley	Rodenberg
Bates	Farr	Legare	Rucker, Mo.
Berger	Fordney	Lenroot	Sabath
Booher	Fornes	Levy	Scully
Bradley	Foster, Vt.	Lindbergh	Sells
Brantley	Fuller	Lindsay	Simmons
Broussard	Gallagher	Linthicum	Slayden
Burke, Pa.	Gardner, N. J.	Littleton	Slemp
Butler	Goldfogle	Longworth	Small
Calder	Good	Loud	Smith, J. M. C.
Carter	Greene	Loudenslager	Smith, Saml. W.
Cary	Gudger	McCall	Smith, N. Y.
Catlin	Guernsey	McGuire, Okla.	Sparkman
Claypool	Hamilton, W. Va.	McHenry	Speer
Clayton	Hammond	McKinley	Stack
Connell	Hanna	McLaughlin	Stanley
Cooper	Harris	Madden	Stephens, Cal.
Copley	Harrison, N. Y.	Madison	Sterling
Covington	Hartman	Martin, S. Dak.	Stevens, Minn.
Cravens	Hayes	Matthews	Sulloway
Crumpacker	Heald	Mitchell	Taylor, Ala.
Cullop	Heflin	Moon, Pa.	Thistlewood
Currier	Henry, Conn.	Moore, Pa.	Tilson
Danforth	Higgins	Moore, Tex.	Towner
Davenport	Hobson	Morse, Wis.	Utter
Davidson	Howland	Mott	Volstead
Davis, Minn.	Hughes, W. Va.	Murdock	Warburton
Davis, W. Va.	Humphrey, Wash.	Nelson	Weeks
De Forest	Humphreys, Miss.	Olmsted	Wilder
Dickson, Miss.	Johnson, S. C.	Padgett	Wilson, N. Y.
Dies	Jones	Patton, Pa.	Wood, N. J.
Donohoe	Kendall	Pickett	Young, Mich.
Draper	Kennedy	Plumley	Young, Tex.

So the motion was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. LEVY with Mr. FOSTER of Vermont.

Mr. GOLDFOGLE with Mr. UTTER.

Mr. RUCKER of Missouri with Mr. OLMSTED.

Mr. SPARKMAN with Mr. BARCHFELD.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. CLAYTON with Mr. LANGLEY.

Mr. BARTLETT with Mr. BUTLER.

Mr. BOOHER with Mr. SULLOWAY.

Mr. ESTOPINAL with Mr. HENRY of Connecticut.

Mr. FOSTER of Illinois with Mr. KOPP.

Mr. KINDRED with Mr. HIGGINS.

Mr. ADAIR with Mr. HEALD.

Mr. LITTLETON with Mr. DWIGHT.

Mr. ELLERBE with Mr. DRAPER.

Mr. MOORE of Texas with Mr. HAYES (transferable).

Mr. CRAVENS with Mr. LOUDENSLAGER.

Mr. SLAYDEN with Mr. TILSON.

Mr. BARNHART with Mr. SIMMONS.

Mr. BRANTLEY with Mr. MCCALL.

Mr. AIKEN of South Carolina with Mr. ANTHONY.

Mr. ANSBERRY with Mr. BURKE of Pennsylvania.

Mr. CARTER with Mr. CALDER.

Mr. CLAYPOOL with Mr. COPLEY.

Mr. COVINGTON with Mr. CRUMPACKER.

Mr. DAVIS of West Virginia with Mr. DANFORTH.

Mr. DICKSON of Mississippi with Mr. DAVIDSON.

Mr. DIES with Mr. DE FOREST.

Mr. DONOHOE with Mr. PLUMLEY.

Mr. DANIEL A. DRISCOLL with Mr. MURDOCK.

Mr. EDWARDS with Mr. MADDEN.

Mr. HEFLIN with Mr. FORDNEY.

Mr. GUDGER with Mr. GREEN.

Mr. HAMMOND with Mr. HOWLAND.

Mr. HAMILTON of West Virginia with Mr. GUERNSEY.

Mr. HARRISON of New York with Mr. LONGWORTH.

Mr. HUMPHREYS of Mississippi with Mr. HUMPHREY of Washington.

Mr. JOHNSON of South Carolina with Mr. LANGHAM.

Mr. JONES with Mr. LOUD.

Mr. KINKEAD of New Jersey with Mr. MCKINLEY.

Mr. KONIG with Mr. MOON of Pennsylvania.

Mr. LINDSAY with Mr. MCGUIRE of Oklahoma.

Mr. LINTHICUM with Mr. SELLS.
Mr. RANSDELL of Louisiana with Mr. SLEMP.
Mr. SABATH with Mr. SAMUEL W. SMITH.
Mr. SCULLY with Mr. SPEER.
Mr. SMALL with Mr. STEPHENS of California.
Mr. SMITH of New York with Mr. STERLING.
Mr. STACK with Mr. DAVIS of Minnesota.
Mr. TAYLOR of Alabama with Mr. MARTIN of South Dakota.
Mr. WILSON of New York with Mr. MOTT.
Mr. YOUNG of Texas with Mr. HARTMAN.
Mr. HOBSON with Mr. FAIRCHILD (transferable).
Mr. GALLAGHER with Mr. FULLER.
Mr. BROUSSARD with Mr. J. M. C. SMITH.
Mr. LEGARE with Mr. MCLAUGHLIN.
Mr. STANLEY with Mr. KENNEDY.
On this vote:
Mr. CONNELL with Mr. WEEKS.
For one week (commencing May 29):
Mr. PADGETT with Mr. ROBERTS of Massachusetts.
From June 2 until Thursday noon:
Mr. MCHENRY with Mr. MICHAEL E. DRISCOLL.
From May 12 until two weeks later:
Mr. DAVENPORT with Mr. RODENBERG.
Commencing May 19 until two weeks later:
Mr. CULLOP with Mr. PICKETT.
Commencing May 12 until three weeks later.
Mr. GORDON with Mr. HUGHES of West Virginia.
From June 1 to July 1:
Mr. DUPRE with Mr. HANNA.
For the session:
Mr. PUJO with Mr. MCMORRAN.
Mr. FORNES with Mr. BRADLEY.
Mr. RIORDAN with Mr. ANDRUS.
Mr. FINLEY with Mr. CURRIER.

Mr. COPLEY. Mr. Speaker, I desire to know if I am recorded?

The SPEAKER. The gentleman is not recorded.

Mr. COPLEY. I would like to vote "no."

The SPEAKER. Did the gentleman vote on the first roll call?

Mr. COPLEY. Mr. Speaker, I was called out of the Hall temporarily.

The SPEAKER. If the gentleman was out of the Hall, he can not vote.

Mr. COPLEY. Unfortunately, I was sent for and got back after my name had been called. I would like to be recorded.

The SPEAKER. The gentleman does not bring himself within the rule.

The result of the vote was announced as above recorded.

LEAVES OF ABSENCE.

By unanimous consent leave of absence was granted to—

Mr. SHERWOOD, for three weeks, on account of important business.

Mr. CONNELL, for two weeks, on account of important business.

Mr. FINLEY, for 10 days, on account of business.

Mr. YOUNG of Texas, indefinitely, on account of illness.

Mr. CRUMPACKER, for 10 days, on account of important business.

ADJOURNMENT.

Then, on motion of Mr. UNDERWOOD (at 1 o'clock and 7 minutes p. m.), the House adjourned until Tuesday, June 6, 1911, at 12 o'clock m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of St. Marys River at the Falls, Mich. (H. Doc. No. 64); to the Committee on Rivers and Harbors and ordered to be printed, with accompanying illustrations.

A letter from the Board of Commissioners of the District of Columbia, inclosing draft of a joint resolution to provide for the maintenance of the contagious-disease service for the fiscal year ending June 30, 1911 (H. Doc. No. 63); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FLOOD of Virginia, from the Committee on the Territories, to which was referred the bill (H. R. 1301) to amend an act entitled "An act to prohibit the passage of local or special laws in the Territories of the United States, to limit Territorial indebtedness, and for other purposes," reported the same without amendment, accompanied by a report (No. 41), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 1680) to enable the city of Phoenix, in Maricopa County, Arizona Territory, to apply a portion of the proceeds derived from the sale of its sewer bonds to the purchase of the sewer system of the Phoenix Sewer & Drainage Co. in said city, reported the same without amendment, accompanied by a report (No. 42), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 4265) granting an increase of pension to William Harman; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 7465) granting an increase of pension to Emma A. Ford; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9622) for the relief of Madison County, Ky.; Committee on Claims discharged, and referred to the Committee on Rivers and Harbors.

A bill (H. R. 10528) granting an increase of pension to George A. Porterfield; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. UNDERWOOD: A bill (H. R. 11019) to reduce the duties on wool and manufactures of wool; to the Committee on Ways and Means.

By Mr. KONOP: A bill (H. R. 11020) for the payment of certain logging claims on the Menominee (Wis.) Indian Reservation; to the Committee on Indian Affairs.

By Mr. ROBINSON: A bill (H. R. 11021) to authorize the Levitte Land & Lumber Co. to construct a bridge across Bayou Bartholomew in Drew County, Ark.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 11022) to authorize the bridge directors of the Jefferson County bridge district to construct a bridge across the Arkansas River at Pine Bluff, Ark.; to the Committee on Interstate and Foreign Commerce.

By Mr. HAY: A bill (H. R. 11023) to decrease the expense and increase the efficiency of the Army; to the Committee on Military Affairs.

By Mr. DYER: A bill (H. R. 11024) affecting widows' pensions; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11025) amending section 2 of the pension act of June 27, 1890; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11026) to increase the compensation of bookbinders, printers, and pressmen in the Government Printing Office; to the Committee on Printing.

Also, a bill (H. R. 11027) providing for an increased rate of pension on account of total and permanent helplessness and dependence; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11028) to increase the pensions of certain widows of officers and enlisted men of the late Civil War and all Indian wars prior thereto; to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 11029) to provide for a public building at Titusville, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. KONOP: A bill (H. R. 11030) to authorize the discontinuance of Indian schools, the sale of school property, and for other purposes; to the Committee on Indian Affairs.

By Mr. MOON of Tennessee: A bill (H. R. 11031) making immediately available a part of the amount appropriated for inland transportation by star routes for the fiscal year ending June 30, 1912, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. WILSON of Pennsylvania: A bill (H. R. 11032) to regulate the issuance of restraining orders and procedure thereon and to limit the meaning of "conspiracy" in certain cases; to the Committee on the Judiciary.

Also, a bill (H. R. 11033) to more clearly define the act of July 2, 1890, entitled "An act to protect trade and commerce against any unlawful restraints and monopolies;" to the Committee on the Judiciary.

Also, a bill (H. R. 11034) providing for age limit on retired lists; to the Committee on Military Affairs.

By Mr. DYER: A bill (H. R. 11035) establishing a department of public health, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Kentucky (by request of the board of education of the District of Columbia): A bill (H. R. 11036) to establish and disburse a public-school teachers' retirement fund in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BARCHFELD: A bill (H. R. 11037) allowing credit in computing the pay of any officer of the Army, Navy, or Marine Corps for service while in the Revenue-Cutter Service; to the Committee on Naval Affairs.

Also, a bill (H. R. 11038) to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade; to the Committee on Naval Affairs.

By Mr. HAMILL: Resolution (H. Res. 187) providing for appointment of committee to investigate the installation of boilers at the navy yard, Brooklyn, N. Y.; to the Committee on Rules.

Also, resolution (H. Res. 188) requesting the Secretary of State to furnish the House of Representatives with information concerning certain statements made by John L. Griffiths, consul general at London; to the Committee on Foreign Affairs.

By Mr. FIELDS: Resolution (H. Res. 189) directing the Attorney General of the United States to report to the House of Representatives of the United States what prosecutions have been begun or are pending against the American Tobacco Co., of New York, and others; to the Committee on the Judiciary.

By Mr. BYRNS of Tennessee: Resolution (H. Res. 190) directing the Attorney General to inform the House of Representatives what prosecutions have been begun or are pending against the American Tobacco Co. and others; to the Committee on the Judiciary.

By Mr. FINLEY: Resolution (H. Res. 191) providing for the printing of 5,000 copies of Public Law No. 475; to the Committee on Printing.

By Mr. NYE: Joint resolution (H. J. Res. 112) to accept conveyance of summer presidential residence at Lake Minnetonka, Minn.; to the Committee on Public Buildings and Grounds.

By the SPEAKER: Memorial from the Legislature of Hawaii, in regard to establishing a national park in said Territory; to the Committee on the Territories.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 11039) granting an increase of pension to Wilson H. Claypool; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11040) granting an increase of pension to Alonzo Corser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11041) granting an increase of pension to Henry W. Beck; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 11042) granting an increase of pension to Solomon Morris; to the Committee on Pensions.

By Mr. AUSTIN: A bill (H. R. 11043) for the relief of Marion B. Patterson; to the Committee on Claims.

Also, a bill (H. R. 11044) granting an honorable discharge and back pay to William C. Chandler; to the Committee on Military Affairs.

By Mr. BARCHFELD: A bill (H. R. 11045) for the relief of Margaret F. Watson; to the Committee on Claims.

Also, a bill (H. R. 11046) for the relief of the estate of John Stewart, deceased; to the Committee on Claims.

Also, a bill (H. R. 11047) for the relief of the heirs of Lieut. R. B. Calvert, deceased; to the Committee on Claims.

Also, a bill (H. R. 11048) to pay certain employees of the Government for injuries received while in the discharge of duty; to the Committee on Claims.

Also, a bill (H. R. 11049) authorizing and directing the Secretary of State to examine and settle the claim of the Wales Island Packing Co.; to the Committee on Claims.

By Mr. BARNHART: A bill (H. R. 11050) granting an increase of pension to William H. Clark; to the Committee on Invalid Pensions.

By Mr. BATHRICK: A bill (H. R. 11051) granting an increase of pension to William J. Naugle; to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 11052) granting an increase of pension to Alexander H. Francisco; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11053) granting an increase of pension to Judson B. Lupton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11054) granting an increase of pension to Ezra Hyatt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11055) granting an increase of pension to Gilbert D. W. Roat; to the Committee on Invalid Pensions.

By Mr. BURKE of Wisconsin: A bill (H. R. 11056) granting an increase of pension to Lyman A. Babcock; to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 11057) granting an increase of pension to H. Clay Smith; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 11058) for the relief of the estate of Pinkney Gibson; to the Committee on War Claims.

Also, a bill (H. R. 11059) for the relief of the estate of George D. Martin; to the Committee on War Claims.

Also, a bill (H. R. 11060) for the relief of the estate of E. J. Boyd; to the Committee on War Claims.

Also, a bill (H. R. 11061) granting an increase of pension to Elizabeth Jackson; to the Committee on Pensions.

By Mr. CAMERON: A bill (H. R. 11062) for the relief of William Wooster; to the Committee on Claims.

By Mr. COPLEY: A bill (H. R. 11063) granting an increase of pension to John Kozuball; to the Committee on Pensions.

By Mr. CRUMPACKER: A bill (H. R. 11064) granting an increase of pension to William McD. Duddlestone; to the Committee on Invalid Pensions.

By Mr. DAUGHERTY: A bill (H. R. 11065) granting an increase of pension to Henry Dorman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11066) granting an increase of pension to John J. Boles; to the Committee on Invalid Pensions.

By Mr. DODDS: A bill (H. R. 11067) granting a pension to Robert Whiteside; to the Committee on Pensions.

Also, a bill (H. R. 11068) granting an increase of pension to David Taylor; to the Committee on Invalid Pensions.

By Mr. DOUGHTON: A bill (H. R. 11069) for the relief of the heirs of Henry Warren, deceased; to the Committee on War Claims.

By Mr. DYER: A bill (H. R. 11070) granting a pension to Celsus G. Gross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11071) granting a pension to Laura Hilgeman; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 11072) granting an increase of pension to James B. C. Shaffer; to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 11073) granting an increase of pension to Benjamin Harrison; to the Committee on Pensions.

By Mr. GEORGE: A bill (H. R. 11074) for the relief of William H. Sloan; to the Committee on Military Affairs.

Also, a bill (H. R. 11075) for the relief of William E. Farrell; to the Committee on Naval Affairs.

Also, a bill (H. R. 11076) granting a pension to Isaac R. Turckheim; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11077) granting an increase of pension to Peter H. Brower; to the Committee on Invalid Pensions.

By Mr. GRAY: A bill (H. R. 11078) granting a pension to Thomas J. Bland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11079) granting an increase of pension to Daniel Higdon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11080) granting an increase of pension to Granville Williams; to the Committee on Pensions.

Also, a bill (H. R. 11081) granting an increase of pension to Persey Kitchell; to the Committee on Invalid Pensions.

By Mr. HAMILL: A bill (H. R. 11082) granting a medal of honor to John Garrick; to the Committee on Naval Affairs.

By Mr. HARTMAN: A bill (H. R. 11083) granting a pension to Jasper C. Robinett; to the Committee on Invalid Pensions.

By Mr. HEALD: A bill (H. R. 11084) for the relief of the Delaware Transportation Co., of Wilmington, Del.; to the Committee on Claims.

By Mr. LINDSAY: A bill (H. R. 11085) granting an increase of pension to James Powell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11086) granting an increase of pension to Michael Burke; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11087) granting an increase of pension to William Fagan; to the Committee on Invalid Pensions.

By Mr. LOBECK: A bill (H. R. 11088) granting an increase of pension to John H. Lennon; to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 11089) granting a pension to Thomas Comerford; to the Committee on Pensions.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 11090) granting a pension to Mrs. Philander Hagerman; to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 11091) granting an increase of pension to Joseph H. Chandler; to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 11092) for the relief of James M. Daniel; to the Committee on Military Affairs.

Also, a bill (H. R. 11093) for the relief of John S. Nix; to the Committee on War Claims,

Also, a bill (H. R. 11094) donating bronze cannon to John Schuler Post, No. 67, Grand Army of the Republic, Sheridan, Wyo.; to the Committee on Military Affairs.

By Mr. NORRIS: A bill (H. R. 11095) granting a pension to J. W. Jewell; to the Committee on Pensions.

By Mr. OLDFIELD: A bill (H. R. 11096) granting an increase of pension to Franklin C. Bartlett; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 11097) granting an increase of pension to Hazzard P. Gavitt; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 11098) for the relief of the estate of Daniel Dutton; to the Committee on War Claims.

Also, a bill (H. R. 11099) granting a pension to Isham D. Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11100) granting a pension to Peter Reno; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11101) granting a pension to Orville Fox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11102) granting a pension to William Reynolds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11103) granting a pension to H. E. Rives; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11104) granting a pension to W. T. Meadors; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11105) granting an increase of pension to George W. Nichols; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11106) grating an increase of pension to David Lucas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11107) granting an increase of pension to Fred Leick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11108) granting an increase of pension to Arthur R. Frogge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11109) granting an increase of pension to Clay Jackson; to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 11110) for the relief of Henry J. Voglesong; to the Committee on Claims.

Also, a bill (H. R. 11111) granting an increase of pension to Jasper N. Cooper; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 11112) granting an increase of pension to Edward H. Ridenour; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11113) granting an increase of pension to Darcus C. Burton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11114) granting an increase of pension to Samuel Workman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11115) granting an increase of pension to William James Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11116) granting an increase of pension to James M. Abney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11117) granting an increase of pension to Abraham Shipman; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 11118) for the relief of Jacob Holzknecht; to the Committee on Military Affairs.

Also, a bill (H. R. 11119) for the relief of Jackson Harris; to the Committee on Military Affairs.

Also, a bill (H. R. 11120) to remove the charge of desertion against Andrew Sells; to the Committee on Military Affairs.

Also, a bill (H. R. 11121) to correct the military record of Edward Murphy; to the Committee on Military Affairs.

Also, a bill (H. R. 11122) to correct the military record of William Peacock; to the Committee on Military Affairs.

Also, a bill (H. R. 11123) to correct the military record of George W. Wilson; to the Committee on Military Affairs.

Also, a bill (H. R. 11124) to correct the military record of H. R. Riley; to the Committee on Military Affairs.

Also, a bill (H. R. 11125) to correct the military record of O. F. Heath; to the Committee on Military Affairs.

Also, a bill (H. R. 11126) to correct the military record of John Potter; to the Committee on Military Affairs.

Also, a bill (H. R. 11127) granting a pension to Eli M. Blair; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11128) granting a pension to Nancy Odom; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11129) granting a pension to John R. Jones; to the Committee on Pensions.

Also, a bill (H. R. 11130) granting a pension to Hardy N. Miles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11131) granting a pension to Stanley S. Stout; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11132) granting a pension to James A. Kelley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11133) granting a pension to W. E. Nelms; to the Committee on Pensions.

Also, a bill (H. R. 11134) granting a pension to John Miller; to the Committee on Pensions.

Also, a bill (H. R. 11135) granting an increase of pension to Maggie Blevins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11136) granting an increase of pension to Henry Lethco; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11137) granting an increase of pension to Francis M. Lawson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11138) granting an increase of pension to William C. Tilley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11139) granting an increase of pension to Henry Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11140) granting an increase of pension to Calvin M. West; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11141) granting an increase of pension to John E. Greene; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11142) granting an increase of pension to Calvin McEwen; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 11143) granting an increase of pension to Calvin Pace; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11144) granting an increase of pension to James Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11145) granting an increase of pension to Henry Meridu; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11146) granting an increase of pension to Daniel Beci; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11147) granting an increase of pension to Julia C. Borstow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11148) to carry into effect the findings of the Court of Claims in case of Preston Lodge, No. 47, Ancient Free and Accepted Masons, of Jonesville, Va.; to the Committee on War Claims.

By Mr. SHEPPARD: A bill (H. R. 11149) to authorize the Secretary of the Treasury to convey to the city of Sulphur Springs, Tex., certain land for street purposes; to the Committee on Public Buildings and Grounds.

By Mr. SIMS: A bill (H. R. 11150) for the relief of the legal representatives of Lytle Newton, deceased; to the Committee on War Claims.

By Mr. SPEER: A bill (H. R. 11151) granting an increase of pension to W. W. Kope; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11152) granting an increase of pension to Lewis Bartlett; to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 11153) granting an increase of pension to Zachary T. Russell; to the Committee on Invalid Pensions.

By Mr. STONE: A bill (H. R. 11154) to correct the military record of James E. Thompson; to the Committee on Military Affairs.

Also, a bill (H. R. 11155) to correct the military record of George Washington Lee; to the Committee on Military Affairs.

By Mr. WOODS of Iowa: A bill (H. R. 11156) granting an increase of pension to William G. Clark; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANSBERRY: Petition of Myers & Ditto and others, of Wetsel, Ohio, in favor of a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of members of the Defiance County (Ohio) Drug Association, against House bill 8887; to the Committee on Ways and Means.

By Mr. ASHBROOK: Petition of F. J. Huber and 14 other grocery merchants, of Coshocton, Ohio, asking for a reduction of the present duty on sugar; to the Committee on Ways and Means.

Also, petitions of the Dois-Fortig Co., Canal Dover, Ohio; Elvin Van Ostan and C. E. Becker, both of Uhrichsville, Ohio,

asking for a reduction of the present duty on sugar; to the Committee on Ways and Means.

By Mr. AYRES: Petition of citizens of New York, in favor of parcels post; to the Committee on the Post Office and Post Roads.

By Mr. BELL of Georgia: Petition of Cornelia (Ga.) Wholesale Grocery Co., for reduction of duty on sugars; to the Committee on Ways and Means.

By Mr. BURKE of South Dakota: Resolution of the Central City Socialist Club, of Central City, S. Dak., protesting against the extradition of John J. McNamara; to the Committee on Labor.

Also, petition of sundry citizens of Presho, S. Dak., asking reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of sundry citizens of Stockholm, S. Dak., asking reduction of tax on sugar; to the Committee on Ways and Means.

By Mr. BURLESON: Resolutions, petitions, letters, etc., from various organizations throughout the country, protesting against the 10-cent tax on colored oleomargarine and asking Congress to repeal it; also asking Congress to investigate and endeavor to check spread of disease carried through dairy products, especially to prevent tuberculosis: Barbers' Local No. 305, Washington, D. C.; the Art Club of Sheridan, Wyo.; Peekskill Trade and Labor Council, Peekskill, N. Y.; Fortnightly Club, Keene, N. H.; Brotherhood of Painters, Decorators, and Paperhangers of America, Local No. 194, Chicago, Ill.; Woman's Club, Woodbury, Ga.; Friday Literary Club, Bradentown, Fla.; the Epoch Club, Pittsburg, Pa.; Saturday Literary Club, Brookings, S. Dak.; Pattern Makers' Association, Indianapolis, Ind.; Mutual Improvement Club, Hawarden, Iowa; Brotherhood of Railway Clerks, Lodge No. 19, Covington, Ky.; Order of Railway Conductors, Division 176, Corning, N. Y.; Plumbers and Steamfitters' Local No. 13, Rochester, N. Y.; Henry George Association, Youngstown, Ohio; Lawrence Woman's Club, Lawrence, Mass.; Brotherhood of Locomotive Firemen and Enginemen, Roseburg Lodge, No. 542, Roseburg, Oreg.; Ceramic, Mosaic, and Encaustic Tile Layers and Helpers' International Union, Local No. 19, St. Paul and Minneapolis, Minn.; Brotherhood of Railway Carmen of America, Cotton Belt Lodge, No. 7, Pine Bluff, Ark.; Grand International Auxiliary to the Brotherhood of Locomotive Engineers, Altoona, Pa.; La Jolla Woman's Club, La Jolla, Cal.; International Union of the United Brewery Workmen of America, Local No. 157, Dallas, Tex.; the Tuesday Club, Chicago, Ill.; the Woman's Club, Wilkensburg, Pa.; Bolt and Nut Workers' Union No. 306, Chicago, Ill.; Beer Bottlers' Local Union No. 187, St. Louis, Mo.; Stove Mounters and Steel Range Workers' International Union, Belleville, Ill.; Order of Railway Conductors, San Gabriel Division 256, Smithville, Tex.; International Union of Steam Engineers, Local No. 38, Omaha, Nebr.; Village Improvement Association, Cranford, N. J.; Brotherhood of Slate Workers, Bangor, Pa.; Denver Photo Engravers' Union, No. 18, Denver, Colo.; Amalgamated Association of Iron, Steel, and Tin Workers of North America, Pittsburg, Pa.; Unity Division No. 13, Grand International Auxiliary, Brotherhood of Locomotive Engineers, Saginaw, Mich.; Medical Woman's Club, Minneapolis, Minn.; and Queen Anne Fortnightly Club, Seattle, Wash.; to the Committee on Agriculture.

Also, petition signed by a number of business men of Bartlett, Tex., protesting against the Burleson and Scott bills, now pending before Congress, to prohibit dealing in cotton futures on exchanges, etc.; to the Committee on Agriculture.

Also, petition signed by Messrs. McKean Bros. and other citizens of Prairie Lea, Caldwell County, Tex., asking for a reduction of duty on raw and refined sugars, etc.; to the Committee on Ways and Means.

Also, petition signed by J. E. Pauls and others, citizens of Paige, Bastrop County, Tex., asking for a reduction of duty on raw and refined sugars, etc.; to the Committee on Ways and Means.

Also, resolution of Lee County Farmers' Union, No. 48, of Tanglewood, Tex., urging passage of House bill 11, a bill to abolish trading in cotton futures; to the Committee on Agriculture.

By Mr. BYRNS of Tennessee: Papers to accompany bill for relief of estate of E. J. Boyd; to the Committee on War Claims.

Also, papers to accompany bill to increase the pension of Elizabeth Jackson; to the Committee on Pensions.

Also, papers to accompany bill for relief of the estate of Pinkney Gibson; to the Committee on War Claims.

By Mr. CLARK of Florida: Petition of Board of Trade of Fort Lauderdale, Fla., asking for the deepening and widening of New River Inlet; to the Committee on Rivers and Harbors.

By Mr. DALZELL: Petition of Altoona Drug Exchange, protesting against the passage of House bill 8887, proposing a tax of 2½ per cent on all proprietary medicines; to the Committee on Ways and Means.

Also, petition of Chamber of Commerce of Pittsburg, Pa., relative to House resolution 97; to the Committee on Rules.

Also, petition of E. V. Babcock & Co., wholesale lumber dealers, of Pittsburg, Pa., relative to House bill 97; to the Committee on Rules.

Also, petition of Hive No. 130, Ladies of the Maccabees of the World, Vandergrift, Pa., relative to bill to tax fraternal benefit societies; to the Committee on Ways and Means.

By Mr. DENVER: Petition of Dr. John C. Larkin for committee on public health; to the Committee on Rules.

Also, petition of the Strong, Carlisle & Hammond Co., of Cleveland, Ohio, asking for a reduction in the postage rate on first-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of George W. Pearce, of New Petersburg, Ohio, against the parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of Dr. C. O. Probst, of Columbus, Ohio, relative to a committee on public health; to the Committee on Ways and Means.

Also, petition of Dr. L. L. Taylor, of Yellow Springs, Ohio, relative to a committee on public health; to the Committee on Rules.

By Mr. DODDS: Petition of citizens of Mecosta, Mich., against the passage of Senate bill 237, as to the observance of Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of S. Bracebridge and others, citizens of Grant, Mich., against the passage of Senate bill 237, as to the observance of Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

Also, petitions of the Seventh-day Adventist Church of Clarence, Mich.; of Grant, Mich.; and of Mecosta, Mich., against the passage of Senate bill 237, as to the observance of Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

By Mr. FOCHT: Papers to accompany House bill 10978, for the relief of David Mowen; to the Committee on Military Affairs.

Also, resolution from Local Camp No. 384, at Donnally Mills, Pa., favoring the enactment of the illiteracy-test law; to the Committee on Immigration and Naturalization.

Also, petition from citizens of Landisburg, Pa., favoring a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. FULLER: Petition of the American Association of Refrigeration, concerning legislation as to cold storage of perishable food products; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Carded Wool Manufacturers' Association, opposing a specific duty on wool and favoring an ad valorem duty instead; to the Committee on Ways and Means.

Also, petition of Streator (Ill.) Typographical Union, No. 328, favoring the Berger resolution; to the Committee on Rules.

Also, petition of American Niceloid & Manufacturing Co., concerning duty on plated sheet zinc and plated tin plates; to the Committee on Ways and Means.

By Mr. GOLDFOGLE: Resolution of Order Brith Abraham, favoring resolutions (H. J. Res. 5, 21, 40, and 46) for abrogation of the treaty of 1832 with Russia; to the Committee on Foreign Affairs.

By Mr. HARTMAN: Resolutions of Altoona Lodge, No. 287, Brotherhood of Locomotive Firemen and Enginemen, in reference to House concurrent resolution 6; to the Committee on Labor.

Also, resolution from the Altoona Drug Exchange, protesting against the passage of House bill 8887, proposing a tax of 2½ per cent on all proprietary medicines; to the Committee on Ways and Means.

Also, petition of Wray, Moore & Co. (Ltd.), of Altoona, Pa., asking for reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. HAUGEN: Petition of sundry citizens of Maynard, Iowa, asking a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. KNOWLAND: Resolutions adopted by the Humboldt Chamber of Commerce, Eureka, Cal., requesting the transfer of the sloop of war *Portsmouth* to San Francisco, Cal.; to the Committee on Naval Affairs.

By Mr. LAFEAN: Petition of H. I. Glatfelter, of Hanover Junction, Pa., praying for the reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. McKINNEY: Protest by the Retail Druggists' Association of Rock Island County, Ill., against the passage of House bill 8887, providing for an internal-revenue tax on proprietary medicines; to the Committee on Ways and Means.

By Mr. MADISON: Petition of sundry citizens asking reduction of duties on sugar; to the Committee on Ways and Means.

By Mr. MORGAN: Petitions of various citizens of the second congressional district of Oklahoma, remonstrating against Senate bill No. 237; to the Committee on the District of Columbia.

By Mr. OLDFIELD: Petition of sundry citizens of Middle Brook, Ark., asking reduction of duty on sugars; to the Committee on Ways and Means.

By Mr. POWERS: Papers to accompany bill for the relief of the estate of Daniel Dutton; to the Committee on War Claims.

By Mr. PRAY: Petition of sundry citizens of Montana against the passage of House bill 8887; to the Committee on Interstate and Foreign Commerce.

By Mr. REDFIELD: Petition of Thomas H. Barry Camp, No. 75, United Spanish War Veterans, favoring restoration of the Army canteen; to the Committee on Military Affairs.

By Mr. ROBINSON: Papers to accompany House bill 2410, granting a pension to Misses M. E. and S. J. Gladney; to the Committee on Pensions.

By Mr. SHEPPARD: Petition of citizens of the first district of Texas for reduction of tax on sugar; to the Committee on Ways and Means.

By Mr. SLOAN: Petition of sundry persons asking reduction of tax on sugar; to the Committee on Ways and Means.

By Mr. SMITH of Texas: Petition of sundry persons of Pride, Tex., asking reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of sundry citizens of Texas, asking reduction of tax on sugar; to the Committee on Ways and Means.

By Mr. TALCOTT of New York: Petition of sundry citizens, requesting a reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

SENATE.

MONDAY, *June 5, 1911.*

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

ELECTION OF PRESIDENT PRO TEMPORE.

The SECRETARY (Charles G. Bennett). Senators, in the absence of the Vice President the first business in order will be the selection of a presiding officer.

Mr. LODGE. Mr. Secretary, I make the point of no quorum.

The SECRETARY. The point of no quorum being made, the Clerk will call the roll.

The reading clerk (John C. Crockett) called the roll, and the following Senators answered to their names:

Bacon	Cummins	La Follette	Root
Bourne	Curtis	Lea	Smoot
Bradley	Davis	Lippitt	Stephenson
Brandegee	Dillingham	Lodge	Sutherland
Bristow	Fletcher	McCumber	Taylor
Brown	Foster	McLean	Terrell
Burnham	Gallinger	Martin, Va.	Thornton
Burton	Gamble	Martine, N. J.	Warren
Chamberlain	Gronna	Nelson	Watson
Chilton	Guggenheim	Nixon	Wetmore
Clapp	Heyburn	Oliver	Williams
Clark, Wyo.	Hitchcock	Page	Works
Crawford	Johnston	Penrose	
Culberson	Jones	Pomerene	
Cullom	Kenyon	Rayner	

The SECRETARY. Senators, 57 Senators having answered to their names, a quorum is present. What is the pleasure of the Senate?

Mr. LODGE. The Senate can do nothing except vote for President pro tempore.

Mr. CULLOM. On a former occasion I nominated the senior Senator from New Hampshire [Mr. GALLINGER].

Mr. MARTIN of Virginia. I apprehend that it is only necessary to have a call of the roll, without nominations.

Mr. LODGE. That is all.

Mr. MARTIN of Virginia. I desire to say that the Senator from Georgia [Mr. BACON] has been heretofore nominated by me.

The SECRETARY. In the opinion of the Secretary, no further nominations are necessary. The clerk will call the roll.

The reading clerk proceeded to call the roll.

Mr. BACON (when his name was called). I have a general pair with the Senator from Maine [Mr. FRYE]. I transfer that pair to the Senator from Alabama [Mr. BANKHEAD] and vote for Mr. TILLMAN.

Mr. BROWN (when his name was called). I am paired with the senior Senator from Indiana [Mr. SHIVELY] for the day, and therefore I withhold my vote. This announcement will stand for the day.

Mr. FLETCHER (when Mr. BRYAN'S name was called). My colleague [Mr. BRYAN] is unavoidably absent on account of sickness. I expect him here to-day, but he has not yet arrived.

Mr. JOHNSTON of Alabama. The junior Senator from Florida [Mr. BRYAN] is paired with the junior Senator from Iowa [Mr. KENYON].

Mr. LODGE (when Mr. CRANE'S name was called). My colleague [Mr. CRANE] is unavoidably absent from the city. He is paired on this vote with the junior Senator from Indiana [Mr. KERN]. If my colleague were present, he would vote for Senator GALLINGER and the junior Senator from Indiana would vote for Senator BACON.

Mr. GUGGENHEIM (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER], who has been detained, and therefore I withhold my vote.

Mr. KENYON (when his name was called). I announce a pair with the junior Senator from Florida [Mr. BRYAN]. If the junior Senator from Florida were here, he would vote for Senator BACON and I would vote for Senator GALLINGER.

Mr. LIPPITT (when his name was called). I am paired with the junior Senator from New York [Mr. O'GORMAN]. If he were here, he would vote for Mr. BACON and I would vote for Mr. GALLINGER.

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. He being absent, I withhold my vote. I make this announcement for all the votes upon this subject during the day.

Mr. GORE (when Mr. OWEN'S name was called). My colleague [Mr. OWEN] is absent from the city, and is paired with the junior Senator from Idaho [Mr. BORAH]. If my colleague were present, he would vote for Mr. BACON.

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN], and withhold my vote.

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the junior Senator from Maryland [Mr. SMITH], and I vote for Mr. BACON.

Mr. SMITH of Michigan (when Mr. TOWNSEND'S name was called). My colleague [Mr. TOWNSEND] is unavoidably absent. He is paired with the junior Senator from Virginia [Mr. SWANSON]. If my colleague were present, he would vote for Senator GALLINGER.

The roll call was concluded.

Mr. BORAH. I have a general pair with the Senator from Oklahoma [Mr. OWEN]. If he were present, he would vote for Senator BACON, and I would vote for Senator GALLINGER.

Mr. McCUMBER. I will transfer my pair with the senior Senator from Mississippi [Mr. PERCY] to the junior Senator from Illinois [Mr. LORIMER], so that the two may stand paired, and I will vote. I vote for Mr. GALLINGER.

Mr. DILLINGHAM. I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], who is absent, and I withhold my vote. If he were present, I should vote for Senator GALLINGER. I make this announcement for the day.

Mr. MARTIN of Virginia. I desire to announce that my colleague [Mr. SWANSON] is unavoidably absent from the city. He is paired with the junior Senator from Michigan [Mr. TOWNSEND]. If my colleague were present, he would vote for Senator BACON.

I desire also to announce that the junior Senator from New York [Mr. O'GORMAN] is unavoidably absent, and is paired with the junior Senator from Rhode Island [Mr. LIPPITT]. If the junior Senator from New York were present, he would vote for Mr. BACON.

Mr. CULBERSON (after having voted for Mr. BACON). I have a general pair with the Senator from Delaware [Mr. DU PONT]. In his absence, I transfer that pair to the Senator from Arkansas [Mr. CLARKE] and allow my vote to stand.

Mr. SIMMONS. I desire to announce that my colleague [Mr. OVERMAN] is unavoidably absent from the city. He is

paired with the senior Senator from California [Mr. PERKINS]. If my colleague were present, he would vote for Mr. BACON.

Mr. STONE. My colleague [Mr. REED] has been detained from the Senate. He expects to be here, but he has not been able to reach the Senate in time for this vote. If my colleague were present, he would vote for Mr. BACON.

The roll call resulted as follows:

FOR MR. GALLINGER—27.

Bradley	Curtis	McLean	Smith, Mich.
Brandegee	Dixon	Nelson	Smoot
Briggs	Gamble	Nixon	Stephenson
Burnham	Heyburn	Oliver	Sutherland
Burton	Jones	Page	Warren
Clark, Wyo.	Lodge	Penrose	Wetmore
Cullom	McCumber	Root	

FOR MR. BACON—25.

Bailey	Gore	Newlands	Terrell
Chamberlain	Hitchcock	Pomerene	Thornton
Chilton	Johnston, Ala.	Rayner	Watson
Culberson	Lea	Simmons	Williams.
Davis	Martin, Va.	Smith, S. C.	
Fletcher	Martine, N. J.	Stone	
Foster	Myers	Taylor	

FOR MR. CLAPP—8.

Bourne	Crawford	Gronna	Poindexter
Bristow	Cummins	La Follette	Works

FOR MR. LODGE—1.

Gallinger

FOR MR. BRISTOW—1.

Clapp

FOR MR. TILLMAN—1.

Bacon

NOT VOTING—28.

Bankhead	du Pont	Lorimer	Reed
Borah	Frye	O'Gorman	Richardson
Brown	Guggenheim	Overman	Shively
Bryan	Johnson, Me.	Owen	Smith, Md.
Clarke, Ark.	Kenyon	Paynter	Swanson
Crane	Kern	Percy	Tillman
Dillingham	Lippitt	Perkins	Townsend

The SECRETARY. Senators, the total number of votes cast is 63. The senior Senator from New Hampshire [Mr. GALLINGER] has received 27; the senior Senator from Georgia [Mr. BACON] has received 25; the junior Senator from Minnesota [Mr. CLAPP] has received 8; the senior Senator from Massachusetts [Mr. LODGE], 1; the junior Senator from Kansas [Mr. BRISTOW], 1; and the senior Senator from South Carolina [Mr. TILLMAN], 1. There has been no choice. The clerk will again call the roll.

The reading clerk proceeded to call the roll.

Mr. BACON (when his name was called). Announcing for the day the transfer of my pair with the senior Senator from Maine [Mr. FRYE] to the Senator from Alabama [Mr. BANKHEAD], I again vote. I vote for the Senator from South Carolina [Mr. TILLMAN].

Mr. BORAH (when his name was called). I again announce my pair with the Senator from Oklahoma [Mr. OWEN], and shall let this announcement of the pair stand for the day.

Mr. FLETCHER (when Mr. BRYAN's name was called). I desire to state that my colleague [Mr. BRYAN] is unavoidably absent. He is paired with the junior Senator from Iowa [Mr. KENYON]. If present, my colleague would vote for the Senator from Georgia [Mr. BACON]. I will let this announcement of the pair stand for the day.

Mr. LODGE (when Mr. CRANE's name was called). I desire to announce again for the day the pair of my colleague [Mr. CRANE] with the junior Senator from Indiana [Mr. KERN]. If my colleague were present, he would vote for the Senator from New Hampshire [Mr. GALLINGER], and the Senator from Indiana would vote for the Senator from Georgia [Mr. BACON].

Mr. GUGGENHEIM (when his name was called). I again announce my general pair with the senior Senator from Kentucky [Mr. PAYNTER].

Mr. LIPPITT (when his name was called). I again announce my pair with the Senator from New York [Mr. O'GORMAN].

Mr. McCUMBER (when his name was called). I again transfer my pair with the senior Senator from Mississippi [Mr. PERCY] to the junior Senator from Illinois [Mr. LORIMER], and shall vote. I vote for the Senator from New Hampshire [Mr. GALLINGER].

Mr. PERKINS (when his name was called). I again announce my pair with the junior Senator from North Carolina [Mr. OVERMAN].

Mr. SMITH of South Carolina (when his name was called). I again announce my general pair with the Senator from Delaware [Mr. RICHARDSON], but I transfer that pair to the junior Senator from Maryland [Mr. SMITH] and vote. I vote for the Senator from Georgia [Mr. BACON].

The roll call was concluded.

Mr. GORE. I desire to again announce that my colleague [Mr. OWEN] is unavoidably absent from the Senate. He is paired with the junior Senator from Idaho [Mr. BORAH]. If present, my colleague would vote for the Senator from Georgia [Mr. BACON].

The roll call resulted as follows:

FOR MR. GALLINGER—27.

Bradley	Curtis	McLean	Smith, Mich.
Brandegee	Dixon	Nelson	Smoot
Briggs	Gamble	Nixon	Stephenson
Burnham	Heyburn	Oliver	Sutherland
Burton	Jones	Page	Warren
Clark, Wyo.	Lodge	Penrose	Wetmore
Cullom	McCumber	Root	

FOR MR. BACON—26

Bailey	Gore	Newlands	Taylor
Chamberlain	Hitchcock	Pomerene	Terrell
Chilton	Johnston, Ala.	Rayner	Thornton
Culberson	Lea	Reed	Watson
Davis	Martin, Va.	Simmons	Williams
Fletcher	Martine, N. J.	Smith, S. C.	
Foster	Myers,	Stone	

FOR MR. CLAPP—8.

Bourne	Crawford	Gronna	Poindexter
Bristow	Cummins	La Follette	Works

FOR MR. LODGE—1.

Gallinger

FOR MR. BRISTOW—1.

Clapp

FOR MR. TILLMAN—1.

Bacon

NOT VOTING—27.

Bankhead	du Pont	Lorimer	Richardson
Borah	Frye	O'Gorman	Shively
Brown	Guggenheim	Overman	Smith, Md.
Bryan	Johnson, Me.	Owen	Swanson
Clarke, Ark.	Kenyon	Paynter	Tillman
Crane	Kern	Percy	Townsend
Dillingham	Lippitt	Perkins	

The SECRETARY. Senators, 64 Senators have voted; necessary to a choice, 33. The Senator from New Hampshire [Mr. GALLINGER] has received 27 votes; the Senator from Georgia [Mr. BACON] has received 26 votes; the Senator from Minnesota [Mr. CLAPP] has received 8 votes; the Senator from Massachusetts [Mr. LODGE] has received 1 vote; the Senator from Kansas [Mr. BRISTOW] has received 1 vote; and the Senator from South Carolina [Mr. TILLMAN] has received 1 vote. There has been no choice.

Mr. CULLOM. Mr. Secretary, it seems apparent that we are not going to agree upon a President pro tempore to-day, and as there is a very important hearing going on in the Finance Committee of the Senate I move that the Senate adjourn.

The SECRETARY. The Senator from Illinois moves that the Senate adjourn. The question is on that motion.

Mr. DAVIS. On that I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 40, nays, 28, as follows:

YEAS—40.

Borah	Crawford	La Follette	Poindexter
Bourne	Cullom	Lodge	Root
Bradley	Cummins	McCumber	Smith, Mich.
Brandegee	Curtis	McLean	Smoot
Briggs	Dixon	Nelson	Stephenson
Bristow	Gallinger	Nixon	Sutherland
Brown	Gamble	Oliver	Thornton
Burnham	Gronna	Page	Warren
Burton	Heyburn	Penrose	Wetmore
Clark, Wyo.	Jones	Perkins	Williams

NAYS—28.

Bacon	Fletcher	Martin, Va.	Simmons
Bryan	Foster	Martine, N. J.	Smith, S. C.
Chamberlain	Gore	Myers	Stone
Chilton	Hitchcock	Newlands	Taylor
Clapp	Johnston, Ala.	Pomerene	Terrell
Culberson	Kenyon	Rayner	Watson
Davis	Lea	Reed	Works

NOT VOTING—23.

Bailey	Frye	O'Gorman	Shively
Bankhead	Guggenheim	Overman	Smith, Md.
Clarke, Ark.	Johnson, Me.	Owen	Swanson
Crane	Kern	Paynter	Tillman
Dillingham	Lippitt	Percy	Townsend
du Pont	Lorimer	Richardson	

So Mr. CULLOM's motion was agreed to, and (at 12 o'clock and 36 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 6, 1911, at 2 o'clock p. m.

SENATE.

TUESDAY, *June 6, 1911.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The VICE PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of the proceedings of Thursday last when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

SENATOR FROM ILLINOIS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the secretary of the Senate of the State of Illinois, which will be read:

The Secretary read the communication, as follows:

STATE OF ILLINOIS, SENATE CHAMBER,
SECRETARY'S OFFICE,
Springfield, Ill., June 1, 1911.

Hon. CHARLES G. BENNETT,
Secretary United States Senate,
Washington, D. C.

DEAR SIR: Inclosed I hand you copy of senate resolution No. 78, adopted by the senate of the State of Illinois, forty-seventh general assembly.

I also inclose a copy of the report made by the special investigating committee in regard to the election of WILLIAM LORIMER as United States Senator.

I also hand you a copy of the evidence taken before the investigating committee.

The delay in sending these has been occasioned partly by reason of not getting a copy of the evidence.

Yours, very truly,
J. H. PADDOCK,
Secretary of the Senate.

Mr. CULLOM. I move that the whole be printed as a document and referred to the Committee on Privileges and Elections.

The VICE PRESIDENT. Without objection, the documents will be printed as a document and referred to the Committee on Privileges and Elections. (S. Doc. No. 45.)

Mr. DILLINGHAM. I would suggest that, for the convenience of the committee and the convenience of the Senate, the evidence be indexed before it is printed.

The VICE PRESIDENT. Without objection, that procedure will be followed.

Mr. CULBERSON. Mr. President, we can not hear on this side of the Chamber.

The VICE PRESIDENT. The Senator from Vermont asked that the evidence be indexed before it is printed.

Mr. CULBERSON. I should like to ask if the evidence is to be printed as a Senate document also.

The VICE PRESIDENT. That was the request, the Chair understood, of the Senator from Illinois, and it was so ordered.

CONTAGIOUS DISEASES SERVICE.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the president of the Board of Commissioners of the District of Columbia, transmitting a draft of a proposed joint resolution to provide funds for the continuance of the contagious diseases service during the remainder of the current fiscal year. The communication and accompanying papers will be printed and referred to the Committee on the District of Columbia.

Mr. HEYBURN. Is that in the nature of legislation coming in and being referred upon the introduction of a member of the board of commissioners?

The VICE PRESIDENT. That seems to be what it is.

Mr. HEYBURN. I think matters of legislation had better come from some Member of this body.

The VICE PRESIDENT. The Chair will withdraw the communication for the present.

REESTABLISHMENT OF TERRITORIAL DIVISIONS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 1st instant, certain information relative to the proposed reestablishment of territorial divisions, which, with the accompanying papers and illustrations, was referred to the Committee on Military Affairs and ordered to be printed. (S. Doc. No. 42.)

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of the San Joaquin Valley Macaroni Factory of California, remonstrating against macaroni being placed on the free list, which was referred to the Committee on Finance.

He also presented a memorial of Sunflower Grange, Patrons of Husbandry, of Castle Rock, Colo., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a petition of the Pastors' Federation of Washington, D. C., praying for the proper observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of the Ancient Order of Hibernians of Delta County, Mich., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented resolutions adopted by the Joint Alaskan Committee of Seattle, Wash., relative to the rejection of certain coal locations in the Territory of Alaska, which were referred to the Committee on Territories.

Mr. GALLINGER presented memorials of Honor Bright Grange, No. 153; of East Sullivan; of Ossipee Lake Grange, No. 175; and of Lawrence Grange, No. 117, all of the Patrons of Husbandry, in the State of New Hampshire, remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a petition of the city council of Portsmouth, N. H., praying that an appropriation be made for the repair of the battleship *Portsmouth*, which was ordered to lie on the table.

He also presented a memorial of the Ancient Order of Hibernians of New Hampshire, remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Northeast Washington Citizens' Association of the District of Columbia, praying for the enactment of legislation providing for the payment of the debt of the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the State Council of the District of Columbia, Daughters of America, and the petition of O. M. Bryant, of Washington, D. C., praying for the proper observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. CULLOM presented a memorial of the congregation of the Seventh-day Adventist Church of Mattoon, Ill., remonstrating against the enforced observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the Lake Mohonk Conference on International Arbitration, of New York, and a petition of 220 school-teachers of Binghamton, N. Y., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. MYERS presented a memorial of the Irish societies of Great Falls, Mont., and a memorial of sundry citizens of Butte, Mont., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Hamilton, Mont., remonstrating against the passage of the so-called Johnston Sunday rest bill, which was ordered to lie on the table.

Mr. CHILTON presented a petition of Washington Camp, No. 8, Patriotic Order Sons of America, of Shepherdstown, W. Va., and a petition of Washington Camp, No. 37, Patriotic Order Sons of America, of Rio, W. Va., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. MARTINE of New Jersey presented a memorial of Local Division No. 540, Amalgamated Association of Street and Electric Railway Employees of America, of Trenton, N. J., and a memorial of the Grand Lodge, International Association of Machinists, of Trenton, N. J., remonstrating against the alleged abduction of John J. McNamara from Indianapolis, Ind., which were referred to the Committee on Education and Labor.

He also presented a memorial of Pequest Grange, No. 178, Patrons of Husbandry, of Tranquility, N. J., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented memorials of Local Division No. 3, Ancient Order of Hibernians, of Dover; of the German-American Alliance and United Irish Societies, of Hudson County; of Local

Division No. 12, Ancient Order of Hibernians, of Jersey City; of the Liederkranz Association, Turn Verein, and Local Division No. 5, Ancient Order of Hibernians, of New Brunswick; of Gottlob Fehrle and Oska Sharfenskey, of South River; of C. J. Leyden, Edward Reiman, and P. J. Curry, of Jersey City; and of Michael Flaherty and sundry other citizens of Harrison, East Newark, Kearny, and Bergenfield, all in the State of New Jersey, remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented petitions of the congregations of the Congregational Church of Bernardsville; of the First Baptist Church, First Reformed Church, First Methodist Episcopal Church, Fourth Reformed Church, Second Reformed Church, and St. John's Episcopal Church, of Somerville, all in the State of New Jersey, praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. GAMBLE presented petitions of sundry citizens of Armour, S. Dak., praying for a reduction of the duty on raw and refined sugars, which were referred to the Committee on Finance.

Mr. WETMORE presented a petition of the Local Council of Women of the State of Rhode Island, praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. BRISTOW presented memorials of Bloomfield Grange; Greenwood Grange, No. 1087; Linwood Grange, No. 1476; and Antioch Grange, No. 242, all of the Patrons of Husbandry, in the State of Kansas, remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Mitchell County, Kans., remonstrating against the enforced observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. NELSON presented a memorial of Local Division No. 6, Ancient Order of Hibernians, of Duluth, Minn., and a memorial of sundry citizens of Hibbing, Minn., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain; which were referred to the Committee on Foreign Relations.

He also presented a petition of the Church Federation Council, of Minneapolis, Minn., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Redwood County and of the congregations of the Seventh-day Adventist Churches of Austin, Warba, Murdock, Mankato, Isanti, Foldahl, Stewartville, and Duluth, all in the State of Minnesota, remonstrating against the passage of the so-called Johnston Sunday rest bill, which were ordered to lie on the table.

Mr. McLEAN presented a memorial of Local Grange No. 111, Patrons of Husbandry, of Hebron, Conn., remonstrating against the passage of the so-called cold-storage bill, which was referred to the Committee on Manufactures.

He also presented a memorial of the Business Men's Association of Bridgeport, Conn., remonstrating against the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Farmill Grange, No. 130, Patrons of Husbandry, of Shelton, Conn., and a memorial of Highland Grange, No. 113, Patrons of Husbandry, of South Killingly, Conn., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce of New Haven, Conn., praying for the adoption of an amendment to the corporation-tax law permitting corporations to make returns at the close of each fiscal year, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of New Haven, Conn., praying for the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented memorials of Local Division No. 1, of Mount Carmel; of Local Division No. 1, of New London; of Local Division No. 1, of Danbury; and of Local Division No. 1, of Wallingford, all of the Ancient Order of Hibernians, and of sundry citizens of Danbury, all in the State of Connecticut, remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. KENYON presented a petition of J. M. Tuttle Post, No. 497, Grand Army of the Republic, Department of Iowa, of Ottumwa, Iowa, praying for the enactment of legislation granting increased pensions to veterans of the Civil War, which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Pella, Sioux City, and Davenport, all in the State of Iowa, praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Iowa City, Iowa, remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Mutual Improvement Club, of Hawarden, Iowa, praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Lyon Township Agricultural Club, of Iowa, praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Dubuque, Iowa, remonstrating against the imposition of a stamp tax on proprietary medicines, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Clinton, Iowa, praying for the enactment of legislation for the protection and control of the waters of Niagara Falls, which was referred to the Committee on Foreign Relations.

He also presented a petition of Fitzhugh Lee Camp, No. 3, United Spanish War Veterans, Department of Iowa, of Dubuque, Iowa, praying for the enactment of legislation providing for the reestablishment of the Army canteen, which was referred to the Committee on Military Affairs.

He also presented memorials of sundry citizens of Orange City, Alton, Hospers, George, Rock Rapids, Lester, Larchwood, Alvord, Doon, Rock Valley, Laurens, Linn Grove, Sutherland, Paullina, Granville, Sioux Center, Struble, Ireton, Maurice, Chatsworth, Richards, Denison, Ulner, Halvur, Arcadia, Westside, Vail, Lanesboro, Somers, Rinard, Holstein, Schaller, Early, Galva, Cushing, Correctionville, Moorland, Bode, West Bend, Fraser, Callender, Boxholm, Inwood, Graettinger, Boone, Boyden, Hull, Sheldon, Bronsons, Lawton, Moville, Kingsley, and Pierson, all in the State of Iowa, remonstrating against the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

Mr. POINDEXTER presented a petition of members of the Third Coast Artillery Reserve Corps, Washington National Guards, of Everett, Wash., praying for the enactment of legislation to further increase the efficiency of the Organized Militia, which was referred to the Committee on Military Affairs.

He also presented memorials of Local Division No. 4, of King County; of the county board of King County; of Local Division No. 2, of King County; and of Local Division of Bellingham, of the Ancient Order of Hibernians; and of sundry citizens of Spokane, all in the State of Washington, remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. BURNHAM presented a memorial of the State officers of the Ancient Order of Hibernians of New Hampshire, remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented memorials of Honor Bright Grange, No. 153, of East Sullivan; of Ossipee Lake Grange, No. 175, of Mountainview; and of Lawrence Grange, of Laconia, all of the Patrons of Husbandry, in the State of New Hampshire, remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. BRANDEGEE presented a memorial of the Business Men's Association of Bridgeport, Conn., remonstrating against the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Ancient Order of Hibernians of New London, Conn., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of South Killingly and Bridgewater, in the State of Connecticut, remonstrating against the ratification of the proposed reciprocal

trade agreement between the United States and Canada, which was referred to the Committee on Finance.

Mr. GRONNA presented a memorial of the congregation of the Seventh-day Adventist Church of Bowdon, N. Dak., remonstrating against the passage of the so-called Johnston Sunday-rest bill, which was ordered to lie on the table.

Mr. PERKINS presented memorials of the congregations of the Seventh-day Adventists' Churches of Sacramento, Merced, and Orloff, and of sundry citizens of Healdsburg, Windsor, Point Arena, Napa City, and Sacramento, all in the State of California, remonstrating against the enforced observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Stockton, Cal., praying for the adoption of an amendment to the corporation-tax law permitting corporations to make returns at the end of their fiscal years, which was referred to the Committee on Finance.

He also presented a petition of the Woman's Improvement Club of Corona, Cal., praying for the enactment of legislation to preserve and control the waters of Niagara Falls, which was referred to the Committee on Foreign Relations.

Mr. ROOT presented petitions of 22 citizens of Brooklyn, 32 citizens of Syracuse, 24 citizens of Solvay, and 10 citizens of Lynn, all in the State of New York, praying for the establishment of a national department of public health, which were referred to the Committee on Public Health and National Quarantine.

He also presented a memorial of sundry citizens of Campville, N. Y., remonstrating against the enforced observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented memorials of Bullville Grange; Goshen Grange, No. 975; Minisink Grange, No. 907; Hoosick Grange, No. 1127; Pekin Grange, No. 1202; Waldo Grange, No. 805; South Rutland Grange; Essex County Pomona Grange; South Onondaga Grange, No. 830; Tawasentha Grange, No. 1135; Ticonderoga Grange; Speedsville Grange, No. 385; Ethan Allen Grange, No. 961; Syracuse Grange, No. 670; Crouerner Valley Grange, No. 982; Kent Grange, No. 1145; Darien Grange; Silver Lake Grange, No. 1009; Hamptonburgh Grange, No. 950; Brockport Grange, No. 93; Genesee Valley Grange; Dundee Grange, No. 1089; Putnam Valley Grange, No. 1134, all of the Patrons of Husbandry, in the State of New York, remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. CLAPP presented memorials of sundry citizens of Redwood County, Stillwater, Sherburn, Moose Lake, Detroit, St. Paul, Pine City, Blackberry, Mankato, and Duluth, all in the State of Minnesota, remonstrating against the enforced observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. LA FOLLETTE presented a memorial of the Ancient Order of Hibernians of Janesville, Wis., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of Post No. 32, Grand Army of the Republic, Department of Wisconsin, praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented memorials of sundry citizens of Beloit, Stevens Point, Oconto Falls, and Merrill, all in the State of Wisconsin; of Local Union No. 4, International Brotherhood of Paper Makers, of Watertown, and of Local Union No. 145, International Brotherhood of Paper Makers, of Deferiet, all in the State of New York, remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. WARREN presented the memorial of N. Kelly Klodt, of Newcastle, Wyo., remonstrating against the proposed trade agreement with Canada, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Hon. F. E. WARREN, *United States Senator:*

For the attention of the honorable Members of the United States Senate:

Allow a few moments of your valuable time for the kind consideration of the effects of Canadian reciprocity and the wool tariff question on the stock growers of this section of Wyoming, as seen by one who has resided for the past seven years in the heart of the grazing country.

At no time could we have been so absolutely unprepared for this threatened blow, taking into consideration the disastrous winter of 1909–10, resulting in an incredible loss to the stock grower, the almost complete drought of the summer following, the extremely discouraging prospects of the present spring, both in regard to the dry condition of the range and the exceedingly low prices on wool and live stock, coupled with the fact that during our longest and most trying period of adversity we were either conducting our enterprises at an actual loss or in some of the more favored instances on a basis of being barely able to make expenses, and figuring also the inroads made by the homesteaders upon our range, one will readily understand that at such a critical time, when the actual foundations of our industry seem to have been shaken almost to the point of crumbling, that the introduction of free wool and Canadian reciprocity would be the last straw, as it were, and would result in the complete obliteration of our industry.

It is pitiful in the extreme to witness the discouragement and despair so plainly written on the faces of the stock growers, who have been clinging with doglike tenacity to their means of livelihood during the various reverses of the past two years, making heroic efforts to tide themselves over until such time as an abundant rainfall and better prices might lighten their burdens, and to observe with what despondent countenances they view these impending disasters in the forms of free wool and Canadian reciprocity, seemingly ready to grasp from their unwilling hands the wherewithal by which they hoped to retrench their finances and enable them to again hold up their heads among the confident and prosperous of our country.

On the part of the stock growers of eastern Wyoming, I implore your thorough and careful consideration of these important measures, and feel assured that after the various facts and conditions have been considered, the Members of the United States Senate will hesitate to pass favorably upon bills that without the least doubt will cause such an immense amount of suffering among our people, and no material benefit to any other class, other than foreigners and a favored few in our country who need neither assistance nor protection. We have the same unshaken faith in the wisdom and ability of our Senators that we have had in the past, and are quite positive that after a fair and impartial investigation has been made, and the effects of the Wilson-Gorman bill have been called to mind, our safety will be assured by the intelligent and farseeing disposition of these all-important measures, and a healthful prosperity will once more attend our efforts.

N. KELLY KLODT,
Newcastle, Weston County, Wyo.

Mr. WARREN presented the memorial of R. O. Parrish, of Horse Creek, Wyo., remonstrating against the ratification of the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a memorial of Bricklayers and Masons' International Union No. 1, of Cheyenne, Wyo., remonstrating against the alleged abduction of John J. McNamara from Indianapolis, Ind., which was referred to the Committee on the Judiciary.

Mr. MARTIN of Virginia presented sundry papers to accompany the bill (S. 2559) for the relief of L. L. Scherer, which were referred to the Committee on Claims.

ADDRESS OF RIGHT HON. SIR CHARLES FITZPATRICK.

Mr. WILLIAMS. I ask unanimous consent to have published as a public document an address delivered by the Right Hon. Sir Charles Fitzpatrick, chief justice of Canada, at the fifth annual banquet of the American Society of International Law in this city on April 29 last. It is an address upon the subjects of peace, international law, and arbitration, the work already done, and the work it is hoped will be done by The Hague Court of Arbitration. (S. Doc. No. 41.)

The VICE PRESIDENT. Is there objection to the request of the Senator from Mississippi?

Mr. SMOOT. I failed to hear the Senator's request. What is the document?

The VICE PRESIDENT. The request is that there be printed as a document an address by the Right Hon. Sir Charles Fitzpatrick, chief justice of Canada, at the fifth annual banquet of the American Society of International Law, delivered in this city April 29 last.

Mr. WILLIAMS. And the subject of it is arbitration, peace, and The Hague court, the work The Hague court has done, and the work it is hoped it will do.

Mr. SMOOT. I should like to ask the Senator what is the object. Is it for the purpose of printing it as a public document for general distribution through the United States?

Mr. WILLIAMS. Yes; I thought that it would be well to put the usual number at the disposal of Senators in order that this work might be understood, that what has been accomplished at The Hague might become the public property of the people of the United States as far as this could make it so, and that the general cause of peace and arbitration might be advanced and furthered.

Mr. SMOOT. As far as the printing of it now as a public document is concerned, I shall not object, but I want to say to the Senator that if hereafter a request comes here for printing ten or twenty or thirty thousand copies, to be distributed from some central point, I certainly shall object to it.

Mr. WILLIAMS. My request now is for the printing of the usual number; whatever it is I do not know.

The VICE PRESIDENT. No objection is heard, and the order will be entered.

ADDRESS OF PRESIDENT TAFT.

Mr. DU PONT. I have a copy of the address of President Taft before the Western Economic Society, delivered in Orchestra Hall, Chicago, Ill., June 3, 1911, relating to the Cana-

dian reciprocity agreement. I ask that the address be printed as a public document. (S. Doc. No. 43.)

The VICE PRESIDENT. Is there objection? The Chair hears none, and the order is entered.

ABSORPTION OF TENNESSEE COAL & IRON CO.

Mr. CULBERSON. At the request of several Members of the House of Representatives I ask unanimous consent to have printed as a Senate document, first, the views of seven members of the Senate Committee on the Judiciary in 1909, with reference to the absorption of the Tennessee Coal & Iron Co. by the Steel Trust, and, second, the hearings on that resolution by the subcommittee of the Judiciary Committee, upon which that report was based in part. (S. Doc. No. 44.)

The VICE PRESIDENT. Is there objection to the request of the Senator from Texas?

Mr. SMOOT. Did I understand the Senator to say it was made at the request of the House?

Mr. CULBERSON. No, I did not; I said at the request of several Members of the House.

Mr. SMOOT. That is sufficient, then. I understand there is an effort on the part of the House to compel almost all the printing to be done by order of the Senate——

Mr. CULBERSON. On my own suggestion, I ask unanimous consent, because of the exhaustion of the print, that these two documents may be printed as a Senate document.

The VICE PRESIDENT. The Senator from Texas asks unanimous consent for the printing of the documents.

Mr. SMOOT. I want to finish my statement, so that the Senate will understand it. There seems to be a rule adopted in the House that there shall be no unanimous consent allowed in the House for printing public documents, and many Members of the House are coming to Members of the Senate and asking that public documents be ordered printed here by unanimous consent. I think the object of that is to show at the end of the year that the printing of the Senate has increased in volume and the printing of the House has decreased in volume.

Therefore, Mr. President, until I know more about this particular request, I shall object to its being printed as a public document.

The VICE PRESIDENT. Objection is made.

Mr. CULBERSON. I suggest to the Senator from Utah that he attributes a very small motive to Members of the House of Representatives in the objection which he has made, a suggestion which I am disposed to resent as a member of the same party to which the majority of the House of Representatives belongs.

Mr. SMOOT. I only state the information I have received. I do not state it on my own authority at all, but I state it upon information which I have received.

Mr. CULBERSON. The Senator might at least particularize in making a charge of this kind against the organization of the House of Representatives. He ought at least, Mr. President, particularize, be accurate, and give the source of his information.

Mr. SMOOT. If the Senator wants me to particularize, I will call attention to one case. There was a speech made by Representative MOON, of the House. Representative MOON wanted the speech printed as a public document in the House. It was refused, on the ground that the Committee on Printing was not going to agree to any unanimous-consent requests made in the House for printing. It was brought into the Senate, and a Senator asked unanimous consent that it be printed as a public document, and it was ordered printed by the Senate. It has been called to my attention by Members of the House, and therefore I want the Senate to understand the situation.

Mr. CULBERSON. The documents I have presented are Senate documents, and I move that they be printed as a Senate document, notwithstanding the objection of the Senator from Utah.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. For what purpose does the Senator from Idaho rise?

Mr. HEYBURN. I rise for the purpose of making a suggestion in connection with the remarks of the Senator from Utah in regard to printing by unanimous consent the speech of Mr. MOON on the Judiciary Title.

The VICE PRESIDENT. The Chair will state the motion of the Senator from Texas. It is that the documents which he has sent to the Clerk's desk be printed as a Senate document. The Senator from Idaho is now recognized.

Mr. HEYBURN. At the request of more than one Member of the Senate and of the House I asked that the speech introducing the Judiciary Title in the House, made by Mr. MOON of Pennsylvania on that occasion, be printed, because it contains a comparative reference and very valuable data, showing the changes that were made by the revision. Many calls have come from courts, judges, lawyers, and others interested to know just what changes were made and what was involved in the revision, and it being in concise form and well stated in that speech, which was a very able one, I adopted that as a method of sending out information to the courts and the bar of the country in order that they might understand it. It being a joint committee and the work of a joint committee, the Senate was just as much interested in having it go out as was the House.

Mr. WILLIAMS. I should like to ask the Senator from Idaho a question. Was the Senator requested by Representative MOON to make that request of the Senate?

Mr. HEYBURN. I conferred with him about it. I think the word "requested" would hardly be applicable. It was a recognized propriety.

Mr. WILLIAMS. The Senator did it upon his own motion.

Mr. HEYBURN. Being the chairman of the joint committee, I did not hesitate at all to do it.

Mr. WILLIAMS. That is what I wanted to have understood.

Mr. SMOOT. I had no motive in calling attention to this, and perhaps would not have done it, if I had not been asked by the Senator from Texas to state an instance, nor did I want to find any fault with the Senator from Idaho for doing it, but I think it was my duty as chairman of the Committee on Printing of the Senate to call attention to the facts as above stated.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Wyoming?

Mr. SMOOT. I yield to the Senator.

Mr. CLARK of Wyoming. I should like to suggest to the Senator that I understand the document the Senator from Texas refers to is a hearing, not to any great extent, had before the Judiciary Committee when it had this matter under investigation, together with the views of certain members of that committee. It is a Senate document and a Senate matter, and I hope in this particular instance the Senator from Utah will not object to the printing.

Mr. SMOOT. I understood the Senator from Texas to state that this is a House document, but I see it is a Senate document.

Mr. CULBERSON. I stated distinctly when the issue was first made that they were Senate papers, not printed, however, as Senate documents, but being a report of seven members of the Senate Committee on the Judiciary and the hearings before the subcommittee of the Judiciary Committee upon which that report was in part based.

Mr. SMOOT. Then I should like to know just what the request of the Senator from Texas was.

The VICE PRESIDENT. The Chair will restate it, if the Senator wishes. It is that the documents which the Senator from Texas sent to the desk be printed as a Senate document.

Mr. SMOOT. I thought the request was for printing House documents, but I find they are not. The Senator from Texas wants to have them printed as a public document——

Mr. CULBERSON. I think I know what I want to have printed. I ask——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Texas?

Mr. SMOOT. Yes; I yield to the Senator.

Mr. CULBERSON. I will wait until the Senator is through. I do not care to have him yield. When he concludes, I will take the floor in my own right.

Mr. SMOOT. As the documents are a hearing before the Senate committee, I am not going to object to printing it, but if it had been a hearing before the House committee I certainly would object to it.

The VICE PRESIDENT. The Senator from Utah withdraws his objection. The Chair assumes that the Senator from Texas withdraws his motion, and by unanimous consent the request of the Senator from Texas is complied with. The order will be entered.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on the District of Columbia, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 2495. A bill to define and classify health, accident, and death-benefit companies and associations operating in the District of Columbia, and to amend section 653 of the Code of Law for the District of Columbia (Rept. No. 50); and

S. 1704. A bill for the relief of Percy Harrison Moore (Rept. No. 51).

He also, from the same committee, to which was referred the bill (S. 1785) to amend section 647, chapter 18, Code of Law for the District of Columbia, relating to annual statements of

insurance companies, reported it with an amendment and submitted a report (No. 52) thereon.

He also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 2048. A bill to authorize a new highway plan for that portion of the District of Columbia lying between Van Buren Street on the north, Georgia Avenue on the east, Nicholson Street on the south, and Rock Creek Park on the west (Rept. No. 53); and

S. 2538. A bill to authorize the extension of Grant Street NE. and Deane Avenue NE., in the District of Columbia, from Minnesota Avenue to Fifty-eighth Street (Rept. No. 54).

Mr. CURTIS, from the Committee on the District of Columbia, to which was referred the bill (S. 25) to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, pawnbrokers, and real-estate brokers in the District of Columbia, reported it with amendments and submitted a report (No. 55) thereon.

Mr. DILLINGHAM, from the Committee on Privileges and Elections, to which was referred the bill (S. 123) to alter the regulations respecting the manner of holding elections for Senators, reported it with an amendment and submitted a report (No. 58) thereon.

Mr. DIXON, from the Committee on Military Affairs, to which was referred the bill (S. 70) to remove the charge of desertion standing against the military record of Minor Berry, reported it with amendments and submitted a report (No. 56) thereon.

Mr. WORKS, from the Committee on the District of Columbia, to which was referred the bill (S. 816) to provide for plans and specifications for two high schools in the District of Columbia, reported it without amendment and submitted a report (No. 57) thereon.

Mr. CHILTON, from the Committee on the Judiciary, to which was referred the bill (S. 2509) to amend section 1004 of the Revised Statutes of the United States, reported it without amendment.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KENYON:

A bill (S. 2597) granting an increase of pension to William G. Baldwin (with accompanying papers); to the Committee on Pensions.

By Mr. GALLINGER:

(For Mr. FRYE.) A bill (S. 2598) changing the name of Maine Avenue and providing for a new location for Maine Avenue;

A bill (S. 2599) to authorize certain changes in the plan for the permanent system of highways for that portion of the District of Columbia lying west of Fourteenth Street, south of Taylor Street, east of Rock Creek Park, and north of Newton Street NW. (with accompanying papers); and

A bill (S. 2600) to authorize the Commissioners of the District of Columbia to prevent the exhibition of obscene, lewd, indecent, or vulgar pictures in public places of amusement in the District of Columbia (with accompanying paper); to the Committee on the District of Columbia.

A bill (S. 2601) for the relief of Douglas B. Thompson (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 2602) granting an increase of pension to Barnet W. Sawyer (with accompanying papers); and

A bill (S. 2603) granting an increase of pension to Georgia L. Green (with accompanying papers); to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 2604) authorizing the President to appoint an additional circuit judge for the fourth circuit; to the Committee on the Judiciary.

By Mr. McCUMBER:

A bill (S. 2605) to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade; to the Committee on Naval Affairs.

A bill (S. 2606) for the relief of Capt. W. W. Wright and Capt. Claude B. Sweezey, United States Army;

A bill (S. 2607) for the relief of Capt. Charles W. Kennedy, United States Army, and others;

A bill (S. 2608) authorizing and directing the Secretary of State to examine and settle the claim of the Wales Island Packing Co.;

A bill (S. 2609) for the relief of Capt. W. W. Quinton, United States Army;

A bill (S. 2610) for the relief of the heirs of Lieut. R. B. Calvert, deceased;

A bill (S. 2611) for the relief of the estate of John Stewart, deceased; and

A bill (S. 2612) for the relief of Capt. N. F. McClure, United States Army; to the Committee on Claims.

A bill (S. 2613) for the relief of the heirs of Mary E. Neale; to the Committee on the Judiciary.

A bill (S. 2614) granting an increase of pension to Henry Ackerman (with accompanying papers); and

A bill (S. 2615) granting a pension to Sarah A. Stephenson (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSTON of Alabama:

A bill (S. 2616) granting an increase of pension to Andrew L. Weatherford; to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 2617) granting a pension to Marcia R. Ainsworth (with accompanying papers); to the Committee on Pensions.

By Mr. WETMORE:

A bill (S. 2618) granting an increase of pension to Frank A. Thurber (with accompanying papers); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 2619) granting an increase of pension to Edwin D. Jones (with accompanying paper); and

A bill (S. 2620) granting an increase of pension to Albert R. Austin (with accompanying paper); to the Committee on Pensions.

By Mr. GAMBLE:

A bill (S. 2621) for the relief of Eliza Choteau Roscamp; to the Committee on Indian Affairs.

By Mr. JONES:

A bill (S. 2622) to authorize the city of Everett, Wash., to purchase certain lands for the securing, establishment, maintenance, and protection of a source of water supply for said city; to the Committee on Public Lands.

By Mr. WILLIAMS:

A bill (S. 2623) for the relief of Mrs. John M. Maynor; to the Committee on Claims.

By Mr. NIXON:

A bill (S. 2624) to amend an act approved January 30, 1897, chapter 109, entitled "An act to prohibit the sale of intoxicating drinks to Indians, and so forth" (with accompanying paper); to the Committee on the Judiciary.

By Mr. BRANDEGEE:

A bill (S. 2625) granting an increase of pension to William W. Seagrave;

A bill (S. 2626) granting an increase of pension to Mary J. Irons; and

A bill (S. 2627) granting an increase of pension to Susan E. Miller; to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 2628) for the relief of Mrs. Libbie Arnold; and

A bill (S. 2629) for the relief of the estate of John L. Smithmeyer, deceased, and Paul J. Pelz; to the Committee on Claims.

By Mr. WORKS:

A bill (S. 2630) granting an increase of pension to Jerome McWethy;

A bill (S. 2631) granting a pension to Harry McFarlin;

A bill (S. 2632) granting an increase of pension to Thomas J. Bulfinch (with accompanying papers);

A bill (S. 2633) granting an increase of pension to Stewart Burright; and

A bill (S. 2634) granting an increase of pension to Alphonso L. Stasy (with accompanying papers); to the Committee on Pensions.

By Mr. MARTIN of Virginia:

A bill (S. 2635) for the relief of the trustees of Carmel Baptist Church, Caroline County, Va.; to the Committee on Claims.

By Mr. THORNTON:

A bill (S. 2636) for the relief of the estate of W. B. Knight, deceased; to the Committee on Claims.

By Mr. POINDEXTER:

A bill (S. 2637) for the relief of Anna Laguee; to the Committee on Claims.

By Mr. BROWN:

A bill (S. 2638) granting an increase of pension to Henry J. Streight; to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 2639) granting a pension to Hattie A. Sears (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 2640) granting an increase of pension to J. E. Henderson; to the Committee on Pensions.

(By request.) A bill (S. 2641) to establish a national memorial home for aged and infirm colored people and for working girls; to the Committee on Appropriations.

A bill (S. 2642) granting an increase of pension to Henry Shearils (with accompanying papers);

A bill (S. 2643) granting an increase of pension to Henry D. Smith (with accompanying papers);

A bill (S. 2644) granting a pension to Thomas S. Murray (with accompanying papers);

A bill (S. 2645) granting an increase of pension to Sarah M. Payne (with accompanying papers);

A bill (S. 2646) granting an increase of pension to George Simpson;

A bill (S. 2647) granting an increase of pension to James F. Bacon;

A bill (S. 2648) granting a pension to Daniel Jarboe;

A bill (S. 2649) granting an increase of pension to George W. Smith;

A bill (S. 2650) granting a pension to Elise G. Irving;

A bill (S. 2651) granting an increase of pension to William P. Gilbert; and

A bill (S. 2652) granting a pension to Mrs. Frank H. Mills; to the Committee on Pensions.

RECIPROCITY WITH CANADA.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (H. R. 4412) to promote reciprocal trade relations with the Dominion of Canada, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

WITHDRAWAL OF PAPERS—ANTIETAM BURNSIDE MANN.

On motion of Mr. McLEAN, it was

Ordered, That the papers in the case of Senate bill 1533, Sixty-first Congress, first session, granting a pension to Antietam Burnside Mann, be withdrawn from the files of the Senate, there having been no adverse report thereon.

THE PANAMA CANAL.

Mr. WARREN. Mr. President, I have here a very brief paper, being resolutions passed by a party of civil engineers, members of the American Society of Civil Engineers, at a meeting at Ancon, Canal Zone, March 15, 1911. I ask unanimous consent to have the paper printed in the RECORD as a matter of information.

The PRESIDING OFFICER (Mr. HEYBURN in the chair). Is there objection to the request of the Senator from Wyoming? The Chair hears none, and the order is made.

The paper referred to is as follows:

We, a party of civil engineers, members of the American Society of Civil Engineers, having visited the Panama Canal at the cordial invitation of the President of the United States and the Secretary of War, desire to chronicle our impressions of this stupendous work now under construction, in order to show our appreciation to the President and the Secretary of War, and to give to the American people an idea of how the construction appears to men who have had experience in solving similar problems, although never on so large a scale.

We wish to express our gratification at the many evidences of energy, enthusiasm, and efficiency which mark the construction of this great engineering work, and to commend the economical handling and use of all labor and material.

The organization seems to be most complete and efficient, showing that the men chosen to conduct this great construction have proved equal to their task in the planning and execution of the work. By their example of loyalty, cooperation, and devotion they have been able to establish an "esprit de corps" which prevails throughout the entire force, from the chief engineer to the common laborer, and results in the greatest measure of efficiency and economy.

And, further, we wish to congratulate the Government that, in addition to the excellent engineering and construction forces above alluded to, it has been able to obtain as chairman and chief engineer, commissioners, and secretary men of such wise forethought and ability.

The plant and equipment seem most complete, not only as to quantity of machinery, but also in the wise selection of plant for each special piece of work. The problem of handling the excavated material, involving the constant moving of hundreds of trains daily in many directions, has been most effectively accomplished.

We were particularly impressed with the efficient methods by which the concrete is mixed and deposited in place, having in mind the great problem of assembling the raw material from long distances, and the disposal of such enormous quantities, from 7,000 to 8,000 yards per day, at a cost which is, in our opinion, most reasonable.

The wisdom of the employment of Government forces for the direction of the work and its execution by "day labor" has been fully justified by the results obtained, and is an ample guarantee that the work will be well done and completed within the estimated time, January 1, 1915.

The general design of the canal commends itself to our hearty approval, and the many details appear to have been worked out in a most thorough and skillful manner.

In our opinion the creation, in the heart of Central America of a typical American community, with all the best characteristics of American civilization, equal in health, social order, and contentment to communities of similar size in the United States, and the conversion of insanitary tropical cities into healthful places of abode, make the work the wonder of the century, and being of such fundamental importance to the success of this great enterprise should prove to the American people the ability of the Government to handle properly any problems of a similar nature.

Finally, this party of engineers wishes to acknowledge most heartily and in the fullest manner the many courtesies it has received at the hands of the members of the commission and their employees, all of whom have given us every facility for investigation and full information regarding all obscure points.

WM. H. WILEY,
J. W. ROLLINS,
Committee on Resolutions of the Civil Engineers' Party.

The above resolutions were presented at a meeting of the engineers' party at the Hotel Tivoli, Ancon, Canal Zone, March 15, 1911, and were unanimously adopted.

GEORGE A. KIMBALL,
Chairman, Boston, Mass.
H. J. BURT,
Secretary, Denver, Colo.

THE BUILDER OF THE CANAL.

[From the New York Sun.]

Col. George W. Goethals, in carrying on the colossal work intrusted to his management, is ahead of schedule. He is away under original estimates and previous accomplishments in a hundred particulars of time, of cost, of economy of operation, of thoroughness of construction. When the achievements of his engineering and administrative efficiency are finally measured by competent authority we believe that the exhibit will astonish the world. No wiser thing was ever done by the American Government than when it was decided to commit the execution of the Panama enterprise to one of our own Army engineers, and there was never a more fortunate choice of an individual than when this modest man of real power was put in charge.

SENATOR FROM ILLINOIS.

Mr. DILLINGHAM. By direction of the Committee on Privileges and Elections I report the resolution which I send to the desk, and ask unanimous consent for its present consideration.

The PRESIDING OFFICER. The Senator from Vermont reports a resolution and asks for its present consideration. Is there objection?

Mr. CULBERSON. Let the resolution be first read, Mr. President.

The PRESIDING OFFICER. The resolution will be read for the information of the Senate.

The Secretary read the resolution (S. Res. 60), as follows:

Resolved, That a committee consisting of the following members of the Committee on Privileges and Elections, Senators DILLINGHAM, GAMBLE, JONES, KENYON, JOHNSTON of Alabama, FLETCHER, KERN, and LEA, be, and are hereby, authorized, empowered, and directed forthwith to investigate whether in the election of WILLIAM LORIMER as a Senator of the United States from the State of Illinois there were used and employed corrupt methods and practices, and whether he is now entitled to retain his seat.

That said committee be authorized to sit during the sessions of the Senate and during any recess of the Senate or of Congress; to hold sessions at such place or places as it shall deem most convenient for the purposes of the investigation; to employ stenographers, counsel, accountants, and such other assistants as it may deem necessary; to send for persons, books, records, and papers; to administer oaths; and, as early as practicable, to report to the Senate the results of its investigation, including all testimony taken by it; and that the expenses of the inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

The committee is further and specially instructed to inquire fully into and report upon the sources and use of the alleged "jack-pot" fund, or any other fund, in its relation to and effect, if any, upon the election of WILLIAM LORIMER to the Senate.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. CULBERSON. Mr. President, I notice that the resolution is in some respects different from the resolution heretofore adopted by the Senate on this subject, and I object to its present consideration. I do so in order that I may have an opportunity to compare the two resolutions.

The PRESIDING OFFICER. Objection being made, the resolution will lie over.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 2 o'clock and 42 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 7, 1911, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate June 6, 1911.

UNITED STATES DISTRICT JUDGE.

Frank A. Youmans, of Arkansas, to be United States district judge for the western district of Arkansas, vice John H. Rogers, deceased.

PROMOTIONS IN THE NAVY.

Capt. Reginald F. Nicholson to be a rear admiral in the Navy from the 19th day of May, 1911, to fill a vacancy.

Lieut. Commander Jehu V. Chase to be a commander in the Navy from the 18th day of February, 1911, to fill a vacancy.

Passed Asst. Paymaster Edwards S. Stalnaker to be a paymaster in the Navy from the 2d day of November, 1910, to fill a vacancy.

Lieut. Commander Claude B. Price to be a commander in the Navy from the 4th day of March, 1911, to fill a vacancy.

Lieut. (Junior Grade) John P. Miller to be a lieutenant in the Navy from the 4th day of March, 1911, to fill a vacancy.

Lieut. (Junior Grade) William C. Barker, jr., to be a lieutenant in the Navy from the 8th day of March, 1911, to fill a vacancy.

Ensign John F. Connor to be a lieutenant (junior grade) in the Navy from the 13th day of February, 1911, upon the completion of three years' service as an ensign.

Arthur Middleton, a citizen of the District of Columbia, to be an assistant paymaster in the Navy from the 27th day of May, 1911, to fill a vacancy.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 13th day of February, 1911, upon the completion of three years' service as ensigns:

Andrew S. Hickey,
Herbert F. Emerson, and
Aubrey W. Fitch.

The following-named machinists to be chief machinists in the Navy from the 1st day of January, 1911, upon the completion of six years' service as machinists:

Thomas W. Smith, and
Arthur H. Hawley.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

First Lieut. William S. Wells, Seventh Cavalry, to be captain from April 13, 1911, vice Capt. Melvin W. Rowell, Eleventh Cavalry, detailed as quartermaster on that date.

First Lieut. William H. Clopton, jr., Thirteenth Cavalry, to be captain from May 12, 1911, vice Capt. John T. Haines, Eleventh Cavalry, who died May 11, 1911.

Second Lieut. Henry J. Reilly, Thirteenth Cavalry, to be first lieutenant from April 13, 1911, subject to examination required by law, vice First Lieut. William S. Wells, Seventh Cavalry, promoted.

Second Lieut. James J. O'Hara, Fourth Cavalry, to be first lieutenant from April 17, 1911, vice First Lieut. Walter H. Rodney, Second Cavalry, who died April 16, 1911.

Second Lieut. Albert C. Wimberly, Fourteenth Cavalry, to be first lieutenant from May 12, 1911, vice First Lieut. William H. Clopton, jr., Thirteenth Cavalry, promoted.

FIELD ARTILLERY ARM.

Maj. Charles T. Menoher, First Field Artillery, to be lieutenant colonel from May 26, 1911, vice Lieut. Col. John E. McMahon, Field Artillery, unassigned, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Capt. Adrian S. Fleming, Fourth Field Artillery, to be major from May 26, 1911, vice Maj. Charles T. Menoher, First Field Artillery, promoted.

First Lieut. Charles G. Mortimer, Third Field Artillery, to be captain from May 26, 1911, vice Capt. Manus McCloskey, Fourth Field Artillery, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Second Lieut. Harold E. Marr, Second Field Artillery, to be first lieutenant from May 26, 1911, vice First Lieut. Charles G. Mortimer, Third Field Artillery, promoted.

INFANTRY ARM.

Lieut. Col. Robert N. Getty, Seventh Infantry, to be colonel from June 1, 1911, vice Col. Alfred C. Sharpe, Twenty-third Infantry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Maj. Robert L. Hirst, Infantry, unassigned, to be lieutenant colonel from June 1, 1911, vice Lieut. Col. Robert N. Getty, Seventh Infantry, promoted.

Capt. Ernest B. Gose, Twenty-fourth Infantry, to be major from May 27, 1911, vice Maj. Amos B. Shattuck, Twenty-fifth Infantry, detailed as quartermaster on that date.

Capt. Charles C. Clark, Twenty-seventh Infantry, to be major from June 1, 1911, vice Maj. Robert L. Hirst, unassigned, promoted.

Capt. Paul A. Wolf, Fourth Infantry, to be major from May 23, 1911, vice Maj. William T. Wilder, Infantry, unassigned, detailed as paymaster on that date.

Capt. George D. Moore, Twentieth Infantry, to be major from May 23, 1911, vice Maj. Eli A. Helmick, Infantry, unassigned, detailed as inspector general on that date.

Capt. Willis Uline, Fifteenth Infantry, to be major from May 27, 1911, vice Maj. James E. Normoyle, Infantry, unassigned, detailed as quartermaster on that date.

COAST ARTILLERY CORPS.

Capt. Earle D'A. Pearce, Coast Artillery Corps, to be major from May 27, 1911, vice Maj. Thomas B. Lamoreux, detailed as quartermaster on that date.

First Lieut. Frederic H. Smith, Coast Artillery Corps, to be captain from May 27, 1911, vice Capt. Earle D'A. Pearce, promoted.

CHAPLAIN.

Chaplain George D. Rice, Twenty-seventh Infantry, to be chaplain with the rank of major from May 27, 1911.

APPOINTMENT BY TRANSFER IN THE ARMY.

Second Lieut. Cushman Hartwell, Twenty-second Infantry, to be second lieutenant of cavalry with rank from February 11, 1911.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants in the Medical Reserve Corps with rank from May 26, 1911.

Ira Ayer, of New York.
Henry David Brown, of Washington.
William Joseph Condon, of New Jersey.
Timothy Francis Goulding, of Massachusetts.
George Edward Maurer, of New York.
James Edwin Mead, of Michigan.
Louis Allaire Molony, of Ohio.
Sylvester Francis O'Day, of New York.
David Michael Roberts, of Ohio.
Stanley Sevier Warren, of Tennessee.
Robert Barker Williams, of California.
Ernest Brindley Dunlap, of Oklahoma.
Daniel Brannen Edwards, of Georgia.
James Vincent Falisi, of Arkansas.
James Graham Flynn, of Texas.
John Tucker Halsell, of Texas.
Irving McNeil, of Texas.
Lee Whitmore Paul, of Washington.
Fred Allen Pittenger, of Idaho.
Walter Leon Teaby, of California.
James Lyman Whitney, of California.
John Wesley Edwards, of Washington.
Theodore Bruce Beatty, of Utah.
William Thomas Belfield, of Illinois.
Forest Alvin Black, of Washington.
John William Colbert, of New Mexico.
James Frank Corbett, of Minnesota.
James Beaty Eagleson, of Washington.
Herman William Goelitz, of New Mexico.
William Charles Heussy, of Washington.
Andrew Jackson Hosmer, of Utah.
Simeon Edward Josephi, of Oregon.
Walter Kelton, of Washington.
Albert Edward Mackay, of Oregon.
Kenneth Alexander James Mackenzie, of Oregon.
Ray William Matson, of Oregon.
William Porter Mills, of New Mexico.
Henry Joseph O'Brien, of Minnesota.
Brown Pusey, of Illinois.
Alpha Eugene Rockey, of Oregon.
John Osgood Rush, of Alabama.
Austin Ulysses Simpson, of Washington.
Alan Welch Smith, of Oregon.
George Flanders Wilson, of Oregon.

To be first lieutenants in the Medical Reserve Corps with rank from June 3, 1911.

Daniel Webster Fetterolf, of Pennsylvania.
Edgar Smith Linthicum, of Maryland.
Reynolds Cornelius Mahaney, of Michigan.

UNITED STATES CONSUL.

Frederick Simpich, of Washington, now consul at Bagdad, to be consul of the United States of America at Ensenada, Mexico, vice George Schmucker.

POSTMASTERS.

COLORADO.

Jessie E. Field to be postmaster at Hotchkiss, Colo., in place of George W. Miller, resigned.

Daniel C. Moore to be postmaster at Fort Lupton, Colo., in place of George C. Bruce, removed.

ILLINOIS.

Anthus Willard to be postmaster at Macon, Ill., in place of B. A. Schudel, resigned.

INDIANA.

Claude B. Thomas to be postmaster at Moores Hill, Ind., in place of H. D. Moore, removed.

IOWA.

William F. Muse to be postmaster at Mason City, Iowa, in place of Nathan C. Kotchell. Incumbent's commission expired January 9, 1909.

MINNESOTA.

Rasmus L. Mork to be postmaster at Bricelyn, Minn., in place of Knute C. Sandum, resigned.

MISSISSIPPI.

Mary C. Booze to be postmaster at Mound Bayou, Miss. Office became presidential January 1, 1911.

MISSOURI.

T. C. Pinkley to be postmaster at Portageville, Mo., in place of Goah Barnes, resigned.

MONTANA.

W. W. McCall to be postmaster at Whitehall, Mont., in place of Oscar H. Davey, resigned.

NEW JERSEY.

Frank Meisel to be postmaster at Springfield, N. J., in place of Olin D. Sickley, resigned.

NEW YORK.

Seth S. Ackley to be postmaster at Piermont, N. Y., in place of Otto W. P. Westervelt, removed.

Charles W. Penny to be postmaster at Patterson, N. Y., in place of Charles W. Penny. Incumbent's commission expired February 6, 1910.

SOUTH DAKOTA.

Willard C. Huyck to be postmaster at Vermilion, S. Dak., in place of Dalton A. Brosius. Incumbent's commission expired February 28, 1911.

WISCONSIN.

Ole Erickson to be postmaster at Grantsburg, Wis., in place of Ole Erickson. Incumbent's commission expired January 31, 1911.

WYOMING.

Henry D. Ashley to be postmaster at Encampment, Wyo., in place of Henry D. Ashley. Incumbent's commission expired December 6, 1910.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 6, 1911.

UNITED STATES CIRCUIT JUDGE.

William Schofield to be United States circuit judge for the first judicial circuit.

PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

Second Lieut. Robert C. Garrett to be first lieutenant.
Second Lieut. Guy B. Lawrason to be first lieutenant.
Second Lieut. Carl A. Lohr to be first lieutenant.
Second Lieut. Laurence T. Walker to be first lieutenant.
Second Lieut. Samuel H. Tilghman to be first lieutenant.
Second Lieut. Otto H. Schrader to be first lieutenant.
Second Lieut. Creedy C. Sheppard to be first lieutenant.
Second Lieut. Howard T. Clark to be first lieutenant.
Second Lieut. Halstead P. Councilman to be first lieutenant.
Second Lieut. Arthur H. Doig to be first lieutenant.
Second Lieut. Robert E. Guthrie to be first lieutenant.
Second Lieut. William R. Nichols to be first lieutenant.
Second Lieut. Paul H. Herman to be first lieutenant.
Second Lieut. Oscar C. Warner to be first lieutenant.
Second Lieut. Frank S. Clark to be first lieutenant.
Second Lieut. Kelley B. Lemmon to be first lieutenant.
Second Lieut. William S. Fulton to be first lieutenant.
Second Lieut. Thomas O. Humphreys to be first lieutenant.
Second Lieut. Edwin F. Barlow to be first lieutenant.
Second Lieut. Donald M. Ashbridge to be first lieutenant.
Second Lieut. Hollis Le R. Muller to be first lieutenant.
Second Lieut. Eli E. Bennett to be first lieutenant.
Second Lieut. Charles T. Richardson to be first lieutenant.
Second Lieut. Homer R. Oldfield to be first lieutenant.
Second Lieut. Norton M. Beardslee to be first lieutenant.
Second Lieut. William C. Whitaker to be first lieutenant.
Second Lieut. James A. Brice to be first lieutenant.

CORPS OF ENGINEERS.

Capt. Harley B. Ferguson to be major.
Capt. Frank C. Boggs to be major.
Capt. Clarke S. Smith to be major.
Capt. William P. Wooten to be major.
First Lieut. Charles T. Leeds to be captain.
First Lieut. Harold C. Fiske to be captain.
First Lieut. Max C. Tyler to be captain.
First Lieut. Ulysses S. Grant, 3d, to be captain.
First Lieut. Julian L. Schley to be captain.
First Lieut. William H. Rose to be captain.
First Lieut. Richard C. Moore to be captain.
Second Lieut. Gilbert E. Humphrey to be first lieutenant.
Second Lieut. Richard Park to be first lieutenant.
Second Lieut. Daniel I. Sultan to be first lieutenant.
Second Lieut. Glen E. Edgerton to be first lieutenant.
Second Lieut. Charles L. Hall to be first lieutenant.
Second Lieut. Virgil L. Peterson to be first lieutenant.
Second Lieut. George R. Goethals to be first lieutenant.
Second Lieut. John W. N. Schulz to be first lieutenant.
Second Lieut. Clarence L. Sturdevant to be first lieutenant.
Second Lieut. Earl J. Atkisson to be first lieutenant.

CAVALRY ARM.

Capt. Thomas Q. Donaldson, jr., to be major.
First Lieut. Varien D. Dixon to be captain.
First Lieut. Verne La S. Rockwell to be captain.
First Lieut. John W. Wilen to be captain.
First Lieut. George B. Comly to be captain.
First Lieut. Charles G. Harvey to be captain.
First Lieut. Richard M. Thomas to be captain.
First Lieut. Fred W. Hershler to be captain.
First Lieut. George B. Rodney to be captain.
First Lieut. Alexander H. Davidson to be captain.
First Lieut. Duncan Elliot to be captain.
First Lieut. Christian A. Bach to be captain.
First Lieut. David H. Biddle to be captain.
First Lieut. William F. H. Godson to be captain.
First Lieut. George W. Winterburn to be captain.
First Lieut. Lewis Foerster to be captain.
First Lieut. Lewis W. Cass to be captain.
First Lieut. Dennis P. Quinlan to be captain.
First Lieut. Edward W. Robinson to be captain.
First Lieut. Gilbert C. Smith to be captain.
First Lieut. William P. Moffet to be captain.
First Lieut. Archibald F. Commiskey to be captain.
First Lieut. William A. Cornell to be captain.
First Lieut. George J. Oden to be captain.
First Lieut. James E. Shelley to be captain.
First Lieut. William L. Lowe to be captain.
First Lieut. Edward Calvert to be captain.
First Lieut. Bruce Palmer to be captain.
First Lieut. James E. Fechét to be captain.
First Lieut. Philip W. Corbusier to be captain.
First Lieut. Frederick M. Jones to be captain.
First Lieut. Christian Briand to be captain.
First Lieut. John A. Wagner to be captain.
First Lieut. Archie Miller to be captain.
First Lieut. William S. Wells to be captain.
Second Lieut. Andrew W. Smith to be first lieutenant.
Second Lieut. Troup Miller to be first lieutenant.
Second Lieut. William W. Edwards to be first lieutenant.
Second Lieut. John A. Barry to be first lieutenant.
Second Lieut. William W. Gordon to be first lieutenant.
Second Lieut. Harold B. Johnson to be first lieutenant.
Second Lieut. James P. Castleman to be first lieutenant.
Second Lieut. Albert H. Mueller to be first lieutenant.
Second Lieut. Allan F. McLean to be first lieutenant.
Second Lieut. Herman S. Dilworth to be first lieutenant.
Second Lieut. John V. Spring, jr., to be first lieutenant.
Second Lieut. Norman H. Davis to be first lieutenant.
Second Lieut. Charles Telford to be first lieutenant.
Second Lieut. Levi G. Brown to be first lieutenant.
Second Lieut. Olan C. Aleshire to be first lieutenant.
Second Lieut. Emil P. Laurson to be first lieutenant.
Second Lieut. Frederick E. Shnyder to be first lieutenant.
Second Lieut. Thomas F. Van Natta, jr., to be first lieutenant.
Second Lieut. James A. Mars to be first lieutenant.
Second Lieut. George L. Morrison to be first lieutenant.
Second Lieut. Orville N. Tyler to be first lieutenant.
Second Lieut. James A. Shannon to be first lieutenant.
Second Lieut. Allan M. Pope to be first lieutenant.
Second Lieut. Reynolds J. Powers to be first lieutenant.
Second Lieut. John C. Montgomery to be first lieutenant.
Second Lieut. James S. Jones to be first lieutenant.

Second Lieut. Edward M. Zell to be first lieutenant.
Second Lieut. Dorsey R. Rodney to be first lieutenant.
Second Lieut. Alexander M. Milton to be first lieutenant.
Second Lieut. Hugh S. Johnson to be first lieutenant.
Second Lieut. Carl Boyd to be first lieutenant.
Second Lieut. Stephen W. Winfree to be first lieutenant.
Second Lieut. Ephraim F. Graham to be first lieutenant.
Second Lieut. George E. Nelson to be first lieutenant.
Second Lieut. Thomas L. Sherburne to be first lieutenant.
Second Lieut. Charles W. Stewart to be first lieutenant.
Second Lieut. Emil Engel to be first lieutenant.
Second Lieut. Emmett Addis to be first lieutenant.
Second Lieut. Harry L. King to be first lieutenant.
Second Lieut. Arthur G. Hixson to be first lieutenant.
Second Lieut. Vaughn W. Cooper to be first lieutenant.
Second Lieut. Robert C. Richardson, jr., to be first lieutenant.
Second Lieut. Robert M. Campbell to be first lieutenant.
Second Lieut. George V. Strong to be first lieutenant.
Second Lieut. George B. Hunter to be first lieutenant.
Second Lieut. Stanley Koch to be first lieutenant.
Second Lieut. Stephen C. Reynolds to be first lieutenant.
Second Lieut. William V. Carter to be first lieutenant.
Second Lieut. Henry C. Pratt to be first lieutenant.
Second Lieut. Charles B. Amory, jr., to be first lieutenant.
Second Lieut. Kinzie B. Edmunds to be first lieutenant.
Second Lieut. Charles S. Hoyt to be first lieutenant.
Second Lieut. Henry J. Reilly to be first lieutenant.
Second Lieut. James J. O'Hara to be first lieutenant.

[The following-named officers were nominated to the Senate on May 4 and May 9, 1911, respectively, and the nominations were confirmed by the Senate on May 15, 1911. This message is submitted for the purpose of correcting the designation of vacancies for promotion to which the officers were nominated and for correction of the date of rank of some of the nominees, owing to the death, on May 11, 1911, of Capt. John T. Haines, Eleventh Cavalry, who was nominated to the Senate on May 4, 1911, for promotion to the grade of major from March 3, 1911, and whose nomination was confirmed on May 15, 1911.]

Capt. John T. Nance to be major.
Capt. Charles C. Walcutt, jr., to be major.
Capt. Peter E. Traub to be major.
Capt. Jesse McI. Carter to be major.
Capt. Malvern-Hill Barnum to be major.
Capt. Letcher Hardeman to be major.
Capt. Edmund S. Wright to be major.
Capt. William H. Hay to be major.
Capt. Stephen H. Elliott to be major.
Capt. John M. Jenkins to be major.
Capt. P. D. Lochridge to be major.
Capt. Nathaniel F. McClure to be major.
Capt. William C. Rivers to be major.
Capt. Ellwood W. Evans to be major.
Capt. Robert G. Paxton to be major.
First Lieut. Frank P. Amos to be captain.
First Lieut. Julian A. Benjamin to be captain.
First Lieut. John Watson to be captain.
First Lieut. Samuel R. Gleaves to be captain.
First Lieut. Lewis S. Morey to be captain.
First Lieut. James Goethe to be captain.

INFANTRY ARM.

Maj. Henry C. Hodges, jr., to be lieutenant colonel.
Capt. John H. Wholley to be major.
Capt. Peter Murray to be major.

PROFESSOR OF CHEMISTRY, MINERALOGY, AND GEOLOGY.

Lieut. Col. Wirt Robinson to be professor of chemistry, mineralogy, and geology at the United States Military Academy.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants.

William Calvin Kennerdell Berlin.
John Francis Dunshie.
Lawrence Augustus Felder.
Franklin Jennings Gilson, jr.
Verdo Benjamin Gregory.
Thomas Finlie Miller.
Daniel Cook Moor.
John Larrabee Pomeroy.
Willard De Forest Preston.
Alfred Richards.
George William Roberts.
Frank Elmore Thompson.
Theodore H. Weisenburg.
Charles Edwin Butts.
Frederick Tanquary Hyde.
Augustus Edward Gerhardt.
Eugene Robert Hochstetter, jr.
Thomas Boone Victor Keene.
Frederick Henry Newberry.
Theodore Stanley Proxmire.
Emil Henry Webster.
Rollin Curtis Winslow.
Charles William Tooker, jr.
Ralph Leroy Thompson.
Arthur Henry Sewing.
Eugene Tawner Senseney.
Major Gabriel Seelig.
Clive Douglas Scott.
Adolph George Schlossstein.
Gerhardt Herman Raithel.
Virgil Loeb.
Albert Frederick Koetter.
Albert Henry Hamel.
Walter Fischel.
John McHale Dean.
George William Cale, jr.
Orville Harry Brown.
Richard Shepard Bryan.
Judson Daland.
Clarence Payne Franklin.
Randle Crater Rosenberger.
Elijah Hollingsworth Siter.
William Merrick Sweet.
John Ryan Forst.
Ross Vernet Patterson.
Alfred Reginald Allen.
Edward John Gillespie Beardsley.
David Hendricks Bergey.
John Berton Garnett.
John Thomas Carpenter.
Walter Stewart Cornell.
Nathaniel Gildersleeve.
John Howard Jopson.
Charles Francis Nassau.
George William Norris.
Benjamin Franklin Royer.
Charles Godwin Jennings.
Hugo Abraham Freund.
Philip Mills Jones.
Herbert Williams Allen.
Frank Benton Carpenter.
Walter Stanborough Sutton.
Roger Bernard Brewster.
Harold Philipp Kuhn.
John Gardner Hayden.
Minford Armour Hanna.
Logan Clendening.
Harry Nathaniel Mayo.
John Francis Sharp.
Thomas Arthur Flood.
Thomas Peterson Lloyd.
Frank Winders.
Arthur Clarence Strachauer.
William West Grant.
Archibald MacLaren.
Alexander Robert Colvin.
Harry Parks Ritchie.
Wesley Wilbur Beckett.
Thomas Ward Burnett.
Luther Raymond Poust.
John William Meehan.
Carroll Royer Baker.
Leo Barton Allen.
Morris Hirshfeld Boerner.

DENTAL SURGEONS.

To be first lieutenants.

John Sayre Marshall.
Robert Todd Oliver.
Seibert Davis Boak.
Clarence Edward Lauderdale.
Franklin Fearing Wing.
George Lemuel Mason.
Frank Homer Wolven.
John Henry Hess.
Hugh Gordon Voorhies.
William Henry Chambers.
Alden Carpenter.
Charles James Long.

Edwin Payne Tignor.
John Archibald McAlister.
George Harry Casaday.
Julien Rex Bernheim.
Rex Hays Rhoades.
George Edward Stallman.
George Irvin Gunckel.
Frank Powell Stone.
Raymond Eugene Ingalls.
Harold O. Scott.
John Richard Ames.
Edward Pressley Rhea Ryan.
Robert Hilliard Mills.
Frank Leonard Kemner Laflamme.
Minot Everson Scott.
George Dudley Graham.
Robert Fulton Patterson.
Samuel Hunter Leslie.

POSTMASTERS.

GEORGIA.

Edward M. Hagin, Douglasville.

MISSISSIPPI.

Annette Simpson, Pass Christian.

OKLAHOMA.

Robert G. Morris, Hollis.
George Y. Walbright, Stroud.

WITHDRAWALS.

Executive nominations withdrawn from the Senate June 6, 1911.

The following nominations for promotion of the officers herein named, which were submitted to the Senate on May 24, 1911, have been withdrawn. They will be nominated for promotion in another message, each with an earlier date of rank.

CAVALRY ARM.

First Lieut. William S. Wells, Seventh Cavalry, to be captain from May 12, 1911, vice Capt. John T. Haines, Eleventh Cavalry, who died May 11, 1911.

Second Lieut. Henry J. Reilly, Thirteenth Cavalry, to be first lieutenant from April 17, 1911, subject to examination required by law, vice First Lieut. Walter H. Rodney, Second Cavalry, who died April 16, 1911.

Second Lieut. James J. O'Hara, Fourth Cavalry, to be first lieutenant from May 12, 1911, vice First Lieut. William S. Wells, Seventh Cavalry, promoted.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 6, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we would hallow Thy name in thought, word, and deed; hence we wait upon Thee for the quickening of that spark which makes us Thine and the whole world akin and which inspires to great thoughts, clean living, and noble deeds. Speak to us that we thus go forward to the tasks of the hour in faith, hope, and love. For Thine is the kingdom and the power and the glory, forever. Amen.

The Journal of the proceedings of Friday, June 2, 1911, was read and approved.

CHANGE OF REFERENCE.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to correct a reference. I ask unanimous consent that the Committee on the Post Office and Post Roads be discharged from the consideration of the bill H. R. 11031 and that it be referred to the Committee on Appropriations.

The SPEAKER. The Clerk will report the bill, so that the House can understand what it is going to vote upon.

The Clerk read as follows:

A bill (H. R. 11031) making immediately available a part of the amount appropriated for inland transportation, by star routes, for the fiscal year ending June 30, 1912, and for other purposes.

Be it enacted, etc., That of the sum of $7,117,000 appropriated for inland transportation, by star routes (excepting in Alaska), including temporary service to newly established offices, by the "Act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1912, and for other purposes," approved March 4, 1911, the sum of $40,000 shall be immediately available.

The SPEAKER. The gentleman from New York asks unanimous consent that the Committee on the Post Office and Post Roads be discharged from the further consideration of the bill H. R. 11031, and that it be referred to the Committee on Appropriations. Is there objection.

Mr. MOON of Tennessee. I object, Mr. Speaker.

Mr. FITZGERALD. Mr. Speaker, by direction of the Committee on Appropriations, I move that the Committee on the Post Office and Post Roads be discharged from the further consideration of the bill and that it be referred to the Committee on Appropriations.

The SPEAKER. The gentleman from New York moves that the Committee on the Post Office and Post Roads be discharged from the further consideration of H. R. 11031, and that the bill be referred to the Committee on Appropriations.

Mr. FITZGERALD. Mr. Speaker, if the Chair will indulge us for a moment, the gentleman from Tennessee and myself may make an arrangement——

The SPEAKER. The Chair desires to hear what the gentleman from New York is saying.

Mr. FITZGERALD. Mr. Speaker, if the Chair will indulge me just a moment, the gentleman from Tennessee and myself may make a little arrangement to defer action on the motion until some future time.

Mr. UNDERWOOD. Mr. Speaker, I would like to ask the gentleman from New York and the gentleman from Tennessee to let the matter go over until the gentleman from Tennessee comes back—he is going away—without prejudice and without any report on the bill.

Mr. FITZGERALD. When is he coming back?

Mr. MOON of Tennessee. I will be away perhaps 10 days.

Mr. GARRETT. That is, subject to the point of order?

Mr. FITZGERALD. If it will accommodate the gentleman from Tennessee to have the motion acted upon at a later date, and there will be no attempt to report the bill in the meantime, I am willing to let the matter stand over until some date to be agreed upon.

Mr. MOON of Tennessee. Mr. Speaker, it is not a matter of any accommodation whatever to me; I am ready to dispose of it now; but the gentleman from Alabama [Mr. UNDERWOOD] desires to have the matter go over, and I am willing to accommodate him if it can be considered as pending, the time to be agreed upon hereafter for its disposition.

Mr. BURLESON. And no further action to be taken in the meantime?

Mr. MOON of Tennessee. Of course, I am not going to report the bill pending this motion.

Mr. UNDERWOOD. For it to go over until a time to be agreed upon by the gentlemen.

Mr. MOON of Tennessee. Mr. Speaker, of course I desire to reserve the point of order on the gentleman's motion.

The SPEAKER. The gentleman from Tennessee reserves the point of order.

Mr. UNDERWOOD. Now, Mr. Speaker, I ask unanimous consent——

Mr. FITZGERALD. I would like to know what the point of order is. I do not wish this motion to go over with a point of order pending when I have no manner of ascertaining what the point to be pressed is. This motion is made under the rule.

The SPEAKER. The motion is under the rule, and the motion is not debatable. This proceeding, of course, is by unanimous consent. If any gentleman has any motion to make, the Chair will entertain it.

Mr. HELM. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman will wait until the other matter is disposed of.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that there may be 30 minutes' debate on this motion—15 minutes to be controlled by myself and 15 minutes by the gentleman from Tennessee [Mr. MOON].

Mr. MANN. What about this side of the House? We are not entirely out of the House. [Laughter.]

Mr. FITZGERALD. Mr. Speaker, I am perfectly willing to yield to gentlemen on that side of the House who are on my side of the controversy. I shall be delighted to have them all with me. [Laughter.]

Mr. CANNON. Mr. Speaker, I want to suggest to the gentleman, if he will allow me, touching time, that in my judgment, while this motion, standing as to this exact case, is not of great importance, it seems to me that under the rules of the House, with many appropriations committees and with other committees having jurisdiction under the rules, there is no more important question touching correct procedure, without regard to politics on either side of the aisle, than this. No greater question has been presented or can be presented.

Therefore I suggest to the gentleman that if there is to be a real contest about this matter 15 minutes' time on a side is not sufficient.

Mr. UNDERWOOD. Mr. Speaker, the controversy in this matter is on the question whether this bill is a deficiency bill or not. If it is a deficiency bill, it undoubtedly goes to the general Committee on Appropriations. If it is not a deficiency bill, it goes to the Committee on the Post Office and Post Roads. I think the gentlemen on the committees can settle that, without bringing the controversy before the House, by an investigation of the facts relating to the bill, and I ask unanimous consent that the matter go over for the present without prejudice to either side. Of course, that means that no report shall be filed until the question is settled.

Mr. SHERLEY. Mr. Speaker, reserving the right to object, I would like some definite time to be fixed. I agree with the gentleman from Illinois [Mr. CANNON] that no more important matter as to the machinery of the House can come up than the question of whether or not deficiencies are to remain with the Committee on Appropriations. I for one am not willing simply to let the matter go over indefinitely. It may be that some others of us will not be able to be here all the time. I would like to have some stipulation as to when the matter can be brought up.

Mr. UNDERWOOD. The gentleman from Tennessee [Mr. MOON] stated that he desired to be absent for a few days, and I presume the matter could go over until he returned.

Mr. MOON of Tennessee. I do not want the matter to go over on my account, of course. I want to go away for about two weeks, but it is utterly immaterial to me whether the matter goes over or not.

Mr. UNDERWOOD. If the matter goes over without prejudice, it can be ascertained by the committees whether it is a deficiency or not. If it is a deficiency, I take it that it will go to the Committee on Appropriations.

Mr. FITZGERALD. Let the question be postponed until the 20th of June, with the understanding that the bill will not be reported in the meantime.

Mr. MANN. Does the gentleman yield for a question?

Mr. UNDERWOOD. I do.

Mr. MANN. This is by unanimous consent. The gentleman suggests that perhaps the chairmen of the two committees could agree. The gentleman remembers that there are a number of appropriating committees of the House, and that there has been more or less controversy as to whether a bill was a deficiency bill or not. Would it not be just as well—no personal feeling being involved in this case at all, as I understand—to have the House settle it?

Mr. UNDERWOOD. I have no objection to its being settled now. I do not think there is any question whatever, under the rules of this House, that a deficiency bill goes to the Committee on Appropriations, and should go there. Now, this is merely a question of fact, and I must say to the gentleman from Illinois that I do not understand the facts myself now.

Mr. MANN. But the gentleman probably does not recall that at the last session of Congress the Committee on the Post Office and Post Roads boldly avowed on the floor of the House their intention, if possible, to take jurisdiction over postal deficiencies, instead of having them go to the Committee on Appropriations, and not only avowed it, but carried their avowal into the law; and when deficiencies were stricken out in the House on points of order they were restored in another body and left in the bill in conference in a way that they could not be questioned in the House.

Now, would it not be just as well for the House, when it is not involved in these matters, to determine whether the rule with reference to deficiencies shall be enforced by the other appropriating committees, and the Committee on Appropriations have jurisdiction, or whether the various other appropriating committees shall endeavor to seize jurisdiction over deficiencies.

Mr. UNDERWOOD. Mr. Speaker, as there seems to be objection to the matter going over, I withdraw my request for unanimous consent.

Mr. SHERLEY. Mr. Speaker, I should like to submit a request for unanimous consent that two hours be permitted for debate upon this question, the time to be equally divided between the gentleman from New York [Mr. FITZGERALD] and the gentleman from Tennessee [Mr. MOON].

The SPEAKER. The gentleman from Kentucky asks unanimous consent that the debate on this motion be extended two hours, one half the time to be controlled by the gentleman from New York [Mr. FITZGERALD] and the other half by the gentleman from Tennessee [Mr. MOON]. Is there objection?

Mr. HAY. I object.

The SPEAKER. Objection is made by the gentleman from Virginia [Mr. HAY]. The question is on the motion of the gentleman from New York, that the Committee on the Post Office and Post Roads be discharged from further consideration of H. R. 11031, and that the bill be referred to the Committee on Appropriations.

Mr. FITZGERALD. Mr. Speaker, I modify the request, and make it one hour on a side. I understand that the gentleman who objected to two hours will not object to one hour.

The SPEAKER. The gentleman from New York modifies the request, to make it one hour instead of two.

Mr. MANN. Mr. Speaker, reserving the right to object, I should like to inquire if the gentleman from Virginia objected to the length of the debate or to having debate at all upon the proposition.

Mr. HAY. The objection was made because I thought two hours was too long. I will not object to one hour.

Mr. MANN. Does not the gentleman think that the House, in the position that it is in, might well afford to work to-day for two hours instead of one hour?

Mr. HAY. I do not care whether it will be working or not. Two hours is too long a time to devote to this question.

Mr. HENRY of Texas. We have a lot of other things to dispose of.

The SPEAKER. The gentleman from Kentucky [Mr. SHERLEY] originally asked for two hours. The gentleman from New York [Mr. FITZGERALD] desires to modify that by making it one hour.

Mr. MANN. I suggest to the gentleman that he ask for an hour and a half. I think we are entitled to some time on this side of the House.

The SPEAKER. The gentleman from Illinois suggests an hour and a half. He modifies the previous request, so that the real question is for unanimous consent for an hour and a half debate. May the Chair inquire of the gentleman from Illinois about the control of the time?

Mr. MANN. Controlled as before.

The SPEAKER. One half to be controlled by the gentleman from New York [Mr. FITZGERALD] and the other by the gentleman from Tennessee [Mr. MOON]. Is there objection to the hour and a half?

There was no objection.

DUTIES ON WOOL, ETC.

Mr. UNDERWOOD. Mr. Speaker, if the gentleman from New York [Mr. FITZGERALD] will yield to me for a moment, I desire to make a privileged report (No. 45).

Mr. FITZGERALD. I yield to the gentleman from Alabama.

Mr. UNDERWOOD, by direction of the Committee on Ways and Means, reported a bill (H. R. 11019) to reduce the duties on wool and manufactures of wool, with the recommendation that the bill pass without amendment.

The bill was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent to file the views of the minority, and that they be printed with the report.

The SPEAKER. The gentleman from New York asks permission to file the views of the minority and that they be printed with the report. If there be no objection, it will be so ordered.

There was no objection.

Mr. UNDERWOOD. Mr. Speaker, I wish to give notice that to-morrow I will move to go into Committee of the Whole House on the state of the Union for the consideration of this bill.

I now ask unanimous consent that, in addition to the bills that are printed for the folding room, 5,000 copies of this report may be printed, 1,000 for the use of the committee and 4,000 copies of the report to go to the credit of Members in the folding room.

Mr. PAYNE. Does that request include the views of the minority?

Mr. UNDERWOOD. Including the views of the minority.

The SPEAKER. The gentleman from Alabama asks unanimous consent that 5,000 copies of the report be printed, 1,000 for the use of the committee and 4,000 to go to the folding room. Is there objection?

Mr. PAYNE. Mr. Speaker, a gentleman on this side suggests that extra copies of the bill be also printed.

Mr. UNDERWOOD. The bill is included in the report.

Mr. MANN. Well, we ought to have it printed separately. I thought the gentleman's request covered 5,000 extra copies of the bill.

Mr. UNDERWOOD. I have no objection to that; but the bill is included in the report.

Mr. MANN. I know; but the gentleman knows that the bill printed in the report will be printed in such fine type that the gentleman ought not to and I can not read it.

Mr. UNDERWOOD. I will include in that request that 5,000 copies of the bill be printed in the same way.

Mr. MANN. May I inquire of the gentleman as to whether it will be practical to have the bill printed in parallel columns, showing this bill, the Wilson law, and the Payne law?

Mr. UNDERWOOD. Mr. Speaker, I will say to the gentleman that in the report the bill as printed carries the rates in the Payne law and in the Wilson law and in this bill, but does not carry the full bill.

Mr. MANN. I suppose the report is substantially the same in that respect as the bill presented to the Democratic caucus?

Mr. UNDERWOOD. Yes.

Mr. MANN. It will be very convenient for Members, if it were practical, as it seems to me it would be, to have printed in parallel columns the provisions of the bill and the two laws.

Mr. UNDERWOOD. I would say to the gentleman, Mr. Speaker, it would be very difficult to have the bills prepared in parallel columns, but I have in my committee room a copy of all the recent tariff bills, and if the gentleman desires it on to-morrow I will present them to the House and ask unanimous consent that they be printed as a House document.

Mr. MANN. As to the wool schedule?

Mr. UNDERWOOD. Yes; as to the wool schedule; but not in parallel columns.

Mr. MANN. I think it might be very desirable, if that is the best thing that can be done.

Mr. CANNON. Mr. Speaker, certainly to an indolent man like myself it would be well, and it seems to me practical, to have the bill, the Dingley law, and the Wilson law printed, and it is my recollection that it has been printed in that way before. It is merely as a matter of convenience.

Mr. UNDERWOOD. Mr. Speaker, where does the gentleman desire to have it printed? Of course I do not care to have it injected into my report.

Mr. CANNON. Oh, not at all.

Mr. MANN. Not at all; but to have extra copies printed for the use of the House, showing the bill, the Wilson law, and the Payne law, which is practically the Dingley law, in parallel columns.

Mr. UNDERWOOD. I have no objection——

Mr. MANN. If the committee clerks are able to make that up, I think it would be convenient to everybody in the House.

Mr. UNDERWOOD. Mr. Speaker, I have no objection to that request as a separate request.

Mr. MANN. Certainly.

Mr. FOSTER of Illinois. Mr. Speaker, I would like to inquire if it is the intention to print both the Dingley law and the Payne law in parallel columns?

Mr. MANN. Oh, no.

Mr. CANNON. The Payne law is the same as the Dingley.

Mr. FOSTER of Illinois. If we are going to have these bills printed in parallel columns, we ought to put in both the Dingley law and the Payne law.

Mr. MANN. Of course there is not much difference.

Mr. FOSTER of Illinois. That is what I want to know, and to have it done to show that difference.

Mr. MANN. Mr. Speaker, I have no objection to printing them all, but you can not put them on a sheet of paper that is convenient. You can print three parallel columns on a piece of paper in such shape that we can get at it conveniently, as we have done repeatedly from our committee.

The SPEAKER. What is the request?

Mr. UNDERWOOD. My request is, Mr. Speaker, that 5,000 copies of the bill and report, including the minority views, be printed in addition to those ordinarily printed and distributed in the document room, and that of those 5,000 copies 1,000 shall go to the Committee on Ways and Means and 4,000 shall go to Members of the House to their credit in the folding room.

The SPEAKER. The gentleman from Alabama asks unanimous consent that 5,000 copies of the bill and the report, including the minority report, be printed in addition to the usual number of bills printed; that 1,000 of them shall go to the Committee on Ways and Means and 4,000 to the folding room for use of the Members. Without objection, it is so ordered. [After a pause.] The Chair hears no objection.

Mr. MANN. Mr. Speaker, I ask unanimous consent that there be printed a thousand copies of the proposed bill, the Wilson law, and the Payne law, so far as the woolen schedules are concerned, in parallel columns, if that can be prepared by the clerks of the Committee on Ways and Means.

Mr. UNDERWOOD. Mr. Speaker, I will say that it will be quite difficult and it will probably take some time for the clerks to prepare those bills in parallel columns, but I can furnish to-morrow copies of all the recent woolen schedules, not in parallel columns, but the one following the other, and they can be printed at once, if that is satisfactory.

Mr. PAYNE. If the gentleman from Alabama will allow me a suggestion, we had before the committee last week something that was very close approaching to printing those three bills in parallel columns.

Mr. UNDERWOOD. I have no objection——

Mr. MANN. I have no objection to covering the whole thing, if it can be put in a shape that is readable and convenient of access.

Mr. UNDERWOOD. Of course all of them can not be put in parallel columns. The gentleman is right; you can put but three in parallel columns, but I have no objection to the gentleman's request.

The SPEAKER. What is the request now?

Mr. PAYNE. Mr. Speaker, I do not see the necessity of printing the Dingley law and the present act, because there are only two changes in the present law from the Dingley law, and those are minor changes. I have no objection to it, but I do not see the necessity for it.

Mr. MANN. Mr. Speaker, my request is to print 1,000 copies of the proposed bill on the woolen schedule, the Wilson, and the Payne law in parallel columns.

The SPEAKER. The request of the gentleman from Illinois is that 1,000 copies of the woolen schedule of the proposed bill, the Wilson law, and the Payne law be printed in parallel columns. Is there objection?

Mr. EDWARDS. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Illinois to make this request 5,000 copies; and the reason for asking that it be made that number is that there is a widespread interest in this question throughout the country, and the Members of the House will be receiving requests for this document, covering this comparison, and will be unable to comply with the requests. I would suggest to the gentleman from Illinois that he make his request for 5,000 copies.

Mr. MANN. I would suggest to the gentleman that these be first printed, and if it can be put in a convenient form and there is any occasion we can very easily increase the number, but if it is going to be bulky and inconvenient we would not like to send them out, although we might use them here.

The SPEAKER. Does the gentleman from Illinois accept?

Mr. MANN. I think it would be well for us to wait until it is first printed.

Mr. EDWARDS. I do not insist upon my request.

The SPEAKER. Is there objection to the request of the gentleman from Illinois as stated by the Chair? [After a pause.] The Chair hears none, and it is so ordered.

WITHDRAWAL OF PAPERS.

Mr. FULLER, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, papers in the case of Mary R. C. Blanchard, Sixty-first and Sixty-second Congresses, no adverse report having been made thereon.

CHANGE OF REFERENCE.

The SPEAKER. The gentleman from New York is recognized for 45 minutes.

Mr. MOON of Tennessee. Mr. Speaker, before the gentleman from New York proceeds, I desire to ask him if his committee has met and passed a resolution demanding jurisdiction of the bill?

Mr. FITZGERALD. I will say to the gentleman that the Committee on Appropriations met and authorized me to make the motion in the House.

Mr. MOON of Tennessee. Then the point of order is not well taken, if that is the fact.

Mr. FITZGERALD. I understand there is no question of order pending against the motion.

The question before the House, Mr. Speaker, is one of vital importance, not only to the orderly transaction of the business of the House, but to the proper administration and expenditure of the public funds. The bill which is the subject of controversy purports to make immediately available for the public service for the current fiscal year $40,000 of the amount appropriated for the next fiscal year, which commences on the 1st of July. The Committee on Appropriations contends that this bill is to supply a deficiency in the appropriations for the existing fiscal year.

The SPEAKER. Will the gentleman from New York suspend? The Chair desires to say that the matter that is being debated by these gentlemen is a matter of vast importance to the House, not only with respect to this particular bill, but also

to scores of other bills that are liable to come up, and these gentlemen are entitled to be heard, and the Chair is entitled to have a chance to hear what they say. Gentlemen who desire to converse will please leave the Hall. The gentleman from New York will now proceed.

Mr. FITZGERALD. The contention of the Committee on Appropriations is that this bill is to supply a deficiency in the appropriations made for the service of the present fiscal year. The appropriation for this service, carried in the Post Office appropriation bill, was $7,170,000. It now appears that an attempt is to be made to increase the amount that is to be expended by $40,000. The disposition of this motion does not at all affect the question as to whether the appropriations should be made or shall be made. The merits of the request for the money are not involved. The only question involved is, To which committee should this request be referred for investigation?

Mr. Speaker, it is necessary to understand the method by which estimates are made for the public service and by which appropriations following the estimates are made in order to understand the question involved here. Section 3669 of the Revised Statutes is as follows:

All annual estimates for the public service shall be submitted to Congress through the Secretary of the Treasury, and shall be included in the Book of Estimates prepared under his direction.

In 1884 a statute was enacted (July 7, 1884; Stat. L., vol. 23, p. 254) which provided that—

All estimates of appropriations and estimates of deficiencies in appropriations intended for the consideration and seeking the action of any of the committees of Congress shall be transmitted to Congress through the Secretary of the Treasury, and in no other manner; and the said Secretary shall first cause the same to be properly classified, compiled, indexed, and printed under the supervision of the chief of the division of warrants, estimates, and appropriations of his department.

In addition to that provision, in the year 1906 (June 22, 1906, Stat. L., vol. 34, p. 448, sec. 4) this statute was enacted:

Hereafter the heads of the several executive departments and all other officers authorized or required to make estimates for the public service shall include in their annual estimates furnished the Secretary of the Treasury for inclusion in the Book of Estimates all estimates of appropriations required for the service of the fiscal year for which they are prepared and submitted, and special or additional estimates for that fiscal year shall only be submitted to carry out laws subsequently enacted or when deemed imperatively necessary for the public service by the department in which they shall originate, in which case such special or additional estimate shall be accompanied by a full statement of its imperative necessity and reasons for its omission in the annual estimates.

In compliance with these statutes the Post Office Department submitted estimates for the fiscal year 1911, which closes the 30th of this month, for the star-route service, in an amount of $7,201,000.

Under the rules, the estimates were referred to the Committee on the Post Office and Post Roads, and when the Post Office appropriation bill was finally enacted into law the appropriation for the star-route service was $7,170,000, or $31,000 less than the estimates.

For many years it had been the practice of the departments, after they had submitted estimates to Congress, and after Congress had passed upon the estimates and determined how much, in its judgment, should be expended for any particular service, deliberately to ignore the appropriation and to carry on the various services as if the amount originally estimated had been granted, and then ask Congress to supply its failure in the first instance to give what in the opinion of the department should have been granted by making deficiency appropriations. So great did that abuse become that in 1905 or 1904 the deficiency appropriations in a single year aggregated the enormous sum of more than $40,000,000.

Congress determined to keep in hand its control of the public funds, and that it should settle how much should be expended for any service and not have some administrative officer determine that question, and in 1906 it enacted what is known as the antideficiency law, the act which I shall read.

Although this was not the first attempt of Congress to control this matter, the former attempt had failed because the departments had evaded the law previously adopted, and there was no manner in which to stop the then prevailing practices. So a second attempt was made, and this provision of law was enacted:

No executive department or other Government establishment of the United States shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract or other obligation for the future payment of money in excess of such appropriations unless such contract or obligation is authorized by law. Nor shall any department or any officer of the Government accept voluntary service for the Government or employ personal service in excess of that authorized by law, except in cases of sudden emergency involving the loss of human life or the destruction of property. All appropriations made for contingent expenses or other general purposes, except appropriations made in fulfillment of contract obligations expressly authorized by law, or for objects required or authorized by law without reference to the amounts annually appropriated therefor, shall, on or before the beginning of each fiscal year, be so apportioned by monthly or other allotments as to prevent expenditures in one portion of the year which may necessitate deficiency or additional appropriations to complete the service of the fiscal year for which said appropriations are made; and all such apportionments shall be adhered to and shall not be waived or modified except upon the happening of some extraordinary emergency or unusual circumstance which could not be anticipated at the time of making such apportionment, but this provision shall not apply to the contingent appropriations of the Senate or House of Representatives; and in case said apportionments are waived or modified as herein provided, the same shall be waived or modified in writing by the head of such executive department or other Government establishment having control of the expenditure, and the reasons therefor shall be fully set forth in each particular case and communicated to Congress in connection with estimates for any additional appropriations required on account thereof. Any person violating any provision of this section shall be summarily removed from office and may also be punished by a fine of not less than $100 or by imprisonment for not less than one month. (Feb. 27, 1906, Stat. L., vol. 34, p. 49, sec. 3.)

This statute was enacted in 1906, and since that time the deficiencies in the service in the various departments have not exceeded $9,000,000 or $10,000,000 in any one fiscal year, and they have invariably been deficiencies which, under the law, are recognized as being properly incurred by the heads of the departments.

Now, the appropriation for this branch of the postal service was made for the present fiscal year in the Post Office appropriation act for the fiscal year 1911, the current fiscal year. No estimate has been submitted by the Post Office Department for an additional sum. No request has come in the manner provided by law for this additional money. No statement has been made as to whether the appropriation was apportioned in accordance with the law, and because of some condition arising as provided by the statute it has been necessary to waive it and the reasons for such waiver transmitted to Congress, as required by the statute. But this bill was introduced proposing to increase the money available for the service during this fiscal year by $40,000. If additional money be required for this service, it is money required as a deficiency in the appropriation now available for the service, because the appropriations having heretofore been made the department is required to confine itself to those appropriations unless for some reason specified in the statute it can properly ask or incur additional expenditures to those provided.

The rules of the House provide that all deficiencies, all estimates for deficiencies, shall be referred to the Committee on Appropriations. The contention, as I understand it, of those who insist that this bill should be referred to the Committee on the Post Office and Post Roads is that under the rules there should be referred to the Committee on the Post Office and Post Roads all proposed legislation, including appropriations for the support of that department. I submit that this is not a bill or an estimate for an appropriation for the support of the department, but it is to supply a deficiency in the appropriations heretofore made.

When the Post Office appropriation bill was under consideration in the last session of Congress the chairman of that committee boldly avowed that, in the opinion of the members of that committee, deficiency appropriations for the Post Office Department should be made by the Committee on the Post Office and Post Roads, and that, in that belief, they had requested the Postmaster General to submit to the committee, not in the manner required by law, not in regular estimates through the Secretary of the Treasury, not as the rules provide in communications addressed to the House through the Speaker for reference to the proper committees in the House, but to the Committee on the Post Office and Post Roads itself, a statement of the amounts of money that would be required to enable the department to complete its service during the present fiscal year. As a result of the statement submitted there were included in the Post Office appropriation bill more than $2,000,000 of appropriations for deficiencies; and the chairman stated that it was the intention thereafter to make such deficiency appropriations in the Post Office bill.

The result was that, although more than $2,000,000 of deficiency appropriations have been made for the Post Office Department for the present fiscal year through the medium of the Post Office Committee, not a single estimate for any one of those items has ever been submitted to Congress in accordance with the law and in conformity with the rules of the House, and no investigation has ever been made to ascertain whether the antideficiency act was complied with by the department when those deficiencies were incurred.

I wish to call attention of the House to a statement made by a gentleman, not now a Member of this House, but one who enjoyed the confidence of Members on both sides, as to the vicious practice of making appropriations immediately available in appropriation bills in the manner done in the Post Office bill. Mr.

Tawney, who was chairman of the Committee on Appropriations for six years, and who retired at the end of the last Congress, submitted his annual review of the appropriations made by Congress at its last session, which statement appears in the RECORD of the 10th of March of this year. He was speaking of what he believed to be the unwisdom of having the appropriations distributed among a number of committees, and he said:

Not the least of the evils resulting from this system of several committees controlling appropriation bills is the practice of making appropriations immediately available. To such an extent has this grown that large portions of many sums carried in appropriation bills purporting to provide for the running expenses of an ensuing fiscal year are, in fact, designed to cover deficiencies that already exist or are anticipated in a preceding year, thus evading the penalties of the anti-deficiency law and defeating the very purpose of the creation by law of our Government fiscal year, which was established in order that Congress might have an accurate measure of time, adjusted to the beginning and closing of the regular sessions, by which to gauge the operating expenses of the Government.

Mr. Speaker, right at the outset of this Congress we are confronted with this question that must be determined, and that is whether the departments are to be compelled to submit their requests for deficiencies in the manner prescribed by law and in accordance with the rules of the House, or whether they are to seek out those places where it may be possible without the scrutiny which the law intends shall be given for increases in their *current appropriations* and thus evade the penalties of the law.

This applies not only to this bill, but it will apply to a large number of other bills which will be introduced. If these deficiencies are to be scrutinized by the Committee on Appropriations, and if the policy of the House as expressed in its rules is to be carried out, and that committee—as was pointed out in 1885 when the appropriation bills were distributed among the various committees of the House—if that one committee is to have at least some comprehensive control of the actions of the departments, it is important that this bill be now sent to the Committee on Appropriations, so that if a deficiency really exists in the appropriation for this service it may be granted if the law has been complied with, or if the law has not been complied with the penalties be enforced against those responsible for its violation before the appropriations be made. Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from New York reserves the balance of his time, and the gentleman from Tennessee [Mr. MOON] is recognized for 45 minutes.

Mr. MOON of Tennessee. Mr. Speaker, of course I am aware, and every other Member of this House is aware, that the distinguished gentleman from New York and his committee are much more able, much more capable of looking after the welfare of this Government than the Committee on the Post Office and Post Roads in appropriations. I know they would give that attention which would be impossible to any other committee of ordinary ability in this House to bestow upon public questions, and if I were involved in this matter only in treating with the question of jurisdiction I would readily yield my judgment and transfer this bill to the gentleman from New York and his committee, but I apprehend that the judgment of this House is, or may be, at least, that the balance of the Committee on the Post Office and Post Roads is about as patriotic, about as honest, and about as capable as the gentleman from New York and his committee. Now, it is not a matter in which I have any feeling. I do not care anything about this bill, whether it goes to one committee or the other, but it is a question of jurisdiction, a conflict of jurisdiction between these two committees. The Postmaster General of the United States communicated with the Committees on the Post Office and Post Roads of the House and Senate and recommended the passage of this bill. The bill was introduced in the House. The Speaker thought it ought to go to the Committee on the Post Office and Post Roads, and it went there.

Mr. SHERLEY. Will the gentleman yield?

Mr. MOON of Tennessee. Oh, yes; for a minute.

Mr. SHERLEY. When the Postmaster General came to this committee with this request was he not violating the plain letter of the law?

Mr. MOON of Tennessee. Oh, no; he is not doing anything of the sort; he is keeping within the letter of the law.

Mr. SHERLEY. Then what is the meaning of the provision with reference to submitting estimates for deficiencies——

Mr. BURLESON. Through the Treasury Department.

Mr. MOON of Tennessee. If the gentleman will wait he will find out what we think about it. Mr. Speaker, that committee met, considered this bill, and ordered a report. A report has been drafted and is ready to be introduced into this House, and has not been introduced in view of objections made. Now, the gentleman from New York comes with his motion, assuming the superiority of his committee and the legal right under the law to take jurisdiction of this matter. Now, just for a moment on the question of jurisdiction, and I want to say, too, all that the gentleman from New York may have said and all that he may have read in reference to estimates may be true and proper under a proper state of facts, but it has no application in the matter we are now considering, from the point of view I take. The jurisdiction of the Committee on Appropriations appropriating the revenues for the support of the Government as herein provided is for legislative, executive, and judicial expenses, for sundry civil expenses, for fortifications and coast defense, for the District of Columbia, for pensions, and for all deficiencies. The jurisdiction of the Committee on the Post Office and Post Roads is over all bills in reference to post offices and post roads, including appropriations for their support. While I think as a primary question the sensible thing for this House to do would be to denude this committee of its ever-usurping power in this House—the Committee on Appropriations—from the control of all deficiencies, and allow each committee from which deficiencies come, or the department over which the committee has control, to dispose of them, still under the existing law I concede the right to the Committee on Appropriations to pass on the question of deficiencies.

Is this a deficiency? Who says so? There is nothing on the face of this bill declaring that it is a deficiency. As a matter of fact, there is absolutely no deficiency at this moment, and there will not be for some time in the Post Office Department on the item for the transportation of mail by star routes. That is the fact.

Mr. SHERLEY. Will the gentleman permit a question now?

Mr. MOON of Tennessee. No; I will not. I want to proceed with my argument.

The SPEAKER. The gentleman from Tennessee declines to yield.

Mr. MOON of Tennessee. I do not propose to be cut off from the line of my argument by gentlemen interjecting something unimportant.

Now, there is no deficiency, as a matter of fact. It does not appear from the face of these papers, nor can any gentleman say there is a deficiency from the face of this paper.

The question is this: Has the Congress of the United States, through its Post Office Committee, the right or, in other words, has that committee the right and jurisdiction, to report a bill to this House making available a portion of an appropriation for another year? If it appears that it is for a deficiency on the face of the bill, I say no. If it does not so appear, then where is the jurisdiction in the Committee on Appropriations to control this matter in the absence of the proof of a deficiency? This Committee on the Post Office and Post Roads has the jurisdiction of appropriations for that department. It has got a right to make as many bills as this House sees fit to pass. In the discharge of that duty and the maintenance of the public service it has the right to pass a law so as to prevent a deficiency.

That is all this bill is. It is a bill that prevents the coming of a deficiency. That deficiency may come; it may not come. We have got a right to pass a law, having the control of the appropriations for that department, to avoid a deficiency or for any other purpose falling within the section which I have read.

It is not a question whether this House, in its judgment, is going to take up the bill and pass it. That has nothing to do with the question. The question now before the House is whether the legal status of this bill presents on its face the existence of a deficiency or not. I assert that no man can read this bill and say a deficiency exists. It may be unwise to make this appropriation.

Mr. FITZGERALD. Will the gentleman yield?

Mr. MOON of Tennessee. It may be improper to make this appropriation, but there is no proof now of a deficiency. As a matter of fact, a deficiency may occur. It may be imminent, but it has not occurred, and until it does occur the Committee on Appropriations can have no jurisdiction.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield?

The SPEAKER. Will the gentleman from Tennessee yield to the gentleman from New York?

Mr. MOON of Tennessee. No. I did not interrupt the gentleman when he was speaking, and I do not want to be interrupted myself.

The SPEAKER. The gentleman declines to yield.

Mr. MOON of Tennessee. A deficit has a special and particular significance. It means that when an appropriation has been made for a specific governmental service and that appropriation has been exhausted and that service has not been performed, then there exists a deficiency. That is not the state of facts now. There is no deficiency this minute on that ap-

propriation. There may be; there may not be. The Postmaster General has stated the facts in reference to the matter. But you are determining now a question of jurisdiction. You are not determining a question as to the merits of this bill. You are determining whether under the existing state of facts as disclosed on the face of the bill—that is all that is before you—a deficiency does in fact exist in the department.

The gentleman says well that it is the duty of the department to make estimates for and give information of these deficiencies, and so forth. The department has not done so. The prima facie presumption is that the deficiency, therefore, does not exist. My information is that the deficiency does not exist now; but, Mr. Speaker, let us settle this question in the light of common sense. Let us not appeal to facts de hors the record. A question of jurisdiction can not be settled that way.

Suppose this matter were one falling within the jurisdiction of one of the courts and a motion to dismiss for the want of jurisdiction was made. Is there any lawyer in this House who would undertake to say for a moment that you could present extraneous facts in the determination of that motion? You would have to proceed otherwise, possibly by pleas in abatement, to reach facts that you desire to have in judgment in order to determine the question. The fact is not in judgment before this House that there is any deficiency in the department. It is not necessary for me to say that there is no deficiency while that is the fact, because it is upon the facts of this bill, and this bill alone, that the question of jurisdiction must be determined, regardless of any question of merit.

I assert, then, that under the power to make appropriations for the support of the department the jurisdiction applies properly to the Post Office Committee, unless the bill shows upon its face the existence of a deficiency which is sought to be met by the terms of the bill. That is untrue. There is no deficiency. There may never be a deficiency. The desire to extend the service may have prompted this legislation that is called for. Whatever be the motive—and I do not care what the motive is—if it be conceded that the bill were drawn as it is in order to avoid the question of deficiency—that is not the truth; yet if that were true—it is so drawn that no deficiency appears on the face of the papers; and the House, in determining the question of jurisdiction, will look to the bill alone and to no facts on the outside.

Further, let me repeat that when you proceed to the investigation of the facts on the outside you will find that there is no deficiency.

So, upon what authority, either of law or of fact, do you propose to give to this committee jurisdiction over a question that directly belongs, for the purposes of appropriation, to the Post Office and Post Roads Committee? The question is as clear to my mind as it can be; and while I am on my feet I want to repeat the necessity, in the interest of good and honest government, of taking away from this Appropriations Committee the assumption of authority; under the law it may be, but let it be changed. Every committee in this House knows better what the appropriations ought to be for the particular department with which it is familiar than does the Committee on Appropriations. It has ample work. We have noticed the attempt of that committee to exercise power. Mr. Jefferson said once that the Federal courts of this country were stealing like thieves over the field of jurisdiction. That remark is most thoroughly applicable to this Committee on Appropriations. [Applause and laughter.]

Mr. Speaker, I reserve the balance of my time.

Mr. FITZGERALD. I yield five minutes to the gentleman from Kentucky [Mr. SHERLEY].

The SPEAKER. The gentleman from Kentucky [Mr. SHERLEY] is recognized for five minutes.

Mr. HUGHES of New Jersey. Mr. Speaker, I desire to interrupt the gentleman from Kentucky before he begins his argument. Will the gentleman mind stating what the procedure would be on the part of the Postmaster General if this were an original appropriation for the support of the department? Has he followed that proceeding in this case?

Mr. SHERLEY. He has not. If it had been an original appropriation, he would have had to submit an estimate.

Mr. BURLESON. Through the Treasury Department.

The SPEAKER. The gentleman from Kentucky has the floor.

Mr. SHERLEY. Mr. Speaker, I shall not emulate the example of the gentleman from Tennessee by indulging in any facetious remarks as to the respective abilities of the personnel of these two great committees. Those who are familiar with the history of the evolution of appropriation bills in this House know that a very great struggle took place here, the result of which was to take away from the Committee on Appropriations the then exclusive power over all appropriations; and one of the determining factors in that result, as shown by the debates, was the declaration by those favoring the change that they had left to the Committee on Appropriations control over deficiencies, and that thereby you would still have one central committee dealing with the entire subject of appropriations.

It is impossible within five minutes, Mr. Speaker, to deal with the broad question of whether it is wise to have one central authority or not. To that question I shall some day address myself at length. This is the proposition now: Is this particular bill a bill for the purpose of supplying a deficiency in the Post Office Department? If it is, then, by the concession of the gentleman himself, it belongs to the Committee on Appropriations, and the fact that he thinks it ought not to belong there has nothing to do with the case.

The gentleman from Tennessee [Mr. MOON] states to you that this House must look to form and can not look to substance; that we are prevented from really looking at the real gist of the matter, but must take the form, and if there is enough ingenuity in the heads of the departments to present a bill in such form as to make it seem not a deficiency, when in point of fact it either actually is or is in immediate contemplation of one, the House is tied. The question is not simply whether his committee will give proper consideration to the bill. The question is whether the law of the land shall be obeyed by the heads of the departments, and that is a larger matter of consideration than either of the committees of the House. We have passed a law which says that they must submit estimates for their regular appropriations and for their deficiencies. If there is going to be no deficiency, why make available this money?

Why, Mr. Speaker, in 25 days the fiscal year in which the gentleman wants authority to expend this money will have ended. The idea of expecting this House to look at the facts, to believe that the object of this is not to make a deficiency, is to ask us to ignore the substance and to look only to shadow. On the face of this bill it would be held under all of the precedents to be a deficiency appropriation. It provides that of the money appropriated for the next fiscal year $40,000 of it shall be available now. Eleven months have passed of the fiscal year, and yet the gentleman would have us believe that the need of this $40,000 is not because of a deficiency that is going to arise or has arisen in the Post Office Department. For what purpose, pray, is the $40,000 to be used, if it is not to be used for a deficiency? When the gentleman can answer that, he will have made some showing for his case. He would not have us inquire, and neither would the Postmaster General, apparently, have us inquire into the Postmaster General's motives. Does the House stop to think that one of the most important things in keeping control over the expenditures of a government is in knowing how much money is expended during each fiscal year? Why have these yearly limitations? Why not make any sum that has been appropriated available at any time, unless for the purpose of holding the departments within fixed periods of time, that we may know what they are expending? It may be that the gentleman's committee obtained full information about this matter. I have no doubt they did, or they would not have reported it, but I do know that the Postmaster General did not obey the law in submitting an estimate, that if this was the beginning of the fiscal year instead of the end of one, and he desired to make available some of the money that was to be appropriated for the then year, he would submit estimates and reasons therefor.

[The time of Mr. SHERLEY having expired, he was granted two minutes more by Mr. FITZGERALD.]

Mr. Speaker, it is rather a curious twisting of the history of legislation in this House to say that the Committee on Appropriations is all of the time seeking to obtain power, to take power away from the other committees. The fact is that the Committee on Appropriations has had the power, and the other committees have constantly sought to take away this power from the Committee on Appropriations. But that is not the quesion. You are not considering now what the law ought to be, you are considering simply what it is, and the gentleman himself confesses that we have jurisdiction of all deficiencies. It is the only possible way now left to the House whereby there is any one committee that may be conversant with the entire legislation of appropriations of the session.

We are the only major country on the globe that appropriates money unscientifically through many sources of authority. Every other country of any magnitude has one source of power. What has been the history in the way of increases? Take the appropriations during the long session of the last Congress, and while the Committee on Appropriations cut down estimates, re-

duced them, all of the other separate appropriating committees increased the estimates. This side of the House is pledged to economy in appropriations.

If it wants to have real economy it must somewhere, somehow, give to some one committee practical control over the entire budget. If the gentleman, under the form in which this bill is drawn, can get charge of this matter, the law in regard to deficiencies is a nullity. No longer can we obtain obedience to the laws and no longer can we force the heads of departments to submit to us estimates giving their reasons therefor. We have fought year after year against the departments to do away with the great abuse of deficiencies; not only of deficiencies, but of transfers of items——

The SPEAKER. The time of the gentleman has again expired.

Mr. SHERLEY. I ask the House not to follow the specious plea of the gentleman from Tennessee, but look to the substance and not alone to the form.

Mr. FITZGERALD. Mr. Speaker, I would ask the gentleman from Tennessee to use some of his time, if he can.

Mr. MOON of Tennessee. I am willing to yield time, but no one has asked for it.

Mr. FITZGERALD. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, the matter is very plain, the rule is very plain, and the practice of the House heretofore, except when the rules have been disregarded, is very plain. I was in Congress when these appropriation bills were divided and assigned to the Committees on Military Affairs, Naval Affairs, Foreign Affairs, Indian Affairs, the Post Office and Post Roads, and, perhaps, one other committee, and they became appropriation committees. The House kept the regular Appropriations Committee, but defined the jurisdiction of each committee.

Now our method of appropriations is provided for by law. First there must be estimates. The Executive must ask, and that is well hedged about. He must ask in a certain way, namely, in detail, sending the estimates to the Secretary of the Treasury. The Secretary of the Treasury sends them to the House, and the Speaker refers those estimates, under the rules, to the appropriate committees.

We have had great difficulty through all these years, under all administrations, in keeping the whip hand, as a branch of government coordinate to the Executive. We had great difficulty. Many times in my recollection the specious pretense has been made that an Executive can do anything that is not prohibited by law. The truth is that he can not do anything that he is not permitted to do by law, under our form of government.

Now, my friend, Mr. MOON of Tennessee, for whom I have high respect, was not quite as candid as he ordinarily is when he started out to make an attack on the Committee on Appropriations, implying that that committee, like a Colossus, doth bestride not the world, but the appropriations. That is an old story in this House. The rule determines the jurisdiction, and the rule is a wise one, as long as these bills are to be distributed; namely, that the deficiencies—that is, the amounts required after the annual appropriations are made for the coming fiscal year, if anything else is required under the law, is a deficiency. It is an additional appropriation, not for the next year, but this year. That is a deficiency, and that is this case.

Oh, but my friend says there is no deficiency and there may never be a deficiency. Under the law, if it is observed by the executive, there never can be a deficiency except in case of great emergency, and that great emergency has to be estimated for; but here there is no estimate at all.

My friend says they have considered it. Well, now, the Committee on Military Affairs or the Committee on Foreign Affairs—all the other committees—might conceive that more money was needed, and without estimates we should be at sea.

What is this? Suppose this bill fails. Can the Postmaster General legally expend more than the $7,000,000 in round numbers that were appropriated for this purpose last year for the current fiscal year?

The SPEAKER. The time of the gentleman has expired.

Mr. CANNON. One minute more.

Mr. FITZGERALD. I yield the gentleman two minutes additional.

The SPEAKER. The gentleman from Illinois is recognized for an additional two minutes.

Mr. CANNON. That is quite sufficient.

Mr. MANN. Give him five minutes.

Mr. FITZGERALD. I yield to the gentleman five minutes.

Mr. CANNON. All right. Now, the bill on its face does not say that there is appropriated so much for a deficiency. Oh, no. But it is to make immediately available a part of the amount appropriated for inland transportation by star routes for the fiscal year ending June 30, 1912.

Mr. MOON of Tennessee. Mr. Speaker, may I ask the gentleman a question?

Mr. CANNON. With pleasure; but first, before he asks it, when does the fiscal year 1912 begin?

Mr. MOON of Tennessee. The fiscal year 1912 begins on the 1st day of July, 1911.

Mr. CANNON. And when does it end? On the 30th day of June, 1912.

Mr. MOON of Tennessee. Yes.

Mr. CANNON. Now, anticipating the public service, under the leadership of your committee this service was appropriated for in that bill, not for this fiscal year 1911, but for the fiscal year 1912, and there could not be one cent of that money used before the 1st day of July without the executive officer being made liable to indictment or impeachment, because under our form of law you can not use money until it is appropriated.

I will yield in a moment to the gentleman from Tennessee. Now, my friend is seeking to make available, not for 1912, but for the fiscal year 1911, which closes on the 30th of June, an appropriation intended for the year 1912, and in that attempt he gives us this bill and says it is not a deficiency bill. I never knew before that by mere language you could make such a change of fact or of substance. I never knew, for example, if a baby is a negro baby that by mere language you could make it a white baby. [Laughter.] And I never knew that you could take a rose and make it a jimson weed by mere language. [Laughter.] Now I will yield to my friend.

Mr. MOON of Tennessee. A good many roses are really jimson weeds when we get at them. [Laughter.] I wanted to ask the gentleman from Illinois this question.

Mr. CANNON. Yes.

Mr. MOON of Tennessee. Suppose, as a matter of fact, that there is no deficiency for the star-route transportation, and that the department, if there is no deficiency, desired the money taken out of the appropriation for next year for the purpose of extending inland transportation by star routes now, and a bill was prepared for the purpose, and no deficiency existed, would not that bill go to the Committee on the Post Office and Post Roads regardless of its merits?

Mr. CANNON. No, it would not. The legislation would go to the Post Office Committee; that would provide for the postal service in the future.

Mr. MOON of Tennessee. But the Post Office Committee makes appropriations and legislates, too.

Mr. CANNON. Precisely. But here the rule provides that all proposed legislation relating—

to the Post Office and post roads, including appropriations for their support—

shall be referred to the Committee on the Post Office and Post Roads. Now——

Mr. MOON of Tennessee. Does not the gentleman do this—does he not confuse the merits of this question, upon which he may be right, with the question of jurisdiction?

Mr. CANNON. Not at all. I am going to ask the gentleman—because this is an important matter—to yield me a little more from his time, if I need it.

Now, what is referred to the Committee on Appropriations?

Appropriations of the revenue for the support of the Government as herein provided, viz, for legislative, executive and judicial expenses; for sundry civil expenses—

And so on—

and for all deficiencies; to the Committee on Appropriations.

Mr. MOON of Tennessee. That is conceded.

The SPEAKER. The time of the gentleman has expired.

Mr. CANNON. Will the gentleman yield to me a couple of minutes?

Mr. MOON of Tennessee. I yield to the gentleman five minutes.

The SPEAKER. The gentleman from Tennessee yields five minutes to the gentleman from Illinois.

Mr. CANNON:

And for all deficiencies; to the Committee on Appropriations.

Now, there are two rules: First—

To the Post Office and post roads, including appropriations for their support; to the Committee on the Post Office and Post Roads.

And next—

And for all deficiencies; to the Committee on Appropriations.

What is a deficiency? The gentleman from Tennessee having provided for the service for the coming fiscal year by the annual appropriation bill, as he did under the leadership of his committee, he has exhausted his jurisdiction as to appropriations. So with all the other committees.

Mr. MOON of Tennessee. Does the gentleman mean to say that if any other subject matter of jurisdiction under the law should come before that committee it would not have the right to consider it?

Mr. CANNON. It would not have the right to consider any possible appropriation except the annual appropriation. If it is a deficiency appropriation, it goes to the Committee on Appropriations.

Mr. MOON of Tennessee. If it is a deficiency, I concede it.

Mr. CANNON. My friend seems to contend that all the money must be exhausted by a department and some more; in other words, that the department officials must have committed a misdemeanor——

Mr. MOON of Tennessee. No; the gentleman misunderstands me. The term "deficiency" has a legal significance.

Mr. CANNON. Precisely.

Mr. MOON of Tennessee. It means that when an appropriation is made for a specific public purpose and that appropriation has been exhausted, and that purpose is not performed, then legally a deficiency exists that minute. It can not, in contemplation of law, exist until the money appropriated has been expended.

Mr. CANNON. On the contrary, what is this appropriation that the gentleman seeks by this appropriation act to make available for the last month of 1911? It is an appropriation for the public service of 1912. Now, the deficiency, in the light of this rule, is the annual appropriation that may be necessary for the current fiscal year—that is, for the year 1911. The money could not have been expended under the legislation which we have passed heretofore without a misdemeanor and, in some instances, an impeachable offense being committed.

The gentleman's committee reports bills for the annual expenditures in the future; but if that is appropriated for under law, and there is an additional amount to reinforce the annual appropriation, then it is a deficiency.

Mr. FITZGERALD. Will the gentleman permit me to suggest that if this particular item were in the annual appropriation bill, under the rules of the House it would be held to be out of order, because providing for a deficiency for this fiscal year?

Mr. CANNON. Oh, yes; absolutely.

Mr. MOON of Tennessee. But if the gentleman will permit me to interrupt him, suppose that is all true. Suppose that the gentleman from Illinois and the gentleman from New York and myself exactly agree on the question of the merits when the deficiency comes. What objection have you, what objection can you make under the law, to a committee charged with all appropriations for the post office and the legislation for the post office taking jurisdiction of the question previous to the time when the other committee may take jurisdiction? Because their jurisdiction can not come until the deficit comes.

Mr. BURLESON. If the gentleman from Illinois will allow me to suggest right here, in a majority of cases estimates are sent in for deficiencies before they actually occur.

Mr. CANNON. Almost invariably.

Mr. BURLESON. Nearly always.

Mr. CARLIN. The gentleman's point is that the Post Office Committee should first ascertain the fact that there is a deficiency.

Mr. CANNON. Oh, no; there never can be a deficiency, except in an extraordinary emergency, without a crime being committed—that is, a deficiency in the sense of an expenditure that has not been authorized by law. This is nothing more or less than an additional appropriation, not for the next year, but for the last month of this year.

The SPEAKER pro tempore (Mr. Cox of Ohio). The time of the gentleman from Illinois has expired.

Mr. MOON of Tennessee. I give the gentleman four minutes more. I hope he will go ahead.

Mr. CANNON. I thank the gentleman. This is an important matter. I have no pride of the jurisdiction of committees. Why, take these expenditure committees——

Mr. CARLIN. Will the gentleman permit an interruption?

Mr. CANNON. I have only a moment.

Mr. CARLIN. We will give you more time.

Mr. CANNON. All right.

Mr. CARLIN. If, as the gentleman says, there could not be a deficiency except by a violation of law, then this would not go to the Appropriations Committee, because there is no deficiency.

Mr. CANNON. On the contrary, while that seems to be plausible, I have talked in vain if I have not shown to the gentleman that deficiencies are additional appropriations for the current fiscal year, where there has not been enough appropriated in the annual bill. I think that is perfectly plain. I think I understand it; but now let us take these expenditures. Here are several expenditure committees, and it will be seen that the examination of accounts and expenditures in the departments of the Government, the manner of keeping the same, the economy, justice, and correctness of such expenditures, their conformity with appropriation laws, the proper application of public moneys, the security of the Government against unjust and extravagant demands, and so on, the abolishment of useless offices, the reduction or increase of the pay of officers, all these shall be subjects within the jurisdiction of the respective committees on expenditures. Now, I have seen those committees—either because of innocuous desuetude or because of the encroachment of the Committee on Naval Affairs or on Military Affairs or the Post Office—have their jugulars absolutely cut. Yet there is the jurisdiction, and I am very glad to know that these committees on expenditures are attempting, at least, and, I take it, intelligently attempting, to take the jurisdiction and perform the duties assigned to them under the rules.

Mr. Speaker, one further word. This matter of appropriation, unless guarded properly and zealously, will breed abuses. Why, after these bills were divided a Senator, whose name I will not call, and who was a delightful man, induced the Senate, by amendment, to put an appropriation on a bill where it did not belong. That bill came back here, and the conference committee struck it out. The House sustained the conference committee. Then he went around and put it on another appropriation bill. It was stricken out again. Then, on a third general appropriation bill, he put it on again. Now, respectfully speaking, sometimes they do not pay much attention to rules in the other body. This was stricken out again. Finally, however, on another general appropriation bill it escaped attention, and it was enacted into law, not because it met the approval of Congress, but owing to the diligence of this Senator. I recollect saying to him laughingly that he was the greatest legislative courtesan I had ever met. [Laughter.]

Mr. Speaker, I think we had better enforce these rules. [Applause.]

Mr. FITZGERALD. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. Eight minutes. And the gentleman from Tennessee has 23 minutes remaining.

Mr. FITZGERALD. I will ask the gentleman from Tennessee if he will not use some of his time now?

Mr. MOON of Tennessee. Well, I have been granting most of my time to the gentleman's side of the debate.

Mr. FITZGERALD. Does the gentleman desire to use any more time?

Mr. MOON of Tennessee. Yes; but I have nobody to use it, unless you want me to use a little bit of it myself.

Mr. FITZGERALD. Then we can close the matter up in a very short time.

Mr. SIMS. Mr. Speaker, I would like to ask the gentleman from Tennessee a question. Personally I would be in favor of giving every appropriation bill in the House to one committee on condition that they would not legislate in the other body, or in this either, for that matter, but I want to ask this question: Is not a committee that handles an appropriation bill better calculated to judge whether or not the deficiency is a proper and wise deficiency, one that should be allowed, than a committee that has not charge of that particular appropriation bill?

Mr. MOON of Tennessee. Mr. Speaker, if the gentleman wants an answer, I should think that a committee that year in and year out studies the appropriations for a particular department and makes them would at least be as competent to pass on a question of deficiency as any other committee not connected with such department.

Mr. BURLESON. The gentleman from Tennessee does not claim that that is the issue before the House at this time?

Mr. MOON of Tennessee. That is not the issue before the House.

Mr. SIMS. Not being on either committee, I am more anxious to get the best results than I am about the question of jurisdiction.

Mr. MOON of Tennessee. Mr. Speaker, I am going to use just a few minutes, and then I will reserve the balance of my time.

Mr. BARTLETT. Mr. Speaker, before the gentleman begins, I want to ask him if it is the purpose, through this $40,000 sought to be appropriated by this bill, to extend the star-route service and replace the Rural Free Delivery Service, as was recommended by the Postmaster General in his last annual report and was suggested by the Fourth Assistant Postmaster General in his report—to have them cooperate together so that the rural routes will not be established as fast and as effi-

ciently as they should be and as they have not been during the last three years for some reason, and in the place of them to extend the old star-route service?

Mr. MOON of Tennessee. Oh, I do not understand that to be the purpose of the bill at all.

Mr. BARTLETT. I do not say the purpose of the bill, but I suggest——

Mr. MOON of Tennessee. Not in the most remote degree. The money is not to be used for the purpose of extending the star routes to the detriment of existing rural routes.

Mr. BARTLETT. But the Rural Delivery Service has been curtailed, and in place it has been suggested that the star-route service be promoted, and as the department comes in and asks for $40,000 for the extension of that service and did not ask anything for the rural service, it looks like they are attempting to give the star-route service the preference.

Mr. POU. Mr. Speaker, I would like to ask the gentleman——

Mr. MOON of Tennessee. Let me answer the gentleman from Georgia first. I want to say to the gentleman from Georgia I think there is no such purpose involved in this measure, and, further, that that question is not now before us. I am not able to answer him as to the purpose or intent of the Postmaster General. I do not know what his views are on this question, but I presume they are in accordance with the best public interest.

Mr. BARTLETT. I do not want the gentleman from Tennessee to understand I intimated in any way that is his purpose, because I know it is not.

Mr. POU. Mr. Speaker, I understand that this proviso was put in the rule giving to the Committee on Appropriations jurisdiction of all deficiencies by way of a check upon the other committees. Now, if this precedent is established I would like to ask the gentleman if it would not completely remove that check, and if it would not put it within the power of each committee to prevent any deficiency if it saw fit to do so by getting in a bill——

Mr. MOON of Tennessee. It is possible that is the reason for the proviso. It may have been an unwise thing to have done it, but that is not the question. It is conceded by us that if it is an existing deficiency that then the Committee on Appropriations under the law now, whether that law be wise or unwise, has unquestioned jurisdiction. The point I have been trying to make is this, and one that is absolutely clear to my mind, notwithstanding the efforts of my friend from Kentucky and the speech of the distinguished ex-Speaker of the House, that in determining the question of jurisdiction no sensible body on earth ever went into the merits of the question involved where the question is made upon a mere motion without any intervening ascertainment of facts under the rule and practice of the body in which it was made. Now, it is useless for those gentlemen to talk about submitting estimates. It is senseless to talk about the jurisdiction of this committee if a deficiency exists. The question is, Does it appear from the facts in judgment before this House—and they appear alone on the face of this bill—that there is a deficiency in the department? Is the appropriation for the purpose of meeting a deficiency or for the purpose of increasing the service? Is it for the purpose of avoiding or preventing a deficiency? If it is for the purpose of supplying a deficiency, then the Committee on Appropriations has jurisdiction. If the appropriation is sought for the purpose of extending the service, where comes the jurisdiction of the Committee on Appropriations? What authority have they to legislate on postal affairs for the purpose of extension of service? The law does not confer it, and I insist that the House in determining this question shall not seek to go behind the face of this record unless there is presented to it evidence that a deficiency does in fact exist, a fact which I stand here, in view of the information which I have from the department, to most emphatically deny.

Mr. BURLESON. Will the gentleman yield for a question?

Mr. MOON of Tennessee. Yes.

Mr. BURLESON. I would like to ask the gentleman if he appropriated for the fiscal year 1911–12 $40,000 more for this service than was needed?

Mr. MOON of Tennessee. What?

Mr. BURLESON. You are seeking now to take from the money appropriated for the fiscal year 1911–12 $40,000. Did you appropriate $40,000 more than was needed?

Mr. MOON of Tennessee. I think the appropriation next year will probably be $100,000 more than needed.

Mr. BURLESON. The gentleman admits that he appropriated $100,000 for 1911–12 more than needed——

Mr. MOON of Tennessee. I do not admit that I did it. The committee may have.

Mr. BURLESON. I think that is an additional reason——

Mr. MOON of Tennessee. That is a mere judgment, an estimate of ours, and it may be less; I do not know.

Mr. BURLESON. I think that is the reason he has given why jurisdiction of the appropriations should be taken from the committee.

Mr. MOON of Tennessee. The gentleman from Texas is just like the gentleman from Illinois [Mr. CANNON] and the gentleman from Kentucky [Mr. SHERLEY]. They either do not see or can not see the point made in this case. That is all there is about it. It is as clear as can be that, on the question of jurisdiction, the Committee on Appropriations must establish before this House the fact of a legal deficit before it can claim jurisdiction of this bill. They have not done it and they can not do it. I assert again that a deficit can not exist in contemplation of a deficiency. It must be an accomplished fact by actual expenditure of the money appropriated and the unperformed service must still be necessary.

Mr. ALEXANDER. Will the gentleman yield?

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Missouri?

Mr. MOON of Tennessee. Yes.

Mr. ALEXANDER. I wish to ask the gentleman whether, if it appeared on the face of the bill that a deficiency actually exists, there would be any question but that this bill would go to the Committee on Appropriations?

Mr. MOON of Tennessee. Yes; I think it would.

Mr. ALEXANDER. Then what inference must irresistibly be drawn from the recital on the face of the bill that this sum of $40,000 "shall be immediately available," if there is not a deficiency existing?

Mr. MOON of Tennessee. Certainly there is no deficiency existing now. But the gentleman certainly understands the proposition that has been advanced, that the House has the right, if it sees fit, to avoid a deficiency. It has got a right to make appropriations to avoid a deficiency, if it wants to, and take into consideration a bill which makes appropriations for the Post Office Department. Whether it be for the regular service or the avoidance of a deficiency in such service, the jurisdiction necessarily remains with the committee which under the statute is declared to have it over all postal matters and the postal service, and the committee claiming that jurisdiction would have to show whether that was so or not. It would have to show that it had the power in advance of an established deficiency to take charge of this bill.

Mr. ALEXANDER. The gentleman says that the Committee on Post Offices and Post Roads has the right to provide against a deficiency?

Mr. MOON of Tennessee. Certainly.

Mr. ALEXANDER. Very well. Is not this the same proposition stated in more exact terms to provide for a deficiency by appropriating $40,000 more for the current year than is carried in the current bill?

Mr. MOON of Tennessee. I have been answering the gentleman's question as presented, not because the question appealed to me for solution of the issue that is before the House, but because I deemed it to be a question requiring a courteous reply. I have contended and still contend that, as a matter of law, the word "deficiency" has a specific meaning. That meaning is that the appropriation must have been expended for the purpose for which it was made, leaving the work still unaccomplished for which it was made; and until that hour arrives, the Committee on Appropriations has no control or jurisdiction by which it can interfere with postal affairs. I will assert again that that hour has not come in the administration of the postal service.

Mr. COX of Ohio. Will the gentleman yield?

The SPEAKER. Does the gentleman yield to the gentleman from Ohio?

Mr. MOON of Tennessee. Yes.

Mr. COX of Ohio. The gentleman insists that there is not now a deficiency, but admits that one might exist between now and July 1?

Mr. MOON of Tennessee. One might exist, and it may be desirable to extend the service.

Mr. COX of Ohio. Then why the necessity of anticipating a deficiency which might arise between now and July 1 when Congress will, in all probability, be in session between now and then?

Mr. MOON of Tennessee. I see that the gentleman from Ohio is just as confused on that question as other gentlemen. It is not a question of anticipating a deficiency. It is not a question of the merits of the bill we are on. You may be exactly right. It may be altogether improper to make this appropriation. It may be a thing that we ought not to do.

And yet the right to determine that question, so far as a committee is concerned, belongs not to a committee that can not take jurisdiction of it until a deficiency occurs, but belongs to the committee that is clothed and vested at all times with power and jurisdiction over postal affairs and with the making of appropriations for postal affairs until a deficit comes. A deficit has not come, and this House can not hold that the Committee on Appropriations is entitled to consider this bill until it is first determined that there is actually a deficiency in the Post Office Department. When it determines that, it determines it in the face of the truth, because there is no deficiency there now. I do not care whether this bill is a good one or a bad one. The question as to whether the merits of the bill are such as ought to make it appeal to your consideration is not to be considered. I say until there is a declared deficiency, by the expenditure of the money, there is no jurisdiction in the Appropriations Committee.

I reserve the balance of my time, Mr. Speaker.

The SPEAKER. The gentleman from Tennessee reserves the balance of his time.

Mr. FITZGERALD. Does the gentleman from Tennessee intend to use any more of his time?

Mr. MOON of Tennessee. Yes.

Mr. FITZGERALD. Then I insist that the gentleman use his time, because I will use the balance of the time on this side.

Mr. MOON of Tennessee. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman from Tennessee has 10 minutes and the gentleman from New York has 8 minutes.

Mr. FITZGERALD. I am entitled to close the debate.

The SPEAKER. The gentleman from New York is entitled to close the debate.

Mr. FITZGERALD. If the gentleman from Tennessee is going to use his time, he must use it now.

Mr. MOON of Tennessee. How much times does the gentleman want to use in closing the debate?

Mr. FITZGERALD. I will close the debate.

Mr. MOON of Tennessee. Go ahead and close the debate if you want to.

Mr. FITZGERALD. Does the gentleman waive the balance of his time?

Mr. MOON of Tennessee. No, I do not.

Mr. FITZGERALD. I must insist that the gentleman either use or waive his time.

Mr. MOON of Tennessee. The gentleman from Tennessee will neither use nor waive his time. The Chair will decide what shall be done in the matter.

Mr. FITZGERALD. Mr. Speaker, I wish to state that I intend to close the debate in one speech.

The SPEAKER. The gentleman from New York undoubtedly has the right to close the debate.

Mr. FITZGERALD. I am ready to proceed when the gentleman from Tennessee either uses his time or waives his right to time after I have concluded.

The SPEAKER. The Chair can not determine whether the gentleman from Tennessee shall use his time or not. The rule is:

> The Member reporting the measure under consideration from a committee may open and close where general debate has been had thereon.

If the gentleman from Tennessee [Mr. MOON] does not desire to use his time, the gentleman from New York [Mr. FITZGERALD] will proceed, and the Chair will declare the debate closed.

Mr. MOON of Tennessee. Very well.

Mr. FITZGERALD. If the gentleman from Tennessee desires to use any more time, I wish him to understand that this is his opportunity.

Mr. MOON of Tennessee. Let the gentleman from New York proceed as he desires. I have 10 minutes more time. If the gentleman wants to close the debate now, let him close it. I can afford to lose the 10 minutes.

Mr. FITZGERALD. I do not wish to take advantage of the gentleman from Tennessee.

Mr. MOON of Tennessee. You are not going to take any advantage of me.

Mr. FITZGERALD. The gentleman has just concluded a speech. I am entitled, on this side, to conclude the debate.

Mr. MOON of Tennessee. Does not the gentleman from New York know that if his time is exhausted, and he is entitled to close the debate, the question will arise when he has finished as to whether I am entitled to proceed or not?

Mr. FITZGERALD. I do not wish to indulge in any sharp practice. I want no misunderstanding with the gentleman from Tennessee. If he desires his time, I do not wish him to be foreclosed.

Mr. MOON of Tennessee. If the gentleman insists on my speaking again, I suppose I shall have to do it.

Mr. FITZGERALD. I do not insist on the gentleman's speaking.

Mr. SIMS. Mr. Speaker, I ask for five minutes.

Mr. MOON of Tennessee. I will yield to the gentleman in a moment. I do not desire to deprive the gentleman from New York of his right to close the debate. The only question with me was that the gentleman could not make that issue until after he had closed. Then if I sought to speak further, the Chair would prevent it; that is all.

Mr. FITZGERALD. I did not want to put the gentleman in that position. I want to be perfectly frank with him.

Mr. MOON of Tennessee. I want to say to the gentleman, and I want to say to the Democrats in this House, before the gentleman proceeds, that personally I do not care anything about what committee takes charge of this bill. Personally, I would be altogether willing that any proper committee should take charge of it; but you have seen the manifestation in this debate, the effort that is being made here on the part of the Appropriations Committee to take up this bill, after it had been referred to the Post Office Committee, after it had been considered by the committee, after a report had been ordered by the committee, and prepared and ready to be presented, and only avoided by presenting this question. I feel that we are getting into the same methods, and we are undertaking the same performances that we so much condemned in the gentlemen on the other side.

Why, I have the utmost respect for my distinguished friend, the ex-Speaker of this House, the gentleman from Illinois [Mr. CANNON], but it was as natural as anything on this earth could be for him, as a former member and chairman of the Committee on Appropriations and as a former Speaker of this House—and it was also natural for other gentlemen on this side who have not always, in my judgment, been quite as broadly democratic as they ought to be—to take this position. Of course, they want to justify the concentration of power in one committee in this House. [Applause on the Democratic side.] Of course, the gentleman from New York appealed with great success to the gentleman from Illinois to assist him in bridling this Democratic House in the interest of an autocratic committee, as they call the Committee on Appropriations. [Applause on the Democratic side.] Mr. Speaker, Democrats must have a diffusion of power; if we succeed, we can not concentrate all of the authority and power in this committee, when it clearly appeared that there has been under the facts here stated no legal deficit. Indeed, it would be a poor work on the part of a Democratic House to assume the existence of a fact that does not exist in order to confer jurisdiction and concentrate power where there is already too much power.

Now, I do not desire to make this argument an ad hominum proposition at all, but I show you the reasons for the alliance of the gentleman from New York on this question. He very naturally desires to have more power and authority than he has. Why, of course, if the logic of his position and that of the gentleman from Kentucky [Mr. SHERLEY] were followed, then the whole of the next year's appropriation bill would be a deficiency right now, because the service needs the money, and no money is available for the fiscal year ending 1913. His logic would reach that very conclusion and none other. You can not as men of common sense determine a question of jurisdiction of this sort, when that jurisdiction depends upon the accomplishment of a particular fact, until that fact has been accomplished; and the jurisdiction of the Committee on Appropriations depends upon the existence—not in futuro, but this very minute—of a deficiency in an appropriation for the star-route service.

I do not care what the gentleman may say or think, there is nothing before this House to show the existence of such a deficiency. That bill on its face is one that is competent to be passed upon by the Committee on the Post Office and Post Roads, because it affects and is legislation affecting that department alone, and the only, the one single fact that gives the Appropriations Committee jurisdiction does not exist—the existence of a deficiency. For sensible men to talk about estimates and to talk about what was done in another Congress, what effort was made to take jurisdiction there in a matter of this sort is far wide of the mark. Come down to the single question here presented to the House, and that is the determination of the question of jurisdictional power on the face of the record, and there is no way for you to go behind it. If you did go behind it you would find the existence of facts that deny and prohibit that jurisdiction. That is all that is in it. I may be totally blind, I may be incapable of conceiving the situation, but it never did appear more clear to me than it does this minute

that the Committee on Appropriations can not take jurisdiction under the very letter of the law until a deficiency is an accomplished fact and there is no deficiency. [Applause on the Democratic side.]

Mr. FITZGERALD. Mr. Speaker, I am glad the gentleman from Tennessee [Mr. MOON] has confined the discussion to the merits of the question before the House. Of course I understand his purpose in referring to the attempt of myself in association with the former Speaker to concentrate power in some place or other in this House; but let me say to the gentleman from Tennessee that however much some other Member on this side might have indulged in such a criticism it does not lie in his mouth to do so, because he blindly followed me and the other gentlemen when that question which he has in mind was under consideration. Now, let me dismiss that——

Mr. MOON of Tennessee. Mr. Speaker, I want to state that the statement of the gentleman from New York is untrue.

Mr. FITZGERALD. Mr. Speaker, I decline to yield.

Mr. MOON of Tennessee. I say that the statement that you make that I blindly followed you at any time is untrue.

The SPEAKER. The gentleman from New York declines to yield.

Mr. FITZGERALD. Mr. Speaker, I was confident that I should not have yielded to the gentleman. This bill was introduced in the House on Friday, and this is the first time the House has met since that time. The Committee on Appropriations has not been watching the Committee on Post Offices to see what would be done. This motion has been submitted at the earliest time practicable, under the rules, since the bill was introduced.

The gentleman from Tennessee takes the position that until a deficiency actually exists the Committee on Appropriations has no jurisdiction of these estimates. Rarely, if ever, does a deficiency actually exist when the appropriation is made and the estimate is submitted, but the gentleman falls into this error: He states that his committee has authority to appropriate for the support of the service, and for the extension of the service his committee has the power to make the appropriations. This is an annual service and a fixed service. Appropriations for it are made in the annual appropriation bill. Estimates are annually submitted, and Congress in an annual appropriation bill determines in advance the limit of the service. The gentleman's committee appropriated for this fiscal year $7,170,000, although the department requested $7,201,000, $31,000 more than the committee was willing to give the department.

Any suggestion that more money be given for this service for this year is not an original appropriation. It is to carry out the original intent and purpose of the department, and the department has a deficiency which, if it does not now actually exist, is anticipated and will exist later.

Suppose some gentleman introduced a bill appropriating additional money for the support of the Army because of its concentration on our southern border, and took the ground that there was no deficiency actually existing. That bill would belong to the Committee on Military Affairs under the logic of the gentleman from Tennessee. Suppose it is proposed to appropriate money to carry on some branch of the naval service, and because no actual deficiency existed, under similar reasoning that bill would go to the Committee on Naval Affairs.

Somebody proposes an additional sum be appropriated for the Indian Service, and because the money heretofore appropriated has not been actually expended, that the bill should go to the Committee on Indian Affairs. Under that theory the Speaker would have referred the communication from the Commissioners of the District of Columbia asking that more than $10,000 for the contagious-disease fund be made available for personal services for this fiscal year, although at the time the communication came here it appeared on its face that there was $985 still available for expenditure for this year, to another committee than the Committee on Appropriations if some other committee had jurisdiction of the annual appropriations for the District of Columbia. If that were the practice followed——

Mr. MOON of Tennessee. Has the communication come in yet?

Mr. FITZGERALD. Yes; it has come in.

Mr. MOON of Tennessee. Let us hear it.

Mr. FITZGERALD. If that practice were followed there never would be an estimate for deficiencies, because the same practice would be followed as in this case. Not only would the law be evaded, but the rules of the House would be violated. The gentleman from Tennessee introduced this bill, and it was referred, inadvertently, I believe, to the Committee on the Post Office and Post Roads. He has made the statement that the Postmaster General had written to the two committees, the one of the Senate and the one of the House, asking that this bill be favorably acted upon. Let me read a very salutary rule of the House, Rule XLI:

> Estimates of appropriations and all other communications from the executive departments intended for the consideration of any committees of the House shall be addressed to the Speaker and by him referred as provided by clause 2 of Rule XXIV.

Why addressed to the Speaker? So that they may be printed and all the Members of the House have available the same information that some one gentleman can carry around in his pocket and make public when it suits him to do so.

Mr. SHERLEY. Will the gentleman yield?

Mr. FITZGERALD. I will yield.

Mr. SHERLEY. I want to suggest to the gentleman, if he will permit, the dates of the introduction of the bill and the consideration of the matter.

Mr. FITZGERALD. I stated that the bill was introduced last Friday, and this is the first day since then that the House has met, the first day when a motion could be made to correct the reference.

Mr. Speaker, this particular bill is not of such great importance, but unless notice be served on these departments that they can not have some gentleman introduce a bill and evade the spirit of the law and the rules of the House and get all the deficiency appropriations they wish, they will run riot with our appropriations. Think of it! The last Congress was the most extravagant in the history of the Government. Seven million one hundred and seventy thousand dollars was appropriated——

Mr. MOON of Tennessee. Will the gentleman yield?

Mr. FITZGERALD. I can not yield——

Mr. MOON of Tennessee. In order that the gentleman may do justice to the Postmaster General——

Mr. FITZGERALD. The gentleman declined to yield to me when I attempted to interrupt him.

Mr. MOON of Tennessee. No; I yielded.

Mr. FITZGERALD. Seven million one hundred and seventy thousand dollars was appropriated for this service, appropriated by the most extravagant Congress in the history of the Government. If this department can go around and evade the law and rules of the House and obtain additional money for the balance of this fiscal year, what do gentlemen think will happen after the 1st of July, when the next appropriations are available? These department chiefs should be held rigidly to the law and be compelled to obey it or suffer the penalty. Otherwise this Congress might just as well shut up shop, and our efforts to economize will be futile, and the appropriations will run far in excess of any made by any other Congress. Now, I have not stated and I do not intend to say anything reflecting on the gentleman's committee. I believe it is a splendid committee. It is merely a question of where these appropriations for deficiencies should be considered. If the provision in this bill were in the annual appropriation bill and in the provision making appropriations for the star-route service for the next fiscal year, if such a provision was contained making immediately available any part of the appropriation for the current fiscal year, it would be stricken out on a point of order because it would be providing for a deficiency, whether the money heretofore appropriated had actually been expended or whether it was in anticipation of the expenditure of the money, because that appropriation would belong to the Committee on Appropriations.

Mr. Speaker, this matter has now taken that shape where this side of the House should wake up to the fact that if appropriations are to be held within the reasonable limits that we have led the country to expect, it is of the utmost importance that these deficiencies be granted only when the law has been complied with, and that when the law has been violated they shall not be granted unless those responsible for its violation are driven from the public service. [Applause.]

The SPEAKER. The time of the gentleman has expired. The question is on the motion of the gentleman from New York to discharge the Committee on the Post Office and Post Roads from the further consideration of the bill H. R. 11031 and refer it to the Committee on Appropriations.

The question was taken; and on a division (demanded by Mr. MOON of Tennessee) there were—ayes 83, noes 43.

Mr. MOON of Tennessee. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The question is on agreeing to the motion of the gentleman from New York that the Committee on the Post Office and Post Roads be discharged from the consideration of the bill H. R. 11031, and that it be referred to the Committee on Appropriations.

The question was taken; and there were—yeas 142, nays 52, answered "present" 11, not voting 182, as follows:

YEAS—142.

Akin, N. Y.	Dixon, Ind.	Kopp	Robinson
Alexander	Donohoe	Korbly	Rothermel
Anderson, Minn.	Doremus	La Follette	Rubey
Ayres	Doughton	Lee, Pa.	Russell
Barthoidt	Driscoll, D. A.	Lewis	Sells
Bartlett	Dyer	Lobeck	Sheppard
Bathrick	Esch	Longworth	Sherley
Beall, Tex.	Estopinal	Loud	Sisson
Berger	Evans	McCreary	Smith, Tex.
Boehne	Fitzgerald	McDermott	Stack
Bowman	Floyd, Ark.	McGuire, Okla.	Stanley
Buchanan	Focht	McKenzie	Stedman
Bulkley	Garner	McKinley	Stephens, Miss.
Burke, S. Dak.	George	McKinney	Stone
Burleson	Gillett	Macon	Sweet
Burnett	Goeke	Maguire, Nebr.	Talcott, N. Y.
Byrns, Tenn.	Good	Malby	Taylor, Ala.
Calder	Goodwin, Ark.	Mann	Taylor, Colo.
Callaway	Graham	Matthews	Taylor, Ohio
Candler	Gregg, Tex.	Moore, Pa.	Thistlewood
Cannon	Hamilton, W. Va.	Morrison	Thomas
Catlin	Hamlin	Moss, Ind.	Turnbull
Clayton	Hardwick	Needham	Underwood
Collier	Harrison, Miss.	Oldfield	Utter
Copley	Hawley	Olmsted	Warburton
Cox, Ohio	Henry, Tex.	Page	Webb
Crago	Hensley	Pepper	Wedemeyer
Dalzell	Hinds	Peters	Wickliffe
Danforth	Hubbard	Post	Wilder
Daugherty	Hughes, N. J.	Pou	Willis
Davis, W. Va.	Humphrey, Wash.	Rainey	Wilson, Ill.
De Forest	Humphreys, Miss.	Randell, Tex.	Wilson, Pa.
Dickinson	Jacoway	Rauch	Witherspoon
Dickson, Miss.	Kahn	Redfield	Woods, Iowa
Dies	Kipp	Roberts, Mass.	
Difenderfer	Kitchin	Roberts, Nev.	

NAYS—52.

Allen	Edwards	Hughes, Ga.	Richardson
Austin	Fields	Hull	Rouse
Bell, Ga.	French	James	Sims
Blackmon	Garrett	Konop	Slemp
Brantley	Gould	Lamb	Smith, Saml. W.
Brown	Gray	Lee, Ga.	Steenerson
Burke, Wis.	Hardy	Lever	Stephens, Cal.
Byrnes, S. C.	Haugen	Lindbergh	Stephens, Tex.
Carlin	Hay	Mays	Townsend
Clark, Fla.	Helm	Moon, Tenn.	Tribble
Cline	Houston	Murdock	Tuttle
Cox, Ind.	Howard	Padgett	Watkins
Davis, Minn.	Howell	Raker	Young, Kans.

ANSWERED "PRESENT"—11.

Adamson	Currier	Ellerbe	Morgan
Barchfeld	Dent	Foster, Ill.	Norris
Booher	Dwight	Moore, Tex.	

NOT VOTING—182.

Adair	Fowler	Lafferty	Prouty
Aiken, S. C.	Francis	Langham	Pujo
Ames	Fuller	Langley	Ransdell, La.
Anderson, Ohio	Gallagher	Latta	Rees
Andrus	Gardner, Mass.	Lawrence	Reilly
Ansberry	Gardner, N. J.	Legare	Reyburn
Anthony	Glass	Lenroot	Riordan
Ashbrook	Godwin, N. C.	Levy	Roddenbery
Barnhart	Goldfogle	Lindsay	Rodenberg
Bates	Gordon	Linthicum	Rucker, Colo.
Bingham	Greene	Littlepage	Rucker, Mo.
Borland	Gregg, Pa.	Littleton	Sabath
Bradley	Griest	Lloyd	Saunders
Broussard	Gudger	Loudenslager	Scully
Burke, Pa.	Guernsey	McCall	Shackleford
Butler	Hamill	McCoy	Sharp
Campbell	Hamilton, Mich.	McGillicuddy	Sherwood
Cantrill	Hammond	McHenry	Simmons
Carter	Hanna	McLaughlin	Slayden
Cary	Harris	McMorran	Sloan
Claypool	Harrison, N. Y.	Madden	Small
Connell	Hartman	Madison	Smith, J. M. C.
Conry	Hayes	Maher	Smith, N. Y.
Cooper	Heald	Martin, Colo.	Sparkman
Covington	Heflin	Martin, S. Dak.	Speer
Cravens	Helgesen	Miller	Sterling
Crumpacker	Henry, Conn.	Mitchell	Stevens, Minn.
Cullop	Higgins	Mondell	Sulloway
Curley	Hill	Moon, Pa.	Sulzer
Davenport	Hobson	Morse, Wis.	Switzer
Davidson	Holland	Mott	Talbott, Md.
Denver	Howland	Murray	Thayer
Dodds	Hughes, W. Va.	Nelson	Tilson
Draper	Jackson	Nye	Towner
Driscoll, M. E.	Johnson, Ky.	O'Shaunessy	Underhill
Dupre	Johnson, S. C.	Palmer	Volstead
Fairchild	Jones	Parran	Vreeland
Faison	Kendall	Patten, N. Y.	Weeks
Farr	Kennedy	Patton, Pa.	Whitacre
Ferris	Kent	Payne	White
Finley	Kindred	Pickett	Wilson, N. Y.
Flood, Va.	Kinkaid, Nebr.	Plumley	Wood, N. J.
Fordney	Kinkead, N. J.	Porter	Young, Mich.
Fornes	Knowland	Powers	Young, Tex.
Foss	Konig	Pray	
Foster, Vt.	Lafean	Prince	

So the motion was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. FORNES with Mr. BRADLEY.
Mr. FINLEY with Mr. CURRIER.
Mr. RIORDAN with Mr. ANDRUS.
Mr. PUJO with Mr. MCMORRAN.

Until further notice:

Mr. RUCKER of Colorado with Mr. REES.
Mr. RUCKER of Missouri with Mr. PLUMLEY.
Mr. SABATH with Mr. SLOAN.
Mr. SAUNDERS with Mr. SPEER.
Mr. SCULLY with Mr. STERLING.
Mr. SHACKLEFORD with Mr. SWITZER.
Mr. SHARP with Mr. TOWNER.
Mr. SHERWOOD with Mr. VOLSTEAD.
Mr. SMALL with Mr. VREELAND.
Mr. SMITH of New York with Mr. WEEKS.
Mr. SULZER with Mr. WILLIS.
Mr. UNDERHILL with Mr. WOOD of New Jersey.
Mr. WHITACRE with Mr. YOUNG of Michigan.
Mr. GREGG of Pennsylvania with Mr. GREENE.
Mr. WHITE with Mr. GRIEST.
Mr. GUDGER with Mr. GUERNSEY.
Mr. HAMILL with Mr. HAMILTON of Michigan.
Mr. HAMMOND with Mr. HOWLAND.
Mr. HARRISON of New York with Mr. KENDALL.
Mr. HEFLIN with Mr. HARRIS.
Mr. HOLLAND with Mr. HEALD.
Mr. SPARKMAN with Mr. BARCHFELD.
Mr. ANDERSON of Ohio with Mr. AMES.
Mr. ASHBROOK with Mr. ANTHONY.
Mr. ADAIR with Mr. BINGHAM.
Mr. AIKEN of South Carolina with Mr. BATES.
Mr. CARTER with Mr. BUTLER.
Mr. CLAYPOOL with Mr. DAVIDSON.
Mr. CONNELL with Mr. DODDS.
Mr. CANTRILL with Mr. FARR.
Mr. CONRY with Mr. FOSS.
Mr. COVINGTON with Mr. FORDNEY.
Mr. CURLEY with Mr. GARDNER of Massachusetts.
Mr. DENVER with Mr. GARDNER of New Jersey.
Mr. FOWLER with Mr. LANGHAM.
Mr. FRANCIS with Mr. LANGLEY.
Mr. GODWIN of North Carolina with Mr. LAWRENCE.
Mr. GOLDFOGLE with Mr. LENROOT.
Mr. KONIG with Mr. MCCALL.
Mr. LATTA with Mr. MADDEN.
Mr. LINDSAY with Mr. MADISON.
Mr. LITTLEPAGE with Mr. CRUMPACKER.
Mr. FOSTER of Illinois with Mr. KOPP.
Mr. BOOHER with Mr. SULLOWAY.
Mr. MOORE of Texas with Mr. HAYES.
Mr. JOHNSON of South Carolina with Mr. HELGESEN.
Mr. JONES with Mr. HIGGINS.
Mr. KINKEAD of New Jersey with Mr. JACKSON.
Mr. KINDRED with Mr. KENNEDY.
Mr. JOHNSON of Kentucky with Mr. KINKAID of Nebraska.
Mr. LINTHICUM with Mr. MARTIN of South Dakota.
Mr. LLOYD with Mr. MONDELL.
Mr. MCGILLICUDDY with Mr. MILLER.
Mr. MAHER with Mr. MITCHELL.
Mr. MARTIN of Colorado with Mr. MOON of Pennsylvania.
Mr. MCCOY with Mr. MORSE.
Mr. MURRAY with Mr. NELSON.
Mr. O'SHAUNESSY with Mr. PROUTY.
Mr. PALMER with Mr. PAYNE.
Mr. PATTEN of New York with Mr. NYE.
Mr. RANSDELL of Louisiana with Mr. PORTER.
Mr. REILLY with Mr. PRAY.
Mr. RODDENBERY with Mr. PRINCE.
Mr. ELLERBE with Mr. DRAPER.
Mr. ADAMSON with Mr. STEVENS of Minnesota.
Mr. FERRIS with Mr. MORGAN.
Mr. LEVY with Mr. FOSTER of Vermont.
Mr. CRAVENS with Mr. LOUDENSLAGER.
Mr. HOBSON with Mr. FAIRCHILD.
Mr. GALLAGHER with Mr. FULLER.
Mr. LEGARE with Mr. MCLAUGHLIN.
Mr. DUPRE with Mr. HANNA.
Mr. BROUSSARD with Mr. J. M. C. SMITH.
Mr. SLAYDEN with Mr. TILSON.
Mr. BARNHART with Mr. SIMMONS.
Mr. YOUNG of Texas with Mr. PATTON of Pennsylvania.
Mr. ANSBERRY with Mr. BURKE of Pennsylvania.

Mr. LITTLETON with Mr. DWIGHT.
Mr. WILSON of New York with Mr. MOTT.
For two weeks:
Mr. DAVENPORT with Mr. RODENBERG.
Mr. CULLOP with Mr. PICKETT.
For three weeks, commencing May 12:
Mr. GORDON with Mr. HUGHES of West Virginia.
On this vote:
Mr. HARTMAN (in favor) with Mr. LAFEAN (against).
Mr. PARRAN (in favor) with Mr. TALBOTT (against).
For to-day:
Mr. GLASS with Mr. HILL.
Mr. THAYER with Mr. CAMPBELL.
Mr. DENT with Mr. REYBURN.
Until Thursday noon:
Mr. MCHENRY with Mr. MICHAEL E. DRISCOLL.
Until Friday:
Mr. FAISON with Mr. CARY.
Until June 12:
Mr. BORLAND with Mr. KNOWLAND.

Mr. MOORE of Texas. Mr. Speaker, I voted "no" on the roll call, but I find that I am paired with the gentleman from California, Mr. HAYES, and I wish to withdraw that vote and answer "present."

The SPEAKER pro tempore (Mr. BARTLETT). The Clerk will call the gentleman's name.

The name of Mr. MOORE of Texas was called, and he answered "Present," as above recorded.

Mr. MORGAN. Mr. Speaker, may I ask how I am recorded?

The SPEAKER pro tempore. The gentleman is recorded in the affirmative.

Mr. MORGAN. I wish to withdraw that vote and answer "present," as I am paired with my colleague Mr. FERRIS.

Mr. BARCHFELD. Mr. Speaker, on this roll call I voted "aye," but I find that I am paired with the gentleman from Florida, Mr. SPARKMAN. Therefore I desire to withdraw my vote and answer "present."

The SPEAKER pro tempore. The Clerk will call the gentleman's name.

Mr. BARCHFELD's name was called and he answered "Present," as above recorded.

Mr. ADAMSON. Mr. Speaker, I desire to ask if the gentleman from Minnesota, Mr. STEVENS, has voted on this roll call?

The SPEAKER pro tempore. The gentleman from Minnesota is not recorded.

Mr. ADAMSON. I am paired with the gentleman from Minnesota. I voted "no" on this roll call and I desire to withdraw that vote and answer "present."

The SPEAKER pro tempore. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. ADAMSON, and he answered "Present," as above recorded.

Mr. HAMILTON of Michigan. Mr. Speaker, can I be recorded "Present," as above recorded.

The SPEAKER pro tempore. The gentleman must bring himself within the rule, of which he is aware as well as the Chair.

Mr. HAMILTON of Michigan. I am afraid that I can not bring myself strictly within the rule.

Mr. DWIGHT. Mr. Speaker, is the gentleman from New York, Mr. LITTLETON, recorded as voting?

The SPEAKER pro tempore. The gentleman from New York, Mr. LITTLETON, is not recorded.

Mr. DWIGHT. I am paired with the gentleman from New York, and I wish to withdraw by vote of "aye" and answer "present."

The SPEAKER pro tempore. The Clerk will call the name of the gentleman from New York.

The Clerk called the name of Mr. DWIGHT, and he answered "Present," as above recorded.

Mr. FRANCIS. Mr. Speaker, I was not in the Hall when the roll was called, but I desire to vote.

The SPEAKER pro tempore. Was the gentleman in the Hall and listening when his name should have been called?

Mr. FRANCIS. I was not.

The SPEAKER pro tempore. The gentleman does not bring himself within the rule.

Mr. ELLERBE. Mr. Speaker, I would like to ask if the gentleman from New York, Mr. DRAPER, has voted?

The SPEAKER pro tempore. The gentleman from New York, Mr. DRAPER, is not recorded.

Mr. ELLERBE. I am paired with the gentleman, and I ask to withdraw my vote of "no" and vote "present."

The SPEAKER pro tempore. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. ELLERBE, and he answered "Present," as above recorded.

The result of the vote was then announced as above recorded.

SUGAR TRUST INVESTIGATION.

Mr. FLOYD of Arkansas. Mr. Speaker, by direction of the Committee on Accounts, I submit the following privileged report (No. 44) on House resolution 184.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 184.

Resolved, That all expenses that may be incurred by the committee appointed under the resolution of the House of Representatives adopted May 8, 1911, to make an investigation for the purpose of ascertaining whether there have occurred violations by the American Sugar Refining Co. or other corporations or persons of the antitrust act of July 2, 1890, and the acts supplementary thereto, to an amount not exceeding $25,000, shall be paid out of the contingent fund of the House of Representatives on vouchers ordered by said committee, signed by the chairman thereof and approved by the Committee on Accounts, evidenced by the signature of the chairman thereof.

The report (by Mr. FLOYD of Arkansas) was read, as follows:

The Committee on Accounts, to whom was referred House resolution 184, have considered the same and recommend its adoption.

This resolution provides for the payment out of the contingent fund of the House of expenses incurred by the committee appointed to ascertain whether there have been violations of the antitrust act by the American Sugar Refining Co. or other corporations or persons, and the provisions for payment are the same as in House resolution 173 as amended and adopted by the House May 26, 1911, and believing it a proper resolution we recommend its adoption.

Mr. MANN. Will the gentleman from Arkansas yield for a question?

Mr. FLOYD of Arkansas. I will yield to the gentleman from Illinois.

Mr. MANN. As I caught the reading of this resolution, it is substantially the same as the resolution heretofore passed by the House concerning the steel investigating committee.

Mr. FLOYD of Arkansas. I will state to the gentleman from Illinois that the resolution, so far as expenditures are concerned, follows the language of the resolution that was formerly adopted providing for the investigation of the United States Steel Corporation.

Mr. MANN. As I understand, these resolutions require the authority of the committee, the approval of the chairman of the committee, and also the approval of the chairman of the Committee on Accounts.

Mr. FLOYD of Arkansas. It must be approved by the select committee and also by the Committee on Accounts and attested by the chairman of the Committee on Accounts.

Mr. MANN. May I ask the gentleman a question in reference to the Expenditure Committee? I think we passed a resolution some time ago giving to the various Expenditure Committees authority to incur expenses, to be paid out of the contingent fund upon the approval of the chairman of the committee. I ask the gentleman whether there is any control over those matters by the Committee on Accounts.

Mr. FLOYD of Arkansas. I know of no resolution pertaining to those expenditures, except the resolutions authorizing the several investigations.

Mr. MANN. I think that is correct. There is no resolution from the Committee on Accounts.

Mr. FLOYD of Arkansas. No resolution from the Committee on Accounts pertaining to such expenditures. Aside from the original resolutions there is nothing.

Mr. MANN. Is the gentleman able to say whether the Committee on Accounts has any control over those expenditures in any way whatever? In other words, is there any control by a committee of the House of the expenditures made by the Expenditure Committees, besides the Expenditure Committees themselves?

Mr. FLOYD of Arkansas. The Committee on Accounts has this much control over all expenditures: The accounts must be audited by the Committee on Accounts, and where expenditures are made that are unauthorized by previous resolutions they would have absolute control over those expenditures. But where they were within the authority granted to the committee incurring the expense the duty of the Committee on Accounts would be simply to audit and see that they are correct.

Mr. MANN. As I recall the resolution that passed some time ago, it gave to the Committees on Expenditures authority to proceed under the rules in making investigations, to subpœna witnesses, and so forth. Now, who has control over the amount to be expended in the subpœnaing of witnesses by those committees?

Mr. FLOYD of Arkansas. I will state frankly to the gentleman from Illinois that I understand that would be a matter in the discretion of those committees, or the chairmen thereof. There has been no resolution acted upon by the Committee on Accounts limiting that class of expenditures.

Mr. HARDWICK. If the gentleman from Illinois will pardon me, I think I can answer that question. When the Hamlin resolution providing for these investigations by the nine Expenditure Committees for the executive departments was passed, it did not contain any provision whatever about the payment of any expenses.

Mr. MANN. I understand.

Mr. HARDWICK. So that no provision has been made for that, except in one instance the House, by a subsequent resolution, did provide for clerks. In the future, when these committees want to get allowances from the contingent fund, they will have to come just as this one does, from the Committee on Accounts. There is no provision at all for it.

Mr. GARNER. Will the gentleman yield for a question?

Mr. FLOYD of Arkansas. I yield to the gentleman from Texas.

Mr. GARNER. If the Expenditures Committee should summon witnesses and create an expenditure for that purpose, and should send a voucher to the Committee on Accounts, and the Committee on Accounts should approve it, could it not be paid out of the contingent fund?

Mr. HARDWICK. Undoubtedly. It would depend on the Committee on Accounts.

Mr. GARNER. After all, discretion is left with the Committee on Accounts as to whether they will approve these vouchers.

Mr. MANN. That is what I wanted to ascertain. As I understand, one of the Expenditure Committees has subpœnaed witnesses from the other side of the continent at very great expense. That may be perfectly proper, and I have no criticism to make of it, but I desire to know whether anybody has control over that matter.

Mr. FLOYD of Arkansas. Mr. Speaker, I will state to the gentleman from Illinois that the Committee on Accounts has control over the adjustment and the payment of all of these claims.

Mr. AUSTIN. Mr. Speaker, will the gentleman from Arkansas yield to me?

Mr. FLOYD of Arkansas. I yield to the gentleman from Tennessee.

Mr. AUSTIN. Mr. Speaker, I wish to say to the gentleman from Georgia [Mr. HARDWICK], as well as to the gentleman from Illinois [Mr. MANN], that this House passed a resolution authorizing the Committee on Expenditures in the Post Office Department to go ahead with an investigation and also gave that committee unlimited authority to incur the necessary expense in order to carry forward that investigation.

Mr. HARDWICK. Was that separate from the Hamlin resolution?

Mr. AUSTIN. Yes.

Mr. HARDWICK. That may be true in that one case.

Mr. MANN. I was not referring to that.

Mr. OLMSTED. Will the gentleman from Arkansas yield to me?

Mr. FLOYD of Arkansas. I yield to the gentleman from Pennsylvania.

Mr. OLMSTED. Mr. Speaker, I have served on the Committee on Accounts and also on other committees which have made investigations under resolutions similar to the one now under consideration. The disbursing officer refuses to pay any voucher that is not approved by the chairman of the investigating committee and the Committee on Accounts. He will not pay it until the Committee on Accounts approves it. I have known of a case where a witness stated too much mileage, where the Committee on Accounts has made an investigation and found the fact and refused the bill until modified. I do not understand that the Committee on Accounts would have authority—it might do it arbitrarily—to refuse to pay a witness who had been in attendance if the chairman of the investigating committee certified the amount, but the Committee on Accounts does exercise a supervision over these bills and vouchers after they are certified by the chairman of the investigating committee.

Mr. FLOYD of Arkansas. I will state to the gentleman that my information is that so long as these investigating committees are within the authorization, our obligation is simply to audit and see that the account is correct, but if they incur expenditures outside of the authorization, then we will be under no obligation to allow the expenditures.

Mr. GARNER. Will the gentleman from Arkansas yield to me to ask the gentleman from Pennsylvania a question?

Mr. FLOYD of Arkansas. Yes.

Mr. GARNER. Does the gentleman from Pennsylvania [Mr. OLMSTED] contend that the Expenditure Committees have a legal right to make an indebtedness against the Government and to O. K. that voucher and that the disbursing officer would have a right to issue a warrant for it without having the Committee on Accounts consider it?

Mr. OLMSTED. I say that under the practice a disbursing officer would not pay without the approval——

Mr. GARNER. But I am speaking from a legal standpoint. Would the Treasury Department be authorized to pay or would the disbursing officer be authorized to draw a warrant against the Treasury for an indebtedness incurred by one of the Committees on Expenditures unless the Committee on Accounts first had approved it?

Mr. OLMSTED. I doubt if he would have the right, but certainly under the practice he would not do it.

Mr. HENRY of Texas. Mr. Speaker, will the gentleman yield?

Mr. FLOYD of Arkansas. I yield to the gentleman from Texas.

Mr. HENRY of Texas. Mr. Speaker, in regard to the issue raised by the gentleman from Illinois [Mr. MANN], I desire to say this, that the gentleman from Missouri [Mr. HAMLIN] introduced a resolution conferring certain extraordinary powers on these nine Expenditure Committees. That resolution was referred to the Committee on Rules. The Committee on Rules considered it for some time and reported it back to the House. This House passed the resolution as introduced by the gentleman from Missouri. The Committee on Rules did not undertake to deal with the contingent fund of the House, nor did it undertake to confer any authority on any one of these nine committees to incur any expense or to appropriate any money. It was left entirely to the Committee on Accounts to deal with the contingent fund and all expenditures of money necessary in carrying on these investigations by the nine committees. There was no intention——

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. HENRY of Texas. In just a moment. There was no intention to take from the Committee on Accounts any jurisdiction that they have under the rules, but we intended, if I may speak of the intentions of any committee when considering matters—we intended to remit all these things to the Committee on Accounts when we reached the question of appropriating money for expenses in carrying on the investigation.

Mr. BURKE of South Dakota. I desire to ask the gentleman this question: What authority has the Committee on Accounts to audit bills drawing on the contingent fund in the absence of authority being conferred on that committee by resolution?

Mr. HENRY of Texas. I say I do not think they have any, except subject to the approval of the House, but whenever the Committee on Accounts brings in a resolution and the House approves it, then, of course, the sanction of the House makes it lawful.

Mr. BURKE of South Dakota. I understood the gentleman from Missouri to make the statement that these expenditures or expenses of these several investigating committees, that the vouchers would be approved by the chairmen of the respective committees and then they would be referred to the Committee on Accounts and they would O. K. them, and the disbursing officer would issue a warrant. Now, upon what authority is that done?

Mr. HENRY of Texas. Certainly, and therefore the gentleman from Arkansas offers the very resolution we are considering.

Mr. BURKE of South Dakota. The resolution we are considering refers to a special committee, and when that resolution was up I think I asked the gentleman in charge of the bill what they were going to do in regard to expenses, and he said the Committee on Accounts would probably take care of it by a resolution.

Mr. HENRY of Texas. And they are taking care of it by a resolution authorizing the expenditure.

Mr. BURKE of South Dakota. But the question raised by the gentleman from Illinois was how the expenditures of these several investigating committees were to be paid, and they are incurring expenses, as is well known.

Mr. HENRY of Texas. I think that is perfectly clear, that whenever these expenses are incurred they must first be approved by the investigating committee and then must go over to the Committee on Accounts, and they must be O. K.'d there and must have been previously authorized by the House or must be approved subsequently by the House.

Mr. BURKE of South Dakota. In other words, if I understand the gentleman, his position is there must be a resolution of the House authorizing the payment out of the contingent fund of these expenses——

Mr. HENRY of Texas. I certainly think so——

Mr. MANN. If the gentleman will yield to me I do not think it requires a resolution of the House. The law provides in

reference to the payment of expenses out of the contingent fund, and a great many expenses are paid out of the contingent fund that are not provided for by resolution of the House at all. The ordinary expenses of a committee are paid through the contingent fund. The Committee on Accounts has jurisdiction under the law to approve expenditures to be paid out of the contingent fund, and those expenses are paid under the law.

Mr. HENRY of Texas. Then the gentleman did not catch what I said. I said there must be some sanction of the House at some time before the Committee on Accounts acted.

Mr. MANN. The resolution that was passed which the gentleman referred to that came from his committee gave to committees authority to subpœna witnesses. They have that authority without resolution of the House. There was nothing in the resolution that was passed in reference to the expenditures committees that the committees did not already have, and there was no authority granted, unless it was the one about the Speaker signing subpœnas during the recess, and the question is, Whether such a resolution passed as it was contained anything to give extra authority in incurring expenses or whether the resolution was a mere duplication of existing law in that respect?

Mr. GARRETT. Will the gentleman permit a question?

Mr. HARDWICK. Have they authority to swear witnesses?

Mr. MANN. Certainly; any chairman of a committee can swear a witness.

Mr. GARRETT. Or any Member of the House can swear a witness under the law.

Mr. MANN. The committees have authority under the law.

Mr. GARRETT. I understood the question of the gentleman from Illinois, a few moments ago, to be directed to the matter of the payment of witnesses.

Mr. MANN. Well, it is directed to the matter of the payment of all the expenses incurred by these several committees on expenditures in the executive departments.

Mr. GARRETT. But the gentleman made particular reference to the payment of witnesses.

Mr. MANN. I referred to the pay of witnesses, among other things. Of course, that, as the gentleman knows, is fixed by the rule.

Mr. GARRETT. Neither the Committee on Accounts nor any other committee would have jurisdiction over the payment of witnesses except by some provision of this rule, would it?

Mr. MANN. I think the Committee on Accounts would have jurisdiction to turn down a bill if it thought that one of the other committees of the House was subpœnaing a great number of witnesses without any necessity for it. At least, if I were a member of the Committee on Accounts, I would not vote to approve the bill. I do not charge that that is being done, but that is on the question of authority.

Mr. GARRETT. Does the gentleman understand that the pay of witnesses must come out of the contingent fund of the House?

Mr. MANN. I do not.

Mr. GARRETT. I confess that that is a question upon which I have not specific information.

Mr. MANN. It might come out of any other appropriation; but, as a matter of fact, I understand that the payment of witnesses does actually come out of the contingent fund, because there is no other appropriation made for that purpose.

Mr. GARRETT. But no special resolution is necessary to fix the pay of witnesses, there being the standing rules of the House on that subject.

Mr. MANN. Not to fix the amount.

Mr. GARRETT. Of course, as to the appropriation for it, that would be like any other matter that the House would provide for. It must be appropriated.

Mr. MANN. Well, we generally aim to provide some check on the expenditure of money beyond the ones who want the money. Now, a committee might want to expend money that the committee in charge of the money might not want to have expended. I mean no reflection on either committee.

Mr. GARNER. Mr. Speaker, will the gentleman from Illinois yield?

Mr. MANN. The gentleman from Arkansas [Mr. FLOYD] has charge of the time.

Mr. GARNER. Will the gentleman from Arkansas yield?

The SPEAKER. Does the gentleman from Arkansas yield to the gentleman from Texas?

Mr. FLOYD of Arkansas. Yes.

Mr. GARNER. The gentleman from Illinois just a moment ago remarked that it was customary for the House to put a check upon some of those who wanted to spend the money. I would like the gentleman to point out any resolution that has been passed in the last eight years authorizing an investigation where a check was placed on it by his side of the House?

Mr. MANN. If the gentleman wants a specific instance I will give him one. When the special committee on the pulp and paper investigation was authorized by resolution there was a check on it.

Mr. GARNER. In what way?

Mr. MANN. All accounts had to be approved by the Committee on Accounts.

Mr. GARNER. That was an exception to the rule.

Mr. MANN. No; it was not an exception at all. I think I followed the rule simply.

Mr. GARNER. It happened to be one of the committees where no check was needed, the gentleman from Illinois being at the head of it.

Mr. OLMSTED. Will the gentleman from Arkansas yield further?

Mr. FLOYD of Arkansas. Yes.

Mr. OLMSTED. I merely want to state what the standing law is on the subject.

Mr. FLOYD of Arkansas. I would be glad to yield to the gentleman from Pennsylvania, but I submit that this discussion is entirely foreign to the resolution under consideration. I yield to the gentleman in order that he may ask a question.

Mr. OLMSTED. The question has been asked, What is the law authorizing the Committee on Accounts to pass upon such accounts? I think the only law is found in the rules of this House fixing the powers and duties of committees—Rule XI—which begins by saying that "all proposed legislation shall be referred to the committees named in the succeeding paragraphs," and in the forty-eighth paragraph it says, on page 354:

> Touching the expenditure of the contingent fund of the House, the auditing and settling of all accounts which may be charged therein by order of the House—to the Committee on Accounts.

Now, strictly interpreted, that rule, considering the language at the beginning and the opening of the forty-eighth paragraph, would mean all proposed legislation touching those things, but the remaining language of the forty-eighth paragraph clearly means to confer on the Committee on Accounts the auditing and settling of all accounts. That is, all charges against the contingent fund of the House are to be audited by the Committee on Accounts. I would not go so far as to say that that means that the Committee on Accounts might properly say that some investigating committee had summoned more witnesses than it needed to have summoned and therefore it would not pay the witness fees. That, perhaps, would be an arbitrary exercise of power. But in any event no account can very well be paid until it is approved by the Committee on Accounts, and should it find any irregularities it would doubtless withhold its approval.

Mr. MURDOCK. Mr. Speaker——

The SPEAKER pro tempore (Mr. BARTLETT). Does the gentleman yield?

Mr. FLOYD of Arkansas. I yield to the gentleman from Kansas.

Mr. MURDOCK. Mention has been made here of the contingent fund of the House. Is the contingent fund of the House a fixed sum? Is it an established amount?

Mr. FLOYD of Arkansas. It is appropriated for in the legislative appropriation bill.

Mr. MURDOCK. Is it carried as a fixed sum from year to year?

Mr. FLOYD of Arkansas. I think not.

Mr. MURDOCK. Does the gentleman know what the present state of that fund is?

Mr. FLOYD of Arkansas. The Committee on Appropriations recommend whatever amount is deemed necessary every year.

Mr. MURDOCK. Does the gentleman know the amount of the contingent fund at present?

Mr. FLOYD of Arkansas. I can not advise the gentleman as to the amount now in the fund.

Mr. MURDOCK. Does the gentleman know what we have expended yearly in the past?

Mr. CARLIN. That can be ascertained at any time by calling upon the disbursing officer.

Mr. MANN. Last year, I think, it was about $75,000.

Mr. MURDOCK. The gentleman from Illinois says about $75,000.

Mr. FLOYD of Arkansas. I think it is usually about $75,000 per annum.

This discussion has been entirely foreign to this resolution. The only resolutions which have come to the Committee on Accounts relating to the expenditures of committees are the one which we passed a few days ago, authorizing the select committee to investigate the United States Steel Corporation to make certain expenditures, and this resolution now under consideration, to authorize the select committee to investigate

the American Sugar Refining Co. to make certain expenditures. These are the only resolutions that have been considered by the Committee on Accounts.

The other resolutions passed by the House, as I construe and understand them, authorize unlimited expenditures. But your Committee on Accounts sought to adopt a different policy and to fix a limit on the expenditures of these special investigating committees. We fixed that limit at $25,000 in the former resolution, and we fixed it at $25,000 in this resolution. If that sum should not prove sufficient, we stand ready to give more in the future; but we believe it wise to put a check upon these expenditures, so that the auditing committee, the Committee on Accounts, will know from time to time what expenditures are being made. Now, this resolution, as already stated, conforms in every respect to the resolution that we adopted a few days ago authorizing expenditures by the select committee to investigate the Steel Trust. It provides that there shall be a double authorization; in the first place, that the select committee must authorize the expenditure, then that the Committee on Accounts must audit and approve the vouchers, and the chairman of the Committee on Accounts must sign and attest the authorization. We think this resolution is right and proper, and if no one else desires to be heard on the question, or to ask any further questions, I ask for a vote.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

ARREST OF JOHN J. M'NAMARA.

Mr. HENRY of Texas. Mr. Speaker, I desire to submit a privileged report (No. 46) from the Committee on Rules.

The Clerk read as follows:

The Committee on Rules has had under consideration House concurrent resolution 6, providing for the appointment of a committee of investigation, and report that they have held hearings, at which the proponents and all others desiring to be heard appeared and gave testimony. In the opinion of your committee——

Mr. MANN. Mr. Speaker, a parliamentary inquiry. Are we not entitled to have the resolution reported first, so that the House may know what the report is about?

The SPEAKER pro tempore. The Clerk will read the resolution.

Mr. MANN. But the Clerk is reading the report of the committee. We do not know what it is about.

Mr. HENRY of Texas. The gentleman may take it either way. We are going to have the resolution read, and the report also.

The SPEAKER pro tempore. The Clerk is directed to read the resolution.

The Clerk read as follows:

House concurrent resolution 6.

Whereas the fourteenth amendment to the Constitution ordains that no State shall "deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws"; and

Whereas it is reported in the public press that one John J. McNamara, heretofore residing in the city of Indianapolis, Ind., has been deprived of liberty and put in jeopardy of his life without due process of law: Therefore be it

Resolved by the House of Representatives (the Senate concurring), That a committee of each House be appointed to investigate the arrest and extradition of the said McNamara, and to report its findings to the two Houses at the earliest practicable moment.

Mr. HENRY of Texas. Mr. Speaker, I now ask that the report be read.

Mr. MANN. I make the point of order, Mr. Speaker, that this report is not privileged.

Mr. HENRY of Texas. I think that a report from the Committee on Rules is privileged.

Mr. MANN. I will reserve the point of order until I can hear what it is.

The SPEAKER pro tempore. The gentleman from Illinois reserves the point of order.

The Clerk read the report, as follows:

The Committee on Rules has had under consideration House concurrent resolution 6, providing for the appointment of a committee on investigation, and report that they held hearings at which the proponent and all others desiring to be heard appeared and gave testimony. In the opinion of your committee it covered all the material facts that could be elicited by a select committee and further investigation would throw no additional light on the transaction and it is therefore unnecessary. The testimony is herewith submitted for the information of the House with a view of determining whether or not further legislation is necessary. It is recommended that House concurrent resolution 6 do lie on the table.

Mr. HENRY of Texas. Now, Mr. Speaker, if the gentleman from Illinois does not care to discuss the point of order——

Mr. MANN. I think I will discuss the point of order for a moment. As I understand the resolution, it is a concurrent resolution providing that a committee of each House shall be appointed to investigate the arrest and extradition of McNamara and report its findings to the two Houses at the earliest practicable moment.

Apparently it is not contemplated to appoint one committee, although it says that it shall report its findings. It provides for a committee of each House. It provides that the House shall appoint a committee and the Senate shall appoint a committee. I have no objection myself to the appointment of a committee by the House, but I question, there being no joint rules in existence, whether the House has anything to say about the appointment of a Senate committee, or whether the Senate has anything to say about the appointment of a House committee; and if the House has nothing to say about the Senate committee, then the Committee on Rules has no jurisdiction to report, as a privileged matter, a resolution providing for the appointment of a Senate committee on anything. Nor do I think the Committee on Rules has jurisdiction to report a concurrent resolution asking the permission of the Senate for the House to appoint a House committee. The Committee on Rules has jurisdiction over the rules and over the order of the business of the House and over joint rules. But here is a resolution proposing, not a joint committee of the two bodies, not that the House shall appoint a House committee, but proposing that we ask permission of the Senate that we appoint a House committee and give to the Senate permission to appoint a Senate committee. That is the purpose of the resolution as it looks to me.

Mr. GARRETT. Mr. Speaker, will the gentleman yield?

Mr. MANN. Certainly. I will say to the gentleman that I never saw the resolution before.

Mr. GARRETT. Of course the objections the gentleman is making go to the form of the resolution.

Mr. MANN. I think it goes to the jurisdiction of the committee in reference to it.

Mr. GARRETT. The jurisdiction of the Committee on Rules?

Mr. MANN. I have no objection, the gentleman understands, to considering the real proposition.

Mr. GARRETT. Of course, if it would be reported to the House with a recommendation for passage, then the matter of form would become important; but being reported to the House with a recommendation that it lie upon the table, how can the form be important? Why should the committee amend the resolution and then report that it do lie upon the table?

Mr. MANN. I am frank to say that I did not hear what the report was.

Mr. HENRY of Texas. Mr. Speaker, will the gentleman yield to me for a moment?

Mr. MANN. Certainly.

Mr. HENRY of Texas. Mr. Speaker, I think we can agree without any trouble about it. I am not defending the form of the resolution at all. The point is simply this, that a resolution for an investigation was introduced by the gentleman from Wisconsin [Mr. BERGER] providing for a certain kind of committee. Whether he aptly shaped it or not we are not now considering. The Committee on Rules did consider his resolution and report it to the House, with a recommendation that it lie upon the table, but in advance of making the formal motion, it is my intention to ask unanimous consent that the testimony taken by the Committee on Rules, which is all the material evidence that can be adduced on the subject, and the accompanying report be referred to the Committee on the Judiciary in order that such committee may inquire whether or not further legislation is necessary in regard to the extradition laws. The gentleman from Wisconsin so understands the matter, and later I shall ask that this testimony go to the Judiciary Committee and that his resolution do lie upon the table.

Mr. MANN. Mr. Speaker, of course the reason I made the point of order, and I did not understand what the purpose of the gentleman was in making the report, was simply on the question of the resolution being privileged in the House. The House guards very carefully and properly so privileged reports, and the question whether reports are privileged, because when a committee reports a bill which is privileged it thrusts out of the way everything else, but with the explanation which the gentleman has made I shall withdraw the point of order merely because I would not object to the unanimous consent.

Mr. HENRY of Texas. Mr. Speaker, I was going to say that, while not waiving the point, I believe the resolution is strictly privileged; yet I will not offer it as a privileged resolution, but ask unanimous consent that the resolution and report be considered at this time.

The SPEAKER pro tempore. The gentleman from Texas withdraws the resolution as a privileged resolution, and now asks unanimous consent for the present consideration of the resolution and report. Is there objection.

There was no objection.

Mr. DALZELL. Mr. Speaker, will the gentleman from Texas yield?

Mr. HENRY of Texas. Certainly.

Mr. DALZELL. Mr. Speaker, I beg leave to differ with the gentleman from Illinois as to the character of this resolution. I see it now for the first time. I was unavoidably absent when the matter was considered by the committee, and had not read the resolution until now. I concur, of course, in the conclusion that was arrived at by the committee after discussion.

I think the resolution as presented by the committee now is an eminently proper one and brings about the result that was desired in a much better way than it would have been by the appointment of a special committee. Nevertheless, I think this is a privileged resolution. It relates to the business of the House. It calls for the appointment of a committee to deal in a special way with a matter that belongs to the House, and while it is true that the appointment of that committee eventually would depend upon the consent of the Senate, nevertheless it is strictly a resolution dealing with the business of the House, and I am not willing to agree that the resolution in its present shape is subject to a point of order.

Mr. HENRY of Texas. I did not waive that point. It is only to have an agreement that unanimous consent is now asked.

Mr. DALZELL. I do not object to the gentleman's attitude, but I wanted to express my own view.

Mr. MANN. Will the gentleman yield?

Mr. DALZELL. Certainly.

Mr. MANN. Does the gentleman understand that this appoints one committee, or a committee of the House and also a committee of the Senate?

Mr. DALZELL. The resolution as it reads seems to contemplate the appointment of two committees.

Mr. MANN. Does the gentleman think that it would be privileged in the House for the Committee on Rules to report a resolution providing that the Senate shall appoint a committee of investigation?

Mr. DALZELL. I think it is entirely competent for the House to report a resolution creating a committee of its own to act with a committee of the Senate, if the Senate sees fit to agree.

I do not see how the privilege is destroyed by the fact that it requires the consent of the Senate to call the matter into final execution.

Mr. MANN. True, but that is not the question as to the privilege——

Mr. CARLIN. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CARLIN. I make the point of order that the matter the gentlemen are discussing is not before the House.

The SPEAKER pro tempore. The point of order is overruled.

Mr. CARLIN. The Chair does not understand the point of order——

The SPEAKER pro tempore. The point of order is overruled.

Mr. HENRY of Texas. Mr. Speaker, first I ask unanimous consent that both testimony and report, which are printed, the testimony being appended to the report, be referred to the Commitee on the Judiciary.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that the testimony accompanying this report from the Committee on Rules be referred to the Committee on the Judiciary. Is there objection? [After a pause.] The Chair hears none, and it is so referred.

Mr. HENRY of Texas. Now, Mr. Speaker, I move that House resolution No. 6 do lie on the table.

The SPEAKER pro tempore. The motion of the gentleman from Texas is that the pending resolution be laid on the table.

The question was taken, and the motion was agreed to.

INVESTIGATION OF DISTRICT OF COLUMBIA.

Mr. HENRY of Texas. Mr. Speaker, I submit the following privileged report (No. 47) from the Committee on Rules and ask that the resolution be read first.

The SPEAKER pro tempore. The gentleman from Texas submits a privileged report, which the Clerk will read.

The Clerk read as follows:

House resolution 154——

Mr. HENRY of Texas. Mr. Speaker, I will ask the Clerk to suspend. Now, there is an original resolution and we have reported a substitute. I will ask if the gentleman from Illinois desires the original resolution and the substitute both to be read? I think the reading of the substitute will be sufficient.

The SPEAKER pro tempore. The original resolution will first have to be read and then the substitute unless dispensed with.

Mr. HENRY of Texas. Mr. Speaker, I ask unanimous consent that the reading of the original resolution be dispensed with.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that the substitute may be read in lieu of the original resolution. Is there objection?

Mr. MOORE of Pennsylvania. Is this the substitute to House resolution 154?

Mr. HENRY of Texas. Yes; it is.

Mr. MOORE of Pennsylvania. I have not been able to procure a copy of the substitute.

Mr. HENRY of Texas. The substitute, of course, has not been printed, but I will have it read in one moment, and I will give the gentleman all the time he wants to interrogate in regard to it.

Mr. MOORE of Pennsylvania. And the gentleman's request is that the substitute be read in lieu of the original resolution?

Mr. HENRY of Texas. Yes.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read the substitute.

The Clerk read as follows:

Resolved, That the Committee on the District of Columbia, or any subcommittee thereof which may be appointed by the chairman of said committee for that purpose, be authorized to send for and to compel the production of such books and papers and the presence of such persons as they may deem necessary for the purpose of inquiring into the operations and methods of the departments of assessment and collection of taxes of the District of Columbia and such other departments of the District of Columbia as may be determined by them, and, as well, the organization, capitalization, bonded and other indebtedness, management, and conduct of any and all of the public-utility corporations doing business in the said District. Said committee or subcommittee is hereby given authority to administer oaths. Said committee or subcommittee may sit during the sessions of Congress or during the recesses between sessions of the Sixty-second Congress for this purpose.

Mr. HENRY of Texas. Mr. Speaker, I now desire that the report be read.

Mr. MANN. Mr. Speaker, I desire to reserve the point of order on the resolution as being privileged until we can hear the reading of the report.

The SPEAKER pro tempore. The gentleman from Illinois reserves the point of order as to the character of the resolution.

Mr. MANN. We ought to have a chance to see about it.

Mr. HENRY of Texas. If the gentleman will permit me, at one time I tried to give him and the House the opportunity of seeing these reports, and he made the point of order that the Committee on Rules must report from the floor and have the resolution and report read at the Clerk's desk. Theretofore I had filed some of them in order that they must be printed as other resolutions and committee reports, which is competent under the rules, in order that the Members might consult them, but the gentleman made the point that the Committee on Rules had no authority to make reports in that way. Although I do not agree with the gentleman [Mr. MANN], for I think the Committee on Rules can report in either way under the rules.

Mr. MANN. I have no objection to the gentleman making a privileged report, as the gentleman from Alabama did this morning, having it reported before it is called up in the House.

Mr. HENRY of Texas. The gentleman knows that the authority conferred on the Committee on Rules or on any other committee to present a privileged report carries the authority to immediately consider it.

Mr. MANN. It carries with it that authority.

Mr. HENRY of Texas. I think we can agree about that. There is no controversy about the resolution.

Mr. MANN. I think, likely. I reserved the point of order until I could examine the substitute. The substitute appears to be quite different from the original.

Mr. DALZELL. I suggest to the gentleman from Illinois that he wait until he hears the report read.

The SPEAKER pro tempore. The Clerk will read the report.

The Clerk read as follows:

Mr. HENRY of Texas, from the Committee on Rules, submitted the following report:

"The Committee on Rules have had under consideration House resolution 154, authorizing the Committee on the District of Columbia to inquire into the government of said District, and report in lieu thereof the accompanying resolution as a substitute, and recommend its adoption."

Mr. HENRY of Texas. Mr. Speaker, there is no controversy about this resolution, and I hope there will be none about the report. The Committee on Rules thought amendments to the resolution were necessary in two particulars. First, there was a clause in the original resolution to the effect that if any witness summoned before the committee on the District of Columbia should swear falsely he should be punished as for perjury. Of course we know that under the law a witness so summoned could be punished for perjury without putting that authority in the resolution, and therefore we struck it out as

surplusage. Then, in the second place, toward the end of the resolution there was verbiage dealing with the expenditures in regard to this resolution. The committee thought proper not to try to deal with the contingent fund of the House or any expense or expenditures in regard to this matter, but preferred to submit all of those questions to the Committee on Accounts, so that they might pass under their scrutiny, and therefore we pretermitted that language as being improper. I might say, because, as the gentleman will agree, a point of order would lie against that part of the resolution.

Mr. MANN. That is the reason why I reserved a point of order, because it does lie.

Mr. HENRY of Texas. That is the reason we struck it out.

Mr. MANN. It still lies.

Mr. MOORE of Pennsylvania. Mr. Speaker——

Mr. MANN. It is the original resolution that is before the House.

Mr. HENRY of Texas. I do not think so. I think we can report a substitute to the House as an independent proposition from the Committee on Rules.

Mr. MANN. The gentleman has given away his case. However, that is neither here nor there.

Mr. HENRY of Texas. But we can vote on both.

Mr. MANN. I merely made the point of order on account of the substitute.

Mr. HENRY of Texas. I will sustain the point of order to the original resolution.

Mr. MANN. There is no controversy then. The gentleman proposes to ask unanimous consent for the consideration of his privileged resolution.

Mr. HENRY of Texas. If the gentleman and I can agree I will certainly ask unanimous consent to consider it, although I think the substitute and report privileged. Yet I am willing to bring the matter before the House by unanimous consent.

Mr. MANN. The gentleman and I agree that if the original resolution is subject to a point of order, then the substitute is also subject to a point of order. It is the original resolution that is before the House. It is the original resolution that is reported to the House, with the proposed amendment substituted by the committee, and the point of order lies to the original resolution, and the original resolution is the test.

But let me ask the gentleman, What is the part that is inserted in the resolution in the substitute? What is the scope of that?

Mr. HENRY of Texas. The scope of that is only inserting a new clause authorizing the committee to inquire into the operations and methods of the department of assessment and collection of taxes of the District of Columbia, specifically including those things for the committee to investigate.

Mr. MANN. Would not that be covered by inquiring into the operation of the government of the District of Columbia?

Mr. HENRY of Texas. Perhaps it would be, but the committee, out of an abundance of caution, thought it better to specify this particular subject of inquiry.

Mr. MANN. Let me ask the gentleman one question, merely as to a matter of form. Does not the gentleman think it would be a little better form to strike out the word "House" before "Committee"?

Resolved, That the "House" Committee on the District of Columbia——

Mr. HENRY of Texas. Yes. That is a typographical error. We will agree on that.

Mr. MANN. We instruct our own Committee on the District of Columbia.

Mr. GARRETT. Is the word "House" in the substitute?

Mr. HENRY of Texas. It is in the substitute, but it is a mere error in copying. I take the responsibility for its being there, although I did not copy it.

Mr. MANN. I understand. That probably would not strike everybody, but I think that is not the proper title of the committee.

Mr. HARDWICK. It is not a very serious thing.

Mr. MANN. It might be if you got into a controversy over the subpœnaing of witnesses.

Mr. HENRY of Texas. Now, if we have finished these substantial technicalities, I should like to ask if any gentleman desires to discuss the resolution.

Mr. MOORE of Pennsylvania. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman from Texas yield to the gentleman from Pennsylvania?

Mr. HENRY of Texas. I do.

Mr. MOORE of Pennsylvania. I do not want to enter into any discussion, but I should like a little information from the chairman. Do I understand that the substitute eliminates from the original resolution an investigation of the operation of the government of the District of Columbia, and of the management and conduct of public-utility corporations doing business in the District, as contemplated by the original resolution, 154?

Mr. HENRY of Texas. No; it does not. It includes that.

Mr. MOORE of Pennsylvania. Then the substitute does include the investigation of those two subjects?

Mr. HENRY of Texas. Yes.

Mr. MOORE of Pennsylvania. With the added investigation of the subjects of the bonded liability of the District and assessment and taxation?

Mr. HENRY of Texas. It does.

Mr. MOORE of Pennsylvania. And their relation to the General Government?

Mr. HENRY of Texas. That is correct.

Mr. MOORE of Pennsylvania. May I ask the gentleman if he is able to tell us about how far this investigation is to go in the matter of expense? Has the matter of the expense of the investigation been considered at all?

Mr. HENRY of Texas. It has. It has been my intention to yield to the gentleman from Kentucky, the chairman of the Committee on the District of Columbia; and his statement, as I remember it, was that this investigation ought not to cost more than $2,500—certainly not to exceed $5,000. We considered the question thoroughly, and although that question will go to the Committee on Accounts, I think it is a proper thing for the Committee on Rules to consider as well.

Mr. MOORE of Pennsylvania. It seems to me that this investigation is so wide in its scope and is capable of being prolonged to such an extent, by reason of the nature of the subjects to be inquired into, that it might be advisable to fix some limit of cost.

Mr. HENRY of Texas. The Committee on Accounts will undoubtedly fix a limit.

Mr. POU. If the gentleman from Texas will allow me, I want to say that the chairman of the Committee on the District of Columbia stated that he would have no objection to putting a limit of $5,000 on the cost of the investigation.

Mr. HENRY of Texas. And, furthermore, the Committee on Rules considered the proposition and thought it better that the whole subject dealing with the expenditures should go to the Committee on Accounts.

Mr. MOORE of Pennsylvania. I have had no conference with the District of Columbia Commissioners, although my understanding is that they have no objection to an inquiry of this kind. But we are in the summer months, and the addition to your original resolution of the proposition to investigate the method of assessment and taxation is so large that it is a question when we would get through with it. However, if the gentleman thinks that the expense would not be more than $5,000, it seems to me that there can be no objection to that amount.

Mr. BURLESON. Will the gentleman yield for a question?

Mr. HENRY of Texas. I will yield for a question.

Mr. BURLESON. Is it contemplated that the cost of this investigation shall come from the contingent fund of the House?

Mr. HENRY of Texas. Personally, I think so, although it might be ordered from some other fund if the House should choose.

Mr. GARRETT. With the permission of the gentleman from Texas, I want to say that the Committee on Rules is setting an example to the House of observing strictly the rules of the House, and therefore it is not dealing with the matter of expense. The gentlemen on the Appropriations Committee and the Committee on Accounts can deal with that matter.

Mr. BURLESON. I would like to ask the gentleman how many investigating committees have been authorized by the Committee on Rules?

Mr. GARRETT. Two special committees.

Mr. BURLESON. At $25,000 each?

Mr. GARRETT. Not to exceed that.

Mr. BURLESON. The gentleman will understand that the appropriation made for the contingent fund for the fiscal year amounts to only $75,000. One or two more committees and we will have a deficit in the contingent fund.

Mr. GARRETT. This is not a special committee; this is one of the regular committees of the House.

Mr. BURLESON. I think it is well enough for the Committee on Rules to understand that the contingent fund amounts to only $75,000 a year.

Mr. GARRETT. The gentleman from Texas will understand that the Committee on Rules did not fix the amount of the expenditure with reference to the other special committees.

Mr. HENRY of Texas. Let me suggest to the gentleman that the contingent fund may soon be exhausted, but that is on account of the extraordinary session, which increases the ex-

pense, and there is always a deficiency where we have three sessions instead of two during a Congress.

Mr. MOORE of Pennsylvania. Will the gentleman yield for a further question?

Mr. HENRY of Texas. Certainly.

Mr. MOORE of Pennsylvania. This resolution provides that "the House Committee on the District of Columbia, or any subcommittee thereof which may be appointed by the chairman of said committee"; that is to say, the whole Committee on the District of Columbia may enter into this investigation, or a subcommittee to be appointed by the chairman may enter into it. Would it not affect somewhat the question of cost if the entire committee was to serve as inquisitors?

Mr. HENRY of Texas. It might; but the idea the committee had in mind was that the Committee on the District of Columbia might take charge of that matter and select whatever subcommittee it thought appropriate.

Mr. MOORE of Pennsylvania. The resolution leaves it to the discretion of the chairman of the committee to make this appointment, and if he sees fit, to delegate it to the entire committee.

Mr. HENRY of Texas. That would be subject to the approval of the committee.

Mr. OLMSTED. But it does not say so.

Mr. HENRY of Texas. I take it that the chairman of the District Committee would desire the sanction of the committee when he undertakes to make an appointment of that sort, and there would be no conflict of jurisdiction about it.

Mr. MOORE of Pennsylvania. And even with that question raised and considered the gentleman thinks the cost would be somewhere between $2,500 and $5,000 to complete the investigation?

Mr. HENRY of Texas. Undoubtedly, I think so.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

Mr. HENRY of Texas. Certainly.

Mr. MURDOCK. I would like to ask the gentleman something about this expenditure. Under this substitute resolution this committee on investigation can hold sessions between the regular sessions of Congress. That is, this committee on investigation can be in Washington when Congress is not in session. Now, if the members of this committee, scattered abroad over the country, are brought into the city of Washington to hold a session of the committee, are they allowed mileage out of the contingent fund as expenses?

Mr. HENRY of Texas. They are not allowed extra mileage, and the gentleman must understand that those matters would come under the scrutiny of the "11 watchdogs of the Treasury"—the Committee on Accounts.

Mr. MURDOCK. They would not be permitted mileage?

Mr. MANN. They would be allowed their expenses.

Mr. MURDOCK. They would be allowed their expenses?

Mr. HENRY of Texas. Does the gentleman mean the members of the committee?

Mr. MURDOCK. Certainly.

Mr. HENRY of Texas. Undoubtedly they would not be allowed extra mileage.

Mr. OLMSTED. They certainly would.

Mr. HENRY of Texas. What authority would the Committee on Accounts have to allow an additional compensation to a Member of Congress in the performance of his duty during a session of Congress or during a recess of Congress? It might allow his expenses.

Mr. MURDOCK. Then the expenses of this committee would be confined largely to the expenses of a stenographer.

Mr. RUSSELL. And witness fees.

Mr. HENRY of Texas. Yes; witness fees. And our idea is, perhaps, the stenographers already provided for could take all the testimony.

Mr. MANN. Why should there be any expenses for stenographers, when we have 10 stenographers who are not working during vacation?

Mr. HENRY of Texas. I have just made that suggestion in accordance with the gentleman's idea.

Mr. MOORE of Pennsylvania. The gentleman has just added by his substitute an investigation of the system of taxation in the District of Columbia.

Mr. HENRY of Texas. Yes.

Mr. MOORE of Pennsylvania. Let me say to the gentleman that that is one of the most fruitful fields of inquiry that any committee of Congress could enter upon, and it would unquestionably involve a consideration of the taxation systems prevailing in other large cities of the country. Might it not be necessary, if this Congress is to expect a complete and thorough report looking to a revision of the entire system in the District of Columbia, for the committee to visit various other cities, or would it have to depend wholly upon reports that might be forwarded to it?

Mr. HENRY of Texas. It might be necessary, and still that would be under the direction of the District Committee and the Committee on Accounts.

Mr. SIMS. Does the gentleman mean that during the recess, should there be one, and the committee sits during the recess, will the expenses of the committee, such as board and lodging in the District of Columbia, be charged up as a part of the expense of the committee?

Mr. HENRY of Texas. Why, no; I take the view that the members can be allowed no extra compensation, but only actual expenses.

Mr. SIMS. I thought that what the gentleman said left that impression, and I wanted to remove it.

Mr. HENRY of Texas. Mr. Speaker, I now yield 10 minutes to the gentleman from Kentucky [Mr. JOHNSON].

Mr. JOHNSON of Kentucky. Mr. Speaker, this resolution was offered by the gentleman from Arkansas [Mr. OLDFIELD]. This House, and in fact the entire country, has been hearing for years and years that there are irregularities in the affairs of the District of Columbia. Whether there are or not can not be ascertained without an investigation. If there has been any sort of mismanagement or extravagance in the affairs of the District of Columbia, the Congress is entitled to know it, that it may be remedied. If there have not been any irregularities, if through these thirty-odd years there has been no misappropriation of funds, no wastefulness of the public money, then the country ought to be quieted with the report of a competent committee that such is the fact. This unrest among the people and among the Members of Congress should be stopped or they should be given something to complain about. As for myself, I have said from the beginning that I knew of nothing fraudulent, but that I was informed, from what I deemed reliable sources, that through error or through a system of auditing, the Federal Government had paid more than its share of the 50 per cent basis on which we are operating, that 50 per cent basis being that the Government of the United States should pay one-half of the current expenses of the District of Columbia and the District of Columbia pay the other half of the current expenses. While this matter was up before the Committee on Rules I had occasion to say that I had been informed reliably, as I believed, that the Federal Government had paid more than half, and I cited one instance of the interest on the 3.65 per cent bonds, and on the bonds themselves, contending that the Government was not bound to pay any interest whatever on those bonds, but that the Government had bound itself to have taxes levied in the District of Columbia which would produce sufficient revenue that the District might pay the interest on those bonds.

It developed that the interest on those bonds fell due each year just at a time when the District was without funds. Then the act was amended and the Government was directed to advance a sum of money sufficient to enable the District to pay this interest when it was due and not wait until after the taxes coming to the District of Columbia had been collected. Now, my contention that the Government is bound only as a guarantor of this interest and is not in any sense bound to pay this interest can be found in an act passed in 1877, which reads as follows:

That the Secretary of the Treasury shall reserve of any of the revenues of the District of Columbia not required for the actual current expenses of schools, the police, and the fire department, a sum sufficient to meet the interest accruing on the three-sixty-five bonds of the District during the fiscal year beginning July 1, 1877, and apply the same to that purpose; and in case there shall not be a sufficient sum of said revenues in the Treasury of the United States at such time as said interest may be due, then the Secretary of the Treasury is authorized and directed to advance, from any money in the Treasury not otherwise appropriated, a sum sufficient to pay said interest, and the same shall be reimbursed to the Treasury of the United States from time to time as said revenues may be paid into said Treasury until the full amount shall have been refunded.

Now, as I said, I am advised that this refunding from time to time which was contemplated by this act has not been made. I am not a bookkeeper, I am not an accountant, and it is my opinion that no member of the District Committee is such, therefore we have deemed it advisable to ask this House to give us an accountant, that he may go and see whether or not the United States Government has been reimbursed to the extent which it should have been through these long years. In other words, this partnership has existed for nearly a third of a century without this question having been inquired into, as far as I can find. I believe that an accountant can be obtained for less than $5,000 who will go through this. All it requires is the appropriation acts of each session and then compare them

to the auditor's report, and, as to the rest of the work, the members of that committee are more than willing, they assure me, and I assure you that I myself am just as willing, to go into whatever part of it that we can without a cent of expense to the Government.

Mr. SIMS. May I ask the gentleman a question right there? In case Congress adjourns and this committee has to remain here and incur expenses that otherwise would not be required of them——

The SPEAKER pro tempore. Does the gentleman from Kentucky yield to the gentleman from Tennessee?

Mr. JOHNSON of Kentucky. Most willingly.

Mr. SIMS. Are they not in justice entitled to such expenses as are incurred in that particular investigation just the same as if they were taken off to some other city to make that investigation? Are they not entitled to that as a matter of justice?

Mr. JOHNSON of Kentucky. I will say this, I do not believe we are entitled to it. I do not want it and would not accept it, and I have not heard an expression from a single member of the committee who disagrees with me on that point.

Mr. SIMS. It is very generous on your part. I think you are entitled to it as a matter of equity if you have to stay here.

Mr. JOHNSON of Kentucky. If we can have this done by December, and can find something to report to you, so well and good. If we can find nothing, then I say that all this clamor should be stopped. Now, in the beginning, when this resolution was first offered, the newspapers here took it up and in great headlines and in double-faced type they undertook to make it appear that this investigation was one that would lead us back of the Shepherd régime, and, consequently, it was such a monumental piece of work that it should not be undertaken.

But now, believing that Congress is going to authorize the undertaking of this work, they begin to minimize it and say, in substance, that it is of no consequence. In the papers either of to-day or yesterday afternoon—I forget which—we find a statement that this discrepancy in refunding the debt of the United States would amount to only three or four thousand dollars. What I did say before that committee was that it amounted to between three and four hundred thousand dollars a year, if there is any discrepancy at all.

Mr. SIMS. To several million dollars.

Mr. JOHNSON of Kentucky. And to repeat, if I were given the books, I could not do the work. I am not an accountant. If the books were turned over to the committee, so far as my observation goes, there is not a man there qualified to do it. I believe all we want is one accountant and possibly a stenographer during a part of the time to go through with this.

Now, I would not go into the question as to the attitude of newspapers respecting this matter except for the fact that the newspapers may perhaps have biased the judgment of Members.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HENRY of Texas. Mr. Speaker, I yield five minutes more to the gentleman.

The SPEAKER pro tempore. The gentleman from Kentucky is recognized for five minutes more.

Mr. JOHNSON of Kentucky. While the hearing was going on before the Rules Committee one gentleman asked me for what purpose these bonds had been issued. I said to pay the fraudulent certificates which had been issued under the Shepherd régime, when the District of Columbia had charge of her own affairs and when Congress did not have charge of her affairs as now.

To read from a report filed before Congress at that time, when the commission form of government was being proposed to succeed that prior form of government under which perhaps $25,000,000 had just then been misappropriated, this language occurs and this prophecy was made as to the new form of government:

> The governor and board of public works have seized all the elements of power in this District. They have laid their hands upon all the organized forces of the community; they have captured every source of influence, public and private; they have dictated the conduct of the press, controlled the legislature, and manipulated the courts; they have demanded the irresponsible disbursement of the public funds; they have secured the arbitrary appointment of all officials, high and low; they have cultivated congressional committees; they have debauched public servants; they have surrounded the President; they have patronized the rowdy element; they have intimidated the primary assemblages of the people; they have packed political meetings; they have conspired to overthrow political organizations; they have imposed their candidates upon the people and driven voters to their support through threats of starvation; they have suppressed freedom of speech in the District of Columbia and made liberty of political action an offense; they have seduced the wealthy, tyrannized over the poor, ostracized the honest, and persecuted the independent; they have retained the leading members of the bar, subsidized the churches, and schemed for the control of the school and charitable funds; they have sought the power of appointment of judges to be the ministers and have made the police the agents of their will; they have organized a militia establishment on the basis of an Army corps.

This grave indictment, if anywise true, of the late governing power of the District becomes at once a lesson and a prophecy when it is contemplated to vest still broader powers upon the commissioners than those conferred upon the governor and board of public works.

At that time, when changing from that form of government to that we now have, we find Mr. Townsend, of Illinois, using this language:

> Now, Mr. Speaker, in an investigation which afterwards took place, of which Senator Allison was chairman, the officers and employees of the board of public works were brought before the committee and were examined on oath. I have here the figures which Mr. Oertley, the engineer of the District, swore were the amounts charged against the Federal Government, in which investigation he stated that the sum charged against the Federal Government and collected for this improvement on the same six blocks of New York Avenue was $83,187.02.
>
> At another time the same Mr. Oertley, the engineer of the board of public works, states in his sworn testimony, on page 2293 of the report, that there had been collected from the Federal Government for the improvement of these six blocks on New York Avenue the sum of $99,028.85. Although these parties made three different statements of the cost of this particular work, yet it will be seen that there was charged against the Federal Government and collected from the National Treasury $84,088.90 more than the board of public works in their official report, sent to Congress under the sanction of the President of the United States, declared was required to be paid by the Government for this improvement. It also appears that the board charged and collected from the owners of private property abutting on the street and from the General Government, etc., $19,000 more than the entire cost of the improvement, and in addition thereto the sum of $67,219.74 was charged to the general fund and is embraced in the funded 3.65 bonds. Thus the board of public works received in all $207,640.42 for an improvement which only cost, according to its own report, $123,552.26. What became of the excess collected over and above the cost of the work?
>
> Having collected from the General Government and private citizens, etc., they proceeded and did file against the general fund of this District a claim for this improvement of over $67,000, which has been funded into 3.65 bonds. These are the figures in regard to a portion of a single street in this city; and it is a sample of the charges for improvement on many if not all the other streets.
>
> Facts like these have caused me to rise in my seat and protest against the passage of this bill containing the section to which I refer until some satisfactory explanations are made in this House. Persons familiar with the facts in regard to these matters will tell you that a very large part of the amount funded into the 3.65 bonds is a fraud upon the taxpayers of the District, and that if we pledge the National Government to the payment of the sum already funded, we will fasten a fraudulent debt upon the National Treasury to the extent of the amount included in these 3.65 bonds.

I should not have mentioned this, gentlemen of the House, except for the newspaper accounts, which, whether intended to be so or not, are misleading. They say that I said that these bonds were fraudulent. I have never said that, because I know these bonds are good and binding; but what I have said is that, perhaps year after year, for nearly a third of a century, you have been paying half of the interest on these bonds when it was never your debt. You perhaps have been paying half of the principal of these millions of bonds when it was never your debt.

To go into that, and to go into other things of equal importance, this resolution has been introduced, and I earnestly hope it will be adopted. [Applause.]

Mr. HENRY of Texas. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER of Illinois. Mr. Speaker, it has occurred to me, and possibly to a good many of the Members who were here in the Sixty-first Congress, when charges were made upon the floor of this House that there were inequalities in the assessment of property in the District of Columbia. I have had occasion to look into this matter a little, have had some evidence on this point, and when this resolution came before the Committee on Rules I felt that if an investigation of the affairs of the District of Columbia was had it ought to include in it the important matter of the assessments and taxation in this District.

I believe that we have upon that committee now—not that there have not been in the past—men who have taken a great deal of interest in municipal affairs, and that whatever is wrong in these assessments and methods of taxation will be corrected by proper laws when the question is investigated and looked into by the District Committee.

I believe that there is inequality of taxation in the District of Columbia that ought to be looked into and that ought to be corrected. I believe that there are many abuses that this Congress should correct by proper legislation. I have no doubt in my mind that there are many people in the District of Columbia who have large holdings of real estate who to-day are not paying their just proportion of taxation, and that the man who lives in his little home and is a small property holder is paying more than his just proportion.

So I am glad that this investigation is to be brought about, and I believe next winter, when this Congress meets in regular session, if it gets away before that time, we shall have the opportunity of correcting these abuses that have grown up here from year to year and that have been brought about by a lot of real estate sharks and tax dodgers in the District of Columbia. [Applause.]

Mr. HENRY of Texas. Mr. Speaker, I yield three minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT. Mr. Speaker, I do not care to discuss the resolution, but I want to make a suggestion in reference to the statements made by the chairman of the Committee on Rules in answer to an inquiry propounded by the gentleman from Kansas [Mr. MURDOCK], because I think it ought to be stated. The gentleman from Kansas [Mr. MURDOCK] inquired of the gentleman from Texas, chairman of the Committee on Rules, whether in his opinion a member of a committee coming here during the recess, called here from his home or elsewhere, to engage in work authorized by the House, could secure any compensation for coming. I understood the gentleman from Texas to reply that he could not. If that be limited to a matter of compensation, of course the gentleman from Texas is correct, but I understand that, under the law and the practice and rules, any member of a special or a regular committee who during recess travels anywhere to engage in investigation or in the work of the House is entitled to his actual traveling and living expenses during that time.

Mr. HENRY of Texas. If the gentleman from Tennessee will pardon me——

Mr. GARRETT. I will yield to the gentleman.

Mr. HENRY of Texas. The gentleman from Kansas asked me a question and I gave him a categorical answer. He asked whether a Member serving on a committee during a recess was entitled to extra mileage. I said he was not. I did not say that a Member of Congress would not be entitled to have his expenses paid on these investigation committees, or the various commissions that have been organized and upon which Members and Senators have been placed. As I understand it, frequently their expenses are paid out of the fund put at the disposal of the committee. I did not mean to imply that the expenses of the Members when going to some other place, for instance, Philadelphia, would not be paid out of the fund. What I did mean to say was that no extra mileage could be allowed.

Mr. GARRETT. I was sure that that was what the gentleman meant, but some gentlemen misunderstood his remarks.

Mr. JOHNSON of Kentucky. Mr. Speaker, if the gentleman from Tennessee will allow me——

Mr. GARRETT. I will yield to the gentleman.

Mr. JOHNSON of Kentucky. I will say that, in so far as I am advised, there will be no occasion for the summoning of witnesses outside of the District of Columbia; that all the information we want can be gotten right here. That is my belief about the matter.

Mr. MANN. Will the gentleman from Tennessee yield for me to ask a question of the gentleman from Kentucky?

Mr. GARRETT. Certainly.

Mr. MANN. In reference to the statement the gentleman just made that no witnesses would be called from outside of the District of Columbia.

Mr. JOHNSON of Kentucky. I said that so far as I was concerned.

Mr. MANN. Does not the gentleman think that if this committee goes into the subject of assessment and taxation it is likely to call witnesses from many places; that is, if it goes into the subject exhaustively?

Mr. JOHNSON of Kentucky. I will say frankly and freely to the gentleman, that I believe all the information we want can be obtained on that subject from correspondence. I want to be understood now that I will not favor, but shall strenuously oppose, the traveling of a single mile outside the District of Columbia.

Mr. MANN. I have a great deal of confidence, not only in the District Committee, but especially in its chairman and in his disposition to be fair and economical, and I have no doubt that he will pursue that course if he be allowed to do so, and I hope he will be allowed to do so.

Mr. GARRETT. Mr. Speaker, I understand the law and the practice to be in regard to the payment of expenses of special committees that where during the recess Members travel they are entitled to the actual traveling expenses and to their living expenses while in town or city or place in which they may be working.

Mr. HENRY of Texas. Mr. Speaker, I now yield five minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Speaker, my interest in this question arises because of my membership in the Committee on the District of Columbia. I have not heard the rumors of mismanagement and improper government upon the part of those now directing affairs in the District of Columbia to which the chairman of the committee has referred. Occasional comments have appeared in the newspapers, and now and then we have been told that taxation was unfair in the District; that the rich property owner had an advantage over the poor property owner, and that the property owner in general had some advantage over the property owner outside of the District of Columbia. But these have been newspaper reports.

Mr. JOHNSON of Kentucky. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Certainly.

Mr. JOHNSON of Kentucky. I said in my remarks before the Committee on Rules, and I wish to repeat it here, that I have not the slightest reason to question the probity of the present members or the Commissioners of the District of Columbia. I did say, however, then, and I repeat it now, that the commissioners spend all the money. They appoint their own auditor, and I believe that it is nothing more than a business proposition that somebody else go through these accounts. The law puts them under bonds of $50,000 each. For what purpose? For the purpose that they were willing to trust them no further than we are. And now, if this were a private business enterprise in which the gentleman from Pennsylvania and I were interested, each of us would want the accounts of the other investigated, especially when the sums of money spent run up into the millions.

Mr. MOORE of Pennsylvania. I am very glad the gentleman has made that statement, and I concede his sincerity in desiring this investigation. I do not understand him to question the integrity of the present commissioners. That is clear, and he has made it clear, but he has suggested here a resolution which proposes an investigation for reasons that have not been fully set out to the House except by indirection, and he has read extracts from ancient publications. The fact that "Boss" Shepherd once held sway here and came back an honored man, perhaps, has very little to do with the question now. If there is anything wrong with the government of the District of Columbia, of course Congress, which is responsible for the appropriations, ought to know about it. But I was observing that except as a comment appears here and there in a newspaper, or a grievance arises from some one in the employ of the government, who seems to be dissatisfied with his place, unconscious of the conditions that prevail elsewhere, or of the superior advantages of living in the District of Columbia, we know very little about the matter, and it seems to me we ought to have something more substantial before we enter into an investigation the cost of which we know not. I observe that the substitute which has been offered provides a new subject of investigation, that of assessment and taxation. While the chairman of the Committee on Rules was on his feet I made inquiry as to this, and found that it was to be added to the original inquiry.

Mr. JOHNSON of Kentucky. Will the gentleman yield right there?

Mr. MOORE of Pennsylvania. Yes.

Mr. JOHNSON of Kentucky. Is not the gentleman from Pennsylvania fully aware of the fact that when this committee was organized a subcommittee upon taxation and assessment was created in the Committee on the District of Columbia for the first time in its history?

Mr. MOORE of Pennsylvania. I believe that to be true. I know the subcommittee was created, and I believe it to have been the first time in the history of the committee that it was created.

Mr. GARRETT. Will the gentleman permit a question?

Mr. MOORE of Pennsylvania. Yes.

Mr. GARRETT. The gentleman thinks the resolution has been broadened in the substitute by including a new subject matter. Now, that was not the view of the committee, I think I may say. It was the intention of the resolution, as the committee understood it, to include that subject, and the gentleman from Illinois [Mr. MANN] very properly suggested awhile ago that it was, in all probability, included under the language of the original resolution, but the committee thought perhaps it was desirable to make it more specific.

Mr. MOORE of Pennsylvania. Will the gentleman permit me to say this: I do not want to be understood as opposing this resolution, because if there is anything that should be inquired into or investigated, I am prepared to join with the majority in making that inquiry and investigation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HENRY of Texas. Mr. Speaker, I yield five minutes more to the gentleman.

Mr. MOORE of Pennsylvania. Mr. Speaker, I am drawing the attention of the House to the fact that it is entering upon no mean investigation. This investigation may or may not be completed within the limit of the expenditure of $2,500 to $5,000. First of all, we propose to investigate "the operation of the government of the District of Columbia." That is a very broad commission. There are States that are making investigations like that and bringing them up to their legislatures, and some of them are getting through with such investigations and some laying them over for another year. Then you are proposing to investigate the management and conduct of all the public-utility corporations of the District. That involves water, gas, and light, street and steam railways, and it involves all of the questions that all of the States to-day are wrestling with, at very great expense and at very great labor.

Now, you are imposing that task upon this committee which is to do this work at so moderate an expense. In addition to this, you are imposing on this committee the duty of investigating the capital and bonded indebtedness of the District of Columbia. That is a question that has invited the attention of all our cities and States and taken much time and care. And in addition to this, more basically important than all, you are proposing to impose upon this committee the serious problem of assessment and taxation. Now, I believe that this is the only question that I have heard entered as a complaint against the management of the District of Columbia, and, of course, it is not chargeable against the management of the District of Columbia. It is a matter of law. How many cities of this country have given years of investigation to questions affecting assessment and taxation, and in what city has it been satisfactorily settled? There have been commissions appointed by States that have gone into this question and have spent years in the inquiry. Paid commissions have undertaken the work, perhaps prolonged it because paid; perhaps they have worked sincerely, but the result of it has been the expenditure of time and labor and money that had to be paid by the municipalities or by the States.

Whatever we do here in the District of Columbia should be done so thoroughly and so well, not only with reference to the matter of the management of the District, but also with reference to the timely question of the management of public utilities and the very important and serious question of assessment and taxation, as to be a model for all the Nation. Now, then, if we are to provide an object lesson for New York, Philadelphia, Chicago, Boston, or Linden, Tenn., or other cities, municipalities, and boroughs that are interested in these problems, perhaps we had better undertake the work in a broader and more comprehensive way than is here proposed. Can this committee cover the ground and bring in a satisfactory report with the means at hand? I am treating this matter seriously, because you are imposing a duty upon the District of Columbia Committee, or a subcommittee to be appointed by the chairman, that is so important and far-reaching that it is a grave question whether in the time allotted and with the means provided you can obtain the desired results.

Mr. MANN. Will the gentleman yield me a few minutes?

Mr. HENRY of Texas. How many? I have only five minutes, but I will yield the gentleman three.

Mr. MANN. We will give you more time if necessary.

Mr. HENRY of Texas. All right; I have no objection.

Mr. MANN. Mr. Speaker, I would like to ask the gentleman whether, in his opinion, this authorizes the appointment of various subcommittees or only one subcommittee to carry on investigations at the same time? How many subcommittees can be created under this resolution? Can each of the subcommittees of the District of Columbia now start out on an independent investigation at Government expense, doing what they please, under this resolution?

Mr. HENRY of Texas. Does the gentleman desire me to answer?

Mr. MANN. If the gentleman will, in the gentleman's opinion.

Mr. HENRY of Texas. I believe a fair construction of it would permit the committee to organize several subcommittees

Mr. MANN. That is the way it seemed to me. Now, I have no objection to the passage of this resolution, but I would like to suggest to gentlemen on that side of the House, if they keep on with resolutions like this they will soon involve themselves into considerable difficulty. Here is a proposition now to give to a committee considering a purely legislative proposition power to send for witnesses at the Government's expense wherever they may please and bring them here to be paid out of the Treasury. I presided for a while over a committee of this House of considerable importance, dealing with great public questions, where it would have been extremely convenient to send to California for some man to come before us and give us his opinion upon something, and yet we never asked that power from the House. None of the other legislative committees have asked that power from the House. As this resolution was originally prepared it did not ask, in meaning probably, that power from the House. The investigation of accounts, the investigation of the expenditure of money is one thing, but the investigation of the subject of assessment and taxation is purely a legislative proposition. It is controlled by an act of Congress. The District Commissioners have nothing whatever to do with it except to enforce the law.

They have very little to do with the enforcement of the law. In that respect, under the law in the case of any proposition that comes up, a legislative proposition that comes before any committee of the House, is it the purpose of the Committee on Rules to give to that committee authority to invite confidential information, expert information, expert witnesses, expense without control? In this case it was not a committee of the House that asked for it. It was the Committee on Rules that proposed it—proposed to give to a committee on a legislative proposition authority to travel, authority to subpœna witnesses, authority to go on junketing trips, authority to do anything they please, and have the expense paid out of the Treasury.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GARRETT. Mr. Speaker, I ask unanimous consent that the time of the gentleman from Texas [Mr. HENRY] may be extended 10 minutes——

Mr. GARNER. In order that the gentleman from Tennessee may ask the gentleman from Illinois a question.

Mr. GARRETT. I ask that the time of the gentleman from Texas may be extended 10 minutes.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. GARRETT] asks that the time of the gentleman from Texas [Mr. HENRY] be extended 10 minutes. The gentleman from Texas has already controlled an hour. Without objection, it will be so ordered.

Mr. HENRY of Texas. I now yield five minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT. The last statement of the gentleman, with all deference, is hardly accurate. The Committee on Rules is not giving to this committee the power of expenditure. The Committee on Rules expressly refrained from going into the question of expense.

Mr. MANN. This gives to the committee the authorization of expenditures—the power to contract obligations. That is the purpose of it.

Mr. GARRETT. The argument of the gentleman is—and I agree in the main with the statement—that in order to investigate an assessment it is not necessary to have a resolution from the Committee on Rules, because it is a legislative power which the Committee on the District of Columbia already possesses, having jurisdiction, so that I do not think it adds anything in that respect, or adds but little, if anything; and certainly this does not carry expense. That is, for the Committee on Accounts.

Mr. MANN. The gentleman says this does not carry expense. This does carry expense. That is the purpose of the resolution.

Mr. HENRY of Texas. Will the gentleman yield?

Mr. GARRETT. Certainly.

Mr. HENRY of Texas. It seems to me that the additional power, in the way it is put in connection with other clauses of the resolution, authorizing the committee to compel the attendance of witnesses and the production of books, documents, and so forth, is a power which, I think, they would not have unless this resolution is passed.

Mr. MANN. Very likely. I hope the gentleman will understand that I am not finding fault with this resolution or endeavoring to criticize this resolution, but just to suggest to gentlemen that when these resolutions are introduced, as they will be many times before this Congress expires—resolutions designed sometimes to do very effective work and sometimes to give very pleasant trips—they will have to be careful, because they do not advertise the trips on the face of the resolutions. Of course, I do not think this resolution, under the leadership of the gentleman from Kentucky [Mr. JOHNSON] and the gentleman from Pennsylvania [Mr. MOORE] will be wrongfully used.

Mr. JOHNSON of Kentucky. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. JOHNSON of Kentucky. I would like to call the attention of the gentleman and other Members of the House to this proposition, that if with my vote or my consent this committee

ever goes out of the District of Columbia, for any purpose, I will resign my seat in Congress.

Mr. MANN. Oh, I hope the gentleman will not make that statement. The committee may have to go out, and I do not want the gentleman to have to resign his seat in Congress. I was talking about the form of the resolution.

Mr. GARNER. The last statement made by the gentleman——

The SPEAKER pro tempore. To whom does the gentleman yield?

Mr. MANN. To the gentleman from Texas [Mr. GARNER].

Mr. GARNER. The statement of the gentleman, made before he got an extension of time, was that this was an unlimited expenditure. As I understand it, it does not authorize the Committee on the District of Columbia or a special committee to spend a single dollar until the expenditure has been authorized by the Committee on Accounts.

Mr. MANN. The gentleman is mistaken on that. It authorizes the committee to subpœna witnesses. The rules and the law provide that the witnesses shall be paid. Is not that giving the committee authority to incur expenses?

Mr. GARRETT. Did not the gentleman from Illinois suggest a few moments ago that any committee had the right already to subpœna witnesses?

Mr. MANN. Yes; and I guess I was mistaken when I did. [Laughter.]

Mr. GARNER. Now, if the gentleman from Illinois will permit, if I understood the gentleman from Texas, as well as the gentleman from Kentucky, that this resolution did not give any additional authority of expenditure except what is already contained in the rules and the law——

Mr. MANN. Oh!

Mr. GARNER. One moment further—and that that must come from the Committee on Accounts in order to get that authority, I wish to ask, suppose that the Committee on Accounts should say to the District of Columbia Committee, "We will limit your expenditure to $5,000," would that committee be authorized to expend more money than that?

Mr. MANN. Let me put a case to the gentleman now. I think the gentleman misunderstood his colleague from Texas. This substitute resolution does not provide for the payment of expenditures upon the approval of the chairman of the committee; that part is stricken out. But suppose the committee subpœnas a hundred witnesses from San Francisco, as it has the authority to do under this resolution, and the Committee on Accounts declines to pay the bill, could they recover it in the Court of Claims?

Mr. HENRY of Texas. No.

Mr. GARNER. I am not going to pass upon that question of law just at this time, because I freely admit I do not know. But——

Mr. MANN. Suppose this committee finds it necessary to go to San Francisco. Who is going to pay the expense? They can not go to the Committee on Accounts until after the expenses are incurred.

Mr. GARNER. What I am particularly anxious about is to have the same rule applied to this committee that is applied to every other committee so far authorized to make special investigations; and if I understand my colleague from Texas [Mr. HENRY], the Rules Committee specifically struck out of this resolution any reference to expenditures or authorization of expenditures at all until the Committee on Accounts should authorize them.

Mr. MANN. I suggest to the gentleman from Texas and to the other gentlemen that the resolutions which have been brought in by the Committee on Accounts in reference to the special committee on the steel investigation and the sugar investigation cover the subject in an admirable way. I hope the Committee on Accounts, if it has occasion to do so, will bring in some sort of a resolution on the subject.

Mr. HENRY of Texas. That is exactly what is contemplated by the committee.

Mr. GARNER. That is what I understood my colleague to mean, that he expected the committee to bring in some such resolution.

Mr. MANN. What I was calling attention to was the giving the committee authority to include legislative matters.

Mr. POU. The Committee on Rules refrained from putting any such provision into the resolution, because it would clearly have been subject to a point of order.

Mr. HENRY of Texas. Mr. Speaker, I believe all gentlemen who desire to speak have done so, and I will ask for a vote on the resolution.

Mr. MANN. I supposed the gentleman was going to ask unanimous consent.

Mr. HENRY of Texas. I will do that, not waiving the point that this is a privileged report and resolution. I ask unanimous consent that the resolution be considered.

Mr. MANN. Why not dispose of the point, and ascertain whether it is privileged, and then ask unanimous consent?

Mr. GARRETT. Let it come up some other day, on a matter of greater importance.

Mr. MANN. The only reason I made the point was in order that gentlemen who offer resolutions of this character may understand that the Committee on Rules does not undertake to provide how the money shall be expended.

Mr. HENRY of Texas. The gentleman and I agree exactly, and under no circumstances, as far as I am concerned, will the Committee on Rules undertake to deal with appropriations.

Mr. GARRETT. As the gentleman will remember, that is an entirely new practice, and the application of an entirely new principle.

Mr. MANN. The gentleman is mistaken. The Committee on Rules has reported in, I believe, several such propositions.

Mr. GARRETT. So far as I can recall in the past Congresses since I have been here there has not been a resolution for investigation reported from the Committee on Rules that did not carry the item of expenditures, and Hinds' Precedents states that while it is subject to a point of order, yet the practice has been for a long time to bring it in in connection with this resolution.

Mr. MANN. I looked up the matter thoroughly some time ago, and the practice is both ways.

Mr. GARNER. I understand that the Committee on Accounts has proceeded entirely in accordance with the views of the gentleman from Illinois as to what the practice should be.

Mr. HENRY of Texas. I think the gentleman from Illinois and I understand each other, and we agree that in dealing with the expenditures such language should be stricken out, because if left it would destroy the privileged character of the resolution, but would not destroy the power of the Committee on Rules to report in lieu thereof a privileged resolution to this House. That is a question I do not care to discuss now if we can avoid it because it might be debatable.

Mr. MANN. If the gentleman had reported such a resolution, I should not have made the point of order. The gentleman reported an original resolution, which is subject to a point of order.

Mr. HENRY of Texas. But we reported a substitute, and did not report the original.

Mr. MANN. The gentleman reported an original resolution with a substitute by way of an amendment.

Mr. HENRY of Texas. The gentleman from Illinois well knows that we did that in order to give the House complete information about this resolution.

Mr. MANN. I am not criticizing the gentleman, but it is subject to a point of order. Why does not the gentleman ask unanimous consent for its consideration?

Mr. HENRY of Texas. I am asking unanimous consent that the resolution and the substitute for the original be considered.

Mr. MANN. The gentleman asks unanimous consent that it be considered.

Mr. HENRY of Texas. That the substitute be considered.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. MANN. We are now discussing a point of order, Mr. Speaker.

The SPEAKER pro tempore. No point of order has been made. A point of order has been reserved.

Mr. HENRY of Texas. I ask unanimous consent that the substitute as reported by the committee be considered.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that the substitute may be considered.

Mr. MANN. If that is the case, Mr. Speaker, what becomes of the resolution reported back to the House?

Mr. HENRY of Texas. I will ask unanimous consent that that be laid on the table.

Mr. MANN. It can not be laid on the table until the substitute has been disposed of.

Mr. HENRY of Texas. We can by unanimous consent.

The SPEAKER pro tempore. What is the proposition of the gentleman from Texas?

Mr. HENRY of Texas. That the substitute be considered by the House.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that the substitute reported by the Committee on Rules for the original resolution be considered and disposed of by the House without considering the original resolution. Is there objection?

Mr. MANN. Reserving the right to object, I suggest to the gentleman that the proper method is to ask unanimous consent for the present consideration of the resolution and the report.

Mr. HENRY of Texas. I do not object to that. I have been endeavoring to avoid discussion of this point of order.

The SPEAKER pro tempore. Will the gentleman permit the Chair to suggest that this is an original resolution, with an amendment to it in the nature of a substitute reported by the Committee on Rules?

Mr. HENRY of Texas. And I ask that the substitute and the report be considered by the House.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that the substitute reported by the Committee on Rules for the original resolution, together with the report, be considered by the House. Is there objection?

Mr. MANN. Mr. Speaker, I see no way to consider the substitute without having before the House the original resolution, because the substitute is an amendment to the original resolution. I again suggest to the gentleman that his request be for the present consideration of the resolution and the report. That waives the point of order.

Mr. HENRY of Texas. Well, I will put it that way, Mr. Speaker, although I am willing to discuss the point of order, and I think I can sustain my position.

The SPEAKER pro tempore. The gentleman from Texas modifies his request and asks unanimous consent that the resolution and report be considered by the House. Is there objection? [After a pause.] The Chair hears none. The question is now on agreeing to the substitute and report.

Mr. HENRY of Texas. Mr. Speaker, before that question is put, I ask unanimous consent that the substitute be amended by striking out the word "House" in the first line, being a typographical error.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that the substitute be amended by striking out the word "House" in the first line. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question now is on agreeing to the substitute.

The question was taken, and the substitute was agreed to.

The SPEAKER pro tempore. The question is on agreeing to the resolution as amended by the substitute.

The resolution as amended was agreed to.

On motion of Mr. HENRY of Texas, a motion to reconsider the last vote was laid on the table.

COMMITTEE ON EXPENDITURES IN THE WAR DEPARTMENT.

Mr. HELM. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk and ask to have read. (H. Res. 195.)

The Clerk read as follows:

Be it resolved, etc., That the Committee on Expenditures in the War Department be, and it is hereby, authorized to have such printing and binding done for the use of the committee as is necessary for the conduct of its business during the Sixty-second Congress.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to call the attention of the Chair and of the gentleman from Kentucky to what I think is the fact, that the Speaker of the House stated a few days ago that he would not give recognition for unanimous consent on these resolutions any more; that they would have to go to the Committee on Printing. I think that was the statement made by the Speaker.

The SPEAKER pro tempore. The Chair will state that the present occupant of the chair is not aware of any agreement by the Speaker to recognize anyone, except that the Speaker stated to him that there were several resolutions to be offered, and he stated the name of only one gentleman who was to be recognized. I presumed that the gentleman from Kentucky had secured the right to recognition.

Mr. MANN. I shall not object, although I call attention to that fact. The Chair can not now help himself, having given recognition.

Mr. HELM. Mr. Speaker, I desire to say that I was not aware of any such statement coming from the Speaker, and that I have understood that these several investigating committees that are having hearings have been allowed to have their hearings printed and such binding as is necessary done.

The SPEAKER pro tempore. If the gentleman from Kentucky will indulge the Chair, the Chair did not say that the Speaker of the House when he left did not include the gentleman from Kentucky among those to be recognized. He said there were several resolutions, without designating by whom they would be offered, except in one case. The Chair did not mean to say that the Speaker had said the gentleman from Kentucky was not to be recognized. The Chair recognized the gentleman from Kentucky.

Mr. MANN. Mr. Speaker, I thought the gentleman from Kentucky possibly did not remember that several of these resolutions had been introduced and referred to the Committee on Printing and reported back from the Committee on Printing, which is the proper way, although I shall not object to this resolution.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. McCOY, for one week, on account of important business.

To Mr. LLOYD, for four days, on account of important business.

To Mr. MOON of Tennessee for one or two weeks.

ADJOURNMENT.

Then, on motion of Mr. UNDERWOOD (at 4 o'clock and 48 minutes p. m.), the House adjourned until Wednesday, June 7, 1911, at 12 o'clock m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, in response to House resolution 133, information in regard to contracts for Army shoes for the fiscal years 1901 to 1911, inclusive (H. Doc. No. 66); to the Committee on Expenditures in the War Department and ordered to be printed.

A letter from the Secretary of War, transmitting, in response to House resolution 152, information in regard to contracts for Army shoes for the fiscal years 1901 to 1911, inclusive (H. Doc. No. 65); to the Committee on Expenditures in the War Department and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. PADGETT, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 2004) to amend section 1505 of the Revised Statutes of the United States providing for the suspension from promotion of officers of the Navy if not professionally qualified, reported the same without amendment, accompanied by a report (No. 43), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 4307) granting a pension to James W. Smith; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5819) granting an increase of pension to Ephraim Romine; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5821) granting a pension to Nellie V. Cornelius; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9390) granting a pension to Michael McInery; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10736) granting an increase of pension to Fred E. Savage; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HAMLIN: A bill (H. R. 11157) to amend section 291 of the United States Statutes at Large, approved February 9, 1793; to the Committee on Expenditures in the State Department.

By Mr. DODDS: A bill (H. R. 11158) for the survey of the harbor and waterway at Elk Rapids, Mich.; to the Committee on Rivers and Harbors.

By Mr. BUCHANAN: A bill (H. R. 11159) to amend section 4612 of the Revised Statutes of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLER: A bill (H. R. 11160) providing for the payment of the expenses of a delegation of Indians from White Earth, Minn., attending first session of Sixty-second Congress; to the Committee on Indian Affairs.

By Mr. LINTHICUM: A bill (H. R. 11161) authorizing the purchase of 15 paintings; to the Committee on the Library.

Also, a bill (H. R. 11162) requiring the branding of hermetically sealed oyster cans with the net weight of the oyster meat contained therein, and other provisions relating thereto; to the Committee on Interstate and Foreign Commerce.

By Mr. HOBSON: A bill (H. R. 11163) to reduce the rates of customs duties imposed upon imports into the United States; to the Committee on Ways and Means.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 11164) to amend an act entitled "An act to prevent cruelty to animals while in transit, by railroad or other means of transportation, from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, and repealing sections 4386, 4387, 4388, 4389, and 4390 of the United States Revised Statutes; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Kentucky (by request of the Commissioners of the District of Columbia): A bill (H. R. 11165) to authorize certain changes in the plan for the permanent system of highways for that portion of the District of Columbia lying west of Fourteenth Street, south of Taylor Street, east of Rock Creek Park, and north of Newton Street NW.; to the Committee on the District of Columbia.

By Mr. NORRIS: A bill (H. R. 11166) relating to the entry and disposition of certain lands in the State of Nebraska; to the Committee on the Public Lands.

Also, a bill (H. R. 11167) regulating the entry and disposition of certain public lands in the State of Nebraska; to the Committee on the Public Lands.

By Mr. FRENCH: A bill (H. R. 11168) extending to the members of the Forsyth Scouts the provisions of the pension acts of June 27, 1890, and February 6, 1907; to the Committee on Pensions.

By Mr. CRAGO: A bill (H. R. 11169) granting pensions to widows and minor children of deceased soldiers and sailors of the War with Spain and the Philippine insurrection; to the Committee on Pensions.

Also, a bill (H. R. 11170) for the erection of an equestrian statue of Col. William Crawford; to the Committee on the Library.

By Mr. EDWARDS: A bill (H. R. 11171) to promote the efficiency of the Public Health and Marine-Hospital Service; to the Committee on Interstate and Foreign Commerce.

By Mr. HUMPHREY of Washington: A bill (H. R. 11172) to extend the time for the completion of the Alaska Northern Railway, and for other purposes; to the Committee on the Territories.

Also, a bill (H. R. 11173) to authorize the city of Everett, Wash., to purchase certain lands for the securing, establishment, maintenance, and protection of a source of water supply for said city; to the Committee on the Public Lands.

By Mr. WILSON of Pennsylvania: A bill (H. R. 11174) to amend section 5278 of the Revised Statutes of the United States; to the Committee on the Judiciary.

Also, a bill (H. R. 11175) to provide employment in the Department of Commerce and Labor for persons 65 years of age or upward, prescribe the duties and fix the pay of same, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BOEHNE: A bill (H. R. 11176) to prevent the intimidation, coercion, or undue influence of a Member of Congress in the performance of his official duties; to the Committee on the Judiciary.

Also, a bill (H. R. 11177) to prevent the intimidation, coercion, or undue influence of employees of individuals, firms, associations, copartnerships, or corporations during political campaigns or at elections; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. RUCKER of Colorado: A bill (H. R. 11178) providing for the cession of certain land to the State of Colorado; to the Committee on the Public Lands.

By Mr. COX of Indiana: A bill (H. R. 11179) to repeal an act passed February 20, 1893 (27 Stat. L., p. 468), being a bill authorizing the Secretary of the Treasury to obtain plans and specifications for public buildings, etc.; also to repeal section 34 of chapter 383 of 36 Statutes at Large (p. 699), being an act giving to the Secretary of the Treasury power to employ outside architects, etc.; to the Committee on Public Buildings and Grounds.

By Mr. BOEHNE: A bill (H. R. 11180) for the relief of certain officers and enlisted men of the volunteer and militia forces who served during the Civil War; to the Committee on Military Affairs.

By Mr. LEWIS: A bill (H. R. 11181) to amend an act entitled "An act to provide for refunding taxes paid upon legacies and bequests for uses of a religious, charitable, or educational character, for the encouragement of art, etc., under the act of June 13, 1898, and for other purposes," approved June 27, 1902; to the Committee on Ways and Means.

By Mr. RUCKER of Colorado: A bill (H. R. 11182) providing for the abolishment of the military post of Fort D. A. Russell, Wyo.; to the Committee on Military Affairs.

By Mr. ROBINSON: Resolution (H. Res. 192) declaring the income-tax amendment to the Federal Constitution duly ratified by the Legislature of Arkansas, notwithstanding the attempted veto by the governor of said State; to the Committee on the Judiciary.

By Mr. CLAYTON: Resolution (H. Res. 193) directing the Attorney General to furnish information regarding criminal prosecutions against the American Tobacco Co.; to the Committee on the Judiciary.

Also, resolution (H. Res. 194) directing the Attorney General to furnish certain information regarding prosecutions against the Standard Oil Co. of New Jersey; to the Committee on the Judiciary.

By Mr. TAYLOR of Colorado: Joint resolution (H. J. Res. 113) providing for additional lands for Colorado under the provisions of the Carey Act; to the Committee on the Public Lands.

By Mr. LAMB: Joint resolution (H. J. Res. 114) to amend an act entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," approved March 1, 1911; to the Committee on Agriculture.

By Mr. TAYLOR of Colorado: Memorial of the Legislature of Colorado, asking for a mining experiment station to be established at Silverton, Colo.; to the Committee on Mines and Mining.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 11183) granting an increase of pension to Landon Schwyhart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11184) granting an increase of pension to John McClain; to the Committee on Invalid Pensions.

By Mr. ANDERSON of Ohio: A bill (H. R. 11185) granting an increase of pension to Henry Hunsinger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11186) granting an increase of pension to William H. Benner; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 11187) granting an increase of pension to Martin V. B. Garrison; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 11188) for the relief of Elizabeth Riley; to the Committee on Claims.

By Mr. BARNHART: A bill (H. R. 11189) granting an increase of pension to Charles T. Chandonia; to the Committee on Invalid Pensions.

By Mr. BLACKMON: A bill (H. R. 11190) for the relief of George P. Plowman; to the Committee on War Claims.

Also, a bill (H. R. 11191) for the relief of the heirs of Philip S. Fulford, deceased; to the Committee on War Claims.

Also, a bill (H. R. 11192) for the relief of the heirs of Lewis E. Parsons, deceased; to the Committee on War Claims.

Also, a bill (H. R. 11193) granting an increase of pension to Linda S. Anderson; to the Committee on Pensions.

By Mr. BOEHNE: A bill (H. R. 11194) for the relief of Abel J. Mosby; to the Committee on War Claims.

By Mr. BRADLEY: A bill (H. R. 11195) granting an increase of pension to John Gray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11196) granting an increase of pension to Joseph Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11197) granting an increase of pension to Stephen Lanning; to the Committee on Invalid Pensions.

By Mr. BURKE of Wisconsin: A bill (H. R. 11198) granting an increase of pension to Joel L. Cudworth; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 11199) for the relief of John F. Barkley; to the Committee on Military Affairs.

Also, a bill (H. R. 11200) for the relief of Martin N. Wren; to the Committee on Claims.

Also, a bill (H. R. 11201) granting an increase of pension to John W. Fann; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 11202) for the relief of Timothy Donahoe; to the Committee on Naval Affairs.

Also, a bill (H. R. 11203) for the relief of John Murray; to the Committee on Naval Affairs.

Also, a bill (H. R. 11204) granting a pension to Frank Tibbles; to the Committee on Pensions.

Also, a bill (H. R. 11205) granting a pension to James H. Henderson; to the Committee on Pensions.

Also, a bill (H. R. 11206) granting an increase of pension to Louis Sanders; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11207) granting an increase of pension to Lloyd D. Pocock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11208) granting an increase of pension to James Lee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11209) granting an increase of pension to Joseph M. Lyon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11210) granting an increase of pension to Lester L. Carr; to the Committee on Invalid Pensions.

By Mr. CLAYTON: A bill (H. R. 11211) granting a pension to Alexander Frazer; to the Committee on Pensions.

Also, a bill (H. R. 11212) granting a pension to Sarah F. Kendrick; to the Committee on Pensions.

Also, a bill (H. R. 11213) for the relief of Dr. J. W. Stokes; to the Committee on War Claims.

By Mr. COX of Indiana: A bill (H. R. 11214) granting an increase of pension to George D. Allhands; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11215) granting an increase of pension to Levi H. Brown; to the Committee on Invalid Pensions.

By Mr. CRAGO: A bill (H. R. 11216) granting an increase of pension to John H. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11217) granting an increase of pension to John S. Berry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11218) granting an increase of pension to Alfred Inks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11219) granting an increase of pension to James L. Pugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11220) granting a pension to David Forsythe; to the Committee on Pensions.

Also, a bill (H. R. 11221) granting a pension to Charles J. Rosenecker; to the Committee on Pensions.

Also, a bill (H. R. 11222) for the relief of Otho Darr; to the Committee on Military Affairs.

By Mr. DICKINSON: A bill (H. R. 11223) granting an increase of pension to Charles McIntyre; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11224) granting an increase of pension to Christopher M. Shaw; to the Committee on Invalid Pensions.

By Mr. DOUGHTON: A bill (H. R. 11225) granting a pension to Nathan H. Williams; to the Committee on Pensions.

Also, a bill (H. R. 11226) granting a pension to Julius Dagenhart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11227) granting a pension to George W. Howell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11228) granting a pension to Myrtle S. Bryan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11229) granting an increase of pension to Charles S. Houck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11230) for the relief of N. H. Waugh; to the Committee on War Claims.

Also, a bill (H. R. 11231) to correct the military record of Abraham C. Bryan; to the Committee on Military Affairs.

By Mr. DYER: A bill (H. R. 11232) granting an increase of pension to Godfrey Ferber; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 11233) for the relief of Elizabeth T. Belt; to the Committee on War Claims.

Also, a bill (H. R. 11234) for the relief of Anna C. Davant; to the Committee on War Claims.

Also, a bill (H. R. 11235) for the relief of the heirs at law of Samuel White; to the Committee on War Claims.

Also, a bill (H. R. 11236) granting an increase of pension to Jennie Townsend; to the Committee on Invalid Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 11237) for the relief of Absalom C. Phillips; to the Committee on War Claims.

Also, a bill (H. R. 11238) granting a pension to John A. Cochran; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11239) granting a pension to Patrick F. Flaherty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11240) granting a pension to James Keef; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11241) granting a pension to Hiram N. Henry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11242) granting a pension to Henry F. Watkins; to the Committee on Pensions.

Also, a bill (H. R. 11243) granting a pension to Dennis P. Mosely; to the Committee on Pensions.

Also, a bill (H. R. 11244) granting an increase of pension to Emory B. Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11245) granting an increase of pension to Francis M. Hill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11246) granting an increase of pension to M. Carlton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11247) granting an increase of pension to David Castoe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11248) granting an increase of pension to Wesley Roberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11249) granting an increase of pension to Isaac R. Fain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11250) to correct the military record of James Fanning; to the Committee on Military Affairs.

By Mr. FOSTER of Illinois: A bill (H. R. 11251) granting an increase of pension to Samuel G. Trenary; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11252) granting an increase of pension to Bradford R. Gilbert; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 11253) granting an increase of pension to Caroline Daley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11254) granting an increase of pension to Abner J. Welch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11255) granting an increase of pension to Gilbert W. Ostrom; to the Committee on Invalid Pensions.

By Mr. GEORGE: A bill (H. R. 11256) granting an increase of pension to Alphonso M. Baugh; to the Committee on Invalid Pensions.

By Mr. GILLETT: A bill (H. R. 11257) authorizing the quitclaiming of the interest of the United States in certain land situated in Hampden County, Mass.; to the Committee on Military Affairs.

By Mr. GOEKE: A bill (H. R. 11258) for the relief of George R. Gary; to the Committee on Military Affairs.

By Mr. GRAY: A bill (H. R. 11259) granting a pension to Alice B. Sherrod; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11260) granting a pension to Betsy Breece; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11261) granting an increase of pension to Amos Huddleston; to the Committee on Invalid Pensions.

By Mr. GREGG of Texas: A bill (H. R. 11262) for the relief of the legal representatives of William W. Browning, deceased; to the Committee on War Claims.

Also, a bill (H. R. 11263) for the relief of the legal representatives of John W. Lockhart, deceased; to the Committee on War Claims.

By Mr. HAMILTON of West Virginia: A bill (H. R. 11264) granting an increase of pension to Randall Ingram; to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 11265) for the relief of Clyde C. Westover, executor of John W. Westover, deceased; to the Committee on War Claims.

By Mr. HINDS: A bill (H. R. 11266) for the relief of William H. Atkins; to the Committee on Naval Affairs.

Also, a bill (H. R. 11267) granting an increase of pension to John Lakin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11268) granting a pension to James Welch; to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 11269) granting a pension to David L. McStott; to the Committee on Pensions.

Also, a bill (H. R. 11270) granting a pension to John Daley; to the Committee on Pensions.

Also, a bill (H. R. 11271) granting an increase of pension to John W. Conners; to the Committee on Pensions.

Also, a bill (H. R. 11272) granting an increase of pension to Michael Denigan; to the Committee on Pensions.

By Mr. KAHN: A bill (H. R. 11273) for the relief of Capt. N. F. McClure, United States Army; to the Committee on Claims.

By Mr. LINTHICUM: A bill (H. R. 11274) granting a pension to William Bieber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11275) granting a pension to Peter H. Strumsky; to the Committee on Pensions.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 11276) granting an increase of pension to George Wageck; to the Committee on Pensions.

Also, a bill (H. R. 11277) granting an increase of pension to William Gibson; to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 11278) granting an increase of pension to James Bowley; to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 11279) granting an increase of pension to Daniel W. Bressler; to the Committee on Invalid Pensions.

By Mr. MORSE of Wisconsin: A bill (H. R. 11280) granting a pension to Theodore W. Swan; to the Committee on Pensions.

By Mr. NORRIS: A bill (H. R. 11281) granting an increase of pension to Allen Godard; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 11282) granting an increase of pension to John T. Newcomb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11283) granting an increase of pension to Susan Howarth; to the Committee on Invalid Pensions.

By Mr. PALMER: A bill (H. R. 11284) granting an increase of pension to Benjamin F. Gerhard; to the Committee on Invalid Pensions.

By Mr. PEPPER: A bill (H. R. 11285) granting an increase of pension to William Ernst; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11286) granting a pension to Adaline Fowle; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 11287) granting an increase of pension to Vincent H. Gaskill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11288) granting an increase of pension to Jonathan Bigelow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11289) granting an increase of pension to E. W. Welsheimer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11290) granting an increase of pension to Samuel B. Dump; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11291) granting an increase of pension to *Matthew F.* Stuckey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11292) granting an increase of pension to Sarah Bray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11293) granting an increase of pension to Theodore Garner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11294) granting an increase of pension to Ephriam W. Johnson; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 11295) granting an increase of pension to John R. Burdick; to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: A bill (H. R. 11296) granting a pension to Mary M. Steinback; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 11297) granting an increase of pension to Louis Ackerman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11298) granting an increase of pension to Jesse W. Kennedy; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 11299) granting an increase of pension to Wallace J. Harber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11300) granting an increase of pension to Henry Merida; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11301) granting an increase of pension to Daniel Bice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11302) granting an increase of pension to Julia C. Barstow; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 11303) for the relief of Eliza Choteau Roscamp; to the Committee on Indian Affairs.

By Mr. SELLS: A bill (H. R. 11304) granting a pension to Andy C. Shipley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11305) granting an increase of pension to Jacob N. Stout; to the Committee on Invalid Pensions.

By Mr. TALCOTT of New York: A bill (H. R. 11306) granting a pension to James Sullivan; to the Committee on Pensions.

By Mr. UTTER: A bill (H. R. 11307) granting a pension to Sarah W. Wilcox; to the Committee on Pensions.

Also, a bill (H. R. 11308) granting an increase of pension to Bernard Gough; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11309) granting an increase of pension to John N. Preston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11310) granting an increase of pension to F. T. Brightman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11311) granting an increase of pension to Charles H. Belden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11312) granting an increase of pension to Olive Leach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11313) granting an increase of pension to Mary Denny; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11314) granting an increase of pension to Sarah J. Rogers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11315) granting an increase of pension to Frederick Borden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11316) granting an increase of pension to Maria L. Greene; to the Committee on Invalid Pensions.

By Mr. WILLIS: A bill (H. R. 11317) for the relief of F. D. Bain; to the Committee on Claims.

Also, a bill (H. R. 11318) granting an increase of pension to Andrew J. Surface; to the Committee on Invalid Pensions.

By Mr. WOOD of New Jersey: A bill (H. R. 11319) to correct the military record of John J. Flynn; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Papers to accompany bill in favor of Landon Schwyhart; to the Committee on Invalid Pensions.

Also, papers to accompany bill in favor of John McClain; to the Committee on Invalid Pensions.

By Mr. ALLEN: Petition of the Eastman, Verkamp, Murphy Co. and other Cincinnati merchants, praying for the reduction in duty on raw and refined sugars; to the Committee on Ways and Means.

Also, resolutions of Ohio Valley Druggists' Association, suggesting that if Sherman Antitrust Act is amended, legislation may not be used to crush smaller merchants and trades people; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Cincinnati and Cleveland (Ohio) Chambers of Commerce, requesting Congress to amend section 30, act of Congress, August 5, 1909, by permitting corporations to file report for purpose of taxation as of close of fiscal year; to the Committee on Ways and Means.

Also, resolutions of the Ohio State Division of the Travelers' Protective Association, requesting repeal of bankrupt law; also protesting against passage of parcels-post bill; to the Committee on the Post Office and Post Roads.

By Mr. ANSBERRY: Resolutions of the Cleveland Chamber of Commerce, urging the amendment of the corporation-tax law to permit each corporation to make its return at the close of its fiscal year; to the Committee on the Judiciary.

Also, petitions of C. W. Miller and others, of Convoy, Ohio, in favor of a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. ASHBROOK: Resolutions adopted by the Cleveland (Ohio) Chamber of Commerce, urging an amendment to the corporation-tax law; to the Committee on Ways and Means.

By Mr. AYRES: Resolution of Cleveland Chamber of Commerce, as to reports under corporation-tax law; to the Committee on the Judiciary.

By Mr. BLACKMON: Petition and affidavit to accompany bill introduced by Mr. BLACKMON; to the Committee on Pensions.

Also, petition and affidavit in the matter of the heirs of Philip S. Fulford, deceased; to the Committee on War Claims.

By Mr. BURKE of Wisconsin: Papers accompanying House bill 7621, granting an increase of pension to John J. Dillon; to the Committee on Invalid Pensions.

Also, papers accompanying bill granting an increase of pension to Joel L. Cudworth; to the Committee on Invalid Pensions.

By Mr. CARY: Communication from the Milwaukee Pharmaceutical Association, protesting against House bill 8887, providing for a tax on proprietary medicines; to the Committee on Ways and Means.

By Mr. COX of Indiana: Petition of sundry citizens of Corydon, Ind., protesting against the parcels post; to the Committee on the Post Office and Post Roads.

By Mr. COX of Ohio: Petition of Chamber of Commerce of Hamilton, Ohio, protesting against the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. DYER: Papers to accompany bill granting an increase of pension to Godfrey Ferber; to the Committee on Invalid Pensions.

Also, papers to accompany bill (H. R. 3570) granting a pension to Freda Burow; to the Committee on Pensions.

By Mr. ESCH: Petition of Cleveland Chamber of Commerce, urging the amendment of the corporation-tax law to permit each corporation to make its return at the close of its fiscal year; to the Committee on Ways and Means.

By Mr. FLOYD of Arkansas: Petitions of citizens of Arkansas, asking for the reduction of the duties on raw and refined sugars; to the Committee on Ways and Means.

Also, papers to accompany bill for the relief of Dennis P. Mosely; to the Committee on Pensions.

Also, papers to accompany bills for the relief of Emory B. Martin and Francis M. Hill; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 9589, for the relief of Joe C. Heffley; to the Committee on Military Affairs.

Also, petitions of citizens of Boone County, Ark., asking for a reduction of the duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. FOCHT: Papers to accompany House bill 11072, for the relief of James B. C. Shaffer; to the Committee on Invalid Pensions.

By Mr. FRENCH: Resolution of Pocatello Lodge, No. 198, International Association of Machinists, of Pocatello, Idaho, favoring Berger resolution in McNamara case; to the Committee on Labor.

Also, petitions of sundry citizens of Idaho, urging a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, resolution of Socialist Party of Pocatello, Idaho, favoring Berger resolution in McNamara case; to the Committee on Labor.

By Mr. FULLER: Papers to accompany bill for the relief of Caroline Daley; to the Committee on Invalid Pensions.

Also, paper to accompany bill for the relief of Abner J. Welch; to the Committee on Invalid Pensions.

Also, papers to accompany a bill for the relief of Gilbert W. Ostrom; to the Committee on Invalid Pensions.

Also, petition of the Chicago Clearing House Association, concerning legislation regulating cold storage of food products; to the Committee on Interstate and Foreign Commerce.

Also, petition of Rockford (Ill.) Manufacturers and Shippers' Association, in opposition to House bill 5970; to the Committee on Reform in the Civil Service.

Also, petition of Charles P. Gant, of Streator, Ill., against House bill 8887, for a stamp tax on proprietary medicines, etc.; to the Committee on Ways and Means.

Also, petition of Niagara Alkali Co., concerning duty on caustic potash; to the Committee on Ways and Means.

Also, petition of the A. H. Andrews Co., of Chicago, protesting against resolution requiring the use of metal in place of wood in filing cabinets and office fixtures; to the Committee on Public Buildings and Grounds.

Also, petition of Winnebago County Local, Socialist Party of Rockford, Ill., favoring the Berger resolution; to the Committee on Rules.

Also, petition of Eugene McAuliffe, president of Brazil Block Coal Co., favoring House bill 5139, to create a national arbitration tribunal; to the Committee on Labor.

By Mr. GARDNER of Massachusetts. Resolutions adopted by Plymouth and Bay Conference, Cohasset, Mass., favoring the adoption of the proposed arbitration treaty between the United States and England; to the Committee on Foreign Affairs.

Also, petition signed by Messrs. Bahn & Maloney and six other firms of Amesbury, Mass., protesting against the enactment of the proposed bill to place a revenue tax on proprietary medicines; to the Committee on Ways and Means.

By Mr. HAMILTON of West Virginia: Petitions of sundry citizens of Gay, W. Va., urging a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. HARTMAN: Resolution of Local Camp No. 720, Patriotic Order Sons of America, of Johnstown, Pa., urging upon Congress the immediate enactment of the illiteracy test into law; to the Committee on Immigration and Naturalization.

Also, petitions of Thomas W. Hughes and F. A. Devereaux, of Cresson, Pa.; Sherman Reese, Obadiah Reese, and J. B. Farren, of Ebensburg, Pa., asking for reduction in duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. HAYES: Letter of Waiters' Union, Local No. 30, of San Francisco, Cal., urging the passage of the Berger resolution in regard to the kidnaping of John McNamara; to the Committee on Labor.

Also, resolutions of the San Jose Chamber of Commerce, of San Jose, Cal., urging upon Congress the imperative need of an amendment of the corporation-tax law; to the Committee on the Judiciary.

By Mr. HEALD: Petition from members of the Society of Friends of Wilmington, Del., advocating legislation prohibiting interstate traffic in liquor; to the Committee on Interstate and Foreign Commerce.

By Mr. HINDS: Memorial of Fabiola Chagnon and 300 other citizens of Biddeford, Me., praying for legislation for the establishment of a national bureau of health; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWELL: Petition signed by the Utah Pharmaceutical Association, Salt Lake City; Retail Druggists' Association; E. C. Schramm; and B. F. Riter, all of Utah, protesting against the passage of House bill 8887; to the Committee on Ways and Means.

Also, petition signed by the Wasatch Canning Co. and other firms and individuals of Utah, favoring a reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, resolution from Dan B. Colton and citizens of Vernal, Utah, favoring the proposed arbitration treaty between the United States and Great Britain; to the Committee on Foreign Affairs.

Also, memorial from the Governor and Legislature of the State of Utah, petitioning Congress to make certain improvements in the Fort Douglas Military Reservation in Utah; to the Committee on Military Affairs.

By Mr. KAHN: Telegram from F. B. Taylor and six other members of the executive committee California Pharmaceutical Association, protesting against House bill 8887; to the Committee on Ways and Means.

Also, petition of A. M. J. Badasei and six other residents of San Francisco, Cal., asking for reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of J. B. Eldridge and 33 other citizens of Healdsburg, Cal., protesting against Senate bill 237 (Johnston Sunday bill); to the Committee on the District of Columbia.

Also, petition of H. E. Chapman and 36 other citizens of Napa, Cal., protesting against Senate bill 237 (Johnston Sunday bill); to the Committee on the District of Columbia.

By Mr. LOBECK: Petition from 24 citizens of Omaha, Nebr., asking reduction in duty on sugar; to the Committee on Ways and Means.

By Mr. MAGUIRE of Nebraska: Resolutions of Commercial Club of Omaha, Nebr., favoring change in time for returns to be made on corporation-tax law; to the Committee on the Judiciary.

Also, petition of residents of Hallam, Nebr., favoring a reduction in duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petitions of citizens of Plattsmouth, Williams, and Hubbell, Nebr., asking for an investigation into legality of arrest in McNamara case; to the Committee on Labor.

By Mr. MALBY: Petition of F. A. Walker and others, praying for a reduction in the tariff on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of residents of Willsboro and Keenville, N. Y., praying for a reduction in the tariff on raw and refined sugars; to the Committee on Ways and Means.

By Mr. MOON of Tennessee: Papers to accompany bill granting an increase of pension to Daniel W. Bressler, of Chattanooga, Tenn.; to the Committee on Invalid Pensions.

By Mr. OLMSTED: Petitions of citizens of Lebanon County, Pa., asking for reduction of duty on sugar; to the Committee on Ways and Means.

Also, petitions of sundry citizens of Harrisburg, Pa., favoring a national bureau of health; to the Committee on Interstate and Foreign Commerce.

By Mr. PALMER: Petitions of citizens of Weissport, Pa., urging reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. PLUMLEY: Petition from the Presbytery of Vermont, for the passage of the Burkett-Sims bill, to forbid interstate transmission of race-gambling odds and bets; to the Committee on Interstate and Foreign Commerce.

Also, petition of Champlain Valley Grange, of Burlington, Vt., protesting against Canadian reciprocity agreement; to the Committee on Ways and Means.

Also, petition of John O. Spring, of Bellows Falls, Vt., protesting against Canadian reciprocity agreement; to the Committee on Ways and Means.

Also, resolutions of Graniteville Branch, No. 12, Quarry Workers' International Union of North America, of Graniteville, Vt., favoring the resolution of inquiry in the McNamara mat-

ter, introduced by Representative BERGER; to the Committee on Labor.

Also, petition of citizens of Wilmington, Vt., requesting a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. RAKER: Resolutions of the Los Angeles Chamber of Commerce on the Alaskan coal mines, etc.; to the Committee on the Public Lands.

By Mr. SLOAN: Resolution by Commercial Club of Beatrice, Nebr., indorsing the proposed arbitration treaty between United States and other nations; to the Committee on Foreign Affairs.

By Mr. STEPHENS of California: Resolutions of Southern California Congregational Conference, indorsing Anglo-American arbitration treaty between United States and England; to the Committee on Foreign Affairs.

Also, resolution of Humboldt Chamber of Commerce, of Eureka, Cal., requesting the Secretary of the Navy to transfer the sloop of war *Portsmouth* to San Francisco; to the Committee on Naval Affairs.

Also, report of the committee on mining of the Los Angeles Chamber of Commerce, relating to Alaska coal lands; to the Committee on Mines and Mining.

Also, memorial of Federated Improvement Association of the City of Los Angeles, Cal., for relief from restriction of American water shipping; and a resolution indorsing House bill 4660 as a measure which will give relief; to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the Los Angeles Chamber of Commerce of Los Angeles, Cal., favoring the fortification of Los Angeles Harbor; to the Committee on Rivers and Harbors.

By Mr. TALCOTT of New York: Petitions of certain firms and citizens of Rome, N. Y., urging a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. UTTER: Resolution of the Charity Organization Society of Newport, R. I., advocating the appointment of a committee on public health of the House of Representatives; to the Committee on Rules.

Also, petitions of sundry citizens of Newport, R. I., favoring the establishment of a department of public health; to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Local Council of Women of Rhode Island, favoring treaties of unlimited arbitration with Great Britain and other countries; to the Committee on Foreign Affairs.

Also, paper to accompany bill (H. R. 9223) granting an increase of pension to James M. Green; to the Committee on Invalid Pensions.

Also, papers to accompany bill granting an increase of pension to John N. Preston; to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *June 7, 1911.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a memorial of Mount Belknap Grange, Patrons of Husbandry, of Gilford, N. H., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented the memorial of F. Van Dyne, of Washington, D. C., and the memorial of W. L. Evans, of Washington, D. C., praying for the passage of the so-called Johnston Sunday rest bill, which were ordered to lie on the table.

Mr. CURTIS presented petitions of Garfield Post, No. 25, of Wichita; of A. S. Everest Post, No. 493, of Atchison; and of Post No. 388, of Meade, Department of Kansas, Grand Army of the Republic, in the State of Kansas, praying for the passage of the so-called old-age pension bill, which were referred to the Committee on Pensions.

He also presented memorials of Antioch Grange, No. 242, of Osage City; of Local Grange No. 1087, of Greenwood; and of Local Grange No. 1476, of Linwood, all of the Patrons of Husbandry, in the State of Kansas, remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented memorials of sundry citizens of Liberal, Kans., remonstrating against the passage of the so-called Johnston Sunday rest bill, which were ordered to lie on the table.

Mr. FLETCHER presented a memorial of the congregation of the Seventh-day Adventist Church of Lakeland, Fla., and a memorial of the Seventh-day Adventist Church of Ocala, Fla., remonstrating against the enforced observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. OLIVER presented a memorial of sundry druggists of Frankin County, Pa., remonstrating against the imposition of a stamp tax on proprietary medicines, which was referred to the Committee on Finance.

He also presented a memorial of the United Irish Society of Philadelphia, Pa., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented resolutions adopted by the Chamber of Commerce of Erie, Pa., favoring the appointment of a commission by the United States and Canada for the adoption of a definite plan for the prevention of the pollution of the waters of the Great Lakes, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Longwood Society of Progressive Friends, of Philadelphia, Pa., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of Washington Camp, No. 384, Patriotic Order Sons of America, of Donnally Mills, Pa., and a petition of Washington Camp No. 720, Patriotic Order Sons of America, of Johnstown, Pa., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. GAMBLE presented a memorial of Local Grange, Patrons of Husbandry, of Clark, S. Dak., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

Mr. DU PONT presented a petition of Pomona Grange, Patrons of Husbandry, of Newcastle County, Del., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors into prohibition districts, which was referred to the Committee on the Judiciary.

He also presented a memorial of Rural Grange, No. 10, Patrons of Husbandry, of Cheswold, Del., and a memorial of Trophy Grange, No. 22, Patrons of Husbandry, of Felton, Del., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. BRADLEY presented the petition of Mrs. James Bennett, of Richmond, Ky., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was referred to the Committee on the Judiciary.

Mr. GUGGENHEIM presented memorials of sundry citizens of Wray, Hygiene, Victor, Dover, Nunn, Fort Collins, Pierce, Eaton, Ault, Berthoud, Weld County, Denver County, Denver, and of the congregations of the Seventh-day Adventists churches of Hygiene, Salida, Canon City, Rocky Ford, Denver, Greeley, Longmont, Victor, Wray, La Salle, Arvada, Peaceful Valley, Cripple Creek, Blanca, Florence, Idaho Springs, Niwot, Capitol Hill, Denver, La Veta, and of the Colorado Conference of Seventh-day Adventists, all in the State of Colorado, remonstrating against the enforced observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. PERKINS presented memorials of the congregation of the Seventh-day Adventists Church of Modesto, and of sundry citizens of Healdsburg, Petaluma, and Berkeley, all in the State of California, remonstrating against the enforced observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of the California State Eclectic Medical Society, praying for the establishment of a national department of public health, which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of Millmen's Union, No. 550, United Brotherhood of Carpenters and Joiners of America, of Oakland, Cal., praying that an investigation be made into the alleged abduction of John J. McNamara from Indianapolis, Ind., which was referred to the Committee on the Judiciary.

Mr. RAYNER presented a memorial of Taneytown Grange, No. 184, Patrons of Husbandry, of Maryland, and a memorial of Roslyn Grange, No. 241, Patrons of Husbandry, of Randalls-

town, Md., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. NELSON presented a memorial of the congregation of the Seventh-day Adventists Church of Brainerd, Minn., and a memorial of the Seventh-day Adventists Church of Minneapolis, Minn., remonstrating against the enforced observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a memorial of the Ancient Order of Hibernians, of Ramsey County, Minn., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. BRIGGS presented memorials of sundry citizens of Paterson, Jersey City, Newark, Dover, Boonton, Clifton, Mount Hope, New Brunswick, South River, Harrison, Union Hill, Perth Amboy, Passaic, and Hoboken, all in the State of New Jersey, remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented memorials of the Pattern Makers' Association of Trenton; of Local Union No. 296, Journeymen Barbers' International Union of America, of Trenton; of Local Union No. 37, National Brotherhood of Operative Potters, of Trenton; of Local Union No. 26, International Union of United Brewery Workmen, of Trenton; of Local Lodge No. 398, International Association of Machinists, of Trenton; and of Local Division No. 540, Amalgamated Association of Street and Electric Railway Employees of America, of Trenton, all in the State of New Jersey, remonstrating against the alleged abduction of John J. McNamara from Indianapolis, Ind., which were referred to the Committee on the Judiciary.

He also presented a memorial of Local Union No. 199, International Brotherhood of Stationary Firemen, of Paterson, N. J., and a memorial of Local Union No. 55, International Brotherhood of Stationary Firemen, of Newark, N. J., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a memorial of the congregation of the Seventh-day Baptist Church of Marlboro, of the New Jersey Tract and Missionary Society, of the New Jersey Seventh-day Adventists Conference, of B. J. Blinn, Samuel A. Paul, B. F. Kneeland, S. A. R. Benzel, of Trenton, and of sundry citizens of Elizabeth, Pleasantville, and Jersey City, all in the State of New Jersey, remonstrating against the passage of the so-called Johnston Sunday-rest bill, which were ordered to lie on the table.

He also presented a petition of the National Association of Shellfish Commissioners, praying for the enactment of legislation providing for the economic utilization of waste products, the improvement of public sanitation, and the conservation of our natural resources, which was referred to the Committee on Conservation of National Resources.

He also presented a memorial of Local Grange, Patrons of Husbandry, of Windsor, N. J., and a memorial of Local Grange, Patrons of Husbandry, of Woodstown, N. J., remonstrating against the passage of the so-called cold-storage bill, which were referred to the Committee on Manufactures.

He also presented a petition of Washington Camp, No. 76, Patriotic Order Sons of America, of Elmer; of Washington Camp, No. 175, Patriotic Order Sons of America, of Ocean City; and of Old Glory Council, No. 16, United American Mechanics, of Rahway, all in the State of New Jersey, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. BRANDEGEE presented a memorial of the Business Men's Association of Derby, Conn., remonstrating against the establishment of a parcels-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. ROOT presented memorials of Stockbridge Valley Grange; Morrisville Grange, No. 1149; Claverack Grange, No. 934; Halcottville Grange, No. 350; Barre Grange, No. 1026; Perry Grange; Oswegatche Grange, No. 977; Lake View Grange, No. 920; Ulster Grange, No. 1065; Rensselaer Falls Grange, No. 1088; Pittsford Grange, No. 424; Camden Grange; Sherman Grange, No. 1128; Clintondale Grange, No. 957; Ansable Valley Grange; Rushville Grange, No. 1137; Grange No. 418; Ischua Grange, No. 953; Victor Grange, No. 322; Scottsville Grange; Wallkill River Grange; and Newark Grange, No. 366, all of the Patrons of Husbandry, in the State of New York, remonstrating against the proposed treaty of arbitration between the United States and Canada, which were referred to the Committee on Finance.

Mr. REED presented a memorial of sundry citizens of Macon County, Mo., remonstrating against the passage of the so-called Johnston Sunday-rest bill, which was ordered to lie on the table.

Mr. NEWLANDS presented resolutions adopted by Washington Chapter, American Institute of Architects of the District of Columbia, relative to the selection of the site for the proposed Lincoln memorial in the city of Washington, which were referred to the Committee on the Library.

Mr. CULLOM presented a petition of the Illinois Manufacturers' Association, praying for the adoption of an amendment to the corporation-tax law permitting corporations and companies to make returns as of the close of their fiscal years, which was referred to the Committee on Finance.

He also presented petitions of the Western Unitarian Conference, of the Local Council of Women of Rhode Island, of the congregations of the Presbyterian Church, the First Congregational Church, the English Lutheran Church, and the First Christian Church, all of Boulder, Colo., and of the Business Men's Association of Auburn, N. Y., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented memorials of Local Division No. 1, Ancient Order of Hibernians, of Champaign County, Ill.; of the Central Labor Union of Hudson, N. Y.; of the Central Labor Union of Waterbury, Conn.; and of the Philip Sheridan Club, of Passaic, N. J., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented a memorial of the congregation of the Seventh-day Adventist Church of Peoria, Ill., and a memorial of sundry citizens of Mattoon, Ill., remonstrating against the enforced observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

SALE OF LIQUOR TO INDIANS.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to which was referred the bill (S. 2624) to amend an act approved January 30, 1897, chapter 109, entitled "An act to prohibit the sale of intoxicating drinks to Indians," etc., asked to be discharged from its further consideration and that it be referred to the Committee on Indian Affairs, which was agreed to.

THE CONGRESSIONAL DIRECTORY.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution No. 42, submitted by Mr. SMOOT on the 15th ultimo, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the contingent fund the compensation usually allowed for compiling, editing, and indexing the edition of the Congressional Directory for the first session of the Sixty-second Congress, as prepared and published under the direction of the Joint Committee on Printing.

THE POSTAL SYSTEM.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 56, submitted by Mr. BOURNE, June 1, directing the Committee on Post Offices and Post Roads to inquire into and report to the Senate what changes are necessary or desirable in the postal system of the United States, etc., reported it without amendment.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SUTHERLAND:

A bill (S. 2653) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary"; to the Committee on the Judiciary.

By Mr. THORNTON:

A bill (S. 2654) providing for the appointment of an additional professor of mathematics in the Navy; to the Committee on Naval Affairs.

By Mr. TAYLOR:

A bill (S. 2655) to correct the military record of Jacob Linebaugh; and

A bill (S. 2656) to remove the charge of desertion standing against Henry Poe (with accompanying paper); to the Committee on Military Affairs.

A bill (S. 2657) granting an increase of pension to William J. Braswell (with accompanying papers);

A bill (S. 2658) granting an increase of pension to Sterling Hughes; and

A bill (S. 2659) granting a pension to Joseph W. Wilson (with accompanying papers); to the Committee on Pensions.

A bill (S. 2660) for the relief of Marion B. Patterson; to the Committee on Claims.

By Mr. BRADLEY:

A bill (S. 2661) for the relief of Conrad Seither, alias Conrad Seiter; to the Committee on Military Affairs.

By Mr. CURTIS:

A bill (S. 2662) granting an increase of pension to John A. Billings;

A bill (S. 2663) granting an increase of pension to Joseph Cooper (with accompanying papers);

A bill (S. 2664) granting an increase of pension to W. A. Coddington; and

A bill (S. 2665) granting an increase of pension to Leander W. Yost (with accompanying paper); to the Committee on Pensions.

By Mr. BACON:

A bill (S. 2666) granting an increase of pension to William P. Clark; to the Committee on Pensions.

By Mr. REED:

A bill (S. 2667) to remove the charge of desertion from the military record of Benjamin Ipock; to the Committee on Military Affairs.

A bill (S. 2668) granting an increase of pension to Isaac T. Atterberry (with accompanying papers); and

A bill (S. 2669) granting a pension to Samuel Robinson (with accompanying paper); to the Committee on Pensions..

(By request.) A bill (S. 2670) for the relief of Warner Jenkinson Co.; and

A bill (S. 2671) for the relief of John Moynihan (with accompanying papers); to the Committee on Claims.

By Mr. BRANDEGEE:

A bill (S. 2672) permitting suits against the United States for damages caused by vessels owned or operated by the United States; and

A bill (S. 2673) to authorize the maintenance of actions for negligence causing death in maritime cases; to the Committee on the Judiciary.

Mr. GALLINGER. I introduce a joint resolution, which was objected to yesterday by the Senator from Idaho [Mr. HEYBURN] when it was submitted by the Chair. I ask that it be referred, with the accompanying papers, to the Committee on Appropriations.

The joint resolution (S. J. Res. 33) to provide for the maintenance of the contagious-disease service in the District of Columbia during the fiscal year ending June 30, 1911, was read twice by its title and, with the accompanying papers, referred to the Committee on Appropriations.

WITHDRAWAL OF PAPERS—CHARLES E. JONES.

On motion of Mr. CURTIS, it was

Ordered, That the papers in the case of Senate bill 2372, Fifty-seventh Congress, first session, granting a pension to Charles E. Jones, be withdrawn from the files of the Senate, there having been no adverse report thereon.

REPORTS OF IMMIGRATION COMMISSION.

Mr. DILLINGHAM submitted the following concurrent resolution (S. Con. Res. 5), which was read and referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound, with accompanying illustrations, for the use of the Senate and House of Representatives, 2,175 copies of the reports of the Immigration Commission, 475 for the use of the Senate, 1,200 for the use of the House of Representatives, 250 for the use of the Senate Committee on Immigration, and 250 for the use of the House Committee on Immigration and Naturalization; and that there be printed 8,000 additional copies of the abstracts of reports of the commission, 1,900 for the use of the Senate, 4,000 for the use of the House of Representatives, 1,250 for the use of the Senate Committee on Immigration, and 1,250 for the use of the House Committee on Immigration and Naturalization.

PURE-FOOD LAW—DEFINITION OF WHISKY.

Mr. GRONNA. I submit a resolution and ask unanimous consent for its present consideration.

There being no objection, the resolution (S. Res. 61) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the President be, and he is hereby, requested, if not incompatible with the public interest, to transmit to the Senate all the documents and data, including the official opinions and regulations of the Department of Agriculture or bureau heads thereof, together with all printed briefs, arguments, and reports of counsel representing the various interests connected therewith, in the matter of the controversy generally known under the caption or question "What is whisky?" accompanying the same with the decision or decisions rendered by the President in relation thereto.

PUBLIC BUILDINGS IN CITY OF WASHINGTON.

Mr. HEYBURN. I submit the following resolution and ask that it be read and that it may lie over.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution (S. Res. 62), as follows:

Resolved, That the Secretary of the Treasury is hereby directed to inform the Senate what progress has been made toward the acquirement of title by the United States to the whole of squares numbered 226, 227, 228, 229, and 230, for the purchase of which appropriation was made under act of Congress approved May 30, 1908, and if title has passed to the Federal Government, when such title passed, the consideration to be paid therefor, in detail, and whether or not the former owners or lessees now occupying said buildings are paying any rent to the United States for the use of said buildings, and the amount thereof; and also whether or not the proposed plans for the buildings to be erected for the use of the United States Departments of State, Justice, and Commerce and Labor contemplate the occupancy of any portion of the land south of B Street commonly known as the Mall.

The VICE PRESIDENT. The resolution will lie over at the request of the Senator from Idaho.

SENATOR FROM ILLINOIS.

The VICE PRESIDENT. The Chair lays before the Senate the following resolution, coming over from a former day.

The Secretary read Senate resolution No. 60, submitted yesterday by Mr. DILLINGHAM, as follows:

Resolved, That a committee consisting of the following members of the Committee on Privileges and Elections, Senators DILLINGHAM, GAMBLE, JONES, KENYON, JOHNSTON, FLETCHER, KERN, and LEA, be, and are hereby, authorized, empowered, and directed forthwith to investigate whether in the election of WILLIAM LORIMER as a Senator of the United States from the State of Illinois there were used and employed corrupt methods and practices, and whether he is now entitled to retain his seat.

That said committee be authorized to sit during the sessions of the Senate and during any recess of the Senate or of Congress; to hold sessions at such place or places as it shall deem most convenient for the purposes of the investigation; to employ stenographers, counsel, accountants, and such other assistants as it may deem necessary; to send for persons, books, records, and papers; to administer oaths; and as early as practicable to report to the Senate the results of its investigation, including all testimony taken by it; and that the expenses of the inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

The committee is further and specially instructed to inquire fully into and report upon the sources and use of the alleged "jack-pot" fund, or any other fund, in its relation to and effect, if any, upon the election of WILLIAM LORIMER to the Senate.

Mr. DILLINGHAM. In lines 8 and 9 of the resolution, on page 1, I move to strike out the words "and whether he is now entitled to retain his seat." Those words do not appear in the Martin resolution which was sent to the committee, but were added to it.

The VICE PRESIDENT. The Senator from Vermont modifies his resolution as indicated. The modification will be stated by the Secretary.

The SECRETARY. In lines 8 and 9, on page 1, strike out the words "and whether he is now entitled to retain his seat."

The VICE PRESIDENT. Does the Senator from Vermont ask for the present consideration of the resolution?

Mr. DILLINGHAM. I ask for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. REED. I desire to offer an amendment to the resolution.

The VICE PRESIDENT. The Senator from Missouri does not object to its present consideration?

Mr. REED. He does not.

The VICE PRESIDENT. The resolution is open to amendment, and the Senator from Missouri offers an amendment, which will be stated.

Mr. REED. Mr. President, I am not at all certain but that the resolution in its present form is all right, but in view of the fact that it has been held a subordinate committee of a committee does not possess the authority of a full committee of the Senate, and taking into consideration the fact that the resolution as originally passed by the Senate specifically stated that the committee should sit in banc, it seems to me we ought to make it very clear that the committee now being created is a committee of the Senate, directly appointed by the Senate, and owing its authority solely to the Senate.

I therefore suggest an amendment. I move to amend the first line by adding, after the article "a," the word "special," and after the word "committee," in the same line, the words "of the United States Senate," so that the sentence as amended will read:

That a special committee of the United States Senate, consisting of, etc.

I think that would be a little safer and a little more certain.

The VICE PRESIDENT. The Secretary will report the amendment.

The SECRETARY. In line 1, before the word "committee," insert the word "special," and after the word "committee" insert the words "of the United States," so that if amended it will read:

Resolved, That a special committee of the United States Senate, consisting of the following members of the Committee on Privileges and Elections, etc.

Mr. DILLINGHAM. Mr. President, the words were not employed in reporting the resolution because it was not thought to be necessary, as this was declared to be a committee and was also directed to report directly to the Senate. I have no objection to having the amendment adopted if there is any possible doubt as to its being a committee of the Senate which would be authorized to act under the terms of the resolution. So I make no objection whatever to the amendment.

In this connection, however, I wish to state that when the Committee on Privileges and Elections took this matter up they spent considerable time in its consideration, both on Saturday and on Monday. The resolution was authorized in its present form for the reason that on that committee there are several members of other committees who are engaged in other inquiries requiring considerable time and they wished to be relieved of any work connected with this investigation. That recommendation was made by a vote of the committee and the chairman was directed to offer this resolution and to incorporate in it a clause requiring the report to be made, not back to the committee, but to the Senate.

I make this explanation because I thought the resolution was entirely clear, but since a question has been raised, I am very glad to have the amendment adopted.

Mr. CULBERSON. Mr. President, yesterday when this resolution was read in manuscript from the desk I objected to its consideration then because there were some changes in the resolution as reported from that as adopted by the Senate in what was known as the Martin resolution. I was particularly struck at the time and subsequently with the words on page 1, lines 8 and 9, "and whether he is now entitled to retain his seat," it occurring to me then and believing now that it at least squinted at the suggestion that this subject had been adjudicated finally by the Senate on the previous vote. But inasmuch as the chairman of the committee has on motion eliminated what I regarded as the principal objection to the resolution, though I believe it ought to have been reported in the words of the Martin resolution, I do not further object.

Mr. SUTHERLAND. Mr. President, I do not understand that the amendment proposed by the Senator from Missouri [Mr. REED] has been adopted.

The VICE PRESIDENT. It has not yet been adopted.

Mr. SUTHERLAND. I think, Mr. President, it is safer to leave the resolution as it reads: "That a committee consisting of the following members of the Committee on Privileges and Elections" be appointed.

If the word "special" is used to distinguish the committee from a standing committee of the Senate, of course it is not necessary, because it is a special committee in that sense. If the word "special" is used to distinguish it from a committee with general powers, then I think it might be unwise to insert that qualifying word.

We want this committee to have all the powers of any committee of the Senate, and if we let the resolution stand as it was reported I think there can not be the slightest doubt that it will have all those powers. I think it is far better to leave it as it is than to put in qualifying words which might result in its being held that the committee has less power than it should have.

With reference to the other words, making it read "committee of the United States Senate," of course they are wholly unnecessary, because the committee is a committee of the United States Senate. It could not be anything else, being created by the Senate, composed of Members of the Senate, and required to report to the Senate.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Missouri [Mr. REED]. [Putting the question.] The noes appear to have it.

Mr. REED. I ask for a roll call.

The yeas and nays were ordered.

Mr. BAILEY. I ask the Secretary to read the amendment.

The VICE PRESIDENT. The Secretary will again read the amendment.

The SECRETARY. In line 1, before the word "committee," insert the word "special," and after the word "committee" insert the words "of the United States Senate," so that if amended it will read:

Resolved, That a special committee of the United States Senate, consisting of the following members of the Committee on Privileges and Elections, etc.

Mr. BAILEY. Mr. President, I can not possibly conceive any good purpose to be served by designating this committee as a special committee. It will not enlarge the powers of the committee, it will not change the personnel of the committee, and, consequently, I am unable to understand why it should be urged.

While I am on my feet, Mr. President, I want to say that the action of the full Committee on Privileges and Elections was taken on my own motion, because I am not able, and other members of the committee are not able, on account of our duties as members of the Finance Committee, to suitably execute the instructions of the Senate. Obviously it was impossible for me to aid in conducting this investigation without neglecting the duty which the Senate has assigned to me as a member of the Finance Committee, and when I urged that upon the committee some of them reluctantly consented to this action.

The members of the committee as reported are the members whom I proposed. Ordinarily, as the Democrat of longest service on the Committee on Privileges and Elections, I would have accepted service on this subcommittee, but for the reasons which I have already indicated I asked to be excused. The Democrat next to me in service on that committee is the Senator from Kentucky [Mr. PAYNTER], but for reasons of his own, reasons which were deemed entirely sufficient, he also asked to be excused; and the Democratic membership of it was made up without any discrimination amongst us, the four Democrats assigned to the service constituting the remaining Democratic membership of that committee.

We felt, however, that as the Senate had already determined in favor of this investigation being made by the Committee on Privileges and Elections, it was fair and right that this smaller committee should be made up from the membership of that full committee. It was necessary, however, in the view of some, and it was necessary, in my own view, in order to clothe that committee with all the power which the Senate could confer upon a committee, and to authorize it to invoke the Federal statutes against contumacious witnesses, that we should report it back to the Senate, and have the Senate constitute it as its committee. I did not think it ought to be called a subcommittee; I did not think it ought to be called a special committee; but I thought it ought to be called, as the statute calls it, "a committee"; and unless there is some reason affecting the powers or capacities of the committee, I hope the Senate will not undertake to change the name as reported by the full committee.

I did not myself participate in drawing the resolution which the honorable chairman of that committee [Mr. DILLINGHAM] has reported to the Senate, but I do understand that it was reported after a conference with the four Democrats who are to be members of that committee.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Idaho?

Mr. BAILEY. I do.

Mr. BORAH. I wish to ask the Senator from Texas if this committee would have any different power whether it is called "a special committee" or "a committee of the Senate," as it is called?

Mr. BAILEY. I think not. I can not imagine that to describe it as "special" or "sub" could enlarge or could curtail its power, and for that reason I should myself prefer to see it made a committee of the Senate, because that is the language of the statute.

Mr. BORAH. It occurred to me, Mr. President, that a special committee could not have any greater power in any event than a committee of the Senate.

Mr. BAILEY. That is absolutely certain, and I am willing to grant that it could not have less power; but the statute does not speak of subcommittees; it does not speak of special committees; but it speaks of committees. I think we avoid all sort of question by conforming the language of the resolution to the language of the statute, and I hope that will be done.

Mr. ROOT. Mr. President, I rise merely to say that the reason given by the Senator from Utah [Mr. SUTHERLAND] against the use of the word "special" seemed to me to be conclusive. I think we add nothing by its use. I should be quite willling to see the words "of the Senate of the United States" included after the word "committee." I do not think it is necessary, but I think it would be perfectly safe. So I rise for the purpose of asking for a division of this proposed amendment or suggesting that perhaps the Senator from Missouri [Mr. REED] might, while clinging to the second amendment, abandon the first.

Mr. REED. Mr. President, I want to say that in using the word "special" I had nothing in mind except to distinguish clearly between the proposed committee and the standing com-

mittee as such, so as to make it plain that this was not a subcommittee of the standing committee. My reason for this grows out of the fact that we all understand the courts, when they come to construe any act of Congress or of any legislative body, are constantly taking into consideration the history of the act itself and even have resort to the debates. If they were to take into consideration the history of this act up to this hour it would be this: The Senate passed a resolution specifically directing the Committee on Privileges and Elections in banc to take up and consider this matter. The committee reports back this resolution, and in the resolution uses this language:

That a committee consisting of the following members of the Committee on Privileges and Elections.

If they had not used that language, "members of the Committee on Privileges and Elections," no amendment would have been necessary, but having used it, I felt that some court might find a ground or a reason for saying, after all, this is only a subcommittee of the Committee on Privileges and Elections, and that we had no right to allow any doubt to exist in regard to the matter.

Now, since the words "special committee" are objected to, I have no reluctance in withdrawing the word "special" and allowing the other words "of the United States Senate," which are agreeable to the Senator from New York, to remain, so that by specific language we may make the proposed committee a committee of this body and not a subcommittee of a committee.

I want to say that I did not offer the amendment with the intention of provoking any discussion or debate, and I will withdraw the word "special," allowing the rest of the amendment to stand.

The VICE PRESIDENT. Is there objection to the withdrawal of the word indicated by the Senator from Missouri? The Chair hears none. The question, then, is on agreeing to the amendment as it now stands.

Mr. HITCHCOCK. Mr. President, I should like to ask the Senator from Missouri whether, in carrying out his purpose to avoid the appearance of a subcommittee, we should not strike out the words "members of the Committee on Privileges and Elections"? Otherwise, upon the face of the resolution itself, this so-called committee of the Senate will appear to be merely a *fraction of* another committee.

Mr. REED. I will say to the Senator that I think if we put in the words "of the United States Senate," so that it will read "a committee of the United States Senate," that will cover the question.

Mr. BAILEY. Mr. President, I would suggest, in agreement with the Senator from Nebraska [Mr. HITCHCOCK], that the words "the following members of the Committee on Privileges and Elections" are words of mere description. Of course, we could constitute no committee except a committee of the United States Senate. I believe if those words were eliminated and the resolution should read "that a committee consisting of the Senators named be appointed," that that would be quite as clear, and I think the phraseology would be a little less awkward.

Mr. WORKS. Mr. President, I should like to ask the Senator from Texas, in view of the fact that the resolution itself specifically defines the powers of the committee, whether the name of the committee has any significance whatever?

Mr. BAILEY. The Senator from California alludes to the resolution now before us?

Mr. WORKS. Yes.

Mr. BAILEY. I think not. I think those words are mere words of description and entirely—I will not say superfluous, because that might reflect upon the draftsman's skill or the honorable Senator who presented it; but I will say that they are unnecessary, and for that reason I think the resolution would read a little smoother if they were out. But that is immaterial with me. The only thing that I want made certain is that there is no question as to the power of this committee, because it is quite possible that they will reach a point in their deliberations where they will procure the evidence they seek if their power to obtain it is clear, where if their power is doubtful they might encounter a resistance. Consequently I think it ought to be made clear.

Mr. ROOT. Mr. President, I should be sorry to see those words go out, and I suggest to the Senator from Texas that while they are not necessary to the efficiency and effectiveness of the resolution they do carry a certain significance as indicating that this resolution is not a reversal of the former action of the Senate or a repudiation of the Committee on Privileges and Elections, but is rather a development in the natural course following upon the action already taken. I think they have a certain explanatory value for all who may consult the records hereafter regarding the course of this proceeding, and I should hope the words would remain.

Mr. BAILEY. Mr. President, of course the Senator from New York and no other Senator would suspect the chairman of the Committee on Privileges and Elections of making a report that in any wise repudiated that committee, and I think that there will be no difficulty for any man interested in the matter to ascertain that these Senators are of that committee. I say to the Senator from New York that the real purpose which I had when I first took the floor was to incorporate in the record a statement of this transaction. It was more for that than for any other purpose that I rose.

Mr. BACON. Mr. President, I think there is a good deal of force in the suggestion of the Senator from Missouri [Mr. REED]. I am of opinion that one of two things ought to be done, either the words "of the United States Senate" ought to be inserted, or else the words suggested by the Senator from Texas [Mr. BAILEY] ought to be eliminated. Either one course or the other will fix the difficulty, or possible difficulty, suggested by the Senator from Missouri.

Mr. DILLINGHAM. I understood that the words "of the United States Senate" were incorporated on the suggestion of the Senator from Missouri.

Mr. BAILEY. That has not yet been done.

Mr. BACON. It is pending. I did not think that it had been agreed to. I do not think the Senate has acted upon it.

Mr. DILLINGHAM. I understand that it is contained in the motion of the Senator from Missouri.

Mr. REED. That is my motion.

Mr. BACON. I certainly was very unfortunate if I did not so state. It is upon the motion of the Senator from Missouri and not upon mine.

Mr. DILLINGHAM. I beg the Senator's pardon. I misunderstood him.

Mr. BACON. But I simply rose to say that I think one or the other course ought to be adopted. I am inclined to agree with the Senator from Texas that the better course is the elimination of the words indicated by him, but it would be a mistake, I think, to fail to do either one or the other, because of the possibility of a construction by some court, which we do not wish to leave any opportunity for. Therefore I hope that one amendment or the other will be adopted. I would be content with the amendment offered by the Senator from Missouri, and if that shall fail I hope the other may be adopted.

Mr. HEYBURN. Mr. President, I should like to have the amendment again stated.

The VICE PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. After the word "committee," in line 1, it is proposed to insert the words "of the United States Senate."

The VICE PRESIDENT. The question is on agreeing to the amendment, on which the yeas and nays have been ordered. The Secretary will call the roll.

Mr. BAILEY. Mr. President, I ask that the order for the roll call may be vacated. There can be no reasonable objection to that amendment.

The VICE PRESIDENT. Is there objection to vacating the order for the yeas and nays? The Chair hears none. The question is on agreeing to the amendment offered by the Senator from Missouri.

The amendment was agreed to.

The VICE PRESIDENT. The question now is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

ALFRED L. DUTTON.

Mr. HEYBURN. I ask unanimous consent for the present consideration of the bill (S. 897) for the relief of Alfred L. Dutton. It will take but a moment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Alfred L. Dutton shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Battery E, Third United States Artillery, on the 18th day of June, 1865.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONTAGIOUS DISEASES SERVICE.

Mr. HEYBURN. Mr. President, I rise to a question of personal privilege.

Yesterday the Vice President laid before the Senate "a communication from the president of the Board of Commissioners of the District of Columbia, transmitting a draft of a proposed joint resolution to provide funds for the continuance of the contagious diseases service during the remainder of the current fiscal year."

The Washington Star last night, under the headline, "Senator HEYBURN blocks effort to bring matter before the Senate," publishes an article which in part says:

Senator HEYBURN this afternoon prevented the laying before the Senate of an appeal of the District Commissioners for legislation providing funds for the continuance of the contagious diseases service.

Vice President SHERMAN, to whom the letter from the District Building was addressed, presented it to the Senate, but as the clerk was reading a summary of the commissioners' request Senator HEYBURN interrupted.

"Is that proposing legislation?" exclaimed Mr. HEYBURN. "If it does, it ought to come to some Member of this body."

The RECORD shows that I said it had better come from some Member of this body.

"That seems to be the nature of it," responded the Vice President, noticing a draft of a resolution inclosed in the letter, "and the Chair withdraws the communication."

The same statement, in substance, is found in this morning's Washington Post.

I desire it to appear, as the fact is, that I did not oppose the legislation except for the reason that it was not introduced or proposed by any Member of this body. It was purely because it was proposed legislation coming from some one outside of this body. I intended no opposition whatever to be made to the legislation, but only to the manner in which it came before the Senate, and I was not in any manner attempting to block the legislation. I am thoroughly in favor of it, and this morning it came in the usual manner, being presented by the Senator from New Hampshire [Mr. GALLINGER]. I am in thorough accord with the legislation, and do not desire to be held up through the newspapers as having in any way opposed it or sought to delay it.

The VICE PRESIDENT. The Chair will state that the matter was clearly in violation of the resolution passed by the Senate January 20, 1908, and as soon as the Senator from Idaho called the fact to the attention of the Chair he withdrew the document and returned it to the Commissioners of the District, calling their attention to the resolution which the Senate passed in January, 1908.

OREGON & CALIFORNIA RAILROAD LAND GRANT.

Mr. CHAMBERLAIN. Mr. President, I will occupy the time of the Senate for only a moment, and it is for the protection of the public that I desire to interrupt the proceedings for a moment.

Some time ago, acting in pursuance of a resolution of the Senate, a suit was instituted for the cancellation of the land grant of the Oregon & California Railroad Co. in Oregon, involving something like 2,000,000 acres of land. That suit has been tried and has been determined in favor of the Government of the United States.

Mr. President, there are various parties speculating on the decision of the higher court and inducing innocent people to invest in what they term "preference rights" to this forfeited grant. In other words, speculators are holding out to the public in various cities of the West that for a certain consideration they will obtain for those who are willing to invest money a preference right to these forfeited lands.

There is absolutely no warrant or authority for this attempted speculation upon the guileless public, and I want to call the attention of the public to the fact that there is no warrant or authority vested in anybody to sell these preference rights to the land which has been forfeited to the United States, even if the decision of the circuit court of Oregon should be sustained by the Supreme Court of the United States.

In this connection I desire to call attention to an article published in the Portland (Oreg.) Journal of May 16, 1911, and, as far as I may be able to do so, I desire to warn the public against speculating in these lands which have been forfeited to the Government, because if the decision of the Federal court of Oregon is finally sustained by the Supreme Court of the United States the disposition of these lands must finally be vested in the Congress of the United States. So nobody under any law which is now upon the statute books of the country is authorized to sell or to attempt to sell any of these lands to anybody who may undertake to purchase them now.

The VICE PRESIDENT. Without objection, the article will be printed in the RECORD. The Chair hears no objection, and it is so ordered.

The article is as follows:

LOCATORS PLACE HOMESTEADERS ON FOREST RESERVES—RECENT DECISION IN OREGON-CALIFORNIA LAND-GRANT SUIT GIVES UNSCRUPULOUS OPPORTUNITY FOR FRAUD, ALLEGED.

[Portland (Oreg.) Journal, May 16, 1911.]

Formal complaint has been made to United States Attorney John McCourt by the Forestry Department that following the recent decision of United States Judge Wolverton in the Oregon and California land-grant suit there has been a resumption of the location of unsuspecting persons on railroad land within forest reserves. Large fees are charged by locators, it is alleged, and a rank fraud is perpetrated on those who give up their money for supposed right to valuable timber land.

NO CHANCE FOR TITLE.

There is, say the United States officials, absolutely no chance of anyone profiting by squatting on the railroad land within the limits of the United States forest reserves, as even should the Government finally be successful in the suit, the land within the reserves would at once become a part of the reserve and a squatter would be without a right to the land or a possibility of obtaining any. The locators whom District Forester George H. Cecil complains of as being especially active have been at work around Estacada, on the Springwater division of the Oregon Water Power & Railway, and are working out of Portland. They plan, it is said, to get unsuspecting people, who are unacquainted with the status of the land-grant suit further than that it was decided in favor of the Government, to pay them large locating fees to be shown a valuable tract of timber land now owned by the railroad, but which the court holds the railroad is not entitled to.

LOCATORS GET LARGE FEES.

"Unscrupulous locators have been placing people on lands involved in this suit," says Mr. Cecil, "within the boundaries of the Oregon National Forest. Large fees are extracted from these persons, who, through ignorance of the true status of these lands, have been led to believe they are open to settlement or that preference rights may be secured by squatting on them."

Land particularly referred to by Mr. Cecil is the odd sections in township 4 south, ranges 5 and 6 east.

The Government is powerless to prevent these fraudulent locations, the only remedy the bunkoed ones have being the bringing of civil suits in the State courts. It is possible, also, that people who locate on railroad land other than timber and outside of a forest reserve might at some future time be given preference in filing by an act of Congress. Such possibility is remote, however, and scarcely to be counted. It is generally expected, should the Government win its case in the Supreme Court, that nontimber lands will be sold in the same manner that recent Indian reservation lands have been disposed of, by the fixing of a minimum price and the sale of the land to the highest bidder, with provisions for settlement strict enough to limit the purchases to bona fide settlers.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. BORAH. I ask unanimous consent that the Senate resume the consideration of the joint resolution (H. J. Res. 39) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution.

Mr. RAYNER. Mr. President, I shall be brief in the remarks I propose to submit to the Senate to-day. I hope that this is the last speech I shall make upon the subject of the election of United States Senators by the people until the proposition comes before the people. I have participated in this discussion for many years, and now for the first time I see upon the horizon the sign of promise.

Before submitting the remarks I intend to submit, I want to appeal to those Senators upon the other side of the Chamber who are in favor of the election of United States Senators by the people to change their minds, if possible, upon the question of the Bristow amendment, which is substantially the Sutherland amendment of last session.

I do not intend to discuss the legal aspects of the subject matter. I have done this so frequently that it has become tiresome, and I do not intend to advert to it. I want to look at it from a practical standpoint just for a moment before I submit the remarks I intend to. And let me say this, that by adhering to the Bristow amendment you are imperiling the passage of the general resolution.

I will admit, for the sake of argument, that with the Bristow amendment in it the joint resolution will pass. I intend to vote for it, but I am only one. I am against the amendment of the Senator from Kansas [Mr. BRISTOW], but I am for the joint resolution, even if the amendment of the Senator from Kansas should carry. But that is not the position of a great many of my colleagues upon this side of the Chamber.

Admitting for the sake of argument that with that amendment in it the joint resolution can obtain a two-thirds vote in the Senate, let me say this to you, and I say it with all the earnestness and sincerity that I possess: With that amendment in the joint resolution you imperil and jeopardize the ratification of the joint resolution by three-fourths of the States, as required by the Constitution. You might as well look at this question from a practical standpoint. It is not what I may think; it is not what any Senator here may think; but it is necessary to carry 36 States in order to ratify the joint resolution for the election of United States Senators by the people; and, in my

judgment, with the Bristow amendment in it, you take a chance with nearly every Southern Commonwealth in this Union. With the Bristow amendment out of it, I do not believe the question will be asked upon the hustings in any of the Northern or Middle or Western States whether there is such an amendment in it or whether it is out. The attention of the people will not be directed to it. But it will be directed to it in the South.

The State of Georgia, for instance, in my judgment, will not ratify the joint resolution with this amendment. I do not think the State of Mississippi will ratify the joint resolution with the Bristow amendment in it, and I can name one Southern State after another in doubt, and we are not in a position to lose any of them.

Before submitting the remarks I intend to, because I did not intend to say anything about what I am now saying, I make an earnest appeal to those Senators who were with us last session not to change their minds now and force this amendment into the body of the joint resolution, because we must look to the end and the termination of this great struggle. And I say to you that I believe that if you place that amendment in it you imperil the joint resolution in every Southern State.

Mr. SUTHERLAND. Mr. President——

Mr. RAYNER. Mr. President, I did not intend to say this when I rose.

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Utah?

Mr. RAYNER. I will submit to an interruption.

Mr. SUTHERLAND. Does not the Senator from Maryland recognize that if the Bristow amendment should not be adopted it would imperil the joint resolution in a great many of the Northern and Western States?

Mr. RAYNER. Mr. President——

Mr. SUTHERLAND. Let me just follow that for a moment.

In the first place I want to direct the attention of the Senator from Maryland to the fact that there are a great many people in this country who are sincerely opposed to taking from Congress the supervisory power over the election of Senators which it now possesses under the Constitution. Those people, or a very large number of them, will be found opposing the adoption of this joint resolution if it passes as it is now presented to the Senate, and in addition to that——

Mr. RAYNER. I understand that question.

Mr. SUTHERLAND. In addition to that every man who is opposed to that portion of the joint resolution which proposes to give to the people the right to elect will use this other provision for the purpose of defeating it before the legislatures.

Mr. RAYNER. I like to agree with the Senator from Utah, because I know he is always sincere and earnest, but I do not believe that this event will ever take place. I do not believe the question will ever be asked outside of the Southern States on any hustings in the country whether or not we, in substance, preserve this power in the Constitution. I do not think the attention of the people will be directed to it. I do not think they care. In other words, I think, with the Bristow amendment out of it, all the States which would vote for it with it in will vote for it anyway. But I do say you will have a tremendous struggle in the Southern States if you put it in to carry perhaps any one of them.

Now, let me proceed to the general discussion.

Assuming now that the amendment goes in or assuming that the amendment does not go in, upon this measure the time for action has arrived. I am satisfied that no one in this body can now be swayed one way or the other by argument. The ingenuity of the human intellect has been exhausted in the discussions upon this subject. I challenge the genius of the Senate to advance a single proposition upon either side that possesses the inspiration of novelty. The field of tradition, of history, public policy, and of constitutional and statute law has been explored in order to discover resources for this protracted debate that has now been progressing for years upon this mighty problem. The people have listened patiently and submissively, and now they demand from their representatives in this body the privilege of voting. They demand with rightful claim and resistless numbers that the right to vote shall pass from us to them. They have no intention of violating the spirit of the Constitution, and I deny now, as I have denied time and time again, that this change affects the spirit of the instrument. It takes away the election of Senators from the people's servants and transfers it to their masters. It withdraws it from the agent and confers it upon the principal. The spirit of the Constitution remains inviolate and intact, because the Constitution was made by the States, and this amendment, if adopted, will be the work of sovereign States, acting under constitutional prerogative. Three-fourths of the States and not three-fourths of the people must ratify this act. The power to amend stands isolated and alone upon the pages of that imperishable document, the power that obviates the necessity of revolution, because the States, when they speak, speak under the grant and privilege of the Constitution. The States have practically spoken, though not in constitutional form, and the people in the States have spoken.

Mr. HEYBURN. Will the Senator permit me to ask him a question?

Mr. RAYNER. Certainly.

Mr. HEYBURN. I ask the Senator whether any State has indorsed a change in section 4 of Article I of the Constitution of the United States?

Mr. RAYNER. None that I know of.

Mr. HEYBURN. No.

Mr. RAYNER. But this is the point I am making——

Mr. HEYBURN. Would the Senator be willing to state how many States in his judgment would support such a proposition if it stood alone?

Mr. RAYNER. I believe this. I believe that if the Bristow amendment is left out of the resolution the general proposition will carry in almost every State in the Union. That is my firm conviction. I hardly think we would lose a single Commonwealth in the Union if Senators on the other side would take the Bristow amendment away from the body of the resolution.

The people are speaking everywhere. They have in some sections of the country lost their faith in legislative assemblages. In over 100 years since the Constitution was framed, the panorama of public life has moved on and the scene upon the canvas now represents the people in control.

The people have demonstrated that they are capable of self-government, and that the standard of this great assemblage will not be lowered if we permit them to select its membership. The system is now practically in vogue in every State where primary elections finally decide the issue. If the people of these United States are not qualified to elect their Senators, then they are not qualified to exercise the franchises of freemen or enjoy the advantages of republican institutions. If this is the condition, it might be best for us to resolve ourselves into an oligarchy and appoint political managers to select our public representatives for us. Speaking for myself alone, I would not desire to remain here for a moment if I thought my presence was distasteful to the will of my constituency. Though elected both at a primary election and, of course, by the general assembly of my State, nevertheless if I was here against the protest of my constituency, I would become so embarrassed in the performance of my public duties that I would feel that I had usurped the place I occupy. Who do I represent here; my State in its sovereign capacity? Yes. But what is my State except the people who compose it. Are the people of the State one thing and the State another? Then who is the State? Do the political leaders of the State constitute the State? Is that which has been rightfully denominated the despotism of the Republic the prevailing sentiment of this body? Fellow Senators, are we imbued with fear of the people of our States? Do we believe that in our supreme power we measure so much above the standard of their intelligence that they can not, in their limited vision, grasp the heights upon which we repose, that our selection must continue to be vested in the legislatures, and that the legislatures in a number of instances are also incompetent to make the choice and they must relegate it to an autocracy whose purposes are at war with the institutions of the Republic? I shall not discuss the merits of the proposition. I have finished this task in my advocacy of it for a quarter of a century, from the day that it passed with unanimity in the House of Representatives. We will discuss the merits in our several States when the subject is presented to them, and presented to them it will be. We have delayed it; we have postponed it; we have impeded and obstructed it, I will admit with the best motives on the part of the Senators who are opposed to it; but the hour has arrived when the battle is on, and that battle must either be lost or won. There is no compromise in sight. Principles can not be compromised, and this is not a policy but a principle that is involved. Dilatory tactics and parliamentary devices can not baffle and overpower the movement.

Every political reform of this sort has started in the camp of the minority and then it has gradually increased its converts until it has been taken up upon the tide of public opinion, and as the tide sweeps on to its destination the débris and the wreckage of stranded hulks can not obstruct it in its course. I know that public opinion changes; that at times it veers and trims with the passing winds, but never when it is in pursuit of a great political truth like this. It clings to it until the achievement and every hindrance becomes only an incentive to renewed effort. I hate to touch the Constitution of the United

States. Not because it is a perfect instrument; because we know that it is not. We know that it was the result of compromise, conciliation, and adjustment; but there it stands, the greatest political document ever delivered to the human race. The patriots who framed it, however, foresaw that the day would come when it might require modification in its nonessential features, and so far as its essential features are concerned, they were willing to trust the people that they would never change the integrity of republican institutions. This is a nonessential feature, take it as you will, so far as the Constitution is concerned. It does not touch its life. On the contrary, the change will prolong its life. I said during the last session that the greatest argument delivered against this measure was that of the Senator from Massachusetts who preceded the present junior Senator from that State, and I attempted to show that the reasons advanced had all passed into oblivion. And so they have.

Mr. President, there is one circumstance, however, in connection with this business that I do not like at all, if I may be allowed to digress for a moment. I read in a paper the other day a brief editorial written by an old college friend of mine, who has a certain degree of intelligence and sense, which reads as follows:

How does Senator RAYNER come to accept the leadership of ex-President Roosevelt upon the question of the election of United States Senators by the people? We believe firmly in the position that he has taken, but how does he reconcile the anomaly of his standing upon precisely the same platform that the ex-President does?

I do not like this, Mr. President. When I am on a platform I stay there. The ex-President, however, has a peculiar gift and talent of getting on and off of platforms that I do not possess. No other individual in the United States has the genius that he has in this connection. He can make a speech upon the platform of a railroad train, where the stations are only a mile apart, and recant at one station what he had said at the station he had just passed; he can recommend the selection of a progressive Senator in one State, and then with equal vehemence indorse an extreme conservative in another; he can stand upon two political platforms, each radically differing from the other, and then deny that he stood upon either of them; he can coquette with both political parties and then start a party of his own, whose doctrines and principles consist of an incoherent medley of unconstitutional impossibilities; he can stand upon a platform before an intelligent audience of 3,000 people and tell them how at the dead of night upon the borders of an African jungle, upon the banks of a river that never had any existence, when no one was with him, he encountered and slaughtered a mythological animal that God had never created, and receive the wildest plaudits for the miraculous performance of this impossible accomplishment. [Laughter.]

Senators must not consider for a moment that I am in any manner unfriendly to the ex-President. On the contrary, I am very fond of him, and, as this editor says, we both agree in every particular upon the identical subject that I am discussing here to-day. My objection is not so much to the principles that he advocates, because I believe in quite a number of them, but in the peculiarity that he possesses of changing front so quickly that it is utterly impossible for the human mind to keep track of him in his evolutions. In this connection, I recall in the famous railroad-rate debate that took place during his administration that he sent for me to inquire how I stood upon the supreme issue that was before us at a critical stage of that controversy.

When I gave him the information he said that he was pleased beyond expression that I had arrived at the same conclusion that he had reached. "Now, stand to your colors," he said. "Do you recall what Colin Campbell said to his Sutherland Highlanders at Balaklava?" I happened to remember the incident that, turning to his regiment, he said: "Men, there is no place to retreat from. You must die where you stand." "That is exactly it," said the President. "You have a wonderful memory, and, if necessary, we will die together." The next day, when the vote was taken, I stood to my colors and died where I stood. Just as I was about dying, however, I looked around for the President, who had promised to die with me, but he had neither died nor retreated. On the contrary, I never saw anyone more constructively alive. Under the gentle guidance of the junior Senator from Massachusetts he had slipped away during the night, while we were all slumbering, and there he stood, it is true, with the colors in his hand, but they were the colors of the opposition, and when I returned to life and met him a short time afterwards the only explanation I received for this maneuver, unparalleled in point of strategy upon the pages of political history, was his remark to me: "Well, you all died a glorious death. I was so sorry I could not be with you." [Laughter.]

Mr. President, I am not greatly interested in ancient or medieval illustrations in support of or in opposition to the measure that is now before us. I received a communication yesterday from an ancient friend of mine, inclosing an article of 180 closely typewritten pages upon "The historical evolution of the Spartan constitution and the Athenian Areopagus," and asking me whether I would have it published, as it would illuminate the subject now under discussion and make us desist from leveling this attack upon the traditions of the Republic. I do not intend to read a line of this article, whether it illuminates me or not. I do not intend to have it published. The author said if I would do so he would reimburse me out of the proceeds. Mr. President, there will be no proceeds. I wrote him that I had read everything of consequence that had ever taken place from the time that Eve and the serpent met in the Garden of Eden, and that I never intended reading another line of what has occurred in the past.

What do I care in this discussion about the Grecian assemblies at the time of Lycurgus? What difference does it make to me whether Lycurgus believed in a senate of elders or not, or whether Solon left the supreme magistracy of the state in the hands of its nobles, or whether Augustus destroyed the independence while he restored the dignity of the Roman senate? We are not nobles. I have enough dignity. I would rather have a little less dignity and more independence. I know that about the time of Cæsar the independence of the Roman senate ought to have been destroyed. The Senate then consisted of about 1,000 members, most of whom were privately and publicly depraved and corrupt and reflected disgrace and dishonor upon their rank and station. I have wasted years over this, and what I am concerned about now is the future and not the past. I am taking more interest in Senator BORAH, who is advocating this measure, and Senator HEYBURN, who is opposing it, than I am in Solon or Lycurgus or Julius Cæsar. My face is toward the rising sun. I see the most significant changes taking place around me, and history does not help me.

We can not disguise the fact that a peaceful revolution is taking place in this country. We may be upon the side of the revolutionists or opposed to them; it matters not. The fact, however, admits of no denial; it stands out in bold relief, and political independence is the order of the day in both parties. The people are shaking off the manacles and fetters of political slavery, and link by link their chain is breaking. I am not here to deliver any dissertation upon the extent of this movement nor upon its merits, so far as its contemplated purposes are concerned. One thing is sure, and that is that the conflict is on and that the people, led by patriots, are in the field. I deny that this movement is deteriorating the standard of intelligence or morality of the public service. A prominent Senator proclaimed to the country a few years ago that "the Decalogue in politics was an iridescent dream." Any person who at this hour would announce that a moral code in politics was a dream would be branded as an outlaw and banished from the field of his political activity. Instead of an iridescent dream it is a radiant reality. A few years ago party servitude was a badge of honor, and if an unqualified candidate was nominated for public office it was considered the duty of every party man to rally to his support, and it was held to be disloyalty and treason to revolt against the nomination; but treason prospered, and when treason prospers it is no longer treason.

The measure now before us is merely a sign and symptom of the movement. It was put to its practical test a short time ago in the State of New Jersey. I am not just now selecting presidential candidates because I am not a politician, thank God. I do say this, however, that never upon the pages of our political history was there a more fearless exhibition of independence than that of the governor of that State upon this occasion. It was not a personal or political matter at all. A primary election had been held and I do not care how many or how few people voted at that primary, the people had the opportunity to vote and if they did not exercise the right it was their fault. Governor Wilson announced the principle that a moral obligation rested upon the legislature to sustain the result of the election. I am not disparaging anyone who was a candidate before the legislature. I am upholding, however, to the last degree, the principle that was proclaimed. He denied the right of anyone to corral the legislature and his undaunted courage in laying down the gage of battle to the forces that opposed him has drawn for him, from every section of the land, the commendation of his countrymen. It is the same way with us. We can not override the will of the American people, and we might as well fall in line with it. We might as well recognize the fact that this Senate is not more powerful than the constituencies it represents, and that we can not throt-

tle this reform any longer. The senior Senator from Idaho, with all his daring intrepidity and all his defiant courage, backed by the resources of his powerful intellect, can not march single handed over this land and overpower 90,000,000 of his countrymen.

The Senator, to whose arguments I always listen with a great deal of interest for a number of reasons and for one reason principally, and that is because he uses as good and pure English diction and expression as any Senator upon this floor, says that the matter has never been properly explained to the people. Now, let the Senator explain it, and I venture to say that with every explanation he will make converts upon the other side of the question.

Mr. President, there is no constituency in this land so benighted that it does not understand it.

And let me tell you it is a great mistake to suppose that this amendment depends for its support upon the ignorant masses of the country. It is exactly the opposite; it will gather its strength from every community where political integrity rules and intelligence prevails. As the roll is called from Commonwealth to Commonwealth you will find that from our seats of learning, from the ranks of educated labor, from our colleges and academies and universities, its apostles come, with free ballots and with ballots that are not for sale, and they comprise the flower of the rising generation of this land, who are not agitators or demagogues, who understand the philosophy of our institutions, who have determined to break the bonds of political servitude, and who have arrived at the conclusion that for them the road to an honorable ambition lies not upon the narrow path of legislative influence, but upon the open field where freedom thrives and honor blooms.

Mr. HEYBURN. Mr. President, it had not been my intention at this time to speak on the joint resolution or on the amendment, but the Senator from Maryland [Mr. RAYNER] has made some statements to which it seems to me it is well to reply. He has, as I understand him, suggested that because of the slight attention that would be paid to the amendment of section 4 of Article I of the Constitution, the people might be led to adopt it in ignorance of the fact that it was a part of the subject matter for their consideration. That does not appeal to me. Any proposition to amend the Constitution of the United States should be impressed upon all of the people and the fullest knowledge should be had by all of the voters as to its purpose.

I asked the Senator from Maryland if any State had ever proposed or recommended the amendment of section 4 of Article I of the Constitution. He said he knew of none. Mr. President, no State has ever suggested to Congress or at all that section 4 of Article I should be amended. It can not be claimed on behalf of that amendment that there is any pressure or demand from any part of the people of the United States that that part of the Constitution should be changed. Is it now proposed to attract the attention of the people to the amendment of section 1, and then, if I may use the term, slip in surreptitiously—without knowledge or notice to the people—an amendment to another and different part of the Constitution that is separate and distinct in its purpose and effect?

How is it that up to this day no one outside of this body has ever proposed to amend section 4 of Article I, or that it has never been thought of in the legislative bodies of the country or among the people of the country that section 4 of Article I should be amended?

The Senator says that unless section 4 is amended the States will repudiate the amendment to section 1. Well, in my judgment, the States will repudiate the amendment to section 1 and to section 4, or to either of them if those amendments are submitted to the people for their consideration. What possible excuse can there be in this hour for attaching the amendment to section 4 to the amendment to section 1 except it be to gain a strength for the amendment to section 4 which it could not otherwise obtain? Is that the high plane upon which legislative matters should rest, that you are going to use one section or one proposed amendment as a club to compel the people to support that which they do not want in order that they may obtain something that they do want? Is that the proper spirit in legislation, whether it pertains to amendments to the Constitution or whether it arises in the ordinary course of legislation?

What State in this Union would support the amendment to section 4 if it stood alone? Does the Senator dream that it could receive the support of a sufficient number of States to adopt it? Why not, if Senators think that section 4 should be amended, submit it as a separate amendment to the Constitution? Why not introduce a joint resolution in this body proposing to amend that section, and let it stand upon its merits? No. But they would dragoon those who favor the election of Senators by direct vote of the people, as they call it, into their cause in order to gain strength for that which without it would have no strength whatever.

Will a Senator who is in favor of the amendment proposed by the Senator from Kansas [Mr. BRISTOW] submit to the introduction of a new element into this question in order that he may perhaps succeed in amending section 1? I doubt it. There is and there can be no reason why any Senator on this side of the House should support the proposition to amend section 4. If they are wedded to the idea of electing Senators by direct vote of the people, what else can they do but support the amendment introduced by the Senator from Kansas?

That is assuming, for the purpose of argument, that the proposition to amend section 1 has merit; it is assuming, for the purpose of argument, that the proposition to amend the Constitution so as to do away with the intervention of the legislatures is of sufficient importance to compel them to submit to an amendment to section 4 which has never been discussed by the people, never been advocated by any legislature, and which has no support based upon the demand of the people of the country.

No man has ever voted upon the question of the amendment of section 4; yet we are told on the other side that unless we submit to that amendment that has received no consideration outside of this body they will defeat the entire proposed amendment of the Constitution. Whenever the Congress of the United States resorts to that character of pressure for the purpose of enacting or on behalf of the enactment of a law or the change of the fundamental law, it will have abandoned principle and resorted to the law of expediency or resorted to the law which governs the highwayman—the alternative that is presented to a man, "if you do not abandon the principles that have marked your career and your course all your life we will defeat you in a just cause."

I am not one of those who believe in the amendment to either section 1 or section 4. A few days since I gave my reasons for my opposition to the proposed amendment, and I am not going to attempt to cover that ground again. I am speaking now against the adoption of a measure here that proposes to change the fundamental law of the land without any pressure or demand whatever on the part of the people. What does the proposed amendment do to section 4? It leaves it, as was admitted by some Senator on the occasion of my former discussion of this question, a skeleton, without the form or semblance of law as law is written. It eliminates from the section the provision relative to the election of Senators, and leaves the provision giving Congress the power to fix the time, places, and manner of holding elections for Representatives stand alone in the section. What becomes of the principle for which they profess in this hour to contend? Why should one rule pertain as to the election of the Members of the House and be rejected as to Members of the Senate? The proposed constitutional amendment eliminates from section 4 the provision—

> But the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

That is eliminated entirely and we have remaining the mere skeleton:

> The times, places, and manner of holding elections for Representatives shall be prescribed, etc.

Mr. President, there are some suggestions that I desire to make in addition to those I have heretofore made in regard to the election of Senators by what is called a direct vote. The population of our country is changing in character, and has been changing for half a century. The relation between the native-born American to-day and the foreign-born citizen of the United States is so radically changed from what it was 50 years ago that it enters into the consideration of this question. It was, 50 years ago, two-thirds American sentiment and one-third mixed sentiment. To-day the condition is reversed. It is one-third American sentiment and two-thirds mixed sentiment, from which we must gather the strength that will support the American sentiment. The proportion between those two classes of citizenship must be taken into consideration. We are receiving into this country an element of people that bring no traditions incident to our country with them. They come from other countries where the participation of the people in the determination of public questions does not exist. They come to this country with the idea that it is in the nature of a socialistic Government. They know nothing at all of the foundation, principles, or traditions of our Government. It takes generations for them to become imbued with the ideas essential to the maintenance of this Government; they seek to change it from the time they land on our shore. The element that supports the revolutionary party of this country is a foreign element. By and by, as gen-

Mr. BORAH. My colleague suggests there was a reason why the States were given control over the manner of electing electors, and why the States were given control, subject to the regulation of Congress, over the manner of electing Senators. I ask, as a matter of information, what was that reason? I have never been able to understand why the fathers gave to the legislature of the State the sole and exclusive power to prescribe the manner of electing electors and why they differentiated with reference to Senators. If there was a reason assigned in the debates or elsewhere I would be glad to have my colleague suggest it. I have never been able to find it.

Mr. HEYBURN. That is arguing that the presumption is against the wisdom of the founders of the Constitution.

Mr. BORAH. No; it is an humble and a frank admission on the part of the Senator from Idaho that he would like to learn something from his colleague.

Mr. HEYBURN. Mr. President, I do learn something every day from my colleagues, and the man who does not is probably either overegotistic or perhaps deficient in appreciation.

Mr. BORAH. I asked the question in perfect good faith. I assume my colleague thought I was simply bantering.

Mr. HEYBURN. No; I did not. I know the bent of mind of my colleague well enough to know he is sincere in what he does. But he has asked me a question, and it is my intention briefly to reply to it.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. I do not want to be interrupted just now. I will yield to the Senator from Oregon later.

When the question of the organization of this Government, as represented by the Constitution of the United States came before the people there were already States in existence, sovereign States, each bound only by articles of confederation. There was no concrete existing government, and it was necessary, in order to induce those States to enter into the compact represented by the Constitution, to recognize the States as governments, each distinct. The question arose as to how, or whether or not they should be a part of a general council of the Nation; and through long, hot days of debate that question occupied the attention of the constitutional convention. First, the question whether there should be one or two bodies. The States under the Confederacy had only one legislative body. They had no body of legislators which represented the States as States. The only legislative body they had represented all of the people in a Congress.

The States were not willing to give up their individual sovereignty unless they could retain their identity as States; and it was a question of contract between them as to how this branch of the Government, in which the States should appear as States, should be represented, and, secondly, how that representation was to be brought about. The disparity in size of those States, or of some of them, entered largely into the determination of that question. The smaller States, like Delaware, New Jersey, and others, were not willing to enter into any other body than the House upon the basis of their population. They said: "We are sovereign States; we want representation in a body in which all the States will be equal, have the same vote in determining questions that affect the Union or affect the States separately." They demanded it as a condition precedent to entering into the contract of government.

There would have been no occasion for having two Houses of Congress except for that condition. The demand for two Houses of Congress was based upon that condition. Otherwise, can any Senator give any reason why there should be two Houses of Congress?

If you are going to change the method of making up the Senate to the same method that prevails as to the House, you have only two Houses of Representatives. That is all. There is no longer that representation of the State as an entity. They would all be elected by what is called a popular vote, subject to the evils I have pictured.

I have heard my colleague say—and I suppose he is saying it now in his own mind—that the election by popular vote does not change the fact that the popular vote of the State elects the Senator.

But the government of the State is embodied in its legislature by the constitution of every State in the Union. The only government that the State has is crystallized in its legislature, and that is something for the State to look to. That which is crystallized government is recognized as the entity of statehood.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to his colleague?

Mr. HEYBURN. Certainly.

Mr. BORAH. The government of a State is crystallized in its executive, its judicial, and its legislative departments all combined. If you speak of it in the manner in which my colleague speaks of it, it would have been just as appropriate, if the fathers had seen fit to do so, to have referred the selection of Senators to the executive department. It could have been just as well said that the executive department alone, pursuing the argument which my colleague is pursuing, represented the government of the State. Now, as a matter of fact, speaking simply as a governmental entity, it is represented by the judiciary, the legislative, and the executive departments.

Mr. HEYBURN. Mr. President, it is true the State might have taken that position; but they did not. It was the States, and not the General Government, which determined how they should be represented in the United States Senate and how that representation should be procured. It was the States which opposed the idea that was advanced that Senators should be selected by the governor or by other portions of the State government. But it must be admitted that whatever government for the purpose of making laws there is in the State is in the legislature of the State. There is no government for legislation in the judiciary of the State, nor in the executive officers of the State; it is in the legislature. That is where the State government is crystallized, because the highest function of every government such as ours is in its legislative power. The courts are made by legislation, or the equivalent of it; they are added to or changed by legislation, or the equivalent of it, whether it be the State constitution or an act of its legislature. The States demanded this method of doing it, because the legislature was the only medium of power through which the State could act.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield further to his colleague?

Mr. HEYBURN. Certainly.

Mr. BORAH. If my colleague will pardon me for making one more suggestion——

Mr. HEYBURN. Certainly; it does not bother me at all.

Mr. BORAH. The legislature is the lawmaking body of the State, and it represents the sovereignty of the State so far as the lawmaking capacity of the State is concerned. One of the great objections which we have to permitting this function to remain with the legislature is because it is not a lawmaking function which the legislature is performing, and it is turning the legislature of the State into a political convention, which results in its being torn and distracted and venalized and corrupted by those things which work alone for political purposes and not for the purpose of making laws for the benefit of the State.

Mr. HEYBURN. Mr. President, that is the old argument of incompetency or unfitness of the legislature to perform this duty. The sovereignty of a State is in its legislature and nowhere else. It is not divided between the legislature and other functionaries of government. The sovereignty of a State rests where the lawmaking power rests, and it is not elsewhere, either in the State or in the General Government.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield further to his colleague?

Mr. HEYBURN. Certainly.

Mr. BORAH. Does my colleague contend that the sovereignty of a State is confined alone to the legislative department of the State?

Mr. HEYBURN. Yes, absolutely; and it was never written otherwise.

Mr. BORAH. Then when two governors are dealing with one another in reference to extradition neither of them represents the sovereignty of their respective States.

Mr. HEYBURN. They are merely the agencies of the legislatures that pass the law authorizing them to deal with each other.

That is police power. That is simply an act giving the performance of police duty by which one governor issues a requisition at the request of another for the purpose of apprehending those who have violated the law. The Senator would not contend that that was an act of sovereignty any more than he would contend that the arrest of a man on a street corner was an act of sovereignty.

Mr. BORAH. Mr. President——

Mr. HEYBURN. There is something which authorizes that to be done. The States have other powers that are granted through the Constitution of the United States. The Constitution of the United States is the foundation upon which the right of extradition rests; it was a part of the contract that formed the Nation.

erations come, they drop out, but they are reenforced by others that are coming in. For the last half century we have had to contend against the foreign idea or conception of our Government; we have had to contend against those who, because of their unfamiliarity with our system of government, are wandering in the field of political conjecture without any anchorage.

These conditions emphasize the necessity of standing by our written Constitution, which represented at the foundation of our Government the true principles upon which the Government should rest and which represent them in a larger measure to-day than ever before. There is more necessity to-day than there ever was for a citizenship that adheres to the foundation principles of this country, because of its traditions, because of the reasons for their adoption.

The Senator from Maryland says we are in an era of peaceful revolution. If this element is to grow and extend its influence upon our Government, we may find ourselves in a revolution that is not a peaceful one.

The guaranty, and the only guaranty, we have for the maintenance and continuance of our institutions under the Constitution is to maintain them. Nothing should recommend a change in the organic law of this country that arises in times of peace. We have never unwritten a word of the Constitution since it was adopted. It has never been seriously proposed that we unwrite a provision of the Constitution until in this hour, and we are proposing to write out of it the power of Congress to maintain the Government, to defend it against attempts to undermine and sap the fundamental law. Never until this hour has it been proposed to diminish the power of the Government in maintaining its own life and integrity. Men have talked it, revolutionists have preached it, theorists have prated about it, but statesmen have never before proposed to unwrite any provision upon which the power and the supremacy of our country rested.

At no time has it been proposed, prior to this hour of political disturbance referred to by the Senator from Maryland [Mr. RAYNER], that we should take away from the States acting as States the power to perform their constitutional functions in selecting Members to this body. Never has it received the consideration or the serious consideration of the Senate of the United States, and yet we are told now that we are going to change the whole system that regulates the relations between the States and the Government under the specious pretext of getting nearer to the people.

How does it get nearer to the people? As I see it only as it is, in the parlance of the police records, that it will get nearer to the people in order that it may get its hands into the pockets of the people's rights and filch them away. That is the way it will get nearer to the people.

Look at the result! To-day we have under consideration a great investigation involving the regularity of the election of a Member of this body. We are called upon to investigate the proceedings of the legislature of a single State. We can not attack or question the right of any member of the legislative body to hold office. We accept the legislature as the people of the State constituted it. What do we propose to do now? We propose to make it necessary, in the event of a contest, to investigate every county and precinct and ward in any State where a controversy arises. We open the temptation to those who would gain by these contests to contest, through the committees of this body, the elections in wards and counties and precincts.

We endanger the stability of the act of the people in another way. Should Senators be elected at a general election where precinct, county, State, and other officers are elected, the result of those elections could be tied up indefinitely. Proceedings to determine the regularity of an election at which State and county officers are elected would involve the determination of the election of a United States Senator which depended upon the vote in those subdivisions of our Government.

If a great contest arose over the election of a Senator from one of our great States within which great cities exist, we would have to send our committees to the ward poll books, to the county returns or the returns of the State; and Congress can not take away from the courts of the States the right to investigate those elections. Congress can not controvert the conclusion of the courts as to whether or not the polls were opened at the hour provided by law; as to whether or not the ballots were counted in the manner provided by law; as to whether or not the returns were made in the manner provided by law. They would be subject to the control and decision of the courts in proceedings familiar to every Member of this body regarding the regularity and the legality of the election; and then what would become of the United States senatorship?

No man could appear at the bar of the Senate with credentials until those questions were determined in the local courts. Who then would be determining the right of a Member to his seat in this body? The local courts, the supreme courts of the States, after the long term or procedure in which the consideration of the legality of those elections were being heard and determined. No man could appear at the bar of the Senate, because he would have no authenticated credentials which would authorize him to appear here.

Now, that might occur in one State or it might occur in all of the States, and it would be a temptation to many who were making a desperate struggle to be elected to this body to throw confusion about the election, to have claims made as to its irregularity, in order that it might be tied up in the courts, and there eventually, perhaps one or two or three years afterwards, be determined.

You transfer, in effect, the right to determine the membership of this body from the body itself to the minor courts of the land. We could not take up for consideration a question whether or not any man had been elected a Member of this body until the returns were canvassed. There is not a Senator here who has not in his own mind fresh the recollection of cases in which the canvassing of the returns of the election was enjoined by a court or controlled by it. The very foundation upon which the Senate bases the consideration of the question as to the right of one claiming membership in this body could not even be initiated until the courts having jurisdiction under the laws of the State had passed upon it.

These objections suggest themselves to the minds of Senators when they talk about taking the power and the duty from the legislature and placing it in the ward precinct. These questions are of such vast importance that they overshadow all of this political cry of corruption in legislatures. Is corruption more likely to exist in a legislative body than it is in the voting precincts of a State?

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER (Mr. JONES in the chair). Will the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. Certainly.

Mr. CHAMBERLAIN. I should like to ask the Senator from Idaho a question. As a matter of fact, is not the spirit of the Constitution violated now in those States where primary elections are held for the nomination of Senators and where the legislature usually follows the direction of the voters of the States with reference to the election of Senators?

Mr. HEYBURN. If there is one thing in my political career that I am more proud of than another, it is that I have always and consistently opposed the system suggested by the Senator from Oregon.

Mr. CHAMBERLAIN. I ask the Senator the question if it is not a fact that in most of the States of the Union the spirit of the Constitution is now violated in that respect, in that the people nominate their Senators and the legislature follows the suggestion of the people with reference to the election?

Mr. HEYBURN. I am restrained by such patriotism as I have from confessing that the Constitution of the United States is indirectly violated.

Mr. CHAMBERLAIN. Is it not so?

Mr. HEYBURN. It would be a crying shame against the people of the country to admit that the Constitution of the United States was being indirectly violated; and no man is a safe legislator or representative of the people who favors the indirect violation of the Constitution of the United States.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho further yield to the Senator from Oregon?

Mr. HEYBURN. Certainly.

Mr. CHAMBERLAIN. Whatever the Senator from Idaho may say with reference to that, I ask him if there is any provision in the Constitution which requires the elector, after he has been elected, to vote for any particular candidate for President?

Mr. HEYBURN. That is a stock argument. I have heard it so often. It is a comparison that is not a comparison. It is begging the question. The Constitution provides one manner for the election of Members of the House of Representatives. It provides another method for the election of presidential electors. Is that any reason why we should change the Constitution in regard to the manner of electing United States Senators?

There was a reason for the adoption of the different methods in the beginning, and that reason is just as potent to-day as it was then.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to his colleague?

Mr. HEYBURN. Yes.

Mr. BORAH. At one time in the Constitutional Convention Mr. Hamilton suggested that Senators be elected by dividing the States into districts and electing electors, which electors should choose a Senator. If that had been done, would not the Senator have represented the State the same as he does now?

Mr. HEYBURN. Mr. President, it is equivalent to asking whether or not if the Constitution of the United States had contained the Decalogue it would not be a religious institution. The fact is that they did not do it. The fact is that Mr. Hamilton's proposition was not accepted. The fact is that his methods of government were not adopted in that regard, and what is the use of wasting time in discussing the question as to what would have happened if Mr. Hamilton or Mr. Madison or any other member of that body had succeeded in forcing upon it views that were never accepted?

Mr. BORAH. I think there is a good deal in the suggestion of the Senator that we are wasting time in the discussion, but I am not willing to admit that Mr. Hamilton did not know where the sovereignty of the States rested.

Mr. HEYBURN. Mr. President, he did not know any better than my colleague knows or than I know or than other Senators know. If we are to be governed by the rejected wisdom of the patriots of that age, there would be no limit to what we might do in interpreting the fundamental law of the land. There is no use in wasting time over it. If something else had been done we might not have been a government; we might not have endured to this day. I can imagine several things that were proposed in the Constitutional Convention that made the Constitution of the United States which would have resulted in the disruption of this Government long ago.

Mr. CHAMBERLAIN. Mr. President——

Mr. HEYBURN. I yield to the Senator from Oregon.

Mr. CHAMBERLAIN. I should like to ask the Senator if he entertains the same fear that is entertained by many who have the same opinion he has—that if the amendment his colleague is pressing prevails the States will be deprived of their equal representation in the Senate?

Mr. HEYBURN. Not equal representation now. I discussed that question the other day and I promised that I would not go over it again. It is an important question. It goes not to the question that we have under consideration to-day, but it would pertain to the question of the calling of a constitutional convention. Many of the States have requested that a constitutional convention be called. We do not need to discuss that in this hour, because we are not proposing that a constitutional convention shall be called.

Mr. CHAMBERLAIN. I call the Senator's attention to Article V of the Constitution, which provides——

Mr. HEYBURN. I am very familiar with that article.

Mr. CHAMBERLAIN. It provides—

that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

It can not be done without the express consent of that particular State. So if all the other States were to consent to a change of their representation in the Senate, still Idaho might insist that it should be represented by two Senators.

Mr. HEYBURN. As I have stated, it is not worth while to enter upon a discussion of that question. The people of the United States are greater than the Constitution; they made it. They did not create anything that was greater than all the people. If the people of the United States meet in a constitutional convention to-day, they meet there with an unlimited right to make a constitution. You can not limit it. Congress can not limit the rights of the people, nor say what they shall do when they meet in a constitutional convention. They could disregard the article to which the Senator from Oregon refers and make a constitution in which that did not appear.

When the States are calling for a constitutional convention they know not what they are doing. They know not the danger that would confront them under such circumstances. It ought to be the wish and the hope of every patriotic American citizen that we would never again meet to make a constitution. With all the conflicting interests of this day and this age, with the great corporations, with the great labor question, with the hundred issues, you never could get 90,000,000 people to agree upon a constitution. No country the size of this country could make a constitution in this age. It is only in the incipient periods of government that they can do that kind of thing.

Mr. RAYNER. Mr. President——

Mr. HEYBURN. When there is no government and when there is a necessity for the creation of a government, then the smaller number that are always represented under such conditions can agree. There is the element of necessity; there is the spur to do something that will enable the people to have laws and enforce them; but with 90,000,000 of people we could never agree upon a Constitution. There would be the sectional questions, the race questions, the great moral questions which are before the country; they would all have a strong representation in such an organization and insist that a particular tenet should be incorporated into the Constitution. I yield to the Senator from Maryland.

Mr. RAYNER. Mr. President, if the Senator will just give me his attention for a moment; I was called out of the Hall during a part of his argument, but I wish to ask him a question. I do not suppose anyone on this floor is more familiar than the Senator from Idaho with the constitutional history of the country. I want to ask his view on this point: I adverted the other day to what was done when the States ratified the Constitution of the United States, and the senior Senator from Georgia [Mr. BACON] made an exhaustive argument on the same subject at the last session. It was done by 9 of the 13 States. The records of the other 4 States are lost, but I never had any doubt in my mind, and I do not think the Senator will have any doubt in his, that they would have adopted similar provisions. Nine of the 13 States put in the articles of ratification a construction of this fourth article, which did not give Congress the power to make, change, or alter the regulations of the States.

Now, I want to ask the Senator whether in his opinion, in arriving at the intention of the lawmakers, the best evidence of that intention is not what is contained in the articles of ratification?

I will follow that with another question. I ask the Senator whether in his opinion the Constitution of the United States would ever have been ratified if any one of those nine States had put the construction upon that constitutional article which the Senator from Idaho now places upon it?

Mr. HEYBURN. Mr. President, in the first place, the resolutions of ratification are no part of the Constitution of the United States. It has been held that they are no part of it, and they can not be appealed to in the construction of the Constitution in the Supreme Court of the United States.

Mr. RAYNER. I should like the Senator from Idaho to give me a single authority upon that subject.

Mr. HEYBURN. I might very easily be led off into a legal discussion and review of every decision of the Supreme Court in regard to this matter, but Senators must search for themselves. I take the responsibility of standing here in my place in this body and saying that the resolutions of ratification have never been held to be a part of the Constitution of the United States.

Mr. RAYNER. That is certainly true. No one would contend that the articles of ratification are a part of the Constitution of the United States, because, if they were, they would be in the Constitution. But are not the articles of ratification the best evidence of what the States intended when they ratified the Constitution?

Mr. HEYBURN. They are not evidence at all.

Mr. RAYNER. One moment. When Virginia, North Carolina, Rhode Island, Massachusetts, and all the States placed in their articles of ratification a provision that they would not ratify the Constitution if it meant what the Senator says it means—that Congress should make and alter the regulations—does the Senator say that is no evidence at all of the intention of the States?

Mr. HEYBURN. The intention of men in a State is one thing. I repeat that the resolution of ratification has never been held, and I assert it never will be held, to be a part of the Constitution or proper for consideration in the interpretation of any provision in the Constitution of the United States. The Senator will search in vain through the decisions of the Supreme Court of the United States for a reference to them in aid of the interpretation of any provision in the Constitution of the United States. When that great charter was written, it excluded everything that had preceded it in the way of argument as to why it was written. Through all the consideration given to the Constitution by the great jurists who had to deal with it in the first 30 years of the life of our country there is no decision based upon the ratification or the terms of the ratification of the Constitution. The Constitution was complete in itself, sufficient to enable the courts to establish a rule that could not be tempered by the resolutions of ratification, and we must consider it in this day.

Are we to shake the foundation of the Constitution by an appeal to that which transpired in the constitutional convention or in the proceedings of the States when they were considering its ratification? In the hour when we enter upon that method the Constitution will lose its great character that has been the safeguard of this Government. Certainty in the law, certainty in its meaning and in its execution, is of first impor-

tance. Can you come in 100 years after the making of such an instrument and show by irresponsible action of men—and it was irresponsible—that they did not mean what they said when they ratified, not the resolutions—they did not ratify the resolutions—but ratified the Constitution which did not contain the resolutions?

Mr. President, the question is, Shall it be changed? What has arisen in this country that justifies, much less demands, its change? Of course, it could be changed in many ways, perhaps, without destroying its efficiency as a basis for government, but the question now is not could it be done, but should it be done. What will be the demand to-morrow do you think? What will be proposed as the next amendment to the Constitution of the United States?

I know men who will be clamoring for a change in the manner of electing the President of the United States. I know men who will be clamoring for the recall of the Representatives of the States from Congress. I will not believe that there is a Senator in this body who would support such a proposition, yet I have seen it in print recently that the Constitution should be changed so as to permit a recall of the Representatives of the States in both Houses of Congress. What next? To destroy the life tenure of the judges will be the next one. Those who do not know the Constitution, who have no intelligent conception of its purpose, would support such an amendment. To limit the tenure of office and inject ambition and politics into the United States Supreme Court and break down the stability of our Government is one of them. Just start this raid upon the Constitution once and see where it will end.

You will see men standing up and claiming that the people are clamoring for it. The only people who are clamoring for those things are those who have no proper conception of the purpose of the system of our Government. Just open this door once and you will see. It will not be opened, thank God. The States will reject your proposition, and there will be hours and years for discussion among the people. The people love the Constitution of the United States and the Government that it stands for, and their vengeance will fall upon those whom they discover in the act of trying to subvert it and change it to the passing whims and fancies of a period of time where men's ambition is clamoring for a change of conditions in order that they may gain something. The people will awaken to this fact.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Yes; I yield.

Mr. CUMMINS. I understood the Senator to say a few moments ago that under certain influences, which he described, the voters of the United States had become incompetent and unfit to elect Senators by direct vote.

Mr. HEYBURN. Either the Senator's ears or my tongue must be out of order—one or the other.

Mr. CUMMINS. I am sure it was the Senator's tongue, for I could not have misunderstood his very studied reference to the influences of immigration and the consequent deterioration of the citizen of the United States. Immigration has brought us men, as claimed by the Senator, without tradition, without sentiment for free institutions, without the understanding of free institutions. Did not the Senator a few moments ago make the argument I have just cited?

Mr. HEYBURN. I am unable to see the connection between that statement and the first. I presume the Senator can connect them.

Mr. CUMMINS. The Senator was proceeding to decry the amendment to the Constitution because, he asserted, legislatures would elect better men to the Senate of the United States than the voters he described would elect to the Senate of the United States. That was the conclusion of the Senator's argument. Am I not right?

Mr. HEYBURN. I will tell the Senator what I said, and I will apply it. The Senator seems to have been unable to apply my remarks to the question under consideration.

Mr. CUMMINS. I often find myself unable to apply not only the remarks of the Senator from Idaho, but a great many other remarks I hear on the floor.

Mr. HEYBURN. To take up distinct subjects and embody them into a continuous question presents a difficult problem sometimes.

Mr. CUMMINS. I think this is a difficult problem for the Senator.

Mr. HEYBURN. Now, let us see what I will do with the problem. I referred to the standard of the new citizenship in connection with the question of the conservative, reliable element of the American people that must be depended upon to maintain the traditions and the principles of our Government. I never will retreat from that statement. Our immigration is made up from men who are not familiar with American institutions. The great majority of them know nothing of the history out of which present conditions grew. The great majority of them know nothing of the traditions of the Government as crystallized and embodied in the laws that govern us, and too often their first effort is to change a law which is a surprise to them, or inconvenient, as it may be.

Mr. CUMMINS. Mr. President——

Mr. HEYBURN. Just a moment. I do not apply that to all the citizenship that comes to us. I was simply issuing a warning against taking the judgment of that predominant element as against the judgment of those trained and born through their ancestry as a part of this Government.

The PRESIDING OFFICER. Does the Senator from Idaho yield further to the Senator from Iowa?

Mr. HEYBURN. Certainly.

Mr. CUMMINS. It is perfectly clear that I was right, and the conclusion which the Senator from Idaho drew from his premises was that it was unwise to extend to these voters the further power and privilege to elect directly Senators of the United States.

Mr. HEYBURN. Yes; that is right.

Mr. CUMMINS. I am quite right. Now, may I ask the Senator another question?

Mr. HEYBURN. Certainly; and I will answer the question, but I do not want to go off into that field of argument.

Mr. CUMMINS. Before the Senator answers me I want to add to it another question, which I am sure he will be willing to answer at the same time. He believes that the legislatures of the several States are better fitted to elect Senators than the voters in their primary capacity. I have no doubt he believes that honestly. I suppose he has fair respect for the present membership of the Senate of the United States, has he not?

Mr. HEYBURN. I think the Senator had better withdraw that question. It implies that I do not.

Mr. CUMMINS. No.

Mr. HEYBURN. And a Senator——

Mr. CUMMINS. No; on the contrary——

Mr. HEYBURN (continuing). Who will stand here and attack the ability or integrity of a fellow Member is not a man to be heard on this floor.

Mr. CUMMINS. On the contrary, it implies that he has the respect of which the Senator spoke. It was simply a prelude to the further question, which is, How many Senators now sitting in the Senate of the United States were, in fact, selected by the legislatures of their several States and how many are the choice of these same voters expressed in some form of primary?

Mr. HEYBURN. Very well; I will find out. Does the Senator from Iowa represent the will of the people of Iowa? I will commence and I will catechise a few Members and find out whether any of them will acknowledge that they are not here by virtue of the exercise of an honest judgment.

Mr. CUMMINS. I will answer the Senator from Idaho, althought I am sure if he would simply recur to the laws of the several States he would know what proportion of the membership of this body has been in fact selected by the legislatures. Now, answering for myself, I will say that I was selected by a primary vote in my State, and, in my opinion, if I had not made many, many struggles before the primary voters of my State and if I had depended simply upon the will or wish of a legislature, brought together as legislatures are ordinarily brought together, I never would have been in the Senate of the United States.

Mr. HEYBURN. Mr. President, I will not join with the Senator from Iowa in discrediting the State of Iowa or the legislature of it. I will not accept the statement of the Senator from Iowa that the Legislature of Iowa is corrupt or was corrupt, or that the State of Iowa is not capable of selecting an honest legislature.

Mr. CUMMINS. Mr. President, I have said nothing of that sort. I only say it would have selected, probably, had not the influence of the primary been brought upon it, some other man to represent it in the Senate of the United States, and that man——

Mr. HEYBURN. Some bad man?

Mr. CUMMINS. That man might have represented the State far better than I can possibly represent it; but I am not going to admit it.

Mr. HEYBURN. Would they have selected some bad man for the Senate?

Mr. CUMMINS. I hope not, Mr. President, but the chances are that he would have been a man holding different views from those which I hold.

Mr. HEYBURN. Would the Senator object to placing in a receptacle of some kind the names of the Senators who, in his judgment, are not entitled to seats on this floor?

Mr. CUMMINS. Mr. President, the Senator from Idaho is illogical, as he generally is, and facetious, as he always is. I have not suggested that the legislatures of the several States who have elected men without the interference or influence of a primary have not elected good men, but the Senator from Idaho is insisting throughout a long course of argument that if the voters of the United States be permitted to say who shall be their Senators then this body will be overrun by a crowd of incompetent and unfit and rash and socialistic and radical men who have no proper views of government. I am simply recalling to his attention the fact that the people of this country, in despair of amending the Constitution, have accomplished this reform for themselves.

Mr. HEYBURN. Like a burglar.

Mr. CUMMINS. In an irregular way, I agree, but they have accomplished it.

Mr. HEYBURN. Like a burglar.

Mr. CUMMINS. And they have accomplished it so effectively that, whether the Constitution is amended or not, the people in many or most of the States will choose their own Senators.

Mr. HEYBURN. Mr. President, the Senator has made an assertion as to what I have said that has no foundation and will not be found in any record on earth, not even in an irresponsible newspaper—that is, that the people of the United States are incompetent——

Mr. CUMMINS. Mr. President——

Mr. HEYBURN. Just a moment.

Mr. CUMMINS. I am going to retract if I have made any such statement.

Mr. HEYBURN. The Senator makes that statement. He says I have stated that if the people elected Senators they would be incompetents. I use the word "incompetents" to include all the various designations that he used. I have said nothing of the kind, here or elsewhere, and I believe nothing of the kind. The Senator made that statement and then rushed along to another subject not germane to it, so that I might, perchance—I do not mean that he did it with that idea—but so that I might, perchance, overlook the fact that he charged me with entertaining and expressing views that I have never entertained and expressed. I have confidence in the people of the United States that they have too much sense to change the Constitution of the United States, and that will be impressed upon the memory of the Senator from Iowa and upon the memory of all Senators. This body of 92 men may demand a change in the Constitution, but the people of the United States, the composite wisdom of the people of the United States, will not justify them nor support them.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. I do.

Mr. CUMMINS. That, Mr. President, is a matter for the future. But if I have misunderstood the Senator from Idaho, I am quick to express my regret for the misunderstanding and my great pleasure to discover that I did misunderstand him. If the Senator from Idaho believes, as he now says, that the people of this country can wisely and safely and patriotically elect their Senators, then, of course, the whole argument is at an end.

Mr. HEYBURN. Mr. President, the American people are capable of maintaining a good government and of selecting wise, intelligent men to exercise the right of government for them. They elect to the other House of Congress men who in character and ability are the equals of the men who occupy seats in this Chamber; and I have never intimated, and no man can charge me with ever having said, that the people are not capable of selecting wisely when they choose their representatives. I have talked about the States and I have talked about the manner in which the people in the States could best exercise their duty to choose Members of this body. I do not necessarily condemn every other man; I do not necessarily have to abandon an existing provision of the Constitution merely because some other provision might be made or might work equally well. Is this attempt to amend the Constitution simply an experiment to see whether or not something else might not do as well? Is that a sufficient motive; is that a sufficient reason for the amendment of the Constitution? They have brought in this proposition and then go out to seek for reasons and justification for it.

This measure is not in response to the constitutional number of States who may require us to act or who may act upon this question. Suppose, for instance, as the law provides, a jury of 12 men shall be summoned to try a cause. If 11 of them are of one opinion, does that justify the rendering of a verdict? Would the court receive the verdict because it represented the sentiment of the majority?

The Constitution says that we may propose amendments to the people. That is the subject under discussion; but Senators have continually forced upon our attention the fact that a certain number of States, less than the constitutional number, have demanded a change in the method of electing Senators.

If one less than the constitutional number demands it, it does not justify our action on the ground that the people have demanded it. It requires the constitutional number of States to express an opinon upon which we may act. A jury can not render a verdict upon the judgment of 11 men, nor can we act under the claim of justification by public demand unless that proportion of the public named in the Constitution demands the change. There has never been a time when the constitutional demand for the proposed amendment has been made upon Congress. There are to-day not to exceed 19 States which have asked Congress to take this action. Congress does not require any demand, but Senators here place their claim for support upon this alleged demand of the States. When a sufficient number of States come to Congress demanding a constitutional change, I would be the last man in the world to stand here and oppose it, for it is a constitutional right; but until they do, I do not propose to be dragooned into the support of a measure under the pretense that it is in answer to a popular demand, when there is no demand that should appeal to us. When Senators vote for a proposed constitutional amendment such as is before us, they must do so on their judgment, and the Senator who does not do so on his judgment is not justified in doing so at all.

The people, however, will have a chance to deal with this question; and as this is the last time that I expect to speak upon it at this session of Congress, and I hope forever, I have felt impelled to present the views that I have expressed this afternoon. Let it go out to the people of this country that you are proposing to experiment with the Constitution and to make a change for which there is no sufficient reason—a change that is a charge in itself against the integrity and ability of the people who select the State legislatures—and they will resent it.

You are going to send the proposed amendment to the discredited tribunals, the legislatures of the States who, you say, are not fit to select Senators, and yet those legislatures are to pass upon this question. Are they better fitted by intelligence or integrity to pass upon the wisdom of this amendment to the Constitution than they are to pass upon the selection of a United States Senator?

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the senior Senator from Idaho yield to his colleague?

Mr. HEYBURN. I do.

Mr. BORAH. I desire to ask, Is there any other body to which we can submit this question for ratification? If we could submit it direct to the people, I should be very glad to do so.

Mr. HEYBURN. Well, Mr. President, inasmuch as it ought not to be submitted at all, I do not think I need go out and hunt some person to whom to submit it. But does the Senator remember that in history he is told that the makers of the Constitution submitted it to the legislatures of the States? Were those legislatures fit to pass upon the creation of the Constitution and all that is in it? Of course it was ratified by the legislatures of the States. How does the Senator suppose it was ratified?

Mr. BORAH. It was ratified by conventions elected for that purpose.

Mr. HEYBURN. It was left to the States, and the legislatures created the conventions. Were those legislatures, those incompetent, corrupt, inefficient bodies selected from the best citizenship of the States fit to create conventions? Are those legislatures to be discredited because they are not fit, are not competent, can not be trusted to elect Senators, when every Member of this body was elected by a legislature? Is there any Senator here who will dare send back home the message that the legislature which elected him was corrupt and inefficient? It might probably affect his return.

I should like to see some Senator rise in his seat and say that the legislature of his State which elected him was not competent, was not fit, was not honest enough to be trusted. [Laughter.] Then I should be interested to see him go back and say "I am a candidate for reelection." [Laughter.]

Mr. President, the next time I speak upon this question it will be to the people in the States.

EXECUTIVE SESSION.

Mr. GALLINGER. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 5 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 47 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 8, 1911, at 2 o'clock p. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 7, 1911.

UNITED STATES DISTRICT JUDGES.

Henry A. Middleton Smith to be district judge for the district of South Carolina.

James D. Elliott to be district judge for the district of South Dakota.

PROMOTIONS IN THE NAVY.

Lieut. Commander Frank H. Schofield to be a commander.

The following-named ensigns to be lieutenants (junior grade):

Owen Bartlett,
Henry G. Fuller,
George E. Lake,
Fred F. Rogers, and
Arthur A. Garcelon, jr.

The following-named midshipmen to be ensigns:

Ralph D. Weyerbacher,
William W. Smith,
Luther Welsh,
David I. Hedrick,
Carl P. Jungling,
Olaf M. Hustvedt,
Gaylord Church,
Harold T. Smith,
Cummings L. Lothrop, jr.,
Preston B. Haines,
Herbert R. A. Borchardt,
Thomas B. Richey,
Robert S. Robertson, jr.,
Gerard Bradford,
Mark L. Hersey, jr.,
Frank T. Leighton,
Alva D. Bernhard,
Chester S. Roberts,
Penn L. Carroll,
Benjamin V. McCandlish,
Daniel A. McElduff,
Arthur S. Dysart,
Hugh P. Le Clair,
Phillip F. Hambsch,
Edmund S. R. Brandt,
Ralph D. Spalding,
James D. Maloney,
Alan G. Kirk,
Fitzhugh Green,
Levi B. Bye,
Granville B. Hoey,
Tracy L. McCauley,
Francis W. Scanland,
Joel W. Bunkley,
Max B. De Mott,
Ernest J. Blankenship,
John J. Saxer,
Leo L. Lindley,
Harold C. Train,
Richard McC. Elliot, jr.,
Lee P. Johnson,
Monroe Kelly,
Alfred L. Ede,
Raymond E. Jones,
Marion C. Robertson,
Edward C. Raguet,
Ward W. Waddell,
Charles C. Davis,
Robert R. Paunack,
Frank D. Manock,
George K. Stoddard,
Williams C. Wickham,
Freeland A. Daubin,
Anson A. Merrick,
Hugh V. McCabe,
Paul H. Rice,
William C. Faus,
Radford Moses,
Thomas E. Van Metre,
John H. S. Dessez,
Stuart S. Brown,
Richard W. Wuest,
Charles H. Morrison,
Robert G. Coman,
William C. Bartlett,
Holbrook Gibson,
Howard H. J. Benson,
William D. Billingsley,
Virgil J. Dixon,
James B. Glennon,
Franklin Van Valkenburgh,
Vance D. Chapline,
Charles S. Yost,
Frank A. Braisted,
Robert E. Thornton,
John Borland,
Oscar C. Greene,
Raleigh C. Williams,
Thalbert N. Alford,
Eugene M. Woodson,
James S. Spore,
Charles H. Maddox,
Edgar A. Logan,
Benjamin F. Tilley,
Mark C. Bowman,
Harold A. Waddington,
Percy W. Northcroft,
Augustine W. Rieger,
James B. Rutter,
Cyrus D. Gilroy,
Theodore H. Winters,
Robert P. Guiler, jr.,
Ralph G. Haxton,
Charles M. Elder,
James M. Doyle,
Creed H. Boucher, and
Henry T. Settle.

POSTMASTERS.

IOWA.

H. E. Deater, Shenandoah.

MICHIGAN.

A. J. Glover, Galien.
John T. P. Smith, Clarkston.

NEBRASKA.

William R. Pedley, Bertrand.

OREGON.

John A. Stevens, Dufur.

VIRGINIA.

Charles C. Bolton, St. Paul.
A. P. Calfee, Basic City.
Charles A. Lacy, Houston.
John Henry Scott, Saltville.
Clinton L. Wright, Norfolk.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 7, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, author of our being and bestower of every good gift, we lift up our hearts in gratitude to Thee for all Thy favors, and we most fervently pray that Thy spirit may so completely possess us that it may crowd out of our being all evil desires and sinful propensities, that we may hallow Thy name in all that we undertake this day, that no sorrows, no regrets shall follow in its wake to disturb our peace and happiness, and we will ascribe all praise to Thee through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALENDAR WEDNESDAY.

Mr. SIMS. Mr. Speaker, I ask to submit a request for unanimous consent.

The SPEAKER. The Chair would desire to inquire of the gentleman from Tennessee what it is about.

Mr. UNDERWOOD. Will the gentleman yield to me for a moment?

Mr. SIMS. I yield to the gentleman from Alabama for a moment.

The SPEAKER. The Chair desires to announce to the House that this is Calendar Wednesday, and no business is in order except a motion to dispense with it or to take up the business that comes up on Calendar Wednesday.

Mr. UNDERWOOD. Mr. Speaker, I have consulted with the gentleman from Illinois, the leader of the minority, and we have agreed between ourselves that the business on the calendar is not of such great importance as makes it necessary to call it up to-day, and I therefore move to dispense with the business of Calendar Wednesday.

The SPEAKER. The gentleman from Alabama moves to dispense with the business on Wednesday's calendar.

The question was taken, and, in the judgment of the Chair two-thirds having voted therefor, the motion was agreed to.

Mr. SIMS. Mr. Speaker——

The SPEAKER. The Chair desires to recognize another gentleman from Tennessee first, and then he will recognize the gentleman from Tennessee.

STATISTICS IN REGARD TO SCHEDULE K.

Mr. HULL. Mr. Speaker, I desire to submit the following privileged report (No. 48) from the Committee on Ways and Means on House resolution 177.

The SPEAKER. The gentleman from Tennessee submits a report on a privileged matter, which the Clerk will read.

The Clerk read as follows:

House resolution 177.

Resolved, That the President of the United States be, and he is hereby, requested to transmit to the House of Representatives, for the use of the Members thereof, all the information secured and the tables and statistics prepared by the board of experts, composed of Henry C. Emery, James B. Reynolds, Alvin H. Sanders, William M. Howard, and Thomas W. Page, relating to the various articles and commodities named in Schedule K of the act approved August 5, 1909, being "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," and relating to wool and manufactures thereof.

The report was read as follows:

Mr. HULL, from the Committee on Ways and Means, submitted the following report:

"The Committee on Ways and Means, to whom was referred House resolution 177, calling on the President to transmit to the House of Representatives certain data and statistics relating to Schedule K of the existing tariff law, having had the same under consideration, beg leave to report with the recommendation that it do pass."

Mr. HULL. Mr. Speaker, I yield 15 minutes to the gentleman from Minnesota [Mr. ANDERSON].

Mr. ANDERSON of Minnesota. Mr. Speaker, I anticipate that the purpose of this resolution is so self-evident as to make any discussion of its object unnecessary, but it is perhaps not improper to briefly discuss the propriety of its passage at this time. I do not know much about the details of the tariff, but such ideas as I have about the tariff in general are fairly well defined. I recognize that great line of demarcation which separates the ideas and ideals in tariff legislation of gentlemen on that side of the aisle and the ideas and ideals of gentlemen on this side of the aisle. I recognize, of course, the fundamental difference in principle between a tariff levied primarily for protection and a tariff levied primarily for revenue, but I have come to regard the levying of the tariff whatever the underlying and basic principal as an economic rather than a political problem, and as one which should be solved in the light of a full, complete, accurate, and scientific knowledge of the facts and with due regard to the definitely ascertained necessities of our industrial institutions. It is conceded on every side that whatever the basic political principle involved in levying the tariff may be the inevitable consequence is that certain industries receive a benefit in the way of protection and that a practically corresponding burden is imposed upon the people. These advantages ought not to be extended or these burdens imposed without accurate knowledge of their propriety or necessity. Great injustice and great inequalities must necessarily result from such a course.

In my optimistic moments I have hoped that the time would come when tariff bills would be measured and their merits or demerits determined, not altogether by the height of the wall erected against foreign competition or the amount of revenue raised by them but rather by the justice and equality which characterized the distribution of their benefits and burdens, when accurate information would make possible the scientific adjustment of the tariff to known industrial necessities and the conservation of the welfare of the whole people. I have believed and still believe that the creation of a board of tariff experts would greatly assist in obtaining such information.

The employment of the present board of experts was authorized by the tariff act of August 5, 1909. The continuance of the board was insured by an appropriation contained in the sundry civil act approved March 4, 1911, which provided in part—

To enable the President to secure information to assist him in the discharge of the duties imposed upon him by section 2 of the act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, and the officers of the Government in administering the customs laws, including such investigations of the cost of production of commodities, covering cost of material, fabrication, and every other element of such cost of production as are authorized by said act, and including the employment of such persons as may be required for those purposes; and to enable him to do any and all things in connection therewith authorized by law, or if a tariff board be established by law then for the purpose of meeting the expenditures authorized by the law, $225,000, together with the balance unexpended July 1 next of the appropriation made for these purposes for the fiscal year 1911.

I want to call particular attention to the next paragraph:

The Tariff Board, if established by law, shall make report to each House of the Congress on the wool and woolen schedule not later than the first Monday in December, 1911.

This paragraph is not applicable to or binding upon the existing board of experts, but I am informed that the board has for several months been engaged in gathering the necessary information to enable them to comply with this provision of the law. I am frank to say that I do not know what or how much information the board has gathered on the wool schedule, but I do contend that the Congress of the United States and the country are entitled now, when we are about to enter upon a revision of the wool schedule, to have such information and statistics as the board has gathered on that schedule.

The wool schedule is one of the most important of the tariff schedules. It requires a very high degree of technical and accurate information in its revision. We ought to have at least such information as is now available upon it. We should have that information now, when it will be of some use.

Now, it may be claimed that the Tariff Board has not completed its investigation and ought not to be required to report at this time for that reason. But, conceding that the investigation is not completed, that fact ought not—and, I am sure, will not—affect the accuracy of the information thus far obtained or the propriety of considering that information in connection with the proposed revision of the wool schedule.

The report of the Tariff Board will not in any event be binding upon Congress. It will only be considered for whatever it may show itself to be worth. If it contains information which tends even in a slight degree to assist the Congress in equalizing the burdens which the proposed wool schedule must inevitably impose upon the people, it will have been justified.

For the considerations which I have thus briefly urged I trust the resolution will pass. [Applause.]

Mr. HULL. Mr. Speaker, if no other gentlemen desire time to discuss the resolution, I shall ask for a vote.

Mr. MOORE of Pennsylvania. Mr. Speaker——

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Pennsylvania?

Mr. HULL. How much time does the gentleman desire?

Mr. MOORE of Pennsylvania. I only want to ask the gentleman a question. This resolution provides that the President shall forward such information as the Tariff Board may have already obtained with regard to Schedule K. Does not the act creating the Tariff Board provide that the report of that board shall come in in a regular way about the 1st of December?

Mr. HULL. As I recall the provisions of that act, there is no specific time designated in which the report shall be made.

Mr. MOORE of Pennsylvania. Will not the passage of this resolution at this time tend to delay the complete work of the Tariff Board with regard to Schedule K? That is to say, if taken away from its duties of investigation and made to report in a partial way at this time, will it not delay the general work that Congress committed to the Tariff Board?

Mr. HULL. I am unable to see how it could operate to delay the work of the board. They are understood to have been engaged on it for some months, and they are, of course, familiar with the progress of a similar investigation here, and that they would doubtless be expected to furnish the House with such available information and facts as they had acquired up to this time.

Mr. MOORE of Pennsylvania. May I ask the gentleman whether there is reason to believe, on the part of the proponent of this resolution or of the committee reporting it, that the Tariff Board is now prepared to report in full its investigations upon Schedule K?

Mr. HULL. I can only say that it would be natural to believe that after several months' work in this connection the board would have some tangible facts and data compiled that would be of some value in connection with this bill.

Mr. MOORE of Pennsylvania. Does the gentleman think that the preparation of the partial report called for by this resolution would not impede the regular work of the Tariff Board, as provided by the act creating the board?

Mr. HULL. I do not think so. I ask for a vote, Mr. Speaker.

The question being taken, the resolution was agreed to.

TOBACCO TRUST PROSECUTIONS.

Mr. CLAYTON. Mr. Speaker, I present a privileged report (No. 49) from the Committee on the Judiciary.

The SPEAKER. The gentleman from Alabama brings up a privileged report from the Committee on the Judiciary, which the Clerk will report.

The Clerk read as follows:

House resolution 193.

Resolved, That the Attorney General of the United States be, and he is hereby, directed, if not incompatible with the public interest, to report to the House of Representatives for its information—

Whether any criminal prosecutions have been begun or been had against the American Tobacco Co., or any of its constituent companies or associations, or any of the corporations, companies, or associations constituting what is commonly called the Tobacco Trust, or against any of the individuals connected with or associated with the American Tobacco Co., or any of its constituent companies or associations, or connected with or associated with any of the corporations, companies, or associations constituting what is commonly called the Tobacco Trust, for violation of any provision of the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890; and, if not, why such criminal prosecutions have not been begun or been had; and

Whether any criminal prosecutions are contemplated by the Department of Justice against the American Tobacco Co., or any of its constituent companies or associations, or any of the corporations, companies, or associations constituting what is commonly called the Tobacco Trust, or against any of the individuals connected with or associated with the American Tobacco Co., or any of its constituent companies or associations, or connected with or associated with any of the corporations, companies, or associations constituting what is commonly called the Tobacco Trust, for violation of any provision of the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890; and, if not, why such criminal prosecutions should not be had.

The report (by Mr. CLAYTON) was read, as follows:

The Committee on the Judiciary have had under consideration House resolution 193, directing the Attorney General to furnish information regarding criminal prosecutions against the American Tobacco Co., and report the same back to the House with the recommendation that it be passed.

Mr. MANN. I reserve a point of order on this.

The SPEAKER. The gentleman from Illinois [Mr. MANN] reserves a point of order.

Mr. MANN. The resolution is subject to a point of order, although I see no reason myself why it should not be passed.

Mr. CLAYTON. Then I hope the gentleman will waive the point of order, thus avoid a debate, and let us pass the resolution at once.

Mr. MANN. I intend to waive the point of order, unless someone else desires to raise it. I withdraw the point of order, although I will say to the gentleman that resolutions asking for reasons are subject to a point of order.

Mr. CLAYTON. Inasmuch as the gentleman has waived it, I do not care to debate that point of order, though I am prepared to debate it, and I do not think the resolution is subject to the point of order suggested by the gentleman. He has, however, contributed to my happiness, and, I doubt not, to the happiness of the House, by waiving the point of order and permitting the resolution to be passed at once.

Mr. MANN. I withdraw the point of order; but I will say to the gentleman that it has been repeatedly held that to ask a department for reasons was not asking for information, and was not privileged.

Mr. CLAYTON. I ask for a vote.

The SPEAKER. The question is on the adoption of the resolution offered by the gentleman from Alabama [Mr. CLAYTON].

The question being taken, the resolution was agreed to.

SPEECH OF PRESIDENT TAFT AT CHICAGO.

Mr. SIMS. Mr. Speaker, I want to ask unanimous consent that 5,000 copies of the address of President Taft before the Western Economic Society at Chicago June 3 be printed as a House document and placed in the folding room to the credit of the Members.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that 5,000 copies of the President's speech before the Western Economic Society at Chicago last Saturday night be printed as a public document and placed in the folding room to the credit of the Members.

Mr. CANNON. Mr. Speaker, who makes that request?

The SPEAKER. The gentleman from Tennessee [Mr. SIMS].

Mr. CANNON. I would like to ask the gentleman from Tennessee if this is by caucus action? [Laughter.]

Mr. SIMS. It is certainly without caucus opposition. [Laughter.]

Mr. MANN. Mr. Speaker, I suggest to the gentleman from Tennessee that that speech has already been ordered printed as a Senate document. I will ask him whether he wants it printed as a House document, or 5,000 extra copies of the Senate document?

Mr. SIMS. I did not know that it had been printed as a Senate document, but whichever way will be the most economical and desirable will be satisfactory to me. I care not so that the House gets the 5,000 copies.

Mr. MANN. I suppose it makes no great difference, although it is not customary to order Senate documents reprinted as House documents.

Mr. WILSON of Illinois. Will the gentleman yield?

Mr. SIMS. I yield to the gentleman.

Mr. WILSON of Illinois. Might I suggest to the gentleman from Tennessee to have printed and attached to this speech the editorial in the Commoner by Mr. Bryan?

Mr. SIMS. I have not seen the editorial referred to, but I presume it is a worthy document. I am willing to take that up with the gentleman later. [Laughter.]

Mr. MOORE of Pennsylvania. Will the gentleman yield to me?

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Pennsylvania?

Mr. SIMS. I do.

Mr. MOORE of Pennsylvania. I want to ask the gentleman from Tennessee if he makes this proposition of his own volition?

Mr. SIMS. I do.

Mr. MOORE of Pennsylvania. Without suggestion?

Mr. SIMS. Yes; without suggestion. I did ask the gentleman from Alabama [Mr. UNDERWOOD] if he had any objection, and he said he had none.

Mr. MOORE of Pennsylvania. I observed in the newspaper this morning that the gentleman was about to do this gracious act, and I thought he might inform us if he did it of his own free will.

Mr. SIMS. Of my own unrestrained will, as I have stated.

Mr. FITZGERALD. Will the gentleman from Tennessee yield?

Mr. SIMS. I will.

Mr. FITZGERALD. The gentleman asked that these go to the folding room. Why not put them in the document room, where they can be had just as well by Members?

Mr. SIMS. I want to send them out to my constituents and to such persons as feel interested enough to ask for them.

Mr. FITZGERALD. Some Members may not care to have them. Some equally good Democratic speeches have been made on the same subject.

Mr. SIMS. As far as I am concerned, I am more anxious to have them printed and read than to have them placed in any particular place.

Mr. CANNON. Will the gentleman from Tennessee yield for a moment?

Mr. SIMS. Certainly.

Mr. CANNON. I take it that this speech has already received a reading by many people in the Republic. So far as I have noticed, there has been no speech made within my recollection that has been so universally sent by the press dispatches and so universally printed in the metropolitan papers, having in the aggregate many, many millions of subscribers. I shall not object to the request of the gentleman from Tennessee, but as a public document to be sent out at the expense of the Government, after the vast publicity that has already been given to it, there is a query whether it will not be like many other public documents—antiquated before it is received. I shall not object.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none.

COMMITTEE ON EXPENDITURES IN THE STATE DEPARTMENT.

Mr. HAMLIN. Mr. Speaker, I ask unanimous consent that the Committee on Expenditures in the State Department, or any subcommittee thereof, may have the privilege of sitting during the sessions of the House. (H. Res. 198.)

The SPEAKER. The gentleman from Missouri asks unanimous consent that the Committee on Expenditures in the State Department, or any subcommittee thereof, have leave to sit during the sessions of the House. Is there objection?

Mr. GARRETT. Mr. Speaker, will the gentleman yield?

Mr. HAMLIN. Certainly.

Mr. GARRETT. Did not the resolution reported from the Committee on Rules authorize this work to go on during the sessions of the House?

Mr. HAMLIN. That was only to sit during vacation.

Mr. GARRETT. I have no objection.

The SPEAKER. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none, and it is so ordered.

THE WOOL SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 11019, a bill to reduce the duties on wool and manufactures of wool, and pending that motion I ask unanimous consent that all gentlemen who speak on this bill may have five days after the vote on the bill is taken to extend and revise their remarks in the RECORD.

The SPEAKER. Five legislative days or five calendar days?

Mr. UNDERWOOD. Five legislative days.

The SPEAKER. The gentleman from Alabama moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 11019, a bill to revise the wool schedule, and pending that he asks unanimous consent that all Members who speak on this bill shall have five legislative days after the bill is voted upon in which to print remarks on the same. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Alabama [Mr. UNDERWOOD] whether he thinks that would permit the insertion very liberally in speeches that are extended and not delivered of such language as "applause," "wild and tumultuous applause," and language of that character? I notice in a speech that was printed in the RECORD the other day the statement was made amidst applause, "Jesus was born in a manger, and John the Baptist fed on locusts and wild honey." Mr. Speaker, I had not supposed that a statement of that kind was so new to Members of the House that it was needed to be received with applause. I do not know whether it was received with applause, though I apprehend that the word "applause" in that place and various other places in that speech or other speeches was inserted not by the reporters of the House, but by some other gentleman. Now, I have no objection to gentlemen who speak having the right to revise and extend their remarks in the RECORD in a legitimate way, but it seems to me that when we grant the right in this way there ought to be some limitation upon the propriety of the extension and the insertions in the speech, and unless such proprieties can be observed when such a request is made hereafter I shall object.

Mr. PAYNE. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Certainly.

Mr. PAYNE. Mr. Speaker, I do not think the gentleman from Illinois [Mr. MANN] ought to read that language without naming the page of the RECORD on which it appeared, so that we may identify the Member, for it is a sort of reflection on all of the Members of this House if such things appear. I am apprehensive that something of that kind may have appeared in my remarks that I may have made [laughter], although I have never had any connection with anything of that kind. I think that every Member who is not guilty ought to escape, and the gentleman ought to identify the speech.

Mr. MANN. Mr. Speaker, I do not think that would be the proper thing to do. I think those things, when they have been inserted in the RECORD in the past, have been inserted through innocence, not with any intention of doing a wrong or an improper thing, and that it is sufficient to call the attention of Members of the House to such a situation without making any specific discrimination.

Mr. CANNON. Mr. Speaker, will the gentleman kindly tell us whether the word he used is spelled i-n-n-o-c-e-n-c-e or i-n-n-o-c-e-n-t-s? [Laughter.]

Mr. MANN. Well, I said "innocence."

The SPEAKER. Is there objection. [After a pause.] The Chair hears none, and it is so ordered.

Mr. UNDERWOOD. Mr. Speaker, pending the motion, I desire to submit a further request for unanimous consent, that the debate on this bill shall be equally divided between the two sides of the House, one-half of the time to be controlled by myself and one-half of the time to be controlled by the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, if the gentleman will allow me, I desire to state that the gentleman from Connecticut [Mr. HILL] has gone home ill. He had some observations that he wanted to make upon this bill, and it was agreed between him and the gentleman from Alabama that they should be inserted by unanimous consent. I ask the gentleman from Alabama that he couple that with his request and that those remarks, which I will hand in to the reporters, may be inserted after the opening speech is made on that subject.

Mr. UNDERWOOD. Mr. Speaker, I will say to the gentleman from New York that I will submit that as a separate request as soon as I get through this other.

Mr. PAYNE. Very well.

Mr. MADISON. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. MADISON. I would like to inquire if the gentleman expects to submit any request with regard to the limitation of general debate?

Mr. UNDERWOOD. Not at this time.

Mr. MADISON. May I be pardoned if I suggest that a request of that kind be preferred, and that general debate be limited to a short period of time, say, for instance, three days, and that then we have real discussion at the only time when the Members of the House are present and when real discussion counts—that is, under the five-minute rule? Now, will the gentleman indulge me for just a minute more?

Mr. UNDERWOOD. Certainly.

Mr. MADISON. I think all Members want to hear the gentleman from Alabama. They want to hear the gentleman from Illinois [Mr. MANN], the gentleman from New York [Mr. PAYNE], and a few others on each side, men who have studied these questions and who can give real information. For instance, this morning one of the important committees of the House, a special investigating committee, adjourned in order that we might be here and hear those gentlemen, but gentlemen understand that after those gentlemen have been heard the general debate in the House is largely a farce, and that the only people here listening to the discussion are those who are waiting opportunity to speak. Now, under those circumstances I hope to be pardoned for making the suggestion that the time of the general debate be short, and that the time for discussion under the five-minute rule, when all Members are here and when discussion will be effective, be extended.

Mr. UNDERWOOD. Now, I will say to the gentleman from Kansas that I consider this a very important measure. I think there ought to be latitude for reasonable debate on both sides of the House. I do not think three days is long enough to allow Members to express their views who wish to enter into general debate. I hope that we can finish general debate within a week, but I have no desire to cut off any gentlemen who desire reasonable debate. Now, as to the five-minute rule I have no objection in the world to a reasonable consideration and debate under the five-minute rule provided it does not border on a filibuster. I will state that when other bills have been before the House and 50 or 80 amendments have been offered I have arisen and moved to close debate because I was compelled to do so because amendments were offered to the same point, were aimed at the same purpose, and I did not believe that they were resulting in bringing any light before the country or offered with any expectation of being passed.

Mr. TRIBBLE. Mr. Speaker——

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Georgia?

Mr. UNDERWOOD. In a minute; but I have no desire when the five-minute rule is reached on this bill to unduly limit debate under the five-minute rule, providing it is apparent to the House that the amendments offered are for the purpose of presenting a real fact relating to the bill to the country and are not in the nature of a filibuster.

Mr. DALZELL. Will the gentleman yield——

Mr. UNDERWOOD. Certainly.

Mr. DALZELL. For a question? Has not this bill as presented to the House already been adopted by a Democratic caucus?

Mr. UNDERWOOD. The Democratic Party has presented the bill, and the Democratic Party is a unit in this House and will vote for the bill as a unit.

Mr. DALZELL. Without amendment?

Mr. UNDERWOOD. Well, this is satisfactory to them; why should they amend their bill?

Mr. DALZELL. I merely wanted some light thrown upon the effectiveness of the five-minute debate.

Mr. TRIBBLE. I desire to ask the gentleman from Alabama if my constituents and the constituents of other Members here are not as much entitled to hear from us at home as the constituents of these old Members.

Mr. UNDERWOOD. Undoubtedly.

Mr. TRIBBLE. And we ask that privilege.

Mr. UNDERWOOD. As I have already stated to the gentleman from Kansas, and I will state it again to the gentleman from Georgia, I have no desire to limit debate on this proposition, unreasonably limit debate. I do not intend to do so. I have already made that statement.

Mr. TRIBBLE. Are not the new Members more subject to criticism in the revision of speeches than older Members, if there is the dotting of an "i" or the crossing of a "t" in the revision, or if the speech is longer than the time limit indicates, 5, 10, or 15 minutes yielded to a new Member, though his time may have been extended? We want time, and we want the RECORD to show it. These little things are not noted, so far as the old Members are concerned, but the new Member suffers.

There is certainly nothing personal to the gentleman from Alabama or anyone else in these questions. The gentleman from Alabama is always fair.

Mr. UNDERWOOD. Probably that is so, but there has been no disposition on my part, up to this time, in the handling of these bills to limit debate or not to yield time that was requested by gentlemen on this side of the House or gentlemen on the other side.

Mr. TRIBBLE. I grant that the gentleman is very fair.

Mr. MANN rose.

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Illinois?

Mr. UNDERWOOD. I do.

Mr. MANN. I have no complaint to make with reference to the latitude of debate that the gentleman has allowed, even though he has referred to my amendments to the free-list bill as filibustering. [Laughter.] They were not, at all. But I suggest to the gentleman that on that occasion and on this occasion, when the bill is read, there is no special reason why a majority of the House should insist upon reading the bill under the five-minute rule and concluding the reading in one day. The House might easily take more than a day under the five-minute rule. Of course, we all recognize that the debate under the five-minute rule is at least more interesting, if not more instructive, than the general debate.

Mr. UNDERWOOD. I will say to the gentleman from Illinois that the chairman of any committee having a bill before this House has got to be governed by circumstances, but, so far as I am concerned, I have no desire to unduly cut off debate, either on the general debate or debate under the five-minute rule.

Mr. MANN. I believe that there is no intention on the part of the gentleman to limit debate.

Mr. CANDLER. The gentleman means that the same method will be followed here as was followed in the discussion of the free-list bill?

Mr. UNDERWOOD. Yes.

The SPEAKER. Gentlemen desiring to interrupt a Member who has the floor will first address the Chair and obtain the permission of the Member having the floor.

The gentleman from Alabama asks that the time be controlled one-half by himself and one-half by the gentleman from New York [Mr. PAYNE], the time to be equally divided. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. UNDERWOOD. Mr. Speaker, I have a further request to submit. The gentleman from Connecticut [Mr. HILL] was called away on account of sickness in his family. He had a statement that he desired to incorporate in the RECORD which the gentleman from New York [Mr. PAYNE] has in his hand. He desires to have it printed in the RECORD.

The SPEAKER. Request is made that a statement prepared by the gentleman from Connecticut [Mr. HILL] be printed in the RECORD. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

LEAVE OF ABSENCE.

Mr. TURNBULL, by unanimous consent, was granted leave of absence for 10 days, on account of sickness.

THE WOOL SCHEDULE.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] moves that the House resolve itself into Committee of the Whole House on the state of the Union to consider the bill H. R. 11019, the bill to remodel Schedule K.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 11019) to reduce the duties on wool and manufactures of wool, with Mr. HAY in the chair.

The CHAIRMAN. The committee will come to order. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11019. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 11019) to reduce the duties on wool and manufactures of wool.

Be it enacted, etc., That on and after the 1st day of January, 1912, the articles hereinafter enumerated, described, and provided for shall, when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands and the Islands of Guam and Tutuila), be subjected to the duties hereinafter provided, and no others; that is to say.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. UNDERWOOD. Mr. Chairman, in presenting this bill to the House, we distinctly draw the dividing line between the two great political parties in this country from the standpoint on which they write tariff bills to obtain revenue to support the Government.

The Republican Party, as declared in their platform, presents tariff legislation for the purpose of levying duties at rates that will equal the difference in cost at home and abroad and at the same time protect a reasonable profit to the American manufacturers.

Their declaration is primarily in favor of levying tariffs in the interest of the great manufacturing classes of this country. The question of raising revenue is incidental to levying a tax to prevent foreign competition.

The Democratic Party does not believe that any interest in this country is entitled primarily to the fostering care of the Government of the United States. [Applause on the Democratic side.]

We realize that the revenue to run this Government must be raised, and that the Constitution of the United States authorizes the Congress to levy duties on foreign goods imported into this country for the purpose of raising that revenue. The primary purpose from the beginning, with those who believe in the principles of the Democratic Party, is to levy these taxes for the purpose of suplying the revenue of the Government, and if any protection arises from the levying of these taxes it is a mere incident which grows out of the constitutional warrant given by the people to levy taxes at the customhouse, but they are not levied for the purpose of fostering one man's business at the expense of another. [Applause on the Democratic side.]

So the criticism of this bill that may be made by gentlemen on the other side of the House, that certain manufacturing interests in this country are not allowed sufficient protection is a matter that marks the dividing line between the two great parties, and is not applicable to this bill in particular.

We disclaim any purpose whatever of writing this bill in the interests of the manufacturers of wool or the producers of raw wool. [Applause on the Democratic side.]

The Democratic bills are the only tariff measures that have been presented to this House in a quarter of a century that have not come at the dictation of special interests that sought the fostering care of the United States Government to build up their business, and this bill is the most competitive of the Democratic measures. This bill comes before this House at the dictation of no special interest but as a result of the conclusions of the representatives of the American people looking solely to the raising of sufficient revenue for the needs of the Government.

We state in the report upon this bill that we have levied a tax on raw wool and on manufactured wool because of the exigencies of the Government and the necessity of providing for a depleted and depleting condition of the Treasury. The gentlemen on the Ways and Means Committee who represent the Republican side of the House take issue with us on that question, and in their minority views make this statement:

The statement as to the condition of the Treasury here given is absolutely false, as proved by Treasury daily statements. On May 31, the day before this caucus, there was an actual surplus of receipts over disbursements for the past 11 months of the fiscal year which will end the 30th day of this month of June of $6,875,914.37.

Now, the statement in this report to which they object is the following, which will be found on page 26:

The bill H. R. 11019 is not to be construed as an abandonment of any Democratic policy; but in view of the Democratic platform for a "gradual reduction of the tariff," and of the depleted and depleting condition of the Public Treasury, a result of Republican extravagance, a tariff of 20 per cent ad valorem on raw wool is now proposed as a revenue necessity.

I am satisfied that if you will listen to me I can demonstrate to you that every word of that statement is absolutely true. We say "Republican extravagance." When did the Republican Party come into control of this Government the last time? In the year 1897, at the close of Mr. Cleveland's administration. The total amount of revenue that was necessary for us to raise at that time was only $347,721,000. The total amount of revenue that you are raising to-day, with a deficit in the Treasury, is $675,511,000, as shown by the Treasury report of last year. You have increased the taxes on the American people in that

time 94 per cent, with an increase in population of only 28 per cent and in wealth of 31 per cent.

In the year 1897, when the Democratic Party went out of power, the per capita tax levied on the American people amounted to $4.85. The per capita tax that you levied on the American people last year amounted to $7.35.

With an increase in population and wealth of only 28 per cent and an increase in taxes of 94 per cent, can you deny the charge that Republican extravagance has produced a depleting condition of the Public Treasury? [Applause on the Democratic side.]

But the gentlemen seek to show in their report that, notwithstanding the increase in taxes put on the American people, the Treasury is not in a depleting condition, and that the revenues to-day are in a better condition than they were last year. They refer to a Treasury statement to sustain their minority views.

I hold in my hand the statement of the United States Treasury at the close of business June 5, 1911. It came to us all in the mail this morning, and what does it show? It shows that for the year 1910—the fiscal year ending the 30th day of last June—the ordinary receipts of this Government were $675,511,000, and the ordinary disbursements of this Government, which exclude, of course, the disbursements in reference to the Panama Canal and the bonded indebtedness, amounted to $659,705,000.

This Treasury statement says—and it does not present our figures, for these are prepared by the department of a Republican administration—that the ordinary receipts for this fiscal year amount to $625,071,000, as against $675,511,000 last year, a difference of about $50,000,000. Is there any gentleman on that side of the House who can say that this does not show a depleting condition of the Public Treasury—a falling off in the ordinary receipts? What does ordinary receipts mean? It means those receipts which the Government gets from customhouses, the moneys it receives from internal-revenue taxes and from miscellaneous sources, including all receipts except from the sale of Government bonds. This report shows that you are to-day, or will be at the end of this fiscal year on the 1st day of next July, about $50,000,000 behind the receipts of last year.

Mr. PAYNE. Mr. Chairman, will the gentleman yield for a question there?

Mr. UNDERWOOD. Certainly.

Mr. PAYNE. Will the gentleman turn to the second page in that Treasury statement—I suppose it is the ordinary daily statement?

Mr. UNDERWOOD. Yes.

Mr. PAYNE. And read there that the receipts up to date for this fiscal year are more by several millions of dollars than they were up to date last year.

Mr. UNDERWOOD. Well, I do not see that in the figures, because I have not got——

Mr. PAYNE. The gentleman will find it if he looks for it.

Mr. UNDERWOOD. Here is what it says to this date: For the fiscal year the receipts are $604,000,000. Now, I have not before me the statement showing what they were up to the 5th of June, 1910, but what I do say is that your Republican administration, the Treasury Department of the United States, says that you will be about $50,000,000 behind the receipts of last year when you reach the 1st day of July next. [Applause on the Democratic side.] Yet you say we are not warranted in making the statement that there is a depleting condition in the Treasury.

Mr. PAYNE. It must be the report of the Secretary of the Treasury made last December from which the gentleman reads, when he was predicting what the receipts would or might be.

Mr. UNDERWOOD. No; I am not reading from that.

Mr. PAYNE. Oh, yes; and when the Treasury Department publishes daily and sends to every Member of the House who wants it the receipts up to date for each year there is no excuse for the chairman of the Committee on Ways and Means in making such a statement.

Mr. UNDERWOOD. What I have here in hand is my excuse for making it and it can not be denied. If the gentleman wants to see it, he can send here and get the paper. It is the daily statement, the last one issued by the Treasury Department [applause on the Democratic side], bearing date June 5, and it says that you are going to be $50,000,000 behind at the end of this fiscal year. Now, if that is not a depleting condition of the Public Treasury, I do not know what it is. [Applause on the Democratic side.]

Mr. PAYNE. Mr. Chairman, I read from the statement which the gentleman hands me that the ordinary receipts for this fiscal year up to this date in June are $625,071,413.90, and in the next column to this date last fiscal year, $604,048,177. [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Chairman, as I stated to the gentleman repeatedly, it is not shown to this date whether there is going to be a deficit. I gave the ordinary receipts for the entire fiscal year of last year, and it is here in the column $675,511,000. The gentleman does not deny that the ordinary receipts were $675,000,000?

Mr. PAYNE. Mr. Chairman, I challenge any man on that side of the House to get that statement and read it, in view of the gentleman's speech, and say whether I am right or not. [Applause on the Republican side.]

Mr. UNDERWOOD. Oh, the gentleman is trying to prove his case by taking a particular period and comparing it with a year. The gentleman can not deny that the ordinary receipts of this Government from taxation sources were $675,000,000 last year. Does he deny that?

Mr. PAYNE. I have not the statement before me.

Mr. UNDERWOOD. Why, here it is.

Mr. PAYNE. I suppose the gentleman knows that the tax from corporations is due this month, and that it amounts, on the assessments, to $28,500,000, due before the 30th day of June. I suppose he knows that.

Mr. UNDERWOOD. I suppose your Secretary of the Treasury, when he made his estimates of the amount of receipts he was going to get this year, had sense enough to figure that in if he knew it was coming due. [Applause on the Democratic side.]

Mr. PAYNE. Why, no man has sense enough to be a prophet. No man can prophesy and put that against the actual figures returned up to this date. Mr. Chairman, if that is the kind of information that was fed to the Democratic caucus, I have no wonder that they indorsed this bill and indorsed that statement. [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Chairman, the gentleman can repudiate the Treasury Department if he wants to, but he can not deny that the Treasury Department figures of last year showed receipts of $675,511,000 from taxation sources, and he can not deny that the Treasurer of the United States says that the receipts for this fiscal year will be only $625,071,000. [Applause on the Democratic side.]

Mr. MANN. Will the gentleman yield for a question?

Mr. UNDERWOOD. Certainly.

Mr. MANN. I understood the gentleman to state the estimate was the receipts of the entire fiscal year would be $625,071,000. What are they up to date?

Mr. UNDERWOOD. They are $604,048,000 up to date.

Mr. MANN. No; that is last year's receipts.

Mr. UNDERWOOD. Those are last year's receipts—up to date this year I have not got the figures.

Mr. MANN. Oh, yes; they are in the statement.

Mr. PAYNE. They are right there in the statement.

Mr. MANN. $625,071,000 up to date.

Mr. UNDERWOOD. They can not be $625,071,000 up to date, because I will read what the statement says:

> This fiscal year ending June 30, 1911, ordinary receipts and disbursements total $625,071,000.

Does not that mean up to the 30th of June?

Mr. MANN. It means, of course, the receipts and expenditures up to June 5, 1911, as I recall it.

Mr. UNDERWOOD. It is not on this paper.

Mr. MANN. I beg the gentleman's pardon. It is on the paper and gives the actual receipts up to June 5, and is greater than what the gentleman states will be the entire receipts for the year ending June 30, a whole month in which to collect receipts, including the corporation tax. [Applause on the Republican side.]

Mr. UNDERWOOD. The gentleman does not read the figures as I do. Now, wait a minute; I want to go one step further in this proposition. The gentleman says there is not a depleting condition of the Treasury. This statement shows that the excess of disbursements over all receipts for the fiscal year 1910 amounted to $19,480,000. The Secretary of the Treasury says that for the year ending June 30, 1911, the excess of disbursements over receipts will amount to $20,216,000. [Applause on the Democratic side.] That is what this paper shows. I do not know whether the Secretary of the Treasury is correct or not, but I am justified in assuming that he is, and I was justified in assuming that he was when we prepared this bill. Now, more than that——

Mr. PAYNE. Mr. Speaker, one more question and then I will quit. The gentleman assumes that the Secretary's prophesy in last December as to the amount of income for this fiscal year

for six months ahead is more reliable and better data than when June has come around and the Secretary states the actual results, which the gentleman from Alabama does not rely upon. [Laughter on the Republican side.]

Mr. UNDERWOOD. Oh, the gentleman is still wedded to the child of his brain and I can not help it. Now, I want to call attention, though, that this goes to show the depleted condition of the Treasury because of the failure of the Payne tariff law to produce the revenue necessary to support the Government.

Mr. PAYNE. But the gentleman can not show it by the figures at any time.

Mr. UNDERWOOD. I will if the gentleman will allow me; of course, it is very easy for a gentleman to deny facts——

Mr. PAYNE. I refer the gentleman to the official record.

Mr. UNDERWOOD (continuing). And if the gentleman will be silent for a moment I will give him a statement in reference to this very schedule that has been furnished me by the Treasury Department. Last year, due to the fact that the President of the United States said there would be a revision of the tariff downward, and the people of the United States, believing that the taxes levied at the customhouse would not be as great after the new tariff law was enacted as they were before, importations were held back awaiting the result of that tariff legislation. Instead of a revision downward we had a revision upward, and those delayed importations had to come in during the fiscal year 1910 and so swelled the returns for that year of the Payne tariff law.

Mr. PAYNE. I do not desire to interrupt the gentleman if he does not like me to do so——

Mr. UNDERWOOD. I have no objection.

Mr. PAYNE. I want to say——

The CHAIRMAN. Does the gentleman from Alabama yield?

Mr. UNDERWOOD. I yield.

Mr. PAYNE. I want to say it would require the gentleman a week to make proof of the fact the revision was upward of the present tariff law; and when he got through it would demonstrate the falsity of his statement.

Mr. UNDERWOOD. Oh, well, I will not fall out with the gentleman; I think the country has found a verdict. [Applause on the Democratic side.]

Mr. PAYNE. I will say to the gentleman that the country has obtained its misleading information from statements made by the gentlemen on the other side. The country got it from just such false statements as are now made by the gentleman on that side. [Laughter on the Democratic side.] Presumably so, because they were his facts, and I challenge gentlemen who are at all familiar with statistics on that side of the House to sit down and figure out that question, and if they are honest men they will say that what I now say is true.

Mr. UNDERWOOD. Well, I am not going to fall out with the gentleman because the favorite child of his brain is dying to-day. [Laughter on the Democratic side.]

Mr. PAYNE. No; the gentleman's "favorite child" is good for two years longer at least, and I think it will outlast that of the gentleman from Alabama. [Applause on the Republican side.]

Mr. UNDERWOOD. I want to call the attention of the gentlemen to the statement of the Treasury Department in reference to Schedule K. Now, mark you, of the taxes levied at the customhouses Schedule K produces the greatest amount of any of the schedules except Schedule E (sugar, molasses, and manufactures of) and Schedule J (hemp, jute, and flax goods). Schedule K produces 12.83 per cent of all the taxes that come in at the customhouses, and when this important schedule is falling off in its receipts very largely it is a clear indication of what is happening to the other schedules in the Payne tariff law.

I asked the Bureau of Statistics to send me a statement as to the receipts under Schedule K for the first three-quarters of this fiscal year. The report came from Mr. O. P. Austin, Chief of the Bureau of Statistics, and I think gentlemen on that side of the House will take that report as the authority of the Government. He stated that Schedule K for the first quarter of this fiscal year raised $8,932,000; for the second quarter ending December 31, 1910, $6,895,000; and for the third quarter ending March 3, 1911, $7,766,000; showing that the receipts under the schedule have been dropping off as we get away from the dam that was created against importations by the promise of the Republican Party that they would revise the tariff downward.

Now, assuming that the receipts for the last quarter of the fiscal year are the largest received by the Government in any quarter, to wit, $8,922,000, and adding that amount to the first three quarters of the year, you have as the total receipts of Schedule K for this fiscal year $32,490,000, against $41,000,000 in the last fiscal year. Is not that a depleting condition of the Public Treasury?

The Ways and Means Committee in preparing this bill to present it to the House was hedged in by certain limitations. The President of the United States had said that the wise way to revise the tariff was in detail, schedule by schedule. The Democratic Party had stood for that position years ago. We believed that we could more intelligently present to this House and to the country a revision of the tariff by bringing in one schedule at a time than by throwing before the House the work of an entire tariff bill. But in revising the tariff schedule by schedule our hands were bound by certain limitations. Our first pledge is to the Government of the United States, not to protected manufacturers. It is our duty to produce the revenue that is necessary to run this Government, now administered by a Republican Executive. We are not responsible for the Republican Executive. We hope that the people of the United States will not be responsible for a Republican Executive two years from now. [Applause on the Democratic side.] But the condition to-day is that Republican extravagance has piled up expenditures that a Democratic Congress must meet.

Mr. HAMILTON of Michigan. Mr. Chairman, will the gentleman yield?

The CHAIRMAN (Mr. RUSSELL). Does the gentleman from Alabama yield to the gentleman from Michigan?

Mr. UNDERWOOD. I do.

Mr. HAMILTON of Michigan. Was not the President's suggestion that the tariff should be revised schedule by schedule coupled with the suggestion that it should be revised schedule by schedule with the aid of reports from time to time from the Tariff Board?

Mr. UNDERWOOD. I think the gentleman is mistaken. That may be something added to the President's statement.

Mr. HAMILTON of Michigan. Was not that a part of the President's suggestion?

Mr. UNDERWOOD. I have not the President's suggestion before me.

Mr. HAMILTON of Michigan. The gentleman stated the President's suggestion.

Mr. UNDERWOOD. I repeat that I haven't it before me, but my recollection of the President's statement was that it did not contain that language. I am not sure about it. I will not make an assertion about which I am not positive.

Mr. HAMILTON of Michigan. Has the gentleman's committee had any report from the Tariff Board before it in relation to this schedule?

Mr. UNDERWOOD. I am glad to answer the gentleman's question. I did not intend to go into that matter at this time, but I will say that I voted for a Tariff Board, not this present one. I am willing to receive all the information I can get, but if there has been a monumental failure in the legislation of this Government it was the creation of the Tariff Board that works under the direction of the White House to-day. [Applause on the Democratic side.]

Mr. HAMILTON of Michigan. Will the gentleman kindly file a bill of particulars wherein the Tariff Board has failed?

Mr. UNDERWOOD. Yes; I have filed that bill of particulars. I hold it in my hand.

Mr. HAMILTON of Michigan. What is it?

Mr. UNDERWOOD. The President of the United States told me that he would be glad to have the Tariff Board furnish me any information they had in reference to these tariff bills. Does the gentleman doubt that the President of the United States was honest when he said that?

Mr. HAMILTON of Michigan. No; therefore I inquired whether the gentleman had had any information.

Mr. UNDERWOOD. Now, if the gentleman wants the information that the Tariff Board furnished on this wool schedule, I will refer him to Appendix C, which begins on page 233 and covers about 20 pages of this report. That is the information that, at my request and with the permission of the President, the Tariff Board furnished us; and if the gentleman will compare it with the other statistics that were obtained by this committee from the Census Bureau, the Bureau of Statistics, and from other departments of this Government, I think he will agree with me that we have not only brought an indictment against the Tariff Board, but that we have convicted them at the bar of this House. [Applause on the Democratic side.]

Mr. HAMILTON of Michigan. I do not suppose the gentleman, or any Member of the House, desires to convict the Tariff Board. What we want to do is to get at the exact information, if possible. Now, is it not true that the Tariff Board did not have complete information and did not have time to obtain

that information, and therefore could not furnish the gentleman's committee with the complete information, and that the gentleman's committee knew that this state of facts existed, and therefore took all that the Tariff Board could offer them?

Mr. UNDERWOOD. We were glad to take all the Tariff Board offered, and I am sure that the Tariff Board did not have complete information. I am informed that they have been at work on this wool investigation for 18 months, attempting to gather data, and when we called on them a couple of months ago for the data that they could give to this Congress, it was furnished in this report. From the limited information it contains I am satisfied that if they went on for the next 10 years we would not get the information that is necessary to write a tariff bill, unless we should go to other sources, as we did.

Mr. LONGWORTH. I should like to know upon what basis the gentleman founds his statement that this Tariff Board has been working on the wool schedule—this particular schedule—for 18 months?

Mr. UNDERWOOD. They stated in the papers that they were going to work on the wool schedule. It is more than 18 months since they finished consulting with the President in reference to putting into effect the maximum and minimum tariff. I supposed, when they stated they were going to work on the wool schedule, that they went to work on it. Now, I do not know that they did, but I assume that they did.

Mr. LONGWORTH. Does not the gentleman realize that they only very recently completed a very detailed report on the print-paper and pulp schedule? Does not the gentleman know that, as a matter of fact, the question of Schedule K has only been taken up within not to exceed the last two or three months?

Mr. UNDERWOOD. I do not know it, because I know conclusively that it was more than a year ago when the appropriation was made to allow this Tariff Board to go to work on schedules of the tariff. That was 15 months ago, at least. It was stated in this House at that time that it was done to allow them to go to work on Schedule K. I do not know whether they ever did the work, or how soon they started, because I have not been in their confidence, but they have had 15 months to work and they announced that they were going to work.

Mr. LONGWORTH. Not on this particular schedule.

Mr. UNDERWOOD. Some gentlemen announced it for them.

Mr. LONGWORTH. The gentleman from Alabama stated that he voted for the tariff commission, wherein I think the gentleman exceeded in wisdom nine-tenths of his party. Suppose the gentleman and myself and others of us who sincerely favored at that time, and still do, as I hope the gentleman does favor, the creation of a permanent tariff commission; suppose we had been successful, and suppose the bill had not been defeated by the filibuster in the closing hours of the session, does the gentleman believe that we would have had accurate information to-day on the wool schedule from that tariff commission of which he was in favor?

Mr. UNDERWOOD. I say to the gentleman that I do not believe we would. I will tell the gentleman why. I have served on the Ways and Means Committee a good many years. One of the greatest troubles I have had confronting me at all times has been the lack of information. I have sought information. I believe that when we voted for that bill—which was not the present law, mark you, but was a bill to make the Tariff Board responsible to this House and not to the President—I believed then that if we could get a Tariff Board that would be responsible to this House we could gather information that would be of great value to the Ways and Means Committee and to the House. But after the demonstration the present Tariff Board has made I am candid enough to say that I think I made a mistake in voting for the bill. [Applause on the Democratic side.]

Mr. LONGWORTH. If I understand the gentleman, he now announces that he is opposed to the creation of a permanent, responsible tariff commission?

Mr. UNDERWOOD. I am opposed to creating a tariff board or a tariff commission appointed or controlled by the President of the United States, because we have tried it, and it has proven an utter failure. [Applause on the Democratic side.]

I will say this, that if this House at some time—this House, mark you—should see proper to employ certain experts to gather statistical data for the information of the Ways and Means Committee and this House, and to make them a permanent part of this organization as you make that corps of reporters sitting there, I believe it would be a wise thing to do.

Mr. LONGWORTH. The gentleman from Alabama now announces that he made a mistake in voting in favor of the Tariff Commission?

Mr. UNDERWOOD. In view of the light I have at present, I think I did.

Mr. LONGWORTH. And the gentleman now is opposed to the creation of a permanent tariff commission, to be appointed by the President but subject to the call of either House of Congress?

Mr. UNDERWOOD. I am satisfied from a consideration of the question that we could not make a tariff board appointed by the President subject to the call of this House, and I will tell you why. I do not question the sincerity or the honesty of your President. He told me that the Ways and Means Committee of this House should have such information as that Tariff Board possessed. Now, I do not question that he meant it and that he was sincere. I have printed as a part of this report the information we got, and I say that there is one of two things sure. The Tariff Commission refused to give the facts we called for with the permission of the President of the United States, or they have wasted a quarter of a million dollars. One of these two things is sure. [Applause on the Democratic side.]

Mr. LONGWORTH. Does the gentleman mean to say that merely because the Tariff Board has failed to submit an elaborate report on wool, when it was not contemplated that such a report should be made before next December, it should therefore be indicted?

Mr. UNDERWOOD. I did not intend to wander from my subject, but I will say candidly to the gentleman, aside from all other questions, that I judge from the work I have seen of the Tariff Board that they are approaching an investigation of this subject from their viewpoint. The House approaches it from its viewpoint. Now, I understand that the Tariff Board is wandering in many countries, ascertaining how much it costs to shear a sheep. [Laughter on the Democratic side.] As a matter of fact, the gentleman knows that if we want to ascertain the facts upon which to write a tariff law, that all the information about raising sheep or growing sheep is concentrated in one proposition, and that is, What is the price of foreign wool? That tells the story.

Mr. LONGWORTH. Permit me to interrupt——

Mr. UNDERWOOD. And we get that in the daily papers whenever we choose to buy a London paper.

Mr. LONGWORTH. Let me tell the gentleman right here that one of the functions the Tariff Board is now performing is to find out just what the gentleman wants to know, to wit, the prices of wool—not the cost of raising sheep in foreign countries. The chairman of the Tariff Board, as I understand it, is to-day in London attending the wool sales, where the world's supply of wool is sold. The gentleman will probably admit that heretofore we have had no information whatever as to those London wool sales. That one thing alone would be of great value to this House in determining what the proper tariff should be.

Mr. UNDERWOOD. Mr. Chairman, I am surprised that the gentleman should make the statement that it is necessary for this Government to send one of the members of this Tariff Board to London, at a great expense, to ascertain the price at which wool is sold, when the London papers publish it every day. [Applause on the Democratic side.]

Mr. LONGWORTH. Yes; but does the gentleman or anybody whom he knows see that wool when it is sold?

Mr. UNDERWOOD. Oh, but the prices——

Mr. LONGWORTH. Does he know what that wool is? Does the gentleman himself know what that wool is?

Mr. UNDERWOOD. I do not know; but others do.

Mr. LONGWORTH. Does any member of the Ways and Means Committee as at present constituted know?

Mr. UNDERWOOD. The wool experts know what that wool is, just as well as the cotton experts know what the cotton is.

Mr. LONGWORTH. What experts?

Mr. UNDERWOOD. The experts of the United States.

Mr. LONGWORTH. Has any of them testified before the Ways and Means Committee in the formation of this bill?

Mr. UNDERWOOD. It was not necessary. I want to say to the gentleman from Ohio that if he will examine this report he will find the prices of wool stated here for a number of years, as shown on the London markets and the other great markets of the world.

Mr. LONGWORTH. Unquestionably; but we have not seen the wool.

Mr. UNDERWOOD. Well, of course, if the gentleman has to have wool instead of facts and figures to write a tariff bill, then he approaches the subject from a different standpoint from what I do.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN (Mr. PAGE). Does the gentleman from Alabama yield to the gentleman from Wyoming?

Mr. UNDERWOOD. I yield.

Mr. MONDELL. Mr. Chairman, a little earlier in his speech the gentleman made this statement:

> We disclaim any purpose whatever of writing this bill in the interest of the manufacturer of wool or the producer of wool.

Speaking of the work of the Tariff Board, I assume that a large portion of their investigation is for the purpose of determining the condition of the wool industry and of the woolen industry, and of the effect of tariffs on those industries. Now, if the gentleman's committee framed a bill without reference to its effect upon these industries, of what benefit or advantage or use to the committee would be all of the information that the Tariff Board might bring before them on that subject?

Mr. UNDERWOOD. None at all, except so far as it went to show where the competitive points were that would produce the most revenue. That is all.

Mr. MONDELL. In framing your bill it was not a question at all as to what the effect of your tariff would be on the wool industry or the woolen industry, but how much revenue it would produce.

Mr. UNDERWOOD. We wrote this bill to raise the revenue that the Government required, and we endeavored to write it no higher than was necessary to raise that revenue.

Mr. MONDELL. And therefore any information which a Tariff Board might be able to secure and transmit to the gentleman's committee touching the effect of the bill or of any tariff on the industries would not be information that would be useful to the committee in its consideration of the matter?

Mr. UNDERWOOD. I would say that it might guide us to some extent in determining where the maximum revenue point was, but it would not, of course, be as material to us as it would to gentlemen on that side of the House, who write tariff bills for the purpose of protecting profits of favored industries in this country. [Applause on the Democratic side.]

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. I do.

Mr. MANN. As I understand, the Tariff Board first took up the study of the pulp and paper industry and sent men into the mills and forests to ascertain the cost of production, and so forth, and that recently—not 18 months ago, but recently—the Tariff Board has sent experts, sometimes the same men who visited the pulp and paper mills, collecting information to show the cost of the production of wool in all parts of the country, so as to show the amount lost from shrinkage in reducing wool in the grease to scoured wool, the amount of wool necessary to use to produce a certain quantity or pound of cloth, and so forth. Now, if that information should be obtained, would it have been of any benefit to apply it in the making up of this bill, in the gentleman's opinion?

Mr. UNDERWOOD. Why, it would have been if we had not had the information, but we had all that information already, obtained from other sources.

Mr. MANN. Is the gentleman prepared to tell the House how many pounds of wool in the grease it takes to make a pound of scoured wool or how many pounds of wool it takes to make a pound of cloth?

Mr. UNDERWOOD. I am, as far as the Tariff Board is and can——

Mr. MANN. Yes——

Mr. UNDERWOOD. But the gentleman knows and everybody else in this House knows, and it is a historic fact, that raw wool shrinks all the way from 20 per cent to 80 per cent, and the amount of shrinkage depends on where the wool comes from and how it is raised.

Mr. MANN. Does anybody know what quantity of wool shrinks 20 per cent and what quantity 30 per cent and what quantity 80 per cent?

Mr. UNDERWOOD. Yes.

Mr. MANN. Will the gentleman give that information to the House?

Mr. UNDERWOOD. I will say to the gentleman——

Mr. HUGHES of New Jersey. It is in the report.

Mr. MANN. I have examined this report and I have examined elsewhere and I have not been able to get the information.

Mr. UNDERWOOD. If the gentleman will examine it carefully, I think he will.

Mr. MANN. I will be glad to have the gentleman point it out.

Mr. UNDERWOOD. If the gentleman will allow me to answer, I will be glad to state the information I have, but the gentleman interrupts me with questions before I can give an answer.

Mr. MANN. I am trying to get my question fully before the gentleman so that I will not have to interrupt him.

Mr. UNDERWOOD. I will say to the gentleman that the English wools shrink to a slight degree. Some of the Australian wools are slight-shrinking wools. There are other European and Asiatic wools that shrink very materially. Some of the territory wool from the Territories of the United States—the Rocky Mountain territory—shrinks as much as 80 per cent; some of it very much less. Some of the Ohio wool only shrinks as much as 20 per cent.

Mr. LONGWORTH. Between the scoured stage?

Mr. UNDERWOOD. From the raw wool to the scoured.

Mr. LONGWORTH. From raw to scoured, only 20 per cent?

Mr. UNDERWOOD. Some of it, I said, not all of it, but some of it. Now, the statistics show that these various grades of wool shrink all the way from 20 per cent to 80 per cent. You do not have to go to any Tariff Board to find that out. Any woolen manufacturer will give you that information, and the information is in this report. Of course this committee can not say that all wool shrinks alike, but what we have done is something that the Republican Party always refused to do—we have adopted an honest basis to allow for that shrinkage. We have put it at an ad valorem rate, and you have always insisted on putting it at so much a pound, so that the men who imported the cheaper wool that went into the clothes of the poorer people had to pay the higher price [applause on the Democratic side] and the higher grade of wool that the rich people bought which did not shrink so much did not pay relatively as great a price. This bill puts them all on the same basis and they pay their taxes in proportion to the value of the wool.

The CHAIRMAN. Does the gentleman yield to the gentleman from Wyoming?

Mr. UNDERWOOD. I do.

Mr. MONDELL. I know that the gentleman wants to be accurate.

Mr. UNDERWOOD. I do.

Mr. MONDELL. And for the sake of accuracy it is important that this statement in regard to shrinking should be correct.

Mr. UNDERWOOD. If I have made any misstatement, I would be glad to have the gentleman correct me.

Mr. MONDELL. It is not true that any of our wool shrinks as much as 80 per cent. You might take a poor, half-starved sheep that had got into a mudhole whose wool might shrink 80 per cent, but——

Mr. UNDERWOOD. I did not mean to say that there is a great amount of wool that shrinks as much as 80 per cent. I gave that as the extreme. I know of no wool that shrinks more than 80 per cent, and I know of none that shrinks less than 20 per cent, and the range of shrinkage is between those two points.

Mr. MONDELL. The great bulk of our fine wool, as the gentleman knows, shrinks about 65 per cent.

Mr. UNDERWOOD. Yes; that is, all your western wools.

Mr. MONDELL. That is true of the Territorial and the fine merino wools.

Mr. UNDERWOOD. That is true of the western wools, but the wools of Ohio do not shrink as much as 65 per cent, and very few of the imported wools shrink 65 per cent.

Mr. LONGWORTH. Will the gentleman permit me?

Mr. UNDERWOOD. Yes.

Mr. LONGWORTH. If the gentleman will permit, I would like to call his attention to his own report, wherein he states that the shrinkage in Ohio wool is 51 per cent. That is the average shrinkage, of course.

Mr. UNDERWOOD. Yes; the average. And I will say to the gentleman from Ohio that although his wool shrinks only 51 per cent, or, say, 50 per cent in round numbers, 2 pounds of raw wool are necessary to make 1 pound of cloth, according to his own statement with respect to the wool from his own State; and when the gentleman from Ohio participated in writing Schedule K of the Payne tariff bill he gave to the woolen manufacturers a protection of 4 pounds of wool instead of 2 pounds; he levied a tax on the American people of 11 cents a pound on 4 pounds of wool instead of 11 cents a pound on 2 pounds of wool, as compensation to the American manufacturer, and allowed the American manufacturer to put 22 cents a pound in his pocket, deceiving the American people to that extent.

Mr. LONGWORTH. Do I now understand the gentleman to say that scoured wool is the equivalent of cloth?

Mr. UNDERWOOD. No; but scoured wool is what cloth is made out of, and there is comparatively little loss of weight between the scoured wool and the cloth.

Mr. LONGWORTH. How much loss is it?

Mr. UNDERWOOD. A very immaterial amount. I can not recall the exact figures at this moment.

Mr. LONGWORTH. Between ordinary scoured wool and woolen cloth?

Mr. UNDERWOOD. The scoured wool is the clean wool that goes into the cloth.

Mr. LONGWORTH. Has it been combed?

Mr. UNDERWOOD. The gentleman must remember that all that comes out of the combing is not lost. They may comb out the tops, but then the noils and the inferior parts of the wool remain for use.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Pennsylvania?

Mr. UNDERWOOD. I do.

Mr. MOORE of Pennsylvania. I wanted to ask the gentleman a question before he gets away from the point raised by himself in regard to the change from the present method of levying a specific duty to the ad valorem method. Has the gentleman given consideration to the discretion in the administrative officer that is involved in the adoption of an ad valorem duty?

Mr. UNDERWOOD. I have; and if the gentleman will pardon me, I will endeavor, if I can find the point in my notes, to show him——

Mr. MOORE of Pennsylvania. If the gentleman is going to dwell upon it later I will not ask him to supply it now. But it seems to me you are opening a wide latitude for corruption in the customhouses, if you please, by changing from specific to ad valorem rates.

Mr. UNDERWOOD. I have thought that possibly the gentlemen might think we were opening the door for corruption at the custom houses, and therefore I stated in this report that the change from specific duties to ad valorem duties would, to a large extent, remove the temptation for corruption, and I will call the gentleman's attention to it.

Mr. MOORE of Pennsylvania. What page is that on?

Mr. UNDERWOOD. This is on page 14 of the report:

When a duty is assessed on a commodity of a certain value much larger in proportion than when the value is a few cents less per pound or yard, the temptation is in many cases irresistible to have the lower value accepted for the sake of enjoying the much lower tax burden. For example, in Schedule K of the present act, yarns, valued at not more than 30 cents per pound, are taxed at 27½ cents per pound and, in addition, 35 per cent ad valorem, so that the total duty amounts to 38 cents per pound, or 126.6 per cent of the value. If the value of the yarn is declared at 31 cents per pound, the tax is 38.5 cents per pound and in addition, 40 per cent ad valorem, so that the total duty amounts to 50.6 cents per pound, or 163 per cent of the value. Hence a change in the valuation of 1 cent per pound reduces the burden of the duty by 37 per cent. The substitution, in the bill herewith reported, of straight ad valorem duties on articles of one kind or sort, instead of the present rates increasing as arbitrary dividing lines of value are crossed, will remove the extraordinary temptations to undervaluations which now prevail, and make the task of the customs service easier, as far as the scope of this bill goes.

Now, the difference between your bill and our bill in that instance is that if a man undervalued his wool 1 cent per pound, under your bill he could beat the Treasury out of a 37 per cent ad valorem tax. Under our bill there would be no great temptation to reduce that 1 cent, because the ad valorem rate would only change the tax to a very small degree; it would only be the tax of 1 cent a pound that he would gain by making a false affidavit.

Mr. MOORE of Pennsylvania. Still, you are removing the specific obligation placed by law on the customs officer and leaving it to his discretion as to the value of the goods.

Mr. UNDERWOOD. Not at all. The gentleman's argument is not sustained by his own law. Of course, that is true as to raw wool, but there is no commodity in the markets of the world of which the value is more easily obtained and better known than that of raw wool. But when you come to yarns, tops, or cloths you use a compound rate. You employ this specific rate that offers the temptation to falsify the records at the customhouse, and at the same time you use an ad valorem rate and put the burden of ascertaining the value on the customs officials. We use the ad valorem rate, and eliminate the specific rate, which you have in the Payne tariff law.

Mr. MOORE of Pennsylvania. That is all determined by fixed weights and measures, as it were, and the customs officer has not the discretion that he would appear to have under your bill.

Mr. UNDERWOOD. If it is already determined how he would fix the ad valorem rate to-day, why is it not determined how he would fix the ad valorem rate to-morrow? He fixes it to-day and he can fix it to-morrow in the same way.

But the gentleman criticizes this bill because he thinks the ad valorem rates may permit frauds at the customhouse, which would be prevented if the rates were made specific. I want to call the attention of the gentleman from Pennsylvania to the fact that some of the most outrageous, most inexcusable, and greatest frauds ever perpetrated upon the Government of the United States at the customhouse were those committed by the American Sugar Refining Co. under the specific rate of duty. [Applause on the Democratic side.]

Mr. MOORE of Pennsylvania. That was a fraud due to the connivance of men, which was punishable by law. There was no discretion given the customs officers to fix the value, as there is here a discretion to fix the value, and it seems to me you are leaving the door open when you depend upon the judgment of anyone, even that of the Secretary of the Treasury.

Mr. UNDERWOOD. Does not the Payne bill leave it to the judgment of customs officers to fix rates of duty?

Mr. MOORE of Pennsylvania. It does in some respects.

Mr. UNDERWOOD. It does in every respect except as to raw wool and wastes. Can the gentleman name anything in Schedule K, except raw wool and wastes, where there is not an ad valorem rate on the goods?

Mr. MOORE of Pennsylvania. The gentleman is changing the system and advocating a brand-new policy, which says all the specific duties shall be removed and an ad valorem duty fixed.

Mr. UNDERWOOD. Not at all. We have simply stricken out the compensatory duty and lowered the ad valorem duty, but the ad valorem duty is there in the Payne law, and the customs officials have no more work to do and the Treasury will be in no more danger from frauds under the ad valorem rates in this bill than it is under the ad valorem rates in the Payne law.

Mr. PAYNE. Will the gentleman allow me right there?

Mr. UNDERWOOD. I will.

Mr. PAYNE. I want to say to the gentleman that in the McKinley Act, the Dingley Act, and the present law the committee labored to put everything as far as possible upon a specific rate and not an ad valorem, because of the universal testimony that came to the committees framing those bills that an ad valorem rate was a temptation to fraud, because a man swore to his judgment as to the value, and of course he could not be convicted of perjury in swearing to that.

Mr. UNDERWOOD. Notwithstanding the gentleman's statement, he left the main rates of taxation in his own act on an ad valorem basis.

Mr. PAYNE. Oh, no. If the gentleman from Alabama will ever study the law and read it through, he will find that he is wrong. The gentleman should not judge from newspaper reports of $18-a-week men. He ought to go to the first sources and study the question.

Mr. UNDERWOOD. Let me ask the gentleman from New York what is the rate on cloth over 70 cents a pound? Is it not four times the value of the raw wool, or 44 cents a pound, with 55 per cent ad valorem added?

Mr. PAYNE. Yes; because we could not put a specific duty for every yard of cloth varying in price from $1 to $4 or $5 a yard. We could not put a specific rate as compensation for the wool duty on it without putting an ad valorem rate in order to catch the higher class of goods with a larger duty. Of course, without putting a larger duty on a higher class of goods they would say we were squeezing the poor people.

Mr. UNDERWOOD. I agree to this fact: If you want to write a tariff bill in the interest of the American manufacturer, and enable him to tax the American people 100 or 125 or 180 per cent on goods that come through the customhouse, as you do under the Payne law, then a good way to do this and fool the people is to make these duties compound which include specific rates; that is the only justification for doing it. [Applause on the Democratic side.]

Mr. PAYNE. When the gentleman talks about the rate per cent, he knows that it is misleading. Even take the whole wool schedule and it does not represent fairly the percentage that is charged on woolen goods. The general percentage is much less than the gentleman states. It is only where there is a small importation that a man can produce the manifest on the stump and from that say they are taxing woolen goods 180 per cent. Where the importations are very small they can justify that kind of buncombe.

Mr. UNDERWOOD. I know, and the gentleman from New York knows, that the average rate on woolen manufactures for 1910 was 90.10 per cent, and the people of the United States know, if the gentleman from New York does not know, that it is too great a tax for them to be compelled to pay in the interest of a great monopoly.

Mr. PAYNE. Does the gentleman refer to the whole woolen schedule?

Mr. UNDERWOOD. No; I left out raw wool. I said manufactured wool. We recognize that the tax on raw wool is a highly competitive rate.

Mr. MONDELL. Will the gentleman yield?

Mr. UNDERWOOD. I will yield to the gentleman from Wyoming.

Mr. MONDELL. I understood the gentleman from Alabama to say a moment ago that the high rates were put upon the heavy-shrinking wool and the low rates on the light-shrinking wool; that the high rates were on the wools used by the poor man and the low rates on the wools used by the rich man.

Mr. UNDERWOOD. To a large extent.

Mr. MONDELL. Does the gentleman mean to say that the heavy-shrinking wool—the fine wools—are the wools ordinarily used in the cheaper clothing?

Mr. UNDERWOOD. I will say I am informed that the cheaper wools, the heavy-shrinking wools, are used to a large extent with shoddy in the manufacture of the cheaper class of clothes.

Mr. MONDELL. The first-class wools are the highest-shrinking wools. The third class only shrink 15 to 30 per cent. The wool that shrinks the most heavily is the merino, the fine wool, and that goes into broadcloth and the better and finer class of cloth; though, of course, the noils may go into cheap cloth. Now, will the gentleman yield for one more question?

Mr. UNDERWOOD. Yes; for a question, but I would really like to proceed.

Mr. MONDELL. I have read the most of the gentleman's report on this bill. I presume the gentleman approves of everything in his report?

Mr. UNDERWOOD. I do.

Mr. MONDELL. I notice with interest and some pleasure a statement contained in the report, on page 5, in the paragraph ending with the words "Schedule K," which I highly commend.

I find these words, and I am delighted that there are some things in this report that I can approve of, and I wish it were all of the same character:

As is well known, the Republican tariff legislation of 1909 was an honest revision in the public interest.

[Applause and laughter on the Republican side.]

Mr. UNDERWOOD. Mr. Chairman, I will say that the gentleman has very cleverly pointed out a misprint in this report. [Laughter.]

Mr. MONDELL. Mr. Chairman, I thought I had pointed out the one great truth.

Mr. SHERLEY. Mr. Chairman, I will suggest to the gentleman from Alabama that that is the first authority for such a statement anybody has been able to find.

Mr. UNDERWOOD. Absolutely; and I had overlooked that in correcting the proofs. I am sure that the gentleman from Wyoming will not accuse me of intentionally indorsing a Republican tariff bill.

Mr. MONDELL. Oh, I make no such charge.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. UNDERWOOD. Certainly.

Mr. MOORE of Pennsylvania. I will not trouble the gentleman again, and if he is proposing to discuss the question I want to put to him, I do not desire to have it answered at this time; but the gentleman made reference a moment ago to compensatory duties, and I would like to ask whether he intends to discuss or will now discuss the difference in the rate of wages paid in this country and abroad as one of the various elements that enter finally into the cost of the completed garment. The woolgrower here is obliged to produce at a higher rate than the producer abroad. The man who does the scouring abroad receives much less wages than scourers receive here, and the man who does the spinning and the working of the material over into yarns receives a higher wage here than abroad, as does the man who finally weaves the cloth. I want to ask the gentleman whether he has taken into account the matter of the wages in the various stages of preparation of the cloth?

Mr. UNDERWOOD. Mr. Chairman, we have data in this report, and I am glad to call it to the attention of the gentleman, which comes from a bureau of this Government, presided over by men appointed by a Republican administration. Right here I wish to say to the gentleman from Wyoming [Mr. MONDELL] that I find that the printer or some one else has left out the word "not" in the statement the gentleman read, and that is the reason of the change in that sentence. I am glad that it is corrected in the RECORD. Now, I will say to the gentleman from Pennsylvania that I will answer his statement. As to the cost of production, if the gentleman will refer to page 9 of this report he will find this statement:

When statistical data as to cost of production have been obtained by the diligent efforts of well-trained and disinterested governmental agents, the Republican Party has treated them with neglect and contempt, and has gone on framing tariff acts to please private interests at the public expense, without any consideration whatever of ascertained facts as to the differences in cost of production.

The gentleman is charging us with not going into the cost of production, and I am answering him:

The Republican Party declares that the differences in the cost of production in the United States and other countries are due to the higher labor cost in the United States, and that high protective tariff duties must be levied to equalize these differences and provide a reasonable profit for our manufacturers. In May, 1892, President Harrison submitted to Congress a comprehensive report by the Commissioner of Labor, Carroll D. Wright, on the cost of producing textiles and glass in the United States and in Europe. This report showed that for 70 establishments, of which 38 were located in the northern portion of the United States and the remainder in the southern, the total cost of producing cotton fabrics was $23,494,056, involving labor costs to the amount of $6,447,653, or 27.44 per cent of the total cost of production; for 5 establishments shown in this report, in Great Britain, the labor costs were 20.53 per cent of the total cost of production.

The cost of producing woolen fabrics in 30 establishments in the United States for the periods reported by the Commissioner of Labor amounted to $4,705,112, the labor cost being $982,981, or 20.89 per cent of the total cost of production. The labor cost in producing these fabrics in Great Britain, as brought out in the testimony before the British tariff commission and published in its report in 1905, ranges from 14 to 24 per cent of the total cost, according to the character of fabrics.

Now, there is the information.

Mr. MOORE of Pennsylvania. I think that scarcely answers the question I asked. I wanted to direct the gentleman's attention to the difference in the cost of labor, the difference in wages paid here and abroad. This extract seems to differentiate between the manufacturer and the workingman.

Mr. UNDERWOOD. There is a Republican authority for the gentleman—a report handed in to Congress by a Republican President, in which he says that the labor cost is very much less than half. Now, I will say to the gentleman candidly, after answering him out of the mouth of the Republican Party, that we had before us the testimony of Mr. Clark, of the Bureau of Commerce and Labor. He was sent abroad two years ago to search out the facts and report to Congress, and his report has been published in the tariff hearings and is as accessible to the gentleman as it was to us.

Mr. MOORE of Pennsylvania. He found the wages were less in Europe?

Mr. UNDERWOOD. He states that the difference in cost does not exceed one-half.

Mr. MOORE of Pennsylvania. That is to say, the difference is 50 per cent between wages paid there and wages paid here?

Mr. UNDERWOOD. That is an extreme statement as compared with this report of Mr. Wright, who only makes it 7 per cent difference; but assuming that to be so——

Mr. McCALL. If the gentleman will permit, that is 7 per cent of the total cost of the cloth; it is not simply 7 per cent of the labor cost.

Mr. UNDERWOOD. Certainly; 7 per cent.

Mr. McCALL. That is, it is about 33 per cent more; 20 per cent in one case, total cost, and in the other case 27 per cent——

Mr. UNDERWOOD. Certainly not.

Mr. McCALL. Which would be about 33 per cent more labor cost.

Mr. UNDERWOOD. Oh, no.

Mr. McCALL. That is very clear.

Mr. DALZELL. May I ask this question for information? Does the gentleman contend there is any protection in this bill at all, accidental or incidental, or is it a pure revenue measure?

Mr. UNDERWOOD. It is a pure revenue measure, and being such it could not help carrying some incidental protection, if it levied but one cent of taxes.

Mr. MOORE of Pennsylvania. That is the question I was trying to arrive at, whether consideration had been given to protect the laborer who is employed in these various industries in this country against the unfair lower 50 per cent wage abroad?

Mr. UNDERWOOD. I will say to the gentleman, as I said to this House in the beginning, that we did not write this bill to protect anybody. This bill does carry an incidental protection that far exceeds the difference in the labor cost at home and abroad, and if the gentleman will listen to me I will tell him why. The average cost of production, as shown by the reports of the Bureau of Labor by people who have investigated the woolen manufactures of this country, amounts to about 23 per cent of the value of the product. Now, Mr. Clark, the agent of the Republican Ways and Means Committee

of the last Congress, was requested to go abroad and report the difference in cost between this country and England and Germany. He reported that the difference was about one-half; therefore to protect that difference in cost between this country and England it would take one-half of 23 per cent, or about 11½ per cent, to protect the difference in the labor cost involved in the woolen industry on the average. Now, I am not prepared to go into every detail, but I am giving you the figures of the Census Bureau and of your own agent.

Mr. MOORE of Pennsylvania. The gentleman will pardon me; I do not want him to misunderstand me. He makes the mistake which, I think, is very frequently made by Members on that side, and even by some on this side, of viewing this question solely from the standpoint of the manufacturers' interests. I am trying to draw the gentleman's attention to the man who works in the mill, whose wages are so different in this country from the lower wages paid abroad. This man I want to see protected in any measure that may be adopted by this House, whether advocated on that side or on this. [Applause on the Republican side.]

Mr. UNDERWOOD. I will say to the gentleman that, of course, we could not write a revenue tariff and produce the revenue that is necessary to run this Government without levying a rate higher in every instance than the difference in the labor cost here and abroad. [Applause on the Democratic side.] It would be impossible for us to do it. We could not do it, if we wanted to, and get the revenue, and we have not done it.

Mr. HAMILTON of Michigan. But fundamentally, under the gentleman's theory of levying taxes for revenue only, the committee does not take into consideration the question of labor at all, does it, but simply takes into consideration the question of raising revenue?

Mr. UNDERWOOD. Oh, the gentleman is going into an academic argument.

Mr. HAMILTON of Michigan. No; I am taking the gentleman's own statement, made by himself at the opening of his speech.

Mr. UNDERWOOD. I will say to the gentleman again that we wrote this bill solely for the purpose of raising revenue——

Mr. HAMILTON of Michigan. That is what I said——

Mr. UNDERWOOD. And I will state, in this connection, that the rates of duty in this bill more than double the difference in labor cost between this country and abroad. [Applause on the Democratic side.]

Mr. LONGWORTH. Will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. LONGWORTH. I dislike to interrupt the gentleman, and I will promise that this will be the last question I will ask him. It is a question in point. I think the gentleman's answer to this question will develop his theory in the making of this bill. I observe on page 11 of the report, in the last sentence of the first paragraph, this language:

> It can not be questioned but that the cost of woolgrowing in Ohio, one of our oldest, most thoroughly cultivated, and densely populated woolgrowing sections, must be approximately the maximum cost of woolgrowing in the United States, and hence that statistical data concerning such cost in Ohio ought to be among the most significant and valuable that could be supplied by the Tariff Board, whether for purposes of legislation or otherwise.

That was made in connection with the gentleman's criticism of the Tariff Board for not having given full information.

Mr. UNDERWOOD. I understand that they have that information, but they refuse to give it.

Mr. LONGWORTH. I do not know whether that is true or not——

Mr. UNDERWOOD. I am so informed——

Mr. LONGWORTH. But let me ask this question of the gentleman: Suppose that the Tariff Board had given to the gentleman information which proved conclusively, in his judgment, that a duty of 20 per cent was not sufficient to equalize the difference between the cost of production of wool, we will say, in Australia and in Ohio. Would that one circumstance have influenced the gentleman in the amount of the duty placed upon raw wool?

Mr. UNDERWOOD. Only so far as it influenced my mind in finding the point where we could levy the required revenue and how high it had to be in order to obtain the revenue that the Government needed.

Mr. LONGWORTH. I think I understand.

Mr. UTTER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Rhode Island?

Mr. UNDERWOOD. I do.

Mr. UTTER. I understand the gentleman to say that the bill has been framed for the purpose of securing revenue?

Mr. UNDERWOOD. Certainly.

Mr. UTTER. Therefore, in fixing the ad valorem duty, I ask on what you have based the duty to come from, either from less imports or larger imports than at present?

Mr. UNDERWOOD. Larger imports. If the gentleman will examine the report, that fact will appear very clearly.

Mr. UTTER. Larger imports mean less home manufactures.

Mr. UNDERWOOD. Not necessarily less home manufactures, because the country is growing.

Mr. HUGHES of New Jersey. Some people will wear two pairs of shoes instead of only one, for example.

Mr. UNDERWOOD. I will answer the gentleman and say that no man in this country is entitled to a monopoly. Does the gentleman agree with me?

Mr. UTTER. We all agree on that; oh, yes.

Mr. UNDERWOOD. And no industry in this country is entitled to a monopoly. Does the gentleman agree on that?

Mr. UTTER. We all agree on that; yes.

Mr. UNDERWOOD. That no combination of industries in this country is entitled to a monopoly, whereby it can put burdens on the American people?

Mr. UTTER. That is correct.

Mr. UNDERWOOD. If we all agree on that, I say that this combination of woolen industries has had a monopoly of the woolen business in this country for many years.

I want to call your attention to page 179 of this report, where you will find the table from which I have gathered the following facts: The domestic production of manufactured wool in this country the last census year (calendar year 1909) amounted to $514,732,000. The imports of manufactured wools for that year amounted to $18,102,000, making the imports and the production amount to $532,834,000. We exported $1,971,000, which, deducted from the production and the imports, left $530,863,000 worth of manufactured woolen goods that the American people consumed in the year.

Now, in this consumption of goods under Schedule K, valued at $530,863,000, there were only $18,102,000 worth of imports. The importations amounted to only 3.4 per cent of the American consumption of woolen goods. Was that a monopoly for the American manufacturer?

Mr. UTTER. A monopoly for the American people, but not, perhaps, a monopoly for the American manufacturer.

Mr. UNDERWOOD. Not a monopoly for the American manufacturer! My friend, if you had a grocery business in your town, and by law had control of 96 per cent of the groceries sold in that town, while outside competition could only bring in 4 per cent to compete with you, would you have a monopoly?

Mr. UTTER. If we had 100 groceries in that town we would not have a monopoly for any individual grocer, but we would have the protection of our home market for the home man.

Mr. UNDERWOOD. But you would have a monopoly for the industry; and, more than that, there is nobody in this country who does not know that the American Woolen Co. to-day fixes the price of woolen goods; that it is a monopoly; that it is a trust; and that this industry and that company dictated to a Republican House, prohibiting you from reducing the exorbitant rates under Schedule K in the last Congress. [Applause on the Democratic side.]

Mr. MARTIN of Colorado. Will the gentleman permit a question there?

Mr. UNDERWOOD. Yes.

Mr. MARTIN of Colorado. The gentleman has given the percentage of imports of woolen manufactures at 3.4 per cent last year.

Mr. UNDERWOOD. Yes.

Mr. MARTIN of Colorado. Can the gentleman give the percentage of raw-wool imports for the same year?

Mr. UNDERWOOD. It is stated in the report. I will say roughly that it is not quite 50 per cent.

Mr. MARTIN of Colorado. That would be virtually on a competitive basis, for raw wool, under the present tariff rates.

Mr. UNDERWOOD. I do not deny that the raw wool coming into this country was on an exceedingly competitive basis. The reason for not maintaining the high tax the Republican Party had put on raw wool was that if raw wool was taxed, as a matter of justice, not as a matter of protection, there must be a tax on the finished product as a compensation, whether it was done directly or indirectly; and if we maintained that high tax, amounting to about 45 per cent, it made the burden on the American people too great. There was no question about it being a revenue measure at a competitive rate; but we lowered the rate for the purpose of lowering the burden resting on the American people who were compelled to buy woolen goods. [Applause on the Democratic side.]

Mr. MARTIN of Colorado. It is also a fact, is it not, that it is at a rate that will produce a greater amount of revenue than the rate in the proposed bill?

Mr. UNDERWOOD. Unquestionably. The Payne rate produced $21,000,000, and this rate will produce $13,000,000 on raw wool. We reduced the rate, not because it was not a high-revenue rate, but because the tax on raw wool forced us, as a matter of justice, to carry the tax into the ad valorem rate put on the finished product, and so placed too great a burden on the American people.

Mr. MARTIN of Colorado. I wish to ask the gentleman whether the ideal revenue rate upon a competitive article, such as raw wool is admitted to be, is not the rate which will produce the greatest amount of revenue?

Mr. UNDERWOOD. Does the gentleman mean the 20 per cent rate?

Mr. MARTIN of Colorado. No. Would not the ideal revenue rate upon a competitive article be the rate that would produce the maximum of revenue?

Mr. UNDERWOOD. No; I do not agree with the gentleman about that. I think we should raise the maximum amount of revenue with a minimum amount of burden on the American people; and consequently we should, under no circumstances, put the rate higher than that which will raise the maximum amount of revenue necessary for the Government.

Mr. MARTIN of Colorado. Is it not true that the increased importations of raw wool which are contemplated under the proposed law and the increased importations of manufactured wool will both fall on the raw-wool producer?

Mr. UNDERWOOD. I do not question that this bill is going to bring more competition to the American manufacturer; necessarily so. If we are right, it will bring more competition in raw wool; but I think the lower rates of duty will enable the people of the United States to wear less shoddy, less mixed goods, and more wool, and in the end will probably be more to the benefit than to the detriment of the woolgrower.

Mr. MARTIN of Colorado. I want to make one closing suggestion. It seems to me that the debate on the wool tariff revolves altogether around the raw wool. It is conceded that this proposed law will not be of benefit at least to the raw-wool producer. I do not think anybody will make any claim during the entire course of the debate that the producer of raw wool will receive any benefit, directly or indirectly, in dollars and cents. I think, therefore, the debate should turn somewhat upon the benefits of reductions in manufactures.

Mr. UNDERWOOD. I will say that it is true that the men who raise sheep in this country will have the direct protection of 45 per cent under the Payne law reduced incidentally under this bill to 20 per cent, and to that extent, if you are looking at it from a protectionist standpoint, there is that much less protection. On the other hand, the gentleman must not forget that this bill reduces the cost of goods under the Payne law from an average of 90 per cent to an average of 42½ per cent, and when the man who is raising sheep gets that much less protection, incidentally or otherwise, on his wool he benefits by a much greater difference in the reduction on clothes, and his neighbors who do not raise sheep get the full benefit of the reduction.

Mr. CANNON. Will the gentleman from Alabama yield?

Mr. UNDERWOOD. I will yield to the gentleman from Illinois.

Mr. CANNON. I want to see if I understand the gentleman. Raw wool under the Payne law is on a competitive basis with foreign wool that we import?

Mr. UNDERWOOD. I think that is so.

Mr. CANNON. Woolen goods are not, according to your statement, under the Payne law upon a competitive basis, but upon a monopolistic basis?

Mr. UNDERWOOD. Upon a prohibitive basis.

Mr. CANNON. I want to ask the gentleman why he does not let the Payne law rates rest upon raw wool, which is competitive, and cut in two, or down to the proper basis, the finished products which the gentleman says are monopolistic?

Mr. UNDERWOOD. I will say to the gentleman from Illinois, as I said to the House, I am not, nor never have been, a protectionist, and do not believe in the system. I do not believe that the iron furnaces in which I own stock are entitled to make profits by reason of the sanction of the United States Government. [Applause on the Democratic side.] I would not stand for it. But I do believe in justice.

I say that if the raw material that the manufacturer must use is taxed, and his competitor gets his raw material free, it is not protection, but justice, to put such a tax on the competitor's finished product as will equalize the tax placed on the home manufacturer's raw material. Therefore, when the tax is put on the raw wool as a mere matter of justice to the American manufacturer, you are compelled to lay that much tax, at least, on the foreign competitor who gets his wool free. I do not think the gentleman from Illinois will differ with me in that.

Mr. CANNON. If the gentleman will allow me, if I held the same views as the gentleman does, that the manufacturer's tax on imports from abroad is monopolistic, and the wool producer's tax on foreign wool was competitive, I would reduce the monopolistic tax to where it would be competitive without letting the competitive tax on raw wool be disturbed. [Applause on the Republican side.]

Mr. UNDERWOOD. I have great respect for the distinguished gentleman from Illinois. As to the procedure of this House there is probably not a wiser man in it and no better informed man in reference to the great appropriations of the Government, but his statement clearly indicates that since he has been a Member of this House he has never served as a member of the Ways and Means Committee.

Mr. CANNON. Mr. Chairman, if the gentleman will allow me, I do not pretend to be an expert touching the details of the schedules, and never have. I concede the gentleman is one of the best experts, in my judgment, in either House or Senate, because his attention has been along that line of legislation, while mine has been along the line of appropriation; but any man, it seems to me, a nonexpert, must say that if the one product, raw wool, is competitive with the raw wool of the world under the Payne law, and the manufactured product is monopolistic on account of the high duties on imports, then he would let the woolgrower alone, who is honestly competing, and would cut down the monopolistic tax on foreign manufactured products and get more revenue and more justice.

Mr. UNDERWOOD. Mr. Chairman, I will show the gentleman where he is wrong.

Mr. CANNON. It may be.

Mr. UNDERWOOD. The tax on raw wool now is 45 per cent ad valorem.

Mr. CANNON. But competitive.

Mr. UNDERWOOD. Yes, it is competitive, since one-half of it comes into the country because we can not produce as much wool as we consume. Now, suppose we cut the tax on the manufactured product half in two and bring it down to an average of 45 per cent instead of 90 per cent, it would be brought down to the level of the raw wool, and where would be the protection that the gentlemen on that side of the House claim for the labor of this country if he carried out his plan? I am not working it out on that basis, but that is the gentleman's plan.

Mr. CANNON. Not at all. I was taking the gentleman's statement without admitting the correctness of his statement in any respect; but I want to say to the gentleman that labor in the United States in these great industries is not greatly benefited, from the gentleman's standpoint or from mine, if, under taxation that gives a monopoly to the manufacturer, the manufacturer organizes trusts and, as the gentleman claimed, without letting labor share in the profit.

Mr. UNDERWOOD. Well, I do not say that labor does not get something out of it, but when the Government of the United States gives to this great protected monopoly a 90 per cent protection, when their entire labor cost amounts to only 23 per cent, and the difference in cost at home and abroad is less than 12 per cent, with a 90 per cent protection, it seems to me that an enormous amount of profits are protected.

Mr. CANNON. If that statement is correct, the gentleman's bill is too high in the rate fixed on imports of manufactures of wool.

Mr. UNDERWOOD. Well, I will say that the gentleman's criticism is correct, if we were levying this bill from the standpoint of protecting merely the labor cost. We did not write this bill from the standpoint of protection. He is clearly correct, however, if that were the case. The rates in the bill were adjusted to meet the revenue requirements of the Government.

Mr. MANN. Before the gentleman does that, will he yield for a question?

Mr. UNDERWOOD. Mr. Chairman, I want first to answer the gentleman from Illinois [Mr. CANNON]. I will say to the House that we did not guess at these revenue rates. We employed an expert for the Ways and Means Committee, a gentleman who had been engaged in work of this kind when the Wilson bill was written and who has been engaged in such work for many years. We asked him to figure out the lowest rate at which the maximum revenue could be obtained. Not satisfied with that, we called on the Treasury Department and asked them to detail to the Ways and Means Committee a statistician to make like calculations. The year 1896 was taken as the fairest year under the Wilson law, because the previous years were affected by the panic of 1892, and the subsequent

year, 1897, showed larger importations, presumably due to the expectation that a law would go into effect raising tariff rates, and goods were rushed into this country to avoid paying those higher duties. So, taking the year 1896 as the fairest year under the Wilson law, these experts took a series of years under the McKinley law and compared them with the year 1896 under the Wilson law, and then they reversed the proposition and compared the year 1896 of the Wilson law with a series of years under the Dingley law, considering the importation of raw wool in the Wilson bill as 100 and the importation under the McKinley law as zero, and from that prepared tables showing the increase in the amount of importations following reductions in rates.

Now, that is an estimate; it is not a fact, but it is as close an estimate as men can make. The estimates which were made under this bill by these statisticians show that if we levied a revenue rate of 40 per cent on cloth and 45 per cent on clothes and adjusted the duties down the line proportionately to the rate on the raw material, omitting the revenue from raw wool, but retaining the rates adjusted for the manufactured products on the basis of the duty on raw wool, we would raise $27,000,000 and be $13,000,000 short of the amount of revenue required from Schedule K. Now, the only way we had to make up the needed revenue was by placing a duty on raw wool. We could not lower the rates throughout the remainder of the schedule and get more revenue, because we had passed below the rate where the greatest amount of revenue could be raised. If we had made the rates on the manufactures of wool 10 per cent lower than as adjusted in the bill—that is, reduced from the average of 42 to 32 per cent—we would have only raised, according to our figures, about $20,000,000. Therefore we could not reduce the rates more without abandoning the Treasury. So instead of reducing the rate below 40 and 45 per cent in this bill, which cut the Payne bill in two, we levied a tax of 20 per cent on raw wool, taxed the manufacturer to the extent of 20 per cent, which these statisticians say will bring $13,000,000 in revenue, making the schedule produce $40,500,000 during a twelve-month period compared with $41,000,000 produced during the fiscal year 1910 under the Payne law, but more revenue than Schedule K will yield this year; at the same time we have made a competitive rate, not of 42 per cent on the average, but equivalent to 32 per cent on the average, because we have tied the hands of the American manufacturer to the extent of the 20 per cent tax we levy on raw wool. Now, it is fair to say that when you transfer the raw wool into the finished product it does not mean you have got to add 20 per cent compensatory duty on the finished product. As far as I can estimate it, if we divide the tax on raw wool by 2 and add the result to the tax on the finished product you provide a fair compensatory duty. As will be readily seen, the 4 pounds of wool in a pound of the cloth in my suit of clothes, or 3½—but say 4 pounds to make the computation easy—if the raw wool cost 25 cents a pound and it would be taxed——

Mr. MANN. I hope the gentleman will not let it go in the RECORD that he is wearing a suit that only cost 25 cents a pound.

Mr. UNDERWOOD. I am speaking of the raw wool in it. Suppose the wool in a pound of the cloth in this suit cost $1—I do not know what the wholesale importing price is—but I suppose it is somewhere in the neighborhood of $1.75 to $2 per pound or per yard. Suppose the cloth costs $2 a yard and coming in as cloth should pay only 20 per cent ad valorem. The tax this pound or yard would pay, at the wholesale importing price of $2, would be 40 cents. In this yard, the wool, which has cost $1, paid 20 cents in tax. It is evident that an ad valorem rate on the finished cloth of half the rate on the raw wool—that is, 10 per cent—would make the tax on the cloth 20 cents, or just the amount of the tax on the wool. The cloth in the suit would pay, at 20 per cent ad valorem, a total tax of $1.60. In the making of the suit the 16 pounds of wool used paid, at 20 per cent ad valorem, a total tax of 80 cents. Hence, if the cloth in the suit bore a 10 per cent tax on its value this tax would equalize the amount of the tax paid on the wool used in making the cloth. It will be seen that you do not carry the full 20 per cent tax as a compensatory duty against the finished product. Now, I will say a great many manufacturers claim that you ought to carry 65 per cent of the tax you levy on raw wool into the ad valorem rate on the finished product as a compensation for the tax they pay, but after carefully estimating and working it out as far as the committee and the experts could, I think by carrying 50 per cent of the tax on raw wool into the ad valorem rate on the finished product you fully compensate the manufacturer.

Mr. CANNON. Will the gentleman allow me right there?

Mr. UNDERWOOD. Yes.

Mr. CANNON. It seems to me that the gentleman makes an error that leads to an injustice to the woolgrower by calling that raw material when there is no raw material.

Mr. UNDERWOOD. I beg the gentleman's pardon. I did not call it raw material; I called it raw wool. I suppose it is the manufactured raw material.

Mr. CANNON. As raw material it sinks away now, being on a competitive basis, on the ground that this is substantially raw material. Yet it is the finished product of the woolgrower. Now, the gentleman goes to the finished product of the manufacturer, imported, and claims that under present law it gives the American manufacturer a monopoly, and then reduces the duty on raw wool imported one-half, when under the Payne law it is now upon a competitive basis, and it seems to me it is a little bit like free hides in one sense, where the manufacturers of shoes were very anxious for free hides and got them, and thereby we lost $3,000,000 of revenue annually without getting any reduction in the price of shoes or leather.

Mr. UNDERWOOD. I realize that; and we have been more diligent in our pursuit of the interests of the Treasury, in taking care of the Treasury, than the gentleman's side was with respect to the Payne law. But I will say to the gentleman from Illinois that I have no dispute with him about raw material. I know of no raw material except the sunshine, air, and water. The wool I called not "raw material," but "raw wool," because I knew of no better name than "raw wool" by which to describe it.

Mr. MANN. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Illinois?

Mr. UNDERWOOD. I do.

Mr. MANN. I could not, or at least did not, quite follow the gentleman while he was giving his explanation of why he does not figure the entire amount of duty paid on the wool in considering the amount of tariff upon the finished product or cloth. Take cloth. On the average the importation value of cloth is about $1 a pound. If, for the purpose of argument, we assume 4 pounds of wool to a pound of cloth, the duty on the wool therein would be 17 cents, on the basis of last year's importation of class 1 wool. Now, why does not the manufacturer have to pay, on the gentleman's assumption, 17 cents a pound more for that wool than if it were free? And, if so, why should he not have that compensation in figuring that amount of tariff on the cloth?

Mr. UNDERWOOD. I will say to the gentleman that I have not the figures at hand, but I have examined them carefully in my office. I can not stop now to make them over again, but I will, with the gentleman's permission, put the accurate figures in my remarks when they are printed. But I would say to the gentleman that he can readily see that the wool in the suit of clothes I am wearing, coming into this country as raw wool, is of less value than as manufactured wool in this suit. Therefore an ad valorem rate levied on it as manufactured wool produces a greater amount of revenue in one instance and more of a result to the manufacturer in the other than if it should come in as raw wool. In other words, assuming for the sake of this argument—and I will put in the correct figures—that the value of the wool in this suit, unmanufactured, as the American manufacturer buys it, is worth $1 at the customhouse, why, then, 20 per cent on that would be 20 cents; and assuming that the manufactured wool in this suit when it comes in is worth $2—and it certainly is in that proportion, if not more—if we should levy a tax of 20 per cent, that would really give a protection of 40 per cent—not merely a compensation. All he is entitled to is a compensation of 20 per cent.

From the best figures that I can get, I think if you divide by two the tax you put on raw wool, or take 50 per cent of the tax and carry that into the ad valorem rate on manufactured goods, you have given the just compensation for taxing the manufacturer.

Now, I am free to say that many of the manufacturers do not agree with me about this. Many of them admit that the entire tax on the raw wool ought not to go in, and I do not know of any manufacturers who claim that more than 65 per cent of the tax ought to go in the rate on the finished goods. In other words, some of them claim that if you tax raw wool 20 per cent the compensatory equivalent that should go into that tax on the finished product should be as much as 13 per cent. I figure that when you tax raw wool 20 per cent, 10 per cent is a fair equivalent to go into the tax levied on the finished fabric. Now, this does not work out in every case. If you take a very light suit of clothes, with a very small amount of wool in it and a very high cost of labor, of course there is very little wool, and probably 5 per cent would be a necessary equivalent for the fabric; but if you take a very heavy suit

of clothes with a great deal of wool in it and less labor, then the 50 per cent equivalent, making it 10 per cent ad valorem, may be under the mark.

Mr. MANN. But does it not work out in every case that the American manufacturer who pays the duty or buys American wool pays that much more for the wool, equaling 20 per cent, or equivalent to about 5 cents a pound?

Mr. UNDERWOOD. You mean he pays that much more for the wool than the foreign manufacturer does?

Mr. MANN. Yes; more than the foreign manufacturer.

Mr. UNDERWOOD. Unquestionably. There is no dispute about that. Therefore I say in this report that it figures out that the rates amount to 42.55 per cent; but I state in my report that the competitive point is not 42.55 per cent, but it is really competitive at 32.55 per cent. But the incidental protection that the American manufacturer gets out of this bill only amounts to 32.55 per cent instead of 42.55 per cent. And I am free to say to the gentleman that I think this is the most competitive bill that has ever been brought before the House of Representatives since the Walker bill of 1846.

Mr. MANN. As I understand the gentleman, in fixing the amount of the ad valorem upon the finished product, on the cloth, clothing, and so forth, in order to do justice there was some consideration given to the fact that there was an ad valorem tax upon the wool.

Mr. UNDERWOOD. Of course. We are not protectionists, but that is a mere matter of justice.

Mr. MANN. I am not arguing that question. That is only a preliminary proposition. Is the gentleman able to say what the amount of wool is in the different products that are carried by this bill, such as dress goods, clothing, and things of that sort, having taken into consideration the amount of the tariff on the wool itself?

Mr. UNDERWOOD. We estimated that very carefully in the committee. I estimated it myself. I have not the figures in my head as to the difference.

Mr. MANN. Are they in the report?

Mr. UNDERWOOD. Only in a general way.

Mr. MANN. Does the gentleman expect, before he concludes his remarks, to discuss the paragraphs in the bill?

Mr. UNDERWOOD. To some extent. I will say to the gentleman that I can not carry in my mind the actual estimates on each paragraph, because, aside from that, you take cloths, which vary in weight to a very great extent. We estimated in reference to a number of different weights, but these would be of no especial value here. I have it, though, in this report.

Mr. MANN. It may not be of value, and still it is interesting if the gentleman has it. Take women's and children's dress goods, not composed entirely of wool, or in the main, as I understand, but composed of cotton, on which there is no tariff. Has the gentleman's committee made an estimate of the amount of wool in the quantity of those goods that are expected to be imported?

Mr. UNDERWOOD. Of course we could not go into that detail, and neither could anybody else. In order to be taxed as wool, the chief component part must be of wool.

Mr. MANN. That is not the case as I understand it.

Mr. UNDERWOOD. If it is to be taxed as wool, that is the case. Of course it varies as to clothing. But I will say to the gentleman that writing a bill for the purpose of protecting some one is one thing and writing a bill to supply the Government revenue at the least rate possible and to get the money is another thing.

Mr. MANN. Do I understand the gentleman to say that this language in the bill "on women and children's dress goods composed wholly or in part of wool, and not specially provided for in this act, the duty shall be 45 per cent ad valorem," that the customs office ascertains under that which has the most value, cotton or wool?

Mr. UNDERWOOD. If the gentleman will look at the law, he will see that this is what governs.

Mr. MANN. This is another proposition entirely. Here is an act that stands by itself and says "composed wholly or in part of wool shall be 45 per cent," and so forth. I will not ask the gentleman to delay now——

Mr. UNDERWOOD. As the Secretary of the Treasury states, the courts have repeatedly held that "cloths made wholly or in part of wool" covers only such cloths in which the wool is the element of chief value, the latest decision upon this subject being that of the United States Circuit Court of Appeals for the Second Circuit in United States *v.* Johnson (157 Fed. Rep., 754; T. D., 28516).

Mr. HARDY. Will the gentleman yield?

Mr. UNDERWOOD. I will yield to the gentleman from Texas.

Mr. HARDY. I want to say that it seems to me that if you levy a duty of 20 per cent on raw wool and then levy a duty of 20 per cent on the finished product it would totally compensate the manufacturer for the duty he paid on the raw wool and in addition give him the same degree of protection for the other elements composing the finished product. That is, both he and the wool grower would be protected equally.

Mr UNDERWOOD. It would not go to that extent. If my figures are correct, if you levy 20 per cent on raw wool and then 20 per cent on the finished product, you compensate the manufacturer to the extent of 10 per cent, and he would get an incidental protection of 10 per cent.

Mr. HARDY. The gentleman does not understand my statement. When you levy a duty of 20 per cent on the finished product—that is, on the total value of the finished product including the raw wool and the labor required to convert the wool into cloth—does not that fully compensate him for the duty paid by him on the raw wool and give him an equal protection besides?

Mr. UNDERWOOD. It gives more than compensation; it gives the manufacturer an incidental protection. It undoubtedly gives full compensation and more than full compensation.

Mr. HARDY. All you put above that rate for purposes of revenue is protection incidentally.

Mr. UNDERWOOD. Of course.

Mr. HARDY. The same rate on the raw wool and the finished product would be full compensation and more; it would be incidental protection?

Mr. UNDERWOOD. The gentleman means that the manufacturer is more than compensated by the tax of 20 per cent on the finished product, for the 20 per cent on raw wool. The gentleman is undoubtedly right. He is more than compensated, because, according to my estimate, if you do not want to protect him, incidentally or otherwise, merely want to give him a compensatory duty, if you levied a 20 per cent duty on raw wool you should levy a 10 per cent duty on the finished product. In my judgment he would be compensated for the tax you levied on the raw wool by reason of the increased value of the finished product.

Mr. HARDY. I agree with the gentleman from Alabama, and I think he agrees with me. I say by the same percentage he would be not only compensated, but given a degree of protection.

Mr. UNDERWOOD. Yes. He would not be given the same amount of protection, because under that the raw-wool producer would be given 20 per cent incidental protection and the manufacturer 10 per cent protection.

Now, Mr. Chairman, I apologize to the House for the time I have consumed, but Members have desired to ask me questions, and I have been compelled to answer them. I will bring my remarks to a conclusion in a very few moments.

Mr. RUCKER of Colorado. Mr. Chairman, I would like to ask the gentleman a question.

Mr. UNDERWOOD. I will yield to the gentleman from Colorado.

Mr. RUCKER of Colorado. Looking at this matter from the woolgrowers' standpoint, the gentleman from Alabama has been very thorough as to what was incidental protection to the manufacturer, and also he informed the House quite clearly that the Ways and Means Committee by this bill has put the manufacturer on a competitive basis. I want to say to the gentleman that we woolgrowers do not come in at all, because there is no incidental protection whatever, and we have been knocked out of competition; but that is not the question. The gentleman has said that this was intended for the purpose of raising revenue. My question is, Why is it necessary to reduce the rate on raw wool when we already have a surplus of imported wool into this country to an amount equal to one-eighth of all that was imported in the last year?

Mr. UNDERWOOD. Mr. Chairman, I will say to the gentleman that in the opinion of the committee, if we had left the tax on raw wool as it was and then put sufficient tax on the finished product to make the $40,000,000 we were trying to raise, and at the same time compensate the manufacturer for the tax of 45 per cent that he had to pay on this raw wool, we would have had to put our rates much higher than we have them now and put the burden on the backs of the American people much greater than it is in this bill. Therefore, we declined to write a bill in that way, and we wrote the bill in a way—and the only way—in which in our judgment it could be written and obtain $40,000,000 from Schedule K and at the same time put the least burden upon the backs of the American people.

Mr. RUCKER of Colorado. Mr. Chairman, that is just the point. Now, one word more. How is the American consumer of goods going to be benefited by a reduction in this rate inas-

much as we already have, as I say, a surplus up to yesterday in New York, Philadelphia, and Boston of 33,000,000 pounds, equal to one-eighth of the production for the last year?

Mr. UNDERWOOD. The gentleman means of wool?

Mr. RUCKER of Colorado. Yes; and I want to know what the relation is between the reduction of the duty and the consumer's price that he will have to pay for the goods?

Mr. UNDERWOOD. As the gentleman understands, if this bill becomes a law we hope it will be such a satisfactory law—it will not be for to-morrow only, but for a number of years to come, and the immediate market for raw and manufactured wool to-day is not the point we are considering.

Mr. MANN. Do I understand that there is no expectation on the part of the gentleman to reduce the tariff on raw wool for a number of years if the gentleman's party is in control?

Mr. UNDERWOOD. I did not say that, and I am not predicting.

Mr. MANN. But the gentleman says that he hopes the bill would be so satisfactory that it would not be changed for years to come.

Mr. UNDERWOOD. I do.

Mr. MANN. Which would mean of course that the gentleman would hope there would be no reduction in the tariff on raw wool?

Mr. UNDERWOOD. I am in hopes that this bill will prove a great satisfaction to the American people after the burdens they have struggled under for the last 25 years.

Mr. MANN. Why does the gentleman say "25 years"? Why does the gentleman take such special delight in including that time when they did struggle under burdens while the Wilson bill was in effect?

Mr. UNDERWOOD. They were not burdens under the wool schedule.

Mr. LONGWORTH rose.

Mr. UNDERWOOD. Mr. Chairman, I hope the gentleman from Ohio will please not interrupt me any more. I have tried to answer everybody, and really I am becoming worn out.

Mr. LONGWORTH. This is a question which seems to me in point, but if the gentleman does not desire to be interrupted——

Mr. UNDERWOOD. I will ask my friend not to, because if I yield to one gentleman I must to another, and I would like now to conclude my remarks, because I am myself becoming tired making my own argument.

Mr. Chairman, I only want to say in conclusion that we have written this bill primarily to reduce the burdens resting on the American people. On cloths that the American people have to buy we have reduced the tax under this bill from 97 per cent to 40 per cent. What does that mean? It means that the man who brings into this country 10 yards of cloth for his family under the Payne tariff law—if the cloth is worth $1 a yard—would have to pay $9.70 tax. If this bill is enacted into law, and he brings in that cloth under similar circumstances, he will pay $4 in tax. There will be a saving to him when he imports the 10 yards of cloth of $5.70, and not only that, but the competition coming from abroad will reduce the price charged by the American manufacturer. I have estimated that the tax imposed on the people who buy cloth in this country, the tax paid to the American manufacturer, amounts to over $100,000,000 a year, while the tax collected under the Payne law at the customhouses amounts to only a little over $15,000,000 a year. That is where the burden rests on the American people.

On blankets we have reduced the tax from 95½ per cent to 30 per cent ad valorem.

If a man brings into this country or buys from a protected manufacturer a blanket for $2, under the present law his tax would be $1.90. If this bill becomes a law, his tax will be 60 cents. On the $2 blanket we will have reduced the tax from $1.90 to 60 cents, a saving to the American consumer of $1.30 on a $2 blanket. On women's dress goods the average rate under the Payne law is 102 per cent. We reduce it to 45 per cent. On $10 worth of women's dress goods imported into this country to-day the man or woman who brings them in would have to pay a tax of $10.20. If this bill becomes a law, he or she would have to pay a tax of $4.50.

Mr. MANN. Will the gentleman yield for a question there?

Mr. UNDERWOOD. I would like to finish——

Mr. MANN. Well, I know, but the gentleman is in charge of a great bill, and ought to be willing to give information, and I am sure he is willing to do so, and the House will be patient with him. I notice that the proposed tariff on men's clothes is 40 per cent. That is mainly wool. The tariff on women's and children's goods is 45 per cent, largely cotton. Why is the discrimination made now against the women's and children's goods in the rate of duty?

Mr. UNDERWOOD. Well, I do not at all agree with the gentleman in his premise. He assumes that the women's goods that are imported are largely cotton. When they are largely cotton they will be taxed as cotton, and I will say to the gentleman that the goods imported are not largely cotton, that the cotton goods that the American people have to buy are of American manufacture. It is not foreign goods that come in here under these rates of duty that are made up of cotton and shoddy, but it is American manufactured goods that are sold behind this prohibitive protective tariff wall that have cotton and shoddy in them.

Mr. MANN. Is it not a fact that women's and children's goods are largely cotton warp and woolen filling?

Mr. UNDERWOOD. Some of them are, but I am talking about the ones that come in——

Mr. MANN. I am talking about the class of goods imported——

Mr. UNDERWOOD (continuing). Under this provision of the bill, but the gentleman is wrong.

Mr. MANN. Assuming, then, they are the same, why is there a discrimination of 5 per cent against women's and children's goods in favor of men's goods?

Mr. UNDERWOOD. If I recollect the figures aright, we found that by adding that 5 per cent to the particular class of goods it meant an increase in revenue of about a million and a quarter dollars—I can not be accurate, but that is my recollection—and it was put on there to get that million and a quarter dollars, because we were striving to bring the revenue features of this bill up to $40,000,000.

Mr. MANN. Could not it easily have been raised by taxing wool? Instead of taxing women's and children's goods, why not tax the men's goods?

Mr. UNDERWOOD. Well, it was a question where the tax would produce the greatest result, and as the man pays for the goods in the end I do not think it is very material whether, in the first instance, he paid for it or the woman. [Applause on the Democratic side.]

Mr. MANN. It would be a very great comfort to a great many women in the country to know that the man pays for the goods. It is about an even chance that the women pay for the goods.

Mr. FOSTER of Illinois. They would have to pay much less on women's goods under this bill than under the Payne law.

Mr. UNDERWOOD. I was coming to that, and I want the gentleman to take home to his constituents the fact that under this bill the women of Chicago, when they buy $10 worth of goods and bring them into this country or pay to the protected manufacturer, they have to pay under the Payne law $10.20 in taxes to the American manufacturer or at the customhouse, whereas under this bill they will pay only $4.50 in taxes.

Mr. MANN. That is a subject of great controversy between the two parties. That represents a principle. But what principle is involved in taxing the women's and children's goods 5 per cent more than the men's goods? What principle is involved in that?

Mr. UNDERWOOD. I have already told the gentleman that no principle was involved in it. I will add also that, under the Payne Act, on the imports of 1910, the actual duties levied on women's goods were 5 per cent higher than those on the men's goods—102 per cent on the women's goods, compared to 97 per cent on the men's goods. We worked this out from a statistical standpoint.

As I said, we found we could raise this additional million and a quarter of revenue, according to our estimates, and we put it on for that reason—because we needed the revenue.

Now, I want to say in conclusion, thanking the House for its attention, that we have reported to this House a schedule that the experts, both of the Ways and Means Committee and of the Treasury Department, say will produce as much revenue as is produced by the corresponding schedule of the Payne law; that we have reduced the burden of taxation resting upon the American people on manufactured woolen goods from an average of 90 per cent to an average of 42½ per cent. Under this bill the incidental protection is far in excess of any difference in labor cost at home and abroad. We have reduced the rates in this bill from the prohibitive rates of the Payne law to a real competitive basis, where there will be at least some honest competition in favor of the American consumer. We have written this bill in compliance with the faith of our party. We have not violated the promises made to the country, as the Republican Party did two years ago [applause on the Democratic side], but we have kept faith with the American people, and we propose to go on in this tariff revision, keeping faith until we have revised each one of these schedules to an honest, competitive basis. [Prolonged applause on the Democratic side.]

The statement, prepared by Mr. HILL and ordered printed in the RECORD, is as follows:

WASHINGTON, D. C., *June 5, 1911.*

Hon. CHAMP CLARK,
Speaker House of Representatives.

Mr. SPEAKER: As I am compelled to be away during the progress of the debate, I ask unanimous consent that I may be allowed to print in the RECORD a criticism on the Underwood Schedule K as prepared by me and printed in the New York Journal of Commerce of Saturday last, and with it letters from three manufacturers of woolens in Connecticut. These men are not only independent of any trust or combination, but are considered to be the producers of as fine products as any other mills in the country, and all three of them are literally great "captains of industry" and know whereof they speak.

Very truly, yours,

E. J. HILL.

I also submit the Saturday market report from the Daily Trade Record, a purely nonpolitical trade paper.

DEMOCRATS' WOOL BILL SHARPLY CRITICIZED—CONGRESSMAN HILL SAYS IT IS POLITICAL MEASURE—IF ENACTED HIS OPINION IS THE WOOL AND WOOLEN INDUSTRY IN THE UNITED STATES WILL BE WIPED OUT—SAYS THE FABRIC RATES MUST BE INCREASED TO AT LEAST EQUAL COST OF MANUFACTURE.

WASHINGTON, *June 2, 1911.*

Congressman HILL, of Connecticut, to-day, after a thorough examination of the Democrats' wool and woolen bill, expressed great dissatisfaction with it. He is a Republican member of the Ways and Means Committee and a most competent critic of the bill, and a fair one, too, being in favor of a revision of Schedule K, but he says the bill, if enacted, would mean the annihilation of the wool and woolen industry of the United States. In an interview given out by him, and it is the first Republican criticism, he says:

"The title of the bill is 'A bill to reduce the duties on wool and manufactures of wool.' So far as the effect on this country is concerned, it might be 'a bill to reduce wool and manufactures of wool,' for that will unquestionably be the effect of it. The Wilson bill was the last expression of Democratic ideas on the wool tariff. It's effect on the whole was disastrous to the industry at that time, although undoubtedly there were some cases where, in the three and a half years of its existence, some establishments prospered in making specialties with the advantages which free wool gave, but taking it as a whole I think the practically unanimous opinion of both the woolgrower and the woolen manufacturer was that it was not then possible to successfully carry on the business of either growing or manufacturing wool in this country at the rates prescribed by the Wilson bill. Undoubtedly the improvement in manufacturing facilities and the reduction in interest rates in the last 16 years would be somewhat helpful in the prosecution of either branch of the business at the same rates now; but I think it is a fair assumption that when those rates have been named, or their equivalent, it is the last word possible with reference to the woolen industry, and that any reduction below those rates means the carrying on of the business in the future in a poor and dying condition, with a reasonable certainty of its speedy elimination from among the great industries of this country.

"The pending measure is undoubtedly a political proposition not intended to be put in operation as it is, but presented in the expectation that the duties on fabrics will be increased in the Senate and that the duties on wool will remain as the bill prescribes, thus throwing the burden of prescribing such rates as will maintain the industry in this country upon the Republican Party.

"As the bill is drawn, with the fabric rates below the difference in the cost of production, its effect upon the woolgrower will be worse than free wool, for, of course, no man will either buy domestic wool or import wool in the grease as a material for manufacturing if he knows in advance that he must sell the finished product at less than cost. As a result, whatever importations there are will be of fabrics, and the market for the domestic woolgrowers' product will therefore be taken away from him, except at the London price, less the cost of transportation both ways. With free wool and the difference of the cost of production of the fabric provided for by an equivalent rate of duty the market for domestic wool would be preserved, with the added advantage of the transportation on the foreign wool to the United States in favor of the American producer.

"I said that the Wilson bill rates were the last word possible to the preservation of the woolen industry in this country. The duty of 20 per cent on wool in the grease means an equivalent duty of 12 or 13 per cent on the fabric. This alone would make the bill impossible if the fabric rates were the same as the Wilson bill, but they are not. Even Mr. UNDERWOOD concedes that they are 5.29 per cent lower, taking the whole schedule, carpets and all, than the Wilson bill; but taking cassimeres and worsteds and dress goods for men and women, they are 10 per cent less, and in some cases lower still, which, added to the compensatory duty on the fabric because of the duty on the wool, would make, as closely as it can be figured, the general rates of this bill 25 per cent less than the Wilson bill.

"I would be very glad to have any woolen manufacturer, in any branch of the industry, write to me and give me as briefly and succinctly as he can his experience under the rates of the Wilson bill, and do it as promptly as possible, for I am convinced that the maintenance of the industry in the United States under this proposition is impossible with an experience 25 per cent worse than that which they had during the three and a half years of the operation of the Wilson law.

"But there is another feature to this matter, and that is the question of revenue. Theoretically the bill is brought forward as a revenue measure, and even with the estimates made by the committee and published as a part of the bill the schedule will show a diminution of revenue from last year of $1,500,000.

"In making these estimates the committee has assumed that for the next year there will be an increase in the value of importations of wool in the grease of between $19,000,000 and $20,000,000 and an increase in fabrics of between $40,000,000 and $41,000,000 in value. That value of wool in the grease represents 96,500,000 pounds, and the wool in the increased fabric importations represents 85,500,000 pounds. This means that if we are to come within $1,500,000 of getting the same revenue under this bill that we received in 1910 we must necessarily import in the grease and in the fabric 182,000,000 pounds more of wool than we did last year; and there can be but one conclusion, and that is that this must supplant and displace 182,000,000 pounds of wool grown in the United States. As this is about two-thirds of the entire product of the United States, it is only confirmatory of the first proposition which I made—that the bill absolutely destroys the market for the domestic grower of wool and puts him in a worse position than if we had free wool, with fabric duties sufficient to preserve the industry of manufacturing the raw material in this country.

"Which horn of the dilemma the Democratic members of the committee will take I do not know, but one thing is certain, that if this wool comes to the United States it will destroy the American market. If it does not come, they do not get their revenue.

"By way of suggestion, let me add that in this $41,000,000 of increased fabric importations there is lost to the United States about $12,000,000 worth of human labor in the manufacturing processes alone, which means the throwing of 23,000 persons out of employment in that industry.

"It is easy to be seen that there is at least reason for differences of opinion as to the value of legislation of this kind."

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ROCKVILLE, CONN., *June 1, 1911.*

Hon. E. J. HILL, *Washington, D. C.:*

Letter just received to-night. We ran short time under Wilson bill and many concerns were obliged to reduce wages. Foreign mills flooded the country with goods, and it took several years for the market to recover. The proposed bill will surely put us out of business. Wilson bill was disastrous enough, and anything approaching it would tend to destroy the whole woolen industry; ad valorem duties imposed would probably be greatly undervalued, say 10 to 50 per cent, as recently happened, and we would have little or no protection under the new bill.

F. T. MAXWELL.

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ROCKVILLE, CONN., *June 2, 1911.*

Hon. EBENEZER J. HILL,
Congressman, Washington, D. C.

MY DEAR MR. HILL: I received your letter of 31st ultimo last night and immediately wired you a few facts regarding the results of the Wilson bill to the woolen trade, and now wish to supplement those facts, after reading and considering the new proposed Underwood woolen-tariff bill, published in this morning's paper.

The proposed bill is so much worse than the old Wilson bill that I feel sure that if it passed it would drive the whole woolen business (amounting to some $400,000,000 annually) out of the country practically.

The Wilson bill made a good start toward cleaning the woolen manufacturers out of business, and if continued a few years longer might have done it very effectually. It did allow the foreigners to flood our markets with low-priced goods, which were not consumed for a long time after the Dingley bill had become a law.

The Wilson bill gave us free raw material and 50 per cent ad valorem on our fine goods, but the proposed Underwood bill charges us 20 per cent on our raw material and only gives us 40 per cent on our goods. In order to make it anywhere near equitable as compared with the Wilson bill, we should have, under the new tariff, 60 per cent duty on our goods to equalize the 20 per cent extra charged on the raw material.

Mr. UNDERWOOD says that he expects to have $40,000,000 worth of goods imported, which lets the cat out of the bag. In other words, he wants $40,000,000 worth of goods made abroad instead of in this country; and that, of course, means the stopping of our mills here, and our workmen will be idle and suffering, and the soup houses will have to be started again, as in the time of the Wilson bill.

The Democrats apparently desire to close out the whole woolen industry and throw our product of $400,000,000 annually over to the English and Germans, resulting in the starving of our workmen in the woolen line.

If they carry their plans through Congress, they may expect an uprising in the manufacturing districts such as occurred in 1894, when Connecticut was carried Republican by 17,000 votes, as against Connecticut being carried in 1892 by Cleveland, Democrat, by 5,000 votes.

The woolen mills are beginning to feel the effects of tariff-reduction talk very seriously; our customers refuse to buy goods when there is a possibility of purchasing them later here or abroad at less price, and it is going to be a very serious matter.

Ad valorem duties are never fully collected, and no foreign country enacts such duties where it is possible to use specific duties. We have very recent evidence in the woolen and other lines of serious undervaluations, and they are going on every day, and can not possibly be stopped; but the pound duties are sure, and the Government gets its money and the honest importer gets fair competition under that method of duty.

I thank you for your letter, and will be pleased to hear anything new that you can give me.

Yours, sincerely,

FRANCIS T. MAXWELL.

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BOSTON, MASS., *June 3, 1911.*

Hon. E. J. HILL,
Congressman, Washington, D. C.:

Your ideas on the Schedule K are all right. Any such change as the bill proposed would mean ruination to the woolen industry of this country.

FREDK. SWINDELL.

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SOMERSVILLE, CONN., *June 3, 1911.*

Hon. E. J. HILL,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: I note in the morning paper that you request all woolen manufacturers interested in the proposed tariff bill recently introduced in Congress to write you their views in regard to it. I have been in the woolen business for 40 years, manufacturing woolens entirely, and, in my judgment, no tariff legislation has ever been proposed that will so seriously injure the woolen manufacture business as the proposed legislation. Our business will suffer more adversely under a bill of the character proposed than it did under the Wilson bill. Under the Wilson bill we had equally as much protection on manufactured goods as we will receive under the proposed bill, and, in addition to that, we had wool free. I note in the public press that the claim is made for this bill that it will not reduce the revenue of the Government more than one and one-half million from duties on wool and woolens below that received under the present tariff laws. If this be true, it must follow that importations of wools and woolens will be increased 100 per cent over the present amount imported. A large part of this increase would undoubtedly come from the increased importation of manufactured goods. This would result in a decreased amount of goods

manufactured in this country to whatever extent the importation of manufactured goods would be increased. The results under a bill of this kind would be that the manufacture of woolens would be so paralyzed and so reduced that it would result disastrously not only to the manufacturers, but to the producers of wool as well, owing to the decrease in the amount of raw wool consumed. It is impossible for the wool grower to be prosperous and receive an adequate return for the wool he may grow unless the wool manufacturer is so situated that he can consume the wool at a profit to the manufacturing end of the business.

With 20 per cent duty on wool and a duty on goods on the same level as the Wilson bill carried, the result is not in doubt. Such a bill if enacted into law would be the greatest blow that the woolen business has ever received during the many years that I have been familiar with the business. There should be a fair duty on raw wool, either ad valorem or specific, the latter I personally favor, and a reasonable ad valorem on the manufactured goods, and in addition thereto, a compensatory duty equivalent to the ad valorem or specific duty on raw wool.

Yours, truly, GEO. E. KEENEY.

[Daily Trade Record, New York, June 3, 1911.]

PIECE GOODS—MARKET DISCUSSES TARIFF.

Nothing had stirred the market for some time to quite the extent that the news of the proposed tariff plan has as it passed the caucus of the House of Representatives by unanimous vote on Thursday. The opinion was very general that the bill as proposed will never become a law. Briefly, so far as the trade is concerned, it affords 5 per cent less protection against the influx of imported merchandise than did the Wilson bill, and deprives of the opportunity of entering the world's market for raw wool, which condition that bill contained. In other words, if the Wilson bill was bad for the industry, the proposed plan is worse. Criticisms were of the most severe character and were apparent on every hand. The claim that the lessened revenue on raw wool will be made up by the increase in the importations of merchandise is looked upon as one of the weakest assertions favoring the change. It takes but little figuring, it is pointed out, to ascertain what this means to the American workingmen.

The difference, it is claimed, will be in the neighborhood of 60,000,000 yards, or about the production of the American Woolen Co. Obviously, this deprives employment for about 35,000 operatives, who in their turn take out of circulation, at a low estimate, $350,000 a week. When the amount which goes abroad, which includes the purchase price of the fabric, this item alone, it is said, takes $160,000,000 out of circulation in this country. Others were inclined to look upon the attempt to put through a bill of any character whatsoever in the face of an imminent report by a board of scientific experts as being of a decidedly presumptuous character. The opinion was almost unanimous that if this bill becomes a law the mills of the country may as well go out of business. Although, of course, when foreign sentiment against increased production is considered, this situation is hardly likely of development at least under a year, because of the satisfactory state of the business in those countries. They are now enjoying the highest degree of prosperity of their history, and it is said are adverse to increasing production on the same scale that is characteristic of the industry here.

Mr. UNDERWOOD. Now, Mr. Chairman, I would like to ask the gentleman on the other side to consume some time.

Mr. DALZELL. Mr. Chairman, the gentleman from New York [Mr. PAYNE] was compelled to go away. There is nobody on this side of the House who is ready to go on, so far as I am informed.

Mr. UNDERWOOD. I expected some time to be used on that side of the House, and I will state to the gentleman candidly that, expecting that, I was not prepared to go on, on this side, immediately.

Mr. MANN. Let us rise.

Mr. UNDERWOOD. I do not think there is anyone here, Mr. Chairman, who is ready to go on; and I wish to say to the Members of the House that I do not wish to drive the debate on unreasonably, but I do not think it is right ordinarily for the committee to rise this early in the afternoon.

Mr. MANN. If the gentleman will recall, his report was not obtainable until late this morning, and no one has had a chance to read it except the gentlemen who prepared it.

Mr. UNDERWOOD. I will say to the gentleman from Illinois that I will not insist on going on now, but I must insist from now on. Gentlemen must hereafter be prepared to speak until at least 5 o'clock in the afternoon.

Mr. MANN. We shall do the best we can, but the gentleman will not help any in that way.

Mr. UNDERWOOD. All I ask of the gentleman from Illinois and his side of the House is that they also shall be reasonable. Now, Mr. Chairman, I move that the committee do rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House bill 11019, to reduce the duties on wool and manufactures of wool, and had come to no conclusion thereon.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 27 minutes p. m.) the House adjourned until to-morrow, June 8, at 12 o'clock meridian.

XLVII——111

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. STEPHENS of Texas: A bill (H. R. 11320) to provide for the sale of the surface of 157.5 acres of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations to the McAlester Country Club; to the Committee on Indian Affairs.

By Mr. NYE: A bill (H. R. 11321) to authorize the Twin City & Lake Superior Railway Co. to construct a bridge across the St. Croix River between Wisconsin and Minnesota; to the Committee on Interstate and Foreign Commerce.

By Mr. LATTA: A bill (H. R. 11322) to divide the judicial district of Nebraska into divisions and to fix the time for the holding of the terms of court in said divisions; to the Committee on the Judiciary.

By Mr. EDWARDS: Resolution (H. Res. 196) directing the Secretary of War to ascertain extent of discriminations against Jews in United States Army and Military Academy, to correct same and punish offenders; to the Committee on Military Affairs.

Also, resolution (H. Res. 197) directing the Secretary of the Navy to ascertain extent of discrimination against Jews in United States Navy, to correct same, and punish offenders; to the Committee on Naval Affairs.

By Mr. McDERMOTT: A memorial from Illinois Legislature asking Congress to call a convention to propose an amendment to the Constitution of United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AMES: A bill (H. R. 11323) granting an increase of pension to Harry B. Pettingill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11324) granting an increase of pension to Charles H. Webber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11325) granting an increase of pension to Michael E. Breck; to the Committee on Pensions.

Also, a bill (H. R. 11326) granting an increase of pension to William H. Hart; to the Committee on Pensions.

By Mr. BULKLEY: A bill (H. R. 11327) granting an increase of pension to Henry J. Farwell; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 11328) for the relief of Palestine Troup; to the Committee on Military Affairs.

Also, a bill (H. R. 11329) granting an increase of pension to Amos Cowan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11330) granting an increase of pension to Hiram Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11331) granting an increase of pension to Charles Fabriz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11332) granting an increase of pension to Joseph S. Moorhead; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11333) granting an increase of pension to Jacob Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11334) granting an increase of pension to James Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11335) granting an increase of pension to Samuel R. Holder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11336) granting an increase of pension to William T. Richmond; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 11337) granting a pension to William H. Thomas; to the Committee on Invalid Pensions.

By Mr. DOUGHTON: A bill (H. R. 11338) granting a pension to Daniel W. Setzer; to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 11339) granting an increase of pension to Susan Harroun; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 11340) granting an increase of pension to Lewis E. Ward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11341) granting an increase of pension to Isaac Skinner; to the Committee on Invalid Pensions.

By Mr. GOODWIN of Arkansas: A bill (H. R. 11342) granting a pension to George C. Rimes; to the Committee on Pensions.

Also, a bill (H. R. 11343) granting a pension to Livingston D. Smith; to the Committee on Pensions.

By Mr. GRAY: A bill (H. R. 11344) granting an increase of pension to John Sepin; to the Committee on Invalid Pensions.

By Mr. KIPP: A bill (H. R. 11345) granting an increase of pension to James A. Hawthorne; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11346) granting an increase of pension to Harvey Bishop; to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 11347) to remove the charge of desertion against John Hartman, alias William Johnson, alias David Stiers; to the Committee on Military Affairs.

By Mr. MATTHEWS: A bill (H. R. 11348) granting an increase of pension to John P. Wilson; to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 11349) for the relief of Albert A. Haskett; to the Committee on War Claims.

By Mr. MOSS of Indiana: A bill (H. R. 11350) for the relief of Henry Gibson; to the Committee on Military Affairs.

By Mr. O'SHAUNESSY: A bill (H. R. 11351) granting an increase of pension to Hugh McGuckian; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11352) granting an increase of pension to Laura S. Converse; to the Committee on Pensions.

Also, a bill (H. R. 11353) granting an increase of pension to Sarah M. Matteson; to the Committee on Invalid Pensions.

By Mr. SHEPPARD: A bill (H. R. 11354) for the relief of the heirs of Michael Mayers, deceased; to the Committee on War Claims.

By Mr. TOWNER: A bill (H. R. 11355) granting an increase of pension to Lycurgus Pyle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11356) granting an increase of pension to Benjamin F. Kimler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11357) granting an increase of pension to Thomas J. Scott; to the Committee on Invalid Pensions.

By Mr. UTTER: A bill (H. R. 11358) granting an increase of pension to Mary A. Phillips; to the Committee on Invalid Pensions.

By Mr. WILDER: A bill (H. R. 11359) granting a pension to Thomas J. Stone; to the Committee on Pensions.

Also, a bill (H. R. 11360) granting an increase of pension to Tuffield Shumway; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11361) granting an increase of pension to Robert M. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11362) granting an increase of pension to James A. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11363) granting an increase of pension to Abram H. Bedell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11364) granting an increase of pension to Frederick D. Wellington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11365) for the relief of Jason D. Whitaker; to the Committee on Military Affairs.

Also, a bill (H. R. 11366) for the relief of Henry Butterfield, alias Henry Johnson; to the Committee on Military Affairs.

Also, a bill (H. R. 11367) for the relief of James L. Chase; to the Committee on Military Affairs.

Also, a bill (H. R. 11368) for the relief of James Noonan; to the Committee on Naval Affairs.

Also, a bill (H. R. 11369) to place upon the muster-in rolls the name of John O. Kinney; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AMES: Papers and evidence in the cases of Harry B. Pettingill and Charles H. Webber; to the Committee on Invalid Pensions.

Also, papers and evidence in the cases of William H. Hart and Michael F. Breck; to the Committee on Pensions.

By Mr. ANSBERRY: Petition of A. G. Snow and other retail druggists of Paulding County, Ohio, against a local rural parcels post; to the Committee on the Post Offices and Post Roads.

By Mr. BARTLETT: Petitions of Georgia Commission Co., B. T. Banks, Forsyth Mercantile Co., Poorch & Harp, T. J. and H. H. Harden, W. T. Lawson & Co., of Forsyth, Ga.; W. M. and J. E. Howard, of Barnesville, Ga., asking for the reduction of tariff on sugar; to the Committee on Ways and Means.

By Mr. BULKLEY: Resolution of the Cleveland Chamber of Commerce urging the amendment of the corporation-tax law to permit each corporation to make its return as of the close of its fiscal year; to the Committee on Ways and Means.

Also, petition of 19 Ohio retailers, protesting against the high duty on sugar as an unnecessary burden to the consumer, and asking that it be reduced; to the Committee on Ways and Means.

By Mr. DYER: Petition of Charles W. Stockhausen, of St. Louis, Mo., protesting against House bill 8887; to the Committee on Ways and Means.

Also, petition of H. O. A. Huegel, president Retail Druggists' Association of St. Louis, Mo., protesting against House bill 8887; to the Committee on Ways and Means.

Also, petition of C. K. Reifsnider, of St. Louis, Mo., favoring House bill 5601, relating to prison-made goods; to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Cleveland Chamber of Commerce, urging the amendment of the corporation-tax law to permit each corporation to make its return at the close of its fiscal year; to the Committee on the Judiciary.

Also, petition of B. Nugent & Bro. Dry Goods Co., of St. Louis, Mo., protesting against House bill 8887; to the Committee on Ways and Means.

Also, resolutions of the National Lumber Manufacturers' Association, relating to certain measures being considered by Congress; to the Committee on Rules.

Also, memorial of Society for Prevention of Sickness, of Washington, D. C., favoring Senate bill 26, "An act to authorize the acceptance by the United States of the gift of the Nathan Straus Pasteurized Milk Laboratory"; to the Committee on the District of Columbia.

Also, resolutions adopted by the Workmen's Sick and Death Benefit Fund of the United States of America, protesting against methods pursued in arrest of John McNamara, and favoring the resolution introduced by Mr. BERGER; to the Committee on Rules.

By Mr. FITZGERALD: Resolutions of the American Association of Refrigeration, concerning proposed national legislation likely to injuriously affect the production and marketing of perishable food products; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Chamber of Commerce of the State of New York, favoring reciprocity agreement with Canada; to the Committee on Ways and Means.

Also, resolutions of the Brooklyn Federation of Labor, relative to the alleged kidnaping of certain labor officials of the State of Indiana; to the Committee on Labor.

Also, resolutions of the Chamber of Commerce of Pittsburg, urging an amendment of the corporation-tax law; to the Committee on the Judiciary.

Also, resolutions of the officers and enlisted men of the volunteer organizations serving in the Philippines, urging support of bill to be introduced by Senator JONES similar in purport to Senate bill 4033, introduced by him in Sixty-first Congress, second session; to the Committee on Military Affairs.

By Mr. FRENCH: Petition of citizens of Van Wyck, Idaho, favoring removal of duty on sugar; to the Committee on Ways and Means.

By Mr. FULLER: Petition of the United Trades and Labor Assembly of Streator, Ill., favoring the Berger resolution; to the Committee on Rules.

Also, petition of A. Gulbeason, of Rockford, Ill., against the admission of New Mexico as a State; to the Committee on the Territories.

Also, petition of E. R. Elliott, of Rockford, Ill., against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. HAY: Petition of citizens of Charlottesville, Va., asking for reduction of duty on sugar; to the Committee on Ways and Means.

By Mr. HENRY of Texas: Petition of citizens of Leroy, Tex., asking for a reduction in the duty on raw sugar; to the Committee on Ways and Means.

By Mr. HUMPHREY of Washington: Petitions of sundry citizens of Washington, asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. JAMES: Petition of citizens of Kirbyton, Ky., asking for a reduction of the tariff duty on sugar; to the Committee on Ways and Means.

Also, petition of citizens of Louisville, Ky., asking repeal of tariff on lemons; to the Committee on Ways and Means.

By Mr. LOBECK: Resolutions from the Commercial Club of Omaha, Nebr., asking that the corporation-tax law be amended; to the Committee on the Judiciary.

Also, resolutions adopted by the annual convention of the Workman's Sick and Death Benefit Fund of the United States, protesting against methods pursued in arrest of John McNamara, and indorsing resolution introduced by Mr. BERGER; to the Committee on Rules.

By Mr. MADDEN: Petition of some negroes of Topeka, Kans., protesting against repeal of fourteenth amendment; to the Committee on the Judiciary.

By Mr. MADISON: Petition of certain citizens of the State of Kansas for a reduction of the duties on sugar; to the Committee on Ways and Means.

By Mr. MATTHEWS: Petitions of citizens of Avella, Washington County, Pa., asking for reduction in the duty on raw and refined sugar; to the Committee on Ways and Means.

Also, affidavits in support of bill to increase pension of John P. Wilson; to the Committee on Invalid Pensions.

By Mr. McDERMOTT: Resolutions of Illinois Manufacturers' Association, urging that the corporation-tax law be amended so that corporations will be permitted to make returns as of the close of their fiscal year; to the Committee on Ways and Means.

Also, resolutions adopted by the Workmen's Sick and Death Benefit Fund of the United States of America, protesting against the methods pursued in the arrest of John McNamara and indorsing the resolution introduced by Mr. BERGER; to the Committee on Rules.

By Mr. O'SHAUNESSY: Resolution of Rhode Island Antituberculosis Association, providing for the creation of a public health committee in the House of Representatives; to the Committee on Rules.

Also, resolution of the Local Council of Women of Rhode Island, favoring treaties of unlimited arbitration with Great Britain and other countries; to the Committee on Foreign Affairs.

By Mr. PALMER: Resolution of Washington Camp, No. 327, Patriotic Order Sons of America, urging enactment of illiteracy test; to the Committee on Immigration and Naturalization.

By Mr. PRAY: Petition of citizens of Eureka, Jardine, Denton, and Stanford, Mont., for reduction of duty on sugar; to the Committee on Ways and Means.

Also, petition of Anaconda Mill and Smeltermen's Union, No. 117, Western Federation of Miners, of Anaconda, Mont., protesting against Anglo-American arbitration treaty; to the Committee on Foreign Affairs.

By Mr. RANDELL of Texas: Petition of W. L. Barnes and other citizens of Lone Oak, Tex., favoring reducing the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. ROBERTS of Massachusetts: Petition of the members of the First Parish in Hingham, Mass., favoring arbitration treaty now pending between the United States and England; to the Committee on Foreign Affairs.

Also, petition of New England Association of the Federal Immigration and Naturalization Service, favoring House bill 729, a bill for increasing the salaries and for the retirement of employees in the classified service; to the Committee on Reform in the Civil Service.

Also, resolutions of Massachusetts State Board of the Ancient Order of Hibernians in America, protesting against the adoption of the so-called peace treaty now pending; to the Committee on Foreign Affairs.

By Mr. ROBINSON: Petition of German-American Federation of Arkansas, protesting against conduct and action of immigration officials in excluding desirable immigrants from the United States; to the Committee on Immigration and Naturalization.

Also, petition of J. B. Simmons et al., of Pine Bluff, Ark., asking for reduction of tariff on sugar; to the Committee on Ways and Means.

By Mr. TALCOTT of New York: Petition of sundry citizens of Prospect, N. Y., asking for a reduction in the duty on sugars, both raw and refined; to the Committee on Ways and Means.

By Mr. UTTER: Petition of L. E. Edwards, of Pascoag, R. I., protesting against a tax on proprietary medicines; to the Committee on Ways and Means.

By Mr. WILSON of New York: Petition of Local Union No. 381, United Brotherhood of Carpenters and Joiners of America, Brooklyn, N. Y., asking for an investigation of McNamara case at Los Angeles; to the Committee on Rules.

Also, petition of Cloak and Skirt Makers' Union No. 11, of Brooklyn, N. Y., asking for investigation of the McNamara case; to the Committee on Rules.

Also, resolutions of Cleveland Chamber of Commerce, Cleveland, Ohio, in favor of certain amendments to the corporation-tax law; to the Committee on the Judiciary.

Also, resolutions of the Chamber of Commerce of the State of New York, favoring proposed Canadian reciprocity agreement; to the Committee on Ways and Means.

SENATE.

THURSDAY, *June 8, 1911.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a memorial of Local Grange No. 312, Patrons of Husbandry, of Quincy, N. H., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented the petition of Dr. Henry H. Seltzer, of Washington, D. C., praying for the passage of the so-called Johnston Sunday rest bill, which was ordered to lie on the table.

Mr. CULLOM presented a memorial of Local Division No. 1, Ancient Order of Hibernians, of Peoria, Ill., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. MYERS presented a memorial of Mill and Smeltermen's Union No. 117, of Anaconda, Mont., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. LODGE presented a petition of the Chamber of Commerce of Boston, Mass., praying for the passage of the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

Mr. CURTIS presented a memorial of David Sharp Master Grange, No. 1432, Patrons of Husbandry, of Arkansas City, Kans., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the bill (S. 2601) for the relief of Douglas B. Thompson, asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

Mr. WARREN, from the Committee on Military Affairs, to which was referred the bill (S. 315) fixing the rank of military attachés, reported it with an amendment and submitted a report (No. 59) thereon.

Mr. MARTIN of Virginia, from the Committee on Commerce, to which was referred the bill (S. 1524) to authorize the construction and maintenance of a dam or dams across the Kansas River in western Shawnee County or in Wabaunsee County, in the State of Kansas, reported it with an amendment and submitted a report (No. 60) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GALLINGER:

A bill (S. 2674) to regulate public utilities in the District of Columbia, and to confer upon the Commissioners of the District of Columbia the duties and powers of a public utilities commission;

A bill (S. 2675) to incorporate The Rockefeller Foundation (with accompanying papers); and

(By request.) A bill (S. 2676) to provide for a hospital for the treatment of inebriates, and for other purposes; to the Committee on the District of Columbia.

By Mr. CULLOM:

A bill (S. 2677) to establish the military record of M. M. Pool (with accompanying paper); to the Committee on Military Affairs.

By Mr. JONES:

A bill (S. 2678) extending the provisions of the bounty-land law of March 3, 1855, to persons who participated in the Indian wars of the United States prior to April 12, 1861; to the Committee on Public Lands.

By Mr. DILLINGHAM:

A bill (S. 2679) granting an increase of pension to Frederick M. Miller (with accompanying papers); to the Committee on Pensions.

REPORT OF IMMIGRATION COMMISSION.

Mr. DILLINGHAM. Mr. President, I ask leave to have reprinted, with corrections and illustrations, Senate Document No. 208 of the Sixty-first Congress, second session, being a report of the Immigration Commission on changes in bodily form of descendants of immigrants. The document has been once printed, and it has been very much called for. It was included among the reports of the commission made when the commission went out of existence the first day of the last session, but by some error it was not reported among the list of reports that should be printed. For that reason I ask for a reprint.

There being no objection, the order was reduced to writing and agreed to, as follows:

Ordered, That Senate document No. 208, Sixty-first Congress, second session, being report of the Immigration Commission on changes in bodily form of descendants of immigrants, be reprinted with corrections and illustrations.

PUBLIC BUILDINGS IN THE CITY OF WASHINGTON.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a former day, which will be stated.

The SECRETARY. Senate resolution No. 62, by Mr. HEYBURN, directing the Secretary of the Treasury to transmit information relative to the title, and so forth, of certain lands, for the purchase of which appropriation was made May 30, 1908.

Mr. HEYBURN. It has been read.

The VICE PRESIDENT. The resolution will be referred to the Committee on Public Buildings and Grounds.

Mr. HEYBURN. No; I ask that it be given present consideration.

The VICE PRESIDENT. Is there objection?

Mr. CHAMBERLAIN. I should like to hear the resolution read.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution submitted yesterday by Mr. HEYBURN, as follows:

Resolved, That the Secretary of the Treasury is hereby directed to inform the Senate what progress has been made toward the acquirement of title by the United States to the whole of squares numbered 226, 227, 228, 229, and 230, for the purchase of which appropriation was made under act of Congress approved May 30, 1908, and if title has passed to the Federal Government, when such title passed, the consideration to be paid therefor, in detail, and whether or not the former owners or lessees now occupying said buildings are paying any rent to the United States for the use of said buildings, and the amount thereof; and also whether or not the proposed plans for the buildings to be erected for the use of the United States Departments of State, Justice, and Commerce and Labor contemplate the occupancy of any portion of the land south of B Street commonly known as the Mall.

Mr. HEYBURN. The resolution merely calls for information in regard to the matter.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. DAVIS. I object.

The VICE PRESIDENT. Objection is made to present consideration.

Mr. HEYBURN. It went over until to-day. I take it that it can not be sent over by an objection.

The VICE PRESIDENT. But it must be referred to some committee. It is not reported from any committee.

Mr. HEYBURN. Then I move to proceed to the consideration of the resolution, notwithstanding the objection.

The VICE PRESIDENT. The Senator from Idaho moves that the Senate proceed to the consideration of the resolution, the objection of the Senator from Arkansas to the contrary notwithstanding. The question is on the motion of the Senator from Idaho.

Mr. DAVIS. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. DAVIS. I raise the question of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cullom	La Follette	Root
Bailey	Cummins	Lippitt	Simmons
Bankhead	Curtis	Lodge	Smith, Md.
Borah	Davis	McCumber	Smith, S. C.
Bourne	Dillingham	McLean	Smoot
Brandegee	Dixon	Martin, Va.	Stephenson
Briggs	du Pont	Martine, N. J.	Stone
Bristow	Fletcher	Myers	Sutherland
Bryan	Gallinger	Nelson	Taylor
Burnham	Gamble	Oliver	Terrell
Burton	Gore	Overman	Thornton
Chamberlain	Gronna	Page	Warren
Chilton	Heyburn	Penrose	Williams
Clark, Wyo.	Johnston, Ala.	Perkins	Works
Clarke, Ark.	Jones	Poindexter	
Crawford	Kenyon	Pomerene	
Culberson	Kern	Reed	

The VICE PRESIDENT. Sixty-five Senators have answered to the roll call. A quorum of the Senate is present.

Mr. DAVIS. Mr. President, I renew my request for the yeas and nays on the adoption of the resolution.

The VICE PRESIDENT. The resolution comes up without a motion. The Chair was in error in stating otherwise. He did not notice at the time that it is simply a resolution of inquiry. The queston is on agreeing to the resolution, and the Senator from Arkansas asks for the yeas and nays.

The yeas and nays were not ordered.

The resolution was agreed to.

ELECTION OF SENATORS BY DIRECT VOTE.

The VICE PRESIDENT. The morning business is closed, and the calendar is in order under Rule VIII.

Mr. BORAH. There are Senators who desire to make some remarks upon the unfinished business, and I ask unanimous consent that House joint resolution 39 be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. J. Res. 39) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. WORKS. Mr. President, it is not my purpose to discuss the main question involved here, namely, the election of Senators by direct vote of the people. The record of this question was made up, and well made up, at the last session of Congress. I am perfectly content to abide by what was then said for and against the measure; but I do desire to state my own position and my reasons therefor, and to consider in a very brief way the controversy that has arisen over the amendment reported by the Judiciary Committee and the substitute offered by the Senator from Kansas [Mr. BRISTOW].

I have come to the conclusion that, in the interest of good government, the right to elect United States Senators should be vested in the people, as provided by both of the amendments proposed. I have reached this conclusion slowly and with great reluctance. I am opposed to any change in the fundamental law under which this country has grown and prospered for more than a century, framed, as it was, by men of distinguished ability, actuated by the most exalted patriotism, except upon the strongest necessity. But conditions have changed since the Constitution was originally adopted. Interests and influences have entered into the election of Senators as now provided for that have corrupted legislative bodies, perverted the objects and purposes of the framers of the constitution, and brought the Senate itself into reproach by corrupt practices and bribery in such elections. The existence of these influences and their potency in controlling legislative elections of United States Senators can not be denied. If allowed to continue, they must inevitably destroy our representative form of government. It is this fact, and this alone, that has brought me to the conclusion that the election of Senators can no longer be safely intrusted to legislative representatives and that the only remedy for this evil that is threatening the integrity of our free institutions is to vest that power in the people to be exercised directly at the polls.

Having reached this conclusion, I regret exceedingly that any controversy should have arisen here between the friends of the measure as to the form of the amendment to be adopted to effect that purpose. I regret it the more because this difference presents a sectional controversy that I had hoped might never again find its way into this Chamber.

The question at issue is a very simple one. It is this: Shall the elections to be held for the election of Senators be governed and controlled by the law-making power of the several States or of the Federal Government? To me it is a matter of very little consequence. By other Senators it is taken seriously, and therefore must necessarily be viewed from that standpoint. I must say, for myself, however, that there is no good reason to suppose that either a State or the Nation would neglect or abuse the power, if given to either the one or the other. But, treating it as a matter of serious consequence, let us consider briefly just what effect must be given to each of the propositions presented by the two proposed amendments.

The Constitution, as it now stands, contains the following provisions, material to be considered, all contained in Article I:

SEC. 2. The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

SEC. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years.

SEC. 4. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

SEC. 5. Each House shall be the judge of the elections, returns, and qualifications of its own Members.

So, as now provided by the Constitution, six things may be taken as established:

1. Members of the House of Representatives are elected by the people.

2. Their qualifications are fixed by the Constitution itself.

3. Senators are chosen by the legislatures of the several States.

4. The times, places, and manner of holding elections for both Senators and Representatives shall be prescribed in each State by the legislature thereof.

5. Congress may by law make or alter such regulations except as to the places of choosing Senators.

6. Each House is made the judge of the elections, returns, and qualifications of its own Members.

What effect will the amendments proposed and now under consideration have upon these provisions of the Constitution?

The proposed committee amendment contains this clause:

The terms and manner of holding elections for Senators shall be prescribed in each State by the legislature thereof.

Undoubtedly this provision, if made a part of the Constitution, would vest the power of legislating, with respect to the time, place, and manner of holding elections in the several States and remove from the Constitution any express grant of power to Congress to make other regulations or to change the regulations made by State legislatures. It seems to be assumed that by this amendment the National Government will be deprived of all power to control elections for United States Senators, and that the power of the States will, if this amendment is adopted, be unlimited. But certainly this can not be true, Mr. President. No State legislature can, under the authority proposed to be given by this amendment, deprive any citizen of the rights guaranteed to him by the Constitution, or enact or enforce any legislation that would prevent a fair and full expression of the public will at the polls, because any such attempt to prevent a fair election or to deprive any citizen or class of citizens of the right of suffrage would not be to prescribe the times, places, and manner of holding elections within the meaning of the Constitution, but a plain effort to prevent such election, and would therefore be in violation of the Constitution and void. This proposed amendment leaves in full force and effect every provision in the Constitution, as it now is, intended to protect the people of this country in the right of suffrage. Any legislation purporting to prescribe the time, place, and manner of holding elections must conform to these provisions. Any attempt to deny or abridge the right of suffrage of any citizen under the guise of regulation of elections would be a palpable violation of the Constitution and utterly void. The only effect of this proposed change in the Constitution would be to deprive Congress of the power to prescribe regulations for holding the elections by direct legislation.

The proposed amendment confers no power on the States to provide for or in any way to limit or control the right of suffrage or to determine the qualifications of voters. It is limited entirely to the regulation of the holding of elections. Therefore any attempt to use this power given as a means of controlling or limiting the right of suffrage, except as to the time, place, and manner of holding the election and casting, receiving, and counting the votes of electors legally qualified to vote, would not be within such power, but in violation of it.

Any elector, deprived of his right of suffrage under the Constitution by State legislation purporting to prescribe the time, place, and manner of holding elections, would have a complete and ample remedy in the courts to declare the law unconstitutional, thus destroying its effects, not only as to him but as to all others similarly affected by its provisions. Not only so, but any citizen directly interested in the result of any election held under the law, as a candidate or otherwise, could resort to the courts for like relief.

In addition to this, Mr. President, the Senate is still the sole judge of the elections, returns, and qualifications of its members and possessed of ample and plenary power to unseat any person elected under any law of the States which has authorized an election in violation of the Constitution of the United States or the rights of electors entitled to vote at such an election. It may go further than that. It may deny a seat in this Chamber to any person whose election has been brought about by any unlawful or corrupt means, even under a valid statute.

So, Mr. President, the power proposed to be vested in the legislatures of the States by the amendment is not an unlimited power. It must be exercised in conformity to the Constitution of the United States and with due regard to the right of suffrage of every elector of the State, guaranteed to him by the Constitution. It is not a power to fix the qualifications of voters, but to provide proper and constitutional regulations for the holding of elections by the electors qualified under the Constitution to vote for United States Senators. That right can not be taken away, limited, or abridged by virtue of any power proposed to be given by this amendment. I maintain that the claim, so strenuously urged here, that the vesting of this power in the States will imperil the National Government has no foundation when the effect of the proposed amendment is rightly understood and considered. The whole force of this objection rests upon the wholly unfounded claim that the power attempted to be vested in the States will enable them to deny the right of suffrage to some of its citizens or limit or abridge that right. But, as I have said, no such power is given or could be lawfully or constitutionally exercised if this proposed amendment should be adopted.

Turning now to the amendment proposed by the Senator from Kansas as a substitute for the one I have been considering: It provides, in the simplest way possible, for the election of Senators by the people instead of the legislature, and for the filling of vacancies in the same way. It leaves in the Constitution intact the provisions of section 4, providing that the times, places, and manner of holding elections for both Senators and Representatives shall be prescribed in each State by the legislature thereof, but subject to the power reserved to Congress to make or alter such regulations except as to the place of choosing Senators.

This brings an outcry and protest from Senators who claim that the power should be vested in the States without any right of control or regulation by Congress. I must confess, Mr. President, that I can not appreciate the position of Senators who make this claim. I do not know how it can be seriously made. Do Senators want this supposed unlimited power vested in their States, so that they may regulate elections in a way that might call for the interference of Congress? Certainly they expect their States to keep within the Constitution, and that they will protect every citizen of every race, color, and station in life in his right of suffrage. If not, there is every reason to maintain this supervisory power in the Congress of the National Government. I have assumed that every State in the Union would, if intrusted with this power to regulate elections accept it as a sacred trust, and that no law would be enacted under it in violation of the Constitution, or of the right of suffrage of any citizen, high or low, black or white. I would not willingly assume anything else. Assuming this to be so, it is idle to say that the rights of any State will be endangered by reserving to Congress the power to change the regulations made by the State, and to make new ones of its own.

The question raised, as between these two proposed amendments is, in my judgment, given undue importance. It will undoubtedly be used—I have no doubt it is being used now on this floor—as a means of defeating any amendment of the Constitution that will give to the people the right to elect their Senators.

Mr. President, entertaining these views, I shall vote for either of these amendments that may be agreed upon. What I want is an amendment giving the people the right to elect United States Senators by direct vote. I am anxious to know which one of these proposed amendments is best calculated to bring about this final result. If I knew now, I would support that amendment without hesitation. I have been waiting patiently to be informed on this subject. When the vote comes, I shall be controlled by my best judgment, founded upon what I may then believe to be the best means of insuring the passage and final adoption of an amendment that will vest the right of election in the people.

At this time it seems to me that all friends of the measure should unite on the amendment that has already passed the House. I am willing myself to give the southern people the benefit of the doubt as to which amendment would best preserve the rights of the people, and thus secure to the States the right to provide for the manner of holding the elections. In my opinion, no harm can come from such a provision, and its adoption will be more likely to secure the final adoption and approval of the amendment.

Mr. BORAH. Mr. President, I have no information that any other Senator desires to discuss the joint resolution at this time; and if there is no one who desires to do so, I shall give way, so that the calendar may be taken up.

The VICE PRESIDENT. The Senator from Idaho asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none. The calendar is in order under Rule VIII. The Secretary will state the first business on the calendar.

CORRECTION OF ERRORS IN APPROPRIATION ACTS.

The joint resolution (H. J. Res. 1) to correct errors in the enrollment of certain appropriation acts approved March 4, 1911, was announced as first in order, and the Senate, as in Committee of the Whole, resumed its consideration.

Mr. HEYBURN. Mr. President, what is the present legislative status of the joint resolution?

The VICE PRESIDENT. It is before the Senate as in Committee of the Whole, and open to amendment.

Mr. HEYBURN. That is what I supposed. Mr. President, I regret exceedingly that such a measure as this should be pressed upon the attention of the Senate. It is a violation of every rule of law and of legislative procedure, and I am amazed that any lawyer should favor a proposition that would permit the Sixty-second Congress to rewrite the Journal of the Sixty-first Congress or to amend it under any pretense whatever. I am astonished that there has not been such a protest from the lawyers, at least, of this body as would make such a proposition impossible.

On its face—and I call the attention of the Senate to it—it is—

Joint resolution to correct errors in the enrollment of certain appropriation acts approved March 4, 1911.

On March 4, 1911, this Congress did not exist, and the Congress that did exist at that time passed out of existence on that day. If, under the pretense of correcting a record because certain legislation has proven inconvenient to some one, a joint resolution of this kind can be adopted, there will be no stability to any law.

Upon what grounds is the passage of this joint resolution asked? Upon the grounds that some enrolling clerk or some clerk of a conference committee did not correctly report the will of the conference or the will of Congress. Congress, in the respective Houses, legislated; it went into a conference committee upon the differences between the two Houses; it was there a considerable length of time; and the conference committee reported it to this body and to the other body. The report was in writing. Upon that action each House acted. When it came in on the floor, I made inquiry of the chairman of the committee of conference representing this body whether certain items were in that bill. I made the inquiry for the purpose of ascertaining whether or not I had grounds to insist upon a further conference. I was assured that the item was there. I inspected the bill, and I found it there.

Mr. WARREN. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. Yes; I yield.

Mr. WARREN. The record does not show that.

Mr. HEYBURN. No.

Mr. WARREN. The bill does not show that.

Mr. HEYBURN. No.

Mr. WARREN. The record shows that the amendments which are proposed to be eliminated were, as a matter of fact, eliminated by the committee of conference and were so reported in the conference report, and that the Senate and the House voted upon and accepted that report.

Mr. HEYBURN. The record that came to this Senate for action disclosed the fact that it contained the item appropriating money for the University of the State of Idaho.

Mr. WARREN. To what report does the Senator refer?

Mr. HEYBURN. I refer to the report that was incorporated into the enrolled bill.

Mr. WARREN. There is no such report in the record, I think the Senator will find.

Mr. HEYBURN. The bill is in the record, and the bill went or is presumed to have gone, under the rules of the Senate, to that committee, for the purpose of seeing to it that it correctly represented the conclusion of the conference; and the provision is in the bill that was signed by the President of this body and by the Speaker of the House. It is there; it is in the bill that was signed by the President of the United States; and it is on the statute books of the Sixty-first Congress as a law; and now in the Sixty-second Congress we are met with the proposition that upon the assertion of some one that it was an inadvertence or a mistake we should correct the record.

Mr. WARREN. If the Senator from Idaho will permit me, it is true that the bill was signed, and so forth, but it is also true that the record shows the contrary of what the Senator contends for every step of the way.

Mr. HEYBURN. What record?

Mr. WARREN. The record of Congress; the record of this Senate and of the House of Representatives.

Mr. HEYBURN. I should like to be referred to the record that shows to the contrary.

Mr. WARREN. I will find it for the Senator. I had assumed that he had examined it.

Mr. HEYBURN. I have.

Mr. WARREN. The bill itself, the original copy, shows that these amendments were disagreed to; the bill was so marked, and it was so reported and so voted upon by the Senate and House and the CONGRESSIONAL RECORD plainly discloses the fact.

Mr. HEYBURN. I must differ with the Senator from Wyoming. We can not impeach——

Mr. WARREN. I presume the Senator is willing to admit that my assertion is as good as his until he can change it by the record. I will be prepared to submit the record to substantiate what I have stated.

Mr. HEYBURN. I am speaking of the record, not of some record that has been dug up for the purpose of laying a foundation for doing this unusual and unprecedented thing. The record of the action of this body is in such form and manner that it can not be doubted. The record of this body is in that bill as it was enrolled and as it was signed. That is the record. Now, fleeting memoranda or the memory of men are to be set up against that under or in support——

Mr. WARREN. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. Yes.

Mr. WARREN. I hope the Senator's case is not so bad that he will be unfair about it. The records of Congress are hardly matters that can be attributed to any particular individual or a committee.

Mr. HEYBURN. I think the Senator from Wyoming will be much safer if he keeps the personal question out of this discussion.

Mr. WARREN. I am making no reflections——

Mr. HEYBURN. I was not reflecting upon the Senator in anything he has done or said or omitted to do.

Mr. WARREN. I am talking about the record.

Mr. HEYBURN. I am talking of a record which is the only record of the proceedings of this body. The only record that we can inquire into is the official record of the enactment of the law. How long would the Senator stand before a court pleading that notwithstanding the statute had been published as the law of the land, by reason of the misconduct or inadvertence or incapacity of some clerk, the law was not really enacted?

If we can do anything here, we must do it in the nature of a judicial consideration of this question. Legislatively we have no such power. We may usurp it; men may just simply drive this thing through; but if they do, it ought to shake the confidence of the people of the country in the stability of their laws; and it would. You would have to wait for some years until some Senators had passed away before you would know whether or not a law was going to remain a law. That would be the only position——

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. I yield.

Mr. GALLINGER. I rise simply to suggest that the joint resolution is being considered under Rule VIII, the limitation being that speeches shall be confined to five minutes. I have no objection to some Senator moving to take it up, but I think it is wise for us to adhere to the rule. There are other bills on the calendar which I should like to have considered, if possible, under that rule.

The VICE PRESIDENT. The rule being invoked, of course——

Mr. HEYBURN. I ask the indulgence of the Chair and the consent of the Senate simply to say that had I supposed the rule would be invoked, I would have objected to the consideration of the joint resolution. Now, I will object to its consideration because——

The VICE PRESIDENT. The bill goes over under the objection of the Senator from Idaho.

Mr. WARREN. Before leaving the matter I desire to say that I shall at an early date move to take it up. Of course, I have no personal interest in it. It is a joint resolution that came from the House, as stated, to correct what seems to be error. It is the law to-day, and if the Senate desires it to stand it can easily be settled beyond cavil by allowing a vote to be taken. So, in deference to custom and to the House, I shall move to take it up and consider it at the earliest opportunity.

The VICE PRESIDENT. The Secretary will report the next bill on the calendar.

BILLS PASSED OVER.

The bill (S. 20) directing the Secretary of War to convey the outstanding legal title of the United States to sublots Nos. 31, 32, and 33 of original lot No. 3, square No. 80, in the city of Washington, D. C., was announced as next in order.

Mr. HEYBURN. I ask that the bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 23) to authorize the extension of Underwood Street NW. was announced as next in order.

Mr. GALLINGER. Let the bill go over.

The VICE PRESIDENT. The bill will go over on the objection of the Senator from New Hampshire.

The bill (S. 237) for the proper observance of Sunday as a day of rest in the District of Columbia was announced as next in order.

Mr. DIXON. Let it go over.

The VICE PRESIDENT. The bill goes over.

The bill (S. 291) providing for the retirement of petty officers and enlisted men of the United States Navy or Marine Corps and for the efficiency of the enlisted personnel was announced as next in order.

Mr. WARREN. I ask that the bill go over.

The VICE PRESIDENT. The bill will go over.

JOSEPH A. O'CONNOR.

The bill (S. 1237) for the promotion of Joseph A. O'Connor, carpenter in the United States Navy, to the rank of chief carpenter and place him on the retired list, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with an amendment to strike out all after the enacting clause and insert:

That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to promote Carpenter Joseph A. O'Connor, United States Navy, retired, to the grade of chief carpenter on the retired list.

The VICE PRESIDENT. The amendment was agreed to on a preceding day.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the promotion of Carpenter Joseph A. O'Connor, United States Navy, retired, to the rank of chief carpenter on the retired list."

ENGINEER DETACHMENT AT MILITARY ACADEMY.

The bill (S. 116) to maintain at the United States Military Academy an engineer detachment was considered by the Senate as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HEALTH, ACCIDENT, AND LIFE INSURANCE COMPANIES.

The bill (S. 2495) to define and classify health, accident, and death benefit companies and associations operating in the District of Columbia, and to amend section 653 of the Code of Law for the District of Columbia, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with amendments, on page 2, line 25, after the word "aforesaid," to strike out "in which case the death benefit may be $1,000 and the weekly indemnity $25, and on page 3, line 14, after the word "preceding," to insert "and such other information as said superintendent of insurance may require," so as to read:

No such health, accident, and life insurance company or association, now or hereafter transacting the business of health, accident, and life insurance, or either or all said kinds of insurance, in the District of Columbia shall issue policies or certificates providing, either singly or in aggregate, a greater accident or death benefit than $500, or a greater weekly indemnity than $20, on any one person unless such company or association have in assets or in capital stock fully paid up in cash, or in both together, not less than $100,000 invested and approved as aforesaid. Every such company or association shall pay to the collector of taxes for the District of Columbia a sum of money, as tax, equal to 1 per cent of all moneys received from members of policy or certificate holders within the District of Columbia, said tax to be paid on or before the 1st day of March of each year on the amount of such income for the year ending December 31 next preceding; and shall also file annually with said superintendent of insurance, on or before the 1st day of March of each year, a sworn statement, on blanks furnished by said superintendent of insurance, showing its true financial condition, income, disbursements, assets, and liabilities on the 31st day of December next preceding, and such other information as said superintendent of insurance may require.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PERCY HARRISON MOORE.

The bill (S. 1704) for the relief of Percy Harrison Moore was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with an amendment to strike out all after the enacting clause and insert:

That lot No. 53, in Ann S. Parker's subdivision of lots in square No. 140, of the city of Washington, D. C., be, and is hereby, relieved and exempted from the operation of an act entitled "An act to restrict the ownership of real estate in the Territories to American citizens," approved March 3, 1887, and that all forfeitures incurred by force of said act by reason of the alienage of Isabella Wilke be and are hereby remitted.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill relieving and exempting lot No. 53 in Ann S. Parker's subdivision of lots in square No. 140 of the city of Washington, D. C., from the operation of an act entitled 'An act to restrict the ownership of real estate in the Territories to American citizens,' approved March 3, 1887."

ANNUAL STATEMENTS OF INSURANCE COMPANIES.

The bill (S. 1785) to amend section 647, chapter 18, Code of Law for the District of Columbia, relating to annual statements of insurance companies, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with an amendment, on page 2, line 12, before the word "newspaper," to insert the word "daily," so as to read "daily newspaper."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NEW HIGHWAY PLAN.

The bill (S. 2048) to authorize a new highway plan for that portion of the District of Columbia lying between Van Buren Street on the north, Georgia Avenue on the east, Nicholson Street on the south, and Rock Creek Park on the west was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSION OF GRANT STREET.

The bill (S. 2538) to authorize the extension of Grant Street NE. and Deane Avenue NE., in the District of Columbia, from Minnesota Avenue to Fifty-eighth Street, was considered by the Senate as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REGULATION OF LOAN BUSINESS.

The bill (S. 25) to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, pawnbrokers, and real-estate brokers in the District of Columbia, was announced as the next business in order.

Mr. POMERENE. I should like to have the bill go over for the purpose of offering an amendment.

The VICE PRESIDENT. Does the Senator from Ohio wish the bill to go over or to offer the amendment now?

Mr. POMERENE. The amendment I propose to offer I can perhaps get in a little better form later.

The VICE PRESIDENT. The bill goes over on the request of the Senator from Ohio.

MINOR BERRY.

The bill (S. 70) to remove the charge of desertion standing against the military record of Minor Berry was considered by the Senate as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Minor Berry shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of the Fifty-seventh Company, Second Battalion, Veteran Reserve Corps, on the 2d day of November, 1864: *Provided*, That no pension shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Minor Berry."

HIGH SCHOOLS IN THE DISTRICT.

The bill (S. 816) to provide for plans and specifications for two high schools in the District of Columbia was considered by the Senate as in Committee of the Whole. It authorizes the Commissioners of the District to use so much as may be necessary of any unexpended balances remaining in the appropriations for the purchase of a site for a new Central High School, and for the purchase of a site for a new M Street High School, contained in the District appropriation act for the fiscal year 1912, approved March 2, 1911, for the employment of architectural services in the preparation of plans and specifications for such high schools, and for such other personal services and expenses in connection therewith as may be necessary.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WRITS OF ERROR IN FEDERAL COURTS.

The bill (S. 2509) to amend section 1004 of the Revised Statutes of the United States was considered as in Committee of the Whole. It proposes to amend the section so as to read as follows:

SEC. 1004. Writs of error returnable to the Supreme Court or a circuit court of appeals may be issued as well by the clerks of the district courts, under the seal thereof, as by the clerk of the Supreme Court or of a circuit court of appeals. When so issued they shall be as nearly as each case may admit agreeable to the form of a writ of error issued by the clerk of the Supreme Court or the clerk of a circuit court of appeals.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELECTIONS FOR SENATORS.

The bill (S. 123) to alter the regulations respecting the manner of holding elections for Senators was announced as next in order.

Mr. HEYBURN. I ask that the bill may go over.

The VICE PRESIDENT. It will go over.

THE POSTAL SYSTEM.

The resolution (S. Res. 56), reported by Mr. BRIGGS from the Committee to Audit and Control the Contingent Expenses of the Senate, directing the Committee on Post Offices and Post Roads to inquire into and report to the Senate what changes are necessary or desirable in the postal system of the United States, etc., was announced as the next business on the calendar.

Mr. GALLINGER. I ask that the resolution may go over, as I want to look into the matter somewhat.

The VICE PRESIDENT. The resolution will go over.

RANK OF MILITARY ATTACHÉS.

Mr. GALLINGER. Does that complete the calendar?

The VICE PRESIDENT. There is one bill on the calendar, Senate bill 315, which was reported this morning by the Senator from Wyoming [Mr. WARREN] from the Committee on Military Affairs.

The bill (S. 315) fixing the rank of military attachés was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to add at the end the following:

Or to reduce the rank of such officers while serving as herein provided.

So as to make the bill read:

Be it enacted, etc., That hereafter military attachés while serving on duty at embassies abroad shall have the rank of colonel, and while serving on duty at legations abroad shall have the rank of lieutenant colonel: *Provided*, That all officers serving as military attachés shall continue to receive the same pay and allowances which they receive under existing law, and nothing in this act shall be construed to increase such pay or allowances or to reduce the rank of such officers while serving as herein provided.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADJOURNMENT TO MONDAY.

Mr. GALLINGER. Mr. President, as the newspapers will doubtless announce this evening, the Committee on Finance agreed to report the so-called reciprocity agreement out of committee on Tuesday next. I have made diligent inquiry on both sides of the Chamber whether any Senator desires to address the Senate to-morrow or the next day, and I do not find any Senator who wishes to do so. There is nothing on the calendar. In addition to the necessary time consumed in preparing the report, and, I think, some minority views on the reciprocity agreement, other important committees are to have meetings to-morrow and on Saturday. In view of that fact, I move that when the Senate adjourns to-day it be to meet on Monday next at 12 o'clock.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 11 minutes spent in executive session the doors were reopened and (at 3 o'clock and 15 minutes p. m.) the Senate adjourned until Monday, June 12, 1911, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 8, 1911.

PROMOTIONS IN THE NAVY.

Commander William B. Fletcher to be a captain in the Navy from the 19th day of May, 1911, to fill a vacancy.

Lieut. Clark H. Woodward to be a lieutenant commander in the Navy from the 4th day of March, 1911, to fill a vacancy.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 13th day of February, 1911, upon the completion of three years' service as ensigns:

Ray S. McDonald,
Carroll S. Graves,
Charles A. Woodruff,
Lesley B. Anderson,
Hollis M. Cooley,
Edward D. Washburn, jr., and
Robert V. Lowe.

Gunner Ulysses G. Chipman to be a chief gunner in the Navy from the 25th day of May, 1910, upon the completion of six years' service as a gunner.

Gunner Frederick T. Montgomery to be a chief gunner in the Navy from the 4th day of February, 1911, upon the completion of six years' service as a gunner.

POSTMASTERS.

ARKANSAS.

Mrs. C. C. Cates to be postmaster at Walnut Ridge, Ark., in place of Samuel T. Benningfield, resigned.

OHIO.

Alva D. Alderman to be postmaster at Marietta, Ohio, in place of Manning M. Rose. Incumbent's commission expired May 7, 1910.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 8, 1911.

CONSUL.

Frederick Simpich to be consul at Ensenada, Mexico.

PROMOTIONS IN THE NAVY.

Capt. Reginald F. Nicholson to be a rear admiral.

Lieut. Commander Jehu V. Chase to be a commander.

Passed Asst. Paymaster Edwards S. Stalnaker to be a paymaster.

Lieut. Commander Claude B. Price to be a commander.

Lieut. (Junior Grade) John P. Miller to be a lieutenant.

Lieut. (Junior Grade) William C. Barker, jr., to be a lieutenant.

Ensign John F. Connor to be a lieutenant (junior grade).

Arthur Middleton to be an assistant paymaster.

The following-named ensigns to be lieutenants (junior grade):

Andrew S. Hickey,
Herbert F. Emerson, and
Aubrey W. Fitch.

The following-named machinists to be chief machinists:

Thomas W. Smith, and
Arthur H. Hawley.

POSTMASTERS.

ARKANSAS.

Mrs. C. C. Cates, Walnut Ridge.

COLORADO.

Jessie E. Field, Hotchkiss.
Daniel C. Moore, Fort Lupton.

IOWA.

John O. Hatch, Swea City.

MINNESOTA.

Nels L. Johnson, Buhl.
Rasmus L. Mork, Bricelyn.

MISSOURI.

Homer Beaty, Drexel.

NEW JERSEY.

Frank Meisel, Springfield.
James F. Sherman, Frenchtown.

OHIO.

Charles R. Brent, McConnelsville.
Henry Chambers, Lewisburg.
George W. Nickels, Galion.

SOUTH DAKOTA.

Willard C. Huyck, Vermilion.

WISCONSIN.

Ole Erickson, Grantsburg.

WITHDRAWAL.

Executive nomination withdrawn June 8, 1911.

W. C. Burel to be postmaster at Walnut Ridge, in the State of Arkansas.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 8, 1911.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D., as follows:

O Thou, who art the life and light of men, the inspiration to every high ideal and worthy endeavor, broaden our intellectual conceptions, quicken every noble impulse, widen the sphere of our activities, that by the rectitude of our behavior we may become potent factors in the spread of Thy kingdom, that Thy will may be done in earth as in heaven, in the spirit of the world's great Exemplar. Amen.

The Journal of the proceedings of Wednesday, June 7, 1911, was read and approved.

SWEARING IN OF A DELEGATE.

Mr. KALANIANAOLE appeared at the bar of the House and took the oath of office.

THE WOOL SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11019) to reduce duties on wool and manufactures of wool.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11019) to reduce the duties on wool and manufactures of wool, with Mr. HAY in the chair.

Mr. UNDERWOOD. Mr. Chairman, I yield one minute to the gentleman from Maryland [Mr. LEWIS].

Mr. LEWIS. Mr. Chairman, I realize that there is a growing distaste for the "leave-to-print" practice, both in and out of the Halls of Congress, and with this feeling I have considerable sympathy. In taking advantage of the privilege to-day I have a few words of explanation to offer. On the 14th instant there will be a hearing on the subject of this study before the Committee on Post Offices and Post Roads, and it is desired that those attending, and the committee itself, shall be acquainted with the postal express proposition before the hearing. Again, it is unlikely, under our restricted program, that any bill or resolution relating to this subject will come up for discussion at this session, rendering it necessary that "matter not germane" must go into the RECORD, in order that important subjects should receive the necessary initiatory discussion, preparatory to activity at a later time.

With this frank explanation of my purpose in using the privilege, I trust I shall not be considered as in delicto to the courtesies of the House.

Moreover, it has seemed to me a public duty to present this subject at this extraordinary session, and I think that perhaps a few words of personal explanation upon its origin may not be out of place.

Before my election to the Sixty-second Congress, I may say that I had given this subject about the average attention. I did not then fully appreciate the dependency of the whole proposition upon the question of the rates for railway transportation. After my election it became my duty to make a study of the whole subject. I had, perhaps, some qualification, for I have long made railway economics here and abroad a subject of study. In December the Government issued its first annual report on the statistics of express companies for the year 1909, which developed the fact that the average pay of the express companies to the railways for carrying express matter was about three-quarters (0.74) of a cent a pound, while the postal reports show that the Government paid for its letter or mail transportation about 4 (4.06) cents a pound, barring the weight of equipment in both cases. It was apparent to me at once that the parcels function could not be successfully or economically discharged by the Government on the basis of letter-transportation rates. And then the economic significance of another fact developed: It was that the express companies' service was at a disadvantage, even greater than that of the post office, in regard to the nonrailway transportation of its parcels. The express companies have no agency and at present rates can not secure an agency to reach nonrailway or rural points. In short, it appeared that the express companies had exclusive control of one of the absolutely essential conditions of fast package transport, the express rate of three-quarters of a cent a pound, while the post office had equally exclusive possession of the other great agency of necessary service—the rural delivery system. Common sense indicated what the solution must be; these two advantages, the railway express transportation rate and the rural delivery system must be made cooperative; must be united under one control. The express railway transportation rate would, if the Government parcels amounted to but one-fourth of the express business, save it, if in its control, at least $50,000,000 a year, while the addition of rural delivery to the express business would add to this great service the farming population of our country at practically no cost to them or the country. The bill I have introduced for postal express is the result of these conditions.

PRINCIPAL PROVISIONS OF THE POSTAL EXPRESS BILL.

As I have said, the idea of the bill is to unite in one service the two great instrumentalities above named, in order that a greatly cheapened and an even more extended service to the public may be had. For this purpose the bill provides for the compulsory purchase by condemnation of the railway-express company contracts and franchises, as well as the equipment and property devoted to the express business per se, and their subsequent employment by the postal department in connection with rural delivery and the postal system. The express-railway transportation privileges are all the subjects of contracts between the railways and express companies. They constitute the primary condition of the express service, and while the equipment and other facilities are only immediately necessary to a running plant, and their acquisition is provided for, it is the contracts which constitute the conditions sine qua non of the service. Happily, there can be no legal question as to the right of the Government to acquire these contracts and other facilities upon providing just compensation. I may say at this point that under notes to the bill, printed as Appendix A, the legal and constitutional phases of the subject are severally discussed.

With this brief reference to the more general features of the subject, I will pass on to a more precise and methodical discussion of what seem to be the points more particularly worthy of attention. I shall refrain from the express or implied abuse which so many people think justified with regard to the express companies, and in order to do this will confine myself strictly to economic data and reasoning, as most likely to elucidate the truth. And I shall endeavor to make the study as brief as possible by referring all but the points of the subject to the appendices, where those who are more especially interested may find the data in its original detail.

NECESSITY FOR POSTAL EXPRESS.

In addition to those grave needs for such a service, which the majority of national communities have recognized, as commending its adoption domestically and internationally, there exist in the United States supplementary reasons which it is believed render the institution uncommonly necessary.

Briefly summarized, they are:

(*a*) The greater area over which our population is distributed and correlatively greater transportation distances which consume so much time by freight that a fast or express service needs to be resorted to in a larger number of instances than if the journey were short.

(*b*) The 100-pound minimum and corresponding charge in railway practice and the inadaptability of railway methods to diminutive consignments.

(*c*) The prohibitive minimum charge of the express companies in respect to small consignments.

(*d*) Absence of railway "collect and delivery" service and absence of "collect and delivery" service by express companies as to our farming population and a large portion of our urban population.

(*e*) Incalculable waste of transportation effort, so far as made, in movement of necessaries of life from the farms to points of consumption, a serious factor in our high cost of living.

Of course, the need for fast service will depend upon the greatness of the distance, when demand is immediate, as much as upon the valuable or perishable character of the shipment. In our country, with an average haul for freight of 251 miles, from three to ten times as long as in Europe, the demand for speed to overcome the obstacle of the time lost in distance, the time-element necessity for an express service is correspondingly increased; and so the disadvantages of inadequate or ineconomical express service are vital. The railway organization of America and its system of practices does not seem adapted to meet this great need; while its refusal, upon adequate grounds, to accept a smaller payment than the rate for its minimum shipment of 100 pounds precludes it from this service even if speed were not prerequisite. The minimum charge of 25 cents (average 27 cents) imposes an equally sub-

stantial and serious restriction upon the express service as now conducted; so that when it is considered that the farmers or nonurban, about half of our population, are virtually excluded from the service of this great agency, and the express rates by their prohibitive costliness substantially minimize the service for the urban population, it is apparent that instead of possessing an express service commensurate with its needs, the United States has both unexampled necessity for, and unexampled deficiency in, its dispatch or express agencies. Add to this situation the tremendous waste and corresponding costliness of the unorganized country-to-town transportation of our necessaries, and such almost equally wasteful and quite equally costly express service as we have, and have we not put a finger on one of the big leaks which swallow so much of the unprecedented productiveness of our country?

PROHIBITIVE EXPRESS CHARGES.

We should expect express charges to be higher per ton here than abroad, as much higher as our freight-per-ton charges. But no necessary economic cause is known which justifies a substantially higher proportion or ratio of the express to the freight charges here as compared with other countries. The average express charge per ton here is shown to be $31.20, while the average freight charge is $1.90 per ton, giving a ratio of the express charge to the freight charge of 16 (16.42) to 1. This express charge includes the cost of such collect and delivery service as is rendered, covering, it is thought, about 90 per cent of the traffic. In the table now inserted this element of the expense of the express companies for collecting and delivering, amounting to 11.50 per cent, is excluded, because many of the European countries and other data do not include this factor of cost. The table embraces 10 countries, while the specific data upon which the ratios are based are set forth in Appendix B. All countries have been included where the express data is clearly distinguishable from general freight statistics.

Ratios of average express charges to average freight charges in 11 countries.

Countries.	Average express charge per ton.	Average freight charge per ton.	Ratios of average express and freight charges.
Argentina	$6.51	$1.95	3.2-1
Austria	3.77	.74	5.0-1
Belgium	[1] 4.92	.53	[1] 9.3-1
Denmark	5.49	.87	6.3-1
France	6.88	.95	7.2-1
Germany	3.80	.76	5.0-1
Hungary	3.68	.93	3.9-1
Netherlands	2.43	.67	3.6-1
Norway	1.90	.49	3.8-1
Prussia	4.32	.86	5.0-1
Average for 10 countries			5.23-1
United States	27.61	1.90	14.53-1

[1] Belgium delivers parcels.

From this table it appears that while Argentina charges three times, Austria five times, Belgium nine times, Denmark six times, France seven times, Germany (including Prussia) five times, Hungary, the Netherlands, and Norway, about four times as much for carrying a ton of express as of freight, the express companies of the United States charge nearly fifteen times as much.

No further statement need be made to show that the charges of American express companies are prohibitively excessive, and such as to disqualify this service as a national economic agency. The instances given represent merchandise carried by passenger trains in all instances, and while higher charges for both the express and freight tonnage in America are justified by the longer haul, there is no necessary economic reason for a higher ratio of express charges to freight charges. The presence of the "express company" is the only circumstance distinguishing express transportation here from that of the instances cited. In those the "express company" has no part; the work is done exclusively by the railways. As we shall see later, the deficiencies of the express companies are constitutional, not gratuitous merely, and are such as can not be remedied through corporate agencies.

INADEQUACY OF VARIOUS PROPOSALS—REGULATION.

We have seen that the present express service fails to reach the farm, in itself a fundamental objection to its adequacy. It may be suggested that where its high charges are such as to inhibit the traffic, they might be corrected by appeals for reductions to the Interstate Commerce Commission. A glance at the express report for 1909, it is true, will show that the profits of the companies are clearly out of normal proportion to the investment. But it will also show that such profits amount to but 8.44 per cent of the gross receipts, i. e., to only 8.44 per cent of the rates charged. So that even if all the profits were taken away, the modified rates would show but a wholly inadequate reduction; so that the desired relief could not thus be obtained. As a matter of course, no such reduction would even be asked. No one would wish that they conduct the business without a profit. But in practice even when the justification for a reduction is present, and the power and purpose active, the regulating board will always hesitate to even substantially reduce a rate in the fear of unduly trenching on private rights.

It was this principle which Bismarck had in mind when in connection with a similar subject he spoke of—

> The attempts to bring about reform by (regulatory) laws have shown the futility of hoping for a satisfactory improvement through legal (regulatory) measures, without trenching materially on established rights and interests. (Parsons, The Railways and the People, p. 318.)

With a margin of but 8 per cent of the rate to work on, the board would feel this constraint in a marked way; for under substantially reduced rates a very slight perturbation of the customary traffic might place in danger the whole net return. Substantial relief in the way of regulation is thus shown to be wholly impracticable.

VARIOUS PARCELS-POST SCHEMES.

There remains to discuss the numerous proposals for limited carriage of parcels up to 11 pounds, and so forth, by the postal department. These all concern the present railway status quo of the Post Office. It is apparent that such proposals can only result in two things—the express companies taking the major portion of the short-haul, profitable traffic and the postal department getting the long-haul and losing traffic. But there is another fact recently disclosed by the express report—a fact rendering any of these proposals, so far as they involve railway transportation, wholly untenable.

The Post Office Department pays an average of 4 (4.06) cents per pound to the railways for carrying the mail, excluding equipment.

The express companies pay an average of three-quarters (0.74) of a cent per pound for carriage of express matter, excluding equipment.

It is manifest that not even the Government could render substantial service under conditions so utterly unequal. It could not pay—what we shall see when we come to consider the length of the express and the mail hauls amounts to—about three times as much as the express companies pay to the railways for carrying its parcels. One is mail service, which is naturally more costly; the other more closely resembles a fast freight service, which lies midway between the mail and the freight in the weight cost of railway movement.

Other difficulties in such proposals, based on the status quo of the Post Office, need only be suggested:

(*a*) The Government would have to install urban delivery wagons at a cost its traffic might not justify.

(*b*) The express companies still in the field, the wastes of service would merely be increased by the entrance of the Postal Department, and the people would have to pay it all.

(*c*) The Government, being a moral agent, with the inelastic rate proposed, would be at the mercy of its unrestrained competitors.

(*d*) The express companies' contracts with the railways permit them to reduce their compensation to the railways to the point of 150 per cent of the freight rate—i. e., from the present ratio of about 8 (7.80) to 1 of the freight rate to about 1½. Of course, they could not go to this extreme without destroying their own profits, but their contracts permit them to go as far as they might wish. Thus, while the Government in the beginning might have to pay about three times as much to the railways for its parcels per pound, in a struggle the express companies could exaggerate this disparity to any point they wished for the purpose of destroying the postal department as a competitor.

ESSENTIAL ELEMENTS OF AN ADEQUATE SYSTEM.

For the sake of brevity we state these elements categorically:

(*a*) Fast service.

(*b*) Greatest economically feasible extension of delivery and collect service, necessitating coordination with both urban and rural free delivery systems.

(*c*) Express railway contracts to secure the relatively low railway rates.

(*d*) Cheap capital charges.
(*e*) Reliable public-service motive.
(*f*) Economies of single organization, in which all existing serviceable plants should be merged.

With regard to the element of fast service, discussion is unnecessary. It is now commonly rendered by the railways for the express companies in connection with the passenger service. It seems worthy of suggestion, however, that a single organization like the Post Office might on the strong lines of traffic, where carload lots might be regularly obtainable, employ for certain kinds of matter the fast freight service, profiting enough on the carload rate reductions to fully cover the expense of delivery and collection, the regular railway 100-pound charges to be paid to the postal express by the shipper. It is further suggested that in this way agricultural products might be received through the rural free delivery in small allotments from the truck gardeners and farmers, consolidated into carload lots and conveyed on the trunk lines to the branch lines and distributed over the branches to destination by passenger trains. The Prussians do, in fact, have this latter service, for which the charge is based on a tariff of twice the freight rate, the regular service by passenger train calling for a charge of four times the freight rate. The railways would now perform such service if, of course, the collect service existed to gather the shipments from the country and assemble them. The Members can, if they wish more particular information as to the possibilities of this cheap and moderately fast service, consult Railroad Traffic and Rates, by Johnson and Heubner, volume 1, pages 250 to 288.

It is obvious that the element most wanting is the service described as "collect and delivery," necessary between consignor and railway at the beginning and railway and consignee at the conclusion of the act of transportation. Our country is utterly deficient in this respect as to the "country" or farming population. In towns of about 3,000 or 4,000 population up the present express companies do render this service for such traffic as their rates permit to move; but what is required is a service as extensive as the postal agency, which reaches cities, towns, and country with the degrees of efficiency of the urban and rural deliveries, conceded to far excel such delivery as the express companies give.

There can be no doubt that with regard to this collect and delivery the postal department is the only agency to which we can look for a service sufficiently extensive to be really efficient. It only remains to observe that with regard to the farming part of the country the service already exists in the form of rural free delivery, equipped and paid for, and actually waiting with empty wagons to receive and execute the work.

EXPRESS PAY—THE THREE-QUARTER CENT RATE.

It would not be fair, even were it politically feasible, to compel the railways to give the Government the average rate for carrying parcels they now give the express companies. While on its face it might seem like merely asking for equal rates, as a matter of practice it would be asking them to create and maintain an additional service; that is, conduct two services, one for the postal department and another for the express companies, at what would prove to be but a little or no increase of gross compensation. Moreover, nearly all their contracts with the express companies give the latter a contractual monopoly of the service, and these contracts have been approved by the Supreme Court in Express cases, One hundred and seventeenth United States Reports, page 1. While the Government might force a breach of these monopolies in its own favor, yet it is likely the courts would hold that such a proceeding amounted to taking private property for public use, and that the Government would have to pay the express companies perhaps as much as buying them out would cost.

CHEAP CAPITAL.

With reference to this element the solution is easy. The credit of the Nation is such that it can obtain its capital at a minimum cost, and an interest rate of 2½ per cent is predicated for the bonds necessary to be issued for the payment of the express properties. In this connection it may be well to suggest that Congress is not the agency, under the decisions, to which is given the power to determine the amount of the compensation to be paid for these properties. That function is discharged by commissions and courts, and so the question of the amount to be paid can not be settled by the Congress.

Congress can, however, and it should, of course, approximate what the gross cost of the acquisition of these properties would likely be; and for legislative purposes this can be sufficiently done by a reference to the general balance sheet of the express companies, which is inserted as Appendix C.

An inspection of the balance sheet shows that the items which are directly devoted to the service, and really function as express-company assets, are as follows:

Real property	$14,932,169
Equipment	7,381,405
Materials and supplies	138,210
Advance payments on contracts	5,836,666
Franchises, good will, etc	10,877,369
Total invested capital	39,165,819

The balance sheet shows other assets of $147,055,554 not devoted to the function and which are wholly separable from the express service per se, not necessary to be acquired, but which may be retained by the companies without impairment of their values. For the purposes of this measure the value of the rights to be acquired will be treated for simplicity's sake as about $40,000,000 and the annual interest charges as $1,000,000. The courts will at length determine what, in detail, the compensation shall be, and the bill provides the machinery for determining the compensation according to the usual proceedings in such cases.

THE PUBLIC SERVICE MOTIVE.

In institutions as with individuals motive is everything. The motive to serve one's self is the common motive, and to impose sufficient restraint upon its operation when too unsocial is, stated in a broad way, the principal object of government. There is much illogical complaint in this respect against what are called "public utilities." Their owners, who naturally have invested their money with the purpose of gain, are expected to behave differently from investors in general. Of course they do not, but why should we expect them to? Because they have a monopoly, it is argued. Well, this may impose an inferential duty, yet who will say that it can have any decisive influence upon the normal motive of the investor to gain all he can?

Where public needs and social considerations, as in this instance, become the principal and dominating purpose, where imperative public service is the great object to be accomplished, the world naturally has not yet found the restricted private motive adequate to the work. To illustrate: If the express companies were assured that by carrying 8,000,000 tons, at $15 per ton, they would net $11,000,000 profit, but that by carrying only 4,000,000 tons, at $30, they would as surely net $11,000,000 the private motive would be at a standstill to determine which set of rates to adopt. The slightest uncertainty as to whether the half rates might produce 1 per cent less would effectually incline it to the smaller service and the surer net return. How differently the public motive would act is seen in postal history. In a generation it has reduced the rate at home one-third, reduced it three-fifths to Great Britain and Germany, and added city and country delivery to the service. Not one of these great accomplishments for society would have been conceived, even, by the private motive, or if conceived, been at all practicable. It seems clearly apparent that the public motive alone will suffice to secure the greatest economic service, and reliance upon what is for this purpose the inferior private motive in such a service will not justify any hope for the future. It is only necessary to suggest the necessity for unity of plan, purpose, and execution in order to obtain economical results. But as to the superior efficiency of our postal system as a working organization I believe it may be of interest to speak more at length.

EFFICIENCY OF THE POSTAL SYSTEM.

There has been a disposition among a certain order of writers to refer the conceded excellency of the operation of public utilities in Germany to the military spirit or to the alleged presence there of a class accustomed to command and a working class equally accustomed to obey. Obliged to admit that Germany's experience with public functions has been satisfactory these writers insist that our democracy precludes any such hope in America. They do not speak of mere irregularities here, although these are what they hold up as evidence for inefficiency, and since such irregularities in foreign countries do not get into our press, a kind of unfavorable impression is made. Talk of postal deficits is indulged in as if such deficits were not merely definite statements of the amount of service given the public for which it is not called upon to directly pay. But the point of efficiency involves a wholly different element—the amount of service rendered by the employees. The table shows this service and its extraordinary advancement during a generation, notwithstanding the added burdens, notably, the rural free delivery.

POSTAL EFFICIENCY TABLES.

Comparative table of the number of pieces of mail matter handled per employee in England, France, Germany, and the United States at different periods.

Countries.	Average number of pieces of mail matter handled per employee in—					
	1890	1895	1900	1905	1908	1909
England	22,230	28,775	28,646	31,945	31,117	.....
France	34,590	35,700	38,309	41,958	38,241	.....
Germany	17,287	15,638	20,552	22,160	25,901	.....
United States	24,611	26,235	32,569	42,739	51,591	54,239

These averages were reached by dividing the total number of employees engaged in the postal service into the total number of pieces of mail matter for the years given. In the cases of France and Great Britain the number of employees was diminished by one-fourth the estimated number employed in the telegraph and telephone service; in the German figures the same reduction for the telegraph and telephone employees is also made, but is raised to one-third in 1908. The statistics are found in the Union Postale Universelle Statistique Generale, published at Berne, Switzerland.

There are, of course, some slight differences of conditions in the work done by the respective postal plants. Postal savings and parcels are all the subjects of more extensive service in the foreign examples; but it is believed that these are much more than made up in the United States service by its low density of population, entailing greater railway mail, rural free delivery, and other work expenditures upon the average mail piece. The marked extent of this condition is shown by the mere statement of the population per square kilometer of area: 8 for the United States, 73 for France, 146 for Great Britain, and 112 for the German Empire.

MERGING OF EXPRESS PLANTS.

The measure designs merging the present express plants into one, and adding the united plant to the postal department. Only in this way can the economies of unity of service be secured, and the rural free delivery and the general clerical agencies of the postal organization be articulated to the express plants. The railway transportation of express matter would continue to be segregated from the mail as now, except in those instances where common car facilities might work to the advantage of the department and the railways. The bill provides for retaining the present express employees without civil-service examinations. In a year or two they should be placed in the same class with railway mail clerks and mail carriers as to rights and wages. The work of assimilation will doubtless take a year or more; meanwhile the employees and the public will be under the service conditions obtaining at the date of the acquisition. It would be impracticable in the extreme for the Congress to attempt to deal in detail with the new acquisitions. Only departmental knowledge and elasticity of treatment could plan and execute for the very best results. By no means the least advantage to accrue from the step would be the sure elevation of the working personnel, an extremely hard-working body of men, who do not appear to receive much more consideration from their employers than from the usually indignant consignee under the disturbing influence of the dimunitive size of the package as compared with the "collect" charge. To lift 50,000 of these men to the status of the mail clerk and mail carrier is surely a worthy purpose of government.

SAVINGS ON EXPRESS EXPENDITURES UNDER POSTAL EXPRESS.

The maleconomy of the express company régime in the United States flows from the parasitic relationship of these companies to the railways and to their complete absence of relation with the postal system. Only maleconomy may be expected where the normal agency, the post office, is deprived of its function, displaced by another organism abnormally articulated to the railway at one end and not articulated at all to the natural distributing postal agency at the other. One of its fundamental failures to properly discharge its spurious function (service to the country) has been pointed out. But the parasitic nature has not failed, for on a trivial investment in capital, functional per se, of only $22,313,575.53, it showed the typical characteristic of extracting $11,387,489.15 in profits—over 50 per cent—in 1909; while about twice as much more money is sacrificed by maladjustments of the parasitic relations, and these will now be treated.

The classification of operating expenses, under which the accounts of express companies are kept, divides the expenses into four general heads, as follows: "Maintenance," "Traffic," "Transportation," and "General expense."

"Maintenance" expenses represent the cost of maintaining the plant, such as cost of repairing and renewing buildings, wagons, automobiles, office furniture and fixtures, renewals of horses, and the cost of superintendence of such maintenance.

"Traffic" expenses represent, broadly, the cost of securing traffic, covering such items as pay of traffic managers, expenses for advertising, for printing tariffs and classifications, for memberships in commercial bodies, and so forth.

"Transportation" expenses cover the cost of conducting transportation, the plant being considered as a going concern. Under this head comes the pay and expenses of officials directly in charge of the employees; pay of drivers, porters, messengers on trains; the stable expenses, such as rent of stables, horse feed, horseshoeing; payments for loss and damage; payments for injuries to persons; rents of office buildings; stationery used in the local offices; and all similar items of expense.

Under "General" expenses comes the pay and expenses of the chairman of the board of directors, the president, treasurer, auditor, and other general officers; the salaries and expenses of their clerks and attendants; all general office supplies and expenses; law expenses; insurance, pensions, and cost of stationery and printing used in the general offices.

Each of the four general accounts to which reference has been made is subdivided into a number of primary accounts, in order to still further classify the items of expense and the saving which it is estimated can be made in operating expenses through the consolidation of the plants of the 13 separate express companies into a postal-express organization, has been calculated for each of the primary accounts. As a result of such calculation it is found that, taking the total expenses of the 13 companies for the year ending June 30, 1909, as the basis of comparison, a saving of $22,888,477 can be made, or a little more than 40 per cent of the total operating expense of $56,273,055. This saving is distributed among the general accounts as follows:

Maintenance	$1,457,000
Traffic	652,594
Transportation	17,996,750
General expense	2,782,133
Total	22,888,477

Of course there is no absolute basis on which the saving may be ascertained, but it is believed that the figures given are very conservative and that the saving will be much greater than stated. However, it is better to understate than to overestimate. Accepting, then, the figures arrived at as representing the saving in operating expenses, to them should be added taxes amounting to $906,519 and profits of $11,387,489, making a grand total of $35,182,485. From this deduct interest at 2½ per cent on $40,000,000 of bonds, or $1,000,000, and we have left a clear saving of $34,182,485.

Because of the fact that there are a great number of "common-point" offices, at which two or more—frequently seven or eight—companies are represented, all the equipment acquired would not immediately be necessary for the operation of the business, but could be reserved until the increase which would undoubtedly come through reduction in rates demanded that it be out in service. It is a fact that in many, in fact most, of the "common points"—about 8,000 in number—an increase of one-third to one-half in the equipment and facilities of any one company would handle the entire business of all companies, and in this fact lies the strongest reason why a very considerable saving can be made in operating expenses.

Among items of expense which would be entirely eliminated may be pointed out the salaries and expenses of the hundreds of clerks in auditors' offices who do nothing but prorate the percentages accruing to transportation lines for the privilege of conducting an express business over them; the salaries and expenses of other hundreds in the same offices who prorate the charges between companies on waybills originating with one company and terminating with another—through bills, as they are called. The saving in the duplication of salaries and expenses of traffic managers, solicitors, presidents, treasurers, auditors, and superintendence of all kinds must be apparent, and, in fact, the possibilities in this line appear almost unlimited.

The great amount of detail work in the express business as now conducted is well known to all who are familiar with the business, and through the elimination of a large part of the detail still further economies will be effected.

As an illustration of detail which may be eliminated, take the case of a package originating with express company A, destined to a point reached only by express company B. Company A waybills the package to a junction point with company B. On arrival at the junction point the shipment is written up on the regular form of delivery receipt and delivered to

company B, which makes another waybill from the junction point to destination. On arrival at destination it is again written up for delivery. Notice the duplication of work, each of the two companies going through practically identical processes.

Systems of through cars between large centers of population could be run, thus obviating the expense of labor in unloading and reloading cars at the terminus of a transportation line. When it is held in mind that under the proposed plan it would be possible to forward these cars over any railway line or from any depot the saving effected would be considerable when compared with the present conditions, which often require that a car be unloaded and its contents hauled in wagons across a city and then reloaded into another car on a different line of road. Not only would there be a saving in labor, but also in time and in risk of loss or damage in handling.

On a gross business of approximately $132,500,000 the operating expenses show items 19, 33, and 47, amounting to $1,360,076.54, as paid for stationery, while the postal system on a gross business of $208,351,886 shows $338,805.57. An aggregate saving on these items of $561,810 is predicated, leaving about $800,000 still available for expenditure. But with the simplified condition and the possible devices for eliminating the complex and almost endless accounting it is not unlikely that a million dollars could be saved here. Take again the item of commissions, amounting to $6,621,952.63. This represents payments to railway agents whose connection with the subject would be shifted to the Post Office with but little of increased expense. Items 16 and 17, "outside agencies" and "advertising," might be almost wholly saved. But I will leave the further detail of this phase of the subject to an appendix. The statement of receipts for 1909 and of necessary expenditures under a régime of postal express, upon this reasoning as to savings, would be as follows:

Gross revenues, 1909	$132,599,190.92
Savings, net	34,182,485.00
	98,416,705.92

This saving, if applied to the rates in 1909, would have resulted as follows:

	Cents.
Actual express rate per average pound	1.56
Reduction of rate per average pound	.44
Feasible rate under savings	1.12

POSTAL-EXPRESS RATES AND THE RATE DECLENSION.

There are two factors in any rate structure which call for the first order of attention:

First. A rate sufficiently low to permit the article to move (with a profit) to its natural market and yet sufficiently large to fully pay the cost of the service.

The plan of postal express, it will be shown, reduces the rate average from 1.56 cents per pound to 1.12 cents, thus conceding to the market mobility of the article an advantage of nearly one-third.

Second. The completest simplicity in the rate structure itself.

When this simplicity can be secured in harmony with the cost of the service and market mobility of the article concerned, all is gain. But if, as in the case of many proposals, the rate is made for simplicity's sake alone and substantial differences of service elements are market mobility are overlooked, the wisdom is not unlike the false simplicity of those eastern laws which impose the same punishment for all offenses.

The bill places the entire work of regulating the sizes and conditions of packages and other conditions of shipment with the Postmaster General. It also places with him the work of rate making for the same, with the right of appeal to the Interstate Commerce Commission. The bill does not obligate him to adopt the rate system herein proposed, and the discussion which follows is to be taken as elucidative and not as an obligatory part of the system. The rate-making agency should have the utmost freedom of power of action, so that administrative, fiscal, and public-service conditions may be adequately coordinated.

THE SQUARE-ROOT FORMULA OF RATE DECLENSION.

One of the most interesting discoveries in the history of railway economics was made by T. M. R. Talcott, of Richmond, Va., a railway engineer of about two generations' experience, who has written a modest but very useful work on "Transportation by rail."

In an investigation into transportation matters by the Industrial Commission in 1900 he stated that he was called upon to make local rates for a new line of railway. Being free from the complications of competition as to such rates, he was able to arrive at a satisfactory charge per hundred pounds to the first station, about 25 miles distant. But as to the stations farther on and greater distances, what should the rates be? Obviously they should not increase in proportion to the distance, for the element of terminal service would not increase. At what rate of increase, then, should rates for lengthening distances be computed? His conclusion was that in a rough way the rate would increase, not in proportion to the distance, but in proportion to the square root of the added distance—thus if the rate for 25 miles were 10 cents, the rate for 100 miles would be 20 cents, the square root of 25 being 5 and of 100, 10. Popularly expressed, the rate would double as the distance quadrupled. On this principle he formulated a table for the division of joint rates among participating connecting carriers known as "Talcott's tables for division of joint rates." He states that in several court proceedings as auditor he adopted this formula for division of receipts, and his reports were confirmed by the courts. I tested this rule in the largest way which seemed possible by taking the long and short hauls for local freight, with their corresponding charges, on 42 railway systems. The test showed that while none of the particular rates coincided with the formula, yet the averages of all were as—

Formula rate for long haul	$1.2774
Actual rate for long haul	1.2957

with a short-haul charge of 49.19 cents and hauls of 72.5 and 451 miles, respectively.

In these averages are included some Pacific coast freight rates, apparently made on the per mile rule, so extreme in their character that their absence from the computations would quite cover the difference between the actual and the formula rates. An inspection of English and continental freight rates shows a tendency to the same rate of declension, but I have not had the material to make definite computations as to them. But it may, I think, be stated that even as to freight rates the Talcott formula does not overstate the scale of declension.

THE RATE DECLENSION OF EXPRESS RATES.

For the purpose of adjusting its parcel charges to market mobility and to the cost of service, Germany and Austria established the "zone" idea for parcels weighing 13 to 110 pounds. The rates on a 13-pound package are here given with the mileage, and a column is added giving the square root of each distance, and what the charges would be in square-root terms of the rates for the shortest distance, if the rates were made on the Talcott formula.

German and Austrian parcels rates for different distances on 15-pound parcels, and showing rates for such distances, under the square-root formula.

Weights.	Miles.	Square root.	German rate in pfennigs.	Square-root rate.	Austrian rate in hellers.	Square-root rate.
6 kilograms (13 pounds)	46.1	6.80	30	30.60	36	36.00
Do	92.2	9.60	35	43.33	42	48.28
Do	230.5	15.17	45	66.89	54	76.30
Do	461.0	21.47	55	94.68	66	1.07.94
Do	691.0	26.29	65	118.39	78	1.32.23
	.....	.....	230	353.20	276	4.00.75

The German pfennig (0.238) and the Austrian heller (0.203) are each a little more than two-tenths of a cent, and are each the hundredth of a mark and a crown, respectively.

A brief explanation of the mathematical process involved in calculating the declension may not be out of place. Take the case of Germany, the short distance is 46.1 miles and the square root of 46.1 is 6.80. The rate for the short distance is 30 pfennigs. This rate is divided by the square root and the product found is 4.41 pfennigs. To obtain the charge on 92.2 miles this 4.41 is multiplied by the square root of 92.2, which is 9.60, and the result is a rate of 48.28 pfennigs under the Talcott formula. In all these computations the short-haul rate is taken as the base rate, which being divided by the square root of the miles of haul supplies the unit charge, which being, in turn, multiplied by the square root of the number of miles of the longer haul, produces its rate according to the formula.

It is apparent that the curve of declension in express transportation is markedly greater than in the freight. The actual German and Austrian rate declensions are 35 per cent and 31 per cent, respectively, greater than that of the formula for the zones established. The next step will be to observe whether, and to what extent, American express rates follow this curve of declension. There is added to this study Appendix E by the Interstate Commerce Commission, showing actual merchandise rates between 10 different points for distances of from 36 miles to 3,600 miles on shipments of from 5 pounds up to 100. The table following represents the averages of all the rates given in Appendix D, and gives in parallel columns tentative express rates computed on the Talcott formula.

Table showing average express company rates and mileage and tentative postal express rates for same distances.

Miles.	5 pounds.		10 pounds.		20 pounds.		30 pounds.		40 pounds.		50 pounds.		60 pounds.		70 pounds.		80 pounds.		90 pounds.		100 pounds.		Square root of miles.
	Express rate.	Tentative postal express rate.	Express rate.	Tentative postal express rate.	Express rate.	Tentative postal express rate.	Express rate.	Tentative postal express rate.	Express rate.	Tentative postal express rate.	Express rate.	Tentative postal express rate.	Express rate.	Tentative postal express rate.	Express rate.	Tentative postal express rate.	Express rate.	Tentative postal express rate.	Express rate.	Tentative postal express rate.	Express rate.	Tentative postal express rate.	
36	$0.27	$0.11	$0.32	$0.16	$0.32	$0.17	$0.41	$0.19	$0.44	$0.21	$0.48	$0.24	$0.53	$0.29	$0.53	$0.34	$0.54	$0.38	$0.54	$0.43	$0.54	$0.48	6.00
62	.34	.11	.39	.16	.40	.17	.49	.22	.55	.27	.61	.31	.69	.38	.73	.44	.73	.50	.73	.57	.73	.63	7.87
100	.36	.11	.42	.16	.46	.20	.56	.26	.64	.34	.74	.40	.82	.48	.89	.56	*.89*	.64	*.89*	.72	*.89*	.80	10.00
144	.41	.11	.49	.16	.57	.23	.67	.33	.75	.41	.85	.48	.97	.58	1.09	.68	1.14	.77	1.16	.87	1.19	.96	12.00
196	.43	.11	.51	.16	.60	.26	.73	.36	.82	.46	.95	.56	1.08	.67	1.22	.78	1.28	.90	1.30	1.01	1.30	1.12	14.00
255	.47	.12	.57	.18	.72	.28	.83	.41	.91	.53	1.01	.64	1.17	.77	1.35	.89	1.45	1.02	1.61	1.15	1.68	1.28	15.97
320	.50	.13	.63	.19	.79	.33	.91	.47	.99	.60	1.05	.72	1.23	.86	1.43	1.01	1.58	1.14	1.80	1.29	1.77	1.43	17.89
402	.56	.14	.71	.21	.83	.36	1.05	.51	1.12	.66	1.15	.80	1.33	.96	*1.61*	1.12	1.82	1.28	1.91	1.44	2.18	1.60	20.05
484	.62	.15	.79	.23	1.01	.35	1.23	.56	1.35	.72	1.40	.88	1.68	1.06	1.96	1.23	2.24	1.41	2.52	1.58	2.78	1.76	22.09
576	.63	.16	.83	.24	1.09	.42	1.33	.60	1.54	.80	1.59	.96	1.90	1.15	2.22	1.34	2.53	1.53	2.85	1.73	3.12	1.92	24.00
677	.68	.16	.92	.25	1.24	.44	1.54	.65	1.83	.85	1.86	1.04	2.24	1.25	2.61	1.46	2.98	1.66	3.35	1.87	3.70	2.08	26.02
787	.68	.17	.93	.27	1.26	.49	1.52	.70	1.80	.91	1.79	1.12	2.24	1.35	2.61	1.57	2.98	1.80	3.35	2.02	3.73	2.24	28.05
905	.70	.18	.97	.29	1.30	.52	1.61	.75	1.90	.98	1.99	1.20	2.36	1.44	2.75	1.68	3.14	1.92	3.54	2.17	3.93	2.41	30.08
1,030	.72	.19	1.03	.31	1.40	.56	1.78	.80	2.25	1.04	2.35	1.28	*2.79*	1.54	3.26	1.79	3.72	2.05	4.19	2.30	4.65	2.56	32.00
1,151	.74	.19	1.07	.32	1.49	.58	1.97	.84	*2.43*	1.11	*2.60*	1.36	3.11	1.63	3.69	1.90	4.14	2.17	4.66	2.44	5.18	2.71	33.92
1,297	.78	.20	1.18	.34	1.72	.62	2.40	.89	3.02	1.17	3.25	1.44	3.69	1.73	4.53	2.02	5.17	2.30	5.82	2.59	6.46	2.88	36.00
1,450	.78	.21	1.21	.35	1.83	.65	2.51	.94	3.18	1.24	3.46	1.52	4.26	1.83	4.82	2.13	5.52	2.44	6.21	2.74	6.90	3.05	38.08
1,597	.79	.22	1.25	.37	1.90	.68	*2.63*	.99	3.35	1.30	3.74	1.60	4.33	1.92	5.18	2.24	5.90	2.56	6.66	2.88	7.40	3.20	39.96
2,500	.80	.26	1.40	.45	2.60	.84	3.87	1.23	4.47	1.62	5.58	2.00	6.65	2.40	7.76	2.80	8.87	3.20	9.98	3.60	11.08	4.00	50.00
3,136	.81	.28	1.54	.50	2.89	.94	4.28	1.37	5.70	1.80	6.88	2.24	8.71	2.69	9.58	3.14	10.95	3.58	12.32	4.03	13.69	4.48	56.00
3,652	.85	.30	1.65	.53	3.00	1.01	4.47	1.45	5.95	1.95	7.44	2.42	8.92	2.90	10.44	3.38	11.90	3.87	13.39	4.35	14.87	4.83	60.43

NOTE.—The "express company rates" *below* the rates printed in italic in table exceed in amount what the Talcott formula would give. The like rates in the columns *above* and to the left are much less than if computed by that formula. All of the "tentative postal express rates" are according to the formula.

It should be noted that the tentative rates from 5 to 40 pounds are specially loaded to cover their relative cost of terminal service.

It must not be concluded from the manner in which the American freight, German and Austrian, or American express rates approach to or fall below what is here denominated the "square root curve," that any of the rate makers acted on the formula, or even had it in mind. The freight rates of the 42 railways referred to would rather indicate that the rate makers were aiming at a target, the exterior outlines of which could be dimly seen, but the center point of which was not visible; and while the individual rates usually approximated, they did not coincide exactly with the Talcott scale. I think, however, that a system of express rates formulated on this principle, while giving mobility to traffic covering long distances, would be ample to cover the relative cost of the service.

SIMPLICITY OF RATES.

The importance of having a simple formula by which, the weight of package being known, the application of a scale to a map would readily determine the charge, is obvious. Devices for this purpose at once suggest themselves. Each county might be regarded as a point, and measurements to that point from like points could easily be made. Each post office, or habitual user of the service, might attach to a pivot set at the point of sending a scale to rotate to any desired point, and adjoining the point of destination, the scale would show the cost, according to the pounds in the package, without the possible errors of computation. Fractions of the square root would of course be rejected. Stamps or printed slips attached to the package, stamped with number of office and of package, and date, would also show weight, character, insurance, and distance of shipment, supplying automatically a record of the pounds and pound-mileage for each office, and, as desired, the like data for the whole country. All this by the simple expedient of printed identification slips or stamps adapted to the different weights and distances, and arranged in a cabinet as passenger tickets may be seen in ticket offices. Under existing circumstances there is no rule by which one can determine the cost of shipment, short of application for quotation of the rate, at the express office.

And with respect to the number of express rates and their complexity the situation is not fundamentally different from that of freight rates. An inspection of the division of express rates and tariffs in the Interstate Commission shows 8 shelves, each approximating 120 feet in length, filled with these express tariffs, filed like books—or 960 feet of library shelving. If anyone should think this a matter of small significance let him consider the complexity in mere numbers alone of the freight rates of the country, said to be over 800,000,000,000, one of which is the right, and all the others the wrong, rate for the shipment at hand.

BASIS OF TENTATIVE POSTAL EXPRESS RATES.

The express report for 1909 shows the average product of all the express rates to have been about 1½ (1.56) cents per pound. The following table gives, in a summarized form, the official data upon the subjects of the number, weights, revenue per class, revenue per pound, and so forth, of the express traffic.

Statistics of total revenue tonnage for months of April, August, and December, 1909.

	Number.	Weight.	Revenue.	Revenue per piece.	Revenue per pound.	Per cent of total.		
						Number.	Weight.	Revenue.
		Pounds.		*Cents.*	*Cents.*			
100 pounds or less	67,469,488	1,725,191,630	$30,006,746	44.47	1.74	95.01	74.06	83.69
Over 100 pounds	3,506,651	563,813,172	5,250,078	149.72	.93	4.94	24.21	14.64
Extraordinary shipments	37,156	40,337,390	599,727	1,614.08	1.49	.05	1.73	1.67
Total or average	71,013,295	2,329,342,192	35,856,551	50.49	1.54	100.00	100.00	100.00

From this table it appears that the traffic at 1.74 cents per pound produces 83.69 per cent of the revenue; that the traffic at 0.93 cent a pound produces 14.64 per cent of the revenue; while from that conveyed at 1.49 cents per pound less than 2 per cent (1.69) is realized.

BASAL RATE.

Entering into the structure of the tentative postal express rates are three inferential facts, upon the approximate validity of which depends their general accuracy. These facts are summarized:

(*a*) The average haul of 196 miles.

(*b*) The average charge per pound of 1.12 cents.

(*c*) Sufficiency of loading for light parcels.

The average length of haul for freight is known to be 251 miles (251.1) for 1909, the average having increased to that figure from 242.73 in 1900. There are no reports of the express companies which show the average length of haul for express matter. It is believed that it may exceed the freight haul, and is very unlikely to be less, and the reasons for this belief may be worthy of statement. A reference to Appendix A shows that seven countries specifically report the express and freight hauls, and for these countries the average express haul is 68.7

miles and the freight 66.7 miles, showing a percentage of about 3 per cent in favor of the former.

Being obliged to resort to inference as to the haul in the United States, there are several peculiar circumstances to be noted. First, the exceptionally high express charges here as compared with those of Argentina and Europe, and here the question arises, What would their effect be on the length of the American haul? At first blush it might seem that they would tend to restrict the traffic. This I believe is true. Doubling the charges in the passenger traffic would probably reduce the passenger mileage by a percentage approaching one-half and greatly reduce the average journey. But the cases of the express and passenger traffic are not wholly similar. There is practically no declension of the rate with the increase of the passenger journey. As we have seen, the case is wholly different with respect to our express rates. There is a marked declension for increasing distances in express transportation, and so it seems reasonable to say that while our express rates probably do greatly reduce the volume of the possible traffic a like effect on the length of the haul is prevented by—

(*a*) The marked declension in the rate for long distances; and

(*b*) The greater necessity for express or dispatch speed on account of the greater distances themselves.

It is probably the exaggerated necessity flowing from this cause that helps to lift the volume of the American traffic to within some relation to the volume in other countries.

I think it is not improbable that the express haul here not only exceeds the freight in length, but that 300 miles is an approximation of its length. However, to be manifestly safe, I have adopted 196 miles as the average haul in constructing the table that follows, as well as in the general table of tentative rates for all other distances, which precedes.

RATE OF 1.12 PER POUND FOR AVERAGE HAUL.

The tables accept this datum as the cost of the average pound under postal express for the average distance. It is a deduction from the argument on "savings" according to which the express work of 1909, which represented gross charges of 1.56 cents per pound, can be accomplished under postal express at about $1\frac{1}{10}$ (1.12) cents a pound. It is not thought that the limits of this base would involve any risk of trenching on the ability of the service to fully pay its way. The practical certainty that the haul is from 25 to 50 per cent greater than predicated for the expense of the transporation rate would in practice show a profit on this rate of from 10 to 20 points on the transportation element, amounting to 0.74 cent a pound. There is besides the special loading of the pound rates of from 6 cents to 2 cents on the parcel of from 1 to 40 pounds, which is designed to protect the service cost with adequate revenue. But this service is already paid for in the case of rural free delivery, and a substantial gain in revenues over expenditures should be realized from this special loading.

In order to clarify, a table is now presented, giving rates for the average haul on parcels from 1 to 50 pounds and for 60, 70, 80, 90, and 100 pounds in weight, showing the portion of the base charge per pound—that is, of 1.12—which is assigned for "transportation," "express general expense," "collect and delivery," and "special collect and delivery." There is also presented the present average express charge and the charge under the several parcels-post bills, proposing a rate of 8 cents a pound.

Rates per pound and loadings for express service, railway, collect and delivery, and special collect and delivery, and the present average rates of express companies, and rates under various parcels-post bills on average haul, assumed as 196 miles.

Pounds up to—	Loadings.				Total postal express rate.	Present express rate.	Parcels-post bills rates.
	Railway transportation.	Express general expense.	Collect and delivery.	Special collect and delivery.			
	Cents.	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
1	0.74	0.27	0.11	5.88	0.07	.....	0.08
2	1.48	.54	.22	5.76	.08	.....	.16
3	2.22	.81	.33	5.64	.09	.....	.24
4	2.96	1.08	.44	5.52	.10	.....	.32
5	3.70	1.35	.55	5.40	.11	0.43	.40
6	4.44	1.62	.66	5.28	.12	.....	.48
7	5.18	1.89	.77	5.16	.13	.....	.56
8	5.92	2.16	.88	5.04	.14	.....	.64
9	6.66	2.43	.99	4.92	.15	.....	.72
10	7.40	2.70	1.10	4.80	.16	.51	.80
11	8.14	2.97	1.21	4.68	.17	.....	.88
12	8.88	3.24	1.32	4.56	.18	.....	.96
13	9.62	3.51	1.43	4.44	.19	.....	1.04
14	10.36	3.78	1.54	4.32	.20	.....	1.12
15	11.10	4.05	1.65	4.20	.21	.....	1.20
16	11.84	4.32	1.76	4.08	.22	.....	1.28

Rates per pound and loadings for express service, etc.—Continued.

Pounds up to—	Loadings.				Total postal express rate.	Present express rate.	Parcels-post bills rates.
	Railway transportation.	Express general expense.	Collect and delivery.	Special collect and delivery.			
	Cents.	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
17	12.58	4.59	1.87	3.96	0.23	.....	1.36
18	13.32	4.86	1.98	3.84	.24	.....	1.44
19	14.06	5.13	2.09	3.72	.25	.....	1.52
20	14.80	5.40	2.20	3.60	.26	0.60	1.60
21	15.54	5.67	2.31	3.48	.27	.....	1.68
22	16.28	5.94	2.42	3.36	.28	.....	1.76
23	17.02	6.21	2.53	3.24	.29	.....	1.84
24	17.76	6.48	2.64	3.12	.30	.....	1.92
25	18.50	6.75	2.75	3.00	.31	.....	2.00
26	19.24	7.02	2.86	2.88	.32	.....	2.08
27	19.98	7.29	2.97	2.76	.33	.....	2.16
28	20.72	7.56	3.08	2.64	.34	.....	2.24
29	21.46	7.83	3.19	2.52	.35	.....	2.32
30	22.20	8.10	3.30	2.40	.36	.73	2.40
31	22.94	8.37	3.41	2.28	.37	.....	2.48
32	23.68	8.64	3.52	2.16	.38	.....	2.56
33	24.42	8.91	3.63	2.04	.39	.....	2.64
34	25.16	9.18	3.74	1.92	.40	.....	2.72
35	25.90	9.45	3.85	1.80	.41	.....	2.80
36	26.64	9.72	3.96	1.68	.42	.....	2.88
37	27.38	9.99	4.07	1.56	.43	.....	2.96
38	28.12	10.26	4.18	1.44	.44	.....	3.04
39	28.86	10.53	4.29	1.32	.45	.....	3.12
40	29.60	10.80	4.40	1.20	.46	.82	3.20
41	30.34	11.07	4.51	1.08	.47	.....	3.28
42	31.08	11.34	4.62	.96	.48	.....	3.36
43	31.82	11.61	4.73	.84	.49	.....	3.44
44	32.56	11.88	4.84	.72	.50	.....	3.52
45	33.30	12.15	4.95	.60	.51	.....	3.60
46	34.04	12.42	5.06	.48	.52	.....	3.68
47	34.78	12.69	5.17	.36	.53	.....	3.76
48	35.52	12.96	5.28	.24	.54	.....	3.84
49	36.26	13.23	5.39	.12	.55	.....	3.92
50	37.00	13.50	5.50	.00	.56	.95	4.00
60	44.40	16.20	6.60	.....	.67	1.08	4.80
70	51.80	18.90	7.70	.....	.78	1.22	5.60
80	59.20	21.60	8.80	.....	.90	1.28	6.40
90	66.60	24.30	9.90	.....	1.01	1.30	7.20
100	74.00	27.00	11.00	.....	1.12	1.30	8.00

The foregoing table is designated to cover the statistical average haul, set here as 196 miles, but believed to be in fact about 300 miles. Excepting those rates below 50 pounds, which are specially loaded, the tentative postal-express rates are computed by dividing 1.12 by the square root of the assumed average haul, 14, which produces eight one-hundredths of a cent (per square-root unit) per pound. Thus, if it be desired to find the rate on 100 pounds for 3,600 miles, the square root of which distance is 60, this square-root number is multiplied by 8 and the product multiplied by the number of pounds, which gives the rate as $4.80, equaling $96 per ton, the average express company rate now being $297 per ton. Of course there could be no traffic to speak of at these company rates, so that their elimination would not actually affect the receipts of the railways, while the postal-express rates, which would render such traffic feasible, would greatly advantage all.

It is to be noted that of the three classes of traffic the gross income per pound for which is given, in the report of 1909, as 84 per cent at 1.74 cents and 1.67 per cent at 1.49 cents, all much above the 1.12 base adopted in this study, there is also a third line of traffic producing 14.64 per cent of the gross income, which was carried at 0.93 of a cent per pound. These rates—0.93 on a pound—would of course continue to operate until the development of the system enabled the postal department to reform if not to reduce them. The shipments in this class consist of packages exceeding 100 pounds in weight, and the relatively low rate at which the companies appear to have carried them suggest the commodity rates of an ordinary freight tariff. They suggest, too, that the Postmaster General could very probably employ such commodity rates to save the fruit growers' crops from going to waste in the fields because of inhibitory express rates while the consumers were demanding an increased supply. But the data is insufficient for definite discussion of this portion of the subject, and so I leave it. In the computation of prospective receipts, as a whole, from the proposed rates, the tentative rate revenue produced is only predicated of the traffic hitherto moving on the average major rates, and the revenue from the 0.93 of a cent a pound traffic is accordingly computed.

DEVELOPMENT OF TRAFFIC.

It is believed that a great increase of the traffic would result from the reduction of the rates and the extension of the service beyond the cities to the country. That the traffic is now laboring under a radical restriction of volume because of the

inhibitory charges and the exclusion of the rural population becomes apparent in its absolute and relative quantity when compared with the express traffic in other countries. A table is now inserted giving comparative data in this respect:

Ratios of express to freight traffic in several countries.

Countries.	Ratios.		Per capita	
	Express.	Freight.	Express.	Freight.
			Pounds.	*Tons.*
Argentina	1	64	165	5.34
Austria	1	97	117	5.63
Belgium	1	82	199	8.16
France	1	53	141	3.74
Germany	1	113	140	7.99
Hungary	1	84	68	2.77
Average (except United States)	1	82	138	5.61
United States	1	165	99	8.15

From this table it appears that the ratios of the express weights to the freight weights is only one-half here of what it is abroad, while the freight traffic per capita here exceeds the average freight traffic abroad by 31 per cent. The express traffic abroad exceeds that here by 39 per cent, and the express figures do not include the weights of the parcels carried by post abroad, which would further accentuate the disparity.

It appears from the express report that the ratios of the charge made by the railways to the express companies here for carrying express parcels is as 7.8 to 1, a ratio which, excluding the express element, is itself greater than the ratio of the whole express charge abroad. If the volume of the express business in the United States were made normal, the railways themselves would reap a greater increased revenue, even at a considerable reduced transportation charge. It is believed that as this increased to a normal traffic of nine or ten or more millions of tons, instead of the four and a half millions of tons now realized, it is perhaps not too much to hope that the transportation pound rate might fall from 0.74 to 0.50 or thereabouts. Even with such an approach to the normal the transportation rate per ton would be far above the usual and the revenue to the railways from a service not operatively more costly would be about $100,000,000, as against their present revenue of about $64,000,000.

POSTAL EXPRESS RAILWAY PAY.

The basis of the contracts of the railways with the express companies for the railway share is a percentage of the charge per package made by the express companies and a summary of the contract is added to this study as an appendix. When the package traverses more than one line compensation has to be made to the different railway companies for each such package, and the percentage going to each railway is computed in one of two ways—the mile prorate, in accordance with the length of the participating railway, or the rate prorate, giving each railway compensation as if there were as many shipments as participating railways, or both methods may be applicable to shipments over different lines.

The computation of railway compensation is monthly, and each bill of lading must be consulted and the percentage computed for this purpose. The labor of accounting for packages on one-line traffic is costly in the extreme, but when it is multiplied by two or more railways and two or more express lines the labor becomes stupendous. It is proposed to eliminate this waste of accounting to realize a saving the amount of which can hardly be justly stated in smaller terms than its total cost. Instead of computing the amount due each railway from each piece, the bill provides for weighing the express matter at stated times to determine its gross and average weight as a basis of payment to the railway. Let it be said that on a given line of railway the gross weight were found to be 50,000 tons and the gross railway revenue from it were $750,000, or $221 per mile. This weight and compensation would give the operative rate per pound under the respective contracts and a basis for future payments. This change in the method would be important for another reason, outside of the saving, which would make it imperative that the railways and the department adopt it. By it, even under the proposed reduced rates, the railways would be secured a fixed compensation per pound—that is, an average rate for the average railway of 0.74 out of the 1.12 cents per pound, or 66 per cent of the rate, giving the same gross revenue on the weight of traffic that they now receive. But if the rates were reduced and the compensation were computed according to the practice under the contracts, they would receive only 47.53 per cent of such reduced charges. Thus both parties would have controlling financial motives to employ the gross weight rather than the piece method; for if the department urged the old method it would have the terrific accounting bill to pay, while the railways would have their compensation reduced by from $4 to $5 a ton on the basis of an unchanged percentage of rates reduced from one-quarter to one-third or more. As to a matter that appeals so strongly to the financial interests of both parties and involves an obvious public service, there can be no question that the method provided by the bill would prove more than acceptable. The railways themselves have come to show a reasonable attitude to the public, and that part of the public which gives attention to transportation matters is not willing that the railways should be plainly wronged.

During the life of these railway-express contracts, and they run for various periods, their terms, when thus acquired by the Government, would be scrupulously observed by both parties except as changed by mutual consent. That under the changed order of things they would be so changed for mutual advantage is certain. Whether before or after their expiration one of the changes not unlikely would be from the package basis of payment to the car-space and mileage standard with differential charges for less than full loads on the principle now applied to carload and less-than-carload freight. This would protect the railways on the lines of both light and heavy traffic and give the postal department practical liberty to adapt its rates to moving the largest economically feasible amount of traffic. However this may be, after the contracts expire the Postmaster General is empowered to make new ones and to guard against serious error. Appeals for all parties from these contracts are provided to the Interstate Commerce Commission, and from it to the Court of Commerce. A just conclusion is always to be desired, and under the circumstances an intelligent department and railway administration would hardly fail to see that the promotion of the traffic and the broadest extension of the public service would be the surest guaranties of profit to all concerned.

MISCELLANEOUS REMARKS.

Naturally there are minor features of the express business, as now conducted and as proposed, that have escaped discussion in this study. One of these is the money-order business. The postal system is so obviously fitted to discharge this work that further comment is not thought necessary, except to say that the bill specifically covers this feature.

It may, too, be suggested that no allowance has been made in the chapter on savings for the increased cost of placing the express employees on the postal plane of hours and wages. This very substantial feature has not been overlooked. It is considered that the low rates and the added rural traffic would double the business in a year, and from its increment much more than enough surplus income would flow to cover such items. What is actually expected is that the traffic in a few years would increase to about 16,000,000 tons per annum, including the country-to-town traffic now nonexistent. As the autotruck becomes cheapened and further simplified its use would be justified for reasons of economy and service.

Other features of the general subject are purposely omitted as tending to excite feeling only, while many of its incidents will await the developments of the discussion. It is thought that the controlling elements have been dealt with, and that the data necessary to form judgment upon the merits of the proposition have been presented.

POLITICAL FEASIBILITY.

Independently of the matter of fact disclosures brought out in this study which seem to have thus far escaped public notice, public dissatisfaction with the express company has reached the point of emphatic intolerance. I do not repeat or even refer to recent incidents and events, except to say that the express company employees and their compulsory patrons have shown and are showing this disposition. It is perhaps literally true, for various causes, that these companies have no friendly support except from their stockholders, and not from all of them; and when it is considered that the express company is not a normal transportation agency, but an economic parasite existing as a squatter on the postal function, and like other parasites feeding at an inordinate expense to the sustaining subject, it may be realized that this dissatisfaction is likely to last. One needs only to refer to the fact that only in the United States and its economic dependencies, Canada and Mexico, does the express company exist. The express part of the function elsewhere is always discharged by the post and the railway, the former performing the collect and delivery service in Belgium, Austria, and Germany up to the 110 limit, entailing but one profit, the railway profit, which, as we have seen, can be kept within bounds, and excluding the

express company profit, which, in its nature, defies prudent and effective reduction, although constituting an egregious percentage on the actual investment. When all this is taken with the exorbitant rates and the inadequate service the constant feeling of alienation of the public toward these companies is comprehensible enough. The people are demanding an effectual remedy and are ready to act. The Parcels Post Conference, called by the Postal Progress League, which met in Washington on the 25th of April, gave definite voice to this demand in the following resolution:

That this conference urges upon Congress that it favors the widest extension of the postal function of the Government in the form of a postal express for the carriage of parcels.

That among the essential features of such a system we feel called upon to insist upon the following:

1. Complete monopoly in the postal system for the transportation of all matter by law made mailable.
2. Rates therefor sufficient to pay the cost of the service.
3. Provision for the insurance of mail matter at reasonable rates.
4. And further, since the express companies under their contracts with the railways are securing an average rate of three-fourths of a cent per pound, and the Postal Department is paying an average of 4 cents per pound for mail matter, Congress is urged to consider whether the postal function should not properly be extended to include the express service, thus securing for the transportation of parcels the rail rates of the express companies, etc.

THE OPPOSITION.

To a large extent the railways are the stockholders. Their managers are sufficiently intelligent to understand inevitable tendencies. They know the status quo certainly involves reductions of the express rates by the Interstate Commerce Commission, which would automatically reduce the express-railway pay. If the reductions only amounted to 10 per cent, the railways would lose over $6,000,000 in their compensation, since the express contracts provide not for fixed or pound compensation, but for a percentage of the express rates as collected. Moreover, the railways will also see that a system of postal express would inevitably treble the traffic, so that in a year or two the $60,000,000 they now receive from this source would mount to over a hundred millions, at an inconsiderable additional cost to the plant. The railways will likely see, as well, a fine opportunity to substantially promote the public welfare, with resuts to themselves as beneficial as to the country at large.

There is no negative opposition—I mean there is no inertia of public opinion on the subject. There is perhaps no reform as to which there has been a longer, a more persistent, or a more general demand for congressional action; and perhaps there is no other single failure of Congress to gratify public demand that has produced so much of the spirit of distrust existing among thoughtful people toward their Representatives. Former Members of this House will, I am sure, appreciate the force of this statement.

APHORISTIC STATESMEN.

There is a growing suspicion of the intellectual fitness, if not of the sincerity, of public men who are so willing to serve the people during their campaigns, but who, in office, always meet proposals in the public interest with some killing adage or other, such as "The least government is the best government," "Concentration of power," "Paternalism," and so forth. These maxims, mostly invented in the eighteenth century, were designed to fight injustice and tyranny and not to defend them, to make government more democratic and its agencies more truly promotive of the public welfare. As adages they served their purposes at the time, but it is hardly sane to accept them now as scientific formulæ for the determination of twentieth-century programs of improvement and as substitutes for the consideration of measures on their merits. That the best modern thought discountenances such inconsiderate use of mere apothegms needs hardly to be proved, yet I am sure the reader will feel interested in an appendix to my remarks giving the views of America's foremost sociologist on this subject. I should not leave this paragraph without saying that the proposition is not new in any sense except in our provincial neglect to follow the examples of all other nations; that the post office would not be trespassing on an alien function, but merely extending its administration to fully cover a field of its own and discharging a function it alone can efficiently discharge.

ADVANTAGES OF POSTAL EXPRESS.

In three years under a postal administration it is believed that the reformed system will produce:

(a) A minimum charge of 7 cents for the first pound, graduated to 17 cents for a 11-pound package, for average distances.

(b) General reductions of about 28 per cent in all merchandise charges.

(c) The extension of the service to the out-of-town and agricultural population.

(d) The elevation of the employees to the plane of the postal service.

(e) The coordination of country supply of the vital necessaries with urban demand by a cheap and regular collect and delivery service.

(f) As a result, a greater attractiveness in rural life and improved highways.

(g) In 10 years' time, with the development of the traffic, a reduction of rates to about one-half of the present rates.

It is as difficult to describe in detail the manifold economic and social results of a great agency like this as to give a bill of particulars of the benefits of the postal system. And in this connection it seems not irrelevant to suggest that a proper coordination of the railway mail with the railway express service may indeed render penny postage feasible. As things are now the rural free-delivery agency does not bring a direct fiscal return to pay for itself. In a few years, as the traffic develops in parcels and agricultural products, the proposed system would enable it to do so. This would assure a considerable financial gift to the account of penny postage.

THE AGRICULTURAL POST.

In the present state of things the truck farmer must devote a large part of his time to marketing; that is, to the transportation of his product, however little it may be, to the place of demand. He must also for this purpose provide himself with transportation facilities, however small his business. These involve a horse, and its maintenance and care, and a barn; and the expense of both during the unproductive seasons. And yet in a socio-economic sense his work and expense of transportation is the smallest element in his service to the public, although it requires the maximum of upkeep work and expense, if not of capital. The proposed postal collect and delivery eliminates all these, and would enable the truck farmer to enter into the business on a minimum of capital, and pursue it on a minimum of labor and expense. The field service of a horse he could hire as occasion might require. Thus the truck-farming industry would receive a necessary impetus and the cost of such foods be greatly reduced to the consumer, saying nothing of the advantage in quality coming from a speedier forwarding to the market by daily allotments instead of the delays now incurred to garner a worth-while load.

This application of postal express, with its thoroughly articulated service and regular schedules, may be taken as illustrative of the close relations which may be established between the rural producer and town consumer, as well as between producers and merchants generally. A most interesting monograph, "An agricultural parcels post," by the Hon. J. Henniker Heaton, M. P., is inserted among the appendices. While this subject is dealt with here in a few words, it is none the less true that the farm and suburban forms of production can be so articulated with the points of consumption as to prove of inestimable value to both. A lively description of the system in Germany, by the Hon. J. C. Monaghan, formerly American consul there and now of the Department of Commerce and Labor, is also given in the appendices.

It is manifestly unfair to the proposition to judge its social value on a mere computation of the savings in rates which may be made. While this saving would amount to some $35,000,000 a year on the traffic of 1909, and from seventy to a hundred millions a year when the traffic reaches its normal dimensions, yet as large benefits will follow in clearing the prohibitive rate clogs from this necessary conduit of commerce that it may freely discharge its normal output, in placing the 50,000 express employees on a postal basis, in rendering it easier to engage in and market food production, to relieve the towns and cities of high prices for necessaries of life, and relieve them, too, of the overplus of labor, and, perhaps, too, in aiding in reversing that tendency of population movement from the country to urban centers to which is due the most aggravated and most discouraging social problems of our time.

CONCLUSION.

I have approached this subject from the standpoint of a transportation economist, if I may assume so much, and may say that the bases of the study are much more than sustained by the facts. I do not think the step is radical, except, perhaps, in the sense of the country's doing rightly and thoroughly that thing which must be done by it in some way. Surely the people are entitled now, after two generations of deprivation, to a thorough system. The aggravated conditions of our high cost of

living, and the apparent connection of an agricultural rural and railway post with their practical relief, saying naught of the other necessities for such a system, seem to justify the means I have taken to present the subject to the country.

APPENDICES.

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APPENDIX A.

A bill providing for the condemnation and purchase of the franchises, etc., of the express companies of the United States and the establishment of postal express.

CONDEMNATION OF EXPRESS COMPANY FRANCHISES.

Be it enacted, etc., That in order to promote the postal service and more efficiently regulate commerce between the several States, the Territories of the United States, the District of Columbia, the possessions of the United States, and foreign nations, the contracts and agreements (note 1) and arrangements of the several express companies with the several railroad companies of the United States, its Territories, and the District of Columbia relating to the carriage and transportation (and storage and care) by such railroad company of parcels, packets, and packages, and other express matter, as well as the franchises, operating equipment, cars, vehicles, horses, buildings, leases, as lessees, of buildings used in the conduct of the express business, and all other property or rights and privileges owned and used by such express companies as necessary and appropriate to such dispatch, receipt, collection, delivery, or transportation of such parcels, packets, packages, and express matter are hereby declared to be, and the same are hereby, condemned and appropriated (note 2) to and for the use of the United States of America, to be used by it for such public purposes as may be proper in its various functions. That the words "express company" as used in this act shall be construed to include any corporation, individual, partnership, association, or joint-stock association (as far as) engaged in the dispatch of parcels, packets, packages, and other express matter by railway, express, or steamship, including the receipt, collection, or delivery of the same. And the words "railroad company" shall be construed to include any transportation agency as far as used as a post route or in carrying express matter (note 3). On and after July 1, 1912, any railroad, steamship, or other transportation agency having a contract with any express company subject to this act shall transport and carry for the Post Office Department all matter transportable under said contract, and shall execute and perform with respect to such Post Office Department all such duties as have been customary under such contract in relation to the express company or companies named therein, and shall permit its agents and employees to continue to discharge such services in respect thereto and upon like terms without interference on its part. And as to all matter transportable under such contract the Post Office Department shall have a monopoly of the express transportation therefor.

DUTY OF PRESIDENT AND POWERS OF POSTMASTER GENERAL.

SEC. 2. It shall be the duty of the President, on the 1st day of July, 1912, to take charge and possession of all the property of such express companies condemned and appropriated in section 1 of this act, in the name of and by the authority of the United States of America (note 4), and thereupon it shall be the duty of the Postmaster General to employ said property and facilities as hitherto employed, in conjunction with the postal service, and to henceforth conduct said express service; and he shall have power—

(*a*) To devise classifications of parcels, packets, packages, and other shipments of postal-express matter, and to regulate the forms and conditions for the shipment thereof.

(*b*) To fix the postal charges for collecting, receiving, transporting, by railroad or otherwise, and delivering of matter under paragraph *a*, and such charges may be entire for the whole service performed.

(*c*) And he shall base such postal charges upon the amount of service to be rendered, considering distance transported and other service elements and risk involved therein, with a purpose of making the charges wholly adequate to paying the cost of the service, including interest charges.

(*d*) To make all regulations which may be necessary for insuring payment of charges and the safe, expeditious, economical, and profitable administration of such postal express service.

(*e*) To make regulations defining the rights and duties of the employees in such service; and he shall retain, so far as necessary, those formerly employed by the express companies, who shall not be required to pass civil-service examination.

(*f*) To determine by regulation the wages payable to such employees, the sick leave or vacation periods, and the necessary qualifications of employees for service and promotion.

(*g*) To provide for a system of insurance of employees against accident, to be paid for by the department.

(*h*) To declare by rules under what circumstances, and to what extent, postal express matter may be insured against loss, and provide rates for the special insurance thereof, and rules for the indemnification of shippers.

(*i*) To make agreements with carrying railroads or other agencies of transportation, for the carriage or extension of service, of such postal express matter, subject to the appeal hereinafter provided, to the Interstate Commerce Commission.

(*j*) To establish, from time to time, and in such places as he may by rule determine, rural collection and delivery, and urban collection and delivery, for such parcels, packets, packages, and postal matter and express matter as he may determine upon, and under such regulations as to rates and conditions of carriage thereof as he may deem prudent.

(*k*) To provide as far as possible for the exemption of postal express employees from labor on the Sabbath.

(*l*) To make all other regulations necessary for the efficient and economical operation of the service, and to provide all means necessary for the safe and expeditious transportation and forwarding of money and credit, to any amount, and to fix the rates therefor, and to make all regulations deemed essential thereto, and to provide means to discharge all other functions, which he may deem proper, hitherto discharged by express companies, and to make any regulations deemed essential in relation thereto.

But from any action of the Postmaster General in declaring regulations under paragraphs (*a*), (*b*), (*c*), (*d*), (*i*), and (*j*) hereof, an appeal shall lie by any party competent under the act to regulate commerce to the Interstate Commerce Commission, which shall have power to revise and amend the said regulations. The Postmaster General shall also have power to rent, lease, or purchase real estate and personal property, supplies, cars, and equipment for use by his department in the operation of such postal express. He shall have power to condemn in the name of the United States any property, real, personal, or mixed, which he may deem necessary for the efficient operation of the service, but the said Interstate Commerce Commission shall first value and file its award therefor, as hereinbefore provided.

COMPENSATION FOR RAILROAD TRANSPORTATION.

SEC. 3. During the months of August and December, 1911, and April, 1912, the weights of matter carried over the respective railroads under contracts with the express companies (during the pendency thereof) shall be carefully taken for each railroad company in respect to such contract; and the amount of money paid for the carriage thereof shall be divided by the mileage of such railway over which such matter is carried; and thereafter the Postmaster General shall, if the railroad company consent thereto, cause to be paid to such railroad company the amount per mile owing to such railroad under such contract as thus computed; and thereafter, annually, at such times as may be determined upon by the Postmaster General, such matter shall be weighed, and the railroad company shall be paid monthly for the excess weight carried by it, over the first weighing herein provided, such sums as may be agreed upon for such excess weights; but if said Postmaster General and such railroad company shall fail to agree upon a different basis of compensation for such excess weights, then the same shall be paid for according to the terms and provisions of the contract condemned in such case.

RENEWAL OF TRANSPORTATION CONTRACTS.

SEC. 4. At the expiration of any contract between an express company and a railroad, condemned by this act (or at any time before, if such railroad company shall consent thereto), the Postmaster General may contract with such railroad company for the transportation of postal express matter; and, if deemed advantageous, upon cars provided by the department, which may be transferred without unloading onto the lines of other railroad companies, and at such rate of compensation and upon such principles of computation thereof, by car or car space mileage, or otherwise, as may be agreed upon. But an appeal shall lie, for the purpose of review, to the Interstate Commerce Commission by any party competent under the act to regulate commerce from such contract, whereupon the Interstate Commerce Commission shall have the power to revise and amend and define and declare the terms and conditions of said contract. And in case the Postmaster General and such railroad company, after the expiration of the contract with an express company, shall fail to agree upon the terms and provisions of the renewal thereof, they shall submit their respective contentions and propositions with reference thereto, to the said Interstate Commerce Commission, which shall thereupon have plenary power to declare the terms and provisions which said contract shall contain. And from any determination with respect to any contract the terms and provisions of which have been declared by the said Interstate Commerce Commission under this section, an appeal shall lie to the Court of Commerce, which shall enjoy like power to revise and amend the same.

APPRAISEMENT OF EXPRESS COMPANY FRANCHISES, ETC.

SEC. 5. Immediately after the passage of this act it shall be the duty of the Interstate Commerce Commission to appraise (note 5) at their true market values the contracts, agreements, franchises, equipment, buildings, and other property of whatsoever kind, condemned and appropriated by the United States in section 1 of this act, and award to the respective express companies just compensation therefor. Each commissioner shall take oath to justly perform such duty before some judge of the courts of the United States. The said Interstate Commerce Commission shall have power and it shall be its duty to summon witnesses, with books and papers, before it for either of the parties and require such witnesses to testify, and it shall give to each party a full hearing with reference to the amount of compensation which shall be awarded to each express company under this act; and it shall be the

duty of such commission, on or before the 7th day of May, 1912, to file a separate award of appraisement, giving just compensation to each express company for its property condemned under this act, and give notice of the filing of such award to the Postmaster General and to such express company. And if either party shall be dissatisfied with the amount of said award, the same may, on appeal by either party, be reviewed and revised by the Court of Commerce, sitting as a court of review, with respect thereto; and from its determination a further appeal may lie on behalf of either of the parties to the Supreme Court of the United States, to determine the amount of the just compensation to which said express company shall be entitled.

PROVISIONS FOR COMPENSATION OF EXPRESS COMPANIES.

SEC. 6. The Secretary of the Treasury is hereby authorized and directed to make payment to such express companies of the money adjudged to be due them as aforesaid out of the Treasury of the United States, and said express companies shall be entitled to payment of such final award as compensation from the Treasury of the United States, and the amounts of said award are hereby appropriated to the parties entitled thereto out of the Treasury of the United States. Any party interested in the distribution of such compensation money may petition the circuit court of the United States having jurisdiction of the subject matter, which court shall thereupon distribute the compensation directly by proper audits to the several stockholders, bondholders, partners, or individuals entitled thereto; and in such cases the Treasurer of the United States shall pay out such compensation as such court may direct; and the parties to whom the same may be paid shall assign their rights unto the United States with reference thereto, whereupon the United States shall enjoy the same rights and the same power under the same as the assignor enjoyed prior to such condemnation.

ISSUE OF BONDS AND REDEMPTION OF THE SAME.

SEC. 7. The Secretary of the Treasury shall cause to be issued in proper form the bonds of the United States of America in a sum equal to the aggregate valuation of such express companies, as determined by the awards hereinbefore provided for. Said bonds shall be payable within 40 years from the date of issue and bear interest at the rate of — per cent, and such Treasurer shall maintain a fund for the payment of such interest and the redemption of the bonds issued under this act; and for such purpose the Postmaster General shall pay out of the receipts of his department, under the Secretary of the Treasury, a sum equal to such interest and a redemption sum equal to 1 per cent of the aggregate awards to such express companies each year, which sum shall be payable quarterly. The said fund shall be invested from time to time in such securities as the Secretary of the Treasury may deem secure and profitable. The sum of $250,000, or so much thereof as may be necessary, is hereby appropriated out of the Treasury of the United States to the Postmaster General and the Department of Justice, to be used, so far as necessary, upon their order, in defraying the expense incident to acquiring such property.

NOTES.

Note 1, section 1: "Contracts are property, and as such may be condemned and taken under the law of eminent domain." (10 Am. and Eng. Ency., p. 1089; Dodge *v.* Woolsey, 18 Howard (U. S.), 379; Nichols on Eminent Domain, sec. 315.)

Note 2, section 1: The United States possesses the power of eminent domain, which it may exercise to promote any of its constitutional powers. (10 Am. and Eng. Ency., p. 1051; Kohl *v.* U. S., 91 U. S., 367; 15 Cyc., p. 564–565.) The United States may condemn interstate railways. (Nichols on Eminent Domain, sec. 23; Wilson *v.* Shaw, 204 U. S., 24; Monongahela case, 148 U. S., 341–342.)

Note 3, section 1: This power of condemnation may be exercised directly by the legislative branch. The only limitation is that just compensation shall be provided for. (10 Am. and Eng. Ency., p. 1068; Secombe *v.* Milwaukee, 23 Wall., 108.)

Note 4, section 2: In those cases where the condemnor is the sovereign the compensation need not be tendered or ascertained in advance of the taking. It is only necessary that adequate provision be made for compensation. (10 Am. and Eng. Ency., p. 1142, note 2; Nichols on Eminent Domain, sec. 263; Sweet *v.* Rechel, 159 U. S., 380; Williams *v.* Parker, 188 U. S., 491.)

Note 5, section 5: The owner of property condemned by the United States is not entitled to a jury, but commissioners may determine the amount of compensation, etc. (Nichols on Eminent Domain, secs. 302, 306; U. S. *v.* Jones, 109 U. S., 513, 569; 169 U. S., 567; 11 Peters, 420, 571; 148 U. S., 312, 327.)

APPENDIX B.

Comparison of express rates with freight rates.

[All data has been taken from original railway reports of the countries named.]

Countries.	Year.	Express.				Freight.				Ratio express charges to freight charges.
		Tons.	Receipts.	Average journey (miles).	Average charge per ton.	Tons.	Receipts.	Average journey (miles).	Average charge per ton.	
Argentina	1909	534,704	$3,384,151	93.7	$6.51	34,270,113	$67,115,568	121.0	$1.95	3.2 :1
Austria	1908	1,633,276	6,169,612	63.9	3.77	158,031,039	117,839,732	58.0	.738	5.0 :1
Belgium [1]	1909	724,481	3,565,509	49.4	4.92	59,551,766	31,348,583	49.4	.526	9.3 :1
Denmark	1909	53,595	294,273	72.9	5.49	5,238,109	4,567,325	53.0	.871	6.3 :1
France	1908	2,741,931	18,873,400	75.7	6.88	160,825,570	154,366,000	75.7	.953	7.2 :1
Germany	1908	4,424,593	16,873,455	67.3	3.80	504,062,818	382,406,892	61.6	.758	5.0 :1
Hungary	1908	708,778	2,614,640	70.9	3.68	57,880,670	54,045,502	70.9	.933	3.9 :1
Netherlands	1908	109,976	267,161	50.3	2.43	4,635,492	3,114,578	69.8	.673	3.6 :1
Norway [1]	1909	161,334	306,667	48.5	1.90	5,820,490	2,859,878	34.0	.491	3.8 :1
Prussia	1908	2,779,626	2,018,942	84.2	4.32	314,848,543	273,617,562	69.3	.868	5.0 :1
United States	1909	[2] 1,139,074	[2] 35,477,111	[3]	31.20	881,334,385	1,677,614,678	251.0	1.90	16.42:1

[1] Delivers express matter to consignees. [2] Includes three months only—April, August, and December. [3] No data.

APPENDIX C.

General balance-sheet statement as of June 30, 1909.

[Annual report express companies.]

Assets:	
Expenditures for real property	$14,932,169.94
Expenditures for equipment	7,381,405.59
Stocks owned	40,912,980.55
Funded debt owned	45,955,672.54
Other permanent investments	25,438,584.11
Cash and current assets	33,682,608.88
Materials and supplies	138,210.78
Sinking, insurance, and other funds	128,491.83
Advance payments on contracts	5,836,666.67
Franchises, good will, etc	10,877,369.74
Other assets	846,090.33
Profit and loss	91,129.58
Total assets	186,221,380.54
Liabilities:	
Capital stock	53,350,700.00
Funded debt	36,000,000.00
Current liabilities	24,980,828.23
Other liabilities	21,273,493.78
Profit and loss	50,616,358.53
Total liabilities	186,221,380.54

APPENDIX D.

POSTAL RAILWAY MAIL PAY PER POUND.

There is a most exhaustive report on postal operations, published in 1910, called Cost of Transporting and Handling the Several Classes of Mail Matter, etc. Page 8 gives the weight of freight and domestic mail, excluding local, as 1,204,080,927 pounds; and pages 7 and 10 give the items of $44,267,507.13 and $4,638,971.51, respectively, as the amounts of compensation paid for railroad service and railroad post-office car service, or a total of $48,906,478.64. Dividing this sum by the number of pounds of mail we have 4.06, or practically 4 cents a pound. The above weight excludes the equipment, and so the weights given for the express companies also excludes the equipment, such as steel safes, etc. On substantially all the main lines of postal traffic the minimum scale of railway pay has been reached, so that the postal traffic as at present would not materially reduce the rate per pound. On page 8 of the report the average haul of third and fourth class mail is given as 672 and 687 miles, respectively, making an average of 679.5 miles. The assumed haul of express is 196 miles, although it is likely about 300, and the pay to the railways 0.74 of a cent a pound. On the principle of the rate declension for lengthening hauls, elsewhere discussed, as the square root of 196 is 14 and of 679.5 is 26.06, parcels traveling 196 miles on present postal railway pay would cost 2.18 cents a pound, or nearly three times as much as (0.74) the express companies pay; while if the express haul is 300 miles, as believed, the cost would be 2.70 cents per pound, or just three and one-half times as much as the express companies pay the railways for their kind of service. The average charge per pound of the express companies is 1½ (1.56) cents per pound for the average haul of their matter; and since under the various parcels-post schemes the Government would have to pay the railways from 30 per cent to 90 per cent more than the whole express rate to the shipper for that part of the expense alone, it is obvious that it would, under such schemes, have to charge the public rates about twice as high as the express rates now complained of.

APPENDIX E.

Statement showing express merchandise rates on parcels weighing 5, 10, 20, 30, 40, 50, 60, 70, 80, 90, and 100 pounds, between various points as shown below, together with distance.

[Interstate Commerce Commission, Bureau of Tariffs, May 17, 1911.]

Between—	And—	Distance, in miles.	5 pounds.	10 pounds.	20 pounds.	30 pounds.	40 pounds.	50 pounds.	60 pounds.	70 pounds.	80 pounds.	90 pounds.	100 pounds.
Boston, Mass.	Taunton, Mass.	36	$0.20	$0.20	$0.25	$0.25	$0.30	$0.30	$0.35	$0.35	$0.40	$0.40	$0.40
	Portsmouth, N. H.	57	.25	.30	.30	.35	.40	.45	.50	.50	.50	.50	.50
	Biddeford, Me.	100	.25	.30	.30	.35	.40	.45	.50	.50	.50	.50	.50
	White River Junction, Vt.	145	.35	.40	.45	.55	.60	.70	.80	.90	1.00	1.00	1.00
	Hudson, N. Y.	194	.40	.45	.50	.60	.70	.80	.90	1.00	1.00	1.00	1.00
	Orono, Me.	260	.35	.40	.50	.55	.65	.75	.90	1.00	1.25	1.25	1.25
	Philadelphia, Pa.	326	.40	.50	.60	.70	.80	1.00	1.10	1.25	1.25	1.25	1.25
	Elmira, N. Y.	402	.45	.55	.70	.80	.90	1.00	1.20	1.40	1.50	1.50	1.50
	Chambersburg, Pa.	482	.55	.70	.85	1.00	1.00	1.00	1.20	1.40	1.60	1.80	2.00
	Norfolk, Va.	582	.55	.70	.85	1.00	1.00	1.00	1.20	1.40	1.60	1.80	2.00
	Cleveland, Ohio.	682	.50	.60	.75	.90	1.00	1.00	1.20	1.40	1.60	1.75	1.75
	Toledo, Ohio.	795	.55	.70	.85	1.00	1.00	1.00	1.20	1.40	1.60	1.80	2.00
	Huntington, W. Va.	901	.60	.75	1.00	1.13	1.13	1.13	1.35	1.58	1.80	2.03	2.25
	Lexington, Ky.	1,027	.60	.75	1.00	1.15	1.25	1.25	1.50	1.75	2.00	2.25	2.50
	Freeport, Ill.	1,148	.70	.90	1.20	1.50	1.75	1.75	2.10	2.45	2.80	3.15	3.50
	Keokuk, Iowa.	1,293	.70	1.00	1.25	1.60	1.85	1.88	2.25	2.63	3.00	3.38	3.75
	Ironwood, Mich.	1,448	.75	1.00	1.30	1.70	2.00	2.25	2.70	3.15	3.60	4.05	4.50
	New Orleans, La.	1,607	.75	1.10	1.40	1.75	2.25	2.50	3.00	3.50	4.00	4.50	5.00
	Deming, N. Mex.	2,502	.80	1.40	2.30	3.25	4.15	4.75	5.70	6.65	7.60	8.55	9.50
	San Diego, Cal.	3,355	.80	1.50	2.85	4.20	5.60	6.75	8.10	9.45	10.80	12.15	13.50
New York, N. Y.	Tuxedo, N. Y.	39	.35	.40	.40	.50	.55	.60	.70	.75	.75	.75	.75
	Bordentown, N. J.	63	.35	.40	.40	.50	.55	.60	.70	.75	.75	.75	.75
	Bristol, Conn.	105	.30	.35	.35	.45	.50	.55	.65	.75	.75	.75	.75
	Chicopee Falls, Mass.	145	.35	.40	.45	.55	.60	.70	.80	.90	1.00	1.00	1.00
	Pawtucket, R. I.	195	.35	.40	.45	.55	.60	.70	.80	.90	1.00	1.00	1.00
	Cortland, N. Y.	251	.40	.45	.50	.60	.70	.80	.90	1.00	1.00	1.00	1.00
	Auburn, N. Y.	319	.40	.50	.60	.70	80	1.00	1.10	1.25	1.25	1.25	1.25
	Somerset, Pa.	402	.45	.55	.70	.80	.90	1.00	1.20	1.40	1.50	1.50	1.50
	East Liverpool, Ohio.	488	.50	.60	.75	.90	1.00	1.00	1.20	1.40	1.60	1.75	1.75
	Sutton, W. Va.	573	.50	.60	.75	.90	1.00	1.00	1.20	1.40	1.60	1.75	1.75
	Williamson, W. Va.	668	.65	.80	1.10	1.30	1.50	1.50	1.80	2.10	2.40	2.70	3.00
	Marion, Ind.	794	.60	.75	1.00	1.15	1.25	1.25	1.50	1.75	2.00	2.25	2.50
	Terre Haute, Ind.	897	.65	.80	1.10	1.30	1.38	1.38	1.65	1.93	2.20	2.48	2.75
	Freeport, Ill.	1,026	.70	.90	1.20	1.50	1.75	1.75	2.10	2.45	2.80	3.15	3.50
	Prairie du Chien, Wis.	1,151	.70	1.00	1.25	1.60	1.85	2.00	2.40	2.80	3.20	3.60	4.00
	Elk Point, S. Dak.	1,443	.75	1.10	1.40	1.75	2.25	2.38	2.85	3.33	3.80	4.28	4.75
	Oklahoma City, Okla.	1,608	.75	1.15	1.65	2.10	2.75	2.88	3.45	4.03	4.60	5.18	5.75.
	Garrison, Mont.	2,503	.80	1.40	2.50	3.65	4.65	5.25	6.30	7.35	8.40	9.45	10.50
	San Diego, Cal.	3,231	.80	1.50	2.85	4.20	5.60	6.75	8.10	9.45	10.80	12.15	13.50
Baltimore, Md.	Havre de Grace, Md.	36	.25	.30	.30	.40	.40	.45	.50	.50	.50	.50	.50
	Porters, Del.	64	.35	.40	.40	.50	.55	.60	.70	.75	.75	.75	.75
	Carlisle, Pa.	104	.40	.45	.50	.60	.70	.80	.90	1.00	1.00	1.00	1.00
	Reading, Pa.	139	.40	.45	.50	.60	.70	.80	.90	1.00	1.00	1.00	1.00
	Wilkes-Barre, Pa.	202	.40	.50	.60	.70	.80	1.00	1.10	1.25	1.25	1.25	1.25
	Elmira, N. Y.	256	.40	.50	.60	.70	.80	1.00	1.10	1.25	1.25	1.25	1.25
	New London, Conn.	315	.45	.55	.70	.80	.90	1.00	1.20	1.40	1.50	1.50	1.50
	Wilmington, N. C.	400	.55	.70	.85	1.00	1.00	1.00	1.20	1.40	1.60	1.80	2.00
	Ashland, Ky.	494	.55	.70	.85	1.00	1.00	1.00	1.20	1.40	1.60	1.80	2.00
	Dayton, Ohio.	580	.50	.60	.75	.90	1.00	1.00	1.20	1.40	1.60	1.75	1.75
	Jackson, Ky.	660	.65	.80	1.10	1.30	1.50	1.50	1.80	2.10	2.40	2.70	3.00
	Vincennes, Ind.	784	.60	.75	1.00	1.15	1.25	1.25	1.50	1.75	2.00	2.25	2.50
	Petoskey, Mich.	915	.70	.90	1.20	1.50	1.63	1.63	1.95	2.28	2.60	2.93	3.25
	Pensacola, Fla.	1,026	.75	1.10	1.40	1.75	2.25	2.50	3.00	3.50	4.00	4.50	5.00
	Des Moines, Iowa.	1,160	.70	1.00	1.25	1.60	1.85	2.00	2.40	2.80	3.20	3.60	4.00
	Omaha, Nebr.	1,295	.75	1.00	1.30	1.70	2.00	2.25	2.70	3.15	3.60	4.05	4.50
	Oklahoma City, Okla.	1,456	.75	1.15	1.65	2.10	2.65	2.75	3.30	3.85	4.40	4.95	5.50
	Galveston, Tex.	1,594	.80	1.20	1.75	2.50	3.15	3.25	3.75	4.38	5.00	5.63	6.25
	Missoula, Mont.	2,467	.80	1.40	2.50	3.65	4.65	5.25	6.15	7.18	8.20	9.23	10.25
	Seattle, Wash.	3,026	.80	1.50	2.85	4.20	5.60	6.75	8.10	9.45	10.80	12.15	13.50
Atlanta, Ga.	Newnan, Ga.	39	.30	.35	.35	.45	.50	.55	.60	.60	.60	.60	.60
	Louise, Ga.	64	.35	.40	.40	.50	.55	.60	.70	.75	.75	.75	.75
	Anniston, Ala.	104	.40	.45	.50	.60	.70	.80	.90	1.00	1.00	1.00	1.00
	Seale, Ala.	146	.45	.55	.70	.80	.90	1.00	1.20	1.40	1.50	1.50	1.50
	Knoxville, Tenn.	197	.40	.50	.60	.70	.80	1.00	1.10	1.25	1.25	1.25	1.25
	Orangeburg, S. C.	254	.55	.70	.85	1.00	1.00	1.00	1.20	1.40	1.60	1.80	2.00
	London, Ky.	316	.50	.60	.75	.90	1.00	1.00	1.20	1.40	1.60	1.75	1.75
	Nicholasville, Ky.	398	.60	.75	1.00	1.13	1.13	1.13	1.35	1.58	1.80	2.03	2.25
	Cincinnati, Ohio.	488	.60	.75	1.00	1.15	1.25	1.25	1.50	1.75	2.00	2.25	2.50
	Port Tampa, Fla.	572	.70	.90	1.20	1.50	1.75	1.75	2.04	2.38	2.72	3.06	3.40
	Sandusky, Ohio.	699	.70	.90	1.20	1.50	1.75	1.75	2.10	2.45	2.80	3.15	3.50
	Davenport, Iowa.	787	.75	1.10	1.40	1.75	2.25	2.38	2.85	3.33	3.80	4.28	4.75
	Dubuque, Iowa.	900	.75	1.10	1.40	1.75	2.25	2.50	3.00	3.50	4.00	4.50	5.00
	Mackinaw City, Mich.	1,022	.75	1.00	1.30	1.70	2.00	2.13	2.55	2.98	3.40	3.83	4.25
	Minneapolis, Minn.	1,153	.75	1.15	1.65	2.10	2.75	3.00	3.45	4.03	4.60	5.18	5.75
	Wadena, Minn.	1,302	.80	1.20	1.75	2.50	3.25	3.50	3.99	4.66	5.32	5.99	6.65
	Valley City, N. Dak.	1,440	.80	1.25	2.00	2.75	3.50	3.75	4.50	5.25	6.00	6.75	7.50
	Longmont, Colo.	1,561	.80	1.35	2.00	3.00	3.75	4.50	5.25	6.13	7.00	7.88	8.75
	Los Angeles, Cal.	2,503	.80	1.40	2.75	4.00	5.25	6.25	7.35	8.58	9.80	11.03	12.25
	Seattle, Wash.	2,943	.85	1.65	3.00	4.50	6.00	7.25	8.55	9.98	11.40	12.83	14.25
St. Paul, Minn.	Dayton, Minn.	35	.25	.30	.30	.40	.40	.40	.40	.40	.40	.40	.40
	Clear Lake, Minn.	64	.25	.30	.30	.40	.40	.45	.50	.50	.50	.50	.50
	Gregory, Minn.	103	.35	.40	.40	.50	.55	.60	.65	.65	.65	.65	.65
	Staples, Minn.	142	.40	.45	.50	.60	.70	.80	.85	.85	.85	.85	.85
	Frazee, Minn.	194	.40	.50	.60	.70	.80	1.00	1.10	1.10	1.10	1.10	1.10
	Fargo, N. Dak.	250	.40	.50	.60	.70	.80	1.00	1.10	1.25	1.25	1.25	1.25
	Eckelson, N. Dak.	325	.55	.70	.85	1.00	1.00	1.00	1.20	1.40	1.60	1.80	2.00
	Steele, N. Dak.	401	.60	.75	1.00	1.13	1.13	1.13	1.35	1.58	1.80	2.03	2.25
	Sims, N. Dak.	486	.65	.80	1.10	1.30	1.50	1.50	1.80	2.10	2.40	2.70	3.00
	Belfield, N. Dak.	580	.70	.90	1.20	1.50	1.63	1.63	1.95	2.28	2.60	2.93	3.25
	Hoyt, Mont.	681	.70	1.00	1.25	1.60	1.85	1.88	2.25	2.63	3.00	3.38	3.75
	Forsythe, Mont.	790	.75	1.00	1.30	1.70	2.00	2.13	2.55	2.98	3.40	3.83	4.25
	Billings, Mont.	892	.75	1.10	1.40	1.75	2.25	2.50	3.00	3.50	4.00	4.50	5.00
	Chestnut, Mont.	1,023	.75	1.15	1.65	2.10	2.65	2.75	3.30	3.85	4.40	4.95	5.50
	Elliston, Mont.	1,159	.75	1.15	1.65	2.10	2.75	3.00	3.60	4.20	4.80	5.40	6.00
	Dixon, Mont.	1,299	.80	1.20	1.75	2.50	3.15	3.25	3.90	4.55	5.20	5.85	6.50
	Sand Point, Idaho.	1,443	.80	1.25	2.00	2.75	3.50	3.75	4.50	5.25	6.00	6.75	7.50
	Cunningham, Wash.	1,609	.80	1.25	2.00	2.75	3.50	4.00	4.80	5.60	6.40	7.20	8.00
	Los Angeles, Cal.	2,123	.80	1.40	2.75	4.00	5.15	5.75	6.90	8.05	9.20	10.35	11.50

Statement showing express merchandise rates on parcels weighing 5, 10, 20, 30, 40, 50, 60, 70, 80, 90, and 100 pounds, between various points as shown below, etc.—Continued.

Between—	And—	Distance, in miles.	5 pounds.	10 pounds.	20 pounds.	30 pounds.	40 pounds.	50 pounds.	60 pounds.	70 pounds.	80 pounds.	90 pounds.	100 pounds.
Chicago, Ill	Aurora, Ill	37	$0.30	$0.35	$0.35	$0.45	$0.50	$0.55	$0.60	$0.60	$0.60	$0.60	$0.60
	Harvard, Ill	63	.30	.35	.35	.45	.50	.55	.60	.60	.60	.60	.60
	Afton, Wis	99	.40	.45	.50	.60	.70	.80	.90	1.00	1.00	1.00	1.00
	Crawfordville, Ind	148	.40	.45	.50	.60	.70	.80	.90	1.00	1.00	1.00	1.00
	Green Bay, Wis	197	.40	.50	.60	.70	.80	1.00	1.10	1.25	1.25	1.25	1.25
	Alton, Ill	257	.40	.50	.60	.70	.80	1.00	1.10	1.25	1.25	1.25	1.25
	Bay City, Mich	324	.50	.60	.75	.90	1.00	1.00	1.20	1.40	1.60	1.75	1.75
	Algona, Iowa	401	.55	.70	.85	1.00	1.00	1.00	1.20	1.40	1.60	1.80	2.00
	Blair, Nebr	481	.55	.70	.85	1.00	1.00	1.00	1.20	1.40	1.60	1.80	2.00
	Clarksburg, W. Va	577	.55	.70	.85	1.00	1.00	1.00	1.20	1.40	1.60	1.80	2.00
	Chamberlain, S. Dak	680	.70	.90	1.20	1.50	1.75	1.75	2.10	2.45	2.80	3.15	3.50
	Scranton, Pa	790	.60	.75	1.00	1.15	1.25	1.50	1.50	1.75	2.00	2.25	2.50
	New York, N. Y	912	.60	.75	1.00	1.15	1.25	1.50	1.50	1.75	2.00	2.25	2.50
	Providence, R. I	1,034	.60	.75	1.00	1.15	1.25	1.50	1.50	1.75	2.00	2.25	2.50
	Portland, Me	1,149	.65	.80	1.10	1.30	1.50	1.50	1.80	2.10	2.40	2.70	3.00
	Santa Fe, N. Mex	1,327	.80	1.25	2.00	2.75	3.50	3.63	4.35	5.08	5.80	6.53	7.25
	El Paso, Tex	1,465	.80	1.20	1.75	2.50	3.25	3.50	4.20	4.90	5.60	6.30	7.00
	Garrison, Mont	1,591	.80	1.25	2.00	2.75	3.50	4.00	4.80	5.60	6.40	7.20	8.00
	San Diego, Cal	2,347	.80	1.40	2.75	4.00	5.15	5.75	6.90	8.05	9.20	10.35	11.50
New Orleans, La	Garyville, La	37	.30	.35	.35	.45	.50	.55	.60	.60	.60	.60	.60
	Burnside, La	62	.35	.40	.40	.50	.55	.60	.70	.75	.75	.75	.75
	Baker, La	100	.40	.45	.50	.60	.70	.80	.90	.90	.90	.90	.90
	Gloster, Miss	144	.40	.50	.60	.70	.80	1.00	1.10	1.25	1.25	1.25	1.25
	Lorman, Miss	194	.40	.50	.60	.70	.80	1.00	1.10	1.25	1.25	1.25	1.25
	Georgiana, Ala	259	.45	.55	.70	.80	.90	1.00	1.20	1.40	1.40	1.40	1.40
	Pope, Miss	327	.45	.55	.70	.80	.90	1.00	1.20	1.40	1.50	1.50	1.50
	Memphis, Tenn	396	.50	.60	.75	.90	1.00	1.00	1.20	1.40	1.60	1.75	1.75
	Newbern, Tenn	481	.55	.70	.85	1.00	1.00	1.00	1.20	1.40	1.60	1.80	2.00
	Calvert, Ky	577	.60	.75	1.00	1.15	1.25	1.25	1.50	1.75	2.00	2.35	2.50
	Beaver Dam, Ky	678	.65	.80	1.10	1.30	1.38	1.38	1.65	1.93	2.20	2.48	2.75
	Louisville, Ky	787	.65	.80	1.10	1.30	1.50	1.50	1.80	2.10	2.40	2.70	3.00
	Monee, Ill	898	.70	1.00	1.25	1.60	1.85	1.88	2.25	2.63	3.00	3.38	3.75
	Des Moines, Iowa	1,039	.75	1.10	1.40	1.75	2.25	2.38	2.85	3.33	3.80	4.28	4.75
	Pittsburg, Pa	1,148	.75	1.00	1.30	1.70	2.00	2.13	2.55	2.98	3.40	3.83	4.25
	Suspension Bridge, N. Y.	1,305	.75	1.10	1.40	1.75	2.25	2.38	2.85	3.33	3.80	4.28	4.75
	Oswego, N. Y	1,456	.75	1.10	1.40	1.75	2.25	2.38	2.85	3.33	3.80	4.28	4.75
	Worcester, Mass	1,565	.75	1.10	1.40	1.75	2.25	2.50	3.00	3.50	4.00	4.50	5.00
	San Francisco, Cal	2,482	.80	1.40	2.30	3.25	4.15	4.75	5.70	6.65	7.60	8.55	9.50
Denver, Colo	Castle Rock, Colo	33	.25	.30	.30	.40	.40	.45	.50	.50	.50	.50	.50
	Eastonville, Colo	64	.35	.40	.40	.50	.55	.60	.70	.75	.75	.75	.75
	Snyder, Colo	101	.40	.50	.60	.70	.80	1.00	1.10	1.25	1.25	1.25	1.25
	Leadville, Colo	151	.60	.75	1.00	1.13	1.13	1.13	1.35	1.58	1.80	2.03	2.25
	Cheraw, Colo	198	.50	.60	.75	.90	1.00	1.00	1.20	1.40	1.60	1.75	1.75
	Hemingford, Nebr	257	.60	.75	1.00	1.13	1.13	1.13	1.35	1.58	1.80	2.03	2.25
	Creede, Colo	321	.65	.80	1.10	1.30	1.38	1.38	1.65	1.93	2.20	2.48	2.75
	Santa Fe, N. Mex	405	.60	.75	1.00	1.15	1.25	1.25	1.50	1.75	2.00	2.25	2.50
	Lincoln, Nebr	483	.70	.90	1.20	1.50	1.75	1.75	2.10	2.45	2.80	3.15	3.50
	Topeka, Kans	572	.70	.90	1.20	1.50	1.75	1.75	2.10	2.45	2.80	3.15	3.50
	Wingate, N. Mex	678	.75	1.15	1.65	2.10	2.63	2.63	3.15	3.68	4.20	4.73	5.25
	El Paso, Tex	783	.75	1.15	1.65	2.10	2.63	2.63	3.15	3.68	4.20	4.73	5.25
	Peoria, Ill	908	.75	1.15	1.65	2.10	2.63	2.63	3.15	3.68	4.20	4.73	5.25
	Texarkana, Ark	1,049	.75	1.15	1.65	2.10	2.75	3.00	3.60	4.20	4.80	5.40	6.00
	Indianapolis, Ind	1,156	.80	1.20	1.75	2.50	3.13	3.13	3.75	4.38	5.00	5.63	6.25
	Detroit, Mich	1,290	.80	1.20	1.75	2.50	3.25	3.38	4.05	4.76	5.40	6.08	6.75
	Mackinaw, Mich	1,434	.80	1.25	2.00	2.75	3.50	3.88	4.65	5.33	6.20	6.98	7.75
	Rochester, N. Y	1,621	.80	1.25	2.00	2.75	3.50	3.75	4.50	5.25	6.00	6.75	7.50
Seattle, Wash	Snohomish, Wash	38	.25	.30	.30	.40	.40	.45	.50	.50	.50	.50	.50
	Arlington, Wash	60	.40	.45	.50	.60	.70	.80	.90	.90	.90	.90	.90
	Bellingham, Wash	97	.40	.50	.60	.70	.80	1.00	1.10	1.25	1.25	1.25	1.25
	Aberdeen, Wash	145	.40	.50	.60	.70	.80	1.00	1.10	1.25	1.25	1.25	1.25
	Clachamas, Oreg	196	.50	.60	.75	.90	1.00	1.00	1.20	1.40	1.60	1.65	1.65
	Pasco, Wash	255	.65	.80	1.10	1.30	1.38	1.38	1.65	1.93	2.20	2.48	2.75
	Creswell, Oreg	320	.60	.75	1.00	1.13	1.13	1.13	1.29	1.51	1.72	1.94	2.15
	Sand Point, Idaho	414	.70	1.00	1.25	1.60	1.85	2.00	2.40	2.80	3.20	3.60	4.00
	Cobden, Mont	483	.75	1.00	1.30	1.70	2.00	2.25	2.70	3.15	3.60	4.05	4.50
	Bearmouth, Mont	575	.75	1.10	1.40	1.75	2.25	2.50	3.00	3.50	4.00	4.50	5.00
	Donald, Mont	675	.75	1.15	1.65	2.10	2.65	2.75	3.30	3.85	4.40	4.95	5.50
	Helena, Mont	783	.75	1.15	1.65	2.10	2.65	2.75	3.30	3.85	4.40	4.95	5.50
	Stockton, Cal	915	.75	1.15	1.65	2.10	2.63	2.63	3.15	3.68	4.20	4.73	5.25
	Fresno, Cal	1,037	.80	1.20	1.75	2.50	3.15	3.25	3.90	4.55	5.20	5.85	6.50
	Bakersfield, Cal	1,144	.80	1.20	1.75	2.50	3.25	3.50	4.20	4.90	5.60	6.30	7.00
	Sentinel Butte, N. Dak	1,295	.80	1.35	2.00	3.00	3.75	4.25	5.10	5.95	6.80	7.65	8.50
	Mandon, N. Dak	1,461	.80	1.35	2.00	3.00	3.75	4.25	5.10	5.95	6.80	7.65	8.50
	Mapleton, Minn	1,600	.80	1.40	2.50	3.65	4.65	5.25	6.15	7.18	8.02	9.23	10.25
	Paducah, Ky	2,504	.80	1.40	2.75	4.00	5.25	6.00	7.20	8.40	9.60	10.80	12.00
San Francisco, Cal	Mayfield, Cal	35	.25	.30	.30	.40	.40	.45	.50	.50	.50	.50	.50
	Healdsburg, Cal	66	.40	.45	.50	.60	.70	.80	.90	1.00	1.00	1.00	1.00
	Sacramento, Cal	90	.30	.35	.35	.45	.50	.55	.60	.60	.60	.60	.60
	Roseville, Cal	108	.35	.40	.40	.50	.55	.60	.70	.75	.75	.75	.75
	Colfax, Cal	144	.45	.55	.70	.80	.90	1.00	1.20	1.40	1.50	1.50	1.50
	Raymond, Cal	199	.45	.55	.70	.80	.90	1.00	1.20	1.40	1.40	1.40	1.40
	Red Bluff, Cal	199	.50	.60	.75	.90	1.00	1.00	1.20	1.40	1.60	1.75	1.75
	Angiola, Cal	257	.55	.70	.85	1.00	1.00	1.00	1.20	1.40	1.60	1.80	2.00
	Parron, Nev	313	.75	1.00	1.30	1.70	2.00	2.25	2.70	3.15	3.60	4.05	4.50
	Likely, Cal	408	.75	1.15	1.65	2.10	2.75	3.00	3.60	4.20	4.80	5.40	6.00
	Battle Mountain, Nev	478	.75	1.10	1.40	1.75	2.25	2.50	3.00	3.50	4.00	4.50	5.00
	Halleck, Nev	578	.75	1.10	1.40	1.75	2.25	2.50	3.00	3.50	4.00	4.50	5.00
	Brownsville, Oreg	676	.75	1.00	1.30	1.70	2.00	2.13	2.55	2.98	3.40	3.83	4.25
	Ogden, Utah	786	.75	1.15	1.65	2.10	2.75	3.00	3.60	4.20	4.80	5.40	6.00
	Casa Grande, Ariz	917	.75	1.15	1.65	2.10	2.65	2.75	3.15	3.68	4.20	4.73	5.25
	Walla Walla, Wash	1,017	.80	1.25	2.00	2.75	3.50	3.75	4.50	5.25	6.00	6.75	7.50
	Spokane, Wash	1,150	.80	1.25	2.00	2.75	3.50	4.00	4.80	5.60	6.40	7.20	8.00
	Cheyenne, Wyo	1,270	.80	1.40	2.30	3.25	4.15	4.75	5.70	6.65	7.60	8.55	9.50
	Creede, Colo	1,455	.80	1.40	2.75	4.00	5.15	5.75	6.75	7.88	9.00	10.13	11.25
	Granada, Colo	1,618	.80	1.40	2.30	3.25	4.15	4.75	5.70	6.65	7.60	8.55	9.50
	Fostoria, Ohio	2,520	.80	1.40	2.75	4.00	5.25	6.50	7.65	8.93	10.20	11.48	12.75
	Greenville, Me	3,604	.85	1.65	3.00	4.43	5.90	7.38	8.85	10.33	11.80	13.28	14.75
	Calais, Me	3,699	.85	1.65	3.00	4.50	6.00	7.50	9.00	10.50	12.00	13.50	15.00

APPENDIX F.

Analysis of operating expenses of express companies for the year ending June 30, 1909, with predicated savings under postal express.

[Interstate Commerce Report, 1911.]

Accounts.	Operating totals.	Predicated savings.
Total operating expenses	$56,273,055.29	
Maintenance:		
1. Superintendence	62,008.29	$40,000.00
2. Buildings, fixtures, and grounds	125,994.14	100,000.00
3. Office equipment	281,869.14	181,000.00
4. Cars—Repairs	20,232.47	
5. Cars—Renewals		
6. Cars—Depreciation	16,040.00	
7. Horses	525,121.27	350,000.00
8. Vehicles—Repairs	682,038.82	454,000.00
9. Vehicles—Renewals	149,923.08	100,000.00
10. Stable equipment	198,710.13	132,000.00
11. Transportation equipment	150,277.19	100,000.00
12. Other expenses	2,909.49	
13. Maintaining joint facilities—Dr.	39,556.42	
14. Maintaining joint facilities—Cr.	55,029.06	
Total	2,199,651.38	1,457,000.00
Traffic expenses:		
15. Superintendence	320,927.68	320,927.68
16. Outside agencies	177,101.45	177,101.45
17. Advertising	20,517.55	16,000.00
18. Traffic associations	41,924.19	41,924.19
19. Stationery and printing	96,642.48	96,642.48
20. Other expenses	562.79	
Total	657,676.14	652,595.80
Transportation expenses:		
21. Superintendence	2,331,191.44	1,165,090.00
22. Office employees	13,574,264.80	4,527,088.00
23. Commissions	6,621,952.63	3,307,317.00
24. Wagon employees	7,556,475.69	1,389,119.00
25. Office supplies and expenses	1,418,490.74	709,245.00
26. Rent of local offices	2,181,523.08	1,090,761.00
27. Stable employees	1,078,689.34	539,344.00
28. Stable supplies and expenses	4,649,615.32	2,324,804.00
29. Train employees	4,665,864.70	2,332,932.00
30. Train supplies and expenses	134,149.26	
31. Transfer employees	2,132,781.46	213,278.00
32. Transfer expenses	119,066.15	11,906.00
33. Stationery and printing	1,157,599.54	385,866.00
34. Loss and damage, freight	1,321,258.05	
35. Loss and damage, money	51,297.88	
36. Damage to property	11,077.90	
37. Injuries to persons	107,041.01	
38. Other expenses	11,241.20	
39. Operating joint facilities—Dr.	1,285,593.32	
40. Operating joint facilities—Cr.	1,136,142.33	
Total	49,273,031.18	17,996,750.00
General expenses:		
41. Salaries and expenses of general officers	860,029.70	573,352.00
42. Salaries and expenses of clerks and attendants	2,417,486.16	1,812,363.00
43. General office supplies and expenses	169,098.01	126,747.00
44. Law expenses	240,739.62	120,369.00
45. Insurance	148,963.62	70,000.00
46. Pensions	123,610.37	
47. Stationery and printing	105,834.52	79,302.00
48. Other expenses	76,747.20	
49. General administration joint facilities—Dr.	6,695.75	
50. General administration joint facilities—Cr.	6,507.76	
Total	4,142,696.59	2,782,133.00
Total operating expense and savings	56,273,055.29	22,988,477.00
Add profits		11,387,489.00
Add taxes		906,519.00
		35,282,485.00
Less interest on bonds		1,000,000.00
Net savings and profits		34,282,485.00

APPENDIX G.

OPERATING CONTRACTS AND PRACTICES.

The contract between an express company and a railway company usually provides that the express company shall have the exclusive right to operate upon lines named in the contract for a definite term of years; that all matter carried upon passenger trains except personal baggage, corpses, milk cans, dogs, and certain other commodities shall be turned over by the railway company to the express company (the contract in one case going so far as to state that all packages or freight carried upon any train at passenger-train speed are to be considered express matter and turned over by the railway company to the express company); that the railway company shall transport to and from all points on its lines all express matter in charge of the express company; that special or exclusive express trains shall be provided by the railway company when warranted by the volume of express traffic; that the railway company shall furnish the necessary cars, keep them in good repair, furnish heat and light, and carry the messengers of the express company, as well as the safes, packing trunks, and all necessary equipment; and that horses, wagons, and supplies required by the express company may either be transported in express cars or be shipped by freight.

The contract further provides that the officers and employees of the express company, when traveling upon the business of the company, shall be carried free by the railway; that the railway company shall furnish such room in all its depots, stations, and buildings as may be necessary for the loading, unloading, transferring, and storage of express matter, provided the furnishing of such facilities shall not interfere with the business of the railway company; that the express company may employ during the pleasure of the railway company any of the agents of the latter as the agents of the express company, and may employ the train baggagemen as its messengers, provided that such employment shall not interfere with the duties of the employees to the railway company, but the express company alone is liable for the misconduct of such agents in respect to its express business when so employed. The express company, in respect to all matter carried free of charge for the railway company, is not liable for any loss or damage occasioned by accidents to trains, or by fraud or theft, or by casualties of any kind. The railway company further agrees to transmit free of charge the messages of the express company over telegraph lines which the railway company operates along its lines of road so far as it may be permitted to do so under its contracts with telegraph companies.

The express company, on its part, agrees to pay a fixed per cent of its gross receipts from handling express matter (with the larger railway companies generally a minimum payment is guaranteed); to charge no rate at less than an agreed per cent of the freight rates on the same commodity (usually 150 per cent); to handle, free of charge, money, bonds, valuables, and ordinary express matter of the railway company; to indemnify the railway company for any damages sustained in consequence of the death of or injury to any employee of the express company; to assume sole responsibility for loss of or damage to the express matter in its custody other than the express matter of the railway company carried free of charge; and to pay to the railway company an agreed proportion of the salaries or wages of such employees of the railway company as render services to the express company. The railway company has the right to examine the books, records, and accounts of the express company so far as they relate to the business done under the contract, and may require reasonable safeguards and checks for the purpose of securing correctness in accounting to it for the business done over its lines.

Under some of the contracts the express company agrees not to operate over a competing line of road, and in one contract examined it was found that the railway company required that the express company "shall not fix its rates for transportation and other services connected with the express business via the railroads of the railroad company at any less than the rates fixed by other express carriers between the same points, except that in case of disability or deficiency of routes via the railroads of the railroad company by reason of greater distance, longer time in transit," or other reasons to the prejudice of the routes via the lines of the railway company, the express company has the right to make a sufficient reduction in the rate to retain a proper share of the competitive traffic.

In small towns it is customary for the railway agent to act as the express agent also, being paid by the express company an agreed percentage of the revenue from business done. Generally speaking, the commission allowed such agents is 10 per cent on both inbound and outbound business and a commission of one-third the charges on money-order sales. The amounts paid by express companies are taken into consideration by the railway companies in fixing the salaries of station agents, and the salaries paid by the railway companies are adjusted accordingly.

On many roads the express messengers act as train baggagemen, in which case their salaries are divided between the companies concerned on an agreed basis.

The express company keeps the accounts between itself and the railway company and settles with the railway company on the basis of the amount shown in its accounts. The revenue earned on a given line of road when a shipment is carried over two or more lines is arrived at by the use of a mileage prorate or of a rate prorate. Where the rate prorate is used, the local rates per 100 pounds from point of origin to the junction point and from the junction point to destination are ascertained, and either line's proportion of the revenue from a through shipment at a through rate is determined by dividing the revenue in the ratio of the local rates.

The amount of revenue accruing on a given line having been determined by an express company, the amount due the railway company is computed by applying the percentages agreed upon in the contract. With some of the smaller railway companies, electric lines, and steamboat lines there is still used the tonnage basis of contract—that is, an agreed rate per 100 pounds—but, generally speaking, the percentage basis is the one used.

The interest of the public in the percentage contract lies in the fact that an increase in the compensation received by the express company carries with it a relative increase to the other party.

APPENDIX H.

Statistics of revenue tonnage for the months of April, August, and December, 1909.

[Represents combined returns for the following express companies: Adams,[1] American, Canadian, Canadian Northern, Globe, Great Northern, Long Island, National, Northern, Pacific,[2] Southern, United States, Wells, Fargo & Co.,[1] and Western.]

Items.	April.	August.	December.	Total or average for three months.
Pieces weighing 100 pounds or less:				
Number of pieces	20,951,305	21,242,169	25,276,014	67,469,488
Aggregate weight.....pounds..	512,288,348	640,699,767	572,203,515	1,725,191,630
Average weight per piece.....do....	24.46	30.16	22.64	25.57
Revenue.....dollars..	9,481,154.44	8,406,155.54	12,119,435.84	30,006,745.82
Average revenue per piece.....cents..	45.25	39.57	47.95	44.47
Average revenue per pound.....do....	1.85	1.31	2.12	1.74

[1] April report excludes returned empty carriers.

[2] April report excludes a portion of returned empty carriers.

Statistics of revenue tonnage for the months of April, August, and December, 1909—Continued.

Item.	April.	August.	December.	Total or average for three months.
Pieces weighing over 100 pounds:				
Number of pieces	981,663	1,182,768	1,342,220	3,506,651
Aggregate weight...pounds	158,778,538	187,169,775	217,864,859	563,813,172
Average weight per piece...do	161.74	158.25	162.32	160.78
Revenue...dollars	1,522,922.38	1,606,251.89	2,120,904.34	5,250,078.61
Average revenue per piece...cents	155.14	135.89	158.01	149.72
Average revenue per pound...do	.96	.86	.97	.93
Extraordinary shipments:				
Number of pieces	14,625	10,719	11,812	37,156
Aggregate weight...pounds	14,147,711	13,886,631	12,302,988	40,337,390
Average weight per piece...do	967.36	1,295.52	1,041.57	1,085.62
Revenue...dollars	228,240.96	193,615.11	177,871.06	599,727.13
Average revenue per piece...cents	1,560.62	1,806.28	1,505.85	1,614.08
Average revenue per pound...do	1.61	1.39	1.45	1.49
Total, all shipments:				
Number of pieces	21,947,593	22,435,656	26,630,046	71,013,295
Aggregate weight...pounds	685,214,597	841,756,233	802,371,362	2,329,342,192
Average weight per piece...do	31.22	37.52	30.13	32.80
Revenue...dollars	11,232,317.78	10,206,022.54	14,418,211.24	35,856,551.56
Average revenue per piece...cents	51.18	45.49	54.14	50.49
Average revenue per pound...do	1.64	1.21	1.80	1.54
Ratios of items to corresponding totals:				
Number of pieces weighing 100 pounds or less...per cent	95.46	94.68	94.92	95.01
Number of pieces weighing over 100 pounds...do	4.47	5.27	5.04	4.94
Number of extraordinary shipments...do	.07	.05	.04	.05
Weight of pieces weighing 100 pounds or less...do	74.76	76.11	71.32	74.06
Weight of pieces weighing over 100 pounds...do	23.17	22.24	27.15	24.21
Weight of extraordinary shipments...do	2.07	1.65	1.53	1.73
Revenue on pieces weighing 100 pounds or less...do	84.41	82.36	84.06	83.69
Revenue on pieces weighing over 100 pounds...do	13.56	15.74	14.71	14.64
Revenue on extraordinary shipments...do	2.03	1.90	1.23	1.67

There is slight need for textual comment on the information presented in the above summary. Every item is significant for one who desires to gain an adequate conception of the scope and character of the express business. Though the aggregates would vary for the several months and for the same month from year to year, the averages and percentages may be accepted as fairly portraying the traffic conditions under which express companies operate. It is significant to observe that 95.01 per cent of the number of pieces handled, 74.06 per cent of the weight, and 83.69 per cent of the accruing revenue pertain to express matter of 100 pounds or less. It is further significant to learn that of this class of traffic the average weight per piece is 25.57 pounds, and the average revenue per pound is 1.74 cents. It is proposed to test the accuracy of these averages from time to time by the selection of other months than those named, although there is little likelihood that a compilation for all the months of the year would seriously affect the averages here disclosed, or that future tests will modify them in any marked degree. These averages may be used with reasonable confidence as long as express companies operate under present traffic, tariff, and contractual conditions.

APPENDIX I.

Statement showing results of operation combined for the months of April, August, and December, 1909, and an apportionment of operating costs between tonnage revenue and other revenue.

MONTHLY REPORTS OF REVENUES AND EXPENSES.

[Represents combined returns for the following express companies: Adams, American, Globe, Great Northern, National, Northern, Pacific, Southern, United States, Wells, Fargo & Co., and Western.]

Accounts.	Amount.	Apportionment between—			
		Tonnage revenue.			Other revenue.
		Amount.	Average per piece (cents).[1]	Average per pound (cents).[2]	
Total receipts from operation	$37,380,307.64	$35,477,111.23	50.64	1.56	[3] $1,903,196.36
Express privileges—Dr. (47.53 per cent of receipts from operation)	17,765,999.69	[4] 16,861,710.31	24.07	.74	[5] 904,289.38
Total operating revenues	19,614,307.95	[4] 18,615,400.97	26.57	.82	[5] 998,906.98
Operating expenses (77.25 per cent of operating revenues)	15,151,337.42	[4] 14,380,134.35	20.52	.63	[5] 771,203.07
Taxes (1.22 per cent of operating revenues)	239,864.48	[4] 227,655.38	.33	.01	[5] 12,209.10
Operating income (21.53 per cent of operating revenues)	4,223,106.05	[4] 4,007,611.24	5.72	.18	[5] 215,494.81

The average weight per revenue piece was 32.52 pounds.

[1] On basis of 70,063,750, the number of revenue pieces handled.

[2] On basis of 2,278,147,170 pounds, the aggregate weight of revenue pieces handled.

[3] Represents "Revenue from operations other than transportation" and "Miscellaneous transportation revenue" as defined in the Classification of Operating Revenues, and revenue from shipments of money, valuables, etc., not properly includible in tonnage report returns.

[4] Represents an arbitrary assignment on basis of ratio (94.91 per cent) of tonnage revenue to total receipts from operation.

[5] Represents an arbitrary assignment on basis of ratio (5.09 per cent) of other revenue to total receipts from operation.

NOTE.—Differences between items in the foregoing summary and corresponding items in Summary No. 3 are due to the fact that this statement presents combined returns from the 11 companies only from which complete reports both of revenues and expenses and of tonnage were received.

APPENDIX J.

Classification of mileage covered by operations on June 30, 1909.

Names of carriers.	Total mileage.	Steam road mileage.	Electric line mileage.	Steamboat line mileage.	Stage line mileage.
Adams Express Co	34,360.00	30,676.00	196.00	3,405.00	83.00
American Express Co	48,224.78	45,668.08	475.70	2,058.50	22.50
Canadian Express Co	7,794.27	6,964.27	66.00	737.00	27.00
Canadian Northern Express Co	3,129.62	3,107.62	22.00	.....	.....
Globe Express Co	1,899.85	1,899.85	.....	.....	.....
Great Northern Express Co	7,412.16	7,031.57	169.59	211.00	.....
National Express Co	1,714.25	1,416.25	6.00	292.00	.....
Northern Express Co	6,757.75	6,488.75	8.00	261.00	.....
Pacific Express Co	22,672.54	21,721.20	343.00	608.34	.....
Southern Express Co	33,181.00	30,936.00	80.00	2,165.00	.....
United States Express Co	24,206.00	20,286.34	3,604.96	314.70	.....
Wells, Fargo & Co	65,698.43	59,316.90	1,438.76	4,081.65	861.12
Western Express Co	3,456.39	3,448.39	4.00	4.00	.....
Total	260,507.94	238,961.22	6,414.01	14,138.19	993.62

APPENDIX K.

Cost of real property and equipment on June 30, 1908 and 1909.

Account.	Total cost to June 30— 1908	1909
I. Real estate used in operation	$14,562,641.07	$14,922,169.94
II. Buildings and fixtures used in operation		
III. Equipment:		
1. Cars	6,403,125.77	7,381,405.59
2. Horses		
3. Vehicles		
4. Other equipment		
Total	20,965,766.84	22,313,575.53

APPENDIX L.

Statement showing inventory value of equipment owned on June 30, 1909.

Total equipment, inventory value		$9,234,071.28
Cars:		
Number	120	
Inventory value	$232,115.69	
Office equipment:		
4-wheel trucks—		
Number	25,485	
Inventory value	$505,570.02	
Office furniture and fixtures—		
Inventory value	$1,135,226.45	
Office safes—		
Number	11,610	
Inventory value	$631,662.20	
Horses and other draft animals:		
Number	17,332	
Inventory value	$2,499,780.65	
Vehicles:		
Automobiles—		
Number	256	
Inventory value	$378,240.00	
Double wagons—		
Number	3,667	
Inventory value	$805,571.84	
Single wagons—		
Number	9,790	
Inventory value	$1,188,635.08	
Sleighs—		
Number	2,878	
Inventory value	$81,032.16	
Stable equipment (including harness):		
Inventory value	$443,296.67	
Transportation equipment:		
Car safes (stationary)—		
Number	1,403	
Inventory value	$251,756.65	
Messenger's safes—		
Number	13,765	
Inventory value	$198,108.80	
Messenger's packing trunks—		
Number	23,815	
Inventory value	$178,017.06	
All other equipment:		
Inventory value	$705,058.01	

APPENDIX M.

Income account and profit and loss account statement for the year ending June 30, 1909.

Operating income:		
Gross receipts from operation	$132,599,190.92	
Express privileges—Dr	[1] 64,032,126.69	
Operating revenues		$68,567,064.23
Operating expenses		56,273,055.29
Net operating revenue		12,294,008.94
Taxes accrued		906,519.79
Operating income		11,387,489.15
Other income:		
Operations of subsidiary companies (net credit balance)	98,058.05	
Dividends declared on stocks owned or controlled	1,887,952.03	
Interest accrued on funded debt owned or controlled	1,393,189.89	
Interest on other securities, loans, and accounts	1,236,957.22	
Miscellaneous income	616,310.54	
Total other income		5,232,467.73
Gross corporate income		16,619,956.88
Deductions from gross corporate income:		
Operations of subsidiary companies (net debit balance)	7,669.64	
Interest accrued on funded debt	[2] 921,246.94	
Other interest	126,034.01	
Other deductions	182,452.71	
Total deductions		1,237,403.30
Net corporate income		15,382,553.58
Disposition of net corporate income:		
Dividends declared from current income		[1] 4,326,939.10
Additions and betterments charged to income		34,919.71
Miscellaneous appropriations		3,000.00

[1] Includes $100,000, advance payment on contract.
[2] Represents interest paid.

Balance for year carried forward to credit of profit and loss	$11,017,694.77
Balance June 30, 1908	45,400,925.34
Additions for year	3,642,327.49
Deductions for year	7,312,628.71
Dividends declared out of surplus	2,223,089.94
Balance (credit profit and loss carried to balance sheet)	50,525,228.95

APPENDIX N.

Analysis of operating revenues for the year ending June 30, 1909.

I. Revenue from transportation:	
1. Express revenue	$130,130,126.61
2. Miscellaneous transportation revenue	35,475.64
Total revenue from transportation	130,165,602.25
II. Revenue from operations other than transportation:	
3. Customhouse brokerage fees	4,672.73
4. Order and commission department	4,672.73
5. Rents of buildings and other property	57,141.04
6. Money orders—domestic	654,540.78
7. Money orders—foreign	
8. Traveler's cheques—domestic	16,473.90
9. Traveler's cheques—foreign	46,606.46
10. "C. O. D." checks	908,094.29
11. Telegraphic transfers	14,026.93
12. Letters of credit	6,961.97
13. Other revenue—financial department	476,298.41
14. Miscellaneous revenue	130,064.37
Total revenue from operations other than transportation	2,433,588.67
Gross receipts from operation	132,599,190.92
Express privileges—Dr	[1] 64,032,126.69
Total operating revenues	68,567,064.23

[1] Includes $100,000 advance payment on contract.

APPENDIX O.

POSTAL EFFICIENCY TABLE, UNITED STATES.

Number pieces mail matter handled per post-office employee.

Years.	Employees.	Pieces handled.	Average per employee.
1890	162,708	4,005,408,206	24,611
1891	171,676	4,369,900,352	25,459
1892	178,835	4,776,575,076	26,708
1893	184,217	5,021,841,056	27,262
1894	184,607	4,919,090,000	26,646
1895	195,720	5,134,281,200	26,235
1896[1]	198,605	5,693,719,192	28,550
1897	204,304	5,781,002,143	28,296
1898	210,896	6,214,447,000	29,466
1899	216,751	6,576,310,000	30,340
1900	218,857	7,129,990,202	32,569
1901	226,825	7,424,390,329	32,734
1902	239,652	8,085,446,858	33,734
1903	241,820	8,887,467,048	36,752
1904	251,515	9,502,459,535	35,793
1905	238,366	10,187,505,889	42,739
1906	268,044	11,361,090,610	42,385
1907	251,458	12,255,666,367	48,738
1908	255,344	13,173,340,329	51,591
1909	258,200	14,004,577,271	54,239

[1] The first experimental rural delivery service was established Oct. 1, 1896, simultaneously on three routes from Charlestown, Uvilla, and Halltown, W. Va.
In 1900 there were reported 76,688 post offices and 1,276 rural carriers. In 1910 the post offices had been reduced to 59,580 with 40,997 rural carriers.

APPENDIX P.

Pieces of mail matter handled per post-office employee.

ENGLAND.

Years.	Personnel.	Pieces handled.	Average per employee.
1890	117,989	2,622,839,636	22,230
1891	125,762	2,715,316,605	.....
1892	[1] 131,459	2,783,976,234	.....
1893	[1] 136,111	2,852,190,235	.....
1894	[1] 138,738	2,907,235,941	.....
1895	[1] 140,806	3,028,787,728	28,775
1896	[1] 144,700	3,139,866,228	.....
1897	[1] 151,110	3,316,683,018	.....
1898	[1] 159,942	3,494,307,224	.....
1899	[1] 167,086	3,586,277,477	.....
1900	[1] 173,184	3,720,735,902	28,646
1901	[1] 179,202	3,915,633,854	.....
1902	[1] 183,595	4,140,614,292	.....
1903	[1] 188,031	4,297,474,401	.....
1904	[1] 192,454	4,475,877,113	.....
1905	[1] 195,432	4,682,322,120	31,945
1906	[1] 199,278	4,687,592,176	.....
1907	[1] 203,597	4,795,110,105	.....
1908	[1] 207,947	4,853,088,929	31,117

[1] The figures for the personnel include telegraph employees. In all such cases one-fourth of the total number of employees has been deducted from the total number in making the computation of the number of pieces handled per employee per annum.

Pieces of mail matter handled per post-office employee—Continued.

FRANCE.

Years.	Personnel.	Pieces handled.	Average per employee.
1890	[1] 62,200	1,613,648,252	34,590
1891	[1] 57,570	1,656,594,153	.....
1892	[1] 57,828	1,690,065,382	.....
1893	[1] 64,143	1,747,105,412	.....
1894	[1] 67,092	1,755,492,308	.....
1895	[1] 68,066	1,822,203,228	35,700
1896	[1] 68,366	1,926,840,499	.....
1897	[1] 69,142	2,065,375,716	.....
1898	[1] 70,269	2,172,677,054	.....
1899	[1] 71,330	2,092,460,752	.....
1900	[1] 74,929	2,152,873,380	38,309
1901	[1] 77,581	2,023,995,229	.....
1902	[1] 81,659	2,158,295,671	.....
1903	[1] 82,387	2,238,081,437	.....
1904	[1] 83,735	2,409,533,445	.....
1905	[1] 85,282	2,685,082,091	41,958
1906	[1] 93,759	2,877,243,955	.....
1907	[1] 100,449	2,862,265,894	.....
1908	[1] 102,374	2,936,209,275	38,241

GERMANY.

1890	[1] 129,945	1,684,740,690	17,287
1891	[1] 148,594	1,785,690,900	.....
1892	[1] 155,424	1,889,500,218	.....
1893	[1] 162,779	1,986,791,353	.....
1894	[1] 168,334	2,095,098,346	.....
1895	[1] 175,759	2,101,349,063	15,638
1896	[1] 183,212	2,329,228,275	.....
1897	[1] 190,919	2,489,069,635	.....
1898	[1] 199,013	2,639,115,653	.....
1899	[1] 208,441	2,880,389,112	.....
1900	[1] 222,809	3,434,357,576	20,552
1901	[1] 233,176	3,699,187,757	.....
1902	[1] 241,967	3,965,627,748	.....
1903	[1] 251,042	4,242,157,259	.....
1904	[1] 263,517	4,439,285,948	.....
1905	[1] 279,598	4,647,055,089	22,160
1906	[2] 298,276	5,014,587,587	.....
1907	[2] 314,251	5,448,330,959	.....
1908	[2] 326,703	5,641,324,858	25,901

[1] The figures for the personnel include telegraph employees. In all such cases one-fourth of the total number of employees has been deducted from the total number in making the computation of the number of pieces handled per employee per annum.

[2] The figures for the personnel here include telegraph and telephone employees. In this case one-third of the total number of employees has been deducted from the total number in making the computation of the number of pieces handled per employee per annum.

APPENDIX Q.

GENERAL POST OFFICE,
London, April 3, 1911.

SIR: With reference to your letter of the 6th of March, asking for certain statistical information relative to the postal system of the United Kingdom, I am directed by the postmaster general to inform you that in this department the same officer frequently performs postal, telegraph, and telephone duties, so that it is not possible to give the numbers of the separate classes engaged on each of these branches of work.

The amount paid in salaries or wages is, however, apportioned, for purposes of account, in accordance with the estimated time given to each branch, the figures for the financial year ending the 31st of March, 1910, being as follows:

Postal	£9,184,578
Telegraphs	2,611,198
Telephones	422,867

These figures will, it is hoped, suffice for your purpose.

I am, sir, your obedient servant,

F. J. BROWN, *For the Secretary.*

Mr. DAVID J. LEWIS.

APPENDIX R.

COST OF TRANSPORTING AND HANDLING MAIL MATTER, ETC.

Revenue, expense, and profit or loss per pound and per piece for the several classes of mail, United States.

Classes of mail.	Revenue per pound.	Expense per pound.	Profit per pound.	Loss per pound.
First	$0.84001	$0.49923	$0.34078	.....
Second	.01143	.09235	.....	$0.08092
Third	.12711	.14317	.....	.01606
Fourth	.16867	.12308	.04559	.....
Congressional free (franked)	.....	.11441	.....	.11441
Departmental free (penalty)	.....	.12113	.....	.12113
Foreign	.15879	.11246	.04633	.....

Classes of mail.	Pieces per pound.	Revenue per piece.	Expense per piece.	Profit per piece.	Loss per piece.
First	45.10	$0.01862	$0.01107	$0.00755	.....
Second	4.80	.00238	.01923	.....	$0.01685
Third	8.56	.01485	.01672	.....	.00187
Fourth	3.10	.05337	.03895	.01442	.....
Congressional free (franked)	1.99	.....	.05754	.....	.05754
Departmental free (penalty)	5.38	.....	.02252	.....	.02252
Foreign	10.32	.01538	.01090	.00448	.....

APPENDIX S.

PARCELS POST RATES IN THE DOMESTIC SERVICE OF THE COUNTRIES NAMED.

[By Postmaster General Meyer.]

Great Britain.—Postage rates for the first pound, 3 pence (6 cents), and for each additional pound, 1 penny (2 cents); maximum weight, 11 pounds; greatest length 3 feet 6 inches; greatest length and girth combined, 6 feet.

New Zealand and the States composing the Commonwealth for Australia.—Limits of weight and size, same as in Great Britain. Postage rate, 6 pence (12 cents) for the first pound, and 3 pence (6 cents) for each additional pound.

Germany.—Greatest weight, 50 kilograms (about 110 pounds); no limit of size. Postage rates: For all parcels conveyed not more than 10 geographic miles, 25 pfennig (6 cents), and 50 pfennig (13 cents) for greater distance; if a parcel weighs more than 5 kilograms (11 pounds average), it is charged for each additional kilogram (2 pounds) carried 10 miles, 5 pfennig (1 cent); 20 miles, 10 pfennig (3 cents); 50 miles, 20 pfennig (5 cents); 100 miles, 30 pfennig (8 cents); 150 miles, 40 pfennig (10 cents); and more than 150 miles, 50 pfennig (13 cents). Unwieldy parcels are charged in addition 50 per cent of the above rates.

Austria.—Greatest weight, 50 kilograms (110 pounds); except that parcels containing gold or silver coin may weigh up to 65 kilograms (143 pounds). Postage rates: Parcels up to 5 kilograms (11 pounds) in weight are charged 30 heller (6 cents) for the first 10 miles and 60 heller (12 cents) for greater distances. A parcel weighing more than 5 kilograms (11 pounds) is charged for each kilogram (2 pounds), in addition to the above rates, for the first 10 miles, 6 heller (1 cent); 20 miles, 12 heller (2 cents); 50 miles, 24 heller (5 cents); 100 miles, 36 heller (7 cents); 150 miles, 48 heller (10 cents); and more than 150 miles, 60 heller (12 cents).

France.—Greatest weight, 10 kilograms (about 22 pounds); no limit of size. Postage rates: Up to 3 kilograms (7 pounds), 60 centimes (12 cents) delivered at the railway station and 85 centimes (17 cents) delivered at a residence; from 3 to 5 kilograms (7 to 11 pounds), 80 centimes (16 cents) at a station and 1 franc 5 centimes (21 cents) at residence; from 5 to 10 kilograms (11 to 22 pounds), 1 franc 25 centimes (25 cents) at a station and 1 franc 50 centimes (30 cents) at a residence.

Belgium.—Greatest weight, 60 kilograms (about 132 pounds); no limit of size, but unwieldy parcels are charged 50 per cent in addition to the following rates for any distance: Parcels up to 5 kilograms (11 pounds), 50 centimes (10 cents)—or if by express trains, 80 centimes (16 cents); up to 10 kilograms (22 pounds), 60 centimes (12 cents)—or if by express trans, 1 franc (20 cents); for each additional 10 kilograms (22 pounds), 10 centimes (2 cents)—or if sent by express trains, 50 centimes (10 cents) additional. Fee for delivering at residences, 30 centimes (6 cents).

Italy.—Greatest weight, 5 kilograms (11 pounds). For ordinary parcels, greatest size in any direction, 60 centimeters (2 feet), except rolls, which may measure 1 meter (40 inches—3 feet 4 inches) in length by 20 centimeters (8 inches) in thickness. Postage rates for a parcel not exceeding 3 kilograms (7 pounds), 60 centimes (12 cents); and 1 franc (20 cents) for a parcel exceeding that weight. A parcel which exceeds 60 centimeters (2 feet) in any direction, but does not exceed 1½ meters (5 feet), is admitted to the mails as an "unwieldy" parcel and is charged, in addition to the above rates, 30 centimes (6 cents) if it does not weigh more than 3 kilograms (7 pounds), and 50 centimes (10 cents) if it exceeds that weight.

The Netherlands.—Greatest weight, 5 kilograms (11 pounds); greatest size, 25 cubic decimeters (1,525 cubic inches), or 1 meter (3 feet 4 inches), in any direction. Postage rates: 15 (6) cents (Dutch) up to 1 kilogram (2 pounds); 20 (8) cents from 1 to 3 kilograms (2 to 7 pounds); 25 cents (10) from 3 to 5 kilograms (7 to 11 pounds).

Chile.—Greatest weight, 5 kilograms (11 pounds); must not measure more than 60 centimeters (2 feet) in any direction. Postage rates: 30 centavos (10 cents) if a parcel does not weigh more than 3 kilograms (7 pounds); 50 centavos (17 cents) if it weighs more.

Cuba.—Greatest weight, 11 pounds; greatest size, 3 feet 6 inches in length by 2 feet 6 inches in width. Postage rates: 10 centavos (10 cents) a pound up to 5 pounds, and 6 centavos (6 cents) for each additional pound.

APPENDIX T.

Table of express and freight weights in different countries, with ratios, etc.

Countries.	Year.	Population.	Number of express pounds per capita.	Number of freight pounds per capita.	Ratio of express weight to freight.
Argentina	1909	6,460,428	165.4	10,680	1:64
Austria	1908	28,032,556	116.6	11,260	1:97
Belgium [1]	1909	7,295,963	[1] 199	[1] 16,320	[1] 1:82
Germany	1908	63,017,000	140.4	15,980	1:113
Hungary	1908	20,866,184	67.8	5,540	1:84
France	1908	38,961,945	140.6	7,480	1:53
United States	1909	92,000,000	99	16,300	1:165

[1] Includes 214 miles of privately owned railway.

Denmark, Norway, and Netherlands not included because complete freight and express tonnage of State owned and private owned railways are not available. England gives no express data, and the same is true of Australasia.

The express weights do not include the weights of the parcels carried by mail in any case.

APPENDIX U.

THE PARCELS-POST SYSTEM OF GERMANY.

[Written for Dun's Review of Feb. 24, 1906, by Hon. J. C. Monaghan, of the Department of Commerce and Labor, Washington, D. C.]

Among the greatest needs of the present day is a better development of the means of distribution. Much of the overproduction, of which so many complaints are heard, is simply due to lack of distribution. Among the modern methods of distributing merchandise the post holds a rank scarcely dreamed of in the days of the first American Post-

master General, Benjamin Franklin. Even his genius hardly foresaw the day when the packages of the merchant and tradesman would be carried by the postman. The best example of a successful parcels-post system to enable a business man to form a just idea of it is the German system, which the writer saw in operation for 12 years. The gigantic genius that forged and welded the fragments of the empire into one cohesive mass—Bismarck—did as much as anyone to give the Empire a postal system so successful that it excites envy and emulation. In the year 1903 it netted the Empire nearly $15,000,000 over and above all expenditures, while the American service showed a deficit of $4,356,000.

Not the least successful branch of the system—certainly not the least useful part—is that which deals with parcels or packages of all kinds of products, from those of the farm or ranch to those of the factory or department store. From the huge streams of wares that flow through the post offices of Berlin, Hamburg, and the larger towns and cities, as well as the tiny rivulets of articles that are put into the parcels post in remote Tyrolese hamlets and in thousands of country offices, is formed a veritable ocean or sea of traffic. The yellow wagons of the Empire or the royal wagons of Kingdoms like Wurtemburg and Bavaria that have held on to their separate postal rights, wind their way in and out of the highways and byways of the entire empire, picking up and laying down wares. Anyone may participate in the benefits of the German parcels-post system—that is, anyone who is willing to conform to its regulations regarding fulminates, living creatures, the making out of cards, etc. A mother in the south may make up a parcel or package of food, linen, and other articles and send it to her boy in Berlin for a trifling sum. A traveler may pick up bits of bric-a-brac in the hills and have them mailed to some central city for a few cents, or he may leave his linen to be washed and have it forwarded to some place on his itinerary for no more than he would expect to pay a porter to carry it to his hotel. Nor has the housewife any inconvenience; the yellow wagon with its royal eagles will call to pick up the parcels as well as to deliver them, charging nothing for calling and only a trifle for the collecting.

A card about 4 by 6 inches has to accompany every package. In case of goods going to one address, three packages, unless insured, registered, or sent c. o. d., may be covered by one card. This indicates the disposition of the country to make the postal service not only convenient, but as inexpensive as possible. When insured, registered, or sent c. o. d., each package must have its own card. Every card is divided into two parts. On the extreme left is a strip for the address of the sender, the stamp of the receiving office, and for the name of the party to whom the goods are sent. This part is torn from the card and is retained at the receiving office and constitutes an excellent reference record in case of loss or trouble. On the other part is put the name of the person for whom the goods are intended, the stamp or stamps necessary to send it, a space for the number of packages sent, the weight of the package as determined by the post-office scales, and a number corresponding with one marked upon the package itself and given serially. On the back of the card are spaces for a short message to the receiver, for a storage number to be used in case the package has to be laid away till called for, or for instructions in regard to delivery; also space for the signature of the receiver. Besides all this there are printed instructions as to how the card is to be used and certain important points in the parcels-post regulations. These cards cost the price of the stamp on them when stamped, or four for 1 cent, unstamped. Private parties may make and use their own cards provided they supply themselves with exact imitations of those furnished by the Government.

The package has to correspond in every particular of its address to the form used on the card. It must indicate by the word "frei," or "franco," corresponding to our word free, that postage has been paid, or that it is "eingeschrieben," registered, or "per Eilbote zu bestellen," to be delivered by special messenger, etc. In case the package, as frequently happens, contains animals, living or dead, or any perishable commodity, the card must contain instructions to "return to ——— if not delivered," or "if not delivered, sell," or "if not delivered, telegraph sender." And "the beauty of it all," as a traveling American once put it, "is that the Imperial Government does exactly as it is told or asked to do." The address must be written in full; must be perfectly plain, both as to names and numbers. In case a consignment is insured, that fact must be put upon the package as well as upon the card. Light objects of little value, such as can stand pressure and which will not cause dirt or any kind of inconvenience, may be put up in ordinary packing paper. All parcels above 6 pounds must be put up in several wrappings of heavy paper. Valuable parcels, particularly those that are easily moistened, crushed, or injured by rubbing, must be covered with oilcloth or pasteboard, or must be packed in boxes; in other words, care must be taken to so cover them as to secure a minimum of danger. Fluids shipped in bottles or flasks must be carefully packed in cases or baskets. Living creatures must be so packed as to protect the animal from discomfort, at least reasonably so, and to make sure of no injury or danger of injury to the post-office officials or parties whose duty it is to handle the packages. The wrapping, tying, sealing, etc., of the packages must be such as to secure its contents from unwarranted examination. Packages that are insured must be carefully sealed with sealing wax and legibly stamped. If the parcel or package is one that is sent in a locked box, case, or cask, the sealing is not, as in the other cases, indispensable. Coin, paper money, bonds, and other valuable paper may be sent by the parcels post, but they are sent under special regulations.

The only regulation in the system to which any exception can be taken is the one that says the parcels must be forwarded by the accommodation trains, and not by the limited or fast ones. This is doubtless due to the fact that delivery of so many packages would inevitably and inordinately delay the fast trains. Exception, however, might have been made in favor of live animals, fresh fish, perishable fruits, and flowers, for in all of these there is an immense traffic. Perhaps it is pertinent to remark here that the payment of $0.338 will secure the shipment of such parcels on fast trains and special delivery at point of destination. Shipments of an urgent character, if marked as such, may not be registered or insured. They must, however, bear the word urgent ("dringlich") in large letters on a card of a particular color, the address being clear and unmistakable. In ordinary towns parcels are delivered twice a day; in large cities oftener. In case the card calls for a special delivery the package is hurried to its destination by a special messenger. This service calls for 10 cents extra if the delivery is inside city limits and 22 cents if it is beyond them. In some cases notice only of the arrival of the package is given by special messenger, in which case the charge is the same as for the special delivery of ordinary letters or money orders—5 cents inside the city, 15 cents outside. If the sender pays for the special messenger he must indicate that he has done so by putting "Bote bezahlt" (messenger paid) on the parcel and accompanying card. In case no special delivery is demanded or possible, the package is delivered in the ordinary way by the regular parcels-post wagon.

The delivery charge differs in degree, depending upon distance. For example, parcels up to 11 pounds pay 2½ cents inside city limits; for rural delivery the charge is 2½ cents for packages under 5½ pounds, and 5 cents for all others that are within the weight permitted for parcels. Heavier parcels—that is, parcels of more than 5 pounds—for city delivery pay 3½ cents per parcel. In case the card covers three packages, the limit allowed to one card, there is a charge of 3½ cents for the heaviest and 1½ cents for each of the other two. When the goods have to be carried into the country (rural delivery) the charge is 2½ cents for each parcel weighing less than 5½ pounds, and 5 cents for every other parcel permitted to go by parcels post. Careful, sensible, systematic, and businesslike are the only words that will properly describe this wonderful system and its successful work. In the matter of city delivery fees much is left to local authorities; the general-delivery fees, however, are determined by the central postal authorities. A very large part of the postal parcels are carried to the post office by boys and girls, private messengers, servants, and by the parties sending the wares. As already indicated, the parcels-post wagon is always ready to call. It has its regular rounds each day, and may be called by a card addressed to the bureau or division having charge of the wagons. Of course, such a card should be sent to reach headquarters before the wagons start on their daily trips. A parcel may be carried to a wagon long after it has passed the locality in which the sender resides. It will be taken by the conductor of the wagon, for each wagon has a conductor and driver. The charge for collection is the same as the charge for delivery, 2½ cents inside the city limits and 3½ cents for collections in the country, or outside city limits, in the so-called rural zones, for parcels weighing less than 5½ pounds, and 6½ cents for heavier parcels up to the limit allowed by law. In case the carrier can not deliver a parcel the sender is notified and asked for instructions, a charge of 5 cents being made for the notice. As already pointed out, if a sender has doubts about the acceptance or ability of the carrier to deliver, he can make provision for its delivery or disposition on the accompanying card.

The one vital factor in a system of this kind is the charge. If it is too high it defeats the object at which it aims—public convenience. In all its efforts to secure efficiency the German Empire has always aimed at a system such as would secure that result at a moderate cost. Its success has been fairly phenomenal, for its charges have been moderate, the service the very acme of efficiency. As already suggested, distance and weight form the factors in the problem of price for the service. The distance charges are determined by zones, the first zone or circle within which the lowest price is paid being 10 geographical miles from the post office as a center; the second zone all points beyond the 10-mile limit, but within 20 miles; the third, the points between the 20 and a 50-mile circle; the fourth, between 50 and 100; the fifth, between 100 and 150; the sixth and last, all points in the Empire beyond a circle 150 miles from the post office or center. For lighter parcels, those weighing less than 11 pounds, only two zones are marked off, the 10-mile zone and those parts of the Empire beyond the 10-mile boundary. For such parcels the charge is 6 cents for the inside and 12 cents for the outside zones; for parcels weighing over 11 pounds an extra charge is made upon every extra 2.2 pounds or kilogram. The packages are weighed before admission, and are accepted up to 110 pounds each. In case the sender fails to prepay the postal charges, a fine of 2½ cents is levied on parcels that do not weigh more than 11 pounds; in case of heavier packages no fine is levied. The purpose of this regulation is to effectively reduce the number of unpaid parcels under 11 pounds, for these make up the major part of the parcels posted. Light packages, but of large size—say, cases containing bonnets, flowers, feathers, etc., or delicate, easily destroyed commodities—come under a specific classification. They are classed by cubic contents. As soon as a package exceeds 59 inches in any one dimension it is put in this class; also, parcels that measure 39.37 inches one way and 19.68 in another, but weigh less than 22 pounds. In this class fall plants in baskets sent all over the Empire by nurseries, hat and bonnet boxes, furniture, fancy baskets, boxes, Black Forest or Tyrol clocks and carvings, cages, empty or containing animals, etc. Such parcels pay 50 per cent more than the regular rates, insurance fees not included in the estimate. Parcels of great value are usually insured, the charges being exceedingly small, 2½ cents for all parcels under $142.80, with 1.19 cents additional for each $71.40; in other words, a parcel worth $357 pays, when insured, for such insurance 5.95 cents, practically 6 cents; a parcel worth $1,428 is insured for 23.8 cents, etc.

How much the parcels post has meant in the past, how much it means now, and how much it is to mean in the empire's marvelous development will never be known till some German Mulhall makes its work the subject of a brilliant special monograph. From the far-off shores of Heligoland and the North Sea fishing villages the products of the deep are collected, carried across a large part of the Continent, and delivered, the service extending to the confines of Bohemia or even to Austria and Hungary, for there is a postal arrangement between the two empires that admits all the benefits of the one to the citizens of the other. From the seaport cities come the bananas, oranges, lemons, pineapples, coconuts, the rich spices of the East, the finer fibers and textiles of Persia, India, China, and Japan; from Switzerland come the rich dairy products and marvelous honey gathered from its mountain flowers, a honey as rich as that of Hymettus; from the Rhine lands the wines are sent in baskets far beyond where the vine will grow; out of the south, by Botzen, on the hills near Innsbruck, and along Lake Garda go fruits and flowers to Berlin and Breslau, Konigsberg, Danzig, and Stettin. A message by wire, in case of a run on fruits or flowers, will be filled in 24 or 48 hours, the entire order, including the telegram, costing from 25 cents to $1, the latter price being exceptional, incurred only when the parcel exceeds 50 pounds. Under the 11-pound policy for 12 cents enormous shipments have been made and are being made. This rate is the popular one.

Business men, bankers, merchants, manufacturers, and the people are unanimous in praise of the imperial parcels post. All regard it as indispensable. All wonder how they ever got along without it. The rates from the empire to neighboring nations, particularly to those with whom Germany has arranged postal treaties, are exceedingly low. As already indicated, the rates to Austria are the same as those laid down by law for Germany, and parcels for Egypt and through Switzerland and Italy pay only 52 cents for 11 pounds. Parcels for the United States cost 33 cents if 1 kilogram or 2.2 pounds; from 2.2 to 11 pounds, 33 to 88 cents, depending upon weight, distance, delivery, etc. In all cases care must be taken first to find out the terms of the law. This may be done by reading the rules and regulations. Certain requirements are exacted in the case of goods going into a country that exacts tariff duties. In the case of our own country, the law requires the making out of two declarations, covering the cost in addition to

the card. In the matter of size, no package must be over 41.24 inches or 105 centimeters long, and the circumference must not go beyond 70.87 inches (180 centimeters). The charge for packages ranging from 1 kilogram (2.2 pounds) to 4.4 pounds is 26 cents; for each 22.046 pounds or fraction thereof an additional charge of 13 cents is made. The rate for 220.46 pounds (100 kilograms) is $1.31. As regards the imperial parcels-post system as a whole, Germany's method of meeting the new economic, industrial, and commercial era upon which it has entered is one that is sure to commend itself in time to the thoughtful statesman.

APPENDIX V.

EXAMPLES IN OTHER COUNTRIES.

There are very few countries not having a more or less highly developed system of parcels post. A list is herewith inserted giving a large number of them with tariffs for certain weights and distances.

Parcels-post tariffs.

Countries.	Weight.	English miles.	Approximate rates.
	Pounds.		*Cents.*
Great Britain	1	(1)	6
	2	(1)	8
	11	(1)	24
France	6	(1)	12
	11	(1)	16
	22	(1)	25
Germany	11	46	6
	11	(1)	12
	110	46	60
Germany-Austria	11	(1)	12
Austria	1.1	46	6
	1.1	(1)	12
	11	46	6
	11	(1)	15
Hungary	11	46	7
	11	(1)	15
Italy	11	(1)	20
	6¼	(1)	12
New Zealand	1	(1)	12
	11	(1)	72
Victoria	1	(1)	12
	11	(1)	72
South Australia	1	(1)	12
	11	(1)	72
New South Wales	1	(1)	12
	2	(2)	18
	11	(1)	72

[1] No limit. [2] 6 cents for each additional pound.

Australia, Belgium, and Germany, at least, among these have the 110-pound limit; a limit within which 96 per cent of the American express traffic travels, the average parcel weighing 32.80 pounds, and only about 5 per cent (4.94) of the number of pieces exceeding 100 pounds.

As perhaps the most elaborate and best tested, if not the most excellent, example of the conception, the German system is referred to; and a most readable as well as reliable description of it, by Hon. J. C. Monaghan, of the Department of Commerce and Labor, is given.

APPENDIX W.

AN AGRICULTURAL PARCEL POST.

[Nineteenth Century, vol. 53, p. 253.]

The object of the writer of this article is not so much to entertain the reader as to attempt to show how the income of the United Kingdom may be immediately increased by at least 60,000,000 sterling, distributed among a class of men who are admitted to be the backbone of the community, but whose fate it seems to be to suffer from the prosperity of their fellows. There is but one class which can be thus described—the agricultural. There is but one remedy suggested for its misfortunes—an agricultural parcel post.

Not that the post office can do all that is required. The official Hercules will certainly expect the depressed cultivator to put a shoulder to the wheel. The postmaster general is nowise responsible for the enterprise of trans-Atlantic farmers or the cutting of trans-Atlantic freights. So long as the British farmer acts on the theory that his land will produce only one thing, which he can not sell at a profit, nobody, not even Hercules, can help him. For, as against stupidity, "the gods themselves contend in vain." But if he will grow that which is highly profitable, and which the post office alone (without injury to its revenue) can bring to market, then it is clearly the duty of the post office to place its machinery at his service. It is worth while to examine with an impartial mind the facts and arguments for and against postal intervention.

WHAT WE ARE LOSING—IN ACRES.

There are in the United Kingdom 77,667,959 acres, of which 29,917,374 acres are uncultivated. Of the uncultivated portion, 1,225,000 acres were cultivated 11 years ago, when I brought the matter before Mr. Raikes; 806,872 have been laid down in pasture, while 418,473 have become primeval deserts.

WHAT WE ARE LOSING—IN MEN.

While our fields have been thus abandoned to weeds those who tilled them have emigrated to lands where their services are valuable. In the last 10 years 1,603,523 persons have left our shores, whole villages have been deserted as in time of plague, and all we get in return for our country is the barren title, officina gentium.

NO LINK BETWEEN GROWER AND BUYER.

The sterilizing influence, the fatal objection, is the want of some means of getting the produce in question quickly and cheaply to the market. A man farming 1,000 acres contracts with the dealers in town and delivers his produce daily from his own van or cart at the nearest railway station. But the tens of thousands who occupy from 1 to 20 acres own no vans, and in order to secure lower rent they live far away from the railways. And the situation of a farm is everything. We can not say of the modern British farmer as Horace wrote of the Roman, "Beatus ille qui procul negotiis."

THE DRUGGIST CALLED IN.

When dealing with "perishables" produce, as it is called, it is obvious that speed of transmission from grower to consumer is the vital factor. No sooner has the apple fallen or the egg been laid or the butter been made than predatory bacteria begin to pollute it and destroy its pristine and peculiar savor. A certain Scottish angler and epicure has a fire kindled on the bank of the Tweed and into a pot boiling on that fire the first salmon he kills is thrown. Another salmon, caught within the hour and cooked in London 24 hours later, would have a different and inferior flavor, because the oil in the flesh would be slightly rancid. Thompson, the poet, ate peaches growing on the tree just as writers of prose, if bold enough, the oyster alive. Dr. Johnson, who, doubtless, in those days of bad roads and slow wagons, spoke feelingly, declared that no man was "satisfied with a moderately fresh egg." If we except Chinamen, this is true; but very few inhabitants of our towns can secure "new-laid" eggs. As to butter, cheese, and milk, it is notorious that our foreign friends thoughtfully save our noses from being offended by a liberal use of chemical preservatives, with which the British stomach is supposed to deal. One dares not calculate how many kegs of Belgian borax and French acid the British middle-class baby must assimilate at the most critical period of its existence.

A DETAILED PLAN.

It remains to suggest a workable plan for the desired operation of the post office. And here it becomes an outsider who is not an official and who knows nothing experimentally of la petite culture to observe all due modesty. The aim in this article is to promote discussion of the subject; and it will, of course, be a subject of congratulation to the writer if a far better system than his can be brought forward.

THE PRIME NEED.

In the first place, the post office should undertake the work of collection. In every rural district mapped out there should be local depots, say a mile apart, along the roads to which parcels of produce would be brought by a certain hour from the neighboring farms and cottages. A postal van hired in the locality would collect from these depots and the village post offices and convey the parcels to the nearest railway station. The trifling expense of maintaining such a depot might fairly be undertaken by the farmers benefited.

Motor cars should be employed if possible. Let us suppose that a district is 10 miles from a post office and is inhabited by a hundred cottagers raising then (as all would) produce. Clearly the rural postman who now accepts parcels would (even if trained by Sandow) be unequal to the task. But the postal van or motor car would convey everything to the station in time for the appointed train to the town of destination. On reaching that town the parcels would be delivered (if so addressed) to the depot to be established there or (if so addressed) to individual purchasers. In this way eggs, milk, butter, poultry, fruit, and flowers might be placed on our tables within four or five hours of the leaving of the farm of origin.

RATES.

And now with respect to rates. The writer would recommend 1 penny per pound for the cash-on-deliver parcels, with a minimum of 2 pence for anything not over 2 pounds, and one-half penny per pound with a penny minimum for parcels consigned to depots where the postal work is simply collection. These charges should be paid in adhesive stamps.

The maximum weight should be raised to one hundredweight (as in Germany), to be ultimately higher still. And here one should entreat the post office to have as few charges as possible and to give the "zone" system, so successful on the Continent, at least a fair trial. Unfortunately, the post office, as we know, has to pay 50 per cent of the postage on railway-borne parcels to the companies. That bargain, however, comes to an end next year, and meanwhile the post office would pocket all the postage on the parcels sent to the nearest depot by its motor-car service.

J. HENNIKER HEATON, M. P.

APPENDIX X.

Express rates by passenger train in England.

[Consular report.]

Weight.	Up to 30 miles.		30 miles to 50 miles.		50 miles to 100 miles.		Over 100 miles.	
Pounds.	*d.*	*Cents.*	*s. d.*	*Cents.*	*s. d.*	*Cents.*	*s. d.*	*Cents.*
2	4	0.0811	0 4	0.0811	0 4	0.0811	0 4	0.0811
3	5	.1013	0 5	.1013	0 5	.1013	0 5	.1013
4	6	.1216	0 6	.1216	0 6	.1216	0 6	.1216
5	6	.1216	0 6	.1216	0 7	.1419	0 7	.1419
6	6	.1216	0 6	.1216	0 8	.1622	0 8	.1622
7	6	.1216	0 8	.1622	0 9	.1824	0 9	.1824
8	6	.1216	0 8	.1622	0 10	.2027	0 10	.2027
9	6	.1216	0 8	.1622	0 11	.2230	0 11	.2230
10	6	.1216	0 8	.1622	1 0	.2433	1 0	.2433
11	6	.1216	0 8	.1622	1 0	.2433	1 0	.2433
12	6	.1216	0 8	.1622	1 0	.2433	1 1	.2635
13	6	.1216	0 9	.1824	1 1	.2635	1 2	.2838
14	6	.1216	0 9	.1824	1 1	.2635	1 3	.3040
15	6	.1216	0 9	.1824	1 2	.2838	1 4	.3244
16	6	.1216	0 10	.2027	1 2	.2838	1 5	.3446
17	6	.1216	0 10	.2027	1 3	.3040	1 6	.3649
18	6	.1216	0 10	.2027	1 3	.3040	1 7	.3852
19	6	.1216	0 11	.2230	1 4	.3244	1 8	.4055
20	6	.1216	0 11	.2230	1 4	.3244	1 9	.4257
21	6	.1216	0 11	.2230	1 5	.3446	1 10	.4460
22	6	.1216	1 0	.2433	1 5	.3446	1 11	.4663
23	6	.1216	1 0	.2433	1 6	.3649	2 0	.4866
24	6	.1216	1 0	.2433	1 6	.3649	2 0	.4866
25	7	.1419	1 1	.2635	1 7	.3852	2 1	.5068
26	7	.1419	1 1	.2635	1 8	.4055	2 2	.5270
27	7	.1419	1 2	.2838	1 9	.4257	2 3	.5473
28	7	.1419	1 2	.2838	1 9	.4257	2 4	.5676
29	8	.1622	1 3	.3040	1 10	.4460	2 5	.5879
30	8	.1622	1 3	.3040	1 11	.4663	2 6	.6082
31	8	.1622	1 4	.3244	2 0	.4866	2 7	.6285
32	8	.1622	1 4	.3244	2 0	.4866	2 8	.6488
33	9	.1824	1 5	.3446	2 1	.5068	2 9	.6690
34	9	.1824	1 5	.3446	2 2	.5270	2 10	.6893
35	9	.1824	1 6	.3649	2 3	.5473	2 11	.7096

Farm and dairy produce by passenger train, Great Western Railway, England.

Weight.	Up to 30 miles.		31 to 50 miles.		51 to 100 miles.		100 to 200 miles.		Over 200 miles.	
	d.	*Cents.*	*d.*	*Cents.*	*d.*	*Cents.*	*s. d.*	*Cents.*	*s. d.*	*Cents.*
10 pounds....	6	12.16	6	12.16	6	12.16	0 8	16.22	0 9	18.24
24 pounds....	6	12.16	6	12.16	9	18.24	1 0	24.33	1 3	30.40
Above 24 pounds[1]....	½	.25	½	.5	¾	.75	½	1	§	1.25

[1] Minimum charge, 12+ cents.

The above are special rates of the Great Western Railway for consignments of butter, cream, fish, eggs, game, poultry, vegetables, flowers, etc., and include collection and delivery.

APPENDIX Y.

POST OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., May 25, 1911.

Hon. D. J. LEWIS, *House of Representatives.*

MY DEAR SIR: In compliance with your request of the 20th instant for information with reference to City and Rural Delivery Services, I beg to advise you as follows:

At the present time there are 1,528 post offices having city delivery. The letter carriers in these offices serve a population of approximately 43,000,000.

The law requires that before city delivery can be established at an office the gross postal receipts must amount to $10,000 or more, or the population, according to the last Federal or State census, must be 10,000 or more. If either of these requirements is met, city delivery may, in the discretion of the Postmaster General, be authorized. No rule prescribing a minimum population has been made, but at the average office, where the receipts are sufficient to permit the establishment of the service, the population is usually between 3,000 and 4,000, and the employment of two or more carriers is generally necessary. Even where the requirement is met as to receipts, however, the service would not ordinarily be established unless the full time of one carrier could be utilized. As a precedent to the establishment of the City Delivery Service the department also requires the streets to be named, houses numbered, sidewalks laid, and adequate street lights provided.

On May 1, 1911, there were in operation from 17,295 post offices 41,289 rural routes, served by 41,190 rural carriers. Approximately 20,000,000 people are served by these carriers.

Very truly, yours,

FRANK H. HITCHCOCK,
Postmaster General.

APPENDIX Z.

THE SOCIOLOGICAL VIEW.

[Ward, Dynamic Sociology, vol. 2, p. 578.]

As remarked in the Introduction, the question whether any enterprise should be undertaken by the State or left to private individuals is one which must be determined on the intrinsic merits of each individual case. The transfer of functions from the latter to the former simply marks the expansion of the jurisdiction of the State, a process which, when correctly viewed, has been going on steadily from the earliest ages of political history. Nearly every present acknowledged function of government has once been intrusted to private enterprise. It simply shows that little by little society has risen to the consciousness of its needs, and has, one by one, assumed control of the more important public interests. Whether it be its finances, its criminal jurisprudence, its customs regulation, its postal affairs, its telegraphs, or its railroads, whatever it fairly perceives to need State administration, it proceeds to assume and add to the functions of the government.

Now, of all the enterprises which the State has thus appropriated to itself there is not one which it has not managed better and more wisely than it had been managed before by private parties. Most of them are such that the world has entirely forgotten that they were ever private enterprises. Others have become cherished public institutions, which no future revolutions can again remand to private direction. And there are others which are still debating ground and on trial in some States. The transportation question is one of these latter. Telegraph communication is another. Education is a third. Other social operations still, not now looked upon except by a few as belonging to this class, are destined to pass through the stages of agitation and governmental assumption. These facts should not, however, lead to the conclusion that government should immediately assume charge of all private enterprises which concern the general public. There must be a gradual maturing of the conditions, both on the side of the State and the individual, before this can successfully be done. The question in each case must always be, Is the age ripe for this change? As society is constituted, however, premature action of this nature can scarcely occur. So strong is the force of established custom that it much more frequently happens that the event is too long postponed and the State does not step in until the crying evils of private mismanagement and individual incompetency have thoroughly aroused it to the necessity.

The superiority of governmental administration over private management in large enterprises of a general private character has been clearly seen and frequently pointed out, but the progress of popular opinion on such questions has been powerfully counteracted by the special nature of the case. Private enterprise is ever jealous of governmental encroachment upon its domain, and the more lucrative the enterprise is—that is, the greater the need that it be conducted by society in the interest of its members—the stronger will be the influence brought to bear against such a result. This influence is exerted by the creation of a public sentiment against state interference. In this private enterprise always has matters almost entirely its own way. The State has little interest in the subject. The people at large rarely attribute their burdens to the proper source. Things must reach the point of unendurableness before the public will appeal to the State for assistance. Meanwhile a constant stream of opposition to all forms of State interference, more or less ingeniously supported by plausible argument, is being poured out by interested parties. The result is, according to the principle already laid down, that current views which are unopposed will be generally accepted (Supra, 422, 433), that the State must overcome an immense mass of prejudice before it can act in any case. It is fashionable to declaim against the so-called "bureaucracy" of modern times, but this is only a part of the attempt of sagacious capitalists to manufacture public sentiment to counteract the steady current of rational conviction toward the conclusion that society must arouse to its own interests and take the welfare of its members more directly into its own hands.

APPENDIX AA.

A BRIEF SUMMARY OF THE BILLS INTRODUCED IN THE HOUSE RELATING TO PARCELS POST.

H. R. 2956. Gives post-office monopoly of matter admissible to the mails.
H. R. 5596. Rural-route parcels, 11-pound limit.
H. R. 2986. Parcels post, 11-pound limits, rates graded from 12 to 3 cents a pound.
H. R. 6311. Parcels post, 12-pound limit, 8 cents a pound.
H. R. 7603. Experimental rural route, 11-pound limit.
H. R. 8386. Parcels post, 11-pound limit, 12 cents a pound, 5 cents a pound on 50-mile haul.
H. R. 4444. Experimental parcels post, packages originating on rural routes; $20,000 appropriation.
H. R. 4027. Rural route for parcels, 25-pound limit, 2 cents first pound and 1 cent added pound. And general post for farm products to 25-pound limit, 2 cents first pound and 1 cent each additional pound.
H. R. 1341. Experimental rural route, confined to four counties.
H. R. 16. Urban delivery in towns of not less than 1,000 population.
H. R. 14. Parcels post, limit 11 pounds, 8 cents a pound; provisions for insurance of packages; rural-route rates given.

Mr. UNDERWOOD. Mr. Chairman, before yielding to the gentleman from New York [Mr. PAYNE] I desire to be indulged for a moment to make a statement. On yesterday the gentleman from Wyoming [Mr. MONDELL] called my attention to the fact that on page 5 of the report on the bill under consideration the statement was contained reading—

As is well known, the Republican tariff legislation of 1909 was an honest revision in the public interest.

When the corrected proof sheets went to the Public Printer, as shown by the record in his hands now, that sentence read:

As is well known, the Republican tariff legislation of 1909 was not an honest revision in the public interest.

In some way, I know not how, after the corrected proof sheets went to the Public Printer that word "not" was dropped out. The Public Printer has reprinted the document so as to make it conform to the proof sheets, and the copies of the report that were here on yesterday, of course, are incorrect in that respect.

Mr. PAYNE. Mr. Chairman, I am very glad that the gentleman was right, even for a moment, although he changes it this morning and makes a wrong statement.

Mr. Chairman, I yield one hour to the gentleman from Illinois [Mr. MANN]. [Applause.]

Mr. MANN. Mr. Chairman, the bill before us is a bill entitled "To reduce the duties on wool and manufactures of wool." In presenting this bill to the House and to the country the chairman of the Committee on Ways and Means, the gentleman from Alabama [Mr. UNDERWOOD], leaves no doubt as to the policy which the Democratic Party proposes to pursue while it is in control of this House, or would propose to pursue if placed in control of the country. The distinguished gentleman from Alabama yesterday boldly and candidly avowed that in the preparation of the bill he gave no consideration to the interests of the producers of wool or to the interests of the manufacturers of wool. He boldly avowed that the bill was made wholly with a view to the production of revenue, without any regard to the interests of those in this country engaged either in the production of wool or woolen goods. And this declaration was one which met with approval, apparently unanimous, on the Democratic side of the House.

The speech of the gentleman from Alabama has not yet been printed in the RECORD, very naturally being held out over to-day for the purpose of proper revision and addition in the way of figures and statistics; but there has been printed in the RECORD the speech which the distinguished gentleman delivered in this House on the so-called farmers' free-list bill. In that speech the gentleman from Alabama stated:

Now, I do not propose to discuss this question from the standpoint of a protectionist, because I am not a protectionist, and neither is my party composed of protectionists.

Further, he said:

We do not believe in levying taxes at the customhouse for the benefit of any man or the benefit of any industry. Our position is that the taxes levied at the customhouse are for the sole purpose of producing revenue to support the Government of the United States, and that we are not justified in levying taxes for any other purpose. [Applause on the Democratic side.] Therefore, when we approach the question of putting articles on the free list, the sole point involved, so far as we are concerned, is whether the Government of the United States can dispense with the revenue derived from these articles.

Again he said:

But if you will lower your rates of duty to a point where reasonable and fair competition is arrived at, more goods will come into the

country, and consequently more revenue will be collected at the customhouses.

In presenting these schedules of the tariff bill to the House for consideration, we believe that by reason of a fair reduction in the tariff rates in the present schedules we will, instead of reducing, actually increase the revenue at the customhouses.

And again he said:

Now, our clear duty is to reduce the tariff on articles on which the present rates are prohibitive, and to increase the quantity of imports to a reasonable extent, and thereby increase the amount of revenue from the customs.

And again he said:

The difference between a free list made by you—

referring to the Republican side of the House—

and one made by us, is that you have always been in favor of making such a list either on articles that were noncompetitive in the American market and did not interfere with any manufacturing enterprise in the United States, or by putting articles on the free list to favor the American manufacturer.

Those statements, made before, were reiterated by the gentleman yesterday. They have been amplified by other gentlemen on the Democratic side of the House. The distinguished gentleman from New York [Mr. GEORGE], a new Member of the House, said, followed by applause on the Democratic side of the House, in his speech on April 18:

I look not only for the time, and I hope it may come speedily, when there shall be no tariff whatsoever north of us, but I look to see no tariff south of us, no tariff east of us, no tariff west of us, but perfect freedom of trade with all the world.

And the gentleman from Kentucky [Mr. CANTRILL] on April 28 said in a speech on the floor of this House:

Levy no tax save for revenue only.

And the gentleman from Indiana [Mr. CLINE] said in a speech published on the 29th of April:

The Democratic Party has stood for a hundred years for a tariff for revenue only. It has seen parties and "isms" founded upon unscientific economic theories come and go, and it continues to advocate with popular favor those essential principles announced by its founder.

And the gentleman from South Carolina [Mr. BYRNES] said in a speech published on May 2:

The Democratic Party, on the other hand, stands for a tariff for revenue only, this policy being determined in the councils of the party and declared in its platforms. It stands for a tariff for revenue as against the policy of the Republican Party of a tariff for protection with incidental revenue.

And the distinguished gentleman from Alabama [Mr. CLAYTON], long a Member of this House and long the chairman of the Democratic caucus, in a speech published on May 4 said:

The difference between the two parties is that the Democrats assert that the Government ought to levy duties primarily for the sole purpose of raising public revenue, and that this is the only rightful use of the power of taxation.

And the gentleman from Georgia [Mr. BARTLETT] said in a speech published on May 5:

I do not believe in exercising the power of the General Government to levy taxes upon the people except for revenue. * * * I would not levy a dollar for protection.

And the gentleman from Georgia [Mr. HARDWICK], logical as he is, a distinguished Member on that side of the House, a member of the Committee on Rules, now placed at the head of a great investigating committee, having the confidence of that side of the House, following the logic to its ultimate end of the statements made by the other gentlemen, said in a speech published on May 3:

Let us abandon this system of imposing duties on competitive articles and obtain our revenue entirely from noncompetitive articles, the sole exception being in the case of luxuries.

My construction of the time-worn battle cry of our party, "A tariff for revenue only," may not be the conventional one, but it is, I believe, the one that sound statesmanship suggests. As I interpret that phrase "only" is not an adverb of purpose, but is an adverb of effect, and duties should be laid not only for the sole purpose of obtaining revenue, but so as to have no other effect except to raise revenue.

On this side of the House we stand for that principle which leads to the encouragement and the development of industries in our own country, as against such industries in foreign countries. [Applause on the Republican side.]

We believe that it is better to make our goods and buy them from ourselves than it is to send our money abroad and buy them when made by foreign labor, as you would propose. [Applause on the Republican side.] You believe in raising revenue on noncompetitive articles; we believe in raising revenue on competitive articles. [Applause on the Republican side.] If you carry your logic to effect, as the gentleman from Georgia would, you will raise large revenue on those article which can not be produced in the United States. We propose to raise revenue at the customhouses on articles which can be produced in the United States, so as to help the manufacturing and the labor employed in it at home rather than abroad. [Applause on the Republican side.]

Mr. Chairman, I come to the discussion of this bill with some embarrassment. I do not claim to have that full information which I would like to possess if I were authorized myself to prepare a bill for presentation to the House. I am not wholly satisfied with the provisions in the existing law, but that state of mind is possibly based rather upon popular prejudice and ignorance than it is upon facts. I would not wish, if I could help it, to be compelled to pass upon the merits of the existing law without more complete knowledge than I have or I believe the gentlemen on the Democratic side of the aisle have. But I noticed yesterday that the distinguished gentleman from Alabama assumed that in preparing this bill he had information galore, more information than could be presented to him to advantage by a tariff board appointed for the purpose and now engaged in actually collecting information which would have a bearing upon this subject.

The distinguished gentleman from Alabama stated that they did not need to wait for information from the Tariff Board, assuming that they have ample information with which to decide this most intricate subject of tariff legislation, the woolen schedule. He gave as one of the reasons for the passage of this bill the condition of the finances of the country, and seriously read to the House a statement from the daily Treasury statement as justifying the provisions in this bill.

The distinguished gentleman from Alabama is a gentleman for whom I have the highest regard. I believe him to be as competent and capable as any man on the Democratic side, if I would not even place him at the top of the list. When he says that he needs no more information than he possesses in order to prepare a tariff bill and gives as one of the special reasons for the provisions in this bill the figures which he reads from the daily Treasury statement, we wonder whether his figures and his deductions are correct in that respect.

The gentleman from Alabama yesterday did not go into the details of figures to any great extent, but when it came to the question of the revenue and the amount of money to be collected by this Government for this fiscal year the gentleman was very bold and explained to us the basis of the bill; that the bill was prepared to meet conditions shown by the daily Treasury statement.

What was his statement? Holding in his hand the daily Treasury statement of receipts and disbursements under the date of June 5, 1911, showing the condition of the Treasury at the close of business June 5, 1911, he read from page 2, column 4, at the top of the page, that the total ordinary receipts for the fiscal year ending June 30 next would be, as estimated by the Treasury Department, for the entire year, $625,071,413.90. In vain did the distinguished gentleman from New York [Mr. PAYNE] endeavor to furnish information to the gentleman from Alabama. The gentleman from Alabama, with that cocksureness which has led him to propose to the House this woolen-schedule bill, decried the efforts of the gentleman from New York and others to give him information in reference to the daily Treasury statement.

What are the facts of the case? The gentleman from Alabama prepared a bill, as he says, based on the statement which he made to the House, that the total ordinary receipts of the Government for this fiscal year up to June 30 is estimated to be $625,000,000, while last year, as he stated, the receipts were $675,000,000, and hence, under the Payne law, this year the receipts would be $50,000,000 less than last year. He stated that he took his information from the statement issued by the Treasury Department in a Republican administration. The gentleman read from the column which is headed "This fiscal year ending June 30, 1911."

On that same page, following the item of ordinary receipts and disbursements, there is a column giving the receipts for this day, another column giving the receipts for this month, another column giving the receipts for this month of the last fiscal year, another column giving the receipts for this fiscal year ending June 30, 1911, another column giving the receipts to this date of the last fiscal year. It is to me the most surprising thing that I have witnessed since I have been a Member of this House—more than 14 years—that the distinguished gentleman, chairman of the Committee on Ways and Means, whose duty it is to provide legislation to raise revenue for the support of the Government, that this distinguished gentleman had never before, apparently, seen the daily statement of the Treasury Department showing the condition of the finances and did not understand what it means. [Applause on the Republican side.] Think of it. [Applause on the Republican side.] A chairman of the Committee on Ways and Means who does not know what the daily Treasury statement means, who can not read it intelligently or intelligibly! Now, everyone else than Members on that side of the House knows that that statement shows the receipts up to the end of that day, in this June 5 column, for the fiscal year ending June 30, 1911. That is what it says.

On the first of last July the Treasury Department issued a Treasury statement in form like this, with the same heading, in which it gave the receipts for the fiscal year up to the end of the first day of July, and on every day since it published a statement giving the receipts up to the end of the day for this fiscal year. That is what it did in this statement. The gentleman said that the statement showed that the estimated receipts under the Payne law for the entire fiscal year were $625,000,000. How lucky it was for him that he did not happen to get the statement of the day before, because if he had gotten the statement of the day before he would have found that the receipts for the fiscal year were to be $623,959,000; and if he had gotten the statement for June 2 he would have discovered that the receipts for the entire fiscal year were only to be $619,000,000 instead of $625,000,000.

If he had gotten the statement for June 1 he would have discovered that the receipts for the entire year were to be only $617,000,000, and yet this gentleman prepared a bill and presented it to the House as a revenue measure, not understanding either the receipts of the Government or the common daily statement of the Treasury Department. [Applause on the Republican side.] The gentleman read a statement of June 5. If his speech had been a day delayed he would have read the statement of June 6. Yesterday he stated that the estimated receipts were $625,000,000 for the entire fiscal year, but if he had waited until to-day he would have stated that the estimated receipts were $627,000,000. [Applause on the Republican side.] That is the basis of this bill. That is the basis upon which the gentleman from Alabama stated they have knowledge enough to prepare a woolen schedule bill—that they do not need the knowledge for the Tariff Board. He said, in effect: "We require no further investigation of the subject; we know." Now, Mr. Chairman, it is proper to state in this connection that the very statement which the gentleman yesterday held in his hand, by which he was endeavoring to prove, by his lack of knowledge of the statement, that the receipts would fall short $50,000,000 from what the receipts were last year—that very statement shows that the receipts up to that date were more than $21,000,000 greater than they were last year, and that the receipts were over $9,000,000 this year up to date in excess of the expenditures. [Applause on the Republican side.] But I presume that the gentleman did not understand those figures.

Mr. PAYNE. Will the gentleman allow me a suggestion——

Mr. MANN. Certainly.

Mr. PAYNE (continuing). Not for his benefit, but for the benefit of the gentleman from Alabama. If he should take, now, the statement of June 6 he would find that the additional sum making up the $627,000,000 was just exactly the statement of the receipts for yesterday. Now, I only wanted to get the A B C of the matter of the statement before the gentleman from Alabama and before some of the intelligent Members on that side of the House.

Mr. MANN. Perhaps it would be wise to follow the suggestion of the gentleman from New York [Mr. PAYNE] and for a moment conduct a school for the benefit of the gentlemen on the Democratic side of the House.

Mr. PAYNE. A sort of kindergarten experience.

Mr. MANN. Yes. The gentleman from Alabama stated yesterday——

Mr. BUCHANAN rose.

The CHAIRMAN. Will the gentleman from Illinois [Mr. MANN] yield to his colleague [Mr. BUCHANAN]?

Mr. MANN. Certainly.

Mr. BUCHANAN. The gentleman stated in his remarks that he based his information on public ignorance, I believe.

Mr. PAYNE. He did not say any such thing.

Mr. MANN. I am better skilled in using parliamentary language than my colleague from Illinois is, and I do not use unparliamentary language.

Mr. BUCHANAN. I possibly misunderstood the gentleman. I understood you to say——

Mr. HAMILTON of Michigan. That is a demonstration of the truth of the gentleman's statement, then.

Mr. BUCHANAN. What I did want to ask is, that if your statement is based on that information, having been here 14 years, I believe, how much would a Member know if he were here twice that long? Would he know anything?

Mr. MANN. I am frank to say that in the case of my colleague it would be somewhat doubtful. [Laughter.]

Now, Mr. Chairman, the gentleman yesterday stated that the receipts for the fiscal year were estimated to be $625,000,000 plus. He took those figures from a column which gives the ordinary receipts for this fiscal year up to the end of June 5, and if he will examine, or other gentlemen on that side of the House will examine, the statement of yesterday there will be found under the first column "Receipts for this day, $2,509,137.19," and if they will take the trouble to add the receipts for yesterday to the figures given by the gentleman from his column yesterday, $625,071,413.90, that will make the sum given in the same place in the statement for yesterday $627,580,551.09.

And if the gentlemen on that side of the House, now that they have commenced the serious study of revenue measures, will examine this statement from day to day they will discover that every day the receipts for that day are given, and that if the receipts for that day are added to the "total receipts for the fiscal year" of the previous day, they will equal the "receipts for the fiscal year" in the daily statement.

I am somewhat surprised that it is necessary to give this information to gentlemen on that side of the House. Both the gentleman from New York [Mr. PAYNE] and myself yesterday endeavored to prevent the gentleman from Alabama [Mr. UNDERWOOD] crawling into a hole from which there was no escape, but, with a fatuousness which the gentelman seldom exhibits, he insisted upon it. And it was perfectly evident, as suggested over here yesterday, that there was no Member on the Democratic side of the House who knew any better. [Applause on the Republican side.] And, of course, they applauded the gentleman from Alabama as though he was a rooster that had just emerged triumphantly from a cockfight. [Laughter.]

The statement made by the gentleman from Alabama [Mr. UNDERWOOD] that the estimated ordinary receipts of the Government for the fiscal year which ends on the 30th of this month were $625,000,000 for the year was not only based upon a lack of knowledge and understanding of the daily Treasury estimate, but is very wide of the real estimate of receipts. In the annual report of the Secretary of the Treasury submitted last November or December he estimated the ordinary receipts of the Government for this fiscal year at $678,000,000, as against estimated ordinary expenditures of $662,000,000, or an estimated surplus of $16,000,000. I am informed now that the present estimates of the Treasury Department place the estimated ordinary receipts for the fiscal year ending June 30 next at $685,000,000 and the estimated ordinary expenditures for the year at $660,000,000, showing an estimated surplus of $25,000,000 under the operation of the existing Payne tariff law. If this statement could only be inserted in the speech of the distinguished gentleman from Alabama [Mr. UNDERWOOD], what would there be left of the reason given by him for bringing in this present bill with the rates of duty named in it?

PROTECTION AND REVENUE.

Mr. Chairman, I wish to detain the House for a short time in discussing this bill from two standpoints—first, from the standpoint of a protective tariff; and, second, from the standpoint of a revenue tariff; first, what its effect is as to protection and upon the industries of the country; and, second, as to its fairness, if passed, in the raising of revenue as a revenue measure.

The bill proposes to put an ad valorem tariff of 20 per cent, equivalent to about 5 cents a pound, on wool and to reduce the tariff on woolen goods, and it is stated by the gentlemen making the report that the average ad valorem rate of duty on woolen goods is fixed by this bill at 42.55 per cent, and that the average ad valorem rate of duty under the Wilson law was 47.84 per cent; in other words, that by this bill it is proposed to levy an ad valorem rate of duty on woolen manufactures 5 per cent in the percentage less than under the Wilson law, or 42½ per cent practically, as against 47⅞ per cent under the Wilson law.

Under the Wilson law wool came in free. Under this bill it is proposed that the manufacturer shall pay a tariff duty of 20 per cent on wool, and yet that woolen goods shall be protected less than they were under the Wilson law when wool was free. When I first saw this bill I felt like welcoming the gentleman from Alabama into the protective ranks. He proposed to put a tariff on raw wool, purely a protective tariff, so far as it is concerned. To that extent he has been compelled to yield to gentlemen on that side of the House who are interested in the production of wool and the growth of the sheep business. There has always been a controversy in the country as to whether raw materials, so called, should be protected by tariff taxes. The Wilson law gave free wool to the manufacturer and 47 per cent protection in the way of a tariff on the manufactured article. This bill proposes to compel the manufacturer to pay about 5 cents a pound more for his high-grade wools and from 2 to 3 cents more a pound for his carpet wools, and to reduce the protection on the manufactured articles from the amount carried by the Wilson law.

Now, what is the effect of this? We consume in the United States, according to such information as I have been able to get, probably between 500,000,000 and 600,000,000 pounds of

wool a year. The average for a number of years has been much less than that, but probably it is now—under our protective system fostering the industry—probably it is up where we consume in the neighborhood of 550,000,000 to 600,000,000 pounds of wool including in that probably shoddy and waste reduced to wool in the grease. We imported last year about 250,000,000 pounds of wool in the grease and produced apparently about 300,000,000 pounds of wool in the grease, it being impossible to ascertain absolutely, because it is not possible to reduce all wool to wool in the grease in the form in which it comes to the market. Bear in mind, we produced in the neighborhood of 300,000,000 pounds of wool in this country last year, possibly a little more.

What, now, is the proposition in the bill and in the estimates made by the committee in reporting it? They estimate that there will be an increase in the importation of wool from $47,687,293 worth to $66,991,000 worth, or an increase in the importation of raw wool of $19,303,706 worth. The average value of class 1 wool imported last year was 18.6 cents per pound; and if the average value for the first fiscal year that this bill would be in operation were the same, there would be, with the estimate that the gentleman has made, an increase in the importations of wool of 103,783,370 pounds.

That is, according to the estimate made by the gentleman on this bill in presenting it, we are to import each year raw wool to the extent of over 103,000,000 pounds more than we imported in the year 1910, which was our banner year. What more? The gentleman estimates that we will import of noils and waste—noils being the product that comes out when wool is combed to make worsteds and used in the manufacture of other woolen goods—the estimate is that the increased importation of noils will be $686,990.75 worth, an increase from $203,509 to $890,500. The average value of noils imported was 35.2 cents per pound, and that would give an increase of 195,167 pounds. Noils reduced to wool—that is, multiplied by two, as a low estimate—would give 390,335 pounds.

The committee reporting the bill reported estimates of increased importations under the bill over those for the last fiscal year under the present Payne law. I have reduced those estimates to raw wool, except as to carpets and rugs, as follows:

Paragraph 3.—Combed wool, roving, etc.

Estimated importations	$732,500.00
Actual importations	1,129.80
Estimated increase of importations	731,370.20

divided by average value per pound, $0.537, equals estimated increase in pounds, 136,195, multiplied by 3, equals pounds wool in the grease, 518,585.

Paragraph 4.—Yarns.

Estimated importations	$1,373,900.00
Actual importations	326,886.02
Estimated increase of importations	1,047,013.98

divided by average value per pound, $0.908, equals estimated increase in pounds, 115,309, multiplied by 3, equals pounds wool in the grease, 345,927.

Paragraph 5.—Cloths, knit fabrics, etc.

Estimated importations	$24,062,400.00
Actual importations	6,658,288.07
Estimated increase of importations	17,404,111.93

divided by average value per pound, $1.04, equals estimated increase in pounds, 16,734,723, multiplied by 3½, equals pounds wool in the grease, 58,571,530.

Paragraph 6.—Blankets and flannels.

Estimated importations	$258,400.00
Actual importations	168,889.82
Estimated increase of importations	89,510.18

Estimated 1 pound for $1 gives increase in pounds, 89,510, multiplied by 3½, equals pounds wool in the grease, 313,285.

Paragraph 7.—Women's and children's dress goods, linings, etc.

Estimated importations	$25,408,500.00
Actual importations	9,218,374.10
Estimated increase of importations	16,190,125.90

Estimated 1 pound for $1 gives estimated increase in pounds (ultra conservative), 16,190,125, multiplied by 2 (one-half wool), equals pounds wool in the grease, 32,380,250.

Paragraph 8.—Ready-made clothing, wearing apparel, etc.

Estimated importations	$5,066,400.00
Actual importations	1,776,236.34
Estimated increase of importations	3,290,163.66

divided by average value per pound, $2.06, equals estimated increase in pounds, 1,597,166, multiplied by 4, equals pounds wool in the grease, 6,388,664.

Paragraph 9.—Webbings, gorings, suspenders, etc.

Estimated importations	$160,900.00
Actual importations	77,161.70
Estimated increase of importations	83,738.30

divided by average value per pound, $1.85, equals estimated increase in pounds, 45,263, multiplied by 2, equals pounds wool in the grease, 90,526.

Under the figures submitted by the distinguished gentleman from Alabama, of the estimated increases which he says that he and the Treasury Department have figured out, the total increases for the first fiscal year of operation under the new bill would amount to increased importations of wool in the grease, and clothing and cloth reduced to wool in the grease, of 202,782,472 pounds. Here is a statement, made by the chairman of the committee in submitting this bill, which proposes that under the bill there will be an increase in importations of wool or manufactured articles reduced to wool amounting to over 200,000,000 pounds of wool more than is now imported, when our entire production of wool in this country is now in the neighborhood of only 300,000,000 pounds of wool in the grease.

Mr. UNDERWOOD. Mr. Chairman, if the gentleman from Illinois will allow me——

Mr. MANN. Certainly.

Mr. UNDERWOOD. I am not responsible, and I do not want it to go into the RECORD as if I appeared to be responsible, for the gentleman's statement in pounds. The gentleman is inaccurate in his estimate when he counts 3½ pounds of wool into a pound of cloth. He overlooks the part of the wool that is used for noils, and this foreign wool does not shrink to the extent that the gentleman makes his estimate. So, therefore, unless the gentleman can produce figures that I have seen nowhere, he can not sustain that estimate, because he can not prove that this foreign wool takes 3½ pounds to make a pound of cloth. As nearly as I can estimate, on the average foreign wool of first and second class that comes in here, 2½ pounds would be a full estimate for the shrinkage.

Mr. MANN. But, Mr. Chairman, it makes no difference whether foreign wool shrinks. If the foreign wool does not shrink any at all when made into cloth, on this increase it takes the place of that much American wool which does shrink. [Applause on the Republican side.]

Mr. UNDERWOOD. The gentleman is taking the estimate of dollars of cloth that would come in and then figuring that it takes 3½ pounds of foreign wool to make up 1 yard of cloth. So he is making his estimate of the foreign wool that comes in.

Mr. MANN. I am making my estimate of what American wool will be displaced by the importation the gentleman speaks of. [Applause on the Republican side.] I have made an exceedingly low estimate, because, on the average, American wool will not produce a pound of cloth from 3½ pounds of wool in the grease.

Mr. MARTIN of Colorado. Will the gentleman yield?

Mr. MANN. I will yield to the gentleman.

Mr. MARTIN of Colorado. Assuming the gentleman's figures as to the increased importations to be true, does the gentleman hold that under the proposed bill domestic wool will be displaced to that extent?

Mr. MANN. Well, I propose to discuss that in a moment.

Mr. MARTIN of Colorado. Because I want to suggest to the gentleman an illustration showing the inaccuracy and unreliability of determining a result by statistics.

Mr. MANN. The gentleman from Colorado and I will wholly agree about that. I am only taking the statistics and analyzing them as presented by the committee of the party of which the gentleman is a member, following caucus action, assuming that is the basis of this bill. I am examining the bill now from a protective standpoint, and I will later examine it from a revenue standpoint.

Mr. MARTIN of Colorado. The gentleman does not care to answer whether the American wool will be displaced to the extent of the figures given by him—202,000,000 pounds—by reason of increased importation?

Mr. MANN. I think probably it would be displaced if the importations actually occur.

Mr. MARTIN of Colorado. The gentleman does not think that the importations will actually occur however?

Mr. MANN. I do not know whether they will or not. Nobody knows, that is the estimate of the gentleman from Alabama. Whether they will actually occur or not I do not know. I do not pretend to know these things. If I had my way about it I would wait, in making up a tariff bill, until I had the complete and intelligent report from the Tariff Board appointed by this Government for the purpose of acquiring information, so that I would have information and not be proceeding blindly and in the dark. [Applause on the Republican side.]

Mr. MARTIN of Colorado. The gentleman from Illinois is usually very kind about yielding for interruptions.

Mr. MANN. I gladly yield to the gentleman.

Mr. MARTIN of Colorado. I have worked out a brief illustration on the point he has touched upon and I would like to call it to his attention.

Mr. MANN. I do not object.

Mr. MARTIN of Colorado. The gentleman states, in the minority report, he has increased the figures somewhat——

Mr. MANN. I did not write the minority report.

Mr. MARTIN of Colorado. That there would be increased importation, to meet the revenue estimated by the majority, of 189,421,147 pounds of wool. Now, assuming that the wool consumed in the United States next year will be the same as it was last, that is, 581,000,000 pounds, and that this 189,421,000 pounds will displace that amount of domestic wool, that would seem to be the point the gentleman is driving at, that would mean that next year, instead of producing 55 per cent of the total consumption of the wool in this country, we would produce but 22½ per cent. That would be the shrinkage in order to make room for that displacement. I have looked at the figures under the Wilson bill and I find in the last year under that bill, 1897, the American wool production in round numbers was 260,000,000 pounds, which was more than 80 per cent of what we produced last year.

Of course, as everybody well knows, and I do not think it needs to be reiterated here, I am anxious to find out the truth, for I think I have as much interest in this measure as anybody, and if I had to draft a wool schedule perhaps it would not suit either side. But I can not find any basis, even taking the Wilson bill in the worst year—the bill being attended by conditions for which it was in nowise responsible—I say I can not find any basis to justify the assumption that the estimates made by the minority of increased importation will displace that amount of domestic wool. Leaving all figures out, I am confident I could make the prediction that the production of domestic wool will not be reduced to 22½ per cent of the total amount. I doubt very much whether it will be reduced below one-half of the consumption in this country, and if it does not reduce far below one-half, the gentleman's deduction absolutely fails.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. MANN. Mr. Chairman, in just a minute. A little knowledge, Mr. Chairman, is always a dangerous thing. I do not criticize my friend from Colorado [Mr. MARTIN], because he, like me, is in need of some information from some responsible body on this subject; but on this particular subject I can give him the information he has been seeking. The gentleman states that during the time of the Wilson bill the production of wool in the United States did not fall off in the manner in which he might think I was endeavoring to demonstrate; that is, although there were large importations under the Wilson bill, the production of wool did not cease. The production of American wool in 1896 was 272,000,000 pounds; in 1897, 259,000,000 pounds. The importations of wool in 1897 were 356,000,000 pounds. I was endeavoring to show how the increased importations would take the place of American wool.

Mr. MARTIN of Colorado. I would like to know where the gentleman got those figures. I have a table here from the Agricultural Department showing the importations were 350,000,000 and odd pounds in 1897.

Mr. MANN. That is very likely. I have the table of the Woolgrowers' Association, which is usually considered substantially correct. No one denies that. The gentleman's own committee uses it in the figures it gives. The official figures are the same.

Mr. HUGHES of New Jersey. I will state to the gentleman that the committee is compelled to use it for the reason that the Agricultural Department takes the woolgrowers' figures.

Mr. MANN. I understand. I do not suppose they are absolutely accurate, but I think everybody relies on these figures as being substantially accurate, or as nearly accurate as anybody can collect them at this time.

The CHAIRMAN (Mr. LAMB). The time of the gentleman has expired.

Mr. PAYNE. Mr. Chairman, I yield the gentleman one hour more.

Mr. MANN. Mr. Chairman, the gentleman from Colorado [Mr. MARTIN] assumes that because there were large importations and a large production of wool that year that it was consumed that year, but the gentleman from Colorado is wise enough to know that if men have sheep they will shear them, but that if the importations and the production go away beyond the consumption that soon the man will be compelled to cease keeping sheep. What are the facts? In 1897 the American wool produced was 259,153,251 pounds. The importation of wool amounted to 356,839,482 pounds and, in addition, 44,505,470 pounds of waste, shoddy, and rags. There were carried over from the previous year 393,986,523 pounds, and there were consumed 460,000,000 pounds. According to the estimate of the Wool Growers' Association, there were carried over 794,000,000 pounds of wool, including an estimated arbitrary addition of 200,000,000 added to cover the increased efficiency of 113,958,915 pounds of wastes and shoddy imported in 1895, 1896, and 1897 over grease wool. At the end of 1908 there were carried over only 228,000,000 pounds of wool. Wool is not like radishes; it is not like raw vegetables; it does not even require to be placed in cold storage to keep. It was produced in 1897, but not consumed. What is the effect of an overproduction carried on for years? It is calamity and destruction to the production. [Applause on the Republican side.] That is exactly what was happening to the wool-production industry in the United States when the people changed the policy of the country and the Dingley law was passed. [Applause on the Republican side.]

Mr. MARTIN of Colorado. I will say there it is not necessary to confine that to one year. You can take that whole depressed period through there.

Mr. MANN. I have the figures for the entire period from 1896 to 1908, and I will be very glad to give them to the gentleman, or refer him to page 5251 of the hearings on the Payne tariff bill.

Mr. MARTIN of Colorado. I think the gentleman will find, considering the depressed conditions of that period of time, for which the Wilson bill was not responsible at all [cries of "Oh, no!" and laughter on the Republican side]—oh, I was one of those fellows who was burning corn in Kansas for several years prior to the enactment of the Wilson bill, because it was not worth hauling to town, so I have some actual experience on this question. [Applause on the Democratic side.]

Mr. MANN. I do not now want to discuss that subject with the gentleman. I am willing to discuss the proposition with the gentleman, but I can not permit the gentleman in my time to get up a controversy with somebody else in the House.

Mr. MARTIN of Colorado. I want to say that, considering those depressed conditions, when people were not able to buy things if they were cheap, wool production was fairly sustained relatively throughout the entire period, indicating that even free raw wool was not able to destroy the wool industry of the United States.

Now, the gentleman starts out with a line of reasoning, backed by statistics here, that would go to indicate that even under the vastly different conditions now obtaining, with the 20 per cent ad valorem tariff, American production will be absolutely displaced in this country.

Mr. MONDELL. Mr. Chairman, will the gentleman yield——

Mr. MANN. I do.

Mr. MONDELL. The gentleman from Colorado has been endeavoring to elucidate the situation. For the benefit of the gentleman from Illinois and the House generally I suppose the gentleman from Illinois would have no objection to the gentleman from Colorado enlightening us as to the comparative prices that the woolgrowers in his locality received for their wool during the Wilson bill as compared with the prices they received prior to the passage of that bill.

Mr. MANN. Well——

Mr. MARTIN of Colorado. Let me answer——

Mr. MANN. I think not. Mr. Chairman, I have great sympathy for the gentleman from Colorado. I have yielded very generously to him. I have great sympathy for any man who has the steam roller applied to him, because I know how it is myself now. [Laughter.] The gentleman has been knocked down and run over. [Laughter.] He is compelled to kiss the hand that smites him. [Applause on the Republican side.] He has to vote for a bill that will help destroy the industries in his State, and he is surely between the devil and the deep blue sea. If I can afford any comfort to him, a lone mariner on a wild waste, I will be most glad to do it. [Laughter and applause on the Republican side.]

Mr. MARTIN of Colorado. The gentleman seemed to be threatening to drive me deeper in and I wanted to head him off.

Mr. HUGHES of New Jersey. Mr. Chairman, will the gentleman yield for a question?

Mr. MANN. I yield for a question.

Mr. HUGHES of New Jersey. I am trying to find out whether or not the gentleman and myself agree. It seems to me there is one element that the gentleman has left out in calculating whether or not foreign wool will displace domestic wool. Has the gentleman taken into consideration the well-known fact, as I have no doubt the hearings to which he has referred disclosed, that vast quantities of shoddy and cotton are now incorporated into so-called woolen fabrics because of the tremendous duty on wool and of the extraordinary high duties upon woolen fabrics?

Mr. MANN. I will reach that in a moment, I think.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield for a question?

Mr. MANN. I yield for a question.

Mr. MOORE of Pennsylvania. Before the gentleman leaves the revenue question. This is the question: Is it not a fact that unless foreign wool is imported to the extent indicated by the figures the gentleman has given in his analysis, displacing American wool to that extent, the plan of the opposition in raising revenue upon wool importations must fail?

Mr. MANN. Mr. Chairman, I think the gentleman from Pennsylvania is correct. The gentleman from Alabama questioned the figures which I gave and the deductions which I made. In the first place, Mr. Chairman, I venture to say that on the average raw wool does shrink so that it will require 3½ pounds of wool to make 1 pound of cloth (not women's dress goods). But whether it does or not, it makes no difference with the argument which I am making, because when a pound of cloth is imported it takes the place of a pound of cloth which would otherwise be made in this country, and takes the place of wool which would otherwise be raised in this country, and the average shrinkage of the wool of this country from the wool in the grease to the scoured wool is nearly 3 pounds, and before it reaches the cloth is more than three pounds and a half on the average, and when I made my estimate on women's and children's dress goods, which are not imported by the pound and which do not consist entirely of wool, I did not take the estimate even so high as that made by the committee. They report in their schedule attached to the bill that they figure 3 pounds of wool in the grease for each pound or dollar's worth of cloth or dress goods.

On the contrary, when I made my figures on women's and children's dress goods, I only took 2½ pounds of wool to each dollar's worth of dress goods.

Mr. HULL. To understand the gentleman more fully, I would like to inquire whether he agrees with this statement made by Mr. S. N. D. North, who was one of the authorities on the wool question, and who is reported to have been largely instrumental in securing an enactment——

Mr. MANN. Now, Mr. Chairman, if the gentleman wants to ask me a question as to a fact, I will be glad to answer it. I do not remember Mr. North's testimony. If he wants to ask me a question on the facts, I will be glad to answer him if I have the ability so to do.

Mr. HULL. I wish to know if the gentleman agreed, and, if he did not agree, what reason he had for not doing so? But if the gentleman declines——

Mr. MANN. I decline simply for the reason given. One of several things is absolutely true and not escapable. If we increase the importation of wools and woolens to the extent which has been proposed and estimated for by the committee, there will be a reduction in the use of American wool or increased consumption in the woolen goods produced. Either we will make less woolen goods out of American wool or stop using some other kind of goods and use woolen goods in their stead, or increase the consumption of all kinds of goods. Now, gentlemen may say that we will increase vastly the consumption of woolen goods because we cheapen their price. No one here believes there will be any great decrease in the price of manufactured clothing to the consumer. And no one here believes there will be any great increase in the consumption of these goods. When the Wilson bill was made the law there was no increase in the consumption of goods. Gentlemen say it was because of the hard times. Very well; that may be true. But there will be no substantial increase in the consumption of woolen goods or other goods, because in the main the people of the United States are now able to buy those goods which are essential to their comfort and to their convenience.

The gentleman from New Jersey [Mr. HUGHES] suggests that under this bill the manufacturers will use American wool instead of shoddy. There is now a prohibitory tariff on shoddy of 25 cents a pound, I believe. The shoddy that is produced in this country is used; shoddy is too valuable to throw away. It makes fairly valuable filling, and very few men who are not experts can tell the difference between woolen cloth with shoddy and woolen cloth without shoddy while it is new. Shoddy does not wear so long. It is not so valuable. But now manufacturers can not use shoddy, except that which is produced in this country. But under this bill, as under the Wilson law, there is an invitation to import shoddy from abroad; and England manufactures over 600,000,000 pounds of shoddy a year, which she largely exports and which will largely come to this country, to be used in the clothing of the poor and to swindle the poor, under this bill. [Applause on the Republican side.]

Mr. HUGHES of New Jersey. Mr. Chairman, I would like to ask the gentleman, who is consuming the shoddy now, the poor or the rich?

Mr. MANN. The poor of other countries are consuming the shoddy now. [Applause on the Republican side.] Let me tell the gentleman that the only army in the world that does not wear shoddy clothing is the American Army. [Applause on the Republican side.] And the only poor people in the world who wear woolen clothing that is not shoddy are the American people. [Applause on the Republican side.]

Mr. RUCKER of Colorado rose.

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Colorado?

Mr. MANN. I do.

Mr. RUCKER of Colorado. I am in sympathy with the statement the gentleman has made, and I would like to know if it would not be a very good answer to the gentleman from New Jersey that that is the only way that there can be any greater consumption of goods, namely, by getting the shoddy into it so that it will wear out? In other words, is not there a limit to staying awake nights in order to wear out clothing?

Mr. MANN. The gentleman suggests a proposition. It is quite likely, under the suggestion of the two gentlemen on that side of the House, that there will be an increase in the consumption of woolen goods under this bill, because they will largely be made of shoddy, which will wear out so soon that you will have to buy a new suit. I prefer to give men good clothing, made from American wool, rather than shoddy clothing, which is valueless, made from foreign shoddy. [Applause on the Republican side.]

Mr. RUCKER of Colorado. And, therefore, if it is good woolen goods there can not be any great amount more of consumption?

Mr. MANN. I was going to say that I think there can not be, except in this respect:

It is undoubtedly true that a considerable quantity of clothing, especially for women and children, and underwear is now made by the mixture of cotton with wool. Many people do not like to wear pure woolen underclothing; at least most people do not wear it. To-day there is an advantage to the manufacturer in combining cotton with wool in many classes of goods, and I am amused at the anxiety of the gentlemen from the South to cut off one of the sources of the consumption of cotton in order to increase the production of wool in Argentina and Australia. [Applause and laughter on the Republican side.]

Some people believe it is not desirable to wear woolen underclothing all the time. I do not know what my distinguished friend, the doctor from Illinois [Mr. FOSTER], would say about that. I used to think it essential, and used to wear woolen underclothing winter and summer—a very light wool in the summer time.

Mr. FOSTER of Illinois. I would suggest to my colleague from Illinois that, especially in wintertime, would I think people living in a cold climate should wear woolen underclothing, and it ought to be made cheap enough so that they could afford to buy it. [Applause on the Democratic side.]

Mr. MANN. I think that is true, and yet many people believe it is not desirable to wear woolen underclothing in the summer time, and there is a very respectable belief now that woolen underclothing is not healthful. While I have not that belief——

Mr. FOSTER of Illinois. I am very glad to know that my colleague has not gone to that extent. [Laughter.]

Mr. MANN. The gentleman knows that a great many people now wear underclothing of the same weight and of the same kind throughout the year, and they insist that it is far more healthful.

Now, one of the great arguments made by all the people who have testified for cheaper wool and free wool is that it will enable the manufacturers to use less cotton and more wool. I do not know whether that is true or not; but I am just as much opposed to cutting off the use of cotton in this country in manufactures as I am to the cutting off of the use of wool. I think, Mr. Chairman, that the greatest sign in our country of a lack of intelligent scientific government is the fact that we export—what is it—$600,000,000 worth of cotton to be manufactured abroad instead of sending the manufactured product abroad. [Applause on the Republican side.]

Now, Mr. Chairman——

Mr. BARTLETT. May I ask the gentleman a question right there?

Mr. MANN. Certainly.

Mr. BARTLETT. The gentleman says that he regrets we can not manufacture all the cotton. Is it not a fact, with the increased establishment of cotton manufactories all over the South and elsewhere, they have been unable to consume more than one-third of the product of the cotton crop?

Mr. MANN. Well, I take the gentleman's figures for it. I do not remember the exact proportions.

It is another noteworthy fact, Mr. Chairman, that if that side of the House deals with the cotton schedule as it is now proposing to deal with the woolen schedule, there will be still more cotton sent abroad and fewer manufacturing establishments running in the South. [Applause on the Republican side.]

Mr. BARTLETT. May I interrupt the gentleman further?

Mr. MANN. Certainly.

Mr. BARTLETT. I want to say to the gentleman that my judgment is that his opinion is erroneous.

Mr. MANN. I have no doubt about that.

Mr. BARTLETT. So far as I am informed—and I live in a district where there are a number of cotton manufactories—the cotton manufacturers in the district which I represent, and I believe in most of the districts of the South, desire not protection but broader markets to sell their products in. [Applause on the Democratic side.]

Mr. MANN. I am in favor of giving them broader markets. And that reminds me, Mr. Chairman, of a query: Is this bill designed to give broader markets to the American manufacturer of woolen goods? You propose to make him pay 5 cents more a pound for the wool he uses in competition with the free wool used in Great Britain and Germany and France. Can he sell any goods in the markets of the world outside of the United States under such a condition? Is this bill designed to broaden the markets of America? It is a bill which levies a tariff of 5 cents a pound on wool. Is that designed to broaden the markets of the American manufacturer?

Mr. AUSTIN. If the gentleman from Illinois will permit me——

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Tennessee?

Mr. MANN. Certainly.

Mr. AUSTIN. I wish to state that one of the largest cotton manufacturers of the district that I have the honor to represent on this floor was here during the present week. He was not only a prominent and influential manufacturer, but a leader of the Democratic Party. He was here attending a conference at the New Willard Hotel of the representatives of the northern and southern cotton manufacturing plants for the purpose of appealing to this Democratic Congress not to make any change in the present cotton schedule. [Applause on the Republican side.]

Mr. HUGHES of New Jersey. Is there anything unusual about that? [Laughter.]

Mr. MANN. Now, Mr. Chairman, the gentleman from Alabama on yesterday stated that when they proposed an ad valorem tariff on raw wool, in "justice" to the manufacturer, they had put a higher tariff on the manufactured product. On this side of the House we call it "a protective tariff." On that side of the House the gentleman from Alabama calls it "justice." It is both. A protective tariff is justice. [Applause on the Republican side.]

Mr. UNDERWOOD. The gentleman misquoted me.

Mr. MANN. I did not intentionally misquote the gentleman.

Mr. UNDERWOOD. I was simply talking about the case where you carry a compensatory duty on the finished product. That is justice, not a tariff levied to protect the manufacturer; not at all.

Mr. MANN. Do I misunderstand the gentleman? He stated that because there was an ad valorem duty on raw wool, therefore, in justice to the manufacturers, they had fixed the duty on the manufactured article at such a rate——

Mr. UNDERWOOD. Oh, no.

Mr. MANN. What is the basis of the gentleman's objection to my statement?

Mr. UNDERWOOD. I simply said that where you put a tax on raw wool it was necessary, in justice to the manufacturer, to carry into the finished product sufficient ad valorem taxation to equalize that amount.

Mr. MANN. Absolutely, that is to protect the manufacturer from the effect upon him of a tariff on the raw material.

Mr. UNDERWOOD. Oh, no. Not protection at all.

Mr. MANN. The gentleman called it "justice." I call it protection. It means the same thing, because it accomplishes the same result. [Applause on the Republican side.]

Mr. UNDERWOOD. That is where the gentleman is wrong. We carried into the tariff an ad valorem duty of 10 per cent as a matter of justice to the manufacturer. The gentleman from Illinois [Mr. MANN] would be repudiated by his Republican side of the House if he said an ad valorem tax of 10 per cent on wool was protection.

Mr. MANN. Oh, but the gentleman carries an ad valorem duty of 20 per cent on wool, and because of that tariff on wool he carries an additional ad valorem on the manufactured product of 10 per cent to compensate the manufacturer and protect him from the foreign manufacturer, because the American manufacturer has to pay the tariff on wool—absolute protection, a compensating protection. I do not complain of it. The gentleman from Alabama calls it justice. I call it protection; but it would be still more just if the figures were better aligned with each other. It is protection, though it is not ample protection.

Now, Mr. Chairman, on that subject let us see whether they have given compensation to the American manufacturer.

Assuming the average import value of cloths at $1 per pound, which is slightly less than $1.04 per pound, the actual value for the last fiscal year, and taking the average ad valorem rate under the Payne law of 97.11 per cent, would give a duty per pound of 97 cents on woolen cloth imported last year.

If we assume 4 pounds of wool in the grease per pound of cloth and take off the compensatory duty of 44 cents, it would leave a protective duty per pound of 57 cents under the Payne law.

Or, if we assume 3 pounds of grease wool to 1 pound of cloth, and subtract 33 cents from 97 cents, it would leave a protective duty under the Payne law of 64 cents a pound.

Under the Underwood bill, assuming the same import value per pound, the duty would be 40 cents a pound.

The average value of class 1 wool imported was 23 cents per pound, of which 20 per cent would be 4.75 cents; or, assuming 4 pounds of grease wool to 1 pound of cloth, it would amount to 17 cents that the manufacturer pays on wool for each pound of cloth made, as wool duty; and, subtracting 17 cents from the 40 cents actual duty, would leave the manufacturer a protection of 23 cents per pound, on the basis of 4 pounds of wool and 1 pound of cloth, under the Underwood bill, instead of 57 cents under the Payne law, a reduction of 34 cents protective duty per pound, or a reduction of 60 per cent of the protective duty of the present law.

Or, if we assume 3 pounds of grease wool to 1 pound of cloth, the manufacturer would pay three times the wool duty on 1 pound, or 14¼ cents wool duty per pound of cloth, which, subtracted from 40 cents, would leave 25¾ cents as the actual protective duty under the Underwood bill, as against 64 cents under the Payne law, a loss of 38 cents a pound.

The ad valorem duty fixed upon the woolen manufactured product in the pending bill is in nowise compensatory for the tariff levied upon the raw wool. In fact, as I stated in the opening, the ad valorem tax upon the manufactured product is less under this bill than it was under the Wilson law, when the manufacturer obtained his raw wool without paying any duty whatever upon it.

I maintain therefore, Mr. Chairman, that so far as protection is concerned—and in that I agree with the gentleman from Alabama—this bill entirely eliminates the idea of protection to the American manufacturer of woolen goods. It pays no attention to the industries of the country. It will not open a single new mill in the United States. It will open many new mills in foreign lands. It will not cause the production of a single bushel of corn or wheat in this country, to help feed the laborer working in the woolen mills of this country, but it will cause a larger exportation and a lower price for American agricultural products in competition with the agricultural products of other countries. It is not destined and is not designed to add anything to our manufacturing industries. It abandons the idea of a home market for the American people. It removes the scheme of building up industries here which will consume our products at home, instead of compelling us to send them abroad. It loses sight of the principle that a surplus of a product always vastly decreases the value and price of the product. If we can manufacture at home and keep men employed in our own land, so that they will consume the agricultural products which we produce in the main, the price of those products can be upheld, but when we are compelled to send abroad a larger surplus in competition with other countries it means the lowering of our prices to meet the lowering prices of other countries.

Now, Mr. Chairman, just a moment on the question of the revenue features of this bill. By the gentleman who introduces it and the committee which reports it, it is justified solely as a revenue measure. The gentleman from Alabama stated yesterday that he hoped that this bill might remain the law without change for a good many years, or words to that effect. It is not, therefore, destined to be the law only until other schedules are revised. The gentlemen have brought in a bill to revise but one schedule of the tariff law, and say that if that bill be made a law it is to remain the law. We must therefore judge it in comparison with other propositions which are in the law or which may be written in the law.

Not protection, but revenue. Why should we levy a tariff for revenue purposes of 45 per cent on women's and children's dress goods and let raw rubber come in free? Answer that.

Mr. FOSTER of Illinois. We have not revised that schedule. The gentleman's own party revised that schedule; and why did he not make some objection at the time?

Mr. MANN. We do not believe in your theory of a revenue tariff.

Mr. COX of Indiana. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. COX of Indiana. Would the gentleman vote for a duty on raw rubber?

Mr. MANN. Very likely; but that is not the question. The gentleman's side of the House is making a permanent revision of the tariff on the woolen schedule. They declare for this woolen schedule as a permanent policy, and that there should be a tariff of 45 per cent on women's and children's dress goods.

Mr. POU. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. POU. Did not the gentleman's party also legislate, and after that legislation was over, did not your own President say that Schedule K was indefensible from any standpoint? [Applause on the Democratic side.]

Mr. MANN. Mr. Chairman, I have always noticed that when you are really pressing a question which nobody wants to answer they get up and call you names. Why does not the gentleman answer the question I put: Are you in favor of putting a permanent tariff of 45 per cent, as a revenue measure, on women's and children's dress goods?

Mr. POU. I am in favor of a duty which will raise the largest amount of revenue.

Mr. MANN. The gentleman is in favor of a duty which will raise the largest amount of revenue. I suppose he is in favor of the proposition which will raise the largest amount of duty on everything. Why, we could levy a tariff which would raise a billion dollars in import duties. The gentleman favors that. I do not. [Applause on the Republican side.]

Mr. POU. I would like to ask the gentleman if he favors the continuance of Schedule K, which President Taft says was indefensible from any standpoint?

Mr. MANN. I much prefer it to this bill. Now, having answered the gentleman's question, I notice that he does not answer mine. Is the gentleman in favor of a tariff of 45 per cent permanently, as a revenue measure, on women's and children's dress goods?

Mr. RANDELL of Texas. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. RANDELL of Texas. I would like to ask the gentleman upon what authority he makes the statement that this is a permanent tariff bill, when the Democratic platform has declared in favor of a gradual reduction of the high-protective duties imposed by the Republican Party?

Mr. MANN. Now I am at the fount of information, and I will get it if I can. [Laughter on the Republican side.] The gentleman is able to speak with some authority. If this bill becomes a law, does the gentleman favor changing it next year?

Mr. RANDELL of Texas. I believe my party would be in favor of redeeming the platform pledge—to gradually reduce the duties to a purely revenue basis.

Mr. MANN. Does the gentleman favor another woolen-schedule bill next year, if this becomes a law?

Mr. RANDELL of Texas. I do not know when the next one will be brought in; but it will be in accordance with the Democratic platform.

Mr. MANN. That is like making a statement with your fingers crossed. [Laughter.] Either these gentlemen are for or against a revenue tariff which puts a tax of 45 per cent on women's and children's dress goods as a revenue measure.

They can not dodge that issue by saying, "Oh, we are going to vote for it, but we are going to change it to-morrow." Legislation is supposed to remain; they can not avoid the responsibility. [Applause on the Republican side.]

Mr. COX of Indiana. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. COX of Indiana. Mr. Chairman, if I remember correctly, the gentleman from Illinois voted against the Payne-Aldrich bill when it passed the House, and I want to ask him whether or not any iniquities which might have been in Schedule K induced him to cast that vote?

Mr. MANN. Mr. Chairman, if there were iniquities in the Payne tariff law and if I voted against it, I shall at least maintain a record clear by voting against the iniquities in this bill, and that is more than the gentleman will. [Applause on the Republican side.]

Mr. COX of Indiana. But the gentleman does not answer my question.

Mr. MANN. That question is not before the House.

Mr. COX of Indiana. I want to know whether any iniquities which may have existed in the Payne bill induced the gentleman to vote against it?

Mr. MANN. Mr. Chairman, some day I will take a day off and explain to the gentleman why I voted against the conference report on the Payne tariff law. Everybody in the House, save the gentleman from Indiana, knows why I did that.

Mr. COX of Indiana. Well, I thought I knew why the gentleman voted against it, personally, but I wanted to hear him say it. I wanted to know what his views were about it.

Mr. MANN. I notice the moment the gentlemen bring in a tariff bill and I commence to talk about it, they want to discuss some other subject. Why do you not discuss the bill that is before the House? Why are you afraid of it?

Mr. COX of Indiana. Oh, we will discuss it.

Mr. MANN. Are you in favor of putting a permanent revenue tariff on women and children's dress goods of 45 per cent?

Mr. COX of Indiana. If the gentleman will wait a few days I think I will tell him.

Mr. MANN. Oh, I know the gentleman is not prepared to say it now. Perhaps he will change his mind, notwithstanding the Democratic caucus which binds him so that no matter what he thinks, his vote is delivered in advance. [Applause and laughter on the Republican side.] I would not be in the position of a slave to a master who is a man or to a master who was a caucus. [Applause on the Republican side.]

Mr. COX of Indiana. Does not the gentleman believe in party caucuses?

Mr. MANN. Yes.

Mr. COX of Indiana. Was not the gentleman in his party caucus when it caucused here for two days on the postal savings bank?

Mr. MANN. Yes.

Mr. COX of Indiana. And bound yourself by that caucus?

Mr. MANN. I gave notice that I might not be bound by it and I never have asked anyone to bind himself to vote against his conscience by a caucus. Does the gentleman's conscience forbid him to vote for a tariff of $4.50 on every $10 woman's suit? Will the gentleman answer? No; he sits silent. [Applause and laughter on the Republican side.]

Mr. COX of Indiana. I will answer the gentleman at the proper time.

Mr. MANN. This is the proper time.

Mr. COX of Indiana. Oh, no.

Mr. MANN. The audience is now here, but the gentleman will wait until no one is in the House and then deliver himself.

Mr. COX of Indiana. I hope the gentleman will be here.

Mr. MANN. Oh, if I knew the gentleman was going to talk I might be, but probably I will not be.

Mr. HUGHES of New Jersey. Mr. Chairman, I will say to the gentleman, in answer to the question which my friend from Indiana desires to defer, that I am willing to answer it now, and say that I would rather vote for a duty which will put $4.50 upon every $10 woman's suit than keep on the statute books a bill which makes it necessary to pay $9.70 on every $10 woman's suit. [Applause on the Democratic side.]

Mr. MANN. That is not an answer to the question. You are making up a new bill; you are bound by what you do, not by what we did. You can not escape from the responsibility that you have because of something that we did. You are proposing this bill and you can make it 45 per cent or 25 per cent, and when you vote for this bill you declare to the world that, as a matter of revenue, not protection, not to build up American industries, but as a matter of revenue, you propose to put a tax of $4.50 on every $10 worth of women's and children's goods. But why, what made you——

Mr. GARNER. Will the gentleman yield just there?

Mr. MANN. Oh, certainly. The gentleman is on my side, but he is afraid to say so. I gladly yield to him.

Mr. GARNER. I want to ask the gentleman from Illinois if he thinks that $4.50 is too high on a $10 suit?

Mr. MANN. Why, it is too high as a revenue tax; of course it is.

Mr. HUGHES of New Jersey. Mr. Chairman——

Mr. MANN. As a revenue proposition, who can defend 45 per cent on clothing and dress goods when india rubber to the extent of $106,000,000 comes in free, when raw silk and silks to the extent of $67,000,000 come in free, when chemicals to the extent of $50,000,000 come in free, when copper to the extent of $45,000,000 comes in free, when oils (mainly vegetable) to the extent of $16,000,000 come in free, when cabinet woods and so forth to the extent of $15,000,000 come in free, when diamonds

and other precious stones to the extent of $10,000,000 come in free, all of which could be properly taxed as a revenue proposition? And the gentlemen on the Democratic side turn aside from these and propose to put a high revenue tariff on their children's clothes. [Applause on the Republican side.]

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. GARNER. What organization controlled this House when this law was passed to put these things on the free list?

Mr. MANN. Why, Mr. Chairman, I know the gentleman from Texas is unusually acute and bright——

Mr. GARNER. Yes; but what party was in power when they put 97 per cent on my children's clothes?

Mr. MANN. Oh, we still favor the proposition to put tariff enough on them to have them made in America as a protective measure. [Applause on the Republican side.] We are in favor yet of letting noncompetitive articles come in free and levying the duty necessary to raise the revenue upon competitive articles, with incidental protection, but the gentleman casts aside that doctrine and proposes to lose sight of the value there is to America through the protective tariff and proposes to levy this purely as a revenue measure, $4.50 as a revenue measure on children's clothing, while rubber comes in free, used by the rich. [Applause on the Republican side.]

Mr. GARNER. The gentleman must remember that we are revising Schedule K. When we get to the rubber schedule we will put a revenue duty on that, too.

Mr. MANN. That is all right, but the gentleman is now revising Schedule K, and he should revise Schedule K with a view to what they propose to do with the others. Is this revision to be done over again on Schedule K as soon as you reach another schedule? Is this to be a perpetual process—a continuous-performance show? [Applause on the Republican side.] Do I understand that this is like one of the amusement shows that runs around and around, and the moment one performer goes off another performer comes on and follows him, and then when his time comes on he moves on again, and it is a perpetual show? Is it to be that as fast as we revise one schedule we go to another, and when we are through with the list we commence all over again? [Applause on the Republican side.]

Mr. SIMS. Mr. Chairman, will the gentleman yield for a question?

Mr. MANN. For a question.

Mr. SIMS. The gentleman is always very kind——

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Tennessee?

Mr. MANN. I yield with pleasure.

Mr. SIMS. Now, my friend, and the friend of all of us, and the country's friend, the gentleman from Illinois, speaks of putting on a tariff or putting a duty on wool or putting a duty on women's and children's clothes. Now, my friend must admit that we are not putting a duty on anything; we are taking off something that is already on. [Applause on the Democratic side.]

Now, if the Republican Party has been making every man wear two shirts, and we do not——

Mr. MANN. And you think only one is necessary? And that is all they will get. [Laughter on the Republican side.]

Mr. SIMS. The gentleman will not let me finish my question.

Mr. MANN. The gentleman should not ask such a funny question.

Mr. SIMS. But I had not finished. If the Republican Party makes the American people wear two shirts in order to enable the American manufacturer to sell that many more shirts, until an abnormal condition has grown up, would not you think it would be wise enough in taking off or removing that abnormal condition to fix the tariff in such a way as to keep a fellow from having the pneumonia by taking off both shirts at once? Hothouse protection has been responsible partly for the country's condition, and industries have been built up by that alone, and is it not wise and reasonable not to take all the hothouse influences away, although we would not build a hothouse if there was not one already in operation?

Mr. MANN. Does not the gentleman think this tariff bill is partly protection?

Mr. SIMS. I do not think anything about it. I know it is.

Mr. MANN. Well.

Mr. SIMS. I said I absolutely knew it was partly protective.

Mr. MANN. The gentleman believes it is partly protection?

Mr. SIMS. I absolutely know it is. I do not believe about it. There has been no pretension on this side that it was not partly protective. But it is a great deal less protective than that which we have now.

Mr. UNDERWOOD rose.

Mr. MANN. Mr. Chairman, I yield to the gentleman from Alabama [Mr. UNDERWOOD]. [Laughter.]

Mr. UNDERWOOD. Mr. Chairman, I must beg the pardon of my friend from Tennessee [Mr. SIMS]. I desire to speak for myself. I say that the purpose of the committee in drafting this bill was to raise $40,000,000 on Schedule K, and we have written the rates in the bill as low as was possible and still produce $40,000,000. Therefore it is a revenue measure. [Applause on the Democratic side.]

Mr. MANN. I ask the gentleman from Alabama if it is in any way a protective measure?

Mr. UNDERWOOD. You could not levy a tax of 1 per cent on anything without its carrying with it incidental protection. To that extent it is protection.

Mr. SIMS. Mr. Chairman, I do not wish to be misunderstood by both my friend from Alabama and the gentleman from Illinois. I meant to say that there is a condition of high protection as to Schedule K, and it has been impossible, in view of that condition, to remove all protection at once, but there was no purpose to pass a protective measure per se. We all know that a compensatory duty is a protective duty. I do not deny, and my friend from Alabama does not deny it either, if I have understood him accurately.

Mr. MANN. Confession is certainly good for the soul. The gentleman from Tennessee [Mr. SIMS], who was not in the Hall at the time, did not hear the argument to show that this was not a protective measure, and to prove, as I think I did, the contention of my able and genial friend from Alabama that this is not a real protective measure, whatever else it may be.

Mr. SIMS. Not in purpose.

Mr. MANN. Not in purpose. It is less in effect than it is in purpose. It was intended in purpose to be of some protection, and some of the gentlemen on the Democratic side of the House understood there was a compromise, but they all agreed, with the exception of my friend from Tennessee, to conceal it on the floor of the House. But, in fact, it is not sufficient protection. I was examining it as to whether it was a revenue measure or not, and since the gentleman from Tennessee has directed my attention so pleasantly I will put it to him whether he is in favor as a permanent revenue policy of the country of levying a tax of 45 per cent on children's clothing?

Mr. SIMS. I can answer that very readily, so far as I am concerned. If the condition of the country is such that we do not have to have that revenue, I would not put one cent on children's clothing.

Mr. MANN. We do have to have it. Is the gentleman in favor of raising revenue in that way as a revenue policy?

Mr. SIMS. I may have other preferences, but I am going to vote for the bill.

Mr. MANN. Mr. Chairman, it is entirely unnecessary for any gentleman on that side of the House to say how he is going to vote.

There have been times in the House when it was interesting to have a gentleman on the floor arise and, after an argument, tell how he was going to vote. But gentlemen on that side of the House have gotten so in the habit of arguing on one side and voting on the other that we all know in advance how they will vote. They vote the way they are told to vote by their bosses in the House. [Applause and laughter on the Republican side.] There never has been a time heretofore in this House, since I have been here, when my genial friend could invariably be delivered in advance, with his vote, to any particular measure in Congress; and the same is true with respect to others. They have talked about autocracy in the House under Speaker CANNON, but there has never been a time before, since I have been in the House, when men on the other side felt obligated to all vote one way because a Democratic caucus threatened to cut the head off any man who has intelligence enough to exercise his independence. [Applause on the Republican side.]

Mr. SIMS. The explanation of the situation now is that the caucus in this case was made up of this whole side of the House, with the exception of one man. We bound ourselves, and we are going to do what we agreed to do because we thought we ought to do what we agreed to do. [Laughter.]

Mr. MANN. The gentleman has had no more to say about what they were to agree to do than I have had. He is doing what the Democratic bosses in the House have told him he has to do. [Laughter on the Republican side.]

Mr. SIMS. I abide by the action of the Democratic caucus.

Mr. MANN. The gentleman is absolutely controlled by the

caucus to vote the way he is told to vote in the caucus. You gentlemen come here and vote the way the caucus tells you to vote. [Laughter on the Republican side.]

Mr. SIMS. I stand with the majority.

Mr. MANN. The gentleman from Tennessee [Mr. SIMS] has usually been very independent. I have frequently seen him on the floor of the House voting against his side of the House, and I have frequently voted with him against my side of the House; but the gentleman from Tennessee will no longer exercise his independence, because, having no information on the subject of the wool schedule, he follows blindly the direction—not the lead—of the gentleman from Alabama, who disclosed his wonderful information upon the subject by his quotation from the daily Treasury statement. [Applause and laughter on the Republican side.]

THE TARIFF BOARD.

Mr. Chairman, I think that the final consideration of this bill by the House should be postponed until we have received the report of the Tariff Board. Congress, by special appropriation, has provided for a Tariff Board to acquire and report information relating to the woolen and other schedules. At the last session of Congress we made a large appropriation to enable the Tariff Board to continue its work, and directed that it make a report as to the woolen schedule in December next. Following that appropriation and that specific direction, the Tariff Board, composed partly of Republicans and partly of Democrats, commenced what is believed to be an impartial investigation of the subject of wool production and woolen manufactures. That board has engaged experts who are now actively employed in acquiring more complete information than has ever been acquired before in relation to the production of wool and the cost of its production, in relation to the shrinkage of different kinds and classes of wools in the cleansing processes, in relation to the different characters of wools to be used in the carding and worsted processes of manufacture and other methods of consumption of wool in the manufacture of woolen articles, and in relation to the cost of manufacture, the amount of wool used in the different processes and in the different articles manufactured, and all other information which can be acquired which bears upon the production and consumption of woolen goods.

They are obtaining information concerning the reduction of woolen rags to the form of shoddy, and so forth. They will acquire particular and reliable data concerning every phase of the subject. They will be able to lay before the President for transmission to Congress in December next very full and complete information regarding the production and consumption of wool and woolen goods both in the United States and in the foreign countries from which we obtain a considerable portion of our wool supply.

Formerly the processes of production and manufacture in the United States and elsewhere were carried on largely without the aid of scientific information or scientific processes. The great manufacturers of the world have largely come to realize the necessity of scientific administration and the development of scientific processes. But apparently we have not yet learned the need of scientific methods in governmental development, and least of all do we apply scientific methods in the processes of legislation.

In all the realm of legislation there is no other subject which ought to receive such scientific treatment and be so based upon expert knowledge as in the preparation of tariff legislation, and yet here we are now proposing to legislate concerning one of the most intricate subjects of the tariff—the woolen schedule—without waiting a few short months in order to receive the expert knowledge and the complete information which we have directed a tariff board to gather for us. This is the reverse of a scientific method.

The Democratic side of the House now proposes to legislate on the woolen schedule and receive the needed information after the legislation is disposed of. The country is tired of legislation based upon ignorance and demands legislation based upon knowledge. The country asks that, instead of our legislating first and acquiring information afterwards, we acquire the information first and base our legislation upon the information thus acquired. I am firmly of the opinion that we ought to recommit this bill to the Committee on Ways and Means, with instructions that that committee shall hold the bill until the information acquired by the Tariff Board shall be submitted to us in December next and that then a bill should be prepared and considered in the light of the full information we will then have. Haphazard legislation, ill-considered legislation, legislation by ignorance and not with knowledge, may have been necessary in the past, but it is not necessary in these days as to the tariff on wool and woolen goods. It would be better for the country to bear the evils which may exist in the present woolen tariff for a few months longer and have that tariff replaced by well-considered legislation based upon full information, so that the subject may be largely removed from partisan and political changes, rather than correct the present evils with possible and probable new evils, which themselves will again need to be removed by new legislation in the course of the following few months.

I know it is useless to appeal to the Democratic side of this House to wait for information before they legislate. The Democratic Party thrives rather upon ignorance of facts and does best when full information is lacking, and yet there ought to be statesmen enough on the Democratic side to rise above temporary partisan prejudice and party excitement to compel this bill to be laid aside until the information we have demanded and have ordered to be obtained shall be laid before us.

Mr. Chairman, if this bill be examined from the standpoint of protecting the industries of the country, it is a failure. If it be examined from the standpoint of merely raising revenue for the country, it is cruel and unjust. It will feed no children in this land. It will give no pay to laborers in this country by which they may be able to buy good clothing. It will add nothing to the pay of the American workingman. It will add nothing to the profitable use of American capital. It will not build up our country or its manufactures. But, abandoning the sheep industry and the woolen industry to destruction, it then proposes on the woolen goods that come from abroad to take from 40 to 45 per cent as a revenue tariff out of every dollar's worth of goods imported, leaving great numbers of noncompetitive articles still upon the free list.

I leave it to the American Republic and its citizens. They expressed their displeasure with the legislation which we enacted, but we appeal confidently to the intelligence and the patriotism of the American voter that the American Republic is not yet willing to abandon to dire distress and poverty its own citizens and its own industries in order to build up those in foreign lands among foreign people. [Prolonged applause on the Republican side.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HOUSTON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 897. An act for the relief of Alfred L. Dutton.

THE WOOL SCHEDULE.

The committee resumed its session, Mr. HAY in the chair.

Mr. UNDERWOOD. Mr. Chairman, I desire to ask how the balance of the time stands?

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] has consumed 2 hours and 30 minutes and the gentleman from New York [Mr. PAYNE] has consumed 2 hours.

Mr. UNDERWOOD. Mr. Chairman, I yield one hour now to the gentleman from Georgia [Mr. BRANTLEY]. [Applause.]

The CHAIRMAN. The gentleman from Georgia [Mr. BRANTLEY] is recognized for one hour.

Mr. BRANTLEY. Mr. Chairman, the plea for delay by the distinguished gentleman from Illinois, who has just concluded his entertaining speech, and his appeal for the sacredness of Schedule K as it is written, and his flippant and jocular attempts to divert attention from the real issue, have fallen upon deaf ears on this side, because they were submitted last November to the high court of public opinion—the American people at the ballot bax—and there ruled and adjudged against him. [Applause on the Democratic side.] We, as the agents of that great court, have naught now to do save to carry its judgment into effect.

Mr. Chairman, it is my purpose, in such remarks as I shall offer, to confine myself in the main to Schedule K, because the pending bill deals only with Schedule K.

It is of course impossible, in discussing any tariff schedule, not to discuss tariff principles, precedents, and policies, and while the questions relating to these things are as old as our Government, and while possibly all that can be said upon them has been said, I shall nevertheless ask indulgence in the course of my remarks to express some views and opinions upon them. For these views I ask no man in any political party save myself to be responsible; but, none the less, I believe that what I shall say is in strict accord with the ancient Democratic faith.

EXISTING CONDITIONS.

We are proposing to revise Schedule K. We are proposing a remedy for certain existing conditions. In order to appreciate

the necessity for a remedy or the wisdom of the remedy proposed, it is necessary to know something of these conditions.

We find that the operation of Schedule K as it is written has been to give to the American woolen manufacturer almost a complete monopoly of the American market and to make this great country almost a hermit nation so far as the woolen industry is concerned.

In the fiscal year 1909—I use that year because it is the only one for which I have the figures as to production—we produced in the United States a total of $419,826,000 of worsted and woolen goods, and a total of all woolen manufactures of $514,732,000. We imported of these goods a total of $18,102,461 and we exported of them to the value only of $1,971,939. In other words, of our total consumption of woolen manufactures in the year 1909 we imported barely 3½ per cent, and we exported less than one-half of 1 per cent of what we produced. These figures tell their own story of the complete control of the American market given to the American manufacturer, the number of whose establishments decreased from 1,221 in 1899 to 913 in 1909.

To particularize a little about this situation: In the year 1909 we imported woolen cloths to the extent of 4,472,635 yards, of the total value of $4,777,447.26; but in the year 1905, the last year for which I could get the figures as to production, we produced 225,514,931 yards of woolen cloth, valued at $142,497,575. As the total woolen manufactures in this country substantially increased from 1905 to 1909 the production of woolen cloths in 1909 must have been in excess of the production of 1905; but taking the figures of 1905 for comparison, we imported in 1909 a little more than 3 per cent of our total consumption of woolen cloths.

Of blankets, in 1909 we imported the insignificant sum of $25,972.72, and we exported blankets and flannels for underwear to the extent only of $46,000. We produced in that year blankets of all kinds, including all wool and cotton mixed, to the value of $10,222,000. Of flannels for underwear, we imported in 1909 to the value of $99,219, while we produced them to the value of $3,464,000; that is to say, of our total consumption of these necessities of life we imported less than 3 per cent.

On dress goods we get the largest revenue coming from any one item in the schedule of woolen manufactures. In 1909 we imported dress goods to the value of $7,019,248.01, and we exported them to the value of $13,786, but we produced them to the value of $89,633,000; so that of our total consumption we imported a little more than 7 per cent.

The total imports of carpets and carpeting in 1909 were valued at $3,748,556 and the exports at $66,653. The value of carpets produced in the United States in 1905—the last year available—was $61,586,433. In 1900 the value was only $48,192,351. Presumably the figures for 1909, when known, will exceed those of 1905, but, on the basis of the 1905 production, we imported but little more than 5 per cent of our consumption.

The full significance of these figures is realized when we compare them with the figures of the other great nations of the world. They demonstrate how under the system now prevailing—which system we to-day are seeking to remedy—we are converting our Nation into a hermit nation, trading and living upon ourselves, with no trade or intercourse with the other nations of the world.

In the year 1909, as against our total importations of woolen manufactures of $18,102,461 and our exports of less than $2,000,000, the United Kingdom imported $47,338,664 and exported $135,404,888. Germany, as against our $18,102,461 of importations, imported $36,797,180, and against our exports of less than $2,000,000 exported $75,139,218. France, as against our exports of less than $2,000,000, exported $53,654,449 and imported $12,106,473.

The only reasonable explanation to be suggested for these remarkable figures is and must be that our woolen manufacturers have found the American market so profitable that they have chosen to monopolize it rather than to do business with the balance of the world. This explanation is made certain when we examine Schedule K and see the enormous advantage there given to the American manufacturer over his foreign competitor. The duties of that schedule are compound duties—specific and ad valorem—including those that are called compensatory; but when we work them all out to an ad valorem basis on the actual importations of last year we find there is revealed that which was concealed, and we know the tremendous advantage given to the American manufacturer. The rate on woolen and worsted cloths is thus shown to be an average ad valorem rate of 97.27 per cent; on blankets, an average of 73.42 per cent; on flannels for underwear, an average of 103.87 per cent; on dress goods, an average of 102.85 per cent; on wearing apparel, an average of 81.31 per cent; on carpets, an average of 60.66 per cent. But these figures, startling as they are, do not reveal the full iniquity of this schedule as it is written. The gentleman from Illinois [Mr. MANN] has talked much of the clothing of the poor people, and yet this law for which he and his party stands sponsor is so arranged that the clothing of the poor is taxed higher than the clothing of the rich. [Applause on the Democratic side.]

When we turn to the item of cloths, for instance, we find a system of dividing cloth into three classes. The most expensive cloth last year had an import unit value of $1.07 and carried an ad valorem rate of 96.02 per cent. The second class of cloth, with an import unit value of between 59 and 60 cents, increased its ad valorem rate from 96.02 per cent to 123.55 per cent, while the third class, the cheapest, with an import unit value of only 35 cents, was and is taxed by the present law an ad valorem rate of 144.05 per cent.

The result of this discrimination against the poor and the poorer classes was that practically all the revenue derived last year from the duties on cloth came from the more expensive cloths. For instance, class 1, valued at more than 70 cents per pound, yielded $5,827,776.89 of revenue. Class 2, valued at less than 70 cents and more than 40 cents a pound, yielded $274,246.50, while class 3, the cheapest, with an enormous rate against it, brought in revenue to the Government but $2,111.

The same thing is true in reference to the item of dress goods. Of these goods weighing over 4 ounces per square yard and valued at not more than 40 cents per pound, the ad valorem rate last year was the prohibitory rate of 154.35 per cent and the importations amounted to but $74; the same fabric valued at more than 40 and not more than 70 cents per pound, the ad valorem rate was reduced to 120.47 per cent and the importations increased to $268,021; the same fabric valued at more than 70 cents per pound had an ad valorem rate reduced to 101.88 per cent and the importations increased to $2,432,597.

Such discriminations as these run throughout the entire law. The rates on the cheaper and less expensive fabrics—the clothing of the poor—are throughout the law made prohibitory, and this class of our people, helpless to protect themselves, are designedly left to the tender mercies of the American Woolen Trust. This is one of the reasons why the American people commissioned the Democratic Party in last November to reduce and revise Schedule K in the interest of the people. [Applause on the Democratic side.]

When we compare Schedule K with all the other schedules of the present law we can understand and appreciate the significance of the statement repeatedly made that Schedule K is the citadel of protection. We find upon further examination of it that the rate on woolen manufactures averaged last year 90.12 per cent, and that this is the highest rate on any manufactured product carried in the entire law, and higher than any article save distilled spirits, which carried an ad valorem last year of 126.12 per cent; and even in this instance of a higher rate, when we take the average rate on "spirits, wines, and malt liquors," the average is only 73.63 per cent, so that Schedule K—the woolen schedule—stands at the top, imposing upon the great necessity of all the people—woolen clothes—the highest taxes that are imposed upon any commodity in the entire Payne-Aldrich law. [Applause on the Democratic side.]

Sugar carries but 52.27 per cent, cotton manufactures but 56.04 per cent, silk but 53.39 per cent, leather but 32.01 per cent, wood manufactures but 11.42 per cent, while manufactured wool is taxed on an average of 90.12 per cent.

Mr. Chairman, it seems to me that Schedule K of the present law, granting, as it does, to the American woolen manufacturer an almost complete monopoly of the market among the 92,000,000 American people, comes near complying, if it does not entirely comply, with the common-law definition of a monopoly. The common-law definition of a monopoly is a right granted by the king or the government whereby the rights, the freedom of others in that same matter are interfered with or restrained. We care nothing for the freedom of the foreign manufacturer that the present law interferes with or restrains, but we do care for the restraint that the present law imposes against the exercise of the inherent and what ought to be the inalienable right of every American citizen to trade where and when and how he pleases. [Applause on the Democratic side.] The present law not only ignores the rights of the American people, but it likewise ignores the rights of the Treasury of the United States, for whose sole benefit the Constitution confers the power to tax. A tax that is prohibitory is not in the interest of the Government, for it yields no revenue.

PROTECTION.

I want now, Mr. Chairman, to say a few words on the subject of protection, about which the gentleman from Illinois has talked so freely and so interestingly.

I deny that the Republican Party invented or discovered protection. The claim to distinction in this regard to which the Republican Party is entitled is that it has abused the principle of protection—a principle that in its origin was designed for a beneficent purpose—and has perverted a great constitutional power from governmental ends to personal and selfish ends. [Applause on the Democratic side.] So far from the Republican Party discovering protection, the first tariff law that was ever written—July 4, 1789—written by the men who framed the Constitution under which we live, in its very first section and its very first words reads:

Whereas it is necessary for the support of the Government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures that duties be laid on the following goods, etc.

Not only that, but every tariff law that has ever been written in the history of this country by every political party has carried protection within its rates. The protection that prior to the Civil War was carried in our tariff laws was, in the main, that protection incident to and inevitable from the levying of revenue duties upon competitive products. The Republican protection of to-day is that which comes from specific law, purposely enacted for protection, with revenue only an incident, and frequently, as in Schedule K, not even an incident.

I know but two ways of avoiding protection in this country. One is to levy no tariff duties whatever and thereby have absolute free trade, raising our revenue by some other method. The other way is to levy all our import duties on noncompetitive products. It is utterly impossible to levy a duty on a competitive product without carrying protection to the similar domestic article to the extent of the duty levied. Let the duty be laid for revenue, but the protection is there none the less. The Democratic Party has never stood for free trade—has never stood for the abolishment of all tariff duties—nor has it ever stood, in platform declaration or in legislation, for duties only upon noncompetitive articles. The Republican Party in one of its platforms some years ago made the declaration that it favored putting on the free list noncompeting articles, but they borrowed that from Andrew Jackson, who, many years ago, in 1830, recommended to the Congress in one of his annual messages that all duties be removed on noncompetitive articles, and cited tea and coffee as two of them.

I do not know that it is worth while to discuss the question as to whether tariff duties should be laid on competitive or noncompetitive articles, because that question is not now before us, but it seems to me that if we confine ourselves to a revenue rate the American consumer has no interest in it, and the only question involved is one of governmental policy. To illustrate: If we put a duty on coffee, none of it being produced in this country, the consumer pays that duty.

If the cultivation of coffee should develop so that we could produce in this country half of what we consume, and continued the same rate of duty, the rate of taxation to the consumer would be identically the same. True, the Government would not collect so much revenue as when our entire consumption of coffee was imported, but if that deficiency in the revenue could be supplied by a revenue duty on some other article the Treasury would not suffer. The fact—if it was a fact—that by reason of the revenue duty American citizens were enabled to produce coffee in this country, and thereby add to the wealth of our products, would not be due to any increase of taxation to the American consumer, for he would be paying the same taxes that he paid when all his coffee was imported. The Democratic policy, as I understand it, is to keep within revenue rates, and so long as this is done it seems to me that the American consumer, as a consumer, is not concerned whether our duties be laid on competitive or on noncompetitive products.

Mr. Chairman, I said a moment ago that the Republican Party did not invent or discover protection. While this is true, the protection for which that party to-day stands is not the protection that was in mind and in practice in the years preceding the Civil War. Henry Clay has often been referred to and described as the father of the present American protective system. He had no thought in his day that the system of protection advocated by him would be permanent, much less be trebled and quadrupled, in the twentieth century. In his great speech in defense of protection made in 1824 he used this language:

Let our arts breathe under the shade of protection, let them be perfected as they are in England, and we shall then be ready, as England is now said to be, to put aside protection and to enter upon the freest exchanges.

[Applause on the Democratic side.]

His followers in this the twentieth century say, contrary to his prediction, that our country needs more protection now than ever before in its history. Andrew Jackson, Mr. Chairman, a few years after the speech of Henry Clay quoted from, in his annual message said:

A tariff of high duties designed for perpetual protection has entered into the minds of but few of our statesmen.

And Robert Toombs, one of the great Senators furnished by the State of Georgia, declared, in a speech in the Senate in 1857, that making protection the object and not the incident of tariff legislation was a principle—

which has never been avowed by any political party or any of the great political men in America.

What Robert Toombs in 1857 said had never been avowed is avowed to-day by the Republican Party, but that speech was made more than 50 years ago.

To me one of the most interesting studies I have made about protection has been the disclosure of the steady growth and enlargement of protection ideals in the Republican Party since its organization just before the Civil War. As late as 1876 that party, in its platform, said this about the tariff:

The revenues must be largely derived from the duties upon importations, which, so far as possible, should be adjusted to promote the interests of American labor and advance the prosperity of the whole country.

That was a very modest declaration compared with those of later years. In 1884 the Republican Party declared that the tariff should—

not be "for revenue only," but that in raising the requisite revenues for the Government such duties shall be so levied as to afford security to our diversified industries and protection to the rights and wages of the laborer.

We find from looking through the declarations of the Republican Party for a series of years that although the idea of protection in the early days was only to foster "infant industries," that along in the eighties the Republican Party shifted from the plea of "infant industries" to the plea of protection for "labor." We find the next shift was from cost of "labor" to cost of "production." It was not until 1904 that the Republican Party made its most distinct advance on protection lines. In 1904 in their platform they struck out the word "labor" and substituted the word "production," and said they demanded the equalization of the cost of "production" at home and abroad. That word "production"—the phrase "cost of production"—what do they mean? Extravagant production? Yes; its language is broad enough for that. Exorbitant incomes to the men who manufacture? Yes; the language is broad enough for that. Carried to its logical conclusion the language used is broad enough to give us a tariff without limit or bounds. But not satisfied with that declaration the Republican Party progressed still further, and in 1908 announced in its platform for the first time in all the history of that party or of any other political party the true principle of protection to be as follows:

In all tariff legislation the true principle of protection is best maintained by the imposition of such duties as will equal the difference between the cost of production at home and abroad, together with a reasonable profit to American industries.

Sometimes I think, in looking over this record, that those of our Republican friends who, as I understand it, flock to themselves under the title of "progressives" have given themselves the wrong name, or else they have lost sight of the wonderful "progressiveness" of the "stand-pat" Republicans in tariff legislation. [Applause on the Democratic side.] I submit that never in the history of this Republic has there been anything so monstrous in the way of a political principle as the declaration that this great Government shall guarantee "profits" to any man [applause on the Democratic side], and least of all that it shall single out one class alone to whom this guaranty shall be given. The laborer going out to his day's work to earn his $1 or his $2 has no guaranty of any reasonable profit to him when the cost of his tools and his living has been paid. The farmer toiling through heat and cold has no guaranty that the sunshine and the rains will come in time and in order to insure him a profitable harvest. The merchant embarking upon the sea of business has no guaranty from the Government that he will succeed and have reasonable profits at the end of the year. But under the creed of the Republican Party, in its latest avowal, the manufacturing classes, the favorites of its policy, are given the guaranty of reasonable profits, and, more than that, the manufacturers are left to determine for themselves when the profits are reasonable, for they dictate the rates that are put into the law. This guaranty of reasonable profits is not paternalism—bad as paternalism is—because the Government, under this declaration, does not propose to make these profits good by taking the money out of the Treasury and turning it over to the manufacturers. That would be paternalism. This proposition is to convert the great taxing power of the Government into an instrument whereby money is permitted to be collected by one class out of all classes in

order that the one class may have reasonable profits in the conduct of its business. [Applause on the Democratic side.]

Gentlemen like my good friend from Illinois [Mr. MANN] can not divert the issue that is presented by the pending bill by any discussion of rates or by any discussion of what is proposed to be permanent or temporary in our legislation. The pending bill joins issue with the Republican Party not simply upon rates of taxation, but upon the method of laying and collecting taxes. The issue is made between tariff rates levied for protection, which rates are prohibitory, and tariff rates levied for revenue and which are competitive. Upon the issue thus joined we are content to submit to the judgment of the patriotic people of the United States.

The Constitution empowers Congress to "lay and collect" taxes for the payment of debts, to provide for the common defense, and for the general welfare. The pending bill proposes that the Government shall lay, and that the Government shall collect, the taxes laid for these constitutional purposes. The present law proposes and in practice is that the Government lays the taxes, but that the manufacturer collects them. Our bill is a whole and complete exercise of the constitutional power to lay and collect taxes, while the present law exercises a doubtful constitutional power of simply laying taxes. Certain it is that the debts can not be paid nor the common defense nor public welfare be provided for unless the taxes laid are also collected by the Government.

AD VALOREM DUTIES.

The first thing, Mr. Chairman, that the pending bill does is to abolish specific and substitute therefor ad valorem duties. Many speeches have been made and many arguments have been written on the comparative merits of taxation by specific duties and taxation by ad valorem duties. The strongest argument that has been advanced in favor of specific duties is that a law laying specific duties is easier of enforcement by the administrative officers, and that there is less danger of defrauding the Government by undervaluations.

That contention, however sound and meritorious it may be, is not involved by our bill, because while we propose only ad valorem duties, the present law also imposes ad valorem duties in connection with specific duties. It is just as easy, and easier, to enforce a law with only ad valorem duties as it is to enforce a law with both specific and ad valorem duties. [Applause on the Democratic side.] The real argument that is made in favor of specific duties by our friends upon the other side is that the specific duty grants protection when protection is most needed, while under the ad valorem system the lower the price of the article and the more protection is needed the lower is the protection. The fact that ad valorem duties have this effect is, in my judgment, one of the strong arguments in their favor. If an article is worth $1—one class of it—and has a specific duty of 50 cents on it, the rate is 50 per cent, but if by reason of world changes in value that article drops in value from $1 to 50 cents, the specific duty remaining at 50 cents, the duty becomes 100 per cent. If the article drops in value to 25 cents, the duty is 200 per cent. So that, regardless of the fluctuations in price, regardless of the low price at which labor must be sold in times when products are valued low, the specific duty maintains the enormous expense of living, the enormous cost to the laborer and all other classes of the necessities of life, and deprives the people of the benefit of a world-wide reduction in value of the things they are compelled to buy, while at the same time leaving them to sell their labor and their products at the world's reduced prices.

Under the ad valorem system the duty follows the price. When the price advances, the duty is greater. When the price reduces, the duty does the same. But to my mind the great objection, the fundamental objection to specific duties, is that specific duties ever and always tax highest the necessities of the poorer classes. Here, for instance, is an article made up in different values. It is the same article. In one style it is worth a dollar, in another style it is worth 50 cents, in another style it is worth a quarter, or maybe 10 cents; and yet under the system of specific duties, the 25-cent article pays the same tax that the $1 article pays. The great virtue of the system of ad valorem duties is that it equalizes taxation.

But the equalization of taxation is not the only thing that the substitution of ad valorem duties for specific duties does. The present law, compounding specific and ad valorem duties as it does, is so framed that I doubt if there is a gentleman within the sound of my voice who knows from reading it what the rate of taxation is that he pays on the coat he is now wearing. Take a rate on cloth, say 44 cents a pound and 55 per cent ad valorem. How much is that per yard? See the classification further. If the cloth is worth between 40 and 70 cents a pound, the duty is 44 cents per pound and 50 per cent ad valorem. If it is worth over 70 cents a pound, the duty is 44 cents per pound and 55 per cent ad valorem. How many of you buy clothing by the pound? I challenge any gentleman within the sound of my voice to know what the actual rate of duty is that Schedule K imposes upon the clothing he now wears.

It has long been known, Mr. Chairman, that the collection of the revenues for the support of the Government by the levy of import duties was desirable, because the people found it an easy way to pay taxes. We pay taxes now when we buy for use and consumption, and we see no taxgatherer among us. Oftentimes we do not realize or know that we are paying taxes, and rarely ever how much we are paying. Our friends on the other side have aggravated this condition by so covering up the taxes they elect we shall pay and so concealing the high protection in the rates fixed by them that those of us who are really of an inquiring turn of mind and intelligent, and who would like to know how much taxes we are paying, can not find out except by the help of Government experts. Mr. Chairman, do you suppose or believe, if there had been brought into this House a bill providing in terms that the duty on the dress goods of those same children that my friend from Illinois [Mr. MANN] seemed so interested in should be 107 per cent, that he or any of his Republican colleagues would have dared to vote for it? They know this country would have scourged them from power had they done so. Yet they wanted the rate to be 107 per cent. They wanted those same children in the United States for every dollar of cost of production abroad to pay an additional $1.07 for their dresses, and so they did by indirection what they dared not do by direction. They fixed the law to read "so much per pound and so much per cent ad valorem," and nobody knew and nobody could tell how much the tax was nor how great the protection that was thereby afforded. Mr. Chairman, the pending bill makes the rate of taxation plain, and if it did no more than to wipe out the present compound rates of specifics and ad valorems and to make the rate and method of taxation so plain and simple that every man, woman, and child can know how much tax he is paying the bill would deserve the plaudits and approval of the American people. [Applause on the Democratic side.]

COMPENSATORY DUTIES.

The next thing the pending bill does is to strike out the iniquitous compensatory duties that are the leading feature of Schedule K. Schedule K is made up on the theory that the duty on first-class raw wool being 11 cents a pound, and it taking 4 pounds of raw wool to make a pound of cloth, the manufacturer shall be compensated for the duty he pays on the raw wool by what is called a compensatory duty of 44 cents per pound on his manufactured product, which is given him in addition to an ad valorem duty for protection.

Much has been written and said about an alleged coalition between the sheep grower and the manufacturer, in order that each might obtain high protection. The manufacturer, in my opinion, is in favor of a duty on raw wool only for two reasons. In the first place, in so far as that duty gives him the support and backing of the woolgrowers of the United States for the protection he wants on his finished product, he favors it. But more than that, he favors it because this 44 cents a pound alleged compensatory duty is largely not compensation, but protection to him.

To begin with, there is no warrant for the claim that it takes 4 pounds of raw wool to make a pound of cloth, and to the extent that it does not take that much the compensatory duty is protection.

In Senate Document No. 440, Sixty-first Congress, second session, on "Tariff on wool and wool goods," submitted by Senator WARREN, who can not be charged with being indifferent to the interests of the woolgrower or the wool manufacturer, the following table, showing the shrinkage in imported wools for the year ending June 30, 1909, is given:

First-class wool, according to this report, shrinks 42 per cent; second-class, 30 per cent; third-class, 34 per cent; and domestic wool, 60 per cent.

Under this table, showing the actual shrinkage, 100 pounds of first-class wool will yield 58 pounds of scoured wool. Assuming that scoured wool loses 25 per cent in the process of manufacture, we have a deduction of 14.5 pounds, leaving net 43.5 pounds. The compensatory duty is on the theory that there will be but 25 pounds of finished product. Instead, therefore, of a ratio of 4 to 1, as the laws say, the ratio is $2\frac{6}{17}$ to 1.

By the same calculation 100 pounds of domestic wool will yield 30 pounds net of manufactured products. And so, if any gentleman will take the time to work it out, he will see that the manufacturer gets a large part of this so-called compensatory duty as pure unadulterated protection.

But that is not the real iniquity, and by no means all the iniquity, of this same compensatory duty, because the law is so framed and construed and enforced that the manufacturer gets this 44 cents a pound compensatory duty even though his so-called pound of manufactured wool has not one-tenth of a pound of wool in it. If his product contains any wool, he collects the compensatory duty upon the theory that the entire product is of wool. This is one of the most glaring outrages in the entire schedule. I recall well, over at the other end of the Capitol, when this very law was being considered, that gifted son of Iowa, late our colleague in this House, Mr. Dolliver, whose untimely end we all mourn, made a strong appeal that this compensatory duty should at least be limited to the amount of wool actually in the product upon which the compensatory duty was asked. [Applause on the Democratic side.] His plea was spurned, and the manufacturer given the unwarranted and unjust protection that he asked for.

Mr. CLINE. Mr. Chairman, will the gentleman yield?

Mr. BRANTLEY. Certainly.

Mr. CLINE. I should like to inquire if there is not another element of protection there to the manufacturer that arises out of the by-product in the preparation of the scoured wool for actual use, which he gets in addition to the 44 cents?

Mr. BRANTLEY. An enormous advantage and profit, and I thank the gentleman for calling my attention to it. It is estimated generally, I believe, that in the process of manufacturing a pound of scoured wool there is a waste of 25 per cent, but that waste is in itself a product that has value, and upon that the manufacturer gets his protection as well as the value of the waste—a further advantage under this compensatory system.

OUR PROCEDURE.

Now, Mr. Chairman, in fixing our rates in this bill we have borne in mind that the instructions of the Democratic Party in its last platform were that we should make "substantial" reductions in all the necessaries of life, and "gradual" reductions in all other schedules, looking to a revenue basis, and so we have cut the present average rate of 90.12 per cent on manufactured wool down to a little more than an average of 42 per cent ad valorem, and we have cut the average rate of 44.18 per cent now existing on raw wool down to a flat 20 per cent ad valorem.

We have endeavored to alleviate existing conditions to the extent of making the reductions we have made. Whether the figures we have named prove in practical operation to be too low or too high is a matter of detail that can only be determined by putting them into actual operation. The real reform we contemplate is not confined merely to the reduction of the enormous rates of duty now existing, but to the revision of the entire system of collecting those duties.

We were compelled to rely and did rely upon the estimates of our experts and the governmental experts that the figures named by us would yield approximately on manufactured wool and raw wool as embraced in Schedule K $40,000,000. We felt that Schedule K, as we framed it, should realize that much money in order to provide sufficient revenue for the Government. We know from practical experience that last year under the present enormously high rates, with a population of 92,000,000 people, Schedule K on manufactured woolen products yielded but $20,775,820.76, while in 1896, with a population of perhaps 75,000,000 people and under the very low rates of the Wilson law, manufactured goods under Schedule K yielded that year a revenue of $23,121,474—$3,000,000 more than the Payne law yielded last year. We therefore know that lower duties than now exist will increase the revenue.

We have not been unmindful of the interests of all parties affected by tariff legislation. We have no war to wage against any legitimate industry. We wish to encourage them all. In the matter of labor cost, I think that is taken care of in the rate fixed by us on manufactured products. I do not know of anyone who can speak authoritatively and positively and certainly as to what the labor cost is. The gentlemen who are chiefly interested, as they say, in protecting this labor cost furnish us the least information about it. I read from the hearings before the Ways and Means Committee of two years ago the statement of Mr. William Whitman, president of the National Association of Woolen Manufacturers, on labor cost, as follows:

> We should have been glad to have furnished you with information relating to the comparative cost of production of woolen goods in foreign countries and the United States, but that is unobtainable.

But we are not left entirely in the dark as to what this labor cost is, because in a report made by the Labor Commissioner, Mr. Carroll D. Wright, in May, 1892, he states the labor cost of producing woolen fabrics in the United States to be 20.89 per cent of the total cost of production.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. UNDERWOOD. I yield the gentleman such further time as he desires.

Mr. BRANTLEY. In England the testimony before the British Tariff Commission in 1905 shows that the labor cost of producing woolen fabrics ranges from 14 to 24 per cent of the total cost. If we take the lowest English cost, 14 per cent, and deduct it from the American cost of 20.89 per cent, we have a net difference of labor cost of less than 15 per cent. If we take the highest English cost, we have a lower labor cost in this country than in England. If we take an average or a medium between 14 and 24 per cent—say, 19 per cent—we have a net difference in labor cost of less than 2 per cent. If we assume, Mr. Chairman, that labor in England does not cost anything, we have still only the American labor cost of a little more than 20 per cent to provide for, while the pending bill affords a net rate for the manufacturer—deducting the per cent of duty that he pays on his raw material—of between 30 and 35 per cent. [Applause on the Democratic side.]

So, that under any authentic estimate that has been made of the difference in labor cost in this country and abroad, the pending bill is more than ample to cover. The rates fixed in the bill we believed to be necessary, according to the best information we could obtain, to provide the needed revenue for the Government. We designed them to be not only revenue rates, but also competitive rates, and there we draw the line between our policy and the Republican policy. There we join issue with them in favor of competitive rates as against prohibitory rates.

The chief beneficiary under Schedule K as written, the American Woolen Manufacturers Association said through its president, Mr. Whitman, in his testimony before the Ways and Means Committee two years ago, that notwithstanding the enormous rates given to woolen manufactures—running from 100 to 150 and 200 per cent on the foreign cost—that this business was not protected, and that the then existing law—the Dingley law—was not a protective law and could not be protective unless all importations were forbidden. The present law adopted Schedule K of the Dingley law, so that his criticism applies also to the Payne-Aldrich law, and we thus have a clear Republican definition of what is meant by a protective tariff.

We draw the line against Mr. Whitman's idea and this Republican policy of protection. We fix rates that we believe will be competitive, that will be fair to the American manufacturer, that will allow him to compete in this market upon equal terms, the foreigner having no advantage over him by reason of cheaper labor cost, and we let him win and hold this market by the superiority and excellence of his productions. [Applause on the Democratic side.]

PROTECTION IN THE BILL.

Mr. Chairman, for my own part I do not deny, nor attempt to deny, that the rates fixed in our bill carry protection. In the first place, we were not called upon under our party platform to wipe out all protection. We realize that we can not in this country go at one jump from one extreme of high protection to the other extreme of strictly a tariff for revenue without upsetting business, producing disaster, and causing serious financial troubles, and so what we have undertaken to do has not been to wipe out all protection, has not been to abolish all tariff duties, has not been to go to free trade, but simply to make substantial reductions from existing rates, and that our bill does. [Applause on the Democratic side.]

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman permit a question?

Mr. BRANTLEY. Certainly.

Mr. MOORE of Pennsylvania. The gentleman's reasoning is clear and lucid, and is extremely interesting. I have endeavored to follow him as to the labor cost and would like to ask him if he has looked at this question from the viewpoint of the worker in the industry affected rather than from the viewpoint of the man criticizing the manufacturer? In other words, the gentleman admits, as I understand, that the labor cost is less in foreign countries than it is here.

He differs with gentlemen upon this side as to the percentage of difference. I think it is higher in favor of the foreign manufacturer than the gentleman thinks it is. I ask the gentleman whether this reduction of duty will not, by reason of foreign competition, depress the employment of the man in the mill and bring about that very period of disaster to which the gentleman has referred?

Mr. BRANTLEY. Mr. Chairman, I have stated that in framing our bill we have endeavored to take into view and consideration all interests to be affected by our proposed legislation. In my judgment, when lawmakers come to write a tariff law affecting a given manufacture, where the raw material of

that manufacture is produced in this country and is itself a large industry, they have four factors to take into consideration in fixing the rate of taxation. They must consider, first and primarily, the Government of the United States and its need for revenue. They must consider, second, the consumers of this country and see to it that they are not unduly burdened and oppressed by taxation. They must consider, third, the producer of the manufactured product and his labor and employees. And they must also consider, fourth, the producer of the raw material and his labor and employees. We have undertaken in framing this bill to consider all the interests involved, and to fix rates that, in the light of all the information we had, seemingly to us take care of all interests.

Mr. MOORE of Pennsylvania. May I ask the gentleman another question?

Mr. BRANTLEY. Certainly.

Mr. MOORE of Pennsylvania. Assuming that these figures are accurate, does not the gentleman think it would be disastrous to at least a portion of the country, and to that extent to the whole of the country, if the wages of a wool sorter in the United States, being $15.50, were put in competition with the wages of a wool sorter in Germany, who receives $3.75 for the same amount of work for the same number of hours of employment? Would not that be disastrous to industry in this country?

Mr. BRANTLEY. Mr. Chairman, that is an irrelevant question because we have no facts to sustain it. Of course, there is not a true American citizen—there is not an American Congressman whatever his party—who does not at all times stand for America and the American people, including, of course, American labor, and we of the Democratic Party have not forgotten American rights in the rates we have fixed in this bill. [Applause on the Democratic side.] We are protesting against the unjust taxation of the very laborer that my friend is inquiring about.

Mr. MOORE of Pennsylvania. I direct the gentleman's attention to the fact that it is that laborer who in the last analysis will be affected. Earning the wages I have indicated, our workmen could not stand in competition with those who obtain the lower wage in foreign countries.

Mr. BRANTLEY. Oh, my good friend has put up a man of straw to knock down. There is nothing I have said that makes his inquiry or suggestion at all relevant. Now, Mr. Chairman, I said we attempted to make our rates in this bill competitive, and also that I made no denial of the fact that there is some protection in the bill. Our party platform, as I have said, did not command us to write out all the protection in the present law at one time. But, in addition to that reason for the protection in the bill, I said some moments ago that you could not impose a tax or duty on a competitive article, I care not how low or how strictly you impose it for revenue, that is not in and of itself a protective rate to the domestic article of like kind. I can not state that proposition any stronger or so strongly or so clearly as it was stated by President James K. Polk in his message to the American Congress that framed the Democratic Walker tariff of 1846. He used this language:

> If Congress levy a duty for revenue of 1 per cent on a given article, it will produce a given amount of money to the Treasury, and will incidentally and necessarily afford protection or advantage to the amount of 1 per cent to the home manufacturer of a similar or like article over the importer. If the duty be raised to 10 per cent, it will produce a greater amount of money and afford greater protection. If it be still raised to 20, 25, or 30 per cent, and if, as it is raised, the revenue derived from it is found to be increased, the protection or advantage will also increased, but if it be raised to 31 per cent and it is found that the revenue produced at that rate is less than at 30 per cent, it ceases to be a revenue duty. The precise point in the ascending scale of duties at which it is ascertained from experience that the revenue is greatest is the maximum rate of duty which can be laid for the bona fide purpose of collecting money for the support of government. To raise the duties higher than that point and thereby diminish the amount of money collected is to levy them for protection merely and not for revenue.

Now, Mr. Chairman, the difference between our bill and the present Payne law is that we have written our rates for the purpose of revenue and purposely made them competitive, while the rates of the present law were written primarily for protection and are purposely made prohibitory.

Further, Mr. Chairman, President Andrew Jackson, in his fourth annual message, urged that—

> the whole scheme of tariff duties be reduced to a revenue standard as soon as a just regard to the faith of the Government and to the preservation of the large capital invested in establishments of domestic industry will permit.

This is the identical view expressed in our last Democratic platform. The declaration there is to reduce all tariff rates to a revenue basis, making our reductions to this end substantial and gradual, thereby showing regard for existing conditions. President Jackson, who believed in a tariff for revenue, also said:

> The general rule to be applied in graduating duties upon articles of foreign growth or manufacture is that which will place our own in fair competition with those of other countries, and the inducements to advance even a step beyond this point are controlling in regard to those articles which are of primary necessity in time of war.

He thought, as we think, that the rate should be competitive, and the rule he laid down is the rule we have followed.

DEMOCRACY AND LABOR.

Mr. Chairman, I do not think it necessary for me to consume the time of the House to demonstrate that the Democratic Party from time immemorial has regarded and stood upon the proposition that in all tariff legislation American labor must be provided for. In our platform of 1884, for instance, we declared for a reduction of the rate of taxation, and said:

> The necessary reduction can and must be effected without depriving American labor of the ability to compete successfully with foreign labor, and without imposing lower rates of duty than will be ample to cover any increased cost of production which may exist in consequence of the higher rate of wages prevailing in this country.

The party made the same declaration in the platform of 1888, and then favored a fair and careful revision of our tax laws, "with due allowances for the differences between the wages of American and foreign labor."

Mr. Chairman, it seems to me that the contention of our friends upon the other side that the American manufacturer in this the twentieth century, with all our progress in arts and sciences, with all the advanced civilization we enjoy, with all our wonderful inventions and labor-saving devices, can not live unless we give him 100 per cent advantage over his foreign competitor can not be maintained. To maintain it is to reflect upon our skill, our intelligence, and our industry, and it seems to me is to give the lie to all our boasted superiority over all the nations of the world. [Applause on the Democratic side.]

DOLEFUL PREDICTIONS.

Mr. Chairman, our friends upon the other side in their minority views have indulged in some doleful and gloomy forebodings as to the effect of our bill, if it becomes a law. They tell us that if this bill becomes a law all the woolen mills will close and all the shepherds will turn out their flocks to die, and that the bill will bring ruin and disaster upon the entire country. I see my good friend from Pennsylvania [Mr. DALZELL] before me. I believe his name appears to these gloomy and direful predictions in the views of the minority of the committee. I would suggest to him and to the others that back yonder in 1846, when the Democratic Walker tariff bill was being enacted into law, there was then present in this House another gentleman from Pennsylvania, Mr. Alexander Stewart. He, too, had gloomy and direful forebodings as to the result of the operations of the Democratic Walker tariff. He put his into the form of an amendment to the bill. He proposed to amend the title of the Walker tariff so that it would read:

> A bill to reduce the duties on the luxuries of the rich and increase them on the necessaries of the poor; to bankrupt the Treasury, strike down American farmers, mechanics, and workingmen; to make way for the products of foreign agriculture and foreign labor; to destroy American competition, and thereby establish a foreign monopoly in the American market, and by adopting the principle of "free trade" to reduce the now prosperous labor of this country to the degraded level of the pauper labor of Europe; and, finally, to destroy the property and independence of these United States and again reduce them to the condition of colonies and dependencies of Great Britain.

Mr. Chairman, it would seem our friends of to-day are not even original in the forebodings in which they indulge. Let us see what followed the forebodings which were indulged in in 1846, when the Walker tariff was being considered. In the first place, it was enacted into law and lived for 11 years. But one other tariff law in all the history of this country lived any longer, and that was the Dingley law, that lived for 12 years. What was the effect of the Walker tariff? Listen to these figures. In the decade from 1820 to 1830 the wealth of this country increased 41 per cent. In the decade from 1830 to 1840 the wealth of this country increased 42 per cent. In the decade from 1850 to 1860, during the operation of the Walker tariff, the increase in wealth reached the astounding percentage of 126.45 per cent. [Applause on the Democratic side.]

Mr. CANNON. Will the gentleman yield right there?

Mr. BRANTLEY. With pleasure.

Mr. CANNON. Will the gentleman tell us that, after we have lived as we have from 1860 to the present time, the wealth of the United States has increased from $1,600,000,000 in 1860 to $125,000,000,000 in 1910?

Mr. BRANTLEY. Mr. Chairman, I have not the figures before me, but if my friend states that those are the figures, I am not prepared to take issue with him. He can incorporate them into his speech.

Mr. CANNON. But I wanted to get them in at this point.

Mr. BRANTLEY. Unfortunately, I have not the figures before me.

Mr. CANNON. But I state that that is so.

Mr. BRANTLEY. Mr. Chairman, we all rejoice at the growth of our country from 1860 until now, whatever that growth may be; but however great it is, the fact still remains that under the operation of the Walker tariff, which gentlemen at that time said would ruin and destroy this country, the wealth of the country in 10 years' time under its beneficent operation increased more than 126 per cent.

All classes and all business thrived under that tariff. During this decade, from 1850 to 1860, agricultural products increased 95 per cent and manufactured products 87 per cent. That tariff law carried a duty of 30 per cent ad valorem on raw and on manufactured wool, and under its operation the number of sheep increased from 21,723,220 to 24,823,371, and the production of wool increased from 52,516,950 pounds to 60,511,343 pounds.

If we are given the opportunity by enough votes at the other end of the Capitol, followed by approval at the White House, to put our bill into operation, we doubt not that the same happy and beneficent result that followed the operation of the Walker tariff will follow the operation of the pending bill. [Applause on the Democratic side.]

RAW MATERIAL.

Mr. Chairman, just a few words in reference to the duty on raw wool. The pending bill proposes a duty of 20 per cent on raw wool. Personally, I believe that raw wool should be taxed so long as manufactured wool is taxed. That is my individual opinion. I do not mean or undertake to say that all the gentlemen who agree with me in voting for this tax at this time agree on the principle that raw wool should always be taxed. The condition that confronted us to begin with was that we must raise approximately $40,000,000 from the wool schedule. We could not raise that amount of money on manufactured wool without imposing a duty that would be entirely too high, and we found that when we reached the maximum revenue rate to go higher would reduce importations, and consequently the revenue; and so this duty of 20 per cent ad valorem on raw wool was incorporated in the bill.

For my own part, I have no apology to make for it. I believe it ought to be there, so long as the duty is there on the manufactured product. So far as Democratic precedents are concerned, there are precedents for free wool and there are precedents for a tax on raw wool.

I take no issue with and have no criticism of those brave and loyal Democrats who, acting wtih the lights they had before them in the eighties and in the nineties, felt that the wise thing at that time to do was to make raw wool free. They dealt with the emergency that confronted them. They met the responsibility that they assumed in the way that to them seemed best. We to-day meet the emergency that confronts us, and carry the responsibility that is ours in the way that to us seems wisest and best.

The question is one of taxation, and if the revenue is needed, the tax should be levied. I do not lay down any rule that raw material at all times, in all cases, ought to be taxed. The only extent to which I go is to protest against the opposite rule, that raw material at all times and under all conditions must be free. If left to me, I would sometimes tax raw materials, and sometimes I would not tax them. But when the finished product bears a tax, and the raw material from which it is made is itself the result of an established industry in our country, I do not see how we can escape the duty of imposing a tax upon the raw material also. Otherwise we must face the charge of enacting a discriminatory law.

Every man knows that free raw material is protection to the manufacturer. I know some wise gentlemen say it is not protection, that it is merely the removal of a restriction that puts the manufacturer on an equality with manufacturers abroad, or that it is the removal of a restriction that enables the manufacturer to get his raw material more cheaply. I do not think it makes any difference to the manufacturer whether we call it "protection" or whether we call it "the removal of a restriction." It is dollars in his pocket to have his raw material free, and the name given the dollars does not affect their purchasing power.

For myself, I do not possess the ability to go before the producer of raw material—the woolgrower, for instance—and convince him that a law requiring him to sell his wool at free-trade prices to the manufacturer only to buy the same raw wool back in its manufactured state, with its value arbitrarily increased 25 or 30 or 40 per cent by a tariff tax, is a just and fair law to him. If I undertook to tell him that the tax on the manufactured wool was levied in order to get revenue, he would be apt to tell me that I could also raise revenue by taxing raw wool. Raw wool yielded more revenue last year than did manufactured wool. Raw wool throughout the history of our Government has ever been a splendid revenue producer.

If the argument is made that capital and labor are invested in the manufacture of wool and that such manufactures ought to be fostered, what answer is made to the reply that capital and labor are also invested in wool growing, and that without wool the factories are worthless? Is not the laborer who tends the flock and shears the sheep entitled to the same consideration as the laborer in the factory? For my own part I do not know of any reason why there should be a discrimination between the laborer in one industry and the laborer in another industry. [Applause.] I undertake to say that where there is a manufactured product, the production of the raw material of which is in itself an industry in this country, if the necessity exists to tax the manufactured product, the same necessity exists to tax the raw material.

I said a few moments ago, in answer to the gentleman from Pennsylvania [Mr. MOORE], that where that state of affairs exists there are four factors to consider in fixing the rate of duty. They are (1) the Treasury; (2) the consumer; (3) the manufacturer; and (4) the producer of the raw material.

If, upon the contrary, we have a manufactured product in this country, as in the case of rubber, where the crude rubber is not produced in this country, then we have but three factors to consider—the Treasury, the consumer, and the manufacturer. In that case it is merely a question as to where we can get the most revenue, and whether it is better to reduce the rate on the manufacturer's article and thereby increase the revenue or whether it is better to let the rate on the manufactured article remain the same and tax the manufacturer by putting the duty on his raw material. The question is one of revenue and of policy.

My own theory is, as I have endeavored to state it, that where the article is competitive the rate must necessarily be protective, whatever the amount, and that fact I can not overlook in considering the producer of the raw material. I would not lay a rate except for the purpose of revenue; but in the case of wool, being compelled to raise revenue from Schedule K in order to support the Government, I would first estimate, as we did, the total amount of revenue that should be raised, and then I would raise that revenue by revenue rates, apportioned between the raw material and the finished product, so that the consumer would not be overtaxed, the Treasury would have the revenue it needed, and, as President Polk expressed it, whatever advantage resulted from the levy of the revenue tax would be apportioned between the manufacturer and the producer of the raw material. I do not know any other method or way by which justice and equality can be done.

If called upon to-day to define raw material, I would not know how to do it. If gentlemen say that raw material must be free, they should go one step further and tell us what is raw material. In this woolen industry the greasy wool is the raw material of the comber, but it is the finished product of the woolgrower. The tops are the finished product of the comber, but are the raw material of the yarn mill. When the yarn mill converts the tops into yarn, the yarn is its finished product, but it is the raw material of the weaver. When the weaver converts the yarn into cloth, that is his finished product, but it is the raw material of the tailor, the dressmaker, and the clothing manufacturer. If we lay down a hard and fast rule that raw material must be free, then it seems to me that in Schedule K the only item we should tax would be the ready-made suit of clothes.

Mr. Chairman, taxation should be fairly distributed so that its burdens will be borne equally. To make raw wool free while taxing manufactured wool is not for revenue, for it raises no revenue. It is for protection alone to the manufacturer and makes the burden of taxation unequal. The views I express are not new. They did not originate with me. They are as old as the Democratic Party itself, and have time and again been declared. James K. Polk, who sent the message to the Congress that framed the Walker tariff law, declared in that message that—

> Care should be taken that all the great interests of the country, including manufactures, agriculture, commerce, navigation, and the mechanical arts, should, so far as may be practicable, derive equal advantages from the incidental protection which a just system of revenue duties may afford.

He also said:

> The terms "protection to domestic industry" are of popular import, but they should apply under a just system to all the various branches of industry in our country. The farmer or planter who toils yearly in his fields is engaged in "domestic industry," and is as much entitled to have his labor "protected" as the manufacturer, the man of

commerce, the navigator, or the mechanic who are engaged also in "domestic industry" in their different pursuits. The joint labors of all these classes constitute in the aggregate the "domestic industry" of the nation, and they are equally entitled to the nation's "protection."

Robert J. Walker, whose famous report was responsible for the writing of the Walker tariff, complained of the then existing tariff law of 1842 that:

It discriminates in favor of the manufacturer and against agriculture by imposing many higher duties upon the manufactured fabric than upon the agricultural product out of which it is made.

The Democratic tariff of 1846 put a 30 per cent ad valorem duty on raw wool. Every tariff law enacted by the Democratic Party from 1816 until that time imposed a duty on raw wool.

President Andrew Jackson, in dealing with the subject of the tariff in his message of 1829, said:

The agricultural interest of our country is so essentially connected with every other, and is so superior in importance to them all, that it is scarcely necessary to invite to it your attention. It is principally as manufactures and commerce tend to increase the value of agricultural productions and to extend their application to the wants and comforts of society that they deserve the fostering care of government.

In this same message he also said:

Looking forward to the period not far distant when a sinking fund will no longer be required, the duties on those articles of importation which can not come in competition with our own productions are the first that should engage the attention of Congress in the modification of the tariff; of these tea and coffee are the most important.

Mr. Chairman, even that celebrated so-called free-trade memorial of Albert Gallatin, prepared in 1831, demanded not free trade, but such a modification of the tariff—

as shall be consistent with the purposes of revenue and equal in its operation on the different parts of the United States, and on the various interests of the same.

In reference to wool, the language of this report was not for free wool, but that—

The duties on wool as well as on the manufactures of wool should be considerably reduced.

Wool could not be free and manufactured wool taxed and the tariff be equal in its operations on the various interests of the country.

The Democratic platform of 1896 said:

We hold that tariff duties should be levied for purposes of revenue, such duties to be so adjusted as to operate equally throughout the country, and not discriminate between class or section, and that taxation should be limited by the needs of the Government honestly and economicaly administered.

The pending bill contains rates limited by the needs of the Government, and by taxing both raw and manufactured wool they are so adjusted as to operate equally and not to discriminate between classes or sections.

The Democratic platform of 1904 declared for a tariff—

so levied as not to discriminate against any industry, class, or section, to the end that the burdens of taxation shall be distributed as equally as possible.

And further declared that in a revision and gradual reduction of the tariff we should keep in view "equality of burdens and equality of opportunities." [Applause on the Democratic side.] This bill is framed upon that sound Democratic principle.

The pending bill proposes to raise about $13,000,000 annually on raw wool. That money must be raised by taxing something. If we do not raise it on raw wool, we save the people nothing in the way of taxation, for we must tax them on something else they use in order to raise it. The Government can not live unless the people are taxed. To remit the duty on raw wool does not mean any substantial reduction of the rate on manufactured wool, for that rate has already been fixed at what we believe to be the rate necessary to raise the needed revenue from that source. The practical effect, therefore, of making raw wool free would be to donate to the American wool manufacturers the $13,000,000 that this bill says should go not to him but to the Treasury of our Government.

THE RAW-WOOL INDUSTRY.

I can not forego saying something in reference to the woolen industry of the world, because there can be no intelligent consideration of Schedule K without a knowledge of the condition of the world's wool industry.

Mr. LONGWORTH. Will the gentleman permit a question?

Mr. BRANTLEY. Certainly.

Mr. LONGWORTH. Before the gentleman leaves entirely his discussion of the taxation of raw materials, to which I have listened with a great deal of interest, I want to know if I understand the gentleman's position. Is it his position that wherever a tax is placed on any manufactured article there should always be a tax on the raw material which goes into it?

Mr. BRANTLEY. The gentleman did not understand me. I said that wherever a tax was placed on a manufactured product and the raw material out of which the manufactured product was made was a large industry in this country, if the manufactured product was taxed, I thought the raw material should also be taxed.

Mr. LONGWORTH. I would like to know whether the logic of the gentleman's position would lead him to say that wherever a tax was placed on raw material there should always be a tax on the manufactured article?

Mr. BRANTLEY. I should think so, undoubtedly.

Now, Mr. Chairman, that reminds we that something has been said here about crude rubber. I understand there was imported last year something over $90,000,000 in value of crude rubber, and it came in free. The duty on manufactured rubber was for some reason, I do not know what, increased in the present law from 30 to 35 per cent. The total schedule on manufactured rubber, as I recall it, yielded only about $250,000 of revenue last year, and yet here is the raw material of which it is made of more than $90,000,000 in value that is imported free, while the rate on the manufactured product is placed so high that none of the manufactured material can come in. In my judgment this is one schedule, when we get to it, that we are going to overhaul and make some changes in. [Applause on the Democratic side.]

I do not think the rubber schedule and the silk schedule stand exactly upon the same footing, and yet the silk schedule, no doubt, needs some overhauling itself. In the case of silk we imported free of duty last year over $60,000,000 in value of raw silk, but there were sufficiently low rates on manufactured silk that, as I recall it, we raised something like $17,000,000 in revenue last year from the duties on manufactured silk. Now, here is silk, importing $60,000,000 in value of raw material and yielding $17,000,000 of revenue on manufactured silk, while rubber imports free $90,000,000 in value of raw material and yields but $250,000 of revenue on manufactured rubber.

Mr. Chairman, I was undertaking to say, however, something about the world's wool industry. The United States, according to the statistics furnished us, from 1891 to 1910 increased its wool production 4.8 per cent and its population 50.6 per cent. South America increased its wool production 50.2 per cent and its population 28.6 per cent. Europe increased its population 9.5 per cent and decreased its wool production 24.3 per cent. Asia increased its wool production 3.6 per cent and increased its population 7.7 per cent. Africa increased its wool production 22.5 per cent and increased its population 24.5 per cent. Australasia increased its wool production 51.6 per cent and its population 28.7 per cent.

Mr. W. A. Graham Clark, a special agent of the Department of Commerce and Labor, submitted a special report on wool and woolens in November, 1908, published as House Document 1330, in the Sixtieth Congress, second session. I shall not consume the time of the House to read his report, except this one startling expression:

It seems that the world's wool growth has reached its limit.

Mr. Chairman, the figures that I have just given as to the increase in wool production and in population seem to make good or to justify that assertion. We consumed in 1910 of wool 6.80 pounds per capita. We consumed nearly one-fourth of the world's total production of wool. It is said—and, so far as I know, it is substantially true—that we are the only large wool-manufacturing country in the world that imposes a tax on raw wool, but gentlemen who make that assertion fail to state the further proposition that we are also the only large wool-manufacturing country in the world that is also a large wool-producing country. In 1910 we produced nearly 60 per cent of our wool consumption. The United Kingdom produced but 27 per cent of her wool consumption, Austria but 31 per cent of hers, France but 17 per cent of hers, and Germany but 6 per cent of her wool consumption.

It seems to me, in view of these figures, that if, as President Polk said, there is an advantage given by the levying of a revenue duty to the article upon which it is levied, in view of this condition of the wool industry of the world, there should be no objection to the slight advantage going to wool in this country by reason of the revenue duty we have put on raw wool. The question is much broader than the advantage to the woolgrower, for if it is important, as everyone concedes, for us to manufacture woolen goods and to have woolen factories in this country, it is infinitely more important for us to produce wool that can be manufactured; for in time of war, if we have the factories and no wool, we can manufacture nothing, but if we have the wool and no factories, we can build the factories and have the woolen clothes that are so essential. [Applause on the Democratic side.]

I confess that I do not know just what effect our rate of 20 per cent ad valorem will have on the supposed advantage that the woolgrower has under the existing tariff. The existing

tariff at 11 cents per pound and 12 cents per pound amounted last year to an ad valorem rate, so the experts tell us, of around 44 per cent, but has the woolgrower of this country advantaged to that extent? Many of them argue that they are only advantaged to the extent of possibly half that amount, and some of them say they are not advantaged at all by the present law. And why? Because, Mr. Chairman, the price of the American woolgrowers' wool is supposed to be fixed, not by the duty on raw wool but by the value of the scoured pound of wool. The present law trebles the duty on scoured wool, ostensibly in the interest of the American woolgrower, but the operation of our law is such that, although our wools shrink 60 to 80 per cent, and are wools of great shrinkage, the great shrinkage wools of other countries do not come into this country. Our rate keeps them out, so that there is imported into this country wool at 11 cents per pound that shrinks very little, and the value of the tariff to the American woolgrower is fixed, not by the duty of 33 cents per pound on the scoured wool, but is fixed by the raw wool that comes in here at 11 cents per pound, which—some of it, at least—shrinks but little more than scoured wool does. The operation of the law, then, is that the American woolgrower, as many of them state, secure no advantage under the present law. Whatever the facts may be in this regard, the value of the law that we propose is that the rate is fixed, certain and stationary, and every woolgrower and every woolen manufacturer and every worsted manufacturer will know just what the rate of duty is and just how much he is taxed.

But more than that, the woolgrower will find a new market for his wool, for wool will be used where wool should be used, and will take its rightful place where base substitutes are now employed. Moreover, should this bill prove a substantial reduction in the tariff on wool, we must remember that the world needs wool as badly and worse than we do, and will not let us have it save at a substantial price.

IN CONCLUSION.

Mr. Chairman, I feel that I have delayed the House too long with these remarks and must bring them to a close. We have found as a reason for our bill that the present law cheats and defrauds the Government of its just revenue; leaves the people clad in cheap and unfit clothing, many of them in cotton when they should have wool. We find a monopoly existing, and the inherent freedom of the American citizen to buy when and where he pleases taken from him; we find high prices prevailing, and finally we ask who is benefited? Years ago Andrew Jackson foresaw with prophetic vision what would take place under this system of ever and ever advancing tariff rates. He urged the reduction of all the rates to a revenue basis. He used this language:

In some sections of the Republic its influence—

That is, the influence of protection—

is deprecated as tending to concentrate wealth into a few hands, and as creating those germs of dependence and vice which in other countries has characterized the existence of monopolies and proved so destructive of liberty and the general good.

The tendency that he foresaw is here. Wealth has been concentrated into a few hands, monopolies have been created, the spirit of dependence upon the Government has grown and grown so that our tariff rates under Republican rule have never been revised except to be raised. Some gentlemen have inquired to know why it is that under these high rates we have any importations at all. Prof. Taussig in one of his admirable books tells us that in many cases this is due to the fact that the domestic producers have failed to keep abreast of the foreign producer and high duties are primarily and oftentimes simply "props for the industrially inefficient." The goods come in because they are goods our mills do not produce.

The incentive to efficiency is gone when the Government guarantees profits without regard to efficiency. Dependent upon the Government, independence is gone and genius and courage and initiative are paralyzed.

Instead of crowding the statute books with laws against trade and commerce that no one understands, and instead of encumbering the books with court opinions about the meaning of which even our law experts differ, let us introduce the great law of competition. Let down the tariff bars, not to a free-trade basis, not necessarily, if you please, to a strictly absolutely revenue basis, but let them down to a competitive basis, and not only will the National Treasury be provided for, but monopolies and trusts can not here exist unless they be world-wide.

The pending bill is a start in that direction. The remedy for trusts and monopolies in this country is in the hands of the people themselves. It has time and again been demonstrated that they can not get the tariff reduced to a competitive basis under Republican rule. The remedy therefore is to send not only to this House a Democratic majority, but one to the upper Chamber, and to place in the White House a true and stalwart Democrat.

Mr. Chairman, the Democracy whose will we of the majority are to-day seeking to enact into law is a Democracy that loves the Constitution and has at heart the welfare of all the people. It is camped not upon the mountain top, alone with the producers, nor yet at the foot of the mountain, with none but consumers.

This Democracy of which I speak is deeply concerned for the consumer, but well it knows if our Nation becomes a nation of consumers alone it will surely die, and so it is concerned for producers also.

It is camped upon the side of the mountain, where neither the strong winds blow nor the high waters come, and it invites consumers and producers alike to come and do battle for right and justice beneath its unfurled banner of "Equal rights to all and special privileges to none." [Loud applause on the Democratic side.]

Mr. PAYNE. Mr. Chairman, I yield 60 minutes to the gentleman from Kansas [Mr. MURDOCK]. [Applause.]

Mr. MURDOCK. Mr. Chairman, are the duties in this bill protective? They are protective. In that I agree with the statement just made by the gentleman from Georgia, to wit, that any item in a tariff bill is protective save in two instances: First, when it is on the free list; and, second, when it is a noncompetitive product.

The gentleman from Georgia [Mr. BRANTLEY] made another statement with which I do not agree, to wit, that this bill conforms to the pledges of the Democratic national platform. The Democratic national platform of 1908 made three pledges on the tariff, namely:

First. That material reductions should be made in the tariff upon the necessities of life.

Second. Gradual reductions should be made in such other schedules as may be necessary to restore the tariff to a revenue basis.

Third.—

To which this bill does not conform—

Articles entering into competition with trust-controlled products should be placed upon the free list.

Mr. Chairman, in a way it is unfortunate that this bill, the revision of Schedule K, wools and woolens, is to have partisan treatment. If all here felt free to vote for amendments, regardless of caucus action or partisan prejudgment of any kind, the public would benefit infinitely.

For instance, believing, as I do, that the duty carried on worsteds for men's and women's wear in this bill is indefensible, that it is an outrage on the entire population, I am firmly convinced that if the Members of this House should come to understand the facts in the case a majority of the Members could no more be induced to put a duty on worsteds than they could be to put it on coal oil.

I can see where a possible defense might be made for a tariff on carded woolens.

But I can not see for the life of me how anyone in the American Congress can aid the Worsted Trust by putting a tariff on worsteds either as a frankly avowed measure of protection or under the pretense of a tariff for revenue.

I can see where a possible defense might be made for a tariff on certain yarns.

But I can not see how any man here, knowing the Worsted Trust, knowing its cruel activities in the fabric field, can back it up while it continues to twist its long strangling fingers around the throat of the American consumer.

The Worsted Trust has lowered the quality of goods that the consumer buys, lowered it to the point that clothing manufacturers have been ashamed to pass the fabrics on to the wearer. See the letter of the clothing manufacturers of Cincinnati to NICHOLAS LONGWORTH in the tariff hearings of 1909. Max Silberberg wrote Mr. LONGWORTH:

As a manufacturer of clothing for a period of almost 50 years, I can truthfully state that I never handled cloth of such inferior quality for the price as I do now. The masses, consisting of laborers, mechanics, and farmers, the real users of ready-made clothing, are receiving practically no value for their money.

The Worsted Trust has increased the price to your constituent and to mine of the clothes he wears. Note these figures: In the first five years of the trust's existence, 1900 to 1905, worsted goods for men jumped in "value" per yard from 79 cents to 95 cents—16 cents. In the same period, woolens for men, as contradistinguished from worsteds, increased only 3 cents.

Mr. CAMPBELL. That is the manufacturer's price, or the retail price?

Mr. MURDOCK. That is the value at the mill.

The Worsted Trust has by stock manipulation paid out in 11 years on probably not over $15,000,000 original investment $22,000,000 in dividends, and has built up besides an establish-

ment carrying a capital of $60,000,000, with a surplus of $10,000,000 on hand on top of that.

Mr. HUGHES of New Jersey. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from New Jersey?

Mr. MURDOCK. No; I can not yield.

The Worsted Trust has dominated its own field, manipulated successfully the field of its rival, the carded-woolen interest, has dictated to the clothing trade, and twisted and turned the thumbscrews on the purchaser of fabrics without stint, mercy, or conscience.

It has had the advantage of a "joker" in the raw-wool classification of Schedule K; also of a "joker" in the yarn and tops duty; also in the enormous duty on the cheaper grades of cloth; and the advantage of a prohibitive duty on shoddy, mungo, and the wastes.

It has had the advantage of employing more women and children proportionately than the carded-woolen interest and paying them on the average less.

Petted, pampered, privy at least once to the secret deliberations of a tariff-writing committee, full-fed upon the unfair provisions of the tariff, gross and greasy from the fat fried out of your constituents and mine, the Worsted Trust is not deserving of the fostering care of this Government in shape of a protecting duty, and no man on that side in his servility to the caucus, and no man on this side in his servility to partisan preconception can afford to vote against an amendment making all worsted cloths free.

I realize that there is on this side of the Chamber a loyalty to the letter of a party principle, enhanced in this instance somewhat by the knowledge that the ancient Schedule K has preserved its form through nearly half a century. But this is not a situation where tradition should have weight. I am a protectionist, one who believes in asking a common contribution from all, that we may surround a young, immature, growing industry with artificial advantages until it is strong enough to pay back that contribution through the price-lowering processes of competition. But when an industry has grown so great that it can starve, stifle, and strangle competition and turn the favor it received from the people into a bludgeon against its benefactor, then it is the business of every Republican to protect, not that industry, but the people. [Applause on the Democratic side.]

I realize also that there is, on the other side of this Chamber, at present an over-anxious industry among the Democrats in imagining false values into the advantages of party harmony, a disposition to rush blithesomely into a caucus and beg to be gagged and bound by the un-American unit rule. There are men, many men there, who believe completely in making worsteds free. Why not vote that way? Is there any mistaken sense of loyalty to leadership that can counterbalance the plain duty of loyalty to your constituents? [Applause.] Is there any partisan profit to be derived from the method of "voting down all amendments" equal to the profit coming to the ordinary citizen in your district through voting up and in amendments that are just?

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MURDOCK. I can not yield now.

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from Pennsylvania?

Mr. MOORE of Pennsylvania. Just for a question?

Mr. MURDOCK. No.

The CHAIRMAN. The gentleman declines to yield.

Mr. MURDOCK. I can not yield now, I will say to the gentleman from Pennsylvania.

Let me say to the younger Members here: In this House no man can serve two masters. As a rule, he can not be loyal to the caucus and loyal to his constituency. If he serves the one truly he will serve the other falsely. There is nothing in blind obedience to the caucus, my friends. It is not good legislation. It is not good representation. It is not even good politics. The cause of direct popular government is on the march. The direct primaries have come. The national political conventions of 1912 will be the last wherein nominees will be actually named. In 1916 both the leading candidates will be nominated by a direct vote of the people. And along with that reform will come the abolition of the congressional caucus as an institution.

Let us examine into the matter of worsteds.

The head and front of the Worsted Trust was organized in 1899. The basis of the new organization was found in four big mills, with a capital of $6,500,000—the Washington mills, of Lawrence, Mass., with a capital of $2,500,000; the National Mills, of Providence, R. I., with a capital of $2,000,000; the Riverside Mills, of Providence, capital, $1,000,000; and the Assobet Mills, of Maynard, Mass., capital, $1,000,000. The other mills taken in were smaller—30 in all.

The incorporation was on March 29, 1899, as the American Woolen Co., and there was an authorization of $40,000,000 preferred stock and $40,000,000 common stock. There was issued of this $20,000,000 preferred and $29,950,000 of common.

A large share of the preferred was water. All of the common was water. The preferred carried 7 per cent cumulative. The preferred pays its 7 per cent regularly. Of course the common stock has paid nothing.

With the institution of this dominating organization there began a stock manipulation which for dexterous creation of values out of nothing is probably without parallel in our rather spectacular history along that line. The larger mills, which were the basis of the combination, had a capitalization of $6,500,000. The new company had at once built up a value in preferred stock of $20,000,000, and added as an extra burden to the back of real values the further sum of $29,950,000 common stock, all of it water. Therefore, the company had produced a paper value of $49,000,000, and in a few years was counting out a net profit of 10 per cent annually upon this fictitious capital. But the process did not cease there. Nearly as soon as the new combination settled down to business it began to increase its preferred stock. This, it will be remembered, was $20,000,000 in the beginning. Through the years it increased, until in 1907 it had reached $35,00,000, and on July 16, 1909, it mounted to $40,000,000. So that within 10 years the company on its first slender value had built a structure of $40,000,000 preferred plus $29,950,000 common, or in all a paper value of $69,950,000. It had in addition a surplus on hand of $10,000,000. That is, the fixed and working capital of the company, capital fictitious and actual, in 1909 totaled $79,950,000. The net profits upon this enormous aggregate for 1909 reached about 8 per cent. And the American consumer paid the bill.

Still the common stock had never paid a dividend. Its holders, who had probably received all of it as a gift in the beginning, still possessed it as so much paper. Now they set out to give the common stock value. The management of the company was authorized to buy not exceeding 50,000 shares of common stock a year. In April, 1911 (that is, month before last), the management announced that it had bought up 95,000 shares, par $100. The shareholders by a vote approved the purchase and decided to retire the stock so purchased, so that there is now outstanding not $29,950,000 common stock, but $20,000,000. When this was done, the man who had been given common stock as a bonus in the beginning, and who still held it, rejoiced and was exceeding glad, for this gave promise of dividends on the common stock, of adding value to common stock long worthless. But the man who had purchased the later issues of preferred saw that this was paying out good money for nonproductive purposes, and it was lessening the security behind the preferred stock and giving value to pure water in the common.

When the facts were published that the Worsted Trust was so speculating and manipulating in its own stock it was recalled that formerly when the Steel Trust was accused of the same thing it resented the charge as an insult. And in April last, after the action of the American Woolen Co. in retiring its common stock in the manner related, the New York Evening Post declared that the financial public received the proposition with unanimous disapproval, because of the "utterly vicious financial theories involved."

But who really pays the bills? The wearer of the worsteds. The trust paid 7 per cent interest on $20,000,000, on $25,000,000, on $35,000,000, and on $40,000,000 preferred stock. By 1911 the company had paid in dividends to preferred stockholders $22,000,000, a sum of money greater than the originally claimed value of the properties. It came out of the pockets of the American citizen who was paying an exorbitant price for an inferior cloth.

Now, the plan is plainly to ask the American public further to contribute to give value to the common stock, to swell the enormous surplus, to continue to pay dividends on the increasing volume of preferred stock.

In that operation is there anybody here who believes that the Worsted Trust ought to have the assistance of a customs duty? To every dollar of actual value forced into the preferred stock of the trust the American consumer has contributed his share. To every dollar of actual value it is proposed to add to the common stock the American consumer will be expected to contribute from his earnings.

The 45 per cent on women's wear and the 40 per cent duty upon worsteds provided in this bill; 40 and 45 per cent upon (1) worsted cloths with cotton warps, and (2) cloths made of

cotton and wool mixed in the yarn, and upon (3) fabrics that are all wool will help the trust in its performance.

There is not a man here who ought to help in the holdup. There is not a man here, who under the pretext of the necessity of revenue or for any other reason ought to vote to continue the white-knuckled hold of this industrial tyrant upon the throat of the Nation.

For I say to you that if all the chickens due on account of the infamies of Schedule K should come home to roost, this Capitol, during a revision of wools and woolens, would temporarily resemble a poultry farm.

Take the classification of clothing and combing wools in the present law. In nearly all the tariffs antedating the Civil War worsted goods had been either subject to comparatively low duties or admitted free. The worsted interest, which began to awake during the Civil War, started in early to get not only the general benefits, but the discriminations of the tariff. Look at the arrangement of the first two classes of raw wool. Clothing wool, wool for the carded woolen manufacturers, unwashed and not on the skin, bears a duty of 11 cents per pound. Clothing wool, washed and not on the skin, bears a duty of 22 cents per pound. Combing wool, wool for the worsted manufacturer, unwashed and not on the skin, bears a duty of 12 cents per pound. And combing wool, and here is the ancient joker, washed and not on the skin, bears a duty of 12 cents a pound. That is, washed wool for the cards, 22 cents a pound; washed wool for the combs, 12 cents a pound. Or, to put it another way, wool for woolens, 22 cents a pound; wool for worsteds, 12 cents a pound.

On the full-flowing tide of this gross discrimination the worsted interest swept ahead of its rival. There were 102 worsted mills in the country in 1870 with a capital of $10,000,000, and 2,891 woolen mills with a capital of $98,000,000. In 1905 there were 226 worsted mills with a capital of $162,000,000, and 772 woolen mills with a capital of $140,000,000. In 35 years the capital of worsted mills increased $152,000,000; the capital of woolen mills, $42,000,000.

During those years the woolen man was importing his wool unwashed and paying a duty of 11 cents a pound on the dirt. The worsted man was importing much of his wool washed at 12 cents a pound and getting all wool, not part dirt, part wool, for his money.

This alone would have been sufficient to hobble the carded-woolen industry. But that was not all. The marvelous compound duty, known as a compensating duty, further pushed the floundering carded-woolen interests into a situation of helpless submission. Schedule K has permitted textiles to bear two kinds of duties, an ad valorem on the cloth itself and a specific duty to compensate the manufacturer for his raw wool because it bore a duty. For example, on cloth valued at more than 40 cents and not more than 70 cents per pound the duty is 50 per cent of the value of the cloth and 44 cents per pound for the wool supposed to be in the cloth. This 44 cents was based on the claim—a claim that long has made the angels weep—that it takes 4 pounds of wool in the grease to make a single pound of cloth. Sometimes in the carded-woolen field it does take 4 pounds of wool in the grease to make a pound of cloth. But in the field of combing wools, in the worsted field, it takes about 2 pounds of wool in the grease to make a pound of cloth. So that half of the compensatory duty was a bonus pure and simple in the case of all-wool fabrics, and something more than a bonus in those fabrics made of cotton mixed—that is, cotton and wool mixed in the yarn—or of cotton warp—that is, cotton and wool mixed in the weave. Of cotton mixed, we made, in 1905, 63,197,407 square yards; of cotton warp, 182,057,061 square yards, the two together equaling in quantity the all-wool output of our country. Therefore the worsted interest has had a straight-out subsidy on all all-wool fabrics and a subsidy plus a bonus on all mixed goods. And all this over and above a protective duty.

Nor did the discrimination end there. For years a higher duty was placed on "tops" than was given yarns. This gave the worsted men the advantage in the business of tops and also permitted them to tighten their strangle on the carded-woolen men who purchased the "noils," the short fibers which come from the "tops" in combing.

Nor did even that close the chapter, which might be entitled "The Cinch of the Century." The carded-woolen trade could be further trampled by prohibitive duties on (1) rags; (2) "shoddy," which is reworked wool—and all wool—from soft woolens or worsted which was never milled; (3) "mungo," which is reworked wool from hard-spun or felted cloth; (4) "extract," which is wool fiber left after the cotton which was mixed with it in the cloth has been chemically eaten away; and (5) "flocks," the nap clipped from woolen cloth. These tremendous supplies of raw material have been barred, some of them, such as shoddy, with a philanthropic interest in the country by the worsted interest in a way to bring tears to the eyes of a convention of undertakers.

Schedule K, favoring everywhere the worsted interest, has been heaviest in its burden on those who could not buy high-priced cloths.

Note these statements; they reveal much:

(1) On the cheapest grade of cloth, $2,111 worth was imported in 1910. It paid a duty, an actual and computed ad valorem duty, of 144 per cent. The actual unit of value of this class of cloth imported was 35 cents a pound.

(2) On the next grade of cloth above the cheapest, $274,246 worth was imported in 1910. It paid an actual and computed ad valorem duty of 123 per cent. The actual unit of value of this class of cloth imported was 59 cents per pound.

(3) On the third grade of cloth, the highest of the three, $5,827,776 worth was imported in 1910. It paid an actual and computed ad valorem duty of 96 per cent. The actual unit of value of this class of cloth imported was $1.07 per pound.

The man of modest means who felt he could not purchase the higher grade of clothes has paid and paid and paid his pound of flesh. On the kind of goods he was compelled to buy the duty has been prohibitive. He has been the victim above all the rest.

As showing what has been going on in the worsted world in the value or price of particular cloths as compared with woolens, I want to give for the years 1905 and 1900 a comparison between the value per square yard of certain woolens and afterwards the value per square yard of certain worsteds. I ask that particular note be made of the tremendous jump in value in the worsteds.

Let us examine the woolen item first:

Woolen items.	1905	1900
	Cents.	*Cents.*
Wool cloths, doeskins, cassimeres, tweeds, indigo flannels, broadcloths, for men's wear, per square yard	69.6	66.2
Wool dress goods, sackings, tricots, lady's cloth, broadcloth, for women's wear, per square yard	40.6	38.6

Now, contrast the above increases with those in worsteds for the same period:

Worsted items.	1905	1900
	Cents.	*Cents.*
Worsted coatings, serges, and suitings, for men's wear, per square yard	95.2	79.6
Worsted dress goods, cashmeres, serges, and other worsted goods, for women's wear, per square yard	41.9	28.3

One may be helped to an understanding of this great increase in the value of worsteds when it is shown that on March 29, 1899, the American Woolen Co. took out its charter in New Jersey.

So far as the wage scale in the industry is concerned, the worsted branch has taken care of itself. Note in the contrasted figures below the larger proportion of women and children in the worsted branch, and the further fact that the average wage of the women in worsted establishments is $323 per annum as against $333 in the woolen branch in 1905:

Wage earners in worsted branch	69,251
Total wages in worsted branch	$26,269,787
Men, 16 years and over	29,883
Wages of men	$14,493,965
Women, 16 years and over	32,130
Wages of women	$10,379,154
Children under 16 years	7,288
Wages of children	$1,396,668

This should be compared with the same items in the woolen branch in 1905:

Wage earners in woolen branch	72,747
Total wages in woolen branch	$28,827,556
Men, 16 years and over	44,452
Wages of men	$19,850,052
Women, 16 years and over	24,552
Wages of women	$8,184,449
Children under 16 years	3,743
Wages of children	$793,055

I hold no brief for the woolen branch. But I recognize in it a victim worthy of some sympathy. It is an industry made up of many mills, scattered about the country. The worsted branch is close-knit and compact. Its whole weight goes into every blow it strikes.

Why let it drive its hard bargain longer with the American consumer? There is much and frequent expression of regard

here for the average citizen. Why not take action in his behalf commensurate with our expressed esteem for him?

I think the change from the specific to the ad valorem in this bill is well. I believe that the elimination of the old four-to-one shrinkage duty is a matter of congratulation. But why stop there? The 40 per cent and the 45 per cent duty on worsteds are wrong. True, they are lower than the old duties. But why take only part of the burden off the back of the consumer? Why not take off all of it?

During the campaign in 1908 Mr. Bryan was quoted as saying that the first thing he would do if elected President would be to use all the powers of the Government to break up the American Woolen Co.'s monopoly. If this was his purpose, it was a worthy one. Mr. Bryan was not elected President, but those of his party, if not his faction, have now the majority in this House. That majority is about to write a tariff affecting the interests of that monopoly. Is it, in this hour of fulfillment of the Democratic pledge—a pledge to put trust-controlled products on the free list—is it to draw about the coarse and brutal form of that monopoly the magic circle of a protective duty? Is it to turn to one of the worst of all industrial vampires—a vampire that feeds not only upon the substance but sometimes the health of those who labor out of doors, a vampire that visits as inevitably as death every home in the Nation—is the Democratic majority to turn to the Worsted Trust and, voting down all amendments by direction of the caucus, give that trust license again to prey upon the people, again to sink its blood-sucking beak into the American consumer? [Applause.]

Mr. UNDERWOOD. Does the gentleman from New York desire to consume any further time to-night?

Mr. PAYNE. I desire to go no further to-night.

Mr. UNDERWOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee determined to rise; and the Speaker having resumed the chair, Mr. RUSSELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11019) to reduce the duties on wool and manufactures of wool and had come to no resolution thereon.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 897. An act for the relief of Alfred L. Dutton; to the Committee on Military Affairs.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 49 minutes p. m.) the House adjourned until to-morrow, Friday, June 9, 1911, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of a communication from the Commissioners of the District of Columbia submitting draft of joint resolution amending appropriation act for the District of Columbia for current fiscal year in regard to contagious diseases (H. Doc. No. 67), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 7447) granting an increase of pension to William J. Walsh; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10660) granting an increase of pension to Roy Goddard; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LITTLETON: A bill (H. R. 11370) to create a Tariff Board; to the Committee on Ways and Means.

By Mr. LEWIS: A bill (H. R. 11371) providing for the condemnation and purchase of the franchises, etc., of the express companies of the United States and the establishment of postal express; to the Committee on the Post Office and Post Roads.

By Mr. WILSON of Pennsylvania: A bill (H. R. 11372) to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen; to the Committee on the Merchant Marine and Fisheries.

By Mr. WARBURTON: A bill (H. R. 11373) authorizing the lease of school lands for public-park purposes by the State of Washington for a longer period than five years; to the Committee on the Public Lands.

Also, a bill (H. R. 11374) granting increase of pensions to survivors of the Indian wars under the acts of July 27, 1892, and June 27, 1902; to the Committee on Pensions.

By Mr. SABATH: A bill (H. R. 11375) to increase the revenues of the Post Office Department and to forbid contracts by the Treasury Department with express companies; to the Committee on Ways and Means.

By Mr. RUCKER of Colorado: A bill (H. R. 11376) to provide for an appropriation of $10,000 for the erection of a monument at Fort Morgan, Colo.; to the Committee on Appropriations.

By Mr. TAYLOR of Colorado: A bill (H. R. 11377) granting to the State of Colorado 1,000,000 acres of public land within the State for expenses incurred in suppressing Indian disturbances from 1865 to 1888, including the Ute War of 1887; to the Committee on the Public Lands.

Also, a bill (H. R. 11378) authorizing States and Territories to select lands in lieu of lands included within forest reserves; to the Committee on the Public Lands.

Also, a bill (H. R. 11379) for the construction of a national road from Grand Junction, Colo., to and through the Colorado National Monument; to the Committee on Appropriations.

By Mr. THAYER: A bill (H. R. 11380) to prevent restrictions or discriminations in the sale, lease, or license of tools, implements, appliances, or machinery covered by interstate commerce; to the Committee on the Judiciary.

Also, a bill (H. R. 11381) to prevent restrictions or discriminations in the sale, lease, or license of tools, implements, appliances, or machinery covered by the United States patent laws; to the Committee on the Judiciary.

By Mr. BERGER: A bill (H. R. 11382) to provide an automobile for the official use of the Committee on the District of Columbia; to the Committee on Accounts.

By Mr. COX of Indiana: A bill (H. R. 11383) to amend section 1329 of the Revised Statutes of the United States, found in chapter 4, under the title "The Military Academy"; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 11384) granting an increase of pension to William Bayne; to the Committee on Invalid Pensions.

By Mr. ANDERSON of Ohio: A bill (H. R. 11385) granting an increase of pension to John B. Forgerson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11386) granting an increase of pension to Philip Johnson; to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 11387) to perfect the title to the land belonging to the M. Forster Real Estate Co., of St. Louis, Mo.; to the Committee on the Public Lands.

By Mr. CAMPBELL: A bill (H. R. 11388) granting a pension to Hannah E. Minard; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 11389) for the relief of Randall G. Butler; to the Committee on Military Affairs.

Also, a bill (H. R. 11390) granting an increase of pension to Frederick Webber; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 11391) granting a pension to George W. Cloin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11392) granting an increase of pension to Emma J. Turner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11393) granting an increase of pension to Martin V. R. Smith; to the Committee on Invalid Pensions.

By Mr. DAUGHERTY: A bill (H. R. 11394) granting a pension to Isaac A. West; to the Committee on Pensions.

By Mr. DICKINSON: A bill (H. R. 11395) granting an increase of pension to William F. Rosser; to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 11396) granting an increase of pension to John Gray; to the Committee on Invalid Pensions.

By Mr. FLOOD of Virginia: A bill (H. R. 11397) authorizing the appointment of Maj. George A. Armes, United States Army, retired, to the rank and grade of major general on the retired list of the Army; to the Committee on Military Affairs.

By Mr. FOCHT: A bill (H. R. 11398) for the relief of Jacob H. Stone; to the Committee on Military Affairs.

By Mr. KINKEAD of New Jersey: A bill (H. R. 11399) for the relief of Leo Metze; to the Committee on Military Affairs.

By Mr. O'SHAUNESSY: A bill (H. R. 11400) granting a pension to Christina Reichardt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11401) granting an increase of pension to Amanda T. Griffin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11402) granting an increase of pension to Olive W. Steere; to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: A bill (H. R. 11403) granting an increase of pension to Samuel E. Johnson; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 11404) for the relief of Margaret Maloney; to the Committee on Claims.

By Mr. SMITH of Texas: A bill (H. R. 11405) granting a pension to J. J. Eubank; to the Committee on Pensions.

By Mr. STONE: A bill (H. R. 11406) granting a pension to Lorenzo D. Benner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11407) granting an increase of pension to W. T. Bell; to the Committee on Invalid Pensions.

By Mr. WARBURTON: A bill (H. R. 11408) granting an increase of pension to William Brown; to the Committee on Invalid Pensions.

By Mr. WHITACRE: A bill (H. R. 11409) granting an increase of pension to Isora McMurray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11410) granting a pension to Hazel Urig; to the Committee on Pensions.

Also, a bill (H. R. 11411) granting an increase of pension to Christopher Bright; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Papers to accompany a bill granting a pension to William Boyne; to the Committee on Invalid Pensions.

By Mr. ALLEN: Resolutions of Cincinnati (Ohio) Local Union, No. 26, United Shoe Workers of America, requesting a congressional investigation as to a violation of the constitutional rights of John J. McNamara in the matter of his arrest and extradition; to the Committee on the Judiciary.

By Mr. ANSBERRY: Petition of Graves & Doering, of Antwerp, Ohio, against the establishment of a local rural parcels-post service; to the Committee on the Post Office and Post Roads.

Also, resolution of the Workmen's Sick and Death Benefit Fund of the United States of America, condemning the practices employed in the arrest of the McNamaras and approving the Berger resolution; to the Committee on Rules.

By Mr. ASHBROOK: Petition of Schambra Drug Co., J. W. White Co., A. McWilliams, G. W. Finney, W. C. Blair, and George S. McCaw, druggists of Uhrichsville and Dennison, Ohio, protesting against the passage of House bill 8887, a bill putting a tax on proprietary medicines; to the Committee on Ways and Means.

By Mr. ESCH: Resolution of the Workmen's Sick and Death Benefit Fund of the United States of America, condemning the manner of the arrest of the McNamaras and indorsing the Berger resolution; to the Committee on Rules.

Also, memorial of National Lumber Manufacturers' Association, bringing to the attention of Congress for its consideration certain matters; to the Committee on Rules.

Also, memorial from Mrs. James Bennett, petitioning Congress to protect women equally with men when voting for Members of the United States Senate, after the proposed amendment to the Federal Constitution is adopted; to the Committee on Election of President, Vice President, etc.

Also, petition of sundry citizens of Melrose, Wis., opposing Canadian reciprocity; to the Committee on Ways and Means.

By Mr. FORNES: Petition of A. Jaeckel & Co., of New York City, urging amendment to the Federal corporation tax law so that it will permit corporations of the country to report for their individual fiscal periods instead of having an arbitrary date, as December 31, as the law now stands; to the Committee on the Judiciary.

Also, resolution of the Cleveland Chamber of Commerce, urging amendment of the corporation-tax law so as to enable corporations to make their returns as of the close of their fiscal year; to the Committee on the Judiciary.

By Mr. GRIEST: Petition of L. H. Gochnauer, of East Petersburg, Pa., asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. HUGHES of New Jersey: Resolutions of Philip Sheridan Club and Arion Singing Society, of Passaic, N. J., protesting against the adoption of the proposed arbitration treaty with Great Britain; to the Committee on Foreign Affairs.

Also, resolutions of the Workmen's Sick and Death Benefit Fund of the United States of America, condemning the manner of the arrest of the McNamaras, and indorsing the resolution introduced by Mr. BERGER; to the Committee on Rules.

By Mr. HUMPHREY of Washington: Petitions of sundry citizens of Washington, favoring reduction of duty on sugar; to the Committee on Ways and Means.

By Mr. KORBLY: Petition of Indianapolis Brush & Broom Manufacturing Co., protesting against Canadian reciprocity; to the Committee on Ways and Means.

Also, resolutions by Machinist Lodge, Local No. 161, of Indianapolis, Ind., favoring immigration restrictions; to the Committee on Immigration and Naturalization.

Also, resolutions of John F. Godfrey Post, No. 93, Grand Army of the Republic, of Pasadena, Cal., favoring Sulloway pension bill; to the Committee on Invalid Pensions.

Also, resolutions of the Chamber of Commerce and Manufacturing Club of Buffalo, N. Y., protesting against the reciprocity bill; to the Committee on Ways and Means.

Also, resolutions of Niagara Falls Local No. 51, International Brotherhood of Paper Makers, of Niagara Falls, N. Y., protesting against the reciprocity bill; to the Committee on Ways and Means.

Also, resolution of Central Labor Union of Indianapolis, Ind., protesting against increase of postage rates; to the Committee on the Post Office and Post Roads.

Also, resolution of Eureka Lodge, No. 14, Brotherhood of Locomotive Firemen and Enginemen, for investigation of abduction of John J. McNamara; to the Committee on Labor.

Also, resolutions of Joseph R. Gordon Post, Grand Army of the Republic, of Indianapolis, Ind., protesting against special pension act for Mrs. Stubbs; to the Committee on Pensions.

Also, resolutions of Major Robert Anderson Post, Grand Army of the Republic, protesting against special pension bills; to the Committee on Pensions.

Also, petition of Columbia Grocery Co., favoring reduction in sugar; to the Committee on Ways and Means.

Also, resolutions of the Central Trades Council of Marion, Ind., requesting congressional investigation into kidnaping of John J. McNamara; to the Committee on Labor.

Also, resolutions of Camp John S. Stewart, No. 1, Army of the Philippines, favoring proposed bill of Senator JONES for payment to Volunteer organizations of travel pay and allowances; to the Committee on Military Affairs.

Also, petitions of H. A. Becker, William P. Hapgood, and Indianapolis Fancy Grocery Co., of Indianapolis, Ind., favoring reduction of duty on sugar; to the Committee on Ways and Means.

Also, resolutions of Groups 2 and 5, Indiana Bankers' Association, indorsing Aldrich plan for banking and currency reform as amended by the currency commission of the American Bankers' Association; to the Committee on Banking and Currency.

By Mr. LAFEAN: Petition of G. W. Witter, of New Oxford, Pa., in favor of reduction of duty on sugar; to the Committee on Ways and Means.

By Mr. LAWRENCE: Petitions of sundry citizens of Massachusetts, favoring reduction of duty on sugar; to the Committee on Ways and Means.

By Mr. LOUD: Petition of Rev. Robert Strong and members of Seventh-day Adventist Church of Omer, Mich., protesting against passage of Senate bill 237; to the Committee on the District of Columbia.

Also, petition of Henry Mosher and 50 other members of Pinconning Grange, No. 1035, Pinconning, Mich., protesting against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. McDERMOTT: Joint resolution of the Illinois Legislature making application to the Congress of the United States for the calling of a convention for the purpose of proposing an amendment to the Constitution of the United States granting the Congress of the United States the power to prevent and suppress monopolies throughout the United States by appropriate legislation; to the Committee on the Judiciary.

By Mr. McGILLICUDDY: Petition of R. W. Brown and others, favoring reduction in the tariff on sugar; to the Committee on Ways and Means.

By Mr. SABATH: Resolution of Illinois Manufacturers' Association, urging on Congress the imperative need for an amendment of the corporation-tax law whereby it shall be made permissible for corporations and companies to make returns as of the close of their fiscal year; to the Committee on the Judiciary.

Also, joint resolution of the Illinois Legislature, making application to the Congress of the United States for the calling of a convention for the purpose of proposing an amendment to the Constitution of the United States granting the Congress of the United States the power to prevent and suppress monopolies throughout the United States by appropriate legislation; to the Committee on the Judiciary.

Also, resolutions of the Third National Peace Congress, urging the adoption of an arbitration treaty with Great Britain; also other resolutions in the cause of peace; to the Committee on Foreign Affairs.

By Mr. SLOAN: Resolutions of the Socialist Party of Fairbury, Nebr., requesting congressional inquiry into the abduction of John J. McNamara; to the Committee on Labor.

By Mr. WOOD of New Jersey: Resolutions adopted by Local No. 140, International Union of Metal Polishers, Buffers, Platers, and Silver and Brass Workers of North America, of Trenton, N. J., urging immediate action by the House of Representatives on the resolution of investigation of the lawfulness of the acts of the arrest of John J. McNamara, introduced by Mr. BERGER; to the Committee on Rules.

Also, resolutions adopted by the First Congregational Society of Bernardsville, N. J., urging the support by the House of Representatives of such treaties as may be submitted and all such measures as may be proposed for the promotion of international peace; to the Committee on Foreign Affairs.

Also, resolution adopted by the board of street and water commissioners and approved by the acting mayor of the city of Newark, N. J., re diversion of water from New Jersey to Staten Island, N. Y.; to the Committee on Rivers and Harbors.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 9, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we bless Thee for all the revelations Thou hast made of Thyself and for the hopes and promises of the future. Thou art an imminent God, ever working in and through Thy children. The last word has not been spoken, the last revelation has not been made. Make us, therefore, susceptible, that we may hear Thy voice, feel Thy presence, and go forward with unfaltering footsteps to larger attainments for ourselves and for all the world, and Thine be the praise through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

WITHDRAWAL OF PAPERS.

Mr. KAHN, by unanimous consent, was given leave to withdraw from the files of the House papers in the case of Glasgow C. Davis, H. R. 10727, without leaving copies, no adverse report having been made thereon.

STEEL-TRUST INVESTIGATION.

Mr. STANLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution, which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That there shall be printed 10,000 extra copies of the testimony taken in each of the hearings before the special committee appointed under House resolution 148, to investigate violations of the antitrust act of 1890, and other acts.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I suggest to the gentleman from Kentucky that he let the resolution go over until later in the day. I have quite a strong and fixed impression that it does not require action on the part of the House at all to accomplish this; that the matter has always been in the hands of the Committee on Printing; and that under the law the committee would have authority to order a thousand copies of hearings printed on its own order; and under the law, within the limit of $200 at each time the hearing is printed, which would cover more than 10,000 copies, they can get that number printed by getting a certificate from the clerk of the Committee on Printing. That leaves it so that the gentleman can have such number printed as he desires. If he prints 5,000 copies to-day and runs short of the number necessary to meet the demand, he can order more printed to-morrow by getting an order from the Committee on Printing.

Mr. BARTLETT. May I interrupt the gentleman?

Mr. MANN. Certainly.

Mr. BARTLETT. Under Rule XLV the Joint Committee on Printing is limited to an amount not exceeding $200 in printing any extra copies of hearings or documents.

Mr. MANN. Yes.

Mr. HENRY of Texas. What rule is that?

Mr. BARTLETT. That is the law.

Mr. MANN. I will say to the gentleman that the special committee on pulp and paper printed a good many thousand copies of different hearings. We would order at one time 2,500 copies, or 3,000 or 4,000 copies, and, as the demand came in later, we would get another order. Of course, we had to go to the Committee on Printing, but there never was any hesitation in granting the order, and we had some control over the matter.

Mr. BARTLETT. The Joint Committee on Printing.

Mr. MANN. The gentleman from Georgia [Mr. BARTLETT] says the Joint Committee on Printing. Of course, what we did was to go to the clerk of the House Committee on Printing, and he assented to it. I just suggest to the gentleman that he let the resolution go over for the present.

Mr. STANLEY. Mr. Speaker, I saw the gentleman from Illinois [Mr. MANN] the other day, and I was impressed with the procedure suggested by him. I went immediately to see the clerk of the Printing Committee, and he notified me that it would require a resolution. There is no objection to printing this hearing. It is just a matter of procedure; that is all. I want to say to the gentleman that the demand for these hearings is so great that it would take at least this number, I think, to fill it. Nearly every Member of the House wants from 1 to 20 copies. Ten of these copies to each Member of the House would practically consume half this amount. There are requests from magazines and newspapers, and so forth, and if I know how many hearings I have, whether 5,000 or 10,000 or 1,000, or any amount in excess of 1,000, I can go ahead and make arrangements to have the hearings distributed; but if you have to go to the Printing Committee each time, and there is no Printing Committee here, it takes up a world of time that we can put in in other ways. For two days I have been trotting between one employee of this House and another, each fellow with a different idea, and all saying, as provided in Rule XLV, secure a resolution, then everything will go smoothly. I hope the gentleman will not interpose any objection.

Mr. MANN. But the gentleman understands that naturally, and I have no criticism of that at all; most of the employees of the House now are inexperienced in matters of this kind and do not understand, but they have to learn sometime, and the gentleman from Kentucky is a very good instructor and might as well help us all to know what can be done.

Mr. HENRY of Texas. Mr. Speaker, will the gentleman yield?

Mr. STANLEY. Certainly.

Mr. HENRY of Texas. Mr. Speaker, I desire to state that the gentleman is correct about the unusual demand for these hearings, and something ought to be done right away. As a member of the Committee on Rules, I know there is an extraordinary demand; and now in reply to what the gentleman from Illinois [Mr. MANN] says, that there is already authority for the printing of these extra copies, if that be true, the adoption of this simple resolution does not alter the law in any respect, but would merely be a cumulative act, and would hasten the printing of the extra copies without having to go through the routine of requests, and so forth, which he suggests. I hope he will not object to this resolution, but will allow it to go through to-day in order that we may supply the extraordinary demand.

Mr. MANN. Mr. Speaker, one time I took possession of some rooms over in the House Office Building which had been occupied by a special committee known as the Lilly investigation committee. I found in that room stacked up a great mass—tons, I should say—of hearings that had been ordered printed on the assumption that they would be used, which were still there, printed at great expense, and I ordered them thrown away or

sold as waste paper, there being no other disposition to be made of them. If the gentleman from Kentucky [Mr. STANLEY] undertakes to supply 10 or 20 copies of the daily hearings to each Member of this House, nine-tenths of them will go into the waste basket.

Mr. STANLEY. I will say to the gentleman that I will supply no Member of the House a single copy of these hearings unless he requests it, and in order that I might know what I was doing, in order that these hearings might not be printed and thrown away, because I realize it is a waste of public money if they are, at my own expense, not at Government expense at all if there is any expense about it, I wrote a letter to each Member of the House after these requests began to come in and said to each one that none of these hearings would be sent out except upon request, and to let me know the lowest number he could do with.

The Members replied and told me the number they wanted. These hearings have been going on now for a great number of days, and I have not sent out any of them, hardly 25 a day, and they come there and get them; and, as the members of the committee know, there are not now a wheelbarrow load of these hearings over there; not 50, probably, with the exception of the last hearing, which arrived this morning. I will give the gentleman my personal guaranty that when this hearing is over every one of these hearings will have been distributed, so far as I am concerned, and with the exception of those that go to Members of Congress the rest of them will be sent out through the mails every day.

Mr. MANN. Mr. Speaker, I have great confidence in the gentleman, but this is only a precedent that will govern a lot of other cases, and if the Committee on Printing does have the power I think it ought to go before the Committee on Printing. Therefore I ask the gentleman not to press his request just at this time or until the committee rises this afternoon.

The SPEAKER. What does the gentleman from Kentucky say to the request of the gentleman from Illinois?

Mr. STANLEY. Mr. Speaker, I withdraw the resolution for the present.

EULOGIES ON LATE SENATOR JOHN W. DANIEL.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent for the present consideration of the order which I send to the Clerk's desk and ask to have read.

The SPEAKER. The gentleman from Virginia asks unanimous consent for the present consideration of the order which the Clerk will read.

The Clerk read as follows:

House order 6.

Ordered, That Saturday, the 24th day of June, 1911, at 12 o'clock noon, be set apart for addresses on the life, character, and public services of Hon. JOHN WARWICK DANIEL, late a Senator from the State of Virginia.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 70. An act for the relief of Minor Berry;

S. 116. An act to maintain at the United States Military Academy an engineer detachment;

S. 315. An act fixing the rank of military attachés;

S. 816. An act to provide for plans and specifications for two high schools in the District of Columbia;

S. 1237. An act for the promotion of Carpenter Joseph A. O'Connor, United States Navy, retired, to the rank of chief carpenter on the retired list;

S. 1704. An act relieving and exempting lot No. 53 in Ann S. Parker's subdivision of lots in square No. 140 of the city of Washington, D. C., from the operation of an act entitled "An act to restrict the ownership of real estate in the Territories to American citizens," approved March 3, 1887;

S. 1785. An act to amend section 647, chapter 18, Code of Law for the District of Columbia, relating to annual statements of insurance companies;

S. 2048. An act to authorize a new highway plan for that portion of the District of Columbia lying between Van Buren Street on the north, Georgia Avenue on the east, Nicholson Street on the south, and Rock Creek Park on the west;

S. 2495. An act to define and classify health, accident, and death benefit companies and associations operating in the District of Columbia, and to amend section 653 of the Code of Law for the District of Columbia;

S. 2509. An act to amend section 1004 of the Revised Statutes of the United States; and

S. 2538. An act to authorize the extension of Grant Street NE. and Deane Avenue NE., in the District of Columbia, from Minnesota Avenue to Fifty-eighth Street.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 70. An act for the relief of Minor Berry; to the Committee on Military Affairs.

S. 116. An act to maintain at the United States Military Academy an engineer detachment; to the Committee on Military Affairs.

S. 315. An act fixing the rank of military attachés; to the Committee on Military Affairs.

S. 816. An act to provide for plans and specifications for two high schools in the District of Columbia; to the Committee on the District of Columbia.

S. 1237. An act for the promotion of Carpenter Joseph A. O'Connor, United States Navy, retired, to the rank of chief carpenter on the retired list; to the Committee on Naval Affairs.

S. 1704. An act relieving and exempting lot No. 53 in Ann S. Parker's subdivision of lots in square No. 140 of the city of Washington, D. C., from the operation of an act entitled "An act to restrict the ownership of real estate in the Territories to American citizens," approved March 3, 1887; to the Committee on the District of Columbia.

S. 1785. An act to amend section 647, chapter 18, Code of Law for the District of Columbia, relating to annual statements of insurance companies; to the Committee on the District of Columbia.

S. 2048. An act to authorize a new highway plan for that portion of the District of Columbia lying between Van Buren Street on the north, Georgia Avenue on the east, Nicholson Street on the south, and Rock Creek Park on the west; to the Committee on the District of Columbia.

S. 2495. An act to define and classify health, accident, and death benefit companies and associations operating in the District of Columbia and to amend section 653 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

S. 2509. An act to amend section 1004 of the Revised Statutes of the United States; to the Committee on the Judiciary.

S. 2538. An act to authorize the extension of Grant Street NE. and Deane Avenue NE., in the District of Columbia, from Minnesota Avenue to Fifty-eighth Street; to the Committee on the District of Columbia.

THE WOOL SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of H. R. 11019, a bill to reduce the duties on wool and manufactures of wool.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11019) to reduce the duties on wool and manufactures of wool, with Mr. HAY in the chair.

Mr. UNDERWOOD. Mr. Chairman, I yield one hour to the gentleman from Tennessee [Mr. HULL].

Mr. HULL. Mr. Chairman, I desire to submit a few general observations preliminary to my remarks upon the pending bill.

The great issue between the two political parties is that of taxation and expenditure. Our Republican friends have always preached and practiced the policy of high taxes, high expenditures, and high prices of all manufactured articles. Democrats have uniformly opposed unequal and exorbitant tax rates as well as waste and extravagance in the public expenditures. The controlling purpose of Republicans in levying import duties is protection to the manufacturers—giving them an absolute monopoly of the American market, thus enabling them to fix prices limited only by their greed of gain. They leave the question of revenue largely to take care of itself. The sole purpose of Democrats in imposing duties on imports is to secure necessary revenue for the Government, and incidentally to so lay these duties as to obtain the revenue with as little burden as possible to the taxpayer, and according to his ability to pay, and with as little disturbance to the business of the country as possible and without discrimination against class or section.

The effect as well as the meaning of a protective tariff is that the immense taxing power of this Government shall be constantly invoked to enable a few thousand manufacturers

to sell their products to the people at more than a reasonable and fair profit. The issue now, as it long has been, is, Shall this unjust interference of the Government cease?

Mr. Chairman, the first 70 years of our national existence closed with as nearly a perfect revenue tariff as could be devised—the product of Democratic wisdom and statesmanship. All parties acquiesced in this system of taxation as wise and just. We then had a model government by a model people. All felt equally its benefits, and none were exempted by favoritism from bearing their share of its burdens. This was under the benign influence of Democratic rule. But after the war our Republican brethren administered the affairs of the Nation. They immediately began a happy affinity with the privileged class. Since then each has considered itself the true affinity of the other. The protective tariff—the king of all our evils—was gradually fastened upon this country. During all the subsequent years the sleepless monster of protection, clothed in the livery of the law, has invaded every American home and exacted its "pound of flesh." The chief underlying cause of existing economic, financial, and social ills is traceable to this partnership of the Government with crime—the protective tariff. We to-day behold the results of protection "run to seed." The predictions of Democratic statesmen, made from the beginning, have come literally true. We have seen this system, which has never laid claim to fairness, honesty, or decency, propagate colossal trusts and giant monoplies innumerable, whose forces give free rein to their unbridled appetite for gain and their wicked lust for power. Shielded by vicious class legislation, actuated by the sole motive of gain, the beneficiaries of this system, the trust, the combine, the exclusive monopoly, have for 40 years ruthlessly preyed upon the hard earnings of those who toil. The unexampled patience and forbearance of the American people under this trying ordeal of pillage and plunder reads like a story from the feudal ages in England.

Even President Taft admits in effect that we no longer have competition in American markets. Many of the manufacturers—bloated with their ill-gotten wealth, impudent from a long lease of privilege—openly boast that their lobbyists sent here have been permitted by Republican Congresses to write their respective tariff schedules, under which they fixed their own high and arbitrary prices. No wonder wealth is so unequally distributed. No wonder business conditions are so unnatural, unstable, and artificial.

But, Mr. Chairman, the people, like a slumbering giant, have finally become aroused. They have decreed, in no uncertain terms, that tariff iniquities shall be banished. The doom of protection, here and everywhere, is plainly to be seen. It has always been indefensible; it has now become insupportable. Having prevented and delayed the work of tariff reform as long as possible, our Republican friends, three years ago, with mock seriousness, volunteered to perform this important task. I then inquired how the country could expect either of the component elements of that sweet, delectable trinity—the tariff beneficiaries, the trusts, and the Republican Party—to rise up and slay the others. True, this elegant triumvirate, this e pluribus unum, comprises three nominally separate corporations, but all are operated under one and the same management. I also said that it is a travesty upon common sense to expect the Republican Party, which is the pliant tool, the shield bearer, the toady, the lackey, the flunky of protection and the trusts, to fight with them any other than a sham battle. Each is the other's keeper. They are banded together under an obligation of honor, in so far as honor can bind certain classes, for all purposes of offense and defense.

REPUBLICAN FAILURE TO REVISE THE TARIFF.

What has been the result during the past three years of so-called Republican effort at tariff reform? Their first effort was the Payne-Aldrich monstrosity. It was worse than an abortion. It was an attempt to fool the people once too often, as shown by the last election returns. [Applause on the Democratic side.]

Their next step was to set up the plea that neither Congress nor the President knew anything about the tariff and that only a tariff commission had the knowledge and ability sufficient to deal with it successfully. Accordingly the last Republican Congress created such a commission. That body of excellent gentlemen has been laboring more than a year, and thus far has only been able to report on one minor schedule of the present tariff law. There are 14 schedules in all. At this rate it would take this board 15 years to lay its complete work before Congress for its action, and in the meantime the tariff extortion would go on. [Applause on the Democratic side.] You can not take the tariff out of politics. It has ever been a constant and fruitful source of political controversy in all countries, and will so continue until men are no longer influenced by human nature and human avarice. This is but another characteristic Republican effort to baffle and delay the great movement for honest tariff reform. Their third and last step relative to tariff revision was to suggest and urge Canadian reciprocity. Considered alone, this bill was not equitable in several respects, but it did contain downward revision and looked toward free trade with Canada—Democratic doctrine—hence the Democratic House, supported by a minority of the Republicans, promptly passed it, without attempting in any way to play politics, and sent it to a Republican Senate, where it at times seems doomed to die a lingering death. However, I trust that the lash of public sentiment may yet drive unwilling Republicans in another body to its support. But, in any event, the fact must not be overlooked that this bill embodies fundamental Democratic principles, modestly appropriated by a Republican President, and without the united aid of Democrats, both in and out of Congress, the President's efforts would have received scant support.

Mr. Chairman, it is therefore to be seen that the three steps taken by the Republicans toward tariff revision spell "failure" and "incapacity" in box-car letters.

DEMOCRACY THE PEOPLE'S HOPE FOR HONEST REVISION.

In its entire history none but Democrats have ever willingly given this country substantial and honest relief from oppressive taxation. The representatives of that great body are here in this House to-day with honest hearts and willing hands engaged in the work of uprooting the system of highest protection known to the fiscal history of any government. The undertaking is great. The task is arduous. The opposition is powerful and insolent. Fifty years in their growth and upbuilding make the predatory interests feel securely entrenched. To dislodge them and to restore this to a government of the people will require courage, persistency, patience, and unity on the part of Democrats. [Applause on the Democratic side.] It took the English people 11 years under the leadership of Peel, Cobden, and Bright to batter down and destroy the protective-tariff system of England—older but less formidable than ours—and to establish the fiscal system demanded by the people.

Mr. Chairman, in prosecuting the work of tariff reduction, it is needless to say that Democrats will act in a spirit of fairness and justice. Every citizen alike desires to see this country thrive and prosper. No legitimate business interest will be injured or seriously disturbed. Democrats are conservative when conservatism will suffice. They are radical when radicalism is necessary to uproot some deep-seated evil that afflicts the country or to prevent its taking root. [Applause on the Democratic side.]

Speaking for myself, as a Democrat, I believe that to properly revise and readjust our system of taxation so as to round out the most perfect and lasting fiscal system, and which I favor, would require a gradual reduction of the tariff to a sound revenue basis—lopping off existing inequalities and abuses, placing minimum rates, or none at all, on articles of prime necessity and universal consumption, and maximum rates on luxuries—and there should be levied an equitable and comprehensive excise or income tax to equalize the tax burden and to give elasticity and productiveness to our tax system. [Applause on the Democratic side.] The experience of most all the leading nations of the world conclusively shows that a modernized income or excise tax, combined with our other methods of taxation, makes up the fairest and most perfect fiscal system that can be devised. I predict that this country will soon come to this fiscal policy, and the sooner the better.

ITS RECORD THUS FAR.

Mr. Chairman, I now desire to discuss briefly the present work of Democratic tariff revision. We have passed the reciprocity bill, which has split the Republican Party wide open because it is based upon Democratic doctrine. As a companion measure we have passed the farmers' free-list bill, which places upon the free list all agricultural implements, boots and shoes, and other important articles of common necessity, thereby restoring them to the field of unlimited competition and saving the farmers and other classes probably $100,000,000 per annum.

We now have under consideration the woolen schedule. And I desire to say at this point, Mr. Chairman, that, unlike all Republican tariff legislation, the pending bill was not written by the lobbyists of either the woolgrower or the woolen manufacturer. No representative of the privileged class had the slightest knowledge of the provisions of this bill until after it was laid before the House Democratic caucus on Thursday last. [Applause on the Democratic side.] I may also add here that this bill is violently opposed by every beneficiary of the high rates in the present woolen schedule. [Applause on the Democratic side.] It is likewise opposed by every Republican protectionist in Congress who can oppose it without losing his seat

here. This bill emasculates and breaks the backbone of protection under Schedule K—the woolen schedule.

Mr. Chairman, I believe, and have long believed, that the sound economic policy and the best party policy would require the removal of all duties from the importations of raw wool. At present, however, the weight of opinion, even among those whose views are in harmony with mine, is that the long step toward free wool as embodied in this bill is more wise and feasible than to seek the total removal of the duty outright. This schedule now ranks third as a revenue producer. To strike out the $21,000,000 revenue derived from raw wool, without at the same time replacing it with a new source of taxation, would create a deficit in the Treasury. The Democrats are revising the tariff schedule by schedule. This renders it quite difficult, if not impossible, to satisfactorily make up such a deficiency until subsequent schedules, which would properly embrace the new subjects of taxation that would replace the wool tax, could be reached and considered. This course will enable the Democrats in Congress later on to substitute other subjects of taxation less burdensome than that of raw wool and place the latter on the free list.

Another reason is that the Democrats and others might be able to pass the pending bill through the Senate and thereby give the people immeasurable relief from the existing tax burdens in the wool schedule, whereas a free-wool bill would not have the same chance of passing the Senate. At any rate, Mr. Chairman, after long discussion and consideration, the conclusion became clearly apparent that the Democrats of the House, in view of the state of the Treasury, deemed it more practical and wise to deal with the woolen schedule as this bill proposes, and at the same time reiterating the Democratic policy to the effect that wool should be made free as soon as revenue conditions will permit and as soon as other subjects of taxation less burdensome can be substituted. The proposed bill lops off the extortion in the present law and places this schedule on a strict revenue basis.

THE WOOL TARIFF.

The present law undertakes to give the woolgrower and the wool manufacturer a complete monopoly of the American market, permitting them to fix their own arbitrary prices. This law is maintained upon the evident assumption that the American people will either cease to wear woolen clothing or purchase it from the American manufacturer at two and three times its fair value. In writing this schedule every device that ingenuity could contrive was resorted to to conceal the enormous protection and graft contained therein. Its peculiar classifications, its compensatory duties, its specific, ad valorem, and compound duties, its duties by the pound, its duties by the yard, and so forth, are staggering and puzzling even to an expert mind. For the purposes of the tariff wool now is divided into classes 1, 2, and 3. The tariff on class 1 is 11, 22, and 33 cents a pound, according to whether the wool is unwashed, washed, or scoured.

The duty on class 2 is 12 cents a pound on washed and unwashed and 24 cents a pound scoured, while the duty on class 3—carpet wools that do not compete with our wools—is 4 cents when valued at less than 12 cents a pound and 7 cents when valued at over 12 cents a pound. The average tariff on raw wool is 44.31 per cent. The present bill wipes out these three classes and imposes a flat ad valorem rate of 20 per cent. This is a reduction of 56 per cent of the present average duty on raw wool. The average tariff on the manufactured product under the present law is 90.10 per cent, and under the pending bill it is 42.55 per cent. This is a reduction of 53 per cent of the present average duties on the manufactured goods.

PRESENT STATE OF THE TREASURY.

I desire here to allude to the condition of the Treasury. On Tuesday of this week the excess of ordinary receipts over ordinary disbursements was $1,780,861, and for this fiscal year to date $8,656,775. The receipts from customs for the present fiscal year, up to this date, were $294,241,710. To this date last year the customs receipts were $310,445,815. This shows a decline in customs receipts from last year up to this date of more than $16,000,000. According to the same ratio of decline, it is but fair to estimate that the receipts from this source will, on June 30, the end of this fiscal year, show a falling off of $18,000,000 to $20,000,000. Save for the unexpected and abnormal increases of revenue from other sources for 1910 and also for this year, there would now be a large deficit in the Treasury.

During this and last year the increase of revenue from internal-revenue sources was entirely abnormal. This is shown by the fact that the revenue derived from the internal revenue proper for 1909 was only $246,000,000. The average annual revenue derived from this source from 1903 to 1910, inclusive, omitting the $20,000,000 corporation tax for 1910, was only $249,000,000. These average annual figures are the only safe basis on which to estimate the natural level of this source of receipts. Fluctuations, it is true, occasionally occur, as is the case with respect to this source of receipts for both 1910 and 1911. It so happens that during these two years the revenues from tobacco, distilled spirits, and other intoxicants jumped up more than $20,000,000 last year, and bid fair to do so this year, but the probabilities are that they will soon go back to their normal level. Again, the fact should not be overlooked that the miscellaneous receipts for this year have increased some $12,000,000 over those of recent previous years. This item is always uncertain. It will amount to about $60,000,000 this year, whereas it was only $45,000,000 last year and $40,000,000 the year previous, and the average receipts from this source for the past eight years were less than $45,000,000. The fact should also be noticed that on this date last year only $800,000 of the corporation tax had been paid, whereas at this time more than $8,000,000 of that tax has been paid into the Treasury. The only certain thing about receipts from customs duties is that on account of the large number of prohibitory rates they can not be reasonably expected to go higher hereafter than the amount for the present year. As to how much lower they may go can only be surmised by a glance at the great fluctuations of receipts from this source during recent years. It is equally certain that they are on a gradual and certain decline now. No one can foretell when or where this decline may stop.

To illustrate, the receipts for 1905 were $261,000,000, while for 1907 they had jumped to $332,000,000, but, characteristic of this source of revenue, in 1908 they fell to $286,000,000, a loss in one year of $46,000,000 and a difference, caused by a fluctuation between the years 1905 and 1908, of nearly $120,000,000, thus plunging the Treasury into a good-sized deficit. For 1910 the customs receipts jumped to $333,000,000 from $300,000,000 in 1909. This is largely accounted for because imports were held back awaiting the passage of the Payne bill. From all the foregoing facts and circumstances the only rational conclusion is that receipts from customs are on a gradual but certain decline, and that those from miscellaneous and other internal sources can not be expected to retain the high level to which they have jumped during this and last year. To be entirely safe, I will estimate that the recent unnatural rise in receipts from internal revenue and miscellaneous sources should decline toward their normal level to the extent of one-half, this would result in a loss of $15,000,000. From this sum deduct the present excess of ordinary receipts over ordinary disbursements, $8,656,775, and we face a deficit of $6,000,000 to $7,000,000. The inevitable situation, therefore, that must immediately and for an indefinite time confront Congress is, in effect, a depleted, and, most certainly, a depleting, condition of the Treasury.

Furthermore, this House has heretofore passed the reciprocity measure. This will reduce the revenues some $8,375,000. We have also passed the farmers' free list bill. This will reduce the revenue $11,000,000. In passing these and other tariff bills through the House we can only assume that the Senate will be wise and patriotic enough to put them up to the President, who would for like reasons approve them. Upon this basis, therefore, we must estimate the future state of our revenues. Our Republican friends are anxiously watching for a chance to parade before the country the cry that this Democratic House has passed bills which, if enacted into laws, would knock an immense hole in the Treasury and compel the Government to issue millions of bonds. The gentleman from New York [Mr. PAYNE], for example, stated that the free-list bill would deprive the Treasury of near $50,000,000.

I here read a list of the imports and duties for the year ending June 30, 1910, under the Payne law, and also the pending bill—the latter estimated:

Average rates, imports and duties under present law and the proposed law.

Items.	Present act—Results for year ending June 30, 1910.	Proposed act—Estimated results for a 12-month period.
Raw wool:		
Imports	$47,678,293.20	$66,991,000.00
Duties	$21,128,728.74	$13,398,200.00
Average unit of value, per pound	$0.186	
Equivalent ad valorem rate, per cent	44.31	20.00
Manufactures of wool:		
Imports	$23,057,357.78	$63,831,000.00
Duties	$20,775,820.76	$27,158,000.00
Equivalent ad valorem rate, per cent	90.10	42.55
Total revenue	$41,904,549.50	$40,556,200.00

This bill will thus give the people incalculable relief from unjust burdens of taxation and at the same time contribute the usual sum to sustain the Treasury.

Mr. Chairman, in 1910 this country produced 328,110,749 pounds of wool and imported 256,606,638 pounds. The domestic consumption of raw wool and wool equivalent of fabric for 1910 was 628,718,934 pounds. We consume more than one-fifth of the world's total output of wool, which last year was 2,854,384,000 pounds.

EFFECT OF WOOL TARIFF SINCE 1867.

Mr. Chairman, at the close of the war our unwashed domestic wool was worth about 40 cents a pound. Then it was that the woolen manufacturer approached the woolgrower and convinced him that if a combination of the two interests could write into our tariff laws a wool schedule containing prohibitory rates upon both raw and manufactured wool the woolgrower would be able to permanently maintain these war prices and the manufacturer could not only maintain but increase his. The result was the wool tariff of 1867, a network of compound and compensatory duties. The Republicans have transmitted that law to the Payne Tariff Act, with slight modifications. We behold that law to-day in all its hideous infamy, hoary with age, but with an ever-increasing appetite for pelf. Did the act of 1867 yield to our sheep grower the expected results? No! The years went on. Wool gradually declined in value, so that after 24 years' experiment—1891—the prices had fallen off one-half and the number of sheep east of the Missouri and Mississippi Rivers had declined in numbers one-half. In 1892 Mr. S. N. D. North, notorious as a tariff lobbyist for the woolen manufacturers, in a letter to the chairman of the Committee on Ways and Means, gave a careful comparison of prices of wool in the Boston and London markets for each year from 1867 to 1891, and a general average showed little difference between the two markets during all this time. Sheep in this country declined from 50,000,000 in 1884 to 43,000,000 in 1891. In Texas alone they declined in numbers from 4,281,812 in 1891 to 2,852,269 in 1894, and this occurred under the McKinley law. In 1891, after 20 years of protection, we were obliged to import 129,303,648 pounds of wool. From 1891 to 1909 the domestic supply of wool only increased 14,000,000 pounds, about 4½ per cent, while our population increased 46 per cent, so that we now have to import 260,000,000 pounds of wool, almost as much as we produce. Republicans, refusing to give the panic credit for any of the loss, insist that the number of sheep declined from 45,000,000 in 1894 to 36,800,000 in 1897 on account of the Wilson tariff. Then how do they explain the decline of sheep from 50,360,000 in 1885 to 42,600,000 in 1889 under a high tariff? And how do they explain the decline from 63,965,000 in 1903 to 45,170,000 in 1905 under the Dingley law? My figures are taken from the Yearbook of the Department of Agriculture. Again, how do they explain the fact that during the Wilson law a world-wide panic caused the prices of wool to first decline in Europe corresponding to the later decline here? And finally, how do they account for the fact that during this same time the value and numbers of other live stock, including cattle and hogs, and I should add cereals, suffered a decline corresponding to that of sheep? Will they contend that the Wilson tariff was responsible for all these like conditions? If so, they "state themselves out of court." The whole truth is that while protection has at times been of certain temporary benefit to the woolgrower, but at a tremendous expense to the American people, yet, taken as a whole, it has brought him no permanent advantage. He has lost far more by the enhanced price of the manufactured product than he has ever gained by protection. To illustrate: When the woolen manufacturer, under the present law, buys the farmer's unwashed wool of the first class the farmer is supposed to get the benefit of his 11 cents a pound tariff. But what becomes of it? Another section of this same tariff law provides that on ready-made clothing the duty per pound shall be four times the duty imposed upon a pound of unwashed wool of the first class and 60 per cent ad valorem. The farmer gets his wool back in the form of a suit of clothes with this enormous tariff added to what he would otherwise have paid.

Mr. Chairman, the American woolgrower will finally realize that he is being used by the manufacturer. He will find that the sheep industry, as to wool, is a migratory one, and that no artificial tariff prices, however high, will or can materially affects its permanent development or decline. For hundreds of years Spain produced all the fine wools for the world. Later Germany excelled. At present Australia has the largest market for fine wools. In this country the sheep industry has drifted first from the Eastern to the Middle Western States, and thence to the mountain States of the Northwest. Sheep as a wool industry always give way to agriculture wherever the lands make the latter profitable and people are at all numerous. Its history shows that this industry has traveled from country to country and from continent to continent.

The world's market is the chief factor in fixing the price of our domestic wools. The American woolen manufacturer, however, is a strong secondary factor. Different soils and climates and pasturage produce different classes of wool even from the same breed of sheep—the wool differing in fineness, soundness, fiber, strength, evenness, and length. Our woolgrower depends solely upon our home manufacturer to purchase his wool. The latter, before buying his raw wool, first takes his orders for cloths. These call for an immense variety as to finish, style, ingredients, and so forth. Our manufacturer goes abroad, where he can have the world's varieties of wool from which to make the most suitable selections—both as to class and price—with which to intermix our American wools and thereby fill his orders more acceptably. After buying such of our home wool as he needs or can utilize for this purpose, he informs the home woolgrower that he does not need any more of his wool. The result is stagnation and depression in the domestic wool trade, much of the time resulting in sales to our home manufacturer at prices virtually on the world's level. In the meantime our home manufacturer, having a monopoly of the market, compels every citizen to pay almost two prices for his finished product, supposedly made of wool, but in fact often composed of adulterants, such as cotton, shoddy, mohair, camel's hair, horsehair, and other kinds of hair than that of the sheep.

Mr. Chairman, I have here a very entertaining and carefully prepared statement by Mr. S. N. D. North, who, as I have stated, has been for more than a quarter of a century notorious as a representative and a lobbyist of the woolen people. He has written a book on the entire subject and the various phases of wool production and wool manufacture. In this statement before the Dingley Ways and Means Committee he is supposed to have been candid and frank, and I send it to the Clerk's desk and ask to have read the marked portions on each one of the two pages opened.

Mr. REILLY. What pages are they?

Mr. HULL. Pages 1650 and 1651 of volume 2 of the Tariff Hearings of 1896–97.

The Clerk read as follows:

Never until he had experience under free wool did the manufacturer realize the full extent of the disadvantage he suffers by reason of the wool duty and the impossibility, by any compensatory duty, of fully offsetting these disadvantages. In order that this fact may be brought home to you, we have briefly summarized these disadvantages.

(1) In the selection of foreign wools the duty restricts him within the narrowest limits, and thus excludes him from many of the blends from which the foreign manufacturers get the best results. His choice is necessarily confined to the comparatively small supply of light-shrinkage wools. He is thus excluded from many of the fine wools, which reach the markets in a very greasy condition. The range of product open to him is thus greatly limited.

(2) This concentration of American purchasers upon a comparatively small class of foreign wools increases the price of those wools in comparison with the price of the much larger assortment of other wools offered, and thus the duty directly adds to the cost of the wool a material sum in addition to the actual duty paid, and adds correspondingly to the cost of manufacture. The course of the markets under free wool has indicated that the enhancement of the price of the light-shrinkage wools, by reason of the concentration of American competition upon them, is in the neighborhood of 4 cents a pound.

(3) The wool duty not only restricts the choice and adds to the price of the American manufacturer, but it, of course, correspondingly enlarges the choice and cheapens the price of the wools of the foreign manufacturer. The disadvantages of the American manufacturer thus become distinct advantages, added to all the other advantages which the foreigner naturally possesses over the American.

(4) All the restrictions and limitations of the old law upon the importation of wool were put there to embarrass and impede the manufacturer in his choice of wools. They do have that effect, and are thus an additional disadvantage under which he labors and for which he gets no compensatory equivalent. Nothing akin or equivalent to them appears anywhere else in any tariff schedule. They imply that the whole business of importing wool is a fraud or tainted with fraud. As a matter of fact, there is no branch of importing where the business is more honestly done or where the opportunities for fraud are so few. Nearly all foreign wools are now bought and sold at public auction and are put up without reference to the American market. The expense of repacking these bales is sufficient to bar the attempted fraud which all these restrictions contemplate.

The wool manufacturer has moved too fast and too far ahead both at home and abroad. The handicap it was possible to offset by compensatory duties 30 years ago, if restored in all its old rigors, will cripple and repress the manufacture, will stop its diversification, will confine it in a strait-jacket to the detriment of all concerned, and more especially to the injury of the American woolgrower.

The great and important fact is that as the manufacture has now developed here the use of foreign wools has become indispensable. Any duty on wool, the purpose of which is to exclude and prohibit its importation, will restrict the American manufacture to such fabrics and effects as can be produced from domestic wools, and the result of such restriction will be to enormously increase the imports of foreign wool in manufactured form, irrespective of the duties you may impose. This enormous development in the world's wool supply, of which I have spoken, has re-created the art of manufacture. Our foreign competitors, free to pick and choose in this vast and varied assortment

of wools, each variety especially adapted to some special purpose, will control this market in the fancy fabrics unless Congress permits them to be met and matched by the use of the same wools.

Notwithstanding the high duties on wools maintained from 1861 to 1894 there never was a time in our history when the home supply was so insufficient in comparison with these special requirements. The proportion of fine wools grown here has been steadily decreasing, and is certain to continue to decrease. The farmer has learned that there is greater profit to him in raising the mutton sheep.

In the second place, our friends the woolgrowers entirely misapprehend the effects of these imported wools upon their own industry, and seek here legislation which is devised for their own injury.

The largest quantity of clothing and combing wools ever imported into this country under a duty was 44,000,000 pounds in 1892. That quantity of wool did not displace a single pound of domestic wool in the manufacture. It permitted the manufacture of certain goods in which domestic wool was used in conjunction with the foreign which could not otherwise have been made in the United States under the McKinley tariff.

No American manufacturer buys foreign wool for any purpose which he can accomplish equally well by the use of domestic wool. No man advances the money to pay wool duties 8 or 10 months before he can hope to get it back in the sale of his goods who can make these goods out of materials at hand. In a word, this wool was not used to displace American wool. It did not displace it, and the importation of it increased the market for American wool. There has never been a year, until 1893 and since, when the requirements of the domestic manufacturers did not exceed the domestic wool supply. Make this tariff bill right and the domestic manufacturer can promise the woolgrower a quick market for all the raw material he can grow for many years to come.

Mr. HULL. It is seen that, after all, our woolgrower does not directly compete with foreign wools to the extent supposed, for we have to send abroad for nearly one-half of the wool we consume in any event, and these foreign purchases are largely composed of classes that we do not produce, but which are suitable to mix with our domestic wool in order to turn out goods of the most desirable finish, style, and price. Mr. Chairman, the prices of wool are higher in London—the world's market—to-day than they are in Boston. I should like to pursue this inquiry further, but time forbids. Existing conditions confirm one in the conclusion that the revenue rate on wool proposed in the pending bill is amply justified. I go further, Mr. Chairman, and say that, when obtainable, free wool would soon redound to the benefit of every American citizen, regardless of his business or occupation. If this happy result could be had, the sheep grower east of the Mississippi could continue to realize his chief profit out of mutton sold, and our manufacturer could import his additional wool less the present exorbitant tariff, which greatly enhances the cost of manufacture and still more greatly enhances his price of the finished product sold to the American people without competition.

PRESENT TARIFF ON WOOL MANUFACTURES.

It would require four combined languages, containing the greatest power of expression, to adequately depict the inequalities, abuses, monstrosities, and outrages embraced in the existing woolen schedule. The aggregate of compound and other rates in the manufacturer's end of the schedule are more than mountain high. The manufacturer must exclaim, as did Lord Clive before a committee of the English Parliament, "My God! I am surprised at my own moderation." And yet, Mr. Chairman, next to eatables and cotton goods, woolen articles are the most universal necessaries. Next to hunger, protection from cold ranks in the scale of human necessity. What are human rights and human liberty worth in this country if, in order to enrich a few thousand persons, 90,000,000 people must wear cotton or very light wool and shoddy clothes and shiver through the depths of rigorous winters because of their inability to pay a tax of 96 per cent on an all-wool suit of clothes? Why not, while treating the manufacturer fairly, compel him to be content with fair competition and with a reasonable profit?

Mr. Chairman, a glance at the facts shows that real competition in woolen goods is entirely shut out and prohibited by the present law. The value of our domestic worsted and woolen manufactures in 1909 was $419,826,000, but the total value of our domestic consumption of raw wool and wool equivalent of fabric was for 1910 over $625,000,000. The total imports of the manufactures of wool was $23,532,175 in value. The percentage of importations to our domestic manufactures is less than 4 per cent. Our exportations of woolen manufactures are scarcely nominal.

But it should be kept in mind that this $23,000,000 of imports embraces articles, in the main, that only the wealthy can buy. Take the item of cloths. All the cheaper cloths are prohibited. Those valued at not more than 40 cents a pound are subjected to a duty of 144.05 per cent; those valued at above 40 cents and under 70 cents a pound carry a duty of 123.55 per cent; while all cloths valued at above 70 cents a pound only have a duty of 96.02 per cent—the Republican habit of levying the lowest duty on goods of greatest value. The result is that but a few thousand dollars' worth of cloths under 70 cents a pound were imported. But the wealthy class, desiring certain foreign designs and finishes, imported last year cloths worth over 70 cents a pound to the amount of $6,104,000 of our total importations of $23,000,000. The costliest imported carpets account for an additional $4,392,786 of our total importations. Enormous tariff rates, ranging as high as 87 per cent, bar out all the cheaper carpets. But the wealthy class imported fine carpets, costing abroad $4.37 per square yard, to the amount in value I have just stated, they being subjected to 60 per cent tariff. We also pick up $3,220,000, the value of costly women's and children's dress goods worth above 70 cents a pound, as a part of our total importations of $23,000,000. Most all of this class of articles that would be purchased by any except people of wealth are shut out from our country by tariff rates ranging from 65 to 154 per cent. The total amount of importations of women's and children's dress goods, which is about $9,000,000, were of such high quality and value as to be beyond the reach of people of ordinary means.

COMPARISON OF RATES IN PRESENT LAW AND PROPOSED LAW.

In view of the Republican method of imposing the highest rates of taxation upon articles of largest consumption and most universal use the most accurate method of calculating the relief which the proposed bill would give the American people would be a comparison of the flat rates contained in the pending bill with the higher rates imposed by the Payne law. For illustration: The proposed bill imposes a duty of 20 per cent on all top, slubbing, and other wastes; the present law imposes a duty of 150 per cent. The proposed bill levies a rate of 25 per cent on all wool tops; the present law imposes a duty of 111 per cent. The proposed bill levies a duty of 30 per cent on all yarns; the present law imposes a tax of 159.75 per cent. The pending bill prescribes a rate of 40 per cent on all cloths; the present law levies a tax of 144 per cent. The proposed bill levies a duty of 30 per cent on all blankets; the present law imposes a tax of 136.01 per cent. The pending bill levies a tax of 45 per cent on all women's and children's dress goods; the present law imposes a tax of 154.35 per cent. The proposed bill levies a tariff of 45 per cent on all ready-made clothing and articles of wearing apparel; the present law imposes a tax of 96.40 per cent on all shawls, 95.56 per cent on all knitted articles, 85.84 per cent on wool hats, 65.16 per cent on cloaks, and 77.09 per cent on other ready-made clothing. The proposed bill levies a tariff rate of 35 per cent on all webbings, suspenders, ribbons, etc.; the present law proposes a tax of 87.06 per cent. The proposed bill levies a tax of 35 per cent on all Saxony carpets, and others in that class; the present law fixes a tax of 70.14 per cent. The proposed bill fixes a rate of 30 per cent on all Brussels carpets, and carpets of like character; the present law levies a tax of 76.29 per cent. The rates I have given, imposed by the present law, are for the year 1910, and are chiefly prohibitive.

Without proceeding further with the comparison I should say that corresponding contrasts exist on through this item of carpets. It is needless to remark that no carpets are imported save the very costly qualities, which only the wealthy can afford. It is also needless to suggest that under the enormous prohibitory rates not enough yarns are imported to run an American mill a week.

Comparative reductions.

	Payne.			Underwood.			Saving.
	Cost.	Duty.	Total.	Cost.	Duty.	Total.	
Blankets,[1] per pound....	$0.40	$0.34	$0.74	$0.40	$0.12	$0.52	$0.22
	.50	.53	1.03	.50	.22	.72	.32
More than 3 yards in length, per pound.	.40	.53	.93	.40	.12	.52	.41
	.70	.79	1.49	.70	.31½	1.02	.47
	.40	.53	.93	.40	.16	.56	.37
Cloth, per pound.....	.60	.74	1.34	.60	.24	.84	.50
	1.00	.99	1.99	1.00	.40	1.40	.59
Dress goods, per square yard.....	.15	.14½	.29½	.15	.06¾	.21¾	.08
	.20	.18	.38	.20	.09	.29	.09
Cloaks, per pound.....	.50	.74	1.24	.50	.23	.73	.51
Clothing, suit.....	10.00	7.09	17.09	10.00	4.50	14.50	2.59
	20.00	14.18	34.18	20.00	9.00	29.00	5.18

[1] Costing 80 cents a pound, the saving will be 52 cents on each pound.

Our Republican friends evidently made a strenuous effort to impose duties on woolen manufactures high enough to entirely block all importations. This is evidenced by the fact that our total importations of $23,000,000 consists almost entirely of goods wholly beyond the purchasing capacity of the middle and poorer classes of people.

Mr. Chairman, in supporting this bill we propose to so reduce the rates on all the manufactures of wool as to place them on a reasonable and fair competitive basis—in other words, on a strict tariff-for-revenue basis—and without discrimination as to class, business, or section. The real average rate on all manufactured goods under which competition would be determined is between 30 and 35 per cent, whereas the same was around 40 per cent in the Springer bill, 47.84 per cent in the Wilson bill, over 40 per cent in the Mills bill, and less than that proposed in any bill since the war. In the language of the Republican minority leader, the gentleman from Illinois [Mr. MANN], on yesterday, "if treated as a bill drawn for the purpose of protection, this measure is a failure." This measure wipes out the discrimination in favor of the worsted and against the clothing manufacturer and places every woolen manufacturer upon equal terms. This is all the clothing wool manufacturer has ever asked. It is to be expected that the woolen manufacturer will be loath to give up the enormous graft upon which he has been feeding at the expense of 90,000,000 people under the existing law. Naturally they condemn the proposed bill in the strongest terms and insist that it will drive all of them out of business and destroy both the wool manufacturers and the wool producer in this country. They have already sounded this false alarm, as is their custom when about to be denied special privileges. But in contrast with this cry of fear is the frank statement contained in a tract of the American Woolen Co., circulated in 1900, when it was seeking to sell shares of its stock, which reads as follows:

> The Washington mills was started under the first administration of President Cleveland, and despite the vagaries of the tariff for the next 12 years, it prospered and succeeded in an unparalleled degree. The fact is that with the progress that has been made in woolen machinery and the increased skill of our American operatives the woolen business of America is rapidly reaching a position where even a return to the conditions similar to those existing under the Wilson bill would not seriously impair its profitableness.

Mr. Chairman, neither this Democratic House nor the country will become exercised at this effort of the beneficiaries of the existing wool schedule to retard the progress of tariff reduction. The cry of "cheap foreign labor" would be of more efficacy were it not for the fact, as I now recall, that more than 60 per cent of the labor employed in the woolen mills of this country is comprised of foreign-born persons.

The CHAIRMAN (Mr. DAVIS of West Virginia). The time of the gentleman has expired.

Mr. UNDERWOOD. Does the gentleman desire further time?

Mr. HULL. Just a little more.

Mr. UNDERWOOD. I yield to the gentleman such time as he desires.

The CHAIRMAN. The gentleman is recognized to conclude his remarks.

Mr. POST. Will the gentleman yield for a question

Mr. HULL. I hope the gentleman will wait a few minutes, until I proceed further, and then I shall be glad to yield.

Mr. RUSSELL. Mr. Chairman, I would like to ask the gentleman about the average weight of an ordinary blanket.

Mr. HULL. It ranges, as I remember, from 3 to 5 pounds. Some might go over, and lighter ones might not be quite so much.

Mr. HARDY. Will the gentleman yield for just a question? The gentleman now is speaking of the saving to the wholesale purchaser. When that comes to the actual consumer there must be added to what the gentleman states the intervening profit of the manufacturer and wholesaler, and the consumer really pays even more than the gentleman has stated, does he not?

Mr. HULL. Naturally. I was not undertaking to carry this through the various steps in order to reach the consumer, but I was showing the direct effect of where it operates first and where the proposed bill is substituted for the present law.

Mr. HARDY. What I wanted to state was that this effect is that it increases when it comes to the consumer.

Mr. HULL. The whole truth about the tariff, as it affects the woolgrower and the wool manufacturer, is largely summed up in the statement of Mr. S. N. D. North, made before the Dingley Ways and Means Committee in 1896. This great reduction in the tariff on wool and woolen goods—and it would be more so with free wool and corresponding reductions on the finished product—means that our manufacturer would have all the different varieties of wool in the world from which to select, without the handicap of the present high tariff, and mix with our domestic wools so as to turn out a finished product of every quality, style, texture, and price in demand here or elsewhere. He would furnish the American people a much higher class of goods for less money, his business would increase in every direction, and his large export trade would naturally arise, just as it has been built up by our American manufacturers in almost every other line. On the other hand, our wool would be in greater demand and would adjust itself under the natural law of legitimate business to a sound and stable level of prices. We produce many kinds that are not produced elsewhere. These kinds would be in demand from other countries at desirable prices. A demand for a particular kind of wool naturally enhances its price, whether sold here or in other countries.

I say, Mr. Chairman, that it is puerile for an American wool manufacturer to come here and insist that he must have a high tariff for protection and hem his markets within the confines of this country when other manufacturers in almost every other industry in this country are making their goods and selling them in most of the countries of the world in competition with the markets of the world. [Applause on the Democratic side.]

Mr. Chairman, one change from the existing law as imposed in the pending measure entitles it to the support of every fair-minded citizen. I allude to the change from the existing mysterious and incomprehensible system of compound rates to an ad valorem rate. This latter method leaves no possible room for graft or excessive duties which go to others than the Government, except in case of possible fraud or undervaluation, while the existing combined and compound system of rates open similar opportunities for cheating the Government and at the same time conceals an enormous amount of protection and exorbitant taxes, of which the manufacturer gets the sole benefit. It is well known that a specific rate increases the duty upon cheaper articles and decreases it as their value increases. This is shown by the following set of figures:

SPECIFIC RATES.

The inequality and injustice of specific rates of duty is well illustrated by the following prices of wool actually sold and bought in London, the specific duty, 11 cents a pound, paid when brought into the United States, and the equivalent percentages calculated. A glance will show that while each buyer pays apparently the same duty, 11 cents a pound, that some really pay twice as much as others:

	Per cent ad valorem.
Port Philip greasy, 9d (18 cents); duty, 11 cents	66⅔
Sydney greasy, 9d (18 cents); duty, 11 cents	66⅔
Cape greasy, 6½d (13 cents); duty, 11 cents	84.63
Montevideo greasy, 8d (16 cents); duty, 11 cents	70⅜
Morocco greasy, 4d (8 cents); duty, 11 cents	137
Cape greasy, 3½d (7 cents); duty, 11 cents	113

Mr. RUCKER of Colorado. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Colorado?

Mr. HULL. Yes.

Mr. RUCKER of Colorado. Does not the ad valorem mode of collecting these duties afford a greater degree of fraud or greater opportunity for attempts at fraud on the customhouse?

Mr. HULL. I would like to refer again to that book that I sent up to the desk.

Mr. RUCKER of Colorado. In other words, where these goods, as I understand, are to be valued abroad at the selling price, is not a greater opportunity for fraud afforded? I heard what was read from the book at the desk, if the gentleman wants to read it again for that purpose. I will ask the gentleman, would he depend entirely upon the auction sales and the certificate given by the auction sales abroad in determining the value at the customhouse?

Mr. HULL. I would say to the gentleman that my examination of the tariff hearings when the Mills bill and the McKinley bill and the Wilson bill and the Dingley bill were framed shows incontrovertible testimony of the approximate fairness with which ad valorem duties can and would be collected on wool. In addition to that, in 1896, as I recall, the Ways and Means Committee had an extended hearing upon this very subject, and all the appraisers at New York were brought here to testify; and, with one exception, those gentlemen testified that under the ad valorem system more than 90 per cent of the wool was imported absolutely free from either fraud or undervaluation. They stated that the wool imported into this country is purchased at auction; that wool experts are thoroughly familiar with every class and kind and quality of wool. One gentleman gave an instance in which a manufacturing concern had a buyer employed who could shut his eyes and feel of 10 or 20 or 40 or 50 kinds of wool and instantly tell the kind and value of that wool.

I have here an extract from the statement of Mr. North right upon that point, and everyone will agree that that gentleman is as thoroughly familiar with every phase of the wool

industry as any other citizen in this country. In the Dingley hearings he made this statement. He was asked:

Would you not say the remedy for these inequalities would be the ad valorem rate?

That is, the inequalities of the specific and compound rates. Mr. North answered:

There is no doubt that an ad valorem rate would remedy them, sir.
The CHAIRMAN. How would it affect the question of undervaluation if it should be imposed?
Mr. NORTH. An ad valorem rate of duty on wool?
The CHAIRMAN. Yes, sir.
Mr. NORTH. I do not believe there is any commodity sold in the world of any description the market of which is more accurately, publicly, and universally known than that of wool. It is like cotton, wheat, and other staple products in that respect. All the wools of the world, practically, which reach the public market are sold at auction. This country is the only large manufacturing country where the sale of wool is not in open markets.

This is his unbiased judgment as to the fairest method of levying duties on raw wool at the customhouse. Likewise, it is the judgment of Mr. Wood, who, in strong and positive language, said this before the committee:

Briefly, I would like to suggest that the only tariff on wool, in our opinion, should be an ad valorem and not a specific one. We are the largest users of domestic and foreign wools on this continent and we speak from experience.

Mr. RUCKER of Colorado. Mr. Chairman, will the gentleman yield for another question?

The CHAIRMAN. Does the gentleman yield to the gentleman from Colorado?

Mr. HULL. Yes.

Mr. RUCKER of Colorado. I am fully aware of the fact that there is quite a difference of opinion between the importers on this subject, but, however that may be, is it not true that whatever the examination may be at the port of entry here, the certificate of sale and the price fixed abroad determine the value under which it is taken by the customs officers?

Mr. HULL. I know it has been more or less the custom to accept the invoices at the customhouses, but the gentleman should remember that in recent years they could quickly and easily make a chemical analysis of every quality of wool or woolen product that comes in there and determine the ingredients and proportions of wool.

Mr. RUCKER of Colorado. Yes; but after all, they would have to take the certificate of purchase, or else go back and get it certified from the auction block where it was sold. Now, if the gentleman will pardon me a moment further, I speak of this because a very large importer of wool informed me that this ad valorem duty afforded the greatest opportunity for fraud upon the Government, and he suggested that when it comes in per pound it is weighed and determined by the pound. If the specific duty was so much a pound, regardless of the combination that the gentleman speaks of, he believed that that would protect the Government.

Now, with reference to the bills of sale abroad, I want to say to the gentleman that I have spent some time in Europe and I have spent some time in the Orient, and it is always the custom, whoever buys anything over there, to get a bill of sale for an undervaluation to show to the customs officer, and this importer tells me that in every case there will be a certificate of sale made out by the seller abroad for a less amount than the article is really worth.

Mr. HULL. Mr. Chairman, of course, I do not controvert the statements of the gentleman in so far as he states facts which he himself knows, but it is evident that the best judgment and experience on the subject, as well as the entire weight of reason, is in favor of an ad valorem rate upon imported wool. That means that no dirt or grease or other foreign ingredient of no value would be taken into account, and no question of shrinkage, which makes a very unfair charge to the different importers, would be included. In other words, every importer of wool would pay taxes upon the exact value, whether it was in the grease or washed or scoured.

Mr. HARDY. Will the gentleman permit one question?

Mr. HULL. Yes.

Mr. HARDY. Would not an importer, if he practiced undervaluation and used false certificates, subject himself to very heavy penalties for that kind of fraud upon the Government under our import laws?

Mr. HULL. I was in the act of saying, and putting it against the information of my friend from Colorado [Mr. RUCKER], that the hearings in 1896 before the Ways and Means Committee, as I now recall them, showed, from the testimony of the appraisers in New York, whose business it was to deal directly and practically with this question, that more than 90 per cent of the wool coming in here paid taxes upon its exact value and without undervaluation or other fraud.

Mr. RUSSELL. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Missouri?

Mr. HULL. Yes.

Mr. RUSSELL. Even assuming that it may be true that some frauds may be perpetrated on the Government under this proposed ad valorem tax, is it not true that under the present law there is an ad valorem tax upon these woolen goods?

Mr. HULL. It is a compound rate now.

Mr. RUCKER of Colorado. Will the gentleman yield for just one more suggestion?

Mr. HULL. Yes.

Mr. RUCKER of Colorado. I will say to the gentleman that this importer suggested a way of avoiding any fraud that could be perpetrated upon the Government, by having all of the wool that comes in here based upon a specific duty on washed wool, and that the value of that wool could be easily determined without any extraordinary expense to the Government by washing a portion of the wool at the customhouse. Thereby you would get uniform treatment, and the duty would be exacted upon all wool alike and therefore the difficulties that have heretofore existed in determining the difference between the washed wool and the wool in the grease would disappear, because the duty would be paid upon the washed wool.

Mr. HULL. Then no wool could be imported unless it was washed?

Mr. RUCKER of Colorado. No; it would come in in the grease, but it could be tested upon the samples washed at the customhouse with but very little cost to the Government.

Mr. HULL. Much of it comes in on the sheep, and you could not test that very well.

Another fatal objection to the present specific rate is that wool of large shrinkage is virtually shut out of the American market, as is shown by the following set of figures:

Amount of wool required to make 16-ounce cloth.

	Cloth duty.	Wool, actual.	Excess.
	Cents.	*Cents.*	*Cents.*
18 per cent shrinkage requires 1 pound 12 ounces	44	19¼	24¾
25 per cent shrinkage requires 1 pound 15 ounces	44	21 5/16	22 11/16
35 per cent shrinkage requires 2 pounds 5 ounces	44	25 1/16	18 15/16
48 per cent shrinkage requires 2 pounds 15 ounces	44	32 7/16	11 9/16
60 per cent shrinkage requires 3 pounds 11 ounces	44	40 1/16	3 15/16
70 per cent shrinkage requires 4 pounds 15 ounces	44	54 1/16	.....
75 per cent shrinkage requires 5 pounds 14 ounces	44	64⅜	.....

The effect of this is that the carded-woolen manufacturer is unable to import his wool, while the worsted manufacturer, who uses the grades of lighter shrinkage, is able to bring his in, but at a price largely in excess above what purports to be the actual duty. An ad valorem rate has been thoroughly tested and proven to be the only practical method of levying duties under this schedule. As I stated, when interrupted awhile ago, an extended hearing by the Ways and Means Committee in 1896, during which the appraisers of New York testified, showed that more than 90 per cent of the imported wool paid its just amount of taxes. This method entirely eliminates all questions of shrinkage or unfairness. It has been approved even by the chief spokesmen for the woolen manufacturers, namely, Mr. William M. Wood, president of the Woolen Trust, and also by Mr. S. N. D. North, long a lobbyist and representative before Congress of the woolen manufacturers.

Mr. Chairman, if enacted into a law, this bill, while doing no injustice to the wool producer, will save the woolen manufacturer many millions of dollars in the cost of production and will result in an annual saving to the American people of at least $150,000,000 in the reduced price of woolen goods.

We boast of our liberty, our civilization, our intelligence, our manhood, our energy, our inventive ingenuity, our unsurpassed natural resources, our up-to-date machinery, our skill in all lines of industry. One hundred and thirty-five years and two great oceans separate us from the mother country, from all great commercial countries. Then, Mr. Chairman, where is the wool producer or the woolen manufacturer who, with a revenue duty of 20 per cent on the products of the former and an average of 42.55 per cent on those of the latter, or with no duty on wool, and corresponding reductions on wool manufactures, is so abject and supine and so afflicted with greed as to come to the American Congress and beg that an enormous, unconscionable tax be retained upon all the people in order to increase his profits? [Applause on the Democratic side.]

APPENDIX A.

PRESENT COMPENSATORY DUTIES ILLUSTRATED.

The so-called compensatory duties of the woolen schedule are numerous and altogether excessive. They grow out of the compound rates and are hidden in the following rates:

Articles.	Duties.	Equivalent ad valorem.
		Per cent.
Wool and hair advanced:		
Valued under 40 cents	33 cents and 50 per cent	252.20
40 to 70 cents	44 cents and 50 per cent	112.86
Above 70 cents	44 cents and 55 per cent	77.04
Tops	36⅔ cents and 30 per cent	111.73
Yarns—		
30 cents and under	27½ cents and 35 per cent	159.75
More than 30 cents	38½ cents and 40 per cent	82.38
Blankets (6 rates)	22 cents and 30 per cent	95.53
	33 cents and 35 per cent	105.50
	33 cents and 40 per cent	68.19
	33 cents and 50 per cent	136.01
	44 cents and 50 per cent	122.80
	44 cents and 55 per cent	99.07

And so on through cloths, dress goods, knit goods, and all other manufactured goods in the schedule.

The specific rate of so many cents a pound is to protect the woolgrower and is the compensatory rate, while the ad valorem rate is for protection. The second column is the computed equivalent of the compound rate. In the arrangement of the schedule its manipulators have proceeded generally on the theory that it takes 4 pounds of grease wool to make 1 pound of finished cloth. The inmost stronghold of the schedule is this assumption. Some rates are based on 2 for 1 and some on 3 for 1, but the crux of the whole schedule is 4 for 1. In giving 44 cents and 50 per cent to one class of blankets, the specific rate, 44 cents, being four times the rate on 1 pound of grease wool, is given on the theory that 4 pounds of grease wool entered into every pound of that kind of blanket, and that the manufacturer paid 44 cents either as duty to the Government or enhanced price to the domestic woolgrower, and that he is entitled to this as compensation and to the added 50 per cent as protection against the competition of foreign-made goods.

It is impossible, however, to know just the exact rates between wools in the grease and in finished cloth. No two classes of wool shrink alike, nor so nearly alike as to warrant a fixed ratio or a specific rate. Woolen men of high character assert that the compensatory rates of the law are all excessive—all too high.

The following calculation showing the difference between the compensation allowed by law and the actual compensation needed appeared in the Textile World Record of January, 1909:

Eleven lots of woolens, each of 10,000 yards, were calculated as to the specific rate and the ad valorem rate, and these added and the equivalent ad valorem rate calculated. Then the actual number of pounds of grease wool used at 11 cents a pound was reduced to its equivalent ad valorem. In lot 1 the actual duties paid were 105.6 per cent of the cost and the actual duties on the grease wool used amounted to 21.1 per cent, leaving 81.5 per cent for protection. The law fixed the rates as 50.6 per cent compensatory and 55 per cent protective, making 105.6 per cent as the actual ad valorem duty. The real compensatory duty, however, was actually 24.1 per cent, thus increasing the protection of the law from 55 per cent to 81.5 per cent.

APPENDIX B.

COST OF PRODUCTION—LABOR.

Woolen and worsted goods.

[From Preliminary Report, Census Bureau, 1909.]

Number of establishments	913
Capital	$415,465,000
Cost of material used	$273,406,000
Salaries and wages	$79,214,000
Miscellaneous expenses	$21,347,000
Number of salaried officers and clerks	5,325
Average number wage earners	162,914
Total wage earners	168,239
Value of product	$419,826,000

Dividing the amount of salaries and wages by the total value of products, it is found that the labor cost of woolen and worsted goods for the year 1909 was 18.86 per cent.

The value added by manufacture to materials, $146,360,000.

Labor's share of the value added was 54.10 per cent.

Labor received 18.86 per cent of the manufactured product.

Labor received 54.10 per cent of the value added by manufacture, or $79,214,000 out of $146,360,000.

Deducting $21,347,000, miscellaneous expenses, and $79,214,000 out of the value added to material by manufacture, we have $45,799,000 gross profits of manufacture in 1909, or 11.02 per cent on the capital stock, with all its water. The water is variously estimated at from 100 to 200 per cent. The profits therefore run from 11 to 30 per cent.

The cost in England is from 14 to 24 per cent.

APPENDIX C.

Prices of washed wool.

Years.	Washed Ohio fleece wool, per pound, in Eastern markets, July 1.		
	Fine.	Medium.	Coarse.
	Cents.	*Cents.*	*Cents.*
1800			
1810			
1820			
1830	60	50	40
1840	45	39	33
1850	45	37	30
1851	47	42	37
1852	45	38	33
1853	60	53	48
1854	45	37	30
1855	50	40	33
1856	55	42	36
1857	56	50	40
1858	43	37	30
1859	56	40	35
1860	55	50	40
1861	38	30	22
1862	48	47	45
1863	75	70	65
1864	100	100	90
1865	75	73	65
1866	70	67	60
1867	55	49	45
1868	46	45	43
1869	48	48	47
1870	46	45	43
1871	62	60	55
1872	72	70	65
1873	50	48	44
1874	53	53	46
1875	52	49	46
1876	38	35	31
1877	50	44	37
1878	36	36	32
1879	37	38	34
1880	46	48	42
1881	42	44	36
1882	42	45	34
1883	39	41	33
1884	35	34	30
1885	32	31	28
1886	33	33	29
1887	34	37	34
1888	29	33	31
1889	35	39	32
1890	33	37	29
1891	31	35	29
1892	28	34	30
1893	24	26	25
1894	20	21	18
1895	18	21	19
1896	17	18	17
1897	21½	23½	21
1898	28	29	24½
1899	29	31½	27
1900	28½	31½	27½
1901	25	26	22
1902	26	26¾	25
1903	31½	31½	27
1904	32½	32½	30½
1905	36	39	36
1906	33	37	36
1907	34	36	35
1908	34	38	36
1909	35	40	37

Prices of unwashed wool.

Years.	Unwashed wool, foreign prices, per pound.			Domestic price, Ohio fine unwashed, Boston.	
	Clothing.	Combing.	Carpet.	Low.	High.
	Cents.	*Cents.*	*Cents.*		
1885	20	24	11		
1886	16	22	11		
1887	19	24	12		
1888	20	24	12		
1889	20	23	12		
1890	23	25	12		
1891	23	23	11		
1892	21	23	9		
1893	18	22	9		
1894	16	26	9		
1895	15	20	9		
1896	17	22	10	12	15
1897	17	22	11	13½	21
1898	18	20	10	18	21
1899	15	28	9	16	26
1900	21	21	9	18	26
1901	16	20	10	16½	19½
1902	12	18	9	19	23
1903	18	19	10	20	25
1904	19	22	12	21	25
1905	23	25	13	23	30
1906	24	28	14	24	28
1907	26	30	15	25	28
1908	22	27	15	19	27
1909	21	21	11	23	28
1910	23	24	9-15	20	28
May, 1911	18	24		16	19

[London News, May 10, 1911.]

Victorian greasy	23–26
Bollies	20
West Australia merino combing	20–24
Lambs	16–19
Crossbred combing	20–21
Caligiddy combing	19–20
Caligiddy clothing	18
New Zealand combing	23–24½
Half-bred	23–24½
Heatherlea crossbred combing	16–19

APPENDIX D.

LOW AND HIGH PRICES, 1890 TO 1900—WORLD-WIDE.

Sauerback's compilation of prices on 45 staples for England, Prof. Conrad's compilation for 30 staples for Germany, the Bank of Japan's compilation for 40 staples in Japan, and the compilation of the Bureau of Economic Research for the United States show the following changes of prices, 1890–1900:

Countries.	1890-1896	1897-1900
Great Britain	Fell 15 per cent	Rose 17 per cent.
Germany	Fell 23 per cent	Rose 22 per cent.
Japan	Rose 31 per cent	Rose 26 per cent.
United States	Fell 23 per cent	Rose 23 per cent.

All of these countries are on a gold basis. One of them had the advantage of Republican tariff legislation, yet all had a rise beginning in 1896. The cause of the prosperity was something other than tariff tinkering one year after the rise began. This rise in prices in England began in 1895—two years before the passage of the Dingley law. The fall in prices in three of these countries began in 1890, and the passage of the Wilson bill in 1894 had nothing to do with the decline. Japan in the first period was on a silver basis, and was therefore protected from the depression in gold-standard countries. During the second period Japan was on a gold basis, and so shared the prosperity of all gold-standard countries following the increased output of gold.

The fall in prices throughout the world from 1890 to 1896 from 15 to 23 per cent was due to the limited supply of the world's gold, and the rise followed the increased production of the world's supply of that metal—enhanced by the adoption of the gold standard by India, Russia, and Austria.

Russia in 10 years ending 1897 had called for and obtained $500,000,000 of the world's supply of gold, which she withheld from circulation and hoarded in her treasury. From 1897, when she finally took the gold standard, she began to pay out gold, and in two years had returned $300,000,000 of gold to the circulation. Austria from 1890 to 1896 hoarded gold, which returned to the circulation in 1897. France, Germany, and England, to protect themselves, increased their surplus of gold from 1887 to 1896 to a point never before known. Beginning with 1897, all this gold began to return to the circulation, with a corresponding rise in prices for all commodities.

The gold supply was further increased by a remarkable increase of production. In 1897 the product doubled that of 1890; that of 1898, $50,000,000 more than 1897; that of 1899 amounted to about $315,000,000, or an increase of $200,000,000 above the average product of 1887 to 1890. The surplus supply of gold in 1895 was $125,000,000, against an average annual deficit of $26,000,000 for the four years preceding. The average surplus for the four years 1895–1898 was $124,000,000 per annum.

The rise and fall of prices for four years before and after 1896 correspond with the rise and fall of the world's deficits and surpluses for the same quadrennial periods. The fall in prices, 1891–1895, corresponded exactly with the rise in the price of gold for the same period, and the rise in prices, 1896–1899, with the fall of the price of that commodity.

Had the Wilson bill continued to 1899 the rise in commodity prices would have been exactly the same. Prices began to rise in 1896, before the passage of the Dingley law, caused by forces entirely outside the power and force of that statute. The rise and fall of prices were world wide, while the Dingley statute was confined to the United States, distributing a world-wide prosperity to a limited number of Americans in unrighteous proportions, but not strong enough to keep the world's prosperity from helping all Americans to a remarkable degree.

The increased production of gold effected a world-wide rise in prices, while the passage of the Dingley law effected the creation of innumerable trusts in the United States, which caused a rise in American trust-made goods far in advance of the slighter world-wide advances. In Europe prices rose from 1896 to 1907—12 years—according to Sauerbeck, 27 per cent. In the same period prices, according to Dun's Review, rose in the United States 49 per cent, and in 1908, 61 per cent.

The English rise in prices may be taken as the result of the increased supply of gold, and the American increase divides as follows:

Increased prices, 12 years.

	Per cent.
Increase in United States prices	49
Increase due to gold supply	27
Increase due to tariff trusts (in 1907)	22
In 1908 had risen	34

That the Wilson free-wool bill had nothing to do with the decline in the price of sheep is shown by the following table of foreign prices of sheep from 1890 to 1909:

Market value of sheep imported into the United States in the market from whence exported, as shown by Agricultural Yearbook.

Years.	Price per head.	Years.	Price per head.
1892	$3.78	1901	$3.73
1893	3.66	1902	3.58
1894	3.25	1903	3.44
1895	3.34	1904	3.42
1896	2.65	1905	3.77
1897	2.51	1906	4.24
1898	2.82	1907	4.98
1899	3.47	1908	4.82
1900	3.58	1909	4.90

Prices of sheep have advanced all over the world from 1897 to 1909, irrespective of tariff laws.

On the other hand, sheep for export brought excellent prices.

Export prices.

Years.	Price per head.	Years.	Price per head.
1892	$3.43	1901	$6.49
1893	3.39	1902	5.41
1894	6.29	1903	6.03
1895	6.48	1904	6.49
1896	6.26	1905	6.29
1897	6.27	1906	5.64
1898	6.08	1907	5.54
1899	5.96	1908	5.83
1900	5.83	1909	5.40

Beginning with 1894 export prices for American sheep almost doubled and held their rank for 11 years, when there was a slight decline.

Prices of wool (duty 22 cents a pound).

[Foreign prices are for washed wool, duty unpaid; domestic prices, New York.]

Years.	Foreign.	Domestic. Ohio XX.
	Cents.	*Cents.*
1894	20	23½
1895	18	18½
1896	16	19
1903	46½	32½
1904	53	34
1905	29½	35½
1906	34	34½
1907	36	34
1908	31	32½

It is clear that prices of wool were as low relatively abroad for the period 1894–1897 as they were in the United States.

It is plainly evident that no duty whatever from 1894 to 1903 was needed to protect American woolgrowers, but that notwithstanding this, the duty or a part of it was added to the price. The foreign price in 1903 and 1904 was higher than the domestic. The foreigner could not compete, duty paid, in 1905. The duty, 22 cents, added to the foreign price, 29½ cents, made 51½ cents laid down in New York, against the home price of 35½ cents. Foreign wool in 1906, 1907, and 1908 was as high as domestic, irrespective of duty. During the periods of two or three years natural law fixes foreign prices as high as or higher than our prices, during which the woolgrower needs no protection.

On first-class washed wool, not on the skin, the duty is 22 cents a pound, a rate not justifiable by foreign prices. Domestic wool at all times could have held its own without a tariff of any kind. Domestic woolgrowers produce less than two-thirds of all the wool consumed in the United States; the remainder must be purchased abroad. The above table shows beyond peradventure that the woolgrowers of the United States not only have the domestic market but can always have that market for all their goods, and can stand the proposed reduction in the present tariff laws or the total repeal of the wool duties. Wool—American wool—in the markets to-day is selling low compared with what it might sell for, inasmuch as foreign wools, duty unpaid, are running at about the same price. Many

wool men agree that the woolgrowers can stand this reduction without injury.

APPENDIX E.

ANOTHER REASON FOR LOSS OF SHEEP—1893 TO 1897.

In addition to the reasons heretofore given for the loss of sheep at various periods of our history there is the further reason of sales and killings for mutton at periods when the price of mutton was abnormally high. One of these high-priced mutton periods came in 1894, 1895, and 1896, and brought about a loss of nearly 2,000,000 sheep just at the time that Republicans were charging a loss of sheep to the Wilson bill. The following is taken from the yearbook of 1896, and is another answer to misleading statements of Republicans:

British imports of sheep.

1893	62,682
1894	484,597
1895	1,065,470
1896 (9 months)	614,855

American sheep during the last three years of this period were landed in Liverpool in greater numbers than in any preceding year. The profitable market for mutton appears to have encouraged sheep growing and fattening in many of the Western States.

American yearlings and 2-year-olds commanded practically the same price as English sheep, and were sold during the year 1896 at from 14 to 16 cents a pound.

This trade might have gone on indefinitely but for the fact that the scab appeared among one lot of sheep from America in the latter part of the year, which broke up the British importation of sheep from the United States at about the same time that Republicans were passing the Dingley law. The exportation to Great Britain ceased because of British antagonism to diseased American sheep, and these sheep were retained in American folds to swell the number of sheep and indirectly aid the new tariff to make a greater showing for the American sheep industry.

But apart from this, why should 80,000,000 of people tax themselves 11 and 12 cents a pound for the sheep raisers, who produced 300,000,000 pounds of wool? Why should all industries be taxed enormously and outrageously in order to foster sheep raisers? Why should the people pay sheepmen a bounty on sheep and wool?

APPENDIX F.

PRODUCTION, CONSUMPTION, AND MANUFACTURES OF WOOL.

World's wool production in 1891, and wool and sheep in 1910, by countries—per cent of increase in wool production and in population, by continents.

Countries.	Wool.		Per cent of increase, 1891 to 1910.		Sheep and lambs.
	1891	1910	Wool.	Population.	1910
	Pounds.	*Pounds.*			*Number.*
United States	307,102,000	321,363,000	4.1	46.1	57,216,000
Other North America	18,000,000	19,210,000			6,534,000
North America	325,102,000	340,573,000	4.8	50.6	63,750,000
Argentina	[1] 310,000,000	414,465,000			67,212,000
Chile	[1] 7,500,000	20,754,000			4,224,000
Uruguay	[1] 58,470,000	129,961,000			26,000,000
Other South America	14,000,000	20,394,000			3,786,000
South America	389,970,000	585,574,000	50.2	28.6	101,222,000
United Kingdom	147,475,000	141,940,000			31,249,000
Austria-Hungary	54,301,000	41,600,000			13,974,000
France	124,803,000	78,000,000			17,409,000
Germany	54,894,000	25,600,000			7,764,000
Italy	21,385,000	35,000,000			11,160,000
Spain	66,138,000	52,000,000			16,119,000
Russia	291,500,000	152,000,000			43,000,000
Balkan States and Roumania	[1] 65,824,000	55,000,000			17,000,000
Turkey		23,000,000			7,000,000
Other Europe	26,896,000	42,000,000			13,624,000
Europe	853,216,000	646,140,000	[2] 24.3	9.5	178,290,000
British India	[1] 80,000,000	50,000,000			21,824,000
China	[1] 20,000,000	50,000,000			19,000,000
Russia	66,000,000	60,000,000			19,000,000
Turkey	39,855,000	113,600,000			34,000,000
Other Asia	[1] 5,000,000	13,146,000			5,000,000
Asia	210,855,000	286,746,000	3.6	7.7	98,824,000
Algeria and Tunis	30,425,000	36,919,000			10,148,000
South Africa	[1] 97,500,000	111,720,000			28,304,000
Other Africa	[1] 4,000,000	13,000,000			7,199,000
Africa	131,925,000	161,639,000	22.5	24.5	45,651,000
Australasia	550,000,000	833,612,000	51.6	38.7	115,526,000
Other Oceania	40,000	100,000			15,000
Oceania	550,040,000	833,712,000			115,541,000
The world	2,461,108,000	2,854,384,000			603,278,000

[1] Figures for 1894. [2] Decrease.

Comparative summary—Number of sheep and wool clip east and west of the Mississipi River, with percentage of total fleece wool production, by decades, from 1840 to 1910.

Years.	East of Mississippi.			West of Mississippi.		
	Sheep.	Wool.		Sheep.	Wool.	
		Clip.	Per cent of total.		Clip.	Per cent of total.
	Number.	*Pounds.*		*Number.*	*Pounds.*	
1840	18,807,779	35,102,584	98.01	503,505	690,530	1.99
1850	20,095,661	50,014,074	95.23	1,627,559	2,502,885	4.77
1860	18,906,000	51,791,194	85.94	5,000,000	8,473,719	14.06
1870	21,038,684	77,384,589	77.29	7,419,267	22,737,818	22.71
1880	20,424,000	95,977,649	61.65	21,768,000	59,704,102	38.35
1890	18,344,000	70,910,611	42.86	22,532,000	94,538,628	57.14
1900	12,628,000	83,008,478	30.01	27,235,000	193,559,106	69.99
1910	11,329,000	74,020,500	26.31	27,740,000	207,342,250	73.69

APPENDIX G.

CENSUS REPORT, 1907.

Scoured wool, animal hair, shoddy, and cotton consumed in the wool manufacture, with per cent of total: 1880 to 1905.

	1905 (pounds).	1900 (pounds).	1890 (pounds).	1880 (pounds).	Per cent of total.			
					1905	1900	1890	1880
Scoured wool, including camel, alpaca, and vicuña hair and mohair	289,393,614	244,216,894	207,584,746	167,634,157	54.7	55.1	55.3	59.2
Shoddy,[1] including buffalo, cow, and other animal hair and fur	142,870,480	100,581,871	73,678,066	56,970,682	27.0	22.7	19.6	20.1
Cotton and cotton yarn	97,022,757	98,632,496	94,372,267	58,481,712	18.3	22.2	25.1	20.7
Total	529,286,851	443,431,261	375,635,079	283,086,551	100.0	100.0	100.0	100.0

[1] Includes shoddy made in mill for use therein.

Scoured wool and shoddy consumed in the wool manufacture, with per cent of total, 1890 to 1905.

	1905		1900		1890	
	Quantity (pounds).	Per cent of total.	Quantity (pounds).	Per cent of total.	Quantity (pounds).	Per cent of total.
Scoured wool	282,194,618	72.6	238,632,452	76.9	198,174,021	77.7
Shoddy purchased	35,782,056	27.4	34,496,508	23.1	56,826,475	22.3
Shoddy made	70,801,994		37,000,000			
Total	388,778,668	100.0	310,128,960	100.0	255,000,496	100.0

APPENDIX H.

MANUFACTURES NOT LANGUISHING.

The following figures, showing the growth of our export trade in manufactures, speak with irresistible eloquence not only as to our growth, but as to the fact that high tariffs are no longer needed to protect our manufacturing industries:

Exports of manufactures—per cent of all exports.

	Per cent.
1880	14.78
1890	21.18
1900	36.37
1910	44.85

First nine months of calendar year 1910, 51.34 per cent.

When more than half our exports are manufactures they certainly need no protection.

Export values.

1860	$48,000,000
1870	70,000,000
1880	122,000,000
1890	179,000,000
1900	485,000,000
1910	767,000,000

The Wilson law certainly did not bankrupt our manufacturers. When they shut down in 1894 to starve labor and to knife the Democratic Party and the country they were full-handed and ready to take advantage of the Dingley law—a law especially devised and passed for their benefit.

No hearings are needed to show that the present tariff rates can be cut downward, and cut deep.

Production.

1890	$9,372,000,000
1900	13,004,000,000
1905	16,867,000,000
1910 (estimated)	20,000,000,000

From 1890 our manufactures increased more than 100 per cent owing to the unnecessary protection—the unjust and unwarranted protection—of the Dingley law. During the same period the increase in the value of manufactures exported was 325 per cent.

Comparison of manufactured exports to exports of food products.

Years.	Manufactured exports.	Exports of foods.	Percentage of food products.
1880	$122,000,000	$459,000,000	55.77
1890	179,000,000	357,000,000	42.21
1900	485,000,000	545,000,000	39.80
1910	767,000,000	369,000,000	21.59

Protection has built up the manufacturing industry at the expense of the agricultural industry and of all other industries.

Kind of manufactures exported.

	1910	1909
Iron and steel	$179,000,000	$145,000,000
Copper	88,000,000	85,000,000
Mineral oil	94,000,000	99,000,000
Wood and lumber	75,000,000	64,000,000
Leather	52,500,000	43,000,000
Cotton	33,000,000	32,000,000
Agricultural implements	28,000,000	25,500,000
Cars and carriages	20,500,000	15,500,000
Chemicals	21,500,000	19,000,000
Naval stores	18,500,000	15,000,000
Scientific instruments	12,500,000	9,000,000

Mr. UNDERWOOD. Mr. Chairman, I yield one hour and thirty minutes to the gentleman from Massachusetts [Mr. PETERS].

Mr. PETERS. Mr. Chairman, the bill we have before us for a revision of the woolen schedule, known as Schedule K, shows the firm determination of the Democratic Party to be true to its pledges for a downward revision of the tariff. As a member of the Ways and Means Committee which reports the bill, I can testify to the efforts of the majority of that committee to bring out a bill which would meet the difficulties of this perplexing schedule. Your committee believes it has accomplished this, and it now presents H. R. 11019, which has the support of all the Democratic members of the committee, as a revision of Schedule K in the interest of the consumers.

The rate of duty on manufactured products under the Dingley bill is 89.42 per cent and under the Payne bill 90.12 per cent, and on the expected importations under this bill the estimated rate of duty will be 42.55 per cent. Can better evidence than this be given of the insincerity of the Republican pledges to revise the tariff downward and of the faithfulness with which the Democrats redeem their preelection promises?

DUTY TO PROVIDE FOR REVENUE.

In presenting a revision of this schedule your committee are obliged to keep in mind the fact that the revenues of the Government must be provided for. The total income of the Government from the imports of wool and woolens for 1910 was $41,900,693, or 12.8 per cent of total duties collected. The proposed measure is estimated to produce $40,556,200 in revenue, the importations being expected to increase sufficiently under the lower duties to furnish a sum nearly equal to the present revenue. True to its promises, the Democratic Party will without question effect great economies in the Government and will greatly lighten the burden on our people through taxation.

The reforms, however, can not be immediately effected, and as this schedule takes effect by itself, it is necessary to provide from it a revenue substantially equal to that which is now being secured from the imports which come under it. A tariff tax is not a benefit to be distributed between people, but a burden to be placed where it will rest lightest, and with this in view your committee have sought to lighten the taxes on the consumers of the cheaper goods and place the heavier burden on the more expensive products where best it can be borne.

FREE RAW MATERIALS.

To lighten the tariff burden as much as possible taxes should be placed on the finished product, and the raw materials entering into industry as basis of manufactures should be free. A reform of the present taxation tariff system must commence

as far as possible on free raw materials and a reduction of the duties to a competitive basis on the finished product.

DEMOCRATIC RULES.

Secretary of the Treasury Walker, in his report on the tariff in 1846, laid down rules which, I believe, should always guide the Democrats in the preparation of the tariff laws. His report says:

1. That no more revenue should be collected than is necessary for the wants of the Government economically expended.
2. That no duty be imposed upon any article above the lowest rate which will yield the largest revenue.
3. That below such rate discrimination may be made, descending in the scale of duties; or, for imperative reasons, the article may be placed in the list of those free from all duty.
4. That the maximum revenue duty should be imposed upon luxuries.
5. That the duty should be so imposed as to operate as equally as possible throughout the Union, discriminating neither for nor against any class or section.

PRESIDENT CLEVELAND'S MESSAGE.

The words on Schedule K are no less true to-day than when, in 1887, President Cleveland, in his famous tariff message to Congress, declared his position on the wool schedule, as follows:

When the number of farmers engaged in wool raising is compared with all the farmers in the country, and the small proportion they bear to the population is considered; when it is made apparent that in the case of a large part of those who own sheep the benefit of the present tariff on wool is illusory; and, above all, when it must be conceded that the increase of the cost of living caused by such tariffs becomes a burden upon those with moderate means, and the poor, the employed, the unemployed, the sick and well, and the young and old; and that it constitutes a tax which, with relentless grasp, is fastened on the clothing of every man, woman, and child in the land, reasons are suggested why the removal or reduction of this duty (on wool) should be included in a revision of our tariff law.

Mr. MARTIN of Colorado. Will the gentleman permit an interruption?

Mr. PETERS. Certainly.

Mr. MARTIN of Colorado. The gentleman from Massachusetts, I suppose, regards Mr. Walker as perhaps the greatest Democratic authority in the making of a tariff, does he not?

Mr. PETERS. I should say he was certainly among the greatest tariff writers we have had.

Mr. MARTIN of Colorado. Does not the gentleman think that Mr. Walker was honestly and intelligently applying his own doctrine when he levied a duty of 30 per cent on raw wool?

Mr. PETERS. I have no doubt that Mr. Walker always endeavored to carry out the principles he advocated, but in the levying of that duty at that time, as in the levying of the duty at the present time, the particular circumstances and condition of the times must be borne in mind. [Applause on the Democratic side.]

Mr. RUCKER of Colorado. Will the gentleman yield?

Mr. PETERS. Certainly.

Mr. RUCKER of Colorado. Does the statement of the gentleman from Massachusetts go so far as to say that it had no effect on the price of wool and the production of wool in this country?

Mr. PETERS. It is impossible to tell whether the Wilson Act did or did not have an effect on the prices during the period in which it was in operation.

Mr. RUCKER of Colorado. The gentleman will agree that there was less production of wool, and that the price went down, and that in 1897 there was 350,000,000 pounds of wool brought into this country, double what had been brought in before under the previous acts and more in that year than has ever been brought in since under the changed act, will he not?

Mr. PETERS. Certainly. In 1897 it was known that a duty was soon to be placed on wool, and in order to take advantage of getting wool imported free large importations were made from abroad, and the people stored up the wool in this country. While during the Wilson Act the price of wool decreased and the number of sheep in this country decreased, yet there was a corresponding decrease in the price of wool in the sales at both London and Antwerp, and the number of sheep in Australia decreased almost exactly proportionate to the decrease in this country.

If the Wilson Act caused that, free wool ought to have increased the number of sheep in Australia instead of decreasing it. But it followed about the same course as in this country. That indicated that it was a world-wide panic and hard times which brought the conditions in this country which existed under the Wilson Act, and that the Wilson Act itself was not the cause of that depression.

Mr. RUCKER of Colorado. Will the gentleman answer one more question? Why is it that since the Wilson Act went out and the Dingley Act came in there has been a constantly growing increase in the price of wool as well as in the production of wool?

Mr. PETERS. If it was the reason the gentleman seems to infer, it ought not to apply to Australia and to the London market, whereas the increase in Australia has been greater during that time than has been the increase in the United States. [Applause on the Democratic side.]

Mr. RUCKER of Colorado. Mr. Chairman, I think the gentleman will find there is a decrease in Australia in the last few years in the pounds of wool production.

Mr. ALEXANDER. Mr. Chairman, will the gentleman from Massachusetts permit me to interrupt for a moment?

Mr. PETERS. In just one minute. In the year 1893 there were 47,273,553 sheep in the United States, the largest number of sheep from 1886 to 1893, according to the figures of the Statistical Abstract. In 1897 there were 36,818,643, which is the smallest during that entire period of depression, a decrease of 10,454,910 sheep. In 1903, and I ask the attention of the gentleman to this, there were in this country 63,964,876 sheep, and in 1905 there were only 45,170,423 sheep, a decrease of 18,894,453 sheep, or a decrease during the time of a 11-cent duty on wool of nearly twice the number of sheep that there were during the Wilson bill. [Applause on the Democratic side.] The table I later submit shows an increase, not a decrease, in the Australian sheep in the last seven years. In 1902 the number of sheep in Australia was 53,668,000; in 1909, 91,676,000; a far greater comparative increase than took place in the United States in the same period.

Mr. RUCKER of Colorado. I want to ask the gentleman to continue to read on, because I stated it had been on the increase. I know there is one year there when there is a decrease.

Mr. ALEXANDER. Mr. Chairman, if the gentleman from Massachusetts will permit——

Mr. PETERS. Certainly.

Mr. ALEXANDER. I would like to ask the gentleman from Colorado, speaking about the influence of the tariff upon prices, how he would solve this situation. In 1909, in my district in Missouri, the wool clip was worth 29 cents a pound, and in 1910 it was worth 20 cents a pound. This year it is worth from 15 to 16 cents a pound. What influence has the tariff got on the price?

Mr. RUCKER of Colorado. Mr. Chairman, I would answer the gentleman from Missouri, if I may be allowed to, by saying that I believe it is a constant increase of importing wool into this country. That is my judgment about that.

Mr. ALEXANDER. Does the gentleman insist the present rates are not high enough?

Mr. RUCKER of Colorado. On wool?

Mr. ALEXANDER. Yes.

Mr. RUCKER of Colorado. No; I do not think wool is high enough. I never will think that as long as I am in the sheep-growing business. [Laughter.] Another thing I will say to the gentleman from Missouri is that the Woolen Trust has a very great deal to do with that also.

Mr. ALEXANDER. I think that is correct.

Mr. RUCKER of Colorado. But I do believe that every pound of wool that is brought in here from abroad tends to decrease the price of wool here, because every pound of wool that is brought into this country will displace a pound of wool in this country.

Mr. ALEXANDER. Can that be true when we do not raise more than half of what we use?

Mr. RUCKER of Colorado. Yes; as long as we are not consuming any more than we are consuming, and if we consume more, we will increase more; but as long as we get purer wool we will have clothing that will last longer, and there will be a less consumption.

Mr. RANDELL of Texas. Mr. Chairman, I will ask the gentleman from Massachusetts if he will yield to me for a minute?

Mr. PETERS. Certainly.

Mr. RANDELL of Texas. I would like to ask the gentleman from Colorado if he meant to say that the trust controlled in any way or affected the price of raw wool?

Mr. RUCKER of Colorado. I do not mean that. I mean that the trusts controlling the product, the finished product, as it has its natural effect upon the wool as well.

Mr. RANDELL of Texas. Controls the price of wool in this country, does it not?

Mr. RUCKER of Colorado. The trust?

Mr. RANDELL of Texas. Yes.

Mr. RUCKER of Colorado. I really do not know. I do not know; but I would like to have that answered.

Mr. RANDELL of Texas. I would like to ask the gentleman from Colorado to explain why it is that western wool in 1900, after three years of the effect of the Dingley tariff of 11 cents a pound on raw wool, why the price was but 10 cents, 1 cent less than the tariff, if it was not controlled by a trust?

Mr. RUCKER of Colorado. I do not know what market the gentleman speaks about.

Mr. RANDELL of Texas. I speak about the market of San Antonio, San Angelo, and southwest Texas.

Mr. RUCKER of Colorado. Your rate is about 2½ cents a pound from that place in Texas, as it is from my place in the West, in Denver.

Mr. RANDELL of Texas. Then 2½ cents a pound from 11 would leave only 8½ cents a pound, and the price there was only 10 cents a pound, 1 cent less than the tariff.

Mr. RUCKER of Colorado. Well, I want to say to the gentleman that he illustrates just what I have been trying to show—that unless you have a central market you can only get the price minus the freight that is placed upon it to bring it to the central market.

Now, I have been selling wool at 11 cents and never did get the price they got either in Liverpool or in Boston, because you have got to determine what is the freight upon it. You can send wool from New York to London, and vice versa, for one-half of a cent a pound, and we pay 2½ cents a pound from Denver to Boston.

Mr. PETERS. The gentleman from Colorado seems to have mistaken the purposes of this revision. This bill is a revision of the schedule under our promises to lift the burden from the backs of the consumers of woolen goods [applause on the Democratic side], and in carrying out that purpose the Democratic Party means to redeem its pledges, and the duties on one product as well as another will be looked on from that point of view and from the point of view of revenue, and not from the point of view of giving special privileges to any class of people in the United States. [Applause on the Democratic side.]

Mr. RUCKER of Colorado. Will the gentleman just yield for one more question?

Mr. PETERS. With pleasure.

Mr. RUCKER of Colorado. The gentleman realizes that in fixing the duty upon products of wool you are putting the manufacturers of Massachusetts and New England upon a competitive basis with the foreigner, are you not?

Mr. PETERS. Yes.

Mr. RUCKER of Colorado. Well, now——

Mr. PETERS. That certainly was our intention in drafting this bill.

Mr. RUCKER of Colorado. Was it your intention to put the woolgrower upon a competitive basis with the foreign woolgrower?

Mr. PETERS. Our intention in drafting this bill is to collect sufficient revenue to run the Government and distribute the burdens where they may fall the lightest and not to distribute the duties as a benefit to be handed to one person or to be given to one manufacturer or one part of the country.

Mr. RUCKER of Colorado. Therefore the question never entered into the minds of those who framed this bill to make the woolgrower upon a competitive basis with the foreign woolgrower.

Mr. PETERS. The woolgrower is on a competitive basis with the foreign woolgrower.

Mr. RUCKER of Colorado. In this bill—does the gentleman think that is so in this bill?

Mr. PETERS. The fact of their competing in the same market puts them on a competitive basis——

Mr. RUCKER of Colorado. But can he compete with the foreign grower of wool under this bill? Does the gentleman think that he can do it?

Mr. PETERS. I am absolutely certain he can.

Mr. RUCKER of Colorado. I want to say to the gentleman that I am just as absolutely certain that he can not.

Mr. LONGWORTH. Will the gentleman yield for a question——

Mr. PETERS. With pleasure.

Mr. LONGWORTH (continuing). In line with the question asked by the gentleman from Colorado? Has a majority of the Ways and Means Committee made any estimate as to how much the price of raw wool will be decreased by this bill?

Mr. PETERS. I do not think any such estimate has been made, as the price of raw wool depends on so many factors and fluctuates through so many causes that it would be impossible to come to any fairly accurate estimate as to what it would be in another year or under other conditions.

Mr. LONGWORTH. It has been the intention of your committee, has it not, to depreciate the price of raw wool?

Mr. PETERS. It has not been the intention of the committee to depreciate; rather, it has been the intention of the committee to enable the manufacturer to obtain the imported wool cheaper, so that the tax on the finished product may be made less.

Mr. LONGWORTH. Oh, but the gentleman I do not think answered my question. Of course, if this bill is as the gentleman says, solely in the interest of the consumer, it must be the intention of the committee to depreciate the price of raw wool and of manufactured wool. Now, my question relates solely to the price of raw wool, and I ask the gentleman if it is not the intention of the committee to depreciate the price of raw wool.

Mr. PETERS. It is expected the price of raw wool will be lower, if this bill passes, than if the present duty of 11 cents a pound should remain on it.

Mr. LONGWORTH. You mean that the committee has no idea at all as to how much that price will be depreciated?

Mr. PETERS. That is absolutely impossible to determine.

Mr. LONGWORTH. Then I will ask the gentleman——

Mr. PETERS. If the gentleman will just allow me, it is expected that the increased use of wool will stimulate the demand by the mills so that there will be more wool used in this country than at the present time, and it is expected that that will, at least in a measure, compensate for the change in the rates of duty.

Mr. LONGWORTH. I do not think that the gentleman has yet answered my question. I will put it in this form: How much is it hoped that this bill will depreciate the price of raw wool?

Mr. RANDELL of Texas. Will the gentleman yield to me to answer that question?

Mr. PETERS. I first promised to yield to the gentleman from Missouri [Mr. ALEXANDER].

Mr. ALEXANDER. I just wanted the gentleman from Ohio to answer the question I asked the gentleman from Colorado, namely, if under the existing law he can account for the fluctuation in the value of wool, perhaps he can answer how much the price of wool will be depreciated by the bill under consideration. In 1899, in my district, wool was worth 29 cents, in 1900 it was worth 20 cents, and this year it is worth 15 to 16 cents. Now, if the gentleman can solve that fluctuation in price under the Payne law, perhaps he can tell what the depreciation will be under the pending bill. It does not seem that the law itself controls the price.

Mr. LONGWORTH. I will say to the gentleman that I am not assuming to say how much the price of raw wool will be depreciated by this bill. I am asking a member of the majority of the Ways and Means Committee to state how much it is hoped or expected the price of raw wool will be depreciated.

Mr. RANDELL of Texas. Will the gentleman permit me?

Mr. PETERS. Certainly.

Mr. RANDELL of Texas. I would like to say to the gentleman from Ohio that it is impossible for the committee to know exactly what the changes in the price of wool may be; but, as one of the committee, I know that the calculation of at least a large majority of the members of the committee is that the price of wool will be enhanced by this bill. This bill is in favor of the woolen industry by being in favor of the people, and there will be a largely increased demand for wool. To illustrate how much will be the difference, we will say, when taking the testimony of the manufacturers in the East and, say, our western woolgrowers, it shows that they get about 2 cents a pound now of the 11 cents that the Republicans have levied on raw wool? If the doctrine of division would come in, and no difference in the consumption, why it would be then a difference of about two-thirds of a cent a pound. In other words, the producer would get about two-thirds of a cent a pound. He is now getting 2 cents a pound. But our contention is that the woolen industry will be so stimulated and put upon such a rational basis that the American people can get their goods at a reasonable price, and therefore the price of wool will be enhanced and the price of woolen goods will come down.

Mr. LONGWORTH. I think I understand the gentleman. He differs, then, substantially from his colleague?

Mr. RANDELL of Texas. I do not think——

Mr. LONGWORTH. Pardon me; the gentleman's colleague has just stated in reply to my question that it was expected that the price of raw wool would be depreciated, but the gentleman himself thinks it would be enhanced.

Mr. RANDELL of Texas. I do not wish to take the time of the gentleman from Massachusetts, but I did not understand

him to say that, except in this way, that so far as the tax was concerned there would be a less number of things to bring up the price. In other words, the revenue tariff would not raise the price of wool as much as the 11 cents that is now on it. That would be true if it had affected it at all. But our contention is, it is now controlled by a trust, and the growers get almost nothing from it and, under this bill, if it has the effect the Democrats think it will, the trust will not have the control of the market as now, and wool will be back on its normal base and the woolgrower will get the benefit and the consumers of this country will get the benefit.

Mr. LONGWORTH. I want to understand clearly what is the opinion of the Ways and Means Committee. The gentleman from Massachusetts says this bill will depreciate the price of raw wool, and the gentleman from Texas says it will increase it. Now, what I would like to know is, what is, we will say, the average opinion of the majority of the members of the Ways and Means Committee as to the effect that this bill will have on raw wool? It is probably asking too much, but it seems to me that this House——

Mr. RUCKER of Colorado. Mr. Chairman——

The CHAIRMAN. To whom does the gentleman yield?

Mr. PETERS. I yield to the gentleman from Ohio.

Mr. LONGWORTH. I simply want to state that we, the Republican members of the Ways and Means Committee, not having had an opportunity to acquire the views of the majority until now, when the bill is being explained by the members of the majority——

Mr. RUCKER of Colorado. Take them up one by one——

Mr. LONGWORTH. We ask these questions in good faith and for information, and I will now ask the gentleman from Massachusetts what, in his opinion, is the opinion of the majority of the Ways and Means Committee as to the effect that this bill will have on the price of raw wool, either by way of enhancing it or depreciating it?

Mr. PETERS. I wish to answer the gentleman's question fairly. It depends upon factors which it is impossible for any set of men thoroughly to estimate. The gentleman will see that in 1903 the wool from his own State was quoted in the market at 28 cents a pound. In 1909 it was 36 cents. In the meantime it had been subject to very many fluctuations, depending on the chances of the crop, the demand for woolen goods, the state of the woolgrowing industry in Argentina and Australia and New Zealand and general commercial conditions, and it would be impossible to state with any sincerity that we can foretell the price of raw wool under this bill.

Mr. HAMILTON of Michigan. I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. PETERS. Certainly.

Mr. HAMILTON of Michigan. The gentleman from Texas [Mr. RANDELL], in endeavoring to elucidate the question for the gentleman from Ohio [Mr. LONGWORTH], referred to a trust. I do not know whether he referred to the same trust that was referred to yesterday by the gentleman from Kansas [Mr. MURDOCK], but I assume that the Ways and Means Committee must have given very careful consideration to the question whether there is such a thing as a Worsted Trust, and I wanted to inquire of the gentleman from Massachusetts if it is a fact that there is a great corporate combination known as the Worsted Trust which controls the price of goods to the consumer and arbitrarily fixes prices?

Mr. PETERS. There is a resolution which has been introduced in the House, and is now pending before one of the committees for consideration, looking toward an inquiry into that matter, and the gentleman will be given every opportunity to present evidence before that committee.

Mr. HAMILTON of Michigan. No; what I wanted to inquire is whether such a trust exists; that is, whether the committee of which the gentleman is a distinguished member has had its attention called to the existence of such a trust. Is it true that such a trust exists?

Mr. PETERS. There is claimed to be a combination of the producers of textile goods; there is some evidence of a combination among the producers of textile goods, but——

Mr. HAMILTON of Michigan. Is there a trust known as the Worsted Trust—commonly known as the Worsted Trust?

Mr. PETERS. I never heard of one called that.

Mr. HAMILTON of Michigan. Is there a corporation known as the American Woolen Co.?

Mr. PETERS. Yes.

Mr. HAMILTON of Michigan. Is that company referred to as the Woolen Trust?

Mr. PETERS. I understand it operates both woolen and worsted mills.

Mr. HAMILTON of Michigan. The gentleman from Kansas [Mr. MURDOCK] referred to it yesterday as a trust?

Mr. PETERS. Yes.

Mr. HAMILTON of Michigan. Is that trust protected under this bill?

Mr. PETERS. The product of that company is affected under the present law, as are all the producers of textiles.

Mr. HAMILTON of Michigan. Under this bill also is it protected?

Mr. PETERS. Every producer of textiles would come under this bill.

Mr. HAMILTON of Michigan. Exactly. Then this bill does protect this great combination known as the Woolen Trust?

Mr. PETERS. Not at all. It is not sought to give protection to any particular concern. It is intended to place the finished products on a revenue basis. Whether or not there is in existence a combination called a trust at this date is something which other departments of the Government can take up, but there has been no evidence submitted to the committee to warrant it in coming to that conclusion.

Mr. FOSTER of Illinois. I would like to ask the gentleman a question.

Mr. PETERS. Yes.

Mr. HAMILTON of Michigan. Just a moment. The gentleman from Kansas [Mr. MURDOCK] stated that this bill protects an iniquitous trust to the extent of 45 per cent, did he not, or did not the gentleman from Massachusetts hear him? Did he state the truth about that, as you understand it?

Mr. PETERS. The gentleman from Michigan wants to know what the gentleman from Kansas had in his mind. As they are both members of the same party and take a similar view of these public questions, I suggest that the gentleman from Michigan go to the gentleman from Kansas to ascertain that. [Applause on the Democratic side.]

Mr. HAMILTON of Michigan. Very well. Has your party declared that the best way to destroy the trusts is to remove protection from articles made by trusts?

Mr. PETERS. Certainly.

Mr. HAMILTON of Michigan. But you do not seem to be executing that policy in this bill.

Mr. PETERS. Certainly we are carrying out that policy. The gentleman assumes the existence of a Woolen Trust.

Mr. HAMILTON of Michigan. I do not assume the existence of anything. I asked the gentleman from Massachusetts, and he stated that there exists a Woolen Trust, and that his party is protecting it 45 per cent.

Mr. PETERS. I did not say so. The gentleman says that the gentleman from Kansas [Mr. MURDOCK] said so.

Mr. HAMILTON of Michigan. And the gentleman from Massachusetts said that the gentleman from Kansas had correctly stated it.

Mr. FOSTER of Illinois. I should like to ask the gentleman from Massachusetts if he does not think that 42 per cent, or whatever there is in this bill, is much less protection than what is contained in the bill the gentleman from Michigan voted for when the Payne-Aldrich bill passed?

Mr. PETERS. Certainly. [Applause on the Democratic side.] And as the same economic conditions existed in the woolen trade at the time the Payne-Aldrich bill passed that exist now, it is strange that the gentleman should have voted for a rule at that time to prevent his offering any amendment to meet this situation which, in his mind, exists.

Mr. FOSTER of Illinois. The gentleman from Michigan did not offer any objection at that time, did he?

Mr. HAMILTON of Michigan. Will the gentleman from Massachusetts yield for another inquiry?

Mr. PETERS. Certainly.

Mr. HAMILTON of Michigan. The gentleman's party, in the framing of this bill, is proposing to levy a tariff on the tariff-for-revenue-only basis, as I understand. Has the gentleman considered whether under his theory, not mine, he could reduce the duty still lower on raw wool, thereby more nearly approximating the view of his great party leader, Mr. Bryan, and at the same time increase importations and increase revenue? Has he considered whether that could be done?

Mr. PETERS. Yes; and I may say to the gentleman that we would have had free wool, and the duties on woolen goods would have been made lower, had it not been for the necessity of raising sufficient revenue to pay for the extravagances which have been imposed on the Government by the gentleman's own party, in which, as he is in a very prominent position in that

party, he may consider himself entitled to a great deal of responsibility. [Applause on the Democratic side.]

Mr. HAMILTON of Michigan. However, the Treasury statement seems to indicate that we are increasing our revenue and that there is no real reason, even from your standpoint, on which to base this measure.

Mr. PETERS. Does not the gentleman know that there is a bond sale pending?

Mr. HAMILTON of Michigan. On the gentleman's theory, could he not still further increase his revenue by reducing the duty on raw wool?

Mr. PETERS. No.

Mr. HAMILTON of Michigan. And also more closely approximate the views of his great leader, Mr. Bryan?

Mr. PETERS. I wish to say that putting the bill on the basis of raw wool——

Mr. HAMILTON of Michigan. Could he not reduce the duty still further, even on his own theory, and still raise more revenue?

Mr. PETERS. Certainly not. If that could have been done, we would have done it. [Applause on the Democratic side.]

Mr. HAMILTON of Michigan. That is, even to the point of free raw wool?

Mr. PETERS. Most certainly.

Mr. HAMILTON of Michigan. That would be the gentleman's idea?

Mr. PETERS. That would be my idea, that I would have as little a burden as possible placed on the consumer.

Mr. HAMILTON of Michigan. Of course that would be somewhat deleterious to the sheep-growing industry, but that would make no difference from the gentleman's standpoint.

Mr. PETERS. I will go into the question of wool and sheep at a later point in my remarks.

In regard to the question as to whether or not there is a trust in the woolen or worsted trade, there was a total production of $419,826,000 in the United States in 1909, and in the last annual report which I looked up of the American Woolen Co. their sales amounted to about $45,000,000, or something over 10 per cent of the total.

Mr. COX of Indiana. Will the gentleman yield?

Mr. PETERS. Certainly.

Mr. COX of Indiana. I would like to ask the gentleman from Michigan whether or not he will vote for this bill?

Mr. HAMILTON of Michigan. I have not thought it likely that I would.

Mr. COX of Indiana. Does not the gentleman from Michigan agree with his own great leader, President Taft, when he said that Schedule K was absolutely indefensible?

Mr. HAMILTON of Michigan. I think Schedule K ought to be revised, but not in the way that the Democrats are revising it.

Mr. COX of Indiana. What kind of a bill would the gentleman vote for?

Mr. HAMILTON of Michigan. I am not going to frame up a bill now, and I do not think this bill suits you gentlemen.

Mr. PETERS. The gentleman from Michigan says he is not going to frame up a bill. I trust that he will not try to make a speech on one in my time. [Laughter.]

Mr. RUCKER of Colorado. Will the gentleman from Massachusetts yield for me to ask the gentleman from Texas a question?

Mr. PETERS. Mr. Chairman, I feel that the gentleman from Colorado has already taken up a good deal of my time, and I must go on.

Mr. RUCKER of Colorado. The gentleman from Texas asked me a question.

Mr. PETERS. I shall have to ask the gentleman from Colorado to excuse me now.

DEMOCRATIC PROBLEM.

The Democrats in their last national platform said that "graduated reductions should be made in such other schedules as should be necessary to restore the tariff to a revenue basis." In framing a revision the committee are faced by the necessity of providing substantially an amount of revenue equal to that now derived from Schedule K. A revision of the tariff as a whole might allow the decrease in revenue from one schedule to be made up in another, but where the tariff is reduced one schedule at a time substantially the same revenue must be provided. Your committee believes this revision to be an important step forward, as it places on the consumer less duties than have ever been placed on him before, but we recognize that there is still left an opportunity to reach a point in the future where a schedule can be drawn on the basis of free wool, accompanied by a further reduction in the finished product. The following table shows the duties collected under the present Payne Act and those estimated under the act herewith submitted:

Items.	Present act.—Results for year ending June 30, 1910.	Proposed act.—Estimated results for a 12-month period.
Raw wool:		
Imports	$47,687,293.20	$66,991,000.00
Duties	$21,128,728.74	$13,398,200.00
Average unit of value per pound	$0.186	
Equivalent ad valorem rate per cent	44.31	20.00
Manufactures of wool:		
Imports	$23,057,357.78	$63,831,000.00
Duties	$20,775,820.76	$27,158,000.00
Equivalent ad valorem rate per cent	90.10	42.55
Total revenue	$41,904,549.50	$40,556,200.00

The woolen schedule, the backbone of the tariff, has had the public attention centered on it in most of the tariff revisions, and in taking it up now it is of interest to briefly review the history of that schedule in the previous tariffs.

BRIEF HISTORY OF SCHEDULE K.

The tariff on woolen goods appeared in one of the first tariff bills of the country in 1798, and in all succeeding bills the woolen schedule carried substantial duties. The present schedule on articles manufactured from wool came into existence in 1867, and as it exists to-day it does not differ greatly from the law imposed at that time. Not only has this schedule been in existence for a long term of years, but it was made originally under abnormal conditions. The public debt during the war between the States had accumulated to dangerous proportions, and the tariff act of 1867 was drawn for the purpose of providing revenues to meet the enormous expenses which the country was facing. At the time of this act there were also heavy internal-revenue taxes which the manufacturer had to endure. To meet these revenue taxes high compensatory duties were created and were added to the protective duties to enable the American manufacturer to compete with the importer. The internal-revenue taxes existing at that time have long been removed, but Schedule K still carries with it the compensatory duties. The only change has been to raise the ad valorem rate, designed originally to give protection in the acts of 1883, 1890, 1897, and 1909 from 25 to 60 per cent. The passing of the Wilson bill by the Democrats in 1894 marked the only time when the high compound duties of Schedule K were not in effect. This bill removed the duty on wool and simplified the duties on manufactures of wool by abolishing the specific rates.

THE WILSON ACT.

It is difficult to determine the effect of the Wilson Act. In speaking of the tariff act of 1894, Prof. F. W. Taussig, in his Tariff History of the United States, says (p. 319):

> It (the Wilson Act) went into effect shortly after an acute commercial crisis, and in the worst stage of a period of depression. The crisis and the depression were due, in this case as in others, to a long and complex set of causes, some of them still obscure even to the best informed and most skilled observers. That the tariff act played any serious part in bringing them about would not be maintained by any cool and competent critic.

The Wilson Act went into effect during times of great depression. The next presidential election was contested, not on the tariff grounds, but on other issues. At the time of the election of 1896 there had been no opportunity to fairly judge the effects of the Wilson law commercially and politically. The people of the country decided that campaign on issues entirely apart from those involved in the tariff discussion. The failure or success of the Wilson bill in the public mind was not the paramount issue of the campaign and received but little attention. The general depression had decreased both importations and internal revenue, and when the Republicans in 1897 took up the tariff, they took advantage of the lack of public attention on the subject and of the opportunity which the need of greater revenue presented to draw a high-protective bill.

THE DINGLEY ACT.

The Dingley bill, which in 1897 repealed the Wilson Act, was the highest protective measure the country had yet seen, and as enacted the bill was practically a raise of about 10 per cent on the McKinley Act of 1890.

The Spanish War, following immediately after its passage, diverted public attention and presented new issues to the people, and a wave of great prosperity and industrial activity overswept the country. At this same time there also appeared a general increase in the prices of commodities. The high-protective tariff, in many instances prohibitive, had enabled the

American manufacturers to combine and form monopolies and extort unusual prices from the American consumers. The issues of the Spanish War and commercial problems largely distracted public attention with the result that the tariff entered little into the discussions of the presidential campaign of 1904.

THE PAYNE ACT.

The demand, however, for a lower tariff, which those in control of the Republican Party successfully struggled against, became more and more insistent until, in the platform of 1908, this demand was recognized, and a promise by the Republicans to revise the tariff was inserted. That this promise would not be carried out was freely predicted by the Democrats, and to-day the words of the Democratic platform seem to have been singularly prophetic of what occurred:

We welcome the belated promises of tariff reform now affected by the Republican Party in tardy recognition of the righteousness of the Democratic position on this question, but the people can not safely trust the execution of this work to a party which is so deeply obligated to the highly protected interests as is the Republican Party. We call attention to the significant fact that the promised relief was postponed until after the coming election—an election to succeed in which the Republican Party must have that same support from the beneficiaries of the high protective tariff as it has always heretofore received from them; and to the further fact that during the years of the uninterrupted power no action whatsoever has been taken by the Republican Congress to correct the admittedly existing tariff iniquities.

We favor immediate revision of the tariff by the reduction of import duties. Articles entering into competition with trust-controlled products should be placed upon the free list, and material reductions should be made in the tariff upon the necessities of life, especially upon articles competing with such American manufactures as are sold abroad more cheaply than at home, and graduated reductions should be made in such other schedules as may be necessary to restore the tariff to a revenue basis.

REPUBLICAN REVISION UPWARD.

On the issue stated in their own platform to be "unequivocally" for tariff revision, which revision was explained by all the Republican speakers, including the candidate for President, to mean a revision downward, the Republicans were elected. A revision was undertaken, but in open defiance of the most solemn and specific pledges made to the people of this country the Republicans revised the tariff not downward, but upward, and as a result of their work the total tariff duties which, in the previous year had been imposed at a net ad valorem rate of 44.16 per cent, were estimated by the framers of the Payne-Aldrich bill at 45.72 per cent. Schedule K, among the most important schedules of the tariff, as it affected cloth and clothing entering into the cost of living of every person in the country, was, except in some small and unimportant details, left untouched, and as a result of this solemn pledge of downward revision the duties which, under the Dingley Act, had been 58.19 per cent ad valorem in 1908 under this act were made 59.23 per cent ad valorem in 1910.

CRITICISM OF THE SCHEDULE.

The President does not attempt to support this schedule in the bill, and himself said at Beverly, Mass., "The woolen schedule is indefensible, and I propose to say so," and in explanation of why this schedule was not revised in accordance with the promises made in the Republican platform, he said, at Winona, Minn., "It (the failure to revise Schedule K) is the most important defect in the Payne tariff bill and in the performance of the promise of the platform to reduce rates to a difference in the cost of production with reasonable profit to the manufacturer." In this same address he also said:

With respect to the woolen schedule, I agree that it is too high, and that it ought to have been reduced, and that it probably represents considerably more than the difference between the cost of production abroad and the cost of production here. The difficulty about the woolen schedule is that there were two contending factions early in the history of the Republican tariff, to wit, woolgrowers and wool manufacturers; and that finally, many years ago, they settled on a basis by which wool in the grease should have 11 cents a pound, and by which allowance should be made in the shrinkage in the differential upon wool manufactures. The percentage of duties was very heavy—quite beyond the difference in the cost of production, which was not then regarded as a necessary or proper limitation on protective duties.

CONGRESSIONAL ELECTION, 1910.

Faced with an ever-increasing cost of living and betrayed by the promise to reduce the burdens of the tariff, the people turned to the Democrats and at last appreciated the soundness of the words of our platform of two years before. The rebuke which was administered to the Republican Party is too well known for me to dwell on. A Republican majority of 45 was turned in one election to a Democratic majority of 63. [Applause on the Democratic side.]

IMPORTANCE OF SCHEDULE K.

A revision of the tariff schedule by schedule forbids a sweeping reduction in Schedule K until some of the now prohibitive duties in other schedules have been lowered to a revenue basis. The importance of the revenues from Schedule K are shown by the following table, which indicates the percentage of the total revenues derived from the various schedules of the tariff:

Per cent of revenue derived for year ending June 30, 1910.

1.	Schedule E.—Sugar, molasses, and manufactures of	16.26
2.	Schedule J.—Flax, hemp, jute, and manufactures of	15.23
3.	Schedule K.—Wool and manufactures of	12.83
4.	Schedule N.—Sundries	8.92
5.	Schedule G.—Agricultural products and provisions	7.70
6.	Schedule F.—Tobacco and manufactures of	7.39
7.	Schedule C.—Metals and manufactures of	6.84
8.	Schedule H.—Spirits, wines, and other beverages	5.55
9.	Schedule L.—Silks and silk goods	5.21
10.	Schedule I.—Cotton and manufactures of	4.17
11.	Schedule B.—Earths, earthenware, and glassware	3.82
12.	Schedule A.—Chemicals, oils, and paints	3.39
13.	Schedule M.—Pulp, papers, and books	1.62
14.	Schedule D.—Wood and manufactures of	.98

SCHEDULE K PROHIBITIVE.

Despite the fact that Schedule K furnished a very considerable part of the revenue derived from duties on imports into this country it is practically prohibitive. In the first place, Schedule K, which in 1892 provided 24.1 per cent of the revenue, now furnishes but 12.8 per cent; secondly, we imported in 1909 but $18,102,416 of woolen manufactures, or but slightly over 3 per cent of the production at home, which amounted for the same year to $514,732,000 worth.

The following table will show how restricted we are to our home market compared with the United Kingdom:

Foreign commerce in wool manufactures (yarns excluded), 1909—United States and United Kingdom compared.

Countries.	Value of imports.	Value of exports.
United States	$17,707,000	$1,971,000
United Kingdom	35,459,000	100,474,000

It will be noted, first of all, that our exports of wool manufactures are merely nominal. Secondly, that the United Kingdom, which exports heavily, imports twice as much of woolen goods as we do, despite the fact that the variety of wool at the disposal of the manufacturers of the United Kingdom far exceeds that available in the United States.

DEMOCRATIC PROMISES.

The Democratic Party was elected on a promise to revise downward in the interest of the consumer. A study of this bill will indicate that this promise has been faithfully carried out by your committee, and I submit herewith a comparison showing the reductions in each paragraph made by the present bill from those of its two immediate predecessors:

Comparison of reductions made in Schedule K by the Payne and the Underwood bills.

[All paragraphs marked (*a*) were not changed by Payne bill; (*b*), no data.]

Paragraph of Schedule K and classification.	Tariff act 1897 (for year 1907). Equivalent ad valorem duty.	Tariff act 1909 (for year 1910). Equivalent ad valorem duty.	Tariff act proposed (ad valorem duty).
	Per cent.	*Per cent.*	*Per cent.*
Raw wool, 360–371 (*a*)	40.93	44.31	20
Total rags, 372–374 (*a*)	47.05	38.96	20
Combed wool or tops, 375:			
Valued not more than 20 cents per pound	(*b*)	(*b*)	
Valued more than 20 cents per pound	(*b*)	111.73	25
Wool and hair, advanced beyond scoured, n. s. p. f., 376 (*a*):			
Valued not above 40 cents per pound	149.00	252.20	25
Valued from 40 to 70 cents per pound	(*b*)	112.86	25
Valued over 70 cents per pound	93.70	77.04	25
Total yarns, 377, 378 (*a*)	87.26	82.38	30
Total clothes	95.36	97.27	40
Total knit fabrics	96.89	95.76	40
Total plushes	96.81	102.34	40
All other manufacturing:			
Over 40 cents per pound	140.45	151.88	40
From 40 to 70	128.11	131.44	40
Over 70, 379 (a)	79.47	86.91	40
Total blankets	82.04	73.42	30
Total flannels, 380–383	105.94	103.87	30
Total dress goods, 382 (a) n. s. p. f.	102.07	102.85	45
Total wearing apparel, 383 (a)	82.74	81.31	45
Webbing, braids, ribbons, laces, etc., 384–394	80.83	87.06	35
Total carpets and carpeting	60.20	60.66	40 35 30 35 30 30 25 50 25 25
Total of unmanufactured wool	40.93	44.31	20
Total manufactures of wool	89.42	90.12	[1] 42.55
Total wool and manufactures of wool	58.19	59.23	[1] 31.00
Wilson bill manufactures of wool			47.84

[1] Estimated.

CHANGES IN BILL.

The inequalities and defects in the present Schedule K are not the least of the objections to the act as passed. Taxes should be levied justly and equitably, and no bill should seek either to hide from the people the rate of taxation which it levied or to give in disguise, under the power of taxation, an advantage to one person or one producer over another. Specific duties have been employed continuously in the high tariffs for both of these purposes, and in no bill is it more difficult to determine the exact amount of tax imposed on the consumer or the protection given to the manufacturer than under the present law in the mixed and ad valorem duties in Schedule K. To meet these difficulties and to present an absolutely fair method of levying the duties, your committee has adopted ad valorem in place of specific rates.

AD VALOREM RATES.

A specific duty of so much per pound and so much per yard always bears hardest on the less expensive articles, and so the poor are taxed on a higher ad valorem rate than those who are more well to do or those who are better able to bear it. The textile schedules, more than any others, present characteristics of this nature. This was well recognized in the past and commented on by Mr. Mills in reporting the Mills bill to the House in the Fiftieth Congress, first session. The report of the Ways and Means Committee accompanying that bill, H. R. 901, says:

In the woolen schedule we have substituted ad valorem for specific duties. The specific duty is the favorite of those who are to be benefited by high rates, who are protected against competition, and protected in combinations against consumers of their products. There is a persistent pressure by manufacturers for the specific duty, because it conceals from the people the amount of taxes they are compelled to pay to the manufacturer. The specific duty always discriminates in favor of the costly article and against the cheaper one, and therefore it imposes a heavier burden as it goes down from the highest-priced articles to the lowest. This discrimination is peculiarly oppressive in woolen and cotton goods, which are necessaries of life to all classes of the people.

DISADVANTAGES OF THE INEQUALITIES OF THE PRESENT SYSTEM.

Objection to this form of duty adopted in the proposed bill is based on the temptation to undervaluation which it is supposed to produce. It is hard to see why ad valorem duties should be more difficult to apply in this schedule than they are in other schedules of the tariff act in which they abound. As to the duty on raw wool, much of it is sold abroad at public auction, the value of which may be ascertained or standard of values established by the sales, which should make the ascertaining of its values perfectly practicable. The present schedule offers the greatest inducement to undervaluation, because while it not only has the ad valorem duties in addition to specific duties, it also divides the schedules into classes based on their valuation, which classes vary greatly as regards their import duties. Wool of class 3, valued at 12 cents or less a pound, comes in at a rate of 3 cents per pound, while above 12 cents such wools pay 7 cents per pound. In many of the paragraphs on cloths there is a division into classes, based on differences in value, and varying rates of duties are levied on the different classes. By thus dividing the commodity into different classes the greatest incentive to undervaluation is offered; for an importer by a slight variation in the value may change the class under which the importation comes, and thus save a large amount: the prospect of great gains from comparatively little change in valuation is the strongest incentive to fraud. Such excessive incentive to undervaluation would be removed by this bill.

CHANGES IN THE ACT—RAW WOOL.

The specific duty of 11 cents a pound on raw wool is altered in this bill to an ad valorem duty of 20 per cent. A specific duty has been the cause of great injustice to the manufacturers who use heavy shrinkage wool. Variations in shrinkage of wool are very great, extending from 20 per cent of its weight to 80 per cent, the average American wool shrinking about 60 per cent. This specific duty means that the importers of heavy shrinkage wool are at a great disadvantage, and that the manufacturers who might use it bear so high a tax as to largely prevent its use or to stimulate the adoption of shoddy and cheaper materials.

The year 1910 showed that of raw wool there was imported $47,687,293.20, on which was collected a revenue of $21,128,728.24, at an ad valorem rate of 44.31 per cent. It is expected that the importations of wool will be sufficiently stimulated under the present law to increase it to $66,991,000, on which, at the rate of 20 per cent provided in this bill, there will be collected in revenues the sum of $13,398,200.

NOILS, SHODDY, AND WASTE.

Shoddy, waste, and rags have placed on them the same duty as that on wool—20 per cent. Many of these articles are the raw materials for certain mills, and their lowering in price from an ad valorem rate under the Payne bill of 38.96 per cent to 20 per cent should greatly lessen the tax on the consumer. The present duties on importations of shoddy are practically prohibitive. In this last year only 30 pounds of shoddy were imported which bore an ad valorem duty of 375 per cent, a return to the Government of the magnificent revenue of $7.50.

On the entire importations under this schedule, amounting in 1910 to $203,509.25, duties were paid of $79,293, at an ad valorem rate of 38.96 per cent. Under the proposed act it is estimated that the importations will reach $890,500, which, at the rate of 20 per cent, will produce a revenue of $178,100.

COMBED WOOL AND TOPS.

Tops constitute the second process in the manufacture of cloth. One of the few changes in the act of 1909 is the insertion of a special paragraph on the duty on tops. Prior to this enactment tops were not separately reported. It is to be expected that the ad valorem rate on tops would be low, as they are one of the raw materials entering into manufacture. The present duty, however, is practically a prohibitive one, and last year there were imported only $1,129.80 worth, which resulted in an equivalent ad valorem rate of 105.19 per cent. This is reduced to 25 per cent. The imports of tops have been so insignificant and the present duty is so largely prohibitive that it has been very difficult to obtain a point for a revenue rate. Even under the present rate, however, it is estimated that the present importation will not be extensive.

YARN.

The present act provides a compound and ad valorem duty for yarns, of which in the last year there were imported $326,886.02 worth, which resulted, under the tariff, in an equivalent ad valorem rate of 82.38 per cent. This duty is practically prohibitive. This is especially so of the duties on cheaper yarns. While the act of 1901 made a slight change in the rates, it amounted to nothing, as the imports were still absolutely insignificant. The imports of yarns, valued at not more than 30 cents per pound, for the fiscal year June 30, 1910, consisted of only 127 pounds, worth $28, on which was paid a duty amounting to 159.75 per cent ad valorem. As with the yarns used in the cheaper form of cloths, their prohibitive duties added greatly to the expense of the finished product. As practically all the yarns imported were over 30 cents per pound, the specific duty became a constantly diminishing burden as the class of yarns grew more expensive.

CLOTHS AND KNIT FABRICS.

On cloths and knit fabrics a duty is placed of 40 per cent. This is the section on which occurred the largest importations in the present act, except the section providing for women's and children's clothing. The results for the year ending June 30, 1910, show importations of $6,658,288.07, on which the Government collected a tax of $6,465,884.31, or an ad valorem rate equivalent to 97.11 per cent. It is estimated that the decrease in duty of 40 per cent contemplated by this act will produce an increase in importation of $24,062,400, from which will be collected a revenue of $9,624,900.

This schedule at present is one of those to which is applied the compound duties as well as the division into classes. The cloths are divided into three classes—those valued at not more than 40 cents per pound, those valued between 40 and 70 cents per pound, and those valued at over 70 cents per pound. The first class have a duty of 33 cents per pound specific and 50 per cent ad valorem; the second class, 44 cents per pound and 50 per cent ad valorem; and the third class, 44 cents per pound and 55 per cent ad valorem.

In 1910 the importations under the first class amounted to only $2,111, on which was collected a tax of $3,040.88, or an ad valorem rate of 144.05 per cent. In the second class there were imported $274,246.50, on which were cleared a duty of $338,831.44, at an ad valorem rate of 123.55. In the third class were imported $5,827,776.89, on which were collected duties of $5,595,877.18, at an ad valorem rate of 96.02 per cent.

The present arrangement contains the double objection of having a compound rate and also of having a classification which stimulates to undervaluations. In addition to this, it would be seen by these tables that the highest tax is levied on the cheapest clothing. The more expensive cloths coming in under the highest schedule are imported under the least rate of duty, whereas the cheaper cloths, which clothe the poorer people, have imposed on them practically a duty which is almost 50 per cent greater than that on the more expensive fabrics, and the duty on such lower fabrics is practically prohibitive, as only the trifling amount of $2,000 were imported.

No better illustration could be given of the inequalities of this tariff bill than this schedule on cloth, and it effects the double purpose of hiding the real protection and of placing the highest burden of taxation on the poorest people. The table, as appears by the wording of the act, consists of an ad

valorem duty of 50 per cent, plus a compensatory duty of 44 cents, which is supposed to compensate for the duty of 11 cents per pound on raw wool. That a much larger rate is really imposed a glance at the cost of manufacture will show.

DUTY ON ORDINARY CLOTH.

A piece of ordinary cloth, such as is used in men's clothing, is taken as an illustration. The price per yard on this cloth is 70 cents in England, on which the freight to New York or Boston is 1 cent per yard. At the rate at which it is imported the duty is 44 cents per pound, which is 23 cents for each yard placed, an ad valorem duty of 50 per cent, or 38 cents for each yard. This makes the total duty amount to 61 cents per yard, which is 78 per cent of the import price. Three and one-half yards of cloth are required to make a man's suit; hence the tariff tax on one suit made out of this cloth amounts to $2.14, and the price of the American or competing fabric is increased by the exact amount of this tariff. The cost of production of this article in America is divided as follows:

	Per cent.
Labor	25
Material	60
Interest and depreciation	7½
All other charges	7½

The protection given this article is not, therefore, actually 50 per cent, but is 78 per cent, which is more than three times the entire labor cost and only slightly below the total cost of labor and material.

On the estimate of 5 persons to a family of the 92,000,000 of people in the United States, there must be 18,400,000 who would be men using a suit of clothes of this nature. Estimating an equal number of women with men, and that the remaining three-fifths of the people are children who use one-fifth as much cloth, there would be used in the United States 171,200,000 yards of cloth. This tariff tax, therefore, of 61 cents per yard means a tax of $104,400,000 paid by the people yearly under this provision of the tariff. The cutting of this schedule from its present ad valorem rate of 94.11 per cent to 45 per cent should be a boon to every consumer in this country.

The following figures show how the present duty on woolens bears heaviest on the cheaper grade of goods and so places on the wage-earner the heaviest tax, e. g., cloth and knit goods:

The average article costing 40 cents per pound pays a duty of	$0.53
The average article costing 80 cents per pound pays a duty of	.88
The average article costing 99 cents per pound pays a duty of	.99
The average article costing $1.20 per pound pays a duty of	1.10

Note that at 40 cents per pound the duty is in excess of the cost of the article, but that at $1.20 the duty is less than the cost.

BLANKETS AND FLANNELS.

Blankets and flannels have a present rate of duty imposed on them amounting to 95.57 per cent, the total importations of which in the last year amounted to $168,889.82, on which was collected an import duty of $161,412.70. The proposed act cuts the present rate of duty to 30 per cent, except on flannels above 50 cents per pound, on which the duty shall be 45 per cent. The duty under the present act on the cheaper class of blankets is practically prohibitive. The two classes together imported during the last year only $1,162.50, at an ad valorem rate of from 93.58 to 105.50 per cent. The only importations were those of the highest-class blankets, and even they did not reach a large amount.

The new paragraph applies only one ad valorem duty to blankets and two different ad valorem rates to flannels. The more expensive flannels are practically a different sort of fabric than the cheaper ones, and it was thought that a greater tax could fairly be levied on their consumption. Of this class in the last year, June 30, 1910, 89.44 per cent of all the imports of flannels were valued at over 50 cents per pound.

WOMEN'S AND CHILDREN'S DRESS GOODS.

The duty is placed on women's and children's dress goods at 45 per cent ad valorem. In the previous year importations of $9,218,374.10 paid duties amounting to $9,481,206.75, equivalent to an ad valorem rate of 102.85 per cent. It is estimated that the bill under consideration will raise from this section a revenue of $11,433,800 on importations of $25,408,500, and at a rate of 45 per cent. The new paragraph places only one ad valorem duty on all classes of goods and takes the place of a complicated and intricate system of rates applied under the Payne Act, which divided the importations into classes and applied to each class a specific rate and compound rate. The Payne bill made little or no change in this paragraph over the Dingley Act, except to slightly raise the duties in one particular and impose on them duties averaging 102.85 per cent.

READY-MADE CLOTHING.

The Payne tariff left this section as it was in its predecessor, and last year there was collected from it a revenue of $1,444,296.87 on imports of $1,176,236.34, or equivalent to an ad valorem rate of 81.31 per cent. The bill under consideration estimates to raise from this act a revenue of $2,279,900 on estimated importations of $5,066,400, and applies to everything in the section a rate of 45 per cent. This lowering of the rate cuts the rate down on the more expensive clothing about one-half and on the less expensive clothing much more than that.

WEBBINGS AND SUSPENDERS.

Webbings and suspenders have placed on them by this act a duty of 35 per cent, and the intricacies of compound duties and division into classes existing in the present law are done away with. This rate at present is nearly prohibitive, and last year importations of $77,161.70 furnished the Treasury of the Government with a revenue of $67,174.54 on an ad valorem basis of duties of 87.06 per cent. It is estimated that the importations will increase to $160,900 under the present bill, on which will be collected duties of $56,300, and result in a slight loss of revenue in this paragraph.

CARPETS AND CARPETING.

The duties are placed at from 25 to 50 per cent, and take the place of duties ranging from 60.57 to 76.29 per cent. The present classes and complicated schedules are done away with and the duties are arranged so as to place on the cheaper forms of carpet the lightest proportion of taxes, a duty of 50 per cent being placed on carpets woven for rooms, or rugs of the most expensive character. The figures for last year show total importations of carpets and carpeting of $4,619,169.68, on which was collected the sum of $2,802,211.52. It is estimated that the proposed act will produce a revenue of $2,887,565 on estimated importations of $5,877,420. The following table shows the revenue derived from the McKinley, Wilson, and Payne Tariff Acts and those estimated for a 12-months' period under the proposed law:

Wool and manufactures of—Duties on and per cent of total revenue of the United States, 1890–1910.

Years.	Wool.				Per cent of revenue from Schedule K to the total tariff.
	Unmanufactured.		Manufactures of.		
	Ordinary duty.	Average ad valorem rate of duty.	Ordinary duty.	Average ad valorem rate of duty.	
	Dollars.	*Per cent.*	*Dollars.*	*Per cent.*	
1890	5,460,886	33.7	37,440,051	69.1	18.9
1891	6,552,268	38.3	34,857,453	80.6	19.0
1892	7,799,086	44.0	34,293,606	95.8	24.1
1893	8,147,220	44.2	36,451,552	98.5	22.4
1894	2,132,492	41.0	19,061,936	97.2	16.3
1895	224,621	39.2	20,702,923	56.8	14.0
1896	.....	.....	23,121,474	47.8	14.6
1897	.....	.....	22,693,027	46.4	13.1
1898	2,406,841	47.0	10,150,323	76.6	8.6
1899	3,959,572	47.3	13,270,581	94.9	8.5
1900	7,352,642	48.9	14,284,782	91.4	9.4
1901	8,125,699	50.8	13,449,306	91.3	9.2
1902	10,845,599	59.1	15,548,240	91.5	10.5
1903	11,631,042	54.7	17,564,694	91.0	10.3
1904	10,923,485	48.9	16,329,034	92.6	10.5
1905	16,529,787	46.6	16,547,592	91.9	12.7
1906	17,783,646	43.4	20,185,049	90.3	12.0
1907	16,502,748	40.9	19,992,068	89.4	11.9
1908	11,420,511	42.7	17,424,734	91.2	10.2
1909	17,082,990	49.1	16,278,828	90.2	11.3
1910	21,128,728	44.3	20,771,964	90.1	12.8
1912	[1] 13,398,200	20.0	[1] 27,158,000	[2] 42.55	[3] 12.0

[1] Estimated for a 12-month period under the proposed law.
[2] Estimated.
[3] Approximately.

The people of our country have in most instances to face such climatic conditions as to make woolen clothes a necessity, and the protection from the weather which they afford is as needful as food or any other article of necessity. The results of the present law, as can be seen by the comparisons which I have given of the importations and revenues collected, show the enormous burden of taxation which the present high duties place on the shoulders of the people. Should the law we propose be enacted, it will be to our people a tremendous saving.

INCREASE IN COST OF CLOTHING.

The exactions of Schedule K can be escaped by no one, and the Massachusetts House report No. 1750, made in 1910, on the cost of living, treats so thoroughly the subject that its conclusions and opinions are regarded as authority. In its report this commission shows the percentage of total expenditure of a family for clothes ranges from around 7 to 20 per cent, increasing with the income up to a certain point. The average expenditure for clothes would seem to be about 12 to 14 per cent, or

about one-eighth of the total. A reduction of 52 per cent, as contemplated by this bill, would mean a reduction of approximately from 6 to 7 per cent in the expenditures of every wage earner of our country on this basis, according to the basis of this commission. The report further states, page 148:

The general conclusion is that in the past five years the advance * * * in woolen clothing has been at least 20 per cent, and besides the retailer has taken a less margin of profit.

BURDEN LIFTED.

To indicate what a burden this will lift from the shoulders of every man, woman, and child in the United States let us see what saving there would have been to the people of the United States had the present rates been applied to the importations during the last year.

The total importations in 1910 of dress goods amounted to $9,218,374.10, on which was collected a duty of $9,481,206.75, the duty collected under the Payne Act. Had the rates of duty imposed by this bill been in effect the duty on these goods would have been $4,148,268.34, a total saving to the people in the cost of dress goods of $5,332,938.41.

In wearing apparel there was imported $1,776,236.34 worth, on which was collected a duty of $1,444,296.87. Had the proposed rates been in effect there would have been collected $799,206.35, a saving under this provision of $645,090.52.

Of the total cloths of woolen and worsted, there were imported $6,104,140.39, on which was collected the sum of $5,037,753.72. Had the present rates been in effect there would have been collected $2,441,656.15, a saving of $3,496,097.57.

On the item of raw wool the importations were $47,687,293.20, on which was collected $21,128,728.74. At the present rate of 20 per cent there would have been collected $9,537,558.64, a saving of $11,591,170.10 to the consumers.

Mr. LONGWORTH. Now, Mr. Chairman, will the gentleman yield?

Mr. PETERS. Certainly.

Mr. LONGWORTH. The gentleman has referred to the number of sheep in the various sections. Will he state, if he has the figures, the number of sheep in Ohio the year prior to the enactment of the Wilson law, and the number of sheep one year after?

Mr. PETERS. With pleasure. I have not the table which gives the number of sheep in the gentleman's State. The total number of sheep in 1894 was 45,048,000. In 1898 the total number of sheep was 37,657,000.

Now, the total number of sheep in Australia during this same year, 1894, was 100,411,461, and in 1898 it had decreased to 79,237,002 sheep. There was no duty on wool in Australia, which shows even a greater decrease than do the statistics for the United States at that time.

Mr. LONGWORTH. I regret very much that the gentleman has not the figures that I asked of him. I can not state accurately from memory, but, generally speaking, the number of sheep in Ohio fell from 4,000,000 the year before the passage to about 1,000,000 the year after the passage of the Wilson law.

Mr. PETERS. Yes; as they did all over the world. I will insert in my speech the number of sheep in Australia during the successive years:

Number of sheep in Australia, 1890 to date.

1890	97,881,221
1891	106,421,068
1892	103,272,068
1893	99,535,889
1894	100,411,461
1895	90,689,727
1896	90,615,847
1897	82,643,578
1898	79,237,002
1899	72,347,500
1900	70,602,995
1901	72,040,211
1902	53,668,347
1903	56,932,705
1904	65,823,918
1905	74,403,704
1906	83,687,655
1907	87,650,263
1908	87,043,266
1909	91,676,281

This shows also that the sheep in Australia with no duty have increased enormously from 1901 to 1909, while they have decreased from 59,757,000 in 1901 to 57,216,000 in 1910 in the United States, though protected by a heavy duty.

Mr. RUCKER of Colorado. Will that bring it up to the last year?

Mr. PETERS. Yes.

Mr. HARDY. Will the gentleman yield?

Mr. PETERS. I will yield to the gentleman from Texas.

Mr. HARDY. Is it not true that the sheep business has been traveling westward not only before the Wilson bill was passed but ever since?

Mr. PETERS. Without doubt. It is conclusively shown that the duty on wool does not prevent the decrease or growth in the number of sheep in the Eastern States, where other forms of farming prove more profitable. There are other circumstances than the tariff which account for the change in the number of sheep and for the moving of the sheep industry westward.

Mr. LONGWORTH. At least, however, the gentleman will admit the tariff was probably a significant circumstance at that time, inasmuch as the number of sheep fell within less than two years from 4,000,000 to 1,000,000 and the price of sheep fell, in round numbers, from about $5 to $1 and the price of wool, according to the gentleman's own statement, about 50 per cent, from about 28 cents a pound to about 17 cents a pound. I will state further that immediately after the enactment of the Dingley law the number of sheep immediately increased in Ohio and the price of wool nearly doubled, so that the tariff must have had, even according to the gentleman's statement, a good deal to do with that.

Mr. PETERS. Mr. Chairman, the main factors in the price of wool are not the tariff, but the change in the industry, the increase or decrease in the value of the land which makes sheep raising more or less profitable, and if it were only the tariff and not the general commercial circumstances and conditions which were prevalent over all the world at that time—if it were not for that, we should see differences instead of similarity between this country and Australia in the sheep raising during the nineties.

Mr. RUCKER of Colorado. Mr. Chairman, will the gentleman yield for one question?

Mr. PETERS. Certainly.

Mr. RUCKER of Colorado. Then, following out that line of thought, has the gentleman figured how soon we will come to that point when we will not be raising any wool at all?

Mr. PETERS. Mr. Chairman, I have not the time to go into an exhaustive discussion of the raising of sheep. I presume sheep will always be raised as an incidental farm product in much of our country. They may be the principal product in certain parts of our country, where it will not be profitable on account of transportation facilities or of the rocky condition of the soil or for other reasons to engage in agricultural or of farming other than sheep raising.

Mr. RUCKER of Colorado. Does it not follow we will finally have to come to some other fabric than wool for clothing?

Mr. PETERS. I do not see that it does at all. It will mean our farmers will take up and devote their attention and capital to forms of agriculture which will be more profitable, and that is the reason woolgrowing has declined, in the face of a duty—owing to the fact that more and more profitable fields of agriculture have opened out and that the man who owned sheep found that it was more profitable to use his land and put his capital into raising other animals or into some other form of agriculture. The Wilson bill can not be held responsible for the reduction of the number of sheep, for during the nineties the number of sheep in Australia decreased by 30,000,000, and, also, there is no reason to suppose that the reduction of the present duty to 20 per cent will deplete our flocks. During the last 20 years we have increased in North America 50 per cent in population, while the number of sheep has increased only 4.8 per cent.

Mr. RUCKER of Colorado. I agree with the gentleman there has been a decrease in the number of sheep, except in the United States we have increased the number nearly 50 per cent in the last 14 years, but the point I am making is this: The gentleman says that the sheep industry has been moving westward. Now, there is a limit to westward, and therefore will not the sheep industry have to get out, unless something is done to foster the sheep industry in this country, and will we not be forced finally to wear something else than woolen clothes?

Mr. PETERS. Mr. Chairman, the sheep industry is given up where it is more profitable for the farmer to enter into some other form of agriculture, and it is a saving to the people at large to have the other more intensive and more profitable forms of agriculture cultivated in this country rather than to have a tax on the consumers of wool, to foster an industry on certain parts of the country where the soil could be more profitably employed. While the raising of sheep may move westward, it does so very largely, as I understand, because the industry in certain Western States has been developed, and, at the same time, in the East the more profitable forms of agriculture have displaced the raising of sheep.

Mr. LONGWORTH. Will the gentleman yield for another question?

Mr. PETERS. Yes.

Mr. LONGWORTH. In the report, on page 11, submitted by the majority of the Ways and Means Committee, stress is laid upon the fact that the cost of producing sheep in Ohio is larger than in other districts in the country.

Now, I will ask the gentleman this question: If he knew that a 20 per cent duty, as provided in this bill, was less than the difference in the cost of production of wool in Ohio and abroad, and therefore necessarily under the 20 per cent rate it will be impossible to raise sheep profitably in Ohio, would he, nevertheless, vote for the 20 per cent rate?

Mr. PETERS. Certainly not. I do not believe the people of this country who consume the woolen goods should be taxed in order to make an industry profitable where it would not naturally exist, and I——

Mr. LONGWORTH. I do not think the gentleman answered my question exactly as he intended. He said, "Certainly not"—that is to say, that he would not vote for the 20 per cent duty. Perhaps the gentleman misunderstood my question, which was this: That if he knew the 20 per cent duty was not sufficiently high to equalize the difference in the cost of production of wool in Ohio and abroad, would he, nevertheless, vote for the 20 per cent duty?

Mr. PETERS. The cost of production of sheep would have nothing to do in determining what I should vote for as a duty on raw wool.

Mr. LONGWORTH. The cost of production would be no element whatever in the gentleman's mind?

Mr. PETERS. No; none. I did not at first hear the gentleman's question clearly. I would answer "Certainly" instead of "Certainly not" to his previous question.

RAW WOOL.

We are now importing 46 per cent of the wool we produce. In the last 20 years the production of wool in this country has increased but 4.8 per cent in North America, while the growth in population has been 50.8 per cent. Even the duty of 11 cents on wool has failed to prevent a decrease in the number of sheep in practically all the sections of the country, except the Rocky Mountain States, there being 59,757,000 sheep in 1901 and 57,216,000 in 1910.

The fact that the duty of 11 cents has failed to stimulate the growing of wool to keep pace with the ever-increasing demand shows it is not fitted to the economic circumstances of this country except in a few localities, which are totally inadequate to furnish sufficient wool for general consumption, and the added cost of a tariff brings little into the hands of the wool growers while it places on the backs of our people a much greater added cost in all the garments which they consume.

The only groups of States in which the number of sheep have increased are the West North Central, which, in 1880, had 3,096,000 sheep as compared with 3,566,000 in 1910. The other group of States that saw an increase was the "Mountain States," which, in 1880, reported 7,098,000 sheep, in 1910, 18,338,000 sheep.

In all the States east of the Mississippi the number of sheep decreased from 21,058,684 in 1870 to 11,329,000 in 1910.

NUMBER OF SHEEP IN UNITED STATES UNDER WILSON AND DINGLEY TARIFFS.

It is claimed, as we have heard on the floor of this House today, that the hardships of the woolgrowers in 1894 and the years following were all owing to free wool, but I repeat that the Wilson bill can not be held responsible for the reduction of the number of sheep in this country, for during the nineties the number of sheep in Australia decreased by 30,000,000. And, also, how do those who criticise the present bill on the ground that the reduction of the duty on wool to 20 per cent will deplete our flocks, and who claim that if it had not been for the Wilson law we would now have sufficient sheep in this country to supply all our demands for raw wool—how, I ask, do these critics reconcile the fact that the decrease in the number of sheep while the Wilson bill was in effect was only about half the decrease that took place in one-half the time under the Dingley law? I append the following table to show the decrease in the number of sheep in the United States from 1893–1897 and 1903–1905.

[Statistical Abstract, 1909.]

1893. Largest number from 1886 to 1893	47,273,553
1897. Smallest number from 1886 to 1893	36,818,643
Decrease in number of sheep	10,454,910
1903	63,964,876
1905	45,170,423
Decrease in number of sheep	18,894,453

The producer of wool who, with a protection of not less than 44 per cent, has been unable to produce to within 44 per cent of the raw wool needed to supply the American manufacturer can not complain of the reduction in the duty on wool to 20 per cent—a duty that is still unique.

The producers of woolen manufactures will be placed on an equal footing by this bill. The closed home market—one that has come to import but 3 per cent of its woolen goods—will be opened up to a wholesome foreign competition, and the reduction in the cost of raw materials will make it possible for the American manufacturer to extend his market; and there is every reason to believe that the insignificant exportation of manufactures of wool in this country will materially grow far beyond the present exports, which are but two-fifths of 1 per cent of our production of woolens.

The two following tables show our dependence on foreign wools and the practically closed market in this country for woolens produced abroad and the pitifully small demand for our woolen goods by other countries; also the contrast is shown between the policy of the United States in this matter compared with the other leading producers of woolens.

Years.	Raw wool imported.	Consumption foreign.	Woolen goods produced in United States.	Woolens imported.	Per cent foreign consumption of home product.
	Pounds.	*Per cent.*			
1880	(1)	(1)	$238,085,000	$33,911,000	13
1885	70,596,000	18.0	.....	35,776,000	.....
1890	105,431,000	27.0	270,527,000	56,582,000	20
1891	129,303,000	30.8	.....	41,060,000	.....
1892	148,670,000	33.1	.....	35,565,000	.....
1893	172,433,000	35.7	.....	38,048,000	.....
1894	55,152,000	14.2	.....	19,439,000	.....
1895	206,033,000	40.0	.....	38,539,000	.....
1896	230,911,000	45.9	.....	53,494,000	.....
1897	350,852,000	57.8	.....	49,162,000	.....
1898	132,795,000	32.8	.....	14,823,000	.....
1899	76,736,000	19.2	.....	13,832,000	.....
1900	155,928,000	34.4	296,990,000	16,164,000	5
1905	249,135,000	45.5	380,934,000	17,895,000	4
1909	266,409,000	44.5	514,732,000	18,102,000	3

[1] Abnormal year.

Comparative import and export trade in wool manufactures, year 1909.

Countries.	Domestic production.	Per cent of domestic production imported.	Per cent of domestic production exported.
		Per cent.	*Per cent.*
United States	$514,732,000	3	⅛ of 1
United Kingdom	308,356,000	15	43
Germany	215,294,000	17	34
France	223,500,000	5	24

DEMOCRATIC PLATFORMS.

The Democratic Party has stood always for a tariff for revenue only. Let me quote you from past Democratic platforms:

SOME QUOTATIONS FROM DEMOCRATIC PLATFORMS.

1880. * * * and a tariff for revenue only. (Only mention made of the tariff in this platform.)

1884. * * * We demand that Federal taxation shall be exclusively for public purposes.

1892. We declare it to be a fundamental principle of the Democratic Party that the Federal Government has no constitutional power to impose and collect tariff duties, except for the purpose of revenue only. * * *

1896. We hold that the tariff duties should be levied for purposes of revenue. * * *

1904. We favor a revision and a gradual reduction of the tariff by the friends of the masses and for the common weal and not by the friends of its abuses, its extortions, and its discriminations, keeping in view the ultimate end of "equality of burdens and equalities of opportunities" and the constitutional purpose of raising a revenue by taxation, to wit, the support of the Federal Government in all of its integrity and virility, but in simplicity.

All straightforward utterances, which constitute a pledge to the people of this country that the Democratic Party will perform to the letter.

REPUBLICAN TARIFF.

The basic principle which underlies any tariff which the Republican Party supports is that "the measure of protection should at least equal the difference in the cost of production at home and abroad" (quoted from the Republican platform, 1908), and to be sure to give full measure to the manufacturing interests of this country it is generally added that the tariff should also insure a "reasonable profit" along with equalizing cost of production.

This policy, in fact any tariff policy other than one for revenue only, is as absurd as it is indefinite; it is absurd, for it must result in one of two things, either absolutely prohibitory duties against foreign goods that would compete with us, or it must result in discrimination and favoritism. The Republican tariff policy is indefinite and unsatisfactory, for it is impossible

to estimate with any degree of accuracy the difference in the cost of production here and abroad. And what political party can be intrusted with the commission of seeing that all of our manufactures receive uniform profits? For such would be the result if the term "reasonable profits," which the Republican Party uses so glibly, had any real significance.

Let me quote you several authorities on this question of the impracticability of determining the difference of costs here and abroad.

The President of the United States, in a letter to the chairman of the Republican congressional committee last August (1910), after the Tariff Board had begun its inquiry, said:

Moreover, when we understand that the cost of production differs in one country from that in another, and that it changes from year to year and from month to month, we must realize that the precise difference in cost of production sought for is not capable of definite ascertainment, and that all that even the most scientific person can do in his investigation is, after consideration of many facts which he learns, to exercise his best judgment in reaching a conclusion.

Similar statements have been made by members of the Tariff Board. Chairman Emery, in a speech before the Chicago Association of Commerce, December 3, 1910, said:

It is unfortunate that so much emphasis has been laid on the question of getting relative costs, since many people have assumed this to be both an easy task and a complete solution of the question. Any practical man knows that both these assumptions are faulty. One of the most difficult problems which a manufacturer has to solve in his own business is to determine the cost of any individual article which he produces. In fact, it would not be unreasonable for a manufacturer to respond to a request from such a body as ours for his costs of production, "I would give them to you if I could get them, and I am willing to pay you a good sum if you will find them out for me."

ASCERTAINING COST OF PRODUCTION IMPOSSIBLE.

The fact that the Republicans are unable to get at the basis of the cost of production on which they would place the tariff rates is sufficient to condemn their program, even if they were not working upon a theory that is contrary to all the principles of economics and good sense. According to the Republican idea, "the less able we are to produce an article, the more duty is levied" in order to encourage the industry by equalizing differences of cost here and abroad. The result is that the things that we are fitted to do economically are left to themselves to prosper as best they can, while the industries that we are least able to run economically under normal conditions are encouraged by the highest duties, leading to an increased cost for the consumer and to a bad commercial adjustment.

ABSOLUTELY PROHIBITIVE TARIFF THE CONCLUSION.

Should it be attempted to raise a tariff sufficient to meet the difference in cost at any point of production in the United States of articles, long before this point is reached the tariff will be so high as to be absolutely prohibitive, and its logical application would mean that there would be no importations whatever, or, if some limitation is made, what section of the country and what industries are to be given the rates required to stimulate production within its borders and give its manufacturers "a reasonable profit."

COST OF LIVING.

There has been an ever-increasing cost of living, which has made it more and more difficult for the wage-earner to meet with his income the needs of his family. The Democratic Party, true to its promises, has taken a most important step by passing the reciprocity agreement with Canada, which, in effect, should tend to lessen the cost of the food products in our cities. To further carry out its pledges this bill is proposed, which will remove a tax from the shoulders of every man, woman, and child in our country. It is hoped that more schedules may be taken up at a later date to further carry out the lowering of the tariff and the arranging of the taxes on a basis fair to all. The revenue basis to which the tariff will be lowered and the removal of taxes on raw materials should place our manufacturing on a sound basis, enlarge its markets, and by increasing the demand for labor give the wage earner steady employment at just rates. To the consumer a lowering of the tariff duties must bring an ever-increasing benefit.

CONCLUSION.

Mr. Chairman, this country's trade has, up to the present time, been largely in the export of products from the soil, exports which show only in a small way the value of our people's industry, but which draw each year more and more on the resources of our country. We have seen the exportation of agricultural products decrease as the demand for them at home increased. To stimulate our trade, to provide employment for our people, to provide cheaper living to the wage earners of this country is a problem to which the parties must address themselves, and to lower the cost of living is the problem to which the Democratic Party has devoted its attention. We do not believe in a tariff as a benefit. We believe in it as a tax. The Democratic Party stands squarely for a tariff for revenue only, a tariff which will lay on the consumers the least burden and arranges its rates, not as gifts for favored supporters of any party, but as taxes to be so placed that the revenues of the Government may be collected with as little burden as possible to its people. [Loud applause.]

Mr. PAYNE. Mr. Chairman, I yield one hour to the gentleman from Washington [Mr. WARBURTON].

Mr. WARBURTON. Mr. Chairman, I desire to show that the proposed law is in the main in accord with the Republican national platform in reference to a revision of the tariff; that the proposed law is more nearly a compliance with our platform than the existing law.

That the oft-repeated statement that we can not lower the tariff, as demanded by the people and as promised to the people by both parties, is wholly untrue in point of fact; that we can get all the needed revenue from tobacco alone, which is clearly a luxury, the present tax on which being insignificant compared with the tax on other luxuries, and even with such necessaries of life as sugar, wool, and woolen goods, and so forth.

That if we were to restore the internal-revenue tax on tobacco contained in either the law of 1879 or the law of 1875, the Government would get ample revenue to more than supply all the revenue that we would lose by a proper revision of the tariff and by placing sugar on the free list. If the law of 1879 had been in force last year, our receipts from the internal-revenue tax on tobacco would have been $138,050,930, as against $58,118,457 we actually received. If the law of 1875 had been in force last year the revenue would have been $178,094,457, as against $58,118,457, the revenue actually received. The tax provided by these laws was reduced solely because we did not need the revenue.

That our tax on tobacco is only one-fifth to one-fifteenth of the tax assessed by the leading European countries, who consume the major portion of all the tobacco we export.

That if we were to increase the tax on tobacco it would not affect the farm price of tobacco or affect anyone interested in the tobacco business, but would affect the consumers, who should pay the tax.

I shall vote for the proposed bill, and desire to state, briefly, the reasons that prompt me to do so. The tariff affecting wool and woolen goods remains, I am informed, about the same as that adopted 43 years ago. It was established, in the first instance, and for many years maintained on the ground that it was essential in order to build up and promote this industry. For the past few years its friends have urged and insisted that it should be maintained in order to protect this great industry from foreign competition. When first enacted, its friends claimed that the time would come, and at no great distant date, when the tariff could be materially reduced, if not entirely taken off. It would seem as though the time ought to be at hand when these industries having enjoyed this large tariff for more than 40 years should be in a condition to permit a very material reduction of the tariff, such as we have before us.

But it is urged that if we reduce this tariff to the point proposed in the bill we will bring financial disaster to those engaged in this industry. I do not believe that any such results will follow from the enactment of this bill into law. I do not believe that there is any such difference between the cost of manufacturing woolen goods here and abroad as contained in our present tariff. I regret exceedingly that we have not before us the report of our so-called Tariff Board on this question, so that we could get from an entirely disinterested body the real facts about this very important matter.

The essential facts relative to the comparative cost of manufacturing woolen goods here and abroad can be ascertained by a tariff board, and I have felt as though this matter might go over until next session in hopes that we might get a report from the Tariff Board by that date, when we could reach a more intelligent conclusion. I would feel much more strongly in favor of this procedure if it were not for the fact that these manufacturers have for years consistently fought the establishment of a tariff board. If it had not been for their opposition, we long before this would have had a properly constituted tariff board, and would have at hand all necessary information.

If the friends of the present tariff on this schedule had been one-half as active in urging heretofore the passage of a proper Tariff Board law as they have been active in opposing it, or if they had exerted their influence in trying to secure a report of our present so-called Tariff Board, we would have, at least, some of the essential facts before us to revise intelligently this schedule and to enable us to be certain that we were enacting a law fair and just alike to the consumer and to the manufacturer.

There is no inclination on the part of the people of this country to reduce the tariff to a point where the laboring man of the country can not be employed in the industries affected by

this bill and receive a fair return for his employment. There is no demand for a reduction of the tariff to a point where the manufacturer can not continue to operate his factory and pay the wages that he has been accustomed to pay. But there is a widespread and, I think, a well-founded belief that the present tariff is very much in excess of the amount necessary to do this, and a very urgent demand that a reduction on the woolen schedule be made.

The people of this country are not in the mood to take the statement of those vitally interested parties as to what the tariff should be. They want to get the information from men of ability and skill who are entirely disinterested in the conclusions they reach.

I want to warn those interested in this schedule, as well as other schedules, that if they resist the creation of a Tariff Board with ample powers, with sufficient inducements to obtain men of excellent ability and experience as commissioners, they may get a tariff law that will write the schedules too low and bring real, not imaginary, hardships upon them. Our great industries have nothing whatsoever to fear from the conclusions of such a Tariff Board, and when they resist the creation of such a board it must occur to every man of experience that there is something about the operation of this tariff law in their favor that they desire to conceal.

It is wholly incomprehensible to me that the manufacturers of wool have not been able to keep pace with the manufacturers in other lines of industry and are not more able to cope with foreign competition than they claim they are. The cost of manufacturing in every other line of industry has grown cheaper year by year as improved methods and improved machinery have been adopted, and it would seem more than passing strange if those engaged in the woolen manufactures have not had the same experience. We can much more nearly compete with European manufacturers in everything else than we could 40 years ago. Why not in woolen goods? Our production and consumption of woolen goods have increased enormously in the past 40 years. Should not the same law prevail there as works elsewhere in the manufacture of goods that the larger the production the less the cost of production?

If we are not able to materially reduce the tariff enacted 43 years ago, when may we expect to arrive at the point where we may reduce it? We can not afford to maintain indefinitely these enormous rates. Those interested in the schedule we are considering fight the reduction of it even a penny. They fight the reduction of the tariff on this schedule even more strongly than they fought for its original enactment. I do not know how the conduct of these beneficiaries of our high tariff impresses others, but they impress me as a lot of freebooters who are bent on maintaining this unnecessarily high tariff regardless of right or wrong, regardless of the hardships it works on the great mass of our people. They have enjoyed this tariff so long, they have exacted tribute from every person so long, that they seem to regard it as a vested right to continue to do so. When they tell us it can not be materially lowered, or lowered at all, they convince me of their insincerity. They persuade me that their statements are wholly unreliable.

But it is my duty to vote for or against this measure. If we defeat this measure, our present existing tariff law will remain in force. It is encumbent upon me to decide whether the proposed law more nearly complies with that we promised the country in our national platform than the existing law. I believe that the present tariff on wool and woolen goods is entirely too high. If it was fair in 1867, it is altogether too high now. I do not believe that there is any justification for a tariff on any necessity of life, such as clothing, as high or anywhere near as high as 90 per cent ad valorem. I do not believe there is anything like 90 per cent difference between the cost of manufacturing woolen goods in this country and elsewhere. I do not believe there is one-half of that difference. The best information that I have been able to obtain goes to show that there is no such difference.

I believe that the proposed law comes very much nearer complying with our national platform than our existing law. I do not mean to say that the proposed law is exactly correct. I do not know whether it is or not, and I do not believe there is a man in this House who does know exactly what the rate should be, or ever will know, until we get such reliable information as we could obtain if we had a proper Tariff Board, that had given full and ample time to the obtaining of the necessary information.

My people are in favor of a very material reduction on woolen goods. They believe that the tariff on this schedule has been maintained at too high a figure for many years. I promised my people in every speech that I made that if I had the opportunity I would vote for a bill reducing materially the tariff on our woolen schedule, and I am going to keep my word. [Applause on the Democratic side.]

I favor the bill because I believe it is strictly a protective measure. None could have been drawn that in every particular recognizes the essential doctrine of a protective policy more than this bill does. Republicans may disagree as to whether the rate is too high or too low, but all will admit that it is a bill based on protective principles. I shall vote for it because it is protective in its nature, and, as nearly as I am able to judge, it meets as nearly as possible the doctrine of protection as announced in the Chicago platform of three years ago. [Applause.] I believe it more nearly fixes this schedule on wool and woolen goods in accordance with our Republican doctrine than our present existing law. It certainly is not drawn with any reference to free trade or with any reference to the doctrine of tariff for revenue, if that doctrine means anything else than our protective doctrine under a different name.

THE OLD EXCUSE, "I CAN NOT VOTE FOR THE BILL BECAUSE THE GOVERNMENT CAN NOT AFFORD TO LOSE THE REVENUE."

Many Members are going to give as an excuse or as a reason for opposing this bill the old lame excuse that we have so often heard when a man is called upon to vote on bills affecting revenue—that he can not support them because the Government can not afford to lose the revenue. Others there are who say they would gladly favor a lower rate of duty on this schedule, but they can not because the Government can not afford to lose the revenue. Some free traders will say that they are in favor of placing wool on the free list, but not now, because the Government can not afford to lose the revenue.

Every time it is proposed to revise the tariff laws, or proposed to extend the rural free delivery of mail, or to enact any progressive legislation, the objection is at once raised that the revenues of the Government will not permit it. I will show in a moment that there is no basis for these claims.

I understand that some of our Democratic friends claim that they would be in favor of a still lower tariff on the articles mentioned in this bill but can not do so because the Government can not afford to lose the revenue. They are quite loud in their grief over the fact that the loss of revenue stands squarely in their path and will not permit them to vote as their judgment dictates, and such as they have long and loudly proclaimed they would do if ever given the opportunity. They assure us that the loss of revenue is the one thing that prevents them from writing into law the pure Democratic doctrine.

There are some of my Republican colleagues who feel that this bill is probably right from the standpoint of the last Republican platform, but this loss of revenue prevents them from supporting this bill. I do not want to challenge the good faith of these persons, but I want to say none the less positively that this is an excuse which has been made by every party in the last 30 years for failure to keep its promises in reference to revenue laws and a revision of the tariff. Whenever a party has failed to make good its promises and has been driven to the last ditch in defending its conduct, it has always made the plea that it could not have done otherwise and provided the Government with the essential revenue. There never has been a day in 30 years when any party could not have completely fulfilled its promises in the revision of our tariff or revenue laws, made every reduction promised the people, and yet supplied the Government with abundant revenue. I want to help uncover every man who is hiding behind any such defense. I want to show how utterly absurd such statements are. If there should be anyone who is going to defend his conduct by this flimsy, worn-out, threadbare excuse and vote on this bill contrary to the promises which he made to his people, contrary to the platform on which he was elected, whether he be Republican or Democrat, I want to assist in uncovering him. I want to show him he can not do it on the pretext of loss of revenue.

The question is not the loss of revenue—that must have been taken into consideration before our platforms were written—but is, Are we living up to our platforms? The Democratic Party, when it proclaimed its policy of free wool, proclaimed it on the theory that it could enact such a law and still supply the Government with the needed revenue. They knew then just as well as now that they would have to provide this revenue from some other source. They must have had this in mind when they made the declaration. This can not be changed by Gov. Wilson or any other Democratic candidate for President approving a different course at this late date. Does Gov. Wilson want the people of the United States to understand when the Democratic Party at its next convention declares its platform on the tariff that there is an unwritten proviso attached to it to the effect that it will carry out that plank only providing it can get the necessary revenue, or does he want the people to understand that the platform will mean exactly what it will say? I can not think that Gov. Wilson approves any such doctrine. It is contrary to his conduct in office and his record as governor in fulfilling party pledges. I am not advocating free wool. I believe in the protective policy.

I am only insisting in honesty in party platforms. I think this bill complies with the Republican and not the Democratic platform.

When the Republican Party announced the doctrine that it was in favor of a tariff on all manufactured articles which would equal the difference between the cost of production here and abroad, its leaders knew just as well then as now that in carrying out this policy all the revenue that would be lost by such a law would have to be supplied from some other source.

When the great leaders of the Republican or Democratic Party assemble and announce their policy with reference to a tariff law, or any other legislative matter, the people have the right to assume that they can fulfill every obligation that they voluntarily undertake, and that they make such promises with the full knowledge as to the effect it will have on the revenue, and that they can carry out their policies and provide for the loss of revenue elsewhere. So it is no excuse, it is an admission of bad faith, either in the making of the promise or in the fulfillment of it, for a party to say that it can not carry out its platform on account of a loss of revenue.

TOBACCO IS TAXED ONLY A SMALL PERCENTAGE OF OTHER LUXURIES.

Our Government has been throwing away millions upon millions of dollars annually that it ought to have and which it could easily get, and which would at once enable us to place sugar and rice on the free list and provide funds which would permit us to reduce the tariff on the woolen, cotton, and steel schedules to a point that the Republican Party promised that it would do in the last national platform.

A proper tax on tobacco would easily do this. Tobacco is not a necessity of life, but it is clearly and undisputably a luxury. Nothing that man consumes is more so. All civilized countries tax luxuries and tax them heavily. In raising the revenue of the Government the luxuries should be first taxed heavily, and then, if enough revenue can not be provided, other articles should be taxed; and lastly and least of all should the necessary food products, and especially those products that can not be raised in our country to a profit and advantage, be taxed.

No food product should be taxed which this country does not easily and naturally raise, and in sufficient quantity for the needs of the people. This is one phase of taxation that all governments and all political economists are agreed upon, and yet we tax this admitted luxury, tobacco, less than almost any other commodity in comparison with its actual value when sold on the market. It bears but a slight tax when compared with other luxuries. The internal-revenue tax on fermented liquor is the same to-day that it was at the highest point during the Civil War. It has never been lowered one penny. It was doubled during the Spanish War, but when that war was over the tax was restored to the point of the Civil War. Our war tax on distilled spirits was for a short time reduced from an average of about $1.50 to 60 cents a gallon in 1868.

In 1872 it was raised to 70 cents a gallon; in 1875 it was again raised to 90 cents a gallon; and in 1894 it was raised to $1.10 a gallon, and the tax has remained at the last figure ever since 1894. The tax on distilled liquors since 1894 has been about as high as the average tax during the Civil War. The tax on tobacco from its highest point during the Civil War has been lowered from year to year until it is now but a small fraction of that tax. The changes have been quite numerous, and I have prepared a table showing the rate and date of each law reducing the same. Smoking and chewing tobacco and snuff in each law are fixed at the same rate, there being one or two exceptions in relation to snuff, which I will not notice, so I will speak of them as tobacco. Cigars and cheroots have been taxed by each law at the same rate, and I will speak of them together as cigars. Cigarettes by each law have borne about one-half of the rate of cigars, so I will not especially mention them. I am discussing only the internal-revenue tax. I am not taking into consideration at all import or tariff duties.

Date of enactment.	Tobacco (per pound).	Cigars (per thousand).
	Cents.	
1864	15-35	[1] $8.00-$40.00
1865	30-40	10.00
1866	30-40	4.00
1868	32	5.00
1872	20	5.00
1875	24	6.00
1879	16	6.00
1883	8	3.00
1890	6	3.00
1898	12	3.60
1901	9.6	3.00
1902	6	3.00
1909	8	3.00

[1] According to value.

Mr. PAYNE. What kind of tobacco is the gentleman talking about?

Mr. WARBURTON. Smoking tobacco and chewing tobacco. I stated that. I am not dealing at all with import duties; I am dealing with the internal-revenue tax. Now, we will observe that from the highest point during the war, 40 cents a pound, tobacco has been reduced to 8 cents a pound. Cigars at the highest point of the Civil War were $8 to $40, according to the value, per thousand; they were reduced to $3 a thousand in 1883, and they have remained at that point all the time, except during the Spanish War, when they were slightly raised.

Mr. PAYNE. Will the gentleman kindly state what the ad valorem was in addition——

Mr. WARBURTON. I am not taking into consideration the import duties; I am simply talking about the internal revenue.

Mr. PAYNE. Oh, the internal revenue.

Mr. WARBURTON. Yes. So it clearly appears, while the tax on whisky or distilled spirits is about the same as that of the Civil War tax, and the tax on fermented liquors, beer, and ale is equal to that of the highest Civil War tax, our tax on tobacco has been reduced from time to time until it is but a fraction of the Civil War tax. Our present tax is not one-fourth of what it was during the Civil War and up to 1872; two-fifths of what it was from 1872 to 1875; one-third of what it was from 1875 to 1879; one-half of what it was from 1879 to 1883.

Mr. LONGWORTH. Does the gentleman again refer to internal revenue only?

Mr. WARBURTON. I say so in all my speeches.

Mr. LONGWORTH. The gentleman is discussing the schedules of everything else but tobacco, and only the internal-revenue tax on tobacco?

Mr. WARBURTON. Yes; we will call it the internal-revenue tax on tobacco. That is what I am discussing.

Mr. GARRETT. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Tennessee?

Mr. WARBURTON. Yes.

Mr. GARRETT. Do I understand the gentleman to advocate an increase in the internal-revenue taxes on tobacco and liquors, in order to decrease the duties on wool and the various other schedules?

Mr. WARBURTON. Yes. I say you can provide all the revenue you lose on all such reductions by increasing the internal-revenue tax on tobacco alone. I am not referring to the tax on distilled spirits or liquors. That is as high as it was during the Civil War.

Mr. GARRETT. The gentleman advocates an increase in the internal-revenue taxation on tobacco, in order to lower the duty on wool and other products?

Mr. WARBURTON. Yes; and to lower the duty on steel and cotton, and to get it all off of sugar.

Mr. GARRETT. The gentleman is not a protectionist. [Laughter.]

Mr. WARBURTON. I am.

Mr. GARRETT. Did the gentleman get his time from the gentleman from New York [Mr. PAYNE] or from the gentleman from Alabama [Mr. UNDERWOOD]? [Laughter.]

Mr. WARBURTON. The gentleman from New York was good enough to give me some of his time.

Mr. PAYNE. I want to say to the gentleman from Tennessee——

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from New York?

Mr. WARBURTON. Yes, sir.

Mr. PAYNE. I wanted, Mr. Chairman, to say to the gentleman from Tennessee [Mr. GARRETT], if the gentleman from Washington will yield a moment, that I might consume all my time by yielding to men who are honestly opposed to this bill, though they are sitting on the other side of the aisle, but who dare not speak against the edict of the Democratic caucus. [Applause on the Republican side.]

Mr. GARRETT. If the gentleman from Washington will permit, I do not suppose the gentleman from New York meant to indicate by that that I had requested of him any time on that ground?

Mr. PAYNE. Oh, no. [Laughter.]

Mr. WARBURTON. Now, gentlemen, if you will follow me closely, I shall not need to answer these questions again. I am simply discussing the increase of the internal-revenue tax on tobacco. The tax on sugar, for instance, controls absolutely, and is of the same effect as an internal-revenue or consumption tax on sugar. That might not prevail as to cotton and woolen goods. I will not undertake to say that it does. But I am

simply calling your attention to the fact that you have not reduced the duties on woolen goods and cotton goods practically since the Civil War. You have not reduced the internal-revenue tax on beer. You have not reduced the internal-revenue tax on distilled spirits.

Now, tobacco is as much a luxury as any of those, and yet you have reduced it down to only 20 per cent of what it was in the Civil War. I have some illustrations for you, or will have in a moment, which, if you have not examined the subject, I think will be rather astounding to you.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, will the gentleman yield for a question?

Mr. WARBURTON. Yes.

Mr. HUMPHREYS of Mississippi. I would like to ask the gentleman if he has made any investigation as to the amount of revenue produced under the old rates and the amount produced under the subsequent rates after the tax was reduced?

Mr. WARBURTON. Yes. I will cover that in just a moment, if the gentleman will wait that long. I had one of the experts of the Internal Revenue Bureau figure it out for me.

While the foregoing table shows that our tax on tobacco is but a pittance compared with what it was during the 20 years following the Civil War, and the tax is insignificant compared with the tax on other luxuries, it does not give one a full idea of what a small ad valorem tax it really is. For instance, this morning I bought a quarter of a pound of Edgeworth smoking tobacco. This is a common, ordinary smoking tobacco, which cost me 25 cents. The Government tax on this was 1½ cents. If the tax was doubled it would have cost me 26½ cents; if the tax was trebled, it would have cost me 28 cents; if it had been quadrupled, it would have cost me 29½ cents.

The Government tax on a 10-cent cigar is three-tenths of 1 cent; if it was doubled, a 10-cent cigar would cost 10.3 cents; if it was trebled, it would cost 10⅜ cents; and if it was quadrupled, it would cost less than 11 cents.

The tax on a 25-cent cigar is likewise three-tenths of 1 cent; if this tax were doubled, a 25-cent cigar would cost 25.3 cents; if it were trebled, it would cost 25⅜ cents; and if it were quadrupled, it would cost 25.9 cents.

If we were to increase our tax on tobacco 100 per cent, it would equal the tax in effect from 1879 to 1883; if we were to increase it 300 per cent, it would equal the tax in effect from 1875 to 1879; if we were to increase it 250 per cent, it would equal the tax in effect from 1872 to 1875; and if we were to increase it 400 per cent, it would then equal the tax in effect from 1864 to 1872.

Mr. NORRIS. Will the gentleman yield there?

Mr. WARBURTON. Yes.

Mr. NORRIS. In giving the price of a cigar, the gentleman is assuming that each time the consumer of the cigar would have to pay the tax. As a matter of fact, I presume it would not make any difference. He would get a 10-cent cigar for 10 cents just the same.

Mr. WARBURTON. He probably would. It would probably have one-fiftieth less of tobacco in it.

Mr. NORRIS. And that would do the smoker just that much more good.

Mr. PAYNE. We might better tax it all out.

Mr. NORRIS. I think it might be a good thing, although I smoke as much as anybody.

Mr. WARBURTON. If we were to double the tax on a 50-cent cigar, it would then cost 50.3 cents; if it were trebled, it would cost 50⅜ cents; if it were quadrupled, it would cost 50.9 cents. It can be readily seen that to double or even to increase the tax 300 or 400 per cent the price to the consumer would not be materially increased. Even if we were to quadruple the price, the per cent of the tax on tobacco would not equal that which we have on a great many necessaries of life.

Our present rate on smoking tobacco, taking Edgeworth as an example, is 8 per cent of the selling price; if doubled, it would be 16 per cent of the selling price; if trebled, it would be 24 per cent; and if quadrupled, it would be 32 per cent of the selling price.

Our present tax on a 5-cent cigar is 6 per cent of the retail price; if doubled, it would equal 12 per cent; if trebled, it would equal 18 per cent; and if quadrupled, it would equal 24 per cent.

Our present tax on a 10-cent cigar equals 3 per cent of the retail price; if doubled, it would be 6 per cent; if trebled, it would equal 9 per cent; and if quadrupled, it would equal 12 per cent.

Our present tax on a 25-cent cigar is 1.2 per cent of the retail price; if doubled, it would equal 2.4 per cent; if trebled, it would equal 3.6 per cent; and if quadrupled, it would equal 4.8 per cent of the retail price.

Our present tax on a 50-cent cigar equals six-tenths of 1 per cent at retail price; if doubled it would equal 1.2 per cent; if trebled it would equal 1.8 per cent; and if quadrupled it would equal 2.4 per cent of the retail price.

Our tax on sugar represents about 36 per cent of the price of retail sugar in the city of Washington. The tariff is almost five times as much on a dollar's worth of sugar as the tax on a dollar's worth of smoking tobacco or on a dollar's worth of 5-cent cigars, 12 times as much as the tax on a dollar's worth of 10-cent cigars, 30 times as much as the tax on a dollar's worth of 25-cent cigars, and 60 times as great as the tax on $1 worth of 50-cent cigars.

When one of our millionaires buys a dollar's worth of 50-cent cigars he pays the Government six-tenths of 1 cent revenue; when he buys a dollar's worth of 25-cent cigars he pays the Government a revenue of 1.2 cents; when he buys a dollar's worth of two-for-a-quarter cigars he pays the Government in revenue 2.4 cents. When his gardener buys a dollar's worth of nickel cigars or of smoking tobacco he pays the Government a revenue of 8 cents; when his washerwoman buys $1 worth of granulated sugar at the market price in Washington—5½ cents a pound—she pays the Government a revenue of 36 cents; or, 36 cents is exacted from her on account of our tariff on that necessary of life. [Applause on the Democratic side.]

Mr. HARDY. Will the gentleman submit just to an interruption?

Mr. WARBURTON. Yes.

Mr. HARDY. I do not know that I differ with the line of argument the gentleman is making, but it seems to me he omits to draw the distinction. If these cigars are imported, how much does the Government get?

Mr. WARBURTON. They would get——

Mr. HARDY. What is the import tax?

Mr. WARBURTON. I think it is $4.50 a thousand.

Mr. HARDY. Now, then, as to sugar, you are speaking of the import tax alone, and there is no indirect revenue tax on sugar.

Mr. WARBURTON. I do not know whether the gentleman read it or not, but the other day I showed conclusively, I think, that your tariff of $1.90 does, as a matter of fact, cost every consumer of sugar 2 cents a pound.

Mr. HARDY. I think you are exactly right, but this tax that you are speaking of tobacco paying to the Government direct is in addition to the protection given by the protective tariff on tobacco?

Mr. WARBURTON. The only place where my illustration would be at all faulty would be in the case of a 25 or a 50-cent cigar.

Mr. HARDY. Any cigar that is imported?

Mr. WARBURTON. Any cigar that is imported.

Mr. HARDY. In other words, this is an additional tax to the import tax?

Mr. WARBURTON. Now, I did not have time, and I can not go into that now, but from what little investigation I have made I am very free to say that I do not think that that would increase a 25-cent cigar 3 per cent.

Mr. HARDY. I want to say to the gentleman that I believe we can get revenue elsewhere without imposing these outrageous burdens.

Mr. WARBURTON. Snuff—common, ordinary snuff—sells for about 75 cents a pound and pays a tax of 8 cents a pound or a tax equal to 10 per cent of its retail price. Would it not be good, decent legislation to tax this not altogether delicate and refined luxury 36 cents per pound and thus raise our revenue $10,000,000 a year, and take this amount off of the tax on sugar and thus save about 20 per cent of our tax on sugar? This sum would almost equal the revenue we will lose on wool by the proposed bill.

That is exactly what would have been raised last year if we had had that tax on snuff; if we had raised it up to the price that it costs the poor woman when she has to buy a dollar's worth of sugar. Let the woman or man who wants to use snuff pay as large a percentage on the retail price as the poor woman does who has to buy sugar for herself and her children. This sum on snuff alone, raising it back to the Civil War tax, would pretty nearly provide all the revenue you lose by the passage of this bill.

For the fiscal year ending 1910 we received on our internal revenue from tobacco the sum of $57,889,000. If we were to double the internal-revenue tax, it would increase our revenue $57,889,000. If we were to treble it, it would increase our revenue $115,778,000.

If we double it, we make 25 cents' worth of smoking tobacco cost us 27 cents; a 5-cent cigar would cost us 5.3 cents; a 10-cent cigar would cost us 10.3 cents; a 12½-cent cigar would cost us 12.8 cents; and a 25-cent cigar, 25.3 cents.

If we treble it, it would make 25 cents' worth of smoking tobacco cost 29 cents; a 5-cent cigar cost 5.6 cents; a 10-cent cigar cost 10.6 cents; a 12½-cent cigar cost 13.1 cent; and a 25-cent cigar cost 25.6 cents.

If we were to double the tax on tobacco and cigars, we could place sugar and rice on the free list and have $6,000,000 to spare. If we should treble the tax on cigars and tobacco, we could take care of every possible loss that we would suffer by means of any proposed revision of the tariff and place sugar and rice on the free list.

The Commissioner of Internal Revenue, at my request, has given me in detail the amounts of smoking and chewing tobacco and snuff, cigars, and cigarettes that were withdrawn for consumption last year, so that I might determine what the revenues of the Government for the fiscal year ending 1910 would have been if the internal-revenue law of 1875 and the internal-revenue law of 1879 were in force. I shall add a table showing the results on each item as well as total results.

The internal revenue that we would have received for the amount of tobacco consumed last year if the internal-revenue tax of April, 1879, had been in force would have been, in round numbers, $138,000,000, as opposed to $58,000,000 actually received under our existing law. If the internal-revenue law of 1875 had been in force on the tobacco consumed last year, instead of the Government getting $58,000,000 it would have collected $178,000,000. It must be borne in mind that the tax in this law of 1879 was not reduced because it was too high, because there was any demand for the reduction of it by anyone interested in the industry or by the consumer, but because the Government found it necessary to reduce its income—to check its increasing surplus.

One can not make that too strong. The law of 1875, which, if it had been in force last year, would have increased our revenues $120,000,000, was never taken off at the request of any man who grew tobacco, at the request of any man who handled tobacco, or at the request of anyone. I do not doubt there are many of you here who will remember that it was taken off solely because we had more money coming into the Treasury than we knew what to do with, and we wanted to reduce the revenue.

The law of 1875 reduced the war tax 25 per cent; the law of 1879 further reduced the tax to about 50 per cent of the war tax. So there could be no excuse for the third reduction of 1883, which again reduced the tobacco tax to one-fourth of the Civil War tax, except the desire to still further reduce the revenue.

If the internal-revenue law of 1879 had been in force last year we would have received $80,000,000 more in revenue than we actually received. This would enable us to put sugar on the free list, the revenue of which amounted to $53,000,000 last year; put rice on the free list, the revenue of which amounted to $1,458,000 last year; and enact the present law, which it is admitted will cause a loss of $13,000,000, and still have $13,000,000 left.

If the internal-revenue law of 1875 had been in force last year we would have received $178,000,000 as opposed to $58,000,000, or we would have received $120,000,000 more than we actually did receive. This would enable us to place sugar and rice on the free list, reduce the revenue from wool and woolen goods one-half, which would amount to more than $21,000,000; cut off one-half of the tariff on cotton goods, which would amount to $19,000,000 in revenue; place iron and steel on the free list, which would cause a revenue loss of about $12,000,000, making a total reduction in revenue of about $107,000,000 and leave still a surplus of $13,000,000. It must be remembered in this connection that when we place sugar on the free list that we not only make a saving to the great masses of people of $53,000,000, the amount of revenue, but that we save them at least $85,000,000 more which is exacted of them by reason of the tariff.

The law of 1875, which fixed the tax I have just mentioned, reduced the war tax 25 per cent. So, when the law of 1875 was enacted, the rate on tobacco then was 75 per cent of what it was at the close of the war and for five years afterwards.

Mr. Beveridge, in his great speech on tobacco in the United States Senate in 1899, and to whom I am indebted for much information, said:

> To bring home to us more clearly the grotesque littleness of our present tax compared with that of other countries, I have had computed a table which I shall insert in my remarks, showing what our revenue would be if we taxed tobacco as these other countries taxed tobacco.
>
> For example, if we taxed tobacco at the same rate that England taxes tobacco, we would get $380,086,000. If we taxed tobacco at the rate that Austria taxes it, we would get $202,884,000 every year; at the rate that Hungary taxes it, $169,498,000 every year. If we taxed tobacco at the rate that France taxes tobacco, we would get $436,585,000 of revenue every year from that single source of taxation. If we taxed tobacco at the rate that Italy taxes tobacco, we would get $447,675,000 every year.

Our internal-revenue tax on tobacco yielded last year $57,889,000.

Over one-half of the tobacco consumed in Great Britain is imported from this country and bought in the open market, and when it reaches England it is taxed 74 cents a pound, which the consumer pays; we furnish France with over half of the tobacco consumed by the French people, and this tobacco pays a tax when it reaches France of 85 cents a pound; we furnish Italy with practically all the tobacco that country consumes, and when it reaches Italy it pays a tax of 93 cents a pound.

If we would tax tobacco as England taxes the tobacco she imports from us, we would have $96,000,000 more than all the duties that we collect by reason of the tariff on everything except wines, liquors, cigars, and tobacco. If we taxed our tobacco at the same rate France taxes the tobacco she buys from us and raises herself, we would receive from this source $142,000,000 more than all the duties levied on everything that we import except wines, liquors, cigars, and tobacco. We could take import duties off everything but wines, liquor, tobacco, and cigars, and still have this surplus over what we now get. Of course, this would not be a wise thing to do, but it simply shows the possibilities of this tax. But it might be well to observe that probably the French and English people pay no tax which is less felt and about which there is less complaint.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, will the gentleman yield for a question right there?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Mississippi?

Mr. WARBURTON. Yes.

Mr. HUMPHREYS of Mississippi. Has the gentleman any statistics showing the consumption of tobacco in the countries he has just mentioned, as compared with the consumption in America per capita?

Mr. WARBURTON. I have those figures at my office, but have not the figures here. The consumption is much less in those countries. England is the next largest consumer.

Mr. LONGWORTH. The taxes that the gentleman refers to, that are imposed by England, Germany, and France, are all tariff taxes, are they not?

Mr. WARBURTON. No; I think not. I am very positive of that. I took those statements of the amount of the tax from the remarks of Mr. Beveridge, and I did not verify the figures.

Mr. LONGWORTH. But the gentleman undoubtedly refers to the tariff tax.

Mr. WARBURTON. Oh, no.

Mr. LONGWORTH. The gentleman has mentioned the importations into England from this country.

Mr. PAYNE. I think the gentleman is mistaken, because in England they do not permit the raising of tobacco at all. All of it is imported, and must pay a tariff tax.

Mr. WARBURTON. In France the tobacco goes in free. It goes in free and is a government monopoly, and is taxed as an internal-revenue tax. Of course, it is immaterial whether it is an internal-revenue tax or a tariff duty.

Mr. LONGWORTH. It is only material as illustrating the gentleman's point, of our internal-revenue taxes as compared with other taxes.

Mr. WARBURTON. What difference would it make whether we got it from internal revenue or got it from duties? The fact is the consumer pays it, and he will pay that amount of tax.

THE TAX ON TOBACCO WAS REDUCED IN 1879 AND AGAIN IN 1883 BECAUSE THE GOVERNMENT DID NOT NEED THE REVENUE.

It may be asked by those who do not recall the history of the reduction of the tax on tobacco in 1879 and 1883 why these reductions were made. I want to recall the fact that they were made in order to prevent a large surplus in our Treasury. I think, Mr. PAYNE, you were in Congress at that time.

Mr. PAYNE. I was not in Congress at that time, but I know that reductions have frequently been urged in the tobacco tax by the raisers of tobacco since I have been in Congress.

Mr. WARBURTON. During the preceding years the income of the Government had been exceeding its expenditures by a large amount. The Government was collecting more revenue than it needed to meet its fixed charges, and the question was, What tax should the Government reduce in order to prevent a further accumulation?

Our protected interests objected to a reduction of duty on imports and were successful in preventing a reduction of the tariff. The internal-revenue tax on tobacco was adopted as the easiest and most satisfactory way of reducing our large and then growing surplus. This was the sole reason for the reduction made in this tax at both of these dates. It was not because the Government or Congress regarded the tax as too high; it was not because the consumers of tobacco were objecting to the tax; it was not because the farmers who raised the tobacco demanded or requested it. It was done in each instance solely for the purpose of cutting down the revenue. It was cut down for this express purpose, and this amounted to a notice to the world

that it would be and should be restored whenever the Government's needs required. No man can complain if the Government restores this tax when it should be restored.

Who would complain if the tax of 1883 or 1879 on tobacco were restored and the whole tax on sugar could be removed? Sugar is a prime necessity; tobacco a luxury. Tobacco is bought by those who desire, but who do not need it. Sugar is a necessity on every man's table. The Government gets all the tax it levies on tobacco. The Government gets only 52 cents out of every $1.39 that is exacted of the consumer of sugar on account of tariff, 52 cents going to the Government and most of the remaining 87 cents going to the Sugar Trust and our island planters.

The Hon. Green B. Raum, then Commissioner of Internal Revenue, protested against the reduction of the internal-revenue tax on tobacco in a special report to Congress. After stating the amount of money required by the Government and the amount of its revenue, he showed that we were collecting from $70,000,000 to $80,000,000 more than we needed, and then says:

"It is an old and sound maxim that no more revenue should be raised than is necessary for an economical administration of the Government and a gradual reduction of the public debt.

"Therefore it becomes obvious that a reduction of from seventy to eighty millions in the annual revenues of the country could be safely entered upon; and, in my judgment, such a reduction is urgently called for. I respectfully offer some suggestions for your consideration in this regard.

"The great bulk of internal-revenue taxation is derived from distilled spirits—about nine-tenths of which are used as a beverage—malt liquors, tobacco, and cigars. These are not articles of necessary consumption, but are articles of luxury, the taxes upon which are readily paid by the consumers, and no one need consume them.

"I am strongly of the opinion that so long as the principle of deriving part of the revenue of the Government from internal taxation is retained, these articles and the dealers therein are proper subjects for taxation. There is no demand on the part of consumers of these products for the remission of the taxes imposed upon them; there is no public sentiment calling for their repeal. On the contrary, the general current of public opinion seems to be in favor of their retention."

This is a strong argument against the reduction of the tax in 1879. His advice was not heeded, and the tax on tobacco was reduced from 24 to 16 cents a pound.

In the annual report of Gen. Raum for the fiscal year ending June 30, 1879, the report bearing date November 24, 1879, referring to the reduction of the internal-revenue tax on tobacco in this report, he says:

"Experience has shown that no material advantage has inured to the consumer (of tobacco) in the reduction of price by reason of the reduction of the tax."

What is more unequal and unjust; what is more of a pitiable parody on our taxing system than a law that taxes 25-cent cigars at 1.2 per cent of its retail price and sugar 36 per cent of its retail price? Is it not wickedly unfair? Let us remember when we come to revise these laws that these charwomen who on their knees scrub the floors of our Office Building and our Capitol Building, who work late at night and early in the morning and perform work of the most menial and laborious character, and at a small wage, pay 12 times as much tax for every dollar's worth of sugar they buy as we pay for every dollar's worth of 10-cent cigars that we buy. [Applause.]

WOULD AN INCREASE IN THE INTERNAL-REVENUE TAX INJURE THE FARMER?

One of the arguments that has been raised against increasing the internal-revenue tax on this luxury is that it will injure the farmer who raises it. The opponents of the increase of this tax—those who do not desire the Government to obtain any other large source of revenue which will enable Congress to reduce the tariff—warn us solemnly and with great unction that if we raise the tax on tobacco the farmer will be greatly affected if not ruined. To one who has not made a study of this question this argument may seem very plausible, but in fact nothing is further from the truth. History shows us over and over again that a large or small tax on a luxury of this kind has no effect on the price of the raw ingredients used in the production of such luxuries or on the amount consumed.

The history of tobacco since America was discovered, when tobacco came into use, shows conclusively that the tax on tobacco has nothing whatever to do with the price paid to the farmer. The average price of tobacco on the farm has been quite as high when our internal-revenue tax has been one, two, three, four, five, and six times as high as our present tax. Whenever we have made the heaviest reduction in our internal-revenue tax on tobacco the price of tobacco on the farm has not been increased a fraction of a cent.

In 1879 we took off 8 cents a pound. The farm price of tobacco prior to that time was 8 cents per pound. Did the farmer get this 8 cents that was removed from the internal-revenue tax? Not at all, though the tax removed was equal to the price of the farm product.

In 1883 we again reduced the internal-revenue tax on tobacco 8 cents per pound, the then prevailing price of tobacco on the farm was about 8 cents a pound. Did this increase the value of the tobacco on the farm? Not a particle. The farmer did not receive one penny advance, nor a fraction of a penny advance, for his tobacco.

The average price of tobacco from 1875 to 1883 was 7.7 cents per pound. The internal-revenue tax on tobacco for the first four years of this time was 24 cents a pound; for the last four years it was 16 cents a pound.

The average price of tobacco from 1885 to 1895 was 8 cents a pound, while the internal-revenue tax on tobacco was only 6 cents a pound as compared with 24 cents and 16 cents a pound from 1879 to 1883.

The average price of tobacco from 1895 to 1905 was 7.2 cents a pound, with an internal-revenue tax of only 6 cents a pound, the farm price was one-half a cent a pound less than from 1875 to 1883, when the tax was 24 and 16 cents a pound.

The average price of tobacco on the farm from 1900 to 1905 was 7.1 cents per pound.

It will be seen that the farm price during these five years was six-tenths of a cent less a pound than it was from 1875 to 1883, when the revenue tax was 24 cents and 16 cents a pound.

From 1865 to 1872 the tax on tobacco was 32 cents a pound, the highest tax ever placed by the United States on tobacco. During these years while this tax was in force the average price of tobacco was 9.8 cents per pound on the farm, the highest average price in the history of this country except during the war.

From July, 1898, until May, 1901, the tax on tobacco was doubled; that is to say, it was raised from 6 cents to 12 cents a pound. In 1901 it was reduced from 12 cents to 9 cents a pound, and in 1902 it was restored to the pre-war tax of 6 cents a pound.

The farmer received as large a price during the years the Spanish-American War tax was in force as he did the three years preceding the war or the three years following the war.

If we compare the prices of tobacco for the years mentioned it will be observed that the farm price of tobacco was as high and even higher when the revenue taxes were the highest.

We ship our enormous surplus abroad. The price of tobacco raised in this country is controlled by the price abroad, as is our cotton. The price is fixed by the law of supply and demand. The tax of 74, 85, and 93 cents levied by the countries who consume the major portion of tobacco that we export no more determine the price of the raw article than does our tax of 6 cents a pound.

AN INCREASE IN THE TAX ON TOBACCO OR AN INCREASE OF THE COST OF TOBACCO DOES NOT REDUCE THE AMOUNT CONSUMED.

As I have already said, an increase of the tax on tobacco, or any other luxury, will not affect the amount consumed. Ordinary smoking tobacco, like Edgeworth's, retails for $1 a pound. If we were to double the tax, a pound of this tobacco that now sells for $1 a pound would then sell for $1.08, and a pound of this tobacco lasts the ordinary smoker a month. Do you think that the adding of 8 cents to a pound of this tobacco, so as to make it retail for $1.08 a pound, would affect the amount of tobacco consumed? I do not believe that the purchasers of this tobacco, with the tax on it doubled as suggested, would ever realize the difference in cost, and it is too clear to need argument to support the proposition that such an increase in the tax would not affect the amount consumed.

A man who cares for his pipe and tobacco would pay no attention or give a thought to this additional tax. To double the tax on a 10-cent cigar would increase the cost to 10.3 cents; to treble it would increase it to 10.6 cents. Do you think that a man who buys and smokes 10-cent cigars would notice the increased cost or would smoke any less number of cigars if the price was increased this much?

If you double the tax on a 25-cent cigar, the price would be increased to 25.6 cents. Would this in any manner decrease the number of 25-cent cigars that are smoked? Our statistics will prove conclusively that taking off the revenue tax does not increase the consumption of tobacco. It is likewise true that increasing the tax, as I have suggested, will not in any manner decrease its consumption. Even though increasing the revenue tax should decrease the consumption somewhat, would this in any manner be a calamity? Would the brain and health of our people be at all injured if less tobacco were consumed? But our experience shows that this is not the result. The consumption of tobacco never increased as rapidly in this country per capita as it did from 1876 to 1884, when the tax was from 400 to 166 per cent larger than it is at the present time.

I think I have clearly shown that the question of the loss of revenue to the Government ought not to deter any man or any

party from writing a revision of this schedule exactly as he or it believes it ought to be written. The same majority that can pass the proposed bill revising this schedule or any other schedule can on the same day or succeeding days enact another law raising our internal-revenue tax on tobacco to a point that will supply all the loss of revenue that will be sustained by such a revision. Such a revenue law as I have suggested will not only provide abundant revenue, but will place a proper tax on this luxury that it ought to bear.

There can be no good reason offered why the tax on this luxury should only be from six-tenths of 1 per cent to 8 per cent of the retail price, when we tax a necessary of life like sugar 36 per cent; woolen goods, on an average, more than 90 per cent; and cotton goods at 53 per cent. I am convinced that the rate in the proposed law is fixed as it is, not to avoid loss of revenue but is fixed at the point it is because the Democratic Party dare not write it lower.

While the Democratic Party preaches placing raw wool on the free list and a very low tariff on the manufactured articles, when it comes to the test it is compelled to adopt the Republican doctrine of a protective tariff and write in its proposed law a protective rate. You do not dare write a lower rate, because you fear the consequences at the next general election. You know that the industries of this country can not prosper if you write into the law the theories you have preached.

TABLES REFERRED TO.

The following tables show the quantity of cigars, cigarettes, snuff, chewing and smoking tobacco that was consumed this last year in the United States.

The first table shows the rate of tax and the amount that would have been collected if the tax on March 3, 1875, had been in force. The second table shows the amount of tax that would have been collected if the act of March 1, 1879, had been in force:

Amount that would have been collected if the tax of 1875 had been in force for the year 1910.

Kind.	Quantity.	Rate of tax.	Collections.
Cigars.....No..	8,213,356,504	$6 per thousand...	$49,280,139.02
Cigarettes.....No..	7,884,748,515	$1.75 per thousand	13,798,309.90
Snuff.....lbs..	31,969,111	32 cents per pound.	10,230,115.52
Tobacco, chewing and smoking, pounds.	436,608,898	24 cents per pound.	104,786,135.52
Total.....	.....	.....	178,094,699.96

Amount that would have been collected if the tax of 1879 had been in force for the year 1910.

Kind.	Quantity.	Rate of tax.	Collections.
Cigars.....No..	8,213,356,504	$6 per thousand...	$49,280,129.02
Cigarettes.....No..	7,884,748,515	$1.75 per thousand.	13,798,309.90
Snuff.....lbs..	31,969,111	16 cents per pound.	5,115,057.76
Tobacco, chewing and smoking, pounds.	436,608,893	.....do.....	69,857,423.68
Total.....	.....	.....	138,050,930.36

The act of March 1, 1879, taxed at 16 cents per pound manufactured tobacco of all kinds, except cigars, cheroots, and cigarettes, and on these the tax provided for by the act of March 3, 1875, prevailed.

Statement showing "withdrawals for consumption" of manufactured tobacco during the fiscal year 1910, the rate of tax thereon, and the collections therefrom.

Kind.	Quantity.	Rate of tax.	Collections.
Cigars.....No..	7,140,229,337	$3.....	$21,420,639.51
	1,073,126,667	54 cents and 75 cents.	580,748.40
Total.....	8,213,356,504	.....	.....
Cigarettes.....No..	7,863,215,808	$1.08, 54 cents, and $1.25.	7,326,194.48
	21,532,707	$3 and $3.60.....	659,760.54
Total.....	7,884,748,515	.....	.....
Snuff.....lbs..	[1] 31,969,111	6 cents.....	1,920,602.65
Tobacco, chewing and smoking, pounds.	[1] 436,608,898	.....do.....	26,210,461.45
Aggregate collections.....	.....	.....	58,118,457.03

[1] A very small amount bore the rate of 8 cents per pound, but the amount was so small it is not worth while to mention it. It is all included in the amount of collections made.

It is not the loss of revenue that stands in the way of this revision even lower if desirable. It is not the loss of revenue that stands in the way of any progressive legislation. It is simply because we, either through fear or some other motive, fail to write the law that in duty we ought to write. [Applause.]

Mr. UNDERWOOD. I yield one hour to the gentleman from Arkansas [Mr. ROBINSON].

Mr. ROBINSON. Mr. Chairman, an unusual question has arisen, as to whether the Legislature of the State of Arkansas has ratified the income-tax amendment to the Federal Constitution. Senate concurrent resolution No. 7 passed both branches of our general assembly, was presented to the governor after the regular session of the general assembly had adjourned, and was by him vetoed—that is, he issued an alleged veto message. Immediately upon ascertaining that the governor had taken this action I telegraphed him that in my opinion the veto power of the governor of a State does not extend to the ratification of amendments to the Federal Constitution, that his action was void, and urged upon him the wisdom of withdrawing his alleged veto.

The governor replied, seeking to justify his power under article 6, section 16, of the constitution of Arkansas, which I will quote in a few moments.

I then wired the secretary of state of Arkansas, the Hon. Earl W. Hodges, requesting him to forward an authenticated copy of the record showing the action of the Arkansas Legislature in this regard, and, if he desired, also a verified copy of the governor's alleged veto. I am in receipt of a telegram from him stating that the record has been forwarded and will be received here to-morrow.

I also introduced in this House, for the purpose of testing the opinion of the House, in order that the alleged precedent might not go unchallenged, a resolution declaring, in effect, that the governor of a State has no power to veto a ratification by the general assembly of a State of an amendment to the Federal Constitution.

I admit, in the beginning, that in many instances governors of States have signed the resolutions of ratification. I admit that since this session of Congress began four States have reported ratification, and in three instances the resolutions appear to have been signed by the respective governors. But upon that point it must be clear to any mind, especially to the mind of any lawyer, that the governor of a State can not create for himself a power by the attempted exercise of that power. The executive approval is unnecessary, his veto is void.

I have introduced the following resolution, for the purpose of having this body express its opinion as to whether the veto power of the governor extends to the ratification of amendments to the Federal Constitution:

Resolved, That the article of amendment proposed by Congress to be added to the Constitution of the United States respecting an income tax, having been ratified by the Legislature of the State of Arkansas, was improperly submitted to the governor of that State, and it is hereby declared that such action was unnecessary; that the approval by the governor of said State is not required to give effect to the ratification of said amendment; that the alleged veto of said governor is inoperative and is null and void; and that said amendment has been duly ratified by the legislature of said State, notwithstanding said attempted veto.

IMPORTANCE OF THE QUESTION.

No one can be unmindful of the importance of this issue. If the veto power of a governor is held to apply to the action of State legislatures in ratifying amendments to the Federal Constitution, it is manifest that the difficulty in adopting amendments is greatly increased if it be not rendered practically impossible. The number of votes necessary to pass a measure over the governor's veto differs widely in the States. In some a simple majority is required; in others, as in Arkansas, a majority of all members elected. In many of the States a two-thirds vote must be secured, while in some three-fifths must be obtained. There is no veto power in North Carolina. The issue is a new one. There is no precise precedent. The Supreme Court of the United States has never been called upon to determine the exact question here raised.

I maintain with confidence that the veto power of a governor has nothing to do with constitutional amendments; certainly it does not extend to the ratification of amendments to the Federal Constitution. The act of ratification is not a legislative function in the proper sense of that term; that the act of ratification of a proposed amendment to the Federal Constitution is a special and extraordinary power, arising solely under the fifth article of the Federal Constitution; that State constitutions and statutes can neither add to nor detract from this solitary source of power; that the constitution and the statutes of the State of Arkansas do not attempt, either expressly or impliedly, to modify, regulate, or restrict the power of the legislature to ratify proposed amendments to the Federal Constitution; that if anything contained in the constitution or statutes

of Arkansas can be construed as an attempt to limit, restrict, control, or in any wise interfere with the power of the legislature derived from the Federal Constitution to ratify amendments to that instrument, it is void. That the State legislature can not draw a legislative power from the Federal Government and the power to ratify is beyond the control of the State. That the clause in the Arkansas constitution, under which the governor seeks to justify his exercise of the veto in this case, providing that every order, resolution, or vote requiring the concurrence of both houses of the general assembly shall be presented to the governor for his approval, and if vetoed repassed by a majority of the members elected to both houses, relates to the exercise of legislative power proper by the general assembly, and does not extend to the power to ratify amendments to the Federal Constitution any more than the similar provision in the National Constitution, which is uniformly held to relate only to ordinary legislation.

THE CONTROLLING PROVISIONS OF THE CONSTITUTION.

Article V of the Federal Constitution is as follows:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress. * * *

The power to propose amendments to the Constitution is clearly vested in "Congress" and requires the action of two-thirds of both Houses. Two methods of ratification are provided, namely, by the legislatures of three-fourths of the several States or by conventions in three-fourths thereof. It is competent for Congress to prescribe the method of ratification; that is to say, whether the proposed amendment shall be ratified by the legislatures or by conventions.

Article I, section 7, paragraph 3, of the Federal Constitution is as follows:

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States, and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

A provision identical with this last paragraph is also contained in the Arkansas constitution as to the veto power of the governor and the passage of measures, except that the Arkansas constitution provides that a majority of all the members elected to both houses of the general assembly may pass a measure over the governor's veto, instead of two-thirds of a quorum, as required to pass a measure through Congress over the President's veto. The provision in the Arkansas constitution, however, is perhaps not material.

It could not affect amendments to the Federal Constitution, because the manner of their adoption is prescribed and governed solely by the Federal Constitution. If it were competent for the States to control this, as many different and conflicting methods might be provided as the whole number of States in the Union, and endless confusion would arise. Besides, this would be contrary to the fundamental principles of our Government. That the States can not modify the manner of submitting or ratifying amendments to the National Constitution seems clear. It follows that no provision in the constitution or statutes of a State in conflict with the Federal Constitution relating to the submission or adoption of amendments to the fundamental law can be effective. As a matter of fact and of law, there is nothing in the constitution or statutes of Arkansas which either expressly or impliedly add to or detract from or in any wise modify Article V of the Federal Constitution, which has been quoted:

The power of a State legislature to participate in amending the Federal Constitution exists only by virtue of a special grant in that Constitution. It is a power which it could not assume under any notion of a general right to legislate, for that right is confined within State limits and to the enactment of ordinary laws. An act of Congress, even, would not give it the power. The power, moreover, can not be enlarged by implication or by reason of any supposed but unexpressed intention of those who granted it, but must be strictly pursued. So, when the State legislature has done the act or thing which the power contemplated and authorized—when the power has been exercised—it, ipso facto, ceases to exist, unless it be one of the terms of the grant that it shall continue with a view to its further exercise, which in this case is not pretended. * * * (Jameson on Const. Amendments, 4th ed., p. 631, sec. 583; In re senate, File 31, 25 Nebr., p. 877; Koehler et al. *v.* Hill, 60 Iowa, 558; Green *v.* Weller, 32 Miss., 650.)

This eminent text-writer seems to express the accepted doctrine on this subject. February 22, 1870, in a debate in the Senate arising over the question as to whether the Legislature of New York, having once ratified the fifteenth amendment, could subsequently rescind its action, Senator Conkling said:

To see the question clearly, and to see it all, is to see the answer also. The ratification of a constitutional amendment is not the exercise of legislative power derived from the people of a State. It is not a power reserved by the States or inherent in the States; it is a specific function derived entirely from the Constitution of the United States. This is its origin. What is its nature and extent? It is the option to do or not to do a given thing.

In the course of the same debate he said, referring to the power to amend the Federal Constitution:

In the case before us the power from the beginning is wholly different. It is an artificial and limited power. It is a special function delegated in few and restricted words. It is a chartered permission, an elective opportunity. Conferred by an enabling clause of the Constitution, it can draw to its aid nothing from other sources and nothing of intendment, even from its solitary source. * * * The whole truth lies in the statement that the Constitution does give the power to ratify and does not give the power to cancel a ratification. This absence of power is fatal to the attempt to undo a ratification, whether the attempt be made before three-fourths of the States have ratified an amendment or afterwards. At all times such an attempt is usurpation, not because it is unreasonable, not because it is inexpedient, not because it is illogical, but because it is unauthorized, because no warrant for it exists.

The whole process of adding to or taking from the organic law of the Nation is from its inception special and peculiar. The submission of amendments by Congress is not the exercise of legislative power. * * * On the contrary, the whole right and authority in the case begins and ends with the fifth article of the Constitution. (Cong. Globe, Feb. 22, 1870, pp. 1477–1478.)

This applies with equal force to the question now under consideration. The position taken by Senator Conkling was not controverted, but was specifically approved by others who replied to his argument on other questions.

Senator Davis of Kentucky said:

I agree with the honorable Senator from New York that the power of a State to ratify an amendment to the Constitution of the United States is not a legislative power. It is an extraordinary, special, and unique power; it exists wholly and solely by the words which created it, the words of the Federal Constitution, and it is to be exercised as it is there organized, and in no other mode. (Cong. Globe, Feb. 22, 1870, p. 1479.)

Thus it is clear that the State legislatures can not derive a power to legislate from the Federal Constitution. Since the power to ratify amendments to the Federal Constitution must be derived solely from that instrument itself, the act of ratification is not properly a legislative function, but is in the nature of a special and extraordinary function, the exercise of which is authorized and governed solely by the Federal Constitution. The act of proposing an amendment to the Federal Constitution by the Congress, and the act of ratifying the same by the legislatures of the several States, or by conventions, is not a bill, nor is it an order or resolution, within the meaning of the Constitution, requiring the approval of the executive. Such provisions relate to the ordinary cases of legislation and have nothing whatever to do with the proposition or adoption of amendments to the Constitution. (Willoughby on the Constitution, p. 520, sec. 226.)

This doctrine found unmodified expression and unqualified assertion in a decision by the Supreme Court of the United States, February term, 1798, in the case of Hollingsworth et al. *v.* Virginia (3 Dall., 378). For more than a century this has been the accepted doctrine. In the Hollingsworth case the question as to whether the eleventh amendment had been legally submitted was directly before the court. The proposition to submit the amendment had passed both Houses, but had not been approved by the President, and it was claimed that the amendment was therefore void. The court unqualifiedly held that the President's approval was unnecessary, that his veto applies only to the ordinary cases of legislation, and that he has nothing to do with the proposition or adoption of amendments to the Constitution. The doctrine of this case has been unquestioned for more than a century and finds almost unbroken support in the decisions of the presiding officers of this body and of the Senate. (Hinds' Parliamentary Precedents, vol. 5, sec. 7040, p. 1016.)

On February 25, 1869, in the third session of the Fortieth Congress (Globe, p. 1563), the Speaker, in a case involving this identical point, held that, notwithstanding the provisions of Article I, section 7, paragraph 3, requiring that every order, resolution, or vote in which the concurrence of both Houses of the Congress may be necessary, and so forth, shall be presented to the President, and so forth, citing the precedent of the Senate of the United States in 1803, relating to the amendment concerning the mode of electing a President and Vice President, and the Hollingsworth case from which I have quoted, also a case arising in 1865 in which a resolution very similar to that which I have introduced was under consideration in the Senate, held that the question is settled, not only by the practice of Congress, but by a decision of the Supreme Court of the United States. A resolution to the effect that the antislavery amendment, Article XIII, was improperly submitted to the President

for his approval, and that such approval was unnecessary, was agreed to without division. (Jameson on Constitutional Conventions, p. 517.)

The analogy between the Hollingsworth case and the question there determined and the issue here presented is striking.

The power to propose amendments is vested in Congress. The power to ratify amendments is vested by the Constitution in the legislatures of the several States or conventions thereof called by Congress. The executive veto does not apply to the proposition of amendments by Congress, and there is no reason in principle why the executive veto of the governor should apply to the ratification of amendments.

Even if the provisions in the Arkansas constitution, to which reference has been made, are applicable, they are substantially the same as those in the Federal Constitution, and if, as all the authorities show, these provisions do not extend to the President's veto, which is expressly created and authorized by the Federal Constitution, by no stretch of legal fancy can they be held to authorize the veto of the executive of a State who derives his power not from the Federal Government, but from the constitution and laws of the State itself. This would seem conclusive, even if the governor be considered a component part of the legislature and vested with the power of ratification. It could not be held by any fair construction that the constitution authorized his veto.

The veto power of the governor is not derived from the Federal Constitution, but since the provision relating to ratification is a special authority conferred by the Federal Government on the legislature of the State, it must be construed strictly. Nothing can be written into it. Nothing can be added to it or taken from it. It does not refer to the veto power, and I think it is clear that the governor has nothing to do with the ratification of amendments. Even if such were the case, it could not be held that he has the implied power to veto, which is a very different thing in this connection from the power to ratify.

THE GOVERNOR IS NOT A COMPONENT PART OF THE LEGISLATURE.

It appears conclusively that the President is not a component part of Congress in the sense of Article V of the Federal Constitution prescribing the manner of proposing and ratifying amendments to that instrument. This is conclusively settled. The President has nothing to do with the proposition of amendments to the Constitution. It is clear, also, that since the power of ratification is not a legislative function, and arises solely under the Federal Constitution, and can draw "nothing to its aid from other sources and nothing of intendment from its solitary source," the approval of a governor is unnecessary to effect ratification, and his veto is void unless it appears clearly that the governor is embraced within the word "legislature." It has been held in a closely analogous case that the President is not a part of Congress. It is true that in one sense the lawmaking power of a State embraces its governor, because he has the power of approval or veto concerning ordinary legislation. It is also and equally true that the President is a part of the lawmaking power of the Nation. He too, has the power of approval and of veto over ordinary legislation passed by Congress. In the ordinary acceptation of the terms, the President is no part of Congress, and it is only when Congress is referred to as the lawmaking power that the President can be impliedly embraced. The same rule applies to the use of the word "legislature." It does not include the chief executive of a State except in the same sense that the word "Congress" sometimes includes the Chief Executive of the Nation. So it by no means follows that the word "legislature" in Article V means the general assembly and the governor. The word "legislature" in the Federal Constitution usually means the general assembly of a State and excludes its chief executive.

ART. I, SEC. 2. * * * and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Here the governor is excluded.

ART. I, SEC. 3, PAR. 32. The Senate of the United States shall be composed of Senators from each State, chosen by the legislature thereof * * *

The language in this paragraph is almost identical with that used in Article V. No one ever claimed that the governor had the right to approve the election of a United States Senator or to veto the action of a legislature in choosing a Senator.

ART. I, SEC. 3, PAR. 34. * * * and if vacancies happen by resignation or otherwise during the recess of the legislature of any State, the executive thereof may make temporary appointments. * * *

No argument is required to show that the word "legislature" as here used excludes the governor and means the general assembly.

Under Article I, section 4, authorizing the State legislature to prescribe the times, place, and manner of holding elections for Senators and Representatives, it is perhaps competent for the general assembly to fix the time, place, and manner of holding elections without the approval by the governor, unless it chooses to exercise its legislative power by the passage of a bill. The word "legislature" as used in this paragraph has been held to embrace a constitutional convention as well as a general assembly. It has even been held that a State constitution can not control the State legislature in the exercise of its power under this section of the Federal Constitution.

Article IV, section 4, uses the word "legislature" in a sense which excludes the governor—

* * * and on application of the legislature, or of the executive (when the legislature can not be convened) * * *

It is used in the same sense in Article VI, paragraph 3, section 228:

The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; * * *

The word "legislature" as used in the amendments heretofore adopted to the Constitution refers to the general assembly and excludes the governor.

Article XIV, section 2, relating to apportionment, says:

But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof is denied to any of the male inhabitants of such State * * *

This expressly excludes the governor from the meaning of the word "legislature." The same is true of section 3 of the same article, relating to disabilities of Senators, Representatives, and electors—

who having previously taken an oath as a Member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State * * *

If the word "legislature" is used in the Constitution or in any of its amendments so as to mean the legislative power or lawmaking machinery of a State and to include the governor, it is perhaps in Article II, section 168, where express power is granted to appoint in such manner as the legislature thereof may direct, a number of electors. Under that the legislature usually proceeds by the passage of a bill. It is by no means clear that it might not proceed even under this grant of power independent of the governor in some other way than by the passage of a bill.

It is therefore clear that the word "legislature" as used in the Federal Constitution generally, if not always, means the general assembly of a State and excludes the governor. It is well to remember, in this connection, that the governor is not, properly speaking, a legislative officer. That while he sometimes performs quasi legislative acts in the approval of measures or in the exercise of the veto, this in only a special sense constitutes him a part of the legislature.

The word "legislature" has been held (State *v.* Gear, 5 Ohio Dec., 569) to be synonymous with the words "general assembly."

In Brooks *v.* Fisher (4 L. R. A., 429, 79 Cal., 173) it was held that the word "legislature" as used in the California constitution, providing that the charters of cities shall be submitted to the legislature for its approval or rejection, and if approved by a majority vote of the members of each house it shall become effective, does not include the governor, as he is not in fact a part of the legislature. In this case the court distinguished between the legislature and the lawmaking power.

That the governor is not a legislative officer and is vested with only quasi legislative powers in the sense of the constitution of Arkansas is clear from that instrument itself, although it is also probably true that the word "legislature" is frequently used to include the entire lawmaking power. Constitution of Arkansas, article 5, section 1, declares:

The legislative powers of this State shall be vested in a general assembly, which shall consist of the senate and house of representatives.

The power of approval and of veto is not strictly a legislative power. But this, I think, sufficiently discloses that Article V, providing that an amendment may be ratified by the legislatures of three-fourths of the States, uses the word "legislature" in the sense in which it is usually used in the Constitution, and does not require the approval of the governor to effect the ratification.

THE SAME GENERAL RULE APPLIES TO THE AMENDMENT OF STATE CONSTITUTIONS—THE GOVERNOR'S APPROVAL IS RARELY NECESSARY.

Most of the State constitutions contain provisions authorizing the legislature to submit for the ratification of the voters constitutional amendments. Except in some instances where the passage of formal bills is required under peculiar provisions

of State constitutions, or has occurred, it has never been held that the governor's approval is necessary or that his veto is valid. The governor of Arkansas has no power to either veto propositions submitting constitutional amendments or the ratification of the same by the voters. This is true both as to amendments submitted to the voters by the general assembly of the State and amendments which may hereafter be initiated by the voters themselves under the constitutional amendment recently adopted authorizing the initiative and referendum.

While, of course, the governor could not exercise the veto power as to amendments to the Federal Constitution under any authority, express or implied, derived from the constitution or the statutes of the State, still it may not be improper to observe that as to Arkansas there is no provision in either which seeks to authorize him to veto an amendment to either the Federal Constitution or the State constitution.

The governor of Kentucky, March 1, 1865, in a message to the general assembly relating to the antislavery amendment to the constitution, which had been rejected by the legislature of that State and submitted to him, expressed the opinion that executive action is not required in such cases, and that the action of the legislature was complete without his approval; that his veto or dissent would accomplish nothing. He also asserted the doctrine, which is now generally accepted, that until ratified the question would remain open; that nothing but ratification forecloses the right of action.

"When ratified," all power is expended. Until "ratified," the right to ratify remains.

He advanced the opinion that the governor was not embraced in the authority authorized to ratify, namely, the "legislature."

Jameson on Constitutional Conventions and Willoughby on the Constitution recognize the distinction as to the veto power between acts which are not legislative in nature and those which result from the exercise of the legislative power proper.

In State ex rel Morris *v.* Secretary of State (43 La. Ann. Repts., p. 590), in a voluminous and well-considered decision, it was held, following the doctrine of the United States Supreme Court in the Hollingsworth case, that a provision in the constitution of Louisiana relating to the veto power of the governor, identical with that contained in that of the Federal Constitution as to the veto power of the President, and identical with that contained in the Arkansas constitution, except as to the number of votes necessary to pass a resolution, order, or vote requiring the concurrence of both houses, only applies to ordinary legislation, and does not apply to constitutional amendments. In Louisiana the veto can only be overcome by a two-thirds vote of the members, while in Arkansas the number required is a majority of both houses elected and qualified.

At page 649 the court said:

> Our conclusion is that the signature of the governor to the proposition for the amendment to the constitution under discussion is not required by the constitution, and that his disapproval of it did not affect its validity.

Another equally conclusive case, Commonwealth *v.* Griest (196 Pa. Stat., 396), announced the same doctrine, strongly approving the Louisiana case above referred to, and cited in re Senate File No. 31, Twenty-fifth Nebraska, page 864; Green *v.* Weller, Thirty-second Mississippi, page 650; and Koehler *v.* Hill, Sixtieth Iowa, page 543; quoting with approval the last opinion:

> It will be conceded that under our constitution it is unnecessary to submit a proposition to amend the constitution, only passed by each branch of the legislature, to the governor for his approval, as such proposition is not ordinary legislation.

In the Griest case (196 Pa. Stat.) the court said that the governor had no authority to approve or disapprove of the proposed amendment, and therefore his action in withholding his approval was void. The constitution of Pennsylvania was identical with that of the Federal Government and of the State of Arkansas, requiring every order, resolution, or vote of the two houses to be submitted to the governor. It was expressly held that this applied to the lawmaking power in its usual sense and not to constitutional amendments.

The only case sometimes cited as in conflict with this doctrine, Hatch *v.* Stoneman (66 Cal., 632), is clearly distinguished in the Griest case. In the California case referred to, it was held that while propositions for amendments passed by the senate or assembly by two-thirds of all the members elected to each house did not require the governor's approval, under the peculiar provision of the California constitution the amendment could only be submitted to the people by a law to that effect, and in the enactment of the law the governor's approval is necessary.

Warfield *v.* Vandiver (101 Md., 78) is likewise conclusive. The court stated the issue as follows:

> The primary and fundamental question is this: Does a proposal to amend the constitution, after having been adopted by the general assembly in accordance with the provisions of article 14, require the approval of the executive, or must it be passed over his veto if he disapproves it?

In this case it was contended at great length that the general assembly includes the executive; that the legislature of 1904 had proceeded to submit the question by bill, which required the governor's signature, and that the mere fact that the same number authorized to pass a bill, three-fifths of the members of each house, is also authorized to repass it over the governor's veto was immaterial; and that in New York, if the form of the proposal is a resolution, it is not submitted to the governor, but if by bill, it is submitted; and that the practice in Minnesota and Michigan is to present amendments, accompanied by clauses submitting them to the people in a single act, to the governor for his approval; and that, as a matter of fact, the legislature had combined the proposed amendment with the method of submission—for all these reasons the governor's signature of approval is required. The court said:

> In every jurisdiction where the right of the President of the United States and of the governor of a State to sign or to veto a proposed constitutional amendment has been drawn in question the courts have, without a single exception, denied the existence of such a right (p. 116).

Further:

> The thirteenth amendment to the Federal Constitution was by inadvertence submitted to the President, but when it was learned that this had been done a resolution was introduced in the Senate asserting that such presentation was improper and unnecessary, and that it ought to be so declared in order that it might not thereafter be treated as a precedent.

From all these authorities, and from the very nature of the subject, I reach the conclusion that the action of the governor of Arkansas in attempting to veto the ratification of the income-tax amendment is a nullity, and that the ratification is effective in so far as Arkansas is concerned in spite of the pretended veto.

Only the profound interest which I feel in this subject has prompted me to present the matter at such great length. The people of the United States believe that there should be a power in the Federal Government to levy an income tax. Aside from my own personal convictions on the subject, which are emphatic and uncompromising, I believe that when public opinion has been well matured on any question it is our duty to give expression and effect to that opinion, and certainly unless a moral objection is conscientiously felt.

It is well known and almost universally recognized that the decision of the United States Supreme Court holding unconstitutional the attempt to collect an income tax by the Government was and is a distinct disappointment to the country. That decision did not increase the great respect generally felt for our highest judicial tribunal. It is regarded by many eminent lawyers as in conflict with both precedent and policy, and in some sense as a usurpation of legislative power by the judiciary. Congress recognized that public opinion concerning this question was well matured when we submitted the amendment for ratification. For 15 years sentiment throughout the country in favor of the adoption of such an amendment has been gathering volume and crystallizing. Arkansas has not lagged. She has not followed. She has rather led in this advance. In my opinion 90 per cent of the people of that State are unqualifiedly in favor of the amendment and would vote to ratify it if the same could be submitted to them. I conceive it to be my duty as a Member of this body to do all that is in my power to make effective their desire to amend our Federal Constitution so that the wealth of the Nation may not remain immune from responsibility in defraying the expenses of our Government. This duty is an agreeable one, because of my personal convictions, well matured, that the amendment is wise and its adoption necessary, and because of the repeated platform declarations of my party in favor of it.

In justice to the governor of my State it is fair to say that he justifies, or seeks to justify, his veto on the ground that the condition of the State treasury makes it necessary and desirable that Arkansas levy an income tax, and that it is impracticable to levy such a tax for both State and national purposes.

While I have no objection to the exercise by the States of the power to levy a tax on incomes, and do not feel that granting the Federal Government this power by the adoption of the proposed amendment necessarily precludes any State from availing itself of revenue from incomes, I am convinced that if a choice must be made, which I do not concede, it is preferable that the power be exercised by the Federal Government.

A State can not effectively tax incomes of citizens where the source of the income, as frequently occurs, is beyond the jurisdiction of the State. It is only through the Federal power that great incomes can probably be reached and made to yield fair tribute. This is true for two reasons. First, in the States which are the sources of the greatest incomes influences ex-

erted by those enjoying the incomes will probably prevail to prevent the levy of the tax. A State like New York, for instance, would be slow to levy an income tax, especially when other localities which are the centers of great wealth decline to do so and remain beyond the reach of its jurisdiction. For it must be known to everyone that if New York levied an income tax and New Jersey refused to do so, much of the wealth of the first State would be removed to the second, and the inevitable result would be still greater concentration of wealth in the States declining to levy the tax. This is too obvious to require argument; it is quite self-evident.

Experience has not justified the theory that taxation of incomes by States is preferable to national taxation of incomes. As stated by the Saturday Evening Post of June 3, 1911, five States, and only five, now have income-tax laws. In 1910 Virginia collected a little more than $100,000; North Carolina's annual receipts from the income tax is less than $40,000; South Carolina receives but $11,000; while Oklahoma obtains but about $3,000. Massachusetts' revenue from the income tax levied under her laws is inconsiderable. It therefore seems clear that in practicable benefits a Federal income tax is to be chosen rather than one collected under State law, if either is to be excluded.

At an early future day I shall ask this House to consider and adopt the resolution declaring in effect that the governor of a State has no power whatever to veto the ratification of an amendment to the Federal Constitution. The question is too important; the precedent might be too far-reaching and enduring to permit it to go unchallenged. [Loud applause.]

Mr. UNDERWOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. ALLEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11019) to reduce the duties on wool and the manufactures of wool, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. BOWMAN, by unanimous consent, was given leave of absence for five days, on account of important business.

Mr. POWERS, by unanimous consent, was given leave of absence indefinitely, on account of the serious illness of his mother.

STEEL-TRUST INVESTIGATION.

Mr. STANLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution.

The Clerk read as follows:

House resolution 199.

Resolved, That there shall be printed 10,000 extra copies of testimony taken in each of the hearings before the special committee appointed under House resolution 148 to investigate violations of the antitrust act of 1890, and other acts.

Mr. MANN. Mr. Speaker, reserving the right to object, I will say that I am not at all sure that the resolution will effect the purpose the gentleman desires. The law provides that the House by simple resolution may order printing to the extent of not over $500.

Mr. STANLEY. This will not exceed that.

Mr. MANN. The gentleman assumes that each day's hearings are under a separate order. Here is one order for a great many hearings. It will not take long to get more than $500. I shall not object to the resolution, whether it is effective or not.

I sympathize with the efforts that the gentleman from Kentucky has made in connection with the new Joint Committee on Printing. I myself took some time to-day on the subject, but unfortunately found the chairman on the House side was not present. I do not blame him for that. The clerk of his committee was not present. I do not blame him for that. I did get hold, finally, of the clerk of the joint committee, and found, apparently, that they had adopted a policy, contrary to the practice and authority of the law, for the purpose of forcing the House to pass resolutions for printing. It has been the custom under the law where a committee had hearings to order the hearings printed to the extent of 1,000 copies, which is the authority of the original committee, and the joint committee, on request, would order additional copies printed, the limit being $200 in each case. The practice at the other end of the Capitol has been that some Senator would ask for the passage of a simple Senate resolution for printing. The practice in the House has been to follow the law, leaving to the joint jurisdiction of the Committee on Printing to say as to the number of additional copies which were required. That practice, which has been followed in the House in the past, has been the economical practice. The practice which the House will now be forced to resort to under this apparent ruling of the Joint Committee on Printing will be that we will be forced to pass resolutions for printing, and in such cases will almost invariably pass resolutions to print a larger number than are actually required. In this case the proposition is to print 10,000 copies of each of these hearings. I imagine that 5,000 copies of those in the end will be sold as waste paper, yet the gentleman from Kentucky [Mr. STANLEY], in presenting the resolution, knowing there is a great demand for these hearings, can not estimate in advance the number of copies which will be required, while if the Joint Committee on Printing would perform its functions it could order a sufficient number to-day, and if additional copies were required a week or a month from now, can order them then from plates which are preserved in the Printing Office.

Mr. STANLEY. If the gentleman wishes, I will be perfectly willing to have him amend this resolution, so that it would say not to exceed 10,000 copies. I do not want to print more than is necessary to satisfy the demand.

Mr. GARRETT. Mr. Speaker, if the gentleman will yield——

The SPEAKER. Does the gentleman yield?

Mr. STANLEY. Certainly.

Mr. GARRETT. I would like to ask the gentleman what the demand has been?

Mr. STANLEY. Mr. Speaker, I wrote a circular letter to each Member of the House—I had had so many of these requests—asking each Member to tell me what number of these hearings they cared for. A few requested less than 8 or 10, and any number of them requested 40 or 50, and some wanted to have a hundred or two. Of course, I could not send that many.

Mr. MANN. I take it those requests do not cut much figure, because the man who requests 50 or 100 copies of these hearings soon will be throwing them in the wastebasket.

Mr. STANLEY. I am not going to send that number to anybody.

Mr. MANN. The proper method for the gentleman to pursue is to take a list and send them according to the list sent to his committee, which has the facilities for doing that; but if the joint committee were performing its functions under the law it could order under the estimate which I had made at the Printing Office 8,000 or 9,000 copies of these hearings each day, if required, or it could order less at one time or more at a later time. It is possible that the House is as nearly abolished as it can be, but apparently we are absolutely under the thumb of the distinguished gentleman who is the chairman of the Joint Committee on Printing.

Mr. FOCHT. Mr. Speaker, will the gentleman yield?

Mr. STANLEY. Certainly.

Mr. FOCHT. Mr. Speaker, as a member of the Printing Committee, the minority member, I feel it only just to repeat what the gentleman from Illinois has said, and that is that the two majority members of that committee happened to be absent at their homes; and I am of the opinion, rather than that there is any disposition on the part of that committee, joint or otherwise, to assume any prerogatives not belonging to them, that his failure, or the failure of the gentleman from Kentucky [Mr. STANLEY], to have the proper number of those hearings is due to the absence of these gentlemen, and I am certain that upon their return there will be no delay in furnishing the House with whatever printing is desired which will be within the law and common sense and reason.

Mr. MANN. Mr. Speaker, if I may be permitted one more suggestion, it would be that the trouble is not due to the absence of the majority members of the Committee on Printing from the House at all.

Mr. CLARK of Florida. Mr. Speaker, will the gentleman yield?

Mr. STANLEY. Certainly.

Mr. CLARK of Florida. Mr. Speaker, I would like to ask the gentleman a question. How are these hearings to be distributed?

Mr. STANLEY. By the committee.

Mr. CLARK of Florida. Upon the request of Members or by any rule?

Mr. STANLEY. If a Member sends in a request for hearings, I will send them to him; or I will say this, if Members of the House will send me a list of the persons that want these hearings, I will send them under their frank, and if I find there is not a demand for all of these hearings, that any of them are accumulating, I will myself either introduce a resolution asking that the number be decreased or will suggest to the Printer that he do not print so many. I have no objection to having the resolution amended to, say, not to exceed 10,000.

Mr. MANN. Oh, I assume the gentleman does not need to order 10,000 if he does not want them.

Mr. STANLEY. I shall not order one copy more than there is a positive demand for.

Mr. CLARK of Florida. I was going to suggest this resolution provides only for the printing of about 25 copies for each Member of the House. I believe that is true, is it not?

Mr. STANLEY. Yes.

Mr. CLARK of Florida. Does not the gentleman think that the average Member will want more copies than that to distribute among his constituents?

Mr. STANLEY. I hardly know. There has been a demand for more than that, but I believe that as the hearings progress that this demand will not be so great. I would hesitate to print over 25 copies to a Member and take the chance of having them accumulate somewhere.

Mr. CLARK of Florida. Just one more question. Does the gentleman intend, or is it the purpose of the committee—these are daily hearings?

Mr. STANLEY. Yes.

Mr. CLARK of Florida. After the hearings are concluded, is it the purpose of the committee to ask that a certain number of bound volumes of the hearings be printed for distribution among Members?

Mr. STANLEY. I know of no purpose of the committee one way or the other. We have never talked about that. My personal opinion is that bound copies of the hearings are comparatively useless, except a few copies to keep as archives and as a record. These copies are like the daily paper—the people want to see what these witnesses said before the committee. This investigation has attracted a good deal of attention in the papers. The magazines, the newspapers, the boards of trade, and things of that kind write to me and ask to be put on the list and to send them those hearings as they appear. I believe they will be of interest to the people generally, like any paper, and they will be read by the people who receive them; but I believe if we should bind them up—of course you can send them to some fellow as a compliment, but they will never be read and serve the purpose for which they were intended.

Mr. CLARK of Florida. I want to say this: I have in my district 18 counties. If I send only one copy of these hearings to a county it would only leave seven. I have in my district some sixty-odd newspapers. Each one of those newspapers would unquestionably like to have a copy of those hearings. I shall not object to the request of the gentleman, but I certainly shall object if the number is to be reduced. I would like to see it increased.

Mr. STANLEY. I made it as small as possible. I figured on it, and if anybody will take the time and knew the demand made upon the committee they would see that 10,000 copies is a very reasonable request. I will say here those copies will be distributed by the committee and I shall not send more than a single copy to any Member of the House, unless he requests it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 24 minutes p. m.) the House adjourned to meet to-morrow, Saturday, June 10, 1911, at 12 o'clock noon.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 8552) granting a pension to Mary Reilly; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 8695) granting a pension to Andrew Brandeberry; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 8836) granting a pension to Will H. Carpenter; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11338) granting a pension to Daniel W. Setzer; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9618) granting an increase of pension to John C. Caldwell; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 9632) granting an increase of pension to Henry B. Hoffman; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS,

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MORRISON: A bill (H. R. 11412) granting pensions to certain persons on account of military and naval service rendered to the United States; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11413) to provide for the payment of service pensions to the soldiers and enlisted men of the Navy and Marine Corps who served during the Civil War; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 11414) to establish a mining experiment station at Silverton, San Juan County, Colo., to aid in the development of the mineral resources of the United States, and for other purposes; to the Committee on Mines and Mining.

Also, a bill (H. R. 11415) to establish a mine rescue station and an experiment station for analyzing and testing coals, lignite, and mineral substances in western Colorado; to the Committee on Mines and Mining.

Also, a bill (H. R. 11416) providing that any person who has heretofore made a homestead entry or entries and has failed from any cause to perfect his title to any lands embraced in such entry or entries may make a further homestead entry; to the Committee on the Public Lands.

Also, a bill (H. R. 11417) allowing a second homestead entry in certain cases; to the Committee on the Public Lands.

By Mr. POWERS: A bill (H. R. 11418) to amend an act entitled "An act to establish a code of laws for the District of Columbia," and other acts; to the Committee on the District of Columbia.

By Mr. ANDREWS: A bill (H. R. 11419) to issue patent to land in the public domain not otherwise appropriated to surviving soldiers of the late Civil War who were honorably discharged therefrom, and for other purposes; to the Committee on the Public Lands.

Also, a bill (H. R. 11420) allowing patent to persons who have made entry of lands under the desert-land act or homestead act, and for other purposes; to the Committee on the Public Lands.

Also, a bill (H. R. 11421) providing for the construction of a public well at Willard, N. Mex.; to the Committee on Appropriations.

By Mr. DENT: Joint resolution (H. J. Res. 115) directing the Interstate Commerce Commission to investigate and report on the use of the Andrew safety appliance upon railway trains engaged in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Memorial from the Legislature of Wisconsin asking that Alaska be granted a Territorial form of government; to the Committee on the Territories.

Also, memorial from Legislature of Wisconsin requesting the calling of a convention of the several States for the purpose of proposing amendments to the Constitution of the United States; to the Committee on the Judiciary.

Also, memorial from the Legislature of Wisconsin asking that Congress take proper steps toward a constitutional amendment providing for initiative, referendum, and recall; to the Committee on the Judiciary.

Also, memorial from the Legislature of Wisconsin asking that Congress take proper steps for the adoption of an amendment to the Federal Constitution providing that such Constitution may hereafter be amended by the initiative; to the Committee on the Judiciary.

By Mr. MAGUIRE of Nebraska: A memorial from the Legislature of Nebraska requesting the passage of a bill giving to surviving soldiers who served 90 days or more in the actual service in the Indian wars from 1865 to 1883 the same pensions accorded to those who served in our other wars; to the Committee on Pensions.

By Mr. BERGER: A memorial from the Legislature of Wisconsin requesting the calling of a convention of the several States for the purpose of proposing amendments to the Constitution of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 11422) granting a pension to Epifanio A. Crespin; to the Committee on Invalid Pensions.

By Mr. BURKE of Wisconsin: A bill (H. R. 11423) granting an increase of pension to Marcus L. Weeks; to the Committee on Invalid Pensions.

By Mr. COOPER: A bill (H. R. 11424) granting a pension to Sarah Peters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11425) to correct the military record of Christopher Parkin; to the Committee on Military Affairs.

By Mr. DICKINSON: A bill (H. R. 11426) granting an increase of pension to John J. Roberts; to the Committee on Pensions.

By Mr. DIFENDERFER: A bill (H. R. 11427) granting a pension to Eleanor Hart Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11428) granting an increase of pension to Francis Bartleman; to the Committee on Invalid Pensions.

By Mr. DODDS: A bill (H. R. 11429) for the relief of Lemuel Saviers; to the Committee on War Claims.

By Mr. FOSTER of Illinois: A bill (H. R. 11430) granting an increase of pension to David Patterson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11431) granting an increase of pension to Jesse A. Moore; to the Committee on Invalid Pensions.

By Mr. FRANCIS: A bill (H. R. 11432) for the relief of George Duncan; to the Committee on Military Affairs.

By Mr. HAMLIN: A bill (H. R. 11433) granting an increase of pension to Nancy J. Waddle; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 11434) granting an increase of pension to David H. Martin; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 11435) granting an increase of pension to Taylor Duke; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11436) granting an increase of pension to Ruth A. Richardson; to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 11437) granting a pension to Josephine Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11438) granting an increase of pension to John H. Girt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11439) granting a pension to Eliza Jane Bundy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11440) granting a pension to Caroline D. Stoner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11441) granting an increase of pension to Wilhelm Lietzke; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11442) granting an increase of pension to Nelson Abrams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11443) granting an increase of pension to Marcellus Salle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11444) granting an increase of pension to Nathaniel J. Dickey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11445) granting an increase of pension to James E. Lawhon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11446) granting an increase of pension to James M. Blankenship; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11447) granting an increase of pension to Jefferson Hurlock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11448) granting an increase of pension to Wilson Waterman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11449) granting an increase of pension to James M. Parsons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11450) granting an increase of pension to Jonathan Bates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11451) granting an increase of pension to Alonzo Merritt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11452) granting a pension to Nancy E. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11453) granting an increase of pension to Samuel Pierce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11454) for the relief of the heirs at law of Isaac D. Armstrong, deceased; to the Committee on Claims.

Also, a bill (H. R. 11455) for the relief of George W. Anderson; to the Committee on Military Affairs.

Also, a bill (H. R. 11456) to correct the military record of Benjamin F. Davis; to the Committee on Military Affairs.

Also, a bill (H. R. 11457) for the relief of Willard Thompson; to the Committee on Military Affairs.

By Mr. REDFIELD: A bill (H. R. 11458) granting a pension to Mary Baker; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 11459) for the relief of Wiley S. Holland; to the Committee on War Claims.

By Mr. STEPHENS of California. A bill (H. R. 11460) granting an increase of pension to George H. Eldridge; to the Committee on Invalid Pensions.

By Mr. THAYER: A bill (H. R. 11461) for the relief of the heirs of Judson M. Lyon, deceased; to the Committee on War Claims.

By Mr. UTTER: A bill (H. R. 11462) granting an increase of pension to Lucy Boycan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11463) granting an increase of pension to Warren Moone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11464) granting an increase of pension to Nancy M. Vinton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11465) granting an increase of pension to Elizabeth F. Taylor; to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 11466) granting a pension to Louis Settles; to the Committee on Pensions.

Also, a bill (H. R. 11467) granting a pension to Michael J. Crawley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11468) granting an increase of pension to Edward Hoffman; to the Committee on Pensions.

Also, a bill (H. R. 11469) granting an increase of pension to Charles M. Brookover; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11470) granting an increase of pension to Andrew Unger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11471) granting an increase of pension to David L. Mackey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11472) granting an increase of pension to John W. Hays; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11473) granting an increase of pension to George A. Adams; to the Committee on Invalid Pensions.

By Mr. YOUNG of Kansas: A bill (H. R. 11474) granting a pension to William H. Skinner; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AKIN of New York: Petition from certain residents of Clifton Park, N. Y., asking for reduction in duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. ALLEN: Petition of the Clark & Chambers Pie Co. and other Cincinnati, Ohio, merchants, requesting a reduction of the duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. BARTLETT: Resolutions of the Southern Wholesale Grocers' Association, of Jackonville, Fla., againt parcels post; to the Committee on the Post Office and Post Roads.

By Mr. BOOHER: Petitions of sundry citizens of Rockport, Skidmore, Barnard, Oregon, Tarkio, Craig, Guilford, Westboro, Mound City, Bolckow, Dearborn, Amazonia, and Maitland, in the fourth congressional district of Missouri, against parcels post; to the Committee on the Post Office and Post Roads.

By Mr. BURKE of South Dakota: Resolution of Lead City Miners' Union, No. 2, Western Federation of Miners, protesting against the methods employed in the arrest of the McNamara brothers; to the Committee on Rules.

Also, petition of sundry citizens of Salem, S. Dak., asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. BURKE of Wisconsin: Papers to accompany House bill 10870, granting an increase of pension to Isaac Thompson; to the Committee on Invalid Pensions.

By Mr. CALDER: Resolutions of the Workmen's Sick and Death Benefit Fund of the United States of America, asking for investigation of the McNamara matter; to the Committee on Rules.

Also, resolution of the Cleveland Chamber of Commerce, urging the amendment of the corporation-tax law to permit each corporation to make its return at the close of its fiscal year; to the Committee on the Judiciary.

Also, petition of John B. Brichelmaier, favoring Senator BURTON'S bill in re preservation of Niagara Falls and the prevention of further depletion of the Falls for the benefit of the power companies; to the Committee on Rivers and Harbors.

Also, resolution of Brooklyn Federation of Labor, favoring Berger resolution; to the Committee on Rules.

Also, resolution of the Chamber of Commerce of the State of New York, favoring Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of S. G. Rosenbaum, favoring Senate joint resolution 3; to the Committee on Rivers and Harbors.

By Mr. COOPER: Petition of Delavan (Wis.) merchants, protesting against parcels-post bill; to the Committee on the Post Office and Post Roads.

By Mr. FOCHT: Petition from Leiser Bros. and J. F. Groover & Bro., of Lewisburg, Pa., favoring a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. KENDALL: Petition of Mrs. James Bennett, of Richmond, Ky., for universal suffrage; to the Committee on Election of President, Vice President, and Representatives in Congress.

Also, petition of citizens of Albia, Oskaloosa, Lovilia, Bussey, and Ottumwa, Iowa, for the removal of the duty on raw and refined sugar; to the Committee on Ways and Means.

By Mr. LOUD: Petition of John Bryce and 20 other citizens of Mount Forest Township, Bay County, Mich., protesting against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. McDERMOTT: Petitions of D. J. Stewart, J. B. Weir, M. Hubert, A. C. Beirer, and J. S. Stewart, of Chicago, Ill., favoring reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. MADISON: Petition from citizens of Kansas, for reduction of duty on sugar; to the Committee on Ways and Means.

By Mr. MANN: Petition of Illinois Manufacturers' Association, to amend the corporation-tax law; to the Committee on Ways and Means.

Also, petition of Building Managers' Association of Chicago, Ill., favoring House joint resolution 97; to the Committee on Appropriations.

By Mr. POWERS: Memorial from Mrs. James Bennett, of Richmond, Ky., requesting equal rights for women; to the Committee on the Judiciary.

By Mr. REILLY: Resolutions adopted at a mass meeting held by the Irish-American and German-American societies of New York, protesting against the enactment of the proposed arbitration treaty with Great Britain; to the Committee on Foreign Affairs.

Also, petition of certain citizens of New Haven, Conn., requesting a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petitions of W. J. Neary and Naugatuck Retail Druggists' Association, of Naugatuck, Conn., protesting against House bill 8887; to the Committee on Ways and Means.

Also, resolutions of the Connecticut Merchants' Association, relating to proposed parcels post; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of California: Petition of certain citizens of California, asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. TILSON: Resolutions of a mass meeting of the directors of the Bridgeport Business Men's Association, opposing the so-called Sulzer bill to establish a parcels post; to the Committee on the Post Office and Post Roads.

Also, resolutions of the Business Men's Association of Bridgeport, opposing the Sulzer bill establishing a parcels post; to the Committee on the Post Office and Post Roads.

Also, resolutions of National Association of Shellfish Commissioners, regarding the disposal of sewage and waste and the conservation of resources; to the Committee on the Merchant Marine and Fisheries.

Also, resolutions from the Chamber of Commerce of New Haven, Conn., urging necessity for immediate amendment of the corporation-tax law; to the Committee on Ways and Means.

By Mr. UTTER: A resolution of the Rhode Island Anti-Tuberculosis Association, favoring the creation of a committee on public health in the House of Representatives; to the Committee on Rules.

Also, papers to accompany bill granting an increase of pension to Warren Moore; to the Committee on Invalid Pensions.

By Mr. WEBB: Petitions of certain citizens of North Carolina, urging a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. WHITACRE: Petition of Local Salem Socialist Party, of Salem, Ohio, requesting support of the Berger resolution relative to the kidnaping of the McNamara brothers; to the Committee on Rules.

Also, resolution of Local Union No. 4, National Brotherhood of Operative Potters, of East Liverpool, Ohio, indorsing the Berger resolution relative to the kidnaping of John J. McNamara; to the Committee on Rules.

Also, resolution of Trades and Labor Council of East Liverpool, Ohio, requesting investigation of the kidnaping of the McNamara brothers; to the Committee on Rules.

Also, resolutions of Canton Lodge, No. 12, International Association of Machinists, of Canton, Ohio, protesting against the kidnaping of the McNamara brothers; to the Committee on Rules.

By Mr. WHITE: Evidence supporting House bills 10796, 10797, 10798, and 10799; to the Committee on Invalid Pensions.

By Mr. WILSON of New York: Resolutions of the Workmen's Sick and Death Benefit Fund of the United States of America, asking for investigation of the McNamara matter; to the Committee on Rules.

Also, resolutions of Brooklyn Federation of Labor, asking for investigation of the McNamara matter; to the Committee on Rules.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 10, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, imbue us, we beseech Thee, plenteously with heavenly gifts, that with patience, meekness, gentleness, courage, fortitude, forbearance, and brotherly love we may meet the obligations of the hour and quit ourselves like men, to the glory and honor of Thy holy name. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE WOOL SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11019, a bill to reduce the duties on wool and manufactures of wool.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11019) to reduce the duties on wool and manufactures of wool, with Mr. HAY in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 11019) to reduce the duties on wool and manufactures of wool.

Mr. UNDERWOOD. Mr. Chairman, I understand the gentleman from New York does not care to occupy time in this debate at the present time.

Mr. PAYNE. Mr. Chairman, I do not, I would say to the gentleman, at all to-day; Monday I shall be ready to go on.

Mr. UNDERWOOD. Mr. Chairman, I yield one hour to the gentleman from Mississippi [Mr. HARRISON].

Mr. HARRISON of Mississippi. Mr. Chairman, in advocating at this time the passage of the pending bill, I want to assure the older Members of this House that I do it fully cognizant of the established custom that a new Member is expected to sit, look, and listen rather than be heard.

For 10 weeks, as one of the youngest and I am sure as new as the newest of the Members of this body, I have modestly adhered to that custom, and I would not to-day prematurely impose my remarks into this discussion did I not chafe under the insincerity of the attitude of the gentlemen who oppose this bill.

Mr. Chairman, if my observations and experience in this House have made my convictions stronger on any one fact, that fact is that the Republican Party can not and ought not to be trusted in legislation, and that the future hope and prosperity of the American people must come, and come it will, through the representatives of the Democratic Party. [Applause.]

Gentlemen of the minority, your course in this House during the past 10 weeks has been the course of your party as a majority for 16 years, and that is that you have attempted to hinder, block, and obstruct the enactment of wholesome legislation into law, in accord with the wishes of the American people.

For 16 years, while you as a Republican majority were in control of this House, you were successful, but since you have returned to this Congress, with your forces waning, shattered, broken, disrupted, and divided, with your political days numbered, and your faces drooping under the shame of your broken promises, the spirit of obstruction you still have, but the power is gone. [Applause.]

For years the American people have appealed to you to cease extravagance with public moneys and to administer the affairs of this Government economically. You heeded not their wishes, but continually, year by year, you have defied them, and since the Fifty-third Congress, when you came into control, the appropriations have steadily increased from $917,013,523.34 to the enormous total of $2,052,799,400.68 in 1910.

For years the people have seen their wishes thwarted by State legislatures failing to carry out their will in the selection of United States Senators. They appealed to you to give them the right by legislative enactment to choose their Senators by direct vote.

For years there has come a complaint from the people that the trusts and the moneyed interests of the country were contributing to campaign funds and aiding in the election of men to public office who were married to their ideas and bent on carrying out their will.

For years Arizona, as a young babe, has pleaded with you to take her into this family fold of statehood.

For years the American people have bled under the burdened load of a protective tariff. They have carried it bravely, yet complainingly.

Did you gentlemen on that side of the Chamber hearken unto their complaints? No. Intoxicated with power, you ignored their demands, you disregarded their wishes, and you defied their intelligence.

But the American people are a patriotic and an informed people. They knew that your party was wedded to the protective tariff, but only within the past few years did they realize that that union had given birth to such a prolific supply of trusts, which offspring, while apparently innocent in its younger days, under the benign representation of you gentlemen and the nourishing and attentive care of your administration it has grown overbearing, uncontrollable, wicked, and intolerable. [Applause.]

Then it was that the people saw that you were imposing upon them an enormous and an unfair taxation without proper representation.

The same spirit that aroused the American patriotism in the days of seventy-six and sent the echoes resounding into every hamlet of the 13 colonies, that "taxation without representation is unjust," was the same spirit that caused an oppressed people in the November elections last year to exert themselves and retire your party to the side lines, and gave to the Democratic Party hope and assurance of a greater and more glorious victory in 1912. [Applause.]

Can it be doubted that since coming into control of this House the Democratic Party has kept the faith?

Within 10 weeks we have enacted more beneficent legislation for the people than your party has enacted during the past 16 years of its continuous control of this House.

The taking from the Speaker the power of naming committees and the saving of $182,000 in the expenses of this House alone is a sufficient guaranty that the Democratic Party is representative in character and economical in the administration of governmental affairs.

But these two reforms, Mr. Chairman, were but the beginning of our legislative program to write the people's wishes into law. The passage by this House of a bill compelling the publicity of campaign contributions before as well as after the election; the passage of the bill giving the people the right to choose their own United States Senators; the admission of Arizona and New Mexico into the Union as separate States; the passage of the Canadian reciprocity pact; and the passage of the farmers' free-list bill, which places his agricultural implements on the free list and admits so many necessaries of life to the poor people of the country free of duty, is proof sufficient of the good faith of the party and its desire to represent the people.

And while, Mr. Chairman, this House, under the wise, conservative, and able leadership of the gentleman from Alabama [Mr. UNDERWOOD], supported by the loyal and patriotic Members on this side of the House, has accomplished much for the American people during this extra session, it is my sincere belief that no bill yet considered by this House means more to all the people than the bill now under discussion.

Since I have listened to the distinguished gentlemen on that side of the aisle attacking this bill and defending inferentially the present Payne law the great differences of opinion that exist among the Republican leaders is made more manifest to me.

It was no less person than the distinguished standard bearer of your party, Mr. Taft, who, in speaking at Beverly, Mass., said:

> The woolen schedule is indefensible, and I propose to say so.

And, again, in his Winona speech, he said:

> It—the failure to revise Schedule K—is the one important defect in the Payne tariff bill and in the performance of the promise of the platform to reduce rates to a difference in the cost of production, with reasonable profit to the manufacturer.

But, Mr. Chairman, the gentlemen on the other side of the aisle and in the other end of this Capitol interpreted their party's platform differently from the President when they wrote the Payne law. Their interpretation is the interpretation voiced by the Senator from Idaho [Mr. HEYBURN] when he said, in speaking on this schedule in the Senate, during its discussion in the Sixty-first Congress, "That the promise to revise it meant nothing more than to look at it again."

Ah, gentlemen, it was just such perfidious actions as this in framing the Payne-Aldrich tariff bill, after promising the people in the campaign of 1908 that if they would again elect you you would revise the tariff, and then offering to them the pitiable excuse that you meant by revision that you would "look at it again," has aroused them and caused them to repudiate you. [Applause.]

The American people are justified in believing that you represent vested wrongs and fight their legal rights.

No government can be representative when the people's representatives fail to carry out the people's wishes.

The pending bill remedies the iniquities of the present Payne tariff law on wool and woolen goods. It gives to the people the relief they have desired and demanded for years.

Under the present law Schedule K benefits but but two classes of people—the large owners of sheep and the woolen manufacturers. It does not benefit the small owners of sheep, for the very obvious reason that the small pittance they get from protection on raw wool is more than offset by the enormous duties they are compelled to pay to the manufacturers for the finished products.

The sixth district of Mississippi, which I have the honor to represent, produced last year approximately 160,000 pounds of raw wool. We have within that district 244,949 people. According to statistics, one person uses approximately 6½ pounds of wool a year. There is, therefore, used in that district approximately 1,590,000 pounds per year, which is practically ten times as much wool as it produces. Therefore, in order to benefit one man you must take from ten men.

But that is not all, Mr. Chairman, that basis is reckoned on 160,000 pounds of raw wool produced and 1,590,000 pounds of raw wool consumed, at the average protection on raw wool of 8 cents per pound.

We have no manufactories of woolen goods in that district. The average ad valorem tax on such finished woolen products as flannels, shawls, blankets, clothing, and so forth, is 90 per cent under the Payne law. So it is, that while a very few of my constituents produce 160,000 pounds of raw wool and are inferentially benefited by the protective duty thereon to the amount of $12,800, 244,949 people of that district, under the Payne law, are made to pay each year to the manufacturers of the country for the finished products the stupendous sum of $1,449,175. So, in order to put $1 into my district by helping one man, it takes from that district $113 by collecting $1 from 113 others.

But, Mr. Chairman, my vision is not narrowed to my own district. The 92,000,000 of American people consumed last year approximately 644,000,000 pounds of the finished products of wool at an ad valorem tax amounting to 90 per cent, and the proportion of benefit and discrimination under the Payne law, as exist in my district, is true to a very large extent when applied to the 92,000,000 of American people scattered through every district of our country with the exception of the far western and a few other districts.

Such a system of robbery is wrong and can not longer be defended before the American people. [Applause.]

I have previously stated that this schedule benefits another class—the woolen manufacturers. I want to say in this connection that I do not believe that under the present law the carded woolen manufacturers of the country receive the same benefits as the worsted manufacturers. It is, I believe, conceded by the gentlemen on the other side and is a matter of history that the present Schedule K was framed practically by the worsted manufacturers and the large woolgrowers of the country. I do not know but that Providence designed this combination, because it has been truly said "That when thieves fall out, honest men get their dues," and when the worsted manufacturers, competitors of the carded woolen manufacturers, combined with the woolgrowers and framed Schedule K, with an eye single to the protection of their own interests, and failed to give to the carded woolen manufacturers a sufficient slice of the protective pie, the carded woolen manufacturers "let the cat out of the bag," and then it was that much inside information was given to the American people.

I have attempted to show you how the large woolgrowers of this country rob 92,000,000 American people by the present tariff. Now I desire to analyze very briefly, because my time is limited, some of the paragraphs of the present tariff law whereby the worsted manufacturers are benefited by the agreement.

We find in paragraph 366 of the Payne-Aldrich tariff law the following:

> The duty on wools of the first class which shall be imported washed shall be twice the amount of duty to which they would be subjected if imported unwashed, and the duty on wools of the first and second classes which shall be imported scoured shall be three times the duty they would be subjected to if imported unwashed. The duty on wools of the third class, if imported in condition for use in carding and spinning into yarns or which shall not contain more than 8 per cent of dirt or other foreign substance, shall be three times the duty to which they would be otherwise subjected.

Here it was that the worsted manufacturers placed their joker in the schedule as against the carded-wool people. By this paragraph duties on wools of the first class when imported washed shall be 22 cents per pound, but the duty on wools of the second class when imported washed shall be 12 cents per pound. The carded-woolen people use mostly wools of the first class. Wools of the first class shrink under washing 65 to 75 per cent. The wools of the second class, or the Canadian and English wools, are used mostly by the worsted manufacturers, and they shrink only about 20 per cent.

The carded-woolen people, who, as I have said before, are competitors of the worsted manufacturers, are therefore under the present Payne law made to pay $22 for about 25 or 30 pounds of wool, while the worsted manufacturers are permitted to pay $12 for 65 or 70 pounds of wool. Under the pending bill this unjust discrimination is eliminated and the duty is paid on the actual value of the wool; thus the people are given the benefit of just competition between the carded-woolen and the worsted manufacturers.

But this is not the only joker the worsted people placed in the present tariff law against the carded woolen manufacturers.

In paragraph 372, which reads:

Top waste, slubbing waste, roving waste, ring waste, and garnetted waste, 30 cents per pound—

there is placed a duty on top waste of 30 cents per pound. The tops are necessary products in the manufacture of worsted. They are not used by the carded woolen manufacturers.

In paragraph 373, which reads:

Shoddy, 25 cents per pound; noils, wool extract, yarn waste, thread waste, and all other wastes composed wholly or in part of wool and not specially provided for in this section, 20 cents per pound.

Noils, which is a by-product of tops and a necessary product in the manufacture of carded woolens, is protected by a duty of 20 cents a pound. Under this system it is necessary for the carded manufacturers, who compete with the worsted people, to purchase these noils from their competitors at unreasonably high prices. Necessarily it follows that the consumers in the end pay the price and the largest beneficiaries are the worsted manufacturers. But, Mr. Chairman, the pending bill abolishes these discriminatory rates and places the same duty on noils as on tops.

Not only, Mr. Chairman, is the joker in the present schedule operative in favor of the worsted manufacturers and against their competitors, but more glaringly is it embodied against the American people. [Applause.]

The history of the Republican Party reveals that its course of legislation has been for the favored few against the toiling many, and in no schedule of the present tariff law is that fact more strikingly illustrated than in the woolen schedule. By it, in practically every instance, the cheaper the goods and the more abundantly used by the laborer and the poorer people of the country, the higher the duty imposed and the greater protection accorded the manufacturer. By it yarns valued at not more than 30 cents a pound will pay a tax of 138 per cent ad valorem, while yarns valued at more than 30 cents a pound will pay only 87 per cent ad valorem.

The laborer's wife, who buys a shawl, pays an ad valorem tax of 92 per cent, while the fashionable society lady, who is gowned in her fine silk dress, is only taxed 57 per cent ad valorem.

Flannels under 40 cents a pound bear an ad valorem tax of 143 per cent, while if they are valued at over 40 cents the ad valorem tax is only 101 per cent.

The blankets, necessaries of life, that are used by the poorer classes of people, valued at less than 40 cents a pound, bear an ad valorem tax of 107 per cent, while those that the rich are able to buy bear an ad valorem tax of only 71 per cent. The cheaper the blanket the higher the duty imposed on it. Take a blanket valued at 28 cents a pound, and, under the present law, for every dollar's value in the blanket $1.65 is added for the manufacturer.

These abuses upon the poorer classes of the American people are unjust and unfair, and by the pending bill these iniquities are remedied and the doctrine of equality is practiced upon the rich and poor alike. On blankets, for instance, the ad valorem tax is reduced in some cases from 350 per cent to 30 per cent, and yet it has been asserted on this floor that the pending bill is only a sham reduction.

Not only, Mr. Chairman, does this schedule impose upon the people the heavy taxation on articles named therein, but it gives rise by its very terms to the imposition of heavy taxes on many other articles that apparently were provided for in other schedules.

Paragraph 382 reads as follows:

On clothing, ready made, and articles of wearing apparel of every description, including shawls, whether knitted or woven, and knitted articles of every description, made up or manufactured wholly or in part, felts, not woven and not specially provided for in this section, composed wholly or in part of wool, the duty per pound shall be four times the duty imposed by this section on one pound of unwashed wool of the first class, and, in addition thereto, 60 per cent ad valorem.

In this House only a few days ago I heard, amidst laughter and applause on that side of the Chamber, the distinguished leader of the minority [Mr. MANN] hold up the farmers' free-list bill to criticism, to the evident delight and approval of that side of the House. He said that the term "all agricultural implements of every description" in that bill might be construed to mean everything from an ax to an automobile. He grew facetious in his illustrations. At that time I will be pardoned if I say I doubted the good faith of the gentleman's statement and the sincerity of the applause of his colleagues.

But, Mr. Chairman, since studying this paragraph drafted and championed by the gentlemen on that side of the aisle, I am convinced that they were sincere in that belief.

In this paragraph of the Payne bill, when they use the expression "wearing apparel of every description" and impose on it a tax of 44 cents a pound and 60 per cent ad valorem, they were not satisfied with taxing so heavy the shawls worn by the laborer's wife, the overcoat of the workman, and the clothes of the poor man, but they desired to make it broad enough to tax everything from the hat on his head to the shoes on his feet.

And I wish to say, Mr. Chairman, in reply to the criticism of the distinguished gentleman from Illinois, that I would much prefer being the proponent of the farmers' free-list bill, with the expression "agricultural implements of every kind," extended by the courts, under a liberal construction of its language, so as to embrace axes, saws, hatchets, stoves, and a thousand other things used in connection with a farm, placing all these on the free list and lifting from the backs of the farmers of the country the burden of taxation that heretofore has bowed them beneath its weight, than to be the defender or to have voted for a schedule containing paragraph 382, which uses the expression "wearing apparel of every description," an expression that could be and has been construed to embrace and impose a 40-cent per pound and 60 per cent ad valorem duty on gloves with woolen lining, socks, and on shoes. [Applause.]

By the farmers' free-list bill we say to the courts, "Construe the expression 'farming implements of every description' just as far as you can, in order to lift the burden of taxation from the backs of the American people." By your bill you said to the courts, "Construe the expression 'wearing apparel of every description' just as far as you can, in order to place taxation upon the backs of the American people." [Applause on the Democratic side.]

Under the expression in that paragraph, Mr. Chairman, the logman who purchases his gum boots to follow his timber and protect his health, if the lining is of wool, is forced to pay not the 30-cent duty imposed upon rubber goods, but the 44-cent and 60 per cent ad valorem duty imposed upon woolen goods under this schedule.

Mr. Chairman, it can not longer be doubted that the Republican system of protection enriches one class by robbing another. It concentrates wealth in the hands of a few, while it depletes the savings of the many. It causes the flow of wealth from certain sections and classes to certain other sections and classes.

By the very laws of nature we know that good and perfect health is maintained only by the free circulation of the blood to all parts of the body, and that, should congestion set in at any one part of the body, the circulation must be restored or disease and death will inevitably follow.

Just so with the circulation in our commercial life, when we allow its free circulation by inequality of taxation and special privilege, thereby causing the circulation of wealth to congest and concentrate in the hands of a few. Then, unless the remedy is applied and a free circulation restored, disease and death to our whole commercial and political system will speedily and inevitably follow.

Under the census report of 1904 the wealth of our country was $107,104,211,917, and 70 per cent of this amount was owned by less people than live within my district, while only 30 per cent was owned by 85,517,230 people.

I am informed that when the directors of the United States Steel Trust meet, one-twelfth of the total wealth of the country is gathered there.

Five thousand men actually own one-sixth of the entire wealth of our country.

I desire to embody in my remarks the following statistics of seven corporations of the country, that within the past 13 years, under the benign influence of your protective tariff system, have grown in capitalization to $2,708,438,754. It is shown, also, that within that time they have acquired control of 1,638 competitive plants.

Statistics taken from Moody's Encyclopedia of Social Reforms, edition of 1908.

THE GREATER INDUSTRIAL TRUSTS.

Name of company.	Incorporation.		Number of plants acquired or controlled.	Total capitalization, stocks and bonds outstanding (par value).
	Date.	State.		
1. Amalgamated Copper Co. and affiliated corporations.	1899	New Jersey.	35	$271,163,000
2. American Smelting & Refining Co. and affiliated corporations.	1899	.....do.....	145	203,100,000
3. American Sugar Refining Co. and affiliated corporations.	1891	.....do.....	[1] 60	160,000,000
4. American Tobacco Co. and affiliated corporations.	1904	.....do.....	[1] 200	324,309,000
5. International Merchant Marine Co.	1902	.....do.....	6	176,325,705
6. Standard Oil Co. and controlled companies.	1899	.....do.....	[1] 400	98,338,300
7. United States Steel Corporation and controlled properties.	1901	.....do.....	[1] 792	1,475,201,849
Total (7 greater industrial trusts).	.....	.....	1,638	2,708,438,754

[1] About.

SUMMARY OF INDUSTRIAL TRUSTS.

	Number of plants acquired or controlled.	Total capitalization, stocks and bonds outstanding.
7 greater industrial trusts	1,638	$2,708,438,754
451 lesser industrial trusts	5,038	8,243,175,000
Total of 458 important industrial trusts	6,676	10,951,613,754

And while these gigantic trusts were framed and have grown under the protective tariff granted them on various articles of manufacture the present high tariff on wool has contributed its just share to the erection of monopolistic citadels.

In the last preliminary report of the Bureau of the Census on worsted and woolen goods the statistics show that in 1899 there were 1,221 establishments. In 1909 the number had decreased to 913. And although in 10 years the number of establishments had decreased 308 the same statement showed that the capital employed in worsted industries in 1899 was $256,554,000, while in 1909 it had increased to $415,416,000—showing that protection destroys competition and concentrates wealth. [Applause.]

The further startling facts are revealed in that report: Worsted suitings increased in price within that time 136 per cent, worsted dress goods 231 per cent, and Italian worsted cloth 300 per cent.

No wonder, then, that with the price of woolen goods increased in 10 years from double to treble to the consumer that the American Woolen Co. and other manufacturers of woolen goods have been able to rob the American people out of millions of dollars.

Since 1899, when the American Woolen Co. was organized, it has year by year, under the ministering aid of the Republican protective tariff, strangled competition and grown until to-day it has absorbed or controls over 30 of its largest competitors, boasts of capital and surplus of over $60,000,000, and controls 60 per cent of the worsted manufactures of the country.

And thus it is that through this high tariff on woolen goods the same fact is illustrated to the people—the birth of another trust that can dictate and control the prices of worsted woolens to the consumers of the country.

The bill under discussion, Mr. Chairman, is strictly a Democratic bill, drawn for the purpose of removing the exorbitant taxes from the burdened backs of the people, and at the same time of raising sufficient revenue to run the Government economically. It cures the defects that I have in part pointed out by reducing the tariff on the finished products of wool as well as on the raw material practically half, and is such a bill that ought to merit its passage through both branches of this Congress as well as meet the approval of the American people. [Applause.]

Now, Mr. Chairman, in conclusion, I dislike to indulge too much upon the patience of this House and the courtesy of the gentleman from Alabama, but I desire to digress for a moment.

The gentleman from Indiana [Mr. CRUMPACKER] some days ago, in this Chamber, in discussing the Canadian reciprocity pact, apparently went out of his way in referring to my State in using this language:

CANADIAN LAND BOOM.

But there are boomers in Canada. They are advertising the wonderful fertility of their soil and the cheapness of the land and the salubrity of their climate. A few years ago fertile lands in the State of Mississippi were advertised in the part of the country where I live at ridiculously low prices, and many of my neighbors disposed of their property and went to Mississippi and bought lands. Those lands felt the effects of the boom and increased in price somewhat, but after a few years of experience every investor that I know of, excepting one, disposed of his Mississippi purchase and came back to good old Indiana a wiser, if not a wealthier, man. It was another Mississippi bubble—a will-o'-the-wisp excursion.

As a Representative in this body from Mississippi, if I should allow that statement to go unanswered on the floor of this House my people would have a right to think that I was not worthy to wear the mantle that they have so generously placed upon me.

I can hardly believe that the gentleman from Indiana really desired to picture my State to the country in false colors. What has she done to the gentleman that would warrant him to pick her out to illustrate some fanciful thought? If he is sincere in the belief that his constituents, in leaving his district to go to Mississippi, were merely "following a will-o'-the-wisp excursion" or another "Mississippi bubble," I would say to him that he is mistaken. It is true that for the past 15 years great hosts of citizens from other States have heard of the wonderful resources and natural advantages of Mississippi and have cast their lots with us. From the gentleman's own State and his own district they have come—not one, but many have come, and not merely one remained, but many of them remained. Citizens from no section were more welcome than they, and none are making greater progress and better citizens than those erstwhile constituents of his. [Applause on the Democratic side.]

If the distinguished gentleman is ignorant, and I judge that he is, of the progress and true conditions in my State, I gladly cite him to the fact that in my own district lands that a few years ago were worth $5 an acre are now selling from $30 to $50 an acre. Lands that under the cultivation of even boys yield from 75 to 150 bushels of corn to an acre. Lands that produce not one crop a year, but two and three crops a year. Lands that not only produce cotton comparable to any in the South, but which have made the pecan, the vegetable, and orange industries most profitable. Need I cite you to the fact that in one town of my State only two weeks ago 52 carloads of vegetables in one day were loaded and shipped to the markets of the world? [Applause.]

I come from a district that shows an increase in population within the last 10 years of 56 per cent, while the district that the gentleman hails from shows an increase of only 20 per cent. [Applause on the Democratic side.]

I come from a county whose percentage of increase in the past 10 years was 65 per cent, while that of the distinguished gentleman shows only 7 per cent. [Applause.] The latest census shows the city from which he hails to have increased only 11 per cent, while the city from which I have the honor to hail shows an increase second only in the United States, a most wonderful increase of 502 per cent. [Loud applause.]

And yet in the face of these glaring facts, which the gentleman ought to have known before he made his assertion, the district which I have the honor to represent is considered the most undeveloped of any in my State.

Surely the gentleman would not have this House and the country at large to think that the people of my State advertise that which they have not.

Her rich prairies, her hills, her majestic forests of virgin pine, her fertile lands of the Delta, her navigable streams, her delightful climate, the hospitality of her people, and her wonderful progress within the past 10 years, all answer the assertion of the distinguished gentleman, and are proof sufficient that when once a nonresident lands within her borders a Mississippian he becomes for life. [Applause.]

I am surprised at the distinguished gentleman from Indiana in attempting to praise on the floor of this House the lands of his district at the expense of the fertile lands of my State.

Mr. Chairman, Mississippi needs no voice in this Chamber to defend her natural resources, her progress, and her record.

While the march of her industrial and commercial progress has been wonderful and the prowess of her people marvelous, she has enrolled on the list of great men in American history

as many statesmen and orators, with the exception of Virginia, the mother of States, as any of the sisterhood of States. [Applause.]

Not only has she sent to the other end of this Capitol and to this House men who have taken front rank in American statesmanship, but she has bequeathed to other States men who have shed luster upon those States and glory upon the Nation; and I am proud to-day, Mr. Chairman, to represent in part in this Chamber a State that is not only represented in the other end of this Capitol by two distinguished sons, but which has given to that great deliberative body at the present time five other Senators, "native and to the manor born." [Loud applause.] And here in this Chamber, in this Capital City of the Nation, made illustrious by great men, I would speak to-day to far-away Mississippi and say:

Brave thy men, thy women fair,
Boys and girls beyond compare,
Proud thy records years gone by,
Bright thy prospects drawing nigh.
I love thee, Mississippi.

[Loud applause.]

For fear the gentleman from Indiana might doubt some of the things that I have said of my State, I want to invite him and those of you on that side of the aisle who believe as he to come to Mississippi. The people will welcome you with open arms, and we will show you not a State and a South of negro haters and sectional prejudice, but a State and a South of white supremacy, a South of loyal Americans, a South pulsating with industrial development and singing with commercial prosperity. [Prolonged applause on the Democratic side.]

Mr. UNDERWOOD. Mr. Chairman, I yield one hour to the gentleman from New York [Mr. GEORGE].

Mr. GEORGE. Mr. Chairman, in the times of Alexander the Great the Macedonian phalanx was the invincible military formation of the world. It originated in Macedonia before Philip and Alexander, was greatly developed by them, and then was taken up by the Greeks. For centuries it swept all before it.

This formation consisted of spearmen. They were heavily armored and carried great oblong shields to hide the body. They bore but one weapon—a spear 16 feet long. They formed in close order, shoulder close to shoulder, their spears extending. They were ranged in ranks, close together, four, six, eight, and even more deep. Those behind had their spears extended between those in front. It made one solid mass of moving armor and spear points; a formation at first 4,000 men strong, then 6,000, and at last up to 20,000; a great, slowly advancing wall, flanked on either side with armor and spears and likewise backed.

Advancing over flat ground, this huge living military machine carried all before it; with it the Macedonian and Greek armies were invincible until the former tried to conquer Italy. Under Pyrrhus the phalanx went down into the dust before the free formation of Rome.

The Roman soldier, carrying his lighter body armor, his smaller shield, his short double-edged sword, was quicker, more nimble, could move over the field in open or close order. But when he met the phalanx he had a new military problem on his hands; spears, spears, spears, a gigantic oblong of spears; whether in front, on either flank, or in the rear. They bristled like a vast porcupine. How was he to get within arm's reach of the body of the Greek soldier, for do this he must to use his weapon—the short sword. Then was the Roman genius called upon to invent a weapon that should destroy the phalanx. The weapon was produced. It was the pilum, a lance or short spear that could be hurled with great force and accuracy 50 feet or more. Each Roman soldier, with his broadsword by his side and the pilum in his hand, marked out an individual behind the wall of spears. Watching for an exposed part, he hurled the pilum. If but here and there a spearman was struck, he made confusion in falling. There was a wavering of other spears. That was the Roman chance. The legionaries ran in between the points and with their swords had the spearmen, helpless in heavy armor, at their mercy. One such breach made, there was a wedge-like rush from the Roman ranks, and the whole Greek strength was destroyed. Thus it was that Pyrrhus was vanquished. The Roman with his broadsword and his pilum became the world's master.

OUR PHALANX AND PILUM.

Mr. Chairman, the tariff beneficiaries have been the economic and political phalanx for long years in the United States. They have formed one great compact united body. Realizing that they must stand together or be destroyed in detail, they have acted as a mass, their shields spread, their spears advanced; from time to time moving forward to new ground of vantage; making at all times a common bristling defense against any general attack.

And so it has been until this Congress. In this special session the method of attack on the tariff phalanx has changed. The pilum has now come into use in this Democratic House. This wool bill which we are now debating; the Canadian reciprocity bill and the free-list bill which we have passed; the other schedule bills that may hereafter pass are our Roman lances which we hurl at weak points in the tariff ranks. We break down the spears here, we break down the spears there, we make a breech and widen it with a rush, and then the cry in the tariff ranks is each for himself. Small and insignificant as these bills may appear, they carry destruction. Hurled by this Democratic side in this Congress, the tariff army line will at points be pierced and breeched, and the monopoly phalanx which, so long as it could stand intact, was invincible, will end in utter rout and destruction. [Applause on the Democratic side.]

Therefore, Mr. Chairman, I have great joy in voting for this wool bill. I do not regard it as much of a bill, but since it unites the Democratic side in battle order it will do. My preference was to have free wool and free woolens, too. I would have liked the bill to declare for free trade in wool and woolens. [Applause.] But, thank you, I shall take what I can get. [Applause.]

I believe that the gentleman from Georgia [Mr. BRANTLEY] is perfectly right in stating that any tariff at all involves protection. I am against any protection whatever, and therefore I am altogether against a tariff. [Applause.] I am against a tariff for revenue, for I regard it as one of the worst ways for raising revenue.

But, Mr. Chairman, suppose that we reach a revenue basis; suppose we cut out much of the tariff, how are we to supplement the revenue? Shall we go to an income tax? Some 30 States have approved of a change in the Constitution that will enable us to do that, and some half dozen more States approving it, Congress will have authority to pass such an act. If I should be a Member of this House at that time, I should take great pleasure in voting for it. [Applause.] It has one merit over a tariff tax; it is direct. You can see it; you know just exactly what you are paying. Who in the world knows what he is paying under a tariff tax?

A MEMBER. Or who gets it?

Mr. GEORGE. Aye, or who gets it? For, as has been said of old, the tariff is a device for getting the most feathers with the least squawking. [Laughter and applause.]

But, while an income tax is better than a tariff tax, I am opposed to it. For why should we have an income tax? Why should we tax incomes? Men toil away their days in trying to get incomes; getting them, why should they not keep them to spend as they please? Why should the Government tax any part into the public Treasury? To support the Government, it is said. But to get support in that way is all a mistake. The British have had a high income tax, but they are now lowering it. The whole trend of taxation is away from that idea. The march of enlightenment opposes a tax of any kind upon production. It opposes personal property taxes. It opposes taxation upon the improvements on land—upon dwellings, stores, factories; upon the buildings of the farmer, his fences, ditches, drains—opposes the taxation of anything and everything that comes from human toil.

THE SINGLE TAX.

To him that produceth, to him should go the fruits thereof. This is getting to be the current of thought. Consequently I believe that just so surely as this country shall establish an income tax that surely will the mass of those who pay it become active in quest of some substitute tax. They will be far more active against an income tax than they may now be against a tariff tax, because an income tax is direct in its incidence. It can be seen plainly by the man who pays it. A tariff tax is indirect. It can not be so easily seen. It is indirect in its incidence. Therefore these income-tax payers will rebel against this tax upon their industry. They will look for some kind of a tax that will raise revenue, but not tax thrift.

What tax will do that? A tax on land values. That will do it; do it absolutely. It will fall on privilege, and not any part of it on toil.

This brings us to a consideration of the single tax philosophy. I am a single taxer. I do not believe in taxes upon any kind of industry, or upon anything that comes from industry. I believe the whole burden of taxation—Federal, State, and municipal—should fall upon monopoly. I believe it should fall upon the mother of all monopolies; upon the earth; upon that value which comes to any piece of land not by reason of the toil of

its owner—for all improvements should be exempted—but from the development of the community; from social growth and social improvement.

That part of New York City known as Manhattan Borough, Manhattan Island, has land officially valued at more than three thousand million dollars. The island was bought from the Indians by the Dutch traders in the seventeenth century for $24 worth of calico and glass beads. Yet now that same piece of land stands on the tax books at three thousand millions. That is the official value of the ground alone. It does not include the value of buildings or other improvements of any kind. Who made the increase in value from $24 to three thousand million dollars—who but all the people? The coming of population did part; the birth of babies did part; the laying out of streets, the making of great public improvements, the general toil, the building this island into a great center of production, of manufacturing and trade made parts. Social growth and social improvement brought this value to that piece of land. Why should it not be taken into the Public Treasury for social uses? Why not abolish all other kinds of taxes and take this publicly-made value for the uses of government—municipal, State, and Federal?

Now, such action is not so far away. Bills are in the State legislature to abolish the personal-property tax and to reduce taxation on improvements on land. This would involve a corresponding increase in the tax now falling on the ground value.

To tax land values, ground values, alone is not a mere dream. It is not the utterance of a man so far in the advance of practical affairs as just to be listened to for a brief hour and then be dismissed. My colleagues, it is a principle that is now and here. It is claiming the grave attention, shaping the legislation, of the advanced nations of the earth. It is in the Orient; it is in the Occident; it is in the Antipodes; it is amongst the progressive people to the north of us with whom we are seeking closer ties; it has made a momentous, convulsive drive forward in Great Britain.

IN PROGRESSIVE JAPAN.

In progressive Japan, for instance, they have just made a substantial advance in this method of taxation. It has come through the simple process of a better valuation of the land. Japan has all manner of taxes. It has tax-burdened production in a multitude of ways; it has had great need of revenue; it is a country long given to agriculture and now beginning to manufacture; it has within 15 years sustained two great wars, one with China, the greatest power in Asia; the other with Russia, supposedly the greatest military power in Europe. It has large and growing public expense—cost of railroads, for the railroads there are Government roads, as are the telegraphs and the telephones. It has cost of rural roads, public buildings, schools—the school system is ours transplanted. It has cost of reconstructed cities, with public water and sewer service, with wide and straight streets; cost of modern occidental administration and police. Then, since it is in the midst of volcanic nation-making and nation-destroying Asiatic economic and political forces, it needs, or believes it needs, a large military establishment, a big army, more and better ships. The ships it would have to have by its special treaty with Great Britain, since it must by that pact police the Asiatic waters so that Great Britain, its ally, may withdraw some of her own fleet back to the Mediterranean and to home waters.

All this requires revenue, more and increasing revenue. Where get it? The poor of Japan are weighed down with taxation; all production is hampered by it. Where get more revenue? The premier, Marshal Marquis Katsura, found the way in taxation of land values. He put through the Diet an act for a new valuation of the lands of the cities. The cities had grown enormously in the last four decades. Individuals had made fortunes out of rising land values. The land tax rate was very small and there had been no revaluation in 35 years. His act called for a new valuation. It was made; and on this, the same tax rate being applied, brought a handsome increase in the revenue.

TAXING LAND VALUES IN GERMANY.

In Germany the constant cry has been for more revenue. It has not been a cry of "mere theorists"; it has not been a notion of "impractical" men. It has been the problem of practical statesmen; the question of how to raise sufficient revenue to meet the needs of Government, such as faces every legislature in the world. How raise enough revenue? It had long been realized that land was valued in Germany following methods of the Middle Ages. The value was determined by the yield of the land, not its market price. The small farmer's land and the small merchant's land yielded a relatively large produce; therefore it was valued high. The great lord's parks and hunting grounds and the speculator's unimproved tracts about a growing city yielded little or no produce; therefore that land was set at a low valuation. Various of the German States had authorized their municipalities to make new valuations, abandoning this yield-of-the-land process and adopting the market-price method. It worked admirably. It brought in revenue and discouraged the holding of idle lands.

The Reichstag presently followed that same line. It put through a bill to make a selling-price valuation of land, then to tax that. But since the municipalities claimed this land-values tax as a municipal privilege, the Imperial Government compromised with the lesser governments. It divided the revenue so raised with the other governments. Fifty per cent of this revenue was to go to the imperial exchequer, the other 50 per cent to be divided between the local and the State governments.

In this way a land-values tax is raising an abundance of revenue where formerly it yielded next to nothing. Moreover the small landowner is paying little; the great landowner much. Should Germany carry that policy further and increase the tax, there would be in land values—values made by the population of Germany and not by the landowners alone—a sufficient revenue to meet all the governmental needs, Imperial, State, or municipal. Then all the other taxes—tariff taxes, income taxes, stamp duties, and every other tax devised for revenue raising—could be reduced, and, if desired, totally abolished.

IN AUSTRALASIA.

But it is when we turn to the people of our own stock and language, to the people in the antipodes, for instance, that we see how easily this principle of taxation might be applied to our conditions in this country; for in New Zealand they have many taxes, but they raise one-sixth of their revenue by a tax on land values. In determining this value they consider ground alone—what the political economists call the "economic rent of land." It is that value attaching to a given piece of land exclusive of any value of the improvements that may be upon it.

In Australasia they have what Henry D. Lloyd called the "Australasian tax." It is merely a small ground-value tax. It was resorted to to hit the speculators who went in advance of the pioneers, acquiring the land and holding it against use until they got their price. They would not use it themselves; they would allow others to use it only at the price of being bought out. They penalized production.

Mr. NORRIS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN (Mr. HOUSTON). Will the gentleman yield?

Mr. GEORGE. With pleasure.

Mr. NORRIS. In fixing the value of the land for the purpose of taxation they do not, you say, take into consideration any improvements? Is that correct?

Mr. GEORGE. In Australia?

Mr. NORRIS. In New Zealand I think the gentleman is talking about.

Mr. GEORGE. Oh, they get only one-sixth in New Zealand. Only one-sixth of the revenue is raised by taxing land values. Other things are taxed for the other five-sixths of the revenue—largely the things produced by labor.

Mr. NORRIS. I want to ask the gentleman for information whether in fixing the value of the land you are going to tax you consider the improvements on that land?

Mr. GEORGE. No.

Mr. NORRIS. Then, in fixing this value on any particular land you are going to assess, would you take into consideration the value of improvements on adjacent and adjoining land?

Mr. GEORGE. You take the market value of the land—what it would sell for in the open market.

Mr. NORRIS. If it had no improvement on it?

Mr. GEORGE. As though it had no improvement on it; what it would sell for in the open market. That market price is the sum of advantages of the situation. It is determined by all the circumstances; if there be public streets or other public improvements, for instance; if there be improvements on adjoining lots—all such considerations enter into value.

Mr. NORRIS. So that you would not consider the improvement of the land you are fixing, but you would consider the other improvements on other land that had a tendency to put a value into that land which you were taxing?

Mr. GEORGE. Yes; but you would not have to bother about that. You simply determine the selling value of the land——

Mr. NORRIS. Exactly.

VANCOUVER.

Mr. GEORGE. And the man who buys land always considers those circumstances. Up north of us, in Canada, they have applied in Vancouver, British Columbia, what is called the "single tax." It is not a full single tax, since county,

provincial, and Dominion taxes are laid; but it is the only revenue tax laid by the city of Vancouver. There is no taxation upon personal property or improvements on land. So far as local revenues are concerned, it is a single tax; but it is not the single tax I am advocating, since the Vancouver tax is very small in amount—not sufficient to check the great land "boom" that is now in progress there in consequence of the exemption of buildings and all other improvements from taxation.

The city began some years ago by exempting 25 per cent of the value of improvements from taxation. That worked so well that 50 per cent were exempted. Then they exempted 75 per cent; and for two years, I think it is, they have entirely removed improvements from the tax rolls. The course of personal property exemption was similar. No personalty tax now exists there. The sole source of revenue in that advancing city is the land value, ground value; the value called "economic rent" by the political economists.

As a result, Vancouver has increased in improvements faster than any city in the world. I was informed by Mayor Taylor during a visit there that the increase in Vancouver's improvements during the last year was 87 per cent. There being no tax on buildings or other things a man might put on his land, industry and thrift are encouraged.

Indeed, there is so much benefit from this policy that land values are rising. There is very active speculation in land. The advantages from the exemption of improvements is likely to be absorbed by land speculation. Against this the people of Vancouver will be compelled to defend themselves by increasing the tax rate on land values.

But this aside, the idea of exempting improvements from taxation is spreading all through western Canada. Wherever tried it is working most prosperously. And nowhere, in Canada, Australia, or anywhere else, is there the least disposition to go back to the old taxes. The people in Washington and Oregon, as you can find if you go out to those States, are looking with amazed eyes at Canada and her exemption of industry from any taxation. Attracted by that, many are going up over the border. Many more will most assuredly go unless those Western States shall adopt a similar policy of exempting improvements from taxation.

Some say the farmers would object to this single tax. But have we not seen in the newspapers how the Canadian farmers from the west went to the Dominion Parliament and asked for the adoption of the reciprocity treaty with us? They offered to make up any loss of revenue by submitting to a tax upon land values. They believed that they would get benefits from even that small measure of free trade with the United States, and were willing to pay for such benefit by accepting a tax upon ground values—on the ground values alone, of course, less all improvement value. Certainly, this is an answer to any who say that the farmers of this country would never bear such taxation. For, let me repeat, this tax is upon land values and those values exclusively—ground values. When you come to consider the values in a farm you find that they are largely betterments—improvements the farmer's labor has wrought. Exempting them, the value that remains to be taxed is very much shrunk up. Moreover, speculative value in the land would lessen. Indeed, speculative value would disappear with heavy taxation of land values.

THE BRITISH BUDGET FIGHT.

But it is to Great Britain that we must turn for the most extraordinary instance of advancement along this line. The budget fight, of which the world has heard, was nothing but a fight with landlords over a tax upon land values. The Right Hon. Lloyd George, chancellor of the exchequer, framed the budget and led the fight. He is, I believe, the most wonderful politician in the world. He rose from the ranks. He came from the Welsh Hills, ate of the bitter bread of poverty, practiced humbly as a lawyer, and then reached Parliament. He came face to face with all the great social and political problems of his day. None were more difficult than the taxation problem. The Conservative, or landlord, party was proposing to revive protectionism in the United Kingdom and so make privilege more secure. George struck at this with a land tax. He brought in a budget in most respects just like other budgets of many years running in its main features. His budget contained a slight difference. It was a little bit of an item—a tax to fall on land values. The tax was divided into two parts: A part was to fall upon the value of land at the time of its sale; the other part was to be an annual charge upon land.

At the time of presenting his budget to Parliament, Lloyd George explained that, preceding the laying of the tax, there would have to be a revaluation of the land of the United Kingdom; that some of the valuable land of the realm had not been valued since the time when the Stuarts were kings; and that there was some land that yet stood valued as it was in the days when the Norman William crossed the channel and took the crown from the Saxon Harold.

The matter of valuing the land was not to be done by public officials, as is our common practice. Under the budget it was to be done by the landlords themselves. They were to be invited to make out schedules, and upon these schedules the tax would be imposed.

Imagine any proposition of that sort in this country! Imagine the great trusts of this country, at whose core is the most valuable land, coming to the tax office and making their own valuation for public taxation! And yet Lloyd George invited the British landlords to do just this.

And upon a valuation so derived he proposed in the first instance to lay a tax. How much of a tax do you suppose? Why, one-fifth of 1 per cent. One-fifth of 1 per cent! Why should there be any hullabaloo about that? One-fifth of 1 per cent! The landowners of New York City paid more than 2 per cent on their land values this year. They paid more than ten times the amount the British landlords were under the Lloyd George budget asked to pay.

Mr. SIMS. Was it not also proposed to take for the Government, in the way of a tax, a part of a sum called a fine on the renewal of an expired lease or upon the making of a new lease of real estate?

Mr. GEORGE. I am coming to that. There was the other part of the budget proposition. The Government proposed to take note of the valuation any owner should make for taxation purposes, and again when the land should be sold—six months, a year, five years, or whenever afterwards. Should the value at the sale show any increase over the value made for taxation purposes, the Government was to treat it as an "unearned increment"—that is, as unearned by the landlord. Of this "unearned increment" the Government was to take 20 per cent.

As for the amount of revenue to be raised under this tax on land values, it was preposterously small. It actually called for only £500,000 on one estimate and £600,000 on another. This amounts to $3,000,000 of our money. What would we say to a Federal tax that was going to raise $3,000,000 of our money? Why, $3,000,000 would not pay a third or a fourth part of one of the super-Dreadnought killing machines that we think we have to add to our Navy, in these days of profound peace. Why, Mr. Astor, the gentleman who expatriated himself and went over to England to become a British subject, could have paid out of his Manhattan Island rents which he still exacted that amount of money and not thought of it. He had just bought an old castle—I do not know what date it goes back to—and he was fixing it up and refurnishing it. He will, first and last, spend several times $3,000,000 and not think of it. The Duke of Westminster, the Duke of Bedford, or any other of the half dozen of the great London landlords could have paid that $3,000,000, or £600,000, and not been hurt one bit; indeed, scarcely noticed the amount.

THIN EDGE OF THE WEDGE.

Why, then, all the opposition we have read of? Because the lords perceived in this small tax the thin edge of the wedge. A small tax rate this year; but with a valuation made, the tax might be heavy next year and heavier the year after.

Besides, the chancellor of the exchequer had in public speeches invited municipalities to consider whether they would not like to take this imperial land valuation as a basis for a little local revenue raising; knowing, as all the Kingdom knew, that London, Glasgow, Dublin, and a hundred other of the chief cities and local governing centers had petitioned Parliament for just such permission.

What wonder, then, that the lords rose up and howled. They called Lloyd George a thief. Worse than that—listen, you lawyers, in this House—they called him an attorney! If there are any Welshmen here, beware! for when their wrath broke all bounds they called him a "Welshman!"

And of the Liberal Party the lords cried:

They are pulling down the pillars of the State. They are destroying the British constitution. They are dragging to the grave the greatest nation on earth.

Let me tell you, gentlemen, Lloyd George and his progressive party were pulling down coroneted landlordism. The tax was small, but British privilege knew its import. The tax was small then, but it is going to be increased, not only as an imperial tax, but Lloyd George has since been making speeches inviting the municipalities to consider the Imperial Government valuation of land as a tax basis for local revenues.

So here we have the way made clear to us. The great people from whom our institutions have come, from whose loins the body of our people originally sprang, have fought down any

proposal to return to protectionism; they have reduced income taxation, and in furious political conflict they have laid the foundations for taxing land monopoly. And in all this the English, Irish, Scotch, and Welsh radicals have stood together as never before in the politics of the United Kingdom.

Great Britain has much freedom of trade. They do not tax imports that compete with things produced in Great Britain. They do tax some of the things not produced there, but purely for revenue purposes. These taxes may go before a great while. The land-values tax is small now, but it is likely to grow fast because of those who oppose it—the landed aristocracy.

Why should we not apply this taxation principle to this country? Why should we not go to land values for all our revenues? We get part there; why not all? Abolish the tariff and other taxes on production and increase our present taxation on land values. If the older countries find it good, if the newer parts of the world, Australia and Canada, find it good, why should not this country find it good?

Is there in any part of the world a greater, more damaging, more damning kind of land monopoly than there is in this country? Can you find in any part of the world landlords who are so great, so mighty, as they are in this country of ours? Where will you find, among the peerage of Europe, dukes or earls or counts or viscounts so powerful from their landed possessions as are simple citizens in our country?

A steel trust has vast possessions. Those possessions form the very core of its monopoly. An oil trust has great landed possessions—vast possessions, of which it chooses to use only a small part, shutting all the rest off from use by anybody. You will find the roots of most of the trusts down in land monopoly. Why not apply the single tax? All the revenue raised in this country—our Federal revenue, our State revenue, our local revenue—amounts in round numbers to $2,000,000,000 a year. The ground-rent roll of the country probably approximates four thousand millions, so that there is an ample source of revenue for all revenue needs.

Mr. NEEDHAM. Will the gentleman there allow an interruption?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from California?

Mr. GEORGE. Yes.

Mr. NEEDHAM. It may interest the gentleman to know that the irrigation district in which I live in California has within the past two weeks, by popular vote, voted to exempt the irrigation improvements from all taxation in the State of California.

Mr. GEORGE. I congratulate the State of California.

Land monopolies such as were scarcely seen before; land monopolies such as find example only, if there be any comparison whatever, in the ancient times, in the imperial days of Rome, exist here. The great Warwick, the kingmaker, could go to Parliament with 600 liveried men. But a simple citizen, a Carnegie or any one of a large number that any of us might name, could, if he chose, have not 600 but 6,000—we might say, in some instances, 60,000—retainers, should he choose to go abroad in such a style.

Whence comes all this? Primarily from ownership of the soil. That is the very essence of these monopoly fortunes. Given a condition where the few own the soil that all the others living there must use for their subsistence, then the few are the masters of the many.

Mr. SHERLEY. Mr. Chairman, will the gentleman permit an inquiry?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Kentucky?

Mr. GEORGE. Yes.

Mr. SHERLEY. The gentleman has alluded to Mr. Carnegie. Does he think he is accurate in giving the impression that Mr. Carnegie's fortune came as the result of the ownership of land?

Mr. GEORGE. Yes, I do; mainly.

Mr. SHERLEY. I would like to have the gentleman amplify that statement.

Mr. GEORGE. Mr. Carnegie was born in Scotland. He came to this country and worked as a boy in a cotton mill in Allegheny City, Pa. Then he worked as a telegraph operator in Pittsburg, across the river; then as an employee of the Pennsylvania Railroad, later as its Pittsburg superintendent, and from that position with the Pennsylvania Railroad to back him, he stepped out into the manufacture of iron and steel. What did he know about iron and steel? He could not make a ton of iron or steel. But he had two things: He had associated with him a genius who could make iron and steel, and he had the Pennsylvania Railroad behind him, with the same kind of secret contracts or understandings that Rockefeller had about that time with the railroads for the carriage of oil. Carnegie not only had orders for rails, wheels, bridges, and other structural iron and steel, but he had special rates for the carriage of finished and unfinished products to and from mines and mills. By reason of these rates he was enabled to underbid all competitors.

Much of this is told by Mr. Carnegie himself in his brief biographical sketch. But in his most recent book, Problems of To-day, he describes in exact terms and with precise instances the greatest factor in the production of the great combinations and great individual fortunes. He says it lies in the monopoly of land.

It was by holding a monopoly of the Connellsville coal fields, the best coking coal in the world, and subsequently by possession of practically all the best or most available iron and steel ore in the country that the United States Steel Corporation received material advantage over all competitors, sufficient, at any rate, to force a gentlemen's agreement with competitors here, while the tariff shut off competition from without.

Mr. SHERLEY. If the gentleman will permit, I am not in any sense defending, even by questions, the method by which Mr. Carnegie obtained his fortune. Neither am I criticizing it. The gentleman's statement did not seem to me to indicate wherein in any accurate use of the word "land" Mr. Carnegie's fortune was dependent upon it. I would like to have the gentleman define just what he means by "land."

Mr. GEORGE. By "land" I do not mean mills, I do not mean railroad tracks, I do not mean anything made by labor. By "land" I mean the superficies of the earth. By "land" I mean the thing on which we stand, from which we came, to which we return.

Mr. SHERLEY. Let us define the definition, because the very question of what is meant by land, to my mind, is the crux of the whole proposition upon which the gentleman builds his superstructure of land values and land taxation. He says he means that which, if I may paraphrase his language, is the gift of nature and not the result of man's handiwork. Does he consider iron ore when it comes out of the land to be land within the meaning of his definition?

Mr. GEORGE. No; I do not.

Mr. SHERLEY. Then, to the extent that the general ownership of iron ore produced the fortune, it did not relate to land?

Mr. GEORGE. I call land that which nature offers to man before man has put his hand to it.

Mr. SHERLEY. In that sense, there is practically nothing; there is no value at all until he puts his hand to it.

Mr. GEORGE. I can have a vacant lot here in Washington, and it may lie just as it was at the time the Indians—if there were ever Indians here—occupied it. I can sell it for a price. Yet not a stick or a stone has been touched upon it.

Mr. SHERLEY. Yes; it has a potential value.

Mr. GEORGE. It has an actual value, for value proceeds not only from labor, but also from a power to exact labor.

Now, Mr. Chairman, observe the Coal Trust. I do not believe that any amount of regulation, any amount of examination into financial accounts, any amount of acts here in Congress for the reorganization, if you please, of the Coal Trust will do any lasting good. You pass regulations and set up regulators, and then you have got to have somebody regulate the regulators. [Laughter.] The only way to hit a combination like the Coal Trust is to hit the monopoly principle underlying it.

THE ANTHRACITE COAL TRUST.

Take the Anthracite Coal Trust in Pennsylvania. It possesses practically all of the hard-coal land of that State. Nature has put into eastern Pennsylvania a great deposit of hard coal. It has been the business of the anthracite railroad companies, beginning with the Reading Railroad years ago, to get possession of these deposits by purchase, by long lease, and by contract for the carriage of the coal. These railroads acting together have in these ways got control of the hard coal of all eastern Pennsylvania. The purpose has not been to mine coal. It has been, rather, not to mine coal. Its purpose has been to limit the output and to force up the price of coal. Its purpose has been to work only a part of its land and only a small part, and to let the remainder lie idle, as though it did not exist, and to keep others from the use of it. Why could they do that? There was no tax upon it, no penalty on their doing it. The law does not discourage it; nor does even public opinion. People do not realize that it could and should be stopped; that it could be absolutely destroyed by the simple process of taxation. The law of Pennsylvania requires a tax on the market value of that land. The actual practice is not to assess at the market value, which would be as valuable mineral land. The practice is to assess it as inferior agricultural land. Then, the tax upon that preposterously low valuation is very small, so

that these great coal barons go practically without taxation upon their holdings.

But if we were to make an absolute market value and put that upon the tax books, and then increase the tax upon that valuation, you would see whether the Anthracite Trust could hold its lands idle or keep the price of its coal high. Its purpose then would not be to make a scarcity in output in order to put up prices and keep down the wages of labor by limiting opportunities for employment. A heavy tax upon the real *market value* of these lands would compel their use. Their use would mean more demand for labor. The price of labor would go up in the hard-coal regions. Because of the larger output of coal, the price of coal would go down. The consumers of coal in the United States would get cheaper coal. The laborers in the coal regions would have higher wages, shorter hours, and God knows their little boys would not have to work in the breakers or their little girls go into the silk mills to help get the family subsistence. [Applause.]

Mr. HAMILTON of Michigan. I wish to ask the gentleman a question simply for information. I am very much interested in his statement. The method of taxation which the gentleman is expounding so very ably would result in what is known as expropriation eventually, would it not, of the coal lands? That is to say, the title of the coal lands would pass to the State, would it not?

Mr. GEORGE. No, sir.

Mr. HAMILTON of Michigan. Probably.

Mr. GEORGE. No, sir. I should not say "expropriation" was the right word. The word of opprobrium that is usually applied is "confiscation."

Mr. HAMILTON of Michigan. I was using the other word; but would it not result probably in the acquirement of the title to the coal lands by the State?

Mr. GEORGE. No, sir.

Mr. HAMILTON of Michigan. You think that the corporations would be able to continue to pay the tax and to sell the coal?

Mr. GEORGE. Yes; the whole policy would be to use land, not to hold it out of use. Instead of high prices and small sales of the mined coal, there would be large sales at low prices.

Mr. FOCHT. Will the gentleman permit an inquiry?

Mr. GEORGE. Yes.

Mr. FOCHT. I will ask the gentleman two questions. The assertion was made by the gentleman from New York that under some changed conditions the boys would not be allowed to work in the breakers of Pennsylvania. Is the gentleman not aware of the statute there that prohibits boys from working in the breakers?

Second, with reference to the labor problem, does not the gentleman know that in the mining section there is a perfectly satisfactory agreement between the United Mine Workers of America and the producers of coal?

Mr. GEORGE. No; I do not know either one. I do not mean to say that the law would have to forbid young children from working. As a matter of fact, the law does, not only in Pennsylvania, but in California, in New York, in the South, and all over the United States. It forbids children under a certain age from working at all, but their parents, driven by poverty, have to lie about their children's ages. [Applause on the Democratic side.] Now, what was the second question?

Mr. FOCHT. Is there not a satisfactory agreement between the United Mine Workers and the coal producers?

Mr. GEORGE. The gentleman asks me if I am not aware that there is a satisfactory relation between the United Mine Workers and the mine owners of Pennsylvania. I know that it is satisfactory in a state of war. I do not deny that. I am not talking about that. I am talking about a condition where men do not have to join labor organizations in order to get even a small measure of social justice. [Applause.] I stand for unions. I am the son of a trade-unionist. I went to the printer's trade myself. If I were working at a trade, I should certainly be an active trade-unionist; but I do not consider that a natural condition. It is an unnatural condition. It is a condition where men who have nothing but their labor to sell must band themselves together into an organization, offensive and defensive, to make the best terms of sale they can in respect to price, to time, and the like. [Applause.] I do not regard that as natural. I regard it as unnatural. That is the kind of arrangement that has to be made by men in a state of industrial warfare. The condition I am talking about is of men in a state of freedom; where every man can look every other man in the eye as a free man.

Mr. SHERLEY. Now, if the gentleman will permit, assuming the correctness of his statement, that a tax of this kind would result in the lowering of the price of coal because of the necessity to mine and sell it, does the gentleman also think that such a tax would help conservation of the natural resources?

Mr. GEORGE. Mr. Chairman, I do not care anything about this conservation of natural resources if I am permitted to apply the single tax. If you are asking me what I should do toward the conservation end, I answer that I should not bother about it, for that tax would take care of it. What do the conservationists want to do—keep the public lands out of the hands of monopolists and speculators? Well, if you hit land monopoly with taxation, no man will want to own land simply for monopoly's sake. Monopoly's profit would be gone. The single tax would tax land monopoly to death in the United States. Any value attaching to land would be taken into the Public Treasury and used by all. Therefore there would be no advantage in getting hold of farming land or mineral land or timber land or urban or suburban land unless the man so acquiring wanted to use it. If he simply wanted to get it to be a monopolist or a speculator, he would have no advantage, since that value would be taken into the Public Treasury.

Mr. SHERLEY. Does the gentleman consider that there is any difference in principle as to the view that the Government should assume toward private property that consists of land and private property that consists of things other than land; and, if so, what is the basis for it?

Mr. GEORGE. Yes; a very great difference; for who made this world? God Almighty. And for whom did he make it? For all men, without any distinction whatsoever; and if anything in man's laws belies that everlasting truth, it must in the end go down. But as to other things—this building, a newspaper, a book, glass, iron, things that we see here about us, or any similar things outside—they have come from man's exertion. Their title springs originally from labor. I see a vast difference, for instance, in property in the ocean and in property in the fish taken by labor out of the ocean.

Mr. SHERLEY. Very well, but can the gentleman state any condition of land ownership that does not have a value as the result of man's labor?

Mr. GEORGE. Does the gentleman mean the owner's labor only?

Mr. SHERLEY. Oh, we are not discussing the labor of the owner. We are discussing man's labor. The gentleman undertakes to make the distinction between those things that are the gift of God and those things that are the result of man's labor. Now, it is a perfectly proper distinction if it exists, but if it is applied artificially to things, then the whole fabric based upon it must fall.

Mr. GEORGE. I said that that value should be taken into the Public Treasury which was the consequence of social growth, meaning increase of population; and of social improvement, meaning the laying out of streets, the putting in of grades and bridges, the erection of public buildings, the watering, sewering, lighting, heating, the providing of transportation for the city, and matters of that sort. This value comes from the exertion of the community and the increase in numbers of the community. It is a public value, and should be so considered and be publicly taken.

Mr. SHERLEY. If the gentleman will permit me, I am not quarreling with that statement, that so far as an unearned increment is concerned it belongs more to the community than to the individual who is the fortunate possessor of it; but the proposition the gentleman announced in answer to my question was that he differentiated between private land ownership and private ownership of other property, and when I asked him why, he said because he considered land to be the gift of God and private property to be the act of man's labor. When I asked him to further evolve that he brings me back to the proposition of unearned increment.

Now, the whole meat of the gentleman's position, as it was of his father's book—one of the most interesting and epoch-making books ever written—was that very question. It is the crux of the whole proposition, whether land, as he uses the word "land," represents something that belongs to the community at large any more than the other property.

Mr. GEORGE. Yes; the land was made by God, and the value that attaches to it may be quite apart from the owner's labor. The owner may do nothing. Any value that attaches to that particular piece of land is a public value. To illustrate: Here you have in the center of Washington a lot, a vacant piece of property. It has nothing whatever upon it. It has never been improved in any way. Yet it has a selling value and will increase in price. Who made that value? Surely not the labor of the man owning the land. He did not turn a hand. He might have gone into the mountains as did Rip Van Winkle and slept for 20 years, and returning, found a value in his

land that he had nothing to do with making. Why should not such value be taken as a public value? I certainly separate it from any value that might be put upon that land in the way of a house or a machine; whether it be a well dug there or a shaft sunk here or a building erected. Such value perfectly clearly is a private value and belongs to labor.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. UNDERWOOD. Mr. Chairman, I yield to the gentleman a half an hour additional.

The CHAIRMAN. The gentleman from New York is recognized for 30 minutes longer.

Mr. GEORGE. Mr. Chairman, this land-value tax meets as no other kind of a tax does the four canons of taxation. First of all, as laid down by Adam Smith, the father of political economy, in his Wealth of Nations, it is the most equal kind of a tax.

Mr. HAMILTON of Michigan. Just a moment. A little while ago I wanted to ask the gentleman a question. We have traveled some little distance from the inquiry which I desired to make, but I fancy it is still pertinent, and I would be glad to have the gentleman explain to us a phase of the question he is discussing. He stated that by the operation of the method of taxation which he is advocating monopoly would be destroyed, a monopoly of coal holdings, for illustration. I want to know where the title of the property would go when the monopoly is destroyed by this method of taxation.

Mr. GEORGE. Gentlemen, I do not know whether you heard the question. The gentleman asked where the title of the land would go if we were to apply the single tax in full.

Mr. HAMILTON of Michigan. Yes; under the gentleman's theory.

Mr. GEORGE. Exempting all other taxes and applying a single tax, in other words, the title of the land would stay where it is. We do not propose to change titles.

Mr. HAMILTON of Michigan. That is, it would stay in the company?

Mr. GEORGE. It would stay in the company or individual, or whoever now calls himself owner. He would still be the owner, but——

Mr. HAMILTON of Michigan. But he is killed——

Mr. GEORGE (continuing). Only subject to a large tax instead of a small tax.

Mr. HAMILTON of Michigan. But he is killed; you have stated you have killed him.

Mr. GEORGE. We have killed monopoly's powers by taxing the value of land used and of land that is not used. You force the land into use. The power of monopoly is the power to hold land out of use.

Mr. HAMILTON of Michigan. But could not the monopoly, having to pay the increased tax, charge the increased tax upon the consumer?

Mr. GEORGE. I invite the gentleman to consider the political economists. This is one thing in political economy that is not in dispute.

Mr. HAMILTON of Michigan. Might he not undertake to do that, as he does it now in coal properties?

Mr. GEORGE. No, sir. When you put a tax on production, you limit production. Men will not produce unless they can get compensation for the tax. They add the tax to the price of the product, and thereby they get recompensed for the tax. But not so when you tax land values.

Mr. HAMILTON of Michigan. But suppose you have an actual monopoly, a natural monopoly?

Mr. GEORGE. I will answer it; wait a minute. By putting a tax on land values you do not lessen the amount of land. You can not lessen it by one grain. It is just the same in amount. But you will increase the available quantity. You will force land into use that has been kept out of use by speculation. This will put down the price of land, instead of putting it up.

Mr. HAMILTON of Michigan. Precisely. Now, if I understand the gentleman, this coal monopoly which he is discussing is a monopoly which controls coal lands and is lying dormant so far as the actual mining of a part of its lands is concerned. It is proposed, then, to tax it so as to compel it to dig all of its coal as rapidly as possible and put it upon the market, so as to be able to pay the increased tax, and that, failing to do this, the monopoly must die. But the gentleman denies the monopoly would actually die so far as the actual mining of coal is concerned. Am I right that it would have to be more active and mine more coal?

Mr. GEORGE. Or else give the land up?

Mr. HAMILTON of Michigan. Or else give the land up.

Mr. GEORGE. If the trust shall itself use the land it is now holding shut up, then it practically becomes broken as a trust, because the feature of monopoly has gone, the essential part of which is to withhold from use the natural resources and thereby make a higher price for the product from such parts as are used.

Mr. HAMILTON of Michigan. If the gentleman will pardon me just a moment. Suppose the gentleman's theory, then, is correct, and the public refuses to pay the increased price of coal which the corporation has been obliged to impose in order to pay the increased tax, and then the monopoly is unable to pay the tax, does not the monopoly then lose its coal property, and does it not, then, go to the State?

Mr. GEORGE. No, sir. If the land contains valuable coal, and the trust will not pay the tax, then somebody will take the land who will. Valuable land does not run around without an owner. Somebody will use it. If the Coal Trust will not use that land, somebody else will, subject to the tax.

Mr. HAMILTON of Michigan. The grantee himself takes it at the same rate as the original owner, does he?

Mr. GEORGE. If the owner does not want to use the land and yet, because the tax is too heavy he can not afford to hold it idle, he will sell it for whatever he can get, subject to the tax by the State. I am not proposing to change titles. I am not a Socialist. I do not propose to put land into the hands of the Government. I do not propose Government management of land. I propose the plain application of the Thomas Jefferson principle of the least possible government. I propose to tax out speculators and monopolists and to throw land open to private initiative.

Mr. RAKER. In answer to the question just propounded to the gentleman from New York, suppose the taxes were so high the man could not pay them; is it your idea, then, that this land should eventually go back to the State, and then as the people wanted it the State would sell it back to some one who desired to put it into actual use?

Mr. GEORGE. No, sir. If a landowner did not pay the tax, he would get sold out for taxes. Whoever bought would buy, subject to taxation.

Mr. RAKER. You do not quite get my question. Suppose the tax is so high that the man who owns the land can not pay it. Somebody else must take the land, must he not?

Mr. GEORGE. The owner simply lets go if he does not pay his tax.

Mr. RAKER. Who will get the title to the land when it is sold for taxes? The State will get it, will it not?

Mr. GEORGE. No; the buyer. Somebody will buy it if it has any value at all.

Mr. RAKER. I will make myself clear on the matter.

Mr. GEORGE. Let me make myself clear. I did not intend in this speech to go into these details, but it appears that I have got to go into some of them. The application of a single tax should not be a hundred per cent application. It should fall short just enough to leave enough value in the land untaxed to make a basis for sales. This basis for sales will become the market basis for valuation and taxation. Now, if a man, we will say, who is a speculator, a monopolist, or who is "land poor" can not or will not pay the tax imposed, he will have his land sold for taxes and he will lose it.

Mr. RAKER. Now, right there. Here is the point——

Mr. GEORGE. The land will go into the hands of a new man. That man will have to pay the tax. If the value of the land should fall, then the tax would correspondingly diminish. If the value should disappear, then there would be nothing to tax, and the owner would hold his land subject to no tax whatever. The hope of speculation gone, it is probable that there would be an abundance of free land open to whoever might wish to use it. Instead of having to go away out to the remote fastnesses of our mountains to find free land, we could then find free land accessible to our city populations, and some part of the people going out upon it, city congestion would be relieved.

Mr. RAKER. Now, for instance, in the State of California, all the public sales under taxation are to the State. There are no private sales in the first instance.

Mr. GEORGE. That is the Torrens system?

Mr. RAKER. Yes. Now, the point I wanted an answer to was this: When these sales are made to the State in the first instance, is it your intent and purpose, under this single-tax system, that the State then, in turn, after it gets the title, would sell it out to the public at the best price it could get for the man who wants to take it and actually use it?

Mr. GEORGE. The gentleman is asking me how the single tax would apply under the Torrens system. This Torrens system is an introduction from Australia or New Zealand, I have forgotten which. By it the government—in this instance Cali-

fornia—at a transfer guarantees the title. That is to say, in the transfer of land, the title must go through the hands of the government, which thereby guarantees the title. The application of the single tax would not change this. The present small tax on land values does not affect it. Why should a large tax? All I am proposing with respect to land is to increase the amount of the tax—now existing—now imposed on the ground, or what is at times called the "site" value of land.

Mr. CAMPBELL. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Kansas?

Mr. GEORGE. Yes, sir.

Mr. CAMPBELL. The gentleman from New York would break up the coal monopoly by taxing the land it owns in its mining enterprise. Suppose, instead of owning the land, it took a lease upon the land of other people, or of several other people, what effect would taxing the land have upon the monopoly in that instance?

Mr. GEORGE. It would fall upon the owner; and in the leasing of land, the man who took the land would take it subject to the taxation condition. I think that it is a very simple matter.

Mr. CAMPBELL. But there are several owners in this instance, and the mining corporation simply owns the personal property, which is not taxed at all.

Mr. GEORGE. The mining corporation, like any individual, should not be taxed on its personal property; as to the land, it should pay on its market, its real selling value. Idle land it would sell off; get rid of. It could not afford to pay taxes on valuable idle land.

Mr. CAMPBELL. I am talking about leasing the land, and not owning land at all by the company.

Mr. HARDY. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Texas?

Mr. GEORGE. Yes.

Mr. HARDY. I did not want to interrupt the gentleman, but I am interested very much in the gentleman's observations, and the purpose of the gentleman is, I think, exactly the purpose I would have in legislation. But what I want to ask is this question: We understand there is a vast carrying occupation in this country. All our coast-line vessels are engaged in transportation. Our railroads likewise are engaged in transportation. Now, I would like to know what solution there is in the gentleman's theory as to a monopoly of transportation, particularly on the ocean. What shipping line has to-day such a monopoly?

GOVERNMENT OWNERSHIP OF RAILROADS.

Mr. GEORGE. In the first place, the railroads have the most valuable kind of land. The terminals have a very great value. Besides, most railroads, especially the western railroads, have very valuable lands: Ore beds, oil deposits, timber tracts, water rights, agricultural lands, lands in and about cities. The taxation of land values would fall upon that. But as to railroads, I would go further, and this is beyond this taxation question. I would treat them as public highways. I think there is no getting away from doing that. The railroads must be taken into public hands as public highways, along with telegraphs and telephones and every function of a public highway. We must have them in our civilization. Yet it is impossible to have permanent competition in respect to them. Some individuals, getting the privilege to the exclusion of others to engage in the transportation business, will thereby get a serious advantage over others in the community. It therefore becomes a legitimate function of the State to perform.

Mr. RAKER. Mr. Chairman, would the gentleman yield to me for one question?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from California?

Mr. GEORGE. Yes; for a moment.

Mr. HARDY. Mr. Chairman, I do not think the gentleman answered my question as to monopoly and water transportation. For instance, across the water the shipping company does not own the wharf, but the Government has made vast improvements in order to have a port. Now, there is a company organized that monopolizes the transportation from New York to Liverpool. Its property is all on the water. How would the gentleman's land tax affect that?

Mr. GEORGE. It would not affect it directly, assuming that the company itself owned no land; for instance, no wharf or warehouse privilege. But there would be a very material indirect effect. Removing taxation from steamships and steamship building would tend to beget competition. Opening idle lands of every kind to production would increase demand for such shipping competition, and then beyond this, changing railroads from private administration to public administration would be of the greatest stimulus to competition; for now the railroads feed traffic to particular ocean carriers which they control.

Mr. GRAHAM. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Illinois?

Mr. GEORGE. Yes; in a moment. To repeat to the gentleman from Texas, by taxing land values you would throw open the bounties of nature to all labor and increase the productive power of the country to such an extent as has never been witnessed in the United States. This would make a demand for vastly greater capacity for ocean carriage and feed competition.

Mr. GRAHAM. Mr. Chairman, in my State, in my section of it, hundreds of thousands of acres of coal rights have been bought up by combinations of capital, and much of the coal can not possibly be taken out, perhaps, for generations yet to come. On the other hand, some of that coal is being taken out from time to time.

Now, the two estates in land are separable and are separated, the farmer owning the surface and all but the coal, which he has conveyed to the grantee. Is the grantee's estate there land, as you understand it, or not?

Mr. GEORGE. I should say that the whole earth is land, whether it be the surface or underneath, or altogether.

Mr. GRAHAM. Would you tax the coal right to the person or combination of persons who owned it?

Mr. GEORGE. I should.

Mr. GRAHAM. And so heavily that they could not afford to retain possession of it?

Mr. GEORGE. On its market value.

Mr. GRAHAM. Well, they could not possibly use it for many years to come.

Mr. GEORGE. Very well.

Mr. GRAHAM. How would you make a distinction in that particular acreage from which they were then removing the coal from the other acreage from which they could not remove the coal for a long time?

Mr. GEORGE. You are asking me whether I should tax land that is at a disadvantage in production. I should, but not at the value of land having more advantage. That is, I should be governed by the one thing by which men are governed now, namely, the market price. If coal is actually underlying certain lands, but for one reason or another that coal can not be got out and mined, that land would have a distinctly low price in the market; whereas other land no richer in mineral, but more getatable, would have a high market price. I should assess the one kind of land low, the other high. I should place each piece of land on the tax list at its market value, and then tax that value.

Mr. GRAHAM. I realize that this point and many other points made by objectors or questioners are matters of detail and do not affect the general soundness of your theory, but in the case I mention what would your application of the theory be? Would you tax the coal which would not be mined for many years to come so heavily that those who have possessed themselves of hundreds of thousands of acres of it could not hold it?

Mr. GEORGE. I should if the assessment were based on the market price. I should discover what such lands would sell for. That is easily obtainable. To find just what that is is the business of people who buy and sell land, whether it be coal land, iron land, copper land, salt or other mineral land, farming land, urban or suburban land. Finding the market price, I should tax only that.

Mr. RAKER. I understand your application would be this: For instance, a man owned a good deal of coal land. You would tax it to the extent that he had to use it to make a profit out of it, and if he did not do that the land would be sold.

Mr. GEORGE. I would not pay any attention to whether he used it or not. I would tax it on its value. It is the owner's business to pay the tax and keep the land out of use or to use it.

Mr. RAKER. How would you make this application? That is a vital matter to our part of the country——

Mr. GEORGE. Let me finish my answer. My belief is that a man who pays a heavy tax upon idle land would very rapidly discover that too much of a burden. He would use the land or get rid of it.

Mr. RAKER. How would you make the application to timberland?

Mr. GEORGE. I would put timberland on the tax roll for the price that it would sell for. If it has good trees on it it would sell for such and such a price; if poor trees, a less price.

Do not men every day buy and sell timberlands? Take that price and tax the land on that.

Mr. RAKER. The owner can use but little of it as he goes along.

Mr. GEORGE. It does not matter whether he can use little or much. If he wants to monopolize it, he must pay the price. The price is the market price. Tax that.

THE CANONS OF TAXATION.

Now, Mr. Chairman, I have been very much interrupted, and I want to make just a few connected observations before I close. I want to explain that I believe that this single tax would meet better than any other form of taxation the four canons of taxation. It is the most equal tax. It falls upon men according to the natural bounties they have in their possession. The man who has little pays little. The man who has much pays much, so that it is the most equal kind of a tax.

Then it is certain. It is not intermittent and wavering. It falls regularly, so that all dependent matters can be arranged accordingly.

In the next place, it is direct. It can not be shifted. It stays where it falls. There can be no addition of this tax to the value of the land. The landowners are getting as much as they can get now. They are not waiting for taxation to put up the price of their land. On the contrary, any proposal to put a tax on values immediately causes a discouragement on the part of some owners who have idle lands, and the tendency is for the price of land to go down. This tax can be seen. It is not the kind of a tax that falls and no man knoweth how much or where. There lies the land and there lies the value and there falls the tax.

And then it is the most economical tax in its incidence. It lays no burden beyond the revenue received from it.

Mr. GRAHAM. It is cheaper in the collection.

Mr. GEORGE. As the gentleman from Illinois says, it is cheaper in the collection. This tax is not like a tariff tax. That falls upon things coming into the country. To the extent of the tax and the volume of the things so imported is the revenue that goes into the Public Treasury. But the tax on imports enables an increase in the price of similar commodities made in this country. There is not a cent of revenue from this home production. In the case of the tax on land values, the more the tax the less the speculation, and, therefore, the lower the price of land. So that in application, it is the most economical of all taxes.

THE GREAT INDUSTRIAL QUESTIONS.

But, Mr. Chairman, I do not stop with the canons of taxation; for that, after all is said, is a fiscal question. I want to direct attention further. It relates to the great industrial questions of our country. This land tax does not mean merely a better way of raising revenue, a more economical way, a more direct way, a more just way. It means far more than that. It means the opening to the use of labor and capital the vast quantities of land now shut off by speculation.

There is no real scarcity of land anywhere. There is no scarcity even in the city of New York with its great population. With all its great tenements, with all its swarming humanity—and within certain blocks there are four and five thousand beings—I say that with all that congestion, the most concentrated population on the globe, it has been computed that there is land enough inside the corporate limits of the city to give to every head of family from one-eighth to one-quarter of an acre of good ground. I am not proposing to divide the land. I am explaining that there is no such thing as a scarcity of land there. There is land enough, but most of it is held out of use. Great areas are vacant on the outskirts, and you can go along Broadway and Fifth Avenue, the greatest and proudest of thoroughfares on the whole hemisphere, and find vacant lots, and one and two story shacks and shanties where there ought to be imperial buildings.

Why is this? Because the penalty of holding land out of use is so slight that men can pay the small tax and yet, owing to social growth and social improvement, and the consequent increase in value, realize handsome profits by the speculation. Some men acquire fortunes in a short time by simply getting hold of a piece of land, sitting down, and letting society do the rest.

This is so in every State; it is so in every village, town, and hamlet of our country. It is so throughout the agricultural regions, it is so throughout the mineral and timber regions. There is plenty of land, but few owners. Apply this tax and you tax out the speculators, you tax in the users, you produce a new order in the United States.

We, of all the peoples of the world, ought to be the most advanced. We have drawn from the nations of the earth their best in brawn, their best in heart and hope; not the old, not the diseased, but the young, plastic with youth, ready to mold themselves into our conditions. They have poured in, as to the land of promise, their many bloods and produced the richest mingling that ever gave the life fluid to a new country. Soon we shall number a hundred millions, scattered over a vast territory more varied in soils and climate than has ever before been the heritage of a nation, welded into a homogeneous whole, with one language, one body of institutions, one code of laws, one democratic form of government. We ought to be the greatest people, because we have the greatest possible opportunities. But what are we doing to rise to these opportunities? We have instituted a condition by which a few own the country. A few here, a few there, practically control villages, towns, cities, counties, and almost whole States. We have a landlordism greater than anything conceived in Great Britain or Germany or in the Orient. We have the greatest landlords that have ever been seen. Should we meet this condition, should we apply taxation to land values so as to break down land monopoly and throw open the soil of our country to our fast-growing population, a prosperity will come such as will dumbfound mankind and give to America the glory of carrying civilization to a point higher than ever reached in the destinies of the race. [Applause.]

Mr. PAYNE. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. FOCHT].

Mr. FOCHT. Mr. Chairman, I wish first to express the pleasure with which we have all listened to the exposition of the single-tax system by the distinguished gentleman from New York [Mr. GEORGE], and I might add with what profit we have all listened to the discussion of the question with respect to the tariff or no tariff on wool, and on previous days with what enlightenment and illumination the people of the country received the speeches on reciprocity, for and against. As a slight indication, Mr. Chairman, however, as to what the great commercial world is thinking of the assembling of this body and its work to this time, with the permission of the House I will read a letter I received to-day from B. W. Arny & Son, manufacturers of oak leather belting, Trenton Avenue and Somerset Street, Philadelphia. It is as follows:

JUNE 8, 1911.

Hon. BENJAMIN K. FOCHT, *Washington, D. C.:*

We thank you for your consideration in sending us a copy of your speech concerning the extension of American commerce through the facilities offered by the Department of State, and we have read this address with considerable interest, believing that these facilities thus freely offered should contribute much to the extension of our foreign commerce. Permit us, however, in connection with this subject of commerce to suggest that the best thing that the Congress can do at this time for the advantage of American commerce is to adjourn and go home.

[Applause and laughter.]

All industrial trade in this country is paralyzed. Thousands of men, either partially or wholly idle, are walking the streets, and factories are closed or working on short time, whilst the several members of the Government, from the President down to both Houses, are spending the passing moment in a wild endeavor to secure a reelection to the particular office which he or they may be holding. Whilst there are other causes that are contributing to this tremendous paralysis of industrial operation, the one great cause, overshadowing all others, is the blight of the Congress in an active and unnecessary session. If you are interested in industrialism, as your speech would indicate, there is no better field for your energy and your eloquence than in urging an immediate adjournment.

Yours, truly,

C. W. ARNY & SON.

Mr. UNDERWOOD. Mr. Chairman, I yield one hour to the gentleman from Georgia [Mr. TRIBBLE].

Mr. TRIBBLE. Mr. Chairman, I desire to address my remarks mainly to the unjust distribution of the tariff burden, and I will say to the gentleman from Pennsylvania [Mr. FOCHT] who has just taken his seat that this side of the House does not propose to go home until it shows the people of this country that we are going to relieve them of those unjust burdens. [Applause on the Democratic side.]

Mr. FOCHT. Mr. Chairman, I wish to say to the gentleman, that if that is the case, and your free-trade theories are put in operation, when you go home, you will never come back. [Laughter on the Republican side.]

Mr. TRIBBLE. We will take the chances on that. Your prospects of getting back is much worse than that of the Democratic side, from the experience you had in the last election.

Mr. FOCHT. Oh, Mr. Chairman, the gentleman is speaking of some absent brethren, and not myself.

Mr. TRIBBLE. As usual, when the tariff is being revised the country is threatened with destruction, unless the eastern manufacturer is permitted to enact a tariff suited to his ideas of legitimately fleecing the people with the Government's stamp of approval on his greed. [Applause on the Democratic side.]

I charge no personal dishonesty to his methods. I grant you the system of protection has become almost a fixture under Republican rule of many years and has become almost a part of

our national life. Though oppressive to the poor—the wage earner, the farmer, and the great mass of people—though dangerous to our liberties and future prosperity, still the system can not with safety to our great national demands be stricken down with one stroke of the pen.

The wool schedule has furnished the field on which many battles have been fought. I have no desire to retard the prosperity of any section of this Union; I have no desire to tear down any manufacturing enterprise in any part of this Union; but, sir, for one I will not stand for a policy that deprives the great mass of people of the comforts of warmth in this rigorous climate in order to protect the giant wool manufacturing companies in their unreasonable demands to exclude foreign woolen goods from this country so that they may force the American people to pay their trust prices for blankets and other comforts from wool products. [Applause on the Democratic side.]

The policy of Republican protection has already placed the wealth of this country in the hands of a few men and corporations. It is astounding to know that 90 per cent of the property of this country is owned by 1 per cent of the families. This condition has grown up under your infamous protected system. You have fostered combinations and trusts until the trusts actually demand control of legislation instead of submitting to legislative control. All Americans must concede that we are facing a dangerous crisis in the history of this Government. When the trusts are threatened with extermination they openly defy you and threaten to destroy the prosperity of the country by precipitating panics and depressing business, and many people fear their threats. If they have grown so bold and strong as to cause alarm when they are pursued, then I call on every Representative in this House to be a party to striking a blow that their power may cease to grow stronger.

You have pretended all of these years in political campaigns and in your literature that your protected-policy system was for the purpose of shielding infant industries. This doctrine was promulgated by the great apostle of protection, Henry Clay.

Instead of pursuing this policy in legislation you have protected the manufacturers of the East, the weavers of fine goods and fabrics; you have permitted them to juggle with the tariff regulations, and often placed both specific and ad valorem duties on such goods as they select, until you have driven foreign trade from our shores in many classes of goods, and you have almost driven American vessels from the seas. Instead of protecting infant manufactories, as you pretended to the people, you have protected the ancient mills. The manufactories that have been under the wing of your protecting care have grown out of their swaddling long years ago and have become giant corporations and trusts hoary with age. You preached protection of infant industries all these years, and yet the southern mills, many in their infancy, making coarse goods and yarns are discriminated against. Every page of the Payne-Aldrich tariff shows the hand of the eastern mills making specific taxes suited to the peculiar needs of the various fabrics manufactured by them. You have built around this country a tariff wall, placing the power of wealth in the hands of a few men, thus dwarfing the power of the common people. In the season of prosperity through which we have been passing the poor, instead of bettering their condition, have grown poorer, thus exemplifying the annunciation of our Master that "unto him that hath it shall be given and to him that hath not it shall be taken away, even that which he hath."

Mr. Chairman, the Democratic Party will support this bill, and the people will approve our action in so doing. It is in keeping with our pledges to the people. It may not come up to the perfect ideal of many of us, but still it appeals to everyone as a business measure progressing along lines of a wise policy. It is not radical. It carries out the doctrine of gradual reduction promulgated by the Democratic Party. The Democratic hosts all over the country are calling for gradual business reduction of the tariff, keeping an eye on the National Treasury at the same time. I desire to say, explanatory of my personal position, the reduction on wool and woolen goods falls short of what I would have made it had I drawn the bill.

It should not be forgotten, however, that in detail work on a great measure like this, where there are 227 individual minds, concessions must be made with no sacrifice of party principles. I favor this bill because I feel I am helping my people this much to secure the comforts of life with less money. It can not be truthfully claimed that the bill does violence to the wool and woolen industries that have grown up under the protective-tariff system. Is it right to put farm products on the free list and reach out a helping hand to the wool manufacturers? The Democratic Party is opposed to protective tariff on both raw material and manufactured goods. The platform of the party commissioned us to reduce the tariff gradually. In the Sixty-first Congress the Republicans bore a commission to revise the tariff downward. Instead of being faithful to their trust, that party revised the tariff and shot it upward. Then the people shot them outward. [Applause.] In consequence the Republican Party has been almost demolished. Shall we stand by our party mandates and give the people material and gradual reduction, or shall we ignore the platform of the party? From the day of Adam to the present time disobedience has been disastrous. The children of Israel, on account of disobedience to the law of God, wandered in the wilderness 38 years. Party platform is my master, and I am its servant. We have elected our leaders, and if these leaders, in drafting the bill, follow the party mandates, and the caucus of the party so decide, then I shall support the bill. I am not going off after strange doctrines. The old Democratic doctrine is good enough for me. Our sojourn in the wilderness for 16 years in pursuit of strange theories is long enough for me. Personally I have faith in the gentleman from Alabama, the leader on this side of the House. My faith is so strong in his honesty, his wisdom, and his statesmanship that I believe his name will be written on the pages of history as one of the greatest statesmen of this era, and though he lives in forbidden territory of the South, still I hope to see him elected President of these United States. [Applause on the Democratic side.]

You can not jump from one extreme to another without paralyzing the business of the Nation. The country is confronted with a condition; we are legislating to meet the pressing demands of that condition. The condition we confront was thrust upon us by long years of Republican rule. Many of us would like to see free wool, but do the conditions authorize it? The committee, after long deliberations and thorough investigation, answers no, and the caucus of the Democratic Party, after careful study, has adopted that view; and I feel that the Democratic Party in this House should rally unanimously to the party action. The bill reduces both raw wool and manufactured goods alike. The thing of most interest to my people in the formation of this legislation is the finished manufactured goods. They wear the finished goods in clothing and protect themselves from cold with the manufactured goods.

Mr. Chairman, I desire to demonstrate the real facts by comparing this bill with the Payne-Aldrich tariff bill, and by actual calculations show the difference as they affect the great mass of people. These illustrations will show that the poor people pay much more duty on the goods they use of the same class than the rich man pays for the goods he uses. First, I will demonstrate the truth of this assertion by pointing out the duty on different grades of alpaca. The cheap grades are used by those less able to pay the high prices, and the higher grades are used by the wealthy class. Paragraph 380 provides that dress goods and linings, when composed of wool in the weft and cotton in the warp, weighing less than 4 ounces to the square yard and costing less than 15 cents per square yard and less than 70 cents per pound, shall pay a duty of 7 cents per square yard and 50 cents ad valorem; costing more than 15 cents per square yard and more than 70 cents per pound shall pay 8 cents per square yard and 55 cents ad valorem. Take a piece of alpaca costing 10 cents per yard: The specific duty is 7 cents, ad valorem 5 cents, combined duty 12 cents. Divide the 12 by 10, the price of the goods, this will give you 120 per cent on the cheap goods. Take the real alpaca, at 40 cents per yard: Specific duty 8 cents, ad valorem duty 22 cents, combined duty 30 cents. Divide the combined duty by 40, the price of the goods, this gives you 75 per cent duty. This shows you 45 per cent more on the cheap goods.

Price 10 cents per yard:	Cents.
Specific duty	7
Ad valorem duty	5
Combined duty	12

12÷10=120 per cent.

Price 40 cents per yard:	
Specific duty	8
Ad valorem duty	22
Combined duty	30

30÷40=75 per cent.

In reading the section you naturally gather the idea that the high-class goods carry more duty. Notice 12 cents combined duty on cheap alpaca and 22 combined duty on high alpaca, but the investigation should not stop there; dividing the price of the goods by the duty which obtains gives proper results. This may sound commonplace to some broad-minded statesman on the floor of this House, but I am attempting to explain this iniquitous tariff and make it so clear that the little boys of the whole country may understand the deception in the wording of many Republican tariff schedules.

Furthermore, I desire to give a practical application of the Payne bill, and will ask you to go with me into a mercantile establishment and we will be spectators in the sales. Two women walk up to the counter; one is a poor woman; she brings the daily earnings of her husband, and not being able to buy high-class goods she calls for 10-cent alpaca. The other woman standing near her, having a large bank account and able to pay, calls for 40-cent alpaca. We, the spectators of the trade, see the poor woman pass over the counter 45 per cent more per yard on her purchase than the woman of wealth. How can you face your constituents and ask their support with such an infamous tariff record as this? My illustrations and old-field schoolhouse calculations may not appeal to the fastidious as polished oratory, but I am appealing to common sense.

Mr. ADAIR. The illustrations reach home.

Mr. TRIBBLE. I hope they will.

Second illustration: Section 378 of the Payne bill—knit fabrics, and so forth, weighing 12 ounces per yard and costing 50 cents per yard, pay a duty of 44 cents per pound, specific, and 50 per cent ad valorem. First illustrate with 50 cents per yard: The specific duty on this is 33 cents; ad valorem duty, 25 cents; combined duty, 58 cents. Dividing this by 50, the cost price, gives you 116 per cent duty.

Next, take a yard costing $1: The specific duty would be 33 cents; ad valorem duty, 55 cents; combined duty, 88 cents. Dividing this by $1 gives 88 per cent duty. Go through the same process with 1 yard costing $1.50: Specific duty, 33 cents; ad valorem duty, 62½ cents; combined duty, 95½ cents. Divide this by $1.50; this will give you 63¾ per cent.

In passing from the 50 cents per yard to $1.50 per yard the duty is 54 cents less on the high-class goods.

Price 50 cents per yard:	Cents.
Specific duty	33
Ad valorem duty	25
Combined duty	58
58÷50=116 per cent.	
Price $1 per yard:	
Specific duty	33
Ad valorem duty	55
Combined duty	88
88÷1=88 per cent.	
Price $1.50 per yard:	
Specific duty	33
Ad valorem duty	62½
Combined duty	95½
95½÷1.50=63¾ per cent.	

In summing up these illustrations and making the same estimates on the same class of goods contained in the Democratic measure now before the House you will see the average reduction in section 380 is 65 per cent, and on section 378 the average reduction is 76 per cent. It is a mystery how the Republican Party has had the face to stand before the common people of this land, seeking their support, with such an iniquitous tariff bill on the books.

Mr. RAKER. Mr. Chairman, will the gentleman yield for a question right there?

Mr. TRIBBLE. Certainly.

Mr. RAKER. I understood the gentleman a moment ago to say that he did not believe in using harsh language.

Mr. TRIBBLE. Yes.

Mr. RAKER. Suppose one of your Georgia farmers was held up in the road and his money taken away from him; what would you call that in Georgia?

Mr. TRIBBLE. I would call that robbery. Do you think that is the way the Republican Party has been doing on the tariff question—just robbing the people?

Mr. RAKER. From the gentleman's argument, that is what I would gather he is trying to convince the public.

Mr. TRIBBLE. All right; I am giving the public facts. Reciprocity with Canada, the farmers' free list, and the woolen schedule discriminate against no section or State—they are uniform. The farmers' free list not only benefits the farmers, but it carries its blessings into the homes of 35,000,000 people who own no homes. There are millions upon millions of our citizens whose daily earnings go for food, clothing, and rent. These have been paying tribute not only to the millionaire trusts, but the Republican tariff policies force the burdens of the Government's tax upon them, the people least able to bear it.

It is estimated that the wealth of this country, being owned by a few men and corporations, pays only one-twelfth of the tax necessary to support the Government, while the people who own a little or no property pay eleven-twelfths, therefore the poor of the country pay the taxes when, as a matter of justice, wealth should bear its part and not make taxes the poor man's burden.

We have promised the people to reduce the tariff on the necessaries of life, and let us not be sidetracked by this vociferous call from certain sources for more pensions. I would remind you that increased debt and reduction of tariff are not companions. One is the call of the people, the other a protectionist's snare.

Should the taxes be raised by direct taxation and all tariff duties removed, you would hear the greatest howl ever raised in this country, coming from the trust and corporations and men of wealth against government extravagance. I am not favoring this method of tax, but only illustrating in this way. Then you would hear no more of pensions on the floor of this House. As it is now, the interests are delighted with extravagance—pensions and other forms of appropriations. The delight of their lives is to hear of a deficit in the Treasury, for this means the continuation of the tariff laws and the handing over to them of more protective bouquets, thus perpetuating their infamous system.

As a matter of truth the great mass of American people—North, East, South, and West—do not want an increased pension debt. It is the interested pensioner, holding the balance of power in many States, backed by the manufacturing trusts, who would deplete the Treasury for selfish political purposes. The tax-burdened citizen can not understand why pension rolls continue to increase, although the Civil War ended 46 years ago.

Some gentlemen on this floor have seen fit to refer to the apparent solicitude of the House for the farmers. This was said in levity, no doubt, but, sir, it is time for every man in this House to turn his attention to farm prosperity. The farmer produces the wealth of the Nation; he carries its burdens on his shoulders; in time of war the ring of his hammer is heard no more on the peaceful highways of his home; his plowshare stands in the field where first he heard the bugle call; he answered that call; has gone to the front; and bivouacs on the field of battle. God forbid that I should mention his name on the floor of this House except with proper deference. Often he labors himself upon the farm, but he is the man for a' that. Often his clothes are soiled with honest toil, but he is the man for a' that. He seeks no graft, he forms no trusts, but he is the backbone of this country, and I warn both sides of this House that the time has come when the farmer will be heard in his reasonable demands. On national questions he is the best-informed man of the land, and is tired of political harangue. He has seen with sinking heart the wealth of the country absorbed by a few men. He knows the Republican Party is responsible, and he knows that party is joined to its idols—the trusts and the corporate interests. He knows this condition imperils the liberties of his children and threatens the foundation of our national life, therefore the great army of farmers has turned from that party in mass and look to the rising sun of Democracy with hope, demanding rational business methods in the government of this Republic. The cry of depression and panics resulting from Democratic rule is the cry of fanaticism. Already the trusts are on the retreat; the hand of the avenger is upon them. It is apparent to all the country that the Democratic Party is dealing cautiously with the tariff question. There is not a man in the House more anxious than I to give the people an honest reduction on the necessaries of life, but, sir, I see danger in depleting the Treasury of the necessary amount to run the Government economically. If the Democratic Party pursues the course of reducing tariff on revenue articles and thus depletes the Treasury without providing revenue to take the place from some source, then the party will make a serious mistake. Sad experience in the past has taught well this lesson, and in passing the Canadian reciprocity, the farmers' free list, and in the formation of this bill the committee has kept an eye on the Treasury. We did not make the debt for which we are called upon to supply the revenue to pay.

Permit me to point to other iniquities of the Republican tariff which we have removed in the Democratic measure. The Payne-Aldrich bill placed the burden on the necessaries and not the luxuries.

Mr. SLOAN. Will the gentleman yield for a question?

Mr. TRIBBLE. I will.

Mr. SLOAN. A few moments ago you suggested your sympathy in behalf of the farmers and you now express yourself as being in favor of reducing the cost of living.

Mr. TRIBBLE. Yes.

Mr. SLOAN. Now, that seems a little inconsistent to me. I thought the farmers depend for their prosperity upon the price of the things that go into the cost of living.

Mr. TRIBBLE. I desire to answer the gentleman's questions in full, and I am glad he mentioned this, and I will show you

what the Republican Party has done and what the Democratic Party has done for agriculture. The Democratic Party has proceeded to relieve the farmer on farm implements. The impression has been all over the country that many of these articles from which the Democratic Party has removed the tariff were revenue articles. That is a wrong impression. These implements have been sold in foreign countries—made in the United States—cheaper than they could be bought right here at our door. Take barb wire, for instance. Barb wire is an expensive article, used on the farm, and the farmers must have this wire. The farmers in Europe buy the American barb wire cheaper than the American farmer. The Republican Party can not hide behind the old cry of "The Government must raise revenue," because barb wire produces no revenue. It is excluded. The same is true of nearly all the other farm implements, or any other article that is excluded from this country by the tariff wall. I will say to the gentleman, the facts are against your party. Your protective tariff system was never intended to help the farmer. It was inaugurated to help the manufacturers; now it has become the citadel of trusts, and this talk of protective tariff for farmers is nothing less than a Republican snare and deception to try to deceive the farmer; but you can not deceive him with that argument.

The policy of protection has been to place high duty on the things the farmer is forced to buy and give the protected interest a lever to fluctuate the price of farm products at will. How can the farmer receive his well-earned profits at the end of the year if he is forced by the trusts, through the protective-tariff system, to pay trust prices for the necessary demands to make his crop and furnish his family with the necessaries of life? He pays trust prices for farm implements, personal effects, commercial fertilizers, and almost everything not produced on the farm. He pays his tribute to the trusts, his arch enemy, almost every time he makes a purchase. Tell me I should not cry out against such discrimination! You only add to my zeal and determination to help, if possible, that class of our Commonwealth. The farmers' free list places nearly all farm implements free of duty, and this takes almost no revenue from the Government, the whole amount of revenue raised from agricultural implements for the year 1910 being only $12,189. Another strong illustration of discrimination against the farmer is cotton bagging and ties. The country has been misled with the doctrine that bagging and ties are revenue-producing articles. As a matter of truth the combined duty does not reach $100,000 annually. Thus you see all farm implements, bagging and ties, and various other articles I could enumerate now in the free list do not produce enough revenue to be considered a drop in the bucket compared with the great amount of revenue to be raised. In passing, notice the discrimination. The western farmer wraps his hay with free twine, while cotton ties bear duty. So the country concludes that the farmer is discriminated against, and, furthermore, that blind prejudice has discriminated against the South in order that the protected industries might reap an unjust harvest from the toiling masses in every cotton district in the South. Another illustration in the present free list is the sewing machine, an article of common use in nearly every home in the land. The people in purchasing the sewing machine have paid a tribute of $5 to $10 on every machine to the trust, while the same trust sold foreigners American-made machines from $5 to $10 less than our citizens could buy them. It is unreasonable to suppose that when all the oppression of the Republican tariff is fully exposed and understood that this party of the trust can ever thrive again on the American continent, unless it adopts a different policy and ceases to discriminate against the poor of the land. It is a well-known fact that the trust is the favored child of the Republican Party, and now that we Democrats have control, let us set upon and destroy the power of the trust lest he turn again and rend us.

Mr. SLOAN. Speaking of the conditions of the last 16 years, what other profession or calling ever existed in this country that has increased in its wealth, both in volume and relatively more, than the farmers of the United States in spite of what has taken place?

Mr. TRIBBLE. In spite of the tariff that has been placed upon them and discriminations which have been made against them they have prospered. I will come to that just a little later.

Mr. CAMPBELL. Will the gentleman yield?

The CHAIRMAN. Will the gentleman from Georgia yield to the gentleman from Kansas?

Mr. TRIBBLE. Yes, sir.

Mr. CAMPBELL. Does the gentleman from Georgia think that the American farmer will be better off when he is buying imported implements made in foreign countries than when buying implements made at home?

Mr. TRIBBLE. We do not have to buy imported implements when we can get them here at reasonable prices with protection removed. We should get them at the same price the foreigner gets them. Certainly American-produced articles should not be sold in foreign countries for less money that our farmers pay for the same articles.

Mr. CAMPBELL. Was not the object of the Democratic Party in reducing the tariff to enable the farmer to get imported implements?

Mr. TRIBBLE. No, sir; you would not give your farmers at your door an opportunity to buy a plow that he used every day at the same price sold to foreigners, and yet it was made at your door, and still you ask that farmers support you. [Applause on the Democratic side.]

I would not criticize the majority of the committee in forming tariff bills for the consideration of this House; they are Democrats of many years experience in tariff investigations and legislation; but I regret that in their wisdom they are not prepared to give the country reduction on certain other articles of necessity at the present time. For instance, from all over the country comes the appeal for reduction of the tariff on sugar. In justice to the committee, however, it is right that the attention of the country be called to the fact that nearly $60,000,000 of revenue tax is raised annually from this source. The country is assured by the committee that not only sugar, but hundreds of other articles will be revised downward as soon as luxuries can be supplied in a business way to take the place of sugar and other revenue-producing articles.

Mr. RANDELL of Texas. Those schedules will be considered and acted upon in the regular order as they come up before the committee, and as rapidly as possible.

Mr. SLOAN. How about rice?

Mr. TRIBBLE. I have especially in mind sugar. Under Republican tariff I read you a list that will not sound good to the great mass of American people:

	Per cent.
Sugar duty	78.87
Champagne	70
Automobiles	45
Furs	50
Rare paintings and statuary	15
Diamonds	10

Diamond duty, 10 per cent. Sugar duty, 78. This shows in the true light the Republican theory of government. Are you surprised that this party faced defeat in almost every State in the Union? How many people buy diamonds? Every household buys sugar and pays about 35 cents duty on every dollar's worth.

The Democratic Party will be true to its promises and inaugurate reform in Government expenditures, thus reducing the necessity of so much tariff. This is a prolific field of investigation to save the people's money. The following is the language of Gen. W. W. Wotherspoon in a naval hearing of a recent date. He said:

> I am perfectly convinced that an army three times as efficient and probably twice as strong as we have now can be maintained for the money we are at present spending for the Army.

Investigations show lack of system. It has been charged freely on the floor of the House that over two hundred millions can be saved annually by application of business methods and economy. If this be true, revenue duties of the sugar class would not be needed by the Government. I believe the effectiveness of the Army and Navy can be increased on one-half the appropriation. This alone would mean a saving of one hundred and fifteen millions of the money of a tax-burdened people every year. My statement may appear an exaggeration, but, sir, I speak the words of soberness and truth. It is estimated that there is one employee of this Government for every 17 votes cast in the last presidential election. This does not include the Army and Navy. The people pay the price, and I am here representing the people protesting against this price.

Much is claimed for protection that the system did not do. The claim of the ex-Speaker that the protective tariff caused the recent prosperity in the South is absurd, and his attempt to credit the Republican Party and protective tariff with the increase of wealth from sixteen billions to one hundred and twenty-five billions since 1856 is also absurd. Is nothing due to the development of our resources, agricultural, mineral, and manufacturing? Is nothing due to the American manhood?

Mr. LA FOLLETTE. I want to make an explanation. I think you do not want to do the ex-Speaker an injustice.

Mr. TRIBBLE. By no means.

Mr. LA FOLLETTE. His speech did not have anything to do with the tariff. The gentleman from Georgia [Mr. BRANTLEY], I think it was, who was talking, spoke of the increased wealth

of this country from 1850 to 1860, and the ex-Speaker referred to what it had been from that time on to the present time, and said nothing about tariff having anything to do with it.

Mr. TRIBBLE. I think if you will investigate the RECORD and read Mr. BRANTLEY'S argument, and the question of the ex-Speaker, you will conclude he intended to give Republican tariff bills this credit. He certainly gave the tariff the credit for the prosperity in the South. Read his Canadian reciprocity speech, that part where his reminiscences carried him back to his boyhood home in the Carolinas. I say to you that the South has prospered notwithstanding the heavy arm of tariff oppression and discrimination against that section all these years.

Mr. LA FOLLETTE. Do you say that under the present policy of a majority of the House they are getting even as fast as they can, and the discrimination is going the other way?

Mr. TRIBBLE. I would like the gentleman to point out any discrimination coming our way. Indeed, I did not say that the discrimination was now in the South's favor.

CONCLUSION.

In conclusion I will say that it is natural in addressing this House on proposed legislation for our hearts, our minds, and our sympathies to reach out for the people of our own districts. Oh, that Members could rise to the magnitude of statesmen and see not only their own districts, but the whole country, with a vision of justice.

Mr. RAKER. I was going to ask the gentleman from Georgia this question: It was stated the other day on the floor of this House by the gentleman from Pennsylvania, in regard to the South, that its hills were barren and practically worthless and useless.

Mr. TRIBBLE. Yes, sir; I am glad to answer that question. I desire to say in reply to the question you propound to me that there is no section in this Union more fertile than the Southern States. The Secretary of Agriculture said in a great speech in Atlanta about three months ago—and he is a great man and has done a great work for the Southern States—that the South is a marvelous country. Think of it, 100 boys in the South on 100 acres of land produced an average of 133 bushels of corn per acre. [Applause on the Democratic side.]

Mr. SLOAN. And the Republicans will probably increase their votes by about a hundred, will they not?

Mr. TRIBBLE. In further answer to the question propounded to me by the gentleman from California [Mr. RAKER] I will say, if you will investigate and look into the Yearbook, I think it is, or some of the agricultural publications recently issued by this Government, you will find a picture of a boy 10 miles from my home standing at the very head of corn production in the United States. [Applause on the Democratic side.] And that is in the South.

Now, I will say to the gentleman from Pennsylvania, who made the statement in regard to the South, that the South will not only in a few years add a billion dollars to her wealth every year from her cotton crop, but your constituents from the State of Pennsylvania will be coming down to the South, like the sons of Jacob into Egypt, to buy corn. [Applause on the Democratic side.]

Mr. HENSLEY. And they will vote the Democratic ticket when they get there. [Applause on the Democratic side.]

Mr. TRIBBLE. Yes, sir.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from California?

Mr. TRIBBLE. Yes.

Mr. RAKER. What explanation does the gentleman give to this question: The gentleman says his people are going to improve in the South in the future; what is his explanation of the fact that they have not improved and increased in wealth in the past as rapidly as other sections?

Mr. TRIBBLE. Yes, sir; I will answer that question with great pleasure. In the year 1865 the smoke from burning homes and wrecks of fortunes could be seen on every hilltop and valley of the South. One-half a century looks back on our struggle to regain our position in this Union. Year after year, from poverty-stricken homes where the wolf howled around the door in the years following the war, thousands, millions, and yea billions of dollars have flowed into the North, the East, and West in the form of pensions for Union soldiers. I will say to the gentleman from California that not one dollar of that money has ever found its way back to the South. And not only that, but in the years following the war the tide of immigration seeking homes to develop from the North and East westward took its flight on account of the negro in our midst. And now, sir, facing the conditions that I have mentioned and bearing the pensions of our own Confederate survivors upon our shoulders, and bearing the burdens of discriminating tariff placed upon us by the Republican Party, is it any wonder that the progress of the South has been slow?

Slowly but surely we have climbed the hills of prosperity, gaining steadfast footing at every step, mounting up at last to where we can see, thank God, the rising sun of prosperity, unequaled in the history of the world, bursting upon the South. [Prolonged applause.]

Mr. UNDERWOOD. Mr. Chairman, I yield an hour to the gentleman from Ohio [Mr. FRANCIS]. [Applause.]

Mr. FRANCIS. Mr. Chairman, I feel a hesitancy to discuss a proposition which has received the attention of the best minds of our country for the past 100 years. And a schedule now formed and recommended by such a high, honorable, and painstaking body of men as our Ways and Means Committee. Great credit is due them for their untiring effort to relieve the people. To preserve the great sheep industry of the country, on the one hand, and to keep and maintain the great woolen manufacturing industry of the country, on the other hand. This is a profound business proposition, and not a scheme of jugglery which Republican politics has tried to play since 1867; attempting to keep two balls in the air at the same time without letting either fall to the ground. It is to the manner of accomplishing and doing equal and exact justice to all that I shall particularly direct my remarks. We are dealing with a question which concerns 92,000,000 of people in the supply of the necessities of life, in their clothing and foodstuffs, largely supplied from the sheepfolds of the United States. A business in which every State in the Union is interested is the business of sheep raising, and in which business thousands of persons are engaged—in the occupation of woolgrowing and in the production of mutton. A business in which 1,213 mills are engaged and interested in producing clothes for our people and in giving employment to thousands of persons as wage earners; an industry in which the sheep of the United States number 58,000,000, valued at $235,000,000.

Out of this vast industry we are attempting to raise a certain amount of revenue for the support of the Government, and by doing so are exercising one of the great and serious powers of government—the taxing power—or, rather, attempting to untax the people in one respect and tax them in another, so as to equalize the burdens which they are required to bear.

When we consider that the reckless expenditures for governmental purposes made by the Sixtieth Congress placed upon each individual of this Republic approximately $13 per person—and the Sixty-first Congress did very little better—which have to be raised in the main by tariff duties, we little wonder that the ballots of the voters have changed the political complexion of this House. This enormous sum was levied upon the necessities of life. Money can not be picked up from cobblestones nor does it grow on trees, but comes from the people and as a tax upon the necessaries of life. In this we find the secret of the high cost of living.

What Member of the Sixtieth or Sixty-first Congress would care to go back to his district and tell his dear constituents that he had just voted upon his district and upon them $2,500,000 for a single Congress? Yet that is just what was done. Or who would care to say to one of his counties of 50,000 people, "We have placed upon your county $650,000 which your people must pay by indirect taxation"? Who would dare to submit to his county the proposition that they should vote upon such a county for the expense of government $650,000? I dare say there would not be enough votes cast for the proposition to be worth counting.

But this is the subtle policy of our Government, and has been since its foundation, to raise the necessary expenses of government by tariff duties; and it is a fact that the great sheep and woolen industries of our country have produced revenue for this purpose in the past two years second to none but sugar.

I want my position to be understood early in this discussion.

First. This bill is framed ostensibly on a revenue basis, and, to some extent, that for every cent which is levied upon raw wool or woolen goods entering our ports to that extent it increases or lowers the price of wool or woolen goods, as the case may be, and relieves the people to that extent from the high cost of manufactured goods.

Now, is this true? Upon the adoption of Schedule K the American Woolen Co. advances its price on all manufactured goods 36 per cent. Not only this, but that company, by some means, just about the same time of the adoption of this schedule, began manufacturing what they call an all-wool cloth, largely out of cotton and shoddy. They evidently, in order to produce such cloth as they have been selling and supplying to the people, have crossed a shoddy ram with a cotton jenny. [Applause.]

Shortly after the adoption of Schedule K it announced a price for XX Ohio raw wool of from 27 to 30 cents per pound. This wool had formerly been selling at a price ranging from 35 to 38 cents per pound; so it is readily seen that all legislation on wool tariff fails to reduce or enhance the price where there is an intervening power that can and does absolutely fix prices. Imagine a concern combining some 34 separate institutions or plants, comprising some 150 mills, at an aggregate ostensible capital of $69,000,000—an octopus, the product of which, in the form of Schedule K, is placed upon the back of every man, woman, and child in the United States—organized to rob and prey upon the people, organized to control prices and to buy the raw wool from our people at such prices as they see fit, organized to control the price and conditions of labor in its numerous factories.

The Democratic Party is unalterably opposed to trusts in any form and opposed to high protection in their interest.

And now do we wish to aid this gigantic trust by giving it practically free raw material with which it can carry on its scheme of exploitation and robbery?

I for one do not believe in placing within the power of this trust practically free raw wool or in enacting a tariff law of such low schedule that it can go to my constituents and to all the woolgrowers throughout the country, as it will do, and say to them, the tariff is reduced and consequently we can not pay you but 18 or 20 cents per pound for your wool; and this thing it is sure to do.

This gigantic corporation controls more than 31 per cent of the woolen goods manufactured in this country and practically all of the worsted goods made here. Representing, as I have said, an ostensible capital of $69,000,000, organized in the year 1899 by combining the following mills:

Anchor Mills, Pascoag, R. I.; Anderson Mills, Scowhegan, Me.; Assabet Mills, Maynard, Mass.; Baltic Mills, Enfield, N. H.; Bay State Mills, Lowell, Mass.; Beaver Brook Mills, Lowell, Mass.; Beoli Mills, Fitchburg, Mass.; Brown Mills, Dover, Me.; Chase Mills, Webster, Mass.; Fitchburg Mills, Fitchburg, Mass.; Fulton Mills, Fulton, N. Y.; Hecla Mills, Uxbridge, Mass.; Kennebec Mills, Fairfield, Me.; Lebanon Mills, Lebanon, N. H.; Manton Mills, Manton, R. I.; Moosup Mills, Moosup, Conn.; National and Providence Worsted Mills, Providence, R. I.; Prospect Mills, Lawrence, Mass.; Puritan Mills, Plymouth, Mass.; Rau Mills, Franklin, Mass.; Roverside Mills, Providence, R. I.; Saranac Mills, Blackstone, Mass.; Sawyer Mills, Dover, N. H.; Valley Mills, Providence, R. I.; Vassalboro Mills, North Vassalboro, Me.; Washington Mills, Lawrence, Mass.; and Weybosset Mills, Providence, R. I.

No one will believe for a moment that these mills were ever worth one-fifth of $69,000,000; but the directors and officials of these corporations were evidently called together and had a meeting, and those financial sharks were present who knew so well how to create something out of nothing, and began to put prices on their several works. No. 1 would say, "Our plant is worth a million dollars," when, in fact, the whole thing, bag and baggage, was not worth over $250,000. And so they passed it down the line, Nos. 2, 3, and 4, until they took in 28 of such works. How easy it is for persons to deal with each other in this way. They buy their own property and sell to themselves, and to them the most pleasant thing in the world is to sell for five or seven times more than their mill is worth.

Quoting from a statement of William M. Wood, president of this gigantic octopus, after speaking of the vast combination I have described, he says:

"With such a combination of mills and capital it has been able to effect many economic improvements in manufacture not otherwise possible. The company produces a large amount of goods suitable for all classes—60,000 different fabrics and styles are shown each year. The company buys direct its own raw material; it spins its own yarn, weaves its own cloth, and maintains one of the most expensive organizations in the world for the disposal of its fabrics direct."

And here let me state that these fabrics are sold to their jobbers at a fixed price, and by an ironclad agreement, below which no merchant dare to sell the same or cut the price. If he does, he is no longer a customer of the American Woolen Co., as he would not be permitted to receive or handle their goods.

This same William M. Wood, when speaking before the National Association of Wool Manufacturers, February 1, 1911, in this city, said:

"Schedule K, much maligned, much misunderstood, if properly understood would be the most appreciated of any schedule in the tariff; and if all schedules in the tariff were so scientifically based and as well poised and balanced as Schedule K it would be the most remarkable document next to the Constitution of the United States that the human mind has ever produced. Schedule K protects labor in the woolen and worsted mills of the country."

Now, gentlemen, you see what this great beneficiary of Schedule K, who has lived and fattened off the people, has to say of its wonderful virtues. And in the same address he further said:

"You can count upon the fingers of one hand the wealthy woolen manufacturers of America."

Yes, gentlemen; when it gets through with its system of extermination you can count them on one finger of your hand. And further he said:

"That a suit of clothes bought for the President of the United States"—

mark you, making the President the personage of the suit of clothes—

"yields a profit to the man who made the cloth of not over 38 cents on the suit; and these figures have been challenged by gentlemen from Pennsylvania, who have stated that their profits were less than one-half that. I have seen overcoats made of cloth of my mills—and overcoats for boys—whose profits were less than 9 cents."

Now, gentlemen, you see that this corporation, so much imposed upon, is making practically nothing on the product it is putting out for the American people. If we were to believe this, it would have long since been out of business. This they do: Sell their goods at practically no profit when they wish to crush some competitor out of business. This is one of the tricks of the trade; but when he is crushed out of business, the 38 cents profit rises to something like twenty times that.

We do not wonder that tariff legislation should engender such a fight upon the floor of the House when we consider that under high protection there has grown up such gigantic monopolies as the Standard Oil Co., the United States Steel Co., the American Sugar Refining Co., and the American Tobacco Co., each having its specific field of prey; and the American Woolen Co., which preys upon all the people. Under this high-protective system of the Republican Party these abuses have grown and flourished.

The Chinese Government, further back than history records, must have labored for a thousand years to build a wall 1,500 miles long, 50 feet high, and about 30 feet wide, of solid masonry, to prevent the robbers of the north from coming down upon their lands and robbing the country of its wealth and property. The Republican Party has been 40 years engaged in building a high-tariff wall around the United States in order that the robbers may be kept in, so as to prey upon the people. [Applause.]

And this is not the only country which has been infested with this class of persons or corporations, but back in the eighteenth century—take from one of the noted writers of that day this famous passage:

"These vampires were corpses who went out of their graves at night to suck the blood of the living, either at their throats or stomachs, after which they returned to their cemeteries. The person so sucked waned, grew pale, and fell into consumption, while the sucking corpses grew fat, got rosy, and enjoyed an excellent appetite. It was in Silesia, Hungary, Austria, Moravia, and Lorraine that the dead made this good cheer. We never heard a word of vampires in London or in Paris. I confess that in both these cities there were stockjobbers, men in business, that sucked the blood of the people in broad daylight; but they were not dead, but corrupt. These true suckers lived not in cemeteries, but in very agreeable places."

These corpses compare very favorably to our modern trust corporation—without a soul, without any regard for the Government or the people of the Government, without any regard for church or state, without any moral idea of their duty to their fellow man, without sympathy, cold, bloodless, heartless; in fact, corpses; and there is no better word to describe it—those who go about and suck the blood of the American people. [Applause.]

It has been suggested that under the late decision of our Supreme Court, and in order to fit the present exigencies of government and conduct of our people and trust corporations to the Ten Commandments, that the words "reasonable" or "unreasonable" should be read into each of them. For instance: "Thou shalt not unreasonably do so and so." The eighth commandment should read thus: "Thou shalt not steal an unreasonable amount, and thou shalt not bear the penalty therefor if you are found guilty if it shall in anywise disturb any *big business interests*." Or when the court in sentencing a prisoner says to the prisoner, "Stand up; what have you to say why judgment should not be passed upon you?" And the answer, "Well, I have robbed and taken only a reasonable amount in a reasonable manner." "That will do; the sentence of the court is that you may continue your robbing in a reasonable manner for six months, after which time you must cease such operations." [Applause.]

These several factories comprising the American Woolen Co. that I have described, then surrender their charters and all combine under one trust charter and issue new stock for five or six times the value of their several plants. They can put upon the market one-half of these stocks to the unsuspecting public and receive therefor in cash two and a half times what their 34 plants are really worth and yet retain the other half of the stock and with it control the directorate and management of the corporation.

The question now comes up, How can this corporation pay dividends on such an inflated capital?

It now begins by raising the prices on its 60,000 varieties of cloth 36 per cent. Next, it commences to cheapen its products by the use of South Sea cotton, both in the chain and filling, and of shoddy and such other inferior stuff as it can get to fill into its goods, thereby imposing upon the public an inferior cloth, which will not stand in either color or material. Next, it prepares the coarse No. 3 wool, which is considered the lowest and most inferior class of wool under the Payne-Aldrich bill, and weaves it into a fair-looking cloth. Next, it goes to the woolgrower and reduces the price of his wool 10 cents on the pound. Is that not going some to make dividends? What next does it do to make dividends? There are certain ingredients, appliances, machinery, and chemicals used in the business to be supplied at its different works. The man who has sold to them heretofore goes to the old stand and finds that Company No. 1 will give him only 50 per cent as much for this material as he formerly received. He goes to the next plant, and to another, and receives the same reply, only 50 per cent. He inquires the reason for this reduction of price and says that he has been to four different plants, and all that he can get for his property is one-half of the former price. He is now informed that these several factories have formed a combine, or trust, and are now one company, and that they practically buy all such supplies and that there is no other market for them, and consequently they fix the price at 50 cents on the dollar, and if he does not choose to take that he can keep his material. Here they begin to make dividends again.

But this is not all. Here are men and women who have coined their life blood, muscle, bone, and sinew into a particular kind of work, and by their diligence and skill have made these mills a success. They are told that their wages hereafter will be a certain reduction; or they can turn out so much more piecework than formerly for their day's work. They remonstrate and threaten to quit their employment and to go to another plant. But there is no other works; they all belong to the same octopus. These laborers' lives and energies have been trained in this work; they can do nothing else. They have the alternative to be turned out on the commons or take just whatever this trust employer may choose to offer, and so they make dividends again.

Truly, a commercial despotism has been and is sapping the life of the people. These trusts have become partners with our Government and have written the tariff schedules for the past 25 years in their own interest and in the interests of monopoly. Schedule K, when last enacted, was written in the interest of the American Woolen Co.

The dealers in the stock of this Woolen Trust, when my resolution was introduced on May 3 to make an investigation of its questionable methods, caused a decline in the price of its common stock from 35 to 33, and its preferred stock also wavered downward, and later it was currently reported that this investigation would not be had, when its common stock was advanced from 33 to 34 and the preferred from 90¾ to 95. There is evidently something rotten in the make-up and management of this corporation, there being $29,501,100 common stock, which was issued by way of bonus and represents no value whatever.

Not only has the civilian felt the clutch of the power of this trust, but it has had the effrontery to hold up the United States Army and has been furnishing to it its worsted goods exclusively. The War Department, recognizing it to be a trust, on May 24, 1911, advertised for bids for woolens for the Army. They stated that trust conditions exist in this worsted industry and have decided to break the grip of the American Woolen Trust. This is a commendable position for our Army officers to take and gives strength and dignity to the organization. We certainly think it time to take drastic measures against this octopus, for whatever tariff legislation we may enact, so long as it exists, will fall short of giving the people proper relief.

We now proceed to take up the bill as proposed by the committee and discuss it from a practical and business point of view.

The advent of wool growing and woolen manufacturing began with the Government. Just across the Potomac, at Arlington, Washington, our first President, began to rear one of the first flocks in the country and encourage sheep husbandry, and whose Arlington long-wool sheep, as they were called, were far famed. When he stood up to take his first oath of office—and the first presidential oath ever taken—he was clothed in woolens made from the first woolen mills in Connecticut—American-manufactured goods. The sheep industry, therefore, is interwoven with our earliest history, and the encouragement of manufactured woolens was the first concern of our infant Republic.

In Wright's "Wool Growing and the Tariff," Harvard's economic studies, at page 22, we find that—

In the year 1810 the State of New York, in order to encourage sheep raising, gave a premium of $80, in the nature of a bounty, to each county for the best specimen of manufactured woolen cloth; and in the year 1807 passed a law giving a premium of $50 to each county for the finest merino ram imported into each county.

But it now appears that our legislators from that great State have lost the moorings and traditions of their fathers, and now come here advocating free wool and a destruction of that great industry which their fathers were so intent on building up. Possibly the present generation is more interested in fleecing the "lambs" on the Wall Street Stock Exchange, and in giving the Wool Trust free wool with which to exploit the people, than they are in keeping the traditions of their fathers.

The first woolen mill set up and operated west of the Ohio River was operated in Steubenville, in the sixteenth congressional district of Ohio, and for years the manufacture of woolen cloth became quite an industry in that town and vicinity, and to-day one part of that city is known as "Jeans Town" from the name of the goods manufactured there. Sheep-growing industry received early encouragement in this district, and it is a historical fact that to-day the counties of my district and the county adjoining of Brooks, W. Va., and Washington, Pa., produce the finest Merino wool in the world, and to-day in the sixteenth district alone there are 398,000 sheep, and in the great State of Ohio 3,907,055 sheep, of the value of $16,000,000.

Representing, as I do, such a vast productive industry I can not assent to a bill which, if enacted into law in its present form, will wreck the business and destroy the future hope of every sheep raiser in my district and State.

I shall now consider the present bill upon its merits and from a Democratic standpoint.

The original idea of a tariff was for the purpose of raising revenue for the Government. It was a principle enunciated by our first party leaders and brought down to the present day. This revenue tariff must be levied for the support of governmental expenses, for the Government is ours, and it takes cash and plenty of it to support its varied institutions. The policy of our Government is and always has been to make the foreign importer pay a tax for the privilege of bringing into this country foreign manufactured goods, made by foreign cheap labor, in competition with our domestic goods and labor.

This Government never had any better way of raising revenue than by tariff, and to talk about free trade with everything and every country of the world, until some way is devised to meet the expenses of Government, would be national suicide.

This Government owes to its citizens respectable employment at remunerative wages, and at a wage commensurate with a fair standard of living, and should guarantee to every citizen life, liberty, and the pursuit of happiness in the broadest sense. This is due the spinner and weaver as certainly as to any other employment. It owes to the woolgrower and sheep raiser the same obligation. They supply the wool for our people's clothes, for our Army and Navy. They are the source from which we receive the great food supply of mutton, and which tends to reduce and maintain an equilibrium on the prices of meat throughout the Union.

Each of these classes interested in the production of wool and labor in the factory must bear their share of the expenses of Government, and when there is neither demand nor necessity for ruining them in their occupation we fail to see the reason for doing so.

We have two classes of extremists in this country—the one a free trader who tries to find a home in and to disintegrate the Democratic Party, and the other the high protectionist, who belongs to and has destroyed the Republican Party, who believes in building a wall around the people so high that no foreign goods can come in, thereby promoting monopoly to devour the people.

This high protection has proven to be the canker which has destroyed the vitals of the Government, has enthroned monopoly and bred trusts, aggregated the resources and wealth of the country in the hands of the few, and enthroned a commercial despotism which is becoming more powerful than the Government itself. Our citizens have long since come to the conclusion that the corporate artificial person, created by law, has become so powerful that there is very little place left for the individual God-made man.

We become astonished when we learn that during the year 1909, 90,000 of our citizens withdrew from our Government and forsook the Stars and Stripes to make their homes in Canada under the British flag. These were agriculturists, the very persons whose interests we are affecting by this bill.

Gen. Hancock was defeated for President because he dared to say that the tariff was a local issue, but if the debates on reciprocity in this House demonstrated anything, it demonstrated that fact. The gentlemen from Washington, North Carolina, and from Maine could stand reciprocity, provided you did not include free lumber. The gentlemen from Dakota could stand

if, too, if you did not include wheat. The gentlemen from the South could stand it so long as it did not interfere with oranges, lemons, rice, sugar, and cotton; still, many of these same gentlemen will rise up in holy horror when you suggest a fair protection for wool and woolens. "Oh, consistency, thou art a jewel." And so every specially blessed part of the Union were bobbing up here and there and claiming the incidental protection that a revenue tariff would afford. There are some of these self-same Democrats who absolutely go raving mad over the word "protection," but I, for one, was never disturbed at the sound of that word when it is used solely for revenue, and not made a means to monopoly. The Democratic Party in no platform ever written declared for free wool, but Congress several times undertook to commit our party to free raw wool, and each time its representatives were relegated to private life. In 1887 and 1888 Congress struggled for months to enact the Mills bill and cut the tariff on wool to a minimum, and the party was defeated at the polls at the national election that fall.

Mr. MACON. Does the gentleman know that the Mills bill carried a provision for free wool, and that the Democratic convention which sat in that year specifically indorsed that bill by resolution?

Mr. FRANCIS. They may have indorsed that bill. I do not know.

Mr. MACON. I think I will be able to show the gentleman by the words of the convention that they did that.

Mr. FRANCIS. I will read from the platform. That will probably satisfy the gentleman.

If party principles are to be found anywhere, they would be expected to be found in our party platform. Take, for instance, the platform of 1888, which reads as follows:

Our established domestic industries and enterprises should not and need not be endangered by the reduction and correction of the burdens of taxation. On the contrary, a fair and careful revision of our tax laws, with due allowance for the difference between the wages of American and foreign labor, must promote and encourage every branch of such industries and enterprises by giving them assurance of an extended market and steady and continuous operations. In the interests of American labor, which should in no event be neglected, the revision of our tax laws contemplated by the Democratic Party should promote the advantage of such labor by cheapening the cost of necessaries of life in the home of every workingman and at the same time securing to him steady and remunerative employment. Upon this question of tariff reform, so closely concerning every phase of our national life, and upon every question involved in the problem of good government, the Democratic Party submits its principles and professions to the intelligent suffrages of the American people.

Does that read like free wool? Does that read like we should let in foreign pauper-made goods to crush out our woolen mills and stop the hum of the spindles and cause them to rust and decay in inactivity and the laborer to come to want? It would have been wise for the Democratic Party to have had this plank in their platform copyrighted, so as to prevent the Republican Party from purloining it in the year 1896, which it did.

In 1894 Congress adopted the Wilson-Gorman free-wool schedule, and our sheep were driven from the hills to the slaughter-house, and so was the Democratic Party. Thus it was that our Congress twice attempted to foist free raw wool on our people when our party platform did not ask it to do so, and we have seen the consequences.

Now let us read from the message of President Cleveland:

The proposition with which we have to deal is the reduction of the revenue received by the Government and indirectly paid by the people from customs duties. The question of free trade is not involved, nor is there now any occasion for the discussion of the wisdom or expediency of the protective system. Justice and fairness dictate that in any modification of our present laws relating to revenue the interests and industries which have been encouraged by such laws, and in which our citizens have large investments, should not be ruthlessly injured or destroyed. We should also deal with the subject in such manner as to protect the interests of American labor, which is the capital of our workingmen. Its stability and proper remuneration furnish the most justifiable pretext for a protective policy. Within these limitations a certain reduction should be made in our customs revenue.

Does that sound like free wool and free woolen goods?

I have little patience with the man who wishes to place a tariff indiscriminately on wool and woolens. Every tariff must, of necessity, in its workings help some one; but are you going to say that because of this fact we should not levy a tariff at all? Must the man who writes the schedule do so blindfolded and without any discrimination? Certainly not. And when it is levied with care and discrimination, to that extent you are looking after the interests of the producer and laborer of the country; and this is levying tariff for revenue, having regard as to where its burdens shall fall and in order to do the most good to the greatest number of our people. [Applause.]

Schedule K since 1867 has been a contemptible, trust-breeding schedule, written in the interest of the manufacturers.

The schedule as here proposed is upon an ad valorem basis, the proper basis on which to frame a wool and woolen tariff.

It is confidently asserted, and the fact is borne out by the proof, that the head officers of the National Woolgrowers' Association and the National Association of Wool Manufacturers, of whom the American Woolen Co. is the controlling figure, have allied themselves together to hoodwink the wool producers of this country.

For instance, take the letter of Gordon Dobson, vice president of the Carded Woolen Manufacturers' Association, to the American Sheep Breeders of Chicago, of March 8, which seems to explain the true situation and alliance of these companies, and is as follows:

It is in every way remarkable that you and the National Wool Growers' Association, who claim to represent the woolgrowers, should unite in this work of preventing the woolgrowers from knowing the truth about Schedule K. I have the most reliable information that the officers of the National Wool Growers' Association are as great offenders as you in this work of keeping the woolgrowers in ignorance. About a year ago F. W. Gooding, then president of the National Wool Growers' Association, and another official of that organization had an interview at Boston with Robert Bleakie, a director of the Carded Woolen Manufacturers' Association. Mr. Bleakie explained to them the special privilege under paragraph 366 of the Payne bill, by which washed worsted wool of class 2 was admitted at the single duty of 12 cents a pound. Both President Gooding and his companion denied repeatedly and vigorously that such a rate was imposed by Schedule K. His companion took the copy of the bill out of his bag and read the paragraph over carefully, not only once, but several times, without discovering the joker. Finally, as he was reading it through for the fourth time, President Gooding exclaimed, "Damn it, Pete, they're right." And Pete had to acknowledge that they were right. Just think of it. President Gooding was the head of an association calling itself "National." He was one of the seven woolgrowers who met the five worsted spinners at Chicago on October 15, 1908, and made a "solemn compact" to stand pat on Schedule K, and nevertheless he was ignorant of the fact that that schedule had allowed the worsted spinners since 1867 to import washed wool of class 2 at a single rate of 12 cents a pound. We may well be astonished by such ignorance in a man in a responsible position, but imagine our feelings when the same man a year after he had been informed of that discrimination against the woolgrowers deliberately suppresses President Moir's letter at the Portland convention and thus prevents the rank and file of the woolgrowers from knowing the truth.

From this it is very apparent that the carded-woolen manufacturers have sold their birthright to the worsted manufacturers for a mess of pottage.

Uncle Sam was blind when Schedule K was first written, just as Abraham of old was blind. His son Jacob, the worsted manufacturer, after deluding the Wool Growers' Association and getting them to make a bargain with Esau, the woolly man, put on the worsted fleece and went to Uncle Sam's Ways and Means Committee in the year 1867 and received the blessing in the form of Schedule K, and has kept and maintained it practically ever since, with the assistance of our Government, and has ruled the wool kingdom of this country to the present day.

This Jacob's brother Esau, the real woolly man, has lost his birthright and become tired of his bargain, and it is only through his kicking that the people have discovered the real iniquity of Schedule K. This Schedule K was founded upon the assumption that 4 pounds of grease wool were required to make 1 pound of wool cloth. This is absolutely false, either as an average or as a fact. Its provisions are prohibitive as to the greater part of foreign wool, and especially as to foreign woolen goods. To demonstrate what I say, you have only to look at the character of the wool which is being imported.

There was concealed within this Schedule K a special privilege in the interest of the worsted spinner ever since the year 1867, with the exception of the years 1894 to 1897, during the operation of the Wilson bill. When the Dingley Act was passed this same concealed special privilege was again reenacted in toto, and was retained in the Payne-Aldrich bill entire. This discrimination grew out of three things: First, the system of specific duties; second, the system of classifying wools as Nos. 1, 2, and 3; and, third, the theory that 4 pounds of grease wool were required to make 1 pound of cloth.

Wool varies in shrinkage from 15 to 80 per cent—that is, for example, by taking 100 pounds of wool, some of which, when the dirt and grease are separated from it, will produce 85 pounds of wool and 15 pounds of grease and dirt. Others will produce 20 pounds of clean wool and 80 pounds of dirt and grease. Under this Payne-Aldrich Schedule K some factories can bring in fleece-washed wool, shrinking from 15 to 25 per cent, on which the duty is only 12 cents per pound; while other growths of wool, suited for other kinds of machinery and goods, and are of this heavy grease and shrinkage if washed, are dutiable at 22 cents per pound, and if scoured at 44 cents per pound, which is prohibitory.

There is a specially favored wool, known as skirted wool, which comes in washed at a single specific duty of 12 cents per pound, and 11 cents unwashed; some years as much as 30,000,000 pounds of this, which displaces from 60,000,000 to 80,000,000 pounds of domestic wool by reason of the difference in the shrinkage of the two qualities. This is used principally in our worsted mills, and is a specific privilege and discrimination of the worst kind. This has been going on against the American woolgrower and the carded-woolen manufacturer since the year

1867, excepting the few years that the Wilson bill was in operation. This is a direct discrimination against our Ohio wools as well as against the other wool-producing States, for the American Woolen Co. have chosen to import and purchase this foreign skirted wool, which shrinks from 15 to 20 per cent, in preference to our Ohio fleece, which shrinks from 52 to 65 per cent; and this is the "nigger in the wood pile" or sleeper that underlies Schedule K and makes it so obnoxious to the woolgrower, the wool consumer, and the woolen manufacturers other than the worsted manufacturers. This skirted wool comes into our ports in its natural state at 11 cents duty per pound.

Now, what is skirted wool? How many Members of this House know the meaning and significance of skirted wool? Let me explain: In shearing the sheep these foreign woolgrowers first take off the wool from the legs, belly, buttocks, and neck and head of the sheep, thereby discarding all of the cheap, inferior, dirty, greasy, and heavy parts of the fleece. The balance of the fleece is the choice and finest wool on the sheep. This comes into our ports, under Schedule K, washed, at a duty of 12 cents per pound, and in its natural state at 11 cents per pound.

Now let us demonstrate how this competes with our domestic wools. Some will say that it is a coarse wool and not the kind grown in the United States, which is not correct, for much other wool comes in skirted at 11 cents duty. But let me say to you that every yard of worsted cloth made from it displaces a yard of wool cloth, and every pound of this wool imported displaces from 2 to 3 pounds of domestic wool.

For illustration, let us take 20 pounds of this skirted wool, entering our ports, washed, at a duty of 12 cents per pound, as against 20 pounds of our domestic wool.

Now, 20 pounds of skirted loses 20 per cent in cleaning and shrinkage, or 4 pounds, leaving 16 pounds clean wool. Our American wool, 20 pounds, shrinks 60 per cent, or 12 pounds, leaving 8 pounds clean wool. Now, our domestic wool has the whole fleece, composed of all its parts in it, and is worth 60 cents per clean pound, or 8 pounds at 60 cents, which is $4.80, while this imported wool, being the choice clean wool of the highest possible grade, is worth 90 cents per clean pound, or 16 pounds at 90 cents, which is $14.40. The value is in the ratio of $4.80 to $14.40. By this it will be seen that our domestic wool bears the relation to this skirted foreign wool of 1 to 3. Hence the specific duty of 12 cents on this class of foreign wool will, in fact, when figured by taking into account both quantity and value, represent but one-third of 12 cents duty, which is 4 cents, and this is all the protection the deluded American woolgrower has had since 1867. This analysis will practically be the same upon the skirted wool, which is imported at 11 cents duty per pound, which shrinks only 30 per cent, and the duty paid on each of these grades of wool when compared with ours is 4 cents, and we have now uncovered the real "nigger" in the woodpile.

The CHAIRMAN. The time of the gentleman has expired.

Mr. UNDERWOOD. I yield to the gentleman 30 minutes more.

Mr. FRANCIS. In order to be informed on this question of skirted wool, on May 15, 1911, I wrote Charles R. Skinner, assistant appraiser of wool in the appraiser's warehouse, New York City, asking him about this character of wool and as to the meaning of skirted wool as received at that port, and received from him the following reply:

DEAR SIR: I have yours of the 15th instant, making inquiry as to the meaning of skirted wool under the present tariff. In reply I inclose a drawing of a skirted wool, with explanations. These wools do not come free—they are very generally classed as wool, class 1, unwashed, duty 11 cents per pound. The duty of 11 cents applies to all parts of the skirted skin.

Very truly, CHARLES R. SKINNER.

Our imports show that almost all of this wool comes in at 11 cents a pound in the grease, which will not shrink over 25 to 30 per cent, or washed at 12 cents per pound, which shrinks less.

The foregoing illustration shows that by hoodwinking the American people in this way wool has been imported under this specific duty and favored schedule at a very low rate.

It is shown also by the imports that the other large importations of wool are brought in as wool known as No. 3 at the very low rate of 3 and 4 cents duty per pound. These wools are used principally in the manufacturing of carpets, but they also compete to a great extent with our domestic clips, where used in our worsted mills for the coarser clothing.

I again wrote Mr. Skinner on May 18, 1911, and on May 19 I received the following reply:

DEAR SIR: Under paragraph 369 wools of the second class, whether washed or unwashed, being of the English blood, are returned for duty at 12 cents per pound. Wools of the English blood, as a rule, come to this port washed.

Very truly, yours, CHARLES R. SKINNER.

So that it is very apparent that this is the kind of wool which has been largely imported into our country, and the bill under consideration totally puts to rout this shameful discrimination, being framed on an ad valorem basis.

In 1910 there was imported into this country in all $47,687,293 worth of raw wool. Of this amount there was imported of—

Class 1, at a duty of 11 cents per pound, 107,996,167 pounds, valued at	$25,147,142
Class 2, at a duty of 12 cents per pound, 26,687,672 pounds, valued at	6,824,079
Class 3, at a duty of 3 and 4 cents per pound, 84,692,274 pounds, valued at	9,309,323
Total	41,280,744

Now, it is seen that nearly all of our importations of wool are brought into the country at 11 and 12 cents under this favored skirting clause, but, in fact, they come in at no greater rate of duty than the carpet wools—that is, 3 and 4 cents per pound—when compared with our domestic wools.

Now, let us take the history of Schedule K, when this skirting clause was written into it in 1867, and mark the effect on the wool market. In 1866 wool was 70 cents. In 1868, immediately after, it dropped to 46 cents per pound. On a gold basis in 1866, 50 cents per pound, down to 34 cents per pound in 1868. So it is very apparent that this was the thing that caused the slump in wool prices at that time.

But our manufacturers and sheep raisers had adjusted their business to this schedule until the Wilson free-wool schedule of 1894 was enacted, when it is seen that wool in 1893 ranged in price from 29 to 33 cents per pound, but in 1895 fell, and ranged in price from 16½ to 20 cents per pound. Will anyone contend for a moment that this did not cause disaster to our business interests?

If the Members of this House have forgotten the effect of this wool schedule upon the country, it will be well to refer to some statistics to refresh their memories. Immediately before the adoption of the Wilson bill there were 47,000,000 sheep in the United States, valued at $2.66 per head. Immediately after, in the year 1895, the average price of our sheep was $1.58, not quite the price of a good-sized Shanghai chicken to-day. And in 1896 our sheep numbered 36,800,000, and had fallen off in two years 10,000,000 in number. They had gone to the slaughterhouse, and the business of the sheep raiser was ruined.

Let us now see the effect on importation of wool under the tariff of 1894. In that year there was imported 55,000,000 pounds of wool. This low amount might have been partly on account of the anticipation of a free-wool schedule; but in the year 1895 there was imported 206,000,000 pounds, and in the year 1897 it had increased to the enormous sum of 350,000,000 pounds; and during the same period the imports of manufactured goods, in 1894, was $19,500,000, while in 1896 the importation had increased to $53,500,000, both of which causes entirely crushed our woolgrowing industry in this country.

The importation of 350,000,000 pounds of raw wool into the country in 1897 was more wool than was raised in the United States in that year. In the year 1910 our entire product was 321,000,000 pounds, and there was imported by way of manufactured cloth as much, if not more, than that of raw wool, so that it will be seen that under the Wilson bill there came into this country twice as much wool in a single year as was raised in the United States in the year 1910. This proposed bill embodies a lower duty than did the Wilson bill, which let wool come in free and made goods dutiable at 50 per cent. This bill makes wool dutiable at 20 per cent and cloth at 40 per cent. When you deduct the ad valorem from the cloth required to compensate for a 20 per cent duty upon wool, which the foreign manufacturer has free, which would be 12 to 13 per cent, it brings the net duty on a free-wool basis to 27 to 28 per cent, or just a little over half of the Wilson bill, and is a price against which our industries can not compete.

In Canada they have free wool, but the duty on manufactured articles against Great Britain is 30 per cent and 35 per cent against other countries.

Half of the woolen machinery that was operated in Canada 10 years ago is now idle. Considerable of the machinery has been broken up and made into scrap, and not over half of the remaining mills are in operation. They have a lower operating expense than we have and skilled workmen, and it is fair to conclude that if this bill goes into effect this great dual industry of wool manufacturing and wool producing will be crushed, as it was in 1894.

A great deal is said about the price at which an English tailor-made, all-wool suit of clothes can be obtained in Great Britain as compared with the same suit and material in this country.

Great stress is put upon the fact of the wide difference in prices, in support of the claim that the whole trouble is in the

tariff duties between the two countries, when in truth and in fact that enters very little into the matter, and almost the entire difference is in the price of labor bestowed upon the making of the goods in America as compared with the cheap labor of Europe.

Take, for instance, an English-made suit of clothes. The prices entering into such a suit are as follows:

Cloth, 3½ yards	$2.50
Labor for making a sack coat	1.75
Labor for making a vest	.50
Labor for making trousers	.37
Trimmings necessary for the suit, complete	1.25
Labor for cutting	.50
Total, for making the suit complete and furnishing all materials	6.87

This suit will sell in England for $15.

We will now take an American suit of American goods of the same class:

3½ yards of cloth	$8.50
Labor for making sack coat	8.25
Labor for making trousers	2.50
Labor for making vest	2.00
Good average trimmings, complete	4.00
Labor for cutting	2.00
Total, for suit complete	27.25

This suit will be sold by the American merchant tailor at $40.

I simply draw this parallel, having obtained it from one who has worked just recently in both countries and is able to give the figures, so as to show that the great discrepancy in these prices is caused by the difference of labor in the two countries. And this will hold good as to the importation of foreign ready-made goods when brought in competition with our ready-made goods.

It will be noticed that the English cloth in this computation costs $2.50 as against the American-made cloth at $8.50. This is due to two reasons: First, our trust methods in inflating and putting up the price to the American consumer, as I have already shown; but the principal difference is caused by reason of the comparative cost of labor in this country and in England. This bears the same relation to the manufacture of the cloth as it does to the making of the two suits of clothes, as demonstrated in the foregoing illustration.

A great many persons are laboring under the impression that the high cost of a suit of clothes in this country is directly enhanced by the high tariff on raw wool that is imported into this country to be used in our factories.

When you analyze this proposition it is plain to anyone that the duty on this raw washed wool at 12 cents per pound—there being about 3½ pounds of wool in an all-wool suit of clothes and which is scarcely found among the American makes upon the shelves of our merchant tailors—that this duty of 12 cents a pound on the wool would not make, in the aggregate, to exceed 50 or 60 cents added to that suit of clothes. But under Schedule K the woolen imports of cloth were placed at a prohibitive rate, and from this it can plainly be seen that the American Wool Trust has had the grand opportunity of making prices to suit itself to fleece the people. It is plain to be seen that under Schedule K of the Payne-Aldrich bill it has been so framed that it produces very little revenue on the importation of wool, and, being prohibitive of the importation of manufactured woolen cloth, that there is very little revenue derived from that source. Hence, the American Woolen Trust has the matter of fixing prices in its own hands.

Now, if this tariff would have the effect to drive our sheep to the shambles, then it should not be enacted; or if its operations will be such as to close down our woolen and worsted mills, again I say it should not be enacted. It places a duty of 20 per cent ad valorem on raw wool, noil, top, waste, and so forth, and of course this dispenses with the necessity of classifying the different kinds of wool as Nos. 1, 2, and 3.

On combed wool, tops, roving or roping, and so forth, 25 per cent ad valorem.

On yarns, and so forth, 30 per cent ad valorem.

On manufactured woolens an average of about 42½ per cent ad valorem, ranging from 25 per cent to 50 per cent ad valorem, making the principal articles which are shipped into our ports at about 40 per cent ad valorem.

Our Ways and Means Committee have made comparisons for the purpose of this bill with the Wilson-Gorman bill, the Springer bill of 1892, and the Mills bill of 1888.

These last two bills never became law, but were simply the production of a committee, and why they or either of them should be given any consideration in framing the present bill I am at great loss to know. The practical workings of neither of said proposed bills were ever tested, either in the interest of the people or as revenue producers; there is, in fact, nothing to be gained from a comparison with them, except it be to demonstrate two Democratic failures along free-trade lines, which culminated finally in the free trade Wilson bill, which accomplished the ruin that the other two bills would have done had they become laws.

The advocates of this bill claim it is a revenue producer, and they demonstrate how it shall be obtained by showing how its operations will flood our country by both foreign-made goods and foreign-grown wools.

There is no industry which so nearly concerns all the people of the United States as the woolen industry. It affects every State in the Union in the production of wool and mutton, every wearer of woolen goods, every one of the vast number employed in the 1,213 great woolen plants of our country, which turn out an annual product of manufactured woolens of $381,000,000. This great woolgrowing industry surprises us when we consider that there are 58,000,000 sheep in the United States, representing a valuation of $235,000,000, permeating every State in this Union, and every State of the Union has over 100,000 sheep, excepting eight States.

Sheep and wool—Number and farm value of sheep on farms in the United States, 1867–1911.

Year.	Number.	Price per head Jan. 1.	Farm value Jan. 1.
1867	39,385,000	$2.50	$98,644,000
1868	38,992,000	1.82	71,053,000
1869	37,724,000	1.64	62,037,000
1870	40,853,000	1.96	79,876,000
1871	31,851,000	2.14	68,310,000
1872	31,679,000	2.61	82,768,000
1873	33,002,000	2.71	89,427,000
1874	33,938,000	2.43	82,353,000
1875	33,784,000	2.55	86,278,000
1876	35,935,000	2.37	85,121,000
1877	35,804,000	2.13	76,362,000
1878	35,740,000	2.21	78,898,000
1879	38,124,000	2.07	78,965,000
1880	40,766,000	2.21	90,231,000
1881	43,570,000	2.39	104,071,000
1882	45,016,000	2.37	106,596,000
1883	49,237,000	2.53	124,366,000
1884	50,627,000	2.37	119,903,000
1885	50,360,000	2.14	107,961,000
1886	48,322,000	1.91	92,444,000
1887	44,759,000	2.01	89,873,000
1888	43,545,000	2.05	89,280,000
1889	42,599,000	2.13	90,640,000
1890	44,336,000	2.27	100,660,000
1891	43,431,000	2.50	108,397,000
1892	44,938,000	2.58	116,121,000
1893	47,274,000	2.66	125,909,000
1894	45,048,000	1.98	89,186,000
1895	42,294,000	1.58	66,686,000
1896	38,299,000	1.70	65,168,000
1897	36,819,000	1.82	67,021,000
1898	37,657,000	2.46	92,721,000
1899	39,114,000	2.75	107,698,000
1900	41,883,000	2.93	122,666,000
1901	59,757,000	2.98	178,072,000
1902	62,039,000	2.65	164,446,000
1903	63,965,000	2.63	168,316,000
1904	51,630,000	2.59	133,530,000
1905	45,170,000	2.82	127,332,000
1906	50,632,000	3.54	179,056,000
1907	53,240,000	3.84	204,210,000
1908	54,631,000	3.88	211,736,000
1909	56,084,000	3.43	192,632,000
1910	57,216,000	4.08	233,664,000
1911	.....	3.73	.....

You will notice the falling off in the number, value per head, and farm value of sheep immediately after this skirting clause, which I have explained was enacted in 1867, and also notice the same falling off under the free-wool Wilson bill in 1894.

Our last census has alarmed the Government at the exodus of our population from the farms to city life, until it has become the cry of the nation, "Back to the farm!" But the farmer who raises hay, corn, oats, potatoes, and wheat has extracted from these farms their vitality until they will respond no more. He has taken everything from the soil without replenishing its fertility, and hence they are abandoning them. Let the farmer go back to the farm with his sheep, which enriches the land as they develop and grow; let the order of husbandry be reversed and the lands be rejuvenated by the rearing of sheep, and this national alarm will be dispelled. [Applause.]

Now, can our American woolgrowers compete with foreign wool under these schedules? Can the manufacturers of woolen goods compete with foreign importers under these schedules? These are the two great questions to be solved, and these are the questions which a million American producers and workmen are waiting to hear answered in the affirmative.

Our Ways and Means Committee evidently either has been misinformed as to the number of sheep in the United States or has made a miscalculation. The number given in its table represents the number of sheep of shearing age, and makes no account of lambs and mutton sheep which are marketed each year. The true number and value in January, 1910, is just what I have quoted, but according to the unpublished reports this number has increased in the last year about 10 per cent, and our sheep to-day will number close to 65,000,000 head. The number and kinds of sheep in the five counties comprising the sixteenth district of Ohio, as taken from the latest figures obtainable, is as follows:

Number of sheep on farms April 15, 1910—five counties.

County.	Total sheep.	Lambs.	Ewes.	Rams and wethers.
Belmont	93,987	11,340	45,870	36,777
Carroll	73,940	7,216	37,619	29,105
Jefferson	57,291	7,519	29,764	19,518
Harrison	149,704	19,556	67,924	62,224
Monroe	23,423	4,014	12,193	7,216
Total	398,345	49,645	193,370	154,840

I have not the time to take up item by item in this bill, while I heartily agree that our committee has placed the schedule on an ad valorem duty as the only proper way to collect this revenue. But I am morally certain that this tariff is not sufficiently high to produce the required revenue on either the manufactured goods or on the raw wool and at the same time to do justice to our industries and producers.

Under section 3 of the proposed act the committee has compiled a statement showing the amount of combed wool or tops, roving, etc., manufactured, etc., at a duty which shall be 25 per cent, and what was imported and the duty thereon for the last year, and showing that they estimate that there will be about 700 times as much imported under section 3 of this act as was imported under the Payne-Aldrich Act, and that the revenue will be increased about 150 times as much. This does not sound good to those who are interested in the production of wool and woolens in this country. This boldly asserts that this vast sum represents just so much foreign labor, withdrawn from and taken away from American industries.

Their summary proposes to receive annually under this bill about $20,000,000 worth of wool more than under the former act.

But the worst feature of the whole matter is that this bill proposes to let in to our ports forty and a half million dollars more annually of woolens than did the former act.

That by reason of this low tariff, almost to a free-trade basis, they propose to flood our country with wool and woolens. This was demonstrated under the Walker tariff law of 1846. I read from the American Tariff Controversies in the Nineteenth Century, volume 2, page 92:

It is not too much to say that the new tariff practically ruined the woolen industry, which had revived and become fairly flourishing under the protection it received under the act of 1842. The ambitious manufacturers of that time began the production of fine broadcloths, which in quality equaled any that were made in the world. But the act of 1846 put an end to the industry. When that tariff went into operation there were 1,800 looms, chiefly in New England, weaving broadcloth. Within a few years every one of them had stopped or had been diverted to the production of an inferior grade of goods. The blanket manufacture also was destroyed. The rate of duty on the coarse wool used in making blankets, which was imported and not produced in the country, was 30 per cent, but the duty on blankets was only 20 per cent. The law therefore operated as a prohibition upon the manufacture. "The only branches of wool manufacture which continued with any great activity were those which, like flannels, were supplied by the common wool of the country, so superior in its spinning qualities as in itself to afford an advantage over the foreign manufacture. There was no longer a demand for any but the common wools, and the Saxony wool industry, which had recently made great progress among the New England farmers, disappeared with the manufacture of fine cloths, which had brought it into existence." All writers agree that the period was one of extreme depression, of disappointment, and disaster. The importations of foreign fabrics of wool increased greatly as the domestic industry declined. The value of woolen manufactures imported in 1846 was $10,000,000; in 1855 it was $22,000,000.

I read again from the same work, at page 308, as to the operation of the Wilson bill. This is evidently compiled with some care and may have a little coloring from a Republican pen, but the facts and statistics remain unchanged.

Inasmuch as the great feature of the then existing tariff was free wool he made much of the disastrous result of the experiment. The importation of wool in 1896 was three times as much as in 1893, and the quantity of woolen manufactures imported was twice as great, yet the revenue from the articles named in the wool schedule was diminished almost one-half—the receipts having been only $23,000,000, a loss of $21,000,000. "In other words," he said, "by placing wool on the free list and reducing the duties on the manufactures of wool the Treasury lost $21,000,000 of revenue, our farmers lost a market for the 80,000,000 pounds of wool which they raised in 1892 in excess of what they raised in 1897–98, as well as nearly 10 cents a pound in price, involving a loss to them of nearly $30,000,000 per annum on this one farm product; and our manufacturers and their workingmen lost a market not only for the goods which foreign imports had supplanted, but also a market for the goods which the farmers and masses of the people were able to purchase in 1893, but which they could not buy in 1896 because of a loss of employment and purchasing power." At the same time, he remarked, it had been demonstrated that free wool did not effect an increase of an exportation of woolen manufactures, but that it had been followed by an increase in the importation of shoddy. Not to discuss the question whether all the evils mentioned were a direct consequence of the wool and woolen schedule in the act of 1894, it seems to be beyond question that some of them were. At all events, it is a fact that during the continuance of that act both wool growing and wool manufacturing suffered more severely than did most industries from the depression of the time.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. UNDERWOOD. I yield to the gentleman 10 minutes more.

Mr. FRANCIS. Wright's Wool seems to be the leading work on wool and the wool tariff in this country. At page 299, speaking of the Wilson bill, it says:

Then followed the régime of free wool under the Wilson tariff, together with severe industrial depression, and about two-fifths of the sheep were disposed of. The losses fell heaviest upon the States where sheep had been most numerous, and in some cases amounted to one-half of the flocks.

Now, this extra importation of $20,000,000, as proposed by this bill, paid out by our Government for wool to be supplied to its people, and this forty and a half million of dollars paid for manufactured goods, represents in all sixty and a half million dollars in gold, dipped out of the money of our country and out of circulation and distributed in foreign countries.

But this is not all; this forty and one-half millions of dollars worth of manufactured goods coming into our ports to supply our people represents a labor bestowed thereon of one-half of its value, or twenty and one-half million dollars; this work is to be performed on foreign shores while our workmen stand idly by. Do you know how many laborers employed for a whole year at a monthly salary of $50 this will supplant in the United States? Just 33,750 at the least calculation, at an annual wage of $600. This extra sixty and one-half millions of dollars of imports of wool and woolens will so far crush the wool producer that he will have to abandon his business, and many of his laborers be thrown out of employment, and we will have 100,000 men, women, and children searching for other employment and crowding the other fields of labor in order to obtain a livelihood.

Can the wool producer of our country exist in the face of these duties? If not, we should not enact them, unless we can all agree that he has no right to exist. We should take into consideration, in discussing this question, the standard of American living, wages, education, and citizenship.

The raw wool with which our country competes is chiefly the medium grade of combing wools or the cross breeds of the merino. Those wools are raised on practically free range or on lands valued at from 50 cents to $5 per acre, and where the equable climate requires little or no winter feeding. Much of the wool is grown in Argentina, Bolivia, and in Australia.

Much of the wool which enters into the manufactured cloth and raw wool is grown under the care of a herder who wears a tuft of hair for a hat and a breechclout for a suit of clothes. Are we willing to throw our ports open to this kind of competition?

Due consideration of this question convinces me that any reduction of the woolen schedule should provide for the lowering of the duties upon the manufactured woolens from the present Schedule K; and while this might cut the profits of the combine, it would certainly give a reasonable profit and at the same time reduce the cost to the American people of the garments they have to wear.

Better a reduction of the profit of the manufacturers and lower prices to the laboring man for his clothes, and it is highly proper that this should be accomplished on an ad valorem basis.

I am earnestly in favor of the revision of this tariff in the interest of all the American people, and by the American people, and not in the interests of its beneficiaries—The American Wool Trust. [Applause.]

Mr. UNDERWOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FLOOD of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11019) to reduce the duties on wool and the manufactures of wool, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. REYBURN, by unanimous consent, was given leave of absence for three weeks, on account of important business.

HOUR OF MEETING TO-MORROW.

Mr. HINDS. Mr. Speaker, I ask unanimous consent that the order heretofore made for eulogies on the memory of the late Hon. AMOS L. ALLEN, a Representative from Maine, be so amended that the time of meeting to-morrow shall be 12.30 o'clock instead of 12 o'clock.

The SPEAKER. The gentleman from Maine asks unanimous consent that the order heretofore adopted fixing the hour of noon to-morrow as the beginning of the session for eulogies on the late Hon. AMOS L. ALLEN, of Maine, be changed to 12.30 o'clock. Is there objection?

There was no objection, and it was so ordered.

DESIGNATION OF SPEAKER PRO TEMPORE.

The SPEAKER designated Mr. MCGILLICUDDY to preside at the session to-morrow.

ADJOURNMENT.

Then, on motion of Mr. UNDERWOOD (at 4 o'clock and 50 minutes p. m.), the House adjourned until to-morrow, Sunday, June 11, 1911, at 12.30 p. m.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ROBINSON: A bill (H. R. 11475) to authorize the sale of burnt timber on the public lands, and for other purposes; to the Committee on the Public Lands.

By Mr. BUCHANAN: A bill (H. R. 11476) to amend chapter 370, paragraph 3, page 424, volume 30, of the United States Statutes at Large; to the Committee on Interstate and Foreign Commerce.

By Mr. HUGHES of West Virginia: A bill (H. R. 11477) authorizing the construction of a railroad, tramroad, conveyor, wagon, or foot bridge, and approaches thereto, across the Tug Fork of the Big Sandy River at or near Matewan Station, in Mingo County, W. Va.; to the Committee on Interstate and Foreign Commerce.

By Mr. DENT: A bill (H. R. 11478) to quiet title and possession with respect to a certain unconfirmed and located private-land claim in Baldwin County, Ala., in so far as the records of the General Land Office show said claim to be free from conflict; to the Committee on the Public Lands.

By Mr. TAYLOR of Colorado: A bill (H. R. 11479) to allow the entry of coal lands located under circular of Department of the Interior, dated March 21, 1908; to the Committee on the Public Lands.

Also, a bill (H. R. 11480) granting pensions to the surviving members and widows of members of the Forsythe Scouts; to the Committee on Pensions.

Also, a bill (H. R. 11481) to authorize and direct the Postmaster General to procure postal cars and contract for hauling them, and appropriating money therefor; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 11482) to increase the compensation of rural letter carriers and granting them 30 days' leave per annum; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 11483) for the benefit of railway postal clerks; to the Committee on the Post Office and Post Roads.

By Mr. MILLER: A bill (H. R. 11484) authorizing the Court of Claims to hear and determine certain claims of the Chippewa Indians of Minnesota against the United States; to the Committee on Claims.

By Mr. CLAYTON: A bill (H. R. 11485) to define and punish contempts of court; to the Committee on the Judiciary.

By Mr. OLDFIELD: Resolution (H. Res. 200) authorizing the payment of the expenses of the committee appointed by the Committee on the District of Columbia, or the chairman thereof, to investigate and make inquiry into the various departments of government in the District of Columbia, and into the management and conduct of all public-utility corporations doing business in said District; to the Committee on Accounts.

By Mr. CARY: A memorial joint resolution adopted by the Legislature of Wisconsin memorializing Congress to grant Alaska a territorial form of Government; to the Committee on the Territories.

Also, memorial joint resolution adopted by the Legislature of Wisconsin, petitioning for a national constitutional convention; to the Committee on the Judiciary.

Also, memorial joint resolution adopted by the Legislature of Wisconsin, memorializing Congress to take proper steps for the adoption of an amendment to the Federal Constitution providing that such Constitution may be amended hereafter by initiative; to the Committee on the Judiciary.

Also, memorial joint resolution adopted by the Legislature of Wisconsin, petitioning Congress to take proper steps toward a constitutional amendment providing for initiative, referendum, and recall; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRADLEY: A bill (H. R. 11486) granting an increase of pension to Joseph Taylor; to the Committee on Invalid Pensions.

By Mr. CLINE: A bill (H. R. 11487) granting a pension to Newel P. Lewis; to the Committee on Pensions.

Also, a bill (H. R. 11488) granting a pension to Wilson Decker; to the Committee on Pensions.

By Mr. DAUGHERTY: A bill (H. R. 11489) for the relief of Mrs. A. E. Hathaway; to the Committee on Military Affairs.

By Mr. DAVIS of Minnesota: A bill (H. R. 11490) granting an increase of pension to Catharine Abbot; to the Committee on Invalid Pensions.

By Mr. DENT: A bill (H. R. 11491) to correct the military record of John Sanspree; to the Committee on Military Affairs.

Also, a bill (H. R. 11492) granting a pension to James L. Herod; to the Committee on Pensions.

Also, a bill (H. R. 11493) granting an increase of pension to Thomas L. Williams; to the Committee on Pensions.

Also, a bill (H. R. 11494) to authorize the issuance of a patent to H. W. Slaughter for land located in Clarke County, State of Alabama; to the Committee on the Public Lands.

Also, a bill (H. R. 11495) granting an increase of pension to Garrett Stanley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11496) for the relief of J. H. Cravey; to the Committee on Claims.

Also, a bill (H. R. 11497) granting an increase of pension to Perry S. Grindle; to the Committee on Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 11498) granting a pension to Abigail Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11499) granting a pension to Frank L. Kennedy; to the Committee on Pensions.

Also, a bill (H. R. 11500) granting an increase of pension to William Duckworth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11501) granting an increase of pension to George W. Graves; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11502) granting an increase of pension to William H. Harrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11503) granting an increase of pension to Samuel Franklin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11504) granting an increase of pension to John S. Davidson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11505) granting an increase of pension to Parley Day; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11506) granting an increase of pension to William N. Barnett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11507) granting an increase of pension to Harmon Dixon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11508) granting an increase of pension to John Philip Ebel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11509) granting an increase of pension to Rebecca J. Forry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11510) granting an increase of pension to Robert B. Hoover; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11511) granting an increase of pension to George W. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11512) granting an increase of pension to Hester A. Snodgrass; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11513) granting an increase of pension to Benjamin F. Preble; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11514) granting an increase of pension to William R. Day; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11515) granting an increase of pension to Thomas A. Pearce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11516) granting an increase of pension to Dyer C. Elder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11517) granting an increase of pension to Michael Glaub; to the Committee on Invalid Pensions.

By Mr. DODDS: A bill (H. R. 11518) for the relief of Ryland J. Shuck; to the Committee on War Claims.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 11519) granting a pension to Harriet W. Cushing; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 11520) granting a pension to Jesse H. Wade; to the Committee on Pensions.

By Mr. FRENCH: A bill (H. R. 11521) granting an increase of pension to Orren R. Strong; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11522) granting an increase of pension to James W. Randall; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 11523) granting an increase of pension to Clark Bullock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11524) granting an increase of pension to B. F. Lemon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11525) granting an increase of pension to Louisa B. Highley; to the Committee on Pensions.

Also, a bill (H. R. 11526) granting an increase of pension to John Stander; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11527) granting an increase of pension to John M. Heatherly; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 11528) for the relief of the legal representatives of Owen Thorne, deceased; to the Committee on Claims.

By Mr. LANGLEY: A bill (H. R. 11529) granting a pension to James Campbell; to the Committee on Pensions.

Also, a bill (H. R. 11530) granting a pension to Louie E. Downard; to the Committee on Pensions.

Also, a bill (H. R. 11531) granting a pension to William L. Laws; to the Committee on Pensions.

Also, a bill (H. R. 11532) granting a pension to Clay Brandenburg; to the Committee on Pensions.

Also, a bill (H. R. 11533) granting a pension to Joseph F. Fike; to the Committee on Pensions.

Also, a bill (H. R. 11534) granting an increase of pension to Henry Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11535) granting an increase of pension to Huram Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11536) granting an increase of pension to Kels Risner; to the Committee on Invalid Pensions.

By Mr. LOBECK: A bill (H. R. 11537) granting a pension to Cathrine Kelly; to the Committee on Pensions.

Also, a bill (H. R. 11538) granting an increase of pension to Nicholas A. Bovee; to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 11539) granting a pension to Rebecca A. Jones; to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 11540) granting an increase of pension to John Bonecutter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11541) for the relief of Thomas T. Munhall; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CLINE: Papers to accompany a bill granting a pension to Wilson Decker; to the Committee on Pensions.

Also, protest of business men of La Grange, Garrett, and Angola, Ind., against parcels post; to the Committee on the Post Office and Post Roads.

By Mr. DAVIS of Minnesota: Resolutions adopted by the Red Wing (Minn.) Manufacturers' Association, requesting amendment to corporation-tax law; to the Committee on Ways and Means.

Also, petition of C. E. Friedrich and others, Red Wing, Minn., asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. DIXON of Indiana: Petition of citizens of Jefferson and Ripley Counties, Ind., for reduction of duty on sugar; to the Committee on Ways and Means.

By Mr. HINDS: Petition of E. L. Scribner and 11 others, of Otisfield, Me., praying for a reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. HUGHES of New Jersey: Resolutions adopted by the annual convention of the Workmen's Sick and Death Benefit Fund of the United States of America, condemning the manner of the arrest of the McNamaras and indorsing Mr. BERGER'S resolution; to the Committee on Rules.

By Mr. KAHN: Petition of Clarence Holcomb, of San Francisco, Cal., protesting against House bill 8887; to the Committee on Ways and Means.

Also, petitions of Mrs. E. Costberg and 21 others, of Berkeley, and C. L. Leighton and 21 others, of Petaluma, Cal., protesting against Senate bill 237; to the Committee on the District of Columbia.

By Mr. LANGLEY: Petition of sundry citizens of Kentucky, asking that the tariff be taken off sugar; to the Committee on Ways and Means.

Also, petition of sundry citizens of Kentucky for the passage of the Sulloway pension bill; to the Committee on Invalid Pensions.

Also, petition of sundry citizens of Irvine, Ky., protesting against the proposed parcels post; to the Committee on the Post Office and Post Roads.

By Mr. McKINNEY: Petition of the Rock Island Plow Co., of Rock Island, Ill., transmitting resolutions of the Illinois Manufacturers' Association favoring a change in the date for making returns under the Federal corporation tax law; to the Committee on Ways and Means.

By Mr. MAGUIRE of Nebraska: Petition of citizens of numerous addresses in Nebraska, requesting an investigation of the arrest in the McNamara case; to the Committee on Rules.

By Mr. RANDELL of Texas: Petitions of citizens of Fannin County, Tex., favoring reduction in duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petitions of citizens of Goodlett, Hardeman County, Tex., favoring reduction in duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. SAMUEL W. SMITH: Petition of Homer L. Boyle, suggesting the appointment of a permanent committee on the affairs of peace; to the Committee on Rules.

Also, petition of Retail Druggists' Association of Lansing, Mich., opposing enactment of stamp tax on patent and proprietary medicines; to the Committee on Ways and Means.

Also, petition of F. E. Holmes and other citizens of Mount Morris, Mich., in favor of a reduction of the duty on sugars; to the Committee on Ways and Means.

Also, petition of L. M. O'Dell and other citizens of Webberville and Williamston, Mich., opposing House bill 8887; to the Committee on Ways and Means.

Also, petition of druggists of Williamston and Webberville, Mich., opposing enactment of stamp tax on patent medicines; to the Committee on Ways and Means.

By Mr. WILLIS: Petition of Edward A. Furniss and 70 other veterans of the Civil War, of Delaware County, Ohio, asking for the enactment of the Anderson pension bill; to the Committee on Invalid Pensions.

HOUSE OF REPRESENTATIVES.

SUNDAY, *June 11, 1911.*

The House met at 12.30 o'clock p. m., and was called to order by Mr. MCGILLICUDDY, as Speaker pro tempore.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we are assembled here in memory of a departed Member of this House who served his State and Nation with fidelity and ability. Modest, yet firm; without ostentation, yet with patriotic zeal and fervor; a member of a Christian church; zealous in all good works; respected, esteemed, loved by all.

We mourn him, but not as dead; rather as living in another of God's many mansions where, with the same patience, fidelity, and zeal in the service of the King, he is faring on. Help us to emulate his virtues that we may leave behind us a clean record Comfort, we beseech Thee, his colleagues and friends, and let Thine everlasting arms be about those who were near and dear to him in the bonds of kinship to sustain and comfort them; and bring us all in Thine own good time to dwell with Thee in heaven. In the name of Him who is the resurrection and the life. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE LATE REPRESENTATIVE ALLEN, OF MAINE.

The SPEAKER pro tempore. The Clerk will report the special order.

The Clerk read as follows:

On motion of Mr. HINDS, by unanimous consent,

"*Ordered*, That there be a session of the House on Sunday, June 11, at 12 m., and that the said session be devoted to eulogies on the life, character, and public services of AMOS L. ALLEN, late a Representative from the State of Maine."

Mr. HINDS. Mr. Speaker, before the exercises begin to-day, I ask unanimous consent that Members be allowed to print.

The SPEAKER pro tempore. The gentleman from Maine asks unanimous consent that Members be allowed to print their remarks in the RECORD. Is there objection?

There was no objection.

Mr. HINDS. Mr. Speaker, I offer the resolutions which I send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the resolutions.

The Clerk read as follows:

House resolution 201.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. AMOS L. ALLEN, late a Member of this House from the State of Maine.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The question being taken, the resolutions were agreed to.

Mr. HINDS. Mr. Speaker, when AMOS LAWRENCE ALLEN died in this city on February 20, 1911, he closed a career of 50 years as a public servant. That disposition which Marcus Aurelius saw in his emperor father "to be ever watchful over the things that were necessary for the administration of the empire, and to be a good manager of the expenditure, and patiently to endure the blame which he got for such conduct," existed in its patriotic spirit in this faithful servant of the Republic. He came to the public service in Washington in the direful time of the Civil War, when men of unusual constancy and courage deliberated in these halls. Their example, in the formative years of his early manhood, molded and intensified his political principles, from which he did not deviate as his influence and responsibilities broadened.

Mr. ALLEN was born in Waterboro, in the county of York, Me., March 17, 1837. His father came of the Puritan stock of Massachusetts, his Allen ancestors having arrived from England and settled near Salem in 1640. The father was a farmer, leading an industrious but quiet life. Of those pronounced personal traits which preserve the individuality of a man beyond his generation, he seems to have had a sense of humor and ability as a story teller. These characteristics in the distinguished son are credited to his paternal heritage, while the intellectual abilities and judicious ambition which advanced him among his fellows are credited to the maternal inheritance. His mother was Eleanor Ridley, and was of Revolutionary stock. This, however, was not an especial distinction in the county of York, for that county and its neighbor, Cumberland, took as active a part in the Revolution as the counties of the mother State herself, and their sons made up a large portion of the Massachusetts line.

But Eleanor Ridley had another distinction which could not be shared by all her neighbors, and her wide information, outspoken opinions, and decided convictions, especially on the question of slavery, disposed those who knew her to believe, as the traditions of her family asserted, that she was descended from the kin of the martyr Ridley, who perished at the stake in front of Balliol College, Oxford, in the days of Queen Mary.

There were 10 children in the Allen family, AMOS being the eighth. The father was counted fairly prosperous, but the returns from agriculture in the decade of the forties, either in Waterboro or any other Maine town, were not such as to provide for a large family education beyond that of the schools supported by the town taxes. That the mother selected AMOS from the little flock for the honors of a higher education is proof enough that she discerned in him at that early age the sound common sense and resourcefulness of character which raised him in after life to positions of trust and great usefulness. At the early age of 8 years AMOS was placed with Mr. A. G. Trafton, of the neighboring town of Alfred, a relative who combined the labors of a farmer with kindly ministrations as district schoolmaster. In Alfred the boy remained five years, and this fact, joined to his later career, tells the story of his character. It is hard for any man, impossible for many men, to advance rapidly to positions of trust among the people who have known them in the period of youthful inconsiderateness. But from the day when the child of 8 years went to Alfred for the tutorings of the farmer-schoolmaster that town became the place of his strongest friends and sturdiest support.

With his hard-won college diploma he came back to one of the law offices on the quiet street shaded by the ancient elms that are yet the glory of Alfred; when admitted to the bar he became assistant to the clerk of courts in the courthouse which is still the prized possession of the village; it was with the support of Alfred friends that he launched in 1867, in the then stormy seas of York County politics, his first candidacy for elective office; it was in Alfred that he lived and worked for the 12 years from 1870 to 1882 when he served York County as clerk of courts; it was as a citizen of Alfred and with the unanimous voice of the county of York that he became the Representative of the first congressional district in the House 12 years ago; it was of the anticipated pleasure of returning to his Alfred home that he fondly spoke during the fitful fevers of life's latest hours; and it was to Alfred that his mortal remains were carried to receive the honors of earth's farewell from a generation whose trust in him had been learned from their fathers.

At the end of the five years Mr. Trafton told the mother that the boy had learned all that the Alfred school could teach. So the youth of 13 took farewell—we can believe a reluctant farewell—of the Trafton home, and especially of Mr. Trafton's mother, whose kindness and directing influence Mr. ALLEN in after years acknowledged and repaid with kind attentions, until she passed from life in her hundredth year.

By various employments, of which teaching school was one, the young graduate of the district school of Alfred made enough of financial success to enable him, with the assistance of an older brother in New York City, to enter a seminary at Whitestown, N. Y., in 1853. The training which he there received was undoubtedly good, since he was enabled by it to enter Bowdoin College one year in advance in 1857. But in his later life when those school days were recalled Mr. ALLEN spoke of other things than the studies. New York was then seething with the "irrepressible conflict." Horace Greeley, Wendell Phillips, Salmon P. Chase, Henry Ward Beecher, William H. Seward, and Roscoe Conkling were frequently heard by the students of the seminary. Maine had been an old Democratic State since the rise of Andrew Jackson's star; on the village street of Alfred one of the great houses was the mansion of that John Holmes, first Senator from Maine, who as a member of the triumvirate, "John Holmes, Felix Grundy, and the Devil," was declared by ardent Federalists and Whigs to be one of the presiding geniuses of the Jacksonian Democracy; the Allens in Waterboro were Democrats; and in 1853 it was not a light thing in Maine for a son to turn from the political footsteps of his fathers. But when the boy student, with wide-open, serious eyes, saw Roscoe Conkling, before a tumultuous audience, tear the linen collar from his neck, with the declaration that he felt as if a border ruffian had him by the throat, and then listened for two hours while that superb orator thundered against the great wrong of the age, the glamor of Jackson's name faded, the spell departed from the mansion house of John Holmes, and even what might be thought in the solemn council before the fireplace in the old home at Waterboro seemed for the first time, perhaps, a small matter.

Mr. ALLEN went to Brunswick in 1857 and became a member of the class of 1860 in Bowdoin College. Of the college which he then entered and the brotherhood of young men which he then joined I feel tempted to say more than this day's time will allow. President Woods was one of the most accomplished scholars and gentlemen of the time, honored in Europe as in America. Trained in the old classical school, he had conversed familiarly with the Pope in the Latin tongue. Uniting the dexterity of one taught in the old farm home of America to the training of a courtier, he had in the family circle of the French Emperor held the yarn skein for the crochet work of the young princesses while he conversed with their elders in the tongue of the court. He was great enough to differ with his times and to differ wrongly; but Bowdoin College was also great enough to look with dignity and composure on her president sitting as secretary of the Democratic convention in 1864 to declare the war a failure, and her Prof. Chamberlain leading gloriously on battle fields red with the blood of her sons.

Of that brotherhood of youth in the class of 1860 I could wish that another might speak, one who was with it and of it; perhaps Samuel T. Came, the classmate and neighbor in Alfred, who still practices the law through the evening of a useful life; perhaps Joseph W. Symonds, learned judge of the Supreme Court of Maine, who, at the unveiling of the statue in Portland last summer portrayed the youth of Thomas B. Reed as the class of 1860 knew it; perhaps William W. Thomas, who went to Sweden with the commission of Abraham Lincoln and there lives in honor near the court where he was accredited so long.

If I could re-create the past I would bring back one of the rare days in the Speakership of Thomas B. Reed, when Augustine Jones, honored head of the Friends' School at Providence, would come into the little room off the lobby of this House, which was then the Speaker's room. The great Speaker would lay aside the public business, the faithful secretary, he whose life and services we eulogize to-day, would lay aside his pen, and Bowdoin College and the days of 1860 would have the floor. They would speak of famous professors like Cleveland and Packard, of beloved classmates and companions, both the living and the dead. At times they recalled again the memory of Samuel Fessenden, the son of William Pitt Fessenden, who perished in one of the early battles of the war, who had been

Thomas B. Reed's roommate, and who had interested the great Senator to lend to the poor but earnest boy the assistance that enabled the future Speaker to graduate with the class of 1860. Samuel Fessenden was of the class of 1861. But the class of 1860, like every class of that time, had its share of youths who led companies, regiments, or batteries at ages which now are not considered adequate to the minor responsibilities of peace. Albert W. Bradbury had won the approbation of Sheridan as an officer of artillery on the fields about Winchester, and John Marshall Brown brought home rank and honor from battles as famous.

The relationship of AMOS L. ALLEN and Thomas B. Reed in the class of 1860 exercised a great influence on the lives of both and on the political history of Maine for the generation in which they lived. They had been friendly, but not especially intimate during college days, and when they had delivered their graduating parts—they both stood high in rank—and parted at the college gates, they had no reason to believe that the future held much in common for them. Mr. ALLEN went to the law office of Judge Henry Goodenow, in Alfred, and through Judge Goodenow's interest with Lot M. Morrill, then a Senator from Maine, to a clerkship in the Treasury Department at Washington, where there would be opportunity during leisure hours for study in the Columbian Law School. Mr. Reed went to a Portland law office, thence to California, where he was admitted to the bar, and then to the United States Navy for the closing years of the war. Mr. ALLEN was admitted to the York County bar in 1866, and the next year was Republican candidate for clerk of courts. When his Democratic opponent was elected, he returned to Washington to a position in the post office of the House of Representatives; but in 1870 was in Alfred again, and this time a successful candidate for clerk of courts. In this position of dignity and trust Mr. ALLEN remained 12 years.

Mr. Reed meanwhile had returned to Portland, had served in both branches of the State legislature, and had been attorney general of the State. It was with these honors back of him that he presented himself in the office of his classmate one day in 1876 and stated his ambition to serve the first congressional district in Congress.

The Congressman at that time was a distinguished citizen of York County, a man of large business interests and extensive political influence. He had, moreover, the loyal and determined support of a large portion of York County. Mr. Reed came from the other county of the district. Mr. ALLEN undoubtedly saw the political embarrassments of the situation, but he cast his fortunes with his classmate and was one of the small band of men from York County who assisted in Mr. Reed's nomination in a contest so close and exciting that the memories of it still live in Maine.

Mr. Reed came to this House, and in 1882 he was named chairman of the Judiciary Committee by Speaker Keifer. He at once nominated his classmate and friend as clerk, and Mr. ALLEN served the committee during the Forty-seventh Congress. With the return of a Democratic majority in the Forty-eighth Congress Mr. Reed ceased to be chairman, and Mr. ALLEN, after a year as special examiner in the Pension Bureau, returned to Alfred in 1886 and was at once elected to the Maine Legislature.

It was during this session of the legislature, which convened January 1, 1887, that I first met Mr. ALLEN. He was not obtrusive in the proceedings of that body, rarely participated in the debates, and for a time passed with spectators as one of the quiet, sensible body of farmer members who from the origin of the State have wasted little time, but have voted potentially in the legislatures of Maine. But education, experience of affairs, common sense, and industry never fail to come to their own in any legislative body, and before the winter was over the modest gentleman from Alfred found his judgment sought by the leaders and his opinions respected by the membership.

The national election of 1888 brought a Republican to the White House and a Republican majority to this Hall. Mr. Reed had been 12 years a Member, and now came forward for the Speakership. In the moment of his success he turned again to his college classmate, and Mr. ALLEN became his secretary.

The older Members on this floor will remember the quiet, judicious secretary, whom they always found unperturbed at his post during the stormy years of Mr. Reed's speakerships. He was not merely a secretary, he was a friend and counselor. It would be as easy to contemplate John Milton, secretary to Oliver Cromwell, in the condition of a mere transcriber of dictations, as to contemplate AMOS L. ALLEN busying himself only with opening letters and copying answers. So much political sagacity, so great calmness of judgment, so evident honesty of purpose, never passed unappreciated or unused in the council chamber of Thomas B. Reed. I first saw the two men together in the winter of 1890, in the midst of the tumultuous first session of the Fifty-first Congress; and 20 years have not dimmed the vivid recollections of the loyalty and trust subsisting in the daily relations of the two men.

When Mr. Reed resigned, in 1899, his membership in the House, the first district of Maine, which for 22 years had thought of no other for her Representative, turned to Mr. ALLEN naturally, and with practical unanimity so far as the dominant political party was concerned. He was chosen at a special election by a substantial majority, and thereafter continued in the approval of the district for 12 years.

And when, before the choice of 1910 was to be made, he announced voluntarily his purpose to retire, the general good will and appreciation expressed for his faithful service promised that he would carry to private life the unique dignity of a man who had outlived the animosities of political strife while still remaining in it. That he should take leave of life before entering the peaceful retirement which seemed so attractive to him and to which he looked forward with so many anticipations brought to his friends the only disappointment in his long public career.

Mr. ALLEN'S place as a servant of the people of Maine has been fixed by the officially expressed confidence of her public men and the voice of the people themselves. His place in this House is not written so broadly in the records as in the case of many other Members. His modesty led him to shun debate, and he never sought to place himself in a high seat at the council table. But in the future, when other men shall be in this Hall and some are anxious to know the record of AMOS LAWRENCE ALLEN, they will find by his recorded votes and acts that he served in his day and generation with diligence, honesty, and courage.

Mr. KENDALL. Mr. Speaker, because of my absence from Washington I was only yesterday afternoon advised that the solemn observance upon which we are now engaged would occur to-day, and I have had, therefore, no opportunity for that suitable preparation so necessary to render eulogy appropriate and seasonable. But I loved AMOS L. ALLEN, and I can not allow to remain unembraced this occasion to offer my inadequate tribute to his memory.

We are assembled in this historic Chamber on this sacred day to consider resolutions which will be unanimously adopted at the conclusion of these impressive ceremonies. We are here to express our appreciation of a life which all approved and to evidence our bereavement in a death which all deplored.

I did not enjoy a prolonged or intimate acquaintance with Mr. ALLEN. When I entered the Sixty-first Congress I was assigned to the Committee on Indian Affairs, where I was introduced to the subject of this imperfect memorial, then an influential member of that important committee. I was attracted to him immediately, as all were who knew him at all, by his gentle courtesy, by his quiet dignity, by his modest demeanor, by his obvious sincerity, by his patient industry, by his inflexible integrity, and by his exceptional efficiency for the performance of the duties which devolved upon him. As, in the lapse of time, I was admitted more informally into the privileges of his friendship, I grew more and more to recognize his unusual ability, which I think was scarcely understood here, and more and more to reverence his admirable character, which I am sure was acknowledged everywhere. He was born of obscure and honest parentage on March 17, 1837, and died an American Representative, commanding the confidence and good will of an intelligent and enlightened constituency, on February 13, 1911. His life was singularly busy and remarkably useful. His early career was characterized by a constant struggle for an education which should equip him for the serious and severe labors of the world. He always underestimated his own capacity, and he was one of the most unassuming men I ever encountered in official or private station. Fortunately for his district, for his State, for his country, his people were not slow to discover his extraordinary aptitude for the public service, and almost from his youth to his death he occupied some position of trust or responsibility or distinction or honor. It can be truthfully said of him—and more need not be said of any man—that he retired from every relation with the esteem and love of those whose interests his activities affected.

We know how uniform was the affection cherished for him by his colleagues in the House, and how general was their regret when his decease was announced. With a profounder intensity the same affection was displayed and the same regret suffered by his humbler neighbors in Maine. I was extremely impressed by the funeral oration delivered at Alfred by his old pastor, the Rev. C. W. Bradlee, of Bath, Me., and I undertake now to reproduce it as a part of my remarks:

Life is a constant revelation. To the open eye every moment is luminous. But there are critical periods in human lives, seasons of special revelation. A strange path has opened at our feet. Some great blessing has come into our lives and flooded our souls with sun-

shine and hope. Or some sorrow has fallen upon us and so changed everything that we walk in a different world and seem to be different men and women. Most of us understand this truth. Life has been filled with varied experiences, joyous and sad. We have been called again and again to walk along darkened ways, needing sorely the comfort of others, where at other times it has been ours to comfort. We have met experiences which seemed uncertain and unreal. We have passed a rugged corner in life. Our outlook has changed, and we have changed with it. Thus are we brought into sympathy with the trying lot of others, and in the darkest hours hands are held out to those in need. Because we have passed through the loneliness and weariness of affliction, we are touched most deeply by the affliction of others. And so we are here, this large company of men and women, in the middle of a busy day, heart to heart, soul to soul, with this bereft circle. Practical sympathy has been and will be shown; but now we are gathered to express, if only by our presence and in silent communion, the yearning desire we each and all have to console and comfort and bless. Human speech seems almost an intrusion in an hour like this—the ministry of spirit, human and divine, is more appropriate and eloquent. Yet I would, if I may, voice the feelings of those present and absent who were friends of the departed. I would also be a minister of consolation this hour, and the more because of the sympathetic and personal relation existing between myself and family and this shadowed home. It is not easy for me to speak here this afternoon.

The departure of this man, whose body lies here in the stillness, brings to me and mine a sense of personal bereavement and loss. I am, indeed, a mourner at his bier. For more than 30 years I was honored with and enjoyed his friendship. Our acquaintance began in 1878, when I became his pastor. And what a royal parishioner he was! Not only a liberal contributor toward the expenses of public worship; not only a constant attendant and inspiring listener to my youthful preaching, but ready to cooperate with me in every worthy enterprise for the people's good. I saw much of him during those two years, both in public and private, and came to know him intimately. I was made welcome in his home and have enjoyed its hospitality at my will ever since. But he opened his heart to me, and I learned what manner of man this was, who, honored so far above the majority of his fellows, remained ingenuous and unostentatious to the last. It is not necessary that I repeat the biographical facts which have been published in all the leading papers of the country. His public life is well known by you who sit before me. Neither am I expected to attempt a memorial oration, such as will doubtless be delivered at a future day by some colleague at Washington. But mine is the humbler privilege of offering a simple, affectionate tribute from my heart to the memory of this man, whom I greatly respected and genuinely loved. It was good to have him for a friend. You know that. How genial he was. His laugh was infectious. How companionable and sympathetic. He shared your joys and sorrows. He helped you when he could. His friendship was true. It could be depended upon; it never betrayed its trust. That made him an ideal member of the fraternity to which he belonged. He not only took the vows of brotherhood, but practiced the spirit of brotherliness and the law of mutual help.

But he not only loved his neighbor and recognized the brotherhood of men, but he loved his country. He was patriotic as well as philanthropic. He was a conscientious public servant. He was true and faithful in every relation of life—devoted to his family, kind to his relatives, and a friend in need to many who were of no relation to him. He was as generous as tender-hearted and liked to bestow his benefactions secretly. Though plain-spoken and unaffected, he was a courteous gentleman, showing deference to the aged and attracting the young around him. He was charitable of men's motives and disposed to put the best construction on their words and actions. He had decided convictions on every moral question, and I never knew him to hesitate to declare them when a declaration of his standing was called for. I have talked with him alone of the eternal verities. He was a believer in the Christian religion and had a personal faith in the Lord Jesus Christ. The other world and life seemed to him a logical sequence of this world and life. Though a quiet man, he was one of strong feelings. With his intense nature he must have seen and heard and felt more than the ordinary man in this world. What must it have been to him when he found himself so suddenly in yonder world of God? A retired captain of the British Army, fond of relating his world-wide experiences, he was describing some of his most surprising adventures, when, stopping suddenly in the midst of his stories, he exclaimed, with emotion and solemn earnestness: "But, gentlemen, wonderful as these things were, I am expecting soon to see something far more wonderful." The company were much surprised and mystified at this sudden exclamation and altered manner. The veteran soldier was 70 years old, and as he was retired from service and his traveling days were over, they wondered what he could mean. When they asked his meaning he was silent for a moment and then replied: "During the first five minutes after death."

May we not believe that not only was that a great wonder, but a sweet surprise, to this our friend who has preceded us on the unknown journey. However much one has thought about and prepared for and expected it, unspeakably wonderful must it be to suddenly find oneself in the other and better world. The other day when the message came he heard the call of the unseen that those around him could not hear, and went over. He did not die. Out from the cast-off tenement of flesh he went to God. Out from the night of earth he passed into the eternal morning, to the land of the unclouded day, where the Lord's tired ones rest and are never sick any more, nor worn, nor weary, nor ever know again the heartaches of earth life, for "God shall spread His tabernacle over them. They shall hunger no more, neither thirst any more, neither shall the sun light on them, nor any heat, for the lamb which is in the midst of the throne shall feed them and shall lead them unto fountains of waters, and God shall wipe away all tears from their eyes."

His daughter, in a personal communication to a friend of the family, said: "His ability to serve others and keep silent was one of his strongest points. His sudden death revealed to us many secrets of his being a 'friend in need' to many. I would not wish to multiply words as to my father's true worth, but I know that whatever estimate is put on his public career he was a faithful public servant, honest and sincere in every act." And his son: "As I look at his life it was one of serviceableness in the best sense of the word."

And from far off Mississippi a gentleman writes: "In my Dixie home I shall teach my children to reverence the memory of the man who once helped their father in time of sore need."

Service! Mr. Speaker, it is the principle inculcated by the great Master who surrendered his life on Calvary to illustrate it. Service! It was finely exemplified by our departed friend, and we know beyond all doubting truly that when he crossed to the invisible shore his devoted soul was immediately admitted to companionship with the spirits of other just men made perfect on high.

Mr. GRAHAM. Mr. Speaker, during my short service in this body I have been greatly impressed by the very happy custom of setting apart a day for eulogizing deceased Members. I hope the custom will long survive. While it is a pretty tribute to the dead, I regard it as being of especial value to those who participate in such occasions. A tender regard for the memory of the departed ones has ever been the source of inspiration to the survivors. A history of the sacrifices made by the living in memory of the dead would fill volumes; and in the making of these sacrifices their lives were idealized and they were lifted up above their grosser selves.

Numberless institutions of great value to society have been founded and maintained for the benefit of helpless youth and equally helpless age as monuments to loved ones who prematurely fell before the sickle of the grim reaper. Many institutions devoted to the education of persons who were poor but worthy, many beautiful temples dedicated to the worship of the Living God, exist to-day as testimonials of affection for wife or husband, for son or daughter, who had crossed to that "bourn whence no traveler returns."

Some of the most stupendous works of the ancients—works so colossal as to practically defy the defacing hand of time—were erected by the living in tender recollection of the dead.

The monuments left by the Mound Builders of North America, the great pyramids of Egypt, and many other stupendous undertakings of the primeval races show to what extreme lengths they went to keep fresh and green the memory of their departed.

And in the world of art and letters it were very difficult to tell what we owe to this most commendable sentiment.

Chateaubriand's great book, The Genius of Christianity, is but a monument which, by her open grave, he resolved to build in loving memory of his mother, in partial atonement for a past life which had been a source of great grief to her. And the same might be said of that other wonderful book, The Confessions of St. Augustine, whose good mother, Monica, devoted much time to praying for her son's conversion. And it is common knowledge that the Divine Comedy, the greatest flight of the human imagination, is but the tribute of love which Dante paid to the memory of his beloved Beatrice. There is scarcely a limit to the cases of this character which might be cited. Nor are we without an illustration here. You will remember but a short few years ago our distinguished colleague, HENRY GEORGE, jr., visited the late Count Tolstoy at his home in Russia.

The great Russian, like most thoughtful men, was an admirer of Mr. GEORGE's father.

Anticipating his own approaching death he said: "What message shall I bring from you to your father?" And the son, whom I have almost learned to love, sent to the father, whom I had the honor to know and respect and admire, this simple message: "Tell him I am doing the work."

What work was this he is doing? The work of humanity. The work of making less heavy the burdens of those who labor and are heavy laden. And those who read his splendid book, The Menace of Privilege, can read between the lines on every page how the living son has dedicated himself to the work begun by his distinguished father, and how the memory of the dead father acts as an inspiration to the surviving son.

I think I am not in error when I say that the feeling is almost universal among men, whether civilized or savage, that in the great beyond there will be a continued existence and a renewal of association or communion between individuals in spite of death.

The great agnostic, Col. Ingersoll, seems to have recognized this universal feeling and attempted to explain it away by saying that "hope hears the rustle of a wing." By the word "hope," as he uses it, Col. Ingersoll undoubtedly intended to convey not the Christian hope, but a mere foundationless wish or desire.

But was it such hope that induced the American aborigines to slay the dead warrior's pony and, with his bow and arrows, bury

it beside his body to keep him company and to serve him in the happy hunting ground?

Was it such a hope that induced them to place the bodies of their dead on elevated platforms to prevent their mutilation, that they might not suffer any inconvenience or humiliation among their fellows in the great beyond?

Was it such a hope that impelled them to suffer death rather than lose the precious scalp lock, so necessary to their proper standing in the life so surely awaiting them beyond the grave? What did they know of hope in the Christian sense, apart from that innate feeling implanted in the breasts of all men?

So far as I am aware, the uncivilized and even savage races everywhere believe in a life after this one, in some instances, however, believing that existence in the hereafter depends upon the preservation of the physical body.

Herbert Spencer, the great agnostic philosopher, admits the universality of this belief in a future life, and tried to explain it away by giving what seems to me a ridiculously insufficient reason. In substance he says that when primitive men observed cases of swooning or suspended animation they reached the conclusion that each individual had in him an "other self," which "other self" had the power to leave the body temporarily and take, as it were, an occasional vacation, and that death was but the indefinite absence of this "other self." He virtually admits the fact of this universal belief, but his explanation of the origin of it is rather far-fetched and laborious. A common origin of mankind, with traditions traceable to a common source, and an inward, insatiable longing for existence furnish a far better explanation.

It seems to me the well-known customs of the primitive races, to some of which I have alluded, are a sufficient contradiction of Mr. Spencer's theory.

It is safe to say that the desire for happiness is universal among normal men. Even when we go furthest wrong we are but striving after happiness, although guided by a perverted judgment. So, also, the desire to be, to exist, is universal; and this desire to exist is so strong that I can not conceive of happiness for one who was convinced that he was a brother to the clod, that his very existence might terminate at any moment.

The dread of utter annihilation would inevitably render him most unhappy. But why? My answer to that query is, Because God made him that way; because there is planted deep in the foundations of his nature, far deeper than he can fathom, a yearning, an unconquerable desire to continue to exist.

The poet Milton well expresses this thought when he says:

> For who would lose,
> Tho' filled with pain, this intellectual being;
> These thoughts that wander through eternity,
> To perish rather, swallowed up and lost
> In the wide womb of uncreated night?

In the play of Cato, Addison represents that stern old Roman as brooding over his misfortunes and contemplating suicide. He is seated at a table. He has been reading Plato's book on the Immortality of the Soul. His sword, unsheathed, lies beside him ready for use in what was to be the last act of life's drama. But his purpose is shaken by what he has read. He is convinced by the reasoning of the great philosopher, and in discussing the question with himself, he thus soliloquizes:

> It must be so. Plato, thou reasonest well,
> Else why this pleasing hope, this fond desire,
> This longing after immortality?
> Or whence this secret dread and inward horror
> Of falling into naught? Why shrinks the soul
> Back on herself, and startles at destruction?
> 'Tis the Divinity that stirs within us;
> 'Tis Heaven itself that points out an hereafter
> And intimates eternity to man.
> Eternity, thou pleasing, dreadful thought!

And then he sees that while the sword may kill the body it can not reach the soul, and he adds:

> The soul secure in her existence
> Smiles at the drawn dagger
> And defies its point.
>
> The stars shall fade away,
> The sun himself grow dim with age,
> And nations sink in years, but thou
> Shalt flourish in immortal youth, unhurt
> Amid the war of elements, the wreck
> Of matter, and the crush of worlds.

In his own beautifully simple and characteristic way our Longfellow says:

> Dust thou art, to dust returneth,
> Was not spoken of the soul.

No; death does not end all. Death is but the real beginning of all. It is but the gateway through which we are to pass from time to eternity.

I know—

Said Job nearly 4,000 years ago—

> I know that my Redeemer liveth, and that in the last day I shall rise out of the earth, and I shall be clothed with my skin, and in my flesh I shall see God.

What faith and what consolation is represented by these words! And it was in such firm belief as this that our late colleague, Mr. AMOS L. ALLEN, lived and died.

As one of a committee on the part of the House, I accompanied his remains to their last resting place at Alfred, Me., in the same county in which he was born 74 years ago, and in which his permanent home was during all these years.

No higher tribute could be paid to his memory and his character than the genuine and truly touching exhibition of mingled sorrow and respect shown by the friends and neighbors of a lifetime on the funeral occasion.

My personal acquaintance with Mr. ALLEN was limited to our association in the Committee on Indian Affairs during the Sixty-first Congress, supplemented by occasional meetings on the floor of the House.

But, limited and brief as these opportunities were, I formed a high opinion of his sterling honesty, his fine integrity, and I soon learned to have the greatest respect for his judgment and the highest esteem for him personally.

But the final summons came to him, and he had to answer it, just as it will in time come to each of us, and each, in his turn, will have to answer it.

Silently and sorrowfully we bore what was mortal of him to his last resting place in the silent city of the dead, God's acre. We left his dust in its lonely prison house on the hillside in the State of his nativity; and then we turned our faces again to the problems we are trying to solve, and which we must continue to work at till life's fitful fever passes for us, also. When that time comes may some one be able to truthfully say for us, as I believe I can truthfully say for him, that we met and discharged life's duties honestly and bravely, that we were willing to stand for the right even though we stood alone, that we tried earnestly to serve our country and our fellow men, and that the world is at least a little better because we lived in it.

Mr. RUBEY assumed the chair.

Mr. McGILLICUDDY. Mr. Speaker, in accordance with a long and honored custom in this House, we meet to-day to pay our tribute to the dead.

It is especially fitting that in this House, the scene of the last labors of his useful life, the character and career of AMOS LAWRENCE ALLEN should be commemorated.

He was eminently worthy of the high honor we now pay to his memory.

If it is given to those gone beyond to know something of this mortal life, I am sure that it would be his wish that no word of extravagant praise or fulsome eulogy should be spoken on this occasion. He was a plain-spoken, truthful, sincere, and modest man. He indeed valued appreciation, but caressing speech and undue compliment were especially distasteful to him.

While his successful career was principally due to his own efforts, yet there were elements that contributed largely to it over which he had no control, and I have no doubt that it would be his wish on this occasion that these elements rather than his own efforts should be the subject of his eulogy.

In the first place, he came of good stock. His ancestors were of the type of those who, in the middle of the seventeenth century, left England for the new western world with the spirit of freedom in their hearts. On the sturdy soil of America they developed into Revolutionary patriots of the type of yeomanry that at Lexington and Concord fired the shot that was heard around the world. His great grandfather fought in that giant struggle, and at its close moved to York County, Me., where AMOS L. ALLEN was born March 17, 1837. His mother was a woman of unusual ability, of strong character and convictions, a woman who was not only a worker, but a thinker, and upon the boy she reared fixed the impress of her thought and character, which remained with him to the day of his death.

In another respect was he fortunate; he was born poor. I do not mean that he was in want and poverty, but in circumstances and conditions that teach lessons and fix habits of frugality, thrift, and industry.

Again was he fortunate in being born and reared on a farm—the best place in this world to bring up an American boy, because there, as nowhere else, he early learns practical lessons of duty and responsibility.

One of Mr. ALLEN'S earliest traits was his desire for an education. To improve his mind was a passion. Good books were his early and close companions. After acquiring such education as his vicinity afforded he went away to earn money to still further pursue his studies. A liberal education was his early ambition, and he had the proud satisfaction of fulfilling that ambition when he graduated from Bowdoin College with high honor in the class of 1860.

He studied law and became an honored member of the bar of his native county of York in 1866.

He was early recognized by his fellow citizens as a man of worth and ability, and was elected by them to many positions of honor and trust, all of which he filled with fidelity and ability. As has been truly said, this period of his life was one of serviceableness and usefulness in the best sense of the word.

The crowning work of Mr. ALLEN'S career was in this National House of Representatives. It is not my purpose, however, to even briefly advert to it. This has been faithfully done by his colaborers here. I rise simply to state that it is my privilege and pleasure on this occasion, as a citizen of his State and a member of the opposite political party, to record my belief that no matter how men might differ with him in principle or on matters of public policy, AMOS L. ALLEN was universally considered an honest and honorable man of deep and sincere convictions, who in the discharge of his public duties did what he believed to be right as it was given to him to see the right.

Mr. LATTA. Mr. Speaker, death is no respecter of persons or of age; all must answer when the summons comes. When one stands beside the bier of youth imagination brings to view the possibilities and triumphs of a life that might have been had these tender years budded into manhood. The tear of sorrow, mingled with regret, moistens the cheek, and it is hard to understand why one so young should be taken. There is a feeling of personal loss that fills the heart.

When in the full vigor of manhood, with courage and determination to do for home and brother and country, our friend is stricken by the hand of death, one stands appalled by the loss and is impelled to exclaim, "Why this tragedy of life?" The foundation of life's structure has been well laid, the superstructure of social and business responsibility is building, and there is bright promise of a completed whole—a truly successful life that the world can ill afford to do without. But the summons comes; the architect is laid low; and as one stands by the open grave there is grief, not alone for what might have been, but because our eyes have seen what has been done and our hearts have felt the throb of a kindly heart. Life's structure, it seems, is left unfinished and the plans have been lost with the death of the builder.

But does the reaper, Death, spare the life until the mellowing years have matured its fruit; until in the ripeness and fullness of age it has given to mankind the blessing of a noble life, full of good works and good words, and then full of years—threescore years and ten, and then four years more—in the full vigor of mind, garner the ripened grain—take our friend from labor on earth to the reward beyond? Then, as one stands by the bier, the tears of sorrow will, indeed, flow in the sadness of farewell; but mingled with the sorrow there is the balm that our friend has lived, truly lived; that he has been our friend and that his help has enriched the life that is ours.

There is grief because of the loss and the parting, but still one feels that the friendship still lives in the heart and memory; that the life is richer and fuller because of that friendship; that the world is brighter and better because our friend has lived.

As I stood by the bier of our deceased colleague these are some of the thoughts that came crowding in on my mind.

AMOS LAWRENCE ALLEN, my friend, your friend, was born March 17, 1837, in Waterboro, Me., and died February 20, 1911, in this city, where until a few days before his decease he was active in the discharge of his duties as the Representative of his district. I will not go into detail regarding the activities of his business and political life. Others who knew him longer can do this better than I can, and I will leave it to them. However, let me say in passing, that during his long life he was always found ready to do his duty, whatever that duty might be, in any capacity in which he was placed.

As one of the Members who escorted the body of the deceased to his former home in Alfred, Me., I had the pleasure of meeting many of his former townsmen. The love and respect and esteem that was manifested by these people who knew him best—by his friends and neighbors—touched me very deeply. He was their Congressman, but he was more than that. He was their trusted friend and neighbor; he was Uncle AMOS to them, and the tears dimmed the eyes of many with whom I talked as they recounted the kind words and deeds of him whom they had learned to love.

How grand a thing is life when it is truly lived, and how sublime to live on in the hearts and lives of friends even though separated by death.

Life is measured not so much by heartbeats as by kind sympathies; not so much by dollars as by good deeds; not so much by political preferment as by sterling honesty; and measured by these standards our deceased colleague indeed lived, and his life is worthy of our emulation.

It was my privilege to sit with him as a member of the Committee on Indian Affairs, and it was here that I learned to admire him and to know his true worth. His rugged manhood and unfailing kindness of disposition won him high esteem among his colleagues. He firmly believed that the highest duty of a public servant was to obey the wishes of the people. He was courteous and kind to all; genial and companionable; would rejoice with a friend in his success, and extend sympathy to one in sorrow or misfortune; and the joy or the sympathy came from the heart and found the heart. Here was a good man, and I esteem his friendship as one of the rich memories that will always be associated with my membership in this body.

In closing, I wish to quote a passage from the eulogy delivered by the Rev. C. W. Bradlee, a long-time friend and former pastor of the late Congressman, on the occasion of the funeral service of the deceased:

He was true and faithful in every relation of life—devoted to his family, kind to his relatives, and a friend in need to many who were of no relation to him. He was as generous as tender-hearted, and liked to bestow his benefactions secretly. Though plain-spoken and unaffected, he was a courteous gentleman—showing deference to the aged and attracting the young around him. He was charitable of men's motives and disposed to put the best construction on their actions. He had decided convictions on every moral question and was a believer in the Christian religion. The other world and life seemed to him a logical sequence of this world and life.

To know AMOS ALLEN was to love him, and of no man could we more truthfully say—

His life was gentle; and the elements
So mix't in him that Nature might stand up
And say to all the world, "This was a man."

ADJOURNMENT.

Then, in accordance with the resolution heretofore adopted (at 1 o'clock and 44 minutes p. m.), the House adjourned until Monday, June 12, 1911, at 12 o'clock m.

SENATE.

MONDAY, *June 12, 1911.*

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of the proceedings of Thursday last was read and approved.

PUBLIC BUILDINGS IN THE CITY OF WASHINGTON.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 8th instant, a statement showing the amount paid for the various parcels of land comprising the site for the proposed buildings for the Departments of State, Commerce and Labor, and Justice, together with a statement showing the names of lessees, amount of rent received, etc., which, on motion of Mr. HEYBURN, was, with the accompanying papers, ordered to lie on the table and be printed. (S. Doc. No. 46.)

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, transmitted to the Senate resolutions on the life and public services of Hon. AMOS L. ALLEN, late a Representative from the State of Maine.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a joint resolution adopted by the Legislature of the State of Wisconsin, relative to the adoption of an amendment to the Constitution providing for the initiative, the referendum, and the recall in relation to Federal legislation and officials, which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

Joint resolution (J. Res. 43, S.) memorializing Congress to take proper steps toward a constitutional amendment providing for initiative, referendum, and recall.

Whereas the principle involved in the initiative, the referendum, and the recall is thoroughly democratic and American; and

Whereas the American people have repeatedly evidenced their desire to have an opportunity to voice their sentiments through these forms of expression: Therefore be it

Resolved by the senate (the assembly concurring), That we respectfully memorialize the Congress of the United States speedily to take such steps as will result in the adoption of an amendment to the Constitution of the United States providing for the initiative, the referendum, and the recall in relation to Federal legislation and officials; and be it further

Resolved, That a copy of the foregoing be immediately transmitted by the secretary of state to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives, and to each of the Senators and Representatives from this State.

THOMAS MORRIS,
President of the Senate.
C. A. INGRAM,
Speaker of the Assembly.
F. M. WYLIE,
Chief Clerk of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.

The VICE PRESIDENT presented a joint resolution adopted by the Legislature of the State of Wisconsin, relative to the organization of a Territorial form of government for Alaska, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

Joint resolution (J. Res. 48, S.) memorializing Congress to grant to Alaska a Territorial form of government.

Whereas the Territory of Alaska has recently developed into a Territory of great wealth settled by a large number of worthy residents, mostly Americans, whose number is constantly increasing; and

Whereas industrial and social conditions there existent have suffered from the absence of a legislative body therein: Therefore be it

Resolved by the senate (the assembly concurring), That the Congress of the United States be respectfully memorialized promptly to take such steps as may be necessary to provide for the organization of a Territorial legislature in Alaska, to be representative of the American citizenship there resident, with such powers and limitations as have usually been given to and imposed upon legislative assemblies in other Territories of the Nation; and be it

Resolved further, That a copy of this resolution be sent to each Member of Congress and to each United States Senator representing this State, to the Speaker of the House of Representatives, and to the President of the United States.

THOMAS MORRIS,
President of the Senate.
C. A. INGRAM,
Speaker of the Assembly.
F. M. WYLIE,
Chief Clerk of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.

The VICE PRESIDENT presented a joint resolution adopted by the Legislature of the State of Wisconsin, requesting that a convention of the several States be called for the purpose of proposing certain amendments to the Constitution of the United States, which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

Joint resolution (J. Res. 15, S.) relating to national constitutional convention.

Resolved by the senate (the assembly concurring), That the Legislature of the State of Wisconsin, in accordance with the provisions of Article V of the Constitution of the United States, desires to join with the other States of the Union, and respectfully request that a convention of the several States be called for the purpose of proposing amendments to the Constitution of the United States, and hereby apply to and request the Congress of the United States to call such convention, and to provide for the submitting to the several States the amendments so proposed for ratification by the legislatures thereof, or by convention therein, as one or the other mode of ratification may be proposed by the Congress.

SEC. 2. That the secretary of state is hereby directed to transmit certified copies of this joint resolution and application to both Houses of the United States Congress, to the governor of each State in the Union, to the honorable Representatives and Senators in Congress from Wisconsin, who are hereby requested and urged to aid by their influence and vote, to the end that the provision of section 1 of this joint resolution be carried out.

THOMAS MORRIS,
President of the Senate.
C. A. INGRAM,
Speaker of the Assembly.
F. M. WYLIE,
Chief Clerk of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.

The VICE PRESIDENT presented a joint resolution adopted by the Legislature of the State of Wisconsin, relative to the adoption of an amendment to the Constitution providing that the Constitution may hereafter be amended by the initiative, which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

Joint resolution (J. Res. 42, S.) memorializing Congress to take proper steps for the adoption of an amendment to the Federal Constitution providing that such Constitution may hereafter be amended by the initiative.

Whereas the Constitution of the United States should be rendered somewhat flexible in order to meet changing political and economic conditions; and

Whereas the amendment of such Constitution by the initiative is a method founded upon thoroughly democratic and American principles: Therefore, be it

Resolved by the senate (the assembly concurring), That we respectfully memorialize the Congress of the United States promptly to take such steps as will result in the adoption of an amendment to the Federal Constitution providing that such Constitution may hereafter be amended by the initiative; and be it further

Resolved, That a copy of the foregoing be immediately transmitted by the Secretary of State to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives, and to each of the Senators and Representatives from this State.

THOMAS MORRIS,
President of the Senate.
C. A. INGRAM,
Speaker of the Assembly.
F. M. WYLIE,
Chief Clerk of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.

The VICE PRESIDENT presented a joint resolution adopted by the Legislature of the State of Wisconsin, relative to the issuance of passports by the United States Government, which was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Joint resolution (J. Res. 79, A.) memorializing Congress in regard to passports issued by the United States Government.

Whereas the Government of Russia refuses, at the present time, to recognize passports issued by the United States Government to certain citizens thereof, particularly those of Jewish birth; and

Whereas it is the solemn duty of the Government of this Nation to protect all of its citizens, regardless of birth or creed, while sojourning in foreign countries and within their legal rights; and

Whereas many of the aforesaid American citizens are made the victims of the most barbarous and inhuman treatment at the hands of the Russian Government: Therefore be it

Resolved by the assembly (the senate concurring), That we respectfully memorialize Congress to take such steps as they see fit to compel the Russian Government to recognize the passports issued by the Government of this Nation to its citizens, and to protect their rights as citizens in all cases; and be it further

Resolved, That a copy of the foregoing be immediately transmitted, by the secretary of state, to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives, and to each of the Senators and Representatives from this State.

C. A. INGRAM,
Speaker of the Assembly.
THOMAS MORRIS,
President of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.
F. M. WYLIE,
Chief Clerk of the Senate.

The VICE PRESIDENT presented a joint resolution adopted by the Legislature of the State of Wisconsin, which was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

Joint resolution (J. Res. 125, A) memorializing Congress to grant to the State of Wisconsin the Oneida Indian School.

Whereas the lands of the Oneida Indian Reservation, near the city of De Pere, Wis., have been allotted to the individual persons residing upon said reservation; and

Whereas the school maintained upon said reservation is no longer of value to the Indian Service: Therefore be it

Resolved by the assembly (the senate concurring), That Congress be respectfully requested to grant to the State of Wisconsin, to be used as an institution of learning, the Oneida Indian School maintained upon the above-mentioned reservation; be it further

Resolved, That a certified copy of this resolution be forwarded to the Chief Clerks of the two Houses of Congress.

C. A. INGRAM,
Speaker of the Assembly.
THOMAS MORRIS,
President of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.
F. M. WYLIE,
Chief Clerk of the Senate.

The VICE PRESIDENT presented resolutions adopted at the annual convention of the International Sunshine Society held in New York City May 18, 1911, favoring the adoption of the international world peace movement, which were referred to the Committee on Foreign Relations.

Mr. CULLOM presented a petition of the Merchants' Association of Joliet, Ill., praying for the adoption of an amendment to the corporation-tax law permitting corporations to make returns at the end of their fiscal years, which was referred to the Committee on Finance.

He also presented a memorial of the Merchants' Association of Joliet, Ill., remonstrating against the passage of the so-called parcels-post bill, which was referred to the Commtitee on Post Offices and Post Roads.

He also presented petitions of the United Society of Christian Endeavor, of Boston, Mass.; of the Young Men's Christian Association of New Bedford, Mass.; and of the Chamber of Commerce of Pittsburg, Pa., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented a memorial of the Central Illinois District Court, Catholic Order of Foresters, of Peoria, Ill., and a memorial of Puget Sound Lodge, No. 307, Brotherhood of Railway

Carmen of America, of Seattle, Wash., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. BURTON presented memorials of sundry citizens of Zanesville, Trinway, and Akron, all in the State of Ohio, remonstrating against the passage of the so-called Johnston Sunday-rest bill, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Cadiz, Adena, Hopedale, Bucyrus, Springfield, Scio, Lake County, Geauga County, Auburn, Hardin County, Huron County, Madison County, Elkton, Inland, Fayette, and Millport, all in the State of Ohio, remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. WETMORE presented a petition of the Officers' Association of the Rhode Island National Guard, praying for the enactment of legislation to further increase the efficiency of the Organized Militia, which was referred to the Committee on Military Affairs.

Mr. McLEAN presented memorials of Local Grange No. 174, of Torrington; of Local Grange No. 51, of Tolland; of Local Grange No. 54, of Plainville; of Local Grange No. 153, of Bridgewater; and of Pomona Grange, No. 4, of Mountain County, all of the Patrons of Husbandry, in the State of Connecticut, remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a memorial of the Business Men's Association of Derby, Conn., remonstrating against the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

Mr. BURNHAM presented a memorial of Local Grange No. 312, Patrons of Husbandry, of Quincy, N. H., and a memorial of Sunapee Mountain Grange, No. 144, Patrons of Husbandry, of Mill Village, N. H., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a memorial of Local Division No. 1, Ancient Order of Hibernians, of Concord, N. H., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented resolutions adopted by the International Sunshine Society, in convention at New York City, N. Y., favoring the adoption of the universal-peace movement, which were referred to the Committee on Foreign Relations.

Mr. BRISTOW presented memorials of sundry citizens of Kansas, remonstrating against the ratification of the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented memorials of sundry citizens of Kansas, remonstrating against the passage of the so-called Johnston Sunday rest bill, which were ordered to lie on the table.

Mr. GALLINGER presented a memorial of Local Division No. 1, Ancient Order of Hibernians, of Concord, N. H., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a memorial of Pomona Grange, No. 4, Patrons of Husbandry, of Belknap County, N. H., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented resolutions adopted by the International Sunshine Society, in convention at New York City, N. Y., favoring the adoption of the universal-peace movement, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Brightwood Citizens' Association, of the District of Columbia, praying that hereafter the District of Columbia appropriation bill be referred to the Committee on the District of Columbia instead of the Committee on Appropriations, which was referred to the Committee on Appropriations.

He also presented a petition of sundry citizens of the District of Columbia, praying for the enactment of legislation to further regulate the sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the District of Columbia Women Suffrage Association, remonstrating against the enactment of legislation providing for holding primary elections for the election of duly qualified electors in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. KERN presented memorials of the congregations of the Seventh-day Adventist Churches of Northfield, Goshen, Boggstown, Lafayette, Fort Wayne, Patricksburg, and Sullivan, all in the State of Indiana, remonstrating against the enforced observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented resolutions adopted by the Western Unitarian Conference at Indianapolis, Ind., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented a memorial of Local Grange, Patrons of Husbandry, of Hamilton, Ind., and a memorial of Spring Run Grange, Patrons of Husbandry, of Columbia City, Ind., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. MARTINE of New Jersey presented a petition of the congregation of Unity Church, of Montclair, N. J., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a memorial of Typographical Union No. 103, of Newark, N. J., and a memorial of Local Union No. 140, International Metal Polishers, Buffers, Brass and Silver Workers, of Trenton, N. J., remonstrating against the alleged abduction of John J. McNamara from Indianapolis, Ind., which were referred to the Committee on the Judiciary.

He also presented a memorial of Haddon Grange, No. 38, Patrons of Husbandry, of Haddonfield, N. J., remonstrating against the passage of the so-called cold-storage bill, which was referred to the Committee on Manufactures.

He also presented memorials of Swedesboro Grange, No. 5; Locktown Grange, No. 88; Cape May Grange, No. 128; Manalapan Grange, No. 190; and Fair Lawn Grange, No. 155, all of the Patrons of Husbandry, in the State of New Jersey, remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented memorials of Eugene M. Fitzpatrick, of Jersey City; the Aurora Singing Society, of New Brunswick; and of the Philip Sheridan Club and Arion Singing Society, and sundry citizens of Passaic, all in the State of New Jersey, remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. CLARK of Wyoming presented a memorial of sundry citizens of Garland, Wyo., and a memorial of sundry citizens of Ottawa, Kans., remonstrating against the passage of the so-called Johnston Sunday-rest bill, which were ordered to lie on the table.

Mr. LODGE. I present an order adopted by the Legislature of the Commonwealth of Massachusetts, which I ask may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the order was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

COMMONWEALTH OF MASSACHUSETTS,
House of Representatives, June 7, 1911.

Ordered, That it is the sense of the House of Representatives of the Commonwealth of Massachusetts—

(1) That the reciprocity treaty with Canada negotiated by President Taft and now pending in Congress is in its present form of vital benefit to this Commonwealth and to the political and commercial relations of our country and Canada.

(2) That amendments to the treaty should be regarded as hostile to its ratification.

(3) That the clerk of the house be instructed to transmit a copy of this order to each of the Senators from Massachusetts in Congress.

JAMES W. KIMBALL, *Clerk.*

Mr. WARREN presented memorials of sundry citizens of Sheridan, Wyo., transmitted by H. E. Reeder, general pastor of the Northeastern Wyoming Field of the Wyoming Conference of the Seventh-day Adventists, remonstrating against the enforced observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. MYERS presented a memorial of sundry citizens of Anaconda, Mont., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. O'GORMAN presented petitions of sundry citizens of Corning, Bath, Campbell, Hammondsport, Avoca, and Painted Post, all in the State of New York, praying for the establishment of a national department of public health, which were referred to the Committee on Public Health and National Quarantine.

He also presented a petition of the class in civil government of the Central High School of Binghamton, N. Y., praying for the enactment of legislation for the preservation and control of the waters of Niagara Falls, which was referred to the Committee on Foreign Relations.

He also presented memorials of Local Divisions No. 1, of Warren County; No. 1, of Courtland County; No. 2, of Tioga County; No. 3, of Port Jervis; No. 6, of Highland Falls; No. 5, of New Rochelle; and No. 20, of Kings County, all of the Ancient Order of Hibernians, in the State of New York, remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented memorials of the New York State Dairymen's Association; of Pomona Grange, of Franklin County; of Local Grange, of Caledonia; of the Central Trades and Labor Assembly of Oswego; and of the Chamber of Commerce of New York City, all in the State of New York, remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented petitions of the Congregational Conference of New York; the Presbyterian Church of Oceanside; the Five Years' Meeting of the Religious Society of Friends of America, of Mount Kisco; and of sundry citizens of New York City, all in the State of New York, praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Buffalo, Herkimer County, Washington County, Albany, Homer, Pittsford, Rushville, Clintondale, Glenfield, Ellenville, and Westport, all in the State of New York, remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a petition of the Men's Club of the Wells Memorial Presbyterian Church, of Brooklyn, N. Y., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Chamber of Commerce of Cleveland, Ohio, praying for the adoption of an amendment to the corporation tax law permitting corporations to make returns at the end of their fiscal years, which was referred to the Committee on Finance.

He also presented the petition of the Order Brith Abraham, of Indianapolis, Ind., praying for the abrogation of the treaty of 1832 between the United States and Russia, which was referred to the Committee on Foreign Relations.

Mr. HITCHCOCK presented a memorial of the Central Labor Union of Omaha, Nebr., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Commercial Club of Beatrice, Nebr., praying for the ratification of the proposed treaty of arbitration between the United States and Canada, which was referred to the Committee on Foreign Relations.

Mr. TOWNSEND presented the petition of Homer L. Boyle, of Lansing, Mich., relative to the appointment of a permanent committee on the affairs of peace, which was referred to the Committee on Foreign Relations.

Mr. SHIVELY presented memorials of the congregations of the Seventh-day Adventist Churches of Wolflake, Northfield, Goshen, Sunman, Tell City, Fort Wayne, Patricksburg, Waldron, La Fayette, Boggstown, South Bend, and Grasscreek, all in the State of Indiana, remonstrating against the enforced observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented resolutions adopted by Group No. 2 of the Indiana Bankers' Association, at South Bend, Ind.; by Group No. 6 of the Indiana Bankers' Association, at Connersville, Ind.; and by Group No. 7 of the Indiana Bankers' Association, at French Lick, Ind., favoring the Aldrich plan for banking and currency reform as amended by the currency commission of the American Bankers' Association, which were referred to the Committee on Finance.

Mr. LEA presented memorials of sundry citizens of Nashville, Memphis, and Fountain Head, all in the State of Tennessee, remonstrating against the passage of the so-called Johnston Sunday rest bill, which were ordered to lie on the table.

Mr. BRANDEGEE presented memorials of sundry citizens of Plainville, Tolland, Mountain County, and Torringford, all in the State of Connecticut, remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. STEPHENSON presented a joint resolution adopted by the Legislature of the State of Wisconsin, memorializing Congress in regard to passports issued by the United States Government, which was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD. [See p. 1873.]

He also presented a joint resolution adopted by the Legislature of the State of Wisconsin, which was referred to the Committee on Privileges and Elections and ordered to be printed in the RECORD, as follows:

Joint resolution (J. Res. 123, A.) relating to the sending into any State of money or campaign literature in violation of the corrupt-practice law of that State.

Whereas the State of Wisconsin, as well as many other States, has acted in conformity with the progressive thought of the time in passing laws designed to limit corruption at elections, indiscriminate campaign expenditures, and the power of money in politics; and

Whereas all national political parties have pledged the enactment of legislation which will place a strict control on election expenses with a view of purifying both national and State elections; and

Whereas the States are without power to prevent or control the sending in of money or literature from without the State to control or influence State elections, and for this reason must rely upon the cooperation of Congress in its efforts to preserve the purity of elections, and to limit the indiscriminate use of money in politics: Therefore be it

Resolved by the assembly (the senate concurring), That our Representatives in Congress are hereby requested to use their best efforts to secure such congressional legislation as will effectively preclude the sending into any State of money or campaign literature in violation of the spirit of the corrupt-practice law of that State. That in order to determine the sources of all campaign literature sent into any State through the mails or by interstate commerce, the persons sending such literature shall be required to submit to the postal authorities a copy of each political paper, circular, or pamphlet sent into such State, together with a statement of the amount of such literature sent, and the names and addresses of the persons paying for the same; and that our Representatives in Congress be further requested to make every effort to secure as complete cooperation as possible between the National and State Governments, that the purity of both national and State elections may be assured.

C. A. INGRAM,
Speaker of the Assembly.
THOMAS MORRIS,
President of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.
F. M. WYLIE,
Chief Clerk of the Senate.

Mr. STEPHENSON presented a joint resolution adopted by the Legislature of the State of Wisconsin, which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

Joint resolution (J. Res. 15, A.) relating to the Sherman antitrust law.

Resolved by the assembly (the senate concurring), That our United States Senators and our Representatives are requested to introduce an amendment to the Sherman antitrust law in their respective Houses, and to lend their aid in every reasonable manner for its passage, as follows: *Provided*, That this act shall not be construed to apply to any arrangement, agreement, or combination between the laborers made with a view of lessening the number of hours of labor or increasing wages; nor to any arrangement, agreement, or combination among persons engaged in horticulture, agriculture, dairying, live stock, or poultry raising made with a view of minimizing the expense of marketing horticultural, agricultural, or dairy products of live stock or poultry; and be it further

Resolved, That a copy of the foregoing be immediately transmitted by the secretary of state to each of the Senators and Representatives from this State.

C. A. INGRAM,
Speaker of the Assembly.
THOMAS MORRIS,
President of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.
F. M. WYLIE,
Chief Clerk of the Senate.

Mr. STEPHENSON presented a joint resolution adopted by the Legislature of the State of Wisconsin, memorializing Congress to take proper steps for the adoption of an amendment to the Federal Constitution providing that such Constitution may hereafter be amended by the initiative, which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD. [See p. 1873.]

He also presented a joint resolution adopted by the Legislature of the State of Wisconsin, memorializing Congress to take proper steps toward a constitutional amendment providing for initiative, referendum, and recall, which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD. [See p. 1872.]

He also presented a joint resolution adopted by the Legislature of the State of Wisconsin, memorializing Congress to grant to Alaska a Territorial form of government, which was referred to the Committee on Territories and ordered to be printed in the RECORD. [See p. 1873.]

He also presented a joint resolution adopted by the Legislature of the State of Wisconsin, relating to national constitu-

tional convention, which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD. [See p. 1873.]

He also presented a memorial of the Rock County Association of Retail Druggists, of Wisconsin, remonstrating against the imposition of a stamp tax on proprietary medicines, which was referred to the Committee on Finance.

He also presented a memorial of Local Division No. 7, Ancient Order of Hibernians, of Superior, Wis., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented the petition of H. Krause and sundry other citizens, of Big Falls, Wis., praying for a reduction of the duty on raw and refined sugar, which was referred to the Committee on Finance.

Mr. SMITH of Michigan presented a memorial of the Ancient Order of Hibernians, of Delta County, Mich., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. GRONNA presented a memorial of the congregation of the Seventh-day Adventist Church, of Stanley, N. Dak., and a memorial of the congregation of the Seventh-day Adventist Church, of Rocklake, N. Dak., remonstrating against the enforced observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. PERKINS presented a memorial of the congregation of the Seventh-day Adventist Church, of Placerville, Cal., and a memorial of sundry citizens of Sanitarium, Cal., remonstrating against the enforced observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. CURTIS presented memorials of Local Grange No. 754, Patrons of Husbandry, of Carbondale; of Excelsior Grange, No. 1473, Patrons of Husbandry, of Denison; and of sundry citizens of Eureka, all in the State of Kansas, remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. RAYNER presented a memorial of sundry citizens of Silver Run, Md., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

Mr. LA FOLLETTE. I present a joint resolution adopted by the Legislature of the State of Wisconsin, relative to the sending into any State money or campaign literature in violation of the corrupt-practices law of that State. I ask that the joint resolution be printed in the RECORD and referred to the Committee on Privileges and Elections.

There being no objection, the joint resolution was referred to the Committee on Privileges and Elections and ordered to be printed in the RECORD, as follows:

Joint resolution (J. Res. 123, A.) relating to the sending into any State of money or campaign literature in violation of the corrupt-practice law of that State.

Whereas the State of Wisconsin, as well as many other States, has acted in conformity with the progressive thought of the time in passing laws designed to limit corruption at elections, indiscriminate campaign expenditures, and the power of money in politics; and

Whereas all national political parties have pledged the enactment of legislation which will place a strict control on election expenses with a view of purifying both national and State elections; and

Whereas the States are without power to prevent or control the sending in of money or literature from without the State to control or influence State elections, and for this reason must rely upon the cooperation of Congress in its efforts to preserve the purity of elections, and to limit the indiscriminate use of money in politics: Therefore be it

Resolved by the assembly (the senate concurring), That our Representatives in Congress are hereby requested to use their best efforts to secure such congressional legislation as will effectively preclude the sending into any State of money or campaign literature in violation of the spirit of the corrupt-practice law of that State. That, in order to determine the sources of all campaign literature sent into any State through the mails or by interstate commerce, the persons sending such literature shall be required to submit to the postal authorities a copy of each political paper, circular, or pamphlet sent into such State, together with a statement of the amount of such literature sent, and the names and addresses of the persons paying for the same; and that our Representatives in Congress be further requested to make every effort to secure as complete cooperation as possible between the National and State Governments, that the purity of both national and State elections may be assured.

C. A. INGRAM,
Speaker of the Assembly.
THOMAS MORRIS,
President of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.
F. M. WYLIE,
Chief Clerk of the Senate.

Mr. LA FOLLETTE presented a joint resolution adopted by the Legislature of the State of Wisconsin, memorializing Congress to grant to Alaska a Territorial form of government, which was referred to the Committee on Territories and ordered to be printed in the RECORD. [See p. 1873.]

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He also presented a joint resolution adopted by the Legislature of the State of Wisconsin, relating to national constitutional convention, which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD. [See p. 1873.]

GOVERNMENT OF PORTUGAL.

Mr. CULBERSON. Mr. President, yesterday there appeared in the New York Sun an interesting interview by Mr. Theodore Stanton on the conditions in Portugal, which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

The VICE PRESIDENT. Without objection, that order will be made.

The matter referred to is as follows:

[From the New York Sun, Sunday, June 11, 1911.]

REAL PEACE IN PORTUGAL—THEODORE STANTON RETURNS FROM A TRIP ABROAD—THINKS THE UNITED STATES SHOULD HAVE RECOGNIZED THE NEW REPUBLIC MONTHS AGO—ALFONSO OF SPAIN IS KEEPING IN THE BACKGROUND, HE THINKS.

Theodore Stanton, son of Elizabeth Cady Stanton, who has had large experience as a European correspondent for American publications, returned yesterday on the steamship *Savoie* after a three months' visit to European capitals. Mr. Stanton, who is a brother of Harriot Stanton Blatch, spent part of his time in Portugal and Spain and he made some comments on the political situations in those countries.

"I was in Lisbon for more than a week," said Mr. Stanton. "I do not believe that Americans know very much of what has been going on there. While at sea I saw a wireless message to the effect that this country proposed to recognize the provisional Government in Portugal. I was gratified to learn that at last such action is to be taken, although it is very tardy recognition. The only Governments that have recognized the Republic of Portugal are Switzerland and Brazil. I know that the representatives of the provisional Government expected moral support from our country and they were disappointed that they did not get it.

"And they should have had it. The Portuguese Republic should have been recognized by us months ago. We recognized the French Republic promptly—two days after it had been organized. There was less reason for us recognizing the Republic of France than there was for this country stepping in and giving the Portuguese Republic moral support. In France the republican deputies took charge of the organization of the Government on their own initiative, but in Portugal a committee organized by the Republicans who successfully carried on the revolution and banished King Manuel was in charge of the Government. Now, we have done nothing to hold up the hands of this republican Government.

"One thing is certain: I do not believe that the facts of what has been going on in Portugal have been truthfully presented to the rest of the world. I have seen reports of trouble and disorder in the country. Personally, I saw nothing of the kind in all the time I was in Lisbon. Everything was orderly and peaceable, and the Government is in the control of competent and capable men.

"Minister of Foreign Affairs Machado is a cultivated and intelligent gentleman. He is progressive and up to date in his methods. Americans do not understand what influence they have on the democracy of Europe. They are too much interested in their own affairs, domestic and economic. We are solving problems, great problems, which the other countries are only facing.

"Let me illustrate what I mean: Take the subject of woman suffrage. Minister Machado, who has 12 children, many of whom are girls, questioned me about woman suffrage at luncheon with him one day. He wanted to know what we were doing about it. I told him that we had been dealing with the question for years, and that it was now actually being tried in five States here. It was no longer an academic question with us; we were actually solving it.

"He was very much interested, and we had a rather lengthy discussion of the question. Two days later I left Lisbon, and imagine my surprise when I read a dispatch saying that Minister Machado had informed the journalists, whom he sees every Saturday, that the provisional Government would introduce a bill for woman suffrage.

"Minister of Justice Costa, who is referred to as 'the strong man' of this energetic provisional Government, is businesslike and his methods are very American. You know, in Europe if you have arranged for an interview with an official that interview is carried out in the traditional formal manner, no matter how trivial the subject may be. Minister Costa, of course, deals with affairs of importance as they should be dealt with, but I have seen him clean out a whole room, shaking hands here and with a word here and there, as one of our hustling American officials would.

"I had an amusing experience when I left Lisbon. Minister Machado was at the hotel and there was an automobile waiting outside. He told me to have my luggage put on a bus and he would take me to the boat in an automobile. When I stepped into the auto I saw the coat of arms of the Queen Mother. Of course, the provisional Government

uses all the paraphernalia left by the royal family, but I am sure King Manuel and his family were treated very decently. I know that the royal jewels, which they left behind in their hurried departure, were sent to them."

Mr. CULBERSON. Mr. President, while I have the floor I want to remind the Committee on Foreign Relations that on the 6th of April, more than two months ago, I introduced a resolution (S. Res. 11) on this subject and had it referred to that committee. So far as I have been advised, nothing has been done with the resolution by the committee. The newspapers tell us that from time to time the President, probably on the suggestion of the State Department, sends congratulatory cablegrams to kings and shahs on their birthdays and expressing the hope that the empires over which they preside will have success and continued prosperity. They also tell us that we will be specially represented at the coronation of King George V of Great Britain.

Yet, Mr. President, there is not a word of sympathy, so far as we are able to see, for the people of Portugal, struggling for self-government and obtaining it by revolution, as was done last October. Not only is there want of sympathy, but there is absolutely want even of a cold and formal recognition of the Republic of that country, which was established more than eight months ago.

I thought it well to present this statement of Mr. Stanton to the Senate and have it specially referred to the Committee on Foreign Relations and see if something can be done with the resolution; that it be reported either adversely or favorably.

The VICE PRESIDENT. The reference will be made as requested.

Mr. ROOT. Mr. President, I unfortunately was not present at the beginning of the remarks of the Senator from Texas, but coming in from a committee meeting I heard the close of his remarks, and I infer that he was speaking of a reference to the Committee on Foreign Relations of a resolution with regard to the recognition of the Republic of Portugal.

I wish to say that, in view of that resolution, when the nomination of a minister to Portugal came before the Committee on Foreign Relations a few weeks ago, as a member of a subcommittee to consider that nomination I wrote to the Secretary of State asking information as to the status of Portugal in its relations to this country, and I received a reply to the letter, which I laid before the Committee on Foreign Relations, and I handed a copy of the letter to the Senator from Texas. That letter I have not at hand at this moment, but I will obtain it and lay it before the Senate.

The substance of the letter was that pending the final settlement of the form and character of the Government of Portugal by the people of Portugal, which is now in process, neither the United States nor any other of the principal countries of the world have gone further than to recognize the de facto government. We do not appear to have been asked to go further than to recognize the de facto government, for the representative of Portugal in this capital has never presented any new credentials or asked for any new recognition. In the absence of any expression of a wish on the part of the people of Portugal or of the provisional republican government of Portugal, of course the Government of the United States has remained quiet and will naturally do so until the present process of determining and establishing the final and permanent government of that country is concluded and that Government asks for a new and specific recognition.

Mr. CULBERSON. Mr. President, in the statement which I asked to have printed in the RECORD, Mr. Stanton, who is just from Portugal, states that the people who are behind this movement for the establishment of a republic, and who have in fact established it, in a provisional form, however, have been greatly surprised that the United States has not followed the example of Switzerland and Brazil, for instance, who formally and officially recognized the establishment of a republic in Portugal.

The President, in his message sent to the Senate and the House in December, stated expressly that the only recognition which the executive department had accorded to Portugal was simply for business purposes, and that is the effect of the letter from the Secretary of State, of which the Senator from New York allowed me to have a copy.

My complaint is that the Executive Department of the United States, not following the course it did in the establishment of the Republic of France, is waiting for monarchies of Europe to set the example of acknowledging the existence of republics, and not following, rather, the example of Brazil and Switzerland in this particular case.

Mr. ROOT. Mr. President, I must beg leave to doubt whether Mr. Stanton knows better what the people of Portugal desire than the Government which now exists in that country, or that he is a better representative of the wishes of that Government than the minister who is accredited to the Government of the United States, and who is permitted by the present Government of Portugal to remain as its representative.

I now have the letter to which I referred, which I will send to the desk and ask that it be read to the Senate and placed on the files of the Senate.

The VICE PRESIDENT. Without objection, the Secretary will read the letter.

The Secretary read as follows:

DEPARTMENT OF STATE,
Washington, May 10, 1911.

Hon. ELIHU ROOT, *United States Senate.*

SIR: I have the honor to acknowledge the receipt of your letter of the 3d instant in which you request, for the use of the Committee on Foreign Relations in considering the nomination of Mr. Edward V. Morgan as minister at Lisbon, information as to what has been done by this Government and other powers in the matter of the formal recognition of the new Republic of Portugal; whether the representative of that country at this capital has been accredited by the new Government; whether our representative at Lisbon has been received by that Government; and also as to the extent the provisional Government of Portugal has been superseded by a more permanent organization.

In reply I have the honor to inform you that, pending the meeting of the constituent assembly in Portugal and the expression by the people of that country as to the form of government they may desire, this Government has not recognized the Republic of Portugal, but only the de facto Government for the purposes of conducting current business. Our course in this matter has been similar to that adopted by all the nations of Europe. It is expected that the constituent assembly will meet some time this month and the matter be definitely settled.

The representative of Portugal at this capital, who was the minister under the monarchy, continues to transmit communications from the Government of Portugal to the State Department, but has not as yet presented credentials from the de facto Government.

It is thought by the department that the result of the meeting of the constituent assembly will be the establishment of a republic in Portugal which this Government as well as others can recognize, and the present representative of that country will then be in a position to present his credentials as the representative of the Republic of Portugal.

As the question of the form of government to be adopted by the people of Portugal is one that will be definitely settled in the near future, and as Mr. Morgan, should he be confirmed by the Senate, would not be able to go to Portugal before the meeting of the constituent assembly and the adoption by the people of a form of government which this Government could recognize, there would be no possibility of complications.

I have the honor to be, sir, your obedient servant,

P. C. KNOX.

Mr. CULBERSON. I ask the Secretary to read the cablegrams from the President and the replies which I send to the desk.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

MR. TAFT CONGRATULATES TWO ROYAL SOVEREIGNS—COMPLIMENTARY MESSAGES FLY BETWEEN WASHINGTON, BRUSSELS, AND TEHERAN.

President Taft has been exchanging complimentary messages of congratulation with the King of Belgium and the Shah of Persia, the texts having been given out at the White House to-day. They are as follows:

WASHINGTON, D. C., *April 8, 1911.*

HIS MAJESTY THE KING OF THE BELGIANS, *Brussels:*

On this anniversary of Your Majesty's birth I offer to you my cordial congratulations and at the same time convey to you the expression of the good will that this Government and people bear to your country and their wishes for its continued prosperity.

(Signed) WILLIAM H. TAFT.

BRUSSELS, *April 9, 1911.*

HIS EXCELLENCY THE PRESIDENT OF THE UNITED STATES,
Washington:

The cordial felicitations and wishes your excellency was so good as to address to me, both in your name and in that of the Government of the people of the United States, have deeply moved me, and I beg your excellency to accept my sincere thanks as well as the wishes I make for the prosperity of the great American Nation.

ALBERT.

—

THE WHITE HOUSE,
Washington, March 30, 1911.

HIS IMPERIAL MAJESTY THE SHAH OF PERSIA, *Teheran:*

In connection with the celebration of the new year I avail myself of this occasion to offer to your majesty my sincerest congratulations and my best wishes for your happiness and the prosperity of the Persian Empire.

WILLIAM H. TAFT.

TEHERAN, *April 9, 1911.*

Mr. TAFT, *President of the United States of America, Washington:*

I am deeply gratified by your kind telegram offering congratulations on the occasion of the novrouz, and I warmly reciprocate your good wishes. I avail myself of this opportunity to thank you for the tokens of good will given by your Government to my country, which I trust will still further strengthen the bonds of amity between the two nations.

ABOUL KASSEM, *Regent.*

TAFT CONGRATULATES KINGS—MESSAGES TO KING GEORGE V, OF GREAT BRITAIN, AND TO THE KING OF DENMARK.

WASHINGTON, *June 8.*

President Taft to-day sent messages of congratulation to two European monarchs, King George of Great Britain and the King of Denmark. The dispatch to King George was as follows:

HIS MAJESTY KING GEORGE V, *Buckingham Palace, London:*

I offer on this anniversary of your birth my cordial congratulations, with earnest wishes for your welfare and for the continued peace and prosperity of your country.

W. H. TAFT.

—

Here is the President's message to the King of Denmark:

HIS MAJESTY THE KING OF DENMARK, *Copenhagen:*

I beg Your Majesty's acceptance of my congratulations on this anniversary and my best wishes for the welfare and the continued prosperity of the people of Denmark under your reign.

WILLIAM H. TAFT.

Mr. ROOT. Mr. President, let me add to this interesting collection, which the Senator from Texas has laid before the Senate, a statement that he can find similar dispatches and similar replies on the occasion of the birthday of every ruler in the civilized world from George Washington's time down to the present.

Mr. CULBERSON. I desire to emphasize the fact that while the President recalls the birthday of kings, there is no cablegram from the President sent to the provisional President of the Republic of Portugal.

Mr. ROOT. Is the Senator from Texas advised whether the provisional President of Portugal has had a birthday recently?

Mr. CULBERSON. I do not care about the birthday, but am concerned about the celebration of the establishment of a Republic in Portugal.

RATIFICATION OF PROPOSED INCOME-TAX AMENDMENT.

Mr. JOHNSTON of Alabama. I present a notice signed by the secretary of state of the State of Alabama of the ratification of the sixteenth amendment to the Constitution of the United States by the legislature of that State.

Mr. HEYBURN. Mr. President, I think on such an unusual occasion that the resolution of the Legislature of Alabama should be read, so that it may go into the RECORD. It relates to a matter of very great importance, and the RECORD should show it.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read the joint resolution, as follows:

House joint resolution of the Legislature of the State of Alabama, ratifying the sixteenth amendment of the Constitution of the United States.

Whereas the Congress of the United States on July 12, 1909, adopted a joint resolution proposing an amendment to the Constitution of the United States as follows:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

"'ARTICLE XVI. The Congress shall have power to lay and collect taxes on incomes from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.'"

And the foregoing proposed amendment having been laid before the Legislature of the State of Alabama for consideration and action: Now therefore be it

Resolved by the Legislature of the State of Alabama, That the foregoing amendment to the Constitution of the United States be, and the same is hereby, ratified to all intents and purposes as a part of the Constitution of the United States.

2. That the governor of this State is hereby requested to forward to the President of the United States an authentic copy of the foregoing joint resolution.

The VICE PRESIDENT. The paper will be referred to the Secretary of the Senate to be placed on file.

PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Mr. FLETCHER, from the Committee on Public Health and National Quarantine, to which was referred the bill (S. 2117) to promote the efficiency of the Public Health and Marine-Hospital Service, reported it without amendment and submitted a report (No. 61) thereon.

PURCHASE OF LAND BY MASONIC ORDER OF OKLAHOMA.

Mr. GAMBLE. I am directed by the Committee on Indian Affairs, to which was referred the bill (S. 2355) extending the time for payment of balance due on purchase price of a certain tract of land, to report it favorably with an amendment striking out the preamble, and I submit a report (No. 62) thereon. I call the attention of the Senator from Oklahoma [Mr. GORE] to the bill.

Mr. GORE. Mr. President, I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill (S. 2355), as follows:

Whereas under the act approved January 31, 1910 (Public, No. 29), the Grand Lodge of Ancient Free and Accepted Masons of the State of Oklahoma purchased a certain tract of land described in said act, and paid on the purchase price thereof a cash payment of $25,000, as required by said act, and also $25,129.65, the amount of the first of the two annual payments required under the terms of said act: Therefore

Be it enacted, etc., That the balance due the United States for the land purchased by the Grand Lodge of Ancient Free and Accepted Masons of the State of Oklahoma, under the provisions of said act approved January 31, 1910 (Public, No. 29), may be paid in five equal annual installments, beginning at the time the second annual payment, under the original purchase, shall become due, with interest at 5 per cent per annum.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was rejected.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SWANSON:

A bill (S. 2680) for the relief of the heirs of William E. Mastin;

A bill (S. 2681) for the relief of Joshua C. Mastin; and

A bill (S. 2682) for the relief of Thomas H. Marden; to the Committee on Claims.

By Mr. BANKHEAD:

A bill (S. 2683) for the relief of the representatives of the estate of Henry C. Sills, deceased; to the Committee on Claims.

A bill (S. 2684) granting a pension to John Sanspree (with accompanying papers); and

A bill (S. 2685) granting a pension to Robert S. Mason, jr.; to the Committee on Pensions.

By Mr. KERN:

A bill (S. 2686) granting a pension to Susanah Elmore (with accompanying papers); to the Committee on Pensions.

By Mr. HITCHCOCK:

A bill (S. 2687) granting an increase of pension to William Jewell; and

A bill (S. 2688) granting a pension to Jesse Beason; to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 2689) to provide for the erection of a public building at Mannington, W. Va.; to the Committee on Public Buildings and Grounds.

A bill (S. 2690) for the relief of Alexander P. Hart, heir of Joseph Hart, deceased; to the Committee on Claims.

A bill (S. 2691) granting an increase of pension to H. H. Fernald;

A bill (S. 2692) granting an increase of pension to William Hall; and

A bill (S. 2693) granting an increase of pension to Effie M. Bing; to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 2694) to consolidate and amend sections 5270, 5271, 5272, and 5274 of the Revised Statutes of the United States, and an act approved August 3, 1882, entitled "An act regulating fees and the practice in extradition cases," and to regulate the procedure in extradition cases; to the Committee on the Judiciary.

By Mr. BRYAN:

A bill (S. 2695) to provide for the purchase of a site for a public building in the city of De Funiak, in the State of Florida; and

A bill (S. 2696) to provide for a site and the erection of a public building at Lake City, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. BRIGGS:

A bill (S. 2697) for the relief of John J. Flynn; to the Committee on Military Affairs.

A bill (S. 2698) increasing the cost of erecting a post-office building at Plainfield, N. J.; to the Committee on Public Buildings and Grounds.

By Mr. TOWNSEND:

A bill (S. 2699) granting an increase of pension to Murdock McLean (with accompanying paper); to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 2700) for the acquisition of land for a playground and park in Biddle & Biddle's subdivision of Columbian University, North Grounds, District of Columbia; to the Committee on the District of Columbia.

By Mr. SMITH of Michigan:

A bill (S. 2701) requiring all ocean and lake going vessels under the jurisdiction of United States inspectors to carry a message case for the purpose of communicating any accident on shipboard to people on shore when no other means are available; to the Committee on Commerce.

A bill (S. 2702) for the relief of David Houk (with accompanying papers); to the Committee on Military Affairs.

By Mr. JONES:

A bill (S. 2703) authorizing the leasing of isolated tracts of public lands; to the Committee on Public Lands.

By Mr. CLARK of Wyoming:

A bill (S. 2704) to provide for the administering of certain oaths by public officers; to the Committee on the Judiciary.

By Mr. BRANDEGEE:

A bill (S. 2705) granting an increase of pension to Mary E. Doolittle; to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 2706) to amend section 184 of chapter 8 of the criminal code of the United States; to the Committee on the Judiciary.

By Mr. OVERMAN:

A bill (S. 2707) for the purchase of a site for a Federal building for the United States post office at Wadesboro, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. PENROSE:

A bill (S. 2708) for the relief of the owners of lighter *No. 128*; to the Committee on Claims.

A bill (S. 2709) to reorganize and increase the efficiency of the grades of commissioned chiefs and warrant officers of the Navy of the United States; to the Committee on Naval Affairs.

A bill (S. 2710) for the relief of Alfred J. Drake; to the Committee on Military Affairs.

A bill (S. 2711) granting a pension to Alan P. Wilson;

A bill (S. 2712) granting an increase of pension to Peter Sheplar;

A bill (S. 2713) granting an increase of pension to Patrick Callaghan;

A bill (S. 2714) granting an increase of pension to Charles C. Warner;

A bill (S. 2715) granting an increase of pension to John R. Littell (with accompanying papers); and

A bill (S. 2716) granting an increase of pension to John Hollabaugh (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 2717) granting an increase of pension to Thomas B. Davis;

A bill (S. 2718) granting an increase of pension to Thomas B. Henry;

A bill (S. 2719) granting an increase of pension to Howard Mitchell;

A bill (S. 2720) granting an increase of pension to William McClure;

A bill (S. 2721) granting an increase of pension to Celina McMillan;

A bill (S. 2722) granting an increase of pension to Samuel T. Bennett (with accompanying papers); and

A bill (S. 2723) granting a pension to Hannah Harriet Jane Grove (with accompanying papers); to the Committee on Pensions.

Mr. Mr. McLEAN:

A bill (S. 2724) granting an increase of pension to James E. Cooley (with accompanying paper); to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 2725) granting an increase of pension to Maggie L. Zachary (with accompanying paper); to the Committee on Pensions.

By Mr. PAYNTER:

A bill (S. 2726) granting a pension to Arch. C. Vickers; and

A bill (S. 2727) granting a pension to Henderson Ramey; to the Committee on Pensions.

By Mr. WILLIAMS:

A bill (S. 2728) for the relief of Mary Maynor; to the Committee on Claims.

By Mr. OWEN:

A bill (S. 2729) to provide for the sale of the surface of 157.5 acres of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations to the McAlester Country Club; to the Committee on Indian Affairs.

By Mr. GUGGENHEIM:

A bill (S. 2730) granting an increase of pension to George E. Randolph (with accompanying papers); to the Committee on Pensions.

By Mr. RAYNER:

A bill (S. 2731) for the relief of Evan Urner Rinehart; to the Committee on Naval Affairs.

By Mr. LIPPITT:

A bill (S. 2732) to authorize the Providence, Warren & Bristol Railroad Co. and its lessee, the New York, New Haven & Hartford Railroad Co., or either of them, to construct a bridge across the Palmers or Warren River, in the State of Rhode Island; to the Committee on Commerce.

By Mr. GUGGENHEIM:

A joint resolution (S. J. Res. 34) providing for additional lands for Colorado under the provisions of the Carey Act; to the Committee on Public Lands.

COTTON CLAIMS.

Mr. FOSTER submitted the following resolution (S. Res. 63), which was read and referred to the Committee on Claims:

Resolved, etc., That the Secretary of the Treasury be, and he is hereby, directed to prepare from records in his possession, either those of the United States Government or those of the late Confederate States, and to transmit to the President of the Senate as soon as practicable, a list of persons shown to have sold cotton to the Confederate States government, or to have entered into any agreement to sell cotton to said government, such list to indicate whether there is shown to have been a completed sale or only an agreement to sell; to show, when possible, the residence of the person making such sale or agreement to sell, by county or parish and State; the amount of cotton covered by such sale or agreement; the price to be paid, and whether or not the payment of the agreed price is shown by such records.

TEXTILE INDUSTRY OF THE UNITED STATES.

Mr. GALLINGER. I present an interesting article, which I find in the New York Commercial of June 6, on the textile industry of the United States. I ask that the article be referred to the Committee on Printing, with a view to having it printed as a public document if the committee approves.

The VICE PRESIDENT. The article will be referred to the Committee on Printing for action.

ELECTION OF SENATORS BY DIRECT VOTE.

The VICE PRESIDENT. Morning business is closed. The Chair lays before the Senate House joint resolution No. 39, under the unanimous-consent agreement heretofore entered into.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. J. Res. 39) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

The VICE PRESIDENT. The pending question is on the substitute to the joint resolution offered by the Senator from Kansas [Mr. BRISTOW].

Mr. McCUMBER. Mr. President, I probably should not have risen to the discussion of this subject unless I felt that I could present to the Senate some observations that have not yet been made upon the subject. So far this matter has been discussed in relation only to two propositions—the first as to the virtue of the present provision in the Constitution and the second as to the evils that have flowed from that provision. I wish to give the Senate a statement of some of the benefits and some of the evils that will flow from the provision as it is proposed to be amended.

We have had, Mr. President, primary election laws in some of our States a sufficient length of time for us to forecast, at least, the conditions that will arise under the new provision. The primary election for the nomination of Senators by popular vote will, in all respects, be practically the same as the election of a Senator by popular vote, and the investigation of the conditions that have entered into and surrounded the election of United States Senators in the several States under primary-election laws will, I think, be instructive in guiding our judgment in considering the proposed change to the Constitution.

Mr. President, I intend to vote for the joint resolution which will provide for the election of United States Senators by popular vote. I desire, however, to discuss not only the good but some of the evils of the new proposition, and I wish to condense what I have to say into as few words and sentences as possible.

Mr. President, this proposed amendment to the Constitution, if adopted, will measure a great advance in the drift of our form of government from the representative established by our fathers to the democratic idea of to-day. It presupposes either a changed condition of our people requiring a modification of that document, or an error which has always been in it. The framers of the Constitution, learned in history and profound in their knowledge of human weakness, were all in accord in seeking to establish that form of government which should give to each individual of the mass complete and as direct a participation in all the affairs of government as should be consistent with national safety and stability.

They aimed to create a government by the people which should at all times assure the liberties of its citizens and protect them in the enjoyments of the fruits of their industry. Before them as they labored were the models of all old republics, and in their hands were the histories which recorded their ruin. They recognized the fundamental truth that the liberty of the governed must ever rest upon the stability of the government; that instability and fluctuating national policies were the foes of prosperity and progress. They were fearful alike of the rigid and selfish autocracy of an absolute monarchy on the one side, and the erratic excesses of an absolute democracy on the other. They adopted, therefore, as the foundation of their structure the republican or representative idea of government, which should embody the strength and durability of the one and avoid the dangers and excesses of the other.

The fundamental idea of course was a government by the people, the source of all governing power and authority, but through the instrumentality of elected representatives, of men who would be chosen because of their superior knowledge of governmental affairs and requirements, and yet whose tenure of office would at all times compel them to recognize public demands and sentiment. They believed that every law enacted should be the result of careful deliberation in a forum where its every phase might be subjected to the test of that critical analysis which it would ordinarily receive in legislative debate, by those whose general information, supplemented by special investigation and study, should fit them for its discussion.

In the practical application of this most liberal idea of government the framers of the Constitution foresaw some danger—the danger that grows out of overhasty public opinion, too often the result of passion or prejudice flowing from misinformation or distorted truth.

To guard aganst this weakness in their structure of government these patriotic men, whose love of country had been intensified by the long death struggle to bring that country into existence, and actuated only by the desire to create a nation which should be safe against internal passions and dissensions, and strong in the counsels of the world, carefully and deliberately planned for one House of Congress whose larger membership and shorter term should cause it to quickly and naturally respond to each varying wave of public sentiment, and another coordinate house of legislation composed of Members whose term of office should be of sufficient length to allow the public to return to sober and thoughtful deliberation after any turbulent or unjustified wave of public sentiment. While the fundamental idea was that the lower branch of Congress should at all times be directly responsive to public sentiment, whether well or ill advised, the equally important idea was that the Senate should be a check against any hasty legislation that might grow out of the direct responsibility of the House. And so not only was the term of office of Senators made much longer than that of the Members of the House, but it was provided that they should be elected by a body of men, comparatively few in number, selected by the people, and acting after due deliberation in the legislative halls of the State.

This reason was accurately and tersely stated by Hamilton when speaking through the Federalist for the election of Senators by State legislatures:

> That through the medium of the State legislatures, which are select bodies of men, and which are to appoint the Members of the National Senate, there is reason to expect that this branch will generally be composed with peculiar care and judgment; that these circumstances promise greater knowledge and more extensive information in the national councils, and that they will be less apt to be tainted by the spirit of faction and more out of the reach of those occasional ill-humors or temporary prejudices and propensities, which in smaller societies frequently contaminate the public councils, beget injustice and oppression of a part of the community, and engender schemes which, though they gratify momentary inclination or desire, terminate in general distress, dissatisfaction, and disgust.

Further than this, Mr. President, for the very object of effecting a continuity of this body and its purposes it was so arranged that the term of one-third of the membership only should expire with each expiring Congress, thus further removing that body from the dangers of fluctuating public opinion and assuring to a greater degree stability of public or national policies.

For 122 years this form of government has withstood all the strains and shocks incident to the life of any young republic, taking an advanced position in the march of human civilization.

Mr. President, this proposed change in the fundamental idea of the Senate of the United States, as conceived by the fathers, is based, not upon any assumed error on the part of the framers of the Constitution, but rather upon the assumption, first, that we have so far progressed in general knowledge and conservative public opinion as to no longer require those safeguards which were erected as barriers against hasty judgment, and that the personnel of the Senate should now be made to respond more readily to the sentiment of the hour by making the position itself subservient to and dependent upon that sentiment; and, second, that the representatives selected by the people can not be trusted to faithfully represent them—two wholly irreconcilable reasons. For if the people are unable to judge correctly the character of their neighbors with whom they have a close acquaintanceship, how can they judge correctly as to the character of those with whom they can have little if any personal knowledge.

In arriving at a conclusion as to whether the constitutional change should be made in the manner of electing United States Senators, we, as members of this body, are scarcely in the position to treat the subject wholly, from what we may by training or investigation, conceive to be the logical side. As representatives of the people of our respective States we experience a natural delicacy in voicing a conviction that may not accord with the judgment of a majority of our constituents. It is always more comfortable to have our opinions harmonize with those of the greater number. And the desire that our acts shall meet with public approval undoubtedly will have weight in deciding our votes. But, independent of this, we can not divest ourselves of the knowledge and conviction that this a government by the people; that all lawful authority comes from the governed and not from the Government; and that when any question reaches a stage wherein, after as much deliberation as it is liable to receive from the public, the people by a strong preponderance of opinion desire the change, it then becomes the duty of Congress, the Senate as well as the House, to conform to public demand. It is the right and duty of a representative of the people to inform, and as much as he can, to lead those whom he represents to his views on a question of this character, but, failing to accomplish this, his ultimate duty is to carry their views into effect.

This question, Mr. President, is not one of this hour. It has been agitated, as suggested by the Senator from Idaho, more or less for about 80 years, and I believe it has become a settled public conviction that the change should be made; and it is rather upon that than upon the belief that the good in the measure will outweigh the bad, that I shall, if allowed the opportunity, cast my vote for an amendment providing for the election of United States Senators by popular vote. The public, the source of all governmental power, have considered the subject for years. The public, after such consideration, have demanded the change.

I will admit that the conclusion of the public has been upon a presentation of only one side of the question; that neither the reasons governing the framers of the Constitution in adopting the present method of electing United States Senators, nor the evils which will enter into the new system have been presented as thoroughly as those which suggest the necessity of a change. The exhaustive and scholarly address of the late Senator Hoar has been perused by comparatively few, but I am convinced that the matter will not be presented in the future to the public in such manner that they can or will carefully weigh every element that supports either one or the other theory.

With this view, Mr. President, I might rest from further reasons why my vote should be in favor of the amendment, but the importance of this matter demands that it should be treated more in detail. I believe there is no duty which a representative owes to his constituents greater than that of candor; that he who is so fervent in his desire to secure the enactment of any measure that he either blinds himself or attempts to blind the eyes of his constituents to its weaknesses, contemplates only the good, never the abuses which may develop under it, is not a fair and just representative of the people.

I want to be perfectly fair in the consideration of this matter. I do not want to see the people of my State or the public generally deluded with the idea that this contemplated change will be a panacea for all the evils that have shocked them in the matter of election of United States Senators through the medium of legislative assembles.

Mr. President, one can not fail to note that in the consideration of nearly every important measure involving a policy to be pursued many Senators assume the attitude of the barrister rather than the jurist, carefully presenting only the favorable points of his own case, never alluding to its weaknesses, and persistently ignoring the good in the cause for which others may stand. I purpose to deviate from this usual manner of presentation. We can better weigh the merits of any measure that changes existing conditions by comparing the good in the present law with the good in the contempalted one; or, better

still, by weighing the known evils of the present law with the reasonably anticipated evils which will result from the new.

What are some of the present evils that will be eliminated by this change? The most important, in my mind, will be the relief afforded the State legislators themselves. The principal function of these bodies is to enact legislation for their respective States. But so important has the office of United States Senator become in the estimation of the public that one-third of the legislatures of the States every two years make their election the dominant issue, to the detriment of all State legislation. And it is an undeniable fact that the legislators are nominated and elected more with the view of their standing on this question than upon their efficiency as State legislators.

This bad feature of the present system would be eliminated by the direct election of United States Senators by the people themselves. And if it were eliminated legislators would be chosen rather because of their fitness for their general legislative duties than because of their fidelity to any senatorial candidate.

In line with this are also the deadlocks that have occurred with increased regularity in our legislatures on account of senatorial elections—deadlocks absorbing all of the time of individual members and rendering abortive whole legislative sessions.

These conditions, Mr. President, have become so prevalent of late years that the public have turned to the election of Senators by popular vote as the only escape, and in that they are unquestionably right.

Another and more important cause which has led to this demand for a change in the manner of election of United States Senators is the bribery and corruption that have been practiced by partisans of candidates, and which sometimes have been indulged in by the candidates themselves, to secure the support of individual legislators; such bribery and corruption as is claimed to have disgraced the legislature of a great State but a couple of years ago. This, perhaps, more than any other, has been the controlling factor in creating a demand for popular election of Senators. If the legislator has no vote in the selection of the Senator he will not be bribed. So reasons the public.

Every one of these reasons, Mr. President, is a valid argument against the present system of electing Senators and is worthy of the greatest consideration in arriving at a conclusion; and if our investigation rested at this point, if looking only at that whch we may escape, we close our eyes to that which we will encounter, our duty would be plain and imperative.

But, Mr. President, he who consoles himself with the idea that when we have secured this amendment to our Constitution our course will be free from further evils of like nature, will not have long to enjoy the rapture of his repose. He will awake to the fact that in escaping the evils of legislative corruption he has entered into a field of equally insidious danger and broader opportunities for the corruptionist. That which has sometimes been brought into use to convert the individual legislator, under the present system, will be used to convert the public, under the new system, not so much by direct dealing with the public as by controlling the source of public political instruction and thereby molding public sentiment.

Coincident, if not preceding this change of election of United States Senators, will be the nomination of Senators by popular vote. This means in most instances a double campaign, first fought to a finish between the candidates of a particular party, and then between the successful condidates of opposing political parties. These double campaigns are so expensive to candidates that only those who have some means dare to enter the contest. Many a good man without considerable worldly possessions, who would be willing to sumbit his candidacy to a body of 100 to 200 men, many of whom might have personal knowledge of his character and worth, would not and could not enter into a contest, State wide, where but a very small percentage of the people might have any personal acquaintance with him.

Cheerfully concurring in the conclusions as to all of the evils that may be avoided by both the nomination and the election of United States Senators by popular vote, no man can deny that the new system opens up a wonderful field of opportunity for both the millionaire and the demagogue—a field broader than any one known in our political history.

Let us turn for a moment from the ethical to the practical side of the question. Let us look at things as they are rather than as we would wish them to be. Let us remember that the root of the evil is not in the fact that Senators are elected by the legislatures, but in human weakness and human dishonesty, and that so long as these remain a component factor in human character, just so long will corrupt influences be exerted and wrong verdicts be rendered, whether it be by the people or their representatives; whether it be through misinformation or through ignorance; whether it be through lack of interest or under the passion of the moment.

The only remedy lies in a quickened public conscience in inculcating a higher standard of political integrity.

I know, Mr. President, that if one is to accept the prevalent idea, the majority of members of legislatures and Congress leave their sense of integrity behind them the moment they are elected. We know that this is not true in any sense. We know that the average legislature represents as high a moral standard as the average public from which such legislature is chosen. We know that the members of these legislatures have equal integrity, and, as a rule, a greater knowledge of public affairs than the average citizen. The very fact of their selection is evidence of that truth. Leave men to their own judgment and conviction and they will select as their representatives those whom they regard as having a broader knowledge of industrial or political conditions than they themselves have.

The late revelations concerning elections in a great county in the State of Ohio show that the public is not wholly exempt from those weaknesses which we unhappily sometimes find in our legislatures.

This Senate is not without its lessons on that truth. Committees have reported in favor of the expulsion of men from this body because of the expenditure by them of such great sums of money in their election that the presumption of fraud and undue influence followed as a natural conclusion. And we have then seen the same men with this stigma upon their honor go before their people again and probably with the expenditure of a quarter as much money be reelected by great majorities.

Now, Mr. President, wherein does this proposed new system give greater opportunities for the corruptionist? First, in the ability of a candidate possessing means, or, having the support of wealth to secure laborers in his political vineyard, advocates for his cause, both on the platform and in the closer communication with the public; second, in the ability to own or subsidize a goodly portion of the press.

Everyone recognizes the importance of a close precinct organization in every campaign. Few men have the means to secure the number of colaborers necessary to organize a State. And it is the number of men who makes the interests of a particular candidate their business that counts for success in any closely contested campaign.

Nor can we blind ourselves to the fact that with the primary-election system has grown the practice on the part of candidates of establishing and purchasing papers by wholesale and retail, with no loftier motive in view than that of destroying their opponents by political libel and falsehoods. Dailies and weeklies are established for no other purpose than that of meeting political exigencies. Those papers often carry on a libelous campaign for years, and editorial writers are employed more because of their ability in cloaking truth, diffusing error, and creating unfounded prejudice than upon their knowledge of public questions.

Here again the man of means, or if he have no great means, through the cooperation of other interests which seek his election, who would corrupt legislators, has a far wider field for the exercise of his or its pernicious inclinations.

I know it is said that this can be met by a strict corrupt-practice act. Mr. President, it can not be met by any such act. An act of this kind could be avoided in so many ways that one can not stop to enumerate them. No law could prohibit the friend of a candidate upon his own responsibility from expending as much as he saw fit. No law could prevent any candidate or his friends from starting a daily or weekly paper or of purchasing any number of them to boom his candidacy. No law could prevent one man from lending money to another or could compel the debtor to repay when the creditor is not pressing. Your corrupt-practice act will net the honest and conscientious man, but the rogue will work himself through its meshes. But you say this applies to the election of others than United States Senators—to governors and Congressmen. Yes; but usually in a much less degree.

The position of United States Senator seems to overshadow that of governor or Congressman, and hence the journalistic artillery will generally be directed against the candidate for that position. The size of congressional districts generally allows opportunities for a candidate for Congress to meet his constituents and personally refute these errors. The areas of most States make this means of defense practically impossible for most men.

There is also another dangerous portion of the press, and which must be reckoned with. It is that portion which, having a view of its own upon economic questions, seeks to destroy, by

unfair publications, any public official who does not conform to its views. This is one of the greatest dangers to our people to-day, demoralizing alike to the corruptly inclined and misleading to those who are ignorant of the real questions involved. A falsehood in print looks exactly like the truth to the man who does not know it is a falsehood, and hence the temptation to use this weapon of political warfare in a campaign before the public, a weapon which is abandoned as practically useless in a campaign before, if not the better informed, at least the more easily informed, members of the legislatures.

The overshadowing importance in the mind of legislators of the senatorial question, the frequency of deadlocks in the election of Senators, and the bribery of individual members of legislatures to secure the election of Senators, are perhaps about all the public have considered in arriving at their conclusion, that by their direct vote they should select the Members of the upper House of Congress. Have they considered any of these other questions which should challenge thought and deliberation before making a change? Are not these grave dangers in the system which we are contemplating, and are they not equally obnoxious? A timely consideration of some of these dangers may assist in avoiding them to some extent when we shall have adopted the new system.

You say that legislators' votes have been purchased and other corrupt influences used to elect United States Senators. This is lamentably true. In cases where the contest is close between two candidates the outright purchase of two or three votes may decide the cause in favor of the corruptor. But will you escape this danger by the election of Senators by popular vote? If a candidate will debauch members of the legislature in order to secure a seat in the Senate of the United States, may he not, and will he not, if it is in his power, debauch a sufficient number of the public in a close contest to gain his point? Does not the average legislature measure in integrity with the average honesty of the public?

I am well aware that the whole teaching of the press to-day would indicate that men, who have borne an unsullied reputation for sincerity and character in the community from which they have been elected, may be assumed to have lost that character the moment that they become members of the State legislature or of any other political body. You know, I know, and every thinking man knows, that this is a libel upon the legislative bodies and the Congress of the United States. Every legislative assembly represents the average integrity of the State and more than the average knowledge of men and measures.

But you say the units making up the public are so numerous that it would be impossible to corrupt a sufficient number to change an election. That would depend entirely upon how close was the contest. It is impossible to corrupt any material percentage of the public. It is equally impossible to corrupt any large or material percentage of the legislature. It is in the closely contested cases where the corruptionist can work to advantage.

But there is another means used by corrupt men to secure official recognition that is equally obnoxious to honest thinking men, and that is the element of deception. I know the corrupter, the candidate without character, has a greater opportunity before the public generally than he would have before any legislative assembly in practicing any character of deception. Why? First, because his opponent can meet and show the deception to one or two hundred men where he would not be able to meet and confute the falsehood before one or two or five million men; second, because of the greater knowledge of the members of the legislature, of both public men and measures, they are less easily imposed upon.

Mr. President, more erroneous and wrongful public verdicts have been rendered—a thousand times more—through the medium of political deception than were ever secured through the purchase of votes.

False verdicts of a legislature may be set aside by this body. But where is the remedy against the widespread deception or error produced through the instrumentality of yellow and unprincipled journalism. I know your answer that truth will prevail in the end. Yes, Mr. President, but many an honest man may go down to political death in his battle to establish that truth.

We have of late years adopted a primary system in many of the States, and it is an undeniable fact that men are nominated, not so much so through the commendation of the press as through the prejudice that is created against their adversaries through the condemnation of a purchased press, men who have never been able and probably never could have been able to secure nomination by any convention.

Under a system of popular election of Senators the candidate who has the means, either himself or at his disposal, has a mighty advantage over his adversary who has none. And, as I have suggested, there are many men of superior intellect and fitness who could and would submit their candidacy to a State legislature who would not dare to enter into a political contest involving, as it does, the enormous expenses incident to a primary campaign, and inviting, as it does, pernicious assault upon his character as a citizen or public servant.

In a close contest the percentage which will decide may be very small, and that which becomes the element of bribery before a legislature becomes equally potent in deciding the fate of candidates before the public.

With commendable zeal the press of the country has condemned bribery or corruption in any form in official life. I think its zeal in that direction has of late years led it into accusations of official dereliction where the most conscientious integrity has governed the official action. And I wish, Mr. President, that the press and the journals of the country could realize to what extent they are themselves responsible for laxity of political morals. As long as any portion of the press by its own precept teaches the pernicious doctrine that all is fair in politics, so long will unfairness and political corruption continue. The press, the instructor of the public, can hardly expect a higher standard of political virtue on the part of the tutored than is manifested by the tutor. Whenever an honest and capable man is deprived of his merited success by corrupt practices acting upon legislators, the public as well as he has been grievously wronged, and the act merits the strongest condemnation. So, too, whenever an honest and capable man is deprived of an election by reason of unfounded prejudice produced by unjust criticism or distorted truth by the press, an injustice to both the man and to the public has been done, which also merits equal condemnation. But the press seems to fail to see the wrong committed by itself, and that by its own conduct, creating in the minds of the people an idea that all is fair in politics, it thereby encourages and condones corrupt practices to gain political success.

Mr. President, no greater or more patriotic reform crusade could be carried on by the conservative and reliable portion of the press of the country to-day than an unremitting war upon the yellow, sensational, and worse than unreliable portion of its own cult.

I wish to call attention to another weakness in this proposed change, and that is its tendency to destroy party affiliations and party organization.

Mr. President, I have seen nothing in the government of any country in the world that is so beneficial in its result as government by party. An absolute monarchy may govern reasonably well if it is so inclined. But wherever the duty and responsibility of government rest upon its people they need some method, some organization, where men, agreeing generally upon great public questions or policies, but with divergent ideas on details, may, by subrogating some of the individual ideas to the general policy, crystallize their principles into appropriate legislation. Two nearly evenly balanced parties, each seeking to install itself in the confidence and esteem of the public, each watching the other for the first sign of weakness or error, will do more for a country and the real cause of progress and prosperity of the people than any other possible agency.

The nomination and election of United States Senators by popular vote will do more than anything else to destroy the dominant party and finally result in party elimination entirely. Those who believe that the breaking up of party lines will result in benefit to the country may take great courage under this proposed amendment and under our present primary system with its double elections.

The tendency is always toward factionalism in the dominant party. It may be said to be equally so in the minority party, but the latter, through stress of necessity, is forced to greater unity of action. The two factions of the dominant party each seeks to nominate its candidate, and so bitter are the factional battles, so intense is the hostility of the partisan following of the one against his adversary, so blackened in that contest by press and speaker is the character of the one who may succeed, that the adherents of the defeated will in the final election turn rather to his political opponent than to the victor of their own party.

There is little comfort in this for the minority party, because the moment it becomes the majority party the same conditions will follow. The result of this is that the Senator elected may not represent the political views of the majority of his constituents.

We have an illustration of this in the election of a Republican governor in the State of Tennessee. The present governor of the State, in my belief, is not the actual choice of the majority of the voters of that State. His election was not the

result so much of political friendship for him as of a factional enmity toward his adversary. And so intense was that enmity, and so irresistible its result, that even the name and fame of the honorable Senator from Tennessee, who put the weight of his own personality into the contest, failed to save the prestige of his party.

Under this system Republican States elect Democratic governors and Democratic States Republican governors. Under this system States nearly two to one Republican and believers in Republican policies have representatives in the Senate of the United States who do not believe in Republican policies. The election of United States Senators by popular vote means the substitution of pluralities for party majorities.

Mr. President, the mere changing of the method of election of United States Senators will not materially affect our immediate future. The representation of each State of the Union in the upper House of Congress will remain the same. The longer terms of the Senators and the continuity of the Senate will make this the deliberative Chamber and insure a reasonable check against hasty and ill-considered legislation.

It is not the mere fact of changing the Constitution, as provided in this resolution, that constitutes the real danger, but rather the doctrine upon which it is advocated, that the people need no constitutional restraints upon their momentary impulses.

Mr. President, we are growing restive under any constitutional restraint. We are teaching that legislatures are usurpers of functions that rightly belong only to the people, and so we are demanding initiative and referendum and recall, and so forth. We are teaching that our chosen legislators, men who are selected by their neighbors because of their standing and ability, can not be trusted, and so we are demanding the election of United States Senators by popular vote. We are teaching lack of confidence in law or Constitution or courts or anything but the ill considered and sometimes the ill-advised judgment of the public. We are teaching the fallacious doctrine that majorities can not be wrong. We are undermining in every way the representative and substituting the democratic form of government.

I still believe that a representative form of government is the only safe and enduring form for a free people. I believe that the only way to secure consistent and valuable legislation is through the instrumentality of a legislature and a Congress in an arena where free and immediate argument and counter argument can take place. I believe that the legislatures of the the several States selected by the people because of their confidence in their fitness are better qualified to frame laws than it is possible for the general public to do, and that they will make fewer mistakes or errors. But the demagogue and demagogic press never fail to charge that anyone, who in the arena of public discussion, ventures the suggestion that these matters should be left as they are, is against the people; that he does not trust the people if he favors constitutions and the instrumentalities which the fathers thought necessary for national safety.

To what absurdities do these teachings ultimately lead us? If the legislative functions should be recalled from legislatures and vested again in the people, why not also judicial functions? Why should not judgments be set aside or appeals allowed or disallowed by popular vote? Why should not the power be exercised to recall the judge whenever his opinion upon any question does not meet with the approval of the majority? Why should not lynch law take the place of judicial trial and execution? Why should anything ever stand in the way of the immediate application and enforcement of popular will?

Mr. President, every legislature in the United States is composed of two houses. Why? Because the second house insures greater consideration and operates as a check against hasty and ill-considered legislation. Why are appeals allowed in our courts? They are allowed to check hasty and ill-considered judgments. We acknowledge the necessity of checks against the hasty action of learned statesmen and jurists, and yet we are charged with being against the public if we insist that the people themselves, like the legislatures and the courts, need constitutional checks against hasty action.

Mr. President, humanity will have reached the millennium when it no longer needs restraints against its own passions, its prejudices and emotions. Under our representative form of government whatever the people, after deliberation, decide that they want, they always have got and always will get, and it needs no change of Constitution to secure that end.

Let the cry of fire be heard in any great assemblage of men and women, housed in theater or hall, and that body of people, generally calm and deliberative, may become instantly stampeded. Reason for a moment will forsake her mental throne, and those old impulses, engendered in the prehistoric struggles for existence and borne down to us from their ancient source on the waveless river of heredity, will assume a mad and momentary control of our actions, and brute force will take the place of human reason.

In every possible way we guard against these dangers, and it never occurs to us that in doing so we are evidencing our lack of faith in humanity. We know that a whole army may sometime be stampeded, and the general who does not recognize that truth and take every precaution to check it is not a safe commander.

Mr. President, in the political world the public may for a moment become stampeded, and the form of government which does not have its checks and barriers against these periodical occurrences is not a perfect government.

Our fathers sought to establish this necessary check by providing for one body, the indirect method of whose election should remove it from the immediate and direct influence of the passions or the prejudices of the moment. This amendment, while it does not, in my judgment, wholly destroy, certainly weakens this salutary check.

Suppose both Houses of Congress had been in session during the early summer of 1896, and the Senators, like the Members of the House, had been elected for a term of two years only, and their election in the fall of that year depended upon a vote upon the great silver issue. Does anyone seriously doubt that we should have had free-silver legislation? Does anyone doubt that the first impulse of the public was overwhelmingly in favor of the free-silver doctrine? Will not the vast majority of thinking men now agree that such legislation would have been disastrous?

Mr. President, I have in this brief statement presented both the benefit and the evil that will flow directly from the proposed amendment, as well as what I think is the dangerous tendency of the times.

If I am asked why I vote for this amendment, notwithstanding the dangers which I have pointed out, I answer: First, because I believe that the vast majority of the people of the country, not under the impulse of the moment, but after the matter has been discussed for years, want the change, and under both the letter and spirit of our Constitution the right to finally chose the form of our Constitution, as well as our laws, rests in the people. In presenting its dangers alongside of its benefits I have performed my duty; second, I am not placing the amendment in the Constitution, but I am saying that it shall be submitted to the legislatures of the States, there to be considered, I hope, earnestly and dispassionately. I hope that the whole question may be so thoroughly discussed in those legislatures that it shall be brought home to every citizen of the respective States.

Utterances by individual Senators in opposition to this innovation upon our Constitution are, under present conditions, discredited because of assumed interest. I wish to see the matter patriotically discussed by those legislative bodies. I do not believe the result would be very different, because I fear it is difficult to get an unbiased decision at the present time. All national questions seem to take on a partisan or factional aspect.

Mr. President, I can not but believe that if the great address of the venerable Senator from Massachusetts, Senator Hoar, whose counsels still enlightened the Senate Chamber when I first entered it, could be read by all the people of this great country as carefully as they peruse their magazines and papers there would be any great agitation to remove our old constitutional safeguard against irrational judgment.

But the only public demand has been that the Senators shall be elected by popular vote. The public has neither considered nor demanded that there should be hitched to an amendment for the election of United States Senators by popular vote another amendment to the Constitution depriving the Nation of all control over the time, place, and manner of electing Government officials. The former relates only to the method of performing a public function by the people; the latter reaches and threatens the very sovereignty of the Nation itself. No element and no function of national sovereignty ought ever to be left to the caprice or the mercy of any State. National safety demands supreme authority over the election of officials of government, without which it could not exist. Under ordinary and normal conditions no danger might follow the surrender of this authority to the States. But, Mr. President, the strength of a ship is not tried in the calm, but in the storm. A nation must have the power to cope with and meet extraordinary and abnormal conditions.

I believe that national patriotism of the people of the United States to-day is far stronger than State patriotism or State pride. And I am not aware either that the public has asked or any State legislature has petitioned that the General Government surrender any portion of its sovereign power. If I

understand public sentiment aright, it is tending toward increased rather than decreased national power and control in every line of public activity. Not smaller but greater nationality is required by the complex industrial and uncertain social conditions of the present age.

Mr. President, this joint resolution provides:

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof for six years, and each Senator shall have one vote.

I shall vote for that provision, for the reasons I have stated.

The Constitution provides:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations except as to the places of choosing Senators.

This resolution proposes to strike out the last clause of this provision under which Congress has authority over such elections, and seeks to deprive the National Government of any control over such elections. I shall not vote for that provision, but will support the substitute, which eliminates it from the resolution. If it shall remain in the resolution, I shall certainly cast my vote against both propositions rather than take away any authority which the National Government now possesses over the election of those who are to constitute either branch of Congress.

Mr. HEYBURN. I should like to ask the Senator from North Dakota a question before he takes his seat. Should section 4, Article I, be repealed, we could not pass the publicity bill, could we?

Mr. McCUMBER. I think the Senator is correct, but it is a question which I would not want to answer offhand.

Mr. HEYBURN. I think the Senator would have no difficulty in answering it.

Mr. JOHNSTON of Alabama obtained the floor.

Mr. BACON. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Alabama yield to the Senator from Georgia?

Mr. JOHNSTON of Alabama. I yield.

Mr. BACON. I desire to offer an amendment to the substitute offered by the Senator from Kansas, which I ask may be read, that it may be immediately printed.

The PRESIDING OFFICER. The amendment to the substitute will be read.

The SECRETARY. It is proposed to amend the substitute proposed by Mr. BRISTOW by adding, on page 2, after line 2, the following:

The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof; but the Congress may make or alter such regulations in any State whenever the legislature thereof shall neglect or refuse to make such regulations, or from any circumstances be incapable of making the same.

Mr. BACON. I ask that the amendment may be immediately printed for the use of the Senate, in order that we may have it in print before the discussion closes.

I will simply state that the language is copied almost literally from the resolution passed by the State of New York when it adopted the Constitution.

The PRESIDING OFFICER. If there be no objection, the course suggested by the Senator from Georgia will be pursued.

Mr. JOHNSTON of Alabama. Mr. President, I wish to state briefly my reasons for voting against the amendment of the Senator from Kansas [Mr. BRISTOW] and why, if that amendment is adopted, I shall vote against the resolution.

I have myself witnessed elections in my State where armed United States troops were assembled at the polls and where United States supervisors and deputy marshals were potential in the result. I never want to see either again. During the reconstruction period these officials were used for the most partisan purposes—to intimidate the voters and prevent the full and free and fair expression of the will of the voters.

Such methods as that gave the party in power swarms of unscrupulous partisans, paid by the Government, to carry out the will of the bosses; and they did not hesitate to abuse their power. These men were not chosen from the voters of the counties in which they acted, but were imported from other cities and counties and States. Pretending to represent the authority of the United States, they really represented the orders of the political bosses of the party in power.

If we are to have Senators elected by the people, they should be the free and untrammeled choice of the people. The members of the legislature, now the electors of Senators, are elected by the free choice of the voters, without any interference or assistance from any Federal officials.

I am unable to see why the people can not be trusted to elect Senators directly, if they can be trusted to elect representatives who can elect Senators.

If the people are to be controlled by outsiders, or tamely submit to it, they are unworthy to elect Senators. If we are now to surrender our right to choose Senators, free from Federal control, in order to obtain a direct vote by the people, I shall prefer no change to be made. If we are to surrender rights we now enjoy to gain this, the price is too great. We will not, like the dog in the fable, give up the substance we have in order to gain an elusive shadow.

So far as I know, every State in the South now nominates Senators by primary elections, and in none has the choice of the people been questioned or denied by the legislature.

Every State can do this without any amendment to the Constitution, without surrendering a single right it has. If the present method of electing Senators is satisfactory to the people of any State, why should other States compel them to change it? We wish to continue to decide for ourselves who shall be the electors. The Constitution and amendments sufficiently guard against unjust discrimination.

It is my intention to vote for the resolution as it passed the House, but if it is changed as proposed by the Senator from Kansas I shall vote against it; and I want to warn the real friends of the measure that to so amend it endangers its passage here and in the House, and if it should survive the action of Congress it will encounter the most strenuous opposition to its ratification by the States.

Senators who really want the resolution adopted, and the right given the people to elect Senators directly, will take a strange course by changing it so as to encounter the most serious opposition in Congress and elsewhere, thus defeating or postponing this reform many years. They may be able to explain to their people their course, but it will require the multiplication of many words.

Mr. BORAH. Mr. President, I dislike to trespass further upon the time of the Senate in the discussion of this question. I will be as brief as the subject will permit.

Some objection has been made to the word "as" as it appears in the joint resolution:

The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

I shall ask, when we reach the point where I may do so, to eliminate the word "as" from the joint resolution. The objection made is that the language ought to be mandatory, and I have no objection. I do not think the friends of the joint resolution have any objection to the language being changed to that effect.

In my judgment, however, the practical effect would be precisely the same. I can not conceive of an action to compel a State to perform a political function, and it would in practical effect at last rest with the State as to what it should do in prescribing the manner of holding an election. But, notwithstanding that, those who make the objection seem to think its merit is greater than I, and I am perfectly willing at the proper time to ask that the word be eliminated from the joint resolution.

It has also been suggested that Article I, section 4, should have been rewritten; that, as the joint resolution is now presented, it leaves in a certain place in the Constitution a portion of Article I, section 4, and deals with the same subject matter in another portion of the Constitution, and that it would have been better form and better style had we entirely rewritten Article I, section 4.

In answer to that I have this to suggest: We have followed the same method that was adopted in amending the Constitution both as to the fourteenth and as to the twelfth amendment. When we came to amend Article I, section 2, of the Constitution we dealt with the subject matter which was treated by Article I, section 2, in the fourteenth amendment, but did not rewrite Article I, section 2. We did not even refer to the change. We simply took up the subject matter which was covered by Article I, section 2, and covered it by the fourteenth amendment, leaving the old provisions of the Constitution to stand as they now stand in the Constitution with whatever modifications are made by the fourteenth amendment.

This is equally true with reference to Article II, section 1, of the Constitution, which we amended by the twelfth amendment. We did not refer to Article II, section 1, but we simply dealt with the same subject matter and covered the same by the twelfth amendment.

Therefore, whatever value there may be in the objection, the manner in which we are proceeding has precedent in these two instances. I need only say in passing, as everyone will readily recognize, that in construing the Constitution every part of

the Constitution is considered, and as was said the other day by the Senator from New York [Mr. O'GORMAN], the original provisions of the Constitution, together with the amendment, would be taken and considered together. I cite briefly some authorities upon that point:

The whole instrument is to be examined with a view to ascertaining the meaning of each and every part. * * * Each provision must be construed so that it shall harmonize with all others without distorting the meaning of any of such provisions to the end that the intent of the framers may be ascertained and carried out and effect given to the instrument as a whole. (Ency. of Law and Procedure, vol. 8, p. 730.)

For the purpose of harmonizing apparently conflicting clauses each must be read with direct reference to every other which relates to the same subject, and so read if possible as to avoid repugnancy. (French *v.* Teschemaker, 24 Cal., 518.)

Constitutions are not to be interpreted according to the words used in particular clauses. The whole must be considered with a view to ascertaining the sense in which the words were employed and its terms must be taken in their ordinary and common acceptation, because they are presumed to be so understood by the framers and by the people who adopted it. (Wilcox *v.* People, 90 Ill., 186.)

Mr. BORAH. Article I, section 4, provides:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the place of choosing Senators.

That is the provision of the Constitution as it now exists. That is the provision which we propose to change by the joint resolution which we are now considering. The joint resolution as reported substitutes for that which I have just read:

The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

The simple issue, therefore, is that the joint resolution as reported from the committee takes away the proviso which retains in Congress the power to alter or regulate the action of the State.

Both the joint resolution reported from the committee and the substitute repose, in the first instance, in the State the power to fix the times, places, and manner of holding elections.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to his colleague?

Mr. BORAH. I will, in just a moment.

The original joint resolution takes away the power to override or overrule the action of the State in case Congress should see fit to do so.

Mr. HEYBURN. Mr. President, it does more. It leaves the State to fix the place of the election of Senators. Under the Constitution it can only be done where the legislature meets by authority of law. Under this proposed amendment it will be done in each voting precinct in the State, and not at all at the place contemplated in the Constitution.

Mr. BORAH. I may be in error as to the suggestion of my colleague, but, as I catch it, it does not change the proposition which I have just suggested, and that is that the original joint resolution as reported from the committee takes away from Congress the power to revise or to overrule the action of the State with reference to the times, places, and manner, except as to the place. The place of choosing Senators is left to the State, according to the now existing provisions of the Constitution.

Mr. HEYBURN. My remark was directed at the remark of my colleague preceding the one to which he refers—I did not know whether I would ask to interrupt him or not at that time—in which the Senator excepted the place.

Mr. BORAH. Very well. I am very glad to have the suggestion, although, I think, when we come to read the RECORD there will be very little difference between my colleague and myself; at least as I understood him.

The exact issue, therefore, which is presented by the original joint resolution and by the substitute of the Senator from Kansas [Mr. BRISTOW], is whether or not Congress shall retain the power to revise the action of the State with reference to the times and manner of holding the election.

Mr. HEYBURN. Mr. President, I hope it will not annoy my colleague, but there are some questions which in this closing hour we ought to understand. Does not the Senator agree that the amendment abolishing the provisions proposed to be abolished in section 4 of Article I would render the passage of the publicity bill futile?

Mr. BORAH. No, sir; I do not.

Mr. HEYBURN. Under what authority can a publicity bill be enacted except under that section?

Mr. BORAH. I will try to cover that before I get through, but I do not desire in this closing hour to be diverted too far or too long from the subject in hand.

The principal contention here is over the words "manner of holding elections." The subject of the change deals alone with the question of the manner of holding the election and not the power to determine who shall be the voter. It deals alone with the question of how the voter shall exercise and put into effect his will.

Mr. HEYBURN. What else is there?

Mr. BORAH. Deals alone with the machinery of holding the election. I read here in connection with this a statement by Justice Field of the Supreme Court, wherein he says:

Regulations as to the manner of holding them [the elections] can not extend beyond the designation of the mode in which the will of the voters shall be expressed and ascertained. The power does not authorize Congress to determine who shall participate in the election or what shall be the qualification of voters. These are matters not pertaining to or involved in the manner of holding the election, and their regulation rests exclusively with the States. The only restriction upon them with respect to these matters is found in the provision that the electors of Representatives in Congress shall have the qualifications required for electors of the most numerous branch of the State legislature, and the provision relating to the suffrage of the colored race.

A vast amount of confusion has crept into this debate by reason of the fact that the manner of holding elections has been confused with the right to cast a vote after the manner of casting it has been determined. This is discussed later, and I only refer to it in passing.

Mr. President, we do not by this amendment introduce any new or untried principle into the Constitution. We do not invoke an untried proposition. We are not proceeding without experience, and we are not seeking to establish in the Constitution a method which has not heretofore been tried. We leave the manner in which the election of Senators shall be held to be prescribed and determined in the same way that we to-day prescribe and determine the manner of holding the election for presidential electors.

Mr. HEYBURN. I should like further to ask my colleague a question here.

The VICE PRESIDENT. Does the Senator from Idaho yield further to his colleague?

Mr. BORAH. I do.

Mr. HEYBURN. Would this amendment prevent the people of the State from still exercising the right to choose a Senator through the medium of their legislature?

Mr. BORAH. Does my colleague mean the amendment proposed by the committee?

Mr. HEYBURN. Yes. Inasmuch as the voters of the State are given the power, without limitation or definition, could they not still exercise the right through the legislature, if they saw fit, acting as a people?

Mr. BORAH. I do not understand exactly the point which my colleague is making.

Mr. HEYBURN. I did not want to take up the Senator's time.

Mr. BORAH. I should be glad to have the Senator take up enough time to explain what he means.

Mr. HEYBURN. I thought I would succeed in attracting the Senator's attention to that point which he had not covered.

Mr. BORAH. My colleague always attracts my attention.

Mr. HEYBURN. This joint resolution says that—

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years.

It does not say how the people shall elect them. The people elect them now. Shall the people act through the medium of their legislature? Is that language sufficient, in other words, to prevent them from doing it, should they determine to do it, by the constitution of the State or otherwise?

Mr. BORAH. The friends of the resolution are willing to risk it. I have no doubt, in view of the fact that the change takes it away from the legislature and puts it in the people, a court would construe that the language was sufficient to rest it in the people. The change is perfect both in language and intent.

Mr. HEYBURN. There is no language in the amendment which says the legislature may not do it.

Mr. BORAH. Neither is there in reference to Representatives, and no one except my colleague would ever suggest that the legislature could elect them.

Mr. HEYBURN. The people may do it through the legislature.

Mr. BORAH. I want to call attention, Mr. President, without reading more than a paragraph or so, to some of the language found in the case of McPherson *v.* Blacker, in 146 United States. Here the question of the power of the legislature over the manner of electing presidential electors came squarely before the court, and the court said:

Under the second clause of Article II of the Constitution, the legislatures of the several States have exclusive power to direct the manner in which the electors of President and Vice President shall be appointed.

Such appointment may be made by the legislatures directly, or by popular vote in districts, or by general ticket, as may be provided by the legislature.

If the terms of the clause left the question of power in doubt, contemporaneous and continuous subsequent practical construction has determined the question as above stated.

The second clause of Article II of the Constitution was not amended by the fourteenth and fifteenth amendments—

It will be recalled that during the last session my colleague suggested that the clause which I am now discussing had been modified by the fourteenth and fifteenth amendments—

The second clause of Article II of the Constitution was not amended by the fourteenth and fifteenth amendments, and they do not limit the power of appointment to the particular manner pursued at the time of the adoption of these amendments, or secure to every male inhabitant of a State, being a citizen of the United States, the right from the time of his majority to vote for presidential electors.

On page 35 of the opinion the court said:

From this review, in which we have been assisted by the laborious research of counsel, and which might have been greatly expanded, it is seen that from the formation of the Government until now the practical construction of the clause has conceded plenary power to the State legislatures in the matter of the appointment of electors.

Even in the heated controversy of 1876–77 the electoral vote of Colorado cast by electors chosen by the legislature passed unchallenged, and our attention has not been drawn to any previous attempt to submit to the courts the determination of the constitutionality of State action.

In short, the appointment and mode of appointment of electors belong exclusively to the States, under the Constitution of the United States.

Mr. Willoughby, in his work on the Constitution, says:

The Constitution gives complete power to the States in the selection of presidential electors. The provision is that each State shall appoint, in such manner as the legislature thereof may direct. There is no requirement as to their election by the people. And so plenary is the power thus given to the States in this respect they may, if they see fit, as Representative Storrs once said, vest the appointment of electors in "*a board of* bank directors, a turnpike corporation, or a synagogue." (Willoughby on the Constitution, vol. 2, p. 1126.)

Not only, Mr. President, is the manner of electing the electors left exclusively to the State legislatures, but Congress has proceeded to accentuate the power of the State and has practically left the determination of the validity of the electoral votes to the State.

In 1887 Congress passed this statute:

If any State shall have provided, by laws enacted prior to the day fixed for the appointment of the electors, for the final determination of any controversy or contest concerning the appointment of all or any of the electors of such State, by judicial or other methods or procedures, and such determinations shall have been made at least six days before the time fixed for the meeting of the electors, such determination made pursuant to such law so existing on said day, and made at least six days prior to the time of meeting of the electors, shall be conclusive, and shall govern in the counting of the electoral votes as provided in the Constitution, and as hereafter regulated, so far as the ascertainment of the electors appointed by such State is concerned. (Act of Feb. 3, 1887, sec. 2.)

Mr. President, the manner of choosing those who select the Executive is left exclusively and alone where we propose to place the power to prescribe the manner with reference to the election of Senators. If a State should refuse to proceed, as has been suggested here, in delinquency of its duty in selecting electors for the Presidency, it would be in precisely the same attitude, it would involve the same dereliction of duty upon the part of the individuals of the State as if they should fail to proceed to elect Senators or to prescribe the manner thereof.

We go back and rest the obligation and the duty where the fathers of the Constitution rested it with reference to the selection of the Executive. It does not seem to me, in view of the fact that here has rested the power to determine how the electors shall be elected for over a hundred years, that it can be said we are trying an experiment, that we are dealing with chance, or that we are jeopardizing the power to preserve the National Government.

There may be room for legitimate discussion between Senators as to where it should best rest, with the legislatures of the States or with the National Government; but when it is urged, as it was a few moments ago by the Senator from North Dakota [Mr. MCCUMBER], that we are striking at the very life of the National Government, it is urged by reason of the fact that Senators have not taken the time to give consideration to what we are doing. We have a class of men who the very moment a power is undertaken to be added to the State's authority are in arms in opposition to the movement, but when some vast power is undertaken to be given to the National Government, as in the fourteenth amendment, they are quite willing to enter upon the sea of experiment and to try a new and untried proposition.

When the Constitution was formed popular elections in the sense in which we have and understand them now were not familiar to the people. Manhood suffrage was most limited. The members of the Confederate Congress were selected by the State legislatures. Most of the State officers were elected by the State legislatures, including governors. But now the respective States have worked out with great care and through long experience their system of popular elections. They elect all of their State officers, and according to a system which time and experience have proven to be efficient and wise. These systems of popular elections are different in different States in matters of detail. And thus popular elections have come peculiarly to be matters of local arrangement. The manner of holding them has become essentially local. The trend of events and the logic of conditions have made them local. Each State has its primary or is coming to have. It fixes its style of ballot, its entire method, mode, and manner of holding popular elections. All these things are essentially local and should be and can be with entire safety left to the States.

What will be the situation when the resolution passes—should it be modified, as suggested and urged? We will have intrusted to the State the sole power to determine, outside of the rule against discrimination, who shall vote for a Senator. We will have intrusted to the State to determine what kind of a man shall be sent here, save as to his age and citizenship. We will have intrusted to the people the power to directly choose Senators, and, sir, we will have intrusted to the voluntary action of the people of the State the sole power to determine whether they will elect a Senator at all or not. For these vague and nebulous suggestions that the National Government could enforce an election are impracticable, unreasonable, and repudiated by experience, by logic, and by the very terms of the Constitution when all its terms are taken together. Yet, after intrusting to the States and the people of the States all these substantial powers, we say they may nevertheless prove unfit to determine the manner of doing this; that they may not be wise enough to say whether they want nominations by primary or open conventions; whether they want the Australian ballot or the open ballot; whether they want protected booths or unprotected booths. The thing of substance they may do, but the manner of doing must be prescribed by another power. I say this is unreasonable, inconsistent, and illogical. It grows out, Mr. President, of an unwarranted distrust of the intelligence and patriotism of the people—an unwarranted distrust of the capacity and integrity of the States to perform their proper functions and discharge the obligations which rest upon them.

Mr. President, I am a believer in nationalism, but I want it to rest upon a broad and sure foundation. I want the pyramid of the Republic to rest upon its base and not upon its apex. I want a nationalism which is founded upon a full and uncompromising faith in the loyalty and self-governing capacity of the people—that is the broad base upon which to build. I want a nationalism which next recognizes the unhampered and unchallenged sovereignty of the States. There can be no such thing as a great Federal Union with stripped and discredited and crippled States. Nationalism such as our institutions will sustain derives its strength and durability from the increasing strength and durability of the States, with their sovereign powers ever undiminished and always unchallenged.

Those who think they can build up a national power at the expense of the sovereignty rightfully belonging to the States, who would aggrandize and accentuate the Federal Government at the expense of the just powers of the State, have either forgotten or never knew the lesson of 1787. The fathers divided the State and national powers upon the logical rule of things which were national in scope and things which were local. They regarded the latter as essential to the life of the State and the former to the life of the National Government, and the preservation of both as indispensable to the growth and prosperity of the people. They realized fully that conditions might necessitate a readjustment or a redistribution of powers, that things then local in their nature might become in time national in their reach and scope, that things which were national might in time become local and better cared for by the State. But the readjustment was always to be made because of the change in the extent and scope of the thing to be dealt with, and not because of a diminishing faith in the capacity of the State to do its duty, or an enlarged faith in the National Government to do more than its duty. It never occurred to them that the individual citizen was the source of one kind of civic righteousness and civic capacity when acting for the State, and a source of higher grade of civic righteousness and civic capacity when acting for the Government. It never occurred to them that the sheriff of the State was of a lower type of official than a United States marshal; that a Federal judge was wiser than a State judge; that a kind of a halo exuded from the Federal citizen that was not always perceptible to the naked eye when beholding a common citizen of the State. This modern distrust of the citizen of the State, this exaltation of and confidence in the Federal Government, was not the theory upon which our dual Government was built. Faith in all its parts, faith in the source of all power, the people, was the theory upon which it was built.

The advices of those who urged a strong Government did not in all their fullness prevail. The jealous guardians of States rights were not permitted to have their way as fully as they thought they ought. The sublimest fact in all our history is that Hamilton and Jefferson lived in those days; that out of concession and compromise, of clashing judgments and conflicting views, came the finished fabric, the dual government, which has excited the wonder and challenged the admiration of all the civilized people of the earth.

Mr. HEYBURN. Well, Mr. President, may I interrupt the Senator?

The VICE PRESIDENT. Does the Senator from Idaho yield to his colleague?

Mr. BORAH. Certainly.

Mr. HEYBURN. I desire to say in this connection that, being the last hours of the consideration of this measure, I assume the Senator is not expecting to deliver an uninterrupted speech on this occasion.

Mr. BORAH. No; I am not.

Mr. HEYBURN. So I take the liberty of placing in the RECORD some suggestions in connection with his remarks. He is just now engaged in placing the stability and existence of the Government upon the patriotism and loyalty of the people. This is a Government of law, not of sentiment. I should like to know if the Senator has given all the thought that he thinks is necessary to the question as to whether or not the Government can compel a State to exercise the function of a State. Can it do it?

Mr. BORAH. I have given all the thought that I have been able to give, without the benefit of consultation with my colleague. I do not think the National Government could compel a State to elect a Senator.

Mr. HEYBURN. The Senator thinks it could not?

Mr. BORAH. That is my view.

Mr. HEYBURN. That is to admit that this Government may dissolve itself at the pleasure of any State.

Mr. BORAH. Colorado has not elected a Senator, and we are not dissolved, neither are we in a position to compel Colorado to elect a Senator.

Mr. HEYBURN. Colorado has one Senator in this body.

Mr. BORAH. It is entitled under the Constitution to two Senators. If we could compel it to elect at all, we could compel to elect both or either. I am sure that my colleague could find ample compensation from the candidates in Colorado if he could suggest to them a legal method by which to force an election in Colorado.

Mr. HEYBURN. If the State of Colorado or any State should decline to choose representatives in this body the Government has the power to institute conditions in that State that they would be compelled to do it.

Mr. BORAH. I am quite content to leave the solution of this question with my colleague.

But, Mr. President, those who are favoring this proposition are doing so not because they desire to hamper or to embarrass or to disturb the powers which should really belong to the Federal Government..

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield further?

Mr. BORAH. I do.

Mr. HEYBURN. No more important question has been discussed than that which the Senator is now presenting. As I understand him, he is contending that the Government of the United States can not compel a State to elect Senators and send them to this body, when the Constitution, as it now reads, says in express terms that it can do it. It can fix the time; it can say to the State on the 20th day of October it shall elect. It can fix the place; it can say at the capital of the State in the legislative halls. It can fix the manner by saying to the legislature you shall do it by a majority vote. This can be done in the absence of action by the State in conformity with those provisions. There is no question about it; and if the man was elected under those circumstances he would be constitutionally elected.

Now, of what avail is it to say that a State can dissolve itself out of the Union by inaction? It was because of the possibility of such conditions that section 4 of Article I was placed in the Constitution; and it is a dangerous doctrine to send out to the people of this country in times of discontent that they may destroy the Union by inaction. You can not do it either by inaction or by the sword.

Mr. BORAH. Mr. President, I would be very glad to yield to my colleague for any question that he desires to ask, but I do not desire to submit to a lecturing program such as has been going on from time to time in this debate.

Mr. HEYBURN. I hope the Senator will indulge me long enough to speak a valedictory word to him. I had supposed that in these last hours of the debate no man would monopolize the entire time, and I had supposed that any man who took the floor would be open to a free and fair and full discussion of it.

Mr. BORAH. I have never hesitated to yield to my colleague for a question or for an argument, but I do not desire to have my colleague deliver a kindergarten lecture here upon the Constitution to all who assume to express an opinion about it. I have made a statement. If it is one of error, it can go out to the country for what it is worth. But it is not worth while to take up time, after my colleague has once disputed the proposition, to censure its author.

I will say in passing, however, that I have adopted the line of argument, as to this particular, of Mr. Barber and the concessions of Mr. Webster in a very famous case in the Supreme Court of the United States.

It has been urged that Article I, section 4, is necessary to protect elections from fraud and violence, and that without Article I, section 4, the National Government would be without power to protect elections where Federal officers were elected from fraud, violence, or misconduct upon the part of those who should desire to prevent a fair and impartial election. In the minority view which has been filed I find this statement:

> How vital is the preservation of the supervisory power conferred upon Congress by section 4 of Article I was strongly set forth by the Supreme Court of the United States, through Mr. Justice Miller, delivering the opinion in the Yarbrough case (110 U. S., 651). In that case the Supreme Court was passing upon the validity of the Federal election law of 1870, an act based upon the authority conferred by the first clause of section 4 of Article I. We quote from the opinion as follows:

The Senate will notice that in this minority view the statement is made that the Supreme Court was passing upon a statute which was passed under and by virtue of Article I, section 4, and that Justice Miller was of the opinion that that power was vital to preserve and to protect elections against fraud and violence.

I feel compelled, Mr. President, to take a little time to call the attention of the Senate to just exactly what the Supreme Court was passing upon in that particular instance. I assert, without fear of successful contradiction, that the statute which the Supreme Court was passing upon in that instance was not passed under and by virtue of Article I, section 4; that it did not find its constitutionality in the power granted to control the manner of holding elections; and that the section which the Supreme Court was passing on was passed under the implied power which Congress has to protect any right that is guaranteed by or dependent upon the Constitution of the United States. Every line of Justice Miller's opinion as to the validity of the section of the statute here passed upon would have been just the same if Article I, section 4, had not been in the Constitution at all.

I need only read this statute to the Senate in order that the Senate may see upon a moment's reflection that my contention is correct. Section 5508 reads as follows:

> If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same, or if two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined not more than $5,000 and imprisoned not more than 10 years; and shall, moreover, be thereafter ineligible to any office or place of honor, profit, or trust created by the Constitution or laws of the United States.

The statute says "any right guaranteed by the Constitution of the United States." Now, Article I, section 4, deals alone with elections. It is clear that if you were passing this statute under that, and that alone, we would have to have a statute dealing alone with elections. You could not deal with trespasses upon the public lands; you could not deal with the question of interfering with a jury which was impaneled in a Federal court; you could not deal with the question of protecting a prisoner who was in the hands of a United States marshal. Yet there are a number of cases in the Supreme Court of the United States in which the Supreme Court has sustained an indictment under section 5508, covering almost every imaginable right which might arise under the Constitution of the United States.

For instance, under this section a man was prosecuted for interfering with another in trying to prove up a homestead. Do the Senators who signed the minority view think that under Article I, section 4, dealing with elections, you can pass a statute punishing a man for interfering with another in proving up a homestead? Mr. Justice Miller says that this power arises not out of any express provision in the Constitution but out of the implied power that Congress has to protect any right; and

a right to vote for Representative, a right to vote for Senator, under this Constitution, if it should be amended, after the State had fixed the status of the voter, would be a right dependent upon the Constitution of the United States.

There was another provision of the same law which was passed upon, and that was section 5520. Notice the reading of this section:

SEC. 5520. If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy, in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of the Congress of the United States—

Now, the manner of holding the election of electors for President and Vice President is in the hands of the State legislature. The manner of electing a Representative is in the hands of Congress. Yet we are told that this authority upholds a statute which passed under Article I, section 4, would leave the matter with Congress, while at the same time it protects electors and presidential electors and matters left entirely with the State legislature.

It is apparent, Mr. President, that the court would not have sustained section 5520 if they had gone to Article I, section 4, for the authority of passing it, because it deals with presidential elections, which is provided for in another section of the Constitution and leaves it to the States.

Therefore the court proceeds to find the power to pass this statute under another provision of the Constitution, not written, but as plainly a part of it, since the decision of Chief Justice Marshall, as if it had been written. After quoting a large portion of this opinion the minority view, however, left out of their views this paragraph, and had they observed its applicability it would have answered the argument which they were making. It says:

The proposition that it has no such power is supported by the old argument often heard, often repeated, and in this court never assented to, that when a question of the power of Congress arises the advocate of the power must be able to place his finger on the words which *expressly grant* it. The brief of counsel before us, though directed to the authority of that body to pass criminal laws, uses the same language. Because there is no express power to provide for preventing violence exercised on the voter as a means of controlling his vote, no such law can be enacted.

Says the counsel:

It destroys at one blow, in construing the Constitution of the United States, the doctrine universally applied to all instruments of writing, that what is implied is as much a part of the instrument as what is expressed. This principle, in its application to the Constitution of the United States, more than to almost any other writing, is a necessity, by reason of the inherent inability to put into words all derivative powers—

The opinion in the Yarbrough case would have been just the same with this provision of the Constitution adopted as we propose, because we leave the manner of holding the election with the State legislature. The Constitution leaves the manner of holding the election of electors to the State legislature; and yet the Supreme Court sustains the statute which protects both elections from fraud and violence. It is quite true that in the latter part of the opinion they refer to section 4 of Article I, but solely in way of illustration, basing their argument upon the general proposition as I have here stated it.

Does the repeal of section 4 of Article I render inoperative the fourteenth and fifteenth amendments? Again, the minority view says:

Fifth. Possession of the power which it is proposed to strike out from section 4 is essential to enable the National Government to act effectively in case it should ever have occasion to enforce the provisions of the fourteenth and fifteenth amendments to the Constitution. The basis of any enforcement of those provisions must necessarily be the ascertainment and establishment of the facts in respect of the elections to which they may relate. The proposed amendment of section 4 of Article I, if adopted, would be the latest expression of the sovereign will of the people of the United States, and would take away from the National Government authority to make those regulations regarding elections which are essential to the preservation of evidence regarding what actually occurs.

Is there any doubt, Mr. President, but what the fourteenth and fifteenth amendments could be enforced to-day with reference to presidential electors where the manner of holding the election is left to the State legislature? Is there any possible question but what, under any action that we should take, presidential electors would be included just the same as Members of Congress? It is a confusion, as I said a moment ago, of the manner of holding the elections with the right to cast a ballot in the manner prescribed by the State legislature. In other words, as an illustration, suppose that the State of Missouri should provide the Australian ballot system for recording the ballot. If this joint resolution should pass, I contend that the National Government could not go into the State, as it were, and establish an open ballot, but there is no possible doubt in my mind but what the National Government could see that every man who was qualified to vote for Senator in that State could cast his vote in accordance with the system established in the State. You can not interfere with the form of the ballot; but if the man was deprived of his right to vote, the National Government, if he was voting for Senator or Representative or for a presidential elector, could take such steps as would be necessary to see that he cast his vote in accordance with the system established in that State.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. I do.

Mr. SUTHERLAND. Mr. President, the Senator from Idaho says that in the absence of section 4 Congress would still have the power to pass legislation, as I understand, that would enable every person who was qualified to vote to cast his vote. If section 4 were eliminated, would it be within the power of Congress to pass legislation which would prevent unauthorized persons from casting their votes?

Mr. BORAH. Certainly.

Mr. SUTHERLAND. Under what clause of the Constitution?

Mr. BORAH. Because the Congress would have power to protect any election against fraud or anything of that kind where a Federal officer was being elected. I am coming to that in just a moment.

Mr. SUTHERLAND. If the Senator will permit me just a word further, the Constitution, I agree with the Senator, in effect guarantees the right of persons who are authorized to vote to cast their votes; but if there is any provision in the Constitution which guarantees that unauthorized persons shall not cast their votes, I have failed to find it.

Mr. BORAH. Mr. President, one of the cases to which I will refer was a ballot-box-stuffing case, and the Supreme Court sustained a statute which protected presidential electors the same as the election of Representatives. While I do not desire to take up the time of the Senate in reading that opinion, if Senators will refer to the case to which I have just been referring, the Yarbrough case, they will find that the court made no distinction in protecting elections against fraud or imposition or violence or misrepresentation between presidential electors and Members of the House of Representatives; but the decision turns upon the right of the National Government to see that its elections, where parties being elected to Federal offices are candidates, are protected from violence, fraud, or anything which interferes with an honest and a free vote.

Mr. SUTHERLAND. Will the Senator permit one further question?

The VICE PRESIDENT. Does the Senator from Idaho yield further?

Mr. BORAH. Yes, sir.

Mr. SUTHERLAND. If the Senator from Idaho thinks that the change which is proposed to be made in section 4, Article I, of the Constitution, will still leave the power of Congress unimpaired, then what good purpose does the Senator see in making the change at all?

Mr. BORAH. I will give the Senator from Utah an illustration which shows precisely what I am trying to do: Suppose the State of Utah prescribed a certain form of ballot—we will say the Australian ballot—I maintain that the National Government should have no power to go in there and establish an open ballot. That is precisely the power which I insist on taking away, and that is the substance of the power which we do take away; but we do not take away from the National Government the power to see that the voter casts his vote according to the Australian ballot system, because the one is a right to cast the vote, while the other relates alone to the manner in which he records it.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from California?

Mr. BORAH. I do.

Mr. WORKS. If the National Government has the right to protect the legal voter in the right to cast his vote and to have that vote counted, has it not, for the very same reason and upon the same principle, the right to protect that vote by preventing a fraudulent vote that would nullify it?

Mr. BORAH. I have no doubt about it at all. If the Senator from Utah [Mr. SUTHERLAND] will reflect for a moment upon the difference between the manner of recording a vote and the right to cast it, he will get the idea of the Senator from Idaho with reference to the distinction which he is trying to make. While I am going to discuss that in a few moments, I take this opportunity to say again: Suppose the State of Utah should establish a certain form of booth where the election should be held, where the State elections are being held, where the governor is being elected, and where the popular election is

coming off. The State knows best the manner in which to hold its elections, so far as the manner is concerned, and the National Government could not come in and change the machinery, change the modus operandi, whether it be the Australian ballot or whatever it may be; but whenever a State undertakes to deprive, or an individual undertakes to deprive, a party of the right of casting his vote according to the system prescribed by the State, there is no doubt but what the National Government can prevent it.

Mr. SUTHERLAND. Now, Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. I do.

Mr. SUTHERLAND. The Senator thinks that if a State should adopt the Australian ballot, the General Government ought not to step in and provide for an open vote. I agree with him about that. The General Government ought not to do that. But suppose the converse of that were true; suppose the State should adopt the open ballot and provide that votes should be cast as under the English system at the hustings by a viva voce proceeding, would the Senator think that it would be wise on the part of the General Government to step in, as it has stepped in, and provide a written or printed ballot?

Mr. BORAH. No, sir; I would not.

Mr. SUTHERLAND. Then does the Senator——

Mr. BORAH. The vital distinction between the Senator from Utah and myself is that I do not expect to find any greater wisdom up here than we shall find down there in the States.

Mr. SMITH of Michigan. But you find a greater responsibility to all the people of our country.

Mr. BORAH. No; you find no greater responsibility. The responsibility for the maintenance and preservation of this Government rests right down there among those people. If you do not find sufficient patriotism and wisdom and intelligence to take care of that situation down there, you will not find it up here.

Mr. SUTHERLAND. Mr. President, if the Senator will permit me to make a suggestion, Congress did at one time find that elections throughout the country were held at different times—in some States in August, I think, in some States in June, in some States in September, in some States in October, and in some States in November. Does the Senator not think that it was unwise that elections for Representatives should be scattered along through the year in that way and does not the Senator think that it is wise on the part of Congress to provide, as it has provided, that all such elections should be held in all the States upon the same day?

Mr. BORAH. Mr. President, I think it was eminently wise to provide that all elections should be held upon the same day; but where did that wisdom come from? The Senator argues that it came from up here somewhere. The fact of the business is that the States had been working through years and years for this unity of elections, and when Congress got ready to act upon the matter, Congress yielded to several of the States, which did not desire to come in, as to time; and we find Vermont and some of the States holding their elections at such time as the wisdom of their people deemed best.

Mr. SUTHERLAND. But, Mr. President, it was found that the States acting severally would not do that, and it required that the States should come together in Congress in order to bring about that reform.

Mr. BORAH. I disagree with the Senator that it was found that the States would not act wisely or together upon that proposition.

Mr. SUTHERLAND. They did not act.

Mr. BORAH. The States were together upon the proposition, and the practical unanimity which did exist at the time the act of Congress was passed arose out of action upon the part of the States.

Mr. SUTHERLAND. They were about 80 years getting to it. They did not get to it until Congress acted.

Mr. BORAH. We have been a hundred years in trying to get this joint resolution through.

Mr. SMITH of Michigan. And it will be a hundred years more, if the simple proposition to elect Senators by direct vote of the people is encumbered with race riders and other constitutional limitations which do not belong in the present controversy at all. I favor the amendment, but want to strip it of burdens which it should not bear.

Mr. BORAH. No; it will not be a hundred years more, for there is an influence at work now which will change that situation; that is, the people have the notion that they want it, and are going to have it.

Mr. SUTHERLAND. The question I was going to ask the Senator was, Does the Senator feel any apprehension that the Congress of the United States would, if it continued to possess this power, act unwisely or unjustly in fixing general rules? If he does not think so, what advantage is there to be gained in changing the Constitution in that respect?

Mr. BORAH. Well, Mr. President, that calls for a declaration on my part which perhaps I ought not to make, but in order to be candid with the Senator I will make it. I think that Congress acted eminently unwisely at one time when they undertook to do that.

Mr. SUTHERLAND. Undertook to do what?

Mr. BORAH. When they undertook to do that. I am one of those who would like, if I could, to take a part of the history of the Republican Party with reference to the reconstruction days out of its history and burn it, and blot it from the memory of men.

Mr. SMITH of Michigan. You might eliminate a few things from the record of our opponents and thus improve the veracity of history.

Mr. BORAH. I think that the wisdom of these things rests down with the people, and that it is impossible for us to exercise a greater wisdom about it than the wisdom of those whom it locally concerns. If it is a local matter, as I believe a popular election to be, then we will never show greater wisdom than the people in the several States.

It is not national in its scope; it is local in its nature, and the National Government never can deal with a local matter as intelligently as the people of the States can deal with it. That has been the history of this Government from the beginning until now. Whenever the National Government undertakes to deal from Washington with a local matter it makes a mistake. The Senator from Utah would not desire the National Government to step in and run a popular election in his State any more than the people in any other part of the country would. I have no doubt that he would protest against such action just as quickly as anyone else. We have got now out in the great West some of the effects of a government from Washington with reference to local affairs, and, so far as I am concerned, I do not want any more of it.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield further to the Senator from Utah?

Mr. BORAH. Certainly.

Mr. SUTHERLAND. I entirely agree with the Senator that the General Government ought not to interfere in local affairs and that each State ought to be left to deal with its own local affairs. The difference between the Senator and myself arises from the fact that he regards the election of a United States Senator, who is an official of the National Government as well as of the State, as a purely local affair, while I regard it not only as a matter which concerns each of the States, but a matter which concerns them all.

Mr. BORAH. Mr. President, I do not regard the election of a United States Senator as a local affair, but I regard the manner of holding the election where he is elected as purely a local affair. I contend that there can be no such thing as a national interest in the manner of holding a popular election in a State. So far as it has a national interest, the Government of the United States can take care of it, notwithstanding this proposed change.

The minority views further say:

> Seventh. It has been contended by some that even if the provision of the Constitution conferring upon Congress the authority to regulate the times and manner of the election of Senators shall be eliminated, full power will still exist under other general provisions. We are unable to agree with this contention. Under the resolution express power is granted to the States to regulate this subject.

That is, regulate the manner—

> The language is exclusive; the whole power is granted to the State, and nothing whatever upon this subject is reserved to Congress.

The inference of this argument is that the whole power with reference to the election is granted to the States, while, as a matter of fact, we grant nothing to the States except the proposition of fixing the time and prescribing the manner—

> To expressly grant exclusive power over the subject to the State governments is equivalent to a denial of the same power to the General Government, and nothing can be clearer than that such express and exclusive grant would foreclose the General Government from exercising the same power under any general language contained in the Constitution.

Then how does it arise that when we have granted to the States the right to fix the manner for presidential electors, the National Government exercises its power over those elections? The confusion arises, as I said a moment ago, out of using the word "manner" for "the right to vote" or the right to protect

an election from fraud or violence or anything which interferes with a fair count.

Mr. President, I want, as briefly as I can now, to submit three propositions and the well-established law which sustains them:

The first proposition is that the State alone can determine the qualifications of the voter. The National Government has no power, aside from the proposition of preventing discrimination, to interfere with any qualification which the State fixes with reference to the voter. Whenever the State determines who shall vote at an election, if there is no element of discrimination such as is covered by the fifteenth amendment, Congress can not interfere with the action of the State. This question is so well established that I need only call attention to the authorities. Perhaps it would not be necessary to do that, except as it serves as a basis upon which to build the argument I desire to make. I here call attention to some of the authorities on the first proposition:

The United States has no voters in the States of its own creation. The elective officers of the United States are all elected directly or indirectly by State voters. The Members of the House of Representatives are to be chosen by the people of the States and the electors in each State must have the qualifications requisite for electors of the most numerous branch of the State legislature. * * * The amendment (the fourteenth) did not add to the privileges and immunities of a citizen. * * * No new voters were necessarily made by it. Indirectly it may have had that effect because it may have increased the number of citizens entitled to suffrage under the constitution and laws of the States, but it operates for this purpose, if at all, through States and the State laws and not directly upon the citizen. (Miner *v.* Happersett, 21 Wall, 178.)

The fifteenth amendment does not confer the right of suffrage upon anyone. It prevents the States or the United States, however, from giving preference in this particular to one citizen of the United States over another on account of race, color, or previous condition of servitude. Before its adoption this could be done. It was as much within the power of the State to exclude a citizen of the United States from voting on account of race, etc., as it was on account of age, property, or education. Now, it is not. If citizens of one race having certain qualifications are permitted by law to vote, those of another having the same qualifications must be. Previous to this amendment there was no constitutional guaranty against this discrimination; now there is. It follows that the amendment has invested the citizens of the United States with a new constitutional right which is within the protecting power of Congress. That right is exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude. This under the express provisions of the second section of the amendment Congress may enforce by appropriate legislation. (United States *v.* Reese, 92 U. S., 214.)

We hold that the fifteenth amendment has invested the citizens of the United States with a new constitutional right, which is exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude. From this it appears that the right of suffrage is not a necessary attribute of national citizenship, but that exemption from discrimination in the exercise of that right on account of race, etc., is. The right to vote in the State comes from the States. But the right of exemption from the prohibited discrimination comes from the United States. (United States *v.* Cruikshank, 92 U. S., 555.)

The privilege to vote in any State is not given by the Federal Constitution or by any of its amendments. It is not a privilege springing from citizenship of the United States. It may not be refused on account of race, color, or previous condition of servitude, but it does not follow from mere citizenship of the United States. In other words, the privilege to vote in a State is within the jurisdiction of the State itself, to be exercised as the State may direct and upon such terms as to it may seem proper, provided, of course, no discrimination is made between individuals in violation of the Federal Constitution. The State might provide that persons of foreign birth could vote without being naturalized. Some States permit women to vote; others refuse them that privilege. A State, so far as the Federal Constitution is concerned, might provide by its own constitution and laws that none but native-born citizens should be permitted to vote, as the Federal Constitution does not confer the right of suffrage upon anyone, and the conditions under which that right is to be exercised are matters for the States alone to prescribe, subject to the conditions of the Federal Constitution already stated, although it may be observed that the right to vote for a Member of Congress is not derived exclusively from the State law. But the elector must be one entitled to vote under the State statutes. (Pope *v.* Williams, 193 U. S., 632.)

Whenever the State has acted and the qualification is fixed, then the National Government may throw what protection it sees fit around that voter when he comes to cast his vote for a Federal officer; and that may be done, as was said in the Yarbrough case, whether Article I, section 4, is in the Constitution or not; it may be done because it is a right dependent upon and guaranteed by the Constitution. Permit me to read here just one quotation from the Yarbrough case:

It is not correct to say that the right to vote for a Member of Congress does not depend on the Constitution of the United States.

The office, if it be properly called an office, is created by that Constitution, and by that alone. It also declares how it shall be filled, namely, by election. * * *

The States in prescribing the qualifications of voters for the most numerous branch of their own legislatures do not do this with reference to the election for Members of Congress. Nor can they prescribe the qualification for voters for those eo nomine. They define who are to vote for the popular branch of their own legislature, and the Constitution of the United States says the same persons shall vote for Members of Congress in that State. It adopts the qualification thus furnished as the qualification of its own electors for Members of Congress.

It is not true, therefore, that electors for Members of Congress owe their right to vote to the State law in any sense which makes the exercise of the right to depend exclusively on the law of the State. (Ex parte Yarbrough, 110 U. S., p. 663, etc.)

The qualification and the status of the voter once being fixed by the State, then his right to cast that vote for Congressman or for Senator, in case this resolution is adopted, is a right dependent upon and guaranteed by the Constitution of the United States.

This joint resolution provides:

The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

After the State fixes the qualification and status of the voter, then the right to cast that vote for a United States Senator, if this amendment should be adopted and finally become a part of the Constitution, would be a right dependent upon the Constitution of the United States and guaranteed by it, and Congress would have the power to protect and assure any elector the exercise of that right. While the National Government could not in the first instance say who should vote, yet after the State should determine who its voters were, then the National Government can step in and guarantee to everyone whose status has been fixed by the State the right to exercise that franchise; and this may be done by any law which, in the wisdom of Congress, it deems sufficient to accomplish that purpose.

A distinction is to be made between the right to vote for a Representative to Congress and the conditions upon which that right is granted. In the preceding section it has been shown that the right to vote is conditioned upon and determined by State law. But the right itself, as thus determined, is a Federal right. That is to say, the right springs from the provision of the Federal Constitution that Representatives shall be elected by those who have the right in each State to vote for members of the most numerous branch of the State legislature. The Constitution thus gives the right, but accepts as its own the qualifications which the States severally see fit to establish with reference to the election of the most numerous branch of their several State legislatures. (Willoughby on the Constitution, vol. 1, p. 540.)

We deem it unnecessary to add anything to the views expressed in these opinions. We are fully sensible of the great wrong which results from bribery at elections, and do not question the power of Congress to punish such offenses when committed in respect to the election of Federal officials. At the same time it is all important that a criminal statute should define clearly the offense which it purports to punish, and that when so defined it should be within the limits of the power of the legislative body enacting it. Congress has no power to punish bribery at all elections. The limits of its power are in respect to elections in which the Nation is directly interested. (James *v.* Bowman, 190 U. S., p. 142.)

The case which I now cite was an action to recover damages for a wrongful refusal to permit the plaintiff to vote. The sole question was whether or not the case involved a question under the Constitution of the United States, and the court held that it did, saying:

It is manifest from the context of the opinion in the case just referred to that the conclusion that the cause was one arising under the Constitution of the United States was predicated on the conception that the action sought the vindication or protection of the right to vote for a Member of Congress, a right "fundamentally based upon the Constitution of the United States, which created the office of Member of Congress, and declared that it should be elective, and pointed out the means of ascertaining who should be electors." That is to say, the ruling was that the case was equally one arising under the Constitution or laws of the United States, whether the illegal act complained of arose from a charged violation of some specific provision of the Constitution or laws of the United States or from the violation of a State law which affected the exercise of the right to vote for a Member of Congress, since the Constitution of the United States had adopted as the qualifications of electors for Members of Congress those prescribed by the State for electors of the most numerous branch of the legislature of the State. (Swafford *v.* Templeton, 185 U. S., p. 492.)

There are other cases to that effect which I will not take the time of the Senate to read.

After the qualification has been fixed, then it becomes a right guaranteed by the Constitution, and the Federal Government can protect that right in any manner in which it sees fit. It can protect it just the same as it can protect any other right which is guaranteed under the Constitution of the United States. If you go out upon the public lands and undertake to acquire title to public lands, the Federal Government can protect your right so long as you are undertaking to do that, for that is a right dependent upon the Constitution. If you are arrested by a United States marshal and some individual citizen attacks you while in the custody of the marshal, the United States Government may protect you, because you have a right under the Constitution, so long as you are in the custody of a United States officer, to be protected from individual assault, and the Supreme Court has so held. Any right dependent upon that instrument, any right guaranteed by it, any right which has its existence by reason of it, may be protected in any manner which the wisdom of this body, together with that of the other body, sees fit to suggest.

We do not need Article I, section 4, to protect the purity of elections, to protect them against fraud. But with it we can go into the States and change the registry system; we can prescribe the form of the ballot; things which we ought not to do. That is the reason I am opposed to the turning over or the leaving with the Federal Government the power to prescribe those things and control those things which are purely local in every sense of the word.

The right being one protected by the Constitution of the United States, Congress may pass any law necessary to insure the exercise and enjoyment of that right. Justice Harlan, in one of his opinions, has said:

It is no longer open to question in this court that Congress may by appropriate legislation protect any right or privilege arising from, created or secured by, or dependent upon the Constitution or laws of the United States.

In the case of Logan *v.* United States, found in One hundred and forty-fourth United States, there is an exhaustive review of all the questions upon this subject, and after a full review of the authorities the court lays down this as the rule which is now thoroughly established by the decisions of the Supreme Court of the United States:

Every right created by, arising under, or dependent upon the Constitution of the United States may be protected and enforced by Congress by such means and in such manner as Congress, in the exercise of the correlative duty of protection, or of the legislative powers conferred upon it by the Constitution, may in its discretion deem most eligible and best adapted to attain the object.

This decision was based upon an indictment founded upon section 5508 for assaulting a person who was in the custody of a United States marshal, the court holding that the prisoner had a right to be protected against assault while in the custody of a Federal officer, and the party assaulting him could be prosecuted under this section of the statute—5508.

Rights and immunities created by or dependent upon the Constitution of the United States can be protected by Congress. The form and the manner of the protection may be such as Congress, in the legitimate exercise of its legislative discretion, shall provide. These may be varied to meet the necessities of the particular right to be protected. (U. S. *v.* Reese, 92 U. S., 217.)

It is undoubtedly a sound position that whenever a right is guaranteed by the Constitution of the United States, Congress has the power to provide for its enforcement either by implication arising from the correlative duty of Government to protect wherever a right to a citizen is conferred or under the general power contained in Article I, section 8. (U. S. *v.* Cruikshank, 1 Woods, 308.)

The fact that section 5508 was not passed under and by virtue of Article I, section 4, or dependent upon it for validity, is clearly shown in the following case of United States *v.* Waddell. This is a case where a party was prosecuted for interfering with another who was seeking the right of acquiring a homestead upon the unoccupied public lands of the United States, and the indictment was upheld:

Whenever the acts complained of are of a character to prevent this, or throw obstruction in the way of exercising this right, and for the purpose and with intent to prevent it, or to injure or oppress a person because he has exercised it, then, because it is a right asserted under the law of the United States and granted by that law, those acts come within the purview of the statute and of the constitutional power of Congress to make such statute. In the language of the court in Ex parte Yarbrough: "The power arises out of the circumstance that the function in which the party is engaged, or the right which he is about to exercise, is dependent on the laws of the United States. In both of these cases it is the duty of that Government to see that he may exercise this right freely, and to protect him from violence while so doing, or on account of so doing."

This language is as applicable to the present case as it is to that. (U. S. *v.* Waddell, 112 U. S., 80.)

Mr. President, a few words now as to the general question and then I am done. I do not know whether this resolution will prevail at this time or not. I shall be exceedingly pleased if it does. I shall not be discouraged if it does not. I do know that the fight will never cease until the people are given an opportunity to vote upon this subject, for we are not asking and can not ask for an amendment to the Constitution; we are only asking and can only ask that the people be given a right to vote upon the amendment. Unsettled questions have no pity for the contentment of mankind. For nearly a hundred years this question has been seriously debated among the people. For more than 50 years there has been an earnest and persistent demand that the matter be submitted to a vote in the respective legislatures. Thirty-two States of the Union have in some form of resolution called for this change. Millions of people have in some form or other asked that we submit it. To deny this right to have it submitted is to repudiate the first principles of a free government. To refuse the people the right after this long-standing, earnest, patient plea to vote upon modifications of their Government is to plant the seeds of distrust and dissatisfaction in the minds of those without whose loyalty and confidence we have no government. It is unwise. It is the most disastrous course which men who would preserve the underlying principles of our Government could possibly take. It is a defiant challenge of the people to have a voice in their Government. Men who would not give the right even to vote upon such a subject would, undoubtedly, if they could, deny the people any say or voice in matters of government.

It has been declared many times that there is no public or general demand for this change in the Constitution; that the people do not want it. It is urged with much scorn and more voice that the movement has its support with a few men who are seeking cheap notoriety. Those men who so declare, by refusing to submit the question, convict by their own act their words of insincerity. Such insincere and fallacious assertions can never mislead any mind except the self-infatuated minds which give them birth. This amendment can never be adopted unless there is an overwhelming public sentiment for it. It requires three-fourths of the States to adopt; it only requires one-fourth to defeat. Are you not willing to submit the matter where the people must win by such great odds if they win at all? If there is no public sentiment, no earnest, widespread, public demand, then there is no danger of submission. On the other hand, if there are three-fourths of the States of the Union in favor of it, who will be so bold as to say that they are not to have a chance to vote upon it? The fact is that those who oppose this measure, while professing great reverence and love for the Constitution, nevertheless defy it. The right to amend the Constitution is just as much a part of the Constitution, just as obligatory upon men sworn to support it, as any other part of that instrument. When the people petition for the exercise of this power, and through long years and repeated exertions seek the right so given, to deny it is to deny them a right guaranteed by the Constitution.

But those who oppose this measure seem unwilling to submit to the crucial test of truth—that is, debate before the tribunal which is to finally decide it. If Senators who think this change unwise have faith in their arguments; if they believe that experience and reason and patriotism are against the change, will they not then consent to pass this contest from this forum to the forum of public opinion? If you are not afraid of your cause, and if you do not distrust your argument by which you seek to sustain your position, then it must be that you distrust the judgment and the patriotism of that tribunal to which you are asked to submit it. If one or the other were not true, you would at least be willing to give the people a chance to vote. A man who will not submit his cause to a tribunal created to determine such matters in an orderly way knows or feels either that his cause is not just or that the tribunal is unfit.

At the last session, while this question was before us, we listened to a most polished and effective eulogy by the Senator from Massachusetts upon the men who framed the Constitution. I agree with him fully in all he says in respect to the character and ability, the unselfish devotion, and unmatched patriotism of that remarkable group of men. I do not expect time to record the appearance of another Hamilton any sooner than it will record the appearance of another Shakespeare. I do not expect the future to see another Madison any sooner than it will see the return of a Robert Burns. Mr. President, if I could see this Government operate just as the fathers made it, I would never challenge their wisdom nor stray for one moment from the path they pointed out to their children. I do not want any different principles of government than the principles which they indorsed and approved, but I do want those. I want to see the old Government brought back to where they left it—in the absolute control of the people, operating alone in their behalf. Whatever changes in details are necessary to accomplish this we ought to make.

The first 70 years of the Republic are gone. They were years in which there were no influences sufficiently strong to prevent the powers of government from operating in the manner in which the fathers expected them to operate. They were years in which there were no influences sufficiently strong to turn the agencies of government into the agencies of particular interests or to wholly private and selfish purposes. But that is not true now. The last 40 years have worked a marvelous change. We have other influences to deal with. We have influences of which they never dreamed, influences stronger in wealth and power than the Government itself at that time. These things do not require changes in the principles of the fathers, but they do require readjustment and a redistribution of powers. They require the adaptation of government to modern conditions. They require that we accept the wisdom of the fathers as a guide for brave, strong men confronted with a new condition of affairs, and not as a fetich before which slavish devotees bow in nerveless, lethargic adoration.

Mr. Madison said in the constitutional convention:

If an election by the people or through any other channel than the State legislature promised as incorrupt and impartial a preference there could surely be no necessity for an appointment by those legislatures.

Had he been able to see what we see and know what we know, with that idea revolving in his mind, what do you think the father of the Constitution would have done? Had he looked upon vacant chairs here because of deadlocks in the legislature;

had he seen as we saw last winter nearly one-half of a State legislature fleeing like fugitives across a State line and then negotiating with their colleagues like contending foes; had the men who surrounded Madison passed through the filth and corruption through which this Senate has been delving its way this last year; had they been thwarted and frustrated and defied in the effort to secure facts concerning the integrity of an election; had they believed that State legislatures would be turned by this duty from lawmaking bodies dealing conscientiously with affairs of state into political combinations, torn and distracted by purely convention duties, venalized and corrupted by powerful interests who care nothing for the State, but everything for the membership of this body; if they had seen what we see, does any man doubt, in view of their declarations, that the fathers would have taken this duty from the legislature and given it directly to the people? The things which the fathers did are not right merely because they did them, but they, too, must stand the test of reason and the test of time and experience. I repeat, sir, that I join with those who give praise and honor to the fathers. But I do not believe in that kind of hero worship which makes the worshipers the nerveless, spineless, slavish devotees of a dead past. I believe in the hero worship which vitalizes and inspires, which realizes that all the great names which adorn the past are as sounding brass and tinkling cymbals, except as they inspire us for those achievements which in the language of Mr. Lincoln serves to keep the jewel of liberty in the family of men.

Those who are seeking to bring about this reform are not disturbed by the charge of being demagogues or sensation hunters or slaves to popular sentiment. The world has always had to deal with a very large and a very respectable class of people whose intellectual orbs are in the back of their head, and the rest of the world has learned patience and tolerance because of their affliction. There were able and brilliant and patriotic men who plead for the old Confederacy and against the adoption of the Constitution. A few weeks ago there was a great debate in the Senate of China over dispensing with the Chinaman's queue. The progressives favored the measure. The regulars, loyal to the institutions of the fathers, plead for the maintenance of those customs under which they had prospered and grown to power. To dispense with the queue would be to strike at the very foundation of civil liberty and to turn the future over to an unthinking horde of sensation hunters trailing after new fads and worshiping in strange temples. It was a great debate, and men were moved to great feats of oratorical power.

I do not recall these things in disrespect of those who differ from us on this question. I only want to remind them that questions like this can not be met by charging its advocates with insincerity and demagogy. This question can only be met by argument, by reason, by a plea to the consciences and convictions of men. Those who favor this change are determined and uncompromising. They will never quit until the cause is decreed against them in the only forum which has jurisdiction to render final judgment. Realizing that they must have two-thirds of the votes of Congress, that they must have three-fourths of the States, that they must meet able and determined opposition, that they must win against a thousand conservative forces—even with this handicap they are anxious for the final test of battle. They are willing to submit this to the judgment and intelligence of the American people. Notoriety could be secured by easier and cheaper methods; sensations could be more easily obtained; but, armed with a just cause, encouraged in the belief that a question is never settled until it is settled right, those who urge this measure will continue to do so until it is written by the hand of public opinion into the great charter.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Georgia [Mr. BACON] to the substitute offered by the Senator from Kansas [Mr. BRISTOW].

Mr. BACON. Mr. President, it is not my purpose to enter upon any extended argument on the general question or upon this particular amendment. It has been so short a time since I addressed the Senate somewhat at length upon this subject that I should be reluctant to do so, even if present conditions did not make it inadvisable that I should attempt it.

I desire simply now to present an amendment, which I trust may meet some of the objections urged by Senators to the joint resolution as it came from the Judiciary Committee. The joint resolution as it came from the Judiciary Committee, so far as it affects the particular question relating to the control of the times, places, and manner of holding the elections is in these words, to be found on page 2 of the joint resolution as reported by the Committee on the Judiciary, which is, in fact, verbatim the joint resolution as it came from the House. The language of the joint resolution, so far as it relates to that particular feature, is as follows:

> The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

The substitute proposed by the Senator from Kansas leaves out those words and leaves the question of the control of the times, places, and manner of holding the election as now expressed in the Constitution, in the fourth section, which is as follows:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

That language does not occur in the amendment offered by the Senator from Kansas, but the effect of the adoption of his substitute would be to incorporate that language in the substitute offered by him.

The amendment proposed by me is as follows:

> The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof; but the Congress may make such regulations in any State whenever the legislature thereof shall neglect or refuse to make such regulations, or from any circumstances be incapable of making the same.

That amendment, Mr. President, it will be seen, completely provides against the contingency which has been urged with great force and earnestness, in which the State might fail to make regulations for the times, places, and manner of holding elections for Senators, and in consequence of its failure and also of a sufficient number of other States, there would be, as stated by various Senators in their arguments upon this floor, a failure to elect Senators, and in that case the wheels of the Government would practically be arrested.

Now, Mr. President, in offering that amendment I have followed the utterances of all the conventions of the States when they had before them the question whether or not they would adopt the Constitution and become parts of the Government which it was proposed to form, organize, and operate under that Constitution. When the Constitution was submitted to the various States there were sundry objections made by different conventions of those States, some objecting to one feature and some to another, all of them, however, objections, which were finally withdrawn.

I think I may safely say that there was but one single provision in the Constitution to which all of the States objected; but one single provision of the Constitution to which all of the States urged serious objections and criticisms; a provision to which they, every State—the records of which have been preserved—objected. The provision thus objected to is that which gives to Congress the ultimate power to regulate the times, places, and manner of electing Members of Congress. All of the States made formal protest to this particular provision and finally agreed to the Constitution, subject to the assurance that the powers conferred by this provision would only be used to the extent as expressed in the amendment which I have to-day offered, to wit, that the power to regulate the manner of elections would only be exercised when the State legislatures failed or refused to make the necessary regulations, or were for any reason incapable of making them.

I want to say, Mr. President, that the language of this amendment is copied almost verbatim, and in the essential part of it verbatim, from the resolution which was adopted by the convention of the State of New York when it adopted the Constitution.

I am going to read, sir, although I did so upon a former occasion, the utterances of these various conventions on this subject at the time they acted upon the question whether or not they would adopt the Constitution of the United States and become a part of the Government formed thereby. I read those to the Senate in February last when I addressed the Senate somewhat at length upon this subject. I read then from the original documents, which I then had before me. I now read from a correct copy of those utterances by those several conventions.

The convention of the State of South Carolina used this language when it passed upon the question of the adoption of the Constitution. In its articles of adoption the State said:

> And whereas it is essential to the preservation of the rights reserved to the several States, and the freedom of the people, under the operation of a General Government that the right of prescribing the manner, time, and places of holding the elections to the Federal Legislature should be forever inseparably annexed to the sovereignty of the several States: This convention doth declare that the same ought to remain to all posterity a perpetual and fundamental right in the local exclusive of the interference of the General Government, except in cases where the legislatures of the States shall refuse or neglect to perform and fulfill the same according to the tenor of said Constitution.

The State of Virginia, in its act of June 26, 1788, adopting the Constitution, used this language:

That Congress shall not alter, modify, or interfere in the times, places, and manner of holding elections for Senators and Representatives, or either of them, except when the legislature of any State shall neglect, refuse, or be disabled by invasion or rebellion to prescribe the same.

North Carolina adopted the Constitution in 1789, and in so doing used the same language that Virginia did, each of them expressing the same idea, that this dangerous grant of power in the Federal Government was only to provide against the contingency that the States themselves should refuse or fail to exercise it, and that Congress should not interfere in prescribing the times, places, and manner of holding elections except when the legislature of any State should neglect or refuse or be incapable to prescribe the same.

The State of New York, from which, as I said, I have copied this amendment, although it is almost in the same language in the resolutions adopted by the other States, ratified the Constitution on the 28th of July, 1788, and used this language in the act of ratification:

Under these impressions—

Which had been previously stated in the resolution—

Under these impressions and declaring that the rights aforesaid can not be abridged or violated, and that the explanations aforesaid are consistent with the said Constitution, and in confidence that the amendments which shall have been proposed to the said Constitution shall receive an early and mature consideration, we, the said delegates * * * do by these presents assent to and ratify the said Constitution.

In full confidence, nevertheless, that until a convention shall be called and convened for proposing amendments to the Constitution * * * that the Congress will not make or alter any regulation in this State respecting the times, places, and manner of holding elections for Senators and Representatives unless the legislature in this State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstances be incapable of making the same, and that in those cases such power will duly be exercised until the legislature of this State shall make provisions in the premises.

Rhode Island, June 26, 1790, used the same language as did the State of New York—only stronger.

Pennsylvania said, in the article adopting the Constitution:

That Congress shall not have power to make or alter regulations concerning the time, place, and manner of electing Senators and Representatives, except in case of neglect or refusal by the State to make regulations for the purpose, and then only for such time as such neglect or refusal shall continue.

The State of Massachusetts, February 6, 1789, used this language:

That Congress do not exercise the powers vested in them by the fourth section of the first article, but in cases when a State shall neglect or refuse to make the regulations therein mentioned, or shall make regulations subversive of the rights of the people to a free and equal representation in Congress, agreeably to the Constitution.

And Massachusetts, in the same document, went on to say:

And the convention do, in the name and in behalf of the people of this Commonwealth, enjoin it upon their Representatives in Congress at all times, until the alterations and provisions aforesaid have been considered agreeably to the fifth article of said Constitution, to exert all their influence and use all reasonable and legal methods to obtain a ratification of said alterations and provisions, in such manner as is provided in said article.

New Hampshire ratified on June 21, 1788, and used in recommendation the same language as did Massachusetts.

Now, Mr. President, as I stated upon the former occasion, it will be recollected that after the action of the convention in framing the Constitution there was great contention in the country whether or not the Constitution should be adopted or whether the States should remain under the old Articles of Confederation, and there was great division among them, as has been stated here to-day. Among the foremost of those who advocated the adoption of the Constitution were Alexander Hamilton and James Madison. They contributed very largely to the literature of that day in the advocacy of the adoption of the Constitution.

They had to meet the contention which was then being presented in the several conventions of the States to the effect that to give the General Government the unrestricted power to legislate as to the times, places, and manner of holding these elections was to confer upon the General Government a power inconsistent with that which was conceived to be to the interests and safety and the perpetuity of the liberties of the people of the several States.

How did they meet that contention? Did they meet it by contending for what Senators here contend for—that there should be this power in the General Government in order that in times when political or party exigency may demand it the General Government may lay its powerful hand upon the States and control and regulate the elections in those States through registrars and supervisors and judges of election, with their authority supported at the polls by marshals and deputy marshals and if need be by the military forces of the United States?

Did these prominent advocates of the adoption of the Constitution make any such contention? Did they attempt to justify any such proposition before the conventions of the several States when they were called upon to decide the vital question whether or not the Government should be formed? By no means, Mr. President. Sir, there is no man who can read the debates of that day, there is no man who can read the official action as embodied in the utterances of the conventions of that day, who can doubt for a moment that if Alexander Hamilton and James Madison had taken any such position before the country the new Constitution would have been repudiated; and the several conventions, headed by the convention in New York, followed by practically all the other States, would have said: Whatever may be advantages to be had under this proposed general government, so long as you contend for the right of the General Government to interfere with the elections in the States to prescribe the times and the manner and the places, regardless of whether we have performed that duty or not, we reject the proposed constitution.

No Senator who has ever read those debates, not only the debates of the Constitutional Convention but the debates in the several conventions of the States, can rise in his place to-day and say he has read them and believes for a moment that a single one of these States would have adopted the Constitution with any such proposition embodied in it.

Alexander Hamilton knew that fact; James Madison knew that fact; and consequently they met the objection of these States, not by justifying the proposition that the General Government should have the right to interfere, but by solemnly asserting that the only purpose was to use a necessary power when the States themselves refused or neglected to avail themselves of the opportunity. Therefore it was that Alexander Hamilton and James Madison, in their effort to have the Constitution adopted by the several States, gave the assurance, which I am about to read, which was published throughout the country and doubtless had largely its influence in constraining the conventions of the several States to agree to the Constitution with the broad grant of power in it, full of confidence that it was only to be exercised in such way as these fathers of the Constitution assured them it would only be exercised.

Mr. CLAPP. Will the Senator pardon me?

Mr. BACON. With pleasure.

Mr. CLAPP. I have listened to the Senator with a great deal of interest. Would not the argument which he is making more properly apply to a proposed plan of legislation under the existing terms of the Constitution rather than to the proposition of abandoning those provisions in the Constitution? I am unable to see——

Mr. BACON. This does not abandon it. If the Senator had heard the amendment read which I offered, he will see that it still retains the power in the General Government but limits its exercise to a case where the States themselves shall fail to perform their duty in that particular.

Mr. CLAPP. But beginning primarily, the proposition of the Senator from Idaho [Mr. BORAH] in its present form, if it amounted to anything in that respect, would be an abandonment of certain provisions which are in the Constitution, whereas the proposition of the Senator from Kansas [Mr. BRISTOW] would simply retain those provisions of the Constitution which were put in at the time the Constitution was adopted. As to what was meant by those provisions and when those provisions should be invoked by Congress, it seems to me would apply with more force to proposed legislation carrying them into effect than the question which is now before us, as to whether they should be abandoned or retained under this new plan.

Mr. BACON. Mr. President, I had not intended to go into that branch of the discussion, and I am a little reluctant to do it now, but still I will, if the Senator will pardon me until I get to that particular point.

I do not think the point I was exactly on at that time relates to the suggestion of the Senator from Minnesota. The point I am on is simply this: I had read what had been uttered by the conventions of the several States showing that they objected to the language as presented in the Constitution, and as now found in the Constitution, because they conceived that it was capable of the construction which has been put upon it since that time, which gave to Congress the power to prescribe not only the times and the places but the manner, and in prescribing the manner necessarily prescribing all the details with reference to an election. They then recognized that in prescribing the manner of holding and conducting these elections Congress would have the power to enact registration laws; that it would have the power to appoint registrars, to appoint supervisors of election, to appoint judges of election and returning boards to certify the results; not only so, but also to order officials of the executive

department of the Government to enforce the law in that respect, to uphold at the polls the authority of registrars and supervisors and judges, and not only the power to thus invest civil officers with the authority to thus enforce the law, but with the power necessarily to order the soldiers of the United States for the purpose of upholding the civil authority.

That was the view which the several States took of the possibility of this clause in the Constitution. They objected to it most strenuously. They contended that that was a right which belonged to each State. There was then no cloud upon the horizon which indicated the coming of a sectional storm. It was not to guard against any special and particular evil which was apprehended, but those rugged men who had so recently been through a contest by means of which they had achieved their liberty stood more than a hundred years nearer to the times of autocratic rule than we stand. They stood more than a hundred years nearer the exhibition of great central power, situated beyond their borders and controlling their local affairs. They had devoted seven years in proclaiming their rights to free themselves of such outside domination, and while there was then no particular menace from any particular quarter, they were grounded in the great fundamental proposition that they should control absolutely their own local affairs, and most particularly their elections, and that no general government should ever assume to control those local affairs for them.

Therefore it was that they objected to this clause in the Constitution with the possibilities of which I have spoken, possibilities then, but realities since in this country; possibilities then, but realities in laws which have at one time stood upon our statute books for twenty-odd years without the ability of the people to remove themselves from such tyranny and such oppression; possibilities then, but almost realities afterwards in the bill known as the force bill, which passed the House and which came to this body and only after a long time was defeated, not by a direct vote, but by a flank movement—through a vote in the Senate to pass to the consideration of another bill.

Thus it was, I say, that the people of that day viewed possibilities, and even in the absence of anything which was then presented as a probability, in the absence of anything which was visible and tangible, they stood upon an abstract right and upon a fundamental proposition and said they could not be moved from it, and they would have refused to form the Government rather than to surrender the principle or to run the danger involved in its abandonment.

Now, the advocates of the adoption of the Constitution saw that difficulty. It had to be met. If they had met it by an advocacy of the proposition, they would have failed in that contest. They met it by giving the most solemn assurances to the several States that it was a power never to be exercised except when the States themselves refused or neglected to exercise it. Alexander Hamilton and James Madison, the great apostles of the adoption of the Constitution, both gave their solemn pledge. Under such a solemn pledge the State of New York, the State of Massachusetts, the State of New Jersey, the State of Rhode Island, the State of New Hampshire, the State of Pennsylvania, the State of Virginia, the State of North Carolina, and the State of South Carolina, and all the States of which we have the record, all gave their adhesion in the adoption of the Constitution, while at the same time giving the *utterances* of their confidence in the observance of that assurance and pledge.

All this amendment does, Mr. President, is to ask that the Congress of the United States should to-day observe that pledge.

Now, what did Alexander Hamilton say about this at a time when the thing hung in the balance, when it was doubtful whether or not the States could be reconciled to this great invasion of the right of each State to control its own elections, and when there was danger that the work of the convention would go to pieces and there would be no Government of the United States formed? Under these solemn circumstances, in the face of such a danger, to avoid possible ruin and shipwreck in the work of framing the proposed government, Alexander Hamilton said this. Madison came first, but as I spoke of Hamilton I will read what Hamilton said in the fifty-eighth number of the Federalist.

The Federalist was made up of papers which were then circulated and read from one end of this country to the other, and upon which the people in the States and the public men at the conventions relied as that upon which they could securely depend without fear that it would afterwards be disregarded. Number after number was issued arguing why the convention of each State should adopt the Constitution and why the Constitution should be the foundation upon which should rest the new Government. Alexander Hamilton, in the fifty-eighth number of the Federalist, used this language:

> They (the convention) have submitted the regulation of elections for the Federal Government in the first instance to the local administrations, which, in ordinary cases and when no improper views prevail, may be both more convenient and more satisfactory; but they have reserved to the national authority a right to interpose whenever extraordinary circumstances might render that interposition necessary to its safety.

What Hamilton meant by this general language is sufficiently shown in the specific language used by the convention of New York, which I have already quoted and read to the Senate, of which convention Hamilton was a most active and conspicuous member. The "safety" to which he alluded was the necessity for the General Government to have the power to act if the States refused or neglected to do so.

I will say the context and all the contemporaneous publications and all the debates show that the safety to which he alluded was necessary to guard against the same contingency of which the Senator from New York [Mr. ROOT] spoke in his speech during the last session of Congress, the fear that by reason of the omission of the State to provide proper machinery there could not be brought to the Chambers of Congress the Senators and the Representatives who were required in order that the Government might be carried on.

Mr. Madison used this language in the convention of Virginia:

> It was found necessary to leave the regulation of these (times, places, and manner) in the first places to the State governments as being best acquainted with the situation of the people, subject to the control of the General Government, in order to enable it to produce uniformity and prevent its own dissolution * * *. Were they exclusively under the control of the State governments, the General Government might easily be dissolved. But if they be regulated properly by the State legislatures, the congressional control will very probably never be exercised.

John Jay, afterwards Chief Justice of the United States, in discussing in the New York convention, of which he was a member, this provision of the Constitution, used this language:

> That every government was imperfect unless it had a power of preserving itself. Suppose that by design or accident the States should neglect to appoint the Representatives, certainly there should be some constitutional remedy for this evil. The obvious meaning of the paragraph was that, if this neglect should take place, Congress should have power by law to support the Government, and prevent the dissolution of the Union. He believed this was the design of the Federal convention.

Mr. Madison, in the Madison Papers, used this language in regard to this section:

> This was meant to give the National Legislature a power not only to alter the provisions of the State, but to make regulations in case the States should fail or refuse altogether.

Mr. Madison was also a member of the Virginia convention, which, in adopting the Constitution, used the explicit language upon this question which I have already quoted and read to the Senate.

Mr. President, whatever may be said as to whether or not any of this language is ambiguous, certainly the impression made and the undertaking understood by the conventions of the States was in exact accordance with the language which I have read from the resolutions adopted by these conventions; and each one of the several States from whose convention proceedings I have read, not in ambiguous language, but in the most perfect and concise and unqualified language, adopted the Constitution with the assurance which they had from the utterances of the public men of that day, that, while it was possible that there could be this broad construction of the language giving this power to Congress, it was not the intention or purpose that Congress should exercise this power except in cases where the States themselves failed to use it; and their adoption was conditioned upon their confidence that this pledge would be sacredly kept.

For that reason, Mr. President, I have offered this amendment. It does not take away from the Federal Government the right or power to exert this authority to prescribe the times, places, and manner, but it limits it to the times when the States themselves shall refuse or neglect to make such regulations.

Mr. President, while it has taken some time to recite all this, the facts are so plain, the record is so complete, the conclusion is so definite and unanswerable, that no Senator will rise in his place and deny that this was the plain, manifest intention and understanding of all the States in the adoption of the Constitution.

Now, Mr. President, the Senator from Minnesota [Mr. CLAPP] asked me a question which I do not feel that I am at liberty to omit to answer, although it had not been my purpose when I rose to take up the time of the Senate with it. As stated when I began, I had no intention to make any extended re-

marks at this time. As I understand the suggestion of the Senator from Minnesota, it is one which has frequently been made upon this floor as to the Bristow amendment, as we now call it, the Sutherland amendment as it was known in the last Congress, because they are both exactly the same in effect. There is not a word of difference between them. So, if I speak of the Sutherland amendment, it will be known I do it as a matter of habit, as I have reference to the Bristow amendment, the two being identical. That suggestion, so frequently made, is to the effect that that amendment only retains, in case we should adopt the joint resolution providing for a direct election of Senators by vote of the people, the present powers of the Constitution in controlling the election of Senators, and makes no change in them, whereas it is contended that the joint resolution amending the Constitution which is reported from the Committee on the Judiciary does make a change in this particular. That, I understand, is the suggestion of the Senator from Minnesota.

Mr. President, I think it is capable of easy demonstration that the adoption of an amendment giving to a direct vote of the people the choice of Senators, leaving at the same time the language of the fourth section of the first article of the Constitution to apply to that changed condition, does make a most radical change in the law, and that there will be a control by the General Government of the election of Senators which the General Government has not now under the present law.

It is true, Mr. President, that the language used in the fourth section of the first article of the Constitution is language which applies both to the election of Senators by the legislatures and to the election of Representatives by the people, but it is manifest that that provision in the Constitution, as it now stands, does give the Federal Government the power of control over the manner of the election of Representatives, which it has not and can not have under the present law in the election of Senators. Why? I have given to-day an enumeration of the several powers which, under the construction now given to that clause of the Constitution, are brought into force and exercise whenever Congress sees fit to exercise the power in prescribing what shall be the manner in which the Members of the House of Representatives shall be elected.

There might be others added to this enumeration, but these are the plain ones that lie upon the surface. I have enumerated the power to appoint registrars. I could have added to that the power to pass a registration law. There is no doubt about the fact that if Congress has the power to appoint registrars to judge of who shall vote under the registration law made by the State, Congress also has the power itself to prescribe who shall be registered, and to appoint men who shall make the registration. Congress has the power to make a registration law. It is true that in the making of that registration law Congress would be limited to the placing upon the registration list those who are qualified to vote under the State law. There is no doubt about that; but there is always a wide discretion, where different qualifications are enumerated, in the registrars as to whom they put upon the list and whom they will take off it. But that is aside.

So far as the elections of Members of the House are concerned, under the power to prescribe the manner in which those elections shall be held, there is the power to pass a registration law to register the votes that shall be received at the polls, to appoint the registrars, the supervisors of elections, judges of elections, and the returning boards to decide the result of the elections; also marshals and deputy marshals at the polls to maintain the authority of these officers, and, if need be, soldiers at the polls to support the marshals in their effort to support and enforce the acts of these officers.

There is no question about the fact that under the construction given to the fourth section such is the power of Congress in prescribing the manner in which Members of the House of Representatives shall be elected. Is there any Senator here who will say that under the present law under which Senators are elected by the legislatures Congress can pass or enforce any law which shall apply to the legislature of a State in managing and controlling the legislature in electing a Senator in the same way and by the same means that Congress can under that clause of the Constitution now exercise in managing and controlling the elections of Representatives? It is impossible under that clause of the Constitution for Congress to undertake to control the elections of Senators through the appointment of registration boards to determine who are the legislators entitled to vote, of judges of the election to supervise the elections by the legislature, with returning boards to determine and certify the result of the election by the legislature, with marshals and deputy marshals present at the session of the legislature, and, if need be, soldiers also to enforce in the legislature the authority and orders of these registrars, judges, and supervisors and returning boards. The mere statement of such a proposition shows its impossibility. Although the language of the Constitution as to prescribing regulations for the control of elections is now the same for Representatives as for Senators, who is there who can rise in his place and say that Congress, without an absolute revolution in the Government, without overturning the autonomy and sovereignty of the States, without an utter destruction of our form of government, can undertake to prescribe registration laws for the legislatures, can undertake to supervise the election of a Senator by a legislature, to invade the halls of a legislature and set up the judges of the election, to put marshals appointed by Federal judges in the legislative halls, to see that the legislature elects Senators right, to send the armed forces of the United States with their guns and their sabers into the halls of the legislature to enforce the law with reference to the election of Senators?

Mr. President, the proposition is an absurdity. This all can now be done by Congress in controlling the manner of electing Representatives. But who will say that this can be done in the election of Senators by the legislature of a State? I am satisfied there is not a Senator here who will not admit that while all this can be done in the election of Representatives, it would be an absurdity to talk about its being done in the election of Senators. Who can doubt it? The language of the Constitution as to the control by Congress of the elections of Senators and of Representatives is the same. The application of it is necessarily different. It is an impossibility that in practical enforcement it can be the same in one case as in the other. The same power under the law as it now exists is nominally conferred by the Constitution on the Federal Government in the election of Senators that is exercised in the election of Representatives, but practically it is impossible under the present law for that power to be exercised by the Federal Government in the election of Senators; but when you change the law so that you put the election of a Senator by the people and upon the same plane as the election of a Representative, and apply the law to him which can not be applied now, the power can be exercised in the election of Senators, and you have made a tremendous change; you have made a revolutionary change. You have made the law in its practical enforcement through the control registrars and supervisors and judges of elections with marshals and if need be soldiers at the polls apply to the election of Senators, a thing that is now impossible. When this change is made, you will have made, Mr. President, that which, in my honest judgment, in time will unsettle the foundations of this Government. You will make practically a new Government when you destroy the power of the States to control the election of their Senators. It may take a long time, but it will come.

Mr. President, what is the highest practical evidence of the fact that the same law, while written on the statute books in he same words and applying to Representatives, does not in practical enforcement apply to Senators? We know that in the past 40 years, in times of great heat, in times of great sectional difference, in times of great political excitement and partisan controversy, there were two election laws put upon the statute books. There was just as much inducement, just as much partisan desire then to control the election of Senators as there then was to control the election of Representatives. The great influences which caused Congress to pass those election laws for the purpose of controlling the election of Representatives were influences equally as potent, equally as active, equally as moving and pushing in the case of Senators as it was in the case of Representatives, and even more important from a partisan standpoint.

The same purpose which there was to control the election so far as it concerned Representatives would have given to Congress the intent to control the elections to the Senate in the same way. Yet examine those laws and what do you find? It was just as important, if not more important, to the influences which brought forth those election laws that they should control the election of Senators as that they should control the election of Representatives. Yet with the greatest inducement to control not only the Representatives but Senators, you will find upon examination of those laws that they applied exclusively to the election of Representatives. There is not a word in either one of them about the election of Senators, but all the machinery providing that in any district, or in any smaller community, a certain number, from 10 to 20, might go before a judge of a district court and make affidavit that a fair election was not going to be held, and then empower the judge of the district court to appoint registrars and supervisors and judges to hold that election, bailiffs of the court to attend those

elections to uphold the authority of those registrars and supervisors and judges, and armed men at the polls to uphold the authority of the marshals if they did not have the power, all of it relating exclusively to Representatives, and no line or letter relating to the election of Senators.

Well, also in the force bill, at a more recent date, passed at a time when it was said there was a great need that there should be a law controlling elections in the country, when it passed the House and came to the Senate and was defeated under the methods which I have spoken of, there was not a line nor a syllable nor a letter with reference to the election of Senators. It was recognized that while the language of the Constitution empowering Congress to control elections was applicable alike to the election of Senators and the election of Representatives, it could not be in practice made to apply to the election of Senators.

Mr. WILLIAMS. Nor as to the election at the polls where the legislature was elected by which Senators were to be elected.

Mr. BACON. Nor, as suggested to me by my friend from Mississippi, as to the election at the polls where the legislatures were to be elected by whom Senators were to be elected.

Now, Mr. President, is there any escape from the proposition under the law, as it now stands, although in the Constitution the same law is written with reference to Senators that is written as to Representatives, the law is in possible enforcement different from the one as to what it is as to the other; that whereas you may put registrars and supervisors and judges and marshals of the courts, and armies to support marshals and judges of election, and bring testimony as to who has been elected in the case of Representatives, it is under the law as it now exists an absolute, practical impossibility now in the case of Senators so recognized and so acted upon by Congress when it had every inducement to construe it otherwise.

But, Mr. President, when you let that same clause in the Constitution stand as to the control of the election of Senators, and when you provide that the election of Senators shall be by the people, then every regulation of elections which can be put on the statute book which relates to the election of Members of the House of Representatives can be made to apply with equal force instantly practically to the election of Senators. Is that no change? The claim that no change will be made can not be supported. That has been the cry in the last Congress and in this Congress, and that is one ground upon which it is sought to be vindicated, that we are not changing the law; that we are letting the law stand as it is. One can safely challenge the proposition that the law will not be most radically and fundamentally changed; and until some one does answer this argument, let no one again repeat the assertion that the law as to the control of the election of Senators will not, in practical effect, be thus changed.

Mr. President, I did not intend to occupy the time of the Senate with any extended argument this afternoon. I do not know that I should have said a word at this time if my distinguished friend from Missouri [Mr. STONE] had not insisted that I should explain the amendment which I offered to the Senate. I had purposed to let it go upon its merits. I had said to the Senator from Idaho [Mr. BORAH] that I did not feel that I could properly go on to-day; but, Mr. President, as I have entered upon the subject, and have been unwittingly led into a general discussion, I want to discuss one other feature of the subject.

One of the arguments which has been pressed with great earnestness and with unremitting perseverance has been the one I have attempted to answer this afternoon—that the change in the law submitting the election of Senators to the direct vote of the people, with no supervision other than that which is now contained in the Constitution, would not change in effect the present Constitution as regards the control of those elections by the Government. If I have not demonstrated the fact that it would make a change of a most radical and far-reaching character, then, Mr. President, it is because I have not the command of language in order to express the thoughts which are in my mind and the arguments which have presented themselves to me. One other proposition which has been urged here to-day as a reason why this amendment which comes from the Committee on the Judiciary—which is the same that passed the House of Representatives—should not be adopted and why the amendment now offered by the Senator from Kansas [Mr. BRISTOW] and formerly offered by the Senator from Utah [Mr. SUTHERLAND] should be adopted in lieu of it is that, even conceding that there is this change, even conceding that the effect of it will be to change radically the power of Congress over the election of Senators, at least it only gives Congress the same power over the election of Senators which it has over the election of Representatives, and therefore should not be objected to.

I had no intention of going into that, but, with the permission of the Senate, if I do not unduly weary it on this very warm evening, when, of course, I must suffer more from my persistence than they from submitting to it, I want to answer that.

Conceding that the effect will be to change the control of the United States Government now in the election of Senators, and that in that change it only gives the Government of the United States the same power over the election of Senators that it now has over the election of Representatives, why, it is asked, should there be any reason why the Government of the United States should not have the same control over the election of Senators as it has over the election of Representatives? Well, sir, I want to give several reasons. Some of them have been given heretofore, and I shall do no more than touch them, at least those of them that I understand to have been already discussed. There are one or two of them, however, that I do not recollect having heard discussed, which I may speak of a little more at length.

In the first place, as I have endeavored to demonstrate, the power now claimed and which at times has been exercised in the control of the election of Representatives is altogether greater than that contemplated or intended by the framers of the Constitution, and if any change is to be made it should be a change which would take away the power to interfere with the elections of Representatives and not a change to give further power to interfere with the election of Senators.

In the next place, as has been repeatedly said here, and not very long ago said by my learned friend, the Senator from Mississippi [Mr. WILLIAMS], on my left, a Senator occupies a very different relation to the Government in his representation of a State here from what a Representative occupies in his representation of a given number of people. A Senator represents not only the people found within the State, but he represents the corporate entity of the State. He represents more than that, Mr. President; he represents that which the Supreme Court of the United States in more than one decision has recognized, to wit, the sovereignty of a State.

Mr. WILLIAMS. He represents the State regardless of the number of people within the State.

Mr. BACON. He represents the State, as is said by the Senator from Mississippi, regardless of the number of people in that State.

The Supreme Court of the United States has more than once said that within its sphere the State is as much of a sovereign as the United States in its sphere, and the Senator represents here not only the people and all the material interests within a State, but he represents the corporate entity and the sovereignty of the State.

Certainly, Mr. President, there is the strongest of reasons why the State should control the selection of the men who are thus to represent the State in this high Council of States. In the one case the representation is a representation of that which is in its nature national; it is a representation which includes a certain number of people, greater in the aggregate in one State than in another, equal in its representation in the one district as in another, whether in the same State or not. It is a representation of that which is more particularly national. In the other it is the representation of that which is an entity in itself, and which has the same dignity each that another has, regardless of how much greater in area or population the one may be than the other.

But, Mr. President, there is another view of it of a more practical character that I want to suggest to the Senate, and that is that the election of a Senator and his presence in this body and the power which he exercises is a matter of surpassing importance—much greater than the representation of a Representative in the House of Representatives. Sir, I do not in any degree underestimate the dignity and importance of the House of Representatives. To one familiar with the duties and authority of other national representative bodies and who knows the vast scope of the immense interests controlled by the American House of Representatives and the wide range of its activities and powers, there can be no hesitation in saying that it is, as a strictly legislative body and in its legislative capacity, the most powerful and important of all representative bodies of the world.

But the Senate is much more than a legislative body. Aside from the question of numbers, the power which the Senate has in the peculiar functions which are devolved upon Senators makes the office of Senator of far greater importance. But passing from that for a moment and returning to the question of numbers. There is one suggestion in that connection that I wish to make. We hear a great deal about the interests and about the control of the Senate by the so-called interests. I think much of that is exaggerated; in fact, I know it is; but it is possible in the future, as it has been in the past, that it

will be greatly to the interest of the interests to control the Senate. The control of one or two Representatives in the other House is a minor matter, because of the great number of men there, aside from the greater difference still of the functions which they perform; but the control of a few men in the Senate is a matter of most vital importance. The control of the election of one man in the Senate may change the practical control of the Government. It may be at some time that there is some Senator who is particularly disagreeable to certain influences. He may be a man who stands not in awe of the powers that be, political, financial, or otherwise. To control such a man as that in the other House would have very little influence upon the destinies of the country or upon the laws which are to be passed or the legislative functions to be performed, but to control the election or return of such a man in the Senate may be a matter of the vastest importance.

Mr. President, the application I make of that is this: One of the greatest evils which are apprehended in regard to the election of Senators by the people is the danger that contests over seats will arise in the Senate which can not be settled practically upon their merits because of the vast number of votes which shall have been cast in any senatorial election, and which will be in consequence decided by the Senate on political grounds, or on some other grounds. Whenever you put it within the power of Congress to pass registration laws and make supervisors and judges of elections, for the purpose of doing that which the minority in their report from the Judiciary Committee assert as one of the purposes of the Bristow amendment, for the purpose of gathering evidence in regard to the election of Senators, it will be an easy matter in the interest of party or of any great influential interest to gather evidence, through these supervisors and judges of election, by which any man may be gotten rid of in this body who may have made himself distasteful or dangerous to some great and powerful influence in this country, political or otherwise. As long as such a man is safe in the confidence of his people, and so long as his State can control the election of its Senators, he is safe from the attack of those without his State—but not so if those without his State through party influence in the Senate can control these elections within the State.

The same thing will be true as to contests between political parties. The minority in their report say that the necessity for Federal control is that the Government may have officers at the polls who should gather evidence and come here and tell us what has been done in an election which entitles one man to a seat and which makes it proper and necessary to turn another man out of his seat. Everybody knows that when it comes to canvassing hundreds of thousands of votes it is an impossibility for the Senate to perform such a task, and with the evidence of these registrars and supervisors and judges and marshals, partisans as they doubtless will be, there will be always enough upon which to base a decision in favor of either man according as the predominant influences, political or otherwise, may desire that one man may be allowed to retain a seat or that he may be turned out and another man may be given it.

Time will not permit that I further elaborate that thought, but there are other reasons why the States should control the question as to how their Senators should be elected.

Mr. President, we frequently hear about the rights reserved to the States, but there is one very remarkable thing that has struck me in regard to the Constitution which we do not hear so often spoken of, and that is, that the purpose of the fathers in forming the Constitution was not only to give to the States certain rights which could not be infringed upon, but they constructed the Government in such a way that the States as States should, in their equal representation in the Senate, be the principal agency, the controlling influence, in everything connected with the exercise of the sovereign powers of the Government; that the States, as States, through their representation in the Senate, should themselves control the most important functions of the Federal Government.

I repeat, sir, that the Senate is much more than a legislative body. It has legislative, executive, and judicial functions. With the House of Representatives it shares the legislative function in the enactment of statutes. With the President it shares the executive functions in the treaty-making power and the appointment of all the officers of the Government. Upon impeachment proceedings by the House, the Senate is empowered to try and upon conviction to dismiss from office any officer of the Government, from the highest to the lowest, and from such judgment and sentence there is no appeal. But this is by no means all.

It may sound like a startling statement, but the Constitution of the United States gives to the States through their representation in the Senate a greater power in the control of the Federal Government than it gives to all the people of the United States combined. It gives to the Senate in the carrying on of the Federal Government a greater power than it gives to any other agency, or any other part of the Government, or of the country, or that which makes up the Government. There are some things denied to the Executive; there are some things denied to the House of Representatives; there are some things which the Senate can do in connection with the Executive; there are some things which the Senate can do in connection with the House of Representatives; but there is nothing that can be done without the Senate. With the House of Representatives it can pass a law with the approval of the President of the United States, and it can pass a law with the disapproval of the President of the United States. It can repeal a law over the objection of the President of the United States. With the President of the United States the Senate can make a treaty, which is the supreme law of the land, against the wish of the House of Representatives. With the House of Representatives the Senate can subsequently, by the enactment of a statute, repeal that treaty against the wish of the President of the United States. The Senate in conjunction with the House can declare and make war against a foreign nation contrary to the wish and over the objection of the President; and then the Senate and the President, acting together in making a treaty, may stop that war and make peace with that country against the wish and over the objection of the House of Representatives. The Senate of the United States, in cooperation with the President, can make any officer of the United States from the Chief Justice down to a marshal of a district, and the Senate of the United States, acting with the House of Representatives, can turn that man out of office without the consent and against the wish of the President of the United States. So I might go on. There are some things which can be done without the House of Representatives and against the wish of the House; there are some things which can be done without the Executive and against the wish of the Executive; there are some things which can be done by the Senate in conjunction with the one over the objection of the other, and vice versa; but there is no single thing which either the House of Representatives can do or the Executive can do without the consent of the Senate. The Senate is the great conservative, central feature of the Government, and the reason of it is this: That the States, each possessing supreme power in itself, were, when the Federal Government was formed, not willing to make the Federal Government unless in the making of it the States should not only have reserved to them the right of controlling their individual and local matters, but also unless the States should have the most prominent and active and controlling part in every function of the Government through their equal and direct representation in the Senate.

Thus it appears, Mr. President, that in this vast machinery of government, while some things can be done without the House, while some things can be done without the President, there is no single function of government of a constructive or of a destructive character, but that at some vital point in the progress of these great and vital governmental measures the Senate must give its assent, and without its assent none of these things can be done. I repeat that that was the great feature in the Constitution adopted not for the purpose simply of forming a well-adjusted Government, but for the purpose of retaining to the States, through their equal representation in the Senate, their power in the control of every active, affirmative function of the Government. The creation and peculiar constitution of the Senate was the great covenant entered into between the States when they framed and adopted the Constitution, and when these great and varied powers were conferred upon those who should represent them in the Senate. What a mockery, what an absolute mockery, to talk about the retention of such power; what an absolute mockery to say that no great function of the Government can be performed unless the States shall consent to it through their Senators, and then pass a law which will say that the States must be overseen in the selection of their Senators; that the States must be controlled; that the States must be supervised and directed when they are to select the men who are to perform this high and mighty function.

Mr. President, my solemn judgment, with the limited opportunity I have had to peruse the political acts of this Government and to look over its legislation, is that there has never been a proposition which strikes so fundamentally at the basic principles upon which the States have entered into the Government as that which seeks to assert the proposition that the General Government shall control the manner in which Senators shall be elected. And, sir, of all bodies in the world that we should be the ones to stand for that proposition! The House of Representatives recognize this. They have in the

resolution which they have passed and sent to us grandly stood for the maintenance of the powers of the States.

The House of Representatives sent us a joint resolution, which was a recognition of this right of the States. They sent us a joint resolution in which they say they recognize that the General Government or the people of the other States should not interfere in the local election of Senators; yet it is proposed that we, the special guardians of these mighty functions, we whose duty it is to uphold this ægis of power, we who should magnify our office—that we shall be the ones, over the objection of the House of Representatives, to strike down this power of the States and put it in the power of the General Government, or of a dominant party in the Government—to practically dictate, when political or other influences shall demand it, who shall be declared to be the representative of a State in the Senate. Why, Mr. President, I say, of all men, why should we be the ones to sanction or permit such a thing? It would be bad enough for the House of Representatives to send us a joint resolution such as that now proposed by the substitute of the Senator from Kansas [Mr. BRISTOW], which is the same amendment as that offered previously by the Senator from Utah [Mr. SUTHERLAND]; it would be bad enough if they had sent such a resolution to us, and if they had done so we by right should have refused to concur in it; we should have replied, "In the name of our States, in the name of the great foundation principles of our Government, in the name of those sovereignties who surrendered in part their sovereignty upon the assurance that their right to control their elections should not be destroyed, we reject the proposition." Unless the Senate does consent, the practical exercise of the right to control the election of Senators can not be taken from the States.

Mr. President, I do not know how it may be as to others, but if I should vote for the proposed substitute of the Senator from Kansas, with this right thus to invade the States and control the local election of Senators, and the time should come during the remainder of my life—and who can tell when it shall come—when supervisors and registrars and judges of election and marshals and soldiers at the polls should, after a heated contested election, come here with their partisan evidence, and a man whom the people of my State had legitimately elected should, under the operation of this law, be turned out of the Senate and a man not the representative of my people should be brought here and put in his place, sir, I would call on the rocks and the mountains to fall on me and hide me from the indignation of my people.

It is bad enough when we permit others to rob us of our rights; it is bad enough when we permit others to take from us that which belongs to us; it is bad enough when we let those who do it only by the strong hand tear from our brows the authority and the dignity which belong to us; but it is an unspeakable thing that we should do it ourselves. Why, Mr. President, I am reminded of the fabled eagle, who, when stricken and dying on the plain, found in that dying moment its chief agony when it saw that the shaft which had pierced its vitals had been guided by a feather which had fallen from its own wing. When this amendment has been adopted by the States in the form in which it is now proposed to impose it upon us, it will be an irrevocable act. In my opinion, the great dignity and security and stability of office in the Senate will be gone; in my opinion, the great function of the States that through their representatives in this body should exercise a controlling power that the people themselves do not exercise, and that they should exercise a power that all the other influences put together in the Government do not equal—when, Mr. President, we strike that down, in my opinion we have done that which will unsettle the foundations and destroy the stability of this Government.

For myself—I criticize no Senator who thinks otherwise—I want to warn Senators that I am not alone in this view. In addition to the number of those of us who will vote against the proposed amendment to the Constitution if the Bristow or Sutherland amendment is adopted, as I certainly will, there are other Senators here who take a different view of their duty because of the fact that their legislatures have in times past instructed them to vote for a resolution of this kind, although having no reference whatever to this particular feature of it, they feel that it is their duty to send the joint resolution to those legislatures for their action; but those same Senators are opposed to the amendment to the Constitution with that provision attached to it, and those same Senators will follow it to their legislatures and do all in their power to defeat it. As sure as the substitute is adopted, which will give to the Federal Government power to supervise the election of Senators by the people, to appoint registrars, to appoint judges of elections, to appoint marshals of the district, and soldiers to sustain them—as sure as that is done, there will be a defeat, in my opinion, of this proposed amendment to the Constitution. On the contrary, Mr. President, if the joint resolution is adopted as it comes from the Judiciary Committee, I will support it with the greatest pleasure; I will do all in my power to see that the States ratify and adopt it, and, in my humble judgment, if that is done, the fate of the joint resolution is beyond doubt and the amendment will be adopted by three-fourths of the States of the Union.

Mr. STONE. Mr. President, although it is my intention to speak for a short while only, I hesitate to speak at all. I hesitate to speak for two reasons: First, because I dislike by further debate to defer a vote on the question now before the Senate, and, second, because I dislike to say what I have in mind to say for fear it might be regarded by some as having a somewhat too partisan coloring; and Senators know how reluctant I am to indulge in anything of that kind. I would not now speak at all, except I feel that what I intended to say should be said by someone in order to keep straight the truth of history. Every Senator on the Democratic side of this Chamber is heartily in favor of the joint resolution as it came from the Judiciary Committee, and every Senator on this side, with possibly one exception, is opposed to the substitute offered by the Senator from Kansas [Mr. BRISTOW]. I have been concerned to know and to determine in my own mind just why this substitute has been offered, and particularly why it has been offered by the junior Senator from Kansas [Mr. BRISTOW]. Senators on that side, with few exceptions, will vote for this substitute. Why? Mr. President, there must be some reason, I think some hidden reason, some cause not appearing on the surface, for injecting this substitute as a disturbing force into the consideration of the resolution the House passed and sent over to us, and which the Senate Judiciary Committee has favorably reported to the Senate. What is that hidden reason, that cause under the surface?

Mr. President, I can not escape the conviction that, as a rule, Senators on the other side of the Chamber are not in favor of the election of Senators by a direct vote of the people. I can not believe that any Senator sincerely favoring the direct election of Senators would support, much less propose, an amendment like this. They would not do so because they must know that the inevitable tendency of this substitute amendment is, and will be, to defeat the final adoption of the joint resolution by the Senate and the House, and even if submitted by Congress will almost certainly lead to its rejection by numerous States which otherwise would support the House resolution. Why should Senators insist on pressing this unnecessary and most offensive amendment unless they hope in that way to secure the defeat of the joint resolution by the Senate or by the House, or, failing in that, then to make the resolution so unacceptable in form as to insure its ultimate rejection by a sufficient number of States to prevent its incorporation into the Constitution?

I do not like to call in question the good faith of Senators, and perhaps that does not lie within my privilege when speaking on this floor; but I can not forget or ignore the fact that this question of the election of Senators by the people has become in large measure a party question, and on that ground I have a right to doubt whether Republican Senators are sincerely for the movement. Am I right in saying this is a party question? I see one or two of my friends on the other side shake their heads; nevertheless I am justified by the facts in saying, as I do say, that it is a party question—the Democratic Party being for it and the Republican Party against it. The Democratic Party, through its national conventions for 10 or 15 years past, has specifically declared in favor of the election of Senators by the direct vote of the people. The Republican Party has never in all its history made such a declaration in any of its national platforms.

Mr. SMITH of Michigan. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Michigan?

Mr. STONE. I do.

Mr. SMITH of Michigan. Has the Democratic Party ever declared in its national platform for this joint resolution in the form in which we find it to-day, meeting the approval of the Senator from Missouri?

Mr. STONE. That is a useless question. The Senator from Michigan is too experienced in public and political affairs to ask whether a national convention, or any kind of convention, in declaring for a general principle has also undertaken to outline the exact form in detail of a legal enactment. The Republican Party has never declared for the policy or the principle in any form.

Mr. OWEN. Mr. President——

Mr. SMITH of Michigan. No, Mr. President; if the Senator from Missouri——

The VICE PRESIDENT. To whom does the Senator from Missouri yield?

Mr. STONE. For the present to the Senator from Michigan, if the Senator from Oklahoma will pardon me, as the Senator from Michigan was already on the floor.

Mr. SMITH of Michigan. If the Senator from Missouri will pardon me, while the national platform of the Republican Party may not have declared specifically for this proposition, during my service in Congress I have voted for it twice as a Member of the House of Representatives—as a Member of the Republican House of Representatives—and the Republican House of Representatives have passed it two or three times. And, furthermore, I do not believe the proposition has ever been presented here in such form as to test the good faith of the Republican Party.

Mr. STONE. Well, we propose now to present it in that form, if it has never been done before.

Mr. SMITH of Michigan. No; the Senator from Missouri does not propose to put it in that form. He proposes to encumber it with a race rider. He proposes to encumber it with a proposition never before advanced in the consideration of this question in either House of Congress; and if adopted in that form I have serious doubt about its approval by the legislatures of the various States, including my own State, where we can at least approximate our ideals by a senatorial primary, which will give the people a direct voice in the choice of Senators.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. STONE. I will in a moment.

The Senator from Michigan has delivered a speech which may be satisfactory to his constituency, for I believe the people of Michigan, in common with a majority of the people of most of the States, favor this amendment to the Constitution. He sets himself right, and I am glad he does, for if he should go too far wrong on this subject we might all too soon be deprived of the pleasure of his presence in this body.

Mr. OWEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Oklahoma?

Mr. SMITH of Michigan. Before——

The VICE PRESIDENT. One moment. To whom does the Senator from Missouri yield?

Mr. STONE. I yield to the Senator from Oklahoma, who has been upon the floor for some time.

Mr. OWEN. Mr. President, I wish to call the attention of the Senator from Missouri to the fact that not only the Republican Party did not place itself on record in its national platform in favor of the principle of the election of Senators by direct vote, but on the contrary by a vote of nearly 10 to 1 it voted down that proposal when submitted by the Senator from Wisconsin at their last national convention.

Mr. BORAH. Mr. President——

Mr. STONE. Before I yield to my friend, the Senator from Idaho, I wish to say that he and one or two others, and I hope even more than that, of our dear brethren on the other side are sincerely in favor of this reform. No man has been more diligent in pressing this resolution than the Senator from Idaho [Mr. BORAH]. I have not been speaking of individuals, let him understand. I have been speaking of the Republican Party as an organization.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. STONE. I do.

Mr. BORAH. I only rose to correct what, I think, is a mistake on the part of the Senator from Michigan. This joint resolution, in its present form, as reported by the Judiciary Committee, passed the House of Representatives some 10 or 12 years ago without any dissenting vote at all. If I am incorrect in that, the RECORD will correct me. I know it passed; I am not sure as to the vote, but I am quite certain it was passed without a dissenting vote.

Mr. SMITH of Michigan. If the Senator from Missouri will pardon me, I should like to ask the Senator from Idaho whether he is quite sure that it passed a Republican House? My recollection is that it passed a Democratic House and that it was the resolution of Mr. Tucker, of Virginia. That is my recollection of it. I may be in error. I know that I voted for the naked question of the election of Senators by direct vote twice as a Member of the House of Representatives.

Mr. BORAH. I think the Senator is correct in the fact that it was a Democratic House, but I am quite sure there were no Republican votes against it.

Mr. SMITH of Michigan. If the Senator will pardon me a moment, the statement I made I reiterate—that no opportunity was given for us to vote squarely upon this proposition when we possessed the requisite majority in the House of Representatives.

Mr. BURTON. One minute. Do I understand doubt to be expressed——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Ohio?

Mr. STONE. I do.

Mr. BURTON. Do I understand that doubt was expressed whether a Republican House passed a provision for a constitutional amendment?

Mr. SMITH of Michigan. No.

Mr. STONE. They passed it with the help of Democratic votes.

Mr. BURTON. They did not need any Democratic votes.

Mr. STONE. They did need them badly. The Senator from Michigan, in the House, voted for a joint resolution in the very form of the one now before the Senate. I refer to the Tucker resolution.

Mr. SMITH of Michigan. Not in the form in which it is presented to us to-day. I never voted for it in that form.

Mr. STONE. The Senator says not. He knows better than I.

Mr. SMITH of Michigan. I never would vote for it in that form, and I do not believe the legislature of the State I have the honor to represent in part would ever approve it in that form. I am going to give them an opportunity to do so, however, if they desire, and the amendment of the Senator from Kansas is defeated.

Mr. STONE. I pass that for the present.

Mr. SMITH of Michigan. If the amendment of the Senator from Kansas is not adopted, I am going to vote for the joint resolution as it comes from the Committee on the Judiciary and pass the responsibility to the legislature of my State. I feel I will discharge my public duty by so doing.

Mr. STONE. Mr. President, I do not care to be diverted into a discussion of the record of the Senator from Michigan, or the record of any other Senator or Representative, or anything like that. The Senator from Michigan knows his own record and is abundantly able to take care of it here or any other place. What I say is that this question of the election of Senators by a direct vote of the people has been an important, acute, living issue before the American people for many years. It has been frequently before Congress in one form or another—before both Houses, first one and then the other. The Democratic Party took position upon it more than a decade ago; in fact, began the agitation for it; and in every national convention held during the last 10 years has declared for it in unequivocal terms. But the Republican Party has remained silent, not even having the courage to declare its convictions, except on the one occasion referred to by the Senator from Oklahoma [Mr. OWEN], when, in 1908, the Senator from Wisconsin [Mr. LA FOLLETTE], being then a member of the Republican national convention, proposed a resolution in favor of the direct election of Senators, and it was voted down by an overwhelming majority of that convention. That begins to look like your party was not in favor of it.

Mr. REED. It was Congressman COOPER, I will call the Senator's attention.

The VICE PRESIDENT. Does the Senator from Missouri yield to his colleague.

Mr. STONE. Yes.

Mr. REED. It was Congressman COOPER who offered the resolution, instead of the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. STONE. Well, the Senator from Wisconsin [Mr. LA FOLLETTE] supported it, I am sure, and Mr. COOPER was from his State. Like the Senator from Oklahoma [Mr. OWEN], I was under the impression the resolution was offered by the Senator from Wisconsin; but that is immaterial.

Mr. CULBERSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Texas?

Mr. STONE. Yes.

Mr. CULBERSON. I will state to the Senator from Missouri that the proposition before the Republican national convention came in the form of a minority report presented by Representative COOPER, of Wisconsin, and it was voted down by the convention.

Mr. STONE. It is immaterial how it got there. It did get there, and it was voted down by a big majority—nearly 10 to 1.

Now, Mr. President——

Mr. REED. Will the Senator from Missouri permit me?

Mr. STONE. I yield to my colleague.

Mr. REED. I desire to call attention, if it will not interrupt, to this statement made by Mr. Bryan in 1894:

If the people of a State have enough intelligence to elect the representatives in their State legislature, to choose their executive officers, to choose their officials in all departments of State and county, they have intelligence enough to elect United States Senators.

And to a further statement made by Mr. Bryan on January 20, 1894:

We all recognize that there is a reason for the election of United States Senators by direct vote to-day that did not exist at the time the Constitution was adopted. We know that to-day great corporations exist in our States, and that these great corporations—different from what they used to be 100 years ago—are able to compass the election of their tools and their agents through the instrumentality of legislatures, as they could not if Senators were elected directly by the people. We are told that we must not change the Constitution because it is a sacred instrument. He who would make such alterations as changed conditions would necessitate is a better friend to the Constitution and to good government than he who defends faults and is blind to defects.

I desire to call attention, since the Senator has spoken of it, to certain planks in Democratic platforms: First, the plank adopted in 1900:

We favor an amendment to the Federal Constitution providing for the election of United States Senators by the direct vote of the people.

To the platform of 1904:

We favor the election of United States Senators by the direct vote of the people.

To the platform of 1908:

We favor the election of United States Senators by direct vote of the people, and regard this reform as the gateway to other national reforms.

That is all I care to call attention to at present.

Mr. STONE. Mr. President, my purpose is to show to the Senate and, so far as I can, to show to the people of the country that the Republican Party as a party is not in favor of this reform.

Mr. DIXON rose.

Mr. STONE. I speak now, I say again, of the Republican Party as a whole, as an organization, and not of particular individuals. I am happy to say there are individual exceptions to the general rule. According to the vote taken in the Republican convention two years ago there was about 1 Republican out of every 10 who really favored this amendment to the Constitution, and that is about the proportion here in the Senate now.

Mr. DIXON. Mr. President——

The PRESIDING OFFICER (Mr. ROOT in the chair). Does the Senator from Missouri yield to the Senator from Montana?

Mr. STONE. Yes.

Mr. DIXON. I should like to inquire of the Senator from Missouri, when he is making his indictment of the Republican Party as to its favoring or not favoring this joint resolution, if he recalls the fact that three years ago in the Senate Chamber, when the Senator from Oklahoma [Mr. OWEN] offered his resolution to instruct the Committee on Privileges and Elections to report a resolution amending the Constitution so as to provide for the election of Senators by a direct vote, only 9 Democratic Senators voted for the resolution out of a membership of about 35?

Mr. STONE. Oh, the Senator from Montana is—my friend the Senator from North Carolina [Mr. OVERMAN], sitting at my side, says "dodging," but I will not use that term. He is simply grasping at a straw—a floating straw—which will not keep his head above water. It is too small a matter to bring in some vote, which I do not recall, had about instructing some committee to do some particular thing. I know nothing about that. If the Senator can satisfy his conscience and his constituency with that sort of thing, all right. If so, then both his conscience and his constituency are easily satisfied.

Mr. DIXON. No; but I was interested in the Senator's statements, and I remembered that on the first test vote, I think, in the Senate, on a motion of the Senator from Oklahoma, there were 9 Democratic and 11 Republican votes in the affirmative. The rest either voted against it or dodged.

Mr. STONE. I will look up that record, if it should be considered of any importance, which I do not now consider it. A proposal to instruct a committee nearly always involves some collateral complication. I do not recall the instance cited by the Senator from Montana, but it must have been complicated by some collateral consideration. The point I am making, and which I am showing beyond doubt, is that the Republican Party, as a party, is not in favor of the election of Senators by a direct vote of the people. The Senator from New York [Mr. ROOT], who now occupies the chair, voiced that party sentiment when at the last session he delivered his masterful speech on this floor in opposition to the joint resolution then before the Senate, which was in the very terms of the resolution now before the Senate. The Senator from New York and the senior Senator from Idaho [Mr. HEYBURN] are the best interpreters of Republican Party sentiment on this question.

Mr. President, how many Republican Senators are really in favor of this measure? Very few. A few voted for it last February, when it had little or no chance of getting the required two-thirds majority, who will change their position now, when with their votes it could be adopted. Three months ago they voted against the Sutherland amendment, which was identical with what is now the Bristow amendment. The Republicans who then voted against the Sutherland amendment were Senators BORAH, BOURNE, BRISTOW, BROWN, CLAPP, CUMMINS, GRONNA, and LA FOLLETTE. At that time, Mr. President, the Democratic representation on this floor was not so great as it is now. Perhaps I have no right to intimate that these distinguished Republicans, or any of them, voted as they did on the Sutherland amendment in the fond belief that the measure would be defeated anyhow. But will they vote the same way now? Will they vote against the Sutherland-Bristow amendment now as they did three months ago? If not, then I want to know what has happened in these three months to change the opinion of these Senators? We must assume, of course, that all these Senators had read the Constitution before they cast their votes last February and were familiar with it; we must assume that they had studied the question then before the Senate, and that they acted deliberately and with full knowledge of what they were doing and what the effect would be; and yet we have the spectacle here to-day of beholding the Senator from Kansas [Mr. BRISTOW] snatching the Sutherland amendment from the hand of its author, waving it aloft as his own conception, and leaping into the arena with a grim determination to stand by it and die for it as his very own; and yet, again, this amendment he now champions is the very thing he denounced and voted against three months ago. I should like to know—I expect the Senator from Kansas to tell us—what he has heard since then, and from whom he heard it, and what he has been told to cause him to change his opinion; and especially do I want to know who told him. It is all very curious; in fact, very mysterious.

Mr. President, we have about 10 more Democrats in the Senate now than we had in February; and if these Republican Senators who voted with us in February would vote with us now, we could defeat this Bristow amendment and pass the joint resolution as it came from the Judiciary Committee, and do it with the confident assurance that a sufficient number of the States of the Union would ratify it to write it into the Constitution. The Senator from Kansas has shown his hand, but I do not at this moment recall whether any other of our recent allies have indicated a purpose to join him in deserting us in this hour when victory is hovering right above the standard of the people. There may be others; we will see. If they do desert us, I can only account for it on the theory that they were not wholly sincere before, and that now when we really have a chance of getting this amendment into the Constitution they turn tail and rally to the support of that which they denounced and opposed three months ago, expecting that ultimately they will in some way defeat the adoption of the amendment. They know as much about every phase of this subject now as they knew then and knew as much then as they know now. Why should they seek now to graft this amendment on the resolution unless it be to insure its ultimate defeat? The Southern States have been among the most ardent advocates of this reform, but the Southern States are, as you know, peculiarly situated. Do these Senators change front now with a view to so formulating the resolution as to make it especially obnoxious to the South and seek in that way to thwart the movement for the direct election of Senators? That may be a fine piece of politics, but it can not, I submit, appeal to men who want to deal fairly with a great public question.

Mr. President, I may be mistaken, but I can not escape the conviction that the friends of this reform are now running up against a game of smart politics here in the Senate. That is what I believe about it. The Republican Party is against the amendment, and, as a rule, I expect Republican Senators to be against it. As to Republican Senators generally I have no criticism to make, but as to those who voted with us in February last, but who intend to vote against us now, I am bound to say that they are performing in a most mysterious and inexplicable way unless it be that they have been, and are, merely playing some supposedly smart game of politics without regard for the right or the wrong of the great issue at stake.

Mr. President, I think that is all I now care to say on the subject of this joint resolution.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Texas?

Mr. STONE. Certainly.

Mr. CULBERSON. I have here the report of the proceedings of the Republican national convention of 1908, the only copy I ever saw, and the vote on including in the platform a demand for the election of Senators by the people was—yeas 114 and nays 866, and Kansas is recorded as voting "nay."

Mr. STONE. There can be no doubt that this is essentially a Democratic policy, and that the Republican Party is against it. A few Republicans have been converted, and as is usual with new converts they not only want the best places in the band wagon, but they even want to occupy the driver's seat. I would like to inquire if the Senator from Texas knows whether the amiable and distinguished junior Senator from Kansas [Mr. BRISTOW] was in that convention?

Mr. CULBERSON. I have not investigated far enough to determine that question.

INCOME TAX.

Mr. STONE. Mr. President, while I am on the floor there is another thing that I want to speak about briefly.

The truth is there is a certain contingent of Senators over there on the other side who, finding that a number of things we Democrats have been strenuously advocating for lo these many years are becoming popular, are rushing in to filch and appropriate them. The election of Senators by the people is one of them, and another is a law—a constitutional amendment, if necessary—authorizing the levying of an income tax. The other day I picked up the Washington Times, one of our entertaining Washington publications, and found among other things what I now read:

"Senator NORRIS BROWN, of Nebraska, father of the income-tax amendment to the Federal Constitution, believes" so and so, and his views are stated in extenso. Ye gods, think of the Senator from Nebraska as the father of the income tax! Why, Mr. President, the Democrats of the United States, through their national conventions, have been declaring for an income tax ever since 1896. It was put into the Democratic platform at Chicago in 1896, and it has been a recognized Democratic policy from that time to this. In 1896 the occasion arose for an expression of opinion on the income tax, because the Supreme Court, in contravention of many previous rulings, had, shortly before the convention met, declared the income-tax law passed about a year before to be unconstitutional. And how did that income-tax provision get into the law? Who put it in? It was put in by a Democratic Congress. It was a Democratic measure, and when the Supreme Court held it to be unconstitutional the Democratic convention, which assembled shortly thereafter, declared the decision to be not only against precedent, but dangerous to national safety, and the convention urged it as a duty on Congress to use all the power the Congress had remaining to fortify and defend the country against the evils that might flow from that decision. Republicans all over this country then denounced the Democratic Party for that declaration, charging that the party was making an assault upon the Supreme Court of the United States. And yet if we compare that convention utterance with other utterances since made by great leaders of the Republican Party it appears so mild as to be almost insipid. But you then denounced it from the Atlantic to the Pacific as a firebrand and as an encouragement to anarchy and disorder. You railed out that we were teaching the people to look with suspicion and distrust upon the judiciary just because we said Congress should, despite the decision of the Supreme Court, use all the constitutional power it had for the enactment of some constitutional law that would authorize the levy of an income tax. But in spite of your denunciations the American Democracy have kept right on demanding an income tax. The last Democratic national convention, held at Denver in 1908, incorporated this plank in its platform:

> We favor an income tax as part of our revenue system, and we urge the submission of a constitutional amendment specifically authorizing Congress to levy and collect a tax upon individual and corporate incomes, to the end that wealth may bear its proportionate share of the burdens of the Federal Government.

That has been the Democratic attitude on this question since it first arose in 1896. It is an old and familiar Democratic doctrine. And yet my good friend from Nebraska—and we are the best of friends—permits himself to be—at least he has not protested against being—exploited in the press in a friendly and partial newspaper as "the father of the income tax," although the Republican Party has never, never, never declared for it in any national convention. That party has been silent upon that question, as it has been silent upon the election of Senators and silent upon other leading questions of the day. In fact the Republican Party has come to be the great party of silence. And yet, accepting the Washington Times as authority, and despite the oft-declared position of the Democratic Party, one might suppose that the income tax was a homeless wanderer, a sort of legislative nullius filius, and that the Senator from Nebraska happening to see the waif, tottering, tattered, and sore footed, took it to his bosom and became its sponsor. [Laughter.] Why, Mr. President, we Democrats have been nursing this child on a bottle of blue milk, so to speak, for lo, these many years. We have had to nurse it in that way because you gentlemen over on that side who have been controlling the fat of the land have denied it any other and better nourishment. Here is another striking instance of political larceny. [Laughter.] You are trying to take something that does not belong to you. Well, take it, if you really want it. We do not care, for the Lord knows you ought to have something good to comfort you. You are welcome to all the comfort you can get out of this, only I want it understood in the wind up that this income-tax proposition was born in our household and nurtured by us until a few Republican Senators came over and helped us to submit it to the legislatures of the States as an amendment to the Federal Constitution.

I have sat here in my seat for months, one Congress after another, and witnessed a select coterie on that side exploit and attempt to appropriate Democratic ideas and policies, and claim them as their discoveries. I repeat what I said the other day, that I look with disfavor and distrust upon this abduction of our children and the forcible taking of them over into an inhospitable land. When I see one of the babies we have been taking care of for many years nabbed and run away with [laughter] and taken over there among you bearded old standpatters, can you wonder that some of us should run after it, as I am doing to-day, in the hope of rescuing it, or at least branding it? [Laughter.] If there be among you any who really care for these Democratic children, then come over here and help us take care of them in the right spirit and in the right way.

NEW MEXICO AND ARIZONA.

One other thing now and I am done, and that one other thing is about New Mexico and Arizona.

Somehow I can not get it out of me that there is some sort of scheme—and a wicked scheme—being concocted in some way to let New Mexico in and keep Arizona out of the Union, because Arizona is Democratic and New Mexico is supposed to be Republican.

Mr. President, the Democratic House of Representatives passed a bill about a month ago admitting both these Territories as States and sent the bill over here. I have personally inquired of members of the Committee on Territories here to-day, and they tell me that there has been no meeting of that committee since that bill was referred to it and laid upon the committee table. Why? What have they been doing? Up to this time this has been, so far as the Senate is concerned, a session of leisure for most Senators. The Committee on Finance has been holding sessions, listening to useless hearings, useless for the most part, and thereby wasting time for political reasons, but the Committee on Territories has had nothing to do during all the weeks of this session.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Michigan?

Mr. STONE. I do, for the Senator is the chairman of the Committee on Territories.

Mr. SMITH of Michigan. The suggestion of the Senator from Missouri I can not permit to pass unnoticed.

Mr. STONE. It ought not to be permitted to pass unchallenged.

Mr. SMITH of Michigan. The Senator need not give himself any concern about it. It will not be permitted to pass until he is set right about it, although it is a very difficult task for me to assume.

Mr. STONE. No; it is not. I have great faith in whatever the Senator says.

Mr. SMITH of Michigan. I thank the Senator from Missouri.

Mr. STONE. When he speaks with authority.

Mr. SMITH of Michigan. I will say to the Senator from Missouri, Mr. President, that the meeting day for the Committee on Territories is Friday. A week ago last Friday the House bill was not before the Committee on Territories, and did not reach that committee until Saturday.

Mr. STONE. Last Saturday?

Mr. SMITH of Michigan. No; a week ago last Saturday. That day the leader of the minority on that committee, the Senator from Oklahoma [Mr. OWEN], had been called out of the city by the illness of his mother, I believe. Other Sena-

tors who are members of that committee have been absent since. I was unavoidably absent last Friday. The committee will be called together on the meeting day this week. Not the slightest disposition is manifest either in the majority or the minority members of that committee not to act promptly and fully upon that legislation.

Mr. STONE. There is no reason for the minority not to act promptly, but every reason why the minority should.

Mr. SMITH of Michigan. Mr. President, I desire to say further that the Committee on Territories organized, I think, more promptly than most of the other committees which were appointed a few weeks ago. We proceeded almost immediately to consider this very question to which the Senator from Missouri has referred. We have been asked to give hearings to citizens of Arizona and New Mexico upon both sides of the question involved, and this afternoon we have agreed upon a day of meeting to hear those who are interested in this legislation.

I want to say again, in order that there may be no misapprehension whatever in the mind of the Senator from Missouri or of any other Senator, that, so far as I am concerned—and I think I may speak for every member of the Committee on Territories—there is not the slightest disposition to delay or hinder that legislation at all. It will be brought here from the committee to which it has been properly assigned for consideration, and the Senate will be asked to take such action upon it as it may deem best.

Mr. STONE. Mr. President, I have once or twice called upon committees which have House bills pending before them, and the Senator from Virginia [Mr. MARTIN], the leader of the minority, and other Democratic Senators have several times called upon the committees to know when we could expect bills that are before them to be acted upon and reported to the Senate. The chairman of whatever committee it might be has always risen and told us that his committee was proceeding with all due dispatch and expedition, and that they would get the bills in here in due course and as soon as it could be done, but the bills do not come, and they are not here.

Mr. President, you know, and we all know, that we have been adjourning over here from Monday to Thursday and from Thursday to Monday, and for the most part doing nothing.

Why a bill like this New Mexico-Arizona bill should be practically three weeks in the hands of the Committee on Territories, without action by the committee, I do not understand; and, moreover, I do not understand why there is any need for hearings before the committee. The question of the admission of these Territories has been before the other House and before the Senate for a long time. We have had many hearings about it. Who wants to be heard now? Who needs to be heard now? Is there anybody in Arizona or New Mexico opposed to the admission of these Territories, or either of them, as States? If there be, has he not already stated his objections in hearings already had, and are not his objections preserved in the prints of the committee? Are these Territories to be put off again with some vague promise of some wholly unnecessary hearing before this committee at some indefinite time in the future? In the name of Heaven when will Arizona and New Mexico have a hearing before the Senate? Sir, before I sit down—and I am about through—I want to give a reason why delay might be desired and sought by some. Rather than look it up myself, I asked my friend and colleague the Senator from Missouri [Mr. REED], the other day when we were talking about this matter, to look over the enabling acts and into the facts and advise me as to the situation. We had been reading something in the papers about it, and I asked him to look it up, for I have great confidence in the judgment of my colleague. I have faith in his judgment because he is a lawyer well trained, of wide reading and large experience, and when he speaks he can be depended upon. He looked the matter up and then went over it with me. I understand the situation to be this: The enabling act provides for the admission of New Mexico after the calling of a constitutional convention, the adoption of a State constitution, and the submission of the same to the qualified voters of the Territory. Those are preliminary steps. Then section 4 of the enabling act provides as follows:

A certified copy of the same shall be submitted to the President of the United States and to Congress for approval, together with the statement of the votes cast thereon and upon any provisions thereof which were separately submitted to and voted on by the people; and if Congress and the President approve said constitution and the separate provisions thereof, or if the President approves the same and Congress fails to disapprove the same during the next regular session thereof, then and in that event the President shall certify said facts to the governor of New Mexico, who shall, within 30 days after the receipt of said notification from the President, issue his proclamation, etc.

Section 5 of the enabling act, after providing for the election of a State legislature, Members of Congress, and so forth, provides:

And in case the President of the United States and Congress approve the same—

The constitution—

or in case the President approves the same and Congress fails to act in its next regular session, all as hereinbefore provided, an election shall be held, etc.—

And then the section goes on to provide that after the election has been held the result shall be certified to the President, who shall thereupon—

immediately issue his proclamation announcing the result of said election so ascertained, and upon the issuance of said proclamation by the President of the United States the proposed State of New Mexico shall be deemed admitted by Congress into the Union by virtue of this act, etc.

The Arizona enabling act is substantially the same as that of New Mexico.

Now, Mr. President, how does the case stand? New Mexico held a convention and submitted a constitution which was ratified by the voters of the Territory, and has taken all the preliminary steps required by the enabling act. Everything required to be certified to the President and to Congress has been certified. What is true of New Mexico is also exactly true in all particulars of Arizona. Both Territories have done all they are required to do or can do. But here at Washington the two Territories do not stand on the same level. The President has acted upon and approved the constitution of New Mexico, but he has taken no action upon, either approving or disapproving, the constitution of Arizona. Congress has not acted upon the constitution of either Territory. The House of Representatives has passed upon both and approved both, but the Senate has taken no action on either. The approving bill passed by the House of Representatives is now before the Senate committee. That committee ought to have acted upon that bill with promptitude and reported it to the Senate, so that the Senate might have declared its approval or disapproval of the constitutions adopted by these Territories. That has not been done. The Senate has no chance to act. Now, in a few days the Senate will be in the thick of tariff discussions with the reciprocity bill and later with tariff bills on the calendar as the unfinished business, and thus everything else will be put aside until they are disposed of. In all probability that may mean that the bill for the admission of these Territories will fail of consideration at this extraordinary session.

Remember the enabling acts provide that Congress shall pass upon the constitutions adopted by the people of these Territories not later than the next regular session following the certification of the same to the President and to Congress. Remember the act further provides that if the President approves these constitutions, or either of them, and if Congress fails to approve or disapprove—that is, to take action—at the next regular session, then the Territory whose constitution the President has approved shall, upon the proclamation of the President, be admitted as a State into the Union. The President has approved the constitution of New Mexico, but has taken no action on the constitution of Arizona. Now, if our Republican friends over there can by parliamentary manipulation and delay prevent the Senate acting upon this House bill, either at this extraordinary session or at the next regular session beginning in December, then New Mexico can come into the Union on the proclamation of the President and Arizona be left out in the cold.

There are those who desire the admission of New Mexico, but do not want Arizona admitted. Every scheme of delay helps those who wish to accomplish that end. If we fail to pass the resolution approving the constitutions of both Territories at this session, and then again fail to approve them at the next regular session, the President can let in New Mexico and close the door in the face of Arizona.

Mr. President, is this another scheme of smart politics being enacted here under our eyes? It looks like it to me, and I want the people of the United States to understand just what the situation is, and then they can judge for themselves. Your Republican national convention, as well as our Democratic national convention, declared in favor of admitting both of these Territories—not one, but both—and we are bound in honor to keep faith with the people of these Territories and with the people of the United States. We Democrats are here to keep faith. How is it with you? I pray you let there be no political juggling to keep one Territory out and let the other in because of some possible political advantage. Mr. President, I have said this much because I want the great constituencies we represent in this high tribunal to know what is going on with respect to these various matters in the Senate of the United States.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Georgia [Mr. BACON] to the substitute offered by the Senator from Kansas [Mr. BRISTOW].

Mr. BRISTOW. Mr. President, the amendment offered by the Senator from Georgia [Mr. BACON] is in substance the same as the provision which is stricken out of the joint resolution as reported from the committee by the substitute which I offer, except that it provides that Congress may make or alter the regulations of a State—

Whenever the legislature thereof shall neglect or refuse to make such regulations, or from any circumstances be incapable of making the same.

That is, the amendment repeats practically the phraseology of the first paragraph of section 4 of Article I of the Constitution, and then limits its application by saying that the Federal Government may make such regulations whenever the legislature of a State refuses to do so.

If I were required to choose between the amendment offered by the Senator from Georgia and the joint resolution reported by the committee, I should prefer that of the committee, because it simply repeals a part of the first paragraph of section 4, Article I, of the Constitution, while the amendment proposed by the Senator from Georgia repeals that part of the paragraph and then adds another provision, which, in my opinion, would probably deprive the Federal Government of authority which it ought to have. It goes a step further, it seems to me, in the restrictions which it would place on the Federal Government than the joint resolution as reported by the committee, and I can not see how anyone who is opposed to amending section 4 of Article I would prefer the amendment offered by the Senator from Georgia to the joint resolution reported by the committee.

Mr. BACON. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Georgia?

Mr. BRISTOW. Certainly.

Mr. BACON. Does not the Senator recognize that the amendment offered by me provides against the contingency which has been commented upon by various Senators, that a State might fail to make proper provision for such election, and in that case there would not be the machinery provided for carrying on the Government? The amendment provides that in case of such failure the Federal Government shall do it. Would there not be an advantage in that proposition?

Mr. BRISTOW. If the Senator from Georgia wants the Federal Government given authority to compel the election of a Senator or Senators when the State refuses, by going into the State and by some process compelling it to elect, I think that his amendment would give at least the semblance of authority to do that.

Mr. BACON. Oh, no; the Senator misapprehends the amendment altogether. The Senator does not properly conceive its purpose or effect. The purpose sought to be effected is that which was avowed by all of the States, without exception, when they ratified the Constitution—to limit the exercise of the power of the Federal Government to cases where the States failed to exercise the power and to give the Federal Government the authority to exercise that power in all cases where any State should fail to provide the proper machinery. There is no question of compulsion in the amendment. For that reason, I say, the Senator entirely misconceives it and has not his argument based upon the proper predicates at all. He is clear off the track.

Mr. BRISTOW. Of course, I may——

Mr. BACON. I will give the illustration to the Senator if he desires that I should do so. I do not conceive that a case would ever arise, but in the beginning of the Government there was an apprehension as there had been the difficulty, which has been alluded to by some Senator here to-day, under the Articles of Confederation, in having the States pay the proper attention to keeping the Federal Congress supplied with Members. They neglected that duty; they would not provide for the election.

At the time of the formation of the present Government, which grew out of the Government under the Articles of Confederation, there was evidently in the minds of the framers of the Constitution an apprehension growing out of the fact that there had been such failure when the Government existed under the Articles of Confederation, and, therefore, as explained by Mr. Madison, Mr. Jay, and Mr. Hamilton, and as expressed in the various articles adopting the Constitution by the various States from New England down to South Carolina, there was recognition of the propriety of some legislation by Congress providing the machinery of election for these officers in case the States should neglect their duty.

Now, with that premise, the illustration I propose to give to the Senator is this—again saying that I have no idea that there could be now any such realization of the danger which was then apprehended: If we should pass the amendment providing for the election of Senators by direct vote of the people, and if a State should fail to fix a day when there could be an election, or fail to provide any of the machinery of election, under the amendment offered by me it would be competent for Congress to say that in the State of Kansas, for instance, a Senator should be elected on a certain day by general vote of the people, among the qualified electors, those who are qualified to vote for members of the most numerous branch of the legislature, and that the election should be held thus and so and that the returns should be made in such a manner and that the result should be declared in such a manner.

There is the illustration of the function which would be performed by the Government if those circumstances should arise and the amendment I have offered should be adopted. The Senator, of course, will recognize that in that there is no possible element of compulsion which Senators have spoken of as being one of the things which would be resorted to under the amendment offered by me.

Mr. BRISTOW. I do not intend to——

Mr. BACON. In order that I may not interrupt the Senator again, I wish to say that, as I understand, the substitute offered by the Senator, now known as the Bristow amendment, is identically the same amendment as that offered by the Senator from Utah [Mr. SUTHERLAND] in the last Congress and known as the Sutherland amendment.

Mr. BRISTOW. I will explain that matter in a very few minutes, because I want to present this right if I can.

Mr. BACON. I have not a shadow of a doubt about their being identical, but I should like to have the Senator state it. I am not denying at all that they are.

Mr. BRISTOW. I am not denying at all that they are exactly the same in phrase. Unfortunately the discussion of this amendment to the Constitution, which is, in fact, an amendment of section 3 of Article I, has been almost wholly in regard to the amendment of section 4. This joint resolution was originally introduced by myself, and at my request, as the Senator from Georgia will remember, referred to the Committee on the Judiciary. It provided, in as simple language as I know how to express it, that section 3 should be amended so as to read as follows:

The Senate of the United States shall be composed of two Senators from each State, *elected by the people thereof* for six years, and each Senator shall have one vote.

That was the provision of the original resolution which I introduced some two years ago. The only change that is made in the Constitution was to substitute for the words which I now read, "chosen by the legislature thereof," the words "elected by the people thereof." That was the only change which was sought to be made, it simply providing that Senator should be elected in the respective States "by the people thereof," instead of "by the legislatures thereof." The remaining words of section 3 were left just as they were, without any change.

The Committee on the Judiciary reported the joint resolution out, or what has been referred to as the Tucker resolution, I believe, as a substitute, and the only material change between the substitute reported by the Committee on the Judiciary and the joint resolution that I introduced was an amendment by the Committee on the Judiciary to section 4 of Article I. Paragraph 1 of the section now reads as follows: "The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators."

The committee amended it by providing that in lieu of all of the paragraph, in so far as the same relates to any authority in Congress to make or alter regulations as to the times or manner of holding elections for Senators, the following be proposed: "The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof."

My original amendment did not amend section 4 and did not seek to change that section in any way. The Committee on the Judiciary, in its report, did amend section 4, as stated.

Mr. DAVIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Arkansas?

Mr. BRISTOW. I do.

Mr. DAVIS. I want to renew the request of the Senator from Georgia [Mr. BACON], and ask the Senator from Kansas if the Bristow amendment as proposed now is not the Sutherland amendment proposed at the last session?

Mr. BRISTOW. If the Senator from Arkansas will wait just a few minutes, I will come to that part of it.

Mr. DAVIS. I want an answer to that question, and then I have another one.

The VICE PRESIDENT. The Senator from Kansas has the floor.

Mr. DAVIS. If the Senator from Kansas declines to answer——

Mr. BRISTOW. If the Senator from Arkansas will permit me to proceed, I will answer his question.

Mr. DAVIS. If the Senator from Kansas declines to yield——

The VICE PRESIDENT. The Senator from Kansas has the floor, and is answering the question of the Senator from Arkansas in his own way, so he states. The Senator from Kansas will proceed.

Mr. DAVIS. Mr. President——

The VICE PRESIDENT. The Senator from Kansas has the floor.

Mr. BRISTOW. After the Committee on the Judiciary had reported this amendment in the form that I have referred to the Senator from Utah [Mr. SUTHERLAND] offered an amendment to the report of the committee striking out that part of the resolution as reported by the committee which sought to amend section 4, leaving the resolution, in substance, the same as I introduced it, not identical in form and language, but in substance the same. That amendment offered by the Senator from Utah [Mr. SUTHERLAND] was adopted by the Senate, and the Senate then voted upon the joint resolution as amended by the Senator from Utah, and it lacked, as I remember, three or four votes of a sufficient number to carry it.

When this Congress met I went over the membership of the Senate as it is now composed and ascertained that 10 of the Senators who had voted against the joint resolution when the roll was called on February 26 were not now Members of the Senate, and from inquiry I was convinced that more than a sufficient number of the 10 new Senators would have voted for the joint resolution if they had then been Members of the Senate to have carried it.

Mr. DAVIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Arkansas?

Mr. BRISTOW. I will yield for any question that is to the point.

Mr. DAVIS. Assuming that the Bristow amendment as now proposed is the same as that offered by the Senator from Utah at the last session of Congress, I want to ask the Senator from Kansas why he has changed his mind on that question?

Mr. BRISTOW. If the Senator will wait he will find out exactly why I am taking the position I am, and I shall have no hesitation in presenting my views upon any question which is appropriate to this case.

Mr. DAVIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield further to the Senator from Arkansas?

Mr. BRISTOW. I do not care to yield any further.

The VICE PRESIDENT. The Senator from Kansas declines to further yield.

Mr. BRISTOW. I was convinced that if the Senate had been composed on the 26th day of February of the same membership which it now has the joint resolution would have been adopted instead of having been rejected.

Being exceedingly anxious that the Constitution should be amended in this respect, I believed when I introduced this joint resolution on the first day of the session, which is Senate joint resolution No. 1, that if we could get a vote on the joint resolution as it was voted on at the previous session it would be adopted, and that the States would ratify it, and the Constitution would be so amended. I believed then, and I believe now, that it can get more votes in this body in that form than in any other form in which it can be presented. I believed then, and I believe now, that it will command more support before the people of the United States in the form we voted on it and in the form in which I introduced it on the first day of the session than it will in any other form; and being convinced of that, I preferred to present it to the Senate in that way.

Mr. BACON. Will the Senator permit me to make an inquiry of him?

Mr. BRISTOW. Certainly.

Mr. BACON. I want to know if I correctly understand the Senator. I understand this to be the effect of what he says: That the joint resolution in a shape where the Federal Government will have the power to interfere in a State in the making of registration laws and in the appointment of registrars and in the appointment of supervisors of election and in the appointment of judges of the election, and in the appointment of marshals to carry out the authority of these officials and in the calling on the troops, if necessary, to support the marshals—I understand from the Senator that he believes that an amendment to the Constitution which shall give that power to the General Government will command more strength because of that fact than if the amendment did not give it that power. Am I correct in that?

Mr. BRISTOW. The Senator from Georgia is wrong in every statement he has made, from my point of view.

Mr. BACON. I will be more than glad to have the Senator correct me.

Mr. BRISTOW. In the first place, the amendment which I have offered does not add to or take away any power that the Federal Government has now or will have in the future.

Mr. BACON. Does the Senator from Kansas deny the constitutional power of the Federal Government, if it sees proper to enact such laws, to control the election of Representatives in the particulars I have mentioned?

Mr. BRISTOW. The Senator from Georgia has devoted a great deal of time to and has demonstrated——

Mr. BACON. I think the Senator from Kansas might answer that question.

Mr. BRISTOW (continuing). Very great learning in the discussion of the Constitution of the United States, and what the fathers meant and what they did not mean. Now it is not my purpose to disturb section 4 in any way.

Mr. BACON. I hope the Senator will pardon me.

The VICE PRESIDENT. Does the Senator from Kansas yield further to the Senator from Georgia?

Mr. BRISTOW. I do.

Mr. BACON. I am not now talking about what the fathers understood or what they proposed to accomplish. I am talking about what the Supreme Court of the United States has determined to be the power of Congress in regard to the election of Representatives, so far as the authority of Congress to legislate is concerned.

Now, I say that the various things which I have suggested have been upheld by the Supreme Court of the United States as within the power of Congress in the making of laws to control the election of Representatives.

I understand the Senator now to mean, conceding that there is that power—and I do not think there is any question about it—in the Congress of the United States to legislate with reference to the election of Representatives, and that there would be the same power as to Senators if the clause as it now exists in the Constitution was made applicable to Senators—I understand the Senator to mean, conceding that—and there is no escape from it, so far as I can see, and there is a direct reply to it—that in his opinion the right to exercise that power——

Mr. BRISTOW. If the Senator will please state his opinions and not mine, I will appreciate it.

Mr. BACON. With the permission of the Senator, and without any disposition to intrude upon him unduly, the Senator had stated a proposition, and I am trying to find out if I understand him correctly. I am not saying what he said. I am asking the Senator.

The Senator said that he became satisfied that the amendment in the form which would give this power to Congress was stronger by reason of the fact that that power was given; and in order that I might correctly understand what the Senator meant, I put his proposition in a little different language.

Mr. BRISTOW. I can not permit the Senator from Georgia to make statements I have not made and attribute them to me.

The VICE PRESIDENT. The Senator from Kansas has the floor; and does he decline to yield further?

Mr. BACON. Of course, I will not intrude on him.

Mr. BRISTOW. If the Senator from Georgia will be patient, I think I will relieve his mind.

The joint resolution which I introduced some two years ago and the joint resolution which I offer now as a substitute for the one reported by the committee do not seek to confer any new powers or take away any that the Federal Government now has to supervise the election of Senators or Representatives. I do not seek to change in any way the authority of the Government. What authority it may have now or may not have is a question that I do not propose to discuss. I propose to leave that authority just as it is.

The joint resolution which I am supporting here does not change section 4. It does not add to the Federal Government any authority which it does not now have, and it does not take away from it any authority. It leaves the Constitution, so far as Federal authority over elections goes, just as it is now. It does seek to change the method of electing Senators by a simple amendment incorporating into section 3 five words in lieu of the language there now; namely, to strike out "chosen by the legislature thereof," and to substitute "elected by the people thereof."

It does not in any way give the Federal Government any authority to appoint marshals or enact registration laws, or any means of controlling elections that it does not now have, nor does it seek to take away any of its authority. If it is desirable to amend the Constitution so as to restrict the authority of the Federal Government over the election of Senators and Representatives, that is a question for the consideration of Congress and the country. It is to be regretted, at least by those of us who are very earnestly in favor of the direct election of Senators, that this controversy, which is entirely foreign to the proposition I introduced originally or that is presented by me now, should have been injected into the consideration of this question. As to whether or not a limitation should be placed on the authority of the Federal Government is a question that has no place whatever in this discussion.

Now, it is declared here, and I regret it, that unless we consent to an amendment to section 4 taking from the Federal Government the authority which it now has, this amendment for the election of Senators by a direct vote will be defeated by the States, and it has been declared on the floor that Senators who would even vote for the proposition now would go to their States and undertake to defeat it because section 4 is not amended as well as section 3.

Now, I do not believe that Senators, upon deliberation, will take that position. I voted against the Sutherland amendment in the last session of Congress because I was advised by the Senator in charge of the joint resolution and by other Senators in whose judgment I had confidence that it would be stronger with that amendment defeated than with that amendment adopted.

Mr. REED. Will the Senator yield to me?

Mr. BRISTOW. Certainly.

Mr. REED. To get it clearly on the record, was not the Sutherland amendment identical, or substantially identical, with the Bristow amendment?

Mr. BRISTOW. The Sutherland amendment sought to strike out certain provisions in the report of the Committee on the Judiciary.

Mr. REED. Mr. President——

Mr. BRISTOW. If the Senator will wait, I will answer the question. The Bristow amendment, as he calls it, is offered as a substitute for the present resolution. It is as it was voted on by the Senate at the last session in exact terms. It substitutes the resolution which we voted upon at the last session after it was amended for the resolution which the Committee on the Judiciary has reported.

Mr. REED. I am afraid, Mr. President, if the Senator will permit me——

The VICE PRESIDENT. Does the Senator from Kansas further yield to the Senator from Missouri?

Mr. BRISTOW. Certainly.

Mr. REED. I am afraid that that statement might not be sufficiently concrete to be understood by the people of either Kansas or Missouri. I want to ask again if the Sutherland amendment did not leave the resolution in the identical words, or substantially the identical words, of the Senator's present resolution?

Mr. BRISTOW. Certainly; and I have stated twice this afternoon that I offered it as a substitute for the present resolution because it is in the exact form that it was voted on upon the 26th of last February. I believed when I introduced it, and I believe now, that there is a sufficient number of Senators in favor of the proposition in that form to carry it, while I have grave doubts whether it would be carried if presented in another form. My purpose is, if I can, to have this resolution providing for the direct election of Senators adopted.

Mr. REED. Did the Senator think at the last session when he voted against the Sutherland resolution that if the Sutherland resolution was defeated the proposition would be stronger in the Senate?

Mr. BRISTOW. I believed at the time I voted against the Sutherland amendment that the resolution would be stronger if that amendment was defeated. I think now that I was mistaken; that it was stronger with the Sutherland amendment incorporated in it than it would have been if not so amended, and it received more votes than it would otherwise have received.

Mr. REED. May I interrupt the Senator for one more question?

Mr. BRISTOW. I believe, further, it is stronger before the people now, in that form, than it would otherwise have been. I can not understand why those who are in favor of the amendment to the Constitution, as I believe some to be who are advocating the resolution as reported by the committee, want the controversies that have been had in this Chamber on this resolution carried to every State in the Union.

I certainly feel that the southern question and the negro question and the State rights question have been discussed enough in American politics. This amendment of mine seeks to change the Constitution so that the people in the States will elect their Senators by a direct vote. It does not in any way seek to change or modify the authority which the Federal Government now has as to the supervision of elections, but it is proposed by this resolution, as reported by the committee, to change the authority that now exists. This change will surely inject into the campaign the question of State rights and all the old dead issues that I thought had been buried for a generation, and which, I say, ought to remain buried.

Mr. REED. The Senator——

The VICE PRESIDENT. Does the Senator from Kansas yield further?

Mr. BRISTOW. I will yield in a moment. Let me ask what benefit the American people are going to derive from fighting in every State in the Union the old controversies that grew out of the Civil War? Let section 4 remain as it is and provide that the people may by direct vote elect their Senators. Now I yield to the Senator.

Mr. REED. I simply wanted information. The Senator said a few moments ago that he believed the resolution with the Sutherland amendment, defeated at the last session, would be stronger. He believes now that with the same amendment to it carried it would be stronger. Does the Senator mean in each instance stronger in this body or does he mean stronger before the legislatures of the various States?

Mr. BRISTOW. Both.

Mr. REED. I want to say to the Senator, if he has any doubt about passing this resolution without the Sutherland amendment, that if he will give us the insurgent vote on the other side of this Chamber there are enough Democrats to pass it.

Mr. BRISTOW. The Senator is under the impression that a majority can pass the resolution.

Mr. REED. No; two-thirds.

Mr. BRISTOW. Well, the Senator's mathematics are badly wrong.

Mr. REED. Perhaps I overcounted the insurgents. I think we do overcount them occasionally.

Mr. BRISTOW. There has been a very wide range of discussion here. I have been at a loss to understand the purpose of it. I have in a measure concluded that there are two elements at work in this controversy. First, there are influences and individuals who are opposed to the election of Senators by direct vote who want to defeat the proposition, and they realize that they can not defeat that proposition by presenting the plain and simple question to the legislatures of the States. I have no doubt but that the States of the Union, if the plain and simple proposition was presented to them as to whether Senators shall be elected by the legislatures or elected by direct vote of the people, would decide, more than three-fourths of them, in favor of electing by direct vote.

There are some powerful influences throughout the United States which are opposed to this change in the system of electing Senators, and those influences seek an opportunity here to develop political strife, both in the South and in the North, by injecting into this controversy a question that ought to be foreign to it.

If the substitute which I have offered is adopted, the campaign against the change in the method of electing Senators will be carried on in the South by arousing race prejudice and insisting that section 4 should have been changed also.

Mr. BACON. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Georgia?

Mr. BACON. I will not interrupt the Senator, if he objects I sat down before when he objected.

Mr. BRISTOW. I do not object to a question.

Mr. BACON. I will wait until the Senator gets through, if he prefers it.

Mr. BRISTOW. I am perfectly willing to hear any question that may arise in the Senator's mind.

Mr. BACON. I would not allude to it, except that the Senator himself has alluded to it. The Senator has spoken about race prejudices and appeals to race prejudices and the conflict which arises out of them. He has also given the Senate the reasons why he has changed. Now, I want to ask the Senator if it is not within his knowledge that not in the South, but in some Northern States, there has been raised the race issue upon this particular question?

Mr. BRISTOW. If the Senator will permit me, I will cover that field. I was getting to it.

Mr. BACON. Very well; I will wait.

Mr. BRISTOW. I will cover it.

Mr. BACON. When the Senator has stated it I possibly may have to ask him some other question.

Mr. BRISTOW. I will be very glad to hear the Senator.

As I was saying when the Senator from Georgia rose, if the substitute which I have offered is accepted the influences which are opposed to the direct election of Senators will make a campaign against the adoption of the amendment through the Southern States, discussing not the merits of the proposition but a question foreign to it in order to arouse prejudices that unfortunately exist there. If the resolution as reported by the committee is adopted and the substitute I have offered is defeated, then the opposition to this change in the Constitution will be transferred from the South to the North, and a campaign against it will be made in every Northern State because it changes section 4, and takes from the Federal Government powers which it now has to supervise elections.

Mr. BACON. I presume the Senator means because it does not keep the election of Senators in the control of the Federal Government.

Mr. BRISTOW. Because it changes section 4. I make the statement now with all the emphasis I can that my substitute does not in any way affect, directly or indirectly, the authority of the Federal Government over the election of Senators anywhere. It simply changes the method of electing them. It makes them elected by the people instead of by the legislature. I might say here, if the Senator will pardon me——

Mr. BACON. I will not interrupt the Senator if he does not wish it.

Mr. BRISTOW. I will gladly yield to the Senator in a few moments. I desire to say that the change in section 4, which the Committee on the Judiciary proposes, apparently does change the authority of the Federal Government. A great many very earnest and intelligent and learned students of the Constitution believe that it changes it in a vital way.

I do not presume to pass upon these profound constitutional questions, not being a constitutional lawyer, but I want to let it alone, and for one I do not want, though the party to which I belong might profit some by it, to precipitate in every Northern State the old political controversies that existed more than a quarter of a century ago, and I can not understand why other Senators should want to do that.

During the last session I made the statement on the floor that I did not think the amendments made to my resolution by the Committee on the Judiciary were material as far as their actual practical effect on the powers of the United States Government was concerned, that I would vote for it either way, and I propose to vote for it either way now; but when I see that the enemies of popular election of United States Senators intend to make a desperate effort to defeat that proposition in the South if one amendment is adopted, and in the North if another amendment is adopted, then I want to appeal to the Senate to keep that controversy out of this question and let us go to the people with the naked proposition as to whether or not the election of Senators shall be transferred from the legislature to the people. I will be glad to yield to the Senator if he has any other question to ask.

Mr. WILLIAMS and Mr. BACON addressed the Chair.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Kansas yield, and to whom?

Mr. WILLIAMS. I beg pardon.

Mr. BRISTOW. I yield to either Senator.

Mr. WILLIAMS. I thought the Senator from Kansas had taken his seat.

Mr. BACON. Mr. President, I do not want to interrupt the Senator now. I will say to him very frankly that the questions which I am going to ask him are not limited, and he might prefer that I should wait until he gets through. I will do whichever he prefers, because I have a good deal of ground to cover in the matters I propose to submit to the Senator from Kansas.

Mr. BRISTOW. If the Senator will pardon me, then, I will close in a very few minutes, and if the Senator in his remarks, which he says will be more or less extended, makes any statement I think I ought to answer I will do so.

Mr. BACON. There are things about which I am going to speak which are directly in response to the suggestion made by the Senator. I want to ask him some questions as to matters within his personal knowledge. That is what I am going to ask him about, but I will wait until he gets through.

Mr. BRISTOW. All right. Now, I have discussed and undertaken to present the methods that are being pursued and will be pursued by those who are opposed to the popular election of Senators. The enemies of the direct election of Senators—and I want to prevent it—want some question injected into the campaign other than the simple question of the direct election of Senators, and the adoption of the committee resolution would accomplish that purpose.

There are other Senators and citizens who are honestly in favor of the election of Senators by direct vote, but who fear that the change of section 3 gives to the Federal Government authority over the election of United States Senators it does not now have, and therefore they do not want to expand the power and authority of the Federal Government. In my humble judgment the changing of section 3 does not give to the Federal Government any authority which it does not now possess.

Mr. LODGE. Mr. President, if the Senator from Kansas will allow me——

Mr. BRISTOW. Certainly.

Mr. LODGE. The Senate has now been in session for more than six hours. There is to be a good deal more debate on this question. It is quite obvious that we can not reach a vote without sitting here late in the evening, and I suggest that the Senate take a recess until 12 o'clock to-morrow.

Mr. BORAH. I want to say before that suggestion is acted upon that it will greatly disaccommodate some Senators if a recess is taken until to-morrow. I should be very glad, personally, to yield to the suggestion, but there are Senators here who are almost compelled to be away to-morrow and they desire to vote upon this measure. Personally, I do not want a vote taken upon the question of a recess until the Senate understands the situation with reference to some of the Senators, because I have assured them that as far as I am concerned I would not ask for a recess under the conditions which confront us.

Mr. CULBERSON. Mr. President, I join with the Senator from Idaho [Mr. BORAH] in suggesting that there are some Senators at least who would be glad to have this vote taken to-night. Perhaps it might be arranged to take a recess until half past 8 o'clock and finish the consideration of the joint resolution by midnight.

Mr. MARTIN of Virginia. Mr. President, of course I am uninformed as to the number of Senators who desire to be heard, but it seems to me we might run along awhile longer now and then take a short recess. There are three or four Senators on this side of the Chamber who are expecting to leave the city, and it will result in very great inconvenience to have their plans changed by the unexpected prolongation of this debate. It seems to me that we can well afford to finish this matter to-night. We might take a short recess for dinner, then resume the discussion of the joint resolution, and vote on it to-night.

Mr. LODGE. Mr. President, it is a matter of indifference to me personally. I doubt very much from what I have been told whether we can get a vote to-night. I understand there are a number of speeches to be made and that the debate will occupy the whole evening, and more, too.

Mr. MARTIN of Virginia. I think it would add to the comfort of some Senators, even though we had to sit here until 12 o'clock, to finish the joint resolution or continue the discussion of it until we get to a vote. I do not see any objection to a short recess for dinner, if that is the desire, but I would rather see the session continue right along until we vote, and take no recess for dinner or anything else.

Mr. LODGE. I have no desire to press the matter, if Senators desire to stay and discuss the joint resolution. I withdraw the motion for a recess which I made.

The PRESIDING OFFICER. The motion for a recess is withdrawn. The Senator from Kansas [Mr. BRISTOW] has the floor.

Mr. BRISTOW. Mr. President, as I was saying before the interruption, there are those who feel, or who have been made to believe, I will say, that the change of section 3, of Article I, does indirectly confer on the Federal Government a power that it does not now have. They justify that conclusion for

the following reasons: That Congress now has authority over the election of Representatives that it has not over the election of Senators, because Senators are elected by the legislature; that the legislature is a creature of the State, and the Federal Government could not go beyond the legislative vote; it could not go back and take into consideration the methods by which the legislatures themselves had been elected.

In my humble opinion, the Federal Government, if it has any authority to call in question the manner in which a legislature proceeds to elect a Senator, if the result of the legislative action which might imperil the welfare of the Government was affected by anything that occurred in the election of the members of that legislature the Congress could go back and inquire into that matter. I do not believe the change proposed in section 4 has any relation whatever to the direct election of United States Senators; and it should not have. I am appealing to the Senate to keep that question out of this campaign that we are making in favor of this great political reform.

Now, I want to read the provision in section 4, which is under consideration:

The times, places, and manner of holding elections for Senators and Representatives—

For Senators and Representatives—

shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

It is proposed by this amendment to section 4 to strike that provision from the Constitution in so far as it relates to the elections of Senators, and to take away that authority which Congress has over the election of Senators, and which it has had since the Government was founded. I do not think that we ought in this amendment to take away any of the powers which the Federal Government now has. If those powers are to be limited, let that proposition stand on its own merits, and do not couple it with the other. The only possible effect it can have is to precipitate the discussion in all the States as to whether section 4 ought to be amended; and the controversy everywhere will be over the change in section 4, which deprives the Federal Government of a power which it always has had, and not over the changes in section 3, which only changes the methods of electing Senators.

I want to appeal to every friend of the measure to stand by the original resolution as it was introduced, which is practically the substitute which I have offered, and to refuse to let this great issue be clouded and prejudiced by injecting into the fight an entirely foreign subject. I repeat again, the amendment as I present it is as it was voted on on the 26th day of February last, after it had been amended on the motion of the Senator from Utah [Mr. SUTHERLAND], it being in terms exactly as the joint resolution was when the roll was called and we voted on it. If left in that form, it will, in my opinion, pass this body and become a part of the Constitution; otherwise, I fear it will fail.

Mr. DAVIS. Mr. President, I formed a very unhappy alliance a few days ago on the Lorimer resolution. I thought that the so-called insurgents in this body were in earnest; I thought that they were honest in their public expression that they wanted to reform these things. I joined with them reluctantly, Mr. President, because I am not given to going with that crowd; but when I see the Senator from Kansas [Mr. BRISTOW], who represents an agricultural State, who represents a community of farmers, change front in this body and to-day recommend and insist that the Sutherland amendment of last session shall be passed now in connection with the joint resolution to elect Senators by direct vote of the people, I am amazed. I do not know whether the senior Senator from Iowa [Mr. CUMMINS] agrees with the Senator from Kansas or not; I do not know whether the Senator from Minnesota [Mr. CLAPP] agrees with him or not; I do not know whether the Senator from Wisconsin [Mr. LA FOLLETTE] agrees with him or not; but I am amazed to see this crowd change front. They are not sincere, Mr. President, on any proposition that they have taken before the country.

I heard the senior Senator from Iowa [Mr. CUMMINS], in a six-hour speech—and I listened to it with great care—on the railroad-rate legislation at the last regular session, state that he would not vote for the bill if it were not amended as he suggested.

The PRESIDING OFFICER. The Chair will admonish the Senator from Arkansas that the rule does not permit him to call in question the sincerity of Senators.

Mr. DAVIS. Mr. President, I have been called down so much that it does not hurt me. I am used to it. Just call me down at any time. [Laughter.]

The PRESIDING OFFICER. It is a mere admonition.

Mr. DAVIS. But I say I heard—how can I express it [laughter]—the senior Senator from Iowa in a very extended speech declare on this floor that he would not vote for that bill if it were not changed; but he did vote for it.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator fom Iowa?

Mr. DAVIS. Certainly.

Mr. CUMMINS. Mr. President, I do not desire to interrupt the Senator from Arkansas particularly——

Mr. DAVIS. It is no interruption at all.

Mr. CUMMINS. But what he has just stated is not true.

Mr. DAVIS. The RECORD, Mr. President, will speak for itself. The so-called "insurgents" of this body are pretending to the country to-day that they are in favor of reform. They are not in favor of it. They are in favor of "cussing" everybody and objecting to everything that does not suit them, and they want just a little political party to themselves. I am sorry that I got in with that crowd on the Lorimer resolution. [Laughter.]

How will the Senator from Idaho, and the Senator from Iowa, and the Senator from Minnesota, and the Senator from Wisconsin vote on the substitute amendment? It is the same thing as the Sutherland amendment offered at the last session. How are they going to vote? Are they going to vote to tack this amendment on? Why? Because if they do vote for it they know that it will fail to receive the indorsement of the people of the South.

The Senator from Kansas [Mr. BRISTOW]—if I do not misquote him—said that the "interests" are interested in getting up this controversy and that they have thrown this apple of discord into this discussion. Mr. President, I can not understand why the Senator from Kansas changes his mind and absolutely turns a somersault.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Kansas?

Mr. DAVIS. Certainly.

Mr. BRISTOW. It is only under great provocation that I would pay any attention at all to what the Senator from Arkansas says; but the Senator from Kansas believes it is due to him to say that he has not changed his mind; he has not changed his attitude in any way whatever. The resolution which I introduced as a substitute for the report of the committee is practically the same as that I introduced two years ago from which and out of which the joint resolution reported by the committee grew. I hold the same opinion now that I have always held; and my attitude is the same. I voted against the Sutherland amendment, as I have explained, because I thought it would help the purpose, which was to change the Constitution. I believe at this time that the amendment which I have offered is stronger, because it cuts out of the controversy the very question that has been injected into it by the men who ought to be the first to want to keep it out.

Mr. DAVIS. Mr. President, I am surprised at the Senator from Kansas when he says that ordinarily he would pay no attention to what the Senator from Arkansas says. That is quite in line with the humor that he is usually capable of injecting into the RECORD. Upon what meat has this our great Cæsar fed that he has grown so great? The Senator from Kansas can not get away from the proposition that the Sutherland amendment of the last session is his amendment now. Then, I ask, Mr. President, why this change of mind? His explanation to the country will not suffice. Why this change of heart? What has come about? The Senator from Kansas says the "interests"—and I do not know what he means by that—are interested in having this matter so beclouded that the Southern States will not indorse it. The Senator from Kansas certainly has turned a somersault in a nighttime. He has seen a light somewhere. He has been instructed from some place; I do not know where. But, Mr. President, I want to say that when he goes back to Kansas, when he goes back to his people, I doubt if they will indorse the resolution which he has asked to be adopted to-day.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Georgia [Mr. BACON] to the substitute offered by the Senator from Kansas [Mr. BRISTOW].

Mr. MARTIN of Virginia. Mr. President, I had supposed that the debate would occupy more time than it has, and I know a number of Senators have left under that impression. I do not think it would be proper to proceed with a vote just at this moment, and, unless some Senator wishes to occupy the floor, I think it would be well to take a recess, say for an hour, or I will suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cummins	La Follette	Rayner
Bailey	Curtis	Lippitt	Reed
Bankhead	Davis	Lodge	Richardson
Borah	Dillingham	Lorimer	Root
Bourne	Dixon	McCumber	Simmons
Bradley	du Pont	Martin, Va.	Smith, Md.
Brandegee	Fletcher	Martine, N. J.	Smith, Mich.
Briggs	Foster	Myers	Smith, S. C.
Bristow	Gallinger	Newlands	Stephenson
Brown	Gamble	O'Gorman	Stone
Bryan	Gore	Oliver	Sutherland
Burnham	Gronna	Overman	Swanson
Burton	Guggenheim	Owen	Taylor
Chamberlain	Heyburn	Page	Terrell
Chilton	Hitchcock	Paynter	Townsend
Clapp	Johnson, Me.	Penrose	Warren
Clark, Wyo.	Johnston, Ala.	Percy	Watson
Crane	Jones	Perkins	Wetmore
Crawford	Kenyon	Poindexter	Williams
Cullom	Kern	Pomerene	Works

The PRESIDING OFFICER. Eighty Senators have answered to their names. A quorum of the Senate is present.

The question is on the amendment submitted by the Senator from Georgia to the substitute offered by the Senator from Kansas.

Mr. BACON. Mr. President, I desired to ask the Senator from Kansas [Mr. BRISTOW] a question or two, and as I thought it better that I should present it at a time when he was not occupying the floor, I postponed it until now.

The contention has been very strongly urged in the Senate, and it has been influential with a great many of my colleagues on this side of the Chamber, that this was practically a moot question, and that the power which it is sought to retain in the General Government, or to confer upon it in a measure being the exercise practically of a new power, is one which it would never be called upon to exercise; that the passions of the past have been stilled; that the temper of the past has been cooled; and that there is no danger that the power will ever be invoked which would be given to the Federal Government to supervise the election of Senators in a direct vote by the people. That, I say, has been very influential in the control of the action of some Senators who utterly disapprove of the Sutherland amendment or the Bristow amendment, as it is now called; and it is not important which you call it, they are the same thing; everybody knows that. It has been influential with Senators who disapprove of that amendment but who will still vote for the joint resolution if the Sutherland amendment or the Bristow amendment prevails. Some few Senators on this side have expressed themselves in the strongest terms as opposed to the amendment, the Sutherland amendment or the Bristow amendment, and they have announced at the same time that even if it is adopted they will vote for the constitutional amendment, proceeding upon the ground that it is practically a moot question and that these powers will never be called into exercise.

Now, we have the statement made by the author of the present amendment that it is so important, that it is regarded as so important by a large part of this country, and by so large a number of States, that in his judgment if it were not adopted and if the joint resolution amending the Constitution were adopted as it comes from the Judiciary Committee, it would invoke a storm of controversy throughout the Northern States and would result in the defeat of the constitutional amendment.

Now, Mr. President, what does that mean? In saying "the Northern States" I speak generally, of course, not including all of the Northern States, for I do not believe all of them think and feel that way; but the Senator from Kansas spoke of the Northern States, and, therefore, in replying to him, I speak of them generally. Does it mean that the people of the Northern States, or such of them as the Senator contemplates, are so intent upon the right to exercise this control of the election of Senators by the people in the Southern States that if they can not have that control they will defeat the joint resolution?

Mr. President, is that a moot question with them? Are they taking that position as a matter of sentiment or is it because of the fact that they recognize that the time may arrive when the Federal Government should intervene in the election of Senators by the people, and should have the power to appoint registrars and supervisors of election and judges of election and marshals at the polls, and place troops at the polls for the purpose of controlling the election of Senators? Is it true that to such an extent are they of that opinion that, unless it can be done, they would oppose the adoption of the joint resolution for the election of Senators by the people?

Mr. President, do people contend with earnestness for the retention of a power that they never expect to exercise? Is it not because they do expect to exercise it? They have exercised it in the past so far as Representatives are concerned, and in thus insisting upon the power they must intend and expect to exercise it in the election of Senators in the future. If they did not they would not contend for it and insist upon it and prepare themselves, as the Senator from Kansas says, for a storm of contention throughout the North that the power may be retained.

The Senator says he has become satisfied that it is stronger that way than it is the other way. What does that mean? It means, Mr. President, that those who insist upon the exercise of this power in the control of the elections in the States are more in earnest, more insistent, more determined than those who deny the right and the propriety of the General Government to interfere and control the elections in the States. What else can it mean than that in the opinion of the Senator from Kansas those who oppose the exercise of this power by the General Government are not as much in earnest as those who insist upon the exercise of that power?

Mr. President, as an illustration of the temper of those who insist on the exercise of that power, I desire to ask the Senator from Kansas some questions.

The Senator from Kansas himself introduced the subject. I think I can appeal to those who heard what I had to say that I said nothing about race contention. I did not use the word "negro." I said nothing about election laws in the Southern States. I tried to debate it and discuss it upon a higher plane, although, of course, we recognize the fact that those questions will come in.

As the Senator from Kansas has alluded to that, I want to ask the Senator a question. The Senator has given us the reasons why he has changed in this Congress from the position he occupied in regard to this matter in a former Congress when he voted against the Sutherland amendment; and I am emboldened to ask the Senator some questions in regard to the change because he has rather complained of those who anticipate that that question will be hereafter raised in the South. The Senator speaks of the Southern States. He speaks of the controversy that is to arise in the Southern States. He says there is to be a storm of controversy there over this question; and I wanted to ask the question of the Senator from Kansas if he does not know personally that the question has already been raised in some of the Northern States, and if he does not know personally that the racial issue has already been introduced in some Northern States as to the votes of Senators who voted against the Sutherland amendment, and that some pressure has been brought to bear on Senators on this floor who voted against the Sutherland amendment, threatening them with that vote in the future if they do not now support and sustain this amendment offered by the Senator from Kansas which is identical with the amendment offered by the Senator from Utah [Mr. SUTHERLAND]?

Mr. BRISTOW. If the Senator from Georgia listened to what I said, he will remember that I stated that if the amendment I offered was adopted the fight would be made in the South, but that if it was defeated, it would be made in the North by men who do not want the Constitution changed. They want Senators elected by the legislatures as they are now. The fight will be made because the amendment changes Article IV and not because of the change it makes in Article III, because they think that it will be a more successful way to arouse antagonisms to the submitted proposition.

Mr. BACON. Mr. President, it is fortunate that I undertook to propound this question in my own time, from the fact that the Senator, failing to reply to my interrogatory and stating something which is not any reply to it, if I were speaking in his time, would put me in the disagreeable position of unduly occupying his time when I continued to press the inquiry. But I am now in my own time, and I propose to have the Senator come to the point.

It is not a question as to what the effect of it will be in the future. I asked the Senator this question—if he does not know the fact that already, since the vote upon the Sutherland amendment, through racial influences, the issue had been made in States and pressure brought to bear upon Senators who voted against the Sutherland amendment, to make them now vote for the Bristow or Sutherland amendment—whichever you choose to call it—and that that pressure has been brought directly to bear upon Senators for the purpose of influencing their action? Does not the Senator from Kansas personally know that fact?

Mr. BRISTOW. I am perfectly willing to answer the question as directly as I know how. Of course the influences are at work exactly as I stated they would be. The citizens of the various States who are honestly in favor of the direct election of Senators have appealed to Senators and Members of Congress not to change section 4 so as to inject another controversy into it, but to change only section 3.

I can not see but that I have answered time and again the questions of the Senator from Georgia—that the opposition is in the North; that it will be made in the North. The fight will be made throughout the North against this proposition because it changes section 4, and I want to cut out the change in section 4 and thereby eliminate that controversy.

Mr. BACON. Mr. President, I fortunately have the floor, and I shall again insist that the Senator answer the question which I have asked him, and which he has not yet answered, and that is this: If the Senator does not personally know that already in certain States represented by Senators who voted against the Sutherland amendment in February last, Kansas among them, it has already been attempted to bring to bear upon the Senators who voted against the Sutherland amendment a racial pressure for the purpose of compelling them now to support what they then voted against? Does not the Senator know that personally?

Mr. BRISTOW. Oh, no. The Senator, as he frequently does, puts the question in a way that the answer yes or no can not be made.

Mr. BACON. It is inconvenient to answer. I recognize that.

Mr. BRISTOW. Since he refers to the State of Kansas, I am perfectly free to say that it has been made the subject of more or less controversy in the State as to whether or not, in amending section 3, section 4 also ought to be amended; and I am free to say that there are a great many very worthy men in Kansas who think that section 4 should not be changed.

They attribute to the change of section 4 a great deal more weight than I do, and the Senator from Utah attributes a great deal more weight to the change in section 4 than I do. But no man who is not blind can deny the fact that the adoption of the amendment as reported by the committee injects into this a question that ought to be kept out of it. It is not the question of taking from the Federal Government a power which it now has.

I do not believe that it takes away from the Federal Government the power to appoint a marshal or to organize an army, as the Senator from Georgia indicates with such emphasis. If the Federal Government can organize an army now to protect the honesty and the integrity of elections in the South, we can organize an army, in my judgment, just as well after the amendment reported by the Committee on the Judiciary is adopted, and no better. But the adoption of the amendment in that form gives an opportunity for the men who oppose the reform in our political institutions to make the contest against it upon broader grounds, and therefore more nearly encompass its defeat. My sole purpose in the efforts I have made to get this adopted is to get it before the people in a clear and simple form, so that the naked question shall stand out, Shall the people of the United States elect their Senators by direct vote, or, in order to get permission to do that, shall they consent to the change in section 4 and to taking from the Federal Government an authority which it now has? And that proviso ought not to be interjected into this fight.

Mr. BACON. I have listened with great patience to the Senator replying to a very simple question, to which I do not think he has yet replied. But I did not intend to interrupt the Senator as long as he desired to continue the discussion of the general merits of the question.

The Senator himself lugged into this controversy what had not been brought into it before—the racial question.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Kansas?

Mr. BACON. I do.

Mr. BRISTOW. With the greatest respect for the Senator from Georgia, I deny that I lugged into this question the racial question.

Mr. BACON. I withdraw the word "lugged."

Mr. BRISTOW. Or that I precipitated, or that I injected it, or that I brought it into the debate in any way.

Any man of ordinary intelligence knows that the controversy which the Senator from Georgia has been carrying on here for months against this amendment has been because of racial prejudice that exists in that section of the country. There is no use to deal here with obscure and indefinite terms.

Mr. BACON. Mr. President, there are some things which are inseparable and necessarily grow out of conditions. But still there is such a thing as a discussion of matters upon general principles without reference to those special conditions, and I think I can call the Senate to witness that the Senator from Kansas himself for the first time to-day brought in the racial question. That is all I meant to suggest in regard to it; and as the Senator did it, I want to ask him a question. I have asked him several times, and I wanted to ask him to see if I could get a direct reply from him.

That is not only what is going to happen in the future. I wanted to ask the Senator, and have asked him, and again ask him, if he does not know the fact not simply that probably there will be a controversy such as he suggests, but does he not know the fact that in States represented on this floor by Senators who voted against the Sutherland amendment, since that time there has been instituted a racial insistence and influence sought to be brought to bear on racial grounds against the action, insisting that they should now vote for the Sutherland amendment, or the Bristow amendment, whichever you please to call it? The Senator knows the fact.

Mr. BRISTOW. If I have not answered the Senator's question, I do not know how to do it.

Mr. BACON. Does the Senator say yes?

Mr. BRISTOW. I can not say yes in direct terms to the question, because it would not be exactly true. That is the reason why I do not say yes. I have given the Senator my answer.

Mr. BACON. Well, Mr. President, I will not insist further upon a more categorical answer, but I do not understand that the Senator has either said yes or no. For that reason I have insisted.

But, as we are on that question, I want to say another word in regard to it. I know the fact, Mr. President, and there are Senators who sit within the sound of my voice who know the fact, and none of them will get up and deny it, that Senators who voted against the proposition known as the Sutherland amendment will now vote for it under the new name of the Bristow amendment, and that various and sundry influences have been brought to bear on them to induce them to do that. One was that I have mentioned. I know the fact that not only in their own States was the racial influence sought to be brought to bear on them and that its political influence on their fortunes has been presented to them, but I know they have come around this Capitol and called out from this Chamber Senators who voted against the Sutherland amendment and have told them that they had organized in this country and that they intended that Senators who voted against the Bristow amendment or the Sutherland amendment, as it might be, should hear from them in the future.

I know the fact that under the Dome of this Capitol that threat has been made to Senators. Yet we are to be told that there is nothing in this amendment; that there is no purpose to enforce it; that it is a mere moot question; that the time has passed when there is ever going to be sought the exercise of power under it. Yet those who are insisting upon it are personally threatening Senators with what will be their political downfall if they vote to interfere with the exercise of this power by the Federal Government in the control of the election in the States.

Mr. President, if I am not speaking the truth, let any Senator here rise and question the truth of my statement.

That is not all, Mr. President. There have been other powerful influences sought to be exercised upon Senators to control their vote in this matter. Would Senators within the sound of my voice be willing to send to the desk and have read from the desk the letters which they have received from persons of influence in this country insisting upon it that this amendment to the Constitution shall have engrafted upon it this power to interfere with the election in the States? I challenge the Senators to send to the desk the letters which they have received on this subject. Senators know they have received these letters. It can not be accounted for, Mr. President, on the ground that it is a moot question.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from California?

Mr. BACON. I do.

Mr. WORKS. I wish to ask the Senator from Georgia whether he makes that statement generally of all Senators?

Mr. BACON. By no means.

Mr. WORKS. If he does, I want to deny that I have received any letters on any amendment of that sort.

Mr. BACON. I certainly did not have the Senator from California in mind. I would be very glad to have a denial from each Senator present. That would very soon settle the question; and if each Senator will rise in his place and say he has not received them, I will most cheerfully withdraw the suggestion.

Mr. GUGGENHEIM. I will deny it for the State of Colorado.

Mr. BACON. Now, I will wait for the others. [A pause.] Well, Mr. President, it seems that there are only two.

Mr. CUMMINS. I should like to ask the Senator from Georgia a question.

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Iowa?

Mr. BACON. Yes, sir.

Mr. CUMMINS. Is he imputing to Senators some wrong motive? Is he suggesting improper influence as being brought to bear upon them? If so, he ought to be very specific.

Mr. BACON. Mr. President, when the Senator has finished his question I will be more than pleased to answer. Has the Senator finished his question?

Mr. CUMMINS. I have finished that question.

Mr. BACON. Very well; let me answer it.

Mr. CUMMINS. I will say, however, to avoid interrupting him again——

Mr. BACON. No; I rather prefer that the Senator would let me answer that question.

Mr. CUMMINS. Very well.

Mr. BACON. Mr. President, the Senator certainly did not understand my proposition or he would not have asked the question. I was discussing the point whether this is a moot question, whether the insistence upon the incorporation of this feature in the proposed amendment to the Constitution is a harmless one, whether it is one never intended to be exercised. I have said simply as an evidence of the fact that it is not a moot question; that it is a live question; that it is one that is intended to be made a practical question; that prominent men are insisting upon it that this power shall be given the Government to interfere in the senatorial elections in the States. They have got a right to so insist. Nobody will claim that it is improper. Of course they have a right to so insist.

Every Senator is in a position where he can properly receive suggestions from his constituents or from people throughout the country. There can not be any possible suggestion of impropriety in it. The sole purpose I had was to illustrate my contention that it is not a moot question; that it is a live question; that it is a question people are insisting upon, because they recognize it as a practical question, and that it is not, as some of our friends say, a question that can never be practical and that the time will never come when the power is sought to be exercised. I am simply endeavoring to show to the Senate that there is a sentiment in the country in favor of it, an active sentiment and not a dormant one, a sentiment to make a practical use of it and not simply a sentimental one to retain it upon the statute books.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield further to the Senator from Iowa?

Mr. BACON. I do.

Mr. CUMMINS. I intended to add to the statement before the Senator from Georgia answered my question that I voted against the Sutherland amendment in February last, and I have received just one letter upon that subject since that time, and that letter came from the District of Columbia, not from my own State. I have never heard my vote criticized. Does that answer the Senator from Georgia with respect to that?

Mr. BACON. So far as the Senator from Iowa is concerned, it certainly answers the question as to him, and I wish again to disclaim any possible imputation on my part of any impropriety in any man who wrote the letter or any Senator who received it.

My sole purpose was to illustrate the contention which I made in the beginning, that it is not a moot question, that it is not a dormant question, but a live question, a practical question. That is illustrated by the fact that in certain racial circles there is an insistence, and outside of all racial considerations there is an insistence which can not be possibly reconciled with the idea that it is a moot question, a dormant question, something which shall never have any practical feature connected with it. That is my sole purpose in making the suggestion.

Mr. President, I have, of course, no disposition to insist upon any further disclaimers in regard to that. I simply use it for the purpose I have indicated. It is my belief, as I have endeavored to submit to the Senate this afternoon, that the adoption of this resolution amending the Constitution and, at the same time, denying to the States the right which they practically now have to control the election of Senators, and to clothe the Federal Government with the power to go into the State and use all the machinery which they now can use as to the House of Representatives, is to unsettle the very foundation of this Government and to destroy the stability of the tenure of office of Senators, and that it is the strongest blow which could possibly be stricken at the power of the States.

We hear, Mr. President, a great many protestations from Senators as to their loyalty to the rights of the States. It is not true, as my distinguished and learned friend from Kansas says, that the question of State rights is a dead issue, by any means. Men of all parties—I do not say all men of all parties, but distinguished men of all parties—are rather proud of the opportunity to allege and avow their loyalty to the States and to the rights of the States, and the Senator who does not recognize that it is just as much his duty to preserve the rights of the States as it is to defend the rights of the Union, in my opinion, has not correctly read the Constitution and laws of this country and does not properly appreciate the relation which the one bears to the other.

I say we hear a great deal of that. Yet, Mr. President, when the time comes and this proposition is presented and the other proposition is presented in which there is an encroachment on the rights of the States, one by one the blocks are removed and the constitutional structure is weakened. I repeat that we should consider the great office which the Senate was intended to fill, the great office which it should fill, as the representative of the States, the great office which it should fill, in view of the fact that in the framework of this Government the States were not only given the control of their own affairs, but they were given greater power in the direction of the governmental affairs of the United States than all other influences put together, in the fact that there is no governmental function but what the Senate in its representation of the States is required to take its part and in which its assent is necessary, whereas there are other functions in which the Executive has no part, there are other functions in which the House has no part, and there are of course many functions in which the judiciary has no part; but so far as constructive legislation is concerned or destructive legislation, if you please, because I think we have some of each kind, no step can be taken except the consent of the Senate is had for it. When we put it in a position where other influences outside of the State, such as can be brought to bear through registrars and supervisors of election and judges of election and marshals and troops, if you please, at the polls can determine the question who shall be sent as a Senator from a State, sir, in my opinion a greater blow will have been stricken against the power of the States and the rights of the States than has ever been stricken in the history of government.

Mr. REED. Mr. President, we are confronted by a rather unique situation. The last session of congress witnessed the culmination of a battle for popular government that had been waged for a century. Into the contest there was at the last session injected a question which was practically new to the American people. The proposition was embodied in what was then known as the Sutherland amendment.

The legislatures of, I think, more than 30 States had demanded an amendment to the Constitution conferring upon the people the full right by direct vote to determine the membership of this body. I am not aware of the question which was raised by the Sutherland amendment having ever been discussed in a single legislature, or of it having been debated or brought forward in a State convention of either party. Four or five times the House of Representatives has passed resolutions purposed to confer the right of direct elections upon the people. In each instance the Senate has stood—I had almost said stubbornly—against the vote of the House of Representatives and opposed to the will of the people of the United States. At last, when recruits are coming to this great reform from the Republican side of this Chamber, and when it begins to look as though action is about to be taken in consummation of the prayers and demands of the people, just at the moment when we apparently are about to give the sovereign citizen an opportunity to vote, the "Sutherland" amendment—rechristened the "Bristow" amendment—is again suddenly brought forward.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Missouri yield to the Senator from Idaho?

Mr. BORAH. Would the Senator yield while I prefer a request?

Mr. REED. Certainly.

Mr. BORAH. As nearly as I can ascertain those who desire to speak upon this subject have in a large measure concluded. With the exception of one or two others, possibly, and after consultation with a number of Senators, I am going to ask unanimous consent that the vote upon the resolution and the amendments begin at 8.15.

Mr. LODGE. Mr. President, I do not think that it is possible for us to modify the unanimous-consent agreement.

Mr. BORAH. That is not modifying the unanimous consent.

Mr. LODGE. The unanimous-consent agreement was to vote before the end of the legislative day. I think it is a very

bad form of unanimous consent, but that was the form. It would be a distinct modification to fix a specific time.

Mr. BORAH. We can undoubtedly modify it by unanimous consent.

Mr. LODGE. No; I think not. The unanimous-consent agreement must stand. The same Senators who made it may not be here.

The PRESIDING OFFICER. The Senator from Massachusetts objects. The Senator from Missouri will proceed.

Mr. REED. Mr. President, the Sutherland amendment at the last session placed direct election in jeopardy by interjecting into the simple, great question, viz, "Shall the people be permitted to elect their Senators?" a proposition sectional in its character and in large measure subversive of the very object sought to be attained by changing the Constitution.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Washington?

Mr. REED. I do.

Mr. JONES. Does the Senator mean to say that in the last session of the last Congress was the first time an amendment had been offered striking out the provision to which he refers?

Mr. REED. No; I did not mean that.

Mr. JONES. I thought the Senator did.

Mr. REED. I mean to say that it is the first time the scheme to curtail the power of the people of the States to conduct the contemplated senatorial elections free from Federal interference was ever given real public and national prominence. That it had been previously suggested is beyond question. But the suggestion was disregarded. It fell dead from the lips which uttered it.

Mr. JONES. I simply want to call attention to the fact that in the House of Representatives—I do not remember in just what Congress—a similar resolution was reported by the committee, and upon objection being made, by unanimous consent, the provision that is objected to here was eliminated.

Mr. REED. Yes; it was not then regarded as meriting discussion, but it was brought forward in the Senate at the last session and a battle waged for it; the lines were then sharply drawn.

We now find this peculiar situation, that the Senator from Kansas [Mr. BRISTOW], who only last February voted against the Sutherland amendment, now introduces it as his own. It is even stated, with how much correctness I do not know, that several Senators who are commonly known as "insurgents" have likewise reversed themselves and are cooperating with the Senator from Kansas in the effort to kill this bill by the very amendment they denounced and voted against only four months ago.

Mr. President, I have hitherto looked with great favor upon the movement known as "insurgency." I had begun to believe that once more in the history of the world a good thing was "coming out of Nazareth." If, however, it be true that so many of the insurgents have thus suddenly and mysteriously reversed themselves, I shall be forced to agree with a gentleman who the other day declared, "The standpatter occupies well-known ground, the Democrat likewise occupies well-known ground, but the insurgent has no ground whatever to stand on"—he is simply "up in the air." [Laughter.] The other evening the Hibernian conductor of a crowded street car thrust his red head through the door and shouted, "Will thim as is standin' in front move up so that thim as is standin' behind can take the places of thim as is standin' in front, and leave places for thim as is standin' nowhere." [Laughter.] The latter class of unfortunates aptly typifies the insurgent, particularly if he intends to change in this ready and shifty manner. If he is not now, he soon will be standing nowhere, and for no thing, long enough to be located or classified.

What is the reason assigned by the Senator from Kansas for this change which has come over the spirit of his philosophy? He asserts that there are "influences at work." What does he mean by "influences"? Judging by the dramatic and withering manner in which he pronounces the word "influence," and considering also his favorite theme upon the hustings, one would imagine that he means by "influences at work," the "dark, sinister methods of corporate powers"; that the "great trusts," the "criminal combines," the "fearsome octopuses" the Senator from Kansas so persistently and so valiantly fights, constitute the diabolic "influences at work." Yet the distinguished Senator from Georgia [Mr. BACON] during a half hour's cross-examination was utterly unable to extract a categorical declaration as to what these "influences" were, where they came from or how manifested. The Senator from Kansas did not specify the trusts, neither could he be cajoled or coerced into a direct answer to the question whether "the influences" were not the colored man and brother who hibernate in the State of Kansas. Pressed again and yet again, he continued to avoid an answer by painful evasion and involved circumlocution. I venture the assertion that the distinguished Senator from Kansas can not point to a trust magnate, can not point to a great corporation that has, since he cast his vote against the proposition he now introduces, begun a crusade against this measure. The trusts and trust magnates have been at all times, and under all circumstances, against any and all efforts to confer upon the people the right to elect the Members of the Senate.

I greatly fear that the "influences at work"—the influences which have reached the ear and changed the opinion of the Senator from Kansas, the influences which have sent him to the "right-about" and started him scurrying to the rear—originated with the colored voices and colored voters of the State of Kansas. Dark therefore are the "influences," even if not sinister.

I wage war against no race, nor kind, nor class of men, but if it be true that the Senator from Kansas has changed his position because of subserviency to the colored voter; if that influence is so potential in the councils of the Republican Party; if it can make Senators load this century-old struggle with the incubus of an iniquitous amendment curtailing the powers of great States and limiting the rights of the people thereof, then it is time for every man who is devoted to his country and its constitution, who loves the State where he resides and finds protection under just laws enacted without Federal interference, who yields loyal fealty to this indissolvable Union of sovereign States, to pause and consider well before he allows a contemplated amendment to the Constitution to be emasculated at the dictation of such an "influence."

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Kansas?

Mr. REED. I do.

Mr. BRISTOW. I call the attention of the Senator from Missouri to the fact that the amendment which I introduced some two years ago last April was in substantially the form in which I introduced it on the opening of the present session, and it embodied my general views then as it does now.

Mr. REED. Then the Senator is a living illustration of the doctrine that "statesmen oft to shifty uses bend." He was for the Sutherland amendment two years ago; he changed and was against it four months ago; he has changed a second time and is for it now. If we should take a "continuance of the case," I have no doubt he would be against it next week—always provided the colored "influences" became in the interim innocuous.

Mr. CULBERSON. He would be for it.

Mr. REED. Nay, I have it right. If he is for it now, he will likely be against it next week.

Mr. President, I want to discuss this question for a few minutes from another standpoint. It is a mere playing with words, a mere juggling with the English language to say that, because the proposed amendment omits all reference to section 4 of Article I, it does not radically change the effect of that section. The vice of the Bristow amendment lies in the very fact that it does fail to mention section 4. The truth, however paradoxical it may appear, is that the failure to change section 4 does in fact work a change of a most radical character, because, as the Constitution now stands, section 4 applies to elections by the legislatures, but when we change the Constitution so that the legislatures shall no longer elect and confer the power of election upon the people, then the language of section 4, if it be not also changed, will immediately apply to elections held by the people. Section 3 provides:

> Senators of the United States * * * shall be chosen by the legislatures thereof. * * *

The language of section 4 is:

> The times, the places, and the manner of holding elections of Senators and Representatives shall be prescribed in each State by the legislatures thereof, but Congress may at any time by law make or alter such regulations except as to the places of choosing Senators.

This right of Congress therefore to regulate the election of Senators is, as the Constitution now stands, strictly limited to regulations applicable to elections held by the various State legislatures. But when we change, as we propose in the joint resolution, section 3, so that it shall read:

> Senators of the United States shall be * * * chosen by the people of the various States—

then if we do not at the same time change the language of section 4 it will become applicable at once to elections held by the people. The words of section 4, which now in their application are limited to a control of legislative elections, will at once extend the power and control of Congress over elections held by the people themselves. Thus there will be a direct extension of power and a direct authorization to the Federal author-

ities, giving them the right to invade the polling booths, take charge of the machinery of the election, and supervise the action of the sovereign citizens when they come to cast their votes in their home precincts. And yet gentlemen have the temerity to stand in this body and argue that the Bristow amendment, simply because it does not refer to section 4, does not in effect change that section of the Constitution, when the patent fact is that because the Bristow amendment fails to change section 4 to conform with the proposed change in section 3 the powers conferred by section 4 become immediately applicable to popular elections instead of, as at present, being confined to legislative elections.

Why, sir, under the law, as it now stands, when the people assemble to cast their votes for members of the general assemblies, the Federal Government can not appoint a supervisor of elections; the Government can not send a man into the State for the purpose of supervising the registration of voters; the Government can not in any manner interfere in that election when it is confined to State officers; its powers are strictly limited to congressional elections. But if this act is passed, as drawn by the Senator from Kansas, the power of the Government to invade the ballot box of the citizen and to interfere with the vote of the citizen becomes absolute and complete.

It is mere begging of the question for gentlemen to say that we are interfering with the fourth section of Article I because we provide that it shall not apply where it does not now apply. The truth is, the advocates of the Sutherland amendment—now introduced by the Senator from Kansas and rechristened by his illustrious name—are making the fourth section apply where it does not now apply, and are conferring on Congress for the first time the power to interfere with the people in the selection of a United States Senator. As it is to-day the sovereign voter goes to the polls without let or hindrance of the Government and casts his vote for a member of the legislature. That is the crucial thing. The crux of the matter is the right of the citizen to cast his vote without Federal interference. After the citizen has cast his vote and after he has elected a man to represent him in the legislature, then the right of the Federal Government for the first time attaches—for the first time it may be exercised—to do what? Merely to designate the time when and the manner in which the agent of the voter, to wit, the man he sent to the legislature, may cast the vote of his principal—the citizen. Congress can not go into the ballot box; Congress can not interfere with the sovereign right of the citizen to name the men who, as members of the general assembly, name the Senators. Let me illustrate how the Bristow bill will result in a vast extension of Federal authority. I will take, for example, a city in my own State, the city of St. Louis——

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Massachusetts?

Mr. REED. Certainly.

Mr. LODGE. I merely desire to ask the Senator a question. The Senator did not mean to imply that Congress had no power now in regard to the election of members of the legislature?

Mr. REED. I meant to say that Congress had no power now except its general power to interfere in the matter of election of Members of the House of Representatives, and that Congress does not have the power to interfere with the citizen who is voting for a member of the general assembly of his own State. Congress has no power to take charge of such an election. The State, and not the National Government, regulates and conducts such an election.

Mr. LODGE. The Senator, I think, has for the moment forgotten the provision of the second section of the fourteenth amendment, which is as follows:

> But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, etc.

Mr. REED. Do I understand that the Senator maintains that under that provision Congress could appoint registrars for the election in a State, take charge of the election machinery, and conduct the election?

Mr. LODGE. Oh, not at all. I do not know what the Senator means exactly by "registrars," but I mean that Congress has the power over the election of members of the legislature to the extent that it is granted by the fourteenth amendment——

Mr. REED. Yes; and no further. That section simply provides that when any of the male inhabitants of a State over 21 years of age are denied the right to vote, the basis of representation in Congress shall be correspondingly reduced. We are not at variance on that subject.

Mr. LODGE. And no further.

Mr. REED. When I was interrupted, I was about to illustrate how the powers granted by the Bristow amendment might be so exercised by the Federal Government as to completely control an election and absolutely subvert the will of the people of a State. For the purpose of illustration, I take the great city of St. Louis. Under the law as it now exists, if the citizens of St. Louis are about to elect members of the general assembly, they do so without any interference on the part of the Federal Government. The Federal Government neither interferes nor has it the power to interfere. Prior to the election, the recorders of the voters—registrars of the election, if you please—are appointed by the governor of the State. These recorders of voters, for all practical purposes, have absolute power to say whose names shall be recorded upon the voting lists. Thus these local officers, appointed by local authority, determine who shall vote; but, Mr. President, when you pass the Bristow amendment you will have conferred on the Federal Government the right to name the officers who shall register the voters. The power to determine who may register is the power to determine who may vote. The power to determine who may vote is the power to determine the result of the election. In practical operation this too frequently occurs. Indeed, it is openly charged that the result in a recent election in St. Louis was accomplished simply by means of a padded registration list.

Again, as the law now stands, the judges and clerks of election are appointed by local authority, but if you pass the Bristow amendment, the Federal Government will have the right to appoint supervisors or judges of election, to control the ballot boxes, and to cast up and certify the result. These judges may be appointed of the citizens of a State or they may be mere Federal carpetbaggers sent into a Commonwealth for the purpose of procuring a fraudulent result. It will not do to answer this objection by asserting that there having been corruption under local authorities—as admitted in the illustration I have just used—therefore we need the interposition of national authority.

The point I am trying to drive home here is this: That the power to say who shall register means the power to say who shall carry a State; the power to supervise the ballot and certify the returns likewise means the power to say who shall carry a State. That power now exists in the States, but the moment you pass the Bristow amendment the local authorities of the State, nay, even the people thereof, no longer possess their present power. You take it from them and confer upon the Federal Government the absolute authority to take charge of the entire election machinery and to determine by their certification, false or otherwise, who shall sit in this body.

Mr. President, I do not desire to take the time of the Senate except for a few minutes longer. It has been said by the advocates of the Bristow amendment that the question of race and race prejudice has unfortunately been thrust into this debate. Who thrust it in? If the Bristow amendment had not been offered in this body, the joint resolution adopted by the House of Representatives would have been passed here to-day or long before this date, and the people of the United States, in their several general assemblies, would have been privileged to vote upon the proposition at once or as soon as their general assemblies might be convened. The joint resolution comes here from the House of Representatives, backed by an overwhelming vote; why should we at this time—at this late hour—load it down with amendments? Who are for the Bristow amendment? I frankly admit some men are for it who honestly favor conferring the power upon the people to elect their Senators. But who else is for it? Every man who does not believe in the direct election of United States Senators is for this Bristow amendment. Every single Senator on the other side of this Chamber who is against granting this power to the people will vote to load it with the Bristow amendment.

These Senators are not voting for the Bristow amendment because they think it strengthens the joint resolution, but because they believe it will load the resolution with an incubus that will postpone its adoption by the State legislatures; nay, more, they indulge the desire and hope that this amendment will effectually kill for all time the joint resolution as reported to us by the House of Representatives. Who else will be for the Bristow amendment? If it be true that the great interests of this country are opposing this measure, such interests will with one voice support Senator BRISTOW'S proposition, and every newspaper owned or controlled by the sinister influences at which the Senator from Kansas darkly hints will be found arrayed in support of his amendment. But if you kill the Bristow amendment, if you pass the joint resolution here as it was passed by the House of Representatives, then, Mr. President, the people of this country will at last and at once have

the opportunity through their various State legislatures to pass upon this great question which has so long been dear to the hearts of the American people.

Load it with the Bristow amendment, and the joint resolution must go back to the House of Representatives. Then will, in all probability, come the delay of conference and possibly failure of agreement. If finally the joint resolution as passed by the House is passed after conference here, comes before the general assemblies for their action, unburdened by the Sutherland-Bristow amendment, what argument can be presented against it by the enemies of popular government? They can only say, "You are conferring too much power upon the States. You ought not to accept this power yourselves. You ought to express a doubt of your own honesty and of your own capacity. You ought to resolve that you are incapable of self-government. You should go back and place yourself under the wings of Congress. You need the supervising help of the Federal Government. You can not trust yourselves."

Will that argument obtain in the legislature of your State, or yours, or yours, or yours? Will not the Legislature of Massachusetts say: "We do not need Federal interference; we can pass laws that will guard our elections and will keep the ballot safe and sacred"? Will not the Legislature of New York say the same thing? Will not the Legislature of the proud State of Kansas also say that Kansas is able to regulate the elections of Kansas? And, if Kansas, and New York, and Massachusetts, then why not all the other States of this Union? Why are they not all, my fellow Senators, able to keep the ballot pure and to see that the will of the sovereign people is fairly expressed and registered?

And now a final word to the real friends of popular government—to all Members of this body who honestly desire that it be purged of every influence save that which emanates from the hearts and brains of the people; to those whose favorite aphorism is, "The voice of the people is the voice of God," I want to make a most urgent appeal, especially do I appeal to the insurgent Senators—who, after all, I believe, will by their votes respond to the voice of conscience—I ask you this question: If by loading this joint resolution with the amendment offered by the Senator from Kansas [Mr. BRISTOW] you are not emasculating, nay, assisting in destroying that great principle of popular government which you so much profess to love? Why, sir, what is the essence of the great question now before the Senate? It is that there shall be taken from the State legislatures the powers they now possess and that these powers shall be directly conferred upon the people. Why? Because it has been found by experience that the agent does not so well represent his master's interests as the master can himself. Why now repudiate the doctrine that the people can be completely intrusted with the power to govern themselves?

The devices which were originated as safeguards against action by the people have in the bitter school of experience been proven obstacles to progress and instruments of fraud and oppression. That is the pith and kernel of the matter. Therefore the nearer you place the Government to the people the more perfect control you give the people; the more complete domination you give the people the nearer you come to realizing the ideal which has been in the hearts and brains of patriots since the days of Jefferson—that is in your heart and brain at this hour.

What does the Bristow amendment propose to do? Reduced to plain language, its declaration is: "Yes, you are a sovereign people, a great people, a people that we trust; therefore we will give you the right to vote for United States Senators; you are endowed with the intelligence to select a United States Senator; you possess the honesty to select a United States Senator, but you neither possess the honesty nor the intelligence to conduct such an election. We will therefore not give you the right to select your Senators clean-cut and clear; we will have Congress put hobbles upon this right; we will confer upon some Federal understrapper the power to supervise the elections which you as a sovereign people hold. We will give to these Federal agents the right to take charge of your ballot boxes and determine your qualifications as electors."

One further observation directed to those who advocate this amendment because they still entertain a desire to maintain Federal domination over the Southern States. Senators, we do not legislate for a day or for an hour. I do not believe that any political party or any government ever gained substantial advantage by doing a thing for narrow, temporary, or prejudiced reasons.

We are legislating not for to-day, but for the conditions and circumstances which may arise in the long years to come. We are often told that "a great cloud hangs over the Republic; that vast aggregations of wealth already are extending their potentiality in so many directions and controlling in so many departments of the Government that the very liberties of the people are in peril." I do not desire to engage in extreme or inflammatory declamation regarding this danger; but let us for a moment concede that the danger exists. Let us assume that the present trend and march of events continues for a few more years. Let us assume that wealth heaps high its hoard and that mammon continues to grow great and powerful in the Republic. It does not require an inflamed imagination to conceive that under such conditions the power of massed and fortified wealth could become sufficiently great to ultimately secure the election of a President of the United States who may bend to its will and become the subject of its purposes. If such a President shall ever be unfortunately selected, and we by our acts to-day have conferred upon him the power to appoint United States marshals, legally authorized to surround our polls; to appoint registers of elections, lawfully empowered to invade the election booth; to appoint men duly vested with authority to count the ballots in every State of the Union, how think you that power will be exercised in the great battle then to be waged—aye, even now being waged—between men and money, between the creatures created by God and the monsters erected by cupidity? Insurgents, I put it to you; when that time comes, if it shall ever come, the battle will not be one originating in race prejudices; it will not be a question between the black man and the white man, between the North and the South; but it will be a mighty struggle between the people of this country and the only "influences" we have reason to fear in the present hour—the tremendous and overmastering power and force of wealth, organized, mighty, and too often unscrupulous and cruel.

Let us therefore not place the power to control elections in the hands of a President who may unfortunately become a wicked instrument or weak tool in the hands of those great "influences." Let us give to no man and to no central government the right of interference. Rather let us place this power in the hands of the people untrammeled and unrestricted. Let us tie no cords about it. Let us not hamstring popular government at the very moment we are pretending to confer it. Let us give to the people the fullest right, the amplest authority, under their own laws, in their own way and in their own good time to elect the Members of the United States Senate. Let us so hedge this right of the people about that no Federal officer—aye, though he be the President himself—dare lay the hand of power upon it.

There may have been corrupt elections in some States; there may be here and there something of evil done, but I tell you, Senators, that the man who does not believe the sovereign citizens of the different States will not in the end pass just laws, hold fair elections, maintain honest government, and preserve the Union, has lost faith in the Republic and does not belong beneath our flag.

I affirm that you can trust the people. You can trust the people of Colorado, although they are at present involved in legislative turmoil. You can trust the people of Kansas, although their Senator believes they need Federal supervision. You can trust the people of Missouri and New York and Massachusetts. You can trust the people of the great Western States, whose Representatives for the most part are here to-day giving their support to popular government. You can trust the people of all the States of this Union, whether of the North or of the South, of the East or of the West.

To those of you who oppose popular government; to those of you who fear to intrust to the State legislatures the enactment of proper laws for the conduct of honest elections; to those of you who insist that the people should not be granted the right of a direct vote for United States Senators, I ask you, in God's name, if you can trust the people to elect general assemblies wise enough to elect Senators, why can you not trust them to themselves wisely elect Senators? If you can trust a State legislature at the present time to elect United States Senators, why can you not trust the same legislature to pass wise and just laws regulating the election of United States Senators by the people? A man who votes for the Bristow amendment votes his lack of confidence in the State he represents; votes his lack of confidence in the people of the various States, and gives the lie to every protestation he may utter of confidence in the people of the United States.

Mr. BRADLEY. Mr. President, I had not intended to say a word in this debate until within the last few minutes, and would not speak now did I not feel that it is just to myself that I should say something concerning my position.

In the first place, it is very apparent that after an agitation extending over several years a majority of the people of this country favor the election of Senators by direct vote of the

people. A large majority of the States of this Union have so declared. I bow in submission to the people's will, and shall vote in favor of conferring the power upon the people of the States by direct vote to elect their Senators.

I have not found in any of the resolutions passed by any of the State legislatures any request that section 4 of Article I of the Constitution should be repealed. While the people have asked, through their legislatures, for the privilege of electing their Senators directly, they have not asked in any instance that all power of the Congress of the United States to protect itself should be withdrawn.

One would think from speeches that have been made here that an effort is being made now to give Congress the right to fix time, place, and manner of electing Senators. Such right has been in the Constitution of the United States from the time it was adopted, and during all these long and eventful years I do not remember any Senator who has referred to an unjust exercise of that power in any election of a Senator. If it has ever been unjustly exercised, so far as the Senate of the United States is concerned, I am not aware of it, but all at once there seems to be a terrible dread that the Congress of the United States, or those who may be in the majority, are preparing in the future to take some sort of reprehensible step. We have gone through all these years of travail, and we have never felt it necessary to engage in anything of this sort. Those of us who favor the Bristow amendment are asked, "Why do you favor it? Do you expect to do something in the future? Do you expect to enforce this section of the Constitution in the future to the detriment of Southern States?" We might as well ask them, "Why do you desire to obliterate the Constitution of the United States, under which we have lived for so long, to prevent the Congress of the United States from exercising any power in a matter of this sort? Do you expect in future to do some reprehensible thing?" One question is just as legitimate as the other. I do not believe that a great body like the Congress of the United States should surrender all power and control over fixing the time, place, and manner of electing its Senators.

Such has not been asked, so far as the election of Members of the House is concerned, although it is claimed that great injustice has been done by legislation as to that body in the past concerning the election of its Members. Yet there is no proposition now, so far as the lower House is concerned, to deprive Congress of its power to fix the time, places, and manner of electing Members of that body. But, strange to say, the Senate, and the Senate alone, is asked to be deprived of this power.

What does it mean? We have been asked what it means for us to oppose it. I ask what does it mean that you who ask it do not desire to elect Senators by direct vote of the people of the States unless the legislatures of the different States can control that matter and the Senate be deprived of the power it has exercised for so many years?

Now, Mr. President, I want to make more pointed my objection to the legislatures of the States controlling this matter, and I shall make it by a reference to my own State. In 1893, more than 17 years ago, an apportionment bill was passed by the Legislature of the State of Kentucky and an apportionment made such as I declare here and now is a disgrace and a shameful denial of representation to the people. What was that apportionment bill? In the first place, I will refer to the fourth, the seventh, and the eighth congressional districts as now constituted. The eighth under the census of 1910 has 148,313 votes; the fourth, 210,406 votes; the seventh, 151,051 votes; while the eleventh congressional district, a Republican district, has 308,348 votes.

Now, that is a specimen of congressional apportionment. Let us go a little further to the apportionment of State senatorial districts. In the ninth district there are 52,925 people; in the twenty-first, 35,586 people; in the thirtieth, 31,595 people. These are Democratic districts.

Now, turn to the other side—Republican districts: In the thirty-third there are 145,075 people; in the seventh, 72,045; in the seventeenth, 163,610.

Now, let us proceed a little further and see what the legislative apportionment was: In the eighth Democratic district of Kentucky, 14,539; in the twenty-fifth district, Republican, 26,274; in the twenty-first district, Democratic, 11,460; in the ninety-eighth, Republican, 43,511; in the seventeenth district, Democratic, 13,241; in the ninety-third, a Republican district, 59,244; in the twenty-ninth legislative district, Democratic, 8,512; in the ninety-seventh, Republican, 40,037; in the thirtieth district, Democratic, 9,763; in the ninety-ninth, a Republican district, 18,475; in the sixty-fourth, a Democratic district, 14,063; in the sixty-ninth, a Republican district, 54,098.

I have given only a few of the most glaring inequalities contained in the apportionment bill of 1893.

Five years ago the Legislature of Kentucky, upon whom it is now proposed to confer the power to fix the time, manner, and place of electing United States Senators, after having passed the constitutional limit of 10 years in which to make an apportionment by three years, passed a new apportionment bill much worse than that of 1893.

An appeal was made to the courts, and the Court of Appeals of Kentucky, in passing on an appeal from the court below, declared that apportionment to be unconstitutional and set it aside. (See Ragland *v.* Anderson, 125 Ky., 141.) And in the later case of Adams *v.* Bosworth (126 Ky., 64) that court expressed the opinion that the next legislature would comply with its duty and pass a constitutional measure. That legislature, however, met and ignored the opinion of the court of appeals, and this infamous gerrymander to-day stands the creature of the Democratic Legislature of the State of Kentucky, denying substantially the right of representation to our people, and yet we are asked to vote for an amendment here which will confer upon the Legislature of Kentucky the right to fix the time, the manner, and the place of electing United States Senators.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Oklahoma?

Mr. BRADLEY. Certainly.

Mr. GORE. I should like to ask the Senator, without reflecting upon the legislature in Kentucky or impeaching that in any other State, if he is not aware that even a worse condition is alleged to exist in the State of Rhode Island——

Mr. BRADLEY. I do not——

Mr. GORE. Where the city of Providence, with a population of 200,000—a voting population of 40,000—elects one member of the State senate and another town, with a voting population, I believe, of 126, elects a member of the State senate.

Mr. BRADLEY. It may be, Mr. President, that the statement is correct, but that is only another argument in favor of the position I assume. If the statement is true, the Legislature of Rhode Island can not be trusted to do justice to the people in the election of United States Senators.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Missouri?

Mr. BRADLEY. Yes.

Mr. REED. I should like to ask the Senator from Kentucky if he has examined the gerrymander that was perpetrated by the Federal authorities on the people of New Mexico recently, in which they gave the Republicans about four times the representation they did the Democrats—done by the Federal authorities?

Mr. BRADLEY. I have not examined it. I never heard of it before, and if it be true, I condemn it. I condemn anything of that sort by any party anywhere, and I do not see why the Senate of the United States, that has been intrusted with this power for all these years and has never done a wrong, never done a thing that can be complained of, can not be intrusted with the same power hereafter. We should not be compelled to give up every vestige of power that we have; to surrender it to the States and to say that we stand here in the presence of injustice and wrong unarmed and defenseless.

Let me ask the Senator from Missouri a question. What Federal authority in New Mexico fixed that proposition?

Mr. REED. It was fixed by the Federal authorities in fixing the districts under which they voted down there.

Mr. BRADLEY. Not for the legislature——

Mr. REED. No; for the election of the men who were to write the constitution—the very fundamental law.

Mr. BRADLEY. As I understand, the Territorial Legislature of New Mexico arranged the apportionment. A similar one was arranged by the Democratic Territorial Legislature of Arizona, even more reprehensible. But this only strengthens my position.

Mr. REED. If the Senator so strongly condemns the gerrymandering of States and says you can not trust the legislature in the future to pass laws regulating elections, I want to ask him if it is not those same gerrymandering legislatures that sent us here?

Mr. BRADLEY. Notwithstanding all this gerrymandering in the State of Kentucky, the Democratic majority was only eight—one of the number died, and four of the others had good sense enough to vote for me for the Senate.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Georgia to the substitute offered by the Senator from Kansas.

Mr. PERCY. Mr. President, this joint resolution and the provisions of the Bristow substitute, then known as the Sutherland amendment, were fully discussed at the last session of Congress, and I have no desire to thrash over old straw or to prolong the debate here, and yet the provisions of the Bristow substitute render it so obnoxious to a Democrat that I can not refrain from briefly referring to them.

I take it to be that those who favor the election of Senators by the people would prefer to have that amendment to the Constitution presented without any complications, but, unfortunately, that is impossible. A change other than the simple election of Senators by the people is inevitable. And the question to be decided is whether that change shall be made by relinquishing the power in the Federal Government to make or alter the regulations for fixing the time and the manner of electing the Senators, or whether it shall be the vital change which consists in an extension of the power of the Federal Government over the popular election of Senators. One or the other change must be made. It is merely a question of which change shall be made. I assume it to be true that the power sought to be conferred by the Bristow substitute is identical with the power which it was proposed to confer upon the Federal Government at the last session of Congress through the Sutherland amendment, and that that power gives the Federal Government plenary and paramount control over the election of Senators—a control which enables it to supersede and displace the State authority in regard to such elections.

To recapitulate what that power involves, it would give to the Federal Government the power to appoint Federal registrars who should say how the voters or what voters should register under State laws, the power to appoint Federal judges and Federal supervisors who would say who are authorized to vote at such elections, the power to name marshals and deputy marshals to carry out the orders of supervisors and judges, and, if need be, the power to summon the soldiers of this Government to reenforce such marshals and deputy marshals, and the power to appoint a canvassing board to canvass the result of the election. A Senator coming to the Senate would bring a certificate of his election from that canvassing board instead of a commission from the governor of his State.

This power, while existing under section 4 of Article I as to the election of Representatives, as to the election of Senators, is not vested in the Federal Government as it has existed up to this time, and does not arise under any provision of the Constitution except section 4 of Article I, and that has no application to the election of Senators under the Constitution as it stands to-day, and as it has stood since the first adoption of the instrument, because it has never been questioned that the power of Congress under this section, in so far as it affects the election of Senators, relates to such election after the organization of the legislature which elects, and does not go to the booths where the voter registers his will. The contrary contention would find no support either in the decisions of our courts or the debates in Congress.

If Congress has such power then it must be found under some other provision of the Constitution than section 4 of Article I, and the only other such provision is to be found in the second section of the fifteenth amendment, which confers upon Congress the power to enforce it by appropriate legislation. Is the power under this amendment similar to that sought to be conferred by the Bristow substitute? Clearly not, for, in the first place, such power as Congress has under this amendment is not restricted to Federal elections, but extends to all elections, whether State officers or Representatives in Congress. The power conferred by this amendment is wider than that proposed to be conferred by the Bristow substitute, which relates only to the election of Senators. But, on the other hand, it has been many times held that the power under this amendment is only prohibitive and corrective of State action. Before this power can be invoked there must necessarily precede the invoking of it some infringement of the right of the individual based on discrimination against him on account of race, color, or previous condition of servitude by the State through its legislative, executive, or judicial department, and no action by individuals, not under color of State authority, will suffice to predicate Federal action on it.

While this proposition is so clearly supported by the decisions of the Supreme Court as apparently not to require any citation of authority, I wish to read a few extracts from the decisions which bear directly on this proposition, because the point which I desire to emphasize is that the power which will exist with section 4 of Article I of the Constitution left unchanged is different and distinct from any power which the Federal Government has had in regard to the election of Senators; that it is absolutely different from the power which the Government has under the fourteenth and fifteenth amendments or under any other provision of the Federal Constitution.

Ex parte Virginia (100 U. S., 339, 346) uses this language, relating to these amendments:

> They have reference to actions of the political body denominated a State, by whatever instrument or in whatever mode that action may be taken. A State acts by its legislative, its executive, or its judicial authorities. It can act in no other way. The constitutional provision, therefore, must mean that no agency of the State or of the officers or agents by whom its powers are exercised, shall deny to any person within its jurisdiction the equal protection of the laws. (Ex parte Virginia, 100 U. S., 339, 346; 25 L. Ed., 676, 679.)

Again, in United States *v.* Cruikshank (92 U. S., 542, 554; 23 L. Ed., 588, 592), the court uses this language:

> The fourteenth amendment prohibits a State from denying to any person within its jurisdiction the equal protection of the laws; but this provision does not, any more than the one which precedes it and which we have just considered, add anything to the rights which one citizen has under the Constitution against another. The equality of the rights of citizens is the principle of republicanism. Every republican government is in duty bound to protect all its citizens in the enjoyment of this principle if within its power. That duty was originally assumed by the States, and it still remains there. The only obligation resting upon the United States is to see that the States do not deny the right. This the amendment guarantees, but no more. The power of the National Government is limited to the enforcement of this guaranty.

In Civil Rights cases (109 U. S., 3, 13; 27 L. Ed., 835, 840; 3 Sup. Ct. Rept., 18, 22), the court uses this language:

> And so in the present case, until some State law has been passed or some State action, through its officers or agents, has been taken adverse to the rights of citizens sought to be protected by the fourteenth amendment, no legislation of the United States under said amendment, nor any proceeding under such legislation, can be called into activity, for the prohibitions of the amendment are against State laws and acts done under State authority. Of course, legislation may, and should be, provided in advance to meet the exigency when it arises; but it should be adapted to the mischief and wrong which the amendment was intended to provide against; and that is, State laws or State action of some kind adverse to the rights of the citizens secured by the amendment. Such legislation can not properly cover the whole domain of rights appertaining to life, liberty, and property, defining them and providing for their vindication. That would be to establish a code of municipal law regulative of all private rights between man and man in society. It would be to make Congress take the place of the State legislatures and to supersede them. It is absurd to affirm that because the rights of life, liberty, and property (which include all civil rights that men have) are by the amendment sought to be protected against invasion on the part of the State without due process of law, Congress may therefore provide due process of law for their vindication in every case; and that, because of the denial by a State to any persons of the equal protection of the laws is prohibited by the amendment, therefore Congress may establish laws for their equal protection. In fine, the legislation which Congress is authorized to adopt in this behalf is not general legislation upon the rights of the citizens, but corrective legislation; that is, such as may be necessary and proper for counteracting such laws as the States may adopt and enforce and which, by the amendment, they are prohibited from making or enforcing, or such acts and proceedings as the States may commit or take, and which, by the amendment, they are prohibited from committing or taking.

That authority is cited and quoted with approval in James *v.* Bowman, in One hundred and ninetieth United States—a much later opinion.

Again, in United States *v.* Harris (106 U. S., 629, 639; 27 L. Ed., 290, 294; 1 Sup. Ct. Rept., 601, 609), the court uses this language:

> The language of the amendment does not leave this subject in doubt. When the State has been guilty of no violation of its provisions; when it has not made or enforced any law abridging the privileges or immunities of citizens of the United States; when no one of its departments has deprived any person of life, liberty, or property without due process of law, or denied to any person within its jurisdiction the equal protection of the laws; when, on the contrary, the laws of the States, as enacted by its legislative, and construed by its judicial, and administered by its executive, departments, recognize and protect the rights of all persons, the amendment imposes no duty and confers no power upon Congress.

It necessarily follows from the principles laid down in these cases that under the power conferred by the fifteenth amendment Congress can not adopt an election law of its own appointing Federal election officers to supersede and wipe out the machinery of election provided by State laws. The State law must fix the time, manner, and place of election, alone can provide penalties for individual infractions of the ordinary safeguards. Congress can only see that these laws on their face and as administered by the State officers are not unjustly discriminatory, but apply with equal fairness to all. Under the fourteenth and fifteenth amendments Congress has not even the power to punish individuals not claiming any authority from the State, who, by intimidation, prevent persons from voting, though it be done on account of their race, color, or previous condition of servitude. It is only when adverse action is taken by the State or some of its agents that the power of Congress can be invoked to secure the rights conferred by these amendments. This was expressly held in Civil Rights cases (109 U. S., 3):

> In this connection it is proper to state that civil rights, such as are guaranteed by the Constitution against State aggression, can not be impaired by the wrongful act of individuals, unsupported by State authority in the shape of laws, customs, or judicial or executive proceedings. The wrongful act of an individual, unsupported by any such

authority, is simply a private wrong, or a crime of that individual; an invasion of the rights of the injured party, it is true, whether they affect his person, his property, or his reputation; but if not sanctioned, in some way by the State or not done under State authority his rights remain in full force, and may presumably be vindicated by resort to the laws of the State for redress. An individual can not deprive a man of his right to vote, to hold property, to buy and sell, to sue in the courts, or to be a witness or a juror; he may, by force or fraud, interfere with the enjoyment of the right in a particular case; he may commit an assault against a person, or commit murder, or use ruffian violence at the polls, or slander the good name of a fellow citizen; but, unless protected in these wrongful acts by some shield of State law or State authority, he can not destroy or injure the right; he will only render himself amenable to satisfaction or punishment; and amenable therefor to the laws of the State where the wrongful acts are committed. Hence, in all those cases where the Constitution seeks to protect the rights of the citizen against discriminative and unjust laws of the State by prohibiting such laws, it is not individual offenses, but obligation and denial of rights which it denounces, and for which it clothes the Congress with power to provide a remedy. This abrogation and denial of rights for which the States alone were or could be responsible, was the great seminal and fundamental wrong which was intended to be remedied. And the remedy to be provided must necessarily be predicated upon that wrong. It must assume that in the cases provided for, the evil or wrong actually committed rests upon some State law or State authority for its excuse and perpetration.

Of course, these remarks do not apply to those cases in which Congress is clothed with direct and plenary powers of legislation over the whole subject, accompanied with an expressed or implied denial of such power to the State, as in the regulation of commerce with foreign nations, among the several States, and with the Indian tribes, the coining of money, the establishment of post offices and post roads, the declaring of war, etc., in these cases Congress has power to pass laws for regulating the subject specified in every detail, and the conduct and transactions of individuals in respect thereof. But where a subject is not submitted to the general legislative power of Congress, but is only submitted thereto for the purpose of rendering effective some prohibition against particular State legislation or State action in reference to that subject, the power given is limited by its object, and any legislation by Congress in the matter must necessarily be corrective in its character, adapted to counteract and redress the operation of such prohibited State laws or proceedings of State officers.

If the principles of interpretation which we have laid down are correct, as we deem them to be (and they are in accord with the principles laid down in the cases before referred to, as well as in the recent case of United States *v.* Harris, 106 U. S., 629), it is clear that the law in question can not be sustained by any grant of legislative power made to Congress by the fourteenth amendment. That amendment prohibits the States from denying to any person the equal protection of the laws and declares that Congress shall have power to enforce, by appropriate legislation, the provisions of the amendment. The law in question, without any reference to adverse State legislation on the subject, declares that all persons shall be entitled to equal accommodation and privileges of inns, public conveyances, and places of public amusement, and imposes a penalty upon any individual who shall deny to any citizen such equal accommodations and privileges. This is not corrective legislation; it is primary and direct; it takes immediate and absolute possession of the subject of the right of admission to inns, public conveyances, and places of amusement. It supersedes and displaces State legislation on the same subject, or only allows it permissive force. It ignores such legislation and assumes that the matter is one that belongs to the domain of national regulation whether it would not have been a more effective protection of the rights of citizens to have clothed Congress with plenary powers over the whole subject is not now the question. What we have to decide is whether such plenary power has been conferred upon Congress by the fourteenth amendment, and, in our judgment, it has not.

By virtue of the power proposed to be conferred by the Bristow substitute Congress can take charge of elections and provide for the punishment of individuals unconnected with the State government who commit any of the ordinary offenses against the election laws. It will be seen that in this particular alone a vast difference exists between the power of Congress under these amendments and under the proposed substitute. It is by virtue of the limitation on the power as conferred by these amendments that the suffrage qualifications provided by the constitution of Mississippi and other Southern States are unassailable by the Federal Government, while under the power sought to be conferred by the Bristow substitute instances of individual intimidation might furnish the pretext, or without any pretext Congress might take exclusive charge of the election of Senators.

The difference between the power conferred by the fourteenth and fifteenth amendments and by section 4 of Article I are illustrated in the case of United States *v.* Reese et al. (92 U. S., 214) and United States *v.* Munford (16 Fed., 223). In the former case the prosecution was undertaken against two of the inspectors of a municipal election in the State of Kentucky for refusing to receive and count at such election the vote of a citizen of African descent, under the act of May 31, 1870.

For the punishment of any person who shall, by force, bribery, threats, intimidation, or other unlawful means, hinder, delay, etc., or shall conspire with others to hinder, delay, prevent, or obstruct any citizen from doing any act required to be done to qualify him to vote or from voting at any election.

The court held that the power could not be upheld under section 4 of Article I, because it did not relate to the election of a Representative, and that it could not be upheld under the fifteenth amendment because it was not in its terms confined to unlawful discrimination on account of race, color, or previous condition of servitude, and therefore the act was unconstitutional.

In the Munford case the offense was committed at an election for Representative in Congress, and the court held that the statute was a valid exercise of power under section 4 of Article I of the Constitution. So the statute which was condemned as beyond the power of Congress under the fifteenth amendment was upheld under the power conferred by section 4 of Article I.

In my judgment, these decisions are neither modified nor overruled by the Seibold case, One hundredth United States, nor the frequently quoted Yarborough case, in One hundred and tenth United States. The Seibold case arose under the Federal supervision laws, and the sole question involved was whether Congress could under these laws take partial control of the election instead of exclusive control, and having taken such partial control could punish the State officers for violation of the law. The court answered the question in the affirmative. The indictment was for ballot-box stuffing.

The Yarborough case was a habeas corpus case, and the sole question was whether the law of Congress under which the parties were indicted was unconstitutional, they being charged with the offense of intimidating a negro in voting for a Member of Congress. While the language used by the court was broad, it did not purport to overrule its previous decisions, and the constitutionality of the law was, in fact, upheld upon the Seibold case and under section 4 of Article I.

The fifth subdivision of the minority report is subject to the criticism of disingenuousness. It says:

Possession of the power which it is proposed to strike out from section 4 is essential to enable the National Government to act effectively in case it should ever have occasion to enforce the provisions of the fourteenth and fifteenth amendments of the Constitution. The basis of any enforcement of these provisions must necessarily be the ascertainment and establishment of the facts in respect of the elections to which they may relate. The proposed amendment of section 4 of Article I, if adopted, would be the latest expression of the sovereign will of the people of the United States, and would take away from the National Government authority to make those regulations regarding elections which are essential to the preservation of evidence regarding what actually occurs.

The fourteenth and fifteenth amendments confer upon Congress the power to provide for their enforcement by appropriate legislation, and no additional power is needed to make them effective. As a matter of fact, the adoption of the Bristow substitute would have no possible effect upon the fourteenth and fifteenth amendments, except in so far as they might apply to the narrow field of election of Senators. These amendments relate to all elections, and it is, to say the least, inaccurate to assert that the Bristow substitute, which relates only to the election of Senators, is necessary to make them effective. If they are ineffective now, they will not be made effective in this way except as to the election of Senators, to which they now have no real relation. What is, in fact, meant by the argument of the minority of the committee is that the effect of the Bristow substitute, in so far as senatorial elections are concerned, while not needed to make these amendments effective, will greatly extend their application beyond what was ever intended at the time of their adoption. The minority doubtless had in their mind that with the Bristow substitute adopted Congress could create election machinery of its own and, among other things, provide penalties against individuals not connected with the State who, by intimidation or otherwise, sought to deny the right of suffrage by reason of race, color, or previous condition of servitude. In other words, while the amendments are only corrective and prohibitory and relate only to State action, the power conferred by the Bristow substitute is direct and primary, and could be made the means of extending the prohibition of these amendments far beyond what was intended by their authors.

The real purpose is not to make these amendments effective, but at this late day to extend the operation of them in a vital particular. Under the guise of making them effective a fundamental and revolutionary change is suggested of making their subject matter extend not only to State action as at present, but to the action of individuals as well, and to permit their enforcement by direct and primary instead of corrective and prohibitory legislation. There is no merit in the contention of the minority that this latest expression of the sovereign will of the people would take away from the National Government authority to make these regulations regarding elections which are essential to the preservation of evidence regarding what actually occurs. This statement is intended to relate to the fourteenth and fifteenth amendments. Congress now has the power to enforce these amendments by appropriate legislation, and the proposed amendment would leave the power to so enforce them by appropriate legislation absolutely unimpaired.

The minority report continues—

There may be a difference of opinion as to whether the fourteenth and fifteenth amendments should remain in the Constitution, but surely

it can not be thought consistent with the dignity and honor of the United States to leave them in the Constitution and at the same time surrender the power which would be necessary for their enforcement.

What would be surrendered by the resolution as reported? Every prohibition of both amendments would remain just as at present, while the power conferred on Congress to enforce them by appropriate legislation would remain and would be construed and interpreted exactly as at present. No power now existing or justifiable under these amendments would be surrendered. The only thing surrendered would be the power of Congress to fix or change the time or manner of holding elections for Senators. While the amendment as originally reported does not call for the surrender of any power to enforce these amendments, the Bristow substitute, if adopted, would have the effect of changing and extending their scope, and that is the question involved.

That Republicans should favor this substitute is not surprising. It involves an extension of the power of the Federal Government at the expense of State sovereignty, and for such extension that party has always stood. But that Democrats should support that doctrine has not the merit of consistency. When the force bill of 1890 passed the House of Representatives it received 155 Republican votes—not a Democratic vote—while 146 Democrats voted against it and only 3 Republicans, and they from the States of Louisiana, South Carolina, and New Jersey.

In 1894, when the Federal supervision laws were repealed, every Democrat in the House—194 of them—voted for the repeal, and every Republican—102 of them—against the repeal; and in the Senate every Democrat (35) voted for the repeal, and every Republican (28), including several who are now members of this body, against this repeal, except Stewart of Nevada.

At the last session of Congress every Democrat in the Senate except one voted against the Sutherland amendment and every regular Republican for it.

Why should Democrats now vote for a change in the organic law of the Government in the form which they have, by their recorded vote, disapproved of, and this, when the form approved of was reported favorably by a Republican committee, and why, especially, should they do this at a time when every Democrat believes that within two years, by a Democratic majority in the Senate, they can frame the resolution in the form approved of by themselves? The State legislatures have no power to change a word of the resolution. They must accept it or reject it as offered. For 122 years we have lived under the Constitution as it now stands. Is it not better to await a few years in order to change it in the manner approved of by our judgment?

When this resolution, then known as the Sutherland amendment, was before the last Congress eight insurgent Republican Senators voted against it. That vote to-day would defeat it, but rumor says this vote will show changes. What is the explanation of such changes by men of unusual ability and sincere convictions? Is the rumor that insurgents are becoming more gentle and less disposed to harass the ranks of the regulars the explanation, or is it because the honor of introducing the resolution at this session is accorded one of the insurgent band, or is it because the voice of the old soldier has been heard protesting against an imaginary impairing of the war amendments, esteemed by them to be the fruits of their struggle, or is the prophecy so recently made by the distinguished ex-Senator from New York that the Republicans, if they did not insist upon this extension of power to the Federal Government, would feel the heavy displeasure of the negro vote, been so quickly realized? Have one or all of these reasons tended to bring about this significant change in the votes of these Republican Senators?

If so, do one or all of them furnish any reason for the support of the substitute by Democratic Senators?

It has been strenuously urged that the substitute is necessary in order to insure the perpetuation of the Union. In no clause of the Constitution has Congress ever had the power to force a State to elect a Senator. Is there any danger that States will refuse to elect Senators in the future, or is the danger that men can not be found to serve as Senators? One danger is just as real as the other, and both too fanciful to merit consideration. Certainly there is greater danger that Congress, yielding to the exigencies of some political demand, may exercise in the future the power sought to be conferred upon it and take charge of elections than there is that such power will ever be needed in order to insure the election of Senators.

While this substitute must be obnoxious to every Democrat in the form in which it is offered, owing to the unfortunate conditions of the Southern States, it is necessarily more fraught with danger to them. While it may be true that immigration to some of the Southern States has reduced the gravity of the negro problem, yet it can not be true that this change has made Senators from those States deaf to the appeals of their brethren from less fortunate States, and it is only by a Democratic vote that this substitute can be adopted. Even admitting that the substitute is needed to make the fourteenth and fifteenth amendments more effective, does that furnish a reason for Democrats voting for the substitute? These amendments we have accepted, and under them have wrought out constitutions which have been stamped with the approval of the highest court in the land. Is it wise by our votes to change the operation of these amendments, rendering them more effective and probably embarking upon an uncertain sea of judicial construction? There is no advantage offered which compensates for the risk incurred.

Mr. PAYNTER. Mr. President, I am so very anxious that we shall take a vote upon this measure that I shall consume not more than one minute in what I shall have to say.

I, like my colleague, did not expect to say anything upon this occasion, but he has presented an argument to the Senate, if his figures be correct, why this measure should become a part of the organic law of the land, because, if the legislatures of the country do not properly define the legislative districts and thus give the people proper representation, the greater the reason why Senators should be elected by a direct vote of the people.

I am not here for the purpose of defending a legislature or legislatures which do not make fair apportionments. If I did, it would take perhaps the balance of this session, because there is not a State in the Union, perhaps, that has not made legislative, judicial, senatorial, and congressional districts which are unfair in the manner of the assignments.

I do not think Kentucky stands alone, if it be as suggested by my colleague.

But I owe it to the Legislature of Kentucky to make this suggestion, which might apply to the legislatures in some other States. Take the State of Kentucky. There has been wonderful development in the mountainous part of the State. The eleventh congressional district is filled with rich coal mines. Considerable cities have grown up there in the last few years. Middlesboro is a city of many thousands of people. You take Somerset, which is another city that has grown up into its present proportions in the last few years. So a part at least of the vote in some of these senatorial districts may be accounted for upon the idea that there has been an accession to the population in the last few years. That may not, and I do not say that it does, account for all of it, because if I did I would place the Legislature of Kentucky upon a higher plane, perhaps, than any legislature in this country could be placed with reference to the question of apportioning the territory into districts.

There is another view that may be suggested. There are some parts of Kentucky in which the population has decreased instead of increased. That would account to some extent for the smallness of population in some of these legislative and senatorial districts. I say that that may not account for all of it, but it does account for some of it.

My colleague has suggested that the Court of Appeals of Kentucky said it was the duty of the legislature to reapportion the State into these various districts. If the court did do it, and I think it did, it was a mere dictum, because the court can only review the action of the legislature to determine whether or not it has acted within constitutional limitations. It has no power to enforce a redistricting of the State, and therefore what is the duty of the legislature as to present or future action with reference to that matter is not within the province of the court to prescribe for, because, as I say, it can only review the action of the legislature when it has acted upon these questions.

Further, I want to make another suggestion. Our constitution provides that these apportionments shall be made every 10 years. My colleague has said that the legislature did act. I have not the dates in my mind; I do not recall just when it was; but if it acts, for instance, at the period provided by the constitution, and the court declares that the action of the legislature is invalid, then the question arises, has the legislature power to make an apportionment until the expiration of the next 10 years? I do not suggest that that is a proper view of it, but it is a view that addresses itself to the legislative branch of the Government, which it must determine for itself without the aid of the court.

That is all I desire to say.

Mr. BRADLEY. Mr. President, the figures which I read to the Senate were the census figures of 1910. It is true that these figures differ from the figures of preceding censuses, because

there has been in the Republican portion of the State great advancement, but the same proportion substantially will be found to exist under the former census. Indeed, the difference is even more radical.

I now desire to call the attention of the Senate to what the Court of Appeals of Kentucky said under the census preceding this.

In 1906 an act was passed redistricting the State. More than 10 years had elapsed from the date of making former apportionment—1893—before that act was passed, and, notwithstanding it was the duty of the legislature, under the constitution of Kentucky, to redistrict the State every 10 years, it refused persistently to do it. But in 1906 it enacted an apportionment bill, and that bill was passed on by the Court of Appeals of Kentucky.

I desire to read to the Senate what the court of appeals said of conditions under the census of 1909.

Without analyzing the allegations of the petitions with overnice particularity, it is deemed sufficient to say that, in our opinion, they contain such a statement of facts with reference to the inequality of the representative districts of the State that the demurrers, which confess these allegations, raise sufficiently for adjudication the validity of the act which is assailed. The allegations upon which is predicated the infirmity of the act are substantially the same in both petitions. General demurrers were filed to each of them and overruled by the trial courts. The defendants declined to answer, and thereupon judgments were entered holding the act of the general assembly under discussion invalid and perpetuating the temporary injunctions which had been granted at the commencement of the actions. From these judgments the defendants have appealed. (Ragland *v.* Anderson, 125 Ky. Repts., p. 150.)

The court, after quoting section 33 of the constitution of Kentucky, requiring these divisions to be made every 10 years, says:

The first proposition with which we are confronted is raised by the insistence of appellants, that the question involved here is political and not judicial. (Ragland *v.* Anderson, 125 Ky. Repts., p. 151.)

I will not read further, but will remark that they decided it was a judicial question. I want to come to the facts of this case, as recited by the court, to show how much more glaring the outrages are than those which I cited a few moments ago for the purpose of proving that the census of 1900 does not palliate, but enlarges them.

Continuing, the court says (p. 154):

That the act under discussion is grossly violative of section 33 of the Constitution, in that the injunction as to equality between the districts was not even pretended to be obeyed by the legislature, is not and can not be denied. The material allegations of the petitions are admitted by the demurrers, and we have, therefore, before us a redistricting act in which 12 Democratic counties—the population of the largest of which is 12,137, and the smallest, 7,407—are each given a representative. The population of Kentucky, according to the census of 1900, was 2,147,174. This, divided by 100—the number of representative districts—produces as the average unit for representation the sum of 21,471. Tested by this ratio, some of the counties which are each given a representative have a population of less than one-half the unit of representation, and the rest have little more than one-half. On the other hand, there are 12 Republican districts composed in large part of two and three counties each, the smallest of which districts has a population of 30,615 and the largest 53,263, which are only given one representative each. The first 12 districts, composed of one county each, have an aggregate population of 124,933, while the aggregate population of the second 12 districts is 466,451. The first 12 districts were entitled to only 6 representatives, tested by the average ratio, but were given 12. The second 12 districts were entitled to 22 representatives, but were only given 12. To take the extremes, Spencer County—which belongs to the first set—has a population of only 7,407 and is given one representative, whereas Ohio, Butler, and Edmonson, which compose the twenty-sixth district under the act in question, have a total population of 53,262, and these together have only one representative. In other words, a voter in Spencer County exercises in the legislature of the State more than seven times the influence of a voter in Ohio, Butler, and Edmonson Counties.

And be it remembered the negro question does not figure in those counties. These were white voters almost entirely.

Continuing, the court says (p. 155)—

This inequality is so glaring that it precludes the possibility that there was any attempt on the part of the legislature to apportion the State into 100 representative districts as nearly equal in population or area as might be.

It needs no argument or elaboration to show that the arrangement of the districts for representation is clearly violative of the constitutional inhibition against inequality.

The court says there was not even any attempt upon the part of the legislature to conform to this constitutional duty, and hence I say I am unwilling that such legislatures shall control the election of a United States Senator.

Now, let us go a little further. Says the court, in more eloquent words than I can employ—

Section 1 of the bill of rights provides: "All men are by nature free and equal. * * *" Section 3: "All men, when they form a social compact, are equal. * * *" Section 33 provides for equality of representation. Sections 171, 172, 173, and 174 provide for equality of taxation (uniformity). Section 39 provides for equality (general) of laws. Indeed, it could not be otherwise, for when our forefathers emigrated from their European home it was, in the main, to escape from the oppression of inequality. They brought with them a burning love for this great democratic principle and imbedded it deep in the foundation of the empire they were destined to erect, and which they will preserve so long as the love of liberty is more than a name. When they threw off the supervising government of the mother country, it was because they were denied equality of representation, or, as they then expressed the evil, they had imposed upon them taxation without representation.

Equality of representation is a vital principle of democracy. In proportion as this is denied or withheld, the government becomes oligarchical or monarchical. Without equality republican institutions are impossible. Inequality of representation is a tyranny to which no people worthy of freedom will tamely submit. To say that a man in Spencer County shall have seven times as much influence in the government of the State as a man in Ohio, Butler, or Edmonson is to say that six men out of every seven in those counties are not represented in the government at all. They are required to submit to taxation without representation. It was this kind of oppression which inspired that great struggle for freedom which began on Lexington Green in 1775 and ended at Yorktown in 1781. Equality of representation is the basis of patriotism. No citizen will, or ought to, love the State which oppresses him, and that citizen is arbitrarily oppressed who is denied equality of representation with every other citizen of the Commonwealth. It is no answer to the demand of appellees that the act of 1906 be declared unconstitutional to say that it will follow that the act of 1893 must also be declared unconstitutional, because it created unequal representative districts, although in a less degree than that of 1906. The conclusion sought to be drawn does not follow. The act of 1893 has gone into effect and the Government has been organized under it. To hold it void would be to throw the Government into chaos; and this no court is required to do. It is now too late to question its validity. (Ragland *v.* Anderson, 125 Kentucky Repts., pp. 160, 161.)

The court then proceeded to hold that act unconstitutional. In the other case to which I referred, which my distinguished colleague says is merely a dictum of the court, the court was asked to declare the act of 1893 unconstitutional.

Mr. PAYNTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to his colleague?

Mr. BRADLEY. Certainly.

Mr. PAYNTER. I think my colleague misapprehended what I said. I said in so far as the court expressed an opinion as to whether the legislature should act, it was dictum; that it was only competent for the court to review the action of the State legislature to determine the validity of the act in question.

Mr. BRADLEY. I do not think I misunderstood my colleague. I understood him to say just what he has said now, but I am coming to that proposition.

Here is another opinion of the court. The first opinion will be found in 125 Kentucky. The one from which I now read is in 126 Kentucky. This was an action attempting to have the act of 1893 held unconstitutional. The court said:

We do not deem it necessary to write an elaborate opinion in this case, but will virtually content ourselves with restating and adopting a portion of the opinion of this court in Ragland *v.* Anderson (100 S. W., 865; 125 Ky., 141; 30 Ky. Law Rep., 1199), handed down on March 20, 1907, in which opinion the court, after holding the act of March, 1906, redistricting the State into representative districts, void, said: "It is no answer to the demand of appellees that the act of 1906 be declared unconstitutional that it will follow that the act of 1893 must also be declared unconstitutional, because it created unequal representative districts, although in a less degree than that of 1906. The conclusion sought to be drawn does not follow. The act of 1893 has gone into effect, and the government has been organized under it. To hold it void would be to throw the government into chaos, and this no court is required to do. It is now too late to question its validity. The next legislature must be elected under it. (Kentucky Reports, vol. 126, April term, 1907, Adams, etc., *v.* Bosworth, pp. 63, 64.)

Now comes the dictum of the court; but nevertheless, whether a dictum or not, a direct warning and instruction to the legislature:

The next legislature must be elected under it, and then we have no doubt the members, impelled by their sense of duty and the obligations of their oath of office, together with that spirit of justice which is the heritage of the race, will redistrict the State as the constitution requires (p. 64).

But, notwithstanding this terrific arraignment by the court of appeals, notwithstanding its expression of hope that the Legislature of Kentucky would comply with the constitution under their oaths, the legislature met and refused to redistrict the State.

It is no answer to say that the same sort of conduct might have happened in some other States. We are asked here to deprive ourselves of the supervisory right that we have over the election of Senators, and to turn it over to the legislatures of the States, and if the legislatures of States, Kentucky and others, disregard and trample under foot the sacred precepts of the State constitutions, what right have we to expect any better or different treatment when the time, place, and manner of electing Senators is turned over to them entirely and this Senate deprived of all of its rights?

I am willing to trust the people, yes; God bless the people. After they think and deliberate I am always willing to trust them, but I am not at all times willing to trust representative bodies, and certainly not when they persist in an open, bold, and defiant violation of the constitution of the State and their oaths as well. Disregarding the injunction of the highest court of the State it still continues its bold violation of the constitution, and denies to the people of Kentucky that equality of representation to which they are entitled under the constitution of the State.

Mr. OWEN. Mr. President, the difference between the Bristow amendment and the Borah resolution is this: The Borah resolution provides that the time, place, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof. The Bristow amendment strikes that provision out. The Borah resolution proposes to leave this question to the State. The Bristow amendment proposes to leave it as it stands in the Constitution, substantially with the provision, in effect, that if the Congress of the United States sees fit to exercise its control over the time, place, and manner of electing Senators it may exercise that right.

It is for this reason that I am opposed to the Bristow amendment. I desire every State in the Union, and particularly the State of Oklahoma, to exercise absolute control over its own elections, without any interference whatever on the part of the Federal Government. I believe that this system will be approved by every State in the Union.

I can not at all agree with the Senator from Kansas [Mr. BRISTOW] that if this matter is presented to the States of the Union over a fourth of the States in this Republic would be willing and would prefer to divest themselves of the right of determining the "time, place, and manner" of their own elections of Senators. He fears the defeat of the Borah resolution by over a fourth of the States opposing it on this ground. What Senator on this floor is willing to arise and say that his State desires to divest itself of this right of fixing the time, place, and manner of electing Senators and give that right to the Federal Government?

I do not favor the amendment proposed by the Senator from Kansas giving the Federal Government the right of controlling the election of Senators in the several States, for the very reason that, as it will require three-fourths of the States of the Union to make effective this proposed amendment, and as it requires only 12 States to defeat it, his amendment will put the whole proposition in jeopardy. We have heard from representatives of the Southern States their apprehension with regard to this matter. I do not agree with the reality of the danger, but I do agree with them in recognizing the fact that they do fear, on account of the previous experience with the Lodge force bill, and that they will not expect the approval of their own States if they vote for the Bristow amendment, and therefore that we are in danger of losing a number of the States in the South if we send out the Bristow form to be voted on. It would require only a few others besides the Southern States to defeat this measure before the country. Probably 7 Southern States might reject the Bristow amendment, and if the special interests could line up 5 Northern States against the proposed amendment, the constitutional amendment would be defeated.

I favor the Borah resolution above all other things because it not only gives the people the right to select their own Senators by direct vote, but for the further and greater reason that it is a long and substantial step toward making democratic the Constitution of the United States—and I use that term most advisedly, because I say that the Constitution of the United States is not thoroughly democratic. The Constitution of the United States was so drawn by Madison and those who were in the Constitutional Convention as to allow an unfair power to vest in the hands of the minority, and this principle shows from one end of the Constitution to the other. The Constitution of the United States is not and was not then (1789) in accord with the democratic constitutions of the various States as they existed at the time of the making of the Constitution of the United States.

One of the great differences which I will call the attention of the Senate to—and I am not going to detain the Senate long—is in the matter of the judiciary. Hamilton made the argument that the Federal judiciary ought to be appointed for life, and he made the argument and backed it up with a fallacious theory, which seems to have been quite generally acquiesced in by those who have written upon this subject. He based his argument for a life judiciary upon the theory that this would be in substantial accord with the English system when, in point of fact, it was nothing of the kind. It is true, in the English system the judges were appointed for life, but it is also true that the right of recall of the English judges was provided for by memorial or resolution or address of the Parliament of Great Britain as far back as 1688. The judiciary of Great Britain does not legislate nor declare acts of Parliament null and void. It is responsible to Parliament and not an entirely independent and irresponsible power.

There is no recall for the Supreme Court of the United States, as in Great Britain, and on some more suitable and convenient occasion I will undertake to present to the Senate the reasons why I think it unwise to have a judiciary entirely independent of Congress and of the great public opinion of the United States. I do not believe in nine men, no matter who they are, being put in a position where they can disregard the will of the people of the United States and of their representatives in Congress with comparative impunity. It is one of the ways in which the right of the majority to control this country is denied; it is one of the ways in which the Constitution of the United States was made undemocratic.

We talk about the right of recall of judges as if it were a new, strange, and unwise doctrine. I call your attention to the fact that the majority of the States of the Union at the time of the establishment of the Constitution of the United States had the right of recall of their judges.

The legislature, indeed, being the direct representative of the people, in many instances chose the judiciary, as in Connecticut, Rhode Island, New Jersey, Virginia, North Carolina, Georgia, New York, and Delaware, and it was not regarded as unreasonable by our forefathers that the legislature should recall judges, as the Parliament did in England, and this was actually done by the executive on an address of both branches of the legislature in many of the States, as in Massachusetts, New Hampshire, Maryland, Delaware, South Carolina, and Pennsylvania.

In Rhode Island, Connecticut, and Georgia judges were elected only for one year, and were thus automatically recalled by this exceedingly short tenure.

In eight States—Massachusetts, New Hampshire, New York, Delaware, Maryland, North Carolina, South Carolina, and Virginia—the term of office of judges was during good behavior.

Restoring the active right of recall of judges will go far toward making democratic the Constitution of the United States, and for that reason I strongly favor it. When Congress or the people have a legal right to recall judges, the judges will respect public opinion and the general welfare. They will not set aside State or Federal laws, nor legislate under color of judicial decisions, and they will so conduct themselves that the use of the recall will be unnecessary.

The undemocratic character of the Constitution of the United States is shown in the extreme difficulty the people have in changing the Constitution in any particular. For example, in changing the Constitution so as to permit the election of Senators by direct vote, one vote in excess of a third of the votes of the House of Representatives can block this amendment of the Constitution. In like manner a fraction over a third of the votes in the Senate can defeat this amendment to the Constitution; and if both these hurdles be passed, a fraction over one-fourth of the States can defeat the will of nearly three-fourths of the States. And of the 36 States necessary to amend the Constitution, any one of the 36 governors might, by an arbitrary veto or even by corrupt influence, block the will of the American people; or any one of the 36 legislatures might be obstructed by a majority in any one of the 36 senates or of the 36 houses.

It is thus obvious that a line of obstacles has been interposed, in the framing of the Constitution of the United States, to prevent the will of the majority of the people of the United States from controlling the laws of this country, thus giving an unfair veto power into the hands of the minority.

We preach in this country, as a democratic doctrine, the right of the majority to rule. We have permitted our hands, nevertheless, to be tied by an undemocratic Constitution, where a minority actually rules. We do not allow the majority of the people or of the States to rule or to change the Constitution. Nine-tenths of the people of the United States have desired the election of Senators by direct vote of the people, and they have been trying to obtain their wish for a hundred years in vain. The majority is controlled by the minority, and the Constitution which does this is glorified and proclaimed as a perfect instrument of democracy. We should make democratic the Constitution and provide for the majority rule.

The people are denied the right to choose their own Senators under this Constitution, which was so framed as to make easy the corrupt election of Senators. It was so framed—not by intent but by its mechanism—as to permit senatorships to be bought with comparative ease and safety; it was so framed—not by intent but by its mechanism—as to permit corruption and successful rascality.

And all the special interests in the country are now opposed to the change and praise the Constitution as a sacred instrument, so sacred that to suggest its improvement or amendment is denounced as sacrilege. Fortunately, however, the great Democratic Party, and every other party except the Republican Party, has gone on record in favor of this particular reform.

Now, Mr. President, I want to place in the RECORD the grossly undemocratic attitude of the Republican national party machine on this question of the direct election of Senators. I made reference to it when the Senator from Missouri was speaking. But first I will present the democratic attitude of

what may be called the Progressive Republicans of the United States on this question. The minority report of COOPER, of Wiscousin, on this matter before the Republican national convention in Chicago in 1908 is very short and goes to the heart of this question.

His minority report from the committee on resolutions is as follows:

ELECTIONS OF UNITED STATES SENATORS BY DIRECT VOTE.

The people of this country demand that government shall be truly representative. The legislatures of 27 States, 19 of them represented by Republican Senators in the United States Senate, have adopted joint resolutions favoring a constitutional amendment for the election of United States Senators by direct vote of the people. The House of Representatives has five times, the last time by unanimous vote, adopted and transmitted to the Senate a resolution proposing such a constitutional amendment. The Senate refuses to permit a vote upon the passage of such a resolution. Washington declared in his Farewell Address that: "The basis of our political system is the right of the people to make and alter their constitutions of government." To deny or withhold that right is destructive of the basic principle of a republican form of government. Believing with Abraham Lincoln that this should be in truth a "Government of the people, by the people, for the people" we demand that Congress shall, upon the convening of the next session, propose for the ratification of the legislatures of the several States an amendment to the Constitution providing for the election of United States Senators by direct vote of the people.

That was the voice of the progressive Republicans in the Republican national convention of 1908, and, in my judgment, the progressive Republican citizens and voters number nearly, if not more than, half of the Republican voters in the United States.

Now, listen to the undemocratic machine voice of the "regular Republicans," through Mr. Albert J. Hopkins, of Illinois, chairman of the committee on resolutions:

Gentlemen of the convention—

Says he, and he is speaking with regard to these proposals of the progressive Republicans, favoring the "direct election of Senators," "the physical valuation of railways," "control of the trusts," "reducing the tariff," "publicity of campaign contributions and expenditures," "regulation of telegraph and telephone rates," "against ship subsidies," "against government by injunction," "in favor of trial in contempt cases," "in favor of a department of labor," and "protection to employees" and the "eight-hour law," as submitted by the minority report of Mr. HENRY ALLEN COOPER—he is speaking for the Republican machine as its authorized mouthpiece:

I am not going to make a speech—

Says Mr. Hopkins—

I desire to call your attention to the fact that this convention selected 53 members from the body of the convention, one from each delegation, to prepare a declaration of principles. The report that I have read to this convention embodies the work of 52 of the 53 members of that committee. [Applause.] In our deliberations every plank that has been offered by the gentleman from Wisconsin was considered by the committee. Everything that is Republican in any one of those planks is already adopted in the majority report. [Applause.]—

The election of Senators was not in the majority report nor were the other progressive principles registered there, which I have enumerated—

We rejected in those planks that have been offered by the gentleman from Wisconsin the doctrines of socialism embodied in them. [Applause.] Now, gentlemen, the question for you to determine is whether you will stand by the report of the majority or whether you will take the Socialist-Democratic utterances of Wisconsin. [Applause.]

Not only were the reasonable demands of the progressive Republicans rejected in every particular, but subjected to epithets intended to be insulting. And thereupon the machine voted and rejected the proposal favoring the election of Senators by direct vote (866 nays to 114 yeas), as follows:

States, Territories, etc.	Number of votes in convention.	Yeas.	Nays.
Alabama	22		22
Arkansas	18		18
California	20		20
Colorado	10		10
Connecticut	14		14
Delaware	6		6
Florida	10		10
Georgia	26		26
Idaho	6	3	3
Illinois	54	1	53
Indiana	30	11	19
Iowa	26	1	25
Kansas	20		20
Kentucky	26	2	24
Louisiana	18		18
Maine	12		12
Maryland	16	1	15
Massachusetts	32		32
Michigan	28	5	23
Minnesota	22		22
Mississippi	20		20
Missouri	36	4	32
Montana	6		6
Nebraska	16	16	
Nevada	6		6
New Hampshire	8		8
New Jersey	24		24
New York	78		78
North Carolina	24		24
North Dakota	8		8
Ohio	46	2	44
Oklahoma	14	14	
Oregon	8		8
Pennsylvania	68	13	55
Rhode Island	8		8
South Carolina	18		18
South Dakota	8	8	
Tennessee	24		24
Texas	36		36
Utah	6	2	4
Vermont	8		8
Virginia	24		24
Washington	10		10
West Virginia	14	5	9
Wisconsin	26	25	1
Wyoming	6		6
Alaska	2		2
Arizona	2		2
District of Columbia	2		2
Hawaii	2	1	1
New Mexico	2		2
Philippine Islands	2		2
Porto Rico	2		2
Total	980	114	866

The machine in control of the Republican convention in like manner voted down the minority report of HENRY ALLEN COOPER, of Wisconsin, in favor of the physical valuations of railways as a basis of controlling the rates. In like manner it voted down the positive pledge for the revision of the tariff "by the imposition of such duties only as will equal the difference between the cost of production at home and abroad" and "the admission free of articles controlled by the trusts, subject to the difference in labor cost," and for "a permanent tariff commission."

In like manner the machine voted down the progressive antitrust plank with the penalty of imprisonment of those who violate the antitrust law.

In like manner the machine voted down the plank providing for the publicity of campaign contributions and expenditures.

In like manner the machine voted down the plank opposing ship subsidy. In like manner the machine voted down the regulation of telegraph and telephone rates.

In like manner the machine voted down the plank regulating injunctions and pledging trials in contempt cases.

In like manner the machine voted down the plank favoring a department of labor. In like manner the machine voted down the plank favoring protection to employees by a general employers' liability act for injury to the body or loss of life of its employees. (P. 125, Fourteenth Republican National Convention, Chicago, 1908.)

THE REPUBLICAN MACHINE.

And, Mr. President, what is the source of the power of the political machine which controlled the Republican national convention of 1908? Where do its votes come from?

From the Southern States, which give no Republican electoral votes, we had the following:

Alabama	22	North Carolina	24
Arkansas	18	Oklahoma	14
Florida	10	South Carolina	18
Georgia	26	Tennessee	24
Louisiana	18	Texas	36
Kentucky	26	Virginia	24
Maryland	16	Arizona	2
Mississippi	20		
Missouri	36	Total	334

It requires only 491 votes to make a majority, and of these 334 votes came from Southern States, leaving only 157 votes to be obtained outside of the Southern States to control the national convention, and the southern delegates can be and are believed to be controlled by patronage.

But even in those States which do give Republican electoral votes, such as Pennsylvania, New York, Illinois, Ohio, Indiana, there is a well-recognized system of machine politics that does not in reality give the people of those States an opportunity to elect under any safeguards their own delegates to such conventions.

Yes, Mr. President, the machine voted down all these progressive policies, and the American people are thus governed by an irresponsible set of machine-made delegates, whose selection and subsequent conduct is guided by the special interests secretly, by processes almost occult in operation, but efficient and powerful in results, nominating the President and Vice President, and

declaring policies of government the people are compelled to swallow.

Mr. President, where did these delegates come from who nominated the President and the Vice President, who determined our national policies by the declarations of the Republican national platform, who voted down the progressive Republican proposals offered by COOPER's minority report and sustained the stand-pat policies?

Mr. President, they were delegated from State conventions. The State conventions were composed of delegates delegated from county conventions. The county conventions were composed of delegates delegated from precinct and ward caucuses, and the ward caucus was probably called by a petty ward boss on short notice, by obscure advertisement, in some undesirable room, packed with ward heelers, who represented the ward boss and his petty local machine. The ward caucus probably delegated the ward boss and one or two of his henchmen to the county convention and the county convention, composed of such disinterested and upright patriots, such delegated delegates, sent their most vigorous representatives of this order of statecraft the delegates of delegated delegates to the State convention, composed of delegated delegates of delegated delegates of the third degree, where the process of the "survival of the fittest" went on, sending to the national Republican convention a majority of its members composed of picked machine politicians, many of them mercenaries engaged in the governing business for profit, and most of them the political allies of big business. These are the gentlemen who will include in their number every political boss conspicuous in the several States and conspicuous in the big cities. They are "practical" politicians, who know how to "fry the fat" out of corporations. They are the distinguished citizens who make secret deals with big municipal contractors, who contribute substantial sums of money "for the success of the party" and incidentally receive larger sums of money at the expense of the public out of municipal contracts when the party gets in the governing business. They are the distinguished citizens who manipulate State legislatures and incidentally stand in with "big business" and receive large campaign funds "for the success of the party" and incidentally control nominations of Presidents and the choosing of Senators and indirectly control the choice of prosecuting attorneys and influence them in their prosecution (?) of the trusts. These are the gentlemen who undertake to engineer and nominate judges on the bench, for they are in the governing business and they like to see the administration of the law in the hands of their friends, whether in the legislative or executive offices or on the bench.

What wonder is it that they are opposed to the publicity of campaign contributions and the election of Senators by direct vote? What wonder is it that they oppose physical valuation of railroads, employers' liability acts, and regulations of telegraph and telephone rates, and the control of rates, and the reduction of the tariff, as proposed by COOPER and overwhelmingly voted down by the machine?

The machine thus writes our political policies through the operation of a political party and places its controlling hand upon the officials of this Government who hold office under constitutional forms, but by machine nomination. The machine appoints a committee of 53 men, who are responsible to no constituency, on the committee on resolutions to write our national policies. Did they truly represent the 17 Republican States who, through their legislatures, demanded the direct election of Senators? Did they fairly represent the people of Pennsylvania, who, through their legislature, demanded this reform, or the people of Indiana, or the people of Michigan, or of Wisconsin, or of Minnesota, or of Iowa, or of Illinois, or of any of the Western States who had declared for the direct election of Senators? They did not. They did not truly represent the people. They were not elected by the people, but nominated and appointed by ward caucuses, machine-made county and State conventions. They represented a machine, in my opinion, unduly influenced or controlled by the special interests of this country. That is what they really represented in their recorded acts. They did not represent the Republican voters of this country when they voted down the Cooper minority report, and they did represent the special interests.

For one citizen of the United States, I am tired of machine government of this country. I am weary of seeing corrupt special interests put their hands secretly upon the governing function in towns, in cities, in States, and in the Nation through this system of machine politics, where representative government has very nearly met its destruction. Fortunately, due to the intelligence and patriotism of this country, to which we owe thanks, there has grown up in this country in both parties a wide movement, not partisan, but thoroughly patriotic, having for its purpose to put commercialism out of the governing business in this country, so that when Gov. Johnson, a Republican candidate for governor of California, for example, made his great campaign there he had as his slogan, "The Southern Pacific has got to go out of the governing business in California," and on that issue he won. In other States on like issues one victory after another has been snatched from the commercialized machines.

I call the attention of the Senate to the record of the vote on the election of Senators by direct vote of the people in the last session of Congress. On the Sutherland amendment retaining Federal control over "the time, place, and manner" of electing Senators there were 50 ayes, 37 nays. On the Borah resolution thus amended by the Sutherland amendment there were 54 yeas and 33 nays. For the Sutherland amendment there were 49 Republicans and 1 Democrat; and of those 49 Republicans 24 of them were against the election of Senators on any basis, showing that 24 Senators who desired to defeat the reform supported the Sutherland amendment, which is the same as the Bristow amendment, substantially.

I call the attention of Senators also to the fact that since we must judge the future by the past, they would do well to observe that 10 Senators who were against this reform did not return on the 4th of March last—to wit, Aldrich, Bulkeley, Elkins, Burrows, Depew, Dick, Flint, Hale, Kean, Scott—and that nearly every Senator who has shown his lack of sympathy with popular government recently has been defeated by the people as far as the people have been able to express themselves in choosing the successors of such Senators.

It is well enough to consider what the people of this country think; public opinion ought not to be disregarded by Senators who care to prolong their usefulness as public servants.

The vote on the Sutherland amendment was as follows:

Yeas—Beveridge, Bradley, Brandegee, Briggs, Bulkeley, Burkett, Burnham, Burrows, Burton, Carter, Clark of Wyoming, Clarke of Arkansas, Crane, Crawford, Cullom, Curtis, Depew, Dick, Dillingham, Dixon, du Pont, Flint, Frye, Gallinger, Gamble, Guggenheim, Hale, Heyburn, Jones, Kean, Lodge, Lorimer, McCumber, Nelson, Nixon, Oliver, Page, Penrose, Perkins, Piles, Richardson, Root, Scott, Smith of Michigan, Smoot, Stephenson, Sutherland, Warner, Wetmore, and Young—50.

Nays—Bacon, Bailey, Bankhead, Borah, Bourne, Bristow, Brown, Chamberlain, Clapp, Culberson, Cummins, Davis, Fletcher, Foster, Frazier, Gore, Gronna, Johnston, La Follette, Martin, Newlands, Overman, Owen, Paynter, Percy, Rayner, Shively, Simmons, Smith of Maryland, Smith of South Carolina, Stone, Swanson, Taliaferro, Taylor, Thornton, Tillman, and Watson—37.

Not voting—Aldrich, Money, Terrell, and Warren—4.

So Mr. SUTHERLAND's amendment was agreed to.

Vote on the Borah resolution was as follows:

Yeas: Bailey, Beveridge, Borah, Bourne, Bradley, Briggs, Bristow, Brown, Burkett, Burton, Carter, Chamberlain, Clapp, Clark of Wyoming, Clarke of Arkansas, Culberson, Cullom, Cummins, Curtis, Davis, Dixon, du Pont, Frye, Gamble, Gore, Gronna, Guggenheim, Jones, La Follette, McCumber, Martin, Nelson, Newlands, Nixon, Overman, Owen, Paynter, Perkins, Piles, Rayner, Shively, Simmons, Smith of Maryland, Smith of Michigan, Smith of South Carolina, Stephenson, Stone, Sutherland, Swanson, Taylor, Thornton, Warner, Watson, Young—54.

Nays: Bacon, Bankhead, Brandegee, Bulkeley, Burnham, Burrows, Crane, Depew, Dick, Dillingham, Fletcher, Flint, Foster, Gallinger, Hale, Heyburn, Johnston, Kean, Lodge, Lorimer, Money, Oliver, Page, Penrose, Percy, Richardson, Root, Scott, Smoot, Taliaferro, Tillman, Warren, Wetmore—33.

Not voting: Aldrich, Crawford, Frazier, Terrell—4.

The VICE PRESIDENT. Upon this question the yeas are 54, the nays are 33. Two-thirds not having voted therefor, the nays have it, and the joint resolution is not passed.

It will be seen that there were 22 Senators who voted for the Sutherland amendment to give Federal control of "time, place, and manner of electing" and then voted against the Borah amendment to allow the people the right of directly electing Senators at all, as follows:

Senator BRANDEGEE, Senator Bulkeley (retired), Senator BURNHAM, Senator Burrows (retired), Senator CRANE, Senator Depew (retired), Senator Dick (retired), Senator DILLINGHAM, Senator Flint (retired), Senator GALLINGER, Senator Hale (retired), Senator HEYBURN, Senator Kean (retired), Senator LODGE, Senator LORIMER, Senator PAGE, Senator PENROSE, Senator RICHARDSON, Senator ROOT, Senator Scott (retired), Senator SMOOT, and Senator WETMORE.

The people of this country are not willing to continue to permit big businesses to run the Senate nor this Government. Upon this issue the Republicans lost Maine, Massachusetts, New York, New Jersey, Ohio, Indiana, and very nearly lost Pennsylvania in the last election, and will lose it in the next election, and they will deserve to lose it unless they reform. If they claim to reform, the people will do well to consider the sincerity of their repentance.

Mr. President, at this late hour I do not care to discuss this matter further. I only want to put in the RECORD the fact that the day of machine politics in control of this country is about

ended. I glory in the insurgent Republicans and in what they stand for in reestablishing honest government. I stand with them in their declared purpose to purge this country of corrupt practices through the initiative and referendum, through the recall, the publicity system, the preferential voting for presidential nominations, and through the Oregon system of government, with its people's-rule method, of which every Senator should take note and to which every Senator should give his prayerful and earnest attention.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Kansas?

Mr. OWEN. I yield to the Senator from Kansas.

Mr. BRISTOW. I should like to call the attention of the Senator from Oklahoma to a joint resolution which he himself introduced on July 7, 1909, where he sought to change the Constitution. I will read article 16 from the amendment which the Senator introduced. It is as follows:

ART. 16. The Senate of the United States shall be composed of two Senators from each State, chosen by the electors thereof for six years, and each Senator shall have one vote.

That is exactly the language of section 3 of Article I of the Constitution as it is now written, except that, instead of "chosen by the electors thereof," the Constitution says: "Chosen by the legislature thereof." The Senator, when he introduced that joint resolution, never made any attempt whatever to change section 4 of Article I.

Mr. OWEN. Mr. President, I can easily dispose of the suggestion offered by the Senator from Kansas. The Senator from Oklahoma knows more now than he did when he first entered this Chamber, and while he introduced the proposed amendment to the Constitution in 1908 and in 1909 in a form least objectionable to the majority party in control of the Senate, he prefers the Borah amendment for the reasons stated. The Senator from Oklahoma accomplished all he could do by arousing the attention of the country and exciting the leaders of the majority party to offer the amendment in such a form that it might pass.

The Senator from Oklahoma is gratified to have the Senator from Idaho and the Senator from Kansas to vie with each other in promoting the direct election of Senators by the people. This reform was asleep until Oklahoma entered the Union and gave it new life and vitality. Oklahoma is entitled to the credit of this reform, but is glad to pass the bay leaves to Idaho and Kansas.

Mr. CRAWFORD. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from South Dakota?

Mr. OWEN. With pleasure.

Mr. CRAWFORD. I should like to know if the Senator from Oklahoma knows of any good reason why there should be a difference in section 4 of Article I, if we amend it, as to the manner of supervising the election of Representatives and the manner of supervising the election of United States Senators, or is the Senator from Oklahoma in favor of doing away entirely with section 4 of Article I, leaving the election of Representatives, as well as the election of Senators, entirely to the people of the respective States?

Mr. OWEN. Absolutely none.

Mr. CRAWFORD. I am glad to know that that is the Senator's position.

Mr. OWEN. And moreover, Mr. President——

Mr. CRAWFORD. Do I understand that that is the position of those who are in favor of the amendment as proposed and reported from the committee; that is, that in principle they favor the withdrawal of the right of supervisory control on the part of the Federal Government over the election not only of Senators, after this change is made, but also over the election of Representatives?

Mr. OWEN. Speaking for myself alone, Mr. President, I favor the direct election by the people of Senators and of Members of the House of Representatives, and of postmasters, free from Federal control. [Laughter and manifestations of applause in the galleries.] I am in favor of every post office in the United States——

The VICE PRESIDENT. Visitors in the galleries must refrain from making any manifestations of approval or disapproval.

Mr. CRAWFORD. Will the Senator permit me to interrupt him further?

Mr. OWEN. Just a moment. The Senator from South Dakota wants to know my view, and I am glad to give it to him, and I speak for myself alone. I am in favor of every post office, through its patrons, nominating its postmaster, with the right of recall, subject to a reasonable civil-service act.

Mr. CRAWFORD. That is quite another question.

Mr. OWEN. It goes to the root of this whole question, to the control of the governing function by the people of this country and bringing the government just as close home as possible. I am in favor of every municipality and village writing its own charter and conducting its own business without any meddlesome interference by any legislature, where corruption is often rampant, and where they make professional political profit out of cities and the city values in the States, as every man connected with this Senate knows full well; and I could call Senators as witnesses to this truth on this floor by the score.

Why should the Legislature of New York State deny self-government to Buffalo, to New York City, to Albany, Syracuse, or Utica? Why should any State legislature deny home rule to the cities of the State, or be permitted to levy blackmail on municipalities that must come cap in hand humbly to pray for relief against Pinch bills or to plead for the right to improve their own cities in their own way?

Mr. CRAWFORD. Will the Senator permit me to interrupt him further?

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from South Dakota?

Mr. OWEN. With pleasure.

Mr. CRAWFORD. Mr. President, I had no intention of diverting the Senator from Oklahoma into a discussion of the selection of postmasters.

Mr. OWEN. The Senator from South Dakota has not diverted the Senator from Oklahoma. The principle of placing power in the hands of the people to elect Congressmen, Senators, postmasters, and to govern themselves locally by home rule of cities is the same thing in its essence. It is democracy in its true sense.

Mr. CRAWFORD. I wanted to find out what was the position of the Senator and those who are standing with him. It seemed to me that in order to make this amendment what it should be, to express the wish of the Senator from Oklahoma and those standing with him, it ought to go back to the Judiciary Committee, and come back here as a proposal to entirely repeal section 4 of Article I of the Constitution and have the election of Representatives, together with the election of Senators, a matter entirely under the control of the States. Why should we garble it in such a way as to have one rule apply to the election of Senators by the people while the power of supervisory control is given up as to Senators and retained as to Representatives?

Mr. OWEN. Mr. President, there is some logical force in the contention of the Senator from South Dakota; but the Senator from Oklahoma speaks for himself alone; he does not presume to speak for any of his colleagues. He is speaking as an individual, expressing his sincere view with regard to this matter, expressing his belief that the sooner this country offsets the unavoidable tendency to centralization by as great a measure of decentralization as is practical and sensible we shall give added strength and stability to this Republic. I therefore believe in doing away with machine government, in ending the undue power of veto in the minority, and in trusting the people with their local matters, just as we trust the citizen with the management of his own house. That is what I believe; and, believing it, I am glad of an opportunity to say it. I believe in both centralization and in decentralization. Centralization gives power and efficiency to the national energies, but decentralization by the fullest measure of home rule gives contentment and efficiency in local management and assures stability and peace among the people, who are better satisfied when they manage their own local affairs free from centralized interference.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Georgia [Mr. BACON] to the substitute offered by the Senator from Kansas [Mr. BRISTOW].

Mr. BACON. Mr. President, with the permission of the Senate, I will withdraw my amendment. I offered it hoping that it might be the ground upon which differing opinions might meet, but I do not believe it will simplify the situation; so I will withdraw it in order that the vote may be taken directly upon the Bristow amendment.

The VICE PRESIDENT. Without objection, the amendment proposed by the Senator from Georgia will be withdrawn. The question then is on the substitute offered by the Senator from Kansas [Mr. BRISTOW] to the joint resolution reported by the Senator from Idaho [Mr. BORAH].

Mr. BORAH. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). On this question I am paired with the senior Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "yea."

The roll call having been concluded, it resulted—yeas 44, nays 44, as follows:

YEAS—44.

Bourne	Crane	Jones	Penrose
Bradley	Crawford	Kenyon	Perkins
Brandegee	Cullom	Lippitt	Richardson
Briggs	Cummins	Lodge	Root
Bristow	Curtis	Lorimer	Smith, Mich.
Brown	Dixon	McCumber	Smoot
Burnham	du Pont	McLean	Stephenson
Burton	Gallinger	Nelson	Sutherland
Clapp	Gamble	Nixon	Townsend
Clark, Wyo.	Guggenheim	Oliver	Warren
Clarke, Ark.	Heyburn	Page	Wetmore

NAYS—44.

Bacon	Gore	Newlands	Simmons
Bailey	Gronna	O'Gorman	Smith, Md.
Bankhead	Hitchcock	Overman	Smith, S. C.
Borah	Johnson, Me.	Owen	Stone
Bryan	Johnston, Ala.	Paynter	Swanson
Chamberlain	Kern	Percy	Taylor
Chilton	La Follette	Poindexter	Terrell
Culberson	Lea	Pomerene	Thornton
Davis	Martin, Va.	Rayner	Watson
Fletcher	Martine, N. J.	Reed	Williams
Foster	Myers	Shively	Works

NOT VOTING—3.

Dillingham	Frye	Tillman

The VICE PRESIDENT. On this vote the yeas are 44 and the nays are 44. The Chair votes in the affirmative. The yeas have it, and the amendment is agreed to. The question now is on agreeing to the joint resolution as amended.

Mr. BORAH. On that question I call for the yeas and nays.

The yeas and nays were ordered.

Mr. WARREN. Mr. President, just a word before we proceed to vote upon the final passage of the joint resolution. I do not expect at this late hour to make any extended comment upon the resolution upon which we are to vote to-day. Its merits and demerits have been discussed so often and so fully that further debate at this time could add nothing to the public knowledge of the question and would have no weight or influence in changing the action which will be taken in this body to-day.

I voted against the measure on a former occasion because I believed it would not bring about a better condition of affairs. I believe that now; but I am convinced that a large majority of the people in a large number of the States desire the opportunity to vote upon this amendment; and realizing that the people must and should rule in the end I propose to vote for this measure and give the people an opportunity to vote upon the proposed constitutional amendment in the usual way, through their legislative bodies.

For myself, I am not convinced that the change in the Constitution of the United States proposed by this resolution would benefit the people of this country or their institutions. Nor am I at all sure that the necessary number of the States of the Union will favor the measure. And in this connection I would call attention to the action of the Republican national convention in 1908 in Chicago, where a resolution favoring the proposed change in the Constitution was rejected by a vote of 866 against it to 114 for it.

The method of electing Members of the United States Senate was not hastily determined upon. On the contrary, it was adopted after long deliberation and debate and after considering also the plan which is proposed by the pending resolution.

Very briefly I refer to this historical phase of the question. After long discussion the plans for electing Senators narrowed down to four: First, they were to be selected by the House of Representatives; second, by the President of the United States; third, by the direct vote of the people; fourth, by the State legislatures. It was contended that the first plan would make the Senate a dependency; the second would be a step in the direction of a monarchy; the third would lead to confusion and to clashes between the farming and manufacturing or commercial interests; the fourth method was unanimously supported by the members of the convention and was finally adopted when the question of the number of Senators to represent each State was settled.

This settlement was effected by the States of larger population surrendering what they considered their right of proportionate representation in the Senate and giving all the States equal representation.

Here, I might ask, if Senators are to represent the people directly, and not the sovereign States, how long will the populous Eastern States like New York, Pennsylvania, or Ohio, be content to exercise no more power in the Senate than the sparsely settled Western States like Nevada, Wyoming, Utah, and others, notwithstanding the original compact.

If there were time countless quotations of approval from recognized great masters of political economy could be given for the plan of State legislative selection of United States Senators. I mention but a few of the many:

Mr. Bryce, in his "American Commonwealth," writes:

> The American plan, which is older than any of those in use in the European Continent, is also better, because it is not only simple, but natural, i. e., grounded on and consonant with the political conditions of America.

James Madison said, in advocacy of the present method:

> When we come to the Senate, its Members are elected by the States in their equal and political capacity; but had the Government been completely consolidated, the Senate would have been chosen by the people in their individual capacity in the same manner as the Members of the House. Thus it is of a complicated nature, and this complication, I trust, will be found to exclude the evils of absolute consolidation, as well as of a mere confederacy.

Alexander Hamilton, in the Federalist, wrote:

> Through the medium of the State legislatures, which are to appoint the members of the National Senate, there is reason to expect that this branch will be generally composed with peculiar care and judgment; that these circumstances promise greater knowledge and more extensive information in the national councils, and that they will be less apt to be tainted by the spirit of faction and more out of reach of those occasional ill humors or temporary prejudices and propensities which in smaller societies frequently contaminate the public councils, beget injustice and oppression of a part of the community, and engender schemes, which, though they gratify a momentary inclination or desire, terminate in general distress, dissatisfaction, and disgust.

The late Senator Hoar, in one of his great arguments on the question, said:

> Our fathers were profound students of history. They found that no republic, although there had been many examples, ever lasted long without a Senate. The term Senate implied to their minds, as to ours, a body of men of mature age and of a tenure of office which was removed from all temptation of being affected by temporary currents of public sentiment. The word Senate is a misnomer when applied to any legislative body of whom these things are not true.

The plan proposed by the pending resolution proposes, in effect, to deprive the Republic of a Senate.

Senator Hoar also said:

> I am convinced that the provision of the Constitution framed by the makers of that great instrument by which the popular will was to be expressed through the representatives of the people in the legislature has been eminently successful in its results, has preserved the rights of the States as such, and has protected their equality and their integrity a well as their powers of local self-government, which are so essential to the maintenance of government by and for the people.

Mr. President, the testimony of the great students and thinkers has indorsed the plan of the creation of the Senate framed by the makers of our Federal Constitution, and in my belief an impartial analysis of its results shows no necessity for a change.

But in a republic in which the powers of the government are derived from the people, it is not for us to say that the people shall not have an opportunity to change this plan if, after calm deliberation, they so decide.

I believe that this Senate is convinced that election of the Senate by direct vote would not be for the best interests of the people of the United States or tend to perpetuate the tried institutions of our Government.

But, on the other hand, the Senate, I believe, does not arrogate to itself omniscience. Higher than its own views it holds the right of the people to express their views upon all questions affecting their welfare. The people of my own State have expressed in the past through their State legislature a desire to vote on this question. This expression was not a recent one, the present legislature which has held a session during the present year having taken no final action upon a resolution favoring the proposed change.

I believe if given an opportunity to vote, and when acting with the responsibility a vote brings, the people of my State will decide this question with intelligence and wisdom and in the line of patriotism and in what they honestly believe will make for the best interests and perpetuity of the Government. Therefore on this question I propose to vote for the resolution with the sole purpose of giving the people of my State and of the Nation an opportunity to record their wishes for or against changing the Constitution.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN]. I am advised by him that he would vote against this proposition if he were present, and as it is my purpose to vote the same way, I will take the liberty of voting. I vote "nay."

Mr. OVERMAN (when his name was called). On this vote I am paired with the senior Senator from South Carolina [Mr. TILLMAN]. If he were present, he would vote "nay" and I should vote "yea."

Mr. BACON (when Mr. TILLMAN's name was called). I have been authorized by the Senator from South Carolina [Mr. TILLMAN] to pair him in the negative on this vote if the Bristow

amendment should be adopted. If the Bristow amendment were defeated, he instructed me to have his pair announced in favor of the adoption of the joint resolution; but, with the Bristow amendment adopted, I am instructed by him to announce a pair against it. I therefore announce that if he were present the Senator from South Carolina would vote "nay," and that on this vote he is paired with the Senator from North Carolina [Mr. OVERMAN] and the Senator from Maine [Mr. FRYE], who would vote in the affirmative if present.

I also desire to state while I am on the floor that I voted on the Bristow amendment, although paired with the Senator from Maine [Mr. FRYE], because I had his authority so to do.

The roll call having been concluded, the result was announced—yeas 64, nays 24, as follows:

YEAS—64.

Bailey	Cullom	Lea	Reed
Borah	Cummins	McCumber	Shively
Bourne	Curtis	McLean	Simmons
Bradley	Davis	Martin, Va.	Smith, Md.
Briggs	Dixon	Martine, N. J.	Smith, Mich.
Bristow	du Pont	Myers	Smith, S. C.
Brown	Gamble	Nelson	Stephenson
Bryan	Gore	Newlands	Stone
Burton	Gronna	Nixon	Sutherland
Chamberlain	Guggenheim	O'Gorman	Swanson
Chilton	Hitchcock	Owen	Taylor
Clapp	Johnson, Me.	Paynter	Thornton
Clark, Wyo.	Jones	Perkins	Townsend
Clarke, Ark.	Kenyon	Poindexter	Warren
Crawford	Kern	Pomerene	Watson
Culberson	La Follette	Rayner	Works.

NAYS—24.

Bacon	Fletcher	Lodge	Richardson
Bankhead	Foster	Lorimer	Root
Brandegee	Gallinger	Oliver	Smoot
Burnham	Heyburn	Page	Terrell
Crane	Johnston, Ala.	Penrose	Wetmore
Dillingham	Lippitt	Percy	Williams

NOT VOTING—3.

Frye	Overman	Tillman

The VICE PRESIDENT. Two-thirds of the Senators present having voted in favor thereof, the joint resolution as amended is passed.

Mr. REED. Mr. President, with all due respect to the President, I do not desire that the Senate adjourn without registering my protest against the President having cast the deciding vote upon the Bristow amendment. I have not had time to examine the question, but I think there is very serious doubt about the right of the President to cast the deciding vote in a matter of this kind, and I desire to register my protest at this time.

Mr. GALLINGER. I think, Mr. President, when the Senator from Missouri does examine the matter he will be satisfied that the Chair acted within his constitutional rights.

I move that the Senate adjourn.

Mr. BACON. Mr. President——

The VICE PRESIDENT. Will the Senator from New Hampshire withhold his motion for a moment?

Mr. GALLINGER. Yes.

Mr. BACON. I make the point of order that the matter has not been disposed of. What we have done was in the Senate as in Committee of the Whole. There has been no action upon this measure in the Senate. The Chair will remember——

The VICE PRESIDENT. Literally speaking, the Senator from Georgia is right.

Mr. GALLINGER. I think he is.

The VICE PRESIDENT. Literally speaking, the Senator from Georgia is right. The joint resolution will be reported to the Senate.

The joint resolution was reported to the Senate as amended.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. BACON. I desire to reserve the right to offer an amendment to the amendment offered by the Senator from Kansas [Mr. BRISTOW] before the question is put as to agreeing to the amendment which was adopted as in Committee of the Whole. At the proper time I shall offer the amendment.

The VICE PRESIDENT. The joint resolution is in the Senate and open to amendment.

Mr. BACON. I now offer the amendment which I previously offered in Committee of the Whole, but which I withdrew. I now offer it as an amendment to the amendment offered by the Senator from Kansas.

The VICE PRESIDENT. The Senator from Georgia offers the following amendment to the substitute of the Senator from Kansas, which the Secretary will report.

The SECRETARY. On page 2 of the substitute, after line 2, insert the following words——

Mr. LODGE. A parliamentary inquiry. I thought what was reported to the Senate was the joint resolution as amended in Committee of the Whole.

The VICE PRESIDENT. That is correct.

Mr. LODGE. Therefore the amendment of the Senator from Kansas is now the joint resolution and is pending in the Senate.

Mr. BACON. Not at all. The whole thing is before the Senate.

The VICE PRESIDENT. It is still open to amendment in the Senate.

Mr. LODGE. It is still open to amendment in the Senate, unquestionably.

The SECRETARY. On page 2 of the substitute, after line 2, insert the following words:

> The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof; but the Congress may make such regulations in any State whenever the legislature thereof shall neglect or refuse to make such regulations, or from any circumstances be incapable of making the same.

Mr. BACON. I desire again to say that that amendment offered by me is in the identical language of the utterance of the New York convention in adopting the Constitution, stating that that should be the limit of the power to be exercised by Congress.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. BACON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BACON (when Mr. TILLMAN's name was called). I have a general pair with the senior Senator from Maine [Mr. FRYE]. The Senator from Vermont [Mr. DILLINGHAM] has a pair with the senior Senator from South Carolina [Mr. TILLMAN]. With his consent I transfer those pairs and each of us will be allowed to vote. I have already voted, and the Senator from Vermont under that arrangement will also be at liberty to vote.

The roll call was concluded.

Mr. DILLINGHAM. I transfer my pair with the senior Senator from South Carolina [Mr. TILLMAN] to the senior Senator from Maine [Mr. FRYE], and vote. I vote "nay."

The result was announced—yeas 43, nays 46, as follows:

YEAS—43.

Bacon	Gore	O'Gorman	Smith, Md.
Bailey	Hitchcock	Overman	Smith, S. C.
Bankhead	Johnson, Me.	Owen	Stone
Borah	Johnston, Ala.	Paynter	Swanson
Bryan	Kern	Percy	Taylor
Chamberlain	La Follette	Poindexter	Terrell
Chilton	Lea	Pomerene	Thornton
Culberson	Martin, Va.	Rayner	Watson
Davis	Martine, N. J.	Reed	Williams
Fletcher	Myers	Shively	Works
Foster	Newlands	Simmons	

NAYS—46.

Bourne	Crawford	Jones	Perkins
Bradley	Cullom	Kenyon	Richardson
Brandegee	Cummins	Lippitt	Root
Briggs	Curtis	Lodge	Smith, Mich.
Bristow	Dillingham	Lorimer	Smoot
Brown	Dixon	McCumber	Stephenson
Burnham	du Pont	McLean	Sutherland
Burton	Gallinger	Nelson	Townsend
Clapp	Gamble	Nixon	Warren
Clark, Wyo.	Gronna	Oliver	Wetmore
Clarke, Ark.	Guggenheim	Page	
Crane	Heyburn	Penrose	

NOT VOTING—2.

Frye	Tillman

So Mr. BACON's amendment was rejected.

The VICE PRESIDENT. The question recurs on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time.

The VICE PRESIDENT. The question is, Shall the joint resolution pass?

Mr. HEYBURN. On that I ask for the yeas and nays.

The VICE PRESIDENT. The Chair thinks it necessary to vacate the former order made on a misunderstanding. Without objection, that will be done.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Having been released from my pair with the senior Senator from South Carolina [Mr. TILLMAN], I will vote. I vote "nay."

Mr. BACON (when Mr. FRYE's name was called). I again announce, by authority of the Senator from Maine [Mr. FRYE],

his pair with the senior Senator from South Carolina [Mr. TILLMAN], the Senator from North Carolina [Mr. OVERMAN] being the other Senator paired with the senior Senator from South Carolina, as already announced.

Mr. OVERMAN (when his name was called). On the final passage of the joint resolution as amended I am paired with the senior Senator from South Carolina [Mr. TILLMAN]. If he were present, he would vote "nay," and I should vote "yea."

The roll call having been concluded, resulted—yeas 64, nays 24, as follows:

YEAS—64.

Bailey	Cullom	Lea	Reed
Borah	Cummins	McCumber	Shively
Bourne	Curtis	McLean	Simmons
Bradley	Davis	Martin, Va.	Smith, Md.
Briggs	Dixon	Martine, N. J.	Smith, Mich.
Bristow	du Pont	Myers	Smith, S. C.
Brown	Gamble	Nelson	Stephenson
Bryan	Gore	Newlands	Stone
Burton	Gronna	Nixon	Sutherland
Chamberlain	Guggenheim	O'Gorman	Swanson
Chilton	Hitchcock	Owen	Taylor
Clapp	Johnson, Me.	Paynter	Thornton
Clark, Wyo.	Jones	Perkins	Townsend
Clarke, Ark.	Kenyon	Poindexter	Warren
Crawford	Kern	Pomerene	Watson
Culberson	La Follette	Rayner	Works

NAYS—24.

Bacon	Fletcher	Lodge	Richardson
Bankhead	Foster	Lorimer	Root
Brandegee	Gallinger	Oliver	Smoot
Burnham	Heyburn	Page	Terrell
Crane	Johnston, Ala.	Penrose	Wetmore
Dillingham	Lippitt	Percy	Williams

NOT VOTING—3.

Frye	Overman	Tillman

The VICE PRESIDENT. On the final passage of the joint resolution as amended the yeas are 64, the nays are 24. Two-thirds having voted in favor thereof, the joint resolution is passed.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to, and (at 10 o'clock and 2 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 13, 1911, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 12, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, offered the following prayer:

Blessed be the name of the Lord our God, whose goodness stands approved in a thousand beneficent acts day by day, which pass all unnoticed through our selfish and ignoble ambitions. Forgive us, O Father, and inspire us with clearer vision, nobler aspirations, larger life, in Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

INCOME-TAX AMENDMENT.

The SPEAKER laid before the House the following letter from the secretary of state of Arkansas, transmitting certified copy of joint resolution passed by the Legislature of Arkansas ratifying the proposed amendment of the Constitution of the United States providing for an income tax, which was ordered printed in the RECORD.

STATE OF ARKANSAS, OFFICE OF THE SECRETARY,
Little Rock, June 8, 1911.

Hon. CHAMP CLARK,
Speaker of the House of Representatives, Washington, D. C.

MY DEAR SIR: In pursuant to the Constitution of the United States of America I herewith transmit to you a certified copy of Senate joint resolution No. 7, ratifying and approving the proposed amendment to the Constitution of the United States relative to income tax, passed by the respective bodies of the Arkansas Legislature during the session of 1911 of the Thirty-eighth General Assembly.

By this mail a copy of the above is furnished the honorable Secretary of State, Hon. P. C. Knox, Washington, D. C.

Very respectfully,

EARLE W. HODGES,
Secretary of State.
By CHESTER W. TAYLOR,
Deputy.

STATE OF ARKANSAS, DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting:

I, Earle W. Hodges, secretary of state of the State of Arkansas, do hereby certify that the following and hereto attached instrument of writing is a true and perfect copy of senate joint resolution No. 7, by Senator Rogers, of Benton County. Vetoed by the governor June 1, 1911.

Passed by the respective bodies of the Arkansas Legislature by the vote and on the date given below:

Passed by the senate on 17th day of April, 1911. Total ayes, 24; total nays, 6; absent and not voting, 5.

Passed by the house on 22d day of April, 1911. Total ayes, 64; total nays, 7; absent and not voting, 29.

The original was filed for record in this office on the 1st day of June, 1911.

In testimony whereof I have hereunto set my hand and affixed my official seal. Done at office in the city of Little Rock this 8th day of June, 1911.

[SEAL.]

EARLE W. HODGES,
Secretary of State.
By CHESTER W. TAYLOR,
Deputy.

Joint resolution (S. J. Res. 7) of the Legislature of the State of Arkansas ratifying and approving the proposed amendment to the Constitution of the United States relative to income tax.

Whereas the Sixty-first Congress of the United States of America at the first session, begun and held in the city of Washington on Monday, the 15th day of March, 1909, proposed an amendment to the Constitution of the United States in words and figures as follows:

"ARTICLE XVI. Congress shall have the power to lay and collect taxes on incomes from whatever source derived without apportionment among the several States and without regard to any census or enumeration."

Now, therefore, be it

Resolved by the Legislature of the State of Arkansas, That the foregoing resolution, being the sixteenth amendment to the Constitution of the United States, be, and the same is hereby, approved and ratified.

Adopted by the house of representatives the 22d day of April, 1911.

R. F. MILWEE,
Speaker House of Representatives.
HARDIN K. TONEY,
President of the Senate.

Filed in the office of the secretary of state this 1st day of June, 1911.

EARLE W. HODGES, *Secretary of State.*

Vetoed June 1, 1911.

G. W. DONAGHEY, *Governor.*

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted—

To Mr. HAMILTON of Michigan, for two weeks, on account of important business.

To Mr. PEPPER, for 10 days, on account of important business.

INVESTIGATION OF AFFAIRS OF DISTRICT OF COLUMBIA.

Mr. FLOYD of Arkansas. Mr. Speaker, I present the following privileged resolution (H. Rept. 50) from the Committee on Accounts.

The Clerk read as follows:

House resolution 200.

Resolved, That all expenses that may be incurred by the committee appointed under the resolution of the House of Representatives adopted June 6, 1911, to make an investigation and an inquiry into the operations and methods of the departments of assessment and collection of taxes of the District of Columbia and such other departments of the District of Columbia as may be determined by them, as well as the organization, capitalization, bonded and other indebtedness, management and conduct of any and all of the public-utility corporations doing business in the said District, to an amount not exceeding $5,000, shall be paid out of the contingent fund of the House of Representatives on vouchers ordered by said committee, signed by the chairman thereof, and approved by the Committee on Accounts, evidenced by the signature of the chairman thereof: *Provided,* That no expenses incurred by members of the said committee appointed under the said resolution for the purpose herein mentioned, in going outside of the District of Columbia, or incurred outside the said District, shall be payable out of the fund designated herein.

The Clerk read the report (No. 50), as follows:

The Committee on Accounts, to whom was referred House resolution No. 200, have had the same under consideration and recommend its adoption, with the following amendment:

In line 16, on page 1, after the word "thereof," insert a period and strike out all the proviso of the resolution.

Mr. FLOYD of Arkansas. Mr. Speaker, the House a few days ago passed a resolution providing for the investigation of affairs of the District, and this resolution is to authorize certain expenditures by the Committee on the District of Columbia in carrying on and conducting these investigations. The resolution as introduced contained a proviso as follows:

Provided, That no expenses incurred by members of the said committee appointed under the said resolution for the purpose herein mentioned, in going outside of the District of Columbia or incurred outside the said District, shall be payable out of the fund designated herein.

Your committee recommend striking out that proviso and leaving the resolution in the form of other resolutions that the Committee on Accounts have heretofore submitted to the House and requiring the District of Columbia Committee to order the vouchers that the same shall be signed by the chairman thereof and be approved by the Committee on Accounts.

Mr. MANN. Will the gentleman yield?

Mr. FLOYD of Arkansas. I will yield to the gentleman from Illinois.

Mr. MANN. I think the form of the resolution presented is an exceedingly good form.

Mr. FLOYD of Arkansas. I thank the gentleman.

Mr. MANN. I would like to ask the gentleman whether under this resolution it is contemplated that the District Committee shall have its cab fares and transportation paid within the District?

Mr. FLOYD of Arkansas. That is a matter to be left to the discretion of the District Committee. Any necessary expense that they may incur in making the investigations would, presumably, be covered by this resolution.

Mr. MANN. Ever since I have been a Member of this House many members on the District Committee have believed, and have advocated, that that committee should have the privilege of riding around Washington making investigation at the public expense. I do not say that that privilege ought not to be accorded, but it has never been accorded heretofore. The District Committee has never been authorized to travel at the public expense.

Mr. GARNER rose.

Mr. FLOYD of Arkansas. Before I yield to the gentleman from Texas, I want to say to the gentleman from Illinois that the object and purpose of this resolution is not to permit the Committee on the District of Columbia to get cab fares, it has a more serious purpose than that. Whether or not cab fares would be included I am willing to leave to the discretion of that committee and to the chairman thereof. I will now yield to the gentleman from Texas.

Mr. GARNER. I want to suggest that this resolution is only carrying out the instructions of the House in a resolution that it passed on the 6th instant. At that time it was his opportunity to suggest what the methods of expenditure would be, whether they would hire cabs or automobiles or ride on the street cars or walk. It is a little late now to come in and ask the Committee on Accounts to put in its resolution, having brought it in in a splendid form, as the gentleman from Illinois has already suggested, a provision that this can not be used for cab hire.

Mr. MANN. Mr. Speaker, I beg the gentleman's pardon, but the resolution which came up the other day did not provide for the expenses. This is the resolution which provides for the payment of the expenses. I have no criticism to make of the Committee on Accounts as to the form of the resolution, but made the inquiry because any expense that is incurred before it is paid must be approved by the Committee on Accounts, and I wish to inquire whether it is the purpose of the Committee on Accounts to provide transportation for the District Committee or other committees or other individual Members of the House in the city of Washington.

Mr. GARNER. Mr. Speaker, I take it that the record which the gentleman has made this morning would indicate to the committee that at least on the minority side of the House it would not be agreeable to create an expenditure for cab hire, and it may have the same effect on the examining committee as well as upon the Committee on Accounts.

Mr. FLOYD of Arkansas. Mr. Speaker, in addition to what my colleague on the committee has suggested, I desire to say it is not the purpose of the Committee on Accounts to provide cab hire for the District Committee, but the purpose is to provide all necessary expenses to carry on the investigations into the affairs of the District as provided in the resolution heretofore adopted by the House.

Mr. MACON. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Arkansas yield to his colleague?

Mr. FLOYD of Arkansas. Certainly.

Mr. MACON. Mr. Speaker, in response to what the gentleman from Texas [Mr. GARNER] has just said about this being an inopportune time to question the character of the expenditures to be made under this resolution, I desire to say that when the resolution was before the House a few days ago authorizing the investigation of matters in the District of Columbia, I for one did not understand that there was to be an appropriation for the purpose of making these investigations. I think that all the District Committees heretofore appointed have been investigating matters in the city of Washington, and they have been called upon from time to time to have witnesses before them, but I never understood that it was necessary for them to have a specific appropriation in order to make investigations. I am inclined to think now, if this committee is to have $5,000 at its disposal, that it must be intended that some part of it is to be used for the purpose of paying the personal expenses of the committee over the District to make such investigations as they think ought to be made.

I am advised that the committee knows of no wrong that has been committed, but they desire to make an investigation to see whether or not something may not have happened that was not entirely correct. In other words, they propose to make ferrets of themselves to see whether or not there might not be a rat in the hole. If they know of anything that is wrong, it would be well enough to investigate it. I think investigations ought always to be had where wrongs have grown to such a point that Members are satisfied that they have been committed, but when the chairman of the Committee on the District was before the Committee on Rules I remember to have read his statement as it appeared in the papers, and, as well as I remember, he said nothing about any wrong having been committed anywhere; did not know but what the administration of the affairs of the District had been conducted in accordance with law. But, it seems, they want to go out in search of wrongful acts. I am opposed to paying the personal expenses of this committee to make investigations, just as I would be opposed to paying the personal expenses of any other committee in this House if they wanted to take a trip to San Francisco, to Texas, or anywhere else to investigate conditions that they might have under consideration before their respective committees. The facts to be developed here are close at hand, and but little expense should be required to bring them out. If anything wrong has transpired, the witnesses can be called by telephone and they can come here at an expense of 5 cents each. It ought not to require any great expense to investigate the affairs of the city. If we are going into a wholesale investigation of all questions over which the House has jurisdiction, the Chair and the Members of the House can well understand that there is no telling to what extent it will go, where we will stop, or what the expense of these various investigations may be. Legitimate investigations are right—ought to be had whenever necessary—but to make ferrets of ourselves when we do not know whether there is a rat in the hole or not is a mistake, in my judgment.

Mr. CLARK of Florida. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Arkansas yield to the gentleman from Florida?

Mr. MACON. Certainly.

Mr. CLARK of Florida. I would like to know if the gentleman would be willing for this subcommittee of the Commiftee on the District of Columbia to use the Speaker's automobile in making these visits?

Mr. MACON. Mr. Speaker, I do not think that the members of the Committee on the District of Columbia have any more right to transportation of any kind at the expense of the Government than have the members of any other committee of this House, and I think it was impudence on the part of a member of that committee to suggest that the committee ought to be furnished with an easy way of riding over the city for the purpose of making investigations. [Applause.]

Mr. HARRISON of New York. Mr. Speaker——

The SPEAKER. Does the gentleman from Arkansas yield to the gentleman from New York?

Mr. FLOYD of Arkansas. I yield to the gentleman from New York.

Mr. HARRISON of New York. For what purpose is it intended to spend this $5,000?

Mr. FLOYD of Arkansas. A resolution was adopted by the House a few days ago authorizing the District Committee to make special investigations along certain lines, to make investigation and inquiry into the operations and methods of the department of collection and assessment of taxes of the District of Columbia, and such other departments of the District of Columbia as may be determined by it, as well as into the organization, capitalization, bonded and other indebtedness, management, and conduct of any and all public utilities, corporations, or businesses in said District.

Now, I have not a copy of the original resolution before me, but the original resolution covered a wide scope, and the purpose of this resolution is to enable the District Committee to pay the expenses of an investigation looking into the various affairs of the District of Columbia. It is not the purpose of the Committee on Accounts in offering this resolution to provide for paying street-car fare or anything of that kind. Witnesses must be had, experts may be required, and other expenses may be necessary.

Mr. HARRISON of New York. What is the nature of this investigation?

Mr. FLOYD of Arkansas. I have just read from the resolution provisions relative to the scope and character of these investigations.

Mr. HARRISON of New York. Why should a special appropriation be necessary to conduct it?

Mr. FLOYD of Arkansas. I have just read from the resolution the purposes of the investigation, and the remarks of the gentleman from New York, as well as the remarks of the gentleman from Arkansas, my colleague, should have been directed against the original resolution. The original resolution, which passed the House a few days ago, reported by the Committee on Rules, was argued at length in this House and passed the House, and your Committee on Accounts, by this resolution, is

simply carrying out a policy which will enable the District Committee to make the investigations heretofore authorized by the House. With the merits of the original proposition your Committee on Accounts does not deal; that has already been dealt with by the House, and we are simply following the usual form of resolution used by the Committee on Accounts to authorize these expenditures. If they go into an extended investigation they must have witnesses, they must investigate books and papers, and they must have experts. We do not state in this resolution that they must expend $5,000; that is the limit. The purpose of this resolution is to furnish so much as may be necessary to carry out the purposes of the House in adopting the original resolution.

Mr. HARRISON of New York. Did the original resolution provide for a special appropriation for that purpose?

Mr. FLOYD of Arkansas. It did not.

Mr. HARRISON of New York. Why should a special appropriation be now necessary? The District Committee is organized; it has clerks; it has time on its hands. I think it is a mistake for us to make any special appropriation for this purpose.

Mr. FLOYD of Arkansas. While the original resolution did not provide for this expenditure I am satisfied it was stated on the floor of the House at the time it was under consideration that this expenditure must be authorized by the Committee on Accounts.

Mr. LOBECK. Mr. Speaker——

The SPEAKER. Does the gentleman from Arkansas yield to the gentleman from Nebraska?

Mr. FLOYD of Arkansas. I yield.

Mr. LOBECK. Mr. Speaker, it is not the intention of this committee, I know, from the personnel of the committee, to go into any extraordinary expenditures. There will be some necessary experts needed or accountants to go over the accounts of the auditors of this District, but so far as any expenditure for cab fare or street car fare or any expenses that would be incurred by the individual members, I know for myself, and I believe I speak for the members of the committee, there will be no such expense charged to this appropriation asked for. I have had considerable experience for a number of years in city affairs. I have examined many municipal accounts; I have looked into the public utility improvements and the public utility franchises of our great cities and been up against them, and from my experience, and I can say for your committee and for myself, that there will be and should be no unusual or unnecessary expenditures made in this investigation by the members of this committee of this Congress.

Mr. EDWARDS. Will the gentleman yield?

Mr. LOBECK. Yes, sir.

The SPEAKER. Will the gentleman from Nebraska yield to the gentleman from Georgia?

Mr. LOBECK. Yes, sir.

Mr. EDWARDS. I take it that the gentleman from Nebraska is a member of the District Committee?

Mr. LOBECK. Yes, sir.

Mr. EDWARDS. Will the gentleman enlighten the House along the line of the suggestion of the gentleman from New York [Mr. HARRISON] and that of the gentleman from Arkansas [Mr. MACON] a few minutes ago, as to why this appropriation is needed at all?

Mr. LOBECK. The only cause, I understand, is that we will need some money in getting accountants to go over the details of the auditing office of the District of Columbia for a period extending back for nearly 40 years. A million dollars is reported as due to the Government by the District of Columbia, moneys that have not been accounted for, a matter that will have to be looked into, and you will well understand that no member of this committee will have the time to go through the books from way back to the beginning. And I am informed by the auditor of this District——

Mr. EDWARDS. Another question, please. What hearings, so far, have been held to demonstrate the necessity of an investigation, the like of which this resolution proposes and for which this appropriation is asked?

Mr. LOBECK. The chairman of the committee has had a great deal of information that there have been some irregularities in accounts in previous times, not questioning the matter at this time. But in years past there has been a lot of accounting that has not been just to the Nation, and he so stated when this resolution was passed.

Mr. GARNER. Is it not a fact, if I may interrupt the gentleman, that the House has already ordered this investigation? The time to have inquired about the necessity for it was at that time.

Mr. EDWARDS. We are considering now the matter of the appropriation.

Mr. GARNER. Yes.

Mr. EDWARDS. There are a great number of committees of this House that have done a great deal of investigating without extra appropriations. It is our duty as well to guard the Treasury of this country as it is to make investigations, and I take it that this resolution of investigation proposes to investigate not only the District affairs, but to investigate the various corporations of the District, and, if that is true, I think we already have sufficient machinery to carry that out. I do not believe in turning the House into a jury, so to speak, to make these investigations, inasmuch as we have courts through which to investigate them.

Mr. GARNER. If the gentleman will yield for a moment.

The SPEAKER. Does the gentleman from Nebraska [Mr. LOBECK] yield to the gentleman from Texas [Mr. GARNER]?

Mr. LOBECK. I do.

Mr. GARNER. I want to say, Mr. Speaker, in reply to the gentleman from Georgia that his remarks would have been very appropriate when the resolution was under consideration authorizing this investigation, but at that time it seems the gentleman from Georgia did not take sufficient interest in it—or else was absent from the Hall—to criticize the authorization of this investigation. After the House has authorized the investigation, it does seem to me that the Committee on Accounts and the House itself should not refuse a sufficient expense fund with which to carry out what the House has already authorized to be done. [Applause.]

Mr. SHACKLEFORD rose.

Mr. EDWARDS. I would like to say to the gentleman——

The SPEAKER. To whom does the gentleman from Texas yield?

Mr. GARNER. I yield to the gentleman from Georgia [Mr. EDWARDS].

Mr. EDWARDS. I would like to say to the gentleman from Texas that there has been no lack of interest so far as I am concerned, and so far as my attendance in the House is concerned I have no doubt I could measure records with the gentleman from Texas very well. But the question now before the House is a question of an appropriation, and it is a question for us to decide whether or not we shall make that appropriation. I have merely been seeking a little light as to why this appropriation is necessary. I do not think this House ought to appropriate money unless it is absolutely necessary. If it is necessary, I am ready to vote for the appropriation, as I have absolute confidence in the District Committee.

Mr. HARRISON of New York and Mr. SHACKLEFORD rose.

The SPEAKER. To whom does the gentleman from Texas yield?

Mr. GARNER. I yield first to the gentleman from New York [Mr. HARRISON].

Mr. HARRISON of New York. Mr. Speaker, nobody in my hearing has yet given us any reason as to why we should make a special appropriation for this purpose. If it is the purpose of the District Committee to go into the accounts of the District and their relation to the National Government for the last 40 years, they could spend a great deal more than $5,000. They could spend $100,000, most of which, in my judgment, would be wasted.

It is my belief that a great deal of the employment of special accountants is mere flimflam. The District Committee is made up of very live gentlemen, who have had vast experience in municipal affairs, and an investigation of the character that they could give to these matters is of a great deal more value, in my opinion, than the tables of reports that can be prepared by so-called experts.

Mr. SHACKLEFORD. Mr. Speaker——

Mr. DYER. Mr. Speaker——

Mr. GARNER. I yield, Mr. Speaker, to the gentleman from Missouri.

The SPEAKER. To which gentleman from Missouri does the gentleman yield—to Mr. SHACKLEFORD or to Mr. DYER?

Mr. GARNER. I yield to Mr. SHACKLEFORD. He spoke first.

Mr. SHACKLEFORD. Mr. Speaker, having been for a time a member of the Committee on the District of Columbia, I think I can give to the gentleman from New York [Mr. HARRISON] and the gentleman from Georgia [Mr. EDWARDS] very good reasons why this investigation should be made. For instance, there is said to be a railroad in this District capitalized at $666,000 a mile which it cost $66,000 a mile to build. We want to know why we can not have free transfers. We want to know why all the corporations in this city are conducting their

affairs as they are. We want to know why it is that the District Commissioners have not brought a better government to this city than they have. We want to know whether all these corporations are conducting themselves within their proper limitations. We want to know whether they are giving the people the best service they can give for the least money.

There are thousands of things that we want to know. At every Congress we hear complaints from Members of the House and from people of the District, complaining that things are not conducted in this District as they should be.

Why are they not? It is because these facts are not properly brought before Congress. Nobody can do it but Congress, and Congress can do it only through a properly authorized committee. These matters should be investigated and corrected, and that can only be done by giving this committee the power of conducting an investigation.

I know, Mr. Speaker, that the corporations and those who stand by the corporations tell us we ought to leave these matters with the Commissioners of the District of Columbia, and that they will attend to them. They tell us that Congress ought not to interfere and that we have three good, honest commissioners who can attend to these matters. But, Mr. Speaker, the responsibility lies upon this Congress to right whatever wrongs exist in this city, and it is the duty of Congress to empower this committee to the fullest extent to go out and get the facts; to know why it is that a man in riding upon the street cars must hang on to the fenders in order to get to his destination; to know why it is that this is the worst corporation-ridden city in the world. It can only be corrected by first finding out the facts, by an honest and capable committee, such as we have here in the District of Columbia Committee, and let that committee bring the facts before the House.

Mr. HARRISON of New York. Will the gentleman yield?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from New York?

Mr. SHACKLEFORD. I do.

Mr. HARRISON of New York. Will the gentleman explain to us what bearing his very eloquent discourse has upon the question at issue, namely, the necessity for a special appropriation?

Mr. SHACKLEFORD. Mr. Speaker, this is not a special appropriation. The committee already has authority to make the investigation. Now, the additional authority is given to the committee to incur such expenses as may be necessary to carry out the purposes of the resolution that has already been adopted. The committee has been authorized to make that investigation. It is necessary that the investigation be made. It can not be made unless they are given authority to incur the necessary expense, and that is all that is sought to be done here to-day.

Mr. CAMPBELL. Will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Kansas?

Mr. SHACKLEFORD. I do.

Mr. CAMPBELL. The gentleman has had a long experience on the District Committee. Does he now know to what use you will apply any part of this $5,000, if the appropriation were made, in investigating any of the corporations or the officers of this city here and of the District of Columbia?

Mr. SHACKLEFORD. Using the phrase of a gallant Missourian who preceded me here many years ago, I will say that "that fact will demonstrate itself as the hilarity of the occasion progresses."

Mr. MANN. No doubt it will result in hilarity.

Mr. CAMPBELL. I assume that that is about all the reason that anyone can give for making this appropriation.

Mr. SHACKLEFORD. The gentleman from Kansas [Mr. CAMPBELL], being a mild-mannered man, overly credulous, and believing that everybody is intending to do the right thing, has never shown the alarm that some of the rest of us have felt, that the corporations of this town were not keeping within their proper bounds. He has never been one of those who have been alarmed at what has been occurring here in this District. He is one of these optimists who believe that these corporations are all acting well within their powers, and that all this clamor about bad management is without foundation.

But I differ from him. The question is asked, "What will you do with this $5,000?" That may be answered by saying we will give it to BEN JOHNSON and LOBECK and these other men on the District Committee, these honest men who are going to perform the task we have commanded them to perform. We are going to authorize them to expend whatever money may be necessary for that purpose within the limits of the appropriation. They will not spend any more than they need.

Mr. GARNER. In that connection may I ask the gentleman a question for the benefit of the gentleman from Kansas?

Mr. SHACKLEFORD. Sure.

Mr. GARNER. This resolution provides, first, that this entire District Committee shall pass upon the advisability of any expenditure; and, second, that the Committee on Accounts must approve that expenditure. Does the gentleman from Kansas believe that either of these committees are calculated to expend this money unless it is necessary for the benefit of the United States?

Mr. CAMPBELL. I have not anticipated any danger along that line. What I want to know is, in what manner is this money to be expended? I have had a service of eight years on the District Committee, as has the gentleman from Missouri [Mr. SHACKLEFORD]. I attended the meetings of the committee every week. Did the gentleman from Missouri?

Mr. SHACKLEFORD. Mr. Speaker——

Mr. CAMPBELL. I gave attention to the business of the committee. I have walked over the city, through the streets and alleys, investigating the conditions of the city, for the purpose of acting intelligently upon legislation that was before the committee. I did not require an automobile nor a cab nor any other means of conveyance and have my expenses paid by the Government.

Several Members rose.

The SPEAKER. The gentleman from Arkansas [Mr. FLOYD] has the floor and control of the time.

Mr. FLOYD of Arkansas. I will yield to the gentleman from Missouri one minute.

Mr. SHACKLEFORD. Mr. Speaker, I do not say that I was a close attendant on that committee. I did not see much use of attending. I always found representatives of certain big corporations there whenever I was present, and I never saw them turned down. [Applause on the Democratic side.] Why were they not turned down? Because gentlemen had faith that they were doing the right thing. Why should not they be investigated? Because the gentleman from Kansas and others believe they are well within the law. Why should not we appropriate the money for investigation? Because my optimistic friend believes that these big corporations do not, will not, and can not do any harm to the people of the District. I, being a pessimist, believe that they ought to be regulated and regulated intelligently. I believe that the committee ought to investigate them and ought to have the expenses necessary to make the investigation.

Mr. FLOYD of Arkansas. I yield one minute to the gentleman from Kansas.

Mr. CAMPBELL. Mr. Speaker, if the gentleman from Missouri had given his time to the District Committee, as others did, he would have known that men representing the corporations did not control the committee, and if he had stayed there he probably would have assisted the rest of us in directing the affairs of the committee and city intelligently after investigating every question up for consideration.

Mr. MANN. Will the gentleman from Arkansas yield to me?

Mr. FLOYD of Arkansas. I will yield to the gentleman from Illinois.

Mr. MANN. In line 13 of the resolution it reads, "on vouchers ordered by said committee." That is, the expense shall be paid out of the contingent fund of the House of Representatives on vouchers ordered by said committee, signed by the chairman thereof, and approved by the Committee on Accounts, and so forth. The term "vouchers ordered," I think, is not a usual expression. What is the intention of that language?

Mr. FLOYD of Arkansas. The purpose and intention of the language used is to require that the District Committee, by resolution or otherwise, shall order the expenditures, whatever they are, and then the chairman of the District Committee shall certify to the Committee on Accounts that such expenditures were ordered by the committee, and that all vouchers must be signed by the chairman of the District Committee. Then they are submitted to the Committee on Accounts, which is the auditing committee of the House.

Mr. MANN. I understand that part of it. I take it, then, from the gentleman's statement, that the ordering of the voucher is not to be mere approval of the expenditure after it is incurred, but authorizing the expenditure.

Mr. FLOYD of Arkansas. A previous authorization of the expenditure. Let me explain by giving an illustration of what occurred in our committee on Saturday. Another committee of the House authorized to make investigations brought in a voucher that had not been ordered by the committee. It became necessary for the chairman of that committee to go back and get the authorization, and when it was indorsed, as ordered

by the committee, signed by the chairman, and submitted to our committee, we approved it. After the several requirements are complied with by the investigating committee, we go through the process of auditing it and determining whether or not it shall be allowed. I now yield five minutes to the gentleman from Texas [Mr. HENRY].

Mr. COX of Ohio. Before the gentleman yields to the gentleman from Texas, will he yield to me for a question?

Mr. FLOYD of Arkansas. I will.

Mr. COX of Ohio. It seems to me that much of this talk is superfluous, in the light of what happened the day that the resolution authorizing the investigation was passed. The chairman of the District Committee made the statement then that so much of the $5,000 as would be necessary would be used for the specific and exclusive purpose of employing skilled accountants; that the service of one of the extra committee stenographers would be utilized, and that no money would be expended except to procure the services of this skilled accountant. I think the House has confidence in the good faith and judgment of the chairman of the District Committee.

Mr. RUCKER of Missouri. Will the gentleman yield to me?

Mr. FLOYD of Arkansas. Yes.

Mr. RUCKER of Missouri. I want to suggest that, in order to help solve this question, I will tender the use of the clerk of the Committee on Election of President and Vice President. [Laughter.]

Mr. HENRY of Texas. Mr. Speaker, there has been a good deal of unnecessary quibbling about this proposition. Some gentlemen seem to have been serious and others have spoken in a vein of levity. The gentleman from Illinois [Mr. MANN] precipitated a discussion about cab fare, and then the gentleman from Arkansas [Mr. MACON] provoked another discussion about rats and ferrets. All of these questions are foreign to the resolution before the House.

Mr. MACON. Mr. Speaker——

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Arkansas?

Mr. HENRY of Texas. I yield to the gentleman.

Mr. MACON. Mr. Speaker, I desire to state to the gentleman that I said ferrets and rats, not rats and ferrets. [Laughter.]

Mr. HENRY of Texas. The gentleman desires to reverse the order of his reference?

Mr. MACON. Yes.

Mr. HENRY of Texas. I have no objection. Mr. Speaker, the proposition is simply this: On a previous day the Committee on Rules reported a resolution authorizing an investigation into the affairs of the District of Columbia. It also gave the committee power to sit during the sessions of Congress and during the recesses of Congress. There is no mystery about the proposition. There is no question that can not be now answered as far as we have information. When the resolution was before the House it was well understood and expected that the committee needed extraordinary power in order to compel the attendance of witnesses and the production of documents, and at the same time it was agreed that expert assistance was necessary.

The chairman of the Committee on the District of Columbia [Mr. JOHNSON of Kentucky] asserted that an expert accountant was necessary in order to inquire into the payment of interest on certain bonds, wherein he charged the United States Government had paid more money than legally obligated, and said it would take an expert accountant to go into these books; that the committee had no assistance at their command, and it would take several hundred or several thousand dollars for that purpose. Again, it was understood that this committee wished to inquire into the department of the assessment and collection of taxes, and it would be necessary to compel the attendance of witnesses in regard to that question and the production of certain books and papers and documents, so that the committee could get at the real facts. And in the third place, it was understood and agreed here that the committee wished to inquire into the affairs of some of the public-utility corporations of the District of Columbia.

Mr. CAMPBELL. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. HENRY of Texas. Not for the present; in a moment.

Mr. CAMPBELL. I wanted to interrupt——

The SPEAKER. The gentleman declines to yield.

Mr. HENRY of Texas. And it was agreed that this committee did not have the resources at their command to go into such questions, and that it would take an appropriation, which would soon follow, authorized by resolution from the Committee on Accounts, to be adopted by the House, and that the sum would not exceed $5,000, and the gentleman from Kentucky [Mr. JOHNSON], the chairman of the committee, stated that, in his judgment, the sum should not exceed $2,500. We all understood that. Now, why this quibbling about a small sum? If we can unearth the things the chairman of the Committee on the District believes probable, then we will render the people of this District and of the United States a service worth ten times the $5,000 proposed by this resolution.

The SPEAKER. The time of the gentleman has expired.

[Mr. RUCKER of Missouri addressed the House. See Appendix.]

Mr. FLOYD of Arkansas. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I have great confidence in the chairman of the Committee on the District of Columbia and in the committee, both on the majority and minority sides, and it is quite possible they may incur some expenses that ought to be paid out of the contingent fund of the House, and yet it seems to me a little premature for that side of the House to propose the resolution now. The other day, when the original resolution was under discussion, the distinguished gentleman from Kentucky, the chairman of the Committee on the District of Columbia, stated that if any expenditures were incurred by that committee outside of the District of Columbia that it would be followed by his resignation as chairman of the committee, and when the gentleman from Arkansas, a member of that committee, the author of the original resolution, prepared and introduced this resolution it contained this language:

Provided, That no expenses incurred by members of the said committee reported under said resolution for the purposes herein mentioned in going outside of the District of Columbia or incurred outside of said District shall be payable out of the fund designated herein.

When the original resolution was before the House and when this resolution was prepared it was stated that the District Committee should incur no expenses payable out of the contingent fund outside of the District, but they have changed their minds. The moment the fund becomes available the men who can expend it see a thousand and one ways rising above them where the expenses can be incurred, and after the resolution was introduced, on June 10, and before it is reported to-day, it is proposed to amend by striking out that limitation and giving to the committee authority to incur expenses anywhere in the United States under the limit of $5,000.

Mr. FLOYD of Arkansas. Will the gentleman from Illinois yield for a statement in that connection?

Mr. MANN. Certainly.

Mr. FLOYD of Arkansas. I want to state to the gentleman from Illinois that the proposed amendment is the work of the Committee on Accounts, and no member of the District Committee was even consulted about it so far as I know, and the reason for that amendment is this: In carrying on the investigations authorized we thought it might be necessary for some expense to be incurred outside of the District of Columbia, and we did not desire to hamper the investigation with that limitation, and, further, in reporting former resolutions in reference to these investigating committees we placed no such limitation upon them, and we did not desire to vary from that rule in connection with this resolution. The Committee on Accounts is alone responsible for that amendment.

Mr. MANN. Then, Mr. Speaker, I hope the amendment will not be agreed to. If the Committee on the District, proposing to carry on the investigation, has asked only for the payment of expenses incurred in the District of Columbia, why should the Committee on Accounts or the House insist upon giving them the temptation of expending money outside of the District of Columbia?

What business is it of the Committee on Accounts to give increased authority to the committee in reference to expenditures which that committee does not desire and does not ask for? Is the contingent fund so large at present that there is no way of expending it except by the Committee on Accounts forcing other committees to have privileges as to expenditures which those committees do not desire? I thought the contingent fund was likely to be depleted. I think very likely that there will be an appropriation asked for to provide for a deficit in the Committee on Accounts. It does not seem to me that we should urge the committee to expend the money. There will be plenty of money expended in these investigations uselessly and without necessity, without forcing them to expend the money.

Take an accountant. Why, the Government has plenty of accountants in the employ of the District which any committee of the House or the District Committee can use in making these investigations. It is not unlikely that if this committee employs an accountant to examine the accounts of the District that it will have to employ another accountant to explain to the committee the meaning of the report of the first accountant

employed. Some one, somewhere, must have knowledge of these things. They can obtain that information from the accountant now in the employ of the Government. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. FLOYD of Arkansas. Mr. Speaker, I move the previous question on the resolution and amendment to its final passage.

The previous question was ordered.

The SPEAKER. The vote recurs on the amendment to the resolution.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. FLOYD of Arkansas. Division, Mr. Speaker.

The House divided; and there were—ayes 43, noes 52.

So the amendment was rejected.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

THE WOOL SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11019, a bill to reduce the duties on wool and the manufactures of wool.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11019) to reduce the duties on wool and the manufactures of wool, with Mr. HAY in the chair.

Mr. PAYNE. Mr. Chairman, I yield one hour to the gentleman from Wyoming [Mr. MONDELL]. [Applause.]

Mr. MONDELL. Mr. Chairman, I always hesitate to inflict a set speech upon the House, and particularly with the temperature in the upper 90 register, and it becomes particularly trying when the atmosphere has become supercharged with the heated discussion of the gentlemen on the other side as to whether the brethren, in conducting what will probably prove to be an altogether useless and unnecessary and futile investigation, shall ride or walk. Personally, I wish to express my sympathy with those who desire on these hot days to ride, and I congratulate the gentlemen of the committee, not owning an automobile myself, that from this time on there will be, or should be, opportunity for various "joy rides," visiting the institutions of the District of Columbia which, I assume, are to be investigated. I have had some doubts as to the economy of consuming $10,000 worth of time in discussing $5,000 worth of expenditure. But perhaps, after all, that is a better expenditure of the time of the House than listening to my speech.

A discussion of the subject of the production and manufacture of wool involves so many problems that one who has any information upon the subject at all enters upon the discussion with embarrassment, because I think the more one studies the problems involved the more he realizes how much there is to learn and how little the best informed know. I can only say, with regard to this matter, that I feel like an old farmer friend of mine who, having been taken to task by a shyster lawyer in the town in which he lived, when he was on the stand as a witness, to the effect that he seemed to know mighty little about the subject under inquiry, said:

> I admit that I do not know everything about it, but what little I do know I know just as well as anybody.

In their piecemeal tinkering with the tariff schedules the Democratic majority in the House, having indorsed Canadian reciprocity and enlarged the free list, to the detriment of the farmers and stock growers of the country, and particularly the Northwest, have now reached the wool schedule, and after much shifting of position and considerable friction and dissension among the brethren have presented for our consideration the measure before us.

This bill proposes to substitute for the specific and ad valorem duties on wool and woolen goods in the Payne tariff a system of ad valorem duties exclusively. In lieu of the present specific duty—of 11 cents per pound on wool of class 1, to wit, fine wools, such as constitute about 75 per cent of the wools grown in the United States and practically all the wool of the Intermountain States; 12 cents a pound on wool of class 2, being long-fibered combing, such as Cotswold and Lincolnshire; and 3 to 7 cents a pound on coarse wool and hair—they propose an ad valorem duty of 20 per cent of the foreign price on wools of all classes.

The specific duties of 11, 12, 3, and 7 cents per pound on wool contained in the Payne tariff were equivalent in 1910, on the basis of the valuations given by importers on the importations of that year, to 47.60 per cent for class 1, 46.54 per cent for class 2 wools, both of which compete directly with domestic wools, and 38.79 per cent for class 3 wools, or an average of 44.31 per cent. So that, assuming that the values were correct and that the protection is in proportion to the ad valorem equivalent of the duties levied, the present bill reduces the duty, and hence the protection, on wools considerably more than half. The reduction on wools partly manufactured is still greater, so that the amount of protection afforded the American woolgrower under the present bill, assuming, for the sake of argument, that an ad valorem duty on wool can be collected without serious undervaluations, probably amounts to about one-third of the protection under the present law.

This bare statement as to the lowering of duties does not, however, fully state the gravity of the situation from the woolgrowers' standpoint, if we are to assume that this legislation will be written into law, and that the Democratic Party will have the opportunity of further carrying out its views and policy touching this industry, for while the bill does place a 20 per cent ad valorem duty on wool, it has been made very plain to the country by the gentlemen on the other side that this is not for the purpose of encouraging or protecting the wool industry, but simply because, so they tell us, they consider it necessary to retain a duty on wool in order to raise revenue.

HISTORY OF THIS MEASURE.

The popular understanding is that in its early consideration of Schedule K a considerable majority of the Democratic membership of the Ways and Means Committee were in favor of free wool, but that later arguments were used which swung the majority to the 20 per cent ad valorem proposition finally agreed upon. At this stage of the proceedings the man who is still the dominant figure in the Democratic Party appeared upon the scene in Washington. We do not know just what argument he used privately, but we do know that Mr. Bryan's paper, The Commoner, contained an editorial in the usual masterful tone of the gentleman from Nebraska, a part of which was as follows:

> If the Democratic Party can be scared by a few sheep growers, it might as well renounce its advocacy of tariff reduction and make an alliance with the Republican Party. * * * Without free wool tariff reform will not amount to much, for the spirit that would lead Congress to tax all the farmers—and all other citizens—who wear woolen goods in order to give a tariff tribute to the few farmers who raise sheep will consent to other tariff exactions until tariff reform will be little more than a farce.

This trumpet call to the Democratic hosts to boldly declare their position as free traders naturally led to a marshaling of the forces friendly to Mr. Bryan in the committee and in the House. But the die was cast, the decision had been reached, and the bill was reported as agreed upon; and thereupon it was loudly proclaimed in certain quarters that the Orator of the Platte, thrice leader of his party, had been defied, thrown down, and thrust aside, his leadership repudiated, and certain others of the brethren who had brought about the result were heralded by their adherents as successors to the mantle of the great Commoner. If the decision reached had been adhered to without qualification there might have seemed to be some justification for the claim that the erstwhile leader had been unhorsed and that the scepter had passed to another.

But right here befell the most significant performance of this complicated play of rival ambitions. The Democratic caucus, after having agreed upon this wholly inadequate duty on wool, adopted the resolution of the gentleman from North Carolina, Mr. KITCHIN, as follows:

> *Resolved*, That the bill revising Schedule K, as presented to this caucus by the majority members of the Ways and Means Committee, is not to be construed as an abandonment of any Democratic policy, but in view of the Democratic platform demand for a gradual reduction of the tariff, and of the depleted and depleting condition of the Public Treasury, as a result of Republican extravagance, a tariff of 20 per cent ad valorem on raw wool is now proposed as a revenue necessity.

This resolution of confession and avoidance revealed the fact that while there are a sufficient number of men in the Democratic majority who can not shut their ears to the tinkle of the sheep bells and the bleat of the lambkins in their districts to force an unwilling majority to grant what purports to be a slight protective tariff under the pretense of seeking to raise revenue, as a matter of fact, the free-trade contingent of the party still dominates, and the man from Nebraska, while seemingly thwarted in his effort to secure a declaration for free wool, did, in fact, prevail. What other construction can be placed upon the announcement of a free-wool policy whenever in their opinion the conditions of the revenue will no longer furnish a cloak for those of the brethren who, while retaining their party regularity, still hope to succeed themselves on the claim of being favorable to policies which will afford some protection to the industries of their districts? And so I say the Nebraskan is still the dominant and dominating figure in the Democratic Party, and while he may not be the party's next candidate for the Presidency, I advise those of our friends who

are hoping that the presidential lightning will strike them that they make their peace forthwith with their real leader. [Applause on the Republican side.]

STABILITY NEEDED.

Mr. Chairman, what the wool industry of this country needs more than anything else is stability, relief from tariff agitation and change, freedom from threats and alarms, and assurance of tranquil conditions. I know of no industry of such importance which is so dependent for its success upon assurance of settled conditions, upon confidence that the tariff as it affects the industry shall remain unchanged for a considerable length of time.

The sheep industry is one which, if it promises to be unprofitable by reason of changing and unfavorable conditions, can be speedily liquidated, not at a profit, but generally at some figure less than an absolute loss. The animals themselves will bring some price at all times for the butcher's block. The fleece can generally be sold at some figure, though under threat or in the face of tariff reductions, always at a sacrifice, and so under such circumstances the industry fades from the farm and the range, and the places that once knew it know it no more.

But the restoration of the industry is an altogether different affair. Men forget the methods and details of sheep raising, or a new generation comes to the fore that never knew them. The fields and pastures deserted or occupied for other purposes do not afford, without considerable investment, the appliances and conditions necessary to successful sheep husbandry, and so the industry once declined requires years and decades for its upbuilding.

Further, the market for mutton once lost is but slowly restored, for the use of mutton as a food in large quantities and by large numbers of people is in a sense and to a considerable extent an acquired taste, and once a market ceases to use mutton in considerable quantities, any large increase in consumption is only secured after a lapse of time and to a considerable extent by the offer of the product at low prices.

We have had several notable examples in our history of the disastrous effect on the sheep and wool industry of a lowering of duties and the length of time required to even partially recoup the losses and restore the flocks. Under the tariff of 1867 the industry increased steadily and rapidly in importance and the number of sheep increased from 22,000,000 to over 50,000,000 in 1884. The tariff act which went into effect after the shearing season of 1883, which reduced the duties about 10 per cent and contained a disastrous basket clause, delivered a blow from which the industry did not recover for years. In four years the number of sheep decreased over 7,000,000 and the wool clip over 35,000,000 pounds. As sheep growers adjusted themselves to the modified conditions there was a gradual recovery until in 1893 our flocks had increased to 47,000,000 and our wool clip to about 350,000,000 pounds.

At this point came the historic and appalling disaster which afflicted the country during the days of the Wilson tariff, which placed wool on the free list. While the slight reduction of 1883 was somewhat discouraging, the free trade of the Wilson bill was wholly disastrous. While under the former bill the flocks gradually reduced in number, under the latter they faded with appalling rapidity. In one year there was a reduction of almost 4,000,000, and in four years the number of our sheep had decreased over 13,000,000 and our wool clip over 90,000,000 pounds.

Then came the Dingley Act, with approximately the same duties as the present Payne tariff, and again the number of flocks steadily increased to their present proportion of 57,000,000, with a wool clip of 321,000,000 pounds.

These being the conditions, well understood by men who grow sheep and raise wool, be they in the businses on a large or a small scale, I have no doubt but what some would be willing to make some sacrifice for the sake of stability. There might even be some such who, weary of constant agitation, would be willing to accept a duty admittedly inadequate rather than strive for a higher one, if it meant constant change or threat of change.

But to such men this bill holds out no promise or hope of relief, for, as I have pointed out, before bringing the bill into the House, the Democratic caucus took pains to notify the country that even the poor benefits which might be hoped for in the direction of protection from cheap wool from abroad is dashed by the resolution, which is practically an announcement that the party stands for free wool, and will put wool on the free list if given the opportunity to meet the needs of revenue otherwise. If there had been any doubt on this point, it was dispelled by the speech of the gentleman from Alabama opening the debate on the bill, in which he said:

We disclaim any purpose whatever of writing this bill in the interest of the manufacturer of wool or the producer of wool.

And in answering my interrogation on the subject, he assured the House that no information as to the condition of the wool industry or the effect of tariffs, this or any other, would be of any use or value to the committee in framing a bill from their standpoint, except as it might throw light on the question of revenue, by reason of the fact that their bill was drafted without reference to its effect upon the industries, but solely from the standpoint of revenue.

This is certainly sufficient evidence from a high source of the fact that even the wholly inadequate protection incidental to the revenue features of this bill could not be expected to be permanent if his party was in control of the Government, and therefore these industries and the labor employed in them must look forward, if the Democratic Party is to control legislation, to continuous agitation and further reductions to a free-trade basis. It occurs to me that the situation as thus developed affords no possible excuse for its support by the most moderate protectionist, as it affords no hope whatever to the labor or capital engaged in the industries affected. It can not even afford a toe hold for those Democrats who still hope this measure will serve as a wind shield and be effective in protecting those of them who live in sheep-growing districts from the cyclones that will prevail next fall. [Applause on the Republican side.]

While this is the actual condition of affairs, the fact remains that Democrats from protectionist and sheep-growing and wool-manufacturing districts still hope, while retaining their party regularity, to pose as moderate protectionists under the shadow of this legislation; and that fact is clearly indicated by the pretense that the temporary protection is necessary, as stated in the Kitchin resolution, by reason of the "depleted and depleting condition of the Public Treasury." Thanks to the Republican Party and the Payne tariff bill, the Public Treasury is neither depleted nor depleting, much as the brethren on the other side may attempt to juggle figures for the purpose of justifying that altogether erroneous statement.

From the official statement of the United States Treasury at the close of business June 5, 1911, I find the national receipts of the present fiscal year up to the date mentioned amounted to $625,071,413, while the receipts of last year up to the same date amounted to $604,048,177, an increase in receipts of the current fiscal year over the same period last year of $21,023,236. The total receipts for the fiscal year of 1910 were $675,511,715. The disbursements were $659,705,391, leaving an excess of receipts over disbursements for the year 1910 of $15,806,324. The excess of receipts above expenditures for the current fiscal year up to June 5, 1911, amounted to $9,078,008. A reasonable estimate of corporation and other taxes coming in will make the surplus on June 30 not less than $35,000,000.

Mr. BARTHOLDT. Good.

Mr. MONDELL. Surely these official figures leave no basis whatever for the extraordinary statement made that revenues are necessary owing to the "depleted and depleting condition of the Public Treasury."

I believe I have made it plain that no one who believes in the doctrine of protection to American labor and American industries, no matter how moderate their views may be with regard to the amount of protection which should be granted, no matter how moderate their desires and expectations relative to protection of American industries from the underpaid labor of foreign countries may be, will give their support to this measure, in view of the frank avowal that it is merely the first step in the direction of removing any duty that may be protective in character.

Let me further suggest that I do not understand how anyone who declares for tariff for revenue only can support the measure, unless their blind adherence to that doctrine shall have deafened their ears and hardened their hearts to such an extent that they are willing, in order to secure revenue, to sacrifice labor and ruin industries. The gentleman from Alabama has evidently reached that point, for he frankly admitted in the course of his speech the other day that he expected their bill would reduce the price of wool in the country.

EFFECT OF THE BILL ON THE SHEEP AND WOOL INDUSTRY.

It may be asked on what I base my assertion that the bill before us will have an injurious and in many cases a ruinous effect upon the labor and industries affected by it. It occurs to me that the argument which the committee has used in defense of its measure admits and proves that fact beyond controversy.

The customs receipts for the fiscal year of 1910 on imports of wool of all classes was $21,128,728 and from manufactures of wool $20,771,964, or a total of $41,900,692.

The committee estimates an annual revenue under their bill of $40,556,000—from imports of raw wool, $13,398,000; from imports of manufactures of wool, $27,158,000.

In order to obtain this increased revenue there must be an estimated increase of raw-wool importations of 103,800,000 pounds and an increase in the importations of manufactures of wool having a raw-wool content of at least 87,000,000 pounds, or total increased importations of wool in the unmanufactured and manufactured state of approximately 190,000,000 pounds. Our domestic production of wool in 1910 amounted to 328,110,749 pounds, our imports 256,606,638 pounds, or a total of domestic and imports of 584,669,867 pounds, the percentage of the domestic to the entire supply being 56.12 per cent.

In order to produce the estimated revenue under this bill there must, as I have said, be an increased importation of practically 190,000,000 pounds of raw wool and wool in the cloth, an amount equal to nearly 60 per cent of our present domestic production.

What do the gentlemen on the other side expect is to become of the 190,000,000 pounds of domestic wool thus displaced? Do they expect the American woolgrowers to burn it up, to throw it into the sea, or to slaughter their flocks in order to reduce the production sufficiently to make way for this increased foreign supply? I assume they do not expect the American producer of wool to make such a disposition of his product all at once, at least, and therefore the only alternative is, assuming that the gentlemen are correct in their estimate of increased importations, that the price of American wools will be reduced under the fierce competition of foreign wools to a price which will not afford even a fraction of the apparent protection of 20 per cent contained in this bill.

In order to make way for the increased importation of foreign manufacturers of wool which the sponsors for this bill confidently predict, a very considerable percentage of American mills and factories must be closed; the employees thrown out of employment and compelled to lend their unwilling influence toward a reduction of the general level of wages by seeking other lines of employment. The only alternative for the farmer and the flockmaster will be to discharge a large proportion of his employees and reduce the wages of the remainder in order to meet the conditions forced upon him by the competition of cheap foreign labor.

If we seize the other horn of the dilemma and take the view that the committee is entirely mistaken with regard to increased importations under the proposed legislation and that the increases would not amount to anything like the sum estimated, then what is to happen with regard to the revenues which the majority insist is so badly needed? Then would come home to the gentlemen on the other side of the aisle the warning of their great leader, whom they seem to be attempting to temporarily discredit, when in the editorial in the Commoner to which I recently referred he thundered:

> Let no Democratic advocate of a tariff on wool masquerade behind the pretense that he is voting for a revenue tariff. Let him not add hypocrisy to the sin he commits against his party.

So, gentlemen, whichever way you take it, your sins would be sure to find you out if it were possible to write this legislation on the statute books. Fortunate are you, and the people of the country, that you have not the power at this time to do it, for if you did your bill would not produce the revenue you claim, but the labor and industries affected would be calamitously injured, and you would stand convicted of the hypocrisy, which the most influential man in your party charges you with, in reporting and voting for this bill.

PROTECTION—ITS EFFECT ON THE WOOL AND WOOLEN INDUSTRY.

In a speech I made a few days ago on the so-called free-list bill, I said as to the principle and policy of protection:

> No argument ought to be required in support of it in this country. The greatest story of temporal things that the world has ever heard or witnessed in its unfolding is the story of the great progress, advancement, and prosperity of the American people under the protective-tariff system.

And no part of this story of our industrial growth and development under this system illustrates more clearly its benefits and advantages than the history of our development as the great wool-producing, manufacturing, and consuming people.

In 1860 there were about 22,000,000 sheep in the United States, and our wool production was approximately 60,000,000 pounds, according to the estimates of the Agricultural Department. Our imports of wool were 26,000,000 pounds and our imports of manufactures of wool amounted to $43,000,000.

In the year 1910 we had over 57,000,000 head of sheep, from which we obtained about 328,000,000 pounds of wool. The same year we imported in round numbers 256,000,000 pounds of raw wool and manufactures of wool to the value of a little over $23,000,000.

In 1860 our manufactures of wool were estimated to have a value of $73,454,000, and the wages paid in the wool-manufacturing industries amounted to $11,699,630.

In 1905 we produced manufactures of wool valued at $380,934,003, and paid wages in the industry to the amount of $70,797,524.

These figures show that since 1860 we have increased the number of our sheep over two and one-half times, or over 35,000,000; that we have increased our manufactures of woolen goods considerably over five times, or to the amount of over 307,000,000 of dollars. The wages paid on the woolen industries in 1905 were about six and one-half times greater than those paid in 1860, being approximately $59,000,000 greater; and, better than all else, labor received for its share over 18 per cent of the total value of manufactures of wool in 1895, as against 15 per cent in 1860.

In 1860 our domestic production of manufactures of wool was only 37 per cent of the total of production and imports, while in 1895 our domestic production was over 95 per cent of the same. In 1860 our per capita consumption of wool and equivalents was 6.80 pounds; in 1910 it was 7.11 pounds.

Surely this is a showing which ought to be abundantly gratifying to any American citizen, and one which affords ample justification for the policy of protection; but I realize that, so far as the Democratic membership of this House is concerned, it is utterly useless at this time to appeal on behalf of protection, even of the most moderate character; for, intoxicated by their temporary success of last fall, they are fondly imagining that a certain amount of criticism in the country of certain features of the Payne tariff bill indicates a repudiation of the protective policy. Were they not bound by an ironclad caucus agreement which prevents them from voting for any amendment on this measure, however much they may individually approve of it, it is very clear that the majority on that side would vote for an amendment, if offered, placing wool on the free list. If I understand the Democratic position aright, it is that if the wool and woolen industries of the country can not get along without tariff protection, they should be allowed to decline and perish.

But, Mr. Chairman, the great majority of the American people still realize the importance to our wage scale and to our standard of living of the maintenance of the protective policy, and to them we shall appeal from the blinding hallucination of the majority, who are to-day illustrating the truth of the saying, "Whom the gods would destroy they first make mad."

IMPORTANCE OF THE WOOL INDUSTRY.

It can be said without fear of successful contradiction that in the entire range of human industries there is none of large proportion the establishment and maintenance of which is so essential to the welfare of a people in peace and in war as the allied industries of the raising of sheep and the manufacture of their wool.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAYNE. I yield to the gentleman from Wyoming another hour.

Mr. MONDELL. At least one great nation imports most of its food supply and still prospers, but there are none of the advanced nations of the world who do not produce a considerable quantity of wool and who have not extensive woolen manufactories. The growing of sheep is the earliest form of husbandry of which we have a record; the fabrication of wool is the first form of manufacture of which we read in history. The care of flocks and the manipulation of fleeces is therefore the most ancient, as it is among the most honorable, callings of man.

If sheep are raised as an incident to farming operations, they utilize the waste places of the farm and consume weeds and browse that would otherwise be worse than valueless. In the land of little rain, in the regions of the mountains, in the rough and broken country, East and West, North and South, unfit for ordinary agricultural uses, flocks of sheep utilize grasses and herbage, much of which but for them could not be advantageously utilized, producing millions of dollars of wealth, adding vastly to the comfort of the Nation, through the use of products that would otherwise largely go to waste.

Great as is King Cotton, the fleece of the sheep is far more indispensable, for it can be used for almost any purpose for which cotton is used, and it serves an infinite variety of purposes in the manufacture of apparel for the person and goods and furnishings for the home for which there is no satisfactory substitute.

Not only is the flesh of the sheep among the most palatable of food products—rich, juicy, and healthful, invariably free from the disease and contamination that often renders other meats dangerous to health—but the presence of sheep on the farms and the ranches of the Nation has an important effect in moderating and equalizing the cost of meats and in preventing combinations to advance prices of meats. The farmer can utilize mutton for the use of his family when, owing to the size of the animal, it is impossible for him to furnish them with fresh beef,

The dweller in the country village can purchase from the neighboring farmer lambs and sheep and utilize them upon his table when otherwise he would be compelled to purchase his meat supply almost entirely from the butcher, who is possibly but an agent of a great packer. In the cities when an attempt is made to unduly enhance the price of beef and pork through combinations, or when the price becomes usually high through natural causes, the opportunity to substitute mutton for other classes of meats tends to keep prices within a reasonable range.

In peace the products of the flocks of our country add to our comfort and enjoyment and in war they furnish us with material for clothing and blankets for the soldiers in the field, without which we would be almost as helpless in the face of an enemy in a long and arduous campaign as we would be without ammunition for our guns. But for the sheep and wool industry we would in time of peace be shorn of many luxuries and comforts and in time of war we would be naked to our enemies. Yet this is the industry, ancient and honorable, useful and necessary, producing wealth from waste, employing hundreds of thousands of men, from the shepherds on the plains to the operatives in the mills, which the Democratic Party does not consider entitled to any consideration as to its present status or future prospects in the framing of a tariff bill.

NECESSITY FOR PROTECTION.

Now, Mr. Chairman, I want briefly to go into the necessity for a protective tariff for the maintenance of the wool industry, and I will try to be brief, for this is a hot day, and I fear that interest will wane if I trespass too far.

Mr. SIMS. Mr. Chairman, before the gentleman leaves that part of his speech, I would like to ask him a question.

Mr. MONDELL. I will yield to the gentleman.

Mr. SIMS. I want to ask the gentleman if the mutton value of the sheep would not make it profitable without the value of the wool at all?

Mr. MONDELL. I do not think there is any place on earth where the value of the carcass alone, without the wool, would pay for raising the sheep. In the western part of Australia for many years men were able to raise sheep, because they could be raised cheaply, for the fleece alone; that was before the building up of the frozen-meat industry. But I never heard it suggested that there was any place on earth where sheep could be raised profitably simply for the purpose of producing mutton. The mutton sheep often produce heavy fleeces, and while the fleeces are not so valuable per pound scoured, they are so much heavier than the fleece of some of the fine-wool sheep that oftentimes the coarse-wool sheep, the mutton sheep, produces a fleece that is as valuable as the fine-wool sheep.

If the woolgrowing industry in the United States is not to be sacrificed and largely wiped out, the necessity for protection is as great as it ever has been in our history, and this fact is realized not only by the woolgrowers themselves but by all those who have given careful study and consideration to the subject. In the volume entitled Wool Growing and the Tariff, prepared and issued as one of the Harvard economic studies, Chester Whitney Wright, who has perhaps given as much careful study and thought to the question as any man in the country, and who certainly can not be charged with having examined the subject as a protectionist or from a protective standpoint, says, speaking of the present tariff:

If the industry is to be maintained in a position of the same relative importance as formerly, a higher tariff will be necessary.

Mr. HARRISON of New York. Will the gentleman yield?

Mr. MONDELL. Yes; certainly.

Mr. HARRISON of New York. Does not Mr. Wright in his statement say that the enemy of sheep-raising for wool is dairy farming and corn growing and stock raising, and that if adequate protection is to be maintained in the future it must be not only against the importations of wool from abroad, but protection of our sheep-raising industry against the dairy farming and corn raising?

Mr. MONDELL. Mr. Wright does not put it quite in that way?

Mr. HARRISON of New York. Almost precisely word for word.

Mr. MONDELL. The gentleman does not want to be unfair, I know, because he is always fair, but what Mr. Wright did say was that not only was there necessity, if we are to maintain the industry—and he leaves that question entirely to the Congress, I am pleased to say, without passing an opinion upon it—that if the industry is to be maintained in importance there must be as high or higher protection than we have had in the past, and he refers to the fact that that is not only necessary by reason of the competition of foreign wools, but that it is also necessary, or at least the necessity for it is accentuated, by the fact that as a country grows older there is a disposition to use sheep pastures for other purposes, and therefore there must be an encouragement to the growing of sheep because of the natural inclination to grow other products. That is the statement.

Mr. HARRISON of New York. Does the gentleman agree to have incorporated into his remarks the exact language?

Mr. MONDELL. Mr. Chairman, the gentleman quoted Mr. Wright substantially and I have quoted him substantially. Mr. Wright in his book does say that a protective tariff is needed, and higher than we now have, if we are to maintain the industry. That is the important matter. Mr. Wright is only one man, it is true, but he writes from the standpoint of a student and not a protectionist, and that is his statement in regard to it, so that the man who is in favor of free wool can not get anything out of Mr. Wright's statement to please him or satisfy him.

Whether we believe that a higher tariff than that now on the statute books is needed, it is true beyond all controversy that the maintenance of as great an amount of protection as that given by the Payne law is absolutely essential, and this arises from many facts. In the first place, as our lands increase in value and the growing of agricultural crops becomes relatively more remunerative than the growing of sheep, the natural tendency is toward other lines of production.

In the West, in the region of the great ranges, as the necessity of obtaining more and higher priced lands increases and the cost of ranging becomes greater through the charges for grazing in the mountain pastures controlled by the Government as forest reservations, the profits of the industry grow smaller.

For a number of years past the cost of labor on the farm, range, and ranch all over the country has steadily increased, thus adding to the cost of woolgrowing and sheep production, particularly in the Mountain States, which now produce 50 per cent of our wool. In that region particularly the cost of wool production has mounted steadily for the past 10 years.

Under the Wilson bill of unhallowed memory, sheep tenders, herders, the men on the ranches, in our western country, were glad to work for $25 a month. You could hire them by the score at that price, and they were hanging around asking for jobs. To-day, or at least until this threat of Democratic revision, you must take off your hat to any gentleman you may desire to employ to assist you in the care of your flocks, and in addition to that politeness and the promise of fare worthy of the Waldorf-Astoria, plenty of canned cream and California canned goods in heavy sirup and all of the delicacies of the season, you must agree to pay him from $35 to $55 a month. That is the condition confronting us, and it is a condition brought about by protection, protection that keeps from our shores the flood of the products of foreign labor elsewhere and makes it possible for the American workman to compel his employer to give him a large wage and a good living. [Applause on the Republican side.]

Where formerly the woolgrower depended on the free public range, he must now make large investments in land, and if he utilizes the mountain ranges he must pay a considerable sum for the privilege. Where a few years ago, particularly under the free-wool conditions of the Wilson bill, he paid $25 and $35 per month and board to the men who cared for and tended his flocks, he must now pay from $40 to $55 per month and board for the same class of labor.

With the shortening of the range comes the necessity for a great amount of winter feeding of hay and grain, all of which adds largely to the cost of his product.

Furthermore, the western woolgrower is suffering at the present time from the effect of the unparalleled severity of the winter of 1909–10, during which he either lost a considerable portion of his flocks or was compelled to make a very heavy outlay for feed, or both. Following this came the short lamb crop of the spring of 1910 and a summer of very unusual drought and short feed, which left stock in a condition unfit for profitable marketing, and on top of these dispensations of Providence came the affliction of a Democratic majority in this House—which I hesitate to ascribe to the powers above—with its threat of tariff revision and inadequate duties or free trade.

If in the face of all of these calamities a majority of the woolgrowers of the region from which comes the major portion of our fine wools shall escape bankruptcy, it will be due to the practice of the most rigid economy and the most careful business methods on their part, and more to the fact that the majority which presents this bill in the House has not the power to write it into law.

One thing is certain, and so patent that a fool may not err therein, and that is that without tariff protection the woolgrower of the United States, and particularly the woolgrower of the

intermountain States, can not prosper. In fact, unless his labor cost is lowered, he can not exist without protection from the cheap labor which produces the wools of the world, and particularly the wools of the first and third class, for nowhere is there as cheap agricultural labor or pastures, measured either by the daily or monthly cost or by the cost per head of sheep, as in Argentina and portions of Australia and Asia proper.

THE TARIFF BOARD.

The Tariff Board, under authority of Congress, is now busily engaged in the work of securing information with regard to the cost of production of wool and sheep, both at home and abroad. When their labor shall have been concluded, as I understand it will be by December next, they will, if I mistake not, present an array of facts relative to comparative costs at home and abroad which will not only warrant the maintenance of the present protection of the wool industry but even justify an increase on the basis of a tariff sufficient to cover the cost of production at home and abroad, and no constituent of mine has ever asked me to stand for a protection that does more than fairly equal the cost of production at home and abroad. [Applause on the Republican side.]

In other words, a protection that makes it possible to be Americans and not Chinese or East Indians. [Applause on the Republican side.] That makes the man upon the American farm a farmer and not a peasant. [Applause on the Republican side.] That makes the man who irrigates the land of our country a proprietor and not an Egyptian fellah; that makes the employees in American mills self-respecting, marching to their labor well fed and well clothed, the young women with feathers in their hats and finery upon their backs going to a short day's work with a fair wage. Compare these with the poor, miserable East Indians crawling their weary way to the miserable barracks called factories over under those torrid suns, and working like a slave for from 12 to 14 hours for a pittance so meager that it would scarcely pay the car fare of an American factory girl coming back from work. [Applause on the Republican side.] And yet the gentleman from New York [Mr. HARRISON] thinks he can safely beat down the barriers that have maintained here, under the providence of God, protection against the products of the poor unfortunate millions of foreign lands with whom we sympathize but to whose level we refuse to reduce our people. [Applause on the Republican side.]

Mr. HARRISON of New York. Mr. Chairman, will the gentleman permit a question?

Mr. MONDELL. I would be glad to do so.

Mr. HARRISON of New York. Suppose the Tariff Board, in its forthcoming report, should report the difference in the cost of production here and abroad in wool to be only about 5 cents a pound, would the gentleman vote for a bill that adopted that rate?

Mr. MONDELL. I will vote for a bill that will fairly measure the cost of production at home and abroad, and if I do have an opportunity to vote for such a bill I will probably vote for a bill higher than the present schedule. Now, I will ask the gentleman a question: If the Tariff Board makes it very clear that there is a considerable difference between the cost of wool production at home and abroad, will my friend vote for a tariff sufficient to cover that difference?

Mr. HARRISON of New York. Mr. Chairman, I think the gentleman has perfectly well understood—he has several times alluded to it—that I believe first and last and all the time in free wool, and I want to say to the gentleman specifically, in answer to his question, that I consider his theory of the difference of the cost of production at home and abroad as the merest moonshine; that it is impossible to ascertain and impossible to apply.

Mr. MONDELL. Of course, the gentleman means the question of whether a bricklayer shall receive $5 a day in the United States, as compared with $1.50 to $2 a day in Belgium and Germany; the question of whether an American carpenter shall receive $3.50 in the United States, as compared with $1.50 in continental countries; the question of whether men employed in the wool and woolen industries of this country shall be paid two or three or four times that paid to the same class of labor elsewhere and be able to live better, dress better, have more comfort and infinitely more luxuries; I realize this is all moonshine to gentlemen on the other side of the aisle, but I want to suggest these things are not moonshine to the American people [applause on the Republican side], and I am glad that he has uncorked the moonshine and let in the fierce light of denunciation that will beat against any such destructive theory as he proposes.

Mr. LONGWORTH. Will the gentleman yield for an interruption?

Mr. MONDELL. I will be glad to do so.

Mr. LONGWORTH. The gentleman from New York [Mr. HARRISON] has just alluded in tearful accents to the fact that he is for free wool and undoubtedly laments he was unable to convince his other colleagues on the Committee on Ways and Means to that theory. However, the gentleman has won one creditable victory at least. He has convinced his colleagues on the majority of the Ways and Means Committee of the futility, as the gentleman from Alabama said the other day, of a tariff board, and I desire to congratulate him and the gentleman from New York on having enlisted under his banner the gentleman from Missouri and the gentleman from Alabama, both of whom made eloquent speeches about a year ago in favor of a tariff commission.

Mr. MONDELL. I thank the gentleman from Ohio for refreshing our memory on this matter. But why talk of the consistency of gentlemen on the other side of the aisle! [Laughter and applause on the Republican side.]

Mr. SIMS. I would like to ask the gentleman this: In a publication sent out headed "Benign Protection," by Fred. W. Simons, of Philadelphia, he defines protective tariff in a few words, as follows:

> A tariff is a protective tariff just to the extent that it restricts or prohibits the importation of the products of foreign labor that would be competitive with the products of American labor if imported, and it is not a fully protective tariff unless it is practically prohibitive.

Is that a correct definition of what the protective tariff is?

Mr. MONDELL. I am not responsible for anybody's definition of what a protective tariff is, except that of my party. I do not know the gentleman who is referred to. My friend from Tennessee might ask me what my views were on the Deity, and if somebody's definition of the Deity squared with mine. I can not answer for the gentleman from Philadelphia. I am not responsible for his views.

Mr. SIMS. I only wanted to know if you adopted them as your own, and if any tariff less than a prohibitive tariff would protect the sheep industry?

Mr. MONDELL. A less tariff than a prohibitive tariff would protect the sheep industry.

Mr. SIMS. Fully protect it?

Mr. MONDELL. I do not know what the gentleman means by "fully protect." But it would "satisfactorily protect."

Mr. SIMS. "Fully protect" are the words used.

HAVE OUR TARIFFS ACTUALLY PROTECTED THE WOOL INDUSTRY?

Mr. MONDELL. Not content with announcing their hostility to any consideration of the interests of the woolgrowers, the Democratic majority of the Ways and Means Committee have endeavored to create the impression that the tariff on wool has not actually increased the price of the domestic wool product above the foreign product to any considerable extent. If this contention were true, then the entire argument on which the clamor for lower duties is founded falls to the ground.

If the price of domestic wool has not been increased by the amount of the tariff duty, it must be due to the fact that the importer has by careful selection of fleeces been able to get the foreign wool in at a price which does not justify or compel him to pay for American fleeces utilized for the same purposes a price higher by the amount of the tariff than the wool he imports; and if this be true, what becomes of the clamor we have heard for years that the poorer people of the country were prevented from wearing woolens because of the high price of wool?

In their effort to create the impression that the tariff has not been beneficial to the woolgrowers, and seemingly unmindful of the fact that if they could prove it their case as to the necessity of revision would fall, the committee in its report, on page 25, presents a table under the caption of "Comparative prices for unwashed wool, 1880 to 1910." I suppose they intend to be understood as affording a comparison of the American price of a certain grade of wool with the London price of the same grades in the same condition and at the same time.

As a sample of gross inaccuracy, to designate it by no more emphatic term, this table is a bright and shining example. It does not purport to be what the caption represents it to be, for a footnote calls attention to the fact that while they quote the figures of Ohio fine washed fleeces from 1880 to 1889 they quote the figures of Ohio fine unwashed from 1890 to 1910. These figures are compared with foreign wools presumably in the same conditions during the entire period. Not only this, but the comparison is with Southdown and Lincolnshire fleeces—coarse combing wools.

The merest novice knows that these various classes of fleeces are entirely dissimilar in character and price, and even a student in the kindergarten class of the wool business knows that one can not accept as a fair comparison prices of one class of fleece washed and another class unwashed.

Anyone at all familiar with the wool business appreciates the difficulty of making fair comparisons from statistics between the prices of domestic and foreign wools, owing to the wide difference in quality and condition, and I do not propose to attempt to do it. A reasonably fair comparison can, however, be made between Port Phillip and Ohio fine wool, and a study of the market indicates that under ordinary conditions, under the present tariff law, there is a difference between the London price of Port Phillip and the price of Ohio fine, both unwashed, of from 7 to 13 cents, the Ohio fine being higher by that amount. This is conclusive evidence that the tariff does increase the price received by the American woolgrower under the tariff. As I have said before, if this is not true, why all this hullabaloo as to the increased cost of wool and woolens by reason of the tariff?

If the Democratic majority of the Ways and Means Committee intended to prove anything at all by their table on page 25, they must have intended to prove that the tariff did not raise the price of wool in the United States at all, for assuming that they intended their table as a comparison of similar values, we find that in various periods referred to in the table Ohio wool actually brought a lower price than the foreign wool with which it is compared. For instance, in 1910 they give Southdown as 29 cents a pound, import clothing wool as 25 cents, and Ohio as 24 cents; so, if this table proved anything it would prove that the effect of the tariff was to lower the price of American wool below that of foreign wool. Is that the judgment of the Democratic majority of the Ways and Means Committee, and is that the sort of misinformation which they desire to disseminate through the country?

As protectionists we hope and expect that a duty like the duty on wool, at least specific duties such as we have provided, will increase the price of domestic wool above that of foreign wool of the same shrinkage and quality by approximately the amount of the duty. Aside from the primary purpose of revenue—that is, what the duty is expected to accomplish—and the only regret that we have had has been due to the fact that owing to the infinite varieties of wool, the widely differing conditions in which it is grown and into which it is manipulated, it is impossible at all times to secure to the grower the full protection of the amount of the tariff.

It is absolutely impossible to do so while the Democratic Party is clamoring for lower duties, thus giving those who are interested in "bearing" the wool market an opportunity of doing so for months at a time to the great detriment of the woolgrower.

In 1909 Territorial wools, as they are called—the wools of the Mountain States—were selling for from 17 cents to 24 cents a pound. Under the threat of downward revision the prices have been reduced 5 or 6 cents a pound below these figures. Of course, it is not possible to "bear" the market permanently in that way, but the conditions surrounding the wool market are such that buyers by running short and using up the surplus before making further purchases are able for a time at least, and sometimes long enough to affect the sale of an entire clip, to press the price down toward a free-trade basis.

We had that condition under the Wilson bill, when the threat of the calamity that was to follow had the effect of plunging the market toward a free-trade basis nearly a year before the passage of the bill; while the tremendous importations in anticipation of its repeal glutted the market sufficiently to maintain low prices for more than a year after it was taken from the statute books.

Thus the price of Ohio medium washed wool dropped from 34 cents in 1892 to 26 cents in 1893, 21 in 1894, 18 in 1896, and only got back to 31½ in 1899, more than a year after the passage of the Dingley bill. During that period the woolgrowers of the country lost, as the effect of the Wilson bill, more than $150,000,000. Their flocks dwindled from 47,000,000 to 36,000,000 head, and the loss in the value of the wool crop was not less than $20,000,000 a year for four years, and probably considerably more, in addition to the loss to the country of having our annual wool production reduced by about 75,000,000 pounds.

INEQUALITY OF SCHEDULE K NO EXCUSE FOR THIS MEASURE.

The Democratic Party can not excuse itself for the legislation now presented by the claim that Schedule K in the present tariff bill is unreasonably high and contains inequalities. If we are to admit, for the sake of argument, that Schedule K is the Republican frying pan, we will not better conditions by jumping out of it into the Democratic fire. I am not one of those who believe that under present conditions Schedule K is perfect.

At the time it was originally framed, and as originally framed, it was, in my opinion, fair and equitable, but the adoption of the skirting clause was unfair to the woolgrowers, and the change which has come about in the character of import wools—particularly wools of class 1—has made the schedule a less fair and equitable one than when originally enacted. But admitting that the schedule is not perfect, that it is no longer scientific, the fact remains that the criticisms of it have many of them been without information or knowledge, have been the mere cuckoo echo of those who had personal reasons for this criticism, and have, in the main, grossly exaggerated the faults of the schedule.

From the standpoint of the woolgrowers of the Intermountain States, at least, there has been but little ground for complaint of it. In fact, many of the criticisms of the schedule have been on the ground that the woolgrowers of that region were securing an advantage over those of other regions—a claim having little foundation.

The claim is that inasmuch as class 2 wools may be imported washed for the same price as in the grease, while washed wools of class 1 must pay a double duty, therefore class 2 wool is not so well protected as class 1 wool. If it were true that class 2 wool could be more cheaply and advantageously imported under the tariff than class 1 wool, the importations of that class of wool would be stimulated and reach larger proportions, particularly in view of the fact that of the domestic product less than 25 per cent is wool of class 2. What are the facts? Out of a total importation of 256,000,000 pounds imported last year only 31,000,000 pounds were of class 2 wool, and for years our total imports of long combing wool of that class have been less than 5 per cent of our total imports. This disposes of the argument that class 2, or combing wool, is not as well protected as other wools.

Mr. HARRISON of New York. Will the gentleman yield?

The CHAIRMAN (Mr. HAY). Does the gentleman from Wyoming yield to the gentleman from New York?

Mr. MONDELL. I do.

Mr. HARRISON of New York. In justice to the gentleman from Wyoming, I think he has stated the very reason why this discrimination was made, because, in 1867, when the discrimination was first made in the law, there were practically no importations of class 2 wool. That is the reason why it was put in the law.

Mr. MONDELL. The gentleman knows that the importations of class 2 wool, compared with the importations of class 1 and class 3 wool, have always been small, and they have not grown very greatly in the years that have passed.

Schedule K of the present tariff law has one virtue which no ad valorem measure has, and one like it can not have, no matter how high the rate may be, and that is, the duties being specific—a given number of cents per pound—the woolgrower has the same protection regardless of the fact whether foreign wools were low or high; whereas under an ad valorem duty the woolgrower receives the least protection when he most needs it—that is, when foreign wool is low—and thus he loses the feature of protection which above all others is the most valuable to him—that of stability.

Speaking for myself alone, if my party had the duty imposed on it at this time of revising the tariff and had the information the Tariff Board will furnish, I should support considerable change in the form of Schedule K. I believe that the only fair and just and equitable basis for a tariff on wool is the basis of the scoured content—not, understand me, a tariff based on the amount which the wool will shrink, but a tariff of so much a pound on the basis of scoured wool; the amount of scoured wool in any given lot can easily be determined. Only two classifications would, in my opinion, be necessary. Those would be a classification including all of class 1 and class 2 wools, and a classification including class 3 wools.

Now, under such a tariff we would know exactly what protection we were getting. We would know exactly what the manufacturer was paying on the basis of the scoured wool imported, whether he imported it scoured or in the grease. We would know exactly what would be a fair amount of compensatory duty.

Mr. SAMUEL W. SMITH. If the gentleman was writing Schedule K, has he suggested all the changes in the present law that he would make?

Mr. MONDELL. I have only referred to those relating to the wool rates of Schedule K; probably some other changes might be advisable; of course, the compensatory rates on woolens would have to be adjusted. I do not pretend to have the knowledge on all of the items of the schedule that some gentlemen in the House have. I am inclined to think, however, that a duty of so much a pound on scoured wool would be fair, equitable, and just, and would give us a sound basis for the compensatory duties necessary to add in order to protect the manufacturer.

NO COMFORT TO CRITICS OF SCHEDULE K.

Those who have assailed Schedule K during the Payne tariff-bill discussion in this and another legislative body, and who have continued those assaults since, will find little comfort in this measure. Certainly there is no comfort in it for those who criticize Schedule K claiming to be protectionists, for in framing this measure the committee did not adopt any of the remedies they proposed, in the main the suggestions were that the alleged inequalities in the schedule, so far as wool is concerned, should be corrected by specific duties levied on wool on a basis of shrinkage.

Such was the amendment offered and valiantly contended for by the late Senator Dolliver and those who agreed with him. The form of duty they proposed was as foreign to this measure as is Schedule K as it stands to-day, and while the Democratic brethren and the Democratic press applauded the agitation they created and profited by the dissatisfaction with Schedule K which that agitation produced, when they came to frame their tariff bill they repudiated the plan proposed by the so-called progressive Republicans and brought forth a bill not only framed on an entirely different basis than they had proposed, but wholly inadequate in the protection it affords and coupled with the threat of further reductions to a free-trade basis.

Even that fraction of the carded woolen manufacturers who have criticized Schedule K can find little comfort in the bill as now presented, for, if I mistake not, they will find the protection granted them wholly inadequate to enable them to meet foreign competition in certain lines, and they, too, must realize that this is but the beginning of trouble if the Democratic Party has its way about it and that the precarious conditions which this measure would create would be rendered still more intolerable by the threat of further reductions.

I will not assume the responsibility of saying that an ad valorem duty on wool might not be collectible without disastrous undervaluations and might not afford protection if it were high enough, though experience teaches us, and it is the judgment of most of those best informed on the subject, that such a duty would not work satisfactorily. It would certainly lead to all manner of schemes of undervaluations which might or might not be thwarted.

We purchase wool from practically every country on the globe, civilized and uncivilized—from all the nations of Europe, from Russia in Asia and Europe, from Turkey, from China, from India, from the Straits Settlements, from Australia, from half a dozen different points in South America—and the wool grades all the way from the extremely fine Saxony wool down through the fine merinos and less fine crossbreeds to the hairy sheep of the mountainous country, including the camel's hair and Angora fleeces, an infinite variety coming from the ends of the earth, purchased nobody knows where and from nobody knows whom.

I saw a statement a short time ago of the purchase on the plains of Hindustan of a large wool clip. Pray tell me where is the appraiser that can fairly appraise that compared with the Southdowns and Cotswolds and Lincolns in England and the direct and transshipped Australian and South American fleeces coming into the market. And the same thing applies to native wools from the ends of the earth. In my opinion it is utterly impossible to assess such duties fairly if the importer is dishonest.

The result is that this bill offers no hope whatever to any woolgrower, for its 20 per cent provision would be entirely inadequate if it were enacted into law, by reason of the threatened further reduction under which the market would be immediately placed on a free-wool basis. It proposes a plan under which it would be utterly impossible for the agents of the Government to place a fair estimate on the value of the wool coming into the country.

We have a very excellent illustration of that in the values placed on carpet wools, over a hundred million pounds of which we import yearly. Men who know the wool business know that 90 per cent of the carpet wools of the world are worth more than 12 cents a pound. And yet over 90 per cent of the carpet wools that were imported in 1909 were imported at 4 cents a pound, on a valuation of less than 12 cents a pound.

Such a duty is unquestionably subject to the very material criticism that it would afford the least protection when protection was most needed, but however that may be, the bill before us would not afford anything like adequate protection, even were it fixed as a permanent policy, and would afford no protection worth mentioning if adopted as presented as a mere temporary makeshift, a way station on the road to free trade.

I do not pretend to be sufficiently well informed with regard to woolen manufacturing to know whether the protection proposed in this bill is grossly or only seriously inadequate. I do know that if the Democratic Party guessed right when they guessed in drafting the Wilson bill that an average ad valorem of 47.84 per cent on manufactured goods was a reasonable protection on the basis of free wool they are threatening the destruction of American woolen industries in providing an average ad valorem duty of only 42.55 per cent on woolen goods in this bill, carrying, as it does, a 20 per cent ad valorem on the raw material of these manufactures.

If this rate of duty should prove to be inadequate, as I believe it would, the ill effects would not begin and end with the manufacturers or their employees, or with the communities which these employees support, or with the farmers who supply these employees with products, but would extend to and be equally, if not more, disastrous to the wool producer, for an adequate duty on manufactures of wool is as essential to the prosperity of the American woolgrower as an adequate duty on the wool itself, for what would a duty on wool profit the woolgrower if the duty on woolen goods was so low as to close American factories, reduce American consumption of wool, and send him to the markets of the world with his product, where his tariff protection would be valueless to him?

Mr. LONGWORTH rose.

The CHAIRMAN (Mr. LITTLEPAGE). Will the gentleman from Wyoming yield to the gentleman from Ohio?

Mr. MONDELL. I will be glad to do so.

Mr. LONGWORTH. Before he passes from the consideration of class 3, I wish to say the gentleman a few moments ago made a statement, as I understood him, that during the year 1909, 90 per cent of all so-called carpet wool imported was imported at the 4-cent rate.

Mr. MONDELL. I will say to the gentleman those figures came to my mind as I was making the statement. My recollection is that they are correct.

Mr. LONGWORTH. The statement surprised me very much, because, while I have not the figures before me, my recollection is that during the 10 years of the Dingley law substantially about the same amount in value was imported under the 4-cent rate and under the 7-cent rate; and the complaint of the carpet people was that inasmuch as they had to buy all of their products abroad 12 cents was made a basis below which it was very difficult to buy the wool abroad. In other words, that wool was quoted to them at 12 cents a pound and a very small fraction, and that they were compelled to buy at least half of the total supply at above the 12-cent rate.

Mr. MONDELL. I thank the gentleman for the inquiry, if he has any question about the accuracy of the statement. I think the gentleman will find it correct.

Mr. LONGWORTH. It was rather surprising that such a great change should have come in the last year or so.

Mr. MONDELL. Why, they are getting on to our tariff just as they would accommodate themselves and their business and their conscience to the ad valorem provisions here proposed. They are getting in at the only loophole that the present Schedule K gives them, and the gentleman now proposes to relieve them from the difficulty of coming in through loopholes and to open the door wide for this class of undervaluations.

Mr. LONGWORTH. Do not say "the gentleman" as referring to me. [Laughter.]

Mr. MONDELL. I was not referring to the gentleman from Ohio. I am not charging him with this crime. [Laughter.]

On examining the tables on pages 87 and 88 of the committee report I find the imports of class 3 wool at a duty rate of 4 cents a pound in 1909 to be over 76,000,000 pounds; the imports at a duty of 7 cents a pound something over 9,000,000 pounds. The same tables indicate an importation of class 3 wools, valued at 12 cents a pound or less, for 13 years, from 1898 to 1910, to be about 74,000,000 pounds per annum out of an average of about 90,000,000 pounds of class 3 wools, or roughly over 85 per cent of the total.

Mr. HARDY. Will the gentleman yield?

Mr. MONDELL. I will yield to the gentleman from Texas.

Mr. HARDY. Is not the illustration the gentleman gives an illustration of an actual fraud occurring under a specific duty; there being a specific duty of 7 cents a pound for wool valued under 12 cents and 3 cents a pound more if it is valued higher? Does not the gentleman's illustration convict the specific duty as much as the ad valorem duty?

Mr. MONDELL. I am glad the gentleman asked the question, because it illustrates the fact that you ought not to have any ad valorem duty or basis in a wool schedule. That is one of the faults of Schedule K—that change of from 3 to 7 cents a pound on carpet wool. While I know that it is true that everybody in the business claims they do not use this third-class wool for clothing to any extent, I know, and every man knows

who takes the trouble to notice the clothing that is worn throughout the country and that he wears himself, that a very considerable amount of carpet wools are made into clothing.

Mr. HARDY. Then I understand the gentleman believes that the very cheapest and poorest wool should be taxed as high per pound as the finest wool?

Mr. MONDELL. The fact is that carpet wools, so called, are not necessarily the poorest or the cheapest of wools. It is true that carpet wools in the natural state are often cheaper than other wools. The wools that are brought into our market as carpet wools are not all of them poor wools. They seem to be imported to a certain extent by men who are able to accommodate their consciences to undervaluations.

Mr. HARDY. Mr. Chairman, just one question. I want to set myself right. I do not undertake to say that I am an expert on the wool question, but I wanted to get the gentleman's principle, which, as I understand it, is that whether the wool is poor or not poor, the temptation may be if you have different rates for different grades to undergrade them, and the gentleman's example—that is the case where different grades of wool had different specific duties—shows that under specific duties they are undergraded, and therefore I understand the gentleman to say that he is opposed to any kind of ad valorem measure, and he wants all things to come in under a specific duty, without any different grades, at so much per pound, whether it be good, bad, or indifferent.

Mr. MONDELL. Oh, well, everybody knows that if all men were honest and if Government agents were all wise, and were mind readers, and they could in all cases assess the actual value, the most scientific duty is an ad valorem duty; but the history of mankind teaches us that an ad valorem duty simply tends to lead men, or tempt men, to undervaluation, and is therefore difficult and impossible of successful operation. Answering the gentleman's question now as to the amount of the duties on a given article, I do not think there is any disagreement on the proposition that specific duties should be levied so as to as nearly as possible assess an equal ad valorem equivalent upon values, but not so as to give the opportunity for undervaluations and fraud as we have under the carpet clause.

Mr. HARDY. Just one question more.

Mr. MONDELL. Mr. Chairman, I can not yield any further, because I have but little time, and this is somewhat of a side issue.

Mr. HARDY. I wanted to ask the gentleman only one question.

Mr. MONDELL. Well, I yield to the gentleman for a question.

Mr. HARDY. I want to ask if the grading of wool, giving different specific duties for different grades, does not afford the same opportunities for fraud that a general ad valorem duty would?

Mr. MONDELL. Mr. Chairman, I said in answer to the gentleman's first question that I did not approve of the two rates of duty as to third-class wools in Schedule K. In my opinion, it would be better if we only had one, and the experience under it illustrates how dangerous is anything that approaches ad valorem duties or has the element of ad valorem in it.

Mr. MARTIN of Colorado. Will the gentleman yield?

Mr. MONDELL. I shall be glad to.

Mr. MARTIN of Colorado. I wanted to ask the gentleman from Wyoming whether he thinks the present specific rates on raw wool are equivalent to fair ad valorem rates, considering the different grades of foreign wool with which our domestic wool is brought into competition?

Mr. MONDELL. Mr. Chairman, I expect to reach that matter in a very short time, and if I do not cover it I would be very glad to have the gentleman refresh my memory.

Mr. MARTIN of Colorado. The gentleman has pointed out what he claims to be the defect in the ad valorem duty, claiming that it would tend to fraudulent undervaluation, and I want to know if the gentleman proposes to discuss the objection to the specific rate advanced by our western growers, due to the enormous shrinkage in our western wool, amounting to two-thirds as compared with the comparatively slight shrinkage of the foreign wools that are brought into this country in a raw or unwashed state, at a specific rate, and that are scoured after they get into this country?

Mr. MONDELL. The western woolgrowers, the mountain woolgrowers, have had little complaint of Schedule K. Some complaint has been voiced on the part of woolgrowers who grow long combing wools on account of the single rate of duty on washed and unwashed wools in class 2. Their claim has always been that we had the best of it.

Mr. MARTIN of Colorado. I would like to say to the gentleman I think we ought to have been complaining, in view of the fact that our woolgrowers state they have been selling their wool for 12 cents a pound under an 11-cent specific duty, and it strikes me we ought to have some complaint.

Mr. MONDELL. Yes; I think they have a most serious complaint and a valid indictment of a party which by its agitation of a tariff bill presses the price of wool down pretty near to a free-trade basis. [Applause on the Republican side.] It is tariff agitation that has done it, and until that agitation started, as the gentleman well knows, his flockmasters were getting all the way from 19 to 24 cents a pound for mountain wool in the grease, and they are getting 5, 6, and 7 cents less than that now. Whenever there is a rift in the clouds and a ray of light comes in upon us and things look more favorable to a Republican victory next year, then the price goes up, but whenever things look a little dark and this fear of Democratic disaster grows the price goes down.

Mr. MARTIN of Colorado. I want to ask a question directly in the line of the gentleman's argument.

The CHAIRMAN. Does the gentleman yield?

Mr. MONDELL. I yield for a question.

Mr. MARTIN of Colorado. I want to know if the proposed tariff bill on Schedule K caused the price of Wyoming wool to decline from 22¾ cents a pound in 1907 to 15§ in 1908, a decline of fully one-third in value of Wyoming wool?

Mr. MONDELL. Mr. Chairman, the best answer to that is that it is not quite accurate.

The price of wool has been generally steady and firm, and upward ever since the passage of the Dingley bill, until there came the threat of tariff reduction in the revision under the Payne bill, when again, as I have stated here before, the threat of tariff reduction made it possible for the buyers to beat down the price, not to the extent suggested by the gentleman from Colorado [Mr. MARTIN], but, unfortunately, to a considerable extent. Again, after the passage of the Payne bill, the wool market recovered to its normal condition and continued in that condition, until there came the threat of downward revision last year, when again the market was beaten down.

Mr. MARTIN of Colorado rose.

Mr. MONDELL. I can not yield further at this time. I want to explain to the House briefly how it is that these threats of tariff revision can and do send the wool down to pretty nearly a free-trade basis.

Most of the territorial wools so called—that is, the mountain wools—are sold to eastern buyers. When times are good and conditions are propitious, and there is no agitation of tariff revision and no fear of Democratic victory, the wool buyers come into the field about shearing time, or a little earlier, and they bid against each other for the clips, going around from place to place, visiting the shearing pens, examining the clips. But the moment that there is a threat of tariff revision the buyers remain in Boston and Philadelphia. They stay at home. If they come into the market at all, they come to make inquiries about the weather, and the prospect of a grass crop, and they talk to the sheepmen about their families and how they are getting along. They have the least interest in the sheep business and in the wool business of anybody in the world, under those circumstances.

Up to within 30 days ago there were scarcely any offers in all that mountain region for wool at any price. Now, the wool owner might make a trip to Boston. But he is generally unaccustomed to selling his wool in Boston or Philadelphia; he is accustomed to selling it at home. In order to prevent the "bearing" of the wool price to the extent to which it was so manipulated formerly, the intermountain woolgrowers have recently organized in self-defense and built cooperative wool warehouses in Chicago and Omaha, to which they now ship their wool in considerable quantities when there is no market for it, when there is an agitation, when the price is being depressed, and when the buyers refuse to purchase at a fair price. The buyers always carry at least a year's supply of wool on hand, and there is no difficulty whatever in their using up that supply to the last pound before they go into the market for new purchases. And so this commodity can be placed almost on a free-trade basis for a considerable period before a tariff revision. We had the best illustration that anyone would desire of that fact under the Wilson bill.

MISREPRESENTATION OF SCHEDULE K.

Of all the political fairy tales, half truths, exaggerations, and downright misstatements that have been made respecting the added cost of living by reason of the tariff duties the most mendacious and inexcusable are, perhaps, those which have been made with reference to the effect of the duty on wool and woolen goods.

A bright and shining example of the misstatements made along this line, which in my opinion are unworthy of a great party, is contained on page 41 of the report signed by the gentlemen who have brought this bill before us for consideration. This particular gem of sophistry is intended to convince the American people that the duty on imported cloth, such as they say is worn by "great masses of our people," is much greater than the difference in the cost of production at home and abroad, and they attempt to prove it by a table in which they fix the element of labor entering into the manufacture of such cloth at 25 per cent interest, depreciation and other charges at 15 per cent, and materials at 60 per cent.

Pray, what is this "material"? What constitutes the depreciation and other charges? Was there no labor involved in the production of the wool that went into the material? Was there no labor involved in the caring for, feeding, and tending of the animals which produced the wool; in shearing it from the backs of the sheep; in hauling it to market; in transportation by wagon and rail; in the scouring, carding, combing, and spinning? Is there no labor involved in the construction of mills; in the building of the machinery; in the equipment of the plant on which the depreciation occurs?

And does it make no difference that the man who tended the sheep received from $30 to $50 in our country as against from $10 to $20 for the same class of labor elsewhere; that the man who shears the sheep receives twice as much for doing so in our country as he would receive most anywhere else in the world; that the labor which prepared the raw wool for the weaver was paid from two to four times as much as similar labor elsewhere; that the man who laid the brick in the factory received from $5 to $6 a day instead of from $1.50 to $2.50 in a foreign country; that the machinists who built the machinery, the men who installed it, received wages from two to three times higher than those paid to similar mechanics elsewhere? Apparently to our friends on the other side all these things mean nothing, and they seem to be prepared, in the hope of getting the support of certain classes of people, to bring down the rate of wages here to the level of foreign lands.

What a logical mind it was that lumped all the toil and effort and expenditure of muscle and energy contained in that 60 per cent in the one word "material," in the hope that the thoughtless and uninformed might be convinced thereby. Really, when I read such flagrant and barefaced misstatements in an official report, I wonder if the gentlemen who wrote it do not have the same estimate of the intelligence of the American people generally that the gentleman from Kentucky [Mr. JAMES] expressed with regard to the farmer when he poetically referred to him as one who has "the emptiness of ages in his face."

THE DEMOCRATIC DONKEY.

The Democratic majority of the House Committee on Ways and Means has now put the Democratic donkey through all the paces he is expected to be expert in during the coming national campaign, and in addition to grooming him in a bewildering variety of fancy sidesteps and double somersaults, all accomplished while looking both ways at once, special attention has been given to the perfection of the chameleonlike qualities of rapid color changing, for which he has long been famous.

To such a remarkable extent has the latter valuable and unique quality been developed that while heretofore he has, with remarkable success, been able to totally change his color and appearance in passing from one State to another he is now guaranteed to have become so sensitive to political atmospheric changes as to be able to distinguish the boundary of congressional districts, no matter how bewilderingly gerrymandered, and to assume instantly a profound change of form and a complete change of color, as well as of bray, on crossing these wholly artificial boundaries.

For instance, in the district of the head ringmaster, the accomplished gentleman from Alabama, he will appear in his natural tariff-for-revenue mule color, branded with "incidental protection only when it can not be avoided." His bray will echo the historic words of his trainer, uttered on the floor a few days ago, "No industry in this country is entitled to the fostering care of the Government."

In passing from Alabama to the district of the gentleman from Florida [Mr. CLARK], he will have his most trying feat to perform, changing his color to the sickly yellow of a near-protectionist, and his hoarse honk will, so far as possible, be mellowed to repeat the words, "We believe in protection for the long-staple cotton and the grape fruit of this district, but we reserve the right to denounce protection elsewhere." [Laughter and applause on Republican side.]

From Florida to the district of the gentleman from North Carolina [Mr. WEBB] will be as easy as a Sabbath day's journey, as no material change of hue will be required; but the protective bray will shift from the vegetable to the mineral note and be most mellifluous when uttering the word "mica."

Before leaving the State of North Carolina our noble animal, whose praises were so recently sung in deep bass for the edification of the House by the gentleman from Kentucky, will be subjected to one of the most trying lightning changes of the campaign in passing into the district of the other gentleman from North Carolina [Mr. KITCHIN]. Here he must assume the light drab, which is a combination of the Alabama and Florida colors. This combination is rendered more difficult and reflects greater credit on his training by reason of the fact that there must be a perceptible change toward the Florida yellow whenever the animal pronounces the word "peanuts." [Laughter on the Republican side.]

Our highly trained animal is subjected to a less serious draft in his color pigment cells on passing to the district of the gentleman from New York [Mr. GEORGE], though there will be repeated demands for modification of tone and color as he passes through the various districts en route. Arrived at the district referred to, however, he may assume the Alabama color with a slightly darker hue, which, however, should shade into a pirate black as he brays his declaration that "American labor must look out for itself as we batter down the floodgates and invite in the products of foreign labor to take the place of that our labor now produces." In this particular district, not loud but strong, our trick animal will be permitted to gurgle that if the farmers and ranchmen and miners can not carry on their business without the aid of tariff and the market afforded by protected industries they should abandon their plebeian occupations and move to town and learn of the blessings of the single tax.

The exact color scheme and vocal tone that shall be assumed in the factory districts of New England has not been fully disclosed, but will undoubtedly consist of the saffron hue of "local and sectional" protection, while in as mellow tones as the animal's vocal organs will permit, accompanied by a devilishly sly wink, will be brayed the sweet Massachusetts Democratic chorus, "We long to work the farmer and buy his crops for a song; when he pays his bills to our countless mills he'll find them high and long." [Applause and laughter on the Republican side.]

I really regret to forecast the experiences of the Democratic burden bearer in some of the western districts. I understand that at some points in the Northwest the animal will invoke another of his marvelous powers—that of becoming invisible. That will not serve the purpose everywhere, however, and in the region of woolgrowing and towns on the Canadian border it is said his color scheme will be a piebald combination of all the various hues he is trained to assume.

In the district of my good friend the gentleman from Colorado [Mr. MARTIN] the accomodating beast will, I fear, be sore beset, for while conditions will call for a color less fading than the near-protection yellow to withstand the sharp penetration of the suns out there, color changes will be difficult in the presence of the flocks of the region, as it is well known that the donkey is sightless in the presence of a woolly back since this bill was reported and can no longer look a sheep in the face. [Laughter.]

I regret the time at my command will not allow me to pursue this marvelously interesting subject. I have made but a few brief and inadequate references to what promises to be the most marvelous exhibition of a trained donkey since the days of the late lamented P. T. Barnum, a reference to whom reminds me that it is said that the trainers of the Democratic donkey take the same view of the American people as did the aforesaid Barnum, to wit, that the American people like to be fooled; and I might add that, like Barnum, they seem to like to be the fellow who fools them.

Mr. SHERLEY. Will the gentleman, while he is entertaining the committee with his observations on the various characteristics of the donkey, please tell us just what the Republican elephant is trumpeting now, whether his clarion call is the same in Pennsylvania that it is in Ohio, the same in Massachusetts as it is in Montana, whether it sounds reciprocity or standpatism or just what. We enjoy the gentleman's speech very much. [Applause and laughter on the Democratic side.]

Mr. MONDELL. Now, Mr. Chairman, there is applause at the question. I take it that the question, then, is either witty or profound.

Mr. SHERLEY. I do not doubt that it is profound to the gentleman, and I hope he will make it witty.

Mr. MONDELL. The trumpeting of the Republican elephant is always triumphant and on essentials always on the same note. [Applause on the Republican side.]

Mr. SHERLEY. Was that true last November?

Mr. MONDELL. That is true always.

Mr. SHERLEY. Including last November?

Mr. MONDELL. On nonessentials, liberty, why, even the liberty to kick and complain and give the gentlemen on the other side an opportunity to get a little ammunition, but on essentials like protection, unity always. [Applause on the Republican side.]

Mr. SHERLEY. Does that include reciprocity?

Mr. MONDELL. Reciprocity is not an essential.

PROTECTION WILL TRIUMPH.

Mr. Chairman, anyone who knows me knows that I am a protectionist. I believe in the principle and the policy of protection to American labor and to American industry. I believe that we have been able to establish conditions here of better wage rates and a higher standard of living largely by reason of the protective tariff, and that we can not maintain these standards without adequate protection. Holding the views I do, this bill, frankly drafted and presented without regard to what its effect may be in the maintenance and upbuilding of industries, and, therefore, upon the continuation of employment and the maintenance of a good wage scale for American labor, is a measure conceived in economic sin and brought forth in political iniquity. It has not even the virtue of being equitable in its injustice, for it contains provisions of varying ad valorem rates which will be as burdensome in their operation as it is claimed the varying specific rates in the present tariff are. Its sponsors can not claim for it the poor virtue of establishing a policy, even though an unwise and mistaken one, for they admit it to be but one step toward something even worse than the measure itself.

Fortunately for the country it can not become a law, and has been presented by the Democratic Party in plenty of time so that the destructive character of the proposal in its present form and in its threat of further disastrous legislation may sink deep into the minds and hearts of the American people.

That it will arouse our people to a realization of the danger which confronts them through Democratic tariff legislation I have no doubt, and that they will rally to the standard of Republicanism and protection and elect a Republican President and a Republican House of Representatives in 1912 I have increasing confidence.

Then any inequalities that may exist in our tariff legislation will be remedied by the party which in drafting its legislation does have a care for and considers the interests of those of our people engaged in and dependent upon the industries affected. [Loud applause.]

Mr. UNDERWOOD. Mr. Chairman, I yield 10 minutes to the gentleman from Connecticut [Mr. REILLY].

Mr. REILLY. Mr. Chairman, the cries for help that are going up to-day from the Wool Trust barons and beneficiaries of Schedule K are pathetic and heart-rending.

The cry of Cæsar, "Help me, Cassius, or I sink!" as he was buffeted by the waves of the troubled Tiber, is as the song of a jolly joust compared with this dying appeal.

"Spare Schedule K!" pour in the pleas through the lobby and the mail. The post-office messengers are humpbacked and worn with the loads of woolen literature they carry to the Members, and in the heat of a sweltering summer. But it is the winter of discontent with these high-protection bandits, who have the country "all bound round with a woolen string."

The American people are, however, breaking those bonds. They began to loosen the knot in 1910, and will have it untied completely in 1912. Not only will the woolen thongs be severed, but all the others that have held them helpless while the trust bulls fatten in the people's pasture.

Only a year and a fraction away is the time of reckoning, when broken platform pledges and promises will have their final accounting, and Schedule K, with all its iniquities, will be wiped out; when other Payne-Aldrich schedules will be revised in the interest of the many and not for the enrichment of a favored few.

It is with this certainty, made doubly sure by the wise action of a united Democracy, that no wool jungle can separate nor steel projectile pierce, that the people can bide their time—the time when the party that has kept and is keeping its pledges will take its place of power and administer the Government for the benefit of all. In that prospective happiness the people can enjoy the swan song of the G. O. P. They can even with complacence listen to the cry of the woolly old hypocrite appealing to the Congress to spare his Schedule K. It suggests the immortal lines of George P. Morris, "Woodman, spare that tree," to whose memory due apology is made for the following:

STATESMAN SPARE THAT K.

I.

Statesman, spare my schedule!
Touch not a single line!
For years it has protected me;
Looked after me and mine.
'Twas dear Sereno's hand
That made it our own way;
So let it, statesman, stand,
My own dear Schedule K!

[Applause on the Democratic side.]

II.

That old high-tariff bunk!
Its wide, protecting wings
Cover wool and shoddy
And tariff-armored things;
Statesman, forbear thy ax!
Cut not its trust-bound ties;
Oh, spare my woolen tax,
Now towering to the skies.

III.

When but an infant trust,
I sought its mighty aid
And, tell it if I must,
I sure was amply paid.
Specific is the duty
And ad valorem too;
Combined they are the booty
That enrich our favored few.

[Applause on the Democratic side.]

IV.

My purse strings round thee cling
As twining vines in May,
In which the trust birds sing
My loved one, Schedule K!
Old sched, thou god of wool!
From now till judgment day
We'll fight, we'll throw the bull,
My sweetheart, Schedule K.

[Loud applause.]

Mr. UNDERWOOD. Mr. Chairman, I yield one hour to the gentleman from New York [Mr. REDFIELD].

Mr. REDFIELD. Mr. Chairman, in the year 1908 there appeared certain sacred words, familiar to this House, which at the beginning of what I have to say I desire to read as the text of my remarks. These words are—

In all tariff legislation the true principle of protection is best maintained by the imposition of such duties as will equal the difference between the cost of production at home and abroad, together with a reasonable profit to American industries—

being the tariff statement from the Republican platform of 1908. It is a great pity, Mr. Chairman, that those words were printed only in the English language. It is a great pity they were not translated into Japanese, that they might adorn the cabs of the 720 American locomotives on the Japanese railways for the benefit of the Japanese engine drivers. It is a great pity they were not translated into Chinese, that those in Manchuria who are wearing American cottons might know how self-sacrificing the makers were in selling them to them. It is a great pity they were not translated into Javanese, that the machinery my own house has sent to the Dutch East Indies might tell to the Malays there how beneficent a factor we have been to them. It is a great pity they were not translated into Hindu, that the stokers of the Calcutta electric-light works might know how generous was the American firm that sold them their forced-draft plant.

It is a great pity they were not published in Melbourne, that my acquaintance there, who bought half a million dollars' worth of American hardware between New York and San Francisco for sale in Australia, might know how kind those American manufacturers were to him. It is a great pity they are not printed in Dutch or German, that my former customers in Antwerp and in Berlin and Dusseldorf might know my generosity. It is a sad thing that those words should not be sent widely abroad, that the unselfishness and kindness of our American manufacturers to those outside the limits of our own country might be made more clear than it now is. Because, Mr. Chairman, those men abroad, many of whom I know, have an idea that the American manufacturers were selling them those goods because they could afford to do so, and I must confess that until I saw the language of this platform I had myself always supposed it was quite possible and proper to sell to those countries abroad at a reasonable profit.

But since the difference in the cost of production is said to be always such that we need protection against the manufacturers abroad, let us look more closely at those words.

Speaking from a manufacturer's standpoint, Mr. Chairman, I venture to think it can be shown that this statement of the Republican platform has these definite characteristics:

First. That it involves certain contradictions, well known to manufacturers, which destroy its force.

Second. That it assumes the existence of facts that either do not exist or whose existence can not be accurately ascertained or clearly defined.

Third. That it may involve, if taken to be true at its face as it reads, such discrimination against some American manufacturers and in favor of some foreign manufacturers as is certainly unjust and would, I believe, be conceded to be improper even by its authors.

Fourth. That it ignores the nature of cost and the nature of competition, and, taken at its face, calls for the removal of the duties on many American manufactures.

Fifth. As applied to Schedule K, it has worked grave injustice to our poor people and disaster to many American manufacturers.

Those things I believe at the end of 25 years' manufacturing experience.

I have been an attentive listener, so far as I could, to the discussion on this bill, and on the tariff bills that have preceded this, and certain facts, or the absence of certain facts, have forced themselves deeply upon me. Certain of the fundamental things with which we manufacturers are all familiar have not been mentioned here. Certain of the most essential things that in a manufactory I look for have not appeared in the debate. I have not heard a single word upon this floor of those things about which I should tell a costkeeper to be watchful. I have not heard it mentioned that there are many, many elements of cost, not one or two or three, but many and complex elements. And, therefore, because I have found it possible, and because I know hundreds of American manufacturers have found it possible, to compete in the markets of the world openly, it is for that reason that I have ventured, though a new Member, to speak at length upon this important question.

How does it happen, Mr. Chairman, that in a quotation recently made for machinery to a mine in Japan the American price was $215 less than the English price? How does it happen that those American locomotives are running upon the Japanese railways, upon those of Formosa, upon those of Manchuria? How does it happen that American engines are sold in Hongkong? How does it happen that I sent one day before yesterday to Rangoon? These are sold in open competition with the makers in Great Britain. I happen to know what those locomotives cost, relative to those made by German and English manufacturers, and I happen also to know this, which is one of several stories which will illustrate this particular contention, namely, that last January I was in the city of Tokyo, and a friend who was with me took a large contract, by the way, from the Japanese Imperial State Railways, in open competition with Germany and England, for several million dollars' worth of locomotives. That gentleman went to the head of the locomotive shops of the Imperial Railways, and the Japanese master mechanic said to him: "We can make locomotives much cheaper than you can in America. We have American equipment, and we can produce them for less than you can." "Can you?" inquired my friend. "If so, let us get at the facts. If you will tell me from your cost sheets precisely what your locomotives cost, I will tell you what ours cost." And, by the way, he said: "What makes you think that your locomotives cost less than ours?" "Why," he said, "because we only pay one-fifth the wages to our men that you pay to yours."

So they got out the cost books, and they found that the fact was that the labor cost for locomotives on the same specifications was three and one-half times greater in the Japanese shop than in the American shops. And that is a perfectly normal fact and not an abnormal one. [Applause on the Democratic side.]

How does it happen that this other thing came to be true? I went to the city of Birmingham one day. If it was impossible to sell there the goods I went to sell, I was either ignorant or foolish. However, I went. My English competitor, whose factory I would burn if I had it—my leading English competitor being very busy on other work—said to me, "Mr. REDFIELD, will you take a contract to manufacture a standard line of my goods in quantities and turn them over, delivered in Manchester, so that I can make 10 per cent profit upon them?" I said, "Certainly." I should have been delighted to have the order. He said he put it up to his board of directors, but their British pride was too much. But I wish I could have had it.

And now to show another phase of this question—I am not going to tell stories all the afternoon, but to show another phase I want to tell an incident that took place in the city of Liege, in Belgium. That city of Liege has the lowest priced industrial labor in Europe. It is absurd that an American manufacturer should attempt to sell goods in Liege, but still they do. [Laughter on the Democratic side.]

I spent the day with a large buyer there, and all the morning we discussed prices, which were satisfactory, and quality, which was satisfactory; and I went back in the afternoon fully expecting to get an order. But the old gentleman then told me of certain action in the New York customhouse whereby the duty on his goods had been raised—for he sold largely in the American market—and he said to me: "Your goods are satisfactory and the prices are right, but I shall not give you an order, because you shall not come to me with one hand saying 'Thou shalt not enter,' and with the other hand, 'Give me your business.'" [Laughter.]

Mr. SHERLEY. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Kentucky?

Mr. REDFIELD. Yes.

Mr. SHERLEY. Before the gentleman returns to his discussion of the schedule I would like to have him state to the committee whether in the dealings that he speaks of abroad the goods were simply the dumpings of American manufacturers or not, inasmuch as that is the usual answer that is given to the statements of fact that the gentleman has made.

Mr. REDFIELD. They were not any of them dumpings, and they were sold at regular prices.

Mr. MANN. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Illinois?

Mr. REDFIELD. Yes.

Mr. MANN. I understand the gentleman has been able to sell his goods abroad on the same basis of price as that at which he sold them at home?

Mr. REDFIELD. Yes.

Mr. MANN. That seems to be a very good result of the working policy of our administration. [Applause on the Republican side.]

Mr. REDFIELD. And I propose, Mr. Chairman, if my time permits, to tell the reason why; and also why hundreds of my fellow manufacturers are doing the same thing. I want to take up then, Mr. Chairman, the things that have been omitted in this discussion. I wish to deal with the question of the cost of production—what it involves, what the elements in it are—and to go through it with some care.

But a few more illustrations may be interesting also. My agent in the city of Calcutta said to me, "Do you see those shoes?" I said, "Yes." He said, "I paid $3.85 for those shoes." "Why," I said, "that is an American shoe." "Yes," he said, "I bought it here. It is the regular American $5 shoe." I said, "Are you sure?" He said, "Yes." I wore them to New York and went into the store on Broadway where they are sold and asked what the price was there, and I was told it was their regular $5 shoe. I shall be glad to give names and addresses to any gentleman in the House who inquires in private.

I hold in my hand a little lead pencil. It is a small, ordinary pencil. It has upon it the name of the American Pencil Co., of New York. I bought it in the middle of Java, out of stock. I have in my home in Washington some men's toilet articles—shaving soap, and so forth, made in New Jersey. I bought them in Hongkong. I found them in stock in drug stores around the planet. Of course they are sent there as gifts. We all realize now that it is impossible to sell goods, made at American wages, abroad. [Laughter on the Democratic side.]

And, Mr. Chairman, I have here an advertisement of a most peculiar kind. It is from the Drapers' Record, which is a leading textile paper of Great Britain. It is an advertisement of the Pacific Mills of Boston, United States of America. It is a whole page advertisement, and it reads:

Serpentine crepe is stocked by the largest retailers in Great Britain because the English public have found it is the greatest cotton crepe in the world.

It proceeds to enlarge upon it, and says:

By our extensive advertising in the leading British publications we are creating a very lively demand for serpentine crepe amongst a certain class of householders.

They proceed with a guarantee, and then state that their London agent is prepared to fill all orders for serpentine crepe. This is signed by the Pacific Mills, of Boston, Mass., giving the address of their agents not only for Great Britain but for Australia, New Zealand, South Africa, and other colonies.

Mr. HARRISON of New York. Will my colleague yield for a question?

Mr. REDFIELD. Yes.

Mr. HARRISON of New York. In his travels in the Orient did my colleague find that any of the oriental cotton mills were suffering from competition with American mills?

Mr. REDFIELD. I am very glad the gentleman asked that question, because the distinguished gentleman from Connecticut in his address upon the tariff said something about the low wages of labor and other conditions in the cotton mills of Osaka. I had recently the pleasure of being in the city of Osaka. My informant there was our own agent—a house that has nothing to do with cotton—he told me that the Osaka mills found it often difficult to compete with American mills. [Applause on the Democratic side.]

On a main street of the city of Batavia is a very nice office building. It is one of the most creditable office buildings in Java, and over the door are these words, "United States Steel Products Co."

Now, of course, it is most thoughtful and kind of the United States Steel Products Co. to go there and build a useless building. We appreciate that thoroughly; but I had the impression that the United States Steel Products men, whatever else they were, were not fools. I would suggest to the committee investigating the United States Steel Corporation, to inquire as to whether one of their subsidiaries is giving away its product in the Dutch East Indies. Yet, after all, we are told that though foreign manufacturers are handicapped by distance, by time, and by freight, we can not compete with them because we pay high wages and they pay low wages.

Finally, to end what I was going to say in illustration, just let me read a list of 10 departments of one export journal stating the American goods that they are offering abroad, for sale in open competition, Mr. Chairman, with Germany and Great Britain. And at the risk of being a little bit wearisome, I think it may inform this House to know how completely we are unable to compete with the foreign manufacturer. I read, therefore, iron mongery, fine tools, bicycles, sporting goods, lamps, razors, firearms, carriage makers' supplies, sanitary goods, lighting systems, dry goods, men's furnishing goods, boots and shoes, corsets, hats and caps, textiles, clothing, women's furnishings, office furniture, office devices, stationery, typewriters, filing cabinets, printers' supplies, paper, machine tools—a friend in Rotterdam sold two that were made in New Jersey the other day when I was there—boilers, lubricants, electrical material, valves, woodworking machinery, belting, shafting, pulleys, packing, furniture, kitchenware, and so forth.

Mr. HARDY. Is the gentleman sure that razors are included in that list? I thought we had to have about 200 per cent duty to enable us to compete here in razors.

Mr. REDFIELD. If the gentleman will accompany me abroad, I shall be very glad to have him buy American razors out of stock at a number of points.

Mr. HARDY. Razors are in the gentleman's list, are they?

Mr. REDFIELD. Razors are here; also agricultural machinery. On that matter of agricultural machinery I am reminded of another thing.

Have any of my friends on this side of the House heard a gentleman on that side of the House mention or account for this particular fact, that there are manufacturing houses in America that sell no goods in the United States? They pay as high wages as anyone. There is one in Poughkeepsie, N. Y., making agricultural machinery. Another is in or near Newburgh, N. Y. There are many more; one in New York City.

And yet the feature of this discussion is the fear of foreign makers in American markets, ignoring the fact that foreign designs, foreign measurement, foreign methods are often such as to make their products useless here at any price.

The discussion, therefore, from a manufacturing standpoint has been of the most elementary character. It is assumed, without argument, that American manufacturers can not compete in the world's market on even terms without protection, and can not even hold their own at home. The only suggested way of meeting competition is by reducing wages, the crudest, the coarsest, and the most brutal of all methods. [Applause on the Democratic side.]

The only form of competition that appears to be known is in the prices at which goods are sold, and yet some American goods selling widely abroad bring higher prices in Europe and other foreign markets than goods produced of the same kind in the markets where they are sold.

In Antwerp I was told by a gentleman that he could buy in Germany goods much cheaper than mine. I asked him to show them to me and I was given them. He told the price, which was about 20 per cent less than mine. I took them up, and at the point where the handle should have been fitted closely and carefully, I put the blade of my knife in and left it standing. I said to my Belgian friend, "Will you accept goods like that from me?" "Well," he said, "they are cheaper than yours." I said to him, "If you will accept goods like that from me I will make them 10 per cent less than the German price." "Oh," he said, "I can not."

The necessity therefore exists for a broader view of this whole subject which shall take into account facts that have not yet appeared, and to consider it from a practical rather than from a theoretical side.

Now, if there is one man, Mr. Chairman, in the world who can not afford to be deceived, it is the manufacturer. He is the last man that can afford to be deceived. His plant will eat its head off. He knows perfectly well that idle he loses more money than if he runs at a loss. His plant will eat its head off unless he keeps it moving at a profit. He is not easily deceived. He must face realities.

Now, let us consider, if you please, the cost of production from the manufacturers' standpoint. What is it and what does it involve and how shall it be handled? Unless I am mistaken, these gentlemen before me who are practitioners of the law will find that they have discovered a strictly professional problem in dealing with cost, an intricate and complex thing—not a thing which can be bitten off at a bite and called the rate of wages.

There are four groups that enter into every factory cost:

1. The cost of labor.
2. The cost of material.
3. Burden cost (or overhead charges).
4. Selling cost.

The aggregate of these four fixes the point per unit of product where profit begins. Let us discuss them separately.

First, labor cost. In a modern industry this is often not the largest element in cost per unit of their product. In some industries it is rarely the largest element in unit cost. In my own experience there have been many cases where had the labor cost equaled the other elements of cost per unit I should have thought my superintendent needed overhauling. I am told that in an American locomotive the percentage of labor cost is 20 and that the percentage of material cost and of burden and overhead charges is 80.

I was in a mill a few weeks ago not a thousand miles from New York. They were making a fabric, and I asked what the percentage of labor and material in it was. It is a material, gentlemen, that I have heard discussed upon the floor of this House as being one case where we must maintain the standard of American wages. This party said a change in the tariff would be disastrous, and yet he said that out of a dollar and a quarter selling price per pound the material and wastage cost was $1.05, and when I said to him, "You mean by that that you must pay your labor and carry your burden charge and make your profit out of 20 cents on a dollar and a quarter"? He said, "Yes."

Now, Mr. Chairman, it needs only the statement to show that the important factor in labor cost is not the rate of wage, but the rate of output. It is not what you pay, but what you get for what you pay that counts.

Once, when my office was located in the city of Paris, I employed a lot of French carpenters and paid them 10 francs a day—$1.90 each—and at the end of three or four days I was well-nigh crazy. Down the long aisle of the building I saw a familiar-looking tool box, with a saw sticking from the end, and I ran to the place and found a man who looked like an American carpenter. I said, "Are you a Yankee?" and he said, "Yes." I said, "I want to employ you now." He said, "Boss, I charge $4.50 a day." I said, "Come right along." Two days later I discharged four Frenchmen, and my one American carpenter did more work than the four Frenchmen. [Applause.] And I saved money by the process. And if somebody wants to ask me the question, there are sound, sober, serious reasons why the American carpenter did as much work as four Frenchmen, and I shall be very glad, if you wish to detain me, to go into the details of the reason why that man is so much more efficient.

SEVERAL MEMBERS. Let us have the reasons.

Mr. REDFIELD. In employing a French carpenter, he goes to work having eaten almost nothing. For breakfast he has nothing more than a bit, a little bit, of bread, without butter, and coffee. At 11 o'clock he stops to eat a little bread and drink a little sour wine. That is all, all I ever saw any of them eat. At 3 o'clock he stops again to eat a little bread and drink a little sour wine. After he gets through at night he has what he calls a dinner. Such a man can never work at any labor requiring steady physical exertion continuously under pressure in competition with a man who eats three square meals a day. [Laughter and applause.]

I speak from some knowledge of French factories, and also of German factories, but I would like my friends on the other side to explain the folly of the Englishman who once asked me to go into his factory and tell him how to cut down his labor cost. What a fool that Englishman must have been! Yet I might

pause right there to tell what I found at that particular time in that English factory as another reason why they can not compete with us.

A MEMBER. Tell us.

Mr. REDFIELD. The first machines I found in the factory I recommended be thrown into the scrap heap. That is characteristic. I went upstairs and found a screw machine making bolts of various sizes, and a boy running it at a very small wage, probably about 2 shillings a day.

I stood looking at the boy, and its product, first, twenty ¼-inch bolts, and then twenty-five ½-inch bolts, and then fifty ¾-inch bolts, and then five or six 1-inch bolts, and then back to quarter inch. I went to the superintendent and said to him, "Mr. So-and-So, that boy is costing you more than a man who earns $3 a day would in one of our shops." He said, "Why?" I said, "Twenty-five per cent of his time is used in altering tools. He is 'breaking up,' as we say, altering his machine from time to time and stopping his processes 10 to 15 times a day." He said, "What would you do?" I said, "Give him one size and let him run all day on that. The next morning give him another size and let him run all day on that, and the next morning give him another size; do not stop your machines, but run them steadily on one size." "Why," he said, "Mr. REDFIELD, we can not get foremen to think that out." I shall be glad to give the name, place, and date to anybody who inquires.

Mr. McMORRAN. Will the gentleman yield for a question?

Mr. REDFIELD. Certainly.

Mr. McMORRAN. I assume from your description you have recently made a trip around the world.

Mr. REDFIELD. Yes.

Mr. McMORRAN. Will you state to the House here how many American ships you found under the American flag?

Mr. REDFIELD. I shall be glad to discuss that question. I have already put it in writing. The last American ship I saw was in Hongkong. After that I saw two ships bearing the flag of Sarawak, and three bearing the flag of Greece, but none bearing the flag of America until I got to New York.

Mr. McMORRAN. Were you especially proud of the fact?

Mr. REDFIELD. No; I am ashamed of it.

Mr. McMORRAN. Now, if the gentleman will permit another question, because I understand you are getting the same price abroad you are getting at home——

Mr. REDFIELD. Yes.

Mr. McMORRAN. Do I understand you can ship from one of your factories at Detroit, Mich., to Hongkong and China at the same cost you can ship from Detroit to points in Michigan?

Mr. REDFIELD. You mean transportation cost?

Mr. McMORRAN. I mean transportation cost.

Mr. REDFIELD. Certainly not.

Mr. McMORRAN. Then if you get the same price from the foreign buyer that you do from the American buyer are not you discriminating against the American buyer?

Mr. REDFIELD. Goods for foreign markets are sold f. a. s. New York—free alongside ship, New York—and the question of transportation is always for the foreign buyer as it is for the American buyer. [Applause on the Democratic side.] The foreigner pays that freight. Goods are sold f. o. b. Detroit for San Diego, or Portland, Me., or Indianapolis, Ind. There is no serious injustice in that; it is understood.

Mr. McMORRAN. Are you certain you are selling the engines that you manufacture in Detroit at the same price in Michigan you are abroad?

Mr. REDFIELD. It is a fraction or two higher abroad. I will be glad to give the exact discount list to the gentleman in private.

Mr. McMORRAN. I will state I bought some of your engines——

Mr. REDFIELD. I am glad to hear it.

Mr. McMORRAN. And I have some knowledge of them, and I assume that a great deal of the success of your institution is due to the most excellent ability you have in connection with your salesmen.

Mr. REDFIELD. I thank you; but I have only been with that concern for a few years.

Mr. McMORRAN. That enables you to get better prices than the other salesmen get.

Mr. REDFIELD. No; most of the business matters I have spoken of, it is only fair to say, have no relation with that particular concern, but with another one. I have been selling goods abroad for the last 18 years.

Mr. McMORRAN. I desire to ask the gentleman another question. Have you any suggestion now as how to cure the evil of foreign ships carrying American products?

Mr. REDFIELD. Yes, indeed. I shall be glad at some future time to address this House on that particular subject of the merchant marine, as it is a subject to which I feel very keenly, if the House desires it, but I do not care to mix up the cost of production with it now, it being an entirely separate matter. [Applause on the Democratic side.] I have just stated in the matter of labor cost the serious element is not the rate of wage, but the rate of output. For example, in competing with a Swedish concern at one time it was inquired how it was practicable so to do.

I said, "How much does he produce?" "Four hundred a day." I said, "Our output is twenty-eight hundred a day." One of the things, gentlemen, I would like to burn into your thought is this—the essentially variable quality of cost. It can not be talked about as a fixed thing. Cost is everywhere and always variable, at every time and in every place.

Mr. HARRISON of New York. If my colleague will pardon me, does he believe the difference in the cost of production here and abroad is a practical way of fixing the tariff rate?

Mr. REDFIELD. If the gentleman permit, I will later answer that question squarely and directly.

Output varies with the character of the workmen, the equipment, its arrangement, or other local conditions, with the nature of the superintendence, with the discipline, and so forth. It is absurd to assume that work done by a man paid $4 daily costs more per annum than work done by a man paid $2 daily. It may be more or less costly, and depends upon other conditions. Therefore, because certain goods are produced at a certain labor cost per unit when the wage rate is $3 per day in a certain place, it can never be argued that the same wage rate on similar goods results in a like labor cost per unit in another place. It may vary from 10 to 50 per cent. To discuss the wage rate as the controlling factor in labor cost per unit is both inadequate and misleading. The railroads are a very notable example of this. The English railways have vastly cheaper labor than we, but their freight charge per ton-mile is two and one-half times ours. With pride the Indian railway department told this last winter that, though their labor is one-eighth of ours in cost per day, they had succeeded in getting down to a trifle lower freight cost per ton-mile than we. They had been years at it, with labor one-eighth of ours, and had just succeeded.

I have in my hand a letter from my own representative in Rangoon, saying, "Figure on an apparatus using native labor cheap but bad." To say a man gets $3 per day means nothing at all as to the cost of his product. It may be either low or high, and the wage rate taken by itself alone affords no basis of comparison. Apart from the wage rate, labor cost per unit is very largely under the control of the manufacturer and may be radically altered without changing the wage rate.

Now, there is a question as to a manufacturer's own control of his labor cost apart from the wage rate that I want to illustrate by three examples.

In a large factory in the State of Illinois the superintendent had 100 milling machines in one room—a room very much like this. They were all arranged facing one way, and he stood at the end of the room one day and saw the men were walking useless miles in getting back and forth to feed the machines as they ran out of stock. And he planned how he should eliminate that useless cost of walking—time paid, as he said to me, for walking matches. Finally, he took his 100 machines and turned them face to face, so that the man passing between them had a machine on either hand. He divided the machines into four groups, one in each corner of the room. He cut down the walking distance 15 miles a day [applause], and he saved two men's labor, or a saving of 25 per cent of his labor, without altering anything except the arrangement of his machines.

The next illustration is this: I know a factory in which the product was doubled in two years without adding a man or without adding a machine. And this is the way it was done: It is a very interesting experience in labor cost. The men had been paid on day work. The labor men have, and they properly have, a horror of piecework, as it is commonly administered, because, I am sorry to say, manufacturers have so abused the piecework principle that the laboring men have justly come to fear it. [Applause.] As piecework is handled in most factories it ought to be hated, as it is hated, but in this particular factory the head of the concern got the idea that he could save by guaranteeing his men a high wage. That is queer doctrine for the other side of the House. He got the idea in his head that he could save by paying a high wage, and he said—and I speak of it because I was called into consultation at the time—"We will guarantee your day rates; you shall always earn your present day's pay. We will also guarantee that, no matter what you earn, your piecework rates shall not be cut. We will agree with one another that obvious mistakes will be

corrected either way, but if you earn large pay, understand, your piecework rate shall not be cut, no matter what you earn."

That was true. That factory operated upon that basis for many years. The wages of some men went up to $6, and in some odd cases even to $7 a day. I had the pleasure of selling some of the product of this shop abroad, against European competition.

Now, when the men were guaranteed an unlimited earning rate, see what happened? The manufacturer said, "There is the machine. There is your power. Go ahead. Earn all you can, and God bless you." [Applause on the Democratic side.] Now, from the manufacturer's side naturally the first result of that was largely to increase the product. Then three other things happened. The manufacturer went one day to a man and said to him, "Pat, you are earning pretty good wages. It does not make any difference to me what you earn. The more you earn the better for us both. But there is one thing you can not afford, and that is to have your machine shut down for repairs. It hurts me, and it hurts you every hour that that machine is idle, and your machine is of that particular kind and engaged in that particular work that knocks the machine to pieces if it is not properly taken care of. Every hour it is delayed in operation it hurts both you and me." Says Pat, "What is it that you want?" "I want you to spend about 15 minutes before work starts every morning in overhauling that machine in your own interest. Do not let it get into such shape that it will need repairs."

Gentlemen, I can not tell you the exact number of thousands of dollars per annum that was saved in that factory in that simple way, but it was several times $10,000 a year, just that item of examining carefully the machines every morning before beginning regular operations.

In the next place the system of using fuel had been more or less careless in this shop. The manufacturer went to his workmen and said to them, "Boys, you are not going to be cut, no matter what you earn. You can not afford to waste time in firing improperly. You must be careful." His men did as instructed. At the end of three or four weeks about an hour and a quarter's time was saved each day, amounting to one-eighth of the operating time of that part of the plant, besides a saving of fuel.

Now, in most factories the element of defective goods is a large element of cost. It may be a very large element of cost where you are making goods, as some factories do, measured to the thousandth of an inch. This manufacturer went to his men and said, "Boys, you are well paid. There is no limit, practically, to what you can earn. Go ahead and earn what you can. But it is not fair on that basis to make any bad goods." The men thought the matter over among themselves, and finally they came to him and said, "What is it you want?" and he said, "I want you to replace the bad goods in your own time and to replace the material that you waste." And right there was saved several thousand dollars more in the course of a year.

In those three little ways, without touching the rate of wage, the output of that factory went up double in two years; and the same thing, to a greater or less degree, depending upon different circumstances, is possible everywhere. But some one will say about the case I have quoted that there must have been lax management theretofore. I can assure him that was not the case.

I met an American leather manufacturer while abroad. He had some English visitors come into his plant, and showed them how he was making a hundred dozen of a certain kind of skin per day—that is, doing a certain operation on that many per day—and they said to him: "That is very good, indeed; very good, indeed; better than we do, and we are very much pleased with it." But he did not tell them that he had just bought a machine, which would take the place of the one that he showed them, that did 300 dozen a day. And when a few years later he went to see them in Great Britain and found they had risen to his standard of 100 dozen a day, he did not tell them then that he had put in another machine that made the process 600 dozen a day.

Labor cost per unit varies with time and place, and in the same shop is constantly changing. It is unlike in each of several mills producing the same goods, belonging to the same company. A superintendent who would take three mills making the same goods, under the same ownership, in three different cities, and get the cost alike would be a wonder. I should greatly like to know where such men could be had. For example, I have in mind two factories, belonging to the same concern, where for two years it has been a constant effort to get the costs alike in making the same goods. But what are you going to do when in one factory power costs three times as much as it does in the other?

Labor cost is affected by sanitary and by climatic conditions. It varies with the quantity and the quality of the output, and it can never be assumed that it is at the close of the year what it was at the beginning of the year in the same shop. It is enormously modified by the progress of invention. The labor cost in your shop in January may be in some respects entirely wiped out by July. The labor cost in July may be entirely altered by December; else what is your purchasing agent for, and for what purpose are you feeling out all over the world for the latest machinery? Base a tax upon the January cost, that is just equal to the difference in foreign cost, if there be such a thing, and it is altogether altered by July, and by December it may be three times the difference. And every manufacturer knows these things and lives up to them every day, but does not always talk about them in public. [Applause and laughter.]

Labor cost varies with the arrangement of machinery within the shop. It is affected by the space available. It varies with the changes in material, with the sufficiency and the regularity of the supply of material and its suitability to the work. And the labor cost of Monday when the stock runs out Monday afternoon and new stock comes in Tuesday is not the same on Tuesday that it was on Monday. The steel mill may have made an error and your labor cost go flying up for the time being. And I am speaking now, gentlemen, from an experience in figuring labor costs to hundredths of a cent per unit.

Labor cost is affected by the lighting and the power equipment of the shop, and will change with the going of one superintendent and the coming of another. I am sure before this audience I need only to say these things one after the other to have their entire reasonableness made plain to you all.

Labor cost will alter radically within a month, by the introduction of new tools, new machinery, or the change of a process, even to the extent of having a whole process eliminated. It varies with the wastefulness of material used in producing an article, excessive use of supplies, the loss of time and material occasioned in making defective goods; and every one of these items has to be strictly and carefully watched by any alert manufacturer.

The labor cost is affected by methods of paying (by piecework on a righteous basis, and by day's work on an unrighteous basis) and by a just and considerate application of the methods of paying apart from the amount paid.

Labor cost is, therefore, a variable element. It can not be measured by any fixed standard. To offer a fixed rate of duty to cover the difference in labor cost is first of all to state an absurdity, for the one is variable and the other is always fixed.

But labor cost in any factory is both direct and indirect, as will be made plain; upon the proper adjustment of one to the other depends in a degree the labor cost.

Reaffirming, therefore, that in many industries the unit cost of labor is not the largest element of the total unit cost, but may be a small percentage thereof, we pass to consider the cost of material. This is the most fixed of all the elements of cost, but only a little thought is needed to show that this, too, is variable. In two shops, one buying in large quantities and the other small quantities of the same goods, the price of the material will vary. In two large shops which buy the same quantity, but have buyers of different skill and differing in amount of free capital with which to purchase, the cost will vary. In two shops in the same business, but located differently with respect to transportation, the cost will vary. Within the shops the cost of material will vary with the handling facilities provided and with the space available for storage. The cost of material will vary with the system of receiving the same and storing them. The cost of material must always include such important and such variable items as freight, cartage, wharfage, demurrage, and the like.

The cost of material must always include the wages of the storekeeper and a share of rental for the space occupied by it. The cost of material will vary also with such depreciation as will take place if it is not protected against loss. This, therefore, though relatively a fixed quantity, is variable, so that in different shops, in the same line of business, it can not be argued that the net material cost in one even approximates that in another.

The cost of material must include the factory supplies, the purchase, keeping, management of which is an important and complex element of cost where thousands may easily go out of sight. Consider what it may mean to have one purchase of bad lubricating oil. Its use on valuable and delicate machinery may cause the loss of thousands of dollars in a single week.

But when the variable items of unit cost of labor and material are combined you have only obtained what is known as prime cost, or actual outlay, and have still to consider two of the most

serious elements in cost, each of which sometimes amounts to a larger total than either labor or material, and sometimes exceeds them both.

We therefore take up, third, cost of burden or overhead charges. This is often ignored or not appreciated at true value. More concerns are wrecked by failure to estimate or manage it properly than by any other single cause save perhaps insufficient capital.

I have in mind a factory in which I was employed and where I could not persuade my employer that a certain machine which was selling for $8,000 was in reality costing $9,000.

He thought he knew. He said, "I have been in this business 30 years, and I ought to know my own business"; and to a question as to how he carried his costs he said he kept them in his head, with that result. He insisted that his burden charge was 10 per cent, whereas, as a matter of fact, it was nearer 80 per cent, and it became me very speedily to find other employment, and at the end of two years that concern failed.

Among the items covered in burden cost are such as these: Taxes and assessments, repairs to buildings and machinery, indirect labor, superintendence, experiments, insurance and fire protection—two different things—depreciation, bad debts, accidents, interest and discounts, power, heat, and light, and legal expenses, every one of them matters which everybody knows, every one of them matters needing the most careful attention, if they are to be kept within reasonable limits.

A large concern located on expensive land in a city with high rates of assessment and taxes may bear a burden in this single respect enough to pay a profit on the entire investment of a small concern more favorably placed; but, as showing the complex nature of this problem, the same concern may, by reason of its equipment and its efficient organization, produce goods, though paying the same or higher wages, so cheaply as to overcome this handicap.

Repairs vary with the character of the buildings, their age, their location, with climate, and with respect to machinery, with the care given to it. In some industries this item of repairs is very large.

Indirect labor is an unfortunate necessity in every industry. A cotton mill employs carpenters and steam fitters, whose presence is necessary, but whose expense is a burden on the output. Every modern shop has to have a tool room. This question of indirect cost is often a very serious one, and is a matter requiring the closest professional study.

The cost of superintendence is apt to be heavy in proportion as the labor is cheap. I was very much interested in what the gentleman from Connecticut [Mr. HILL] said about the jute mills in Calcutta in his recent address, because only eight weeks ago I was in those jute mills talking with the superintendent. I find it a very excellent plan, if you wish to get at the details of a factory, to avoid the owner. [Laughter and applause.] Get at the practical superintendent and you will learn more in an hour than you will from the owner in three weeks. I asked this gentleman in this large jute mill about the question of his labor. He said it was cheap, very cheap. I said, "Is it wasteful?" He answered, "Extremely wasteful." I asked him in what other respect it was bad, and he said it was bad in the respect that it required an unusual amount of European superintendence—three to four times as much as they would give in Scotland.

Experiments looking toward new or better output, tools, or machines are a very expensive item in many factories. It is hardly necessary to say that insurance varies. An old wooden mill must charge the cost of its output with many times the unit cost for insurance that is borne by goods produced in modern so-called slow-burning buildings. The actual loss from fires, over and above that covered by insurance, is a part of the burden cost frequently forgotten and of uncertain amount, but often serious. Depreciation is a large item of cost, amounting often to as much as 10 per cent per annum of the entire value of the machinery, buildings, and other equipment, varying with conditions. Sometimes neglected by manufacturers, it forms a burden of a self-enforcing character, which, if not reckoned as an annual addition to the burden cost, will come in a lump sum whenever machinery or buildings must be replaced. The loss arising through machinery thrown out of date by new inventions is a serious part of burden cost frequently forgotten. The loss arising from the continued use of antiquated and slow-producing apparatus is another large part of burden cost. It is not confined to England, although that is its great exemplar, and here I want, if I may, to tell an incident or two.

Some few years ago I visited a large English engineering shop, and to my horror discovered an old-fashioned single cylinder walking-beam engine being built. I asked what that was for, and they said it was for a cotton mill in Oldham. Alongside of that they were building several modern triple-expansion engines. I said, "Why is that old type being built; it is 50 years behind the times." He said, "Simply because the owner said his father had one like it, and he wanted the same thing." I once sold a large order of goods to a concern in the city of Leeds, in England. That was a very absurd thing to do, because Leeds is a great industrial town. It was, of course, another case of our benevolence, but they bought the goods. When I came to the question of the allowance for finishing on the goods I said, "How much shall I allow on each surface for finishing?" "Oh," they said, "one-eighth of an inch." I said, "Our usual practice is one thirty-second." They said, "Mr. REDFIELD, I wish you would be serious." I said, "I am entirely serious. You have bought here a modern American plant of machinery." That is quite a European habit. It is rather ignored here, but it is quite the habit in Europe to buy American machinery, and I should be very much pleased to take some of you gentlemen to see half a dozen, some in Germany and some in England. I said, "You have got this fine plant of American machinery. You are now proposing to require of it four times the amount of work that it was built to do, or else run it far below its normal speed." "Well," they said, "that is our custom and practice," and therefore because of that custom it required four times the machining work to finish those goods that we put on them in America.

This question of slow-producing apparatus is sometimes by itself alone very serious. I recall one large sugar refinery in New York City that closed on that account alone. I recall another where the single item of cartage was so great they had to go out of business. I recall three woolen mills that stood idle for years because their machinery was out of date and they would not replace it, and another that was idle and stood idle because it was three miles from a railroad and the cartage killed it. Those are the things that do it, and not the difference in the wage rate. [Applause on the Democratic side.] The losses from accident are a constant terror to every manufacturer, and yet I stood, within the last few weeks, in a factory claiming high protection at our hands here, which could have made a profit by saving in handling charges alone, but which stood to lose—for lack of care for human flesh and blood, and because of failure to properly protect its machinery—thousands of dollars every year. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. UNDERWOOD. Does the gentleman desire more time? If so, I will yield him such further time as he desires. [Applause on the Democratic side.]

Mr. REDFIELD. The loss arising from bad accounts is present in every business, and varies with the care in selling goods.

Mr. HARDY. Will the gentleman permit an interruption?

Mr. REDFIELD. Certainly.

Mr. HARDY. The point made by the gentleman seems to me to apply with equal force to the late ruling of our Interstate Commerce Commission holding that these subsidiary companies, some of the great shipping companies, may have their rake-off after delivery while other companies are not given the same amount of saving, and thereby destroy the minor companies.

Mr. REDFIELD. That is quite true. The burden of the charge arising from interest and discounts varies with the amount of free capital available in the business. I do not refer to the interest upon bonds or the interest on the total investment, with which some concerns charge themselves as an expense, but rather the interest that is to be paid upon real-estate mortgages and upon money borrowed to supply working capital and for discounts allowed customers for prepayment.

Power, heat, and light vary greatly. In two large shops known to me and belonging to the same concern, operating on the same class of goods, on this single item there is a difference of 300 per cent. The source of power is so variable that no general statement can be made. For example, power from water, from steam, from electricity, or from gas engines. I am interested in two concerns using electric power largely. One pays 5 cents per kilowatt hour, taking it from steam; the other 1½ cents a kilowatt hour, taking it from water, a difference of over 300 per cent in the power rate.

It will be seen that the item of burden cost is one of importance and difficult to define. It is one in which every manufacturer is very closely interested, because it very often affects the cost of his production far more than the rate of wages that he pays. Manufacturers, however, are very apt to assume the burden cost to be less than it is. Instead of making a careful study of it, they take what seems to be the obvious course, of reducing the pay roll, instead of the more economical course of

studying closely their burden charges. Once my partner said to me, "Although your department of this business is not the factory, I want you to go into it every day for an hour or two, simply to find what is wrong." And for 10 years I never went a day that I did not find something that could be bettered. Before a manufacturer comes to you, gentlemen on this side of the House, claiming the right to have you tax this whole people for his benefit, he should show affirmatively facts to the effect that his methods are the best that are known. [Applause on the Democratic side.]

Mr. McCOY. Will the gentleman permit an interruption?

Mr. REDFIELD. Yes.

Mr. McCOY. If the gentleman is willing, I would like to have him tell his experience with a gentleman from a Pittsburg steel company sometime ago.

Mr. REDFIELD. I will be glad to do it. When a tariff bill was pending, Mr. Chairman, some years ago, a representative of a crucible-steel works in Pittsburg came into my office and said, "I have a petition I would like to have you sign." I said, "What is it?" He replied, "It is a petition to have the duty upon our product advanced." I asked him why. I ought, perhaps, to explain, Mr. Chairman, that manufacturers have talked very freely with me for many years, assuming, as a matter of course, that I agreed with them in their particular views, and this man went on to say in answer to my question as to why they wanted this additional duty: "We have got to keep the standard of American living; we have got to hold up the American rate of wages and see that our American working people live on a basis far better than the pauper labor of Europe." I said, "That is very interesting. How much of the proposed increase do you propose to add to your pay roll?" He said they had not yet given that serious consideration. [Laughter.] I asked him if he would add any portion of this increased duty to the pay roll, and he replied that they had not got to that yet. I said to him, "I have already signed a petition to have our duty reduced, but if you will enter into a contract with me here and now that within a year after the duty is increased you will add any percentage to your pay roll, then I will recall my petition and sign yours and publish the facts." He said, "You could not expect me to do that." [Laughter.] I said to him, "Now, Mr. So-and-so"—I knew him very well—I said, "Now, Mr. So-and-so, you are paying 10 per cent, are you not?" He said he was. I then asked him if his desire was not simply to pay a little better than 10 per cent. He said, "Well, Mr. REDFIELD, you know how these things go." [Laughter.]

The reduction of wage rate is always an expensive process, involves serious, unseen, but real losses. I invite the gentlemen to go to the Library of Congress and take out a little book entitled "Cost Reduction," in which you will not find the suggestion made of reducing cost by altering the rate of wages.

Who shall calculate accurately the difference in labor cost in a large factory between the output of a force of, say, 1,000 mechanics, well paid, well equipped, well housed, with ample light and power, with machinery well arranged, with material exactly suited to their purposes, with management that wins the loyalty and enthusiasm of the men by liberal pay and just treatment, and the output of an equal force of men working in poor light, with variable, insufficient power, poor equipment, with wages cut to the smallest limit, with improper sanitary conditions, and harsh treatment? [Applause.]

The difference between the output under above conditions may be the difference between ruin and dividends. You can not confine human nature within the limits of a wage rate. Wholly outside of the rate of pay there is unlimited scope for brains in manufacturing. [Applause on the Democratic side.]

But in all this we have merely produced our goods and laid them at the factory door. They are not yet sold, and before their sale takes place another serious element of cost must be added. Therefore we must discuss selling expense. This selling expense is sometimes as large as the entire cost of labor, material, and burden.

I have only to mention to you what it costs to sell automobiles in order to get your immediate assent to that. Selling cost includes such items as traveling expenses, commissions, advertising, office salaries and rental, postage and stationery, packing and shipping expense, office equipment, office heat and light, and similar items. I need only mention these to show at once that they are of a very variable character. In some lines the cost of advertising alone is equal to the combined cost of all things else put together. In some industries traveling expenses are a very heavy item. Office expenses are very high in other industries, and in others office expenses might well be greater if they would so insure the ascertainment and reduction of burden cost. Some time ago a manufacturer claiming to need protection told me, in answer to the question, "Do you keep your costs accurately?" "I carry them in my head." He said, "I have been thinking for some time of putting in a cost-keeping system. It would cost about $4,000 to install the system, and I have not yet seen my way clear to it." I said to him, "Do you know whether that room or this room or the other room pays you a profit or costs you a loss?" He said, "No." I said, "How can you economize if you can not tell that? How can you know where to economize?" And yet he has the cheek to expect us to vote to tax the people in order that he may make a profit. [Applause on the Democratic side.]

In one concern well known to me the burden and selling costs were double that of material and labor, and labor was least of all. Misleading and inaccurate statements frequently arise from lack of accurate accounting and cost keeping. Manufacturers are frequently ignorant of their own costs. I know of one so ignorant of his own business that he had $400,000 stolen from him, Mr. Chairman, and yet he did not know it. [Laughter on the Democratic side.] I would be very glad to give the name and place to anybody who may be interested to inquire. Manufacturers have been often seeking the cheap rather than the economical. Cost is often assumed to be in labor where it is actually consumed in burden, or valuable by-products are neglected that would carry the burden of cost in whole or in part.

And right there I had an interesting experience with a large concern in Connecticut. We had to make in our business a certain kind of scrap material, for which I could find no satisfactory market. I sold it, but I could not get enough for it. I was satisfied that somewhere in this wide country there were consumers who wanted that sort of thing and would pay for it. So I wrote to the largest concern of its kind, a house in Connecticut, making the same kind of scrap, whose output was 100 to my 1. I said to him, "How do you dispose of your scrap?" He said, "I have it wheeled out and dumped in my back yard." But four months' study of that scrap pile on our part enabled us to raise this price from $7 to $15 a ton. The other man did not study it. He could cry for protection, but he did not study his scrap heap. [Applause on the Democratic side.]

From the above, if you have been so kind as to follow me closely, I think it will be obvious that no assumption can ever be made that in order to reduce cost, wages need be touched. On the contrary, the field for saving outside of wages, and for the economical use of the funds spent in wages, is so large as to tax the powers of the human mind.

There are four whole classes of cost, each comprising numerous important items, that should be studied carefully before the question of reducing wages is so much as thought of.

I am going to speak in a few minutes, if you will allow me so long, of three things that I am sure have never been mentioned here—hidden reserves, compounded duties, and double incomes. They are rather abstruse, but extremely illuminating things, and I am led to think of them by the fact that I have not yet mentioned the serious element in cost called officers' salaries. Did you ever hear the proposition laid down that if the pay roll was cut the officers' salaries should be cut in proportion? And is it not perfectly sound that since the margin of living is narrower for the workman, the man who has the broader margin should be cut first and most? [Applause.] It would seem perfectly obvious.

I have touched but lightly upon the abuse of the piecework system, but I know one factory where five times the rate was cut lest the men earn too much. I say, gentlemen, it is an absolutely sound principle that he who comes before the Ways and Means Committee of this House claiming the use of the taxing power in his behalf shall come, in this and in all respects, with clean hands. [Applause.]

Since it is clear that cost is a large and complex subject, of which the item of labor forms but one, and often a minor part, and that cost is fluctuating and variable, it follows that no tax can be laid which will in different places and at different times always cover the difference in cost between foreign and domestic producers.

Mr. HARRISON of New York. Does the gentleman mean by "cost of labor" the Republican phrase "cost of production"?

Mr. REDFIELD. I will repeat it. I think it will be then clear. Since it is clear that the cost of production is a large and complex subject, of which the item of labor forms but one, and often a minor part, and that cost is fluctuating and variable, it follows that no tax can be laid which will in different places and at different times always cover the difference in cost between foreign and domestic producers. [Applause.]

Mr. McCOY. Assuming that there is any.

Mr. REDFIELD. There is no such fixed difference in cost between foreign and domestic producers. There is not, and

there never can be, such a thing as fixity of cost. To attain fixity of cost in a factory is industrial tuberculosis, and means death. The moment one reaches the point where he can not produce his goods any cheaper he should close his doors or go to an insane asylum, or sell out to some man who has brains. [Applause.]

The difference—mark it well, gentlemen; I know from practical experience it is true—the difference between three domestic concerns in labor cost may be as great, or even greater, than the difference between foreign and domestic concerns in the same line. The attempt to adjust a tariff rate to cover such a difference is therefore absurd. If it provides for the difference in the cost of foreign goods and of American goods made in an American factory where those goods are expensively made, it would provide an enormous bonus for an American manufacturer who made his goods economically. If it provides for the difference between foreign cost and American cost for goods made in the most efficient American mill, it will not protect at all the American maker whose cost is high. You may have an injustice done one American manufacturer or an enormous profit paid to another, and you can not avoid it. It is in the nature of things. No law can get at it. And if your proposed duty provides for the average foreign cost—an impossible thing to learn—it does not provide, therefore, for the skillful and economical exceptions among foreign manufacturers.

How in God's name, gentlemen, shall anybody ever learn the foreign cost of articles? Has any Ways and Means Committee in this House ever had brought before it the actual cost sheets of an American factory? They are the core and kernel of the manufacturer's business. He would not dare to produce them here lest his competitor find them out, but were they here produced this little theory and contention about the difference in cost between goods at home and abroad would oftentimes be found to be in favor of the United States manufacturer. [Laughter and applause on the Democratic side.]

Does anyone of you suppose that that advertisement of the Pacific mills in Lowell, Mass., was published in an English paper for fun? And if it was not published for fun in an English paper, how is it that the Pacific mills can sell against English makers in their own country? This sort of a thing makes me a little tired. [Laughter.]

There exists, therefore, in the difference of cost no possible basis for a tariff tax. Many general statements have been made by American manufacturers respecting the disastrous effects of lower duties on their business, but how many of them ever brought their cost sheets into the light? It is not what the manufacturer says he can do, but what he does do. What does his cost account show? The only way I know to make a Tariff Commission worth anything is to give it the power to bring the cost sheets before it [applause on the Democratic side], and if that be done can you see and hear the howls that would go up from the manufacturers of the country?

Mr. HARRISON of New York. Will the gentleman yield for a question?

Mr. REDFIELD. Certainly.

Mr. HARRISON of New York. Will the gentleman explain how it is possible to give a Tariff Commission power to bring the foreign cost sheets before it?

Mr. REDFIELD. It can not be done. There is no way known to me—and I may say it has been my duty to strive for years to find out—there is no way known to me to get at the real cost of producing a thing in Germany, France, or any foreign country. When, if ever, was there a man who could suggest a method whereby you could inquire into the business of a foreign concern or whereby the facts concerning the inner details of its operation could be brought to light in this country? It is a perfectly absurd thing on its face, and I say it can not be done.

How many American manufacturers are willing to have their methods of production and cost accounts openly analyzed to show whether or not they could produce goods cheaper than a foreign competitor? There is no reason for taxing the whole American people because either manufacturers are lacking in scientific study of their own business or unwilling to let the facts come out.

The talk of the rate of wages as fixing the cost of production ought to end as being hopelessly ignorant and unscientific. [Applause on the Democratic side.]

The following may be safely affirmed: First, the rate of wages is not always, perhaps not usually, the controlling element in cost. Second, competition is not always, sometimes not at all, a matter of selling price. It is often a matter of quality, often a matter of design, and often a matter of suitability. I know of a machine manufactured in this country—an engine—that sells for $87.50. In our factory we manufacture an engine of the same size that we sell for $350. How is it that our competitor does not get all the business?

Third, the cost of production is more influenced by rate of output and its quality than by rate of wage or hours of labor.

About 12 years ago the head of a concern in Brooklyn decided that he would put his factory voluntarily on a 9-hour-a-day basis. He became satisfied that there was an element in the 10-hour day that was real, but difficult to see, namely, the "tired" hour. He became satisfied that the tenth hour was the "tired" hour—that at that time the point was reached under which a man could not work to the highest advantage. He put his factory on the 9-hour-a-day basis, and kept a very careful record of his cost. At the end of the year it was 4 per cent to the good; he made an absolutely larger product. [Applause.]

Mr. McCOY. And the wages remained the same?

Mr. REDFIELD. The wages remained the same. I presume you gentlemen are all aware of the experiment that took place in the great shipbuilding yards of William Denny & Sons, who, as a result of conferences between them and their workmen, agreed that they would try the eight-hour day for a year, at the end of which time if the results showed no disadvantage to earnings in the eight-hour day it would be retained, otherwise the men agreed to go back to the nine-hour day. As a result, at the end of the year they retained the eight-hour day, because it paid. [Applause.] I do not mean to argue from this that you could go with an ax and cut everything arbitrarily to eight hours, but that the proper and reasonable adjustment of things to that will some day obtain is unquestioned. [Applause.]

Given scientific management, constant and careful study of operations and details of cost—and I am going to read that again if I may, for I think this is the crux of the whole question—given scientific management, constant and careful study of operations and details of cost, modern buildings and equipment, proper arrangement of plant and proper material, ample power, space, and light, a high wage rate means inevitably a low labor cost per unit of profit and the minimum of labor cost. [Applause.]

Mr. Chairman, I saw them driving piles in Japan. Twenty women, each with a rope, lifted the pile. They were paid 20 cents a day in our money. I got a friend whose business was making pile drivers in New York to look at it, and we figured the cost of the piles. They cost four times as much to drive as it cost to drive them in New York. I could keep you here all day long with examples of the same kind. I was in a brickyard in Singapore, where I carefully calculated the product of the men. Their rate of pay was 35 cents a day in our money. I happened to have in my pocket a very accurate cost statement of a brick-making company in one of our eastern cities, signed by its president, and when the superintendent of the Singapore yard and I figured his labor cost together they were precisely the same. A steadily decreasing labor cost per unit of product is not inconsistent with, but is normal to, a coincident advance in the rate of pay for the work when accompanied with careful study of methods and equipment, as last suggested. Now, these principles have stood the test, gentlemen, of two panics and of a single year when we lost 35 per cent of all our business at one stroke, because the industry that gave it to us collapsed. It went almost out of existence, and new business had to be found from some other place. Yet no man's wages were cut.

I repeat, a steadily decreasing labor cost per unit of product is not inconsistent with, but on the contrary is normal to, a coincident advance in the rate of pay for the work when accompanied by careful study of methods and equipment, as previously suggested. Conversely, low-priced labor nearly always is costly per unit produced, and usually is inconsistent with good tools, equipment, and large and fine product, else such labor would not be low-priced. Now, I do not care to multiply illustration after illustration, but I have notes of several others that can be given.

Now, let us ask one single question which our friends on the other side will be sure to ask you if I stop right there, and that is, Are not foreign manufacturers as well placed as American manufacturers, save in the single exception of wages? You are bound to face that question. Are they not as well placed as we, save in the single exception of wages? To ask that question, however, is to answer it in the minds of all familiar with the details of the facts. The answer can only be in the negative. It is claimed that foreign labor is as efficient as American labor. I have a letter from the head of a great Japanese cotton mill, in which he is said to figure, when making plans for heating his mill, upon there being from three to four times the number of employees for the same number of looms that there are in an American mill.

I visited a rubber factory in Singapore where the superintendent, a Frenchman, told me it took five Malays to do one Frenchman's work. In an English shop I saw five men pushing a truck to move, say, 400 pounds, for which they were paid $1.25 each, or $6.25 total, and an American manufacturer who was with me shrugged his shoulders when he saw it and said he would have a small crane and a man at $3.50 a day to run it. It is not claimed that the European labor is of as high morale and personnel as American, and here I want to tell you two remarkable stories, one of which, at least, is typical.

In a large shop in England, where I spent 10 days in a factory, there was one young man seemed to me very industrious. I said to his employer, "Why do not you raise his pay; I think he is worth it." He said, "I can not." I said, "Can not; what do you mean?" "Well," he said, "he will not let me raise his pay. That man earns 2 pounds a week—$10. I have offered him 10 shillings extra, and each time he lays off just enough to make his 2 pounds a week." [Laughter.] The point I want to make to you gentlemen is that this is typical, and that if you are running a factory in Manchester, Birmingham, Leeds, Glasgow, Oldham, you would have to deal with men whose pay you can not raise. They will not accept it; they do not want more pay. You are up against a condition there we know nothing about here. Now, secondly. A large European manufacturer said to me, "Mr. REDFIELD, what allowance do you make in your factory for loss of time from drink?" I said, "None." "Oh," he said, "do be serious." I said, "I am perfectly serious." "Well," he said, "I know your workmen drink." I said, "They do; but no self-respecting American mechanic will work at the bench permanently alongside a drunkard." Now, that is true of our American mechanics. You take the first-class mechanics in this country and they will not keep in a shop the man who is habitually a drunkard; they will freeze him out. You can not conceive such a thing as his remaining. In fact, the superintendent would not have him in the place. Now, have you ever figured out the loss of time in an English factory from drink, which has to be endured?

I learn on information and belief, and my observation at least confirms it, that there is a regular loss in Birmingham of about 4 per cent, in Manchester of about 8 per cent, and in Glasgow of about 12 per cent of the total time of the factories on account of the men being absent from over-Sunday drinking, and that in Glasgow they do not expect to get a full shop until Wednesday morning. If those things are not true, let us have the facts. I believe them to be true, and I believe this is a thing against which the English master struggles with all his heart and without success, namely, a force of men often sodden with drink, which we do not have to deal with in this country at all. I believe if you went with me into an English factory yard among the men you would see it. European concerns are eagerly seeking American equipment and studying American methods. Concerns in Berlin are equipped with American machinery; also in Paris and many more places. They send men over here constantly to study our American cost of production. Nowhere is the rate of output equal to that in America. My French competitor told me they could not do such work as we did. Nowhere else is the problem of saving labor cost so closely studied as it is here. Labor-saving machinery is an American specialty and product, and the concerns in Europe that manufacture with the best labor-saving machinery are concerns that have taken their inspiration from being here on the spot and studying here.

I have known the heads of great European concerns to keep their sons here year after year to study our American methods of production. Nowhere is the cost of transportation so low as it is in America; nowhere are such facilities offered for transit as in America; nowhere is the rate of freight so low; and nowhere do the railway companies adjust themselves so closely to the needs of manufacturers. If you ask to have a switch put into your yard by a European railroad, you may have it put in, but you will pay for it yourself. Nowhere is the discipline in a factory so close, and so sharp, and so keen, as in an American shop, and in proportion to the pay of the men being high, that discipline becomes voluntary. Rarely abroad do sanitary conditions equal those in America, and nowhere do living conditions equal those in America. Nowhere is there a higher and more efficient type of men, who are therefore better producers, but the standard of living is fixed by the man and not by the pay roll. It is not dependent upon his wage, but upon the relation between his income and his outgo. Merely to pay a man $5 a day does not create a standard of living. That depends on the man himself. In India men wear upon their shoulder a sign which says they are peons—"Peon No. 1, Peon No. 2," and so on. Peonage is a crime in this country, and the difference between the two represents the standard, not of pay alone, but of manhood. It is admitted that some elements of burden cost more in other countries. Compare the taxes; compare the question of military service, which interrupts no American laborer, but does seriously interrupt the mechanical operation of shops abroad. It is admitted that the problems of burden and selling cost are nowhere so closely studied as here; and, finally, the whole question of scientific management, now so common, is American, and the only men who teach it are Americans.

From the above sketch it is affirmed, without fear of successful contradiction, that American production to-day is often as cheap or cheaper in the labor cost per unit than foreign, and, so far from needing protection, it needs to be set free, that we may conquer the world. [Applause on the Democratic side.]

But why do not American manufacturers sell as cheaply as foreigners? Sometimes, they privately say, because the law permits high prices and they, of course, sell in the highest available market. Did you ever think of what the hidden reserve in a factory is or may be? You never see it in the books or never know it by the statements. A statement may be made to your Ways and Means Committee that may be perfectly clear and yet not show the facts. I know of a concern that was profiting largely. It was not desirable that, for purposes of taxation, the profits should appear. So they discovered that their real estate was not as valuable as it had been before, and they marked $100,000 off the valuation of it. At the end of another year or two, during which they had done well, they found that their real estate had depreciated further, and they marked another $100,000 off the value of it. There was a hidden reserve of $200,000 which no statement showed. And yet that statement would be filed as an accurate statement of fact. There are many cases of that kind; I do not say of that exact detail.

Did you ever consider the righteousness in a manufacturing concern of officers drawing a large income as officers and also drawing another income as stockholders? Is it fair that they shall come to you and to me and ask that we tax our fellowmen in their behalf when certain men in that concern are drawing a large salary as officers and large dividends as stockholders? And whatever the facts may be, is it not but right and fair that they should be clearly known when they come and ask for taxation in their behalf?

Did you ever consider what compounded duties amount to when you buy something from a retailer? Some one comes to me for an estimate of cost. I, the original maker, take what the actual cost of the material in that thing is to me. That includes the amount by which the price is enhanced by the duty. I then forget the duty. I take the total cost to me and add my percentage of profit, and it goes to the wholesale dealer. You, a secondary manufacturer, perhaps, go to the wholesale dealer and buy from him, and he takes the total cost, which includes the original duty compounded by my percentage of profit, and he adds to that total his percentage of profit and compounds it again. He so sells it to you, and you, in turn, sell it to your customer, another wholesaler, perhaps, and again the duty is compounded.

Your wholesaler sells it to a retailer, and again it is compounded, and by the time your retailer sells it that duty has been compounded, in extreme cases, four or five times. It can not be prevented. So long as the original cost of the duty is there it must be compounded over and over and over again. You can not escape it.

I believe, gentlemen, that protection is an injury to American manufacturers by limiting their scope and by narrowing their horizons. I believe it costs them enormously in the loss of foreign business, and that is one reason why manufacturers in this country are so rapidly ceasing to be protectionists. I could take you to hundreds of manufacturers who have abandoned the protectionist faith. I have never seen on the other side of the House a list produced of the manufacturers in any line who have not applied for a protective duty, nor have you. But one reason why the manufacturers of this country are abandoning the protectionist faith is that their plants have been stimulated to become so large that only in rare years has the demand in this country become enough to take their total product, and they have got to sell it abroad. [Applause on the Democratic side.]

And so long as they must pay the high price for materials they find it is sometimes difficult to sell abroad, although such is the efficiency and such the cheapness of their labor in this country, as compared with that of Europe, that that single fact does oftentimes enable them to get their goods sold in foreign markets. [Applause on the Democratic side.]

Consider the position of a manufacturer whose raw material is, as it always must be, the product of another industry, who finds his home market restricted or oversupplied, and turns, as he must needs turn, abroad for a market. He is handicapped by

compounded duties on his raw material in a market where, by reason of the law, prices are often high. Nothing but the keenest application of brains to equipment and to output, coupled with the exceptional efficiency of his workmen, permits him to secure the needed outlet.

An overstocked domestic market is often no theory, but a real condition. Take away the shackles that bind the manufacturer, and when these conditions occur he will be free to sell in the world's markets, without touching his pay roll.

Protection, however, causes a manufacturer almost inevitably to depend on the Government for help, instead of carefully and minutely studying the details of his own business. The manufacturer should be his own severest critic and should never be satisfied with his results. In every modern shop "six months ago" should be ancient history. Protection, however, has enabled the American manufacturers to prosper by selling to their fellow-countrymen at prices so high that they have not thought it necessary to study their own business closely, because they depend upon Government backing. [Applause on the Democratic side.]

Two men went out of a meeting of one of the committees of this House at the time a tariff bill was pending some years ago; they went out yonder, and one put his hand on the other's back, "And now," he said, "if we can not make money we never can." [Laughter and applause on the Democratic side.] Such stories as these that I have told you, gentlemen, are the commonplaces of manufacturers' offices. [Laughter on the Democratic side.]

Now, however, that scientific manufacturing as a profession has begun and is growing, the fact is found that we can and often do produce as cheaply here as abroad, not despite of, but because of, the higher rates of wages here, which are but a partial measurement of the higher efficiency and character of the American workman and of the fine equipment put at his disposal. [Prolonged applause on the Democratic side.]

Mr. UNDERWOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. ALEXANDER, Chairman of the Committee of the Whole House on the state of Union, reported that that committee had had under consideration the bill (H. R. 11019) to reduce the duties on wool and manufactures of wool, and had come to no resolution thereon.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

PRINTING AND BINDING—COMMITTEE ON EXPENDITURES IN THE NAVY DEPARTMENT.

Mr. HARDY. Mr. Speaker, before that motion is acted upon, I would like to call up, by unanimous consent, a resolution giving to the Committee on Expenditures in the Navy Department leave to have done such printing and binding as may be necessary. Similar resolutions have been passed in favor of all the other departmental investigating committees.

The SPEAKER. The gentleman from Texas [Mr. HARDY] asks unanimous consent for the present consideration of a resolution, which the Clerk will report. The Chair will state to the gentleman that the Clerk informs the Chair that that resolution has gone to the Printing Office.

Mr. HARDY. I will ask permission, then, Mr. Speaker, to state it.

Mr. PAYNE. Mr. Speaker, I desire to ask the gentleman how long ago he put this resolution in?

Mr. HARDY. I will say to the gentleman that I brought it in to-day, with the hope that it could be acted upon.

Mr. PAYNE. Mr. Speaker, I suggest that it go over until the morning.

INCOME-TAX AMENDMENT.

The SPEAKER. The Chair will announce that the document which came from the secretary of state of Arkansas, announcing the ratification by the legislature of Arkansas of the income-tax amendment to the Constitution, has been referred to the Committee on the Judiciary, for the reason that there are some questions involved in it that would give that committee jurisdiction.

ADJOURNMENT.

Mr. UNDERWOOD. Now, Mr. Speaker, I move that the House adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 46 minutes p. m.) the House adjourned until to-morrow, June 13, 1911, at 12 o'clock meridian.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of War, transmitting a list of useless papers on file in said department pertaining to the Bureau of Insular Affairs and recommending that they be destroyed (H. Doc. No. 68); to the Joint Select Committee on Disposition of Useless Executive Papers and ordered to be printed.

A letter from the Attorney General of the United States, transmitting in response to House resolution information as to prosecutions against the American Tobacco Co. or its constituent companies, etc. (H. Doc. No. 69); to the Committee on the Judiciary and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LEVER: A bill (H. R. 11542) to establish agricultural extension departments in connection with the agricultural colleges and experiment stations in the several States receiving the benefits of an act of Congress approved March 2, 1887; to the Committee on Agriculture.

By Mr. SMALL: A bill (H. R. 11543) to amend the act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes"; to the Committee on Ways and Means.

By Mr. CARLIN (by request): A bill (H. R. 11544) to reimburse the National Savings & Trust Co., of Washington, D. C., for payment of certain Government warrants; to the Committee on Claims.

Also, a bill (H. R. 11545) to authorize and direct the Commissioners of the District of Columbia to place the name of Annie M. Matthews on the pension roll of the police and firemen's pension fund; to the Committee on the District of Columbia.

By Mr. ASHBROOK: Resolution (H. Res. 202) authorizing the Committee on Expenditures in the Navy Department to have printing and binding done; to the Committee on Printing.

By Mr. BURLESON: Joint resolution (H. J. Res. 116) directing the Secretary of War to deliver possession and control over certain military reservations to the State of Texas to be used as a sanitarium for the treatment of tuberculosis and other contagious diseases; to the Committee on Military Affairs.

By Mr. LAMB: Joint resolution (H. J. Res. 117) to amend an act entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," approved March 1, 1911; to the Committee on Agriculture.

By Mr. BYRNS of Tennessee: Concurrent resolution (H. Con. Res. 9) instructing the Attorney General of the United States to prosecute the American Tobacco Co. and others; to the Committee on the Judiciary.

By Mr. KOPP: Joint resolution from the Legislature of Wisconsin, relating to a national constitutional convention; to the Committee on the Judiciary.

Also, joint resolution from the Legislature of Wisconsin, memorializing Congress to take proper steps toward a constitutional amendment providing for initiative, referendum, and recall; to the Committee on the Judiciary.

Also, joint resolution from the Legislature of Wisconsin, relating to Sherman antitrust law; to the Committee on the Judiciary.

Also, joint resolution from the Legislature of Wisconsin, memorializing Congress to take proper steps for the adoption of an amendment to the Federal Constitution providing that such Constitution may hereafter be amended by the initiative; to the Committee on the Judiciary.

Also, joint resolution from Wisconsin Legislature, memorializing Congress in regard to passports issued by the United States Government; to the Committee on Foreign Affairs.

Also, joint resolution from the Legislature of Wisconsin, memorializing Congress relating to sending into any State money or campaign literature in violation of the corrupt-practices law of that State; to the Committee on Election of President, Vice President, and Representatives in Congress.

Also, joint resolution from the Legislature of Wisconsin, memorializing Congress to grant to Alaska a Territorial form of government; to the Committee on the Territories.

By Mr. ESCH: Joint resolution from the Legislature of Wisconsin, memoralizing Congress in regard to passports issued by the United States Government; to the Committee on Foreign Affairs.

Also, memorial from the Legislature of Wisconsin, relating to the Sherman antitrust law; to the Committee on the Judiciary.

Also, memorial from the Legislature of Wisconsin, relating to the sending into any State of money or campaign literature in violation of the corrupt-practices law of that State; to the Committee on Election of President, Vice President, and Representatives in Congress.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Minnesota: A bill (H. R. 11546) granting an increase of pension to John Soucek; to the Committee on Pensions.

By Mr. BATHRICK: A bill (H. R. 11547) granting an increase of pension to Cornelius Unger; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 11548) for the relief of the estate of Isaac B. Mills; to the Committee on War Claims.

By Mr. CARLIN: A bill (H. R. 11549) for the relief of Sarah A. Skinner; to the Committee on War Claims.

By Mr. DAUGHERTY: A bill (H. R. 11550) granting an increase of pension to David Linn; to the Committee on Invalid Pensions.

By Mr. KIPP: A bill (H. R. 11551) granting a pension to Wealthy J. Larrabee; to the Committee on Pensions.

Also, a bill (H. R. 11552) granting an increase of pension to Henry Stulen; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 11553) granting an increase of pension to Samuel P. Thurber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11554) granting an increase of pension to Albert A. Hawkins; to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 11555) for the relief of Nathaniel F. Cheairs; to the Committee on War Claims.

Also, a bill (H. R. 11556) for the relief of the estates of Bolling Gordon and Richard Gordon; to the Committee on War Claims.

Also, a bill (H. R. 11557) granting a pension to R. T. Crews; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11558) granting a pension to Stephen Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11559) granting an increase of pension to Thomas Horner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11560) granting an increase of pension to Gustave Freudenthal; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11561) granting an increase of pension to Joseph Beiser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11562) granting an increase of pension to Thomas L. Ritchardson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11563) granting an increase of pension to Jackson Goodman; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 11564) granting an increase of pension to J. S. C. Kifer; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 11565) granting an increase of pension to William Maynard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11566) to extend the provisions of House bill 13839, Fifty-seventh Congress, granting an increase of pension to John W. B. Huntsman; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON of Minnesota: Papers to accompany a bill granting an increase of pension to John Soucek; to the Committee on Pensions.

By Mr. BURKE of Wisconsin: Affidavit in support of House bill 11056, granting an increase of pension to Lyman A. Babcock; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: Papers accompanying a bill for the relief of the estate of Isaac B. Mills; to the Committee on War Claims.

By Mr. HARRISON of New York: Petition of 11 business men of sixteenth congressional district of New York, also of the members of the Miami and the Wichita Clubs, for the repeal of the duty on lemons; to the Committee on Ways and Means.

By Mr. KONOP: Petition of John Maurer and others, of Appleton, Wis., requesting a reduction in the duties on sugar; to the Committee on Ways and Means.

By Mr. McKINNEY: Petition of the H. W. Cooper Saddlery Hardware Manufacturing Co., Moline, Ill., inclosing and favoring the resolutions passed by the Illinois Manufacturing Association for a change in the date for making returns by corporations and companies under the Federal corporation-tax law; to the Committee on the Judiciary.

By Mr. MORGAN: Petitions from citizens of the second congressional district, State of Oklahoma, protesting against the passage of Senate bill 237; to the Committee on the District of Columbia.

By Mr. O'SHAUNESSY: Resolution by the Officers' Association, Rhode Island National Guard, favoring the passage of bill to further increase the efficiency of the Organized Militia of the United States; to the Committee on Military Affairs.

By Mr. SWEET: Petition of Homer L. Boyle, of Lansing, Mich., for a law to check and prohibit the enlarging and spreading of war sentiment; to the Committee on the Judiciary.

By Mr. TALCOTT of New York: Petition of numerous citizens, for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. THOMAS: Petition of sundry citizens of Muhlenberg County, Ky., requesting Congress to pass the Berger resolution to investigate the arrest and kidnaping of John J. McNamara, in Indiana; to the Committee on Rules.

By Mr. UTTER: Petition of the Officers' Association, Rhode Island National Guard, favoring the so-called militia pay bill; to the Committee on Military Affairs.

Also, petition of Arthur P. Sanhorn, of Providence, R. I., against the passage of the bill placing a stamp tax on proprietary medicines; to the Committee on Ways and Means.

SENATE.

TUESDAY, *June 13, 1911.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

THE JOURNAL—VOTE OF THE VICE PRESIDENT.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. BRANDEGEE. I ask unanimous consent that the further reading of the Journal be dispensed with.

Mr. BACON. Mr. President, I object. I desire to have the Journal read.

The VICE PRESIDENT. Objection is made. The Secretary will continue the reading.

The Secretary resumed and concluded the reading of the Journal.

Mr. BACON. Mr. President, I note an omission in the RECORD. I do not know whether the same omission occurs in the Journal. It is an omission to put the name of the Senator from South Carolina [Mr. TILLMAN] at the end of the last two roll calls as not voting.

The VICE PRESIDENT. The Secretary informs the Chair that it has been corrected in both the RECORD and the Journal.

Mr. BACON. The omission occurs in the RECORD which has been furnished to us.

Now, Mr. President, as to another matter to which I desire to call attention before the approval of the Journal, and that is to that part of the Journal which recites the fact that the Senate, being evenly divided upon what we know as the Bristow amendment, the casting vote was given by the Vice President.

I desire to say, Mr. President, that, in my judgment, not only was it a matter of original impression, but upon reflection and examination, so far as the limited time has given me an opportunity to make an examination, in my opinion, with all deference to the Chair, which I am sure the Chair will not misunderstand, that the Vice President was not authorized to vote upon that occasion, and I want to give very briefly the reasons in order that the matter may be of record.

I recognize, of course, Mr. President, that the vote of the Vice President was cast under the authority assumed to be conferred by the clause in the Constitution, which is in this language:

> The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

Of course, according to the letter of that phraseology the Vice President would have the right to vote when the Senate under any circumstances and upon any question should be

equally divided, but I think the context, and when I say context I mean other parts of the Constitution, and the manifest purpose of it will necessarily confine the exercise of that function by the Vice President to an occasion in the ordinary business of the Senate, either a matter of legislation, in the enactment of law by Congress, or by any order which may be taken by means of a concurrent resolution between the two Houses as to the order of business, or as to the length of the session, or anything else which concerns in common the two Houses, or as to any order of the Senate which concerns the business of the Senate. For instance, undoubtedly upon a motion to adjourn, which concerns the orderly procedure of the Senate, if there was an equal division the Vice President would have the right to give the casting vote under that authority.

But my proposition, Mr. President, is this: I, of course, would yield to the opinion which upon this exact matter might be expressed in any previous act of the Senate if it could be shown that that act was the result of due deliberation and examination as to the correct method of procedure. My proposition is that as to matters which do not relate to the ordinary business of the Senate, matters which do not relate to measure of legislation by Congress or to the reciprocal or common business of the two Houses, or a matter which does not relate to any particular proceeding of the Senate, the Vice President, not being a Member of this body, has not the right to vote. While expressing that thus generally, my precise contention is that this particular resolution is one upon which the Vice President has no authority to vote.

Mr. President, the provision in the Constitution is without qualification or exception, and yet I want to call the attention of the Chair and of the Senate to the fact that a provision in the Constitution equally as explicit and equally as unqualified is universally held not to apply to a case outside of the particular class of functions I have enumerated. I will read that for the purpose of illustration of the fact that the mere want of qualification does not necessarily carry with it the conclusion that there is no qualification if other parts of the Constitution and the universal practice of the Government shall establish to the contrary.

There is this clause also in the Constitution without any qualification or limitation:

> Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States, and before the same shall take effect shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Mr. President, there could be no more explicit language than that. That language is not less absolutely free from qualification than is the language in the provision which I first read, where it says that the Vice President shall vote when the Senate shall be equally divided. Yet it is a fact recognized by all lawyers, a fact universally recognized by all the departments of the Government, that such a resolution as that which we passed last night has not to be sent to the President, that it has not to have the approval of the President of the United States; that the President of the United States has nothing to do with it; that he can neither approve it nor disapprove it; and that neither his approval nor his disapproval will in any manner affect or qualify the action of the Senate and of the House in the passage of such a resolution.

Now, Mr. President, what does that show? It proves, in the first place, that the contention that the Vice President had the right to vote can not be based solely upon the ground that there is the unqualified language of the Constitution stating that he shall vote in a case where the Senate shall be equally divided, because that language is not more explicit, it is not more unqualified, than is the language which says that every resolution when it passes Congress shall be sent to the President and shall not be of effect without the approval of the President, unless in the manner prescribed by law it shall receive the requisite two-thirds vote of the two Houses after having been returned by the President with his objections.

Here it so happens that the very resolution which, for the reason stated, is one not to be approved or disapproved by the President, upon which the Vice President voted, is the same resolution, and, I think, upon the same reason denies to the Vice President the right to give a casting vote.

Mr. President, the passage of a resolution proposing to the legislatures of the States the adoption of an amendment to the Constitution is not an act of legislation. It has none of the features of an act of legislation. It has none of the requirements of legislation, except so far as it must receive the affirmative vote of the requisite number prescribed in each House. But it has not the effect of law. It is simply the presentation of a proposition to the tribunal which is to determine it, which is, at last, the legislatures of the States.

It was the design and purpose that the two Houses in their high capacity, one as the representative of States in this Chamber and the other as the representative of the people, should themselves determine it; that it should be, if a requisite number of them so determined, presented to the legislatures; and there is, in my opinion, no proper construction by which it was intended that when less than the number prescribed by the Constitution were secured in support of a measure it could be supplemented by the vote of anyone who does not belong to this body.

Mr. President, I very greatly prize the feature in our Government which calls the second highest officer of the Government to preside over our deliberations. I would not have it otherwise. I am extremely glad of the fact that it is as it is. But, Mr. President, we must look at the limitations. The Vice President is the presiding officer, and it is only in a case where, as I contend, in the ordinary procedure a tie for the time arising by reason of the fact that the Senate is equally divided that there has been the means provided for the unlocking of that temporary deadlock. But it does not come up at all—it does not in any manner reach into the same atmosphere as that which surrounds the Members of the Senate when they are called upon to perform this high function of proposing an amendment to the Constitution.

Mr. President, the Senate is intended to be here as the representative of the States, and there was the double precaution taken that before this instrument, held to be so sacred, should be changed, there must be two-thirds of the Senators to agree upon it—they were the parties selected—and it was never contemplated, in my judgment, that the absence of two-thirds could be supplemented by the vote of the Presiding Officer, who is not a Member of the body. I think the argument could be made very much more manifest, Mr. President, in a case where the final action was the action of a divided body than where it is the action upon one of the preliminary steps in reaching that final act.

But before coming to that I want to illustrate further the fact that there are occasions necessarily where the body may be evenly divided where the vote of a Vice President would be manifestly improper. I will call attention to another provision of the Constitution for illustration of that suggestion. The Constitution, in the twelfth amendment, prescribes the manner in which a Vice President shall be elected in case the electors chosen by the people shall fail to make an election by a majority vote. It is provided in the Constitution that when that arises the Senate shall, of the highest two, choose the Vice President and elect him. If such a case were presented and the Senate were called upon to choose a Vice President and the Senate should be equally divided, is there any lawyer, is there any person, who would possibly suggest that the Vice President would have a right to vote in the choice of a Vice President under those circumstances?

Mr. LODGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. BACON. I do.

Mr. LODGE. In the suggestion the Senator has just made, of course the Vice President could not cast a vote, because there would be no Vice President.

Mr. BACON. The Senator is entirely mistaken.

Mr. LODGE. How so?

Mr. BACON. I think he is, though I may be mistaken myself.

Mr. LODGE. Will the Senator state how the Vice President in such a case could cast a vote?

Mr. BACON. If the Senator will permit me, I will state.

Mr. LODGE. I should like to hear explained how that could arise if there was not a Vice President in the chair.

Mr. BACON. The provision refers to the Vice President, who is to be inducted into office on the 4th of March, and, of course, the election would be held in the Senate prior to the 3d of March, when that Vice President is still in office. That is what I refer to.

Mr. LODGE. Is that the provision of law, that such election shall be held prior to the Vice President going out?

Mr. BACON. Most undoubtedly it would be.

Mr. LODGE. Because at 12 o'clock on that day the old Vice President is out of office. I should like the Senator from Georgia to look at the case which arose in 1825 and see when they voted.

Mr. BACON. That does not change the fact, for they could vote before.

Mr. LODGE. How could they vote before?

Mr. BACON. It does not say——

Mr. LODGE. How could they vote before the new Senate came into existence. The old Senate, the outgoing Senate, could not elect a Vice President for the new Senate, for the new government.

Mr. BACON. Possibly not. The Senator from Massachusetts possibly is correct in that; but, Mr. President, I will put it then as a supposititious case. Suppose it were possible that the election were to be held at a time when the Vice President was still in office. The Senator from Massachusetts may be correct in his criticism; I recognize that. For the moment that had escaped me. But for the purpose of illustration it can be used in the same way. Suppose it were provided that the old Senate should elect before the 4th of March in order to prevent an interregnum—we can very readily understand the reason for such a provision—would anyone contend that the Vice President could vote upon such a question as that?

But I will come to another case that would be more directly within the probabilities. The Senate elects its own committees. It is true we do not usually have elections formally because of the fact that generally the majority of one party is recognized by the minority, and it is done by a simple motion and upon a vote not in the nature of an election; but suppose, as I have seen it in the Senate, the two parties were equally divided and did not agree as to the distribution of the committees, and there should be a contest as to the election of committees; the one side presents one set of Senators to form committees and the other side presents another set of Senators for committees, and there is an election held. Will anybody hold that the Vice President would have the right to vote in the formation of those committees?

When we elect the officers of this Chamber, the Secretary or the Sergeant at Arms, does anybody hold that if the Senate were equally divided on the choice of those two the Vice President would have the right to vote? I do not think, Mr. President, anybody would contend that such was the case. While the criticism of the Senator from Massachusetts may be correct, and I stand corrected on it for the moment, that thought had not presented itself to me. For the purpose of illustration it is just as strong as if it were true that the old Senate elected prior to the 4th of March.

Mr. President, the strong proposition, to my mind, is this: I presume it will be conceded by everyone, coming back from the general illustration to the particular joint resolution in point, that when this joint resolution shall have been agreed upon by the two Houses the President of the United States, under the general provision of the Constitution which I have read, which says that every resolution must be sent to the President and approved or disapproved by him, will not have the function of approving or disapproving of this joint resolution because of the fact that it is one in which the function has been peculiarly confided to Senators and requires that there shall be a certain majority of Senators agreeing thereto. It is not a matter of ordinary legislation. The same reason which has caused it to be universally recognized that the President of the United States can neither approve or disapprove of a resolution proposing an amendment to the Constitution, I respectfully submit, will apply to the question of whether or not the Vice President has a right in the case of a tie to give a casting vote; and, in my opinion, it precludes him from the exercise of that right.

I presume that it will be said that the vote cast by the Vice President was not upon the final passage of the joint resolution, but upon an intermediate proposition. I do not think that in any manner changes the conclusion which can properly be reached in the question. I think that the consideration of a joint resolution to amend the Constitution is still a peculiar function in which every step is one vital to the last step, and in which all the steps are those confided to the judgment and decision of Senators, which can not be added to or subtracted from by the aid of one who is not included among the number of Senators.

Mr. HEYBURN. Mr. President, will the Senator permit me to call his attention to an authority?

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. BACON. I do.

Mr. HEYBURN. Mr. President, on page 451 of Precedents—Decisions on Points of Order in the United States Senate, a volume which all Senators have, there appears a decision right in point in regard to the right of the Vice President to vote in the case of the election of an officer of this body where there is a tie vote, and if it would not interrupt the Senator too much I would call attention to it.

Mr. BACON. I would be very glad to hear it.

Mr. HEYBURN. It is as follows:

[31st Cong., 1st sess., Journal, p. 68. Jan. 9, 1850.]

The Senate proceeded to consider the resolution submitted by Mr. Foote, "that two chaplains, of different denominations, be appointed to Congress during the present session, one by each House, who shall interchange weekly," and the resolution was agreed to.

The Senate proceeded to the election of a chaplain; and

It appearing that 60 votes had been given, 30 of which were for the Rev. C. M. Butler and 30 for the Rev. Henry Slicer,

The Senate being equally divided, the Vice President (Mr. Fillmore) voted for the Rev. C. M. Butler, who was accordingly elected. (See Cong. Globe, pp. 127–128.)

During the debate on the right of the Vice President to vote for an officer of the Senate Mr. Calhoun, who had been Vice President, said: "As the very experienced Senator behind me [Mr. King] is mistaken on the subject of Executive nominations (he claiming the Vice President could only vote in legislative matters), I deem it my duty to say that I, in several instances when I occupied the chair, cast my vote on such nominations. I did so January 25, 1832, in the very celebrated case of Mr. Van Buren for minister to England, and in two or three others." (See Cong. Globe, pp. 127–128.)

That would seem to throw some light on the power of the Vice President to vote.

Mr. BACON. That is a precedent; but, Mr. President, I confess that, while I would not be greatly surprised to hear of a precedent of the Vice President voting upon the election of an officer of the Chamber—which is a matter of comparative insignificance and probably not given very much attention and thought to—I am very greatly surprised to know that it has ever been held that the Vice President had a right to vote upon the question of the nomination of an officer for appointment to office.

Mr. HEYBURN. In executive session.

Mr. BACON. In executive session. I say I am surprised to hear that; but the Senator will mark that what I have said in regard to those matters has been by way of illustration. They do not come up to the vital question as to the right of the Vice President to vote in case of a tie in a matter which is set apart from the usual functions of the Senate, an office to be performed of an entirely different character from the ordinary duties of the Senate, something which is intended to be determined by the votes of those who are the representatives of the States in the one instance and of the people in the other, in which the peculiar function is so marked that it has been always recognized that the President of the United States has no right to either approve or disapprove of a resolution proposing an amendment to the Constitution of the United States. If the President of the United States has no right to approve or disapprove of such a resolution, although the constitutional requirement is that every resolution must be sent to him, it seems to me the argument is irresistible that it is a function separate and apart from all ordinary functions; it is one in which the requisite number of the Senate must be had to give force and effect to the action; and it is one so entirely separate and apart that it can not be judged of by any other function which the Senate may be called upon to perform.

Mr. President, I do not know that there is any practical way to reach this matter, and it is not my purpose to make any proposition with that view. I simply desired that the matter should be put upon the record in order that the action of the Vice President may not be considered as a precedent which has passed unchallenged.

When the Senator from Missouri [Mr. REED] rose last night I rose at the same time—I happened to be standing back of the desks at the time—for the purpose of making the same suggestions which he made, and I would at that time have supported what he said but for the very prompt interposition of the Senator from New Hampshire [Mr. GALLINGER] with the statement that upon an examination of the precedents it would be found all the other way. I supposed, of course, that the Senator had some direct precedents, and I deemed it proper to look at them before making any statement to the Senate. I have inquired of the Senator from New Hampshire this morning, and he tells me he knows of none.

I desire to say, Mr. President, that in a matter of such far-reaching and vital importance the simple fact of a precedent should not of itself be controlling. I will say, however, that if Senators can show a well-considered precedent that has been the result of the examination of able lawyers who have been in this body, such men as Senator George, of Mississippi, or Senator Edmunds, of Vermont, or the former Senator from Indiana, Mr. Turpie, or, still later, the very brilliant and able Senator from Wisconsin, Mr. Spooner—if it could be shown that they and others whom I could mention, Mr. Hoar and numbers of other able lawyers, Mr. Platt, of Connecticut, and others who have been in this body and who have honored it, or, as has been suggested to me, that lawyer second to none, Mr. Thurman, of Ohio—if such men as these had examined this precise

question and had come to a conclusion, I would yield my judgment; but, Mr. President, with the limited time I have had to consider this matter, I am very strongly of the opinion that the Vice President had not the authority to vote; and if he did not vote, of course the decision would have been the other way, because the tie vote would have lost the affirmative.

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Oklahoma?

Mr. BACON. I yield.

Mr. GORE. Mr. President, I came into the Chamber in the midst of the Senator's remarks, and I do not know whether or not he has touched upon the point I am about to suggest. If not, I would like to have his opinion upon the question whether, if upon the final passage of the joint resolution on yesterday the vote had stood 65 to 33, the Vice President could have voted in the affirmative, thus furnishing the requisite two-thirds majority and have passed the joint resolution; or whether, if the vote had stood 33 to 66, the Vice President could have voted in the negative, raising the negative vote to 34, and by that means have defeated the joint resolution?

Mr. BACON. I think not; and I do not think the Vice President himself would so claim, because the language of the provision in the Constitution does not refer to a case of that kind. That makes it, I say again, Mr. President, the more surprising to me that Mr. Calhoun should have made the statement in the Senate which the Senator from Idaho [Mr. HEYBURN] has read, because the matter of the confirmation of an officer—or was it a treaty? I was thinking of a treaty which would require two-thirds——

Mr. SHIVELY. It was on the confirmation of Van Buren.

Mr. BACON. That makes it a different thing altogether.

Mr. SHIVELY. If the Senator will permit me, the reference recalls a very interesting political incident. Jackson was President and Calhoun Vice President. A decided coolness had arisen between the two. Henry Clay was very far from being disposed to compose their differences. In the vacation of Congress President Jackson had nominated Martin Van Buren as minister to England. Van Buren had gone to his post of duty at the Court of St. James. When the nomination came on for confirmation the forces in the Senate were maneuvered to produce a tie. The tie was produced. Calhoun, as Vice President, broke the tie, and broke it against the confirmation of Van Buren. Within a few minutes after the vote was announced a Senator said to Calhoun, "You spoiled a minister to England, but made a President of the United States."

Mr. BACON. Mr. President, it may have been the result of some political maneuvering. Of course we have no presentation of that kind here at all. It may be that such things arise frequently, and precedents are made in some such way as that narrated by the Senator from Indiana. Many precedents have no value, because they are made by Senators voting on small matters on party lines.

I was about to say, Mr. President, that I do not know of any practical way in which this matter can now be dealt with. The proper time, of course, to have made the point was when the Vice President announced the vote. If the view which I take of it is correct, the vote should have been announced the other way. It should have been announced, according to the view I take of the authority of the Vice President, that there being a tie, the affirmative failed and the amendment of the Senator from Kansas [Mr. BRISTOW] was lost. That I think was the proper parliamentary situation, and then was the proper time to have raised the point of order that the Vice President did not have authority under the law to vote, and that the tie vote must be announced as a failure of the amendment.

I beg pardon for having taken so much time, but I think it is an important question, and I want to say this: First impressions are very dangerous things in law, and I recognized that fact and gave due weight to it in the thought which I have given to it since then, and outside of the illustrations I have attempted to present as to the fact that there were functions performed by the Senate in which the Vice President could not properly take a part—those of themselves would not have been controlling—the thing which has brought my mind to its final conclusion and about which I should like those who differ with me to show the incorrectness of the conclusion is the particular one I have mentioned, that this is a joint resolution so separate and apart from all other acts by the two Houses of Congress that while it falls within the letter of the law and is a resolution requiring the joint action of the two Houses, it is nevertheless one as to which the universal recognition is that the President of the United States has no function to perform in connection with it and can neither approve it nor disapprove it; and for the same reason, in my judgment, the Vice President in the case——

Mr. LODGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. BACON. One moment, if the Senator will pardon me.

Mr. LODGE. I wish to say, before the Senator from Georgia takes his seat——

Mr. BACON. I want to simply finish the sentence to the effect that for the same reason that the President of the United States is not recognized as having any function to perform in the approval or disapproval of this particular resolution, in my judgment the Vice President has no office to perform in regard thereto, and can not either upon the final vote or upon any intermediate vote vital to that final vote affect the result by his vote.

Mr. GALLINGER. Mr. President, I have listened with great care and interest to the observations of the honorable Senator from Georgia [Mr. BACON], but I am constrained to the conclusion that his objections are fanciful rather than practical, and that they will not be sustained when the precedents are considered and when the provision of the Constitution is fairly interpreted.

The Senator from Georgia is mistaken in saying that I somewhat abruptly broke in last evening to say that the precedents were against the contention made by the Senator from Missouri [Mr. REED]. What I did say was this:

I think, Mr. President, when the Senator from Missouri does examine the matter—

The Senator from Missouri having expressed some doubt on the point—

he will be satisfied that the Chair acted within his constitutional rights.

That is what I said, as reference to the CONGRESSIONAL RECORD will show.

I did not then allude to any precedents. I did not think it was necessary. I had in mind the explicit provision of the Constitution of the United States which says:

The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

That is what I had in mind, and I thought that was sufficient to warrant the Vice President in casting the deciding vote.

The Senator from Georgia seems to argue that the function of the Vice President is to break a deadlock. That is not the function of the Vice President's vote at all. No deadlock can occur when a tie vote happens in the Senate on a proposition such as was before it last evening. The amendment of the Senator from Kansas [Mr. BRISTOW] would have failed had the Vice President not voted, and no deadlock would have resulted.

Mr. President, the Senator from Georgia, arguing that the Vice President can not vote on collateral questions, has been answered very pointedly by the Senator from Idaho [Mr. HEYBURN], who has quoted a precedent that is directly in order. It goes back to the Thirty-first Congress, and it is there laid down by as eminent an authority as Mr. Calhoun, who had been Vice President, that he had frequently voted on questions of that kind.

But I have before me a more pointed precedent, and I trust the Senator from Georgia will listen to it. It occurred in the first session of the Forty-fifth Congress. The facts are these:

On the motion to proceed to the consideration of the resolution to admit William Pitt Kellogg to a seat in the Senate, the yeas were 29 and the nays were 29. The vote of the Senate being equally divided, the Vice President (Mr. Wheeler) voted in the affirmative, and the Senate proceeded to the consideration of the resolution.

Mr. Thurman moved to amend by striking out all after "*Resolved,*" and inserting:

"That M. C. Butler be now sworn as a Senator from the State of South Carolina."

The yeas were 30 and the nays were 30.

The vote of the Senate being again equally divided, the Vice President (Mr. Wheeler) voted in the negative, and the amendment was not agreed to.

Mr. Thurman has been quoted by the Senator from Georgia as an authority he would like to have cited in this instance, a great lawyer, a great presiding officer—

Mr. Thurman rose to a question of order, and submitted that the provision of the Constitution that the Vice President shall have no vote unless where the Senate is equally divided does not apply to the case of seating a Member, but that questions of seating a Member should be left to the Senators themselves, under the provision that "each House shall be the judge of the elections, qualifications, and returns of its own Members," and after debate Mr. Thurman withdrew the question of order.

So, Mr. President, not only did the Vice President in the early days of the Republic, when Mr. Calhoun presided over this body, give the casting vote on the election of a Chaplain, but at a later time Mr. Wheeler, a distinguished gentleman, who presided over this body, cast his vote in the matter of seating a Senator; and Mr. Thurman, having raised substantially the

same question as the Senator from Georgia raises to-day, argued it, and, after giving it due consideration, withdrew the point of order and a Senator was seated by the casting vote of the Vice President.

Mr. BAILEY. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Texas?

Mr. GALLINGER. Certainly.

Mr. BAILEY. Not to interpose on the particular matter—that is, as to the amendment—I think if it were possible for the Senate to tie on the adoption of the joint resolution itself, although I think that is a mathematical impossibility; but if it should happen, or if it could happen, then, I think, according to the plain letter of the Constitution, the Vice President could not cast a vote, because if you will read the language you will see it is—

> The Vice President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided.

I think by the very force of the term if it were two-thirds against one-third and that could possibly eventuate in a tie, under the very language of the Constitution the Vice President would not be permitted to vote.

Mr. GALLINGER. I think the Senator from Texas is right on the point he makes.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from California?

Mr. GALLINGER. I will conclude in just a moment.

The VICE PRESIDENT. The Senator from New Hampshire prefers not to be interrupted.

Mr. GALLINGER. I think in the case cited by the Senator from Texas that is true, but in this case the Senate was equally divided, and the language of the Constitution is absoltuely explicit and without qualification. It is laid down in the Constitution, repeated in Jefferson's Manual, that the Vice President shall on occasions of that kind give the deciding vote. While I have not looked up all the precedents, the Senator from Idaho [Mr. HEYBURN] has cited one precedent; I have cited another that I think will be somewhat troublesome to the Senator from Georgia if he undertakes to establish his contention that the Vice President was not warranted in voting as he did on the Bristow amendment.

Mr. BACON. Will the Senator from New Hampshire permit me for a moment?

Mr. GALLINGER. Certainly.

Mr. BACON. What the Senator has cited in the way of precedents might be in a degree controlling as to the infelicity, if I may so speak, of some of my illustrations. But as the Senator says that the Constitution is explicit in its language that the Vice President shall vote when the Senate is equally divided, what I want to ask of the learned Senator is this: The language of the Constitution is equally explicit that the President of the United States shall sign every resolution before it shall take effect, and yet I think the Senator himself will concede that this particular joint resolution would take effect without the signature of the President. I should like to ask the Senator how it is that the language shall be controlling—the literal language—as to the right of the Vice President with respect to this particular joint resolution, and shall not be controlling as to the President with respect to this particular joint resolution.

Mr. GALLINGER. I think that does not need any serious discussion.

Mr. BACON. I will say to the Senator, before he replies—I will not take the time to do it now, because other Senators want to be heard—I have some authority from the Supreme Court of the United States that I will read a little later.

Mr. GALLINGER. I think the contention of the Senator as to the other clause of the Constitution is rather academic. It is true that the question that was before the Senate yesterday was out of the usual order; it was a joint resolution that did not require the signature of the President; and yet I do not see how that invalidates the clear and explicit and unqualified declaration of the Constitution that when the Senate is equally divided the Vice President shall cast his vote.

I am content to rest my contention, Mr. President, upon the language of the Constitution; and inasmuch as the Senator from Georgia was desirous that precedents should be forthcoming, I am willing to have it fortified by the precedent cited by the Senator from Idaho [Mr. HEYBURN], and the very illuminating precedent I have read to the Senate in the case where the Vice President cast his vote on the question of seating a Senator in this body. If more precedents are demanded they can doubtless be found, but it seems to me that those already given are sufficient.

Mr. CULBERSON. Mr. President, when this point was made last night by the Senator from Missouri [Mr. REED] it occurred to me that it was not well taken, and I called his attention to the express provision of the Constitution on the subject, which has been read by the Senator from Georgia. The more I think of it, however, the more doubtful I am of the legality of the vote which was cast by the Vice President upon that occasion; and I will ask the indulgence of the Senate to state quite briefly why I am in doubt about it, rather leaning to the view that the vote ought not to have been cast.

The Constitution provides that—

> The Vice President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided.

In the same article of the Constitution, and it is important to bear in mind that this is in the article which constitutes the legislative branch of the United States Government, not the executive or judicial or general clauses, it is also provided that—

> Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Those two provisions, I repeat, are in that article of the Constitution which creates the legislative branch of the Government, and obviously they refer to matters of legislation, rather than matters extraneous to legislation.

The Senator from Georgia has pressed what I regard as the vital question in this case, and that is, if the President of the United States is not required or authorized to approve a constitutional amendment passed by two-thirds of the Senate, why is the Vice President allowed to cast a vote with reference to that matter when the language in the two cases is equally general and explicit?

Now, we are not without authority, Mr. President, so far as the action of the President of the United States is concerned on the subject of amendments to the Constitution. I invite the attention of the Senate to the case of Hollingsworth et al. *v.* Virginia, in the Third Dallas, page 378, a case arising on the question whether or not the eleventh amendment of the Constitution had been properly passed by the Congress and properly adopted by the States of the Union. That amendment, as every Senator knows, has reference to the judiciary article, prohibiting the suing of any State of the Union. In that case the President, as I gather it from the facts—the President did not approve the proposal to amend the Constitution in that respect, and it was objected in the Supreme Court of the United States that the amendment had not been proposed in the manner provided by the Constitution. Now, let us see. The Attorney General of the United States, Mr. Lee—and I read from his argument as reported in the volume of the reports—said:

> Two objections are made: First, that the amendment has not been proposed in due form. But has not the same course been pursued relative to all the other amendments that have been adopted? And the case of amendments is evidently a substantive act.

I invite the attention of Senators particularly to this language of the Attorney General, and later I will invite the attention of the Senate to the language of the Supreme Court on the subject:

> And the case of amendments is evidently a substantive act, unconnected with the ordinary business of legislation and not within the policy or terms of investing the President with a qualified negative on the acts and resolutions of Congress.

Mr. Justice Chase, of the Supreme Court, interrupted the Attorney General at this point in the argument and said:

> There can surely be no necessity to answer that argument. The negative of the President applies only to the ordinary cases of legislation; he has nothing to do with the proposition or adoption of amendments to the Constitution.

Mr. President, when the court came to render its decision we find this, and only this, in the report:

> The court on the day succeeding the argument——

Mr. HEYBURN. If the Senator will permit an interruption there——

Mr. CULBERSON. Wait until I finish reading this opinion of the court, if the Senator please.

Mr. HEYBURN. It applied to what the Senator just read.

The VICE PRESIDENT. The Senator from Texas declines to be interrupted.

Mr. CULBERSON (reading):

> The court on the day succeeding the argument delivered an unanimous opinion that the amendment, being constitutionally adopted, there

could not be exercised any jurisdiction in any case, past or future, in which a State was sued by the citizens of another State or by citizens or subjects of any foreign State.

So, Mr. President, these two provisions of the Constitution being in the same article on the general subject of legislation, the creation of the legislative branch of the Government of the United States, and that of the Vice President being no more general and no more specific than that which invests the President with the veto power, and the Supreme Court of the United States having decided that the President had no constitutional authority in connection with proposals to amend the Constitution, I believe that the proposition made by the Senator from Missouri [Mr. REED] yesterday and by the Senator from Georgia [Mr. BACON[this morning is plausible, and in my judgment is entitled to our serious consideration.

Mr. LODGE. Mr. President, I had in my mind when I asked the question of the Senator from Georgia that there had been an election of Vice President, and I referred at once, I thought, to the famous election of 1824, which led to the contest in the House resulting in the election of John Quincy Adams. I did not remember what I ought to have remembered, that Mr. Calhoun was elected by the electoral vote. But I was not mistaken in my recollection that there had been a choice of Vice President by the Senate, and I ought to have seen at once that the Senator from Georgia was necessarily right when he said that he would be elected by the old Senate, because, of course, it can only appear that the electors have failed to choose a President or Vice President when the electoral vote is announced in the convention of the Houses. Then it appears, and then they act under the amendment of the Constitution providing for that. Therefore, of course, the old House, the retiring House, chose John Quincy Adams President of the United States.

The case I had in mind in the Senate and which I thought was in 1825——

Mr. BACON. Will the Senator permit me to interrupt him? My attention was diverted. Did the Senator state in what manner the Vice President was elected?

Mr. LODGE. He was elected of course by the old Senate. The Senator was quite right and I was wrong when I suggested that he was not elected by the old Senate.

Mr. BACON. Then I was a little too polite when I yielded to the Senator before. I was right then.

Mr. LODGE. The Senator was right. The case that I had before me, but I misplaced it, arose in 1837 when there was no Vice President elected by the college. Richard M. Johnson, of Kentucky, received 147 votes, but that was not a majority. Therefore they voted on the two highest names, Richard M. Johnson, of Kentucky, and Francis Granger, of New York, and this is the result of the vote in the Senate, which was the outgoing Senate, on the 4th of March, 1837: The whole number of votes was 49, and of these, 33 votes were given in favor of Richard M. Johnson, of Kentucky, 16 votes in favor of Francis Granger, of New York, and Mr. Johnson was declared Vice President, to take office on the 4th of March.

Now, Mr. President, as to the possibility which the Senator raised of the Vice President being called upon to give the casting vote for his successor, the terms of the amendment to the Constitution, Article XII, which changed the old arrangement, put it out of the power of the Vice President to cast a vote on that occasion, because it provides—

> And if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

The amendment to the Constitution fixes a different quorum for that from every other question, a quorum of two-thirds, and a majority of that quorum elects. The Vice President is not a member of the quorum; he does not count to make a quorum of the Senate. Therefore, by the explicit terms of that amendment to the Constitution, he would be excluded from voting in that case, as he is excluded from voting on a constitutional amendment by the nature of the case; you can not equally divide the Senate where two-thirds are required.

Mr. BAILEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Texas?

Mr. LODGE. Certainly.

Mr. BAILEY. I may not have understood the Senator from Massachusetts, but I understood him to say that two-thirds were required to constitute a quorum, and that a majority of that quorum——

Mr. LODGE. Precisely.

Mr. BAILEY. The Senator is mistaken. It is a majority of the whole number.

Mr. LODGE. Of the whole number; I beg the Senator's pardon. I read it hastily. It is a majority of the whole Senate, and that by its terms excludes the Vice President.

Mr. BAILEY. There could be no tie then.

Mr. LODGE. There could be no tie, of course. I want to say, what ought to have occurred to me at once when I interrupted the Senator from Georgia, that necessarily the old Senate must have chosen the Vice President, because there was no other way in which it could be done.

Mr. BACON. I am astonished that I yielded so quickly.

Mr. LODGE. So am I.

Mr. BACON. I was so impressed by the erudition of my friend from Massachusetts that I was a little startled when he told me I was wrong, and I fled a little too quickly.

Mr. HEYBURN. Mr. President, I desire to detain the Senate but a moment. I wish to call attention to the reason why the President has no veto power over a resolution proposing a change in the Constitution. It is because the resolution must have been passed by a vote equivalent to that which would overrule his veto. That is the principle behind that proposition, and it would have been a vain thing to provide that he should have anything to say.

Since I called attention to the precedent I have sent for the Congressional Globe, and it may be well to carry forward some of the wisdom of the Congress of 1850, because it gives us a much clearer light upon what Mr. Calhoun said when he referred to Mr. King's judgment. Mr. King said:

> I suppose it is now to be decided whether this clause of the Constitution applies to elections that are required to take place in this body. Heretofore it has been considered as applying to legislative action alone, and never in any case, so far as I know, to the election of officers of any description in this body. Therefore it is now to be decided whether the clause of the Constitution referred to is to be extended in its operation to elections as well as legislative action, for I know of no rule whatever that has ever been adopted by the Senate on the subject. For myself, I shall be satisfied with the decision of the question in any way that the Senate may think proper. I will only repeat that it is the first time I have ever known the question to be made, and my mind not having been turned to the subject heretofore I have supposed the clause referred to legislative measures alone and not to elections.

Then Senator Berrien, of Georgia, interposes and says:

> I can not conceive how it is possible by any action of the Senate to limit the expressions of the Constitution, which are in themselves so general as to comprehend every vote that may be taken in the Senate.
>
> "The Vice President shall be the President of the Senate, but shall have no vote except when the Senate are equally divided."
>
> Now it is proposed, by one construction which is offered, to limit the equal division to cases of legislation; but the Constitution contemplated that the Senate should perform other duties besides those which are merely legislative. There are executive duties, and when the Senate is equally divided in the discharge of their executive duties, the Vice President must give the casting vote.
>
> Mr. KING. Clearly the Vice President has no power to vote on executive nominations, because if the Senate is equally divided in regard to the propriety of their confirmation they are rejected.
>
> Mr. BERRIEN. But if any resolution should be introduced referring to executive business, and the Senate should be equally divided, undoubtedly the Vice President would have a right to vote. And suppose this question was now in this form, "Resolved, That A B be appointed Chaplain to the Senate," and that upon that question the Senate was equally divided, most unquestionably the Vice President, in the exercise of his power, would give the casting vote. But it seems to me unwise to reason on this subject by attempted analogy, because the language of the Constitution is too plain to admit of a diverse construction. The twenty-first rule is but an affirmance of the provisions of the Constitution. It is:
>
> "When the Senate are equally divided, the Secretary shall take the decision of the President."
>
> Mr. CALHOUN.—

This is where he refers to his dissension with Mr. King—

> As the very experienced Senator behind me, Mr. King, is mistaken on the subject of Executive nominations, I deem it my duty to say that I, in several instances when I occupied the Chair, cast my vote on such nominations. I did so in the very celebrated case of Mr. Van Buren, and in two or three others.

Mr. King then said:

> I am aware of that; but the individuals nominated must receive the votes of a majority of the Senate to be confirmed, and there can be no necessity, therefore, for the presiding officer to give his vote. There was no such necessity in the case of Mr. Van Buren as he was rejected if he did not receive a majority of the votes.

The discussion continued and I will ask, inasmuch as it is not more than half a column, that it be inserted in the RECORD in connection with what I have said.

The VICE PRESIDENT. Without objection the request will be granted.

The matter referred to is as follows:

> Mr. UNDERWOOD. The Constitution contemplates in the organization of this body the election of officers—the Secretary of the Senate, the Sergeant at Arms, and other officers—and the Senate can not be said to be organized until these officers are elected. Suppose an equal division in reference to their choice, are we to stand still and postpone our organization until some one of the Senators shall give way, or shall it be decided by the Presiding Officer? This view of the case seems to me to settle this question, if it be analogous.
>
> Mr. FOOTE. If the Senator will allow me, I will show that it is not analogous. The honorable Senator from Kentucky [Mr. Underwood]

will at once perceive that the officers to which he referred are necessary to the organization of the Senate, but we have been without a Chaplain for several days, and without offering any obstruction to our organization.

Mr. UNDERWOOD. True; but I was putting the question as though we were not organized and as though the division had then taken place.

Mr. FOOTE. The Senator is putting the case of the election of officers whose election is necessary to the organization of the Senate. Is that analogous to the case of the election of an officer whose election is not necessary for such organization? Clearly not; and therefore the two cases are not analogous at all. I do not think, however, that the analogy is necessary for the decision of the question.

Mr. UNDERWOOD. I think not myself. I brought the case to show that in such an instance we must remain unorganized, unless the Vice President had the power to decide. By our Constitution the Senate must always consist of an even number, two from each State, and it is but a reasonable proposition that the Vice President should decide in all cases of a tie. The framers of the Constitution must have contemplated, from the very organization of the body—two from each State—that equal division must frequently occur. I think, therefore, there can be no doubt of the right of the Presiding Officer to vote.

The VICE PRESIDENT. The Chair feels no desire to express an opinion either one way or the other; nevertheless, if the duty is imposed upon the Chair to vote, the Chair would feel guilty of a dereliction of duty not to discharge it. And as it seems to be the opinion of the Senate that the Chair has the right to vote on this occasion, unless some proposition is now made to the contrary, the Chair will proceed to vote and declare the result. The Chair waits to see if any such proposition is made.

The Chair votes for Mr. Butler, who, having received a majority of the votes, is therefore elected.

Mr. HEYBURN. The fact was that it was submitted to the Senate in this case and the Senate sustained the Chair.

Mr. BACON. What was the ruling? I did not catch it.

Mr. HEYBURN. The ruling was that the Vice President had a right to cast a vote on the election of officers of the Senate, and it was put to the Senate and they sustained the Vice President.

Mr. BACON. With the permission of the Senator, if the Senator will analyze it, it was doubtless by a party vote. All those questions are generally decided by a party vote.

Mr. HEYBURN. I will make this further suggestion: The question was also raised, although not an issue, as to whether or not the Vice President might vote in executive session.

Mr. BAILEY. What was the vote by which the Senate sustained the Chair?

Mr. HEYBURN. The vote was 30 to 30. The total number was 60.

Mr. BAILEY. But when the point of order was made and the matter submitted to the Senate, what was the vote by which the right of the Vice President to cast the deciding vote was sustained?

Mr. HEYBURN. I will read what the Vice President says.

Mr. BAILEY. Was there a roll call?

Mr. HEYBURN. There was a roll call. There were five roll calls.

Mr. BAILEY. I have not made myself clear. I understand, of course, that there was a roll call on the election of a Chaplain.

Mr. HEYBURN. Yes; there were five roll calls.

Mr. BAILEY. On that roll call the Senate divided evenly?

Mr. HEYBURN. Evenly.

Mr. BAILEY. Then the Vice President cast the deciding vote and his right to do that was challenged. Now, that was debated and finally sustained. What I desire to ask the Senator is, What was the vote by which the right of the Vice President was sustained?

Mr. HEYBURN. That is not given, but I will read what occurred.

Mr. BAILEY. I understood the Senator to say that it was submitted to the Senate, and the right of the Vice President to cast that vote affirmed by the Senate.

Mr. HEYBURN. Allow me to read it.

Mr. BAILEY. Certainly.

Mr. HEYBURN. I prefer to read it:

The VICE PRESIDENT—

After some intermediate discussion—

The VICE PRESIDENT. The Chair feels no desire to express an opinion either one way or the other; nevertheless, if the duty is imposed upon the Chair to vote, the Chair would feel guilty of a dereliction of duty not to discharge it. And as it seems to be the opinion of the Senate that the Chair has the right to vote on this occasion, unless some proposition is now made to the contrary, the Chair will proceed to vote and declare the result. The Chair waits to see if any such proposition is made.

That is in the nature of a submission of the unanimous consent—

The Chair votes for Mr. Butler, who, having received a majority of the votes, is therefore elected.

The Chair submitted it as it is customary to submit questions for unanimous consent.

Mr. BAILEY. Then that appears to have been passed without dissent.

Mr. LODGE. Yes; without dissent.

Mr. HEYBURN. That is, the equivalent.

Mr. GALLINGER. It is better.

Mr. HEYBURN. For a rule, it ought to have some stability.

Mr. WORKS. Mr. President, the Senator from New Hampshire [Mr. GALLINGER] declined to be interrupted. I did not rise to antagonize his position.

Mr. GALLINGER. Mr. President, if the Senator will permit me, I did not mean to decline, but I was just concluding what I had to say.

Mr. WORKS. I only desire to understand the full force and effect of the precedent which he cited. As I understood the precedent cited by the Senator from New Hampshire, it was at a point where a motion was made by Senator Thurman that called upon the Senate for a decision of the question, and no decision was rendered. After that motion, or whatever the form of proceeding might have been, it was withdrawn, leaving the matter entirely an open one.

I think that is true with respect to the precedent submitted by the Senator from Idaho as well. No Senator on the floor at that time raised any question as to what was the proper course to pursue.

Certainly, Mr. President, this is an important question. It may be a serious one. If the question can not be properly raised and determined by the Senate of the United States it may be raised and determined at some future time before another tribunal that may be quite disastrous to this effort to amend the Constitution.

Mr. LODGE. Will the Senator allow me?

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Massachusetts?

Mr. WORKS. Certainly.

Mr. LODGE. Mr. Thurman made a point of order and then withdrew it.

Mr. WORKS. So I understood.

Mr. LODGE. He did not offer a resolution; he made a point of order. In the other case, the Chair submitted the question to the Senate, and there was no objection, and he voted.

Mr. WORKS. I did not rise for the purpose of intruding any opinion of my own on this question because I have not convinced myself, but I simply wanted to understand the precedeat cited by the Senator from New Hampshire; that is all.

Mr. GALLINGER. The point of order which Mr. Thurman made was that the Vice President shall have no vote unless where the Senate is equally divided, does not apply to the case of seating a Member, but that the question of seating a Member should be left to the Senators themselves. He made the point of order that the Vice President had no right to vote on a question of that kind, but upon reconsideration he withdrew the point of order, and the Vice President voted and decided it.

The VICE PRESIDENT. The question is on the approval of the Journal.

Mr. BACON. Mr. President, I wish to say a word more, as this is a matter of very great importance. None of the precedents which have been cited relate directly to this particular question; they do relate to matters which I had cited by way of illustration, but no one of them has the peculiar character of this particular joint resolution. All of them relate to matters which are within the ordinary functions of Congress in legislation and in ordinary methods of procedure. So, even if all those illustrations were proven to be ill founded, it would not change the gravity of the question, which I do not understand that any Senator has attempted to answer, and that is this: If it be true that this particular joint resolution proposing an amendment to the Constitution is one outside of the ordinary functions of the Senate, not belonging to the Senate as one of its legislative functions, one so perfectly recognized that not only by universal recogniton, but by the decisions of the Supreme Court of the United States, the President of the United States has no function to perform in connection with it, by every rule of analogy does not the same thing apply to the action of the Vice President?

Mr. President, I desire to read a more recent case decided by the Supreme Court of Maryland than that which was read by the learned Senator from Texas [Mr. CULBERSON].

Mr. BROWN. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Nebraska?

Mr. BACON. I will for a question.

Mr. BROWN. Before the Senator from Georgia proceeds to that case, may I call his attention to the notion which I have? He has emphasized the gravity of the question involved, because, first, an amendment to the Constituton is involved; and, second, whether or not the Vice President's deciding vote was legal becomes vital to its legal submission finally to the States. Does it not occur to the Senator that the question upon which

the Vice President voted, whether he had a right to vote or not, becomes quite immaterial when it is recalled that on the final vote, where that same joint resolution was voted upon by the Senate, it received a very large majority beyond two-thirds?

Mr. BACON. The Senator is entirely mistaken in his statement of facts—absolutely so.

Mr. BROWN. The question on which the Vice President voted——

Mr. BACON. I would suggest to the Senator that, of course, what he is now stating is in the nature of an argument. I will yield to the Senator and continue after he concludes. It is not a question he is submitting to me, but he is arguing the question, and I am perfectly willing for him to do so.

Mr. BROWN. I have not made myself understood. Is it not true that the Vice President cast the deciding vote on the substitute of the Senator from Kansas [Mr. BRISTOW] to the joint resolution offered by the Senator from Idaho [Mr. BORAH]?

Mr. BACON. Yes.

Mr. BROWN. By that deciding vote the substitute was carried?

Mr. BACON. Yes; and that is what I am complaining of.

Mr. BROWN. But the point I make is that afterwards the Senate voted again on the adoption of the Bristow resolution.

Mr. BACON. Never.

Mr. BROWN. It did not?

Mr. BACON. No; it did not.

Mr. BROWN. Does the Senator from Georgia contend that the final roll call was not on the adoption of the joint resolution offered by the Senator from Kansas as a substitute for the Borah resolution?

Mr. BACON. No; the final roll call was on the adoption of the joint resolution as thus amended.

Mr. BROWN. Exactly; but it was the same joint resolution which had been offered by the Senator from Kansas.

Mr. BACON. Not at all; it is a different proposition altogether, Mr. President. I will come to the question as to whether or not that was a vital stage in that proceeding. I am on the proposition now that this particular joint resolution proposing an amendment to the Constitution is not within the contemplation of the Constitution when it confers upon the Vice President the power to vote when the Senate is equally divided; that it is a proposition separate and apart from ordinary legislation, or any legislation ordinary or extraordinary, and that the exercise of that function is one thing of which the Senate of the United States is to judge for itself, and the matter is to be determined by the votes of the Senators and by no other person who is not a Senator. That is the proposition.

Mr. President, the Senator from Texas [Mr. CULBERSON] read the case of Hollingsworth, which is directly in point, and I have in my hand a case in One hundred and first Maryland Reports, in which that case was reviewed. The court goes on to give exactly the same reasons. It is the case of Warfield *v.* Vandiver; it is the exact question whether or not this is a matter of legislation; and, as suggested by the senior Senator from Texas [Mr. CULBERSON], is not a matter of legislation within the contemplation of that provision of the Constitution upon which the authority is based, which relates solely to matters of legislation. I will say that this case which I now read has been very kindly furnished to me by the Senator from Maryland [Mr. RAYNER].

In every jurisdiction, where the right of the President of the United States and of the governor of a State to sign or to veto a proposed constitutional amendment has been drawn in question, the courts have, without a single exception, denied the existence of such a right. By the second paragraph of section 7, Article I, of the Federal Constitution it is provided that: "Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States; if he approves he shall sign it," and the section continues in practically the same terms as those contained in section 17, article 2 of the Maryland constitution. The concluding paragraph of section 7 is in these words: "Every order, resolution, or vote to which the concurrence of the Senate and the House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill." Article V declares that "The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution," etc. The Third Congress proposed to the States the eleventh amendment on September 5, 1794, and on the 8th of January, 1798, the President in a message to Congress declared that the amendment had been ratified. By the amendment it was provided that the "judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State."

In Hollingsworth *v.* Virginia (3 Dall., 378), which has been read by the Senator from Texas—

The question arose whether the eleventh amendment destroyed the jurisdiction of the Federal courts in cases to which it applied and which were pending at the time of its adoption. It was contended that the amendment had not been proposed in the form prescribed by the Constitution and was void. It appeared that it had never been submitted to the President for his approval, and it was argued that it was inoperative because the Constitution declares that "Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary * * * shall be presented to the President * * * and before the same shall take effect shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives." The Attorney General, Mr. Lee, was about to reply to this argument when he was interrupted by Mr. Justice Chase with this statement: "There can surely be no necessity to answer that argument. The negative of the President applies only to the ordinary cases of legislation. He has nothing to do with the proposition or adoption of amendments to the Constitution." On the following day the Supreme Court delivered a unanimous judgment that the amendment had been constitutionally adopted.

Now, Mr. President, I say no Senator has attempted to reply to the question, Why is it, if, as has been recognized from the day of the decision of the Hollingsworth case to this day, and even prior to that time, the President of the United States has no function to perform in connection with a resolution proposing an amendment to the Constitution, that the same rule does not apply to the function of the Vice President, when the authority conferred upon the Vice President is found in the same section of the Constitution which confers the other power on the President of the United States? The power, unqualified as it is, is held not to give power to the President over such a resolution. The same reason denies the exercise of a similar power over the same resolution by the Vice President. Until that is answered, Mr. President, there is a most important question for this Senate to determine, one very far-reaching in its consequences.

In regard to the suggestion, as I understand it, of the Senator from Nebraska [Mr. BROWN] the question upon the adoption of the Bristow amendment was a vital question. It was a question which determined the vote of many Senators on the final passage of the joint resolution. The substitute offered by the Senator from Kansas was not objected to in its totality, but in regard to and in respect of a particular clause of it. When that clause was in issue, that was the question which was voted upon by Senators at the time when the Vice President gave the casting vote. The other parts of it were not under consideration and did not affect the vote. After it had been determined, the vote having a conclusive determination upon that particular part of it, Senators again divided, and some who had opposed that particular part of it and who had voted against the amendment because it contained that particular feature afterwards voted for the entire joint resolution. That it was vital can not be more strongly illustrated than in my own case. The amendment of the Senator from Kansas without the vote of the Vice President was lost, and with it lost I should have voted for the joint resolution, as the question would have been upon the passage of the joint resolution as it came from the Judiciary Committee, which was the same as the substitute of the Senator from Kansas except as to the particular feature that I mentioned upon which Senators had divided. However, as the result was not declared in accord with the vote of the Senate, but was declared in accordance with the vote as it was affected by the casting vote of the Vice President, I voted against the joint resolution; in other words, the vote on the Bristow amendment absolutely controlled my vote on the joint resolution, to the contrary of what it otherwise would have been.

I think, Mr. President, that this proposing an amendment to the Constitution is a matter which is not limited in any manner to the final two-thirds vote which is required by the Constitution, so far as concerns the right of the Vice President to vote, but that it is a function in all of its parts, from its beginning to its end, separate and apart from the legislative functions of the Senate, and one upon which the Vice President has not the authority to vote.

Mr. BAILEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Texas?

Mr. BACON. With pleasure.

Mr. BAILEY. I suggest to the Senator from Georgia that it might be well enough if he would enter a motion to reconsider the vote, so that he could have time to investigate the matter to his satisfaction. I merely make that as a friendly suggestion.

I also want to suggest this view to the Senator from Georgia——

Mr. LODGE. If the Senator from Texas will allow me, the motion would have to be made to reconsider the vote by which the amendment was passed.

Mr. BAILEY. I understand that.

Mr. LODGE. And, of course, the Senator from Georgia could not make that motion, because he voted against it. It could be made, however.

Mr. BAILEY. I would be willing to make that motion for the Senator from Georgia, if he should so request. I want, however, to suggest to the Senator from Georgia, for whose opinion, as he well knows and as the Senate knows, I have profound respect, that, in my opinion, the presidential approval, for which the Constitution provides, and the vote of the Vice President, which is now at issue, are very different. If the Senator will carefully examine the Constitution, with reference to the presidential approval, he will find that it requires that every order, resolution, or vote before it becomes a law shall be presented to the President.

Proposed constitutional amendments are not presented to the President for his approval, because they do not become a law by his approval. They must be ratified by the legislatures of the States or by the conventions of the States, as one or the other method may be determined upon by the Congress, and I myself rather wonder that anybody ever thought seriously of urging upon the court that it was necessary to present proposed constitutional amendments to the President for his approval.

I also call the attention of the Senator from Georgia to Article V of the Constitution, which provides—

The Congress—

I know that the President is in legislative matters considered a part of the Congress, but I think the language which follows differentiates this case—

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments.

And so forth.

Now, in the latter case the duty of Congress is imperative whenever two-thirds of the legislatures make application, and of course the Congress itself would have no option in the matter, according to my view, and the President could neither give effect to nor destroy the vital force of that.

I merely submit that to the Senator from Georgia, as, of course, we are all trying to arrive at what is just and proper about it, and none of us could be more anxious to do that than the Senator from Georgia. I think, upon consideration, he will find that there is a full explanation for the difference there; but I may be wrong about that, for I have not examined it to my satisfaction, and whenever the Senator from Georgia indicates that he wants further time, if he does want further time, to examine that matter, as it is my privilege to do, having voted in the affirmative, I will enter the motion to reconsider.

Mr. BACON. Mr. President, the Senator anticipated what I was intending to do and was very nearly on the point of doing—suggesting that that motion should be made by some Senator. I had in mind at the time the Senator from Missouri [Mr. REED], who suggested the point.

Mr. BAILEY. So much the better, because the Senator from Missouri raised the question.

Mr. BACON. I want to say to my learned friend that he does not quote with his usual accuracy the words of the Constitution in regard to the presentation of resolutions to the President. The Senator said that they should be presented before they became law. That is not the language of the Constitution.

Mr. BAILEY. Mr. President——

Mr. BACON. Will the Senator from Texas pardon me, and let me make my presentation before he replies? I just want to read him the section as I find it. The provision is not the one which he is reading, but is found on the bottom of page 189, and is in this language:

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States;—

There is a semicolon—that command is complete in itself. It shall be presented to him; and then it resumes—

and before the same shall take effect shall be approved by him, etc.

But the mandate is absolute, not simply that it shall be presented before it can become a law, but the mandate is absolute that—

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary * * * shall be presented to the President of the United States.

I do not want to argue this question now, for this reason: I have had some little experience as a lawyer, and I know that when a lawyer argues on one side it is very hard afterwards to get him to look at it the other way, and I am very anxious that my distinguished friend the Senator from Texas [Mr. BAILEY], than whom there is no better lawyer in the Senate, shall not be too strongly fixed in his opinion, because I think it is a matter of grave importance that we should all endeavor to investigate with great care.

Mr. President, I have not made any point of order in the matter. I think this is a matter for the determination of the Senate. I only took advantage of the opportunity in the reading of the Journal to bring it to the attention of the Senate. I think that the course suggested by my friend the Senator from Texas is the proper one, that there should be entered a motion to reconsider, not for present consideration, but for the purpose of giving, not to myself alone but to all Senators, an opportunity to examine carefully this most vital and important question. Therefore, I hope that after——

Mr. STONE. Mr. President——

Mr. BACON. I hope the Senator from Missouri will pardon me for just a moment.

Mr. STONE. Mr. President——

Mr. BACON. Just one moment and I will finish.

So far as the Journal is concerned, the Journal does narrate what exactly occurred, and that is the only question we have to deal with so far as the Journal is concerned. Therefore I shall not oppose its approval, but after the approval of the Journal I think the motion should be made.

Now I yield to the Senator from Missouri.

Mr. STONE. I merely desire to suggest to the Senator from Georgia one thought I have in mind, which seems to me to be very important, to the end that he may give his attention to it in the further examination of this question. That is this: The vote cast by the Vice President was to determine a tie vote on a resolution offered by the Senator from Kansas by way of amendment or substitute for the joint resolution coming from the Judiciary Committee, which was the original proposition pending before the Senate. That vote was not in the Senate proper, but in the Committee of the Whole. After that vote had been cast by the Vice President, even conceding that it was improperly cast, the measure was reported from the Committee of the Whole, and the Senate, by a two-thirds vote, determined to submit the proposition in the form in which it stood when reported from the Committee of the Whole to the Senate. The question I ask is whether the final action of the Senate does not determine the question?

Mr. BACON. That may be true, and I do not purpose, of course, at this time to go into the question as to what is the legal effect of what has been done. But I do think it is a question which should be settled upon very mature consideration, based upon careful study and examination; and it is with that view that I have called it to the attention of the Senate. I know of no way in which it can be reached other than that suggested by the Senator from Texas [Mr. BAILEY], and that is that there should be entered a motion to reconsider, to lie upon the table until such time as Senators shall have had the opportunity to make an investigation which shall be satisfactory to them.

Of course, the Vice President need not have my assurance that in raising the point it has been without the slightest personal feature, and it would be furthest from my possible thought to in any manner reflect upon the act of the Vice President. Doubtless he did so with the utmost conviction of his right to do so, and that is not in any manner challenged.

But I think that is the proper course, and I will suggest to my friend the Senator from Texas [Mr. BAILEY], or the Senator from Missouri [Mr. REED], one or the other, both of whom voted for the joint resolution as it passed, to enter the motion in order that Senators may have time for an investigation.

I want to say just one single further word, and that is this: In most of the cases which have been read here as precedents it will be found that the questions were political and that Senators voted one way or the other, according to their political alliances. This does not happen to be a political question; it is not one in which there is a party alignment; and I hope that the opportunity is offered for a calm, dispassionate, and impartial discussion of the question.

Mr. CLAPP. Mr. President, I desire to call the attention of the Senator from Georgia to a matter that I know the Senator from Texas suggested, although he did not seem disposed at that time to press it. I do not know whether to this extent it was even in contemplation.

The argument which the Senator from Georgia makes is that dealing with a matter upon which it is not necessary for the President to act—takes it out of the rule authorizing the Vice President to vote. The provision for amendment to the Constitution provides two ways. One leaves it in the discretion of the Congress, and if it stopped there, there might be force in the position taken by the Senator from Georgia. But the other provision for amending the Constitution imposes an absolute imperative duty upon Congress. When two-thirds of the States ask it, then Congress shall provide for a constitutional convention.

Where a duty is absolutely imposed as an imperative duty, and there is a provision in the Constitution which may be invoked by which a tie can be prevented, and it is made possible for the Congress to perform that duty which is required of Congress, it seems to me there can be no escape from the conclusion that it was not only put there, but must be invoked, and there being the absolute necessity, possibly, of invoking it to prevent a tie and prevent the failure of Congress to carry out a prescribed duty, it seems to me there is no escape from the conclusion that in matters of this kind the Vice President must act.

Mr. BACON. Mr. President, I will suggest this to the Senator from Minnesota: Even in the case, as stated by him, of the compliance with an absolute mandate of the Constitution, it would still have to be put in the form of a statute or of a resolution.

Mr. CLAPP. Oh, certainly. But can the Senator from Georgia imagine a mandate without a provision by which that mandate may be executed?

Now, if it is possible for the Senate to tie upon a mandate, then the mandate would be of no force at all. There must be some provision against defeating the mandate, and that provision must vest somewhere the power to cast a vote in the case of a tie upon the execution of the mandate.

Mr. BACON. There is no trouble about that at all, if I understand the point made by the Senator from Minnesota. I did not catch it at first.

There is no impediment to the proceeding of the Senate caused by a vote being a tie. There is a well-recognized parliamentary law that when a proposition is submitted and there is a tie the affirmative fails and the negative prevails. There would not be a cessation of business because of the fact that there was no provision for the presiding officer to vote.

Mr. CLAPP. That is true. But inasmuch as the execution of the mandate requires the affirmative action, the affirmative action would fail, the execution of the mandate would fail, if the Senate came to a tie and there was no way to break that tie.

Mr. BACON. The Senator is proceeding upon the assumption, then, that with an absolute mandate to call a convention under certain circumstances, and with those circumstances arising, there would be half of the Senate which would disobey the mandate, and therefore there must be somebody to put it into execution. That is the Senator's proposition, as I understand it.

Mr. GALLINGER. Mr. President, I hesitate to call attention to a certain other matter in connection with this vote.

The Senator from Maine [Mr. FRYE], who is absent, had a general pair with the Senator from Georgia [Mr. BACON]. The Senator from Vermont [Mr. DILLINGHAM] was paired with the Senator from South Carolina [Mr. TILLMAN]. But upon that particular vote Senators DILLINGHAM, FRYE, and TILLMAN did not vote, while the Senator from Georgia [Mr. BACON] did vote. Had the pair of the Senator from Maine [Mr. FRYE] been observed, this controversy would not have arisen.

Mr. BACON. The Senator has read a part of the RECORD and has not read it all. I stated the fact last night when I voted that I did have a pair with the Senator from Maine [Mr. FRYE], and that I voted, without observing the pair, by the authority of the Senator from Maine, which I have in writing.

Mr. GALLINGER. Then, I apologize to the Senator.

Mr. BACON. Very well.

Mr. GALLINGER. I simply knew that the Senator from Maine——

Mr. BACON. The Senator from New Hampshire will find that statement in the RECORD.

Mr. GALLINGER. I will look it up. We know the Senator from Maine very ardently supported the amendment of the Senator from Utah [Mr. SUTHERLAND] last year, and before he left here he said to me he had a general pair with the Senator from Georgia. That is all I know about it.

Mr. BACON. I myself voluntarily wrote to the Senator from Maine to inquire of him how I should pair him on that vote and other votes which were named by me. He replied to me that as to that vote he had no particular interest, and that I might pair him or not, as I pleased, and I now have his letter to that effect.

Later in the evening the Senator from Vermont [Mr. DILLINGHAM] applied to me to transfer the pair, which I did, I myself making the announcement.

When the Senator from Vermont first applied to me on the subject, I doubted, on account of the way in which the Senator from Maine wrote in his letter, whether I should do so or not, but upon reflection I concluded that I should do so; and I went to the seat of the Senator from Vermont and had him make the arrangement by which the pair was transferred in his case and in mine to Messrs. FRYE and TILLMAN, respectively, so that we each voted.

Mr. GALLINGER. I have apologized to the Senator from Georgia. It struck me as being rather peculiar, however, that the Senator did pair the Senator from Maine on the final vote.

Mr. BACON. It is usual, before criticizing with respect to a question of pairs, to ascertain what announcement was made in regard thereto; and the announcement was made by me in the Senate last night that I had voted by the authority of the Senator from Maine.

Mr. GALLINGER. And yet the Senator paired the Senator from Maine on the final vote.

Mr. BACON. I did so at the request of the Senator from Vermont [Mr. DILLINGHAM], transferring the pair so that he could be allowed to vote and not be prevented from voting on account of the absence of the Senator from South Carolina [Mr. TILLMAN].

The VICE PRESIDENT. The question is on the approval of the Journal. Without objection the Journal will stand approved. The Journal is approved.

Mr. BACON. On a question of personal privilege, I want to refer the Senator from New Hampshire to page 1924 of the RECORD, where he will find this announcement made by me. After having announced the pair with reference to the Senator from South Carolina [Mr. TILLMAN] I said:

> I also desire to state while I am on the floor that I voted on the Bristow amendment, although paired with the Senator from Maine [Mr. FRYE], because I had his authority so to do.

The Senator from New Hampshire will find that in the RECORD.

Mr. GALLINGER. Yes, I do find it; and yet immediately preceding the Senator from Georgia announced that the Senator from Maine would vote in the affirmative if present. The Senator from Georgia will notice that in his remarks likewise.

Mr. BACON. I so understood.

PUBLIC BUILDINGS IN CITY OF WASHINGTON.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, advising that in the statement transmitted in a letter dated June 9 showing the amount paid for the various parcels of land comprising the site for the proposed buildings for the Departments of State, etc., through a typographical error the date of payment for parcel No. 43, square 228, was given as April 15, 1910, whereas the correct date is April 15, 1911.

Mr. HEYBURN. I ask, inasmuch as it is a part of the document ordered printed yesterday, that the document (S. Doc. No. 46) be reprinted, so as to include this communication, and lie upon the table. Otherwise we would have two documents to deal with.

The VICE PRESIDENT. Without objection, that order will be made.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of the Secular League of Washington, D. C., remonstrating against the enforced observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. NELSON. On behalf of 35,000 farmers of Minnesota I present the following petitions remonstrating against the enactment of the so-called Canadian reciprocity bill.

I want to say, Mr. President, that neither the Lumber Trust nor the Paper Trust has had anything to do with securing these petitions. I ask that the body of one of the petitions be printed in the RECORD.

The VICE PRESIDENT. Without objection, that order will be made.

The petition is as follows:

PETITION AGAINST CANADIAN RECIPROCITY ON FARM PRODUCTS, WITH PROTECTION ON WHAT FARMERS HAVE TO BUY.

HONORABLE CONGRESS OF THE UNITED STATES,
Washington, D. C.

GENTLEMEN: We, the undersigned, farmers of the Northwest, respectfully protest against the adoption of the so-called Canadian reciprocity bill, which has been negotiated by President Taft and recommended to Congress. We urge that said bill should not become a law for the following reasons:

First. The schedule proposed provides for free trade on all that the northwestern farmers produce while retaining almost full protection as heretofore on all that farmers have to buy. Practically all the concessions that have been made to Canada are made at the direct expense of American farmers.

Second. The schedule gives Canadian competition free trade in the American markets for grain, but still protects flour; free trade for live stock, but still protects the packers in their meat; free trade on all the farmers' crops, but still protects the Canadian manufacturers against American competition in Canada. (See Schedule B.)

Third. We protest that the immediate effect of the adoption of such a reciprocity schedule would be to encourage American farmers to move into Canada, where the virgin soil will produce greater crops of grain with less labor than can be produced on our own farms in the Northwest. The result will be to decrease land values in the United States

and to enhance land values in Canada at the expense of United States investments. It will result in many localities in creating abandoned farms in Northwestern States, and will retard the development of Wisconsin, Minnesota, North and South Dakota, Montana, and Idaho, causing a loss in land values in these States amounting to millions of dollars.

Fourth. More than half the tillable land in all of these States yet remains uncultivated, and we declare to the American Congress that so long as the policy of protective tariff continues to be the policy of this country the agricultural interests have just as much right to protection of home industry and home investments against unequal foreign competition as have the manufacturers or any other interests.

The farmers have been the last to feel any direct benefit from protective tariffs. Why should the protective party expect the farmers to be the first to suffer the loss of that protective tariff policy?

We, the undersigned farmers, therefore earnestly appeal to our Senators and Representatives in Congress to defend the agricultural interests of the Northwest against this unfair and misnamed species of reciprocity at least until the same principle of free trade can be applied to what the American farmers have to buy that is now proposed on what American farmers have to sell.

Mr. NELSON presented a memorial of the congregation of the Seventh-day Adventist Church of Pine Island, Minn., and a memorial of the congregation of the Seventh-day Adventist Church of Wells, Minn., remonstrating against the enforced observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. CULLOM presented petitions of the International Sunshine Society of the Manufacturers' Association of New York; of the Chamber of Commerce of Watertown, N. Y.; of the Chamber of Commerce of Philadelphia, Pa.; of the Real Estate Exchange of Omaha, Nebr.; of the Commercial Club of St. Joseph, Mo.; and of the Maryland Woman's Christian Temperance Union, praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. BRIGGS presented memorials of Swedesboro, Riverside, Hopewell, Pequest, Manalapan, Locktown, Fairlawn, Shrewsbury, and Cape May Granges, of the Patrons of Husbandry; of the Blast Furnace Workers and Smelters of Newark; of the Board of Agriculture of Gloucester County; and of sundry citizens, all in the State of New Jersey, remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a memorial of the National Brotherhood of Operative Potters of Trenton, N. J., remonstrating against the alleged abduction of John J. McNamara from Indianapolis, Ind., which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the First Presbyterian Church of Rahway, N. J., and a petition of Washington Camp, No. 153, Patriotic Order Sons of America, of Point Pleasant, N. J., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented memorials of the congregations of the Seventh-day Adventists churches of Bridgeton, Atlantic City, Vineland, and Salem, in the State of New Jersey, remonstrating against the enforced observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Newark, N. J., praying for the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a memorial of Haddon Grange, Patrons of Husbandry, of Haddonfield, N. J., remonstrating against the passage of the so-called cold-storage bill, which was referred to the Committee on Manufactures.

He also presented a petition of the Religious Society of Friends of Bernardsville, N. J., and a petition of the First Congregational Society of Bernardsville, N. J., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented memorials of the Philip Sheridan Club and Arion Singing Society of Passaic, the State Board and the Dover Division of the Ancient Order of Hibernians, and of sundry citizens of Bergenfield and Jersey City, and of the Aurora Singing Society of New Brunswick, all in the State of New Jersey, remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. BRANDEGEE presented a memorial of the Business Men's Association of Norwich, Conn., remonstrating against the establishment of a parcels post, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Local Division No. 1, Ancient Order of Hibernians, of Jewett City, Conn., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. WATSON presented a memorial of the Mountain City Drug Co., of Elkins, W. Va., remonstrating against the imposition of a stamp tax on proprietary medicines, which was referred to the Committee on Finance.

Mr. TOWNSEND presented a petition of sundry citizens of Leslie, Mich., praying for a reduction of the duty on raw and refined sugar, which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Jackson, Mich., remonstrating against the passage of the so-called Johnston Sunday rest bill, which was ordered to lie on the table.

He also presented memorials of Island Grange, No. 137; Manton Grange, No. 949; Sebewa Grange, No. 163; Grand Traverse Grange; Rock Grange; Rural Grange, No. 37; Newberg Center Grange, No. 695; Pittsford Grange, No. 133; Saginaw Grange, No. 220; Mayfield Grange; Clyde Grange; Aetna Grange, No. 810; Fisher Grange; Barron Lake Grange; Farmers' Friend Grange; Campbell Grange, No. 870; Pleasant View Grange; Scio Grange; and Cass County Grange, of the Patrons of Husbandry, and of sundry citizens of Waterford, all in the State of Michigan, remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. WARREN presented a resolution adopted by the Laramie County Cattle and Horse Growers' Association, of Wyoming, June 5, 1911, praying for the enactment of legislation providing for a reasonable disposition of the grazing lands of the West, which was referred to the Committee on Public Lands.

He also presented the petition of J. C. Underwood, of Underwood, Wyo., secretary of the Laramie County Cattle and Horse Growers' Association, of Wyoming, transmitting a copy of resolutions adopted by that association June 5, 1911, praying for the enactment of legislation granting a fair and equitable protection of live stock and the products of live stock, and remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

Mr. LORIMER presented memorials of Radner Grange, No. 1588, Patrons of Husbandry, of Edwards; of Valley Union, No. 249, Farmers' Educational and Cooperative Union of America, of Villa Ridge; and of sundry citizens of Peoria, all in the State of Illinois, remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. LODGE presented memorials of sundry citizens of Thayer, Melrose, and Worcester, all in the State of Massachusetts, remonstrating against the passage of the so-called Johnston Sunday-rest bill, which were ordered to lie on the table.

Mr. BOURNE presented memorials of sundry citizens of Lane, Oreg., remonstrating against the passage of the so-called Johnston Sunday rest bill, which were ordered to lie on the table.

Mr. PERKINS presented memorials of sundry citizens of Ukiah, Watsonville, Calistoga, and St. Helena, in the State of California, remonstrating against the passage of the so-called Johnston Sunday rest bill, which were ordered to lie on the table.

He also presented a memorial of Local Grange No. 85, Patrons of Husbandry, of Danville, Cal., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a petition of the State Council, Junior Order United American Mechanics of California, praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. CLAPP presented memorials of the congregations of the Seventh-day Adventist Churches of Anoka, Minneapolis, Pine Island, Mankato, Austin, Stillwater, Moose Lake, Sherburn, Detroit, Litchfield, Staples, St. Paul, New Auburn, Hewitt, Morgan, and Duluth, all in the State of Minnesota, remonstrating against the enforced observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented memorials of the Ancient Order of Hibernians of Winona County, Nicollet County, Dakota County, St. Paul, Madison Lake, Scott County, St. Louis County, and Duluth, all in the State of Minnesota, remonstrating against the ratification of the proposed treaty of arbitration beween the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. SHIVELY presented memorials of the congregations of the Seventh-day Adventist Churches of Peru, Logansport, and Pleasant View, all in the State of Indiana, remonstrating against the enforced observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

RECIPROCITY WITH CANADA.

Mr. PENROSE. Mr. President, I report back from the Committee on Finance the bill (H. R. 4412) to promote reciprocal trade relations with the Dominion of Canada, and for other purposes, with an amendment, and without recommendation. (S. Rept. 63.)

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. OVERMAN. I should like to ask the Senator from Pennsylvania, the chairman of the Committee on Finance, whether or not we are to have a report from his committee on what is known as the farmers' free-list bill during this session of Congress?

Mr. PENROSE. For the information of the Senator I can tell him that the committee expects to take that matter up within a reasonable time and give it careful consideration. The hearings on the reciprocity measure occupied nearly a month of patient and faithful work, and that bill having been reported to the Senate, of course the Finance Committee will perform its duty in taking up the free-list measure.

Mr. OVERMAN. I noticed in one of the newspapers a statement to the effect that there is to be no report at this session. Therefore I wished to inquire of the Senator whether he could assure us that there would be a report on that measure at this extra session.

Mr. PENROSE. I can not give the Senator any assurance as to when the report will be made on the free-list measure. It is a very sweeping one. The committee is in receipt of a large number of applications from people all over the country desiring hearings. I assume the same privilege will be extended to them that was extended to the people interested for or against the reciprocity measure.

Mr. BAILEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Texas?

Mr. PENROSE. Yes.

Mr. BAILEY. The information which the Senator from Pennsylvania has furnished in response to the question of the Senator from North Carolina is not very illuminating, and I want to supplement it by saying to the Senator from North Carolina that in my judgment that committee has no idea of reporting the free-list bill. But I also want to say that if it does not report it, I shall ask the Senate to act upon a motion to discharge that committee, after a reasonable time, so that the matter may be brought before us for consideration.

Mr. PENROSE. I would be very sorry to have the impression go forth that the committee does not intend to deal with the bill fairly and treat it with every consideration.

Mr. BAILEY. I have not suggested that the committee would not deal with the bill fairly, according to their judgment.

Mr. PENROSE. If the Senator means to imply that the bill may be adversely reported, that is another question, but that the committee will never report it is not founded upon anything that has developed up to date.

Mr. BAILEY. Nothing has developed up to date to encourage us to believe that the bill will be reported, even without recommendation.

Mr. PENROSE. I hope the Senator from Texas will not abandon all hope.

Mr. BAILEY. I will not abandon all hope.

Mr. BROWN. I should like to make an inquiry of the Senator from Pennsylvania. I understood the Senator from Pennsylvania, the chairman of the committee, to say that the bill was reported without a recommendation.

Mr. PENROSE. Yes.

Mr. BROWN. Without a recommendation either way, but with an amendment which the committee offers to the bill, which it neither favors nor rejects.

Mr. PENROSE. The bill was amended by the committee and then reported without recommendation.

Mr. BROWN. Is there any recommendation in favor of the amendment which you have reported?

Mr. PENROSE. I suppose the members of the committee who voted for the amendment, being in the majority, would recommend the amendment if the bill should pass.

Mr. BROWN. But, as a matter of fact, do they recommend the amendment which they brought in?

Mr. PENROSE. It was somewhat like the experience yesterday. I assume several gentlemen voted for the amendment intending to vote against the bill. That is not an unusual experience.

Mr. BROWN. Both the bill and the amendment which the committee offers are laid before the Senate without recommendation either for or against?

Mr. PENROSE. There is no formal recommendation of the amendment or the bill.

Mr. DIXON. I wish to ask the Senator from Pennsylvania whether it is the intention of the Republican members of the Finance Committee to make any report on the reciprocity bill.

Mr. PENROSE. There is no majority report of the committee. Every member of the committee seems to be searching his own conscience, and within the minority, the chairman is informed, several representing the committee will file minority reports.

Mr. DIXON. Will the majority of the committee make any report?

Mr. PENROSE. There is no majority of the committee.

Mr. DIXON. Is there a majority of the committee against the bill? Is that what we are to understand?

Mr. PENROSE. It is not disclosing any secrets, because the matter has in some way gotten into the newspapers, that there was a tie vote to report the bill favorably and a tie vote on the question of reporting it adversely. The Senator can draw his own conclusion.

Mr. DIXON. What I want to know is, why, after six weeks of hearings, the great Finance Committee of the Senate in reporting the bill back, which probably revolutionizes the protective tariff of this country, that committee did not either file a favorable or an unfavorable report. I believe it is hardly a square deal to the Senate for this committee, after six weeks were spent in conducting these hearings, amounting to several thousand pages, to report a bill that is of such tremendous importance without giving us a synopsis of what the hearings amounted to and, at least, giving us some kind of an opinion as to whether the bill ought or ought not to become a law. If it was an ordinary measure, such as are introduced here by the thousands, possibly the fact that no committee report accompanied the bill would occasion no comment; but on a bill of this kind certainly some members of the Committee on Finance—the Republican end of it, at least—ought to make some kind of a report to the Senate; and I am surprised——

Mr. McCUMBER. Mr. President——

Mr. PENROSE. It is simply a question of fact. The committee was unable to agree, and the testimony, of course, will be very valuable to each Senator in making up his own mind on this question. A copy of the testimony has been sent to each Senator, and I hope Senators will read it carefully.

Mr. BAILEY. If the Senator from Pennsylvania will permit me, I want to correct a statement. As we have gone into the committee room we might as well put the exact facts into the RECORD. On the motion to report this bill favorably the vote was 8 to 6.

Mr. McCUMBER and Mr. LODGE. Against it.

Mr. BAILEY. Against it. On the motion to report it adversely the vote was 7 to 7. I voted against reporting it favorably because I do not think it ought to pass, and I voted in favor of reporting it adversely for the same reason; but I felt that the Senate was entitled to an opportunity to judge of that matter for itself. As I could not report it with the recommendation it should not pass, and as I would not report it with the recommendation that it should pass, I agreed that it should be brought back here without recommendation.

I think the Senator from Montana would not be willing to say that the Finance Committee of the Senate should deprive the Senate of an opportunity to consider this matter.

Mr. DIXON. No; but——

Mr. BAILEY. I hope to use my own action in this matter to get the free-list bill out of the committee.

Mr. DIXON. I want to say to the Senator from Texas the greatest committee of the Senate in power certainly, at least, should have the moral courage to express their opinion to the body of the Senate as to whether the bill ought or ought not to pass, and to give their reasons therefor.

Mr. BAILEY. Where can the question of moral courage arise? Suppose there are 7 and 7. Each Senator must have the moral courage to sustain his own opinion, and yet we must recognize that we are merely an organ of the Senate, and that after we have taken this voluminous testimony, and not only voluminous but valuable, we bring it back to the Senate.

Mr. DIXON. Without a word of comment.

Mr. BAILEY. We bring the bill back to the Senate, and we say to the Senate, We are unable to recommend to you action, either one way or the other, but we report it back to you for such action as you think proper to take.

Mr. DIXON. Without any comment whatever.

Mr. BAILEY. Some Members will submit comments.

Mr. DIXON. Does that mean that nobody on the committee is for the passage of the bill, or advances any reason for its passage?

Mr. BAILEY. I do not think that many are very zealous about it.

Mr. WILLIAMS rose.

Mr. BAILEY. The Senator from Mississippi will note that I said not many are very zealous.

Mr. DIXON. I should like to know how many members of the Finance Committee are really for the passage of the bill.

Mr. BAILEY. Let the Senator interview his side.

Mr. DIXON. I have tried, but I got no results.

Mr. BAILEY. I will report for our side. Most of our side will report for themselves. I will agree with the Senator from Montana this far, that the bill ought to have been brought back with a recommendation. Without intending to criticize any Member of the Senate or any member of the committee, the Senator who would not vote to report it favorably, it seems to me, ought to have voted to report it adversely.

Mr. DIXON. Certainly there ought to have been some report.

Mr. BAILEY. Because it ought to pass or it ought not to pass; but a Senator decides that for himself.

The only suggestion I rose to make is that it is not a fair criticism against the committee that it brings back the bill for the action of the Senate; for if we had not brought it back any Senator could have moved to discharge us from its further consideration, and I would have voted for that motion myself.

Mr. LODGE. If the Senator will allow me, that would have resulted in precisely the same thing.

Mr. BAILEY. Precisely; for then, as now, it would have been without a recommendation.

Mr. LODGE. We could not get a majority to report the bill favorably. The vote to report it adversely was a tie, by which the motion to substitute adversely for favorably was lost. The only thing that remained was either that the bill should linger in the committee or that it should be brought here by a motion to discharge the committee, or by our own voluntary action in reporting it without recommendation. There was no other way to get it before the Senate.

Several Senators addressed the Chair.

The VICE PRESIDENT. The Senator from North Dakota [Mr. McCUMBER] has been recognized.

Mr. McCUMBER. I will not yield any further just now.

The VICE PRESIDENT. The Senator from North Dakota has the floor.

Mr. McCUMBER. Mr. President, this bill was submitted to the Finance Committee, of which I am a member, some six weeks ago. It was submitted for the purpose of taking testimony and reporting back the result of the investigation in some concrete form that would evidence the conclusion of the Finance Committee upon this measure. The majority of the Finance Committee have failed to give their conclusion. So far the mind of the majority, so far as the Senate is concerned, seems to be a blank.

Now, Mr. President, there are two of the members of that committee who have very strong convictions upon the question as to whether or not this bill should pass. I desire to state that inasmuch as the chairman of the committee reports it back to the Senate without any recommendation I shall feel called upon, and I give notice, that to-morrow, immediately after the morning business, I shall ask the Senate to be allowed to present some reasons and some conclusions which I derived from the testimony showing why the bill should not pass. That the Senate may have something and some reasons before it, before we go into the discussion of the subject, I dictated my own minority views. They are in a very few words. I will ask that they be read and inserted in the RECORD.

Mr. BAILEY. I hope the Senator will not describe them as minority views, but just as his own views, because there is really no minority.

Mr. McCUMBER. It is the minority so far as reporting the bill without recommendation is concerned. I voted with those in the minority to report it with a recommendation that it should not pass. I will ask that my views may be read.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

VIEWS OF MR. M'CUMBER.

(S. Rept. 63, pt. 2.)

After nearly two months of investigation of the above-mentioned bill, the undersigned believes that it is the duty of the Committee on Finance to report to the Senate its conclusions thereon.

If this bill is just and right, the committee ought to say so. If it is unjust and wrong, the committee should so report.

The evidence submitted to the committee conclusively shows that the enactment of this bill into law would be a great injustice to the agricultural interests of all the Northern States, for the following reasons:

(1) The occupation of farming to-day pays less profit upon the capital and labor actually employed therein than any other important occupation in the United States.

(2) Therefore any legislation the effect of which would be to make this occupation less profitable is both wrong and inexpedient.

(3) On the contrary, so far as it can be accomplished by legislative enactment, the business of farming should be made more remunerative and inviting.

(4) For the past few years this occupation in the Northern States has shown an increasing profitableness as our production and consumption of food products more nearly approached each other.

(5) But we no sooner enter upon these new and better conditions, when we are securing for farm labor and for capital invested in farms and farm property a more fair and just remuneration, than we find ourselves confronted by this measure, which will operate as a check against any further progress and will even deprive us of the advantage we have gained in the last few years by the upbuilding and extension of our home markets.

(6) For many years the population of the rural districts has been drifting into the cities because of the more remunerative occupations in the cities. The late increasing prosperity on the farms had checked this flow of population from the farm to the cities, land values had advanced, farms long since deserted were being rehabilitated, and an era of general prosperity seemed to be awaiting the farming population.

(7) By destroying, as this measure certainly does destroy, every hope of the farmer of the benefits of an increasing home demand and his ability to finally secure just compensation for his labor, we will again check our agricultural development and send hundreds of thousands of the sons and daughters of farmers to crowd the cities.

(8) For a number of years the northwestern farmers have received for their cereal products a price considerably in excess of what such products would bring for export purposes. The great markets of Minneapolis and Duluth have for several years ceased to be exporting markets for the principal kind of wheat raised in the States tributary to those markets.

(9) It is claimed by some of the supporters of this measure that, as we still export grain from some parts of the United States, our prices are governed and fixed by the foreign prices. This is not true to-day and has not been true for a number of years. The cost of transporting grain from Minneapolis to Liverpool, including insurance, commission, handling, etc., is about 15 cents per bushel. Allowing reasonable profit on capital and risk of business, we can export from Minneapolis to Liverpool only when the Liverpool prices are from 16 to 17 cents above Minneapolis prices.

The following are the average prices paid for No. 1 northern wheat in Minneapolis and Liverpool for the years 1908, 1909, and 1910, as reported by the Bureau of Statistics, Agricultural Department:

Years.	Minneapolis.	Liverpool.	Difference.
1908	$1.11	$1.25	$0.14
1909	1.20	1.29	.09
1910	1.14	1.14	0

If, therefore, we had been dependent upon Liverpool prices for our wheat, we would have received 3 cents per bushel less for it in 1908, 8 cents per bushel less in 1909, and 17 cents per bushel less in 1910. Computing these losses on the wheat crop of Minnesota and the two Dakotas for these three years, we have—

Years.	Total crop.	Loss per bushel.	Total loss.
	Bushels.	*Cents.*	
1908	174,847,000	3	$5,245,410
1909	232,430,000	8	18,594,400
1910	177,905,000	17	30,243,850
Total loss of 3 States for 3 years			54,083,660

(10) What is true of wheat is also true of flax and barley, and in most years is also true of oats. During the year 1910 the price of barley on the American side of the border line averaged about 30 cents a bushel above that on the Canadian side. During the same period the price of flax averaged about 25 cents a bushel higher on the American side than on the Canadian side. It is equally certain that our dairy products and hay will suffer diminution in price by reason of Canadian competition.

(11) The prices of our grains in the Minneapolis and Duluth markets, of the kind required for milling in this country, have risen above an export basis because of the great demand for such grain in this country. This same character of grain is raised at the present time in enormous quantites in the Provinces of Manitoba, Saskatchewan, and Alberta. These prices on the American side during the past few years have averaged about 10 cents per bushel on wheat higher than on the Canadian side. The prices for grain on the Canadian side are the Liverpool prices less cost of transportation, commissions, insurance, etc. It follows that the moment the tariff wall between this country and Canada is demolished the Canadian product will flow into this country until the prices of both are on a level with a general level of the world's prices.

(12) We are thus not only forced to surrender the advantage which we have been receiving, an advantage which accrued to us only when our home demand became about equal to our home supply, but we will be doomed to remain in that condition indefinitely.

(13) The evidence clearly establishes that in the three Provinces mentioned there could be raised sufficient wheat to meet the world's demand. The three Provinces of the Canadian northwest—Manitoba, Saskatchewan, and Alberta—are destined in a very few years to become the granary of the world. They have a combined tillable acreage, according to Government reports, capable of raising wheat, barley, flax, oats, and rye, of 213,826,240 acres. The average production of wheat in those Provinces is about 20 bushels per acre. The world's production of wheat is now about 3,000,000,000 bushels. Thus the enormous probabilities of this section at once become apparent.

It is not contended that all of this vast Canadian territory will in the near future be sown to wheat or other cereals. To do that would so oversupply the world's needs that the product would be scarcely worth the expense of hauling to market. What is contended is that the land with its virgin soil is there. Its possibility of production is there—right at our door. It must for many years produce an enormous surplus, which must seek its nearest profitable market. This surplus would flow into our markets whenever their demand might raise the price of our products above an export basis and immediately drive

these prices down to such an export basis. And therefore, though not a single bushel should be imported into this country, the fact that it is there, ready for importation whenever our prices would warrant, will keep these prices down to an export basis.

With these great possibilities, and with soil and climatic conditions which make that section peculiarly adapted to the raising of those cereals which come in competition with the products of the border States, it is certain that those cereals will be raised in that section so long as there is a world demand for them at prices that will allow even a meager profit in their production. And it is equally certain that under such conditions the prices on the American side, with free trade in such cereals, must always be on the level with the prices on the Canadian side, modified by only slight advantages on either side in certain localities by differences in transportation rates.

(14) Thus it will be seen that the farming public, which has supported the protective policy of this Government for over 40 years, has purchased all of its comforts and necessities on a high protective basis, and has, until within the past few years, been compelled to sell its products on a free-trade basis in competition with the entire world, will by this act be forced to yield the advantages it has earned in building up a home market at its own expense; will again be forced to compete not only with the markets of the whole world, but against what is destined to be the greatest wheat-raising section in the whole world, at its very doors, while at the same time it must still purchase on a protected market.

(15) Our farming population has for years patiently paid their assessments of tariff duties, which gave them only an indirect and somewhat uncertain benefit, with a hope and promise that with our growing population our home consumption would soon equal our production of food products and that they should then reap the full benefits of protection in an enhanced value of all their products; that their earning for their labor and capital employed would be placed on a plane of equality with like earning of labor and capital employed in the city; that they could then surround themselves with the comforts, conveniences, and opportunities of the city life. But just as this hope and promise were about to be realized and this assured and permanent prosperity is almost within their grasp the hope is dashed to the earth and the promise is broken by allowing their only great competitor free access to those home markets developed and purchased by their sacrifices.

(16) The great majority of the farms along the border States, and especially of those west of the Mississippi, have been sold and resold at prices which could only be justified on the assumption that the benefits we were receiving from a protected home market would continue. Heavy mortgages have been given for deferred payments, and to now destroy this expectation and depress and diminish the price of the products of the farm is an injustice against every purchaser of such land.

(17) This measure is subversive of the whole idea of protection, and if enacted into law will inevitably lead to the overthrow of that policy.

P. J. MCCUMBER.

Mr. WILLIAMS and Mr. HEYBURN addressed the Chair.

The VICE PRESIDENT. The Senator from Mississippi, the Chair understands, desires to submit some matter from the committee in connection with the report.

Mr. WILLIAMS. Mr. President, I shall not bore the Senate by having it read, but I wish to submit the views of the senior Senator from Missouri [Mr. STONE], the junior Senator from Indiana [Mr. KERN], and my own, favorable to the passage of Canadian reciprocity legislation. I ask that it be printed in the RECORD and as a document.

The VICE PRESIDENT. In connection with the other report. Without objection, that order will be entered.

The matter referred to is as follows:

VIEWS OF MESSRS. WILLIAMS, STONE, AND KERN.

(S. Rept. 63, pt. 2.)

Mr. WILLIAMS, for himself, Mr. STONE, and Mr. KERN, submitted the following views:

That some sort of reciprocal trade arrangement between us and our nearest neighbor, Canada, is better than none at all goes without saying; that the particular trade arrangement agreed upon is a good one is made evident by the fact that most of those who are trying to defeat it are trying to do it not directly, but indirectly by amendment.

I do not believe that I can better express the objections to the Root amendment, which has been grafted upon the bill by the committee, than by quoting a part of a speech made by the President of the United States at Orchestra Hall, Chicago, Ill., on June 3, 1911:

"Second, as to print paper. The Tariff Board has made a most exhaustive examination of the comparative cost of production of print paper in the United States and in Canada. Indeed, the report is so complete as to vindicate the judgment of those who proposed the use of a board for the purpose of determining the difference in the cost of articles at home and abroad with a view to assisting the Congress in a rational readjustment of the tariffs. This report shows that the mills best situated in the United States, with the best machinery, can manufacture print paper at a slightly less cost than the mills best situated in Canada; that the Canadian mills, on an average, have newer machinery than the American mills; that there are quite a number of American mills that use old machinery, and therefore do not conduct their business on economical lines; that the average cost of production in all the mills of the United States, including the poorest mills, is about $5 more a ton than the cost of production in Canada, with its newer mills, and that this $5 is just about the difference between the cost of pulp wood in the United States and the cost of pulp wood in Canada. It seems fairly reasonable to suppose, too, that the pulp wood, which only grows north of the forty-fifth degree of latitude, will be exhausted in the United States or remain in control of a few persons, because of the drain of the American mills.

"It is of the highest importance, therefore, not only to the consumers, but to the manufacturers of print paper, in order that they may secure their raw material at a reasonable price, to secure a letting down of the bars in Canada for the exportation of pulp wood. The Provinces of Canada have control over the Crown lands, in which nine-tenths of the pulp wood is grown, and they have imposed restrictions and export duties of various kinds upon the pulp wood in the Crown lands, in order to prevent the export of the wood except in the form of paper. The agreement provides that whenever the Canadian Provinces remove all restrictions upon the exportation of pulp wood, then Canada will permit American paper to come in free into Canada and the United States will permit Canadian paper to come in free into the United States. This exact agreement is not embodied in the bill as recommended to the House by the Ways and Means Committee and as passed by the House. Instead, in order to induce the Canadian Provinces, over whom the Dominion can exercise no control, to lift the restrictions upon the exportation of their pulp wood, it is provided that when the paper is made in Canada from wood grown on land not under export restrictions the paper may come into the United States free; and it is hoped that the difference of $5.75 between the duty on paper from restricted wood and no duty on paper made from unrestricted wood will induce the Provinces to lift their restrictions. It seems to me that this is treating the paper manufacturers of the United States fairly. It is a provision calculated to secure to them a source of supply where they can get their wood at $5 less a ton than in this country, with the disadvantage of a small competition of paper made in Canada from Canadian wood upon which there is no restriction. It is a provision looking far into the future, and which we all hope may create a condition of absolutely free trade in paper and its materials, a condition that some candid and sagacious paper manufacturers will admit is the best thing for the industry, as it certainly is for the consumers.

"In the first class comes what is known as the Root amendment. Mr. ROOT proposes an amendment to the bill as it came from the House embodying the exact terms of the reciprocity agreement with reference to paper and material—that is, a provision that when the restrictions on the exportation of pulp wood from Canada are removed by the Provinces so that pulp wood may come in free into the United States without the payment of an export duty, then there may be free trade between Canada and the United States in print paper. The pending bill provides, as I have already stated, that in order to induce the lifting of the restrictions which are now imposed by the Canadian Provinces on wood from Crown lands, which includes about nine-tenths of the Canadian wood, paper made in Canada from wood upon which there is no restriction in Canada may come in free. It is only fair to say, with reference to the Root amendment, that it is in exact accordance with the agreement. But it does not offer the inducement to the lifting of the Canadian restrictions which the present provision in the bill does. More than this, there are so many in favor of the provision in the bill as it passed the House that I fear that its adoption in the Senate might prove a tactical obstacle to the passage of the bill through both Houses."

Two things are perfectly evident to my mind: First, that with regard to print paper, wood pulp, and pulp wood there was no real agreement arrived at between the negotiators representing Canada and the United States. The obstacle lying in the way was what may be properly called the "state rights" of the Canadian Provinces. All that the Dominion Government of Canada could promise was to do whatsoever was in its power to do in order to induce the removal of restrictions upon exportations, so that the two Governments, without coming to any executable agreement—the two national minds not meeting upon any common ground within the power of the Canadian Government constitutionally to occupy—agreed upon a lot of "ifs" and "ands," as if one had said to the other: "If you will try to bring about this result, I will try to bring about that result."

The Canadian Government, in the bill now pending before the Canadian Parliament, uses the following language under the head of "Articles free of duty":

"Pulp of wood, mechanically ground; pulp of wood, chemical, bleached or unbleached; news-print paper and other paper, and paper board, manufactured from mechanical wood pulp or chemical wood pulp, or of which such pulp is the component material of chief value, colored in the pulp, or not colored, and valued at not more than 4 cents per pound, not including printed or decorated wall paper.

"*Provided*, That such wood pulp, paper, or board, being the products of the United States, shall only be admitted free of duty into Canada from the United States when such wood pulp, paper, or board, being the products of Canada, are admitted from all parts of Canada free of duty into the United States."

This proves Canada's good faith. She is trying to bring about the result that she promised. It is her part of the undertaking.

Our Government attempts to meet the situation by giving free entry as an inducement to the lifting of the Canadian restrictions by the Provinces. It seems to me to be evident that that is the only way in which the lifting of the restrictions upon exportations of the raw materials from Canada can be secured. Our manufacturers can not get their spruce from Canada on any other plan. It seems equally evident that the Root amendment will defeat the purposes of both Governments, although in language it pretends to strive to execute that purpose.

If print paper and wood pulp made out of wood in Provinces which have removed the restriction be permitted to come in free to us, while the duty remains upon print paper and wood pulp and pulp wood made out of Canadian wood in Provinces which have retained the restriction, then it is evident that it becomes to the immediate interest of the wood and wood pulp and paper people of Canada to bring to bear every inducement upon the Provinces not removing restrictions to get them to remove the restrictions, thus benefiting our consumers and our manufacturers of paper.

I am in favor of a majority of the amendments that were offered in committee and that will be offered upon the floor of the Senate if offered as original propositions, standing upon their own merits, but I am not in favor of them as amendments to this bill, because I think that their effect in all cases and their purpose in most cases is to defeat Canadian reciprocity, either by means of causing an adverse vote upon the proposition as thus amended in the Senate or by forcing a protectionist President to veto the bill as passed.

I regret that it was not found possible in our negotiations with Canada to remove the duty on dressed meat and flour going from each country into the other. I am willing to admit dressed meat and flour into the United States, not only from Canada, but from all the world, though I would much prefer that a slight revenue duty, not enough to interfere with possible importations, were levied.

I am in favor of the House farmers' free-list bill, with some immaterial amendments, but I am not in favor of it as an amendment to this bill, because I think the result of putting it on would be to defeat the bill, and I suspect, not discourteously, I hope, that the purpose in putting it on is to defeat the bill. I am not willing to run the risk of defeating two measures that I favor merely to escape criticism for not having voted to tack one of them as an amendment upon the other. My constituents have plenty of sense to understand the real situation and the shallowness, if not bad faith, of the criticism.

When I want two things, I want both, but if I can't have both, then I want the one I can get. Not only is it true that I would, as original propositions, favor most of the amendments offered, but I could easily

write down several hundred others that I would like to put upon the statute books, reducing the burden of tariff taxation upon the people. But I see no particular sense in refusing to shoot a rattlesnake because I can not at the same time shoot an anaconda. This is especially true if the anaconda is not within effective gun range.

JOHN SHARP WILLIAMS.

Substantially and in the main I agree with the above statement of Senator Williams's views.

WM. J. STONE.

I am for the Canadian reciprocity bill because it looks to freer trade and more intimate commercial relationship between this country and Canada. I am opposed to the Root amendment for the reasons so well stated by Senator WILLIAMS. I would be glad to support any of the proposed amendments which, in independent and additional sections, provide for reductions in tariff taxation if the reciprocity bill, with such amendments, could command enough votes to insure its passage. But, believing that the reciprocity bill will pass the Senate without the amendments, and would fail of passage with them, I can see but one course to be pursued by the friends of reciprocity, and that is to oppose all amendments which, if added, would likely defeat the measure.

The House of Representatives has passed a farmers' free-list bill, which is now before the Finance Committee of the Senate. It will take but little time for the consideration and passage of that measure, or one of similar import. I am entirely willing to support any measure, no matter by whom proposed, which looks to a reduction of the tariff burdens, but I am not willing to imperil the success of any one measure looking to the relief of the people by amalgamating it with another, when it is apparent that such amalgamation will defeat both. If Republican Senators who have proposed amendments to the reciprocity bill looking to tariff reduction are earnest and sincere in such action they will gladly join with the Democrats in the support of the reform measure already enacted by the House and now pending before the Finance Committee of this body.

JNO. W. KERN.

Mr. HEYBURN obtained the floor.

Mr. LA FOLLETTE. I ask the Senator from Idaho if he will yield to me to offer a minority report upon this bill?

Mr. HEYBURN. Is it to be read?

Mr. LA FOLLETTE. No; I do not ask to have it read.

Mr. HEYBURN. I rose for a kindred purpose; but I yield to the Senator.

Mr. LA FOLLETTE. I wish to file or to present my views adverse to the passage of the bill.

The VICE PRESIDENT. They will be printed in the RECORD and printed as a part of the document. All the reports will be printed as one document when they are all received.

The matter referred to is as follows:

VIEWS OF MR. LA FOLLETTE.

(S. Rept. 63, pt. 2.)

I herewith respectfully submit to the Senate the reasons which compel me to oppose House bill 4412 in its present form.

The pending measure is not a treaty. It is a revenue bill. That it is framed to give effect to a tentative agreement between this and the Canadian Governments in nowise changes its character. It is a tariff bill.

It is not framed upon any principle heretofore recognized in the history of the tariff legislation of this Government. It represents neither the principle of protection nor that of a tariff for revenue only. The only principle which may be fairly said to find consistent expression in this bill is the principle of free trade.

It is perfectly consistent for one who believes in free trade to support it.

I respectfully submit that no man who believes either in a tariff for revenue only or in a protective tariff can consistently give it his support.

In the belief that duties should represent the difference in the cost of production at home and abroad, with others I contended, when the Payne-Aldrich tariff bill was pending, for reductions in duties to that level in so far as the information then at hand furnished any safe criteria to determine rates upon that principle.

I shall continue to advocate tariff legislation based upon that principle.

I believe in reciprocity. I believe in reciprocity with Canada. The mutual give and take of tariff concessions between our country and our world neighbors, along the lines laid down by Blaine and McKinley, is a policy that has in view the best welfare of all concerned. The fair exchange of commercial privileges between the people of two great producing and consuming and interdependent nations must result in good for both.

But I protest against this proposed revision of our tariff by Executive mandate. I protest against this diplomatic bargain that is masquerading in the guise of reciprocity. It is not reciprocity. It is not a fair exchange of tariff advantages between our citizens and the citizens of Canada. It is a tariff trade, conceived in special-interest selfishness, negotiated in secret, and brought into the open with the attractive label of reciprocity as a bid for the favor of the American public—a people who believe sincerely in reciprocity that is genuine.

The injustice and the unfairness of this one-sided arrangement, when fully understood by all people who believe in justice and fair dealing, will meet with the resentment it merits. Reciprocity—true reciprocity—implies a fair exchange between those whose products are the subjects of the exchange. This compact, the ratification of which is demanded without change, without the exercise of a legislative judgment on the part of Congress, is, in plain English, an Executive bargain, the terms of which require the farmer to surrender his market at an enormous loss to secure valuable concessions to a few prosperous special interests. That is all. President Taft's Canadian pact will increase the profits of the railroads, the milling interests, and the Beef Trust.

The railroads, particularly the Hill line, has 15 or 20 branches extending far up into the wheat-producing sections of Canada. Mr. Hill is one of the strongest supporters of the President's pact. He hungers for the big tonnage to flow from Canadian wheat into a free American market. The effect of this competition on our farmers does not concern him. There will be no reduction in his international freight rates.

The milling interests approve of the President's pact. They want the cheaper wheat which will result from a Canadian glut of the northern American market. The millers are safe. Canadian flour can not come in free to compete with them. The farmer can take his cut in prices. The price of flour will not be affected.

The Beef Trust regards President Taft's Canadian deal as a good thing. It means free cattle and sheep for the packing houses. This strengthens the position of the trust and makes it easier to hold down prices for American cattle and sheep. The trifling reduction of duty on dressed meats will in nowise interfere with the firm control of the price of dressed meats by the packers. It will put from $12 to $18 in the pocket of the packer to remove the duty from the fat steer. It will cost the consumer whatever the packer pleases to charge for dressed meats under the President's pact.

Our great consuming public must still buy what it uses in a highly protected market. And the farmer, as a consumer, gets no compensating benefit in what he has to buy. He is asked to sell what he produces in a free-trade market and buy what he needs in a protected market.

If there is any justice at all in a protective tariff, it must be found in the impartial application of it to all industries. This proposed agreement does violence to that principle. It singles out the farmer and forces free trade upon him, but it confers even greater benefits upon a few of the great combinations sheltered behind the high rates found in the Payne-Aldrich tariff.

The American farmer, through years of patient toil, has given his support to protection to build up the manufacturing interests of the country. The protective tariff directly benefited his own industry to a far less degree than any other great interest in this country. Through all those years there was held out to him the promise that if he would pay the higher prices necessary to maintain a high wage scale for the men in the factories he would be compensated by the better market for his produce—the home market at his own door.

This home market has been at last developed. Now it is proposed that he shall divide this market with Canada. The injury to our agricultural interests that will result from such an arrangement will be appalling—not alone the tens of millions of dollars annually, great as that will be, but also in the incentive to apply to our lands the intensive cultivation and scientific management which alone will enable our business of tilling the soil to be successfully continued at all.

This agreement is not in the interest of the consumer. Relief from the high cost of living is not to be found in such a tariff compact as that represented in the pending bill. What avails it, for example, to bring the supply of Canadian wheat and cattle and sheep into our country free when we still must pay the same price for flour to our millers and the same price for dressed meats to our packers?

It is not necessary to wrong any class or do injustice to any interest in order to benefit the consumer. And it is scarcely less than criminal to make a scapegoat of the farmer for the benefit of any unlawful combination.

President Taft and the Congress had ample opportunity to benefit every consumer and substantially reduce the cost of living in every home by revising duties downward as promised when the Payne-Aldrich tariff bill was enacted—and that, too, without impairing the just measure of protection on any article of production in any industry.

The combined forces that stand between the American farmer and the full enjoyment of his own market—that home market he suffered so much to create—will continue to interpose between the consumer and the necessaries of life. Wheat is free; but there will be a tariff of 50 cents a barrel upon flour. Live stock is free; but there is provided a tariff of 1¼ cents a pound on fresh meats, bacon, hams, and dried or otherwise prepared meats, of 20 per cent on canned meats, canned poultry, and extract of meat. Flaxseed is free; but on its product, linseed oil, there is a tariff of 15 cents a gallon. Something far different from this arrangement, with regard to foodstuffs, is needed to reduce the cost of living.

No relief from the excessive cost of living will result from the changes in the tariff on the manufactures covered by this agreement. While Canada is our formidable competitor, actually and potentially, in agriculture, we have now such an overwhelming advantage that we need never fear that Canadian manufacturing will threaten our supremacy on this continent. If the statement of President Taft that the cost of production is substantially alike in the two countries is true as to manufactures, what possible hope is there for Canadian capital to build mills and compete with our great and established industries over a tariff wall? The facts do not warrant the contention that our consumers will be able to purchase manufactured articles any cheaper if this agreement passes.

It is not the farmer, it is not the consumer, for whom these negotiations were made. It was made to benefit the railroad, the miller, the packer, the newspaper publisher.

The newspaper publishers are promised a free market for print paper, for which they expend about $55,000,000 annually. No one who investigates the conditions under which the newspapers of this country have been compelled to purchase their supply of print paper can escape the conclusion that the publishers have been subjected to extortion. Prices have been arbitrarily fixed for them, and to keep their enterprises going they have been forced to submit to exactions unwarranted by conditions in the wood-pulp and paper-making industries—conditions rendered possible only because of the unlawful trust organizations of the paper manufacturers.

It is a matter of common knowledge that the newspaper publishers have had to accept whatever contracts the Print Paper Trust offered them to sign or be denied a paper supply with which to continue business. It is true the hearings of the committees of Congress contain many denials by paper manufacturers of the existence of this trust, but against these are the indictments, pleas of guilty, convictions, and fines, all of record, in more than 50 instances.

The conditions under which the publishers of newspapers are forced to conduct their business are intolerable. These conditions call for action which will afford immediate relief. It should be dealt with directly and not by indirection. The removal of this duty, in justice to the users of paper, should be the direct and deliberate action of Congress. It is our right and duty to fix the tariff on certain varieties of pulp and paper so as to best serve the interests of our country. All of the evidence sustains the contention for the immediate removal of the duty.

I am satisfied from the recent investigations made by the Tariff Board that, with the exception of wood pulp, we can manufacture paper on an even basis with Canadian manufacturers. Therefore, I believe we should, in accordance with the principle that the tariff should be based

on the difference between the cost of production here and abroad, remove the present duty from print paper. The proposed method of doing this, however, can not in justice be approved. However just the demands of the publishers to be relieved from the oppressive prices fixed by the paper makers' combination, it does not outweigh the gross injustice of this pact. It is the duty of Congress to put print paper on the free list. It is not the duty, nor should it be made the privilege, of the Executive to secure this concession from Canada at the expense of our agricultural interests.

Furthermore, this scheme of tariff revision is an invasion of the legislative branch of our Government by the Executive. Strip it of the enticing name that has been given to it and it is plain tariff revision. And as tariff revision it is even more iniquitous than the Payne-Aldrich revision. It is not scientific. It is not the product of the Tariff Board. It can not be defended even as an attempt to lower our excessive duties on a schedule-by-schedule plan. Why cut off the low duties on farm products that oppress nobody and leave untouched the flagrantly high and burdensome duties on trust-made necessities?

The history of this pact discloses the same sort of influences, the same secret conferences, the same consideration for powerful interests that characterized the framing of the Aldrich schedules. Beginning with personal conferences between the big beneficiaries and the administration, and coming before us now with all the pressure of administrative influence behind it, we are confronted with a situation not unlike that of two years ago in the Senate. Like that other revision, too, this is marked by the same trading and bartering that always has worked so much injustice upon the public. The influential interests, as always, were on hand. But not the farmer. The farmer had no voice in this agreement. He had no part in the changing of the schedules, though he is more seriously affected than all others. This is not the kind of tariff revision demanded by the American people. Downward revision mandates will not be satisfied by such administrative bargaining.

There are already indications that this pact, if ratified by Congress, will involve the United States in serious tariff and trade complications with other countries. It will place us in the dilemma of making similar diplomatic bargains with the great nations of the whole world. I refer to the "most-favored-nation" clause of commercial treaties and to the maximum and minimum provision of the Payne-Aldrich tariff law. Our Government has steadfastly and consistently pursued the policy in negotiating tariff treaties that when the "most-favored-nation" treatment is accorded to one country it is also, and as a matter of right, accorded to any other country that extends to us similar concessions. This traditional policy was complicated by the maximum and minimum provision of the Payne-Aldrich Tariff Act.

Now, if this new tariff arrangement with Canada is consummated, we shall be placed in the position of establishing a new set of minimum tariff rates, which, under our well-settled diplomatic policy and the maximum and minimum clause, would force the Department of State to enter into negotiations with any country that wished to receive the same treatment as Canada under the "most-favored-nation" clause. To refuse these demands would be to abandon our traditional policy, would precipitate international tariff complications, and may imperil our whole tariff structure. That there is real danger in this direction is indicated by the fact that the question has been raised in the British Parliament and the fact that there have been inquiries, understood to have come from Germany, as to the answer of the United States on the question of extending the rates provided in the Canadian agreement to the products of that country.

The gross injustice of the proposed bill impels me to oppose it. I recognize no canon of right and fair dealing that would permit me to support it in its present form. If, however, it is to be enacted into law, it should not pass without amendments in the interest of the great body of consumers, including the farmers, who are compelled to carry all the burden of the President's lopsided pact. If agriculture is to be legislated out of $60,000,000 to $70,000,000 to help Mr. Hill's railroad to larger dividends, the millers and the packers to larger profits, and the newspapers to free themselves from trust extortion, then we should avail ourselves of this opportunity to reduce in some reasonable measure the excessive tariff burden and the high prices which the farmers and other consumers are required to pay for all they buy.

This is a tariff measure. It is my conviction that until such time as scientific investigation shall enable us to adjust all schedules on the difference-in-cost principle there should be no effort spared whenever the subject of tariff revision is before Congress to reduce the notoriously excessive duties as a means of affording immediate, even though partial, relief to the consumer. So, in the present instance, we have the opportunity to reduce to a considerable extent the cost of living by revising downward a few of the most excessive schedules, such as manufactured wool, cotton, sugar, iron, and steel.

I purpose to offer amendments providing for a complete revision of the wool and cotton schedules of the present Payne-Aldrich tariff law, revision of the rates on structural iron and steel, and certain other paragraphs of that schedule; also amendments revising the sugar schedule. Such revision downward, while reducing our Government revenues less than $10,000,000 annually, will effect a reduction in the cost of living by lowering prices to the consuming public aggregating more than $200,000,000 a year.

I shall ask that all duties on manufactures of wool in Schedule K be placed squarely on an ad valorem basis, with an average reduction of 25 per cent. The character of Schedule K as to all manufactures of wool is well known to the public. Its fraudulent compensatory duties, its unfair discrimination against the carded-wool manufacturers in favor of the worsted-goods manufacturers, and its iniquitous discrimination against the poor man's cloth in favor of that of the rich man have all been exposed in detail. The ad valorem rates proposed in my amendments will wipe out completely the inequality that is found in the existing rates—rates that rise higher and higher as the value of the cloth declines, exceeding 200 per cent on the cheapest while dropping as low as 80 per cent on the most expensive cloths.

These amendments will not affect the woolgrower. They provide reasonably ample protection for all manufacturers of wool. The consumer is no longer left completely at the mercy of the manufacturer.

Like the wool tariff, the cotton tariff—Schedule I—lays its unreasonable burdens upon the backs of the great mass of people who can not afford the expensive cotton goods. It does this through the complex classifications providing enormous duties on certain articles and relatively insignificant duties on other articles. My amendments to this schedule contemplate an average reduction of 7 per cent ad valorem.

If adopted, they will, at a stroke, eliminate from this schedule the excesses and discriminations which cost the consuming public, and particularly that portion of it least able to pay the price, not less than $50,000,000 annually. In this amendment, however, as in the amendment to Schedule K, I have left a margin in favor of the manufacturer, pending the report of the Tariff Board, as a basis for further revision in accordance with the exact difference between the cost of production in this and competing countries.

Mr. HEYBURN. I desire to say it was understood that any member of the committee might file personal views, either singly or in connection with other members, when the measure was reported. I should like to reserve that right to myself, as a member of the committee. I am not yet really determined in regard to it.

Now, I desire to say something else. Inasmuch as the door has been opened a part of the way, in regard to the committee's work, it is well enough that it should be opened sufficiently so that there may be no false impressions in regard to it.

The vote on the resolution or motion which I had the honor to introduce—that this bill be reported adversely—resulted in a tie vote, and I do not desire it to appear that I favored either a favorable report or the report that has been made. I believe that it was the duty of the committee, if they could not agree, that they should do nothing. That is my idea.

Mr. DIXON. Will the Senator yield to me for a question?

Mr. HEYBURN. Yes.

Mr. DIXON. I should like to know how this committee viewed the bill. Three leading Democratic members of the committee have filed a report favoring its adoption. The Republican Senator from North Dakota [Mr. MCCUMBER] has just filed and had read a very argumentative discourse to show why it should not be adopted. As I understand it, the Senator from Idaho [Mr. HEYBURN], another Republican Member, is against the passage of the bill.

Mr. HEYBURN. I moved that it be reported adversely.

Mr. DIXON. Yes. How did the committee stand? Were the Republican members for the bill or the Democratic members for it?

Mr. HEYBURN. It stood 7 to 7 on the motion which I made that it be reported adversely.

Mr. DIXON. But how was the committee divided as to the Republican membership, which supposedly represents the policy of protection, and as to the Democratic membership, which supposedly leans toward free trade?

Mr. HEYBURN. I can not speak of any other member.

Mr. DIXON. I want to know what is the policy of the Republican Party as represented by the Finance Committee.

Mr. BAILEY. Which part of the Republican Party?

Mr. DIXON. Any part of it.

Mr. LODGE. I desire merely to say in reply to the Senator from Montana that I made the motion to report the bill favorably, and that motion was voted down in the committee by a vote of 8 to 6. That vote of 6 was composed of 3 Democrats and 3 Republicans.

Mr. DIXON. Is there any objection to stating to the Senate who they were?

Mr. LODGE. Three Democrats joined in the report. I have not the slightest objection to stating what has been already stated in every newspaper in the country, that the Senator from Pennsylvania [Mr. PENROSE], the Senator from Illinois [Mr. CULLOM] and myself were the three Republicans who helped compose the six who were defeated on that motion. Some Senators have filed individual minority reports. The Senator from Mississippi [Mr. WILLIAMS] has filed an individual report in favor of the bill. Those Republicans who voted for a favorable report will, in their own time and method, say what they have to say in defense of their position. They did not think it necessary to file their views in the form of a report. The chairman of the committee was, of course, debarred from doing that because the action of the committee bound him, and the action of the committee was that he should report the bill without recommendation. He had no right, therefore, to make a report.

Mr. DIXON. The Senator from Massachusetts, as I understand it, then——

The VICE PRESIDENT. Does the Senator from Idaho yield further?

Mr. HEYBURN. I will yield to the Senator from Montana [Mr. DIXON], inasmuch as he had the floor.

Mr. DIXON. Then Mississippi and Massachusetts and Pennsylvania struck hands in reporting the bill favorably to the Senate.

Mr. BAILEY. And left Montana out.

Mr. DIXON. And Montana is out.

Mr. PENROSE. I presume the resolution of the Legislature of Montana in favor of reciprocity had weight with some of the Republican members of the committee.

Mr. GALLINGER. Mr. President——

Mr. HEYBURN. I yield to the Senator from New Hampshire.

Mr. DIXON. If the Senator from Pennsylvania [Mr. PENROSE] wants a history of the Montana Legislature, I will give it to him.

Mr. GALLINGER. Mr. President, in the hope that what I say may comfort my friend from Montana [Mr. DIXON], I wish to say to him that I always am a consistent protectionist.

Mr. DIXON. I am glad to hear that.

Mr. GALLINGER. I opposed the bill to the best of my ability in committee, and I shall vote against it here. The Senator from Montana will recall that in the last Congress, with a pressure that was almost unprecedented, particularly from Massachusetts, I voted with the western Senators to keep the duty on hides, and I believe now that duty ought never to have been taken from hides.

Mr. OVERMAN. That is because the Senator believes that it is opposed to the theory of protection.

Mr. GALLINGER. I believe it is, if I understood the Senator correctly. The Democratic leader in the House of Representatives has somewhat openly declared that this takes out the foundation stone from the doctrine of protection; that they have started on a movement that will absolutely destroy protection in the country. I believe that to be the fact, and I think the Senator is cooperating to bring that about.

Mr. HEYBURN. Mr. President——

Mr. OVERMAN. And that is the reason the Senator from New Hampshire is opposed to it.

The VICE PRESIDENT. The Senator from Idaho [Mr. HEYBURN] has the floor.

Mr. HEYBURN. Mr. President, I think the Member referred to by the Senator from New Hampshire is a prophet, subject to the condition that there are enough Republicans in this country to defeat the destruction of the temple. That is the condition that will prevent it. I made no reference to any party organization. I spoke of Republicans, and it is the Republicans that vote, and not the organization.

Mr. President, my only purpose in retaining the floor was that I might make this statement. When the press sent out an account of the proceedings had in committee with reference to this bill after the hearings had closed, it made no proper or truthful statement as to the vote on the question of an adverse report—accidental probably—but they seemed to think that the country was not at all interested in knowing that the committee voted seven to seven on a direct motion to report the bill adversely.

Mr. CURTIS. Mr. President, it was my intention to submit some remarks upon this agreement during the afternoon, but I understand there is to be a caucus. So I desire to give notice that to-morrow I shall submit some remarks on the bill.

Mr. BAILEY. Mr. President, as I intend at an early day to address the Senate in opposition to this measure, I have not deemed it necessary to file any views upon it, and I shall not now detain the Senate longer than to say that I can demonstrate, and I shall demonstrate on the floor of the Senate, that in respect to its principal items this bill affords the manufacturers a larger protection than does the existing law. I shall not attempt that demonstration by an elaborate argument to which Senators may make a reply, but by a simple process of addition and subtraction I can make it plain to the people of this country that this treaty lodges a large per cent of what it takes from the Government in the pockets of the manufacturer, while it passes a small remnant over to the consumer. If I can make that demonstration, I shall have no difficulty in satisfying my Democratic constituents, and, what is more important to me, I shall have no difficulty in satisfying my Democratic conscience for my opposition to the bill.

Mr. CLARK of Wyoming. Mr. President, not by way of confession nor by way of avoidance, I will say that I may or may not before this bill is placed upon its final passage submit my views. More than likely I shall not except by my vote. That has been my course in the Senate almost without deviation for many years, because I have felt that each Member of the Senate could well form his own views from his own investigation and is not often moved, although sometimes probably he is persuaded, by the arguments and investigation of others.

So far as this report is concerned, as a member of the committee I have no desire to file my individual views. As a member of the committee I thought the Senate was entitled to the considerate and mature judgment of that committee on the merits of the proposition that was presented to it. Upon the motion of the Senator from Idaho [Mr. HEYBURN] that the bill be reported unfavorably to the Senate I voted "yea"; upon the motion, which I think was offered by the Senator from Massachusetts [Mr. LODGE], that the bill be favorably reported to the Senate, I voted "nay"; upon the motion that was subsequently made, that the bill be reported to the Senate without recommendation, I voted "nay," because I believed that up to that time the committee had not discussed the matter sufficiently after the evidence had been in, so that we were justified in depriving the Senate of the results of our mature deliberations if they should be of any value.

Mr. President, I have not changed by opinion since that vote was had in the committee. Whether or not I shall change it in the future, depends upon the investigation which I myself shall make. All my inclinations will be against changing the view, because I have believed as I have scanned this bill that it is a direct blow at the Republican doctrine of a protective tariff. I hope that the deliberations of the Senate will result in a wise conclusion. That conclusion I shall not challenge when it is registered, but I shall hope that the conclusion reached by the Senate will coincide with the view that I now hold.

Mr. CULLOM. Mr. President, I do not propose to make any statement to-day further than that I am in favor of the bill and shall so vote, unless I become converted before the discussion is over and convinced that I was in the wrong.

I rise now to state that it has been suggested that there is to be a caucus this afternoon, and I move that the Senate adjourn until 12 o'clock to-morrow.

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois withdraw his motion?

Mr. CULLOM. I do, for the present.

Mr. GORE. Mr. President, I wish to say that I would not offer, and I shall not favor, any amendment to the Canadian agreement that would probably effect its defeat or imperil its final passage. I shall vote for that measure, no matter what form it may assume, if it reduces a single duty on a single article, and I will not aid in tying any sinkers upon that agreement.

I shall, Mr. President, however, propose an amendment to place the following articles on the free list: Flour, meal, dressed meats, packing-house products, and farming implements, the product of Canada when imported into the United States from the Dominion of Canada. This amendment is in harmony with the spirit of the agreement and is not at war with its motive or its object. If we treat the Canadians better than they ask, if we treat the Canadians better than they expect, that can constitute no ground of complaint. An amendment which will treat the American consumer better than the pending measure would constitute no complaint on the part of our own citizenship. I offer the amendment which I send to the desk and ask that it be printed and lie upon the table.

I wish merely to add, Mr. President, that I shall be governed by circumstances in pressing the amendment upon the consideration of the Senate. If I find the amendment can be adopted, and that the measure so amended can pass the Senate, I shall then invite its consideration by this body; but if the adoption of this amendment would imperil the passage of the bill, I shall not press the amendment and I would not support the amendment.

The VICE PRESIDENT. The amendment proposed to be offered by the Senator from Oklahoma will be printed and lie upon the table.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. REED. Mr. President, a number of Senators have expressed the desire to have the opportunity to examine the question which was discussed this afternoon as to the right of the President of the Senate to cast the deciding vote on the amendment offered to the proposition to amend the Constitution. I want to say now that when I made the suggestion on yesterday that I doubted the right of the President of the Senate to vote on that question, I said then, and repeat now, that it is a matter upon which I have arrived at no final conclusion, but I thought it a question of such gravity as to merit consideration, and to the end that we may all have the opportunity to give it full and fair examination, not only because of its importance with reference to the matter which I may say is yet pending, but with reference to future business of the Senate, I desire to move at this time a reconsideration of the vote taken on the joint resolution proposing an amendment to the Constitution, and also a reconsideration of the vote taken upon the amendment offered by the Senator from Kansas [Mr. BRISTOW].

The VICE PRESIDENT. The Chair can not recognize the Senator from Missouri to make the second motion. He can recognize him to make the first motion, but the Senator from Missouri voted against the second proposition.

Mr. REED. Very well.

The VICE PRESIDENT. The Senator from Missouri moves to reconsider the vote by which House joint resolution 39 was passed on yesterday.

Mr. LODGE. Mr. President, I take it the Senator from Missouri does not expect action on that motion immediately.

Mr. REED. No, sir; I was about to ask—and I am glad to have the matter settled, Mr. President, as to my right—I was about to ask to have this matter lie upon the table, and I will say now to Senators, some of whom desire to leave the city, that I shall not call it up this week.

The VICE PRESIDENT. May the Chair call the attention of the Senator from Missouri to the fact that such a motion, when a bill or joint resolution has passed out of the consideration of the Senate, as in this case, must be accompanied by a motion requesting the other House to return the bill or joint resolution, and the latter motion must be acted upon at once under clause 2 of Rule XIII?

Mr. REED. I was not aware of that rule. My attention had not been called to it.

The VICE PRESIDENT. May the Chair read it to the Senator?

Mr. REED. I shall be glad to hear it.

The VICE PRESIDENT. The rule reads:

When a bill, resolution, report, amendment, order, or message, upon which a vote has been taken, shall have gone out of the possession of the Senate and been communicated to the House of Representatives, the motion to reconsider shall be accompanied by a motion to request the House to return the same; which last motion shall be acted upon immediately and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider.

Mr. REED. Mr. President, I am very much in earnest about the desire to have this question settled right. I intend, so far as I am able, to examine the proposition, and if I conclude that the point is not well taken, to say so in this body. I now ask unanimous consent for the adoption of a motion to recall the joint resolution from the House of Representatives. I fear I have not put it in proper form.

The VICE PRESIDENT. As the Chair understands, then, the Senator from Missouri moves to reconsider the vote by which the joint resolution was passed and to request of the House of Representatives a return of the joint resolution.

Mr. REED. That is exactly it. I do not have the rules before me.

The VICE PRESIDENT. And upon the latter motion the Senator from Missouri asks unanimous consent that the request be agreed to. Is there objection?

Mr. DIXON. Mr. President, I object.

The VICE PRESIDENT. Objection is made. The question, then, is on agreeing to the motion to ask the House of Representatives to return to the Senate the joint resolution.

Mr. DIXON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], and therefore withhold my vote.

Mr. BACON (when Mr. FRYE's name was called). I have a general pair with the Senator from Maine [Mr. FRYE]. I have already voted. I have done so because I have arranged to transfer my pair with the Senator from Maine to my colleague the Senator from Georgia [Mr. TERRELL], so that the Senator from Maine will stand paired with the Senator from Georgia.

Mr. GUGGENHEIM (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER]. As he is not present, I will withhold my vote.

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. He being absent, I will withhold my vote.

Mr. LODGE (when Mr. ROOT's name was called). The Senator from New York [Mr. ROOT] is unavoidably absent. He is paired with the Senator from Nevada [Mr. NEWLANDS], and that pair will stand for the afternoon.

Mr. WARREN (when his name was called). I have a standing pair with the senior Senator from Louisiana [Mr. FOSTER]. I do not know how that Senator would vote if present, and I therefore withhold my vote.

The roll call was concluded.

Mr. BRADLEY (after having voted in the negative). I find that the Senator from Tennessee [Mr. TAYLOR], with whom I have a general pair, is not present. I therefore withdraw my vote.

Mr. GALLINGER (after having voted in the affirmative). I voted inadvertently. I have a pair with the Senator from Arkansas [Mr. DAVIS], and I therefore withdraw my vote.

Mr. CHAMBERLAIN (after having voted in the affirmative). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER], and I desire to withdraw my vote.

Mr. DILLINGHAM. I transfer my pair with the senior Senator from South Carolina [Mr. TILLMAN] to the junior Senator from Massachusetts [Mr. CRANE] and vote. I vote "yea."

Mr. O'GORMAN (after having voted in the affirmative). I voted inadvertently in the absence of the Senator from Rhode Island [Mr. LIPPITT], with whom I am paired. If the Senator from Rhode Island were present, he would vote "nay," and I should vote "yea." As he is absent, I withdraw my vote.

Mr. MYERS. I am paired with the Senator from Connecticut [Mr. McLEAN], but I transfer that pair to the Senator from Maryland [Mr. SMITH] and vote. I vote "yea."

Mr. JONES. My colleague [Mr. POINDEXTER] is unavoidably detained from the Chamber. I do not know how he would vote if present.

Mr. JOHNSTON of Alabama. I desire to announce that the junior Senator from South Carolina [Mr. SMITH] is paired with the junior Senator from Delaware [Mr. RICHARDSON].

Mr. NEWLANDS. I am paired with the Senator from New York [Mr. ROOT]. I transfer that pair to the Senator from Oklahoma [Mr. OWEN] and vote. I vote "yea."

The result was announced—yeas 33, nays 33, as follows:

YEAS—33.

Bacon	Heyburn	Myers	Smoot
Bailey	Hitchcock	Newlands	Stone
Bankhead	Johnson, Me.	Overman	Swanson
Bryan	Johnston, Ala.	Page	Thornton
Chilton	Kern	Pomerene	Watson
Culberson	Lea	Rayner	Williams
Dillingham	Lodge	Reed	
Fletcher	Martin, Va.	Shively	
Gore	Martine, N. J.	Simmons	

NAYS—33.

Borah	Clark, Wyo.	Gronna	Smith, Mich.
Bourne	Clarke, Ark.	Jones	Stephenson
Brandegee	Crawford	Kenyon	Sutherland
Briggs	Cullom	La Follette	Townsend
Bristow	Cummins	Lorimer	Wetmore
Brown	Curtis	Nelson	Works.
Burnham	Dixon	Nixon	
Burton	du Pont	Penrose	
Clapp	Gamble	Perkins	

NOT VOTING—25.

Bradley	Guggenheim	Paynter	Taylor
Chamberlain	Lippitt	Percy	Terrell
Crane	McCumber	Poindexter	Tillman
Davis	McLean	Richardson	Warren
Foster	O'Gorman	Root	
Frye	Oliver	Smith, Md.	
Gallinger	Owen	Smith, S. C.	

The VICE PRESIDENT. On the motion to recall the joint resolution from the House of Representatives the yeas are 33 and the nays are 33. The motion is lost.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GUGGENHEIM:

A bill (S. 2733) for the relief of the estate of Almon P. Frederick; to the Committee on Claims.

By Mr. BRADLEY:

A bill (S. 2734) granting an increase of pension to Alexander H. Farmer; to the Committee on Pensions.

By Mr. PAYNTER:

A bill (S. 2735) granting a pension to Henderson Ramey; to the Committee on Pensions.

By Mr. BOURNE:

A bill (S. 2736) granting an increase of pension to Edward D. Hagen (with accompanying papers); to the Committee on Pensions.

By Mr. LORIMER:

A bill (S. 2737) to amend the military record of Patrick McGough (with accompanying paper); to the Committee on Military Affairs.

A bill (S. 2738) granting an increase of pension to Thomas Penwarden;

A bill (S. 2739) granting an increase of pension to Edward S. Clithero;

A bill (S. 2740) granting an increase of pension to Mary J. Forbes;

A bill (S. 2741) granting an increase of pension to Maria Raum;

A bill (S. 2742) granting an increase of pension to Henry Kirk (with accompanying papers);

A bill (S. 2743) granting an increase of pension to J. W. Gladson (with accompanying papers);

A bill (S. 2744) granting an increase of pension to Joseph W. Eystra (with accompanying papers);

A bill (S. 2745) granting an increase of pension to William J. King (with accompanying papers); and

A bill (S. 2746) granting an increase of pension to Stiles H. Wirts (with accompanying papers); to the Committee on Pensions.

By Mr. CLARKE of Arkansas (for Mr. PERCY):

A bill (S. 2747) for the establishment of a drainage fund and the construction of works for the reclamation of swamp and overflowed lands; to the Committee on Agriculture and Forestry.

By Mr. GALLINGER:

A bill (S. 2748) for the relief of Clara Dougherty, Ernest Kubel, and Josephine Taylor, owners of lot No. 13; of Ernest Kubel, owner of lot No. 41; and of Mary Meder, owner of the south 17.10 feet front by the full depth thereof of lot No. 14, all of said property in square No. 724, in Washington, D. C., with regard to assessment and payment for damages on account of change of grade due to the construction of Union Station, in said District (with accompanying paper); to the Committee on the District of Columbia.

By Mr. LODGE:

A bill (S. 2749) authorizing the State Department to deliver to certain persons gifts from the governments of foreign States; to the Committee on Foreign Relations.

By Mr. SUTHERLAND:

A bill (S. 2750) to amend sections 90, 99, 105, and 186 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. STONE:

A joint resolution (S. J. Res. 35) in reference to the employment of enlisted men in competition with local civilians; to the Committee on Education and Labor.

ADJOURNMENT.

Mr. CULLOM. I move that the Senate adjourn until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 5 o'clock and 3 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 14, 1911, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 13, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite Spirit, Father of all souls, whose wisdom, power, and goodness are everywhere apparent, upholding, sustaining, guiding the works of Thy hands, a potent factor in shaping and guiding the destiny of men and of nations, help us to put ourselves in rapport with Thee, that we may become instruments in furthering Thy plans, that Thy kingdom may come and Thy will be done on earth as it is in heaven. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed, with amendment, joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

H. J. Res. 39. Joint resolution proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2355. An act extending the time for payment of balance due on purchase price of a certain tract of land.

Mr. BARTLETT. Mr. Speaker, a point of order.

The SPEAKER. The gentleman from Georgia will state his point of order.

Mr. BARTLETT. My point of order, Mr. Speaker, is whether the House can receive a message from the Senate when the Senate is not in session and will not be in session until 2 o'clock.

The SPEAKER. Does the gentleman desire to be heard on his point of order?

Mr. BARTLETT. No, sir.

The SPEAKER. It has been ruled both ways.

Mr. BARTLETT. I have no doubt the Chair is familiar with it, and I am content to make the point.

The SPEAKER. The Chair is suggesting to the gentleman that the rulings have been both ways.

Mr. BARTLETT. I am aware of that. I make the point of order that the Senate is not now in session, and that a message can not be received by one House from the other when the House purporting to send the message is not in session.

Mr. MANN. Mr. Speaker——

The SPEAKER. Does the gentleman from Georgia yield to the gentleman from Illinois?

Mr. BARTLETT. I have finished what I wished to say. I merely make the point.

Mr. MANN. As the Chair has suggested, the former rulings were that neither House could receive a message from the other while the House sending the message was not in session; that the House could not receive a message from the Senate unless the Senate was in session; but the uniform practice of both Houses for many years has been to receive messages, regardless of whether the House that sent the message was in session at the time or not. It seems to me that uniform practice has acquired the force and dignity of a rule and a ruling on the subject.

Mr. BARTLETT. Mr. Speaker, my recollection of the rule, which I have not before me, is that that is true, where no point of order is made upon it, and where the rule is not invoked; but that it has been uniformly held, when the point of order has been made, or the attention of the Chair has been called to the fact from the floor, that the message could not be received. Of course any rule, by unanimous consent or acquiescence, may not be enforced.

The SPEAKER. The Chair would like to make an inquiry of the gentleman from Georgia to help clear up the situation. What is the reason why the House should not receive a message from the Senate when the Senate happens not to be in session more than at any other time?

Mr. BARTLETT. Mr. Speaker, it contemplates that each House is to convey the information to the other House while it is in session. If you can say that one House may adjourn for three hours or four hours, then you may say it may adjourn for three days and convey its messages to the other while not in session. It is not a matter of time; it is a matter of the observance of the rule.

Mr. NORRIS. Will the gentleman yield there?

Mr. BARTLETT. Yes.

Mr. NORRIS. I should like to ask the gentleman how the Speaker of the House would have official notice that the Senate was not in session at the particular moment when the message was received here?

Mr. BARTLETT. That being the rule, it is presumed that the House from which the message is conveyed is in session, and when a message is received in either House, the presiding officer of that House will presume that the other House is in session; but the Journal of the Senate and the RECORD of both Houses inform the Speaker that the Senate is not now in session, and that it will not be until 2 o'clock to-day.

Mr. MANN. If the gentleman will yield, we have not the Journal of the Senate before us.

Mr. BARTLETT. We have the RECORD.

Mr. MANN. We have the CONGRESSIONAL RECORD, but the gentleman would not claim that a statement in the CONGRESSIONAL RECORD was binding in reference to the matter at all. That is not the Journal.

Mr. BARTLETT. Yes; but the Speaker is informed that the Senate is not in session.

Mr. MANN. Informed by the gentleman from Georgia.

Mr. NORRIS. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman from Georgia yield to the gentleman from Nebraska?

Mr. BARTLETT. Certainly.

Mr. NORRIS. Suppose the message was brought in at 2.30, what right would the Speaker have to assume that the Senate was still in session because it was in session at 2 o'clock? Or, suppose it was brought in at 6 o'clock, there being no regular hour for the Senate to adjourn.

Mr. BARTLETT. Answering the question of the gentleman from Nebraska, the law presumes that both Houses of Congress will, through their public officials, perform the duty and will follow the law and the rules of the Senate and the House. That may be in some instances a violent presumption, but it is a presumption that will apply to the officials of Congress as well as to other public officers.

Mr. NORRIS. Last night, I believe, the Senate did not adjourn until after 9 o'clock. The House was in session at 12 o'clock. It had adjourned the day before to meet at 12 o'clock. Suppose a message had been brought into the Senate at 9

o'clock p. m. from the House, what information would the Senate have that the House was not still in session?

Mr. BARTLETT. The presumption——

Mr. NORRIS. Would the presumption prevail that the House continued in session until the contrary appeared?

Mr. BARTLETT. There is a presumption that the officers of the House—the Clerk who conveys the message of the House to the Senate, or the Secretary of the Senate, who conveys the message of the Senate to the House—will conform to the rules and do their duty in accordance with the rules and in accordance with the law; but when the attention of the Chair is directed to the fact that the House from which the message comes is not in session, that presumption is overcome by proof, and when that is admitted, then the rule can be enforced.

Mr. HULL rose.

The SPEAKER. Does the gentleman from Georgia yield to the gentleman from Tennessee?

Mr. BARTLETT. Yes.

Mr. HULL. Mr. Speaker, I would like to ask the gentleman from Georgia a question to ascertain the effect of his point. He says the Speaker would presume that the Senate was in session.

Mr. BARTLETT. I said that the Speaker would presume that the officials of the Senate performed their duty in accordance with the law and the rules.

Mr. HULL. Suppose the House should receive a message from the Senate under these circumstances in the absence of official notice that the Senate is in session, and afterwards the presumption should be rebutted and overcome, showing that the message was received when the Senate was not in session. What would be the effect on the official action of the House on the message it had received?

Mr. BARTLETT. The same effect that is given to our action in the House or in the Senate, where certain things are permitted to be done by unanimous consent.

Mr. HULL. The gentleman's position is that that would not vitiate the action of the House upon the message received by the Senate without official notice that it was or was not in session.

Mr. BARTLETT. Yes; unless it appeared that the Senate had adjourned for more than three days.

Mr. LONGWORTH. Will the gentleman yield?

Mr. BARTLETT. I will yield to the gentleman from Ohio.

Mr. LONGWORTH. In order to get the exact point the gentleman is making, I would like to ask him this question: Suppose the Senate had met at 12 o'clock, and 5 minutes thereafter had recessed until 2 o'clock; and suppose the gentleman had been in the Senate at that time, and informed the House that the Senate had in effect recessed until 2 o'clock. Would he make the point of order that the message could not be received?

Mr. BARTLETT. I do not think that a recess is equivalent to adjournment. The Senate would be tentatively in session. A mere recess is not equivalent to an adjournment.

Mr. LONGWORTH. But the Senate would not be in session.

Mr. BARTLETT. Yes; it would be in recess, though.

Mr. MANN. Mr. Speaker, the gentleman has made a point of order that the House can not receive a message from the Senate, after the message has been received and the papers have been transmitted to and are in the hands of the House. If the gentleman's point of order should be sustained, holding that the House can not receive a message which it has received, what becomes of the original papers?

Mr. BARTLETT. The original papers, I apprehend, would go back to the Senate and be properly transmitted.

Mr. MANN. The Clerk of the House is in possession of the papers. He can not put the papers out of his hands without authority from the House.

Mr. BARTLETT. As soon as the message was read and before the papers passed out of the hands of the messenger, I was on my feet and made the point of order.

Mr. MANN. But, Mr. Speaker, I think the gentleman should have made his point of order before the message was read, because the message is received by the House, and the papers are received by the House. The only copy that is in existence of the original papers is now in the possession of the House. The House can not throw them in the wastebasket as it can an original bill.

Mr. BARTLETT. Mr. Speaker, time and time again we have papers which have been received and placed in the hands of the officers of this House and of the Senate, which have been returned by resolution.

Mr. MANN. Oh, yes.

Mr. BARTLETT. Let me get through. Now, the effect of this is, if the Speaker sustains the point of order, to have a motion made to return the papers to the Senate, with instructions that they were presented to the House while the Senate was not in session, and I apprehend upon the Senate being informed of that state of affairs, the Senate would transmit them in order and according to the rules. I am content that my friend, who is sometimes technical, always fair——

Mr. MANN. Oh, I think it is the gentleman from Georgia who is technical this morning.

Mr. BARTLETT. I am in this particular; I do not deny it; and the gentleman from Illinois has taught me many things about being technical about matters here; and we all will give him the credit of being a past master on the subject of technicality. Now, I am content if that is the position the gentleman occupies—that I was not active enough in presenting an objection—which shows that the gentleman from Illinois is of the opinion that in order to avoid the enforcement of the rule you will have to be lively hereafter.

Mr. ALLEN. Mr. Speaker, will the gentleman from Georgia yield?

The SPEAKER. Does the gentleman from Georgia yield to the gentleman from Ohio?

Mr. BARTLETT. Certainly.

Mr. ALLEN. Mr. Speaker, I would like to ask the gentleman a question. Suppose the Senate, being in session, sent its Secretary over with its message, and when he is halfway across the hall the Senate adjourns, so that by the time he delivers his message in the House the Senate shall not be in session. What would the gentleman say in a case of that kind?

Mr. BARTLETT. Mr. Speaker, I would say that if that fact were brought to the attention of the officer, he ought not to present the message; and if it be brought to the attention of the House, the House ought not to receive it. That is what I would say.

Mr. MANN. Mr. Speaker, the gentleman from Georgia makes a highly technical point of order. While I think the Speaker is justified or would be justified in overruling the point of order, even if it were made at the proper time, it is the universal rule that when a man appeals to a technicality he must observe the technicalities himself.

What is the point of order? That a message after it has been received can not be received. But, Mr. Speaker, it has been received. If the gentleman wanted to make a point of order that we could not receive a message from the Senate at this time, he should have made the point of order when the Speaker announced that the House would receive a message from the Senate and before the message was received. The message has been received. The House is in possession physically of the only papers that are in existence on this subject, and the House can not get rid of its possession without passing some kind of resolution and sending them back to the Senate. If the point of order be sustained, I suppose there will be offered a resolution, "*Resolved*, That the papers so-and-so be returned to the Senate because the House did not know enough to receive them at the proper time." We have the possession of the papers. That is not all. We want the possession of the papers so that we can act upon them.

Mr. CLAYTON. Mr. Speaker, has the Chair any doubt about what the correct ruling in this case is or what he ought to decide?

The SPEAKER. The Chair has no doubt about how he is going to rule. [Laughter.]

Mr. CLAYTON. Mr. Speaker, I asked that question for the purpose of saying that I have no doubt that the Chair entertains the same opinion that the gentleman from Illinois [Mr. MANN] does and the gentleman from Tennessee [Mr. HULL] does, and that I think about nine-tenths of the membership of this House entertain on this question.

The SPEAKER. The situation about the parliamentary rulings on this point is as follows: Jefferson's Manual declares that both Houses have to be sitting in order that one may receive a message from the other. Speaker Crisp overruled that proposition. Speaker Reed subsequently sustained it. The reason in the matter is with Speaker Crisp's ruling; otherwise it would compel the Speaker, or whoever happened to be occupying the chair, to convert himself into a committee of inquiry every time a message came over here to see whether the Senate was actually in session. In addition to this, during my 17 years' service here I have never once heard the point raised. Messages from the Senate have been uniformly received and no questions asked as to whether the Senate was in session. Usage has made it a rule to receive Senate messages when presented to the House. The Chair therefore overrules the point of order made by the gentleman from Georgia.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Illinois will state it.

Mr. MANN. Is it in order at this time to move to agree to the Senate amendment?

The SPEAKER. That motion will be in order when the Chair lays this motion before the House.

Mr. MANN. Will the Chair lay the message before the House?

The SPEAKER. The Chair has not yet; no.

Mr. RUCKER of Missouri. Mr. Speaker, I hope the Chair will not lay it before the House at this particular moment.

The SPEAKER. The Chair did not understand the gentleman's remark.

Mr. RUCKER of Missouri. I said I hoped the Chair will not lay the message before the House at this particular moment.

Mr. UNDERWOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11019, a bill to reduce the duties on wool and manufactures of wool.

Mr. HARDY. Mr. Speaker, I would ask the gentleman from Alabama to withhold that motion until I make a request for unanimous consent. I would like to ask unanimous consent of the House——

Mr. UNDERWOOD. I will withhold my motion for that purpose.

PRINTING AND BINDING—COMMITTEE ON EXPENDITURES IN THE NAVY DEPARTMENT.

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 203.

Resolved, That the Committee on Expenditures in the Navy Department be authorized to have such printing and binding done as shall be necessary for the transaction of its business during the Sixty-second Congress.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman why that is not reported by the Committee on Printing, so as to come before the House in a regular manner?

Mr. HARDY. I will state to the gentleman from Illinois I understood the other day his position in this matter, but I thought, upon a brief statement, that he would see that it would be merely a consumption of time to refer this to the Committee on Printing. The other Committees on Expenditures on the different departments have asked and received unanimous consent for the passage of a similar resolution. We were not sure our committee would at this term take such testimony as would call for any printing and we did not ask for such action of the House until we saw that we were going to take some testimony. It is simply the same resolution that has been adopted in reference to every one of these Expenditure Committees except this committee.

Mr. MANN. Yes; but a part of these resolutions were adopted on report of the Committee on Printing. I take it, from reading the printed bill form, that it was referred to the Committee on Printing. Why does not the Committee on Printing report it?

Mr. HARDY. I will state to the gentleman that the bill was introduced by me on a blank form, with the intention of calling it up yesterday. The form had Mr. ASHBROOK'S name on it, and while I sent to the desk and inquired for my resolution to get it back, forgetting that it had Mr. ASHBROOK'S name on it, I failed to find it and supposed it had been mislaid. However, it was referred as a resolution offered by Mr. ASHBROOK. In reality Mr. ASHBROOK introduced no resolution, and so I introduced this resolution this morning.

Mr. MANN. I understood the Speaker to state the other day—and I have no criticism if the Speaker so stated and has changed his position, and I wish to be informed if I misunderstood the Speaker—that he would not recognize these resolutions for unanimous consent any longer.

The SPEAKER. The gentleman from Illinois is entirely correct; but this was merely a matter about printing, and the chairman of the committee not being here, or any member, I told the gentleman I would recognize him; but the Chair desires to restate the proposition that the rule provides a Unanimous Consent Calendar, and the way to get on it is to put a resolution in the basket and let it take its proper course.

Mr. HARDY. Mr. Speaker, I recognize the position both of the gentleman from Illinois and of yourself, but it was the peculiar condition that caused me to ask this.

The SPEAKER. The gentleman from Texas moves to discharge the Committee on Printing from the further consideration of the resolution reported by the Clerk and asks unanimous consent for its present consideration. Is there objection?

Mr. CLARK of Florida. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Florida will state it.

Mr. CLARK of Florida. Has the resolution ever been to the Committee on Printing?

The SPEAKER. It was referred yesterday to the Committee on Printing.

Mr. CLARK of Florida. Well, Mr. Speaker, it seems to me, with all due respect to the gentleman from Texas, that it is rather early to move to discharge the committee, is it not?

The SPEAKER. This is the old procedure by unanimous consent. It is the correct and technical way of getting at it.

Mr. CLARK of Florida. I understand the motion now is to discharge the committee from further consideration of this resolution?

The SPEAKER. The gentleman from Texas asks unanimous consent to discharge the committee and bring the resolution up. That is the old form. The gentleman from Texas did not state it, but the Chair volunteered to state it for him.

Mr. CLARK of Florida. And now he is asking unanimous consent to make a motion to discharge the committee?

The SPEAKER. He is asking unanimous consent that the committee be discharged and that the matter be considered now.

Mr. CLARK of Florida. Then I object, Mr. Speaker.

Mr. HARDY. Will the gentleman withhold one moment? I do not know whether the situation stated by the Speaker is the attitude I am in or not. A similar resolution was introduced by me yesterday which had the name of the gentleman from Ohio [Mr. ASHBROOK] on it. I sought the Clerk in order to withdraw it and reintroduce it this morning, but on account of it being in the name of the gentleman from Ohio the Clerk could not find the resolution. Now, this morning I do not ask anything from the resolution that got referred in that way and was so referred, but have just now introduced a resolution in my own name and ask unanimous consent for its consideration.

The SPEAKER. The gentleman from Florida [Mr. CLARK] objects, and that is the end of it.

Mr. HARDY. The gentleman from Florida objected to the discharge of the committee.

The SPEAKER. You are bound to have a discharge of that committee if it had been referred to the committee.

Mr. HARDY. The resolution referred to the committee was a resolution offered by the gentleman from Ohio [Mr. ASHBROOK]. My resolution was introduced this morning. I sent up the resolution——

The SPEAKER. The Chair will restate the question to the House, then. The Chair supposed it was the resolution which the gentleman had up here yesterday afternoon.

Mr. HARDY. No.

The SPEAKER. The gentleman from Texas [Mr. HARDY] asks unanimous consent for the present consideration of the resolution which the Clerk has reported.

Mr. HARDY. And introduced this morning.

The SPEAKER. Is there objection?

Mr. CLARK of Florida. Mr. Speaker, reserving the right to object, I would like to state that while I have no possible objection to this order being made, at the same time, if we have rules regulating procedure here, I can not see any reason why that rule should not be followed in this instance. I would like to ask the gentleman why the necessity of any particular haste in this matter? Why could it not go over for a reasonable time, until the Committee on Printing has an opportunity to consider it?

Mr. HARDY. The question is perfectly proper, and I do not mind stating to the gentleman that these committees on expenditures have all adopted this method without objection and have had similar resolutions passed. I did not include my committee nor ask for that resolution until I found we would need to have some printing done. We had a hearing yesterday and we expect to have one to-morrow. We are right in the position where we want those things printed, and finding that we were going into some inquiries and taking some testimony, I thought this simple, ordinary resolution that has been adopted with reference to every other one of these committees was proper, and certainly most expeditious.

Mr. CLARK of Florida. Then there is an existing necessity for this order now?

Mr. HARDY. There is.

Mr. CLARK of Florida. Then I do not object, Mr. Speaker.

The SPEAKER. Is there objection?

Mr. ELLERBE. Mr. Speaker, reserving the right to object, I want to say that my colleague [Mr. FINLEY], the chairman

of this committee, is detained at home because of important business and sickness, and I would like to hear the resolution read. I would like to know what it is.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 203.

Resolved, That the Committee on Expenditures in the Navy Department be authorized to have such printing and binding done as shall be necessary for the transaction of its business during the Sixty-second Congress.

Mr. HARDY. Mr. Speaker, I would like to state to the gentleman that it is a similar resolution to those that have been passed in reference to all the other committees on expenditures.

Mr. ELLERBE. Mr. Speaker, I withdraw my objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

THE WOOL SCHEDULE.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House bill 11019, to reduce the tariff on wool and woolen goods.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11019) to reduce the duties on wool and manufactures of wool, with Mr. HAY in the chair.

Mr. PAYNE. Mr. Chairman, I yield one hour to the gentleman from Pennsylvania [Mr. DALZELL]. [Applause.]

The CHAIRMAN. The gentleman from Pennsylvania is recognized for one hour.

Mr. DALZELL. Mr. Chairman, it is a little less than two years since we had a general revision of the tariff and the present tariff law was placed upon the statute book. It is universally conceded, I think, that that law received very careful consideration; that the committee of the House having in charge the framing of the bill spent months in gathering testimony; that all parties who desired to be heard had an opportunity to be heard, and that such data and statistics as were necessary to be had in the making of a tariff law were had by the committee. When the law went upon the statute book the President of the United States declared it to be the best tariff law that had ever been written.

It is not contended that it is a perfect law. No perfect tariff law ever was or ever will be written. But it is a wise law, drawn along the lines of Republican policy, which seeks to secure protection for all our industries, to preserve our home market for our own people, and to raise such revenues as may be necessary to carry on the current operations of the Government. During the short time that it has been in operation it has vindicated itself in the revival of business and in the repletion of a somewhat depleted Treasury.

Like all tariff laws, it was no sooner enacted than it met with abuse—unintelligent and ill-merited abuse. It was abused by the Democratic Party, which sought by such abuse to make political capital. It was abused by the doctrinaires, college professors, free traders, men of books and of theories. It was abused in the muckraking magazines, of which unfortunately we have a goodly number. It was abused especially in the American press. The publishers' associations and the newspapers desiring to secure free print paper joined in a crusade, and continue in a crusade, for further tariff revision.

But, unlike previous demands for further tariff revision, this was coupled with a demand for a change in the method of revision. It was said that the parties who appear before the committee of the House having in charge the making of a tariff bill are interested parties, and therefore that no accurate or impartial conclusion can be arrived at from their testimony; that duties are liable to be discriminatory and to the advantage of private interests. It was claimed that the making of a tariff requires such accurate and scientific knowledge as can be possessed only by those who have given time and special study to the subject. It was contended that the Congress in the making of a tariff ought to have the aid of a permanent scientific bureau whose business it should be at all times to be possessed of the facts necessary and convenient in the imposition of import duties; so that from all sides there came up a demand for the creation of a Tariff Board.

The President of the United States advocated the creation of such a board. The manufacturers' associations and other associations of a like character entered upon a crusade to secure legislation which should result in the creating of such a board. In the Senate bills were introduced for the creation of a tariff commission. Like bills were introduced in the House of Representatives for the creation of a tariff commission, and finally a bill creating a Tariff Board was unanimously reported from the Committee on Ways and Means. It received at that time the indorsement of the gentleman who is now the Speaker of the House of Representatives. It received at that time the indorsement of the gentleman who is now the chairman of the Committee on Ways and Means and the leader of his party upon the floor of the House. It passed the House and went to the Senate. It passed the Senate with an amendment and came back to the House, and failed only in the closing hours of the last session because of a Democratic filibuster.

Congress, however, in the last sundry civil appropriation bill and in the sundry civil appropriation bill preceding the last had made a large appropriation for the use of such a board, and the consequence was that the President, thus authorized by congressional action, appointed a Tariff Board such as was contemplated by the bill that failed, consisting in the first instance of three gentlemen and subsequently of five gentlemen. This board has been organized. It has for some considerable time been pursuing the duties for which it was organized, and so far as the question now before the House involved in this particular bill is concerned has made announcement that it will be ready to report upon the wool and woolen schedules at the meeting of Congress at its regular session in December next.

As a matter of fact the paragraph in the appropriation bill which makes the appropriation for the use of this board provides that their report shall be made at the beginning of the next session of Congress.

Such was the condition of things when the President in his wisdom saw fit to enter into a reciprocity agreement with Canada, the consummation of which required the approval of Congress, and as a consequence we are now, at his call, engaged in business at an extraordinary session of Congress.

The Democratic Party saw in this extraordinary session, called to pass on the reciprocity agreement, an opportunity to play politics, and they have brought into this House the pending bill. It has been made in secret, without any person having an opportunity to be heard, without any additional information upon the part of the committee to that which was gathered in the hearings before the Ways and Means Committee two years ago. It has been indorsed by a Democratic caucus, so that it is now here for mere perfunctory discussion, with the certainty in advance of us that it will be passed without any amendment, without the crossing of a "t" or the dotting of an "i."

Precisely the same objections that have heretofore been made to the methods by which tariff legislation is prepared are applicable to this bill.

In one of the issues of the North American Review in the fall of the year 1909 there appeared a scathing denunciation of the Payne tariff law. One of the paragraphs of that article read as follows:

> The methods by which tariff bills are constructed have now become all too familiar and throw a significant light on the character of the legislation involved. Debate in the Houses has little or nothing to do with it. The process by which such a bill is made is private, not public; because the reasons which underlie many of the rates imposed are private. The stronger faction of the Ways and Means Committee of the House makes up the preliminary bill, with the assistance of "experts," whom it permits the industries most concerned to supply for its guidance. The controlling members of the committee also determine what amendments, if any, shall be accepted, either from the minority faction of the committee or from the House itself. It permits itself to be dictated to, if at all, only by the imperative action of a party caucus.

No more accurate arraignment could be written of the methods by which this bill has been brought into this House than is to be found in that paragraph of that publication in the North American Review. It came from the pen of the gentleman who has lately exiled himself from the serene atmosphere of the academic shades of classic Princeton to become the peripatetic governor of New Jersey. [Applause on the Republican side.] And he, who has been writing backwards the record of a heretofore sane and respectable life, may very well be believed, as reported by the public press, to be willing to put his seal of approval upon this political bill.

This bill is indefensible from any standpoint. There is an old saw to the effect that history repeats itself. Previous to this occasion never but once since the Civil War has the Democratic Party had an opportunity to construct a tariff bill.

That opportunity occurred during the administration of President Cleveland, when all departments of the Government were in the hands of the Democratic Party. The result of their efforts at that time was the passage of the Wilson bill,

What its doleful record is is a matter of history. It was a failure because it was neither one thing nor another; it was neither a protective bill nor a bill for revenue. It was a bill made to fool the people, and the people recognized its hypocrisy. The greatest living Democrat of that day set upon it the seal of his disapproval. There are men in this House, I have no doubt, who will recollect, as I do, with what a sensation the House listened to a letter written by President Cleveland to Mr. Wilson, the distinguished chairman of the Ways and Means Committee, in which he said:

Every true Democrat and every sincere tariff reformer knows that this bill in its present form and as it will be submitted to the conference falls far short of the consummation for which we have long labored, for which we have suffered defeat without discouragement, which in its anticipation gave us a rallying cry in our day of triumph, and which on its promise of accomplishment is so interwoven with Democratic pledges and Democratic success that our abandonment of the cause or the principles upon which it rests means party perfidy and party dishonor.

And now, again, the Democratic Party, being in possession of power in this House, undertakes to frame a tariff bill, and brings in for our consideration the bill which is now pending; and again, as on that prior occasion, the greatest living Democrat hastens to set upon it the seal of his disapproval and to accuse his party of hypocrisy. [Applause on the Republican side.] Speaking before the Democratic caucus had been held, the peerless leader, William Jennings Bryan, said——

Mr. MANN. There seems to be no applause from the other side at his name.

Mr. DALZELL. No; he seems to be now down and out in this House.

A MEMBER. Temporarily.

Mr. DALZELL. Yes; temporarily I accept the amendment.

Mr. Bryan said:

It is possible that some of the Democrats believe in the principle of protection. The larceny—the "robbery under the form of law"—embodied in the protective system is indorsed by many good Republicans who have not yet learned to apply to legislation the rules that they apply in everyday life; and some Democrats may have become pupils in this school, especially those who have among their constituents influential beneficiaries of the system. But the Democratic voters have a right to insist that the protectionist Democrats shall be as honest as the protectionist Republicans. The Republicans want protection on wool because they believe in the principle of protection; let no Democratic advocate of a tax on wool masquerade behind the pretense that he is voting for a revenue tariff; let him not add hypocrisy to the sin which he commits against his party.

Mr. Bryan, however, defeated in caucus, was not willing to quit the contest, and I call your attention now to what he says since that defeat.

In the Commoner of June 9, 1911, appeared an article headed "Not the Democratic idea," and which reads as follows:

The United Press on June 2 carried the following dispatch: "I think we have proved that the Democracy of the Nation can be handled beneath the dome of the Capitol without assistance," declared UNDERWOOD to-day, discussing the defeat of the Bryan faction. "We adopted the wool bill unanimously, despite Mr. Bryan's earnest opposition, and we will put it through."

It is not the Democratic idea that "the Democracy of the Nation be handled beneath the dome of the Capitol" or among a coterie of men.

The Democracy of the Nation can not be "handled" and live.

It was "handling" that brought the Republican Party to its present bad plight.

If the Democratic Party is to be of real service to the public interests rather than the slave of special interests, it will be controlled by the voice and conscience of the rank and file and in accordance with the party's principles.

But Mr. Bryan had something to say as to the caucus resolution, as follows:

FREE WOOL INDORSED.

The caucus that indorsed the Underwood bill adopted the following resolution:

Be it resolved, That the bill revising Schedule K, as presented to this caucus by the majority members of the Ways and Means Committee, is not to be construed as an abandonment of any Democratic policy, but in view of a gradual reduction of the tariff and the depleted and depleting condition of the Public Treasury as a result of Republican extravagance, a tariff of 20 per cent ad valorem on raw wool is now proposed as a revenue necessity.

The first part of the resolution rebukes those who deny that free wool is a Democratic doctrine—how do the protectionists like that? The last part contradicts those who argue that a tax on wool is not a necessity. Like all compromises it displeases both sides—puts both sides in a false position. The protectionist Democrats will repudiate it at the first opportunity, and the advocates of free wool will disregard it as soon as they get a chance to substitute a tax on something else. It will answer one purpose, namely, keep the protection Democrats from airing their views on protection during the discussion of the bill—thanks for small favors—and it will give the Republicans a chance to point out ways in which the Democrats could have collected more tax with less oppression.

Its temporary purpose is to disinfect the action of the caucus—

[Laughter on the Republican side.]

but its future value will be in showing up the false basis on which the protectionist Democrats won their victory in the caucus.

Mr. Bryan in that same issue—he seems to have been full of the subject—says something more in an article headed, "A backward step." He said:

The Underwood bill has been indorsed by a Democratic caucus and will pass as it was reported, unless Republican ridicule shames the Democrats into amending the bill. The manner in which the resolution was received by the opposition when it was read in the House ought to give the Democratic Members some idea of the mortification which will be felt by Democrats throughout the country when they have to meet the jeers and taunts of the Republican protectionists. The Underwood bill leaves a 20 per cent tax on wool. This is a step backward at a time when the tariff-reform sentiment of the country is moving forward. The Democrats put wool upon the free-list bill nearly 20 years ago. Mr. UNDERWOOD defends the 20 per cent tax as a revenue measure and insists that it is necessary. That is the way most protective tariffs are defended. The Commoner does not accept Mr. UNDERWOOD'S reasons and does not believe that the country will. It is absurd to argue that the tax on wool is necessary; the amount levied on wool could be collected with less hardship from other things. It is a conservative estimate to say that the tax on wool will cost the people from one hundred to two hundred millions, or at least from five to ten times as much as it brings into the Treasury. The less than fourteen millions which will be collected on wool could be collected from a 10 per cent duty on raw silk and raw rubber—not to speak of other methods. But, instead of relieving the consumers of woolens to the extent they might have done, the followers of Mr. UNDERWOOD sound a retreat on the wool question, and they did it in the name of a revenue tariff. Many honest men have been misled by Mr. UNDERWOOD'S specious argument, but the Commoner asks these Democrats to watch the chairman of the Ways and Means Committee.

I do not read the rest of it because it is personal in its nature.

But Mr. Bryan's rebuke and his statement of the situation were not necessary. The Democratic Party in this House had already announced the falsity of their situation. They started this bill on its devious course, first, with an apology, and then, secondly, with a plain, palpable misstatement as to facts. This resolution, quoted by Mr. Bryan and adopted in caucus, confesses that the bill is not in accord with Democratic policy. It confesses that construction is necessary in order to make it conform to Democratic policies, and it goes on to make the plain, palpably false statement that it is necessary in order to raise money to fill the Treasury, depleted by Republican extravagance. I know of no more humiliating spectacle—and I measure my words—I know of no more humiliating spectacle than that which was witnessed when the chairman of the Committee on Ways and Means, in his opening speech on the bill, persisted as against advice time and again in repeating a statement that, with the papers before him, if he had known how to read them, would have told him was absolutely false. [Applause on the Republican side.] I shall not do the gentleman from Alabama [Mr. UNDERWOOD] any injustice. I shall read his language as it fell from his own lips and was taken by the Official Reporters of the House. It is as follows:

Mr. UNDERWOOD. I hold in my hand the statement of the United States Treasury at the close of business June 5, 1911. It came to us all in the mail this morning; and what does it show? It shows that for the year 1910—the fiscal year ending the 30th day of last June—the ordinary receipts of this Government were $675,000,000 and the ordinary disbursements of this Government, which excludes, of course, the disbursements in reference to the Panama Canal and the bonded indebtedness, amounted to $659,000,000. This Treasury statement makes the estimate of ordinary receipts for the fiscal year ending June 30, 1911—and these are not our figures; they are prepared by a department of a Republican administration—and they say that the ordinary receipts for this fiscal year will amount to $625,000,000, as against $675,000,000 last year, a difference of $50,000,000.

Is there any gentleman—

Mr. UNDERWOOD says—

on that side of the House who can say that that does not show a depleting condition of the Public Treasury, a falling off of the ordinary receipts? What does "ordinary receipts" mean? It means those receipts which the Government gets out of the customhouses, those moneys it receives from internal-revenue taxes, those moneys it receives from miscellaneous sources, including all the moneys you receive except for the sale of Government bonds. This report shows that you are to-day, or will be at the end of this fiscal year, on the 1st day of next July, $50,000,000 behind the receipts of last year.

Mr. PAYNE. Mr. Chairman, will the gentleman yield for a question there?

Mr. UNDERWOOD. Certainly.

Mr. PAYNE. Will he turn to the second page of that Treasury statement—I suppose it is an ordinary daily statement?

Mr. UNDERWOOD. Yes.

Mr. PAYNE. And read there that the receipts up to date for this fiscal year are more by several million dollars than they were up to date last year.

Mr. UNDERWOOD. Well, I do not see that on the figures, because I have not got——

Mr. PAYNE. The gentleman will find it if he looks for it.

Mr. UNDERWOOD. Here is what he says; to this date for the last fiscal year the receipts are $604,000,000. Now, I have not got a statement before me showing what they were up to the 5th day of June, 1910, last year, but what I do say—and I have not got both of those figures—is that your Republican administration, the Treasury Department of the United States, says that you will be $50,000,000 behind the receipts of last year when you reach the 1st day of July [applause on the Democratic side], and yet you say we are not warranted in making the statement that there is a depleting condition in the Treasury.

Mr. PAYNE. The gentleman must be reading from the report of the Secretary of the Treasury, made last December, when he was predicting what the receipts would or might be.

Mr. UNDERWOOD. No; I am not.

Mr. PAYNE. Oh, yes; and when the department publishes daily and sends to every Member of the House from day to day a statement of the receipts up to date for each year, there is no excuse for the chairman of the Committee on Ways and Means making such a statement.

Mr. UNDERWOOD. But I hold in my hand the excuse for making it, and it can not be denied, and if the gentleman wants to see it, he can send here and get the paper. It is the daily statement, the last issued by the Treasury Department [applause on the Democratic side], bearing date June 5, and it says that you are going to be $50,000,000 behind at the end of this fiscal year. Now, if that is not a depleting condition of the Public Treasury, I do not know what it is. [Applause on the Democratic side.]

[Laughter on the Republican side.]

Mr. PAYNE. Mr. Chairman, I read from the statement which the gentleman from Alabama hands me, receipts and disbursements $625,071,413.90. That is for the fiscal year up to this date, in June, and in the next column to this date last fiscal year, $604,048,107. [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Chairman, as I stated to the gentleman repeatedly, it is not to this date whether there is going to be a deficit. I gave the ordinary receipts for the entire fiscal year of last year, and it is here in the column, $675,000,000. The gentleman does not deny that the ordinary receipts are $675,000,000?

Mr. PAYNE. Mr. Chairman, I challenge any man on that side of the House to get that statement and read it, in view of the gentleman's speech, and say whether I am right or not. [Applause on the Republican side.]

Mr. UNDERWOOD. Oh, the gentleman is trying to prove his case by taking a particular period and comparing it with last year. The gentleman can not deny that the ordinary receipts of this Government from taxation sources were $675,000,000 this last year. Does he deny that?

Mr. PAYNE. I have not the statement before me.

Mr. UNDERWOOD. Why, here it is.

Mr. PAYNE. I suppose that the gentleman knows that the tax from corporations is due this month; that it amounts on the assessments to twenty-eight and a half millions of dollars, due before the 30th day of June. I suppose he knows that?

Mr. UNDERWOOD. And I suppose your Secretary of the Treasury, when he made his estimates of the amount of receipts he was going to get this year, had sense enough to figure that in, if he knew it was coming due. [Applause on the Democratic side.]

Now, Mr. Chairman, with the figures before him, in a statement so plain that any 12-year-old boy could understand it, the gentleman from Alabama [Mr. UNDERWOOD] stands up and declares that that statement shows that, due to Republican extravagance, the Government will be behind $50,000,000 this year, when really the statement shows that he has made a mistake in his reading of it. [Applause on the Republican side.]

Here in my hand is the very statement he had before him:

Receipts and disbursements, June 5, 1911.

[Exclusive of postal revenues and disbursements, except postal deficiency.]

Ordinary receipts and disbursements.	This day.	This month.	This month last fiscal year.	This fiscal year ending June 30, 1911.	To this date last fiscal year.
Receipts:					
Customs	$509,990.28	$3,805,702.34	$4,890,280.48	$293,293,696.21	$310,015,245.50
Internal revenue—					
Ordinary	244,858.43	3,587,014.50	4,144,430.76	265,410,954.08	246,557,558.07
Corporation tax	39,174.60	303,484.99	136,577.38	8,544,612.91	833,282.68
Miscellaneous	318,382.26	2,991,766.26	2,483,130.60	57,822,150.70	46,642,090.83
Total	1,112,405.57	10,687,968.09	11,654,419.22	625,071,413.90	604,048,177.08
Disbursements:					
Civil and miscellaneous	352,212.28	1,183,948.84	1,606,904.59	163,689,659.16	158,384,295.97
War	374,889.05	2,399,816.04	2,929,265.62	150,449,242.01	147,602,109.80
Navy	814,584.67	1,809,927.86	452,389.61	111,631,777.64	112,835,063.86
Indians	9,038.81	58,074.23	183,274.81	19,344,387.86	16,680,388.53
Pensions	563,000.00	3,581,000.00	3,828,000.00	149,826,224.61	152,666,544.75
Postal deficiency				1,040,004.74	9,495,628.45
Interest on public debt	2,941.75	2,941.77	2,261.29	21,213,569.32	21,209,805.48
	2,116,666.56	9,035,708.74	9,002,095.92	617,194,865.34	618,873,836.84
Less repayment of unexpended balances	33,487.85	549,834.46	169,108.77	1,201,459.62	4,371,981.48
Total	2,083,178.71	8,485,874.28	8,832,987.15	615,993,405.72	614,501,855.36
Excess of ordinary receipts over ordinary disbursements	[1] 970,773.14	2,202,093.81	2,821,432.07	9,078,008.18	[1] 10,453,678.28

[1] Excess of disbursements over receipts.

Ordinary receipts and disbursements, in one column "this day," meaning, of course, ordinary receipts and disbursements for the day of the statement, June 5. In the next column "this month," meaning, of course, the receipts and disbursements of the month of June up to the day of the statement, June 5, as before. In the next column "this month last fiscal year," meaning the receipts and disbursements of the month of June, 1910, up to the 5th day thereof. In the next column "This fiscal year ending June 30, 1911," meaning receipts and disbursements of this year up to the day of the statement, June 5. Here is where the gentleman from Alabama gets his $625,000,000 which he persisted in reading, not as receipts for the fiscal year up to June 5, but as estimated receipts for the entire fiscal year up to June 30.

The next column is headed "To this date last fiscal year"—which was notice to the gentleman from Alabama that it showed a comparison between the receipts of June 5, 1910, and those of the date of the statement, June 5, 1911.

With that explanation staring him in the face the gentleman from Alabama defiantly says that the Treasury is depleted by Republican extravagance to the extent of a deficit of $50,000,000 this year.

The gentleman made this extraordinary and, so far as the alleged necessity for the provisions of this bill is concerned, fundamental mistake of $50,000,000 by comparing the receipts of the last fiscal year, $675,000,000, with the receipts of this fiscal year, not up to June 30, but only up to June 5.

Oh, the pity of it! The pity of it, that the leader of a great party should stand up in the presence of his colleagues on both sides of the House and exhibit such ignorance as condemns and makes utterly worthless any measure of which he is the advocate. [Applause on the Republican side.] Why, if I should seek to emphasize——

Mr. HELM rose.

The CHAIRMAN. Will the gentleman from Pennsylvania yield to the gentleman from Kentucky?

Mr. DALZELL. I yield to the gentleman.

Mr. HELM. If the Treasury of the United States is in the wholesome and healthy condition that you would have the country and the House believe that it is now in, why is it that the Secretary of the Treasury is now preparing and offering for sale 3 per cent Panama bonds?

Mr. DALZELL. Oh, is the gentleman from Kentucky as ignorant as the gentleman from Alabama? Does he not know, as everybody knows, that the Panama Canal is being built, not out of current receipts, but out of bonds, and that the Secretary of the Treasury is pursuing the policy heretofore adopted by Congress without division on either side of the House? [Applause on the Republican side.] He is taking advantage of the market and the necessity of Panama construction to issue bonds. I will not yield to the gentleman if he has no more intelligent question to ask than that.

Mr. HELM. Mr. Chairman——

The CHAIRMAN. Will the gentleman from Pennsylvania yield to the gentleman from Kentucky?

Mr. HELM. I think that the statement of the gentleman is unfair in certain particulars, at least—not claiming the amount of intelligence, of course, that the gentleman from Pennsylvania confesses——

Mr. DALZELL. I do not yield for a speech, Mr. Chairman. I have answered the gentleman's question.

The CHAIRMAN. The gentleman declines to yield.

Mr. DALZELL. The issue of Panama bonds at this time has no earthly connection with the healthy or unhealthy condition of the Federal Treasury, and the gentleman ought to know it if he does not know it.

Mr. HELM. Mr. Chairman——

Mr. DALZELL. I am talking about the statement made by the chairman of the Committee on Ways and Means. I am talking about the reasons assigned by the Committee on Ways and Means, which have no foundation in fact, for the bringing into this House of this bill at this time. And the gentleman's question is not only not intelligent, but it is also irrelevant.

Now, if I should seek to pursue further the attitude of the gentleman from Alabama, I would call attention to some other of these daily statements of the business of the United States Treasury. Here is one for June 9, 1911. If the gentleman from Alabama had had that statement before him on that day, he would have made the statement that our receipts at the end of the year would be $633,000,000 instead of $625,000,000. If he had had before him another daily statement—that of June 8, 1911—he would have made the assertion that our receipts at the end of the year would be $632,000,000 instead of $625,000,000.

And, recurring again to each of these statements, they would have shown the gentleman, if he had seen fit intelligently to read them, that while the receipts of this fiscal year amounted to $625,000,000 on June 5, they had amounted on June 5, 1910, to only $604,000,000.

Mr. SABATH. Mr. Chairman——

Mr. DALZELL. If he had had before him the statement of June 8 he would have found that while the receipts up to this date this year are $632,000,000, on the same day last year they were only $609,000,000. And the gentleman would have found upon an accurate calculation that, taking into consideration the corporation taxes, which are due in this month, there will be a large surplus in the Treasury on the first day of the next fiscal year.

Now, Mr. Chairman, I yield to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Can the gentleman state the reason why it was possible for the gentleman from Alabama to have the statement of June 12 before him when he made his speech on June 6 or June 7? [Laughter.]

Mr. DALZELL. Why, I am afraid I can not enlighten the gentleman.

Mr. MANN. He will have the statement before him before his speech is published.

Mr. LONGWORTH. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Ohio?

Mr. DALZELL. Certainly.

Mr. LONGWORTH. I understood from the reading of the speech of the gentleman from Alabama that he stated something to this effect: That if the Secretary of the Treasury failed to place in his estimate the twenty-eight million and odd dollars that came from the corporation tax he was a fool, or words to that effect.

Mr. DALZELL. Yes; something to that effect.

Mr. LONGWORTH. And the gentleman will remember that the Secretary of the Treasury came before the Ways and Means Committee and stated that inasmuch as the constitutionality of the tax had not been determined, he had no right to estimate that as probable receipts of the Treasury?

Mr. DALZELL. Yes; and if the gentleman from Alabama had looked further down in this same column he would have found that the excess of receipts over ordinary disbursements on the 5th day of June, 1911, was $9,078,008.18, and if he had cast his eye to the next column he would have found that the receipts up to that corresponding date in the last fiscal year showed a deficit of $10,453,678.28, indicating a plain increase for this fiscal year under the rule of "Republican extravagance" of nearly $20,000,000. [Applause on the Republican side.]

Mr. FITZGERALD. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from New York?

Mr. DALZELL. I do.

Mr. FITZGERALD. The gentleman was discussing the Payne bill as a revenue raiser. Will he state the amounts that were received as customs receipts on any of the days this year, or up to any day this year, in comparison with any day last year, and do they not show a great falling off in customs receipts this year from last year?

Mr. DALZELL. The gentleman is mistaken. The gentleman from Pennsylvania is not discussing the revenue features of the Payne bill; he is discussing the misstatements of the gentleman from Alabama [applause on the Republican side], which were offered as an excuse for bringing into this House this humbug of a bill.

Mr. FITZGERALD. The gentleman does not wish to put me in a false light when he says that I am mistaken. I may be mistaken as to what the gentleman is discussing, but I am not mistaken in the fact that the Payne law has failed to produce anything like as much revenue this year as last year. The gentleman can read the figures himself, and he will find that the total receipts are made up as they are because of the extraordinary increase in the internal-revenue taxes and the miscellaneous receipts.

Mr. DALZELL. The gentleman from New York sat beside the gentleman from Alabama when the latter gentleman made his statement. Did he indorse it? Does he indorse it now?

Mr. FITZGERALD. I may be sitting beside the gentleman from Pennsylvania, but the mere fact of my proximity to him should not be considered as an indorsement of what he said.

Mr. DALZELL. I ask the gentleman if he indorses the statement of the gentleman from Alabama?

Mr. FITZGERALD. Which statement?

Mr. DALZELL. The statement of the gentleman from Alabama with reference to the probable Treasury receipts under this bill.

Mr. FITZGERALD. I confess that the gentleman from Alabama may have made an error in the reading of the statement. [Laughter on the Republican side.] But I say in justice to the gentleman from Pennsylvania as well as in justice to the gentleman from Alabama that although I have not examined with any particular care—since the gentleman's speech—the Treasury statement of June 5 or any other day, I do know that the fact which I stated is a fact, namely, that the customs receipts this year from the Payne law are considerably below the customs receipts for the same period last year.

Mr. DALZELL. I decline, Mr. Chairman, to discuss with the gentleman the revenues produced by the Payne law because I have not given the subject particular study, although I have no doubt the gentleman from New York has, and in any event he will be given ample opportunity to explain himself in this debate.

Mr. FOWLER. Mr. Chairman, I desire to ask a question for information. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Illinois?

Mr. DALZELL. Yes.

Mr. FOWLER. There is so much noise at this end of this room that I did not understand him accurately, but I understood the gentleman to say at the beginning of his argument that the Payne-Aldrich tariff bill was the best that had ever been passed by any Congress. Is that true?

Mr. DALZELL. That is true.

Mr. FOWLER. The best for what?

Mr. DALZELL. The best for all purposes for which a tariff bill is to be passed.

Mr. FOWLER. The best for the trusts of the country?

Mr. DALZELL. Oh, the gentleman is one of that great number who lie abed nights thinking the trusts are going to attack them. If there is no other argument available, cry "Trusts, trusts, trusts!"

Now, the gentlemen on the other side of the House told us repeatedly that they received their brief——

Mr. STANLEY. Does the gentleman mean, by his satirical answer to the gentleman from Illinois [Mr. FOWLER], to indicate that he is one of those who have no fear of those things called trusts and does not regard trusts as an evil?

Mr. DALZELL. Oh, I have great sympathy for the people who live, as does the gentleman from Kentucky, in perpetual fear of trusts.

Mr. STANLEY. Mr. Chairman——

Mr. DALZELL. I do not care to be interrupted further along that line.

The CHAIRMAN. The gentleman declines to yield.

Mr. DALZELL. Gentlemen on the other side of the House contend that the election of last November gave them a brief from the people to write a tariff law in accordance with their principles. They have utterly failed——

Mr. STANLEY. Mr. Chairman, I hope——

Mr. DALZELL. I decline to yield.

Mr. STANLEY. Mr. Chairman, I should be surprised if my colleague should make a remark requiring a reply without giving me an opportunity to reply.

Mr. DALZELL. The gentleman will have time in his own right.

Mr. STANLEY. Mr. Chairman, the gentleman——

Mr. DALZELL. I do not care to be diverted from my argument by the gentleman's query.

The CHAIRMAN. The gentleman from Kentucky is not in order. The gentleman from Pennsylvania declines to yield.

Mr. DALZELL. I say gentlemen on the other side of the House are continually telling us that they received a brief from the people at the last election to write a tariff law in accordance with their principles. Now, I say to them that no Democratic tariff law written by the Democratic Party since the Civil War has ever put a duty on wool. Wool was free in the Wilson bill, wool was free in the Springer bill, wool was free in the Mills bill, wool was free in the Morrison bill, and it is a matter of public notoriety, and it never has been denied, that in the Committee on Ways and Means a majority of that committee were in favor of free wool. A majority of the committee were in favor of standing by the principles of their party; but as Mr. Bryan——

Mr. GARNER. Will the gentleman yield just there for a question for information?

Mr. DALZELL. Certainly.

Mr. GARNER. Do I understand the gentleman from Pennsylvania to say that a majority of the present Ways and Means Committee were in favor of free wool?

Mr. DALZELL. A majority of the majority.

Mr. GARNER. Is the gentleman complaining that a minority of the Ways and Means Committee have placed a duty on wool?

Mr. DALZELL. The gentleman is endeavoring to show, and I hope successfully, that this bill is a hypocritical bill; that is, not a bill drawn in consonance with what you say was the brief given you by the people at the last election. The gentleman is endeavoring to show that the Democratic Party, being in control, has not been true to its convictions, but has, as Mr. Bryan says, yielded to its constituents, who are beneficiaries, and has abandoned its party convictions. And it is a notorious fact also, a matter of public notoriety, that no caucus action could have been had, in indorsement of this bill, had not a large number of the gentlemen upon that side of the House yielded their convictions upon the question of free wool and abandoned their party policy.

Mr. FOWLER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Illinois?

Mr. DALZELL. I will.

Mr. FOWLER. I would be glad to have the gentleman from Pennsylvania——

Mr. DALZELL. I yield for a question, not for any expression of opinion on the part of the gentleman.

Mr. FOWLER. Is there a Democratic platform which declares for free wool written at any time in the past?

Mr. DALZELL. There is a Democratic platform that declares for free wool, and the Democratic Party in all its legislation has acted upon the policy of free wool. One of the reasons why Mr. Cleveland denounced his party was because, having put wool on the free list, they declined to put other raw materials, so called, upon the free list—iron ore, coal, and so forth.

The gentleman may indulge in technicalities, but every Democrat knows, as every Republican knows, that the policy of the Democratic Party from time immemorial, as written in a half a dozen legislative bills when they were in control, was for free wool. [Applause on the Republican side.] You virtually said so in your caucus resolution. The resolution passed in caucus to fool yourselves and subsequently put into the record to fool the people. [Applause on the Republican side.]

Mr. FOWLER. I would like to ask the gentleman what Democratic platform declares for free wool.

Mr. DALZELL. I do not care to yield for a discussion of that subject. I am willing to leave the question exactly where I put it with every Member on that side of the House,

Mr. FOWLER. I supposed that the gentleman wanted to be correct in his statement in the CONGRESSIONAL RECORD.

Mr. DALZELL. I have spoken of this bill with relation to the duty on wool. Let me call your attention to it as a revenue bill. The gentleman from Alabama says that the excuse or justification for this bill is that it will raise money to fill the depleting Treasury! Why, Mr. Chairman, what does the distinguished gentleman from Alabama mean?

Schedule K produces to-day a revenue of $41,000,000. Your bill provides for a reduction from that $41,000,000 of a million and a half dollars. A revenue bill forsooth to fill a depleted Republican Treasury. Already you have taken out of the Treasury by the reciprocity bill $5,000,000. You have taken out of the Treasury by your so-called free-list bill anywhere from $15,000,000 to $60,000,000, and now you propose to take out of the Treasury an additional million and a half dollars. A tariff-for-revenue bill forsooth! [Applause on the Republican side.]

But this bill is not only indefensible in the rates it proposes; it is indefensible in the methods it proposes for levying those rates. Gentlemen have argued here that one of the merits of this bill is the introduction of an ad valorem system of taxation. Why, gentlemen are driven to great stress for an argument when they claim that as a merit when in point of fact every commercial nation on the globe has long since abandoned ad valorem duties.

All the duties of England are specific; those of France and Germany and Italy and Austria are all specific duties. Every Secretary of the Treasury, from Albert Gallatin down to Daniel Manning, with the single exception of Robert J. Walker, has denounced ad valorem duties as undesirable, unjust, and impracticable of execution, and as giving room for frauds on the Federal Treasury.

In a letter addressed to the Speaker of the House of Representatives on February 16, 1886, Daniel Manning, Secretary of the Treasury, under President Cleveland, furnished a careful and exhaustive treatment on this subject of duties, ad valorem and specific. He quotes from a number of his distinguished predecessors, and at the end adds his own opinion. I desire to call your attention now to what is the consensus of opinion on the part of economists on this subject.

Secretary Manning begins with Secretary Gallatin, who, in 1801, said:

> Without any view to an increase of revenue, but in order to guard as far as possible against the value of goods being underrated in the invoices, it would be eligible to lay specific duties on all such articles now paying duties ad valorem as may be susceptible of that alteration.

Following the tariff of 1816, Mr. Crawford, of Georgia, who was then Secretary of the Treasury, made an elaborate report to Congress upon the question of ad valorems. The legislation of 1816 having provided for a large number of ad valorem duties, Mr. Crawford suggested that a number of them should be given a specific rate. "Mr. Crawford specifies," says Mr. Manning, "over 100 articles the list of which is printed in his report, wherein he advises the rates to be changed from ad valorem to specific."

Quoting from Mr. Levi Woodbury, Secretary of the Treasury in 1841, Mr. Manning continues:

> The records of this department, especially the circular letters and reports of my predecessor, Mr. Levi Woodbury, show, during the last years of the life of the compromise arrangement of 1833, when the average rates were approaching or had reached the limit of 20 per cent, that false invoices, undervaluations, and the nameless and the numberless devices to circumvent, baffle, and defraud the Treasury, when attempting to apply an ad valorem system, were in lively and successful operation. Much the same things were said and done about customs frauds, in and out of Congress, by manufacturers and importers, their agents and representatives, as are done and said now in 1886, so uniform are recurrent events in the life of a government as of individuals and so small in circumference are the circles of human transactions.

Mr. Manning further quotes what was said by Walter Forward, another distinguished Secretary of the Treasury, in 1840:

> With a view to guard the revenue against fraudulent undervaluations which can not be entirely prevented by the existing scheme of ad valorem duties, specific duties are proposed in nearly all cases when practicable. The operation of the system of specific duties may not be perfectly equal, in all cases, in respect to the value of the articles included under it. But this inconvenience is more than compensated by the security of the revenue against evasions, and by the tendency of specific duties to exclude worthless and inferior articles, by which purchasers or consumers are often imposed on.

I come now to quote some of the things which Mr. Manning himself said on this subject of ad valorems:

> These obvious inequalities and hardships are, I think, inherent in any ad valorem system. The experience of the Government in 1817, 69 years ago, when ad valorem rates were less by one-half, if not by two-thirds, than now, and the illuminating report of my predecessor, Mr. Crawford, whose correct judgment has been attested by the praise of Mr. Gallatin, warn us that even with the large scaling down of ad valorem rates by a horizontal reduction, or any other reduction, the inequalities and hardships of an ad valorem system and the attempting or perpetrating of fraud on the revenue are not likely to come to an end.

Another remark of Mr. Manning is the following, and how much truer it is to-day than it was even in his lifetime.

> We are living in days when profits to be derived from the carrying on of business, whether it be in buying or selling, or manufacturing merchandise, or in the railway business, or in the banking business, or in the brokerage business, or in the steamship business, come from the large volume of business done under conditions of very "thin" rates for transacting the business. Thus it happens that a comparatively small sum evaded or saved in the payment of duties to the Government will be sufficient to make the difference between a profit or loss in importation and will be sufficient to give victory in the sharp contest between rival importers and dealers.
>
> One advantage, and perhaps the chief advantage, of a specific over an ad valorem system is in the fact that under the former duties are levied by a positive test which can be applied by our officers while the merchandise is in the possession of the Government and according to a standard which is altogether national and domestic. That would be partially true of an ad valorem system levied upon "home value," but there are constitutional impediments in the way of such a system which appear to be insuperable.

But under an ad valorem system the facts to which the ad valorem rate is to be applied must be gathered in places many thousand miles away and under circumstances most unfavorable to the administration of justice.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAYNE. I yield the gentleman one hour more.

Mr. DALZELL. Let me illustrate some of the practical operations of the ad valorem system of duties. Duties levied ad valorem mean, as we all know, duties levied according to value. According to value where? At the port of entry or the port of delivery; somewhere within the United States; within easy or comparatively easy reach? Not at all.

If you will turn to our customs administrative laws you will find that imported goods must be declared "at the actual cost at the time of exportation to the United States in the principal markets in the country from whence imported," in some cases. In other cases they must be declared "at the actual market value or wholesale price at the time of exportation to the United States in the principal markets from the country from whence exported."

The difference depends upon whether the goods are actually purchased or merely consigned.

In order faithfully and honestly to collect an ad valorem duty, information may have to be sought at Calcutta or Bombay, or Pekin or Yokohama, possibly at some interior town in a far-away country.

Oh, but you say the value will be ascertained from the sworn declarations, but our tariff laws are not drawn along those lines. The final ascertainment of dutiable values depends in the last analysis upon the honesty, judgment, and discretion of some customs officers. We have an army of them at our various ports of entry, appraisers and assistant appraisers, examiners, inspectors, a court of general appraisement, and finally a Customs Court. To what extent this great army of Federal employees must necessarily be added to if you adopt the ad valorem system, as is proposed by this bill, no man can tell. And then again, I suggest another difficulty. The places where valuations are to be ascertained are the principal markets of the country of exportation. We have recently debated a proposed reciprocal agreement with Canada. We found out in that debate that the difference in price, in value, of many commodities varies greatly in the eastern and western end of the long stretch of Canada that adjoins our northern border.

Winnipeg is one of the principal markets of Canada, so is Montreal, so is Quebec, and so is Vancouver. An article imported from Canada will bear one duty if it comes from Winnipeg, still another if it comes from Toronto or Montreal, still another if it comes from Vancouver, and still another if it comes from St. John, New Brunswick. I am told, for example, that hay coming from Canada varies from $2 to $4 a ton. The hay that I buy from Canada may come in at one rate of duty while the hay my neighbor buys from Canada may come in at another rate of duty.

I would like to call attention before leaving this subject to what was said by the Republican minority of the Ways and Means Committee in their report upon the Wilson bill. That report, as I recollect, was written by Mr. Thomas B. Reed. It said:

The argument against purely ad valorem duties is stronger in the case of woolen goods than in any other line of merchandise. Values in woolen goods are uncertain and fluctuating. They depend upon the values of raw material, which constantly and widely fluctuate in price. They rest upon the values of goods which are constantly changing in style, in pattern, in method of manufacture, which are affected by every passing whim of fashion, which are to-day in demand and to-morrow unsalable at any price, which are beyond the power of local appraisers, however honest, to determine and keep track of. Hence it is that the professional undervaluer has selected this particular field as one in which he can operate to the greatest advantage and with the least probability of detection and punishment. It is in evidence before the Ways and Means Committee that there are lines of woolen goods, manufactured almost wholly for the American market and sent here upon consignment, upon which no market value is placed until they have passed our customhouse and evaded some share of their legitimate duty. The specific duty has permitted the American manufacturer to continue competition, for that, at least, could not be evaded. Under the proposed law he will be driven from the field altogether in the lines referred to, for he will never know what prices he will be called upon to compete against. Where specific duties exist, the home producer always has a definite standard by which he can operate with some degree of certainty. With a law such as this now proposed his struggle will be against an antagonist in ambush who has only to change his fictitious invoices to underbid every effort of the American to hold this market.

Without dwelling further upon this subject, I close with the assertion I made at the outset, that ad valorem duties, not only because they are inherently bad, but because their inherent weakness has been discovered, have been abandoned by every commercial nation on the face of the globe.

Now, I have said all along, and I repeat, that, as a bill to raise revenue, and that is the ground on which it is sought to be justified to this House, this is a hypocritical bill. In the first place, it does not raise revenue. Under Schedule K, as it is now, the Government receives annually $41,000,000. Under this bill, if it becomes a law, the Government will not receive that $41,000,000 by the amount of a million and a half dollars——

Mr. RANDELL of Texas. Will the gentleman yield?

Mr. DALZELL. Certainly.

Mr. RANDELL of Texas. Is it not a fact that instead of the Government receiving $41,000,000 every year, it only received that amount one year, and that the average for the last five or six years has been about $35,000,000 from the present law?

Mr. DALZELL. Well, I have not examined that. I was speaking generally.

Mr. RANDELL of Texas. I will state to the gentleman the year yielding the highest revenue was the one taken for comparison in the consideration of this bill; but, as a matter of fact, the average was about $35,000,000 in this schedule.

Mr. DALZELL. I accept the gentleman's figures, but still that does not alter at all my proposition that this bill, instead of being a bill to raise revenue, is a bill to deprive us of revenue.

Mr. RANDELL of Texas. If this bill will raise $40,000,000 of revenue, it will be more than the average of the Republican bills.

Mr. DALZELL. This bill raises $1,500,000 less, according to your calculation, than the amount raised last year and paid into the Public Treasury.

Mr. FOWLER. Mr. Chairman——

The CHAIRMAN. Will the gentleman from Pennsylvania yield to the gentleman from Illinois?

Mr. DALZELL. Yes.

Mr. FOWLER. When the gentleman from Pennsylvania says that the present bill will show a deficit of $1,500,000, I ask him if he was basing his statement upon the present law as raising $41,000,000?

Mr. DALZELL. I take that as the standpoint; yes.

Mr. FOWLER. Then, if that be true, and this bill raises $39,000,000, it will be a better revenue producer than the present law, will it not?

Mr. DALZELL. But no one knows what this bill will raise. The total revenue for the year ending June 30, 1910, according to the figures given by the print put out by the Committee on Ways and Means, is $41,904,549.50. That much revenue, according to the print put out by the Committee on Ways and Means, went into the Federal Treasury last year; and if in the years to come Schedule K should remain as it is now, it is only reasonable to suppose that that amount of money will every year go into the Federal Treasury. If this bill becomes a law, according to that same print, there will be raised $40,556,200, and, according to my way of figuring, $1,500,000, or in that neighborhood, less than is raised by the present law.

Now, then, in the first place, I say that so far as Schedule K is concerned no change is needed in order to raise revenue. It is next to the best revenue producer of all the schedules of our present tariff system; but, in the second place, as pointed out by Mr. Bryan, and as was pointed out the other day by the gentleman from Illinois [Mr. MANN], and as was pointed out two or three days ago by the gentleman from Washington [Mr. WARBURTON], if you want to raise revenue, there are obvious means whereby you can much more readily and with less oppression to the people raise revenue than by imposing duties on wool and woolens. It was suggested by Mr. Bryan and also by the gentleman from Illinois that you might raise a large revenue by the imposition of a duty upon rubber. I might suggest other articles that are on the free list which are noncompetitive, such as tea and coffee, for instance. A duty might be put upon tea and coffee that would raise a very large revenue without changing to the extent of a single penny the price that would be paid by the consumer, as we have already learned from our experience when we had a duty on tea and a duty on coffee.

Mr. RANDELL of Texas. I would like to ask the gentleman if he would be in favor of putting a duty on tea and on coffee?

Mr. DALZELL. I will answer that question when the responsibility of making a tariff bill shall be put upon my shoulders.

But the hypocritical character of this bill is nowhere more apparent when you call it a bill to raise revenue than when you come to consider what it is that this Democratic measure attacks—where it goes to get its revenue. Why, with the exception of sugar and hemp, Schedule K is the best revenue producer of all the schedules of the present tariff law. Why, in raising revenue, mangle the best revenue raiser you have got? When these gentlemen went to the best revenue raiser

we have got in order to raise revenue, they went to that portion of it which was least subject to amendment as a revenue measure, to wit, the duty on wool. The gentleman from Alabama [Mr. UNDERWOOD] conceded that the duty on wool was an ideal duty. He said it was a fairly competitive duty. It is not a protective duty to an excess. It admits fair competition of the foreign woolgrower in our market. It is an ideal duty, because it is a competitive duty and at the same time a revenue-raising duty. The revenue raised upon wool is $21,000,000, according to the last figures, while the revenue raised on woolens is only $20,000,000. So that you have taken the best revenue-producing schedule in the tariff system and mangled it for the alleged purpose of raising revenue, without raising revenue, and in that schedule you have taken the best revenue-raising paragraph and mangled it to such an extent that you deprive yourselves of $8,000,000 annually heretofore raised upon wool.

Mr. FOWLER. Mr. Chairman——

The CHAIRMAN. Will the gentleman from Pennsylvania yield to the gentleman from Illinois?

Mr. DALZELL. I will yield.

Mr. FOWLER. Is it not a fact that America can not produce as much wool as is required for the supply of the people of America and the manufacturers?

Mr. DALZELL. Oh, I think that is true.

Mr. FOWLER. Is it not a fact that if you put a high rate of duty on wool and on the finished products it will impose on the consumer a very great burden?

Mr. DALZELL. I have not suggested the putting of a high rate of duty on wool. I have simply called attention to the fact that it is conceded by the chairman of the Committee on Ways and Means that the present duty on wool of 11 cents a pound is a fair duty; not an exhorbitant duty, but a fair, competitive duty; and I have called attention to the further fact, that it being a fair, competitive duty, and therefore not open to assault justifiably, it is also a fair revenue producer.

Mr. FOWLER. Is the gentleman in favor of putting the consumer in that condition, and then oppressing him by a duty such as the duties contained in the Payne-Aldrich bill and the bill preceding it?

Mr. DALZELL. Now, Mr. Chairman, not only is there no necessity for this bill for raising revenue; not only is it a fact that it will not raise revenue, but I will go a step further and say that no man can calculate accurately that it will bring a single solitary dollar into the treasury of the United States, for the reason that the estimate of probable revenue is made upon a false basis. Now, let us see how that is.

Mr. FOWLER. Does the gentleman decline to answer my question?

Mr. DALZELL. I decline to be interrupted to answer questions as to what my opinions are about a duty on wool. If I should be a member of a committee charged with the responsibility of making a tariff law I should, after consideration, announce my opinion then.

Now, how are the possible supposed revenues estimated by the Committee on Ways and Means in presenting this bill? Why, they are estimated in this way: They say, "We take the imports of the year 1896, which was the best year of the Wilson bill, when wool was free, and we compare those imports with the imports of the years 1892, 1893, and 1894, the years preceding the free wool of the Wilson bill. Then, having taken those three years in advance of 1896, the free-wool period, we go to 1898, 1899, and 1900, the years succeeding the free-wool period, and compare those imports with those of 1896."

Well, now, it requires very little argument to show that these gentlemen can have no accurate results, because they have selected abnormal years for the purpose of making comparisons. In anticipation of a tariff bill, whether it be a bill to lower duties or a bill to raise duties, imports are increased in number or decreased in number, as the case may be. Anticipating the passage of the Wilson bill, the imports of wool decreased. For instance, in 1893 the imports of wool were 175,000,000 and odd pounds; in 1894 they were 45,726,000 pounds, and in the same year, before the Wilson bill went into effect, 5,592,000 pounds.

These importations, as compared with the imports of the previous years, will be observed to be abnormally low. They were made in anticipation of the passage of a free-wool bill. They were abnormally low because people were not going to import wool and pay duties when they felt a certainty of being able to import wool and pay no duty. So that, the last importations prior to the free-wool period being 5,592,000 pounds, we find that in the year 1895, the beginning of the operation of the free-wool bill, the imports were 260,000,000 pounds, and that in the next year, 1897, they were 350,000,000 pounds. Then, coming down again, succeeding the free-wool period, the period of the Dingley bill, people had no necessity to import wool, because it had already been imported to such an extent that the market was glutted. And so you find that, succeeding the 350,000,000 pounds imported in 1897, there was imported in 1898 only 21,000,000 pounds, and in the next year 48,000,000 pounds, and in 1899, 27,000,000, and in 1900, 28,000,000 pounds. And I doubt, if you will follow the list of importations down to this present day, whether you will find that even now the imports of wool have recovered from the extraordinary importations that were made during the free-wool period.

The following table will illustrate the statement that I have made:

Quantities of all raw or unmanufactured wools imported into the United States for consumption, 1892–1900.

Tariffs.	Fiscal years.	Pounds.
McKinley—Dutiable	1892	134,632,366
Do	1893	175,035,042
Do	1894	45,726,056
Do	1895	5,592,293
Wilson—Free of duty	1895	260,134,054
Do	1896	228,647,543
Do	1897	350,250,028
Do	1898	21,577,614
Dingley—Dutiable	1898	48,757,283
Do	1899	77,388,192
Do	1900	128,250,945

To make an estimate of probable revenues by comparing the imports of 1896 with the imports of 1893, 1894, and 1895 and with the imports of 1898, 1899, and 1900, is to make a calculation upon a false basis. It is a calculation made upon an abnormal condition of things, and it is worthy of no respect whatever in endeavoring to come to a conclusion as to how much wool will be imported under the provisions of this bill if it should become a law.

Furthermore, if you increase the imports of wool 103,800,000 pounds, as this bill proposes, I can not understand any reason why that 103,800,000 pounds will not take the place of 103,800,000 pounds of the domestic production of wool. And if in addition to that you import the quantity of wool in pounds that is represented in the $40,000,000 of additional imports of fabrics, I can see no answer to the proposition that that, too, will displace just that much of the American production of wool.

I submit this proposition: It is ridiculous to base a calculation of revenue upon the assumption that you will import at the same time large quantities of wool and large quantities of woolen fabrics. The conditions favorable to the importation of either one of them is incompatible with the conditions that are favorable to the importation of the other. Let me put it this way: There will be no increase in the quantity of manufactures of wool consumed, other than might be required by the slight increase in population, which would be far more than offset by the decreased earnings and consequent decrease in purchasing ability of all those engaged in the industries of wool growing and wool manufacturing and in many collateral occupations directly dependent upon these industries. That being so, there being no increase in the quantity of manufactures of wool consumed, if the imports of the manufactures of wool are increased by $40,000,000, then American mills must produce that much less product of wool, and will therefore need less raw wool by the amount that would have been required to make in the United States the more than $40,000,000 worth of goods displaced by that increase of importations of the products of wool. Is there any answer to that proposition?

Is it not absolutely true, if the American mills make $40,000,000 less products of wool they will necessarily consume less raw wool by from 125,000,000 to 150,000,000 pounds, or in that neighborhood?

Therefore the committee's estimate that raw wool imports will be increased is fallacious. On the contrary, there will be a reduction of imports of raw wool equal to the more than 125,000,000 pounds of raw wool contained in the increased imports of products of wool upon which the committee count.

In the second place, if, on the other hand, it be assumed that the committee is correct in its estimate that raw wool imports will increase by $19,000,000, then it must be presumed that the additional raw wool imported is to be used by domestic mills to make additional quantities of woolen goods, for there is no other practical use for increased importations of wool except to be used in making goods. In such case the imports of goods

must decrease by the amount which can be made out of the additional raw wool imported. In this view the committee's estimate of imports of manufactures of wool is necessarily wrong. Instead of an increase of $40,000,000 there must be a decrease by the amount that can be made from the additional $19,000,000 worth of raw wool to be imported.

In other words, it is ridiculous to assume an increase at the same time of the imports of raw wool and the imports of manufactured wool. The conditions that are favorable to the increase of either are incompatible with the increase of both. So that from that standpoint again, aside from the false basis upon which this estimate is made by the committee, it is apparent that no man can say that this bill will bring in a thousand or two thousand dollars worth of revenue, or whether or not it will fail utterly to bring in any revenue.

I hesitate very much to impose further upon the patience of the committee. I want, however, to say a word or two about protection in connection with this bill, what its influence must necessarily be upon our woolen industry.

I do not oppose at the proper time and in the proper way a revision of Schedule K. I realize that there is a large and growing sentiment that deserves recognition, in favor of revising Schedule K, but I believe that a majority of the American people while they desire to secure such revision still desire that its protective features shall be retained.

Now, then, look for a moment at the difference in the duties of the various bills with which we are familiar—the Wilson bill, the Payne bill, and this bill. I think it will be apparent at a glance, without going at great length into the subject, that this bill can not in the nature of things furnish any protection with its present rates.

The Payne bill recognizes what has heretofore been regarded as a proper method whereby both wool and the manufactures of wool shall be protected. It is a method that has been in vogue since 1867. It recognizes the right of the manufacturer of wool in competition with the foreign manufacturer to be placed on the same basis as the foreign manufacturer in regard to so-called raw material. In other words, the home manufacturer shall be allowed in addition to the rate of duty on his manufactures the amount of duty that is allowed to the producer of wool. This places the manufacturer on the same basis at the outstart as is the foreign manufacturer who buys his raw material in a free market.

I know that there are objections made to this scheme of compensatory duties, and I know also that there are objections made to the method of calculating the compensatory duty. It is denied for instance, that it takes four pounds of greasy wool to make a pound of cloth. I do not care to discuss that question. Compensatory duties and the method of their calculation have been in all the various Republican bills since 1867. They have received the indorsement of all the Republican committees and of all the distinguished men upon those committees since 1867.

Whether the rate of duty on raw wool in the existing law is too high and whether the compensatory duty is properly fixed on the theory that it takes 4 pounds of wool in the grease to make a pound of cloth may be subject to question, but clearly, if the manufacturer is to have adequate protection, he must be allowed a compensatory duty.

No compensatory duty was provided for, nor was it necessary, in the Wilson bill, because wool being free, the home manufacturer and the foreign started on the same basis with free raw material. All the duties on woolen manufactures in the Wilson bill were protective in their nature, whether actually protective or not.

It is admitted by the gentleman from Alabama that the duties on wool in the pending bill are not protective to the woolgrower.

Neither are they protective to the wool manufacturer, as I think I can show beyond question.

Take, for instance, the duty on yarns. At least 65 per cent of yarns are pure wool. Twenty per cent, the duty on raw wool, of 65 per cent, would equal 13 per cent. That measures the compensatory duty on yarns. As the duty on yarns in the pending bill is 30 per cent, it follows that the protective duty is 30 per cent less 13 per cent, or 17 per cent.

But the duty on yarns in the Wilson bill, when wool was free, was from 30 to 40 per cent. That is more than the duty in this bill.

And the duty on yarns in the Wilson bill did not furnish adequate protection.

Again, take the duty on "cloths, knit fabrics, and so forth." At least 60 per cent of these fabrics are pure wool. Twenty per cent, the duty on raw wool, of 60 per cent, would equal 12 per cent. That leaves on those fabrics for protection 28 per cent, as the duty on these fabrics in this bill is 40 per cent. But the duty on these fabrics in the Wilson bill was 40 per cent, or 12 per cent more than the duty in this bill.

And the duty on these fabrics in the Wilson bill did not furnish adequate protection.

And so I might go all along the line and show that the duties of the pending bill are less than the nonprotective duties of the Wilson bill, and that there is not sufficient protection on the manufactured articles to preserve the American industry.

But I have said enough to show the nonprotective character of this bill as to wool manufactures.

Mr. NORRIS. Will the gentleman yield on that proposition?

Mr. DALZELL. Certainly.

Mr. NORRIS. I am asking entirely for information on the subject. It is contended by some that this so-called compensatory duty being based on the value—that is, being an ad valorem duty—is entirely a different proposition than if it was specific. In other words, the value of the combed wool, for instance, has been increased by labor, and 20 per cent of the value will amount to more in money than 20 per cent of the raw wool. Does the gentleman get the idea?

Mr. DALZELL. I understand, of course, that there is a difference of opinion as to whether or not in the first place this compensatory duty ought to be levied in the manner in which it is, and there is also a difference of opinion as to the method of ascertaining what the compensatory duty is. There is a great diversity of opinion on that subject, and, as I said, I do not care to go into that subject, because I do not think it is material to what I am now discussing. I have simply endeavored to show that a comparison of the duties in the Payne bill and in the Wilson bill and in this bill show upon their face that they have no value whatever as protective duties, and that the probabilities are that with the passage of this bill and its becoming a law there will be a destruction of the woolen industry in this country. So far as the duty on wool is concerned, it amounts to nothing. It does not make much difference what the duty is on wool unless it is protective. As the chairman of the Committee on Ways and Means stated, the present duty is a fair competitive duty, and that is 40 per cent. Any duty below that would cease to be competitive and protective.

It is plain from a comparison of these rates of duty, as I have given them just now, that if our industries could not live under the Wilson bill they can not live under this bill. I do not propose now to discuss at length the effect of the Wilson bill upon our woolen industry. It is a matter of history. All men know that the woolen mills were idle, and that their employees were wandering the streets hungry and wageless. I can recall myself what happened in my own State, in the city of Philadelphia, where great armies of the unemployed wandered in its streets because the textile mills were closed against them and against everybody else.

Now let me call attention in that connection to some significant figures. In 1893, prior to the Wilson bill, there were in this country 47,274,000 sheep, and their value was $125,909,000. In 1897, during the period of the Wilson bill, there were only 36,819,000 sheep, and the value had fallen from $125,000,000 to $67,021,000. In 1910 the number had increased under the influence of the protective policy to represent a value of $233,664,000. These figures need no comment. They speak for themselves. I place beside the free-wool period the preceding protective period and the succeeding protective period and show that as to our sheep industry one period means adversity and the other means prosperity.

To go a step further: In 1893 the imports of wool were 55,152,285 pounds, and in 1896, during the free-wool period, they were 350,852,026 pounds. The difference between 55,000,000 pounds and 350,000,000 pounds means the measure of adversity to the American woolgrower. The prices between 1893 and 1897 show a steady, continuous decline. The prices of Ohio fleece wool from 1893 to 1897 were as follows: 1893, 29 cents; 1894, 23 cents; 1895, 17½ cents; 1896, 19 cents; 1897, 19 cents.

Not only did the Wilson bill flood our markets with imports of wool, but it flooded them with imports of manufactures of wool also. In the manufactures of wool in 1893 there was an import of 35,565,879 pounds, while in 1896 the imports were

53,494,400 pounds. The difference in the imports as between these two years shows the difference between adversity to the American wool manufacturer in the free-wool period and prosperity in the period of protection under a Republican law. I do not care to pursue this subject further, considering the length of time that I have already occupied.

I have not considered the effect of insufficient duties on wool upon the question of our food supply. It is plain, however, that whatever tends toward the diminution or destruction of our flocks tends toward the reduction of our food supply and to the increase of the cost of living. I read now from the following:

Table showing how the domestic flesh-food supply (mutton) and the wool supply have been increased or decreased as the wool duties of the tariff have been above or below 11 cents per pound on wool of the first class.

Dates.	Estimated population.	Estimated number of sheep.[1]	Number of sheep to each 1,000 persons.	Number of pounds of scoured wool to each 1,000 persons.	Percentage of increase or decrease in four periods of 4 years each, with one period of 13 years.	Tariff act of—
1880....	50,155,000	40,500,000	807	2,421		
1884....	55,000,000	50,500,000	918	2,754	Increase of 13½ per cent in 4 years, with the adequate protection of 12½ cents per pound duty	1867
1889....	61,000,000	42,500,000	697	2,091	Decrease of 24 per cent in 4 years, with the inadequate protection of 10 cents per pound duty	1883
1893....	66,000,000	47,000,000	712	2,136	Increase of 2 per cent in 4 years, with the adequate protection of 11 cents per pound duty	1890
1897....	70,000,000	37,000,000	528	1,584	Decrease of 26 per cent in 4 years with free wool	1894
1910....	92,500,000	57,000,000	616	1,848	Increase of 16½ per cent in 13 years with the adequate protection of 11 cents per pound duty	[2]1897

[1] Number of sheep according to the estimate of the Department of Agriculture.
[2] The Dingley Act of 1897 reenacted in the Payne Act of 1909, covering a period of 13 years.

It is a serious matter to interfere with an industry of such importance to our people as is the woolen industry. Almost every State in the Union is interested in it. There are in the neighborhood of a thousand mills, and the capital invested exceeds $400,000,000. More than a hundred and sixty thousand employees are dependent on it for their livelihood, and wages received by them aggregate annually over $79,000,000.

The four hundred millions of capital represents a very large number of stockholders, great and small, many of them women and representatives of estates.

Interests so important in amount and extent and so varied should be dealt with only with the greatest deliberation and not in the hasty, unintelligent, and haphazard way proposed in the pending bill.

When we come to consider the cost of producing woolen goods here as compared with the cost of producing them abroad it will be very apparent, I think, from what I have already said, that the duties of the pending bill are not sufficient to enable our manufacturers to compete with the foreign manufacturers.

Upon that subject I desire to call the attention of the committee to some testimony. Mr. W. A. Graham Clark, a textile expert of the Bureau of Manufactures, appeared before the Committee on Ways and Means of the last Congress, some two years or more ago, and I quote from his testimony:

FRIDAY, DECEMBER 11, 1908.

Mr. CLARK, having been first duly sworn by the chairman, testified as follows:

The CHAIRMAN. You are employed in the Bureau of Manufactures?

Mr. CLARK. I am a special agent in the Department of Commerce and Labor, Bureau of Manufactures.

The CHAIRMAN. What is your full name?

Mr. CLARK. W. A. Graham Clark. I am one of the six men who are employed by our department to investigate commercial conditions in foreign countries, and my line of work is textiles. I have just returned from a 28-months' trip, having been investigating the markets for cotton manufactures in Asia and the methods of cotton manufacturers in Europe, and for the last two months I have been working specially on getting information from the English wool mills in regard to their cost of manufacture for the use of this committee, and it was thought that it might be best for me to come before the committee and give you gentlemen a résumé of what I found, and you can question me on any special point that you desire.

Mr. UNDERWOOD. If you can do so conveniently, will you just state the names of the schedules that you are talking about as you come to them, so that we can follow you?

Mr. CLARK. I am not a tariff expert, and I am not speaking on the tariff at all. All I am here for is simply to speak about the English wool industry and the cost of English wool manufacture. Three hundred and forty-eight to 383 is the wool schedule. But I am not here as a tariff expert, as I have said, but simply as a textile specialist and to give you the results of what I found abroad. I understand that the main thing that will be desired of me will be to say what is the difference between the English systems and the American systems; what advantage they have over our manufacturers.

Their advantages in brief are cheaper first cost, cheaper money, cheaper wool, cheaper labor, cheaper power, cheaper supplies.

Our machinery and costs of building are higher than in England by at least a fourth. Then in obtaining money to start the mill they pay 4½ per cent where we pay 6 per cent. Our very big manufacturers can possibly get money at 4 per cent; theirs similarly at not over 3 per cent, possibly less.

* * * * * * *

In regard to wages, from information gathered in Italy, France, England, and the United States I have figured up the comparison in the following table.

	Italy.	France.	England.	United States.
Sorters	$4.60	$6.40	$7.30	$12.50
Washers or dyers	3.00	4.25	5.00	7.00
Carders	2.30	4.00	3.90	6.00
Gill boxes	2.30	3.70	3.00	6.00
Comb minders	2.30	3.70	3.00	6.00
Boss spinner	7.00	9.25	12.00	18.00
Mule spinner	5.80	6.20	7.30	9.50
Ring spinner	2.30	4.00	3.00	6.00
Weavers	3.00	4.60	4.00	9.00
Fullers and pressers	3.50	4.25	6.00	7.00

If we assume the wages in the United States at 100, this would give the English wages at about 50; the French, say, 45, and Italian 33⅓, but this can only be general; for instance, in some cases the French operative gets more than the English. In general, however, their wages are less. The English wool operative is paid less than the English cotton operative, which is due to various causes, principally to the fact that there is a larger proportion of women in the wool mills, and these mills are more scattered, so that there is little organization of workers, and the industry is so complex and changeable that even if organized it would be difficult to secure any uniform scale of wages. Cotton manufacturing is a standardized industry, but wool is not, and it is not only divided into the totally different branches of worsteds, woolens, and shoddy, but is much more subject to the vagaries of fashion.

Their cost of power is less than ours. Theirs is about two-thirds of a cent horsepower an hour, while ours is about 1 cent a horsepower an hour. They figure on £3 10s. (say $17) a horsepower a year, while our average cost will be about $30 a horsepower a year. They get coal at about 9 shillings ($2.19) a ton, where we would pay nearer $3.50. Our higher cost of coal is mainly due to our mills being more scattered and farther from the mines, but our first cost of steam plant is also higher.

Another advantage mentioned was cost of supplies. Besides ordinary supplies, wool mills use large quantities of dyes and chemicals, which have to be imported. Belting and general supplies are also higher in the United States than abroad.

These are the main differences and show that in general everything that enters into the cost of manufacture of woolen and worsted goods is cheaper in England than in America.

Another party who appeared before the Ways and Means Committee by letter was Mr. Thomas H. Ball, of Philadelphia. I will read his letter:

PHILADELPHIA, PA.

Hon. SERENO E. PAYNE,
Chairman Ways and Means Committee.

DEAR SIR: As argument against any lower revision of Schedule K of the Dingley tariff bill as regards worsted yarns, the writer represents 30,000 to 40,000 worsted spindles here and has recently investigated and received from England the wages paid for the same work there for comparison.

Comb minders receive in England $4.30 to $4.75 per week, as against $6.50 to $8.50 in our mills here; drawers receive $2.80 to $3 in England, as against $6.50 to $7 here. Boys, $2.12 to $2.24 in England, as against $4 to 5 here. Girls in spinning rooms receive $2.24 to $2.75 in England, as against $5 to $7 here.

In regard to the French system of spinning, the writer represents Jules Desurmont & Sons, Tourcing, France, who have recently established a branch at Woonsocket, R. I., and the figures below are the wages paid by this concern in Woonsocket and in their mill in France.

Wages paid here for spinners $16 per week; in France $6.50 per week. Piecers paid here $12 per week, in France $4.50. Drawing hands $6.50 here, in France $3.25. Twisting, spooling, and reeling $6.50 here, and $3.25 in France.

Being interested in some mills in Belgium, are in a position to state with full knowledge that the wages in Belgium on this line of work is on an average of 5 per cent cheaper than in France, and in Germany on this same line of work the wages rule from 10 to 20 per cent lower than in France.

The English firm of Joseph Benn & Son have a mill at Greystone, R. I., in addition to their works in England, both establishments employing similar classes of labor and producing the same fabrics. They state in Greystone, R. I., they pay their help over 100 per cent more than in England, the average wage in England being $4.77 and at Greystone $10.26.

They have published a comparative tabulation of wages paid in their respective plants in England and the United States covering 18 classes of help. This shows the weekly average pay of $4.77 in their English factory and $10.26 in their United States plants, or 115 per cent higher wages in the latter than in the former country.

Benn & Son say their employees can save more in this country than they can earn in England.

Testimony to the effect that the duties of the pending bill are not adequate to enable our manufacturers to live in competition with manufacturers abroad might be multiplied indefinitely, but I refrain from further citation.

There is one other question to which I desire to call attention before concluding and that is this: The wool and the woolen industry is a matter of commanding importance in its relation to our national independence. A country might just as well be without an army or a navy as without a wool industry. It is necessary in time of peace for the health of our people, and absolutely necessary to our success in time of war. To be without a wool industry at whatever cost is to be dependent for our most material equipment upon foreign nations—a dependence the thought of which is not to be tolerated for a moment. Our Revenue Commission, which was appointed in 1865 to consider our general revenue system, gave prominence to this idea when they said, amongst other things:

> The home production of wool is necessary to render us properly independent of foreign policies, in peace and in war, in obtaining our supplies of an article on which the lives and health of all our people depend. It is necessary to national economy, for no great agricultural country can afford to import its most important and costly raw material. * * * And finally, it is necessary to extend and complete the circle of diversified industries on which the wealth and independence of nations so much depend.

The question, therefore, of the life of the industry rises high above the mere question of its cost.

Mr. Herbert Whitney Wright has recently written a book, entitled "Woolgrowing and the Tariff," which has been published as one of the volumes in the series of Harvard Economic Studies, in which he reviews in a most impartial and philosophic manner the history of the inception and growth of the wool and woolen industries of this country. Treating the tariff question from a nonpolitical viewpoint, he is inclined to believe that it has not had the influence upon the industry that is generally attributed to it. As bearing upon this question of our national independence, I beg leave to quote what he says:

> From the conclusion that the power of the tariff to affect the loss of the woolgrowing industry has in the past proved very slight it does not necessarily follow that such power as it has should not be exercised. Whether the maintenance of the industry in this country is worth the cost involved is a question upon which we do not here attempt to pass judgment. The advisability of the adoption of free trade or protection involves broad problems of economic principles and public policies such as would carry us rather beyond the subject in hand. But assuming that the policy to be followed is determined, that it is deemed best to maintain the woolgrowing industry and to protect it against foreign competition, let us see what light a study of the history of the industry throws upon the method to be adopted and the line of action to be followed in order to secure the end desired.
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> To reach this end two things are essential. First, there must be a thorough understanding of all the forces which exert an influence on the industry; secondly, there must be sufficient power in the duties to counterbalance the rivalry, of whatever sort, which all the other forces may develop. This being the case, a bare outline of the situation that would confront us may be suggested.
>
> As the newer lands of the world are opened to development and transportation facilities are improved, the territorial division of labor will become more nearly world-wide, especially among industries largely dependent upon natural resources. In the United States the situation is such as to render any marked advance in the woolgrowing industry impossible and a gradual decline likely. Experience indicates that the power to prevent this is not to be found in the present tariff. If the industry is to be maintained in a position of the same relative importance as formerly a higher tariff will be necessary. A tariff which simply offsets such advantages as the foreign woolgrower may have in relatively cheaper cost of production is not sufficient. The foreign fleece is by no means the only rival of the American; equally serious competitors are found at home, in the greater relative profits of other lines of agriculture. The very advantages and great natural resources of the country have thus become an obstacle. Therefore, if the lands of the woolgrower prove to be particularly well adapted for something else, and it is still deemed best that his sheep be not abandoned, he must have a duty such as would make wool at least as profitable as that other product for which his land is so well adapted. The greater the superiority of the land—the better fitted it becomes for other things—the heavier must be the duty. To some this may appear to make the cost of protection high, but as the history of the old woolgrowing centers shows, it is a cost which the adoption of this policy involves. It does not necessarily condemn the policy; it is simply one of the things to be weighed in the balance against such advantages as the maintenance of the industry may secure to the country.

If, therefore, from the standpoint of the relation of the wool industry to our independence as a nation, it is essential that the industry should be maintained at whatever cost, it is apparent that wisdom dictates the choice of such policy as will produce that result. All experience has shown that that policy is the policy of protection, the historic policy of the Republican Party, whereby in agriculture, in commerce, and in manufactures we have become the leading Nation in the world's progressive march toward a higher civilization. [Loud applause.]

Mr. PAYNE. Mr. Chairman, does the gentleman from Alabama desire to use some time?

Mr. UNDERWOOD. I would like for the gentleman from New York to consume some time at present, so as to make up the difference in time.

Mr. PAYNE. Mr. Chairman, I yield one hour to the gentleman from Ohio [Mr. WILLIS].

Mr. WILLIS. Mr. Chairman, when this discussion commenced it was not my intention to consume any of the time of the committee with remarks upon this measure, but as I have listened to the assaults that have been made from time to time on that side of the Chamber upon the sheep industry that has played so prominent a part in the development of the great State which I have the honor in part to represent, as I have noticed the obvious intent of the majority of this House to pursue practically the same course relative to that industry that it pursued the last time it was in control in this Congress, I have felt that I would not be performing the duty that I owe to the people that live in the eighth Ohio district unless I should say something upon this Democratic wool measure.

This discussion has had some advantage, and one of the most important things, to my mind, is the fact that it has to some extent cleared the atmosphere. We are beginning to find out where gentlemen on that side of the House stand. We are beginning to discover what the real Democratic policy is with reference to the sheep industry and the wool industry. It may seem strange that there should be any query about that, but those of us who have campaigned in Ohio know that there is a good deal of doubt in some quarters as to what the attitude of the Democratic Party is, and as to what the attitude of Democratic candidates for Congress is, upon this question of free raw wool—or a revenue tariff on wool, if you please.

And I say that this discussion, if it has accomplished nothing else, has at least brought out this fact, brought it out before the report reached the House, in fact, that in the estimation of the Democratic caucus this bill should be preceded by an apology. The caucus is the ruling power in this House, because everybody knows that it does not make any difference what amendments will be proposed on this side of the Chamber, it does not make any difference what arguments are proposed, it does not make any difference how fair the proposition may be, in the last analysis this measure is to be railroaded through without amendment.

Members on that side of the Chamber are not free to vote as their best judgment might dictate. And this ruling body in the lawmaking department of the Government, namely, the Democratic caucus, felt that this measure was so out of harmony with what they had promised the people, that it fell so far short of what they had expected to do that it was necessary and fitting and proper to introduce this bill into this House by means of an apology, or, as some one has said here this morning, a sort of a disinfectant, as it were; because we are told in the famous resolution that was presented by the gentleman from Texas, in substance, that this bill was not to be taken as a true representation of Democratic policy and Democratic principles, but that something else was to come in.

It is not sufficient to say to the farmers and woolgrowers of Ohio, Michigan, and Indiana, and all the other great wool-producing States, that their industry is to be paralyzed; that they are to be compelled to sell their flocks at greatly reduced prices; that the industry is to be put upon such a footing that it can scarcely live. But coupled with that is the proposition that surely must be very comforting to the woolgrower—he is told by the Democratic caucus to cheer up and look pleasant, because the worst is yet to come. In other words, it is not sufficient that this bill shall be passed, but it is coupled with the threat that is borne out by the argument of distinguished gentlemen on that side of the Chamber, that the ultimatum is to be, not simply a revenue tariff on wool, but it is to be free wool, as was pointed out by the distinguished gentleman from Pennsylvania [Mr. DALZELL], who has just spoken.

The leader of the Democratic Party, the most prominent living Democrat, is now criticizing you most bitterly because you have not done the thing which you mean to say by the Kitchin resolution you ultimately will do. In other words, you have

made up your minds to destroy the wool industry. It has been said a number of times by distinguished and able gentlemen on that side of the aisle that in the framing of this bill no view was to be had and no view was had of the influence it would have upon any American industry.

If I mistake not the gentleman from Massachusetts [Mr. PETERS], in response to queries from my colleague [Mr. LONGWORTH] and from the gentleman from Michigan [Mr. HAMILTON], stated that it would have made no difference at all if it had been known that this rate of duty or that rate of duty would have absolutely wiped out the industry—that it would have made no difference.

The colloquy referred to was as follows:

Mr. LONGWORTH. It has been the intention of your committee, has it not, to depreciate the price of raw wool?

Mr. PETERS. It has not been the intention of the committee to depreciate; rather, it has been the intention of the committee to enable the manufacturer to obtain the imported wool cheaper, so that the tax on the finished product may be made less.

Mr. LONGWORTH. Oh, but the gentleman I do not think answered my question. Of course, if this bill is as the gentleman says, solely in the interest of the consumer, it must be the intention of the committee to depreciate the price of raw wool and of manufactured wool. Now, my question relates solely to the price of raw wool, and I ask the gentleman if it is not the intention of the committee to depreciate the price of raw wool.

Mr. PETERS. It is expected the price of raw wool will be lower, if this bill passes, than if the present duty of 11 cents a pound should remain on it.

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Mr. HAMILTON of Michigan. Will the gentleman from Massachusetts yield for another inquiry?

Mr. PETERS. Certainly.

Mr. HAMILTON of Michigan. The gentleman's party, in the framing of this bill, is proposing to levy a tariff on the tariff-for-revenue-only basis, as I understand. Has the gentleman considered whether under his theory, not mine, he could reduce the duty still lower on raw wool, thereby more nearly approximating the view of his great party leader, Mr. Bryan, and at the same time increase importations and increase revenue? Has he considered whether that could be done?

Mr. PETERS. Yes; and I may say to the gentleman that we would have had free wool, and the duties on woolen goods would have been made lower, had it not been for the necessity of raising sufficient revenue to pay for the extravagances which have been imposed on the Government by the gentleman's own party, in which, as he is in a very prominent position in that party, he may consider himself entitled to a great deal of responsibility. [Applause on the Democratic side.]

Mr. HAMILTON of Michigan. However, the Treasury statement seems to indicate that we are increasing our revenue and that there is no real reason, even from your standpoint, on which to base this measure.

Mr. PETERS. Does not the gentleman know that there is a bond sale pending?

Mr. HAMILTON of Michigan. On the gentleman's theory, could he not still further increase his revenue by reducing the duty on raw wool?

Mr. PETERS. No.

Mr. HAMILTON of Michigan. And also more closely approximate the views of his great leader, Mr. Bryan?

Mr. PETERS. I wish to say that putting the bill on the basis of raw wool——

Mr. HAMILTON of Michigan. Could he not reduce the duty still further, even on his own theory, and still raise more revenue?

Mr. PETERS. Certainly not. If that could have been done, we would have done it. [Applause on the Democratic side.]

Mr. HAMILTON of Michigan. That is, even to the point of free raw wool?

Mr. PETERS. Most certainly.

Mr. HAMILTON of Michigan. That would be the gentleman's idea?

Mr. PETERS. That would be my idea, that I would have as little a burden as possible placed on the consumer.

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Mr. LONGWORTH. In the report, on page 11, submitted by the majority of the Ways and Means Committee, stress is laid upon the fact that the cost of producing sheep in Ohio is larger than in other districts in the country.

Now, I will ask the gentleman this question: If he knew that a 20 per cent duty, as provided in this bill, was less than the difference in the cost of production of wool in Ohio and abroad, and therefore necessarily under the 20 per cent rate it will be impossible to raise sheep profitably in Ohio, would he, nevertheless, vote for the 20 per cent rate?

Mr. PETERS. Certainly not. I do not believe the people of this country who consume the woolen goods should be taxed in order to make an industry profitable where it would not naturally exist, and I——

Mr. LONGWORTH. I do not think the gentleman answered my question exactly as he intended. He said, "Certainly not"—that is to say that he would not vote for the 20 per cent duty. Perhaps the gentleman misunderstood my question, which was this: That if he knew the 20 per cent duty was not sufficiently high to equalize the difference in the cost of production of wool in Ohio and abroad, would he, nevertheless, vote for the 20 per cent duty?

Mr. PETERS. The cost of production of sheep would have nothing to do in determining what I should vote for as a duty on raw wool.

Mr. LONGWORTH. The cost of production would be no element whatever in the gentleman's mind?

Mr. PETERS. No; none. I did not at first understand the gentleman. I would answer "Certainly" instead of "Certainly not" to his previous question.

RAW WOOL.

It is stated and repeated and reiterated that in the framing of tariff measures the Democratic Party does not consider any industry. It is to write its tariff laws blindfolded, without regard to the effect they will have upon the great industries of the Republic. And so we are face to face, then, with that condition; if this debate has done nothing else, it is at any rate fortunate that it has made it possible for the people of this country at last to understand what it is proposed to do.

You propose to pass this bill now, and then, if through any mysterious mischance it should become a law, if you should ever get the power, you propose to follow it up with another bill that will put the farmers' product, the woolgrowers' product, upon the free list, and thus complete the destruction of this great industry. And I for one am tremendously grateful to the men on that side who have had the courage to say in debate exactly what they think.

We have had to fight this enemy in the dark in Ohio for 20 years. It has been said in many quarters of the State that the Democratic Party was in favor of a protective tariff on wool. I have heard distinguished Democratic orators say that, and up to this time there has been some doubt about the proposition. But from this time forth there can not be any doubt. We know where you stand. We know what proposition you make, and the people of the country, in my judgment, will act accordingly.

It seems to me that there is not any call for this legislation now, except the political exigencies of gentlemen on that side. I am protesting against the passage of this bill in the name of the farmers and woolgrowers of Ohio, and I propose to discuss the bill from their standpoint. Those farmers and those woolgrowers have been among the most potent influences that have operated in this Republic in the past few years in the creation of a sentiment for a permanent tariff commission or a permanent Tariff Board. I happen to know something about the position taken by that great organization, the Grange, upon this question, and I know that those men, those real farmers—not those pseudofarmers who farm the farmers, but the real farmers of Ohio, the Grangers, the sheep men, the woolgrowers, have used their influence continuously in favor of the creation of a Tariff Commission, a Tariff Board. They, with the great majority of the American people, believe that that is the way to get the information upon which tariff legislation ought to be based. They have done what they could to bring about that situation in which there would be a sufficiently vigorous public opinion to sustain Congress in the passage of a bill that would provide for a permanent Tariff Board or Tariff Commission.

Well, as members of the committee well know, Congress acted. The Tariff Board was created. The Tariff Board is at work. The appropriation is made. And, as we have learned in the discussion to-day, it was stipulated that the report of the Tariff Commission should be made not later than December of this year. Everybody recognizes, whether he be Democrat or Republican, that the tariff legislation that we have had heretofore has been in a sense unscientific, so far as the collection of the facts was concerned. We have never had a permanent tariff bureau for the purpose of obtaining these facts. Well, finally, we got one. That Tariff Board is now at work. It will be ready to report in December. And yet the majority party now brings in this legislation, in the face of these facts, in the face of the fact that there is not a gentleman on that side—and I am frank to say not upon this side and there is not a member of this committee—that can tell at this moment the difference between the cost of production of a pound of wool in Ohio and in Tasmania, the difference in the cost of production of a pound of wool in Michigan and in Queensland. You can not do it. You have not the information.

But here we have in the Tariff Board a body of experts, a body of scientific men, that are at work, at great expense, collecting the information upon which we might make a scientific tariff, for the first time in the history of the Republic. And yet, in the face of these facts, the majority proceed upon the theory—I suppose upon the theory; I am not in their confidence—they proceed upon the theory that it is not necessary to have facts in order to revise the tariff from the Democratic standpoint. In fact, it seems to me that their leaders are perfectly consistent in having this change of heart as to the wisdom of creating a Tariff Board. We had supposed that this Tariff Board was a nonpartisan proposition. Everybody was a unit upon that. But gentlemen say that they have lost confidence in this Tariff Board, and I am bound to say that I think they are consistent in their opposition to the Tariff Board, because if tariffs are to be levied without reference to the effect that they have upon any American industry—and that is laid down here as a theory; it is said that in the levying of a tariff the only thing that we should have reference to is the amount of revenue that will be produced; we should pay no attention at all to the effect that that tariff will have upon any American industry—if that is to be the theory, I can understand why gentlemen on that side should reject the idea of a Tariff Board.

In other words, if you are going to legislate blindly and without regard to the facts, why, possession of the facts may be an embarrassment. What need does a Democrat have for facts to legislate upon the tariff question? Bless you, he legislates upon the basis of theory, not upon the basis of fact.

Consequently, if this new theory is to be carried out according to their standpoint they do not need any Tariff Board.

Mr. CLARK of Florida. May I ask the gentleman a question?

Mr. WILLIS. Yes; I yield to the gentleman from Florida.

Mr. CLARK of Florida. I understand my friend to say that no Member upon this side or upon that side knows anything about the difference in the cost of production of a pound of wool at home and abroad. Is that true?

Mr. WILLIS. I did not state it in quite that way, but then that is approximately true. What I said I will repeat: That there is no gentleman on this side or on that side—not even my good friend from Florida, for whom I have such profound respect for his ability and all that—who knows the exact difference in the cost of production of a pound of wool in Ohio and Tasmania. Do you?

Mr. CLARK of Florida. Now, my friend says that the Democrats are proceeding to revise this schedule without that knowledge. He says that we are proceeding blindly. I want to ask him how the Payne Ways and Means Committee proceeded two years ago, when they did not have the knowledge which he says we have not got now?

Mr. WILLIS. I will say to the gentleman from Florida that I decline absolutely to go into any discussion of a matter of that kind that I do not know something about. I tried mightily to be here to aid in the passage of the tariff legislation of that session, but there were circumstances beyond my control which it would be embarrassing to me to discuss that prevented my coming, and consequently I am not in a position to give any detailed information about how the Payne law was made. [Laughter.]

But to come back to the proposition that I was just making, that if we are to have a tariff levied without any reference at all to the influence it will have upon any American industry, then I can understand why there need be no collection of facts. But the position that the farmers and sheep men of Ohio take is this: They say, "Here we have stood honestly and earnestly by this idea of a Tariff Commission. In public meetings and by public resolutions we have done all we could to formulate public sentiment."

The Tariff Commission has finally been provided for, the Tariff Board is at work, and we say to you, "Wait until you have the facts. Do not proceed in ignorance of the facts. Do not proceed upon the theory that you are to ignore actual existing conditions, but wait until the regular session of Congress."

That is the proposition that is made by the farmers and woolgrowers of Ohio.

Mr. LONGWORTH. Will my colleague yield for a question?

Mr. WILLIS. I yield to my colleague.

Mr. LONGWORTH. The gentleman speaks of the farmers and woolgrowers of Ohio. He has a very thorough knowledge of the growing of wool in Ohio, a practical knowledge, I understand. Will he state whether in Ohio there are very large flocks of sheep owned by a few men of wealth, or whether the flocks are small as a rule, and distributed about the State, and whether the industry is a diversified one or not?

Mr. WILLIS. I shall answer that question, propounded by my colleague, to the best of my ability, and I want to say to him that the sheep industry of the State of Ohio is not in such a condition as it is perhaps in some of the States of the Union. It is not in the hands of a few people. There are not simply a few great flocks and a few great flockmasters.

The sheep industry of Ohio is diversified; that is, I mean to say it is scattered out over the State. I could not pretend to give anything like a fair statement of the average size of Ohio flocks, but they are comparatively small. Here will be a farmer who owns 50 sheep and his neighbor will have 100 and another 75, and so on. Of course, once in a while, you will find a farmer who specializes, and will have several hundred sheep, but those cases are rare. Therefore I speak of this earnestly, because I want you to see the effect that this bill which you are proposing to pass will have upon this industry. It is not something that will simply strike a few people. But if you pass this bill, you depreciate the value of wool and the value of sheep. It is a matter of record that that is what you propose to do. The gentleman from Ohio [Mr. LONGWORTH] made that clear the other day in a question that he put to the gentleman from Massachusetts and got a categorical reply that wool was to be decreased in price in the markets of the country. That is the declared object of this legislation.

Let me call your attention to the fact that the effect of this legislation is not going to strike alone on one or two flock masters, but it is something that will permeate the whole State. Do not get in your minds the idea that the great millionaire sheep owner of the West is the only one to be affected, but understand that when you pass this bill you strike down the wool industry of my State, and you are striking at the means of sustenance and livelihood of the small farmer, the man who owns 50 or 60 acres of land. Those make up the great majority of flock masters of Ohio.

Mr. FOWLER. Will the gentleman yield for a question?

Mr. WILLIS. I will.

Mr. FOWLER. Does the gentleman regard the prices of woolen products as being in harmony with the prices of other products of necessity?

Mr. WILLIS. I would rather not take that question up just now. I am talking about the effect of this legislation on the wool industry of my State. I am not going into the manufacturer's schedule.

Mr. FOWLER. The real question I desire to ask is, Are not the farmers of Ohio, as of the Nation at large, willing to reduce the price of their product when they can get a corresponding reduction in the price of the finished product?

Mr. WILLIS. That sounds fair. I heard speeches like that along back in 1892. I heard arguments like that, and it was said that if we would overthrow the robber barons, whoever and wherever they are, prices would be lower and it would be easier for the people to live. I heard it said, because I was living and moving around in this country along in those years; it was said by distinguished Democratic orators that the result of the free-wool provision of the Wilson bill would be that clothing would be so much cheaper and the necessaries of life would be so much cheaper that it would be much easier for the farmer to buy clothing for himself and his family, and that he could afford to bear the reduction in the selling price of his wool and sheep.

Unfortunately for the farmer, that specious argument found lodgment in the minds of a good many of the American people. So the Democratic Party was put in power, and it afterwards gave us the Wilson bill. What was the result? You had a reduction in the price of the wool and sheep all right, and perhaps you had some reduction in the price of clothing, but you did just what you are going to do now. You so paralyzed the industries of this country by your continuous assault, by your breaking down of the policy of protection to American industries, that the farmers of this country did not have anything to buy even cheap clothing with. [Applause on the Republican side.]

Mr. FOWLER. But the gentleman has not answered my question.

Mr. WILLIS. I have answered it in my own way. Perhaps it is not satisfactory to the gentleman.

Mr. FOWLER. I am asking for information.

Mr. WILLIS. Well, if the gentleman will listen, he will get it. [Laughter.]

Mr. FOWLER. I will put the question again. Are the farmers in your State willing for a reduction on the price of wool?

Mr. WILLIS. No, sir.

Mr. FOWLER. If a corresponding reduction is made on the finished product?

Mr. WILLIS. I have answered that question once, but I will answer it again. The farmers of Ohio are not willing to take the chances of an industrial paralysis that will come from Democratic tariff tinkering. They are not willing to take the chances of getting their clothing cheaper as an offset to the disadvantage that will come to them for having the price of wool lowered, particularly in view of the previous policy your party has carried out when business was so paralyzed in the country that the farmers did not have anything with which to buy even the cheaper goods.

Mr. FOWLER. Then the gentleman is in favor of a tariff of 150 per cent. Is it not a fact that if you place a high tariff on wool you must also place a higher tariff on the finished product?

Mr. WILLIS. There should be a tariff on the finished product if there is a tariff on wool, but not a tariff of 150 per cent.

Mr. FOWLER. Is it not a fact that you must place a higher tariff on the finished product?

Mr. WILLIS. I presume that would be true. Then what?

Mr. FOWLER. That is true, then?

Mr. WILLIS. That would be true, because I believe in protecting the American labor; yes.

Mr. FOWLER. Then, do you regard the tariff that is on wool now as a proper tariff for the wool of this country?

Mr. WILLIS. Yes; I regard the tariff on wool as a proper tariff.

Mr. FOWLER. Do you regard the tariff on the finished product——

Mr. WILLIS. I say to the gentleman that I am not discussing that. If the gentleman wants to make a speech about that he may do so.

Mr. FOWLER. Mr. Chairman, I want to ask one more question.

Mr. WILLIS. I decline to yield unless the gentleman wants to ask a question on the subject that I am talking about. I am not talking about the manufactured schedule. I am talking about the protection on wool in Ohio and the other wool-producing States.

Mr. FOWLER. You have said——

The CHAIRMAN. The gentleman declines to yield.

Mr. WILLIS. Mr. Chairman, I will yield to the gentleman if he asks a question on the subject that I am talking about.

Mr. FOWLER. I desire to ask a question for information.

Mr. WILLIS. Do it.

Mr. FOWLER. You have said that the tariff requires a correspondingly higher tariff on the finished product. Now, I desire to ask you: If the present tariff on wool is a proper tariff, as you have said, is not the present tariff on the finished product a proper tariff?

Mr. WILLIS. Oh, that does not follow. Mr. Chairman——

Mr. FOWLER. Well——

Mr. WILLIS. Mr. Chairman, the gentleman can not ask a question and then answer it also. The fact that I am saying to this committee that a tariff of 11 cents a pound is a proper tariff upon raw wool of Class I, or that 12 cents a pound might be a proper tariff on second-class wool, is one thing, but there is a tremendous hiatus between that proposition and the proposition that therefore every rate that may be provided in the Payne law upon every manufactured article is proper. There is no logic in that. I am not discussing the schedule on manufactured woolens, and I am not going into that. The gentleman may if he wants to.

I am talking about the effect of this bill upon the sheepmen and the woolmen and the wool industry of this country, and I do not wonder that the gentleman wants to get away from the proposition because I tell him that there is a rod in pickle for the men who propose to break down the sheep industry in this country by passing this bill.

Mr. FOWLER. Is the gentleman in favor of a reduction in the woolen schedules as they now exist?

Mr. WILLIS. I am not in favor of a reduction of the woolen schedule as long as that reduction is gotten up over on that side in any such unscientific and destructive manner as this bill is drawn. [Applause on the Republican side.]

Mr. Chairman, I think I have made my position clear on that. I want now to take up another phase of this subject. I say to the members of this committee that this bill that is brought in here is put upon a false basis. I shall not say very much upon one point I had expected to discuss, because it has been so thoroughly covered by the gentleman from Pennsylvania [Mr. DALZELL] in his remarks. As I go over this report of the Committee on Ways and Means—and I have read it as carefully as I can—there are two general reasons given for the bringing in of this bill for the necessity of its enactment into law.

Mr. GOEKE. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to my colleague.

Mr. GOEKE. Does the gentleman think that the people of the eighth district of Ohio, and the people of Ohio generally, are satisfied with Schedule K as it now exists?

Mr. WILLIS. I will say to my colleague that I think they are a great deal better satisfied with it than they would be with this bill that my friend is proposing to vote for—vastly better.

Mr. GOEKE. Will the gentleman yield further?

Mr. WILLIS. I yield.

Mr. GOEKE. Then my colleague suggests that they are not particularly satisfied with it as it now exists, does he not?

Mr. WILLIS. I will say to the gentleman that I am not at all embarrassed about it, or mealy-mouthed about it. There are some items in Schedule K of the present law that are not satisfactory to the people generally, nor to me, as I suppose there are some that are not satisfactory to him. It is not likely that there ever will be a tariff law that will be entirely satisfactory to everybody.

And if the gentleman or I had had the writing of that schedule perhaps some things in it would have been different; but since my friend has asked me a question about that, let me ask him a question. The majority has announced through the leaders upon that side that this is only the first step—that ultimately there is to be free raw wool. I would ask my friend if he is in favor of free raw wool?

Mr. GOEKE. Whenever there is a general revision of the tariff so that we can provide for the revenues by placing wool on the free list, I would be in favor of putting wool on the free list. [Applause on the Democratic side.]

Mr. WILLIS. That answer is perfectly frank—as the answers from my friend from the fourth district are always frank. But that puts the question a good ways off, I think, with the qualification that he has put into it. Now, I want to proceed with the line of reasoning I had in mind. There are two reasons that are given for the bringing in of this legislation. The first one is that it is a financial necessity to make some sort of an explanation to the American people, who, without regard to party, have been asking for a tariff commission or a tariff board and have been petitioning that the revision of Schedule K shall await the finding of that board as to the facts. In order to make some explanation to the American people as to why you have deserted them upon that proposition you now propose to legislate without any investigation of the facts, on the theory that such legislation is a financial necessity. That is the first excuse that is given.

The excuse that there is a financial necessity was filled as full of holes as a sieve by the argument of the gentleman from Pennsylvania [Mr. DALZELL]. I am not in the confidence of the Committee on Ways and Means, but it has never been asserted that any financial officers of the Government have appeared before the committee and asked for any financial legislation. In view of the facts as they are shown here by this official statement of the United States Treasury for to-day, in view of the fact that we have in the Treasury of the United States a working balance of $25,000,000; in view of the further fact that we have a total balance in the general fund of $86,000,000; in view of the further fact that this day the excess or ordinary receipts over ordinary disbursements is $148,000; in view of the further fact that it appears on page 3 of this statement that for this year thus far the excess of receipts over disbursements is $15,000,000, and in view of the unquestioned and unquestionable facts, as presented here a few minutes ago by the gentleman from Pennsylvania [Mr. DALZELL], that argument as to financial necessity absolutely falls to the ground. There is no financial necessity for this legislation. The Treasury is in a safe condition, and this claim that the Treasury is depleted is trumped up here simply as a sort of flimsy excuse for this attack upon the great woolgrowing industry of this country. [Applause on the Republican side.] Then, the second argument that is given, or the second so-called argument, or second excuse is this. It is claimed—and I imagine a majority of the committee shed a great many tears as they wrote these lines you will find in the report, pages 24, 25, and 26—it is claimed that the wool industry is a dying industry. Sad, doleful facts are here presented.

The number of sheep and the amount of the clip have not been increased in proportion to the population—

I am reading from page 25, and then at the bottom of the page—

The fact must be faced, therefore, that the 40 years of high protection have entirely failed to really help the wool-growing industry as a whole. This long, troublesome, and costly experiment has not yielded the results claimed by its advocates. The test of long experience, by which every human project must stand or fall, proves that the protective duties on wool do not serve a useful purpose. The protection theory involved, if indeed it was ever sincerely believed by its promoters and principal advocates, has broken down. The excessive burdens forced upon the consumers under the present high duties have driven them to use other textile fabrics in place of woolen goods to a very great extent. It is characteristic of policies in restraint of trade that they are driven to extremes by the beneficiaries they make powerful and injure the fair opportunities of all.

See! They say it has been a long, troublesome, and costly experiment, and the logical conclusion is that since it has been a long, costly, and profitless experiment that therefore they propose to abandon it. Stripped of all verbiage, the statement on page 26 of this report, if it means anything at all, means that the gentlemen in control of that side have come to the conclusion that the sheep industry and the wool-growing industry of this country are not worth while, and they are not going to try to preserve the life of these industries. They go on further on this page:

The principal part of our woolgrowing is now in the far Western or Mountain States, which in 1910 produced about 50 per cent of the total domestic clip. For a number of years the raising of sheep for wool has been a comparatively small incident of agriculture in the older and Eastern States. It is evident that the development of agriculture in the West is bringing into more profitable use a great deal of land heretofore used only for pasturage, and with the steady increase in our population pasturage must give way more and more to

agriculture throughout continental United States. The raising of large numbers of sheep requires great ranges of suitable grazing land, with suitable water and soil conditions. It is therefore evident that in the future, with our rapidly increasing population, if our people are to continue to use wool for clothing to a great extent, a larger percentage of the domestic consumption must be imported than has been the case heretofore. This will not mean a less demand for our domestic wools, but a greater and better demand for all the domestic wool that can be raised, if unwise restrictions discouraging the use of wool are avoided. It is maintained by a very large number of our best economists and statesmen that the economic situation involved in our rapid progress as a nation requires that our ports should be thrown open to the importation of wool free of duty; and this view, based on the most profound consideration of the public welfare, has found expression in Democratic legislation. It is the constant intent of the Democratic Party to make the burden of tariff taxes as light as possible for the people, and to levy tariff taxes on a revenue basis as promptly as possible, for the party recognizes no justification whatever for tariff taxes except the necessity of revenue.

And so on. I will insert that in my remarks in the RECORD. I will not take the time to read it now.

Down at the close of that paragraph the committee say:

This will not mean a less demand for our domestic wool.

It is a fact that it is proposed in this bill to bring in something like 200,000,000 pounds a year in addition to what is now being imported, and it is claimed that that is not going to decrease the demand for American wool. How in the name of common sense could such a proposition as that stand for a moment? As was shown here the other day by the gentleman from Illinois [Mr. MANN], our Republican leader, how is it possible that you can bring in something like 200,000,000 pounds per year and yet not displace any American wool? The mere statement of that proposition disproves it. But let us read on. It sounds like the siren's song that the people listened to back in the election of 1892. It says:

This will not mean a less demand for our domestic wools, but a greater and better demand for all the domestic wools that can be raised.

How well I remember a speech by a distinguished Democratic statesman, in which he said that if we simply had free wool we would increase the market for American wool; that we could use it in mixing, and all that sort of thing. I will ask the men who are old enough to remember to simply look at the facts as they know them. Did that work out? Was that argument valid? Did it increase the market for American wool or the price to the farmer under the operation of the law of 1894? Was the argument good then? If it was not good then and did not work out, what makes you think it is of any account and will work out now?

But let us go on. They say, and here is the milk in the coconut:

It is maintained by a very large number of our best economists and statesmen that the economic situation involved in our rapid progress as a nation requires that our ports should be thrown open to the importation of wool free of duty; and this view, based on the most profound consideration of the public welfare, has found expression in Democratic legislation. It is the constant intent of the Democratic Party to make the burden of tariff taxes as light as possible for the people, and to levy tariff taxes on a revenue basis as promptly as possible, for the party recognizes no justification whatever for tariff taxes, except the necessity of revenue.

Recurring, again, to the proposition to which I referred at the beginning of my remarks; that is the proposition of the Democratic Party now. That party disregards the welfare of every American industry and levies its tariffs for revenue only. There was a time when they said, "We are in favor of a tariff for revenue only, with incidental protection." And I am not saying but what there may be a very small degree of protection in this bill. Personally I think there is. Your great leader, Mr. Bryan, thinks there is a good deal of protection in it. But I want to say in passing that there is not enough to amount to anything. You will hurt the wool industry just about as badly by the passage of this bill as it was hurt in 1894 by the passage of the Wilson law. You are hurting it now by the threat of passing this bill to be followed by a bill putting wool on the free list just about as badly as you would if you had brought in your bill for what you actually believe. Why did you not stand for the thing that your party absolutely stands for and which it promises for the future, namely, free wool? Why do you qualify? You are following the theory, I suppose, that if you cut off the dog's tail an inch at a time he will feel more comfortable about it.

It is, then, the Democratic proposition that the wool industry is a dying industry; that you might just as well let it go. Now, I want to canvass that situation very briefly and see whether this wool industry is a dying industry. I call attention to the fact that whenever you have had tariff legislation like unto this, the wool industry has temporarily been a dying industry. I refer to a table which I have before me.

Effect upon the number of sheep of 5 experiments during the past 43 years with revision of the wool tariff.

[Whenever the duties have been below 11 cents per pound on wool of the first class, flocks have always decreased, and, on the other hand, when the duties have been as at present (11 cents per pound or higher) they have always increased.]

Year of enactment.	Term of existence.	Rate of duty per pound.	Per cent of increase (+) or decrease (−).
		Cents.	
1867	Last 4 years of it	12½	+25
1883	About 6 years	10	−16
1890	Less than 4 years	11	+10
1894	do	Free.	−21
1897	12 years	11	+46

Under the act of 1867 the tariff on wool was 12½ cents per pound. In the last four years of that tariff the number of sheep in this country increased 25 per cent. Then under the act of 1883 the tariff was reduced to 10 cents. Note the effect it had. I maintain, Mr. Chairman, that experience has shown that as soon as you go below the rate of 11 cents per pound duty on first-class wool you paralyze and practically destroy the woolgrowing industry of this country. Under the act of 1883, as I have said, the duty was reduced to 10 cents a pound. What was the result? In six years there was a reduction in the number of sheep in this country of 16 per cent. The very minute that you get below that danger line of 11 cents per pound duty, then you work destruction to the woolgrowing and sheepraising interests of this country; and for that reason, as I said a little bit ago, this feeble palliative you have introduced here does not do the woolgrower any good. If, as experience has unquestionably shown, it requires a duty of 11 cents a pound to make the industry live, then, if you put it down, as you are proposing now, to a duty of 20 per cent, you might just as well put it to 5 per cent, because you will kill the industry, anyhow. That was the effect then of this law, with a duty of 10 cents per pound, in six years. There was a decrease in the number of sheep of 16 per cent.

Then came the act of 1890—the McKinley law. In less than four years, under the operation of that beneficent statute, with first-class wool bearing a duty of 11 cents a pound, you had an increase in the number of sheep in this country of 10 per cent.

And then came the halcyon days for Democratic wool legislation. As I have alluded to it before, the people listened to the argument, or the statement, rather, that if wool was put on the free list there would be an increased demand for the American product and the farmer would not suffer any reduction in his prices. Well, see how it worked. Under the Wilson law of 1894 you had free wool. What was the result? What was the result, I say? The result was that in three years you had a falling off in the industry is this country of 21 per cent. To bring that to my own State, just so that you can see the effect, I hold in my hand Ohio's statistics for 1897. Do not be alarmed, gentlemen; I do not mean to read this through or any considerable part of it, but I mean just to place before you some facts to bear out this proposition.

Take, for example, the county of Champaign, not one of the greatest sheep counties in the State. The wool clip in that county in 1890 was 121,000 pounds. Under the beneficent influences of the McKinley law the clip rose in 1893 to 175,000 pounds. Under the baneful effects of the Wilson law it fell to 104,000 pounds.

Here is another—Delaware County. Here you have, under influence of the McKinley law, 400,000 pounds; under the Wilson law, 210,000 pounds. And so on with the other counties in the district that I have the honor to represent—Hancock and Hardin and Logan and Union.

In Hancock County in 1890, 213,000 pounds of wool were shorn; under the McKinley law this increased in 1892 to 231,000 pounds; but under the destructive influence of the Wilson law the clip fell off in 1896 to 155,000 pounds. Hardin County's wool clip in 1890 was 199,000 pounds; in 1894 it had increased to 210,000 pounds under the McKinley law; but in that year the Wilson law came like a blight on the wool industry, and production fell off in 1896 to 154,000 pounds. Farmers sold their wool at meager prices and drove their sheep to the slaughter pens or gave them away. Logan County's wool clip was 220,000 pounds in 1890; under the encouragement of the McKinley law it increased to 299,000 pounds in 1893, and then fell off under the Wilson law to 155,000 pounds in 1896. Under the McKinley law in 1891 Union County sent to the market 338,000

pounds; under the baneful influence of a Democratic free-wool law the clip fell to 190,000 in 1896. And in all these great counties not only was the annual production of wool greatly reduced, but the small amount that was produced was sold at ridiculously low prices, and sheep could hardly be disposed of at any price. These facts are emphasized by the figures of 1897, when the disastrous effects of Democratic free-wool legislation under the Wilson law became fully apparent. The farmers and woolgrowers have been struggling slowly upward to recoup the losses sustained between 1894 and 1897, and they want no more legislation such as almost drove them to bankruptcy in those years. They are carefully improving their flocks and trying to restore the sheep industry, and they are succeeding. In view of the present prices for their product, they ask that the present tariff of 11 cents a pound on raw wool be retained.

The same story is told in every county. In the years that the people were struggling under the act of 1894 the number of sheep fell off; prices went down; there was stagnation in the wool industry. You could not sell wool at any price. Absolutely you could hardly give sheep away, and that situation obtained in other places in the country. There is no question about that. It was a situation that was well-nigh universal. There was no market for sheep, no market for wool.

Absolutely every time you go back to the principle of a protective tariff of at least 11 cents a pound upon wool, then your wool industry has revived, and so it has operated in this case. Under the Dingley law of 1897, in 12 years, with wool bearing a duty of 11 cents a pound, there has been an increase in the number of sheep in this country of 46 per cent. Gentlemen will say, "Why, the wool and sheep industry in the world is dying; it has decreased." I call attention to another table, which I shall insert in my remarks, showing that at the very time that the number of sheep of Europe has decreased 10 per cent—while in North America, as a whole, the number has decreased 7 per cent, while in South America it has decreased 9 per cent, while in Asia it has decreased 18 per cent, and so on with the different continents—at the same time that there has been a decrease in the sheep industry and the wool industry in other countries, in this country, where the industry is protected under the principles of Republican tariff laws that give to the woolgrowers a protection of at least 11 cents a pound—under the provisions of these beneficent laws, I say, the wool industry and the sheep industry have grown and prospered and increased. When at the very time that there has been a decrease in these other continents and in these other countries, in the United States of America in 12 years, as I have pointed out, there has been an increase of 46 per cent, and the same thing applies to the State of Ohio. There has been a tremendous increase there.

I have a letter here that I received this morning from the Census Bureau, in response to a question of mine that I had sent to the department, calling attention to the fact that in the State of Ohio, where our Democratic friends tell us the sheep industry and the wool industry are of so little importance that they can be trifled away—that it is a dying industry, as they say, in the State of Ohio—there has been an increase in the number of sheep in that State of something over 10 per cent in the past 10 years.

I will print as part of my remarks the following letter:

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF THE CENSUS,
Washington, June 12, 1911.

Hon. FRANK B. WILLIS,
House of Representatives, Washington.

MY DEAR MR. WILLIS: In compliance with a telephonic message through the chief clerk, I hand you herewith an exhibit of the number of sheep and the fleeces of wool returned by the census for the State of Ohio at various census years. This has been prepared by the chief statistician for agriculture, Dr. L. G. Powers:

Years.	Sheep.	Fleeces.
	Number.	
1850	3,942,929	.....
1860	3,546,767	.....
1870	4,928,635	.....
1880	4,902,486	4,902,486
1890	4,060,729	3,683,823
1900	2,648,250	2,897,604
1910	2,892,272	.....

No distinct tabulation was given of the fleeces of wool in 1880, and the census reported as the number of fleeces a number equal to the number of animals returned as sheep. In 1890 a separate tabulation of sheep and fleeces of wool was made. Those numbers differ. The explanation of the difference is doubtless that the instructions for 1890, as well as for preceding years, did not tell the enumerators whether they should include lambs or not. The number of lambs included in 1890 is undoubtedly substantially equal to the difference between the number of fleeces and the number of sheep as given above. The number of sheep reported in 1880 was no doubt exaggerated to the same extent and due to the same cause as in 1890. In 1900 the census asked specifically for a separation of the number of wool-producing sheep and lambs, and at that time the number of fleeces of wool shorn was somewhat greater than the number of wool-bearing sheep on hand at the date of enumeration. The difference represents the fleeces of sheep that had been slaughtered between the time of shearing and the date of enumeration. Any complete enumeration of sheep and wool in the spring of the year will show a slightly greater number of fleeces shorn than of sheep on hand. The enumeration of wool in 1909 as returned by the census of 1910 is more or less imperfect, owing to the date of enumeration; hence the figures for wool in Ohio in 1909 are not fully expressive of the facts. The number of fleeces shorn was doubtless a trifle more than the number of wool-bearing sheep reported, as stated above.

Very respectfully,
ROLAND P. FALKNER,
Acting Director.

And, by the way, this is another reason why I am opposed to the passage of any bill upon this subject at this time. We are trying to get information. You can not get information from the Tariff Board, because its report is not yet ready. And this is the extent of the information that I have been able to get from the Census Bureau as to the wool situation in Ohio; and I speak these words not by way of criticism of the Census Bureau, because they gave me all the facts they had. But that information is not now obtainable. It will be in a few months from now. Why rush in such headlong haste to destroy this great American industry? Why not wait and get the facts from the Census Bureau and the Tariff Board? These facts will be obtainable in a few months. If your proposal to abandon the woolgrowers to destruction is just, you should not fear bringing the facts to light, or do you suspect that the facts are against your contention and is this the cause of your unseemly haste to blight and destroy the woolgrowing and sheep-raising industry?

The conclusion I want to make from all this is simply that the wool industry is not a dying industry. It is an industry that has fallen off tremendously in periods when we have had Democratic tariff legislation, and it has revived when we have had protective legislation.

Another thing I want to call your attention to in that connection is that there seems to be a misunderstanding in some quarters as to the number of sheep in this country. I heard gentlemen discussing the matter the other day, and it was said that there are only 38,000,000 or 39,000,000 sheep in the country. I have here the statistical abstract issued by the Government of the United States. At page 148 you will find that in 1906 the number of sheep was 50,000,000; in 1907, 53,000,000; in 1908, 54,000,000; in 1909, 56,000,000; in 1910, 57,000,000; a constant increase.

So that the second proposition upon which this legislation is based, namely, that the sheep and wool industry is not prospering, that it is not of sufficient importance to warrant any consideration or attention at the hands of this committee—that proposition is without any foundation whatever.

I want at this point to call your attention to what seems to me to be a very remarkable doctrine. It appears in the report sent out by the committee. It appears also in the discussion that was had upon the floor of the House by distinguished Members of the majority of the Committee on Ways and Means; consequently there can not be any mistaking the authority of these statements.

That doctrine, which to me seems astonishing, is set forth in the report of the committee, and also brought out particularly in the remarks that were made by the gentleman from Massachusetts [Mr. PETERS], in which he complains bitterly that as a result of Republican legislation certain importations have been cut off. It was said, for example, that here are such and such importations of woolen manufactures, and that without this Republican policy of protection the importations would have been greater. It was said by way of complaint and indictment and criticism that in certain lines there were practically no importations, and the argument running through that all the time was that it was a matter of alarm and should be a matter of dissatisfaction—a matter that ought to be remedied by legislation, if we had got to that point where American industries would come anywhere near supplying American needs. The statement referred to follows:

COMBED WOOL AND TOPS.

Tops constitute the second process in the manufacture of cloth. One of the few changes in the act of 1909 is the insertion of a special paragraph on the duty on tops. Prior to this enactment tops were not separately reported. It is to be expected that the ad valorem rate on tops would be low, as they are one of the raw materials entering into manufacture. The present, however, is practically a prohibitive one, and last year there were imported only $1,129.80 worth, which resulted in an equivalent ad valorem rate of 105.19 per cent. This is reduced to 25 per cent. The imports of tops have been so insignificant

and the present duty is so largely prohibitive that it has been very difficult to obtain a point for a revenue rate. Even under the present rate, however, it is estimated that the present importation will not be extensive.

YARN.

The present act provides a compound and ad valorem duty for yarns, of which in the last year there were imported $326,886.02 worth, which resulted, under the tariff, in an equivalent ad valorem rate of 82.38 per cent. This duty is practically prohibitive. This is especially so of the duties on cheaper yarns. While the act of 1901 made a slight change in the rates, it amounted to nothing, as the imports were still absolutely insignificant. The imports for the fiscal year ended June 30, 1910, consisted of only 127 pounds, worth $28, on which was paid a duty amounting to 159.75 per cent ad valorem. As with the yarns used in the cheaper form of cloths, their prohibitive duties added greatly to the expense of the finished product. As practically all the yarns imported were over 30 cents per pound, the specific duty became a constantly diminishing burden as the class of yarns grew more expensive.

Mr. Chairman, that objection develops the whole difference between the theory of Members on that side of the House and of Members on this side of the House. The Republican theory, as I understand it, is that it is better if we can develop our own industries, if we can employ our own labor, if we can build our own mills, if we can raise our own products, that that should be done in this country than that it should be done in a foreign country. To me it is perfectly amazing that gentlemen should criticize or complain because American inventive genius, American skill, encouraged by an American protective tariff, and American workingmen, and American capitalists, have been able so to develop the industry in this country that we are foremost in it and are able to supply our own demands. It seems to me that instead of being a matter for criticism it ought to be a matter for congratulation.

But, I say, the mere discussion of that proposition develops the difference between the theory of gentlemen on that side and gentlemen on this side. There was one particular phase of the discussion that was little short of astonishing. I read from the RECORD, at page 1869:

Shoddy, waste, and rags have placed on them the same duty as that on wool—20 per cent. Many of these articles are the raw materials for certain mills, and their lowering in price from an ad valorem rate under the Payne bill of 38.96 per cent to 20 per cent should greatly lessen the tax on the consumer. The present duties on importations of shoddy are practically prohibitive. In this last year only 30 pounds were imported which bore an ad valorem duty, a return to the Government of the magnificent revenue of $7.50.

On the entire importations under this schedule, amounting in 1910 to $203,509.25, duties were paid of $79,293, at an ad valorem rate of 38.96 per cent. Under the proposed act it is estimated that the importations will reach $890,500, which, at the rate of 20 per cent, will produce a revenue of $178,100.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAYNE. I yield to the gentleman 20 minutes additional.

Mr. WILLIS. I simply want to develop that point, Mr. Chairman. In the report of the committee the same thought is brought out at page 29. Near the top of the page it says:

The bill H. R. 11019 provides in one paragraph (2) for all the wool wastes, shoddies, mungo, flocks, wool extract, carbonized wool, carbonized noils, and rags composed wholly or in part of wool, and on all these articles, including wool wastes and woolen rags not specially provided for, imposes a uniform duty of 20 per cent ad valorem, the same as on unmanufactured wools. It has been the Democratic policy to treat the principal wool wastes in the same way as raw wools are treated in tariff legislation. Such was the case in the Wilson bill in 1894 as it was passed by the House of Representatives, in the Springer bill of 1892, and in the Mills bill of 1888. In the Wilson Act of 1894 the Senate imposed a duty of 15 per cent on shoddy, noils, wool extract, yarn waste, thread waste, and other wastes, although leaving raw wools free of duty; but in the Springer bill of 1892 and the Mills bill of 1888 these articles were treated exactly like raw wools. As to woolen rags, mungo, and flocks, the Wilson Act of 1894 made the rate 15 per cent, while the rate proposed in the Springer bill of 1892 was 25 per cent. The Mills bill of 1888 treated these articles exactly like raw wools.

Now, at the bottom of the same page:

The existing duties on the wastes, shoddies, and rags are provided for in paragraphs 372, 373, and 374 of the act of 1909. These duties are improperly and unfairly proportioned. On the actual imports of the fiscal year 1910 the ad valorem equivalents of the duties collected ranged from 32.06 per cent on noils to 38.08 per cent on rags and flocks, 57.97 per cent on yarn, thread, and other wastes and wool extract, and 375 per cent on shoddy. The average ad valorem equivalent of the duties collected on all the articles of the group was 38.96 per cent.

Now, if you will turn to page 92 of the report you will find a detailed statement under the subhead "Shoddy" that ought to be very interesting. This is under the acts of 1897 and 1909. For example, here in the year 1901 there were only 7 pounds of shoddy imported; 1907 there were 55 pounds imported; 1908, 50 pounds; in 1910, 30 pounds. Now, if gentlemen will look to the right in the table they will find that the rate of duty in one year was 250 per cent, another year 174 per cent, another year 98 per cent, and in 1910, 375 per cent.

Imports and duties, 1895–1910.

SHODDY.

Fiscal year ended June 30—	Rate of duty.	Quantity.	Value.	Duty collected.	Average. Value per unit of quantity.	Average. Ad valorem rate of duty.
		Pounds.				*Per ct.*
1895	30 cents per pound..	30	$17.00	$9.00	$0.57	52.94
	15 per cent.....	51,190	4,588.00	688.20	.09	15.00
1896	.....do.....	139,931	12,873.00	1,930.95	.092	15.00
1897	.....do.....	2,545	337.00	50.55	.13	15.00
1901	25 cents per pound..	7	6.00	1.75	.857	29.20
1905	.....do.....	50	5.00	12.50	.10	250.00
1906	.....do.....	8,958	1,283.00	2,239.50	.143	174.55
1907	.....do.....	55	14.00	13.75	.253	98.21
1908	.....do.....	20	5.00	5.00	.25	100.00
1910	.....do.....	30	2.00	7.50	.067	375.00
	RAGS, MUNGO, AND FLOCKS. (ACT OF 1890.)					
		Pounds.				*Per ct.*
1894	10 cents per pound..	48,606	$15,570.00	$4,860.60	$0.32	31.22
1895	.....do.....	4,439	1,091.00	443.90	.25	40.68
	RAGS. (ACT OF 1894.)					
		Pounds.				
1895	Free of duty.....	6,498,907	$401,976.00	.....	$0.062	Free.
1896	.....do.....	11,116,402	643,945.50	.....	.058	Free.
1897	.....do.....	28,036,235	1,728,370.10	.....	.062	Free.
1898	.....do.....	996,194	48,276.00	.....	.048	Free.
	MUNGO AND FLOCKS. (ACT OF 1894.)					
		Pounds.				*Per ct.*
1895	15 per cent.....	1,633.50	$376.00	$56.40	$0.23	15.00
1896	.....do.....	11,831	3,211.00	481.65	.27	15.00
1897	.....do.....	153,619	10,763.00	1,614.45	.07	15.00
1898	.....do.....	1,801	435.00	65.25	.242	15.00
	RAGS AND FLOCKS. (ACTS OF 1897 AND 1909.)					
		Pounds.				*Per. ct.*
1898	10 cents per pound..	157,391	$26,315.00	$15,739.10	$0.167	59.81
1899	.....do.....	85,989	14,154.00	8,598.90	.165	50.75
1900	.....do.....	155,802	20,181.00	15,580.20	.13	77.20
1901	.....do.....	14,483	3,806.00	1,448.30	.264	38.05
1902	.....do.....	57,142	8,270.00	5,714.20	.145	69.09
1903	.....do.....	61,535.70	10,224.00	6,153.57	.166	60.19
1904	.....do.....	23,702.80	4,014.00	2,370.28	.169	59.48
1905	.....do.....	68,141.40	12,734.00	6,814.14	.187	53.51
1906	.....do.....	233,181	67,700.00	23,318.10	.29	34.44
1907	.....do.....	151,291	46,454.00	15,129.05	.307	32.57
1908	.....do.....	33,972	11,675.00	3,397.20	.344	29.10
1909	.....do.....	32,773	9,232.00	3,277.30	.282	35.50
1910	.....do.....	362,525	95,191.25	36,252.50	.263	38.08
	MUNGO. (ACTS OF 1897 AND 1909.)					
		Pounds.				*Per ct.*
1898	10 cents per pound..	684	$36.00	$68.40	$0.053	190
1899	.....do.....	188	37.00	18.80	.197	50.81
1900	.....do.....	625	66.00	62.50	.106	94.70
1901	.....do.....	137	21.00	13.70	.154	65.24
1902	.....do.....	561	96.00	56.10	.171	58.33
1903	.....do.....	1,200	104.00	126.00	.083	121.15
1904	.....do.....	700	70.00	70.00	.10	100.00
1905	.....do.....	50	9.00	5.00	.18	55.56
1906	.....do.....	360	44.00	36.00	.122	81.82

In other words, under the present tariff law under Republican legislation, we say the American people are entitled to woolen clothing. We are opposed to the system that allows rags and mungo to come in free of duty. As you will see on page 93, when the Wilson tariff law was in operation, rags were made free. There was a sense of poetic justice and propriety in that. Under that act that sent thousands of people into the street, that broke up great industries in this country, that destroyed the farmer's market, that ruined the prices for crops, that brought such depression to every industry as the country has not seen for half a century, it was a fitting thing that the law that brought all these enormities on the people should provide that rags, the Democratic clothing for the people, should be put upon the free list. [Laughter on the Republican side.]

And so you go on, and when you come to Republican legislation, the acts of 1897 and 1909, the higher duties provided a percentage of 59 per cent on rags, and mungo 190 per cent. Another rate of 121 per cent, practically none of it imported.

Now, the Democratic Party, acting through its caucus, proposes to pass a law whereby rags, for illustration, shall be imported at a much reduced rate, and they complain because the people are not allowed to have these luxuries under Republican legislation.

Mr. KONOP. Will the gentleman yield?

Mr. WILLIS. I will yield to the gentleman.

Mr. KONOP. Are not rags on the free list under the Payne-Aldrich tariff bill?

Mr. WILLIS. I think not. No.

Mr. LONGWORTH. They are dutiable at 10 cents a pound.

Mr. WILLIS. My colleague says they are dutiable at 10 cents.

Mr. MANN. The gentleman from Wisconsin undoubtedly has in his mind cotton rags used for paper making.

Mr. WILLIS. Yes; and that has no bearing on this question. Now, if gentlemen will look at page 93 of the report they will find that on mungo, one kind of rags, the rate of duty amounts to 190 per cent in one year; in 1903 to 121 per cent, a very high rate of duty, and that has been the Republican policy all the time. The rates on shoddy, rags, and mungo have been high, sometimes prohibitive.

The Democratic policy is that instead of encouraging American industry, instead of encouraging the American farmer, the woolgrower, you put rags on the free list in order that the people may have cheap clothing. I say that there ought to be a duty of 5,000 per cent on such things, a duty that would be absolutely prohibitive, and yet gentlemen on that side complain because the duty is so high.

Now I want to read from the hearings on the Payne bill, page 5325. I have heard gentlemen here complain because the people did not have the privilege of buying rags that are scraped out of the filthy alleys and gutters of continental Europe, filled with disease and dirt.

Mr. HOWARD. Mr. Chairman, may I interrupt the gentleman?

Mr. WILLIS. Certainly.

Mr. HOWARD. I believe the gentleman stated a moment ago that he was in favor of the American people wearing woolen clothes. How does the gentleman expect them to wear woolen clothes when you put a tax of $10.20 on every $10 worth of woolen clothes they have to buy?

Mr. WILLIS. I would like to say to the gentleman that that can not be, with a duty of only 11 cents a pound on raw wool.

Mr. HOWARD. As a matter of fact, if the gentleman will allow me to pursue the question further, is it not true that we have to wear rags, practically, under your system of taxation?

Mr. WILLIS. It is under a Democratic administration.

Mr. HOWARD. Is it not under Republican administration?

Mr. WILLIS. Oh, no. Under the tariff regulation the duties are made so high now that they are practically prohibitive, as is said here by the committee in its report; but the committee wants to make them cheap, so that the people can have the privilege of buying clothes made out of rags.

At page 5325 of the hearings I find the following:

As an illustration of the reason for this, you are referred to epidemics of cholera raging in Europe during the life of the Wilson Act. Men and women died by the thousands and were buried in trenches close to the surface, like in cases of burials on the battle field. Much of such clothing never escapes the cupidity of the rag picker, and this danger will justify any duty that excludes rags, on the ground of preserving the health of the American people, even if the duty were 1,000 per cent. Another reason for making the duty prohibitive is that each pound of foregin shoddy, rags, or waste displaces at least three pounds of American unwashed wool.

So, I say to the gentleman, that while it is the Republican policy that the American people should wear good woolen clothing, we want that clothing made out of wool, and not out of a lot of rags and waste and shoddy, such as is provided for in this bill that is introduced here. That is the difference between the gentleman's theory and practice and ours.

Mr. Chairman, I have occupied much more time upon this subject than I expected to occupy, and I want to say simply this in conclusion, that it seems to me that a great industry like this—an industry that is not segregated in some remote quarter, but an industry that is part and parcel of the life of the great mass of the American farmers—should have adequate protection. In my own State the wool industry is not carried on by a few great flockmasters, but it is the small farmer with the small flock of sheep that makes up in the aggregate the great showing that our splendid State makes in woolgrowing. Here you have an industry of 57,000,000 sheep in the United States and nearly 4,000,000 in Ohio, as the gentleman from Pennsylvania [Mr. DALZELL] has said so much better than I can say it, and it must be realized that that industry is not only a valuable one in time of peace, but also in time of war.

It is valuable in time of peace because it furnishes employment to American labor and food for American consumers, and because it is one of the most economic branches of industry that is carried on in connection with agriculture. It is of supreme value in time of war. I believe this country ought so far as possible to be independent. We want to be able to provide the clothing of our soldiers, we want to be able to care for our soldiers and sailors and marines, and I say to you that if you had maintained until now the rates of duty that were established in the McKinley law you would be producing in the year 1912 more than 600,000,000 pounds of wool, and that is more than our annual consumption.

It seems to me, then, that a great industry like this, that not only clothes the people but feeds the people, ought to be protected. Are gentlemen aware that in a single year there are 16,000,000 sheep consumed for food purposes? That is a line of industry that has developed in comparatively recent years. Is it not true, then, that an industry which furnishes employment to the best people on this earth—the farmers of the country, the men who live on the farm far removed from the turmoil and the struggle of the great city, caring for their flocks and herds—should be adequately protected?

Is it not true that an industry so intimately connected with the lives of these people, an industry upon which they depend, many of them, for almost all of the ready cash they have in the course of the year, an industry that so touches every phase of our national life, that is profitable in time of peace and a means of defense in time of war, an industry which in its manufacture employs $500,000,000 of capital and 160,000 people—is it not a fact that such an industry as this ought to receive some consideration from Members on that side when they propose to make up their tariff legislation?

But such is not the case. It receives no consideration at their hands. Here are the two propositions: Members on that side say, "When we go to make a tariff we shall make it without any reference to the effect it shall have upon any American industry. We shall make it without reference to whether it shall throttle and destroy this industry or that one; we shall make it simply from the standpoint of revenue, with ultimate free trade in view." In other words, Members on that side stand committed by their statements and resolutions to the ultimate proposition of free raw wool. On this side we stand for the idea of protection to the American home owner, the American woolgrower, the American farmer, the American laborer. The lines are well drawn, the division is clear. To the American people we can only say, "Choose ye!" [Loud applause.]

APPENDIX 1.

[Part of S. Doc. No. 440, 61st Cong., 2d sess.]

If the wool clip of the United States had continued to increase at the rate at which it was increasing during the last four years of the tariff law of 1867, when the duties were 12½ cents per pound, by the year 1895 the United States would have produced a quantity of wool sufficient for its entire requirements.

But then, as now, there was a cry for tariff revision downward. It was declared that the many consumers were being taxed for the benefit of a few woolgrowers, and that the latter were growing too rich and could easily stand a shave of 2½ cents a pound without injury.

As a result wool duties were reduced to 10 cents per pound in 1883. Under this duty the labor cost of producing wool was from 25 to 30 per cent lower than it is to-day; but even with this advantage the 10 cents per pound duty failed to maintain the number of sheep, and before the law was repealed there had been a decrease of 16 per cent in the number. If that law had not been repealed, at the same rate of decrease the United States would be practically without sheep by 1950.

SHEEP BEGAN TO INCREASE.

The great mistake of reducing the wool duties was then discovered, and Gen. Harrison was elected on the issue of adequate protection for wool, and with this in view the McKinley Act was enacted with a duty of 11 cents per pound. The number of sheep began to increase immediately and continued to increase until the McKinley Act was repealed by the free-wool Wilson Act of 1894.

Even during the short life of the McKinley Act, with adequate wool protection, the number of sheep increased 10 per cent; and if it had not been disturbed, at the rate of increase then in progress, by 1915 this Nation would be producing 650,000,000 pounds of wool annually, which is more than it has ever consumed in a single year.

Then came the cry for free raw material again, and on this issue Grover Cleveland, with a Democratic Congress, was elected, and the duties on wool were removed.

During less than four years of this terribly destructive free-wool experiment the number of sheep decreased 21 per cent.

World's wool production in 1894 and 1906 compared.

	1894.[1]	1906.[2]	Decrease.	Increase.	Per cent of increase (+) or decrease (−).
	Pounds.	*Pounds.*	*Pounds.*	*Pounds.*	
Europe	897,231,061	804,288,000	92,943,061	.....	− 10¾
North America	342,210,712	318,748,000	23,462,712	.....	− 7
South America	397,970,000	436,716,000	.....	38,746,000	+ 9.7
Asia	258,050,000	210,339,000	47,761,000	.....	−18½
Australasia	663,600,000	695,565,000	.....	31,965,000	+ 4.8
Africa	131,925,000	139,702,000	.....	7,777,000	+ 5.9
Total	2,692,986,773	2,605,418,000	87,568,773	.....	− 3¼

[1] From figures of the National Association of Wool Manufacturers.
[2] From the Yearbook of the Department of Agriculture.

Very few persons realize how few sheep there are and how little wool there is in the world in proportion to the population. If the world's total supply of 577,000,000 sheep were all eaten there would be only three-eighths of a sheep for each person; and if its annual wool production, 2,600,000,000 pounds, was evenly distributed the allotment would be only 1.7 pounds for each person.

As the people of the United States consume annually over 6 pounds of wool per capita the importance of maintaining the domestic supply is apparent.

The proportion of domestic wool produced, when reduced to scoured, is 46¼ per cent of the total supply, and the proportion of imported wool is 53¾ per cent. This will be apparent by an examination of the following table:

Percentage of yield of scoured wool ready for the cards in domestic and imported wool fiscal year ending June 30, 1909.

Imported.	Grease wool.	Shrinkage.	Scoured yield.	Proportion of total supply.
	Pounds.	*Per cent.*	*Pounds.*	*Per cent.*
First class	142,581,000	42	82,697,000	.....
Second class	21,952,000	30	15,366,000	.....
Third class	101,876,000	34	67,238,000	.....
Total	266,409,000	.....	165,301,000	53¾
Domestic clip, 1909, including pulled	328,110,749	60	142,223,785	46¼

APPENDIX 2.

Woolen and worsted goods—Comparative summary: 1909, 1904, and 1899.

	Census—			Per cent of increase, 1899 to 1909.
	1909	1904	1899	
Number of establishments	913	1,018	1,221	[1] 25
Capital	$415,465,000	$302,767,000	$256,554,000	62
Cost of materials used	$273,466,000	$197,489,000	$148,087,000	85
Salaries and wages	$79,214,000	$61,433,000	$50,126,000	58
Miscellaneous expenses	$21,347,000	$16,520,000	$14,036,000	52
Value of products	$419,826,000	$307,942,000	$238,745,000	76
Value added by manufacture (products less cost of materials)	$146,360,000	$110,453,000	$90,658,000	61
Employees:				
Number of salaried officials and clerks	5,325	4,324	3,615	47
Average number of wage earners employed during the year	162,914	141,998	125,901	29

[1] Decrease.

APPENDIX 3.

Receipts and disbursements, June 10, 1911.

[Exclusive of postal revenues and disbursements, except postal deficiency.]

	This day.	This month.	This month last fiscal year.	This fiscal year ending June 30, 1911.	To this date last fiscal year.
I. Ordinary receipts and disbursements:					
Receipts—					
Customs	$1,141,463.99	$8,673,414.45	$9,261,828.24	$298,161,408.32	$314,386,793.26
Internal revenue—					
Ordinary	1,453,911.86	8,500,736.35	8,075,277.58	270,324,675.93	250,488,404.89
Corporation tax	187,514.86	889,221.93	342,624.56	9,130,349.85	1,039,329.86
Miscellaneous	117,102.01	4,300,089.82	3,178,987.57	59,130,474.26	47,337,947.80
Total	2,899,992.72	22,363,462.55	20,858,717.95	636,746,908.36	613,252,475.81
Disbursements—					
Civil and miscellaneous	992,858.44	4,488,076.15	4,156,186.98	166,993,786.47	160,933,578.36
War	393,778.31	3,590,399.97	3,642,865.80	151,639,825.94	148,315,709.98
Navy	797,485.13	4,817,466.28	2,605,770.71	114,639,316.06	114,988,444.96
Indians	16,808.18	159,766.60	754,100.73	19,446,080.23	17,251,214.45
Pensions	621,000.00	7,846,003.99	7,300,000.00	154,091,228.60	156,138,544.75
Postal deficiency	.....	.....	.....	1,040,004.74	9,495,628.45
Interest on public debt	6,046.36	34,510.19	43,921.91	21,245,137.74	21,251,466.10
	2,827,976.42	20,936,223.18	18,502,846.13	629,095,379.78	628,374,587.05
Less repayment of unexpended balances	76,563.95	952,484.23	291,300.57	1,604,109.39	4,494,173.28
Total	2,751,412.47	19,983,738.95	18,211,545.56	627,491,270.39	623,880,413.77
Excess of ordinary receipts over ordinary disbursements	148,580.25	2,379,723.60	2,647,172.39	9,255,637.97	[1] 10,627,937.96
II. Panama Canal: [2]					
Disbursements for canal	.....	1,005,102.25	.....	34,914,174.28	31,207,834.86
Excess of Panama Canal receipts over disbursements	.....	[1] 1,005,102.25	.....	[1] 34,914,174.28	[1] 31,207,834.86
III. Public debt:					
Receipts—					
Lawful money deposited to retire national-bank notes (act July 14, 1890)	.....	573,790.00	538,340.00	38,900,905.00	31,203,407.50
Disbursements—					
United States bonds and certificates of indebtedness retired	1,100.00	12,350.00	6,010.00	244,926.35	682,015.00
Lawful money paid for national-bank notes retired (act July 14, 1890)	244,342.50	2,200,860.00	1,558,210.00	33,678,970.00	31,274,338.00
Total	245,442.50	2,213,210.00	1,564,220.00	33,923,896.35	31,956,353.00
Excess of public debt receipts over disbursements	[1] 245,442.50	[1] 1,639,420.00	[1] 1,025,880.00	4,977,008.65	[1] 752,945.50
Excess of all receipts over all disbursements	[1] 96,862.25	[1] 264,798.65	1,621,292.39	[1] 20,681,527.66	[1] 42,588,718.32

[1] Excess of disbursements over receipts.

[2] Panama Canal (June 10, 1911):

Total amount expended on purchase and construction of canal to this date	$239,010,516.35
Amount expended to this date from proceeds of sales of bonds, including premiums	87,309,594.83
Balance expended out of general fund of Treasury reimbursable from proceeds of bonds not yet sold	151,700,921.52
Total bonds authorized by existing laws for Panama Canal	375,200,980.00
Total bonds issued to this date	84,631,980.00
Balance of bonds authorized but not yet issued	290,569,000.00

Receipts and disbursements, five prior years.

[From revised statements.]

	Fiscal year—				
	1910	1909	1908	1907	1906
I. Ordinary receipts	$675,511,715.02	$603,589,489.84	$601,060,723.27	$663,125,659.92	$594,717,942.32
Ordinary disbursements	659,705,391.08	662,324,444.77	621,102,390.64	551,705,129.04	549,405,425.35
Excess of receipts over disbursements	15,806,323.94	[1] 58,734,954.93	[1] 20,041,667.37	111,420,530.88	45,312,516.97
II. Panama Canal receipts	.....	30,731,008.21	25,367,768.67	31,210,817.95	.....
Panama Canal disbursements	33,911,673.37	31,419,442.41	38,093,929.04	27,198,618.71	19,379,373.71
Excess of receipts over disbursements	[1] 33,911,673.37	[1] 688,434.20	[1] 12,726,160.37	4,012,199.24	[1] 19,379,373.71
III. Public-debt receipts	31,674,292.50	45,624,239.50	79,709,636.50	31,991,754.00	35,665,046.00
Public-debt disbursements	33,049,695.50	104,996,770.00	73,891,906.50	56,052,393.47	26,386,326.33
Excess of receipts over disbursements	[1] 1,375,403.00	[1] 59,372,530.50	5,877,730.00	[1] 24,060,639.47	9,278,719.67
Excess of all receipts over all disbursements	[1] 19,480,752.43	[1] 118,795,919.63	[1] 26,890,097.74	91,372,090.65	35,211,862.93
Balance in general fund at close of year	106,894,675.67	126,375,428.10	245,171,347.73	272,061,445.47	180,689,354.82

[1] Excess of disbursements over receipts.

APPENDIX 4.

Comparative table showing production of wool in Ohio for seven years.

Counties.	Pounds shorn.						
	1896	1895	1894	1893	1892	1891	1890
Adams	37,878	60,870	65,518	60,442	61,786	58,525	49,800
Allen	76,141	93,728	130,117	130,849	127,600	118,725	99,352
Ashland	203,188	189,455	218,256	231,198	277,085	283,416	282,198
Ashtabula	77,075	11,799	109,793	120,659	120,209	138,622	117,273
Athens	215,524	292,028	361,205	371,618	447,861	448,202	541,673
Auglaize	53,662	68,827	85,365	65,622	71,629	63,337	48,503
Belmont	359,787	452,450	553,076	556,100	648,155	660,028	603,022
Brown	41,270	58,635	59,686	51,855	48,817	44,119	32,448
Butler	25,615	37,997	40,128	46,805	38,027	32,327	39,014
Carroll	314,263	380,926	466,152	474,380	553,210	557,814	516,725
Champaign	104,085	194,617	171,499	175,776	142,139	131,473	121,400
Clark	142,509	205,945	202,824	257,072	290,786	268,108	225,109
Clermont	24,811	27,456	31,110	25,183	21,087	33,892	14,650
Clinton	115,515	4,615	154,632	143,152	130,413	128,306	104,466
Columbiana	170,504	201,560	235,916	280,574	334,511	384,818	364,711
Coshocton	463,164	533,410	580,978	636,198	646,764	669,280	608,798
Crawford	201,365	220,954	223,891	230,871	248,263	271,536	242,700
Cuyahoga	27,188	31,680	34,233	43,295	50,098	48,876	52,520
Darke	24,013	36,032	49,762	40,357	42,720	27,626	25,524
Defiance	71,401	72,826	81,042	76,812	68,614	71,698	62,550
Delaware	210,081	262,103	323,385	245,081	400,871	401,939	403,887
Erie	65,514	75,952	75,379	102,522	104,670	130,738	147,512
Fairfield	58,098	81,434	132,584	144,003	109,837	160,193	150,955
Fayette	44,315	69,980	81,906	106,328	85,188	71,728	83,216
Franklin	44,271	54,448	55,828	66,803	79,084	72,306	77,548
Fulton	96,385	96,278	154,899	185,085	194,930	202,507	151,064
Gallia	61,945	74,951	90,473	86,914	87,569	77,028	75,416
Geauga	66,335	73,155	95,647	89,524	97,736	96,163	91,014
Green	91,028	131,087	136,163	94,759	144,737	122,263	141,972
Guernsey	378,170	439,496	540,090	568,605	642,249	646,077	628,343
Hamilton	.....	6,938	8,722	11,949	11,706	10,293	10,098
Hancock	155,955	201,755	219,393	224,107	231,039	249,301	213,071
Hardin	154,248	173,476	210,119	169,343	212,230	225,179	199,219
Harrison	539,373	676,295	812,750	814,892	912,442	874,018	870,246
Henry	36,505	52,332	96,426	59,769	64,663	56,457	65,409
Highland	87,176	114,380	126,252	118,008	101,814	93,597	80,205
Hocking	97,500	102,325	141,630	135,023	157,245	162,051	154,014
Holmes	148,219	148,645	183,859	189,520	198,379	228,399	205,235
Huron	275,803	297,408	334,188	343,096	404,463	417,970	355,308
Jackson	61,257	65,153	70,813	62,654	62,924	58,630	52,887
Jefferson	290,035	354,508	423,182	431,910	484,988	518,275	502,349
Knox	460,255	529,881	574,810	621,218	682,698	721,905	664,832
Lake	38,138	38,457	48,248	39,226	58,429	59,046	78,993
Lawrence	11,131	12,085	20,809	16,804	11,651	12,243	6,703
Licking	527,657	584,445	702,301	759,898	893,405	949,480	961,713
Logan	155,657	200,477	250,431	299,071	280,521	274,522	220,156
Lorain	125,062	126,229	159,756	157,368	199,888	197,912	192,045
Lucas	12,426	16,651	18,981	21,881	27,436	28,327	22,567
Madison	144,390	189,896	213,181	265,499	253,709	304,955	280,105
Mahoning	145,645	218,210	224,929	226,576	215,037	255,831	334,414
Marion	328,133	340,699	391,407	341,086	400,799	385,277	352,510
Medina	159,538	192,333	217,140	210,147	318,816	273,879	290,689
Meigs	137,653	216,315	239,055	213,029	248,028	258,507	229,017
Mercer	38,049	49,194	70,037	70,029	57,053	45,170	38,987
Miami	19,488	21,750	28,572	31,708	36,983	30,508	27,767
Monroe	71,673	108,718	155,480	179,735	184,675	188,016	165,376
Montgomery	7,916	13,033	19,060	22,675	16,272	19,418	13,846
Morgan	334,887	435,234	506,300	511,130	545,856	522,972	516,033
Morrow	322,291	368,913	452,859	472,037	540,181	548,073	523,771
Muskingum	472,490	540,753	567,953	588,831	640,590	595,996	613,623
Noble	243,588	343,803	424,738	384,021	475,456	484,336	404,405
Ottawa	27,860	33,038	36,344	38,143	68,725	49,506	46,678
Paulding	19,153	29,651	29,368	30,021	26,821	21,082	14,070
Perry	156,250	196,777	224,612	204,636	249,513	267,298	231,872
Pickaway	45,628	71,549	.....	77	47,791	44,372	53,344
Pike	22,435	27,616	32,038	28,840	23,034	24,383	19,463
Portage	120,350	155,640	182,617	178,005	223,077	222,695	200,041
Preble	33,159	35,359	44,431	39,167	42,335	35,342	29,421

Comparative table showing production of wool in Ohio for seven years—Continued.

Counties.	Pounds shorn.						
	1896	1895	1894	1893	1892	1891	1890
Putnam	34,845	55,330	61,963	56,546	79,307	90,578	45,808
Richland	163,781	215,003	230,000	251,568	282,857	239,520	260,131
Ross	46,679	68,542	63,811	68,282	73,696	75,040	56,928
Sandusky	65,936	105,756	117,395	84,235	107,390	136,646	153,142
Scioto	6,297	8,654	7,776	5,652	5,847	10,504	6,861
Seneca	162,462	204,117	202,496	211,600	238,177	246,735	264,629
Shelby	28,905	47,185	33,822	39,311	35,109	35,717	31,452
Stark	130,354	158,771	194,159	185,899	207,773	205,608	175,905
Summit	41,179	59,435	65,306	66,760	78,970	75,282	78,338
Trumbull	140,458	179,270	211,540	212,160	241,348	239,282	241,922
Tuscarawas	151,606	202,810	262,672	272,365	316,990	298,704	309,099
Union	190,750	234,924	273,134	315,109	283,322	338,504	262,752
Van Wert	43,495	74,037	56,585	62,104	56,653	48,155	56,514
Vinton	110,548	136,158	150,964	38,360	145,997	149,013	163,175
Warren	61,164	69,788	68,108	82,132	69,874	63,193	49,683
Washington	290,001	267,207	349,428	327,404	362,208	392,812	375,170
Wayne	107,401	136,397	153,415	155,215	170,601	156,608	155,551
Williams	135,849	149,616	162,474	164,650	188,565	176,524	166,137
Wood	84,074	97,599	86,055	117,609	120,894	120,066	123,156
Wyandot	368,432	375,920	406,395	346,650	412,110	402,432	409,697
Total	12,262,439	14,671,104	17,161,826	17,284,073	19,405,224	19,635,824	18,629,961

Mr. PAYNE. Mr. Chairman, I yield 1 hour and 30 minutes to the gentleman from Minnesota [Mr. LINDBERGH].

Mr. LINDBERGH. Mr. Chairman, it seems that the discussion about the high prices of commodities all centers around the tariff problem. In my opinion, the tariff forms one of the least incidents in the high cost of living. The politicians use the tariff issue as a decoy to deceive and make believe that if the tariffs were revised as they pretend they should be that living would be cheap.

For political power the tariff has been worked to its utmost. The subject is one of importance, but for years it has obscured more vital problems. Of course, the tariff should have a proper amount of attention, but it is not tariff legislation that will remedy the main difficulties that we are contending with.

Politicians have kept the tariff in our minds to the exclusion of more important problems, and while our attention has been riveted to the tariff there have been established in our social relations false systems that have placed us in a state of dependence that now presents the most complicated problems for us to solve.

We can not regard the tariff problem from the same point of view that we would if our financial system was on a proper basis, and under the present existing conditions I believe in a tariff that takes into account our industrial conditions measured with those existent in other countries. A tariff should be levied on those commodities that are equally natural of production with labor here; that would measure the difference in the compensation paid for labor in producing here and the compensation paid for labor in producing in competing countries. I do not know what that difference is—in fact, no one can except in a general way—and it must be apparent to any person that the tariff requires to be changed with the constantly changing conditions.

I call attention to a few things that affect the cost of living other than the tariff.

A few years since the money changers, who are now in control of the industrial and speculative trusts, discovered that there was great profit to them in working this generation in order to produce for remote future generations. They are using the present collective energy of the people and the natural products of this generation for the use of many generations to follow, whereas a few years back we produced for ourselves and our children only.

Formerly we were satisfied to take care of our immediate needs, which included giving to our children the necessary health, education, etc., in order to fit them for life, and it was assumed that they should take care of their own; consequently more of our energy was used for our immediate needs, which naturally made it easier for us to live.

We are tearing down much of the work our fathers did for us, and we are now building for the people that will be here after we and our children are gone. Go down town, if you will, and see the valuable buildings that were built only a few years ago that are now being torn down to be replaced by new structures that will stand for hundreds of years.

In New York City the same work is done on a larger scale. In to-day's paper I read that Madison Square Garden is to be destroyed and that the great structure there is to be replaced by a new one that will cost many millions.

Go into any large city, and it will be found that what our fathers and we have built does not satisfy present desires, so we are expending our energy in tearing down our past work and rebuilding new for future use. Some of us may get some benefit from these, but there is no way we can avoid paying for their entire production. Whatever energy this generation spends it pays for. That is an economic fact, and we would do well to consider some economic facts here instead of playing politics.

On June 16, 1910, I made a statement (CONGRESSIONAL RECORD, p. 8270, 61st Cong., 2d sess.) in which I discussed at some length the cause of high prices. I think that any person who will take that statement, read it, and then follow the investigations on his own account will believe that the immense production of property now for future use has had far more to do with increasing prices than the tariff has had. Consider just a few of the many:

The railway systems have been enormously extended. In 1850 there were 8,571 miles of railway in the United States; in 1909 there were 236,838 miles. The passenger traffic has increased approximately 300 per cent in 20 years and the freight over 300 per cent. Many billions of dollars were expended in building railways in that time, a large part of it suited to last as long as the earth stands. Tunnels alone within New York City, built within the last few years and which will last as long as the earth keeps its shape, have cost about $500,000,000, and an order has been made for $257,400,000 more. Old buildings torn down and new ones to take their place, which will last hundreds of years, have lately been and others are being built in this country, costing in the billions of dollars; the increased cost of armies and navies is another great item; canals, the Panama alone to cost $500,000,000, have been and are in the process of construction; bridges alone in one city cost about $100,000,000; two railway terminals in the same city, one just completed and the other in process of construction, approximately cost $150,000,000; and so on, I could add to the recent, present, and prospective constructions that have been and are taking place, all of which is to aid in one way and encumber in another the unborn generations at the expense of the present.

Take one item as an illustration and consider it from its different angles:

The Pennsylvania terminal in New York City cost approximately $100,000,000, and was opened November 26, 1910. The New York Times, at the time, in an editorial commenting on it, said:

> In a sense it is proper to speak of the Pennsylvania's terminal as a gift to the city. It would be very difficult to show that the road would receive a direct return for its expenditure—that is, that the fares paid for new passengers attracted to its lines by this terminal will suffice to pay interest on its cost.

The editorial did not consider that, when the Pennsylvania Railway system undertakes to bolster its freight charges, it figures in the $100,000,000 terminal as a part of the cost of its system on which the Supreme Court holds it has a right to base its charges, and that in fixing them it has a right to a reasonable rate, and that no legislative body can confiscate its property by reducing the rates below a reasonable earning on its capital investment.

The Times editorial, further commenting, says:

> The Pennsylvania Railroad is a great corporation, and is not exempted from the widespread feeling of hostility to corporations which

has been engendered in this country by the talk and writing of countless demogogues and agitators. The Pennsylvania terminal, admirably serving the needs and promoting the convenience of the public, a magnificent structure which is an adornment to the city, is this corporation's reply to the flow of reckless and irresponsible abuse of corporations.

Here, again, the editor failed to comprehend the fitness of things. The Times, so far as I know, may or may not be a corporation paper. It discusses problems generally with a full sense of appreciation in the interest of the general public, but it errs in its consideration of the Pennsylvania terminal, for without this new magnificent $100,000,000 terminal the company was, with its old terminals and system of ferries, consistently serving the public and, as further stated by the Times—

the road was not compelled to build this station either by law, by any public service commission's mandate, or by popular clamor.

But, as the Times stated:

It is a purely voluntary addition to its facilities, the idea of which was born in the mind of A. J. Cassatt.

The directorate of the company erected in a conspicuous place in that station a bronze statue of Mr. Cassatt, with the following inscription carved on the stone setting:

ALEXANDER JOHNSTON CASSATT, PRESIDENT PENNSYLVANIA RAILROAD COMPANY, WHOSE FORETHOUGHT, COURAGE, AND ABILITY ACHIEVED THE EXTENSION OF THE PENNSYLVANIA RAILROAD INTO NEW YORK CITY.

To the millions of people who will annually inspect it, this inscription may be a suggestion that they are being daily charged on the food they eat, the clothes they wear, and the luxuries, if any, they enjoy, their quota for the construction, maintenance, and interest on invested capital for this "purely voluntary addition" to the world's great terminals.

The truth is that the terminal is an involuntary gift to that city by the people generally, and is not a voluntary gift by the Pennsylvania Railroad Co., as suggested by the Times, but was voluntarily built by that company and its cost is added to the freight charges on the food the poor people of New York and elsewhere eat and the clothes they wear. Not only that, but every farmer and laborer in the United States, and all people, in fact, are, by the law of general average, being taxed for that terminal. It subtracts from the advantages of the people and is one more of the colossal monuments of vested property on which to tax us and our children and all future generations, so long as we measure progress by an erroneous standard.

And the Times, to further display ignorance, or else the sophistry of its editorial writer on that occasion, wound up the editorial:

The new station is not only an example to other public-service corporations, but should serve to warn the public against too ready acceptance of the doctrines and calumnies of self-appointed teachers and guides who make the vilifying of great business concerns their profession.

Surely the "example to other public-service corporations" served to cause another great railroad in the same city—the New York Central—to begin a like terminal, which is now well under way, which, when completed, will cost a sum approximately equaling that paid for the Pennsylvania. These and other stations in other cities costing extravagant sums all have their share in making the cost of living higher, for all these railways are authorized to charge higher freight rates, in order to get "legitimate" returns on capital invested. Consult the court decisions about that. The courts have answered by decree—a grim reality that was far removed from the editorial inspiration of the Times.

Who presents these grand gifts to New York and other cities? It is absurd to say the railroads do. We can excuse the Times' editor, for he was dazzled by the magnificence of the terminal station opening in his own city, but those he chooses to call "self-appointed guides and teachers" should not be invited to slink away into retirement, just because the editor saw only one side, and that the selfish, of a proposition that involves every human being who, while this system lasts, has now or in the future to earn his daily bread.

These "purely voluntary additions," as the Times calls them, are built in many cities without regulation, excepting that suggested in the inscription referred to as Cassatt's "forethought, courage, and ability"; and the "vested interest" in them appeals to all future people with a court's decree—we, the vested interests, have a right to charge you, the people, interest on our capital and add it to the freight rate on your food and your wares and make you and your posterity pay for it. To have escaped this decree you should have been born before civilization commenced.

The building of the terminals should be regulated so that the railways could not build two where but one is needed, and the cost also should be confined to a reasonable sum.

The inducement for building extensively for the use of the future is that capitalists find in it a means of converting the collective energy of the people into producing a fixed capital, and then charge the people interest on the capital that they have created by their own energy.

It does not require a profound student to see that the collective energy of the people applied to the use of modern machinery controlled by the Morgans, Rockefellers, Cassatts, and others, will rapidly produce a capital so enormous that the "vested rights" as now interpreted by the courts will, if we let things go by this plan, make us and our posterity the abject serfs of the capitalists. We shall have to regulate the constructions if we would avoid the absolutely certain dependence that will rapidly overtake us in following the rule of the court.

In the Minnesota rate case, lately decided, the court held that the railroad companies were entitled to 7 per cent as a reasonable return upon their capital, practically holding, at the same time, that the increased value of property, caused by the necessities of an increased population, might be taken into consideration and that the railways are entitled to interest on that, too.

The value of the property in the United States is approximately $125,000,000,000. Following the construction of the court, the owners are entitled to tax the people for its use 7 per cent after their expenses are paid, which would on compounding double in about 8 years, be four times that in 16 years, and eight times in 24 years. At that rate the average interest charge per capita 24 years from now would exceed the present average earnings of the wageworker. None but capitalists would then be able to educate their children. Already 80 per cent of the capital is owned by about 3,000 individuals and concerns.

Instead of looking at the economic facts and the industrial tendencies of things we have drifted into the habit of turning away from these and listening to politicians tell how they are going to remedy all this high cost of living with a simple revision of the tariff. It is the sheerest nonsense. The longer we are fooled with that pretense the more difficult it will be to solve the real economic problems in a proper way, and the greater the sacrifice will be.

Mr. Bryan recently stated to his Democratic brethren:

The Democratic Party can not hope to fool anybody very long by a one-sided application of the doctrine to the few districts which happen to contain protectionists.

Mr. Bryan was referring to his objection to the Democrats supporting a protective tariff and labeling it a tariff for revenue. His plea was for an honest statement of the facts. He was speaking in the capacity of an honest citizen more than as a Democrat, and the moral of the statement is worth something to the citizen who would know the real purpose of his Government. But Mr. Bryan still holds to the position that the tariff holds a greater relation to the cost of living than it really does.

Mr. Bryan was advising politicians when he made the statement I quoted. At the same time he stated:

* * * It may be well to remember that the voters of all parties are braver than politicians. The Republican voters were brave enough to turn out a lot of Republican Aldriches. What reason have our Democratic Congressmen to think Democrats are less courageous?

Differences of opinion are to be expected within the party as well as without, but expediency as well as honor requires that the differences shall be frankly stated, courageously fought out, and fairly settled.

Honest people generally, of whatever political faith, admire Mr. Bryan; but whether they do or not, to use his language, expediency as well as honesty requires that the differences should be frankly stated, courageously fought out, and fairly settled.

I expect to show that there is something other than frankness, courage, and fairness in the Government administration by those to whom the people have delegated that duty. First, however, I shall make some observations on principles that must be recognized and practiced before we can have lasting prosperity for all industrious people.

Commercial evils can not be corrected until we understand the true principles on which to proceed. Until then we shall run by opposites, sometimes having good times, sometimes bad ones, but never the best that natural conditions consistently followed would give us.

I would not advise a lie to anyone, but if one does lie least of all let it be to himself, for one is necessarily fundamental to himself. Every citizen may truly say he is the Government, and as such it is of the utmost importance for him to be honest with himself.

The Government does not and can not furnish us a living so long as we are a part of it. If we commit crimes and lose our right of citizenship through conviction, then we may be supported by the Government in prison. We must support ourselves, however, under all proper circumstances, and the functions of government are to regulate our relations with each other where necessary, and we must support the Government.

Speaking of our collective interests, we shall always be most heavily burdened in those things that we require the Government to do for us, and the least burdened in those things we

do for ourselves. Those things that are natural for the individual to do and that he can do without interfering with others he should do; some things it is necessary that the Government should do, and in others it is necessary that the Government should regulate. The problem is to determine where to draw the line so as to keep things running to the best general advantage.

The trouble now is that we are out of proper economic relations with each other, and we are not in natural economic relations with other countries. As a Government we have power to regulate our relations with each other, but we can not control our relations with other countries except, if we can, by mutual agreement. We have nothing to do with the people of other countries in their relations with each other nor the relations of their people among themselves. Whatever they may be, good, bad, or otherwise, we must treat as conditions with which we can not deal, and we must accept of the facts. They are facts and affect us materially.

At this time I shall not enter into extensive detail in discussion of financial problems, but they have had more to do with the high cost of living than the tariff problem.

True economic relations with each other in our own country can not exist on the present financial basis. True economic relations with other countries can not be established on the present financial basis. Under the present systems we are bound to have good and bad times alternately, even if the natural conditions should remain the same. We may in time correct our own financial system, but we have no power to correct the systems of other countries except so far as our actions may serve as an example to direct their reasoning.

We can talk on the tariff until the sun shall cease to exist and make new tariff laws every year, but the problems will still be unsettled and the tariff as much of a political ghost as it is now and the times as unsettled, until the financial problem is established on a true basis.

By its nature the money that we now use is fictitious. Just as long as we treat money as our god and treat useful property as of less value than money, fictitious money, just that long the most of us will be poor.

The ordinary bills of exchange and promissory notes given by ordinarily prudent business men to other prudent men have more of the true intrinsic relation to the fitness of commerce than the money we use, for the prudent man will not give his note unless he has resources out of which it may be paid, and much less will the prudent man accept of it unless the maker has. If we had a commercial money backed by intrinsic value, it would be sounder and better than our present money.

Why is it that, with all the natural provisions made by God, we allow our intelligence on economics to be so deceived that we allow this prostitution of property by money?

Property is the real, true servant of the people; money is not; but by a cunning device to prey upon perverted imaginations the world's money changers have been able to surround money with a magic halo that has come down through the centuries and has finally culminated in giving the money system the control of property. If we continue spellbound by that hallucination, we shall become more and more subservient to the money power as the natural advantages become more and more controlled by it.

I say, Mr. Chairman, that we should understand the proper purpose of money and the natural use of property and fix our laws regulating commerce on a natural basis. This is the province of Congress to do, and when we do that right we shall end our trouble with the tariff problem; then the financial problem will operate by an economic law instead of by the present speculative gamble. When we learn that and base our action on the knowledge, then we shall not export valuable property in exchange for money with fictitious value; but when we do export, it will be that which we do not need and in exchange for something we do need. In the initial it might be evidenced by commercial money. When we learn to know those things and realize their full significance, the greatest step forward ever made in human progress will be established.

With the clearing away of the belief in money as of intrinsic value the standing armies and the navies of the world will be disbanded; then the energy of the individual may be converted to the advantage of those for whom he would wish to apply it; then the hours of labor could be more nearly fixed by the necessity of the individual. There would be no motives for strikes and lockouts, and they would cease.

Conservation is the easiest of our problems if we adjust it to the natural order of things. It does not require the kind of aid that is now being attempted; nature practically takes care of herself if she is not prevented or abused by us.

The first thing we should do is to provide a true exchange basis; one that is not especially adapted to creating speculators and gamblers who manipulate the markets so as to give themselves the control of the products of the natural and legitimate producers.

By this false system that we operate under property is controlled by money, and as it is the property that we must actually use, money has the power of making slaves of us. Valuable property should secure money when it is needed, and since labor energy is the means of producing property, if property controlled money, then we should be able to settle the financial problems in the application of our daily energy and we should have no hard times except if nature herself failed.

Commerce should not arbitrarily be riveted to gold any more than to other coexisting commodities. It is because of binding commerce to an arbitrary money that we have panics sometimes in the midst of plenty, and we have had them even when nature was most responsive to the common needs, which is proof enough that the present system is wrong.

The interchange of properties should rest on intrinsic values as related to the respective properties, and money should serve only as a medium of exchange without itself being used as a commodity, but should be secured in its purpose by full credit in its use to purchase by reason of its support by the commodities. Pure credits serve to transact approximately 95 per cent of the business; therefore, on a stable currency there should be no necessity for money representing more than a small per cent of the value of commerce.

The fact that we have not had a commercial money is largely responsible for the present control by the trusts. That fact has had far more to do with building up trusts than the tariff had.

I am not basing my remarks on imagination or theory, but on years of careful study and close observation of things in actual occurrence. I have watched business more than I have read books.

Take the panic of 1893 and following years. If we had then had a commercial money there would have been no extended disturbances. The losses would have been confined to those who were not on a sound basis, whereas under the arbitrary gold system existing many institutions were swept into bankruptcy which under any ordinary calculations of credit were sound.

After the 1893 panic there was a new alignment of business, and under that the trusts increased their control. The commonality during those years of panic lost billions in idleness and otherwise, while the plutocrats, considered as a class, lost nothing.

After this reorganization there was a period of prosperity for the trusts. They increased their fortunes enormously and many small institutions were launched in that boom. The commonality also recuperated and profited more or less in the same period. Any person could then easily get employment. The speculative gambling influences that had been working in previous periods were at work in this period, and after the gambling spirit had gotten to a point where it could no longer profit by the rise the arbitrary money system was again resorted to to put prices down and to give the trusts another clean-up.

The panic of 1907 eliminated a lot of the small institutions that interfered with the trusts. The year 1907 responded with one of the greatest crops in the history of the country, but notwithstanding that fact no one doubts that Morgan and Rockefeller had at that time the power to precipitate the country into such a state of bankruptcy as the world had never known, but all they did was to let it drift until they absorbed institutions that were not before directly under their control.

The 1907 panic gave the trusts greater control of things in general. I do not charge, though many do, that the panic was brought on for the very purpose of giving the trusts further control. That is not the vital point in my discussion.

Any person who observes closely and is familiar with our banking and money system and with the gambling spirit of the country and of the world understands that under our system we are certain to have panics. If nature should respond in bountiful regularity each year, we would still have them. It is that fact that is vital in our consideration.

It is bad enough that a few money and credit men should be able to bring on panics practically when they please, but it is still worse that we should have a system under which not even these greatest of gamblers and financiers can prevent recurring panics. The loss through enforced idleness, and otherwise, of the 1907 panic ran into the billions.

Gold is the same as other property in nature, a mere commodity, but the money changers early saw that in its use as money there was an opportunity to subject all other property to their control and make them the arbiters of the world. It was done by monetizing gold.

Not long since there was an attempt to monetize silver. That would not have helped us out of our difficulties.

Some financiers now fear that the gold production is too great, and that if it continues to increase we shall have to demonetize gold. No one has yet suggested a new property to monetize instead of gold. I mean none of the great money changers have.

It is held by some that the Government may issue greenbacks and claiming that all the wealth of the country would be back of them. How would they convert them if they wished? They could not specifically take your or my property, giving us the scrip, if we did not want it, and we might not wish it unless the Government taxed us so high that we had to use it to pay taxes. No; greenbacks or fiat money, as it is ordinarily understood, would not remedy conditions, but would create further confusion. It would not respond to natural commerce.

Money controls property, and since the money changers are by law given special privilege to regulate credit they control property—that which we must have for our everyday lives. That is not a protective tariff; but the law, point blank, gives the money changers the power to control as they wish our everyday energies by the use of money and credit.

Nelson W. Aldrich, chairman of the Monetary Commission created by the Aldrich-Vreeland law, comes forward now with a proposition to enact a law to give the money changers still greater control. He proposes a modification of the present system.

If money power is to be continued as the lord of both property and our lives, the Aldrich plan is suited to do it. It has some strong provisions to give the money changers a broader, more extended, and united control of finances. If we favor giving additional advantage to the money interest alone, there may be credit in the Aldrich plan, even to what I might term the "wards" of the money changers—I mean the plain people—for finances get into a runaway state at times, so that even the money changers can not do as well by us as they wish. They do not want to destroy us, for they monopolize and appropriate the result of our energies.

If we would wrest ourselves from under the power of the money changers, we must make property, that which our everyday energy produces, the control of finances.

If instead of giving to the money changers all the power to control we give property its true place in commerce, we shall bring about natural commercial relations between money and property and applied labor. We should then have the condition of the times regulated by the energy given to producing useful property, and that energy would be largely within the control of the commonality.

To make my position clearer, if I can, I will suggest a dual plan. I do not pretend that this tentative plan is at this time complete or without fault, for I am merely suggesting general principles with something of detail applied to our common necessities in the same way that the Aldrich plan applies to the money changers' desires. Later I shall present the plan in a more complete form.

Aldrich's plan is to create an association of the banks and make it the system to control money and credit, which would give it incidental power to control prices of property. He does not lose sight of the value of credit.

The management proposed by Aldrich for his plan is a masterpiece. If Aldrich was in education and sympathy with the commonality instead of with the trusts and the oligarchy, he would have evolved a plan that would have been a great step forward. While his plan can not as a whole be used with safety to the people, nevertheless the management he proposes may, if controlled by the people, be copied in much of it, for a system that would be suited to the common interests. If Aldrich had not sought by his plan to bring the world under the control of Wall Street and to go into foreign countries with the United States practically backing up a great speculation, in many respects it would be suited to hold in steadiness our finances. The system of management proposed by him suggests what may be done in the common interests, and we are indebted to him for suggestions. We should eliminate the features of his plan that contemplate the invasion of foreign markets for speculation and also eliminate those provisions that are in the interest of Wall Street and build on some of the ideas it presents—a system in support of good banking.

We are not in legislative work for the bankers. Banks serve a useful place in our business relations, and we should seek a system that will not encumber them. The present system does encumber the banks when they might be of the most assistance to the public. When funds are most needed in times of panic the banks are compelled by our cumbersome system to refuse assistance. The bankers are among us in our communities and take an interest in building up the places where they live. They hold in trust our funds and they prefer that those funds should be active in the locality where they do business, but our laws prevent it. But if we should accept the Aldrich plan as presented, the country banks would all be compelled to come under the control of Wall Street. We should pass such laws as will enable the banks in times of stress to make the utmost safe use of the funds they control in relieving distress. That is of importance and, even though our money system is wrong, we should not fail to provide legislation that will make it serve the best it can. That will not prevent the adoption of other and better money systems.

Aldrich's plan for his proposed Reserve Association is wonderfully clever in its arrangement for capture by Wall Street as soon as it should get into operation. It is proposed to start it with power distributed to the banks in general, and if it were left to the banks in general as they are now, the country would not fare so badly; but the tentative plan of Aldrich for the management of the several associations culminating in the Reserve Association of America is very cleverly arranged so that the Wall Street moneyed interests would not have any difficulty in taking it over. I shall analyze his proposed management on another occasion.

The Aldrich plan would create no disturbance in what is now termed the financial world and it would give to Wall Street a greater control of the finances of the country and additional power to extend their control to all the world.

Gold has no other quality than a commonalty, except that which law and practice give to it. I suggest that other property be given equal legal credit and to let commerce fix its status. Other property should have equal legal standing and then let each property compete with all other, holding their relations in commerce with the commonalty's necessities. In the Vreeland-Aldrich currency law this principle was recognized, but in the favor of special interests instead of the commonality.

If property were given its natural position, there would be no panics; there would be no poor, except those who would not work.

Aldrich's proposed articles of association for the money changers to guide them in their control of the credit of the commonality is not complicated in principle, though necessarily it is somewhat so in detail.

Since Members of Congress are all familiar with the Aldrich plan, I shall quote only such parts as are of importance in connection with my discussion. They are as follows:

RESERVE ASSOCIATION OF AMERICA.

CHARTER AND LOCATION.

It is proposed to charter the Reserve Association of America, which will be the principal fiscal agent of the Government of the United States. The authorized capital * * * shall be approximately $300,000,000. The length of its charter shall be 50 years. The head office of the association shall be in Washington, D. C.

The country shall be divided into 15 districts, and a branch of the Reserve Association shall be located in each district.

The Reserve Association and its branches shall be exempt from State and local taxation, except in respect to taxes upon real estate owned by it.

CAPITAL.

Only national banks of the classes hereinafter provided for may subscribe to the capital stock * * *. A national bank having a minimum capital of at least $25,000 may subscribe * * * and * * * become a member of a local association * * *. Fifty per cent of the subscriptions to the capital stock of the reserve association shall be called in cash; the balance of the subscriptions will remain a liability of the stockholders, subject to call.

Shares of the capital stock * * * under no circumstances may be owned by any corporation other than the subscribing national bank * * *.

LOCAL ASSOCIATIONS OF NATIONAL BANKS.

All subscribing banks shall be formed into associations of national banks, to be designated as local associations * * * each composed of not less than 10 banks, and the combined capital * * * shall aggregate not less than $5,000,000. * * *.

DIRECTORS OF LOCAL ASSOCIATIONS.

Each local association shall elect annually a board of directors * * *.

DIRECTORS OF BRANCHES.

As heretofore provided, all the local associations shall be grouped into 15 divisions, and each of these divisions shall be designated a district. There shall be located in each district a branch of the reserve association. Each of the 15 branches of the reserve association shall have a board of directors * * *.

DIRECTORS OF THE RESERVE ASSOCIATION.

The board of the reserve association shall consist of 45 directors * * *.

FUNCTIONS OF THE LOCAL ASSOCIATIONS.

Any member of a local association may apply to that local association for a guaranty of the commercial paper which it desires to rediscount at the branch of the Reserve Association in its district. * * *.

FUNCTIONS OF THE RESERVE ASSOCIATION.

All the privileges and advantages of the Reserve Association shall be equitably extended to every national bank of any of the classes herein defined who shall subscribe to its proportion of the stock of the Reserve Association and shall otherwise conform to the requirements of this act.

The Government of the United States and those national banks owning stock in the Reserve Association shall be the sole depositors in the

Reserve Association. All domestic transactions of the Reserve Association shall be confined to the Government and the subscribing banks, with the exception of the purchase or sale of Government or State securities of foreign governments or of gold coin or bullion.

The Government of the United States shall deposit its cash balance with the Reserve Association, and thereafter all receipts of the Government shall be deposited with the Reserve Association or, when necessary, with such national banks as the Government may designate for that purpose in cities where there is no branch of the Reserve Association. All disbursements by the Government shall be made through the Reserve Association.

The Reserve Association shall pay no interest on deposits.

The Reserve Association may rediscount notes and bills of exchange arising out of commercial transactions for and with the indorsement of any bank having a deposit with it. * * * The amount so rediscounted shall in no case exceed the capital of the bank applying for the rediscount. * * *

The Reserve Association may also rediscount for any depositing bank notes and bills of exchange, * * * but in such cases the paper must be guaranteed by the local association of which the bank asking for the rediscount is a member.

Whenever in the opinion of the governor of the Reserve Association the public interests so require, such opinions to be concurred in by the executive committee of the Reserve Association and to have the definite approval of the Secretary of the Treasury, the Reserve Association may discount the direct obligation of a depositing bank, indorsed by its local association, provided that the indorsement of the local association shall be fully secured by the pledge and deposit with it of satisfactory securities, which shall be held by the local association for account of the Reserve Association. * * *

The Reserve Association may, whenever its own condition and the general financial conditions warrant such investment, purchase to a limited amount from a depositing bank acceptances of banks or houses of unquestioned financial responsibility. * * *

The Reserve Association may invest in United States bonds and in short-term obligations * * * of the United States, or of any State, or of certain foreign Governments. * * *

The Reserve Association shall have the power, at home and abroad, to deal in gold coin or bullion, to grant loans thereon, and to contract for loans of gold coin or bullion. * * *

The Reserve Association shall have power to purchase from its depositors and to sell, with or without its indorsement, checks or bills of exchange payable in England, France, or Germany, and in such other foreign countries as the board of the Reserve Association may decide. * * *

The Reserve Association shall have power to open and maintain banking accounts in foreign countries and to establish agencies in foreign countries for the purpose of purchasing and selling and collecting foreign bills of exchange, and it shall have authority to buy and sell, through such agencies, prime foreign bills of exchange arising from commercial transactions. * * *

FUNCTIONS OF NATIONAL BANKS.

In addition to the rights now conferred by law, national banks shall be authorized to accept commercial paper drawn upon them. * * *

The organization of banks to conduct business in foreign countries shall be authorized. The stock of such banks may be held by national banks. The bank so organized may have an office in the United States, but shall not compete with national banks for domestic business not necessarily related to the business being done in foreign countries.

There shall be established a new class of national banks, to be known by a specifically designated name. Such banks may have savings departments and may make properly secured loans on real estate. * * *

Another class of national banks shall be authorized, which shall be, in effect, national trust companies, to be designated by some appropriate name, and to exercise all the functions and have all the privileges, including length of charter, which are given to trust companies by the laws of the various States. * * *

NOTE ISSUES.

There is hereafter to be no further issue, beyond the amount now outstanding, of bank notes by national banks. National banks may, if they choose, maintain their present note issue, but whenever a bank retires the whole or any part of its existing issue it will permanently surrender its right to reissue the notes so retired.

The Reserve Association must, for a period of one year, offer to purchase * * * the 2 per cent bonds now held by national banks and deposited to secure their circulating notes. The Reserve Association shall take over these bonds with the existing currency privilege attached and assume responsibility for the redemption (upon presentation) of outstanding notes secured thereby. The Reserve Association shall issue, on the terms herein provided, its own notes as fast as the outstanding notes secured by such bonds so held shall be presented for redemption, it being the policy of the United States to retire as rapidly as possible, consistent with the public interests, bond-secured circulation and to substitute therefor notes of the Reserve Association of a character * * *.

If the Government should adopt the policy of issuing securities at a higher rate of interest than 2 per cent the Reserve Association shall have the right to exchange at par the Government bonds which it may have acquired from the national banks, previously held by them to secure circulation, for any bonds bearing interest at a rate not exceeding 3 per cent, but in that event the amount of annual taxes to be paid on notes based upon such new securities shall be as much greater as the interest rate of the new securities shall exceed 2 per cent. * * *

In addition to the authority to issue notes to replace any national-bank notes outstanding at the time of the organization of the Reserve Association it shall have the right to issue additional circulating notes as follows: The whole or any part of the first $100,000,000 of such additional notes shall pay to the Government an annual tax of 3 per cent; above $100,000,000 and not more than $200,000,000 may be issued at an annual tax of 4 per cent; above $200,000,000 and not more than $300,000,000 may be issued at an annual tax of 5 per cent; all above $300,000,000 shall pay an annual tax of 6 per cent.

All note issues of the Reserve Association must be covered to the extent of at least one-third by gold or other lawful money, and the remaining portion by bonds of the United States or bankable commercial paper, as herein defined, or both. * * *

The notes of the Reserve Association shall be received at par in payment of all taxes, excises, and other dues to the United States, and for all salaries and other debts and demands owing by the United States to individuals, corporations, or associations, except obligations of the Government which are by their terms specifically payable in gold, and for all debts due from or by one national bank to another, and for all obligations. * * *

A careful consideration of the Aldrich plan will disclose that it is not only the control of the finances of this country that are aimed at, but it is intended to be an association to amalgamate the finances of the entire world, so as to give them the control of the commerce of the world. It is the last step in the ladder, so to speak, to unite all the trusts in the world into one controlling power, to be under the guidance of a great financial head dictator. The next step by which would be reached the grand climax of the trust system.

The Monetary Commission, of which Mr. Aldrich is the head, made a summer trip to Europe, charging the Government as expenses, unitemized, $19,250.18, and paid in addition for documents and articles on banking systems of foreign countries a very large sum, probably over $100,000. The total expense of that commission up to the last published statement is $207,130.48. The Aldrich-Vreeland bill authorized the commission to spend money without vouchers. The Government is paying the expenses to stage things for the Aldrich plan.

In the Aldrich plan observe the following provisions:

All domestic transactions of the Reserve Association shall be confined to the Government and the subscribing banks, with the exception of the purchase or sale of Government and State securities or securities of foreign governments or of gold coin or bullion. * * *

The Reserve Association may invest in United States bonds and in short-term obligations * * * of the United States or of any State or of certain foreign governments. * * *

The Reserve Association shall have power at home and abroad to deal in gold coin and bullion, to grant loans thereon, and to contract for loans of gold coin or bullion. * * *

The Reserve Association shall have power to purchase from its depositors and to sell, with or without its indorsement, checks or bills of exchange payable in England, France, or Germany, and in such other foreign countries as the board of the Reserve Association may decide. * * *

The Reserve Association shall have power to open and maintain banking accounts in foreign countries and to establish agencies in foreign countries for the purpose of selling and collecting foreign bills of exchange, and it shall have authority to buy and sell through such agencies prime foreign bills of exchange arising from commercial transactions. * * *

All the above provisions for an invasion of foreign countries come into the Aldrich plan under the head of "Functions of the Reserve Association." Then by his plan, under the head of "Functions of national banks," he has the following:

The organization of banks to conduct business in foreign countries shall be authorized. The stock of such banks may be held by national banks. The bank so organized may have an office in the United States, but shall not compete with domestic banks for domestic business not necessarily related to the business being done in foreign countries.

The provisions, if enacted into law, and that is what Aldrich proposes, would complete the agency for a control of foreign commerce and finance. But Aldrich was not satisfied to give the money changers, under authority of the United States, that agency alone. He also wants the United States to back it with Government funds, which he provides for by the following:

The Government of the United States shall deposit its cash balance with the Reserve Association, and thereafter all receipts of the Government shall be deposited with the Reserve Association. * * * All disbursements by the Government shall be made through the Reserve Association.

Aldrich's whole plan is a well-devised scheme adapted to the use of Wall Street. Wall Street, backed by Morgan, Rockefeller, and others, would control the Reserve Association, and these again, backed by all the deposits and disbursements of the United States, and also backed by the deposits of the national banks holding the private funds of the people, which is provided in the Aldrich plan, would be the most wonderful financial machinery that finite beings could invent to take control of the world. And Aldrich proposes to make it the "fiscal agent of the Government of the United States."

But if, with all the reenforcement I have mentioned—that is, to support Aldrich's proposed Reserve Association—it should still be found that it needed more funds to conquer the finances and commerce of the world, Aldrich has it provided in the following:

In addition to the authority to issue notes to replace any national-bank notes outstanding at the time of the organization of the Reserve Association, it shall have the right to issue additional circulating notes as follows: The whole or any part of the first $100,000,000 of such additional notes shall pay to the Government an annual tax of 3 per cent; above $100,000,000 and not more than $200,000,000 may be issued at an annual tax of 4 per cent; above $200,000,000 and not more than $300,000,000 may be issued at an annual tax of 5 per cent; all above $300,000,000 shall pay an annual tax of 6 per cent.

In passing, I call attention to the fact that Aldrich does not propose that the commonality should buy Government bonds, if they want them, if the bonds bear over 2, and not more than 3,

per cent interest. To prevent that his plan has the following paragraph:

If the Government should adopt the policy of issuing securities at a higher rate of interest than 2 per cent, the Reserve Association shall have the right to exchange at par the Government bonds which it may have acquired from the national banks, previously held by them to secure circulation, for any bonds bearing interest at a rate not exceeding 3 per cent, but in that event the amount of annual taxes to be paid on notes based upon such new securities shall be as much greater as the interest rate of the new securities shall exceed 2 per cent.

Aldrich also provides for scooping up the postal savings-bank deposits, but I shall dismiss, for this time, further consideration of the Aldrich plan unless by mere reference to explain my further remarks.

The Aldrich-Vreeland currency act and the creation by that act of the Monetary Commission was the initial step for a new field of exploitation; that is, to exploit the world. The emergency currency provided in that bill was a mere incident to the future complete control sought by Wall Street, the way to which is intended to be provided by the Monetary Commission's recommendation and the enactment into law of the Aldrich plan.

The breaking down of the protective-tariff system is also necessary to the exploitation of the world by the Wall Street crowd. The Aldrich plan, if enacted into law, would give it control of the world's finances. Wall Street assumes it has power in Washington to enact into law that plan, and now, in anticipation of that, it seeks to destroy the difference paid to pauper labor in other countries and what is paid to labor in this country, so that all labor may be on the lower plane. If Wall Street can do that, it considers the way clear to accomplish the end they seek, of making all the world alike serve it.

The procedure of the Wall Street crowd is so veiled that many innocent students and politicians, Members of Congress even, and people who are not politicians are blindly working to aid it. On the other hand, some of the knowing ones, to deceive the public, are playing the other side of the game. We have an example of that in the extra session. One step was to propose an agreement between Canada and this country and label it "reciprocity."

That agreement was prepared in secret, staged to take the people by surprise, and be passed before they should know its purpose. An extra session became necessary. The public press, with its power to mold public opinion, was taken care of in the paper and pulp schedule. The newspapers will save annually millions of dollars, but in supporting reciprocity the city press did not explain that. The country press to some extent followed the lead of the city press, but did so on the principles of reciprocity rather than in the favor of the specific agreement, for the press was supporting reciprocity before there was an opportunity to study the bill.

Some of its supporters say it is a beginning and others that a half loaf is better than none; the first are satisfied to exempt themselves and begin with others, while the second take the half loaf and leave the others no bread. Neither stops to consider that a people can not exist in peace among themselves if half are on a free-trade basis for what they sell to the other half, and that half supported by a protective tariff on what they return in payment.

To Wall Street it made no difference that the farmers would be scalped out of many millions of dollars and that labor should lose. To scalp from them is a regular practice of Wall Street. This time, however, the enemies that appeared in the foreground are public officials, some of them in league with Wall Street, but most of them innocent victims of one of the deepest laid schemes in the history of the country.

The so-called reciprocity is merely one step in a colossal scheme now staging for Wall Street to control the world. Wall Street well knows that under the confusion created by the Canadian agreement it will be able to break down the protective system by such piecemeal as will serve it best; it does not want to destroy it at one time, for that would not serve its purpose, so it seeks to begin with the farmers; it well knows that we can not long have a policy that protects in form a part of the people and not the rest; it knows that to begin that means to end in all free trade; it knows that if the farmers can once be placed on a free-trade basis ultimately all our industries will; it wants that to drag along for a few years, until the Aldrich plan can be made a law, and soon after Wall Street would own the world if we let things go its way.

If we had a people's money plan we should not be injured by free trade, but we shall be with Wall Street controlling the finances of the world.

The Aldrich financial plan is, indeed, monstrous but wonderfully suited to Wall Street, which would consider a people's money plan monstrous if supported in the same way by the Government. My proposition for a people's money plan is less monstrous than Wall Street's plan, and is equitable and in the common interests.

Instead of chartering Wall Street to own us, charter all the producers and property owners of the United States—a reserve association of America, to form a fiscal agency for the United States. The length of the charter should be at the pleasure of the people; the head office in Washington, D. C. For the purpose of an independent financial system the country should be divided into districts, one in each State, with the Treasury Department of the United States as the head and supervising office of all, to constitute a complete system for the issue of notes as currency, which should be exempt from State and local taxation, and that the amount of the issue should be limited as the charter would provide.

The above proposition in principle is on the same line of privileges to be given to all producers and property owners as Aldrich proposes to give to the money changers alone.

The charter should provide in detail for the management by directors and officers for the reserve association, the district associations, local associations, and so forth.

In a people's plan, instead of hypothecating credit the actual property would be hypothecated as a security. Receipts would be given to owners, and on these—a certain safe per cent of the value, coming within the provisions of the plan—notes could issue. These notes, in principle, would correspond with bank notes. The bank-note issue now existing could continue independent of this plan. Owners of property hypothecated, or their assignees, could relieve the property from custody by tendering the amount of storage charges and an amount of notes equal to those that had been issued.

In a people's plan each State would become a member of the reserve association, and the States should be subdivided into two or more local associations, and these again subdivided, where necessary, all to form a part thereof; but no local association should be formed within territory having a population of, say, for example, less than 300,000, and so far as practicable should have diversified business interests, and should be under the rules and regulations of the Reserve Association. The local associations should have charge of all hypothecated property and be subject to proper rules to safeguard securities. The local associations should guarantee all notes issued on property in their jurisdiction to the next highest division, and that to the next, and so on up to the Government, and the Government would be responsible to the bearer of notes.

After such an association was ready to act it would become important to fix on assets to be selected as a safe basis to secure the respective associations for note issues. This should be property of the various kinds selected as safe and in such custody as would insure its integrity. The Government would fix the rule of control. Upon such property such percentage of note issue could be made as would be within the limit of certainty safe.

A person whose property was in custody, holding his receipt, need not ordinarily surrender it for an actual issue of notes, for after the system once became established there would be no runs on banks, for there would be no actual or fancied cause for it. People would secure the currency only in case they wanted it, and it would always buy at the market price any property for sale.

The storage receipts could be taken to banks and would be the basis on which notes could issue. Banks could hold them, receiving such pay for transacting the business as would be reasonable and could send to the United States Treasury as many receipts at one time for note issues as they pleased.

The added system would steady the existing system and eventually would replace it without the least disturbance, for it would not be a forced system, but would be left to natural selection. Beneficial effects would be felt from the beginning in a better distribution of credit in proportion to the common needs.

The money would be redeemed as the property in pledge was wanted for use. It would pass current, for, in addition to being guaranteed by the Government, it would have the true assets back of it and those in practically all of the nonperishable staple commodities. Upon it could and naturally would be based a natural commerce, and the present financial gambling commerce would eventually cease. All property would eventually hold its relative value determined by the energy required to produce it and the requirement or need for it. Labor would then be rewarded in the relation of its importance to the production.

On account of the present system being fixed there will be prejudice against any dual system, but that prejudice would be removed, as a proper system would simplify all commercial relations. Property would become the basis for credit and the natural basis for notes to circulate current.

The notes would be made legal tender in payment of all taxes, excises, and other dues to the United States contracted after the enactment of the plan into law, and for all salaries and other debts, and demands owing by the United States to individuals, corporations, or associations, except obligations of the Government, which are by their terms specifically payable in gold.

Anyone wishing to contract to pay a debt in gold could do so, but it would soon be discovered that gold, except for its foreign use, would be less stable than other staples. It would not be long until America's gold would be dumped on the other countries if they wanted it more than we. They would soon wake up to the fact that it was not worth what they had supposed. We would not then be proud of exporting our more useful products to foreigners in exchange for fictitious money. We would want to get in exchange some product that we did not have or that we could not produce with equal advantage and that we needed or wanted. We would not need or want their money.

Of course I know the mere suggestion will be labeled as a dream. Every innovation is labeled that way. At another time I shall follow that out to an extent that will show that the whole present money system is a dream, although in some ways a convenient one.

The details of the Aldrich plan are much more complicated than the plan I propose for the commonalty. Aldrich bases his plan on the credit of an association and on the fiction or fiat of gold.

I would base a people's money on commerce only. It is a plan for sound money based on true principles of exchange with full credit in every dollar to buy all of the necessaries, and it would express the true relation between property and the means of its production—labor. Then our population would stay nearer to the sources of wealth and we would not depopulate the country and overcrowd the city.

There could be no cornering of money based on commerce because money could be issued on the things subject to commerce. People could produce the very things on which the money would issue. Business under that system, as now, would be largely a matter of bookkeeping in exchanging credits, but as all goods of value require storing, except when in transit or actually in the process of consumption, they would, under a proper system, form the basis on which commercial money would issue. The process would on the whole be less complicated than the present method of banking and of providing the money base, gold; but since the Government would be required to guarantee all money on an equality, it would have to regulate or control the local and district associations, and it would provide the rules and regulations and establish the system in such control.

Already in times of emergencies methods of extending credits beyond the ordinary use of money have been used. For example, in the last panic clearing houses in large cities and many private business concerns issued scrip that passed current at the time. Of course, it was not legal tender and no one was compelled to accept it in payment of a legal debt, but it passed current notwithstanding.

The plan I propose would supply sound money—the best the world could have—and it would be made legal tender in payment of all obligations not otherwise contracted, and once it is established it would be so much more stable than gold that none would be foolish enough to contract to accept payment of debts in other money. It would displace gold soon after it was established.

Such a system would at once place the producer in a position of independence. The farmer, the laborer, and producers in general would be absolutely independent of the trusts, and trusts would cease to exist, for the only thing that maintains trusts is the fact that they appropriate the common energies.

The farmers and the wage earners are compelled to work for the trusts under the present system, whereas under the system I propose independent próducing would start wherever the conditions made it natural. Then the country would adjust itself to the natural selection of the people. Now the trusts force commerce to go where they want.

Under my proposition the people can and would produce independent of the trusts and the latter would be forced by the law of true commerce to turn their holdings into the avenues of trade to be purchased by the producers on the basis of the natural energy required for the production and distribution. The energy required for the production and distribution would establish the price.

The system would act automatically. Banking would adjust naturally to this system as rapidly as it came into operation. The system of storage houses would be less complicated than they are now, for speculation would cease and there would be no shifting forward and backward of property except when required for actual use. There would be no waste of time in duplication of work as there is now. The amount of labor required would be immensely less, but there would be no disturbance because there would be labor for all who desired it, and all would desire under such circumstances to do some work for they would be the principal benefactors of their own labor. Then the hours of labor would be so much less that people would take more time for study and improvement. The morals of the world would gain to an extent that would change the very nature of the people. We should be on a higher plane generally.

I do not complicate my proposition with provisions for conquering the foreign markets either in finance or commodities. We have no need of their finance. Such commodities as they have and that we do not produce with equal advantage, or that we do not produce and that we desire, there are commodities that we do produce and that we can spare and that they want in exchange. The system that I propose will facilitate the exchange with a great saving over the present to the consumer's advantage.

Some may suggest that the trusts, now being in control of 80 per cent of all the capital, will by hypothecating that property be able to take out the same kind of money that we do, and thereby flood the money market and depress the value of this new money. Bear in mind that the money is not the thing to command in this new medium of exchange. Property is the intrinsic thing, and the money would be issued on a basis that would buy any kind of property at the natural cost of production, plus the energy required to take it to the place of consumption. That cost would be measured by the energy required to produce the property—mostly a matter of labor—and if the trusts undertook to hold their property away from the market we, through our labor, could set up an independent production. That would quickly bring the capitalists to a realization of the fact that if they held their property it would be no advantage to them. We could go on without interruption producing the things we require and let the trusts die a natural and peaceful death. There would be no danger, for without the assistance of labor the property of the trusts would be worthless. It is only in the enslavement of the wage earner and the farmer that the trusts are able to control.

Another objection may be stated by some, and that is that the trusts now largely command the means of production, and that we should be without the means of independent production for that reason. The trusts have not thus far undertaken to control the ownership of farm lands. It has been sufficient for them that they have controlled the markets through which farmers sell. There is yet a landed interest in the commonality that makes the people safe if they provide a means of application, and that would form a basis on which to build up a prosperous commonality, and, if necessary, without even taking the trusts into account.

We still have the power as well as the right of eminent domain, and when property is absolutely essential to the common good that is not otherwise available the right of eminent domain is sufficient to afford the means.

I do not consider it necessary at this time to follow out the plan in all details. But it would be very much more simple than our financial system is now and even in its administration less expensive, and in the saving through economic adjustment would be very many times more effective.

My purpose in injecting money talk into this tariff debate is that the tariff is one problem when considered with reference to the present methods of competitive business and would be quite a different problem if we had a currency based on natural commerce instead of speculation and gambling.

Referring to the immediate problem of tariff, it has been presented from all sides here and all kinds of figures have been given, with all kinds of deductions, and it is doubtful if anyone could present the subject in a new form. I think the most serious side of the tariff problem is that it is the ghost around which all our politicians hover, one set trying to induce the people to believe it the cause of all our industrial ills and the other stating that it is the cause of all the good times we have ever had. Both are wrong. No one could tell in detail where, when, or why these things are. That the tariff needs revision

frequently all admit, for conditions are constantly changing. It is unfortunate that it should remain a subject for political quarrel, alternately sweeping parties in or out of control and keeping the country in a state of uncertainty.

This is a large country, but large as it is its industries to a great extent are trust controlled through industrial organization. When that can be done in a country as large as ours, it is positive proof that the same influences can, by the same methods, extend its control to the rest of the world. I have stated that there is a plan now to do so. In a measure it has already been done.

There is no doubt that if the tariff can be made to appear to the people to be the most vital problem and we are kept tinkering with it to the extent of having extra sessions called specifically for that purpose, by the time we get it settled the world will be on a new basis and the tariff will be immaterial. It will be like the Sherman antitrust law.

The inducement held out to the public that the Sherman antitrust law is sufficient to control the trusts and that it should not be amended is as ludicrous as any political hoax can be. That law has been on our statute books ever since the most of us were children. During its existence the trusts have been most prosperous and now control more of the necessities of the people than ever. Those who say that the people should wait for the Sherman antitrust law to take its course before they should take any other step in their own interests are little interested in the people or else do not observe the general course of things.

If the people can be fooled and made to wait on the many cases that have been prosecuted, and which are promised to be prosecuted under that act, till the law is construed, they will have given the trusts all the time they want or need.

In the little affairs of life if parties come into court with unclean hands, to use an equity axiom, the court turns them away, giving neither relief, but the Government brings into court these big industrial criminals and has them defined to be violators of the law, and the decree protects the criminals in the conservation of their property. It was so in the Northern Securities case, and it has been so in other trust cases.

Will some one cite a case that does not involve a great trust in which individuals conspire to violate the law, and they are brought into court, the court defines how they shall proceed to divide the property equitably between themselves? In common causes of that class the litigants are kicked out of court without relief among themselves. The trusts are dissolved because they are unlawful, but the decree defines the method of conserving the property among the criminals. We should enact a law to escheat their property when the court finds an unlawful combination. The State should take the property of the criminals.

All this litigation about the trusts and all this discussion about the tariff is a little side show by which to keep the people busy watching it while waiting for their problems to be settled on the initiative by officials who never have known the people's rights, while in the main the great work of the special interests is going on in order to secure complete control of the world's resources.

We need not be interested in those who have capital and live on their capital, except to make them work, if we can. Every able-bodied person should earn his living by doing useful work, for if he does not we support him, and if he is rich and keeps servants we support them, too, and if he is extravagant and builds great mansions, keeps up expensive estates, yachts, and has other extravagant habits, we pay for all that too.

Of what good is it that the rich employ much labor, unless that labor produces something that is of common use? Unless they do they are an actual burden upon the rest of us, for we must produce what they consume. Employment alone of labor is no advantage. Labor to be of common good must produce the necessities of life. These are axiomatic truths. Who will say that the employment of labor in providing supercillious and unnecessary entertainment for the rich and their families is a benefit? Some say that it is, claiming that it takes that much labor out of competition with other labor. That is an error of economic understanding. They compete in consumption instead and do not produce what they consume, and consequently they are supported by those who do the work of producing the means of life.

Labor is not by nature competitive. All production of useful property under proper conditions is so much added to the common store. Under proper social conditions all who are able should work and produce as much as they consume. In that way only can there be the full measure of prosperity.

Competition will not solve the social problems, but cooperation will; but our cooperation must be in the common interests, and not in selfish individualism, for the latter would exclude the majority from its benefits.

It is because there are monopolies that take all the surplus over and above the living expenses of the wage earners that the latter as a rule are poor.

If we had a financial system based on the true purpose of exchange, we could dump on the other countries all the gold we have that we do not need in our sciences and fine arts and receive their useful property in exchange. That would wake foreigners up and they would never thereafter trade their more useful property for our gold. The gold hallucination would be removed from the world and an exchange system established and all the world would soon come onto an economic basis, and individuals would then gain the advantage of their energy when properly applied.

We should not think that we can solve the riddle of high prices by the petty political speechmaking of Members against parties that is taking place here. We may change Schedule K and we may make other changes in the tariff that may be proper enough, so far as they go, but they will not go far to settle problems. The special interests will soon adjust to any action we take on the tariff so long as we do not take care of our more important matters.

It may be noted that the trusts are adjusting to the Supreme Court decisions under the Sherman Antitrust Act. The people are paying the expenses of the litigation in order that the trusts may know where they stand. Some of them are dissolved by decree, but the decrees are mere form, for the trusts carry on the work they organized for regardless of that fact. What is the difference if they accomplish their purpose by a community of interest or under the management of the corporation?

Mr. MURDOCK. Will the gentleman yield?

The CHAIRMAN (Mr. RUSSELL). Will the gentleman from Minnesota yield to the gentleman from Kansas?

Mr. LINDBERGH. In a moment. Yes; now.

Mr. MURDOCK. Does the gentleman believe from what he has said there that the Standard Oil Co. will not dissolve?

Mr. LINDBERGH. I believe there will be a community of interest between all the subsidiary companies; that is, all interests that belong to the Standard Oil Co., so that there will be little or no benefit come out of the recent decision. The trust operations will continue just the same. It was so in the Northern Securities case, and it will be the same in the Standard Oil.

Mr. MURDOCK. Now, does the gentleman also believe that the same thing is true of the Tobacco Trust?

Mr. LINDBERGH. I think that is largely so of that company, too.

The people need not look to Sherman antitrust acts, nor to any other antiacts for relief, nor to the decisions of the courts, for these require generations first for legislation and subsequently for judicial construction to find, when the laws have been enacted and finally construed, that the very nature of social things have so changed that the problems are all presented anew. It is not in the antiacts that we shall succeed, but in constructive acts we would.

The two great vital problems on which to proceed are transportation and exchange. They are the economic twins about which the great battles for settling economic problems must be fought. Settle those two problems right, and prosperity will continue as long as nature is responsive. These are many times more important problems than the tariff. To tinker with the tariff and neglect them is wasting our time in comparison.

Instead of giving all of our time to this antibusiness we should profit by the example of the great trusts. They show that they can defeat the commonality by their cooperation, and that means that we shall have to cooperate ourselves, for until we do they will continue to monopolize the field. They have grown stronger each year in spite of all the adverse legislation and the effect of public sentiment against them.

It will do us little good to fight the trusts or to tear them down until we cooperate ourselves and go ahead independently. We have been working on the plan of tearing them down, and leaving it for them to build up again. Do we suppose they will build up on any less selfish plan?

Mr. CULLOP. Will the gentleman yield?

Mr. LINDBERGH. Yes.

Mr. CULLOP. What is the trouble with the decision in the last two cases, those of the Standard Oil Co. and the Tobacco Trust, in your judgment, as to why it is not effective as to the dissolution of the trusts?

Mr. LINDBERGH. I do not claim that those decisions will not dissolve these trusts, so far as their corporate form is concerned, but I believe the community of interest that naturally exists among the owners of the different properties and indi-

viduals making up the trusts—if I am permitted to call them different properties—will continue to control the action of those who have the different properties. They will be operated for their selfish purposes.

Mr. CULLOP. Is that the fault of the law or of the officer who is prosecuting the cases?

Mr. LINDBERGH. I should not say it is the fault of the law. It is in the administration of the law.

Mr. CULLOP. Is it the fault of the Attorney General because he does not follow up the cases and enforce the law so as to make it effective and bring about the remedy which was desired?

Mr. LINDBERGH. In a measure, yes; but I believe that there is an economic principle that you can not put down, namely, that wherever there is a community of interest that interest will act in harmony with its component parts—that is, it will work out its own preservation to the best possible advantage.

Mr. MURDOCK. Mr. Chairman——

The CHAIRMAN. Will the gentleman from Minnesota yield to the gentleman from Kansas?

Mr. LINDBERGH. I will.

Mr. MURDOCK. Does the gentleman believe that to the point that he would hold if criminal prosecution was had under the Sherman antitrust law the Standard Oil Co. and the Tobacco Trust would not dissolve? Does he believe the community of interest would continue to work under agreement in violation of the provisions of the Sherman antitrust law if the Attorney General applied that law ordinarily?

Mr. LINDBERGH. I do not, for the reason that men consider their liberty and their lives more important than their property ordinarily.

Mr. CULLOP. Now, just one other question. Do you not think it is the duty of the Attorney General under the decisions in the two cases, as the facts have been found and the law construed, to proceed with criminal prosecution?

Mr. LINDBERGH. I do.

In 1909 we had an extra session and we have now another, the purposes of both being deceptive in assuming in the first instance to solve fundamental problems. I have watched this thing closely since I began my work here, and it seems clear to me that there is no hope of relief in Congress until the people decide what they want and then elect their Representatives to execute their plans. It would do no good for them to take the words of the politicians for their guide, for to use plain Anglo-Saxon the politicians are liars. [Applause.]

If the people will give their attention to determine the basis on which we may succeed, the way will soon be opened by them for constructive legislation that will aid.

There are many ways in which legislation would aid in a better adjustment, but we are confronted with the discouraging fact that must be first overcome—that is, that this House has ceased to be the forum of the people. It is plain that in that capacity it has gone out of business. Some of the people's Representatives have renounced their office, lent themselves to a caucus system, and delegated to the caucus the privilege of doing what the people elected them to do. In that way some Members think they are relieved of their responsibilities.

No Member has any influence on the floor of the House after the caucus has once made its decision. No act, speech, or deliberation in the House now changes the result of caucus action.

The House has capitulated to an unofficial body at the present time known as the Democratic caucus.

It is not the first time in history that the majority membership of this House has committed treason, nor is the Democratic caucus the only caucus to have committed the offense.

I am not partisan in this consideration. I am talking against treason, and I unhesitatingly say—and I say it with the laws of the country and the Constitution in mind as my guide—that any Member who surrenders his action to the control of a caucus, whether it be of one party or of the other, violates his oath, is a traitor to his constituency, and commits treason against his country. I know that in this statement I am challenging the opposition of the trusts and their organs, for they will fight for the caucus system, and they will criticize me for opposing it.

I say, destroy the caucus, and then we shall have the government that is the people's. The caucus belongs to bosses and special interests. These try to make the people believe that large bodies can not act en masse. They say that of the senate and house in my State also. Each party here has more Members than the senate and house combined of the Minnesota Legislature; but the same argument is made there. What would be done if the people should happen to elect all the Representatives from one party?

It is in opposition to caucus and Executive control in connection with legislation that every citizen should rise in arms. This system is in its essentiality a system of the bosses and special interests. It is the most effective way by which they can secure legislation favorable to themselves, and it has been encouraged by them at all times.

The country has been discreetly taught to believe that the caucus is the place to settle political and legislative matters, and Presidents have been encouraged to bribe, using patronage as the spoils.

We have noticed the profound satisfaction of Democratic leaders over the fact that they have now a perfect machine that controls their individual membership. They take proceedings off the floor of this House to caucuses and there pledge the members to a unit and sear over their minds with the caucus stamp in order to make them believe that they are thereby relieved from any direct responsibility to their constituents and to the country. After that is done they are brought back to the House to vote, so as to make the action of the caucus legal; but it is all the action of the caucus and not the House.

On this wool schedule it was reported of the caucus in the Washington Times:

> Before the final vote was taken FRANCIS BURTON HARRISON, leader of the Bryan forces, presented his resolution for free wool as an amendment to the bill of the Ways and Means Committee.
>
> The amendment was framed as a compromise, HARRISON having discovered during the day he had no chance for free wool. He asked for free wool in 1916, with gradual reductions annually. Representative RANDELL of Texas offered as a substitute an amendment providing for free raw wool immediately.
>
> About these amendments the fight in caucus waged throughout the day and up to midnight, the Bryan men standing by HARRISON.

The truth of that report was not denied. After the long and arduous fight in that private caucus, to which the people were not admitted and in which the proceedings were secret, they were finally able to subjugate the conscience of most of the belligerent participants. These were Members of Congress and had all sworn:

> I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office which I am about to enter. So help me God.

Is there anything in that oath that allows a Member to surrender to a private caucus?

But their oath, their districts, their country, and their God notwithstanding, in the caucus they were finally whipped to unanimity for the Underwood bill, except Representatives RUCKER of Colorado; ASHBROOK, FRANCIS, and SHARP of Ohio; and GRAY of Indiana. These were excused by the caucus for not violating their oaths. The action of the caucus in voting to excuse them shows the meaning of a caucus.

No matter what the Underwood bill is, so far as caucus action is concerned—it may be the best ever—but the action of the caucus is the place where the people's rights are defeated and the place where the order of the House is prostituted. The Members who refused to violate their oaths did credit to their constituents and the country. They are not shackled. They may vote as their constituencies require and as their country demands.

Those of us who were Members of the last Congress observed the consternation of the Republican leaders when they found that there was not a sufficient number in their ranks who would desert their constituents and the country to be tied up by the caucus system.

You Democrats who are playing the caucus game in order to pledge the vote of Members to the wish of your leaders or to even a majority of those in attendance can well afford to remember how jubilant the country was when on a few occasions the last House demonstrated that it could be a deliberative body. On those occasions you Democrats formed an important number of the independent Members.

You ought not to think now, because you are in the majority, that you can violate your oaths and the laws in order to enact legislation, even though it were for the public weal. There is an orderly way to enact true legislation and you would get better results to follow it, for the most of the membership of this House is prepared to work for their constituents, but your caucuses are destroying their opportunity to do so.

I do not impute to any Member who attends a caucus bad motives. I am not making these remarks as a personal or a party attack. I wish them to be understood as an attack upon one of the most vicious systems ever practiced by Representatives accredited to the people. You Democrats who now uphold

and follow it, even though it be with the best of intentions, are sowing the seeds of sins to be committed in the future if the practice continues.

In the past the people have permitted caucus control, but that was done without knowing of its baleful ulterior results. The public now knows that the caucus system is the machine for ultimately defeating the people, and is an infringement on representative government.

It is no defense that the action of the caucus is sometimes in line with good purposes. We can not permit theft for even charity, nor for the purpose of returning to the owner that which belongs to him, for when the thief had perfected the act of stealing to a fine art, he would not return the goods, and that is equally true of the caucus, and when it is well established in a party and representative government is defeated by it, the machinery of the caucus is in shape for the convenient use of designing and selfish interests, and these do not hesitate to use it. It has been so in the past, and no one who understands the ordinary influence of human character doubts that it will be repeated with the same results in the future.

Representation proper is only once removed from the people; it is the delegation of authority by the people to representatives. The caucus is twice removed from the people. It is the delegation of the authority by the representatives who were given the authority by the people. The representative passes it along from himself to the caucus. The members of a caucus are not as such under oath; as such they have no connection with the people; they are a self-constituted body, usurping the rights of the House.

And person who presumes to favor the initiative, referendum, and recall and goes to a caucus is false to his own pretensions.

By this caucus system about half the Members resolve themselves into a body, and by a bare majority tie up the rest and make them vote in the House as they could not in the caucus, and thereby destroy their entire influence in the House and make the membership generally ineffective in this House. The tail wags the dog, figuratively speaking. That is, in effect, the caucus system that you, who pretend to be for the initiative, referendum, and recall, stand for.

Why do you not champion the rule which you upheld in the last Congress—I mean the rule of representative government—until we do get the initiative, and so forth? The caucus is not even as favorable as my illustration, for it is seldom, if ever, that all the Members of a majority attend a caucus, and yet partisans commonly assume they are bound by their party caucus whether they attend or not. There have been innumerable caucuses in the past where even less than half the membership of the prevailing party attended, but notwithstanding that fact the acts of Congress on matters of the greatest importance were controlled by a mere majority of those in attendance at a caucus.

And again, why did you allow many days for general debate on the reciprocity agreement after you had already decided in a Democratic caucus that the vote of the Democrats should be in the House exactly as the caucus dictated? You knew the debate would not influence the result. Did you do it to make the people believe that the House is a deliberative body or was it done to give Members a chance to make speeches for home consumption?

Why on every important bill do you call a caucus and bind your members to vote as a unit in the House when they do not in caucus? It is because your caucuses are held to deprive the House of its deliberative functions, and to rob the House of its most important right and duty. But when you do that you show that your spirit and minds are more closely in sympathy with a monarchial government than one embracing the initiative, referendum, and recall, which most of you claim to favor. Why? Because by permitting caucus decisions to take the place of Representatives in Congress you are getting the farthest away from the people's control. If only for the sake of consistency you, who believe in this caucus system, should denounce the initiative, referendum, and recall.

I am against the caucus because it is the weapon of the special interests to control legislation in its own favor. I am for the initiative, referendum, and recall because under it the people have a direct control of their affairs and it enables them to direct their servants whom they elect.

I want to say that there was a Republican conference this morning, and if I had not been preparing for my remarks today I should have attended, because I do believe in conference of Members for the purpose of uniting their experience in the consideration of measures that come before Congress. They could gain an amount of information there that would be well worth their time to attend; and I believe a Member attending should, so far as he consistently can, be guided by the prevailing action of a conference. In a conference no previous political slates or framed-up schemes tie up the membership like a caucus does.

We should oppose Presidents exercising influence on Congress, either by themselves or through executive departments, except that of the President's advice and recommendation.

The House is the only elective body that has anything to do with the Government, and when a President controls it by systems of personal favors, in the shape of patronage, to those Congressmen who will vote for so-called administration measures, irrespective of their honest opinion of their merits or demerits, he is guilty not only of bribery, but is also guilty of stealing from the people the only direct representation they have in Congress. It is a most insinuating practice; an insult to the people's intelligence; sets a most pernicious example; and shows an utter disregard for the form of our government.

The mere fact that the distribution of favors is so veiled as to make it impossible for the general public to directly connect and recognize the granting of the favor with the votes controlled by it does not in the least mitigate the enormity of the offense, for it is not the offenses defined by statute that do the most harm. Senators and Representatives have been alike guilty with Presidents in this practice.

The people themselves have been careless about this matter. Political schemers devise ways for molding public opinion, and in some instances for preventing, if possible, the public having any opinion, in order to let predatory associations control things in their own interest.

A Member who does the best he can for the people and who is at all sensitive to unfavorable comments that are engineered by scheming politicians, or who is amenable to unfavorable comments by a portion of the press, will be ill at ease in Congress, for there are many ways to defeat the aims or purposes of those who stand for the people. Among others, it will be found that busybodies back in their districts are at work, under secret directions of the politicians, spreading false and belittling stories. Secret false gossip is hatched out by conspirators. First it is whispered with a "don't-you-tell" admonition, but all the time it is intended to be told, and will be worked more and more, until honest, well-intending people can be got to believe it, and these are expected to do the gossiping. It is the real purpose of the conspirators to start things going in that way, and there is no way to forestall it except by constant, vigilant, public observation.

Then again, because a Representative who supports the people can not be bribed with patronage, office seekers are sometimes persuaded to repeat quietly around that the Member is "no good," "can't get anything for his friends," "what's he done, anyhow?" All that is peddled around in the hope that the people will fall into the habit of doing the same.

Then again, there is the Associated Press reports, which furnishes news to all the country by wire every day from every place, and that association, controlled as it is by the special interests, colors all the news it sends out so as to give it the most favorable construction to these interests and against the true representatives of the people.

And still again, in each district where there are many local newspapers a few may be secured to insert unfavorable comment, and any unreliable newspapers within the field, and sometimes reliable ones innocently, will insert those notices in their own columns and frequently add comments of their own, and by this process there are in most communities a few evildoers to keep the evil work in perpetual motion.

Besides these I have mentioned, there are many other means used to destroy the influence of those who would do their duty, but I think the most unfortunate of them all is that the Members who truckle to the politicians have the privilege of giving to their coconspirators at home the Government salaries to maintain them while they are sowing the seeds of falsehood, graft, and corruption. That is a part of the political scheme for making the people pay their own betrayers, and can not be remedied until our executive officials stamp out all political patronage and give the people and not the politicians the offices that are appointive.

The defeat and destruction of honest Representatives is not enough to save the selfish, for others would arise, but it is necessary to the selfish that they deceive the people to bolster up themselves. They must build up their own. There are innumerable resources for this, but even with all these the people discover them though sometimes much harm is done before they do.

The Associated Press reports are used to build up the selfish with a skill equal to that by which they are used to injure the

honest. But the greatest asset of the boss is political patronage. That he can furnish at public expense. The people are taxed for it.

The most deceptive of all the methods used by the bosses is to pretend they are for the people. Some cases where it will do no harm to the interests they actually champion the people's cause and vigorously fight for the commonality on those occasions, but it will usually be found that where the special interests are concerned that things have been measured in advance and that the special interests can spare the boss on those occasions for what may be more necessary at other times.

So long as the present caucus system lasts and so long as there is special favor there will be those who will gladly accept of these favors even at the expense of their souls, and that is about the price here in Washington, and the price, too, for those that get favors back in the districts when they get them from some of the bosses here, but that is not in the way for them, for they only give to those who are ready to pay the price.

Another practice that prevails here, and that is opposed to good common sense, and is done for the purpose of defeating the people's rights, is to take the busiest Members and place them on the specially important committees.

There have always been able men here that were on inactive regular committees, and yet when special committees were appointed that had important work to do the work was heaped on those who were already overworked.

Looking over the appointments on committees for a number of years I can plainly see that that plan is a part of the general scheme to keep control in a very limited membership and to reduce the importance of membership as a whole. In other words, it is a part of the boss system of control. Take, for instance, the late Ballinger committee, which, I believe, has not been discharged. For the Senate it was NELSON, FLINT, SUTHERLAND, ROOT, FLETCHER, and PAYNTER, all appointed under the Senate system. The first four are Republicans, and it would be hard to find four who were more busy than these. They were all chairmen of very important committees. In the Senate at the time of appointment there were numerous Senators possessed of the necessary ability without arduous work on their hands.

Take the House end of the Ballinger committee. It was MCCALL, OLMSTED, Denby, and MADISON, Republicans, and JAMES and GRAHAM, Democrats. MADISON was a compromise as a recognition of the insurgents. The other three Republican Members who belonged to the regular organization were three of the busiest Members in the House, each on active committees. The House had at the time very many Members who were not in active work requiring immediate attention and who had the capacity and ability to do the work on this investigation, but the system had to have these busy men to maintain the power of the House within limited membership. Some of the members of the Ballinger committee were so busy that they failed to attend many of the committee meetings.

If we would do our work here in the right way, we would remove caucus, executive, and other special control of this House. We should then be in position to consider bills on their merits and demerits, with all Members giving their best efforts to their consideration. Then the time that is now consumed in general debate would be used to make and frame legislation in the open on the floor of the House for the people.

What a shame it is that it should be claimed that there is no time to do things in the House when it would take no longer to do our work here in the House than it does in caucus. The House might be in session instead of the caucus. It is absolute nonsense—worse, falsehood—to say that the House could not deliberate as well as a caucus.

This is a great country. It has the natural advantages to support a most prosperous people. To be sure, we have some serious difficulties, some of which I have mentioned in my remarks to-day; but notwithstanding these, there is no reason to be discouraged. Our people possess the necessary intelligence to find a way or make it.

I do not consider the trusts that now dominate and direct the business of the country into unnatural channels in order to make more profit out of the people's energy a difficult problem to solve.

It was inevitable that trusts should develop under our system, we having started wrong. They are a natural outgrowth of that system and are simply fulfilling an evolution to a higher progress. There is nothing like necessity to create a way. The trusts are squeezing the commonalty to an extent that makes it necessary to find a way, or make it, for the people's independence.

We are ready to take the next step up the ladder of progress. That is to be the people's step. It is for Congress to pave the way with legislation for constructive work. It is not tariff legislation that will pave the way, neither is it antitrust legislation, nor is it the creation of additional departments or new courts or additional judges, for of these we have enough, but it is in the enactment of laws that will enable the commonalty to work out its own destiny by the rule of natural selection so that its everyday energy may inure to its own.

I think my to-day's remarks and those I have made on previous occasions point out some of the most serious problems. My purpose in pointing out these is to direct the public attention to them so far as I could. My opportunities for investigation have been better than those that people in general possess. It is necessary that the public should know in order to direct remedies. I have tried to do my share in this work. I believe I have my bearings now, and I think the public has secured its bearings through various sources, the principal of which is that it is paying all the costs of false systems. In the future my time shall be principally given to the constructive end of the work. I shall exert myself in that direction to the best of my ability, and am ready to join work with any of my colleagues, irrespective of party affiliation, in constructing legislation in favor of the commonalty. [Loud applause.]

Mr. PAYNE. Mr. Speaker, I do not see the gentleman from Alabama [Mr. UNDERWOOD] on the floor at this moment. I move that the committee do now rise.

Mr. HARRISON of New York. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. RUSSELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11019) to reduce the duties on wool and manufactures of wool, and had come to no resolution thereon.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 2355. An act extending the time for payment of balance due on purchase price of a certain tract of land; to the Committee on Indian Affairs.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted—

To Mr. FINLEY, for one week, on account of illness.

To Mr. SMITH of Texas, for one week, on account of illness.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned until Wednesday, June 14, 1911, at 12 o'clock noon.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 8432) granting an increase of pension to Elzey Bird, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TRIBBLE: A bill (H. R. 11567) to erect a monument commemorating the Battle of Kettle Creek, in Wilkes County, Ga.; to the Committee on the Library.

By Mr. LATTA: A bill (H. R. 11568) to acquire a site for a public building at Hartington, Nebr.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11569) to acquire a site for a public building at Albion, Nebr.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11570) to acquire a site for a public building at West Point, Nebr.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11571) to acquire a site for a public building at Schuyler, Nebr.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11572) to acquire a site for a public building at Tekamah, Nebr.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11573) to acquire a site for a public building at Wayne, Nebr.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11574) authorizing the Ponca Tribe of Indians to submit claims to the Court of Claims; to the Committee on Claims.

By Mr. TAYLOR of Colorado: A bill (H. R. 11575) to amend sections 5136 and 5137 of the Revised Statutes of the United States, permitting national-banking associations to make loans on real estate security and limiting amounts thereof; to the Committee on Banking and Currency.

Also, a bill (H. R. 11576) authorizing certain national-banking institutions to make loans on real estate in certain cases; to the Committee on Banking and Currency.

Also, a bill (H. R. 11577) to enable the Secretary of Agriculture to more effectually suppress and prevent the spread of diseases of potatoes known as black scab and wart disease, and for other purposes; to the Committee on Agriculture.

Also, a bill (H. R. 11578) requiring the United States Government to own its own post-office building in every county seat in the United States; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11579) to authorize popular subscriptions at all post offices for the CONGRESSIONAL RECORD, and for publishing and mailing the same; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 11580) to declare Lincoln's birthday a legal holiday; to the Committee on the Judiciary.

By Mr. WILSON of Pennsylvania: A bill (H. R. 11581) to establish the legislative reference bureau of the Library of Congress and the congressional corps of legislative investigators, and to maintain them until July 1, 1912; to the Committee on the Library.

By Mr. DONOHOE: A bill (H. R. 11582) providing for the erection of a memorial to Stephen Girard in the city of Washington, D. C., in the year 1914; to the Committee on the Library.

By Mr. DODDS: A bill (H. R. 11583) to provide for the erection of a public building on the site owned by the Government in the city of Boyne City, in the State of Michigan; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11584) to provide for the purchase of a site and the erection of a public building thereon at Greenville, in the State of Michigan; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11585) to provide for the purchase of a site and the erection of a public building thereon at Mount Pleasant, in the State of Michigan; to the Committee on Public Buildings and Grounds.

By Mr. JONES: A bill (H. R. 11586) to provide a department of health for Porto Rico, and for other purposes; to the Committee on Insular Affairs.

By Mr. ADAMSON: A bill (H. R. 11587) to provide for the operation of the Panama Canal, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WILSON of Pennsylvania. Resolution (H. Res. 204) for the temporary employment of a legislative investigator; to the Committee on Accounts.

Also, resolution (H. Res. 205) to establish a House legislative reference bureau; to the Committee on Accounts.

By Mr. BURLESON: Resolution (H. Res. 206) directing the Secretary of Commerce and Labor, through the Bureau of Corporations, to investigate the causes of excessive charges by express companies doing business throughout the United States; to the Committee on Interstate and Foreign Commerce.

Mr. BYRNS of Tennessee: Joint resolution (H. J. Res. 118) authorizing the Secretary of War to accept the title to approximately 5,000 acres of land in the vicinity of Tullahoma, in the State of Tennessee, which certain citizens have offered to donate to the United States for the purpose of establishing a maneuver camp and for the maneuvering of troops, establishing and maintaining camps of instruction, for rifle and artillery ranges, and for mobilization and assembling of troops from the group of States composed of Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina; to the Committee on Military Affairs.

Mr. CLARK of Missouri (by request): Memorial from the Legislature of Montana petitioning Congress to authorize the President of the United States to set aside the Smoky Mountain forest reserve as a game preserve; to the Committee on the Public Lands.

Also, memorial from the Legislature of Nebraska asking Congress to call a convention for the purpose of proposing an amendment to the National Constitution to prohibit polygamy and polygamous cohabitation; to the Committee on the Judiciary.

Also, memorial from the Legislature of California, relative to the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

Also, memorial from the Legislature of California, requesting Congress to call a convention to submit an amendment to the National Constitution providing for the election of United States Senators by direct vote of the people; to the Committee on the Election of President, Vice President, and Representatives in Congress.

By Mr. COOPER: Memorial from the Legislature of Wisconsin for amendment to the Federal Constitution providing that such Constitution may hereafter be amended by the initiative; to the Committee on the Judiciary.

Also, memorial from Legislature of Wisconsin, relating to a national constitutional convention; to the Committee on the Judiciary.

Also, memorial from the Legislature of Wisconsin, asking Congress to take proper steps toward a constitutional amendment providing for initiative, referendum, and recall; to the Committee on the Judiciary.

Also, memorial from the Legislature of Wisconsin, asking Congress to grant Alaska a Territorial form of government; to the Committee on the Territories.

By Mr. DAVIDSON: Memorial from the Legislature of the State of Wisconsin, memorializing Congress to take proper steps for the adoption of an amendment to the Federal Constitution providing that such Constitution may hereafter be amended by the initiative; to the Committee on the Judiciary.

Also, memorial from the Legislature of the State of Wisconsin, relating to the Sherman antitrust law; to the Committee on the Judiciary.

Also, memorial from the Legislature of the State of Wisconsin, relating to national constitutional convention; to the Committee on the Judiciary.

Also, memorial from the Legislature of the State of Wisconsin, memorializing Congress to take proper steps toward a constitutional amendment providing for initiative, referendum, and recall; to the Committee on the Judiciary.

Also, memorial from the Legislature of the State of Wisconsin, memorializing Congress to grant to Alaska a Territorial form of government; to the Committee on the Territories.

Also, memorial from the Legislature of the State of Wisconsin, memorializing Congress in regard to passports issued by the United States Government; to the Committee on Foreign Affairs.

Also, memorial from the Legislature of the State of Wisconsin, relating to the sending into any State of money or campaign literature in violation of the corrupt-practice law of that State; to the Committee on Election of President, Vice President, and Representatives in Congress.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 11588) for the relief of Peter Carroll and others, lately laborers employed by the United States military authorities in and about Fort Leavenworth, Kans.; to the Committee on Claims.

By Mr. BARCHFELD: A bill (H. R. 11589) granting an increase of pension to George Thompson, jr.; to the Committee on Invalid Pensions.

By Mr. BURKE of Pennsylvania: A bill (H. R. 11590) granting an increase of pension to Samuel H. Croyle; to the Committee on Invalid Pensions.

By Mr. CAMERON: A bill (H. R. 11591) granting an increase of pension to John E. Penn; to the Committee on Invalid Pensions.

By Mr. CRAGO: A bill (H. R. 11592) to correct the military record of John Blue; to the Committee on Military Affairs.

By Mr. DAUGHERTY: A bill (H. R. 11593) granting an increase of pension to John J. Bokes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11594) granting an increase of pension to Henry Sheesely; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 11595) granting a pension to James M. Younger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11596) for the relief of the legal representatives of Benjamin White; to the Committee on War Claims.

By Mr. DODDS: A bill (H. R. 11597) granting an increase of pension to Joseph S. Case; to the Committee on Invalid Pensions.

By Mr. DONOHOE: A bill (H. R. 11598) granting an increase of pension to Henry N. Smith; to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 11599) granting an increase of pension to A. P. Moore; to the Committee on Invalid Pensions.

By Mr. HARTMAN: A bill (H. R. 11600) granting an increase of pension to John Fleegle; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 11601) granting an increase of pension to Ellen Curley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11602) granting an increase of pension to Mark A. Handy; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 11603) granting an increase of pension to William L. Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11604) granting an increase of pension to Emeline E. Manning; to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 11605) granting a pension to Katherine A. Belford; to the Committee on Invalid Pensions.

By Mr. PICKETT: A bill (H. R. 11606) granting an increase of pension to Joseph Richards; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 11607) granting a pension to Jane Williams; to the Committee on Pensions.

Also, a bill (H. R. 11608) granting an increase of pension to Mary Leary; to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 11609) granting an increase of pension to William Ross; to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 11610) granting a pension to Frances A. Francis; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARCHFELD: Papers in re bill granting an increase of pension to George Thompson, jr., late of Company K, First Regiment Pennsylvania Cavalry; to the Committee on Invalid Pensions.

By Mr. BARNHART: Petitions of Thomas Bros., of Grasscreek, Ind., and merchants of Carlisle, Ind., protesting against the enactment of a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, resolutions by Cigar Makers' Union No. 33, of Indianapolis, Md., urging investigation of alleged kidnaping of John J. McNamara; to the Committee on Rules.

Also, petitions of merchants of Leesburg and New Paris, Ind., protesting against the passage of the parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of South Bend (Ind.) druggists, against the passage of House bill 8887; to the Committee on Ways and Means.

Also, petition of socialists of South Bend, Ind., against alleged kidnaping of J. J. McNamara; to the Committee on Rules.

By Mr. BURKE of South Dakota: Petition of numerous citizens of South Dakota asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. FOCHT: Petition of Rine & Ulsh, of Beavertown, Pa., favoring reduction in duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. GARDNER of Massachusetts: Resolutions from Salem Local, United Shoe Workers of America, protesting against the proceedings incident to the arrest of the secretary-treasurer and two other members of the International Bridge and Structural Iron Workers' Union for alleged complicity in the dynamiting of the Times Building at Los Angeles, Cal.; to the Committee on Rules.

Also, resolutions from Local No. 35, United Shoe Workers of America, of Marblehead, Mass., calling upon Congress for an investigation of the method of procedure in the arrest of John J. McNamara, general secretary-treasurer of the Structural Iron Workers, with a view to releasing McNamara if it is found that the arrest was unconstitutional; to the Committee on Rules.

Also, petition of H. H. Story and 11 other residents of Merrimac, Mass., favoring a reduction in the tariff duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. JAMES: Petition of citizens of Kuttawa, Ky., asking for a reduction of the duty on sugar; to the Committee on Ways and Means.

By Mr. MADISON: Petition of numerous citizens of Gray County, Kans., asking for reduction in the duty of sugar; to the Committee on Ways and Means.

By Mr. REILLY: Resolutions adopted by two associations of business men of Connecticut, protesting against the Sulzer parcels-post bill; to the Committee on the Post Office and Post Roads.

By Mr. WHITACRE: Resolutions of Local Assembly No. 3, Watch Case Engravers' Association of America, protesting against methods used in arrest of John J. McNamara and others and indorsing the Berger resolution; to the Committee on Rules.

By Mr. WHITE: Affidavits supporting House bills 11466 and 11468; to the Committee on Pensions.

Also, evidence supporting House bills 11467, 11469, 11470, 11471, 11472, and 11473; to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *June 14, 1911.*

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D., as follows:

Almighty God, our heavenly Father, for this day, commemorative of the love and devotion which gave to our country the symbol of our liberty and of our Union, we render unto Thee sincere and humble thanks. Keep alive, we pray Thee, in the hearts of this united people the fire of patriotic ardor. In Thy grace grant that evermore this may be the land of the free because the home of the brave. And unto Thee who rulest over the kingdoms of men, and whose we are, and whom we serve, be all glory in earth and in heaven, now and forever more. Amen.

The Journal of yesterday's proceedings was read and approved.

ERADICATION OF CATTLE TICKS IN ALABAMA.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture transmitting, in response to a resolution of the 11th ultimo, a memorandum setting forth in detail the operations of the Department of Agriculture in the eradication of cattle ticks in the State of Alabama, which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed. (S. Doc. No. 47.)

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a memorial of Burritt Grange, Patrons of Husbandry, of Winnebago County, Ill., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which was ordered to lie on the table.

He also presented a memorial of the Central Labor Union of Bellows Falls, Vt., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented petitions of the Woman's Christian Temperance Union of Providence, R. I.; of the congregations of the Methodist and Baptist Churches of Dighton, Mass.; and of the National League of Commission Merchants, praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. GALLINGER presented a memorial of Local Division No. 2, Ancient Order of Hibernians, of Portsmouth, N. H., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Chicago Peace Society, of Illinois, praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. GRONNA presented a memorial of the congregation of the Seventh-day Adventists Church of Streeter, N. Dak., and a memorial of the congregation of the Seventh-day Adventists Church of Baldwin, N. Dak., remonstrating against the enforced observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Westhope, N. Dak., praying for a reduction of the duty on raw and refined sugar, which was referred to the Committee on Finance.

Mr. PERKINS presented memorials of sundry citizens of Mountain View, San Martin, Morgan Hill, and Gilroy, all in the State of California, remonstrating against the passage of the so-called Johnston Sunday-rest bill, which were ordered to lie on the table.

Mr. BROWN presented sundry affidavits in support of the bill (S. 2010) granting an increase of pension to Ransom W. Bailey, which were referred to the Committee on Pensions.

He also presented sundry affidavits in support of the bill (S. 2175) granting an increase of pension to Frank McDaniels, which were referred to the Committee on Pensions.

Mr. WETMORE presented a petition of the Woman's Christian Temperance Unions of Providence, R. I., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. NELSON presented a memorial of the congregation of the Seventh-day Adventist Chuch of Owatonna, Minn., and a memorial of the congregation of the Seventh-day Adventist Church of Fergus Falls, Minn., remonstrating against the enforced observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. O'GORMAN presented a memorial of the Retail Merchants' Association of Buffalo, N. Y., remonstrating against the imposition of a stamp tax on proprietary medicines, which was referred to the Committee on Finance.

He also presented memorials of Potsdam Grange, Sherman Grange, and Millerton Grange, Patrons of Husbandry, all in the State of New York, remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were ordered to lie on the table.

Mr. ROOT presented memorials of East Schuyler Grange, No. 576; Adams Grange, No. 391; Lake Placid Grange, No. 1171; Whitehall Grange, No. 922; Mendon Grange; Homer Grange, No. 834; St. Louis County Grange; Delphi Grange; Treadwell Grange, No. 1169; Stockton Grange; Riga Grange, No. 168; East Fayette Grange, No. 40; South Dayton Grange, No. 213; Lenox Grange, No. 43; Jefferson County Grange; Phoenix Grange, No. 920; Scotch Bush Grange; Glendale Grange, No. 548; Wawarsing Grange, No. 956; North Hannibal Grange, No. 672; Texas Valley Grange, No. 972; and Friendship Grange, No. 72, Patrons of Husbandry, all in the State of New York, remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were ordered to lie on the table.

REPORT OF COMMITTEE ON CLAIMS.

Mr. CRAWFORD. I am directed by the Committee on Claims to return certain bills to the Senate, with the recommendation that they be indefinitely postponed (S. Rept. 64), because the claims upon which they have been based have been sent to the Court of Claims, and are still pending there, and have never been reported back, so that these bills have been prematurely introduced, while the claims are in the jurisdiction of the Court of Claims.

The bills were indefinitely postponed, as follows:

A bill (S. 898) for the relief of James W. Kingon;

A bill (S. 961) for the relief of the heirs at law of E. L. Shuford, deceased;

A bill (S. 966) for the relief of the Zion African Methodist Episcopal Church of Beaufort, N. C.;

A bill (S. 967) for the relief of Grace Protestant Episcopal Church, of Plymouth, N. C.;

A bill (S. 968) for the relief of Salem Methodist Episcopal Church South, of Wayne County, N. C.;

A bill (S. 969) for the relief of Beulah Primitive Baptist Church, of Johnstown County, N. C.;

A bill (S. 970) for the relief of Spencer Etheredge, J. E. Berry, and Charles Meekins, trustees of Roanoke Island Baptist Church, Roanoke Island, N. C.;

A bill (S. 1266) for the relief of the heirs of William Samuel Custis;

A bill (S. 1268) for the relief of Luther H. Potterfield;

A bill (S. 1269) for the relief of Bland Massie;

A bill (S. 1270) for the relief of John Henry Edwards;

A bill (S. 1282) for the relief of the estate of Branon Thatcher, deceased;

A bill (S. 1287) for the relief of Norval Cox and heirs of Robert Rollins, deceased;

A bill (S. 1292) for the relief of James H. Hottel;

A bill (S. 1303) for the relief of the heirs of John A. Jones, deceased;

A bill (S. 1409) for the relief of the estate of Thomas W. Maides, deceased;

A bill (S. 1428) for the relief of Walter T. Dough;

A bill (S. 1433) for the relief of E. M. Felts;

A bill (S. 1440) for the relief of the heirs of John H. Richardson, deceased;

A bill (S. 1718) for the relief of Clara D. Miller;

A bill (S. 1740) for the relief of the heirs of John D. Rawlings, deceased;

A bill (S. 1741) for the relief of the estate of Richard Wiseman, deceased;

A bill (S. 1894) for the relief of A. M. Randolph and the other children and heirs of Robert Lee Randolph, deceased;

A bill (S. 2049) for the relief of owners of property at Popham Beach, Me., on account of depreciation in value of same by reason of the location of heavy guns at Fort Baldwin and the firing thereof;

A bill (S. 2392) for the relief of the estate of Edward Bedsole, deceased;

A bill (S. 2394) for the relief of Samuel H. Yarborough and estate of John Jones, deceased;

A bill (S. 2395) for the relief of the heirs or estate of James M. Alexander, deceased;

A bill (S. 2401) for the relief of David C. and Daniel W. Reece, heirs of Andrew Reece, deceased;

A bill (S. 2404) for the relief of heirs or estate of C. C. Blancit, deceased;

A bill (S. 2406) for the relief of heirs or estates of Elbert H. Ellett and Malinda Ellett, deceased;

A bill (S. 2407) for the relief of James Williams;

A bill (S. 2409) for the relief of Thomas Seymour;

A bill (S. 2410) for the relief of heirs or estate of Benjamin Lawler, deceased; and

A bill (S. 2690) for the relief of Alexander P. Hart, heir of Joseph Hart, deceased.

CLAIM OF THE METHODIST PROTESTANT CHURCH.

Mr. CRAWFORD. Mr. President, I submit a resolution from the Committee on Claims, referring a case to the Court of Claims, which was inadvertently omitted from the resolution passed at the last session. I ask for its immediate consideration.

The resolution (S. Res. 64) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the bill (S. 1731) entitled "A bill for the relief of the Methodist Protestant Church," now pending in the Senate, be, and the same is hereby, referred to the Court of Claims in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and commonly known as the Tucker Act. And the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMITH of Michigan:

A bill (S. 2751) providing for the erection of a post-office building at Hastings, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. CULLOM:

A bill (S. 2752) to correct the military record of Michael Fitzgerald; to the Committee on Military Affairs.

By Mr. BROWN:

A bill (S. 2753) authorizing the Winnebago Tribe of Indians to submit claims to the Court of Claims; to the Committee on Indian Affairs;

A bill (S. 2754) granting an increase of pension to O. L. Cady; and

A bill (S. 2755) granting an increase of pension to John Rosswork; to the Committee on Pensions.

By Mr. BURNHAM:

A bill (S. 2756) granting a pension to Samantha Putney Spaulding; to the Committee on Pensions.

By Mr. WETMORE:

A bill (S. 2757) granting an increase of pension to Catherine S. Wales;

A bill (S. 2758) granting an increase of pension to Sarah A. Peck; and

A bill (S. 2759) granting an increase of pension to Hannah G. Edgar (with accompanying papers); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 2760) to provide for the sale of the United States military reservation at Fort Walla Walla, Wash., and for other purposes; to the Committee on Military Affairs.

By Mr. GUGGENHEIM:

A bill (S. 2761) to amend an act approved February 6, 1905, entitled "An act to amend an act approved July 1, 1902, entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and

for other purposes,' and to amend an act approved March 8, 1902, entitled 'An act temporarily to provide revenue for the Philippine Islands, and for other purposes,' and to amend an act approved March 2, 1903, entitled 'An act to establish a standard of value and to provide for a coinage system in the Philippine Islands,' and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes"; to the Committee on the Philippines.

By Mr. CURTIS:

A bill (S. 2762) to correct the military record of Archibald Craig; to the Committee on Military Affairs.

A bill (S. 2763) for the relief of James P. Howe; and

A bill (S. 2764) granting a pension to Alta Breckenridge; to the Committee on Pensions.

By Mr. FOSTER:

A bill (S. 2765) granting a pension to Clementine Chapman; to the Committee on Pensions.

By Mr. CLARKE of Arkansas:

A bill (S. 2766) to authorize the St. Louis, Iron Mountain & Southern Railway Co. to construct and operate a bridge across the St. Francis River in the State of Arkansas, and for other purposes; to the Committee on Commerce.

STANDARD OIL CO. AND AMERICAN TOBACCO CO.

Mr. POMERENE. Mr. President, I desire to give notice that to-morrow, at the close of the routine morning business, I shall have something to say on Senate concurrent resolution No. 4, instructing the Attorney General of the United States to prosecute the Standard Oil Co. and the American Tobacco Co.

RECIPROCITY WITH CANADA.

The VICE PRESIDENT. The morning business is closed and the calendar is in order under Rule VIII.

Mr. PENROSE. I move that the Senate proceed to the consideration of the bill (H. R. 4412) to promote reciprocal trade relations with the Dominion of Canada, and for other purposes.

The VICE PRESIDENT. Is there objection to the request of the Senator from Pennsylvania?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. McCUMBER. Mr. President, so far as its result upon the vote of the Senate is concerned, we might properly omit any discussion of this subject and proceed to dispose of it. This measure will pass the Senate by a vote of nearly 2 to 1. It will be supported by the Democratic side of the Chamber as a party measure, expected by them to destroy the Republican policy of protection, and will be reluctantly supported by a considerable number of Republican Senators, whose reasons, I presume, will be given in a mild form in the course of debate.

I do not expect that my discussion will change a single vote in this body. I do expect, however, that I shall be able in the course of my remarks to establish beyond any possible controversy that the enactment of this pact into a law will grievously injure the agricultural interests of every Northern State and will benefit the agricultural interests of no State. I do expect to establish this fact so clearly that no Senator shall be able to excuse his vote for this measure on the ground that by so doing he does not strike a blow, and a hard blow, at that particular industry; and that he must justify his vote, if at all, on the ground that some assumed national interest demands the sacrifice of the agricultural interests.

In the discussion to-day I shall deal with only one phase of the question—the injury to the grain producers of the country. Other Senators will show the effect of this measure on other industries, and I shall at another time deal with other features of the bill.

RECIPROCITY.

Very shortly after the reciprocity agreement had been consummated by the American and Canadian negotiators and its terms for the first time made public I carefully read all its details. It seemed to me then to be so one-sided in its intended benefits and so harmful to the interests of the people of the State I represented and so opened the doors for the admission of a Canadian product which I had long declared to our people to be the one great danger which continuously threatened their welfare, that I felt compelled to give immediate expression of my own views and those views which I had every reason to believe were held by the vast majority of the people of my State in an address upon the subject made February 25 last.

I believe that this treaty, if enacted into law, would not only postpone for many years the consummation of a hope indulged in by the farmers of the country, a hope that had been held out to them by every speaker and writer who sought to secure and hold their votes for the protective policy of the country, but that its logical result would be to destroy the policy itself.

And I knew, Mr. President, that either the political doctrines which I had held all my life were wrong or that this treaty was wrong. I knew that either the promises and encouragement which I had held out to the people of my State were ill-founded and illogical or that such promises and encouragement would be defeated by this measure. I must therefore either repudiate all I have advocated for years or oppose the consummation of this agreement.

Mr. President, so insistent has been the declaration of the President of the United States, than whom a more courageous, honest, fearless, and patriotic President never lived, so earnest has been the support of those whom I know have at all times had the interest of the people of the Northwest at heart, in favor of this pact, that since making my former address I have tried to see if it were possible that my political creed or my prophecy has been bottomed on faulty premises. While I would much prefer to be both consistent and right, if the two will not harmonize, I will abandon the consistency.

I have therefore faithfully attended every hearing before the Committee on Finance in which the question of the effect of this treaty upon agricultural interests was discussed. The evidence in respect thereto has been very full, very interesting, and, to my mind, very conclusive. Most of the witnesses who gave their testimony before the committee were men who had made careful study of the question and were able to discuss it in all of its bearings. The questions propounded by members of the Finance Committee were for the most part pertinent and searching. The spirit which seemed to dominate the committee was the desire to get at the truth, and it seemed to me that every question asked by any Senator of any witness was propounded for the purpose of eliciting information which would elucidate any theory or conclusion advanced or denied.

The hearings having been completed, the matter comes before the Senate with a great array of facts and figures. And if the evidence contained in these hearings has not had the effect of changing previous convictions of the members of the committee or of those Senators who will take time to read them, it has at least given them a vast fund of information which will enable them to refute erroneous conclusions.

Mr. President, it is difficult for us to divest ourselves of the influences of our life's environments, and especially of those convictions engendered during the formative period of our existence when we were first brought face to face with a world into whose conflicts we were sometimes prematurely hurried by the necessities of our situation.

Leaving a backwoods farm, the memory of whose hardships and limitations always touch into vibration every chord of my sympathy, for an occupation of greater remuneration and broader opportunities, I am compelled to admit that I carry a degree of prejudice in favor of my early companions and of all those who labor in the fields, whether through inclination or because controlling conditions have chained them to the reluctant soil. I start out in this argument with a conviction *that never within the period of recorded history, never since cities were known, has the tiller of the soil lived on a plane of equality, measured by comforts, luxuries, or opportunities, with the dwellers of the cities, and that the wealth and grandeur of the cities of to-day represent a tribute exacted from the tillers of the soil.* I have the abiding conviction that there is a wrong to be righted, and that it can only be righted by increasing the profits of country occupations to an extent that they will equal the profits of city occupations and trades so far as governmental agency can properly and constitutionally bring about such a result.

The earnings of the one class above that which insures comfort and reasonable recreation leads it into excesses and ostentatious show and rivalry that destroys every fiber of sturdy character. The meager earnings of the other, the denial of proper comforts, rest, recreation, and hygienic conditions must be detrimental to his highest welfare. A more fair and equitable balance of the income and the expense of each would be most healthful and beneficial to both.

Mr. President, we arrive at most of our conclusions in life through our sense of observation, and we acquire certain convictions that can not be shaken by any sort of statistics. But if we do study those statistics in the light of all surrounding conditions we will find that they will generally agree with what our observation teaches us. We know, for instance, that the majority of people live according to their means; that most people who have means to live in palaces do not live in hovels; that most people who have means to array themselves in fair and becoming fabrics do not dress in a shabby and slovenly manner; that most people who have means to travel do not tie themselves forever within the walls of their own

homes. And when I go through this country and compare the average farm home with the average city home—and we always are forced to deal with averages—when I compare the home furniture of the one with the other, the shabby and meager clothing of the one with the other, the hours of labor of the one with the other, the opportunities and environments of the one with the other, the expenditure for luxuries and unnecessaries of the one with the other, I know that the farmer and the farmer's family receive far less for their labor than any other equally intelligent workmen in the United States.

And I further know, Mr. President, that the economic laws, whether of ancient or modern birth, which allow, or, at least, in this age of general enlightenment permit, this condition to remain, needs some amendment. I know we can not by legislative enactment remove great natural barriers or utterly overcome the great economic laws of the world's supply and demand as they affect the general level of values. But I do know that every great country through its revenue laws does, and purposely does, affect the value of the products of its important industries within its own borders and does protect, stimulate, and make profitable industries which otherwise could not stand the test of international competition. And to that extent I invoke legislation favoring the American farmer. If I can raise his financial condition so that his life will more nearly correspond with the life of the average inhabitant of the cities, I want to do so. If I can make farming more remunerative by law, I want that law.

If any of you believe that the farmer of this country is today receiving his proportionate share of income for his labor and capital employed, you will be justified in saying by your vote that he shall have no greater reward for his industry; and if you believe that his prosperity for the next century should not be superior to the prosperity of the average grain producer of the world, you will be justified in voting for this reciprocity agreement, because the certain effect of the vote will be to fix his status on that plane.

Mr. President, the farmer boy who, driving his broken and heavy horses with his load of vegetables or cordwood for city consumption, reverentially turns aside to yield the road to high-bred steeds, glittering harness, and spotless carriage, or who, by accident, may get a glimpse, through folds of silken tapestry, into some parlor whose shining floor he feels would be profaned by his step, may justly be excused if he does feel in his heart the stirring birth of some vague, indefinite hope that some day, some way, the walls of his own little cottage may be broadened and heightened and all his shabby surroundings brought to a higher degree of beauty, with its influence for refinement and culture. And I, who have followed this lad and know every impulse of his heart, may also be pardoned if I approach this subject from his standpoint and actuated by a desire to help him and all those who live his life to realize to some extent these hopes and aspirations.

Mr. President, I am not unmindful of some of the broad and statesmanlike reasons which guide the minds of many in supporting this reciprocal trade agreement. No one can deny that one of the principal factors that enter into national prosperity is the element of balance of trade. Nor is there any denial of the truth that as our agricultural surplus dwindles by reason of home consumption our balance of trade will decrease. In this connection it may also be doubted whether our manufacturers will be long able to compete in the world's market with the more cheaply produced articles of Great Britain, Germany, or Japan. With our exportation of food products growing less and our supremacy in the exportation of manufactured articles being very doubtful, we may well consider how we shall be able to maintain that balance of trade which has given us our great prosperity during most of the last 40 years. These trade conditions may justify those in supporting this bill who believe that by this treaty we shall be able to considerably increase the exportation of our manufactured products without materially affecting our agricultural exportations or the value of the home product.

Mr. President, we shall need the balance of trade. But will this agreement, if enacted into law, increase our balance of trade with Canada? If it will, will that increase be purchased at too great a price? If it will increase our balance of trade, of course we will all reap some benefit from it. It may be small, but every dollar of a balance of trade means something to every American citizen.

It may increase our exportations of farm machinery. As the Canadian Northwest develops, as it will undoubtedly enormously develop in the next decade, there will be a corresponding increase in the exportation of farm machinery for the Alberta, Saskatchewan, and Manitoba grain fields. I believe we will have that increase whether we have reciprocity or not. We are at present supplying the demand of that section even with the Canadian tariff to be overcome. With that tariff off the Canadian field may be a little more inviting. But will there not be an increase of agricultural importations from Canada that will more than offset the exportation of all manufactured articles into Canada? I feel certain this will be the result.

My investigation leads me to the conclusion that there will be an immediate increase in the importation of Canadian potatoes, hay, barley, flax, wheat, oats, considerable dairy products, and some cattle, and that in the grain trade there will be an ever-increasing supply from Canada as her new lands are being brought under the plow and our old lands are becoming less productive. One thing is certain, and that is, if our prices of cereal products continue on this side of the line to be higher, as they are to-day, than on the Canadian line, Canada will export heavily into this country until such exportations produce a level of prices. It may be that after the level has been once obtained and there will be no object in further importing from Canada into this country, the prices on both sides of the line being substantially the same, Canadian products will go directly to Europe instead of the United States. But the fact that she will have an enormous surplus for exportation, ready to be dumped into our markets the moment our prices rise above hers, will have the same effect in keeping our prices on a plane with hers as though she were actually importing into this country. This is so obvious that it needs no elucidation.

And I might suggest as a further fact along this line that there are two ways of increasing our balance of trade—one by increasing our exports and the other by diminishing our imports; or, expressed in other words, by buying our own products from our own people instead of buying them abroad. A dollar expended at home is always a dollar saved for home; and a dollar saved is always equivalent to a dollar earned.

The Liberal Party of Canada supports this treaty on the ground, and almost the only ground, that the American markets will afford them a field for vast exportations of agricultural products. The northwestern farmers of Canada support this pact for the same reason that the northwestern American farmers oppose it.

In his address to the Canadian Parliament on March 7, 1911, Sir Wilfrid Laurier said:

> I stated a moment ago that the agreement we made is simply to get better prices for the products of the Canadian farmer. This is a proposition so obvious that I am surprised that it should have received the treatment it has received on the part of our friends on the outside.

It is perfectly obvious to the Canadian statesman that Canadian farmers will get better prices for their products, but it is not at all obvious to the supporters of this agreement that the American farmers must therefore receive less for their products. Will some of these mathematically inclined supporters of this proposition demonstrate to me how it is possible for the Canadian farmer to get more for his products by sending them into the United States if the prices are not higher in the United States? And if it is true, as I have always supposed it was mathematically true, that increase of quantity in a given market tends to decrease prices, how is it possible for the Canadian farmers' products to come into this country in any great quantities—such quantities as would greatly benefit the Canadian farmers—without tending to reduce the value of the American products? Whatever may have been the views of the American negotiators, this Canadian statesman declares the agreement was made simply to get better prices for the products of the Canadian farmers. He could not get better prices unless the American prices average higher than the Canadian prices, and he could not get his higher prices from the American side unless the products were exported from Canada into this country. So I have strong support in my position, outside of facts and figures which I will produce to demonstrate its correctness, in the well-weighed and carefully worded sentences of the Canadian premier.

And it is also evident that the Canadian statesman believed that the advantage was all with Canada; that while Canada would increase her exports of agricultural products into this country, we would not materially increase the exportation of manufactured products into Canada, except possibly the agricultural implements which I have mentioned; for in the same address he highly complimented the Canadian minister for—using his exact words—*having obtained from our neighbors such an advantageous arrangement and having obtained it without the sacrifice of any Canadian interests.* If I remember rightly, the only thing he admitted we might gain advantage in was in the exportation of our farm machinery.

Thus, then, do my views accord with the views of the Liberal Party of Canada, that we will not increase our balance of trade by this agreement, but, on the contrary, will diminish it, and Canada will increase hers.

Again, it is urged by our President, and I believe not without some justification, that now is the accepted time to enter into such commercial relations with Canada as shall assure to us the Canadian trade. "Now or never." In using these last words, with considerable emphasis, the President undoubtedly had in mind the great efforts on the part of Great Britain to secure more close political and commercial relations with her colonies. The effort of Joseph Chamberlain to bring about such a condition is recent history. Representation in the British Parliament by Canada would undoubtedly place the home Government in a better position to secure preferential rates with Canada than it at present occupies. But, Mr. President, unless Canada should surrender her autonomy entirely, which I do not believe she will do under any sort of an agreement with Great Britain, I shall still have faith in the continuing power of that element of human nature which we call selfishness. With her enormous surplus at our door we need have no fears that she will not be most glad to avail herself of the opportunity to enter so near a market whenever our diminishing home supply will justify us in opening that door. I shall still believe that a people with 3,000 miles of imaginary border line will always find means to enter into advantageous commercial relations when such relations can be demonstrated to be of advantage to both and without injury to the great industries of either. But the basis of such a commercial relation ought to be reciprocally just, one which should not surrender the interests of one great class of people of either country for the benefit of another great class.

But, Mr. President, I should feel compelled to vote against this measure for another most potent reason, even though I had some doubts, which I have not, of the correctness of my position. I know that the people of my State, not by a bare majority, but in overwhelming numbers, are bitterly opposed to the ratification of this agreement, and a vote in its favor would do extreme violence to their views and wishes. I know it is said by many that the farmers are not so much exercised about the matter as we are lead to believe. I have, however, taken great pains to ascertain the sentiment of the farmers of my State, and I know, as I have said, that they are overwhelmingly and extremely bitter against this Canadian reciprocity.

Mr. President, I have for years been preaching to the farmers of my State this doctrine: You are not receiving your full share of American prosperity; you are not receiving for your labor, hour for hour, anything like equally intelligent labor is receiving in other vocations; you are selling the products of your farm, the result of your labor, in an unprotected world's market and in competition with the farm products of the world, while everything which you purchase has an artificial and enhanced value, due to protective duties and the higher prices allowed for the labor employed in producing it. You can not remedy this by depriving others of their protection, for in doing so you will destroy your best market—the home demand. If you should put the laborers engaged in manufacturing on an earning basis equal only to that of the labor of the whole world, you would thereby decrease their purchasing power and diminish their ability to purchase your products. And what is still worse, by closing their mills you would send your own money abroad to be expended by a foreign people in the purchase of foreign products.

You are laboring under what is always a material disadvantage and a price depresser, namely, a surplus. The great question for you is how to get rid of that surplus. There are two ways of eliminating it—one by producing less; the other by increasing consumption. You have the land. It is particularly adapted to production. You can not allow that land to be nonproductive or to produce that which gives you no profit. It is far better for you to increase the home consumption to take care of that surplus, and maintain a living price, than to decrease your production. You also know that a home market has a greater influence in maintaining good prices, even though it may not take all of your surplus, than has a foreign market. The home consumption always reduces the volume of the surplus which otherwise would have to enter in competition with the world's production. The smaller the surplus the greater the value per unit.

Now let us look this condition straight in the face and see what is the best future policy for us as farmers. We can start our investigation with this assured fact: There is a natural limit to acreage and production; there is no natural barrier which will limit increase of population. Our population will go right on increasing, but when our available acreage is all converted into productive soil we can not add to that acreage. We may increase within limits the productiveness of each acre, but we can not increase the number of acres. It needs no expert mathematician to demonstrate that consumption will soon overtake production, and that your surplus will soon be wiped out. When we began to turn the sod of the prairies lying west of the Mississippi and east of the desert plains, we had a vast empire of fertile land to convert, and for a while production kept more than apace with consumption. Prior to 1870 we were producing about 250,000,000 bushels of wheat annually. In the seventies there was a wonderful migration to these western lands. In the later seventies we began to see the result of this western settlement. Within a very few years our wheat production mounted up to the 500,000,000-bushel mark. Since 1880 the increase has been very gradual. We can therefore take 1880 as the beginning of the era of the greater wheat production in the United States and use it as a proper basis for computation. In 1880 our population was, in round numbers, 50,000,000 and our wheat production 498,549,868 bushels. In 1910 our population was 92,000,000 and our estimated wheat production 675,000,000 bushels. In the last 30 years, therefore, our population has increased 83 per cent and our wheat production only 54 per cent. In a few years we will probably reach a stationary period in the production of wheat. Our best statisticians and those who have given the matter very great study believe that we can not, under present methods of farming, raise on an average more than about 700,000,000 bushels of wheat per annum. We will, of course, place some new lands under cultivation, but old lands which have heretofore been used for wheat raising must necessarily be used for other purposes.

Our per capita consumption of wheat is now about 6½ bushels. If our maximum production of wheat is 700,000,000 bushels it would supply the needs of 107,000,000 people, in round numbers. In other words, when our population is 107,000,000 wheat production and consumption will be equal. How long will that be? Two converging lines must sooner or later meet, and the period of time in which they will meet depends upon the velocity by which they are continued and the degree of their convergence. A glance at our population statistics shows that from 1890 to 1900 we increased 21 per cent. From 1900 to 1910 we increased 21 per cent. We may naturally assume that we will increase in the next 10 years at the same rate. This would be an increase of 2.1 per cent per year. The population in 1910 was, in round numbers, 92,000,000. Ninety-two million from 107,000,000 leaves 15,000,000. Two and one-tenth per cent of 92,000,000 is 1,932,000, the increase in one year. Dividing 15,000,000 by this average yearly increase, we have eight years. Therefore, at the present rate of increase in population and with an increase of our wheat production up to an average of 700,000,000, consumption and production will equal each other in 1918, or seven years hence.

In the year 1918, then, your crop will sell for the world's price, plus the tariff. If your tariff is 25 cents a bushel on wheat, you will receive 25 cents a bushel more than the world's price, and so of flax and barley, unless there should be a shortage in the world's supply. But if the tariff wall is broken down between this country and Canada the enormous Canadian surplus will certainly bring your production to the level of the world's price.

There, however, will be no danger of any food famine, because, first, there will be hundreds of millions of bushels on our border line seeking admission; and, second, whenever the price of our product will justify the expense of more intensive farming we can for a century at least keep up with our increasing home demand.

So, Mr. President, even though we were receiving no benefit from our present protective duties the future welfare of the farmers of wheat, barley, oats, and flax demands the maintenance of the present protective law. That, Mr. President, is what I have been praying for. I hoped to live to see the day when production of wheat in this country might be a little less than the home demand, just sufficiently less to give the farmer the full benefit of protection. I know that when that time arrives the farmer will be receiving a price for his product that will give him for his labor a value greater than he has ever received before, a value that will place him on a more equal earning plane with his brothers of the city.

This has been my doctrine, this has been my hope, this is what I have preached to the farmers of the Northwest, and as a representative of the farmer constituency, believing in the correctness of my doctrine and holding the convictions which I do, that the compensation for farm labor should be materially raised and not lowered, my moral duty is to vote against this treaty.

Even if we admitted that the American market is now no better than the Canadian market, still we must answer that as soon as consumption overtakes production in this country we will reap an advantage, and that advantage is what we have earned and what we have been promised as a compensation for our sacrifices for the general principle of protection during the last 40 years.

But, Mr. President, we are to-day and have for several years been receiving better prices in the Northwest for our cereals because of the protection accorded us.

And I come now directly to the question: Does the present tariff secure to the American farmer a price for his products greater than that which the Canadian receives, and greater than what he would receive without the duty, or is his price fixed by the export value of his product? Is it the home demand or the foreign demand that governs his values?

Mr. President, let me give one rule governing commercial values which I believe is most comprehensive and most nearly correct. That is this: The general level of the value of staple products, the common necessaries of life, is governed by the world's supply and demand. But whether prices are above or below that level in particular sections of the world depends on many extraneous conditions, such as local supply and demand, freight, course of trade, and character of the particular staple produced. This general level of wheat prices, for instance, is not fixed by Liverpool, Hamburg, or Chicago. If the world's supply shows an overabundance it depresses the price everywhere. If there is a world's shortage every market in the world responds in a higher general level of prices.

But while this world's supply and demand affects the general level of values, it does not bring every market on the same level. If the demand in a particular section is greater than the product in that section its prices will be above the world's level of prices.

Mr. President, the error of many men who discuss this question is that they fail to take into consideration those secondary influences which often are of more value than the primary cause of supply and need.

When they consider the subject of wheat, they will say to us: We raised this year, say, 650,000,000 bushels of wheat; we need for home consumption 600,000,000 bushels; we therefore must export 50,000,000 bushels; and if that 50,000,000 bushels must compete with the world's markets, it fixes the price of the whole of the product of this year. With this simple and academic course of reasoning they close their investigation and refuse to be convinced of their error.

Let me illustrate how easily their philosophy may be shattered. In their mind's eye they see a great bin of American wheat holding 50,000,000 bushels, designated surplus. They never stop to ask where this bin is located, whether it is at New Orleans, San Francisco, or Minneapolis; they never ask what particular kind of grain makes up the bulk of this surplus; they never ask in what particular section is the bulk of this grain raised; they never ask where is the field of consumption for this particular kind of grain; they never stop to figure out whether the surplus of one kind of wheat raised in one particular section will affect the price of another kind of wheat raised in another section; they lose sight of the size of their country, and the particular territory which produces certain kinds of grain. It never occurs to them that there may be an insufficient supply of No. 1 northern wheat to meet the milling demand of one section and that the millers must mix all they dare of a softer wheat from another section to supply this deficiency; it never occurs to them that this 50,000,000 bushels of surplus is not in one bin located at one point, but in several large bins located hundreds and even thousands of miles apart, and also many smaller bins, each holding its particular species or grade of grain and representing the special product of a particular section with outlet only at a particular port; it never occurs to them that one bin may be located at San Francisco with its particular kind of soft wheat, one at Minneapolis with its No. 1 northern wheat, one at Chicago with its winter red, one at New Orleans with its turkey red. It never occurs to them that the course of transportation may prevent the surplus of one section being used to supply the deficiency of another section, and yet, Mr. President, every one of these factors must be considered in determining the effect of that surplus in different markets.

Now, suppose the San Francisco bin, which holds the surplus of what may be designated San Francisco territory, is full to overflowing and the Minneapolis surplus bin is empty, as it has been for about 10 years or more. Minneapolis can not get San Francisco wheat. Freight rates would amount to a prohibition. Nor would Minneapolis take San Francisco wheat if she could get it. It would not answer her milling purposes. She could not depend on the Chicago bin for it, because she can only use a certain per cent of the kind of wheat in the Chicago bin for the grade of flour which she must make to maintain the standard of her product, a standard that has given her fame and wealth. The New Orleans bin, like the San Francisco bin, is out of the question, because of both the character of grain and freight rates. Thus you will see that while each one of those last-mentioned bins might have a discharge spout leading to some port of exportation, the Minneapolis consumptive demand might have for exportation none of the grain raised in Minnesota, North Dakota, South Dakota, parts of Iowa, Wisconsin, and Montana which she needs for milling purposes; and all of the grain raised in these States might have a value fixed by the home demand; and that demand might lift the price considerably above the price in Canada or in any other section which was obliged to seek the open world's field with its surplus.

Now, let me bring this theory home to you in concrete facts and figures.

I have here a table of comparative prices of the same grade of grain in Winnipeg and Minneapolis. Winnipeg quotations, which all grain men know to mean the price at elevators at Port Arthur and Fort William, are taken from the market reports at Winnipeg, and the Minneapolis quotations from the reports at Minneapolis. They have the same grade of grain, No. 1 northern, in both cities. But if you will examine into the requirements of the Winnipeg and Minneapolis grades of No. 1 northern you will see that Canadian No. 2 northern approximates our American No. 1. For instance, Canadian No. 1 northern requires 60 pounds to the bushel, Minneapolis No. 1 northern requires 58 pounds to the bushel, Winnipeg No. 2 requires 58 pounds to the bushel; and as there are generally about 3 cents spread between the No. 1 and No. 2 grades, you would obtain a closer comparative price if you would add 3 cents more to each bushel at Minneapolis as you go through this table. But as this is not generally known or understood, we use No. 1 northern as the basis of comparison in each instance.

The table referred to is as follows:

Comparative figures.

[Winnipeg 1 northern and Minneapolis 1 northern.]

Date.[1]	Winnipeg closing price 1°.	Minneapolis closing price 1°.	Over or under.
1909.			
July 10	131⅞	130⅜	1½
July 17	131⅜	131¼	⅛
July 24	125	126½	1½
July 31	119	132	13
Aug. 9	112	128	16
Aug. 14	110	143	33
Aug. 21	111	132½	21½
Aug. 28	97	99⅜	2⅜
Sept. 4	97	99½	2½
Sept. 11	98¼	99½	1¼
Sept. 18	98	98⅛	⅛
Sept. 25	94⅜	100	5⅝
Oct. 2	95⅝	100½	5⅛
Oct. 9	97¼	101¼	4
Oct. 16	98½	105½	7
Oct. 23	96½	104⅜	8⅜
Oct. 30	97⅜	105½	7⅛
Nov. 6	97	102⅜	5⅜
Nov. 13	97⅜	106¼	8⅜
Nov. 20	98¼	105⅜	7⅛
Nov. 27	99½	105½	6
Dec. 4	95	106½	11½
Dec. 11	96⅜	112⅜	16
Dec. 18	102¼	114⅞	12⅝
Dec. 25	[2]	.....	.....
1910.			
Jan. 1	[2]	.....	.....
Jan. 8	105	115⅝	10⅝
Jan. 15	103½	113⅛	9⅝
Jan. 22	103⅜	114⅛	10¾
Jan. 29	103½	113½	10
Feb. 5	101½	110¼	9¼
Feb. 12	102	[2]	.....
Feb. 19	102¾	115	12¼
Feb. 26	103	114⅜	11⅜
Mar. 5	102⅜	112⅞	10½
Mar. 12	104½	114½	10
Mar. 19	105½	113⅞	8⅜
Mar. 26	105⅛	115⅜	10⅜
Apr. 2	105⅛	114⅛	9⅛
Apr. 9	104½	113½	8⅞
Apr. 16	101⅜	108⅜	6⅞
Apr. 23	101½	111	9½
Apr. 30	98½	109½	10⅞
May 7	[2]	113½	.....
May 14	98½	112⅜	13⅜
May 21	94½	109⅜	15⅜
May 28	88½	104½	15½
June 4	88⅜	105⅞	17⅝
June 11	89½	105	15½
June 18	91½	106⅝	15⅛
June 25	95½	112	16½
July 2	[2]	[2]	.....

[1] The day cited in each case is Saturday. [2] Holiday.

Comparative figures—Continued.

Date.[1]	Winnipeg closing price 1°.	Minneapolis closing price 1°.	Over or under.
1910.			
July 9	108	120¼	12¼
July 16	116½	130	13½
July 23	116⅞	126	9⅛
July 30	108¼	120½	12¼
Aug. 6	108¼	120½	12¼
Aug. 13	111½	114½	1½
Aug. 20	106⅜	110⅛	3⅝
Aug. 27	108⅛	112⅝	4½
Sept. 3	105½	112½	7
Sept. 10	102	111⅛	9⅛
Sept. 14	100	111½	11½
Sept. 24	101	112½	11½
Oct. 1	98⅜	109½	11⅛
Oct. 9	99	111⅝	12⅝
Oct. 15	97	107½	10½
Oct. 22	94⅞	104½	9½
Oct. 29	91½	102½	11
Nov. 5	90⅛	101⅞	11⅞
Nov. 12	91⅜	103⅜	12
Nov. 19	94⅜	104¼	10
Nov. 26	92½	102½	9¼
Dec. 3	91	104⅞	13⅞
Dec. 10	89½	101⅝	12⅛
Dec. 17	90¼	101⅞	11⅝
Dec. 24	[2]	103½	
Dec. 31	91¼	103⅜	12⅛
1911.			
Jan. 7	93½	108⅛	14⅝
Jan. 14	95½	108½	12⅞
Jan. 21	94¼	104⅝	10⅜
Jan. 28	94½	103⅝	9⅛

[1] The day cited in each case is Saturday. [2] Holiday.

Mr. McCUMBER. Mr. President, I want Senators to understand that I have given here the last Saturday of every month in every year for the years 1909, 1910, and a part of 1911, and that on every one of those dates throughout all of the time we could not have exported to Europe from the northern part of this country one bushel of grain of the kind that is enumerated in this table.

I start with July 10, 1909, when prices were nearly the same. The price in Winnipeg was $1.31⅞ and in Minneapolis only $1.30⅝. There was then an advantage in Winnipeg of a cent and a quarter a bushel. But that was due to speculation and a sort of cornering of the market. It immediately went down to its normal condition, and when we get along as far as July 31 the price was $1.19 in Winnipeg and $1.32 in Minneapolis; the next week, August 9, $1.12 in Winnipeg and $1.28 in Minneapolis—16 cents difference; August 14, $1.10 in Winnipeg and $1.43 in Minneapolis—33 cents difference.

Here was the same cause—speculation in the Minneapolis markets for a few days. The bulls had the better of it and forced the price of wheat up to much beyond the average difference between Minneapolis and Winnipeg.

Why is this great difference between Minneapolis and Fort William and Port Arthur prices? To reach water transportation Minneapolis grain must be shipped to Duluth. So far as transportation is concerned to European countries, Port Arthur and Duluth are situated about the same. The cost of transportation to European countries is practically the same, and yet Minneapolis and Duluth both pay uniformly higher prices than Winnipeg pays for grain of the same grade. This is not due to speculation or any great fluctuation caused thereby, because, as you will observe, the spread between the two places has for years been growing wider, and if you will look carefully you will note that our prices advance about in proportion as our general exports decline.

And there must be some trade condition which gives the American farmer better prices for his grade. If you will investigate this subject still further, you will find that Minneapolis has practically ceased to export our commercial grade. The testimony of Mr. Wilkins, from Minnesota, was to the effect that for about 12 or 15 years Minneapolis has not been exporting at all. Yet this is the greatest wheat market in the United States.

Mr. NELSON. Mr. President, will the Senator allow me?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. McCUMBER. Certainly.

Mr. NELSON. The Senator might add in that connection that Duluth for years has not exported any wheat to Europe.

Mr. McCUMBER. Not anything except a little macaroni and the poorest grades.

I tried to find out through Minneapolis wheat firms the cost of transportation from Minneapolis to Liverpool. I was surprised to find not one of the principal grain firms could give me the information. One firm which was also doing business in Duluth and which exported some grain—I think this was mostly macaroni or the lower grades of grain—was able to give me the approximate cost of transportation. But why is it that Minneapolis is not exporting and has not been exporting grain? There is just one answer. Because she has had to pay such prices in order to get the grain she needed for her flour mills that she has remained above an export basis. She is manufacturing a grade of flour for her American as well as her export business which she must maintain at her high standard of perfection. She must have all of the wheat of a certain kind raised in that section of the country for that purpose. In fact, she must have more than what is raised in the Minneapolis territory for that purpose, and she must therefore reach farther South and get another kind of grain which she can mix, sometimes as high as 30 per cent, I am informed, with her northern wheat without reducing the standard of her flour. Some of you still insist that Liverpool fixes our price. I have here another table, which I procured from the Bureau of Statistics of the Department of Agriculture, giving the range of cash price per bushel of No. 1 northern during each month of the years 1908, 1909, and 1910 in Minneapolis and Liverpool.

I am informed, and I think correctly, that the transportation from Minneapolis to Liverpool, including insurance, handling, and so forth, is from 15 to 16 cents per bushel; and as people are not engaged in buying and selling wheat for amusement, you can properly assume that the wheat would not be shipped from Minneapolis to Liverpool unless the dealer receives from 1 to 2 cents per bushel profit upon his risk and investment. Therefore, in order to be on an exporting basis, Minneapolis prices would have to be about 17 cents lower than Liverpool prices. If you will inspect the table, you will observe, taking averages, that during the year 1908 the average price of No. 1 northern in Minneapolis was $1.11; the average price in Liverpool was $1.25, or 14 cents difference—less than enough to pay the expense of transportation, and so forth. You will also find that the average price of No. 1 northern in Minneapolis in 1909 was $1.20, while the average price in Liverpool was only $1.29, a difference of only 9 cents. You will also find from the same table that the average price of No. 1 northern in Minneapolis during 1910 was $1.14, and the average price in Liverpool was $1.14, exactly the same in Minneapolis as in Liverpool; and yet some of you keep on insisting that Liverpool fixes our prices. There was not a single day, Mr. President, in those three years that Minneapolis could have shipped this grade of grain to Liverpool.

I will ask leave to introduce this table, from which Senators can see every month the average in both of those great markets.

The PRESIDING OFFICER. Without objection, the request is granted.

The table referred to is as follows:

Range of cash prices, per bushel, of No. 1 northern.

Month.	Minneapolis.	Liverpool.
1908.		
January	$1.05–$1.14	$1.27–$1.32
February	1.01– 1.10	1.19– 1.26
March	1.03– 1.11	1.18– 1.29
April	.98– 1.08	1.21– 1.26
May	1.06– 1.11	1.25– 1.23
June	1.05– 1.10	1.19– 1.22
July	1.07– 1.21	1.19– 1.21
August	.99– 1.25	1.26
September	1.00– 1.05	1.25– 1.27
October	1.02– 1.05	1.18– 1.22
November	1.04– 1.08	1.18– 1.20
December	1.06– 1.12	1.17– 1.20
Average	1.11	1.25
1909.		
January	1.07– 1.11	1.19– 1.20
February	1.10– 1.16	1.22– 1.27
March	1.12– 1.17	1.27– 1.31
April	1.18– 1.29	1.32– 1.41
May	1.27– 1.35	1.38– 1.41
June	1.28– 1.38	1.38– 1.39
July	1.23– 1.35	
August	.97– 1.44	1.32– 1.32
September	.97– 1.01	1.30– 1.32
October	.99– 1.06	1.16– 1.19
November	1.01– 1.07	1.17– 1.20
December	1.05– 1.15	1.19– 1.21
Average	1.20	1.29

Range of cash prices, per bushel, of No. 1 northern—Continued.

Month.	Minneapolis.	Liverpool.
1910.		
January	$1.10-$1.16	$1.22-$1.24
February	1.10- 1.16	1.20- 1.23
March	1.12- 1.16	1.19- 1.22
April	1.06- 1.16	1.18- 1.23
May	1.03- 1.14	1.00- 1.14
June	1.02- 1.17	1.02- 1.10
July	1.13- 1.29	1.10- 1.27
August	1.09- 1.23	1.21- 1.25
September	1.09- 1.15	1.19- 1.24
October	1.02- 1.12	1.14- 1.19
November	.99- 1.07	1.07- 1.11
December	1.00- 1.06	1.07- 1.09
Average	1.14	1.14

These figures are taken from statistics compiled by the Bureau of Statistics of the Department of Agriculture.
All fractions are omitted.

Mr. McCUMBER. Now, if you will compare this table with the previous table referred to, you will find about the same relation between Minneapolis and Liverpool prices that you find between Minneapolis and Port Arthur. It demonstrates conclusively that while Port Arthur must pay for her grain Liverpool prices, less transportation, insurance commissions, profits, and so forth, because of her very heavy exports, Minneapolis does not pay for grain on the basis of an export price, but on the basis of home consumption and demand.

I might add that Chicago for most of the year is in exactly the same condition.

Now, Mr. President, if you will look further into this question of northwestern products, her home consumption and her exportation, you will again find evidence of the importance of home consumption. We do raise a wheat in that section which we are compelled to export, namely, macaroni. The demand of this country for macaroni wheat is not large. I am informed that this wheat is nearly all exported. It must therefore sell on an export basis. And I have known the difference in price between that kind of wheat and No. 1 northern to run from 15 cents to 30 cents per bushel. The value of macaroni was fixed by the foreign demand; the value of No. 1 northern was fixed by the home demand. That is why our northwestern farmers are receiving a price for their product very much in excess of the value of the Canadian product.

Now, does this benefit of higher prices accrue to the other wheat raisers in the country, or is it limited to the wheat raisers of the Northwestern States?

Mr. President, the application of this same law of supply and demand will answer this question. Using the bin illustration again: The price of the Chicago grain will be higher or lower than what we call the world's level in prices just to the extent that her surplus bin is full to overflowing, partially full, or empty. Prices will be depressed or enlivened according to whether the supply of grain in that market is great, medium, or below the demand. Well, then, supposing there is a surplus in the Chicago bin. Will it not follow that any condition which will reduce that surplus will enhance its value? What is one of the principal factors that will reduce that surplus? It is the demand of the Minneapolis mills for more wheat than their territory will supply—that is, for more wheat of the kind they can use for their standard of flour. Durum wheat, for instance, can not be used. But the millers can use a percentage of other grades of grain. Nearly every year Minneapolis draws from the Chicago territory some wheat which can be mixed with northern wheat. This lowers the surplus; this enhances the value of all of the grain in the Chicago territory. If the Minneapolis millers could get this No. 1 northern wheat or No. 1 hard wheat free from Canada, which is within her territory, do you suppose for a moment she would go into the Chicago territory for a grain which she dare not use beyond a certain percentage? Thus not only are the border State farmers benefited, but every other grain State is to some extent benefited by a maintenance of the tariff law; and all would suffer, but not in the same degree, if that wall is leveled.

Every farmer knows the depressing price on wheat when there is an enormous corn surplus, and every corn producer understands the depressing price on corn when there is an enormous wheat surplus. You can not injure one of these industries without to some extent injuring the other industries.

ACCOUNTING FOR DIFFERENCES IN GRAIN PRICES.

Finding these American prices so universally and persistently higher on the American than on the Canadian side, those Senators and others who feel the need of some plausible excuse for voting for a proposition which will bring all those prices to the same level have sought in every way to demonstrate that these differences were due to some other cause than protection. They have tried to show that there were equivalent differences between the prices of wheat in our own different grain markets. They have failed in every instance. When investigated it would be found that these differences in our own markets were transitory and that they were due either to erroneous comparison of different kinds of grain or to speculation, the temporary cornering or overloading of markets or a difference in freight rates between those markets, whereas the difference between the Canadian and American markets was permanent, and towns on the two sides of the border line situated the same, with rates of transportation to the seaboard the same, showed from 10 to 15 cents a bushel on wheat, from 20 to 30 cents a bushel on barley, and from 25 to 30 cents a bushel on flax, in favor of the American farmer, and that other great wheat centers having exactly the same facilities to reach foreign markets showed the same advantage to the American farmer.

I will again use a table which I used in a previous discussion on the subject. This is a new Congress, with many new Senators. After this reciprocity treaty had been made public I wired to obtain the prices of grain on both sides of the border line between Canada and North Dakota, in towns where freight rates would be the same. I will have printed here a table showing the prices on wheat and barley, so far as I received them, in those towns, showing their location and the distance between them. Now, what was shown in reference to these prices on the dates mentioned in this table has been substantially true for a good many years.

Comparative prices of wheat and barley in United States and Canada.

Dates.	Kind of grain.	Name of town in United States.	Price per bushel.	Name of town in Canada.	Price per bushel.	Differ. ence in price.	Distance apart.	Tariff per bushel.
Dec. 31, 1910	Wheat	Kermit	$0.90	Estevan	$0.76	$0.14	15 miles apart	$0.25
Jan. 10, 1911	do	Pembina	.97	Emerson	.82	.15	4 miles apart	.25
Do	do	Neche	.96	Gretna	.81	.15	2 miles apart	.25
Dec. 31, 1910	do	Portal	.90	North Portal	.75	.15	Just across line	.25
Jan. 11, 1911	do	Walhalla	.96	Haskett	.83	.13	6 miles apart	.25
Dec. 31, 1910	do	St. John	.91	Boissevan	.81	.10	15 miles aprat	.25
Do	do	Hannah	.90	Snowflake	.77	.13	4 miles apart	.25
Do	do	Neche	.91	Gretna	.81	.10	2 miles apart	.25
Do	do	Sarles	.89	Clearwater	.75	.14	Just across the line	.25
Jan. 10, 1911	do	Westhope	1.00	Colter	.85	.15	15 miles apart	.25
Do	do	do	1.00	Lyleton	.84	.16	20 miles apart	.25
Do	do	do	1.00	Malita	.86	.14	30 miles apart	.25
Do	do	St. John	.96	Boissevan	.86	.10	15 miles apart	.25
Do	do	Hansboro	.90	Cartwright	.77	.13	8 miles apart	.25
Dec. 31, 1910	do	Antler	.91	Lyleton	.78	.13	5 miles apart	.25
Jan. 10, 1911	do	Portal	.92	Boscurvis	.75	.17	15 miles apart	.25
Do	Barley	Pembina	.67	Emerson	.42	.25	4 miles apart	.30
Do	do	Neche	.66	Gretna	.38	.28	2 miles apart	.30
Do	do	St. John	.66					

To understand this table I call attention to the map on the wall. You will see there the Great Northern line in red in the northern parts of the States of Minnesota, North Dakota, and Montana. You will see the great number of feeders running up to the Canadian line on the North Dakota side, with little towns marked in black. You will see the Canadian Pacific Railroad paralleling the northern part of the line, with little Canadian towns marked in red coloring. You will notice

one town exactly on the line, which is Portal and North Portal, that is divided only by a street, with the British flag flying on one side and the American flag flying upon the other.

The freight rates at those points on the Canadian Pacific and on the American side are the same. They are within the same territory, and the grain from one can be brought in bond across the American Continent exactly the same as the other and without the payment of any tariff. But that which you bring in bond you have got to export. That which you do not bring in bond you can sell in this country, and that which you do not have to export you sell at from 10 to 15 cents on wheat and from 20 to 30 cents on barley and from 25 to 30 cents on flax higher than that which you are compelled to export.

Now, I will just call attention to a few of these differences. I will take Kermit wheat. That is in the United States. The price is 90 cents a bushel. At Estevan the price is 76 cents a bushel. The towns are 15 miles apart and there is a difference of 14 cents. I will take the next one—Pembina, United States—price, 97 cents. At Emerson, Manitoba, 4 miles from there, 82 cents, a difference of 15 cents a bushel. I will take Portal, American side, 90 cents; North Portal, on the Canadian side, 75 cents; a difference of 15 cents a bushel and only across the line.

There is no use in running through all these figures, because you can get the information from the table, but you will find that there is, on an average, a difference of about 14 cents a bushel on wheat. I will just quote one or two on barley. Pembina, 67 cents; Emerson, 42 cents; a difference of 25 cents a bushel in our favor and only 4 miles apart. Neche, 66 cents; Gretna, 38 cents; only 2 miles apart and a difference of 28 cents a bushel in our favor.

What is true of the difference in prices of substantially the same grade of grain between the little towns on the border line of North Dakota and Canada is equally true of the difference in prices at the great terminals in Canada and in the United States, as I have shown by the first table which I discussed.

If you look further on the map there you will see Duluth on the lake on the United States side and Port Arthur, or Fort William, I do not remember which, because they are close together, on the northern side of the lake. Both of them can send their grain through the same canal, and at exactly the same rate, to the Old World.

The reports contained in that table dealt with cash prices—the sale of actual wheat and not the sale of futures. I understand that other tables have been published differing from these. I have not read it, but I understand the Senator from Missouri [Mr. STONE] introduced a table that did not agree with these. Such other tables, I think, do not refer to cash wheat, but to wheat for future deliveries. They are simply speculative. The price of the cash wheat is the basis on which the farmer is paid. To illustrate: On April 16, 1911, Minneapolis May closed at 97½ cents; Winnipeg May closed at 93⅝ cents, a difference of 3⅞ cents; but the best No. 1 northern cash wheat in Minneapolis closed at $1.01, while the same wheat closed in Winnipeg at 92½ cents, a difference of 8½ cents. I call special attention to this, so that you will not be misled by quotations on futures or gambling contracts, as most of them are. This shows absolutely what we contend—that the home demand in this country causes the miller to bid up to get the cash wheat, while the home demand in Canada or any country whose surplus is so large that it must be sold abroad will place cash wheat at a discount under the future equal to the cost of storage, interest, and insurance (except where the future is a new-crop option). So if we always base our figures on the cash No. 1 northern wheat in the two markets, we will get the real difference to the farmer.

This table showing the marked advantage of the American over the Canadian market can not be explained away on any possible hypothesis other than that of the protection accorded under present tariff law. The table which I heretofore introduced showing the comparative prices between Minneapolis and Liverpool explains the whole thing. For three years we have not been on an exporting basis. I have reference to the Minneapolis and northwestern market, which I have termed the Minneapolis territory.

Mr. President, the insistence of those who have not or will not investigate the real cause of the difference between American and Canadian prices on grain, that we either do not have that difference or that it is due to some other cause, justifies me in quoting some of the testimony introduced in the hearings of the Finance Committee on this subject.

Mr. Lyon, of South Dakota, says:

For more than five years past the price of northern wheat at Minneapolis has averaged from 5 to 15 cents per bushel more than at Winnipeg. The price at Winnipeg, as you all know, is based upon delivery at Fort William port. From July 10, 1909, to January 28, 1911, the price of northern wheat at Minneapolis averaged 10¼ cents per bushel more than at Winnipeg.

That is practically the same as shown by the figures which I have given, if you will add them up; I make it 10⅛ cents, while he calls it 10¼ cents.

The expense of shipment from Minneapolis to Duluth is approximately 1⅛ cents per bushel, thus making a difference of about 12 cents per bushel between the prices at Duluth and Fort William, on opposite sides of the international line at the head of Lake Superior, and with equal freights to Liverpool. Can anything show more clearly that the price of our wheat is not determined by the Liverpool market, as has been repeatedly stated by the President? Not only that, but the Winnipeg grade is higher and the weight 2 pounds greater per bushel, and by reason of its better quality and higher grade the Winnipeg wheat sells at from 3 to 5 cents per bushel higher than our northern wheat whenever they meet in the same market—

But from 10 to 15 cents a bushel when they meet in the American market—

There was therefore an average actual difference in the price of wheat for the 18 months immediately preceding the negotiation of this treaty of more than 15 cents a bushel in favor of the American farmer. The average price paid for barley at Portal, N. Dak., on January 9 and 10, 1911, was 63 cents; at North Portal, just over the Canadian line, the price was 35 cents a bushel, a difference in our favor of 28 cents a bushel. At the same time there was an average difference in our favor of about 25 cents a bushel in the price of flax.

Mr. Lyon, of South Dakota, says further:

With oats we have at present little if any advantage in the price, for the reason that our yield last year was about 125,000,000 bushels greater than the year before, thus making it necessary to export a considerable portion of our crop and thereby necessarily reducing the price to the world's level. In 1900, for a considerable portion of the year, our price of oats averaged considerably higher than the Canadian price, and more than 900,000 bushels were imported from Canada, paying a duty of 15 cents a bushel.

Mr. Wilkinson, of Minnesota, says:

This idea of Liverpool controlling the market has gone out of date in the last few years and we have got a market of our own that we have built up for ourselves, and now we are trying to defend it. The fact is that the wheat for the last five years, though the contrast has been greater in the latter three years, has averaged from 5 to 15 cents a bushel more in Duluth than in Winnipeg.

And, further, he says:

The better grade of wheat has to bring up the lower price at the other side of the line, because their market is the export market of Great Britain; our wheat not being quite as good, but worth intrinsically from 3 to 4 cents per bushel less, will sell from 5 to 15 cents per bushel more on this side of the line at practically the same market points, with practically the same facilities to get it to the markets of the country as the other, because we have built up that home market for our products. That is the reason our northwestern wheat is worth to us more money than it is in Liverpool.

Again, he says:

I make this statement, and I want to be clearly understood, that the value of the wheat of Canada, at Port Arthur, has been based on what it would bring on the British market in Liverpool. I make this further statement, that the Duluth market has averaged from 5 to 15 cents per bushel during that five years more for our No. 1 northern at Duluth than the Canadian No. 1 northern has brought at Port Arthur. You can not get away from that fact.

He further says:

These facts themselves prove that we have in the Northwestern States a home market for our wheat, and we claim that it is because the system of protection has built up the factories of this country, enlarged the manufacturing industries, enlarged its consuming capacity, and that we look for that home market in helping you to build up and maintain the system of protection.

Mr. Devine, of North Dakota, in his testimony says:

Flax was sold at Portal during the month of December, on the Canadian side, at $1.89; on the American side at $2.34. I might say now, because Portal is a town just beyond where I live, that my barley on the Canadian side sold for 33 cents for that month. On the American side it sold for 65 cents—32 cents difference. Wheat for that month of this year sold on the Canadian side for 74 cents; on the American side for 99 cents—25 cents difference.

Mr. Kingman, of North Dakota, says:

It is a fact that we have had and are having to-day a premium on our wheat over Canadian wheat of approximately 10 cents a bushel. It has been lower than that in the last six or seven years, and it has been higher, but our wheat has averaged in the last six or seven years about 10 cents over the Canadian price.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Nebraska?

Mr. McCUMBER. With pleasure.

Mr. HITCHCOCK. I would like to ask the Senator whether it happens sometimes that the price of wheat in Minneapolis is higher than the price of wheat in Chicago?

Mr. McCUMBER. Oh, yes.

Mr. HITCHCOCK. How does the Senator account for that?

Mr. McCUMBER. The Senator has not been here all the time that I have been discussing that question, and I have gone thoroughly into it.

Mr. HITCHCOCK. I have listened to the Senator's argument to the effect that the tariff is responsible for the fact that Minneapolis wheat is higher than wheat across the line in Canada. Now, I should like to ask him how he accounts for

the fact that wheat in Minneapolis is frequently higher than it is in Chicago under the same tariff?

Mr. McCUMBER. I discussed that question, spending nearly an hour on it; but I will state again that prices fluctuate according to speculation and according to the surplus that happens to be in each section of the United States. A certain section of the United States may have within its territory a surplus of grain above its consumptive demand which must go to the foreign market. Another section of the country may not have a surplus, but a deficiency of what is necessary in its own section, and therefore may bid up. Minneapolis is a great home-demand section. She needs more wheat than she can get of the grade that she uses for milling in her territory. She can not go into San Francisco territory on account of freight rates; she can not go into what might be denominated St. Louis or New Orleans territory, both on account of freight rates and on account of the kind of grain that they raise down there. She may go into a portion of the Chicago territory and draw from that, to some extent, at certain times, and that will send the Chicago price up. If she does not go into that territory, the Chicago prices may be down; but, independent of that, comes great speculation, which will corner the market and send it up at one time in one section and then in another, and then overload and drive it down. What I have been speaking about has been the general course of cash wheat—not speculative wheat—at the great markets, day in and day out, and I have shown the general condition of a much higher price, even in Chicago, and a still greater price in Duluth and Minneapolis than in any of the territory of Canada.

Mr. HITCHCOCK. So that when the farmer is compelled to accept 93 cents for his wheat in Chicago whereas he might receive $1.07 for his wheat in Minneapolis, that difference is not due to the tariff, and, if that difference is not due to the tariff, why is the difference between the price in Minneapolis and at some point in Canada due to the tariff?

Mr. McCUMBER. The Senator has got the wrong table. I think, first, he will find it is not the same grade of wheat, and that makes all the difference in the world.

Mr. HITCHCOCK. I have here the figures.

Mr. McCUMBER. As I have stated in the discussion of this matter, you have got to consider the kind of grain in the several markets. I am not saying the Senator has not any table, but you have got to take the same kind of grain, and I have seen one table which dealt with an entirely different kind of grain. Chicago grade No. 2 red has no relation whatever to Minneapolis grade No. 2 northern. They sell for different purposes; they are used for the manufacture of different kinds of flour. One is exported and the other is not exported.

Mr. HITCHCOCK. Do those two cities deal in the same kind of wheat?

Mr. McCUMBER. On the whole, I will say no. There is very little of what we call No. 2 northern that goes into the Chicago market, but it is not enough to be taken into consideration.

Mr. HITCHCOCK. Let me ask the Senator whether Canada deals in the same wheat that Chicago does?

Mr. McCUMBER. No; Canada has the same kind that Minneapolis has.

Mr. HITCHCOCK. Then the tariff is being adjusted simply for the benefit of farmers who deal on the Minneapolis market?

Mr. McCUMBER. The Senator was not present when I showed that Chicago got a benefit as well as other places. If I felt that I would be justified in going over my remarks again, I would convince the Senator of the truth of the statement that when the markets go up in one section of the country, in Minneapolis for instance, and on account of a scarcity of No. 1 northern wheat, she has got to reach down into the Chicago territory and take a whole lot of Chicago grain that otherwise would have to go into a foreign market. By reducing the surplus in the Chicago market she necessarily raises the price in the Chicago market because of the commercial rule that the smaller the surplus the greater the price per unit.

Mr. LA FOLLETTE. She would not go to Chicago if she could go to Canada.

Mr. McCUMBER. No; she would not go to Chicago if she could go to Canada for two reasons, first, Canada is in what may be called Minneapolis territory, and, second, Canada has the particular kind of grain Minneapolis requires for her flour, and Chicago has not the kind of grain she prefers.

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from New Jersey?

Mr. McCUMBER. Certainly.

Mr. MARTINE of New Jersey. I want to see if I understand the Senator from North Dakota correctly. Do I understand him to say that he has been preaching to the farmers for years that they have not received their share of the country's prosperity?

Mr. McCUMBER. The Senator has understood me correctly.

Mr. MARTINE of New Jersey. Well, then, I want to ask the Senator in all seriousness whose fault was it? Was there not in vogue in North Dakota and in the country at large a policy of Republican protective tariff? If protective tariff was the thing to elevate mankind to prosperity and happiness, then, pray God, why is it that the farmers have not received it?

Mr. McCUMBER. I will tell the Senator why. It was simply because we had more land, more acres to seed and raised more crops than the American people could consume, and we had to sell our products abroad in competition with the world's supply.

Mr. MARTINE of New Jersey. Well, then——

Mr. McCUMBER. Just a moment. That is only half of it. We increased the home consumption, and we reduced the surplus, just as the protective tariff gave a better demand for our manufactured products at home, just as it builded up our cities and increased the consuming public in this country. Therefore the two go hand in hand. I say to the farmers, first, the price of your grain is, under the ordinary conditions of a great surplus, fixed by the foreign demand. Reduce that surplus by any economic condition and it will increase the price. That is so complete an answer, Mr. President, that I do not need to go over it again.

Mr. MARTINE of New Jersey. I have only to say——

The PRESIDING OFFICER. The Senator from New Jersey will please address the Chair. Does the Senator from North Dakota yield further?

Mr. McCUMBER. Certainly.

Mr. MARTINE of New Jersey. Mr. President, I have only to say that that specious argument has failed to put bread in the mouths of the people. I insist, sir, that continuously that has been the argument of Republican politicians on the stump. Where it was needed their argument was that high prices would advance the farmers' welfare, and where it was thought that low prices were desirable, your same policy of protection has been advanced. The farmers have listened long years to the specious theories of the distinguished Senator. We admit with you that we have not had our share of prosperity; we have tried your remedy, and it has failed; and so we are unwilling to believe to-day that a process of taxation will make us better off. The hateful and horrid and dishonest policy——

Mr. McCUMBER. I do not yield for a speech.

Mr. MARTINE of New Jersey. Of trying to make the farmer and the average citizen believe that he may grow rich by taxing himself is too fallacious to be listened to.

Mr. McCUMBER. Ah, Mr. President, the Senator will never make the farmer believe that fallacious talk. You gave us a dose of your doctrine from 1894 to 1897. The farmer got his lesson, Mr. President, and he does not want another lesson of that kind.

Mr. MARTINE of New Jersey. Let me say——

The PRESIDING OFFICER. The Senator from New Jersey will please address the chair.

Mr. McCUMBER. I will yield to the Senator from New Jersey to make his argument when I get through. I will yield now for any question, but not for the purpose of argument.

Mr. MARTINE of New Jersey. I will have the opportunity then anyway.

Mr. McCUMBER. I will yield for any question, but not for an argument.

Our farmers have been getting the benefit of their protection in the last three or four years. They did not get the benefit of it during the years 1894 to 1897. Instead they then got the benefit of a nearly free-trade doctrine. And they got all they wanted of it.

Mr. MARTINE of New Jersey. Will the Senator answer me?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from New Jersey?

Mr. McCUMBER. I will yield for a question, but not for a speech.

Mr. MARTINE of New Jersey. When the Senator says the benefit, I desire to ask him how it is, if the farmers were so benefited, that throughout the great eastern section of these United States we know to-day of abandoned farms under your protective policy?

Mr. McCUMBER. That has been answered several times here.

Mr. MARTINE of New Jersey. Well, it will bear answering again.

Mr. McCUMBER. The only difference is that the Senator now wants us to abandon the rest of our farms and go over into

Canada and develop theirs, and we will not do it until we are compelled to.

Mr. MARTINE of New Jersey. That is not answering the question.

Mr. McCUMBER. I will go on with the testimony of Mr. Twitchell.

I first want to establish the fact that we are getting a benefit, and I will establish it even at the expense of being tedious, so that no Senator can get around the fact that we are being protected.

Mr. Twitchell, of North Dakota, says:

So far as the barley crop is concerned, since we have sufficient protection on the barley to give the American market to its farmer, we have been able to raise in Wisconsin, Minnesota, Idaho, North and South Dakota approximately 100,000,000 bushels of barley. This year the American farmer has been receiving approximately the difference in the tariff of about 27 cents. We have been able to get for barley for the last five or six years, in my judgment, possibly 15 cents a bushel more than we would if we had competition with Canada.

Now, Mr. President, I want to close the argument on this one proposition.

EVIDENCE OF GRAIN EXCHANGES.

Mr. President, the supporters of the Canadian reciprocity agreement may flounder as much as they see fit in their sea of trouble around this eternal rock of fact that our tariff duties give us the protection which we claim upon the northwestern cereals. There are few men, indeed, who know the grain business at the great terminals better than those who have for many years been engaged in it. And if we wanted any further evidence of the fact that the present protective tariffs do give us a very material protection and very materially enhances the value of our wheat, barley, and flax than the daily reports of those great grain markets in both the United States and Canada, we shall find cumulative evidence in the reports from the exchanges as to the reasons for any sudden decline or advance in prices. In my previous address on this subject I called attention to the influence of this agreement and the possibilities of its adoption in depressing our prices. I want again to impress that fact on the Senate.

On the 7th day of January there was 14 cents difference between Winnipeg and Minneapolis closing prices. On the 14th there was a difference of 13 cents in our favor. On the 28th, after we had a report of the effect of this reciprocity agreement and its likelihood to pass that Congress, Winnipeg grain went up 1½ cents and Minneapolis grain went down 5 cents. So the single fact that this agreement had been reported to the Congress of the United States reduced the price of our wheat 5 cents per bushel and increased Winnipeg 1½ cents.

Let us read the exchange reports and see if this reported agreement was the real and only cause for this decline and the general decline in our prices since it was reported.

This is very important to anyone who is conscientiously trying to get the truth of the affair.

The report of February 11, 1911, from the Minneapolis Chamber of Commerce, published in the Minneapolis Journal, says:

The bottom broke out of the wheat market late this week, and prices suffered the worst decline in several months. Early prices registered moderate declines, and this was followed by a moderate reaction. Both May and July closed Saturday below the dollar mark. This severe break was caused principally by the developments favorable to the adoption of reciprocity with Canada.

Mr. President, those people who are buying and selling wheat know that the difference between the Canadian and the United States prices is nothing more or less than a difference caused by the tariff duties, and they know if we strike off those duties the value of all our wheat must come down; and, anticipating that the agreement was likely to become a law, prices did go down.

Again, the same report says:

On Friday and Saturday prices suffered the sharpest break in several weeks. May sold down to 98⅝ cents, the lowest price for this contract since August, 1909. The near month fluctuated in a range of 4⅛ cents for the week, and the same contract in Chicago showed a difference of 5⅜ cents. It was thought that reciprocity with Canada would have a more depressing effect on the price of Minneapolis wheat than Chicago, because of the geographic situation. The price fluctuations of this week seemed to confirm this theory.

Why does it affect Minneapolis more than Chicago? Because the Canadian wheat is within the Minneapolis territory. Minneapolis would be its natural market. It would come over and glut the Minneapolis market before any of it would go into the Chicago market. That is why it affected Minneapolis more than Chicago.

Again, the same publication says:

European countries are being offered wheat at prices that would not be profitable for Americans to export. The decline of this week has put the United States nearer an export basis, but still further declines will be necessary to allow this country to enter the European market with any profit.

Have those chamber of commerce reports no evidential force to those Senators who are still talking about Liverpool prices fixing American prices? In our sections of the country grain prices must decline still more before we can enter the European markets.

Again, the same dispatch says:

Many of the local trade were predicting that domestic prices would decline until this country was on an export basis.

If that does not mean that this country was not on an export basis for the kind of grain we raise in the Northwest, then I am at a loss to understand what it does mean.

Has the possibility or probability of Canadian reciprocity affected the price of our barley?

Berger Crittendon Co., commission men of Milwaukee, speaking of barley in the early part of February, in their reports say:

The market was dull as ever, with only a few cars of Wisconsin sold. Outside of this a few cars of Minnesota were sold, whereas all the other cars carried over for the last three or four days were again carried over to-day, maltsters and brewers still holding back. We naturally have to await developments.

What developments? Why, the developments of the Canadian reciprocity agreement.

Here is another, from Mohr-Holstein Commission Co., of Milwaukee:

Our market is perfectly lifeless—nothing doing. Not many of our maltsters would make a bid on anything to-day. It certainly does not look at all encouraging to us. The trade here feels bearish on account of the reciprocity treaty with Canada. It is very evident that the brewers are in a waiting mood and that purchases of malt are confined to what is absolutely necessary to carry on business. The uncertainty which exists in the mind of the trade in regard to the Canadian reciprocity treaty and the possibility of its ratification has created a bearish sentiment, and the trade in general is disposed to await further development before supporting the market with buying orders.

On February 9 barley was selling at 49 cents in Winnipeg; top grades in Minneapolis and Duluth, 84 cents; Chicago and Milwaukee, 86 cents. With that difference between Winnipeg, Minneapolis, Duluth, and Milwaukee, is it any wonder that maltsters and brewers were awaiting the fate of the reciprocity agreement before touching the American barley and that they were using only what they were compelled to use? And can there be any question in the mind of any sane man that with our tariff taken off our prices would be naturally lower?

Here is another article, printed in the Minneapolis Journal in its report from the grain exchange the day after Congress adjourned last session without passing the reciprocity agreement:

This becomes most important. The previous articles showed that prices declined because of the prospect of the reciprocity bill passing at the last session of Congress. This one shows that prices rebounded as soon as Congress adjourned without passing the reciprocity agreement. Here is the quotation—and remember this is from the exchanges and gives their sentiments and reasons:

Wheat prices soared up to heights to-day that the market has not seen in over two weeks. The advantage in the near month of 2¾ and 2¾ cents was the biggest upward daily jump wheat has taken in months. The adjournment of the United States Senate without acting on the McCall bill was the cause of the sharp advance. The market declined 15½ cents, largely on the prospects that the reciprocity treaty might be adopted.

Think of this, Senators. This is from your exchanges. Since we proclaimed this reciprocity agreement our wheat has declined on an average 15½ cents a bushel. Do you know what that means to the Northwest? North Dakota, Minnesota, and South Dakota have raised in a single year for sale about 200,000,000 bushels of wheat. What does 15 cents a bushel on the wheat that they would sell mean? It means $30,000,000 loss to those three States in a single year; and yet you are telling us that we will not suffer any by putting our price down to the Canadian price.

Proceeding further with this:

Now that this bill is temporarily disposed of—

I am quoting now from the exchange—

Now that this bill is temporarily disposed of, it was only natural that wheat should take a sharp upturn. The local mills were good buyers of wheat in the pit, and the firmer cash market made the future strong also. Shorts were forced to cover and there was some speculative buying on the news from Washington.

That is published in a paper day after day in Minneapolis, which is booming reciprocity and yet showing to its readers by every publication the loss that the people of Minnesota and North and South Dakota will suffer by reason of this reciprocity agreement.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. McCUMBER. Certainly.

Mr. KENYON. I desire to ask a question in the best of faith.

Mr. McCUMBER. I know the Senator would ask it in no other way.

Mr. KENYON. In the reduction of prices, as the Senator has stated, was there any reduction in the price of flour, of breadstuffs?

Mr. McCUMBER. I understand that there has been a very trifling reduction, but none in breadstuffs.

In the face of the indisputable evidence of figures and the reports from the floor of the grain exchanges, can any man honestly deny that this reciprocity agreement, if enacted into law, will materially reduce our grain value?

Mr. President, I do not think there is a single person who has heard or read the testimony who will not agree that the present rates of tariff have been a great protection to the agricultural producers of the Northwest. And if they vote to support this measure they must justify themselves on some other ground than that their vote will not be an injury to all of the northwestern farmers.

BOYLE.

These conditions have remained so long and so steadfast that they could not be accounted for on theory of speculation. These comparative prices were so many irrefutable facts that protection did protect. They would not get out of the path of the reciprocity advocates who tried to show that protection did not protect. So those advocates had to at least make some effort to reconcile them with their declarations. And so they brought from my State Prof. Boyle, who, with his lance of political science, was to clear the track of argument of these disagreeable facts.

Prof. Boyle was modest. He had evidently been brought face to face with those facts before. They had confronted and confounded his philosophy, and he had not been able to explain them away even satisfactorily to himself. And he therefore admitted that his explanation for them might not quite satisfy others. But he was courageous and willing to take the chance. His argument was that several years ago the Province of Manitoba enacted a law prohibiting the dealing in grain futures. Prior to that time the dealer who purchased grain from the farmer could sell his product the same day at the price on that day, to be delivered at some future time. This enabled him to hedge against loss. It operated as an insurance against subsequent fluctuations in the market.

But when this prohibitory law was enacted and the dealer could not sell futures, in order to be perfectly safe he was compelled to pay the farmer less than he otherwise would; he was compelled to make his profits so much larger; and that this accounted for the difference of from 10 to 15 cents per bushel in the American and Canadian prices during the last two or three years.

Of course, anyone who knows anything about grain dealing could see the weakness of this argument. There were two great reasons why the argument did not prove the premises—first, because it could not account for so great a difference, if it had been true; and, second, because it was not true.

Under ordinary conditions there would be no reason for hedging. The market was just as liable to advance as to go down. By the law of chance he would break even. But, assuming that he did not want to take that chance, 1 or 2 cents a bushel in his favor would certainly have been a sufficient insurance, whereas, according to the theory of Mr. Boyle, it was necessary for him to take from 10 to 15 cents a bushel. His argument to those having even a limited knowledge of grain dealing would be its own refutation.

But Mr. Boyle's testimony and his philosophy were based upon an erroneous assumption. There has never been any law in Canada prohibiting the sale of grain to arrive. No sooner had his testimony been given than all of the witnesses from North Dakota informed me that it could not be so. But to be absolutely certain, Mr. HELGESEN, Representative from our State, wired to Winnipeg for the information, and received in response from the secretary of the grain exchange the following telegram:

WINNIPEG, MANITOBA, *May 22, 1911.*

H. T. HELGESEN,
Member of Congress, Washington, D. C.:

Country elevators here sell daily purchases as hedge as a regular thing. No law preventing it. Exchange floor business here practically same as Minneapolis.

WINNIPEG GRAIN EXCHANGE.

The testimony of Mr. Boyle, of course, was published in all the reciprocity papers as an explanation of why there was this difference between the Canadian and American markets. But when it was read in Winnipeg it called for immediate refutation.

The following editorial from the Manitoba Free Press of Saturday, May 27, does not leave even a shadow of the argument of Mr. Boyle.

I will ask the Secretary to read this editorial for me.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

[From the Manitoba Free Press, Winnipeg, Canada, Saturday, May 27, 1911.]

NOT WELL POSTED.

Prof. James D. Boyle, of the University of North Dakota, has been giving evidence before the Senate Finance Committee of the United States, at Washington, on the subject of reciprocity and the price of wheat in Winnipeg, Minneapolis, and Duluth. If all the evidence furnished by the professor is as accurate as that about the Winnipeg Grain Exchange, it will be well for the Senate committee to have it revised before use. The following is his statement on this point:

"There was good reason for the depression of prices at Winnipeg entirely apart from the question of the tariff. This reason was the passage of hostile legislation by the Manitoba Legislature. This legislation was directed against trading in futures, and it had the effect of disrupting entirely the Winnipeg Produce & Grain Exchange. It was forced out of business, and a voluntary organization known as the Winnipeg Grain Exchange took its place. Trading in futures was given up. Government elevators were also built in competition with the private ones.

"The result of these changes was that Winnipeg grain dealers could no longer pay the prices they had hitherto paid. Elevators, which had been accustomed to hedge by selling in futures against what they bought for cash, had to give up this form of insurance against loss. They had to carry the risk themselves now, whereas formerly they had been able to protect themselves against it. Naturally that risk had to be paid for. It was paid for in lower prices for wheat. The Manitoba farmer is, therefore, paying insurance against loss to the agencies that gather and ship his wheat—an insurance that was before taken care of by the device of trading in futures."

This will be news, indeed, to the members of the Winnipeg Grain Exchange. The "hostile legislation" referred to by Prof. Boyle was passed during the winter session of the Manitoba Legislature of 1908. It modified certain by-laws of the Winnipeg Grain & Produce Exchange, but no attempt was made to prohibit trading in futures. The old exchange disappeared because that was the easiest way out of the situation which was created by the passage of the legislation, and the new voluntary association was formed, the change in the name being made by dropping the word "Produce." This new exchange came into active being with the opening of the new building on the 1st of September, 1908, and the trading in futures goes on increasing year by year, until to-day it is rather more than three times as great as it was in 1908. Indeed, the grain-option market in Winnipeg is now the third largest on the continent of America, as it is the largest cash-wheat market on the continent of America. Its fluctuations are momentarily posted both in Chicago and Minneapolis, as the fluctuations of those exchanges are posted in Winnipeg. Sales are hedged as they always have been, and elevators do not carry one dollar more risk now than they did in the days before the passage of the "hostile legislation."

As to the effect of Government elevators, they are supposed to enhance, not depreciate, the price of wheat. At least that is the claim made for them by their most ardent supporters, and in any case they have only existed, partially in one Province, for one season, so they could hardly have affected prices in 1908, before they came into existence.

CANADIAN COMPETITION.

Mr. McCUMBER. Having established beyond any possible controversy that our prices are higher than the Canadian prices at the present time, and that this reciprocity agreement if enacted into law will level those prices in the immediate future to the world's level, the question arises, Will it be possible for us at any time in the future to again occupy the position we have for the last several years, that of having a home market worth from 10 to 15 cents a bushel on wheat, 25 to 30 cents a bushel on flax, and 20 to 30 cents a bushel on barley more than it would be if we were dependent upon the foreign market?

I say again that the farmer who for years has looked forward to that period when consumption and production of wheat, barley, and flax should equal each other in this country, looked forward to it with a longing hope and a steadfast faith that this protective duty would some day bring to him a measure of justice which he had not been able to secure in the past, because of his surplus production, will be doomed to remain for a century to come absolutely dependent upon and subservient to the world's level of prices for his products; and that with the enormous possibilities of grain production in the Canadian northwest those prices will be lower, comparatively, than he has received for a number of years.

Mr. President, it is impossible to get the average person to comprehend either the extent of territory or the measure of possibility of grain raising in the Canadian northwest. The figures which you will give him are so startling that he can scarcely give credence to them.

The wheat production of the world is to-day about 3,000,000,000 bushels. The northwestern Provinces of Canada have an available acreage which can be cultivated, and which, if all sowed to wheat, would yield a supply equal to the present world's production. Our annual crop is, in round numbers, about 650,000,000 bushels. That northwestern country has an acreage which, when all under cultivation, is capable of producing four and one-half times as much as the average yield of the United States.

I again do not want this to stand on my uncorroborated declaration. I propose to back up my assertions with irrefutable evidence.

The Government statistics of Canada, which are not inclined to exaggerate, give the following acreage in the three northwestern Provinces capable of cultivation and raising crops:

Provinces.	Number of acres.	Number of acres tillable land.
Manitoba	47,188,480	27,000,000
Saskatchewan	160,416,000	86,826,240
Alberta	162,000,000	100,000,000
Total	369,604,480	213,826,240

Now, let us suppose that all of this tillable land is under cultivation. The average yield of these northwestern Provinces has been about 20 bushels to the acre. Two hundred and thirteen million acres, at 20 bushels per acre, would produce 4,260,000,000 bushels.

Will all this be sown to wheat in the future? Certainly not. Why? Because there could be no demand for it in the immediate future. If you double the world's supply of wheat, the product would scarcely be worth hauling to market. The only point I am trying to make, and to make clear, is the possibility of that country and the assurance that there is a vast empire of virgin soil, capable of being opened up and made productive just as rapidly as the world's increase of population will demand its production. And I want to convince the Senate and everyone who will make a careful investigation of this subject that the effect of these possibilities, the fact that the land is there to produce this immense quantity of wheat, means that so long as it can enter free into this country in competition with our own wheat the value of our wheat can never maintain a level for any length of time in excess of the value of that grain for exporting purposes. In other words, it means that for at least a hundred years to come the farmers of our Northwestern States must remain exactly where they have been for the last hundred years, with the exception of the last decade, subject to the world's demand for their products, and that they will hereafter be denied that which they have waited so long to obtain—a really protected market for their products. Of course they will exist. Of course they will live just as they have lived, but the enactment of this law is a legislative decree depriving them of their well-earned inheritance. And, Mr. President, he who robs me of the right to inherit that which my own labors or my own sacrifices have helped to create does me as great an injustice as he who deprives me of my present possessions.

Mr. President, it is so difficult to impress the minds of those who have not had the opportunity to visit this land of wonderful potentiality with either its territorial extent or its productive capacity that I feel justified in supporting the reports of the Canadian Government with additional evidence.

Great numbers are incomprehensible. The illustration given by Prof. Chamberlain will help us to understand the extent of the productive section of this territory. He says—and I again call the attention of Senators to the map on the wall which, while it shows only a portion of the United States, will help elucidate the illustration:

Gentlemen, you can step to a map of the United States and take a pair of dividers and place one leg or one toe on Minneapolis, place the other toe at the southeastern corner of Tennessee—I say Tennessee, because Tennessee and Oklahoma, I think, are our most southern States that produced a surplus of wheat; I do not think Texas does unless within the last year or two. Now, that covers a big area. From Minneapolis to Tennessee is our entire wheat field, except a little on the coast. Now, turn it around to the Northwest and set down the leg from Tennessee, keeping the other on Minneapolis, and you have not reached the northern boundary of the wheat field by 500 miles; you have not reached their best wheat fields by 300 miles, the Peace River Valley, from the evidence we have at hand.

I again call the attention of Senators to the map. You will find on the Canadian Northern road farthest to the northwest Edmonton. I am informed they are raising good wheat and grinding it to-day 600 miles north of Edmonton, and raising it very successfully. To-day that country has not the railroads and the settlements, but it has the salubrious climate that comes from warm winds from the Japan current, and its capabilities are beyond comprehension.

I want to read a quotation—

I am still following the evidence of Mr. Chamberlain—

I want to read a quotation from George Harcourt, minister of agriculture for the Province of Alberta, in 1909. He made this report, Speaker CANNON says: "Of the country which is known, the area capable of producing grain is 220,000,000 acres."

He is referring to the three Provinces.

"Two hundred and twenty million acres. The total area in crops last year was 11,267,870 acres." Now, remember, 11,000,000 in 220,000,000 capable of being put in cultivation.

Senator MCCUMBER. One-twentieth in cultivation?

Mr. CHAMBERLAIN. One-twentieth, "producing a total crop of 240,000,000 bushels," says Mr. Harcourt. "The unoccupied land in the future will produce at least 5,000,000,000 bushels. This is not the end. There is a great northern country—the McKenzie Basin—which is capable of producing grain." That is taken from the Canadian Yearbook, and I want to say that those people up there, her officials, are not given to exaggerated statements, and from what I have read and from what I know, I believe that statement is absolutely correct; and I want to say, further, that two lines of railway are building into that very country at the rate of four or five hundred miles a year, bringing it within the reach of the settler and affording a market for the crop when it is produced.

Senator MCCUMBER. Now, of course, the vast proportion, or large proportion, of all this grain raised in the northwest must be exported to some country, must it not?

Mr. CHAMBERLAIN. Up there?

Senator MCCUMBER. Yes. Canada can not take it. It has got to be exported.

Mr. CHAMBERLAIN. It has got to be exported.

Senator MCCUMBER. Then, is not the logical and the only conclusion that, with that vast area, with its immense possibilities, coupled with the fact that its products must be exported, that it stands there as a club against the American farmer ever receiving anything more for his grain than what we call the level of the world's prices?

Mr. CHAMBERLAIN. The only thing that will save the American farmer, if this bill becomes effective, will be that the Almighty destroys that crop; that is the only thing that can save him.

Senator MCCUMBER. Then, from 50 to 80 or 100 years it means that the farmers of the Northwest will never get the price for their products greater than the world's market?

Mr. CHAMBERLAIN. Absolutely, Senator.

Senator MCCUMBER. And we lose the benefit of the American market, because the moment we get a price above the market of the world here is this surplus of Canada to rush in and drive it down.

Mr. CHAMBERLAIN. Yes, sir; and that surplus is so great that it will not result even in raising the price of the Canadian wheat. We come down to the Liverpool level, both of us.

Senator MCCUMBER. And then the point I wanted to make is that even though there should not be a bushel exported into this country, still the fact of its being there for export, and no tariff wall between us, would result in constantly and eternally keeping ours down?

Mr. CHAMBERLAIN. Absolutely. It can not do anything else that I can see.

Mr. President, Mr. Laurier, in his discussion of this treaty before the Canadian Parliament, speaking of the wheat production of Canada in the near future, says:

We are sure the production will increase tenfold by and by.

He was discussing a product which was then, I believe, 166,000,000 bushels. If it is to increase tenfold by and by, you would have 1,600,000,000 bushels, or half of the world's supply. He does not claim that this tenfold is the limit of its increase.

Mr. Devine, speaking of the Canadian Northwest, says:

I want to say to you, gentlemen, that they have 200,000,000 acres of grain land—that is, oats, barley, flax, wheat, rye—and I would say to you that in no place on this continent are there 200,000,000 acres that will compare with it in its ability as a farm country. They have 145,000,000 acres of grazing and dairy land, and 105,000 people went there last year. * * * They are beginning in Canada on the highest level that we know in the West to develop it, develop it rapidly, develop it well. They will have this year to sell, in all, probably 250,000,000 bushels. Ten years ago they raised no flax; now they are raising from 5,000,000 to 7,000,000 bushels, and you take that 30 cents off and I want to tell you you are going to do a great hurt and you are going to cripple the people of the West in competition with Canada.

Mr. Kingman, of North Dakota, says:

Well, the possibilities are way beyond the conception of most men—the possibilities of the three northwestern Provinces of Canada—Manitoba, Saskatchewan, and Alberta. They have been raising an average of about 21 bushels of wheat. Their tillable area, on a basis of 15 bushels of wheat per acre, would produce an amount equal to the present world's supply of more than 3,000,000,000 bushels. It is not at all reasonable to presume that it would all be seeded to wheat, but it is a possibility. That is a rather strong statement, but I think it is true.

The following table, showing the rapid development of a single one of these Provinces, will tend to give you some idea of the competition that is in store for our northwestern farmers:

Growth of wheat production, Saskatchewan.

	Wheat.	Oats.	Barley.	Flax.
	Bushels.	*Bushels.*	*Bushels.*	*Bushels.*
1898	4,780,440	1,589,412	182,859	.....
1899	6,083,508	2,518,248	160,604	.....
1900	3,443,671	1,604,561	150,822	.....
1901	11,956,069	5,517,886	354,703	.....
1902	13,110,330	6,975,796	298,632	153,709
1903	15,121,015	9,164,007	655,593	285,607
1904	15,944,730	10,756,350	589,336	166,434
1905	26,107,286	19,213,055	893,396	398,399
1906	37,040,088	23,965,228	1,316,415	710,689
1907	27,691,601	23,324,903	1,350,265	1,364,716
1908	50,654,529	48,379,838	3,965,724	2,589,352
1909	90,215,000	105,455,000	7,833,000	4,448,700

How is that farming done in that country? Why is it that our manufacturers of farm machinery are so anxious to get the tariff taken off of their manufactured product? I will give you a little example of what I have seen up there. In the latter part of the month of May, on the broad prairies, at the time for seeding flax, I have seen an engine drawing 12 breaking plows. Behind the breaking plows were disk harrows to cut

the sod. Behind them were seeders or drills. All that breaking, cultivating, pulverizing, and seeding flax was done at one time. That gives you something of an idea of the way they are developing that country and what is meant by the testimony of Mr. Devine when he says they are adopting the latest methods known in the development of that great Northwest.

Here, then, is this enormous Canadian product lying along our entire Minnesota, Dakota, and Montana border just as accessible to Minneapolis as the wheat of those States, the kind of wheat that Minneapolis wants for the grade of flour she makes for the American people—flour which, I believe, brings more in the markets of the United States and the world than any other flour produced. Where will be the market for this grain? If our prices should for a week be higher on the American side, of course it would come in.

Now, if you will again look at the map, you can see the natural flow of that grain. It can come down to Minneapolis and Duluth or it can go on the Canadian roads to Port Arthur. It is practically as near to one section of the lake as it is to another section of the lake. Practically all of the Canadian products must be exported, because, with a population of only 8,000,000, they will produce in a few years more grain than will be produced by us. Therefore their product will practically be all exported, and it will naturally go to the nearest market that will give it anything above the export price. That means that our market must be eternally down to the export price, in competition with the world, while we buy everything upon a more or less protected basis.

I am not, however, claiming that it will come in in any great quantities. We will be producing enough to supply the American demand under ordinary conditions for some years. We will be exporting in some sections of the country for a number of years. And though we might not import one bushel of it in 10 years, the very fact that it is there and ready to come over into this country the moment our prices are above the general world's prices, that of itself will keep our prices down to the Canadian price. Though the Canadian farmer might not export a bushel of that vast production of grain into the United States, he stands there with a club—and an enormous club is this Canadian surplus—ready to beat down the American price the moment it rises above the world's level of prices.

BARLEY.

Does the raising of barley in the United States need protection?

Mr. Mauff states that the world's crop of barley is 1,400,000,000 bushels, and probably 1,000,000,000 bushels of it is fed to animals.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to his colleague?

Mr. McCUMBER. I do.

Mr. GRONNA. My colleague has covered this question very thoroughly, but I want to suggest to Senators who come from States where they do not raise No. 1 hard wheat that they will be the losers just as well as the States which raise hard wheat. We buy wheat raised in the Southern States and mix it with the hard wheat, and therefore the southern farmer is benefited.

Mr. McCUMBER. I think I have covered that.

Mr. GRONNA. I did not hear the Senator on that point. I simply wanted to make that suggestion.

Mr. McCUMBER. The Senator is absolutely correct in that respect.

The barley acreage in the United States in 1900 was 2,894,282 and the crop 58,925,833 bushels, while this year—1910—the acreage was 7,257,000 and the crop 162,227,000 bushels. Note its wonderful growth under protection.

In the five principal barley-growing States of the Mississippi Valley the farmers increased their acreage during that period as follows: Minnesota, from 325,000 acres to 1,285,000 acres; Wisconsin, from 245,000 acres to 866,000 acres; South Dakota, from 108,000 acres to 1,025,000 acres; North Dakota, from 244,000 acres to 987,000 acres; and Iowa, from 444,000 acres to 510,000 acres.

This wonderful development in the increase on acreage and production in the United States is due to the stimulus given the barley trade by the protection of 30 cents per bushel. At the end of the fiscal year of 1904 and while the tariff was 30 cents a bushel on barley, it was worth about 45 cents a bushel, notwithstanding the few markets and dull times and low prices of all products. We changed the tariff in 1904 to a 30 per cent ad valorem, which amounted to about 10 cents a bushel, and we soon brought the price of barley down to about 30 cents a bushel. From the fiscal year of 1898 when we raised the tariff again to 30 cents a bushel, the price of barley began an ascent, continuing until 1908 when it was 73 cents a bushel. The large crop of 1909 brought it down to 55 cents a bushel and the short crop of 1910 brought it up to 86 cents or 90 cents and even $1 a bushel. For the fiscal year 1893 when the duty was but 30 per cent ad valorem, or from 10 to 12 cents a bushel, we imported over 2,000,000 bushels. As soon as we put on our tariff of 30 cents a bushel our importations dropped from about 2,000,000 bushels down to 104,000 bushels, and they have not been of any moment since then. Thus it will be seen that our tariff did have a very decided effect upon our barley during all of these years, and during the last year we have had the full benefit of the tariff, or about 30 cents a bushel.

Mr. Chamberlain says:

> Canada grows 1,800,000 acres of barley, yielding 55,400,000 bushels; 30 bushels per acre, 7½ bushels per capita. The United States grows about 7,000,000 acres, yielding about 170,000,000 bushels; 25 bushels to the acre, or less than 2 bushels per capita. Those are the figures taken from the best available authority.

The average barley yield in Canada is 30 bushels. If it costs $8 to produce an acre of barley, it costs 27 cents a bushel in Canada. The yield in the United States is 25 bushels and the cost per bushel 32 cents, or 5 cents more per bushel than in Canada. With the tariff removed, Canada could easily supply the entire barley market of the United States.

EFFECT ON OTHER PRODUCTS.

Mr. President, I have shown what the effect of this agreement has been and will be on the principal products of the State which I represent—wheat, barley, flax, and oats. Will its effect be injurious to other farm products? If so, what and to what extent? It will, of course, have no direct effect on corn. It may have little on poultry, eggs, and vegetables. It will depend on location. At some points we may be able to export those things into Canada, and in other sections Canada will export them into this country.

For a few years we shall be exporting horses into northwestern Canada to fill the needs of that rapidly developing section. The demand for horses to cultivate the new fields will not allow time for colts to grow horses. Twenty to twenty-five years ago we imported into North Dakota the horses we needed. To-day we are exporting horses. Twenty to twenty-five years hence, if not before, Canada will be exporting horses into this country.

For a while we shall undoubtedly send cattle into northwestern Canada, but their increase, raised and fattened on those vast ranges, will return to compete with our cattle raised on higher-priced land and under less favorable conditions.

The Canadian sheep industry is not now very considerable, but with millions of acres of range land and with freedom of entry, not only for the sheep but also for the wool on the sheep's back, this industry will in a few years become a most earnest competitor in our markets.

The evidence clearly establishes that in the eastern section of the United States our hay crop will suffer severely by Canadian competition. In the West we shall not feel this competition.

Premier Laurier, in his address in the Canadian Parliament, dwelt with emphasis upon the great value of the American market for Canadian hay. His views are substantiated by the evidence submitted before the Finance Committee.

Mr. President, I can not better sum up my conclusion as to the effect of the agreement on some of the products of the farm than by quoting from the evidence of Mr. Hull. He says:

> Mr. Duff, who is minister of agriculture of Ontario, made a stirring appeal to the Canadian farmers of Stratford that it was beneath the dignity of Canada to go across the border and ask for reciprocal trade relations with the United States. One of the leading farmers of that section got up and said:
>
> "Mr. Duff, I hitched my lambs on behind a carload of Michigan lambs, and when they crossed the border I had to pay 75 cents on every one of those lambs. The American lambs from Michigan went across free. Had we had this relation, I would have had 75 cents more for those lambs. I have been marketing many of my products over there. Had it not been for that, I would have had the money. Could I sell over there in New York, in Ohio, or Michigan my butter which I am producing this year, I could get 8 cents a pound more on the average than I have gotten. I could have gotten 3½ to 4 cents a bushel more for my oats; I could have gotten 30 cents more for my barley; I could have 40 cents more a bushel for my beans. Mr. Secretary of Agriculture, you and your dignity be hanged. I am in this for the money there is in it."

That, I think, expresses tersely and accurately the condition in the eastern section. But I have dealt more particularly with what I know to be the conditions in the western part.

COST OF PRODUCTION.

Mr. President, I have declared as one of the great reasons why we should enact no legislation that would diminish the earnings of the tillers of the soil that their earnings under present conditions are very meager and far less than those of any other class of labor. The occupation of farming to-day is one requiring very considerable intelligence and most careful study and training in order to secure even moderate success.

To-day it requires more capital than ever before to engage in farming and more than it does to engage in most businesses. In my State a half section of land will cost all the way from $8,000 to $15,000, and it would require from $3,000 to $5,000 worth of personal property to run it. You can start in the mercantile business in most of the small towns on only a fraction of this amount. You can start a State bank with a capital of $10,000 and a national bank with a capital of $25,000. And I repeat it requires far more study and judgment to know how to rotate crops, how to vary your plowing and cultivation for different kinds of crops and in different seasons, how to rehabilitate worn-out soil, how to prepare your seed—far more thought and judgment than it requires to buy cloth at 15 cents a yard and sell it at 35 cents a yard.

It is needless to quote to me statistics of the vast number of men who fail in mercantile enterprises. Those same men would, every one of them, fail as farmers. In most instances the same lack of application and industry which caused a failure in their own business would have caused them to fail in the farming business. It would probably be found that in nearly every one of the mercantile failures the owner was doing business wholly on somebody else's capital, and the interest would not stop while he was attending baseball games.

Mr. President, difficult as is the task of ascertaining the cost of producing farmers' products, the very thorough and careful methods adopted by some of the agricultural colleges have reduced the subject to a reasonable certainty. I have made up a table from the testimony of Prof. Chamberlain, of the South Dakota Agricultural College, combined with the reports from the Agricultural Department, showing the cost of production of wheat per acre and per bushel in the States of Minnesota and the two Dakotas for five years, 1905 to 1909, inclusive. This table includes cost of production per acre, yield in bushels per acre, farm value per acre, cost per bushel, farm value per bushel, profit per acre, loss per acre, profit per bushel, and loss per bushel. I have used the Minnesota cost of production for both the Dakotas, having no other data.

Cost of producing wheat, including profits and losses.

States and years.	Cost per acre production.	Average yield per acre.	Farm value per acre.	Cost per bushel.	Farm value per bushel.	Profit per acre.[1]	Loss per acre.	Profit per bushel.	Loss per bushel
Minnesota:		*Bush.*							
1905	$8.40	13.3	$9.44	$0.63	$0.71	$1.04	.....	$0.08	.....
1906	8.40	10.9	7.08	.77	.65	.....	$1.32	.....	$0.12
1907	8.40	13	11.96	.64	.92	3.56	.....	.28	.....
1908	8.40	12.8	12.03	.66	.94	3.63	.....	.28	.....
1909	8.40	16.8	16.13	.50	.96	7.73	.....	.46	.....
North Dakota:									
1905	8.40	14	9.66	.60	.69	1.26	.....	.09	.....
1906	8.40	13	8.19	.69	.63	.....	.31	.....	.06
1907	8.40	10	8.70	.84	.87	.30	.....	.03	.....
1909	8.40	13.7	12.60	.61	.92	4.20	.....	.31	.....
South Dakota:									
1905	8.40	13.7	9.18	.61	.67	.78	.....	.06	.....
1906	8.40	13.4	8.17	.62	.61	.....	.13	.....	.01
1907	8.40	11.2	9.97	.75	.89	1.57	.....	.14	.....
1908	8.40	12.8	11.78	.65	.92	3.38	.....	.27	.....
1909	8.40	14.1	12.69	.59	.90	4.29	.....	.31	.....

[1] Average for these States, $2.

Cost per acre for producing wheat in Minnesota found in Bulletin No. 73, Department of Agriculture, on page 50.
Yield per acre from Agricultural Yearbook, 1909, page 450.
Farm value per acre, Agricultural Yearbook, 1909, page 451.
Farm value per bushel, Agricultural Yearbook, 1909, page 452.
In this table no allowance is made for depreciation in improvements, horses, machinery, insurance, etc., nor loss by hail, drought, and other extraordinary circumstances, and nothing for the large acreage each year which may be either summer fallowed or in pasture or for any cause not producing.

Without going over this table, I simply call attention to the fact that the average profit per acre was $2 during all these years. There were two years in which there was an actual loss, and if we had considered 1910, when there was a total loss, we probably would not have averaged over $1.25 or $1.50 an acre.

Mr. President, there has been very much talk and considerable evidence concerning the difference in the cost of production in Canada and the United States. I have paid little attention to it. I know that in my section of the country there is very little difference on either side of the boundary line, either in the cost of labor on the farm or farm machinery to operate it. It is probable that as the Canadian farmer uses American machinery, which must pay a Canadian duty, that such machinery costs him a little more than it costs the American farmer, although I am informed that this machinery is sold to the Canadian wholesaler very often lower than it is wholesaled to the American dealer. But that is a trivial matter in making up the general cost of production. The two great items that enter into the cost of production are, first, value of land, and, second, value of crop raised thereon. The price of land in Richland County, in my State, is at least twice the average price of land in Saskatchewan. If our land, therefore, costs $40 per acre and produces 15 bushels of wheat per acre, worth 80 cents a bushel, we would receive a gross return of $12 per acre. And if it costs $10 per acre to produce it (and charging depreciation of personal property, insurance, and the many other unlooked-for expenses it will cost more than that on an average), there will be a net gain of $2 per acre, or 5 per cent interest on the investment.

If the Canadian farmer's land costs $20 per acre and produces 20 bushels per acre, worth 80 cents per bushel, he would receive a gross return of $16 per acre. And if it costs $11 per acre to produce it (allowing a little more cost for handling the heavier crop raised), there will be a net gain of $5 per acre, or 25 per cent on the investment.

You will therefore see that to secure the same return the American farmer must make a much heavier investment, and as we must consider the capital employed in computing the cost of production, we should therefore need our tariff wall to place the American farmer on an equality with the northwestern Canadian farmer. Of course, Mr. President, the value of the lands close to the border do not show this difference, but taking the two great sections, the difference at the present time is very considerable. It stands to reason that as soon as the duty is removed this difference will grow less.

But, Mr. President, I have never given my assent to the doctrine that the measure of our protection should always be the difference in the cost of production of an article in this and any foreign country.

In that I do differ from many of my Republican associates. I want protection that protects. I want it just high enough to insure reasonable profits to the producer, after allowing good and reasonable wages for the labor employed in producing it. And I want that protection just low enough, that if the producer, either by combination or otherwise advances the price of his product to an unreasonable point, the foreign goods will come in and force him down to a reasonable basis. I want all of our people to live well. If it should actually cost just as much to produce an article in China as it costs to produce it in the United States, and the Chinaman, because he can live on one-fourth as much as the American can live on, is willing to sell his product over here on a basis of one-fourth the profit the American should have, I would not let his goods come into the country free. And, Mr. President, that is just the ridiculous position this theory of the measure of protection would drive us into if applied in every case. I admit that in most cases it might be just and fair.

The question I ask myself is this: Is the vocation of farming in this country, considering the capital necessarily invested and the amount of intelligence of the labor necessarily employed, as profitable as other vocations? My answer to that question is "No." Applying my principle of protection to that condition, I then conclude that I should give the farmer's products that protection which will insure him just, fair, and equitable remuneration, no more and no less. And that which I would apply to the farmer's products I would apply to every other great product.

PRESIDENT'S POSITION.

Mr. President, I have carefully read the position of President Taft on this subject as outlined in his Chicago address of June 3. I am certain the President wishes to be fair. But it is evident from his address that he, too, is imbued with the very general error that Liverpool fixes the price of our wheat. I have been for some hours engaged in refuting that error; and, Mr. President, I have refuted that fallacy and have shown that the proposition has no possible application where the home demand is greater than the home supply.

The President says:

> The only real importation of agricultural products that we may expect from Canada of any considerable amount will consist of wheat, barley, rye, and oats. The world's price of these four cereals is fixed abroad, where the surplus from the producing countries is disposed of, and is little affected by the place from which the supply is derived.

Let me ask the President this question: The cost of transporting wheat from Minneapolis to Liverpool, including insurance, commissions, cost of handling, and so forth, and allowing no profits for the dealer, is about 15 cents per bushel. If Liverpool fixes the price of wheat in Minneapolis, then Liverpool prices must average at least 15 cents per bushel above Minneapolis price for the same kind of grain. But your Bureau of Statistics of the Agricultural Department shows, by the table I have referred to, that the average price of No. 1 northern for the year 1908 was, Minneapolis $1.11 per bushel, Liverpool $1.25 per bushel, a difference of only 14 cents. The average

price at Minneapolis for the year 1909 was $1.20 per bushel, Liverpool $1.29 per bushel, a difference of only 9 cents. The average price at Minneapolis for the year 1910 was $1.14 per bushel, Liverpool $1.14 per bushel, a difference of no cents. How, then, could Liverpool fix Minneapolis prices for that grain when not for a single day during those three years could Minneapolis have shipped a bushel of that grain to Liverpool?

The very next sentence of the President, wherein he proceeds to explain the cause of the difference of 10 cents per bushel in favor of the Dakota and Minnesota farmer, shows that those to whom he has looked for information on this subject have not given him the actual status. The President of the United States, with his manifold duties, can not possibly go into the details of every one of these questions. Note his explanation. He says:

> Canadian wheat nets, perhaps, 10 cents less a bushel to the producer than wheat grown in the Dakotas or in Minnesota, due to the fact that the cost of exporting that wheat and warehousing it and transporting it to Liverpool is considerably greater than the cost to the Dakota farmer of disposing of his wheat to the millers of Minneapolis or sending it abroad.

Note the President says that our higher price is due to the fact that the cost of exporting that wheat and warehousing it and transporting it to Liverpool is considerably greater than the cost of the Dakota farmer in disposing of his wheat to the millers of Minneapolis or sending it abroad. It is clearly apparent that the President is laboring under a mistaken idea that this difference in price applies only to those places where there is a difference in the cost of transportation, and so forth, whereas the fact is that all along the border line between Canada and the United States, where the freight is exactly the same and where the Canadian wheat can go through this country in bond, there is the same difference; and when you get back into the interior of northwestern Canada, where the cost of transportation and housing the Canadian wheat is greater than in the United States, the difference between the United States and Canadian prices is just so much greater. Every case that we have cited has been where the cost of transportation and warehousing was the same on both sides of the line. The average difference of from 10 to 15 cents a bushel in favor of the American side, which we have been discussing, is where the cost of transportation to Liverpool, warehousing, and so forth, is the same. Certainly the President will not contend that it costs more to transport grain to Liverpool from Port Arthur on the Canadian side of Lake Superior than it costs to transport it to Liverpool from Duluth on the American side of the lake. And yet the Duluth market for several years past, like the Minneapolis market, has been from 10 to 15 cents per bushel better than on the Port Arthur side.

In the very next sentence which the President utters in that speech, although given by him to elucidate another proposition, he is unconsciously disclosing the one great cause and the one great explanation of this difference in prices, namely, home demand.

He says:

> The capacity of the American mills is 33 per cent greater than is needed to mill the wheat of this country.

That is the answer, Mr. President.

Now, remember the greatest milling capacity in this country is at Minneapolis. The greatest demand for wheat for milling is at Minneapolis. The supply of the kind of wheat needed by Minneapolis in this country and in the Minneapolis territory is not equal to that demand, hence the higher prices. When the Canadian product can come in from Canada free, the supply will be much more than the Minneapolis demand, hence prices must go down.

There are three other ideas suggested in the President's address which challenge consideration. Referring to this agreement generally, the President says:

> It will not, in my judgment, reduce the price of wheat or other farming products for our people in any marked way. It will, however, by enlarging the source of supply, prevent undue fluctuations, and it will and ought to prevent an exorbitant increase in the price of farm products, which, as they have been for the last three or four years, have inured equally to the benefit of all engaged in agriculture.

And again:

> But I do think that reciprocity will enlarge the reservoir of the supply of farm products for our people, and thus prevent undue enhancement of prices beyond the present standard. If this be the case, then neither the farmer will be injured nor will prices increase.

These two sentences, Mr. President, disclose a conviction in the mind of the President of the United States of three things: First, that the farmers of this country are receiving as much for their products as they should receive; second, that in order to prevent an exorbitant increase in the price of the farmers' products this Canadian reservoir of wheat should be tapped and its contents allowed to enter into this country; and, third, that by so doing the price of wheat will not be increased or diminished in any marked degree.

Now, Mr. President, the proposition of the President of the United States is that the price of the farmer's product is to be so regulated by this free wheat, this Canadian reservoir, that it shall not advance. The justice of that proposition must rest upon the assumption either that the farmer is now receiving a compensation for his labor and capital employed equal to the returns upon labor and capital employed in other vocations, or that the farmer is not entitled to equal compensation. I know the President would not for a moment advocate the latter. I know of no man whose sense of right and justice is more keen than that of our President. In the table which I have already put into the RECORD, and which has the seal of authenticity of the Agricultural Department, the average profit per acre of farming in the States of Minnesota and North and South Dakota, for the years 1905 to 1909, inclusive, the most profitable farming years we have ever had, is about $2 per acre. And remember, Mr. President, that this table leaves out of consideration entirely depreciation of buildings, horses, machinery, insurance against hail, and that it does not include the year 1910, when, on account of drought, there was almost a complete crop failure and a heavy loss in most parts of those States. This table shows what I have claimed again and again, that the only reason that the farmer has been able to exist is that he and his whole family make no allowance for their own labor. In other words, the farmer and his family work for their board and clothing, and mighty cheap clothing at that. The city young man spends $10 for neckties where the farmer boy spends $1.

Now, we will suppose that in a farm of 160 acres there are 120 acres actually in crop each year. The farmer will then have $240 to purchase new farm machinery as the old wears out, buy other horses as the old ones die, clothe himself and family, educate his children, pay doctor bills when they are sick, and buy a cheap coffin when they die. What other intelligent labor in the United States that does not reap a greater reward? Mr. President, I am ultraconservative when I say that 160 acres of land in the Red River Valley will cost at least $5,000, and $3,000 will be required for horses and necessary farm machinery to operate it. That means a capital of $8,000 invested.

Mr. CLARK of Wyoming. Will it disturb the Senator from North Dakota if I ask him a question?

Mr. McCUMBER. Not at all.

Mr. CLARK of Wyoming. I understand the Senator from North Dakota to say that these tables demonstrate the fact that the profit is $2 an acre, and that in reaching that sum the cost of the labor of the farmer and his family is not included.

Mr. McCUMBER. We have not figured the cost of the labor of the farmer and his family. The farm labor which the farmer hires has been figured in, according to the testimony as it was given. I will tell you what is given here. These tables are on the basis of what they call rent—rent or interest on the value of the land.

Mr. CLARK of Wyoming. Then taking the Senator's figures, if I understand them correctly, and his statement if the farmer could charge up in the cost of production his own labor, which he gives and that of his family, the profit would be infinitesimal.

Mr. McCUMBER. As shown by another table which I gave in another address on this subject, there would not be a farmer in the United States who would not be running behind if he would charge up, for his own labor and that of his family, as much as he pays his hired labor. That is the point.

Thus the farmer, in order to secure an opportunity to perform his farm labor, must make an investment of $8,000. If he purchases to-day, he must generally give a mortgage back on the land to secure that purchase price. And I am clearly within the facts when I say, if they start with nothing, as the ordinary laborer starts, the farmers of the United States carry mortgages on two-thirds of the working years of their life whenever they buy a farm; that two-thirds of those working years are consumed before the mortgage is lifted.

How does this farmer's earnings compare with the earnings of a bricklayer in our large cities? We will say there are 300 workdays in a year; that the farmer works 12 hours a day on the average. In the summer time he works 16 hours a day. He would therefore work 3,600 hours a year to earn $240, or about 6⅔ cents per hour. What wage does a bricklayer get in Washington? He gets 62½ cents an hour, or 10 times as much as the farmer gets for his labor. Does bricklaying require a higher degree of intelligence or education than farming? Mr. President, it does not require as much of either. If farming does not require greater study and the exercise of greater intelligence, then the millions upon millions of dollars expended in sup-

port of agricultural colleges for information to the farmer has been and is a gross waste. And I am here to deny that it is a waste.

Mr. MARTINE of New Jersey. Mr. President, will the Senator permit an observation just there?

Mr. McCUMBER. Certainly.

Mr. MARTINE of New Jersey. I listened to the Senator's quotation regarding the wages of bricklayers. I think the Senator will realize that a bricklayer receiving $4, $5, and $6 a day is engaged in one of the unprotected industries of our land. They receive $4, $5, and $6 a day, and carpenters receive nearly as much in my part of the country. Those industries and callings are unprotected. What has the Senator to say to that, I ask him?

Mr. McCUMBER. I am not seeking to take away the earnings of the bricklayer. What I am asking is that we raise the earnings of the farmer until they are substantially upon the same basis.

Mr. MARTINE of New Jersey. My point is that your protection fails to protect; that the wages in the highest protected industries are the lowest and the carpenters, machinists, bricklayers, and artisans of this land, who are unprotected, with the doors open to the world, have the highest wages known in our land. What is the Senator's answer to that, I will ask him?

Mr. McCUMBER. Mr. President, we had before us a short time ago the wage prices for the different kinds of labor in Great Britain and in the United States. The bricklayer in the protected United States gets two or three times as much as the bricklayer in unprotected Great Britain.

Mr. MARTINE of New Jersey. One more question, Mr. President, I want to ask the Senator. How do the wages of bricklayers in unprotected England compare with the wages of bricklayers in protected Germany, and Russia, and China, and the Orient, generally?

Mr. McCUMBER. Mr. President, I think there is very little difference between the wages of that character of labor in Germany and in Great Britain. I am, however, aware of the fact that in protected Germany every laborer is at work, that there is work for every one of them to do. In unprotected England about a third of them, nearly, are in the almshouse or are begging. Now, that is the difference.

I could illustrate this truth in a hundred different ways had I the time and you the patience. If it is answered that the laborer has to pay a higher rent than the farmer and is under greater expense in many ways in the cities than is the farmer in the country, I reply that it is his higher-priced labor in making the brick, in laying them, in doing the carpentering work, in plastering and papering, that makes the higher rent and the higher expense; and he is, therefore, only expending a fraction of the greater earnings of his own labor.

This answers both assumptions of the President that the farmer is reaping a sufficient reward for his labor and that any material raise in the value of his products might be deemed exorbitant, requiring us to open the faucet of the Canadian surplus. Justice to him demands a protection, so far as it is possible, against competition rather than a subjection to it.

But, Mr. President, the fear of the President of the United States lies in the fact that he does not comprehend the enormous possibilities of this Canadian country. These possibilities have not been brought home to him. It is evident from his remarks that he fears a stringency in food supplies. If he could fully understand the size, the capacity, of this Canadian reservoir, with which he hopes to prevent a lack of food supply, I am certain that his fears would vanish. I am certain that if he knew that this great empire in a few years, if necessity required, could raise more wheat than the whole world now produces he would be more fearful of a Johnstown flood than of a drouth. I am certain that if he understood it as we who have carefully investigated it, and as the hearings before the Finance Committee conclusively establishes, he would say that it is time enough to open the Canadian reservoir when our food supply is really threatened. He would know that the wonderful surplus of this region will always be glad to find our market and we need not, therefore, open our doors to it until we do need it.

FUTURE POLITICAL EFFECT.

Mr. President, what will be the effect of this measure upon the future policies and destinies of the two important political parties in this country? This is not a Republican measure. It is not protection. It is not a Democratic measure. It is not tariff for revenue only. It is a hybrid which inherits none of the good qualities of the one parent and only the bad qualities of the other. The Republicans in Congress are almost solidly against it in sentiment and a majority will be against it on final vote. It can not be charged to the Republican Party except to the extent that it is supported by a Republican Executive. It can be charged to the Democratic Party, because that party, through its representatives and after conferences and caucuses, have espoused it as their cause.

Its effect upon Republican doctrines may not be immediate, but it will be certain. A house divided against itself can not stand. A party, one-half of whose membership supports a policy in exact antagonism to its cardinal doctrines, can not long hold its supremacy.

I am not unmindful of the power of the press of the country in upholding any doctrine. For selfish ends the great press of the country created a false and prejudiced impression and nearly overthrew the Republican Party at the last election. For selfish ends it proposes to support the party next year provided this reciprocity agreement is enacted. But Mr. President, there is a limit even to the power of the press. It is not difficult for it to make right seem wrong by misstatement of facts and suppression of truth, because it is a weakness of our human nature that we seem to get more comfort in having some one else denounced than in having him praised. But it is a much more difficult task to make wrong look right to the man who himself suffers the wrong. And, Mr. President, I can see great difficulty in bringing out that enthusiastic agricultural vote which in all times past has saved the doubtful States to the Republican Party to support a Republican policy of protection when everything on the agricultural schedule must compete in the open markets of the world and with what is destined in a few years to become the greatest agricultural producer in the world—Canada.

I am aware, Mr. President, that the agricultural vote can not consistently turn to the Democratic Party, which has at least mothered this proposition to destroy every vestige of agricultural protection. But I am certain they will see to it that their representatives stand pledged to right the wrong inflicted upon them as nearly as possible, and if their products are placed upon the free list our protective policy will lose its ancient support.

For my part, Mr. President, I am a Republican and a protectionist. I shall continue to be a loyal supporter of that party and of its nominee, because if we ever get back our protection on our agricultural products it must be through the Republican Party.

And I say to the Republican Party to-day: There is one platform on which we can win, both in the election of a Republican President and a Republican Congress, and that platform must read: Fair and just protection to every important American industry. Excessive and unjust protection to none.

Mr. CURTIS. Mr. President, the question of reciprocity with Canada is not new. It has been discussed by the people of this country and Canada for many years. Nor is it an untried question. A reciprocal treaty was in existence between the two countries from 1854 to 1866, and the result was not only unsatisfactory to the people of the United States, but injurious to many of their industries. While the policy or plan is understood by the people, yet the terms of the pending agreement are unknown, and I regret that the question could not have been postponed until the regular session, in December, so that they might have become familiar with those provisions and their probable effect upon the country at large. The question involved is one of the most important which has been presented to Congress in recent years. Not only is one great industry threatened, but the policy of protection to all American industries is involved, and the result of the vote on this question will greatly affect that policy. It might be well to consider for a few moments what the agreement contains and what products of this country it affects. By its terms the following products imported from Canada are placed on the free list: Cattle, horses, hogs, sheep, and all other live animals; wheat, corn, hay, oats, and other farm products; poultry and eggs; fruits and dairy products. These are some of the principal products placed on the free list. They are produced on the American farm. Now, what does the farmer get in return? Sawed boards and other lumber not further manufactured than sawed; in other words, rough lumber, pickets, and palings, cream separators, rolled iron or steel sheets, or plates No. 14 in gauge and barbed fencing wire. These are not all the articles placed on the free list, but they are the ones which will affect the farmer. The newspapers get free pulp of wood and news-print paper. On secondary food products, such as fresh and canned meats, flour, and partly manufactured food products the rates are reduced and made identical. On manufactured commodities, such as motor vehicles, cutlery, and sanitary fixtures, the rates are materially reduced. There is a small list of articles on which special rates are given. Many say that it is

not necessary to give much time or consideration to this question, because the agreement is similar to the reciprocal treaty that existed from 1854 to 1866. The fact that it is so similar is one of the reasons for opposing it, because that agreement proved disastrous to the United States. Mr. Fielding, who spoke for the Government in the Canadian Parliament, said:

It is the reciprocity agreement of 1854 over again, with comparatively little change. It promises prosperity to the people of Canada, and this house would make a grave mistake and do a great wrong if it refused to take advantage of it.

A comparison of the terms of the proposed agreement with the treaty of 1854 will convince anyone that they are substantially the same, except in the treaty of 1854 the United States secured fisheries concessions not contained in the pending agreement. Before we vote upon this agreement, would it not be a good idea for us to examine into the effect of the treaty of 1854? Mr. Blaine, in his book, Twenty Years of Congress, has the following to say in regard to that treaty:

The right in the fisheries conceded by the treaty of 1854—originally ours under the treaty of 1782, and unnecessarily and unwisely renounced in the treaty of 1818—was not given freely, but in consideration of a great price. That price was reciprocity of trade, so called, between the United States and the British North American Provinces in certain commodities named in the treaty. The selection, as shown by the schedule, was made almost wholly to favor Canadian interests. There was scarcely a product in the list which could be exported from the United States to Canada without loss, while the great market of the United States was thrown open to Canada without tax or charge for nearly everything which she could produce and export. All her raw materials were admitted free, while all our manufactures were charged with heavy duty, the market being reserved for English merchants. The fishery question had been adroitly used to secure from the United States an agreement which was one-sided, vexatious, and unprofitable. It had served its purpose admirably as a makeweight for Canada in acquiring the most generous and profitable market she ever enjoyed for her products.

You will observe that Mr. Blaine says the treaty of 1854 was "one-sided, vexatious, and unprofitable." The Government trade reports of the years from 1854 to 1866 sustain the contention of Mr. Blaine:

Our exports to Canada in 1855 were $20,828,676, but under the operation of reciprocity, then commenced, they dwindled in 12 years down to $15,243,834, while the exports of Canada to the United States increased from $12,000,000 and odd to $46,000,000 and odd. When the treaty began the balance of trade had been $8,000,000 annually in our favor and that paid in specie, but at the end the balance against us to be paid in specie in a single year was $30,000,000. Here was a positive yearly loss of over $5,000,000 of our export trade and a loss of $38,000,000 specie, all going to enrich the Canadians at our expense.

But those who favor the treaty say it is not fair to use the resultant effect of the treaty of 1854 to 1866 upon the country as an argument against this agreement, because they say that treaty existed during a war period. It is true that for four years of that time this country was engaged in the greatest war the world has ever known; but that war did not begin until 1861, and the treaty had been in force seven years before Sumter was fired upon. Again, the bad effect of the treaty upon this country was felt very soon after its ratification—in 1854—and conceded to be unwise and disastrous before it had been in force two years. Another thing, it was not terminated until 1866, a year after the war closed, and there was no improvement in conditions between the date of the close of the war and the termination of the treaty. The benefits of the abrogation of the treaty in 1866 were very soon felt, and our exports to that country have continued satisfactory. They have gone from about $15,000,000 in 1866 to $241,000,000 in 1910.

We do not need it to secure or retain the trade of Canada, for the bulk of that we now have. Our exports to Canada last year amounted to $241,809,233, and our imports from Canada amounted to $103,256,955, or, in other words, under present conditions last year the balance of trade was in our favor to the extent of $138,552,278. This is a good showing for the United States, and it seems to me that it is a good plan to let well enough alone. It would be unwise to return to the disastrous policy which was followed from 1854 to 1866. Our trade relations with Canada are now very satisfactory to the United States, so why should we change them? By the terms of this agreement we are to open to them our splendid market of 90,000,000 of people, and in return they give us the market of 9,000,000 of people, and this, too, a market which is now largely controlled by our producers. There is no better home market in the world than ours, and why should we part with any portion of it without an equivalent return? In order that you may know the extent of the interest of the people of Kansas in this question it is only necessary to tell you that the products of the farms of our State last year, including live stock, amounted to nearly $600,000,000, and the market for the larger part of this wonderful production is found beyond our own borders. But this is only one agricultural State. Consider the resultant effects upon the 7,000,000 farmers, with the 35,000,000 people, who would be directly affected by this measure. But, they say, we who oppose this agreement view it from an erroneous standpoint, and that we should be broader gauged and look at it from the point of the greatest good to the greatest number. We believe if those who favor this agreement will take pains to examine the question they will find we who oppose it stand for not only 35,000,000 people directly dependent upon the farmers, but many millions more who live in the small towns and villages and depend upon the trade of the farming community. And if you add to these the people engaged in other industries affected by this agreement you will find that those of us who oppose it stand for the greatest number.

I quote the following statistics from the speech of Hon. ASHER HINDS, of Maine, which covers the trade of Canada on some important items of the farm, to wit:

In 1908 when Canada was sending us only 23,000 dozens of eggs she was sending England 1,200,000 dozen. While she has in the last five years sent to us an average of less than 100,000 pounds of butter a year she has sent to England as high as 33,000,000 pounds in a year. In the same five years she has sent us an average of less than 150,000 pounds of cheese a year, but her normal annual export to England was, until New Zealand began to shut her out, about 200,000,000 pounds. In 1909 she sent to us less than 20,000 barrels of apples, but in the same year she sent to England more than 1,000,000 barrels.

Now, it is evident if these products of Canada, which now find markets across the Atlantic Ocean, are given free entry to the markets of the United States they will be sent to such markets which are just across the St. Lawrence River or the Great Lakes, and it is further evident that every dozen of eggs, every bushel of wheat, oats, or barley, every ton of hay, every pound of cheese and butter, every barrel of apples and potatoes produced in Canada and sold in this country, means a loss to the farmer of the United States of that much of his home market, and the money paid for such Canadian products will go into the pockets of the Canadian farmer and not into the pockets of our farmers; yet the farmer of the United States will continue to pay his share of the expense to run this billion-dollar Government of ours, increased by just so much as the loss of tariff on these articles entails.

It is not the present products, which, if admitted free from Canada, would injure American producers, but the danger is in what would follow the opening of our ports to her natural products. At present the people of Canada are cultivating only 30,065,556 acres, which is not as large for the entire Dominion as the cultivated acreage in the State of Kansas alone. Have you considered that the land area of Canada is larger than that of the United States, including Alaska? And yet they are cultivating only 30,000,000 acres. This means that there are millions and millions of acres of land which can be had at very low prices—from 50 cents an acre, under the homestead law, up to $10 and $20 per acre. To open up our markets to their products would mean that a large number of people would be attracted to Canada by the low price of land; that great development, improvement, and production would follow.

It is estimated that there are 200,000,000 acres of wheat land in western Canada not yet cultivated, which would yield 3,000,000,000 bushels of wheat annually. Do you think the opening up of these vast tracts would help the wheat growers of the United States? Many of the men and women upon the farms of this country are those who blazed the way to the West and Northwest. They endured the hardships and the privations of the pioneer life. They, and they alone, know the hardships they endured, but they had the courage to stay by the farm, and the soil teems with rich fruit and the fields are blessed with abundant harvest, the result of their patience, their courage, and their labor. These men and women and their children should enjoy the harvest of those fields, which they have cleared and tilled, and they should not be deprived of the great home markets which they help to build up, nor should they be forced by an act of the Congress of this country to share that market with the people of any other country unless they receive a full equivalent in return. This is not done in the pending agreement.

The enactment of the Dingley law started the wheels of the factory, gave labor employment, and the farmer a market, and for 12 years the farmer has enjoyed greater prosperity than ever before. But now, just as he has begun to enjoy some of the blessings for which he has worked so hard, I regret to see some of the Repesentatives from the protective sections ready to force him to share with another the home market, which of right belongs to him.

THE FARMERS' SHARE.

There has been much said and much more written in regard to the farmers' share of consumers' cost. The people are very much interested in this question, and it should have an important bearing upon the agreement. An examination of the reports will convince anyone that the farmer is not receiving any more than his share. Mr. Wilson, Secretary of Agriculture, in his report of 1910, goes into this question quite fully, and,

believing his conclusions are of interest to the people on this point, I desire to submit the following extract from that report (p. 15):

High prices was one of the subjects of my annual report for 1909. It was shown that for many years previous to about 1897, or a little later, the prices of farm products received by farmers were even less than the cost of production, and often little, if any, above that cost, so that during a long period of years the farmer was not thriving. It was shown also that in the upward-price movement, which began about 1897, the prices received by the farmer have advanced in greater degree than those received by nearly all other classes of producers. That this should have been so was merely a matter of justice to the farmer to equalize the reward of his efforts with the rewards received in other lines of production.

The increased cost of fresh beef between the slaughterer and the consumer is given at 38 per cent; the dairyman receives 50 per cent of the price paid by the consumer; the creamery receives about 86 per cent of the consumers' price of butter; the apple grower receives about 55 per cent; the farmer gets 70 per cent on corn; the strawberry grower, 48 per cent. The farmer receives also 83.3 per cent of the final price in the retail purchase of blackberries by the crate, 75 per cent in the purchase of cucumbers by the third of a bushel, 66.7 per cent in the purchase of egg-plant by the crate, 60 per cent in the purchase of green peas by the quart, 70.5 per cent when hay was bought by the ton, and 82.2 per cent in the purchase of horses from retailers.

Among the many other products represented in this list are oats, with 73.6 per cent of the price going to the farmer when bought by the bushel; melons, 50 per cent when bought by the pound; parsnips, 60 per cent when bought by the bunch; potatoes, 59.3 per cent when bought by the bushel; string beans, 80 per cent when bought by the barrel; sweet potatoes, 60.8 per cent when bought by the barrel; turnips, 60 per cent in purchases by the bunch; watermelons, 33.5 per cent when bought singly.

But to sum the whole matter up, the Secretary says:

From the details that have been presented with regard to the increase of the prices of farm products between farmer and consumer, the conclusion is inevitable that the consumer has no well-grounded complaint against the farmer for the prices that he pays. The farmer supplies the capital for production and takes the risk of his losses; his crops are at the mercy of drought, and flood, and heat, and frost, to say nothing of noxious insects and blighting diseases. He supplies hard, exacting, unremitting labor. A degree and range of information and intelligence are demanded by agriculture which are hardly equalled in any other occupation. Then there is the risk of overproduction and disastrously low prices. From beginning to end the farmer must steer dexterously to escape perils to his profits and, indeed, to his capital on every hand.

We urge you not to attempt to promote your industries at the expense of the farmers of this country. We would have you know that we are disciples of that teacher who strictly charged his followers to do unto others as they would that others should do unto them. The foundation of our prosperity as producers is found in the diversity of our vocations. Agriculturists are the great producing class, but they are not independent of the other classes. The farmer furnishes the food products by which the entire Nation is fed; the consumer furnishes the money to buy the products of the farm; and, therefore, these two great forces should be continued in perfect harmony.

The homes of our farmers, the artisans, and laboring people throughout our great domain are to-day better furnished, have more of the comforts, and are more beautiful than the homes of any other country in the world. The agriculturalists of the country are by far the largest producing class. Their products reached in the past year $8,926,000,000 in value, a sum which staggers computation. Yet these products would not command such prices as they have for 12 years but for the fact that labor was employed and capital profitably invested, thereby giving to the farmer a good home market. By working together we can continue this prosperity, and I therefore ask that we work in harmony and let well enough alone. One of my constituents, in a letter to me, says:

I am opposed to reciprocity, as it will mean low prices to the farmer for what he has to sell. The Republican Party has always contended that the tariff was intended to build up the home market, and now that we have such a market we desire to retain it, but this agreement would compel us to divide it with the people of another country.

Another writes:

We have been enjoying prosperous times for 12 years, and do not see how we can better them by giving up a part of our market. High prices for all our produce is what we have and want. We have a good thing; why not keep it; think Congress should adjourn at once; the people need a rest if Congress don't.

Our farmers can not understand why they are asked to give up what little protection they have upon their products while the factories and corporations are given protection upon their finished products. One writes:

Why free wheat for the farmers and a duty on flour for the millers? Why free cattle, hogs, and sheep for the farmer and a duty upon meats for the Meat Trust and the packer? Why free oats for the farmer and a duty retained on rolled oats and oatmeal for the breakfast-food producers? Why free hay for the farmer and a duty upon the hay press and stackers? Why free butter, eggs, and poultry and a duty upon lumber?

There is another question. They ask why, when the revenues are low, the outlay great, and the surplus getting near the danger line, is $5,000,000 of revenue given up? Why lose the revenue, give up the farmers' market, and get nothing in return? Why is the farmer interested? Simply because he does not believe he is given a fair deal. He thinks the agreement is one-sided. It gives Canada, on all agricultural products, access to our splendid market without the payment of any duty.

Before we pass upon this question, would it not be well for us to see how it is regarded by the leaders in Canada? The prime minister, Sir Wilfred Laurier, in the May number of the Columbian Magazine, among other things, says:

Our policy has been, is, and will be, so long as the Canadian people continue to place in us the confidence they have shown us during 15 years, to seek markets wherever markets are to be found. We are, above all, an agricultural people, and under free competition, not bound in any way by tariff legislation. They will displace all other products on the tables of the wealthy. Our object to-day is to open the door of the American market, to open the door of a Nation of 90,000,000, which has been closed to us for the last 50 years.

Again, in the same article, he says:

Canada consumes only 50 per cent of her production of wheat. Where is the balance to go? All along the shores of Lake St. Peter there are natural meadows, a few inches above the level of the water, which are yearly flooded, and which, to the knowledge of everyone in the Province, have been for a hundred years or more growing hay and nothing else, * * * a very considerable population who are growers of hay, and for whom this treaty, if it becomes a law, will be a most positive boon. To-day they can not sell any hay in the United States because there is a duty of $4 per ton. Let the duty be removed and then immediately there will be an immense trade in that section. * * * The same thing applies in the case of eggs, poultry, and mining products. For this reason it is to our advantage that we should have not only the British market, but the American market also. Then there is the cattle trade. * * * If we are not able to sell all our cattle we can raise in Great Britain there is a more ready market in the United States. Although it was a part of our policy to obtain reciprocity with the United States we have acted carefully in so doing, and have not injured any industry.

The above quotations from the prime minister of Canada should be enough to convince anyone in the United States that the agreement can not benefit the people of the United States. If they are to secure our market of 90,000,000 people for their products without injury to any of their industries, then what will the giving up of that market do to our people? It seems there is but one answer, and that is it will injure our great industry. Do not we lose what they gain?

There is the true reciprocity which the Republican farmers, artisans, merchants, and all others indorse. That is the reciprocity advocated by Blaine, Harrison, and McKinley—reciprocity in noncompetitive articles, reciprocity which provides for a fair exchange, but those statesmen were never in favor of a one-sided proposition that took the duty off of everything the farmer produces for sale and made him buy the necessaries of life in a protected market. This is the way President McKinley defined reciprocity in 1897:

The end in view always to be the opening up of new markets for the products of our country by granting concessions to the products of other lands that we need and can not produce ourselves, and which do not involve any loss of labor of our own people, but tend to increase their prosperity.

I have read the speeches of the lamented McKinley and find in none of them a change of the policy advocated by him in 1897. Listen to what he said in his last speech, the one he delivered just before the bullet of an assassin took him to the great beyond. That great man, whom the people honored and loved so well, said at Buffalo:

By sensible trade agreements, which will not interrupt our home productions, we shall extend the outlets for our increasing surplus. A system which provides a mutual exchange of commodities is manifestly essential to the continued and healthful growth of our export trade. We must not repose in fancied security that we can forever sell everything and buy little or nothing. If such a thing was possible it would not be best for us or for those with whom we deal. We should take from our customers such of their products as we can use without harm to our industries and labor. Reciprocity is the natural outgrowth of our wonderful industrial development under domestic policy now firmly established.

So you see the reciprocity he advocated was one which would enable us to "take from our customers such of their products as we can use without harm to our industries and labor." The pending agreement would harm our greatest industry—agriculture.

Mr. GORE. Mr. President, I do not know whether there is any truth in the proverb that misery loves company, but if there be any truth in that adage, I desire to afford the Senator from North Dakota [Mr. McCUMBER] and the Senator from Kansas [Mr. CURTIS] all the wretched rapture resulting from the companionship of misery.

I hold in my hand a speech delivered by the Right Hon. Mr. Sexsmith, a member of the Canadian Parliament. Mr. Sexsmith is a farmer, and in his address he demonstrates, to his own satisfaction, that the approval of the reciprocity agreement by the Canadian Parliament would absolutely shipwreck the agricultural interests of the Dominion of Canada. He demonstrates that it would depreciate the value of their lands, depress the price of their products, reduce the wages of their labor, and that it would subject them to a competition with the farmers of the United States which they could not withstand.

If the Senator from North Dakota imagines that he has painted the darkest picture which it is possible for an artist

to portray, I desire to call his attention to the gloomy prospect portrayed in this picture by Mr. Sexsmith.

Mr. President, I do not believe that either artist has painted true to nature. Both have projected upon the canvas the phantoms of their own overheated fancies rather than the cold facts of international trade and commerce. I desire to ask that this speech be printed in the CONGRESSIONAL RECORD as a companion piece to the speech of the Senator from North Dakota in order that the farmers of the United States may be assured that if this agreement does not result in reciprocal benefit it will at least result in reciprocal ruin.

According to the prophetic vision, according to the equally conclusive and unanswerable argument of Mr. Sexsmith and the Senator from North Dakota, the fair and fruitful fields of the Dominion and of this Republic are destined soon to become a weltering waste of wreck and ruin.

Mr. President, the section of this Union now designated as Arizona and New Mexico was once peopled by a prosperous and enlightened race now known as the Cliff Dwellers. The ruins of their former prosperity still mark the desolate mountain sides of that distant region. They were brought to an untimely end through some unaccountable cataclysm of nature. The remains of those people are still found with their hands clasped upon their mouths as if protecting themselves against the noxious fumes and exhalations from a quaking and distracted earth.

Mr. President, when ruin comes again upon the people of this country, shared by our neighbors to the northward, it will not be through poisoning the air that they breathe. Sir, it will be through a removal of the tax upon the bread that they eat, a removal of the tax upon the wheat and cattle which they import from the Dominion of Canada; and our neighbors will suffer a similar catastrophe from the removal of the tax on the wheat and on the cattle which they import from the United States. I repeat, sir, not from too little breath, but from too much bread.

Some may marvel that such results should flow from this Canadian agreement, but I suppose the fact that it is to precipitate disaster upon both the countries results from that ancient and established canon of philosophy that like causes produce like effects, and it would be unfair for this agreement to precipitate chaos and ruin in the United States without precipitating a similar fate upon the inhabitants of Canada.

I wish to print this speech, so that when these two lands now fair, fruitful, and prosperous, shall become a weltering waste; when the traveler of the future, impelled by curiosity, shall wander through this land, now prosperous, then desolate, he shall find deposited in the corner stone of that mausoleum in which our hopes, our prosperity, and our destiny are entombed the speech of the Senator from North Dakota, accompanied by the speech of Mr. Sexsmith, of the Canadian Parliament, accounting for the catastrophe which overwhelmed this matchless Republic and that splendid Dominion toward the Northern Star.

I ask to have this speech printed.

The PRESIDING OFFICER (Mr. SMOOT in the chair). The Senator from Oklahoma asks consent to have the speech he sends to the desk printed in the RECORD. Is there objection? The Chair hears none, and it is so ordered.

The speech referred to is as follows:

SPEECH OF HON. J. A. SEXSMITH IN THE CANADIAN PARLIAMENT APRIL 12, 1911.

RECIPROCAL TRADE WITH THE UNITED STATES.

Mr. J. A. SEXSMITH, of East Peterborough. Mr. Chairman, ever since the question of reciprocity has come before this House I have been deeply interested in it, because we have been told by the Government and their supporters that it is going to increase the prosperity of the farmer. As a farmer myself and as the representative of a riding composed largely of farmers, it would, of course, be a great pleasure to me to support any measure really calculated to advance the cause of agriculture, because when the farmer is prosperous the Nation is prosperous, and when the farmer is hard up so is the Nation. Reciprocity is a question that requires deep consideration, and it is a question as to which the Government should be armed with facts and figures in respect thereto, so that there may be no guesswork about it at all. I have listened to honorable gentlemen on the other side telling us that the condition of the Canadian farmer is going to be improved by this arrangement, but not one of them has produced a scintilla of evidence to prove these vague assertions. It is really after all a question of the market conditions in Canada as compared with those in the United States. If the United States markets are better for farm products than they are in Canada, then the Canadian farmer would be benefited, as he would be raised to that higher plane which would be occupied by the farmers of the United States under a prevailing condition of higher prices. But, if the farmers of Canada are enjoying equally as good markets as those enjoyed by the United States farmers, then the farmers of Canada have nothing to gain, and, if the Canadian farmers are enjoying better markets than are enjoyed by the farmers of the United States, then we are sure to lose and must be dragged down to their level. I listened to the speech of the minister of agriculture with a good deal of attention and I read it carefully, but I have failed to find one particle of proof from that man in that speech to show that the condition of the Canadian farmer is going to be improved. I am confident that if the Canadian farmers read the speeches of the minister of agriculture and his supporters, and if they take that reciprocity agreement and study it they will come to the conclusion that it is a delusion, and when the time comes for them to pronounce upon it by their votes, they will declare that they will have none of it. I say without fear of contradiction that the Government went blindfolded into this arrangement. They had it in their power to get all the necessary evidence; they could have made thorough inquiry into the conditions of the markets of the United States and the markets of Canada, and they could have compared the two and told the members of this House and the farmers of Canada just what they were going to get by this arrangement. But apparently the Government neglected to secure any information and rushed blindfolded into this thing without knowing where it would lead to. The Government, not having the information at their command, and having refused to give it if they have it, I have been compelled to go to considerable trouble to hunt up statistics which would enable me to arrive at a reasonable conclusion as to how we stand in trade relations with the United States. Time and again have these gentlemen opposite told us of the benefits the farmers will derive by getting our dairy products into the United States markets, and the minister of agriculture told us the other night that we would sell the United States people what they wanted and send the rest to Great Britain. Well, I have gone into the figures of the exchange of these dairy products between the United States and Canada and vice versa for the last five years; I have taken the imports and experts of butter, cheese, eggs, etc., and if the House will bear with me I shall place them on record. This is the result:

Canada exports to United States.

	1906	1907 (9 months).	1908	1909	1910	Total.
Butter	$36,167	$35,078	$43,045	$54,894	$201,968	$371,152
Cheese	16,389	6,918	27,247	28,936	63,309	142,799
Total						513,951
Eggs	11,924	9,047	9,846	14,952	13,896	59,665

Canada imports from United States.

	1906	1907	1908	1909	1910	Total.
Butter	$54,426	$87,999	$77,994	$156,443	$18,075	$394,937
Cheese	45,904	84,084	116,851	55,030	48,739	350,608
Total						745,545
Eggs	92,172	142,868	216,278	238,842	179,408	869,568

Total dairy imports	$745,545
Total dairy exports	513,951
Difference in favor of imports	231,594
Total value of eggs imported	869,568
Total value of eggs exported	59,665
Difference in favor of imports	809,903

I do not anticipate any great advantage from getting our dairy products into the United States market, but I do think that, on the contrary, the United States farmers will reap considerable benefit from being able to compete with us in our home market. The market which the minister of agriculture speaks so highly of, and as to which he said, speaking on the 13th of December, this year:

"To-day in Canada the production of dairy products—that is, milk and its products—is at the least $100,000,000 a year, and that is at least $20,000,000 greater than was the product of the cows in 1903. The dairy commissioner goes on to say:

"'Our home market is growing at the rate of $2,000,000 a year, and it is already by far the most important one that we have in point of volume, as it takes fully four times as much as there is surplus for export.'

"You will see, therefore, how very important it is in these calculations and discussions not to discard the home market, and not for a moment to base our estimates or our contentions upon the export trade."

We have a home market that consumes $4 worth of our dairy products to every dollar's worth that we export. That is the market which the honorable minister spoke so favorably of, the market we should guard so religiously, and that is the market that the Government now proposes to throw open to the competition of the whole world. I contend that there is no market for Canadian cheese in the United States to-day, and the conditions are such that we were practically unable last year to supply the market of Canada for butter. Of eggs, we bought from the United States in five years nearly $1,000,000 worth more than we sold to them. Yet we are told that there is a great market for our farmers in the United States, and that if they get in there they are going to reap a wonderful reward. On December 13 the minister of agriculture, in his speech on cold storage, referred to our poultry product in these words:

"One thing my honorable friend did not allude to was the poultry production. There is no question whatever that to-day there is a far greater production of eggs and poultry meat than there was 10 years ago, and yet the prices of those things are much higher. Why? Because home consumption has increased more rapidly than home production, and the result is that the home market for eggs and poultry meat is better than the export market; consequently, we have practically no export of eggs or poultry to Great Britain and very little to the United States."

At that time the honorable minister was very proud of the home market. He said we should guard it because it is the best market for our farmers, and in that I agree with him. But, sir, when this reciprocity arrangement was brought down, he immediately turned his face away from the farmer to the interests of his party and tried to deceive our farmers into thinking that they will be benefited by this arrangement which the Government, with the assistance of the servile following behind them, are trying to put through. Now, it is one of the most serious things that could happen to the farmers of Canada to have their home market invaded by all the cheap producing countries in the world. Even if the favored-nation clause did not affect us, I contend that our farmers are in a better position to-day than the farmers of the United

States, and we have no reason to open up our market and allow them to come in and compete with us. In answer to a question of Mr. Taylor, of Leeds, on March 9, the following statement was made:

Statement showing the quantity and value of butter and eggs imported for consumption into Canada, by countries, during the month of February, 1911.

	Pounds.	Value.
Butter:		
Great Britain	2,800	$689
Australia	15,008	3,009
New Zealand	181,826	41,813
United States	6,838	1,707
Total	206,472	47,209
Eggs:		
Hongkong	4,250	193
Chinese Empire	11,138	1,673
United States	719,315	131,341
Total	734,703	133,207

New Zealand is one of the countries that will come in under the favored-nation clause. It is a cheap producing country, and its summer season occurs at the time of our winter season, when the farmers of this country are producing at the highest cost and expect to have a little higher price for their products. If our market is thrown open and New Zealand and all the other cheap producing countries of the world are allowed to pour their products into it, and if New Zealand should send the same average for the 12 months of the year, she would invade the market of Canada in butter alone to the extent of over half a million dollars. I just want to say that if this agreement goes into force the farmers of Canada will get a blow such as they have never received before. Our home market for dairy products consumes over 80 per cent of our total dairy products, but if it is thrown open the whole world will have the privilege of competing with our farmers on even ground. When all these goods come in under duty, what may we expect when we have free trade? The United States are not by any means an importing country. They are producing all they want and to spare. Last year they exported a great amount of dairy products to the various markets of the world. I wish to deal for a little while with our imports and exports of meats. The Government has refused to supply us the market prices, as it should have done, so that I have taken our own trade and commerce reports and our own official records in order to make comparisons. Here is a list of the exports of Canada to the United States from 1906 to 1910:

Bacon and hams:

1906	$59,551
1907	19,190
1908	5,211
1909	208,945
1910	8,569
Total	301,466

We imported from the United States as follows:

Bacon and hams:

1906	$782,330
1907	656,225
1908	851,807
1909	744,694
1910	829,242
Total	3,858,298

Yet this is the market in which our farmers are told they will be able to sell to better advantage than in the home market. The price of hogs, honorable gentlemen opposite tell us, is greater in the United States than in Canada; but if that be the case, how is it we have been buying such a very large amount from them in excess of what we sell to them?

Take our exports of beef to the United States. We exported as follows:

1906	$6,141
1907	11,484
1908	12,708
1909	14,227
1910	12,635
Total	57,195

Of all other meats we exported to the United States as follows:

1906	$67,974
1907	53,613
1908	48,871
1909	60,164
1910	61,508
Total	292,130

And the total of all their exports amounted to $650,863.

Compare that with our imports. We imported from the United States beef salted in barrels as follows:

1906	$159,848
1907	131,718
1908	137,525
1909	122,668
1910	122,444
Total	664,203

Of canned meats, poultry, and game we imported from the United States as follows:

1906	$82,805
1907	28,062
1908	27,596
1909	30,412
1910	45,460
Total	214,335

Let me now give the figures of the other meat products imported from the United States. I have already given the imports of bacon and hams:

	1906	1907	1908	1909	1910	Total.
Extracts of meats and fluid beef, not meats and soups	$64,081	$33,297	$45,503	$40,699	$52,436	$236,016
Meats dried or smoked, etc	155,288	136,574	144,674	69,328	87,302	593,166
Pork, barreled in brine	816,416	634,752	713,726	689,892	924,547	3,979,333
Poultry and game	38,481	40,363	52,175	45,525	57,390	233,934
All other meats	82,037	76,784	100,588	117,572	161,274	538,257
Lard	652,526	584,275	1,073,440	1,228,293	1,358,513	4,897,047
Lard compound	18,818	17,427	54,167	52,538	53,867	196,817

The total value of meats and meat products, including bacon and hams, imported from the United States during these years amounted to $15,411,466, whereas our exports of these goods to that country only amounted to $650,863. There is no use comparing our imports with our exports for one year; there is no use comparing the market of one little village on this side with that of one little village on the other side. We have to make a comparison during a number of years, and deal with it from a national standpoint. There is no doubt that in some places it might work to the advantage of the individual farmers, but, on the whole, it will be a detriment to the farming community of Canada. The total value of hogs and hog products imported from the United States during these five years was $15,411,466. In the same period we succeeded in selling to them hogs and hog products to the amount of $650,863. Is there any honorable member of this House who, in the face of these figures, would say that the market for hogs and hog products is better in the United States than in Canada? Is it reasonable to think that they would leave higher prices and a better market and sell their product here at lower prices?

Mr. TAYLOR of Leeds. And pay a duty?

Mr. SEXSMITH. And pay a duty. The figures show that the farmers of the United States sold us in five years $14,760,543 more than we sold them. In the face of this fact it is absurd to tell the farmers of Canada that we are going to get a better market for hogs and hog products, beef cattle and beef, than we have in Canada. This proposed change would simply mean that we should be subject to the Beef Trust of Chicago. Our local packing establishments, instead of being able to control the market of Canada and to ship to Great Britain, where we have had the best market in the world—a market that sets the price for the bacon of the United States as well as that of Canada, and where we have been able to compete and have established a standard for our bacon that far surpasses that of the bacon of the United States—will come under the domination of the American trust. Let me read a few words from the speech of the minister of agriculture of February 28 last on this subject of reciprocity. And if there is any member of this House who more than another should lay the plain facts before the people it is the minister of agriculture, for the farmers look to him and expect him to give them guidance and not to deceive them. Speaking of the Beef Trust of Chicago, the minister of agriculture on that occasion said:

"I said a moment ago that the packing houses would not disappear. I think my honorable friend had in mind particularly the packing houses in Winnipeg. I have heard it said that the packing houses in Winnipeg would disappear, because Chicago would swamp them when the whole west is thrown open and made subservient to the Chicago market. What is the condition of affairs to-day in the United States? Does the Chicago packing business swamp the packing houses in Kansas City, in Omaha, or in South St. Paul? We know, if the honorable gentleman does not know, that these cities are doing a large packing-house business. I have here some figures to show what that business is in comparison with the packing houses of Winnipeg."

The minister goes on to show the difference between the packing houses of Kansas City and Omaha and the packing houses of Winnipeg:

"In Kansas City last year the local killings of cattle were 1,284,000; of sheep, 1,186,000; of hogs, 1,900,000. The local packing and abattoir establishments of Kansas City showed, of cattle, 773,000; of sheep, 1,256,000; of hogs, 1,656,000. In South St. Paul the local killings were 169,000 cattle, 207,000 sheep, and 823,000 hogs.

"Compare Winnipeg:

"Cattle, 80,000; half of those in St. Paul; one-tenth, about, of those in Omaha; one-fifteenth of those in Kansas City.

"Sheep, 30,000; one-seventh of those in St. Paul; one-fortieth of those in Omaha; one thirty-fifth of those in Kansas City.

"Hogs, 91,000; one-ninth of those in St. Paul; one-twentieth of those in Omaha; one-twentieth of those in Kansas City."

That is, the minister, in discussing the question of the great Chicago Beef Trust, tried to make this House and the people believe that there was no danger of that trust coming into Canada or injuring the packing industry in Winnipeg. The reason he gives is that the packing houses in the western cities flourished in spite of the Beef Trust. But see what he was compelled to admit a moment or two afterwards when he was questioned by my honorable friend from East Lambton [Mr. Armstrong]:

"Mr. ARMSTRONG. I merely want to ask the minister if it is not a fact that these large meat-packing firms in Kansas City, Omaha, and St. Paul are a part of the Meat Trust? I have visited these cities frequently and I know what I am talking about.

"Mr. FISHER. If my honorable friend says that he knows they are, I will not dispute it. I do not know that they are, and I therefore will not say whether they are or not. But that does not make any difference."

I would ask the minister of agriculture: Is that a fair speech to send out to the farmers of this country? Does that give our farmers an intelligent view of things as they really are—to make it appear that there was no danger to our bacon and our beef industry from the Beef Trust of Chicago? I have no hesitation in saying that if this arrangement goes into effect the whole meat business of Canada inside of two years will be under the great combine, the Meat Trust of Chicago, and that trust will pay the farmers of Canada just what it pleases. I pointed out to the minister of agriculture a year ago, and I think in the year previous to that, that the farmers seemed to think they were laboring under certain grievances by reason of the packing industry in this country; that these people had pressed the market down in cer-

tain seasons of the year. The minister said that he would have the matter investigated. And this is the result of his investigation: He finds difficulties that might be overcome by proper legislation, but in order to avoid this he says, "Take down the bars, and we will have free trade."

Now, a word or two on the question of the throwing open of our markets to the foreign countries that are allowed to enter under this arrangement. The minister of agriculture, on the 13th of December last, told the House that the Canadian farmer was not in a position to compete with the Australian farmer in raising sheep and cattle. He told us that the conditions in Australia were entirely different. This is what the minister said:

"As I am not acquainted with the details of the business, I would not undertake to say whether my honorable friend is right or wrong. My honorable friend is quite right in saying that the number of sheep has decreased in Canada, but when he compares that with the increase in Australia, Argentina, South Africa, and other countries he is drawing a comparison with countries in which the climate and other conditions are entirely different."

These are the words of the minister himself:

"Australia, both as regards sheep and cattle, is a ranching country. The cattle there run wild over enormous areas and are not taken care of at all. Sheep are in the same position. They have illimitable expanses for pasturing, which we have not, and they have a climate more suitable for that kind of wild life than ours. Therefore a comparison between Canada and Australia in this regard is not a fair one."

Now, the minister of agriculture admitted on the 13th of December that the conditions in Australia were so different from those in Canada that the Canadian farmer could not compete with the Australian farmer in raising beef or sheep. But to oblige our American cousin he says we will allow the farmers of Canada to come into competition with Australia; we will allow Australian beef to come into this country; there is no longer any danger in allowing Australian beef and mutton to come into Canada. Now, I say he is entirely wrong. I wish to quote an article that appeared in one of the Toronto daily papers on April 11; it is headed "Will ship meat from Australia":

"Mr. Arthur Kidmar, chairman of the perishable foods committee of the Chamber of Commerce at Sydney, New South Wales, is at the King Edward. He is breaking his return journey for a day in Toronto, and leaves for home via Chicago this afternoon. Mr. Kidmar is largely interested in the meat, butter, and egg packing industry in Sydney, and has been spending the past year in a tour of inspection through Great Britain, France, Germany, and other parts of Europe, studying particularly the abattoir systems and methods of exportation in the continental centers of the packing industry. He has also been arranging, in behalf of the Sydney chamber, for the exportation of food products from Australia to Great Britain and America. Shipments will be made immediately to Toronto and Montreal, and shortly also to New York."

Mr. TAYLOR of Leeds. And they pay a duty of 3 cents a pound.

Mr. SEXSMITH. This man says that shipments will be made immediately under present conditions, paying a duty, either to Toronto or to Montreal. Now we propose by this arrangement to take off the duty, and let them send into Canada as much meat as they like, and that from a country that the minister of agriculture said a few weeks ago was one that we could not compete with on even terms. Now, speaking of the United States market, and what we are to gain, I want to quote some figures of their exports in the articles I have been mentioning:

Eggs, United States exported in 1909, 5,207,151 dozen, valued at	$1,199,522
Butter, United States exported in 1909, 5,981,265 pounds, valued at	1,268,210
Cheese, United States exported in 1909, 6,822,842 pounds, valued at	857,091
Condensed milk, United States exported in 1909	1,375,104
Lard, United States exported in 1909	52,712,569
Pork, pickled, United States exported in 1909	4,599,431
Ham and shoulders, cured, United States exported in 1909	23,525,307
Bacon, United States exported in 1909	25,920,490
Beef, fresh, United States exported in 1909	12,698,594
Beef, salted and pickled, United States exported in 1909	3,438,048
Total meat and dairy products in 1909	166,521,949

And we are to come into competition with a country with a home market 10 times greater than that of the Canadian people—a home market that exports 10 times more than Canada does. I want to say a word to show what conditions really are in our home market. In the Province of Ontario I find that the total number of swine slaughtered during the year 1909 was 1,986,432, valued at $21,407,549. Our total exports of hogs and hog products for the same year, for all Canada, amounted to only $6,915,577. Thus we see that Ontario alone has produced three times more hogs and hog products than the total exports of all Canada in the year 1909. Is it therefore reasonable to say that the home market is not the best market the Canadian farmer has? In 1909 the Province of Ontario produced $184,747,900 worth of live stock, and there were sold or slaughtered in that Province alone in the same year $64,464,923 worth. So, in the Province of Ontario alone, as a home market, we have disposed of over $64,000,000 worth of beef and other cattle, whereas our total exports of cattle from all Canada during the same year only amounted to $12,254,287. And yet we are told by the minister of agriculture that our home market is not as valuable as it was a few months ago, and we must discard it, and allow all the countries of the world to come in and enjoy it. I do not see the minister of customs in his seat, but I wish to refer to what he said a few evenings ago, in discussing dairy products. He did not care to discuss them in bulk, but for some reason or other, I suppose for political reasons, he reduced pounds of butter to ounces, and reduced dozens of eggs to units, and then told us that we only import two or three eggs and two or three ounces of butter per capita into the Dominion. Let me give you a few figures prepared in the same way. Take the meat products. We bought from the United States annually the last few years $2.10 worth for every man, woman, and child in Canada, while we only sold to them seven-tenths of 1 per cent per capita. Now, I will speak about potatoes, and let me first read from Hansard what the minister of agriculture says about potatoes on the 28th of March:

"In 12 years of high duties the United States accepted from Canada $11,000,000 worth of potatoes more than they sent into Canada. Surely if we can get those potatoes into the States without duty, it will be to the advantage of our potato raisers."

I put a question on the order paper and received the following answer from the minister of customs:

(1) The quantity and value of potatoes (Canadian produce) exported from Canada to the United States during the fiscal years from 1901 to 1910, inclusive, was as follows:

	Bushels.	Value.
1901	231,101	$68,151
1902	808,041	327,046
1903	138,855	56,969
1904	1,451,070	742,537
1905	34,870	18,301
1906	473,239	128,363
1907 (9 months)	8,941	4,250
1908	34,392	15,459
1909	574,454	251,907
1910	678,632	345,903

(2) The quantity and value of potatoes imported into Canada from the United States during the fiscal years from 1901 to 1910, inclusive, was as follows:

	Bushels.	Value.
1901	136,666	$88,649
1902	81,771	87,970
1903	407,425	228,609
1904	77,028	78,025
1905	518,875	232,044
1906	227,155	126,163
1907 (9 months)	94,521	71,065
1908	249,907	195,650
1909	127,110	129,725
1910	217,170	181,751

I notice the total exports of potatoes during 10 years from Canada to the United States were $1,958,886, while our imports from the United States were $1,419,651, a difference of $539,235 in favor of the United States. This is the great market of which we hear so much. Potatoes and hay are the only farm products that we have been able to export to the United States in greater quantity than we have received from them, but this is the market they are going to give us. It is on statements of that kind that we are asked to settle this great question. I have not gone into the figures since confederation, but I think I am safe in saying that the United States have not admitted a million dollars' worth of our potatoes more than sent to United States since confederation, let alone the $11,000,000 worth in 12 years of which the minister spoke.

I shall quote our exports and imports of vegetables. During five years we imported from the United States $3,368,083 worth of vegetables. We sold to them $2,021,054, a difference in favor of the United States of $1,347,029. And yet our market gardeners are told: "Oh, you are all right, you are perfectly safe; you get the United States market, you can ship your potatoes and vegetables there." But they have been invading our markets and selling millions and millions of dollars more to us than we have been able to sell to them.

I have labored hard in the effort to come to some reasonable conclusion in connection with our wheat trade. I have consulted the statistics of the United States, and their market prices, and compared them with Canadian statistics for the last 15 or 20 years. I do not know that it would be wise to take up time by reading prices for 20 years, so I shall read them for the last 10 or 15 years, and give the averages. I shall take from the Toronto Globe the prices for No. 2 white wheat on December 1 in each year; that is, the prices paid to the farmers in Toronto, the United States, and Winnipeg:

Wheat.

	No. 2 white: Price per bushel, Toronto, Ontario, Dec. 1 each year.[1]	Market value United States: Stat. Abstract, Dec. 1 each year.[2]	No. 1 northern: Price per bushel, Winnipeg, Dec. 1, each year.[3]
	Cents.	*Cents.*	*Cents.*
1890	93	83.8	75
1891	90	83.9	91
1892	64- 66	62.4	73
1893	57	53.8	65
1894	57	49.1	58
1895	65- 65½	50.9	55
1896	85	72.6	81¼
1897	83	80.8	92
1898	68	58.2	69
1899	65	58.4	65½
1900	64- 64½	61.9	76
1901	72	62.4	71
1902	68½	63.0	71½
1903	77½- 78	69.5	79
1904	100-101	92.4	91½
1905	79- 80	74.8	75½
1906	71	66.7	72½
1907	95- 96	87.4	102
1908	93- 94	92.8	99½
1909	100-105	99.8	96
Average for last 20 years	77- 75	71.23	78.95
Average for last 10 years	82- 60	77	85.40

[1] Quotations Toronto Globe. [2] Ann. Rep. Dept. Agriculture. [3] Various sources.

I notice, according to these statistics—and they are the only reliable statistics we can get—that the price of wheat to the farmers of the United States for the last 10 years has been lower than the price to the farmers of Canada, even in Winnipeg. We have been told that the wheat production of the United States is falling off, and that in a short time they will require some millions of bushels from the Canadian

farmer to supply their own market. The minister of agriculture, speaking on the reciprocity question, said:

"This makes a total acreage in our Northwest of 213,000,000 acres within the wheat-producing area. I do not mean to say that all this land will produce wheat, or will ever be under wheat, but I do not think it would be out of the way for me to say that, in the course of 15 or 20 years, one-quarter of that land, say 50,000,000 acres, will be producing wheat. When that time comes, the Canadian Northwest will produce 1,000,000,000 bushels of wheat. I venture to say that the farmers will need not only the home country and the American market, but also the European market in which to sell that wheat. When that time comes, there is no doubt, there will be in the United States from 150,000,000 to 200,000,000 people, and they will need at least 250,000,000 to 300,000,000 bushels of wheat."

Nothing could be further from the mark than the conjecture of the minister in this respect. I have gone over and taken the production of the United States wheat crop for several years, and the figures taken from the statistical abstract show the following results:

United States production of wheat in each year from 1891 to 1901.

	Bushels.
1891	611,789,000
1892	515,949,000
1893	396,132,000
1894	400,267,000
1895	467,103,000
1896	427,684,000
1897	530,149,000
1898	675,149,000
1899	547,304,000
1900	522,230,000
Total for 10 years	5,153,756,000
Average for one year	515,375,000

United States production of wheat in each year from 1901 to 1910.

	Bushels.
1901	748,460,000
1902	670,063,000
1903	637,822,000
1904	552,400,000
1905	692,979,000
1906	735,261,000
1907	634,087,000
1908	664,602,000
1909	737,189,000
1910	691,769,000
Total for 10 years	6,764,632,000
Average for one year	676,463,200

Last 10 years product, 515,375,600 bushels, an average of 161,087,600 bushels more per year than for previous decade.

They have increased their production during the last 10 years over the previous 10 years on an average by 161,000,000 bushels of wheat per year. That is to say, that in the last period of 10 years they produced each year 161,000,000 bushels more than they did during the 10 years previously. The minister of agriculture told us that in a few years the people of the United States would be consuming all the wheat they could produce, and would require from 150,000,000 to 200,000,000 bushels of wheat per year from us for home consumption. Nothing could be further from the mark. Their increase in the production of wheat in the last 10 years over the previous 10 years is annually greater than the total production of all Canada. Figuring that on the average per capita consumption of the United States for the last 20 years, or for the last 30 years, if you like, at 5.38 bushels per capita, we find that their increased production in the last 10 years was capable of feeding 30,000,000 people, while their increased population was only 16,000,000 people. Instead of the population gaining on the production the production has actually increased twice as rapidly as the population. The United States is now producing wheat for 140,000,000 population, and it is safe to say that in the next 20 years they will be producing for a population of 200,000,000. Where, then, is the market for our Canadian wheat? Why do the Americans want our wheat? Last year they had 48,000,000 acres under wheat, and the American farmer is an aggressive farmer, and under a proper system of farming, if they bring up their production per acre to the standard of Canada, they will be producing in the next few years nearly 1,000,000,000 bushels of wheat annually. Why, then, do they want our wheat?

Mr. TAYLOR of Leeds. They want it to mix with their wheat for export flour.

Mr. SEXSMITH. That is it. I do not think I can explain that better than by reading this from the Ontario Miller, published on February 8, 1911:

"WHEAT AND FLOUR.

"When it is considered that owing to the high quality and superior strength of the wheat grown in the newly opened Canadian northwest, 1 bushel mixed with 3 bushels of the less virile wheat grown in the United States, and ground into flour, is sufficient to raise the whole to high value, it is apparent that the free importation of this wheat would not only fail to depress the price of American wheat, but would actually give it added value, because it would enable the American miller to use the Canadian product as a leaven to raise the value of his mixture; thus every bushel of Canadian wheat exported as flour by the American miller would carry with it a much greater amount of wheat grown in the United States.

"The miller who is able to grind this enormous crop will be the miller of the future, and where he is there will be the great mills of the world.

"With free Canadian wheat secured, the prospect is a grand one, with this enormous and steadily increasing crop free to pursue its natural geographical and commercial channel flowing into the mills and elevators of the States, a splendid tide of activity and prosperity would follow in its wake. Assured of their future supply of raw material, the mills of America would go forward on their developing course, continuing the march of progress which has brought them to the front. New mills would be built and capacities enlarged. New markets abroad would be sought and conquered.

"The returns from this renewed and extended activity would be felt in increased commercial prosperity. New railways would be extended into the wheat-growing territory; American railroads carrying the flour from the mills would secure additional freights; American banks would obtain increased deposits and greatly enlarged exchange accounts; American mill operators would be in demand and pay rolls would be increased; mill machinery, bags, barrels, and other mill supplies would be required in large quantities; more money would be in circulation and the benefit would be felt in every artery of industrial life touched by the milling.

"There would be an increase in grain firms, in elevators, and in every branch of the grain-handling and flour-making interests.

"This would be felt in the added value of real estate and in the solid and substantial development of every undertaking and enterprise that makes a community prosperous. Farmers would find a market for their products, and in the end, should this crop be assimilated here rather than abroad, they will secure an average higher price for their wheat, because of the ability of the progressive and successful miller to pay more for his raw material.

"Canada will lose in transportation, manufacturing, in wages paid expert labor, in wages paid all workmen, in goods supplied, in machinery, bags, and barrels.

"But the greatest loss would be in the by-products which Canadian farmers so much need."

Now, I wish to read from President Taft's speech before the Corn Exchange in Columbus, Ohio, on February 10. He was speaking from the farmer's standpoint, and he went on to show that they had nothing to fear from reciprocity with Canada, but that they had considerable to gain from getting into the Canadian market, because of the majority of commodities raised on the farm the Canadian people had been buying more from the United States than the United States had been buying from Canada. The President then goes on to say:

"Canada is our neighbor on the north for 3,000 miles. Her population is English, Scotch, and French. Her soil is like ours. Her traditions are the same as ours. Her language is ours. Her climate is temperate like ours, except that her growing seasons are shorter and she can not raise corn in any great quantity. She has a free popular government with a wage-earning class as intelligent and as well paid as ours. It is difficult to see in what respect her farmers have any advantage over our own except a virgin soil in the far northwest.

"'How is the farming to be hurt?' he asked. He then took up the effect it would have on corn and wheat prices, on the value of farm lands in the United States, and on the milling industry in the United States. He declared that 'in respect to corn the American farmer is king and will remain so, reciprocity or no reciprocity.' As to wheat, he said the domestic price is governed by the world price, and that 'the sending of any part of Canada's surplus through our country instead of through Canada to be milled or to be exported without milling will not perceptibly or materially affect the price of wheat for our farmers.'

"'The value of farm lands,' he said, 'is affected by the proximity to market more than by any other element,' and he maintained that the American farmer would still have the advantage in this respect. He also predicted a great increase in American milling as a result of the agreement.

"'It is a mere truism,' said the President, 'to say that the farmers of a country constitute the greatest wealth-producing class of the country and that it is of the greatest importance to conserve their welfare. When we have had good crops the wheels of all industries have moved and wealth has been stored. Any one, therefore, who would initiate a policy to injure the farmer has much to answer for at the bar of public opinion.

"'The greatest reason for adopting this agreement is the fact that it is going to unite two countries with kindred people and lying together across a wide continent in a commercial and social union to the great advantage of both. Such a result does not need to be justified by a nice balancing of pecuniary profit to each. Its undoubted general benefit will vindicate those who are responsible for it. I say this in order that by answering the arguments directed to the detailed effect of the agreement upon different classes of persons I may not be thought to abandon the broad ground upon which the opportunity to confirm this agreement ought to be seized.'

"Taking up first the effect of the agreement on corn, he said: 'The total production of corn in the United States in 1910 was 3,125,713,000 bushels, of which we exported 33,072,209, and used the rest in domestic consumption, chiefly in raising cattle and hogs, of which in live cattle and packing-house products we exported in value $135,985,212."

I would like to know how the farmers of Canada are going to gain by getting into the markets of the United States for their beef and pork products, a country that is competing with Canada in the markets of Liverpool, that sets the price for the farmers of the United States as well as for the farmers of Canada, and a country which, according to the President himself, exported last year $135,985,212 worth of beef and pork. The President went on to say:

"The Canadian product of corn was 18,726,000 bushels, or six-tenths of 1 per cent of the total production of the United States. We exported 6,000,000 bushels to Canada. Certainly in respect of corn the American farmer is king and will remain so, reciprocity or no reciprocity. Indeed, the change will greatly help him by increasing his supply of young and thin cattle, now very scarce, for feeding with his corn and making good beef."

They propose to go to our Northwest and buy up our thin cattle and take them over to fatten on their own farms, and, as the honorable member for Brandon said, that country will become the backdoor of Chicago. But the President went on:

"But it is said that the farm land of Ohio, Indiana, Illinois, Iowa, Wisconsin, and other States is much more valuable than the land in Manitoba, Saskatchewan, Assiniboia, and Alberta, the four great Northwestern Provinces of Canada, and that to give Canadian farmers free entry of products raised on cheaper lands will be certain to lower farm lands in value in this country. Nothing could be further from the fact. Canadian lands are farther removed from the Minneapolis and Chicago markets than the lands of Minnesota, Wisconsin, Iowa, or Illinois, and proximity to market is a most important element in the value of farm land. Then the natural change in farming in this country is from the raising of grain for export to the raising of grain for farm consumption and development of the secondary products in the forms of cattle and hogs. The live cattle are bought and fattened. The hogs are raised and fed. It is farming of this kind that explains the high value of farm lands in Illinois and Iowa."

The President goes on to argue that where the finished article is produced the high-priced land is, and we propose by this arrangement practically to compel the farmers of Ontario and of the western Provinces to sell their thin cattle to the United States to be fattened on their farms. The President continued:

"The difference in the value of the acre between Manitoba and Minnesota is but little more than $8, while the difference between Minnesota and Wisconsin is $60; between Wisconsin and Illinois is $52; between

Wisconsin and Iowa is $40; between Michigan and Indiana is $31. These figures show incontestably that the fear of a reduction in farm-land values of this country by letting in Canada's products is wholly unfounded.

"The price of wheat, less transportation and other charges for warehouse and delivery, is fixed by what all the wheat-exporting countries, including the United States and Canada, can get for their surplus in Liverpool.

"Hence the sending of any part of Canada's surplus through our country instead of through Canada to be milled or to be exported without milling will not perceptibly or materially affect the price of wheat for our farmers.

"Open up the markets of Minneapolis and Chicago, giving the transportation and warehousing facilities of our Northwest, and the Canadian farmer will get for his wheat practically what the American farmer gets, less the higher freight charges due to greater distance from market. In other words, the advantage we give the Canadian farmer will not hurt our farmer, for the price will remain the same."

Where do you find that the Canadian would get a higher price for his wheat under this agreement? President Taft says it will make no difference; or, in other words, that the agreement will not hurt the American farmer. He goes on to say:

"But by patronizing our elevators, our flour mills, our railroads, he will secure admission to the world's market at a less cost to himself, while we will secure the advantage of increased trade for our elevators, our mills, our railroads, and our commission men.

"The United States secured for the farmers the free listing of such important agricultural products as cottonseed oil, all kinds of fruits and vegetables, timothy and clover seed, eggs, and numerous other products in which the movement to Canada from the United States is much greater than from Canada to the United States. The remission of $1,300,000 in duties on rough lumber imported into the United States by free listing it, along with pickets and palings, and the heavy reductions on dressed lumber, laths, and shingles are all in the interest of the farmer.

"Let the agreement be adopted and go into operation and in six months the farmers on the border who now have fears will rejoice in this great step toward closer business and social relations with our neighbors. The whole country—farmer, manufacturer, railroad company, middleman, warehouseman—all will be the gainer."

That is the argument of President Taft, and I submit that what he predicts is exactly what will take place if we allow this treaty to go through.

Just a word in conclusion about our horse market. We are told that the Canadian horse market will not be injured, but so good an authority as my honorable friend from Dundas, Mr. Broder, pointed out to the satisfaction of every honorable member of this house that the market for horses in the United States is not as good as that in Canada. He showed that the average price received by the farmers in the United States for horses last year was $118, while the Canadian farmers received $133. I have here a table showing the quotations in Toronto and Chicago on March 24, 1911:

Horses.

	Toronto.	Chicago.
Heavy draft:		
Choice, 1,650 pounds and over	$260-$350	$225-$325
Fair, 1,650 pounds	200- 250	200- 225
Choice, 1,500 pounds and over	250- 300	175- 225
Fair, 1,500 pounds	160- 200	150- 200
Agricultural—		
Good	160- 225	165- 200
Fair	100- 150	100- 180
Express horses	175- 250	160- 250
Drivers	150- 260	175- 300
Saddlers	150- 275	160- 350

With the exception of drivers and saddle horses, the prices at Chicago are lower than those in Toronto. The heavy horses which our farmers have been producing are lower in Chicago than in Toronto, and the market for Canadian horses to-day is our great northwest. That will be our market for years to come. But by this arrangement we are allowing the American farmers, who are closer to our western country than are the farmers of Ontario and Quebec, to sell their horses there on equal terms with our own. Even the Province of Manitoba, which has horses to sell, will have to meet that American competition.

I have here a letter written by one of the greatest horsemen in the Western States regarding the effect which this reciprocity pact is likely to have. This letter is written by Mr. R. F. Williams, of St. Paul, representing one of the largest horse-dealing firms in the United States—Barrett & Zimmerman. He writes as follows:

"*To the Farmers:*

"In compliance with your request, we are glad to state our view of the proposed reciprocity treaty with Canada, from the standpoint of horse raisers, breeders, and dealers.

"Minnesota and adjoining States are rapidly forging to the front as horse-raising States. The high price of horses during recent years has caused every farmer in our Northwest to buy brood mares and plan to raise a few market horses, thinking the great demand, caused by the settling up of new lands in the West, would continue. The lands available to homestead entry are about settled up."

He is speaking of the United States, of the Western States, where some years ago homesteads were being opened up and there was a demand for horses. Now, however, he says, all that country is practically taken up, and there are no new settlers coming in, as in the Canadian northwest, and consequently the market for horses has decreased:

"The lands available to homestead entry are about settled up, and the demand for horses with which to open up new lands is on the decrease. Moreover, the automobile is taking the place of horses in our large cities. With a rapidly decreasing horse demand at home"—

I would like some honorable gentleman opposite to listen to this, who tell us that reciprocity will not affect our horse market—

"With a rapidly decreasing horse demand at home and a great increase in the number of colts foaled annually, the American horse raiser will soon have a large surplus of horses; and if we do not have a market for them horses will take a decided drop in value in the very near future. It is evident that the only logical market the American horse raiser can hope for is western Canada."

Now, I would like the farmers of Ontario who are engaged in the breeding of heavy horses to notice this:

"No country in the world needs so many horses as western Canada. With the duty off thousands of carloads of American horses will be shipped across the line in the next few years and practically double our local markets and give an outlet for all the surplus horses our farmers raise at stable and profitable values."

I would like to know how the horse raisers of the Dominion of Canada are going to come out on this phase of the reciprocity pact. We have a great market in Canada for horses. The Americans engaged in the horse trade admit this themselves—that it is the only growing market on the continent of America. We have hundreds of thousands of immigrants pouring into the West, and they can not bring their horses with them. The farmers of Ontario and Quebec can raise these horses and supply them just as well as the farmers of Minnesota and adjoining States. And I believe that the farmers of this country are entitled to their home market without being intruded on by the Americans. Just to show what our interprovincial trade has been in horses, I looked up the Ontario statistics, and I find that in 1909 Ontario sold horses to the value of $9,825,476, while we only exported $783,194 worth. Now, I would like to ask the minister of agriculture where these horses were sold? These horses were sold in the Dominion of Canada—that is, the farmers of Ontario disposed of them to the people of our own country, and a majority of these horses, I am convinced, went into the western market, which we have now lost.

Mr. TAYLOR of Leeds. If this bill goes through.

Mr. SEXSMITH. If this bill goes through; but I have great hopes that it will never go through.

In conclusion, I am opposed to this pact as a Canadian farmer. After going into the facts and studying the markets from an unbiased standpoint, I feel it my duty to oppose it, and to oppose it to the utmost of my ability. I oppose it because I am a Canadian citizen, and because I can see nothing else in it but the breaking up of our federation. I oppose it as a British subject, because, to my mind, it will lead to separation from the British Empire. We are told, you preach loyalty. Well, I have heard a great deal of loyalty preached on the other side of the house. They say that there is no danger, as they put it; if I trade with a Jew that does not make me a Jew. Perhaps that is logical, but it reminds me of the old Biblical story of Abraham and Lot. These honorable gentlemen opposite tell us that we can run our trade channels north and south instead of east and west; that we can deal with these Americans, but we will not become annexed. I remember how we are told that Abraham said to Lot: "Let there be no strife between me and thee or between thy herdmen and my herdmen." He said: "You take east and I will go to the west." Abraham knew well what kind of a man Lot was—anxious to grab all the dollars he could. Lot, with covetous eye, looked toward Sodom, the low-lying, well-watered land, and he pitched his tent toward Sodom. He had heard of the people of Sodom, of course. He said: "I will go down and deal with these people; there is no danger that because I deal with them I shall ever become their fellow citizen." And he went down, and they began to deal with him. After a while he said: "Why, these are very fine people," and directly they were wining and dining together. And a short time afterward what took place? Why, Lot's family were intermarried with these people of Sodom, and they became one people, and Lot lived in Sodom. But Abraham remained out in the high altitude and in the open and became the head of a great nation.

Mr. BRISTOW. I submit an amendment to the pending bill, which I ask may lie on the table.

The PRESIDING OFFICER. The amendment will lie on the table and be printed.

Mr. NELSON. Mr. President, I desire to state that to-morrow at the conclusion of the remarks of the Senator from Ohio [Mr. POMERENE] I shall ask the indulgence of the Senate to submit some remarks on the pending bill.

HOUR OF DAILY MEETING.

On motion of Mr. PENROSE, it was

Ordered, That the hour of daily meeting of the Senate be 12 o'clock meridian until otherwise ordered.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 25 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 15, 1911, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 14, 1911.

ASSAYERS IN CHARGE OF MINT.

William M. Lynch, of Louisiana, to be assayer in charge of the mint of the United States at New Orleans, La., under the provision of the legislative, executive, and judicial appropriation act approved March 4, 1911.

Andrew Maute, of Nevada, to be assayer in charge of the mint of the United States at Carson, Nev., in place of Roswell K. Colcord, resigned.

SURVEYOR GENERAL.

Jerome G. Locke, of Livingston, Mont., to be surveyor general of Montana, vice John Frank Cone, term expired.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Maj. John F. Morrison, Twentieth Infantry, to be lieutenant colonel from June 7, 1911, vice Lieut. Col. Edgar W. Howe, Eleventh Infantry, retired from active service June 6, 1911.

Capt. Vernon A. Caldwell, Seventh Infantry, to be major from June 6, 1911, vice Maj. Robert Alexander, Infantry, unassigned, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Capt. Edmund L. Butts, Infantry, unassigned, to be major from June 7, 1911, vice Maj. John F. Morrison, Twentieth Infantry, promoted.

MEDICAL CORPS.

Lieut. Col. Henry P. Birmingham, Medical Corps, to be colonel from June 7, 1911, vice Col. Aaron H. Appel, retired from active service June 6, 1911.

Maj. Henry C. Fisher, Medical Corps, to be lieutenant colonel from June 7, 1911, vice Lieut. Col. Henry P. Birmingham, promoted.

Capt. Cosam J. Bartlett, Medical Corps, to be major from June 7, 1911, vice Maj. Henry C. Fisher, promoted.

APPOINTMENT IN THE ARMY.

Second Lieut. Horace T. Aplington, Twenty-second Infantry, to be second lieutenant of Cavalry with rank from February 11, 1911.

APPOINTMENTS AND PROMOTIONS IN THE NAVY.

Rear Admiral Reginald F. Nicholson to be a rear admiral in the Navy from the 24th day of June, 1910, in accordance with a provision contained in an act of Congress approved on that date.

Paymaster Gen. Thomas J. Cowie to be a paymaster general in the Navy, with the rank of rear admiral, from the 1st day of July, 1910, in accordance with a provision contained in an act of Congress approved June 24, 1910.

The following-named ensigns to be assistant naval constructors in the Navy from the 9th day of June, 1911, to fill vacancies:

Edmund R. Norton, and
Andrew W. Carmichael.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 13th day of February, 1911, upon the completion of three years' service as ensigns:

Julian H. Collins, and
Stuart W. Cake.

The following-named citizens to be second lieutenants in the United States Marine Corps from the 9th day of June, 1911, to fill vacancies:

Bernard F. Hickey, a citizen of New York,
John L. Doxey, a citizen of Arkansas,
Archibald Young, a citizen of New York,
John A. Gray, a citizen of Maryland, and
Andrew M. Jones, a corporal in the United States Marine Corps.

UNITED STATES DISTRICT JUDGE.

Foster V. Brown, of Tennessee, to be United States district judge for the district of Porto Rico, vice John J. Jenkins, deceased.

UNITED STATES DISTRICT ATTORNEY.

Arthur J. Tuttle, of Michigan, to be United States attorney for the eastern district of Michigan, commencing September 1, 1911, vice Frank H. Watson, whose term has expired.

POSTMASTERS.

ALABAMA.

Frank W. Slocomb to be postmaster at Headland, Ala. Office became presidential January 1, 1911.

ILLINOIS.

Joseph C. Holly to be postmaster at McHenry, Ill., in place of Rollin Waite. Incumbent's commission expired January 30, 1911.

William S. Jenkins to be postmaster at Golconda, Ill., in place of John C. Baker, deceased.

KANSAS.

George A. Benkelman to be postmaster at St. Francis, Kans., in place of George A. Benkelman. Incumbent's commission expired February 20, 1911.

KENTUCKY.

Thomas M. Scott to be postmaster at Somerset, Ky., in place of William M. Catron. Incumbent's commission expired January 31, 1911.

MASSACHUSETTS.

Arthur E. Walker to be postmaster at Maynard, Mass., in place of William R. Hall, deceased.

MINNESOTA.

Ralph Prescott to be postmaster at Le Roy, Minn., in place of Charles S. Harden, who failed to qualify.

MONTANA.

Allan Cameron to be postmaster at Bozeman, Mont., in place of Ira L. Kirk. Incumbent's commission expired June 22, 1910.

NEW HAMPSHIRE.

William B. Gove to be postmaster at Antrim, N. H., in place of Albert Clement, deceased.

Cyrus E. Varney to be postmaster at Newport, N. H., in place of John B. Cooper, deceased.

NEW JERSEY.

James Steel to be postmaster at Little Falls, N. J. Office became presidential October 1, 1907.

NEW YORK.

Minnie N. Slaight to be postmaster at Tottenville (late Bentley Manor), N. Y., in place of Minnie N. Slaight, to change name of office.

NORTH DAKOTA.

Donald G. McIntosh to be postmaster at St. Thomas, N. Dak., in place of Donald G. McIntosh. Incumbent's commission expired February 28, 1911.

OHIO.

Robert Cleland to be postmaster at Convoy, Ohio, in place of David M. Riley, resigned.

OREGON.

Herbert H. Mack to be postmaster at Huntington, Oreg., in place of Henry Fildew, deceased.

UTAH.

William H. Rex to be postmaster at Salina, Utah. Office became presidential October 1, 1910.

VERMONT.

Edward B. Hatch to be postmaster at Chelsea, Vt., in place of Williard S. Hatch, deceased.

WYOMING.

John F. Crowley to be postmaster at Fort Russell, Wyo., in place of John F. Crowley. Incumbent's commission expired January 1, 1911.

CONFIRMATIONS.

Executive nominations confirmed by the Senate, June 14, 1911.

ASSAYER OF MINT.

Andrew Maute to be assayer of mint at Carson, Nev.

ASSISTANT ATTORNEY GENERAL.

William H. Lewis to be Assistant Attorney General, charged with the defense of Indian depredation claims.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

First Lieut. William S. Wells to be captain.
First Lieut. William H. Clopton, jr., to be captain.
Second Lieut. Henry J. Reilly to be first lieutenant.
Second Lieut. James J. O'Hara to be first lieutenant.
Second Lieut. Albert C. Wimberly to be first lieutenant.

COAST ARTILLERY CORPS.

Capt. Earle D'A. Pearce to be major.
First Lieut. Frederic H. Smith to be captain.

FIELD ARTILLERY ARM.

Maj. Charles T. Menoher to be lieutenant colonel.
Capt. Adrian S. Fleming to be major.
First Lieut. Charles G. Mortimer to be captain.
Second Lieut. Harold E. Marr to be first lieutenant.

INFANTRY ARM.

Lieut. Col. Robert N. Getty to be colonel.
Maj. Robert L. Hirst to be lieutenant colonel.
Capt. Ernest B. Gose to be major.
Capt. Paul A. Wolf to be major.
Capt. George D. Moore to be major.
Capt. Willis Uline to be major.
Capt. Charles C. Clark to be major.
Second Lieut. Cushman Hartwell to be second lieutenant of cavalry.

CHAPLAIN.

Chaplain George D. Rice to be chaplain with the rank of major.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants.

Ira Ayer.
Henry David Brown.
William Joseph Condon.
Timothy Francis Goulding.
George Edward Maurer.
James Edwin Mead.

Louis Allaire Molony.
Sylvester Francis O'Day.
David Michael Roberts.
Stanley Sevier Warren.
Robert Barker Williams.
Ernest Brindley Dunlap.
Daniel Brannen Edwards.
James Vincent Falisi.
James Graham Flynn.
John Tucker Halsell.
Irving McNeil.
Lee Whitmore Paul.
Fred Allen Pittenger.
Walter Leon Teaby.
James Lyman Whitney.
John Wesley Edwards.
Theodore Bruce Beatty.
William Thomas Belfield.
Forest Alvin Black.
John William Colbert.
James Frank Corbett.
James Beaty Eagleson.
Herman William Goelitz.
William Charles Heussy.
Andrew Jackson Hosmer.
Simeon Edward Josephi.
Walter Kelton.
Albert Edward Mackay.
Kenneth Alexander James Mackenzie.
Ray William Matson.
William Porter Mills.
Henry Joseph O'Brien.
Brown Pusey.
Alpha Eugene Rockey.
John Osgood Rush.
Austin Ulysses Simpson.
Alan Welch Smith.
George Flanders Wilson.
Daniel Webster Fetterolf.
Edgar Smith Linthicum.
Reynolds Cornelius Mahaney.

POSTMASTERS.

NEW HAMPSHIRE.

William B. Gove, Antrim.
Cyrus E. Varney, Newport.

NEW YORK.

John Maddock, jr., Larchmont.
Wilmer D. Sharpe, Loomis.

OHIO.

Alva D. Alderman, Marietta.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 14, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we thank Thee for our national ensign, a thing of beauty, which stands for law and order, liberty, justice, equal rights, peace and good will to all men; that it has become a national feature to celebrate in song and story its official birth and incomparable history in our public schools, by patriotic societies, and the people in general. Grant, O God, that the ideals which it represents may more and more obtain; that it may float on in peace over a happy, prosperous, God-loving people forever. In the name of the Prince of Peace. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday.

Mr. UNDERWOOD. Mr. Speaker, I move that the proceedings under Calendar Wednesday be dispensed with for to-day.

The SPEAKER. The gentleman from Alabama moves that the proceedings under Calendar Wednesday be dispensed with.

The question being taken, and, two-thirds voting in the affirmative, the motion was agreed to.

THE WOOL SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11019) to reduce the duties on wool and manufactures of wool.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11019) to reduce the duties on wool and manufactures of wool, with Mr. HAY in the chair.

Mr. UNDERWOOD. Mr. Speaker, I yield two minutes to the gentleman from Kentucky [Mr. HELM].

Mr. HELM. Mr. Chairman, on yesterday, when the gentleman from Pennsylvania [Mr. DALZELL] was addressing the House, he made a characterization of myself that I do not think I should permit to pass unnoticed. I shall not undertake to reply to the gentleman in kind, preferring to follow the manner of gentle breeding rather than that of the coarse and rough.

During the course of his remarks he had, to his apparent satisfaction, successfully established the error of the statement of the leader of the Democratic Party in his opening statement with reference to the bill under discussion regarding the present condition of the Treasury, and was proceeding to show how the Treasury of the United States was bulging and plethoric, and at that time I ventured to inquire whether or not the work on the Panama Canal having progressed since 1902, and all the expenses incident thereto having been borne by the current revenues of the Treasury, that it occurred to me that if the Treasury was in the wholesome and healthy condition that it had been since the inauguration of that work, it was unnecessary to issue the fifty millions of 3 per cent bonds that are now being advertised for sale, carrying an annual interest burden of $1,500,000 to be added to the present $21,000,000 annual interest account we are now carrying; that if the Treasury had been able to carry this expense of over $200,000,000 without the issue of bonds, I questioned the wisdom of issuing bonds at present to refund to the Treasury the amount of money that had been expended heretofore in the construction of the canal, notwithstanding the fact that the right to issue such bonds had existed since August, 1909. It struck me as a little strange that if the Treasury is in the condition described by him at this very particular time it was necessary for the Secretary of the Treasury to issue these bonds now. That statement he characterized as ignorant, and coming from an intelligence so ignorant as not to be worthy of an answer, and immediately, with much show of feeling, refused to yield further in order that I might reply to him and have been compelled to wait until this time to do so.

And yet I fail to see, Mr. Chairman, where his characterization applies; and for myself, having made this statement, I am willing for that accusation to rest upon the person who should bear such a characterization, and I leave it to the RECORD to show whether the gentleman merits his own characterization, or whether I deserve it. [Applause on the Democratic side.]

Mr. PAYNE. Mr. Chairman, I wish to call attention to the fact that the gentleman from Pennsylvania [Mr. DALZELL] was not in his seat this morning during the remarks of the gentleman from Kentucky.

I now yield one hour to the gentleman from Wisconsin [Mr. BERGER].

Mr. BERGER. Mr. Chairman, it is hardly necessary for me to explain how highly I appreciate the honor of being a member of this House.

There is probably no other legislative body in the world in which there are so many earnest, bright, and interesting men. However, you interpret things as you see them, and you see them from the point of view of your class—the capitalist class.

The first question you naturally ask of any new Member is, What is your message?

Now, Mr. Chairman, I have a message to deliver from the most advanced and intelligent section of the toiling masses—from millions of men and women.

If you will bear with me in patience for an hour I shall try to deliver a part of that message to the best of my ability.

I am told that oratory counts for little or nothing in this House—that you want facts. I am very glad of that, because I hope to convince you within 5 minutes that I am not an orator, and within 10 minutes that I have some facts.

Now, gentlemen, I just ask you kindly to overlook my Milwaukee accent, but to overlook nothing else. [Laughter.]

Some of the gentlemen here have repeated the old threadbare fallacy that the high tariff is to protect labor.

Now, I want it understood that there is no such thing as protection to labor in any tariff bill. I want to say this in the name of the many millions of enlightened workingmen in this country, and in all other civilized countries, who think for themselves.

Moreover, gentlemen, you are not in the habit of making laws for the protection of labor. [Applause on the Democratic side.]

You are continually making laws for the protection of life and property—for the protection of the lives of those who own the property, and for the protection of the property they own. You are continually making laws for manufacturers, bankers, and merchants.

But the workingman who has no other property than his labor gets scant protection, indeed.

If he wants to be protected, he must commit a crime; he must steal or get drunk and disturb the peace or become a tramp. Then the law gets hold of him and gives him protection. Then he gets the protection of the jail or the penitentiary.

As long as he is well and decent the law does not protect him. The high tariff does not protect him.

What is the philosophy of the tariff?

The history of the protective tariff is the same in every country.

Agricultural countries subsidize manufacturers for the purpose of creating industries.

In the seventeenth and eighteenth centuries England became the foremost manufacturing country of the world. Germany, which before had supplied the world with manufactured goods, had been thrown back in civilization and culture by the horrors of the religious wars incident to the Reformation.

England bought the raw material of the world and sold the manufactured product. In order to build up industries in their own countries the European rulers tried to protect their manufacturers against the importation of English goods by putting up a high tariff.

The history of the American tariff is very much the same. The tariff reaches back to the days of Alexander Hamilton and is based upon the same idea.

It simply meant subsidizing the manufacturers so as to build up industries. It meant that the Nation was paying the manufacturer a bonus for investing his money in manufacturing.

The result in every country has been the same.

The high tariff at first stimulated competition. Everybody who had any money or any business talent went into the manufacturing business.

That tendency, of course, cut down the profits. It culminated in this country about 1892, when one of those periodical crises which are a part of our industrial system set in.

The result was natural enough. No matter whether we have a high tariff or free trade, competition has a tendency to weed out the economically weaker concerns.

That process of weeding out is mightily stimulated by these industrial crises, a matter to which I shall refer again later.

The process of weeding out went merrily on in this country. Toward the end of the last century a number of the remaining big firms found it more profitable to unite than to continue the fight.

There you have the origin of trusts.

It is not fair to ascribe the origin of trusts entirely, or even mainly, to the high tariff.

The high tariff is responsible for the trusts only as it stimulates competition, and inasmuch as it subsidizes the manufacturers.

But the outcome of competition is always the same. Competition always kills competition in the end. We find trusts in high-tariff America and in free-trade England. We find trusts in Germany and even in little Holland. As a matter of fact, every flourishing industry winds up in a trust.

I can go still further. I will say that in every manufacturing country the manufacturers at first demand protection and get it.

They want protection in order to conquer the home market—the market in their own country. They demand it as a matter of patriotism. Business men are always patriotic when there is profit in sight. [Laughter.]

But the business man, after he has gained control of the home market and reaches out for the profits in other countries, changes from the patriot to the cosmopolite.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield there?

Mr. BERGER. No; I shall ask the gentleman to wait until I have developed my theme, and then I shall be very glad to answer all questions. I am here to answer questions for the next year and a half. [Laughter.]

The business man suddenly finds that the high tariff—the same high tariff which has helped him to control the home market—is a chain on his legs when he wants to conquer the world market. Therefore he is willing to drop the tariff.

This is the case with the highly protected iron industry. The leading spirits in that industry are just about ready to drop the high tariff not only for iron, but for everything else.

Thus, the New York Sun of Thursday, June 8, says:

> Possibly this country might continue to keep out of the poorhouse, grow wool, and make clothes, even if they have not the heaven-born tariff to consecrate every sheep and every manufacturer.

Considering that the New York Sun is supposed to be Pierpont Morgan's mouthpiece and the organ of standpattism in industry, this is rather a frank admission.

Moreover, no lesser authority than Mr. Carnegie has declared that we are ready for a reduction of duties in the iron industry.

I am not, however, concerned with the manufacturers' side of this question. The manufacturers are well able to take care of themselves, and they are exceedingly well represented in this House. [Laughter.]

What I want to bring out is that it never was intended that the high tariff should protect the workingman. That pretense was simply an afterthought, because the workingmen have votes. [Laughter on the Democratic side.] Only American manufacturers have dared to tell this falsehood to their workingmen. Why? Because until very recent years American workingmen were more ignorant on economic and social questions than their brothers in Germany or France.

The highly protected manufacturers of Germany never dared tell their workingmen that the tariff was there to protect the workingman. The protected manufacturers of France never dared tell their workingmen that the tariff protected them.

It was only in this country, after the infant industries had become giants, that some of our Pennsylvania politicians conceived the idea of claiming that the high tariff was here to protect the workingman.

But this issue shows plainly the paramount influence of our manufacturers and traders in political affairs, even though every workingman in America has a vote. The manufacturers palm off their private issues as national issues.

It is the manufacturers who want protection; it is the commercial men, and mainly the importers, who want free trade.

The manufacturers, as I said before, pretend that protection benefits the working classes.

But that this claim is a mere sham is evident from the fact that they have never proposed to discourage the immigration of foreign workingmen; that, on the contrary, they have always done all they could to encourage foreign laborers to come over; that they have even sent agents to Europe to coax laborers by false pretenses.

There can be no doubt that wages are better here than in European countries, but the causes of this fact have little or nothing to do with the tariff.

The workman in highly protected Germany has somewhat the advantage, in wages and hours, over the workman in highly protected France. The workman in free-trade England has a shade the advantage over the workman in highly protected Germany.

It can not be shown that the tariff has any general effect upon wages.

Higher wages in the United States are due to a number of highly complex factors.

There is, first, the higher efficiency of the American workman, as the gentleman from New York [Mr. REDFIELD] pointed out in his interesting speech day before yesterday. There is, next, the more perfected machinery upon which he works. There is also the advanced development of trades unionism. There is, furthermore, the fact that, until recently, large tracts of public land served constantly to draw off some part of the competing laborers of the towns and cities to the country.

Finally, there is the fact that the economic system, as a whole, has never settled down in America into the hard and fast groove in which it runs in Europe.

Indeed, that system in America still retains something of the elasticity of colonial times.

Since the great strike in Pittsburg in 1892—which ended with the battle on the Monongahela—the claim that the high tariff protects the workingman has become more rare. I should not advise the gentleman from Pennsylvania or any other gentleman to make such a claim before an audience of workingmen of Pittsburg, Chicago, or Milwaukee when there is a strike on for living wages in some branch of the iron industry.

While the products of our factories are highly protected, sometimes as highly as 200 per cent, the producers of these products are not protected at all. On the contrary, during the last 20 years Slavonians, Italians, Greeks, Russians, and Armenians have been brought into this country by the million. Simply because they have a lower standard of living they have crowded out the Americans, Germans, Englishmen, and Irish-

men from the workshops, factories, and mines of our highly protected industries.

And in the steel mills of Pittsburg, Chicago, and Milwaukee, where 30 years ago the so-called princes of labor used to get from $10 to $15 a day, the modern white coolies get $1.75 for 12 hours a day, seven days in the week—having no time to praise the Lord, and no reason either. [Laughter.]

As for the manufacturers of woolen goods, Bulletin 57 of the Census Bureau, which gives the figures on manufactures for 1905, shows (p. 93) that 44,452 youths and men, 24,552 girls and women, and 3,743 children under 16 employed in the manufacture of woolen goods receive a yearly average of $396 and a weekly average of $7.61.

The same bulletin shows that 29,883 youths and men, 32,130 girls and women, and 7,238 children under 16 employed in the manufacture of worsted goods receive a yearly average of $379 and a weekly average of $7.30.

According to social workers who have made a study of family budgets, the minimum requirement in the United States for a decent living for a family consisting of father, mother, and three small children is $750 a year. I believe that estimate is much too low, and that none of the gentlemen in this House would want to live on it. However, the average wages in these two highly protected industries are but litfle more than half this sum.

It is true that this average takes in the wages of children and youths. But, on the other hand, it also takes in the wages of the highly skilled mechanics and of foremen. It is therefore a fair average; and it shows a wage entirely inadequate to support a decent standard of living.

As for me, I am against all tariffs—high tariffs or low tariffs—and against low tariffs as a proposition to raise revenue.

Every tariff, high or low, means that it hits the poor man worst. So long as a tax is placed on the necessities of life, it will fall upon the poor man much more heavily than upon the rich man. [Applause.]

To begin with, it is the poor people who, as a rule, have many children. The tax on shoes will strike a poor sewer digger who has six children six times as hard as it will the millionaire, who has one child. Moreover, the digger can afford it 1,000 times less. [Applause.]

Every tariff puts the burden upon the people who can afford it least. Every tariff means that the wealthy people are not willing to pay their share of taxes and that they want the poor people to pay it for them. It means that these taxes go to the manufacturer.

This is all any tariff means.

It is in all cases an inheritance of the Middle Ages—the Dark Ages—when the privileged classes did not pay any taxes and the common people had to pay them all.

The only just tax is an income tax [applause] which is graduated to such a degree that it will establish some fairness as to the intensity with which it is felt by the poor people as compared with the rich.

I do not want to be understood to imply that the working class is benefited by free trade of itself. Free trade is no panacea. Free trade would mean that a great deal of our manufacturing would be done across the sea—particularly all of the manufacturing that has not yet reached the trust stage. [Applause on the Republican side.]

Moreover, the working class can not endure any sudden lowering of tariffs. It is helpless to protect itself from the consequences.

Especially in our country, after many years of the highest kind of a high tariff, any sudden change would be disastrous, and that is where the gentleman from Alabama [Mr. UNDERWOOD] was wise. [Applause on the Democratic side.]

There are whole communities built up on a tariff schedule on some manufactured commodity. A radical and sudden lowering of the tariff on any of those products would, of course, unsettle conditions, close workshops, and deprive thousands of wage earners of their jobs. And since under our planless system of production no provision whatever is made for the displaced workers, the result would be widespread disaster and misery. [Applause on the Republican side.] When society is willing to undertake the transfer of displaced workers from a dying industry to a flourishing one we can then welcome any radical change in the tariff that seems best for the Nation as a whole.

Labor does not need the so-called protection of tariffs. It does need, however, protection against sudden changes for the worse in economic conditions. And in so far as it has had any protection it has protected itself by forming trade unions. It has protected itself by strikes and boycotts, which have been declared by the Supreme Court of the United States to be illegal.

But, illegal or not, I hope labor will continue to use them in order to resist the forcing down of the standard of the bulk of our population to a Chinese level. [Applause.] For in many respects we have been coming down continually. [Applause.]

Before this, the capitalist era, common workingmen in England could live a whole week on the earnings of four days.

Now, in Pennsylvania and elsewhere, common laborers can scarcely live a week on the earnings of seven days of excessive toil.

Mr. STANLEY. Mr. Chairman, will the gentleman yield?

Mr. BERGER. Mr. Chairman, this is the first time that the socialists' view on the tariff has ever been heard in this House, and if the gentleman will kindly give me a chance to get through with my statement, I shall be very glad to answer any questions that he may wish to ask, and I have no doubt that he will be able to ask them with much more profundity than now. [Laughter and applause.]

There is always free trade in labor.

Under the present system, which we call in political economy the capitalist system, the workingman's labor has become a mere ware in the market. And since the man's labor can not be separated from the man, the workingman himself has become a commodity, whose time is bought and sold. The workingman, or rather his labor power, is subject to the same conditions as every other ware, especially to the conditions of supply and demand and to competition.

The workingman's labor, or rather his time, is bought now in the open market by the highest bidder on the one hand from the lowest seller on the other.

And the employers, that is, the master class, care only to buy the workingman's time when he is young, strong, and healthy. When he is sick or when he gets old the employer has no use for him.

The employer is not in business for the sake of charity. He is in business in order to make profits—to make money.

And because of this we see that our so-called free workers are sometimes worse off—from the purely economic point of view—than the blacks were under slavery before the war.

The negro was property and represented about $1,000 in value—sometimes more, sometimes less. He was property which his master owned. Therefore the master, if he had any sense, took good care of his human chattel. The master was eager to have the slave as long and in as good condition as possible. When the slave became sick or when he died the master lost money.

The case is entirely different with the white workingman, the so-called free workingman. When the white man is sick or when he dies the employer usually loses nothing.

And high tariff, or tariff for revenue only, or free trade, like "the flowers that bloom in the spring, have nothing to do with the case." [Laughter.]

The fact is that the capitalist, the average employer to-day, is more concerned about a valuable horse, about a fine dog, about a good automobile, than he is about his employee or about his employee's family.

In most cases the employment is absolutely impersonal. The employer does not know his employee by name, or even by number. This is invariably the case with a stock company where the shareholders are scattered all over a city, a State, or all over the country; sometimes over Europe.

Nor can any individual capitalist or employer, no matter how charitably inclined he may be, change anything in these conditions. A business or corporation that should try to run its plant on a charity basis would not last long.

As a matter of fact, under the present system it is usually the worst employer who sets the pace. The employer who can fleece and skin his workingmen best is best equipped for the fight in the open market. He can produce his goods the cheapest.

Thus competition has come to have a fearful meaning to the working class.

On the one hand, it compels the employers to get their labor as cheaply as possible; on the other hand, it compels the workingmen to compete with one another for jobs.

Competition among the workers has become, therefore, a cutthroat competition. It is a question as to who is to live and who is to starve. It is often a question as to whether a man is to stay with his family or become a tramp.

And the tariff has nothing to do with that question, either.

There is always free trade in labor.

In many cases now the laborer is compelled to disrupt his family and send his wife and children to the shop or factory.

For this is the greatest curse of machinery—or, rather, the individual monopoly of machinery—that capital can be coined out of women and even out of infancy. Thus, not alone

are men turned into wares, governed by demand and supply, but they are also made to scramble for a precarious living with their wives, sisters, and children.

In the cotton factories of the South, from where my Democratic free-trade friends come, the women and children compose two-thirds of the working force. Very similar are the conditions in our large cigar and tobacco factories and in the workshops of many other industries.

Laws against this sort of thing are almost useless as long as the present economic system prevails.

For while it is notorious that the wages thus earned by a whole family do not on an average exceed those of the head of the family in occupations where it has not become habitual to employ women and children, the abuse is still daily gaining ground.

And the reason is very simple. Women and children do not go into the factory for the fun of it; they are brought there by dire necessity, by competition. And it is competition, too, that compels the little children of the southern poor white people to go to the cotton factory and offer their young lives to be turned into dollars. Here are the figures of children from 10 to 15 years of age, inclusive, employed in 1900 in 11 Southern States, with the percentage of the total number of children of that age period:

States.	Males.	Per cent of total.	Females.	Per cent of total.
Virginia	44,651	33.7	11,094	8.5
West Virginia	22,343	33	2,481	3.9
North Carolina	77,986	55.1	32,421	23.5
South Carolina	56,363	53.8	38,917	38.3
Georgia	77,462	46.7	36,502	22.6
Kentucky	53,676	35.4	7,441	5.1
Tennessee	63,711	43.2	12,651	8.9
Alabama	80,989	59	41,664	31.3
Mississippi	63,906	53.8	34,103	29.7
Louisiana	39,620	39.4	21,427	21.6
Arkansas	49,747	50.1	15,321	15.8

Nor are conditions in most of the Northern States much better.

With a system like this it is only natural that the rich should become richer and the poor poorer.

Free competition imposes no restraint upon the powerful. They are at liberty to exploit the poor workman to their hearts' content.

And another thing: The strength on the capitalist side is so great, and the capacity for resistance on the side of the workmen is so insignificant, that there is actually no freedom of contract. The monopoly of the tools has made the employers a class of autocrats and the laborers a class of dependents—of hirelings. The laborer is simply a hired appendage to the machine.

The machine has come to be the main thing, the costly thing. The living appendage, the laborer, can be gotten without much trouble or cost. Nowadays, if an owner of tools does not want to let a workingman work, the latter has no means of subsistence unless he finds some other "lord of production" who will permit him to produce something.

And so this system now creates the dependence of the thousands upon the few.

It is a paltry evasion of our capitalists to say that the workers are free to accept or to refuse the terms of their employers. The laborers have to consent. If they refuse the terms, there are plenty of others, hungry, starved, and desperate, ready to take their places. But suppose it were possible that the employer could not get other men to take the places of those who refused the terms offered—and, pray, do not for a moment think that this could actually be the case—the employer could stand it; he would merely stop business for the time being. And do not imagine for one instant that he would suffer privation by so doing. His home would be just as radiant with luxuries as ever, and he would probably try to endure life by a trip to some foreign country.

Now, another important consideration:

Since the working people do not receive the full value of their products—because a considerable profit is made by the employing class on everything the workers produce—can they be expected to buy back these products? Their numerical strength makes them the chief consumers of the country and those on whom production mainly depends.

In this way, by the laboring people not being able to consume enough, and by the planless way in which production is carried on in general, the so-called overproduction is created.

Of course, no matter how much or how little the toilers of a nation create, they always create more than they are able to buy with their wages, because they have never received the full value of that production.

In this way the so-called industrial crises originate. They have come upon us about once in every 20 years, roughly speaking, since capitalist production began its sway. At such times the trade and the manufacturing of a nation come to a standstill, because "there is too much on hand."

And the working people have to stop work and go ragged and hungry because there is too much on hand.

Statesmen, newspapers, lawyers, and so-called reformers on such occasions claim that it is either too much silver or too little silver, or lack of confidence, or what not, that is the cause of the industrial crisis, or panic, as it is sometimes called.

But hard times are really hard only on those whose subsistence depends on their having work to do.

For the poor people the times are always hard.

During "hard times" the wives and daughters of the capitalists, however, do not leave off attending balls, parties, and operas, in their silks and diamonds.

On the contrary, if the times are very hard, the wealthy and charitable people simply arrange one more amusement and call it a "charity ball."

As far as security of work is concerned, the workman of the present time is worse off than any of his predecessors in history. In fact, the irregularity of his employment, the frequency with which he is out of work, is the most alarming feature of the workingman's condition. The toiler of to-day can not work when he wants to, or when he ought to, in order to support himself and family. He can work only when it is to the profit of the employer that he should do so.

How all this came about—well, it is simply a matter of industrial evolution.

In the Middle Ages, before capitalist production had come upon the stage of events, a system of small industries prevailed, and, in some few cases, has continued to the present day.

This system rested on the private ownership by the workman himself of the means of production. The instruments of labor were then paltry, dwarfish, and cheap; and for that very reason, as a rule, they belonged to the producers themselves. Since the fifteenth century, and especially since the power of steam was utilized, these limited implements of production have been gradually enlarged, united, and improved, until the common tool of the Middle Ages, and even some of the instruments that were common 50 years ago and later, have been transformed into the machines of to-day.

In place of the hand loom, the spinning wheel, and the smith's hammer there appeared the mechanical loom, the spinning macine, and the steam hammer. Instead of the single workshop there appeared the factory that combines the united labor of hundreds and of thousands. At the same time production was transformed from a series of isolated—individual—acts into a series of social and combined acts.

The yarn, the cloth, the metal articles which now come out of the factory are the joint product of the many people through whose hands they had to go successively before being ready.

No single person can say of them: "This I have made." Yet these social tools and social products are treated in the same way as they were at the time when the tool was an individual tool and when the product was created by the individual. So the present new mode of production remains subject to the old form of appropriation, although the new form of production does away with the very conditions on which the old form was based. In times of old the owner of the simple tool appropriated or took for his own use his own product, while now—and it is important to grasp this fact fully—the owner of the tool, of the machine, appropriates the work of others. He appropriates this work without a jury and without a verdict.

And so we see plainly that the private ownership of the means of production, which was formerly the means of securing the product to the producer, has now become the means of exploitation, and, consequently, of servitude.

The development of the tool into the machine separates the workman from his product. In this way a comparatively small number of capitalists obtain a monopoly of the means of production.

We are often inclined to deprecate the resistance of the workingmen to the introduction of machinery.

But these victories of the human intellect over the forces of nature which naturally should be a benefit to all—an unlimited source of blessing to the human race—have often become a means of torture to the toilers.

How many wage earners has the introduction of machinery thrown out of employment? How many lives have thereby been destroyed?

All the advantage of all the new inventions, machines, and improvements now goes mainly to the small class of capitalists; while on the other hand these new inventions, machines, improvements, and labor devices displace human labor and steadily increase the army of the unemployed, who, starved and frantic, are ever ready to take the places of those who have work, thereby still further depressing the labor market.

It is from this army that the capitalist class recruit their special police, their deputy sheriffs, their Pinkerton detectives, and some of their minor politicians.

And the wageworkers are by no means the only sufferers. The small employers, the small merchants, are also feeling the sting of an unequal competition.

For every one of these men of business lives at war with all his brethren. The hand of the one is against the other, and no foe is more terrible to him than the one who is running a neck race with him every day.

Therefore, in the factory as well as in the store, the wages must be cut constantly, and the sales must be ever enlarged. The latest improvements, the best labor-saving machinery, must be used and as litle wages must be paid as possible. The race is for life or death and "the devil gets the hindmost."

The fierce competition lessens the profit on each article, and this must be compensated for by a greater number of articles being produced and sold; that is, the cheaper the goods the more capital is required to carry on the business.

Precisely, then, for the same reason that the mechanic with his own shop and working on his own account has nearly disappeared in the struggle between hand work and machine work—for precisely the same reason the small manufacturers, with their little machinery, their small capital, and their little stock of goods, are now being driven from the field.

And the same is the case with the little store that must compete with the department store or the mail-order house.

It is that class that is yelling most loudly against the corporations, the railroads, and the trusts.

It is that class that wants the Sherman law to be made "more effective." It is that class that would like to turn the wheel of economic evolution backwards.

We can not destroy the trusts without destroying our civilization.

Moreover, we do not want to destroy them. The trusts bring some system into the industrial chaos. They are the forerunners of a new social order. They have put the first effective check upon the disastrous evils of competition.

While competition grows more intense among the workers looking for jobs, and while it still prevails among the small traders and small manufacturers, the trusts have abolished competition in the realm of "big business."

The trusts are undoubtedly a milestone in the industrial evolution of the race. The trusts spell progress and are a tremendous benefit. So far, however, they are mainly a benefit to their owners.

What we must do, therefore, is to extend the benefits of this ownership to the entire Nation.

The national ownership of the trusts must be our next great step in evolution. The Sherman law ought to be repealed and a law enacted to nationalize every industry where the output and the prices are controlled by a trust or a privately owned monopoly.

On the other hand, it is the trusts which by their very magnitude have made the viciousness of the capitalist system clear to everyone.

We see that the purely individualist theory of private ownership of "property"—which our competitive wage system has made the foundation of society—has resulted in practically abolishing the possibility of private ownership for the great majority of the people.

One-tenth of our population already owns more than four-fifths of the wealth. The centralization of the control of property is increasing with a rapidity that threatens the integrity of the Nation. The average of wages, the certainty of employment, the social privileges and independence of the wage-earning and agricultural population, when compared with the increase of the wealth and social production, are steadily and rapidly decreasing.

And the very worst of the social temptations is that wealth has become the greatest, one might say the only, social power. All human worth is estimated in terms of wealth—in dollars and cents.

Things can not go on like this indefinitely. White men will not always stand it. We are by our present circumstances and consequences creating a race of "white people" in our midst, compared with which the vandals of the fourth century were a humane nation.

Within a short time, with present tendencies unchecked, we shall have two nations in this country, both of native growth. One will be very large in number, semicivilized, half starved, and degenerated through misery; the other will be small in number, overfed, overcivilized, and degenerated through luxury.

What will be the outcome?

Some day there will be a volcanic eruption. A fearful retribution will be enacted on the capitalistic class as a class, and the innocent will suffer with the guilty.

Such a revolution would throw humanity back into semibarbarism and cause even a temporary retrogression of civilization.

Various remedies have been proposed. Single tax, more silver dollars, greenbacks, and a dozen other remedies have been offered. But since none of them does away with the deadly effects of competition, and with the effect of the machine on the workman, I must dismiss them as insufficient. This is particularly the case with the single tax, which would simply for a time sharpen competition and thus increase the misery of the working class.

The other day we listened to a fervid plea for the single tax delivered on this floor by the gentleman from New York [Mr. GEORGE]. He gave particular attention to the introduction of this system in Vancouver, British Columbia, and painted in glowing colors the blessings that had followed it. And now comes the distressing news that Vancouver is in the midst of a general strike, the first of its kind in that city, involving every organized workman there. Evidently the single tax is not a substitute for bread and butter. [Laughter.]

But this is what the Socialists say:

The machinery and all the progress in implements of production we can not and do not want to destroy. Civilization does not want to go back to the Middle Ages or be reduced to barbarism.

And as long as these implements of production—land, machinery, raw materials, railroads, and telegraphs—remain private property, only comparatively few can be the sole owners and masters thereof. As long as such is the case these few will naturally use this private ownership for their own private advantage.

The highest industrial order which competitive individualism has given us, and can give us, is that of capitalist and wage earner.

A capitalist and wage-earner order of society inevitably ends in the economic rule of a comparatively few absolute masters over a numerous socially subject class.

The wage system was a step in the evolution of freedom, but only a step. Without trade-unionism and labor associations the wage system would produce a social state lower than that of feudalism.

There can be no social freedom nor complete justice until there are no more hirelings in the world; until all become both the employers and the employed of society.

This social freedom, this complete justice, can be accomplished only by the collective ownership and democratic management of the social means of production and distribution.

I realize that all this can not be brought about by a single stroke—by a one-day's revolution. But I know that all legislation in order to be really progressive and wholesome must move in that direction.

Legislation that does not tend to an increased measure of control on the part of society as a whole is not in line with the trend of economic evolution and can not last.

Legislation that interferes with the natural evolution of industry means the taking of backward steps and can not succeed.

Legislation that divides nations into armed camps, that creates useless navies, that puts up Chinese walls between peoples eager to trade with one another, is reactionary and can not endure.

The measure now under discussion is of small immediate concern to the working class. In itself it means no material change in the conditions of the working man or working woman. But because it is in line with social and political evolution, because it tends to destroy the old tariff superstition, because it tends to break down the barriers between nations and to bring into closer relations the various peoples of the world I shall support the bill. [Applause.]

Mr. KAHN. Mr. Chairman, will the gentleman yield for a question?

Mr. BERGER. Certainly. How much time have I, Mr. Chairman?

The CHAIRMAN. The gentleman has 10 minutes remaining.

Mr. BERGER. Then I shall be glad to answer questions for 10 minutes.

Mr. KAHN. Did I understand the gentleman to say that the workmen in this country are worse-off than at any time in the history of the world?

Mr. BERGER. I did not say anything of the kind. I said that the certainty of employment is smaller under the capitalist system than under any previous system.

Mr. KAHN. I understood the gentleman to say——

Mr. BERGER. Oh, no. The gentleman probably was not here from the beginning of my remarks. The wages are better in this country than in any other country in the world. I said that at the very beginning of my remarks, and explained why.

Mr. KAHN. Because I know in my own city of San Francisco the savings banks have deposits of $159,000,000, which are the savings of the working people of that community.

Mr. BERGER. Yes; and I know that you have had more strikes and more hell in San Francisco than in any other city I know of except Chicago. [Laughter and applause.]

Mr. KAHN. Strikes?

Mr. BERGER. Yes; more labor troubles.

Mr. KAHN. San Francisco is to-day the best organized labor community in this country, and the workingmen there have had strikes only to the same extent as they have had them in any other section.

Mr. BERGER. And a few more.

Mr. KAHN. But they have been uniformly victorious, and at the present time we are getting along splendidly. We have not had any serious strikes for about three years.

Mr. BERGER. Mr. Chairman, let me predict something. I have been in the labor and socialist movement for 27 years. The conditions in San Francisco, which the gentleman from California paints in such glowing colors, are the result of a quasi alliance between "big business" and a certain trade-union element, an alliance for which I would never stand. Let us see where this is going to lead to. It so far has brought more corruption than was ever known in any other city of the United States.

Mr. KAHN. The alleged corruption was under a former labor-union administration——

Mr. BERGER. I am not speaking about the labor unions. I am speaking about "big business" using the labor union as a political tool. [Applause.]

Mr. GEORGE. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from New York?

Mr. BERGER. I do. [Applause.]

Mr. GEORGE. Mr. Chairman, I did not quite understand the gentleman's allusion to me and to Vancouver and to the strike in Vancouver.

Mr. BERGER. If the gentleman will permit, I will read to you so that you can formulate your question just right. I said:

> The other day we listened to a fervid plea for the single tax, delivered on this floor by the gentleman from New York [Mr. GEORGE]. He paid particular attention to the introduction of this system in Vancouver, British Columbia, and painted in glowing colors the blessings that had followed it. And now comes the distressing news that Vancouver is in the midst of a general strike, the first of its kind in that city, involving every organized workman there. Evidently the single tax is not a substitute for bread and butter.

Mr. GEORGE. The single tax is a taxation question. I would like to understand—does the gentleman connect me up with that strike?

Mr. BERGER. Oh, no. [Laughter.] Whatever I may say about his theories, the gentleman from New York is innocent. The gentleman has nothing to do with that strike. I did not mean to say anything about it, but I wanted to show that the single tax does not improve labor conditions. It does not. Strikes are just as frequent in single-tax cities as in cities where they do not have the single tax. That is what I wanted to bring out.

Mr. GEORGE. I thank the gentleman. I feel very greatly enlightened.

Mr. STANLEY. Will the gentleman yield for a question?

Mr. BERGER. Yes.

Mr. STANLEY. If I understood the gentleman, he said he was not opposed to the organization of trusts. Is that correct?

Mr. BERGER. I am not opposed to the organization of trusts any more than I am opposed to the Atlantic Ocean or to the Mississippi River, or, let us say, to anything that is a natural outcome of conditions. I explained that the trusts are the natural result of industrial evolution, and anything that is the natural outcome of an industrial development I am not opposed to.

Mr. STANLEY. That is, that it follows inevitably?

Mr. BERGER. That it follows inevitably.

Mr. STANLEY. Now, I want to ask the gentleman this: Does the gentleman favor the fixing of the price of commodities, of these immense organizations engaged in interstate trade, by the Government?

Mr. BERGER. Mr. Chairman, I favor it as a first step. It is only primary. I understand Mr. Gary of the Steel Trust is in favor of that.

Mr. STANLEY. I understand so.

Mr. BERGER. And for the first time in my life Mr. Gary and I agree on anything. But I will also say it will not help much. It proves, though, that even the trust concedes that it has grown to such dimensions that it has become a quasi-public utility and that it is no longer a private business. The only solution, however, is the national ownership of the trusts.

Mr. STANLEY. As I understand the gentleman, he speaks of the trusts as a milestone in industrial evolution.

Mr. BERGER. Yes, sir.

Mr. STANLEY. In other words, the centralization of the immense wealth and energy of the steel business, for instance, in the hands at last of one man, and the centralization of the manufacture of wool in the hands of one man, and the manufacture of other textiles, like cotton, in the hands of one man, and the refining of sugar in the hands of one man——

Mr. BERGER. One concern.

Mr. STANLEY. I should say one person, whether corporate or individual—that this will in a short time place the body of the wealth of this country and the employment of all the labor in this country in the hands of a few persons, whether corporate or individual, and then the Government, as you say, should fix the price of the commodities of these great concerns, and it will be but a step from that until, instead of allowing them with the price fixed by the Government to operate for the benefit of a few individuals, they will be forced to operate for the benefit of all men?

Mr. BERGER. Yes, sir.

Mr. STANLEY. And that will be the easy step from the Government control as advocated by Judge Gary to Socialism as advocated by yourself?

Mr. BERGER. That will be a very natural step.

Mr. STANLEY. And an inevitable one.

Mr. BERGER. Nobody can regulate another man's business. I would hate to regulate your property. The regulation of other people's property is always a dubious thing to undertake. The trust, however, is willing to part with some of its rights of ownership. If I have a right to say how much you shall get for your horse, I have a share in that horse. As long as I can decide for how much you may sell your house, I have a share in that house. And as long as I can fix a price for a coat, I practically share in the ownership of that coat. Now that the trust offers an opportunity of ownership to the Government, the Government ought to accept. Complete ownership, however, is the final solution.

Mr. STANLEY. As I understand you, there is little difference between the position you take and the position taken, for instance, by the United States Steel Corporation, in this, that competition is a bad thing?

Mr. BERGER. It was not a bad thing in its day. In "big business" it is played out; it does not exist. It was a good thing as long as economic conditions required it.

Mr. STANLEY. You spoke in your address of the evils of competition and the bad effects of it——

Mr. BERGER. Yes, sir.

Mr. STANLEY. And suppose that these great industrial institutions, like the United States Steel Corporation, for instance, believe in abolishing competition and fixing the price by agreement or by law, the only difference between the trusts and the Socialists is that the trusts believe in having the Government run their business for the benefit of the persons who own them and you believe in having them run these great organizations for the benefit of all the people?

Mr. BERGER. Yes, sir.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. FOWLER. I ask that his time be extended.

Mr. CANNON. I would like to ask what are the views of the gentleman from Kentucky [Mr. STANLEY] as to Government ownership?

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. BERGER] has expired.

Mr. STANLEY. I ask permission to reply to the gentleman from Illinois, if I can hear him.

Mr. PAYNE. Mr. Chairman, I yield five minutes more to the gentleman from Wisconsin [Mr. BERGER].

Mr. CANNON. I wish to ask whether the gentleman from Kentucky is for Government ownership?

Mr. STANLEY. The gentleman from Kentucky is essentially an individualist. He differs as widely from Judge Gary

as from the gentleman from Wisconsin [Mr. BERGER]. I am not a Republican; I am not a Socialist; I am a Democrat. [Applause on the Democratic side.] And I believe in competition and the independence of the individual.

Mr. FOWLER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. BERGER] yield to the gentleman from Illinois [Mr. FOWLER]?

Mr. BERGER. Yes; I yield to the gentleman.

Mr. FOWLER. I understood the gentleman to say, in the course of his argument, that the conditions had grown to such an extent that the capitalist of to-day thought more of his wealth than he did of the laborer or the family of the laborer?

Mr. BERGER. Yes; I said the average capitalist.

Mr. FOWLER. I was at a coal mine in my district last summer wherein there had been an explosion, and a man was sent down to investigate the result. When he came back the superintendent asked him, as the first question, "Were there any mules killed?" Is that what you mean by sizing up this situation?

Mr. BERGER. I did not know of that incident; but I could recite a good many incidents of a similar nature.

Mr. JACKSON. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Kansas?

Mr. BERGER. Yes, sir.

Mr. JACKSON. The gentleman was discussing the trust question. I would like to ask the gentleman if it is not true that what he means, under our present industrial system, is that where a man has used his property to produce a monopoly, under the common law and under our Constitution that man's property is devoted to the public use and that the Government has a right, this Congress has a right, to regulate those prices? And I will ask the gentleman further if our Supreme Court, in the cases of Munn against Illinois and the people against Budd, has not announced and confirmed that doctrine?

Mr. BERGER. Mr. Chairman, I do not know all the decisions of the Supreme Court. I am glad I do not. [Laughter.] However, whether the Supreme Court has so decided or not, the trusts are the natural outcome of industrial evolution, and our laws, our courts, and our Constitution will have to accommodate themselves to industrial conditions.

Mr. JACKSON. What I wanted to ask was this: Would it be anything contrary to the present doctrine of individualism, as we understand it in this country, if the courts and the legislature should regulate the prices of the products of men who violated the laws and used their property to produce a monopoly?

Mr. BERGER. Well, I will say that it would be contrary to the spirit of a régime of true individualism. Any interference by the Government with the rights of private property is socialistic in tendency.

Mr. JACKSON. I hope the gentleman is in favor of the Government enforcing true individualism.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. JACKSON. I move, Mr. Chairman, that the gentleman be given time to answer my question.

Mr. PAYNE. Mr. Chairman, I do not think the state of the country depends upon this. I yield one hour to the gentleman from California [Mr. KAHN.]

The CHAIRMAN. The gentleman from California [Mr. KAHN] is recognized for one hour. The committee will be in order.

Mr. KAHN. Mr. Chairman, I had not intended to participate in this discussion, for I frankly admit that Schedule K is one of the most intricate features of tariff legislation; and I, for one, was willing to wait until the Tariff Board, created by the last Congress, would be able to report to this Congress the result of its investigations regarding wool. But the other day the gentleman from Pennsylvania [Mr. FOCHT] put into the RECORD a letter from a firm in Philadelphia, a portion of which I desire to read:

> Permit us, however, in connection with this subject of commerce, to suggest that the best thing that the Congress can do at this time for the advantage of American commerce is to adjourn and go home. All industrial trade in this country is paralyzed. Thousands of men, either partially or wholly idle, are walking the streets, and factories are closed or working on short time, whilst the several members of the Government * * * are spending the passing moment in a wild endeavor to secure a reelection to the particular office which he or they may be holding.

The suggestion, it seems to me, is fraught with a great deal of wisdom as well as much common sense, and I honestly believe that the entire country is of the impression that we are playing politics down here more than anything else. I feel confident that the country has already discovered that the gold which was promised by the Democracy prior to the last election has turned out to be but tinsel, and that the seeming virtue of the Democracy has turned out to be but smooth-faced hypocrisy. And I believe that the consideration of Schedule K, which is now in progress in this House, has convinced the country more than ever that such is the fact.

Conditions in the United States to-day are not unlike the conditions that prevailed here in 1892. At that time the people of this country were led to believe that they were unnecessarily and outrageously overtaxed. In the political campaign of that year the Democratic Party had placarded all the dead walls of the country with pictures to show that from the cradle to the grave the American citizen had to pay his tribute to this or that trust or combine that was raising prices on all kinds of commodities, and especially on the necessaries of life. I remember very well how the little infant was pictured as lying in a cradle that paid such and such a per cent ad valorem of tax; and when he grew up to be a schoolboy he paid on his books and his slate and his satchel, such and such a per cent ad valorem of taxes. When he grew up to be a young man and was about to be married, the wedding ring which he placed on the finger of his blushing bride was taxed at such and such a per cent ad valorem; when he finally died, he was laid in a coffin that was taxed at such and such a per cent ad valorem; and, last scene of all, when a tombstone was erected over his remains, it too was taxed at such and such a per cent ad valorem. Even in death, according to the placards, he could not escape the tariff tax.

The American people were led to believe it, and in 1892 they elected a Democratic House of Representatives, a Democratic President, and the Senate became Democratic for the first time in many years.

One of the other things that contributed to the success of the Democratic Party at that time was the schism that existed in the Republican Party. In fact, the Democrats never, in recent American history, have been able to elect their candidates for the important Federal offices in this country unless there was schism in the Republican ranks. That was the case in 1884, when Mr. Cleveland defeated Mr. Blaine. The Republican Party was divided. Otherwise Blaine would not have been defeated.

In 1892 there was a similar condition of affairs. Mr. Harrison, one of the ablest Presidents that ever graced the White House, was personally unpopular with the leaders of his party. He was not given that generous support that he should have received. In addition to that the people were led to believe, as I have just indicated, that they were being taxed to death under the McKinley tariff law, which had but recently been passed.

Mr. BUCHANAN. I should like to ask the gentleman to explain the cause of the split in the Republican Party at that time?

Mr. KAHN. It had reference to the personality of the candidate and nothing else.

Mr. BUCHANAN. Then it was not the result of vicious legislation?

Mr. KAHN. No; it was not. In 1884 Mr. Blaine was looked upon as one of the ablest and most popular leaders this country had ever had; but he had made powerful enemies during his public service, and they fought him bitterly in that campaign. They were known in the political history of that campaign as "mugwumps," to distinguish them from the Republican regulars, who were then called "stalwarts."

Mr. BUCHANAN. Will the gentleman yield further?

Mr. KAHN. I will yield for another question.

Mr. BUCHANAN. Was it not due to the fact that Mr. Blaine stood for reform measures that caused the other elements of the Republican Party to secure his defeat?

Mr. KAHN. Oh, I do not think it was anything of the kind. He was opposed by enemies whom he had made during his service in this House and in the Senate of the United States, and also as Secretary of State under President Garfield.

Mr. RICHARDSON. Will the gentleman yield to allow me to make a suggestion?

Mr. KAHN. I will, certainly.

Mr. RICHARDSON. Do you not admit the historical fact that Mr. Clay and Mr. Blaine were acknowledged and considered to be the greatest commoners of this Republic and the most popular men?

Mr. KAHN. Yes; I think that is so.

Mr. RICHARDSON. And yet you say Blaine was defeated on account of personal unpopularity?

Mr. KAHN. Oh, no; I did not say that. The gentleman misunderstood me. I say that Mr. Blaine was defeated by the machinations of enemies whom he had made during his service on this floor and on the floor of the Senate and also as a member of President Garfield's Cabinet. They became the "mug-

wumps" of the Republican Party. That is the name by which they were known at that time.

Mr. Chairman, the Democracy had complete control of the administration of the affairs of this country in 1893, as a result of the election of 1892. They immediately began to take up tariff legislation, just as they are doing in this country to-day. Within a short time the industries of this country became paralyzed, the factories were shut down, and the working people were idle. It did not take the American people long to discover that they had been fooled, and the voters of the country in 1896, fully realizing the mistake that they had made in 1892, elected a Republican President, a Republican Senate, and again elected a Republican House.

Mr. BUCHANAN. Will the gentleman yield?

Mr. KAHN. I will yield to the gentleman.

Mr. BUCHANAN. I beg the gentleman's pardon for interrupting him, but I would like to ask the gentleman if it is not a fact that the defeat of the Democratic Party in 1896 was due to a split in that party?

Mr. KAHN. No; I do not think it was due to that. It was due to economic questions that the people of this country had studied during the three lean years that they were clamoring for bread; they concluded that the Democratic doctrine on the tariff was entirely wrong and that the Republican doctrine of protection to American industries was entirely right. [Applause on the Republican side.]

Mr. BUCHANAN. Is it not a fact that there was a split in the Democratic Party at that time?

Mr. KAHN. Yes; and there was also a split in the Republican Party; for the free-silver Republicans walked out of the Republican national convention even as the gold Democrats had broken away from the Democratic Party on the money issue in that campaign. So those defections balanced each other.

Since the time that the Republicans have been in complete control of the affairs of this Nation they have enacted such a mass of constructive legislation on so many important and diversified subjects that the period from 1897 to 1911 has no parallel for constructive and remedial legislation in the history of this country. Let me read a few of the important laws that have been written upon the statute books by Republican Congresses since 1897:

The Dingley tariff law, which blotted out a deficit and put a surplus into the Treasury and which rehabilitated the industries of this country. The employers' arbitration act. The national bankruptcy act. The law recognizing the independence of Cuba. The law for the annexation of Hawaii. The Alaskan criminal code. The gold-standard, refunding, and banking act. The incorporation of the Red Cross. The Spanish Treaty Claims Commission law. A Code of Laws for the District of Columbia. An act to establish the National Bureau of Standards. An act to provide a permanent Census Office. An act to repeal the war-revenue taxes. An act to provide for the construction of the Panama Canal. The Philippines government act. An act to expedite the antitrust cases. An act establishing the Department of Commerce and Labor. The Hepburn Anti-rebate Act. The Philippine coinage acts. An act exempting private property at sea, not contraband of war, from capture or destruction by belligerent powers. An act marking the graves of Confederate soldiers. An act creating a juvenile court for the District of Columbia. An act reorganizing the consular service of the United States. An act for the exemption of denatured alcohol from taxation. The first employers' liability act. An act for the admission of Oklahoma as a State. An act for the protection of the Alaskan fisheries. An act creating the Bureau of Immigration and Naturalization. The meat-inspection law. The pure food and drug law. An act limiting the hours of labor of railroad employees. The anti-pass act prohibiting the railroads from issuing free passes. The second employers' liability act. The tuberculosis registration act. A law for the grading of cotton and grain. A child-labor law for the District of Columbia. Compensation to United States employees for injuries received in the service of the Government. The law for the remission of the Chinese indemnity. An act to provide for improved accommodations for steerage passengers. The enlargement of the homestead act. The anti-bucketshop law. The recodification of the United States criminal laws. The Payne Tariff Act. The establishment of the Customs Court. The Philippine tariff act. The proposed income-tax amendment to the Constitution of the United States. The law for the extension of time to establish residence for homesteaders. An act to make United States bonds and certificates payable in gold coin. An act for the suppression of the white-slave trade. An act to further extend the employers' liability law. The uniform warehouse law in the District of Columbia. The law preventing the manufacture and sale of and transportation of adulterated insecticides. An act requiring railroads to report all accidents to the Interstate Commerce Commission. An act establishing the Bureau of Mines. An act establishing a commission of fine arts. An act in relation to the equipment of vessels and motor boats so as to prevent collisions. An act reorganizing the Lighthouse Service and establishing the Bureau of Lighthouses. An act creating the Court of Commerce. An enabling act for the admission of New Mexico and Arizona as separate States. An act providing for postal savings banks. An act providing for publicity of campaign contributions and prohibiting corporations from making contributions in elections. The national conservation act. Then there was the act allowing the issuing of bonds for the completion of irrigation projects and the Mann white-slave law. This is but a partial list of the many excellent laws that have been enacted during the last 14 years under Republican administrations. It is a record which has never been excelled by any party in the history of the United States. [Applause on the Republican side.] The people of this country realize the enormous quantity of work and the statesmanlike quality of the work that has been accomplished by the Republican Party since 1897.

Mr. HUGHES of New Jersey. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. HUGHES of New Jersey. Is not the gentleman going to include also the act authorizing the Panama Exposition to be held in San Francisco? [Laughter.]

Mr. KAHN. Yes, Mr. Chairman; that was only one of the many other worthy things that have been done, but I felt too modest to speak about it. [Laughter.] But, as I stated before, history is repeating itself. In the last campaign many of the people of this country were led to believe that the Republican tariff was responsible for the high cost of living. They were again led to believe they were being taxed to death. They were also led to believe that the rules of this House were so stringent and their enforcement was so arbitrary that the the Members could not get up a proposition for discussion and action, no matter how meritorious it might be.

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. KAHN. In a moment. Then, too, many Republicans were met with most violent attacks in the last campaign at the hands of certain newspapers that waged a campaign for free wood pulp and free print paper. The muckrakers of the press at that time did everything they could to destroy the confidence of the American people in the Congress of the United States, and especially in the Republican side of the Congress. These were the principal causes that led to Republican defeat. I now yield to the gentleman from Illinois.

Mr. FOWLER. Mr. Chairman, I ask the gentleman if it is not a fact that the rules were so stringent that a resolution was passed prohibiting a discussion of the Payne tariff bill on the floor of this House and if the gentleman did not vote for that resolution.

Mr. KAHN. Mr. Chairman, the Payne tariff law, as I recall it now, was fully discussed on the floor of this House. Under a special rule, as I recall it, the amendments that had been adopted by the Senate were passed without discussion. And I will tell my friend from Illinois that in adopting such a rule the Republicans were simply following the precedent established by the Democrats when they passed the Wilson bill. It is practically what the Democrats are doing now with this bill. They say that they are allowing a free discussion of this measure. So they are; but of what good is it? You gentlemen on the Democratic side have met in your caucus and you have decreed absolutely that no amendment shall be permitted to the pending bill. Practically every Member on that side of the House is a party to that caucus agreement, and although you will permit amendments to be offered, you have agreed beforehand that you will vote them down. Under such circumstances and conditions, what is the actual difference between the action of the Democratic side of the House at this time with respect to amendments to this tariff bill and the action of the Republican House in the last Congress? None whatever!

Mr. FOWLER. Is it not a fact that there was not a single speech made on the floor of this House from the time that the Payne bill was brought out of the committee until it was passed?

Mr. KAHN. Why, the gentleman is entirely mistaken. It was discussed here for days.

Mr. NYE. For weeks.

Mr. KAHN. Yes, for weeks; just as you are discussing this wool schedule now.

Mr. FOWLER. And I ask the gentleman if he did not vote for a resolution to pass that bill without discussion?

Mr. KAHN. Emphatically, no! No such resolution was considered. Mr. Chairman, in the meantime—that is, since the last election—the Payne law has been amply vindicated. Prior to the enactment of that law there was a large deficit in the Treasury of the United States. The Payne law has brought about a condition that gives us a surplus in the Treasury in place of a deficit.

When the Democrats captured this House in the last election it became evident that Mr. CLARK, the gentleman from Missouri, would be elected Speaker of this House, and I think I can safely say that every gentleman on this side of the House feels that so long as a Democratic Speaker had to be elected, the Democrats were exceedingly happy in the choice of the distinguished gentleman from Missouri. [Applause.] I have had opportunity to come in close contact with him, in connection with matters appertaining to Asiatic exclusion, and so far as his candidacy for the Presidency is concerned, the Democratic Party can find no better candidate anywhere in this country. [Applause.]

Mr. BARTLETT. May I suggest that it looks also that almost any worthy candidate that we might nominate next year will be elected to the Presidency.

Mr. KAHN. Well, I think the gentleman is drawing a long bow, and probably with him the wish is father to the thought. I think when the gentleman and his party go to the country next year the country will have realized fully how little the Democratic Party will have accomplished in the way of constructive legislation.

You will have disturbed business conditions so that hundreds of thousands of laborers and mechanics will be out of employment; you will have agitated the tariff to such an extent that nobody in this country in any manufacturing business will know just exactly where he stands; and you will not have accomplished a single other thing. Now, I desire to go ahead for a little while——

Mr. BARTLETT. Mr. Chairman, may I suggest——

Mr. KAHN. Pardon me, but did the gentleman desire to ask a question?

Mr. BARTLETT. I was merely going to say——

Mr. KAHN. I do not desire any suggestions, but if the gentleman desires to ask any questions I shall be glad to answer them.

Mr. BARTLETT. I shall not impose on my friend's good nature.

Mr. FOWLER. Mr. Chairman——

The CHAIRMAN (Mr. WATKINS in the chair). Does the gentleman from California yield to the gentleman from Illinois?

Mr. KAHN. For a question; not for any suggestion.

Mr. FOWLER. The gentleman says the Democratic Party is lacking in constructive statesmanship. I desire to ask the gentleman where all the constructive statesmanship came from prior to the Civil War?

Mr. KAHN. Well, that is ancient history; that is barred by the statute of limitation. [Applause on the Republican side.] There is a new class of statesmen at the helm in the Democratic Party, but the history of this country since 1861 shows that except in a single instance the Democratic Party has not placed upon the statute books of this country a single piece of legislation based upon constructive statesmanship. [Applause on the Republican side.]

Mr. FOWLER. I will ask the gentleman one further question and that is all——

Mr. KAHN. Well, if the gentleman desires to ask it.

Mr. FOWLER. I desire to ask the gentleman if it is not a fact that the Democratic Party forced the Republican Party to enact one of its greatest measures, and that was the publication of campaign contributions?

Mr. KAHN. Oh, the gentleman certainly can not be serious about that. Why, the Republican Party enacted that——

Mr. FOWLER. To please the Democrats?

Mr. KAHN. Well, the Democrats, when they were offered an opportunity in this House to pass a genuine publicity bill, refused to do it. They seem to want the Republicans to show what they have expended in the campaign, but a majority of the Democrats seem to want their own expenses to lie hidden in musty pigeonholes in the offices of the secretaries of state in the Southern States. [Applause on the Republican side.] And I propose to fully exploit that very performance of the Democratic majority a little later on in my discussion.

Mr. FOCHT. If the gentleman will permit me, I would like to ask the gentleman from California, since he happened to be in a discussion with the gentleman from Illinois with respect to the history of the Democratic Party, whether it was not recently stated on the authority of the Democratic candidate for the presidency, Woodrow Wilson, that the Democratic Party up until the time of the war belonged to medieval history?

Mr. KAHN. I believe that is the fact, and I thank the gentleman for calling it to my attention. Now, when the present Speaker of this House was conducted to the Chair to be sworn in he made a statement to the House and to the country proclaiming the Democratic program for this session. Chief among the matters to be accomplished by this Democratic House were the following:

1. An honest, intelligent revision of the tariff downward. * * *
2. The passage of a resolution submitting to the States for ratification a constitutional amendment providing for the election of United States Senators by the popular vote. * * *
3. Such changes in the rules of the House as are necessary for the thorough and intelligent consideration of measures for the public good. * * *

And he went on to say:

I congratulate the House and the country, and particularly do I congratulate the members of the Committee on Ways and Means, upon the success of the important and far-reaching experiment of selecting committees through the instrumentality of a committee, an experiment touching which dire predictions were made and concerning the operation of which grave doubts were entertained, even by some honest reformers.

I shall have something to say about that in a few moments.

4. Economy in the public expense that labor may be lightly burdened. * * *
5. The publication of campaign contributions and disbursements before the election. * * *
6. The admission of both Arizona and New Mexico as States. * * *

It is certainly an ambitious program, to say the least. But no mention was made, however, of the bill for which the Congress was called together especially, namely, the Canadian reciprocity bill; perhaps because the distinguished gentleman from Missouri included that in his proposition to revise the tariff downward; or possbly it was because, emanating from a Republican President, the gentleman did not want to become sponsor for it. At any rate, he was entirely silent upon the subject. Now, quite a number of these important matters had been passed by Republican Houses on quite a number of occasions. The gentleman from Illinois [Mr. FOWLER] asked me whether the Republicans did not steal Democratic campaign thunder. My impression is that the Democrats undertook to steal Republican campaign thunder, and I think I can demonstrate it before I get through.

Take, for instance, the resolution submitting a constitutional amendment to the various States for the election of Senators by direct vote of the people. In the Fifty-fifth Congress such an amendment passed the House of Representatives, a Republican body, on May 11, 1898, by a vote of 185 yeas to 11 nays. In the Fifty-sixth Congress, with a Republican House, on April 13, 1900, a similar resolution was passed by a vote of 242 yeas to 15 nays. In the Fifty-seventh Congress, on February 13, 1902, by a practically unanimous vote, no roll call having been had thereon at all, a similar resolution was passed by a Republican House. But not a single one of these resolutions to amend the Constitution of the United States contained a provision for the emasculation of section 4 of Article I of the Constitution. That section reads:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Of course, that provision gives the Federal Government authority to regulate elections for Senators and Representatives. But gentlemen high up in the councils of the Democratic Party are reported to have stated recently that unless that particular provision of the Constitution were repealed it is doubtful whether the southern legislatures would adopt such a constitutional amendment. It is the first time in the history of this kind of legislation that the Democrats have ever raised the point, so far as I have been able to discover. Their vote upon the constitutional amendments passed by Republican Houses of Representatives has been invariably for the amendment as submitted, without any reference to section 4 of Article I of the Constitution.

Now that the Democrats are in power again in the House of Representatives, they suddenly find that it will be practically impossible to adopt this constitutional amendment in the Southern States unless Federal control of elections, as provided for in that section, be entirely eliminated. Why? Because they are afraid of a force bill, so they say. Is not that a confession of their own weakness? It shows on its face that they do not hope to continue in power for any length of time or they would not conjure up such a senseless bugaboo. But I think the Northern and Western States will insist on retaining section 4 of Article I of the Constitution just as it now stands.

Much has been said about the new rules and some proposed new rules. Most of the rules that have amounted to anything in the change that has been accomplished were made in the last Congress. But how have they been enforced here? Has not the Democratic majority side-stepped them all through this session? On Monday we have a Unanimous Consent Calen-

dar and also a Calendar of Motions to Discharge Committees. They are among the innovations to the rules made by the last House. In the present session they have been "more honored in the breach than the observance." The Democratic majority here have usually adjourned over from Friday or Saturday until Tuesday in order to avoid the Monday business. And when they have not adjourned over they have continued Saturday as a legislative day by taking a recess until Monday morning at an hour earlier than the regular session would ordinarily begin. Oh, but the chairman of the Committee on Ways and Means says that that is done because the various committees and the chairmen of those committees were told that they were not to report out any legislation at this session at all, except such legislation as the Democratic caucus might agree on. Well, that is undoubtedly so. But here I notice on to-day's calendar a large list of motions to discharge committees, and the second on the list is the motion by the gentleman from Ohio [Mr. ANDERSON], who is a Member of the Democratic majority and who wants the Committee on Invalid Pensions discharged from further consideration of H. R. 767.

A bill granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico, and amending the act of April 19, 1908, relative to the widows of soldiers, etc., of the Civil War.

That motion has been on the calendar since April 25, and it seems rather singular that the Democratic majority adjourns over from Saturday until Tuesday in order to deny the House an opportunity to take up this matter, which a Democratic Member, mark you—who presumably had heard of the instructions from the chairman of the Committee on Ways and Means—had placed upon the Discharge Calendar in order that the bill might speedily be placed upon the calendar of this House for action. Of course, I do not suppose that these adjournments are taken in order to avoid taking up this bill. Oh, no!

In his message to the country, when he was sworn in, the Speaker of the House made a great point upon the splendid effect that the committee on committees was having upon this House. The plan has not been in operation very long in this House, but any Member who is interested in seeing how admirably it has worked thus far need only to refer to the CONGRESSIONAL RECORD of this session in connection with the appointment of the members of the committee on the Sugar Trust investigation. If he desires to become convinced, I would commend him to read anywhere along pages 1269, 1270, 1271, 1272, 1291, 1292, 1293, 1294, 1295, 1302, 1306, and 1307 to see how admirably this new feature, that was heralded with so much approval, has worked out thus far.

Much was said about the economy in the expenses of the House—the economy that was proposed in the expenses for the government of the House.

I believe $188,000 was to be saved. I understand that a goodly portion of that was to be saved by the discharge of about half of the police force around this Capitol. Now, the House alone is not responsible for the appointment of that police force. The Senate has something to say about it, and I suppose that when the gentlemen made their announcement about this great saving they knew pretty well that the Senate would probably not consent to a reduction of that police force—a force which is absolutely necessary for the protection of the property of the United States and the safe conduct of not only the members of the United States Supreme Court and the members of both Houses of Congress, but also of those visitors who come from every section of the Union to see this splendid national Capitol building.

Much stress was laid too, by the Speaker, upon the bill providing for the publication of campaign expenses prior to election. The Republican Congress had already passed a law on the general subject and the bill which was recently passed by this House at this session, is simply an amendment or enlargement of that law, in order that campaign contributions and expenses should be published before election as well as after. I think it is an admirable law. But at the time the bill was under consideration here, I called the attention of the Democratic majority to the fact that the proposed measure did not entirely cover the purposes for which it was intended; and that if they were honest and sincere in their efforts to write upon the statute books of the United States a real publicity law, they would also have to include in that law a provision that statements of contributions to and expenditures by candidates for Congress at primary elections as well as at general elections should be filed with the Clerk of this House, in order that they might become, in very truth, public records. It is well known that in the South the principal election expenses are incurred at the primaries. After the primary, the successful candidate need not worry about the general election. He has no expense to speak of after the primary.

It was a very amusing and interesting occasion on this floor on the day when that question came up. The gentleman from Kansas [Mr. JACKSON] offered an amendment to the bill, providing that the campaign contributions to and expenses of candidates for Congress at the primaries, as well as at the general elections, should be filed with the Clerk of this House. There are many new Members on the Democratic side of the House. They thought it was a fair proposition, and they voted for it accordingly. The strong Democratic organization of this House was apparently defeated on that amendment by the votes of practically the united Republican minority plus a considerable number of votes from the Democratic majority. For the amendment carried and there was consternation in the Democratic ranks. I do not know what influences were used to secure a reversal of the vote. But that amendment provided that the United States district courts would have jurisdiction in the matter, and possibly some of the gentlemen from the South may have been induced to believe that if that condition were continued in the bill, a force bill might be introduced, which might even put the candidates for nominations in the primary elections at the mercy of the courts of the United States.

And then we saw a remarkable thing on this floor. The Democrats got together again, under the party lash, and they voted to strike out of the law the very amendment which, less than an hour before, had appealed to a goodly number of them as a splendid and proper piece of legislation.

The Democrats have made a great point about the admission of Arizona and New Mexico. Why, the enabling act for their admission was passed by a Republican Congress, and a Republican House passed a resolution for the admission of New Mexico at the last session of Congress. It failed in the Senate on account of lack of time.

In addition to these measures, the Democratic majority have passed through this House a "farmers' free-list bill." That was put through under instructions of the Democratic caucus. I doubt whether a single Member of the Democratic majority honestly expects to see it pass the Senate. And yet we have been disturbing the business of the country by taking up the time of the House with a measure of that kind.

The Canadian reciprocity bill has been passed by this House. A similar bill had passed the House in the last session of the Sixty-first Congress, a Republican House.

And now, Mr. Chairman, we have pending before us this bill for the revision of Schedule K as an additional feature of the Democratic program. I understand that the Tariff Commission, or rather the Tariff Board, will report its conclusions on the wool schedule on the 1st of next December. It might have been well for the Democratic majority to have waited until that time before they began the revision of this schedule. At that time they would at least have had some light upon the subject, for I understand that this bill, as reported to this House, was reported by the majority of the Ways and Means Committee without any additional testimony having been taken upon the various items contained in the schedule since the hearings upon the Payne bill were had.

To have waited a few months for that report from the Tariff Board would not have entailed a hardship upon the people of this country, so far as I know. The appropriation for this Tariff Board was, as I remember it, $250,000. Both the Speaker of this House and the Democratic leader on this floor, the gentleman from Alabama [Mr. UNDERWOOD] spoke and voted for the board. Now, if the report of this Tariff Board on the subject of the wool schedule will be of such little value that it will not be worth while to wait for it, then both of these gentlemen have helped to vote away a large sum of money out of the Public Treasury for an entirely useless purpose. But I believe the report will be worth waiting for. I believe the country expects us to wait for it, in order that we may have full information upon which to predicate our action regarding this much-discussed Schedule K. And I believe the House ought to wait for this report.

I notice that under the provisions of the bill ad valorem duties are generally substituted for specific rates. I believe that to be a distinct step backward. Ad valorem rates have led constantly to undervaluations and frauds. There is ample testimony on that score. But it is universally admitted that the schedule has many intricacies, and it seems the height of folly to attempt its revision without full knowledge upon the subject.

The distinguished leader of the minority on this floor [Mr. MANN] pointed out in a very able speech the other day that practically every man on the Democratic side who has spoken on this bill has made the assertion that he believes in a tariff for revenue only. That has been the Democratic position since the Democratic Party, or a large portion of it, broke away from absolute free trade—a tariff for revenue only; and though they have been defeated upon that issue time and again before the American people, they have always tried, when they got the op-

portunity, to revitalize the corpse and bring it to life once more, to the great detriment of both the labor and the capital interested in the continued operation of the industries of the country.

I have listened with some interest to the discussion on the tariff questions that have come before this House within the last few weeks. Almost every Member on the Democratic side of this House has taken the position that the tariff is responsible for the trusts. Now, I think if they were to investigate that matter, they would realize that they are entirely and absolutely wrong upon that question. The trust movement is one of the phenomena of modern business and commercial advancement, and trusts exist in free-trade England even more numerously than they do in this country. Mr. H. W. Macrosty, who is to-day a recognized authority on English trusts, in his able and highly instructive work on "The Trust Movement in British Industries," says:

> But the encroachment on the realm of free competition steadily progresses, though not at the feverish speed of six or seven years ago. We have to reckon with the probability, to use no stronger term, though one might without exaggeration say the certainty, that we are in the early stages of the evolution of the form which industry will take in the future. * * * The special reason for the formation of an amalgamation is always the existence of destructive competition, the result of a surplus of productive capacity.

And again, on page 335 of his work, he says:

> It is safe to assume that British trusts keep prices, on the whole, somewhat above what they would be under free competition.

Now, those trusts to which he refers are organized in free-trade England, and yet there, according to this recognized authority, they keep prices above what they would be if there were free competition.

Dr. Herman Levy, of Heidelberg, Germany, who has spent several years in England studying the trust question there, in his "Monopole, Kartelle, und Trusts," published at Jena in 1909, which, I believe, is one of the latest books that has been published on this important subject, says:

> It was presumed that owing to her free-trade policy, as well as her location on the sea, which would tend to prevent high freight charges, the formation of trusts for the purpose of raising prices would be found impossible. * * * But this presumption has been destroyed by the actual development of existing English monopolistic amalgamations.

Mr. Chairman, England has had trusts and monopolies for centuries. As early as 1771 a combination was formed by the colliery owners north of Newcastle on Tyne under a system which they called "Limitation of Vend." The object was to keep up the price of coal in London and to prevent competition by sea or canal, and at a later period by rail. The prices charged were very excessive and burdensome. Between 1800 and 1836 there were no less than five investigations at the hands of committees of Parliament, and an interesting report on the coal trade was published in the latter year by one of those committees. The report called attention to the fact that at that time a great majority of the owners of collieries north of the Tyne had combined for the purpose of controlling the London market by limiting output and raising prices.

That was in 1836. The trust had been in operation since 1771.

The report states that great quantities of poor coal were forced on the market by this combination at exceedingly high prices. It was but a repetition of former reports, but the combination existed for upward of 70 years in free-trade England before it was finally dissolved.

Nor did this combination have easy sailing. Its history is rather interesting in the study of the development of trusts. R. Eddington, in 1813, published "A Treatise on the Coal Trade." He told how, as new collieries were opened south of Newcastle-upon-Tyne, keen competition ensued between the old fields and those more recently developed. The fight was long, hard, and eventful. It was prosecuted for the purpose of determining which set of collieries should control the market and supply the public, those north of the Tyne or those south of that river. But after this quarrel had lasted for several years the parties to it found it advisable to pool or combine their interests, regulate the output of each colliery, and to extort such prices as might suit the convenience of the monopolists.

The copper industries of Cornwall and Anglesea in the eighteenth century were the greatest in the world, and they showed every symptom of having been organized into a trust. In 1785 the Cornish Metal Co. was organized by a syndicate of mine owners and smelters who controlled seven-eighths of the copper output of Cornwall. The entire output of Anglesea was in the hands of one man, and he, with the Cornish Metal Co., formed a trust to put up the prices of copper and to limit the output. The Birmingham copper consumers at that time realized that they were being squeezed by this trust. They organized a counter syndicate which they called the Birmingham Mining and Copper Co., and began to buy up copper properties, put up smelters, and erect villages for their operatives in order to get them away from the trust. Finally they actually did break up the trust, but the industry remained in such few hands that these few owners would get together periodically to limit the output and fix prices, just as the trust had done. Thus Birmingham was for years under the control of a copper trust.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAYNE. Mr. Chairman, I will yield one-half hour more to the gentleman from California.

Mr. KAHN. As early as 1832 Charles Babbidge, in his "Economy of Manufacturers," called attention to a combination of certain organizations against the public, and spoke particularly of the monopolistic amalgamations of gas and water companies. He discussed the combination of the colliery owners, about which I have been speaking, and he also referred to the booksellers' monopoly that was in existence at that time. And so we see that free-trade England right straight along has been the very "mother of trusts."

In 1901 the Industrial Commission, which had been authorized by the Congress of the United States to investigate questions pertaining to immigration, to labor, to agriculture, to manufacturing, and to business, made a report which is exceedingly interesting in the light of present-day history. I will read a little from it, and then put the long list of English trusts in the RECORD. In 1896, J. & P. Coats (Ltd.) was organized with a capitalization of £7,498,680. In November, 1897, the English Sewing Cotton Co., embracing 15 firms, was organized with a capitalization of £3,000,000. December, 1897, the Yorkshire Dyeware & Chemical Co., embracing 10 firms, was organized with a capitalization of £360,000. In May, 1898, the Linen Thread Co. was organized by nine firms with a capitalization of £2,000,000. In 1898 the Fine Cotton Spinners and Doublers' Association was organized. It embraced 40 firms and was capitalized at £6,750,000. These are the other trusts or combinations reported by the Industrial Commission:

Years.	Month.	Names.	Number of firms.	Capital.
1898....	January	United Turkey Red Co	3	£1,200,000
1898....	May	British Dyewood & Chemical Co	4	570,000
1898....		American Thread Co. (Ltd.)	13	3,720,000
1898....	December	Bradford Dyers' Association (Ltd.)	30	4,750,000
1899....	July	Yorkshire Indigo, Scarlet, & Color Dyers' Association	11	600,000
1899....	October	Yorkshire Woolcombers' Association	38	2,500,000
1899....		Borax Consolidated (International)	7	3,200,000
1899....	July	Bradford Coal Merchants and Consumers' Association	8	350,000
1899....	November	Woolen & Worsted Machinery Manufacturers	7	290,000
1899....	do	United Indigo & Chemical Co	8	250,000
1899....	do	Barry, Ostlere & Co. (linoleum)	4	1,150,000
1899....	December	The Calico Printers' Association	60	9,200,000
1899....		English Velvet & Cord Dyers' Association	22	1,000,000
1900....	April	British Cotton & Wool Dyers' Association	46	2,750,000
1900....	July	Bedford Lime, Cement, and Brick (all local)		400,000
1899....		British United Shoe Machinery Co	4	300,000
1900....	July	Flax, Hemp, and Jute Machinery Manufacturers		1,200,000
1900....	December	G. & J. Baldwin and Partners (Ltd.) (fingering and knitting wools and hosiery yarns)	6	850,000
1900....	do	Leeds and District Worsted Dyers' and Finishers' Association	10	180,000
1900....	do	Wall Paper Manufacturers (Ltd.)	30	4,200,000
1900....		Bleachers' Association (Ltd.)	53	8,250,000
1900....		Associated Portland Cement Manufacturers (agreement with four other firms)	34	8,000,000
1900....		British Oil and Cake Mills	17	2,250,000
1900....		Rivet, Bolt & Nut Co. (practically all the manufacturers in Scotland)	15	550,000
1900....		Wholesale News Agents Association (all firms in Bradford, Leeds, and Sheffield)	32	290,000
1900....	July	The Extract Wool & Merino Co. (Ltd.)	7	340,000
1887....		Bath Stone Firms (monopolize all but one; since acquired Portland Stone)	7	338,000
1888....		The Salt Union		4,200,000
1891....		United Alkali Co. (Ltd.)	49	8,500,000
1895....		Liverpool Warehousing Co. (Ltd.)	6	1,050,000

The last four concerns belong to an earlier period, but the total aggregation of capital which they helped to swell to £91,946,680 is probably understated. Several of the trusts have recently absorbed other businesses and issued more debenture stock. The list could also be extended. I have stopped at well-organized combinations—concrete examples of the trust type. There is, for instance, the National Telephone Co., with its £7,000,000 capital, but it is just about to lose its monopoly. The British Lustreing Syndicate, formed to work patents applied to the textile industry, is a monopoly to keep up prices. There is a strong combination of Scotch paraffin oil companies; the Edinburgh distillers' companies, with 10 firms absorbed. The Lace Curtain Manufacturers' Association has been registered with a capital of £2,000,000, and the Lace Dressers and Finishers' Association, with £1,000,000, but not yet launched.

The trusts in England are exceedingly numerous, and a perusal of that report, made by the Industrial Commission in 1901, at this time will prove exceedingly interesting to the Members of this House and to the country generally. In addition to those enumerated, Macrosty mentions the following in the wool industry: In 1900 the Union Velvet Cutters' Association, embracing four firms, with a capitalization of £200,000 was organized. In 1900 the Extract Wool & Merino Co., with a capitalization of £270,000, was organized. In 1900 the English Fustian Manufacturing Co. was organized at Todmorden and Hebden Bridge. Eighty per cent of the firms engaged in this industry organized this trust, with a capital of £500,000. In 1904 Mitchells, Ashworth, Stansfield & Co., embracing eight firms of felt manufacturing concerns, organized a trust, with a capital of £674,646. In 1904 the Wool Combers (Ltd.) was organized—another trust—with a capital of £585,000. In all, there were 17 combinations in the textile industries alone between 1896 and 1900—17 trusts in free-trade England in the textile industries alone—in four years. Yet gentlemen on the other side of this House constantly repeat the assertion that the tariff is responsible for the trusts.

Now, this matter of trusts in comparatively recent years has been engaging the attention of the statesmen and the economists of the world. Neither England nor this country is alone under the domination of trusts. France, Germany, and Austria all have a system which is practically identical with the trust system. They call it the "kartelle." The only difference between the trusts and the kartelle is this: The trust combines a number of companies, or corporations, or associations, or partnerships in a single organization, and the component parts lose their individual identity. In the German system each one of the component parts retains its identity, but the selling arrangements are made by the members of a special organization, called the kartelle. It makes the prices, demarks the lines of territory which any one of the organizations comprising the kartelle may enter, and also limits the output of the particular commodity it controls. In 1904 Brentano, a distinguished German economist, made this statement, and I call it to the attention of the Democratic membership of this House and also to the attention of my Republican colleagues. He said:

Competition belongs to the past. We live in an age of ever-broadening monopoly.

Mr. Chairman, it seems to me that this proposition, if it be true—and all indications point that way—is a new problem for the statesmen of this period to grapple with. Whether publicity is the remedy, I do not know. Whether government control will meet the situation, I do not know. Whether the entire breaking up of these combinations is the best thing that can be done, I do not know. But the fact remains that statesmen, economists, and thinkers in every one of the progressive nations of the earth are giving their attention to this all-important subject.

Instead of standing here upon this floor and denouncing the Republican Party because that party has placed on the statute books a tariff law which not alone has given new impetus to the industries of this country, but which also has brought enormous revenues into the public coffers, it would be well for the gentlemen on the other side of this Chamber to heed the suggestion of the Philadelphia firm to adjourn and go home. In the interim between now and next December let them study this all-important question of the trusts in its every phase and aspect, in order that they may be able at the regular session of Congress to bring in a measure which will be in the nature of constructive legislation on this important subject. In that way they may bring honor and glory upon themselves and their party. They may then acquire the confidence of the country. In that way they can perform an actual service to the people. But to bring in this piecemeal tariff legislation, which helps nobody in this country, and to keep up this tariff tinkering, which simply tends to paralyze the country's industries to the detriment of hundreds of thousands of mechanics and laborers who are dependent upon those industries for their daily bread, is, to my mind, an utterly useless and senseless performance.

Mr. BATHRICK. Mr. Chairman, will the gentleman yield for a question?

Mr. KAHN. I yield to the gentleman.

Mr. BATHRICK. Does the gentleman assume that the high tariff which has been in force by reason of legislation passed by the Republican Party has not assisted in producing the great combinations of business in this country?

Mr. KAHN. I do not think so, any more than the low tariff or no tariff of England has been responsible for the formation of great combinations in that country. As a matter of fact, if the gentleman will permit me, in looking up this subject the other day I found that several of the American trusts were organized and financed in part by the English trusts which exist in that free-trade country.

Mr. BATHRICK. Does not the gentleman think that the elimination of foreign competition by reason of a prohibitive tariff enabled our American manufacturers to combine more easily with the domestic competition?

Mr. KAHN. The tariff in this country has no more to do with the formation of the trusts in this country than no tariff in England has anything to do with the formation of the trusts in that country. This is the industrial situation all over the world: The men who have large amounts invested in industries are trying to avoid keen competition. They have discovered that competition, and especially the brand which is known as "cutthroat competition," has been ruinous in times past.

Mr. HUGHES of New Jersey rose.

The CHAIRMAN. Will the gentleman yield?

Mr. KAHN. In a moment.

As I was saying, they have found out that competition wherever it has become exceedingly keen has resulted in what they call "cutthroat competition," practically a ruination of industry, and it was in order to prevent that kind of competition that combinations have been made in England, in free-trade England, even before they were made in our protected United States. Discussing this very phase of the trust question, McCrosty writes:

Alike in protected and unprotected markets, free competition becomes cutthroat, prices fall, and overproduction ensues in the wild effort of producers to reduce costs by a larger output.

Now I yield to the gentleman from New Jersey.

Mr. HUGHES of New Jersey. Does the gentleman claim there is any such organization in England or in any other country in the world as the Steel Trust?

Mr. KAHN. Yes; England has its parallels, though not on so large a scale; and if the gentleman will take the trouble to read Macrosty upon the subject he will find in England an exact counterpart of the Steel Trust in this country, and he will probably find the same thing in Germany, too.

Mr. HUGHES of New Jersey. But there is no other organization which has been able to put a blanket mortgage on the country by the issuance of $400,000,000 of watered stock and compel the people to pay prices that enables them to pay dividends upon that stock.

Mr. KAHN. Oh, the gentleman has not read much upon this subject, because he would find that one of the complaints in free-trade England is the watering of stock. There they have put it into the trust under the designation of "good will." The good will of each concern that goes into the combine is rated at so much. This good will is nothing but water. It has no tangible existence, and it has been used as water in the English combines.

Mr. HUGHES of New Jersey. But the gentleman is not answering my question. I do not think anybody has ever claimed that the civilized world from the beginning of its history down to the present day has furnished a parallel to the Steel Trust, where, shielded behind the tariff wall, it compels the people of this country to pay dividends upon an admittedly watered stock.

Mr. KAHN. Oh, the gentleman has made a statement rather than asked a question, but I will say this to the gentleman, that probably in amount the Steel Trust has the greatest quantity of water that has ever been put into a trust; but the principle remains the same. The same thing is occurring constantly in free-trade England, where trusts have been organized for upward of 100 years; yes, for 150 years, almost. But there the water has been put into the trusts in the shape of what they call "good will." Whenever a combination is effected each concern that enters the combine puts in, as part of its assets, a claim for "good will" of that particular concern. If 40 concerns enter the trust and each one gets an allowance for "good will" my friend will readily perceive that the quantity of water will be very considerable. Why, the history of the English trusts discloses the fact that by reason of the excessive quantity of water in the consolidations which were made at the outset of the present trust movement in the early

eighties, they had considerable difficulty in making a remunerative rate of interest on their investments. But eventually they got around to it, and the trusts in free-trade England are paying good dividends to-day on "water," and more of them are constantly being organized with a good percentage of "water."

Now, let me read this, which is very interesting. I read from the Daily Consular and Trade Report, page 173, of Tuesday, July 19, 1910. This is very interesting, because this trust, or this combination, was organized comparatively recently in free-trade England.

GLASS-BOTTLE MAKERS' COMBINE—BRITISH INDEPENDENT INTERESTS AND NEGOTIATIONS WITH COMBINE.

Consul Benjamin F. Chase, of Leeds, describes the present status of the glass-bottle industry in England and the continued efforts to complete the trust:

In 1907 a combination of many of the leading glass-bottle makers of the United Kingdom was formed for the alleged purpose of safeguarding British interests and regulating the trade. This combine purchased the British patents of the Owen automatic machine from an American syndicate for $973,300, with a further expenditure of $146,000 in testing its utility.

Thirteen firms, with factories in London, Newport, Wakefield, Hunslet, Castleford, Thornhill, Lees, Knottingley, and other places, many being in Yorkshire, declined to join this combine and operate independently. These latter concerns were able to continue business by having customers who believed that if all went into a combine prices would go up, because the combine has an agreement with Continental makers by which they are not to sell in the United Kingdom at a price lower than agreed.

Some time ago, at a meeting of the combine and the independent makers, the latter offered to join in a selling-price agreement, but not in the purchase of the machine, but would not agree to declare the output for the previous six months, and not to extend the works to exceed that output for 10 years, nor to the condition that no maker should sell to another not a member of the combine.

Later the Glass Blowers' Union held a meeting at Leeds, and it was represented to them that unless these 13 firms joined the combine and withdrew their competition the prices of bottles, and consequently wages, would have to be reduced. The union then decided to force the independents into the combine, and for that purpose gave notice that unless the agreement were signed they would quit work, which they did at the expiration of the time fixed.

Some of the independents agreed to the conditions and joined the combine and their laborers returned to work. Some still refuse, and the strike continues against them. This is possibly the first time a labor union has declared a strike to force the employer to join a combine which proposes to control a trade and create a monopoly by agreement and otherwise.

There are about 230 heads of families among the glass workers of Leeds who work an average of 5 days of 9¼ hours, or 46¼ hours per week. The bottle makers or finishers on this time receive 36s. ($8.76) per week; blowers, 34s. ($8.27); and gatherers, 29s. ($7.05).

One of the most important questions that Congress will have to deal with is how to defeat these combines. Many gentlemen on the other side of the House, and at least one on this side, have suggested that in order to defeat them we ought to pass a law to put upon the free list the goods manufactured abroad which compete with trust-made goods manufactured in this country. Let me say to these gentlemen that the history of the formation and the organization of the trusts shows that there is scarcely a single instance where the trust controls the entire output of any commodity. There is always some competition, competition at the hands of independent manufacturers, who refuse to join the trusts. To allow the foreign manufacturers, whose goods compete with similar goods made by trusts in this country, to send their wares into the American market free of duty, would not hurt the trusts. You would be hurting the independent manufacturers all over this country who are actually competing with the trusts, and who are trying to make an honest, honorable living. You want to cure a corn by cutting off the leg at the knee.

Mr. MURDOCK. Will the gentleman yield?

The CHAIRMAN (Mr. HAY in the chair). Will the gentleman from California yield to the gentleman from Kansas?

Mr. KAHN. I yield, certainly.

Mr. MURDOCK. The gentleman will remember that about two years ago there was a good deal of feeling on the floor of this House, expressed with a good deal of passion, to the effect that if we took the duty off of petroleum and its products, great hardship would result to the independent refiners. Now, as a matter of fact, great hardship did not result to the independent refiners; and does not that single instance, happening here within the last two years, absolutely refute the present position of the gentleman?

Mr. KAHN. I do not think the conclusions of the gentleman are entirely correct. I think he is misinformed. I received a letter from a gentleman in San Francisco only three days ago with respect to the use by the War Department of fuel oil rather than coal, and in his letter to me he told me absolutely—and he is one of the independent producers—that they can not readily dispose of their oil. They are in bad shape, and the oil companies are not doing as well as they ought to be doing.

Mr. DONOHOE. Will the gentleman yield for a question?

Mr. KAHN. Certainly.

Mr. DONOHOE. Does that relate to fuel oil?

Mr. KAHN. Yes, sir; to fuel oil and oil generally produced in California.

Mr. DONOHOE. Does not the gentleman know that the fuel oil is a drug on the market by reason of the fact that gasoline is extracted in such large quantities?

Mr. KAHN. Fuel oil evidently does not have the ready sale that it had a few years ago. With respect to gasoline, the independent producers on the Pacific coast claimed that they would suffer the severest kind of competition if the differential were not continued, because steamers belonging to the Standard Oil Co. would occasionally put in at San Francisco and bring the gasoline or benzine from foreign ports to that port at such an exceedingly low rate that the local manufacturers could not compete.

Mr. DONOHOE. But the fact remains that gasoline is in enormous demand for gas engines, and because that part of the oil is used so much now, the fuel oil is in abundance.

Mr. KAHN. Of course, whether the oil from the California fields produces that gasolene which the gentleman refers to I do not know. But I know this, that most of the oil wells in California, or a very large percentage of them, are controlled by independent producers. They do not belong to the trust, and they are having just now a mighty hard time of it to dispose of their production.

Mr. CANNON. Just at that point; I recollect the legislation which allows the oil of the world to come into the United States free, notwithstanding that Russia, and perhaps other portions of the world, charge the oil of the United States a duty. As I understand it, the Standard Oil Co. utilized American oil in the markets of all the world before that legislation and they have done so since that legislation was passed.

I was one that believed that we should treat foreign countries in trade in oil as they treated us, expressing the fear that it would put it in the power of oil combinations, Standard Oil as well as other combinations, to utilize the Mexican product or utilize any future discovered or existing product in our markets free and unduly compete with home-produced oil, especially that produced by the independent companies. But if the gentleman will allow me, the cry of "Down with the octopus" was so great and the political stress of the hour was so great that gentlemen tore passion to tatters in claiming to give the Standard Oil Co. a black eye. I spoke then as a Representative, in connection with my colleague, Dr. FOSTER, of Illinois, of an oil-producing country, operated by independent producers, producing more oil than was produced altogether in the United States east of a line drawn north and south from the rise to the outflow of the Mississippi River.

Mr. KAHN. I remember the circumstances that the gentleman speaks of exceedingly well, and I am proud of the fact that I was one of the few Members on the floor of this House who voted with the gentleman from Illinois at that time.

Mr. CANNON. And if the gentleman will allow me further, I will say in that connection that the great leader of the Democratic Party, Mr. Bryan, did me the honor to come into my district and denounce me, on account of that vote, as a protector of trusts. Fortunately the oil was produced there, and the independent producers lived there, and his visit to my district added to a very good majority that I had. [Laughter and applause on the Republican side.]

Mr. MANN. Will the gentleman yield for a question?

Mr. KAHN. Certainly.

Mr. MANN. Is the gentleman from California, or any other gentleman on the floor of the House, able to show any benefit to any consumer in the country by reason of taking off the tariff from oil?

Mr. KAHN. The consumer has not received a particle of benefit.

Mr. MANN. There was a concrete illustration of the policy of free trade. I do not know myself, but what effect has it had, and what benefit has it been to anybody?

Mr. KAHN. I am glad the gentleman has asked the question, because it simply goes to illustrate a number of things that have been constantly harped on by gentlemen on the other side with respect to the reduction of duties.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Pennsylvania?

Mr. KAHN. One moment, if you please. Take the so-called reciprocity laws that have been enacted and put into effect by this Government. It was always contended that they were going to reduce prices to the consumer, and it is being contended now that the act just recently passed by this House on the subject of Canadian reciprocity is going to reduce prices

to our consumers. Cuban reciprocity has been referred to as being a great success. The output of the Cuban sugar fields has grown from 600,000 tons in the year in which Cuban reciprocity was enacted to 1,800,000 tons a year at the present time, and yet sugar has not been reduced in price to the ultimate consumer of this country a fraction of a cent. The 20 per cent differential has gone almost entirely into the pockets of the Sugar Trust. The 20 per cent differential that was taken off Cuban tobacco has gone almost entirely into the pockets of the Tobacco Trust, and the consumers have not benefited from it by a fraction of a cent.

Mr. FITZGERALD. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from New York?

Mr. KAHN. I will yield in a few moments. The same is true with respect to the Hawaiian reciprocity treaty. Sugar came in from Hawaii under that treaty absolutely free, and yet it did not reduce the price of sugar to the ultimate consumer a fraction of a cent.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAYNE. Does the gentleman from California desire more time?

Mr. KAHN. I would like just a little more time.

Mr. PAYNE. Mr. Chairman, I yield to the gentleman 10 minutes.

Mr. KAHN. Mr. Chairman, I want to make this further statement, namely, that since free trade with Porto Rico has been established the price of sugar and the price of tobacco have not been reduced a fraction of a cent to the consumers of this country. Since a certain quantity of sugar and a certain quantity of cigars have come into this country free from the Philippines, those commodities have not been reduced a fraction of a cent to the consumers of this country. This world movement of combinations of which I spoke a few moments ago controls these outputs, and even in Canada such combinations will be organized if they do not already exist there, and they will control the prices and the outputs there, just as they control the prices and the outputs in free-trade England, just as they control the prices and the outputs here, and just as they control the prices and the outputs in Germany, in France, in Austria, and in all the other great countries of the earth.

Now, Mr. Chairman, I will yield to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. Then the gentleman states plainly that the removal of the duty on oil has not reduced the price of oil to the consumer in this country?

Mr. KAHN. Not a particle.

Mr. MOORE of Pennsylvania. The gentleman also states that the reduction or removal of the duty on sugar would not reduce the price of sugar to the consumer in the United States.

Mr. KAHN. I have always been willing to learn something from the teachings of history, and history discloses the fact that those laws which heretofore have been enacted reducing the duty on sugar have not resulted in reducing the cost of the commodity to the ultimate consumer a fraction of a cent.

Mr. MOORE of Pennsylvania. One more question. While this process has been going on with regard to oil, and might go on with regard to sugar, and while the consumer has derived absolutely no benefit, the Government loses the revenue?

Mr. KAHN. Exactly.

Mr. PROUTY rose.

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Iowa?

Mr. KAHN. Yes; I will yield.

Mr. PROUTY. Do I understand the gentleman to say or to argue that it is of no use to the Government to undertake to control or limit the operations of trusts?

Mr. KAHN. Oh, the gentleman has entirely misunderstood me. The gentleman was probably not in the House when I spoke on that subject. I believe that it is the province of the Government to do all it can to regulate and control these things. It is an interesting and a complex question. We here in the United States are not the only ones that are bothered about it. Free-trade England is bothered about it; Germany, France, and Austria all have their troubles from it, and their statesmen as well as their economists are busy trying to solve it. In those countries, however, the opposition to the trusts is not as great among the masses as it is in this country.

But the statesmen of those countries are studying it and trying to devise means to secure some control of these monopolistic combinations; and I stated that I believe the Democratic majority in this House might better occupy its time in studying this all-important question, so that by next December that majority may bring in a bill, dictated by wise and sound and constructive statesmanship, that will help to regulate these combinations, rather than be frittering away the time, as it is now doing, in disturbing business conditions and throwing thousands of workmen out of employment. [Applause on the Republican side.]

Mr. DONOHOE. Has not the consumption of fuel oil increased in the last few years very much?

Mr. KAHN. I can not say as to that. I am not informed.

Mr. DONOHOE. I am credibly informed by oil dealers that the present price of fuel oil is the lowest in the last 10 years.

Mr. KAHN. Fuel oil has been under the control of the trust for many years, and while I for one reprobate as heartily as any gentleman on this floor the actions of the trust in trying to throttle competition and drive competitors to the wall, and while I believe such efforts should be most severely punished, nevertheless the gentleman must admit that since they have controlled the industry, as a general rule, the price of oil has been gradually going down lower and lower in this country. If the price of fuel oil, as stated by the gentleman, be lower than it has been at any time in the last 10 years it bears out that very fact.

Mr. PROUTY. By their efforts or in opposition to them?

Mr. KAHN. They probably may have done it of their own volition in some instances. And where they have done so they ought to be given credit for it. I deprecate as much as the gentleman does, or as much as any Member on this floor does, the effort of any trust that tries to drive competitors to the wall and that tries to ruin those who would go into the same field of industry, and I would go as far as any Member in securing the punishment of the offenders.

Mr. PROUTY. Do you think any trust was ever formed with the idea, purpose, or object of lowering prices?

Mr. KAHN. If the gentleman had been here when I was making the earlier part of my speech, he would have discovered that I said repeatedly that these trusts and combinations were organized in free-trade England as well as in this country and in other countries for the express purpose of raising prices, of limiting output, and of stifling competition.

Mr. PROUTY. Does it not logically follow that if they are organized for the purpose of increasing prices they never lower them unless something else makes them do it?

Mr. KAHN. I do not follow the gentleman's logic entirely. I think that, as a general rule, they are compelled to lower prices; but there may have been times when they have lowered prices of their own accord.

I believe that the combinations want to get all that they can by reason of their combination. They are organized and combined for that purpose, and yet I believe there have been times when by reason of new conditions they have found that they were able to reduce their prices below those which prevailed when the combination was formed.

Mr. PROUTY. The part of your statement that I wished to call attention to was this: You stated that we should give them credit for reducing prices. Do you believe that they have ever voluntarily, for the benefit of the public, reduced a price?

Mr. KAHN. They are not organized for the benefit of the public. They are organized for the benefit of themselves.

Mr. PROUTY. Why should we give them credit for it then?

Mr. KAHN. I believe there have been times when, by reason of reduced cost of production by the discovery of new processes, some combinations have at times reduced prices. That is my impression. They do not do it often, but when they do they should be given credit for it.

Mr. PROUTY. Do you think they would ever voluntarily reduce the price, if there was not something else compelling them to do it?

Mr. KAHN. That is a matter of opinion, anyhow. We can not look into the minds of the people in the trust; but I want to say to the gentleman and to this House that nothing can be accomplished by railing at them. What we ought to do is to try to regulate or control them, and the sooner that is done—it is the part of wisdom and statesmanship to do it—the better it will be.

Several Members rose.

Mr. KAHN. I will yield now to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Without taking sides on the trust question, will the gentleman answer whether the people themselves would prefer to take the old-fashioned stagecoach to the railroad station at the old-fashioned prices, or take the trolley car at modern prices?

Mr. KAHN. I can not answer for all the people. There are some that I suppose would prefer to go in the old stagecoach, but for myself I had rather take the trolley car.

Mr. MOORE of Pennsylvania. One more question. Assuming that oil was sold 40 years ago in Pennsylvania for 60 cents a gallon and is sold to-day for 12 cents or thereabouts per gallon, through organization of those who made the refining business profitable, would the public prefer to go back to the old method of obtaining oil at 60 cents per gallon or pay 12 cents per gallon under modern conditions?

Mr. KAHN. As one of the public, I should say give me the 12-cents-a-gallon oil.

Mr. MOORE of Pennsylvania. Will the gentleman answer one more question?

Mr. KAHN. Certainly.

Mr. MOORE of Pennsylvania. Assuming what is a fact within my own recollection, that sugar, brown sugar at that, put up in untied bags, stamped out by the feet of West Indian negroes, cost 13 or 14 cents a pound carried home by the purchaser 35 years ago, would the public prefer to return to that system or obtain refined sugar that comes from the organized system of purification to-day for 5 or 6 cents a pound?

Mr. KAHN. The housewife, I think, would prefer the 5-cents-a-pound sugar.

Mr. CANNON. Will the gentleman yield?

Mr. KAHN. I will yield to the gentleman from Illinois.

Mr. CANNON. Does the gentleman know of any one man, farmer, manufacturer, laborer anywhere in the United States, or anywhere in the world, who does not get the most he can for a day's labor or for a bushel of corn or a gallon of oil or any other product?

Mr. KAHN. Of course I do not.

Mr. CANNON. Then the gentleman, I take it, believes that civilization rests on the hustle of the unit?

Mr. KAHN. Certainly.

Mr. CANNON. That men from the standpoint of self-interest obtain what they lawfully can, and if there be combinations that are oppressive and monopolistic it is the duty, so far as we have the power in regulating commerce among the States, to abolish such monopolies?

Mr. KAHN. To abolish them if we can, and to regulate and control them, at all events. [Applause.]

Mr. CANNON. I quite agree with the gentleman.

Mr. MOORE of Pennsylvania. The gentleman, I take it, would rather go onward and upward than backward and downward, in this present day and generation.

Mr. KAHN. Yes; most decidedly.

Mr. DONOHOE. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. DONOHOE. The gentleman from California is aware of the fact, I suppose, that the proposed glass combine in England is based on a monopoly of patents?

Mr. KAHN. The glass factories in that combination have the patents, it is true, but they have been trying to force their independent competitors into the trust. According to the report of our consul, they have a trust, and the trust is trying to control prices there. The independent manufacturers have given them very keen competition, and because of the keenness of that competition, notwithstanding the fact that the trust has these patents, it has been trying to force the independent concerns into this combine, but not with the success that it had hoped for nor which it anticipated.

Mr. DONOHOE. But the men who have not the patented machinery have no show.

Mr. KAHN. Evidently the independent producers there have a pretty good show, or the combine that controls the patents would not be so anxious to force them into the trust, or of going to the extent of getting the working people of the independents to strike in order to force the independents into the combine. That is pretty good evidence that the independents are making headway against the trust.

Mr. DONOHOE. The gentleman is aware also that the German manufacturers who have been asked to join the combine have also the patented machinery?

Mr. KAHN. The combine exists outside of England to this extent: The English manufacturers have an agreement with the German manufacturers that the German manufacturers will not send their products into England to compete with the products of the English combine. [Applause.]

Mr. Chairman, I stated that the Democrats had not been very successful in the rôle of constructive statesmanship. Let me give the committee a specific case of incompetency in that direction. In the Fiftieth Congress, when the House was Democratic, the Committee on Manufactures undertook to investigate this trust question. The committee held extended hearings on the Sugar Trust, the Standard Oil Trust, the Whisky Trust, and the Cotton-Bagging Trust. Its investigations were extended through practically the entire life of that Congress, and in the closing days of the second session Mr. BACON, from that committee, submitted a report (H. Rept. 4165), which reads in part as follows:

> They respectfully report that the number of combinations and trusts formed and forming in this country is, as your committee ascertained, very large, and affects a large portion of the important manufacturing and industrial interests of the country. They do not report any list of these combinations, for the reason that new ones are constantly forming, and that old ones are constantly extending their relations so as to cover new branches of business and invade new territories.
>
> Your committee further report that, owing to present differences of opinion between the members of the committee, they limit their report to submitting to the careful consideration of subsequent Congresses the facts shown by the testimony taken before the committee.

Sir, in the very next Congress, the Fifty-first, the Republicans passed the Sherman antitrust law. Under recent decisions that law has been vitalized, and I feel confident that energetic steps will be taken by the Department of Justice to make the provisions of the Sherman law absolutely effective.

But Congress itself still has much work to do in dealing with the trusts. In England, thorough publicity has been found a fairly good remedy. The probability is that it has worked more successfully there than it might work here, because those who form the combinations there are generally actuated by a desire to control the business itself, with a view to increase dividends on the investments. Here, however, the combinations have generally been made with a view to stock speculation in Wall Street. But there must be a remedy for every wrong, and the political party that will solve the problem of how to control and regulate, or, if need be, dissolve the trusts, will be doing more for the common people of this country than all the theorists who would tinker with the tariff by trying to engraft their particular theories thereon. And so I say to the Democratic majority, Quit your tariff tinkering; adjourn and go home. Study the question of how to handle the trusts and combinations which tend to stifle competition and thus increase the cost of living; come back next December with a proper bill to cure these evils, and you will be doing yourselves and the country an actual service.

Mr. UNDERWOOD. Mr. Chairman, I now yield 30 minutes to the gentleman from Ohio [Mr. GOEKE].

The CHAIRMAN (Mr. FLOYD of Arkansas in the chair). The gentleman from Ohio [Mr. GOEKE] is recognized.

Mr. GOEKE. Mr. Chairman, I am grateful to the gentleman from Alabama [Mr. UNDERWOOD] for affording me an opportunity to address the House on the pending measure. I recognize that the discussion of the wool schedule, known as Schedule K, or any other one tariff schedule, necessarily involves, in a measure, a discussion of the tariff question generally, and with it its always present companion, the trust question.

I have listened with considerable interest to the speech of the minority leader, the gentleman from Illinois [Mr. MANN], and I take it that he speaks with authority for the majority of the minority. His speech in opposition to the pending bill was eloquent, learned, and gave evidence of a great deal of industry in its preparation, and we on this side of the Chamber have the highest regard and most kindly feeling for him; yet I feel warranted in saying that his speech is founded on the high-protective tariff theory—a theory that is no longer in favor with the American people. [Applause on the Democratic side.] The gentleman from Illinois is unfortunate in leading on the floor of this House a divided party. Ever since I came to this House I have tried to determine what the exact distinction was between a "stand-pat" Republican and an insurgent Republican; and as I listen to the discussion of the pending measure by gentlemen on the other side of the Chamber I am driven to the conclusion that there are but two distinctions worthy of mention between these two classes of Republicans. It seems to me that the insurgent Republican is in favor of a high protective tariff and the "stand-pat" Republican is in favor of a higher protective tariff [applause and laughter]; that the insurgent Republican upon all occasions seeks to invoke the "holier-than-thou" doctrine and disclaims all responsibility for the errors and mistakes of his party, while the "stand-pat" Republican maintains that the Republican Party can not err and is always right. [Applause and laughter on the Democratic side.]

I do not deem it necessary to devote any time in replying to the objections urged against the pending bill, to the effect that it does not afford sufficient protection to the woolen industry. That question has twice been determined by the American people in recent elections, and it is now taken as universally established that the American people are no longer in favor of high protection. I am also convinced that unless a Member is either an expert on wool tariffs, or has had the good fortune of being a member of the Ways and Means Committee, who formulated and had to do with the pending measure, one is scarcely competent to enter into an intelligent discussion of the complex figures

and rates fixed by the Payne law as to Schedule K. Hence I shall content myself by discussing in a general way the conclusions reached by the authors of the pending bill.

It is a fundamental doctrine of the Democratic Party that in the writing of tariff laws taxes on imports should only be levied for needed public revenue, and that by thus levying taxes on imports it affords the only advantage to the American manufacturers which the Government can justly give, or that the country ought to be burdened with. No one can successfully maintain that the Payne tariff law was written in accordance with this doctrine; on the contrary, it is admitted upon all hands that that law contains throughout the old Republican doctrine of a high protective tariff. The Democratic Party has been placed in power in this branch of the Congress with distinct and explicit instructions to revise the tariff downward along Democratic lines, without special favor to anyone and with as much equality as the present conditions will warrant. The present Payne tariff law is full of vagaries, uncertainties, catch phrases, fraud, and deception. A casual investigation thus far made of the administration of this law at the customhouses discloses that within the short period of 18 months different constructions have been placed upon the law, resulting in the collection of a duty on imports entering the customhouse in New York and admitting the same class of imports free of duty in the customhouses at Mobile, New Orleans, and Galveston.

The same investigation shows that the rates of duty fixed by the custom officers are from time to time either increased or decreased, as the interests affected thereby may desire, and that in the placing of a construction upon the law custom officers have, from time to time, taken the liberty of consulting leaders in Congress on the Republican side as to the meaning of the same. To overthrow this monstrosity is the work that the Democratic Party has entered upon. The question naturally arises, in view of the fact that the party is in control of but one branch of the legislative machinery of this Government, "How can this best be accomplished without destroying legitimate business interests, without destroying the continued prosperity of the farmer, without destroying the opportunity for employment to the laborer, and without depleting and perhaps bankrupting the Treasury of the Government?" We on this side of the Chamber feel that we have discovered a way, under existing conditions, for partial relief at least, by revising the Payne tariff law downward, schedule by schedule, and in an attempt to carry out this policy three distinct attacks have already been made upon the citadel of high protection.

The first was the adoption by this House of the measure approving the reciprocal trade agreement, made by a Republican President, with the Dominion of Canada; the second was the adoption by this House of what is known as the farmers' free-list bill; and the third is the pending measure.

Two objections are urged against the pending measure that deserve attention. They are, first, that the bill is not in conformity with the Democratic platform of 1908 in this, that it fails to place upon the free list articles entering into competition with trust-controlled products; and, secondly, that the bill does not conform to that platform because it fails to place raw wool upon the free list.

The first objection is earnestly urged by the distinguished gentleman from Kansas [Mr. MURDOCK], and, in addressing the House on the 8th of June, he addressed himself particularly to the younger Members, saying:

> Let me say to the younger Members in this House: In this House no one can serve two masters. As a rule he can not be loyal to the caucus and loyal to his constituency. If he serves the one truly, he will serve the other falsely. There is nothing in blind obedience to caucus, my friends. It is not good legislation; it is not good representation; it is not even good politics.

I am one of the younger Members to whom this admonition was given. I have no doubt that the distinguished gentleman from Kansas was perfectly sincere in his advice to us, but I can not subscribe to his doctrine. This Government has always been a Government of political parties, and, so long as it continues to be, the party caucus is eminently proper and usually necessary. The complaint is not against the caucus itself, but exists on account of the character of the caucus. I am not astonished that the distinguished gentleman from Kansas opposes and complains of political caucuses, because, if my information is correct, his knowledge is confined to Republican caucuses, and there is just as much difference between a Republican caucus and a good, old-fashioned, genuine Democratic caucus as there is between a "standpat" Republican and the tariff-for-revenue Democrat. [Applause and laughter on the Democratic side.] I would like to ask the distinguished gentleman from Kansas what he finds up to this hour that has been done by the Democratic caucus in this session of Congress that is objectionable to him. The Democratic caucus named the present Speaker of this House. Aside from his political faith, I am sure the distinguished gentleman can find no fault with the present Speaker, whose every deed and act up to this hour stands without criticism. [Applause on the Democratic side.]

It placed at the head of the Ways and Means Committee the distinguished gentleman from Alabama [Mr. UNDERWOOD], who has the undivided support of every Member on this side of the Chamber and, I know, the profound respect and highest regard of every Member on the other side of the Chamber, and is not only receiving, but richly deserves to receive, the plaudits of the American people for so successfully leading the fight for legislation in the interest of 90,000,000 people. [Applause on the Democratic side.]

The Democratic caucus reduced the cost of conducting this House more than $182,000 per year. Does the gentleman object to that?

The Democratic caucus approved the Canadian reciprocity agreement. Does the distinguished gentleman from Kansas find any objection to that act?

The Democratic caucus indorsed and recommended for passage the farmers' free-list bill, and last, but not least, among other things, the Democratic caucus was responsible for restoring popular government in this branch of the Congress by depriving the Speaker of the power to name the great standing committees of the House, and thereby destroying the opportunity for one-man rule, which, no doubt, must please the gentleman from Kansas. And I maintain that the caucuses thus far held by the Democrats in this House have been for the good of the people, and deserve commendation rather than criticism.

I fear that the trouble with the gentleman from Kansas is that he does not know or can not understand the inward working of a Democratic caucus, for lack of experience in that direction. Its rules are fair and liberal; no man is gagged and bound by its edict; no man is asked to serve two masters. If his promises to his constituents are not in accord with the decree of the caucus, he is not required to abide by its decision. Without the action of the party caucus a measure of the character now under consideration could never become a law and would fall as easy prey to a minority that would be opposed to a change in Schedule K.

While we are thankful to the distinguished gentleman from Kansas for his kind advice, we must reject it because it is not sound. He complains and urges against the bill that worsted goods are not placed upon the free list and urges it as a violation of the Democratic platform of 1908. He gives facts, figures, and information that clearly establish the existence of the Worsted Trust in this country. This is, indeed, wholesome information, coming from the Republican side of this Chamber. If it were not for conditions which I shall hereafter discuss, I would cheerfully support the proposed amendment of the gentleman from Kansas to place worsteds on the free list, but I want to suggest to the other side of the Chamber, and particularly to the distinguished gentleman from Kansas [Mr. MURDOCK] that the tariff provided for in Schedule K on worsteds is not alone responsible for the existence of that criminal combination of capital. Neither is the Worsted Trust the only trust that exists to-day. The original creation of trusts and monopolies in this country was made possible by reason of the Republican policy of high protective tariff.

Mr. KAHN. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. GOEKE. Yes.

Mr. KAHN. If the tariff is responsible for the trusts, how does the gentleman account for the trusts in England, which is a free-trade country?

Mr. GOEKE. Mr. Chairman, I am not familiar with the conditions over there, but in this country the trouble is that the tariff was originally responsible for their creation, and now by reason of a lack of the enforcement of the law against them they have become a world power and the tariff does not make much difference at the present time, as far as they are now concerned.

Mr. CULLOP. Mr. Chairman, will the gentleman yield?

Mr. GOEKE. Certainly.

Mr. CULLOP. I desire to say that England is not a free-trade country, but has a tariff.

Mr. KAHN. Oh, England, if the gentleman will permit me, is in the same condition as many other countries. England has to have money with which to run the Government, but, as compared with Germany and France and the United States, with their high protective tariffs, England is decidedly a free-trade country, notwithstanding the statement of the gentleman from Indiana. If the gentleman from Indiana will read any of the authorities on trusts, he will find that they all refer to England as a free-

trade country, whether they be living in England, Germany, or France.

Mr. GOEKE. The continuation of these trusts and their present successful operation is due to the failure on the part of the Attorney General and the district attorneys in this country to enforce existing laws against these illegal combinations. In the Standard Oil case the Supreme Court of the United States, in an opinion delivered on the 15th day of May of this year, said:

Recurring to the acts done by the individuals or corporations who were mainly instrumental in bringing about the expansion of the New Jersey corporation during the period prior to the formation of the trust agreements of 1879 and 1882, including those agreements, not for the purpose of weighing the substantial merit of the numerous charges of wrongdoing made during such period, but solely as an aid for discovering intent and purpose, we think no disinterested mind can survey the period in question without being irresistibly driven to the conclusion that the very genius for commercial development and organization which it would seem was manifested from the beginning soon begot an intent and purpose to exclude others which was frequently manifested by acts and dealings wholly inconsistent with the theory that they were made with the single conception of advancing the development of business power by usual methods, but which, on the contrary, necessarily involved the intent to drive others from the field and to exclude them from their right to trade and thus accomplish the mastery, which was the end in view. And, considering the period from the date of the trust agreements of 1879 and 1882, up to the time of the expansion of the New Jersey corporation, the gradual extension of the power over the commerce in oil which ensued, the decision of the supreme court of Ohio, the tardiness or reluctance in conforming to the commands of that decision, the method first adopted and that which finally culminated in the plan of the New Jersey corporation, all additionally serve to make manifest the continued existence of the intent which we have previously indicated and which, among other things, impelled the expansion of the New Jersey corporation. The exercise of the power which resulted from that organization fortifies the foregoing conclusions, since the development which came, the acquisition here and there which ensued of every efficient means by which competition could have been asserted, the slow but resistless methods which followed by which means of transportation were absorbed and brought under control, the system of marketing which was adopted, by which the country was divided into districts and the trade in each district in oil was turned over to a designated corporation within the combination and all others were excluded, all lead the mind up to a conviction of a purpose and intent which we think is so certain as practically to cause the subject not to be within the domain of reasonable contention.

The inference that no attempt to monopolize could have been intended, and that no monopolization resulted from the acts complained of, since it is established that a very small percentage of the crude oil produced was controlled by the combination, is unwarranted. As substantial power over the crude product was the inevitable result of the absolute control which existed over the refined product, the monopolization of the one carried with it the power to control the other, and if the inference which this situation suggests were developed, which we deem it unnecessary to do, they might well serve to add additional cogency to the presumption of intent to monopolize which we have found arises from the unquestioned proof on other subjects.

In the Tobacco Trust case, the Supreme Court, on May 29 of this year, said:

Considering, then, the undisputed facts which we have previously stated, it remains only to determine whether they establish that the acts, contracts, agreements, combinations, etc., which were assailed were of such an unusual and wrongful character as to bring them within the prohibitions of the law. That they were, in our opinion, so overwhelmingly, results from the undisputed facts that it seems only necessary to refer to the facts as we have stated them to demonstrate the correctness of this conclusion. Indeed, the history of the combination is so replete with the doing of acts which it was the obvious purpose of the statute to forbid, so demonstrative of the existence from the beginning of a purpose to acquire dominion and control of the tobacco trade, not by the mere exertion of the ordinary right to contract and to trade, but by methods devised in order to monopolize the trade by driving competitors out of business, which were ruthlessly carried out upon the assumption that to work upon the fears or play upon the cupidity of competitors would make success possible. We say these conclusions are inevitable, not because of the vast amount of property aggregated by the combination, not because alone of the many corporations which the proof shows were united by resort to one device or another. Again, not alone because of the dominion and control over the tobacco trade which actually exists, but because we think the conclusion of wrongful purpose and illegal combination is overwhelmingly established.

Leading as this does to the conclusion that the assailed combination in all its aspects—that is to say, whether it be looked at from the point of view of stock ownership or from the standpoint of the principal corporation and the accessory or subsidiary corporations, viewed independently, including the foreign corporations in so far as by the contracts made by them they became cooperators in the combination—comes within the prohibitions of the first and second sections of the antitrust act, it remains only finally to consider the remedy which it is our duty to apply to the situation thus found to exist.

The law under consideration in these two cases, and especially the two sections involved, reads as follows:

SECTION 1. Every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal. Every person who shall make any such contract, or engage in any such combination or conspiracy, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $5,000 or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 2. Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons to monopolize, any part of the trade or commerce among the several States or with foreign nations shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding $5,000 or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

I want to inquire of the distinguished gentleman from Kansas [Mr. MURDOCK] whether, in view of the decision convicting all conspirators involved in the violation of the Sherman antitrust law in these two cases, he is not convinced that the true remedy for relief in behalf of the people lies rather in an honest enforcement of the antitrust law, and especially the criminal feature of that law, than it does in the mere placing of trust-made articles upon the free list? I want to inquire why it is that he seeks to criticize the Democratic position when it approaches, as nearly as the condition of the Public Treasury will permit, the placing of these articles upon the free list, putting them in the competitive class, and is absolutely silent as to the failure of the Republican officials to properly enforce the laws against these criminal combinations? I assert that it is the Republican high-protective policy that created these trusts and the absolute glaring failure of the Attorney General's department and the several district attorneys throughout the country in enforcing the law that is responsible for their continued existence. I have no sympathy with the statesmen or the individuals who have been engaged in glibly criticizing and in some quarters denouncing the court for its decision in these cases.

The Democratic Party has always been a party of law and order. To maintain law and order in this country and under our form of government, it is essentially necessary to bow with respect to the final judgment of the courts. The American people know that the courts are the bulwarks of American liberty and that the safety of life, property, and the home depend upon maintaining the law and observing wholesome respect for the judgment of the courts. If the law as interpreted by the courts is wrong, the remedy lies with the Congress; if a judge acts corruptly, the law points out the mode to be pursued to dispense with his services; but the practice of openly traducing and denouncing their judgment must and can only lead to discontent in the Republic, spread the seeds of anarchy, and, if persisted in and long continued, destroy the very foundations upon which the perpetuity of our Government depends.

It is less than a year since a once-popular President of the United States traveled around over the States of this Republic viciously denouncing and criticizing a Federal judge and courts in general, and he received an answer from the people. He indulged in that practice in the State of Indiana, and the election returns contained the answer. He indulged in the same practice in the State of Ohio, and there the people, by over 100,000 majority, sent him a message that they did not want any of that doctrine. And so with many other States in which he recklessly attacked the courts. This example, of so recent a date, ought to convince any fair-minded man that the American people have not yet reached the stage where they are willing to submit the safety and security of their homes, their property, and their liberties for determination by appeal to the mob.

Final power in a Government like ours must rest somewhere. Our forefathers, in their wisdom, placed that final power in the Supreme Court of our land, which, in my judgment, is the greatest judicial tribune in the world. This respect that is due the courts is not reverence for the personnel of the court, but it is reverence for their great constitutional power, the exercise of which should and must under all circumstances be upheld by the American people. The sober second thought and the calm and careful consideration of the decisions of the Supreme Court in the Standard Oil and Tobacco Trust cases will easily vindicate the correctness of them. When their scope and effectiveness is once fully understood by the people of this country the greatness of these decisions and the wonderful legal learning they contain will readily place them among the most celebrated decisions that have ever been rendered by that court, and will prove to the utmost satisfaction of the American people that the highest court of this land has, in fact, been their friend and benefactor rather than the friend and protector of special privileges and illegal combinations.

Do not be deceived by the declaration that the trusts and monopolies are satisfied with these decisions. These two decisions spell the "death knell" of trusts and monopolies in America. Under their sweeping terms every trust and monopoly in America can be driven out of existence. The court in these cases has blazed the way to the ultimate extermination of these gigantic combines, and it has pointed the road to the graveyard for trusts and monopolies and has started the funeral march with Standard Oil heading the procession.

Where, then, lies the difficulty, and what is the remedy? The difficulty seems to be that the Attorney General and the various District Attorneys of this country are suffering from "Special Privilege Paralysis." For 16 long years the Republican Party has been in absolute control of all the departments of this Government. During all this time the Sherman antitrust law has been in full force and effect. It has been a matter of common knowledge that the great gigantic combines

of this country were violating the criminal and civil provisions of this law. Nearly 30 days have passed since the highest court in this land convicted two of these trusts of violating the provisions of the law, and yet not a single man who has violated the provisions of this law has been indicted and prosecuted in the cases referred to. What is needed is a vigorous prosecution under the criminal provisions of this antitrust law, with a view of punishing the individual who is back of these corporations, instead of the corporation itself. It has long been the established practice of the Republican Party to protect the real offender against this and similar laws. Six years ago, when Theodore Roosevelt was President of the United States, he appointed Judson Harmon, now the great governor of a great State [applause on the Democratic side], and Frederick W. Judson, through the Department of Justice, to investigate the charge of rebating against the Atchison, Topeka & Santa Fe Railway Co. They traced the rebating to Paul Morton, an official of the railway company and at the time of the investigation a member of President Roosevelt's Cabinet as Secretary of the Navy.

It was after this disclosure that President Roosevelt made the acrobatic ruling that the corporations only should be held responsible for the criminal offenses of its officials or agents instead of holding the individual responsible. When they were not permitted to proceed personally against officials of this railway company for rebating, as that would have involved a member of the President's Cabinet, Mr. Harmon and Mr. Judson, realizing that they had discharged their duty and could go no further, in a letter to the then Attorney General, W. H. Moody, dated June 5, 1905, retired from the case, and, among other things in their letter of resignation, said:

> What we have said is true of all great corporations of our day. They can not be imprisoned, and punishment by fine is not only inadequate, but reaches the real culprits only lightly, if at all. The evils which we have now to fight are corporate in name, but individual in fact. Guilt is always personal. So long as officials can hide behind their corporations no remedy can be effected. When the Government searches out the guilty men and makes corporate wrongdoing mean personal punishment and dishonor, the laws will be obeyed.

[Applause on the Democratic side.]

And yet, with this remarkable document on file in the Attorney General's office of this Government, he has failed to move a hand or to take any steps toward inflicting punishment upon the violators of the law in the Standard Oil and Tobacco Trust cases and numerous other cases, but permits these already convicted criminals to live in pleasure and comfort in their palaces by the seaside, built and paid for with the money that these criminals have filched from the pockets of the American people. [Applause on the Democratic side.] Do the Members on the other side of this Chamber deny that if there had been a wholesome, vigorous, and determinate enforcement of the laws against the individuals who have organized and conducted these criminal combines by the Attorney General and the several district attorneys of the United States, their destruction would have been accomplished years and years ago?

Such prosecutions would have driven everyone of them to the rocks and restored honest, old-fashioned competition and made hundreds of business men out of men that are now mere clerks in these combines and prevented the outrages so long inflicted upon the people. It is already suggested and proposed by high Republican authority and great statesmen in that party that the true remedy lies in providing a law for the incorporation of these gigantic outlaws by the National Government, thereby legalizing and vitalizing their very existence and placing a premium upon years and years of open-handed piracy and robbery. The correct solution for the future conduct of the industries involved in these gigantic combines, which will preserve the industries themselves but destroy the method of conducting them, is pointed out by the Democratic platform of 1908, which is as follows:

> A private monopoly is indefensible and intolerable; we therefore favor the vigorous enforcement of the criminal law against guilty trust magnates and officials and demand the enactment of such additional legislation as may be necessary to make it impossible for a private monopoly to exist in the United States. Among the additional remedies we specify three: First, a law preventing duplication of directors among competing corporations; second, a license system which will, without abridging the right of each State to create corporations or its right to regulate as it will foreign corporations doing business within its limits, make it necessary for a manufacturing or trading corporation engaged in interstate commerce to take out a Federal license before it shall be permitted to control as much as 25 per cent of the product in which it deals, the license to protect the public from watered stock and to prohibit the control by such corporation of more than 50 per cent of the total amount of any product consumed in the United States; and, third, a law compelling such licensed corporations to sell to all purchasers in all parts of the country on the same terms, after making due allowances for cost of transportation.

If legislation in line with this doctrine is enacted the industries themselves will be preserved, honest and legitimate business industries will be protected, labor will find continuous employment, and trusts and monopolies will be impossible. The Democratic Party never has and does not now advocate the destruction of honest business, no matter how prosperous it may be; it does not favor a policy that means ruination of business, hunger and starvation for the laborer, or the destruction of any legitimate industry; but it does insist and will ever continue to insist, until relief is afforded, that the trusts and monopolies must go. Special privilege must not be countenanced in our Government nor be permitted longer to direct the destiny of this Republic. The campaign to evade the Democratic theory of dealing with the trusts and monopolies has already begun in the ranks of the Republican Party, and the head of the United States Steel Trust is in hearty and earnest sympathy with the once popular Republican ex-President, who is the real champion of the centralization of all power in the National Government.

The second objection urged against the bill, that it does not conform to the Democratic platform on account of its failure to place raw wool upon the free list, comes rather in the form of ridicule from the other side of the Chamber than from a desire to have raw wool placed upon the free list. I maintain that the duty of 20 per cent upon raw wool, as fixed in the bill under consideration, is not a violation of any Democratic platform promise. The history of the party shows that in former tariff legislation raw wool has at times been taxed and at times been placed upon the free list. No Democratic national convention has in recent years directed that raw wool should be placed upon the free list, but, even if it were true that the party had always advocated the placing upon the free list of raw wool, yet in view of the fact that the present measure contemplates but a partial revision of the tariff, because the other branch of the Congress and the White House are in control of the Republican Party, we could not hope to pass a bill that placed raw wool upon the free list. And again, it must be admitted by all sensible men that to place raw wool upon the free list at this time would result in a deficit in the National Treasury, which would create distrust among our people and result in much greater harm than the benefit that would come from free raw wool.

The safe legislator never speculates in the Government's financial affairs. If he does it in his own affairs, he alone suffers the consequences if he makes a mistake; but when he is conducting the financial affairs of a great Government he can not afford to speculate on revenues, for if he makes a mistake the injury would not be to him alone, but to all the people alike. The Republican minority in this Congress is clearly disappointed because we have been wise enough not to place raw wool upon the free list, as they had hopes we would do. Had we done so, the cry would have gone out all over this country that the Democratic Party is advocating a measure that would certainly destroy the ability of the Government to meet its honest obligations and resort to their old cry that when the Democrats are placed in power they are unable, on account of a lack of wise statesmanship, to properly conduct the affairs of the Government. It must not be forgotten that the business world is very sensitive, that as soon as a deficit becomes apparent in the National Treasury there is a loss of confidence in the business world, the wheels of industry stop, commerce lags, trade becomes paralyzed, and a panic results in short order. If the Democratic Party in this Congress would be guilty of supporting a measure that would bring about such a state of affairs, their continuance in power would be brief, and the Republican Party, in full partnership with special privilege and the money power, would again march to certain victory in 1912. The people of this country do not expect the Democratic Party to remedy all the ills and wrongs, from which they are now suffering on account of Republican misrule, in one or two years. All they ask is that we keep the faith and act honestly in behalf of their interests. They do not want us to destroy business prosperity, neither are we going to do so. We are bent upon bringing about reform through progressive legislation, and step by step, though it may take several years, restore equal rights to the people of our land. I maintain that this bill complies in spirit, under existing conditions, with the Democratic doctrines of the past as well as the Democratic platform of 1908, and if enacted into law by the other branch of this Congress and the President it would result in untold good to the American people and clearly demonstrate that their judgment of the Payne tariff law, as expressed in the last election, was absolutely correct.

The second attack on the Republican protective-tariff system may be found in what is known as the farmers' free-list bill, recently passed by this House. This measure was vigorously opposed by the "stand-pat" Republicans in this Chamber. This measure was drawn for the purpose of giving the American farmer that which the Republican Party has for so many years

withheld from him, namely, a right to buy the implements which he uses upon the farm in a competitive market rather than to be forced to buy them at prices fixed by the trusts in this country. The articles thus placed upon the free list are as follows:

Plows, tooth and disk harrows, headers, harvesters, reapers, agricultural drills and planters, mowers, horserakes, cultivators, threshing machines and cotton gins, farm wagons and farm carts, and all other agricultural implements of any kind and description, whether specifically mentioned herein or not, whether in whole or in parts, including repair parts.

Bagging for cotton, gunny cloth, and all similar fabrics, materials, or coverings, suitable for covering and baling cotton, composed in whole or in part of jute, jute butts, hemp, flax, seg, Russian seg, New Zealand tow, Norwegian tow, aloe, mill waste, cotton tares, or any other materials or fibers suitable for covering cotton; and burlaps and bags or sacks composed wholly or in part of jute or burlaps or other material suitable for bagging or sacking agricultural products.

Hoop or band iron, or hoop or band steel, cut to lengths, punched or not punched, or wholly or partly manufactured into hoops or ties, coated or not coated with paint or any other preparation, with or without buckles or fastenings, for baling cotton or any other commodity; and wire for baling hay, straw, and other agricultural products.

Grain, buff, split, rough and sole leather, band, bend, or belting leather, boots and shoes made wholly or in chief value of leather made from cattle hides and cattle skins of whatever weight, of cattle of the bovine species, including calfskins; and harness, saddles, and saddlery, in sets or in parts, finished or unfinished, composed wholly or in chief value of leather; and leather cut into shoe uppers or vamps or other forms suitable for conversion into manufactured articles.

Barbed fence wire, wire rods, wire strands or wire rope, wire woven or manufactured for wire fencing, and other kinds of wire suitable for fencing, including wire staples.

Beef, veal, mutton, lamb, pork, and meats of all kinds, fresh, salted, pickled, dried, smoked, dressed or undressed, prepared or preserved in any manner; bacon, hams, shoulders, lard, lard compounds and lard substitutes; and sausage and sausage meats.

Buckwheat flour, corn meal, wheat flour and semolina, rye flour, bran, middlings, and other offals of grain, oatmeal and rolled oats, and all prepared cereal foods; and biscuits, bread, wafers, and similar articles not sweetened.

Timber, hewn, sided, or squared, round timber used for spars or in building wharves, shingles, laths, fencing posts, sawed boards, planks, deals, and other lumber, rough or dressed, except boards, planks, deals, and other lumber, of lignum-vitæ, lancewood, ebony, box, granadilla, mahogany, rosewood, satinwood, and all other cabinet woods.

Sewing machines, and all parts thereof.

Salt, whether in bulk or in bags, sacks, barrels, or other packages.

The measure was adopted by this House, many Republicans, recognizing the fairness of its provisions, voting for it. If this measure becomes a law, which we hope it will, it will afford the American farmer, who has been for years and years selling the products of his farm in the markets of the world, an opportunity to buy these articles in the market of the world as well.

The first attack made by the Democratic majority in this House on the citadel of protection was the passage of the bill approving what is known as the "Canadian reciprocity agreement." This measure is clearly a reduction of tariff duties between this country and Canada and, while rather crude in its provisions, yet there is contained therein sufficient in the way of tariff reduction to show that in its creation Democratic principles were resorted to and that in two particulars, at least, it is a direct attack on two great trusts, the Lumber and Paper Trusts. For these reasons the majority in this Chamber complied with the President's request, authorizing him to conclude this trade agreement with Canada. Speaking for myself, I can not say that I am at all confident that this so-called reciprocity agreement will result in any great immediate benefit to the American people. The district that I have the honor to represent is what may be termed an agricultural district. Fortunately, the farmers of that district have for years and years known that the tariff on wheat and farm products was a fraud and a delusion, held up as an inducement to procure Republican votes on election day, and that it was, in fact, of no substantial benefit to them. The farmers in my district also know and understand that the contract relative to reciprocal trade relations with Canada can not affect the price of farm products. The "standpat" Republicans in this Chamber press their opposition to Canadian reciprocity largely because they claim that it would result in reducing the price of wheat, and that, too, in the face of the fact that the American farmer has for years and years been obliged to sell his wheat in the market of the world, which fixes the price of wheat. If we consider the statistics for the past five years on the importation and exportation of farm products to and from Canada, it will be seen that the American farmer has had the balance of trade in his favor for many years and can not, therefore, be injured by reason of the agreement.

The figures furnished on this question by the distinguished gentleman from Missouri [Mr. SHACKLEFORD], one of the Democratic members of the Ways and Means Committee, have never been disputed, and I call attention to them, because a careful consideration of them must necessarily convince any fair-minded citizen that the opposition to the Canadian reciprocity treaty, based on the argument that it would injure the price of farm products, is neither sound nor sincere. These figures show that Canada buys more of the products of our farmers each year than we buy of them. The figures furnished by the distinguished Member from Missouri are as follows:

For the last 5 years, ending June 30, in spite of the tariff obstructions, in goods of kinds—	
We sold to Canada	$886,417,376
Canada sold to us	393,913,673
Difference in our favor	492,503,703
Horses:	
We sold in Canada	14,172,075
Canada sold to us	2,549,201
Difference in our favor	11,622,874
Cattle:	
We sold in Canada	1,578,179
Canada sold to us	1,193,796
Difference in our favor	384,383
Breadstuffs:	
We sold in Canada	31,596,556
Canada sold to us	6,679,844
Difference in our favor	24,916,712

The above figures clearly demonstrate that the balance of trade with Canada is greatly in our favor, in view of which it is impossible for Canadian reciprocity to injure the American farmer. President Taft, in a speech recently delivered in Chicago, clearly set out his views with respect to the effect that reciprocity with Canada would have upon the American farmer, which are worthy of reproduction. He said:

How is the farmer to be affected by Canadian reciprocity and free trade in agricultural products? Canada is so far north that her agricultural products are practically limited to wheat, rye, barley, oats, potatoes, live cattle, horses, and dairy products. She can not and does not raise more than one-sixth of 1 per cent of the corn crop of the United States. She raises no cotton; she raises but few vegetables; she raises but few hogs, because she has not the corn to feed them with; she is at present a great importer of all fruits, citrous and otherwise, from the United States; she imports a large amount of cottonseed oil, which by the Canadian reciprocity treaty is now made free; she can not fatten cattle as they are fattened in the United States, and therefore it has become very profitable for American farmers to import young cattle from Canada even with the duty on them and to fatten them for the Chicago market. The United States imports into Canada a great many more horses than she exports from the Canadians. She sends to Canada a much larger amount of potatoes than she receives from her. The United States imports into Canada about 15 times as much of meat and dairy products as Canada imports into the United States.

The only real importation of agricultural products that we may expect from Canada of any considerable amount will consist of wheat, barley, rye, and oats. The world price of these four cereals is fixed abroad, where the surplus from the producing countries is disposed of, and is little affected by the place from which the supply is derived. Canadian wheat nets, perhaps, 10 cents less a bushel to the producer than wheat grown in the Dakotas or in Minnesota, due to the fact that the cost of exporting that wheat and warehousing it and transporting it to Liverpool is considerably greater than the cost to the Dakota farmer of disposing of his wheat to the millers of Minneapolis or sending it abroad. If, now, the duty is to be taken off of wheat and the Canadian wheat can come to the millers of Minneapolis and other places, it can and will be made into flour, because the capacity of the American mills is 33 per cent greater than is needed to mill the wheat of this country. Canadian wheat can be imported and ground into flour without materially reducing the demand for or price of American wheat and the surplus will be sent abroad as flour. The price of Canadian wheat will doubtless be increased a few cents by access to the market nearer at hand, but the access to the market nearer at hand will not reduce the price of his wheat to the American farmer, for the reasons stated.

A very material benefit to all the farmers of the country, especially the stock and cattle raisers and the dairy farmers, will be the by-products of bran and shorts from the flour mills likely to follow the free export of wheat from Canada to those mills. These by-products are now so scarce and so high priced that many farmers are unable to procure them.

What is true of wheat is true of the other cereals. The trade between Canada and the United States can not but increase the sale of agricultural products across the border both ways to nearer markets than they now reach in many instances. The trade will be beneficial to both the seller and the buyer. It will not, in my judgment, reduce the price of wheat or other farming products for our people in any marked way.

Speaking for myself, I am convinced, after considering all the arguments for and against reciprocity with Canada, that it will have the effect of preventing, in a measure, at least, the further increase of the cost of living in this country; that by taking down, to an extent, at least, the useless and unnatural high-tariff wall that now exists between these two contiguous countries, inhabited by people that are much alike in their habits, customs, and mode of living, the door to greater opportunity will be opened to the people of both Canada and the United States.

Mr. Chairman, when the pending bill is passed by the Democrats in this House, which it will be in a few days, it will be another evidence of our determination to bring about an intelligent revision of the tariff downward. It will have a marked effect in reducing the cost of living by destroying the outrages

of the wool tariff as fixed by the Payne law; it will further demonstrate that we are able to conduct the legislative affairs of this great Government, and merit the confidence of the American people. We are proud of the record made by the Democrats in this Congress thus far, and we have a right to be proud of that record. We have kept the faith. We have already accomplished great things; we hope to accomplish more. In addition to the attacks made upon the high protective-tariff system, which I have heretofore discussed, we have accomplished other things. We have adopted a resolution submitting to the States for ratification a constitutional amendment providing for the election of United States Senators by the popular vote. We have brought about such changes in the rules of the House as are necessary for the thorough and intelligent consideration of measures for the public good. We have enacted into law a measure providing for the publication of campaign contributions and disbursements before the election. We have passed the measure providing for the admission of both Arizona and New Mexico as States.

These are all measures that the American people want, and we responded to their will. We have already turned the searchlight upon the public service in the various departments of this Government. We are looking into the books to ascertain whether for every dollar spent by the Government it receives its equivalent in service. We are going to investigate rigidly, carefully, but fairly, and before this Congress is concluded we hope to be able to furnish the American people an exact account of what has been done with their money. We are pledged to bring about economy in the administration of the affairs of the Government; we shall spare no time or labor in bringing this about. We have already checked to a great extent the influence and power of special privilege and the corporate interests in the affairs of the Government; we are going to drive them out completely. We intend to demonstrate to the American people that the Republican Party of to-day is no longer the Republican Party of Lincoln, Garfield, and McKinley, but that it is the obedient servant of special privilege and plutocracy. We are bent on convincing the people that it will be to their interest to extend the limited grant of power they have given us so that complete control of the legislative and executive branches of the Government will be placed in our hands.

Mr. Chairman, Ohio now occupies 16 seats on this side of the Chamber. We are confident that not only will we retain them in the next Congress, but that we will increase the number [applause on the Democratic side] and, in addition thereto, contribute the electoral vote of that great Commonwealth to the election of a Democrat who is able, competent, and determined to lead the battle for genuine reform to the end that all public servants shall at all times respond to the will and wishes of the people, thereby again making this a Government of the people not only in name, but in fact as well. [Applause on the Democratic side.]

Mr. UNDERWOOD rose.

Mr. KAHN. Mr. Chairman, will the gentleman yield to me for a moment?

Mr. UNDERWOOD. I can not. Mr. Chairman, I yield 30 minutes to the gentleman from Georgia [Mr. HOWARD].

Mr. HOWARD. Mr. Chairman, at this extra session of Congress I did not intend to inflict myself upon my colleagues by making a speech upon any particular subject that might come up for discussion.

My reason for this good intention was that I had absolute faith in the ability and statesmanship of the older Members of this House who have fought such a gallant fight under the banner of Democracy for the masses of the people for the last 13 years. [Applause on the Democratic side.]

As an humble citizen of this great Republic, I have had nothing but admiration for the leaders of this side of the House.

Under the matchless leadership of that distinguished Democrat who so ably and impartially presides over the deliberations of this House [applause on the Democratic side], I saw what looked to be a disorganized and hopeless minority converted into the greatest "fighting machine" America has ever seen; and I saw this magnificent minority, working with the power and precision of a great Corliss engine, develop into a great Democratic majority of earnest, alert, and conscientious Democrats, who move in unity as one man for the upbuilding of the fortunes of America and the freedom of its masses from the rule of Republicanism and privilege. [Applause on the Democratic side.]

This master of Democratic principles, this champion of the people's cause who asked or gave no quarter when the interests of the masses of the people were at stake, this man whose heart and mind have been devoted to his people, is justly entitled to and richly deserves the highest honor within the gift of the American people, whom he has served so faithfully, so consistently and devotedly. [Applause on the Democratic side.]

For the reason that this discussion so far has been along a technical line, dealing with the technicalities of duties upon the different grades of the manufacture of wool, I have intruded upon the House not for the purpose of discussing all phases of this bill, but to devote the time so generously allotted to me by the distinguished gentleman from Alabama [Mr. UNDERWOOD] to the relation of the American laborer and farmer to the manufacturing industries of the United States.

Schedule K has been formally arraigned before the bar of public opinion and condemned for its infamy, and it needs no accuser, and upon the principles of justice no one can defend it.

Mr. Chairman, there is one noticeable thing about every speech made by the gentlemen on the other side of the aisle. They are always apparently very solicitious about the welfare of the American wage earner when it comes to a reduction on the tariff on any of the products of their pet industries.

I stand here and ask for the American wage earner one question. It is this: Why do they not show their love for him by their works? In their 13 years of absolute and unmolested control they have raised the tax rate on every man, woman, and child in the United States from $4.85 to $7.35 per capita. They loved him so well that they taxed him $2.50 per head more under Republican rule than he was taxed under Democratic rule. [Applause on the Democratic side.]

PER CAPITA TAXATION.

The population of the country in 1890 was 62,947,000; in 1900 it rose to 75,994,000, or an average annual increase of 1,294,000.

On this basis the estimated population in 1897 was 72,005,000. The Statistical Abstract estimates it at 71,592,000.

The receipts from taxation in that year were:

From customs	$176,554,127
From internal revenue	146,688,574
Total	323,242,701

On the larger basis the per capita taxation for customs and internal revenue was $4.48 and on the smaller $4.51.

On the basis of 72,005,000 population the per capita taxation on—

Customs and internal revenue was	$4.48
On customs alone	2.45
On internal revenue alone	2.05

The population in 1910 was 92,000,000. The receipts from taxable sources were:

From customs	$333,683,000
From internal revenue:	
Ordinary	268,981,000
Corporation tax	20,951,000
Total	623,615,000

The per capita tax in 1910 was:

On customs and internal revenue	$6.77
On customs alone	3.62
On internal revenue alone	2.92
On corporation tax alone	.23

Comparison of per capita taxation.

	1897	1910
Customs and internal revenue	$4.48	$6.77
Customs	2.45	3.62
Internal revenue	2.05	2.92
Corporation tax		.23

Every time they open their mouths on the other side of this Chamber they say something about the farmer or the industrial toiler. The best way to prove their attitude to the masses is to show how their protected industries pay them for their toil and their products.

One of the greatest leaders the Republican Party ever had was the Hon. James G. Blaine. He said in this very Chamber what none of you gentlemen have admitted:

> That the actual labor cost of the American product is less, because the effectiveness of the American laborer is superior to that of the workingman of any other nation on earth.

Mr. Blaine was fair enough and frank enough to say what the Republicans of this House are not fair or frank enough to admit: That they want protection just for the sake of protection and the benefit accruing to the manufacturing industries.

This statement is verified by the following table, compiled by Prof. William G. Clark from official data showing the com-

parative productivity of American labor with that of other countries for the year 1900:

Average annual output.

American	$2,450
Canadian	1,455
Australian	900
French	640
English	556
German	460

If additional verification of the productivity of American labor as compared with other labor is required, I desire to call attention to the fact that 900,000 employees in the coal mines of Great Britain in 1910 produced 296,008,816 tons of coal, or 329 tons per man, while 700,000 employees in the United States in the same year produced 499,273,684 tons, or 713 tons per man.

If this statement by Prof. Clark even approaches authenticity, is the American laborer actually paid as much as the English laborer, who produces by reason of his inefficiency four and one-half times less for his employer than the American?

The average yearly wage of the American laborer is $437 to support three people to the family, or $8.60 per week; and in every country in Europe the laborer can purchase with $5.73 as much food and clothing as the American purchases with his $8.60 in the protected markets of this country.

Mr. Chairman, for the enlightenment of some of my distinguished friends on the other side of the House I desire to give statistics of accuracy as of the condition of the American wage earner from the Census Bureau report on manufactures of 1905:

[Census Bureau report on manufactures, 1905.]

Number of establishments	216,262
Capital	$12,686,000,000
Wage earners	5,470,321
Wages paid	$2,611,540,000
Cost of materials	$8,503,949,000
Value of product	$14,802,147,000
Average yearly wage, 1905	$477
Average yearly wage, 1900	$437
Average yearly wage, 1890	$444
Average daily wage (310 days)	$1.54
Average daily wage (365 days)	$1.30
Labor's share of product—per cent	17.6
Labor added to materials	$6,299,000,000
Labor's share of value added—per cent	41.4
Capital's share of value added—do	58.6
Living increased, 1897–1909 [1]—do	49
Wages increased in money, $33 a year, or—do	7.4
Wages increased (specified industries)—do	23
Average cost of food per workingman's family, 1897 [2]	$299.24
Average food cost:	
1907 [2]	$374.75
1910 [2]	$392.00
Money increase of food cost—per annum	$92.76
Wage increase in money—per annum	$33.00
Wages increased—per cent	7.4
Food cost increased—do	31

Cost of living increased fourfold over wages.

This old "wolf cry" of their party can no longer fool the American laborer. They make a "spread-eagle" cut speech on this floor and scatter it broadcast over the land, talking about protective tariff being necessary to protect American labor against the "pauper labor" of Europe. At the very moment their magnanimous speech is falling from their lips on this floor their pet industries have got their agents scattered all over Europe, raking it with a fine-tooth comb, bringing in this "pauper labor" they howl so much about when building a tariff wall at the rate of 100,000 per month to compete with the patriotic, honest, and intelligent American toilers. [Applause on the Democratic side.]

With the exception of this outrageous schedule with which our party is now dealing, the most favored industry of Republican beneficence is the Steel Trust.

When they were giving this industry its outrageous right to tax the American farmer on his farm implements and the American people generally on the products of this gigantic trust, builded upon tariff profits unjustly filched from the pockets of the American consumer, they said that they must have it because of its infancy—it was still on the "milk diet." [Applause on the Democratic side.] But, above all, it should be protected because it employed more laborers than any other one industry in this country, and they must be protected from the "pauper labor" of Europe.

The Pittsburg Survey gave a tabulated map showing that the Carnegie mills at Homestead employ 18,711 of these "paupers," consisting of Slovaks, Poles, Bohemians, Hungarians, Roumanians, and so forth. You will probably remember that this protected industry used the military to drive American organized labor from its gates. [Applause on the Democratic side.]

[1] Dun's Review. [2] Bureau of Labor.

The gentleman from Illinois [Mr. MANN], with much vehemence and with the expenditure of a great amount of gesticulative energy, spoke about the "pauper labor" in the woolen industry of Europe.

I challenge their side of the House to go to New England and take an inventory of the operatives in the mills and see how many American operatives they will find.

The Boston Traveler of June 2, 1909, in its ridicule of the speech delivered by the senior Senator from Massachusetts [Mr. LODGE], said:

He made an impassioned plea for the mill operatives of New England, who must not be deprived of their right to work and wages, and for the manufacturer, who must be protected against the cheap labor abroad. The mill operatives for whom the Senator's eloquence was unloosed are practically all Greeks, Syrians, Armenians, Poles, and Italians, who have driven out every other kind of labor because, under present wages in the mills, to bring up a family is impossible.

Mr. LODGE's defense for the cotton manufacturers whose mills are filled with aliens on starvation wages is paralleled in history only by the argument made in Parliament at the time England was attempting to abolish the slave trade—that if the bringing of black people from Africa to America and elsewhere was prohibitive, shipowners would not find any use for their vessels, and that these slave ships furnished the only market for decayed fish and other putrid food, on which there would be a dead loss if the slave trade was outlawed.

Mr. Chairman, if they want to protect the American laborer, why is it they did not make the Immigrant Bureau self-sustaining by placing a head tax of not less than $10 per head upon every alien entering into the United States? Would that not be better than taxing the laboring people of this country $2,000,000 per annum to meet a deficit in this department? They have been so eager to bring this "pauper labor," as they so pertly term it, into this country that they have actually failed to make it pay its own expenses, and they tax the industrial toiler to maintain a department established for taking bread and meat out of the mouths of his wife and children. I ask them again, Why have they failed to build a tariff wall around the brain, the muscle, the intelligence and the patriotism of the American-born industrial toiler, who loves his flag next to his child, who worships freedom next to his God, and who, when his country is imperiled by an attack from without, leaves his toil, leaves his wife, leaves his child, and shoulders his gun to fight the battles of his country while their tariff barons are being treated for the gout at Carlsbad or are cruising in their palatial yachts upon the silvery waters of the Mediterranean Sea? [Applause on the Democratic side.]

By their love for the American toiler they have made it possible by combinations between American industries and the steamship companies for this "pauper labor" to land on our shores at from $8 to $60 cheaper than in any country in the world.

Talk about protecting the American industries from the "pauper labor" in Europe when they are using the same sort of labor here that the foreign manufacturer is using there [applause on the Democratic side], and to prove this I submit a report from the Census Bureau showing the foreign population of the States in which these manufacturing industries were founded and fostered:

Table of foreign born, etc.

[Census 1900, Vol. I.]

	Foreign born (cxxxi).	White population foreign parentage (p. 698).	Total foreign born and of foreign-born parentage.	Total population.	Percentage of population foreign born and of foreign-born parentage.
Massachusetts	846,324	897,386	1,743,710	2,805,346	62.1
Rhode Island	134,519	140,292	274,811	428,556	64.1
Connecticut	238,210	282,245	520,455	908,420	57.3
New York	1,900,425	2,415,845	4,316,270	7,268,894	59.3
New Jersey	431,831	556,294	988,125	1,883,669	52.4
Pennsylvania	985,250	1,430,028	2,415,278	6,302,115	38.3

It will be seen by the table which I submit that Massachusetts has 1,743,710 persons foreign born or of foreign-born parentage out of 2,805,346 total population, having therefore 62.1 per cent of people who are foreign born or of foreign-born parentage; Rhode Island, in like manner, has 64.1 per cent of its population foreign born or of foreign-born parentage; Connecticut has 57.3 per cent of foreign born or of foreign-born parentage; New York has 59.3 per cent of its people foreign born or of foreign-born parentage; New Jersey has 52.4 per cent of its population foreign born or of foreign-born parentage; thus disclosing in the completest manner the extent to which this use of foreign labor has driven out the American.

This table illustrates the policy of the Republicans toward the American wage earner. They want a country overflowing with laborers, which necessarily lowers the wage scale and causes the competition to be sharp, but when you seek to apply this standard of measurement to their products they declare it means ruination to their industries.

Is there a surplus of labor in this country? The only manner by which this question can be answered is by the number of people who are out of employment and seeking it at almost any price. In the month of April in this city the Civil Service Commission held an examination for the purpose of securing 250 janitors and charwomen. Shortly after midnight of the morning the application blanks were to be given out men and women began to gather around the office. When the time arrived for the distribution of the blanks there were 5,000 men and women in a seething mass, almost fighting to get their hands upon one of these precious applications that might mean the procurement of a job at hard manual labor for $1 a day. In the Capital of protected America enforced idleness had driven 5,000 people to desperation, want, and hunger.

Now, for a few moments I desire to call your attention to the distribution of wealth of this country and to the financial condition of the masses of the people.

We have already seen by statements of fact, which may be disputed but not successfully disproved, that protection is of no value to the industrial toiler.

The labor is obtained by our industries upon a basis of free trade; the gates of America are wide open, not only beckoning the laborer of the entire world to enter, but really aiding and inducing him to enter into competition with the wage earner of our own land.

On the other hand, the American laborer has to spend his earnings for the necessaries of life in a market protected by the highest tariff rates of any country in the world.

LESS THAN 100,000 OWN CITY.

[From the New York Times.]

Lawson Purdy, president of the board of taxes and assessments, in a speech at the City Planning Municipal Art Exhibition, said that the value of the taxable property in New York City is now estimated to be about $6,800,000,000. Two-thirds, or 67 per cent, of this property, he added, is land. Mr. Purdy said that it is estimated that less than 100,000 persons own every particle of the land.

Spahr's table for the distribution of wealth in the United States, taken from his work, The Present Distribution of Wealth in the United States, when our national wealth was $60,000,000,000, is as follows:

Classes.	Families.	Per cent.	Average wealth.	Aggregate wealth.	Per cent.
Rich	125,000	1.0	$263,040	$32,880,000,000	54.8
Middle	1,362,500	10.9	14,189	19,320,000,000	32.2
Poor	4,762,500	38.1	1,639	7,800,000,000	13.0
Very poor	6,250,000	50.0	.....	.....	.....
Total	13,500,000	100.0	4,800	60,000,000,000	100.0

The inequalities have been steadily growing worse, and when a single person's fortune is estimated at a thousand millions and is gathering in $50,000,000 per annum of the net proceeds of the products of the labor of this country, while millions of human beings can not lay aside $50 apiece per annum, what must be the inevitable result? It is this condition, half understood, that is developing rapidly a sentiment of radical socialism, discontent, and social unrest.

Think of this situation, 50 per cent of our population, after all of their toil, day in and day out, have been unable to accumulate a single dollar! Never, by the practice of strict economy, being able to lay aside a dollar for the day when sickness shall overtake him. Keeping his nose to the grindstone. Never feeling that freedom accompanying the accumulation of a few dollars for the inevitable "rainy day." His poverty crushing his ambition to own a roof over his head. Looking to the future, when he shall have expended his only asset—his muscle—when he has become old and no longer able to enlist in the battle for bread, he must lay down and die in want.

Mr. Chairman, no government can keep its place in the nations of the world tolerating a system which impoverishes its industrial toilers.

You may pay him higher wages here than the laborers of other countries obtain, but by your system you pay him with one hand and take it from him with the other.

In the year 1907 I visited the great city of Pittsburg—the citadel of protection. Of all the places on this earth I there expected to find prosperity at high tide and the tide still coming in.

In this city I understood that a great banquet given by the steel barons had just been held, where $100 was expended upon each plate, where champagne stoppers flew like bullets at the second battle of Manassas [applause on the Democratic side], where all was prepared for the feast more sumptuously than did a king ever feast. All to celebrate the division of their millions, the unjust profits of your system of protection.

I expected to see a happy and contented army of industrial toilers. I expected to see them dressed in decent working clothes. I expected to see their little children going to school dressed as an American white child should be dressed.

Was this the condition in existence? No; there walking the streets, approaching the back door of the homes of those they had helped to enrich, were 25,000 able-bodied men begging bread.

There in the doorways of the most desolate and squalid tenement houses, surrounded by none of the ordinary comforts of life, with every environment tending to both moral and physical degradation, sat hungry little children, with tear-stained faces—the enforced tears of hunger—and in the background sat the mother in silence and desperation. How merciless are the trusts! [Applause on the Democratic side.]

Talk about protecting American labor. Why, Mr. Chairman, the historian of the future will define a Republican "as a person belonging to a band of organized men, who, by artful practices and deceitful means, engaged in robbing farmers and laborers of their product." [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. UNDERWOOD. I yield 10 minutes additional to the gentleman from Georgia.

The CHAIRMAN. The gentleman from Georgia is recognized for 10 minutes additional.

Mr. HOWARD. Mr. Chairman, I thank the gentleman from Alabama very much.

In the last Republican platform we see them not only declaring for a tariff high enough to cover the difference in the cost of production in this country and foreign countries, but for an additional duty high enough to guarantee to the manufacturer a reasonable profit in addition to the cost of freight and carriage.

This is a guaranty they extend only to the manufacturer. The literal definition of the word reasonable is: Rational, honest, just, equitable, fair, suitable, moderate, tolerable.

In the face of this solemn declaration to the American people their party convened Congress and placed the most unreasonable, extortionate, and indefensible tariff act on the statute books the world has ever known. [Applause on the Democratic side.]

For the sake of the masses of the people, may God grant that they may never give us a dose of unreasonable profit. [Applause on the Democratic side.] In arriving at this reasonable profit for the manufacturer they estimate the cost of labor, material, operating expenses, and interest on the capital invested. In seven instances out of ten, one-half of the capital stock of these industries is water, pure and simple. They therefore reward fraud and encourage dishonesty by permitting them to calculate their profits upon a par-value basis for water as well as money invested.

Their protected industries under a prohibitive tariff exact from the people not only this reasonable profit, but they add the last penny of tariff profit to the product also, thus placing in their pockets money rightfully belonging to the consumer and for which he gets not one penny in value.

The great producers of our wealth—the farmers and the laborers—had no guaranty given them that they should receive a reasonable profit on their products and their toil.

When they guaranteed to the manufacturer his reasonable profits, they gave to the farmer and the laborer a guaranty equally as certain of fulfillment that he would be robbed under the system of protection accorded the manufacturer. [Applause on the Democratic side.]

Let us have just a few illustrations of how they tax the farmer and the laborer to enrich their tariff barons: On every $50 worth of woolen dress goods they make him pay $25.65 in tariff taxes. On every $50 worth of flannels he purchases they place a tariff tax of $29.55. On every $50 worth of linen wearing apparel they make him pay $18.75 in tariff taxes. On every $50 worth of blankets they make him pay a tariff tax of $25.85.

The farmer has to pay a tariff tax of $16.70 on every $100 worth of harness he purchases.

On $100 worth of salt in bulk they make him pay a tariff of $44.20. On every $50 worth of machinery for the farmer they

tax him $23.05. For every $50 worth of shovels and hoes for the farmer they tax him $15.55. For his china plates, cups, and saucers they make him pay a tax of $17.25 for every $50 worth purchased.

So this is what the Republican Party declared by platform was a reasonable profit.

With such outrageous profit being filched from the pockets of the masses of the people, is it any wonder that 50 per cent of our people are paupers and that billionaires are taking the place of millionaires?

The gentleman from Illinois [Mr. MANN] was complaining because the present bill taxed women's and children's dress goods 45 per cent, or $4.50 for every $10 purchase. Why should he complain and attempt to make capital of this rate when he and his party stand sponsor for an outrageous bill taxing the women's and children's dress goods on every $10 purchase $10.20.

Thank God we are able to save the consumer in this small purchase $5.70 if your Republican Senate will pass this bill and your Republican President will sign it. [Applause on the Democratic side.]

The gentleman from Illinois [Mr. MANN] saw fit to criticize this side of the House for its failure to tax raw rubber, raw silk, diamonds, and so forth. He says that they now come into this country free. The Republican Party made the Payne-Aldrich bill. We had nothing to do with it, and from the looks of that side of the House and the decreased number of Republicans over there, they wish to the good Lord that they had not had anything to do with it. [Applause on the Democratic side.] Speaking for myself, I am in favor of placing raw wool on the free list and reducing still further the duties on the manufactures of wool, but I assume that my Government is honest enough to pay her debts, although they are debts of the most outrageous extravagance. They were not contracted by our party, but they must be paid.

In fixing the duties in the bill under discussion the Committee on Ways and Means had to take into consideration the discharge of the obligations of the Government already contracted. This bill, so far as I am personally concerned, does not express my views or the views of the constituency I have the honor of representing, but it was the best we could do in the face of Republican extravagance in the administration of the public business [applause on the Democratic side]; and we will a little later on in the season, when the tidal wave of general prosperity follows the storm of Democratic success in 1912, attend to their most pampered industrial pets, the Woolen Trust and the Rubber Trust. [Applause on the Democratic side.]

After the farmers, the industrial toilers, and the masses of the people, who have so long endured your burden, get through with your crowd in the next election, a Republican in this House will look as lonesome as a martin on a fodder pole. [Applause on the Democratic side.]

Mr. Chairman, we will find in the next campaign the farmers and the industrial toilers and the masses in a different frame of mind from that in which we have ever met them. They have been reading and thinking for years. They are now ready to express themselves by voting an untrammeled ballot. They are no longer pleading with their Representatives to reflect their will in the legislation for the country; they demand that you do so. While the farmer and the masses of the people are willing to pay a just tax to raise revenue with which to run the Government economically administered, they are sick and tired of contributing their hard-earned money to enrich the few who are protected under Republican rule, and who do not contribute their just share to the burden.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HOWARD. Will the gentleman from Alabama yield me about three minutes?

Mr. UNDERWOOD. Mr. Chairman, I yield three minutes more to the gentleman.

Mr. HOWARD. Mr. Chairman, I have the honor of representing the capital district of the Empire State of the South. One of the most progressive cities in the United States is situated in this district—the city of Atlanta. My constituents have millions of dollars invested in manufacturing enterprises; we have a great army of ambitious, honest, industrious, law-abiding and God-fearing, American-born, American-raised, industrial wage earners. They are surrounded by southern environments conducive to patriotic impulses. They love their country, they love their flag, and obey the law of the land. In the seven rural counties of my district you will find upon the farms as intelligent, as industrious, and as refined farmers as will be found in any portion of this great Nation.

Since the convening of this session of Congress I have not received a single line from one of my 200,000 constituents asking me to vote for protection on anything.

My people, God bless them, are patriotic enough, honest enough, and just enough not to ask me to commit a wrong against one citizen for the benefit of another.

Mr. Chairman, my people, my glorious Southland, asks not for protection. With her great cotton crop she adds $1,000,000,000 annually to the wealth of the country. She brings back from across the seas $600,000,000 every year in glittering gold, giving to this country the balance of trade in her favor.

She is growing greater and greater each year in spite of the Republican protective-tariff laws. She grows without any aid from the General Government. She is prosperous, although she contributes her millions annually to the North and the Northwest for the payment of Federal pensions.

My people are not here, Mr. Chairman, asking for special privileges and favors at the hand of this Government.

All my people ask is that they be given justice, that they be not discriminated against, and that the markets of the world be thrown wide open that they may advantageously market their unlimited resources. Then, Mr. Chairman, will this country, which God has blessed so bountifully, "blossom like a rose." [Loud applause.]

Mr. PAYNE. Mr. Chairman, I yield one hour to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, in explaining the Democratic caucus reason for reducing the duties upon wool and woolen manufactures the gentleman from Alabama [Mr. UNDERWOOD] made special reference to a "depleted and depleting Treasury" and charged it to the operations of the Payne tariff law. From the prompt disclaimer of the gentleman from New York [Mr. PAYNE] and the addresses of the gentleman from Illinois [Mr. MANN] and the gentleman from Pennsylvania [Mr. DALZELL] it would appear that instead of a deficit, as predicted by the gentleman from Alabama, the Payne tariff law already guarantees to the Treasury for the current fiscal year a very substantial surplus. It is not wholly inappropriate, however, to concede to the gentleman from Alabama the correctness of one part of his statement, which is that, with regard to certain commodities, imports have been falling off, and to this extent the revenue of the country has been affected. This refers particularly to importations of raw wool, which decreased 50 per cent during March, 1911, as compared with March, 1910; so that for whatever this implies the agitation of the tariff and the fear of Democratic revision is responsible. Not for many years has there been such stagnation in the woolen business as there is at the present time, and throughout the trade there is a feeling of uncertainty and apprehension such as has not been known since the deplorable period of the Wilson-Gorman tariff bill. If the Democratic Party can derive any satisfaction out of this condition of affairs, or by reason of a loss of revenue resulting therefrom, they are welcome to it.

REPUBLICAN POLICY IS TO BUILD UP.

The policy of the Republican Party, as I understand it, has always been to build up and encourage industries and to keep the wheels turning so that both capital and labor may be profitably employed. It certainly can not be charged that the Republican Party has ever stood for the development of foreign industries and the production of manufactures abroad in order that deficiencies in revenues might be covered at the custom-houses of the United States, which, in the present instance, is exactly what the Democratic Party, through the spokesman of its caucus, proposes to do.

It is not my purpose to attempt to untagle the intricacies of the wool problem. It has been treated scientifically in numerous tariff bills since the foundation of the country, and it has been written to death by theorists and scholars, who have been the bane and the butt of the practical business men and wage earners who have been actually employed in production, in manufacture, and in distribution. The usual process of reasoning as between the producer and the consumer, as if in the last analysis they were not substantially one and the same person, has been indulged in until the public mind has become tired and confused.

COMPLAINANTS MAKE CONFUSION.

I know of no better way to illustrate this than to cite the witnesses who appeared before the Ways and Means Committee prior to the enactment of the Payne tariff, and who stood for almost every proposition that anybody wanted. Witness the almost humorous dialogue between members of the committee and Mr. Edward Moir, of Marcellus, N. Y., who, speaking for the Association of Carded Wool Manufacturers in opposition

to the Dingley law and differing from Mr. Frederick Swindells, of Rockville, Conn., one of his own committee, as to whether ad valorem or specific duties would be best for all interests, elucidated as follows:

The CHAIRMAN. Mr. Moir, take the present duty of 11 cents on the first class and 12 cents on the second; what would be the equivalent ad valorem to that, in your judgment?

Mr. MOIR. No man can tell unless you give him the shrink of the wool.

The CHAIRMAN. On the kind of wool that is imported under that provision to-day?

Mr. MOIR. It is impossible to answer that intelligently, Mr. Chairman.

The CHAIRMAN. So you do not know whether 50 per cent would raise the duty or lower it on the wool?

Mr. HILL. We have got it right here in our imports.

Mr. CLARK. How much is this wool worth without any tariff?

Mr. MOIR. Which wool do you mean?

Mr. CLARK. The kind you use.

Mr. MOIR. We use so many kinds.

Mr. CLARK. Take one kind. What kind of goods do you make?

Mr. MOIR. We make from a reasonably fine piece of goods down to low-grade goods.

Mr. CLARK. It seems to me that you ought to be able to give an answer to the chairman's question, and to tell him how much this 11 cents and 12 cents a pound would make, ad valorem, on wool. It is a matter of arithmetical calculation if you know how much the wool costs.

Mr. MOIR. If you would just give me the kind of wool, I would have to know the shrinkage, and then I could tell you.

Mr. CLARK. If you can not tell, that is the end of that part of it.

Mr. MOIR. I say, it is one of those puzzling questions that no man can answer intelligently unless he knows the kind of wool and the shrink.

Mr. CLARK. It seems to me that the situation is just about this: Whenever we get to a place where we want any information, we can not get it.

* * * * * * *

Mr. CLARK. What compensatory duty do you say you ought to have?

Mr. MOIR. A duty equivalent to the average, ascertained by experts, on a 40 cent per pound piece of goods, shown to be there.

Mr. CLARK. Well, I do not understand that. [Laughter.] I want to ask you one question and then I will let you alone, so far as I am concerned. You say it is feasible to have an ad valorem duty?

Mr. MOIR. Entirely so.

Mr. CLARK. Would you base it on the foreign invoice value or on the value in New York or Boston or wherever it comes in?

Mr. MOIR. I would base it on the foreign value.

CONFUSION WORSE CONFOUNDED.

A little further on the witness elaborated more fully, as follows:

Mr. BOUTELL. If you can tell—of course, if you can not tell us, just say so—if you can tell, will you tell the quality of cloth which constitutes, on the average, year by year, the bulk of your output?

Mr. MOIR. We call it a medium.

Mr. BOUTELL. What would that sell for?

Mr. MOIR. That would be made out of what we call a medium wool.

Mr. BOUTELL. I will take another start: What kind of wool goes into the bulk of the goods that you make?

Mr. MOIR. We use half-blood and three-eighths. It is grown in New York, Virginia, Kentucky, and pretty much all over the United States; wherever we can buy it the cheapest.

Mr. LONGWORTH. How much do you pay for it now?

Mr. MOIR. Which kind?

Mr. LONGWORTH. The kind that you make your goods of.

Mr. MOIR. Well, you understand that it varies very much in shrinkage; consequently it varies very much in price. We are using some wool—I have got a sample here now——

Mr. LONGWORTH. You say you go out and buy it where you can get it the cheapest. What do you pay for it? That is a simple question.

Mr. MOIR. The last wool we bought, fleece wool, we paid 25 cents for, unwashed.

Mr. LONGWORTH. Now go ahead.

Mr. BOUTELL. Well, you are helping out.

Mr. LONGWORTH. Twenty-five cents is the basis.

Mr. BOUTELL. I wanted to get, Mr. Moir, an actual illustration of the kind of wool that is in a certain kind of cloth, and I thought I was asking some very simple questions. Either I am unable to make you understand, however, or you are unable or unwilling to answer my questions.

Mr. MOIR. I am not unwilling.

* * * * * * *

Mr. BOUTELL. In other words, then, you made that out of a mixture of wool?

Mr. MOIR. Yes; about four different kinds.

Mr. BOUTELL. Four different kinds of wool were used in making that cloth?

Mr. MOIR. Yes; maybe five.

Mr. BOUTELL. Do you make any kind of cloth out of one kind of wool?

Mr. MOIR. Sometimes.

Mr. BOUTELL. How often?

Mr. MOIR. Not very often.

HOW WOOLS ARE "BLENDED."

Mr. BOUTELL. You could not say that you had recently made a piece of cloth out of one kind of wool?

Mr. MOIR. I do not believe I could. I will explain that by saying this: We are buying in lots of wool from 5,000 pounds up to 100,000 pounds. We buy them in all markets, and they have got to be brought together and put up in a pile and blended up. It is not so difficult when you know about it.

Mr. BOUTELL. You say you think there may have been five kinds of wool in that cloth?

Mr. MOIR. Yes.

Mr. BOUTELL. Could you give me the prices of the five kinds? You said from 35 to 64 cents. That accounts for two. Give me the prices of the other three.

Mr. MOIR. Oh, well, I could not give you just the exact prices unless I were home. Then I could give them to you.

Mr. BOUTELL. In other words, then, we can not get from you an actual illustration of what you paid for the raw wool that went into any particular kind of cloth that you can identify, so that we can ask the simple question what ad valorem duty you think would be fair on that cloth so identified, provided we put a 50 per cent duty on that wool so identified? You are unable to give any actual figures that would illustrate that simple problem.

Then there were questions by members of the committee and answers too lengthy to submit in the RECORD, indicating that there was great difficulty on the part of the committee in ascertaining just exactly what Mr. Moir's views were, although he represented certain carded-wool interests that were, perhaps, the chief opponents of Schedule K, which has been the subject of so much discussion on this floor. That part of Mr. Moir's statement which pertained to the ad valorem duties he advocated I deem worthy of reproduction. It shows how "easy" it was for the Ways and Means Committee to get at the facts:

INFORMATION ON AD VALOREMS.

The CHAIRMAN. Mr. Moir, the equivalent ad valorem of the present rate of duty on wool averages about 45 per cent?

Mr. MOIR. So the statistics show—that is about what they pay.

The CHAIRMAN. The statistics show that; about 45 per cent?

Mr. MOIR. Yes.

The CHAIRMAN. It may be a trifle over that, or it may be a trifle under that on one class or the other?

Mr. MOIR. Yes.

The CHAIRMAN. Suppose you had an ad valorem duty of 45 per cent on wool, what is the lowest rate of duty that you would have to have on your goods, the goods that you make, to protect your industry?

Mr. MOIR. Do you mean to figure a compensatory duty?

The CHAIRMAN. I mean the whole duty. What percentage would you have to have on your cloth, compensatory and otherwise, to protect your labor, and so forth?

Mr. MOIR. On a 50 per cent basis?

The CHAIRMAN. I said 45, but you may take it at 50 or any other figure you please and tell me what it is, and tell me the result.

Mr. MOIR. How long will you give me to figure it?

The CHAIRMAN. Have you not ever figured that out?

Mr. MOIR. Not on the basis of 45 per cent. I have figured it on 50.

The CHAIRMAN. Tell us on the basis of 50, then. You need not figure it at all in that case.

Mr. MOIR (after examining papers). On the basis of 40 cents a pound it would figure somewhere in the neighborhood of about 87 per cent.

The CHAIRMAN. Forty cents a pound, or 40 per cent duty?

Mr. MOIR. Yes; not 40 per cent.

The CHAIRMAN. I am talking about an ad valorem duty on the wool now.

Mr. MOIR. Of 45 per cent?

The CHAIRMAN. Of 50 per cent. You said you could tell me. You get off onto pounds.

Mr. MOIR. Yes; figured on 40 cents a pound, about 80 per cent.

The CHAIRMAN. Forty cents a pound?

Mr. MOIR. Yes.

The CHAIRMAN. I said on the basis of 50 per cent ad valorem on wool; or you did, and I accepted your figures. With a straight ad valorem of 50 per cent on wool, what percentage of ad valorem duty would you have to have on your cloths in order to protect you and pay a compensatory duty on the wool?

Mr. MOIR. Somewhere about 80 to 90 per cent.

The CHAIRMAN. Have you ever figured that?

Mr. MOIR. Well, roughly.

The CHAIRMAN. Are you satisfied that 75 per cent would do it?

Mr. MOIR. I am not quite satisfied.

The CHAIRMAN. Are you satisfied that 80 per cent would do it?

Mr. MOIR. I think somewhere in that neighborhood. Understand, Mr. Chairman, it is not that I do not want to give information, but you understand that we never have gone in and figured up these things. We are entirely at sea as to what compensatory duty or what ad valorem duty——

The CHAIRMAN. Yet you come here recommending an ad valorem duty on the wool, and you have not figured up at all to see what the ad valorem would have to be on the cloth?

Mr. MOIR. Somewhere about 80 per cent, on a 40-cent basis.

The CHAIRMAN. On the yarn what would the ad valorem have to be, with 50 per cent on the wool?

Mr. MOIR. It would be less than on the cloth.

The CHAIRMAN. Yes; I should say so. How much less? What would it be?

Mr. MOIR. The making of the yarn is about one-half of the cost—pretty nearly—in some cases one-half of the cost of the making of the goods.

The CHAIRMAN. Then it would be 65 per cent?

Mr. MOIR. Somewhere about 60 or 65.

The CHAIRMAN. Sixty or sixty-five; is that right?

Mr. MOIR. Somewhere about that, I should think, speaking offhand, because I have not figured it out.

EVIDENTLY NOT SATISFIED.

Even at the expense of tiring the House, I have made this lengthy extract from Mr. Moir's testimony, because he was, in 1908, and is still, so far as an increasing tendency to circularize this Congress is concerned, perhaps the leading opponent of Schedule K. And yet the introduction of these pages of Mr. Moir's remarkably lucid statement may be considered timely in view of Mr. Moir's opinion of the Underwood wool schedule, as reported by the Daily Trade Record of New York, in its issue of June 7. Mr. Moir, who wanted to destroy Schedule K, does not seem to be enamored of the Underwood bill, as this extract shows.

"NOT ENOUGH PROTECTION IN UNDERWOOD BILL," SAYS EDWARD MOIR.

In reply to the question, From the wool, woolen, and worsted mill viewpoint, would the Underwood tariff bill give enough protection to retain American domestic markets? Edward Moir, president of the Crown Mills, Marcellus, N. Y., and president of the Carded Woolen Manufacturers' Association, said: "I would simply say no."

It would thus appear that if Mr. Moir has been furnishing material for recent assaults upon the worsted industry, he is not entirely satisfied with the foundling the gentleman from Alabama has laid upon his doorstep.

A STATEMENT FROM THE OTHER SIDE.

At this point, and in view of the attack made upon the American Woolen Co. by the gentleman from Kansas [Mr. MURDOCK], and purely in the interest of fair play, I quote from an address of William M. Wood, president of the American Woolen Co., in Washington in February last:

I claim that the contentions which the Carded Woolen Association makes are absolutely groundless. I claim that its representatives have started upon wrong premises in the argument, and therefore have reached wrong conclusions. Speaking both as the largest carded woolen manufacturer in America, and I think in the world, and as a worsted manufacturer of the same comparative size, there is absolutely no discrimination whatever against the carded woolen interest in the wool and woolen schedule, as compared with the worsted manufacturing interest. If it could be said that there was any discrimination at all between the two industries, the carded woolen manufacturer is really being favored. He can import any and all wools that the worsted manufacturer can import and the worsted manufacturer can import any and all wools that the carded woolen manufacturer can import. Both would like to bring in heavy-shrinkage wools, from which they are debarred, but the woolgrowers of the West consider that unfair. I say this subject to being wrong—that this group of carded woolen men are not in the general sense users of wool to any great extent. Their raw material consists mostly of shoddy, made from rags, old and new, and from wastes and the by-products of worsted mills. Some of them use fleece wool; it would be interesting to know how much they use, and I think it would be found surprisingly small.

DIFFERENCE BETWEEN WORSTEDS AND WOOLENS.

Worsted manufacturers can use only straight fleece wools from the sheep's back, and can not and do not use wastes, shoddies, or adulterants of any kind whatever. Worsted goods are made from straight, clean, pure wool, without manipulation of any kind. When I am buying wools in London or in Melbourne, on account of the specific duty I naturally seek for the light-shrinkage wools. Any carded woolen manufacturer has the same privilege. He uses his wool closer and does not have to figure the question of noils, which are the short combings from the fleece and which the worsted manufacturer can not use. For these noils or short wool he pays the full price, as though it were long fleece wool suitable for his use. He is obliged to sell it at a loss from that price of 33 to 50 per cent, more or less. The carded woolen manufacturer can use that product, but not altogether, and in the case of the American Woolen Co., we offer for sale in the open market these very noils and waste products of our mills, and so do all the other manufacturers, and very often they become a glut in the market—all to the advantage of the carded woolen manufacturer and to the loss of the worsted manufacturer. I can not for the life of me see why the few disgruntled men who form that Carded Woolen Association have any right to make complaint, and the fact that they are so small a minority, compared with the great number of carded woolen manufacturers of the country who do not agree with them, is conclusive evidence that they are in the wrong.

INJUSTICE TO ALL INTERESTS.

Having thus introduced the elements which are supposed to be fighting each other in the woolen business, I shall attempt to tell why I believe a great injustice will be done all interests by the passage of this bill. In the first place, it is in no sense a protective measure and has been so declared by the gentleman from Alabama. It is intended solely for revenue purposes, without regard to the welfare of American manufacturers and workingmen, whether they operate under the banner of the carded-wool man or of the maker of worsteds. Neither does it give consideration to the rights of the American woolgrower, for whom there must be protection if he is to continue to raise sheep in competition with Australia and other countries more favorably disposed as to climate. I do not attempt to speak for the woolgrower, because I hail from a manufacturing center, but my republicanism was of such a consistency as to make me stand with the farmer and woolgrower against Canadian reciprocity, and no tit-for-tat policy has permitted me to waver on any subsequent proposition leading to piecemeal and ineffective free trade. And right here I want to say—and I do not have the authority of any manufacturer for the statement—that the duty of 11 cents a pound on unwashed wool, leading up to 33 cents a pound on scoured wool, is solely in the interest of the American farmer and woolgrower to protect him against the increased expense to which he is subjected by foreign competition and the rigors of winter.

Mr. DONOHOE. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I shall be very glad to yield.

Mr. DONOHOE. How will cheap wool injure the textile industry of Philadelphia, which district you and I in part represent?

Mr. MOORE of Pennsylvania. I am going to cover that a little later on in my address, and, if the gentleman will be content, I think I can reach it in the regular way, and so save the time of the House.

Mr. DONOHOE. I will be pleased if the gentleman will do so.

WOULD PLAY FAIR WITH KANSAS.

Mr. MOORE of Pennsylvania. It also encourages domestic manufacture and the employment of labor in the United States. [Applause.] It was suggested on this floor by the gentleman from Kansas [Mr. MURDOCK] that an attempt would be made to remove the duty upon worsted cloth, for no other purpose apparently than to "hit" the American manufacturer, notwithstanding the fact that the manufacturer is not directly benefited by the duty imposed upon raw wool. In other words, the manufacturer whom the gentleman from Kansas wants to strike does not receive a single cent's worth of protection until the farmer is first cared for on unwashed wool at 11 cents a pound and to the extent of 33 cents upon a pound of scoured wool. I am aware of the inflammatory newspaper and magazine articles that may arouse the people who send the gentleman from Kansas to this House, but I am proud as an eastern Republican to be able to say that I would vote against a reduction of the duty upon raw wool, which protects the farmer who raises sheep in Kansas, just as promptly as I would vote against the proposed amendment to make the man who purchases the wool compete with foreign prices and foreign wages. [Applause on the Republican side.]

OBJECT TO DISPLACEMENT OF AMERICAN WOOL.

With no expert knowledge upon this subject, and looking at it chiefly from the view point of the success and development of the industry in the United States, I want to state my understanding of this controversy. Let us begin with raw wool itself. It would only confuse the argument to attempt to specify the various grades of wool, or to enumerate the countries from which they come.

According to the Statistical Abstract the American production of washed and unwashed wool in 1909 was 328,110,749 pounds, of a value of more than $88,000,000. Foreign wool was imported in excess of 266,000,000 pounds. It was that foreign wool and the manufactures thereof, coming into competition with domestic wool of larger volume, so far as the American markets were concerned, that raised approximately forty millions of revenue for the Government, and that revenue the Democratic Party now proposes to retain, not by importing 260,000,000 pounds of wool at existing rates of duty, but by displacing so much of the American production as will by the admission of more foreign wool make up the difference between the protective duties of the Payne bill and the so-called revenue duties of the Underwood bill.

FARMER'S PROTECTION GUARANTEED.

Now, where do we stand? The Underwood bill proposes to hit both the manufacturer and the farmer, and the gentleman from Kansas proposes to hit the manufacturer. It is evident that the market of the American woolgrower is with the American manufacturer. It is also a fact that before the American manufacturer starts business he agrees that the farmer shall have protection to the extent of 11 cents a pound on raw wool of a certain grade and more or less in other grades. The position of the farmer is exactly that of the taxi-cab man who assumes that the passenger is prepared to spend at least 30 cents, and adjusts the register for that amount before he turns a wheel. Under the existing law the farmer is secured against competition from abroad and is guaranteed protection before a pound of his material is woven into a fabric.

The Underwood bill proposes to take away that guarantee, to remove that protection, and put the American farmer at the mercy of the foreign producer, except as he may be protected by the Democratic revenue duty of 20 per cent on the value of imported wool. I have a notion that the man on the farm will not support this proposition any more than the workman in the mills will support it when he thoroughly understands the effect of it. For bear in mind, enough wool and woolen manufactures must be brought into this country to raise $40,000,000 of revenue at the customhouse and to that extent displace American wool, or the Underwood Democratic revenue tariff must be a complete failure. It will be too costly an experiment for Republicans or near Republicans to indulge in, preceding the presidential campaign of 1912.

WHY WOOL HAS GONE DOWN.

We are told that the price of American wool has been going down since this agitation began. I am in a position to state that the activities of worsted and woolen mills, as well as of

other textile industries, have fallen off markedly as the result of the apprehension that this Democratic tariff tinkering will continue. Salesmen are not bringing in their usual orders and manufacturers are taking no chances while the present uncertainty prevails. They are in no position to buy wool far ahead, and this in a measure accounts for the reduction in the price of wool. Moreover, many mills have closed down for want of orders, and many others, in order not to close down, are running short-handed or on reduced time. Only a few days ago the Southwark Mills Co., an establishment employing about 2,000 hands, was forced out of business, and its machinery and surplus stock have since been for sale. I do not know whether the Republican who finds fault with Schedule K knows what it means to 2,000 people, with families dependent upon them, to be suddenly thrown out of employment in a large city, but to us it is a very serious matter. And here is a single instance amongst many which tend to show the dire and far-reaching effects of a change in the tariff system under which we have been able to buy American wool and make American woolens.

REVENUE-GETTING V. LABOR.

Numerous inquiries addressed by me to spokesmen upon the other side with regard to the harmful influence of a revenue tariff upon American labor have failed to provoke that interest in the laboring man which, in my judgment, should be the first consideration of statesmen. The Democratic viewpoint has been one of revenue only, and the labor question apparently has had little or no consideration in the make-up of this bill. In fact, it is amazing to what extent this basic problem is ignored by the Democratic caucus and those who have made their attack upon Schedule K. Here is an extract from a letter written by Mr. John Burt, president of the Southwark Mills, to which I have already referred, attributing the failure of the company to the after effects of the panic of 1907 and the "unwarranted tariff agitation of 1910." Mr. Burt says:

Our concern employed over 2,000 people. Tariff agitation or the probability of it was one of the main causes for us to liquidate. There is no justice in the attack on Schedule K. I was in Europe last fall studying in detail the textile industry and went through a number of large plants. The main advantage they have is that all kinds of labor can be had at 60 per cent less cost than we can obtain labor for in the United States.

Mr. Burt, whose whole life has been devoted to the manufacture of fine woolen and worsted goods, referring to keen competition in the trade, adds:

There is no such thing in America as a woolen trust; but the truth would probably be revealed if you were to investigate the cost of the finished suit that goes to the consumer through the big, expensive department stores that control by advertisements the American press.

CANADIANS EXPECT CHEAPER MACHINERY.

With further reference to the Southwark Mills, it may be interesting, although harking back to the reciprocity discussion, to quote from a letter written by a Canadian woolen and worsted goods manufacturer to one of his Philadelphia correspondents. He was one of several Canadian buyers interested in the sale of the Southwark Mills machinery. This is what he said:

The matter of the Southwark Mills we took into consideration and had their catalogue before us, and at one time thought of sending a couple of men down to look at some of their machinery. We eventually concluded, however, not to do so, as we felt that we would not increase the worsted end of the business just at present. Moreover, with the likelihood of the reduction in the wool tariff in the United States, we fancy there will be many worsted and wool companies put out of business in the next year or so, during which time, if necessary, we will be able to pick up such machines as we may require.

At this time I lay before the House a list, forwarded under date of May 1, 1911, of mills, including the Southwark Mills Co., that have discontinued business in the Philadelphia district since the tariff agitation has been renewed:

Woolen and worsted mills in Philadelphia district that are reported to have discontinued business within the past few months.

	Mills.	Looms.	Combs.	Cards.
Southwark Mills Co	5	686	12	31
Landenberger Manufacturing Co	1	100	.....	.....
Long Bros. Co	1	380	.....	.....
Federal Worsted Co	1	134	.....	.....
John Scanlin & Son	1	396	.....	.....
Hall-Taylor Co	1	55	.....	.....
Tracy Worsted Mills Co	1	.....	13	.....
Leicester & Continental Mills Co	2	.....	.....	10
Chester Worsted Co	1	.....	3	.....
David G. Orme	1	60	.....	.....
Penn Worsted Co	1	40	.....	.....
Six Mills Co	1	30	.....	.....
May Manufacturing Co.[1]	1	400	.....	24
Total	18	2,281	28	65

[1] Also shut down, but have not as yet decided definitely to discontinue.

WHY MILLS SHUT DOWN.

Mr. HARRISON of New York. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from New York?

Mr. MOORE of Pennsylvania. I do.

Mr. HARRISON of New York. Does not the gentleman know that textile mills generally close down for a portion of each year, and this is the time of the year when it is customary for them to close down, either wholly or partly, and it has practically nothing to do with the so-called tariff agitation?

Mr. MOORE of Pennsylvania. Many mills do close down, but the list of mills that I refer to have closed down because it does not pay them to go on and for the reason that there is no demand for the goods they make.

Mr. DONOHOE. Does not the gentleman know that the textile industry, especially in Philadelphia, has been very dull for the last three years?

Mr. MOORE of Pennsylvania. Is that the gentleman's judgment and information?

Mr. DONOHOE. It is the information of the textile manufacturers of Kensington.

Mr. MOORE of Pennsylvania. And the workingmen as well?

Mr. DONOHOE. Yes.

Mr. FOWLER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Illinois [Mr. FOWLER]?

Mr. MOORE of Pennsylvania. I yield to the gentleman from Illinois.

Mr. DONOHOE. What was the gentleman's answer to my question?

Mr. MOORE of Pennsylvania. I was about to answer it by reading from my manuscript, but I will say to the gentleman he is correct as to depression in the textile industry in Philadelphia at the present time; a great many workingmen are out of employment at the present time.

TARIFF AGITATION ALWAYS DISTURBS.

Mr. DONOHOE. And there has been this depression for three years?

Mr. MOORE of Pennsylvania. There may have been lack of employment for three years—there was in the hosiery business particularly—but during the last six months there has been a great deal more depression than at any time in the last three years.

Mr. DONOHOE. I have a number of letters saying that business has been bad for the last three years.

Mr. MOORE of Pennsylvania. The gentleman confirms my statement. Business has been dull, mills closed down, and the tariff agitation has disturbed business. Tariff agitation began about three years ago.

Mr. MANN. I will say to the gentleman that I have had a number of letters lately from woolen manufacturers and woolen dealers and clothing dealers stating that the trade is so paralyzed it is at a standstill, and I never have had any letters of that character heretofore.

Mr. MOORE of Pennsylvania. I say to the gentleman that the information which is contained in those letters addressed to him is the information which I get at first hand from both manufacturers and workingmen in the city of Philadelphia.

Now I will answer the gentleman from Illinois [Mr. FOWLER].

WHAT DO THE DEMOCRATS MEAN?

Mr. FOWLER. You have very nearly answered what I desired to inquire, which was, if there was any greater depression now at this season of the year than there has been in former years?

Mr. MOORE of Pennsylvania. There has not been such depression in the textile industries as there is to-day since the days of the Wilson-Gorman tariff, and it could not have been much worse, I will say to the gentleman, at any period in the history of the country.

Mr. FOWLER. To what do you attribute this falling off, then, in your woolen industries?

Mr. MOORE of Pennsylvania. To the agitation of the tariff question, which unsettles business and prevents manufacturers from going ahead with their business and which prevents merchants from giving them orders for goods.

Mr. FOWLER. Now, I desire to be fair. Is it not generally understood that there will be no law passed on the woolen schedule at this session of Congress?

Mr. MOORE of Pennsylvania. I will say to the gentleman that we have no right to assume that no law will be passed, nor have we a right to assume that the Democratic Party was at all insincere in bringing in this bill, which has disturbed the industries of the country.

IS THE UNDERWOOD MEASURE A BLUFF?

Mr. FOWLER. Well, I desire now to be as fair as the gentleman. Is it not a fact now that it is generally understood among the manufacturing industries using wool in this country that there will be no law passed reducing the tariff on wool or on finished products of wool?

Mr. MOORE of Pennsylvania. May I ask the gentleman, before I answer his question, whether his understanding of the Democratic policy, as enunciated in this House, is that this Underwood tariff bill to reduce duties is not expected by the Democratic Party to pass the Congress of the United States?

Mr. FOWLER. Yes; we do expect it to pass, if we can get the Republican Senate to vote with us and the Republican President to approve the bill.

Mr. MOORE of Pennsylvania. Then, I say to the gentleman, that I hope the Republican Senate will have a little more common sense and a little more humanity than to pass it, and that the Republican President will be wise enough not to permit a bill of this kind to go through.

Mr. FOWLER. Is it not a fact that the woolen industries of this country do understand that there will not be any legislation reducing the woolen schedule or the duties on the finished products of wool?

Mr. MOORE of Pennsylvania. So far as I know, there is a deep-seated fear and apprehension on the part of the woolen manufacturers throughout the country that the tariff will be disturbed, since the Democratic Party has pledged itself to reduce the tariff, and particularly Schedule K. The Democratic Party is now in control in this House and has the power to put this legislation forward if it sees fit to do so.

Mr. FOWLER. We can pass this bill through the House only.

Mr. MOORE of Pennsylvania. I would not for a minute attribute to the distinguished gentleman from Alabama [Mr. UNDERWOOD] and to the distinguished Speaker of this House, who is one of the leaders of his party, any such insincerity as the language of the gentleman from Illinois would imply. I prefer to take those distinguished gentlemen at their word. They have the power here, and they have enunciated their policy, and I understand they propose to fight it out along the line they have indicated until they get control of the other branch of Congress.

THE MEANING OF APPREHENSION.

Mr. FOWLER. The trouble is that the gentleman from Pennsylvania has not answered my question. [Laughter.]

Mr. MOORE of Pennsylvania. I have tried to answer the question of the gentleman. If he does not understand me, I am very sorry.

Mr. FOWLER. I can not see how the business of the country will be disturbed when there is no such situation existing as can disturb it.

Mr. MOORE of Pennsylvania. Would it disturb the gentleman, may I ask, if, occupying, as he does, a very happy home in the State of Illinois, a messenger were to come to him announcing that somebody proposed to put a can of dynamite under his house some time within the next year?

Mr. FOWLER. If I knew he could not do it, I would sleep as sound as I ever did.

Mr. MOORE of Pennsylvania. I think the gentleman would have the feeling that most business men now have, when there is a determined purpose on the part of the Democratic Party to put into effect its theories, and thus interfere with the normal prosperity of the business of the country. This apprehension, as I am advised, has already caused a liquidation in the wool and woolen industry to the extent of $150,000,000.

Mr. FOWLER. Will the gentleman be honest enough now to say that he expects the bill will not pass the Senate? And if it will not pass the Senate, how can there be any danger from it?

Mr. MOORE of Pennsylvania. I can not say whether it will pass the Senate, but I can say to the gentleman, on my honor, that I will do everything I can, everything in my power, to prevent it and to stop it.

Mr. MANN. I think the gentleman from Pennsylvania does not quite understand my colleague from Illinois. My colleague is endeavoring to inform the gentleman from Pennsylvania that what he, the gentleman from Illinois, is about to do will not be very bad, because it will not be accomplished; that while he, with his party, is doing his best to ruin the country, the country knows he can not do it, and hence what he is seeking to do will not do any harm.

STILL A QUESTION OF INTENT.

Mr. MOORE of Pennsylvania. That may be the gentleman's meaning, but I have no desire to so interpret it. I have wanted to give him full credit for sincerity in advocating the enactment of this bill, and give his party full credit for sincerity in introducing it. I assume that the leaders of his party were sincere and honest when they made the announcement here that they proposed to fight it out along this line if it took all summer.

Mr. FOWLER. But the gentleman still does not answer my question at all. [Laughter.] If the gentleman still says that he does not expect it to pass the Republican Senate, then I will ask him how he can expect it to disturb business in his State?

Mr. MOORE of Pennsylvania. It has already disturbed business. I advise the gentleman that with such able generals as his party has on the firing line here I do not take anything for granted in regard to tariff legislation.

Mr. FOWLER. I desire to thank my colleague from Illinois for absolving my conscience.

Mr. MOORE of Pennsylvania. Let me say to the gentleman that if his colleague from Illinois on this side has absolved the gentleman's conscience, still that can of dynamite that I referred to might disturb the gentleman in the future. I do not want to believe he puts his trust in the Senate.

Mr. MANN. I propose to have something to say to the gentleman from Illinois a little later on another matter.

HANDS UNEMPLOYED—BUSINESS MEN CAUTIOUS.

Mr. MOORE of Pennsylvania. Mr. Chairman, this discussion is very interesting, but my time is passing.

I am informed that at least 5,000 hands have been deprived of their employment by reason of the Philadelphia shutdowns, and that there are probably ten or fifteen thousand mill hands in the same district who are working half time because there is no demand for the product of the mills. If this condition, which is special to Philadelphia and vicinity, holds throughout the country, it can very readily be seen what the result will be if the present uncertainty with regard to tariff legislation is not relieved. It would also seem to justify the prediction of our Canadian correspondent that woolen and worsted machinery in American mills may be had at less cost under Democratic conditions than it would bring now. This is what happened during the Wilson-Gorman tariff period, and it is not to be wondered at that business men and manufacturers are cautious as to future business ventures.

FARMER AND WORKER BOTH HIT.

Now, Mr. Chairman, why does this so-called Underwood bill cause apprehension in the business world?

In the first place, it takes away the farmer's protection on wool and proposes to open up the American market, which is the best in the world, to the foreign woolgrower. Thus, in order to raise revenue the Democratic Party proposes to sacrifice the American woolgrower by displacing his product in favor of wool from Australia and other countries. It denies the farmer the protection that has been given him by the Republican Party.

And then, for the sake of raising revenue only, it denies to the American woolsorter, whether employer or employee, the protection the Republican Party has hitherto accorded him against the cheaper overhead charges and wage conditions prevailing in Europe. Regardless of the overhead charges or manufacturer's profit, the wages paid to woolsorters is as $12.50 to $15.50 in the United States to $3.75 in Germany, $4.60 in Italy, $6.40 in France, and $7.30 per week in England. Here are two comparative scales showing the wage standards set in the United States and foreign countries. The first is taken from the statement of Mr. W. A. Graham Clark, a special agent of the Department of Commerce and Labor, who was sent to Europe especially to obtain this kind of information. (See page 5709, Ways and Means Committee Hearings, 1908–9):

In regard to wages, from information gathered in Italy, France, England, and the United States, I have figured up the comparison as follows:

	Italy.	France.	England.	United States.
Sorters	$4.60	$6.40	$7.30	$12.50
Washers or dyers	3.00	4.25	5.00	7.00
Carders	2.30	4.00	3.90	6.00
Gill boxes	2.30	3.70	3.00	6.00
Comb minders	2.30	3.70	3.00	6.00
Boss spinner	7.00	9.25	12.00	18.00
Mule spinner	5.80	6.20	7.30	9.50
Ring spinner	2.30	4.00	3.00	6.00
Weavers	3.00	4.60	4.00	9.00
Fullers and pressers	3.50	4.25	6.00	7.00

ANOTHER WAGE COMPARISON.

The next comparative scale I desire to introduce at this time is supplied by the letter of Thomas H. Ball, of Philadelphia,

to Chairman Payne (pp. 5766-5767, same tariff hearings), as follows:

DEAR SIR: As argument against any lower revision of Schedule K of the Dingley tariff bill as regards worsted yarns, the writer represents 30,000 to 40,000 worsted spindles here and has recently investigated and received from England the wages paid for the same work there for comparison.

Comb minders receive in England $4.30 to $4.75 per week, as against $6.50 to $8.50 in our mills here; drawers receive $2.80 to $3 in England, as against $6.50 to $7 here. Boys, $2.12 to $2.24 in England, as against $4 to $5 here. Girls in spinning rooms receive $2.24 to $2.75 in England, as against $5 to $7 here.

In regard to the French system of spinning, the writer represents Jules Desurmont & Sons, Tourcing, France, who have recently established a branch at Woonsocket, R. I., and the figures below are the wages paid by this concern in Woonsocket and in their mill in France.

Wages paid here for spinners $16 per week; in France $6.50 per week. Piecers paid here $12 per week, in France $4.50. Drawing hands $6.50 here, in France $3.25. Twisting, spooling, and reeling $6.50 here, and $3.25 in France.

Being interested in some mills in Belgium, am in a position to state with full knowledge that the wages in Belgium on this line of work is on an average of 5 per cent cheaper than in France, and in Germany on this same line of work the wages rule from 10 to 20 per cent lower than in France.

As an illustration of the difference in prices in yarns between here to-day and France to-day on the French system: 2/28, ⅝ grade, is selling here for $0.88½; the same grade in our mills in France, $0.48; 2/40, ½ blood, selling here at $1.07½, and to-day in France for $0.57; 2/50 at $1.20 here, and $0.65 in France. For weaving in England, weavers receive $3.75 to $4.24 per week, against $10 to $13 here. Warp dressers receive $6.50 to $7 in England, as against $15 here.

Yours, truly,

THOS. H. BALL.

I commend these comparisons to the gentleman from Georgia [Mr. HOWARD], who spoke a little while ago and who seemed to think that conditions abroad were equally desirable as those in the United States.

When we call the attention of our friends on the other side to these incongruous figures, we are told that the question is not germane to the revenue problem, or, as in the response of my learned friend from Georgia [Mr. BRANTLEY], that we are "setting up a man of straw."

REPUBLICAN PROTECTION IS THOROUGH.

Then, again, for the sake of "revenue only," the Underwood bill proposes to put into competition with American operatives in the scouring departmemnt of the various mills those who do similar work at one-half the wage in England and one-third the American wage in Germany, France, Belgium, and other countries. The Republican Party has hitherto provided against this difference in the wage account, so that in no one particular branch of the business has the foreigner got an undue advantage over his competitor in the United States. To me it is a matter of small consequence whether the carded-wool manufacturer in the United States feels that he can not keep up with the improved machinery and facilities of the worsted manufacturer, so long as we are able to give each of them a fair chance in their respective lines and along the various stages of production against unfair competition in other countries. If wool can be sorted in England and Germany cheaper than it can be sorted in the United States, we should put up a barrier covering the difference in cost of wool sorting at home and abroad. That is exactly what we did for the farmer when we took care of him to the extent of 11 cents a pound on raw wool, aggregating 33 cents a pound on scoured wool. We have made the foreign wool producer meet the barrier at the customhouse and have compelled him to enter this country on equal terms with the American producer.

BARRIERS ERECTED, STEP BY STEP.

And if we did put up the barrier for the benefit of the wool-grower and then of the wool sorter, what are we to say of the wool scourer, who can do the work of scouring so much less in foreign countries than we can do it here? Why, of course, to be consistent and fair to this separate industry, we must rear the barrier against him, else the whole scheme of protection fails. And if the scouring is done cheaper abroad and protection is needed at the customhouse, then carding, which is a separate trade, must also have protection; and combing, which starts the worsted manufacturer at the parting of the ways from the woolen manufacturer, must also in all fairness have his protection. Spinning can be done cheaper abroad than it can be done here, and so we require a special rate of duty for foreign-made yarns. If it were otherwise, we would surely permit the extinction of vast industries in the United States and flood this market with foreign products. In actual practice the Republican Party has protected, step by step, every interest associated with the wool business from the shearing of the sheep to the finishing of the cloth. We can not withdraw any one step of protection along the whole line of associated industries in the wool and woolen business without endangering them all. [Applause.]

PRACTICE V. THEORIES.

And when I speak of Republican "practice" or "performance" I want to differentiate between the theories that we hear so much about upon the other side, theories from men who know nothing of the conditions that prevail in great industrial centers; theories of those who live in the past and amongst their books, and who get their ideas from philosophers who know not how to earn their bread and butter, nor realize the necessity of the daily wage to the man who lives in the city.

I say "practice," because the Republican Party has gone on step by step to protect the interests of the people of this country, regardless of fine-spun theories that lead on to a remote millennium. And while the Underwood bill, framed solely for the purpose of raising revenue, strikes down every one of the branches of industry involving the employment of labor in the manufacture of woolens, it is worthy of more than passing comment that the highest rate of duty provided in the bill has been placed against foreign importations of blankets and flannels, women's and children's dress goods, and ready-made clothing. Here is where we get the low-grade or adulterated material, and here is where the Underwood bill accords protection, while it professes to raise revenue. The ad valorem duties in these particulars run up to 45 per cent, so that with respect to the finished product the ready-made clothing manufacturer and the maker of ladies' and children's dress goods would seem to be favored against the workman whose livelihood depends upon the working up of the material. This new provision would mean that on a $20 suit of clothes made in London the importer would pay $9 at the customhouse, or upon $10 worth of ladies' or children's dress goods imported from France would pay $4.50 at the American port. It can not be denied that there are elements of protection for certain merchandising interests in this Democratic proposition, but it may be safely left to the importer or the manipulator to see that the price to the consumer is not reduced because of the high duty proposed.

WANTED FOREIGN VALUES ON IMPORTS.

Those who appeared before the Ways and Means Committee attacking the system that prevails under the existing law insisted that the foreign value of imports be taken. That is what the trader in tailor-made suits and in ready-made clothes wants. He wants to pay upon the price in England, France, or Germany. The value will be taken there and goods will come in at the lowest prices—$4, $5, and $6 per suit—and be taken over by the importer to the great department stores, where the consumer who seeks relief will pay the same old price in the same old way. Meanwhile American wool will be depressed and workers in the American mills will be sacrificed to the makers of ready-made clothing in England, in France, in Germany, and in Italy.

And would the consumer get his clothes any cheaper? Does the consumer get oil cheaper or sugar cheaper by reason of any operation of the tariff system? Do we get coffee or tea cheaper because we have removed the duty from coffee and have placed no duty upon tea? Do you think importers are in the business of seeking the world over for cheap goods, bringing them into the customhouses of the United States free, under Democratic policy, have no expectation of getting the American price for them? This is the problem of the farmer and the wage earner who is looking for cheaper goods from abroad.

AMERICAN PRICES DISCUSSED.

It is a matter of common knowledge that notwithstanding the increased expense of the American manufacturer he is still able to supply the market with cloth made of pure, new wool, of 16-ounce weight, which can be put upon the counter of a merchant tailor at $1 to $1.50 per yard. I have here three samples of woolen fabrics, 3½ yards of which, enough for a suit of clothes, would cost, respectively, $3.98, $4.20, and $4.29. This is the finished product that comes out of the mill. It goes into the suit of clothes you buy from the tailor or the ready-made dealer, and the cost of it when it leaves the mill, with all tariff charges included, as if it were an imported cloth, with labor and manufacturer's profit all counted in, was $3.93, $4.20, and $4.29, respectively. In no instance would an American, unless an uncompromising Anglomaniac, be ashamed to wear either piece of cloth when worked up into a suit of clothes.

At these prices every item of protection under the Payne bill was accorded to the manufacturer, and yet, with his great plant and his large number of skilled employees, he, this "robber baron," this "trust magnate," had to get his profit out of that $3.93, that $4.20, and that $4.29.

THE MILK IN THE COCONUT.

Now, Mr. Chairman, we are getting down to the milk in the coconut.

What did the consumer pay for the suit of clothes which, as cloth delivered by the manufacturer, was sold for the sums indicated? If he went to a department store, he may have paid anywhere from $10 to $25. Surely the manufacturer did not get any of that money. But as the consumer is complaining why not have him go beyond the manufacturer and the tariff and the workingman, all of whom were paid out of the manufacturer's price, and find out who got the difference between $4.29, which was the manufacturer's highest price, and the $10 to $25, which is the retailer's price? I do not assert that any of this money was wasted, or that it was not properly circulated in the community, where it did good, but in the interest of truth and justice I think it should be known that the manufacturer did not get it, and that the tariff has little or nothing to do with the price to the consumer.

I have taken the trouble during the last few days to inquire a little more fully into the tariff cost of a suit of clothes. It is difficult to get a worsted man who uses the long-staple wool to figure this out, and as a rule the carded-wool manufacturer, who uses the shorter staples and admixtures of wool, is also disinclined to tell just how it works out; hence I have put this question up to a manufacturer of yarn, who is as well posted upon all branches of the business as any man of whom I have knowledge. I told him to give me the worst side of it, and I am advised that the estimates presented are improbably high.

Mr. MURDOCK. Will the gentleman permit me?

Mr. MOORE of Pennsylvania. I will yield to the gentleman.

Mr. MURDOCK. The advertisement of the American Woolen Co. makes it appear that they make, and they say they make, annually 50,000,000 yards of cloth. Now, their net profit last year was something like $4,200,000. That figured out would make their profit at the mill on a yard of worsted cloth about 7 cents. Does that follow the gentleman's figures?

THE FIXING OF PRICES.

Mr. MOORE of Pennsylvania. I am going to give the figures that will answer the gentleman's question. I want to say, before I quit the gentleman from Kansas, that the annual consumption of wool and woolens in the United States is valued at about $400,000,000; that is, the annual output of manufactured wool in the United States. We make in the United States three hundred and eighty millions worth of that consumption. The American manufacturer makes 95 per cent of all the woolens consumed in the country. I am told, answering the gentleman's question further, that the American Woolen Co., while it is the largest of the carders and combers in the United States and is, perhaps, the largest single combination manufacturing both worsteds and woolens, still produces only 15 per cent of all the output in the United States, and therefore does not control prices and does not constitute a trust that interferes with competition, and certainly could not control prices upward.

Mr. MURDOCK. Does the gentleman from Pennsylvania contend that in any given industry a trust must control a majority of the units in order to control prices? Does not the gentleman know that it is not necessary for a given organization to control a majority of the units in order to control prices? If the gentleman will read the ordinary textile journals he will find reference to the fact that small manufacturers in the country wait until the American Woolen Co. fix their prices, because they do not dare to make theirs before.

Mr. MOORE of Pennsylvania. I am not prepared to agree with the gentleman, so far as my information goes, but I will read an extract from a paper by Mr. Julius Forstmann, president of the Forstmann & Huffmann Co., of Passaic, N. J., and formerly a member of the German tariff commission, which bears upon this point.

Mr. Forstmann says:

> I may say that I am very well informed about the conditions in this and the principal European markets, and I do not hesitate to assert most positively that, despite the fairy tales we hear of the Woolen Trust fixing the prices for American woolens, there is not a single country where competition between woolen and worsted manufacturers is so keen as it is in the United States.

I have already observed to the gentleman that my information is that the American Woolen Co. does not produce more than 15 per cent of the entire cutput of the worsteds and woolens of the United States. I will now yield to the gentleman from New York.

CONCERNING THE AMERICAN WOOLEN CO.

Mr. FITZGERALD. The gentleman from Kansas stated the capitalization and the profits of this concern——

Mr. MURDOCK. Mr. Chairman, I said that the American Woolen Co. announced that they made 50,000,000 yards of cloth annually. Now, their net profits last year were $4,200,000. These two figures ought to give the net profit of a yard of cloth at the mill.

Mr. FITZGERALD. What was the capitalization?

Mr. MURDOCK. Sixty million dollars.

Mr. FITZGERALD. And the average weekly wage was about $7.30?

Mr. MURDOCK. So we have heard here to-day.

Mr. FITZGERALD. I wanted to see how the profits were distributed by this eleemosynary concern.

Mr. MOORE of Pennsylvania. I think some one, probably some Member from New England, may answer the gentleman on that point. I am not speaking for the American Woolen Co., although my information is that the American Woolen Co. does not produce or put on the market more than 15 per cent of the entire woolen and worsted production of the United States, and therefore is not such a trust as is indicated by the gentleman from Kansas or the gentleman from New York.

Mr. MURDOCK. Does not the gentleman think that the American Woolen Co. manufacturing 50,000,000 yards of cloth a year, and at a net profit of $4,200,000, that those figures make it possible to figure out what the net profit per yard is at the mill?

NO EXCUSES FOR FALSE CAPITALIZATION.

Mr. MOORE of Pennsylvania. I am not posted on the financial affairs of the corporation. I am stating the facts as they come to me in relation to the American Woolen Co. and its influence in the business. The inference of the gentleman from New York with regard to wages paid by this particular concern may be answered by some one from New England, who knows more about the business than I do. As to the question of capitalization and profits raised by the gentleman from Kansas, I would say, on reflection, that an annual profit of $4,000,000 on an investment of $60,000,000 would not be excessive. It would be no more than the interest paid in some parts of the country upon mortgages which are certainly better security than bonds or stocks of an industrial corporation subject to all kinds of regulations as to liability and damages and periodical tariff tinkering. If the gentleman's objection were based upon false or watered capitalization, I would offer no excuses for those who indulge in such practices.

PURE WOOL AND FOREIGN MAKES.

Mr. MURDOCK. Mr. Chairman, I do not want to embarrass the gentleman, but is he talking about all-wool worsteds or worsteds made up of cotton warp and wool filling or worsteds made of wool and cotton yarn twisted together, because it makes all the difference in the world in figuring out the tariff whether it is one of the three varieties—all wool made of cotton warp with wool filling or all cotton and wool twisted together in the yarn. Is the gentleman talking about all wool?

Mr. MOORE of Pennsylvania. I am talking about all-wool garments. I observe also that the gentleman refers to admixtures of cotton. Of course, admixtures of other ingredients enter into this discussion and also enter very largely into the merits of complaints made by opponents——

Mr. MURDOCK. Necessarily, of course, because compensatory duties must enter into the relation of the tariff.

Mr. MOORE of Pennsylvania. And that raises the question whether or not the consumer, the man for whom the gentleman speaks and for whom I think I speak, wants an inferior, adulterated article, such as the cheap foreign grade, or a pure article, made by American workmen in American factories, of which we make most in this country.

Mr. MURDOCK. The point is, is not the American consumer to-day, under the present arrangement, paying an all-wool price and all-wool tariff and a compensatory duty of 44 cents a pound on a pound of clothing—is he not paying it, and, as a matter of fact, getting a piece of clothing that is 50 per cent only of wool?

Mr. MOORE of Pennsylvania. My information is that what he pays to-day when he buys the American garment is what he in part contributes to the producer of wool in the United States and the workmen in the United States. If he buys an article that is inferior, he is buying an article that is largely a matter of production in foreign countries and, so far as the material is concerned, an adulteration, since it contemplates the use of imported shoddy, mungo, waste, and rags. But, to answer the gentleman specifically, I am dealing now with what is understood to be pure wool, and my illustrations relate to pure-wool manufactures only.

REVEALING THE "MONSTER" TARIFF.

Now, let us "take off the lid" and investigate this "hydra-headed monster," the worsted tariff, that seems to give the gentleman from Kansas so much concern. Take what are known as

"common makes," such cloths as are made both by woolen and worsted manufacturers, cloths that bring $1 a yard or thereabouts, remembering always that it takes 3½ yards to make a man's suit. The foreign value of that cloth, if weighing 16 ounces, is 40 cents a yard. In order to protect the dollar-a-yard cloth in the United States and keep the factories going here, how does the Payne bill treat the corresponding 40-cent yard of foreign cloth that undertakes to compete with us? Three and one-half yards at 40 cents a yard is $1.40. First of all, it puts on the farmer's wool duty, which, at 33 cents a pound for scoured wool, is $1.16; it then adds the ad valorem duty of 50 per cent now given to the manufacturer as a compensating duty for sorting, scouring, carding, combing, spinning, weaving, and the like, which, at $1.40, is 70 cents. Add expenses of 14 cents for transportation, insurance, packing, and the like, and the total cost of that $1.40 worth of foreign cloth, becomes, by virtue of the increased wages and expenses in the United States, $3.40 for the 3½ yards. In other words, it is presumed to come up to the American price.

The total tariff, therefore, on the cloth for that suit of clothes, if imported, is $1.16 farmer's wool duty plus 70 cents manufacturer's protective duty, or $1.86. That is what the American consumer would pay on that suit of clothes if he were disinclined to keep the woolgrower, the manufacturer, and the workingman busy in this country and preferred to have his cloth brought in from abroad. But under no circumstances should sight be lost of the fact that if he insists upon the removal of that barrier of $1.86 against the incoming of the foreign-made cloth, he deprives the American woolgrower of a market for the 3½ pounds of scoured wool that would go into the suit, and he strikes a direct blow at the earning power of every American mechanic who in any way had to do with the production, the manufacture, or the distribution of the wool, and the list of those thus affected could be traced into almost every industry into which human labor is now employed in this country.

A VOICE FROM MINNESOTA.

Mr. STEENERSON. Mr. Chairman, the gentleman has spoken several times about the farmers.

Mr. MOORE of Pennsylvania. I mean the woolgrower, I would say to the gentleman from Minnesota. I understand the farmer is a raiser of sheep.

Mr. STEENERSON. Sure. My question is this: I heard the gentleman from Wyoming [Mr. MONDELL] and several other gentlemen familiar with the sheep industry say here that the price of wool to the farmer or the producer was about 16 cents and as low as 12 cents.

Mr. MOORE of Pennsylvania. Did he tell the reason why?

Mr. STEENERSON. Now, I want to know if the same class of wool when imported could be bought for 4 cents or whether the manufacturer did not give the farmer 11 cents. It seems to me there is a discrepancy between the price the farmer gets for the raw wool and the duty.

Mr. MOORE of Pennsylvania. Neither the manufacturer nor the farmer gets the duty. That goes to the Government, of course, and the theory of the Government is that it not only raises revenue, but that it protects the American industry, both upon the farm and in the factory.

Mr. STEENERSON. It ought to raise the price of the wool 11 cents.

Mr. MOORE of Pennsylvania. Yes; or protect it to that extent.

Mr. STEENERSON. Does it do it?

Mr. MOORE of Pennsylvania. It ought to raise the price, provided there is an American market for wool, which there is not at the present time, owing to tariff legislation. It does protect to that extent against foreign wool.

Mr. STEENERSON. We produce only 60 per cent of the total wool consumption.

Mr. MOORE of Pennsylvania. I think the proportion is about that.

CHEAP WOOL, CHEAP SHEEP.

Mr. STEENERSON. Mr. MONDELL stated, and I think the report on this bill says, that the United States produced only 56 per cent of the total wool consumption.

Mr. MOORE of Pennsylvania. We undoubtedly use more American wool in American factories than we use of foreign wool.

Mr. STEENERSON. I think the gentleman is entirely mistaken. I think we use more American wool than imported wool.

Mr. MOORE of Pennsylvania. I say we use more American than imported wool. Perhaps I did not hear the gentleman, or he did not hear me.

Mr. STEENERSON. Fifty-six per cent is the figure given.

Mr. MOORE of Pennsylvania. And I say, so long as the tariff agitation lasts, and the manufacturers can not do business, and there is no demand for American wool, the price of wool naturally will go down. That is what it did during the Wilson-Gorman era. But that is no reason why conditions should be made worse than they are.

I do not know whether I ought to quote the gentleman, but Mr. COOPER of Wisconsin, in a talk outside of this House a little while ago, said that he recalled readily that under the old Democratic system sheep sold for 65 cents, wool, meat, and all; and another gentleman, who comes from the West, said he recalled when they sold for 50 cents. They may sell for that again, but in my section of the country we do not want to see them sell at such prices, for that means depression.

Mr. STEENERSON. But the gentleman has not answered the question of whether the farmer gets the enhanced price on account of the duty?

MANUFACTURERS DARE NOT BUY AHEAD.

Mr. MOORE of Pennsylvania. The farmer undoubtedly gets an enhanced price when there is a market for wool, but he can not get the price he has been getting unless a duty is levied upon imports of wool. The trouble now is that manufacturers dare not buy wool in advance nor proceed to manufacture extensively because of the tariff uncertainty.

Mr. STEENERSON. The gentleman from Wyoming said here in his speech a day or two ago that the difference between the price of wool grown here and that imported of the same grade is very close to the duty. How do you explain that the producer of wool did not get that 11 cents?

Mr. MOORE of Pennsylvania. I can only say to the gentleman that the theory of the law is that before a pound of foreign wool can come into this country in competition with the woolgrower, for instance, in the gentleman's State of Minnesota, that 11 cents a pound shall be paid on it at the customhouse. While the farmer does not get that particular 11 cents, the farmer gets the benefit of the barrier which the Government thus raises against foreign wool, which would displace the Minnesota or American wool had the barrier not been there.

Mr. STEENERSON. Is it not a fact the manufacturer of this country does not pay the producer of wool the price that he ought to have?

Mr. MOORE of Pennsylvania. I believe the American manufacturer pays the American wool producer as high a price as is paid for wool the world over, when there is a demand for the wool; and as American wool is as good as any other wool, the American manufacturer is as anxious to get American wool as he is any other kind of wool.

THE 11 CENTS PER POUND DUTY.

Mr. STEENERSON. I have never heard anybody explain specifically the reason why the producer of wool does not get the price of the same grade of imported wool with the duty added.

Mr. MOORE of Pennsylvania. Do you mean to say we should turn over to the wool producer the 11 cents which we collect at the customhouse?

Mr. STEENERSON. That is what your speech states the farmer gets.

Mr. MOORE of Pennsylvania. Oh, the gentleman misunderstands me.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, may I have a little more time?

Mr. MANN. How much more time?

Mr. MOORE of Pennsylvania. About 25 minutes, unless I am interrupted.

Mr. MANN. Mr. Chairman, by authority of the gentleman from New York [Mr. PAYNE], I yield to the gentleman from Pennsylvania 25 minutes additional.

Mr. MURDOCK. Mr. Chairman, I will not interrupt the gentleman any further if the gentleman will allow me——

DOES THE FARMER WANT FREE WOOL?

Mr. MOORE of Pennsylvania. Before the gentleman from Minnesota takes his seat I want to have it understood that I have never heard anyone in this House or anyone anywhere else indicate that the farmers of the country expected that the 11 cents collected on a pound of foreign wool at the customhouse was to be paid over to the farmer.

Mr. STEENERSON. I assume that the duty ought to enhance the price of wool in this country; if it does not do so, it is no use to have it for the benefit of the farmer——

Mr. MOORE of Pennsylvania. If it does not enhance the price, of course there is no use of the duty, except for revenue purposes.

Mr. STEENERSON. And we ought to have free wool.

Mr. MOORE of Pennsylvania. If the gentleman thinks we ought to have free wool, I think I can speak for the manufac-

turers sufficiently to say that if the farmer whom the gentleman represents is willing to accept free wool and meet the competition from abroad, that the manufacturers would not be hurt one cent's worth. They have been standing with the producer of wool and have given him the benefit of the American price for wool. It is not, as I understand it, a matter of great concern to the manufacturer at all. Free wool is the woolgrower's affair; but the manufacturer, in my judgment, should stand up with the rest of his fellow-citizens and producers in the United States and maintain the Republican system of protection, even if there be some who reject its advantages.

Mr. Chairman, I am afraid I can not make the matter more clear to the gentleman from Minnesota [Mr. STEENERSON], and I shall proceed.

MANUFACTURERS' PROFIT 5 CENTS A YARD.

It makes no difference what the consumer pays the department store for domestic goods or what he pays the merchant tailor, the Government, and not the manufacturer, would get the $1.86 out of that suit of clothes; the farmer would get an American rate for his wool; and the net profit of the American manufacturer, according to the estimate given me, would be only 5 cents a yard on 3½ yards of cloth, or 17½ cents in all. Surely such a profit to the maker of the cloth, in view of the price at which it is laid down to the tailor or ready-made-garment maker, is not sufficient to justify the terrific assault that has been made upon the men who invest their money in industrial enterprises and take all the risk incident to the manufacturing of cloth and its various component parts.

I am taking pains to give this illustration, because I think the man who inveighs against the woolen schedule ought to know exactly what he is doing, and he at least ought to be in a position to know the truth. I have had examples on "common makes" worked out for 14-ounce cloth, on which the tariff for 3½ yards is shown to be $1.71, and on 12-ounce cloth, $1.57. In each instance the cloth manufacturer's profits, notwithstanding all his risks and expenditures and the labor cost, was not in excess of 5 cents a yard. And I am told that whereas numerous manufacturers would be willing to enter into long-term contracts to accept 5 cents a yard profit on the best woolen and worsted cloths turned out by them, yarn manufacturers would be equally well satisfied with a profit of 5 cents a pound.

AN AMERICAN-MADE SAMPLE.

There is another way of bringing the consumer to a better understanding of this situation. If he will buy a piece of cloth from the manufacturer or the dealer in cloth, he will very readily find what it costs to have a suit of clothes made, over and above all tariff and manufacturers' charges. A few months ago a distinguished citizen of Rhode Island, not knowing my interest in this question, presented me with 3½ yards of cloth which had been made at one of the mills in that State. He wanted me to have it made into a suit to be worn at the opening session of Congress. Subsequently, at my request, he gave me the following statement with regard to this American product:

This cloth at the time it was manufactured and placed on the market sold at $2.25 net per yard at the mill. What this amount represented is shown by the following table:

Profit per yard	$0.10
General expenses and selling cost, per yard	.08
Labor cost, per yard	.42
Dyeing (dyestuffs and general expenses of dyeing)	.10
Yarns used, 20 ounces, at $1.25 per pound	1.55
Total	2.25

At $2.25 per yard, a very good price for cloth—in fact, a very high American price—the total cloth cost of that 3½-yard suit was $7.87½.

Mr. MURDOCK. That was 3½ yards?

Mr. MOORE of Pennsylvania. Yes.

Mr. MURDOCK. How much profit per yard?

Mr. MOORE of Pennsylvania. Ten cents; 35 cents in all.

That paid all the manufacturer's charges and all the wages, and put the tariff behind it. The manufacturer's profit on this special 3½ yards was 35 cents.

WHERE THE COST COMES IN.

Now let us see how this problem works out, and let the consumer have the truth as to the whole transaction. The "robber baron" manufacturer and the tariff are now out of it altogether. The profits of the farmer, the manufacturer, the workingman, and the Government were all covered by that $7.87½.

I sent that cloth to a tailor whom I know very well and like very much. We have had many friendly discussions about the tariff and its alleged iniquities and about the high profits to the manufacturer of cloth. "Did you get that cloth?" I said. "Yes; that is good stuff. Did you get it from the other side?" "No;" I said, "it was made in the United States—made up in Rhode Island. What will you charge for making it up?" "Well, it will cost you $30." "Why, I thought you said the tariff was responsible for the high cost of clothing? That whole bolt of cloth, tariff included, cost only $7.87½." "Well," he said, "you know labor and other expenses have a great deal to do with it." "Yes," I said; "I think I can see it now; that $30 does not go to the manufacturer, and it does not go to the tariff; it goes into the rent of your fine store. It pays your cutters and seamstresses. It pays for your electric lights, and your liveried messengers, and your delivery wagons, and it pays for your advertising, and the literature you put out—and it is not the tariff after all."

Now, I think this illustration shows where the consumer's money goes, whether he buys groceries, or farm produce, or clothing.

BETTER TO SPEND MONEY HERE.

But in order to trace out the tariff in that 3½ yards of Rhode Island cloth at $7.87½, I again consulted my yarn manufacturer friend with this result: If that cloth weighed 16 ounces and was worth $2.25 per yard in the United States, its foreign value would have been $1.12 per yard, or $3.92 for all. If that cloth had come from England instead of Rhode Island, the Payne law would have added to the $3.92 of foreign value the farmer's specific wool duty of $1.54; the manufacturer's ad valorem duty against the various steps in the process of manufacture abroad, of $2.16, and incidental expenses, 26 cents, making up the full American value. If the cloth had been lighter and weighed 14 ounces, the duty would have been $3.58, and if it had been 12 ounces, the duty would have been $3.47.

So the tariff on that $7.87½ of cloth made into a suit for $30, therefore, would have been $3.70—that is, if I had preferred to buy the cloth at the low English rate and cut out the American industries affected. But having permitted the charge of $3.70 to be raised against an importation of English cloth at the customhouse, I would at least have the satisfaction of knowing that by purchasing an American-made article I had promoted the welfare of the American woolgrower, had helped to keep the American mills employed, and had so provided for those industries that if some one else desired to bring in the English garment they would, to the extent of the tariff they would be obliged to pay, relieve our citizens of a more direct tax for the revenue needed to run the Government. Speaking for myself, as the consumer in this instance, I would rather have that duty charged up against me on the one or two suits of clothes I buy a year than to have the sheep ranchers of this country put out of business, the mill districts depopulated for the advantage of our competitors on the other side of the water, with the further certainty of a resort to some direct form of taxation to keep the Government going. [Applause.]

THE READY-MADE CLOTHING CONTROVERSY.

Mr. LONGWORTH. Will the gentleman yield for a question?

Mr. MOORE of Pennsylvania. I will.

Mr. LONGWORTH. When the Payne law was being considered by the Ways and Means Committee a number of woolen manufacturers made this sort of a statement, that while they admitted it was true a custom-made, high-grade suit of clothes cost substantially less in England than it did here, that a ready-made suit of clothes of a comparatively cheap cloth was no higher here than it was in England. Has the gentleman made any investigation as to that?

Mr. MOORE of Pennsylvania. I referred to that in a general way in the earlier part of my remarks.

Mr. LONGWORTH. I did not hear the gentleman.

Mr. MOORE of Pennsylvania. I understand some of the conditions that prevail in the gentleman's own city, Cincinnati, with regard to a complaint made as to the quality of cloth that entered into ready-made goods. It involves the question of adulteration and was referred to the other day by the gentleman from Kansas [Mr. MURDOCK], and it has been answered time and again by experts. I am not sufficiently expert to answer it, but I will say to the gentleman that undoubtedly there are two sides to that story.

Mr. FOWLER. Mr. Chairman——

The CHAIRMAN. Will the gentleman from Pennsylvania yield to the gentleman from Illinois?

Mr. MOORE of Pennsylvania. I yield to the gentleman.

Mr. FOWLER. I ask unanimous consent that my colleague [Mr. MANN] be permitted to answer the question just propounded.

Mr. MANN. A parliamentary inquiry, Mr. Chairman. If I should do that, would I be authorized to insert after my question "applause," whether it occurred or not? [Laughter.]

Mr. MOORE of Pennsylvania. Under the circumstances, Mr. Chairman, I feel, as this is a request for unanimous consent, that I would have to object. I need the time.

DISADVANTAGES OF THE MANUFACTURER.

With the permission of the House I intend to append to this address certain statistical statements, showing the great advantage foreign manufacturers have over American manufacturers in the matter of overhead charges, cost of machinery, and wage scale. None of these factors entering into the cost of production are taken into account by the Underwood bill. Neither does that bill give any promise of relief to the manufacturer in the matter of the charges to which he is subject, apart from labor cost. These have been so well set forth in a recent brochure by Mr. Julius Forstmann, that I quote from him the following summary:

1. Capitalization of mill.
2. Erecting and organizing mill: Building material, labor, and supplies. Equipment—machinery, etc. Organization of plant.
3. Operating and maintaining mill: Management and supervision. Wages. Raw material, general supplies. Interest. Repairs and allowance for depreciation.
4. Outlet for goods: Domestic market. Foreign market.

Nor does Mr. Forstmann mention employers' liability in accident or damage cases, nor insurance, which are serious considerations to every employing manufacturer.

BRICK HOUSES NOT IMPORTED.

Mr. CULLOP. Mr. Chairman, does the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Indiana?

Mr. MOORE of Pennsylvania. Yes.

Mr. CULLOP. I want to ask the gentleman this question: In the erection of a mill, is there any tariff on the labor expended by those men who erect it?

Mr. MOORE of Pennsylvania. I do not know whether the gentleman is raising a philosophical question or not, but——

Mr. CULLOP. I ask whether there is any tariff on the labor of a brickmason or bricklayer when he builds the house—the finished product?

Mr. MOORE of Pennsylvania. There may be a tariff on some of the materials that enter into the construction of the house.

Mr. CULLOP. No. What I wanted to know is whether there is any tariff on his finished product when he builds the house?

Mr. MOORE of Pennsylvania. The gentleman refers to the workingman in the building trade? I want to get the gentleman's meaning.

Mr. CULLOP. No; I am referring to his labor. There is no tariff on the labor of brick masons.

Mr. MOORE of Pennsylvania. I asked if the gentleman's question was philosophic, and I think it is. The gentleman from Indiana evidently agrees with the gentleman from Wisconsin [Mr. BERGER] who spoke this morning and indicated that there was free trade in labor. I am inclined to think it will be very difficult to have free trade in labor when one man may have skill and another man no skill and when one man may be a constitutional lawyer and another man may be an ignoramus.

HERE IS A NEW PROBLEM.

Mr. CULLOP. Is there any tariff on the brick house when it is done—when the labor of the workman has been expended upon it?

Mr. MOORE of Pennsylvania. No; the existing tariff law raises no barrier against the erection of a house.

Mr. MANN. It would if it were imported.

Mr. MOORE of Pennsylvania. Yes; in that case it should. We import wool and woolen manufactures, but I have not heard of anybody so progressive as to enter into the business of importing ready-made houses. [Laughter.]

But, speaking of the manufacturer, Mr. Chairman: He erects a mill, pays American building-trade wages, invests and risks his capital, and makes purchases of various commodities and materials upon which there are tariff duties. If his protection as a manufacturer is to be denied, will he be able to purchase the commodities he uses at a lower rate than heretofore? Here is a new problem.

The gentleman from Illinois [Mr. FOWLER], a little while ago, wanted to know if I expected this bill to pass in another body. I said the gentleman from Alabama [Mr. UNDERWOOD] has declared that a general revision is intended, and now I raise the question whether, having made an attempt to reduce the duty on the products of the manufacturer, the Democratic Party proposes to reduce the duty on those commodities and materials which the manufacturer must necessarily use in his business? Are you going to cut him down and leave his working materials at the present rate?

WILL ATTEMPTS AT REVISION CONTINUE?

I am putting to you a question that does test the sincerity of the gentlemen on the other side. If the manufacturer is denied protection, will the duties be removed from machinery, chemicals, oils, soaps, and dyestuffs that he uses in his business? He buys much of his machinery from abroad. He buys oils and dyestuffs in large quantities. If he is denied protection for those things he manufactures, will the duties be removed from these adjuncts to his business? Or is it the purpose of this bill to pick him out and make him the victim of a free-trade or tariff-for-revenue policy, while the barriers stand against everything he purchases?

Now, if the gentleman from Illinois [Mr. FOWLER] wants to tell the position of the Democratic Party on this question, I think the country would like to be informed, because there are men engaged in these lines of business who are disturbed and will undoubtedly continue to be disturbed as announcements come from the gentleman from Alabama [Mr. UNDERWOOD]. Does your party propose to revise these other schedules when you get through with this one?

Mr. UNDERWOOD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Alabama?

Mr. MOORE of Pennsylvania. Yes; with pleasure.

MR. UNDERWOOD SAYS YES.

Mr. UNDERWOOD. I was not present when the colloquy which the gentleman refers to occurred. I would not stop to ask the gentleman a question, because the announcement of the Democratic Party on the tariff has been so thorough and so well understood that the question which the gentleman asked is almost an absurdity, as it seems to me. We have announced that we intend to revise this tariff from top to bottom. The only thing that will stop us from revising it from top to bottom is the Republican Senate and the Republican President. If they stop it, we will make an appeal to the country.

Mr. MOORE of Pennsylvania. I want to thank the gentleman for his frankness, and I desire to confirm his statement that he was not present when the gentleman from Illinois [Mr. FOWLER] repeatedly asked me to say whether I expected this bill to pass the Senate. I asked the gentleman from Illinois [Mr. FOWLER] if it was not the Democratic policy, as announced by the gentleman from Alabama, the leader on that side of the House, to press not only this bill but other tariff-revision bills all along the line, so that every industry of the country would be affected by this sort of tinkering. I said I did not question the sincerity of the gentleman from Alabama, and I had to repeat it many times in response to inquiries by the gentleman from Illinois [Mr. FOWLER]. I think it will be remembered that I treated the gentleman from Alabama [Mr. UNDERWOOD], with all fairness in his absence, and wanted it understood that I took him at his word, because I believe him to be a man of his word, and I believe the industries of this country must, as a result of his word, be put upon their guard.

MR. FOWLER COMES BACK.

Mr. FOWLER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Illinois?

Mr. MOORE of Pennsylvania. Yes; I do.

Mr. FOWLER. Did I not say that it was the intent of the Democrats in this House to pass this bill, and that we would pass it?

Mr. MOORE of Pennsylvania. I did not understand you to say that in those words, because you were endeavoring to find out whether I believed your party was sincere, and I did not know whether you were speaking by authority of the Democratic caucus; but I undertook to make it plain that I accepted the edict of your caucus; I believed that you meant what you said.

Mr. FOWLER. Is it not a fact that you charged that it was a hypocritical pretense of reducing the tariff?

Mr. MOORE of Pennsylvania. I did not say anything of the kind.

Mr. FOWLER. Not in so many words; but was not that the idea?

Mr. MOORE of Pennsylvania. The language used by the gentleman was not used by me. Our colloquy was pleasant, but direct, as I recall it.

A QUESTION OF SINCERITY.

Mr. FOWLER. I repeat, is it not a fact that I said to you that the Democrats in this House expected to pass this bill?

Mr. MOORE of Pennsylvania. Yes; but I did not quite understand that you had authority, in the absence of the gentleman from Alabama [Mr. UNDERWOOD] to speak for the Democrats, and that is the reason I was trying to find out whether you were sincere in endeavoring to pass a bill of such momentous importance to the country.

Mr. FOWLER. Was I not inquiring of you as to whether you were sincere in saying that the business of this country

will be depressed because we were trying to pass a legitimate tariff bill?

Mr. MOORE of Pennsylvania. I said that in the introduction of this bill you greatly depressed the business of the country, particularly in the textile industries. I repeat that statement now. And I believe, if you persist in endeavoring to pass this kind of legislation, you will ultimately bring disaster in industrial circles throughout the country.

Mr. FOWLER. And were you not forced to say that the principal places where those industries were oppressed and depressed were where they had been in that condition for years in the past?

Mr. MOORE of Pennsylvania. I think I did not say anything of the kind.

Mr. FOWLER. Is not that a fact?

Mr. MOORE of Pennsylvania. I think that question was raised by my Democratic colleague [Mr. DONOHOE] of Pennsylvania, and I recall having said that while there had been depression in the past, there has been no depression like unto this since the days of the Wilson-Gorman tariff bill, when the people in the district of my Democratic colleague and the people of the district which I represent walked the streets of Philadelphia without work, and were applicants at the soup houses, many of them, for the means of sustenance.

THE PANIC OF 1907.

Mr. FOWLER. How was that, my friend, in your city in the year 1907?

Mr. MOORE of Pennsylvania. I do not recall that that was a tariff year. There was no tariff agitation in 1907.

Mr. FOWLER. That is correct, but it was a panic year, though.

Mr. MOORE of Pennsylvania. That may have been.

Mr. FOWLER. And you are comparing the panic years of the nineties with the good times that prevailed in other years, when you know as a matter of fact that every time a panic comes everything falls under the weight of the panic.

Mr. MOORE of Pennsylvania. I know that always happens under Democratic auspices, to answer the gentleman plainly.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Give me three minutes to finish.

Mr. MANN. I yield to the gentleman three minutes out of the time of the gentleman from New York [Mr. PAYNE].

The CHAIRMAN. The gentleman from Pennsylvania is recognized for three minutes more.

THE BILL MENACES CAPITAL AND LABOR.

Mr. MOORE of Pennsylvania. The effect of this bill is to take away from the manufacturer such support as he has and to leave his working materials high in the air, costing the same old prices. Altogether, it seems to me that no bill that has been brought into this House since I have been a Member of it, not excepting the reciprocity bill, and its unhappy counterpart, the farmers' free-list bill, has been so fraught with misgivings and uncertainties as is this proposed revision of the woolen schedule. It menaces the employment of more than 168,000 men and women employed, in 1909, in 913 establishments, at better wages than are paid in any other country in the world. It threatens capital invested in these establishments to an amount exceeding $415,000,000. (Census of 1909.) It threatens to drive much of that capital into foreign countries by the simple process of encouraging foreign industry over American industry. For these reasons I am opposed to the bill and hope it will not pass. [Applause on the Republican side.]

EXHIBIT 1.

UNITED STATES CENSUS TABLES SHOWING IMPORTANCE OF WOOL AND WOOLEN INDUSTRY.

Comparative figures for the censuses of 1909, 1904, and 1899 are as follows:

Woolen and worsted goods—Comparative summary: 1909, 1904, and 1899.

	Census—			Per cent of increase, 1899 to 1909.
	1909	1904	1899	
Number of establishments	913	1,018	1,221	25
Capital	$415,465,000	$302,767,000	$256,554,000	62
Cost of materials used	$273,466,000	$197,489,000	$148,087,000	85
Salaries and wages	$79,214,000	$61,433,000	$50,126,000	58
Miscellaneous expenses	$21,347,000	$16,520,000	$14,036,000	52
Value of products	$419,826,000	$307,942,000	$238,745,000	76
Value added by manufacture (products less cost of materials)	$146,360,000	$110,453,000	$90,658,000	61
Employees:				
Number of salaried officials and clerks	5,325	4,324	3,615	47
Average number of wage earners employed during the year	162,914	141,998	125,901	29

QUANTITIES AND COSTS.

The following statement gives the quantities and costs of materials used in 1909 and 1899, exclusive of mill supplies, soap, oil, fuel, etc.:

Materials used—Quantities and costs: 1909 and 1899.

Items.	1909		1899		Per cent of increase in quantity, 1899 to 1909.
	Pounds.	Cost.	Pounds.	Cost.	
Purchased in raw state:					
Wool, foreign and domestic, in condition purchased	474,751,000	$136,665,000	330,179,000	$78,804,000	44
Equivalent of above, in scoured condition	289,703,000		192,706,000		50
Animal hair and fur—					
Camel, alpaca, and vicuna hair	4,637,000	1,416,000	1,981,000	426,000	134
Mohair, domestic and foreign	3,268,000	983,000	3,023,000	1,432,000	8
Buffalo, cow, and other animal hair and fur	17,356,000	933,000	20,535,000	1,171,000	[2]15
Raw cotton	20,055,000	2,522,000	40,245,000	3,280,000	[2]50
Purchased in partially manufactured form:					
Tailors' clippings, rags, etc	40,392,000	2,855,000		[3]	
Shoddy	21,554,000	3,063,000	33,037,000	4,071,000	[2]35
Wool, camel, etc., and mohair waste and noils	27,311,000	7,537,000	15,714,000	3,891,000	74
Tops	20,828,000	14,615,000	5,566,000	2,866,000	274
Yarns:					
Woolen	2,631,000	1,092,000	5,907,000	2,675,000	[2]55
Worsted	58,769,000	55,576,000	25,111,000	19,495,000	134
Merino	710,000	236,000	3,535,000	665,000	[2]80
Cotton	39,169,000	10,492,000	35,343,000	6,814,000	11
Silk	120,000	609,000	60,000	291,000	100
Spun silk	170,000	536,000	71,000	239,000	139
Linen	13,000	14,000	9,000	8,000	44
Jute, ramie, and other vegetable fibers	1,134,000	27,000	1,119,000	57,000	1
Chemicals and dyestuffs		8,821,000		6,595,000	
All other materials which are components of the products		3,639,000		3,428,000	
Shoddy made in mill for use therein	32,067,000		35,626,000		[2]10
Total		[1] 251,631,000		[1] 136,208,000	

[1] Exclusive of the cost of soap and oil, mill supplies, and other items which are not components of the products.

[2] Decrease.

[3] Included in "All other materials, etc."

EXHIBIT II.

COMPARATIVE TABLES FOR AMERICA AND GERMANY WITH COMMENTS THEREON BY JULIUS FORSTMANN, PRESIDENT FORSTMANN & HUFFMANN CO., PASSAIC, N. J. (FORMER MEMBER OF THE GERMAN TARIFF COMMISSION).

A. BUILDINGS.

Comparative unit costs of labor and materials required in the construction of a mill building suitable for woolen or worsted manufacturing.

	In Germany.	In United States.	Excess cost in United States.
			Per cent.
Excavation, per cubic yard	0.184	0.281	53
Concrete, per cubic yard	3.85	5.40	40
Brickwork, per cubic yard	4.41	9.45	115
Roofing, per square foot	.12	.19	58
Skylights, per square foot	.30	.40	33
Cement floor, per square foot	.05	.08	60
Cast and wrought iron, per pound	.0241	.0337	40
Doors, windows, painting, etc.			30
I-beams, per ton of 2,200 pounds	32.14	44.00	37
500-horsepower cross compound Rice & Sargent engine, including condenser erected on foundation	8,500.00	12,700.00	49
Fire-tube boilers, per 100 pounds	3.60	4.90	36
Shafting			75
Piping and covering			30
Electric lighting and motors			20
Chimney	2,250.00	5,300.00	130
Average percentage of excess cost in United States for above units of construction			53½
Laborers, per hour	.071	.20	185
Bricklayers, per hour	.143	.60	322
Carpenters, per hour	.12	.45	280
Sheet-metal workers, per hour	.131	.45	243
Ironworkers, per hour	.131	.525	300

The foregoing are exact figures obtained at date hereof from very prominent American and German mill contractors and constructors.

B. MACHINERY.

Imported machinery pays 45 per cent duty, and the packing, forwarding, and freight charges amount to from 10 to 15 per cent additional.

As outlined in the foregoing statement, domestic machinery used in woolen and worsted manufacturing is not quite so expensive as European machinery, but in many cases the domestic machinery has not been so fully perfected as the European machinery, and is therefore less effective, and this fact tends to neutralize the difference in cost.

From the foregoing figures, compiled under A and B, it can be seen that the cost of a mill in the United States is 55 per cent higher than that of a mill of equal capacity in Germany; and the German figures may well be taken as an average for European countries in general.

Comparative wages paid in woolen and worsted mills in the eastern part of the United States and in Germany.

[Figures for Germany represent in each case the average wage paid by leading firms in six of the principal woolen centers. The actual wages differ in each locality, but the amounts given below represent the average weekly wage.]

	Average wage per week of 56 working hours.		Ratio of United States wages to German in per cent.
	Eastern United States.	Germany.	
Worsted spinning (French system):[1]			
Head wool sorter	$26.00	$9.60	271
Wool sorter	[2] 15.50	3.75	413
Wash house overseer	22.00	6.10	361
Card room overseer	22.00	6.35	341
Combing room overseer	23.75	8.30	286
Drawing room overseer	23.50	9.45	249
Mule spinning overseer	21.00	9.05	232
Ring spinning overseer	22.00	8.95	246
Twisting and reeling overseer	21.00	8.50	247
Wool washers	8.20	4.90	167
Card strippers	8.20	5.10	161
Card feeders	7.60	4.35	175
Combs	7.25	2.90	250
Backwashers	5.90	2.80	211
Gill boxes	5.40	2.90	186
Drawing gills	5.70	3.00	190
Drawing frames	6.35	2.85	223
Roving frames	5.95	3.20	186
Mule spinners	13.00	6.40	203
Mule spinners' helpers	6.60	3.55	186
Ring spinners	5.85	3.25	180
Twisters	6.20	3.25	191
Winders and reelers	6.10	3.05	200
Cylinder room overseers	11.20	5.90	190
Cylinder room overseers' helpers	6.20	3.40	182
Needle setters overseers	11.20	4.35	257
Needle setters overseers' helpers	7.85	3.35	234
Engineer	20.00	10.40	192
Engineer helpers	11.20	6.40	175
Firemen overseer	12.60	7.30	173
Firemen overseer helpers	11.50	6.60	174

[1] The Bradford system of worsted spinning is not used at all in Germany.

[2] The wool sorting in the United States is done principally by men and in Germany by women.

Comparative wages paid in woolen and worsted mills, etc.—Continued.

	Average wage per week of 56 working hours.		Ratio of United States wages to German in per cent.
	Eastern United States.	Germany.	
Worsted spinning, etc.—Continued.			
Yard laborers overseer	$16.00	$7.75	206
Laborers, all around	8.80	4.70	187
Woolen spinning:			
Boss spinner	32.00	11.50	279
Foreman	18.00	5.50	327
Spinner	14.00	5.60	250
Spinner's helper	6.00	2.75	218
Card cleaner	8.50	4.20	202
Carder	8.50	3.70	230
Laborers for various kinds of work	8.00	3.60	222
Weaving:			
Boss weaver	25.00	10.15	246
Loom fixer	17.30	6.70	258
Warping room foreman	18.30	7.00	261
Sizing room foreman	17.00	6.30	270
Drawing in foreman	15.30	6.30	243
Examining room foreman	16.30	6.50	251
Weaver	9.20	4.65	198
Warper	8.30	5.05	164
Spooler	4.55	2.30	198
Sizer	8.00	4.60	174
Sizer's helper	7.45	3.60	207
Drawer in	9.40	5.00	188
Hander in	4.95	3.00	165
Warp twister	8.55	6.25	137
Examiner	9.50	6.00	158
Laborers	7.55	4.00	189
Dyeing:			
Head dyer	52.00	19.25	270
Dye house foreman	15.00	7.20	208
Dye tub man	9.60	4.30	223
Rinsing machine man	8.40	4.05	207
Finishing:			
Burling—			
Head overseer	23.00	8.30	277
Assistant overseer	17.00	6.50	262
Operatives	6.50	3.00	217
Scouring—			
Head overseer	18.00	9.20	196
Assistant overseer	12.00	6.40	188
Operatives	8.00	4.10	195
Carbonizing—			
Overseer	13.00	7.40	176
Operatives	8.00	3.90	205
Fulling—			
Overseer	23.00	8.75	263
Operatives	8.35	4.05	206
Teazling—			
Head overseer	22.00	9.45	233
Assistant overseer	18.00	6.35	283
Operatives	8.25	4.80	172
Steaming—			
Overseer	13.00	4.85	268
Operatives	9.90	4.45	222
Drying:			
Head overseer	18.00	6.65	271
Assistant overseer	13.00	4.45	292
Operatives	7.50	4.05	185
Shearing:			
Head overseer	23.00	8.50	271
Assistant overseer	20.00	6.75	296
Operatives	7.60	4.05	188

Comparative wages paid in woolen and worsted mills, etc.—Continued.

	Average wage per week of 56 working hours.		Ratio of United States wages to German in per cent.
	Eastern United States.	Germany.	
Pressing and glossing:			
Head overseer	$21.00	$7.20	292
Assistant overseer	13.00	6.70	194
Operatives	9.70	4.70	206
Examining:			
Head examiner	$15.00	$6.85	219
Examiners	12.00	5.20	231
Putting up:			
Overseer	16.00	5.50	291
Operatives	9.50	4.20	226

The above figures are based on the following conditions: Throughout Germany experienced, skilled labor is generally available for all positions in woolen and worsted mills. In America skilled labor must of course be used for the more important positions, while in very many American woolen centers the ordinary operatives are mostly drawn from what is absolutely unskilled labor and are on the whole inexperienced and consequently much less efficient than in Germany. For this reason more people are necessary to do the same amount of work, consequently requiring more foremen to oversee the work of a given number of operatives. The wages given for the United States in the above tables are furnished by mills having mostly unskilled labor, and while they show that the average wages paid in American woolen and worsted mills for the various occupations, compared with those paid by mills of the same capacity in Germany, are in the ratio of 224.92:100, it will also be seen therefrom that the excess paid in the United States to overseers, assistant overseers, and those doing more important work necessitating special skill and judgment is considerably above this average. If there were employed in the American mills by which the above figures have been furnished ordinary operatives equally as skilled as those employed in the German mills on whose wage lists the above absolutely correct figures are based, then the difference between the wages quoted for ordinary operatives in the United States and in Germany would be much greater and the ratio above given would be considerably higher.

Development of woolen and worsted manufacturing in the United States, 1889–1909.

(Compiled from reports of United States Census Bureau.)

	Total number of employees.	Total salaries and wages paid.	Average annual wages paid.	Value of products.	Remarks.
1889..	122,944	$44,359,114	$361	$212,772,629	Tariff law of 1883; McKinley bill, 1890; Wilson bill, 1894; Dingley bill, 1897.
1899..	129,516	50,126,000	387	238,745,000	Dingley bill, 1897.
1904..	146,322	61,433,000	419	307,942,000	Do.
1909[1].	168,239	79,214,000	478	419,826,000	Payne-Aldrich bill, 1909.

[1] Preliminary figures issued by Census Bureau.

Increase in value of products 1904–1909 was greater than in any 10 years prior to 1900.

EXHIBIT III.

COMPARISON OF WAGES AND LIVING CONDITIONS IN UNITED STATES AND ENGLAND.

[Letter of Mr. Harrison Benn, of England and America, dated Beckside Mills, Great Norton, Bradford.]

In order to put before the public a correct statement of the comparative cost of living, together with the wages paid in England and America, it is advisable to have as near as possible the same conditions, both as to locality and the quality of work. As chairman of a company with mills in Clayton and Bradford and president of a corporation with mills in Greystone, near Providence, R. I., America, I am in a practical position to weigh the advantages and disadvantages of free trade and protection.

The English and American mills comb, spin, and weave exactly the same classes of wool, alpaca, and mohair, and the same qualities of yarns and cloth are interchangeable. The machinery in all the mills are identically the same. Many of the work people at Greystone worked in our Bradford mills. At Clayton and Greystone are cooperative stores managed entirely by the workingmen, and it would be very difficult, if not impossible, to obtain fairer conditions for comparing the cost of living in the two countries.

A great amount of discussion is now being carried on regarding the prices of the "food of the people," and in order that every family can ascertain the difference in the cost of living between free-trade England and protectionist America, I give below a list of prices of some "everyday necessary articles of food." The Greystone price list is dated December 10, 1909, and signed by the secretary of the cooperative stores, and the Clayton price list is of a more recent date. For convenience and simplicity I have translated the American "cent" as being equal to 1 halfpenny.

	Clayton cooperative prices.	Greystone cooperative prices.
	s. d.	s. d.
Best flour, per stone of 14 pounds	2 1	2 3
Best butter, per pound (Danish)	1 5	[1] 1 4
Best lard, per pound	0 9	0 7½
Best cheese, per pound	0 10	0 10
Sugar	0 2¾	0 2¾
Currants	0 5	0 6½
Raisins	0 7	0 7½
Ceylon tea	1 11	1 10
Coffee	1 8	1 2
Onions	0 1½	0 2½
Ham	1 1	1 1
Bacon (Irish)	1 0	0 10
Apples	0 2½	0 1½
Rice	0 3½	0 4½
Milk, per quart	0 3	0 3
Vinegar, per quart	0 4	0 3½
Nestle's Swiss milk, per tin	0 5½	0 3¾
Potatoes, per stone of 14 pounds	0 8	12 5
Bananas, per dozen	0 8	0 6½

[1] American.

ENGLAND AND RHODE ISLAND COMPARED.

A Bradford butcher employed by the Greystone cooperative states the joints are not cut the same, but the prices realized for the whole animal are just about the same as in England.

Although coal is dearer, I question if the fuel cost per family for 12 months is as much as in England, owing to the general use of slow-combustion stoves.

I have ascertained the quantities of the above-named "everyday necessary articles of food" consumed by families, ranging from 2 to 13 persons, and find the average cost to each Greystonian is 3¾d. per week more than the Claytonian. A family of 5 persons will jointly have to earn 1s. 6¾d. more per week to be equal to a Claytonian.

Having arrived at the cost of living as shown above, I give below the wages paid at Clayton and Bradford for 55½ hours per week and at Greystone for 56 hours.

	Clayton and Bradford.	Greystone.
	s. d.	s. d.
Woolsorters (day work), per week	32 0	66 8
Men box minders	17 6	33 4
Noble comb minders	20 0	39 7
Can gill minders	12 6	29 2
Drawers	12 6	29 2
Rovers	11 0	29 2
Spinning overlookers	30 0	62 6
Girl spinners (according to number of spindles)	11 3	25 6
Doffers	9 0	18 9
Girl twisters	11 0	29 2
Girl warpers	13 0	33 4
Weavers	15 10	46 9
Weaving overlookers	36 0	66 8
Joiners	31 10	62 6
Mechanics	30 0	62 6
Stokers	25 0	50 0

EXHIBIT IV.

WAGES IN GERMANY.

[From Consul General Frank Dillingham, Coburg.]

The following statistics, showing the rates of wages paid in the Duchy of Coburg, are supplementary to a report covering the prices of foodstuffs in the Duchy, published in the Daily Consular and Trade Reports for November 23, 1910. The working day is 10 hours.

Class of employees.	
Bricklayers	$1.07 to $1.19
Carpenters	.83 to .95
Painters	.83 to .86
Plumbers	1.00 to 1.20
Compositors	.95 to 1.20
Horseshoers	.76 to .83
Blacksmiths	.76 to .83
Iron molders	.95
Pattern makers	1.43 to 1.67
Cotton weavers	.64
Woolen weavers	.40 to .64
Street laborers	.59 to .71
Sewer workers	.48
Kettlemen in breweries	1.00

EXHIBIT V.

Building trades wages, Philadelphia, union rates.

	1890	1911
Carpenters	$2.00	$4.00
Bricklayers	3.83	5.00
Stonemasons	3.38	4.00
Plasterers	3.50	5.00
Stonecutters	3.25	4.00
Sheet-metal workers, 1887	1.71	3.00
Plumbers, 1890	3.00	3.50
Painters, 1890	2.68	3.20
Roofers, 1887	1.65	3.00
Marble-cutters, 1890	3.00	4.00

The former rates (1890) were based on 9 hours a day and sometimes 10 constituting a day's work. The latter (1911) are for 8 hours.

EXHIBIT VI.

SUMMARIZED STATEMENT BY LONDON TIMES OF BRITISH BOARD OF TRADE REPORT ON COMPARATIVE WAGE AND LIVING CONDITIONS.

There has just been issued by the board of trade an exhaustive report upon an inquiry made regarding rents and the prices of the necessaries of life and the rates of wages prevailing in the principal industrial towns of the United States. The report itself is prefaced by a summary by Mr. G. R. Askwith, in which it is pointed out that in the towns investigated the rent levels vary greatly, but the New York level on the whole exceeds that of the other towns to a far less extent than the London level exceeds that of the English provincial towns. It appears that the ratio of weekly wages for certain occupations in the United States and England and Wales, respectively, is 243 to 100 in the building trades, 213 to 100 in the engineering trades, 246 to 100 in the printing trades, and 232 to 100 in all the trades together. Allowing for a slight advance in wages in England between October, 1905, when the English figures were taken, and February, 1909, when the American figures were taken, the ratio is reduced to 230 to 100.

The weekly hours of labor were found to be 11 per cent shorter in the building trades in the United States than in England and Wales, and 7 per cent shorter in the printing trades, but 6 per cent longer in the engineering trades, the ratio in all occupations being 96 to 100.

As regards rents, the American workman pays on the whole a little more than twice as much as the English workman for the same amount of house accommodation, the actual ratio being 207 to 100, the minimum of the predominant range of rents for the United States towns as a whole exceeding by from 50 to 77 per cent the maximum of the range for towns in England and Wales for dwellings containing the same number of rooms.

EXHIBIT VII.

EXTRACTS FROM LETTERS OF SAMUEL GOMPERS, PRESIDENT OF THE AMERICAN FEDERATION OF LABOR, REFERRING TO HOUSING CONDITIONS ABROAD.

The housing of the wageworkers of the various European countries as compared with that of the same class in America would, in order to bring out the full truth, require a long and faithful study. When the facts were ascertained the real point remaining would be how to present them in order to create an exact impression of the truth. Besides, in making comparisons, a difficulty would be in fixing an American standard. Conditions exist in a few American cities, such as New York and Pittsburg, representing neither European nor American standards, but what are created through the transition of the most helpless of our newly arrived immigrants from a state, perhaps, more miserable than that in which they lived in their native countries to a level equal to the financially lowest that is permanent among the American-born citizens. Looking at the housing problem wisely, the greatest fact in favor of America is space. The workingman in the country towns and in the cities smaller than those in which the foreign population is congested can rent or perhaps buy a separate home. In general, Europe does not give this opportunity. For example, Bremen is the only considerable city in Germany which has small single-family houses adapted to the needs of working people. Only the big tenement house, except in rare cases, is to be found in other cities. The wage earner in them is regarded as permanently a rent payer, an animal in a stall in a five, six, or seven story stable. No; not one animal in one stall—not so good as that—whole families or a herd of lodgers live in one of the stalls.

* * * * * * *

In no city in Europe did I find rents any cheaper, wages considered, than they run in Philadelphia, Baltimore, Louisville, or in the New England towns not having a boom, or even in many cities of the Mississippi Basin. What strikes the American is how little the European renting wageworker gets for his money. Very seldom indeed has he a bit of garden; he takes a poor water service for granted; his rooms are fewer and smaller than is ordinarily the case of an American house. The rent payer is usually a rent payer for life. No institution of the proportion of the American building and loan association exists in any European country. The movement of large masses from the position of rent payers to that of householders has been characteristic of America. European philanthropists, statesmen, and cooperators are at the present time endeavoring to establish the necessary methods to bring about the same results.

* * * * * * * *

The European working classes, however, neither hire servants nor buy articles of luxury except in rare cases. The struggle for a barely decent living is ever before them. Their necessary annual family "budget" comprises plain and cheap food, which, on the average, takes 40 to 65 per cent of the entire outlay, quarters in either an "industrial" or "slum" district requiring 20 to 35 per cent, and clothing 10 per cent or more. These percentages must be indefinite, depending as they do upon the size of the family, on earnings, and on climate, and even the government. Mentally contemplating the many cities I visited and, having in mind the conversations I had with workingmen who had lived both in Europe and America, I believe I may assert that whether the cost of living in Europe or America is greater to the workingman depends entirely on the standard of living he adopts while in America. If he voluntarily lives the life of self-denial in this country that he compulsorily lived in his native land, his outlay of money will remain about the same. Even then he will hardly be able to escape gaining something from the superior supply of the good things in life in America.

If I am called on to name one of the good things which is conspicuous, I reply: "Our common schools for the workers' children," and as I write the words I hear again the enthusiastic sentiments on this point uttered in my presence by Italians, Bohemians, Austrians, and Irishmen. "To think," they say, "your country gives even the schoolbooks free."

Living is cheap to the wageworker in Europe only because he does without what in America soon becomes a necessity to him—food in good quantity and quality, presentable clothes among his aspiring fellow workmen and their families, and a comfortably furnished home in quarters responding to his awakened desires for equality with his American neighbors, and in general a larger and freer life.

EXHIBIT VIII.

Estimates showing prices of American-made pure-wool cloths for men's suits, including tariffs, if cloths corresponding thereto were imported (referred to in foregoing speech):

On domestic cloths, at $1 and under:	
Foreign value, 40 cents per yard; 3½ yards to man's suit	$1.40
16-ounce cloth; specific duty (for wool), 3½ pounds, at 33 cents per pound	1.16
Ad valorem, 50 per cent on $1.40 (manufacturer)	.70
Expenses	.14
3½ yards domestic, at 97 cents	3.40
On domestic cloths, at $1 and under—Continued.	
14-ounce cloth, foreign value, 3½ yards	$1.40
3½ yards, 49 ounces, specific duty, 3 1/16 pounds, at 33 cents (wool)	1.01
Ad valorem (manufacturer)	.70
Expenses	.14
3½ yards domestic, at 93 cents	3.25
12-ounce cloth, 3½ yards; 42 ounces, or 2⅝ pounds; foreign value, 3½ yards	1.40
Specific duty, 2⅝ pounds, at 33 cents (wool)	.87
Ad valorem (manufacturer)	.70
Expenses	.13
3½ yards domestic, at 89 cents	3.10
On domestic cloth, like suit, $2.25 per yard, at $7.88 for suit:	
16-ounce foreign cloth, 3½ yards, at $1.12 per yard	3.92
Specific duty, 3½ pounds, at 44 cents (wool)	1.54
Foreign value, $1.12; ad valorem, 55 per cent (manufacturer)	2.16
Expenses	.26
	7.88
14-ounce cloth; foreign value, $1.16 per yard	4.06
3½ yards, 49 ounces, or 3 1/16 pounds; specific duty, 3 1/16 pounds, at 44 cents (wool)	1.35
Ad valorem, 55 per cent (manufacturer)	2.23
Expenses	.24
	7.88
12-ounce cloth; foreign value, $1.20 per yard (3½ yards)	4.20
3½ yards, 42 ounces, or 2⅝ pounds; specific duty, 2⅝ pounds, at 44 cents (wool)	1.16
Ad valorem, 55 per cent (manufacturer)	2.31
Expenses	.21
	7.88

EXHIBIT IX.

HULTON DYEING & FINISHING CO. (INC.),
Philadelphia, June 13, 1911.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

HONORABLE SIR: We beg to call your attention to the inclosed circular advertising coat and trousers for $30. The cloth is attached to the circular, and it will take 3 yards to make this two-piece suit, at a cost of $1.25 per yard, or a total cost of $3.75 for the outside material. At the advertised price of $30 who gets the rest?

We desire to draw your attention to the amount the dyer of the stock and the finisher of the cloth gets in this $30 suit. The dyer receives 11 cents and the finisher 12 cents, these amounts to be deducted from the $3.75 it takes to furnish material for this $30 suit.

The writer feels that if your brother Congressmen would get better acquainted with these conditions they would not be long getting down to something stable and give us some standard to work from.

Yours, truly,

HULTON DYEING & FINISHING CO. (INC.),
JAMES HULTON, *President.*

Mr. UNDERWOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FLOYD of Arkansas, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11019) to reduce the duties on wool and manufactures of wool, and had come to no resolution thereon.

ADJOURNMENT.

Then on motion of Mr. UNDERWOOD (at 5 o'clock and 50 minutes p. m.), the House adjourned until 12 o'clock noon to-morrow, Thursday, June 15, 1911.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KALANIANAOLE: A bill (H. R. 11611) to authorize the Territory of Hawaii to guarantee the interest on railway construction bonds; to the Committee on the Territories.

Also, a bill (H. R. 11612) to establish a national park in the Territory of Hawaii; to the Committee on the Territories.

Also, a bill (H. R. 11613) to promote Caucasian immigration to the Territory of Hawaii; to the Committee on the Territories.

Also, a bill (H. R. 11614) for the establishment of a lighthouse on the island of Hawaii, Territory of Hawaii; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 11615) to provide a lighthouse depot at Honolulu, Territory of Hawaii; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 11616) providing aids to navigation in the Territory of Hawaii; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 11617) to provide for the construction of a revenue cutter for service in the Hawaiian Islands; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 11618) to amend the laws concerning passenger transportation between ports of the Territory of Hawaii and other ports of the United States; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 11619) to establish a fish-cultural and biological station in the Territory of Hawaii; to the Committee on the Merchant Marine and Fisheries.

By Mr. ANDERSON of Ohio: A bill (H. R. 11620) to provide for the purchase of a site and the erection of a monument to the memory of Col. William Crawford; to the Committee on the Library.

By Mr. SIMS: A bill (H. R. 11621) providing for the establishment of a system of local rural parcel post; to the Committee on the Post Office and Post Roads.

By Mr. COX of Indiana: Resolution (H. Res. 207) calling on the Postmaster General for information as to department's construction of certain postal laws; to the Committee on the Post Office and Post Roads.

By Mr. COVINGTON: Resolution (H. Res. 208) directing the Secretary of War to transmit certain records in the War Department to the House of Representatives; to the Committee on Military Affairs.

By Mr. COOPER: Memorial from the Legislature of Wisconsin in regard to passports issued by the United States Government; to the Committee on Foreign Affairs.

Also, memorial from the Legislature of Wisconsin relating to the sending into any State of money or campaign literature in violation of the corrupt practice law of that State; to the Committee on Election of President, Vice President, and Representatives in Congress.

Also, memorial from the Legislature of Wisconsin relating to the Sherman antitrust law; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 11622) granting an increase of pension to George R. Dickerson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11623) granting an increase of pension to Thomas W. Botkin; to the Committee on Invalid Pensions.

By Mr. ANDERSON of Ohio: A bill (H. R. 11624) granting an increase of pension to William N. Thorn; to the Committee on Invalid Pensions.

By Mr. CLINE: A bill (H. R. 11625) for the relief of Milton Thompson; to the Committee on Claims.

By Mr. FLOYD of Arkansas: A bill (H. R. 11626) granting an increase of pension to William Tyler; to the Committee on Invalid Pensions.

By Mr. KALANIANAOLE: A bill (H. R. 11627) to correct the military record of Barkley S. Denison; to the Committee on Military Affairs.

Also, a bill (H. R. 11628) authorizing John T. McCrosson and associates to construct an irrigation ditch on the island of Hawaii, Territory of Hawaii; to the Committee on the Territories.

By Mr. KOPP: A bill (H. R. 11629) granting an increase of pension to Perry Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11630) granting an increase of pension to Ambrose Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11631) granting an increase of pension to Newton Turner; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 11632) granting an increase of pension to John Holland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11633) granting an increase of pension to George L. Keach; to the Committee on Invalid Pensions.

By Mr. PALMER: A bill (H. R. 11634) granting an increase of pension to George Setzer; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 11635) granting a pension to John W. McMahan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11636) granting a pension to Thomas C. Crow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11637) granting a pension to Barneybass Eastridge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11638) granting a pension to William P. Barlow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11639) for the relief of William H. Taylor; to the Committee on Military Affairs.

Also, a bill (H. R. 11640) for the relief of Jesse Ferguson; to the Committee on Military Affairs.

Also, a bill (H. R. 11641) for the relief of Henry Smith; to the Committee on Military Affairs.

Also, a bill (H. R. 11642) for the relief of the widow of William M. Henry; to the Committee on War Claims.

By Mr. STEENERSON: A bill (H. R. 11643) granting an increase of pension to Charles H. Sikes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11644) granting an increase of pension to Walter E. Truax; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11645) granting an increase of pension to Perry Powers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11646) granting an increase of pension to George W. Weller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11647) granting an increase of pension to Phineas P. Stewart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11648) granting an increase of pension to J. H. Van Nett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11649) granting an increase of pension to John Deforge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11650) granting a pension to Lewis Weatherhead; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 11651) for the relief of William W. Danenhower; to the Committee on the District of Columbia.

By Mr. WILSON of New York: A bill (H. R. 11652) for the relief of Peter Kemmer; to the Committee on Military Affairs.

Also, a bill (H. R. 11653) granting a pension to Jane A. Kirby; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AYRES: Petitions of citizens of the Bronx and of New York City, in favor of the parcels post; to the Committee on the Post Office and Post Roads.

By Mr. BROWN: Memorial of Local No. 37, of Rio, W. Va., urging upon Congress the enactment of the illiteracy test into law; to the Committee on Immigration and Naturalization.

By Mr. FITZGERALD: Resolution of the Chicago Clearing House Association, relative to proposed legislation affecting the cold-storage industry; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Cleveland Chamber of Commerce, urging the amendment of the corporation-tax law to permit each corporation to make its return at the close of its fiscal year; to the Committee on the Judiciary.

Also, resolutions adopted by the annual convention of the Workmen's Sick and Death Benefit Fund of the United States of America at New York City, favoring Mr. BERGER'S resolution for an investigation of the McNamara affair; to the Committee on Rules.

Also, resolutions of the New York State Pharmaceutical Association, opposing House bill 8887, introduced by Mr. SHERLEY; to the Committee on Ways and Means.

By Mr. FLOYD of Arkansas: Papers to accompany bill for the relief of William Tyler; to the Committee on Invalid Pensions.

By Mr. HARRISON of New York: Petitions of Edward J. Twean, Harry Rush, William P. McKenna, James Keating, William Weisner, P. F. McGovern, Frank J. McGuire, Thomas S. Morar, William Reis, H. Laberde, A. Beelemin, James A. Dempsey, Hugh McGuire, Charles H. Minder, E. J. Gorman, James Lyman, and numerous others, of New York City; W. P. Andelfinger, of Oswego, N. Y.; and H. S. Thompson, of Newark, N. J., all praying for the repeal of duty on lemons; to the Committee on Ways and Means.

By Mr. McDERMOTT: Petition of Illinois Manufacturers' Association, to amend the corporation-tax law; to the Committee on the Judiciary.

By Mr. O'SHAUNESSY: Resolution by the Woman's Christian Temperance Unions of Providence, R. I., urging the passage of a general arbitration treaty, without reserve, with Great Britain and other countries; to the Committee on Foreign Affairs.

By Mr. STEENERSON: Petition of O. Dalby and others, of Greenbush, Minn., asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of E. O. Erickson, Ole E. Dahle, Ole C. Slittevold, and 82 others, citizens of Polk, Red Lake, Pennington, and Clearwater Counties, Minn., in objection to the grant of 300,000 acres of Government land to the Archbishop of Santa Fe, N. Mex.; to the Committee on the Territories.

By Mr. UNDERHILL: Petition of H. Planten & Son, Brooklyn, N. Y., in opposition to House bill 8887; to the Committee on Ways and Means.

Also, petition of J. F. Marshall and others, of Waterloo, N. Y., asking for a reduction in the duty on sugar; to the Committee on Ways and Means.